



city commission agenda

City Commission Regular
Meeting
January 13, 2021
3:30 pm
Community Center
721 W. New England Avenue

mayor & commissioners				
seat 1 Marty Sullivan	seat 2 Sheila DeCiccio	Mayor Steve Leary	seat 3 Carolyn Cooper	seat 4 Todd Weaver

welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted outside City Hall the Wednesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofwinterpark.org.

meeting procedures

Virtual City Commission public comment procedures: Please see the link below for instructions on providing public comment: <https://cityofwinterpark.org/cclive>. If you would like to provide comments prior to the meeting, please send them to MayorAndCommissioners@cityofwinterpark.org. These comments will be received by the City Commissioners and staff, however, will not be read publicly into the record during the meeting. This is consistent with our normal procedures for emails received prior to a City Commission meeting.

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Invocation

a. [Pastor Todd Haymans, Aloma Church](#)

1 minute

Pledge of Allegiance

3. Approval of Agenda

4. Mayor's Report

- a. [Board Appointment - Community Redevelopment Advisory Board](#) 1 minute

5. City Manager's Report

- a. [City Manager Report](#) 5 minutes
- b. [CIP Report](#) 1 minute

6. City Attorney's Report

7. Non-Action Items

8. Citizen Comments | 5 p.m. or soon thereafter

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

(Three (3) minutes are allowed for each speaker)

9. Consent Agenda

- a. [Approve the minutes of the work session, December 3, 2020](#) 1 minute
- b. [Approve the minutes of the work session, December 7, 2020](#) 1 minute
- c. [Approve the minutes of the regular meeting, December 9, 2020](#) 1 minute
- d. [Approve the minutes of the work session, December 10, 2020](#) 1 minute
- e. [Approve the following contracts:](#) 1 minute
 - 1. Lewis Outdoor Solutions - IFB7-17 - Landscape Maintenance for City Facilities; Renew at \$310,000 for year.
- f. [Approve the following purchases:](#) 1 minute
 - 1. Duval Ford - Utilizing Florida Sheriffs Association Contract# FSA20-VEL28.0 - Pursuit, Administrative, and Other Vehicles; \$405,555.00. Contract term through through 09/30/2022.
 - 2. Duval Ford - Utilizing Florida Sheriffs Association Contract# FSA20-VEH18.0 - Heavy Trucks; \$247,208.00. Contract term through through 09/30/2022.
- g. [Approve the following Piggyback contracts:](#) 1 minute
 - 1. Pioneer Manufacturing Company – Seminole County RFQ-603968-20.LNF – Parks and Recreation Athletic Field Marking Paint; \$75,000 per year. Term through September 28, 2025;

2. CDW Government - Sourcewell 081419-CDW - Technology Catalog Solutions; Additional \$250,000 for year.

10. Action Items Requiring Discussion

- | | |
|-------------------------------------|------------|
| a. Strategic Planning | 60 minutes |
| b. Eminent Domain | 30 minutes |
| c. Affordable and Workforce Housing | 45 minutes |

11. Public Hearings

- | | |
|--|------------|
| a. Resolution - Designating 1199 Washington Avenue as historic resource to the Winter Park Register of Historic Places. | 5 minutes |
| b. Request of Goodlives, LLC for: <ul style="list-style-type: none">• An Ordinance to amend the Comprehensive Plan Future Land Use Map to change from Commercial to Central Business District and to amend the Future Land Use Maximum Height Map to enable a three-story maximum height on the property at 301 N. New York Avenue (First Reading).• An Ordinance to amend the Official Zoning Map to change from (C-3) to (C-2) on the property at 301 N. New York Avenue (First Reading).• Conditional Use approval to construct a 11,245-square-foot (14,069 gross square feet including covered parking/front porch/balcony), three-story building at 301 N. New York Avenue with 22 surface parking spaces and four new public parking spaces on New York Avenue. | 30 minutes |
| c. Request of McLaren Orlando LLC for: <ul style="list-style-type: none">• An Ordinance amending Article III "Zoning" of Chapter 58 "Land Development Code" to establish in the Commercial (C-3) District, a new Conditional Use and Definition for Specialty Transportation Business and for a Conditional Use to establish such business at 1111 S. Orlando Avenue (First Reading). | 30 minutes |
| d. Request of City of Winter Park for:
Ordinance adopting the 7th Edition of the Florida Building Code (2020) with Administration Provisions and Technical Amendments (Second Reading) | 5 minutes |
| e. Request of City of Winter Park for:
Ordinance - amending Chapter 98 of the Winter Park Code, | 5 minutes |

prohibiting micromobility devices and the obstruction of streets, right-of-ways and sidewalks by, and regulating the use of, bicycles, electric bicycles, micromobility devices and motorized scooters within the City. (Second Reading)

12. City Commission Reports

13. Summary of Meeting Actions

appeals and assistance

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

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



City Commission **agenda item**

item type	Invocation	meeting date	January 13, 2021
prepared by	Kim Breland	approved by	
board approval			
strategic objective			

subject

Pastor Todd Haymans, Aloma Church

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type	Mayor's Report	meeting date	January 13, 2021
prepared by	Rene Cranis	approved by	
board approval			
strategic objective			

subject

Board Appointment - Community Redevelopment Advisory Board

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Elisha Gonzalez Bonnewitz - CRA Advisory Board.docx](#)

Contact Information
Name
Elisha Gonzalez Bonnewitz
Phone
(407) 325-6205
Email
ElishaGonzalezBonnewitz@gmail.com
Home address
1730 Laurel Road Winter Park, Florida 32789 United States Map It
Business address
Winter Park, Florida United States Map It
Your Requested Board(s)
Board (First)
Community Redevelopment Advisory Board
Skills
Leadership, Finance
Board (Second)
Economic Development Advisory Board
Your Requested Commission Member
Option
I would like my application to be considered by a specific member of the Commission.
City Commision Member
Mayor Steve Leary
Your Details
Are you a registered voter?
Yes
Are you a resident of the city?
Yes
Do you own property in the city?
Yes

Are you employed by the City?

No

May we automatically submit your application when vacancies occur?

Yes

Do you have any potential conflicts of interest that may arise from time to time if you serve on one of these boards?

No

Are you currently serving on a City board(s)?

No

Have you previously served on a City board(s)?

No

List any other community involvement

2020 Junior Achievement of Central Florida Board Member.
• 2020 United Arts of Central Florida Board Member.
• 2018 Hispanic Heritage Scholarship Fund of Metro Orlando, Board Chair, Current.
• 2015 Heart of Florida United Way Board Director, Fundraising Campaign Chair, (2018-2019), Fundraising Event Chair, (2017-2018), Women United Chair (2020 – 2021).
• 2015 Orlando Economic Partnership, Advocacy and Policy Committee Member and Investor Relations Committee Member.
• 2016 - 2020 Orlando Philharmonic – Board Director
• 2016 - 2020 Holocaust Memorial Resource and Education Center of Florida – Board Member.
• 2016 - 2019 Seminole State College Foundation Board Director.
• 2016 – 2018 Seminole County Regional Chamber of Commerce–Executive Board Director.
• 2016 – 2017 Kids House Wayne Densch Children's Advocacy Center Board Member.
• 2016 – 2018 Team Volusia Economic Development Corporation, Investor Relations Committee Member.
• 2017 – 2018 Leadership Seminole Board Member.
• 2016 – 2018 Seminole County Homelessness Action Board, Board Member.
• 2015 – 2016 Hispanic Chamber of Commerce of Metro Orlando – Vision Magazine Board Director and contributor.
• 2015 – 2016 City Year Orlando, Board Member
• 2014 – 2016 Winter Park Chamber of Commerce Board Director.
• 2013 - 2018 Maitland Art & History Museums – Board President and Executive Board.
• 2012 – 2014 Orange County Bar Association – Leadership Law.
• 2012 – 2014 Orange County Public Schools Hispanic Advisory Council.
• 2009 – 2014 Orlando Philharmonic Board Director.
• 2008 – 2015 Valencia Promise & Orange County Take Stock in Children Advisory Council – Chair.

List any work/career experience**Professional Experience**

FAIRWINDS Credit Union – Orlando, FL
Vice President – Government Affairs and Community Relations
Executive Director, FAIRWINDS Foundation
2019 - Present

Manage public affairs and build relationships nationally with thought leaders, community members, public/private organizations, municipalities and elected officials, federally and locally. Implement short-term and mid-range plans as well as long term strategies to meet financial objectives and goals. Instill and deliver an advocacy philosophy of improving members' financial well-being through a platform of financial literacy. Develop and successfully execute strategic action plans for sponsorships and community involvement. Act as the Governmental Affairs liaison and ambassador for the company.

- Lead government relations efforts and stakeholder engagement nationally, focused on federal, state and local relationships and initiatives.
- Identify, develop and maintain strategic relationships in the community that increase brand awareness and drive new, profitable business.
- Work with business units in leading the effort to create and execute strategic action plans for community partnerships, sponsorships and community involvement and fulfill the commitment of corporate citizenship and volunteerism.
- Lead and implement philanthropic and social corporate responsibility strategies.
- Instrumental in the new, unified vision for the FAIRWINDS Foundation that helps the communities FAIRWINDS serves be debt free and expand the credit union's reach of financial literacy education.

Elisha González Inc.
President & CEO
2018 – Present

Serve as strategic consultant for visionary initiatives with the power to transform Central Florida.

- Led the creation of the Central Florida Project Opioid initiative in collaboration with Change Everything Inc.
- Established membership of government, public/private organizations and leaders to ad-vocate for the work both financially and through advocacy.

Duke Energy – Lake Mary, FL
Government and Community Relations Regional Manager
2016 - 2018

Managed relationships with thought leaders, organizations and governments within the Duke Energy service territory. Implemented short-term and mid-range plans as well as long term strategies to meet financial, and operational objectives and goals. Supported Duke Energy departments in stewarding from beginning to completion with various new and ongoing projects.

- Led proactive issues and management strategies to address stakeholder issues, in part-nership with business units, functional areas and regional public affairs.
- Executed municipalities' franchise agreements, facilitated residential and commercial customers concerns, and managed hurricane and regional storm response.
- Led Duke Energy's government relations efforts, social corporate responsibility and stakeholder engagement, which were focused on state and local relationships and initiatives.
- Worked closely with senior leaders and all Duke Energy business units in leading the effort to fulfill the commitment to corporate citizenship and volunteerism. Led, developed and implemented philanthropic strategies that protected and enhance the reputation of Duke Energy.
- Successfully led storm management efforts for Hurricane Matthew and Irma in region of responsibility without incurring any communication gaps with elected officials and cus-tomers.
- Solved unique and complex problems daily related to sales, transmission, distribution, metering, and solar energy projects which had a broad impact on the business and reputation. Worked on issues management, social corporate responsibility, strategic philanthropy, community leader outreach, stakeholder engagement, research, and cross-functional projects.

Valencia College – Orlando, FL
Director, Community Affairs
Executive Director, Valencia Promise/Orange County Take Stock in Children
2006 - 2015

- Launched, developed, maintained and program managed the nonprofit Valencia Prom-ise/Take Stock in Children initiative for Orange County through Valencia College. The initiative resulted in engaging the

community to volunteer as mentors and provide economically disadvantaged, first generation high school students with the opportunity to attend college and contribute to the economic development of the community.

- Led Community Affairs for Valencia College and served as a liaison with citizens and local community groups, government groups, and business groups. These efforts resulted in lucrative partnerships to benefit students attending Valencia and promoting the brand of the college.
 - Ensured the Valencia Promise – Take Stock in Children brand identity was consistent with the Valencia College brand. Offered a strategic and results driven approach to communication with students, parents, donors and external stakeholders.
 - Oversaw fiscal activities for the program. Set goals, program and budget development and implementation which provided high level counseling support to students and mentors and afforded scholarship opportunities.
 - Built partnerships with businesses and leaders to expand brand and impact economic development.
- Developed and maintained collaborative partnerships with 67 state wide partners in the Take Stock in Children Program.
- Raised more than \$5 million for college scholarships through developed relationships with corporate and community leaders and high net-worth individuals.
 - Identified key local diverse ambassadors and community organizations whose involvement supported and strengthened Valencia's Promise/ Orange County Take Stock in Children's reputation.
 - Achieved a 98% successful high school graduation rate from participating students as well as a 98% student matriculation rate into college.

Office of U.S. Senate
Central Florida Regional Director
2006 - 2006

- Managed issues locally and throughout the state of Florida including government actions that impacted constituents.
- Developed and maintained effective partnerships with Florida state elected officials and constituents.
- Worked closely with state office leadership to show support to local constituents through grassroots engagements and direct interaction with local and state elected officials.
- Provided leadership and support to the State Senator on a broad range of issues to support senate bills.

Orange County Public Schools – Orlando, FL
Principal (K-12). (School CEO, CFO, COO and Chief Instructional Officer) 1995 - 2006
Directly responsible for all union personnel (120), curriculum, instruction, and daily operations of middle school (grades 6-8). Managed a \$16 million budget.

- Led a performance turnaround of 1300 students, recording substantial improvements in both measurable and intangible areas of evaluation. Improved student academic achievement through planning and result-oriented objectives and goals. Developed and implemented objectives, policies, procedures work standards and internal controls.
- Supervised the school and its human and material resources to achieve district priorities and produce evidence of such achievement including effective teaching, productive student behavior, and academic success.
- Worked with teachers and staff to identify disparities and implemented a successful strategic plan to achieve student academic success.

List your educational experience

Education

Master of Science in Educational Business Administration / Leadership
Nova Southeastern University, Orlando, FL

Bachelor of Science in Education K-12
University of Central Florida, Orlando, FL

Languages – Bi-lingual: English/Spanish read, write and speak fluently



City Commission **agenda item**

item type City Manager's Report	meeting date January 13, 2021
prepared by Jennifer Guittard	approved by Peter Moore, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

City Manager Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

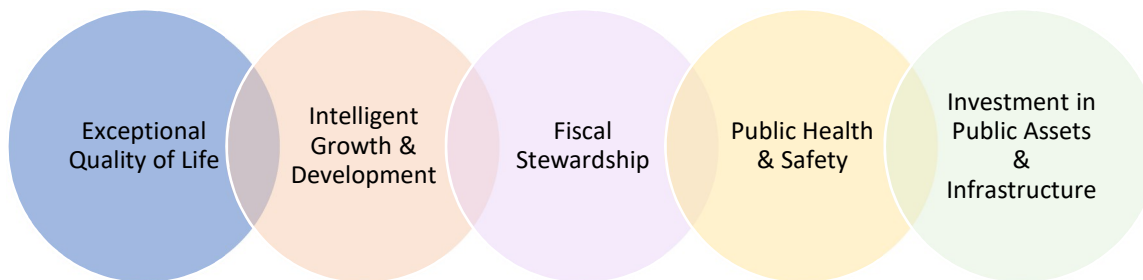
[90Day Report 1.13.21.pdf](#)



90-Day Report

This outline provides a timetable for issues and items that are planned to come before the commission over the next three months as well as the status of initiatives that do not have any determined completion date. These are estimates and will be updated on a monthly basis.

City of Winter Park Strategic Objectives



Upcoming Commission Items

Title 1: Exceptional Quality of Life

Item	Description	Item Department	Item Date
Electric Vehicle Readiness	The EV Building related ordinance was approved by the construction board and will be advanced along with the Planning related EV Ordinance as companion ordinances. Both are scheduled to be brought to commission in February.	Building & Permitting	Feb
MLK Park Plan	City has contracted professional services through Dix-Hite to conduct review of MLK master plan, assessment of neighborhood connectivity with MLK Park and Library/Event Center, and provide suitable options for replacement of Shady Park spray feature. Meetings are underway with Dix-Hite to determine concepts and cost. CRA has ability to address some improvements at this site with potential funding as part of the CRA CIP.	Parks	Mar

Item	Description	Item Department	Item Date
Tree Preservation Ordinance	Ordinance revisions from Tree Preservation Board is being worked on by staff. Once approved by the Tree Preservation Board it will go to Planning and Zoning board in Feb. After staff addresses comments it will be presented to Commission.	Parks	Mar

Title 2: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Turf Ordinance	Ordinance to adopt regulations for the consideration of artificial turf as an impervious surface to residential lots will be reviewed by P&Z then brought back to Commission.	Public Works	Feb
Feb Planning Public Hearings	Future Land Use/Zoning Amendment, and Conditional Use request for the Skycraft property on Fairbanks Avenue and annexation of properties to the North.	Planning & Transportation	Feb
Progress Pointe Redevelopment	Presenting the contracted redevelopment plan to commission.	Planning & Transportation	Mar

Title 3: Investment in Public Assets & Infrastructure

Item	Description	Item Department	Item Date
City Private Fiber Network	Contract for design-build of the city's private fiber network in response to ITN-6-2019 Fiber Optic Connectivity.	Administration /IT	Feb
Sewer Capacity	Purchase of additional sewer capacity at Altamonte Springs.	Water & Sewer	Mar
Wastewater Interlocal Capital Contribution Payment	Finalize approval with the City of Orlando for waste water plant upgrades.	Water & Sewer	Mar
Wastewater Interlocal Contract	Renewal of Conserv II sewer treatment contract with Orlando.	Water & Sewer	Mar

Additional Items of City Interest

Title 4: Exceptional Quality of Life

Item	Description	Item Department
Library & Events Center	The Library/Events Center construction continues on schedule and on budget. The concrete precast skin and window glazing is complete on the Library and the building is considered "dried in" as the roof membrane is also complete. On the inside, the system rough-ins continue and installation of drywall has started where rough-in is complete. The roof top HVAC systems have been mounted and are currently being connected. On the events center, concrete precast installation is approximately 75% complete and window glazing has started on the north side. Interior framing is also underway with system rough-ins to start soon. The porte cochere steel framing has been erected with precast installation to start immediately after the Events center precast is finished. The outdoor amphitheater stage will be poured by mid-January and the pond reshaping is complete.	Public Works
Public Art for I-4	Design selection company, RLF, is currently negotiating contract with the city and finalizing construction costs to bring the project in at the \$150k budget. This public art project, paid for by FDOT, is planned to be installed at the NE corner of W. Fairbanks and I-4, by June 30, 2021. The installation date was extended by four months due to COVID-19.	Administration

Title 5: Intelligent Growth & Development

Item	Description	Item Department
Sustainability Plan	The KWPB&S Board will review the current Sustainability Action and refresh it with updated goals in the shorter term (2025) and longer term (2050). These proposed updates will be presented to related City Boards for feedback and support.	Sustainability & Planning

Title 6: Investment in Public Assets & Infrastructure

Item	Description	Item Department
Electric Undergrounding	Miles of Undergrounding performed Project G: 4.1 miles 88% complete Project I: 6.9 miles 67% complete Project W: 0.26 miles 85% complete TOTAL so far for FY 2021: 1.5 miles	Electric
Fairbanks Transmission	Project is 99% complete. All old poles are removed. Street lights installed. Work is being performed on sidewalks and landscaping.	Electric
Lakes Health Analysis	The Natural Resources Division of Parks along with Public Works, is preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the city lakes rank accordingly.	Parks

Upcoming Advisory Board Meetings

This report provides a summary of upcoming board meetings currently scheduled on the calendar for the next month. The full calendar is accessible on the City's website at: <https://cityofwinterpark.org/government/board-public-meetings/>

Additional information relating to all of the City's boards such as meeting schedules, agendas, minutes, and board membership can be located on the City website at: <https://cityofwinterpark.org/government/boards/>

January Board Meetings

Advisory Board	Meeting Date	Meeting Time
Civil Service Board	1/5/21	4 p.m.
Planning and Zoning Board	1/5/21	6 p.m.
Keep Winter Park Beautiful and Sustainable Advisory Board	1/6/21	11 a.m.
Public Art Advisory Board	1/11/21	Noon
Transportation Advisory Board	11/11/21	4 p.m.
Golf Course Advisory Board	1/12/21	7:30 a.m.
Economic Development Advisory Board	1/12/21	8:15 a.m.
Utilities Advisory Board	1/12/21	Noon
Lakes and Waterways Advisory Board	1/12/21	Noon
Historic Preservation Board	1/13/21	9 a.m.
Community Redevelopment Agency Meeting	1/13/21	2 p.m.
Keep Winter Park Beautiful and Sustainable Advisory Board	1/19/21	11:45 a.m.
Board of Adjustments	1/19/21	5 p.m.
Parks & Recreation Advisory Board	1/20/21	5:30 p.m.
Utilities Advisory Board	1/26/21	Noon
Tree Preservation Board	1/26/21	5 p.m.
Community Redevelopment Advisory Board	1/28/21	Noon

Note: This calendar does not include work sessions.



City Commission **agenda item**

item type City Manager's Report	meeting date January 13, 2021
prepared by Jennifer Guittard	approved by Peter Moore, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

CIP Report

motion / recommendation

background

alternatives / other considerations

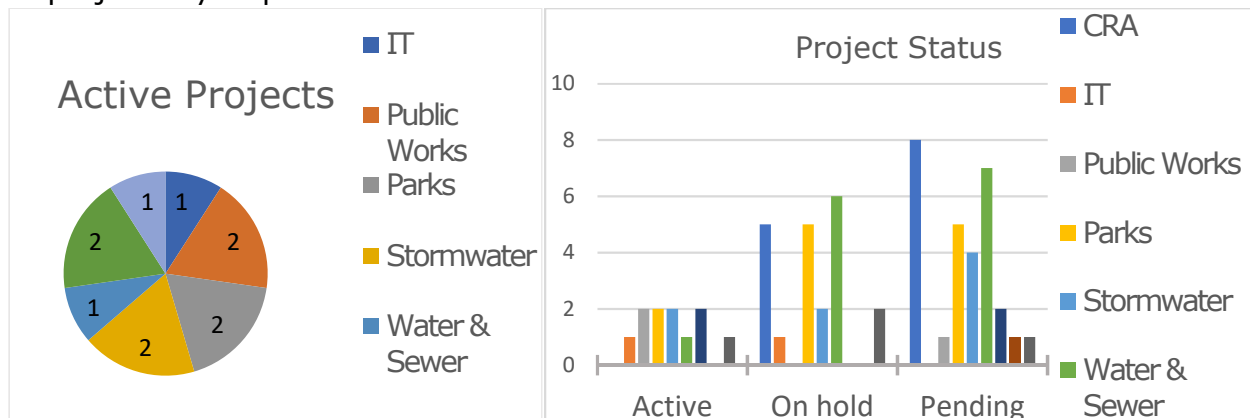
fiscal impact

ATTACHMENTS:

[CIP Report 1.13.21.pdf](#)



This report is updated monthly to monitor active capital projects occurring throughout the city and to provide information about recently completed projects. These are aligned with the city's strategic objectives and covers any project where implementation is currently underway. The below chart and graph show the count of projects by Department.



Note: Charts show the count of Capital Projects. Active projects have begun construction. On Hold projects have stopped work for further review, planning, and approval. Pending projects are still in the planning, purchasing, and approval process.

Active Projects with Tasks

Title 1: Exceptional Quality of Life Objective

Project	Project Tasks	Division
Library	The Library/Events Center construction continues on schedule and on budget. The concrete precast skin and window glazing is complete on the Library and the building is considered "dried in" as the roof membrane is also complete. On the inside, the system rough-ins continue and installation of drywall has started where rough-in is complete. The roof top HVAC systems have been mounted and are currently being connected. On the events center, concrete precast installation is approximately 75% complete and window glazing has started on the north side. Interior framing is also underway with system rough-ins to start soon. The porte cochere steel framing has been erected with precast installation to start immediately after the Events center precast is finished. The outdoor amphitheater stage will be poured by mid-January and the pond reshaping is complete.	Public Works

Project	Project Tasks	Division
Winter Park Sports Complex	Continuing restoration of the area of Ward Park between baseball fields and the Center for Health and Wellbeing. Labyrinth has been installed and is able for use, however landscaping around the area is still pending. Playground equipment from same grant from WPHF was received in early November and install is scheduled for Dec/January. Court resurfacing of Cady Way Tennis Courts and pickle ball conversion scheduled for late 2020/early 2021.	Parks
Bicycle & Pedestrian Improvement	Construction of sidewalk on Dundee is 90% completed. Garden Drive residents voted in favor for the sidewalk project, design is underway and the City will hold a public meeting with the residents. Camelia Avenue sidewalk project will commence after Garden Drive.	Transportation

Title 2: Fiscal Stewardship Objective

Project	Project Tasks	Division
ERP Software Project	Currently implementing software modules for parking tickets, Code Enforcement, and Utility Billing.	IT

Title 3: Investment in Public Assets & Infrastructure

Project	Project Tasks	Division
Electric Undergrounding Project	Miles of Undergrounding performed Project G: 4.1 miles 88% complete Project I: 6.9 miles 67% complete Project W: 0.26 miles 85% complete TOTAL so far for FY 2021: 1.5 miles	Electric
Facility Capital Improvements	Building 10 HVAC equipment has been ordered and install scheduled within 60 days. Floor cleaning for Public Safety and Building 10 is in progress.	Public Works
Fairbanks Underground Project	Project is 99% complete. All old poles are removed. Street lights installed. Work is being performed on sidewalks and shrubbery.	Electric
Stormwater Rehab	Projects being scheduled for construction are: the weir on Beachview, Canton at Knowles drainage, fleet wash down area, lake maintenance access ramp to Lake Osceola, ponds construction at Ward Park, curbing on Pinetree, Greentree drive drainage, Sherbrooke Road drainage. Also, Phelps drainage work complete. Pipe replacements at Ward Park are underway.	Stormwater

Project	Project Tasks	Division
Upgrade Water Mains	Park North complete. Currently working on Lake Killarney Shores subdivision upgrades. Lake Knowles Terrace, Flora Park, Winter Park Heights and Conwell Estates subdivision planned for water main upgrades to start work in the next couple of months.	Water & Sewer
Winter Park Rd SW Pond	Land purchase complete. Design complete. Land to be cleared by end of Jan.	Stormwater

Major Non-City ROW Work

TECO Gas

The utility will be working in Winter Park to locate, repair, and replace gas mains along Palmer Ave. and side streets in a multi phased improvement project. They are currently on phase 3 of 4. We receive planned updates as they submit permitting. Estimated completion summer 2021.

Recently Completed Projects

Stormwater

The Stormwater department completed 4 capital projects as part of the Investment in Public Assets & Infrastructure strategic objective to provide stormwater quality and clarity. Drainage improvements at Kings Way at Fawsett and Highland Road replaced outfall CDS. Arbor Park received improvements to underdrains. Sharon Place storm water drainage inlets have been installed.



City Commission **agenda item**

item type Consent Agenda	meeting date January 13, 2021
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, December 3, 2020

motion / recommendation

Approve minutes.

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[1203.20.ws CIP.pdf](#)



City Commission Work Session Minutes

December 3, 2020 at 1:00 p.m.

Virtual Work Session

Present:

Vice-Mayor Carolyn Cooper
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio (joined at 12:07 p.m.)
Commissioner Todd Weaver

City Manager Randy Knight
City Clerk Rene Cranis

Absent:

Mayor Steven Leary

1) Call to Order

Vice Mayor Cooper called to meeting to order at 12:03 p.m. Vice Mayor Cooper stated that Commissioner DeCiccio requested this work session but has not joined the meeting and suggested that the meeting be postponed. Commissioner Weaver suggested waiting a few more minutes. Commissioner DeCiccio joined the meeting at 12:07 p.m.

2) Discussion Item(s)

Strategic Discussion of Capital Project Initiatives

Commissioner DeCiccio stated she spoke with Mr. Knight who advised that up to \$3 million could be funded for parks without a referendum. She feels this is a good time to revisit doing some the projects due to the low cost of financing and that the city should listen to residents' concerns.

Vice Mayor Cooper said that she feels the city should comply with the adopted budget which included a five-year capital plan rather than moving forward with projects outside the normal CIP process. Discussion followed on moving forward following standard practices and the administrative policy which requires a strategic plan biannually. Mr. Knight advised that revisions to the administrative policy will be on next agenda for approval.

Mr. Knight stated this meeting is to discuss the list of capital projects that was generally agreed to by the Commission for a potential bond referendum and other funding options. He reviewed key decision points on the question of voted debt, parks exemption from referendum for parks improvements, timing for interest rate sensitivity

and risk of a disapproval of referendum by voters. He outlined the financing options which are dependent on the amount and type of projects and said it may be more appropriate to manage small dollar items with a bank loan. He summarized existing debt service and repayment timeline.

Mr. Knight reviewed the list of projects and provided the following information:

- City facility IT site securitization and access control enhancements, \$625,000 - physical security not already completed on some facilities.
- Temple Drive stormwater, \$1.2 million - large project that is difficult to budget since cost is more than annual stormwater fees collected. Smaller projects that benefit more neighborhoods have been completed instead.
- Winter Park Sports Complex, \$2.47 million – concession space renovation, ADA accessibility improvements, turfing of two fields that currently used for parking at Ward Park. It does not include MLK fields which could be funded from the CRA.
- Mead Garden, \$500,000 – projects include lighting, parking, pathway, lodge improvements, caretaker house conversion. At the request of Vice Mayor Cooper, Mr. Knight will provide a list of previous years' funding and improvements.
- Fire Training facility, \$500,000 – department will no longer have access to OCPS training facility in 2023. This would allow total control of training and keeps vehicles in service longer due to lack of travel to other training facilities.

Fire Chief Dan Hagedorn responded to questions regarding the type of training, leasing the facility to other agencies and impact to response time when vehicles are out of the city during training. Mr. Knight stated potential sites include the gun range, tree farm or Station 62 property.

Mr. Knight summarized the cost of projects, charter rules for referendum and exemptions for parks projects. He responded to questions regarding budgeting for capital projects and the five-year Capital Improvement Plan. Discussion followed bypassing projects in the current five-year CIP and determining prioritization.

Vice Mayor Cooper spoke in support of a referendum and bond issue that includes a new City Hall and renovation of the existing Library, but feels a strategic planning session, and resident survey are needed before considering borrowing.

Mr. Knight commented on lack of details on Library and City Hall which impact including those projects in the bond issue. He explained the process of borrowing from reserves.

Discussion followed on financing these projects through a bond issue, small bank loan, and use of and impact on reserves. In response to questions by Commissioner Sullivan, he said he will provide information on a bank loan and line of credit.

Additional discussion was held on funding options, Commissioner Sullivan supported a bank loan. Commissioner Weaver said he would like to postpone this until more project details are provided. Vice Mayor Cooper requested that staff provide additional details when this comes back to the Commission.

After discussion, consensus was to not move forward with site security, Temple Trail improvements and the training facility. There was no consensus on moving forward with the sports complex and Mead Garden, but consensus was to place on an upcoming agenda with staff providing additional details on these projects.

Mr. Knight reviewed the proposed strategic planning schedule that includes a citizen survey with a strategic planning session in April or May. Discussion followed on the citizen survey, questions and timing.

3) Adjournment

The meeting adjourned at 1:48 p.m.

Mayor Steven M. Leary

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date January 13, 2021
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, December 7, 2020

motion / recommendation

Approve the minutes

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[1207.20.ws 5G.pdf](#)



City Commission Work Session Minutes

December 7, 2020 at 3:00 p.m.

Virtual Meeting

Present:

Vice-Mayor Carolyn Cooper (joined at 3:07 p.m.)
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Kurt Ardaman
City Attorney Lance King
City Clerk Rene Cranis

Also present:

Peter Moore, Division Director, Office of Management & Budget
Eric Lovvorn, External Affairs Director SE, Extenet Systems, Inc.
Glen Price, Seniro Network Engineer SE, Extenet Systems, Inc.
Mark Holm, Senior Counsel, Regulatory Affairs, Extenet Systems, Inc.
Mike Burke, Construction Manager, OSP SE, Extenet Systems, Inc.

1) Call to Order

The work session was called to order by Commissioner Weaver at 3:00 p.m.

2) Discussion Item(s)

a. Extenet Presentation on 5G

Peter Moore summarized the work completed thus far and discussed the agreements for deploying 5G in the City.

Vice-Mayor Cooper joined the meeting at 3:07.

Mr. Lovvorn gave a brief overview of ExteNet which provides communications and infrastructure services for advanced network connectivity and shared infrastructure approach for mobility solutions. He identified venues and cells served by their company and explained images depicting 5G technology.

He reviewed an aerial view of the city showing existing AT&T nodes and several designs of proposed poles and cabinets for housing 5g antennas and equipment.

Mark Holm, Exenet attorney, reviewed the terms of the agreement, State Statutes and regulations governing this agreement.

City Attorney Lance King agreed with Mr. Holm's interpretation and stated that from legal standpoint, it allows the city to regulate aesthetics without overstepping legal requirements. In response to questions, he explained that the city can regulate reasonable aesthetics, location and electrical codes but cannot keep them out of right-of-way and cannot set strict spacing requirements.

Discussion followed on restrictions and regulations on locations including historic districts and number of sites.

Mr. Moore advised that the attorney can look at historic location restrictions and contact City of St. Augustine who has 5G.

Staff and Extenet representatives responded to questions regarding safety, risk exposure, reimbursement for power used, reliability, and emergency response after severe weather events. Mr. Lovvorn advised that local internet service would be more appropriate for large office buildings or venues than 5G, including the Library.

Discussion followed on current and future technology (4G Enhanced and 5G) and proposals of other providers.

Mr. Moore advised that AT&T approached Extenet who approached the city to install 5G.

Mr. Lovvorn pointed out that approval of a master utility agreement is needed in order to co-locate equipment on Winter Park Electric and do power for those sites.

Vice Mayor Cooper asked if there are other options. Attorney King said that it is in the city's best interest to enter into the agreement. City Attorney Kurt Ardaman added that the city could say but Extenet could challenge and litigation could be lengthy and costly.

After additional comments, consensus was to place on a January agenda.

The meeting adjourned at 5:17 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date January 13, 2021
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the regular meeting, December 9, 2020

motion / recommendation

Approve minutes

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[120920rs.pdf](#)



City Commission Regular Meeting Minutes

December 9, 2020 at 3:30 p.m.

Community Center
721 W. New England Avenue | Winter Park, Florida

Present

Mayor Leary
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Dan Langley
City Clerk Rene Cranis

1) Meeting Called to Order

2) Invocation and Pledge of Allegiance

George Wiggins, Director of Building and Permitting Services, provided the invocation, followed by the Pledge of Allegiance.

3) Approval of Agenda

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

4) Mayor's Report

Mayor Leary expressed his condolences on the passing of former Commissioner and State Representative Allen Trovillion.

5) City Manager's Report

Mr. Knight advised that the City received a reimbursement of \$1,054,000 for COVID costs.

Mr. Knight gave an update on the purchase of the Post Office property and reviewed the potential sites for the distribution and retail operation of a new post office which will be presented to the Commission for approval after the Post Office has completed its review and accepted a site. He stated that there will be public meetings which will be posted and he will share information and plans he has received.

Discussion of Strategic Planning Schedule

This item was discussed after Item 10b, Administrative Policies.

Commissioner Sullivan suggested the city reinstate fees for affordable housing. Mayor Leary asked that discussion of the Affordable Housing Program be placed on a future agenda with program history and current housing inventory. Approved by consensus.

6) City Attorney's Report

Attorney Langley gave an update on the Demetree and Holler litigation regarding the OAO and stated a hearing is not likely until February. Mayor Leary asked staff to provide the costs associated with the OAO including consultant and legal fees.

7) Non-Action Items

8) Citizen Comments | 5 p.m. or soon thereafter (Heard after Item 10c)

9) Consent Agenda

- a. Approve the minutes of the work session, November 5, 2020.
- b. Approve the minutes of the regular meeting, November 11, 2020.
- c. Approve the minutes of the work session, November 19, 2020.
- d. Approve the following Piggyback contracts:
 1. Home Depot – US Communities 16154 - Maintenance & Hardware Supplies; additional \$75,000.00 for year.
 2. Office Depot – OMNIA Partners - Office Supplies, Products & Related Services; additional \$75,000.00 for year.
 3. Cintas – OMNIA Partners R-BB-19002 – Facilities Management Products & Solutions; additional \$100,000.00 for year.
 4. USA Services of Florida, Inc. – City of Daytona Beach 13-159 - Mechanical Sweeping Services; additional \$210k for year.
 5. Public Consulting Group, Inc.- Palm Beach County Contract No. 19-020/SS - Florida Certified Public Expenditure Program for Emergency Medical Transportation (PEMT); \$5,000 per year. Contract term through August 19, 2022.
 6. Grainger - NASPO ValuePoint Master Agreement #8496 – Facilities Maintenance and Repair & Operations (MRO) and Industrial Supplies; \$75,000 per year. Contract term through June 30, 2023.
- e. Approve the following contracts:
 1. A Budget Tree Service, Inc. – ITN23-18A – Vegetation Management Services; \$300,000 has been added to the contract to complete the contract term.
 2. The Davey Tree Expert Co. – ITN23-18B – Vegetation Management Services; \$250,000 has been added to the contract to complete the contract term, an additional \$1,500,000 is requested for the renewal term.

3. Jacobs Engineering Group, Inc. - RFQ17-10 – Continuing Engineering Services for W-WW Systems; renew at \$300,000 for year.
4. Audio Visual Innovations, Inc. - RFP18-19A - Design, Install, Configure & Maintain A/V System; renew at \$200,000 for year.
5. Matheson Tri-Gas, Inc. - IFB16-21 – Purchase & Delivery of Liquid Oxygen; \$150,000 per year.

Motion made by Commissioner DeCiccio to approve the Consent Agenda; seconded by Commissioner Cooper. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.**

10) Action Items Requiring Discussion

a. Civil Service Board Appointments

Commissioner Cooper appointed Mary Daniels. Commissioner Weaver appointed Teresa Pace. Mayor Leary appointed Steven Stutzer.

Motion made by Commissioner Cooper to confirm the appointments to the Civil Service Board; seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioner Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

b. Administrative Policies

Mr. Knight reviewed the proposed changes requiring an annual strategic planning session, budgeting for technology maintenance and replacement, annual review of the fee schedule, and deletion of the scheduling of meetings section since it was updated in the City Code.

Motion made by Commissioner Cooper to approve the Administrative Policy; seconded by Commissioner Sullivan.

Motion made by Commissioner Cooper to amend the policy to require a biannual strategic planning session; seconded by Commissioner Weaver

Motion made by Commissioner Cooper to amend the motion requiring the creation of a budget advisory committee to review and advise the Commission on matters relating to the budget with the Assistant City Manager as liaison.

Discussion followed on the proposed budget committee's responsibilities. Mr. Knight stated that this proposed board could be considered as part of the Commission's five-year review of the city's advisory boards in 2021. **Commissioner Cooper withdrew her motion.**

Motion made by Commissioner Cooper to amend the motion to add a policy in Section VI, Capital Improvements Program, that states "Prior to the budget adoption each year, the City Commission will be briefed on the proposed CIP, progress against the prior years' CIP and any associated rollover funding." seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to amend Section X, Scheduling of Meetings, by including the language in Resolution 2233-20 relating to scheduling of meetings; seconded by Commissioner Weaver.

There were no public comments.

Upon a roll call vote on the motion requiring a biannual Strategic Planning Session, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the motion to amend Section VI, Capital Improvements Program, Commissioners Sullivan, Cooper and Weaver voted yes and Mayor Leary and Commissioner DeCiccio voted no. Motion carried with a 3-2 vote.

Upon a roll call vote on the motion to amend Section X, Scheduling of Meetings, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the main motion as amended, Commissioners Sullivan, Cooper and Weaver voted yes and Mayor Leary and Commissioner DeCiccio voted no. Motion carried with a 3-2 vote.

Discussion of Strategic Planning Schedule (moved from City Manager's Report)

Commissioner Cooper spoke on the timeline and the need to discuss, topics, survey content and planning session format. Mayor suggested that this be placed on the next agenda to discuss and suggested that the commissioners submit ideas beforehand. Approved by consensus.

c. Discussion of Pennsylvania Hotel at 655 W. Morse Blvd. (Previously Tabled)

Bronce Stephenson, Director of Planning and Transportation, provided a brief history of this application that was tabled without a time certain by the Commission on March 3, 2020. As a result of time passed since it was tabled, the applicant is requesting guidance on how to proceed.

Attorney Langley clarified that this is not a public hearing to approve or deny the application. The applicant is only asking for guidance to continue the process either to go back to Planning and Zoning or reschedule before the Commission. He advised that no

guidance was given at the time the application was tabled and recommended that the commission allow the applicant to go back to the Planning and Zoning Board if there are significant changes and then to the Commission.

Bill. Finfrock, applicant, gave a presentation on the history of the project and proposed changes as a result of feedback from area residents and business owners. He explained his intent to donate a portion of the property to a community non-profit for workforce/affordable housing. He introduced Frank Baker, Donahue Jones and Reggie Jones who are working to provide workforce housing.

Frank Baker, 311 N. Pennsylvania Avenue, stated that a non-profit organization was established to give back to community to provide workforce housing and asked for future discussion for planned workforce housing projects.

The following spoke against the hotel due to the size, traffic and impact to the community.

- Kent Kersten, 654 W. Canton Avenue
- Lawanda Thompson 664 W. Lyman Avenue
- Camille Lewis, Hannibal Square Community Land Trust
- Mary Daniels, 650 Canton Avenue
- Barbara Chandler, 730 Minnesota Avenue
- Beth Hall, 516 Sylvan Drive (needs to go back to Planning and Zoning)

Consensus was to have this applicant go back to the Planning and Zoning Board.

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

LaWanda Thompson, 664 W. Lyman Avenue, suggested that the Commission follow protocol in the future.

Barbara Chandler, 730 Minnesota Avenue, addressed the charter amendment issue to establish single member districts and asked that this be and placed on an upcoming agenda for reconsideration.

Mary Daniels, 650 Canton Avenue, commented on the difficulty in participating virtually and asked that the registration period open up sooner. Mr. Knight advised that staff will address this issue.

Mayor Leary declared a recess at 5:22 and reconvened the meeting at 5:40 p.m.

Consensus was to address Agenda Item 11e before Item 10a.

Michael Perelman, Parks and Recreation Board member, addressed physical quorum requirements and suggested that this requirement be waived during the pandemic. (Addressed during Commissioner reports.)

11) Public Hearing:

- e. Request of City of Winter Park for:
Ordinance adopting the 7th Edition of the Florida Building Code (2020) with
Administration Provisions and Technical Amendments (First Reading)

Attorney Langley read ordinance by title.

George Wiggins, Director of Building and Permitting Services, explained that this adopts the more recent Florida Building Code and local amendments and responded to questions with discussion following on issues relating to in-fill, parking and protection of neighboring property owners.

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

10. Action Items Requiring Discussion (continued)

- e. Discussion of financing of Ward Park and Mead Garden capital improvements

Mr. Knight stated that after previous discussions, the proposed projects have been narrowed to Ward Park and Mead Garden improvements for a total of \$2.8 million. He reviewed the funding options through a bank loan or internal borrowing from the water fund which is recommended by staff.

The Commission discussed eliminating projects from the list and funding options and staff responded to questions regarding reserve funds, investment rates and cost to borrow.

Motion made by Commissioner DeCiccio to approve the project list as presented and borrowing \$2.8 million internally; seconded by Commissioner Sullivan.

Motion made by Commissioner Weaver to amend the motion to reduce the project list to Mead Garden outdoor lighting (\$40,000), renovation of Ward Park fields A1 and A2 (\$275,000), Ward Park sidewalks and improving ADA accessibility (\$125,000), Mead Garden parking lot improvements (\$250,000), and Azalea Lodge at Mead Garden (\$100,000) for a total of \$790,000 with \$550,000 funded from Contingency and the remaining from General Fund reserves; seconded by Commissioner Cooper.

Commissioner Weaver amended his motion to reduce Mead Garden Parking lot improvements from \$250,000 to \$150,000 reducing the total cost to \$690,000. Accepted by Commissioner Cooper.

The following spoke in favor of funding parks improvements:

- Ryan Von Weller, 641 Williams Drive
- Lawrence Lyman, 1731 Diana Drive
- Paul Robbins, First Touch Sports/Winter Park FC
- Shannon Sarkarati, 2245 Via Tuscany
- Cynthia Hasenau, Executive Director, Mead Botanical Garden
- Julie Von Weller, 641 Williams Drive

Jason Seeley, Director of Parks and Recreation, responded to questions regarding parking at Ward Park and said he will look at other parking alternatives.

Motion made by Commissioner Sullivan to amend the motion to require that staff explore other funding opportunities and grants. After discussion, motion was withdrawn.

Commissioner DeCiccio clarified her motion that funds be borrowed internally from the water fund. Accepted by Commissioner Sullivan.

Upon a roll call vote on the motion to approve the project list as presented at a cost of \$2.8 million to be funded from the water fund, Mayor Leary and Commissioners Sullivan and DeCiccio and Mayor Leary voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

No action was taken on the second motion to reduce the project list as it conflicts with the approval of the project list as presented.

11) Public Hearings

- a. ORDINANCE 3190-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2019 – 2020 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (Second Reading)

Attorney Langley read the ordinance by title.

Motion made by Commissioner Cooper to adopt the ordinance on second reading; seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Mayor Leary voted no. Motion carried with a 4-1 vote.**

- b. Request of Jim Veigle for:

ORDINANCE 3181-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2019 – 2020 BY PROVIDING FOR

CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (Second Reading)

Attorney Langley read the ordinance by title.

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

c. Request of Chris Tracy for:

ORDINANCE 3187-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.62 ACRES OF REAL PROPERTY LOCATED AT 1800 KAROLINA AVENUE AND THE ADJACENT CLAY STREET RIGHT-OF-WAY, AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Second Reading)

ORDINANCE 3191-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH PARKING LOT FUTURE LAND USE ON THE ANNEXED PROPERTY AT 1800 KAROLINA AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN. (Second Reading)

ORDINANCE 3192-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH PARKING LOT (PL) ZONING ON THE ANNEXED PROPERTY AT 1800 KAROLINA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. (Second Reading)

A simultaneous public hearing was held on these ordinances. Attorney Langley read the ordinances by title.

Motion made by Commissioner Cooper to adopt the annexation ordinance on second reading; seconded by Commissioner DeCiccio.

Motion made by Commissioner Cooper to adopt the land use ordinance on second reading; seconded by Commissioner DeCiccio.

Motion made by Commissioner Cooper to adopt the rezoning ordinance on second reading; seconded by Commissioner DeCiccio.

Michael Clary, representing the applicant, 1377 Richmond Road, responded to questions regarding the conditional use. There were no public comments.

Upon a roll call vote on the annexation ordinance, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver, Motion carried unanimously with a 5-0.

Upon a roll call vote on the land use ordinance, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the zoning use ordinance, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

- d. ORDINANCE 3193-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE III ZONING REGULATIONS OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE TO AMEND SUBSECTION 58-72 OFFICE (O-1) DISTRICT TO ESTABLISH A NEW CONDITIONAL USE FOR RESTAURANTS, CAFES, COFFEE SHOPS AND OTHER FOOD AND BEVERAGE ESTABLISHMENTS AND TO PROVIDE CRITERIA FOR SUCH CONDITIONAL USES. PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. (Second Reading)

Attorney Langley read the ordinance by title.

Motion made by Commissioner DeCiccio to adopt the ordinance on second reading; seconded by Commissioner Cooper.

Commissioner Cooper commented on the amendments approved at first reading which she believes are not included in this ordinance. Bronce Stephenson, Director of Planning and Transportation, stated he will ensure those amendments are in the final ordinance.

Commissioner Weaver opposed this ordinance due to the poor economy and suggested a moratorium on building of new restaurants.

Motion made by Commissioner Weaver to table this ordinance for six months; seconded by Commissioner Cooper. Upon a roll call vote Commissioner Weaver voted yes and Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted no. Motion failed with a 1-4 vote.

There were no public comments. **Upon a roll call vote motion to adopt the ordinance (including the amendments made at first reading), Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.**

e. Request of City of Winter Park for:

Ordinance adopting the 7th Edition of the Florida Building Code (2020) with Administration Provisions and Technical Amendments (First Reading)

This item was addressed after Item 10c (Page 6).

f. RESOLUTION 2240-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1412 DEVON ROAD, WINTER PARK, FLORIDA, AS A HISTORIC PROPERTY IN THE WINTER PARK REGISTER OF HISTORIC PLACES

Attorney Langley read the resolution by title.

Jeff Briggs, Principal Planner, reviewed this request.

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

g. Request of Benjamin Partners, LTD and the City of Winter Park for:

- RESOLUTION 2241-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE RAVAUDAGE DEVELOPMENT; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.
- Bennett Avenue & Lee Road Construction Agreement

Attorney Langley read resolution by title and advised that this request also includes approval of a construction agreement.

Mr. Stephenson summarized prior discussions on the alignment of the intersection at Bennett Road and stated this resolution finalizes the Commission's previous approval of T-intersection design at Bennett Road.

Commissioner Weaver gave a presentation of future intersection issues along Lee Road on the options previously presented. He asked for reconsideration of the realignment to allow left-turns onto Bennett Avenue and Executive Drive and allowing only right turns onto Lee Road.

Sarah Walter, Transportation Manager, commented on issues raised by Commissioner Weaver. Discussion followed on future needs and city cost.

Motion made by Mayor Leary to approve the resolution; seconded by Commissioner DeCiccio.

Motion made by Mayor Leary to approve the Construction Agreement; seconded by Commissioner DeCiccio.

Commissioner Cooper suggested that that the construction agreement be incorporated in the developer's agreement. Mr. Langley advised that the amendment to the development order references the agreement and requires that intersection improvements be completed in accordance with that agreement.

There were no public comments.

Upon a roll call vote on motion to approve the resolution, Mayor Leary and Commissioners Sullivan, DeCiccio voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

Upon a roll call vote on the motion to approve the construction agreement, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

h. Request of City of Winter Park for:

Ordinance - amending Chapter 98 of the Winter Park Code, prohibiting micromobility devices and the obstruction of streets, rights-of-way and sidewalks by, and regulating the use of, bicycles, electric bicycles, micromobility devices and motorized scooters within the City. (First Reading)

Attorney Langley read the ordinance by title.

Motion made by Commissioner Sullivan to approve the ordinance; seconded by Commissioner DeCiccio.

Mrs. Walter reviewed the background of micromobility discussions and the provisions for allowing and prohibiting micromobility devices. She and Michel Kelly, Fishback Dominick, responded to questions regarding speed limitations, riding on sidewalks and safety. Mrs. Walter stated she will update the map to correctly reflect the OAO boundaries and the inclusion of Interlachen Avenue in the CBD.

Motion made by Commissioner Sullivan to amend the ordinance official bike paths may be used in lieu of city streets instead of "shall" be used.; seconded by Mayor Leary.

Motion made by Commissioner Sullivan to amend the ordinance changing Section 98-8(a) to read "official bike paths may be used in lieu of city streets..." instead of "shall be used..."; seconded by Mayor Leary.

There were no public comments.

Upon a roll call vote on the amendment, Mayor Leary and Commissioners Sullivan, DeCiccio and Weaver voted yes. Commissioner Cooper voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the main motion as amended, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

12) City Commission Reports

Commissioner Sullivan

- Asked staff to look at options to discourage unauthorized parking at Dinky Dock due to the difficulty finding parking space. Approved by consensus.
- Showed a chart showing increase in COVID cases and supported allowing advisory boards to continue to meet virtually or postpone meetings. Mr. Knight advised that boards are following social distancing guidelines and pointed out that Charter requires a physical quorum to take action.

Mr. Langley explained that the Charter requires a physical quorum for advisory boards and although the commission could waive the requirement during the pandemic, the problem is that there is no great guidance from the State on Sunshine Law. If the Commission wishes to move forward, he recommended that quasi-judicial boards as outlined in the City Code be required to hold in-person/hybrid meetings but exempt non-quasi-judicial boards from in-person/hybrid meetings. Approved by consensus.

Commissioner DeCiccio

- Asked that discussion of eminent domain of properties for turn lanes on Fairbanks at Denning be placed on the next agenda. Approved by consensus.

Commissioner Cooper:

- Asked that letters in support or opposition of an agenda item be included in the agenda packet. Approved by consensus.
- Expressed condolences on the passing of former Commissioner and State Representative Allen Trovillion and Midge Ruff, the City's oldest resident.
- Commented on Orange County's kiosks for public comment and asked that staff check on this option for public participation.

Commissioner Weaver:

- Explained that he opposed the Chris Tracy application (1800 Karolina) because of the impact on the adjacent residential area and he will continue to oppose rezoning

of R-1 properties unless there is significant benefit to the area. He urged that commitments to residents to protect residential neighborhoods be honored.

- Wished everyone Happy Holidays.

Mayor Leary

- Thanked staff and Chamber for the successful recent weekend events.

13) Summary of Meeting Actions

- Place affordable housing discussion on next agenda, provide prior reports.
- Directed staff to provide costs on OAO
- Approved administrative policy with modifications.
- Place strategic plan discussion on next agenda.
- Send Pennsylvania hotel project back to Planning and Zoning Board.
- Direct staff to look into challenges of providing public participation.
- Approved internal borrowing of \$2.8 million for Ward Park and Mead Garden projects.
- Adopted budget amendment ordinance, annexation of properties on Kentucky Avenue, and annexation, land use and rezoning of 1800 Karolina Avenue, and ordinance allowing restaurants as a conditional use in certain office buildings.
- Approved first reading of ordinance adopting 7th Edition of Florida Building Code.
- Approved resolution designating 1412 Devon Road as historic resource.
- Approved resolution and construction agreement for Bennett Avenue alignment.
- Approved micromobility ordinance on first reading.
- Directed staff to look into Dinky Dock parking difficulties.
- Approved allowance for non-quasi-judicial boards to meet virtually.
- Place eminent domain discussion on next agenda.
- Directed staff to provide letters of support and opposition in agenda packet.
- Directed staff to look at Orange County's use of kiosk for public comment in meetings.

The meeting adjourned at 7:58 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date January 13, 2021
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, December 10, 2020

motion / recommendation

Approve minutes

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[121020.ws](#) [OAO.pdf](#)



City Commission Regular Meeting Minutes

December 10, 2020 at 1:00 p.m.

Virtual Meeting

Present:

Vice-Mayor Carolyn Cooper
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Todd Weaver

City Manager Randy Knight
City Clerk Rene Cranis

Absent:

Mayor Steven Leary

Also Present

Director of Planning and Transportation Bronce Stephenson
Jeffrey Blydenburgh
Bill Finrock

1) Call to Order

Vice-Mayor Cooper called the meeting to order at 1pm.

2) Discussion Item(s)

a. Concept from Jeffrey Blydenburgh

Commissioner Cooper introduced Jeff Blydenburgh and Bill Finrock.

Mr. Blydenburgh discussed a different approach to master planning for the city and Orange Avenue by using a banquet to describe the vision for Winter Park. He presented a land use map showing bike path connections, open space and connectivity map/plan and discussed how spaces are related to each other and their functions.

Mr. Blydenburgh proposed an Orange Avenue Banquet with a new neighborhood for Winter Park. He discussed the Winter Park vision plan and opined that Winter Park's strongest selling points are its neighborhoods. He showed a map of neighborhoods throughout the city and discussed possibilities for a new Orange Avenue neighborhood.

Mr. Blydenburgh provided slides of a new neighborhood development project in Tempe, Arizona called the "Culdesac Project" as an option for Orange Avenue and

discussed different different and new types of housing meant to be compatible with R-1 zoning, multimodal activities, diversity, and open space. He explained that the "Culdesac Project" is a "no car" concept and that the neighborhood is on a transit line with an area for visitor parking, but residents would use bikes, scooters and other means of travel in the neighborhood. He explained how this type of neighborhood could work in the OAO. He discussed the importance of open space and connectivity for the area and provided different concepts.

Commissioner Cooper asked Mr. Blydenburgh to provide codes for the "Culdesac Project" in Tempe, AZ.

Discussion was held on when the commission would be discussing the codes for the OAO and the work session schedule. Mr. Stephenson stated that the David Lamm was asked to speak at the January 14th work session.

Mr. Stephenson presented the OAO subarea map and explained that staff is proposing removing areas that may not be appropriate to remain in the overlay. He answered questions regarding Jewett parking deck options.

After discussion, Mr. Stephenson said he will provide an updated version of the OAO documentation to the Commission by December 14, including parcels proposed to be removed from the Overlay. In return, the Commission will send their markups to Mr. Stephenson. Discussion was held on parking considerations for the E properties. Commissioner DeCiccio stated that Dan Bellows has requested that the two-story self-storage at 400 Comstock be included in the Overlay. The Commission will review and consider Mr. Bellows request.

b. Parking Structure Discussion

Mr. Finfrock began his presentation by reviewing the important considerations when planning a parking garage such as the potential user, financing, convenience of location, vehicle access from street, traffic impacts in area, aesthetic impacts in area, and number of spaces.

Mr. Finfrock explained that his company has been through the process with a number of cities throughout Florida, including Winter Garden, Ocala, Cocoa Beach and Bradenton. He suggested that the first planning session focus on the considerations noted above and the basic framework. He discussed the importance of identifying the main cost drivers and available footprint being built upon and explained that the larger the area consumed to build the parking garage, the less expensive the parking garage will be. He discussed architectural considerations, number of spaces, and open-air ventilated garage vs. mechanically ventilated. He discussed the City's parking garage code and

suggested open-air garage option. Other cost drivers to be considered include number of elevators and stairs, foundation systems, electric charging stations, access control equip, solar arrays, retention areas, speed ramps, on ramps, retail/other uses and painted interiors and basement levels which are significantly more expensive than at or above-ground garages.

Mr. Finfrock presented an image and discussed SunTrust Rollins College parking garage. He explained the benefits of having larger garage and stressed the importance of selecting the right site. He provided images of other parking garages at the Paseo, Denning and Morse & Pennsylvania that all are similar in size and are the minimum footprint recommended.

Mr. Finfrock expressed his willingness to work with staff to evaluate possible locations for a parking garage and provided examples of potential costs to design and build a parking garage. He presented additional costs including permitting/impact fees, financing costs, contingency funds for unforeseen condition, and sitework.

Mr. Finfrock encouraged the city to do a Design Build RFP and establish priorities and a budget. He showed examples and architectural styles of different garages his firm has built and discussed various architectural aspects. He emphasized that the footprint of the garage would determine the overall cost of the garage. Discussion was held on the economic benefits for parking garages at different sizes.

After additional discussion on City's next steps, Vice Mayor Cooper adjourned the meeting at 2:41 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date January 13, 2021
prepared by Amanda LeBlanc	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following contracts:

item list

1. Lewis Outdoor Solutions - IFB7-17 - Landscape Maintenance for City Facilities; Renew at \$310,000 for year.

motion / recommendation

Commission approve items as presented and authorize Mayor to execute.

background

A formal solicitation was issued to award this contract.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.



City Commission agenda item

item type Consent Agenda	meeting date January 13, 2021
prepared by Amanda LeBlanc	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship.	

subject

Approve the following purchases:

item list

1. Duval Ford - Utilizing Florida Sheriffs Association Contract# FSA20-VEL28.0 - Pursuit, Administrative, and Other Vehicles; \$405,555.00. Contract term through through 09/30/2022.
2. Duval Ford - Utilizing Florida Sheriffs Association Contract# FSA20-VEH18.0 - Heavy Trucks; \$247,208.00. Contract term through through 09/30/2022.

motion / recommendation

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

background

1. Purchase of 11 new vehicles.
 - 1x - 2021 Expedition - Replacing Unit 1008
 - 1x - 2021 F150 - Replacing Unit 1073
 - 4x - 2021 Interceptor SUV Hybrid (Unmarked) - Replacing Units 1242, 1539, 1541, 1542
 - 2x - 2021 Interceptor SUV Hybrid (Marked) - Replacing Units 1558 and 1559
 - 1x - 2021 F250 - Replacing Unit 4489
 - 1x - 2021 F250 - Replacing Unit 4980
 - 1x - 2021 F250 - Replacing Unit 8225
2. Purchase of 3 new vehicles.
 - 1x - 2021 F550 - Replacing Unit 4416
 - 1x - 2021 F750 (Dump Truck) - Replacing Unit 4544
 - 1x - 2021 F550 (Crane Body) - Replacing Unit 4080

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.



City Commission **agenda item**

item type Consent Agenda	meeting date January 13, 2021
prepared by Amanda LeBlanc	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship.	

subject

Approve the following Piggyback contracts:

item list

1. Pioneer Manufacturing Company – Seminole County RFQ-603968-20.LNF – Parks and Recreation Athletic Field Marking Paint; \$75,000 per year. Term through September 28, 2025;
2. CDW Government - Sourcewell 081419-CDW - Technology Catalog Solutions; Additional \$250,000 for year.

motion / recommendation

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

background

A formal solicitation process was conducted by the originating agency to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date January 13, 2021
prepared by Michelle Neuner	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Strategic Planning

motion / recommendation

Discuss strategic planning efforts and provide direction to staff.

background

In November, the Commission expressed an interest in holding a strategic planning session ahead of the next budget season. Staff presented a timeline at the December meeting which provided for a citizen survey prior to strategic planning and met the goal of completing both tasks ahead of the 2022 budget preparation timeline. The proposed timeline generated many questions and suggestions, so it was decided that a process discussion in January would be the best way to move forward.

Discussion Topics

- Review Budget Timeline
- Develop process for strategic planning
 - Date range/length of meeting
 - Format: internal or external facilitation
 - Participation: Commission only or Commission and Department Heads
 - How and when to develop list of topics: ahead of the meeting, at the meeting, suggestions from staff, homework from facilitator, etc.
- Develop process for collecting community feedback
 - Statistically valid citizen survey
 - Community questionnaire
 - by mail (residents only, include businesses and property owners; limited to one per property?)
 - electronically (unique code, one per property; available to anyone, available to only residents or residents, business owners and property owners based on address, etc.)
 - participation in live charrettes (depending on timing and COVID)

safety)**Attached is a history of previous Surveys*

- Develop at timeline to accomplish strategic planning and community engagement based on methods selected by Commission

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[History of Surveys 2011-2004.pdf](#)

ATTACHMENTS:

[Budget Process Schedule.pdf](#)



401 South Park Avenue • Winter Park, Florida 32789

407-599-3343 • cityofwinterpark.org

Communications

Citywide Surveys

Year	Company	Method	Cost	Delivery	RESULTS
June 2011	Florida Institute of Government & City of Winter Park	Online blog Kwik Survey 4 public meetings	\$3,500	"Community Conversations" Blog: 77 submitted Survey: 7 responded Meetings: approx. 80 attended	Final Report
October 2008	Kerr & Downs Research	Online with ability to request a hard copy	\$17,000	All households (12,701) were mailed postcard with unique password; 818 responded (764 online & 54 hard copies)	Executive Summary Detailed Written Report
November 2006	Profile Marketing Research	Mail & telephone	\$30,000	3,000 random households 1,116 responded (621 mail & 545 telephone)	Results Resident Survey Questions
April 2006	City of Winter Park	Mail – Vision Postcard	Printing/postage	13,500 households 792 responded	Vision Postcard
June 2005	Market Soundings	Mail	\$7,500	3,000 random households 623 responded	Results
May 2004	Market Soundings	Mail	\$6,500	3,000 random households 845 responded	Results

Budget Process Schedule

Date	Item
January - April	Development of budget components: revenues, payroll, operating, CIP, proformas, cost allocations, transfers & reimbursements.
May	Internal Budget Review with City Managers and Departments
June 1st	Initial property tax estimates received from County
June	Document and presentation preparation
July 14th	Budget Presentation Meeting
	Department Budget Presentations
July 15th	CRA Agency Budget & Capital Plan
	Department Budget Presentations Cont.
July 28th	Commission Meeting & Adoption of Tentative Millage Rate
July 29th	Distribution of Commission Comments Matrix
Late July - August	State Estimates of Revenue Sharing (Sales tax, Gas Tax, Communications Svs. Tax, etc.)
August 11th	Commission Meeting & Public Comment on Budget
August 13th	Completion of Commission Comments Matrix
August 25th	Commission Meeting & Public Comment on Budget
	CRA Agency Budget Review & Approval
September 8th	First Reading of Budget & Millage Adoption
September 22nd	Second Reading of Budget & Millage Adoption



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date January 13, 2021
prepared by Michelle Neuner	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Eminent Domain

motion / recommendation

Provide direction to staff following Commission discussion.

background

At the December 9, 2020 Commission Meeting the City Commission expressed an interest in learning more about the eminent domain process to determine if appropriate to acquire ROW to enhance turning lanes on Fairbanks between Denning and Ward Avenue and for use as additional parkland for the MLK Park.

Fairbanks is a State road, under control of District V FDOT. Staff has reached out to Jim Stroz and learned they would be interested in improving the turning lanes at the intersections if the city assisted with right of way acquisition. Attached is a copy of those emails.

Attached is a process summary from the City Attorney's office on steps required by the City to work through an eminent domain process.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[FDOT Email.pdf](#)

ATTACHMENTS:

[Eminent Domain White Paper.pdf](#)

ATTACHMENTS:

[Map view of properties.pdf](#)

ATTACHMENTS:

[Aerial Map View of Properties.pdf](#)

Randy Knight

From: Stroz, Jim <Jim.Stroz@dot.state.fl.us>
Sent: Monday, December 28, 2020 12:51 PM
To: Sarah Walter
Subject: [External] RE: Fairbanks & Denning

[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.]

Mainline left turn lanes is the first thing that comes to mind.

From: Sarah Walter <swalter@cityofwinterpark.org>
Sent: Monday, December 28, 2020 12:34 PM
To: Stroz, Jim <Jim.Stroz@dot.state.fl.us>
Subject: RE: Fairbanks & Denning

Morning Jim,

Thank you for your prompt response. I'll definitely keep you posted on this one as the conversation develops. If FDOT had the opportunity to redesign this intersection in a perfect world, what improvements would you see happening at this intersection?

Cheer,
Sarah

 City of Winter Park cityofwinterpark.org	Sarah M. Walter <i>PE, PTOE</i> Transportation Manager Planning & Transportation 407.599.3695
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Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: Stroz, Jim <Jim.Stroz@dot.state.fl.us>
Sent: Monday, December 28, 2020 8:40 AM
To: Sarah Walter <swalter@cityofwinterpark.org>
Subject: [External] RE: Fairbanks & Denning

[**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.]

Sarah,

Feel free to pass along as many details that you have available. On our end, we can have the scoping team prepare a concept that will identify major items (drainage, utilities, additional R/W) that may be needed. They will also provide a detailed cost estimate. Once this info is determined, we can discuss options to program and if the project can move forward.

City's help in acquiring property would be a great assist.

Thanks,
Jim

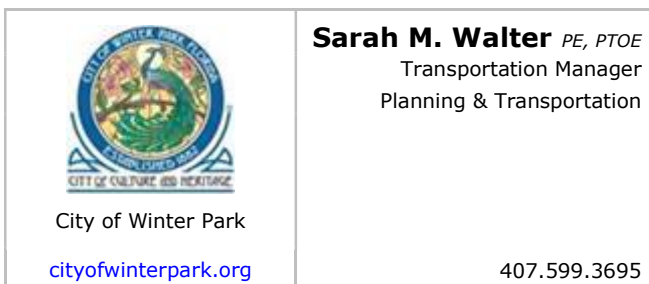
From: Sarah Walter <swalter@cityofwinterpark.org>
Sent: Wednesday, December 23, 2020 3:08 PM
To: Stroz, Jim <Jim.Stroz@dot.state.fl.us>
Subject: Fairbanks & Denning

EXTERNAL SENDER: Use caution with links and attachments.

