

ORDINANCE 17-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING ARTICLE XIV OF CHAPTER 118 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES PROVIDING FOR THE EAST PLANT STREET CHARACTER AREA AND THE EAST PLANT OVERLAY DISTRICT, GATEWAY OVERLAY DISTRICT AND PACKING PLANT OVERLAY DISTRICT CONCERNING PROPERTIES GENERALLY LOCATED BETWEEN SOUTH DILLARD STREET AND S.R. 429 (WESTERN BELTWAY); ADOPTING DESIGN STANDARDS, REGULATIONS AND ZONING OVERLAY MAPS FOR SAID OVERLAY DISTRICTS; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida and chapters 163 and 166, Florida Statutes, the City of Winter Garden (the “City”) enjoys all home rule authority, police power, land development and zoning authority, governmental and proprietary powers necessary to conduct municipal government and perform municipal functions, and the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the City of Winter Garden and City of Ocoee hired a consultant to evaluate and study the economic development potential of the S.R. 429 corridor, including East Plant Street between South Dillard and S.R. 429, and the development standards and overlays adopted herein are intended to implement the goals and objectives of such study; and

WHEREAS, the character of the East Plant Street area plays a key role in linking the downtowns together and helping both the City of Winter Garden and City of Ocoee reach their respective economic development goals; and

WHEREAS, uniform building, landscaping, signage, architecture and other design standards are needed to ensure an attractive and viable physical environment to retain and attract economic development and avoid unintended consequences resulting from current regulations; and

WHEREAS, this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, this Ordinance has received a recommendation from the City’s local planning agency, has been properly read and advertised as provided by Florida law and the required meetings and hearings have been conducted on its adoption; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest and welfare of the citizens of the City of Winter Garden.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION 1: Recitals. The above referenced “Whereas” clauses are true and correct and constitute legislative findings of the City Commission.

SECTION 2: Adoption of East Plant Street Character Area. Chapter 118 of the City of Winter Garden Code is hereby amended to add a new Article XIV to read as set forth in **Exhibit “A”** attached hereto and incorporated herein by this reference. Article XIII of Chapter 118 and Sections 118-1613 through 118-1635 of the City of Winter Garden Code are hereby reserved.

SECTION 3: Adoption of Character Area Planned Unit Development. A new Division 5 of Article V of Chapter 118 of the City of Winter Garden Code is hereby created to read as set forth in **Exhibit “B”** attached hereto and incorporated herein by this reference.

SECTION 4: Map Adoption. The zoning map of the City of Winter Garden is hereby amended to create and adopt the Gateway Overlay District with boundaries as graphically depicted on the map attached hereto as **Exhibit “C”** and incorporated herein by this reference. The zoning map of the City of Winter Garden is hereby amended to create and adopt the East Plant Overlay District with boundaries as graphically depicted on the map attached hereto as **Exhibit “D”** and incorporated herein by this reference. The Gateway Overlay District and the East Plant Overlay District are zoning overlays.

SECTION 5. Plant Street Character Area Design Plan. The Plant Street Character Area Design Plan referenced in the provisions of the Code created by Section 2 of this Ordinance is attached hereto as **Exhibit “F.”**

SECTION 6: Codification: Section 2, 3 and 4 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances. Sections of this Ordinance may be renumbered or re-lettered to accomplish the intent of this Ordinance; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to correct scribes’ errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

SECTION 7: Conflicts: In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls.

SECTION 8: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 9: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____ June 8 _____, 2017

SECOND READING AND PUBLIC HEARING: ____ June 22 _____, 2017

ADOPTED this __22nd_ day of __June, 2017, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____/S/_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____/S/_____
ANGELA J. GRIMMAGE, Assistant City Clerk

EXHIBIT “A”

ARTICLE XIII. Reserved

Sections 118-1613 through 118-1635 – Reserved.

ARTICLE XIV. EAST PLANT STREET CHARACTER AREA.

DIVISION 1. – IN GENERAL

Section 118-1636 Establishment

In addition to and supplemental to the requirements of this chapter, there is hereby created the East Plant Street Character Area (“Character Area”). The Character Area contains two overlay zoning districts known as the East Plant Overlay District and Gateway Overlay District. The development standards for each overlay district are calibrated to the varied development conditions and desired character for lots and parcels within each overlay district.

