

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA**

WP STATION TOWER, LLC,
WINTERPARK STATION LLC,
WINTERGATE, LLC, AND PALMETTO
BUILDING 2019, LLC,

Plaintiffs,

v.

CASE NO.

CITY OF WINTER PARK, FLORIDA,

Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, WP STATION TOWER, LLC, WINTERPARK STATION LLC, WINTERGATE, LLC, AND PALMETTO BUILDING 2019, LLC, (“Plaintiffs”), by and through their undersigned attorneys, hereby file this complaint for declaratory and injunctive relief directed to the CITY OF WINTER PARK, FLORIDA (“Defendant”) and state:

BACKGROUND

1. Plaintiffs are each a limited liability company organized and existing under the laws of the State of Florida and each is wholly owned by the Florida limited liability company, Demetree Holdings LLC which, in turn, is wholly owned by Demetree Global LLC, another Florida limited liability company.

2. Defendant, City of Winter Park, Florida (“City”) is a municipal corporation organized and existing under the laws of the State of Florida which is governed by its duly elected Mayor and City Commission (the “City Commission”).

3. Plaintiff, WP STATION TOWER, LLC, owns, and all times relevant herein has owned, four parcels of real property located within the City of Winter Park, Florida, addressed as 1441 Orange Avenue, 1451 Orange Avenue, 1461 Orange Avenue, and 1560 Orange Avenue.

4. Plaintiff, WINTERPARK STATION LLC, owns, and at all times relevant herein has owned parcels of real property located within the City of Winter Park, Florida, addressed as 1132 Harmon Avenue, 1152 Harmon Avenue, 1320 South Orlando Avenue, and 1360 S. Orange Avenue, as well as three office condominium units addressed as 1350 Orlando Avenue Ste. 1, 1350 Orlando Avenue Ste. 2 and 1350 Orlando Avenue Ste. 3.

5. Plaintiff, WINTERGATE, LLC, owns, and at all times relevant herein has owned, the parcel of real property located within the City of Winter Park, Florida, addressed as 1350 Orange Avenue.

6. Plaintiff, PALMETTO BUILDING 2019, LLC, owns, and all times relevant herein has owned, the parcel of real property located within the City of Winter Park, Florida, addressed as 1353 Palmetto Avenue.

7. In 2018 the City commenced what would turn out to be an extensive 15-month process to amend the City of Winter Park Comprehensive Plan (the “Comprehensive Plan”) to create, and provide goals, objectives and policies for, a proposed Orange Avenue Overlay District (the “Overlay District”). The process was guided by the City’s professional planning staff and was centered around public involvement, led by an 11-member Steering Committee. The Steering Committee met bi-weekly for over 6 months to consider the issues that had led to almost two decades of economic stagnation in the Overlay District and heard from property owners, stakeholders, and residents of the surrounding area. Ultimately, the Steering Committee

had a major role in the creation of the Overlay District language and voted 8-2 to recommend approval of the Overlay District.

8. The proposed Overlay District involves land of 80,000 square feet or more and parcels comprising more than 10 contiguous acres.

9. Section 58.6(a)(3)b. of the Winter Park Code of Ordinances (the “City Code”) provides, in relevant part, that: “any proposed map amendment to the comprehensive plan involving land of 80,000 square feet or more or for any comprehensive plan text amendment to the goals, objectives and policies of the comprehensive plan affecting more than 80,000 square feet of land shall require notice of the public hearings for transmittal in the case of large-scale amendments ... to be published in a newspaper of general circulation within the city at least 30 days in advance of the public hearings; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property affected by the map amendment and mailed to all owners of record of property within 1,500 feet of the property requested for map amendment as well as mailed to all households as determined from the listing of utility billing addresses within the entire city limits at least 30 days prior to the public hearing. Any public notice required after the initial public hearing for which a city-wide notice has already been mailed by the planning and zoning board or city commission due to tabling, continuance, postponement or any other action by the planning board shall revert to the 15-day notice so as to allow for requests to be heard at the next regular or special meeting of the planning and zoning board or city commission.”

10. After required notice, two work sessions and numerous meetings with staff, the Winter Park Planning & Zoning Board, acting in its capacity as the Local Planning Agency under section 163.3174, F.S., held an advertised public hearing on December 4, 2019 and voted

unanimously to recommend approval of the ordinances necessary to amend the Comprehensive Plan and the City's Zoning Code to create the Overlay District.

11. After twelve work sessions, months of collaboration with the city's professional planning staff, and after providing individual notice to each household in the City of Winter Park via U.S. mail as required by Section 58.6(a)(3)b. of the City Code, the City Commission held a public hearing on January 13, 2020, continued to an additional public hearing on January 16, 2020 and voted to approve the requisite ordinances on first reading. The City Commission directed staff to transmit the Comprehensive Plan amendment, supporting data and analysis (collectively, the "Transmittal Package,") to the Department of Economic Opportunity ("DEO") for review in accordance with the provisions of section 163.3184(3), F.S.

12. Individual copies of the Transmittal Package were also sent to: The Florida Department of Environmental Protection; The Florida Department of State; The Florida Department of Transportation, District 5; The Florida Department of Education; The East Central Florida Regional Planning Agency; The St. Johns River Water Management District, and the Orange County Planning Department. A true and correct copy of the cover letter and the transmittal package, including: (a) copies of the proposed amendment; (b) minutes of public hearings; (c) copies of the legal advertisements and city-wide mailed notice; (d) relevant maps; (e) letter describing the availability of and the demand for sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, and recreation; and, (f) information regarding the consistency of the proposed amendments with the Comprehensive Plan's existing goals, objectives and policies, is provided herewith as **Exhibit "A."**

13. On February 21, 2020 the DEO, having completed its review of the Transmittal Package, issued a letter to the City advising the City that DEO had no comment on the proposed

amendment. The letter further advised the City that, “[t]he **second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1, F.S.” Emphasis original. The letter went on to note that, “[t]he **adopted amendment must be rendered to the Department**. Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or Administration Commission.” Emphasis original.

14. None of the other reviewing agencies had any technical assistance comments with respect to the proposed Comprehensive Plan amendment.

15. On March 9, 2020, after having again provided all legally required notice as well as individual notice sent via U.S. mail to all households throughout the City as required, the City Commission held a public hearing on the Second Reading of “Ordinance 3166-20 – An Ordinance of the City of Winter Park, Florida, Amending Chapter 58 ‘Land Development Code’ Article I, ‘Comprehensive Plan’ so as to Adopt New Goals, Objectives and Policies of the Future Land Use Element to Establish the Orange Avenue Overlay District; Providing for Conflicts; Severability and an Effective Date” (the “Overlay Ordinance”).

16. After presentation by and discussion with staff, the City Commission opened public comment. Thereafter, a motion to approve was made and a total of twenty-two amendments were proposed by individual City Commissioners. Of these, eight passed and were incorporated into the Overlay Ordinance which was then approved by the City Commission by a

3-2 vote on Second Reading. The City Commission also approved at the same meeting Ordinance No. 3167-20 (the “Zoning Ordinance”) which made necessary changes to the Zoning Code in order to implement the Overlay Ordinance.

17. On March 13, 2020 the City provided the DEO and each of the aforementioned reviewing agencies a complete amendment package (the “Adoption Package”) consisting of: (a) copies of the approved Comprehensive Plan Amendment / Ordinance 3166-20; (b) a City Commission memo that includes the data and analysis for the Second Reading; (c) a strike-through/underline copy of the changes made at the Second Reading and adoption; (d) a comprehensive list of the 22 amendments proposed and the vote on each; (e) a statement regarding those changes which were made on Second Reading and, therefore, not previously reviewed by the DEO and reviewing agencies; and, (f) a map depicting the adopted future land use designation for property within the Overlay District. A true and correct copy of the Adoption Package is provided herewith as **Exhibit “B”**.

18. On March 17, 2020 municipal elections were held by the City and two of the Commissioners who had voted in favor of the Overlay District Ordinance were replaced by two new Commissioners. The new Commissioners were sworn in on Friday, March 27, 2020.

19. On information and belief, shortly before the new Commissioner were sworn in, one or more persons whose identity/ies is/are currently unknown to Plaintiffs, prepared, or directed staff to prepare and present to the City Commission as soon as possible, an ordinance to rescind the Overlay Ordinance and the Zoning Ordinance. Preparation of such an ordinance to rescind had neither been discussed nor approved by a majority of the City Commission at any meeting conducted in accordance with Section 286.011, F.S., a/k/a the Government in the Sunshine Act.

20. Also on Friday, March 27, 2020, the City posted a notice on a bulletin board at City Hall and on the City's website that a Virtual Special Meeting of the City Commission would be held on that Monday, March 30, 2020 which would include consideration of an ordinance rescinding and repealing the Overlay Ordinance and Zoning Ordinance. The City did not send an individual notice to all record property owners within the City of Winter Park via U.S. mail, nor did it provide any other type of notice to the public.

21. On March 30, 2020, the City Commission held a virtual public hearing via electronic communication media on an unnumbered ordinance titled, "An Ordinance of the City of Winter Park, Florida, Rescinding Ordinance 3166-20 and Ordinance 3167-20, Which Respectively Amended the Comprehensive Plan and Zoning Code to Establish the Orange Avenue Overlay District and Governing Policies and Land Development Regulations; Providing for Conflicts; Severability and an Effective Date" (the "Rescinding Ordinance").

22. On March 30, 2020, before the new City Commission had even met to consider the Rescinding Ordinance, notice was published in the Orlando Sentinel that the City Commission would hold a Second Reading and public hearing on the Rescinding Ordinance on April 13, 2020. The City also posted notice of such meeting on its website but, once again, did not provide notice to all record property owners within the City of Winter Park via U.S. mail.

23. On March 30, 2020, the City Commission held a virtual public meeting on the Rescinding Ordinance, now numbered Ordinance 3172-20, and passed it by a vote of 4-1. A true and correct copy of the Rescinding Ordinance is provided herewith as **Exhibit "C"**.

24. At all times relevant herein, the actions of the City Commission were governed not only by applicable statutes pertaining to the adoption of ordinances, but also by City of Winter Park Resolution No. 2129-13 titled, in part, "A Resolution of the City Commission of the

City of Winter Park, Florida, Restating and Accepting Prior resolution No. 1978-07 Regarding Rules for the Conduct of City Commission Meetings and Decorum, as well as Other Subjects Addressed in that Resolution” Hereafter referred to as the “City Commission Rules.”

25. Rule 11 of the City Commission Rules is titled, “PROCEDURE FOR ADOPTION OF ORDINANCES AND RESOLUTIONS,” and provides, in relevant part, as follows: “(A) Adoption Procedures – The procedure for adoption of ordinances and resolutions shall be as set forth in Section 166.041, Florida Statutes, and Section 2.11 and 2.12 of the City Charter. (B) Preparation and Review of Ordinances, Resolutions, Contracts, Etc. 1. Preparation of Ordinances. No ordinance shall be prepared for presentation to the Commission unless ordered by a majority vote of the Commission, or required by the City Manager, or prepared by the City Attorney on his own initiative.”

26. On information and belief, the Rescinding Ordinance was not prepared in accordance with City Commission Rule 11.(B)1.

27. On information and belief, the Rescinding Ordinance was not properly noticed and adopted in accordance with City Commission Rule 11.(A) as it failed to comply with the provisions for notice and adoption of an ordinance initiated by a municipality that would change the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more.

28. In addition to the City Commission Rules, the City previously adopted a policy entitled “Policy For Placing Items On The Agenda” (the “City Agenda Policy”). The City Agenda Policy provides, in relevant part, that, “[a]ny agenda item (including ordinances or resolutions) may be brought up by the Commission at any time during the regular Commission meeting to determine the interest of the other Commission members. If the majority of the

Commissioners present concur, the item will be placed on a future agenda with appropriate backup documentation provided by staff. No member of the Commission shall ask a staff member or the City Attorney to prepare a resolution, ordinance or other backup for an agenda item without that member first addressing it at a public meeting under New Business (Commission) and gaining consensus to consider the issue at a future meeting.” Parentheticals in original.

29. Upon information and belief the preparation and placement of the Rescinding Ordinance on the City Commission agendas of March 30th and April 13th violated the City Agenda Policy.

30. The City Agenda Policy further provides that, “[n]o item/issue may be brought up for reconsideration by a commissioner that was on the minority side of a vote until at least six months have passed since the action was taken. However, a commission member from the majority side of a vote may request that the item be reconsidered at any time by following the procedures outlined (in the Agenda Policy).”

31. No Commissioner on the prevailing side of the vote on the Overlay Ordinance or the Zoning Ordinance requested or voted to reconsider those ordinances.

32. When it adopted the Agenda Policy the City Commission did not elect to allow Commissioners who had not voted on a prior matter, whether they be new Commissioners or previously absent Commissioners, the opportunity to request such item be reconsidered.

33. The irregularities in Defendant’s reconsideration of the Overlay Ordinance, preparation of the Rescinding Ordinance and notice of public hearings related to the Rescinding Ordinance, particularly when coupled with long-settled law in Florida holding that a city is bound by the procedural requirements adopted by its charter, resolutions and ordinances, has

created uncertainty as to the validity of the Rescinding Ordinance and its impact, if any, on the Overlay Ordinance and its impact on Plaintiffs' real property within the Overlay District.

34. Plaintiffs' rights to develop their respective properties are affected by Defendant's ordinances referenced herein and Plaintiffs are now forced to file this cause of action seeking a declaratory judgment as to the validity of the Rescinding Ordinance as well as a declaration of rights, status, or other equitable or legal relations thereunder, all as permitted by Section 86.021, F.S.

PARTIES, JURISDICTION AND VENUE

35. Plaintiffs are sui juris and own real property in Orange County Florida.

36. Defendant is sui juris and exists as an entity within Orange County, Florida.

37. This is an action for a declaratory judgment pursuant to Chapter 86, Florida Statutes and injunctive relief pursuant to Section 26.012(3), Florida Statutes. Plaintiffs are in doubt as to the validity of the Rescinding Ordinance and seek a declaratory judgment to determine the rights of the Plaintiffs and the City based upon the Overlay Ordinance, the Zoning Ordinance and the Rescinding Ordinance.

38. There is a bona fide, actual and present need for the declaratory judgment and the relief sought is not merely for the purpose of obtaining legal advice from the Court.

39. Plaintiffs have no remedy at law and this Court has exclusive jurisdiction of all actions in equity pursuant to Section 26.012(2)(c), F.S.

40. This action involves parties and concerns real property located in Orange County, Florida and venue is proper in this judicial circuit pursuant to Chapter 47, Florida Statutes.

41. All conditions precedent to the filing of this action have been performed or have been waived.

COUNT I

ACTION FOR DECLARATORY AND INJUNCTIVE RELIEF FOR FAILURE OF CITY TO FOLLOW ITS OWN AGENDA AND ORDINANCE ADOPTION REQUIREMENTS

42. Plaintiff re-alleges and incorporates herein by reference the general allegations contained in paragraphs 1 through 41, above.

43. This is an action brought pursuant to Chapter 86 Florida Statutes, seeking a declaration from the Court that the Rescinding Ordinance is *void ab initio*.

44. Based on the foregoing, Defendant has failed to follow its own ordinances and resolutions during the adoption of the Rescinding Ordinance and has therefore deprived Plaintiffs of the due process to which they are entitled as a matter of law.

WHEREFORE, WP STATION TOWER, LLC, WINTERPARK STATION LLC, WINTERGATE, LLC, AND PALMETTO BUILDING 2019, LLC, request entry of a Declaratory Judgment declaring that Winter Park Ordinance No. 3172-20 is null and void and unenforceable as a matter of law; enjoining the City of Winter Park from enforcing said ordinance against Plaintiffs or other property owner within the Overlay District; and, granting such other relief as is just and proper.

COUNT II

ACTION FOR DECLARATORY AND INJUNCTIVE RELIEF FOR FAILURE OF CITY TO PROVIDE NOTICE AND FOLLOW PROCEDURES REQUIRED BY §161.041, F.S.

45. Plaintiff re-alleges and incorporates herein by reference the general allegations contained in paragraphs 1 through 41, above.

46. This is an action brought pursuant to Chapter 86 Florida Statutes, seeking a declaration from the Court that the Rescinding Ordinance is *void ab initio*.

47. Section 166.041(3)(c)2., F.S. requires that ordinances that change the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the

governing body shall hold two advertised public hearings, the first of which shall be held at least 7 days after the day the first advertisement is published and the second of which must be held at least 10 days after the first hearing and advertised at least 5 days in advance. Moreover, the required advertisements shall be no less than 2 columns wide by 10 inches long in a standard or tabloid size newspaper having a general paid circulation in the municipality.

48. It is undisputed that the Overlay Ordinance and the Zoning Ordinance were properly noticed and adopted.

49. The Zoning Ordinance changed the actual zoning map designation of Plaintiffs' respective parcels by adding an overlay district designation.

50. The Rescinding Ordinance, if validly enacted, would effectively rescind the zoning map designation prescribed by the adopted Zoning Ordinance. As such, the Rescinding Ordinance, if properly enacted, would change the actual zoning map designation prescribed by the Zoning Ordinance for 10 contiguous acres or more. The Rescinding Ordinance, however, was not advertised and adopted in accordance with Section 166.041(3)(c)2.

51. Based on the foregoing, Defendant has failed to follow statutory notice and adoption requirements and has therefore deprived Plaintiffs of the due process to which they are entitled as a matter of law.

WHEREFORE, WP STATION TOWER, LLC, WINTERPARK STATION LLC, WINTERGATE, LLC, AND PALMETTO BUILDING 2019, LLC, request entry of a Declaratory Judgment declaring that Winter Park Ordinance No. 3172-20 is null and void and unenforceable as a matter of law; enjoining the City of Winter Park from enforcing said ordinance against Plaintiffs or other property owner within the Overlay District; and, granting such other relief as is just and proper.

Dated: April 24, 2020.

/s/ Scott A. Glass

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Attorneys for Plaintiffs

EXHIBIT A



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

January 22, 2020

Mr. Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
State Land Planning Agency – Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

**RE: Transmittal Letter for Orange Avenue Overlay District
Comprehensive Plan Amendment**

Dear Mr. Eubanks:

Enclosed is a Comprehensive Plan amendment that creates the Orange Avenue Overlay District. The adopted Winter Park Comprehensive Plan has a number of goals and policies that support the creation of an Overlay District in the Orange Avenue area, but is specifically guided by **Policy 1-2.4.14: Mixed Use Designation**. *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.*

The creation of the Orange Avenue Overlay District was an extensive 15-month process guided by the Winter Park Planning staff and was centered around public involvement, led by an 11-member citizen Steering Committee. The Steering Committee met bi-weekly for over 6 months, exploring the issues that had led to almost 2 decades of economic stagnation, hearing from property owners, stakeholders, and residents of the surrounding area. The Steering Committee had a major role in creation of the Overlay language and voted 8-2 to recommend approval of the Orange Avenue Overlay. After required notice, 2 worksessions and numerous meetings with staff, the Winter Park Planning & Zoning Board (Local Planning Agency) held an advertised public hearing on December 4, 2019 and voted unanimously to recommend approval of the Ordinances amending the Zoning Code and the Comprehensive Plan to create the Orange Avenue Overlay District. After 12 worksessions and months of collaboration with Staff, the Winter Park City Commission held a public hearing on January 13, 2020 that was continued to an additional public hearing on January 16, 2020 and voted to approve the Ordinances on First Reading and to transmit the amendment to the Florida Department of Economic Opportunity.

The Winter Park City Commission transmits the amendment described herein pursuant to Section 163.3184 (3) of Florida Statutes, Expedited State Review Process for Adoption of Comprehensive Plan Amendments.

The proposed amendment and this complete amendment package have been transmitted to each of the following required review agencies on January 22, 2020: The Florida Department of Economic Opportunity; The Florida Department of Environmental Protection; The Florida Department of State; The Florida Department of Transportation, District 5; The Florida Department of Education; The East Central Florida Regional Planning Agency; The St. Johns River Water Management District and the Orange County Planning Department.

The Ordinance amending the Comprehensive Plan by adding new Goals, Objectives and Policies specific to the creation of the Orange Avenue Overlay District is attached to this submittal, along with all required transmittal documentation.

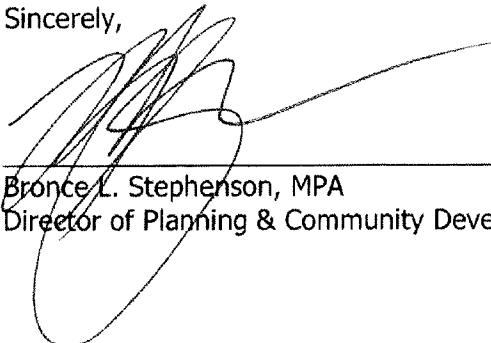
The table on the following page denotes the characteristics of the amendments.

This transmittal letter is accompanied by the following:

- Hard copies and digital copies of the proposed Amendment.
- Minutes of public hearings.
- Copies of the legal advertisements.
- Maps For future land use map amendments, color maps depicting:
 - The proposed future land use designation of the subject property;
 - The boundary of the subject property and its location in relation to the surrounding street and thoroughfare network;
 - The present future land use map designations of the subject properties and abutting properties;
 - An existing land use map depicting:
 - The existing land use(s) of the subject property and abutting properties.
 - The size of the subject property in acres or fractions thereof.
- Letter describing the availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, and recreation.
- Information regarding the consistency of the proposed land use amendments with the future land use element goals, objectives and policies, and those of other affected elements, shown in the attached Orange Avenue Overlay Report.

Comments or questions regarding the proposed amendment should be directed to Bronce Stephenson, Planning & Community Development Director, City of Winter Park, at the address appearing in this letter, by calling 407-599-3665 or by emailing bstephenson@cityofwinterpark.org.

Sincerely,



Bronce L. Stephenson, MPA
Director of Planning & Community Development

CHARACTERISTICS OF AMENDMENT	COMPREHENSIVE PLAN AMENDMENTS
Is not applicable to an area of critical state concern	Not in ACSC
Is not exempt from the twice per calendar year limitation on the adoption of comprehensive plan amendments;	Not exempt
Is not directly related to an intergovernmental coordination element, but the proposed amendment does include revised objectives and policies regarding such coordination;	Does not amend ICE
Is not an amendment related to the location of a state correctional facility;	Not related to correctional facility
Is not solely related to the identification of land use categories in which public schools are deemed an allowable use, but does include as part of the proposed amendment an objective and policies pertaining to school siting;	Not related to school siting
Is not solely related to an amendment to the Capital Improvements Element, but does include as part of the proposed amendment modifications to this Element;	Does not amend CIE.
Is not an amendment related to an economic development project pursuant to subsection 163.3187(1)(f), Florida Statutes	Not related to State Economic Development program
Is not an amendment changing school concurrency service area boundaries, which the City is not required by Section 163.3187, Florida Statutes, to establish such standard;	No amendment to school concurrency
Is not an amendment directly related to a proposed redevelopment of "brownfield" areas	No brownfield area involved
Is not related to a port transportation facilities;	Not related to port facility
Is not related to the an urban infill or redevelopment area under Section 163.2517, Florida Statutes; and	Not related to infill & redevelopment per statute
Is not part of a joint planning agreement.	Not part of a Joint Planning Agreement
The City is located in Orange County however, not subject to the Wekiva River Protection Area, pursuant to Chapter 369, Part III, F.S.	Not subject to the Wekiva River Protection Area

**ORDINANCE AMENDING THE CITY OF WINTER PARK
COMPREHENSIVE PLAN TO CREATE THE
ORANGE AVENUE OVERLAY DISTRICT
APPROVED – FIRST READING**

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

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

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

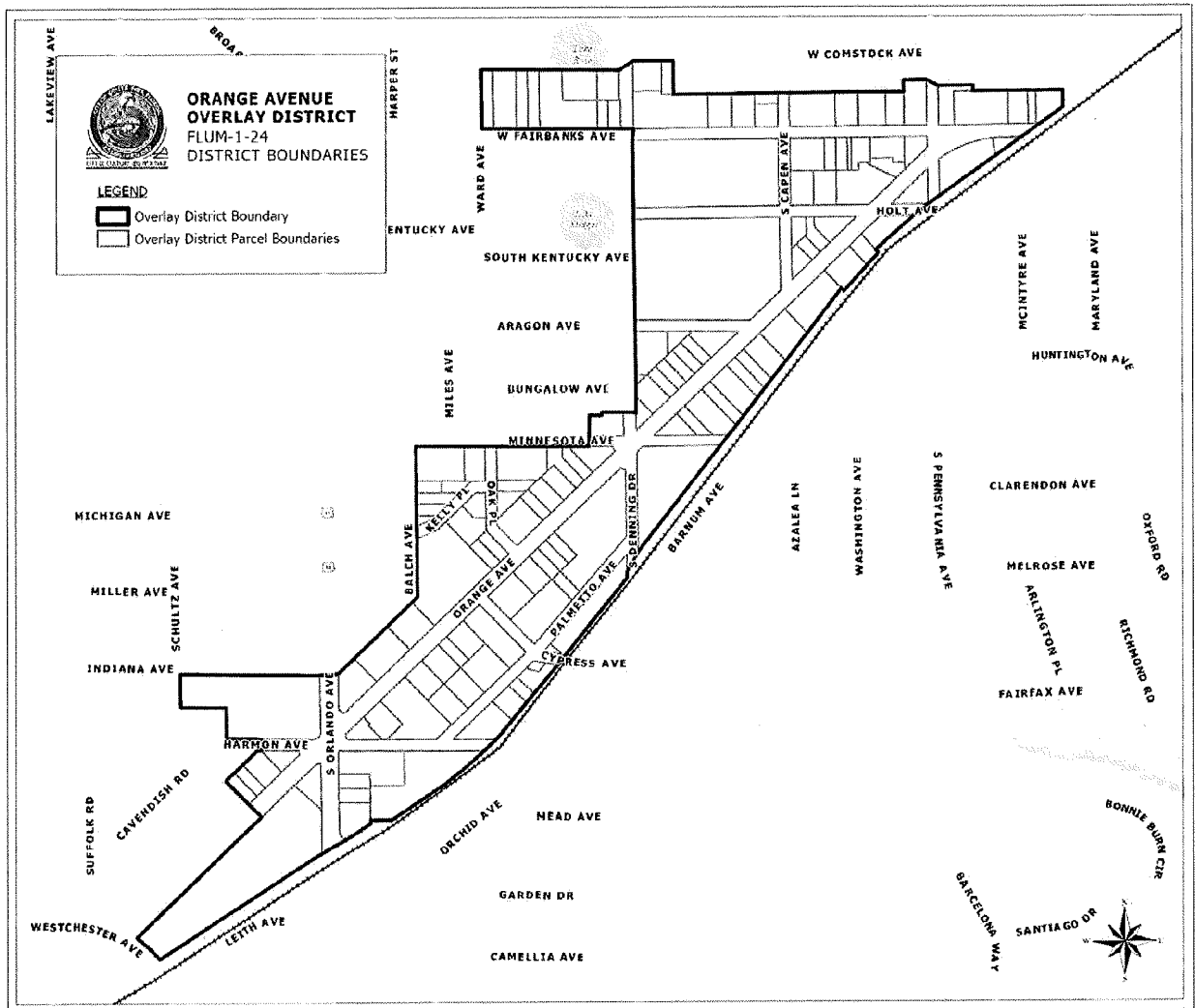
WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

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

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

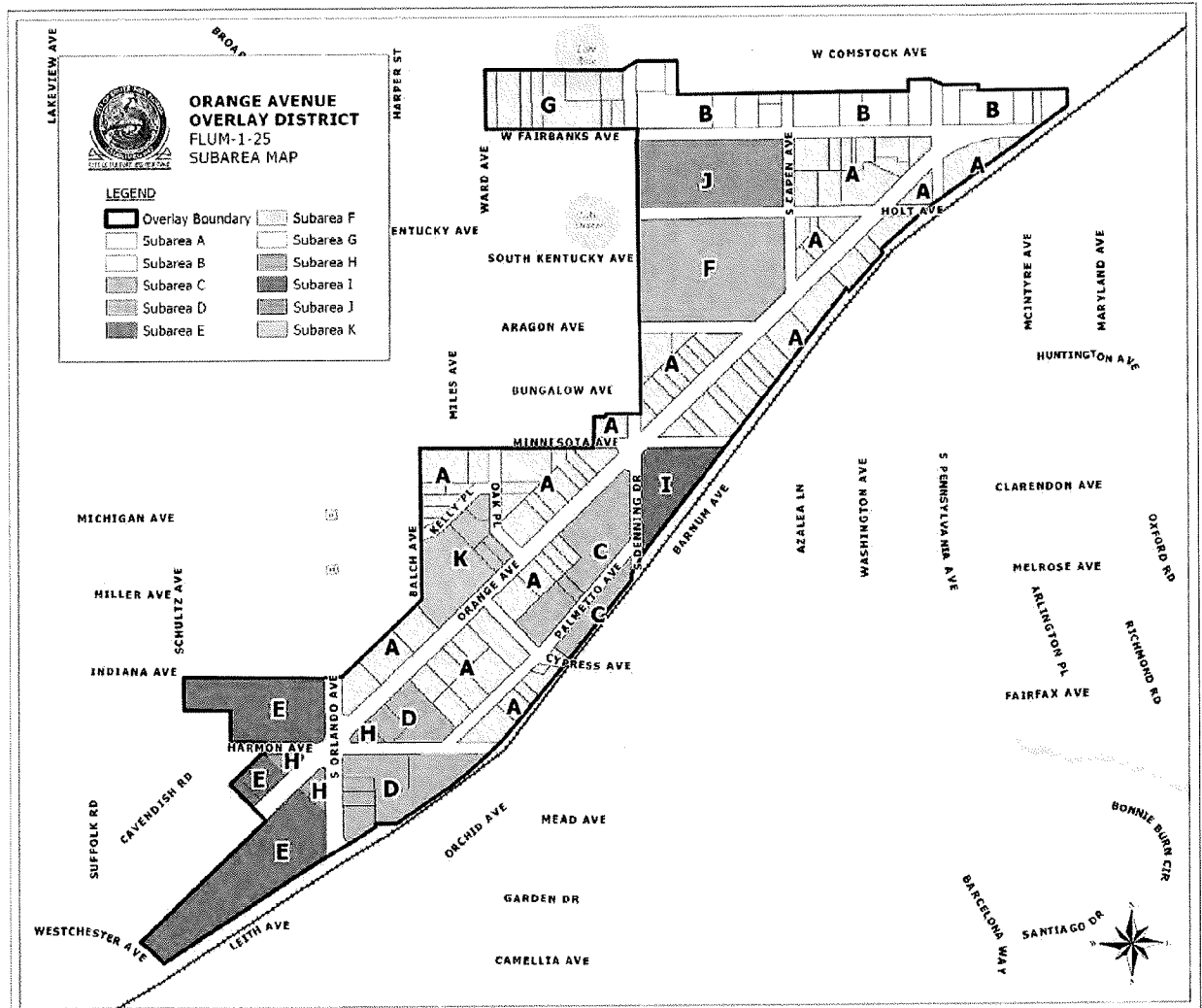
OBJECTIVE 1-8.1: Orange Avenue Overlay District. The boundaries of the Orange Avenue Overlay District are identified in FLUM-1-24 and the Policies regarding this Overlay District shall be established as defined herein.



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

Policy 1-8.1.2: Orange Avenue Overlay District Subareas. The Orange Avenue Overlay District Subarea Map, FLUM-1-25, shall delineate the different subareas and their specific development standards. Changes to the subarea map shall not be allowed. Each area has unique characteristics, issues and opportunities. The 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.

