



City Commission Regular Meeting

Agenda

December 14, 2022 @ 3:30 pm

City Hall - Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed 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).

please note

Times are projected and subject to change.

1. Meeting Called to Order**2. Invocation**

- a. Reverend Kathy Beasley, Unity of Central Florida 1 minute

Pledge of Allegiance**3. Approval of Agenda****4. Mayor Report**

- a. Balmoral Group as a Gold Level Green Business Recognition 5 minutes

5. City Manager Report

- a. Parks and Recreation Department CAPRA Accreditation 2 minutes
b. City Manager Report 5 minutes

6. City Attorney Report**7. Non-Action Items****8. Public Comments | 5 p.m. or soon thereafter**

(If the meeting ends earlier than 5:00 p.m., public comments will be at the end of the meeting)

(Three minutes are allowed for each speaker)

9. Consent Agenda

- a. Approve the minutes of the regular meeting, November 9, 2022. 1 minute
b. Approve the minutes of the work session, November 30, 2022. 1 minute
c. Approve the following piggyback contracts: 1 minute
 1. USA Services of Florida, Inc. - City of Daytona Beach Contract #13-159 - Mechanical Sweeping Services; For services on an as-needed basis during the term of the Agreement; Amount: \$250,000 for FY23.
 2. Pure Air Control Services, Inc. - Panhandle Area Educational Consortium Contract #RFP21-30 - Indoor Air Quality Consulting & Remediation; For services on an as-needed basis during the term of the Agreement; Amount: \$150,000 for the duration of the remainder of the contract term through November 30, 2024.
 3. Ring Power Systems - Sourcewell Contract #120617-CAT -

CAT Diesel & Natural Gas Generator Sets; Amount: \$175,000 for additional goods needed for the remainder of the Agreement through January 29, 2023.

4. United Rentals, Inc. - Sourcewell Contract #062320 - Equipment Rental with Related Services; Amount: \$300,000 in additional funds for the duration of the remainder of the contract term through August 27, 2024.
5. Hubbard Construction Company - Seminole County Contract #IFB-603616-19/BJC - Pavement Management Program Services; Amount: \$925,000 for services on an as needed basis for the duration of the contract term through December 25, 2023.
6. Chuck Robinson Concrete and Bob Cat Service - Seminole County Contract #RFP-604273-22/LNF - Aquatic Maintenance Services; Amount: \$300,000 for services on an as needed basis for the duration of the contract term through May 31, 2025.

d. [Approve the following contracts:](#)

1 minute

1. Howard Industries, Inc. - IFB8-20 - Single-Phase Transformers; Amount: \$2,250,000 in additional funds for goods on an as-needed basis.
2. Advanced Roofing, Inc. - Renewal of RFP14-21 - Solar Panel & Awning Fabrication, Installation; Amount: \$200,000 for services on an as-needed basis for the duration of the contract term through December 17, 2023.
3. Xylem Water Solutions USA, Inc. - SS23-5 - Wedeco Ozone Generators Products; Amount: \$150,000 in additional funds for services on an as-needed basis.
4. 15 Lightyears, Inc. - IFB18-21 - Residential & Commercial Energy Audit Services; Amount \$80,000 in additional funds for services on an as-needed basis.
5. OpenGov, Inc. - Renewal of PB40-19 - OpenGov Procurement Software; Amount \$80,000 for services on an as-needed basis for the duration of the contract term through December 31, 2025.

e. [Approve the following formal solicitation:](#)

1 minute

1. Stuart C Irby - IFB32-22 - 3 Phase Transformers; Amount: \$1,250,000

10. Action Items Requiring Discussion

- a. [Appeal of denial of Tree Removal Permit - 1445 Bonnie Burn Circle](#) 20 minutes

- | | | |
|----|--|------------|
| b. | Appeal of denial of Tree Removal Permit - 1631 Hillcrest Ave. | 20 minutes |
| c. | Request for Funding - Park Avenue District Main Street Program | 20 minutes |
| d. | Muscovy Duck Program | 10 minutes |
| e. | Electric cost of service study | 10 minutes |
| f. | Progress Point Park - Denning Drive on street parking | 20 minutes |
| g. | City Attorney Contract | 15 minutes |
| h. | Confirmation of appointments to Civil Service Board. | 5 minutes |
| i. | 2023 General Election and Run-off Election, if necessary | 10 minutes |
| | 1. Approve polling places. | |
| | 2. Appoint three members to the Canvassing Board. | |
| | 3. Approve canvassing criteria established by the state and used by Orange County. | |
| | 4. Allow Orange County Supervisor of Elections to open and run all Vote by Mail ballots through the tabulator on March 14 after 9:00 a.m. and on April 11 if a run-off is necessary, that are not questionable without obtaining the results until 7:00 p.m. | |

11. Public Hearings: Quasi-Judicial Matters

(Public participation and comment on these matters must be in-person.)

- | | | |
|----|---|-----------|
| a. | Resolution 2266-22 - Designating 1379 Canterbury Road to the Winter Park Register of Historic Places. | 5 minutes |
|----|---|-----------|

12. Public Hearings: Non-Quasi Judicial Matters

(Public participation and comment on these matters may be virtual or in-person.)

- | | | |
|----|--|------------|
| a. | Ordinance - Amending Ordinance 3182-20 to keep as permanent the regulations concerning backyard chickens adopted by Ordinance 3182-20 as a pilot program (1st reading) | 10 minutes |
| b. | Ordinance - Adding a new Division 3 of Article VI, Chapter 2, providing for the assessment of third-party city consultant costs, expenses and fees incurred by the City of Winter Park related to the review, processing and regulation of development applications. (1st reading) | 10 minutes |
| c. | Ordinance: Updating Section 58-87, lakefront and waterfront zoning regulations and amending Chapter 114, Lakes and Waterways to incorporate regulations concerning docks and boathouses. (1st Reading) | 20 minutes |

13. City Commission Reports

14. Summary of Meeting Actions

15. Adjournment



City Commission **agenda item**

item type Invocation	meeting date December 14, 2022
prepared by Kim Breland	approved by
board approval	
strategic objective	

subject

Reverend Kathy Beasley, Unity of Central Florida

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Mayor Report	meeting date December 14, 2022
prepared by Victoria Tabor	approved by Gloria Eby, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Balmoral Group as a Gold Level Green Business Recognition

motion / recommendation

background

Department of Natural Resources & Sustainability are recognizing the Balmoral Group as a Gold level Green Business. Their efforts to reduce waste, lower their carbon footprint, and promote sustainability as a company makes them stand out in our community. Mayor Anderson will present an award to Balmoral after Mia Brady's brief presentation recognizing the green business.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Green Business Recognition Balmoral Group](#)

Green Business Recognition Program



This program acknowledges Businesses in Winter Park that have made substantial efforts to be more sustainable in terms of building efficiency, waste reduction, and consumer choices

There are currently 25+ recognized
business in Winter Park

Green Business Recognition Program



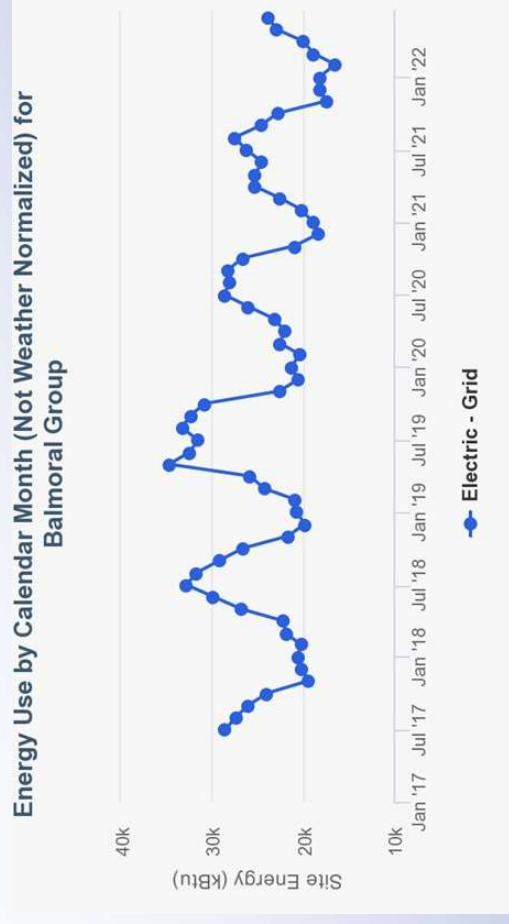
Sustainability pledge:

"Our actions will be guided by our work, improve the environment by cutting our environmental footprint sustainability principles within three goals: to improve lives and quantify the impacts from in half, and improve livelihoods of low and moderate-income communities and racial/ethnic minorities within our sphere of influence"

Office waste reduction



Sustainability Training



Green Business Recognition Program

Our Green Businesses help keep our city sustainable!



WINTER PARK
GREEN BUSINESS
recognition program

Balmoral Group

Our actions will be guided by sustainability principles within three goals: to improve lives and quantify the impacts from our work; to improve the environment by cutting our environmental footprint in half; and to improve livelihoods of low and moderate-income communities and racial/ethnic minorities within our sphere of influence.

THANK YOU FOR YOUR OUTSTANDING EFFORTS

THE CITY OF WINTER PARK **sustainability** DIVISION



City Commission **agenda item**

item type City Manager Report	meeting date December 14, 2022
prepared by Jason Seeley	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Parks and Recreation Department CAPRA Accreditation

motion / recommendation

No Action - Info Only

background

National Recreation and Parks Association's (NRPA) Commission for Accreditation of Park and Recreation Agencies (CAPRA) provides quality assurance and quality improvement of accredited park and recreation agencies throughout the United States by providing agencies with a management system of best practices. CAPRA is the only national accreditation of park and recreation agencies and is a valuable measure of an agency's overall quality of operation, management, and service to the community. Achieving CAPRA accreditation is the best way to demonstrate that your agency and your staff provide your community with the highest level of service.

Over the past year the department staff have worked on completion of the extensive accreditation process through CAPRA and on October 7th the department received its approval. The City's Parks and Recreation Department is 1 of only 197 agencies across the United States that has achieved this accomplishment and 1 of only 27 agencies in the state.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[2022 CAPRA certificate - Winter Park FL.pdf](#)

ATTACHMENTS:



Commission for Accreditation of Park and Recreation Agencies

Let it be known that the

City of Winter Park Parks and Recreation

has fully demonstrated its commitment to the park and recreation field by complying with a body of standards deemed essential to the quality of services delivered and the professionalism of its operational system, and having accomplished best management practices is hereby, upon recommendation by the members of the Commission for Accreditation of Park and Recreation Agencies, conferred

Agency Accreditation

effective on this 9th of September, 2022
and recognized as an accredited park and recreation agency
for a period of five years.



Commission for Accreditation of Park and Recreation Agencies

October 7, 2022

Mr. Jason Seeley
City of Winter Park Parks and Recreation
401 S Park Ave
Winter Park, FL 32789-4319

Dear Mr. Jason Seeley,

This is to report that the Commission for Accreditation of Park and Recreation Agencies (CAPRA), at its virtual meeting on September 9, 2022, approved reaccreditation for **City of Winter Park Parks and Recreation** through the fall of **2027**. Congratulations for this achievement!

Your agency's accreditation by CAPRA is valid until its next review in the fall of **2027**. Your agency should plan for its next accreditation visit between March and June 2027. To maintain accreditation, your agency must comply with the Commission's requirements for timely submission of annual reports and fees.

The Commission is pleased to include **City of Winter Park Parks and Recreation** on the list of accredited agencies. This is an honor you and your staff should be proud of.

Sincerely,

A handwritten signature in black ink, appearing to read "Cory Styron", written over a horizontal line.

Cory Styron, CPRP
Chair, Commission for Accreditation of Park and Recreation Agencies



City Commission **agenda item**

item type City Manager Report	meeting date December 14, 2022
prepared by Jennifer Guittard	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

City Manager Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

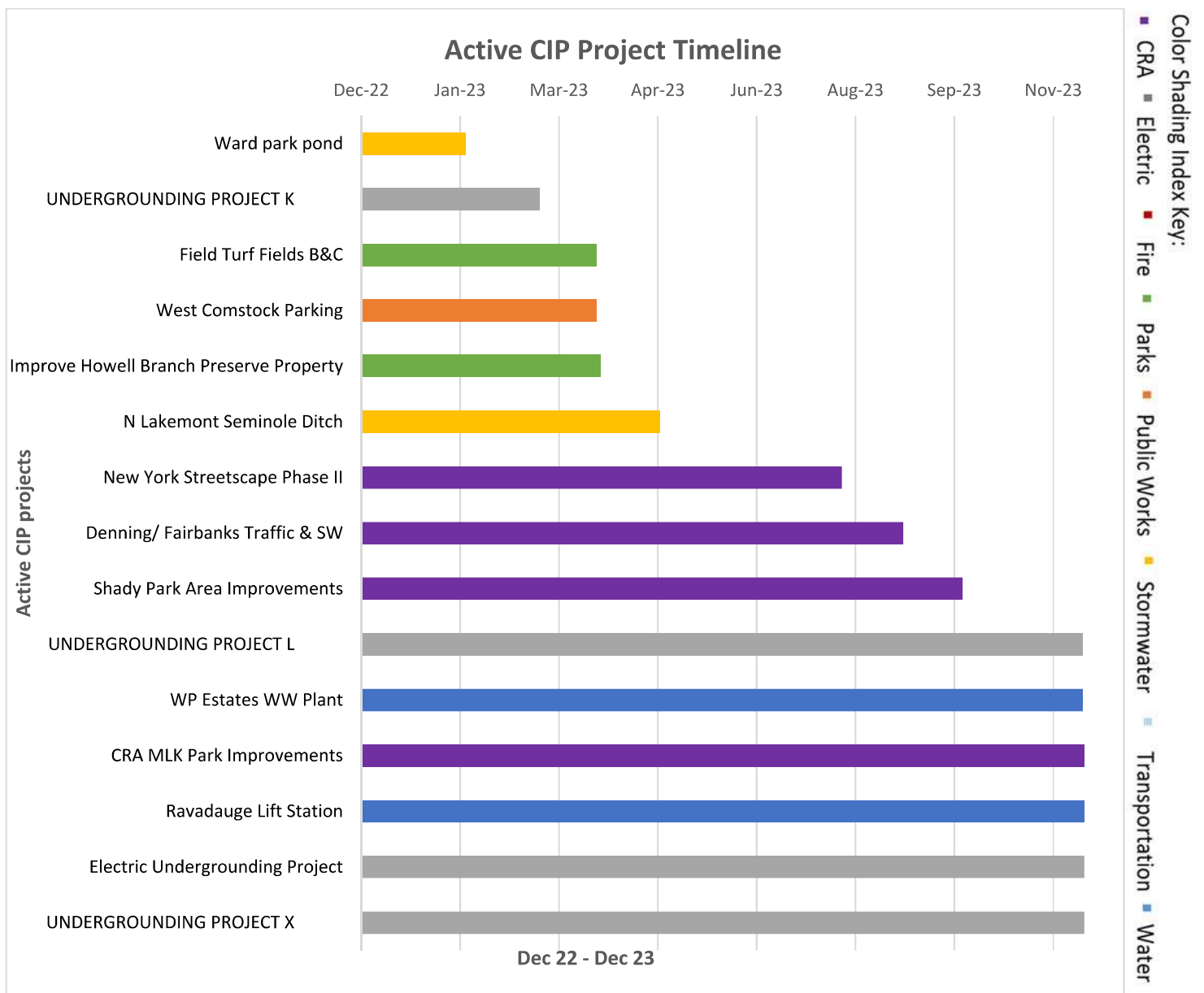
[CIP Report 12.14.22.pdf](#)



This report is updated monthly to monitor capital projects occurring throughout the city and to provide information about recently completed projects. The project status options have been adjusted to (Planning, Active, Pending). To define; all projects in design, research, or review are in the Planning status. All projects with purchases, construction, and implementation are in the Active status. The remaining projects have a Pending status that have stopped the planning or active work of a project such as pending review and approval, additional funding, and scheduling.

Count by Status

Project Status	Planning Status	Active Status	Pending Status
Count Total 50	20	19	11



Title 1: Planning Status

Project	Project Update	Strategic Objective	Division
1792 Streetscape Imp.	MOU amendment approved at CRA meeting 1/27/20. Design review underway by FDOT and staff including lighting and landscaping. FDOT in process of due diligence and potential ROW acquisition. FDOT and Metroplan currently evaluating projects based on new pricing for materials and labor.	Intelligent Growth & Development	CRA
Bicycle & Pedestrian Improvement	Various pavement marking improvements throughout the City are being evaluated. New RRFBs to be installed on Denning Dr south of Webster Ave, Lakemont Ave near the hospital, and Mizell by the hospital. Additional projects are being planned.	Exceptional Quality of Life	Transportation
CRA MLK Park Improvements	Design and/or construction underway on these pieces of the project. Board and CRA Agency approved items for several aspects of the park including fields and MLK memorial corner. Consultant provided concept design, and led/assisted with multiple stakeholder meetings. Staff is proceeding with memorial corner design including a request for Call for Artists to integrate a sculpture element into the corner and overall park improvement approved by the Agency on November 9th, 2022. An RFP Call for Artists is slated for a January 9th, 2023 disbursal with selection committee members comprised of the Public Art, Parks and Recreation, and CRA Advisory Board. Staff is additionally coordinating for an additional MLK playground public meeting to clarify scope and costs. This is expected in January/February 2023.	Exceptional Quality of Life	CRA
Denning Dr. Intersection	Extension to railroad north of Webster approved by CRA Agency on August 24 with a value of 500k. Design concept at 30%. Working through internal review.	Investment in Public Assets & Infrastructure	CRA
Denning/ Fairbanks Traffic & SW	Purchase of both 901 and 919 W. Fairbanks complete. Demolition of both properties and sod installation complete. Design schematics complete for transportation improvements, and sent for comment by FDOT including a separate southbound right turn lane to ease traffic congestion. Improvements approved by the CRA Agency at their August 24th meeting. Plans in coordination with FDOT	Investment in Public Assets & Infrastructure	CRA

Project	Project Update	Strategic Objective	Division
	and city consultant Kimley-Horn for final comment with solicitation and bid forthcoming.		
Dinky Dock Renovations	Concept approved by PRAB and work will commence Fall/Winter 2022.	Exceptional Quality of Life	Parks
Downtown Enhancements	Coordination with Parks Department for new irrigation system in Central Park areas complete. Park Avenue parking sensor project pilot complete. Pucks installed with monitoring through November at no cost to the city with removal taking place on December 8th. Staff is coordinating with the vendor on a second pilot for Q2 2023 with further enhancements to data accuracy for both the end user and staff on parking availability.	Exceptional Quality of Life	CRA
FDOT 17-92 UT Line Relocate	Draft design complete. Reviewing with consultant in December 2022. Following review, Department will evaluate direction of project for next phase.	Investment in Public Assets & Infrastructure	Water & Sewer
Fire Safety Equipment	The current Emergency Dispatch CAD vendor is designing a software update to support the new alerting system. Estimated update from the CAD vendor & beta testing is anticipated to begin within the next 45 days.	Public Health & Safety	Fire
Improve Howell Branch Preserve Property	The initial treatment of invasive species at the Howell Branch Preserve Trail Grant project properties has taken place and quarterly treatment has begun as well. Commission approved design concept on 10/12 and City and Dix Hite are moving forward with permitting process.	Investment in Public Assets & Infrastructure	Parks
Kennedy Rd Wide Force Mn	Met with Orange County and other Utility Agency Owners (UAOs) in mid-July 2022 to review updated plans and utility location issues. Orange County to send updated plans to UAOs for coordination of utility relocations. Roadway project split into 2 phases. City force main within Phase 2 which is scheduled to begin July 2026.	Investment in Public Assets & Infrastructure	Water & Sewer
Lift Station R&R	Designing upgrades for Lift Station #47 (Ranger) and #23 (Solana). Reviewing lift station conditions for future rehabilitations next fiscal year.	Intelligent Growth & Development	Water & Sewer
MLK Regional Stormwater	Lake Mendon (Lake Island) was included as part of CRA Stormwater plan and staff is working to coordinate improvements with MLK Park enhancements to better leverage funding. Staff proposal for	Investment in Public Assets & Infrastructure	CRA

Project	Project Update	Strategic Objective	Division
	including the stormwater plan as part of the overall MLK Park plan approved by the Agency on August 24.		
N Lakemont Seminole Ditch	The survey is complete and the design was submitted to Seminole County for review at 60% completion on October 28, 2022. Final design and permitting will follow and bid package will be generated for a start of construction in late spring of 2023.	Investment in Public Assets & Infrastructure	Stormwater
Park Pavilions	Working with Mead Gardens on design and needs of new pavilion with tentative start in Winter 2022.	Investment in Public Assets & Infrastructure	Parks
Parks Swoope Facility BLD	Property swap complete. City working with architect firm for facility design.	Exceptional Quality of Life	Parks
Ravadauge Lift Station	Final design in progress. Design anticipated to be complete by August 2023.	Investment in Public Assets & Infrastructure	Water & Sewer
Richard Crotty Pkw	Roadway project pushed back by Orange County to begin construction Spring 2025. Water and wastewater utilities design 95% complete.	Investment in Public Assets & Infrastructure	Water & Sewer
Shady Park Area Improvements	Staff has met with the artist and community stakeholders with an agreed upon work plan. Next benchmark is early February for initial concepts and feedback. Timeline for fabrication, installation of the art piece, and remaining amenity enhancements currently estimated at 12-14 months from July 2022.	Exceptional Quality of Life	CRA
Temple Dr SW Imp	Stormwater pipe lining at Whitesell and Temple Dr.	Investment in Public Assets & Infrastructure	Stormwater
UT Lines 434 Road Widening	Design is 90% complete. FDOT has delayed roadway project bid until July 2026.	Investment in Public Assets & Infrastructure	Water & Sewer

Title 2: Active Status

Project	Project Update	Strategic Objective	Division
Cemetery Improvements	Structures are fabricated and should be delivered and installed by the end Fall 2022. Site preparations and landscape/greenscreen install is underway.	Investment in Public Assets & Infrastructure	Parks
EL Substation upgrades	We continue to work with OUC on substation inspection and maintenance.	Investment in Public Assets	Electric

As of 12/14/22

Project	Project Update	Strategic Objective	Division
	We don't have any major upgrades planned currently, but will need to formulate a plan for some breaker change outs in the next cycle.	& Infrastructure	
Electric Undergrounding Project	Miles of Undergrounding performed Project J: 2.72 miles 45% complete Project L: 9.57 miles 68.5% complete Project R: 4.31 miles 37.8% complete Commission approved advancement Residential Service Conversions (RSC) Fiscal YTD: 58 TOTAL so far for FY 2023: 0.03 miles	Investment in Public Assets & Infrastructure	Electric
Facility Capital Improvements	Scheduling HVAC replacements for the remaining water plants with installs to be completed over the next couple of months. Evaluating HVAC replacement for Emergency Operations. UPS installation for Public Safety the week of 12/5. Building 10 is scheduled to be painted over the next month	Investment in Public Assets & Infrastructure	Public Works
Improve Mead Garden	Work is being performed to update the walkways in phase 1 main ada trail loop.	Exceptional Quality of Life	Parks
IT Infrastructure Upgrade	Funding being utilized for modernization of IT infrastructure.	Fiscal Stewardship	IT
Meadows Park at Margaret Square	Playground equipment has been installed; Basketball court completed. Additional improvements to grounds will take place December with final completion of all improvements expected by late Winter/early Spring 2023.	Exceptional Quality of Life	Parks
Meter Data Management Upgrade	Harris Smartworks continues to coordinate with Water/Wastewater, Finance and IT Departments for software development. Upgrade to new RNI version complete.	Investment in Public Assets & Infrastructure	Water & Sewer
New York Streetscape	Phase I construction complete (Intersection of Fairbanks and New York Avenue) to improve turning lanes, ADA improved pedestrian crosswalks, and mast arm construction. Coordination on Phase II (New York Avenue to Morse Blvd intersections) streetscape and ADA enhancements underway. New York and Comstock intersection complete with intersections at Welbourne and Morse remaining.	Intelligent Growth & Development	CRA
Post Office Acquisition	Awaiting response from Post Office regarding their opinion of the two Commission approved potential sites.	Investment in Public Assets	CRA

Project	Project Update	Strategic Objective	Division
Signalization Upgrade	New controllers have been purchased and delivered. The four intersections that are being tested will be converted to the new controllers that are consistent with FDOT's controllers. City staff is currently working with FDOT to evaluate traffic signal timings along the state roads to see if the timings can be optimized. Also, City staff is working on Fire Department preemption system.	Investment in Public Assets & Infrastructure	Transportation
Stormwater Rehab	Hurricane Ian has introduced several pipe failures in the City's storm sewer system. Completed storm pipe repairs on Pinetree Road, Pineview Circle, and MLK pond. Scheduled pipe lining on Whitehall Drive.	Investment in Public Assets & Infrastructure	Stormwater
Upgrade Water Mains	Upgrading water mains. Currently working on Kentucky Avenue. Next area is the Kingwood subdivision.	Investment in Public Assets & Infrastructure	Water & Sewer
Ward park pond	Ward Park ponds construction is complete. Estimated completion of the necessary piping is January 2023.	Investment in Public Assets & Infrastructure	Stormwater
Water Treatment Plants R&R	Replacement sodium hypochlorite tanks at Magnolia, Aloma and Swoope WTPs have been purchased and delivered. Installation underway. One tank at both Swoope and Magnolia WTPs installed (2 of 6 total).	Investment in Public Assets & Infrastructure	Water & Sewer
Winter Park Sports Complex	Baseball Fields complete. Drainage work on field 7 outfield to be completed in December.	Investment in Public Assets & Infrastructure	Parks
WP Estates WW Plant	Contractor is mobilizing and has initiated permitting with City Building Department. Contractor scheduling project kickoff activities.	Investment in Public Assets & Infrastructure	Water & Sewer
WP Pines Golf Course	ADA restroom and plumbing improvements are scheduled for Summer 2023. The Driving Range upgrade to hitting mats will be December 2022. Contracted canopy replacement and expansion for clubhouse/bar has been awarded and start date is being scheduled. Electrical upgrades to support expanded food items are scheduled for December 2022.	Investment in Public Assets & Infrastructure	Parks

Title 3: Pending Status

Project	Project Update	Strategic Objective	Division
Cady Way Pool Improvements	Contract has been awarded to vendor and waiting on date of commencement for work.	Exceptional Quality of Life	Parks
CRA Small Projects	Canton & Garfield pedestrian connection project is now on hold due to unforeseen added cost. Process moving forward is to evaluate in conjunction with other improvement opportunities. As the Central Park Stage project draws to conclusion, staff is reviving internal conversations on how to support pedestrian traffic to this new civic amenity. Staff is determining an updated cost for the project.	Intelligent Growth & Development	CRA
Decorative Lights and Trees in CRA	140 total decorative lights have been installed. Coordination with Electric Utility on assessment of light replacements/additions as needed.	Intelligent Growth & Development	CRA
East OC Service Improvement	Pending in house availability to planning redirection of flow to East plant.	Investment in Public Assets & Infrastructure	Water & Sewer
EL Meter Replacement	The replacement of electric meters has been pending the go-live date for the utility billing software so that compatibility with meter types can be tested. Due to extremely long lead times the city has proactively ordered meters but is still awaiting receipt.	Investment in Public Assets & Infrastructure	Electric
Lake Bell Weir Improvements	Pending monitoring assessment.	Investment in Public Assets & Infrastructure	Stormwater
Progress Pointe Redevelopment	Design approved and permitting will begin once decision is made related to Denning parking (Dec 14th). Construction fencing and graphic panels in process with fence up by Jan 1, 2023 and graphic banners projected by February 1, 2023 at latest. Purchasing has begun process for securing project management contract and road work projected to begin winter 2023.	Investment in Public Assets & Infrastructure	Parks
Sewer Main Extensions	Extension of sewer mains to support new development or redevelopment.	Investment in Public Assets & Infrastructure	Water & Sewer
St. Andrews Trail	Design completed for which the City has been reimbursed by the FDOT. Due to the 250% increase in construction	Investment in Public Assets & Infrastructure	Transportation

Project	Project Update	Strategic Objective	Division
	materials, this project has been delayed to FY2026-FY2027 per Metroplan Orlando.		
Tennis Center Upgrades	Pending project scope for replacement of pickleball space with block hitting wall and installation of well for clay court maintenance/irrigation.	Investment in Public Assets & Infrastructure	Parks
West Comstock Parking	West Comstock parking and an extension to the Library parking lot concept drawings are complete. Both are pending permitting by the SJRWMD.	Investment in Public Assets & Infrastructure	Public Works

Recently Completed Projects

Community Redevelopment Agency

The CRA completed the construction of the central park stage as part of the Public Assets and Infrastructure strategic objective.

Parks & Recreation Department

The Parks Department completed the Phelps Park Playground improvements as part of Exceptional Quality of Life strategic objective.





City Commission **agenda item**

item type Consent Agenda	meeting date December 14, 2022
prepared by Kim Breland	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the regular meeting, November 9, 2022.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CC-min-2022-11-09.pdf](#)



City Commission Regular Meeting Minutes

November 9, 2022 at 3:30 p.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada, and Todd Weaver; City Manager Randy Knight; City Attorney Kurt Ardaman and Deputy City Clerk Kim Breland.

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:40 p.m.

2) Invocation

The invocation was given by City Manager Randy Knight, followed by the Pledge of Allegiance.

3) Approval of Agenda

Motion made by Commissioner DeCiccio to approve the agenda; seconded by Commissioner Cruzada. Motion carried unanimously with a 5-0 vote.

4) Mayor Report

Mayor Anderson thanked staff for applying lessons learned from Hurricane Ian to prepare for Tropical Storm Nicole. The Emergency Operation Center will be opening at 7:00 p.m. this evening. Ponds have been drained, lake levels have been lowered where the city has control and staff will be monitoring the chain of lakes where the city does not have control.

5) City Manager Report

a. Donation of art from The Pizzuti Companies

Mr. Knight stated that the Pizzuti Family and Pizzuti Solutions LLC has donated a painting titled "Preliminary Study for To Be A Drum – When They Took The Drums Away" by Aminah Robinson. At the recommendation of the Public Art Advisory Board, the artwork will be displayed at the Library.

James Russell of The Pizzuti Companies spoke about the company's involvement in the development of the Winter Park Library project and said the art is being donated as part of their tradition to gift art for their projects. He provided Ms. Robinson's biography and said the artwork is one of the illustrations from the book "To Be A Drum". He spoke

about the company's efforts to find this piece of art for the community and to show young people the inspiration behind Ms. Robinson's work.

b. City Manager's Report

Mr. Knight provided information on the community meeting for Hannibal Square residents to receive guidance and assistance from FEMA following recent storm events.

6) City Attorney Report

Mr. Ardaman advised that the property exchange with Elevation Plaza is scheduled to close next month.

7) Non-Action Items

- a. Appointment to Keep Winter Park Beautiful and Sustainability Advisory Board - Mayor Anderson

Mayor Anderson appointed Laura Gustafson-Heller to the Keep Winter Park Beautiful and Sustainable Advisory Board.

8) Public Comments | 5 p.m. or soon thereafter (taken after Commission Reports)

9) Consent Agenda

- a. Approve the minutes of the regular meeting, October 26, 2022
- b. Approve the following formal solicitations:
1. Glass Protection Specialists of Florida, LLC - RFP24-22 - Window Tinting Services for City Facilities; Amount: \$150,000
 2. Dix.Hite + Partners, Inc. - RFQ30-22 - Professional Landscape Architectural Services
 3. GAI Consultants, Inc. - RFQ30-22 - Professional Landscape Architectural Services
 4. LandDesign, Inc. - RFQ30-22 - Professional Landscape Architectural Services
 5. Borrelli + Partners, Inc. - RFQ31-22 - Professional Architectural Services
 6. KMF Architects - RFQ31-22 - Professional Architectural Services
 7. Zyscovich, LLC - RFQ31-22 - Professional Architectural Services
- c. Approve the following piggyback contracts:
1. Asphalt Paving Systems, Inc. - Sumter County Contract #032- 0-2021/RS - Pavement Maintenance and Rehabilitation Continuing Services; For services on an as-needed basis during the term of the Agreement through October 12, 2023; Amount: \$150,000.
 2. Ten-8 Fire Equipment Co. - Lake County Contract #22-730K - Fire Equipment, Supplies, & Services; For goods and services on an as-needed basis during the term of the Agreement through July 31, 2023; Amount: \$200,000.

d. Approve the following contracts:

1. Paymentus Corp. - Renewal of FY20-75 - Payment Management & Processing Services; Amount: \$350,000 for services on an as needed basis during the term of the Agreement.
2. AGH Management, LLC - IFB5-22 - Athletic Field Maintenance & Laserfield Leveling; Amount: \$125,000 for additional services on an as needed basis.

Motion made by Commissioner Weaver to approve the Consent Agenda; seconded by Commissioner DeCiccio. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

10) Action Items Requiring Discussion

a. Assignment of Exchange Agreement - Elevation Plaza

Attorney Ardaman stated that with the commission's approval this transfers assignment of the exchange agreement from Elevation Plaza, LLC to its development entity, Elevation Fortis IV, LLC. In response to questions, Mr. Ardaman stated Mr. Chris King is the manager of both entities.

Motion made by Commissioner Sullivan to approve the Assignment of Agreement with Elevation Plaza; seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- b. First amendment to the memorandum of understanding between Rollins College and the City of Winter Park for the use of the old library parking lot as a staging and materials storage area.

Mr. Knight stated this amendment extends to April 30, 2023 Rollins' use of the parking lot at the old library as a staging area for the Alford project due to construction delays. This extension has been accepted by the proposer for redevelopment of the library.

Motion made by Mayor Anderson to approve the amendment; seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

c. Final Design Approval of Progress Point Park

Director of Parks and Recreation Jason Seeley reviewed the design revisions including: the realignment of the multi-use path, increased space and landscaping in the restroom area, removal of brick sidewalks and addition of accents, removal of spray play elements and increased size of the trellis on Orange Avenue. He responded to questions stating

that the project is in budget at this time and in anticipation of design approval, staff has begun the process to secure pricing for supplies in an effort to keep costs down.

Commissioner Sullivan spoke in favor of moving forward on this plan. He gave an update on the potential purchase of the Bank of the Ozarks property. The Trust for Public Land is continuing to negotiate the purchase; however, because of the short time frame, the city would be required to have the funds available within the next two months. Although he supports continued negotiations, he believes the purchase is unlikely to go through and feels the city should move forward with the park design and plan as presented.

Commissioner DeCiccio opposed funding restrooms on the property since an RFP will be released at some point for development which will include a restroom.

Mr. Seeley reviewed the development timeline for sod installation, permitting and procurement process, Palmetto Avenue construction and utility realignment, structures/fountain, hardscape, landscape and site amenities with planned opening for January 2024.

Commissioner Weaver expressed concern about the aesthetics and safety issues of the on-street parking on the west side of Denning. He asked if the curb could be moved out or not be striped to prevent people from parking there (eliminate on street parking).

Commissioner DeCiccio suggested adding planters as a way to prevent children from running into the street. Mr. Seeley said the architect could create a border with lighted bollards and planting in the area.

Mayor Anderson said he is comfortable moving forward with design as presented but would like to have time to discuss removal of the parking at the December commission meeting.

Motion made by Commissioner DeCiccio to amend the final park design to remove the restrooms; seconded by Commissioner Weaver. (Withdrawn after discussion.)

Motion made by Commission Weaver to amend the design to remove the potential for parking along Denning; seconded by Commissioner DeCiccio for discussion. (Withdrawn)

Motion made by Commissioner Weaver to approve the final park design with amendments; seconded by Commissioner Sullivan.

In response to questions, Mr. Seeley stated that any significant changes to the design will lead to a lag in the timeline. Commissioner Cruzada expressed concern that changes to the design will affect cost and material orders. Discussion followed on the impact of changes to the timeline/completion.

Scott Weber, ACi Architects, explained that the restroom is the main hub for all of the infrastructure coming on to the site including electric panels, solar and any future undergrounding for future plumbing services. He suggested getting the permits for the construction so it is permitted and priced and the commission can decide later if it should be built. He stated that a structure could be built in that area of the park to house the infrastructure in lieu of a bathroom.

Commissioner DeCiccio withdrew her motion to exclude the restroom.

Mayor Anderson stated that he is not prepared to vote on removing the parking along Denning Drive at this time but is open to further discussion at the December meeting. Discussion followed on the feasibility of delaying a decision on the removal of on-street parking. Commissioner Weaver said he could support delaying a decision on the parking to the next meeting.

Mayor Anderson suggested withdrawing the amendment to remove the parking as there is consensus to discuss the topic further at the next commission meeting which would prevent approval of the park design.

Discussion was held on Denning Drive parking and the impact of the removal on the park design and the potential to expand the park to include the parking spaces, if removed.

