

ORDINANCE NO. _____

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

WHEREAS, 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 Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on January 13, 2020 and on March 9, 2020 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process; and

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

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

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

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

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

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

Policy 1-8.1.2: Orange Avenue Overlay District Subareas. The Orange Avenue Overlay District Subarea Map, FLUM-1-25, shall delineate the different subareas and their specific development standards. Changes to the subarea map shall be allowed. Each area has unique characteristics, issues and opportunities. The maximum FAR,

height and residential densities for each subarea are defined below. A percentage-based upgrade system for properties within the Orange Avenue Overlay District to earn additional development entitlements (FAR) to be able to get to their maximum achievable FAR by providing certain public improvements and area-wide solutions is outlined in the Land Development Code.

- (1) Subarea A.
 - a. Maximum Achievable Floor Area Ratio: 65%
 - b. Maximum Height: 2 Stories for any properties abutting Orange Avenue, and 3 stories for all other properties within the subarea.
 - c. Maximum Residential Density: 17 units per acre
- (2) Subarea B.
 - a. Maximum Achievable Floor Area Ratio: 60%
 - b. Maximum Height: 3 Stories
 - c. Maximum Residential Density: 17 units per acre
- (3) Subarea C.
 - a. Maximum Achievable Floor Area Ratio: 125%
 - b. Maximum Height: 4 Stories
 - c. Maximum Residential Density: 17 units per acre
- (4) Subarea D.
 - a. Maximum Achievable Floor Area Ratio: 200%
 - b. Maximum Height: 7 Stories
 - c. Maximum Residential Density: 17 units per acre
- (5) Subarea E.
 - a. Maximum Achievable Floor Area Ratio: 80%
 - b. Maximum Height: 4 Stories
 - c. Maximum Residential Density: 17 units per acre
- (6) Subarea F.
 - a. Maximum Achievable Floor Area Ratio: 20%
 - b. Maximum Height: 2 Stories
 - c. Maximum Residential Density: Residential uses shall not be permitted.
- (7) Subarea G.
 - a. Maximum Achievable Floor Area Ratio: 45%
 - b. Maximum Height: 3 stories
 - c. Maximum Residential Density: 17 units per acre
- (8) Subarea H.
 - a. Maximum Achievable Floor Area Ratio: 0%
 - b. Maximum Height: N/A
 - c. Maximum Residential Density: Residential uses shall not be permitted.
- (9) Subarea I.
 - a. Maximum Achievable Floor Area Ratio: 125%
 - b. Maximum Height: 3 Stories
 - c. Maximum Residential Density: 17 units per acre

- (10) Subarea J.
 - a. Maximum Achievable Floor Area Ratio: 200%
 - b. Maximum Height: 5 Stories
 - c. Maximum Residential Density: 17 units per acre

- (11) Subarea K.
 - a. Maximum Achievable Floor Area Ratio: 80%
 - b. Maximum Height: 3 Stories
 - c. Maximum Residential Density: 17 units per acre

Policy 1-8.1.3: Subarea D Residential Density Transfers. Properties under common ownership within the Orange Avenue Overlay District at the time of the adoption of this Policy (including vacated rights-of-way) shall be allowed to transfer the existing residential entitlements to Subarea D, though not the square footage. Once the residential entitlements are transferred from other commonly-owned properties, no residential units can be constructed on the site that transfers the units. Additional properties purchased after the date of the adoption of this Policy shall not 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 Orange Avenue Overlay area. The ownership map within the Land Development Code depicts the properties within this subarea that qualify for this density transfer. Density Transfer shall only allow the transfer of currently entitled units into the defined Subarea. This language shall not allow transfer of units into other Subareas.

Policy 1-8.1.4: Subarea J Residential Density Transfers. Properties under common ownership within the Orange Avenue Overlay District at the time of the adoption of this Policy (including vacated rights-of-way) shall be allowed to transfer the existing residential entitlements to Subarea J, though not the square footage. Once the residential entitlements are transferred from other commonly-owned properties, no residential units can be constructed on the site that transfers the units. Additional properties purchased after the date of the adoption of this Policy shall not 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 Orange Avenue Overlay area. The ownership map within the Land Development Code depicts the properties within this subarea that qualify for this density transfer. Density Transfer shall only allow the transfer of currently entitled units into the defined Subarea. This language shall not allow transfer of units into other Subareas.

Policy 1-8.1.5: Meaningful Open Space Requirements. It is the intent of the Orange Avenue Overlay District 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. Many of the existing properties do not have much

opportunity for the creation of open space due to smaller size and other site constraints, so improvements to the rights-of-way and streetscape that create these spaces are very important. 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 pervious or semi-pervious. Pervious areas such as retention ponds, parking lot islands or landscape planting areas around building bases shall not be counted as open space. 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.

Policy 1-8.1.6: Floor Area Ratio for Parking Structures. Parking structures shall not count towards the floor area ratio (FAR) for any project/property within the Orange Avenue Overlay District, provided that the conditions listed within the Land Development Code are met for each structure. Parking structures that do not provide the requirements listed in the Land Development Code shall not be exempt from FAR calculations, and parking structures on the north side of Fairbanks Avenue or west of Orlando Avenue shall not be exempt from FAR.

Policy 1-8.1.7: Variances and Special Exceptions. No variances to height (as defined in the Land Development Code), number of stories, FAR, permitted/prohibited uses, required open space or maximum residential density shall be granted for any property or development within the Orange Avenue Overlay District. Variances to other development standards shall be considered, with sufficient showing of reasoning and hardship.

SECTION 5. Vesting. In order to not adversely affect development projects that may be in process and for which expenditures have been made in reliance upon the existing code provisions, the City will allow certain developments to be subject to the 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 2. 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 3. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. Codification. Section 1 of this Ordinance shall be codified and made a part of the City of Winter Park Comprehensive Plan, and the sections of this Ordinance may be renumbered or 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 5. Effective Date. This Ordinance shall become effective immediately upon approval by the City Commission at its second reading.

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

Mayor Steve Leary

Attest:

City Clerk