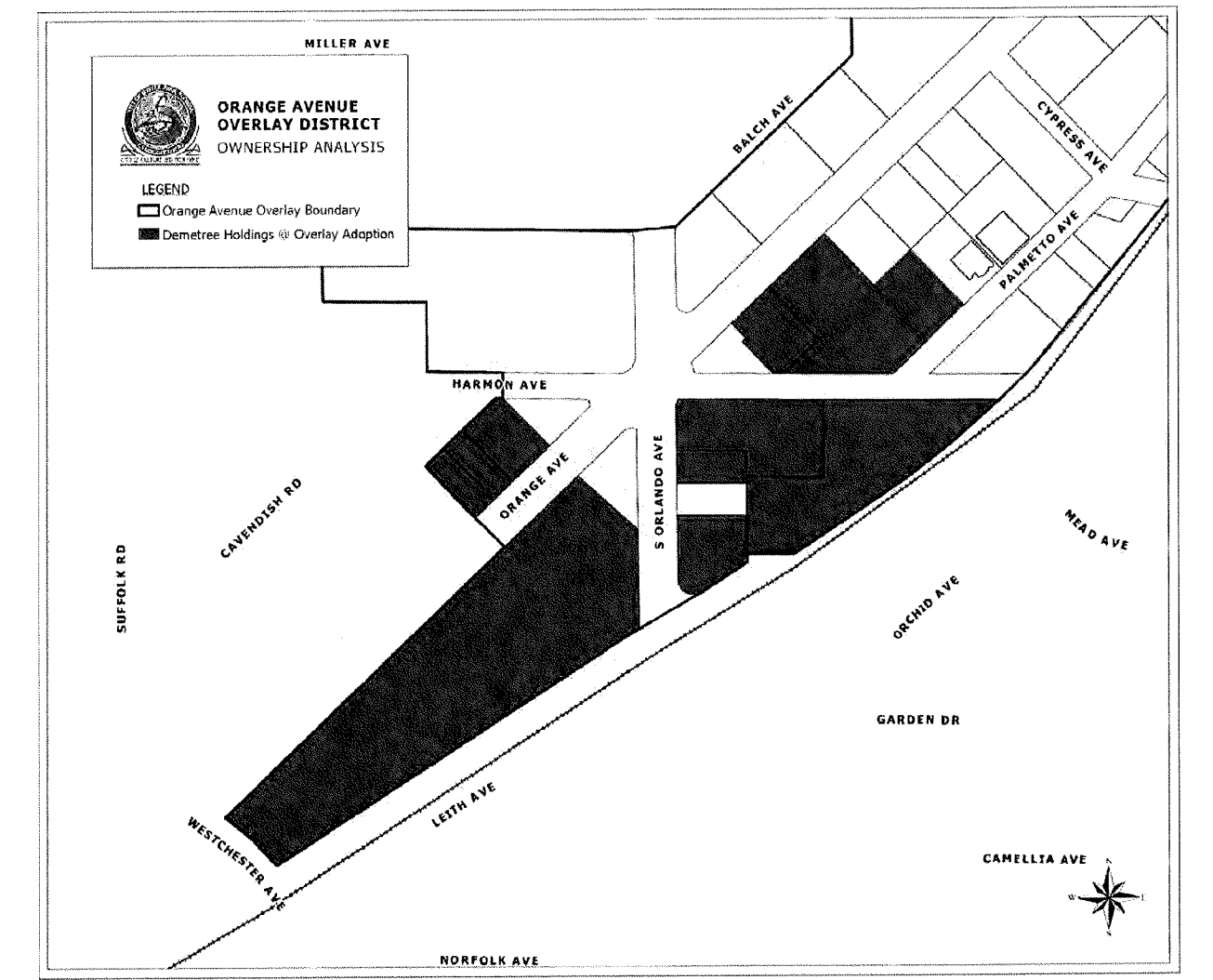


- (1) Subarea A.
 - a. Maximum Achievable Floor Area Ratio: 65%
 - b. Maximum Height: 2 Stories for any properties abutting Orange Avenue, and 3 stories for all other properties within the subarea.
 - c. Maximum Residential Density: 17 units per acre
- (2) Subarea B.
 - a. Maximum Achievable Floor Area Ratio: 60%
 - b. Maximum Height: 3 Stories
 - c. Maximum Residential Density: 17 units per acre
- (3) Subarea C.
 - a. Maximum Achievable Floor Area Ratio: 60%
 - b. Maximum Height: 4 Stories
 - c. Maximum Residential Density: 17 units per acre

- (4) Subarea D.
 - a. Maximum Achievable Floor Area Ratio: 150%
 - b. Maximum Height: 6 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: 150%
 - b. Maximum Height: 3 Stories fronting on Fairbanks Avenue, and 4 Stories when located 100 feet back from Fairbanks Avenue right-of-way boundary.
 - 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

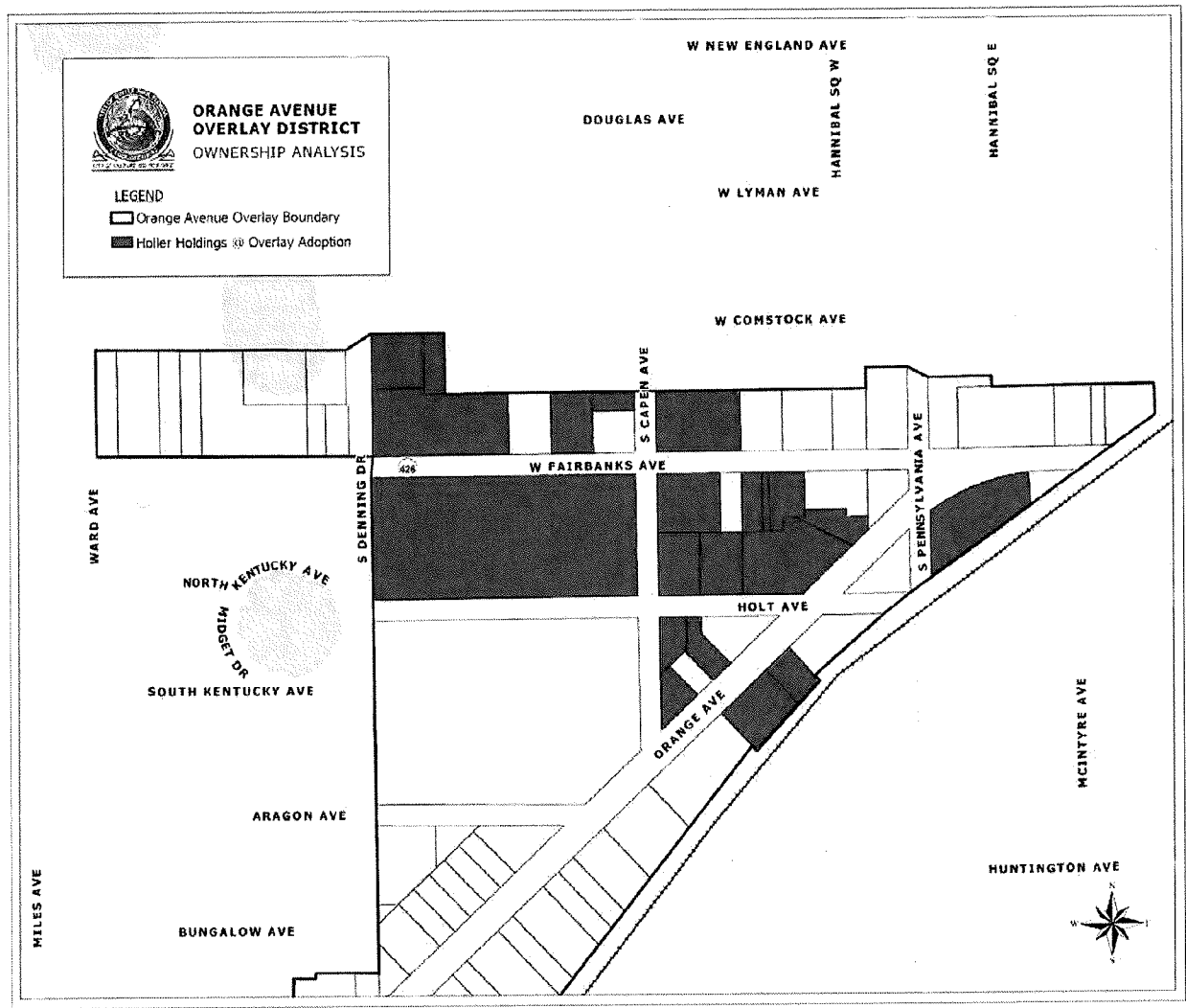
Policy 1-8.1.3: Subarea D Residential Density Transfers. At the time of the adoption of this OAO, the owner of properties within Subarea D or vacated rights-of-way within Subarea D, shall be allowed to transfer the existing residential density entitlements, based on the maximum units per acre of the underlying zoning, from properties within the OAO that are under common ownership on the date of the first reading of the Ordinance, as reflected on the map below to this Subarea D, though not the square footage. Once the residential density entitlements are transferred from such other commonly-owned properties, no residential units can be constructed

on the property from which the density transfers occurs, and the documents to be recorded in the Orange County Public Records memorializing this restriction shall be reviewed and approved by the City and thereafter recorded. Properties transferring units out are then not candidates for utilization of the development enhancement menu to earn 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 D that qualify for this density transfer and the parcel ID's are listed for the properties shown



Orange County Parcel IDs that are owned by Demetree Global or a substantially related affiliate and permitted to transfer residential units to Subarea D: 12-22-29-6600-01-990, 12-22-29-7506-00-001, 12-22-29-7506-01-010, 12-22-29-7506-01-020, 12-22-29-7506-01-030, 12-22-29-6600-00-980, 12-22-29-6600-00-951, 12-22-29-6600-02-230, 12-22-29-6600-01-970, 12-22-29-6432-07-010, 12-22-29-6432-07-030, 12-22-29-6432-07-040, 12-22-29-6432-08-010, and 12-22-29-6600-01-460.

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

Policy 1-8.1.5: Meaningful Open Space Requirements. It is the intent of the OAO to ensure that the development and enhancement of properties includes the creation of meaningful, useable, accessible, green and beautiful open space that invites the public to relax, interact, recreate, unwind and stimulate social connection. Where properties are planned for redevelopment, meaningful open space and the design of structures around these open spaces is the most important consideration. At a minimum, each property 1.5 acres in size and above, or any project covering 1.5 acres, that is redeveloped shall provide at least 25% meaningful open space,

which is open to and available to the public. At least 65% of open-space areas provided shall be greenspace and 80% of the required open-space area shall be pervious or semi-pervious. Pervious areas such as retention ponds, parking lot islands or landscape planting areas around building bases shall not be counted as open space. Existing park space shall not count towards open space requirements. Open space shall be areas that are open and inviting to the public. Open space can include green areas, hardscape areas, semi-pervious areas, balcony or roof areas that are open to the public and other similar-type spaces. At least 90% of the open space shall be provided at ground level. 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.

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

Policy 1-8.1.8: Residential Uses within the Overlay District. The OAO shall not apply to existing residential uses. Protections of existing residential uses and structures shall be implemented. Properties currently used and developed as residential prior to the effective date of this section shall continue to be subject only to current Land Development Code standards and protections governing such properties' underlying zoning designation and not those set forth in the OAO, unless and until such properties redevelop. Any change of use or redevelopment on the existing residentially developed properties shall require compliance with OAO standards. In order to protect existing structures that are used as a residence, new non-residential or mixed use development within the OAO shall have its structures setback at least 35 feet from the property boundaries of parcels with existing residential structures used as a residence that are not intended to be part of the proposed development, unless a written consent can be obtained from owner(s) of the affected existing residential structure(s) consenting to the waiver of such minimum setback requirement of this subsection. Parking garages shall be setback at least 100 feet from the property boundary of parcels used and developed as single-family or low-density residential.

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

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

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

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

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

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

Mayor Steve Leary

Attest:

City Clerk



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

January 22, 2020

RE: Orange Avenue Overlay Steering Committee Recommendation

The creation of the Orange Avenue Overlay District was an extensive 15-month process guided by the Winter Park Planning staff and was centered around public involvement, led by an 11-member citizen Steering Committee. The Steering Committee met bi-weekly for over 6 months, exploring the issues that had led to almost 2 decades of economic stagnation, hearing from property owners, stakeholders, and residents of the surrounding area. The Steering Committee had a major role in creation of the Overlay language and voted 8-2 to recommend approval of the Orange Avenue Overlay. Attached is are the meeting minutes from their final meeting on November 13, 2019.

Comments or questions regarding the proposed amendment should be directed to Bronce Stephenson, Planning & Community Development Director, City of Winter Park, at the address appearing in this letter, by calling 407-599-3665 or by emailing bstephenson@cityofwinterpark.org.

Sincerely,

Bronce L. Stephenson, MPA
Director of Planning & Community Development



Orange Avenue Overlay Steering Committee Minutes

November 13, 2019 at 5:30 p.m.

Mead Botanical Garden
1300 S. Denning Drive | Winter Park, Florida

Call to Order:

Planning Director and Committee Lead Bronze Stephenson called the meeting to order at 5:35 p.m. at Mead Botanical Garden. Steering Committee Members Present: Sally Flynn, Sheila De Ciccio, Laura Turner, Ben Ellis, Lamont Garber, Lambrine Macejewski, Michael Dick, Bill Segal, Bill Sullivan, and Jill Hamilton-Buss. Absent: Phil Kean. Staff Present: Planning Director Bronze Stephenson; Senior Planner Allison McGillis and Recording Secretary/Clerk Kim Breland.

Minutes Approval for October 16th Meeting:

Motion made by Laura Turner, seconded by Sheila DeCiccio to approve the October 30, 2019 meeting minutes, with amendments. The motion carried unanimously with a 10-0 vote.

Mr. Stephenson began the meeting by reviewing the Orange Avenue Overlay timeline after the Steering Committee meetings are finished, and noted that in addition to the dates reflected, Staff would be having another meeting to provide the public with information on the process and have a booth at the Farmer's Market to answer questions the public may have regarding the Overlay.

Mr. Stephenson stated that the present meeting was the Steering Committee's final meeting and the next step in the process was to take their recommendation to the Planning and Zoning Board on December 3, 2019, and City Commission on January 13, 2020.

Mr. Stephenson reviewed the agenda for the meeting and explained that when the Committee reached item 5 of the agenda, the final draft of the Orange Avenue Overlay district the discussion would be open for any conversation the Committee would like to have. He stated that the Committee had reviewed every section of the code, and could discuss any changes made since the October 30th meeting. He stated that a strikethrough and underlined version of the draft, as well as a clean version, had been provided to the Committee and the public. Lastly, he stated that at the end of the meeting, under action item 7, he would ask the Committee to take a vote on the Overlay Language. The Committee then discussed the procedure for voting on the Overlay language.

Special Presentation:

Mr. Stephenson presented certificates of appreciation to all of the Committee members for their dedication to their community and willingness to participate in the Orange Avenue Steering Committee.

Orange Avenue Overlay Process Video:

Mr. Stephenson presented a video that documented the Orange Avenue Overlay process, "Inside the City".

Following the video, Mr. Stephenson read an excerpt from the Ordinance that created the Orange Avenue Steering Committee and the goal of the Committee:

Orange Avenue Overlay Ordinance:

WHEREAS, in accordance with Chapter 2, Section 2-48(n), City of Winter Park Code of Ordinances, the City Commission hereby creates a temporary eleven (11) member Orange Avenue Overlay Steering Committee for the purpose of evaluating the potential creation of an

Orange Avenue Overlay District and associated changes to the Land Development Code and Comprehensive Plan and making recommendations concerning the same to the City Commission.

Goal of the Steering Committee:

The Steering Committee shall guide code language for the successful implementation of the Orange Avenue Overlay. The language shall incorporate the city's Vision and Comprehensive Plan goals of creating a mixed-use district and a gateway into Winter Park. The language shall enhance the Orange Avenue area identity and experience while increasing safety and mobility. It shall provide enhanced and flexible development standards to create the opportunity for positive and sustainable public and private improvements and redevelopment of the area. The Committee shall make a recommendation of the draft language to the Planning and Zoning Board and City Commission for final approval.

Mr. Stephenson stated that as the Committee reached its final step in the process, it was important to remember the purpose and the goals of the Committee. He noted that the Committee was placemaking for one specific area, and not creating rules for any area outside of the Orange Avenue Overlay area. The goal was to create the next "great place" in Winter Park.

Final Draft of Orange Avenue Overlay District Language

The Committee referenced the strikethrough version of the draft for the discussion (see Appendix A).

Additional Changes Proposed Not in Draft

Mr. Stephenson began the discussion by noting a change made to the draft related to mixed-use which read:

- Make all development/re-development in Subareas C, D, I & J require at least 25% mixed-use, so we don't have any single-user developments that don't create the vibrant, mixed-use area that is desired (located on page 32 of the strikethrough version of the draft).

Committee member Lamont Garber requested that the Committee consider moving the Jewett property from Category A to Category C due to the size of its land area. The Committee had a brief discussion regarding the property and decided to table the discussion until later in the meeting.

The Committee then reviewed the changes made to the draft language referenced in Appendix A. Changes were made to the following sections:

- **Applicability**
The Committee reviewed draft language; no additional changes were made.
- **Purpose of the Orange Avenue Overlay District**
The Committee reviewed draft language; no additional changes were made.
- **WINTER PARK COMPREHENSIVE PLAN**
The Committee reviewed draft language; no additional changes were made.
- **VISION WINTER PARK**
The Committee reviewed draft language to the draft language to the draft language. No additional changes were made.
- **USES IN THE ORANGE AVE OVERLAY DISTRICT AREA**
 - **Allowed Uses**
The Committee reviewed draft language; no additional changes were made.
 - **Single-Family Residential**
The Committee reviewed draft language; no additional changes were made.
 - **Previously Approved Projects or Developments**
The Committee reviewed draft language; no additional changes were made.

- **LANDSCAPE REQUIREMENTS**

The Committee reviewed draft language; no additional changes were made.

- **ARCHITECTURAL STANDARDS**

- **Building Height & Setbacks/Stepbacks**

The Committee reviewed draft language; no additional changes were made.

- **Building Height, Setbacks/Stepbacks & Building Envelope**

The Committee reviewed draft language. There was a brief discussion regarding stepback expectations for the area, building envelope and visual massing. No additional changes were made to the draft language.

- **Façades**

The Committee reviewed draft language; no additional changes were made.

- **Other Notes on the Treatment of Façades**

The Committee reviewed draft language; no additional changes were made.

- **Lower Story**

The Committee reviewed draft language. The Committee discussed maximum allowable building height for mechanical equipment. They proposed to add language that would better clarify the maximum allowable building heights and include a definition.

- **General Requirements**

The Committee reviewed draft language; no additional changes were made.

- **PARKING**

- **Parking Walkshed**

The Committee reviewed draft language; no additional changes were made.

- **Hotel**

The Committee reviewed draft language; no additional changes were made.

- **Restaurants, Food Service Establishments, Nightclubs, Taverns or Lounges**

The Committee reviewed draft language. A brief discussion ensued regarding the requirements for leased parking and the 750-foot walkshed. The Committee decided to change the language on page 23 to “nearest available parking lot or within the nearest parking garage” in relation to the measured walking distance of the parking lot.

- **Off-Street Parking Design**

The Committee reviewed draft language; no additional changes were made.

- **Floor Area Ratio for Parking Design**

The Committee reviewed draft language and discussed parking structure screening treatment options, the process to establish the size of parking structures and the 2% parking space minimum for electric vehicles in parking structures. In addition, it was noted that there was no definition for murals in the draft language. A brief discussion ensued regarding concern that murals could be misinterpreted as signage for parking structures. The Committee recommended a definition for murals be included to the draft language.

- **MEANINGFUL OPEN SPACE**

The Committee reviewed draft language; no additional changes were made.

- **SIGNAGE**

The Committee reviewed draft language and briefly discussed window sign requirements. No additional changes were made.

- **SIDEWALKS**

The Committee reviewed draft language; no additional changes were made.

- **CONNECTIVITY**

The Committee reviewed draft language. Discussion ensued regarding challenges with creating a bike path connection for the District area north of Minnesota Avenue along the railroad tracks. The Committee asked that the issue and other solutions for a bike/pedestrian connection be considered when the City updates its transportation plan. No additional changes were made.

- **ADMINISTRATIVE REVIEW**

The Committee reviewed draft language. The Committee discussed how the administrative review would impact small business owners in Area A. Mr. Stephenson clarified that the administrative review for properties in Area A would be on an “as needed” basis. No additional changes were made.

- **ORANGE AVENUE OVERLAY SUB-AREAS & STANDARDS**

Mr. Stephenson read the language changes related to variances and the Committee went to review the changes to the Orange Avenue Overlay Sub-Areas and Standards.

Area A:

The Committee reviewed draft language and continued to discuss in-depth Mr. Garber’s concerns regarding the Jewett properties and removing the properties from Area A due to the size of their properties. The Committee decided to table the discussion on Jewett properties until the end of the meeting.

Area B:

The Committee reviewed draft language; no additional changes were made.

Area C:

The Committee reviewed draft language. Committee member Sheila De Ciccio reiterated her opposition to having a four-story maximum height requirement for Progress Point. She expressed concerns related to increased traffic and parking deficit for the area and asked that the four-story height requirement be removed from the language. In-depth discussion continued regarding the future use of the Progress Point site, specifically parking needs for the District and the maximum height requirement for the site. The Committee was reminded that a consensus vote for a four-story maximum allowable height was made at the October 30th meeting. It was noted that the Committee wanted the Planning and Zoning Board and City Commission to be made aware that there was no consensus from the Committee on the future use of the Progress Point property.

Mr. Stephenson noted that language was added to the draft related to the road closure and vacation of the Palmetto Avenue right-of-way in Area C, as discussed at the October 30th meeting. A brief discussion ensued regarding the effect the road closure could have on businesses in Area C, public access and issues related to stormwater and drainage needs for the area.

Area D:

The Committee reviewed draft language; no additional changes were made.

Area E:

The Committee reviewed draft language; no additional changes were made.

Area F:

The Committee reviewed draft language; no additional changes were made.

Area G:

The Committee reviewed draft language; no additional changes were made.

Area H:

The Committee reviewed draft language; no additional changes were made.

Area I:

The Committee reviewed draft language. The Committee briefly discussed changing the maximum height requirement to two-stories for the property on Area I. Committee member Bill Sullivan requested the Committee vote on the issue. By a show of hands, the motioned failed.

Area: J

The Committee reviewed draft language; no additional changes were made.

At the conclusion of the Orange Avenue Overlay Sub-Area & Standards review, Mr. Stephenson opened the floor for public comment:

The Committee heard public comment from:

Beth Hall, 516 Sylvan Drive, Winter Park, FL, addressed the Committee. Ms. Hall thanked the Committee for their time and effort with the process. She stated that she hoped the Committee would not give final approval of the Overlay draft as she felt they should be provided with more time and visuals of what the Overlay area would look like. Ms. Hall expressed concerns related to parking garage Floor Area Ratio and density transfer. Lastly, she noted that she felt the highest and best use of Progress Point would be to provide park land for the area, along with drainage, and a parking garage.

Phillip Anderson, 1621 Roundelay Lane, Winter Park, FL, addressed the Committee regarding the Progress Point property. He discussed parking and drainage issues in the area and stated that the City should use the property to benefit the residents of Winter Park by providing a low-density frontage with parking and drainage solutions for the commercial corridor without having to create a four to a five-story building.

Heather Alexander, 711 N. Orange Avenue, Winter Park, FL, addressed the Committee. She stated that she was the Executive Director of the Winter Park Playhouse, which is a 5013C non-profit charitable organization that has served the Winter Park community for over 17 years. Ms. Alexander stated that the Playhouse currently rents space on Orange Avenue in the Overlay District. She explained that while the Playhouse is a huge proponent of the Overlay, she had concerns that the Overlay was geared toward a commercial economic development aspect asked that the Committee ensure that the Arts were a key component in what makes Orange Avenue and the City special. Ms. Alexander added that the rent for at the Playhouse location had become unsustainable and stated that the Playhouse would be looking to move from Orange Avenue within the next two years because of unsustainable rent. Lastly, Ms. Alexander stated that the Playhouse did not want to move from the area, as the District was very special to them.

Jeffrey Blydenburg, 204 Genius Drive, Winter Park, FL, addressed the Committee. He stated he was representing the Winter Park Land Trust and wanted to read a draft statement sent to Planning Director Bronce Stephenson for the record. Mr. Blydenburgh read the following statement, "He stated that the Winter Park Land Trust believes that the plan shows a good concern for green space and park issues. We'd like to put forward these six recommendations:

1. That a park within Area C be constructed by the City as a conditional investment to encourage high-quality development.
2. Ensuring greenspace is required for the development of properties adjacent to Denning Drive. Corridors located contiguous to Denning Drive to reinforce the chance of biking and walking as opposed to the greenspace being located somewhere else and getting credit for it.
3. Designing bikeways and walkways that are part of the development so they connect to the longer-range bikeways and walkways extending to other parts of Winter Park and the City of Orlando.
4. Placing special emphasis on establishing a tree canopy and taking other measures to reduce temperatures something climate (the audio becomes unintelligible, the sentence is incomplete).
5. Seeking new and innovative opportunities to store (the audio becomes unintelligible, the sentence is incomplete)

6. Building a 3-dimensional computer-generated, interactive model so that the public can understand the plan.”

Donna Colado, 327 Beloit Avenue, Winter Park, FL, addressed the Committee and echoed public comments regarding building a computer-generated, interactive model of the area for the public to better understand building height calculations. In addition, she expressed issues related to density transfer and proposed floor area ratio calculations for the District.

Cynthia Hasenau, Executive Director of Mead Botanical Garden, 1300 S Denning Drive, Winter Park, FL addressed the Committee. She stated that the Garden was a non-profit that has partnered with the City and residents of Winter Park in a public/private partnership for almost 15 years. She stated that she was impressed with the thoughtfulness, research, and determination the Committee had put forth to make sure that there were no regrets with the process and appreciated the permanent easement for signage. She spoke about the need for continued greenspace, support of the businesses in the area and noted traffic impacts for the area should be taken into consideration.

Frank Hamner, 405 Balmoral Road, Winter Park, FL, addressed the Committee. Mr. Hamner discussed his experience with the process including attending public input meetings, Steering Committee meetings and the WalkShop. He stated that he was disappointed with public comment at the meeting could misconstrue that the process had not open and transparent to the public. He addressed public comments concerns related to parking garage floor area ratio and greenspace and explained that there had been multiple opportunities for the public to attend meetings so that these concerns could be addressed.

No one else from the public wished to speak. The public comment section was closed.

The Committee continued to discuss the draft language. Committee member Michael Dick stated that he had prepared a list of issues from the previous meeting that he wanted to discuss. His first concern was related to page two of the draft regarding the verbiage related to Vision Winter Park “q. Keep the traditional scale within the majority of the district”. He commented that he was not sure why the verbiage was in the document and stated the Committee had decided to embrace the concept of Vision Winter Park and its objectives. He stated that if the traditional scale was to be kept the majority of the time, it should be kept all of the time and recited the goal of Vision Winter Park.

Committee member Bill Sullivan asked Mr. Dick how he would define traditional scale in the process. In-depth discussion ensued. Topics discussed were traditional scale definition, building height, public input, public perception, issues of property owners in the area, (including drainage and parking), and what the word “majority” meant in relation to the draft language.

Mr. Dick’s next issue was related to public notice requirements on page 20 of the draft language. He expressed concern that eliminating the public notice requirement for certain development in the area, could be viewed in a negative manner by the public.

Mr. Dick made a motion to eliminate the verbiage “q. Keep the traditional scale within the majority of the district” on page 2 from the draft language. The motion failed for a lack of a second.

Mr. Dick made a motion to keep the citywide notice requirement for development within the Orange Avenue Overlay District. Ms. Sally Flynn seconded the motion.

Discussion ensued regarding public notice requirements for the area and what conditions would constitute citywide notice.

Motion failed with an 8-2 vote (Mr. Dick and Ms. Flynn voted in favor of keeping the notice requirement.

When the public notice motion failed, Mr. Stephenson asked the Committee if they would consider a motion to keep public notice requirements for projects that meet the current citywide notice threshold limited to noticing the entire District plus a 1,000-foot radius in order to provide proper notice to the area for larger projects. The consensus of the Committee was to move forward with district-wide public notice plus 1,000 feet for the area.

Mr. Dick's last issue related to Area C, the Progress Point property. He discussed concerns with not having 3D-models for the property and Floor Area Ratio calculations that would show what proposed structures would look like on Progress Point.

Mr. Dick presented images to the Committee of structures in Maitland ("the big 5") that he felt might determine what certain floor area ratios could look like on the Progress Point site. He discussed the floor area ratio and square footages of the properties in Maitland and noted that they did not match the traditional scale for Winter Park. He expressed concern that the three large properties in Orange Avenue Overlay District could be built at the same scale. Mr. Stephenson clarified that none of the structures in the images presented by Mr. Dick could be built per the standards proposed for the District. The Committee discussed at length floor area ratio, building height and mass, meaningful green space requirements and setback and stepback requirements outlined in the draft language. The consensus of the Committee was that the types of structures presented by Mr. Dick did not provide a proper depiction of what types of structures could be developed in the District. Mr. Dick explained that he presented the images as a concern for what he thought could be built on the Holler, Demetree and Progress Point properties, as no models were presented to the Committee of what different scales could look like on those sites.

Mr. Stephenson reminded the Committee of the 3D models presented at the last meeting that showed different scales for the Progress Point and Bank of the Ozark properties, and brought up these images again on the power point presentation to show the Committee. The Committee then discussed and reviewed the images and discussed the square footage, floor area ratio and scale of the properties.

Mr. Stephenson moved on to discuss the changes to the Orange Avenue Overlay District Enhancement Menu in Appendix A. changes were made to the following areas of the menu:

- Sustainability
The Committee reviewed draft language; there was no further discussion.
- Infrastructure & Stormwater
The Committee reviewed the draft language; there was no further discussion.
- Parking
The Committee reviewed the draft language and decided to remove murals from the list of items in Screening of Parking Structures (P.2).
- Connectivity & Transportation
The Committee reviewed draft language to the draft language to the draft language and decided to remove line item for Pedestrian/Bicycle Bridge Over 17-92 (CT.1) due to not having enough information for construction on this item and didn't want a future developer to count on this entitlement.
- Meaningful Open Space
The Committee reviewed draft language. Earlier in the meeting, the Committee decided to modify the line item for Open Space Beyond Minimums (OS.1) to increase the percentage per acre to 25%. A brief discussion followed regarding enhancement bonus percentages for Open Space Beyond Minimums (OS.1) and Shade Tree Planting (OS.2), and Mead Garden Improvements (OS.4). No other changes were made.

The Committee moved on to continue the discussion of the Jewett properties. The Committee reviewed a map outlining the location of the Jewett properties and made a request to make the Jewett properties their own Sub Area (K). Mr. Stephenson suggested the Committee consider creating Sub Area K for the Jewett properties subject to the development minimum base and maximum achievable FAR similar to Area E, but at a maximum height of three-stories.

Motion made by Bill Segal seconded by Laura Turner to create Sub Area K for the outlined Jewett properties that would allow them to have the base and maximum Floor Area Ratio outlined in Area E, with a maximum height of three-stories, but would be required to provide the sidewalk along Orange Avenue as required in Area A.

Motion carried unanimously with a 10-0 vote.

Action Item:

Steering Committee Vote on Recommendation of the Orange Avenue Overlay District Draft Language

The Committee moved on to discuss the final recommendation. Mr. Stephenson noted that any recommendation would include a request that the Planning and Zoning Board and City Commission regarding Area C, Progress Point, should hold additional discussion. It was noted that there was no clear consensus from the board related to greenspace, development or maximum height requirements for the site.

Motion made by Laura Turner, seconded by Bill Segal, for the Committee to make a recommendation to the Planning and Zoning Board and City Commission to accept the Orange Avenue Overlay District Draft Language as presented and discussed herein, with the creation of Sub Area K for Jewett Properties, 25% mixed-use component and a footnote for Area C (Progress Point) noting that there was no clear decision from the Committee on its future land use.

Motion carried with an 8-2 vote. (Mr. Michael Dick and Mrs. Sheila De Ciccio voted against the recommendation)

The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Kim Breland, Recording Secretary



January 22, 2020

**RE: Planning and Zoning Board (Local Planning Agency)
Recommendations on Proposed Orange Avenue Overlay
Comprehensive Plan Amendments**

CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

Enclosed is a Comprehensive Plan amendment recommended for approval by the Planning and Zoning Board (Local Planning Agency) for transmittal to the Florida Department of Economic Opportunity. After required public notice, 2 worksessions and numerous meetings with staff, the Winter Park Planning & Zoning Board (Local Planning Agency) held an advertised public hearing on December 3, 2019 and voted unanimously to recommend approval of the Ordinances amending the Zoning Code and the Comprehensive Plan to create the Orange Avenue Overlay District.

Comments or questions regarding the proposed amendment should be directed to Bronze Stephenson, Planning & Community Development Director, City of Winter Park, at the address appearing in this letter, by calling 407-599-3665 or by emailing bstephenson@cityofwinterpark.org.

Sincerely,

Bronze L. Stephenson, MPA
Director of Planning & Community Development



Planning and Zoning Board Minutes

December 3, 2019 at 6:00 p.m.

City Hall, Commission Chambers
Regular Meeting

Minutes from OAO

- CPA #19-04 Request of the City of Winter Park To: Amend 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.
- ZTA #19-05 Request of the City of Winter Park To: Amend Chapter 58 "Land Development Code", Article III, "Zoning Regulations" so as to adopt a new zoning district Section 58-83 Overlay Districts (OD).

Planning Director Bronce Stephenson took a moment before his presentation to ask for a show of hands from the public attending the meeting if they had participated in any of the meetings conducted throughout the Orange Avenue Overlay process. A great number of hands were raised and Mr. Stephenson commended those persons for their participation. Mr. Stephenson then recognized the Orange Avenue Overlay Steering Committee members for their service contribution to the process as well as members of Staff for their involvement.

Mr. Stephenson stated that the Overlay Language and each new revision had been available for public review for months and focused his presentation on the work sessions and individual meetings with the Planning and Zoning board members. He stated that he wanted to focus on the process that had taken place over the last year. He noted that the process was not the result of a developer application or applications on file. Mr. Stephenson stated that the process was an initiative defined in the Comprehensive Plan and read the related policy:

Policy 1-2.4.14: Mixed Use Designation

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...*

Mr. Stephenson stated that aside from the portion of the policy related to the one-year timeframe, the initiative had been accomplished. He stated that he was proud of the work that was achieved and explained that with the assistance of the Community, Staff was able to create a product designed by Winter Park that rather than using an outside consultant. He stated that the Overlay report contained approximately four pages of items from the Comprehensive Plan that directed the process such as increasing connectivity, creating architectural standards and removing inappropriate uses from the area.

Mr. Stephenson noted that another important directive was to create a gateway into Winter Park and stated that the Orange Avenue Overlay area had the potential to be a beautiful gateway into Winter Park and was kept at the forefront during the process. In addition, he stated that the Vision Winter Park process was at the front of every decision made and two of the Vision Winter Park committee members were members of the Orange Avenue Overlay Steering Committee. He reiterated that the Comprehensive Plan and Vision Winter Park were

the guiding documents and principals used along with extensive input received throughout the process.

Mr. Stephenson stated that Orange Avenue had been a topic of discussion for many years with a number of studies and analyses performed but because no opportunities for redevelopment of the area stemmed from those studies, Staff decided to take a different direction with the process.

Mr. Stephenson stated that extensive and continued public input had been the backbone of the process and reviewed the numerous ways in which staff received information from the public:

Open Public Input Meetings, Orange Avenue Survey, Orange Avenue email address OrangeAve@cityofwinterpark.org for any and all public input, Individual Meetings, Orange Avenue Overlay Steering Committee, meetings with EDAB, TAB, CRAAB, KWPB&S, P&Z and City Commission, Orange Avenue Walkshop and Citywide Public Notice and subsequent public hearings at Planning & Zoning and City Commission.