Commission Weaver withdrew his amendment. Under Commissioner Weaver's report, consensus was place discussion of Denning Drive parking on the December meeting agenda.

Motion made by Commissioner Weaver to approve the final design for Progress Point Park (amendments were withdrawn); seconded by Commissioner Sullivan. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

11) Public Hearings: Quasi-Judicial Matters

12) Public Hearings: Non-Quasi-Judicial Matters

- a. RESOLUTION 2265-22 - A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ACCEPTING FOR PUBLIC PURPOSES THE DONATION AND CONVEYANCE OF LAND FROM THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

Attorney Ardaman read resolution by title.

Mr. Knight explained that he conveyed to FDOT the city's interest in using this property a fire station and FDOT responded stating they would convey the property to the city for public purpose. This resolution is required by FDOT for the city to accept the property.

He explained the property is at 665 Wymore Road, in the general area the city was considering for a new fire station and large enough at approximately two acres to accommodate a fire training facility.

Motion made by Commissioner Weaver to adopt the resolution; seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- b. ORDINANCE 3257-22 - AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2021 - 2022 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read ordinance by title.

Motion made by Commissioner Sullivan to adopt the ordinance; seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- c. Ordinance 3258-22 – Amending Chapter 58, “Land Development Code”, Article III, “Zoning Regulations” Sections 58-61 through 58-71, collectively, the residential zoning code provisions, and Section 58-95 “Definitions” providing for updates, simplification, and modernization to the current regulations (2nd Reading)

This item was heard after Commission Reports.

13) City Commission Reports

Commissioner Weaver -

- Noted that the elevator at the Heritage Center has not been working for some time but has learned that it will be repaired after Tropical Storm Nicole has passed.
- Thanked staff for removing the overhead lights in the Commission Chamber.
- Expressed concern about the tent/structure at the corner of New York and Morse. Mr. Seeley explained that the Cows and Calves event is scheduled for this weekend and the structure is hurricane rated up to 75 miles per hour. Winds are not expected to reach 75 miles an hour, but if that changes the structure would be taken down.
- Requested consensus to discuss the parking along Denning at Progress Point Park at the December 14th commission meeting. Agreed by consensus.

Commissioner Cruzada – No report

Commissioner DeCiccio -

- Presented a request made on behalf of Orange County residents with a 32792 zip code to be annexed into the city and asked that it be added to the annexation work session discussion on December 15th.

In response to questions, Mr. Knight stated that electric services for that area provided by Duke and sewer services are provided by the city. He noted that the location is not part of the comp plan related to annexation, but is contiguous to the city.

Consensus was to add the location to the Annexation work session discussion. Staff will poll the Commission for availability to reschedule the work session for November 30 and December 7 or 8.

Commissioner Sullivan-

- Noted that the League of Women Voters President Gloria Picard is very pleased to hold their events at the events center and commended staff for their support.

Mayor Anderson – no report

A recess was held from 4:32 to 5:00 p.m.

8) Public Comments | 5 p.m. or soon thereafter

There were no public comments.

12) Public Hearings: Non-Quasi-Judicial Matters (continued)

- d. ORDINANCE 3258-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE” , ARTICLE III, “ZONING REGULATIONS” SECTIONS 58-61 THROUGH 58-71, COLLECTIVELY, THE RESIDENTIAL ZONING CODE PROVISIONS, AND SECTION 58-95 “DEFINITIONS” PROVIDING FOR UPDATES, SIMPLIFICATION, AND MODERNIZATION TO THE CURRENT REGULATIONS, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title

Mr. Harbilas reviewed the changes per feedback at 10/26 meeting:

- Removed strike-through related to cluster home development and subsequent appearance review procedures Sec. 58-66 (e)2.
- Removed strike-through related to R-2 abutting single-family Sec. 58-66 (f)(6).
- Kept flat roof height provision.
- Clarified language related to qualifying structures for front setback determinations
- Defined existing home: means the principal, habitable structure, that exists on a residentially zoned property, which has been permitted, inspected and received a Certificate of Occupancy.

- Added language relating to Front yard setbacks that was not included in the advertised ordinance but agreed to by the City Attorney: "In the case of measuring the setback from existing or most recently demolished home, the setback calculation shall be measured to a permitted structure that received a Certificate of Occupancy."

Mayor Anderson addressed concerns from developer Michael Lahr regarding FAR calculations and said staff's recommendation is for lots 12,500 sq. ft or larger, the allowable FAR is the greater of 35% or 5,000 sq. ft. This smooths out the transition from the higher FAR to the lower FAR for bigger lots and results in square footages that are the same under the current code for 12,500+ square foot lots.

Motion made by Mayor Anderson to amend the ordinance motion to state the FAR for lots over 12,500 sq. ft. shall be "5,000 sq. ft or 35%, whichever is greater"; seconded by Commissioner Weaver.

Motion made by Mayor Anderson to approve the ordinance; seconded by Commissioner DeCiccio

Motion made by Mayor Anderson to amend the motion to add language regarding Front Setbacks: "In the case of measuring the setback from existing or most recently demolished home, the setback calculation shall be measured to a permitted structure that received a Certificate of Occupancy"; seconded by Commissioner Weaver.

Commissioner Weaver asked if there could be legal challenges to the changes to the FAR calculations. Attorney Ardaman explained that a challenge would require proof that there is no reasonable use of the property. He stated that the majority of the properties that could fall into this category already have structures on them and are being reasonably used.

Developer and President of the Master Builders Council Jeff Schnellmann, 1352 Lake Baldwin Lane, Orlando, commended the city on its effort to simplify the code and stated that the changes will make it easier for developers. He noted that the Greater Orlando Builders Association and Master Custom Builders Council, whose members build a lot of homes in Winter Park, were not informed about the changes in advance. He noted that he spoke with Director of Planning Jeff Briggs about his concerns related to a home on Sylvan Avenue and asked what the setbacks would be if the house was demolished and replaced. Mr. Briggs said the Board of Adjustments would be directed to revert back to existing code. Mayor Anderson explained that in those rare circumstances, the commission's intent is to ensure homes are in line with other homes.

Upon a roll call vote the amendment relating to FAR for 12,500 sq. ft lots, Commissioners Sullivan, DeCiccio, Cruzada, and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote the amendment relating to the front setbacks, Commissioners Sullivan, DeCiccio, Cruzada, and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion with amendments, Commissioners Sullivan, DeCiccio, Cruzada, and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

14) Summary of Meeting Actions

- Approved the Consent Agenda.
- Received a donation of art for the Winter Park Public Library from the Pizzuti Family.
- Received appointment to the Keep Winter Park Beautiful and Sustainable Board.
- Approved the Assignment of Exchange Agreement with Elevation Plaza, LLC.
- Extended the parking lot agreement with Rollins College through April 2023
- Approved the Progress Point Park design and agreed to revisit Denning Drive parking in the December meeting.
- Approved resolution to accept the property at 665 Wymore from FDOT.
- Adopted ordinance amending FY22 Budget.
- Adopted ordinance on zoning regulations with amendments.
- Add discussion for potential annexation of some Winter Pines areas to the annexation work session.
- Canvass the Commission for availability for a date to reschedule the Annexation work session (November 30, December 7 or 8)

15) Adjournment

The meeting adjourned at 5:29 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date December 14, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, November 30, 2022.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CC-min-2022-11-30 ws.pdf](#)



City Commission Work Session Minutes

November 30, 2022 at 1:00 p.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada, and Todd Weaver; City Manager Randy Knight; and City Clerk Rene Cranis.

1) Call to Order

Mayor Anderson called the meeting to order at 1:00 p.m.

2) Discussion Item(s)

a. Annexation Options

Director of Planning and Zoning Jeff Briggs explained types of annexation - voluntary, annexation of enclaves, voter referendum, or agreement by property owners – and rules which relate to property size, cost/benefit study, contiguity to city boundaries, and public hearings. He provided additional details on city referendum requirements and reviewed the five areas identified in the comp plan as potential annexation areas:

- Stonehurst Drive – 5.6 acres, 13 homes, city provides water/sewer service, would require interlocal agreement with Orange County.
- Lake Killarney Annexation Reserve Area – 198 acres, 508 homes, five office buildings, and Killarney Elementary school. The annexation referendum 15 years ago failed; however, a change in demographics and neighborhood efforts give staff an indication that there is support for annexation.

Mr. Knight explained that the city looked at this area and Ravaudage together as it relates to fire and police services. During the cost/benefit analysis, the city will need to factor in future development at Ravaudage that could potentially assist with costs to provided needed services.

Commissioner Sullivan asked about millage rates and impact to owners. Mr. Briggs stated that the rate is fractionally different due to different city and county millage categories. For a typical owner, annual taxes will increase between \$100 and \$120. Staff responded to questions regarding cost of election, utility and police and fire services.

Mayor Anderson spoke about Stonehurst and said he does not anticipate support for annexation. Commissioner DeCiccio noted the reluctance of owners to annex because of city dwelling size restrictions and fees.

Discussion was held on septic versus sewer in the Lake Killarney area and the need/cost for a lift station to convert to sewer. Commissioner Weaver voiced his objection due to lack of sewer services and the cost to convert from septic to sewer. Commissioner Sullivan supported annexation and feels the likelihood of conversion to sewer is better. After discussion, consensus was to direct staff to prepare a cost/benefit study.

- Lawndale – 50 acres, 132 homes, 25 commercial properties, one private school and one church; city provides water service. Residential and commercial could be included without commercial owner consent because of the larger residential area. There are drainage issues that would need to be addressed. There is an advantage of tax base from the commercial properties. The population is just under 1% and would require a referendum of only property owners in the area, not city-wide. Assistant Director of Water and Wastewater Utility Jason Riegler and Mr. Briggs responded to questions on existing sewer facilities, capacity and retention facilities.

Commissioner Weaver asked if federal grants are available for infrastructure improvements. Ms. del Valle said that staff has found the city is ineligible for grants thus far. Mr. Knight said staff continues to track grants and the city is typically not eligible for federal grants because of the city's population.

Discussion returned to sewer facilities, capacity for Orlando and Winter Park, and how those facilities would impact the future use of any areas being annexed, specifically the Fairbanks sewage line. Commissioner Sullivan expressed concern regarding development intensity for areas if annexed into Orlando and feels it is in the best interest of the city to be in control of development in those areas by annexation.

- Kentucky/Oglesby – 8 acres, 20 homes and 15 commercial buildings; city provides water service. There is limited potential for redevelopment for the area and very few houses among the non-residential use.
- I-4/Formosa Triangle – Developers have expressed interest for higher density on properties under separate ownership. Mr. Briggs noted the city's desire to control the quality of development for the area and feels the area should be a candidate for annexation into Winter Park. He said the policy for this area states the city will rely on the market to determine future use.

Mayor Anderson questioned why the city can't establish density of the triangle and discussion followed on FAR, density limitations and potential development. Commissioner Sullivan supported moving forward with contacting owners to determine interest in annexation. Commissioner Cruzada supported a cost/benefit analysis.

Mr. Briggs summarized discussion and consensus as follows:

Staff to pursue an agreement with Orange County for Stonehurst through an interlocal agreement; update cost analysis for the Lake Killarney area; conduct a separate analysis for Lawndale and for commercial properties on the south side of Kentucky. In addition,

the commission has expressed interest in a cost/benefit study for the Formosa area using PD2 zoning, Orange County, and Orlando entitlements; amending the code to require annexation and determine consensus during the comp plan review.

Mr. Briggs spoke about areas not identified in the comp plan for potential annexation:

- Winter Park Estates – 101.5 acres, 386 homes, two office buildings, city provides water and sewer service, would require a cost/benefit analysis.
- Winter Park Pines – 206 acres, 899 homes, city provides water and sewer services. Significant in size and could be included with Winter Park Estates which would result in a 10% increase in size and population. Both would require an area referendum and city-wide referendum.
- Multi-family and commercial – 175 acres with seven multifamily complexes, 224 assisted living/nursing home beds and two shopping centers; city provides water and sewer services; large gain in population which would increase the city's benefit when considering the annexation of residential areas. Mr. Briggs responded to questions stating the neighborhoods could be divided and annexed separately. From a cost/benefit standpoint the tax base for residential may not be sufficient to support the cost to provide police and fire service. Discussion followed on the feasibility of doing separate analyses of smaller areas.

Mayor Anderson feels positive about annexing areas of potential redevelopment. He supported Lake Killarney and a smaller portion of Winter Park Pines, south of the Cady Way bike path. Commissioner DeCiccio noted neighborhood support from Winter Park Pines owners. After discussion, consensus was to conduct a cost/benefit analysis for Winter Park Pines single-family residential and Winter Park Estates south of Aloma - one with and without commercial. Discussion followed on timeline for annexation and referendums with the consensus that Fairbanks area west of 17-92 is a higher priority.

3) Adjournment

The meeting adjourned at 2:38 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date December 14, 2022
prepared by Michael Hall	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following piggyback contracts:

item list

1. USA Services of Florida, Inc. - City of Daytona Beach Contract #13-159 - Mechanical Sweeping Services; For services on an as-needed basis during the term of the Agreement; Amount: \$250,000 for FY23.
2. Pure Air Control Services, Inc. - Panhandle Area Educational Consortium Contract #RFP21-30 - Indoor Air Quality Consulting & Remediation; For services on an as-needed basis during the term of the Agreement; Amount: \$150,000 for the duration of the remainder of the contract term through November 30, 2024.
3. Ring Power Systems - Sourcewell Contract #120617-CAT - CAT Diesel & Natural Gas Generator Sets; Amount: \$175,000 for additional goods needed for the remainder of the Agreement through January 29, 2023.
4. United Rentals, Inc. - Sourcewell Contract #062320 - Equipment Rental with Related Services; Amount: \$300,000 in additional funds for the duration of the remainder of the contract term through August 27, 2024.
5. Hubbard Construction Company - Seminole County Contract #IFB-603616-19/BJC - Pavement Management Program Services; Amount: \$925,000 for services on an as needed basis for the duration of the contract term through December 25, 2023.
6. Chuck Robinson Concrete and Bob Cat Service - Seminole County Contract #RFP-604273-22/LNF - Aquatic Maintenance Services; Amount: \$300,000 for services on an as needed basis for the duration of the contract term through May 31, 2025.

motion / recommendation

Commission approve items as presented and authorize the Mayor to execute the Agreements.

background

1-2, 4-6: The originating agency conducted a formal solicitation process to award these contracts.

3: The originating agency conducted a formal solicitation process to award this contract. Additional funds are required for the emergency purchase of a replacement generator at the Asbury Park Lift Station #64.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budget.



City Commission **agenda item**

item type Consent Agenda	meeting date December 14, 2022
prepared by Michael Hall	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following contracts:

item list

1. Howard Industries, Inc. - IFB8-20 - Single-Phase Transformers; Amount: \$2,250,000 in additional funds for goods on an as-needed basis.
2. Advanced Roofing, Inc. - Renewal of RFP14-21 - Solar Panel & Awning Fabrication, Installation; Amount: \$200,000 for services on an as-needed basis for the duration of the contract term through December 17, 2023.
3. Xylem Water Solutions USA, Inc. - SS23-5 - Wedeco Ozone Generators Products; Amount: \$150,000 in additional funds for services on an as-needed basis.
4. 15 Lightyears, Inc. - IFB18-21 - Residential & Commercial Energy Audit Services; Amount \$80,000 in additional funds for services on an as-needed basis.
5. OpenGov, Inc. - Renewal of PB40-19 - OpenGov Procurement Software; Amount \$80,000 for services on an as-needed basis for the duration of the contract term through December 31, 2025.

motion / recommendation

Commission approve items as presented and authorize Mayor to execute the agreements.

background

- 1: A formal solicitation process was conducted to award this contract. Price increases and the need to order as soon as possible has caused for the need in additional funds. If not approved, the City could run out of transformers within the next year.
- 2: A formal solicitation process was conducted to award this contract.
- 3: Sole Source was posted on the City's website for 15 business days in accordance with Florida Statutes. Additional funds are needed for the refurbishment of the Ozone Generator at the Aloma Water Plant. If not approved and the City has an issue with the remaining ozone generator, then the entire facility shuts down production.
- 4: A formal solicitation process was conducted to award this contract. Additional funds

are needed for the City's Energy Efficiency Study for City Owned Buildings.

5: Continuation of services with OpenGov. Previous software use in this agreement for Performance Measures, Transparency, Financial Integration software is being replaced by new software for Procurement for Solicitation creation and management.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budget.



City Commission **agenda item**

item type Consent Agenda	meeting date December 14, 2022
prepared by Michael Hall	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship.	

subject

Approve the following formal solicitation:

item list

1. Stuart C Irby - IFB32-22 - 3 Phase Transformers; Amount: \$1,250,000

motion / recommendation

Commission approve item as presented and authorize the Mayor to execute the agreement.

background

1: A formal solicitation process was conducted to award this contract.

alternatives / other considerations

N/A

fiscal impact

Total expenditure included in approved budget.



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date December 14, 2022
prepared by Laura Halsey	approved by Jason Seeley, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Appeal of denial of Tree Removal Permit - 1445 Bonnie Burn Circle

motion / recommendation

Staff recommends upholding denial of the Tree Removal Permit

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[TRP appeal ppt - 1445 Bonnie Burn Circle.pdf](#)

Tree Removal Permit Appeal: Case #22-0002

- ▶ 1445 Bonnie Burn Circle, Winter Park, FL 32789
- ▶ Parcel ID #07-22-30-0496-02-030
- ▶ Zone: R-1AA
- ▶ Tree Removal Permit Appealed: TRP-2021-0330

Print Date: 09/16/2022 System Refresh Date: 09/15/2022

Previous

Next

Print

Map

Street

Birdeye

Trim

Port

Estimate

Taxes

FEMA

Plat

Sketch

Share

1445 Bonnie Burn Cir 07-22-30-0496-02-030

Name(s):
Starkey Nathalie Jasmin
Starkey Zachary Taylor

Physical Street Address:
1445 Bonnie Burn Cir

Property Use:
0001 - Vacant Residential

Mailing Address On File:
1445 Bonnie Burn Cir
Winter Park, FL 32789-5702
Incorrect Mailing Address?

Postal City and Zip:
Winter Park, FL 32789

Municipality:
Winter Park

View 2022 Property Record Card

PROPERTY FEATURES

VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

LOCATION



Upload Photos

Property Description

BANKS COLONIAL ESTATES V/81 LOT 3 BLK B & N 15 FT OF VAC RR R/W S OF LOT 3 SEE 2531/1774 & 1779

Total Land Area

14,823 sqft (+/-) | 0.34 acres (+/-)
Land

GIS Calculated

Notice

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0001 - Vacant Residential	R-1AA	1 LOT(S)	\$500,000	\$500,000	\$0	\$500,000

TRP-2022-0330

- ▶ Denied:

- ▶ Live oak 24"

- ▶ Approved:

- ▶ Pignut hickories 23" and 24"
- ▶ Live oaks 21", 20", and 19"



City of Winter Park

401 S Park Ave, Winter Park, FL 32789

Permit NO.: TRP-2021-0330 Permit IVR Number: 27

Permit Type: Tree Removal
Work Classification: Tree Removal

Permit Status: Fees Due

Issue Date: 11/17/2021

Expiration: 11/17/2022

Location Address

1445 BONNIE BURN CIR, WINTER PARK, FL 32789-5702

Parcel Number

302207049602030

Contacts

Zachary Starkey

Property Owner

(321)315-1901

DAVID MONTALTO

Applicant

PO BOX 547103, ORLANDO, FL 32854

(321)541-0300 dalmhohmes.com

Description: Approved: Pignut hickory 24" , 23" , live oaks 21" , 20" , and 19"

Denied: Oak 24"

Requires replanting of 10 Florida grade #1 3" minimum caliper approved shade trees or 20 Florida grade #1 2" minimal caliper approved understory trees 30 days from removal.

A payment of \$11,770.00 may be made into the Tree Trust Fund in LIEU of replanting.

Inspection Requests:

407-599-3350

Valuation: \$ 0.00

Total Sq Feet: 0.00

Fees

Residential Tree Removal \$35.00
Tree Removal Code Enforcement Bond \$00.00
Appeal Fee

Total: \$135.00

Amount

Amt Paid

Total Fees \$135.00
Credit Card \$100.00
Credit Card \$35.00

Amount Due: \$0.00

Inspections:

Inspection Type

Arborist Inspection

IV

Power Line? No

Zone Clearance Needed? No

Please Specify Property Use: Single Family D...

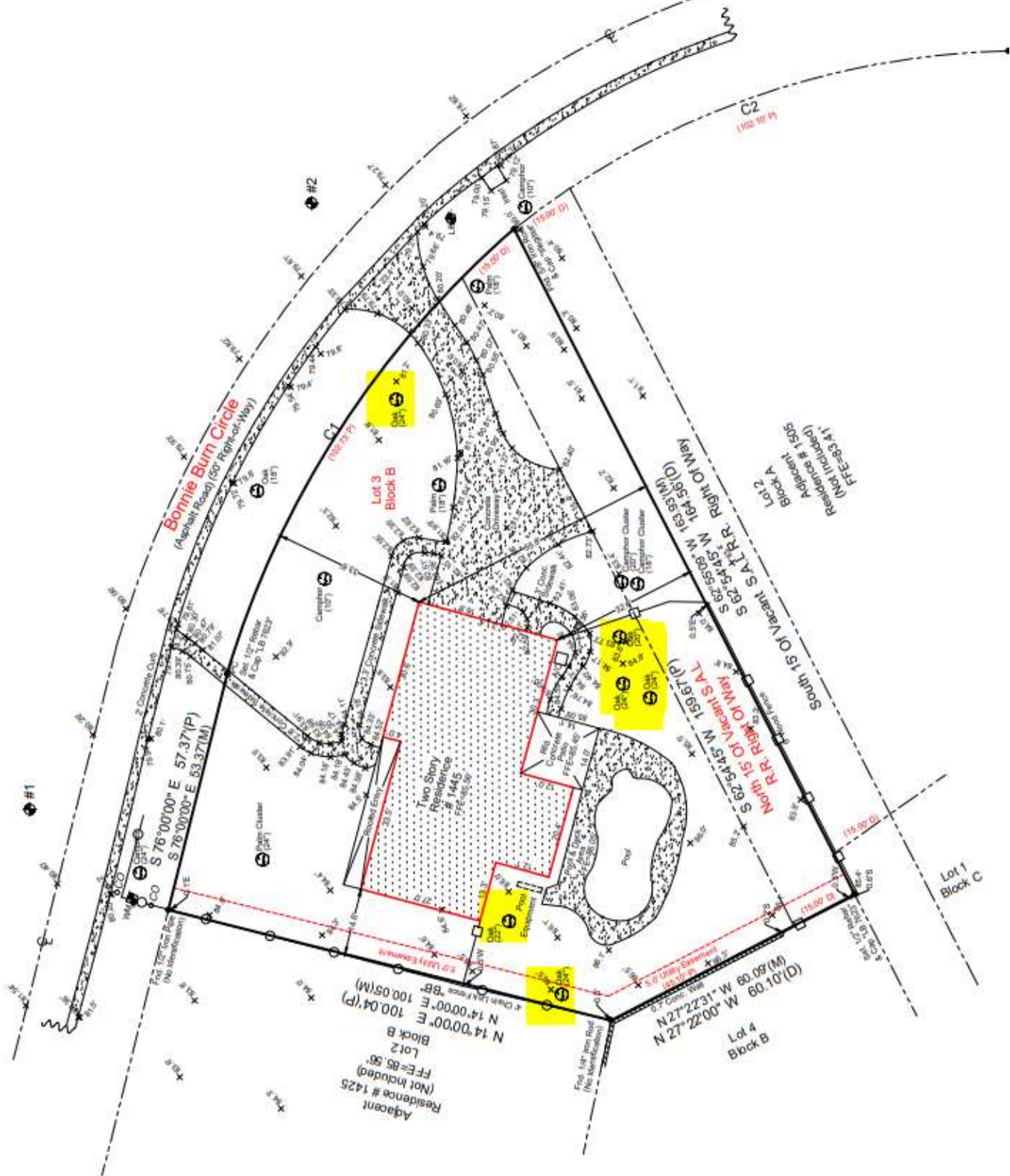
Tree(s) Information

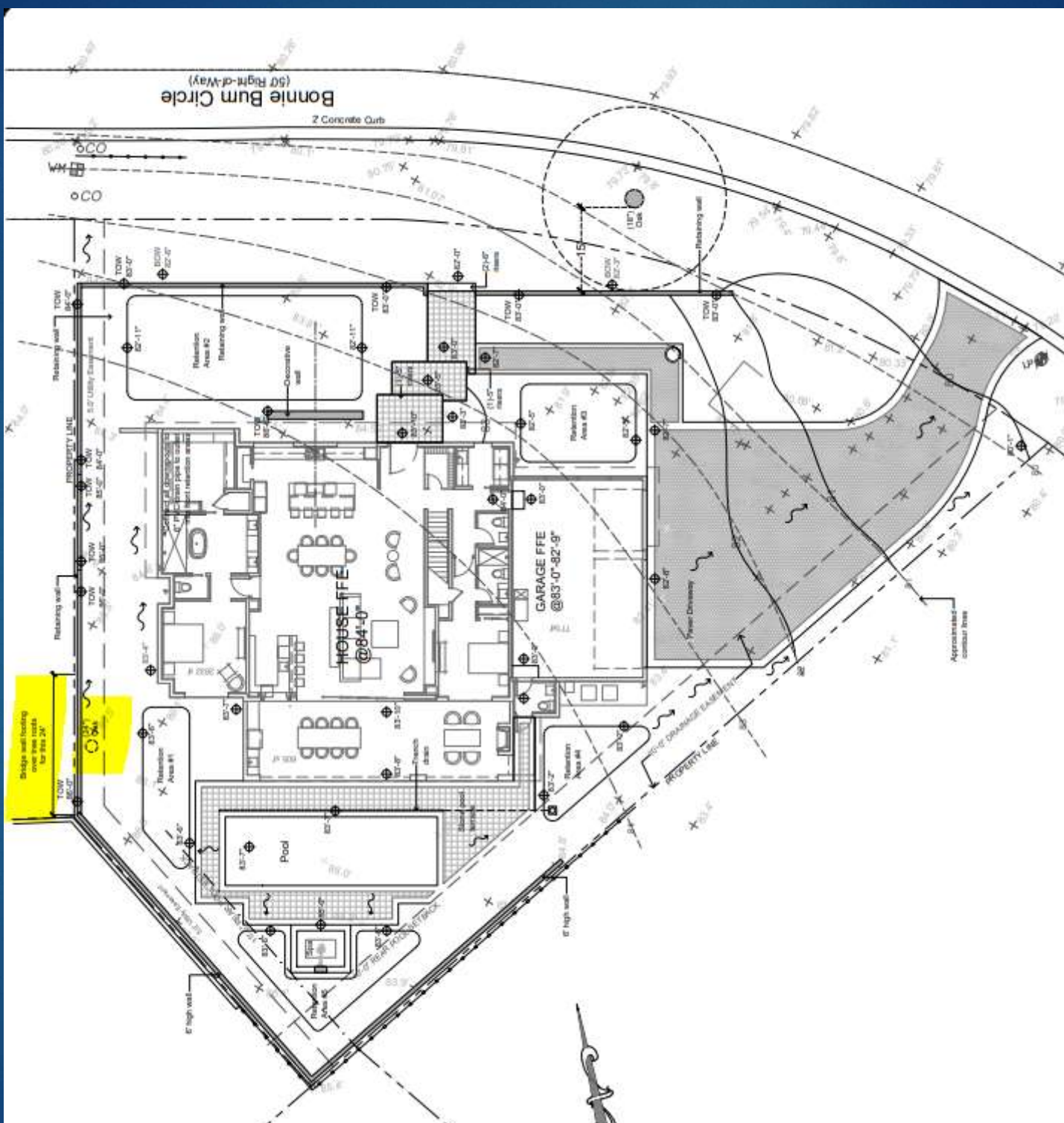
Tree Species
Oak (5)
Palm (2)
Camphor (3)

Estimated DBH
Varies between 10" and 24". See survey for tree sizes.

Health
Varies

Reason for removal New construction house





Species: Live oak

DBH: 24"









City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date December 14, 2022
prepared by Laura Halsey	approved by Jason Seeley, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Appeal of denial of Tree Removal Permit - 1631 Hillcrest Ave.

motion / recommendation

Staff recommends denial of Tree Removal Permit be upheld.

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

TRP appeal ppt - 1631 Hillcrest Ave.pptx



Tree Removal Permit Appeal: Case #22-0003

- ▶ 1631 Hillcrest Ave, Winter Park, FL 32789
- ▶ Parcel ID #07-22-30-2472-02-111
- ▶ Zone: R-1AA
- ▶ Tree Removal Permit Appealed: TRP-2021-0331

1631 Hillcrest Ave 07-22-30-2472-02-111

Name(s):

Bailes Charles E IV
Bailes Leigh Ann

Physical Street Address:

1631 Hillcrest Ave

Property Use:

0001 - Vacant Residential

Mailing Address On File:

1680 Walnut Ave
Winter Park, FL 32789-2036
Incorrect Mailing Address?

Postal City and Zip:

Winter Park, FL 32789

Municipality:

Winter Park

View 2022 Property Record Card

PROPERTY FEATURES



VALUES, EXEMPTIONS AND TAXES



SALES



MARKET STATS



LOCATION



1631 HILLCREST AVE, WINTER PARK, FL 32789 1/26/2022 8:51 AM

Upload Photos

2023 Values will be available in August of 2023. To see the certified values, go to the Values, Exemptions and Taxes Tab.

Property Description

ELLNO WILLO K/15 THE S 30 FT LOT 11 & ALL LOT 12 BLK B

Total Land Area

12,577 sqft (+/-) | 0.29 acres (+/-)

Land

GIS Calculated

Notice

View Plat

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0001 - Vacant Residential	R-1AA	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...

TRP-2021-0331

- ▶ Denied:
- ▶ Live oak 24"
- ▶ Live oak 20"
- ▶ Laurel oak 24" (Not being appealed)



City of Winter Park
401 S Park Ave, Winter Park, FL 32789

Permit NO.: TRP-2021-0331 Permit IVR Number: 278535

Permit

Permit Type: Tree Removal

Work Classification: Tree Removal

Permit Status: Denied

Issue Date:

Expiration:

Location Address

1631 HILLCREST AVE, WINTER PARK, FL 32789

Parcel Number

302207247202111

Contacts

DAVID MONTALTO Property Owner
PO BOX 547103, ORLANDO, FL 32854
(321)484-6130 dalmhohomes.com

DAVID MONTALTO Applicant
PO BOX 547103, ORLANDO, FL 32854
(321)484-6130 dalmhohomes.com

Description: Denied: Live oaks 24" and 20" and laurel oak 24"
Permit denied.

Valuation: \$ 0.00
Total Sq Feet: 0.00

Inspection Requests:
407-599-3350

Fees	Amount
Residential Tree Removal	\$35.00
Tree Removal Code Enforcement Board	\$35.00
Appeal Fee	
Total:	\$70.00

Payments	Amt Paid
Total Fees	\$70.00
Credit Card	\$35.00
Credit Card	\$35.00
Amount Due:	\$0.00

Inspections:	Inspection Type	IVR
Arborist Inspection		

Power Line? No

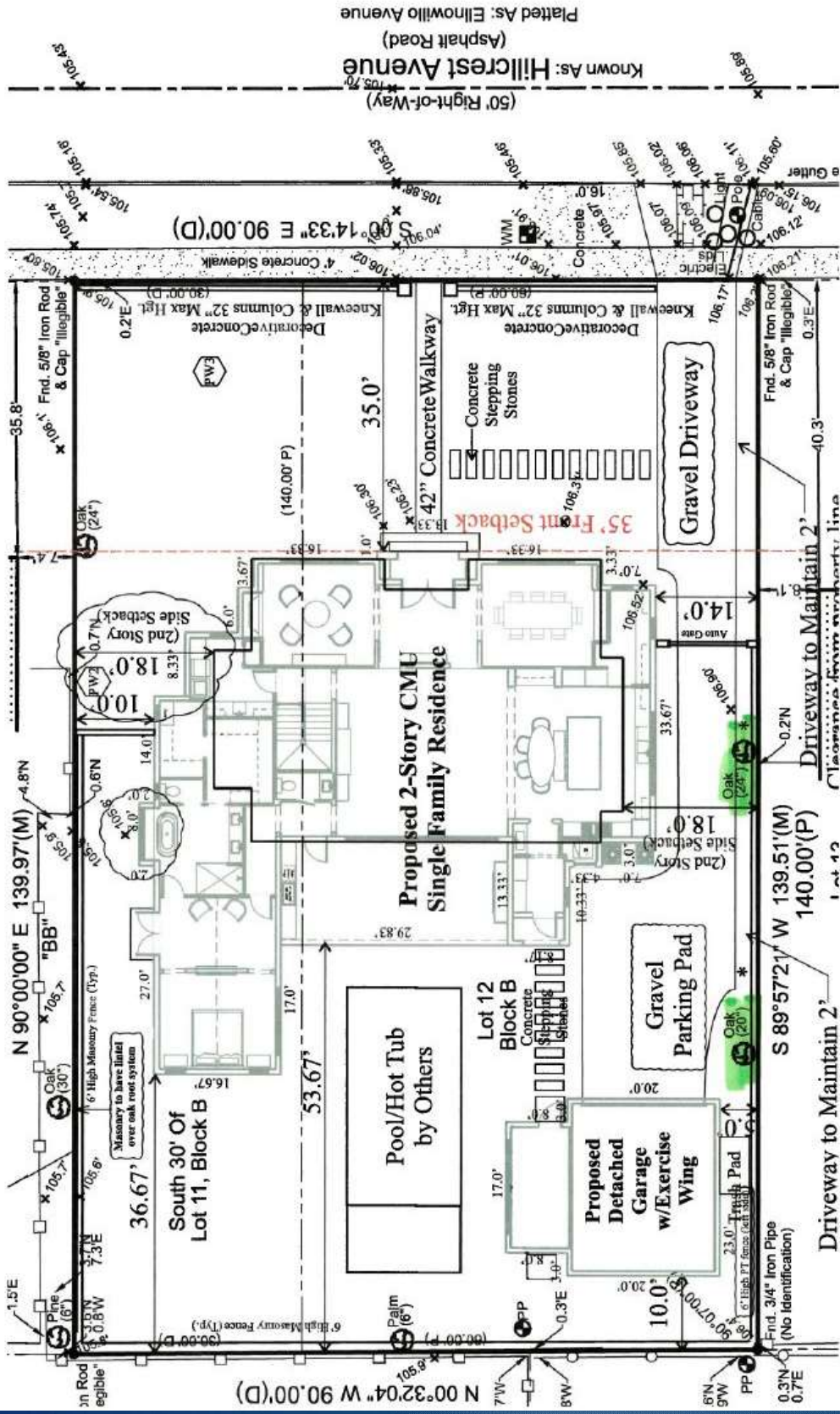
Zone Clearance Needed? No

Please Specify Property Use: Single Family D...