Section 118-1637 Purpose

The general purpose of the Character Area and the development standards of this article are intended to:

- (a) Create a livable transportation network with people-oriented transportation focusing on a network of street and trail connections rather than a limited system of roads;
- (b) Create a strong sense of place by building on the existing character of the West Orange County communities;
- (c) Create and encourage mixed and multi-use development creating more activity at more times of the day and more days of the week to ensure a vibrant level of exchange;
- (d) Create a robust public realm by linking the community with parks, trails, and open spaces;
- (e) Create a front-door gateway for the downtowns of the City of Winter Garden and City of Ocoee by creating a more inviting urban form that carries a similar character to the rest of

- downtown Winter Garden;
- (f) Maintain and enhance property values; and
 - (g) Encourage high quality and high value economic development.

Section 118-1638 Boundaries of the Overlay Districts

The boundaries of the East Plant Overlay District and Gateway Overlay District are graphically depicted as the adopted by Ordinance No. 17-06, as may be amended from time to time.

Section 118-1639 Applicability of Design and Development Standards

The design and development standards for parcels within each overlay district established under this article shall govern new development and redevelopment of parcels of land within the overlay districts. Nothing in this article is intended to amend or supersede the non-conforming use and structure provisions of this chapter. Uses, buildings and structures legally permitted and existing as of the adoption of this article are not required to come into compliance with article unless and until the property upon which such are in use or constructed is redeveloped. To the extent the overlay district design and development standards of this article do not speak to an issue governed by other provisions of this chapter, the other provisions of this chapter still apply. Except for the accessory uses described in Sections 118-1645 and 118-1646 desired for new development or redevelopment, all underlying permitted uses, special exception uses and prohibited uses for the underlying zoning district assigned shall remain in full force and effect for each lot and parcel within the Character Area. For the purposes of this article, a “redevelopment” occurs when: (i) an existing principal structure is or is proposed to be demolished and replaced with a new structure, or (ii) the existing principal structure loses or would lose its legally non-conforming status under this chapter due to the construction or development proposed. In the event of a conflict between this article and other provisions of this chapter, the provisions of this article shall control to the extent of the conflict.

Section 118-1640 Design Principles for East Plant Street Character Area

The Plant Street Character Area Design Plan (“Design Plan”) is hereby adopted by reference and incorporated herein. To the extent the provisions of the Design Plan are not codified in other sections of this article, the Design Plan shall serve as a guideline for development with the Character Area.

Section 118-1641 Administrative Waiver

An administrative waiver may be granted by the community development director from those certain development standards of this article as set forth in the Table A (Allowable Administrative Waivers) below upon making the required findings.

Table A - Allowable Administrative Waivers

ADMINISTRATIVE RELIEF TYPE	REQUIRED FINDINGS	ALLOWED ADMINISTRATIVE RELIEF
Lot Dimensions. A decrease or increased in the minimum building width requirements	Increasing and/or decreasing the size of the building lot will provide some modifications for site constraints, parking garage dimensions, that do not change and/or alter the overall block perimeter requirements or building relief requirements as set forth in the standards.	15% maximum
Dwelling Unit Size. A decrease in the minimum dwelling unit size.	Decreasing the unit size requirement will provide for flexibility of market availabilities and need within the area.	20% maximum
Mix of Uses. An adjustment of the target mix of uses by sub-district.	Permitting a range of a mix within a sub district to allow for some flexibility without creating a single use development is permitted	5-10% mix adjustments, per land use
Parks. An adjustment of percentage of park space required by developed area.	Reducing the percentage of park space required because of proximity to existing parks, site constraints, etc.	1-2% maximum
Parking Zones. Where parking areas cannot be located in the rear of the parcel because of site constraints.	If parking has to be located adjacent to a street, because of site constraints, a street wall edge may be considered when designed with landscape and hardscape materials that provide 100% visual coverage up to 36" in height	Parking Zone location modifications only where site constraints exist and restrict the minimum parking ratios to maximum parking standards
Maximum Block Perimeter. An increase in the maximum block perimeter may be considered if site constraints (adjacent to natural systems or SR 429 or a roadway with access restrictions)	Increasing the block perimeter would not adversely affect the walkability of the area as denoted in that Character Area. May require additional pedestrian pathways.	10% maximum
Street Section. Modify the size, type of new street.	Provisions to reduce size of travel lanes without reducing parking, tree/planter or walkways.	Reduction of travel lane, design only
Landscape spacing and percentage may be adjusted.	Provides flexibility if an applicant exceeds the minimum size requirement by tree and/or shrub species or preserves existing trees and shrubs on site.	Reduction of percentage of coverage by 5%.
Landscape Palette selection flexibility.	An applicant may propose a similar species of tree/shrub for consideration.	Species change is permitted if considered Florida Friendly.