Mr. Stephenson explained that the Orange Avenue Overlay Steering Committee met every two weeks over the course of 6 months to discuss issues afflicting Orange Avenue Overlay. The Committee held panel discussions with neighboring residents, small-business owners, large land-owners and larger business owners in the area to discuss hear their concerns. In addition, the Committee reviewed extensive public input and worked to create solutions to the problems that have led to over a decade of economic stagnation and decline of the area. Mr. Stephenson presented a planning video that documented the public process and explained that throughout the process, there was a commitment to public involvement and education. He noted that by the time the Overlay process was complete, there would be 19 meetings where the public was invited to attend, provide input or ask questions. Additionally, two Planning & Zoning Board work sessions and two City Commission meetings will have been held and open for the public to attend.

In an effort to assist with any misinformation the public may have received about the process, Mr. Stephenson moved on to discuss the facts of the Overlay process:

- The Overlay process and subsequent language created were not related to any development applications, developer requests, or plans for development of any property.
- The Overlay process was the result of the adopted Comprehensive Plan, which called for the creation of a Mixed-Use Overlay District. The City Commission directed staff to pursue this Overlay Process.
- The language created was not created by developers. It was created by the Winter Park community.
- The primary objective has been to solve the issues that have led to over a decade of economic stagnation. The protection and creation of redevelopment opportunities of small businesses have been at the forefront of this process
- Currently, the Overlay Area has approximately 1,100 units that are allowed by right. If the Overlay was approved, there would be the same number of units.
- With the Overlay District, there would be no more dwelling units created. There is no increase in gross density in the area.
- Despite what had been reported, the small-scale character of Orange Avenue has been promoted and protected throughout the process to the highest extent possible.
- Additional entitlements of square footage must be earned by new development. The way to earn the additional entitlements is through the construction of public improvements, park

space improvements, trails and connectivity, more trees to increase the urban canopy, and other public improvements.

- Despite what had been misrepresented repeatedly through social media and mass email, the process was not hurried in any way. The City Commission was aware of the 12 month+ timeline and had been updated on the progress of the process twice a month in the City Commission packets.
- This process included several months of public input opportunities, public meetings, public input, neighborhood meetings, public presentations, educational videos and much more.
- This process is the culmination of more than 14 months of work by City staff, a Steering Committee and community input.
- Citywide Notice was sent to all Winter Park households. The Citywide notice has been in households for over a month and the information has been available for review and input throughout the process.
- There was no “push” to try to get this process done during the holidays and public hearings would be held by P&Z on December 3 and by the City Commission on January 13, 2020.

Mr. Stephenson provided information on the upcoming Orange Avenue Overlay meeting schedule.

- On December 18, 2019, staff would hold a public information meeting in the lobby of the Gateway Plaza building at 1201 Orlando Ave for property owners within the Orange Avenue Overlay area. Notice was sent to all property owners within the Overlay District and the public is welcome to attend as well.
- On December 21, 2019, staff will have a booth at the Winter Park Farmers Market to be available to discuss the Orange Avenue Overlay District with anyone who has questions, concerns or suggestions. Staff will at the booth from 7AM until 1PM.
- P&Z Public Hearing December 3, 2019.
- City Commission Public Hearing January 13, 2020.

Mr. Stephenson stated that at their 12th and final meeting on November 13, 2019, The Orange Avenue Steering Committee voted 8-2 to recommend approval of the Orange Avenue Overlay District.

Mr. Stephenson noted that the issues that the Steering Committee members did not agree on were whether or not Progress Point should be developed, at what scale or whether the area should be made into a park, and what other opportunities could be explored for the property. Additionally, one Committee member did not agree with some of the language in the Overlay document and felt it did not fit with some of the guiding documents that were a part of the process.

Mr. Stephenson stated that Staff recommendation was for approval of the Ordinances to create the Orange Avenue Overlay District and to amend the Comprehensive Plan to reflect the language of the Orange Avenue Overlay District.

There were no questions for Staff. The Board opened the floor for public comment.

The Board heard public comment from:

Steve Goldman, 2009 Venetian Way, Winter Park, FL addressed the Board and stated that he was representing the views for the Winter Park Land Trust. He commended Mr. Stephenson's efforts with the process and stated that it was important to have strong community support with the process. He talked about the importance of green space for the area and the need for an inviting entrance to Mead Garden.

Sheila De Ciccio, 1630 Laurel Road, Winter Park, FL addressed the Board. She explained that she was a member of the Orange Avenue Overlay Steering Committee and noted concerns related to the Progress Point property. She discussed concerns related to the maximum height requirement and increased traffic. Additionally, Mrs. De Ciccio stated that she felt the City should not sell Progress Point, but find a use for the property that would benefit the residents of Winter Park such as a theater district or food court.

Phil Anderson, 1621 Roudelay Lane, Winter Park, FL addressed the Board. He urged the Board to delay the vote on the Ordinance and discussed concerns related to parking deficit, stormwater treatment, traffic safety, loss of on-street parking. Additionally, Mr. Anderson felt that the best use of Progress Point would be to solve parking and stormwater needs for businesses in the area.

Lamont Garber, 1071 Lakeview Drive, Winter Park, FL addressed the Board and explained that he was a member of the Orange Avenue Overlay Steering Committee and that throughout the meetings, the Committee members did a lot of due diligence and took the time to understand concerns of the area. Mr. Garber talked about the benefit the Overlay would have on the area by enlisting the help of the three major landowners to provide infrastructure solutions for the area such as drainage, parking, right of ways, and most importantly, improvements the obsolete structures along Orange Avenue.

Bill Segal, 1820 Windsor Drive, Winter Park, FL, addressed the Board and explained that he was a member of the Orange Avenue Overlay Steering Committee. He talked about his experiences driving on Orange Avenue over the years and recounted the lack of life or vibrancy in the area. Mr. Segal stated that he was thrilled about the effort to rehabilitate the area and explained that the Committee received a great amount of public input throughout the process. He stated that he was happy about the new walkway into Mead Garden, the addition of walk/bike paths and most importantly, the opportunities the Overlay would allow the small business owners to improve their properties and stated that he felt the document had great balance. Lastly, Mr. Segal stated the need for the Board and City Commission to take an in-depth look at the Progress Point property.

Thomas A. Thomas, 1302 Orange Avenue, Winter Park, FL addressed the Board stated that his office moved onto Orange Avenue in November of 1997 and talked about ongoing traffic issues in the area throughout the years. He stated that with the new process, he would like to see the parking issues resolved in the area and speed limits enforced.

Jennifer Crotty, 1152 Harmon Avenue, Winter Park, FL addressed the Board and stated that she was a small business owner in the area. She stated that after listening to the stories of other business owners in the area fighting to get issues resolved over the years, she believed the Overlay was the best solution for fixing the problems in the area and stated she was in favor of the Overlay.

Ruth Heine, 2358 Summerfield Road, Winter Park, FL recognized the time and effort the Committee put into preparing the proposal for submission to the Planning and Zoning Board and City Commission. Mrs. Heine expressed concerns related to traffic and stated that she would like to see Progress Point used as greenspace for the area. Additionally, Mrs. Heine stated that she would like to see renderings of what the area would look like with the changes in the Overlay and asked the Board to give the process more time.

Jill Hamilton Buss, 1935 Oakhurst Avenue, Winter Park, FL addressed the Board and stated that she was a member of the Orange Avenue Overlay Steering Committee as well as the Transportation Advisory Board. She read quotes related to walkability and transportation and explained that even though the transportation portion of the Overlay was set aside, much of what the Committee focused on was related to transportation, connectivity, pedestrian and bicyclist safety, widening of sidewalks, many things that make a place walkable and bikeable. She noted that throughout the process, the Committee met with residents, small and large

business owners and she was very impressed with the amount of involvement from the community. She stated that she felt the entire process was well thought out and she was in favor of the Ordinance.

Cynthia Hasenau, 111 Longbranch Road, Winter Park, FL addressed the Board. Ms. Hasenau stated that she was the Executive Director of Mead Botanical Garden and stated that the Garden was in a public/private partnership with City. She stated that she had attended a number of meetings regarding the Overlay and was struck by the continued balance, openness, thoughtfulness and willingness to learn from the Committee members. She talked about greenspace, successful commerce for the area and connectivity and spoke in favor of the Ordinance.

David Daly, 1307 Lindenwood Lane, Winter Park, FL addressed the Board and expressed concerns related to existing traffic conditions and wondered what impact the Overlay would have on traffic in the area.

Bonnie Ferguson, 700 Melrose Avenue, Winter Park, FL addressed the Board. She stated that she's lived in Winter Park since 1960 and reiterated Mr. Daly's concerns regarding the impact the Overlay would have on traffic. Mrs. Ferguson also expressed concerns about stormwater retention and greenspace in the area. She stated that she believed in the process, appreciated all of the public input and effort made during the process and felt that Progress Point should remain a City-owned property.

Judith Meyers, PO Box 554, Winter Park, FL, addressed the Board and stated that she has been a resident of Winter Park since 1969. Ms. Meyers expressed concerns related to traffic conditions on Orange Avenue and throughout the City. She voiced concerns that the Overlay would add to the already poor traffic conditions and stated she was opposed to the Ordinance.

Wade Miller, 1520 Glencoe Road, Winter Park, FL, addressed the Board. He stated that he attended a number of the Orange Avenue Overlay Steering Committee meetings and stated that he was impressed by the process. He stated that if every task force could accomplish what the Steering Committee achieved on every project in the City, Winter Park would continue to be an incredible place and talked about the positive impact the Overlay would have on Winter Park. He stated that the process was a positive moment for Winter Park and he would like to see the process continue.

Jeanne Wall, 2110 Lake Drive, Winter Park, FL, addressed the Board. Mrs. Wall stated that she appreciated the time and effort of everyone involved in the process. She voiced concerns related to the increased traffic, parking, and maximum height requirements, signage and uses such as massage in the Overlay area. She asked that the Board delay voting on the Ordinance and take more time to review the process before moving forward.

Bart Johnson, 1214 Turner Road, Winter Park, FL addressed the Board and stated that he and his wife have lived in Winter Park for 30 years. Mr. Johnson commended the Committee and Staff for their efforts with the process. He stated that he read most of the documents related to the Overlay was largely in favor of the majority of what the Committee was trying to accomplish, such as placemaking, purpose and Vision themes. He conveyed concerns related to the impact the Overlay would have on already poor traffic conditions in the area and asked the Board to take those concerns into consideration.

Dr. Peter Lemiux, 5309 Cypress Reserve Place (business at 1185 Orange Avenue), Winter Park, FL, addressed the Board. Dr. Lemiux explained that he been a business owner on Orange Avenue for the past 30 years and enjoyed hearing the conversations regarding the potential improvements to Orange Avenue. He explained that his biggest concerns were related to parking and stormwater drainage. He stated that he was hopeful that the Progress Point property would be constructively utilized to solve the problems afflicting the area. He stated that the business owners are the fuel for the economy for Orange Avenue and he would hate to

see changes that would prohibit the businesses from flourishing. Lastly, Dr. Lemieux thanked Staff and the Orange Avenue Overlay Steering Committee for listening to the concerns of the small business owner and stated he was in support of the Ordinance.

Jeffrey Blydenburgh, 204 Genius Drive, Winter Park, FL, addressed the Board. He thanked Staff and the Orange Avenue Overlay Steering Committee for their efforts and talked about the Vision Winter Park being a guiding document for the Orange Avenue Overlay process. He discussed the FAR requirements for the area and stated that the proposed scales were not densification for the area. Mr. Blydenburgh went on to state that he felt the Progress Point property should be used as an open space for the area. Lastly, he thanked the Committee and Staff for their hard work and asked the Board to support the Ordinance.

Leon Huffman, 350 Olulu Avenue, Winter Park, FL, addressed the Board. Mr. Huffman thanked Staff and the Committee for their participation in the process. He expressed concerns that the Orange Avenue Overlay Ordinance would change the scale, maximum height requirements and density restrictions that were adopted in the Comprehensive Plan in 2017 and asked the Board to consider those concerns.

Pat McDonald, 2348 Summerfield Road, Winter Park, FL, addressed the Board. She stated that the Orange Avenue Overlay was probably the most important decision Planning and Zoning would ever make for the City of Winter Park because the Overlay would serve as a model for all corridor redevelopment in the City. Ms. McDonald said that she and other citizens needed more time to read the Overlay document and asked the Board to delay their vote to give the citizens an opportunity to be fully informed about all aspects of the Orange Avenue Overlay and have all of their questions answered.

Mary R. Randall, 1000 S. Kentucky Avenue, Winter Park, FL, addressed the Board. Mrs. Randall expressed concerns results related to increased traffic and meeting notice requirements. She asked the Board to delay their vote and to consider those concerns.

Guy Colado, 327 Beloit Avenue, Winter Park, FL, addressed the Board. Mr. Collado stated that he was the developer and part-owner of one of the properties within the Overlay. He voiced issues related to garage FAR and building height requirements and that Staff and the Board address his concerns.

Bill Sullivan, 1362 Richmond Road, Winter Park, FL, addressed the Board and explained that he was a member of the Orange Avenue Overlay Steering Committee, had been a member of Vision Winter Park and was a current business owner on Orange Avenue. Mr. Sullivan explained how the Committee addressed issues related to parking and stormwater drainage issues and expressed concern that if the process were delayed the area would continue to suffer from blight.

Michael "Micky" Grindstaff, 300 S. Orange Avenue, Winter Park, FL, addressed the Board on behalf of Demetree Global, which owns the gateway parcels at 17-92, and Orange Avenue and is also a 19 year resident of Winter Park. Mr. Grindstaff stated that Demetree Global was very much in favor of the Overlay and asked the Board to consider changing two sections of the Overlay language that related to the Demetree Global properties:

1. To move a piece of property in Area A to Area D due to common ownership
2. To adjust RailTrail sidewalk connection square footage numbers and language related to enhancement C.2.1.

John Beck, 451 N. Interlachen Avenue, Winter Park, FL, addressed the Board. Mr. Beck expressed concerns related to traffic, density, and accidents in the City. He stated that the Ordinance should be to put to a vote by the citizens of Winter Park.

Frank Hamner, 405 Balmoral Road, Winter Park, FL, addressed the Board and stated that he had been a resident for over 30 years and has represented the Holler Properties for over 20

years. Mr. Hamner stated that he attended all but two of the Orange Avenue Overlay Steering Committee meetings and commended Staff and the Committee members for their hard work. He talked about the unique structure of the Overlay process and discussed the in-depth effort made by Staff and the Committee to include public input. Mr. Hamner stated that any delay in moving the Ordinance forward to the City Commission would be a disservice to the amount of time the Committee had put into the process. He implored the Board to support the hard work of the committee and stated that it could not have been a better process.

Michelle Heatherly, 940 W. Canton Avenue, Winter Park, FL, addressed the Board and stated that she was a Winter Park resident as well as a representative of Demetree Global and commended Staff and the Committee for their investment of time and hard work on the Orange Avenue Overlay process. She stated that she was in agreement with Mr. Grindstaff and Mr. Hamner that the process had been a very collaborative process with a lot of public input. Ms. Heatherly stated that the City has an opportunity to create a beautiful gateway entrance into Winter Park with a welcoming sense of arrival that would transform the entire corridor into a walkable vibrant thriving place full of activity for residents, businesses and visitors. She stated that she had attended all of the Orange Avenue Overlay Steering Committee meetings, walkshop, public input meetings and listened to various panels and felt that the Overlay provided an opportunity to help solve some of the problems in the Corridor including shared parking, stormwater retention and meaningful open space. Lastly, Ms. Heather stated that as a resident she excited for the Overlay and Demetree Global was in full support of the process.

No one else wished to speak. The public hearing was closed.

The Board asked Mr. Stephenson to address concerns expressed during public comment. Mr. Stephenson thanked the community for their participation during the meeting and went on to address concerns voiced by the residents. Mr. Stephenson addressed concerns:

Progress Point - Mr. Stephenson explained that no applications have been received for any projects related to Project Point. The property is owned by the City and the City Commission will decide on development for the property.

Parking solutions - Mr. Stephenson stated that the Ordinance includes a detailed parking solution for the Orange Avenue Overlay area and reviewed the shared parking criteria.

Traffic Study - Mr. Stephenson stated that the Ordinance contains an extensive traffic study, which includes portions of the 17-92 traffic study and Orange Avenue west of 17-92 traffic, a study being discussed by DOT and noted that DOT was working on solutions for the intersection of 17-92 and Fairbanks Avenue, and Orange Avenue and Harmon Avenue.

Stormwater - Mr. Stephenson explained that a thorough analysis of the area had been conducted and briefly discussed explained the stormwater treatment plan.

Police Dept., Fire Dept., Public Works and Electric Utilities - Mr. Stephenson explained that all departments were involved with the process. He explained that Staff met with each department to discuss and ensure that each had the capacity to serve new development of varying scales.

Utility easement modification on the Rail Trail - Mr. Stephenson stated that the 20-foot easement was required for utilities and the best location for those easements was along the trail. He stated that certain utilities require separation from other utilities and explained that a 12-foot easement did not allow enough space for Fiber, Water, Electric and Sewer, etc., thus, a 20-foot easement was the minimum that should be allowed. Mr. Stephenson noted that Staff would be opposed to reducing the easement.

The Board asked Mr. Stephenson to address comments made by Mr. Colado that FAR allowances on the west side of Orange Avenue were different than the east side. Mr. Stephenson explained that the FAR allowances were the same on both sides of Orange Avenue; he explained that the FAR was the same for Area E, which is adjacent to 17-92. He explained that the difference on

the West Side parking garages would count toward FAR because there was no shortage of parking on the west side of 17-92. He explained that parking was strategically placed in that area so that it did not encroach into residential neighborhoods.

An extensive discussion ensued regarding the 20-foot easement reduction request and Staff's opposition to the reduction. The Board and Staff discussed the current location of utilities, stormwater drainage at Palmetto Avenue and the Rail-Trail access easement, development incentives for people connections. The Board and Staff discussed the possibility of an alternative for the portion of the easement related to the property in Area D. Mr. Stephenson stated that the language that reads, "The trail shall be built along the entire property line adjacent to the rail" could be changed to "The trail shall extend the entire length of the property". Mr. Stephenson noted that a 12-foot trail should be the minimum constructed for a striped trail with landscape buffers on either side. Mr. Stephenson stated that Staff would support P&Z in the reduction, but strongly request that the Board keep the width and location of the trail remain as outlined in the enhancement matrix.

Discussion ensued regarding shared parking-related and ULI (Urban Land Institute) standards. The Board asked Mr. Stephenson if the City had a recognized standard for shared parking relative to the ULI standard or another standard other than the term shared parking. Mr. Stephenson explained that the shared parking standard was adopted by the City along with the 750-foot walkshed and modified parking requirements for retail restaurant and office in the CBD (Central Business District), Park Avenue and Hannibal Square. He noted that at that time, the language only included properties directly fronting on Orange Avenue, but with the Ordinance language, the entire Overlay area would be included. He reiterated that the City uses ULI for shared parking analysis, as it is a nationally recognized standard.

Further discussion ensued regarding development intensity concerns reflected during public comment. The Board and Staff discussed Floor Area Ratio analysis for the Overlay area and the allowable square footage under the current zoning.

There were no further questions for Staff.

Board member Laura Turner thanked all of the committee members and staff for their participation in the process. She stated she was a professional planner by trade and education and outreach was an important component of what she does with public projects. She stated that the process was one of the most intense and collaborative efforts she'd seen urged fellow P&Z members to support the document, including changes made during the work session. She stated that and while there are some unanswered questions, the document provides the framework for the future land use component of the district.

Board member Adam Bert stated that he was in favor of the Ordinance. He stated that the Overlay area was stagnant and blighted and in the present economic climate, there was no reason for the area not to be productive. He noted concerns made by residents during public comment and stated that he felt overall, the Overlay would be a benefit to the residents and small businesses in the area as well as the entire City. He commended Mr. Stephenson for his efforts and dedication in the process and noted Mr. Stephenson's previous experience in creating an Overlay district in the Red Bud District of Owasso, Oklahoma.

Board member Chuck Bell stated that he has been a planner for 40 years and worked all over the world. He stated that the self-initiated planning process is rare and should be a model going forward in the City. He stated that normally an outside consultant would be brought in to create the processes developed by the Committee and Staff. He reiterated that the document was a framework that progressively looks at zoning in a way that is much more thought out in order to guide the vision of what the area should be. He commended Staff and the Committee for their efforts with the process and supports the Ordinance.

Board member Dr. Owen Beitsch stated that he also was a professional planner. He commended Staff and the Committee for their accomplishment with the process. He stated that the word framework was very important, as there were suggestions that the Planning and Zoning board attempted to put into a broader set of changes. He stated that because it was a framework some things would not work exactly as drafted and it should be expected that the Ordinance would change over time. He talked about the lack of functionality in the area in its current condition and stated that the changes outlined in the Ordinance were significant enough that the benefits out way any shortfalls. He stated that he was in support of the Ordinance and urged his fellow board members to support it as well.

Vice-chair Ray Waugh echoed his fellow board members' sentiments and noted the efforts made with the process had been thoughtful and very thorough. He addressed issues related to stormwater retention, traffic and the walkshed radius. He talked about connectivity, nodes of development and shared parking benefits that would be achieved with the framework created from the Ordinance. Mr. Waugh addressed parking study concerns for the area and stated that every development application would go through the same process and the Ordinance is the framework of the Overlay which would allow those applications to get into the process.

Board member Laura Walda stated that it had been a great experience to be a part of the process and to see how serious everyone on the Committee had taken their roles and provided a diverse array of opinions. She stated that the Committee had come up with a product that created the best framework that could be put together and she was pleased to be a part of the project.

Board member Christian Swann stated that an Overlay was by no way an entitlement of any kind and stated that each project submitted would be scrutinized. He stated that the document served as a great balance of progressive and exciting new development over time, but maintaining the ambiance that one feels when arriving in Winter Park. He stated that as a resident, he felt the Ordinance would be a great basis and could be replicated in different corridors throughout Winter Park and Greater Orlando. He urged his fellow board members to support and motion to approve the Ordinance.

Chairman Johnston stated that he was a businessperson who focused on profit and loss. He stated that he believed the public/private partnership that would be put in place would allow the free market to step in and invest capital and assume the risk that the government could not. He talked about the lack of development along Orange Avenue and the Progress Point property and stated that there was a need for the private development market to work with the City to improve conditions in the area. Mr. Johnston stated that the Ordinance was a framework to guide development and felt the Ordinance should be moved on to the City Commission.

Motion made by Adam Bert, seconded by Laura Turner to approve CPA #19-04 Request of the City of Winter Park to amend 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.

Motion carried unanimously with a 7-0 vote.

Motion made by Laura Turner, seconded by Owen Beitsch to approve ZTA #19-05 Request of the City of Winter Park to amend Chapter 58 "Land Development Code", Article III, "Zoning Regulations" so as to adopt a new zoning district Section 58-83 Overlay Districts (OD) with the following amendments:

- 1. Page 17 - Meaningful Open Space: Modified changes to say, "Existing park space shall not count toward required open space" taking out references to sidewalk and potential rights-of-way as counting towards open space requirements.**

2. Page 21 - Variances: Add reference to variance criteria defined in other sections for the land development code, specify specific chapter in which variances are contained as was recommended by the City Attorney
3. Page 31 - Road Closures remove the word "or"
4. Page 36/37 - Enhancement Matrix - CT1 and CT2 Trail: Staff to modify language to allow trail to meander through property as long as it extends the entire length of the properties for future trail locations.

Motion carried unanimously with a 7-0 vote.



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

January 22, 2020

**RE: City Commission (Local Governing Body)
Recommendations on Proposed Orange Avenue Overlay
Comprehensive Plan Amendments Transmittal**

Enclosed is a Comprehensive Plan amendment recommended for approval on first reading by the City Commission. The City Commission held 12 worksessions and a public hearing on January 13, 2020 that was continued to an additional public hearing on January 16, 2020 and voted to approve this Comprehensive Plan Amendment to create the Orange Avenue Overlay District. Attached are the meeting minutes including their recommendations and amendments from their January 13, 2020 and January 16, 2020 meetings.

Comments or questions regarding the proposed amendment should be directed to Bronce Stephenson, Planning & Community Development Director, City of Winter Park, at the address appearing in this letter, by calling 407-599-3665 or by emailing bstephenson@cityofwinterpark.org.

Sincerely,

Bronce L. Stephenson, MPA
Director of Planning & Community Development

1.13.2020 & 1.16.2020 City Commission Meeting

Orange Avenue Overlay District

Motions & Amendments

In the table below, the original motion to approve is shown along with all amendments to the original motion. The initials of the Commissioner who made the motion amendment is shown in each box, followed by the Commissioner who seconded the motion. The table also defines whether the motion would affect the Zoning Code Ordinance, the Comprehensive Plan Ordinance, or both. The Green highlighted Motions or Amendments passed. The Yellow highlighted Amendments failed. The items not highlighted were withdrawn or superseded by other amendments.

Motion & Amendments			
	Pass	Fail	Ordinance Affected
			Comp Plan Zoning
Main Motion			
-	3-2		<div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div>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Motion & Amendments				Pass	Fail	Ordinance Affected	
						Comp Plan	Zoning
			board and city commission for consideration in rendering a decision on the proposed conditional use sought for the proposed development."				
			Notes: Comments provided are not to be binding, but will be provided to staff, P&Z and Commission. Utilize existing continuing services providers for reviewers, use existing staff with proper certifications for review, and rotate continuing services providers.				
2	4-1		GS-CC – Delete the following portions of Subarea E – The location of the former Orchard Supply and all parcels on the east side of Orlando Avenue.			x	x
			GS-TW – Subarea C standards redefined as follows:				
			<ul style="list-style-type: none"> • Reduce Maximum Achievable FAR from 125% to the Base FAR of 60% • Keep maximum height at 4 stories to ensure parking structures could be built. • Parking Garage may be constructed to provide required parking for onsite uses and additional parking to be available for area businesses and general public. Will allow partnerships to build needed spaces. • 1.5 acre park-space oriented towards Denning, keeping area for rail-trail. 			x	x
4	4-1		CC-TW – Section b.1.Purpose(21) shall now read "Explore the implementation of Implement a Transportation Impact Fee for new development in the OAO to fund the transportation infrastructure that are needed to address the existing and new transportation issues in the area."				x
			Notes: Nullified due to Amendment 15				
5	5-0		GS-SS – All language in subareas referencing right-of-way closure and vacation shall replace the wording "shall be encouraged" with "may be considered"				x
			CC-TW – Replace current section 3.1.g language with the following "g. Single-Family Residential Uses within the Overlay District. The OAO shall not apply to existing single-family residential uses or structures developed prior to the effective date of this section, neighborhoods, or residential developments.				
			Protections of existing single-family residential uses and structures shall be implemented. Properties currently used and developed as single-family 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				
6	5-0					x	x

Motion & Amendments				
	Pass	Fail	Ordinance Affected	
			Comp Plan	Zoning
8		2-3	x	x
<p>CC-TW – Replace language related to Density Transfer for Subarea D and Subarea J with the following:</p> <p><i>"Density Transfer. At the time of the adoption, [the owner of properties within Subarea (D or J) (as defined by the map below) or vacated rights-of-way within Subarea-D, shall be allowed to transfer the existing residential density entitlements, based on the maximum residential units per acre permitted under of the underlying zoning designation existing just prior to the effective date of this section, from other properties within the OAO that are under common ownership on the date of the first reading of the ordinance adopting this section, as reflected on the map below to this Subarea-D, though not the square footage. However, properties that have previously developed to the maximum entitled square footage under their underlying zoning designation existing just prior to the adoption of this section do not qualify for and are not permitted to transfer residential density to receiving properties within the OAO. Properties that transfer residential density shall also receive a reduction of the maximum floor area ratio governing the development or redevelopment of such property under the OAO based on the number of residential units transferred times 450 square feet. 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 as referenced above the non-residential development maximum floor area ratio shall be reduced on the property from which the residential density transfer occurs, and the documents to be recorded in the Orange County Public Records memorializing this the aforesaid density and floor area ratio including associated deed restriction shall be reviewed and approved by the City and thereafter executed and recorded prior to any development occurring that relies on such density transfer. It is the intent of density transfers under this subsection to create no properties, other nodes of intensity, allowing for residential uses, which are key to the successful creation of mixed-use districts and create of development that can fund the needed parking and regional</i></p>				

Motion & Amendments		Ordinance Affected		Fail	Pass	2-3	2-3	12
		Comp Plan	Zoning					
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 of currently entitled units at the underlying zoning into the defined Subarea (D or J). 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. <u>No properties other than those shown on the map below</u> , owned by (Demetree Global Holler Holdings) or <u>subsidiaries</u> (define), shall be eligible for density transfer within Subarea (D or J).								
9	SS-GS – Approve staff’s recommendation of “Properties transferring available residential units to either Subarea D or 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” as an alternative to the motion made by Commissioner Cooper regarding density transfer in Amendment 8.	x	x		5-0			
10	CC-TW – Add the following whereas statement, “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.”		x		3-2			
11	CC-TW – Add medical office parking standards to parking code section. 1 Parking Space per 200 Square Feet.		x		3-2			
12	CC-TW – Remove exclusion of parking garages from Floor Area Ratio (FAR) calculations.	x	x	2-3				

		Motion & Amendments		Ordinance Affected		Fail	Pass		
				Comp Plan	Zoning				
13	3-2				X				CC-TW – Add language stating that Subarea A properties shall get priority for available parking garage spaces that are required to be available for lease.
14	5-0				X				CC-TW –Section 3.1.j.7.F - Add language allowing liner buildings as acceptable parking garage screening.
15	3-2				X				CC-TW – Remove Section b.1.Purpose(21) and add a new section after 3.1.0 that reads: " <i>Transportation infrastructure proportionate fair share.</i> 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."
16	5-0				X				CC-TW – Add language to the Section 3.1.p.1.a.1 to read: Floor Area Ratio (to the extent existing structure already exceeds FAR)
17	5-0				X				CC-TW – Change Subarea B language to require a 30-foot rear setback. Section 3.1.p.2.a.5.c to read: Rear: 20-30
18		2-3			X				CC-TW – Modify language in Section 3.1.p.3.d to read: " <i>Road Closures.</i> Realignment Closing and vacation of the Palmetto Avenue right-of-way shall be considered encouraged, subject to City Commission approval, as the street bisects the property and creates limited development opportunities of the site but is necessary it be maintained as a parallel transportation facility to relieve congestion on Orange Avenue. 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. "

Notes: Would apply to all references in the Ordinance

	Pass	Fail	Ordinance Affected		Motion & Amendments
			Comp Plan	Zoning	
19		2-3		x	CC-TW – Change all of the Subarea Base Floor Area Ratio percentages to the existing underlying zoning district maximum achievable FAR in current Zoning Code.
20		2-3	x	x	CC-TW – Modify Subarea D to a Maximum Achievable FAR of 100% and modify the maximum height to the average height (in feet) of Commerce National Bank and TD Bank heights, and to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.
21		2-3	x	x	CC-TW – Modify Subarea D's maximum height to the average height (in feet) of Commerce National Bank and TD Bank heights, and to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.
22		2-3	x	x	CC-TW – Limit Subarea D and J to a maximum of 25 units per acre with density transfers.
23		2-3	x	x	CC-TW – Change Subarea J maximum FAR to Maximum Achievable FAR of 85% until the 3D illustration is provided and traffic impact and improvements are reviewed.
24	5-0		x	x	CC-TW – Change Subarea J to a maximum height of three stories fronting on Fairbanks Avenue, and to four stories when located 100 feet back from Fairbanks Avenue.
25		1-4		x	CC-TW – Remove all of the Development Enhancement Menu Options with the exception of the following: AC.3, P.1, M.2, OS.1, OS.2, OS.5, OS.6, CT.1, CT.3 and CT.7.
26		2-3	x	x	TW-CC – Remove all properties with underlying residential zoning.
27	4-1		x	x	TW-CC – Remove all references to the plural "districts" in the enacting language and use the word "district" instead.
28			x	x	TW-CC – Remove Subarea G from the OAO. Notes: withdrawn
29	4-1			x	TW-CC – In Section 3.1.c. <i>Permitted Uses</i> .(2)., make the following changes: Bars, taverns, cocktail lounges (with or without food sales) Notes: add Bars, taverns, cocktail lounges (without food sales) to CU list



Motion & Amendments				
	Pass	Fail	Ordinance Affected	
			Comp Plan	Zoning
30	3-2			x
<p>TW-CC – In Section 3.1.c. <i>Permitted Uses</i>, (5), make the following changes: Breweries/distilleries (with food sales).</p> <p>Notes: add Breweries/distilleries (without food sales) to CU list</p>				
31	2-3			x
<p>TW-CC – Make the following change to Section 3.1.i.1.1: “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 level interior parking garage, only the 4 stories would count as they are the only part visible).”</p>				
32	2-3			x
<p>TW-CC – Make the following change to Section 3.1.j.1.1: “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 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 20 feet unobstructed and shall have unobstructed vertical clearance per National Fire Protection Act (NFPA) codes.”</p>				
33	4-1			x
<p>TW-CC – Make the following change to Section 3.1.j.7: “Parking structures on the north side of Fairbanks Avenue shall not be allowed exempt from parking garage FAR.”</p>				
34	3-2		x	x
<p>TW-CC – Make the following change to Section 3.1.l. <i>Meaningful Open Space Requirements</i>. “At least 50% 80% of open-space areas provided shall be greenspace.” Notes: amendment changes to 65% of open-space areas provided shall be greenspace and 80% of the open-space to be pervious or semi-pervious.</p>				
35		2-3		x
<p>TW-GS – Make the following change to Section 3.1.q.1. <i>Orange Avenue Overlay District Development Enhancements/Bonuses. Table 6: Orange Avenue Overlay</i></p>				