Tree(s) Information

Tree Species	Camphor Palm 3 - Oaks
Estimated DBH	30" Camphor 6" Palm 20" 24" and 24" Oaks
Health	Varies

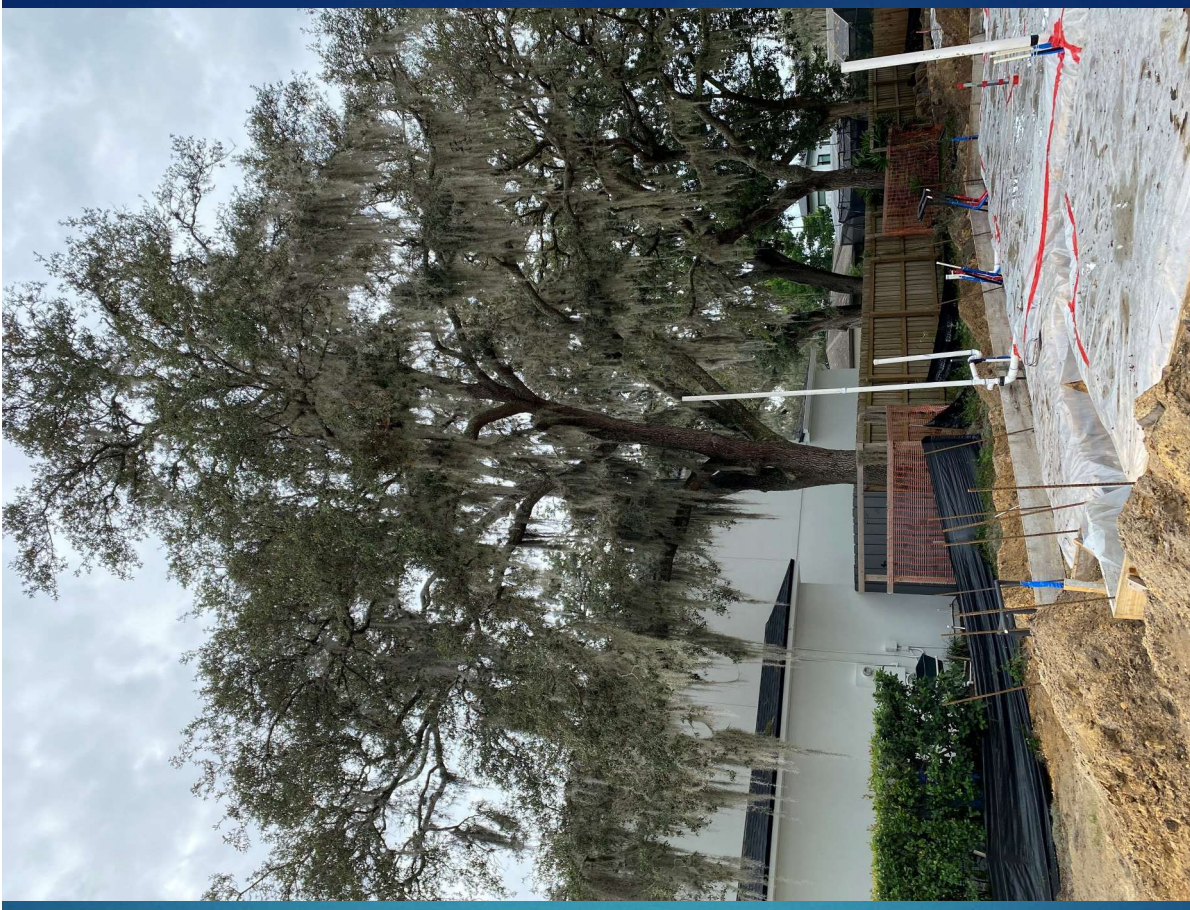
Reason for removal New owners prefer removing existing trees onsite



TREES IN QUESTION.

Species: Live oak

DBH: 24"





Species: Live oak

DBH: 20"







City Commission agenda item

item type Action Items Requiring Discussion	meeting date December 14, 2022
prepared by Kyle Dudgeon	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Quality of Life Intelligent Growth and Development Fiscal Stewardship	

subject

Request for Funding - Park Avenue District Main Street Program

motion / recommendation

Direct staff to develop a matching grant agreement within the City Manager's authority to approve.

background

The Park Avenue District (PAD) has achieved Main Street Designation status and is asking for funding support from the City/CRA. City partnerships with Main Street Districts are quite common and many of the neighboring municipalities are engaged in support either through financial support and/or by provision of dedicated staffing. The PAD request is for \$50k as a matching grant so that they can recruit a required executive director within a six-month timeline of acceptance to the program provided by Main Street USA, and meeting this and other benchmarks, will allow PAD's Main Street to access other sources of governmental support such as technical resources, best practices, and the potential for other state grant funding.

Originally contemplated as a request to the City Commission, Staff has received guidance from the City attorney stating funding can be provided by either the City or the CRA. Should there be consensus to move forward, Staff is recommending that direction be given to allow for the structuring of a grant agreement, similar to other non-profit support agreements, that calls for funding the \$50k request and including reporting benchmarks and allows for future years' funding to be incorporated into the annual budgeting and approval process. This will allow the City Manager to execute an agreement quickly under his signatory authority and will be consistent with other grant agreement formats. This would also allow for ongoing discussions with PAD and other districts and stakeholders about the long-term vision for support of the city's historical

downtown and the possibility of dedicated employees hired to assist the downtown.

A contracted agreement would include but not be limited to, a focus on economic development/small business support for merchants and property owners, enhancement and historic preservation through local and statewide programs as prepared by PAD and the Florida Mainstreet (FMS) Program, and downtown beautification in concert with City/CRA initiatives, activities, and circulation of information to create engagement and participation within the district.

alternatives / other considerations

The Commission may amend or deny the request at their discretion.

fiscal impact

This would be a matching grant contribution, renewed on an annual basis, with a potential cost of up to \$50k in a fiscal year.

ATTACHMENTS:

[Letter of Request_Park Avenue District Main Street Funding.pdf](#)



To the Mayor, City Commission and members of the CRA Board:

The Park Avenue Merchants (“PAD”) respectfully provide the following to the City of Winter Park through its Community Redevelopment Agency (“CRA”) for consideration.

Like most areas, the district is experiencing the same ebbs and flows of the recent pandemic and subsequent collateral challenges associated with it. Both the local service sector economy and professional markets are feeling the effects. Statistics show that local sales tax collection, dropped 21.6% from an all-time high of just over \$5 million in 2019, to the current improvement of the half cent sales tax revenue of 12% in FY21, for a total of \$4.4 million. Existing spending patterns have continued, however larger national socio-economic factors such as recession fears, inflation, and labor force demands are impacting these values.

In an effort to address the situation head on, the Park Avenue District, Inc. (“PAD”) was created May 13, 2019, in an effort to improve and attract quality business and activity along the Park Avenue corridor. The current PAD Board of Directors, are Board President Sarah Grafton, Ricci Culver, Kevin Wray, and Tracey Liffey. Utilizing the Main Street approach (see Exhibit A attached), the PAD now proposes to hire an Executive Director. (See Exhibit B attached)

The Park Avenue District has a majority of the area merchants as its members. Its funding to date has been through Private Funding, Memberships, and Events. The primary area of

focus is to enhance the Avenue through historical preservation, small business support, joint marketing efforts and special events. Our members are the heart of our downtown. They join as a collective to be effective in not just helping their business but all small businesses in our business district. By listening to residents and connecting with community businesses, we are working to build a better Park Avenue District. We will work together with the city, chamber, residents and small business members to be successful.

The PAD has carried out a number of successful and popular activities celebrating the downtown/district such as;

- Trick or Treat the Avenue
- Winter Park Holiday Market
- Seasonal Sidewalk Sales
- Promotional Shopping Events
- Member Meet and Greet
- Visit Park Avenue Advertising (Billboards)

The PAD applied for and recently received approval from the Florida Department of State, to become a **Florida Main Street District**, with help from the city CRA staff which was greatly appreciated! The application is available for review and was a comprehensive study of the conditions in the proposed district. Additionally, The PAD was granted 501(c)(3) designation August 29, 2019.

One of the critical components of a successful Main Street effort is community and municipal support. Therefore, we submit the following:

Proposal:

Utilizing the Main Street approach (see Exhibit A attached), the PAD proposes to hire an Executive Director to develop and carry out a program to;

- Encourage and promote a variety of events within the Downtown Park Avenue Area (the “Area”) and market the Area;
- Develop a superior pedestrian experience within the Area;

- Provide downtown workers the opportunity to connect and sets a specific goal of encouraging more special events and activities,
- Provide and support “clean and safe” programming within the Area,
- Carry out the District’s mission is to enhance the Avenue through historical preservation, small business support, joint marketing efforts and special events.
- By locating its offices within the Area, the District is able to conduct collaborative events and initiatives within the Area; and
- The District will work to assist the CRA in fulfilling its Redevelopment Plan goals by providing certain programs and conducting certain activities within the Area as contemplated by a Scope of Work Agreement to be created with the CRA; and

The PAD believes it is in the public’s best interest for the CRA to support the PAD Main Street District by providing funding to the District in the amount of fifty thousand dollars (\$50,000.00), as a matching grant, contingent upon the District meeting the goals and performance standards as proposed below.

The PAD requests consideration for the CRA to provide funding to the District in the amount of fifty thousand dollars (\$50,000.00) contingent upon the District meeting the performance standards set forth in the Scope of Services below or as negotiated, and incorporated herein, by reference.

1. **Term:** The initial term of this Agreement shall be three years commencing December 1, 2022, and shall be subject to renewal annually thereafter.
2. **Scope of Services:**
 - a. PAD shall support marketing and redevelopment for the designated district consistent with the goals and objectives of the City.
 - b. PAD shall create and implement a marketing plan, consistent with the goals and objectives of the City to support, attract and retain desirable business to the downtown district.
 - c. PAD shall assist property owners in the District with marketing, events and promotions, consistent with the goals and objectives of the City.
 - d. PAD shall carry out at least two annual events in the District to market the area and attract business development.
 - e. PAD shall continue to promote events, social media engagement and community

outreach to benefit area businesses.

- f. PAD shall continue to use local and regional media to promote the area and leverage public relation opportunities.
 - g. Continue to foster and strengthen cooperation between the City, the CRA, the Chamber of Commerce, and their business partners.
-
- 3. **Reports:** The PAD Board Chair or Executive Director shall present a quarterly progress and financial reporting, regarding the above, to the City Commission at the first Commission meeting of each quarter beginning March 1, 2023.
 - 4. **Good Standing:** PAD agrees to maintain good standing of its tax-exempt status and its membership with the required Main Street organizations and remain in compliance with all applicable state and local statutes and ordinances.
 - 5. **Compensation:** The City agrees to pay PAD \$50,000, in two equal payments of \$25,00, to be made December 1, 2022, and July 1, 2023.
 - 6. **Matching Funds:** PAD shall seek funding and sponsorships to achieve a minimum of \$50,000 to match the City's contribution to support the general activities of PAD.
 - 7. **Indemnification:** PAD shall indemnify and hold harmless the City for any loss, or cost, or claim of damages caused by the negligence of PAD or its officers, agents or employees acting under the scope of their employment.
 - 8. **Termination:** This agreement may be terminated by either party without cause, with 30 days written notice. In the event of termination, the City's obligation to make further contributions shall cease and PAD shall return any and all unapplied funds theretofore contributed by the City, not later than the close of business, the third day following such notice.

The PAD is grateful for the supportive climate for business in the city and ready to continue to make every day exceptional in Winter Park, the City of Culture and Heritage. We welcome your questions and will provide further information as requested to assist with consideration and approval.

Respectfully submitted,

Sarah Grafton
Board President
Park Avenue District, Inc,

Exhibit A:

The Main Street Approach

Main Street™ is a philosophy, a program, and a proven comprehensive approach to downtown commercial district revitalization. This approach has been implemented in over 1,200 cities and towns in 40 states across the nation with the help of the National Main Street Center and statewide downtown revitalization programs.

The success of the Main Street™ approach is based on its comprehensive nature. By carefully integrating four points into a practical downtown management strategy, a local Main Street™ program will produce fundamental changes in a community's economic base:

Organization involves building a Main Street™ framework that is well represented by business and property owners, bankers, citizens, public officials, chambers of commerce, and other local economic development organizations. Everyone must work together to renew downtown. A strong organization provides the stability to build and maintain a long-term effort.

Promotion creates excitement downtown. Street festivals, parades, retail events, and image development campaigns are some of the ways Main Street™ encourages customer traffic. Promotion involves marketing an enticing image to shoppers, investors, and visitors.

Design enhances the attractiveness of the business district. Historic building rehabilitation, street and alley clean-up, colorful banners, landscaping, and lighting all improve the physical image of the downtown as a quality place to shop, work, walk, invest in, and live. Design improvements result in a reinvestment of public and private dollars to downtown.

Economic Restructuring involves analyzing current market forces to develop long-term solutions. Recruiting new businesses, creatively converting unused space for new uses, and sharpening the competitiveness of Main Street's traditional merchants are examples of economic restructuring activities.

Exhibit B:

Park Avenue District Organizational Chart

DOWNTOWN PROGRAM

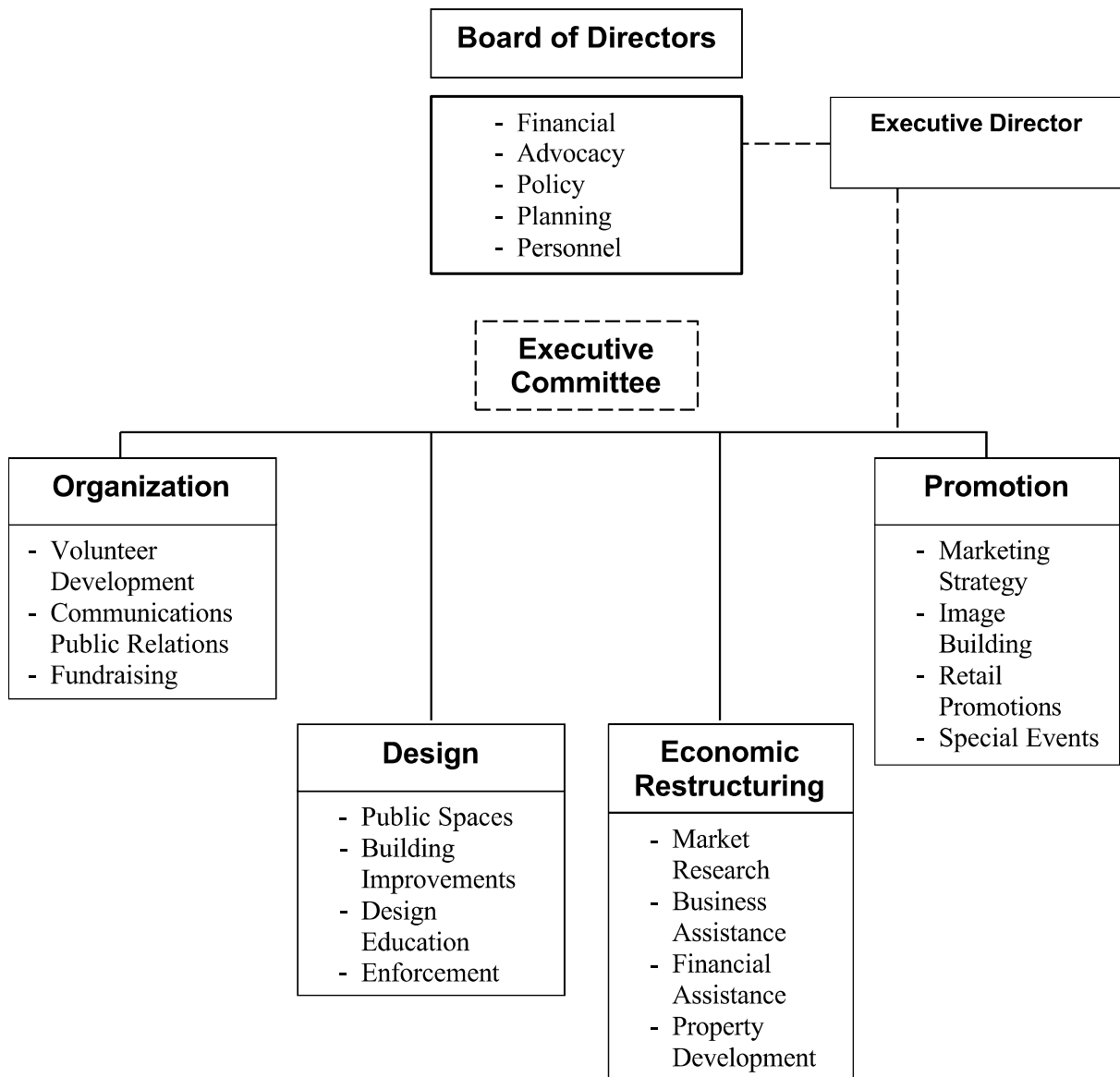


Exhibit C:

Preliminary Draft Budget as submitted with Main Street Application

DRAFT YEAR 1 BUDGET SUMMARY	
REVENUE	
City Government	\$
CRA Trust Fund	\$ 50,000.00
County Government	\$
Private/Memberships	\$ 12,500.00
Grants	\$
Promotions/Special Events	\$ 15,000.00
Other Revenue - Donations	\$ 5,000.00
TOTAL INCOME	\$ 82,500.00
EXPENSES	
Executive Director Salary	\$ 50,000.00
Executive Director FICA	\$ 3,825.00
Executive Director other benefits	
Office operations (computer, printer, supplies, postage, etc.)	\$ 1,200.00
Rent	
Utilities	
Telephone/Internet	\$ 500.00
Memberships	\$ 2,000.00
Insurance (special events and Directors and Officers liability)	\$ 1,500.00
Professional Development/Travel (Executive Director is required to attend trainings, quarterly meetings and Florida Main Street Conference)	\$ 5,000.00
Annual Board Retreat	\$ 475.00
Design/Incentive Grants	
Promotion/Special Events	\$ 11,000.00
Marketing/Website	\$ 2,000.00
Economic Vitality	
TOTAL EXPENSES	\$ 77,500.00
NET	\$ 5,000
1 - In 2018, the average salary for a full-time Florida Main Street Executive Director was \$44,426.	
2 - National Main Street annual membership is <u>required</u> . (Florida Main Street pays the newly designated Main first year membership in the National Main Street Network).	
3 - Board retreats should be an annual expense to accommodate a facilitator in developing a work plan.	
* Design Grants, such as facade or sign improvement grants are extremely important to Apprentice Programs because they help spur projects and create visibility and awareness of the Apprentice Program	



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date December 14, 2022
prepared by Victoria Tabor	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Muscovy Duck Program

motion / recommendation

Approve Muscovy Duck removal program.

background

Muscovy ducks are an invasive species that can impact water quality and the natural environment. During the month of September 2022, the Department of Natural Resources and Sustainability presented to both the Lakes and Waterways and Keep Winter Park Beautiful and Sustainable Advisory Boards about impacts to the environment and recommended removal program. Both boards unanimously approved the recommendation for the City Commission to adopt a Muscovy Duck Removal Program. A presentation was also given to the Parks and Recreation Advisory Board who supported the program in a 4-2 vote. Staff is recommending implementing a Muscovy Duck Removal Program for the City of Winter Park.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Muscovy Removal Program.pdf](#)

Muscovy Removal Program

- Invasive species
- Populations quickly increase
- Interbreeds with native waterfowl
- Contributes to poor water quality
- FWC website:

<https://myfwc.com/wildlifehabitats/nonnative/birds/waterfowl/muscovy-duck>

Legal options to take muscovy ducks

Removal of nonnative species can benefit native species and reduce conflicts with people. Birds caught under the Control Order must be humanely euthanized or donated to scientific or educational institutions where they must be maintained under conditions that will prevent escape into the wild.

- Muscovy ducks can be removed using humane methods of live-capture, typically by using nets or cage traps. All traps must be checked at least once every 24 hours. Captured non-target species are required to be released on site.
- Muscovy ducks can be taken by use of a firearm on private property during daylight hours with landowner permission. Non-toxic shot or bullets must be used. Please check with the local sheriff's office or police department for firearm ordinances before discharging a firearm.
- All euthanized birds must be disposed of by burial or incineration (**USFWS 50 CFR 21.54**).

Andrew Fanning / FWC



- Educational Campaign Messaging
- Do Not Feed Signs- ~~Removed by Citizen(s)~~
- Both Lakes & Waterways Board and Parks & Recreation Board to make vote



Muscovy Removal Program

- Residential concerns- nuisance and aggressive
- Highly controversial
- Do Not Feed Signs removed



Muscovy Removal Program

Integrated Management Plan:

- Public Education: Signs, Flyers, Social Media
- Habitat Modification: Reduce food sources and comfortability
- Active Removal: Following FWC guidance
- Re-establish: Promote native waterfowl habitats including wood duck box building events



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date December 14, 2022
prepared by Wes Hamil	approved by Wes Hamil, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Financial stewardship	

subject

Electric cost of service study

motion / recommendation

Approve Option 1 of the Electric Cost of Service Study including combining the Time of Use rate class with the General Service Demand class effective April 1, 2023 as recommended by the Utilities Advisory Board.

background

In 2021, the City Commission approved an electric cost of service study prepared by Leidos Engineering, LLC as recommended by the Utilities Advisory Board. The results of that study indicated small decreases in rates for the residential and small commercial customers and small increases for large commercial customers, for a total revenue neutral adjustment. The UAB requested an update of the Study to reflect (i) updated historical and projected customers and energy sales, (ii) actual fiscal year 2021 load characteristics, (iii) fiscal year 2023 revenue requirements, and (iv) combining the Time of Use customers with the General Service Demand class.

There are approximately 24 Time of Use customers that were grandfathered into this rate class when the City acquired its electric utility in 2005. This class has been closed to new customers since June 1, 2006. A listing of these customers, their electric usage characteristics and the impact of moving them to the General Service Demand class is included in Table 7 of the attached report. The impact of recommended changes to all other rate classes is included in Tables 8 and 9.

alternatives / other considerations

Do not approve the recommendation of the Utilities Advisory Board

fiscal impact

The recommended rate changes are designed to be revenue neutral in total.

ATTACHMENTS:

[Letter Report Final.pdf](#)



October 25, 2022

Utility Advisory Board
City of Winter Park
City Hall, 401 South Park Avenue
Winter Park, Florida 32789

Subject: **Electric Cost of Service Update**

Ladies and Gentlemen:

In keeping with the provisions of the professional services agreement between the City of Winter Park, Florida (the City) and Leidos Engineering, LLC, (the Consultant) and the direction provided by the City management and staff and Utility Advisory Board (UAB), the Electric Cost of Service Update (the Report) has been completed. The Report addresses the projected financial operations of the City's electric system (Electric System) for the fiscal year ending September 30, 2023. We have summarized our assumptions and the results of our analyses and conclusions in this Report, which we hereby submit for your consideration. This Report summarizes the basis for the proposed rate options for electric service that are necessary to meet the projected revenue requirements in the near future and which rates should recover such projected requirements from the customer classes generally in accordance with the direction provided by the City, the guidelines of the Florida Public Service Commission (the PSC) and the results of the allocated cost of service analyses.

The Consultant completed an Electric Cost of Service Study in 2021. The results of that study indicated small decreases in rates for the residential and small commercial customers and small increases for large commercial customers, for a total revenue neutral adjustment. The UAB requested an update of the Study to reflect (i) updated historical and projected customers and energy sales, (ii) actual fiscal year 2021 load characteristics, (iii) fiscal year 2023 revenue requirements, and (iv) combining the Time of Use customers with the General Service Demand class.

In preparing the Electric Cost of Service Update, the Consultant relied upon historical and projected data for the development of operating revenues, operating expenses and capital requirements. Historical data were obtained from various monthly reports, the City's Comprehensive Annual Financial Reports, actual customer billing records, and analyses and discussions with members of the City management and staff. Projected data were, in part, derived from the Electric System's current forecast of demand and energy requirements, the Electric System Operating Budget for Fiscal Year 2023 (the Budget), and detailed information and data compiled and provided by members of the City management and staff.

SUMMARY OF FINDINGS

HISTORICAL AND PROJECTED CUSTOMERS AND ENERGY SALES

Table No. 1 shows the historical and projected number of customers and energy sales by month by rate class for the fiscal years ending September 30, 2019 through 2022. As shown on the table, the number of customers has increased slightly and the energy sales have remained very stable. For purposes of this update, the numbers for fiscal year 2022 have been assumed to be the same as those for the actual fiscal year 2021. Table No. 2 summarizes the historical and projected annual energy sales by class for the period. The projected annual energy sales are approximately 422,000 MWh.

PROJECTED REVENUE REQUIREMENTS

The projected revenue requirements for the fiscal year ending September 30, 2023 are based on the fiscal year 2023 Budget. The projected revenue requirements are shown on Table No. 3, along with revenue requirements for the previous Test Year 2020, actual 2021, and budgeted 2022. The revenue requirements for 2023 are projected to increase due to increases in purchased Bulk Power costs as a result of increases in natural gas prices. Changes in Bulk Power costs are recovered through changes in the fuel adjustment charges. Based on the 2023 Budget, the total revenue requirements for fiscal year 2023 are \$54,253,000.

LOAD RESEARCH RESULTS

The City has an advanced metering system where hourly demands for each meter can be recorded and compiled. For the 2021 Study, the City provided the results of load research for the period November 2018 through October 2019. For this update the City provided load research results for the period March 2021 through February 2022. As shown on Table No. 4, the updated results are similar to the previous results. Based on this load research for 95% of residential customers, the residential class average contribution to the system peak load ranges from 51.8% to 53.4%.

ALLOCATION FACTORS

Demand, energy, and customer allocation factors are developed and shown in Table No. 5. The General Service Demand and Time of Use classes have been combined into a single class. As in the 2021 Study, the allocation methods are based on industry practices and guidelines provided by the Florida Public Service Commission. Similar to the 2021 Study, the residential class is about 45% of the system energy and 52% of the system non-coincident peak demand.

COST OF SERVICE RESULTS

The fiscal year 2023 revenue requirements were allocated to the customer classes based on a cost of service model that functionalizes costs among production, transmission, distribution and customer

costs, and classifies costs according to demand related or energy related costs. Production (purchased power) demand related costs were allocated based on the contribution of each class to the average 12 month coincident peak demands and distribution demand related costs were allocated based on the contribution of each class to the annual system peak demand. Energy related costs were allocated based on projected energy sales by class and customer related costs were allocated based on weighted costs. Table No. 6 shows the results of the cost of service analysis. Similar to the 2021 Study, the updated cost of service results indicate small decreases in the residential and small commercial classes and small increases in the large commercial class.

ANALYSIS OF TIME OF USE CUSTOMERS

The City has approximately 24 General Service Demand Time of Use Customers. This rate class is closed to new customers as of June 1, 2006. Table No. 7 shows a calculation of the bills for these customers for a 12 month period using the existing Time of Use rate and the existing General Service Demand rate. As shown on this table, the General Service Demand revenues for these customers would be approximately \$203,000 greater than revenues using the Time of Use rate. The differences for most of these customers range between approximately 1.0% and 3.2%, with an average of 2.3%.

RATE DESIGN

Two rate options are shown on Table No. 8. Option 1 discontinues the Time of Use rate and moves those customers to the existing General Service Demand rate, with the annual difference of approximately \$203,000 resulting in a corresponding decrease for Residential and General Service Non Demand customers (approximately 0.6%). Option 2 is a phased-in change, with an increase in the Time of Use rate to increase revenues by approximately \$101,000 annually and a corresponding decrease of approximately 0.3% for Residential and General Service Non Demand customers. If Option 2 is chosen, it would be followed by the rates shown as Option 1 at a later date.

The principal effects of adopting one of the rate options shown herein would be:

- Rate structures and levels, in general, will be based, in part, on moving toward the allocated cost of service.
- Fuel and purchased energy costs will continue to be shown in a separate charge, the Fuel Cost Recovery Factor.
- The rate options shown herein will be sufficient to meet the projected revenue requirements for the fiscal year ending September 30, 2023.
- The rate options shown herein have been designed to be revenue neutral, that is, each option will produce approximately the same revenues as those using the existing rates.

RATE COMPARISONS

To assist the City in its evaluation and consideration of rate adjustment options, shown on Table No. 9 are comparisons of typical monthly bills for the Residential and General Service Non Demand classes at various levels of usage. Typical bills calculated under the rate options have been compared with bills calculated under the existing rates.

As shown on Table No. 9, typical residential and small commercial customers' bills under the proposed rate options can be expected to decrease approximately 0.6% under Option 1 and 0.3% under Option 2. Bills for Time of Use customers are projected to increase approximately 2.3% on average under Option 1 and 1.2% under Option 2. Rates for General Service Demand customers would remain the same under both options.

CONCLUSIONS

Based upon the results of our studies and analyses as summarized in this Report, and upon the underlying assumptions and considerations contained in the 2021 Study, and the data and information provided by the City's management and staff and others, we are of the opinion that:

- (i) The proposed rate options reflect a realignment of costs among the residential and commercial rate classes, and are projected to meet the revenue requirements for the fiscal year ending September 30, 2023;
- (ii) The City should continue to monitor the cost of purchased power and current market conditions and should make adjustments, if necessary, to its fuel cost recovery factor to reflect such costs and conditions and to minimize the potential to under recover or over recover its fuel costs; and
- (iii) The City should consider submitting this Report, together with other appropriate filing requirements, to the PSC.

We are prepared to present our analyses and proposed rate options to the City Commission and to assist the City with public meetings, with PSC filing requirements, and with presentations in connection with the adoption and implementation of the proposed rate options.

We want to take this opportunity to express our appreciation for the spirited cooperation and valuable assistance given us throughout the course of this study by each member of the City management and staff, along with members of the Utility Advisory Board.

Respectfully submitted,

LEIDOS ENGINEERING, LLC

Ln. No.	Customer Classes (a)	Oct (b)	Nov (c)	Dec (d)	Jan (e)	Feb (f)	Mar (g)	Apr (h)	May (i)	Jun (j)	Jul (k)	Aug (l)	Sep (m)	Total (n)	Average (o)
Historical FY 2019															
1	Residential	12,017	12,005	11,999	12,045	12,059	12,017	12,081	12,089	12,089	12,083	12,078	12,012	144,574	12,048
Commercial															
2	General Service Non-Demand	1,134	1,128	1,127	1,127	1,116	1,114	1,107	1,115	1,102	1,069	1,107	1,099	13,345	1,112
3	GS Non-Demand - 100% Load Factor	40	40	40	40	40	40	40	40	40	40	40	40	480	40
4	General Service Demand	1	1	1	1	1	1	1	1	1	1	1	1	12	1
5	Primary	1,048	1,050	1,054	1,055	1,052	1,060	1,053	1,056	1,048	1,054	1,062	1,062	12,654	1,055
6	Secondary	2	2	2	2	2	2	2	2	1	1	1	1	19	2
7	Time of Use	19	19	19	18	20	19	19	20	20	19	19	19	230	19
8	Subtotal Commercial	2,244	2,240	2,243	2,243	2,231	2,236	2,222	2,233	2,212	2,184	2,230	2,222	26,740	2,228
Public Authority															
9	General Service Non-Demand	184	186	185	185	185	186	184	188	184	195	195	195	2,252	188
10	GS Non-Demand - 100% Load Factor	23	23	23	23	23	23	23	23	23	23	23	23	276	23
11	General Service Demand	60	59	61	61	61	60	61	61	60	59	58	60	721	60
12	Time of Use	1	1	1	1	1	1	1	1	1	1	1	1	12	1
13	Primary	1	1	1	1	1	1	1	1	1	1	1	1	12	1
14	Secondary	1	1	1	1	1	1	1	1	1	1	1	1	12	1
15	Subtotal Public Authority	269	270	271	271	271	271	270	274	269	279	278	280	3,273	273
Lighting															
16	Residential	649	649	649	649	649	649	649	649	649	649	649	649	7,788	649
17	Commercial	146	146	146	146	146	146	146	146	146	146	146	146	1,752	146
18	Subtotal Lighting	795	795	795	795	795	795	795	795	795	795	795	795	9,540	795
19	FY 2019 TOTAL CUSTOMERS	15,325	15,310	15,308	15,354	15,356	15,319	15,368	15,391	15,365	15,341	15,381	15,309	184,127	15,344
Historical FY 2020															
19	Residential	12,092	12,099	12,085	12,113	12,085	12,040	12,032	12,072	12,069	12,143	12,100	12,087	145,017	12,085
Commercial															
20	General Service Non-Demand	1,089	1,098	1,088	1,089	1,088	1,063	1,082	1,112	1,078	1,083	1,070	1,072	13,012	1,084
21	GS Non-Demand - 100% Load Factor	40	40	40	40	40	40	40	40	40	40	40	40	480	40
22	General Service Demand	1	1	1	1	1	1	1	1	1	1	1	1	12	1
23	Primary	1,077	1,066	1,067	1,062	1,062	1,057	1,063	1,059	1,054	1,062	1,046	1,067	12,742	1,062
24	Secondary	1	2	1	1	1	1	2	2	2	2	2	2	19	2
25	Time of Use	19	19	19	19	20	19	19	19	19	19	19	19	229	19
26	Subtotal Commercial	2,227	2,226	2,216	2,212	2,212	2,181	2,207	2,233	2,194	2,207	2,178	2,201	26,494	2,208
Public Authority															
27	General Service Non-Demand	195	180	182	183	181	195	195	180	196	178	179	181	2,225	185
28	GS Non-Demand - 100% Load Factor	23	23	23	23	23	23	23	23	23	23	23	23	276	23
29	General Service Demand	57	60	57	58	58	57	57	57	55	56	57	59	630	57
30	Time of Use	1	1	1	1	1	1	1	1	1	1	1	1	12	1
31	Primary	1	1	1	1	1	1	1	1	1	1	1	1	12	1
32	Secondary	1	1	1	1	1	1	1	1	1	1	1	1	12	1
33	Subtotal Public Authority	277	265	264	266	264	277	277	205	276	259	261	265	3,155	263
Lighting															
33	Residential	649	649	649	649	649	649	649	649	649	649	649	649	7,788	649
34	Commercial	146	146	146	146	146	146	146	146	146	146	146	146	1,752	146
35	Subtotal Lighting	795	795	795	795	795	795	795	795	795	795	795	795	9,540	795
36	FY 2020 TOTAL CUSTOMERS	15,391	15,385	15,360	15,386	15,356	15,293	15,310	15,305	15,333	15,404	15,334	15,348	184,205	15,350

CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Update

Historical and Projected Customers *Fiscal Years 2019-2022*

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Ln. No.	Customer Classes (a)	Oct (b)	Nov (c)	Dec (d)	Jan (e)	Feb (f)	Mar (g)	Apr (h)	May (i)	Jun (j)	Jul (k)	Aug (l)	Sep (m)	Total (n)	Average (o)
Historical FY 2021															
37	Residential	12,126	12,047	12,107	12,082	12,065	12,081	12,061	12,112	12,079	12,097	12,069	12,066	144,992	12,083
Commercial															
38	General Service Non-Demand	1,103	1,070	1,074	1,080	1,070	1,078	1,073	1,064	1,080	1,115	1,081	1,076	12,964	1,080
39	GS Non-Demand - 100% Load Factor	40	40	40	40	40	40	40	40	40	40	40	40	480	40
40	General Service Demand	1	1	1	1	1	1	1	1	1	0	0	0	9	1
41	Primary	1,077	1,057	1,056	1,050	1,036	1,070	1,054	1,049	1,061	1,059	1,059	1,064	12,692	1,058
42	Secondary														
43	Time of Use	1	1	1	2	2	1	1	1	1	1	1	1	14	1
44	Subtotal Commercial	2,242	2,188	2,191	2,192	2,168	2,209	2,188	2,175	2,203	2,234	2,200	2,200	26,390	2,199
Public Authority															
45	General Service Non-Demand	182	182	182	182	183	196	196	180	180	196	196	195	2,250	188
46	GS Non-Demand - 100% Load Factor	23	23	23	23	23	23	23	23	23	23	23	23	276	23
47	General Service Demand	56	57	59	59	58	57	56	58	56	55	56	56	682	57
48	Time of Use	1	1	1	1	1	1	1	1	1	1	1	1	12	1
49	Primary	1	1	1	1	1	1	1	1	1	1	1	1	12	1
50	Secondary														
51	Subtotal Public Authority	263	264	266	266	266	278	277	263	261	276	277	276	3,232	269
Lighting															
52	Residential	649	649	649	649	649	649	649	649	649	649	649	649	7,788	649
53	Commercial	146	146	146	146	146	146	146	146	146	146	146	146	1,752	146
54	Subtotal Lighting	795	795	795	795	795	795	795	795	795	795	795	795	9,540	795
55	FY 2021 TOTAL CUSTOMERS	15,426	15,294	15,359	15,334	15,293	15,364	15,322	15,344	15,339	15,401	15,341	15,336	184,154	15,346
Projected FY 2022															
56	Residential	12,126	12,047	12,107	12,082	12,065	12,081	12,061	12,112	12,079	12,097	12,069	12,066	144,992	12,083
Commercial															
57	General Service Non-Demand	1,103	1,070	1,074	1,080	1,070	1,078	1,073	1,064	1,080	1,115	1,081	1,076	12,964	1,080
58	GS Non-Demand - 100% Load Factor	40	40	40	40	40	40	40	40	40	40	40	40	480	40
59	General Service Demand	1	1	1	1	1	1	1	1	1	0	0	0	9	1
60	Primary	1,077	1,057	1,056	1,050	1,036	1,070	1,054	1,049	1,061	1,059	1,059	1,064	12,692	1,058
61	Secondary														
62	Time of Use	1	1	1	2	2	1	1	1	1	1	1	1	14	1
63	Subtotal Commercial	2,242	2,188	2,191	2,192	2,168	2,209	2,188	2,175	2,203	2,234	2,200	2,200	26,390	2,199
Public Authority															
64	General Service Non-Demand	182	182	182	182	183	196	196	180	180	196	196	195	2,250	188
65	GS Non-Demand - 100% Load Factor	23	23	23	23	23	23	23	23	23	23	23	23	276	23
66	General Service Demand	56	57	59	59	58	57	56	58	56	55	56	56	682	57
67	Time of Use	1	1	1	1	1	1	1	1	1	1	1	1	12	1
68	Primary	1	1	1	1	1	1	1	1	1	1	1	1	12	1
69	Secondary														
70	Subtotal Public Authority	263	264	266	266	266	278	277	263	261	276	277	276	3,232	269
Lighting															
71	Residential	649	649	649	649	649	649	649	649	649	649	649	649	7,788	649
72	Commercial	146	146	146	146	146	146	146	146	146	146	146	146	1,752	146
73	Subtotal Lighting	795	795	795	795	795	795	795	795	795	795	795	795	9,540	795
74	FY 2022 TOTAL CUSTOMERS	15,426	15,294	15,359	15,334	15,293	15,364	15,322	15,344	15,339	15,401	15,341	15,336	184,154	15,346