Greetings Jim,

I hope all is well. The City has a question regarding the intersection of Fairbanks Avenue at Denning Drive. There has been some interest amongst a few Commissioners to improve the turning movements at the intersection. If the City were to acquire property to widen the ROW near this intersection, would FDOT be interested in making improvements at the intersection? If it is easier to talk on the phone or a quick virtual meeting, please let me know.

Cheers,
Sarah



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

EMINENT DOMAIN PROCEDURES

I. **PRE-SUIT CHECKLIST** – Prior to filing a condemnation suit, the city will need to comply with the following requirements.

- A. Resolution Required. When the city exercises its power of eminent domain, the city commission must make the determination regarding the necessity of the taking, the property interest to be taken, and the public use to be made of the property. An attorney or employee of the agency may not make that determination.¹ The city must make this determination via a duly adopted resolution,² which must be adopted prior to the initiation of condemnation proceedings in court and attached as an exhibit to the city's petition.³ A resolution adopted subsequent to the commencement of an action is legally insufficient.⁴

(1) *Contents of the Resolution.* The city's resolution must state the following:

- i. *Public Use.* The resolution must state the public use for which the property is being acquired. The public use must be set forth in sufficient detail so as to enable a court to determine whether the power of eminent domain is being used for a public purpose as required by law.⁵

¹ *Chalmers v. Florida Power & Light Co.*, 245 So. 2d 285 (Fla. 1st DCA 1971).

² See §§ 166.041, 166.401, 166.411, Florida Statutes.

³ § 73.021(1), Florida Statutes (2020); *Tosohatchee Game Preserve, Inc. v. Central & Southern Florida Flood Control District*, 265 So. 2d 681 (Fla. 1972).

⁴ *Florida East Coast Railway Co. v. City of Miami*, 346 So. 2d 621 (Fla. 3d DCA 1977).

⁵ See *City of Ocala v. Red Oak Farm, Inc.*, 636 So. 2d 81 (Fla. 5th DCA 1994); *Wright v. Dade County*, 216 So. 2d 494 (Fla. 3d DCA 1968). The term "public use" is a legal term and means that (a) the property acquired must be available to the public in common, the public interest in the project must dominate any private gain realized pursuant to the use, and the manner of enjoyment or use of the property acquired must be in the control of the public. See *Demeter Land Co. v. Florida Public Service Co.*, 128 So. 402, 406 (Fla. 1930) ("A use to be public must be fixed and definite. It must be one in which the public, as such, has an interest, and the terms and manner of its enjoyment must be within the control of the state, independent of the rights of the private owner of the property appropriated to the use. . . . The public interest must dominate the private gain."). In 2006, the legislature enacted § 73.013, Florida Statutes, prohibiting the transfer of property acquired by eminent domain to a private entity. Furthermore, voters approved a constitutional amendment to the Florida Constitution creating subsection (c) of Article X, § 6, which prohibits the

- ii. *Performance of Conditions Precedent.* The resolution must state the performance or occurrence of any condition(s) precedent.⁶
- iii. *Description of the Subject Property.* The resolution must contain an adequate description of the property to be acquired by reference to an approved official map of survey and location, right-of-way map, or other documentation sufficient to locate the boundaries of the property.⁷
- iv. *Statement of the Estate or Interest to be Acquired.* The resolution must contain a statement of the estate or interest to be acquired, whether it be fee simple title to property and/or an easement.⁸
- v. *Finding of Necessity.* The resolution must specifically find that the property is reasonably necessary for the stated public purpose.⁹

transfer of private property taken by eminent domain to a natural person or private entity. These reforms have been enacted to end the use of eminent domain for economic redevelopment purposes.

⁶ See *Spafford v. Brevard County*, 110 So. 451 (1926); see also *Seadale Industries, Inc. v. Florida Power and Light Co.*, 245 So. 2d 209 (Fla. 1971) (In a proper case, the judiciary may require, first, that the condemning authority reasonably demonstrate that the regulations and requirements of the independent authorities can and will be met; second, that condemnation and taking in advance of project approval will not result in irreparable damage to natural resources and environment, should the independent authorities decline to approve the proposed project.); *Gregory v. Indian River County*, 610 So. 2d 547 (Fla. 1st DCA 1993) (“The final determination of the extent of land that must be utilized in order to comply with environmental regulations, however, can only be determined through the administrative permitting process. The courts, therefore, have allowed condemning authorities to pursue condemnation prior to obtaining environmental permits upon a showing of a reasonable probability of obtaining the necessary permits.”); *Maples v. State Dept. of Transportation*, 588 So. 2d 25 (Fla. 1st DCA 1991) (“Where the issue of a condemning authority’s legal right to secure condemnation of lands prior to obtaining required permits from regulatory agencies for construction of the proposed project is not properly raised and tried in the court below, the appellate cannot entertain it as a ground for reversal on appeal.”).

⁷ *Walker v. Florida Gas Transmission Co.*, 491 So. 2d 1286 (Fla. 1st DCA 1986) (holding that an attached schedule A containing a legal description of the condemnee’s property and a delineation of the nature and extent of the easement sought was sufficient to identify the property to be taken); *State Road Dept. of Florida v. Southland, Inc.*, 117 So. 2d 512 (Fla. 1st DCA 1960).

⁸ *Carlor Co. v. City of Miami*, 62 So. 2d 897 (Fla. 1953).

⁹ *City of Jacksonville v. Griffin*, 346 So. 2d 988 (Fla. 1977) (“It is not necessary that a condemnor, representing the state or a political subdivision of the state, have funds on hand, plans and specifications prepared, and all other preparations necessary for immediate construction before it can determine the

B. Pre-suit Negotiations. Prior to initiating a suit for eminent domain, the city must provide certain notices to the owner of the property and the owners of any businesses operating on the property. Furthermore, the city must make a written offer to the property owner, which will serve as the basis for determining the amount of attorney's fees, if any, due to the owner's or owners' attorney(s).

(1) *Written Offer to the Property Owner*. Prior to bringing an suit for eminent domain pursuant to Chapter 73 or Chapter 74, Florida Statutes, the city must: (a) attempt to negotiate in good faith with the owner of the property, (b) provide a written offer to the owner, and (c) if requested, a copy of the appraisal upon which the offer is based.¹⁰ The written offer must state the compensation proposed by the city for the property to be appropriated. For situations in which the city seeks to acquire less than the entire property, the offer must also include any damages to the remainder caused by the taking (*i.e.*, severance damages).¹¹ The city's written offer establishes the basis from which the property owner's attorney's fees are calculated. Pre-suit communications with the owner should be reviewed by legal counsel to ensure that they do not incidentally constitute a written offer to the extent that such offer may be used to calculate attorney's fees to the city's disadvantage.¹²

necessity for taking property for a public use. In point of fact, it is the duty of public officials to look to the future and plan for the future.”); *Central & Southern Florida Flood Control District v. Wye River Farms, Inc.*, 297 So. 2d 323 (Fla. 4th DCA 1974) (A “determination to take private property for a public use, though presumptively valid, is properly subject to judicial inquiry when objection to the “necessity” of taking is properly pled. This rule is necessary to protect landowners from abuses of misguided power. The presumption created by such administrative determination should not be overcome unless it can be shown that the determination was motivated by bad faith, fraud, or constitutes a gross abuse of discretion.”).

¹⁰ § 73.015(1), Florida Statutes (2020).

¹¹ § 73.015(1)(b), Florida Statutes.

¹² See *Pompano Beach Community Redevelopment Agency v. Holland*, 82 So. 3d 1034 (Fla. 4th DCA 2011); *JEA v. Williams*, 978 So. 2d 842 (Fla. 1st DCA 2008).

- i. *Additional Notice to the Property Owner.* No later than at the time the initial written offer of compensation for the acquisition is made to the owner, the city must notify the owner of the following:
 - (a) That all or a portion of his/her property is necessary for a public project.
 - (b) The nature of the public project for which the owner's property is considered necessary, and the parcel designation of the property sought to be acquired.
 - (c) That, within 15 business days after receipt of a request by the owner, the city will provide a copy of:
 - 1. The appraisal report upon which its offer is based;
 - 2. Copies, to the extent prepared, of the right-of-way maps or other documents depicting the proposed taking;
 - 3. Copies, to the extent prepared, of the construction plans depicting the project improvements to be built upon the subject property and improvements to be made adjacent to the remaining property.
 - 4. The owner's statutory rights under §§ 73.091 and 73.092, Florida Statutes (these may be provided as a separate copy of such laws).¹³
 - 5. The owner's rights and responsibilities under §§ 73.015(1)(b) and (c), and 73.015(4), Florida Statutes (these may be provided as a separate copy of such laws).¹⁴
- ii. *Timing and Delivery of Offer and Notice to Property Owner(s).* The written offer and any accompanying notices must be sent to the owner via certified mail, return receipt requested, to the owner's last known address listed on the county's ad valorem tax roll.¹⁵ Alternatively, the

¹³ § 73.015(1)(a)4., Florida Statutes.

¹⁴ § 73.015(1)(a)5., Florida Statutes.

¹⁵ Return of the notice as undeliverable by the postal authorities constitutes compliance with this provision. See § 73.015(1)(c), Florida Statutes.

offer and notices may be personally delivered to the owner. If there is more than one owner of the property, notice to one owner is notice to all.¹⁶

(2) *Notice to Businesses and Lessees for Condemnation of a Right-of-Way / Business Damage Claims.* Before an eminent domain proceeding is started in court for the condemnation of a right-of-way, the city must make a good faith effort to notify the business owners, including lessees, who operate a business located on the property to be acquired.¹⁷ The notice to business owner(s) must be made either simultaneously with or subsequent to (but not before) the city's written offer to the property owner.¹⁸

i. *Contents of the Notice.* The city must notify the business owner(s) of the following:

(a) That all or a portion of his/her property is necessary for a project.¹⁹

(b) The nature of the project for which the parcel is considered necessary, and the parcel designation of the property to be acquired.²⁰

(c) That, within 15 business days after the receipt of a request by the business owner, the city will provide a copy of the appraisal report upon which the offer to the fee owner is based; copies, to the extent prepared, of the right-of-way maps or other documents that depict the proposed taking; and copies, to the extent prepared, of the construction plans that depict project improvements to be constructed on the property taken and improvements to be

¹⁶ § 73.015(1)(c), Florida Statutes.

¹⁷ § 73.015(2), Florida Statutes.

¹⁸ § 73.015(2)(b), Florida Statutes.

¹⁹ § 73.015(2)(a)1., Florida Statutes.

²⁰ § 73.015(2)(a)2., Florida Statutes.

constructed adjacent to the remaining property, including, but not limited to, plan, profile, cross-section, drainage, pavement marking sheets, and driveway connection detail. The city must provide any additional plan sheets within 15 days of request.²¹

(d) The business owner's statutory rights under §§ 73.071, 73.091, and 73.092, Florida Statutes (the inclusion of copies of these statutes are sufficient).²²

(e) The business owner's statutory rights under §§ 73.015(2)(b), (c), and § 73.015(4), Florida Statutes (the inclusion of copies of these statutes are sufficient).²³

ii. *Delivery of the Notice to Business Owner.* The notice to the business owner must be made to the affected business owner(s) subsequent to or simultaneously with (but not before) the city's written offer of compensation is delivered to the property owner(s) and must be sent via U.S. certified mail, return receipt requested, to the address of the registered agent for the business located on the property, or, if no agent is registered, by certified mail or personal delivery to the address of the business located on the property to be acquired.²⁴ If one or more of the businesses is owned by multiple owners, notice to one owner of each such business constitutes notice to all owners.²⁵ Furthermore, the return of the notice as undeliverable by the post office constitutes compliance with the statutory notice requirements. Also, the city is NOT required to provide notice to a person who acquires an interest in the business after the statutory notice has been provided. Once the notice to business owner(s) has been made (and assuming the requisite notices

²¹ § 73.015(2)(a)3., Florida Statutes.

²² § 73.015(2)(a)4., Florida Statutes.

²³ § 73.015(2)(a)5., Florida Statutes.

²⁴ § 73.015(2)(b), Florida Statutes.

²⁵ § 73.015(2)(b), Florida Statutes.

to the property owner have been made), the city may file its condemnation proceeding.²⁶

iii. *Business Damages Claims by the Owner.* If the business qualifies for business damages, the business owner must, within 180 days of (a) receipt of his/her notice, (b) the date the notice is returned as undeliverable by the postal authorities, or (c) a later date mutually agreed to by the city and the business owner, submit to the city via certified mail, return receipt requested, a good faith written offer to settle any claims of business damage. Such offer must include copies of the owner's business records to substantiate its good faith offer to settle the business damages claim.²⁷

iv. *Failure to Timely Claim Business Damages.* Failure of a business owner to timely submit its claim for business damages requires that the court strike the owner's claim for business damages unless the business owner can demonstrate a good faith justification for its failure to timely submit, in which case, the court may grant the business owner up to 180 additional days to submit its business damages claim.²⁸

²⁶ § 73.015(2)(b), Florida Statutes.

²⁷ It should be noted that § 73.0155, Florida Statutes, makes certain business records submitted as part of a business's claim exempt from Florida's public records laws and confidential as between the authority and the owner. Such exempt and confidential business records include: (a) federal tax returns or tax information confidential under 26 U.S.C. s. 6103; (b) state tax returns or tax information confidential under s. 213.053; (c) balance sheets, profit-and-loss statements, cash-flow statements, inventory records, or customer lists or number of customers for a business operating on the parcel to be acquired; (d) a franchise, distributorship, or lease agreement of which the business operating on the parcel to be acquired is the subject; (e) materials that relate to methods of manufacture or production, potential trade secrets, patentable material, or actual trade secrets as defined in s. 688.002; and (f) other proprietary confidential business information related to the business operating on the parcel to be acquired, if the owner attests in writing to the governmental condemning authority that: 1. The information is being relied upon to substantiate a claim for business damages under s. 73.015; 2. the information has not otherwise been publicly disclosed; 3. the information cannot be readily obtained by the public using alternative means; 4. the information is used by the business to protect or further a business advantage over those who do not know or use the information; and 5. the disclosure of the information would injure the business in the marketplace. § 73.0155(1), Florida Statutes. Failure to maintain the confidentiality of such information constitutes a misdemeanor of the first degree. § 73.0155(4), Florida Statutes.

²⁸ § 73.015(2)(c), Florida Statutes. The owner's business damage offer must include an explanation of the nature, extent, and monetary amount of such damage and must be prepared by the owner, a certified public accountant, or a business damage expert familiar with the nature of the operations of the owner's

- v. *Response to Business Damage Claims.* The city must, within 120 days following the receipt of the business damage offer and accompanying business records²⁹ and either accept or reject the business owner's offer or make a counteroffer. Such acceptance, rejection, or counteroffer must be made via certified mail, return receipt requested. Failure to timely respond to the business owner's offer results in a counteroffer of zero dollars for the purposes of calculating any attorney's fees due pursuant to § 73.092(1), Florida Statutes.³⁰ Thus, it is important for the city to timely respond.
- vi. *Mediation of Damage Claims.* At any time during the pre-suit negotiation process, the parties may agree to submit the compensation or business damage claims to nonbinding mediation. The mediator must be certified pursuant to § 44.102, Florida Statutes.³¹
- vii. *Attorney's Fees.* If a settlement is reached between the city and a property or business owner prior to a lawsuit being filed, the property or business owner remains entitled to recover costs and attorneys' fees as set forth in the statute and, if the parties cannot agree on such amount, the owner may file a separate complaint in circuit court to recover such fees and costs.³²

business. The business owner must also provide to the condemning authority copies of the owner's business records that substantiate the good faith offer to settle the business damage claim. If additional information is needed beyond data that may be obtained from business records existing at the time of the offer, the business owner and condemning authority may agree on a schedule for the submission of such information. § 73.015(2)(c)1., Florida Statutes.

²⁹ "Business records" include copies of federal income tax returns, federal income tax withholding statements, federal miscellaneous income tax statements, state sales tax returns, balance sheets, profit and loss statements, and state corporate income tax returns for the 5 years preceding notification which are attributable to the business operation on the property to be acquired, and other records relied upon by the business owner that substantiate the business damage claim. § 73.015(2)(c)2., Florida Statutes.

³⁰ § 73.015(2)(d), Florida Statutes.

³¹ § 73.015(3), Florida Statutes.

³² § 73.015(4)(d), Florida Statutes.

- C. FDOT Approvals. For projects located within the Florida Department of Transportation's rights-of-way, the city will need to obtain FDOT approval prior to condemning the property.
- D. Project Development and Environmental Evaluation (PD&E). In order to facilitate and provide the necessary information to draft the necessary pre-suit resolution, notices, and written offer, the city will need to obtain expert appraisals, appropriate surveys and legal descriptions, engineering evaluations, and develop construction plans. Furthermore, the city will need to ensure that the proposed project addresses social, environmental, and engineering concerns. Notably, noncompliance with environmental regulatory requirements may be raised as a defense to an eminent domain action.³³
- E. Relocation of Utilities. Prior to initiating the suit for eminent domain, the city should locate and identify all utilities affected by the project, including those utilities owned by other governmental entities. It should be determined early on whether any affected utilities have compensable property rights within or adjacent to the right of way and whether the proposed project will require acquisition of those rights or relocation of utility facilities. Utility relocation often imposes lengthy project development, environmental, design, and regulatory approvals or permitting requirements, and sufficient time should be provided in project schedules to accommodate such processes as well as time for potential acquisition of additional rights of way for utility relocation.
- F. Other Considerations. To ensure all pre-suit needs are met, the city should have the project manager conduct an initial meeting at the beginning of the acquisition phase of the project with those who will be involved, including, but not limited to, the attorney, appraisers, accountants, engineers, realty experts, and any other necessary consultants. Moreover, all phases of the project should be reviewed and all participants encouraged to address potential problems and concerns relating to project design, survey, environment, right-of-way mapping, title, legal descriptions, conveyance instruments, drainage issues, appraisal issues, business damage issues, and planned project schedules relating to acquisition, relocation, and demolition.

³³ See *Hillsborough County v. Sapp*, 280 So. 2d 443 (Fla. 1973); *Florida Power & Light v. Berman*, 429 So. 2d 79 (Fla. 4th DCA 1983); *Fla. Power Corp. v. Gulf Ridge Council*, 385 So. 2d 1155 (Fla. 2d DCA 1980).

II. FILING THE PETITION – Provided that the foregoing pre-suit statutory, consulting, and regulatory requirements are appropriately completed, the city may file its petition for eminent domain. However, there are two different avenues under which the city may proceed.

A. Slow Take or Quick Take? Prior to filing, the city must determine whether it wants to file the action as a standard eminent domain action pursuant to Chapter 73, Florida Statutes, (the slow take) or a quick-take action pursuant to Chapter 74, Florida Statutes.

(1) *Slow Take (Chapter 73)*. Under the standard eminent domain process, title does not vest in the city until the final judgment is rendered and the city has deposited the jury verdict amount into the court registry.

i. *Benefits*.

(a) *Escape Hatch*. In a proceeding for a slow take, the city may unilaterally voluntarily dismiss the proceeding at any time prior to the entry of a final judgment (*i.e.*, the conclusion of the action) and be obligated solely for attorneys' fees and costs.³⁴ Thus, in a slow take the city can voluntarily dismiss the case if the jury returns an unexpectedly high verdict.³⁵ In a quick take, the parties' rights vest once the deposit is made, and the city is entitled to the property while the owner is entitled to full compensation.³⁶ The city cannot

³⁴ *Jacksonville Terminal Co. v. Blanshard*, 82 So. 300 (Fla. 1919); *see also Conner v. State Road Dept. of Florida*, 66 So. 2d 257 (Fla. 1953); *see also* § 74.061, Florida Statutes ("Immediately upon the making of the deposit, the title or interest specified in the petition shall vest in the petitioner, and the said lands shall be deemed to be condemned and taken for the use of the petitioner, and the right to compensation for the same shall vest in the persons entitled thereto.").

³⁵ As noted, the city would remain responsible for the owners' attorney's fees and costs; however, such might be preferable to paying an amount that greatly exceeds the acquisition budget for a particular project.

³⁶ *Manhattan Properties, Ltd. v. Division of Administration, State Dept. of Transp.*, 541 So. 2d 655 (Fla. 2d DCA 1989).

voluntarily dismiss the action absent the consent of the property owner's consent.³⁷

ii. *Detriments.* The process is referred to as a “slow” take for a reason. Title of the property does not transfer until the conclusion of the proceeding. Generally, slow takings are NOT preferred in situations where:

(a) Physical construction is required and schedules are important.

(b) Where there is an immediate need for a particular project.

(c) Where project funding is available immediately and guaranteed, including funds sufficient to cover potential jury awards in excess of budgeted estimates for acquisition costs.

(d) There is public pressure to proceed with a project.

(e) Market values of property in the area are rising rapidly – in a slow take, the valuation date of the property is determined as of the date of trial, which may be a long way off. In a quick take, the valuation date of the property is set when title passes.³⁸

(2) *Quick Take (Chapter 74).* Under the quick take process, the city may, either simultaneously with the filing of its petition or at any time prior to entry of final judgment, file a declaration of taking stating that the property sought to be appropriated is thereby taken for the use set forth in the petition.³⁹ The declaration must set forth a good faith estimate of the value of the property based upon a valid appraisal of the parcels in the proceeding, which appraisal must be included with the declaration.⁴⁰ If there are no objections or the city is successful at hearing after objection, the court will

³⁷ *O’Sullivan v. City of Deerfield Beach*, 232 So. 2d 33 (Fla. 4th DCA 1970).

³⁸ See § 73.071(2), Florida Statutes.

³⁹ §§ 74.031 and 74.041, Florida Statutes.

⁴⁰ § 74.031, Florida Statutes.

issue an order of taking, at which time the City will have 20 days following the entry of the order to deposit the an amount as will fully secure and fully compensate the persons entitled to compensation as ultimately determined by the court.⁴¹

i. *Benefits.*

(a) *Freezing the Date of Valuation.* In a rising real estate market, a quick take may be preferred, because title transfers to the city early in the process, and thus, the date of valuation is locked in at that earlier date.⁴²

(b) *Timing.* Because title transfers early in the action, the city may proceed with its project at an earlier date. This is especially helpful if the city is facing numerous deadlines for its intended project.

ii. *Detriments.*

(a) *Verdict Exceeds the Estimate.* Despite the city's best efforts to calculate a good faith deposit, the jury may return a verdict for an amount in excess of what the city or its project budget anticipated. For example, in one case, the condemnor obtained title early through the quick take process and deposited \$14.5 million into the registry. Regardless, the jury ultimately returned a verdict of \$23.3 million, which not only exceeded the amount in the registry but also exceeded the condemnor's acquisition budget. Regardless, the condemnor had to pay the verdict, interest, and the owner's costs of expert witnesses and attorney's fees.⁴³

(b) *Commitment.* As previously noted, once the city enters its good faith deposit into the registry of the court, the rights of both parties vest,

⁴¹ § 74.051, Florida Statutes.

⁴² § 73.071(2), Florida Statutes (compensation amounts are "determined as of the date of trial or the date upon which title passes, whichever shall occur first").

⁴³ *City of Miami v. Florida East Coast Railway Co.*, 428 So. 2d 674 (Fla. 3d DCA 1983).

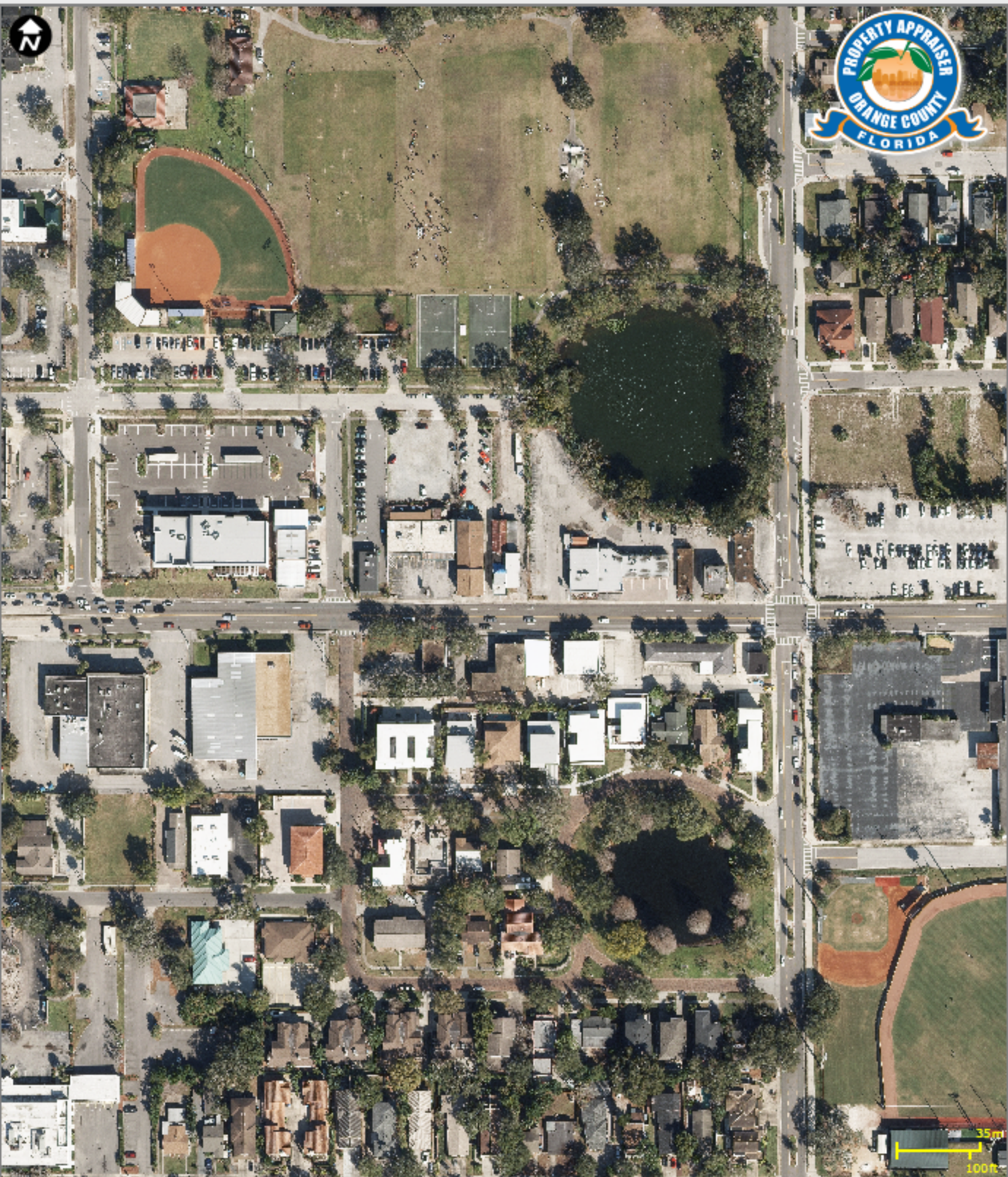
and the city may not voluntarily dismiss its action without the consent of the property owner.⁴⁴

⁴⁴ § 74.061, Florida Statutes (“Immediately upon the making of the deposit, the title or interest specified in the petition shall vest in the petitioner, and the said lands shall be deemed to be condemned and taken for the use of the petitioner, and the right to compensation for the same shall vest in the persons entitled thereto.”).



OCPA Web Map

Florida turnpike	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Toll Road	Gated Roads	Rail Road	Residential	Misc Commercial/Industrial	County Boundary	Building
Road Under Construction	Proposed SunRail	Agriculture	Agricultural Curtilage	Parks	Hospital	



Created: 1/7/2021

This map is for reference only and is not a survey.



City Commission agenda item

item type Action Items Requiring Discussion	meeting date January 13, 2021
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Affordable and Workforce Housing

motion / recommendation

background

The City Commission requested a discussion on whether to advertise the resumption of the affordable/workforce housing fee at a public hearing to be on February 10, 2021.

The City initially adopted an affordable housing linkage fee in 1990 in concert with the goals of the Comprehensive Plan at that time, which was to “maintain our economic and ethnic diversity that is characteristic of a true city”. Over the past 30 years the private sector has not built any housing units that were affordable or workforce housing. That is not a criticism, as the cost of the land alone in Winter Park precludes builders from providing housing at a cost for which those with such incomes could purchase or rent. As a result, all of the new affordable or workforce housing built in those 30 years has been through financial subsidy provided by the City/CRA, together with the non-profit partners of Habitat for Humanity, the Winter Park Community Land Trust, the Winter Park Housing Authority or via tax credit Federal HUD subsidy for the Village Park Senior Apts. on Denning Drive.

The affordable housing fee was suspended on March 24, 2014. Since that time the City has received revenue from the two apartment projects in Ravaudage as the Orange County PD approval required a financial allocation toward affordable housing. There also have been some limited gains via investment revenue. Wes Hamil has provided that income information since FY 2001, in one of the attachments. In 2015 the City amended and codified the program to include both workforce and affordable housing.

There are various definitions for affordable or workforce housing but generally they concur that “affordable” are persons/families with incomes of 80% or less than median

income for that family size and “workforce” is up to 120% of median income. The amounts vary based on family size. The current income limits for Orange County are attached. As an example, a single person making \$40,750 or less would qualify for affordable housing and a single person making \$61,080 or less would qualify for workforce housing. An agreed upon qualifier is that housing should not cost more than 30% of one’s gross income. For rental then the affordable individual can afford a monthly rent of \$1,018 and a workforce individual can afford a monthly rent of \$1,527. For a home/condo purchase the limits are typically 3 times annual gross income that translates into \$122,250 as affordable and \$183,240 as workforce.

During the preparation of the current Comprehensive Plan the City hired a consultant to evaluate whether the City was required to assist affordable and workforce housing. That report is also attached. The consultant used data from the Orlando Realtors Association for the 32789 and 32792 zip codes during 2011, which was the height of the recession. At that time the average house/condo sales in those 32789 and 32792 Zip Codes of Winter Park was \$263,344. However, 41% of the sales were foreclosures or short sales. With respect to rentals the study looked at the Zip Codes of 32789, 32792, 32751, 32810, 328094, 32803 and 32814. Their conclusion was that there was ample supply of affordable rentals in Orlando and Casselberry.

Market conditions have changed significantly since the data contained in the study from 2011. The current data from the Orlando Board of realtors for the first 10 months of 2020 shows the average house/condo sales were \$512,850 in the 32789 (\$745,900) and 32792 (\$279,800) Zip Codes. Rental rates for one-bedroom/studio apartments within complexes average around \$1,500/month.

The City Commission understands that the affordability of housing is an issue in Florida and especially in the Orlando Metro area with the amount of service related employment. The City of Orlando uses Community Development and General Fund monies to fund housing programs. Orange County uses Community Development funding. Both use SHIP money from the State of Florida which was to increase this budget year until the pandemic hit State revenues. Many Cities do not assist affordable or workforce housing in any manner.

When the housing fee was suspended it was at a rate of 50 cents per square foot of new construction. Since that time, the City in October 2019 reduced the building permit costs by 11%. If the City were to reclaim one-half of that decrease made in 2019 or go back to the 50 cents, it would raise about \$250,000 per year. That is the cost of a single lot in 2021. The City staff would not recommend anything more than either of those options, at this time. Thus, the choice for the City Commission is to do something or do nothing.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Housing Financial Info.pdf](#)

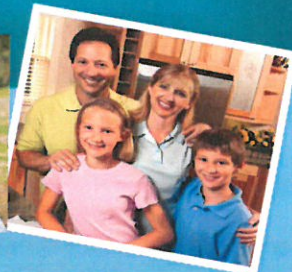
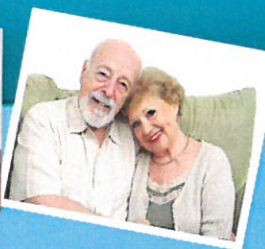
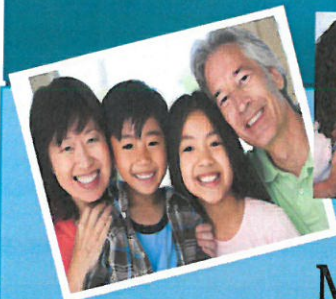
ATTACHMENTS:

[2012 Affordable Housing Study.pdf](#)

Orange County, Florida

Income Limits

2020



Median Family Income \$68,100

INCOME CATEGORY

HOUSEHOLD

SIZE

VERY LOW

\$35,000

LOW

\$25,000

MODERATE

\$15,000

1

\$25,450

\$40,750

\$61,080

2

\$29,100

\$46,550

\$69,840

3

\$32,750

\$52,350

\$78,600

4

\$36,350

\$58,150

\$87,240

5

\$39,300

\$62,850

\$94,320

6

\$42,200

\$67,500

\$101,280

7

\$45,100

\$72,150

\$108,240

8

\$48,000

\$76,800

\$115,200

Orange County Housing and Community Development Division

Effective: April 1, 2020



FY 2020 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](https://www.huduser.gov) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2020 Income Limits Summary

Selecting any of the buttons labeled "Explanation" will display detailed calculation steps for each of the various parameters.

FY 2020 Income Limit Area	Median Family Income Explanation	FY 2020 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Orlando-Kissimmee-Sanford, FL MSA	\$68,100	Very Low (50%) Income Limits (\$) Explanation	25,450	29,100	32,750	36,350	39,300	42,200	45,100	48,000
		Extremely Low Income Limits (\$)* Explanation	15,300	17,450	21,720	26,200	30,680	35,160	39,640	44,120
		Low (80%) Income Limits (\$) Explanation	40,750	46,550	52,350	58,150	62,850	67,500	72,150	76,800

NOTE: Orange County is part of the **Orlando-Kissimmee-Sanford, FL MSA**, so all information presented here applies to all of the **Orlando-Kissimmee-Sanford, FL MSA**.

The **Orlando-Kissimmee-Sanford, FL MSA** contains the following areas: Lake County, FL; Orange County, FL; Osceola County, FL; and Seminole County, FL.

* The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as [established by the Department of Health and Human Services \(HHS\)](#), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.

Income Limit areas are based on FY 2020 Fair Market Rent (FMR) areas. For information on FMRs, please see our associated FY 2020 [Fair Market Rent documentation system](#).

For last year's Median Family Income and Income Limits, please see here:



FY 2021 FAIR MARKET RENT DOCUMENTATION SYSTEM

The FY 2021 Orlando-Kissimmee-Sanford, FL MSA FMRs for All Bedroom Sizes

Final FY 2021 & Final FY 2020 FMRs By Unit Bedrooms

Year	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY 2021 FMR	\$1,055	\$1,140	\$1,321	\$1,713	\$2,057
FY 2020 FMR	\$989	\$1,064	\$1,248	\$1,636	\$1,956

Fair Market Rent Calculation Methodology

[Show/Hide Methodology Narrative](#)

Fair Market Rents for metropolitan areas and non-metropolitan FMR areas are developed as follows:

1. 2014-2018 5-year American Community Survey (ACS) estimates of 2-bedroom adjusted standard quality gross rents calculated for each FMR area are used as the new basis for FY2021 provided the estimate is statistically reliable. For FY2021, the test for reliability is whether the margin of error for the estimate is less than 50% of the estimate itself and whether the ACS estimate is based on at least 100 survey cases. HUD does not receive the exact number of survey cases, but rather a categorical variable known as the count indicator indicating a range of cases. An estimate based on at least 100 cases corresponds to a count indicator of 4 or higher.

If an area does not have a reliable 2014-2018 5-year, HUD checks whether the area has had at least minimally reliable estimate in any of the past 3 years, or estimates that meet the 50% margin of error test described above. If so, the FY2021 base rent is the average of the inflated ACS estimates.

If an area has not had a minimally reliable estimate in the past 3 years, the estimate State for the area's corresponding metropolitan area (if applicable) or State non-metropolitan area is used as the basis for FY2021.

U.S. DEPARTMENT OF HUD
STATE: FLORIDA

PROGRAM		2020 HOME PROGRAM RENTS					
		1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
West Palm Beach-Boca Raton, FL HUD Metro Fm	EFFICIENCY						
	768	823	988	1141	1273	1405	1536
	979	1050	1262	1450	1598	1744	1891
	LOW HOME RENT LIMIT						
	HIGH HOME RENT LIMIT						
	For Information Only:						
	FAIR MARKET RENT						
	1015	1208	1506	2043	2422	2785	3149
	768	823	988	1141	1273	1405	1536
	979	1050	1262	1450	1598	1744	1891
Naples-Immokalee-Marco Island, FL MSA	EFFICIENCY						
	721	772	926	1070	1193	1317	1440
	900	983	1182	1357	1495	1631	1767
	LOW HOME RENT LIMIT						
	HIGH HOME RENT LIMIT						
	For Information Only:						
	FAIR MARKET RENT						
	900	1126	1381	1812	2026	2330	2634
	721	772	926	1070	1193	1317	1440
	916	983	1182	1357	1495	1631	1767
North Port-Sarasota-Bradenton, FL MSA	EFFICIENCY						
	670	717	861	995	1110	1224	1338
	807	913	1098	1260	1386	1511	1635
	LOW HOME RENT LIMIT						
	HIGH HOME RENT LIMIT						
	For Information Only:						
	FAIR MARKET RENT						
	807	951	1220	1629	1983	2280	2578
	670	717	861	995	1110	1224	1338
	851	913	1098	1260	1386	1511	1635
Ocala, FL MSA	EFFICIENCY						
	481	515	618	715	797	880	962
	610	655	788	901	986	1069	1152
	LOW HOME RENT LIMIT						
	HIGH HOME RENT LIMIT						
	For Information Only:						
	FAIR MARKET RENT						
	650	730	899	1186	1334	1534	1734
	481	515	618	715	797	880	962
	610	655	788	901	986	1069	1152
Orlando-Kissimmee-Sanford, FL MSA	EFFICIENCY						
	636	681	818	945	1055	1163	1272
	808	866	1042	1195	1314	1431	1548
	LOW HOME RENT LIMIT						
	HIGH HOME RENT LIMIT						
	For Information Only:						
	FAIR MARKET RENT						
	989	1064	1248	1636	1956	2249	2543
	636	681	818	945	1055	1163	1272
	808	866	1042	1195	1314	1431	1548
Palm Bay-Melbourne-Titusville, FL MSA	EFFICIENCY						
	606	649	778	900	1003	1108	1211
	702	824	991	1136	1248	1358	1469
	LOW HOME RENT LIMIT						
	HIGH HOME RENT LIMIT						
	For Information Only:						
	FAIR MARKET RENT						
	702	866	1078	1465	1788	2056	2324
	606	649	778	900	1003	1108	1211
	768	824	991	1136	1248	1358	1469

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

Effective Date: July 1, 2020

City Ordinance

ARTICLE VIII. - AFFORDABLE AND WORKFORCE HOUSING

Sec. 2-201. - Affordable and workforce housing.

- (a) The City Commission of the City of Winter Park has determined that the public health, safety and general welfare warrants the implementation of an affordable and workforce housing program for the following purposes:
- (1) To implement the goals, policies and objectives of the Winter Park Comprehensive Plan,
 - (2) To provide housing opportunities for lower and moderate income families in order to meet the existing and anticipated housing needs of such persons and to maintain a socio-economic mix in the community,
 - (3) To satisfy the community's obligation to provide a fair share of the community's housing production is affordable to lower and moderate income families, and
 - (4) To provide for a range of housing opportunities for those who work in Winter Park and who provide the community with essential services, especially in the public health and safety sectors of the economy.

(Ord. No. 3008-15, § 1, 9-14-15)

Sec. 2-202. - Affordable and workforce housing fee established.

- (a) In order to implement affordable and workforce housing programs as may be established or financially supported by the city commission, an affordable and workforce housing fee is hereby established to be paid at the time of issuance of building permits. The city commission shall adopt such fees at the time of approval of the city fee schedule and may designate the allocation of such fees.
- (b) The affordable housing fee shall be assessed for all new construction on vacant lots, for all new net building additions and such fees shall apply to the renovation or redevelopment of existing buildings and building space when the building permit value exceeds 50 percent of the value of the building on the most recent Orange County property tax roll at the time of construction.

(Ord. No. 3008-15, § 1, 9-14-15)

Sec. 2-203. - Exemptions.

- (a) The following buildings constructed within the City of Winter Park shall be exempt from the affordable and workforce housing fee:
- (1) Residential buildings constructed as part of or financially supported as part of the city's affordable or workforce housing program.
 - (2) Residential building units which qualify under the definition of affordable or workforce housing, as defined herein.
 - (3) Non-residential building construction that constitutes the exempt use of property for educational, literary, scientific, religious, charitable or governmental use, as defined by F.S. ch. 196 or that is used for such purposes by organizations which qualify for exemption from taxation under Section 501(c)(3) of the Internal Revenue Code.
 - (4) Nursing homes, assisted living or memory care facilities.
- (b) Whenever questions arise as to the applicability of exemptions, or the method of calculation of exemptions or fees such interpretations may be requested from the city commission by the city manager or by the affected party.

(Ord. No. 3008-15, § 1, 9-14-15)

Sec. 2-204. - Affordable and workforce housing program.

The city commission shall establish, after public hearing, an affordable and workforce housing program and projects to be undertaken by the city or in partnership with other housing providers.

(Ord. No. 3008-15, § 1, 9-14-15)

Sec. 2-205. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Affordable housing means a dwelling unit with regard to a unit for sale which costs 80 percent or less than the median price of the homes sold in the previous year in the Orlando metropolitan area and is sold to a person or person whose annual income is 80 percent or less of the median income, adjusted for family size for Orange County, Florida, and with regard to units for rent, one which rents monthly for less than 80 percent of the median monthly cost of similar sized units for the previous year in the Orlando metropolitan area or is rented at a monthly rent (not including

utilities) to a person or persons not to exceed more than 30 percent of their gross monthly income(s) inclusive of utility allowance and who's annual income is 80 percent or less of the median income, adjusted for utility allowance and for family size for Orange County, Florida.

Nonresidential construction means enclosed building and floor areas used for nonresidential purposes but excluding parking decks or garages, carports or covered parking, attics, external mechanical or storage buildings.

Residential construction means an enclosed residential building and floor areas used for living and habitation included screened porches and guesthouses but excluding garages, carports, open balconies, porches or lanais, screen pool enclosures, cabanas, attics and storage sheds.

Square footage means the square footage calculated in the same method as defined and utilized within the zoning code as calculated for floor area and floor area ratio.

Workforce housing means a dwelling unit with regard to a unit for sale which costs 120 percent or less than the median price of the homes sold in the previous year in the Orlando metropolitan area and is sold to a person or person whose annual income is 120 percent or less of the median income, adjusted for family size for Orange County, Florida, and with regard to units for rent, one which rents monthly for less than 120 percent of the median monthly cost of similar sized units for the previous year in the Orlando metropolitan area or is rented at a monthly rent (not including utilities) to a person or persons not to exceed more than 30 percent of their gross monthly income(s) inclusive of utility allowance and whose annual income is 120 percent or less of the median income, adjusted for utility allowance and for family size for Orange County, Florida.

(Ord. No. 3008-15, § 1, 9-14-15)

Affordable Housing Funds

	Revenues	Expenditures	Ending Fund Balance
			456,002.44
FY 2001	242,316.42	66,617.82	631,701.04
FY 2002	152,175.40	134,058.92	649,817.52
FY 2003	185,224.51	573,854.19	261,187.84
FY 2004	255,552.07	99,876.56	416,863.35
FY 2005	211,975.16	439,635.29	189,203.22
FY 2006	522,960.82	502,715.00	209,449.04
FY 2007	268,199.28	531,620.00	(53,971.68)
FY 2008	156,282.52	317,804.26	(215,493.42)
FY 2009	99,341.40	160,999.96	(277,151.98)
FY 2010	105,537.49	130,999.96	(302,614.45)
FY 2011	163,986.79	999.96	(139,627.62)
FY 2012	226,010.93	77,950.00	8,433.31
FY 2013	217,827.62	-	226,260.93
FY 2014	215,780.35	77,284.88	364,756.40
FY 2015	36,580.25	-	401,336.65
FY 2016	23,242.79	-	424,579.44
FY 2017	116,127.38	1,397.00	539,309.82
FY 2018	141,595.55	56,143.72	624,761.65
FY 2019	30,092.67	235,000.00	419,854.32
FY 2020	10,031.94	25,000.00	404,886.26



Zip Code Plus

November 2020

32789 - Winter Park



	Inventory				New Listings	New Contracts	Under Contract	Expired	Withdrawn	Sales Closed	Days on Market	Avg Sale Price	Median Sale Price
	Total	SFH	Condos	TH / V									
Oct '18	223	170	46	7	71	37	47	6	20	34	74	\$599,004	\$413,450
Nov '18	208	159	41	8	40	38	49	9	23	34	73	\$642,785	\$452,500
Dec '18	175	132	35	8	45	40	49	8	24	37	87	\$828,440	\$580,000
Jan '19	196	156	29	11	78	54	59	6	13	33	99	\$587,197	\$490,000
Feb '19	187	147	32	8	68	60	76	8	12	43	90	\$566,732	\$340,000
Mar '19	204	166	30	8	79	62	78	1	8	53	72	\$602,144	\$464,500
Apr '19	217	186	26	5	84	63	80	2	14	56	98	\$833,717	\$587,500
May '19	211	174	33	4	64	59	80	4	18	59	55	\$739,665	\$527,000
Jun '19	205	162	36	7	67	50	66	5	25	53	72	\$561,120	\$399,000
Jul '19	199	158	34	7	63	51	63	4	18	51	56	\$654,840	\$372,000
Aug '19	206	155	41	10	51	34	43	2	17	49	63	\$828,237	\$535,000
Sep '19	197	149	37	11	51	36	47	7	21	30	63	\$618,617	\$399,500
Oct '19	174	129	38	7	50	49	53	3	27	42	93	\$610,215	\$392,450
Nov '19	168	133	31	4	61	44	63	8	21	30	89	\$911,598	\$656,500
Dec '19	143	112	27	4	35	48	61	7	14	45	80	\$556,820	\$440,000
Jan '20	153	123	23	7	71	55	74	0	31	46	82	\$591,248	\$403,750
Feb '20	151	129	15	7	65	56	84	4	16	39	63	\$930,463	\$525,000
Mar '20	152	125	19	8	66	34	60	1	23	53	76	\$818,487	\$440,000
Apr '20	147	119	18	10	30	34	61	1	16	22	37	\$634,182	\$449,000
May '20	153	124	21	8	64	55	76	1	11	32	65	\$781,719	\$696,500
Jun '20	162	127	22	13	76	55	76	3	21	52	60	\$562,170	\$452,450
Jul '20	149	119	21	9	74	58	77	4	20	58	65	\$961,606	\$628,750
Aug '20	153	117	27	9	77	56	80	4	26	50	46	\$817,517	\$704,500
Sep '20	156	116	25	15	73	66	86	1	7	52	55	\$707,563	\$526,000
Oct '20	132	100	20	12	61	71	91	2	16	61	77	\$658,756	\$595,000
	Total	SFH	Condos	TH / V	New Listings	New Contracts	Under Contract	Expired	Withdrawn	Sales Closed	Days on Market	Avg Sale Price	Median Sale Price
	Inventory												

Complete stats and data may be found under Market Info at www.orlandorealtors.org. Comments or suggestions? Contact Mike Blinn, Statistician.

Zip Code Plus™ data represents all listings taken or sold within the given zip code and is exclusive to residential property, which includes townhomes, duplexes, single-family homes, and condos. It does not include vacant land or commercial transactions.

32792 - Winter Park

	Inventory				New Listings	New Contracts	Under Contract	Expired	Withdrawn	Sales Closed	Days on Market	Avg Sale Price	Median Sale Price
	Total	SFH	Condos	TH / V									
Oct '18	131	101	26	4	69	65	67	1	12	67	58	\$226,899	\$227,000
Nov '18	138	103	28	7	50	42	54	4	8	49	47	\$266,965	\$243,000
Dec '18	130	100	25	5	51	48	55	3	10	44	44	\$231,684	\$227,000
Jan '19	126	101	23	2	68	67	74	5	15	35	53	\$255,337	\$234,000
Feb '19	127	93	30	4	61	56	77	3	9	49	52	\$328,533	\$241,999
Mar '19	116	92	18	6	63	71	84	0	11	52	44	\$262,398	\$243,000
Apr '19	109	85	16	8	87	91	107	5	11	62	71	\$257,949	\$237,450
May '19	120	98	16	6	105	93	121	1	8	80	49	\$247,052	\$246,500
Jun '19	126	89	25	12	88	79	101	3	15	78	44	\$282,196	\$260,000
Jul '19	133	98	24	11	89	83	91	3	8	80	37	\$260,685	\$258,250
Aug '19	115	90	20	5	76	87	107	4	13	70	39	\$247,248	\$249,000
Sep '19	118	89	24	5	66	56	70	2	12	85	42	\$247,466	\$252,000
Oct '19	120	93	24	3	63	58	67	2	10	49	53	\$275,089	\$260,000
Nov '19	106	79	19	8	68	63	78	6	16	50	29	\$247,670	\$238,500
Dec '19	83	58	15	10	26	40	62	5	15	52	38	\$278,734	\$244,350
Jan '20	84	57	19	8	61	66	75	5	5	50	43	\$295,692	\$266,000
Feb '20	78	57	14	7	63	65	82	1	7	53	50	\$251,660	\$252,000
Mar '20	95	65	23	7	79	55	70	1	7	53	35	\$276,302	\$269,000
Apr '20	105	69	29	7	61	50	68	2	10	46	21	\$262,004	\$264,750
May '20	97	57	31	9	70	67	82	5	16	42	25	\$273,178	\$279,660
Jun '20	97	66	22	9	93	84	97	4	10	67	47	\$284,243	\$269,000
Jul '20	71	46	18	7	79	89	111	3	23	70	25	\$288,214	\$272,000
Aug '20	68	47	18	3	71	76	93	3	10	80	55	\$280,504	\$266,006
Sep '20	80	52	22	6	70	68	82	1	8	66	38	\$292,019	\$274,500
Oct '20	85	50	28	7	73	70	81	1	11	62	33	\$297,682	\$295,000
	Total	SFH	Condos	TH / V	New Listings	New Contracts	Under Contract	Expired	Withdrawn	Sales Closed	Days on Market	Avg Sale Price	Median Sale Price
	Inventory												

Complete stats and data may be found under Market Info at www.orlandorealtors.org. Comments or suggestions? Contact Mike Blinn, Statistician.
Zip Code Plus™ data represents all listings taken or sold within the given zip code and is exclusive to residential property, which includes townhomes, duplexes, single-family homes, and condos. It does not include vacant land or commercial transactions.



Affordable Housing Study

City of Winter Park

Economic Development/CRA Department

March 2012

Executive Summary

- ▲ THE ECONOMIC RECESSION AND HOUSING CRISIS HAS MADE WINTER PARK A MORE AFFORDABLE COMMUNITY FOR HOME OWNERSHIP
 - MEDIAN HOME PRICES HAVE DROPE FROM ABOUT \$400K TO \$230K
 - IN 2011, 42% OF SALES WITHIN CITY LIMITS WERE AT OR BELOW INCOME LIMITS FOR HOUSEHOLDS CLASSIFIED AS AFFORDABLE OR WORKFORCE (ANNUAL INCOMES OF \$46K OR \$70K RESPECTIVELY FOR A HOUSEHOLD OF FOUR).
- ▲ REGIONAL AFFORDABLE AND WORKFORCE HOUSING IS AVAILABLE WITHIN A 2.5 MILE RADIUS
 - THE METRO-ORLANDO MEDIAN HOME SALE PRICE IS \$130K
 - 50% OF RESIDENTIAL PROPERTIES WITHIN A 2.5 MILE RADIUS OF THE CITY HAVE AN ESTIMATED MARKET SALE PRICE WITHIN HOUSING AND URBAN DEVELOPMENT DEPARTMENT GUIDELINES FOR WORKFORCE HOUSING
 - DESPITE OFFERING AFFORDABLE OWNERSHIP OPTIONS WINTER PARK DOES TEND TO BE LESS AFFORDABLE THAN ITS NEIGHBORS AND AS THE ECONOMY IMPROVES HOME PRICING IS LIKELY TO BE AN ISSUE AGAIN IN THE FUTURE
- ▲ WINTER PARK IS LESS AFFORDABLE FOR RENTERS
 - RENTAL PRICES SHOWED A SUBSTANTIAL INCREASE OVER THE LAST TEN YEARS WITH UNITS LEASING BETWEEN \$1,000 TO \$1,499 PER MONTH INCREASING BY 147%, WHILE UNITS LEASING AT \$1,500 OR MORE ALMOST TRIPLED BY 183%
 - WHILE TOTAL HOUSEHOLDS INCREASED BY 17% FROM 2000 TO 2010 MULTIFAMILY UNITS DECREASED BY 17% FURTHER DECREASING SUPPLY
- ▲ RECOMMENDATIONS
 - REVISE COMPREHENSIVE PLAN DEFINITIONS OF AFFORDABLE AND WORKFORCE HOUSING AWAY FROM A HOME PRICE APPROACH AND INSTEAD ADOPT THE MORE COMMONLY USED INCOME APPROACH USED BY THE COUNTY, STATE AND FEDERAL GOVERNMENTS
 - EVALUATE CITY-OWNED SITES IN WINTER PARK FOR POTENTIAL CONSIDERATION OF WORKFORCE HOUSING PROJECTS
 - ADDRESS THE ISSUE OF RENTAL AFFORDABILITY THROUGH TARGETED POLICY AND PERMITTING PROGRAMS
 - CONDUCT A REVIEW OF AFFORDABILITY EVERY 5 YEARS

Methodology

To conduct this study staff gathered data from federal, state, regional, and local housing entities. Data was obtained from the U.S. Bureau of Labor Statistics, U.S. Census, Orlando Regional Realtors Association, Florida Department of Economic Opportunity, Nielsen/Claritas SiteReports, Shimberg Center for Affordable Housing at UF, Winter Park Housing Authority and the Winter Park Comprehensive Plan.

GROWTH TRENDS

Staff analyzed 2000 and 2010 U.S. Census data for the City of Winter Park, Orange County and the state of Florida. 2010 Nielsen SiteReports was used to examine Winter Park household demographics and socio-economic characteristics.

AFFORDABLE & WORKFORCE HOUSING

Definitions listed on this report were gathered from the U.S. Department of Housing and Urban Development, Florida Community Planning and Development, Orange County Workforce Housing Task Force, and the Winter Park Comprehensive Plan.

Staff collected data from the Florida Department of Economic Opportunity (formally the Department of Labor) on occupational employment and wages for Orange County. The jobs listed on this report were originally identified in the approved 2009 City of Winter Park Industry Cluster Analysis. This report identified seven targeted industries that are dominant, existing or emerging in our business community.

HOUSING MARKET

Staff analyzed housing characteristics from U.S. Census American Community Survey and the Winter Park Housing Authority. Information listed shows current housing supply characteristics for Winter Park, including the number, type, and tenure.

The sales trend analysis determines the number of households that can either afford, or not, the Winter Park median price home of \$132,250. This analysis includes variables such as interest rates, required income criteria and housing costs for taxes and insurance. Data for this section was gathered from the 2011 Orlando Regional Realtors Association sales report for Winter Park (32789) and boundary surrounding zip codes 32792, 32751, 32810, 32804, 32803, and 32814. Orlando Regional Realtors Association data does not contain data from sales that do not utilize the services of a “realtor”.

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Growth Trends

Socioeconomic Characteristics

POPULATION

The City of Winter Park's population was 27,852 in 2010 (table 1.1) representing a 15.6% increase from the year 2000 population figure of 24,090. Over the same period Orange County grew 27.8% to a 2010 population total of 1,145,956.

TABLE 1.1
TOTAL POPULATION, 2000 - 2010

PLACE	2000	2010	PERCENT CHANGE
WINTER PARK	24,090	27,852	15.6%
ORANGE COUNTY	896,344	1,145,956	27.8%
FLORIDA	15,982,378	18,801,310	17.6%

Source: U.S. Census Bureau of the Census, U.S. Census of Population and Housing, 2000, 2010.

RACE

In 2000 the City of Winter Park's white population was 85.9% of the total population and 86.9% in 2010 (table 1.2). Although the white population of the city increased numerically over the period, its relative proportion of the total population remained flat. Over the same period minority groups grew but continue to compose a small percentage of the total population.

The black population decreased 17% as a share of all population from 2000 to 2010, and only represented 7.6% of the population after the decrease. The Asian population increased by 102% from 2000 to 2010, but accounted for only 2.3% of the total population after the increase. The remaining populations (Native American, Pacific Islander, or more than one race, and so on) increased 63% over the decade, but accounted for only 3.0% of the total population in 2010.

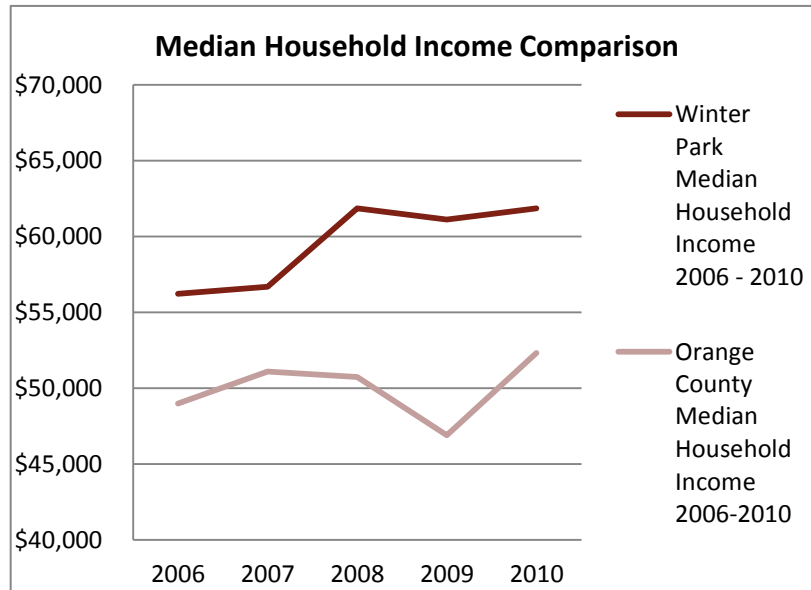
TABLE 1.2
POPULATION BY RACIAL GROUP, 2000 - 2010

RACE	2000	2010	CHANGE	PERCENT CHANGE
WHITE	20,694	24,214	+ 3,520	+ 17%
BLACK	2,534	2,105	- 429	- 17%
ASIAN	317	643	+ 326	+ 102%
OTHER	271	380	+ 109	+ 40%
TWO OR MORE RACES	274	510	+ 236	+ 86%

Source: U.S. Census Bureau of the Census, U.S. Census of Population and Housing, 2000, 2010.

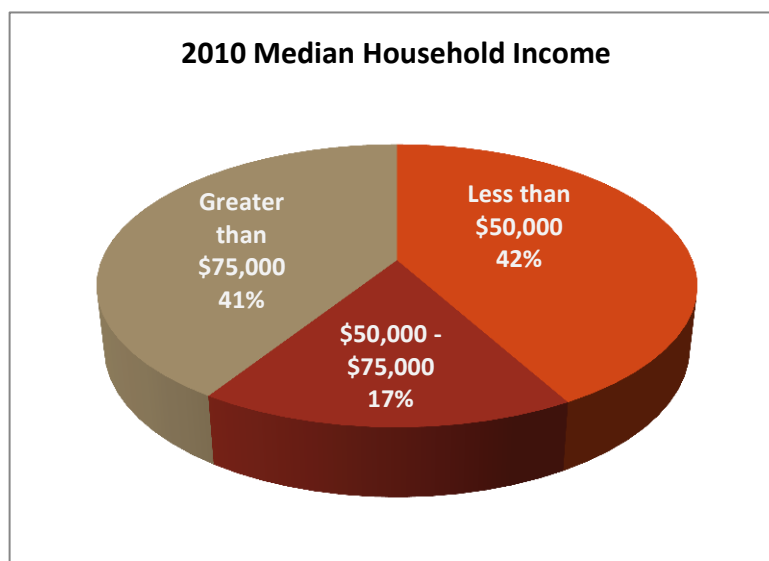
MEDIAN HOUSEHOLD INCOME

Median household income for Winter Park has increased by 10% over the last 5 years to almost \$62,000. Growth was strongest in the earlier years but as the economy has slowed, income growth has declined as well. The city consistently maintains an overall higher level of income (15 – 20% premium) compared against the county. The graph below shows the 5 year historical change in median household income for Winter Park and Orange County.

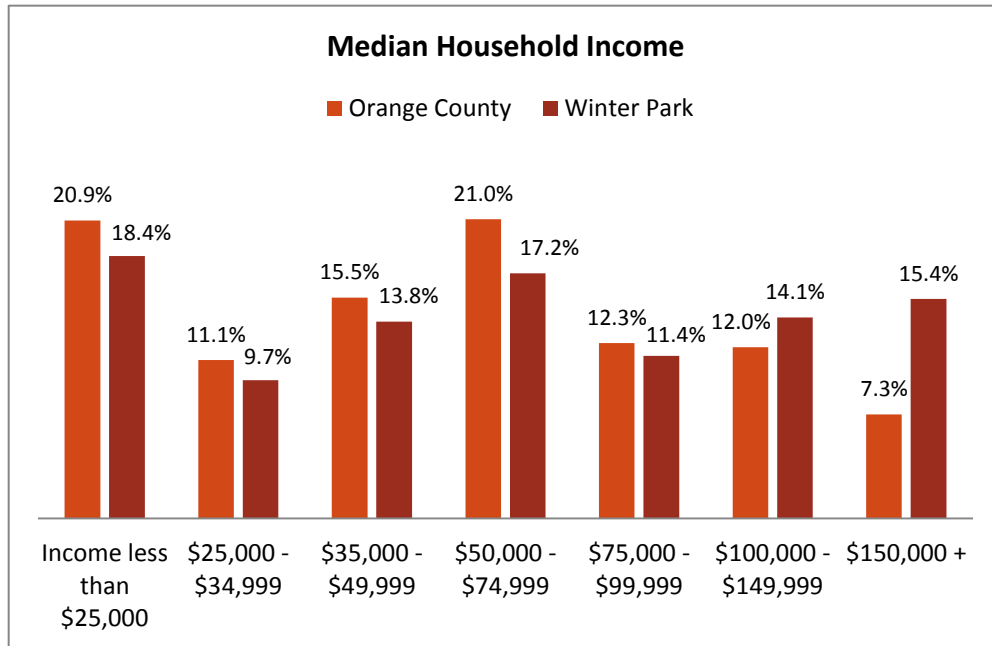


INCOME DIVERSITY

Winter Park's Median Household Income distribution is fairly evenly distributed with approximately 42% households making less than \$50,000 annually, 42% of households making more than \$75,000, and only 17% of them making somewhere between \$50,000 to \$74,999 a year.

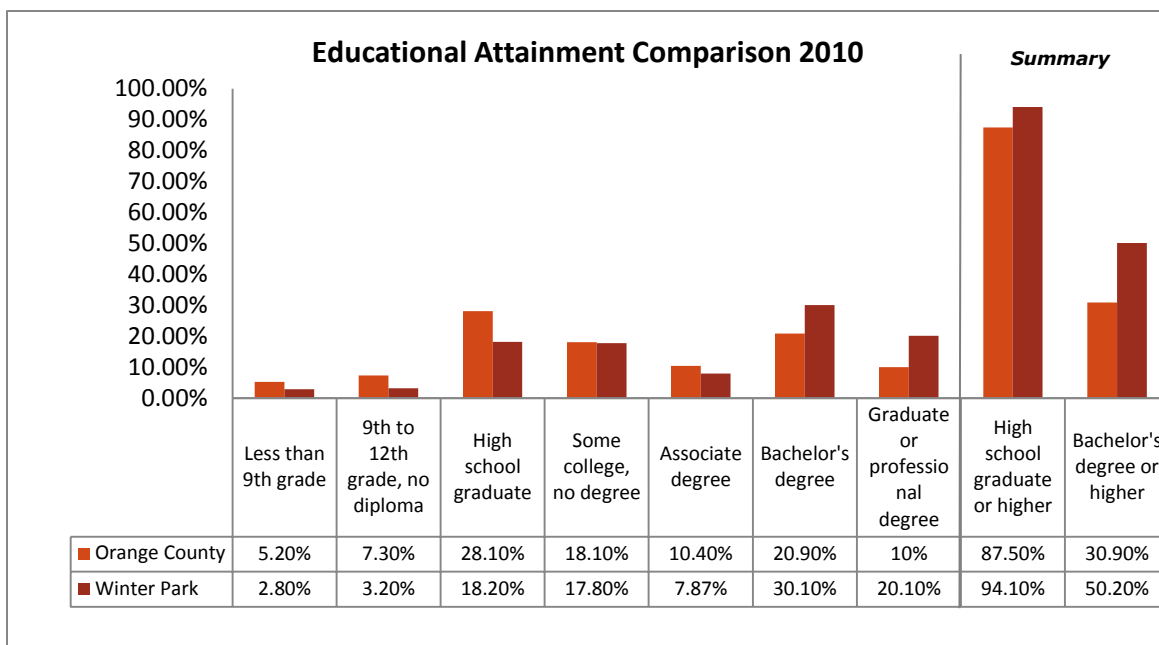


Compared against Orange County, the city has a higher distribution of those making larger annual incomes with 15% of households bringing in over \$150,000 annually. This makes Winter Park an attractive market due to its favorable income demographics however with almost 30% of all households making under \$35,000, it is important to recognize that a large segment of the population would be unable to remain in the city if displaced from their homes due to the inability to find affordable housing or rental options for very low income families.



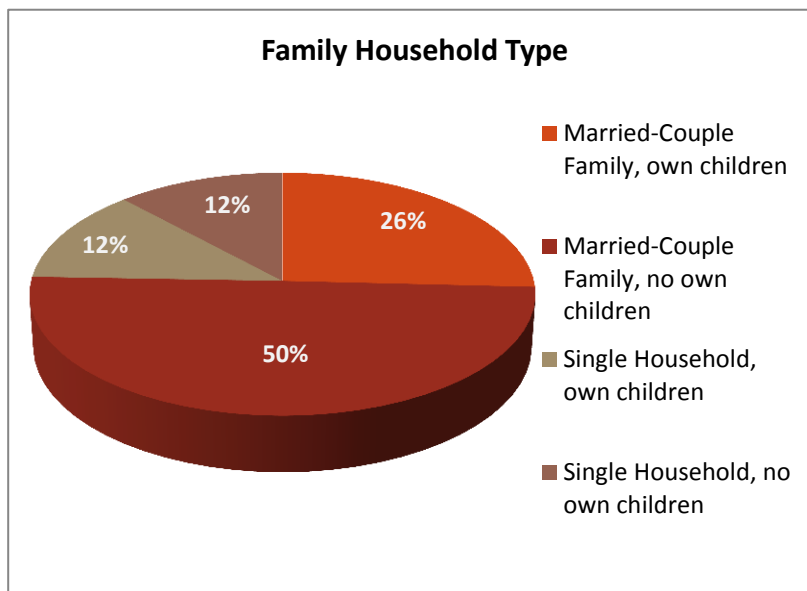
EDUCATIONAL ATTAINMENT

Winter Park offers a highly educated workforce with over 50% of workers having obtained a bachelor's degree or higher (31% for the county), and over 20% boasting a graduate or professional degree (10% for the county).