Motion & Amendments				
Pass	Fail	Ordinance Affected	Comp Plan	Zoning
		District Development Enhancement Menu – Meaningful Open Space Category.OS.4. Mead Garden Improvements: "Donation to Mead Botanical Garden Improvements/Restoration/Enhancements Shall Earn a 1% Entitlement Increase for Each \$10,000 Donation 1 square foot of additional building space per each \$10 donation, with the allowable square footage earned up to a 10% entitlement increase. The Funds Shall Only Be Used for Capital Improvements or Enhancements in Mead Botanical Garden." TW-GS – Make the following change to Section 3.1.q.1. Orange Avenue Overlay District Development Enhancements/Bonuses. Table 6: Orange Avenue Overlay District Development Enhancement Menu – Meaningful Open Space Category.OS.6. Martin Luther King, Jr. Park Expansion: "Donation to the City of Winter Park, Park Acquisition Fund Shall Earn a 1% Entitlement Increase for Each \$10,000 Donation 1 square foot of additional building space per each \$10 donation, with the allowable square footage earned up to a 10% entitlement increase. 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."		
36	2-3			x
NEW AMENDMENTS MADE AT 1.16.2020 Meeting Continued from 1.13.2020				
37	5-0			x
38	5-0		x	x
39	2-3	x		
40	2-3			
41	5-0		x	x
42	5-0		x	x
43	5-0			x



ORANGE AVENUE OVERLAY DISTRICT DISTRICT BOUNDARIES and LOCATION INFO

LEGEND

-  Overlay District Boundary
-  Overlay District Parcel Boundaries

Notes:

District Size = 85.5 acres (with ROW)
District Size = 66.9 acres (w/out ROW)



LAKEVIEW AVE



ORANGE AVENUE
OVERLAY DISTRICT
FLUM-1-24
DISTRICT BOUNDARIES

LEGEND

- Overlay District Boundary
- Overlay District Parcel Boundaries

HARPER ST

BROAD

W COMSTOCK AVE

W FAIRBANKS AVE

WARD AVE

ENTUCKY AVE

SOUTH KENTUCKY AVE

ARAGON AVE

BUNGALOW AVE

MILES AVE

MINNESOTA AVE

S DENNING DR

OAK PL

KELLY PL

MICHIGAN AVE

MILLER AVE
SCHULTZ AVE

INDIANA AVE

HARMON AVE

CAVENDISH RD

SUFFOLK RD

ORCHID AVE

GARDEN DR

CAMELLIA AVE

LETH AVE

WESTCHESTER AVE

S ORLANDO AVE

BALCH AVE

ORANGE AVE

PALMETTO AVE

CYPRESS AVE

BARNUM AVE

AZALEA LN

WASHINGTON AVE

S PENNSYLVANIA AVE

CLARENDON AVE

MELROSE AVE

ARLINGTON PL

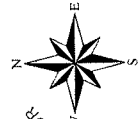
FAIRFAX AVE

OXFORD RD

RICHMOND RD

BONNIE BURN CIR

SANTIAGO DR
BARCELONA WAY



MARYLAND AVE

MCINTYRE AVE

HUNTINGTON AVE

HOLT AVE

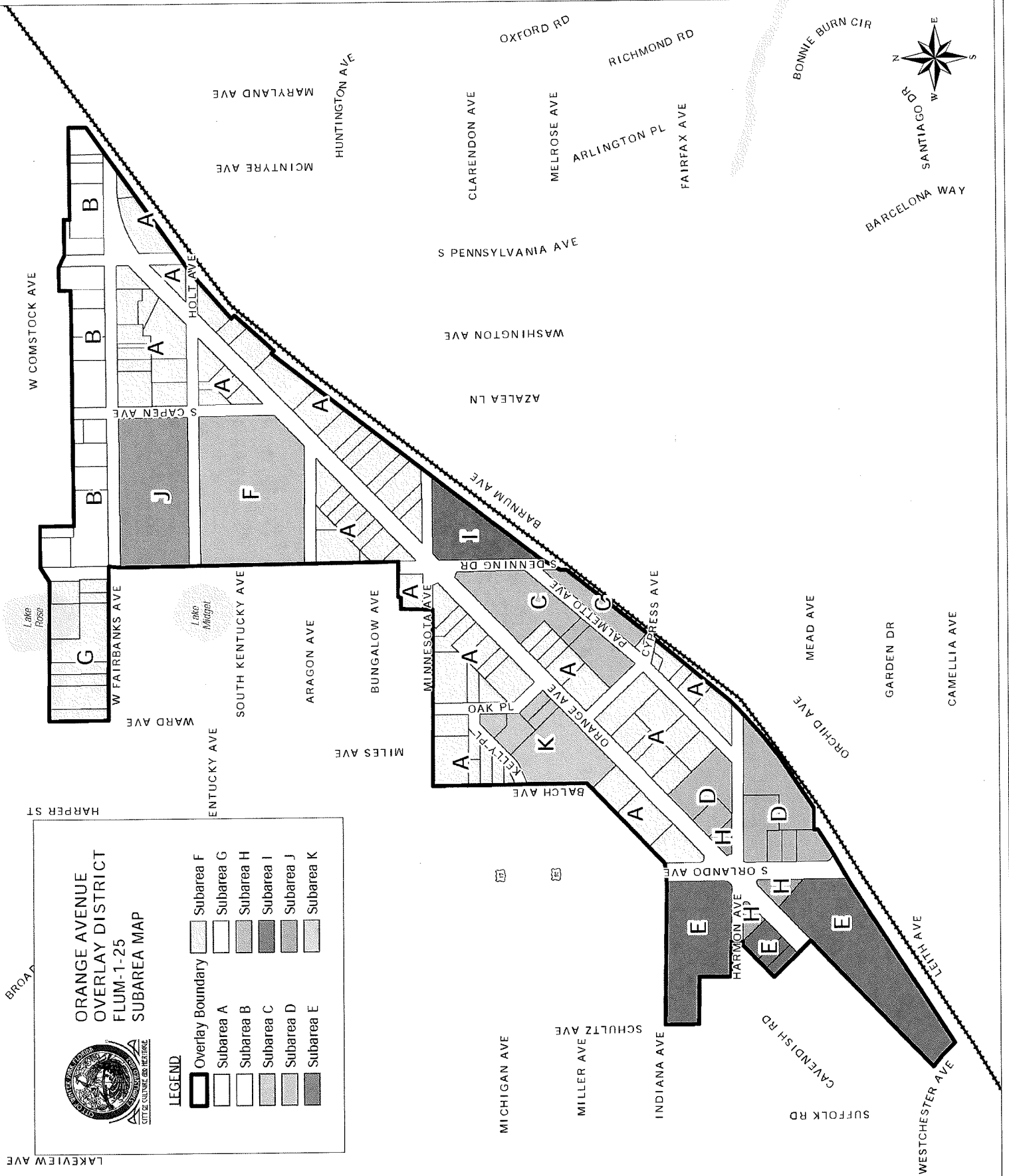
S CAPEN AVE



ORANGE AVENUE
OVERLAY DISTRICT
FLUM-1-25
SUBAREA MAP

LEGEND

	Overlay Boundary		Subarea F
	Subarea A		Subarea G
	Subarea B		Subarea H
	Subarea C		Subarea I
	Subarea D		Subarea J
	Subarea E		Subarea K



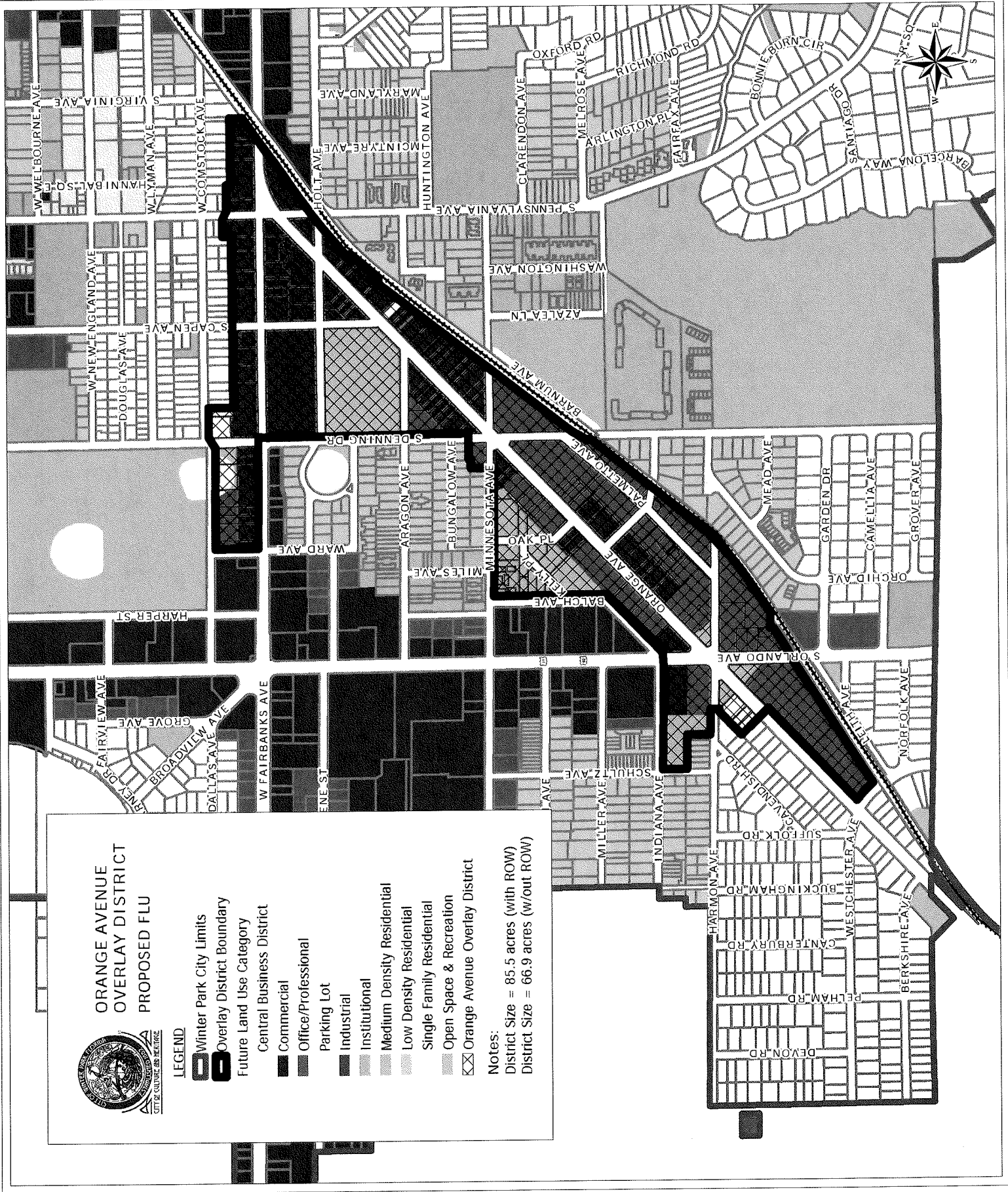


ORANGE AVENUE OVERLAY DISTRICT PROPOSED FLU

LEGEND

- Winter Park City Limits
- Overlay District Boundary
- Future Land Use Category
- Central Business District
- Commercial
- Office/Professional
- Parking Lot
- Industrial
- Institutional
- Medium Density Residential
- Low Density Residential
- Single Family Residential
- Open Space & Recreation
- Orange Avenue Overlay District

Notes:
District Size = 85.5 acres (with ROW)
District Size = 66.9 acres (w/out ROW)



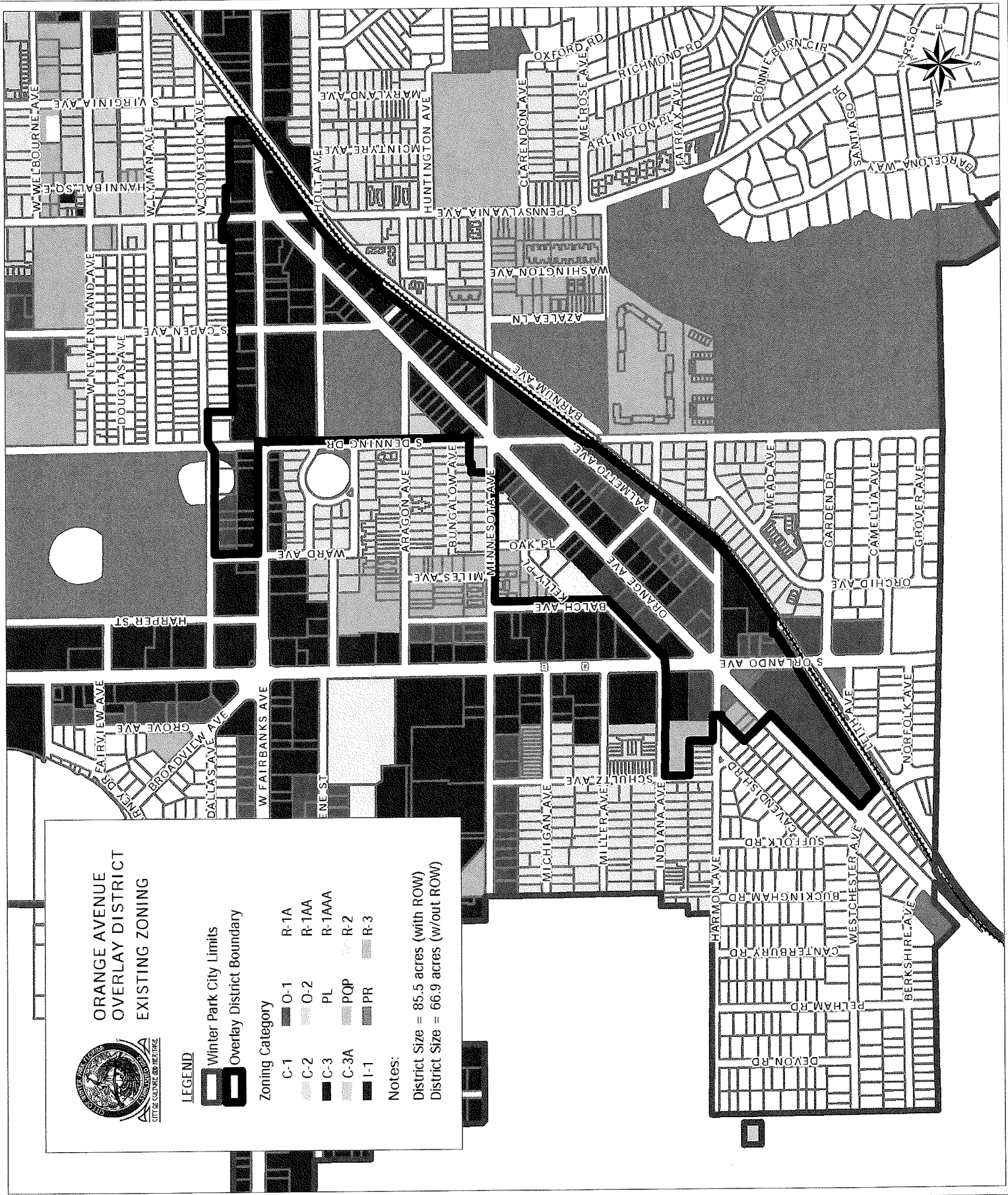


Winter Park City Limits
Overlay District Boundary

Zoning Category

Notes:

District Size = 85.5 acres (with ROW)
District Size = 66.9 acres (w/out ROW)



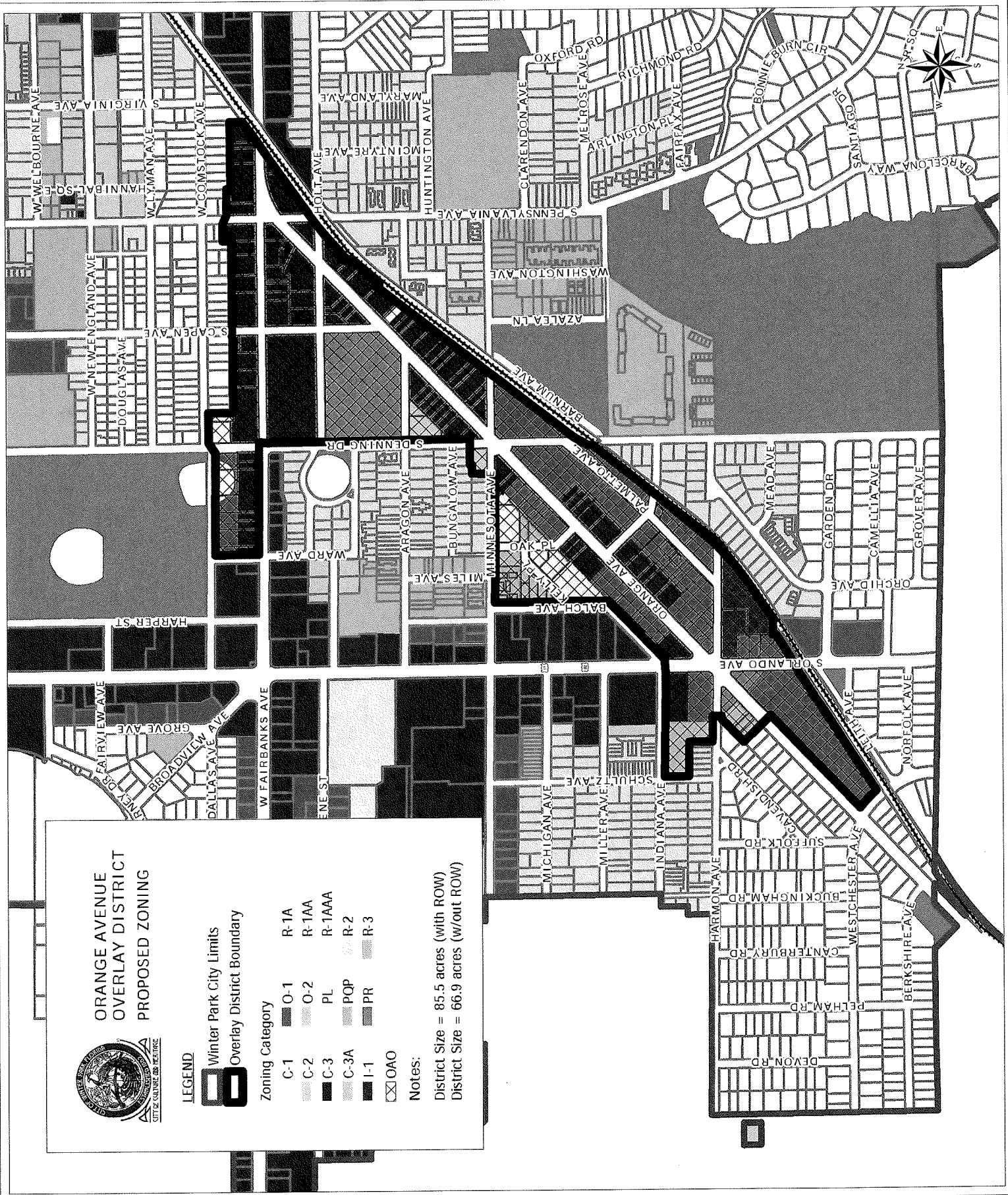


ORANGE AVENUE
OVERLAY DISTRICT
PROPOSED ZONING

Winter Park City Limits
Overlay District Boundary

C-1	O-1	R-1A
C-2	O-2	R-1AA
C-3	PL	R-1AAA
C-3A	PQP	R-2
I-1	PR	R-3

District Size = 85.5 acres (with ROW)
District Size = 66.9 acres (w/out ROW)



citywide PUBLIC NOTICE



ORANGE AVENUE OVERLAY DISTRICT

PUBLIC HEARINGS	Planning & Zoning Board TUESDAY 12-03-19* @ 6 p.m. City Commission MONDAY 01-13-20* @ 3:30 p.m. <small>*Dates are subject to change. Please visit cityofwinterpark.org/citywide-notice for any updates.</small>	
	2019 2020	City Hall Commission Chambers 2nd Floor 401 S. Park Ave. Winter Park, Florida 32789

The City of Winter Park is considering the creation of the Orange Avenue Overlay District, a Zoning Overlay, which would create new Land Development Code standards for development and redevelopment of properties within the Overlay District. This Overlay District is being considered as directed by the city's Comprehensive Plan. As a part of the creation of the Overlay District, the City of Winter Park Comprehensive Plan would be amended to reflect and accommodate the new development standards of the Overlay District. For more information about the Orange Avenue Overlay District, including draft language and maps, please visit cityofwinterpark.org » Departments » Planning & Community Development.

NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105).

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning & Community Development Department at 407-599-3324 at least 48 hours in advance of the meeting.

2019
2020
2021

citywide PUBLIC NOTICE



ORANGE AVENUE OVERLAY DISTRICT

PUBLIC HEARINGS

Planning & Zoning Board
TUESDAY 12-03-19* @ 6 p.m.

City Commission
MONDAY 01-13-20* @ 3:30 p.m.

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cityofwinterpark.org/citywide-notices for any updates.

City Hall Commission Chambers
2nd Floor | 401 S. Park Ave.
Winter Park, Florida

401 South Park Avenue
Winter Park, FL 32789

PPSRT STD
U.S. POSTAGE
PAID
ORLANDO, FL
ACG



Public Hearing

NOTICE OF AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE TO ADOPT A NEW OVERLAY DISTRICT SECTION

NOTICE IS HEREBY GIVEN that the Winter Park City Commission will hold a Public Hearing on Monday, January 13, 2020 at 5:01 p.m., in City Hall Commission Chambers, located at 401 South Park Avenue in the City of Winter Park, Florida, to consider the adoption of an Ordinance to amend the Comprehensive Plan and Land Development Code to adopt a new Overlay District Section, including the creation of a new Orange Avenue Overlay District.

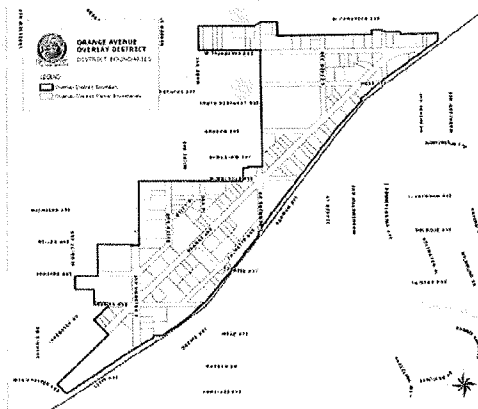
Copies of the proposed Ordinances are available for inspection in the Planning Department in City Hall, Monday through Friday, from 8 a.m. to 5 p.m., as well as on the city's official web site at www.cityofwinterpark.org.

All interested parties are invited to attend and be heard with respect to the adoption of the proposed amendments. Additional information is available in the Planning Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the hearing.

Pursuant to the provisions of the Americans with Disabilities Act: any person requiring special accommodation to participate in this meeting, because of disability or physical impairment, should contact the Planning Department at 407-599-3324 at least 48 hours in advance of this hearing.

Pursuant to §286.0105 of the Florida Statutes: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

PUBLISH: December 8, 2019 ORLANDO SENTINEL





CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

January 21, 2020

RE: Analysis of Sanitary Sewer, Solid Waste, Drainage, Potable Water & Water Supply, Traffic Circulation & Recreation

As a part of the creation of the Orange Avenue Overlay District, there was significant analysis of the ability for redevelopment in the Orange Avenue area, based on our existing infrastructure. As is the case with any development within the City of Winter Park, each City Department is asked to evaluate the development potential and asked to analyze the ability to adequately provide service to the area. The following analysis from the various City of Winter Park Departments is submitted:

- The City of Winter Park Fire and Rescue Department can adequately provide service and response to the area. As the Overlay anticipates addressing safety concerns in the area that have made this corridor the most dangerous traffic corridor in town, the Department is in full support of the amendments. Fire Chief Dan Hagedorn provided the analysis of Fire & Rescue services.
- The City of Winter Park Electric Utility has the capacity to provide service to current and future development of the area, without need for major upgrades to their system. Electric Utility Director Dan D'Alessandro provided the analysis of the Winter Park Electric system.
- The City of Winter Park uses Waste Pro to handle the solid waste and recycling services provided to Winter Park residents. Waste Pro can adequately handle the redevelopment opportunities within the Orange Avenue Overlay area.
- The City of Winter Park Police Department can adequately provide service and response to the area. As the Overlay anticipates addressing safety concerns in the area that have made this corridor the most dangerous traffic corridor in town, the Department is in full support of the amendments. Police Chief Michael Deal provided the analysis.
- The City of Winter Park Water & Wastewater Department analyzed the potential redevelopment of the area and found that the potable water system and the wastewater system can adequately handle the potential development. No major upgrades to the system will be required. Winter Park Water & Wastewater Director David Zusi provided the analysis.
- This area of Winter Park is one of the most well served areas in town in terms of available Parks and Recreation. Within the Overlay District and a small walkable radius, there is the Winter Park Tennis Center, Martin Luther King, Jr. Park, Lake Midget Park, the Rollins College Baseball Stadium, Azalea Lane Playground and Mead Botanical Garden. From active to passive recreational opportunities,

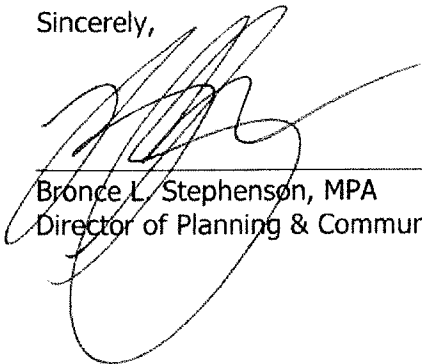
this area of Winter Park is capable of providing opportunities to users of all ages. This analysis was provided by Winter Parks Director of Parks & Recreation, Jason Seeley.

- This area is adequately able to currently handle the stormwater and rain events, but the Overlay District specifically incentivizes the creation of regional stormwater retention and treatment areas. As the area was primarily developed prior to current stormwater standards and has very little retention or treatment, this Overlay is a major step towards improving water quality in the chain of lakes that makes our City so special. This analysis was provided by Public Works Director Troy Attaway, P.E.
- Traffic and Transportation analysis have been a major component of the Orange Avenue Overlay District. This section of Orange Avenue was formerly under FDOT jurisdiction and was classified as a State Highway, but the City of Winter Park took over jurisdiction years ago when improvements were made to the area. As a part of the Overlay process, the City of Winter Park utilized the consultant services of Kimley Horn to provide various levels of analysis, design and modeling of transportation improvements. The analysis of crash data from this area has shown that the area is unsafe for vehicles, pedestrians and cyclists. As the Overlay District is strictly a framework and land use action, no transportation projects accompany this amendment, but the City is working to analyze multiple intersection improvements, improve bicycle and pedestrian safety and provide safe transportation opportunities for all modes. This analysis was performed by Planning Director Bronce Stephenson, Public Works Director Troy Attaway, P.E. and consultants from Kimley Horn, Mike Woodward, P.E. and Stephen Stanbury.

Overall, in-depth analysis has shown that this area is capable of handling the redevelopment that is anticipated as a part of the creation of the Orange Avenue Overlay District. No major infrastructure projects will be required to accommodate redevelopment of the area.

Comments or questions regarding the proposed amendment should be directed to Bronce Stephenson, Planning & Community Development Director, City of Winter Park, at the address appearing in this letter, by calling 407-599-3665 or by emailing bstephenson@cityofwinterpark.org.

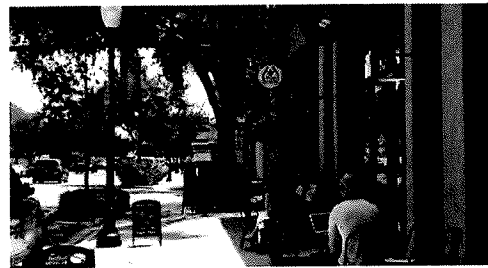
Sincerely,



Bronce L. Stephenson, MPA
Director of Planning & Community Development

CHARACTERISTICS OF AMENDMENT	COMPREHENSIVE PLAN AMENDMENTS
Is not applicable to an area of critical state concern	Not in ACSC
Is not exempt from the twice per calendar year limitation on the adoption of comprehensive plan amendments;	Not exempt
Is not directly related to an intergovernmental coordination element, but the proposed amendment does include revised objectives and policies regarding such coordination;	Does not amend ICE
Is not an amendment related to the location of a state correctional facility;	Not related to correctional facility
Is not solely related to the identification of land use categories in which public schools are deemed an allowable use, but does include as part of the proposed amendment an objective and policies pertaining to school siting;	Not related to school siting
Is not solely related to an amendment to the Capital Improvements Element, but does include as part of the proposed amendment modifications to this Element;	Does not amend CIE.
Is not an amendment related to an economic development project pursuant to subsection 163.3187(1)(f), Florida Statutes	Not related to State Economic Development program
Is not an amendment changing school concurrency service area boundaries, which the City is not required by Section 163.3187, Florida Statutes, to establish such standard;	No amendment to school concurrency
Is not an amendment directly related to a proposed redevelopment of "brownfield" areas	No brownfield area involved
Is not related to a port transportation facilities;	Not related to port facility
Is not related to the an urban infill or redevelopment area under Section 163.2517, Florida Statutes; and	Not related to infill & redevelopment per statute
Is not part of a joint planning agreement.	Not part of a Joint Planning Agreement
The City is located in Orange County however, not subject to the Wekiva River Protection Area, pursuant to Chapter 369, Part III, F.S.	Not subject to the Wekiva River Protection Area

ORANGE AVENUE



OVERLAY DISTRICT

CITY OF WINTER PARK, FLORIDA



Special Thanks:

City Commission

Mayor Steve Leary
Vice-Mayor Greg Seidel
Commissioner Carolyn Cooper
Commissioner Sarah Sprinkel
Commissioner Todd Weaver

Planning & Zoning Board

Chair Ross Johnston
Vice-Chair Ray Waugh, P.E.
Laura Turner, AICP
Dr. Owen Beitsch, AICP
Chuck Bell
Christian Swann
Laura Walda
Adam Bert

Orange Avenue Overlay Steering Committee

Phil Kean, AIA – Mayor Leary Appointee
Sally Flynn – Vice-Mayor Seidel Appointee
Michael Dick – Commissioner Cooper Appointee
Lamont Garber – Commissioner Sprinkel Appointee
Sheila De Ciccio – Commissioner Weaver Appointee
Laura Turner, AICP – Planning & Zoning Board Representative
Bill Sullivan – Vision Winter Park Representative
Lambrine Macejewski – Community Redevelopment Agency Advisory Board Representative
Ben Ellis, P.E. – Keep Winter Park Beautiful & Sustainable Board Representative
Jill Hamilton Buss – Transportation Advisory Board Representative
Bill Segal – Economic Development Advisory Board Representative

City of Winter Park Staff

Kim Breland – Planning & Community Development
Allison McGillis, AICP, CNU-A – Planning & Community Development
Kyle Dudgeon, AICP – Community Redevelopment Agency & Economic Development
Nick Lewis – Planning & Community Development
John Nico – Planning & Community Development
Russ Carol – Information Technology
Bronce Stephenson, MPA – Planning & Community Development

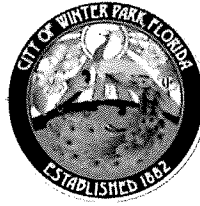
Consultants

Kimley-Horn (Traffic/Mobility/Renderings) & Zyscovich Architects (Massing Studies)



INTRODUCTION

The following information was prepared as supporting information and analysis as part of the proposed Comprehensive Plan Amendments to create the Orange Avenue Overlay District and outlines the consistency of the proposed land use amendments with the City's currently adopted future land use element goals, objectives and policies, and those of other affected elements.



SECTION ONE

BACKGROUND

HISTORY

Orange Avenue in Winter Park traces its roots to the horse and buggy days of yesteryear, when it was called the Orlando-Winter Park Highway, and Denning Drive was known as Maitland Avenue. Some of the original names associated with ownership of Orange Avenue properties are well known in Winter Park even today - the Capen family, Loring Chase, Oliver Chapman, Swoope, the Knowles family, JE Harper and Frank Fairbanks. Early business involvement by such important companies as Overstreet Turpentine Company and the Winter Park Company reflected the importance of Orange Avenue to the growing City of Winter Park.

Today, the area is a menagerie of assorted businesses, with the quaint charm of the area known as Designers Row, the Winter Park Playhouse as a great cultural asset, and the Rollins Baseball stadium. Additionally, the area has a number of restaurants, boutiques and business offices. Jewett Orthopedic is a key presence along Orange Avenue and the largest employer in the area. But, as new investment has been made on smaller properties, many of the older properties and larger properties have further declined and seen little to no investment. Currently, of the nearly 67 acres within the Orange Avenue Overlay District, at least 20 acres are vacant, undeveloped, or not utilized. Many properties have been purchased just for the available parking, leaving the building empty. The lack of new investment and the numerous larger properties that have fallen into further decline have certainly negatively impacted the small businesses in the area and in many people's eyes, the area is simply a cut-through for traffic, creating no life on the street.

But the bones are there for Orange Avenue to be the next great Place in Winter Park. There exists a great mix of small businesses, restaurants, design firms, boutiques and other retailers that can serve as the foundation on which to build a special Place. A place to bring your family and friends. A place where students can grab a cup of coffee and study. A place where you can safely walk or ride your bike. A place where you can escape to the tranquil beauty of nearby Mead Botanical Garden. A place to spend a whole day shopping, relaxing, enjoying food and drink, seeing old friends and making new ones. With the vision, passion, careful planning and boldness that

have created the Winter Park that this community loves, Orange Avenue can be the newest jewel in the crown of Winter Park.

Why Create the Orange Avenue Overlay?

It is the intent of the Orange Avenue Overlay (OAO) District 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 Overlay District 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 City of Winter Park has discussed the possible redevelopment of Orange Avenue for many years, but little has been achieved. The City Commission made the creation of a Mixed-Use Overlay District a priority in the Comprehensive Plan and also directed staff to create a process that would bring forward a Mixed-Use Overlay District.

Overlay Districts

The first question to many is, what is an Overlay District?