Section 118-1642 Submittal of landscape plans

A landscape plan delineating the location, height, and type of all plant and groundcover materials, as well as the irrigation system must be provided with the submittal of a Planned Unit Development rezoning or site plan application for developments subject to this article. Unless otherwise approved by the city community development director, the landscape plan must be prepared by a landscape architect licensed to practice in the State of Florida.

Section 118-1643 Architectural drawings

Architectural elevations of all facades, buildings and structures subject to this article shall be submitted with applications and a required exhibit for a Planned Unit Development rezoning or site plan approval. Such exhibits shall include colors, materials, building dimensions, elevations of all building sides, location of service areas and mechanical equipment, screening devices, site furnishings, lighting fixtures, all signage and any other information as determined necessary to ensure consistency with the intent of this article by the city. All elevations must be signed and sealed by a licensed architect registered in the State of Florida.

Section 118-1644 Screening of mechanical systems, equipment and facilities

Equipment and appurtenances mounted on the tops of buildings shall be screened from view. Mechanical systems, equipment and facilities such as, but not limited to, utility, transformers, backflow preventors, condensers, hardware, loading and unloading areas, dumpsters, exterior storage and work areas, shall be screened from public view or located at a location that is not visible from public streets or from the parking area. All screening shall be, at a minimum, the same height as the mechanical systems, equipment, or facility. Screens shall be compatible to the building, proximate properties and reflect or complement the architecture, color, and materials of the building as determined by the city-based upon sound and generally accepted architectural practices and principles. Landscaping is permitted for at-grade screening as long as it provides 100% opacity within 12 months. All outside electrical, telephone, cable and gas equipment or facilities shall be placed as close to the building as feasible and screened with landscaping and to the extent practicable such utilities shall be placed underground.

Section 118-1645 Outdoor Storage and Sales Prohibited

Notwithstanding the underlying zoning district designation of a parcel or lot, within the Character Area (including within all overlay districts therein), outdoor storage is prohibited. Without limiting the foregoing, outdoor commercial or merchandise sales or display areas, commercial play devices, kiosks, and tents are prohibited.

Section 118-1646 Drive-through

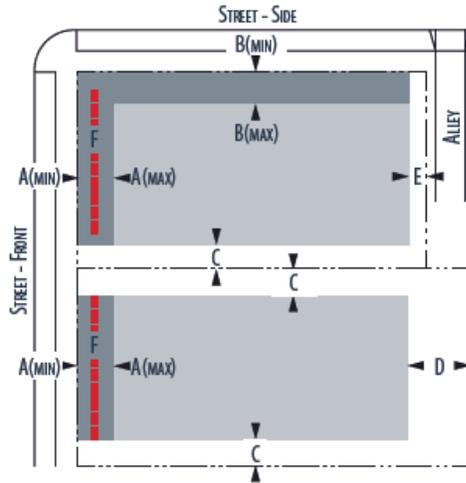
Notwithstanding the underlying zoning district designation of a parcel or lot, within the Character Area (including within all overlay districts therein), drive-in or drive-through components of retail and other commercial uses are only allowed with special exception approval.

Section 118-1647 Building Types

There are eight Building Types within the Character Area which are identified in the Design Plan. The overlay district assigned to a parcel of land determines which of the Building Types are permitted and the maximum stories allowed. Only the Building Types permitted in each overlay district are allowed for each respective overlay district. Each Building Type has a maximum story limitation, schematic example, illustrative photos, regulations, and standards that are required within the Character Area.