HOUSEHOLD COMPOSITION

According to the 2010 Census, there were a total of 13,626 households in Winter Park. Of these, 50% were married couple households with no children and 26% were married households with children. A total of 19.5% of households had children under the age of 18, and 17.6% had someone over the age of 65. The average household size was 2.17, while the average family size was 2.93.



In addition, the 2010 census states there are 1.3 workers per household. This would seem to indicate that many households are comprised of single income earners but could also be affected by the fact that Winter Park has a larger elderly and retired population. Most housing affordability calculations assume a two worker household.

OCCUPATION OF RESIDENTS

The City of Winter Park experienced the largest increase from 2000 to 2010 in construction, transportation and warehousing, and wholesale trade. The biggest decreases came from information, manufacturing, and public administration industries.

TABLE 1.3
INDUSTRY OF RESIDENTS, 2000 - 2010

INDUSTRY	2000	2010	PERCENT CHANGE
EDUCATIONAL SERVICES, AND HEALTH CARE AND SOCIAL ASSISTANCE	2,235	2,627	0.17%
PROFESSIONAL, SCIENTIFIC, AND MANAGEMENT, AND ADMINISTRATIVE AND WASTE MANAGEMENT SERVICES	2,110	2,518	0.19%
FINANCE AND INSURANCE, AND REAL ESTATE AND RENTAL	1,307	1,458	0.11%

AND LEASING			
RETAIL TRADE	1,144	1,384	0.21%
ARTS, ENTERTAINMENT, AND RECREATION, AND ACCOMMODATION AND FOOD SERVICES	1,110	1,341	0.20%
CONSTRUCTION	543	827	0.52%
OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION	521	637	0.22%
WHOLESALE TRADE	357	448	0.25%
INFORMATION	429	348	-0.18%
TRANSPORTATION AND WAREHOUSING, AND UTILITIES	249	332	0.33%
MANUFACTURING	562	328	-0.41%
PUBLIC ADMINISTRATION	356	310	-0.13%
<i>Source: U.S. Census Bureau of the Census, U.S. Census of Population and Housing, 2000, 2010</i>			

Sales, management, administrative, and health services continue to be the chosen occupations of Winter Park residents. However, these industries, with the exception of health practitioners, saw a decrease in placement in 2010. Health practitioners/technicians along with art/entertainment and food preparation/services saw the largest increase in 2010.

TABLE 1.4
OCCUPATION OF RESIDENTS (PERCENTAGE), 2010

OCCUPATION	2009	2010	PERCENT CHANGE
SALES/RELATED	16.83%	16.30%	-0.53%
MANAGEMENT	14.07%	13.88%	-0.19%
OFFICE/ADMINISTRATIVE SUPPORT	9.69%	9.62%	-0.07%
HEALTH PRACTITIONERS/TECHNICIAN	7.42%	7.62%	0.20%
BUSINESS/FINANCIAL OPERATIONS	6.88%	6.55%	-0.33%
EDUCATION/TRAINING/LIBRARY	6.57%	6.70%	0.13%
LEGAL	5.45%	4.84%	-0.61%
CONSTRUCTION/EXTRACTION	3.58%	3.50%	-0.02%
ARTS/ENTERTAINMENT/SPORTS	3.55%	4.00%	0.45%
FOOD PREPARATION/SERVING	3.31%	3.49%	0.18%
PERSONAL CARE/SERVICE	2.84%	2.98%	0.14%
TRANSPORTATION/MOVING	2.80%	2.87%	0.07%
<i>Source: Claritas, 2000, 2010</i>			

AFFORDABLE & WORKFORCE HOUSING

Definitions

Definitions of affordable and workforce housing vary at the state, county and city level. However most housing programs and organizations define affordable and workforce housing in the context of a percentage of the Area Median Income (AMI).The term workforce housing is used to include moderate income households, while affordable housing traditionally has been used to describe low to moderate income households. The definition of “low income” is established by the US Department of Housing and Urban Development (HUD) as a percent of the Area Median Income (AMI) and varies region to region and by household size.

HUD defines "affordable" as housing that costs no more than 30 percent of a household's monthly income. That means rent and utilities in an apartment or the monthly mortgage payment and housing expenses for a homeowner should be less than 30 percent of a household's monthly income to be considered affordable. Families who pay more than 30 percent of their income for housing are considered “cost burdened” and may have difficulty affording necessities such as food, clothing, transportation and medical care.

The State of Florida follows a similar description to HUD’s. It defines “affordable” as monthly rent or monthly mortgage payment, including taxes and insurance, that does not exceed 30 percent of the amount which represents the percentage of the median annual gross income for the household. Most Florida cities and counties follow the State’s definition.

Alternatively the City of Winter Park defines “affordable” based on the home median price in the metro area. In the Winter Park Comprehensive Plan, “affordable” is defined as a dwelling unit which cost less than 80% percent of the median price of single family homes sold the previous year in the Orlando metropolitan area. This variation gives Winter Park the appearance of being less affordable than the other definitions would indicate.

DEFINITION OF AFFORDABLE HOUSING		
U.S. HOUSING & URBAN DEVELOPMENT (HUD) HOUSEHOLDS THAT PAY NO MORE THAN 30 PERCENT OF ITS ANNUAL INCOME ON HOUSING.	STATE OF FLORIDA MONTHLY RENT OR MONTHLY MORTGAGE PAYMENT, INCLUDING TAXES AND INSURANCE, DO NOT EXCEED 30 PERCENT OF THE AMOUNT WHICH REPRESENTS THE PERCENTAGE OF THE MEDIAN ANNUAL GROSS INCOME FOR THE HOUSEHOLD.	CITY OF WINTER PARK A DWELLING UNIT WHICH COST LESS THAN 80% PERCENT OF THE MEDIAN PRICE OF SINGLE FAMILY HOMES SOLD THE PREVIOUS YEAR IN THE ORLANDO METROPOLITAN AREA

Comparable to affordable housing, workforce housing has varying definitions in terms of the area median income (AMI) restrictions, but in its simplest form it “refers to housing that is affordable to working households that do not qualify for publicly subsidized housing, yet cannot afford appropriate market-rate housing in their community.”¹ Workforce households work in low- and mid-paying jobs and it often refers to housing for essential community workers such as firefighters, teachers, police officers, and nurses. Affordable and workforce housing can overlap, however affordable housing programs tend to target very-low to low income households.

The State of Florida defines workforce housing as housing that is affordable to natural persons or families whose total annual household income does not exceed 140 percent of the AMI, adjusted for household size, or 150 percent of area median income, adjusted for household size. Orange County’s AMI in 2011 was \$57,400, which places workforce housing income limits at a maximum of \$80,360.

In June 2006, Orange County formed a Workforce Housing Task Force in which one of their goals was to define workforce housing. The task force defined workforce housing as the attainment of rental or for sale housing to an individual or family whose annual household income, as adjusted for household size, does not exceed 120 percent of the AMI, with an emphasis on households with an annual income between 50 percent and 120 percent of the AMI.² This definition was adopted on May 2007.

The City, on the other hand, defines workforce housing as a dwelling unit which cost less than 120% of the median price of the single family homes sold the previous year in the Orlando metropolitan area. As this report explains in the recommendation section, the information required to come up with this figure is difficult to attain and its figures can vary drastically from

DEFINITION OF WORKFORCE HOUSING		
STATE OF FLORIDA	ORANGE COUNTY	CITY OF WINTER PARK
HOUSING AFFORDABLE TO NATURAL PERSONS OR FAMILIES WHOSE TOTAL ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED 140 PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR HOUSEHOLD SIZE, OR 150 PERCENT OF AREA MEDIAN INCOME, ADJUSTED FOR HOUSEHOLD SIZE	THE ATTAINMENT OF RENTAL OR FOR SALE HOUSING TO AN INDIVIDUAL OR FAMILY WHOSE ANNUAL HOUSEHOLD INCOME, AS ADJUSTED FOR HOUSEHOLD SIZE, DOES NOT EXCEED 120 PERCENT OF THE AMI, WITH AN EMPHASIS ON HOUSEHOLDS WITH AN ANNUAL INCOME BETWEEN 50 PERCENT AND 120 PERCENT OF THE AMI.	A DWELLING UNIT WHICH COST LESS THAN 120% OF THE MEDIAN PRICE OF THE SINGLE FAMILY HOMES SOLD THE PREVIOUS YEAR IN THE ORLANDO METROPOLITAN AREA

¹ Urban Land Institute. (2007). Developing housing for the workforce: A toolkit. Washington, DC: Author

² Orange County (2007). Workforce Housing Task Force Report. Orlando, FL: Author.

year to year.

Housing Affordability

The U.S. Department of Housing and Urban Development annually publishes the AMI of every metropolitan area in the United States. The following table (Table 2.1) lists the 2011 area median income limits for the metro Orlando area, which are based on a 2011 median family income of \$57,400.

TABLE 2.1
2011 INCOME LIMITS

HOUSEHOLD SIZE	VERY LOW (50% OF MEDIAN)	LOW (80% OF MEDIAN)	MODERATE (120% OF MEDIAN)
1	\$20,450	\$32,700	\$49,080
2	\$23,350	\$37,350	\$56,040
3	\$26,250	\$42,000	\$63,000
4	\$29,150	\$46,650	\$69,960
5	\$31,500	\$50,400	\$75,600
6	\$33,850	\$54,150	\$81,240
7	\$36,150	\$57,850	\$86,760

Source: U.S. Department of Housing and Urban Development, *OC MSA Income Limits*, 2011.

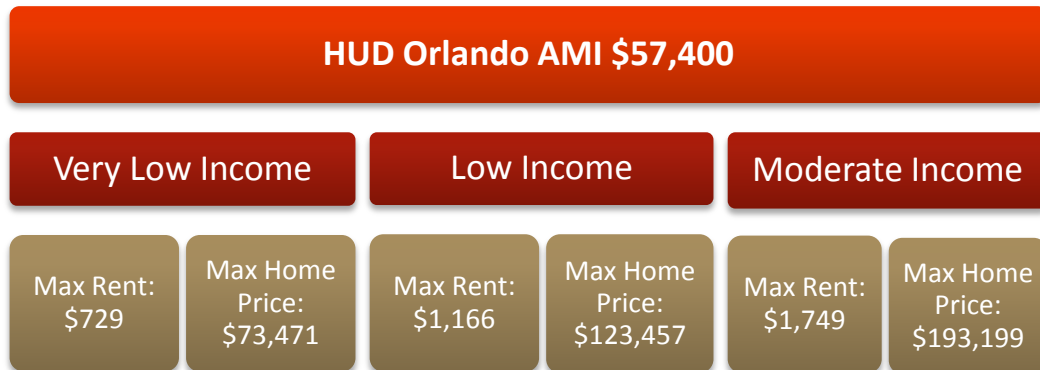
The housing market's general rule of thumb is that households could afford a home that costs 2.5 to 3 times their annual income, depending on their debt-to-income ratio. A household with an income of \$57,400 (HUD's 2011 AMI for metro Orlando) could afford to purchase a home between \$143,500 and \$172,200. Traditionally, Winter Park has had a higher AMI than Orange County. In 2010, Winter Park's held an AMI of \$59,278, which means a household could afford a home between \$148,195 and \$177,834. The current housing crisis has made Winter Park a bit more affordable but its range is still not on par with our neighboring cities.

AFFORDABILITY USING HUD'S STANDARD METHODOLOGY

HUD's standard methodology, which puts emphasis on percentage of yearly household income, places affordability within city limits at standard levels. Based on 2011 Orlando Regional Realtor Association (ORRA) sales reports, 42% percent of housing stock sold was affordable and 58% was unaffordable. Winter Park workers could find affordable and workforce housing within city limits on the West Fairbanks, Lee Road, and in the Aloma Corners section of Winter Park. In addition, workforce can find housing in the neighboring cities of Orlando, Maitland, Casselberry and unincorporated Winter Park within reasonable commuting distance (see addendum A & B).

Using HUD's Orlando MSA AMI (\$57,400), the Economic Development Department computed the maximum rental and home price a household under their income categories could afford. The maximum home price calculations are based on a four person household and include

traditional household expenses such as mortgage interest rates, property taxes, property insurance, utilities, etc. Very low incomes households (50% of AMI or less) that have an income of less than \$29,150 and could afford a maximum rent of \$729.00 per month or a maximum home price of \$73,471. Households in the low-income category (51% to 80% of AMI) that earn up to \$46,650 can afford a maximum rent of \$1,166 or a maximum home price of \$123,457. Lastly, households with moderate income (81% to 120% of AMI) that have annual income of \$69,960 can afford a maximum rent of \$1,749 per month or a maximum home price of \$193,199.



AFFORDABILITY USING WINTER PARK'S COMPREHENSIVE PLAN METHODOLOGY

Winter Park's affordable and workforce housing definitions are based on the median price of the single family homes sold the previous year in the Orlando metropolitan area. ORRA identified the 2011 median price of single family homes in the MSA was of \$130,000. Based on the Comprehensive Plan methodology, this would place Winter Park workforce housing as anything below \$158,000 and affordable housing in Winter Park as anything below \$104,000. In 2011, only 76 homes (18%) were sold under \$158,000 and 32 homes (8%) under \$104,000. Winter Park's methodology does not address rental affordability for very-low, low, and moderate income households. Additional information on the number of homes sold can be found in the 'Housing Sales Trend' section.



Affordability Based on Occupation

In order to get a better picture of what the Winter Park workforce could afford, an analysis of affordability based on professions and average wages was performed. As shown on figure 1.4, sales, management, administrative, and health services continue to be the chosen occupations of Winter Park residents. Table 2.2 illustrates the affordability of these and other high demand occupations in Winter Park. As indicated by the table below Winter Park has a median home sale price of \$230,000, \$100,000 more than the Orlando MSA, which would require income of almost \$83,000 annually to afford.

TABLE 2.2
AFFORDABILITY BASED ON OCCUPATION

PROFESSION	SINGLE PERSON INCOME	30% OF INCOME	MAXIMUM MORTGAGE
BANK TELLER	\$24,340	\$7,302	\$47,594
SECRETARY	\$28,909	\$8,673	\$63,130
PARAMEDIC	\$34,417	\$10,325	\$81,860
SCHOOL TEACHER	\$46,576	\$13,973	\$123,205
POLICE OFFICER	\$47,503	\$14,250	\$126,357
REGISTERED NURSE	\$51,090	\$15,327	\$138,555
CIVIL ENGINEER	\$61,657	\$18,497	\$174,487
IT ADMINISTRATOR	\$75,255	\$22,576	\$220,725
INCOME NEEDED TO AFFORD MEDIAN HOME PRICE IN WINTER PARK	\$82,782 INCOME NEEDED	\$24,835	\$230,000

Source: Florida Department of Economic Opportunity, *Occupational Employment & Wages*, 2012

Affordability Based on Targeted Industries

In the 2009 City of Winter Park Industry Cluster Analysis, the city identified seven targeted industries that are dominant, existing or emerging in our business community. The identified industries were: Education and Knowledge Creation, Real Estate and Development, Arts and Culture, Health Care Services, Financial and Professional Services, Creative Services, and Retail and Services. Table 2.3 showcases the median salary of specific occupations within the targeted industries described above.

TABLE 2.3
AFFORDABILITY BASED ON TARGETED INDUSTRY OCCUPATION

TARGETED INDUSTRY	PROFESSION	ONE PERSON INCOME	30% OF INCOME	MAXIMUM MORTGAGE
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EDUCATION & KNOWLEDGE CREATION	BUSINESS COLLEGE PROFESSOR	\$87,266	\$26,180	\$245,246
REAL ESTATE & DEVELOPMENT	REAL ESTATE BROKER	\$52,442	\$15,733	\$126,830
ARTS & CULTURE	MUSEUM CURATOR	\$44,236	\$13,271	\$98,926
HEALTH CARE SERVICES	LABORATORY TECHNICIAN	\$61,724	\$18,517	\$158,393
FINANCIAL & PROFESSIONAL SERVICES	FINANCIAL ANALYST	\$54,626	\$16,388	\$134,257
CREATIVE SERVICES	GRAPHIC DESIGNER	\$38,959	\$11,688	\$80,983
RETAIL & SERVICES	CLOTHING STORE MANAGER	\$84,685	\$25,405	\$236,469
INCOME NEEDED TO AFFORD MEDIAN HOME PRICE IN WINTER PARK		\$82,782 INCOME NEEDED	\$24,835	\$230,000

Source: Florida Department of Economic Opportunity, *Occupational Employment & Wages*, 2012

These figures reflect that the most common careers in our targeted industries pay above average Orange County AMI. Under the current housing market conditions all the sample targeted industry occupations could afford to live in Winter Park under a single salary household. However, as market conditions continue to improve, home prices will increase which might require a double salary income household.

HOUSING MARKET

The housing market analysis provides an estimate of the current supply of housing in Winter Park. In this portion of the analysis, the existing housing inventory is examined, including the number, type, and tenure. Housing occupancy and vacancy rates, housing sales trends and rental housing trends are analyzed to determine the residential market activity in the area.

Housing Characteristics

HOUSING UNITS

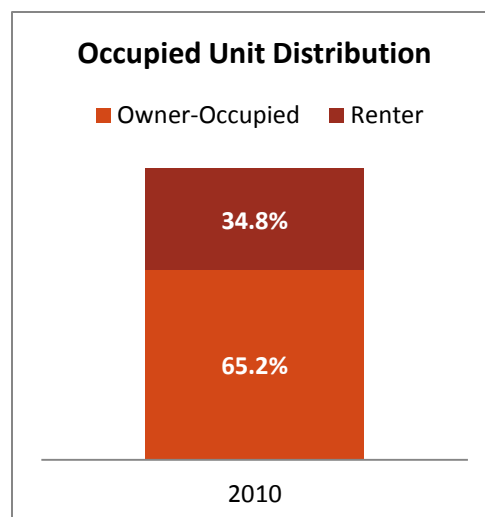
The City of Winter Park saw an increase of housing units from 2000 to 2010 (table 3.1) experiencing a 17% increase over the 10-year period. A similar rate of housing unit growth took place in Altamonte Springs over the same period with an 11% increase. However, substantial growth occurred in the neighboring cities of Maitland and Orlando with a 59% and a 37% increase, respectively. The rate of growth in housing units in Orange County (35%) was almost double the rate of growth in Winter Park.

TABLE 3.1
TOTAL HOUSING UNITS, 2000-2010

PLACE	2000	2010	% CHANGE
WINTER PARK	11,532	13,463	17%
MAITLAND	5,104	8,137	59%
ALTAMONTE SPRINGS	19,992	22,088	11%
ORLANDO	88,486	121,254	37%
ORANGE COUNTY	361,349	487,839	35%

Source: U.S. Census Bureau of the Census, *U.S. Census of Population and Housing*, 2000, 2010.

The city has a total of 13,463 housing units, of which 11,995 are occupied (an occupancy rate of 89.1%). Of the occupied units, 7,825 (65.2%) are owner occupied and 4,170, (34.8%) are rental units. The average household size of the owner occupied unit is 2.31 persons and 1.91 persons for a renter occupied unit.



HOUSEHOLD TYPE

In 2010, there were over 13,000 housing units in the City of Winter Park. As can be seen in table 3.2, single-family housing is the dominant form of housing in the city, representing 63% of the total housing stock in 2010; small multifamily housing (3-19 units) represented 14.5%. The remaining inventory consists of single family attached, mobile homes, and other miscellaneous types of housing.

From 2000 to 2010, approximately 1,931 units were added to the housing inventory, an increase of 17%. While single-family attached units accounted for much of the growth, there was also a significant increase in the number of single family attached units and small multi-family, with approximately 691 units added to the inventory. In addition, mobile homes and other forms of housing, such as boat, RVs, etc., experienced an increase as well. As can be seen, however, multi-family units and duplexes experienced a significant decrease.

TABLE 3.2
HOUSING UNITS BY TYPE, 2010

TYPE	2000		2010		CHANGE	
	UNITS	PERCENT	UNITS	PERCENT	UNIT CHANGE	% CHANGE
1 UNIT DETACHED	6,882	60%	8,502	63%	1,620	23%
1 UNIT ATTACHED	435	4%	941	7%	506	116%
2 UNITS	266	2%	231	2%	-35	-13%
3 – 19 UNITS	1,753	15%	1,938	14.5%	185	10%
20 OR MORE UNITS	2,166	19%	1,786	13%	-380	-17%
MOBILE HOMES	30	0	56	0.5%	26	86%
BOAT, RV, VAN, ETC	0	0	9	0%	9	100%
TOTAL	11,532	100%	13,463	100%	1,931	17%

Source: U.S. Census Bureau, American Community Survey 2000, 2010.

HOUSING TENURE

The City of Winter Park continued to observe an increase (11.5%) in owner-occupied housing units from 2000 to 2010 (table 3.3). In 2010, there were close to 12,000 occupied housing units in Winter Park. The 7,016 ownership units represented 61.4% of the 2000 housing stock; the 7,825 ownership units represented 65.2% of the 2010 housing stock. Despite the recent collapse of the real estate market, home ownership rates have increased over the decade.

TABLE 3.3
OWNER OCCUPANCY, 2000-2010

PLACE	2000	2010	% CHANGE
WINTER PARK	7,016	7,825	11.5%
ORANGE COUNTY	204,195	243,950	19.4%
FLORIDA	4,441,799	4,998,979	12.5%

Source: U.S. Census Bureau of the Census, *U.S. Census of Population and Housing*, 2000, 2010.

The number of renter-occupied housing units increased 12.5%, from 2000 to 2010 growing from 3,706 to 4,170 (table 3.4). Rented units, as an overall percent of occupied housing has remained essentially flat over the decade with renters representing 32.4% of the housing stock in 2000 and 31% in 2010. As homeowner occupancy increased over the period the observance of a slight decrease is not unexpected.

TABLE 3.4
RENTER OCCUPANCY, 2000-2010

PLACE	2000	2010	% CHANGE
WINTER PARK	3,706	4,170	12.5%
ORANGE COUNTY	132,091	177,897	34.6%
FLORIDA	1,896,130	2,421,823	27.7%

Source: U.S. Census Bureau of the Census, *U.S. Census of Population and Housing*, 2000, 2010.

HOUSING VACANCY

From 2000 to 2010, Winter Park experienced a doubling of vacant housing units (table 3.5). In 2000, the city had 709 vacant units; in 2010, there were 1,468, an increase of 107%, representing 11% of the housing stock. The increase in vacant housing is most likely attributed to the real estate crash, in which many homeowners had to walk away from their properties. The 2010 homeowner vacancy rate was 2.6%, compared to 1.4% in 2000. Rentals, on the other hand, have slightly risen. The 2010 rental vacancy rate was of 5.8%, compared to 6.0% in 2000.

TABLE 3.5
HOUSING UNITS BY TYPE IN WINTER PARK

TYPE	2000		2010		CHANGE	
	UNITS	PERCENT	UNITS	PERCENT	UNIT CHANGE	PERCENT CHANGE
OCCUPIED HOUSING	10,722	93.8%	11,995	89.1%	1,273	11.9%
VACANT HOUSING	709	6.2%	1,468	10.9%	759	107%

Source: U.S. Census Bureau, American Community Survey 2000, 2010.

Rental Housing Supply

Winter Park's highly desirable location has created a tremendous demand for temporary housing, jeopardizing rental affordability. In 2010, Winter Park had 4,170 renter-occupied housing units, this includes single-family houses, condominiums, attached-units, etc. Monthly rents for these units have dramatically changed between 2000 and 2010. Rental units leasing below \$499.99 per month decreased by 56%, while rentals units between \$500.00 to \$749.00 per month decreased by 58%. Conversely, high-end rentals showed a drastic increase with units leasing between \$1,000 to \$1,499 per month increasing by 147%, while units leasing at \$1,500 or more almost tripled to 183% (Table 3.6).

TABLE 3.6
TOTAL HOUSING UNITS MONTHLY COST, 2000-2010

AMOUNT	2000	2010	% CHANGE
LESS THAN \$499	855	375	-56%
\$500 TO \$749	1,391	586	-58%
\$750 TO \$999	691	929	34%
\$1,000 TO \$1,499	488	1,206	147%
\$1,500 OR MORE	318	893	180%
NO RENT PAID	158	181	14.5%
TOTAL	3,706	4,170	12.5%

Source: U.S. Census Bureau of the Census, U.S. Census of Population and Housing, 2000, 2010.

Assisted housing programs, such as the Winter Park Housing Authority, have helped the city to provide affordable rental housing units to the moderate and low-income residents of Winter Park. The organizations providing these types of facilities usually partner with HUD's rental assistance programs, Florida's HOME program, and affordable housing community loans. Due to the economic recession and the housing crisis, demand for subsidized housing and workforce rental units has increased. Individuals and families wishing to move to any of the Winter Park Housing Authority units must jump into a 12-18 month wait list.

The Schimberg Center for Affordable Housing analyzes housing affordability for the state of Florida and documents the number of assisted housing facilities available to residents. In Winter Park, most of these assisted housing facilities target the senior and disabled population, and they have very limited assisted housing units open to families with children. The city has 578 assisted housing units within city limits, 452 of these units (78%) are allocated to the elderly and disabled population and 126 (22%) are open to families (table 3.2).

TABLE 3.2
TOTAL ASSISTED HOUSING UNITS WITHIN CITY LIMITS

DEVELOPMENT	ADDRESS	TOTAL UNITS	POPULATION SERVED
CALVARY TOWERS	1099 CLAY STREET	156	ELDERLY
PLYMOUTH	1550 GAY ROAD	196	ELDERLY
THE OAKS AND THE MEADOWS	700 NORTH DENNING	48	ELDERLY AND DISABLED
TRANQUIL TERRACE	845 WEST SWOOPE AVENUE	52	ELDERLY AND DISABLED
WINTER PARK OAKS	303 BALFOUR DRIVE	96	FAMILY
RAILROAD AVENUE APARTMENTS	600 RAILROAD AVENUE	30	FAMILIES AND DISABLED
TOTAL		578	

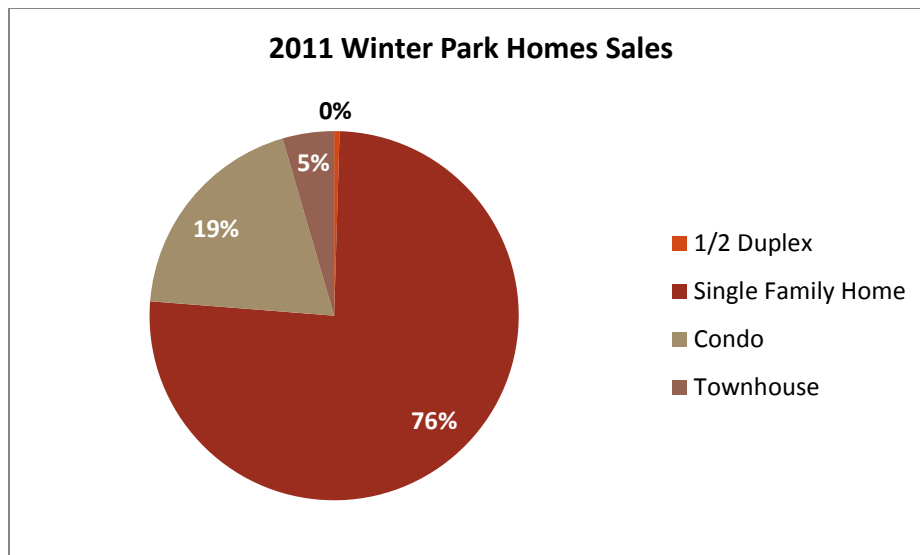
The unincorporated section of Winter Park holds almost the same amount of assisted housing units as the city and fulfills the affordable housing family gap within city limits. Unincorporated Winter Park has 574 assisted housing units, 275 of these units (48%) are strictly for moderate and low income families, 180 units (31%) are open to families and disabled individuals, 119 units (21%) are open to families, elderly, and the disabled, and four are only available for disabled individuals.

TABLE 3.3
TOTAL ASSISTED HOUSING UNITS OUTSIDE CITY LIMITS

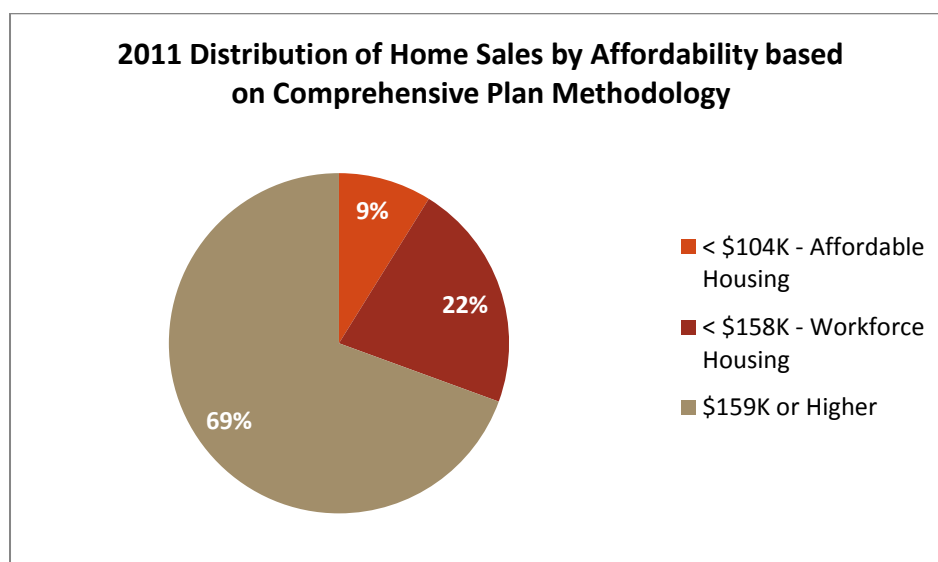
DEVELOPMENT	ADDRESS	TOTAL UNITS	POPULATION SERVED
THE MEADOWS AT MARGARET SQUARE	824 MARGARET SQUARE	119	ELDERLY, DISABLED, AND FAMILIES
TUSCANY AT ALOMA APARTMENTS	6999 ALOMA AVENUE	180	FAMILIES AND DISABLED
GOLDEN OAKS	7701 ACORN WOODS CIRCLE	96	FAMILY
HOWELL BRANCH COVE	7800 SPIRIT LANE	58	FAMILY
SAN JOSE OF SEMINOLE	2353 WINTER WOODS BLVD.	121	FAMILY
THRESHOLD, INC.	3550 GOLDENROD RD	4	DISABLED
TOTAL		574	

Winter Park Housing Sales Trend

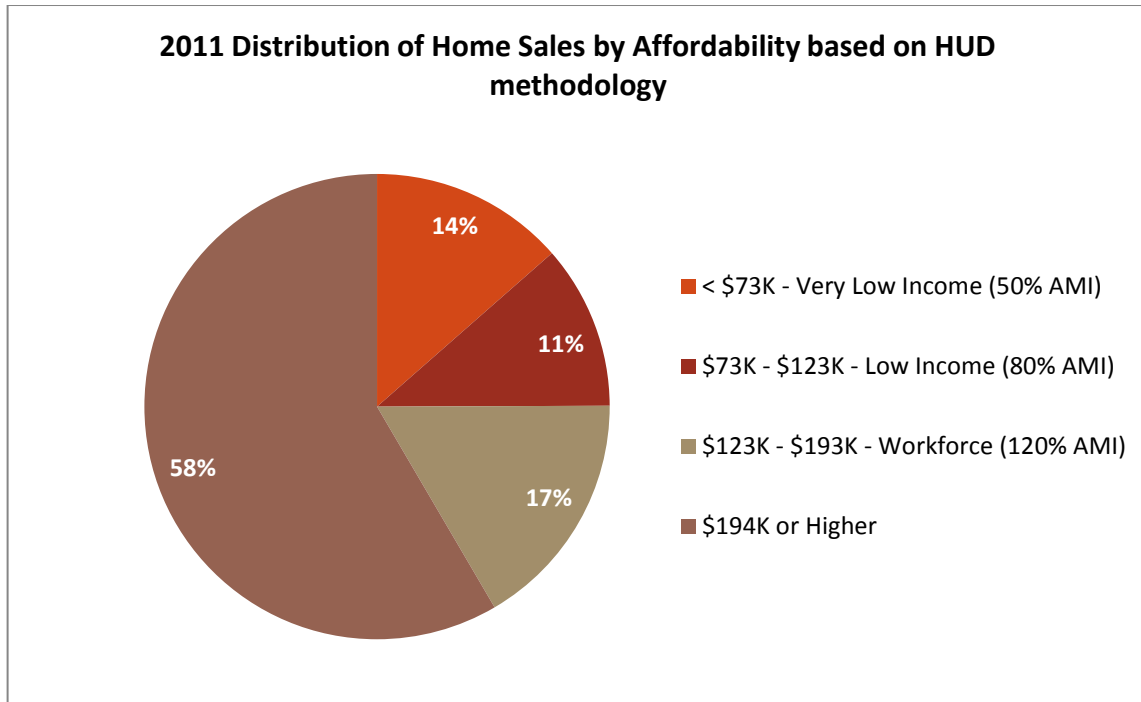
In 2011 ORRA reported 421 residential sales within the Winter Park city limits. Of these, 270 were considered “normal” sales, 59 were bank owned, and 92 were short sales. The city’s 2011 average home sale price was \$263,344, giving us an average price per square foot of \$141.50 for a three bedroom, two bath home. As expected, Winter Park is primarily a single family home community; 76% of homes sold in 2011 were single family homes, while 19% were condos and only 5% were townhomes.



When looking at affordability, the results vary according to the affordability methodology utilized. Using the methodology listed in the Comprehensive Plan, the Winter Park market has limited affordability. As stated in the “Affordable & Workforce Housing” section of this report, Winter Park’s affordable and workforce housing definitions are based on the median price of the single family homes sold the previous year in the Orlando metropolitan area. ORRA identified the 2011 median price of single family homes in the MSA was of \$130,000. Based on the Comprehensive Plan methodology, this would place Winter Park workforce housing as anything below \$158,000 and affordable housing in Winter Park as anything below \$104,000. In 2011, only 76 homes (22 percent) were sold under \$158,000 and 31 homes (9 percent) under \$104,000.



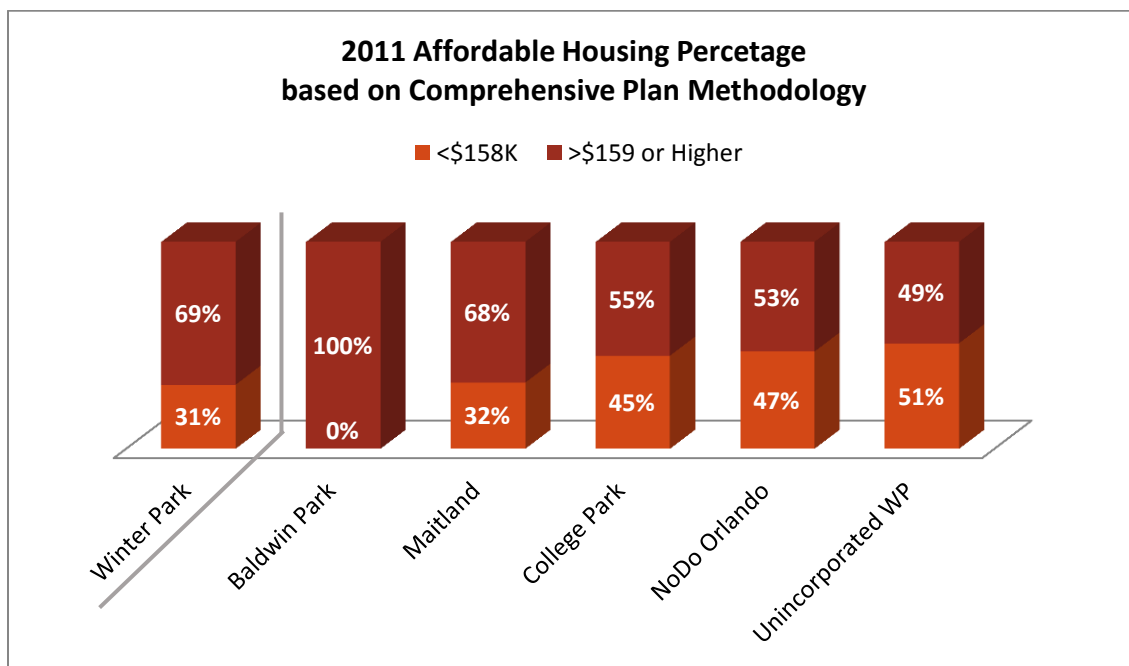
However, based on HUD’s affordability methodology Winter Park can be considered to be affordable to all income levels. ORRA’s sales data show that in 2011 home sales were evenly distributed between all income affordability levels. Fifty-seven homes (14%) were sold at very-low income household levels, 48 homes (11%) at low income, and 70 homes (17%) at moderate income household levels. In total, 42% of homes sold in 2011 were sold at affordable prices and 58% were sold at higher prices.



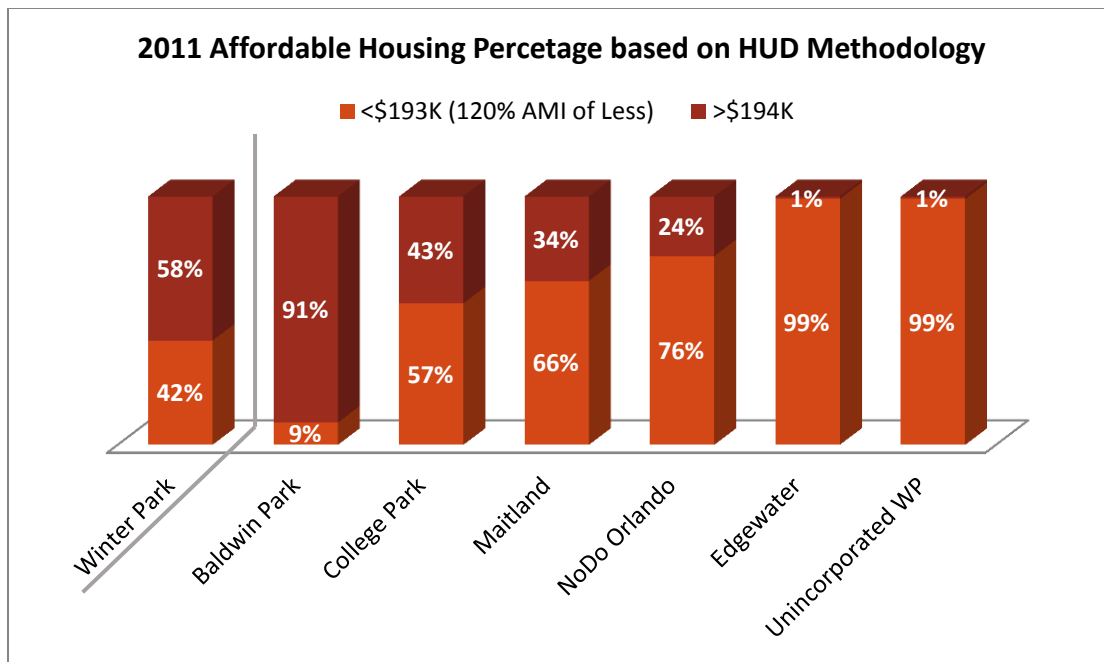
Home sales meeting HUD’s very low income bracket were primarily found in the Hannibal Square planning area. Very Low income buyers (50% AMI) could find a 945 square foot, two bedrooms, and one and a half bathroom home for \$45,493. Home sales meeting HUD’s low income bracket were also found in the previous area and along the Lee Road, Mead Gardens, and Waterbridge planning areas. Low income buyers (80% AMI) could find a 1,335 square foot, two and half bedrooms, and one and a half bathroom home for \$97,493. Lastly, homes meeting HUD’s moderate bracket were primarily found in the Mead Gardens, Osceola/Lakeview, Brookshire, and Glenridge/Lake Sue planning areas. Moderate income buyers (120% AMI) could find a 1,491 square foot home with three bedrooms and three bathrooms for \$159,706.

Surrounding Areas Housing Sales Analysis

Home sales analysis of the surrounding Winter Park zip codes gives a clearer picture of affordability in Central Florida. Analysis was conducted on 2011 ORRA's sales report for Winter Park (32789) and boundary surrounding zip codes 32792, 32751, 32810, 32804, 32803, and 32814. Results varied, again, according to the affordability methodology being used. Using the Comprehensive Plan methodology, Winter Park had the second lowest level of affordable housing. The neighboring cities of College Park, North Downtown Orlando, and the unincorporated section of Winter Park had higher levels of affordability ranging in the high forties. The city of Maitland also held a higher percentage, but by only one point. Baldwin Park had zero percent affordability based on the Comprehensive Plan methodology for single family homes.



Using HUD's methodology, Winter Park still ranked as one of the least affordable areas. In 2011, 42% homes sold in the city were at prices that were affordable to very-low, low, and moderate income households. Maitland, College Park and North Downtown Orlando, had a higher affordability percentages at 66%, 57% and 76%, respectively. Edgewater and unincorporated Winter Park had the largest percentage of affordable home sales with 99% in each area. Baldwin Park came in, again, as the least affordable area with only 9% of homes sold in 2011 meeting income limits.



The Orlando Edgewater area (zip code 32810) had the largest home sale count. The zip code had 365 home sales in 2011, 76% of sales were from single family homes. The average home included 1,420 square feet with three bedrooms and two bathrooms for \$71,230. Almost all (99%) of homes sold in 2011 in this zip code were considered affordable. Although only a small section of this area shares a boundary with Winter Park, residents could still fall under the standard Winter Park commute time of 20.8 minutes.

The City of Maitland (zip code 32751) had the second largest home sale count with 344 homes sold in the zip code in 2011. Single family homes had the highest share of the market with 54% followed by condominium sales at 35%. The average home included 1,864 square feet with three bedrooms and two bathrooms for \$190,331. Sixty-six percent of Maitland's sales were considered affordable.

North downtown Orlando (zip code 32803) had 335 home sales in 2011. Single family home sales took 79% of the market, while condominiums took 17%. The average home included 1,477 square feet with three bedrooms and two bathrooms for \$157,012. Seventy-six percent of the homes sold were considered affordable.

College Park (zip code 32804) had 273 home sales in 2011. Single family homes took 86% share of the sales market, while condominiums only took 9%. The average home included 1,775 square feet with three bedrooms and two bathrooms for \$226,185. Fifty-seven percent of College Park's home sales were considered affordable.

The unincorporated section of Winter Park (zip code 32792) had 191 homes sales in 2011. This saw a split between single family homes and condominiums. Condominiums had the largest share of sales with 49%, while single homes took 43% of 2011 sales. The average home

included 1,360 square feet with two and a half bedrooms and two bathrooms for \$93,512. Unincorporated Winter Park had 99% of its sales at an affordable level.

Lastly, the Baldwin Park area (zip code 32814) had 152 homes sales in 2011. Single family homes took the largest share of the sales market with 47% while townhomes took 39%. The average home had 2,370 square feet with three bedrooms and two and a half bathrooms for \$352,491. Baldwin Park had only 9% of its sales at an affordable level making it the least affordable neighboring zip code.

TYPES OF HOUSING SALES

When looking at the 2011 type of sales, Winter Park and Baldwin Park held the highest percentage of traditional sales with 64% and 63%, respectively. Winter Park and neighboring zip codes held the same percentage of short sales closings, averaging 26% of market share. Lastly, the neighborhoods of Edgewater and unincorporated Winter Park were the hardest hit by bank owned sales. Edgewater held the highest share at 41%, while unincorporated Winter Park's share was 35%. The city of Winter Park had a 14% share of bank owned properties and 22% share of short sales (figure 4.1).

TABLE 4.1
2011 TYPE OF RESIDENTIAL SALES

ZIP CODE	CITY/NEIGHBORHOOD	BANK OWNED	% OF MARKET	SHORT SALE	% OF MARKET	TRADITIONAL	% OF MARKET
32789	Winter Park	59	14%	92	22%	270	64%
32792	Unincorporated WP	66	35%	57	30%	68	36%
32751	Maitland	90	26%	90	26%	164	48%
32810	Orlando (Edgewater)	149	41%	111	30%	105	29%
32804	Orlando (College Park)	57	21%	60	22%	156	57%
32803	Orlando (N. Downtown)	72	21%	99	30%	164	49%
32814	Orlando (Baldwin Park)	14	9%	43	28%	95	63%

Source: Orlando Regional Realtor Association, 2011 Market Sales Report.

AFFORDABILITY RADIUS

Analysis was conducted on Orange County Property Appraiser data for all residential parcels (single family homes, condos, duplexes, etc.) within a 2.5 mile radius of the Winter Park city

center which included parts of Maitland, Eatonville, Edgewater, North Downtown Orlando, Corrine Drive area, and unincorporated Orange County. The analysis used an adjusted market value based on the observed difference between what recent sales of properties were against the Property Appraiser's opinion of market value. This provided an estimate of what every residential property would be valued at if the owner decided to sell giving an indication of the availability of affordability near Winter Park.

Using the Comprehensive Plan methodology, individuals seeking to live within 2.5 miles from Winter Park may find affordable housing in 37% of residential parcels in the area, 63% are unaffordable. Using HUD's methodology, affordability increases to 50% of residential parcels with 12% affordable to very-low income households, 24% to low-income, and 14% for moderate income households.

TABLE 4.2 AFFORDABILITY WITHIN A 2.5 MILE RADIUS					
COMPREHENSIVE PLAN METHODOLOGY			HUD'S METHODOLOGY		
CATEGORY	NUMBER OF RESIDENTIAL PROPERTIES	% OF MARKET	CATEGORY	NUMBER OF RESIDENTIAL PROPERTIES	% OF MARKET
			<\$73K – VERY LOW	3,800	12%
<\$104K - AFFORDABLE	5,966	19%	\$74K - \$123K AFFORDABLE	7,449	24%
\$105K - \$158K WORKFORCE	5,477	18%	\$124K - \$193K WORKFORCE	4,344	14%
\$159K OR HIGHER	19,386	63%	\$194K OR HIGHER	15,236	50%
TOTAL	30,829		TOTAL	30,829	

Source: Orange County Property Appraiser's, 2011 Property Values Report

Summary and Recommendations

Winter Park is a leading urban village better known for its upscale shopping and dining and less for the income diversity of its residents and employees. With almost half of all of Winter Park's households making less than \$50,000 a year and with the city being an employment hub for the region, maintaining a stock of affordable housing options in and around the city will be important for long term economic health by providing an accessible workforce for local businesses.

The economic recession has allowed the City of Winter Park to become affordable to all levels of income as median home sale values have fallen from a high of around \$400,000 to about \$230,000 today. This decline in value has also affected the surrounding metro area dropping the median sale price of the Orlando MSA to \$130,000 providing for a greater availability of affordable housing options nearby the city. As most of the sales happening in the market today are by sellers under duress home prices are at a temporary low. It is likely that in the longer term as housing values recover, Winter Park will widen the affordability gap with the region limiting lower cost housing ownership options for workforce employees.

While affordable ownership opportunities are available in and around Winter Park, the availability of affordable rental housing has declined drastically with the credit and housing crisis. Families with poor credit due to job losses and foreclosures have either left or been forced out of homes, raising the vacancy rate of housing and creating higher demand for rental options. While rental housing in Winter Park below \$750 a month was cut in half over the last decade, rental units going for over \$1,500 a month have tripled. Using HUD guidelines a family making the median household income in Winter Park would be unlikely to find affordable rental options within the city.

The City of Winter Park has won multiple awards for its affordable housing initiatives and programs offered through the Community Redevelopment Agency and local non-profit partners have addressed issues of affordability over the years. With home prices at a low point, ownership options for housing in and around the city are obtainable however the availability, and now affordability, of rental stock is an issue for the city. The Department of Economic Development is offering the following recommendations for consideration based on a short-term outlook of the analysis of the data presented.

ADJUSTING WINTER PARK'S COMPREHENSIVE PLAN DEFINITIONS

Winter Park's definition of affordability outlined in the Comprehensive Plan has some negative drawbacks and a revised definition based on more widely adopted guidelines should be considered.

- 1) Consistency with other Government Definitions: Winter Park's affordable and workforce housing definitions are based on the median price of the single family homes sold the previous year in the Orlando metropolitan area. This methodology is not commonly

used, primarily because it could have drastic changes year over year. Most cities and counties prefer to use HUD's 30 percent of AMI methodology for affordable housing and the county and state's 120% - 140% of AMI methodology for workforce housing. Adopting a definition that fits with other governmental organizations will allow more seamless and regional participation in affordable housing initiatives.

- 2) **Overstates Affordability during Market Upturns:** Whereas the Comprehensive Plan approach uses relative value to determine affordability the more common approach is to use income. During the housing boom when the metro-Orlando median home price was above \$260,000 the definition of affordable under the Comprehensive Plan would be about \$211,000 or less. With almost half of Winter Park's existing households making \$50,000 or less at that time this price of housing was not affordable. By using a methodology based on income, housing affordability is determined by the wages of the jobs that are being relocated nearer the city not the prevailing cost of housing.
- 3) **Understates Affordability in Downturn Markets:** When market prices are low like today the Comprehensive Plan definition understates the current stock of housing that is actually affordable. Using the Comprehensive Plan definition, within a 2.5 mile radius of Winter Park, 37% of residential housing is affordable to workforce and below. Under the standard definitions 50% is workforce or affordable. Analysis crafted in a downturn using the Comprehensive Plan definition may overestimate the need for lower cost housing and craft policies that unnecessarily promote it.
- 4) **The Definition Excludes non-Single Family Housing Units:** The Comprehensive Plan's definition requiring that affordability is defined as 80% of the median single family home sale price in the metro-Orlando area excludes other viable housing options from inclusion in analysis. Many workforce families elect to rent or buy starter homes that may be more affordable like condos, townhouses, or duplexes. Excluding these types of housing from the analysis will further underestimate the availability of housing options.
- 5) **Does not Provide for Rentals:** The current definition does not allow for a methodology to determine if a rental project is affordable. By defining affordability based on sale values there is no way to determine if a rental rate offered would also meet the needs of the workforce since there is no sale taking place. Basing affordability on income would allow for rental rates to be included and evaluated for affordability.
- 6) **Data is Difficult to Obtain:** Data on the median price of single family homes in the Orlando MSA is not easily obtainable. The Orlando Regional Realtor Association (ORRA) tracks median home prices but their public data does not differentiate between single family homes, condominiums, or attached units. In addition, ORRA's published reports do not reflect housing data at the MSA level; they divide their data by county, city, and zip code. By switching to an AMI based definition the benchmarks for affordability, already produced and published by the county and state, can easily be utilized.

Staff recommends adjusting the affordable and workforce housing definitions listed on the comprehensive to plan to the following:

AFFORDABLE HOUSING	WORKFORCE HOUSING
THE ATTAINMENT OF RENTAL OR FOR SALE HOUSING TO AN INDIVIDUAL OR FAMILY WHOSE ANNUAL HOUSEHOLD INCOME, AS ADJUSTED FOR HOUSEHOLD SIZE, DOES NOT EXCEED 80 PERCENT OF THE AMI, WITH NO MORE THAN 30 PERCENT OF ANNUAL HOUSEHOLD INCOME SPENT ON HOUSING.	THE ATTAINMENT OF RENTAL OR FOR SALE HOUSING TO AN INDIVIDUAL OR FAMILY WHOSE ANNUAL HOUSEHOLD INCOME, AS ADJUSTED FOR HOUSEHOLD SIZE, DOES NOT EXCEED 120 PERCENT OF THE AMI, WITH NO MORE THAN 30 PERCENT OF ANNUAL HOUSEHOLD INCOME SPENT ON HOUSING.

IDENTIFY CITY OWNED SITES AVAILABLE FOR AFFORDABLE/WORKFORCE HOUSING DEVELOPMENT

To generate additional affordable and workforce housing stock, the city could establish an internal review process for City owned sites suitable for the development of workforce housing at various income levels. When the city decides to rehabilitate or dispose of the property, emphasis will be given to projects that would bring affordable/workforce housing to Winter Park. This effort would add the issue of affordability to the city's list of considerations when disposing of land and could generate additional affordable rental and ownership opportunities.

ADDRESS THE AFFORDABILITY OF RENTAL HOUSING

The credit crunch and higher unemployment has reduced the ease of purchasing a home forcing many families to seek temporary housing thus raising rental rates significantly in the city. As a way to increase the tax base while addressing the affordability issue the city could pursue a number of concepts aimed at promoting the development of rental workforce housing.

- 1) Create an expedited review process: Projects that have a component of workforce affordability would be granted higher priority of review thus speeding up the time to receive a permit. City staff would also work with applicants to create mini development review sessions to address all issues early and comprehensively.

- 2) Impact fee deferral or subsidy program: Develop an incentive based program that provides deferred or waived impacts for portions of multifamily projects that incorporate workforce housing. The level of deferment or subsidy could depend upon the affordability of the units provided.
- 3) Provide density bonuses for projects including workforce housing: Many other cities and counties provide density bonuses for projects that have a component of affordability. Particular job and affordability levels could be targeted by the city and density bonuses awarded for providing certain thresholds of housing units.
- 4) Require an affordability component in projects: The City of Atlanta has long required a certain percentage of all its multifamily projects to include an affordability component. Typically the local jurisdiction designates an area or the entire city and then requires any project of a certain size or density to provide a portion of units to varying income levels.

CONDUCT A PERIODIC AFFORDABILITY REVIEW

The recent collapse in housing prices has greatly increased affordability within the region and has decreased the need for affordable ownership housing options. As the economy improves a periodic, every 5 years, review of the status of affordability within Winter Park and the surrounding area should be conducted to determine if adjustments need to be made to policies or programs.

REMOVE REGULATORY BARRIERS AND IMPEDIMENTS TO AFFORDABLE HOUSING DEVELOPMENT

To maximize the resources available to develop affordable and workforce housing, costs resulting from City-controlled regulations and administrative processes should be mitigated. Staff recommends the adoption of the following incentives to the existing affordable/workforce permitting process:

IMPACT FEE FINANCING PROGRAM

Establish an impact fee deferment ****or subsidy program**** to encourage the development of workforce housing. The Impact Fee Financing Program could provide financing opportunities when the total of City impact fees reaches \$20,000. The fee may be financed over XXX years with the interest being set at the prime rate.

*****THIS COULD BE ANOTHER ALTERNATIVE******

For Sale Units

The Impact Fee Subsidy program shall provide a countywide impact fee subsidy in proportion to the following sales price of a workforce housing unit:

SALES PRICE	PROPOSED SUBSIDY
\$151,000 AND BELOW	75%
\$151,001 - \$185,000	60%
\$185,001 - \$219,000	50%

Rental Units

The Impact Fee Subsidy program will provide a countywide impact fee subsidy in proportion to the following income levels:

INCOME LEVEL	PROPOSED SUBSIDY
30% OR LESS OF MEDIAN	75%
31% - 59% OF MEDIAN	50%
60% - 80% OF MEDIAN	25%

EXPEDITED REVIEW PROCESS

To encourage the development of workforce housing, the staff recommends the establishment of a Workforce Housing Coordinator within current level of planning staff to expedite certified workforce housing developments during the approval process for the preliminary subdivision, construction plan and platting. The Workforce Housing Coordinator will also work on housing policies in the Planning and Economic Development Department and serve as an advocate for Workforce Housing Developments including notification to interested community groups. In addition, the Workforce Housing Coordinator will implement time saving measures for workforce housing developments such as but not limited to: (a) Schedule meetings with the Planning and Building Departments to review plans and any re-submittals; (b) Reserve several blocks of time on each Development Review Committee (DRC) schedule for Workforce Housing Development; and (c) Have the Workforce Housing Coordinator schedule meetings with the district's commissioner and applicant to review project.



City Commission **agenda item**

item type Public Hearings	meeting date January 13, 2021
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Resolution - Designating 1199 Washington Avenue as historic resource to the Winter Park Register of Historic Places.

motion / recommendation

Approve the Resolution to designate the property at 1199 Washington Avenue built in 1935 to the Winter Park Register of Historic Places.

background

Mr. Ron Scarpa has voluntarily agreed to designate the existing Minimal Traditional cottage home at 1199 Washington Avenue, built in 1935, to the Winter Park Register of Historic Places.

This property at the corner of Melrose Avenue is zoned R-3 and now allows for the development of two new residential two-story townhouse units, as is seen on most of the Washington Avenue.

However, rather than demolish the existing small 1935 cottage for the redevelopment of two new townhouse units, Mr. Scarpa is offering to designate the existing 1935 cottage, restore that cottage and then build a freestanding second two-story home to the rear of the 1935 cottage fronting on Melrose Avenue. That home would be 1,500 sq. ft. in size, split evenly into the two floors. The total size of the two structures will be a combined 2,449 sq. ft. which is a floor area ratio (FAR) of 43.8%. This is less than the maximum 50% FAR allowed. Similarly, the building lot coverage proposed (footprint) is at 32% which is less than the permitted 35%.

The Historic Preservation Board approved the recommendation for designation and the proposed plans at their December 13th meeting.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Resolution_1199 Washington Avenue.doc](#)

ATTACHMENTS:

[1199 Washington Site Plan_Elevations.pdf](#)

ATTACHMENTS:

[Picture #1.png](#)

ATTACHMENTS:

[Picture #2.jpg](#)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY
LOCATED AT 1199 WASHINGTON AVENUE, 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 1199 Washington Avenue with the existing cottage home as an example of the Minimal Traditional 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 1199 Washington Avenue as a historic resource on the Winter Park Register of Historic Places, such action being taken in concert with the approval by the Historic Preservation Board for a new two-story residence in the rear of this property, as is permitted by the R-3 zoning, together with the setback variances as approved by the Historic Preservation Board.

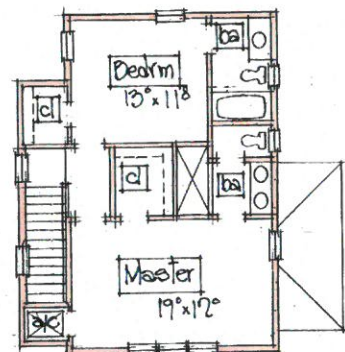
SECTION 2. That the two residences shall be eligible for the historic preservation incentive of city fee waiver for underground electric

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of _____ 2021.

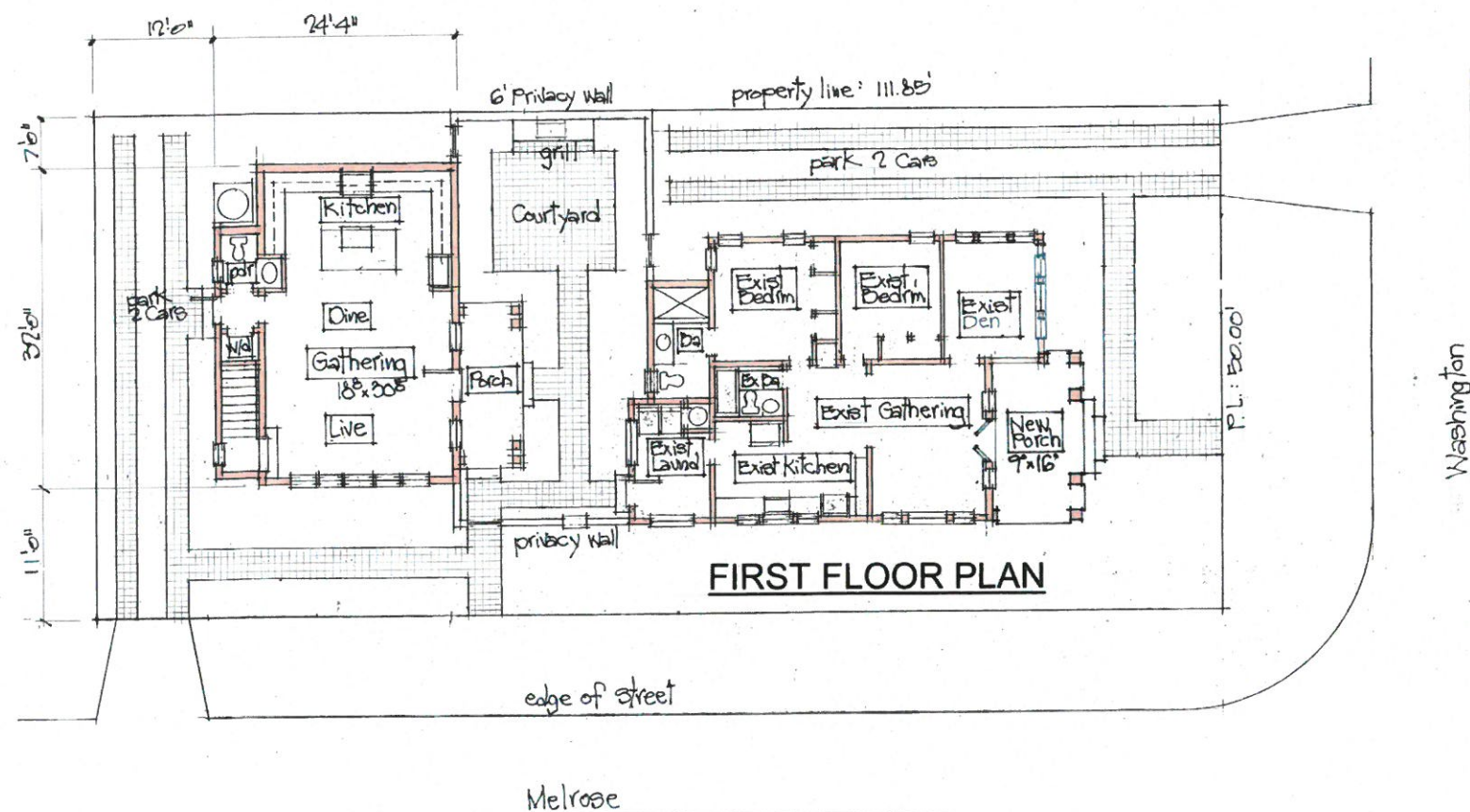
Steve Leary, Mayor

ATTEST:

City Clerk



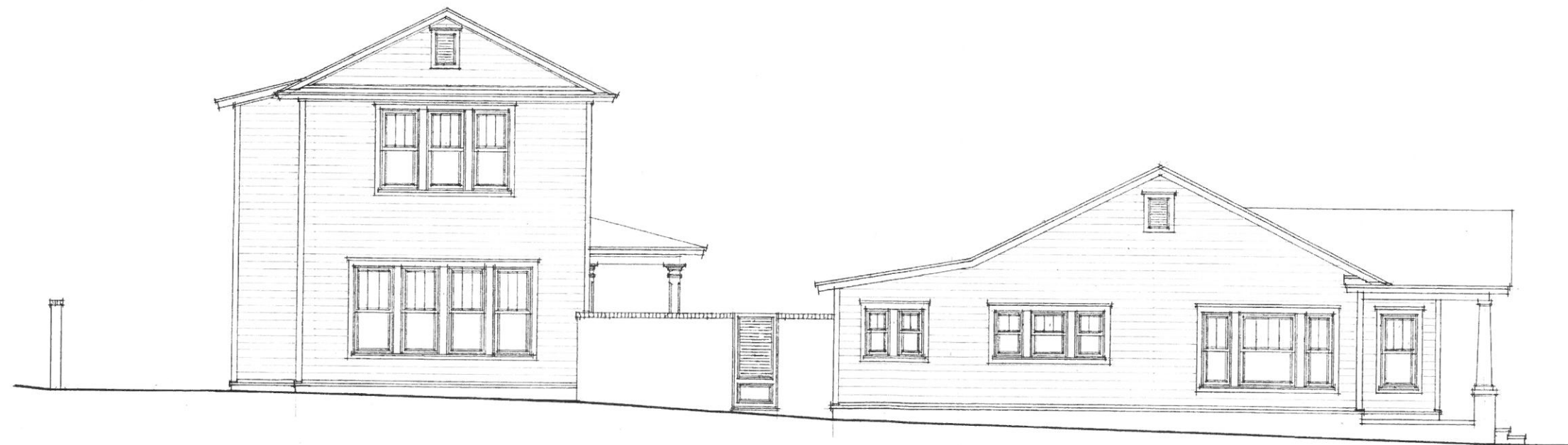
SECOND FLOOR PLAN



FIRST FLOOR PLAN

AREA CALCULATION	
Existing Zoning	R-3
Address	1199 Washington Ave.
Lot Area	5,591 SF
BUILDING AREA	
Existing Cottage	
Existing Living	873
New Addition	76
New Porch	145
FAR	949 SF
New Cottage	
First Floor	750
Second Floor	750
Total Living	1,500 SF
Front Porch	100
Total Construction	1,600 SF
FLOOR AREA RATIO	
Existing Cottage	949
New Cottage	1,500
Total FAR	2,449 (43.8%)
FAR Allowed	2,796 (50.0%)
LOT COVERAGE	
Proposed	1,799 (32%)
Allowed	1,957 (35%)

MELROSE RESIDENCE
 WINTER PARK, FLORIDA



WINCEY PARK DESIGN



MELROSE RESIDENCE
WINTER PARK, FLORIDA

JOB NUMBER
2420

DATE Sept 27 2020

DRAWN
RgtH

REVISIONS

2000

1









City Commission **agenda item**

item type Public Hearings	meeting date January 13, 2021
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of Goodlives, LLC for:

item list

- An Ordinance to amend the Comprehensive Plan Future Land Use Map to change from Commercial to Central Business District and to amend the Future Land Use Maximum Height Map to enable a three-story maximum height on the property at 301 N. New York Avenue (First Reading).
- An Ordinance to amend the Official Zoning Map to change from (C-3) to (C-2) on the property at 301 N. New York Avenue (First Reading).
- Conditional Use approval to construct a 11,245-square-foot (14,069 gross square feet including covered parking/front porch/balcony), three-story building at 301 N. New York Avenue with 22 surface parking spaces and four new public parking spaces on New York Avenue.

motion / recommendation

Recommendation by staff and the P&Z Board to approve the Ordinances and Conditional Use requests as presented.

background

The subject property at 301 N New York Avenue is currently occupied by a one-story, 4,600 square foot building that was built in 1967, and is occupied by a laundromat and was formerly occupied by the Kwik Stop convenience store. This property is across the street from Central Park West Meadow and the US Post Office facility. While the laundromat provides an existing service to the surrounding area, redevelopment of this property would be a welcomed improvement to New York Avenue corridor, as the current condition of the property detracts from the aesthetic appeal of the street.

The applicant desires to redevelop this property with an 11,245-square-foot (14,069 gross square feet including covered parking/front porch/balcony), three-story building with 22 surface parking spaces and four new public parking spaces on New York Avenue.

The applicant has the following requests for 301 N New York Avenue:

1. To change the Comprehensive Plan Future Land Use Map from Commercial to Central Business District;
2. To amend the Future Land Use Maximum Height map to allow a three-story building; and
3. To change the Zoning Map from Commercial (C-3) to Commercial (C-2);
4. Conditional Use approval to build 11,245-square-foot (14,069 gross square feet including covered parking/front porch/balcony), three-story building with 22 surface parking spaces and four new public parking spaces on New York Avenue.

Comprehensive Plan Future Land Use Map and Zoning Map Amendments

The subject property at 301 N New York Avenue is located adjacent to the United States Post Office property to the east, and office properties to the north, south and west. This property is also located within the Central Business District (CBD) boundaries, and within the area defined in the Comprehensive Plan as a potential candidate for the CBD Future Land Use and is appropriate for a C-2 Zoning designation.