An Overlay District is planning tool that can provide the flexibility to achieve a vision for an area that would not be able to be created with basic inflexible zoning codes. An Overlay District is a geographically designated area where certain additional codes are overlaid atop underlying zoning district(s). In many cases, the new codes adopted in the overlay replace the codes that are dictated in the underlying zoning districts, so it essentially acts as a new zoning code for a particular area. The district modifies or supplements the base 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.

Placemaking

The concept of Placemaking has been a major component of the Orange Avenue Overlay creation. By using the community input that was provided as a part of the Vision Winter Park process, the process of updating the Comprehensive Plan, and from the Orange Avenue public input process, a vision for the area began to take shape.

Placemaking can be defined 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.

GOALS

The Goals of the Orange Avenue Overlay District are to:

- (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.
- (21) Explore the implementation of a Transportation Impact Fee for new development in the OAO to fund the transportation infrastructure that are needed to address the existing and new transportation issues in the area.

VISION WINTER PARK

The Winter Park Visioning process and subsequent document that was created in 2016 have been guiding principles for the creation of this Overlay District. The Vision Winter Park Document states the following:

Our Vision - Winter Park is the city of arts and culture, cherishing its traditional scale and charm while building a healthy and sustainable future for all generations.

Vision Themes:

- Cherish and sustain Winter Park's extraordinary quality of life.
- Plan our growth through a collaborative process that protects our city's timeless scale and character.
- Enhance the Winter Park brand through a flourishing community of arts and culture.
- Build and embrace our local institutions for lifelong learning and future generations.

COMPREHENSIVE PLAN

The Winter Park Comprehensive Plan, adopted by the City Commission in 2017, has a number of goals, objectives and policies that have guided to the creation of the Orange Avenue Overlay District. Most importantly, Policy 1-2.4.14 (shown below), which dictates that the city **will create a mixed-use overlay or district**. Following the adoption of that policy, the Commission directed staff to move forward with the Orange Avenue Overlay District. Furthermore, the following Comprehensive Plan goals, objectives and policies are applicable:

- **GOAL 1-1: MAINTAIN THE CITY'S CHARACTER**
Ensure the City of Winter Park maintains its traditional scale and low density residential character while at the same time providing for the most effective provision of services; to promote sustainable community development now and for future generations; to promote conscientious economic development in appropriate locations, to promote quality infill and redevelopment which strengthens the character of the City, to protect sensitive natural areas by directing growth to environmentally appropriate areas, and prohibit those uses which are incompatible.
- **OBJECTIVE 1-1.2: Development Scale**
Encourage development that fosters pedestrian connectivity, appropriate design and landscaping with building mass and scale.
- **Policy 1-2.4.14: Mixed Use Designation**
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.
- **OBJECTIVE 1-4.1: Maintain the Economic Vitality of the City**
Plan and manage the City's growth and redevelopment to promote an attractive business climate while protecting the residential character of Winter Park.
- **Policy 1-4.1.3: Redevelopment Along Major Corridors**
The City will monitor the redevelopment of its major commercial arterials including Orlando Avenue, Lee Road, Fairbanks Avenue, Aloma Avenue, and Orange Avenue to determine trends, employment activity, high areas of redevelopment activity and compatibility and work to create policies and implementation tools to ensure quality.

- **Policy 1-5.2.5: Ensure Compatible Size, Form & Function are Achieved in Areas Designated Medium- and High-Density Residential**
 The City shall apply regulatory measures within Medium and High-Density Residential designated areas in order to avoid land use compatibility conflicts due to dissimilar building types, size, mass, articulation, height, and other design features or ancillary loss of views, privacy, and access to light, as well as noxious impacts of traffic, noise, adverse changes in drainage patterns, and other negative effects of incompatible development.
- **Policy 1-5.2.6: Investigate Policies for Density Issues Surrounding, Multiple Family Structures.**
 The City shall investigate approaches for revising land use policies addressing renovation or redevelopment of all multi-family regulations for apartments and condominiums, including their size, scale, design aesthetics and amenities.
- **OBJECTIVE 1-5.4: Development/Redevelopment of Multi-Family Residential, Commercial, Office & Mixed-Use Areas.**
 The City shall provide for development and redevelopment of its commercial and office areas when compatible with the scale and character the surrounding area context.
- **Policy 1-5.4.1: Redevelopment of Areas Designated Commercial & Office/Professional**
 The City shall consider adopting architectural design review guidelines along major transportation corridors, including form-based code, identify building types and/or structural design features that shall be encouraged and those to be discouraged due to their adverse impacts on property in the immediate area.
- **Policy 1-5.4.2: Improve Design Procedures & Resources and Architectural Review**
 The City shall periodically update approved design guidelines to enhance the quality of architectural design, achieve more compatible relationships in the design of buildings, avoid unsightly appearance, avoid inordinate contrast in building mass, scale, height, articulation, and other design features.
- **Policy 1-5.4.7: Gateway Plan for Development or Redevelopment of Properties**
 The City shall create Gateway Plans and design studies for the potential redevelopment of the major transportation corridors leading into Winter Park to include:

 1. West Fairbanks Avenue from I-4 east to Orlando Avenue;
 2. Orlando Avenue from the southern City limits to the northern City limits;
 3. Aloma Avenue from the City limits west to Lakemont Avenue;
 4. Orange Avenue from Fairbanks Avenue to Orlando Avenue;
 5. Lee Road from I-4 to Orlando Avenue.

- **Policy 1-5.4.8: Enhance the Appeal & Improve the Property Values of Certain Gateway Corridor Entrances into the City of Winter Park**
In order to establish, maintain and enhance the character and aesthetic appeal of certain important gateway corridor entrances into the City of Winter Park, and to increase the property values along such gateway corridor entrances to the City, in order to distinguish those gateways as attractive entrances into the City, the City shall, prohibit certain business types along the frontage of those roadway corridors to exclude any new or used car sales businesses, auto repair businesses, resale stores or pawn shops, vapor lounges or smoke shops, adult oriented businesses, gas/service stations and convenience stores.
- **GOAL 1-7: COLLABORATIVE PLANNING PROCESS**
The City will embrace a collaborative planning process that evaluates and monitors the Goals, Objectives and Policies outlined in this Plan and enhances the community.
- **Policy 1-F-3: Prohibit Certain Business Types in Mead Garden Planning Area in Order to Preserve the Character of the Orange Avenue & Fairbanks Avenue Gateways to Winter Park**
The City shall prohibit certain business types within this Mead Garden Planning Area along Orange Avenue and Fairbanks Avenue including new or used car sales, new auto repair businesses, vapor stores and smoke shops, resale stores or pawn shops, tattoo businesses, adult oriented businesses, fast food businesses and convenience stores, as this portion of Orange Avenue and Fairbanks Avenue are gateways into the downtown and central business district of the City of Winter Park.
- **Policy 1-F-4: Support Restoration of Mead Botanical Garden.**
The City shall encourage the restoration of Mead Botanical Garden.
- **Policy 1-F-17: Orange Avenue Design Guidelines.**
The City shall consider design guidelines for the Orange Avenue corridor from Orlando Avenue to Fairbanks Avenue in order to protect and maintain the scale and appearance of this gateway corridor.
- **GOAL 2-1: BALANCED TRANSPORTATION SYSTEM.**
The City of Winter Park desires to ensure a balanced and safe transportation system that promotes a walkable, bicycle-friendly environment that encourages transit as well as ensures efficiencies along the roadway network.
- **OBJECTIVE 2-1.1: Safe & Balanced Multimodal System.**
The City shall create a Mobility Plan that promotes and supports the broad transportation needs of the community.
- **Policy 2-1.1.1: Multimodal Activities.**
The City defines mobility as the provision of multiple opportunities or choices in transportation modes for travel within and to/from the City through a multi-modal transportation system. The general hierarchy of modes is 1) walking, 2)

bicycling, 3) transit (bus and rail), and 4) private vehicles. The primary focus or overall mobility strategy is on the minimum provision of facilities for all modes and the connectivity based upon the mode hierarchy. Where adequate facilities exist for all modes, the City will prioritize enhancing the quality and integration of the facilities based upon the mode hierarchy.

- **Policy 5-1.1.3: Urban Form & Pattern**

The City shall integrate land use patterns and transportation systems by assuring that character, design, and intensity of development is compatible with adjacent transportation infrastructure and services. The City shall continue to facilitate an urban form following planning concepts inherent to neo-traditional neighborhood planning philosophies (i.e., grid system street pattern, residential and non-residential uses within walking distance, public open spaces and plazas).

- **Policy 5-2.6.4: Location of Park & Open Space Dedications**

Where park and open space dedications required of new development are placed on-site, they shall be placed in areas that provide the greatest protection to and preserve the most environmentally important and sensitive.

- **GOAL 6-1: PROVIDE ADEQUATE RECREATION AND OPEN SPACE**

By preserving, maintaining and enhancing a quality system of parks, open space and recreational facilities which satisfy the needs of the current and future residents of Winter Park.

- **OBJECTIVE 6-1.1: Provision of Public Park Land** The City of Winter Park shall assure that appropriate amounts of park land and open space will be within the public domain so as to meet the standards of this plan.

- **OBJECTIVE 6-2.2: Integration of Neighborhood Design With Parks & Open Space** Neighborhoods shall be planned and designed with parks and open space that provide available recreation opportunities for nearby residents.

- **Policy 6-2.2.1: Park Accessibility to Neighborhoods**

Neighborhoods shall be planned with park lands and open spaces intermixed with residential development and accessible within walking distance to residents. Park land within neighborhoods shall be designed to foster opportunities for social interaction and shall serve as a focal point for the surrounding residential areas.

- **OBJECTIVE 6-3.4: Interconnect Park System with Recreation & Transportation Trails and Paths** The City shall provide a park and open space system to interconnect parks by pedestrian and bicycle path lanes.

- **Policy 6-3.4.1: Link Parks & Public Open Space** The City shall provide bikeways, where possible and where public safety permits, to link open space and parks both internally and regionally to Winter Park. New park location and design should take into consideration the presence or feasibility to the park with other City facilities via bicycle paths and lanes.



SECTION TWO

PROCESS

Work Performed In-House

What is unique about this process is that in the past, the City has relied on outside consultants to perform most of the large-scale planning initiatives. These processes don't always allow for as much public participation and there is a feeling in the community that by the time the draft document is presented, there is no real opportunity to change the language. Additionally, the work was performed by people who may not live and work in the community, and may not have the insight of those who know Winter Park best.

That is why this process has been so different. This process was done completely in-house, with City staff from various departments involved, but led by the City of Winter Park Planning and Community Development team. Many studies have been performed on Orange Avenue in the past, but no actual codes or actionable documents had been created. The desired outcome for this process was to finally create updates to codes and planning documents that would actually stimulate thoughtful development.

Though the Planning team has great insight into the community, staff wanted an implementable plan that would be developed by Winter Park, for Winter Park. Therefore, a process was created that would be guided by the public from the start to the finish.

Staff utilized a Transportation Consultant, Kimley-Horn, to perform traffic assessments, a study of future impacts of development and to design for the optimization of intersections in the area. They were also tasked with looking at ways to improve safety for pedestrians, cyclists and vehicles in the area. Additionally, staff

utilized Architectural Consultant, Zyscovich & Associates to create models of different development scenarios to study massing and how to incorporate nodes of intensity that would create parking solutions, while keeping the traditional and walkable scale of the area.

This Overlay process represents more than 16 months of work by City staff.

Design Charette

Staff held an Orange Avenue Charette in the breakout room on May 30, 2019 at the Bear & Peacock Brewstillery, located in the State Auto Building on Orange Avenue. Staff and consultants met for an entire day to discuss the challenges and opportunities of the Orange Avenue Overlay. The topics included traffic, open space, parking, architecture, placemaking, mobility and much more. The outcome of the Charette was the framework for the Overlay District Plan that would be completed via the public process.

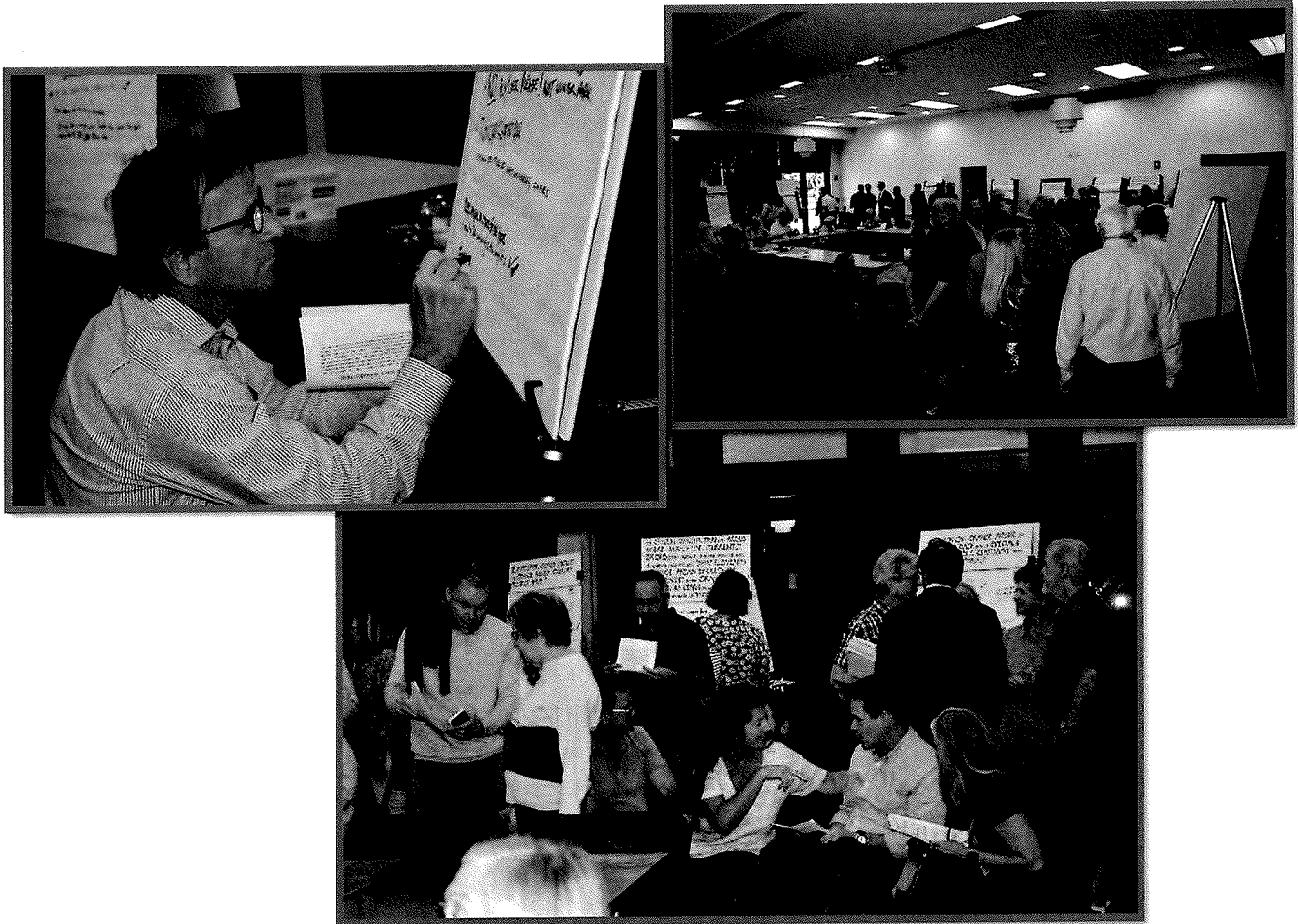


PUBLIC INPUT

The input of the Winter Park community has been at the forefront of this planning initiative. A great deal of public input had been gathered by past studies and initiatives such as Vision Winter Park or the updating of the Comprehensive Plan, but staff would start again, with the first step being public input as a part of this Overlay process.

First Public Input Meeting

Staff advertised and held a public input meeting on March 25, 2019, at the Community Center. Rather than give a presentation on what staff hoped to accomplish, this session simply had attendees give their written input on a series of 16 questions and any other input they wished to provide. Approximately 150 citizens attended this meeting and significant input was provided.



Stakeholder (2nd) Public Input Meeting

A second public input meeting was held on April 4, 2019, that centered around gathering stakeholder input from the property owners who had properties within the Overlay area, though the public was also invited to attend. The meeting was held at the Welcome Center and after a brief introduction by staff, the attendees asked questions of staff and then were invited to once again provide their written input to the same questions from the first input meeting. Over 100 people attended this second input meeting.



Continued Input

To increase the amount of public input, staff created a survey from the questions created for the public input meetings, and for 2 months, asked residents to access the survey from the City website and provide their input.

Additionally, staff created OrangeAve@cityofwinterpark.org, an email address that has remained active throughout the process to provide the public the opportunity to provide any and all input they would like.

It has remained the intent of staff to create a process that provided enough time for anyone who wanted to be involved, could be actively involved.

On top of public input meetings, staff has held meetings with stakeholders, property owners, neighborhood groups, condo associations, stakeholder groups and individual citizens throughout the months of the Overlay process. Altogether, staff met with groups or individuals that has consisted of hundreds of hours of additional opportunity to hear from the public about their vision for Orange Avenue.

Community Outreach

Staff continued to try to utilize creative approaches to get citizen input and to provide the public with as much education as possible about what the Orange Avenue Overlay process was about, and how they could continue to provide input. Press releases were created for each step of the Overlay process.

Informational Videos

In a unique approach to the Orange Avenue Overlay District planning initiative, staff created a number of informational videos that explained what some of the key topics were, to make sure that the public had a clear understanding of what the Overlay process was all about.

The first video was about Placemaking and how a community could cast a vision, and then make that vision become a reality.

Website link to video: <https://vimeo.com/368874390>

The second video was about Overlay Districts and how they could be a helpful planning tool. The video used everyday items to depict different elements of the built environment and how Overlay Districts can create positive change.

Website link to video: <https://vimeo.com/370141760>

The third video was about Mixed-Use. The video had a number of Orange Avenue Overlay Steering Committee members and Planning & Zoning Board members discussing their favorite mixed-use areas in Winter Park.

Website link to video: <https://vimeo.com/371477044>

The fourth video showed the public process and the public input that given throughout the Overlay process. That video will become available after the January 13, 2020 City Commission meeting.

Website link to video: <https://vimeo.com/384518879>

Orange Avenue Community Walkshop

Another unique opportunity that was created to invite the public to provide input, and to see the Orange Avenue area from the pedestrian viewpoint was the Orange Avenue Overlay Walkshop that was held on August 20, 2019. The walkshop invited everyone in the community to walk as a group throughout the area that was being considered, stopping at 10 different locations to have meaningful discussions and to share observations. Approximately 50 people attended the walkshop, and the attendees found it to be a worthwhile and new type of planning input opportunity.



Chamber of Commerce Presentations

On July 15, 2019, Planning Director Bronce Stephenson, presented the Overlay District process and plan to a sold-out crowd at Winter Park Chamber of Commerce event, Good Morning Winter Park. The presentation was also live streamed to social media audiences.



On November 6, Senior Planner Allison McGillis and Planning Director Bronce Stephenson presented the Overlay District to the Government Affairs Committee of the Chamber of Commerce.

Winter Park Land Trust Presentation & Discussion

On October 3, 2019, Senior Planner Allison McGillis and Planning Director Bronce Stephenson presented the Overlay District to the Winter Park Land Trust. Staff has also held multiple discussions and meetings with various members of the Winter Park Land Trust.

Additional Public Outreach

- On December 2, 2019, staff presented the Overlay District language to the Winter Park Rotary Club.
- On December 18, 2019, staff held a public information meeting in the lobby of the Gateway Plaza building at 1201 Orlando Ave for property owners within the Orange Avenue Overlay area. Notice was sent to all property owners within the Overlay District and the public was welcomed to attend as well.

- On December 21, 2019, staff had a booth at the Winter Park Farmers Market to be available to discuss the Orange Avenue Overlay District with anyone who has questions, concerns or suggestions. Staff was at the booth from 7AM until 1PM and had the opportunity to meet with dozens of community residents.

Commitment to Public Input, Education & Involvement

At the end of this Overlay process, there have been 19 publicly advertised meetings where the public was invited to attend, provide input, comment or ask questions. Additionally, there have been 2 worksessions open for the public to attend by the Planning & Zoning Board. The City Commission has held 12 work sessions that were open for the public to attend.

Community Support of the Overlay Process

"People make Winter Park what it is and what it hopes to be. The Orange Avenue Overlay District process took urban planning out of City Hall on to the streets. The expertise of city staff was joined by a parade of highly skilled volunteers, business owners, and interested citizens. Walking the pavement, seeing everyday activity, enhanced the urban planning process like never before."

- David A. Odahowski

President & CEO, Edyth Bush Charitable Foundation

"As the principal representative of one of the largest landowners with property in the proposed overlay district, I received the news of the Orange Avenue review with great skepticism based on the myriad outside consultants and visioning processes of the past. Many in number but few in result, the past processes largely seemed to leave us only a large expense and a broad brush proposal of "here's what you should do," based largely on comparisons to other cities that are not matches for Winter Park. However, my skepticism has turned to optimism. This process, for the first time taking into account local subject matter experts, the public (and most specifically, those likely to be most affected by the changes) and the landowners themselves, has yielded a phenomenal collaborative and engaging environment that has the chance to offer meaningful change in some desperately needed areas. The City planning staff should be commended for their vision and effort to date to make this a reality."

- Frank A. Hamner

The Law Offices of Frank A. Hamner, P.A.

"I have been involved in several planning initiatives over the past 20 years on Orange Avenue. The current initiative is taking a more holistic, community wide approach than I have experienced in the past. The changes on Orange Avenue, if any, will radiate to the surrounding areas and consideration of how all areas can coalesce and benefit in an integrated fashion, is a positive change to the traditional planning process."

- **Stephanie Henley**
Principal, Beasley & Henley Interior Design

ORANGE AVENUE OVERLAY STEERING COMMITTEE

Staff requested that the City Commission allow for the creation of a Steering Committee, to represent the public and to guide the development of the Overlay language. The City Commission adopted a Resolution that created the Orange Avenue Overlay Steering Committee. The Resolution stated:

"WHEREAS, in accordance with Chapter 2, Section 2-48(n), City of Winter Park Code of Ordinances, the City Commission hereby creates a temporary eleven (11) member Orange Avenue Overlay Steering Committee for the purpose of evaluating the potential creation of an Orange Avenue Overlay District and associated changes to the Land Development Code and Comprehensive Plan and making recommendations concerning the same to the City Commission."

Orange Avenue Overlay Steering Committee Roster:

The Steering Committee had a citizen appointed by the Mayor and each Commissioner, plus a representative from Boards and Committees that had close ties to the creation of an Overlay District. The Committee consisted of the following members:

- Phil Kean, AIA – Mayor Leary Appointee
- Sally Flynn – Vice-Mayor Seidel Appointee
- Michael Dick – Commissioner Cooper Appointee
- Lamont Garber – Commissioner Sprinkel Appointee
- Sheila De Ciccio – Commissioner Weaver Appointee
- Laura Turner, AICP – Planning & Zoning Board Representative
- Bill Sullivan – Vision Winter Park Representative
- Lambrine Macejewski – CRA Advisory Board Representative
- Ben Ellis, P.E. – Keep Winter Park Beautiful & Sustainable Board Representative
- Jill Hamilton Buss – Transportation Advisory Board Representative
- Bill Segal – Economic Development Advisory Board Representative



Steering Committee Meetings

Over 26 weeks, the 11-member Steering Committee held a total of 13 meetings (including the workshop), which invited the public to attend and allowed for public comment at each meeting. The Steering Committee covered a variety of topics over their extensive meeting schedule. The Committee voted on the following language that established their goals:

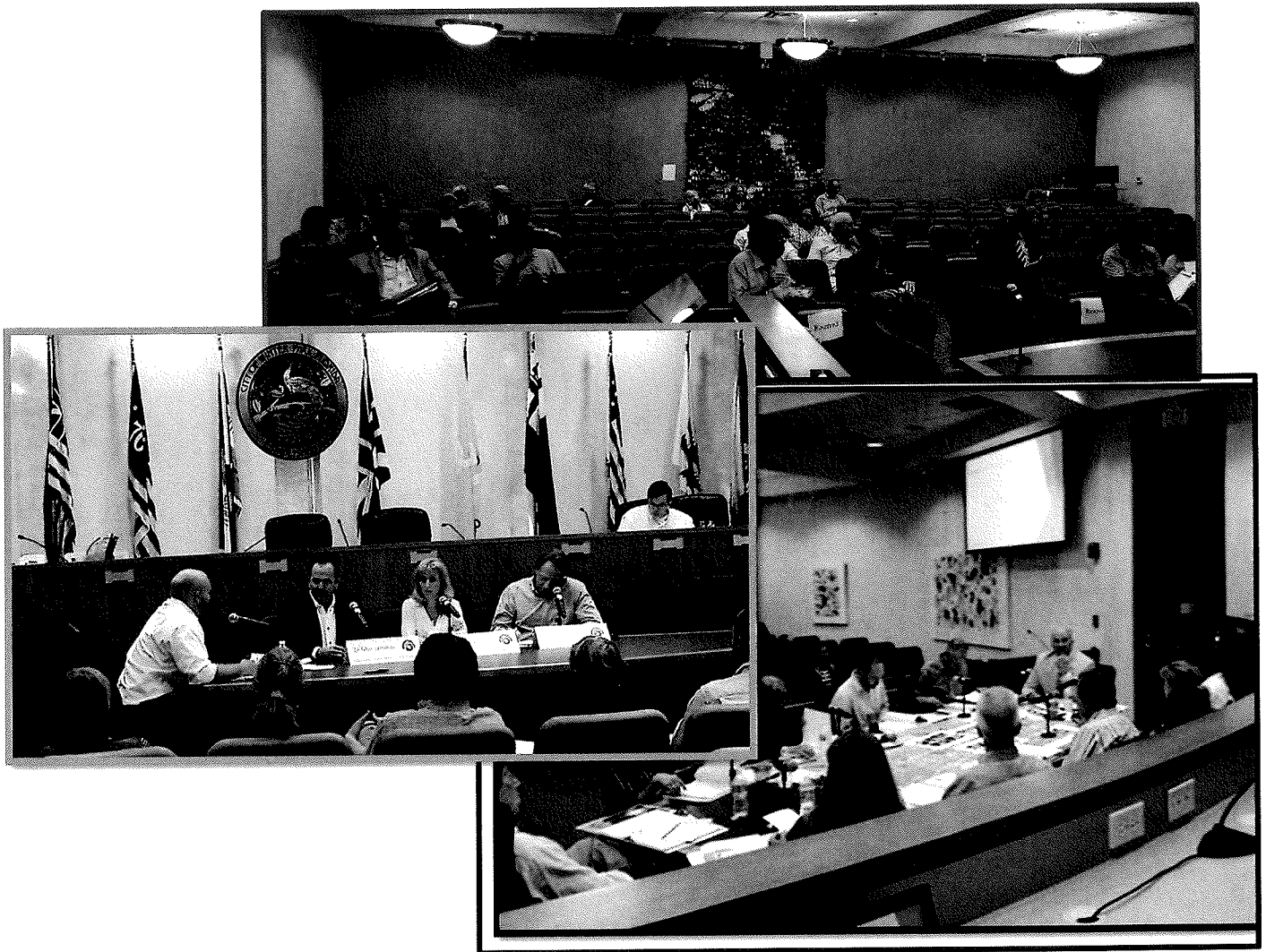
"The Steering Committee shall guide code language for the successful implementation of the Orange Avenue Overlay. The language shall incorporate the city's Vision and Comprehensive Plan goals of creating a mixed-use district and a gateway into Winter Park. The language shall enhance the Orange Avenue area identity and experience, while increasing safety and mobility. It shall provide enhanced and flexible development standards to create the opportunity for positive and sustainable public and private improvements and redevelopment of the area. The Committee shall make a recommendation of the draft language to the City Commission for final approval."

Some of the highlights and major topics that were covered and discussed in great detail during the Steering Committee process included:

- In-depth analysis of the current issues that have caused the economic stagnation of the Orange Avenue area.
- Discussion of the extensive public input that was collected throughout the process.
- Discussion of Placemaking and how to create a cohesive vision for the area based on the public input provided and the discussion of how the current Zoning Code limited the type of development that was envisioned for the area.
- A meeting where small business and property owners were invited to hold a panel discussion. The panelists included Dr. Peter Lemieux, who has a dental practice on Orange Avenue; Fred Thimm, owner and operated of Reel Fish restaurant on Orange Avenue; and Stephanie Henley, owner of Beasley & Hensley Interiors and current property owner along Orange Avenue. The panelists each answered a number of questions prepared by staff, then had open discussion and answered questions from the Steering Committee. This meeting provided an opportunity for the Steering Committee and the public to hear from people who see the challenges of the Orange Avenue area every day, many that have negatively affected the successful running of their small businesses.
- Discussion of the current transportation issues in the Orange Avenue area. The Committee voted to create a list of transportation priorities that should be considered when any transportation improvements are considered in the future.
- A meeting where residents from neighborhoods surrounding the Orange Avenue Overlay area were invited to serve as panelists. The panelists included Michael Spencer and Marcus Rozbitsky, from the Orwin Manor neighborhood; Libertad Acosta-Anderson, from Garden Drive located to the west of Mead Botanical Garden; and former Mayor Gary Brewer, from Mead Garden Condominiums. The panelists each answered a number of questions prepared by staff, then had open discussion and answered questions from the Steering Committee. Hearing the concerns of the property owners in the area provided a unique perspective on the potential redevelopment of the area and what challenges the current state of the Orange Avenue area creates for those who live nearby.
- Discussion of the allowable uses and the uses that should not be allowed as the area is transformed into a more walkable and vibrant mixed-use district.
- A meeting where stakeholders who have existing larger developed properties were invited to serve on a panel. The panelists included: Ray Colado, owner of the Gateway Plaza Building (Commerce National Bank); Ed Kania, VP of Business and Finance & Treasurer from Rollins College; and Jon Albert, CEO of Jewett

Orthopedic. The panelists each answered a number of questions prepared by staff, then had open discussion and answered questions from the Steering Committee. This opportunity provided another perspective of businesses that have larger operations in the area, but still have many issues that affect their operations. They also shared their visions for the development of the area, hoping that more property owners make significant investment or reinvestment on their properties as well

- The Committee discussed the first design and architectural guidelines that would be created for Winter Park development. Those are reflected in the new Orange Avenue Overlay District code language.
- In-depth discussion and analysis of the flooding, traffic and parking shortages that have created the biggest challenges for the Orange Avenue area. The discussion led to the realization that the Orange Avenue codes should take a more modern, intelligent and sustainable view of how parking structures are treated and calculated, with the Committee agreeing that parking garages should not count towards the Floor Area Ratio of a property, as long as certain criteria are met. The discussion also included looking at shared parking arrangements and encouraging the businesses in the area to share parking. The outcome of these discussions are found throughout the new code language of the Orange Avenue Overlay District and in the Development Enhancement Menu included in the code language.
- The Committee discussed the creation of separate subareas and the unique standards that each subarea would have.
- The Committee had the owners of the three properties that are expected to see major redevelopment to for a panel discussion. The panelists included: Randy Knight, City Manager of the City of Winter Park; Michelle Heatherly, representing Demetree Global; and Frank Hamner, representing the Holler Group. The panelists each answered a number of questions prepared by staff, then had open discussion and answered questions from the Steering Committee. This opportunity to hear from the larger property owners and their vision for the area was very important to the Committee, because so much of the area-wide improvements are dependent on the activation and major investment of these key properties.
- There was significant discussion of the creation of the Development Enhancement Menu, which would allow properties to earn their way towards increased development opportunities by constructing public improvements that would help the small businesses in the area and would create Citywide improvements to connectivity, parks, open space, sustainable practices, arts & culture and more.



RECOMMENDATION

At their final meeting on November 13, 2019, the Orange Avenue Overlay Steering Committee voted 8-2 to recommend approval of the Final Draft language, with minor changes that were discussed at the meeting. The major topic that all members of the Steering Committee could not agree upon was whether or not the City-owned Progress Point property should be developed, to what scale it should be developed, and whether or not it should be used as a park.



SECTION THREE

DATA

PARKING

A major point of discussion throughout the Overlay process has been the opportunity to create new parking solutions that can help an area that has serious need for available parking. Currently, the vacant or unused properties at Progress Point, the former Holler RV site, the former Lombardi's Seafood (Demetree) site and Bank of the Ozarks are the only available off-street parking. These properties are not legally designated for public parking, but have served as the overflow parking relief areas for some time. When these areas are developed and if they are developed without providing some available space for public and/or shared/leased parking use, the severe parking shortage will only be exacerbated and the likely outcome is that existing small businesses in the area will not be able to survive.

Parking Walkshed

It is important to understand that parking needs to be strategically located within walking distance of destinations. According to Urban Land Institute studies, a typical person has a comfortable walk-shed of about 750 feet from where they park to their destination (see exhibit below). This Orange Avenue process has found that there is the opportunity and desire to create public parking structures or shared parking structures at the former Holler RV site, the Progress Point site and the Demetree (Former Lombardi's Seafood) site. Shown here is the 750-foot walkshed applied to those properties, which uniquely cover the majority of the Orange Avenue Overlay District area. The existing conditions and opportunities just happen to uniquely be set up to meet a 750-foot walkshed from most of the properties within the Overlay area that may need to utilize available parking in area garages.

code. All new development within the district would need to provide their own additional parking.