Section 118-1648 Building Setbacks

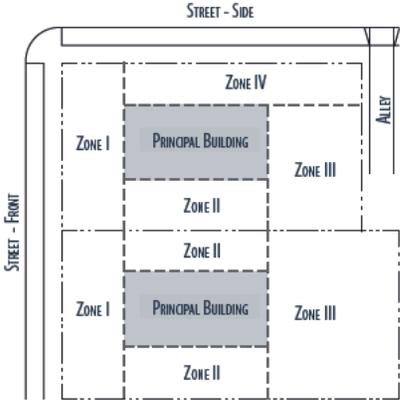
The placement of buildings on a parcel or lot is dictated by the setbacks and frontage requirements. All setbacks must be landscaped according to the requirements of each Building Type. In addition to setbacks, a frontage requirement is specified, which defines the percentage of a lot's dimensions adjacent to a street that must have a building's ground floor within the street setback area. A reference diagram of building placement standards is shown below.



See 4.2: *District Standards Table* in the Design Plan for specific building setback requirements for each District

Section 118-1649 Parking Placement

Off-street parking facilities are permitted only in certain zones within a lot or parcel, depending on the overlay district within which the lot or parcel is located. A reference diagram for Parking Zone location is provided below.



See 4.2: *District Standards Table* in the Design Plan for specific parking location requirements for each District

Section 118-1650 Parks

A minimum of five percent of developable area shall be reserved for park use for all development on all properties that are one acre or more within the Character Area generally consistent with the Park Types Standards set forth in the Design Plan.

Section 118-1651 Façade Types

There are five Façade Types within the Character Area which are identified in the Design Plan. The overlay district assigned to a parcel of land determines which of the Façade Types are required and permitted. Only the Façade Types permitted in each overlay district are allowed for each respective overlay district. Each Façade Type also has signage and encroachment standards as set for in the Design Plan.

Section 118-1652 Planned Unit Development

- (a) The Character Area Planned Unit Development (CAPUD) zoning category is hereby created as an additional mechanism to implement this article. Additional standards governing the Character Area Planned Unit Development zoning category are set forth in article V of this chapter.
- (b) The use of Character Area Planned Unit Development zoning is encouraged for the lands within the Character Area. Character Area Planned Unit Development zoning allows for a mixture of permitted uses that a parcel's or lot's current underlying zoning district may not. Further, the Character Area Planned Unit Development zoning provides some flexibility to allow minor deviations from the strict requirements of this article without the need to meet the requirements of an administrative waiver.
- (c) The City recognizes the constraints of meeting the development standards of this article for an infill development project and the use of Character Area Planned Unit Development zoning is encouraged to address and approve required deviations for such projects beyond those of which may be granted by administrative waiver.
- (d) In addition to the rezoning criteria, when considering a rezoning to Character Area Planned Unit Development that incorporates deviations from the development standards of this article, the City shall consider the extent to which the proposed development, taken as a whole:
 - i. Advances the stated vision and principles of the Character Area, including: (1) promotes modes of transportation other than the automobile, including walking and transit; (2) creates a built environment that is in scale with pedestrian-oriented activities and provides visual interest and orientation for pedestrians; and (3) contributes to a mix of uses in the area that are compatible with each other and work together to support the stated vision.

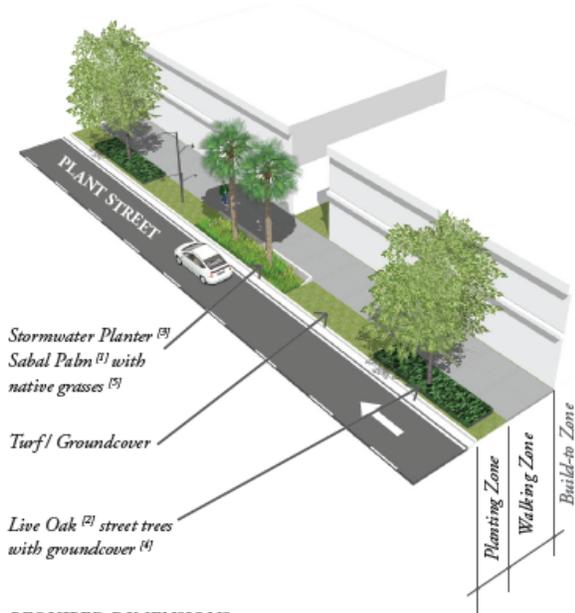
- ii. Is consistent with the intent of the standards applicable to the sub-district and district in which it is located.
 - iii. Is physically and functionally integrated with the built environment in which it is located; and
 - iv. The potential impacts of the proposed deviation on surrounding properties and the extent to which any adverse impacts from such deviation can be mitigated.
- (e) A development of lots and parcels within the Gateway Overlay District or Multi-Use Development (MUD) future land use designated properties within the Character Area may obtain densities and intensity bonuses up to a maximum density of 30 dwelling units per acre for residential and maximum of 2.0 FAR for commercial and office uses provided that the developer/owner submits an application for and obtains a rezoning to a Character Area Planned Unit Development designation, complies with the requirements of this article and proves that the proposed development is in substantial compliance with the principles and guidelines set forth in the Design Plan. The implementation of this subsection is contingent upon and subject to the City Commission's adoption of Comprehensive Plan Policies providing for such density bonuses.