In terms of permitted uses as part of this Future Land Use/Zoning amendment, the existing C-3 zoning that the property currently has would permit the proposed use of this property, the only benefit received as part of this requested change is a larger Floor Area Ratio (FAR) maximum. It should also be noted that the current C-3 Zoning allows certain uses that would not contribute to the charm and scale of the Central Business District, such as: Automotive Repair, Convenience Stores, Car Rental, etc. The redevelopment of this property as proposed would be consistent and compatible with the surrounding properties and provide a welcomed aesthetic upgrade, consistent with the scale and charm of the Central Business District.

Comprehensive Plan Maximum Height Map Amendment

The Comprehensive Plan Maximum Height Map currently limits 301 N New York Avenue to a two-story height maximum. This property and the property to the south (231 N New York Avenue) are the only properties limited to two-stories on the west side of New York Avenue. All of the other properties on the west side of New York Avenue have a three-story height maximum. Immediately adjacent to the site is the three-story Synovus Bank building at 369 N New York Avenue, and 150 feet to the south is another three-story office building at 201 N New York Avenue. Staff feels that with nearby properties currently developed with three story heights, allowing this property to redevelop with the same height maximum would not be inconsistent with the New York Avenue streetscape. This amendment then only gives this property the same allowances as the neighboring properties.

It is also important to note that the proposed third story of this building is only a

penthouse of 1,885 square feet, or 13% of the gross building size, and is stepped back an additional 18 feet from New York Avenue and 38 feet from Garfield Avenue.

Project Description

This property measures 13,397 square feet in size. The proposed three-story building is 14,069 gross square feet (FAR of 105%). The gross square footage is larger than the actual building due to the method the city uses to calculate FAR. Specifically, the code includes the 2,624 square feet of “floor area” that is ground-level parking spaces, which are under the building footprint. The code also includes in the FAR calculation, stairwells/elevator shafts, storage and mechanical space. Thus, the actual usable floor area within the building walls is 8,094 square feet. The building will include a first floor that is open to the public for wellness retail and nutritious food and beverages. The second and third floors will be available for use by members of the Goodlives platform for wellness components.

Stormwater retention will be provided via on-site exfiltration where none exists today, which is a welcomed improvement. The building meets all applicable height, rear and side setbacks, and coverage requirements. The front setback requirements for street frontages in C-2 are zero or the average, whichever is greater. This property has two street frontages (Garfield and New York Avenues). The proposed 12-foot New York Avenue setback meets the average setback requirement. However, the Garfield Avenue average setback is harder to determine because it is mostly developed with parking lots. The building itself along Garfield is within a few feet of the property line, but it located just over 17 feet from the Garfield right-of-way. Due to the existing conditions of Garfield, staff feels that the setback as proposed is acceptable for this street.

Parking Analysis

The code in the Central Business District requires parking for the “net” increases in building floor space. There are many factors that come into play when considering the “net” increase, including the programming of the building as outlined above.

A property owner can rebuild the existing square footage with the existing parking that exists, and just provide for the “net” increase. Thus, the applicant can rebuild the existing 4,600 square feet, maintaining the existing 12 parking spaces that now exist. Therefore, the “net” square footage increase (subtracting the existing square footage, covered parking areas, stairwells/elevator shafts, storage and mechanical rooms) is 3,494 square feet, which requires 10 parking spaces based on 1 per 333 square feet. When accounting back in the 12 spaces needed for the square footage that is being demolished, the total parking requirement is 22 spaces, as the applicant is provided.

The applicant is also proposing to construct four new public parallel parking spaces on New York Avenue that are not to be counted towards the minimum parking requirements

of this project, but to help with peak-hour operations if needed. The impact on parking of this new use will actually be less than what occurred when the convenience store and laundromat were at peak demands.

Goodlives Vision for this Project

The applicant will explain in more detail at the public hearing, but this project is intended to bring opportunities for Winter Park residents to improve their physical and mental health and wellbeing. Their idea is to create through the learning and deployment of actionable ideas, they will improve patron's physical and mental well-being by illuminating healthy living components surrounding nutrition, exercise, relaxation, and overall wellness.

The City Commission is currently under negotiations with the Post Office to move their operations to another location in order to expand Central Park. Staff feels that this project is a welcomed upgrade to the CBD and the healthy living component of the building would fit seamlessly with the expansion of Central Park across the street in the future.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[301 N New York Ave - Comp. Plan Ord.doc](#)

ATTACHMENTS:

[301 N New York Ave - Zoning Ord.doc](#)

ATTACHMENTS:

[2_Backup for Goodlives 301 N New York Ave.pdf](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE ELEMENT MAXIMUM HEIGHT MAP (FLUM-1-03) TO ENABLE A THREE-STORY HEIGHT MAXIMUM ON THE PROPERTY AT 301 N NEW YORK AVENUE AND TO AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM A COMMERCIAL FUTURE LAND USE DESIGNATION TO A CENTRAL BUSINESS DISTRICT FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 301 N NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

WHEREAS, this Comprehensive Plan amendment meets the criteria established by Chapter 163 and 166, Florida Statutes; and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on December 1, 2020, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on January 13, 2021 and on January 27, 2021 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

WHEREAS, words with single underline shall constitute additions to the original text and ~~strike-through~~ text shall constitute deletions to the original text.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" Maximum Height Map (FLUM-1-03) is hereby amended so as to enable a three-story height maximum on the property at 301 N New York Avenue as shown in Exhibit "A" to this Ordinance.

SECTION 2. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" Future Land Use plan map is hereby amended so as to change

the Future Land Use map designation of Commercial to Central Business District on the property at 301 N New York Avenue, more particularly described as follows:

TOWN OF WINTER PARK A/67, B/86, MISC BOOK 3/220 LOTS 23, 24 BLK 22 & THAT
PT OF S1/2 VAC ALLEY LYING N THEREOF
Property Tax ID # 05-22-30-9400-22-230

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

SECTION 4. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 5. Effective Date. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small-scale development amendment is in compliance.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2021.

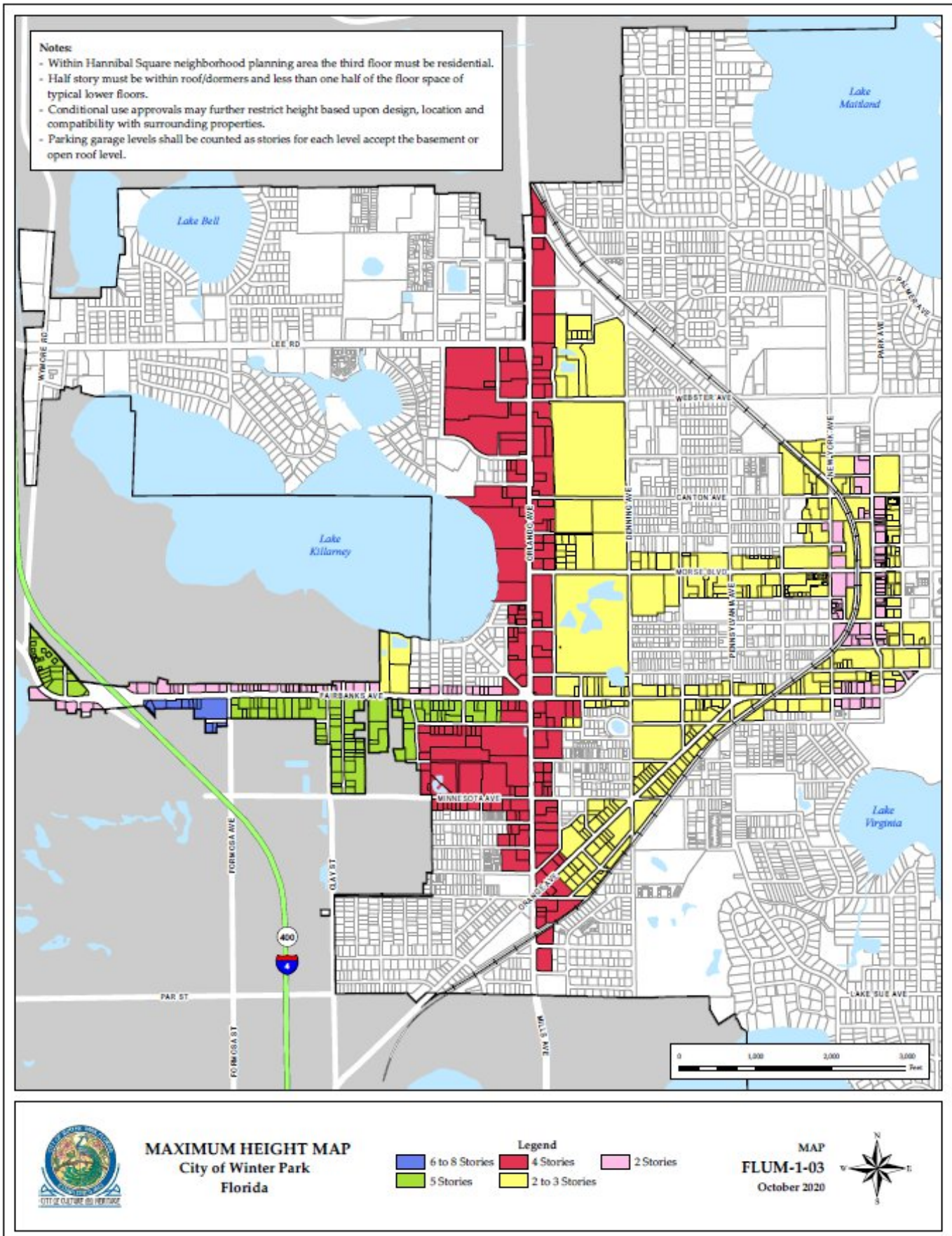
Mayor

Mayor Steve Leary

Attest:

City Clerk

Exhibit "A"



ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE COMMERCIAL (C-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY LOCATED AT 301 N NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the owner of the subject property has requested a Zoning map amendment consistent with the Comprehensive Plan, and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their December 1, 2020 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

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

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation of Commercial (C-3) District to Commercial (C-2) district on the property at 301 N New York Avenue, more particularly described as follows:

TOWN OF WINTER PARK A/67, B/86, MISC BOOK 3/220 LOTS 23, 24 BLK 22 & THAT PT OF S1/2 VAC ALLEY LYING N THEREOF
Property Tax ID # 05-22-30-9400-22-230

SECTION 2. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall become effective upon its passage and adoption.

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

Mayor Steve Leary

Attest:

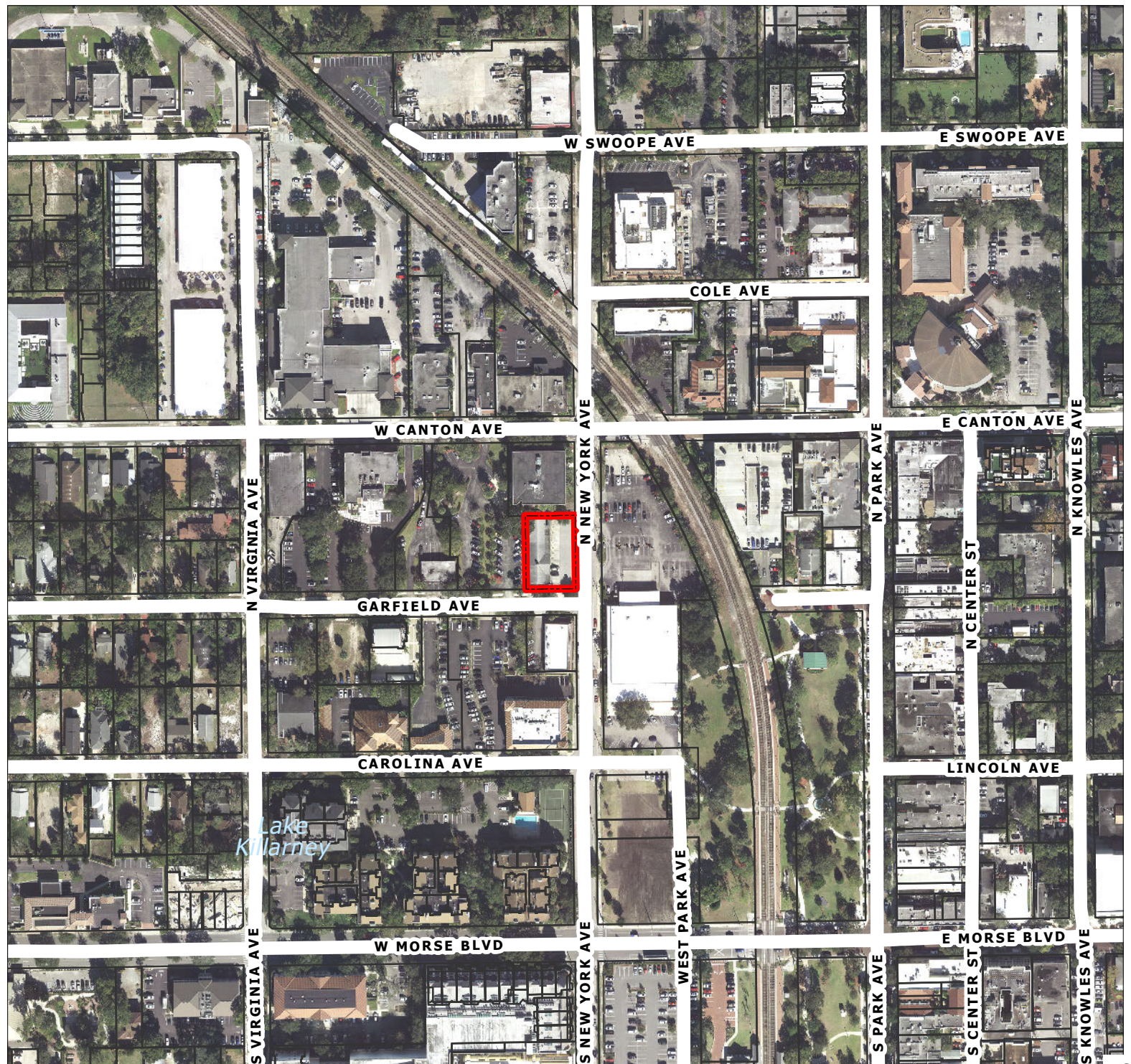
City Clerk



LOCATION MAP

301 N New York Ave

City of Winter Park
Florida





LOCATION MAP

301 N New York Ave

City of Winter Park
Florida





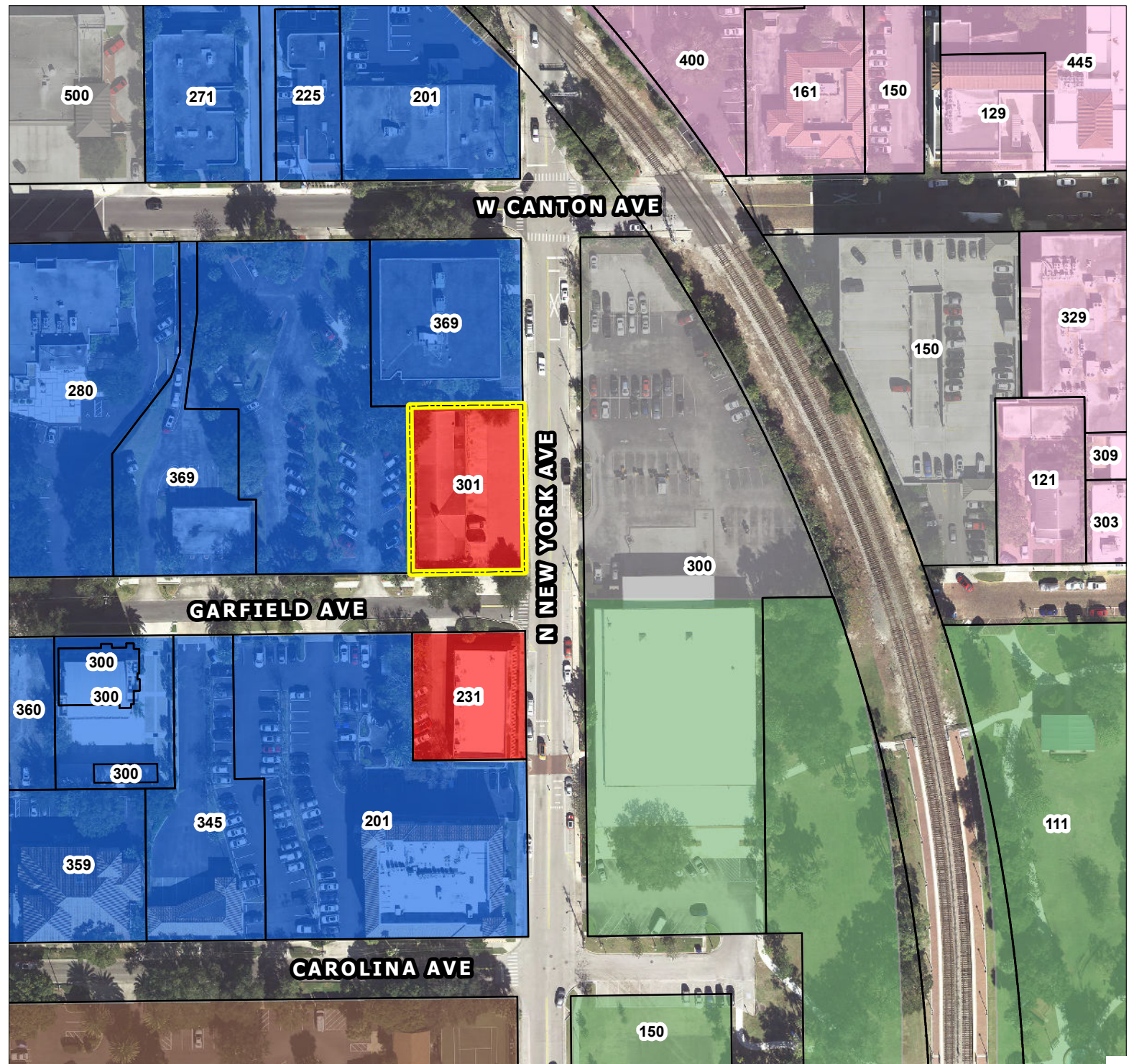
EXISTING FLU

301 N New York Ave

City of Winter Park
Florida

Legend

- Central Business District
- Commercial
- Office Professional
- Institutional
- High Density Residential
- Open Space Recreation





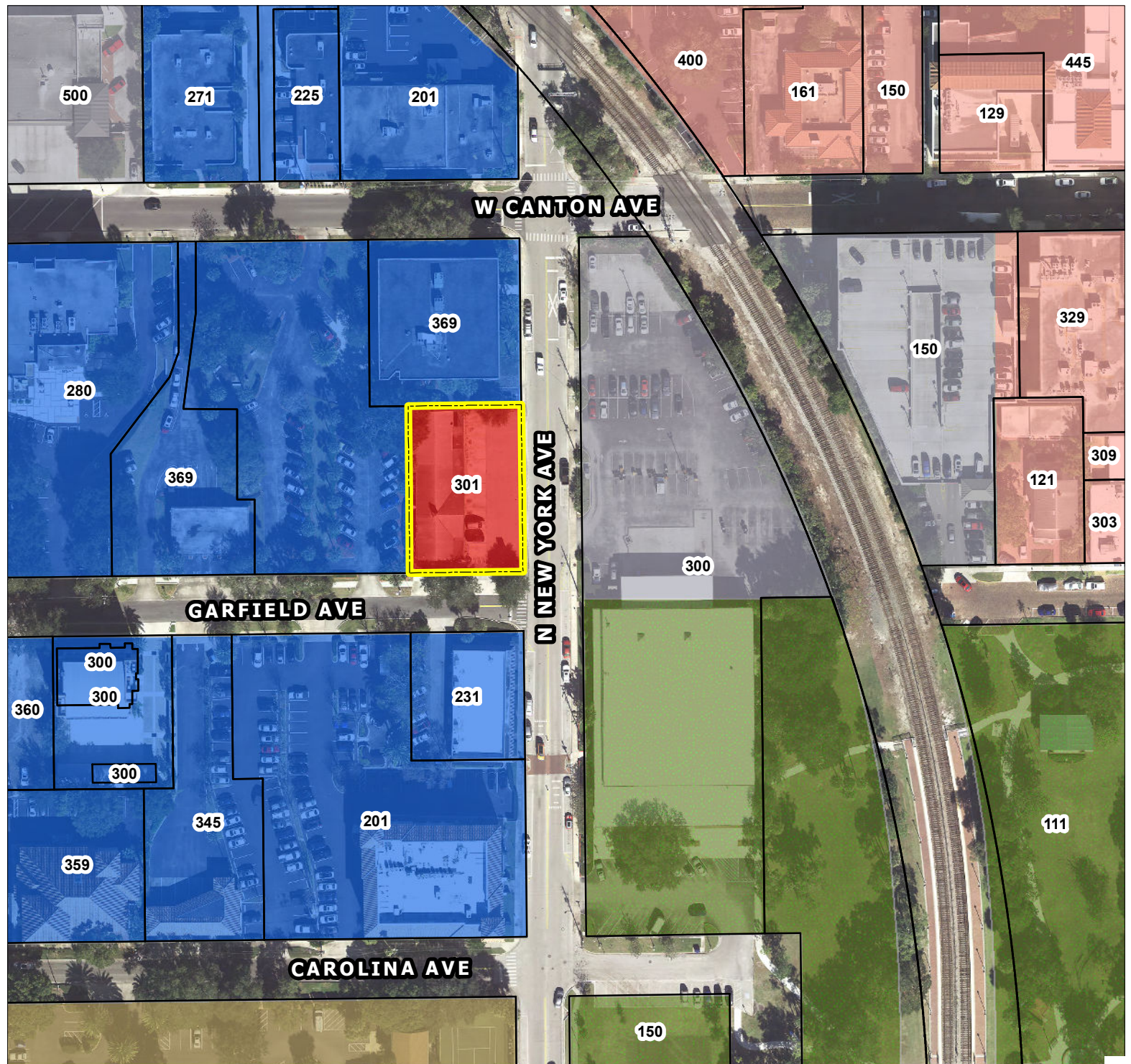
EXISTING ZONING

301 N New York Ave

City of Winter Park
Florida

Legend

	C-2
	C-3
	O-1
	PQP
	PR
	R-4





goodlives

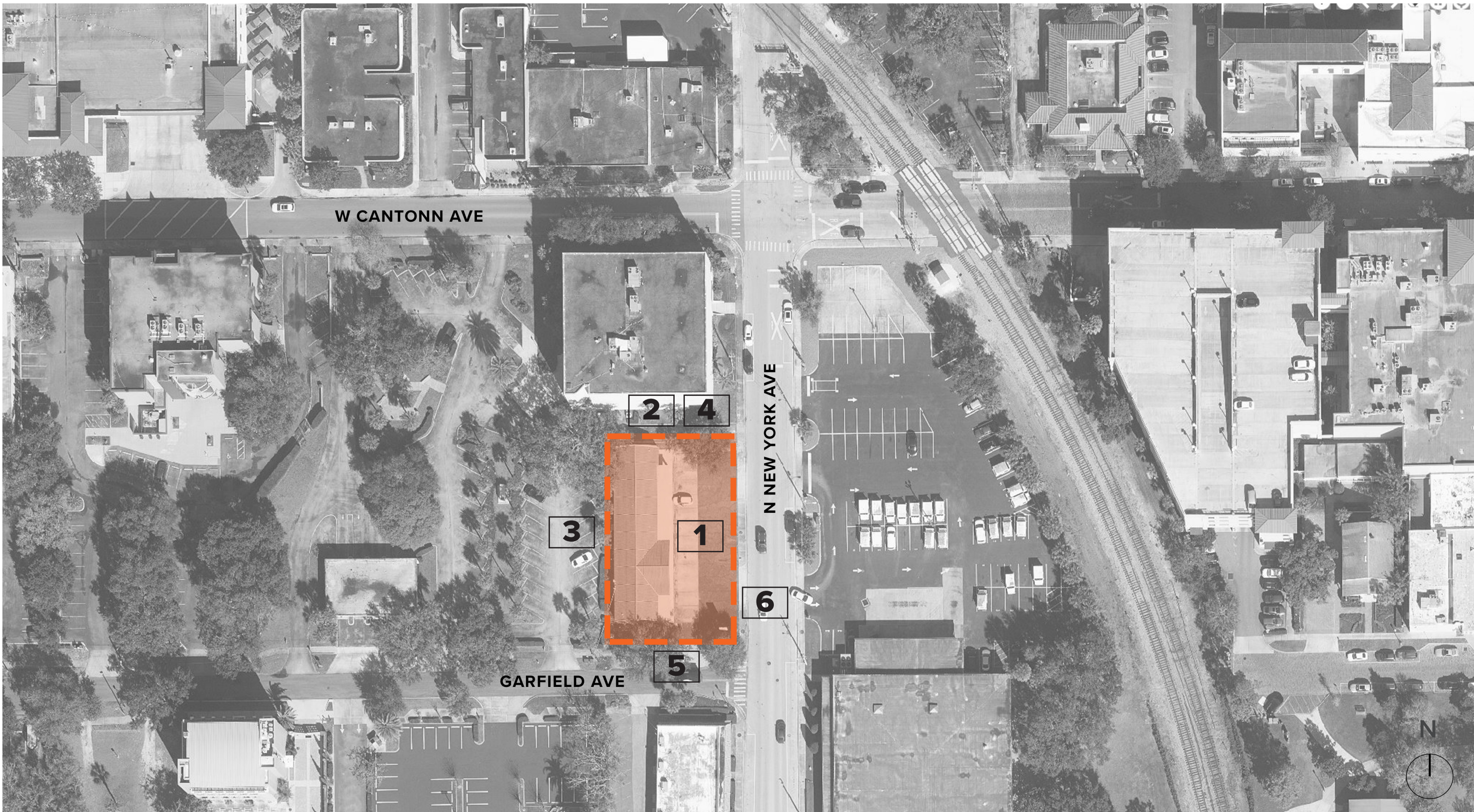
WELLNESS STUDIO

CONDITIONAL USE PERMIT APPLICATION

10.05.2020

GOODLIVES LLC.

301 N NEW YORK AVE, WINTER PARK, FL 32789



EXISTING CONDITIONS



1. LOOKING NORTH FROM NEW YORK AVE



2. LOOKING EAST OF ALLEY



3. LOOKING NORTH



4. LOOKING WEST OF ALLEY



5. LOOKING NORTH GARFIELD AVE



6. LOOKING SOUTH NEW YORK AVE

LOCATION MAP

goodlives

WELLNESS STUDIO

Goodlives LLC.

N New York Ave.

Winter Park, FL 32789

LandDesign

100 S. Orange Ave.

Suite 700

Orlando, FL 32801

P: 407.270.7800

www.landdesign.com

LandDesign

CREATING PLACES THAT MATTER.

DISCLAIMER

Drawings are conceptual in nature based upon preliminary data provided by the Owner. This scheme has not been vetted or presented to state, local planning or transportation agencies which will have review and permitting authority over development. ACI provides no warranty to the accurateness of the presented drawings without a updated certified site survey.

ACI ARCHITECTS COPYRIGHT 2020. ALL RIGHTS RESERVED.

This drawing is the property of ACi Architects and an instrument of service to be used by the Owner for this project.

ACi Architects

955 N Pennsylvania Ave.

Winter Park, FL 32789.

P: 407.740.8405

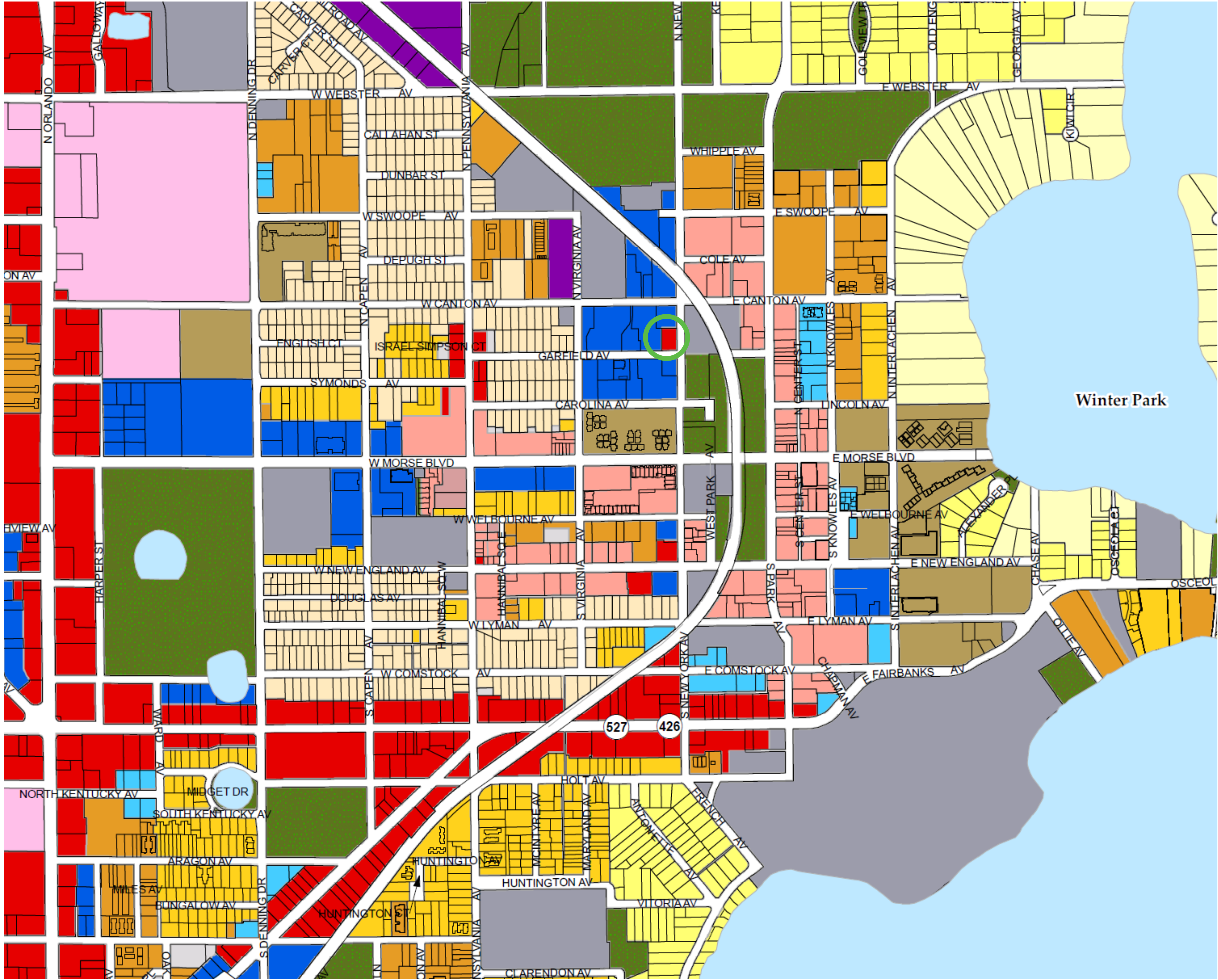
www.acistudios.com

FL Reg. AA0002940

ACi

ARCHITECTURE

redefined



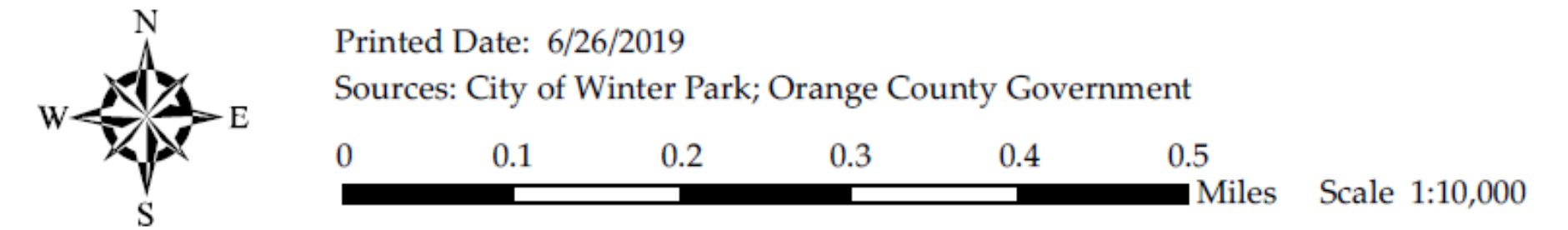
ZONING MAP
City of Winter Park, Florida

Zoning		Legend	
C-1	C-2	C-3	C-3A
I-1	OC PD	O-1	O-2
PD-1	PL	PQP	PR
R-1A	R-1AA	R-1AAA	R-2
R-3	R-4	Parcel Ownership	County Boundary
Winter Park	Other Cities	City Map Sheets	Water
Streets			

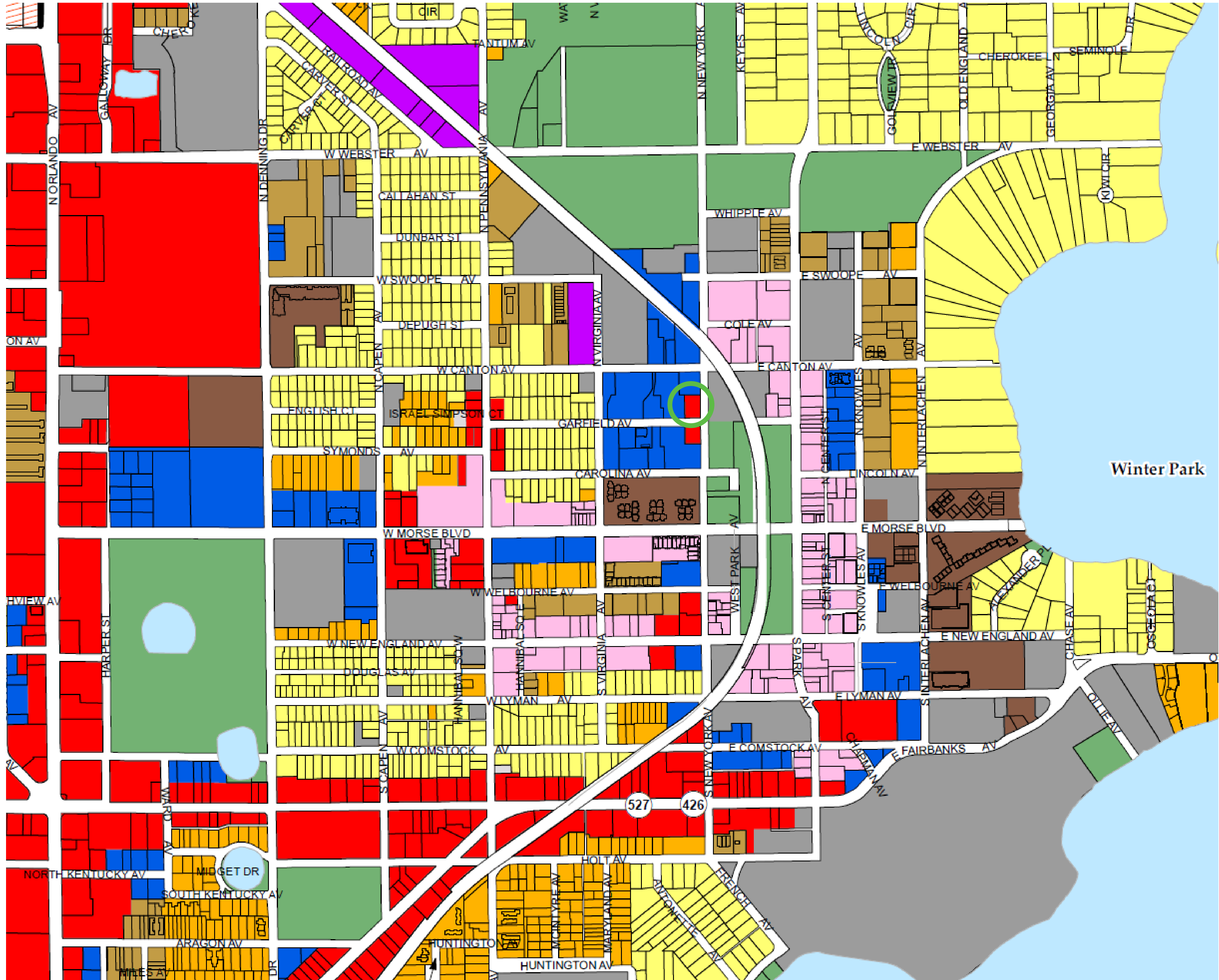
This is to certify that this official Zoning Map was adopted April 12, 2010 as part of the Land Development Code of the City of Winter Park, Florida.

Mayor: Honorable Steve Leary
Attested by City Clerk: Cindy Bonham

Zoning Map updated for ordinances adopted through 6/26/2019 by the City of Winter Park.



ZONING MAP



FUTURE LAND USE MAP

City of Winter Park, Florida

- Legend**

 - Central Business District
 - High Density PD-2
 - Medium Density PD1
 - Commerce
 - Office Professional
 - Parking Lot
 - Industrial
 - Institutional
 - OC PD
 - High Density Residential
 - Medium Density Residential
 - Low Density
 - Single Family
 - Open Space Recreation
 - Conservation Overlay
- Parcel Ownership
 - County Boundary
 - Winter Park
 - Other Cities
 - City Map Sheets
 - Streets
 - Water

This is to certify that this official FUTURE LAND USE MAP was adopted April 24, 2017 as part of the Comprehensive Plan of the City of Winter Park, Florida and approved by the State of Florida Department of Community Affairs on June 16, 2017

Mayor: Honorable Steve Leary

Attested by City Clerk: Cindy Bonham

Future Land Use Map updated for ordinances adopted through 6/26/2019 by the City of Winter Park.



Printed Date: 6/26/2019
Sources: City of Winter Park; Orange County Government

0 0.1 0.2 0.3 0.4 0.5 Miles Scale 1:10,000

FUTURE LAND USE MAP

Goodlives LLC.
N New York Ave.
Winter Park, FL 32789

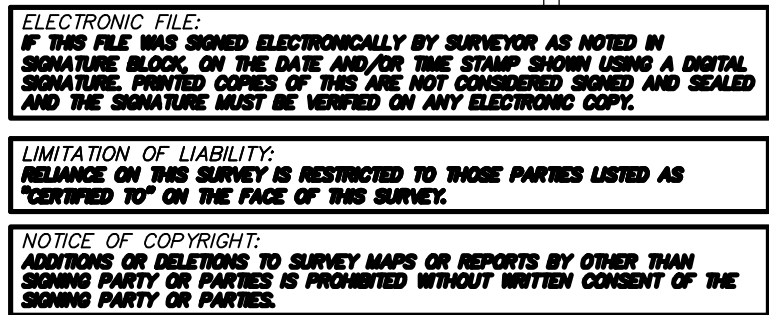
LandDesign
100 S. Orange Ave.
Suite 700
Orlando, FL 32801
P: 407.270.7800
www.landdesign.com

CREATING PLACES
THAT MATTER.

DISCLAIMER
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ACi Architects
955 N Pennsylvania Ave.
Winter Park, FL 32789.
P: 407.740.8405
www.acistudios.com
FL Reg. AA0002940



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LEGAL DESCRIPTION: (PROVIDED BY CLIENT):

LOTS 23 AND 24 (AND THAT PART OF THE SOUTH 1/2 OF VACATED ALLEY LYING NORTH OF AND ADJACENT TO SAID LOTS 23 AND 24), BLOCK 22, REVISED MAP OF TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK A, PAGES 67 THROUGH 72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ACi Architects
955 N Pennsylvania Ave.
Winter Park, FL 32789.
P: 407.740.8405
www.acistudios.com
FL Reg. AA0002940

Associated Land Surveying
& Mapping, Inc.
1681 POWELL ST. LONGWOOD, FLORIDA 32750
PH (407) 869-5002, FAX (407) 869-8393
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LEGEND

PROPERTY BOUNDARY/ROW
SET BACK
BUFFER
PROPOSED PERVIOUS PAVER
PROPOSED ASPHALT PAVEMENT
PROPOSED CONCRETE PAVEMENT
PARKING COUNT

SITE DEVELOPMENT SUMMARY:

SITE AREA:
TOTAL SITE: 0.308 ACRES
(13,397 SQ FT)

PARCEL ID:
05-22-30-9400-22-230

ZONING:
C-3 COMMERCIAL FUTURE LAND USE:
COMMERCE

FLOOR AREA RATIO:
14,069 SF / 13,397 SF = 1.05

BUFFER:
REAR BUFFER: 1'

BUILDING SQUARE FOOTAGE:
GROSS: 14,069
NET: 11,245

BUILDING HEIGHT:
MAXIMUM: 40'
PROPOSED MAX: 40'

BUILDING SETBACKS:
FRONT, N NEW YORK AVE: 7'
REAR: 1'
NORTH SIDE: 0'
SOUTH SIDE, GARFIELD AVE: 0'

SOLID WASTE:
TRASH DUMPSTER

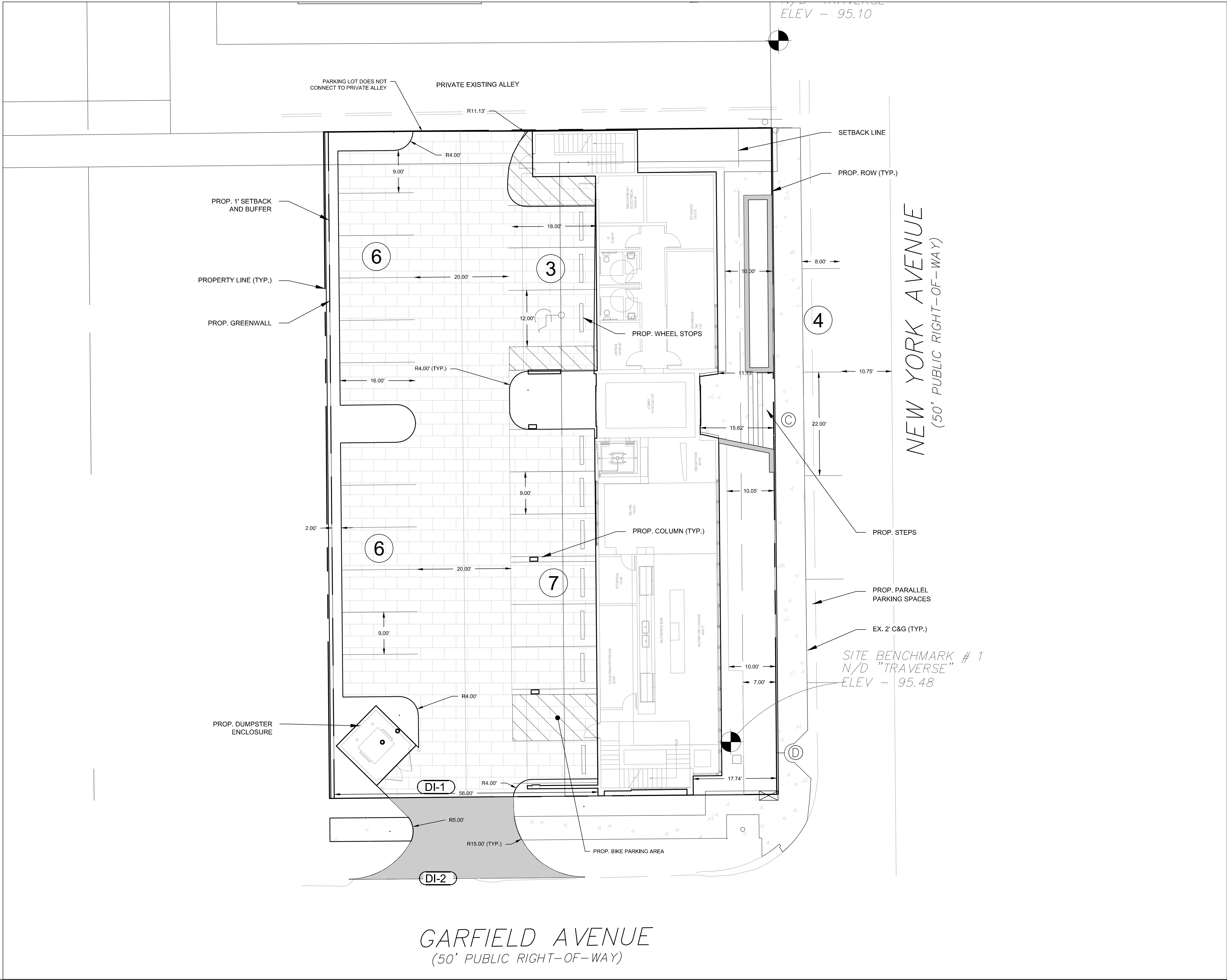
PARKING:
CAR PARKING:
REQUIRED: 20 SPACES
ADA REQUIRED (2%): 1 SPACE
PROPOSED: 22 SPACES
(SEE TABLE BELOW)

BIKE PARKING:
REQUIRED: 2 (10%)
PROPOSED: 2

FLOOD PLAIN:
ZONE "X" PER FEMA FIRM MAP NUMBER #2095C0255F
DATED SEPTEMBER 25 2009

PROPOSED SQUARE FOOTAGE:

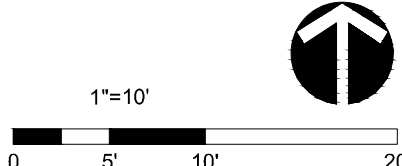
EXISTING BUILDING	NEW BLDG	GROSS SQUARE FOOT (SF)	COVERED PARKING (SF)	STAIRS WALLS ELEVATOR (SF)	STORAGE MECHANICAL BALCONY	NET SQUARE FOOT (SF)
(12) EXISTING PARKING SPACES ARE VESTED FOR CURRENT SQUARE FOOTAGE OF THE EXISTING BUILDING. EXISTING BUILDING TOTAL = 4,600 GSF	FIRST	6,168	-2,624	-890	-391	2,263
	SECOND	6,016		-927	-255	4,834
	THIRD	1,885		-685	-203	997
	TOTAL	14,069	-2,624	-2,502	-849	=8,094
THE TOTAL PROPOSED NET AREA IS LARGER THAN THE EXISTING BUILDING GROSS BY 3,494 SF. THEREFOR THE ADDITIONAL PARKING REQUIRED WILL BE 10 SPACES FOR A TOTAL OF 22 SPACES						



301 N NEW YORK AVE
WINTER PARK, FL 32789

SHEET TITLE:
SITE PLAN
SHEET NUMBER:
RZ-2.0

DESIGNED BY: JNS
DRAWN BY: JNS
CHECKED BY: DGG



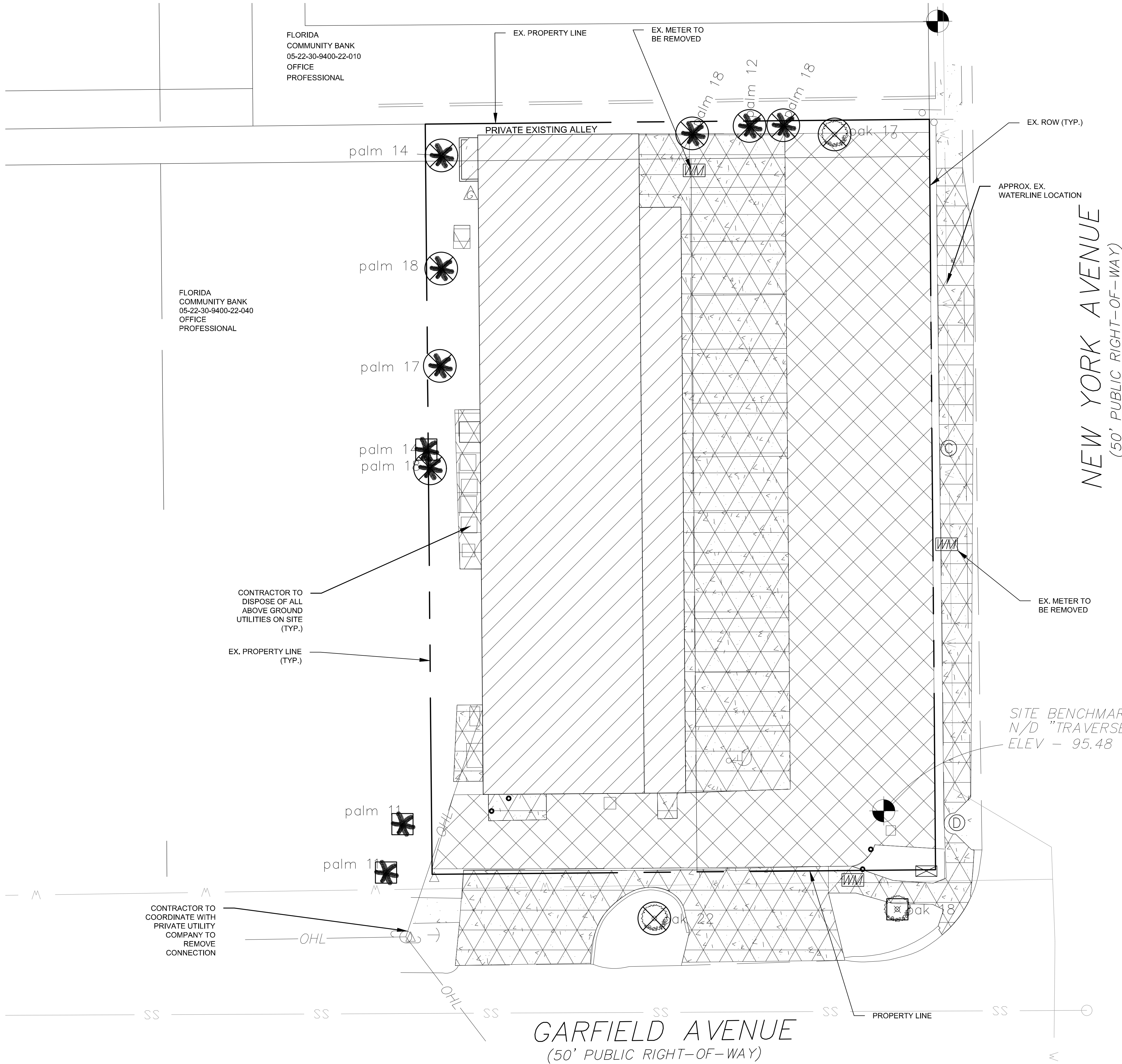
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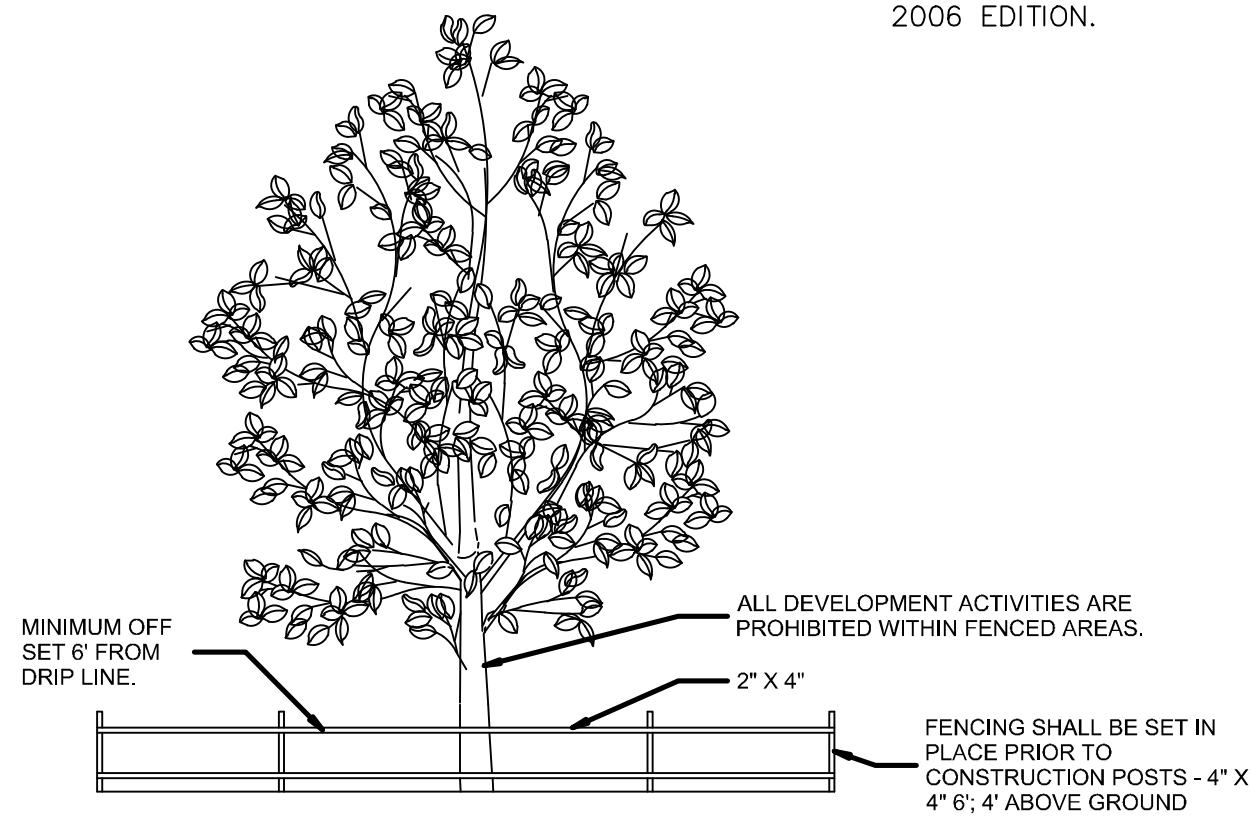


LEGEND

PROPERTY BOUNDARY/ROW	
EX. STORM PIPE	
EX. SANITARY SEWER	
EX. WATER MAIN	
DEMO BUILDING	
DEMO ASPHALT	
DEMO CONCRETE	
DEMO TREES	
TREE PROTECTION	
PALM TREE	
OAK TREE	
STORM DRAINAGE	

DEMOLITION NOTES

1. CONTRACTOR TO COORDINATE WITH UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION ACTIVITY FOR DIG PERMITS, ELECTRICAL PERMITS OR OTHER PERMITS AS APPLICABLE.
2. CONTRACTOR IS TO COORDINATE FULLY WITH UTILITY COMPANIES ON EXACT LOCATION OF UNDERGROUND UTILITIES PRIOR TO EXCAVATION.
3. ALL DEBRIS AND WASTE MATERIALS GENERATED BY DEMOLITION OR SUBSEQUENT CONSTRUCTION ACTIVITIES SHALL BE DISPOSED OFF-SITE IN A LEGAL MANNER AT AN APPROVED DISPOSAL FACILITY.
4. THE CONTRACTOR SHALL OBTAIN ANY AND ALL PERMITS REQUIRED FOR DEMOLITION, CONSTRUCTION WORK AND HAULING WASTE MATERIAL. ALL ASSOCIATED COSTS AND PERMIT FEES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
5. THE CONTRACTOR IS ADVISED THAT UNCHARTED UTILITIES MAY BE FOUND TO EXIST WITHIN THE CONSTRUCTION AREA AND THAT CONSTRUCTION OPERATIONS SHOULD BE CONDUCTED WITH CAUTION. PRIOR TO DEMOLISHING UTILITY LINES, CONTRACTOR SHALL VERIFY FLOW DIRECTIONS FROM EXISTING BUILDINGS WHICH ARE TO REMAIN.
6. REMOVE AND DISPOSE OF ALL EXISTING TREES PER THE DEMOLITION REQUIREMENTS, ALSO REFER TO DEMOLITION PLAN FOR TREES TO REMAIN UNDISTURBED.
7. CONTRACTOR IS RESPONSIBLE FOR PRODUCING A M.O.T. PLAN AND HAVING IT APPROVED BY THE CITY OF WINTER PARK PRIOR TO ANY OFF-SITE CONSTRUCTION.
8. TREE PROTECTION IS REQUIRED FOR ALL TREES NOT SHOWN AS TO BE REMOVED; SEE TREE PROTECTION BARRICADE DETAIL.
9. ALL EXISTING UTILITIES LOCATED WITHIN THE CONSTRUCTION LIMITS, THAT SERVE THE EXISTING FACILITIES, SHALL BE CAPPED AND REMOVED BEFORE ANY NEW CONSTRUCTION SHALL BEGIN.
10. SEE LANDSCAPE AND DEMOLITION PLANS FOR TREE PROTECTION DETAILS.
11. CONTRACTOR SHALL ABANDON EXISTING SEPTIC TANKS AND WELLS PER THE FLORIDA ADMINISTRATIVE CODE; PERMITS SHALL BE OBTAINED FROM ORANGE COUNTY HEALTH DEPARTMENT.
12. DURING CONSTRUCTION, WHEN COMBUSTIBLES ARE BROUGHT ON TO THE SITE, ACCESS ROADS AND A SUITABLE TEMPORARY OR PERMANENT SUPPLY OF WATER, ACCEPTABLE TO THE FIRE DEPARTMENT, SHALL BE PROVIDED AND MAINTAINED IN ACCORDANCE WITH CHAPTER 16 OF THE NFPA 1, 2006 EDITION.



- NOTES:
1. FENCING SHALL BE AT LEAST 4" ABOVE GROUND AND MIN. OF 2' BELOW GRADE.
 2. EACH TREE PROTECTION AREA SHALL HAVE A MINIMUM OF TWO SIGNS ATTACHED TO THE FENCE WHICH SHALL FACE TO THE EXTERIOR OF THE TREE PROTECTION AREA.



DESIGNED BY: JNS
DRAWN BY: JNS
CHECKED BY: DGG

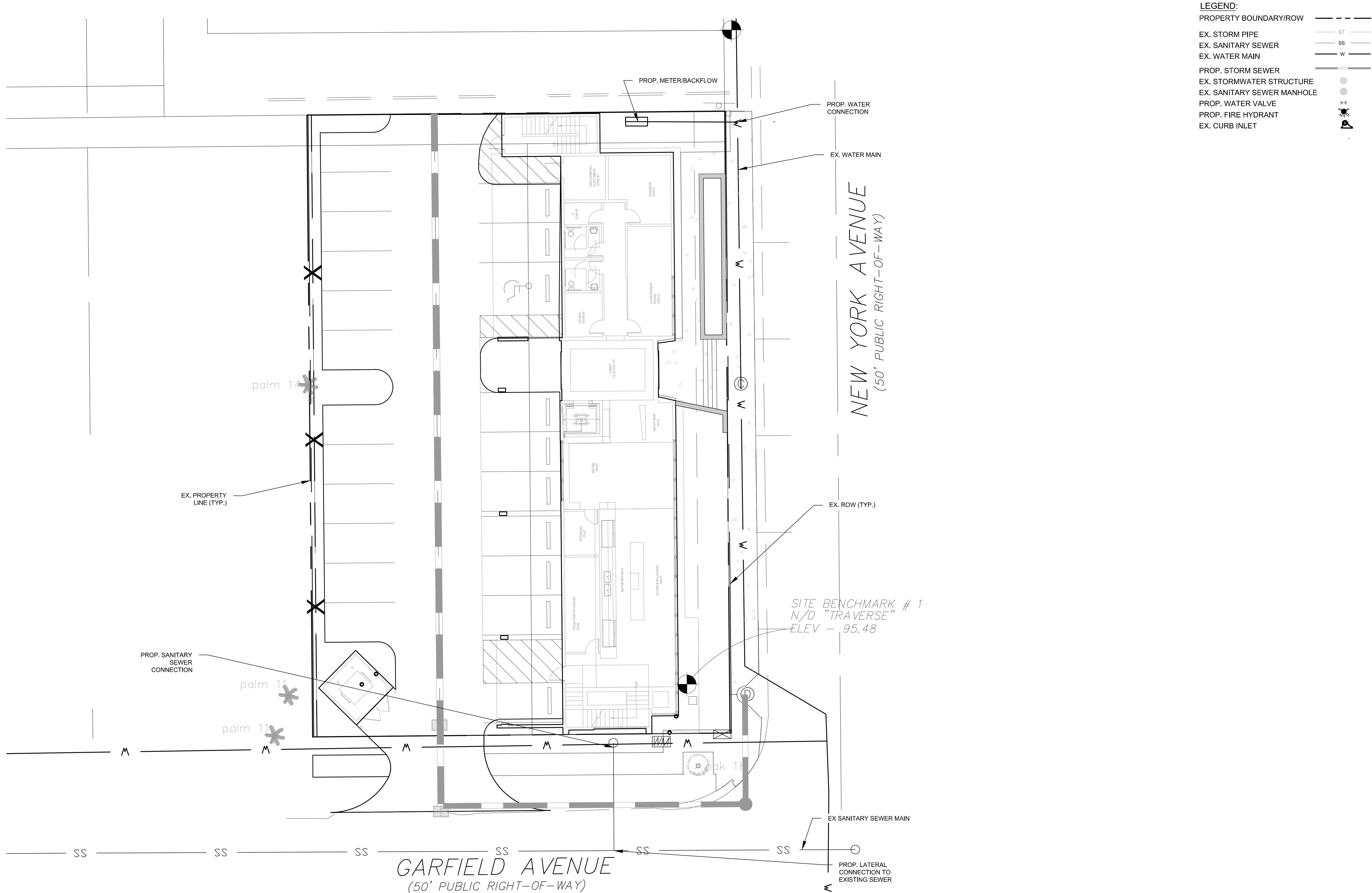
1"=10'



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PROPOSED WATER FEATURE



TOP CASCADE



BOTTOM CASCADE

PROPOSED PROPERTY BARRIERS



PROPERTY BARRIER A

PROPOSED MAIN ENTRY



ENTRY LIGHTING



ACCENT LIGHTING



ENTRY STAIRS

PROPOSED SEAT WALL



FRONT ENTRY



PROPOSED PARKING LOT



PAVERS

PROPOSED BICYCLE RACK



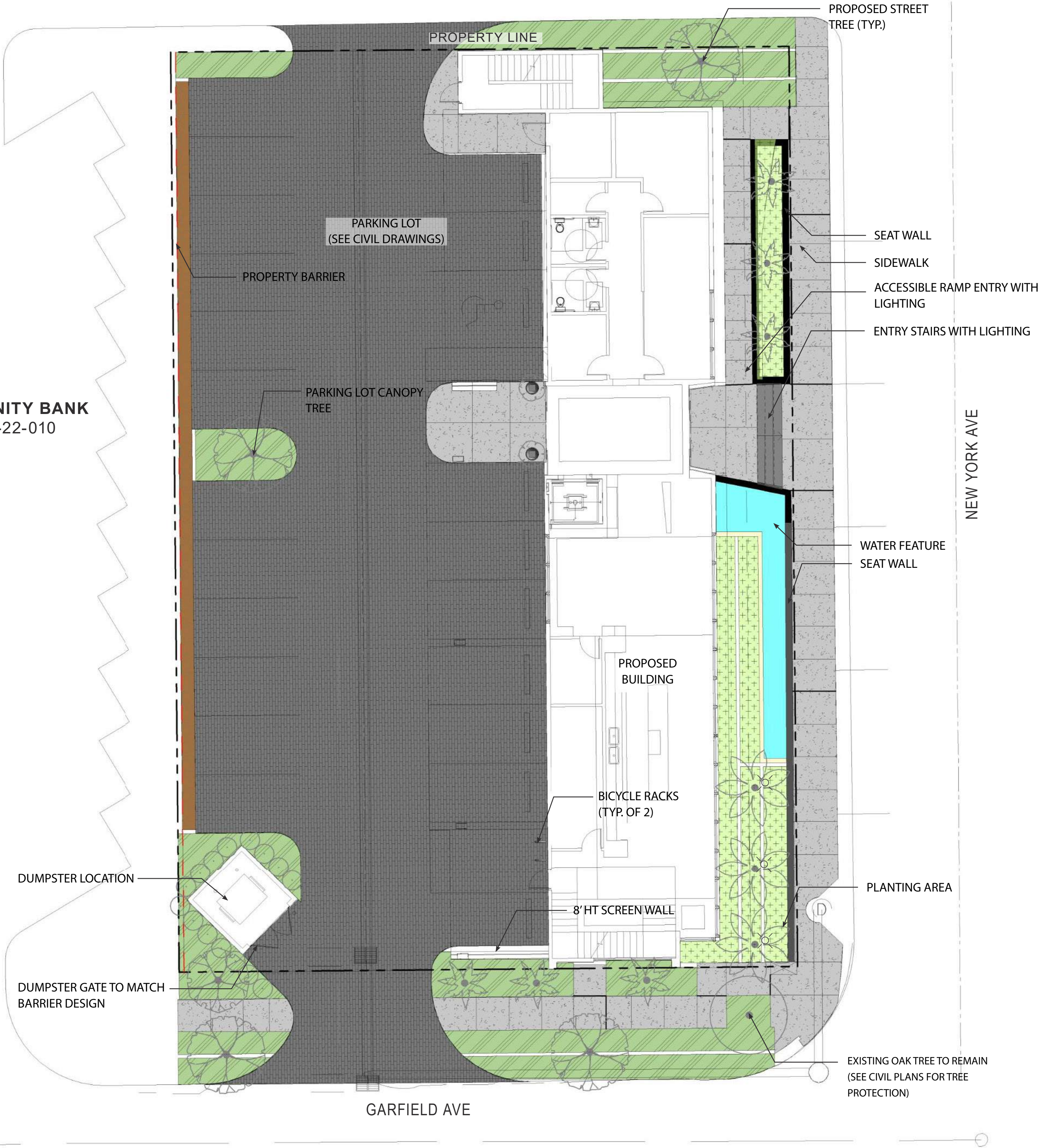
LANDSCAPE GENERAL LEGEND

- GROUND LEVEL NEW YORK ENTRY
- GROUND LEVEL PARKING LOT + STREETScape PLANTING
- LEVEL 3 BUTTERFLY + HERB PLANTERS
- LEVEL 3 GENERAL PLANTING AREA
- LIGHTING

FLORIDA COMMUNITY BANK
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EXISTING PRIVATE ALLEY

FLORIDA COMMUNITY BANK
05-22-30-9400-22-010



SHRUB & GROUNDCOVER SCHEDULE

BOTANICAL NAME	COMMON NAME
GROUND LEVEL NEW YORK ENTRY	
AGAVE 'BLUE GLOW'	BLUE GLOW AGAVE
AGAVE PEDUNCULIFERA	SOFT TIP AGAVE
ARCHIA GLABRATA 'GOLDEN GLORY'	PERENNIAL PEANUT
ASPIDISTRA ELATOR	CAST IRON PLANT
CALAMAGROSTIS ACUTIFLORA	FEATHER REED GRASS
CYPRUS PAPYRUS	PAPYRUS
MUHLENBERGIA CAPILLARIS	PINK MUHLY GRASS
OPHIOPOGON JAPONICUS	MONDO GRASS
OPHIOPOGON PLANISCAPUS 'NIGRESCENS'	BLACK MONDO GRASS
GROUND LEVEL PARKING LOT + STREETScape PLANTING	
LIRIOPE MUSCARI 'EMERALD GODDESS'	EMERALD GODDESS LIRIOPE
MIMOSA PUDICA	MIMOSA
PODOCARPUS MACROPHYLLUS	PODOCARPUS
RUSSESLIA EUISETIFORMIS	FIRECRACKER PLANT
SPARTINA BAKERI	SAND CORdGRASS
TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE
LEVEL 3 BUTTERFLY + HERB PLANTERS	
ASCLEPIAS TUBEROSA	ORANGE MILKWEED
ASPARAGUS AETHIOPICUS	FOXTAIL FERN
BUDDLEJA DAVIDII	BUTTERFLY BUSH
CORIANDRUM SATIVUM	CILANTRO
ECHINACEA PURPUREA	PURPLE CONEFLOWER
GAILLARDIAPULCHELLA	BLANKET FLOWER
HIBISCUS COCCINEUS	SCARLET ROSEMALLOW
LAVANDULA ANGUSTIFOLIA	LAVENDER
LOBELIA CARDINALIS	CARDINAL FLOWER
MENTHA SPICATA	MINT
OCIMUM BASILICUM	BASIL
SALVIA ROSMARINUS	ROSEMARY
SISTRINCHIUM ANGUSTIFOLIUM	POINTED BLUE EYED-GRASS
ZEPHYRANTHES ROSEA	RAIN LILY
LEVEL 3 GENERAL PLANTING AREA	
AGAVE PEDUNCULIFERA	SOFT TIP AGAVE
DRACAENA TRIFASCIATA	MOTHER-IN-LAW'S TONGUE
MIMOSA PUDICA	MIMOSA
PENSTEMON MULTIFLORUS	MANYFLOWER BEARDTONGUE
PODOCARPUS MACROPHYLLUS 'PRINGLES'	DWARF PRINGLES PODOCARPUS
RUSSESLIA EUISETIFORMIS	FIRECRACKER PLANT
YUCCA FILAMENTOSA	SILK GRASS