As a basic exercise that shows how much space would be needed to provide enough parking to make all businesses in the district meet the code minimums and be made "whole", we can assume the following calculations:

- Per code, each standard parking space is required to be designed at a minimum size of 18' x 9', or 162 square feet.
- 162 square feet per space X 400 spaces would result in a need of 64,800 square feet of parking spaces, or 1.5 acres of land.
- Unfortunately, this calculation only includes the parking spaces needed and does not include the aisles and drives needed to access said parking. The average square footage for each parking space, which includes the area needed for aisles and access, is approximately 350 square feet per parking space according to industry standards.
- If we calculate the 350 square feet per space needed, multiplied by the 400 spaces that are currently in deficit, we get a result of 140,000 square feet, or approximately 3.2 acres of parking lot area that would be needed to eliminate the deficit.
- This 3.2 acres of needed area also creates 3.2 acres of additional impervious surface in an area that is significantly underserved with stormwater capacity. Additionally, creating 3.2 acres of surface parking is a very unsustainable design as it adds to the urban heat island effect, creates major stormwater capacity needs and would not add to the aesthetic appeal of the area. Additionally, the area to handle this capacity does not currently exist. Therefore, every opportunity to create shared parking arrangements and the more sustainable use of structured parking must be utilized.

As existing conditions in the area show, the current parking deficit is being handled by using the vacant Progress Point property, the vacant Bank of the Ozarks property, the now vacant Holler RV site and the former Lombardi's Seafood site. None of these areas are approved public parking areas, and though they have served as the "relief-valve" for the parking issues of the area, they could become unavailable at any moment. During the Steering Committee panel discussion process with local businesses, the Committee and staff found out that the Jewett Orthopedic Clinic and Surgical Center has plans to expand their administrative offices and create a great deal more surgical suite and recovery space, which will create an additional increase on the demand in the area.

This parking study was conducted as a result of hearing throughout the Orange Avenue Overlay process that there were significant parking deficiencies in the area. This study provides confirmation that if additional parking is not planned for and provided within the area, businesses will continue to suffer and many small businesses will likely not survive. Utilizing the potential investment on the key larger pieces of land at Progress Point, Bank of the Ozarks, the Holler site and the Demetree

site is paramount to the potential success and revitalization of the district. By creating surplus parking and the opportunity for shared or leased parking arrangements in newly constructed parking structures on these sites, we have the only realistic solution available, which also happens to be the most sustainable approach. What must be continually considered is that these properties need to be provided with enough leasable space to provide the economic opportunity to construct these new parking structures. If the economics of the development potential on these sites do not work, the area will continue to suffer and little change can be expected. If these key properties were to develop at a smaller scale and potentially only utilize surface parking lots, there would no solutions created.

TRAFFIC

The adverse traffic conditions in the area have been thoroughly discussed and analyzed throughout the development of this plan. A thorough traffic study has been performed by Kimley Horn. The Orange Avenue corridor has very high traffic numbers and is bookended by the most dangerous intersection in town (Orange Ave & Fairbanks Ave) and the 3rd most dangerous intersection in town (Orange Ave & 17-92). Additionally, the area between these intersections averages approximately 100 reported crashes a year and the pedestrian/bicycle crashes have a very high rate of injury.

Traffic issues were one of the primary issues discussed by the public during the input gathering of this process. These concerns have been further echoed by business owners and nearby residents. During the workshop, these traffic concerns became very evident to those who tried to navigate the area on foot during rush hour. Traffic studies and analyses have been performed on the corridor and the reports are included in the project documents. The initial findings, as expected, discussed that speeds in the area are too high, there are no pedestrian safety mechanisms in place, that the intersections do not function well and that the area sees a high volume of crashes. According to data provided by MetroPlan, over 70% (average) of the traffic on Orange Avenue uses the road simply as a cut through. Only 13% (average) of the trips in the corridor either start or end in the Orange Avenue area. As each new project is proposed, an additional traffic study will have to be performed.

STORMWATER

Another topic that was identified early in the process as a major concern for the area was stormwater and flooding. The input provided from area businesses and residents showed staff the areas of concern. The stormwater analyses showed there are some areas of minor localized flooding that can be fixed by smaller infrastructure upgrades and connections, but revealed no major infrastructure projects appear to be needed.

It became evident that the largest issue related to stormwater was the fact that because the Orange Avenue Overlay area was built out prior to current stormwater standards, the area does not retain, detain or provide stormwater treatment of any kind. The water simply runs off the sites, carrying debris and pollutants and enters the City stormwater system untreated. The majority of the area flows north to Lake Mendon (water body in MLK, Jr. Park) and then to Lake Killarney. Often, the water flows through Lake Midget which allow overflow of untreated stormwater to enter the aquifer through drainwells. Having untreated stormwater that enters directly into the City's stormwater conveyance system is the largest and most pressing stormwater issue in the area. Therefore, development enhancements are offered to properties that will detour and treat the stormwater that currently harms our system and enters our Chain of Lakes. Additionally, redevelopment of the larger properties in the area will require that these properties hold and treat the stormwater on their sites that currently flows off the site untreated.

As stormwater capacity is not the major issue, but rather the treatment of runoff, this plan offers meaningful solutions to the issues in the area. Additionally, as redevelopment occurs on larger properties, the City can utilize the active construction in the area and around the sites to make some minor system upgrades that should alleviate the smaller areas of flooding.

Existing and Future Floor Area Ratio Analysis

Existing Square Footage/Acreage of Current Zoning Districts Within the Orange Avenue Overlay District Area:

- **Commercial** - 1,224,472 square feet (28.11 acres)
- **Office** - 1,004,058 square feet (23.05 acres)
- **Residential** - 197,326 square feet (4.53 acres)
- **Industrial** - 104,979 square feet (2.41 acres)
- **Parking Lot** - 93,218 square feet (2.14 acres)
- **Parks/Rec** - 290,109 square feet (6.66 acres)

Total – 2,914,164 square feet (66.9 acres)

Maximum Achievable FAR & Square Footage Allowed by Current Zoning in the Orange Avenue Overlay District:

- **Commercial Zoning - 60%** (if Mixed-Use) – 734,683 square feet
- **Office Zoning - 60%** (if Mixed-Use) – 602,434
- **Residential Zoning – 110%** - 217,059
- **Industrial Zoning – 100%** - 104,979 square feet

Maximum Total Square Footage Currently Achievable by Existing Zoning – 1,659,155 square feet

Square Footage Allowed at OAO Base FAR:

- **Subarea A - 0.45 FAR** – 24.07 acres (1,048,723 sq ft) @ 0.45 FAR = 471,925 square feet
- **Subarea B – 0.45 FAR** - 6.57 acres (286,189 sq ft) @ 0.60 FAR = 128,785 square feet
- **Subarea C – 0.60 FAR** – 4.39 acres (191,271 square feet) @ 0.60 FAR = 114,762 square feet
- **Subarea D – 1.0 FAR** – 4.61 acres (200,942 sq ft) @ 1.0 FAR = 200,942 square feet
- **Subarea E – 0.60 FAR** – 8.62 acres (325,742 sq ft) @ 0.60 FAR = 195,445 square feet
- **Subarea F** – N/A
- **Subarea G** – N/A
- **Subarea H** – N/A
- **Subarea I – 0.60 FAR** - 1.87 acres (81,805 sq ft) @ 0.60 FAR = 49,083 square feet
- **Subarea J – 1.0 FAR** – 4.22 acres (183,866 sq ft) @ 1.0 FAR = 183,866 square feet

- **Subarea K – 0.60 FAR** - 2.87 acres (125,219 sq ft) @ 0.60 FAR = 75,131 square feet

Total Square Footage Allowed at Base FAR – 1,419,939 square feet

Square Footage Allowed at OAO Maximum Achievable FAR:

- **Subarea A - 0.65 FAR** - 24.07 acres (1,048,723 sq ft) @ 0.65 FAR = 681,669 square feet
- **Subarea B – 0.60 FAR** - 6.57 acres (286,189 sq ft) @ 0.60 FAR = 171,713 square feet
- **Subarea C – 0.60 FAR** – 4.39 acres (191,271 square feet) @ 0.60 FAR = 114,763 square feet
- **Subarea D – 1.5 FAR** – 4.61 acres (200,942 sq ft) @ 1.5 FAR = 301,413 square feet
- **Subarea E – 0.80 FAR** – 8.62 acres (325,742 sq ft) @ 0.80 FAR = 260,593 square feet
- **Subarea F** – N/A
- **Subarea G** – N/A
- **Subarea H** – N/A
- **Subarea I – 1.25 FAR** - 1.87 acres (81,805 sq ft) @ 1.25 FAR = 102,256 square feet
- **Subarea J – 1.5 FAR** – 4.22 acres (183,866 sq ft) @ 1.5 FAR = 275,799 square feet
- **Subarea K – 0.80 FAR** - 2.87 acres (125,219 sq ft) @ 0.80 FAR = 100,175 square feet

Total Square Footage Allowed at Maximum Achievable FAR – 2,008,381 Square Feet

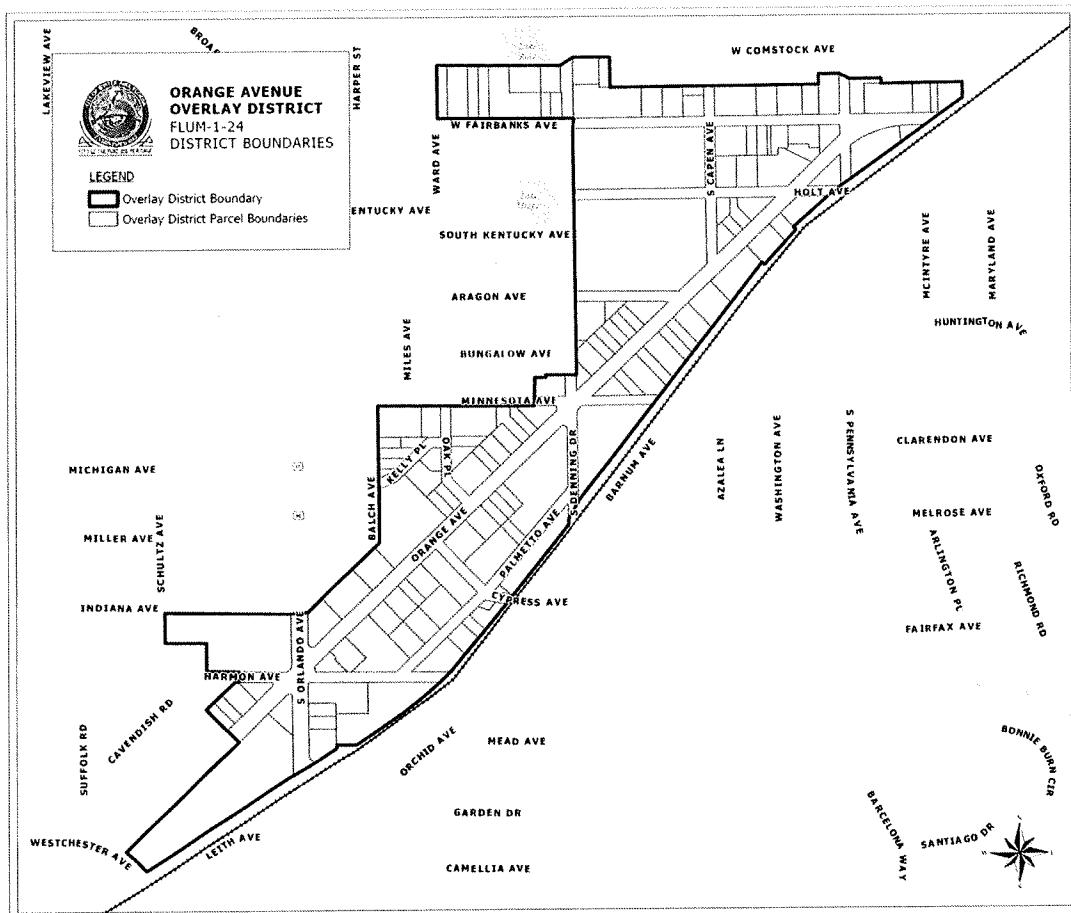


SECTION FOUR

OVERLAY DISTRICT PLAN

DESIGNATION OF THE ORANGE AVENUE OVERLAY

The following map exhibit shall define the extent of the Orange Avenue Overlay District. The regulations found herein shall only apply to the properties located within this defined area.



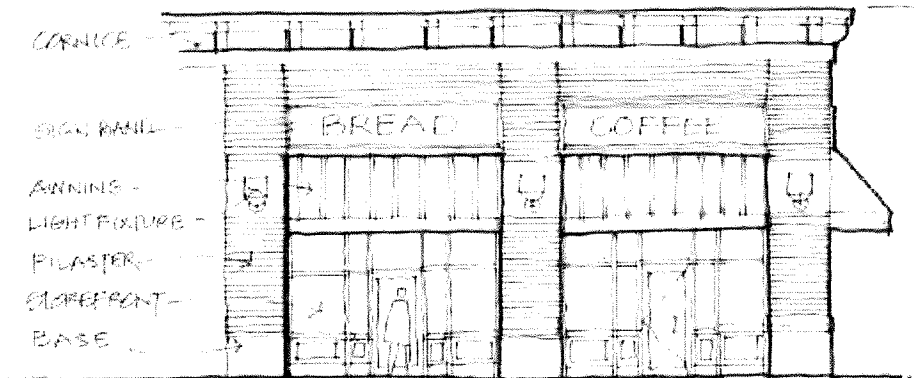
ARCHITECTURAL & SITE DESIGN STANDARDS

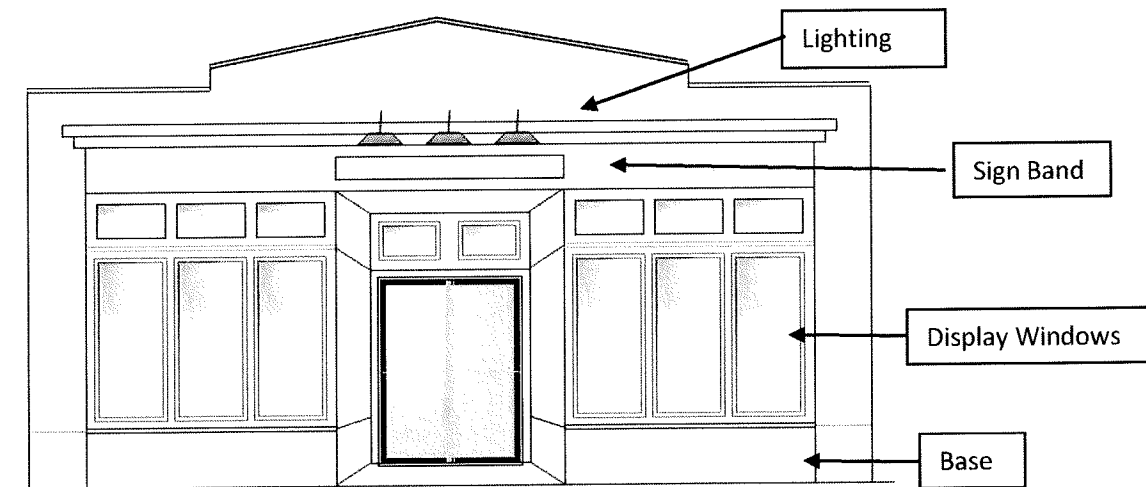
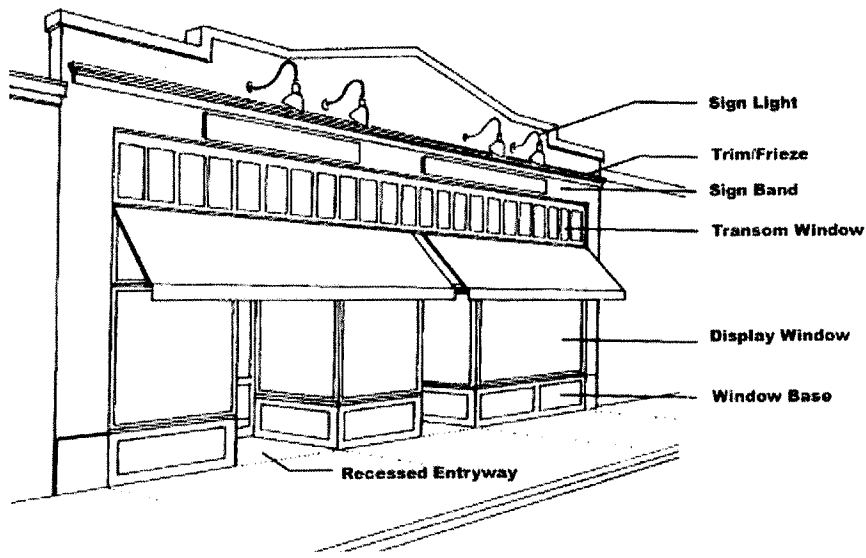
As part of the Overlay, there will be requirements for architectural standards. To allow for flexibility in design, but preserving development standards that will not create more massing than necessary, buildings shall be measured in stories and there shall be requirements for setback and building setbacks.

For multi-story buildings over two stories in height, some degree of terracing and/or additional setbacks to accomplish vertical articulation is mandated to create relief to the overall massing of the building facades, and the first floor shall always be defined and articulated. 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.

All exterior walls shall provide some sort of substantial 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.

Commercial Façade Treatment Examples





Other Notes on the Treatment of Façades

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. EIFS shall not be allowed. Stucco, plastics, 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.

TRANSPORTATION & CONNECTIVITY

Steering Committee Multi-Modal Transportation Recommendations

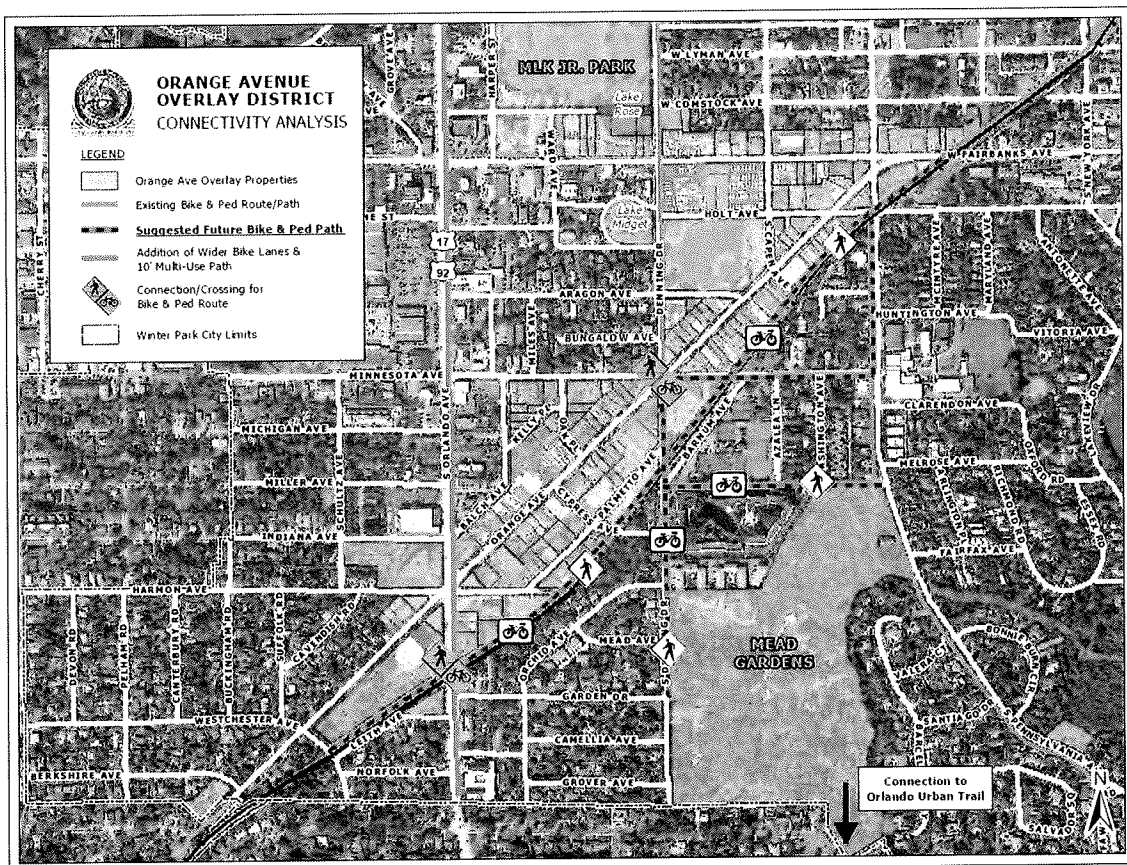
The Orange Avenue Overlay Steering Committee was focused primarily on the land use elements of the creation of the Overlay District. Transportation is a major part of the expected change in the area, so the Steering Committee wanted to provide recommendations for future transportation improvements in the area. Any future transportation improvements in the Overlay area will certainly go through an extensive review and design process, but there are a number of recommendations from the Steering Committee that should be considered as a part of any future improvements:

- The hierarchy of Transportation from the Comprehensive Plan should be kept at the forefront of any future improvements. This hierarchy places the pedestrian at the front, followed by bicyclists, then public transit users and vehicles as the last transportation method considered in design.
- Transportation enhancements should encourage decorative lighting, landscaping and the continued planting of canopy trees along roads, sidewalks and pathways to create shade and the green aesthetic that Winter Park is known for.
- The most important transportation or mobility upgrade is the extension of the Complete Street Denning Drive improvements from their current terminus at the Intersection of Orange Avenue, Minnesota Avenue & Denning Drive, down to the entrance to Mead Gardens.
- As potential traffic calming improvements are considered along Orange Avenue, ensure that area wide impacts are considered.
- Sidewalks along Orange Avenue are encouraged to be at least 15 feet wide, with appropriate lighting, tree canopy, vegetated areas and covering to protect from the elements.
- The redesign or "right-sizing" of Orange Avenue should be evaluated. The current design is unsafe for all modes of transportation and does not allow for the safe usage of public parking.
- Pedestrian safety in the area should be enhanced at every opportunity.
- Consider using pedestrian crosswalks with design elements that create art or murals in the road, which also enhance pedestrian safety.

- Strong consideration should be given to the utilization of traffic circles/roundabouts to create continuous flow and to provide better turning opportunities at congested intersections, specifically at the intersection of Denning Drive, Minnesota Avenue and Orange Avenue.
- Efforts should be made to provide connectivity to the surrounding residential areas for pedestrians and cyclists.
- Street Design that reduces speeds on Orange Avenue should be incorporated.
- A minimum 12-foot wide multi-use bike and pedestrian pathway should be designed along the railroad to provide access and connectivity.
- Fairbanks Avenue Streetscape should include landscaped buffering between roadway & sidewalk.

Connectivity

Connectivity was a major point of discussion and public input throughout the process. The following map was created to show the planned areas of connectivity and where future bike and pedestrian connections can be made.



MIXED-USE DEVELOPMENTS

Buildings in the Orange Avenue Overlay District are encouraged to contain ground floor retail, office, personal service or restaurant spaces. Multi-story buildings with a mix of uses such as office, hotel, retail, personal services, commercial, and residential are encouraged. Residential uses above commercial spaces are encouraged and shall be allowed by right in this district, subject to meeting adopted Fire Code and Building Code requirements. Mixed-Use shall be a minimum of 25% of new developments to avoid single-user development that will detract from a vibrant mixed-use area.

MEANINGFUL OPEN SPACE

The guiding documents of the Sustainability Plan, the Comprehensive Plan and Vision Winter Park have a strong emphasis on the creation of open space. Additionally, more meaningful open space and green space was one of the topics that was repeated throughout the public input process.

Currently, the Winter Park Land Development Code does not have any open space requirements for new development. 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 larger-scale 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 that is redeveloped shall provide at least 25% meaningful open space, which is open to and available to the public. At least 65% of open-space areas provided shall be greenspace and 80% of the open-space to be pervious or semi-pervious. Pervious areas such as retention ponds, parking lot islands or small-scale 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.

PARKING

Parking Lots & Parking Structures

One of the most discussed topics during the creation of the Orange Avenue Overlay District was about parking. Specifically, the lack of available off-street parking and the limitations that it creates for existing businesses in the area. The discussions

were also about putting parking areas at the rear of businesses to screen unsightly parking areas with more aesthetically appealing architecture. Additionally, there is a desire to construct parking structures, which are a more sustainable way to handle parking needs, but there are also requirements to screen parking structures to the highest feasible scale.

Commercial Parking Requirements

Unless specifically listed herein, parking shall be provided in accordance with the Land Development Code requirements.

- **General Business and Retail Commercial:** One parking space for each 333 square feet of gross floor space.
- **Office, Professional or Public Buildings:** One parking space for each 333 square feet of gross floor space.
- **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 of the Land Development Code.
- **Restaurants, Food Service Establishments, Nightclubs, Taverns or Lounges:** One space for every four seats.

Bicycle Parking shall be required per 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 Overlay District. The City of Winter Park shall determine where the off-site parking shall be located.

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.

Residential Parking Requirements

Unless defined herein, parking in the Orange Avenue Overlay District shall be designed and provided in accordance with the Winter Park Land Development Code.

Multi-family development parking requirements shall be provided as follows:

- 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.

Off-Street Parking Design

Parking access to properties along Orange Avenue should ideally be from side streets if frontage is available on a side street. If side street frontage is not available, a driveway will be allowed from Orange Avenue, providing the driveway and building gap surrounding it is minimized. Cross-access agreements are encouraged, 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.

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 this chapter. Parking should also be accessed from side streets to the maximum extent. They should 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 Exclusion

A parking exclusion shall apply only to existing square footage or floor space. Parking shall be provided as required by the Land Development Code or this chapter 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.

Floor Area Ratio (FAR) For Parking Structures

One of the major changes to current Winter Park Development Standards in this Overlay District is the opportunity for parking structures to not count towards the Floor Area Ratio (FAR) for any property within the Overlay District.

Winter Park is rare in that parking garages are counted towards FAR. Floor Area Ratio is the maximum extent to which a property can be developed, so this is a vital part to the potential for development of any property. The current requirement to count FAR of parking structures leads to the surface parking being the only economical way to build new projects. The mixed-use areas in town that have seen success have relied on parking structures to be successful. Few cities choose to count parking garages towards FAR. This code requirement makes development that uses parking

garages very difficult, resulting in the shopping center type development with large impervious surface parking lots. This type of parking is very unsustainable and does not contribute towards the aesthetics and maintaining the tree that makes Winter Park special.

As with other areas of this Overlay District, the new or enhanced development standards must be earned, not simply given. Within the Overlay District, parking garage FAR shall not count as long as the following conditions are met for each structure:

- 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.
- 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.
- Provide level-two electric vehicle charging stations for a minimum of 2% of all spaces within the structure.
- 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.
- 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.
- 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.

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

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

Parking provided to accommodate residential units or hotels 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 not be required to provide setbacks from residential areas as outlined in other areas of the Land Development Code, but shall meet height, building setback, allowable building envelope area and screening requirements as outlined in this code.

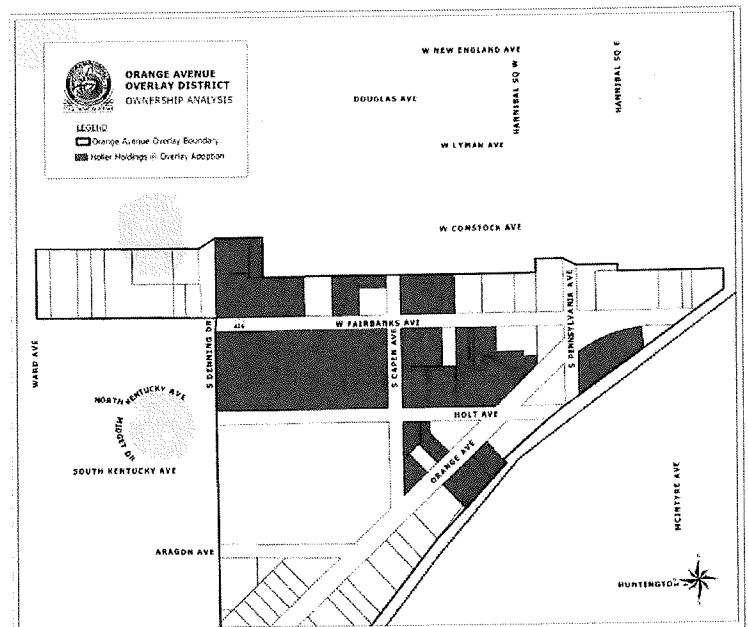
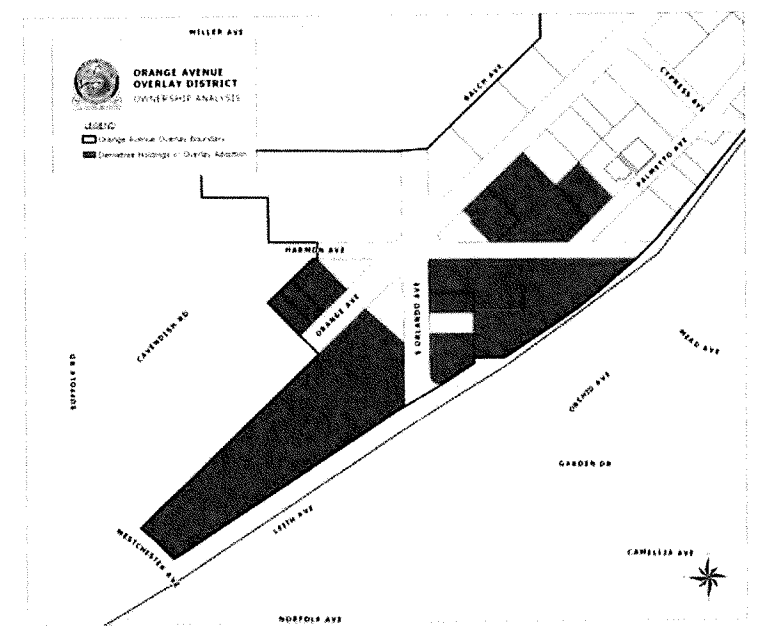
DENSITY TRANSFER

A key component to any mixed-use district is the inclusion and promotion of residential uses. Mixed-use districts that do not allow for residential units at an appropriate scale are then simply commercial districts. Mixed-Use, at its core, is all about the live, work and play components. Though the words density and multi-family can often be associated with fear and misconceptions, not having people who live in an area and bring life to the area will not be a true mixed-use area. Winter Park is a very low-density area in the traditional single-family areas, but this does not mean that multi-family living in certain areas is not appropriate, especially in mixed-use areas, such as the successful areas around Park Avenue and Hannibal Square. Additionally, having people who live in a mixed-use district brings 24-hour eyes and ears to a place, making it more than just a commercial area, it also becomes a neighborhood.

A unique part of the Orange Avenue Overlay District is the allowance for density that currently exists in the Orange Avenue area by right to be transferred into two specific subareas. As it currently stands, each commercial, office, or residential area in the Overlay District is entitled with a density of 17 units per acre. Given this, approximately 946 residential units are currently entitled within the current zoning of the area. Only properties under common ownership within the Overlay area at the time of the adoption of this code or vacated rights-of-way shall be allowed to transfer the existing residential entitlements from other subareas into subarea D or subarea J. Only the existing residential units that exist currently may be transferred into subareas D or J. Units cannot be transferred out of these subareas and no other subareas may transfer density between them. Additionally, only the units can be transferred, not the entitled square footage or FAR. Once the residential entitlements are transferred from other commonly-owned properties, no residential units can be constructed on the site that transfers the units, as the residential unit rights no longer exist. Additional properties purchased after the date of the adoption of this Overlay District shall not be eligible for density transfer.

The intent of the density transfer 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. Allowing density transfer into these areas would allow for approximately 300-350 total units to be built. Given the size and shape of the other

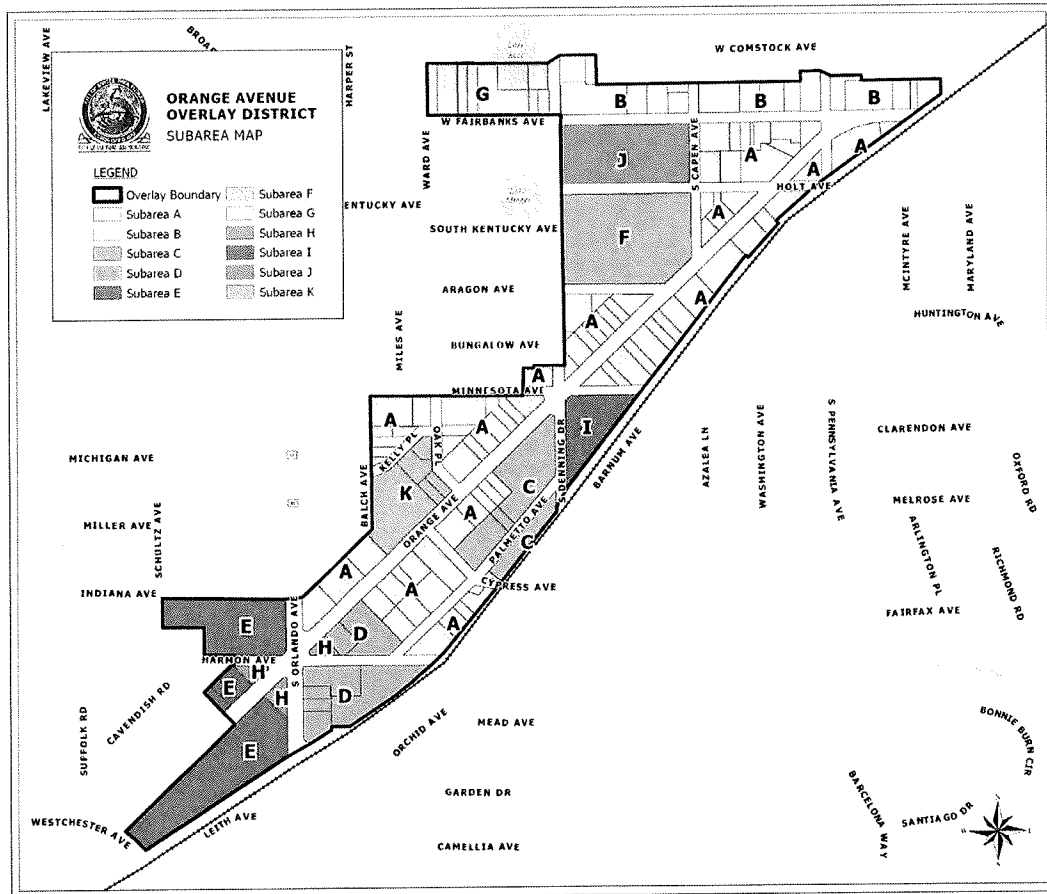
properties within the area, it is not feasible for other larger multi-family developments to be built. There would not be the land size needed for the building and parking, the allowable FAR would be too low as well. And the parking would count towards FAR because residential parking spaces are not allowed to be used in shared parking calculations, so the FAR exemptions could not be met. There may be some smaller projects or remodels that construct a few units above existing retail or office, but no other larger projects would be feasible, keeping the actual density of the area much lower than it could be (approx. 946 units). By clustering the intensity, there will be a reduction in overall massing and building heights throughout the Orange Avenue Overlay area, keeping as much of the smaller scale development as possible to maintain the character of the area. 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.