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

Table No. 1
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Historical and Projected Energy Sales (kWh)
Fiscal Years 2019-2022

Ln. No.	Customer Classes (a)	Oct (b)	Nov (c)	Dec (d)	Jan (e)	Feb (f)	Mar (g)	Apr (h)	May (i)	Jun (j)	Jul (k)	Aug (l)	Sep (m)	Total (n)	Average (o)
Historical FY 2019															
1	Residential	20,059,385	14,922,098	13,464,512	13,862,510	13,681,753	11,630,802	11,494,848	15,006,519	18,842,877	18,539,574	18,793,014	19,972,857	190,270,749	15,855,896
Commercial															
2	General Service Non-Demand	1,204,533	933,316	770,900	751,735	790,223	728,810	752,168	956,321	1,163,356	1,156,825	1,145,296	1,198,239	11,551,722	962,644
3	GS Non-Demand - 100% Load Factor	38,794	36,755	39,084	39,832	38,145	35,374	36,685	38,009	38,426	36,047	37,648	38,309	453,108	37,759
General Service Demand															
4	Primary	3,656	3,312	3,368	3,338	2,971	2,297	2,501	2,458	2,496	2,574	2,527	2,512	34,010	2,834
5	Secondary	13,492,224	11,398,478	10,325,682	9,949,784	9,792,865	9,724,041	9,866,903	11,770,519	13,154,629	13,264,154	13,212,298	13,975,912	139,927,489	11,660,624
Time of Use															
6	Primary - On Peak	453,600	417,600	338,400	280,800	352,800	266,400	316,800	345,600	273,600	302,400	324,000	324,000	3,996,000	333,000
7	Primary - Off Peak	1,447,200	1,188,000	1,130,400	921,600	1,058,400	936,000	921,600	1,202,400	900,000	964,800	972,000	1,058,400	12,700,800	1,058,400
8	Secondary- On Peak	1,010,290	869,078	857,092	747,581	863,657	740,455	784,908	877,269	898,747	895,516	944,700	1,000,375	10,489,668	874,139
9	Secondary - Off Peak	3,032,333	2,556,009	2,571,460	2,295,822	2,653,437	2,261,177	2,386,991	2,656,395	2,677,335	2,750,783	2,830,329	3,076,941	31,749,012	2,645,751
10	Subtotal Commercial	20,682,630	17,402,548	16,036,386	14,990,492	15,552,498	14,694,554	15,068,556	17,848,971	19,108,589	19,373,099	19,468,798	20,674,688	210,901,809	17,575,151
Public Authority															
11	General Service Non-Demand	122,071	109,533	112,667	110,221	112,497	105,229	101,151	105,126	109,302	105,008	106,120	112,766	1,311,691	109,308
12	GS Non-Demand - 100% Load Factor	8,717	8,768	8,715	9,014	8,657	8,361	8,492	8,653	8,449	8,294	8,313	8,356	102,789	8,566
13	General Service Demand	1,333,369	1,148,341	1,032,453	930,514	1,023,386	963,305	942,525	1,110,564	1,247,664	1,164,270	1,177,820	1,323,229	13,397,440	1,116,453
Time of Use															
14	Primary - On Peak	189,600	177,600	175,200	160,800	194,400	153,600	160,800	153,600	153,600	160,800	158,400	204,000	2,042,400	170,200
15	Primary - Off Peak	540,000	453,600	477,600	412,800	448,800	415,200	386,400	429,600	451,200	424,800	444,000	520,800	5,404,800	450,400
16	Secondary- On Peak	11,300	10,500	9,900	8,800	10,000	8,600	8,200	10,100	11,600	11,800	11,600	12,500	124,900	10,408
17	Secondary - Off Peak	33,000	31,100	23,200	24,400	23,000	24,100	24,000	30,100	32,700	33,100	32,700	36,900	348,300	29,025
18	Subtotal Public Authority	2,238,057	1,939,442	1,839,735	1,656,549	1,820,740	1,678,395	1,631,568	1,847,743	2,014,515	1,908,072	1,938,953	2,218,551	22,732,320	1,894,360
Lighting															
19	Residential	6,416	6,464	6,239	6,343	6,357	6,437	6,419	6,383	6,374	6,374	6,374	6,374	76,554	6,380
20	Commercial	52,350	51,982	51,094	51,194	50,938	51,022	50,873	50,339	48,709	48,929	48,732	48,506	604,668	50,389
21	Public Authority	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	1,432,368	119,364
22	Subtotal Lighting	178,130	177,810	176,697	176,901	176,659	176,823	176,656	176,086	174,447	174,667	174,470	174,244	2,113,590	176,133
23	FY 2019 TOTAL ENERGY SALES	43,158,202	34,441,898	31,517,330	30,686,452	31,231,650	28,180,574	28,371,628	34,879,319	40,140,428	39,995,412	40,375,235	43,040,340	426,018,468	35,501,539

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

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Historical and Projected Energy Sales (kWh)
Fiscal Years 2019-2022

Ln. No.	Customer Classes (a)	Oct (b)	Nov (c)	Dec (d)	Jan (e)	Feb (f)	Mar (g)	Apr (h)	May (i)	Jun (j)	Jul (k)	Aug (l)	Sep (m)	Total (n)	Average (o)
Historical FY 2020															
24	Residential	17,790,719	16,858,806	11,971,451	12,479,061	12,466,567	11,947,731	14,439,637	16,739,447	15,780,508	19,600,576	20,639,795	21,801,192	192,515,490	16,042,958
Commercial															
25	General Service Non-Demand	1,078,187	1,050,293	713,526	698,406	746,397	763,336	754,126	779,567	879,733	1,093,173	1,115,059	1,203,056	10,874,859	906,238
26	GS Non-Demand - 100% Load Factor	37,384	40,722	38,108	39,113	37,186	37,220	36,508	39,691	34,879	37,284	37,932	40,847	456,874	38,073
General Service Demand															
27	Primary	2,574	2,856	2,375	2,631	2,631	2,674	2,501	2,656	2,341	2,654	3,030	2,722	31,645	2,637
28	Secondary	12,953,683	13,415,345	10,157,703	10,144,039	9,904,986	10,189,513	10,089,170	10,151,878	10,439,819	12,727,028	13,163,366	14,170,877	137,507,407	11,458,951
Time of Use															
29	Primary - On Peak	381,600	439,200	338,400	223,200	309,600	309,600	280,800	223,200	201,600	280,800	302,400	316,800	3,607,200	300,600
30	Primary - Off Peak	1,224,000	1,260,000	1,123,200	784,800	914,400	950,400	921,600	792,000	676,800	1,008,000	928,800	1,000,800	11,584,800	965,400
31	Secondary- On Peak	896,512	979,559	825,027	726,785	783,714	761,539	813,719	780,802	750,137	869,829	938,451	988,643	10,114,717	842,893
32	Secondary - Off Peak	2,724,329	3,046,002	2,504,672	2,236,850	2,453,579	2,254,428	2,514,471	2,451,079	2,318,457	2,702,507	2,912,331	3,026,012	31,144,717	2,595,393
33	Subtotal Commercial	19,298,269	20,233,977	15,703,011	14,855,824	15,152,493	15,268,710	15,412,895	15,220,873	15,303,766	18,721,275	19,401,369	20,749,757	205,322,219	17,110,185
Public Authority															
34	General Service Non-Demand	110,032	119,500	104,749	105,387	107,397	108,407	95,462	94,231	90,984	103,596	107,656	118,399	1,265,800	105,483
35	GS Non-Demand - 100% Load Factor	8,121	8,541	8,185	8,329	8,230	8,111	8,085	8,491	7,858	8,064	8,168	8,416	98,599	8,217
36	General Service Demand	1,227,764	1,255,607	1,024,827	977,718	1,022,289	1,064,039	1,001,437	973,846	997,227	1,133,633	1,176,676	1,353,779	13,208,842	1,100,737
Time of Use															
37	Primary - On Peak	213,600	216,000	206,400	201,600	223,200	201,600	189,600	165,600	148,800	160,800	480,000	208,800	2,616,000	218,000
38	Primary - Off Peak	559,200	530,400	489,600	472,800	477,600	470,400	458,400	458,400	393,600	420,000	1,317,600	578,400	6,626,400	552,200
39	Secondary- On Peak	10,800	14,100	10,200	9,900	10,300	10,600	6,900	8,000	9,200	10,900	11,700	13,100	125,700	10,475
40	Secondary - Off Peak	30,700	36,900	22,800	22,100	24,400	23,900	20,300	24,300	27,600	33,000	36,800	42,700	345,500	28,792
41	Subtotal Public Authority	2,160,217	2,181,048	1,866,761	1,797,834	1,873,416	1,887,057	1,780,184	1,732,868	1,675,269	1,869,993	3,138,600	2,323,594	24,286,841	2,023,903
Lighting															
42	Residential	6,375	6,360	6,387	6,355	6,399	6,418	6,373	6,383	6,293	6,574	6,371	6,420	76,708	6,392
43	Commercial	48,551	48,551	48,122	48,477	48,928	48,551	48,584	50,339	43,808	47,637	48,584	48,450	578,582	48,215
44	Public Authority	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,704	119,364	1,432,708	119,392
45	Subtotal Lighting	174,290	174,275	173,873	174,196	174,691	174,333	174,321	176,086	169,465	173,575	174,659	174,234	2,087,998	174,000
46	FY 2020 TOTAL ENERGY SALES	39,423,495	39,448,106	29,715,096	29,306,915	29,667,167	29,277,831	31,807,037	33,869,274	32,929,008	40,365,419	43,354,423	45,048,777	424,212,548	35,351,046

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

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Historical and Projected Energy Sales (kWh)
Fiscal Years 2019-2022

Ln. No.	Customer Classes (a)	Oct (b)	Nov (c)	Dec (d)	Jan (e)	Feb (f)	Mar (g)	Apr (h)	May (i)	Jun (j)	Jul (k)	Aug (l)	Sep (m)	Total (n)	Average (o)
Historical FY 2021															
47	Residential	17,219,521	15,844,545	14,075,084	15,831,247	12,757,735	12,882,137	12,642,228	15,469,625	17,569,212	17,421,998	18,949,011	19,547,934	190,210,277	15,850,856
Commercial															
48	General Service Non-Demand	949,332	901,212	774,309	722,249	721,524	759,663	816,311	1,041,923	1,151,046	1,099,659	1,161,470	1,220,442	11,319,140	943,262
49	GS Non-Demand - 100% Load Factor	36,570	37,231	39,730	40,732	37,844	38,828	37,465	39,571	38,841	36,346	37,657	37,818	458,633	38,219
General Service Demand															
50	Primary	2,388	2,638	2,422	2,569	2,294	2,624	2,219	2,559	2,705	0	5,001	2,881	30,300	2,525
51	Secondary	11,993,407	11,678,867	10,662,057	9,887,390	9,203,000	10,049,797	9,953,982	11,817,576	12,747,199	12,546,034	13,249,381	13,995,712	137,784,402	11,482,034
Time of Use															
52	Primary - On Peak	381,600	381,600	345,600	266,400	288,000	345,600	295,200	417,600	309,600	324,000	381,600	453,600	4,190,400	349,200
53	Primary - Off Peak	1,296,000	1,144,800	1,087,200	993,600	864,000	1,144,800	1,022,400	1,310,400	1,022,400	1,087,200	1,180,800	1,339,200	13,492,800	1,124,400
54	Secondary- On Peak	819,901	840,882	787,950	788,513	772,808	781,964	944,916	752,686	794,649	844,924	934,891	890,998	9,955,082	829,590
55	Secondary - Off Peak	2,577,592	2,573,838	2,467,349	2,448,273	2,342,391	2,326,125	2,257,138	2,821,861	2,385,721	2,608,058	2,787,376	2,695,011	30,290,733	2,524,228
56	Subtotal Commercial	18,056,790	17,561,068	16,166,617	15,149,726	14,231,861	15,449,401	15,329,631	18,204,176	18,452,161	18,546,221	19,738,176	20,635,662	207,521,490	17,293,458
Public Authority															
57	General Service Non-Demand	106,490	109,405	111,465	104,453	100,859	105,834	95,714	101,286	101,401	95,391	101,911	106,718	1,240,927	103,411
58	GS Non-Demand - 100% Load Factor	8,060	8,147	8,449	8,390	8,235	8,187	8,048	8,238	8,081	7,807	8,005	7,941	97,588	8,132
59	General Service Demand	1,138,967	1,121,623	1,050,131	943,032	940,659	1,025,089	956,800	1,117,629	1,199,768	1,070,459	1,196,458	1,338,787	13,099,402	1,091,617
Time of Use															
60	Primary - On Peak	182,400	175,200	168,000	189,600	184,800	170,400	151,200	158,400	168,000	139,200	146,400	165,600	1,999,200	166,600
61	Primary - Off Peak	559,200	460,800	451,200	484,800	444,000	475,200	391,200	458,400	513,600	405,600	398,400	417,600	5,460,000	455,000
62	Secondary- On Peak	10,100	9,600	10,500	9,400	9,100	8,000	7,500	10,400	8,400	11,400	11,400	12,300	118,100	9,842
63	Secondary - Off Peak	30,400	29,300	26,900	22,000	21,000	22,800	23,300	33,300	26,600	33,700	37,800	36,500	343,600	28,633
64	Subtotal Public Authority	2,035,617	1,914,075	1,826,645	1,761,675	1,708,653	1,815,510	1,633,762	1,887,653	2,025,850	1,763,557	1,900,374	2,085,446	22,358,817	1,863,235
Lighting															
65	Residential	6,419	6,416	6,416	6,416	6,442	6,396	6,409	6,410	6,409	6,390	6,336	6,397	76,856	6,405
66	Commercial	48,117	52,137	48,560	48,646	48,633	48,633	48,667	48,633	48,620	48,650	48,644	42,697	580,637	48,386
67	Public Authority	119,830	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	1,432,834	119,403
68	Subtotal Lighting	174,366	177,917	174,340	174,426	174,439	174,393	174,440	174,407	174,393	174,404	174,344	168,458	2,090,327	174,194
69	FY 2021 TOTAL ENERGY SALES	37,486,294	35,497,605	32,242,686	32,917,074	28,872,688	30,321,441	29,780,061	35,735,861	38,221,616	37,906,180	40,761,905	42,437,500	422,180,911	35,181,743

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

Table No. 1
Page 6 of 6

Historical and Projected Energy Sales (kWh)
Fiscal Years 2019-2022

Ln. No.	Customer Classes (a)	Oct (b)	Nov (c)	Dec (d)	Jan (e)	Feb (f)	Mar (g)	Apr (h)	May (i)	Jun (j)	Jul (k)	Aug (l)	Sep (m)	Total (n)	Average (o)
Projected FY 2022															
70	Residential	17,219,521	15,844,545	14,075,084	15,831,247	12,757,735	12,882,137	12,642,228	15,469,625	17,569,212	17,421,998	18,949,011	19,547,934	190,210,277	15,850,856
Commercial															
71	General Service Non-Demand	949,332	901,212	774,309	722,249	721,524	759,663	816,311	1,041,923	1,151,046	1,099,659	1,161,470	1,220,442	11,319,140	943,262
72	GS Non-Demand - 100% Load Factor	36,570	37,231	39,730	40,732	37,844	38,828	37,465	39,571	38,841	36,346	37,657	37,818	458,633	38,219
General Service Demand															
73	Primary	2,388	2,638	2,422	2,569	2,294	2,624	2,219	2,559	2,705	0	5,001	2,881	30,300	2,525
74	Secondary	11,993,407	11,678,867	10,662,057	9,887,390	9,203,000	10,049,797	9,953,982	11,817,576	12,747,199	12,546,034	13,249,381	13,995,712	137,784,402	11,482,034
Time of Use															
75	Primary - On Peak	381,600	381,600	345,600	266,400	288,000	345,600	295,200	417,600	309,600	324,000	381,600	453,600	4,190,400	349,200
76	Primary - Off Peak	1,296,000	1,144,800	1,087,200	993,600	864,000	1,144,800	1,022,400	1,310,400	1,022,400	1,087,200	1,180,800	1,339,200	13,492,800	1,124,400
77	Secondary- On Peak	819,901	840,882	787,950	788,513	772,808	781,964	944,916	752,686	794,649	844,924	934,891	890,998	9,955,082	829,590
78	Secondary - Off Peak	2,577,592	2,573,838	2,467,349	2,448,273	2,342,391	2,326,125	2,257,138	2,821,861	2,385,721	2,608,058	2,787,376	2,695,011	30,290,733	2,524,228
79	Subtotal Commercial	18,056,790	17,561,068	16,166,617	15,149,726	14,231,861	15,449,401	15,329,631	18,204,176	18,452,161	18,546,221	19,738,176	20,635,662	207,521,490	17,293,458
Public Authority															
80	General Service Non-Demand	106,490	109,405	111,465	104,453	100,859	105,834	95,714	101,286	101,401	95,391	101,911	106,718	1,240,927	103,411
81	GS Non-Demand - 100% Load Factor	8,060	8,147	8,449	8,390	8,235	8,187	8,048	8,238	8,081	7,807	8,005	7,941	97,588	8,132
82	General Service Demand	1,138,967	1,121,623	1,050,131	943,032	940,659	1,025,089	956,800	1,117,629	1,199,768	1,070,459	1,196,458	1,338,787	13,099,402	1,091,617
Time of Use															
83	Primary - On Peak	182,400	175,200	168,000	189,600	184,800	170,400	151,200	158,400	168,000	139,200	146,400	165,600	1,999,200	166,600
84	Primary - Off Peak	559,200	460,800	451,200	484,800	444,000	475,200	391,200	458,400	513,600	405,600	398,400	417,600	5,460,000	455,000
85	Secondary- On Peak	10,100	9,600	10,500	9,400	9,100	8,000	7,500	10,400	8,400	11,400	11,400	12,300	118,100	9,842
86	Secondary - Off Peak	30,400	29,300	26,900	22,000	21,000	22,800	23,300	33,300	26,600	33,700	37,800	36,500	343,600	28,633
87	Subtotal Public Authority	2,035,617	1,914,075	1,826,645	1,761,675	1,708,653	1,815,510	1,633,762	1,887,653	2,025,850	1,763,557	1,900,374	2,085,446	22,358,817	1,863,235
Lighting															
88	Residential	6,419	6,416	6,416	6,416	6,442	6,396	6,409	6,410	6,409	6,390	6,336	6,397	76,856	6,405
89	Commercial	48,117	52,137	48,560	48,646	48,633	48,633	48,667	48,633	48,620	48,650	48,644	42,697	580,637	48,386
90	Public Authority	119,830	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	119,364	1,432,834	119,403
91	Subtotal Lighting	174,366	177,917	174,340	174,426	174,439	174,393	174,440	174,407	174,393	174,404	174,344	168,458	2,090,327	174,194
92	FY 2022 TOTAL ENERGY SALES	37,486,294	35,497,605	32,242,686	32,917,074	28,872,688	30,321,441	29,780,061	35,735,861	38,221,616	37,906,180	40,761,905	42,437,500	422,180,911	35,181,743

Table No. 2

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

Energy Sales By Class (kWh)

Customer Class	Fiscal Year Ending September 30			
	2019	2020	2021	2022
1 Residential	190,270,749	192,515,490	190,210,277	190,210,277
2 General Service Non-Demand	11,551,722	10,874,859	11,319,140	11,319,140
3 General Service Non-Demand 100% LF	453,108	456,874	458,633	458,633
4 General Service Demand	139,961,499	137,539,052	137,814,702	137,814,702
5 General Service Demand TOU	58,935,480	56,451,434	57,929,015	57,929,015
6 Public Authority	22,732,320	24,286,841	22,358,817	22,358,817
7 Lighting	<u>2,113,590</u>	<u>2,087,998</u>	<u>2,090,327</u>	<u>2,090,327</u>
8 Total	426,018,468	424,212,548	422,180,911	422,180,911

CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Study Update

Summary of Projected Revenue Requirements

Fiscal Year Ending September 30

Ln. No.	Description (a)	Test Year 2020 Revenue Requirements (b)	2021 Actual Revenue Requirements (c)	2022 Budget Revenue Requirements (d)	2023 Budget Revenue Requirements (e)	2023-2022 Difference (f)
Operating Expenses						
1	Operations					
2	Bulk Power	\$18,696,363	\$20,633,965	\$19,678,403	\$27,274,436	\$7,596,033
3	Gross Receipts Tax	1,152,998	1,117,688	1,099,879	1,337,360	237,481
4	Electric Capital	1,180,000	932,165	1,230,982	1,360,211	129,229
5	Other Operations	1,836,636	1,774,959	2,218,889	2,375,492	156,603
6	Total Operations	22,865,997	24,458,777	24,228,153	32,347,499	8,119,346
7	Undergrounding	4,425,000	5,229,881	6,439,743	7,392,000	952,258
8	Other Capital Projects	0	572,860	2,209,000	500,000	(1,709,000)
9	Tree Trimming	656,996	652,192	658,947	660,071	1,124
10	Warehousing	378,031	330,775	309,146	327,621	18,475
11	Street Lighting	480,000	92,643	510,000	539,000	29,000
12	Utility Billing	713,923	784,270	872,596	830,286	(42,310)
13	Meter Servicing	388,618	208,300	252,761	229,330	(23,431)
14	Administration	1,148,486	1,393,692	1,466,900	1,643,965	177,064
15	<i>Total Operating Expenses</i>	31,057,051	33,723,390	36,947,246	44,469,772	7,522,526
Other Revenue Requirements						
16	Debt Service	4,791,526	5,071,814	4,783,940	4,725,917	(58,023)
17	Interfund Administrative Services	1,728,412	1,740,681	1,696,582	1,775,965	79,383
18	Transfer to General Fund	2,545,301	2,470,947	2,428,037	2,824,160	396,123
19	Other Transfers	255,698	715,317	249,747	368,058	118,311
20	Contingency	2,219,838	0	1,033,364	89,128	(944,236)
21	Replenish Cash Reserves	2,314,351	0	0	0	0
22	<i>Total Other Revenue Requirements</i>	13,855,126	9,998,759	10,191,670	9,783,228	(408,442)
23	TOTAL REVENUE REQUIREMENTS	\$44,912,177	\$43,722,149	\$47,138,916	\$54,253,000	\$7,114,084

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

Load Research Results [1]

Line	Month (a)	Date (b)	Time (c)	System Peak Demand (MW) (d)	Residential Contribution (%) (e)
1	November 2018	11/8/2018	3:00 PM	72.9	41.0%
2	December 2018	12/12/2018	8:00 AM	67.8	53.0%
3	January 2019	1/29/2019	8:00 AM	67.1	58.0%
4	February 2019	2/22/2019	4:00 PM	66.9	45.8%
5	March 2019	3/11/2019	5:00 PM	65.9	48.5%
6	April 2019	4/30/2019	5:00 PM	81.1	58.0%
7	May 2019	5/28/2019	5:00 PM	91.5	57.1%
8	June 2019	6/25/2019	5:00 PM	97.1	56.9%
9	July 2019	7/16/2019	5:00 PM	92.2	57.7%
10	August 2019	8/9/2019	4:00 PM	92.8	54.4%
11	September 2019	9/9/2019	5:00 PM	92.5	56.8%
12	October 2019	10/22/2019	5:00 PM	88.4	53.7%
13	Average			81.3	53.4%
14	March 2021	3/31/2021	5:00 PM	74.8	50.7%
15	April 2021	4/29/2021	5:00 PM	75.5	54.0%
16	May 2021	5/5/2021	5:00 PM	88.9	52.2%
17	June 2021	6/11/2021	5:00 PM	90.4	56.1%
18	July 2021	7/22/2021	4:00 PM	92.4	54.3%
19	August 2021	8/20/2021	4:00 PM	93.7	53.2%
20	September 2021	9/13/2021	4:00 PM	86.0	48.7%
21	October 2021	10/7/2021	5:00 PM	86.1	54.6%
22	November 2021	11/3/2021	5:00 PM	62.8	47.9%
23	December 2021	12/19/2021	4:00 PM	61.5	50.9%
24	January 2022	1/31/2022	8:00 AM	81.3	60.1%
25	February 2022	2/25/2022	4:00 PM	66.8	39.3%
26	Average			80.0	51.8%

[1] Load research based on measured demands for 95% of residential customers.

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Study

[Development of Demand Allocation Factors](#)

Total FY 2022			Average 12 CP					Non-Coincident Peak				
Ln. No.	Customer Class	Energy (MWh)	Load Factor (%) [1]	Demand @ Meter (kW)	Delivery Efficiency	Demand @ Source (kW)	Percent of Total (%)	Load Factor (%) [1]	Demand @ Meter (kW)	Delivery Efficiency	Demand @ Source (kW)	Percent of Total (%)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
1	Residential	190,210	55.00%	39,479	0.9620	41,038	50.90%	45.00%	48,252	0.9620	50,158	51.88%
Commercial												
2	General Service Non Demand	11,319	51.60%	2,504	0.9620	2,603	3.23%	43.50%	2,970	0.9620	3,088	3.19%
3	GS Non Demand (100% LF)	459	90.00%	58	0.9620	61	0.08%	90.00%	58	0.9620	61	0.06%
4	General Service Demand	195,744	71.06%	31,445	0.9620	32,687	40.55%	60.40%	36,994	0.9620	38,455	39.78%
5	Public Authority	22,359	71.06%	3,592	0.9620	3,734	4.63%	60.40%	4,226	0.9620	4,393	4.54%
6	Lighting	2,090	50.00%	477	0.9620	496	0.62%	47.90%	498	0.9620	518	0.54%
7	TOTAL SYSTEM	422,181		77,556		80,619	100.00%		92,999		96,672	100.00%

[1] Average 12 CP and NCP Load Factors are based on information provided by the City and Duke Energy's load research filed with the FPSC.

CITY OF WINTER PARK FLORIDA
Electric Cost of Service Study

[Summary of Demand Allocation Factors](#)

Ln. No.	Customer Class (a)	Average 12 CP		Average Demand			PSC 12 CP Methodology				NCP Demand	
		Demand @ Source (kW) (b)	Percent of Total (%) (c)	2022 Energy at Source (MWh) (d)	Average Demand (kW) (e)	Percent of Total (%) (f)	Avg. 12 CP @12/13 (kW) (g)	Avg. kW @1/13 (kW) (h)	Total (kW) (i)	Percent (%) (j)	Demand @ Source (kW) (k)	Percent of Total (%) (l)
1	Residential	41,038	50.90%	197,723	22,571	45.05%	37,882	1,736	39,618	50.62%	50,158	51.88%
Commercial												
2	General Service Non Demand	2,603	3.23%	11,766	1,343	2.68%	2,403	103	2,506	3.20%	3,088	3.19%
3	GS Non Demand (100% LF)	61	0.08%	477	54	0.11%	56	4	60	0.08%	61	0.06%
4	General Service Demand	32,687	40.55%	203,476	23,228	46.36%	30,173	1,787	31,960	40.83%	38,455	39.78%
5	Public Authority	3,734	4.63%	23,242	2,653	5.30%	3,447	204	3,651	4.66%	4,393	4.54%
6	Lighting	496	0.62%	2,173	248	0.50%	458	19	477	0.61%	518	0.54%
7	TOTAL SYSTEM	80,619	100.00%	438,858	50,098	100.00%	74,418	3,854	78,271	100.00%	96,672	100.00%

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Study

Summary of Energy Allocation Factors
Fiscal Year 2022

Ln. No.	Customer Class (a)	Energy (MWh) [1]		Allocation Factors (%)	
		Energy Sales (b)	Net Generation (c)	Energy Sales (d)	Net Generation (e)
1	Residential	190,210	197,723	45.05%	45.05%
	Commercial				
2	General Service Non Demand	11,319	11,766	2.68%	2.68%
3	GS Non Demand (100% LF)	459	477	0.11%	0.11%
4	General Service Demand	195,744	203,476	46.36%	46.36%
5	Public Authority	22,359	23,242	5.30%	5.30%
6	Lighting	2,090	2,173	0.50%	0.50%
7	TOTAL SYSTEM	422,181	438,858	100.00%	100.00%

[1] A factor of 3.6% was assumed for System Losses based on data received from the City of Winter Park.

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Study

Summary of Customer Allocation Factors
Fiscal Year 2022

Ln. No.	Customer Class (a)	Unweighted Customers		Weighted Customers			Unweighted - No Lighting	
		Customers (b)	Factor (c)	Weighting Factor ^[1] (d)	Customers ^[2] (e)	Factor (f)	Customers (g)	Factor (h)
1	Residential	12,083	78.73%	1.00	12,083	74.01%	12,083	78.73%
	Commercial							
2	General Service Non Demand	1,080	7.04%	1.30	1,404	8.60%	1,080	7.04%
3	GS Non Demand (100% LF)	40	0.26%	1.30	52	0.32%	40	0.26%
4	General Service Demand	1,079	7.03%	1.30	1,403	8.59%	1,079	7.03%
5	Public Authority	269	1.75%	1.30	350	2.14%	269	1.75%
6	Lighting	795	5.18%	1.30	1,034	6.33%	795	5.18%
7	TOTAL SYSTEM	<u>15,346</u>	<u>100.00%</u>		<u>16,325</u>	<u>100.00%</u>	<u>15,346</u>	<u>100.00%</u>

[1] Based on Duke Energy Florida customer charges.

[2] Weighted customers are equal to Column (b), Unweighted Customers multiplied times Column (d), the Weighting Factor.

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update
Test Year Cost of Service by Customer Class

Table No. 6
Page 1 of 2

Line No.	Description (a)	Total (b)	Allocation Factor (c)	Residential (d)	General Service Non-Demand (e)	General Service Non-Demand (100% LF) (f)	General Service Demand (g)	Public Authority (h)	Lighting (i)	Total (j)
Production										
1	Production Demand related									
2	Production - D	14,029,576	12 CP	7,101,235	449,204	10,764	5,728,539	654,346	85,488	14,029,576
3	Blank	0	N/A	0	0	0	0	0	0	0
4	Blank	0	N/A	0	0	0	0	0	0	0
5	Blank	0	N/A	0	0	0	0	0	0	0
6	Blank	0	N/A	0	0	0	0	0	0	0
7	Blank	0	N/A	0	0	0	0	0	0	0
8	Blank	0	N/A	0	0	0	0	0	0	0
9	Production Energy related									
10	Fuel & PP	16,077,458	Test Year Sales - kWh	7,243,560	431,049	17,480	7,454,305	851,473	79,591	16,077,458
11	Variable O&M	0	N/A	0	0	0	0	0	0	0
12	Blank	0	N/A	0	0	0	0	0	0	0
13	Blank	0	N/A	0	0	0	0	0	0	0
14	Production Direct Assignment									
15	Dir. Assignment A	0	N/A	0	0	0	0	0	0	0
16	Other	0	N/A	0	0	0	0	0	0	0
17	Total Production	30,107,034		14,344,794	880,253	28,244	13,182,844	1,505,820	165,079	30,107,034
18	Check	TRUE								
19		30,107,034								
Transmission										
20	Demand Related									
21	115 kV	0	N/A	0	0	0	0	0	0	0
22	69 kV	0	N/A	0	0	0	0	0	0	0
23	115 kV - Sub	0	N/A	0	0	0	0	0	0	0
24	69 kV - Sub	0	N/A	0	0	0	0	0	0	0
25	Blank	0	N/A	0	0	0	0	0	0	0
26	Blank	0	N/A	0	0	0	0	0	0	0
27	Blank	0	N/A	0	0	0	0	0	0	0
28	Direct Assignment									
29	Service 1	0	N/A	0	0	0	0	0	0	0
30	Service 2	0	N/A	0	0	0	0	0	0	0
31	Blank	0	N/A	0	0	0	0	0	0	0
32	Total Transmission	0		0	0	0	0	0	0	0
33	Check	TRUE								
34		0								
Distribution										
35	Demand Related									
36	Substat.	0	N/A	0	0	0	0	0	0	0
37	Prim-Dmd	0	N/A	0	0	0	0	0	0	0
38	Sec-Dmd	0	N/A	0	0	0	0	0	0	0
39	Demand	20,416,354	1 NCP	10,592,983	652,103	12,781	8,121,459	927,680	109,347	20,416,354
40	Energy	1,976,909	Test Year Sales - kWh	890,679	53,002	2,149	916,593	104,698	9,787	1,976,909
41	Blank	0	N/A	0	0	0	0	0	0	0
42	Customer Related									
43	Prim-Cust	0	N/A	0	0	0	0	0	0	0
44	Sec-Cust	0	N/A	0	0	0	0	0	0	0
45	Serv Drp	0	N/A	0	0	0	0	0	0	0
46	Trans-CR	0	N/A	0	0	0	0	0	0	0
47	Total Cust	0	N/A	0	0	0	0	0	0	0
48	Blank	0	N/A	0	0	0	0	0	0	0

CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Update

Test Year Cost of Service by Customer Class

Table No. 6
Page 2 of 2

Line No.	Description (a)	Total (b)	Allocation Factor (c)	Residential (d)	General Service Non-Demand (e)	General Service Non-Demand (100% LF) (f)	General Service Demand (g)	Public Authority (h)	Lighting (i)	Total (j)
50	Direct Assignment									
51	Lighting	0	N/A	0	0	0	0	0	0	0
52	Blank	0	N/A	0	0	0	0	0	0	0
53	Total Distribution	22,393,263		11,483,663	705,106	14,930	9,038,052	1,032,378	119,134	22,393,263
54	Check	TRUE								
55		22,393,263								
56	Customer									
57	Meters	308,798		228,551	26,566	984	26,533	6,615	19,549	308,798
58	Cust. Accounting	0		0	0	0	0	0	0	0
59	Cust. Service	1,443,905		1,068,681	124,219	4,599	124,065	30,930	91,411	1,443,905
60	Sales	0		0	0	0	0	0	0	0
61	Blank	0		0	0	0	0	0	0	0
62	Total Customer	1,752,703		1,297,232	150,784	5,583	150,598	37,545	110,960	1,752,703
63	Check	TRUE								
64		0								
65	Direct Assignments Other									
66	Lighting Adjustment	0		(130,616)	0	0	(27,170)	(2,214)	160,000	0
67	Total Direct Assignment Other	0		(130,616)	0	0	(27,170)	(2,214)	160,000	0
68	Check	TRUE								
69										
70										
71	Total Cost of Service	\$ 54,253,000		\$ 26,995,073	\$ 1,736,143	\$ 48,757	\$ 22,344,325	\$ 2,573,529	\$ 555,173	\$ 54,253,000
72	Check	TRUE								
73	Total Unit Cost (\$/kWh)			\$ 0.142	\$ 0.153	\$ 0.106	\$ 0.114	\$ 0.115	\$ 0.266	\$ 0.129
74	Base Rate Unit Cost (\$/kWh)			\$ 0.142	\$ 0.153	\$ 0.106	\$ 0.114	\$ 0.115	\$ 0.266	\$ 0.129
75										
76										
77	Revenue Adequacy Check									
78	TY Base Rate Revenue	\$30,299,492		\$16,694,598	\$1,063,228	\$25,360	\$10,745,748	\$1,393,358	\$377,200	\$30,299,492
79	TY Other Revenue - FCR	18,905,305		8,517,622	506,866	20,554	8,765,435	1,001,238	93,590	18,905,305
80	TY FCR Rate Stabilization	0		0	0	0	0	0	0	0
81	TY Other Revenue	5,048,203		2,511,872	161,547	4,537	2,079,123	239,465	51,658	5,048,203
82	Subtotal	\$54,253,000		\$27,724,092	\$1,731,641	\$50,451	\$21,590,306	\$2,634,061	\$522,449	\$54,253,000
83	Existing Rate Unit Cost (\$/kWh)			\$ 0.146	\$ 0.153	\$ 0.110	\$ 0.110	\$ 0.118	\$ 0.250	\$ 0.129
84	TY Rate Revenue	\$54,253,000		\$27,724,092	\$1,731,641	\$50,451	\$21,590,306	\$2,634,061	\$522,449	\$54,253,000
85	TY Retail Rate Revenue	\$0		0	0	0	0	0	0	0
86	TY Total Rate Revenue	\$54,253,000		\$27,724,092	\$1,731,641	\$50,451	\$21,590,306	\$2,634,061	\$522,449	\$54,253,000
87										
88										
89	TY Rate Revenue Requirement	\$ 54,253,000		\$ 26,995,073	\$ 1,736,143	\$ 48,757	\$ 22,344,325	\$ 2,573,529	\$ 555,173	\$ 54,253,000
90	TY Other Retail Rate Revenue	0		0	0	0	0	0	0	0
91	TY Total Rate Revenue Requirement	\$54,253,000		\$26,995,073	\$1,736,143	\$48,757	\$22,344,325	\$2,573,529	\$555,173	\$54,253,000
92										
93	Difference \$ (Surplus)	\$0		\$729,019	(\$4,502)	\$1,694	(\$754,018)	\$60,532	(\$32,724)	0
94	Difference % (Surplus)	0.0%		2.9%	-0.3%	3.7%	-3.9%	2.5%	-7.0%	0.0%
95										
96	Rate Adjustment \$	(\$0)		(\$654,650)	(\$14,131)	(\$92)	\$624,358	\$43,103	\$1,412	(\$0)
97	Rate Adjustment %	0.0%		-2.6%	-0.9%	-0.2%	3.2%	1.8%	0.3%	0.0%
98										

CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Update

Table No. 7
Page 1 of 3General Service Demand Time of Use Customers
Annual Bills

Ln. No.	Description (a)	Annual Billing Demand (kW) (b)	Annual Energy (kWh) (c)	TOU Rates			TOU Charges				Subtotal Charges (l)	Total Charges (m)	
				Customer Charge (d)	Demand Charge (e)	Energy Charge (f)	Fuel Charge (g)	Customer Charge (h)	Demand Charge (i)	Energy Charge (j)			Fuel Charge (k)
Time of Use Customers - On Peak													
1	650 S CAPEN AVE	0	0	29.01	3.84	0.07008	0.09901	348.12	0.00	0.00	348.12		
2	200 LOCH LOMOND DR	22	3,156	29.01	3.84	0.07008	0.09901	348.12	83.71	221.17	965.48		
3	2345 ALOMA AVE	112	11,076	29.01	3.84	0.07008	0.09901	348.12	430.12	776.21	2,651.08		
4	400 S PARK AVE	455	55,154	29.01	3.84	0.07008	0.09901	348.12	1,746.97	3,865.19	11,421.08		
5	700 MELROSE AVE	515	76,600	29.01	3.84	0.07008	0.09901	348.12	1,976.83	5,368.13	15,277.25		
6	460 E NEW ENGLAND AVE	1,423	128,300	29.01	3.84	0.07008	0.09901	348.12	5,464.32	8,991.26	27,506.69		
7	2530 ALOMA AVE	1,621	176,100	29.01	3.84	0.07008	0.09901	348.12	6,225.41	12,341.09	36,350.28		
8	200 E NEW ENGLAND AVE	1,712	203,520	29.01	3.84	0.07008	0.09901	348.12	6,574.08	14,262.68	41,335.40		
9	500 OSCEOLA AVE	2,093	236,940	29.01	3.84	0.07008	0.09901	348.12	8,036.35	16,604.76	48,448.66		
10	2100 GLENWOOD DR	1,777	238,520	29.01	3.84	0.07008	0.09901	348.12	6,822.91	16,715.48	47,502.38		
11	1620 MAYFLOWER CT	3,076	382,600	29.01	3.84	0.07008	0.09901	348.12	11,811.84	26,812.61	76,853.79		
12	1620 MAYFLOWER CT	3,162	409,200	29.01	3.84	0.07008	0.09901	348.12	12,142.08	28,676.74	81,681.83		
13	1000 HOLT AVE	6,264	475,200	234.93	3.84	0.07008	0.09901	2,819.16	24,053.76	33,302.02	107,224.49		
14	1550 GAY RD	3,690	493,800	29.01	3.84	0.07008	0.09901	348.12	14,169.60	34,605.50	98,014.36		
15	741 S ORLANDO AVE	4,786	656,400	29.01	3.84	0.07008	0.09901	348.12	18,378.24	46,000.51	129,717.04		
16	2295 ALOMA AVE	4,824	679,200	29.01	3.84	0.07008	0.09901	348.12	18,524.16	47,598.34	133,718.21		
17	1620 MAYFLOWER CT	5,582	693,120	29.01	3.84	0.07008	0.09901	348.12	21,436.42	48,573.85	138,984.20		
18	151 S NEW YORK AVE	4,528	720,200	29.01	3.84	0.07008	0.09901	348.12	17,387.52	50,471.62	139,514.26		
19	440 N ORLANDO AVE	6,060	835,600	29.01	3.84	0.07008	0.09901	348.12	23,270.40	58,558.85	82,732.76		
20	500 N NEW YORK AVE	7,140	1,140,000	29.01	3.84	0.07008	0.09901	348.12	27,417.60	79,891.20	220,528.32		
21	1111 S LAKEMONT AVE	8,768	1,174,400	29.01	3.84	0.07008	0.09901	348.12	33,669.12	82,301.95	232,596.54		
22	2100 SUMMERFIELD RD	21,960	2,136,000	234.93	3.84	0.07008	0.09901	2,819.16	84,326.40	149,690.88	448,321.80		
23	200 N LAKEMONT AVE	16,946	2,268,720	29.01	3.84	0.07008	0.09901	348.12	65,074.18	158,991.90	449,040.16		
24	201 E COMSTOCK AVE	25,344	3,470,400	234.93	3.84	0.07008	0.09901	2,819.16	97,320.96	243,205.63	686,950.06		
Time of Use Customers - Off Peak													
25	650 S CAPEN AVE	0	0		1.27	0.02843	0.07605		0.00	0.00	348.12		
26	200 LOCH LOMOND DR	22	7,418		1.27	0.02843	0.07605		27.70	210.89	802.73		
27	2345 ALOMA AVE	114	35,985		1.27	0.02843	0.07605		144.60	1,023.05	3,904.32		
28	400 S PARK AVE	463	168,590		1.27	0.02843	0.07605		587.71	4,793.01	18,201.99		
29	700 MELROSE AVE	525	244,800		1.27	0.02843	0.07605		667.00	6,959.66	26,243.71		
30	460 E NEW ENGLAND AVE	1,509	351,400		1.27	0.02843	0.07605		1,916.43	9,990.30	38,630.70		
31	2530 ALOMA AVE	1,652	546,480		1.27	0.02843	0.07605		2,097.79	15,536.43	59,194.02		
32	200 E NEW ENGLAND AVE	1,789	562,720		1.27	0.02843	0.07605		2,271.78	15,998.13	61,064.76		
33	500 OSCEOLA AVE	2,171	602,520		1.27	0.02843	0.07605		2,756.92	17,129.64	65,708.21		
34	2100 GLENWOOD DR	1,831	711,520		1.27	0.02843	0.07605		2,325.12	20,228.51	76,664.73		
35	1620 MAYFLOWER CT	3,092	1,114,400		1.27	0.02843	0.07605		3,926.84	31,682.39	120,359.35		
36	1620 MAYFLOWER CT	3,232	1,178,400		1.27	0.02843	0.07605		4,104.64	33,501.91	127,223.87		
37	1000 HOLT AVE	6,336	1,476,000		1.27	0.02843	0.07605		8,046.72	41,962.68	162,259.20		
38	1550 GAY RD	3,774	1,555,800		1.27	0.02843	0.07605		4,792.98	44,231.39	167,342.96		
39	741 S ORLANDO AVE	4,968	1,905,000		1.27	0.02843	0.07605		6,309.36	54,159.15	205,343.76		
40	2295 ALOMA AVE	5,048	1,971,600		1.27	0.02843	0.07605		6,410.96	56,052.59	212,403.73		
41	1620 MAYFLOWER CT	5,760	2,125,920		1.27	0.02843	0.07605		7,315.20	60,439.91	229,431.32		
42	151 S NEW YORK AVE	4,533	2,295,100		1.27	0.02843	0.07605		5,756.91	65,249.69	174,542.36		
43	440 N ORLANDO AVE	6,272	2,483,600		1.27	0.02843	0.07605		7,965.44	70,608.75	245,548.96		
44	500 N NEW YORK AVE	8,936	3,597,600		1.27	0.02843	0.07605		11,348.72	102,279.77	387,225.97		
45	1111 S LAKEMONT AVE	7,233	3,674,600		1.27	0.02843	0.07605		9,185.91	104,468.88	279,453.33		
46	2100 SUMMERFIELD RD	22,416	5,512,800		1.27	0.02843	0.07605		28,468.32	156,728.90	419,248.44		
47	200 N LAKEMONT AVE	17,232	7,082,160		1.27	0.02843	0.07605		21,884.13	201,345.81	538,598.27		
48	201 E COMSTOCK AVE	25,704	11,066,400		1.27	0.02843	0.07605		32,644.08	314,617.75	841,599.72		
											1,188,861.55		
											761,828.21		
											1,052,767.46		
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CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Update

Table No. 7
Page 2 of 3General Service Demand Time of Use Customers
Annual Bills

Ln. No.	Description (a)	Annual Billing Demand (kW) (b)	Annual Energy (kWh) (c)	GSD Rates			GSD Charges			Subtotal Charges (l)	Total Charges (m)
				Customer Charge (d)	Demand Charge (e)	Energy Charge (f)	Fuel Charge (g)	Customer Charge (h)	Demand Charge (i)		
Time of Use Customers - On Peak											
1	650 S CAPEN AVE	0	0	18.28	5.05	0.04216	0.08178	219.36	0.00	0.00	219.36
2	200 LOCH LOMOND DR	22	3,156	18.28	5.05	0.04216	0.08178	219.36	110.09	133.06	720.60
3	2345 ALOMA AVE	112	11,076	18.28	5.05	0.04216	0.08178	219.36	565.65	466.96	2,157.77
4	400 S PARK AVE	455	55,154	18.28	5.05	0.04216	0.08178	219.36	2,297.45	2,325.29	9,352.59
5	700 MELROSE AVE	515	76,600	18.28	5.05	0.04216	0.08178	219.36	2,599.74	3,229.46	12,312.90
6	460 E NEW ENGLAND AVE	1,423	128,300	18.28	5.05	0.04216	0.08178	219.36	7,186.15	5,409.13	23,307.01
7	2530 ALOMA AVE	1,621	176,100	18.28	5.05	0.04216	0.08178	219.36	8,187.06	7,424.38	30,232.25
8	200 E NEW ENGLAND AVE	1,712	203,520	18.28	5.05	0.04216	0.08178	219.36	8,645.60	8,580.40	34,089.23
9	500 OSCEOLA AVE	2,093	236,940	18.28	5.05	0.04216	0.08178	219.36	10,568.64	9,989.39	40,154.34
10	2100 GLENWOOD DR	1,777	238,520	18.28	5.05	0.04216	0.08178	219.36	8,972.84	10,056.00	38,754.37
11	1620 MAYFLOWER CT	3,076	382,600	18.28	5.05	0.04216	0.08178	219.36	15,533.80	16,130.42	63,172.60
12	1620 MAYFLOWER CT	3,162	409,200	18.28	5.05	0.04216	0.08178	219.36	15,968.10	17,251.87	66,903.71
13	1000 HOLT AVE	6,264	475,200	18.28	5.05	0.04216	0.08178	219.36	31,633.20	20,034.43	90,748.85
14	1550 GAY RD	3,690	493,800	18.28	5.05	0.04216	0.08178	219.36	18,634.50	20,818.61	80,055.43
15	741 S ORLANDO AVE	4,786	656,400	18.28	5.05	0.04216	0.08178	219.36	24,169.30	27,673.82	105,742.88
16	2295 ALOMA AVE	4,824	679,200	18.28	5.05	0.04216	0.08178	219.36	24,361.20	28,635.07	108,760.61
17	1620 MAYFLOWER CT	5,582	693,120	18.28	5.05	0.04216	0.08178	219.36	28,191.12	29,221.94	114,315.77
18	151 S NEW YORK AVE	4,528	720,200	18.28	5.05	0.04216	0.08178	219.36	22,866.40	30,363.63	58,897.96
19	440 N ORLANDO AVE	6,060	835,600	18.28	5.05	0.04216	0.08178	219.36	30,603.00	35,228.90	134,386.62
20	500 N NEW YORK AVE	7,140	1,140,000	18.28	5.05	0.04216	0.08178	219.36	36,057.00	48,062.40	177,567.96
21	1111 S LAKEMONT AVE	8,768	1,174,400	18.28	5.05	0.04216	0.08178	219.36	44,278.40	49,512.70	190,052.90
22	2100 SUMMERFIELD RD	21,960	2,136,000	18.28	5.05	0.04216	0.08178	219.36	110,898.00	90,053.76	375,853.20
23	200 N LAKEMONT AVE	16,946	2,268,720	18.28	5.05	0.04216	0.08178	219.36	85,579.32	95,649.24	366,983.84
24	201 E COMSTOCK AVE	25,344	3,470,400	18.28	5.05	0.04216	0.08178	219.36	127,987.20	146,312.06	558,327.94
Time of Use Customers - Off Peak											
25	650 S CAPEN AVE	0	0			0.04216	0.08178		0.00	0.00	219.36
26	200 LOCH LOMOND DR	22	7,418			0.04216	0.08178		0.00	312.74	919.39
27	2345 ALOMA AVE	114	35,985			0.04216	0.08178		0.00	1,517.13	4,459.98
28	400 S PARK AVE	463	168,590			0.04216	0.08178		0.00	7,107.75	20,895.04
29	700 MELROSE AVE	525	244,800			0.04216	0.08178		0.00	10,320.77	30,340.51
30	460 E NEW ENGLAND AVE	1,509	351,400			0.04216	0.08178		0.00	14,815.02	43,552.52
31	2530 ALOMA AVE	1,652	546,480			0.04216	0.08178		0.00	23,039.60	67,730.73
32	200 E NEW ENGLAND AVE	1,789	562,720			0.04216	0.08178		0.00	23,724.28	69,743.52
33	500 OSCEOLA AVE	2,171	602,520			0.04216	0.08178		0.00	25,402.24	74,676.33
34	2100 GLENWOOD DR	1,831	711,520			0.04216	0.08178		0.00	29,997.68	88,185.79
35	1620 MAYFLOWER CT	3,092	1,114,400			0.04216	0.08178		0.00	46,983.10	138,118.74
36	1620 MAYFLOWER CT	3,232	1,178,400			0.04216	0.08178		0.00	49,681.34	146,050.90
37	1000 HOLT AVE	6,336	1,476,000			0.04216	0.08178		0.00	62,228.16	182,935.44
38	1550 GAY RD	3,774	1,555,800			0.04216	0.08178		0.00	65,592.53	192,825.85
39	741 S ORLANDO AVE	4,968	1,905,000			0.04216	0.08178		0.00	80,314.80	236,105.70
40	2295 ALOMA AVE	5,048	2,295 ALOMA AVE			0.04216	0.08178		0.00	83,122.66	244,360.10
41	1620 MAYFLOWER CT	5,760	2,125,920			0.04216	0.08178		0.00	89,628.79	263,486.52
42	151 S NEW YORK AVE	4,533	2,295,100			0.04216	0.08178		0.00	96,761.42	284,454.69
43	440 N ORLANDO AVE	6,272	2,483,600			0.04216	0.08178		0.00	104,708.58	307,817.38
44	500 N NEW YORK AVE	8,936	3,597,600			0.04216	0.08178		0.00	151,674.82	445,886.54
45	1111 S LAKEMONT AVE	7,233	3,674,600			0.04216	0.08178		0.00	154,921.14	455,429.92
46	2100 SUMMERFIELD RD	22,416	5,512,800			0.04216	0.08178		0.00	232,419.65	683,256.43
47	200 N LAKEMONT AVE	17,232	7,082,160			0.04216	0.08178		0.00	298,583.87	877,762.91
48	201 E COMSTOCK AVE	25,704	11,066,400			0.04216	0.08178		0.00	466,559.42	1,929,897.55

CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Update

General Service Demand Time of Use Customers

Annual Bills

Ln. No.	Description (a)	Annual Charges TOU	Annual Charges GSD	Difference	
		Rate (b)	Rate (c)	\$ (d)	% (e)
Time of Use Customers					
1	650 S CAPEN AVE	\$348.12	\$219.36	-\$128.76	-37.0%
2	200 LOCH LOMOND DR	1,768.21	1,639.99	-128.22	-7.3%
3	2345 ALOMA AVE	6,555.39	6,617.75	62.36	1.0%
4	400 S PARK AVE	29,623.07	30,247.64	624.57	2.1%
5	700 MELROSE AVE	41,520.95	42,653.42	1,132.46	2.7%
6	460 E NEW ENGLAND AVE	66,137.39	66,859.53	722.14	1.1%
7	2530 ALOMA AVE	95,544.29	97,962.99	2,418.69	2.5%
8	200 E NEW ENGLAND AVE	102,400.16	103,832.75	1,432.59	1.4%
9	500 OSCEOLA AVE	114,156.86	114,830.67	673.81	0.6%
10	2100 GLENWOOD DR	124,167.10	126,940.16	2,773.05	2.2%
11	1620 MAYFLOWER CT	197,213.15	201,291.34	4,078.19	2.1%
12	1620 MAYFLOWER CT	208,905.70	212,954.60	4,048.90	1.9%
13	1000 HOLT AVE	269,483.69	273,684.29	4,200.60	1.6%
14	1550 GAY RD	265,357.33	272,881.28	7,523.96	2.8%
15	741 S ORLANDO AVE	335,060.80	341,848.58	6,787.78	2.0%
16	2295 ALOMA AVE	346,121.94	353,120.71	6,998.78	2.0%
17	1620 MAYFLOWER CT	368,415.52	377,802.30	9,386.78	2.5%
18	151 S NEW YORK AVE	385,063.22	396,802.04	11,738.83	3.0%
19	440 N ORLANDO AVE	432,362.09	442,204.01	9,841.92	2.3%
20	500 N NEW YORK AVE	607,754.29	623,454.50	15,700.22	2.6%
21	1111 S LAKEMONT AVE	625,704.65	645,482.82	19,778.17	3.2%
22	2100 SUMMERFIELD RD	1,052,767.46	1,059,109.63	6,342.17	0.6%
23	200 N LAKEMONT AVE	1,210,868.37	1,244,746.75	33,878.38	2.8%
24	201 E COMSTOCK AVE	1,875,811.61	1,929,897.55	54,085.94	2.9%
25	TOTAL	\$8,763,111.36	\$8,967,084.65	\$203,973.30	2.3%

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

Table No. 8
Page 1 of 5

Summary of Existing Rates and Proposed Rates

Ln. No.	Rate Description	Unit	Existing Rates Effective August 1, 2022	Proposed Option 1 Effective 2023	Proposed Option 2 Effective 2023
	(a)	(b)	(c)	(d)	(e)
Residential Service					
Schedule RS					
1	Monthly Customer Charge	\$/Mo.	\$16.98	\$16.98	\$16.98
<u>Energy Charges < 1,000 kWh's</u>					
2	Base	\$/kWh	\$0.06624	\$0.06524	\$0.06574
3	Fuel Cost Recovery Factor	\$/kWh	\$0.07697	\$0.07697	\$0.07697
<u>Energy Charges > 1,000 kWh's</u>					
4	Base	\$/kWh	\$0.08840	\$0.08740	\$0.08790
5	Fuel Cost Recovery Factor	\$/kWh	\$0.08697	\$0.08697	\$0.08697
General Service Non-Demand					
Rate Schedule GS-1					
<u>Monthly Customer Charges</u>					
6	Non Metered Accounts	\$/Mo.	\$7.11	\$7.11	\$7.11
	Metered Accounts				
7	Secondary Delivery Voltage	\$/Mo.	\$17.55	\$17.55	\$17.55
8	Primary Delivery Voltage	\$/Mo.	\$221.86	\$221.86	\$221.86
<u>Energy and Demand Charges All kWh's</u>					
9	Base	\$/kWh	\$0.07368	\$0.07268	\$0.07318
10	Fuel Cost Recovery Factor	\$/kWh	\$0.08178	\$0.08178	\$0.08178
General Service Non-Demand					
Rate Schedule GS-2 (100% Load Factor)					
<u>Monthly Customer Charge</u>					
11	Non Metered Accounts	\$/Mo.	\$7.45	\$7.45	\$7.45
12	Metered Accounts	\$/Mo.	\$18.38	\$18.38	\$18.38
<u>Energy and Demand Charges All kWh's</u>					
13	Base	\$/kWh	\$0.03736	\$0.03736	\$0.03736
14	Fuel Cost Recovery Factor	\$/kWh	\$0.08178	\$0.08178	\$0.08178
General Service - Demand					
Schedule GSD-1					
<u>Monthly Customer Charges</u>					
	Metered Accounts				
15	Secondary Delivery Voltage	\$/Mo.	\$18.28	\$18.28	\$18.28
16	Primary Delivery Voltage	\$/Mo.	\$231.26	\$231.26	\$231.26
<u>Energy Charges All kWh's</u>					
17	Base	\$/kWh	\$0.04216	\$0.04216	\$0.04216
18	Fuel Cost Recovery Factor	\$/kWh	\$0.08178	\$0.08178	\$0.08178
19	Demand Charge	\$/kW	\$5.05	\$5.05	\$5.05

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

Table No. 8
Page 2 of 5

Summary of Existing Rates and Proposed Rates

Ln. No.	Rate Description	Unit	Existing Rates Effective August 1, 2022	Proposed Option 1 Effective 2023	Proposed Option 2 Effective 2023
	(a)	(b)	(c)	(d)	(e)
	General Service - Demand				
	Optional Time of Use Rate				
	Schedule GSDT-1				
	<u>Monthly Customer Charges</u>				
	Metered Accounts				
20	Secondary Delivery Voltage	\$/Mo.	\$29.01	Discontinued	\$29.01
21	Primary Delivery Voltage	\$/Mo.	\$234.93	Discontinued	\$234.93
	<u>Energy Charges All kWh's</u>				
22	On - Peak	\$/kWh	\$0.07008	Discontinued	\$0.07225
23	Off - Peak	\$/kWh	\$0.02843	Discontinued	\$0.02931
	<u>Fuel Cost Recovery Factor</u>				
24	On - Peak	\$/kWh	\$0.09901	Discontinued	\$0.09901
25	Off - Peak	\$/kWh	\$0.07605	Discontinued	\$0.07605
26	Base Demand Charge	\$/kW	\$1.27	Discontinued	\$1.31
27	On-Peak Demand Charge	\$/kW	\$3.84	Discontinued	\$3.96
28	Demand Charge Credit	\$/kW	(0.35)	Discontinued	(0.35)

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

**Projected Revenues at
EXISTING RATES
Fiscal Year Ending September 30, 2022**

Ln. No.	Customer Class Description (a)	Existing Rate (b)	Billing Determinants (c)	Base Rate Revenue (d)	Fuel Cost Recovery (e)	Total Revenue (f)
Residential						
1	Customer Charge	\$16.98	144,992	\$ 2,461,961	\$ -	\$ 2,461,961
2	Energy Charge < 1,000 kWhs	\$ 0.06624	115,077,218	7,622,715	-	7,622,715
3	Energy Charge > 1,000 kWhs	\$ 0.08840	75,133,059	6,641,762	-	6,641,762
4	Fuel Cost Recovery Factor < 1,000 kWhs	\$ 0.07697	115,077,218	-	8,857,493	8,857,493
5	Fuel Cost Recovery Factor > 1,000 kWhs	\$ 0.08697	75,133,059	-	6,534,322	6,534,322
6	Total Residential			\$ 16,726,438	\$ 15,391,816	\$ 32,118,254
Commercial						
General Service Non-Demand						
7	Customer Charge	\$17.55	12,964	\$ 227,518	\$ -	\$ 227,518
8	Energy Charge	\$ 0.07368	11,319,140	833,994	-	833,994
9	Fuel Cost Recovery Factor	\$ 0.08178	11,319,140	-	925,679	925,679
10	Subtotal GSND			\$ 1,061,512	\$ 925,679	\$ 1,987,192

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

Projected Revenues at
PROPOSED OPTION 1 RATES
Fiscal Year Ending September 30, 2022

Ln. No.	Customer Class Description (a)	Proposed Option 1 (b)	Billing Determinants (c)	Base Rate Revenue (d)	Fuel Cost Recovery (e)	Total Revenue (f)
Residential						
1	Customer Charge	\$16.98	144,992	\$ 2,461,961	\$ -	\$ 2,461,961
2	Energy Charge < 1,000 kWhs	\$ 0.06524	115,077,218	7,507,638	-	7,507,638
3	Energy Charge > 1,000 kWhs	\$ 0.08740	75,133,059	6,566,629	-	6,566,629
4	Fuel Cost Recovery Factor < 1,000 kWhs	\$ 0.07697	115,077,218	-	8,857,493	8,857,493
5	Fuel Cost Recovery Factor > 1,000 kWhs	\$ 0.08697	75,133,059	-	6,534,322	6,534,322
6	Total Residential			\$ 16,536,228	\$ 15,391,816	\$ 31,928,044
Commercial						
General Service Non-Demand						
7	Customer Charge	\$17.55	12,964	\$ 227,518	\$ -	\$ 227,518
8	Energy Charge	\$ 0.07268	11,319,140	822,675	-	822,675
9	Fuel Cost Recovery Factor	\$ 0.08178	11,319,140	-	925,679	925,679
10	Subtotal GSND			\$ 1,050,193	\$ 925,679	\$ 1,975,873
11	Existing Residential					\$ 32,118,254
12	Residential Difference					\$ (190,210)
13	Existing General Service Non Demand					\$ 1,987,192
14	General Service Non Demand Difference					\$ (11,319)
15	Total Difference					<u>\$ (201,529)</u>

CITY OF WINTER PARK, FLORIDA
Electric Cost of Service Update

Projected Revenues at
PROPOSED OPTION 2 RATES
Fiscal Year Ending September 30, 2022

Ln. No.	Customer Class Description (a)	Proposed Option 2 (b)	Billing Determinants (c)	Base Rate Revenue (d)	Fuel Cost Recovery (e)	Total Revenue (f)
Residential						
1	Customer Charge	\$16.98	144,992	\$ 2,461,961	\$ -	\$ 2,461,961
2	Energy Charge < 1,000 kWhs	\$ 0.06574	115,077,218	7,565,176	-	7,565,176
3	Energy Charge > 1,000 kWhs	\$ 0.08790	75,133,059	6,604,196	-	6,604,196
4	Fuel Cost Recovery Factor < 1,000 kWhs	\$ 0.07697	115,077,218	-	8,857,493	8,857,493
5	Fuel Cost Recovery Factor > 1,000 kWhs	\$ 0.08697	75,133,059	-	6,534,322	6,534,322
6	Total Residential			\$ 16,631,333	\$ 15,391,816	\$ 32,023,149
Commercial						
General Service Non-Demand						
7	Customer Charge	\$17.55	12,964	\$ 227,518	\$ -	\$ 227,518
8	Energy Charge	\$ 0.07318	11,319,140	828,335	-	828,335
9	Fuel Cost Recovery Factor	\$ 0.08178	11,319,140	-	925,679	925,679
10	Subtotal GSND			\$ 1,055,853	\$ 925,679	\$ 1,981,532
11	Existing Residential					\$ 32,118,254
12	Residential Difference					\$ (95,105)
13	Existing General Service Non Demand					\$ 1,987,192
14	General Service Non Demand Difference					\$ (5,660)
15	Total Difference					<u>\$ (100,765)</u>

CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Update

Comparison of Existing and Proposed Residential Service Rates [1]

		Residential Service					
		Existing	Option 1				
Customer Charge		(\$)	\$16.98				
Energy Charge First 1,000 kWh		(\$/kWh)	\$0.06624				
Energy Charge Additional kWh		(\$/kWh)	\$0.08840				
Fuel Cost [2]		(\$/kWh)	\$0.07697				
Fuel Cost [2]		(\$/kWh)	\$0.08697				
Usage (kWh)	Existing		Option 1		Difference		
	Amount (\$)	Unit Cost (Cents/kWh)	Amount (\$)	Unit Cost (Cents/kWh)	Amount (\$)	Unit Cost (Cents/kWh)	Percent (%)
500	93.90	18.780	93.37	18.674	(0.53)	(0.106)	-0.56%
600	109.08	18.180	108.44	18.074	(0.64)	(0.106)	-0.58%
700	124.26	17.752	123.52	17.646	(0.74)	(0.106)	-0.60%
800	139.44	17.430	138.59	17.324	(0.85)	(0.106)	-0.61%
900	154.62	17.180	153.67	17.074	(0.95)	(0.106)	-0.62%
1,000	169.80	16.980	168.74	16.874	(1.06)	(0.106)	-0.62%
1,100	188.39	17.126	187.22	17.020	(1.17)	(0.106)	-0.62%
1,200	206.98	17.248	205.71	17.142	(1.27)	(0.106)	-0.61%
1,300	225.57	17.351	224.19	17.245	(1.38)	(0.106)	-0.61%
1,400	244.16	17.440	242.67	17.334	(1.48)	(0.106)	-0.61%
1,500	262.75	17.517	261.16	17.411	(1.59)	(0.106)	-0.61%
2,000	355.69	17.785	353.57	17.679	(2.12)	(0.106)	-0.60%
2,500	448.64	17.946	445.99	17.840	(2.65)	(0.106)	-0.59%
3,000	541.59	18.053	538.41	17.947	(3.18)	(0.106)	-0.59%
4,000	727.48	18.187	723.24	18.081	(4.24)	(0.106)	-0.58%
5,000	913.37	18.267	908.07	18.161	(5.30)	(0.106)	-0.58%

[1] Amounts shown reflect single phase, inside the City service, and include a 6% franchise fee.

[2] Fuel Cost Recovery Factor effective August 2022.

[3] Median Residential monthly usage.

[4] Average Residential monthly usage.

CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Study

Comparison of Existing and Proposed General Service Non-Demand Rates [1]

Usage (kWh)	General Service Non-Demand					Difference		
	Existing		Option 1		Amount (\$)	Unit Cost (Cents/kWh)	Amount (\$)	Unit Cost (Cents/kWh)
	Amount (\$)	Unit Cost (Cents/kWh)	Amount (\$)	Unit Cost (Cents/kWh)				
Customer Charge	183.39	18.339	182.33	18.233	(1.06)	(0.106)		
Energy Charge All kWh	224.59	17.967	223.26	17.861	(1.32)	(0.106)		
Fuel Cost Recovery [2]	265.78	17.719	264.19	17.613	(1.59)	(0.106)		
	306.98	17.542	305.13	17.436	(1.86)	(0.106)		
	331.70	17.458	329.69	17.352	(2.01)	(0.106)		
	348.18	17.409	346.06	17.303	(2.12)	(0.106)		
	512.97	17.099	509.79	16.993	(3.18)	(0.106)		
	677.75	16.944	673.51	16.838	(4.24)	(0.106)		
	842.54	16.851	837.24	16.745	(5.30)	(0.106)		
	1,254.51	16.727	1,246.56	16.621	(7.95)	(0.106)		
	1,666.48	16.665	1,655.88	16.559	(10.60)	(0.106)		
	1,831.27	16.648	1,819.61	16.542	(11.66)	(0.106)		
	1,996.05	16.634	1,983.33	16.528	(12.72)	(0.106)		
	2,160.84	16.622	2,147.06	16.516	(13.78)	(0.106)		
	2,325.63	16.612	2,310.79	16.506	(14.84)	(0.106)		
	2,490.42	16.603	2,474.52	16.497	(15.90)	(0.106)		
	2,861.19	16.587	2,842.90	16.481	(18.28)	(0.106)		
	3,314.36	16.572	3,293.16	16.466	(21.20)	(0.106)		

[1] Amounts shown reflect single phase, inside the City service, and include a 6% franchise fee.

[2] Fuel Cost Recovery Factor effective August 2022.

CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Update

Comparison of Existing and Proposed Residential Service Rates [1]

Residential Service							
Usage (kWh)	Existing		Option 2		Difference		Percent (%)
	Amount (\$)	Unit Cost (Cents/kWh)	Amount (\$)	Unit Cost (Cents/kWh)	Amount (\$)	Unit Cost (Cents/kWh)	
	Customer Charge						
500	Energy Charge	93.90	18.780	93.64	18.727	(0.27)	-0.28%
600	Energy Charge	109.08	18.180	108.76	18.127	(0.32)	-0.29%
700	Energy Charge	124.26	17.752	123.89	17.699	(0.37)	-0.30%
800	Fuel Cost [2]	139.44	17.430	139.02	17.377	(0.42)	-0.30%
900	Fuel Cost [2]	154.62	17.180	154.14	17.127	(0.48)	-0.31%
1,000		169.80	16.980	169.27	16.927	(0.53)	-0.31%
1,100	[3]	188.39	17.126	187.81	17.073	(0.58)	-0.31%
1,200		206.98	17.248	206.34	17.195	(0.64)	-0.31%
1,300	[4]	225.57	17.351	224.88	17.298	(0.69)	-0.31%
1,400		244.16	17.440	243.42	17.387	(0.74)	-0.31%
1,500		262.75	17.517	261.95	17.464	(0.80)	-0.30%
2,000		355.69	17.785	354.63	17.732	(1.06)	-0.30%
2,500		448.64	17.946	447.31	17.893	(1.32)	-0.30%
3,000		541.59	18.053	540.00	18.000	(1.59)	-0.29%
4,000		727.48	18.187	725.36	18.134	(2.12)	-0.29%
5,000		913.37	18.267	910.72	18.214	(2.65)	-0.29%

[1] Amounts shown reflect single phase, inside the City service, and include a 6% franchise fee.

[2] Fuel Cost Recovery Factor effective August 2022.

[3] Median Residential monthly usage.

[4] Average Residential monthly usage.

CITY OF WINTER PARK, FLORIDA

Electric Cost of Service Study

Comparison of Existing and Proposed General Service Non-Demand Rates [1]

General Service Non-Demand							
Usage (kWh)	Existing		Option 2		Difference		
	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Percent
	(\$)	(Cents/kWh)	(\$)	(Cents/kWh)	(\$)	(Cents/kWh)	(%)
Customer Charge	183.39	18.339	182.86	18.286	(0.53)	(0.053)	-0.29%
Energy Charge All kWh	224.59	17.967	223.93	17.914	(0.66)	(0.053)	-0.29%
Fuel Cost Recovery [2]	265.78	17.719	264.99	17.666	(0.80)	(0.053)	-0.30%
	306.98	17.542	306.05	17.489	(0.93)	(0.053)	-0.30%
	331.70	17.458	330.69	17.405	(1.01)	(0.053)	-0.30%
	348.18	17.409	347.12	17.356	(1.06)	(0.053)	-0.30%
	512.97	17.099	511.38	17.046	(1.59)	(0.053)	-0.31%
	677.75	16.944	675.63	16.891	(2.12)	(0.053)	-0.31%
	842.54	16.851	839.89	16.798	(2.65)	(0.053)	-0.31%
	1,254.51	16.727	1,250.54	16.674	(3.97)	(0.053)	-0.32%
	1,666.48	16.665	1,661.18	16.612	(5.30)	(0.053)	-0.32%
	1,831.27	16.648	1,825.44	16.595	(5.83)	(0.053)	-0.32%
	1,996.05	16.634	1,989.69	16.581	(6.36)	(0.053)	-0.32%
	2,160.84	16.622	2,153.95	16.569	(6.89)	(0.053)	-0.32%
	2,325.63	16.612	2,318.21	16.559	(7.42)	(0.053)	-0.32%
	2,490.42	16.603	2,482.47	16.550	(7.95)	(0.053)	-0.32%
	2,861.19	16.587	2,852.05	16.534	(9.14)	(0.053)	-0.32%
	3,314.36	16.572	3,303.76	16.519	(10.60)	(0.053)	-0.32%

[1] Amounts shown reflect single phase, inside the City service, and include a 6% franchise fee.

[2] Fuel Cost Recovery Factor effective August 2022.



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date December 14, 2022
prepared by Jason Seeley	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Exceptional Quality of Life Intelligent Growth and Development Investment in Public Assets and Infrastructure	

subject

Progress Point Park - Denning Drive on street parking

motion / recommendation

background

During discussion related to Progress Point design at November commission meeting a member of the commission recommended eliminating parking along Denning Dr. Commission chose to approve design as presented but revisit the Denning Dr. parking decision at the December commission meeting.

Parking is currently restricted on Denning Dr adjacent to the park as indicated by visible signage in the attached site images. Current design allows for between 8 and 10 parallel parking spaces along Denning Drive immediately adjacent to the park.

ACi/Land Design projects an additional cost of between 85K and 100K if decision is made to eliminate Denning Drive street parking for the costs associated with civil, landscape, and design.