NOTE:
1. PLANTS IN **BOLD** ARE **FLORIDA NATIVE**
2. SEE SHEET 5 & 6 FOR PLANT IMAGERY

EXISTING SITE CANOPY TREES



TREE SCHEDULE

BOTANICAL NAME	COMMON NAME
GROUND LEVEL NEW YORK ENTRY	
ACOELORRHAPHE WRIGHTII	PAUROTIS PALM
ROYSTONEA REGIA	ROYAL PALM
GROUND LEVEL PARKING LOT + STREETScape PLANTING	
LAGERSTROEMIA INDICA 'NATCHEZ'	NATCHEZ CRAPE MYRTLE
QUERCUS VIRGINIANA 'CATHEDRAL'	CATHEDRAL LIVE OAK
LEVEL 3 BUTTERFLY + HERB PLANTERS	
CASSIA FISTULA	CASSIA
LEVEL 3 GENERAL PLANTING AREA	
ELAEOCARPUS GANITRUS	ELAEOCARPUS
PRUNUS ANGUSTIFOLIA	CHICKSAW PLUM
VITEX AGNUS-CASTUS	VITEX

SPECIMEN SHRUB SCHEDULE

BOTANICAL NAME	COMMON NAME
GROUND LEVEL NEW YORK ENTRY	
STRELITZIA PARVIFOLIA	ORANGE BIRD OF PARADISE

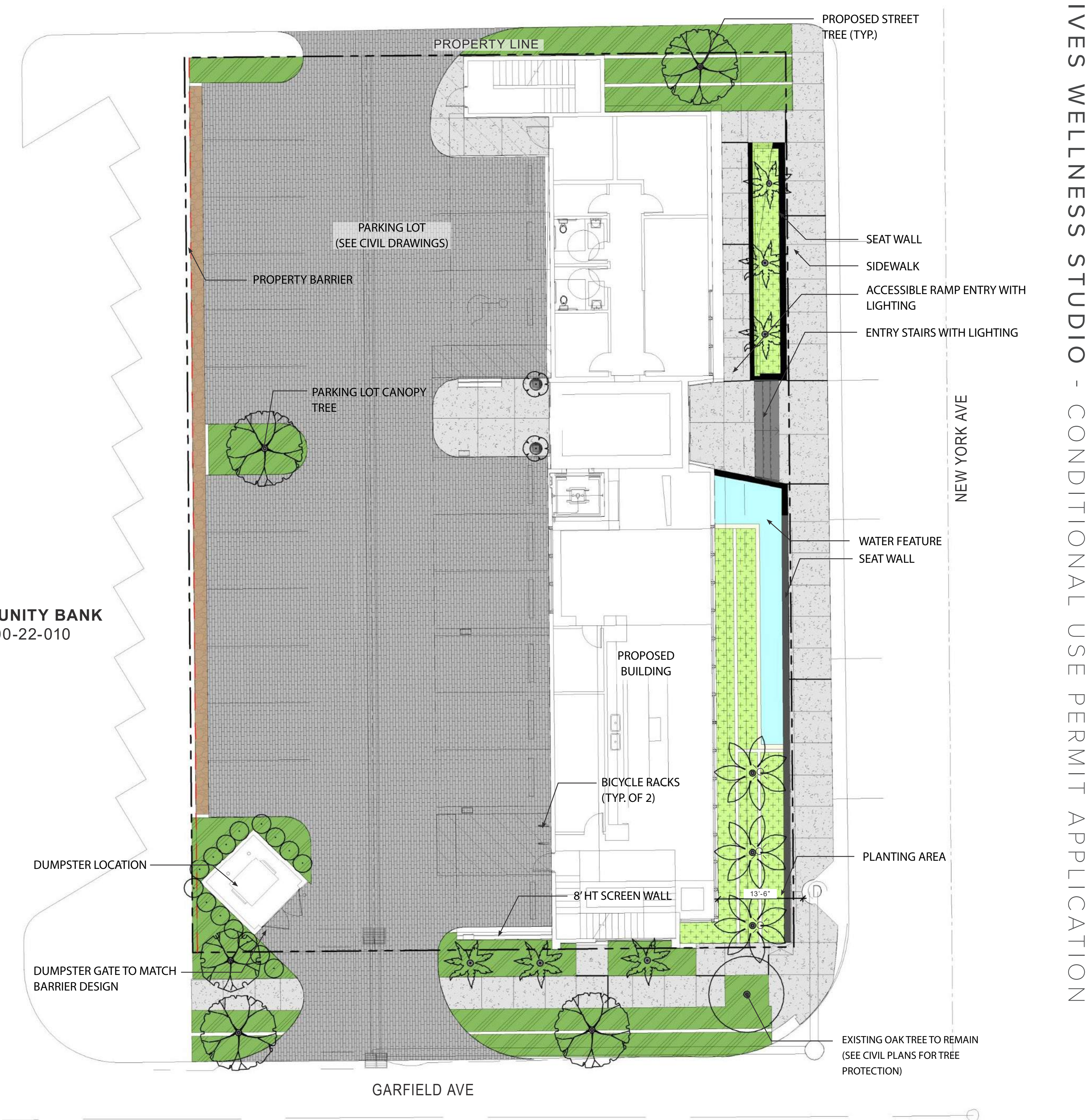
GENERAL LEGEND

- GROUND LEVEL NEW YORK ENTRY
- GROUND LEVEL PARKING LOT + STREETSCAPE PLANTING
- LEVEL 3 BUTTERFLY + HERB PLANTERS
- LEVEL 3 GENERAL PLANTING AREA
- LIGHTING

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EXISTING PRIVATE ALLEY



GOODLIVES WELLNESS STUDIO - CONDITIONAL USE PERMIT APPLICATION



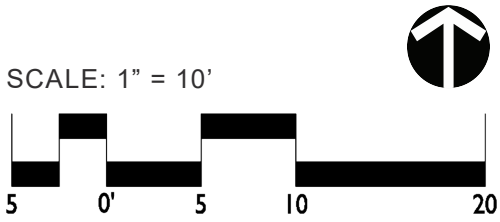
Goodlives LLC.
N New York Ave.
Winter Park, FL 32789

SHEET TITLE:
LANDSCAPE PLAN - GROUND
LEVEL

SHEET NUMBER:
L - 2.0

DESIGNED BY: CK
DRAWN BY: BET
CHECKED BY: KMS

SCALE: 1" = 10'



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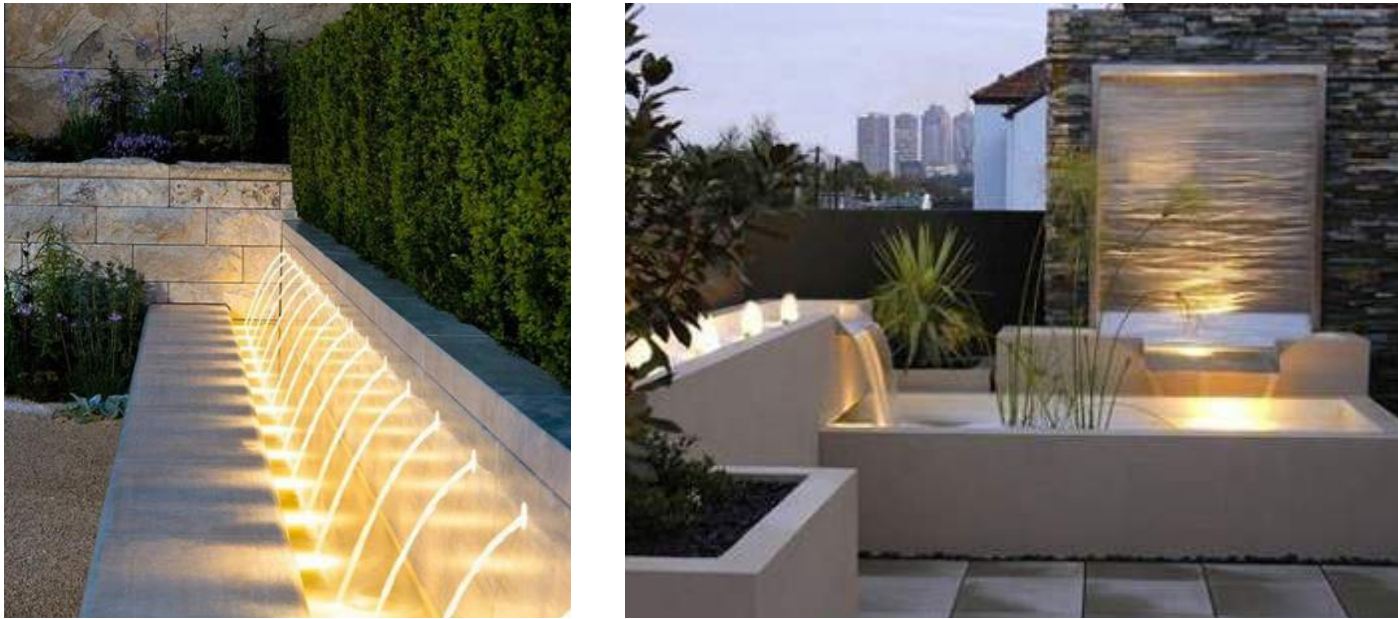
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PROPOSED FIRE ELEMENT



PROPOSED WATER FEATURE



PROPOSED COUNTER SEATING



PROPOSED BUILT-IN SEATING



PROPOSED SURFACE MATERIALS



TILE



WOOD

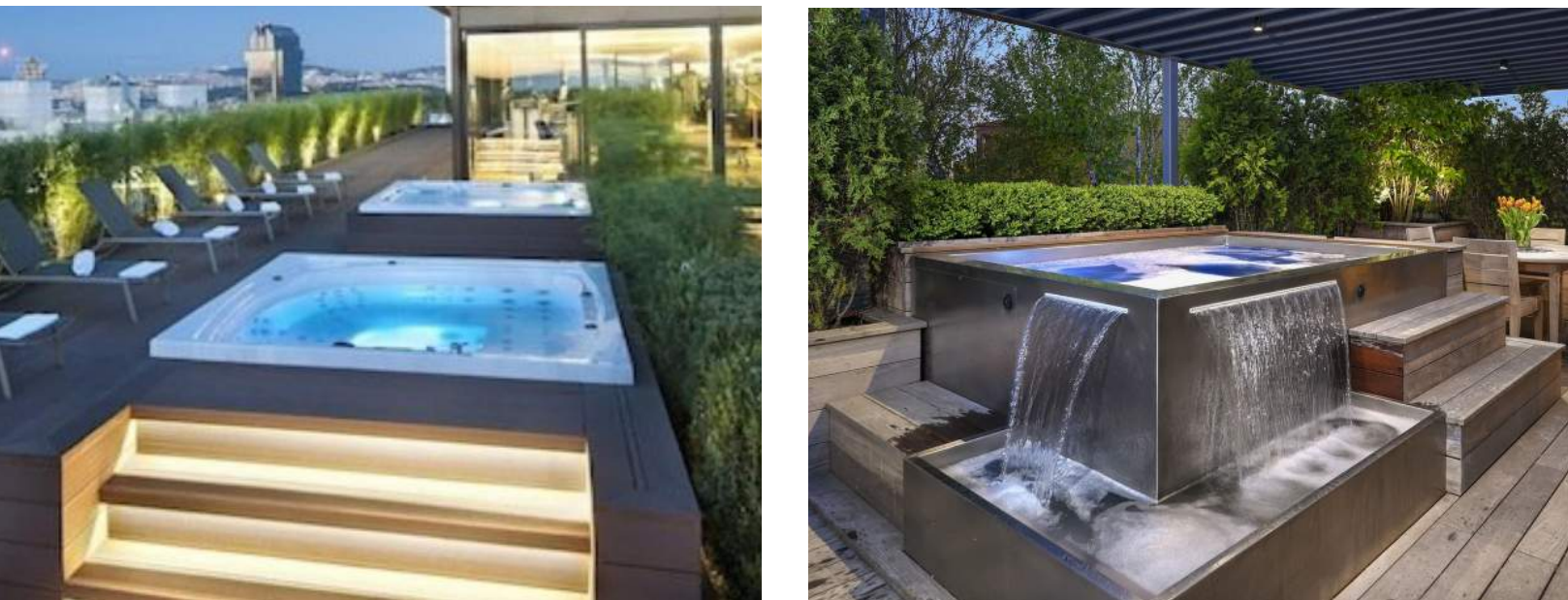


SYNTHETIC TURF

PROPOSED GREEN WALL



PROPOSED SPA

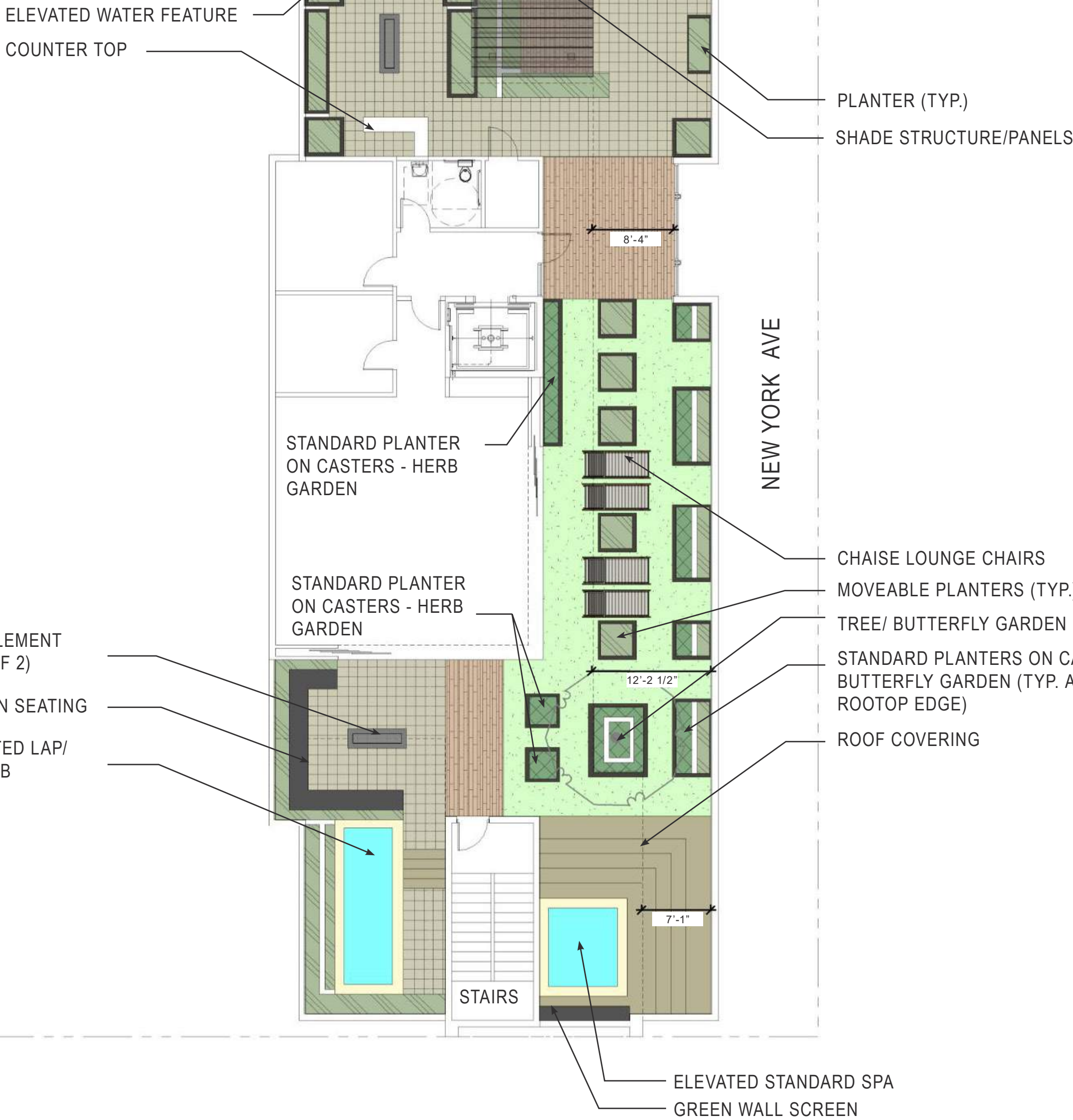


PROPOSED SHADE STRUCTURE



GENERAL LEGEND

- GROUND LEVEL NEW YORK ENTRY
- GROUND LEVEL PARKING LOT + STREETSCAPE PLANTING
- LEVEL 3 BUTTERFLY + HERB PLANTERS
- LEVEL 3 GENERAL PLANTING AREA
- LIGHTING



SHRUB & GROUNDCOVER SCHEDULE	
BOTANICAL NAME	COMMON NAME
GROUND LEVEL NEW YORK ENTRY	
AGAVE 'BLUE GLOW'	BLUE GLOW AGAVE
AGAVE PEDUNCULIFERA	SOFT TIP AGAVE
ARCHIA GLABRATA 'GOLDEN GLORY'	PERENNIAL PEANUT
ASPIDISTRA ELATIOR	CAST IRON PLANT
CALAMAGROSTIS ACUTIFLORA	FEATHER REED GRASS
CYPRUS PAPHYRUS	PAPHYRUS
MUHLENBERGIA CAPILLARIS	PINK MUHLY GRASS
OPHIOPOGON JAPONICUS	MONDO GRASS
OPHIOPOGON PLANISCAPUS 'NIGRESCENS'	BLACK MONDO GRASS
GROUND LEVEL PARKING LOT + STREETSCAPE PLANTING	
LIRIOPE MUSCARI 'EMERALD GODDESS'	EMERALD GODDESS LIRIOPE
MIMOSA PUDICA	MIMOSA
PODOCARPUS MACROPHYLLUS	PODOCARPUS
RUSSESLIA EQUISETIFORMIS	FIRECRACKER PLANT
SPARTINA BAKERI	SAND CORDGRASS
TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE
LEVEL 3 BUTTERFLY + HERB PLANTERS	
ASCLEPIAS TUBEROSA	ORANGE MILKWEED
ASPARAGUS AETHIOPICUS	FOXTAIL FERN
BUDDLEJA DAVIDII	BUTTERFLY BUSH
CORIANDRUM SATIVUM	CILANTRO
ECHINACEA PURPUREA	PURPLE CONEFLOWER
GAILLARDIA PULCHELLA	BLANKET FLOWER
HIBISCUS COCCINEUS	SCARLET ROSEMALLOW
LAVANDULA ANGUSTIFOLIA	LAVENDER
LOBELIA CARDINALS	CARDINAL FLOWER
MENTHA SPICATA	MINT
OCIMUM BASILICUM	BASIL
SALVIA ROSMARINUS	ROSEMARY
SISTRINCHIUM ANGUSTIFOLIUM	POINTED BLUE EYED-GRASS
ZEPHYRANTHES ROSEA	RAIN LILY
LEVEL 3 GENERAL PLANTING AREA	
AGAVE PEDUNCULIFERA	SOFT TIP AGAVE
DRACAENA TRIFASCIATA	MOTHER-IN-LAW'S TONGUE
MIMOSA PUDICA	MIMOSA
PENSTEMON MULTIFLORUS	MANYFLOWER BEARDTONGUE
PODOCARPUS MACROPHYLLUS 'PRINGLES'	DWARF PRINGLES PODOCARPUS
RUSSESLIA EQUISETIFORMIS	FIRECRACKER PLANT
YUCCA FILAMENTOSA	SILK GRASS

NOTE:
1. PLANTS IN **BOLD** ARE **FLORIDA NATIVE**
2. SEE SHEET 5 & 6 FOR PLANT IMAGERY

PROPOSED PLANTER POTS



TREE SCHEDULE	
BOTANICAL NAME	COMMON NAME
GROUND LEVEL NEW YORK ENTRY	
ACOELORRHAPHE WRIGHTII	PAUROTIS PALM
ROYSTONEA REGIA	ROYAL PALM
GROUND LEVEL PARKING LOT + STREETSCAPE PLANTING	
LAGERSTROEMIA INDICA 'NATCHEZ'	NATCHEZ CRAPE MYRTLE
QUERCUS VIRGINIANA 'CATHEDRAL'	CATHEDRAL LIVE OAK
LEVEL 3 BUTTERFLY + HERB PLANTERS	
CASSIA FISTULA	CASSIA
LEVEL 3 GENERAL PLANTING AREA	
ELAEOCARPUS GANITRUS	ELAEOCARPUS
PRUNUS ANGUSTIFOLIA	CHICKSAW PLUM
VITEX AGNUS-CASTUS	VITEX

SPECIMEN SHRUB SCHEDULE	
BOTANICAL NAME	COMMON NAME
GROUND LEVEL NEW YORK ENTRY	
STRELITZIA PARVIFOLIA	ORANGE BIRD OF PARADISE

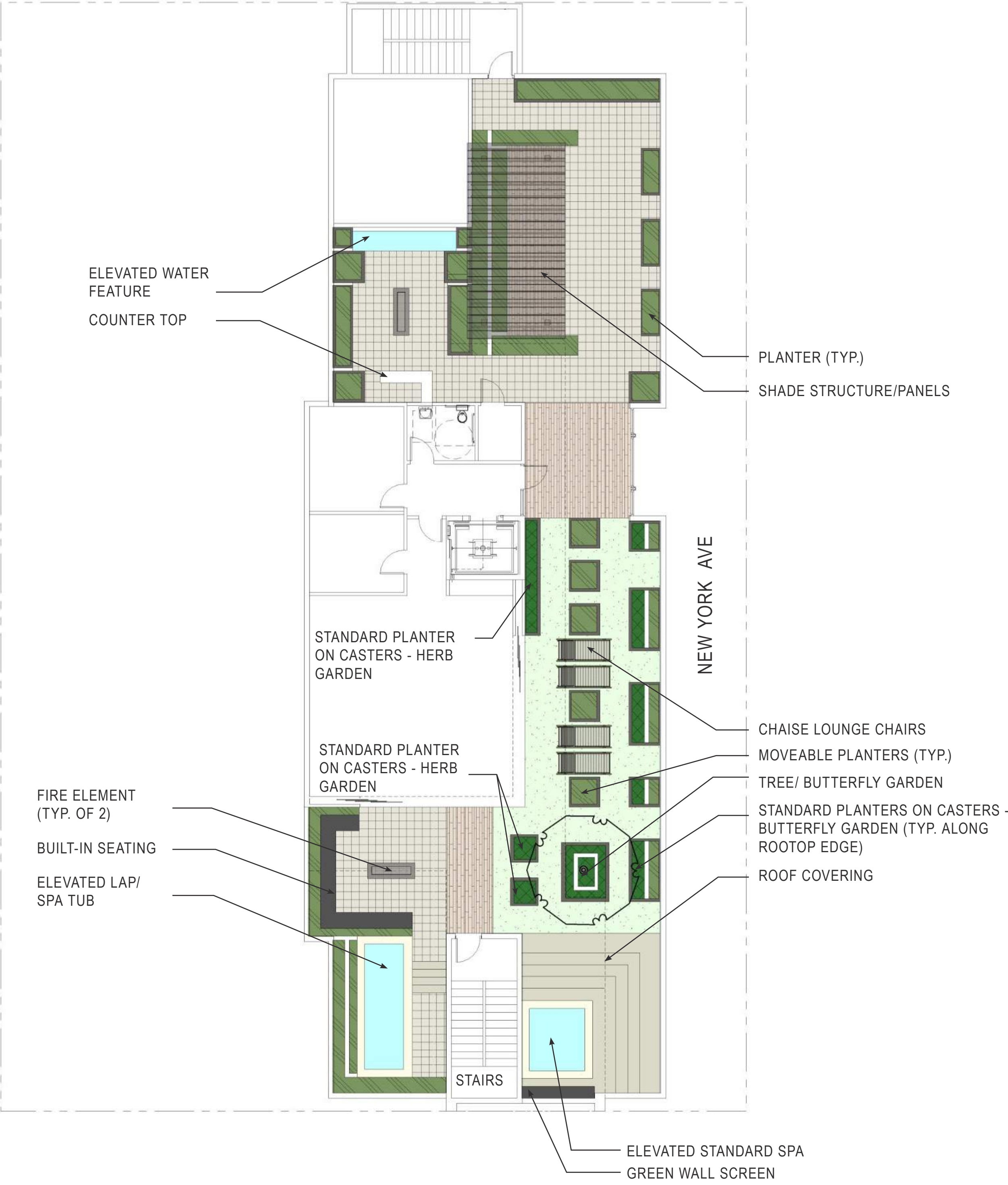
GROUND LEVEL NEW YORK ENTRY

GROUND LEVEL PARKING LOT + STREETSCAPE PLANTING

LEVEL 3 BUTTERFLY + HERB PLANTERS

LEVEL 3 GENERAL PLANTING AREA

LIGHTING



GROUND LEVEL NEW YORK ENTRY

TREES



ACOELORRHAPHE WRIGHTII
PAUROTIS PALM



WODYETIA BIFURCATA
FOXTAIL PALM

SHRUBS



AGAVE ATTENUATA
BLUE GLOW AGAVE



AGAVE PEDUNCULIFERA
SOFT TIP AGAVE



ARACHIS GLABRATA
PERENNIAL PEANUT



ASPIDISTRA ELATIOR
CAST IRON PLANT



CALAMAGROSTIS ACUTIFLORA
FEATHER REED GRASS



CYPERUS PAPYRUS
PAPYRUS



MUHLENBERGIA CAPILLARIS
PINK MUHLY GRASS

SPECIMEN SHRUB



OPHIOPOGON JAPONICUS
MONDO GRASS



OPHIOPOGON PLANISCAPUS
BLACK MONDO GRASS



STRELITZIA REGINAE
ORANGE BIRD OF PARADISE

PARKING LOT + STREETScape PLANTING

TREES



LAGERSTROEMIA NATCHEZ
WHITE CRAPE MYRTLE



QUERCUS VIRGINIANA
'CATHEDRAL'
CATHEDRAL LIVE OAK

SHRUBS



LIRIOPE MUSCARI 'EMERALD
GODDESS'
EMERALD GODDESS LIRIOPE



MIMOSA PUDICA
MIMOSA



PODOCARPUS MACROPHYLLUS
PODOCARPUS



CROSSANDRA INFUNDIBULIFORMIS
FIRECRACKER



SPARTINA BAKERI
SAND CORDGRASS



TRACHELOSPERMUM ASIATICUM
ASIATIC JASMINE

LEVEL 3 BUTTERFLY + HERB PLANTERS

TREES



CASSIA FISTULA
CASSIA

SHRUBS



ASCLEPIAS TUBEROSA
ORANGE MILKWEED



ASPARAGUS AETHIOPICUS
FOXTAIL FERN



BUDDLEJA DAVIDII
BUTTERFLY BUSH



CORIANDRUM SATIVUM
CILANTRO



ECHINACEA PURPUREA
PURPLE CONE FLOWER



GARILLARDIA ARISTATA
BLANKET FLOWER



HIBISCUS COCCINEUS
SCARLET ROSEMALLOW



LAVANDULA ANGUSTIFOLIA
LAVENDER



LOBELIA CARDINALIS
CARDINAL FLOWER



MENTHA SPICATA
MINT



OCIMUM BASILICUM
BASIL



SALVIA ROSMARINUS
ROSEMARY



SISYRINCHIUM ANGUSTIFOLIUM
POINTED BLUE EYED GRASS



ZEPHYRANTHES ROSEA
RAIN LILY

NOTE:
1. PLANTS IN **BOLD** ARE FLORIDA NATIVE

LEVEL 3 GENERAL PLANTING AREA

TREES



ELAEOCARPUS GANITRUS
ELAEOCARPUS



PRUNUS ANGUSTIFOLIA
CHICKSAW PLUM



VITEX AGNUS-CASTUS
VITEX

SHRUBS



AGAVE PEDUNCULIFERA
SOFT TIP AGAVE



DRACAENA TRIFASCIATA
MOTHER IN LAW'S TONGUE



MIMOSA PUDICA
MIMOSA



PENSTEMON MULTIFLORUS
MANYFLOWER BEARDTONGUE



PODOCARPUS MACROPHYLLYS
'PRINGLES DWARF'
PRINGLES PODOCARPUS

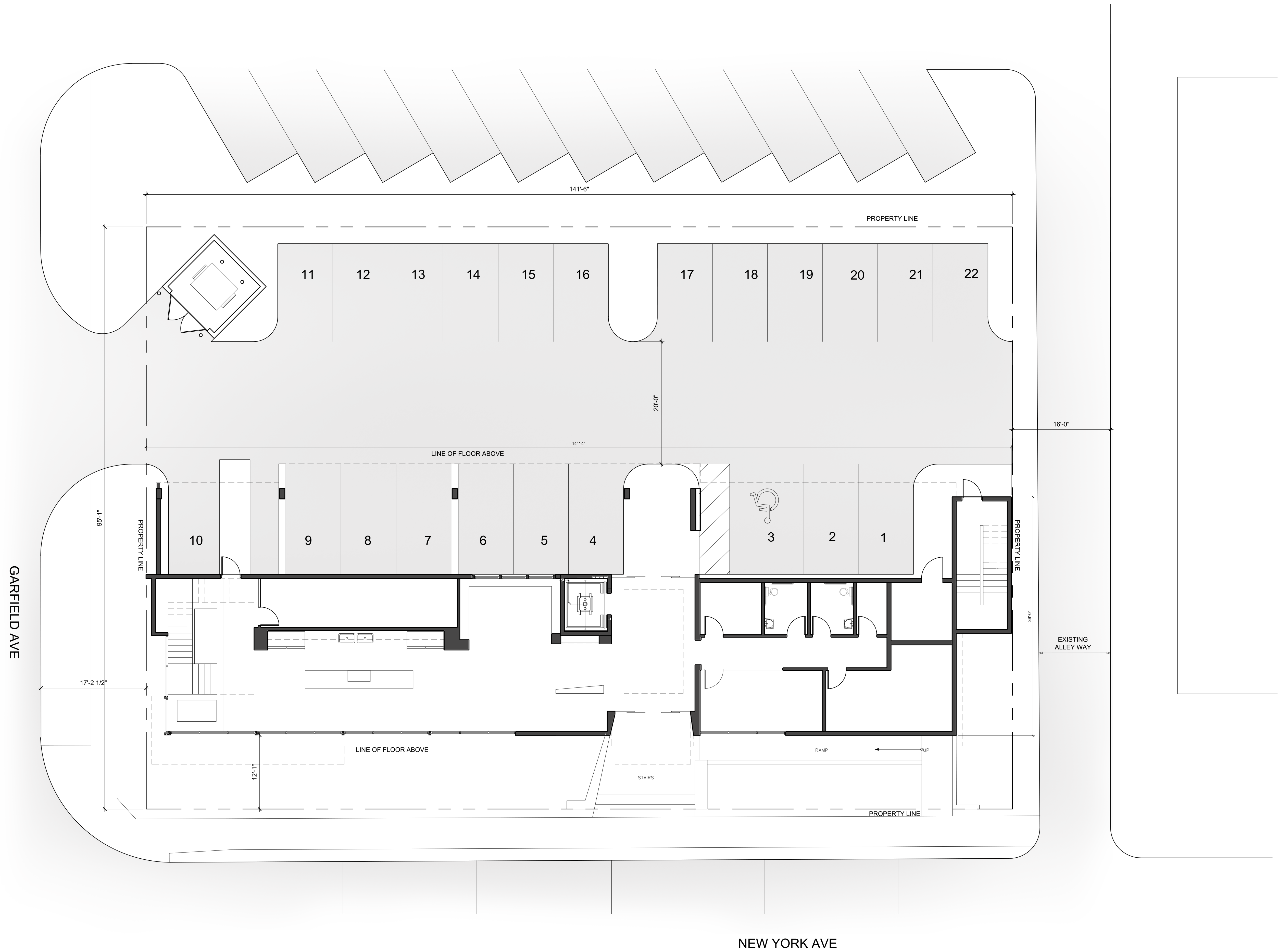


CROSSANDRA INFUNDIBULIFORMIS
FIRECRACKER



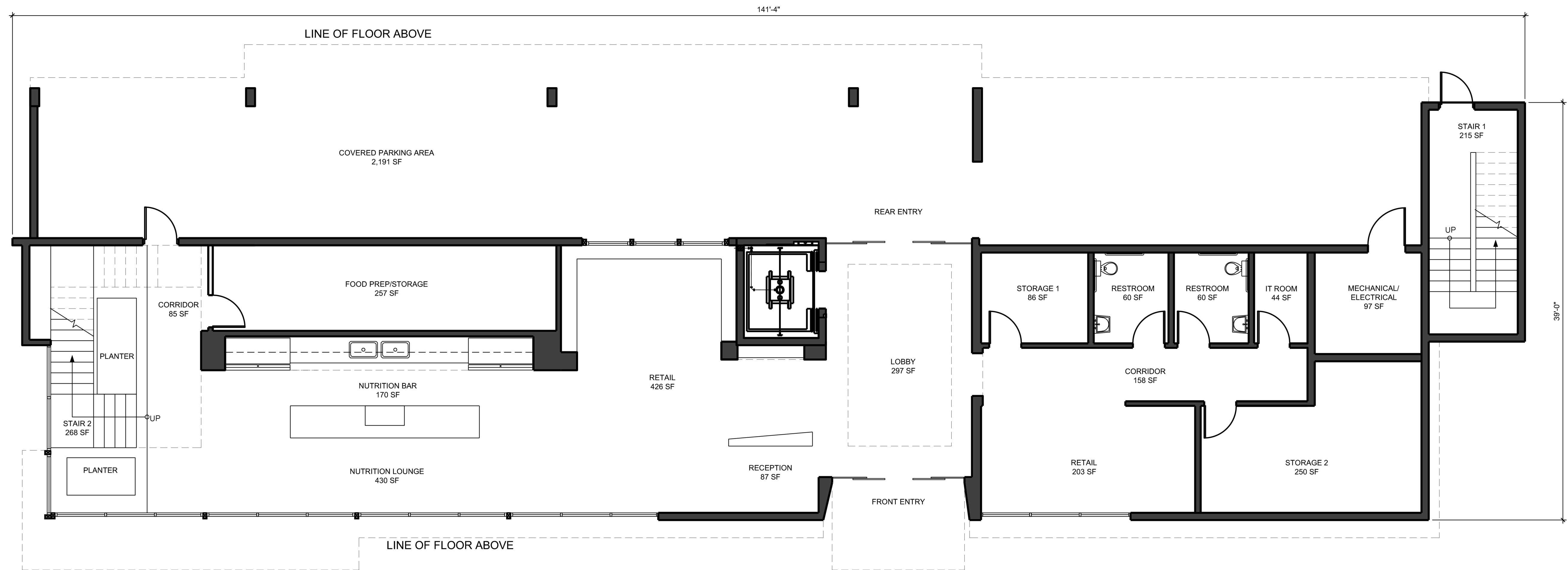
YUCCA FILAMENTOSA
SILK GRASS

NOTE:
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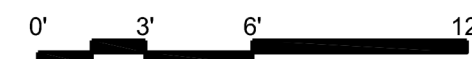
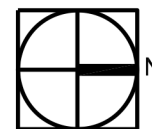


ARCHITECTURAL SITE PLAN

SCALE: 1/8" = 1'-0" 0' 2' 4' 8' 16' N



1 GROUND FLOOR PLAN
SECONDARY TEXT (ERASE IF NOT NEEDED) 3/16"=1'-0"

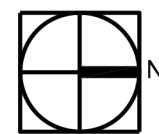


GROUND LEVEL

SCALE: 3/16" = 1'-0" N



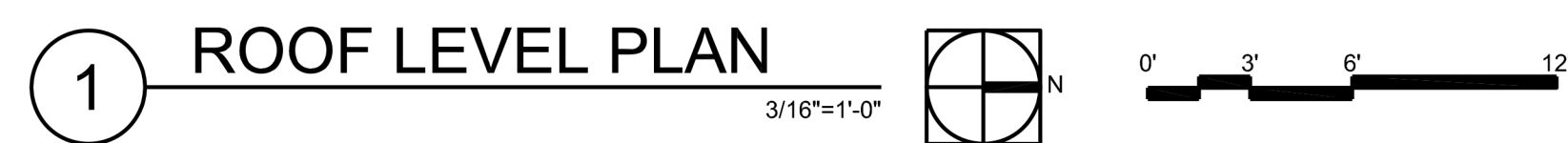
1 SECOND FLOOR PLAN
3/16"=1'-0"



0' 3' 6' 12'

SECOND LEVEL

SCALE: 3/16" = 1'-0" 0' 3' 6' 12' N



goodlives
WELLNESS STUDIO

Goodlives LLC.
N New York Ave.
Winter Park, FL 32789

LandDesign
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Suite 700
Orlando, FL 32801
P: 407.270.7800
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THAT MATTER.

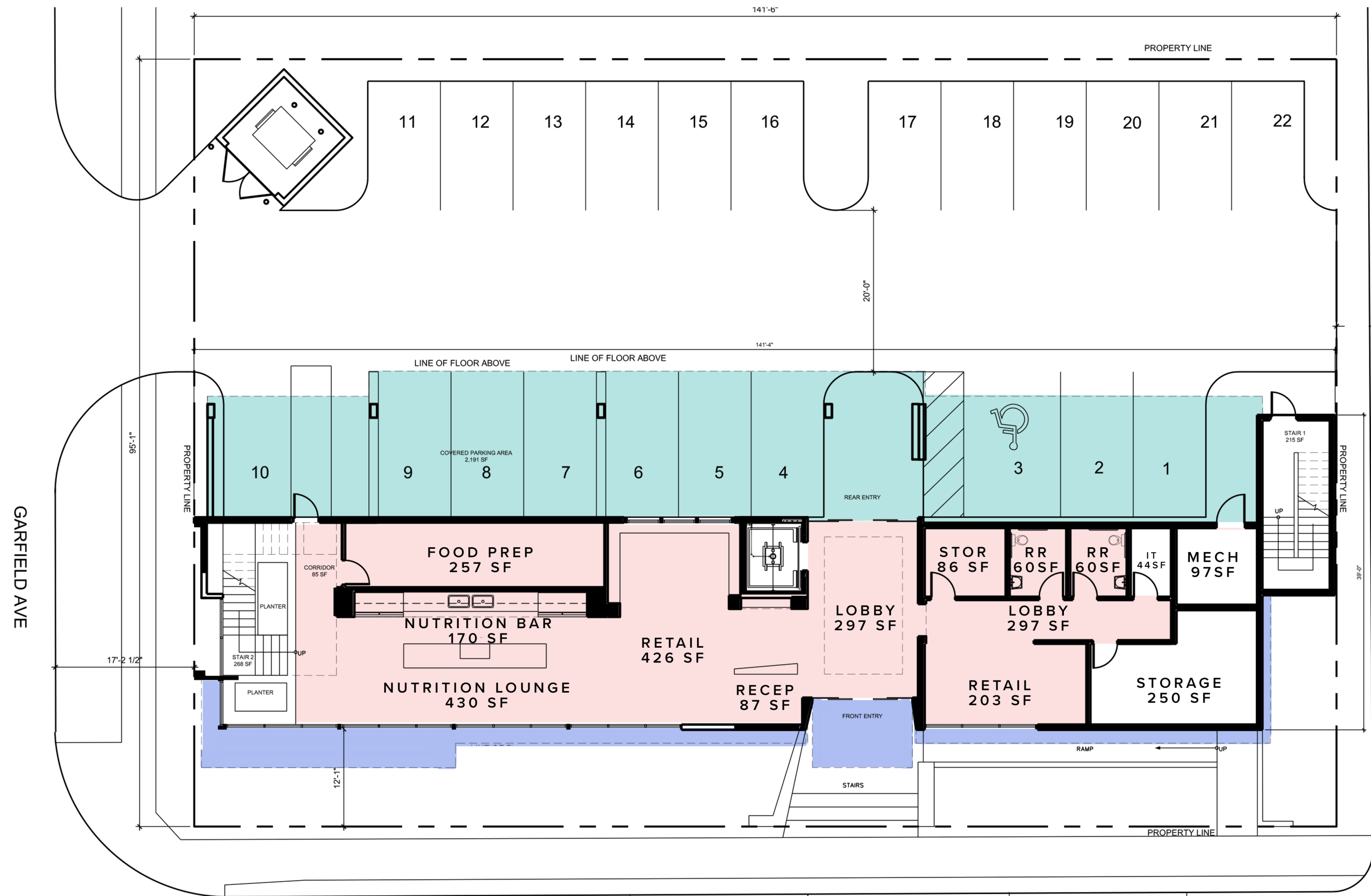
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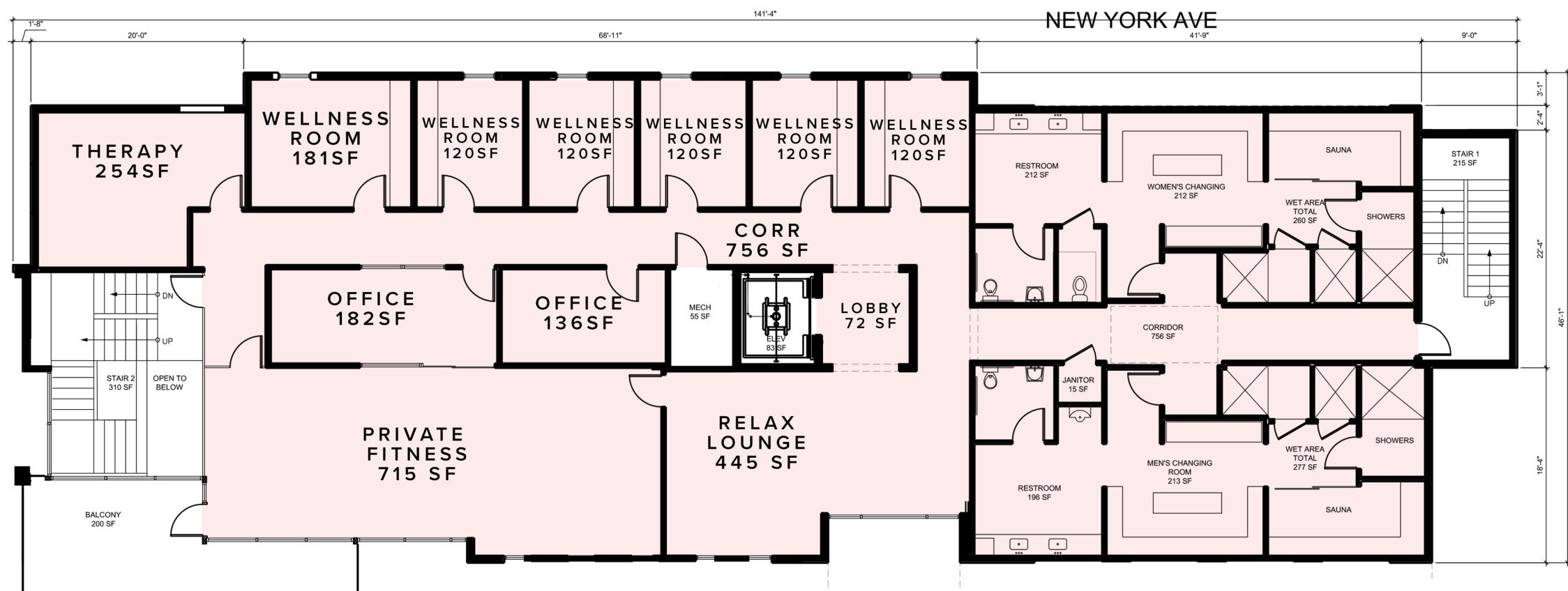
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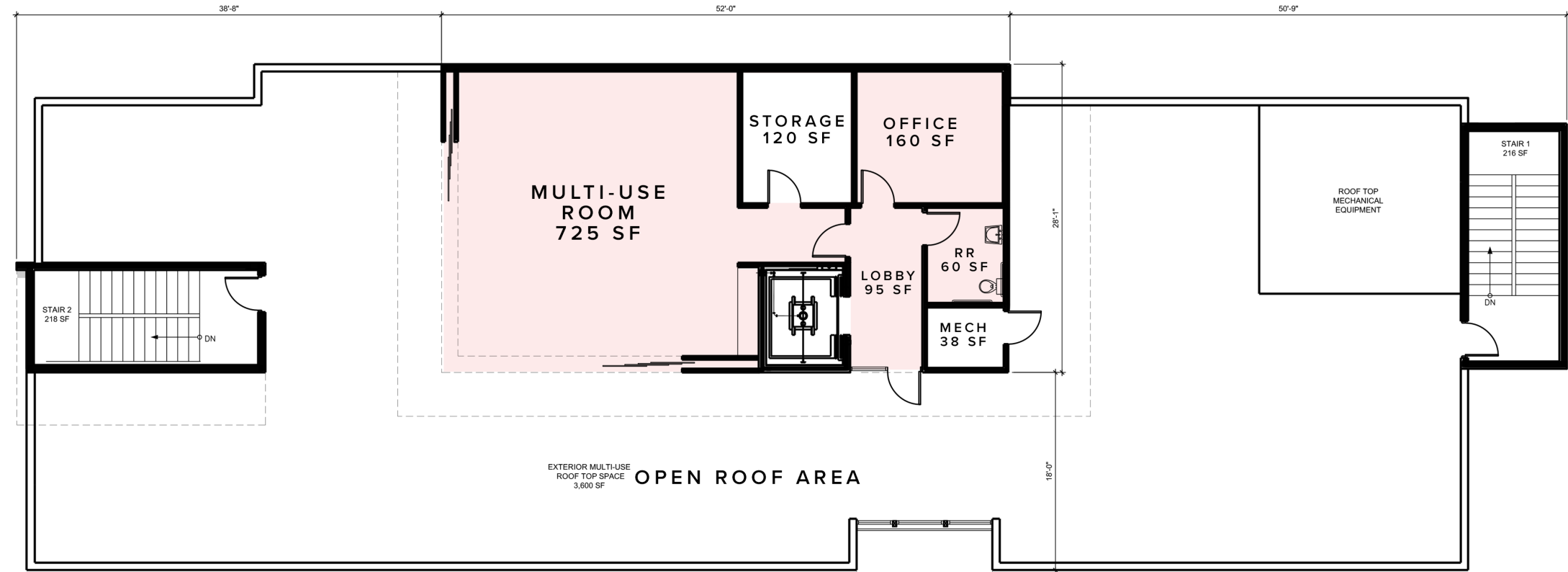
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955 N Pennsylvania Ave.
Winter Park, FL 32789.
P: 407.740.8405
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FL Reg. AA0002940



GROUND LEVEL PLAN



SECOND LEVEL PLAN



ROOF LEVEL PLAN

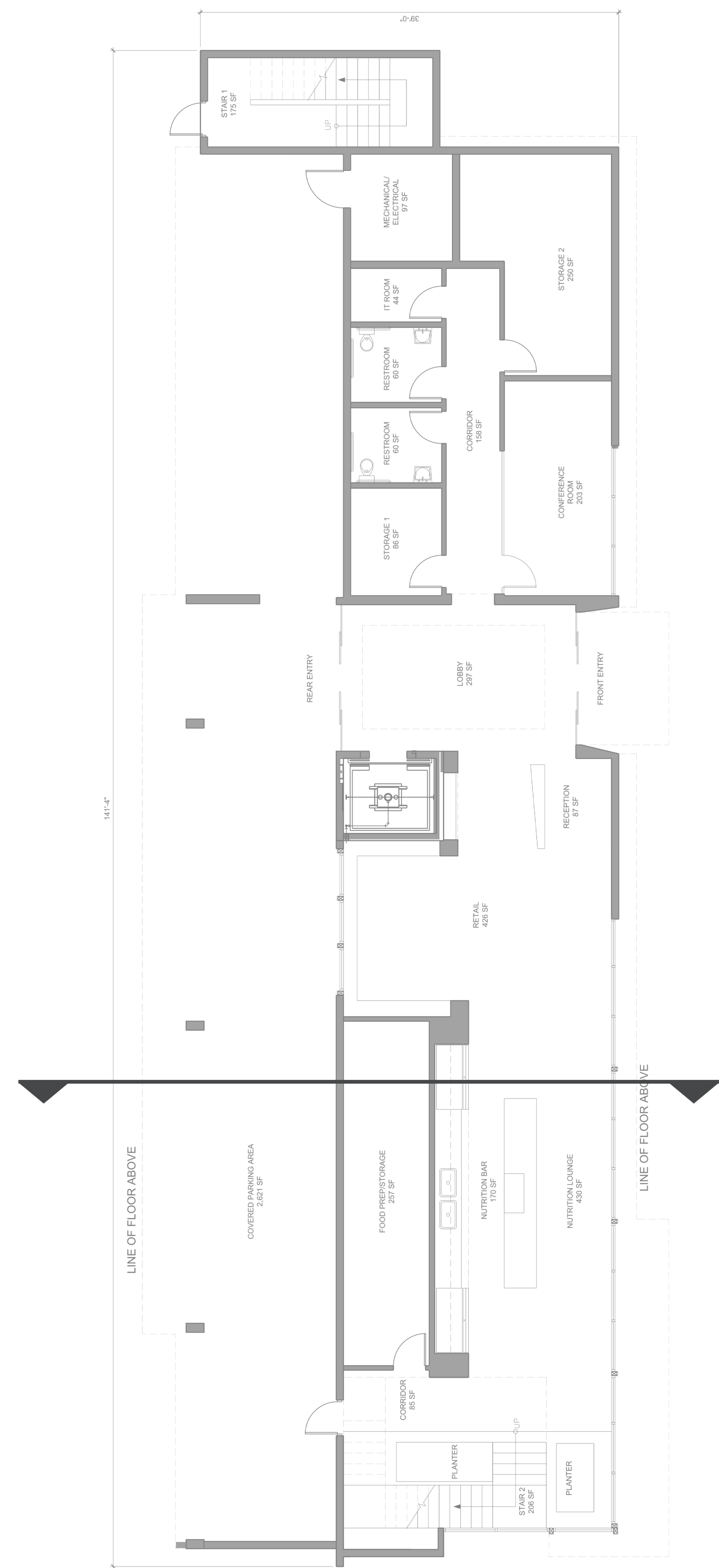
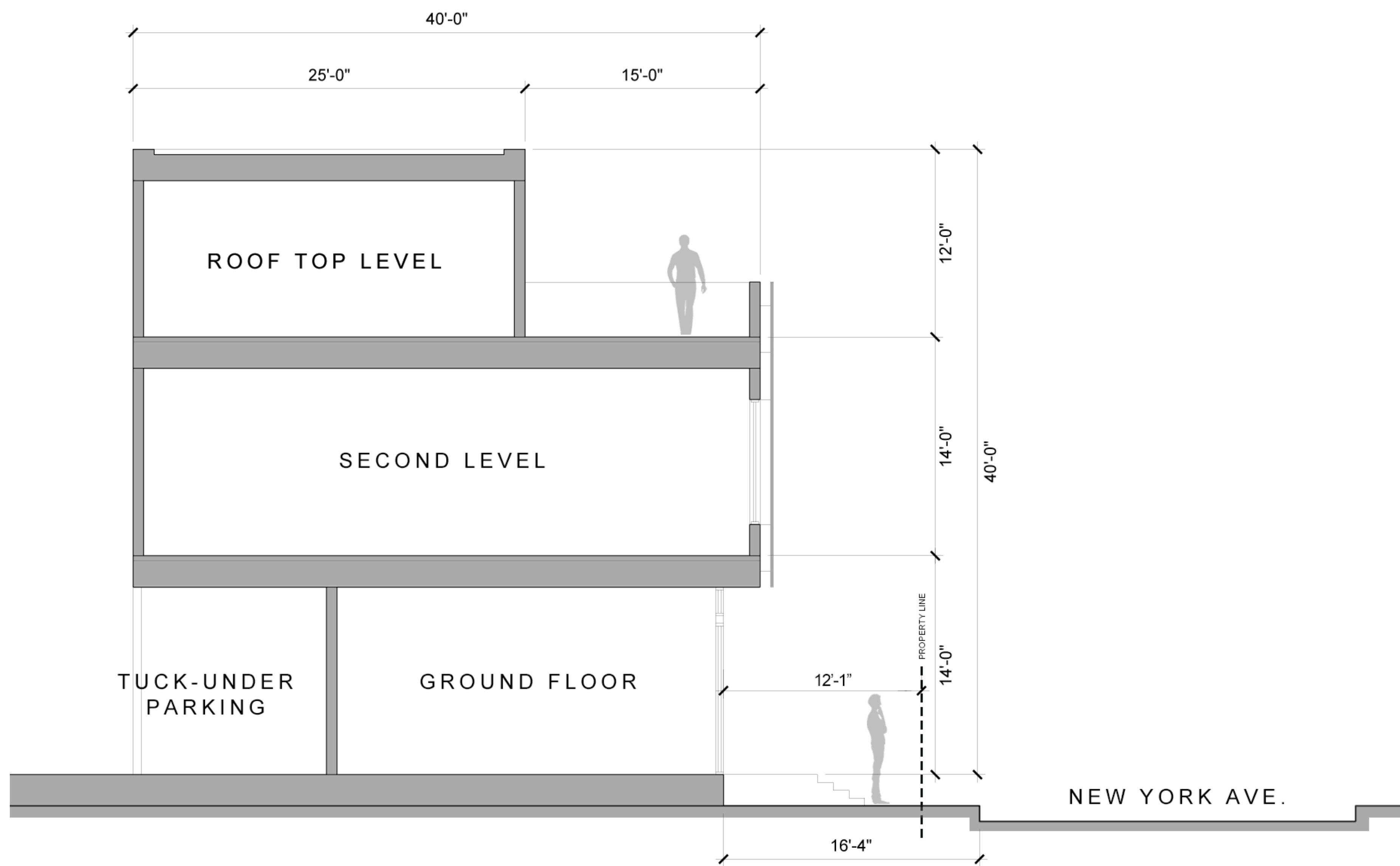
- AREA USED FOR PARKING REQUIREMENT
- COVERED PARKING AREA 2,191 SF
- COVERED AREA, FLOOR ABOVE 433 SF

PROPOSED SQUARE FOOTAGE		
FIRST LEVEL	6,168	INCLUDES COVERED AREA
SECOND LEVEL	6,016	INCLUDES BALCONY
THIRD LEVEL	1,885	
TOTAL	14,069	GROSS SQUARE FOOT
	11,245	NET SQUARE FOOT

EXISTING BUILDING	NEW BLDG	GROSS SQUARE FOOT	COVERED PARKING & COVERED AREA	STAIRS, WALLS, ELEVATOR	STORAGE, MECHANICAL, BALCONY	NET SQUARE FOOT
(12)EXISTING PARKING SPACES ARE VESTED FOR CURRENT SQUARE FOOTAGE OF THE EXISTING BUILDING	FIRST	6,168	-2,624	-890	-391	2,263
	SECOND	6,016		-927	-255	4,834
	THIRD	1,885		-685	-203	997
EXISTING BUILDING TOTAL = 4,600 GSF	TOTAL	14,069	-2,624	-2,502	-849	=8,094
THE TOTAL PROPOSED NET AREA IS LARGER THAN THE EXISTING BUILDING GROSS BY 3,494 SF. THEREFORE THE ADDITIONAL PARKING REQUIRED WILL BE 10 SPACES FOR A TOTAL OF 22 SPACES						

PARKING REQUIRED = 22 SPACES
PARKING PROPOSED = 22 SPACES

PARKING PLAN



CONCEPT SECTION

goodlives

WELLNESS STUDIO

Goodlives LLC.

N New York Ave.

Winter Park, FL 32789

LandDesign

100 S. Orange Ave.

Suite 700

Orlando, FL 32801

P: 407.270.7800

www.landdesign.com

LandDesign

CREATING PLACES THAT MATTER.

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CONCEPT EAST ELEVATION ALONG NEW YORK AVE

goodlives
WELLNESS STUDIO

Goodlives LLC,
N New York Ave.,
Winter Park, FL 32789

LandDesign
100 S. Orange Ave.,
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Orlando, FL 32801
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CONCEPT WEST ELEVATION VIEW FROM GUEST PARKING

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CONCEPT SOUTH ELEVATION ALONG GARFIELD AVE & NORTH ELEVATION ALONG ALLEY



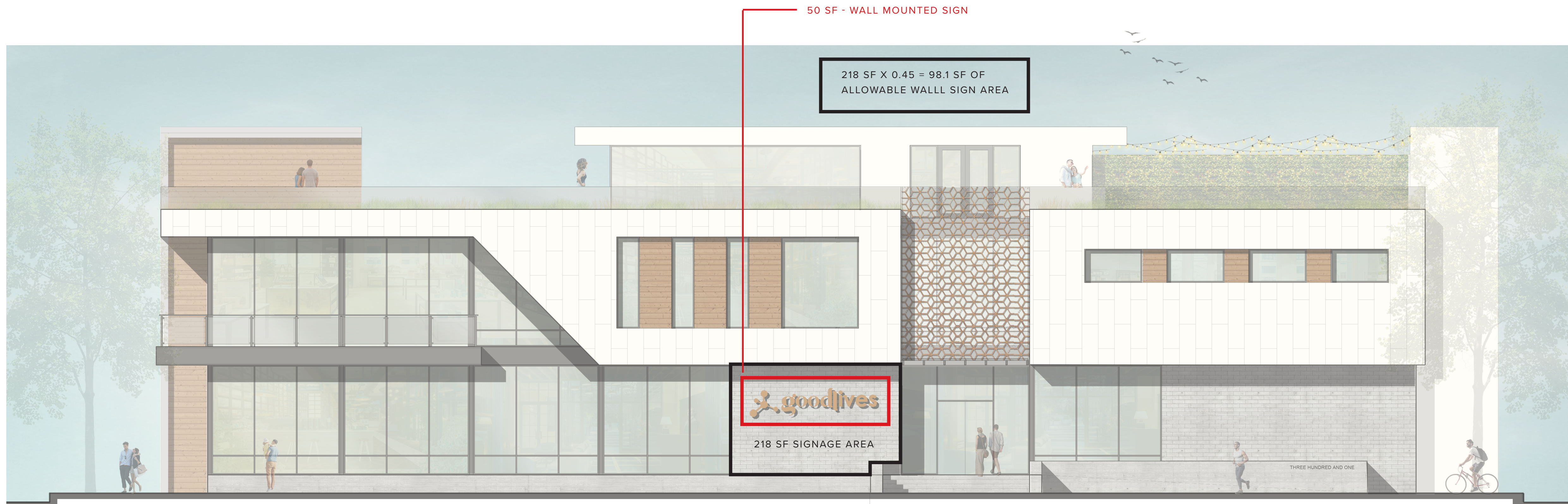
PER CWP MUNICODE 58.124:
- C-2 DISTRICTS ARE PERMITTED A MAXIMUM OF TWO SIGNS INDICATING THE BUSINESS... WHERE ONE OCCUPANCY HAS TWO SIGNS, ONLY THE FOLLOWING COMBINATIONS OF SIGN TYPES SHALL BE PERMITTED: **ONE PROJECTING SIGN AND ONE WALL OR CANOPY SIGN**

PER CWP MUNICODE 58.126 WALL SIGNS:
- SIGNABLE AREA DETERMINATION: THE **OCCUPANCY DISPLAYING A WALL SIGN SHALL DETERMINE THE SIGNABLE AREA BY CHOOSING ONE SUCH AREA ON THE BUILDING FACADE AND BY THEN CALCULATING THE NUMBER OF SQUARE FEET WHICH ARE ENCLOSED BY AN IMAGINARY RECTANGLE OR SQUARE WHICH IS DRAWN AROUND THIS AREA.**

- AREA LIMITS: IN ALL CASES, WALL SIGN AREAS REFER TO THE AREA OF COPY RATHER THAN THE AREA OF THE BACKGROUND. ITEM 1) STATES, **WHERE AN OCCUPANCY HAS NO GROUND, ROOF OR PROJECTING SIGN ON THE SAME PREMISES, 45 PERCENT OF THE SIGNABLE AREA MAY BE USED FOR COPY.**

PER CWP MUNICODE 58.24, ITEM 6: BACK-LIT HALO SIGN LETTERING IS PERMITTED, HOWEVER, THE LIGHT COLOR MUST BE WHITE OR SUBDUED AND MUTED SUCH AS A PASTEL SHADE.

PER CWP MUNICODE 58-131. - SPECIAL SITUATIONS.
(B) MULTIPLE FRONTAGES. IF A BUILDING HAS FRONTAGE ON TWO OR MORE STREETS, EACH FRONTAGE SHALL BE SEPARATELY CONSIDERED FOR THE PURPOSES OF DETERMINING COMPLIANCE WITH THE PROVISIONS OF THESE REGULATIONS. HOWEVER, THE PERMITTED SIGN AREA FOR ONE FRONTAGE SHALL NOT BE COMBINED WITH ANOTHER FRONTAGE TO PLACE THE COMBINED SIGN AREA ON ONE FRONTAGE. NEITHER SHALL THIS SECTION BE CONSTRUED TO SUPERSEDE THE PROVISIONS LIMITING AND RESTRICTING THE USE OF TEMPORARY SIGNS FOR BUILDINGS WITH MULTIPLE FRONTAGES AFTER SEPTEMBER 1, 1983.