Section 118-1653 Plant Street Streetscape

Throughout the Character Area, development fronting Plant Street is required to provide at the developer's/owner's expense streetscape treatments of landscape and hardscape consistent with the following plan.

Required Treatment

Typical Plant Street Streetscape: Standard Treatment

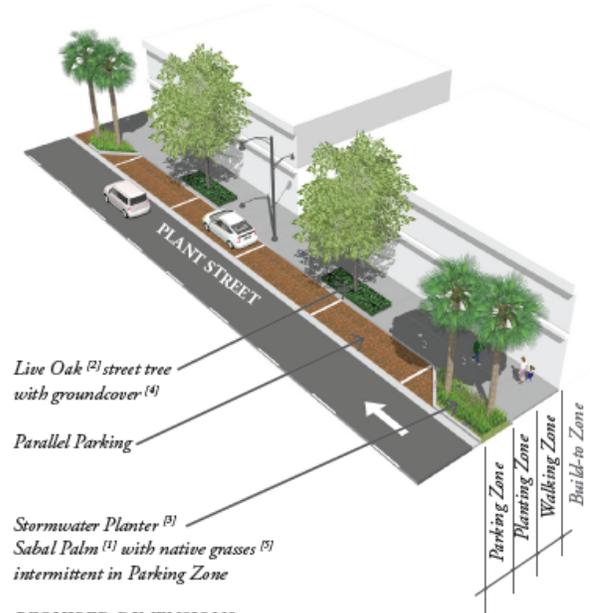


REQUIRED DIMENSIONS:
Planting Zone:
 7' minimum width
Walking Zone:
 6' minimum North side
 12' minimum South side
 Planter Length: 20'
 Planter Spacing: 50' center to center

NOTE: All overhead utilities to be placed underground prior to site development.

Optional Treatment

Typical Plant Street Streetscape: On-Street Parking Treatment



REQUIRED DIMENSIONS:
Parking Zone: Planter Length: 20'
 8' minimum width Planter Spacing: 50' center to center
Planting Zone:
 6' minimum width
Walking Zone:
 6' minimum North side
 12' minimum South side

NOTE: All overhead utilities to be placed underground prior to site development.

Sections 118-1654 – 1657 Reserved.

DIVISION 2. – EAST PLANT OVERLAY DISTRICT

Section 118-1658 East Plant Overlay District

In addition to the provisions of division 1 of this article, the provisions of this division shall govern the development of lands within the East Plant Overlay District.

Section 118-1659 Building Setbacks

The following building setbacks shall apply within the East Plant Overlay District:

Building Setbacks

Setback	Min	Max
A-Front Yard (ft)	0	10
B-Street Side Yard (ft)	5	15
C-Side Yard (ft)	0	na
D-Rear Yard (ft)	20	na
E-Alley Rear Yard (ft)	3	na
F-Frontage (%)	80	100

See *4.1.1: Setback Location Diagram* in the Design Plan

Section 118-1660 Building Types

The following building types are required and permitted within the East Plant Overlay District:

Building Type	Permitted	Max Stories
House	Y	2
Duplex/Quadplex	Y	2
Townhouse	Y	3
Tuck-Under Townhouse	Y	3
Apartment Building	Y	3
Commercial Building	Y	3
Industrial Building	N	na
Civic/Institutional Building	Y	3