SUBAREAS

Orange Avenue Overlay District Sub-Areas & Standards

The subarea map depicted below shall officially delineate the different subareas and their specific development standards. Each area has unique characteristics, issues and opportunities.



General Subarea Development Standards

Due to the unique geography of the Orange Avenue corridor and the Orange Avenue Overlay District, it was determined that a number of areas with very unique issues and opportunities existed. After much consideration, a number of subareas were created to help the existing businesses in the area, create more economic opportunity, address issues that have plagued the area for many years, create a meaningful gateway into Winter Park and to create a special place in the community. Because each of these areas are unique, they each have their own development standards and opportunities.

After the adoption of the OAO, no changes to the subarea map shall be allowed. No variances to maximum number of stories, maximum allowable Floor Area Ratio, allowed 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.

Orange Avenue Subarea Descriptions:

Subarea A

This subarea consists mostly of existing buildings on smaller lots that were developed prior to Winter Park's current Building Codes or Land Development Code regulations. Therefore, the vast majority of these properties contain legally non-conforming structures. These properties are typically nonconforming in one or more of the following areas: Floor Area Ratio (FAR), Off-Street Parking, Stormwater Retention, Impervious Area, and Landscaping. These buildings have typically not been altered or remodeled to a great degree because if the valuation of the remodel exceeds 50% of the valuation of the building, the entire property would be required to be brought into conformance with all building and Land Development Codes.

This area also has great character and the majority of the buildings are built at a very human-scale. In order to allow for the remodeling and renovation of the buildings within this subarea and to enhance the Orange Avenue Overlay District, the 50% valuation threshold shall not apply to these properties and the properties shall not be required to comply with current Land Development Code standards, as long as additional square footage is not added to the buildings. If additional square footage is added, the properties shall be required only to provide the required parking for the new net square footage of the property. All remodels, renovations or reconstructions that are allowed to remain as legally non-conforming with Land Development Code standards, shall still be required to meet applicable Building and life safety codes as determined by the City of Winter Park Building Official and/or 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 the area, the properties within this subarea shall be allowed to reconstruct the same building footprint 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 only 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 buildings shall meet the architectural requirements and setback requirements.
 6. Maximum Residential Density: 17 units per acre

Subarea B

This subarea consists of unique commercial lots that are located adjacent to single-family residential zoning. In order to mitigate the lack of transitional areas between single-family homes and the Commercial areas and heavy traffic of Fairbanks Avenue, special consideration should be given to setbacks, screening and uses. This area is ideal for commercial frontages along Fairbanks Avenue and residential uses along the border of the single-family residential area. Cross-access easements will be required upon re-development of the properties to limit the number of curb-cuts and driveways along Fairbanks Avenue.

- (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 3rd floor is set back an additional 10 feet from front and rear setback lines. 3rd floors shall only allow residential uses.
4. Maximum Impervious Coverage: 85%
5. Setbacks:
 - a. Street: 20 feet, except 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 buildings shall meet the architectural requirements and stepback requirements.
 - 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

Subarea C

This subarea is defined as the city owned, Progress Point property. It sits at one of the major intersections along Orange Avenue. This property currently serves as the relief valve of overflow parking for businesses nearby. In order to mitigate the lack of parking in the area, there should be special consideration for a parking garage on this property. There are also stormwater drainage concerns along Orange Avenue due to the age of the development in this area, so special considerations should be given for regional stormwater retention on this property. Due to its proximity to Mead Botanical Garden, this area provides a unique opportunity for a gateway and signage to direct the public to Mead Botanical Garden.

(a) Subarea C Development Standards:

1. Base Floor Area Ratio: 60%
2. Maximum Achievable Floor Area Ratio: 60%
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 buildings shall meet the architectural requirements and stepback requirements.
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 shall include the following item(s) from the Development Enhancement Menu: CT.1

(c) 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.

- (d) *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.

- (e) *Additional Development Requirements.*

1. 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.
2. A 1.5-acre park space oriented towards Denning Drive, keeping area for the rail-trail.

Subarea D

This subarea represents a significant and unique opportunity for redevelopment, and can also address many of the area-wide issues that currently exist. A former industrial site, that has significant frontage along the railroad, but has also been collectively purchased by one owner, and has significant visibility and opportunity to be a gateway into Winter Park city limits. Additionally, the properties within this subarea are adjacent to the intersection of Orlando Avenue, Harmon Avenue and Orange Avenue. Other properties at this same intersection have developed to a larger scale, massing and height, but due to the presence of city-owned parkland and larger parcel size, the buildings have been set back far enough that the increased massing and height are not as visually imposing. This area is one of the only areas within the Overlay District where additional building height could be considered. This area is also very important to addressing the regional stormwater and parking issues. It is also key to creating the gateway into Winter Park.

- (a) *Subarea D Development Standards:*

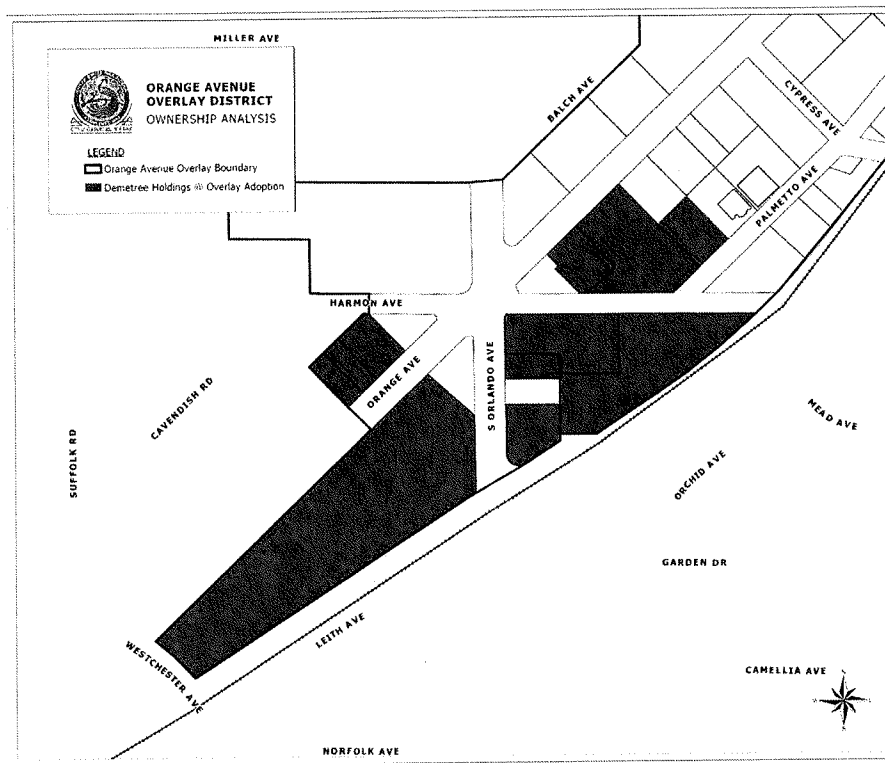
1. Base Floor Area Ratio: 100%
2. Maximum Achievable Floor Area Ratio: 150%
3. Maximum Height: 6 Stories
4. Maximum Impervious Coverage: 75%
5. Setbacks:
 - a. Street: Street: 20 feet along Orlando Ave. Setbacks must allow for at least a 10-foot wide sidewalk and 2-foot landscape buffer area on the back 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 buildings shall meet the architectural requirements and stepback requirements.

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 units out are then not candidates 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.

- (b) *Required Development Enhancements.* In order to be eligible for any Development Enhancement Bonuses, any future development of the property shall include the following item(s) from the Development Enhancement Menu: CT.1
- (c) *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.

Subarea E

This subarea consists of properties located along Orlando Avenue, a high-traffic and commercially-zoned area. Many of these properties are at an age where

redevelopment is becoming more attractive. These properties have the unique ability to support the Orange Ave area due to their size and their ability to provide additional parking for the areas that are currently deficient in available parking. Additionally, these properties are located along the most visible and highly-trafficked area of Winter Park, so it is appropriate to have enhanced architectural standards for these important gateway properties. These properties would develop with additional setback requirements, architectural standards and would encourage a mix of uses.

(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 buildings shall meet the architectural requirements and stepback requirements.
 - 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.

Subarea F

This subarea is the location of the Rollins Baseball Stadium and has underlying zoning of Parks & Recreation. 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.

(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: None, except street setbacks must allow for at least a 15-foot wide sidewalk. Where the building requires an additional setback to achieve a 15-foot sidewalk, the area shall be dedicated as a public access easement. Additionally, all buildings shall meet the architectural requirements and stepback requirements.
6. Maximum Residential Density: No Residential Uses Allowed

Subarea G

This subarea 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. This area also provides opportunities for regional stormwater improvements. The uses in this area may continue as legally non-conforming uses, but the buildings cannot be increased in size and the properties can have no future use other than parkland/open space.

(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 buildings shall meet the architectural requirements and stepback requirements.
6. Maximum Residential Density: 17 Units/Acre

- (b) *Additional Development Requirements.* 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.

Subarea H

This subarea consists of existing city-owned parkland/open space. This area shall not be used for any purpose other than open space, enhanced parkland or connectivity. The area cannot be used to meet open space requirements for other properties in the area.

(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

Subarea I

This subarea is a unique triangle shaped property that is adjacent to the intersection of Orange Avenue, Denning Drive and Minnesota Avenue. It has the potential to address some of the regional issues, but is limited by the unique geometry of the site. The subarea can provide needed right-of-way for potential intersection improvements that will improve traffic flow along the corridor. It shall also accommodate the Denning Drive multi-modal transportation improvements.

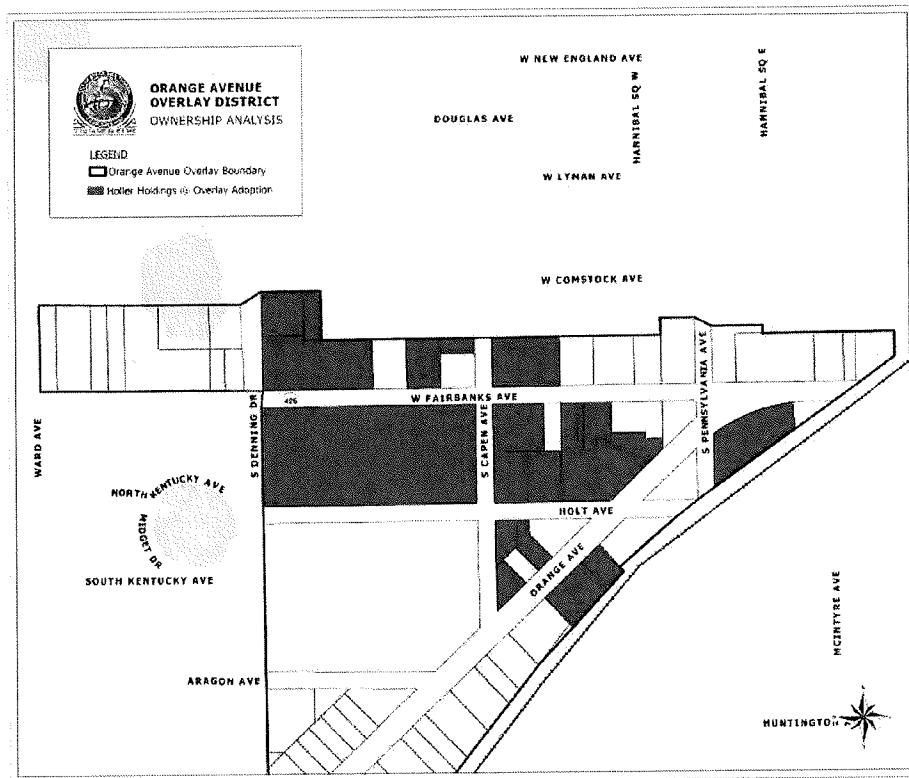
- (a) *Subarea I Development Standards:*
1. Base Floor Area Ratio: 60%
 2. Maximum Achievable Floor Area Ratio: 125%
 3. Maximum Height: 3 Stories
 4. Maximum Impervious Coverage: 75%
 5. Setbacks: 0 front setback, except front setbacks must allow for at least a 17-foot wide sidewalk. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. Additionally, all buildings shall meet the architectural requirements and stepback requirements.
 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 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.

Subarea J

This subarea is uniquely situated in an area where it has the ability to address many of the issues present in the area. The area east of Denning Drive has a great need for parking, but has very little available. This area also has frontage along Fairbanks Avenue, where the City needs additional right-of-way to add dedicated left-turn lanes with vehicle stacking on eastbound and westbound Fairbanks Avenue at Denning Drive. This subarea is also situated adjacent to the recent Denning Drive Complete Street and overlooks the Rollins Baseball stadium. Due to the size of the property, additional height and massing may be appropriate, if properly designed.

- (a) *Subarea J Development Standards:*
1. Base Floor Area Ratio: 100%
 2. Maximum Achievable Floor Area Ratio: 150%
 3. Maximum Height: 3 stories fronting on Fairbanks Avenue, and 4 Stories when located 100 feet back from the 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 buildings shall meet the architectural requirements and setback requirements.
 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 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) *Road Closures.* Closing and/or 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 units out are then not candidates 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.

Subarea K

This subarea represents the main campus of the Jewett Orthopedic Clinic and Surgery Center, the largest employer along the corridor and one of the longest-tenured businesses along Orange Avenue. This property has plans for future expansion and has already made significant investment in the area. Emphasis shall be placed on the modification of the façade and landscape areas that front Orange Avenue, to create a more walkable area and to create aesthetic and open space improvements to the area.

(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 buildings shall meet the architectural requirements and setback requirements.
 - 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

ORANGE AVENUE OVERLAY DEVELOPMENT ENHANCEMENT MENU

Throughout the many years of studying the Orange Avenue area, the reasons that development and redevelopment have been slow to occur, typically center around lack of parking, lack of safety in mobility (dangerous traffic), stormwater, no meaningful open space that created community, no connectivity, a lack of sense of "place", and zoning codes that do not allow for return-on-investment for properties in the area. The Orange Avenue Overlay Steering Committee process determined that changes were needed if the Orange Avenue area was going to thrive. Given the limited areas that could address the issues that have plagued the area, it was determined that enhanced development entitlements should be considered, but should be earned, rather than simply given to the properties in the area. The consensus was that property owners and developers should have to provide solutions that helped the smaller businesses in the area and to provide solutions that provided benefit to all of Winter Park.

Percentage-Based Development Enhancement Menu

Percentage-Based Development Enhancement Menu. As a part of this solution, utilization of a percentage-based upgrade system for certain subareas 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 shown below. proposed. The reason for the system is to capitalize on the potential development of the larger properties to address the severe shortage of area-wide parking, meaningful open-space, stormwater and other issues that have led to the longstanding economic stagnation of the area.

In exchange for the ability to earn additional development entitlements above those currently allowed in the zoning code, certain public improvements and area-wide solutions will be required by those who develop or re-develop properties. Adding parking that will address the area-wide shortage will require structured parking, which comes at a high cost, so certain properties will be allowed to build at higher than traditional bulk standard entitlements in order to have enough leasable space

to be able to fund the construction of structured parking and public improvements that will be required.

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. The maximum achievable FAR shall not be exceeded. Certain subareas shall require certain Enhancements to be met.

The following Orange Avenue Overlay District 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 his/her designee.

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

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
S.1	<i>Shared Electric Vehicle On-Site</i>	1% Entitlement Bonus for Each Shared Electric Vehicle On-Site.	Max 2 Vehicle Credit	2%
S.2	<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%
S.3	<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%
S.4	<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%
S.5	<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
IS.1	<i>Stormwater Retention Beyond Code Minimum Requirements</i>	Each 1% of additional 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
AC.1	<i>Public Art</i>	Each Public Art Installation Shall Earn 1% Entitlement Bonus	Max 5 Locations	5%
AC.2	<i>Gateway Feature</i>	Creation of signage, art or other type of gateway feature that welcomes people to Winter Park.	5%	5%
AC.3	<i>Space for Non-Profit Arts & 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 for similar properties in the area. The rents shall not increase more than 3% per year.	Max 15% Entitlement Bonus	15%

Table 4: Orange Avenue Overlay District Development Enhancement Menu – Parking Category

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

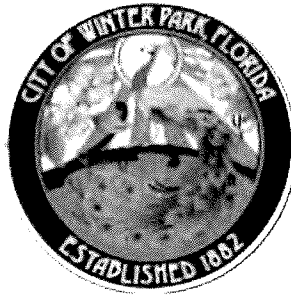
Table 6: Orange Avenue Overlay District Development Enhancement Menu – Meaningful Open Space Category

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
OS.1	<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%
OS.2	<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%
OS.3	<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%
OS.4	<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%
OS.5	<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%
OS.6	<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%
OS.7	<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
CT.1	<i>Rail-Trail Construction & 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%
		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%

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
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 & 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%



EXECUTIVE SUMMARY

This process has been a transformative way of creating a community-based planning process. This Overlay District was created as a result of the Comprehensive Plan calling for a new way of exploring the creation of Mixed-Use Overlay Districts. This process was not driven by developers or in response to any sort of planned development, instead it was based on the input of the Community and through the guidance of a Steering Committee that spent six months exploring the problems that have led to the economic stagnation of the Orange Avenue Overlay District. The findings and recommendations from the Committee were based on solutions to problems that have hurt small businesses in the area for many years. Additionally, the Committee used the Vision Winter Park Plan, the Sustainability Plan and the Comprehensive Plan to create a new way of looking at development in Winter Park and allowing for development bonuses to be earned, rather than simply given through rezoning or variance. City staff and the Winter Park community worked together to create the vision for Orange Avenue. A vision that kept traditional scale, created a more walkable district, created safety for all modes of transportation, assisted small businesses, found creative solutions to area-wide issues, ensured high-quality development, created more open space and brought connectivity to the area. The end result of this process will be the creation of the next great Place in Winter Park, one the community will be proud to call their own.

EXHIBIT B



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

March 13, 2020

Mr. Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
State Land Planning Agency – Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

RE: Adopted Comprehensive Plan Amendment for Expedited State Review - Orange Avenue Overlay District – Amendment No. 20-01ESR

Dear Mr. Eubanks:

Enclosed is the approved Comprehensive Plan amendment that creates the Orange Avenue Overlay District. The adopted Winter Park Comprehensive Plan has a number of goals and policies that support the creation of an Overlay District in the Orange Avenue area, but is specifically guided by **Policy 1-2.4.14: Mixed Use Designation**. *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.*

The creation of the Orange Avenue Overlay District was an extensive 16-month process guided by the Winter Park Planning staff and was centered around public involvement, led by an 11-member citizen Steering Committee. The Steering Committee met bi-weekly for over 6 months, exploring the issues that had led to almost 2 decades of economic stagnation, hearing from property owners, stakeholders, and residents of the surrounding area. The Steering Committee had a major role in creation of the Overlay language and voted 8-2 to recommend approval of the Orange Avenue Overlay. After required notice, 2 worksessions and numerous meetings with staff, the Winter Park Planning & Zoning Board (Local Planning Agency) held an advertised public hearing on December 4, 2019 and voted unanimously to recommend approval of the Ordinances amending the Zoning Code and the Comprehensive Plan to create the Orange Avenue Overlay District. After 12 worksessions and months of collaboration with Staff, the Winter Park City Commission held a public hearing on January 13, 2020 that was continued to an additional public hearing on January 16, 2020 and voted to approve the Ordinances on First Reading and to transmit the amendment to the Florida Department of Economic Opportunity.

After the review by all Agencies, no technical assistance comments were provided by any Agency. On March 9, 2020, the Winter Park City Commission held an advertised Public Hearing of the 2nd Reading of ORDINANCE 3166-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE. After presentation by and discussion with staff, the City Commission opened public comment. The motion to approve was made and 22 amendments were proposed, with 8 of the amendments approved. The 2nd Reading of the Ordinance was approved by the City Commission. Further discussion of the amendments is provided as an attachment to this cover letter.

The approved amendment and this complete amendment package have been transmitted to each of the following required review agencies on March 13, 2020: The Florida Department of Economic Opportunity; The Florida Department of Environmental Protection; The Florida Department of State; The Florida Department of Transportation, District 5; The Florida Department of Education; The East Central Florida Regional Planning Agency; The St. Johns River Water Management District and the Orange County Planning Department.

Ordinance 3166, adopted March 9, 2020, amending the Comprehensive Plan by adding new Goals, Objectives and Policies specific to the creation of the Orange Avenue Overlay District is attached to this submittal, along with all required transmittal documentation. No concurrency has been rescinded as a part of this approved Comprehensive Plan amendment.

This transmittal letter is accompanied by the following:

- Hard copies and digital copies of the approved Comprehensive Plan Amendment – Ordinance 3166
- City Commission Memo that includes the data/analysis for the 2nd Reading.
- Strike-Through/Underline Copy of changes made at 2nd Reading approval.
- List of amendments proposed and approved.
- Statement of additional changes made in the adopted amendment not previously reviewed by Agencies.
- Map depicting the adopted future land use designation of the subject property;

Comments or questions regarding the adopted amendment should be directed to Bronce Stephenson, Planning & Community Development Director, City of Winter Park, at the address appearing in this letter, by calling 407-599-3665 or by emailing bstephenson@cityofwinterpark.org.

Sincerely,



Bronce L. Stephenson, MPA
Director of Planning & Community Development

ORDINANCE 3166-20

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

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

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

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

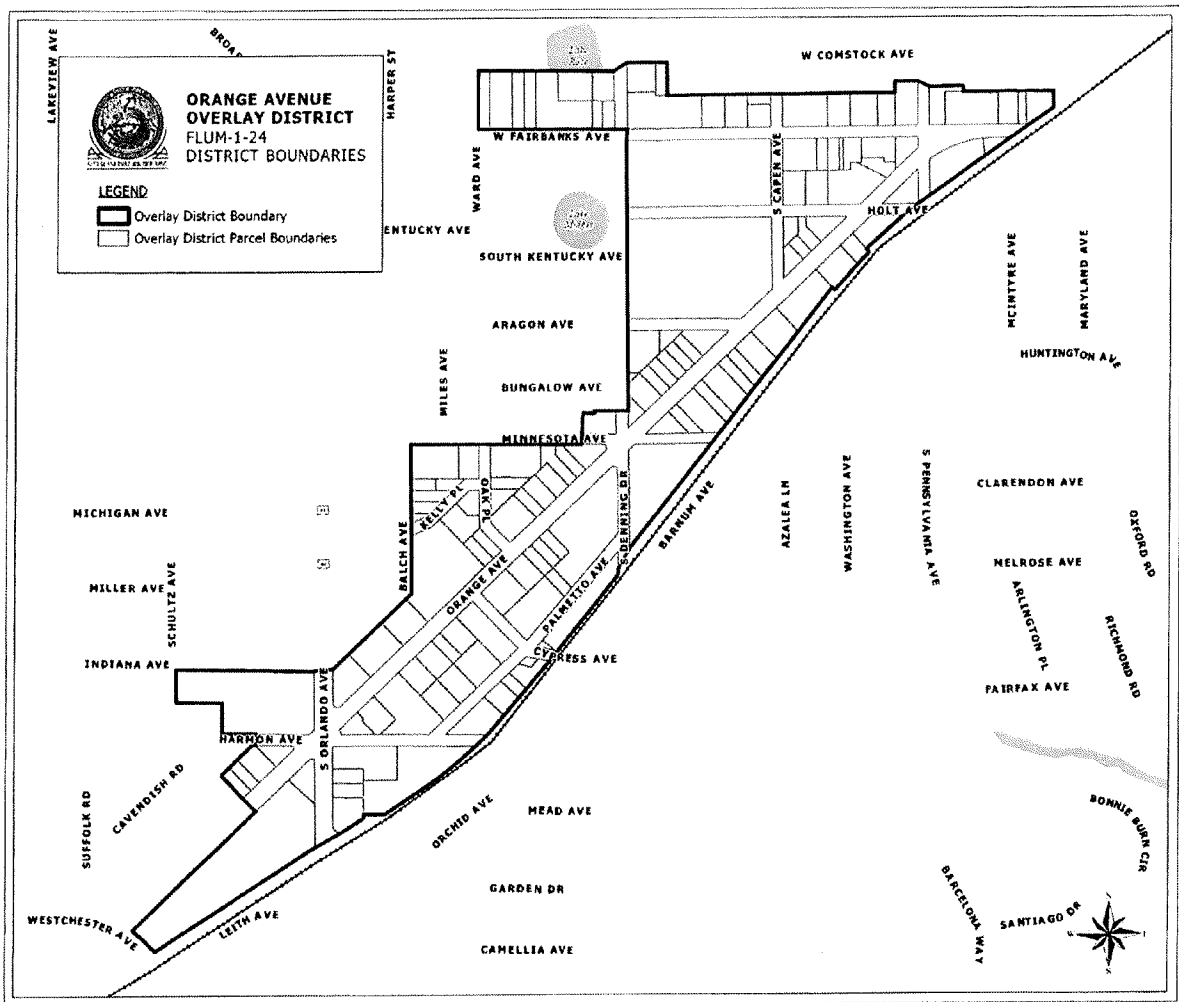
WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

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

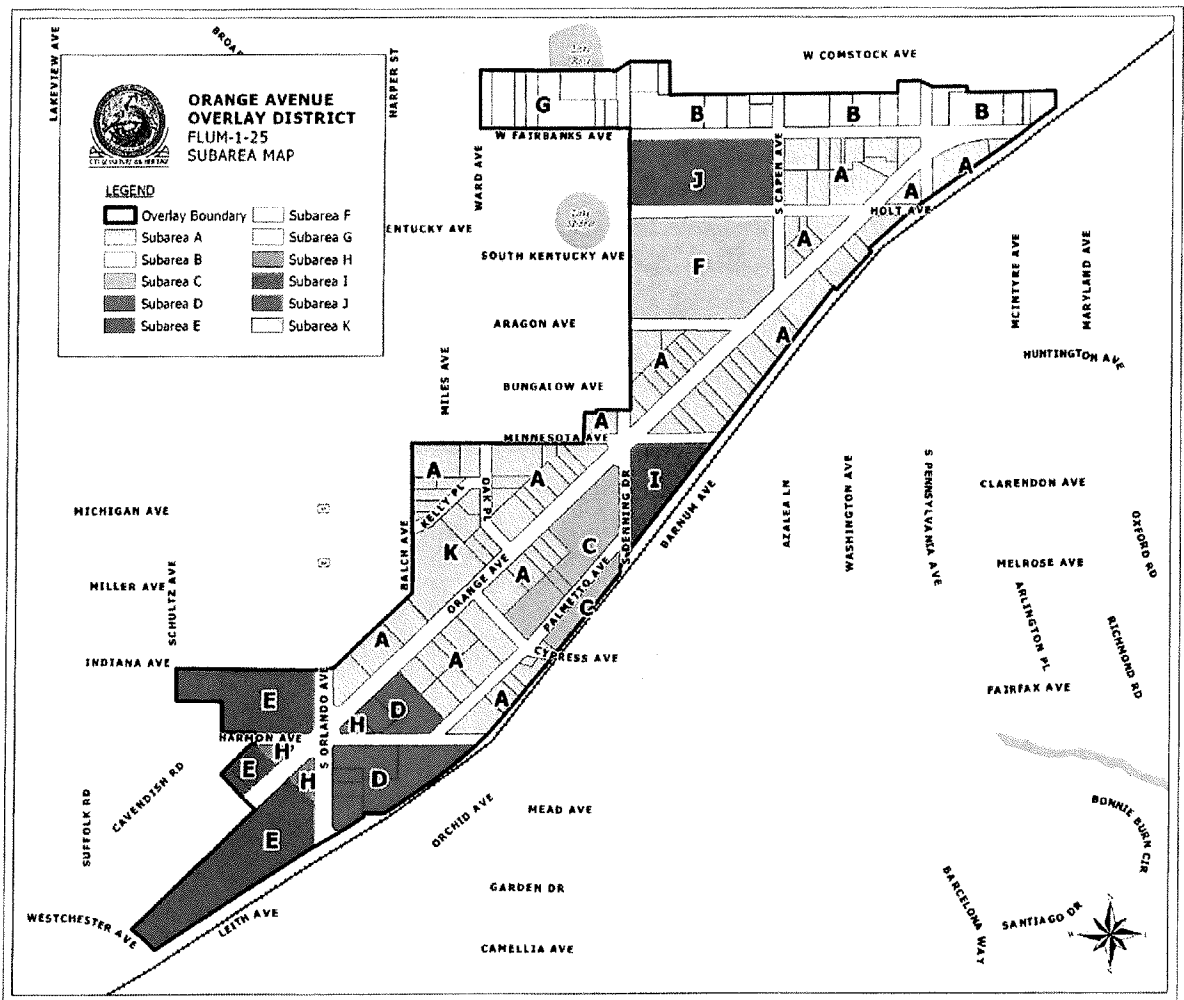
GOAL 1-8: Establishment of the Orange Avenue Overlay District. The City shall establish the Orange Avenue Overlay District in order to implement specific purposes, intents, and design standards, which shall be applied as additional standards to other regulations required by the City to an area defined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

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



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

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

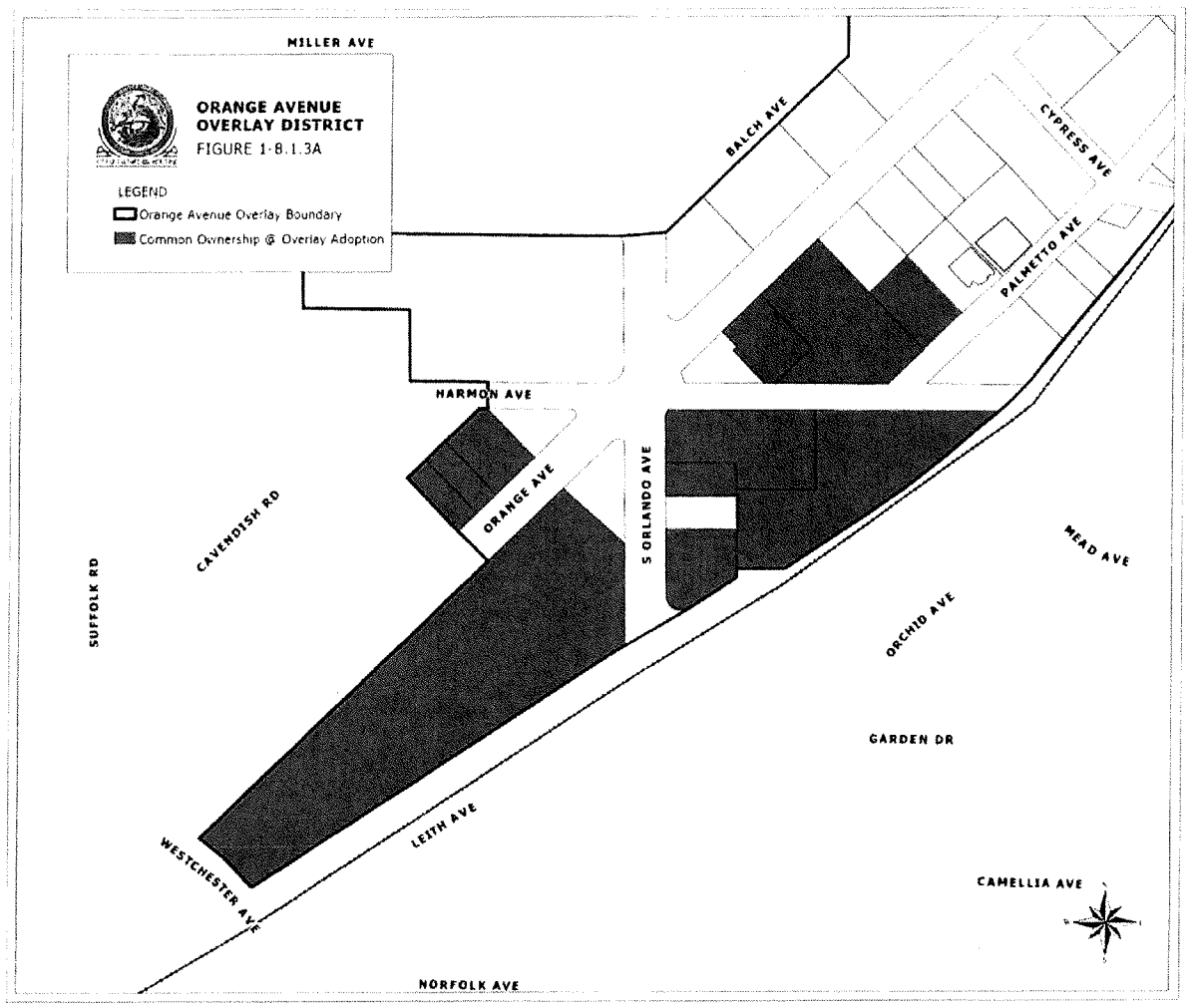


- (1) Subarea A.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 65%
 - c. Maximum Height: 2 Stories for any properties abutting Orange Avenue, and 3 stories for all other properties within the subarea.
 - d. Maximum Residential Density: 17 units per acre
- (2) Subarea B.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

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

- b. Maximum Achievable Floor Area Ratio: 150% (provided, however, for mixed use projects that include at least 40% FAR for the residential use, the maximum achievable FAR shall be 200%)
 - c. Maximum Height: 3 Stories fronting on Fairbanks Avenue, and 4 Stories when located 50 feet back from Fairbanks Avenue right-of-way boundary.
 - d. Maximum Residential Density: 17 units per acre
- (11) Subarea K.
- a. Base Floor Area Ratio: 60%
 - b. Maximum Achievable Floor Area Ratio: 80%
 - c. Maximum Height: 3 Stories
 - d. Maximum Residential Density: 17 units per acre

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

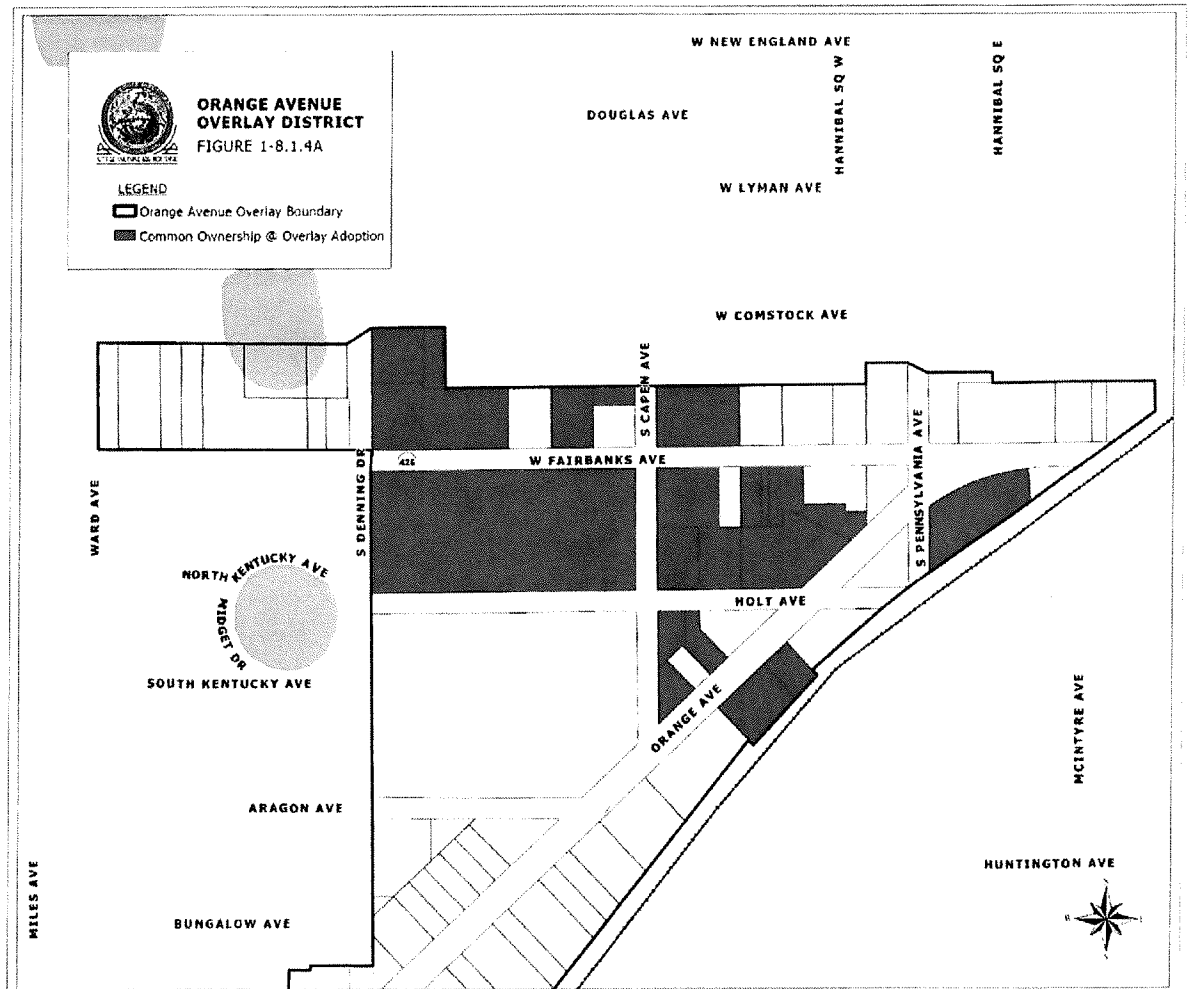


Orange County Parcel IDs that are owned by Demetree Global or a substantially related affiliate and permitted to transfer residential units to Subarea D:

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

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

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



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

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

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

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

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

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

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

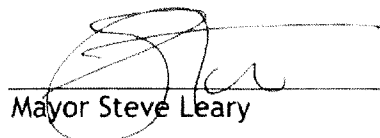
SECTION 3. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

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

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

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 9th day of March, 2020.