EAST & WEST ELEVATION SIGNAGE

goodlives
WELLNESS STUDIO

Goodlives LLC.
N New York Ave.
Winter Park, FL 32789

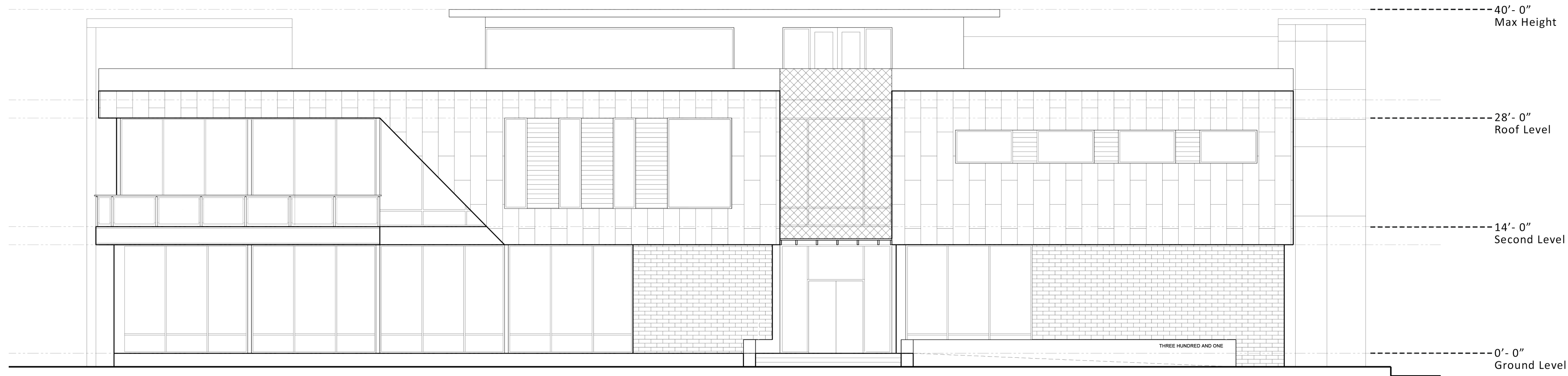
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100 S. Orange Ave.
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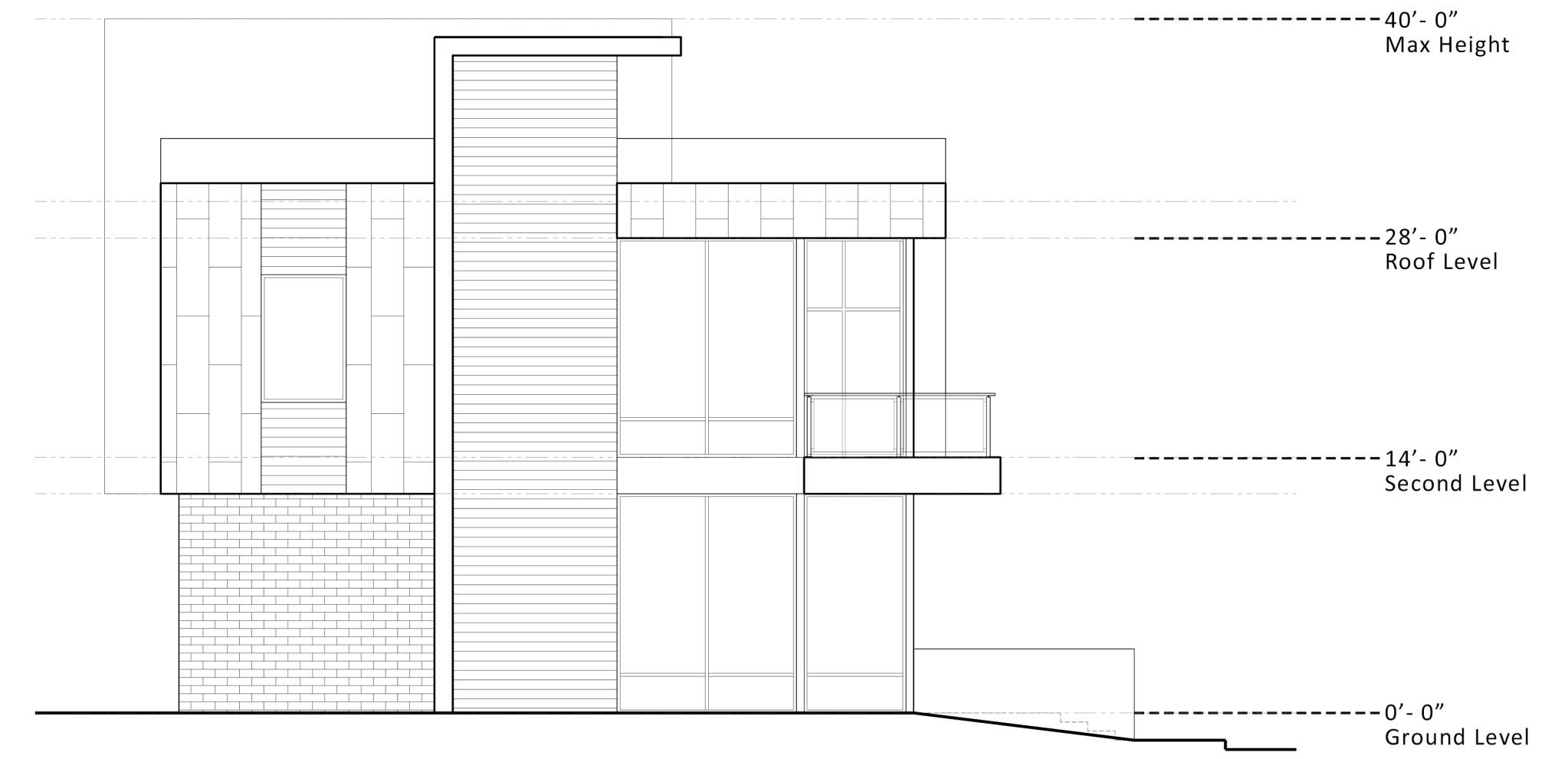
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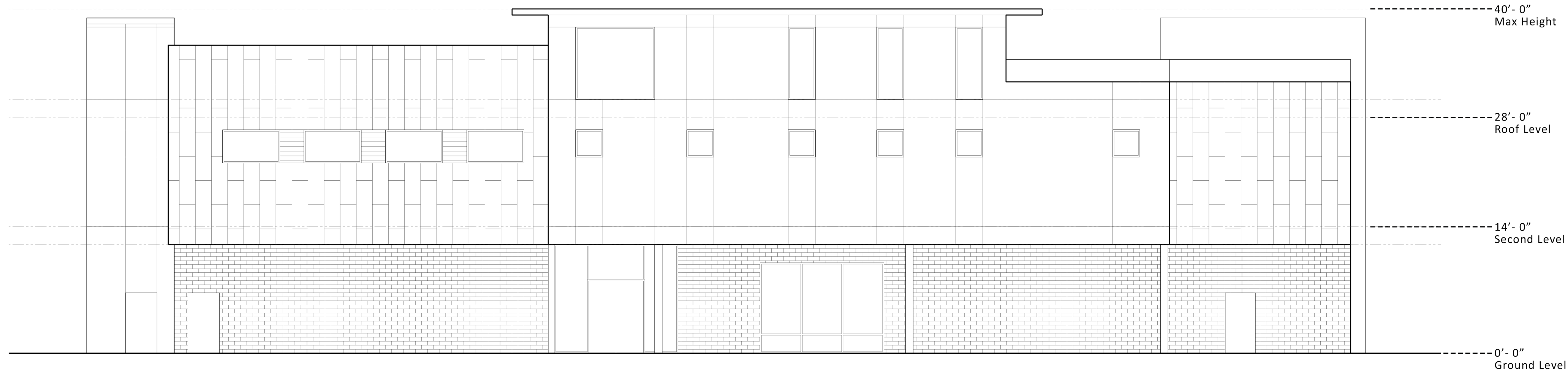
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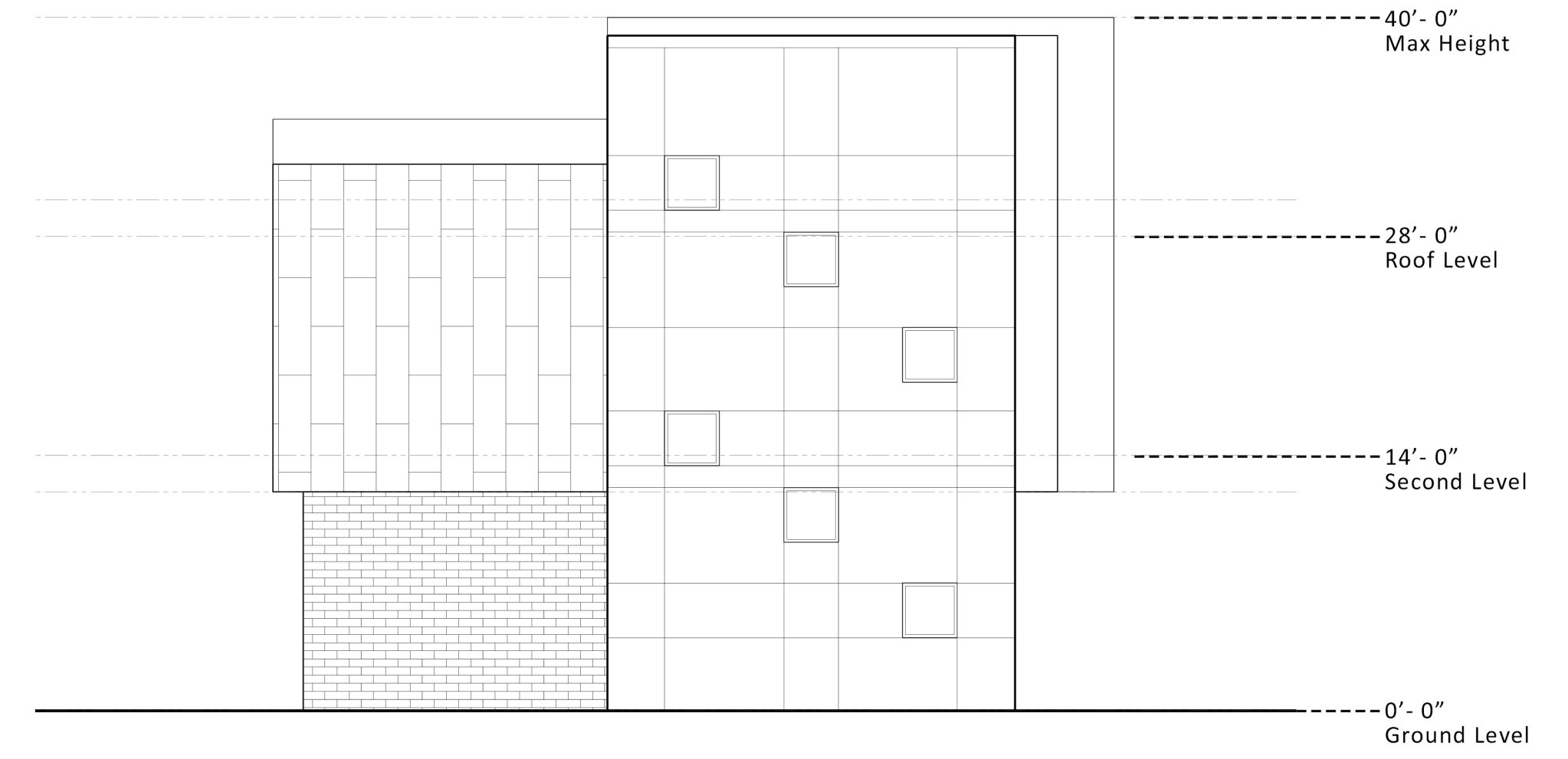
EAST ELEVATION ALONG NEW YORK AVENUE



SOUTH ELEVATION ALONG GARFIELD AVENUE



WEST ELEVATION VIEW FROM GUEST PARKING



NORTH ELEVATION ALONG ALLEY

BUILDING HEIGHTS

goodlives

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CONCEPT PERSPECTIVE

goodlives

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City Commission agenda item

item type Public Hearings	meeting date January 13, 2021
prepared by Bronce Stephenson	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of McLaren Orlando LLC for:

item list

- An Ordinance amending Article III “Zoning” of Chapter 58 “Land Development Code” to establish in the Commercial (C-3) District, a new Conditional Use and Definition for Specialty Transportation Business and for a Conditional Use to establish such business at 1111 S. Orlando Avenue (First Reading).

motion / recommendation

Staff and P&Z Board recommendation is for denial of the request.

background

This request for a Zoning Code text change and Conditional Use for McLaren to remodel and use the former Orchard Supply store at 1111 South Orlando Avenue was tabled at the November 2nd P&Z meeting, providing time for the applicant to meet with neighboring property owners to address concerns and to consider changes to the design based on input provided at the meeting.

The applicant then came back to the P&Z Board on December 1st to rehear their request. The Board denied their application. Since the P&Z Meeting, the City has received a letter (attached) from the Orwin Manor Neighborhood Assoc. in opposition to the request, and a letter of support from the HOA of the Townhomes at Harper Place (west of the site), which includes some conditions of screening and additional vegetation. The screening shown on the site plan submitted states that 4-foot to 10- foot tall perforated metal panels depicting automotive imagery would be used.

Description of the Requests:

This public hearing is to consider two requests by McLaren Orlando LLC for 1) an

ordinance to amend the Zoning Code to establish a new Conditional Use for a “Specialty Transportation Business” in C-3 zoning and 2) for such Conditional Use to be approved at the former Orchard Supply property at 1111 S. Orlando Avenue, zoned C-3.

Background:

In July of 2016, the City approved the Conditional Use to allow the 2.4 acres at 1111 S. Orlando Avenues, between Miller and Indiana Avenues to be redeveloped for an Orchard Supply hardware store. At that time, a parking variance was granted of 23 spaces given the characteristics of this particular business use from the required 119 spaces to 96 spaces.

By late 2018 the Orchard Supply store closed along with the rest of those stores nationwide. The property has been on the market since that time, but it is disadvantaged due to the parking variance that was granted. Without adequate parking, both per code and to meet the practical needs of tenants, the existing building cannot be converted to retail store space or offices. The owner has been seeking a lower intensity user that can function with the limited parking but certain types of those uses, such as self-storage, have been discouraged by staff.

Request of McLaren Orlando LLC

McLaren Orlando LLC now has a contract to purchase this property to use for the sales and service of their products. The applicant believes that they have little in common with typical car dealerships given their individual characteristics of the transportation products and service. There is no outside display of their products, and the price point (\$250,000 and up) puts them in a category where customers are typically seen by appointment. The staff and traffic generated are inconsequential and not comparable to a typical car dealership. Given this low intensity use, a large portion of their parking lot is surplus and not needed. As a result, they are willing to convert 22,000 square feet of the Orlando Avenue frontage of this property from parking lot to an open green landscape space for as long as their business occupies this building.

Comprehensive Plan/Zoning Code Conformance

The Comprehensive Plan contains the general policy below and the specific policy for this planning area that relate to vehicle sales. This is implemented in the Zoning Code with the text below that prohibits the location of any new or used car/vehicle dealership/business except in two geographic areas due to characteristics of those businesses.

Comprehensive Plan Policies:

Policy 1-5.4.8: Enhance the Appeal & Improve the Property Values of Certain

Gateway Corridor Entrances into the City of Winter Park. In order to establish, maintain and enhance the character and aesthetic appeal of certain important gateway corridor entrances into the City of Winter Park, and to increase the property values along such gateway corridor entrances to the City, in order to distinguish those gateways as attractive entrances into the City, the City shall, prohibit certain business types along the frontage of those roadway corridors to exclude any new or used car sales businesses, auto repair businesses, resale stores or pawn shops, vapor lounges or smoke shops, adult oriented businesses, gas/service stations and convenience stores.

Policy 1-J-6: Concentrate Vehicle Dealerships North of Webster Avenue or Lee Road
The policies of this Comprehensive Plan restrict car sales businesses to two geographic areas where such businesses are permitted. One such area where vehicle sales business are potentially allowed as conditional uses is in this planning area north of Webster Avenue or north of Lee Road.

Zoning Code excerpt:

(c) *Conditional uses.* The following uses may also be permitted as conditional uses following review by the planning and zoning board and approval by the city commission in accordance with the provisions of this Article. See Sec. 58-90 Conditional Uses.

(1) New and used motor vehicle, boat or trailer sales but per the policies of the Comprehensive Plan restricted and limited to locations north of Webster Avenue, west of Denning Drive and east of Bennett Avenue and locations on the west side of Wymore Road, north of Lee Road.

The applicant is requesting that the City treat their definition of a vehicle differently, so that McLaren or other similar products like them, such as Rolls Royce, Bentley, Lamborghini, Ferrari could request a Conditional Use approval based upon specific criteria.

The applicant will point out that the other similar products already have existing locations in the Orlando area. These products are “new and used car sales” but the burden on the applicant is to demonstrate that these products are such a niche market of the 17 million cars sold in the United States each year that they qualify for a zoning code distinction. Staff is concerned about the expanding the definition of vehicle into various categories.

The Zoning Code Text Amendment

The applicant’s request is to establish a new conditional use for a “specialty transportation business” which mandates conformance to specific criteria. Those criteria are that all product and inventory must be housed within a fully enclosed building, that all repair and service must be conducted within a fully enclosed building with no outside storage permitted, that the hours of retail operation are limited to 8 am to 6 pm Monday-

Friday and 9 am to 5 pm on Saturday and that 30% of subject property, exclusive of stormwater retention, shall be devoted to green open space visible from an arterial roadway. The proposed ordinance would also establish a definition for a “specialty transportation business” as well incorporating the conditional use and criteria in the Zoning Code.

McLaren Conditional Use Request

The specific request by McLaren at 1111 S. Orlando Avenue would maintain the same layout of building and parking lot but would convert the 22,000 sq. ft. at the corner of Orlando and Miller Avenues into an urban green open space. The applicant has provided a landscape plan of their commitment to transform that corner into open space. It is intended as a passive urban green space primarily for the aesthetic benefit of green open space. It would be open to the public but not set up for active recreation.

The existing Orchard Supply building would undergo an exterior transformation that would open up the building for viewing by replacing many solid wall areas with glass walls toward Orlando Avenue to enhance the appearance of the building with a very modern architectural design. Inside the building, the existing mezzanine would be expanded to add additional second floor space all within the existing roof height and dimensions of the current building.

The location of the base of the previous Orchard Supply monument sign at the Orlando/Miller Avenue corner would be re-used as well as wall signage within Code on the building.

Summary and Recommendation

This site is challenged by the parking variance granted in 2016 that prohibits reuse of the building for stores, offices or restaurants. However, being on a main gateway entrance to the City, staff has concerns about the prominence of the vehicle display and the method of approval for such a business and the unintended consequences of creating a pathway (just amend the Zoning Code) that may allow others to ask for equitable treatment in the sale and service associated with their “transportation business”.

The City could alternatively amend the policies regarding vehicle sales in the Comprehensive Plan to designate this particular property as a permitted location in addition to the other permitted locations specified in the Comprehensive Plan and Zoning Code. To amend the Comprehensive Plan is unfortunately a 5 to 6-month process that does not work for the applicant, as the seller must remove the property from the market for that time period.

Given the criteria established for this conditional use, staff has concern about this process setting precedence for future applicants.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[LDC Ordinance_McLaren.docx](#)

ATTACHMENTS:

[Agenda_Backup_McLaren_Request.pdf](#)

ATTACHMENTS:

[McLaren Orlando-REAR PROPERTY BUFFER.pdf](#)

ATTACHMENTS:

[Harper Place Townhouse letter.pdf](#)

ATTACHMENTS:

[City Council - McLaren Letter -Board Signed 01.05.21.pdf](#)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING ARTICLE III ZONING REGULATIONS OF CHAPTER 58
OF THE LAND DEVELOPMENT CODE TO AMEND SUBSECTION 58-
76 COMMERCIAL (C-3) DISTRICT TO ESTABLISH A NEW
CONDITIONAL USE FOR SPECIALTY TRANSPORTATION BUSINESS
AND TO AMEND SUBSECTION 58-95 DEFINITIONS TO ESTABLISH A
DEFINITION FOR SPECIALTY TRANSPORTATION BUSINESS.
PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS,
AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Winter Park (the “City”) recognizes that certain types of business are unique to their product lines which requires special consideration and clarification of the intent of the Zoning Code; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission desires that other factors such as the voluntary provision of green open space in commercial areas is important for the character and environment of the City; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission recognizes that such factors are only one part of the consideration for the approval of conditional uses but, agrees that those types of applications may be heard; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City’s local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein; and

WHEREAS, this Ordinance is being adopted in the best interests of the health, safety and welfare of the citizens of Winter Park.

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

SECTION I: RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: EDITS. Portions of Chapter 58, Land Development Code, Article III, Zoning Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text. Provisions not included are not being amended.

SECTION III: AMENDMENT. Chapter 58, Land Development Code, Article III, Zoning Regulations, Section 58-76 “Commercial (C-3) District” is hereby amended in subsection (c) (1) to establish a new conditional use as shown below and that Section 58-95 “Definitions” is hereby amended to add a new definition for specialty transportation business, to read as follows:

Sec. 58-76. Commercial (C-3) district.

(c) Conditional uses.

(p) *Specialty transportation business.* provided the following criteria are met that all product and inventory must be housed within a fully enclosed building, that all repair and service must be conducted within a fully enclosed building with no outside storage permitted, that the hours of retail operation are limited to 8 am to 6 pm Monday-Friday and 9 am to 5 pm on Saturday and that 30% of subject property, exclusive of stormwater retention, shall be devoted to green open space visible from an arterial roadway.

Sec. 58-95. Definitions.

Specialty transportation business means the retail sale and service of exotic high-performance automotive brands that are manufactured outside of the United States and that have annual sales volumes in the United States of less than 7,500 units.

SECTION IV: INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION V: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION VI: CODIFICATION. Section III of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s errors.

SECTION VII: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

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

City of Winter Park

Steven M. Leary, Mayor

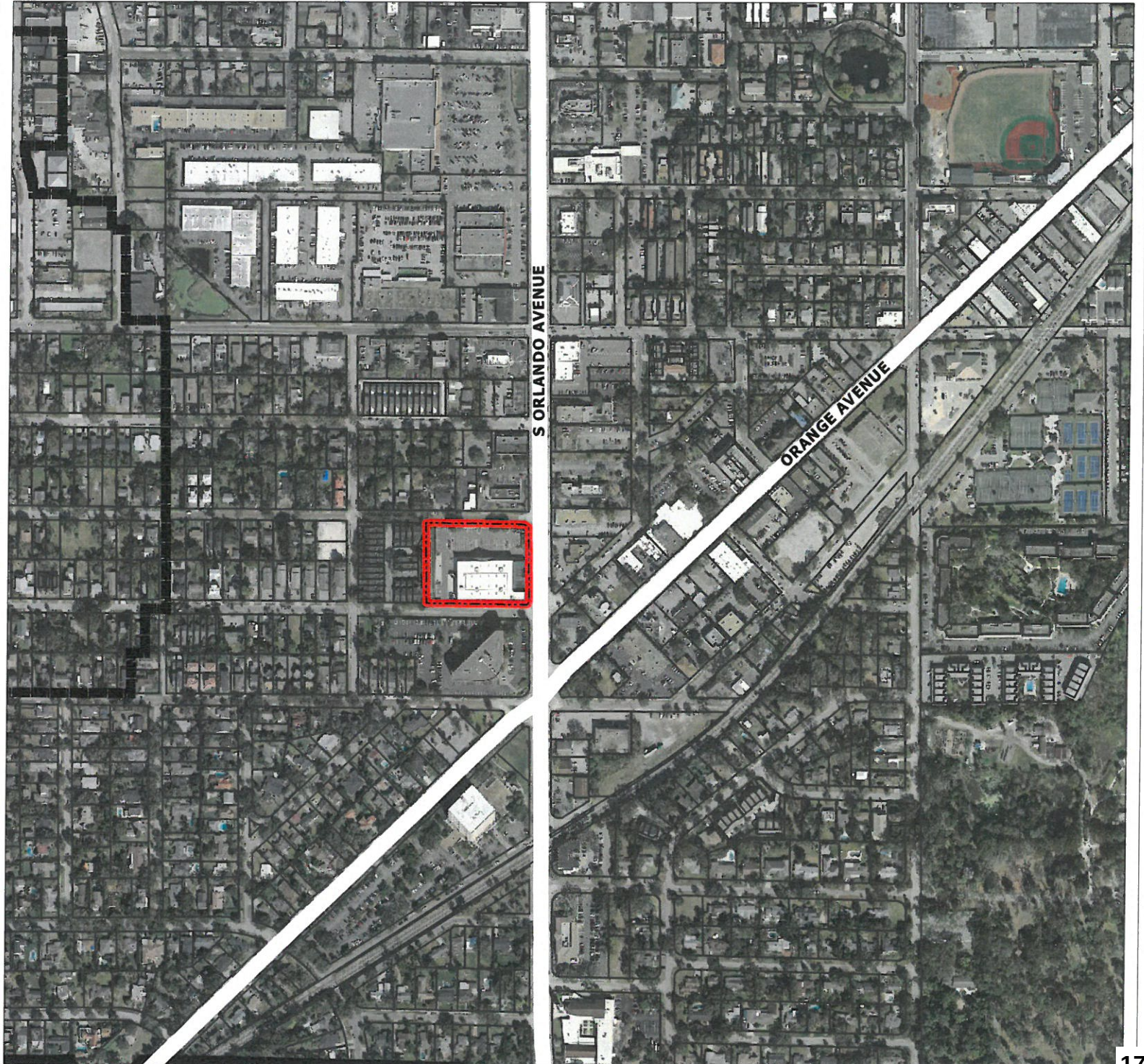
Attest: _____
Rene Cranis, City Clerk



LOCATION MAP

1111 S Orlando Ave

City of Winter Park
Florida

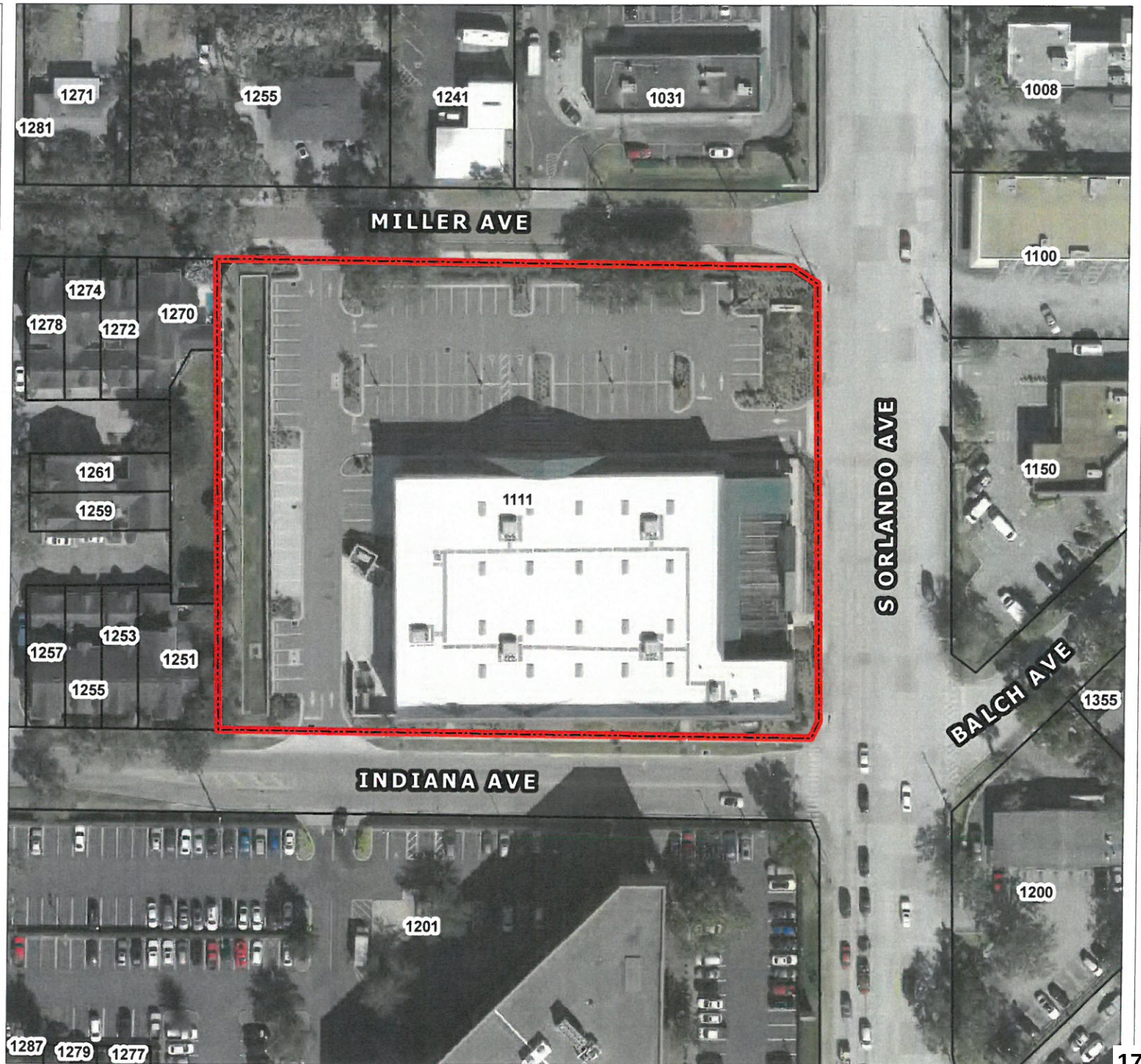




LOCATION MAP

1111 S Orlando Ave

City of Winter Park
Florida





SOUTHERN MAGNOLIA



DWARF INDIAN HAWTHORN



HUMMINGBIRD BUSH



DWF VARIGATED SCHEFFLERA



SABAL PALMETTO



PINK MUHLY GRASS

1111 South Orlando
Greenspace Calculation

Total Site	103,574 SF
Total Greenspace (does not include Stormwater Area)	33,574 SF
Percent Green Space	32.6%



LIGUSTRUM TREE



JAPANESE BLUEBERRY



LIRIOPE BORDER GRASS



REGINA IRIS



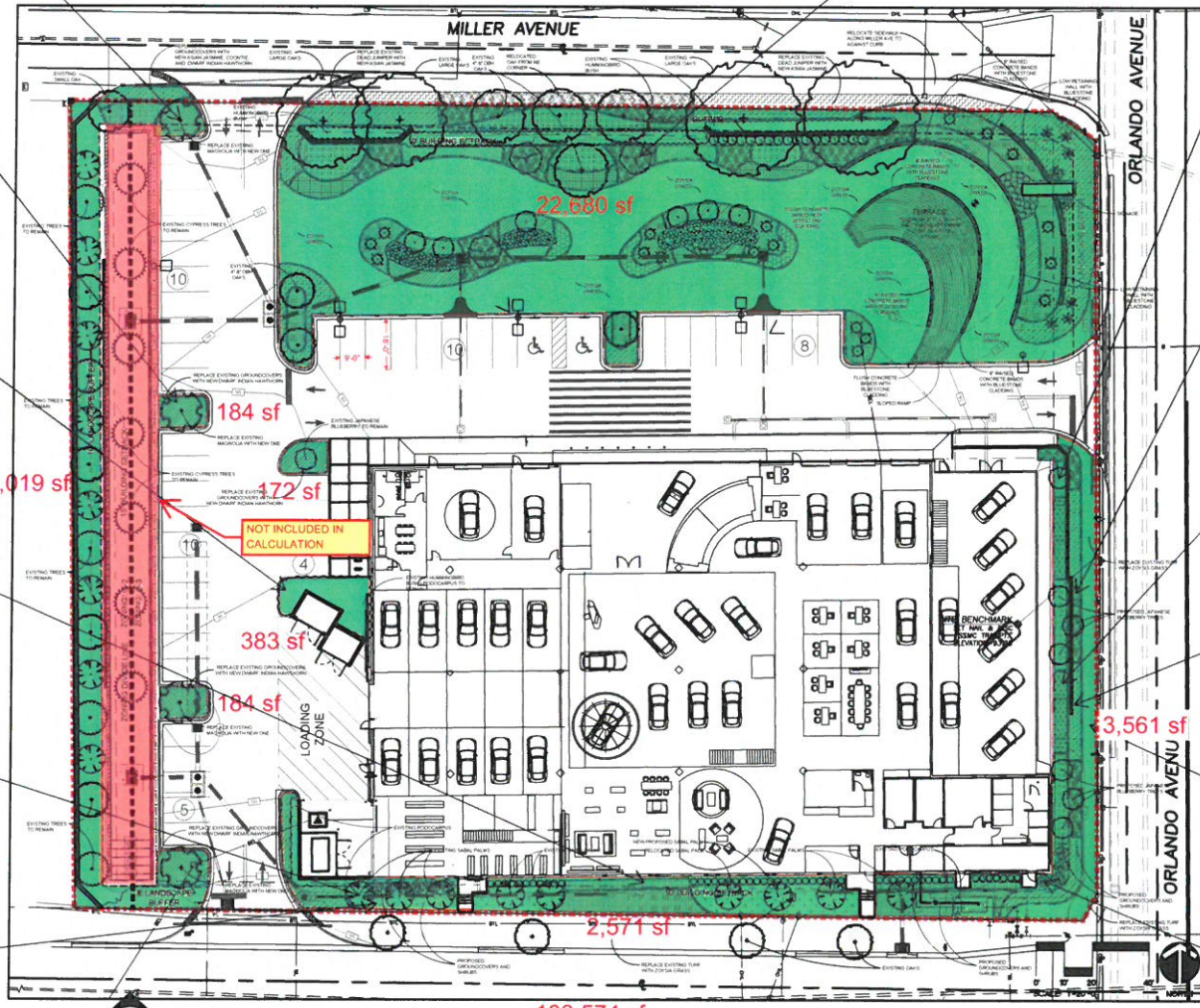
ASIAN JASMINE



ZOYSIA GRASS



DWARF BOTTLEBRUSH



A OVERALL SITE CONCEPT PLAN 103,574 sf

SCALE: 1"=20'-0"

BORRELL PARTNERS

1111 SOUTH ORLANDO AVE
SUITE 100
ORLANDO, FL 32837
TEL: 407.255.1111
WWW.BORRELLPARTNERS.COM

PROJECT NO. 18-010
PRELIMINARY DESIGN
SCALE 1"=20'-0"
FILE NAME 1111 SOUTH ORLANDO
DRAWN BY JTB
CHECKED BY JTB
DATE 08/27/18

PROJECT ADDRESS
1111 SOUTH ORLANDO AVE
ORLANDO, FL 32837

OWNER NAME AND ADDRESS
1111 SOUTH ORLANDO AVE
ORLANDO, FL 32837

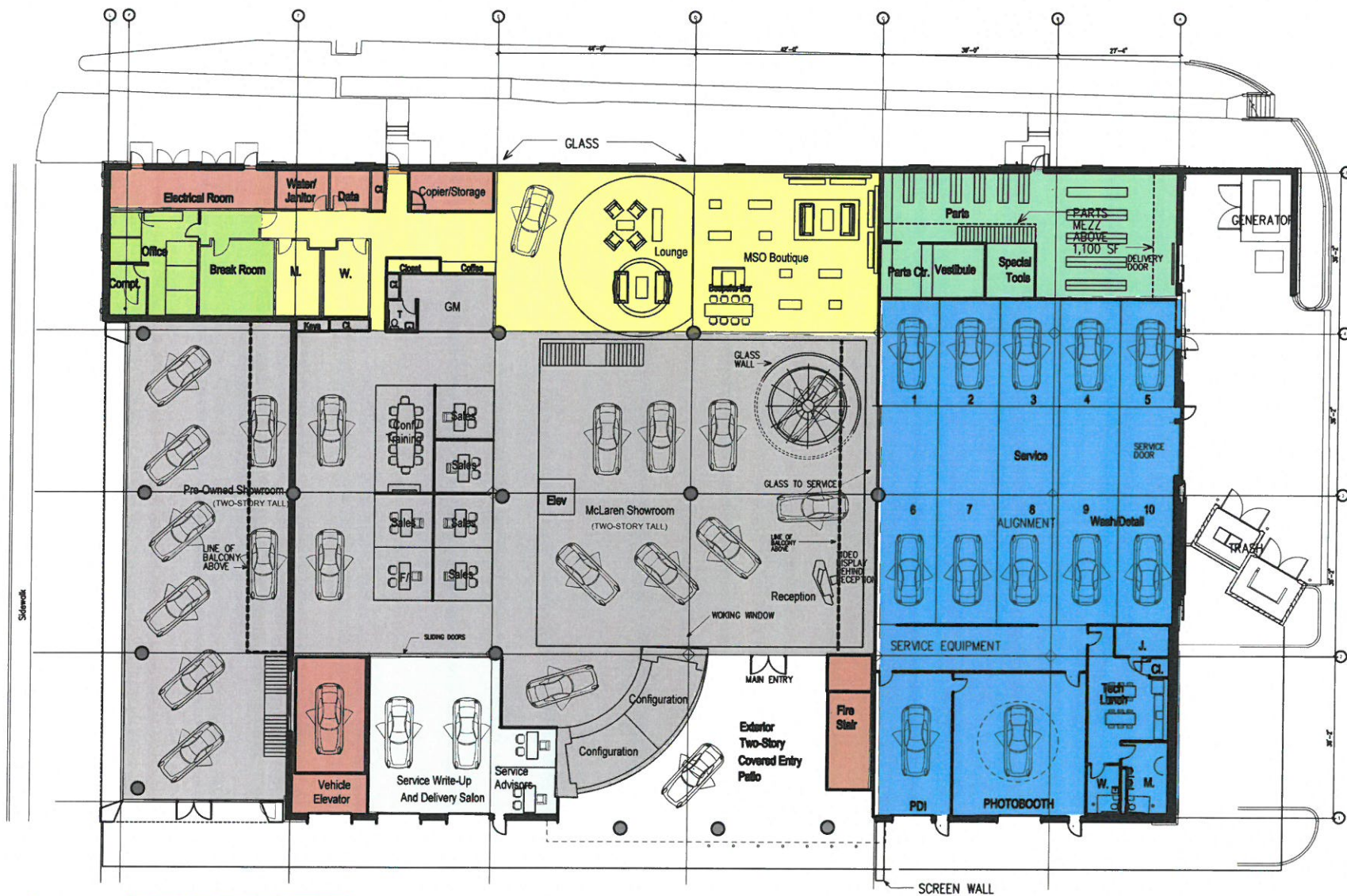
OVERALL SITE CONCEPT PLAN
AND PLANT PHOTOS

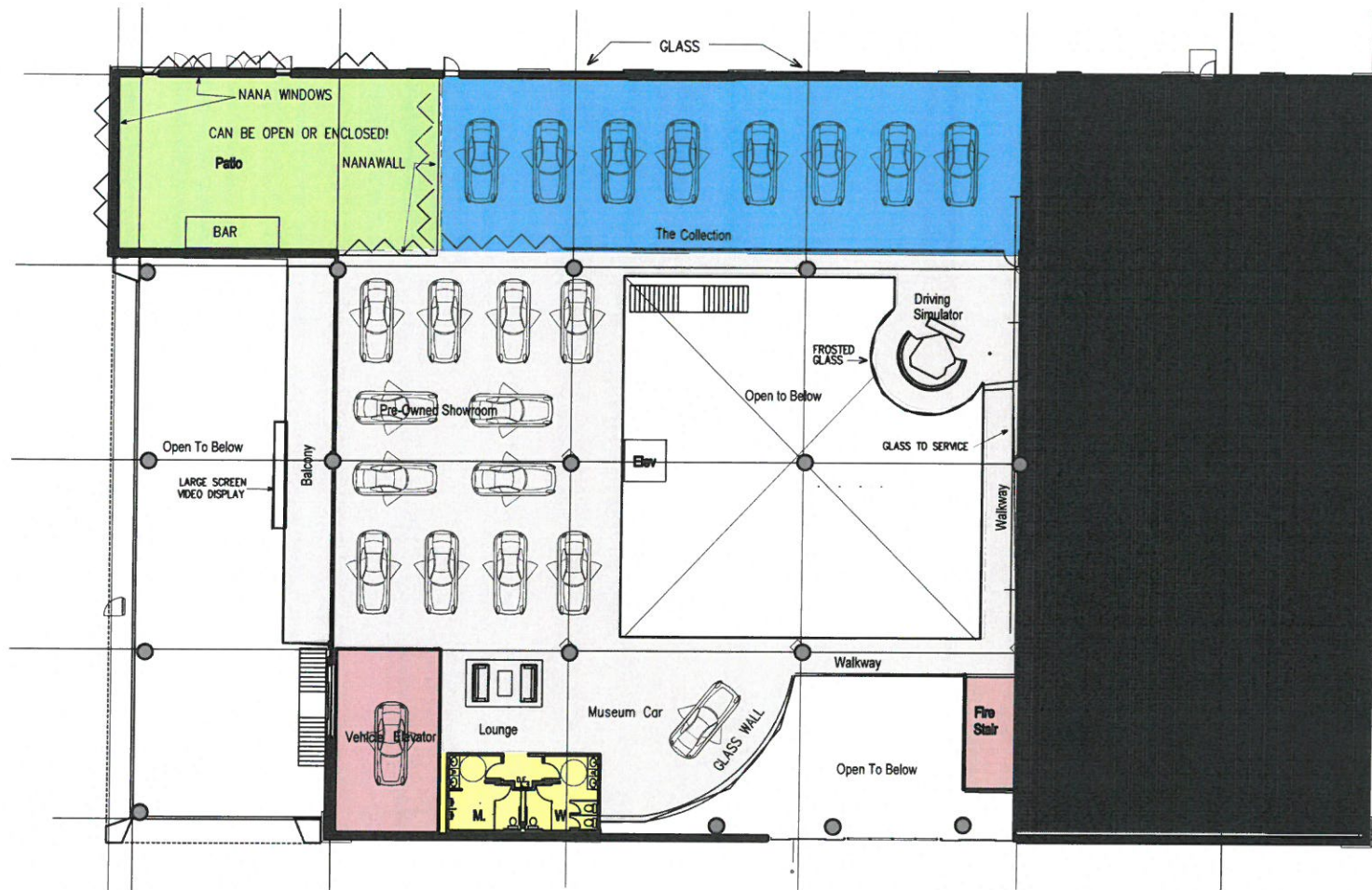
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1111 SOUTH ORLANDO AVE
ORLANDO, FL 32837

OWNER NAME AND ADDRESS
1111 SOUTH ORLANDO AVE
ORLANDO, FL 32837

L-102













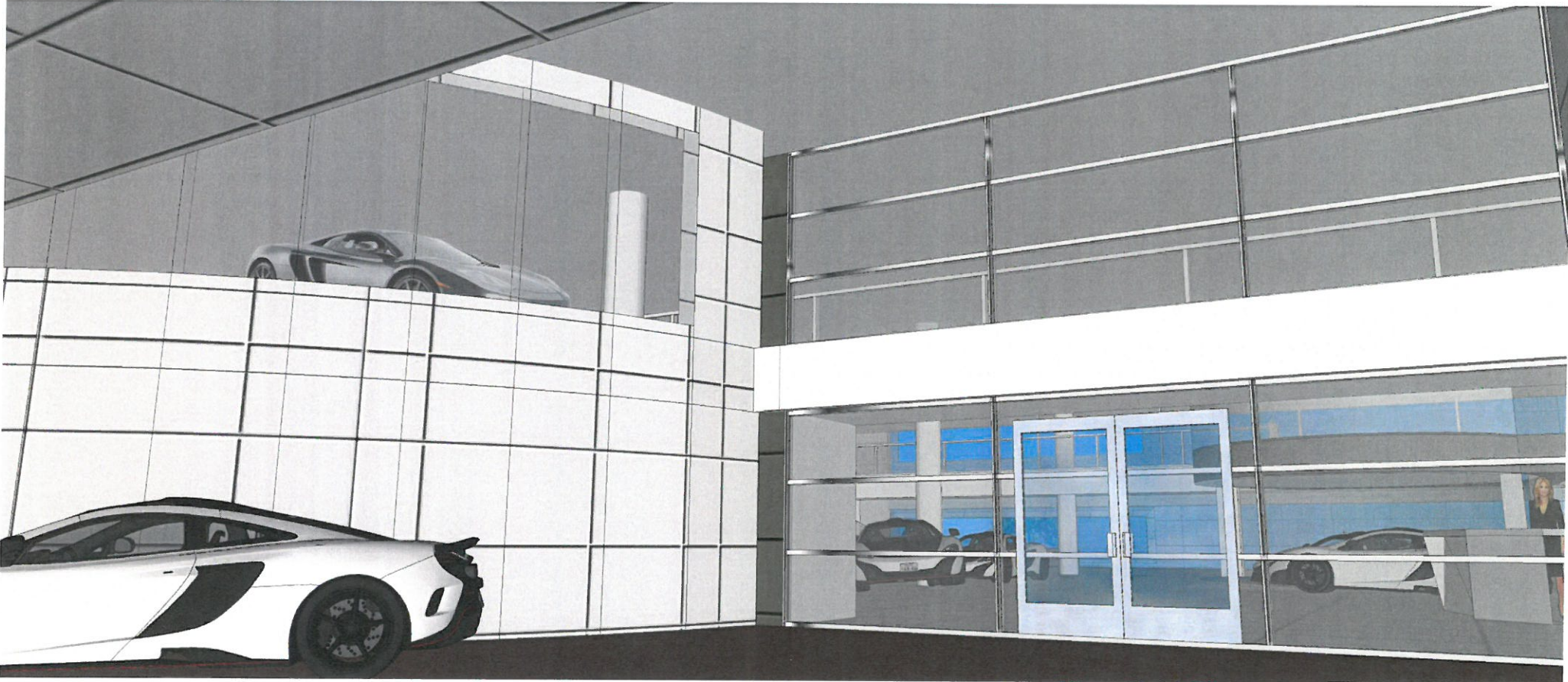


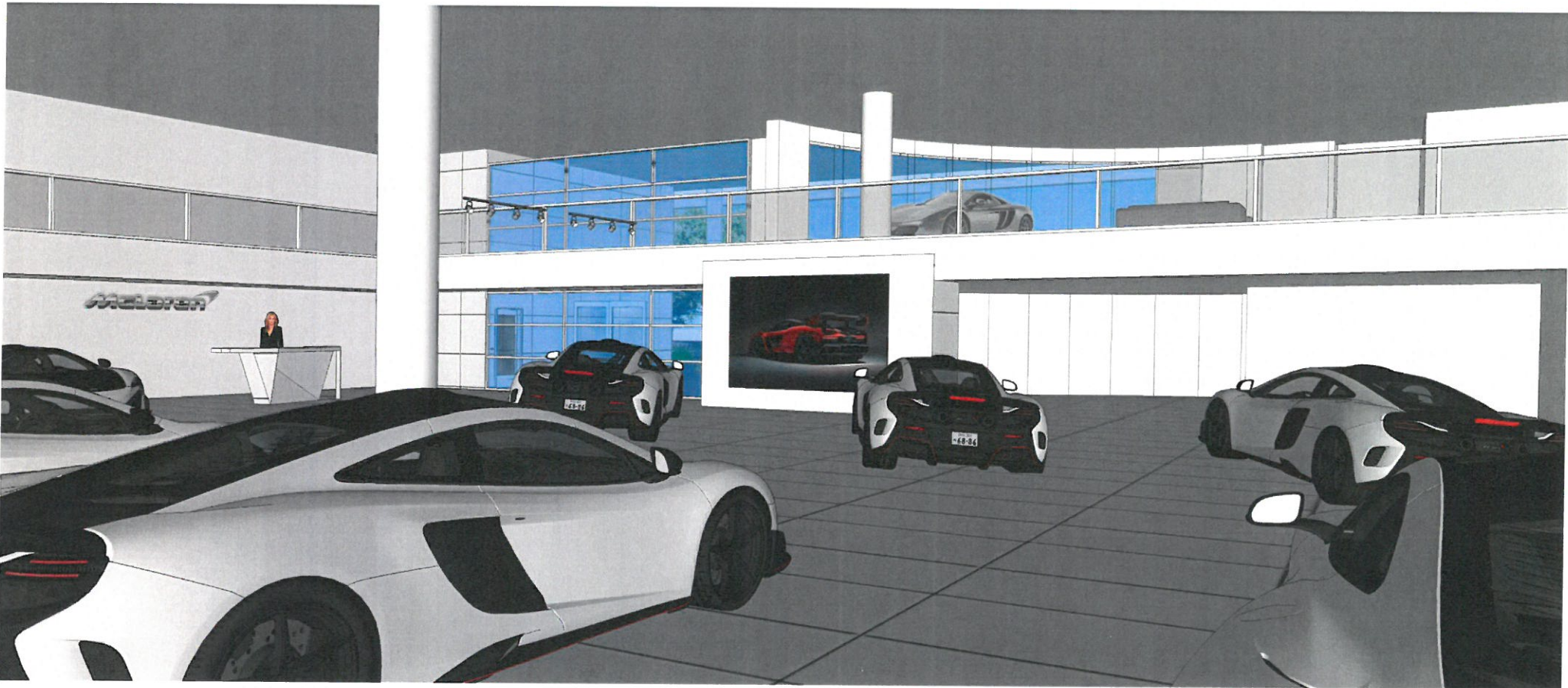


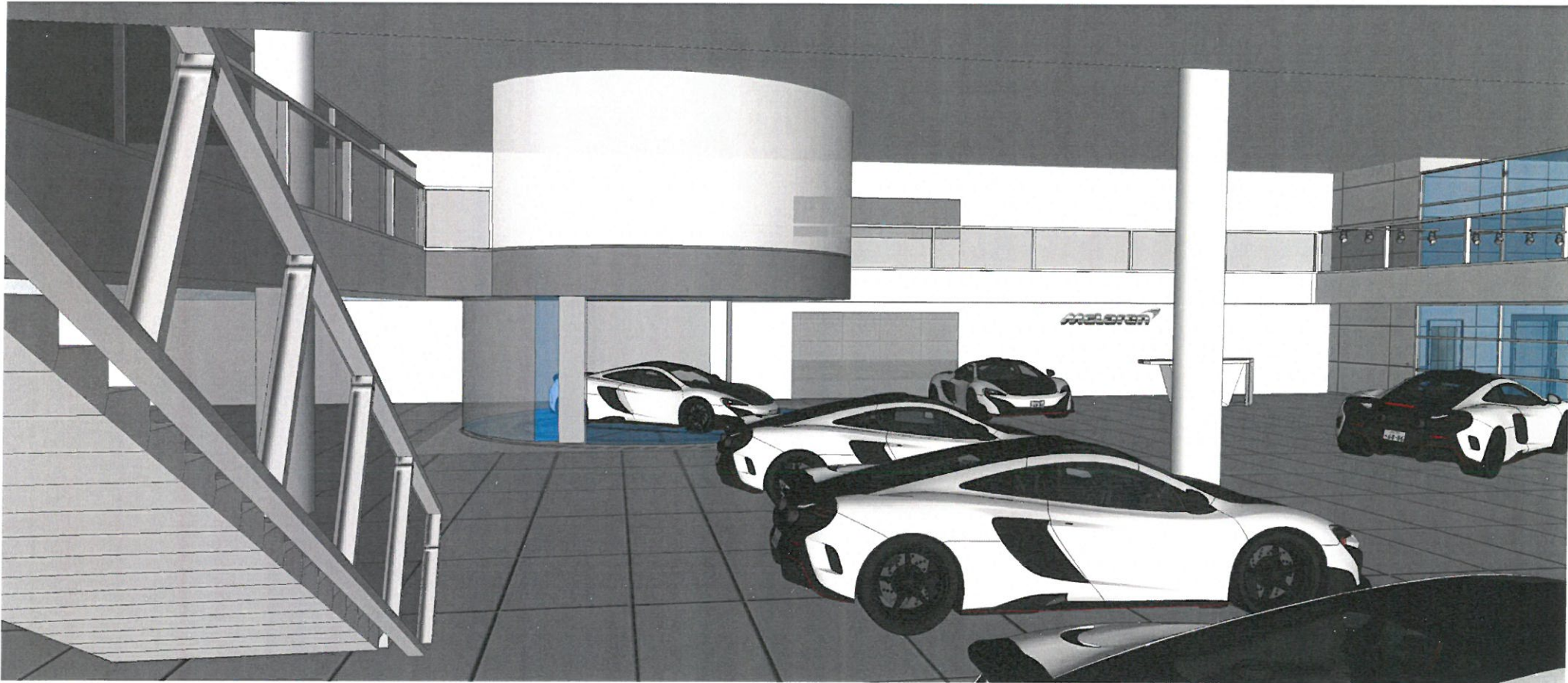


1111 S. Orlando Ave.
Winter Park, Florida
October 1, 2020

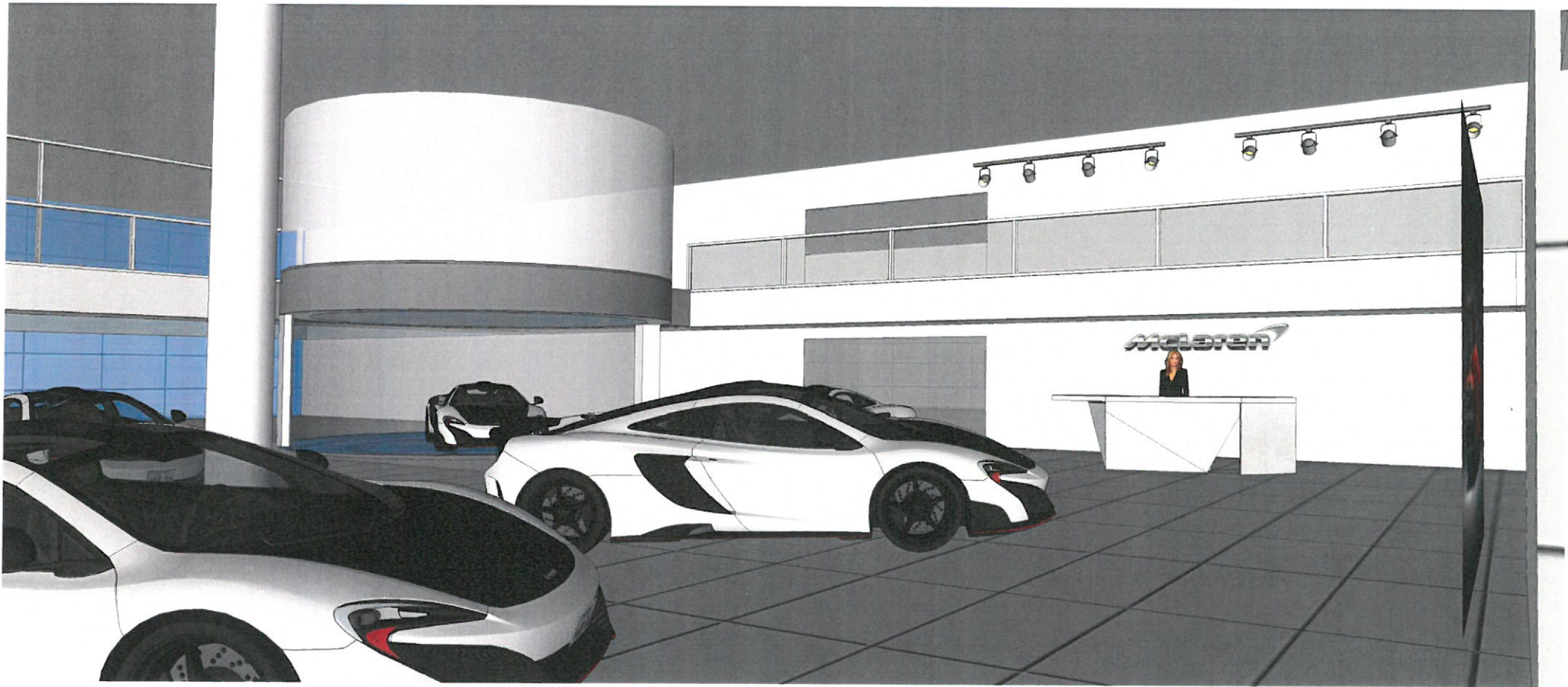


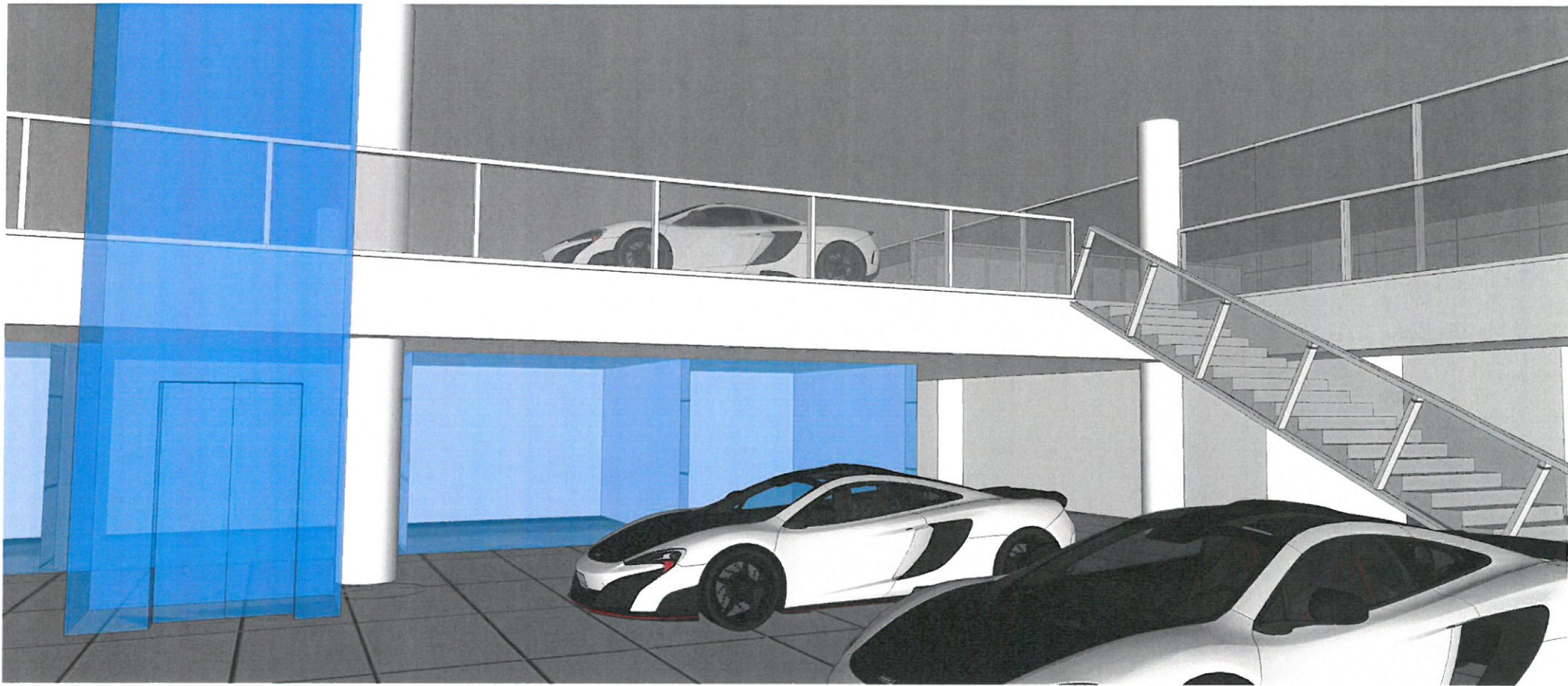


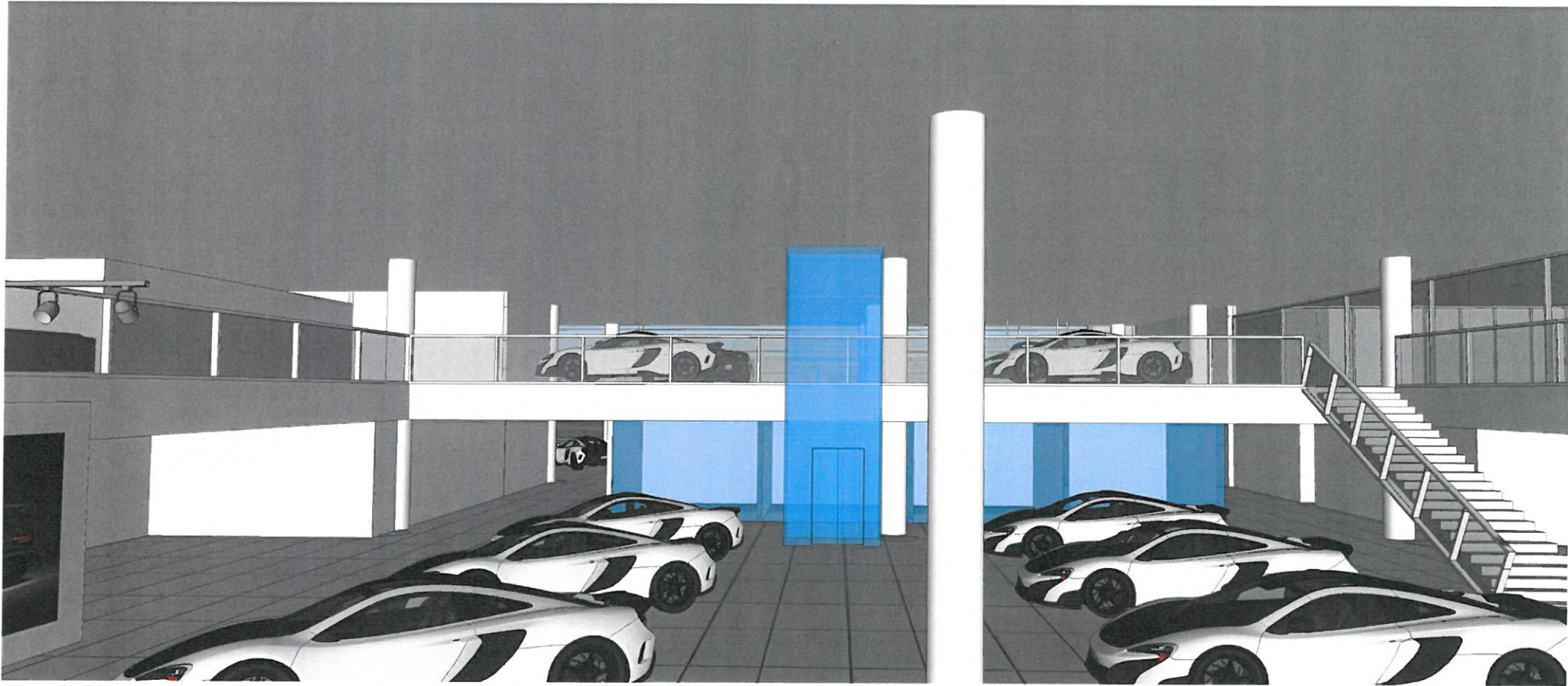


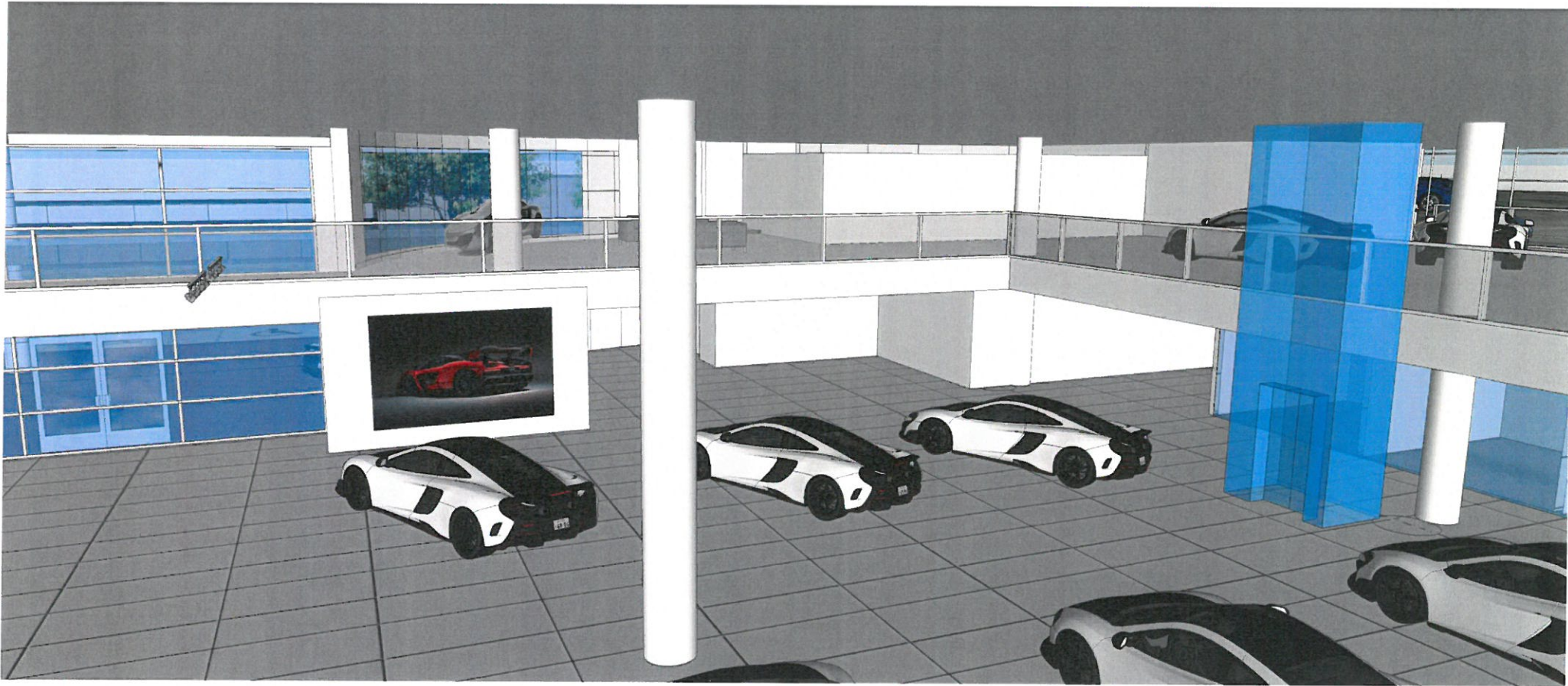


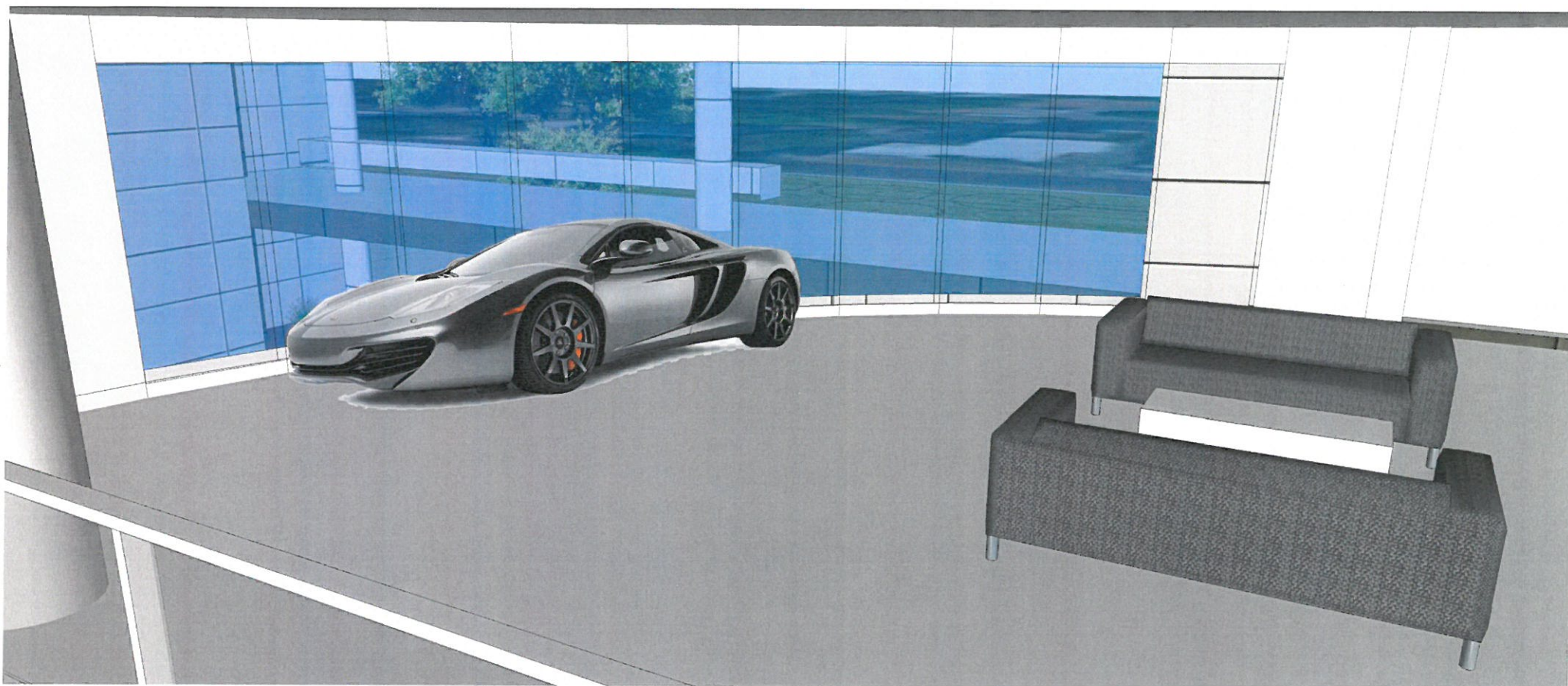


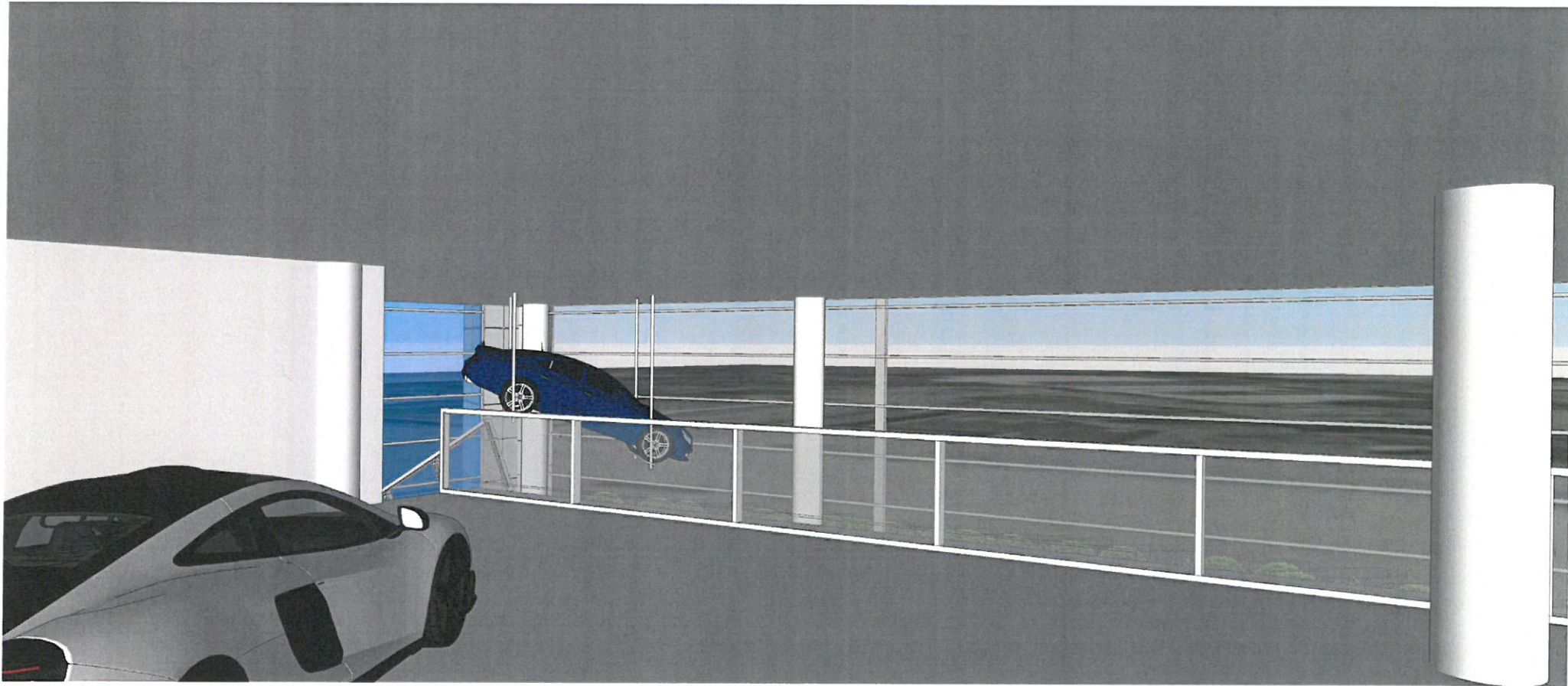


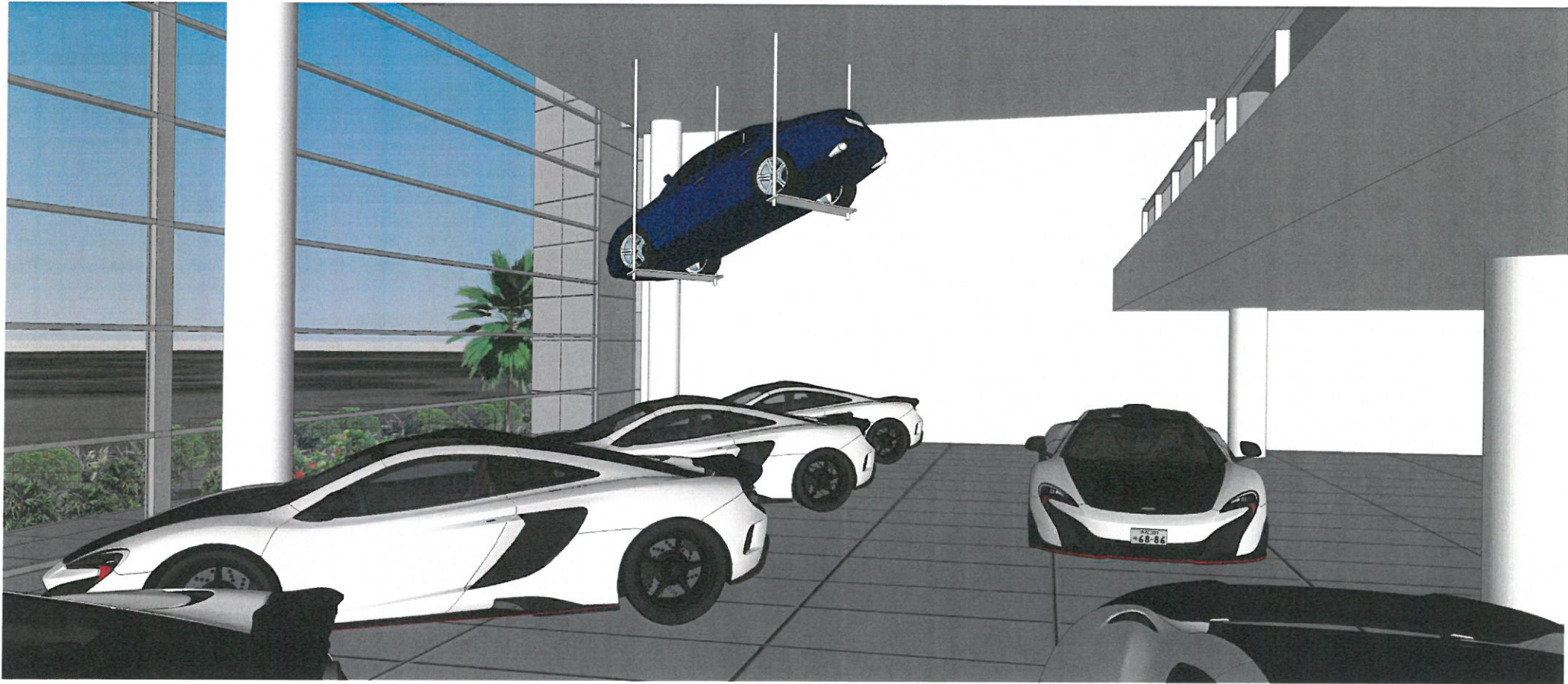




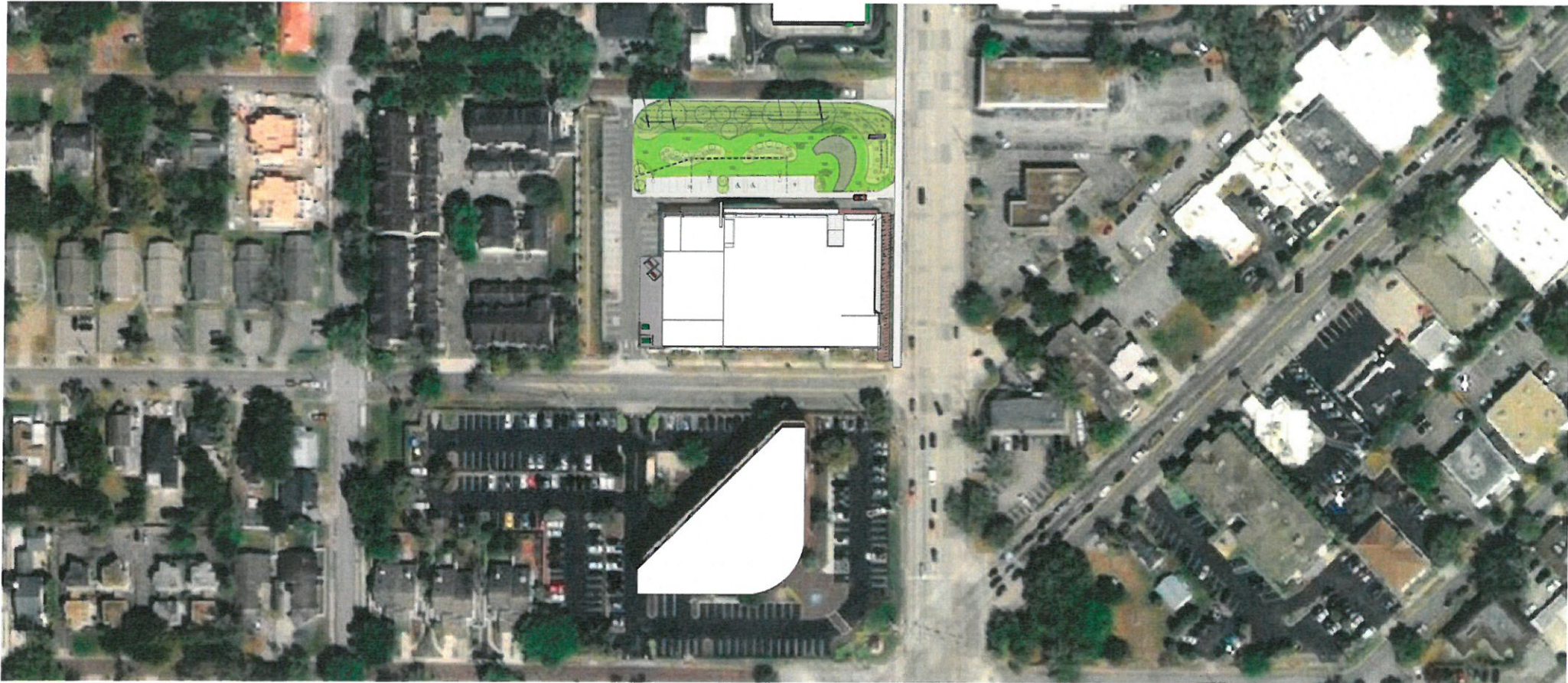












ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE III ZONING REGULATIONS OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE TO AMEND SUBSECTION 58-76 COMMERCIAL (C-3) DISTRICT TO ESTABLISH A NEW CONDITIONAL USE FOR SPECIALTY TRANSPORTATION BUSINESS AND TO AMEND SUBSECTION 58-95 DEFINITIONS TO ESTABLISH A DEFINITION FOR SPECIALTY TRANSPORTATION BUSINESS. PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the “City”) recognizes that certain types of business are unique to their product lines which requires special consideration and clarification of the intent of the Zoning Code; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission desires that other factors such as the voluntary provision of green open space in commercial areas is important for the character and environment of the City; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission recognizes that such factors are only one part of the consideration for the approval of conditional uses but, agrees that those types of applications may be heard; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City’s local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein; and

WHEREAS, this Ordinance is being adopted in the best interests of the health, safety and welfare of the citizens of Winter Park.