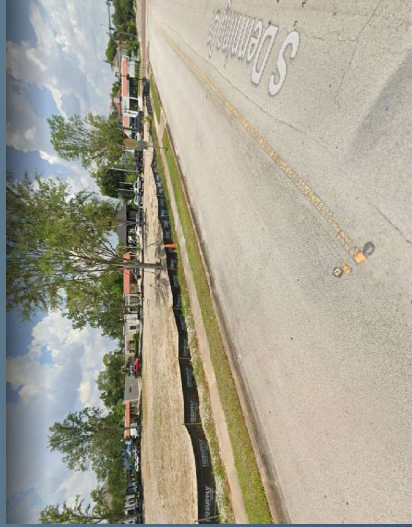
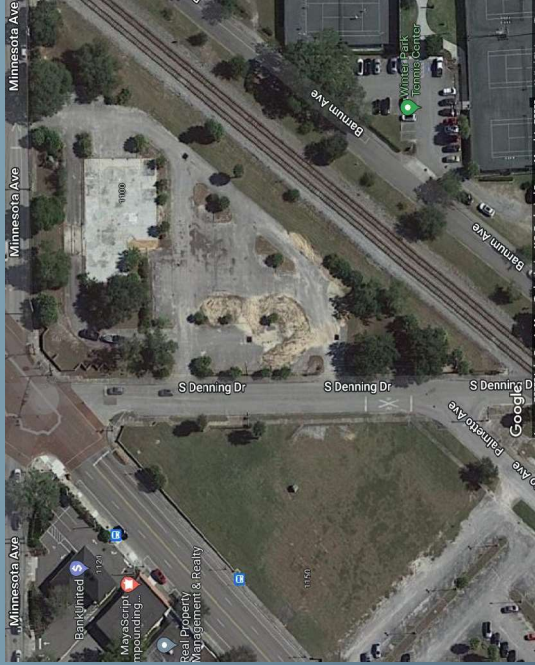
alternatives / other considerations

fiscal impact

If parking along Denning Dr. remains as currently designed there will be no fiscal impact. If parking is eliminated the estimated cost from ACi/LD for civil, landscape, and design associated with the revision would range from 85K to 100K in additional expense from current budget.

ATTACHMENTS:

Progress Point Design Discussion – Denning Dr Street Parking



Current design provides 8-10 parallel parking spaces along eastern side of Denning Dr immediately adjacent to park.

Projected cost of parking removal (Civil, Landscape, and Design) - \$85k-\$100K



City Commission agenda item

item type Action Items Requiring Discussion	meeting date December 14, 2022
prepared by Peter Moore	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

City Attorney Contract

motion / recommendation

Approve the proposed amendment to the City Attorney contract or direct staff to put out a Request for Proposals.

background

The city entered into an attorney services contract in September of 2015 with Fishback Dominick. In accordance with the City Charter, the City Attorney position is a charter officer appointed/removed by the City Commission. Pursuant to Paragraph 5 of the attorney services contract, the contract is an ongoing services contract without a specific termination date. During the past 7 years, the City Attorney has not received an increase in its hourly rate structure. Due to inflationary pressures, the City Attorney has requested a modification to its hourly rate structure. Attached is the proposed amendment to the existing agreement from the city attorney as well as the original agreement that has been in place for the last seven years.

The requested rate changes are as follows:

- First 40 hours for all attorneys change from \$180 to \$200
- Next 40 hours for Partners and Board Certified Attorneys from \$195 to \$275
- Next 40 hours for Partners and Board Certified Attorneys from \$215 to \$275
- Associate (non-board certified attorneys above 40 hours from \$200 to \$225
- Paralegals from \$110 to \$140
- Legal Assistants from \$80 to \$85

Per the city's Procurement policy, professional services are routinely rebid at the five-year time period, however that is a policy decision of the City Commission and not a charter requirement. At the five year mark of this agreement the commission waived that policy

because of ongoing litigation related to the OAO. The significant portion of that litigation has been resolved.

The City Commission can approve the requested amendment, ask staff to negotiate alternate rates/terms, or direct staff to put out an REP/Q for attorney services.

alternatives / other considerations

The City Commission can approve the requested amendment, ask staff to negotiate alternate rates/terms, or direct staff to put out an REP/Q for attorney services.

fiscal impact

The City of Winter Park typically spends \$500k - \$600k in total city attorney services, inclusive of routine and litigation.

ATTACHMENTS:

[Amendment to Agreement for Legal Services Revd 8-4-22.doc](#)

ATTACHMENTS:

[Fishback, Dominick, Bennett, Ardaman, Ahlers, Langley & Geller.pdf](#)

AMENDMENT TO RETAINER AGREEMENT FOR LEGAL SERVICES

THIS AMENDMENT TO RETAINER AGREEMENT FOR LEGAL SERVICES (this “Amendment”) made and entered into this ____ day of _____ 2022, by and between FISHBACK DOMINICK LLP whose address is 1947 Lee Road, Winter Park, Florida 32789-1834, (hereinafter referred to as the “City Attorney”), and the CITY OF WINTER PARK, a municipal corporation of the State of Florida, whose address is 401 Park Avenue South, Winter Park, Florida 32789 (hereinafter referred to as the “City”).

WHEREAS, the City and the City Attorney entered into that certain Retainer Agreement for legal services effective September 28, 2015; and

WHEREAS, the City and the City Attorney desire to amend the Retainer Agreement for legal services as provided for herein.

NOW THEREFORE, in consideration of the agreement and promises set forth herein and other good and valuable consideration, the parties agree as follows:

1. Amendment. Effective on _____, 2022 Sections 3.A and 3.B are hereby amended to read as follows:

3. COMPENSATION. Compensation to the Firm for work performed for the City is as follows:

A. There shall not be any minimum monthly retainer amount and there shall be reduced rates for up to forty (40) attorney hours for all matters excluding the matters set forth in Sections 3.C and 3.H, inclusive, as follows:

i. The first forty (40) hours per calendar month shall be at the rate of \$200.00 per hour for attorneys, including Partners, Board Certified Attorneys and Associates.

iv. Attorney hours in excess of forty (40) hours per calendar month shall be at the rates set forth in Section 3.B.

v. No paralegal, law clerk or legal assistant time will count toward attorney time.

B. For attorney time exceeding forty (40) hours per calendar month and for all law clerk and paralegal time, the following hourly rates (in increments of one quarter of an hour) shall apply:

Partners, Board Certified Attorneys, Of-Counsel	
Attorneys with over 10 years’ experience	\$275.00 per hour

Associates (non-Board Certified), Of-Counsel	
Attorneys with less than 10 years' experience	\$225.00 per hour
Paralegals & Law Clerks	\$140.00 per hour
Legal Assistants	\$85.00 per hour

2. Continue Effectiveness. Except that as amended, herein the Retainer Agreement for legal services shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be made and entered into the day and year first written above.

FIRM:

CITY OF WINTER PARK

Fishback Dominick LLP

Phil Anderson, Mayor

Daniel W. Langley, Partner
For the Firm

ATTEST:

Rene Cranis, City Clerk

RETAINER AGREEMENT FOR LEGAL SERVICES

THIS RETAINER AGREEMENT FOR LEGAL SERVICES (this "Agreement") made and entered into this 28th day of September 2015, by and between FISHBACK, DOMINICK, BENNETT, ARDAMAN, AHLERS, LANGLEY & GELLER LLP a/k/a Fishback Dominick, whose address is 1947 Lee Road, Winter Park, Florida 32789-1834, (hereinafter referred to as the "Firm"), and the CITY OF WINTER PARK, a municipal corporation of the State of Florida, whose address is 401 Park Avenue South, Winter Park, Florida (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS, the Firm desires to provide legal services to the City and the City desires to receive such services; and

WHEREAS, this Agreement is entered into in accordance with a competitive request for proposal process; and

WHEREAS, the City is authorized under the City of Winter Park Charter, Florida Constitution and the laws of the State of Florida to enter into this Agreement and to perform all of its obligations hereunder.

NOW THEREFORE, in consideration of the agreement and promises set forth herein and other good and valuable consideration, the parties agree as follows:

1. ENGAGEMENT OF FIRM. Effective on October 1, 2015, the City engages the Firm and the Firm agrees to perform the legal services for the City as set forth herein. A. Kurt Ardaman, Daniel W. Langley and Richard S. Geller of the Firm shall serve as the primary attorneys to provide legal services under this Agreement. A. Kurt Ardaman of the Firm is hereby appointed and shall serve in the capacity of City Attorney to the City of Winter Park in accordance with the City Charter and the Code of Ordinances of the City. Mr. Ardaman will be the primary attorney for the Firm attending City Commission meetings. Daniel W. Langley shall serve in the capacity of Deputy City Attorney for the City of Winter Park and may attend City Commission meetings in the absence of Mr. Ardaman. Further, Daniel W. Langley will be the primary attorney for the Firm attending Planning and Zoning Board and Board of Zoning Adjustment meetings. In the event of Mr. Ardaman's and Mr. Langley's temporary absence due to scheduling conflicts, vacation or sickness, one of the Firm's experienced municipal lawyers will attend such meeting(s). Mr. Geller will be the principal attorney for litigation matters and Christopher R. Conley will be the primary attorney for the Code Enforcement Board. The other attorneys of the Firm will also provide legal services to the City as the need arises and shall serve as assistant city attorneys.

2. SCOPE OF SERVICES.

A. The City of Winter Park, acting by and through its City Commission as a collegial body, is the Firm's client, and the Firm shall take direction from the City Commission and, on a

day to day basis, from the City Manager. The Firm shall provide professional advice, counsel, representation, and legal services, as may be assigned and as necessary to protect the City's interests, including, but limited to: (i) attending all regular and special meetings of City Commission unless excused by the City Commission or City Manager; (ii) attending all regularly scheduled Planning and Zoning Board and Code Enforcement Board meetings unless excused by the City Commission or City Manager and, upon request, attend any other City board, commission or committee meetings; (iii) as requested by the City Manager, provide a Firm attorney for up to four (4) hours per week of office time and staff meetings at City Hall at a mutually agreeable date and time in a space designated by the City Manager; (iv) be available as needed or requested by the Commission, City Manager, individual Commissioners and staff to review, research and provide advice and counsel with regarding to questions of law, development applications, contracts, ordinances, actions/inactions, legislation and other matters needed or required by the City; (v) represent the City in proceedings before all federal and state courts and administrative proceedings in the State of Florida; (vi) act as an intermediary and legal advisor for the City when special counsel or insurance defense counsel is appointed to represent the City in any legal proceeding; (vii) real estate transactions; and (viii) draft ordinances, resolutions, contracts, development agreements, interlocal agreements, and other agreements.

B. In compliance with Section 112.313(16)(c), Florida Statutes, Mr. Ardaman and the Firm may recommend, refer or assign legal work for the City to attorneys, law clerks and paralegals within the Firm and to “of-counsel” attorneys associated with the Firm.

C. It is acknowledged that the City may elect to assign certain legal services to outside legal counsel not associated with the Firm in certain matters, for example where the City’s insurer will provide legal counsel for the City, retirement and pension benefits matters, union and employment law matters and bond counsel services. The Firm shall not be responsible for matters the City assigns to legal counsel/attorneys outside of the Firm. As the Firm deems appropriate and in specialized matters, the Firm may recommend to the City that special legal counsel be used for defined purposes. If recommended by the Firm, the City Manager may approve use of special counsel for an expenditure of legal fees payable to the special legal counsel not to exceed the City Manager’s spending authority under the ordinances and rules of the City. All other requests to utilize special counsel shall be subject to prior approval of the City Commission.

3. COMPENSATION. Compensation to the Firm for work performed for the City is as follows:

A. There shall not be any minimum monthly retainer amount and there shall be reduced rates for up to one hundred twenty (120) attorney hours for all matters excluding the matters set forth in Sections 3.C and 3.H, inclusive, as follows:

i. The first forty (40) hours per calendar month shall be at the rate of \$180.00 per hour for attorneys, including Partners, Board Certified Attorneys and Associates.

- ii. The next forty (40) hours per calendar month shall be at the rate of \$195.00 per hour for attorneys, including Partners, Board Certified Attorneys and Associates.
- iii. The next forty (40) hours per calendar month shall be at the rate of \$195.00 per hour for Associates and \$215.00 per hour for Partners and Board Certified Attorneys.
- iv. Attorney hours in excess of one hundred twenty (120) hours per calendar month shall be at the rates set forth in Section 3.B.
- v. No paralegal, law clerk or legal assistant time will count toward attorney time.

The attorney hours at the rates under Section 3.A. iii and iv, respectively, shall be prorated between Associate hours and Partner/Board Certified Attorney hours based on the total attorney hours for that month.

B. For attorney time exceeding one hundred twenty (120) hours per calendar month and for all law clerk and paralegal time, the following hourly rates (in increments of one-tenth of an hour) shall apply:

Partners and Board Certified Attorneys	\$225.00 per hour
Associates (non-Board Certified)	\$200.00 per hour
Paralegals & Law Clerks	\$110.00 per hour
Legal Assistants	\$80.00 per hour

C. Litigation services including administrative, arbitration, and court and appellate proceedings, shall be at the same rates as provided in subsection 3.B. above.

D. With regard to cost reimbursement, the City agrees to reimburse the Firm for its out-of-pocket costs, including court filing fees, court reporter's fees, long distance telephone calls, facsimile charges, electronic research (e.g. Lexis-Nexis and Westlaw), real estate closing costs, express delivery charges, postage, printing, costs of reproducing documents (in firm copies billed at \$0.20 per copy), and necessary travel expenses at IRS standard mileage rates (not to include mileage back and forth to City Hall or the Orange County Courthouse) and other similar expenses.

F. The rendering of title commitments and issuance of title insurance policies incident to the purchase or sale of real estate by City will be in accordance with applicable promulgated rates for such insurance plus cost of title search. The Firm shall serve as title agent on all transactions involving the City's purchase or sale of real property, unless otherwise directed by the City Commission.

G. For professional services involving municipal finance (e.g. general obligation bonds, revenue bonds, or other types of bond issuance), Firm shall be paid a lump sum fee for such services to compensate the Firm for the time incurred in reviewing and revising of financing and bond documents and the drafting of an legal opinion letter and for the potential risks associated with the issuance of an opinion letter relating to the legality of the City's

issuance of bonds. Fees for this type of legal work shall be negotiated in good faith between the Firm and City Manager.

H. For legal services provided by the Firm in which third parties reimburse the City (such as development review pass through matters reimbursed by applicants/developers and prevailing party attorneys' fee awards), the Firm's hourly rates will be one-third higher than the hourly rates provided to the City under Paragraph 3. B. of this Agreement (rounded up to the nearest five dollar increment), subject to rate adjustments as may be mutually approved by the Firm and City Manager.

4. INVOICES. Invoices for professional services will be rendered by the Firm to the City on a monthly basis. City agrees to pay invoices submitted by the Firm within twenty (20) days of the date of such invoice. Invoices shall denote what attorney or other person who conducted the work, a brief explanation of the type of work performed, the date on which the work was performed, and the amount of time expended in performing the work. Invoices shall also show the cost reimbursements being sought by the Firm.

5. TERMINATION. This Agreement is a continuing services agreement with no specific termination date. The Firm understands that it serves at the pleasure of the City Commission of the City of Winter Park and that the City is not obligated to utilize the services for any specific time period. The City Commission may terminate this Agreement at any time in accordance with the City Charter, without penalty. The Firm may terminate this Agreement and its representation of the City at any time without penalty. Upon termination of legal services, the City shall remain obligated to pay the Firm for previous services rendered and any services rendered during the transition to the City's new legal counsel.

6. NOTICES. All notices, demands or other writing made under this Agreement are to be given, or made or sent, or which may be given or made or sent, by either party through this Agreement to the other, shall be deemed to have been given, made or sent when made in writing and deposited in the United States mail, certified, return receipt requested and postage prepaid and addressed as follows:

TO Firm:

City Attorney
Attn: A. Kurt Ardaman
Fishback, Dominick, Bennett, Ardaman
Ahlers, Langley & Geller LLP
1947 Lee Road
Winter Park, Florida 32789-1834
With copy by email to ardaman@fishbacklaw.com

TO City:

City Manager
Attn: Randy Knight
City of Winter Park
401 Park Avenue South
Winter Park, Florida 32789

With copy by email to
rknight@cityofwinterpark.org

The address to which any notice, demand or other writing may be given, or made, or sent, as above provided, may be changed by written notice given by such party as above provided.

7. LIABILITY. During the term of this Agreement, the Firm shall maintain a professional liability insurance policy with a minimum of five million dollars in liability coverage. The City acknowledges and understands that there are no assurances or guarantees, either expressed or implied, with respect to the outcome of any particular issue or matter handled by the Firm. The City agrees that the services provided by the Firm under this Agreement are performed as an officer of the City and therefore, the City hereby extends protections afforded by Section 111.07, Florida Statutes to the Firm and each of its partners, attorneys, law clerks and paralegals and the City shall defend the same accordingly.

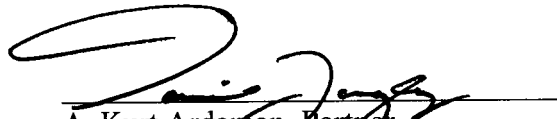
8. LAWS. The parties acknowledge that this Agreement is governed by the laws of the State of Florida and is binding upon the parties' successors and assigns.

9. ENTIRE AGREEMENT. The terms of this Agreement are intended by the parties as a final expression of their agreement with respect to such terms herein, and also as a complete and exclusive statement of such terms. There are no other provisions, terms, conditions or obligations. Provided however, the terms of this Agreement may be subsequently modified in writing upon the mutual consent of the parties.

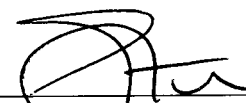
IN WITNESS WHEREOF, the parties have caused this Agreement to be made and entered into the day and year first written above.

FIRM:

Fishback, Dominick, Bennett, Ardaman,
Ahlers, Langley & Geller LLP


A. Kurt Ardaman, Partner
For the Firm Daniel W. Langley
Partner

CITY OF WINTER PARK


Steve Deary, Mayor

ATTEST:


Cindy Bonham, City Clerk



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date December 14, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Confirmation of appointments to Civil Service Board.

motion / recommendation

background

Commissioners Sullivan and DeCiccio will report their suggested appointments for terms beginning January 1, 2023. Per City Code, appointments to the Civil Service Board require majority vote of the Commission.

alternatives / other considerations

fiscal impact



City Commission agenda item

item type Action Items Requiring Discussion	meeting date December 14, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

2023 General Election and Run-off Election, if necessary

item list

1. Approve polling places.
2. Appoint three members to the Canvassing Board.
3. Approve canvassing criteria established by the state and used by Orange County.
4. Allow Orange County Supervisor of Elections to open and run all Vote by Mail ballots through the tabulator on March 14 after 9:00 a.m. and on April 11 if a run-off is necessary, that are not questionable without obtaining the results until 7:00 p.m.

motion / recommendation

Take action as noted.

background

1. Section 42-3 of the City Code requires the Commission to designate polling places for all city elections. Because of potential redevelopment at the time of the election, Precinct 91, Winter Park Christian Church, 760 N. Lakemont Avenue, has been changed to the University Club.

The remaining polling places will remain the same.

- PRECINCT 92: St. Andrews Methodist Church, 100 St. Andrews Blvd.
- PRECINCT 93: Winter Park Presbyterian Church, 400 S. Lakemont Avenue
- PRECINCT 94: First Baptist Church, 1021 New York Avenue
- PRECINCT 95: Azalea Lane Recreation Center, 1045 Azalea Lane

Notification of the change in polling location will be included on sample ballots mailed by the Supervisor of Elections on February 28th. In addition, the city will do a direct mail to those registered voters, place signs on the church property prior to and on the day of the election redirecting voters to the University Club and at the University Club. The list of

polling places will also be published and posted as required by State Statute.

2. City Charter requires the Commission to appoint three of its members as the Canvassing Board. The City Clerk may be selected as alternate if any member of the Commission is disqualified.

- One member of the Canvassing Board must be designated to be present at the Logic and Accuracy test scheduled for Thursday, March 2nd at 10:00 a.m. at the Supervisor of Elections Office. (The City Clerk has attended this test in previous years.)
- One member of the Canvassing Board must attend the tabulation of Vote by Mail Ballots on Election Day at 9:00 a.m. at the Supervisor of Elections Office.
- The Board will meet at the Supervisor of Elections Office on March 14 at 4:00 p.m. to conduct the Logic and Accuracy Test on the tabulating equipment, select the contest and precinct to be audited in accordance with Chapter 101.591, Florida Statutes and Rule 1 SER08-84, F.A.C. (conducted March 17), and to canvass Vote by Mail ballots and any provisional ballots needing review.
- The Board must meet again on Friday, March 17 at 2:00 p.m. at the Supervisor of Elections Office to canvass any outstanding provisional ballots, certify the election results and perform the audit. The City Clerk and Elections Office will guide the Board through the process
- Per State Statute, each member of the Canvassing Board must complete a 2-hour training (offered online by Florida Institute of Government)

3. Canvassing criteria used by Orange County Canvassing Board March, 2022 is included.

4. Allowing the Supervisor of Elections to open and run Vote by Mail ballots will save Canvassing Board time as this will be completed prior to the Board's arrival on election day. The Board will only need to accept or reject any Vote by Mail ballots that have issues based on the established/approved criteria.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[OC Canvassing Criteria.pdf](#)

**Orange County Canvassing Board
2022 Criteria**

Revised: March 2022

Vote-by-Mail	Accept	Reject	Case by Case	CB Review?
No Signature [101.68(2)(c)1], if left uncured		* X		
No signature, with cure affidavit [101.68(4)(b)]	X			
Signature does not match** [101.68(2)(c)1] [98.077(4)(a), 101.65-must match the signature on file upon return of ballot], if left uncured or incomplete cure		* X		
Signature does not match, received completed cure affidavit 101.68(2)(c)1]	X			
Signature printed and does not match the signature on file [101.68(2)(c)1] [98.077(4)(a), 101.65], if left uncured/or incomplete cure		* X		
Signature printed does not match, with completed cure affidavit [101.68(4)(b)]	X			
Voter signed envelope for someone else and both voters had a request on file	X			
Certificate envelope has two signatures and both voters requested ballots and both received the same card numbers	X			
Voter sends ballot in blank envelope that does not have the oath [101.64(2)] ^{NO} (Signature)		X X		
Voted wrong ballot card (voter has moved/party change) [101.045]			X	
Voter deceased or canceled since ballot returned [101.68(2)(c)2]	X			
Late return of vote-by-mail ballot (Except UOCAVA voters) [101.67(2)]		X		
Voted early or at the polls [101.69]		X		
Vote-by-Mail - Cure Affidavit				
Cure Affidavit received with Tier 1 Identification [101.68(3)(a)]	X			
Cure Affidavit received with Tier 2 Identification and the cure signature matches a signature on record. [101.68(3)(b)]	X			
Cure Affidavit received with Tier 2 Identification and the signature on the cure does not match** a signature on record.		* X		
Cure not received prior to 5PM on the 2nd day after the election.		X		
*Provisional Rejection: Per F.S. 101.68(4) until 5pm on the 2nd day after the election, the supervisor shall allow an elector who has returned a vote by mail ballot that does not include the elector's signature or whose signature does not match to submit an affidavit with copy of identification to cure.				
**Beyond reasonable doubt; a finding by the Canvassing Board that an elector's signatures do not match must be by majority vote and beyond a reasonable doubt. [101.68 (2)(c)]				
First time voters who registered by mail - Special Vote by Mail				
Voter provides proper identification or indicates exemption [101.6923]	X			
Voter does not provide proper identification or indicate an exemption by 7 pm [101.6923]		X		

Orange County Canvassing Board
2022 Criteria

Revised: March 2022

Provisional Ballots [F.S. 101.048]	Accept	Reject	Case by Case	CB Review?
Voter is eligible, signature matches, correct precinct	X			
Voter is eligible but did not have proper ID - Signature matches that on file	X			
Voter given the provisional in error--should have voted a regular ballot	X			
Voter's application was not verified by State, voter furnished additional information prior to 5 p.m. of second day. Voter deemed eligible	X			
Ballot cast in wrong precinct		X		
Voter name not found - not registered to vote		X		
Voter moved into county- Eligible, signature matches, correct precinct [101.045]	X			
Voter moved out of county		X		
Voter was canceled as a Felon or for other reasons		X		
Voter registered after the books closed		X		
Voter's application was not verified by State, voter did not furnish additional identification by 5 p.m. of the second day		X		
Voter's application was incomplete so not eligible to vote		X		
Voter's signature does not match** and voter does not sign "Signature Differs" Affidavit; but signature on Prov matches that on file in the SOE office	X			
Voter's signature does not match and voter does not sign "Signature Differs" Affidavit; but voter completes the cure affidavit	X			
Voter's signature does not match and does not sign "Signature Differs" Affidavit; but left uncured/incomplete		X		
Voter had been sent a vote by mail ballot, did not surrender it, but vote by mail ballot not received by SOE	X			
Voter's right to vote has been challenged			X	
[PPP or Primary Only] Voter has disputed party affiliation; provisional ballot is the wrong party according to SOE research		X		
Voter has already voted by vote by mail or at an early voting center		X		
Voting hours extended - voter is eligible and in the correct precinct [101.049]	X			
Voting hours extended - voter is eligible and NOT in the correct precinct		X		
Absentees from Overseas Voters (10 days after the election)	Accept	Reject	Case by Case	
No Postmark or date [101.6952 and 1S-2.030]		X		
Dated or postmarked on or by election day [101.6952 and 1S-2.030]	X			
Dated on or before election day but postmarked later or no postmark	X			
Dated and postmarked after election or dated after election with no postmark		X		

Orange County Canvassing Board
2022 Criteria

Revised: March 2022

State Write-In Ballot 101.6951	Accept	Reject	Case by Case
Wait to see if we have requests - have never had one			X
Special Instances			
Voter submitted a voted sample ballot with clear voter intent, inside of their Certificate Envelope that has a valid signature.	X		
Voters ballot delayed due to staff error.			X
Voter changed address, sent two ballots; both ballots received, first correct ballot accepted	X		
[PPP or Primary only] Voter changed political affiliation, sent two ballots; both ballots received, first correct ballot accepted	X		
Voter leaves unscanned ballot***	X		
***any races marked with clear voter intent are counted as votes, any unmarked races are counted as undervotes			
Federal Write-In Absentee Ballot [F.S. 101.6952, 102.166]	Accept	Reject	Case by Case CB Review?
Not a registered voter in the county		X	
Signed the FWAB and the signature verified, no other issues	X		
No date and no postmark - received after election day		X	
Dated or postmarked on election day or earlier	X		
No request received but dated on or before election day and oath is signed.	X		
Challenge of overseas voter based on not meeting definition of [97.021(24)]			X
Not registered by deadline - all voters		X	
Signature Issue - Refer to Vote by Mail Section			
10-Day Extension for Overseas Voters: A federal write-in absentee ballot may not be canvassed until 7 p.m. on the day of the election. A federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election may not be canvassed until the conclusion of the 10-day period specified in subsection (5). Each federal write-in absentee ballot received by 7 p.m. on the day of the election shall be canvassed pursuant to ss. 101.5614(5) and 101.68, unless the elector's official absentee ballot is received by 7 p.m. on election day. 101.6952 (2)(a) An absent uniformed services voter or an overseas voter who makes timely application for but does not receive an official absentee ballot may use the federal write-in absentee ballot to vote in any federal, state, or local election.			
Date Adopted: 5/11/22 Steve Jensen County Judge James Amy Tuley + Camille Chuvp. County Commissioner Supervisor of Elections Mayra Uribe			

Mayra Uribe

James Amy Tuley + Camille Chuvp.



City Commission **agenda item**

item type Public Hearings: Quasi-Judicial Matters (Public participation and comment on these matters must be in-person.)	meeting date December 14, 2022
prepared by Jeffrey Briggs	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Resolution 2266-22 - Designating 1379 Canterbury Road to the Winter Park Register of Historic Places.

motion / recommendation

The Historic Preservation Board and Staff recommend approval.

background

Monica Taffinder has voluntarily agreed to designate the home at 1379 Canterbury Road, built in 1935, to the Winter Park Register of Historic Places. This home at 1379 Canterbury Road is an example of the Bungalow cottage architectural style and is associated with the Land Boom era development of the Orwin Manor neighborhood. The one-story wood siding dwelling has period window fenestration (six over one), a columned front entry porch and front door period style windows, brick chimney feature and raised floor with crawl space underneath the home, that is characteristic of the Bungalow homes. The home is a three bedroom, two bath of 1,986 sq. ft. A newer detached 624 sq. ft. garage is in the rear of the property.

The Walter Rose Company of Orlando developed Orwin Manor as a subdivision in the 1920s. Many of the original houses in the subdivision are from the 1920's-1940's. This home retains most its original architectural integrity and is highly qualified for listing on the Winter Park Register of Historic Places.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Resolution_1379_Canterbury.doc](#)

ATTACHMENTS:

[Location map and aerial.pdf](#)

ATTACHMENTS:

[Site Pictures.pdf](#)

ATTACHMENTS:

[Historic Designation application.pdf](#)

RESOLUTION 2266-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1379 CANTERBURY ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

WHEREAS, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

WHEREAS, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well being and quality of life of the citizens of Winter Park; and

WHEREAS, there is the desire foster awareness and civic pride in the accomplishments of the past; and

WHEREAS, the Winter Park Historic Preservation Board has determined and recommended that the property at 1379 Canterbury Road with the existing home built in 1935 is an example of the Bungalow cottage style architecture popular during that period.

NOW, THEREFORE, be it resolved by the City Commission of the City of Winter Park, Florida that:

SECTION 1. That the City Commission of the City of Winter Park hereby designates 1379 Canterbury Road as a historic resource on the Winter Park Register of Historic Places.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 14th day of December 2022.

Phillip M. Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk

OCPA Web Map

Florida
turnpike

Interstate 4

Toll Road

Major Roads

Public Roads

Gated Roads

Road Under
Construction

Proposed Road

Brick Road

Block Line

Lot Line

Residential

Agriculture

Commercial/
Institutional

Governmental/
Institutional/
Misc

Commercial/
Industrial

Vacant Land

Agricultural
Curtilage

Hydro

Waste Land

Parks

Lakes and
Rivers

Building

E

Block Number

6 Lot Number

06060 Parcel Number

3106 Parcel Address

111.9 Parcel Dimension



Orange County Property Appraiser



HARMON AVE

PELHAM RD

CANTERBURY RD

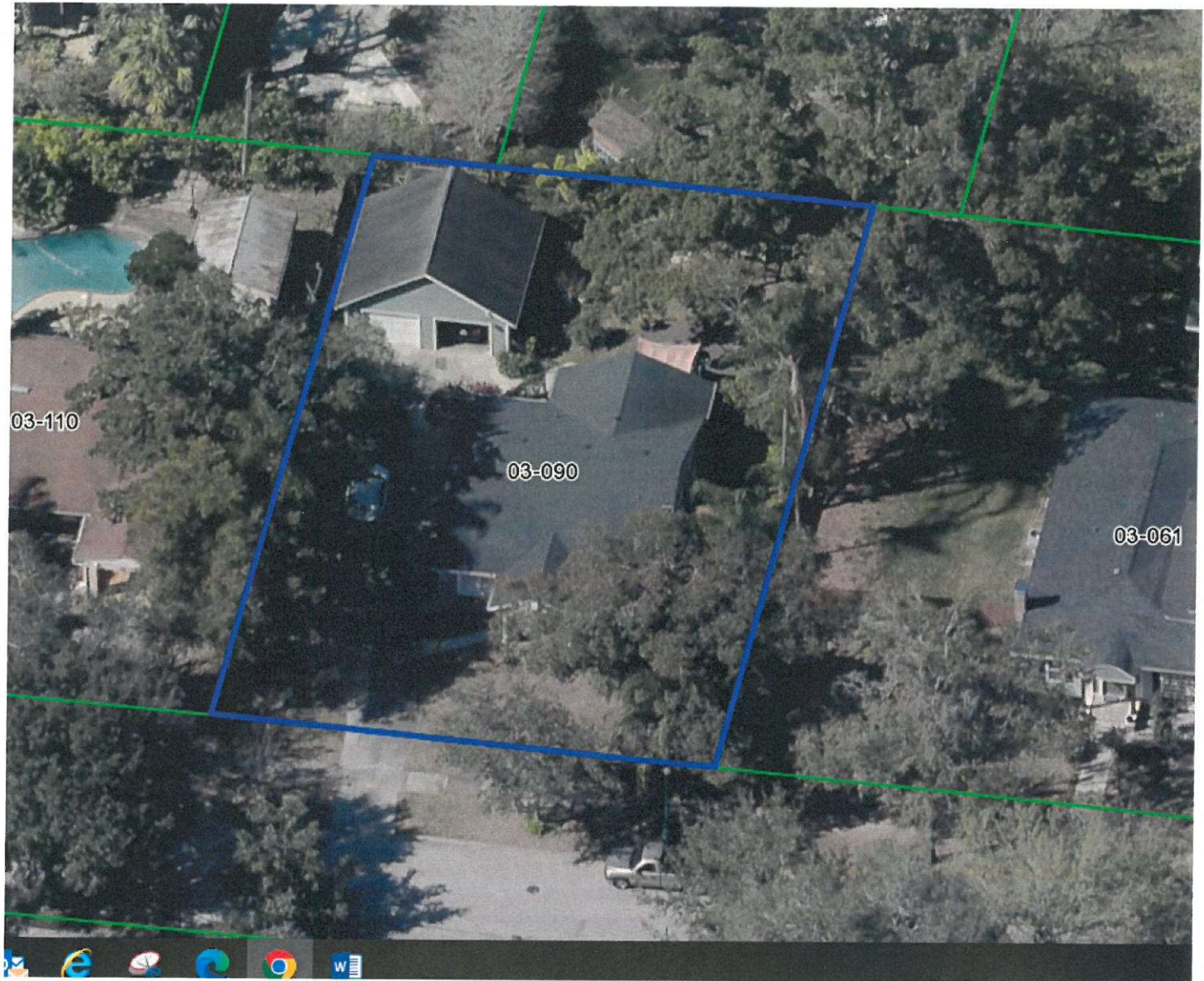
BUCKINGHAM RD

WESTCHESTER AVE

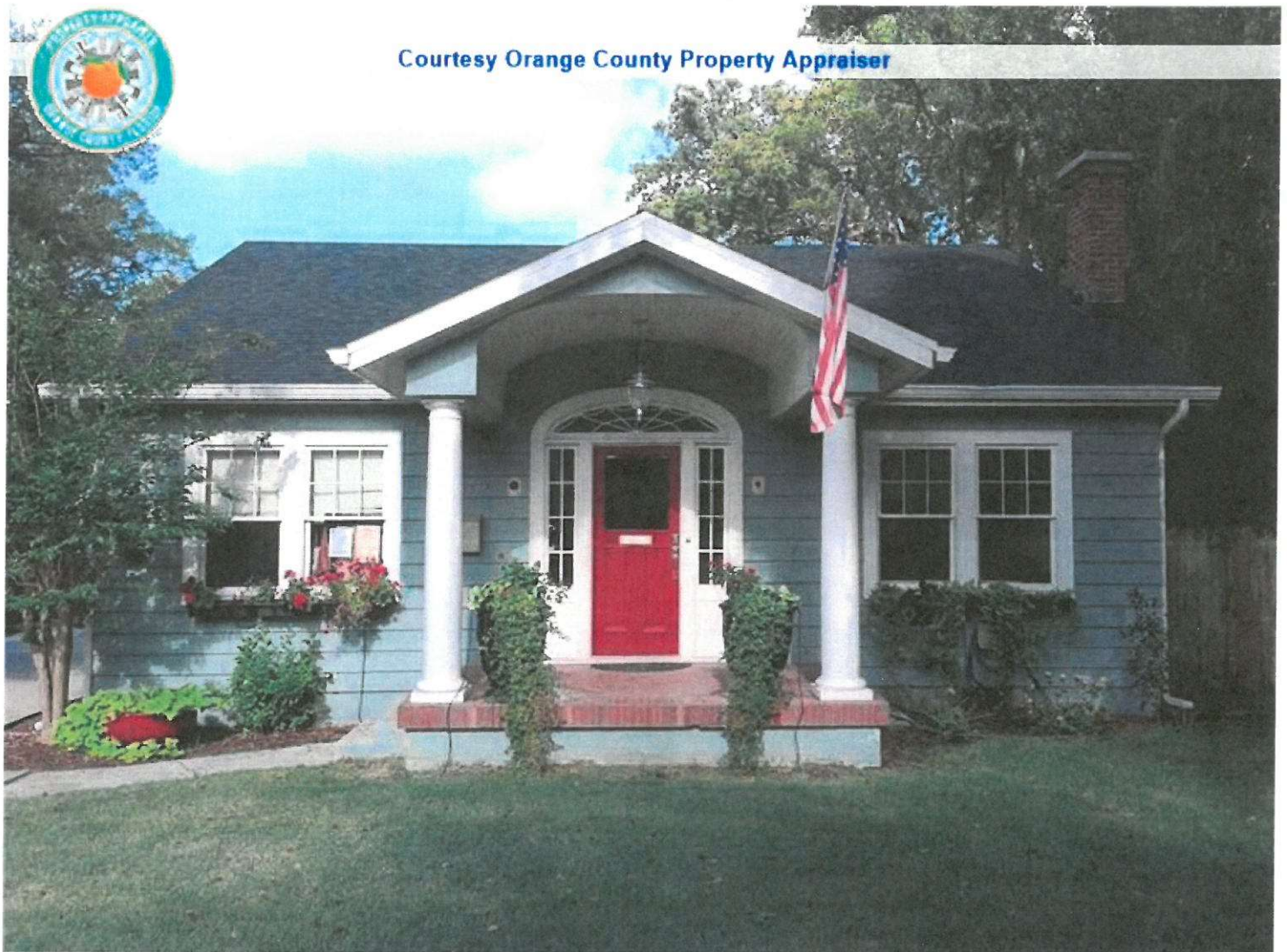
Created: 10/26/2022 14:39

This map is for reference only and is not a survey

1379 Canterbury Road - Aerial View



Parcel Photos - 1379 Canterbury Rd



1379 CANTERBURY RD, WINTER PARK, FL 32789 4/27/2017 9:23 AM



Courtesy Orange County Property Appraiser



February 23, 2015 at 12:01:07 PM

1379 CANTERBURY RD, WINTER PARK, FL 32789 2/23/2015 12:12 PM



Courtesy Orange County Property Appraiser



292212643203090 01/31/2007



City of Winter Park
Planning & Transportation Department
401 Park Avenue, South
Winter Park, Florida 32789
407-599-3440

City of Winter Park Historic Designation Application

1. 1379 Canterbury Rd Winter Park 32789
Building address
Monica Taffinder same 407.353.2230
Owner's name(s) Address Telephone

2. I, Monica Taffinder, as owner of the property described above, do hereby authorize the filing of this application for historic designation for that property.