Mayor Steve Leary

Attest:

Rene Cranis
City Clerk Rene Cranis

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

February 21, 2020

The Honorable Steve Leary
Mayor, City of Winter Park
401 South Park Avenue
Winter Park, Florida 32789

Dear Mayor Leary:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Winter Park (Amendment No. 20-01ESR) received on January 23, 2020. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

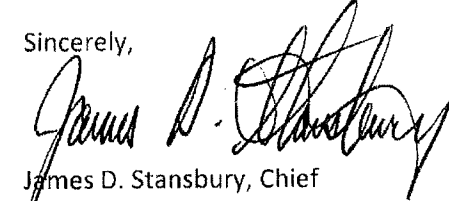
- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Jennie Leigh Copps, Planning Analyst, by telephone at (850) 717-8534 or by email at jennie.copps@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/jlc

Enclosure(s): Procedures for Adoption

cc: Bronce Stephenson, Director, Winter Park Planning and Community Development
Hugh W. Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning Council



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

March 13, 2020

Changes Made at 2nd Reading of Ordinance 3166

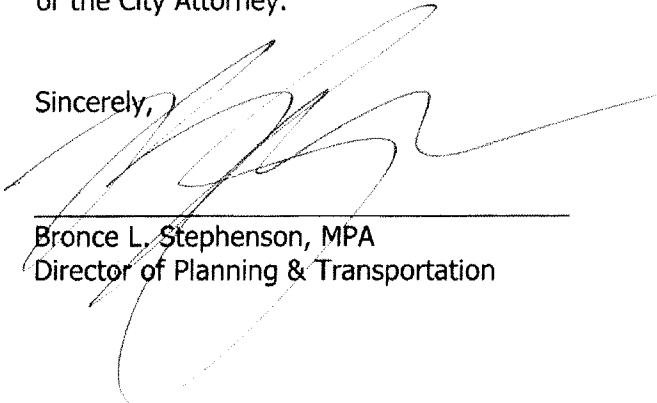
The attached document depicts the amendments proposed to the Ordinance amending the Comprehensive Plan to create the Orange Avenue Overlay. These changes were made at the 2nd reading, after the initial review by DEO and other Review Agencies, which resulted in no technical assistance comments.

In total, 21 amendments were proposed, but only 8 amendments were approved. Ordinance 3166 was approved by the Winter Park City Commission on March 9, 2020. Of the 8 amendments that were approved, none resulted in entitlements beyond what was originally recommended by the Orange Avenue Overlay Steering Committee and the Planning & Zoning Board (Local Planning Agency). The amendments actually brought the Overlay District closer to the original proposed language. A redline version of the Ordinance was provided as a part of this submittal package. The following discussion is regarding the amendments that affect the Comprehensive Plan language.

- Amendment 1 – Reduced the Base Floor Area Ratio (FAR) to 0.25, but allows additional square footage up to a FAR of 0.60 for Arts & Cultural Uses. This FAR is consistent with the previous review submittal.
- Amendment 2 – Allowed for a Maximum Achievable FAR of 2.0 (up from 1.5) for Subareas D & J if 40% of the development consists of residential use. This is consistent with the original recommended language submitted to the City Commission.
- Amendment 7 – Adds language regarding parking garage FAR to part of a previously approved Comp Plan policy. Only a text change.
- Amendment 20 - Modified the percentage of pervious area allowed in the open space requirements. Did not reduce the amount of open space required.
- Amendment 21 – Modified the 4th Floor Setback for Subarea J from 100 feet to 50 feet.

The changes made were not deemed to be substantive by the City Commission or the City Attorney.

Sincerely,


Bronce L. Stephenson, MPA
Director of Planning & Transportation

3.9.2020 City Commission Meeting

Orange Avenue Overlay District

Motions & Amendments

In the table below, the original motion to approve on 2nd reading is shown along with all amendments to this motion. The initials of the Commissioner who made the motion amendment is shown in each box, followed by the Commissioner who seconded the motion. The green highlighted motions passed. The table also defines whether the motion would affect the Zoning Code Ordinance, the Comprehensive Plan Ordinance, or both.

		Ordinance Affected		Motion & Amendments	
	Pass	Fail	Comp Plan	Zoning	
Main Motion					
1	3-2		X	X	GS-SS – Motion to approve the 2 nd reading of the Ordinances (Comprehensive Plan Ordinance & Zoning Code Ordinance) for the OAO.
Amendments to Main Motion					
1	3-2		X	X	GS-SS – Change Subarea C to a base FAR of 25% and for arts and cultural uses, up to 60% shall be the maximum achievable FAR.
2	3-2		X	X	GS-SS – Change Subarea D and J to a maximum 200% FAR if 40% is for residential uses
3	5-0			X	SS-SL – Allow breweries/distilleries to operate without providing food sales as a permitted use
4		2-3	X	X	CC-TW – Remove density transfers
5		2-3	X	X	CC-TW – Only allow density transfers from properties that are not fully developed and at a rate of 1,000 square feet a unit.
6		2-3	X	X	CC-TW – Set maximum density for Subareas D and J to 1.5 times the underlying zoning's residential entitlement.
7	3-2		X		CC-TW – Add the language regarding the limitations of parking garage FAR for properties west of Orlando Avenue into Comp Plan Policy 1-8.1.6.
8		5-0		X	CC-TW – Modify Enhancement options OS.4 and OS.6 to a 1 square foot for each \$10 donation.

Motion & Amendments				
	Pass	Fail	Ordinance Affected	
			Comp Plan	Zoning
9		2-3	x	x
10		2-3		x
11		2-3		x
12	5-0			x
13		2-3	x	x
14		1-4	x	x
15		2-3	x	x
16		2-3	x	x
17		2-3		x
18		2-3	x	x

CC-TW – Lower Subarea D and J to a base FAR consistent with underlying zoning entitlement maximums

TW-CC – Remove Enhancement CT.7 and add For Subarea D properties: property owner(s) of Subarea D must provide a City easement and a 24'-wide City-owned roadway connecting the current western terminus of Palmetto Avenue to Orlando Avenue with a right-in, right-out configuration at Orlando Avenue. The easement must provide sufficient ROW to accommodate landscaping, sidewalks and parallel parking along 50% of the length of the new section or not less than existing parking on adoption of this ordinance. The easement shall have an unobstructed vertical clearance which meets or exceeds NFPA codes. The above easement must be granted prior to any entitlements over and above the current base zoning.

TW-CC – Remove Enhancement CT.7 and add For Subarea J properties: Property owner of Subarea J must provide a City easement to accommodate a 12'-wide to FDOT standards roadway parallel to West Fairbanks and north of W. Fairbanks between Denning Drive and extending east along the entire length of those subarea B properties in common ownership with subarea J. The easement must provide sufficient ROW to accommodate landscaping and sidewalks on adoption of this ordinance. The above easement must be granted prior to any entitlements over and above the current base zoning.

GS-CC – Modify in the LDC that road widths be a minimum of 24 feet

TW-CC – Change Subarea C to a base and maximum FAR of 25%

TW-CC – Change Subarea C to limit parking garage height to 2 stories/3 levels

TW-CC – Limit max FAR to 125% if parking garages are excluded from FAR calculations

TW-CC – Limit max FAR to 150% if parking garages are included in FAR calculations

CC-TW – Add protections to onstreet parking along Palmetto Avenue and maximize Palmetto Avenue access to properties adjacent in Subarea A.

CC-TW – Within Subarea C limit height on Orange Avenue to not exceed two stories, and anything above two stories must be located 50 feet back

		Pass	Fail	Ordinance Affected		Motion & Amendments
				Comp Plan	Zoning	
19			2-3	x	x	
20	3-2			x	x	
21	5-0			x	x	<p>CC-TW – Limit all development fronting on Orange Avenue to two stories (33 feet) and anything taller must be located 50 feet back</p> <p>GS-SS – Modify the meaningful green space requirements to allow 50% hardscape versus 65% hardscape maximum</p> <p>CC-TW – Modify Subarea J height limits as follows: 3 Stories fronting on Fairbanks Avenue, and 4 Stories when located 100 50 feet back from Fairbanks Avenue right-of-way boundary.</p>

REDLINE OF AMENDMENTS AT 2ND READING APPROVAL

ORDINANCE 3166-20

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

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

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

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

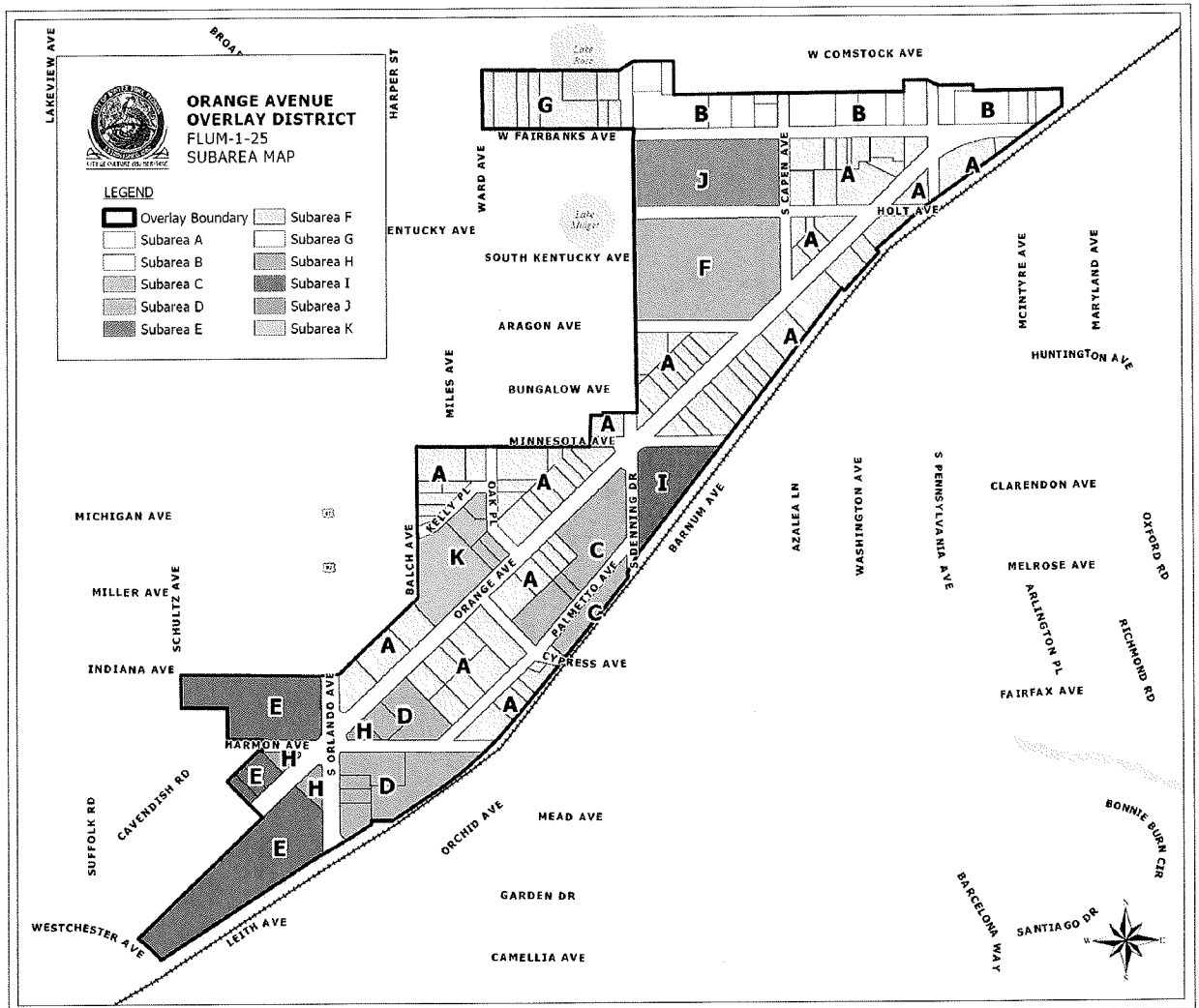
WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

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

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

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



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

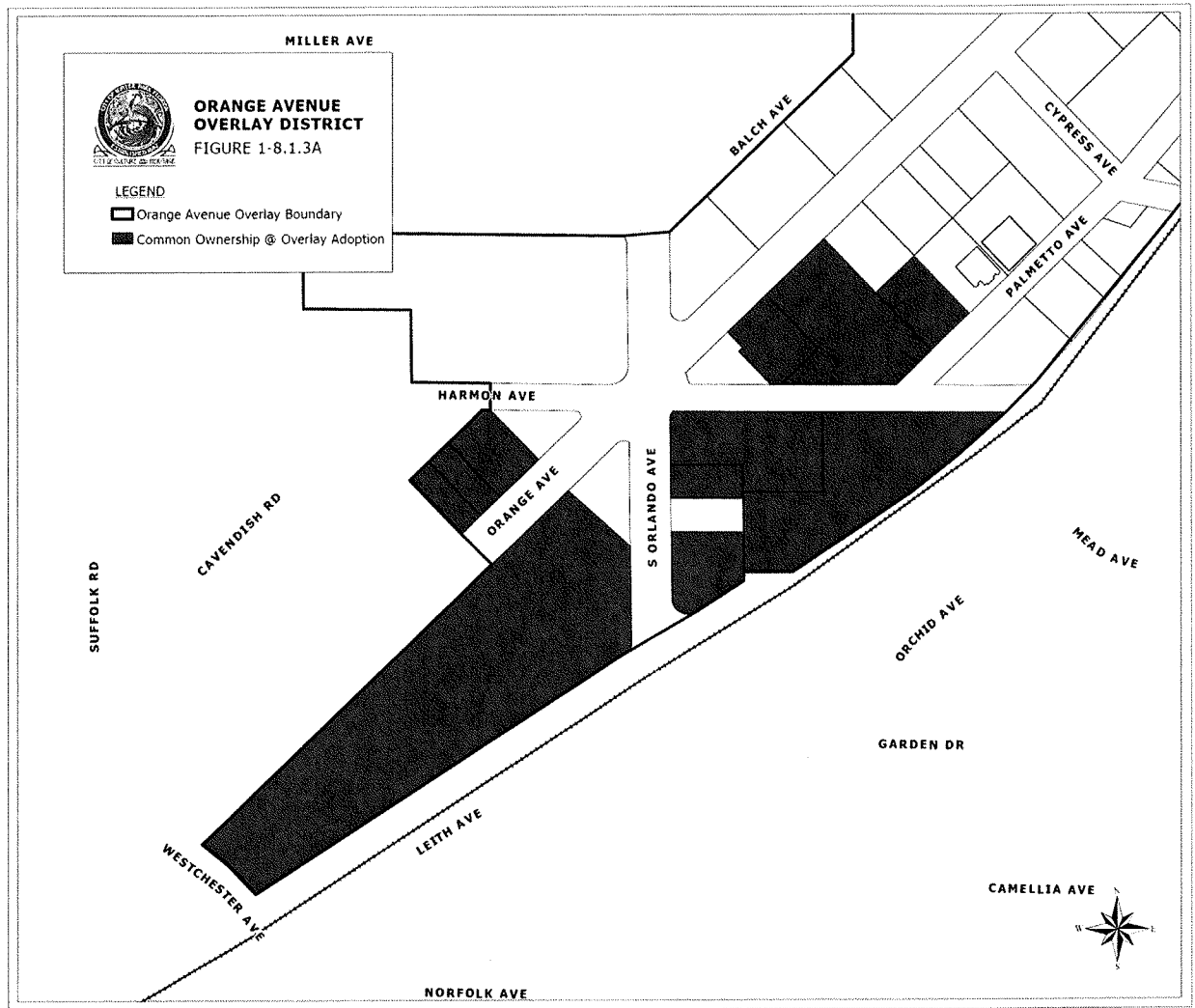
- b. Maximum Achievable Floor Area Ratio: ~~60%~~25% (provided, however, for arts and cultural uses, up to 60% shall be the maximum achievable FAR)
 - c. Maximum Height: 4 Stories
 - d. Maximum Residential Density: 17 units per acre
- (4) Subarea D.
 - a. Base Floor Area Ratio: 100%
 - b. Maximum Achievable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

- b. Maximum Achievable Floor Area Ratio: 150% (provided, however, for mixed use projects that include at least 40% FAR for the residential use, the maximum achievable FAR shall be 200%)
- c. Maximum Height: 3 Stories fronting on Fairbanks Avenue, and 4 Stories when located 40050 feet back from Fairbanks Avenue right-of-way boundary.
- d. Maximum Residential Density: 17 units per acre

(11) Subarea K.

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

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

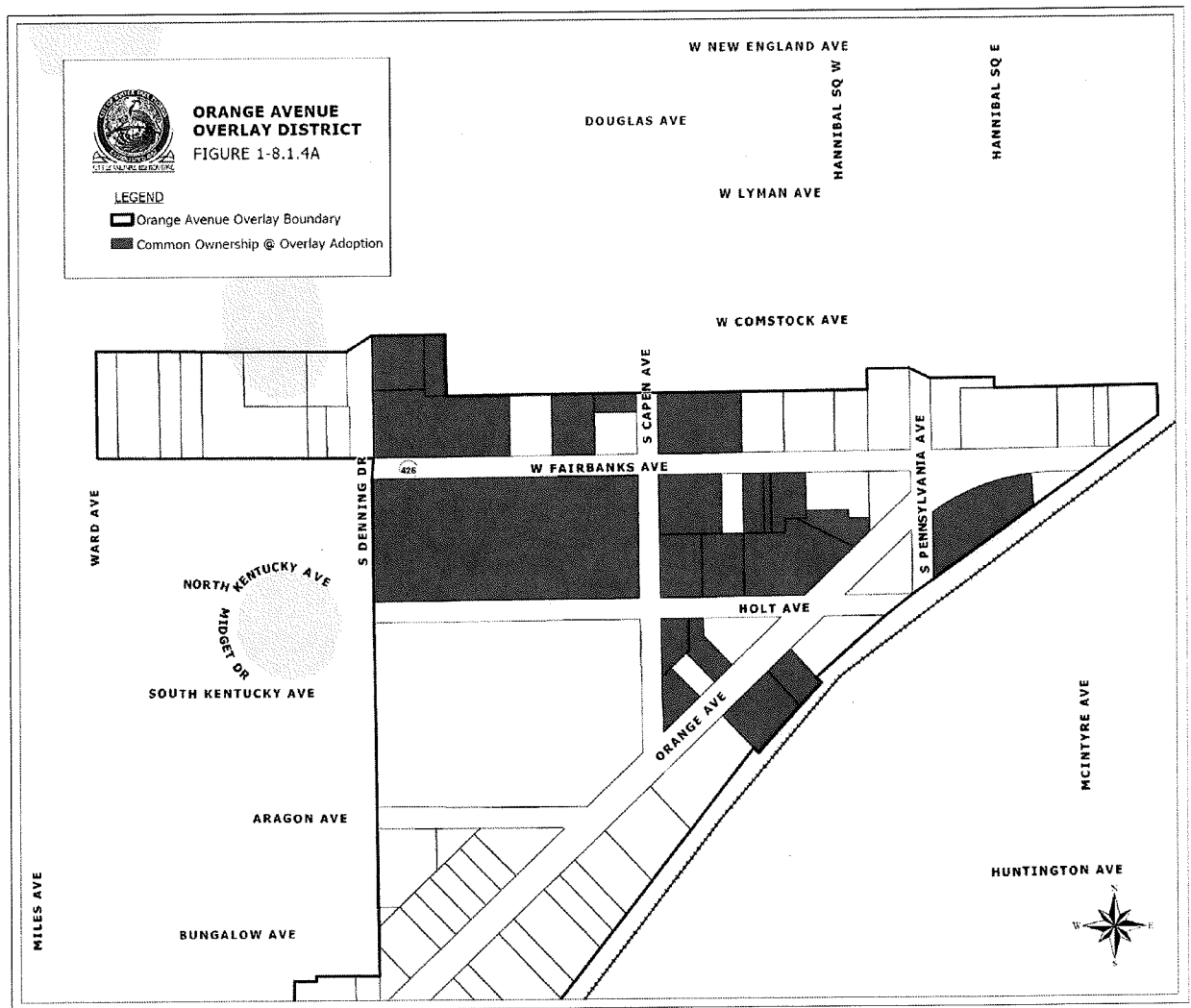


Orange County Parcel IDs that are owned by Demetree Global or a substantially related affiliate and permitted to transfer residential units to Subarea D:

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

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

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



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

Policy 1-8.1.5: Meaningful Open Space Requirements. It is the intent of the OAO to ensure that the development and enhancement of properties includes the creation of meaningful, useable, accessible, green and beautiful open space that invites the public to relax, interact, recreate, unwind and stimulate social connection. Where properties are planned for redevelopment, meaningful open space and the design of structures around these open spaces is the most important consideration. At a minimum, each property 1.5 acres in size and above, or any project covering 1.5 acres, that is redeveloped shall provide a minimum of 25% meaningful open space, which is open to and available to the public. At least 50%~~65%~~ of open-space areas provided shall be greenspace and 80% of the required open-space area shall be pervious or semi-pervious. Pervious areas such as retention ponds, parking lot islands or landscape planting areas around building bases shall not be counted as open space. Existing park space shall not count towards open space requirements. Open space shall be areas that are open and inviting to the public. Open space can include green areas, hardscape areas, semi-pervious areas, balcony or roof areas that are open to the public and other similar-type spaces. At least 90% of the open space shall be provided at ground level.

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

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

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

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

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

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

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

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

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

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

Mayor Steve Leary

Attest:

City Clerk Rene Cranis



ORANGE AVENUE OVERLAY DISTRICT ADOPTED FLU

LEGEND

- Winter Park City Limits
- Overlay District Boundary
- Future Land Use Category
 - Central Business District
 - Commercial
 - Office/Professional
 - Parking Lot
 - Industrial
 - Institutional
 - Medium Density Residential
 - Low Density Residential
 - Single Family Residential
 - Open Space & Recreation
 - Orange Avenue Overlay District

Notes:

District Size = 85.5 acres (with ROW)
District Size = 66.9 acres (w/out ROW)

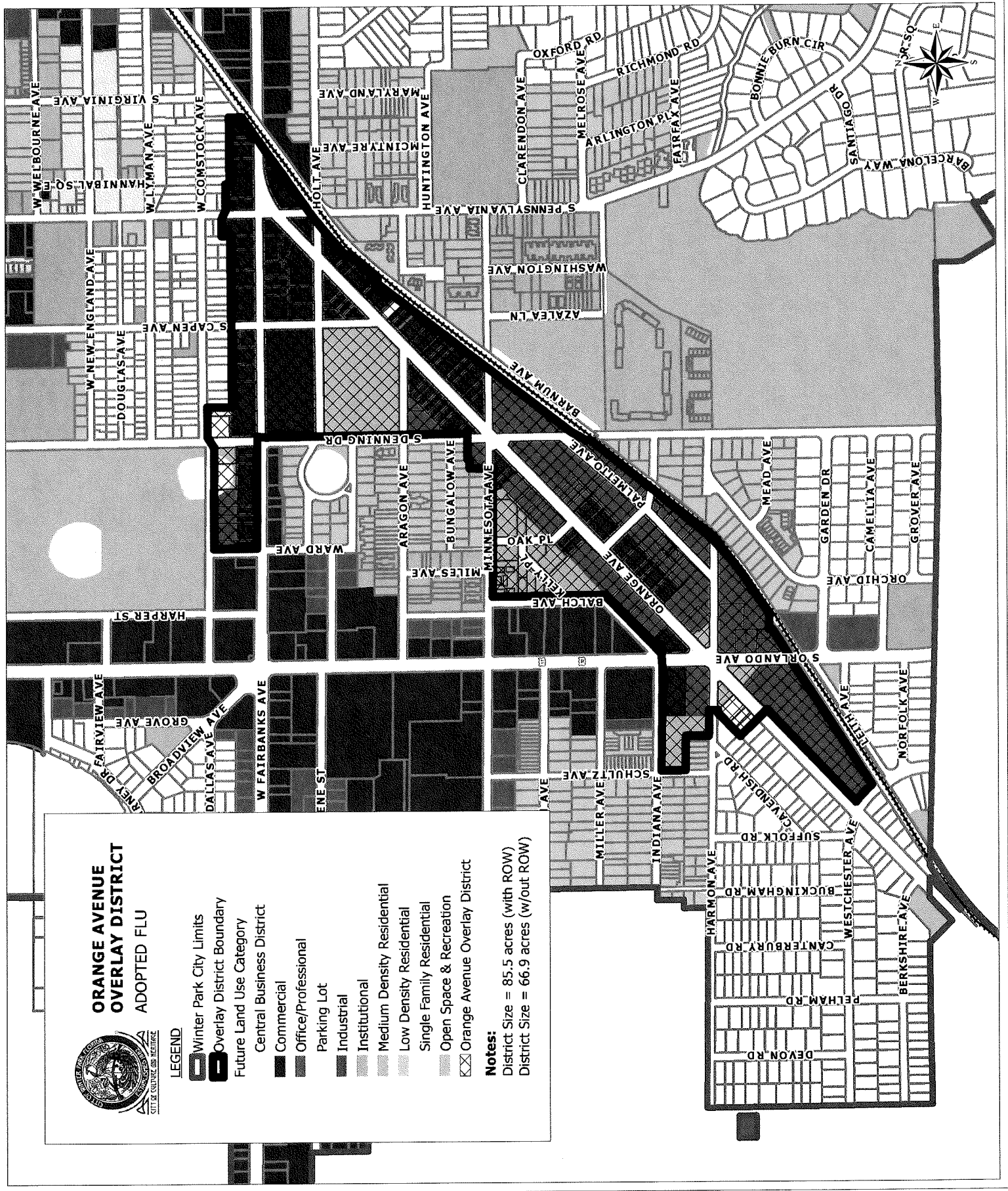


EXHIBIT C

ORDINANCE 3172-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING ORDINANCE 3166-20 AND ORDINANCE 3167-20, WHICH RESPECTIVELY AMENDED THE COMPREHENSIVE PLAN AND ZONING CODE TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT AND GOVERNING POLICIES AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code amendment) concerning the establishment of the Orange Avenue Overlay District and related policies and land development regulations on March 9, 2020; and

WHEREAS, the City Commission has reconsidered its votes on Ordinances 3166-20 and 3167-20 and now repeals those ordinances before they become effective to avoid causing prejudice to any of the landowners in the Overlay area; and to begin the process anew to consider adoption of an Orange Avenue Overlay District; and

WHEREAS, the City Commission directs City staff to provide necessary data and analysis, as delineated by the City Commission, within 30 days following the expiration of any state or federal Executive Orders (EO) allowing public meeting by communications media technology; and within 30 days following the presentation to and acceptance by the City Commission of such data and analysis, re-initiate the process and schedule public hearings to consider amendments to the Comprehensive Plan and the Zoning Code to create the Orange Avenue Overlay District in accordance with F.S. Chapter 163, pt. II and Land Development Code Section 58-6; and

WHEREAS, since Ordinance 3166-20 and Ordinance 3167-20 are not yet effective, they are not currently part of the Comprehensive Plan or Land Development Regulations of the City of Winter Park; and

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Commission has reconsidered its votes on Ordinance 3166-20, establishing the Orange Avenue Overlay, and Ordinance 3167-20, the associated land development code amendment, (referred to collectively as the Orange Avenue Overlay), and hereby repeals those ordinances before the ordinances become effective, to avoid causing prejudice to any of the landowners in the Overlay area; and

WHEREAS, the City Commission is repealing the Orange Avenue Overlay to allow more time for Staff to provide analysis and data, and to offer the public additional information and opportunity for public comment, and since many changes in substance were made at the second reading of the ordinances. Chapter 163.3181(1) of Florida Statute expresses the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. There were public hearings on prior versions of the Orange Avenue Overlay, however at the second reading of the ordinances many changes in substance were

made to the Overlay, preventing full opportunity for public understanding and informed comment on the final version; and

WHEREAS, it is the intention of the City Commission to further study and potentially amend proposed Orange Avenue Overlay policies and regulations; specifically, to examine the value to the City from the transfer of residential development rights; intensities of land use; the regulations pertaining to parking garages; the use of existing public right of ways; the economic value of incentives, and

WHEREAS, the City Commission now 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, Ordinance 3166-20 was not to become effective until April 16, 2020. By repealing Ordinance 3166-20 and Ordinance 3167-20 before April 16, 2020, the City Commission is providing ample notice to the property owners in the Orange Avenue Overlay that they should make no investment backed decisions based on Ordinances 3166-20 or 3167-20. Further that a copy of this Ordinance shall be mailed to all property owners within the geographic area referred to as Orange Avenue Overlay to ensure all owners are aware of this repeal of the Orange Avenue Overlay.

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

SECTION 1. Recitals. The above recitals are hereby adopted as the legislative findings of the City Commission.

SECTION 2. Rescind. That Ordinances 3166-20 and 3167-20 adopted on March 9, 2020 are hereby rescinded (repealed) and are null and void.

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. Effective Date. This Ordinance shall become effective immediately following approval of the 2nd 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 13th day of April 2020.

Mayor Steve Leary

Attest:

Rene Cranis, City Clerk