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

SECTION I: RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: EDITS. Portions of Chapter 58, Land Development Code, Article III, Zoning Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text. Provisions not included are not being amended.

SECTION III: AMENDMENT. Chapter 58, Land Development Code, Article III, Zoning Regulations, Section 58-76 “Commercial (C-3) District” is hereby amended in subsection (c) (1) to establish a new conditional use as shown below and that Section 58-95 “Definitions” is hereby amended to add a new definition for specialty transportation business, to read as follows:

Sec. 58-76. Commercial (C-3) district.

(c) Conditional uses.

(p) *Specialty transportation business.* provided the following criteria are met that all product and inventory must be housed within a fully enclosed building, that all repair and service must be conducted within a fully enclosed building with no outside storage permitted, that the hours of retail operation are limited to 8 am to 6 pm Monday-Friday and 9 am to 5 pm on Saturday and that 30% of subject property, exclusive of stormwater retention, shall be devoted to green open space visible from an arterial roadway.

Sec. 58-95. Definitions.

Specialty transportation business means the retail sale and service of exotic high-performance automotive brands that are manufactured outside of the United States and that have annual sales volumes in the United States of less than 7,500 units.

SECTION IV: INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION V: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

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

SECTION VII: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

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

City of Winter Park

Steven M. Leary, Mayor

Attest: _____

ORWIN MANOR WESTMINSTER ASSOCIATION

Post Office Box 2367, Winter Park, FL 32790-2367

November 22, 2020

Re: Reuse of the Orchard Supply site

Dear Mayor and Commissioners,

The Orwin Manor Westminster Association has successfully dedicated much effort to the traffic safety issues on Orange Avenue and now finds itself battling an inappropriate reuse of the former Orchard Supply site.

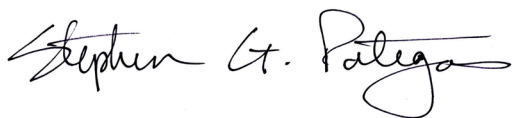
The board has unanimously voted to NOT support reuse as a car dealership. That use of the property is inappropriate and the developer's request for a special conditional use must be rejected.

There are numerous negatives to this proposed re-development of the Orchard Supply building:

1. The exception to the zoning in this area may lead to more auto dealerships or other inappropriate uses.
2. Pedestrian safety is a serious issue in this area. The test driving of high-performance vehicles in this area increases risk. Encourage pedestrians and bicyclists - do not discourage them.
3. This use could be allowed in the Orange Ave corridor overlay or other nearby areas.
4. Hundreds of residents live within earshot of this site and some are just a few feet away. These neighborhoods are already subjected to noise from 17/92, Orange Avenue, Interstate 4, and Florida hospital helicopters. Do not add to this pollution.
5. The McLaren Orlando group hosts huge events. We have no faith that any agreement to control such events would be followed. Are the neighbors expected to constantly police and report infractions? Do not place us in that untenable position.
6. Large tractor trailer transport trucks are totally inappropriate in this area of high traffic congestion. How do they intend to get them in and out of the traffic congestion on 17/92 and not impact residential streets?
7. On a site that does not have adequate parking, overflow parking will flow onto our neighborhood streets.

This proposed reuse must be rejected. Send a clear message that our quality of life will not be further degraded. Allow an appropriate use we will want to walk and bike to. Strengthen neighborhoods, do not weaken them.

Regards,



Stephen Pategas
Orwin Manor Westminster Board Member since 1987



LIGUSTRUM TREE



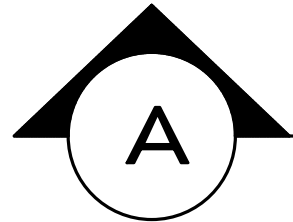
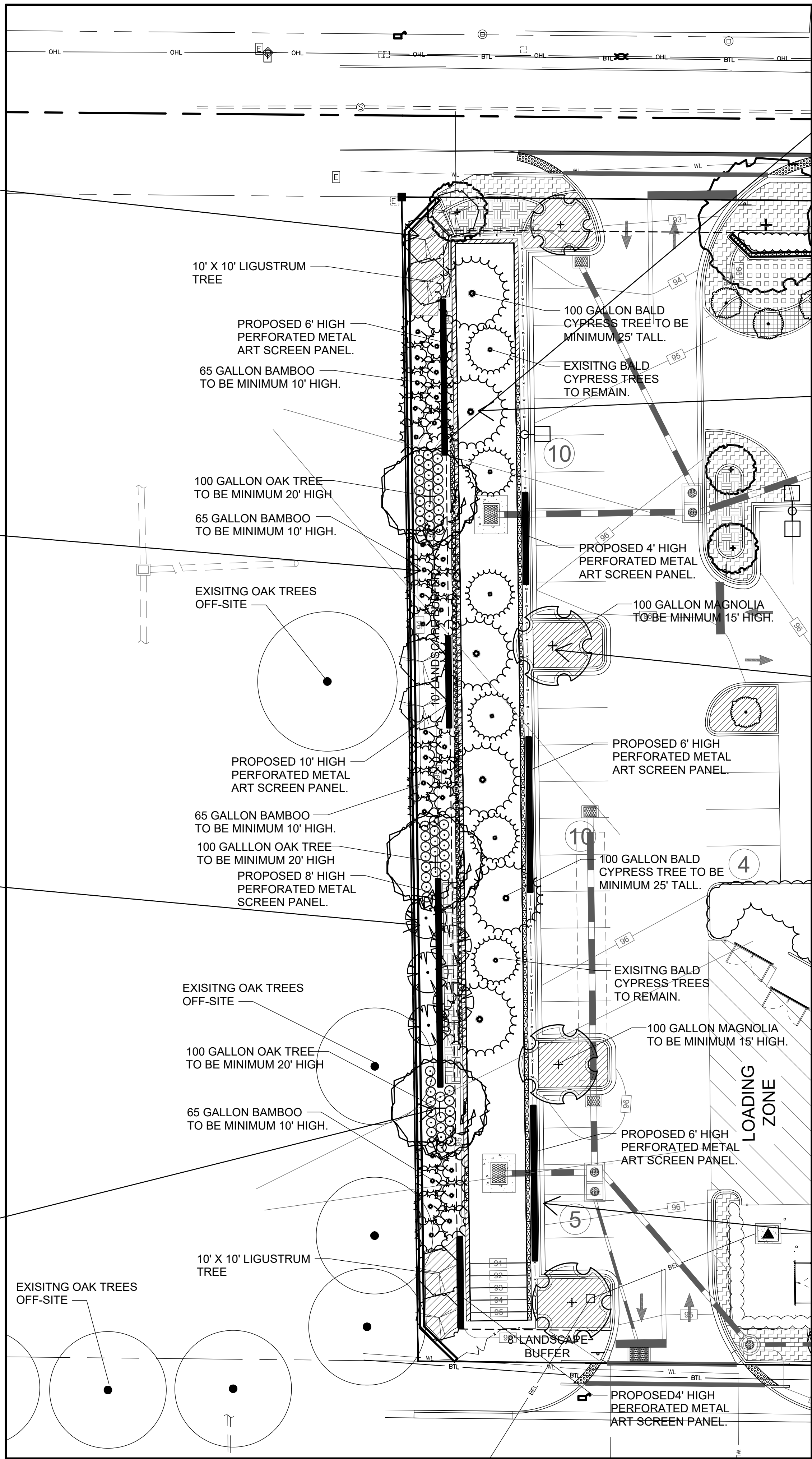
GRACEFUL BAMBOO



RELOCATED SABAL PALMS



100 GALLON LIVE OAK



REAR BUFFER LANDSCAPE PLAN

SCALE: NTS



FIELD GROWN BALD CYPRESS



100 GALLON MAGNOLIA



PERFORATED METAL PANEL SCREENS WITH AUTO IMAGERY AND VARY IN HEIGHTS FROM 4' TO 10'

MCLAREN ORLANDO

BORRELLI + PARTNERS
ARCHITECTURE PLANNING LANDSCAPE INTERIOR
720 VASSAR STREET
ORLANDO, FL 32804 (407) 418-1338

CHRISTOPHER D. RICE A6667122

3rd PARTY VERIFICATION

SIGNATURE AND DATED SEAL

REAR BUFFER STUDY AND PHOTOS

DRAWING TITLE

PROJECT NO.	REV.	DESCRIPTION	DATE	PROJECT ADDRESS
18-00				1111 ORLANDO AVE
PHASE				WINTER PARK
SCALE				FLORIDA
FILE NAME				OWNER NAME AND ADDRESS
DRAWN BY				
CHECKED BY				
DATE				

L-103

202



January 5th, 2021

Transmitted via email to:

Mayor Steve Leary, City of Winter Park - (sleary@cityofwinterpark.org)
Commissioner Marty Sullivan - (msullivan@cityofwinterpark.org)
Commissioner Sheila DeCiccio - (sdeciccio@cityofwinterpark.org)
Commissioner Carolyn Cooper - (ccooper@cityofwinterpark.org)
Commissioner Todd Weaver - (tweaver@cityofwinterpark.org)

We, the Harper Place Property Owners' Association Board of Directors, respectfully request the approval of the McLaren Orlando project. After meeting with Chris Hardiman, Partner, McLaren Orlando, we believe they offer the best possible use for the property and will be a good neighbor and compliment to the community.

Representatives of McLaren reached out to us after the initial Zoning Board meeting to discuss any concerns we might have with their plans for the adjacent property at 1111 S Orlando Avenue. They immediately recognized that the existing landscape buffer, which was approved by the prior City Commission in 2016, was insufficient. They expressed a willingness to consider concerns and to accommodate if possible. To that end, McLaren Orlando submitted a letter to our POA dated December 10th (see attached) agreeing to the following:

- 1) Redo the Rear Buffer Landscaping along the wall dividing the two properties, to greatly enhance the foliage, both in size and diversity, to create a visual buffer between the two properties (see attached Rear Buffer Landscape Plan on page 3). This work to be done prior to start of construction. All work subject to governmental/regulatory agencies.
- 2) Paint the concrete wall dividing the two properties with a color suitable to Harper Place that comports with their overall design and color scheme, while also blending with the Harper Place color scheme. The painting to take place towards the end of the property redevelopment when their building is to be painted.
- 3) Endeavor to identify and install a motor that is as quiet as possible to drive their high-speed overhead doors, while still providing enough power to quickly open and shut the overhead door(s) as needed for operational purposes.

We trust McLaren Orlando will do as they have agreed and will be a welcome addition to our community. Among their many positives for our community, they receive few deliveries during the week, and only during normal business hours. Conversely, the lack of an appropriate visual and sound barrier as promised by the prior owner, Oppidan, left us with disruptive noise most hours of the day, but especially between 5:00am and 7:00am when foliage deliveries were made. This will not be an issue with McLaren.

With the above concessions from McLaren Orlando, we believe the addition of McLaren Orlando will be a wonderful improvement to the area and to our neighborhood. The property being vacant these past years has left a blight on the area with poorly maintained landscaping and vagrants sleeping behind the building on many occasions.

The reduced number of parking spots, which was approved to accommodate Orchard Supply, has limited the number of interested buyers increasing the amount of time the property has remained vacant. As a low volume, luxury retailer who can make this unique footprint work while expanding the greenspace, we believe McLaren offers the best opportunity for a positive impact on our community with minimal traffic to the area at 17-92 & Orange Avenue.

For the reasons stated above, we strongly support a variance being granted to McLaren Orlando and would welcome them to Winter Park.

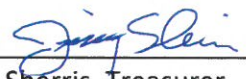
For the Townhomes at Harper Place Property Owners' Association,



David Hochstadt, President



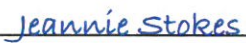
Sandi Pardon, Secretary



Jimmy Sherris, Treasurer

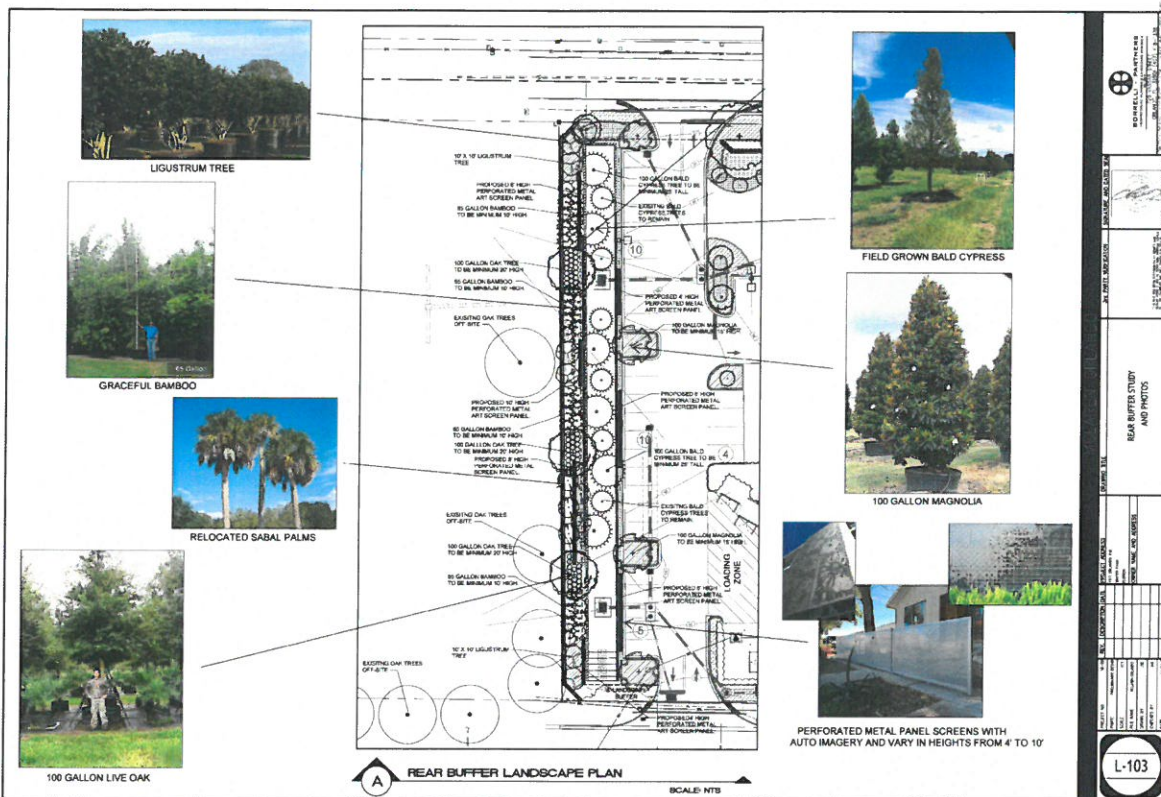


Richard Tharp, Board Member



Jeannie Stokes, Board Member

Rear Buffer Landscape Plan





December 10, 2020

Chris Hardiman
Partner
McLaren Orlando, LLC

Harper Place Homeowners Association
Attn: David Hochstadt, President

Re: Follow up to the site visit on December 10, 2020 at 1111 S Orlando Avenue, Winter Park, FL 32789 ("1111 S Orlando").

Mr. Hochstadt,

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Below I have outlined the major key points that I took away from this morning's meeting. Please, if you feel I am missing anything, do not hesitate to let me know.

1. We will paint the wall, both sides, that currently exists between 1111 S Orlando to match the façade of our building. More than likely this will be a grey tone that will blend nicely with the color scheme of Harper Place. Ideally, we would prefer for this to happen after construction when painter sub-contractors are on site for other portions of the project.
2. As supporting by the attached **Schedule I – Harper Place Landscape Buffer**, we will install the attached landscape plan, subject to any mandatory revisions imposed by any governmental/regulatory agencies. Furthermore, we will install this noise buffer before construction begins.

McLaren Orlando
701 Columbia Blvd, Titusville, FL 32780
Ph: 407.988.0111
www.McLarenCF.com

3. The McLaren Orlando team has not had time to complete the research, but we will endeavor to identify and install a motor to drive the high-speed overhead doors that is as quiet as possible, while still providing enough power to quickly open and shut the doors as needed for operational purposes.

We are hoping for the 1111 S Orlando location to provide a long-term home for McLaren Orlando. As such, we want to be good neighbors and be surrounded by good neighbors in the community so we can all work together to continue to improve the City of Winter Park and Orlando Avenue. If you, or any members of the Board of Harper Place, feel that I have omitted an item of discussion or feel that anything requires further clarity, please do not hesitate to reach out to me.

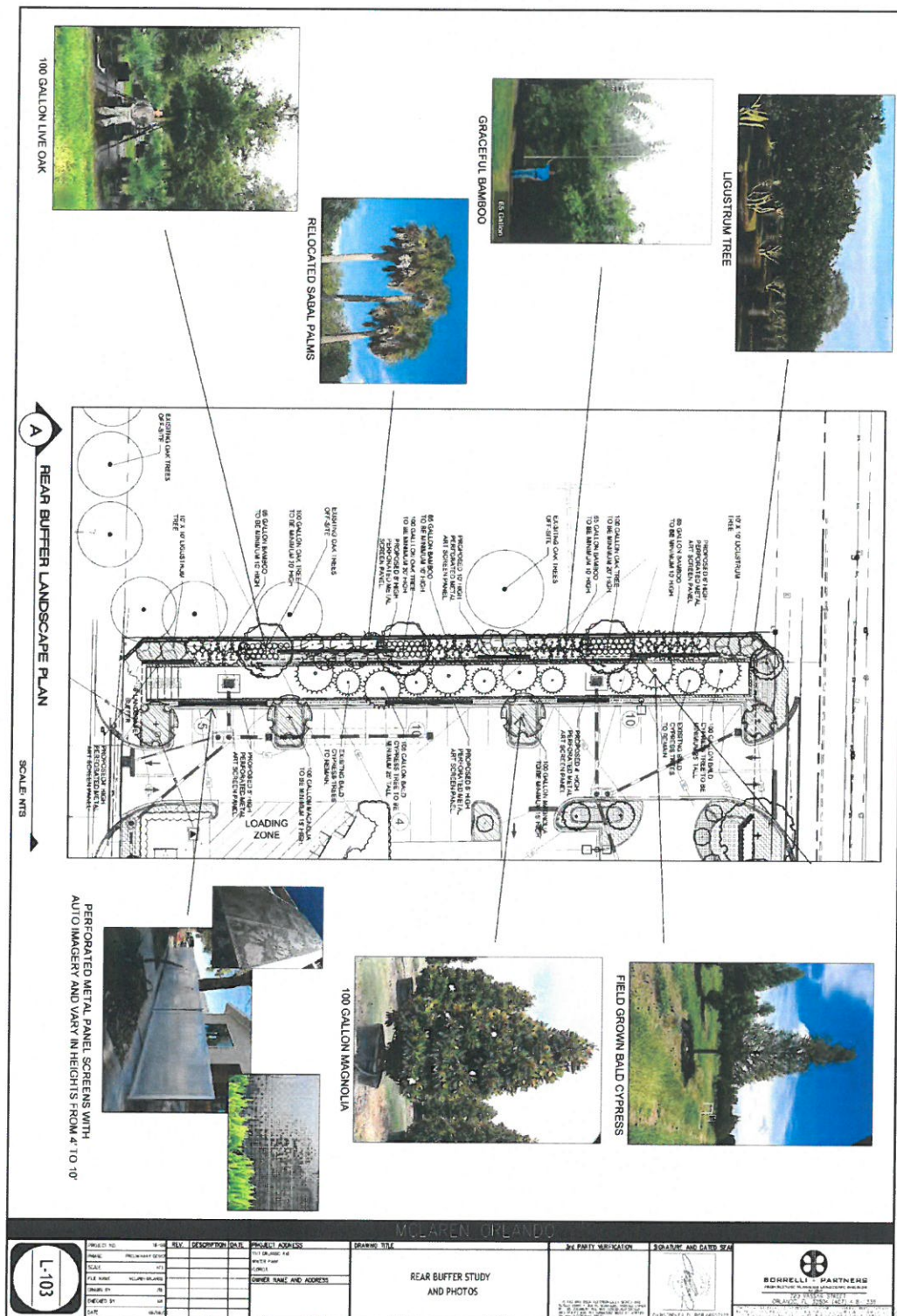
Sincerely & Respectfully,



Chris Hardiman
Partner
M: 321.239.7760

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Schedule I - Harper Place Landscape Buffer



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January 5th, 2021

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Mayor Steve Leary, City of Winter Park - (sleary@cityofwinterpark.org)
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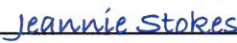
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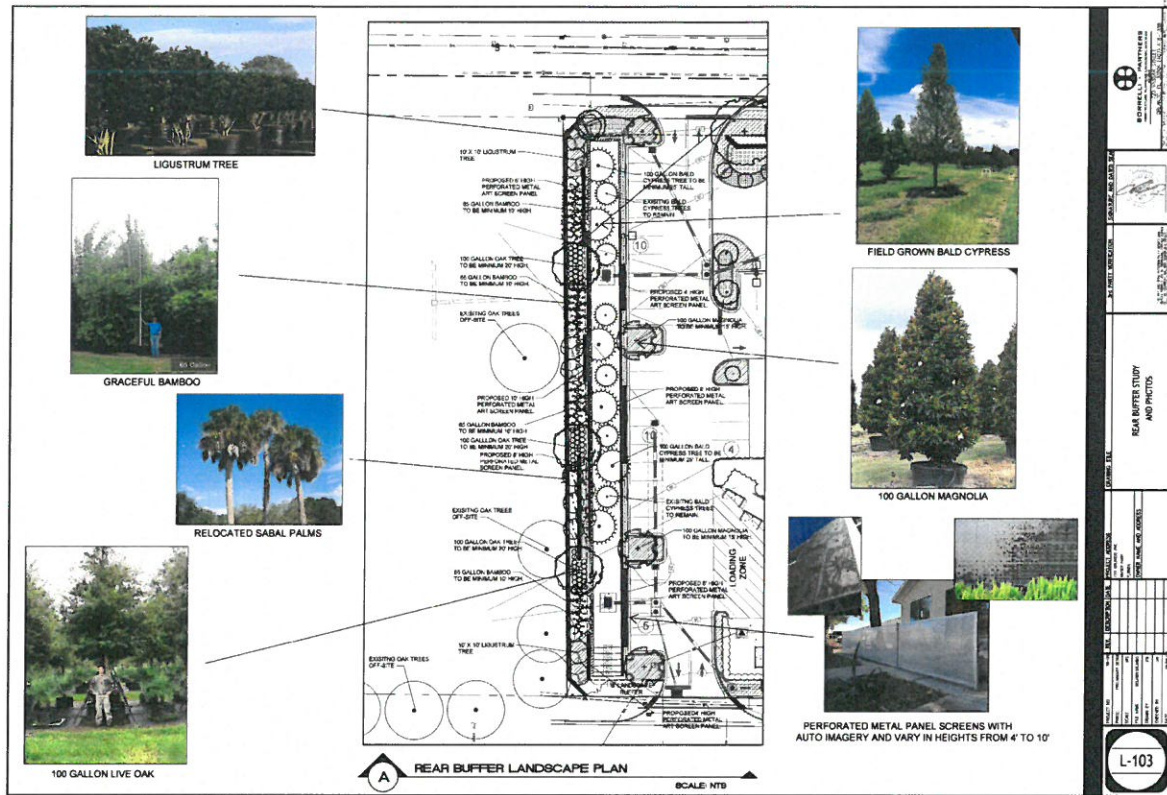


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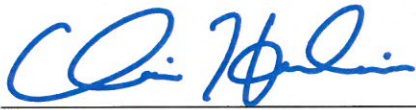
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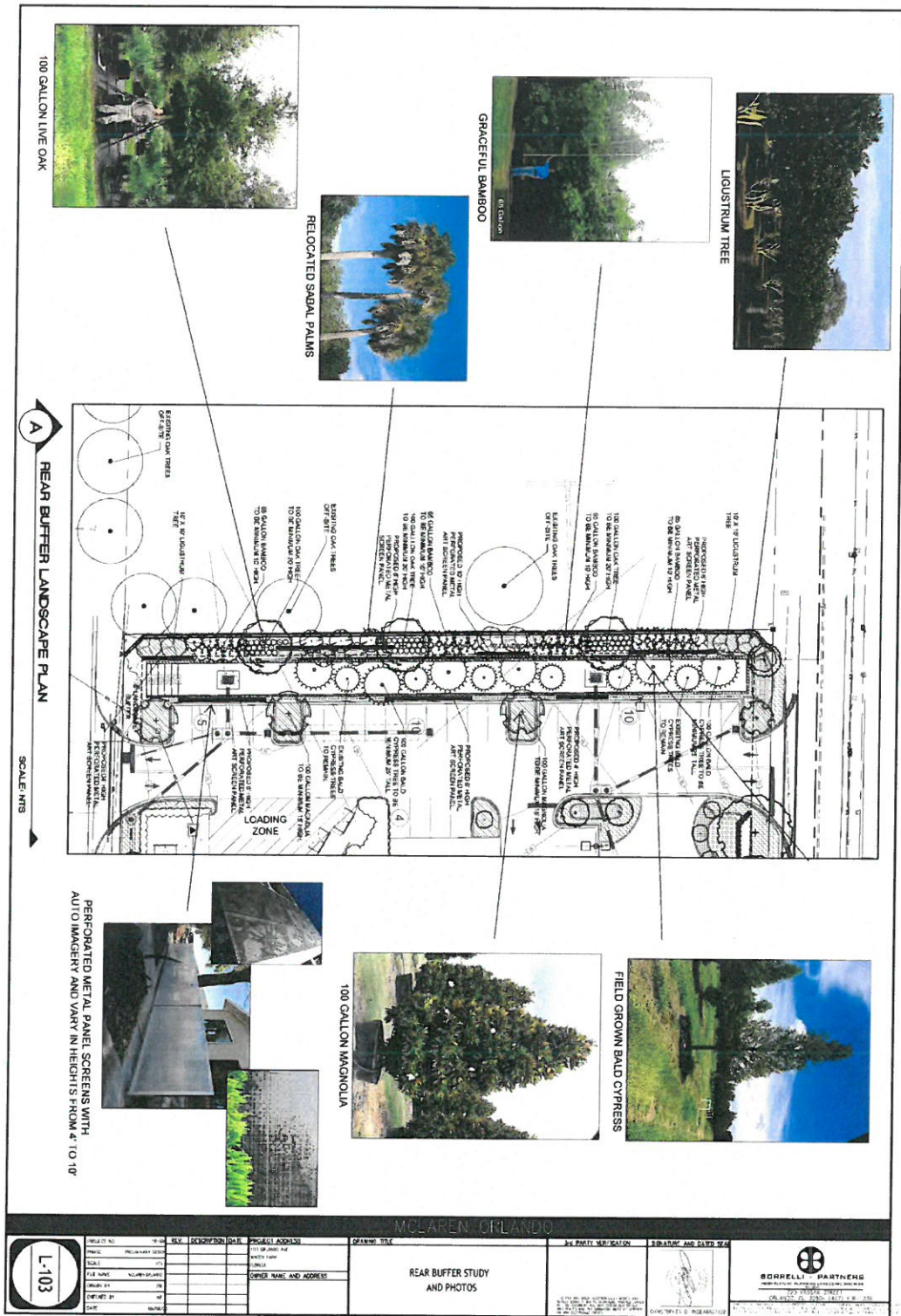
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City Commission **agenda item**

item type Public Hearings	meeting date January 13, 2021
prepared by Rene Cranis	approved by George Wiggins, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective To be consistent with the State of Florida's adoption of the 7th Edition of the Florida Building Code on December 31, 2020 and to stay current with the most recent edition of the International Property Maintenance Code.	

subject

Request of City of Winter Park for:

item list

Ordinance adopting the 7th Edition of the Florida Building Code (2020) with Administration Provisions and Technical Amendments (Second Reading)

motion / recommendation

Approve adoption of the Ordinance

background

The proposed ordinance is the tri-annual update of the city's administrative and technical amendments to the Florida Building Code (7th Edition) and an update of the base amended code for property and building maintenance standards to the 2021 International Property Maintenance Code.

Several significant "Whereas" statements cover the appropriate legal criteria for adoption of this Ordinance. The Florida Building Commission conducted numerous hearings during the update process of the code covering covering building standards in the following areas: structural, life safety, energy, accessibility, electrical, mechanical, plumbing, gas, existing buildings, baseline administrative requirements and inclusion of statutory provisions related to construction. The complexity and comprehensiveness of the Florida Building Code is unlike most state building codes, and it was the first building code to incorporate all construction standards for all building types including development on private and public properties in one document.

The summary attached covers the basic information in our amendments. In the ordinance, you will find some highlighted paragraphs on pages 11 & 12 of the ordinance in which provisions have been added which cover some modifications in the

responsibility of contractors to manage both planned construction sites with a proposed demolition and active construction sites with regard safe conditions and cleanliness of those sites. These were added in response to comments received from citizens being impacted by infill construction among our neighborhoods.

The inclusion of a fire sprinkler requirement for the central business district is critical for the protection of older buildings and re-building of any new infill buildings. This provision has been carried over at each three year update cycle for many years because the basic fire sprinkler requirements do not fully cover all new buildings or substantially remodel building in our downtown area.

Our Construction Board of Adjustments and Appeals met twice and recommended adoption of this ordinance at their meeting on November 13, 2020. The minutes of that Board meeting are included.

alternatives / other considerations

Removing much of our local administrative amendments could have a substantially negative impact for our citizens and business owners.

fiscal impact

Requirements of the 7th Edition Florida Building Code (2020) have requirements for 2 additional required inspections for new construction and additions which will have very minor fiscal impact and can be carried out at ongoing funding levels.

ATTACHMENTS:

[Update SUMMARY OF W P BUILDING CODE ADMIN PROVISIONS & TECH AMDMT.docx](#)

ATTACHMENTS:

[Building Code Ordinance 2020 \(GW 11-19-20\) DL clean11-20-2020.doc](#)

ATTACHMENTS:

[11.13.2020 Board Meeting Minutes. 3.docx](#)

SUMMARY OF WINTER PARK BUILDING CODE ADMINISTRATIVE
AND TECHNICAL AMENDMENTS to 7th EDITION OF FLORIDA
BUILDING CODE & INTERNATIONAL PROPERTY
MAINTENANCE CODE

1. Florida Building Code 7th Edition is based on the 2018 International Building Code & Residential Codes with Florida amendments.
2. International Property Maintenance Code is being updated to the 2021 Edition.
3. Updated administrative amendments are substantially unchanged from current provisions with the addition of provisions from the State Building Official's Association draft of recommended updates.

4. Items covered in the administrative amendments include the following:

Department of Safety (defined for WP), Powers & Duties of the Building Official, Revocation of permits & CO, Conditions of permit, Contractor/owner responsibility, Demolition, Submittal Documents, Required inspections, Certificate of Occupancy, Construction Board, Violations, Unsafe building or systems, Definitions, Swimming pool protection during construction, and Determination of Design Wind Speed.

PLEASE NOTE THAT YELLOW HIGHLIGHTED TEXT ON PAGES 11 & 12 INCLUDES NEW PROVISIONS TO ADDRESS CONTRACTOR RESPONSIBILITIES IN KEEPING SITES CLEAN AND SAFE.

5. One item included as a technical amendment to the Florida Building Code carried over from previous update:

Special fire sprinkler requirements in the Central Business District defined by the properties bounded by New York

Avenue (on the west), Swoope Avenue (on the east), Knowles Avenue (on the east) and Fairbanks Avenue (on the south). This is based on having many older & historic buildings in close proximity along with allowance to have zero side setbacks in this zoning district.

6. The Property and Building Maintenance Code is updated with minor changes to the text within the 2021 International Property Maintenance Code. The current adopted provisions within the City Code further amends the 2021 Code with the continuation of amendments that expand the definition of “Nuisance” with 22 categories of descriptions. Add property maintenance criteria for overgrowth, addresses abandoned or disabled vehicles and contains special fire safety provisions for heating facilities in homes.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO INCORPORATE THE FLORIDA BUILDING CODE WITH CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS; PROVIDING FOR A FIRE SPRINKLER REQUIREMENT AS PART OF THE WINTER PARK BUILDING CODE; DESIGNATING APPLICABLE WIND DESIGN CRITERIA; UPDATING THE PROPERTY AND BUILDING MAINTENANCE CODE WITH AMENDMENTS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, the Florida Building Code Act of 1998 directed the Florida Building Commission to establish a statewide uniform building code known as the Florida Building Code; and

WHEREAS, the Seventh Edition of the Florida Building Code shall be in effect throughout the State of Florida as of December 31, 2020; and

WHEREAS, the enforcement of the Florida Building Code is the responsibility of local governments; and

WHEREAS, the City of Winter Park actively participates in the enforcement of building construction regulation for the benefit of the public health, safety and welfare of its citizens; and

WHEREAS, the City of Winter Park desires to facilitate the enforcement of the Florida Building Code by enacting administrative and a technical amendment which meet the needs of its citizens; and

WHEREAS, the City finds that such local technical amendment to the Florida Building Code adopted pursuant to this Ordinance meets the requirements for local amendments pursuant to section 553.73(4)(b), Florida Statutes; and

WHEREAS, the City finds that such local technical amendment adopted pursuant to this Ordinance is no more stringent than necessary to address the local needs for same, the additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities, and the additional requirements does not introduce a new subject not addressed in the Florida Building Code; and

WHEREAS, the City has determined that all technical amendment enacted hereby is based upon a review of local conditions, which review demonstrates by evidence or data that the City exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code; and

WHEREAS, the City has and shall make readily available, in usable format, the technical amendment adopted as referenced herein, and the City has considered and shall include in its transmittal to the Florida Building Commission a fiscal impact statement which documents the costs and benefits of the proposed technical amendment. Such fiscal impact state includes the impact to

local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance; and

WHEREAS, within the City of Winter Park there exists an area with a special defined downtown zoning district known as the Commercial (C-2) District, where buildings are located in close proximity to each other with zero setbacks and in many cases are located next to older historic and non-historic buildings, and where there is the potential threat of fire spreading among combustible building types, which require an additional level of fire protection through the provision of fire sprinkler systems due to having combinations of combustible non-combustible construction types; and

WHEREAS, the Construction Board of Adjustments & Appeals, after notice and public hearing, has considered the proposed amendments to Building Code, more specifically described herein, and submitted its recommendation to the City Commission;

WHEREAS, the City Commission, after notice and public hearing, has considered the proposed amendments to Building Code, the recommendations of the Board of Adjustments and all public comments;

WHEREAS, the City Commission hereby makes findings that certain administrative and technical amendments for the provision of fire sprinklers are needed for the health, safety and public welfare of its citizens; and

NOW, THEREFORE, BE IT ENACTED by the people of the City of Winter Park, Florida, as follows:

Section 1. Recitals. All of the “**WHEREAS**” clauses mentioned above are legislative findings of the City Commission and are fully incorporated herein.

Section 2. Amendment. Article II, “Building Code,” Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions; and all other provisions of Chapter 22 shall remain unchanged):

ARTICLE II. Building Code

Sec. 22-26. Short title.

This article shall be known and cited as the building code of the City of Winter Park.

Sec. 22-27. Codes adopted by reference.

The ~~Sixth~~ Seventh Edition Florida Building Code , including all volumes: Building, Existing Buildings, Fuel Gas, Plumbing, Mechanical, Accessibility, Energy Conservation and Residential, as published by the International Code Council, Inc, (Country Club Hills, Illinois) is hereby adopted by reference and is automatically in effect as required by Florida Statutes and shall include administrative and technical amendments in this Chapter as deemed appropriate to meet local needs and to facilitate the administration of the Florida Building Code.

Sec. 22-28. Amendments to the Florida Building Code.

All volumes of the Florida Building Code as adopted in section 22-27 are amended with administrative amendments contained in this section in the following respects:

Sections 101.2.1 is amended as follows:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Within the Florida Building Code, Existing Buildings, Appendix C referencing NFPA 914 for Fire Protection of Historic Structures (2001 Edition) is hereby adopted.

Sections 101.2.2 and ~~3~~ are is added as follows:

101.2.2 Unsafe buildings shall be abated using the *International Property Maintenance Code 2018 2021 edition*, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

101.2.3 The amendments under Section 22-28 apply to all volumes of the Florida Building Code where applicable.

SECTION 103 is added to read as follows:

103. DEPARTMENT OF BUILDING SAFETY

103.1 Establishment. There is hereby established a Department to be called the Building and Permitting Services Department (referenced in the Florida Building Code as Department of Building Safety), and the person in charge shall be known as the building official or director of building and permitting services.

103.2 Employee qualifications

103.2.1 Building official qualifications. The Building Official shall be licensed as a Building Code Administrator by the State of Florida.

103.2.2 Employee qualifications. The building official, with the approval of the governing authority, may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida. Persons with appropriate experience and education may be considered for hire under an approved internship programs approved by the Building Code Administrators and Inspectors Board.

103.3 Restrictions on employees. An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the department, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interest of the department.

Section 104.1-104.6 is added to read as follows:

SECTION 104 POWERS AND DUTIES OF THE BUILDING OFFICIAL

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104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code, and shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Right of entry.

~~104.2.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.~~

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

104.3 Notices and orders. The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure

entry.

~~104.2.2 When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.~~

104.6 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Florida Building Code, Building Section 1612 Flood Loads.

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

104.8 Liability. Any officer or employee, or member of the construction board of adjustments and appeals, charged with the enforcement of this code, acting for the governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act, event or omission of action in the scope of his employment or function, unless he acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. Any suit brought against any officer or employee or member because of such act, event or omission performed by him in the enforcement of any provisions of this code shall be defended by the city until the final termination of the proceedings, unless such person acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. (See additional prohibitions; penalties in F.S. 468.629)

104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements.

The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The *building official* shall coordinate with the floodplain administrator to review requests submitted to the *building official* that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

104.3 Revocation of permits or Certificate of Occupancy

~~104.3.1 Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or for violation of any provision of this building code or the code of ordinances of the city.~~

~~104.3.2 Revocation of Certificate of Occupancy. The building official is authorized to revoke a certificate of occupancy within one year of issuance due to discovery of an unsafe structure or condition not found or able to be determined during the time of inspection, or due to failure of required flood proofing, required drainage and storm water systems adversely impacting adjacent or nearby properties and require corrective action by the owner, permit holder or contractor responsible for work on the building and at the property.~~

~~104.4 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the permit application or plans on which the permit or approval was based including unlicensed contracting.~~

~~104.5 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.~~

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.

Add Section 105.1.6.2 to read as follows:

105.1.6.2 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the permit application or plans on which the permit or approval was based including unlicensed contracting.

Section 105.4 is amended to read as follows:

105.4 Conditions of permit

105.4.1 Conditions of permit; permit term and intent.

105.4.1.1 The building official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code (including the Winter Park Code of Ordinances), nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction or of violations of this code (including the Winter Park Code of Ordinances). No substantial building site preparation, including but not limited to excavation or placement of fill or foundation construction, shall take place prior to the issuance of a building, foundation or site development permit. Issuance of such permits is limited to meeting all other city site development requirements, and is subject to the approval of the building official.

105.4.1.2 Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced, and the building official is authorized to require that any work which has been commenced or completed be removed from the building site unless the permit is extended or renewed as approved by the building official due to extenuating circumstances.

105.4.1.3 In constructing, renovating or building a new one or two family dwelling, additions onto one or two-family dwellings or accessory buildings work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit unless an extension or reinstatement of the original permit is granted by the building official after receiving in writing reasons for the delay in completion of the building for good cause (see Section 105.4.1.7. When extending or reinstating a residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties. Furthermore, any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the invalidation date, then the building official may take the necessary action to have the structure removed and have the property cleaned with all costs assessed against the property owner and if unpaid for 30 days shall be assessed as a lien against the property. Failure to comply with this section may require referring this matter to the Code Compliance Board to assess fines or other corrective actions.

Standard criteria that may be applied when extending or reinstating an expired permit or when preparing a construction management plan for any building project:

1. Limitation of noise: In addition to the specific prohibitions of noise from construction activities in Section 62-97 of Chapter 62, Article II "Noise and Disturbance Control," construction activity noise may be limited to week days between the hours of 8AM and 5PM.

2. Limitation of site cleanliness and storage of materials: In addition to the requirements addressing construction debris in Section 105.24, clean up of debris and discarded construction material may be required every 7 days; and storage of building material not in use may be limited to a storage period of 30 days or less.

3. Limitation of work hours to 8AM to 5PM, Monday through Friday, in addition to prohibition of work on ~~excluding~~ holidays.

4. Parking of all vehicles, trailer(s) and equipment related to the construction project is limited to onsite parking or parking on a remote non-residentially zoned site.

105.4.1.4 With respect to commercial or multifamily building projects, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding ninety (90) days or ninety (90) days after the last inspection after which the building permit may be revoked and become void and the project shall be deemed an inactive construction site for the purpose of this Section. The licensed contractor and/or property owner shall maintain all construction sites in a safe condition and shall provide fencing or other protective barriers if needed for security and safety on active or inactive construction sites. All building sites shall be kept clean so as to minimize unsafe or hazardous conditions and unsightly appearance. Active construction sites shall be protected as directed by the Florida Building Code and the building official. When extending or reinstating a non-residential or multifamily residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties.

For inactive construction sites the licensed contractor or owner shall remove any silt fencing unless deemed necessary to protect adjacent public or private property from soil erosion or adverse drainage. During the first twelve (12) months after a construction project has become an inactive construction site the licensed contractor or owner shall comply with one of the following actions:

- 1) Paint unfinished surfaces of uncompleted structure(s) with muted or approved paint color and remove construction fencing or set back exterior fencing and cover with a black or muted color screen cover at least ten (10) feet (or approved distance) from all property lines abutting public streets. Provide an approved landscape barrier, sod or other approved surface: such as, but not limited to, mulch within the approved set back area. The approved landscape barrier or sod must be irrigated and maintained in good condition until the project can proceed with active construction. All buildings must be secured in an aesthetic manner to prevent entry in accordance with Section 22-177(108.9) where boarding up openings are used. All construction debris must be removed from the site and overgrowth of grass, weeds and vegetative growth must be mowed regularly to comply with Section 22-177 (302.4) of the Winter Park Code: or
- 2) Remove all incomplete structures (exclusive of the principal building(s) under construction); remove unused materials or store inside incomplete building or place out of view from the surrounding lot lines and maintain the property free of debris and overgrowth in accordance with Section 22-177 (302.4) of the Winter Park Code: or

- 3) Provide a written plan and completion time line outlining proposed measures to be taken to maintain the construction site in a safe and aesthetic manner until construction of the project can proceed. The plan must be reviewed and approved by the building official.

non-in In addition to the above required actions for an inactive construction site, after twelve (12) months, at the discretion of the Building Official based on safety concerns, all temporary or permitted fencing must be removed and the property shall be maintained free of overgrowth accordance with Section 22-177 (302.4) of the Winter Park Code.

Upon a determination by the building official that the subject project is not in compliance with this section, the licensed contractor or property owner may appeal the building official's decision to the Construction Board of Adjustments and Appeals to affirm or to amend and modify the decision of the building official. Failure to comply with any of these actions will result in the Building Official referring the matter to the Code Compliance Board. If the Code Compliance Board finds a serious threat to public health, safety and welfare, the Code Compliance Board may recommend reasonable repairs to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with a fine, as provided for in Section 162.09, Florida Statutes.

the Active construction sites shall be protected as directed by the Florida Building Code and building official.

105.4.1.5 In addition to any stricter provisions listed in 104.3 for revoking or voiding a permit, failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment of the permit. One or more extensions of time, for periods not more than 180 days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.

105.4.1.6 For good cause shown, in order to keep the permit valid, the building official may grant one or more extensions of time for periods not exceeding 90 days each. Requests for extensions shall be in writing and addressed to the building official, shall state the basis for the request, and shall be filed prior to the expiration of the permit period or any extension thereof previously granted. Such extensions as may be granted shall be in writing by the building official.

105.4.1.7 Good cause for an extension shall include, but not be limited to, the following circumstances beyond the control of the permit holder:

- (1) Acts of God and other natural disasters.
- (2) Material shortages.
- (3) Interruptions due to strikes or other employee job actions.
- (4) Fire, explosion, or some similar catastrophe.
- (5) Financial reversals of a temporary nature.

(6) Other situations beyond the control of the permit holder.

105.4.1.8 The building official is authorized to reject new permit applications from a contractor who holds expired permits or inactive permits not resolved to comply with the building code or other applicable codes as determined by the building official. For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official. An open permit shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.1.1 (closed permit).

The building official is authorized to administratively close expired or inactive trade permits after 6 years based upon expiration when no known safety hazard exists and no code violations have been previously identified.

105.5.3 Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may be reported to the proper authority by the building official.

105.6.1 Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or for violation of any provision of this building code or the code of ordinances of the city.

Section ~~105.5~~ 105.18 is added to read as follows

~~105.5~~ 105.18 Construction Site Management Plan (referenced hereafter as "Management Plan"). The building official may require a detailed management plan and completion schedule prior to the approval of a building permit or during the process of completing any active or inactive construction or demolition project. The management plan shall, at a minimum, provide specific information outlining the location of construction worker parking, construction equipment, material storage and temporary structures on the site under construction or on nearby properties, methods of debris removal including compliance with the city's waste franchise agreement. Additionally, traffic routes to and from the site, pedestrian safety barriers and fencing shall be included on the management plan and shall be identified for approval. The management plan must also reflect where displaced public or private parking is temporarily located during the term of the project to the maximum extent feasible. The plan is subject to review and approval by the building official. Failure to comply with the approved management plan shall result in the placement of a "stop work" order as outlined in Section 115, the issuance of a citation, by referring the violations to be heard by the Code Compliance Board or any other remedy provided at law. The approved management plan must be kept at the construction site and at all times during the construction process be made available to the building official or city inspectors.

Section ~~105.18~~ 105.19 is added to read as follows:

~~105.18~~ 105.19 Temporary toilet facilities for workers. Suitable temporary toilet facilities as determined by the building official in reliance upon normal industry standards shall be provided and maintained in a sanitary condition for the use of workers during construction. Such facilities shall be regularly cleaned and provided in a well-ventilated location and shall be placed at least 15 feet from the side property line of the lot on which it is located where practical, may not be placed in the public

right-of-way and shall be screened from view when required. The location of temporary toilet facilities on the property may be changed by the building official to recognize unique conditions or a less offensive location for neighbors.

Section 105.19 is added to read as follows:

~~105.19 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of triple the basic permit fee. This provision does not apply if the building official determines that due to emergency work a delay would clearly have placed life or property in imminent danger. The payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.~~

Sections 105.20 to 105.27 are added to read as follows:

~~105.21.2 Electronic filing of permit documents. After all applicable city departments have reviewed and approved submitted permit documents and plans filed as part of an application for a building permit, and after all required corrections are made to the submitted permit documents and plans, prior to final issuance of the approved permit. The permit applicant must submit an electronic copy of the approved permit documents and plans in a format compatible with the city's electronic storage and retrieval system prior to obtaining the building permit, or the permit applicant may pay a fee in lieu of providing the electronic copy of the approved plan documents. The fee shall be the city's cost plus administrative costs to produce an electronic copy of the approved permit documents and plans and shall be listed in the city's most recently adopted or amended schedule of fees as approved by the City Commission. The building official may allow the building permit to be issued prior to providing the electronic permit documents and plans to prevent delays in the construction project. However, such electronic documents and plans must be submitted within thirty (30) days of issuing the building permit. In addition, when plan revisions occur during the construction process, the permit applicant must submit an electronic copy of the final construction documents with approved revisions prior to final inspection approval of the project or the permit applicant may pay a fee in lieu of providing the electronic copy of the final construction documents with approved revisions as referenced in this section. The implementation of these provisions for electronic filing and storage of permitting documents may be suspended or amended to implement any improved methods of permit document storage which become available.~~

~~105.22 Tents. Temporary tent structures with an area of 100 square feet or less which do not block access to buildings, violate zoning setbacks and are not used to expand or provide a commercial business do not require a permit. Temporary for the purpose of this section shall be defined as 7 calendar days or less. Temporary structures over 100 square feet shall comply with Section 3103 of the Florida Building Code.~~

~~105.23~~ 105.22 Additional data. The building official may require details, computations, stress diagrams, surveys and other data necessary to describe the construction, ensure proper building placement on a site, to verify code compliant installation(s) and to determine the basis of calculations provided.

105.24 105.23 Contractor/owner responsibility.

~~105.24.1~~ 105.23.1 The contractor and owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles throughout the construction project and prior to receiving final inspection approval. Construction job sites ~~must~~ shall be kept clean, free of overgrown weeds and grass ~~over 12 inches in height~~, and the accumulation of construction debris ~~must~~ shall not remain on the property for a period of time exceeding 10 days. Dust created during construction or demolition ~~must~~ shall be contained on the site or close proximity to building or structure through wetting down the dust or materials or through the use of any alternate means that prevents dust from leaving the property. Temporary or permanent sidewalk or other safe pedestrian path shall be maintained throughout the construction except where work on the site requires temporary removal of the pedestrian path. Violation of these conditions shall authorize the building official to place a stop work order on such jobs in violation of this section and require removal of debris and overgrowth, and correction of dust accumulation on site and adjacent properties or streets. Other remedies shall include referring the violation to the Code Compliance Board ~~or~~ and having all debris removed from job site by the city and charging all costs to the contractor or the property owner and if unpaid for 30 days all costs incurred shall be assessed as a lien against the property.

~~105.24.2~~ 105.23.2 The contractor, the owner or his agent, upon completion of a building or construction project, shall immediately remove all temporary walkways, debris and all other obstructions and leave such public property in ~~as good-a~~ condition as it was before work was commenced and shall replace all broken curbs, sidewalks or other damaged public utilities or property to the satisfaction of the Public Works Department prior to obtaining a certificate of occupancy or completion or within 14 calendar days from notification if no certificate of occupancy or completion is issued. Failure to correct damaged public property will result in the city ~~taking action to~~ making all necessary corrections, and all costs incurred will be charged to the property owner or contractor, and a lien will be placed against the property for the costs of repairs.

105.25 Demolition –

105.25.1 Rodent and dust control. In order to control spread of infestation by rodents, the building official may require proof that a building proposed to be demolished is free of rodents. Such proof may be certification by a state certified pest control operator that the building is free of infestation by rodents. Dust control shall be maintained at all times during demolition by watering or other protective means. This Section shall apply to all buildings, residential and non-residential as directed above. In addition, Section 3303 of the Florida Building Code, Building Edition, shall apply where applicable.

105.25.2 Maintenance of site and building: If demolition is delayed during or after the posting period, then the building and property shall be maintained in good condition, free of debris, overgrowth or other unsightly conditions including removal of silt fencing, unneeded tree protection barriers and maintenance of a safe sidewalk, until such time that demolition commences. After demolition these same standards shall be observed including leaving the vacant property graded free of hazards, free of piles of soil, free of discarded items or unsafe sidewalks and must not contribute to increased drainage onto the street or abutting properties in a manner that did not exist prior to demolition.

105.25.2 3 Work hours and days. Due to the disruptive nature of demolition activity the hours of operation permitted for demolition activities are limited to the following time periods:

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Residential areas zoned for one and two family dwellings: 7:30AM to 6PM Monday through Friday, and 8:00AM to 5 PM on Saturday.

Non-residential or multi-family zoned areas: 7:30AM to 6:00 30PM Monday through Saturday.

Prohibited days include: Sundays and New Year's Day, Martin Luther King Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.

105.26 Notice provision for demolition of buildings.

(a) Prior to the issuance of a permit for the demolition of a building, the property owner or the designated representative of the owner of the building proposed for demolition shall post a notice on the property where the building is located so as to be easily visible and readable from the abutting street frontage and shall remain in place for 30 days. This notice shall be provided by the City and shall include the following information:

- (1) Owner of the property.
- (2) Date of posting the notice.
- (3) Address of the building planned for demolition and statement that the building will be demolished at the end of the posting period.

If demolition is delayed after the posting period then the building and property shall be maintained in good condition, free of debris, overgrowth or other unsightly conditions including removal of silt fencing until such time that demolition commences. [Moved to 105.25.2]

(b) Buildings not required to follow the notice of demolition provisions of this section:

1. Buildings which are determined to be a safety hazard, unsafe, a public nuisance, or otherwise dangerous and require immediate removal.
2. Accessory buildings, such as detached carports, garages, sheds, storage buildings, arbors, boathouses, greenhouses, and similar detached structures.
3. Other buildings as determined by the building official, such as certain commercial or multifamily buildings, but not including any building listed on the city's registry of historical buildings.

(c) Demolition of structures of buildings identified on the Florida Master Site File shall also comply with applicable provisions of Section 58-481 of the Winter Park City Code which may require an additional posting period as determined by Historic Preservation Board staff.

Section 107 Submittal Documents

~~Section 107.2.1.1 is added to read as follows:~~

~~107.2.1.1 Site plan.~~

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Ordinance No. _____

~~107.2.1.1 Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified State registered surveyor.~~

107.2.6.2 Records. The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection, except where exempted by Florida law.

~~Section 107.7 is added to read as follows:~~

~~107.7 Hazardous occupancies. The building official may require the following:~~

- ~~1. General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.~~
- ~~2. Building floor plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous material storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.~~

Section 109.2.1 is added to read as follows:

109.2.1 Permit fees. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a plan review fee for each permit shall be paid as required at the time of applying for the permit, and fees shall be paid as required at the time of obtaining the permit in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. The established permit and plan review fees shall include the costs of services for enforcing the land development code and other municipal or regulatory requirements by city departments involved in plan review, inspection, and preliminary consultation for a project and administration of the land development code. The amount of refunds for any building permit, including single-family dwellings, shall be determined by deducting the cost of all city services including but not limited to plan review fees. When one year has elapsed from the time of issuance of a permit, no refunds shall be processed.

Section 109.3 is added to read as follows:

109.3 Building permit valuations. If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including design costs, materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council or other current valuation data available at the option of

the building official or by using the actual contract amount for the construction improvement with the higher amount used for the permit valuation.

Section 109.4 is added to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of triple the basic permit fee. This provision does not apply if the building official determines that due to emergency work a delay would clearly have placed life or property in imminent danger. The payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. The building official may require a boundary line survey prepared by a Florida licensed professional surveyor ~~survey~~ showing all setbacks to structures being laid out and detailed on a form board survey or after pouring foundations, floor slabs or for accurate determination of building height in accordance with the zoning code. A copy of the required survey shall be given to the inspector prior to approval of the inspection requested.

Add Sections 110.1.1 and 110.1.2. from the BOAF draft

110.1.1 Manufacturers and fabricators. When deemed necessary by the building official, an inspection of materials or assemblies at the point of manufacture or fabrication may be required. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The building official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

110.2 Preliminary inspections. Before issuing a permit, the building official ~~may~~ is authorized to examine or cause to be examined any structure, building, electrical, gas, mechanical, or plumbing

systems for which an application has been ~~received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy~~ filed.

110.3 Required inspections. The building official upon notification from the permit holder ~~or his or her agent for the permit holder~~ shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Required inspections listed in Section 110.3 are amended as follows:

Building.

1 Foundation inspection: To be made after trenches are excavated, and forms and reinforcing steel is in place, and shall at a minimum include the following building components where applicable:

- ☐ stem-wall
- ☐ monolithic slab-on-grade
- ☐ piling/pile caps
- ☐ footers/grade beams
- ☐ column pads
- ☐ waterproofing
- ☐ footer steel grounding

1.1 In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612 Florida Building Code Building and R322.2.1 Florida Building Code Residential, shall be submitted to the building official.

1.2 Slab Inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed, termite soil treatment, sub-grade electrical, plumbing, and mechanical work is complete. Slab shall not be poured until all previous required inspections have been approved.

1.3 A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the floor slab inspection. The survey shall certify placement of the building on the site, finish floor elevation and indicate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, when requested and approved by the building official, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

1.4 Tie Beam/Lintel or Column Inspection (masonry/reinforced concrete construction only): To be made after all reinforcing steel is in place and clean outs provided.

2. Framing inspection: To be made after the roof, all framing, fireblocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete; the rough electrical, plumbing, heating wires, pipes and ducts are approved; and shall at a minimum include the following building components and requirements:

- ☐ window/door framing and installation
- ☐ window U-factor/SHGC (as indicated on approved energy calculations)
- ☐ vertical cells/columns
- ☐ lintel/tie beams
- ☐ framing/trusses/bracing/connectors (including truss layout and engineered drawings)
- ☐ draftstopping/fireblocking
- ☐ curtain wall framing
- ☐ energy insulation (to be made after the framing inspection is approved & insulation is in place)
- ☐ accessibility
- ☐ verification that rough opening dimensions are within tolerances allowed
- ☐ window/door buck attachment

2.1 Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.

2.4 2.2 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance- rated assembly or a shear assembly.

3. Sheathing inspection: To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- ☐ roof sheathing
- ☐ wall sheathing
- ☐ continuous air barrier
- ☐ exterior siding/cladding
- ☐ sheathing fasteners
- ☐ roof/wall/dry-in

NOTE: Sheathing fasteners installed and found to be missing on the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

3.1 Fire rated component inspection: To be made when components are in place and fasteners are visible for all wall, floor, roof or ceiling assemblies.

4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:

- Exterior wall coverings and veneers
- Soffit coverings

4. 5. Roofing inspection: To be made as Shall at a minimum be made in at least two inspections and shall at a minimum include the following building components:

- ☐ dry-in
- ☐ insulation
- ☐ roof coverings (including in-progress as necessary)
- ☐ insulation on roof deck (according to submitted energy calculation)

- ☐ flashing

Re-roof sheathing inspection. An affidavit with a notarized signature of the licensed roofing contractor verifying that all replaced sheathing and fasteners used comply with criteria required by the Existing Building Code may be accepted at the discretion of the building official.

5. 6. Final inspection: To be made after the building is completed and ready for occupancy.

~~5.1.~~ 6.1 In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the building official.

6. 7. Swimming pool inspection:

Inspections for Residential swimming pools

- ☐ **First inspection:** to be made after excavation and installation of reinforcing steel, bonding, main drain piping sizing and pressure test prior to placing of concrete.
- ☐ Second inspection: underground piping in open trench with pressure test and underground electric bond wire to the equipment.
- ☐ Third inspection (deck inspection): to be made prior to installation of the deck material (with forms, deck drains, trench with equipotential bonding and any reinforcement in place.
- ☐ Fourth inspection (safety inspection): bonding connections for light niche, installation of proper drain covers and completion of barrier prior to filling the pool with water.
- ☐ Fifth inspection (final electrical inspection): electrical bonding equipment connections, GFCI devices and disconnects.
- ☐ **Final inspection** to be made when the swimming pool is complete and all required enclosure requirements are in place.

Commercial swimming pools may require additional inspections.

7. 8. Demolition inspections:

- ☐ First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.
- ☐ Final inspection to be made after all demolition work is completed.

8. 9. Manufactured building inspections. The building department shall inspect construction of foundations; connection of buildings to foundations; installation of parts identified on plans as site installed items joining the modules, including utility crossovers; utility connections from the building to utility lines on site; utility lines on site; and any other work done on site which requires compliance

with the Florida Building Code. Additional inspections may be required for public educational facilities. (See Section 453.27.20 of this code).