Section 118-1661 Façade Types

The following facades types are required and permitted within the East Plant Overlay District:

Façade Type	Permitted
Storefront	Y
Stoop	Y
Porch	Y
Civic/Institutional	Y
Industrial	N

Section 118-1662 Parking

The requirements for on-site vehicular parking spaces within the East Plant Overlay District are as follows:

Parking	Land Use Type	Required Spaces
	Residential	1.5 sp/unit
	Live/Work	2.5 sp/unit
	Commercial	3.0 sp/1000 sf
	Manufacturing	N/A
	Civic/Institutional	By study

The parking location on site shall be as follows:

Zone I	Not Permitted
Zone II	Permitted, subject to screening requirements
Zone III	Permitted
Zone IV	Permitted, subject to screening requirements

See *4.1.6: Parking Location Diagram* in the Design Plan

DIVISION 3. – RESERVED.

Section 118-1663 – 118-1667. Reserved.

DIVISION 4. – GATEWAY OVERLAY DISTRICT

Section 118-1668 Gateway Overlay District

In addition to the provisions of division 1 of this article, the provisions of this division shall govern the development of lands within the Gateway Overlay District.

Section 118-1669 Building Setbacks

The following building setbacks shall apply within the Gateway Overlay District:

Setback	Min	Max
A-Front Yard (ft)	0	10
B-Street Side Yard (ft)	0	10
C-Side Yard (ft)	0	na
D-Rear Yard (ft)	20	na
E-Alley Rear Yard (ft)	3	na
F-Frontage (%)	60	100

See 4.1.1: Setback Location Diagram in the Design Plan

Section 118-1670 Building Types

The following building types are required and permitted within the Gateway Overlay District:

Building Type	Permitted	Max Stories
House	N	na
Duplex/Quadplex	N	na
Townhouse	Y	3
Tuck-Under Townhouse	Y	3
Apartment Building	Y	5
Commercial Building	Y	5
Industrial Building	N	na
Civic/Institutional Building	Y	5

Section 118-1671 Façade Types

The following facades types are required and permitted within the Gateway Overlay District:

Façade Type	Permitted
Storefront	Y
Stoop	Y
Porch	Y
Civic/Institutional	Y
Industrial	N

Section 118-1672 Parking

The requirements for on-site vehicular parking spaces within the Gateway Overlay District are as follows:

Parking	Land Use Type	Required Spaces
	Residential	1.5 sp/unit
	Live/Work	2.5 sp/unit
	Commercial	3.0 sp/1000 sf
	Manufacturing	N/A
	Civic/Institutional	By study

The parking location on site shall be as follows:

Zone I	Not Permitted
Zone II	Permitted, subject to screening requirements
Zone III	Permitted
Zone IV	Not Permitted

See **4.1.6: Parking Location Diagram** in the Design Plan

EXHIBIT “B”

ARTICLE V. - PLANNED UNIT DEVELOPMENTS

DIVISION 5. – CHARACTER AREA PLANNED UNIT DEVELOPMENT

Section 118-1089 Establishment/Purpose/Procedures

- (a) The Character Area Planned Unit Development (CAPUD) is hereby established as a zoning district within the city.
- (b) This division is intended to provide a mechanism to implement design and development standards of the East Plant Street Character Area as set forth in article XIV of this chapter. Only parcels or lots located within the East Plant Street Character Areas may be assigned the CAPUD zoning designation.
- (c) The approval criteria and procedures CAPUD rezoning are the same as set forth in division 1, and division 1 is hereby incorporated herein.

Section 118-1090 Permitted Uses/Development Standards

The permitted uses within the CAPUD shall be an aggregation of uses permitted by the previously existing zoning classifications of lands included within the development except as prohibited or restricted by the provisions of the East Plant Street Character Area and its overlay districts as set forth in article XIV or inconsistent with the comprehensive plan future land use designations of the lands. In aggregating permitted uses within a CAPUD, the mixture of uses may be limited by minimum and maximums of densities and intensities for each type of use. Any use not specifically set forth as a permitted use or special exception use in the CAPUD shall be prohibited. A CAPUD shall incorporate the requirements of article XIV except to the extent the City Commission approves deviations to allow flexibility in the development. There are no minimum acreage requirements for CAPUD zoning.