Monica Taffinder September 26, 2022
Owner's Signature Date

Historic Preservation Board Office Use

Criteria for Designation

- ☐ A. Association with events that have made a significant contribution to the broad patterns of history including the local pattern of development; or
☐ B. Association with the lives of a person or persons significant in our past; or that
☐ C. Embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic values or that represents a significant and distinguishable entity whose components may lack individual distinction; or
☐ D. Has yielded or are likely to yield information important in prehistory or history.

Legal description Year built

Historic name of building (if any) Historic district name (if any)

Date received: HPC Meeting:

Case File No.: Florida Master Site File No.: OR-

θ Local Historic Landmark

θ Local Historic Resource



City Commission **agenda item**

item type Public Hearings: Non-Quasi Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)	meeting date December 14, 2022
prepared by Victoria Tabor	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance - Amending Ordinance 3182-20 to keep as permanent the regulations concerning backyard chickens adopted by Ordinance 3182-20 as a pilot program (1st reading)

motion / recommendation

Approve the ordinance.

background

The Backyard Chicken Program was established in 2020 as a pilot program. Upon conclusion, the program was proven to be successful. Staff is recommending to approve amendment to the ordinance implementing the Backyard Chicken Program as permanent program.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Backyard Chicken Ordinance 11-2-2022](#)

ATTACHMENTS:

[SFinance Co22110109040](#)

ORDINANCE ____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE 3182-20 TO KEEP AS PERMANENT THE REGULATIONS FOR THE ISSUANCE OF BACKYARD CHICKEN PERMITS AND THE KEEPING OF BACKYARD CHICKENS ADOPTED BY ORDINANCE 3182-20; AMENDING SECTION 18-18 OF THE CITY CODE CONCERNING GENERAL CONDITIONS FOR THE KEEPING OF BACKYARD CHICKENS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park established a backyard chicken pilot program pursuant to Ordinance 3182-20 adopted on September 9, 2020; and

WHEREAS, Section 3 of Ordinance 3182-20 provided for a 24-month expiration of the backyard chicken pilot program after the September 9, 2020 adoption of Ordinance 3182-20; and

WHEREAS, the City has determined that the backyard chicken pilot program has been successful and now desires to incorporate the backyard chicken program permanently into the City Code;

WHEREAS, the City desires to keep in place and codified into the City Code the backyard chicken program regulations adopted by Ordinance 3182-20; and

WHEREAS, the Winter Park City Commission hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare.

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

SECTION 1. Recitals. The above recitals are incorporated herein by reference and form an integral part of this Ordinance.

SECTION 2. Expiration of Backyard Chicken Program Deleted. Section 3 of Ordinance 3182-20 is hereby amended to delete the 24 month expiration of the backyard chicken program so that the provisions of the City Code adopted by Ordinance 3182-20 into Section 1-24, Section 18-16, Section 18-18 and Section 58-71(i)(11) remain codified in the City Code, valid, effective and unexpired. The allowance of chickens in single-family residential zoning designations (R-1A, R-1AA, and R-1AAA) pursuant to the regulations of the backyard chicken program and other applicable code provisions remain in place. Except as amended by this Ordinance, Ordinance 3182-20 is hereby ratified and remains valid and effective.

SECTION 3. Chapter 18, Animals, Article I, Section 18-18 "General Conditions for the keeping of backyard chickens" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions):

Sec. 18-18. – General Conditions for the keeping of backyard chickens pilot program.

Any person keeping chickens as an accessory to an occupied dwelling shall be subject to the following restrictions:

- 1) Permit Required. A Backyard Chicken permit (hereinafter “permit”), is required for the keeping of chickens. The permit is personal to the permittee and may not be assigned. If the person applying for the permit is not the fee simple owner of the subject property, the fee simple owner must provide owner authorization and written consent to the application. The fee for the permit will be set by Resolution of the Winter Park City Commission.
- ~~2) The applicant shall include written consents/approval of the keeping of chickens on their premises from all abutting property owner(s). Upon receipt of a permit application, the Building Official shall determine if the application is complete and contains the required consents/approvals. For the purposes of this subsection, “abutting property owner(s)” means those private property owner(s) owning fee simple interest in property sharing a boundary line with the applicant’s property that is the subject of the application.~~
- 2) During the pilot program, The City of Winter Park staff shall be permitted to perform follow-up inspections on the premises where permits have been issued for the keeping of chickens. Inspections shall be to ensure that all of the program criteria are being met. ~~Staff will keep a record of the progress and conditions for evaluation at the end of the 24-month program. In the event the City Commission does not act to continue the program prior to said termination date, all persons with backyard chickens shall be grandfathered and be able to keep their chickens so long as no new ones are added and the guidelines and regulations of the pilot as set forth herein are maintained.~~
- 3) Up to four chickens may be kept at an occupied single family residence upon receiving a permit from the City.
- 4) Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any other poultry or fowl are not allowed.
- 5) Chickens are not allowed on duplex, triplex, townhomes, multifamily properties, community gardens, or any other uses.
- 6) Chickens must be secured within a covered chicken coop, chicken tractor, or fenced pen/run area at all times and are not allowed to run at large upon any public properties or off the premises of the owner. Chickens must have access to food and water at all times. The coop and pen/run area must be completely secured from predators with hardware cloth or similar material. Chicken wire shall not be used.

- 7) The coop and pen/run area must be cleaned regularly and kept free of insects and rodents. Odors from chickens, chicken manure, or other items associated with the keeping of chickens must not be perceptible at the property boundaries. Chickens must not be permitted to create a nuisance consisting of noise or pests, or contribute to any other nuisance condition.
- 8) No manure may be allowed to accumulate on the floor of the coop or ground. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.
- 9) Composting of chicken manure is allowed in an enclosed bin. The composting bin shall be kept at least 20 feet away from all property lines. Waste materials (feed, manure and litter) not composted must be bagged and disposed of in the trash.
- 10) Chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens is prohibited.
- 11) Chickens may not be slaughtered on premises.
- 12) Any person who violates any provision of the article will, upon conviction, be punished as provided in Section 1-7 of this Code. Additionally, the building official has the sole discretion to revoke the permit and require that the chickens be removed within 10 days if he or she determines that the permittee is in violation of the requirements of the Code.
- 13) Violation of this section or other requirements of the backyard chicken program shall constitute a class II civil infraction in accordance with section 1-24, City Code. A repeat citation for a violation of this section will incur double the penalty of the first infraction. A third citation for a violation will result in the participant being removed from the program.

SECTION 4. CONFLICTS. The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

SECTION 5. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Winter Park, Florida, to be amended as provided by this Ordinance and may renumber, re-letter, and rearrange the codified parts of this Ordinance if necessary to facilitate the finding of the law and/or consistency with the Code.

SECTION 6. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the city clerk.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or

applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 8. EFFECTIVE DATE. This Ordinance is effective upon adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida this _____ day of _____, 2022.

Phillip M. Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk

City of Winter Park Backyard Chickens Pilot Program Overview 2022

On May 24, 2022, I reached out via email to the four city of winter park residents to get a feel for how their Backyard Chicken Program was going. On the email I asked the following questions:

1. How was the pilot program going (positives / negatives?)
2. Concerns from your neighbors?
3. How are you handling the chickens waste?
4. What breed of hens do you have?
5. Average numbers of eggs per week?
6. Type of chicken coop they are using?
7. General comments?

The residents that replied were:

Alexis Edouard - 2260 Cady Way (email)

Andrew Dubill – 130 W. Reading Way (email)

Michael Samuel 1420 Bonnie Burn Circle (phone)

Catherine Weibel – 1200 Sharon Place (no reply)

All of the families involved with the pilot program gave overwhelming positive reviews on how they enjoyed the program, how it was a fantastic learning experience for the children in their neighborhood, NO complaints from their neighbors (the neighbors took ownership of the chickens also) and how much fun it was to give eggs to their family, friends and neighbors!

Johnny Miller

From: James & Alexis Edouard <edouard7982@gmail.com>
Sent: Friday, May 27, 2022 11:23 AM
To: Johnny Miller
Subject: [External] Re: Backyard Chicken Pilot Program

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Green Category

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

It was great to speak to you today! I'm not home now but I will forward pictures of my coop and input from my neighbors as soon as I can secure them.

Responses to the other questions below.

Thanks,
Alexis Edouard
407-929-2319

Sent from my mobile device.

On May 24, 2022, at 8:55 AM, Johnny Miller <JMiller@cityofwinterpark.org> wrote:

Good Morning,

My name is Johnny Miller and I am with the City of Winter Park new Natural Resources and Sustainability Dept.. The reason for this email is to see how the Backyard Chicken Pilot Program (Ordinance 3182-20) is going! The city needs your feedback on a few questions (below) before the pilot program comes to an end and hopefully becomes a city ordinance.

1. How is your Pilot program going (positives / negatives)? - It is going well! We have been enjoying having chickens and the joy it has brought to my children and my neighbors children is fun to watch. Several of my neighbors enjoy visiting the chickens, learning about how to care for them, and collecting the eggs.
- 2.

3. Any concerns from your neighbors? - I have checked with my neighbors several times since getting chickens and they haven't expressed any concerns. Yes, the chickens do make a small amount of noise but certainly not as much as a barking dog.
4. How are you handling the chickens waste? - I am composting the waste along with household food scraps and yard waste in a compost tumbler.
5. What type of hens do you have? - Polish
6. What is your average number of eggs per week? - 24
7. What Type of Chicken Coop do you have? (It would be great if you could email me a picture of your coop) PawHut 75" Wooden Hen House...
https://www.amazon.com/dp/3006GYNIR6?ref=ppx_pop_mob_ap_share
8. General Comments about the Pilot Backyard Chicken program? - Thank you for this opportunity to have these gentle pets! They are a welcome addition to my "suburban homestead" and help me to keep waste and fertility on my own property and as a bonus, we can have eggs to feed our family.

Thank you for your time and I look forward to meeting you and your chickens 😊!

Any questions PLEASE feel free to call 407-599-3463

Johnny Miller
City of Winter Park Natural Resources and Sustainability
Event and Engagement Manager

Johnny Miller

From: L McCollough <laurenmcmo@gmail.com>
Sent: Saturday, May 28, 2022 6:43 PM
To: Johnny Miller
Subject: [External] Chickens in the city!

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

Dear Mr Miller,

My family is neighbors with Alexis and family (we are at 2300 Cady Way) and I understand feedback is welcome on the chicken program that our neighbors are a part of. We have 2 dogs and a toddler and wondered if the chickens would drive them crazy. The opposite has been true - our child loves the sound of the chickens in the morning and the dogs are surprisingly indifferent. As for the adults, we love the little bit of bucolic it brings to our "city" life. We have not experienced any negative impacts from having the chickens next to us but rather it has enriched our lives (we also benefit from fresh eggs gifted to us!). We think this is a great initiative and are grateful that the city has chosen to pursue it. Please do contact us if you have any questions.

Best
Lauren McCollough
+1 407 227 2948

--
Lauren McCollough
Tel: +1 407 227 2948
E-mail: laurenmcmo@gmail.com

Johnny Miller

From: James & Alexis Edouard <edouard7982@gmail.com>
Sent: Friday, May 27, 2022 3:46 PM
To: Johnny Miller
Subject: [External] Picture of coop last year

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

This is when our coop was new. My youngest daughter (pictured) is autistic and she has grown so gentle as a result of having chickens to care for.

Picture
5/27/22

Johnny Miller

From: Andrew Dubill <adubill@avantiprop.com>
Sent: Monday, May 30, 2022 9:34 AM
To: Johnny Miller
Subject: [External] Re: Backyard Chicken Pilot Program
Attachments: IMG_9928.HEIC

[**Caution:** This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

Good afternoon Johnny,

Thanks very much for being in touch. Please see my responses below! If you have any further questions, please do not hesitate to let me know.

Andrew Dubill

From: Johnny Miller <JMiller@cityofwinterpark.org>
Date: Tuesday, May 24, 2022 at 8:55 AM
To: "'michael.samuel@seacoastbank.com'" <michael.samuel@seacoastbank.com>, "'edouard7982@gmail.com'" <edouard7982@gmail.com>, Andrew Dubill <adubill@avantiprop.com>, "'caweibel@hotmail.com'" <caweibel@hotmail.com>
Cc: Gloria Eby <geby@cityofwinterpark.org>, Johnny Miller <JMiller@cityofwinterpark.org>
Subject: Backyard Chicken Pilot Program

Good Morning,

My name is Johnny Miller and I am with the City of Winter Park new Natural Resources and Sustainability Dept.. The reason for this email is to see how the Backyard Chicken Pilot Program (Ordinance 3182-20) is going! The city needs your feedback on a few questions (below) before the pilot program comes to an end and hopefully becomes a city ordinance.

1. How is your Pilot program going (positives / negatives)?

We have been very pleased with the Pilot program. It's really been a fantastic experience.

2. Any concerns from your neighbors?

None. They seem to enjoy the eggs that we are able to give them from time to time!

3. How are you handling the chickens waste?

We clean our coop once a week, and liberally apply fresh pine shavings with each weekly change. We dispose of the old shavings in a heavy-duty contractors waste bag in our weekly trash pick-up. Our goal was to have zero detectable odors emanating from the coop and we have been pretty successful in doing that.

4. What type of hens do you have?

We have three hens – 1 Rhode Island red, 1 buff orpington, and 1 black star.

5. What is your average number of eggs per week?

About 21 – 3 per day.

6. What Type of Chicken Coop do you have? (It would be great if you could email me a picture of your coop)

It's called a Rugged Ranch "Pueblo Grande." It has been quite sturdy and durable so far.

7. General Comments about the Pilot Backyard Chicken program?

We enrolled in the program at the behest of our two children, and frankly were a bit apprehensive at first. But it turned out to be a wonderful endeavor – the chickens require far less work than other pets we own, and the steady stream of fresh eggs are a huge hit. We're grateful that the city launched this program, and I think the city's regulations are reasonable and strike a really good balance.

Thank you for your time and I look forward to meeting you and your chickens 😊!

Any questions PLEASE feel free to call 407-599-3463

Johnny Miller
City of Winter Park Natural Resources and Sustainability
Event and Engagement Manager

Johnny Miller

From: James & Alexis Edouard <edouard7982@gmail.com>
Sent: Friday, May 27, 2022 11:23 AM
To: Johnny Miller
Subject: [External] Re: Backyard Chicken Pilot Program

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

It was great to speak to you today! I'm not home now but I will forward pictures of my coop and input from my neighbors as soon as I can secure them.

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- 2.
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4. How are you handling the chickens waste? - I am composting the waste along with household food scraps and yard waste in a compost tumbler.
5. What type of hens do you have? - Polish
6. What is your average number of eggs per week? - 24
7. What Type of Chicken Coop do you have? (It would be great if you could email me a picture of your coop) PawHut 75" Wooden Hen House...
https://www.amazon.com/dp/B006GYNIR6?ref=ppx_pop_mob_ap_share
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Thank you for your time and I look forward to meeting you and your chickens 😊!

Any questions PLEASE feel free to call 407-599-3463

Johnny Miller
City of Winter Park Natural Resources and Sustainability
Event and Engagement Manager

Johnny Miller

From: Kristina Worthy <kiersfaith@gmail.com>
Sent: Friday, May 27, 2022 11:54 AM
To: Johnny Miller
Subject: [External] Chicken Project

Categories: Green Category

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

Hello, I am a neighbor of Alexis Eduard. I just wanted to say that I think the chicken pilot program should continue. We should be allowed to have chickens in the city

2250 Cady Way



City Commission **agenda item**

item type Public Hearings: Non-Quasi Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)	meeting date December 14, 2022
prepared by Allison McGillis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance - Adding a new Division 3 of Article VI, Chapter 2, providing for the assessment of third-party city consultant costs, expenses and fees incurred by the City of Winter Park related to the review, processing and regulation of development applications. (1st reading)

motion / recommendation

Recommendation is to approve the Ordinance as presented.

background

This Ordinance is being presented to the City Commission in conjunction with the review of the City Attorney's contract also on this agenda. Due to the fact that the City Attorney's cost of services has increased, this Ordinance was written by the City Attorney and staff as a way to help offset a portion of that increase by passing through the fees generated by their time reviewing applications and proposals for development onto those responsible for such.

The City incurs substantial costs, expenses and fees, directly and solely caused by and related to the review, processing and regulation of development applications pursuant to development proposals that often exceed the application fees charged and collected by the City. Therefore, the costs, expenses, and fees incurred by the City that are caused directly and solely by such development should be incurred by those responsible for said development and not by the taxpayers in general. As a result, this Ordinance requires that in addition to the required Application Fee, a Review Deposit in the amount of three thousand (\$3,000) dollars or in an amount as may be established by the City Commission in the adoption of the city fee schedule shall be made payable to the City of Winter Park at the time of submission of each Application for review or approval, of a preliminary subdivision plan, subdivision/plat, conditional use, planned development, rezoning,

comprehensive plan amendment, text amendment to the land development regulations, development agreement, developer's agreement, other development related agreement, annexations, or any development order or permit application requiring review by the City's attorney or a City consultant.

It is important to note that the costs, expenses, and fees recoverable by the City under this Ordinance are less than the costs, expenses, and fees actually incurred by the City for review, inspection, processing and regulation of development, but will cover a substantial portion of the third-party costs, expenses, and fees incurred for the review, processing, and regulation of development borne by those responsible for such. Furthermore, this type of pass-through fee is common practice throughout Florida in municipalities similar to Winter Park's size with contracted city attorneys to help cover attorney review fees for development proposals. Examples of such municipalities are Winter Garden, Mount Dora, Casselberry, and Longwood.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Ordinance Pass Through Development Review 10.25.22 edits - jgc - clean.doc](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, ADDING A NEW DIVISION 3 OF ARTICLE VI, CHAPTER 2, OF THE CITY OF WINTER PARK CODE OF ORDINANCES, PROVIDING FOR THE ASSESSMENT OF THIRD PARTY CITY CONSULTANT COSTS, EXPENSES AND FEES INCURRED BY THE CITY OF WINTER PARK IN REVIEWING, PROCESSING AND REGULATING PROPOSED PLATS, LOT SPLITS, SITE PLANS, REZONINGS, CONDITIONAL USES, VARIANCES, DEVELOPER'S AGREEMENTS, COMPREHENSIVE PLAN AMENDMENTS, ANNEXATIONS AND OTHER DEVELOPMENT ORDER AND PERMIT REQUESTS AND DEVELOPMENT RELATED MATTERS; PROVIDING FOR REVIEW DEPOSITS, PROCEDURES FOR HANDLING REVIEW DEPOSITS AND CITY INVOICES; PROVIDING FOR FAILURE OF APPLICANTS TO PAY INVOICES; DEFINING ASSESSABLE COSTS, EXPENSES AND FEES; PROVIDING FOR ADMINISTRATIVE PROCEDURES; PROVIDING FOR FEE SCHEDULES; PROVIDING FOR OBJECTIONS AND APPEALS, PROVIDING FOR AMENDMENTS; SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park (hereinafter referred to as the "City") pursuant to the Land Development Code and State law has the authority to review applications and proposals for development, such as subdivisions, planned developments, site plans, rezoning, conditional uses, variances, development agreements, plat approvals, comprehensive plan amendments, annexations, lot splits, lot consolidations, development orders and permits, and projects relating to development (hereinafter collectively referred to as "Proposals") and to consider the impacts of development which may occur pursuant to such Proposals on the citizens, infrastructure, lands, businesses and well-being of the City and to ensure that conditions required for approval have been met; and

WHEREAS, the City has the authority to review, inspect, process and regulate the foregoing; and

WHEREAS, the City incurs substantial costs, expenses and fees, directly and solely caused by and related to the review, processing and regulation of development applications pursuant to Proposals that often exceed the application fees charged and collected by the City; and

WHEREAS, in order to efficiently and effectively carry out the review of such Proposals and the processing and regulation of development, it is necessary that the City contract with or otherwise engage competent contractors and professional consultants to perform such services; and

WHEREAS, the City Commission of the City finds that the costs, expenses, and fees incurred by the City that are caused directly and solely by such development should be incurred by those responsible for said development and not by the taxpayers in general; and

WHEREAS, the costs, expenses, and fees recoverable by the City under this Ordinance are less than the costs, expenses, and fees actually incurred by the City for review, inspection, processing and regulation of development; and

WHEREAS, the City Commission of the City has determined that this Ordinance is necessary and appropriate to have a substantial portion of the third-party costs, expenses, and fees incurred for the review, processing, and regulation of development and Proposals borne by those responsible for such; and

WHEREAS, to accomplish the objectives of this Ordinance and to fairly and properly assess the costs, expenses, and fees incurred by the City due to development, the framework set forth in this Ordinance is necessary; and

WHEREAS, the City Commission has determined that this Ordinance is necessary for the protection of the health, safety and general welfare of the citizens of Winter Park, Florida.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION I: AMENDMENT. A new Division 3 of Article VI of Chapter 2 of the City of Winter Park Code of Ordinances is hereby created to read as follows:

DIVISION 3.- DEVELOPMENT REVIEW EXPENSE.

Section 2-195.6. – Authority. The City is hereby authorized to assess and collect fees, deposits, costs, and expenses relating or pertaining to the review, and regulation of development related activities pursuant to this chapter.

Section 2-195.7. – Definitions.

The following words, terms, phrases, when used in this chapter, shall have the meanings set forth below unless otherwise indicated by the context:

“Applicant” means and refers to an Owner or an Owner’s Authorized Agent, who submits a Application or project to the City.

“Application” means and refers to an application or petition or proposal submitted to the City for review or approval of (i) a preliminary subdivision plan, (ii) a subdivision plan or plat, including any replat or other revisions to a previously approved or existing subdivision plan or plat, (iii) an annexation, (iv) a rezoning, (v) a comprehensive plan amendment, (vi) a variance, (vii) a conditional use, (viii) a planned development, (ix) a site plan, (x) any other development order or permit, (xi) a development agreement, developer’s agreement, or other agreement relating to a development project, (xii) a lot split, lot consolidation, or lot line readjustment, (xiii) an applicant request for text change to the land development regulations, (xiv) a duplex modified yard project, and/or (xv) a development review application submitted to the Development Review Committee.

“City Consultant(s)” means and refers to those corporations, companies, consultants, governments, individuals, partnerships, and other entities under contract with the City to provide services to or for the City or who provide technical or professional advice, representation, expertise or other work or assistance to or for the City in connection with the review or processing of an Application, including, but not limited to, planners, architects, accountants, attorneys, (including the city attorney) engineers, biologists, economists, and surveyors.

“Development Review Fee” means and refers to the combination of the Application Fee established by the City and the Review Costs to be paid by an Applicant.

“Owner” means and refers to an Owner or group of Owners of fee simple title to a particular lot, tract, or parcel of real property.

“Owner’s Authorized Agent” means and refers to an agent of the Owner duly authorized to submit and process an Application. If the applicant is not the property owner, a proper authorization must accompany the Application. Such authorization shall be evidenced by a power of attorney signed by the Owner and notarized specifically authorizing the agent to represent the Owner in connection with the Application and as to the Owner’s real property, which is the subject of the Application. The

authorization must include an agreement of the Owner to be bound by the actions of the Owner's Authorized Agent and the provisions of this division.

"Review Deposit" means and refers to the review deposit, as established by this Section and as established from time-to-time by resolution of the City Commission, to be paid by an Applicant at the time of the filing of an Application in those circumstances where Review Costs are paid by the Applicant under the provisions of this division.

Section 2-195.8. – Review Deposits.

Required review deposits. In addition to the required Application Fee, a Review Deposit in the amount of three thousand (\$3,000) dollars or in an amount as may be established by the City Commission in the adoption of the city fee schedule shall be made payable to the City of Winter Park by money order, personal or company check, or cashier's check drawn on a financial institution authorized to do business in Orange County, Florida, and shall be delivered to and collected by the Planning Director or his/her designee at the time of submission of each Application for review or approval, of a preliminary subdivision plan, subdivision/plat, conditional use, planned development, rezoning, comprehensive plan amendment, text amendment to the land development regulations, development agreement, developer's agreement, other development related agreement, annexations, or any development order or permit application requiring review by the City's attorney or a City consultant. If the amount of the costs, expenses, and fees relating to the City Consultants' review, processing, and regulation of such as estimated by the Planning Director, based on information provided by city staff and the Applicant, will exceed the Application Fee and are likely either to be less than or more than the Review Deposit, then the Planning Director may adjust the Review Deposit to the minimum extent supported by the Planning Director's estimate. The Planning Director may waive the requirement of a Review Deposit if, based upon information provided by city staff and the Applicant, the amount of the costs, expenses and fees relating to the review, processing, and regulation of such as estimated by the Planning Director will not involve the use of City Consultant services that exceed the Application Fee.

No review of any Application may commence until the Application Fee and Review Deposit, if applicable, are paid. The Review Deposit must be forwarded to the Planning Director or his/her designee prior to the end of the second business day following the submittal of an Application for review or approval. Any portion of the Review Deposit that exceeds the actual costs incurred in reviewing the Application will be returned to the Applicant after completion of the matter for which the Application was submitted or after withdrawal of such Application. No interest will be paid on any Review Deposit.

The City Commission is hereby authorized to adopt by resolution a fee schedule setting forth the amount of Application Fees, Review Deposits, and any other fees authorized herein.

Section 2-195.9. – Project account.

Once an Application has been submitted to the City and the applicable Application Fee and Review Deposit have been collected, the Planning Director or his/her designee shall establish an individual project account through which all costs, expenses, and fees incurred by City Consultants that are associated with the Application will be monitored. The project account will be maintained throughout the entire review, processing, and regulation process until the later of: (i) final action (after all appeal periods have run) by the City Commission has occurred with respect to the Application; (ii) no further involvement of one or more City Consultant(s) is likely; and (iii) the City has been paid all of the amounts due under this division and the City Code. Costs, expenses, and fees for the City Consultant time directly related to the review, processing, inspection, or regulation of an Application or development pursuant to this division, the City Code, and Florida Statutes and directly related expenses, including, but not limited to, advertising, legal, drafting agreements, inspection, and engineering costs will be charged to the project account.

Section 2-195.10. – City invoices.

(a) *Payment.* The Planning Director or his/her designee may periodically, up until, and shall prior to, the City's final approval of each Application and the project for which a Review Deposit is required, total the costs, expenses, and fees incurred by the City for such Application and project and send an invoice to the Applicant for payment. The Applicant shall have twenty (20) days from the date of the

invoice to pay to the City the invoiced amount. Thereafter, if payment is not received in the required time, the Planning Director or his/her designee shall apply the Review Deposit toward payment of the invoiced amounts. If the total costs, expenses, and fees incurred by City Consultants for such Application and project exceed the Review Deposit and payment is not received in the required time, the Planning Director or his/her designee shall apply the Review Deposit to the invoiced amount and send a notice of non-payment to the Applicant and to all City Consultants associated with the Application or project. The notice will instruct the City Consultants to cease all work relating to such unless and until further notified by the Planning Director or his/her designee.

If the City issues a final approval of an Application but it is later determined that additional modifications or amendments to the Application or Project requiring additional City Consultant time, then the Planning Director or his/her designee may require an additional Review Deposit commensurate with the estimated costs in City Consultant time of any such modifications or amendments and issue additional invoices consistent with the procedures outlined for standard invoices. Similarly, if the total costs, expenses, and fees incurred by the City for any such modifications or amendments exceed the Review Deposit and payment is not received in the required time, the Planning Director or his/her designee shall apply the Review Deposit to a portion of the invoiced amount and send a notice of non-payment to the Applicant and to all City Consultants associated with the Application or project. The notice will instruct City Consultants to cease all work relating to such unless and until further notified by the Planning Director or his/her designee.

If payment of the balance of the invoice is not received within the required time, then work by city staff and the City Consultants will cease and not be reactivated on any Application or project. No building permits, certificates of completion, or certificates of occupancy will be issued with respect to such Application or project or real property related to the Application or project until such time as all outstanding fees, costs, and expenses due under this division and the City Code are paid in full and a new Review Deposit for the Application or project, if applicable, is paid to the City in an amount determined by the Planning Director. Review of any future Application or project with respect to the real property

for which payment was not made will not be undertaken by the City until such time as all outstanding costs, expenses, and fees due under this division are paid in full and a new Review Deposit is paid to the City.

(b) *Deficiency and liens.* Any deficiency owed to the City will bear interest from the date of the aforementioned notice of non-payment at the lower of (i) the rate of eighteen percent (18%) per annum or (ii) the highest rate allowed by law, until paid. The amount of any such deficiency owed to the City will, together with interest and the costs of collection as hereinafter provided, be the personal obligation of the Applicant and constitute a continuing lien on the real property related to the Application or project under review. Any subsequent or new owner of the real property related to the Application or project takes title subject to the obligations of the Applicant under the terms of this Section and is jointly and severally liable for such obligations; provided, however, that an Applicant may not escape liability for the deficiency by abandonment of the Application or project, withdrawal of the Application, or sale of the real property with respect to which such Application has been submitted. If the initial or subsequent invoice(s) is/are not timely paid and the invoiced amount exceeds the amount of the Review Deposit, the City may take whatever legal means it deems appropriate to collect the deficiency, including, but not limited to, retaining the services of a collection agency or attorney, initiating legal proceedings for the collection thereof, recording a Notice of Lien as hereinafter provided, and foreclosing same in the same fashion as mortgage liens are foreclosed. To give the public notice of the deficiency, the City Manager may (but shall not be obligated to) record a Notice of Lien in the Public Records of Orange County, Florida, stating the description of the real property related to the Application or project, the name of the owner of the real property and the amount then due and owing to the City.

Section 2-195.11. – Required payments.

Payment of costs, expenses and fees incurred by the City under this division is a requirement for the City's final approval of the applicable Application and project.

Section 2-195.12. – Assessable costs, expenses, and fees.

All costs, expenses and fees incurred by the City relating directly to the review, inspection, processing, and regulation of an Application or project, including, but not limited to, the time of the City Consultant(s), as well as those relating directly to advertising, and other costs, expenses and fees, shall be assessed to the Applicant. The costs, expenses, and fees for the City Consultants will be invoiced to the Applicant without any markup by the City to those invoiced amounts. To the extent that the costs, expenses, and fees required under this division are assessed and paid pursuant to other provisions of the City Code, assessment and payment under this division will not occur.

Section 2-195.13. – Fee collection.

Application Fees in addition to any Review Deposit required pursuant to Section 2-195.8. shall be paid by the Applicant and delivered to the Planning Director or his/her designee upon submittal of any Application to the City. The Planning Director or his/her designee shall ensure the required Application Fee is collected, and, if applicable, the Review Deposit (collectively referred to as “Development Review Fee”) is posted to an account for said Application. The Planning Director or his/her designee or other appropriate city staff or City Consultants, shall receive all Applications with proof of payment of the Application Fee and Review Deposit, if applicable. The Application Fee is nonrefundable and covers only a portion of the minimum cost incurred by the City in accepting, reviewing and processing an Application.

If the Planning Director or his/her designee determines that the required Review Deposit for an Application is inadequate to cover the reasonably anticipated costs, expenses and fees to be required by the City, the Planning Director or his/her designee shall increase the minimum deposit to the minimum extent necessary to cover such reasonably anticipated costs, expenses, and fees.

Section 2-195.14. – Objections/appeal.

Any objection to any invoice or to any matter set forth in this division must be set forth in writing and addressed and delivered to the City Manager on or within ten (10) days of the date of the relevant invoice. If the City Manager denies the objection or request, the applicant will have ten (10) days after

the date of the City Manager's decision to file an appeal or reconsideration of such decision with the City Manager or his/her designee. All objections and appeals must set forth in detail the reasons and evidence upon which the objection and appeal are based. Failure of the applicant to establish beyond a preponderance of the evidence that an invoice, decision, or other matter objected to or appealed is not appropriate and is not based upon competent substantial evidence, shall result in a denial of the objection and appeal or reconsideration.

Section 2-195.15. - Attorney's Fees in the Event of Failure to Pay Review Costs.

If the City takes legal action to enforce this division, then the City is entitled to recover from the Applicant all costs and expenses incurred, including, but not limited to, its reasonable attorneys' fees, paralegal fees, and other costs and expenses, whether incurred prior to, during or subsequent to court proceedings or on appeal.

Section 2-195.16. – Change of Ownership.

An Applicant shall provide prompt written notice to the Planning Director in the event of a change in ownership of all or a portion of a lot, tract, or parcel of real property with respect to an Application or project is pending before the City. Such notice must be on a form approved by the City and include the name, address, and phone number of the new Owner and a legal description of the lot, tract, or parcel of real property now owned by the new Owner. Any such new Owner (i) is not entitled to utilize or draw upon any Review Deposit previously paid to the City by the original Applicant, (ii) is liable to the City for all costs, expenses, and fees related to the lot, tract, or parcel of real property that arise subsequent to the date the new Owner acquires title to such real property, and (iii) may be required by the City to pay a separate Review Deposit in the same manner as a new Application, in which case, a separate project account will be opened in the name of the new Owner or the new Owner's Authorized Agent. If a separate Review Deposit is required, no work may be undertaken by the City with respect to the lot, tract or parcel of real property then owned by the new Owner until a separate Review Deposit is paid to the City. Until such time as the City receives such written notice of a change in ownership, the original Applicant will be jointly and severally liable to the City for all costs, expenses, and fees

associated with the Application or project that may subsequently be incurred by the City in connection with the activities of the new Owner; provided, however, that upon receipt by the City of such a notification of change of ownership, the original Applicant will not be liable to the City for any further costs, expenses, and fees incurred by the City that arise solely out of the Application or project of the new Owner, and the new Owner will be solely liable to the City for all such costs, expenses, and fees associated with the Application or project activities of the new Owner or the new Owner's Authorized Agent subsequent to the date of receipt by the City of such notification.

Section 2-195.17. – Agreement to be Bound by this Division.

Execution of an Application constitutes the consent and agreement of the Applicant and the Owner if the Application is being executed by the Owner's Authorized Agent to be bound by the provisions of this division. Without waiving the foregoing, the Community Development Director is authorized to require Applicants to sign a written agreement to be bound by the terms and conditions of this division before processing an Application for review and approval (or denial).

Section 2-195.18. – Amendments.

This division will be reviewed periodically and may be amended by ordinance, however, any fees and fee schedules authorized in this division may be amended by resolution.

SECTION II: Severability — If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION III. Codification. Section I of this Ordinance shall be codified and made a part of the City of Winter Park Code of Ordinances; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; the word "*Ordinance*" may be changed to "*Section*," "*Article*," "*Division*" 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 IV: Effective Date — This Ordinance shall take effect upon adoption by City Commission and shall apply to costs, expenses, and fees incurred by the City with regard to Applications and projects submitted after the effective date of this Ordinance.

PASSED AND ADOPTED on first reading this ____ day of _____ 2022.

PASSED AND ADOPTED on second reading this ____ day of _____ 2022.

**CITY COMMISSION
CITY OF WINTER PARK, FLORIDA**

By: Phil Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk, MMC

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City Commission agenda item

item type Public Hearings: Non-Quasi Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)	meeting date December 14, 2022
prepared by Allison McGillis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance: Updating Section 58-87, lakefront and waterfront zoning regulations and amending Chapter 114, Lakes and Waterways to incorporate regulations concerning docks and boathouses. (1st Reading)

motion / recommendation

The P&Z Board and Staff recommend approval.

background

The City's history with regard to the review of waterfront (lakes/canals/streams) construction including boathouses/docks began in 1975 when the Zoning Code was amended to require the Planning and Zoning Commission to approve all new construction and substantial redevelopment on waterfront properties including homes, boathouses/docks etc. Over the ensuing years, the Zoning Code was amended from time to time to address issues with the implementation of those waterfront plan reviews but there has not been a major update in 15+ years.

In 1985, the authority for the review and approval of any waterfront seawalls or retaining walls was transferred to the Lakes and Waterways Board. In 2000, the authority for the review and approval of boathouses and docks on waterfront properties was transferred to the Lakes and Waterways Board. That change was very beneficial since both the Lakes Division staff and the Lakes Board are the experts on all things being done in the water.

It also helped significantly for the Lakes Division staff to be aware of all of the boathouse/dock permits, and conditions of approval for such, as the Lakes staff was frequently watching the progress of construction of boathouse/docks and seawalls while doing their normal responsibilities on the lakes.

Updates to the Responsibilities for Boathouse/Dock Approvals:

One major change proposed in the Ordinance is to transfer the development regulations for waterfront boathouses/docks /gazebos from the Chapter 58 “Zoning” to Chapter 118 “Waterways” in order to give the Lakes and Waterways Board and the Lake Killarney Advisory Board complete authority over those structures. The complication is that since the boathouse regulations are codified within the Zoning Chapter, it is the Board of Adjustment that must grant variances. Today an applicant for a variance must receive an approval from the Lakes Board and then they need the variance from the Board of Adjustment. The reality (in practice) is that the Board of Adjustment always trusts the judgment of the Lakes Board in making their decision. If the Lakes Board denies the request due to the variance, then the Board of Adjustment can’t over-ride that decision. If the Lakes Board approves with the variance then the Board of Adjustment never second guesses the Lake Board. The applicants can’t understand why if they go to the Lakes Board and are granted an approval, inclusive of a variance, why it needs to be approved a second time by the Board of Adjustment. Both actions are quasi-judicial in nature.

Other changes to the Waterfront Development Regulations:

The P&Z Board and Planning staff have also updated the waterfront regulations for the following topics:

1. Improving storm water grading regulations to prevent issues with drainage onto adjacent properties.
2. Clarifies the lakefront setbacks for fences and walls.
3. Clarifies the permitted pools/patios deck heights above natural grade on the lakefront lots and the location of pool cabanas
4. Clarifies the location of pools/patios decks on lakefront lots with walk-out basements.

With respect to improving storm water grading regulations, these code modifications strengthen language to ensure that storm water runoff does not runoff onto adjacent properties. This includes a requirement for homes to construct stem walls in order to maintain existing grades within side setback areas and allows for the requirement for inlets and pipes to convey runoff down to the waterfront and to require retaining walls, if necessary, to keep drainage on the property.

With respect to clarifying lakefront setbacks for walls and fences, the new text insures that open privacy fences on side lot lines are setback of 75-feet from the high-water line before a solid fence or wall can be built and that fences within 75-feet of the high-water line must be substantially open.

With respect to clarifying permitted heights of pools/patios decks on lakefront lots and regulations for accessory structures such as pool cabanas, the Code is keeping 3-foot maximum for pool decks above existing natural grade. On properties with significant grade drops that require more than the 3-feet, a new home may request up to 5-feet

above existing grade so long as a minimum of 2-feet of step-downs are within the principal structure or from the finished floor elevation down to the swimming pool/deck. This provision would not be allowed to have any exception or variance, so that negotiations with P&Z do not occur creating different decisions on one property versus another. Also, accessory structures (such as pool cabanas) that are permitted when utilizing this exception, must conform to the setbacks of the principal structure.

With respect to clarifying floor level location of pools/patios decks, the Code still will permit walkout basements, however, swimming pools and decks must be located only on the lowest living area level, in line with the existing natural grade. This limits the possibility for large stem/retaining walls for swimming pools/decks by avoiding placement of the pool/deck on a second floor level with a three story home on the lakefront (two floors plus walkout basement) far above the natural grade.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Ordinance Updating Lakefront Zoning Regs FINAL.pdf](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" PROVIDING FOR UPDATES AND MODERNIZATION TO THE CURRENT REGULATIONS, AND AMENDING CHAPTER 114 "WATERWAYS" TO INCORPORATE THE REGULATIONS CONCERNING DOCKS AND BOATHOUSES, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the purpose of providing environmental protections for the City in the management of construction on waterfront properties on lakes, canals and streams and to update and modernize the waterfront zoning regulations and to clarify the authority of the appointed boards having jurisdiction in the review of waterfront construction and of docks, boathouses and gazebos and in furtherance of the protection of due process and the general welfare of the City as set forth in this Ordinance.

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida and is intended to promote, enable and facilitate economic competition;

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

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning Regulations, Section 58-87 "Lakefront lots, canalfront lots, streamfront lots, boathouses and docks" of the City of Winter Park Land Development Code is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

- **ARTICLE III ZONING REGULATIONS.**
- **Sec. 58-87. - Lakefront ~~lots, canalfront lots, streamfront lots, boathouses and docks~~ other waterfront properties.**

(a) *Purpose and intent.* It is the intent of this section to insure that buildings and structures on waterfront properties including canalfront lots, lakefront lots and streamfront lots are ~~not~~ constructed or placed such that no boating hazards will be created, that construction shall be compatible with the natural grade of the property; precluding large stem walls, large swimming pool/patio walls, terraces or retaining walls on the waterfront, facing the water that are significantly above existing grade; that

water pollution from stormwater runoff and other sources will be minimized by providing adequate stormwater retention and conveyance; that views of water from adjoining waterfront properties will not be unduly impaired; that existing trees shall be preserved to the degree reasonably possible and that the appearance of the property and the shore when viewed from the water will be kept as natural as reasonably possible. The city's lakes, canals and streams are among the city's greatest assets, and it is in the public interest to require that their aesthetic appeal and water quality be maintained and enhanced when possible.

(b) *Building plans.*

(1) A building permit shall not be issued for any new structure or building, addition over five hundred (500) square feet to any existing structure or building, ~~fence or wall~~ or significant change to an existing property on a lakefront, canalfront or streamfront lot until satisfactory building plans are reviewed and approved by the Planning and Zoning Board that are deemed in compliance with the objectives established in the aforementioned purpose and intent and the specific requirements of this section. The ~~p~~Planning ~~d~~Department shall review all such plans and provide a recommendation to the ~~P~~Planning and ~~Z~~oning ~~B~~oard. A decision by the Planning and Zoning Board shall be done at a public hearing after review of comments from city staff and notification of the adjacent waterfront property owners.

(2) In cases involving the construction of swimming pools (without screen pool enclosures), or patios, or hardscape additions of under one thousand (1,000) square feet, the ~~p~~Planning ~~d~~Department shall provide an administrative review which will result in approval, approval with conditions or denial of the permit. In such cases, the owner may appeal the ~~p~~Planning ~~d~~Department's determinations to the ~~P~~Planning and ~~Z~~oning ~~B~~oard.

(3) In all other cases, the ~~P~~Planning and ~~Z~~oning ~~B~~oard shall review and approve construction upon lakefront lots, canalfront lots and streamfront lots when deemed in compliance with the objectives established in the aforementioned purpose and intent.

~~(4) The lakes and waterways board shall review and approve construction of boathouses, docks, gazebos over the lakes or other water bodies. However, review and approval by the lakes and waterways board of boathouses, docks and gazebos shall not be required if the structure is replacing an existing boathouse, dock or gazebo and is in the same location and is meeting the code requirements set forth in this section. The review and approval by the lakes and waterways board is only required when variances are requested or when there is not an existing boathouse, dock or gazebo on the property/water or when the location of the boathouse, dock or gazebo is being changed by more than five feet from the current location.~~

~~(4)(5)~~ The requirements of this section are minimum requirements, and the ~~P~~Planning and ~~Z~~oning ~~B~~oard ~~or the lakes and waterways board~~ may impose more restrictive

requirements and conditions on the height, bulk, location and any other aspect of the proposed development where necessary in order to accomplish the purpose and intent of this section. ~~Review by the planning and zoning board or the lakes and waterways board shall be at a public hearing following notification of adjacent waterfront property owners.~~

~~(c) *Docks and boathouses.* The following minimum or maximum standards shall apply to all construction or renovation of docks and boathouses:~~

~~(1) Before a building permit is issued, the plans for docks and boathouses shall be approved by the lakes and waterways board after review of comments from city staff and notification of the adjacent lakefront property owners.~~

~~(2) The total area of docks and boathouses built at the water's edge over land and water shall not exceed 600 square feet. In the case of canalfront lots (other than boathouse lots on canals as set forth in subsection (f) hereafter), the maximum total area of docks, boathouses, decks, stairs and any other attachments shall be based on the length of the canal frontage as follows:~~

- ~~a. Seventy five feet or less of frontage, 450 sq. ft.~~
- ~~b. Seventy six feet to 100 feet of frontage, 500 sq. ft.~~
- ~~c. Over 100 feet of frontage, 550 sq. ft.~~
- ~~d. The maximum width of canal boathouses shall be 20 feet.~~

~~(3) All new docks and boathouses shall be constructed ten feet from a side lot line. This side setback can be reduced to five feet if written approval is presented from the adjacent property owners.~~

~~(4) All new docks and boathouses shall not extend over 30 feet into the water from the elevations specified in this section. However, on Lake Killarney the maximum distance may be 50 feet.~~

~~(5) The highest point of a boathouse or gazebo roof or any railing shall not exceed 11 feet and the roofs must be pitched so as to eliminate flat roofs and use of such areas as sundecks. The height shall be measured from the surface of the dock or floor to the highest point of the roof or railing. In addition, the surface of any dock, sundeck or floor of any boathouse, gazebo, etc., shall not be more than two feet above the elevations specified in this subsection.~~

~~(6) In order that all docks or boathouses be utilized only for boating and other recreational activities and not as living space, there shall be no bathrooms or cooking facilities permitted in them, nor as an improvement to any existing boathouse. There also shall not be any enclosed rooms over water except for storage rooms limited in size to a maximum of 80 square feet.~~

~~(7) Only one boathouse shall be permitted for each lakefront property owner. In the case of common ownership of lakefront property such as in a condominium arrangement or property owned by a subdivision, there shall only be one boathouse permitted.~~

~~(8) The sale or lease of a portion of lakefront after January 1, 1980, shall be construed as a subdivision and shall not enable the owners to make application for a dock and boathouse unless that subdivision has received the approval of the city commission.~~

~~(9) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. On lots that are divided by a public street, landscape buffering shall be required to substantially cover 50 percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural surroundings. Off-street parking areas shall remain without asphalt, concrete, brick, gravel, grass paver or other improved surface.~~

~~(10) As a condition for a permit to build or repair any lakefront dock or boathouse, the lakefront water area along shorelines that do not meet the vegetation standards of subsection [114-6](#)(a) of this Code shall be required to be planted so that no more than 50 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.~~

(c) Submission requirements. Applications shall require the following submissions:

(1) Existing conditions survey including the existing contours or spot elevations at the side property lines and as otherwise occur regularly on the property. The survey shall also include the location of existing trees having a diameter of six (6) inches or greater measured two (2) feet from the ground and the approximate locations of the adjacent building corners and swimming pool deck corners closest to the lake.

(2) Site plan showing the location of all existing or proposed buildings, structures, pool decks, retaining or terrace walls, hardscape and paved areas, drives and curb cuts. The site plan shall include indications of the trees proposed to be removed. The site plan shall also indicate the proposed first floor elevation and the elevation of all exterior patio/lanai/pool decks, retaining walls, etc. The site plan shall include the proposed front, side, and waterfront setbacks measured from the ordinary high-water elevation to the principal structure and to the furthest edge of any patio/lanai/pool deck.

(3) Statistical table to indicate the square footage of the property as measured to the ordinary high water elevation, square footage of the building elements and square footage of the combined impervious surfaces.

(4) Building elevations of the proposed principal and accessory structures including pool cabanas. The elevations shall include the existing ground level to indicate extent of retaining or stem walls proposed.

(5) Drainage plan (which may also be included on the site plan) showing the method of conveyance of storm water drainage and the areas designed for storm water retention

including any curbs or walls necessary to contain drainage on-site or swales, inlets and pipes necessary for conveyance.

(d) ~~Other~~ *Structures on lakefront, canalfront or streamfront lots.* The following standards shall apply to all construction on lakefront, canalfront or streamfront lots:

(1) *Stormwater retention.* Lakefront, canalfront and streamfront lots shall be developed to maximize the amount of natural rainfall which is percolated into the soil via retention systems and to prevent ~~minimize~~ direct overland runoff into the water or onto adjoining properties. With the exception of boathouses, docks or other over-water construction, storm water runoff from structures and other impervious surfaces shall be directed into swales or terraces on the lot or restrained by berms so as to provide for the on-site retention and percolation of the first one inch of runoff. Properties being developed or redeveloped shall eliminate any direct piped discharges of storm water into the water, so that this runoff is directed to the on-site retention and percolation areas. The ~~P~~lanning and ~~Z~~oning ~~B~~oard may require, as conditions necessitate, the submission of soil and water table information, topographic detail, drainage calculations and professionally designed plans so as to insure these requirements are met. All storm water retention compliance shall prioritize the preservation of existing trees and the impacts of fill or excavation on tree root systems shall be minimized and the Pplanning and Zzoning Bboard shall have the authority to require berm or alternative retention methods and volumes including waiving the need for such storm water retention where deemed advisable to protect the root systems and survivability of existing oak and cypress trees. Storm water retention/swales shall be setback from existing trees based on the same separation distances as required for tree barriers during demolition/construction. In addition, the City may require for proper conveyance of storm water, the implementation of inlet and pipe drainage systems incorporated into the property so that runoff is properly conveyed down the side setback areas.

(2) No lakefront, canalfront or streamfront lot owner shall grade the lot in such a way as to interfere with the natural drainage of adjoining lots or in a way that diverts drainage from their lot onto adjoining lots. In order to prevent stormwater runoff onto adjacent properties, new construction on sloping sites shall require stemwall construction in order to maintain the existing grades within the side setback areas. The ~~P~~lanning and ~~Z~~oning ~~B~~oard ~~commission~~ may also require, as conditions necessitate, the construction of physical features, such as curbs, walls or inlets ~~grading, swaling and piping of roof gutters so~~ as to ensure that runoff on a lot does not negatively impact adjoining lots.

(3) *Views of Neighbors.* Structures on lakefront, canalfront or streamfront lots shall, to the extent reasonably possible, be designed and located to minimize their obstruction or degradation of traditional views to and through the property to the water from adjoining waterfront properties. ~~Structures in this context shall also include fences and walls. Structures shall also be located so that existing trees shall be preserved to the degree reasonably possible.~~ The ~~P~~lanning and ~~Z~~oning ~~B~~oard, may as conditions necessitate, reduce the height of structures, alter their location, size and design so as

to accomplish these objectives. The Planning and Zoning Board shall also have limited authority to grant exceptions to the front and side setback standards when deemed necessary to accomplish these objectives.

(4) Tree Preservation. Structures on lakefront, canalfront or streamfront lots shall be developed and landscaped so that when viewed from the water, those structures are as unobtrusive as is reasonably possible. Structures shall also be located so that existing trees shall be preserved to the degree reasonably possible. When a lot is being redeveloped, or a lot's structure is being extended or altered, the Planning and Zoning Board ~~commission~~ may require the planting of new trees and other landscaping in order to achieve this objective. The Planning and Zoning Board shall also require the preservation of shade trees whenever possible in order to keep the lakefront environment as natural as reasonably possible.

(5) Views from the lake. To the extent practical, vehicles shall not be visible from the lake. To achieve this objective, the parking of vehicles in any area between the rear of the principal building and the water shall be prohibited. Driveways and other parking surfaces for vehicles shall not be when located on the side of lots closer to the water than the front of the home and driveways on the side of homes leading to basement parking garage areas shall not be permitted. ~~shall be screened by walls or fences (not including wood fences) or landscaping at least four feet in height that can effectively screen the view of the vehicles from the lake.~~ This shall not apply to driveways and parking areas in the front of the lot that may be situated such that vehicles are visible from the lake.

(~~6~~)(5) Structures on lakefront lots require the approval of the Planning and Zoning Board prior to the issuance of a building permit. As conditions necessitate, the Planning and Zoning Board ~~or city commission~~ may impose increased setbacks in concert with their waterfront review ~~or conditional use~~ authority as necessary to accomplish the objectives in this section. Structures in this context shall also include parking lots, driveways, swimming pools, cabanas, gazebos, screen enclosures, tennis courts and other outdoor recreational facilities, and other accessory buildings and structures.

(~~7~~)(6) Setbacks - Single family/duplex. The setback from the water's ordinary high-water elevation for single family and duplex buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall be the average water front setback to the principal structure established by the adjacent water front properties ~~within 200 feet of the subject property,~~ or fifty (50) feet, whichever is greater. That average lakefront setback determination shall be the point at which construction is permitted. The Planning and Zoning Board shall have the authority to approve water front setbacks less than the average determined above to a minimum of fifty (50) feet in accordance with their water front review authority based upon the determination by the Planning and Zoning

Board that such construction does not unduly impair the views of water of adjoining waterfront properties.

(8) *Setbacks - Multi-family/non-residential/mixed use.* The water front setback from the ordinary high-water elevation for multi-family (three or more units) or non-residential or mixed-use buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall correspond to the height of the proposed structure. For buildings and structures thirty-five (35) feet in height or less, the water front setback shall be a minimum of seventy-five (75) feet. As the height of the building or structure increases, for each one-foot increase in height over thirty-five (35) feet in height, the water front setback shall increase by two and one-half (2½) feet. Parking lots, driveways, swimming pools or other accessory structures shall be ~~half~~ setback a minimum of fifty (50) feet from the ordinary high-water elevations below. The Planning and Zoning Board shall also have limited authority to grant exceptions to the water front setback standards when new construction replaces an existing structure(s) that are nonconforming to the current required lakefront setbacks but may not increase that nonconformity.

- a. *Ordinary high-water elevations.* For convenience, the ordinary high-water elevations of the city's principal lakes are listed below. These elevations have been determined by the Florida Department of Environmental Protection (FDEP) Bureau of Survey and Mapping. All elevations reference NGVD (88 datum). For the canal and stream front locations, the ordinary high-water elevations are to be provided by the ~~p~~Public ~~w~~Works ~~d~~Department.

1. Lake Berry69.4 feet
2. Lake Killarney82.0 feet.
3. Lake Maitland65.7 feet.
4. Lake Mizell65.7 feet.
5. Lake Osceola65.7 feet.
6. Lake Sue70.7 feet7.
7. Lake Sylvan71.2 feet.
8. Lake Virginia65.7 feet.
9. Lake Bell88.6 feet.
10. Lake Spier89.7 feet.
11. Lake Forrest100.0 feet.
12. Lake Grace100.8 feet.
13. Lake Rose87.8 feet.
14. Lake Tuscany69.1 feet.
15. Lake Baldwin90.7 feet.
16. Lake Temple66.6 feet

(9)(6) Structures on canalfront or streamfront lots require the approval of the ~~P~~Planning and ~~Z~~Zoning ~~B~~Board prior to the issuance of a building permit. Other than boathouses, the waterfront setback shall be at least fifty (50) feet from the canal bulkhead or stream.

Structures in this context shall also include driveways, parking lots, swimming pools and pool decks, screen enclosures, tennis courts and other outdoor recreational facilities, cabanas and other accessory buildings and structures. A structure shall be interpreted as any object higher than three (3) feet above grade whether permanently affixed to the ground or not and shall include poles, flags, play equipment, etc. which are not permitted in the fifty (50) foot lakefront setback except as permitted below for canalfront or streamfront locations. Swimming pools and decks on canalfront or streamfront lots may be permitted a minimum of twenty-five (25) feet from the canal bulkhead or stream ordinary high-water elevation, provided the swimming pool has an elevation of no more than two (2) feet above the existing grade on the side closest to the canal or stream. The Planning and Zoning Board may require, as conditions necessitate, the imposition of increased setbacks to accomplish the objectives in this section.

(10)(7) Fences or walls on lakefront, canalfront, or streamfront lots.

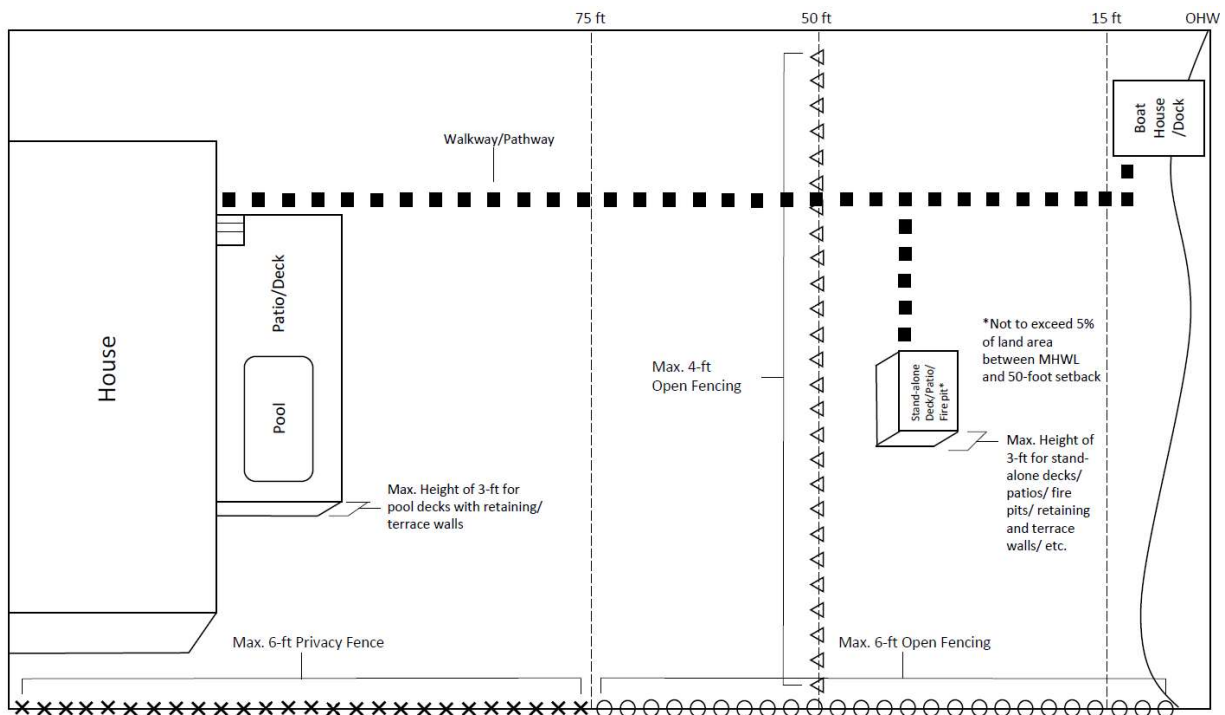
a. Fences or walls on lakefront, canalfront, or streamfront lots shall not be permitted to extend into the water beyond the ordinary high-water elevation or into a canal beyond the bulkhead. Fences and walls shall not be permitted which run parallel to or across the lakefront, canalfront or streamfront property anywhere within the fifty (50) foot setback from the ordinary high-water elevation.

b. Fences that are seventy-five percent (75%) open, such as aluminum picket, wrought iron, or green or black clad vinyl chain link, but not walls or nonopaque any fences, of solid materials such as wood or vinyl may be permitted which run parallel to or across the lakefront, canalfront or streamfront on only that portion of the land between the rear of the main structure and the fifty (50) foot setback provided such fence does not exceed four (4) feet in height above existing grade.

c. Retaining walls, terrace walls, standalone decks and patios, railings or other structures higher than three (3) feet above existing grade shall not be permitted within the fifty (50) foot setback. Other accessory structures or improvements, that do not exceed three (3) feet in height within the fifty (50) -foot setback such as walkways, railings, standalone patios and, decks, fire pits, etc., shall not cover more than five percent (5%) ~~ten percent~~ of the land area within that fifty (50) -foot setback. Standalone patios, decks and fire pits shall have a minimum setback of fifteen (15) feet from the ordinary high-water elevation.

d. In order to maintain water views across properties, Fences running down the sides of properties up to seventy-five (75) feet setback from the ordinary high-water line, shall be permitted a height of up to six (6) feet. within the 50-foot setback or parallel to or across the waterfront Fences within the seventy-five (75) foot setback, shall be seventy-five percent (75%) ~~substantially~~ open, fences

limited to the materials such as aluminum picket, wrought iron, or green or black clad vinyl chain link, which allow visibility across property lines and to the water. Wood shadow box fences shall not qualify as open fencing. The Planning and Zoning Board may permit fences closer than the fifty (50) feet but only on canalfront or streamfront lots as necessary to enclose swimming pools. The following figure provides a summarized example of the overall requirements provided in the subsections above.



(11)(8) Conformance to grades. Many waterfront lots have existing grade slopes down to the water that are otherwise uncommon in the region. The typical home design with a finished first floor level and the swimming pool and patios decks at the same level cannot be accomplished on these sloping sites.

a. The design of the floor levels and swimming pool or patio decks must conform to the terrain and natural slope of the property.

b. Swimming pool and spa decks, patios and terraces shall not be constructed more than three (3) feet in height above the average existing grade elevation on the lakeside edge of the deck, patio, or terrace. The height shall be measured from the existing natural grade and not the finished grade; and shall be measured from the average or midpoint of existing grade when a property slopes from side to side across the width of the pool deck, patio or terrace. The three (3) feet height limit shall be measured to the level of the predominant swimming pool deck elevation, patio or terrace elevation and cannot be mitigated with the construction of retaining walls or negative/infinity edge water collection areas or landscape terrace walls in front of the predominant pool/patio elevation.

c. The facade of exposed retaining walls taller than three (3) feet above grade facing the lake shall be screened with landscape plantings materials across the length of the retaining wall except for any sections involving steps stairs down to the lakefront.

d. On lots with severe grade drops of over seven (7) feet throughout the length of the house, as measured by the contours starting at the front of the main structure to the end of the proposed structure, the Planning and Zoning Board may approve swimming pool and spa decks, patios and terraces higher than three (3) feet above existing grade on the water side to a maximum of five (5) feet above existing grade. This approval is subject to the project design including step-downs within the principal structure and/or from the first-floor elevation down to the swimming pool, patio, or terrace deck, that at a minimum shall be equal to the number of feet requested above the three (3) foot allowance. if approved by four members of the planning board. For example, a swimming pool deck, patio or terrace deck height requested at five (5) feet above existing grade, shall have a minimum of two (2) feet of step-downs within the principal structure and/or from the finished floor elevation down to the swimming pool deck, patio or terrace deck or a combination of both. This restriction or limitation on the maximum height above existing grade shall not be provided any exception or variance.

e. Walk-out basement levels on waterfront homes that create three floors of living area, or usable basement areas for garage/storage, etc. on the waterfront side of the home shall be permitted where grades permit. However, swimming pools and associated decks and patios, shall be located only on the lowest living area level, and shall be in accordance with the height requirements as set forth in this section.

f. The height of accessory structures on waterfront homes is measured to existing grade; this shall be inclusive of any elevation decks/patios, etc.

(12) Any property that requests and is permitted a swimming pool, patio or terrace deck elevation in excess of three (3) feet above existing grade on the waterfront side, shall not be permitted to construct an accessory structure on that elevated swimming pool, patio or terrace deck unless such accessory structure meets the required lakefront and side setbacks of the principal residence. This restriction shall not be provided any exception or variance.

(d)(e) Retaining walls or seawalls. Retaining walls shall not exceed a maximum width of thirty-six (36) inches. The construction of retaining walls or seawalls shall be done in accordance with the Lakeshore Protection regulations within this Code of Ordinances.

(f) Boathouse lots on canals. The boathouse lots which exist along the canals interconnecting the lakes within the city were platted and accepted by the city under

~~the premise that these lots would serve as lake access for the residents of that subdivision. As such, the purpose and intention of these boathouse lots is to serve as accessory lots to the main residential properties within that subdivision. In accordance with the policies contained within the comprehensive plan, the following regulations shall apply:~~

~~(1) The buildability and use of all canal boathouse lots, which are determined to be accessory lots, shall be restricted to the owners of real property within the subdivision in which these accessory boathouse lots were platted.~~

~~(2) Canal boathouse lots which are held January 1, 1981, by property owners residing outside of the subdivision for which they are platted shall be nonconforming boathouse lots which may still be used for constructing a boathouse and for lake access. However, any canal boathouse lots owned by real property owners on January 1, 1981, in the subdivision for which they were platted, shall only be buildable and used to serve the lake access needs of residents of that subdivision.~~

~~(3) Minimum lot widths shall be 50 feet.~~

~~(4) Canal boathouses shall be constructed a minimum of five feet from side lot line. There shall be no front setback.~~

~~(5) The highest point of a canal boathouse shall be no more than ten feet above the ordinary high water elevation of the closest lake as detailed in this section.~~

~~(6) Canal boathouses shall not exceed 400 square feet in size for all areas of boathouses, stairs, and decking.~~

~~(7) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum of loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. Landscape buffering shall be required to substantially cover 50 percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural surroundings. Off street parking areas shall remain without asphalt, concrete, brick, gravel, grass paver or other improved surface.~~

~~(e)(g) *Wetlands*.~~ Located adjacent to certain streams, lakes and canals are wetland areas, as defined by the Florida Department of Environmental Protection (FDEP) and St. Johns River Water Management District (SJRWMD) methodology, soil types, hydrological requirements and vegetation types in which no adding of soil or other fill materials shall be permitted. In addition, the use of these wetland areas for any structure shall be permitted only as a conditional use granted only upon the affirmative vote of four members of the City Commission and said structures shall be limited to elevated boardwalks or gazebos. The criteria utilized to evaluate such conditional use requests shall include, but not be limited to: the effect on the wetland's function;

environmental impacts on the wetlands from the construction process; the loss of environmentally sensitive areas and the precedent for similar construction in other such wetland areas including conformance to the comprehensive plan. For any other building or structure(s) there shall be a fifty (50) foot minimum setback required from the edge of such designated wetlands.

SECTION 2. That Chapter 114 "Waterways", is hereby amended by establishing a new Section 114-31 in order to transfer the existing regulation of boathouse and docks from the Chapter 58, "Zoning Regulations" to the Chapter 114, "Waterways" Section 114-31 as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 114-31 – Regulations for boathouses, docks and other waterfront structures.

(a) Boathouses, docks and other waterfront structures. It is the intent of this section to insure that boathouses, docks, gazebos and any other structures on yhe waterfront of properties including canalfront lots, lakefront lots and streamfront lots are constructed or placed such that no boating hazards will be created, that views of water from adjoining waterfront properties will not be unduly impaired; that existing trees shall be preserved to the degree reasonably possible and that the appearance of the property and the shore when viewed from the water will be kept as natural as reasonably possible. The city's lakes, canals and streams are among the city's greatest assets, and it is in the public interest to require that their aesthetic appeal. The following minimum or maximum standards and procedures shall apply to all construction or renovation of boathouses, docks and other waterfront structures.

(1) Before a building permit is issued, the plans for boathouses, docks and any other waterfront structures shall be approved by either the Lakes and Waterways Advisory Board or Lake Killarney Advisory Board pursuant to their jurisdictions. This shall be done at a public hearing after review of comments from city staff and notification of the adjacent lakefront property owners. However, review and approval of boathouses, docks and gazebos shall not be required if the structure is replacing an existing boathouse, dock or gazebo and is in the same location and is meeting the code requirements set forth in this section. The review and approval by the Lakes and Waterways Board or Lake Killarney Advisory Board is only required when variances are requested or when there is not an existing boathouse, dock or gazebo on the property/water or when the location of the boathouse, dock or gazebo is being changed by more than five feet from the current location.

(2) The total area of boathouses, docks and any other waterfront structure built over land and/or water shall not exceed six hundred (600) square feet. In the case of canal-front lots (other than the Venetian Canal boathouse lots as set forth in subsection (b) hereafter), the maximum total area of docks, boathouses, decks, stairs and any other attachments shall be based on the length of the canal frontage as follows:

- (a) Seventy-five feet or less of frontage, 450 sq. ft.
- (b) Seventy-six feet to 100 feet of frontage, 500 sq. ft.
- (c) Over 100 feet of frontage, 550 sq. ft.
- (d) The maximum width of canal boathouses shall be 20 feet.

(3) All new docks and boathouses shall be constructed ten (10) feet from a side lot line. This side setback can be reduced to five (5) feet if written approval is presented from the adjacent property owners.

(4) All new docks and boathouses shall not extend over thirty (30) feet into the water from the elevations specified in this article. However, on Lake Killarney the maximum distance may be fifty (50) feet.

(5) The highest point of a boathouse or gazebo roof or any railing shall not exceed eleven (11) feet and the roofs must be pitched with a minimum 2:12 slope on all sides of the peak, so as to eliminate flat roofs and use of such areas as sundecks. The height shall be measured from the surface of the dock or floor to the highest point of the roof or railing. In addition, the surface of any dock, sundeck or floor of any boathouse, gazebo, etc., shall not be more than two (2) feet above the elevations specified in this subsection.

(6) In order that all boathouses or other waterfront structure, be utilized only for boating and other recreational activities and not as living space, there shall be no bathrooms or cooking facilities permitted in them, nor as an improvement to any existing boathouse. There also shall not be any enclosed rooms over water except for storage rooms limited in size to a maximum of eighty (80) square feet.

(7) Only one (1) boathouse shall be permitted for each lakefront or waterfront property owner. In the case of common ownership of lakefront property such as in a condominium arrangement or property owned by a subdivision, there shall only be one (1) boathouse permitted. However, based upon the relative lake frontage of a multi-family residential the respective board may consider that factor in the consideration of variances.

(8) The sale or lease of any portion of lakefront or waterfront, shall be construed as a subdivision and shall not enable the owners to make application for a dock and boathouse unless that subdivision has received the approval of the City Commission.

(9) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. On waterfront lots that are separated by a public street, landscape buffering shall be required to substantially cover fifty (50%) percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural surroundings. Off-street parking areas shall remain without asphalt, concrete, brick, gravel, grass paver or other improved surface.

(10) As a condition for a permit to build or repair any lakefront dock or boathouse, the lakefront water area along shorelines that do not meet the vegetation standards of subsection 114-6(a) of this Code shall be required to be planted so that no more than fifty (50) feet, or fifty (50%) percent (whichever is less) of the shoreline remains clear of vegetation.

(b) *Boathouse lots on the Venetian Canal and Kraft Gardens.* The Kronenberger subdivision boathouse lots which exist along the Venetian Canal interconnecting Lake Osceola and Lake Maitland or that exist on Lake Maitland adjacent to Kraft Gardens were platted and accepted by the city under the premise that these lots would serve as lake access and accessory uses only for the residents of that subdivision. As such, the purpose and intention of these boathouse lots is to serve as accessory lots to the main residential properties within that subdivision. In accordance with the policies contained within the comprehensive plan, the following regulations shall apply to these properties:

(1) The buildability and use of all canal boathouse lots, which are determined to be accessory lots, shall be restricted to the owners of real property within the Kronenberger subdivision in which these accessory boathouse lots were platted.

(2) Such canal or lake boathouse lots which are held January 1, 1981, by property owners residing outside of the subdivision for which they are platted shall be nonconforming boathouse lots which may still be used for constructing a boathouse and for lake access. However, any such canal or lake boathouse lots owned by real property owners on January 1, 1981, in the subdivision for which they were platted, shall only be buildable and used to serve the lake access needs of residents of that subdivision.

(3) Minimum lot widths shall be fifty (50) feet.

(4) Canal boathouses shall be constructed a minimum of five (5) feet from side lot line. There shall be no front setback.

(5) The highest point of a canal boathouse shall be no more than ten (10) feet above the ordinary high-water elevation of the closest lake as detailed in this section.

(6) Canal boathouses shall not exceed four hundred (400) square feet in size for all areas of boathouses, stairs, and decking. Lake lots shall be permitted the typical lake dimensions.

(7) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum of loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. Landscape buffering shall be required to substantially cover fifty (50%) percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural surroundings. Off-street parking areas shall remain without asphalt, concrete, brick, gravel, pavers, or other improved surface. The

remainder of the boathouse lot shall remain composed entirely of landscape materials which shall preclude gravel, fire pits, patios, sheds, storage bins or any other accessory structure or use, other than landscaped area.

(c) *Retaining walls or seawalls.* The construction of retaining walls within fifteen (15) feet of the ordinary high-water elevation or seawalls shall be done in accordance with the Lakeshore Protection regulations within this Code of Ordinances.

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

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

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

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect on March 1, 2023 upon its passage and in accordance with Florida law. Any project which has received an approval from the Planning and Zoning Board prior to that date or has submitted an application for an approval by the Planning and Zoning Board prior to that date shall be vested under the previous code related to waterfront lots.

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 _____ 2023.

By: _____
Phillip M. Anderson, Mayor

ATTEST:

By: _____
Rene Cranis, City Clerk