9. 10. Where impact resistant coverings or impact resistant systems are installed, the building official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following: The system indicated on the plans is installed. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

1. Underground inspection: To be made after trenches or ditches are excavated, conduit or cable installed, footer steel grounding is in place and before any backfill is put in place.
2. Rough-In inspection: To be made after the roof, framing, ~~fire-blocking~~ fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Temporary power inspection: To be made after temporary power pole is in place and properly supported.
5. New electrical service inspection: To be made when all electrical work is complete and prior to energizing the electrical service.
6. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding is in place on said alterations or repairs.

Plumbing

1. Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-In inspection: To be made after the roof, framing, ~~fire-blocking~~ fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes. Additional inspections shall include top out, tub sets, sewer and water service inspections; and includes plumbing provisions of the energy code and approved energy calculation provisions.
3. Final inspection: To be made after the building is complete, all required plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the Florida Building Code, (Plumbing) for required tests.

Mechanical

1. Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-In inspection: To be made after the roof, framing, fire-blocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of wall

or ceiling membranes. Includes mechanical provisions of the energy code and approved energy calculation provisions.

3. Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. Rough piping inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. Includes gas provisions of the energy code and approved energy calculation provisions.

2. Final piping inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

3. Final inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Add Section 110.3.9 to read as follows:

110.3.9 Final inspections. The licensed contractor and permit holder shall be responsible for obtaining final inspections and a certificate of occupancy or certificate of completion for all permits within a timely manner after completion of work. Timely shall mean immediately after completion of work within ~~30~~ 7 calendar days. ~~after completion of work.~~ Failure to obtain such final inspections and certificates of occupancy or certificate of completion shall be a violation of this article.

Add Section 110.4 to read as follows:

110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provide such agencies satisfy the requirements as to qualifications and reliability.

Section 111 Certificate of Occupancy

Add Section 111.1.1 to read as follows:

111.1.1 Issuing Certificate of Occupancy. Upon completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection approval, and after verification that any septic system permit has received an approved final inspection where applicable, and after approval of other City departments involved in the inspection of the building or site, the building official shall issue a Certificate of Occupancy containing the information listed in Section 111.2 of the Florida Building Code and any other information required by the city. Delays in obtaining a certificate of occupancy by the contractor or property owner after fulfilling the above listed conditions will result in the automatic issuance of the certificate of occupancy with the

issuance date recorded as the date on which final inspection approval occurred. For revocation of a certificate of occupancy see Section 111.4.1.

Add Section 111.4.1 to read as follows:

111.4.1 Revocation of Certificate of Occupancy. The building official is authorized to revoke a certificate of occupancy within one year of issuance due to discovery of an unsafe structure or condition not found or able to be determined during the time of inspection, or due to failure of required flood proofing, required drainage and storm water systems adversely impacting adjacent or nearby properties and require corrective action by the owner, permit holder or contractor responsible for work on the building and at the property.

Add Section 112.4 & .5 to read as follows:

112.4 Underground utilities. In order to improve the aesthetic appeal of the city and to reduce hazards from wind storms, all utility lines such as electric, telephone, cable TV and other utilities shall be placed underground in conjunction with new construction, substantial renovation, and repair of buildings, signs or other structures or when a building is undergoing an electrical service upgrade from a 200 amperage service to a greater amperage service. Substantial renovation shall be renovation and/or additions whose building permit value exceeds 50 percent of the value of the existing improvements on the most current property tax roll published by the Orange County Property Appraiser. The city recognizes that certain physical elements such as existing buildings, swimming pools, large trees and such may impose unreasonable hardships on the property owner's compliance with the placement of utilities underground. Upon confirmation of these hardships by the utility companies, the building official may waive this requirement.

SECTION 112.5 TESTS

~~112.5 For products not covered under the statewide product evaluation and approval system, the building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.~~

SECTION 113 CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

113 Construction board of adjustments and appeals.

113.1 Membership. There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of 7 members. ~~and one alternate member. The alternate member of this board shall also be licensed in one of the trades professions regulated by this board and may serve as a fire code professional in cases or appeals concerning the Florida Fire Code.~~ To the greatest extent possible, the board shall be comprised of 2 licensed contractors (building, residential or general), one licensed practicing architect, one licensed practicing structural engineer, one licensed master electrician or licensed electrical engineer, one licensed master plumber, and one licensed mechanical contractor or mechanical engineer and must include a fire code professional within its membership. ~~The board members shall be appointed by the mayor and confirmed by the city commission~~ in accordance with the provisions in Section 2-48(a) Appointment of members of subsidiary boards.

113.2 Terms of office. Members shall be appointed for terms of 3 years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

113.3 Quorum. Four members of the board shall constitute a quorum, in the case of a matter or case concerning an electrical, plumbing, mechanical or fire code matter before the board, the respective appointee knowledgeable of that field shall be present in order to make a decision. In hearing appeals of the enforcement of the application of any provisions of the building codes including electrical, plumbing, fuel gas or mechanical volumes of the Florida Building Code or in modifying an order of the building official, affirmative votes of the majority present, but not less than 3 affirmative votes, shall be required. A board member shall not act in a case in which he has a personal financial interest.

113.4 Executive Secretary or Clerk of board. The building official or designee of the building official shall act as staff liaison of the construction board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

113.5 Authority. The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official of this code and shall also have the authority to suspend or revoke the certificate of competency or state certification (within the city) of any residential, building, general, roofing, swimming pool, electrical, plumbing, mechanical or other specialty contractor doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:

- (1) Fraud or deceit in obtaining a certificate of competency.
- (2) Negligence, incompetence or misconduct in the practice of contracting within the meaning of this chapter.
- (3) Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.

113.6 Decision of the building official. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

113.7 Procedures. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet expeditiously after notice of appeal has been received within 21 days but no more than 30 days.

113.8 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.

113.9 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.

113.10 Decisions. The construction board of adjustments and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A copy of the decision shall be sent by mail or hand delivery to the appellant, and a copy shall be kept publicly in the office of the building official. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. Appeals from the decision of the construction board of adjustments and appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to section 120.569 Florida Statutes, regarding the local government's action.

Section 114 is added as follows:

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Appeals of the Notice of Violation may be filed and heard by the Board of Adjustments and Appeals in accordance with the appeal procedure outlined in Section 113. Failure to comply with the Notice of Violation may result in referring the matter to the Code Compliance ~~Enforcement~~ Board who are empowered to impose fines in accordance with procedures set forth in Section 2-107 of the Winter Park Code of Ordinances.

114.3 Violation of code provisions. The building official may revoke a permit upon a determination ~~by the building official~~ that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code or the code of ordinances of the city.

114.4 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.5 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law

Section 115 is amended as follows:

115.1.1 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the Florida Building Code or the code of ordinances of the city or in a dangerous or unsafe manner, shall immediately cease, regardless of whether permitted plans have been reviewed by the city or permits have been issued. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, or by posting the building, structure or property upon which work is being performed and shall state the reason(s) for stopping work.

In an emergency situation, the building official shall not be required to give a written notice prior to stopping the work. Remedial action to correct violations or deficiencies shall be addressed by the owner, contractor or designer in a timely manner not to exceed time limits as set by the building official. Such remedial or corrective action shall be submitted for review and approval to the building official when required.

Section 116 is added as follows:

116 Unsafe buildings or systems.

116.1 Abatement. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or unsafe service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Section 108 and 109.1-.4 of the International Property Maintenance Code or other provisions of the building and property maintenance code of the city where applicable. All repairs shall be performed in accordance with the Florida Building Code.

116.2. Public nuisances. Public nuisances are defined in section 22-177(202) under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code compliance ~~enforcement~~ board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this chapter. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

116.3. Vacant buildings. No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with section 22-177(304.6). Exterior walls and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the color of the building, but shall not be brightly colored such as bright red, orange, green, or purple colors but rather shall be muted colors such as but not limited to tan or grey.

Section 202 is amended by adding or altering the following definitions:

Building department: The city's building and permitting services department.

Building official: The officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this chapter, also known as the director of building and permitting services .

Sections 454.3 and R4501.17.1.16 is added as follows:

454.3 (Building) and R4501.17.1.16 (Residential) swimming pool enclosure protection during construction.

During the construction of public or private swimming pools, the permanent fence or wall meeting all applicable requirements of the Florida Building Code, Residential Volume, Chapter 45, or a temporary fence at least four (4) feet in height above the grade shall be installed. This fence or wall shall be closed, latched and locked at all times, except when work is in progress and workmen are on the site. The temporary fence shall not be removed except when the permanent fence, wall, enclosure or swimming pool is being actively constructed. At no time shall the pool be left by workmen unless secured by either the permanent or temporary enclosure. Swimming pool barrier protection shall allow bodies of water such as lakes, canals and streams to serve as one side of the required barrier when the water frontage is at least six feet wide beyond the shoreline, and the side yard fence barrier proceeds at least one foot into the water body or the fence continues to the edge of the water to the top of a canal or stream bulkhead wall. Provisions in this section apply to swimming pools on building sites, including commercial, residential or multifamily projects. Failure to maintain enclosure protection security with a swimming pool protection barrier shall cause the city to secure the pool from outside entry, and authorize the issuance of a "stop work" order until all fees related to providing a pool protection barrier have been paid or waived by the building official for de minus costs.

~~Section 1609.3 is amended as follows for the purpose of determination of design wind loads in Winter Park:~~

~~Section 1609.3 Basic wind speed. The ultimate design wind speed Vult in miles per hour, for the development of the wind loads shall be determined by Figures 1609.3(1), 1609.3(2) and 1609.3(3). The ultimate design wind speed Vult for use in the design of Risk Category II buildings and structures shall be obtained from Figure 1609.3(1)A. The ultimate design wind speed Vult for use in the design of Risk Category III and IV buildings and structures shall be obtained from Figure 1609.3(2). The ultimate design wind speed Vult for use in the design of~~

~~Risk Category I buildings and structures shall be obtained from Figure 1609.3(3). The ultimate design wind speeds, Vult, determined by the local jurisdiction shall be in accordance with Section 26.5.1 of ASCE 7. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores wherever possible. For the purpose of complying with the structural requirements related to wind loads, all buildings and structures including one and two family dwellings shall comply with the following ultimate design wind speeds Vult:~~

- ~~1) Risk Category I: 130 mph~~
- ~~2) Risk Category II: 139.9 mph~~
- ~~3) Risk Category III & IV: 150 mph~~

Section 1609.3 is interpreted as follows for the purpose of determination of design wind loads in Winter Park:

1609.3 Ultimate design wind speed. The ultimate design wind speed, Vult, in mph, for the determination of the wind loads shall be determined by Figures 1609.3(1), 1609.3(2), 1609.3(3) and 1609.3(4). The ultimate design wind speed, Vult, for use in the design of Risk Category II buildings and structures shall be obtained from Figure 1609.3(1). The ultimate design wind speed, Vult, for use in the design of Risk Category III buildings and structures shall be obtained from Figure 1609.3(2). The ultimate design wind speed, Vult, for use in the design of Risk Category IV buildings and structures shall be obtained from Figure 1609.3(3). The ultimate design wind speed, Vult, for use in the design of Risk Category I buildings and structures shall be obtained from Figure 1609.3(4). The ultimate design wind speed, Vult, for the special wind regions indicated near mountainous terrain and near gorges shall be in accordance with local jurisdiction requirements. The ultimate design wind speeds, Vult, determined by the local jurisdiction shall be in accordance with Chapter 26 of ASCE 7. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores wherever possible. For the purpose of complying with the structural requirements related to wind loads, all buildings and structures including one and two family dwellings shall comply with the following ultimate design wind speeds Vult:

- 4) Risk Category I: 130 mph
- 5) Risk Category II: 139.9 mph
- 6) Risk Category III & IV: 150 mph

As indicated in Figures 1609.3(1), (2) & (3) linear interpolation between wind contour lines is permitted.

This wind speed determination provided herein is an administrative amendment to the Florida Building Code for the purpose of giving guidance to designers and to provide uniformity with neighboring jurisdictions, and is not a local technical amendment or change in the published Florida Building Code wind load criteria.

Technical amendments to the Florida Building Code:

26
Ordinance No. _____

***[NOTE]** Technical amendments not provided in the next edition of the Florida Building Code must be re-adopted by the local jurisdiction in order to remain valid and enforceable.

Florida Building Code, Building Volume

Section 903.2.13 shall be added as follows:

903 Automatic sprinklers systems. Approved automatic sprinkler systems installed in buildings shall comply with Section 903 of the Florida Building Code and in addition shall meet the following provisions:

903.1 Where required

903.2.13 Approved automatic sprinkler systems shall be provided in all buildings in the Commercial (C-2) zoning district as defined in the Land Development Code (Chapter 58) on properties bounded by New York Avenue (on the west), Swoope Avenue (on the east), Knowles Avenue (on the east) and Fairbanks Avenue (on the south).

Section 3. Article V, "Property and Building Maintenance," Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby amended and to read as follows:

Sec. 22-176. Code adopted. The International Property Maintenance Code, ~~2018~~ 2021 edition, as published by International Code Council, Inc., is hereby adopted by reference, together with modifications and amendments contained in this article, and shall be known as the property and building maintenance code of the city. All references within the International Property Maintenance Code to the International Code(s) shall refer to the applicable Florida Building Code(s).

Sec. 22-177 Amendments

The International Property Maintenance Code, ~~2018~~ 2021 edition, is hereby amended in the following respects:

General: All references to the International Building, Plumbing, Mechanical, Fuel Gas, Fire, Electrical and Zoning Codes shall mean the respective building, residential, plumbing, mechanical, gas, fire, and electrical codes as incorporated into the Florida Building Codes and Florida Fire Prevention Code and zoning codes of the city along with amendments adopted herein.

Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the property and building maintenance code of Winter Park, hereinafter referred to as "this code."

Section 103 is ~~deleted~~. Is amended as follows"

103.1 The Division of Safety and Compliance shall function as the agency to implement, administer and enforce the provisions of this code.

Section ~~105.3~~ 106.3 is amended as follows:

~~105.3~~ 106.3 Required testing and assessments. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests or assessments to be made as evidence of compliance at no expense to the City. Required assessments include and are not limited to mold assessment by a mold assessor licensed by the State.

Section 106.6 7 is added to read as follows:

106.6 7 Codes and ordinances enforced. The provisions of this article are an additional and supplemental means of enforcing city codes and ordinances and may be used for the enforcement of this article. Nothing contained in this article shall prohibit the city from enforcing its codes and ordinances by any other means.

Section 108.1.1 is amended to read as follows:

108.1.1 Unsafe structures. An unsafe structure is one that is found to be a nuisance or dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Sections 108.8 and 108.9 are added as follows:

108. 8 Public nuisances. Public nuisances are defined in Section 202 "General Definitions" under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code enforcement compliance board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this code. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

108. 9 Vacant buildings. No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with section 22-177(304.6). "Exterior walls" and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building.

Section 110.1 is amended to read as follows:

110.1 Unsafe buildings or structures. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and

remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than 90 days, to demolish and remove such structure; or where a nuisance exists, the code official shall order the owner of the premises to correct or remove conditions causing the nuisance. The existence of a nuisance shall constitute a violation of this code.

Section 111 (including subsections 111.1 through 111.8 inclusive) is amended to read as follows:

Applications for appeals from the enforcement of provisions of this code shall be heard by the construction board of adjustments and appeals under the criteria and guidelines addressed in the building code of the city, as adopted in this article.

Section 202. General definitions are amended by adding or altering the following definitions:

[Note: See Definitions in International Property Maintenance Code Chapter 2]

Nuisance. The following shall be defined as nuisances: It is a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city to maintain, or permit to exist, such premises in such manner that any one or more of the following conditions are to exist thereon:

- (1) Any public nuisance known at common law or in equity jurisprudence.
- (2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
- (3) Whatever is dangerous to human life or is detrimental to health, as determined by the Orange County Environmental Health Department or the code official.
- (4) Overcrowding a room with occupants.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewage or plumbing facilities.
- (7) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Orange County Health Department or the code official.
- (8) Any place or premises which have been used on more than two occasions as the site of the unlawful sale or delivery of controlled substances.
- (9) Any building or premises declared to be a public nuisance by the nuisance abatement board.

- (10) Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties.
- (11) Buildings which are abandoned for a period of six months, or permitted to remain unreasonably in a state of partial destruction for a period of four months without a building permit having been obtained and substantial construction performed, or permitted to remain unreasonably in a state of partial construction without substantial construction being performed. Substantial construction shall mean construction sufficiently noticeable to the public to give notice of ongoing construction work.
- (12) The failure to close, by such means as are acceptable to the code official, all doorways, windows and other openings into vacant structures.
- (13) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.
- (14) Vegetation, including dry grass, dead shrubs, dead trees, combustible refuse and waste, or any material growing upon the area between the traveled way and the property line, sidewalks or upon private property which by reason of size, manner of growth and location would create any one or more of the following:
 - a. A condition likely to constitute a fire hazard to any building, improvement or other property, or when dry will in reasonable probability constitute a fire hazard;
 - b. A condition likely to harbor rats, vermin or other similar creatures constituting a health hazard; or
 - c. Causes appreciable harm or material detriment to the aesthetic and/or property values of surrounding property.
 - d. Creates a safety hazard due to slipping or tripping on sidewalks or similar surfaces.
- (15) Dead, decayed, diseased or hazardous trees, weeds and other vegetation:
 - a. Dangerous to public safety and welfare; or
 - b. Causing appreciable harm or material detriment to the aesthetic and/or property values of surrounding property.
- (16) The accumulation and storage on any premises for more than 10 days of abandoned, wrecked, dismantled or inoperative automobiles, trailers, campers, boats, other mobile equipment, or major part thereof within the view of persons on public or other property adjacent to the premises.

- (17) Attractive nuisances dangerous to children in the form of:
- a. Abandoned and broken equipment; or
 - b. Unprotected and/or hazardous pools, ponds and excavation; or
 - c. Neglected machinery.
- (18) Waste on the premises *in open view or can be seen from an adjacent property*, which by reason of its location is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community or which would materially hamper or interfere with the suppression of fire upon the premises or adjacent premises and which is visible from public property or from neighboring properties for a period of time in excess of ten days. "Waste" is defined for the purpose of this section as unused or discarded matter and material which consists (without limitation or exclusion by enumeration) of such matter and material as rubbish and refuse and matter of any kind including, but not limited to, rubble, debris, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, furniture and household equipment or parts thereof, lumber, trash, dirt, machinery or parts thereof, scrap metal and pieces of metal, ferrous or nonferrous, bottles, bedding, etc.
- (19) The accumulation of dirt, litter or debris in vestibules, doorways or the adjoining sidewalks of commercial or industrial buildings.
- (20) The maintenance of signs and/or sign structures relating to uses no longer conducted or products no longer sold on vacant commercial, office, industrial or institutional buildings more than 45 days after such building becomes vacant.
- (21) The maintenance of any structure in a defective, unsightly, deteriorated and unrepaired condition, which is viewable from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.
- (22) The substantial lack of maintenance of grounds including but not limited to dead grass, lack of sod or surface coverings on which structures exist, where the grounds are viewable from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.

Section 302 shall be amended to read as follows:

302.1 Sanitation and storage of materials. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. It shall be unlawful for any person to permit any old, broken lumber, rusted or unused equipment, discarded refrigerators, stoves, old pipe or other used, discarded and worn, unsightly articles or materials to remain in any

yard or open area owned, occupied or in the possession of such person for a period of more than five days.

It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the code official.

Section 302.4 shall be amended as follow:

302.4. Weeds and overgrowth.

302.4.1 Clearing overgrowth. The owner or the agent of such owner or occupant of any lot, place or area within the city shall not permit any trash, rubbish or noxious matter to remain lying on such lot, place or area or upon any sidewalk or street right-of-way abutting the lot, place or area. Upon sidewalks, noxious matter shall include accumulations of sand, leaves, algae growth, slippery conditions, food or food residue, and vegetation. Likewise, such owner, his agent and the occupant shall not permit any weeds or grass to grow to a height exceeding 12 inches upon any portion of such lot, place or area or upon any sidewalk, over street curbs or street right-of-way abutting such lot, place or area. For land being used for a bona fide commercial agricultural purpose, the limitation on the height of grass or weeds shall only apply to the first 20 feet of such lands abutting a public street or adjacent developed property. The limitation on the height of grass or weeds shall not apply to undeveloped wild land that remains in a natural state unless determined to be a fire hazard or other health hazard as determined by the code official.

302.4.2 Notice. The city shall notify in writing the owner of any lot, place or area within the city or the agent of such owner or the occupant to cut, destroy or remove any weeds, grass, trash, rubbish or noxious matter found growing, lying or located on such owner or occupant's property or upon the sidewalk or street right-of-way abutting the property and that, upon the failure of the owner or agent or occupant to do so. The city will cause such weeds, grass, rubbish or noxious matter to be cut, destroyed or removed. Such notice shall be by certified mail, addressed to the owner or agent of the owner or occupant, at his last known address, or by hand delivery to the owner or agent of the owner or occupant. In addition a notice may be posted on the property upon which the violation is alleged to exist and at the primary municipal government office, and proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date, and the place of its posting. Notice by posting may run concurrently with, or may follow an attempt or attempts to provide notice by hand delivery or by mail, as required by this subsection.

302.4.3 Clearing by city. Upon failure, neglect or refusal of any owner, agent or occupant notified as provided in this article to cut, destroy or remove weeds, grass, trash, rubbish or noxious matter growing, lying or located upon such owner or occupant's property or upon the sidewalk or street right-of-way abutting property, within five days of posting the property as provided for in this article, or within five days upon receipt of the written notice provided for in this article or within five days after the date of such notice, if the notice is returned to the city because of the inability of the post office to make delivery thereof, provided the notice was properly addressed to the last known address of such owner, agent or occupant, the city may, in addition to any other penalties provided

for in this Code, pay for the cutting, destroying or removing of such weeds, grass, trash, rubbish or noxious matter or effect the removal by the city.

302.4.4 Charges. When the city has affected the removal of obnoxious growth or has paid for its removal the actual cost thereof, including administrative costs, plus accrued interest at the rate of twelve percent per annum beginning 30 days after completion of the work, shall be charged to the owner or occupant of such property.

302.4.5 Lien. Where the full amount due the city is not paid by such owner or occupant within 30 days after the cutting, destroying or removal of weeds, grass, trash, rubbish or noxious matter as set forth in sections 302.4.3 and 302.4.4, such charges are declared a lien upon the property and the provisions of sections 102-135 shall apply.

Section 302.8 shall be amended to read as follows:

302.8 Abandoned and disabled motor vehicles.

302.8.1 Definitions:

Abandoned motor vehicle means any motor-driven vehicle, regardless of size, which is left unattended for a period exceeding 48 hours.

Disabled motor vehicle means any motor-driven vehicle, regardless of size, which is incapable of being self-propelled upon the public streets of the city or which does not meet the requirements for operation upon the public streets of the city, including a current motor vehicle license.

A motor vehicle shall be considered abandoned or disabled if it is in a state of evident disuse, neglect or abandonment. Evidence of disuse, neglect or abandonment may include, without limitation, factors such as: the vehicle being wrecked or inoperative; the vehicle being partially dismantled, having no engine, transmission, or other major or necessary parts; the vehicle having no valid license tag; there being vegetation underneath the vehicle as high as the vehicle body or frame; there being refuse or debris collected under the vehicle; the vehicle being used solely for storage purposes; or the vehicle being in any physical state rendering it inoperable or unsightly to the neighborhood.

302.8.2 Responsibility and liability. It shall be the joint and several responsibility of both the property owner upon whose property a disabled or abandoned motor vehicle is located and the owner of such vehicle to meet the requirements of this article, and the property owner and vehicle owner shall both be subject to any and all penalties for violations hereof. The property owner and vehicle owner shall jointly and severally be liable to the city for the payment of any unrecovered expenses incurred by the city in the removal and disposition of motor vehicles. If the expenses are not paid upon demand, a lien shall be placed upon the property and the vehicle for the amount of such expenses and costs.

302.8.3 Enforcement. It shall be the duty of the police department to enforce this article for disabled or abandoned motor vehicles within the public right-of-way or on public property. The safety and code compliance section of the fire-rescue department division shall enforce provisions

of this article relating to disabled vehicles on private property and property maintenance provisions of this Chapter.

302.8.4 Notice of violation.

302.8.4.1 When a disabled motor vehicle is found to be in violation of this article, a code inspector or a police officer shall give the owner on whose property the disabled motor vehicle is located a notice that the vehicle is in violation of this article and must be removed within ten days. This notice shall be in writing and shall state the date on which the ten days' notice shall expire and shall further state that if the notice has not been complied with and the disabled motor vehicle removed within such ten calendar days that enforcement of this article will ensue. Should the owner of the property upon which the disabled motor vehicle is located not be an occupant or not in possession of this property, in addition to such notice to the owner, the notice shall be served upon the occupant or person in possession of the property. The code inspector or police officer shall make every reasonable attempt to ascertain the owner of the vehicle, and shall notify any such vehicle owner so identified within either reasonable notice delivered by mail or personal service at any known business or residential address of such owner.

302.8.4.2 Within the ten calendar day period specified in the notice, the owner of the vehicle or the owner of the property or an authorized agent may appeal to the director of code enforcement or his designee. The director of code enforcement or his designee shall determine the validity of the violation and may for good cause extend the time for compliance or removal. If such an appeal is made, no removal shall be required until after the appeal has been finally determined, unless the removal is required under 98-191.

302.8.4.3 If no appeal is submitted in writing to the office of Code Compliance is made and the abandoned or disabled vehicle remains in violation after the ten calendar-day period, the city shall cause such vehicle on private property to be removed to a storage facility approved by the city and thereafter disposed of in accordance with applicable state law or city ordinance.

302.8.4.4 Notwithstanding any of the foregoing, all abandoned motor vehicles which are located on public property shall be towed and disposed of in accordance with the notice, sale and disposition requirements of F.S. ch. 705, as revised or amended from time to time.

302.8.5 Disposal of vehicles; entrance upon private property. The city is authorized to enter upon private property for the purpose of seizing and taking into possession any abandoned or disabled vehicle.

302.8.6 Removal. The city is authorized to provide for the immediate removal of any abandoned or disabled motor vehicle to a garage or other place of safety, the cost of such removal to be a lien against the motor vehicle, when the abandoned or disabled vehicle is found unattended upon a bridge or causeway or in any tunnel or on any public highway or street or public parking lot in the following instances:

302.8.6.1 Where such vehicle constitutes an obstruction of traffic; or

302.8.6.2 Where such vehicle has been parked or stored on the public right-of-way or city property for a period exceeding 48 hours.

Section 302.10 shall be added shall read as follows:

302.10 Shrubs, hedges and trees obstructing visibility at intersections.

Shrubs, hedges, trees or plantings shall be kept trimmed so that the visibility for motor vehicle drivers is not obstructed at street intersections and points of ingress and egress to the public right-of-way. Where shrubs, hedges, trees or plantings are not kept so trimmed, in addition to any other penalties provided for in this code, the city may, after notice to the property owner responsible for such violation, enter upon the property where such violation is taking place and cut and trim the hedges or plantings, which are causing such violation to be reduced to a height of 2½ feet above the street curb elevation or cut tree limbs to a height of eight feet above the curb or sidewalk and upon performing such labor may bill the property owner for the actual cost thereof. Shrubs, trees and other vegetation which extend into the public right-of-way, and obstruct visibility at street intersections and points of ingress and egress to the public right-of-way or over hang the sidewalk obstructing pedestrian travel may be cut or trimmed by the city in accordance with the above referenced specifications after providing a 24-hour notice by placing such notice on the door of the abutting dwelling or business or by hand delivery to the occupant of the dwelling or business in order to provide for the public safety. This provision does not limit or prevent the city from taking immediate action to clear any hazardous or unsafe conditions created by trees or vegetation in the public right-of-way.

Amend Section 304.3 to read as follows:

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, in accordance with Article VII, Numbering of Buildings, of this Chapter.

Amend Section 304.6 to read as follows:

304.6. Exterior walls.

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timber, *chipped paint, decaying substance conditions* and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair. All exterior surfacing material shall be painted or properly surface coated (except brick, stone or other natural material which does not require the application of a weatherproofing substance) and in good repair after scraping and removing any loose paint or surfacing material.

Amend Section 304.14 to read as follows:

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

Section 304.20 is added as follows:

304.20. Skirting around foundations. Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice.

Amend Section 404.3 to read as follows:

404.3 Minimum ceiling heights. Occupiable rooms and habitable spaces shall have a ceiling height of not less than seven feet, six inches (2286 mm). Corridors, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than seven feet (2134 mm).

Amend Section 602 to read as follows:

602 HEATING FACILITIES.

602.1 Occupiable rooms and habitable spaces (including every dwelling unit) shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.

602.2 Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.

602.3 Gas heaters listed for unvented use shall be permitted provided the total input rating of the heaters is less than 30 Btu per hour per cu ft (312 W/m³) of room content. Such heaters shall be prohibited in bedrooms.

602.4 The use of any liquid fueled unvented heating appliance shall be prohibited in any enclosed occupied structure within the city. Liquid fueled unvented heating appliances may be used as a temporary measure on construction sites and open well-ventilated work sites when they pose no hazard of ignition or explosion. Such devices must be tested and listed by an approved laboratory according to the requirements of UL647 (1984) and the fuel must be stored in containers meeting ASTM ES-8 for kerosene heaters.

602.5 Any metal flue pipe that has been connected to a wood heating appliance that has experienced a flue fire shall be replaced unless otherwise specified by the manufacturer's instructions.

602.6 Any metal (pre-fabricated) fire place unit that has experienced a chimney fire shall be replaced unless otherwise specified by the manufacturer's instructions.

Section 3. Codification. It is the intention of the City Commission of the City of Winter Park that the provisions of Section 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City. That all sections, subsections, paragraphs, and subparagraphs of this Ordinance may be numbered, renumbered, lettered, relettered, labeled or relabeled and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions. The foregoing modifications along with correction of typographical errors, which do not affect the intent or meaning may be authorized and made by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

Section 4. Conflicts. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park or part thereof, this Ordinance shall control to the extent of the conflict.

Section 5. Severability. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 6. Transmittal. This Ordinance enacting amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days.

Section 7. Effective Date. Once adopted, this Ordinance shall not become effective until 30 days after this Ordinance has been received by and the amendments set forth in Section 2 of this Ordinance are published by the Florida Building Commission.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the ___ day of January, 2021.

Mayor Steve Leary

Attest _____
City Clerk Rene Cranis

37
Ordinance No. _____



Construction Board of Adjustments & Appeals Minutes

November 13, 2020 at 10 a.m.

Hybrid Meeting

DRAFT

Opening Comments

John Page, Chairman, welcomed Board members back. George Wiggins, Director of Bldg/Permitting, explained the purpose for this Board which includes reviewing and approving a recommendation concerning updated administrative and technical amendments to upcoming 7th Edition of the Florida Building Code to be adopted by local ordinance as part of the 3 year update cycle for Florida's Building Code. In addition, includes the review and recommendations concerning the EV Vehicle ordinance.

Present

John Page, (Chair), Frank Gay (Vice Chair), Tony Apfelbeck, Bill Maroon, and Bruce Thomas attended in person in Commission Chambers. Susan Pendergraft and Frank Pruitt attended virtually. Staff members present: George Wiggins, Director of Bldg/Permitting; Kris Stenger, Asst. Bldg/Permitting Director; Vanessa Balta, Sustainability Planner; Dan Langley, Assistant City Attorney; and Bella Ortiz, Recording Secretary. Joe Territo, Electrical Contractor and Thomas Moses, representative of BOMA Orlando spoke concerning issues relating to the EV Readiness Ordinance.

Meeting called to order

Approval of minutes

Motion made by Tony Apfelbeck to approve October 21st, 2020 minutes. Motion seconded by William Maroon. The minutes were unanimously approved (7-0).

New Business

George Wiggins introduced finalizing the update to the building code ordinance relating to the 7th edition of the Florida Building Code. 2021 Edition of the International Property Maintenance Code including technical amendment requiring fire sprinklers and the EV vehicle ordinance.

SUMMARY OF WINTER PARK BUILDING CODE ADMINISTRATIVE
AND TECHNICAL AMENDMENTS to 7th EDITION OF FLORIDA
BUILDING CODE & INTERNATIONAL PROPERTY
MAINTENANCE CODE

1. Florida Building Code 7th Edition is based on the 2018 International Building Code & Residential Codes with Florida amendments.
2. International Property Maintenance Code is being updated to the 2021 Edition.
3. Updated administrative amendments are substantially unchanged from current provisions with the addition of provisions from the State Building Official's Association draft of recommended updates.
4. Items covered in the administrative amendments include the following:
Department of Safety (defined for WP), Powers & Duties of the Building Official, Revocation of permits & CO, Conditions of permit, Contractor/owner responsibility, Demolition, Submittal Documents, Required inspections, Certificate of Occupancy, Construction Board, Violations, Unsafe building or systems, Definitions, Swimming pool protection during construction, and Determination of Design Wind Speed.
5. Items covered under technical amendments to the Florida Building Code:
Special fire sprinkler requirements in the Central Business District defined by the properties bounded by New York Avenue (on the west), Swoope Avenue (on the east), Knowles Avenue (on the east) and Fairbanks Avenue (on the south).
6. The Property and Building Maintenance Code is updated with minor changes to the text within the 2021 International Property Maintenance Code. The current adopted provisions within the City Code further amends the 2021 Code with the continuation of amendments that expand the definition of "Nuisance" with 22 categories of descriptions. Add property maintenance criteria for overgrowth, addresses abandoned or disabled vehicles and contains special fire safety provisions for heating facilities in homes.

George Wiggins explained that the fire sprinkler technical amendment covered providing an extra margin of fire safety for older downtown buildings and is being carried over from the last code update. This provision has been included for many years since the current version of the Florida Building Code does not require fire sprinklers for all new building or major renovations in our central business district.

Tony Apfelbeck asked to clarify if the EV ordinance was still included in the building code ordinance. George Wiggins explained due to its required scope and type the EV ordinance had been moved to a separate ordinance for approval. John Page further inquired to the reasoning behind providing it as a separate ordinances. In response, Mr. Wiggins explained that there is also a companion Planning Ordinance going before the Planning Board in January, and there is the need to advance the main Building Code Ordinance to the City Commission for the December meeting to coincide with the effective date of the next edition of the Florida Building Code.

John Page suggested the Board approve the local ordinance which recognizes amendments to the 7th edition of the Florida Building Code and incorporates the 2021 Edition of the International Property Maintenance Code along with the technical amendment requiring fire sprinklers downtown. Motion was made by Tony

Apeflbeck incorporating the above referenced ordinance provisions and seconded by Bruce Thomas. The Board approved the motion by unanimous vote (7-0).

George Wiggins introduced the review of the EV charging for Electric vehicle charging stations and electric vehicle readiness requirements for multi-family and non-residential properties. Vanessa Balta, Sustainability Planner, spoke on behalf of the various EV parking options available for multi-family, non-residential, and single-family homes. She explained that for non-residential parking, the terms changed from the last version of the ordinance to 1 EV charging station parking space for every 20 required parking spaces. Both multifamily projects EV readiness will be determined by Planning and Zoning Board and staff at the time of requests for a conditional use permit for these larger developments, on a case by case basis.

Vanessa Balta further explained the differences between EV capable and EV ready. Drawing comparisons to proposed ordinances by Orlando and Orange Counties she elaborated why those jurisdictions are moving forward with their proposals and explained the projections on deterioration of air quality due to the continuing buildup of ozone and other air-born pollutants released from increased numbers of vehicles with gasoline powered engines in dense traffic throughout the metro Orlando area including Winter Park. This is the technical basis for requiring a local technical amendment to the Florida Building Code as found in a Fact Sheet from Orange County Government dated November, 2019 (attached).

Tony Apfelbeck questioned verbiage on multifamily and non-residential. George Wiggins explained the terms and qualifications were matching Planning and Zoning terminology. He explained that they the appropriate Building Code occupancy type will replace those terms in the final ordinance draft. However multifamily requirements for EV readiness will be determined in Planning and Zoning Conditional Permit review process.

George Wiggins continued by explaining that the ordinance asks for 10% parking to be EV ready, explaining this meant the “infrastructure” would need be in place but not necessarily active for developments at the time of completion. However, the provision includes having 1 EV charging station in one parking space for every 20 required spaces.

John Page inquired about how the 10% number was determined. Ms. Balta explained that FL DOT advised that EV growth is expected to be 40% over the upcoming years, so they went with the conservative estimate of 10% for EV readiness which is in addition to the 5% requirement to have charging stations in place when the building parking lot is completed.

Mr. Page continued with inquiry of technological improvement options. (i.e.; fast charging, newest upgrades). Vanessa Balta replied that the verbiage in the amendment was left flexible for this reason.

Mr. Page also asked for information regarding the costs. Ms. Balta clarified the costs to retrofit vs new development. Examples of actual costs were provided to the Board, which were shown to be between \$3,000 to \$7,000 range for Level 2 charging stations, plus additional costs for installation depending the proximity of the parking space. She

also explained that the ordinance does not address whether the property owner chooses to charge a fee for the use of the charging station. She continued explaining that per state law multifamily property owners are required to allow their residents to install additional units based on their need.

William Maroon asked about offering business credit or rebates. Vanessa Balta verified that rebates have been discussed but not fully explored at this point.

Bruce Thomas asked about matching other municipalities and if it makes a difference. Both George Wiggins and Vanessa Balta advised they are attempting to match the criteria that agrees with Planning and Zoning Board. They both stated that the 10% value was lowered from previous meetings ordinance terms and that they feel with utilizing Conditional Use review will help to justify the differences between Winter Park and other municipalities terms.

Mr. Wiggins also advised the board that parking enforcement related to use of the EV parking spaces will be left up to the building or property owner and recommends that the "Exclusive use" provision (Section 2703.2(d)(2) in the ordinance be removed.

Dan Langley, assistant City Attorney was invited to comment on this subject by George Wiggins. Mr. Langley expressed agreement concerning removing the "Exclusive use" provision which pertains to land development as it is not enforceable.

Tony Apfelbeck asked where hotel/motels fit into the parameters. Vanessa Balta replied that Planning and Zoning typically treats them as multifamily. Questioning continued by Tony Apfelbeck, that perhaps it would be easier for non-residential and multifamily units to create a required minimum number or percentage to install. Vanessa Balta replied that installing more than 10% counts towards EV readiness.

Mr. Apfelbeck also raised concerns about residential thresholds. Mr. Wiggins advised that it would be determined by Conditional Use. Dan Langley stated that having percentages for non-residential/residential requirements may not be identical. He also stated that currently not enough information provided in this area and could be addressed in the future.

Mr. Page asked what other groups were involved in consulting on the ordinance. Mr. Wiggins responded that Orange county, Orlando, Orlando BOMA(Building and Manufacturers Association) and other related boards.

Frank Gay posed the question of maintenance of EV Spots. George Wiggins and Vanessa Balta stated that the ordinance has provisions addressing maintenance found on page 5. This ordinance is specific in regard to creating a capacity level and conduits for EV readiness. If necessary, as with other building maintenance matter code compliance could be called upon for a maintenance issue.

Members of the Public:

Thomas Moses, member of Orlando BOMA, called in to speak to commercial uses. He posed questions about employee only parking and the possibility of non-employee uses, and possible liability. George Wiggins and Vanessa Balta stated due to the variety of

platforms it would be up to the property owner as to how they wish to enforce or provide liability protection. The suggestion to utilize trespassing codes was discussed.

Joe Territo, Electrical Contractor, called in as a member of the public to submit his question as to why this was a building issue. He continued that line of thought by positing if an ordinance was necessary. Tony Apfelbeck agreed with this concern and asked if this was already located in land development code why would it be needed for building codes. George Wiggins drew the comparison that this is similar to an electrical fixture permit. Continuing that logic and legality, this was needed to be added as a technical amendment because the electrical code provisions in the National Electrical Code do not require EV charging stations or EV readiness requirements for new building construction. Vanessa Balta concurred and added that this would be in concurrence with both land development codes and other building officials. Mr. Wiggins noted that the land development code does not specify building requirements and likened it to solar power on new buildings but does not mandate it in the Florida Building Code. These new EV readiness provisions will be mandates for new building construction and must meet the criteria required to justify having a local technical amendment.

John Page further inquired about the need for having both Building Code and Land Development Code provisions on this subject. Mr. Wiggins detailed that the Building Ordinance will cover wiring, amperage, breaker sizes and other electrical requirements while the land development covers the number of parking spots required which is a zoning code criteria.

Mr. Apfelbeck made a motion to recommend approval of the language for the EV vehicle readiness Ordinance with the deletion of the exclusive use provision. The motion was seconded by Bruce Thomas and passed by unanimous vote (7-0).

The meeting was adjourned at 5:05pm

Bella Ortiz
Recording Clerk



City Commission agenda item

item type Public Hearings	meeting date January 13, 2021
prepared by Sarah Walter	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of City of Winter Park for:

item list

Ordinance - amending Chapter 98 of the Winter Park Code, prohibiting micromobility devices and the obstruction of streets, right-of-ways and sidewalks by, and regulating the use of, bicycles, electric bicycles, micromobility devices and motorized scooters within the City. (Second Reading)

motion / recommendation

Approve the Ordinance as presented.

background

The micromobility prohibition ordinance's original first reading was approved by the City Commission in June 2020. The ordinance was then revised based on feedback provided by the Transportation Advisory Board in August 2020 and direction given by the City Commission in November 2020. The first reading of the revised micromobility ordinance occurred at the December 2020 City Commission meeting and was approved by the Commission.

The micromobility ordinance presented for second reading and is the same as the first reading; it prohibits micromobility devices from being used or staged within the city limits of Winter Park. A micromobility device is defined as "any motorized transportation device made available for private use by reservation through an online application, website or software for point-to-point trips and which is not capable of traveling at speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined by Florida Statute 316.003 (38)."

The second reading of the ordinance incorporates the following three changes that were requested by the Commission at the first reading in December 2020:

- Modifying "shall" to "may" in Section 98-8 (a).
- Revision of the maps to show Interlachen Avenue within the boundaries of the Central Business District in Section 98-2 - Definitions.
- Revision of the map for the Orange Avenue District boundaries to match the written description in Section 98-2 - Definitions.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[WP_Micromobility_Ordinance_DRAFT_Second_Reading__Clean__2021.01.13 \(3\).doc](#)

ATTACHMENTS:

[WP_Micromobility_Ordinance_DRAFT_Second_Reading__Red_Line__2021.01.13 \(2\).doc](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 98 OF THE WINTER PARK CODE PROHIBITING MICROMOBILITY DEVICES AND THE OBSTRUCTION OF STREETS, RIGHT-OF-WAYS AND SIDEWALKS BY, AND REGULATING THE USE OF, BICYCLES, ELECTRIC BICYCLES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the passage of HB 453 and HB 971 have expanded the rights of electric bicycle, motorized scooter and micromobility device operators within the state and expanded the areas where electric bicycle, micromobility device and motorized scooter operators may operate these devices under Section 316.2128 and Section 316.20655, Florida Statutes; and

WHEREAS, Section 316.2128, Florida Statutes provides operators of motorized scooters and micromobility devices with the same rights and duties of the operator of a bicycle; and

WHEREAS, Section 316.20655, Florida Statutes provides operators of electric bicycles the same rights and duties as the operator of a bicycle; and

WHEREAS, operation of electric bicycles, micromobility devices and motorized scooters is not compatible with the uses and activities within the Central Business District, the Hannibal Square Neighborhood Commercial District and the Orange Avenue District as defined by Article I, Chapter 58 of the Comprehensive Plan due to high volumes of pedestrian and vehicle traffic; and

WHEREAS, electric bicycles, micromobility devices, motorized scooters and bicycles parked improperly create dangerous conditions for pedestrians, particularly the disabled residents of the City; and

WHEREAS, Section 316.2128, Florida Statutes expressly reserves local authority and jurisdiction to regulate micromobility devices and motorized scooters to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, Section 316.20655 Florida Statutes expressly reserves local authority and jurisdiction to regulate electric bicycles within certain areas to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, the City recognizes that Section 316.008(1)(a), Florida Statutes authorizes municipalities to regulate or prohibit “stopping, standing, or parking,” that Section 316.008(1)(h), Florida Statutes authorizes municipalities to regulate bicycles, that Section 316.008(1)(n), Florida Statutes authorizes municipalities to prohibit or regulate the use of “heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic”; and

WHEREAS, the City recognizes that Section 316.008(7)(a), Florida Statutes authorizes municipalities to “permit, control, or regulate” vehicles operating on sidewalks including micromobility devices, bicycles, and motorized scooters; and

WHEREAS, the City recognizes the First District Court of Appeals recently upheld a total prohibition on motorized scooter rentals within the City of Panama City Beach in *Classy Cycles, Inc. v. Pan. City Beach*, 2019 Fla. App. LEXIS 16995; and

WHEREAS, the City finds a comprehensive regulatory scheme is necessary to mitigate the risks and dangers posed by electric bicycles, motorized scooters and micromobility devices within the City; and

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

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings and legislative intent of the City Commission of the City of Winter Park

SECTION 2: Amendment. That Chapter 98 “Traffic and Vehicles” of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 98. Traffic and Vehicles.

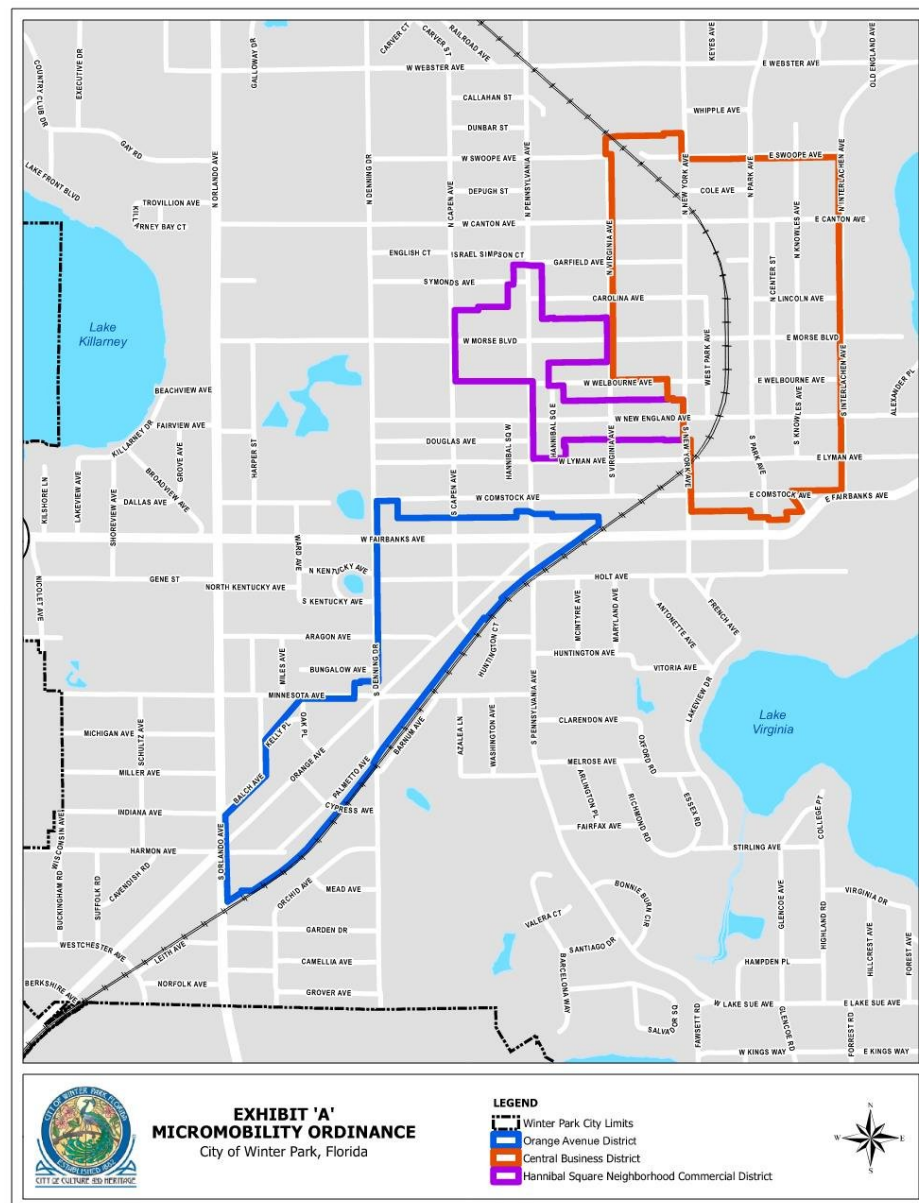
Article I. – In General

Sec. 98-2. – Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except when the context otherwise requires. Whenever any words and phrases used in this chapter are not defined in this section but are defined in the state laws regulating the operation of vehicles, any such definition in state law shall be deemed to apply to such words and phrases used in this chapter, except when the context otherwise requires.

Bicycle means every vehicle propelled solely by human power having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include an electric bicycle, motorized scooter or similar device.

Central Business District shall have the same meaning as defined within the maps of the Central Business District adopted in the definitions section of the Comprehensive Plan of the City, article I, chapter 58 and is generally that part of the city bordered by Webster Avenue on the north, Interlachen Avenue on the east, Fairbanks Avenue on the south and New York Avenue on the west.

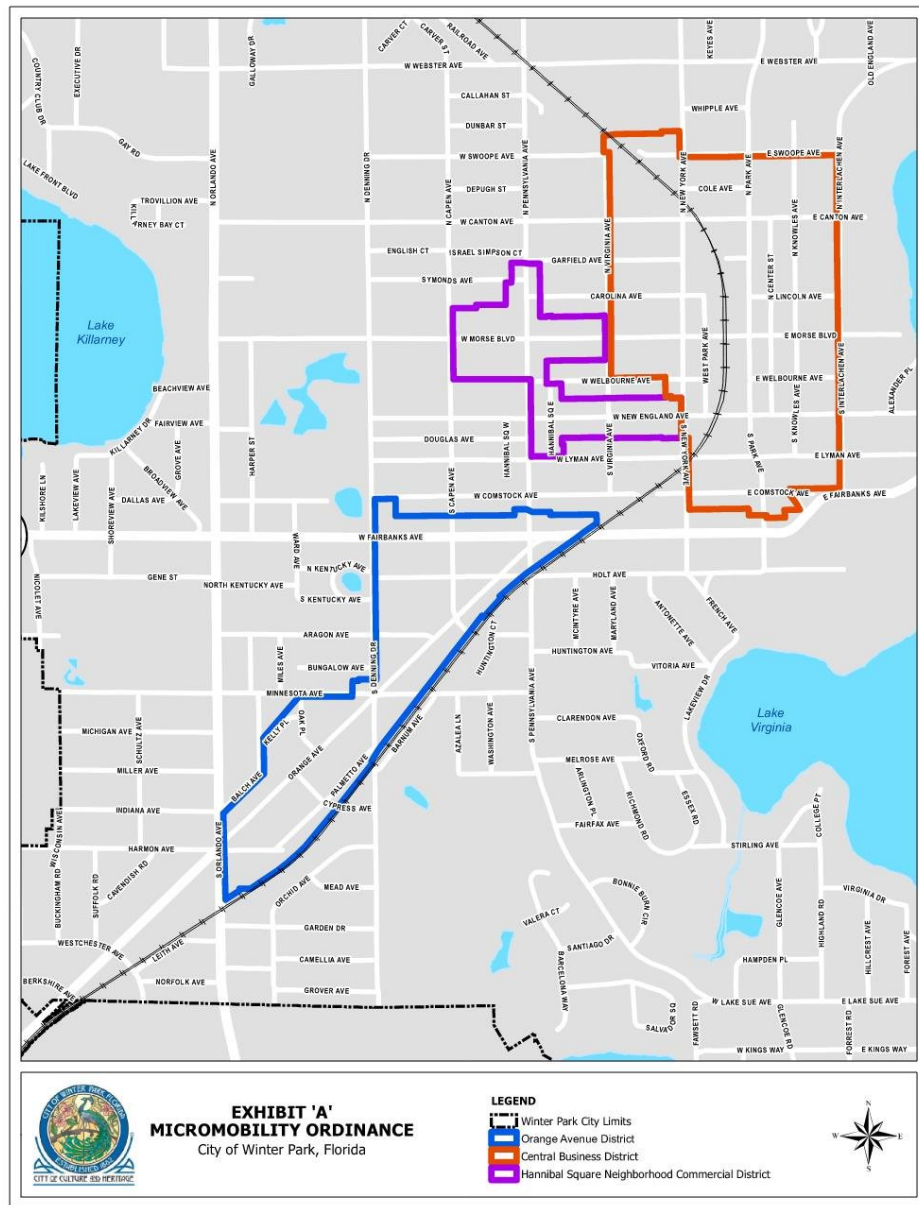


Commercial vehicle means every vehicle designed, maintained or used primarily for the transportation of property and which displays lettering thereon advertising the owner of the vehicle.

Electric Bicycle means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts. This definition includes all classes of Electric Bicycle under Section 316.003(22), Florida Statutes (2020).

Freight curb loading zone means a space adjacent to a curb for the exclusive use of commercial vehicles during the loading or unloading of freight.

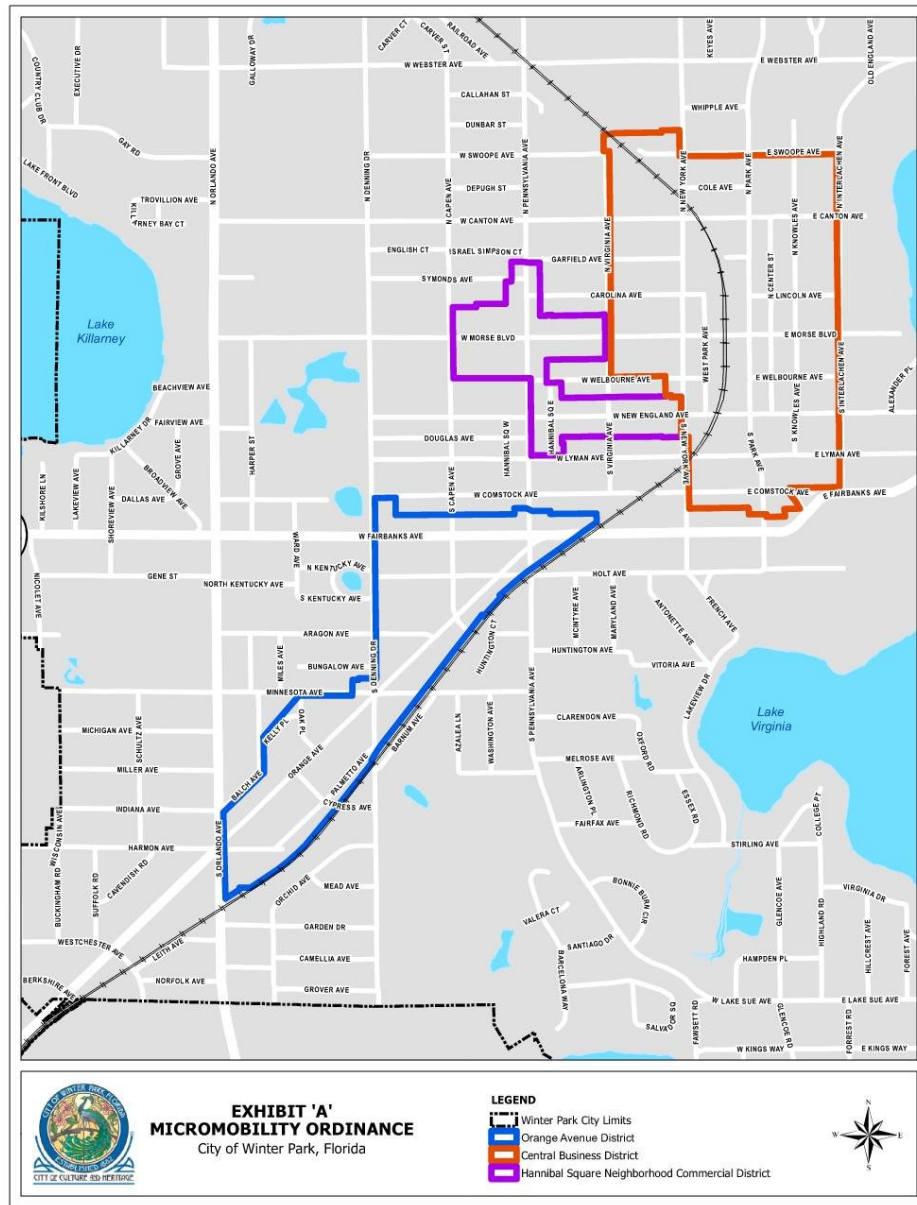
Hannibal Square Neighborhood Commercial District shall have the same meaning as defined within the maps of the Hannibal Square Neighborhood Commercial District adopted in the definitions section of the Comprehensive Plan of the City, article I, chapter 58 and is generally that part of the city fronting on New England Avenue, Hannibal Square, Morse Boulevard and Pennsylvania Avenue.



Motorized scooter means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(45).

Micromobility device means any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(38). This term includes motorized scooters and bicycles as defined by Fla. Stat. § 316.003.

Orange Avenue District shall consist of the frontages along Orange Avenue between Orlando Avenue and Fairbanks Avenue as well as the frontages along Fairbanks Avenue between Denning Drive and the SunRail crossing east of Pennsylvania Avenue.



Parkway means that portion of a street not designated or intended for the use of pedestrians and located between the curb and the adjacent property lines or between the edge of pavement and the adjacent property lines where there is no curb or between the established vehicular traveled way and the adjacent property lines on unpaved streets.

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Right-of-way means property owned or controlled by the City or other governmental entity over which the public has a right of passage, including, without limitation, the streets, parkways, paths, alleys, sidewalks, and driveways constructed thereon.

Sidewalk means that portion of a right-of-way between the curbline, or the lateral line, of a roadway and the adjacent property lines, that is improved for intended use by pedestrians or by bicycles in areas designated for bicycle use.

Stage or Staging means the parking and/or placing of electric bicycles, micromobility devices or motorized scooters on a right-of-way, within a public park or on other public property for the purpose of advertising or displaying such micromobility devices to the general public for use or rental.

Traffic division means the traffic division of the police department or, if a traffic division is not established, the term shall be deemed to refer to the police department.

Sec. 98-6. – Bicycle, electric bicycle and motorized scooter riding.

- (a) Official bike paths may be used in lieu of city streets where available and so long as their use will not endanger the safety of pedestrians.
- (b) It shall be unlawful for any person to ride a bicycle, electric bicycle or motorized scooter upon any sidewalk within the Central Business District central-business district of the city, Hannibal Square Neighborhood Commercial District or Orange Avenue District. ~~without limitation or exception.~~
- (c) It shall be unlawful to operate any bicycles, electric bicycles or motorized scooters upon any sidewalk adjacent to or within any sidewalk cafe as defined by Chapter 90, Article VI.

Sec. 98-7. – Bicycles, micromobility devices, electric bicycles and motorized scooters obstructing streets or sidewalks.

No bicycle, electric bicycle, micromobility device or motorized scooter shall be parked, staged, abandoned or otherwise left upon any street, right-of-way or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians, or to obstruct any stopping or parking space.

Sec. 98-8 – Micromobility devices.

- (a) *Prohibition.* It shall be unlawful to operate any micromobility device upon the roadways, sidewalks, bicycle paths or rights-of-way of the City unless expressly permitted by Section 98-6. See definition of micromobility devices in Section 98-2.

Sec. 98-9. – Electric Bicycles.

- (a) Electric bicycles must comply with all regulations under Florida law and this Code applicable to bicycles.

Sec. 98-10. – Micromobility device and motorized scooter staging.

It shall be unlawful to stage electric bicycles, micromobility devices and motorized scooters within the limits of the City.

Sec. 98-11. – Violations.

The City is authorized to establish civil penalties for violations of this Chapter pursuant to the "Schedule of City of Winter Park Service and User Fees and Charges" adopted by the City Commission from time to time, and persons or entities in violation of this Chapter or any part thereof shall be subject to such prescribed penalties. In addition, the City shall have the right to enforce this Chapter or any portion thereof through any remedies available at law and in equity, including, without limitation, injunctive relief.

Sec. 98-~~8~~12. - Electric vehicle charging station spaces.

Secs. ~~98-9~~ 98-13 – 98-30. – Reserved.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Park Code or Ordinances, and the sections of this Ordinance and Article I may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2021.

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk

ORDINANCE NO. _____

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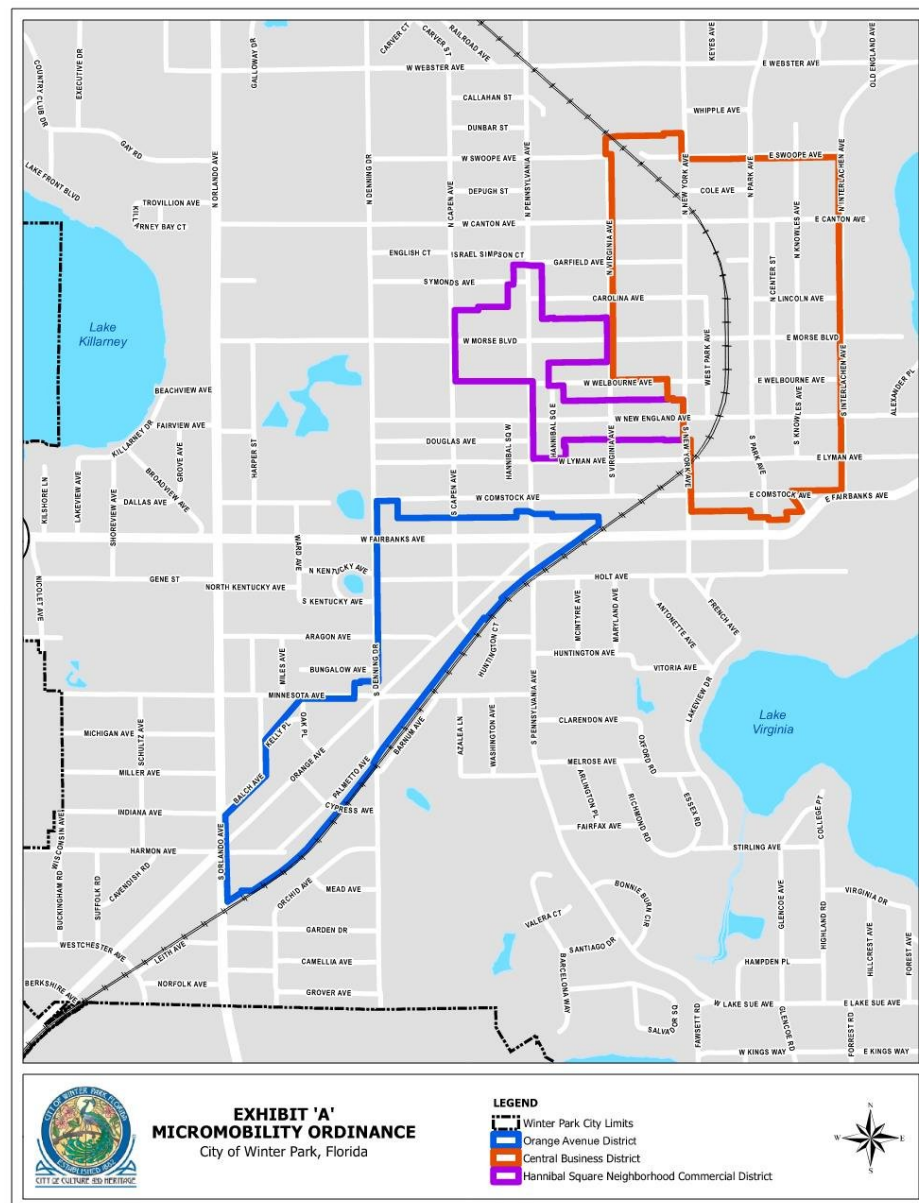
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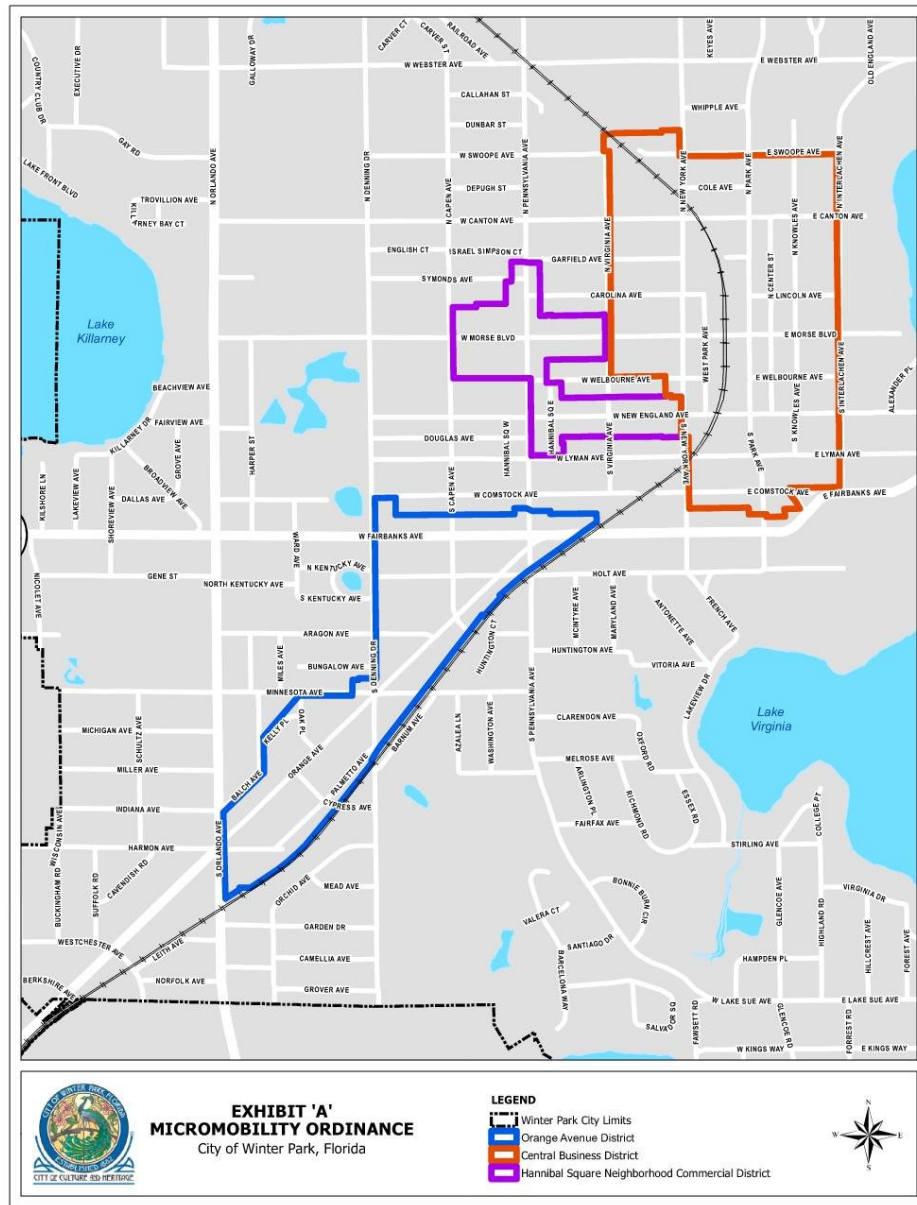
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ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2021.

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk