



# Planning & Zoning Board Regular Meeting

## Agenda

**September 6, 2022 @ 6:00 pm**

City Hall Commission Chambers  
401 S. Park Avenue

### welcome

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

### assistance & appeals

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

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

### please note

Times are projected and subject to change.

**1. Call to Order****2. Consent Agenda**

- a. [Approval of the July 5, 2022 Meeting Minutes.](#) 1 minute

**3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker****4. Public Hearings**

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

- a. [SPR #22-11. Request of Michael John & Rita G Barko.](#) 5 minutes  
Request of Michael John & Rita G Barko for approval to construct a new, one-story, 2,562 sq. ft., single-family home located at 2064 Lake Drive on Lake Killarney, zoned R-1A.
- b. [SPR #22-12. Request of Andy Sturup with M. Lahr Homes on behalf of the homeowners David and Julia McKillen.](#) 10 minutes  
Request of Andy Sturup of M. Lahr Homes on behalf of the homeowners David and Julia McKillen to construct a new, two-story, 4,709 square-foot, single-family home located at 1747 Barcelona Way on Lake Sue, zoned R-1AAA.
- c. [CU#22-07 Request of Winter Park Town Center LTD.](#) 10 minutes  
Request Winter Park Town Center LTD for Conditional Use approval is requested to redevelop the Ruth Chris restaurant pad within the Winter Park Village (490 N. Orlando Avenue) with a one-story, 16,186-square-foot building with a 6,138-square-foot outdoor patio for an Arhaus furniture store, zoned C-1.
- d. [Request of the City of Winter Park and the Elevation Plaza LLC for: Ordinances to amend the Comprehensive Plan Future Land Use map and zoning map from Institutional \(PQP\) to Office \(O-1\) on a portion of the property at 631 N. New York Avenue and to change from Office \(O-1\) to Institutional \(PQP\) on a portion of the property at 507 N. New York Avenue as part of a swap of properties.](#) 20 minutes
- e. [Request of the City of Winter Park for an Ordinance to update and modernize the Stormwater Retention code.](#) 20 minutes

**5. Action Items****6. Non-Action Items**

- 7. Staff Updates**
- 8. Board Comments**
- 9. Upcoming Agenda Items**
- 10. Adjournment**



## Planning & Zoning Board

# agenda item

|                     |                |              |                   |
|---------------------|----------------|--------------|-------------------|
| item type           | Consent Agenda | meeting date | September 6, 2022 |
| prepared by         | Mary Bush      | approved by  |                   |
| board approval      | Completed      |              |                   |
| strategic objective |                |              |                   |

### subject

Approval of the July 5, 2022 Meeting Minutes.

### motion / recommendation

### background

### alternatives / other considerations

### fiscal impact

### ATTACHMENTS:

[P&Z July 5, 2022 Draft Meeting Minutes.pdf](#)





# Planning & Zoning Board Regular Meeting Minutes

July 5, 2022 at 6:00 p.m.

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

## Present

Present: Richard James, Melissa Vickers, David Bornstein, Vashon Sarkisian, Michael Spencer, and Jim Fitch. Absent: Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Jeff Briggs, Planner I Nicholas Lewis, Planning Technician Aaron Hull, and Recording Secretary Mary Bush.

## (1) Call to Order

Chairman Richard James called the meeting to order at 5:59 p.m.

## (2) Consent Agenda

### Approval of Minutes:

Motion made by Richard James, seconded by Michael Spencer to approve the June 7, 2022 meeting minutes.

**Motion carried unanimously with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)**

## (3) Staff Updates

Mr. Briggs noted that at the next work session, scheduled for July 12, 2022, the modernization of the City's single-family zoning regulations will be discussed. Brief discussion ensued about the City Commission's request for staff updates to the single-family residential zoning rules. Mr. Briggs also noted that the staff from the City's Urban Forestry department will be at the work session to discuss updating the City's tree ordinance.

Attorney Langley mentioned that one half of the Orange Avenue Overlay (OAO) litigation has been mostly concluded at this point. He noted that the proceeding for the challenge to the Comprehensive Plan amendment has run its course and a judgement for a recommended order in favor of the City was rendered by the judge for the case. He also noted that a final order is expected from the Department of Economic Opportunity within a week. Once the order comes through, hopefully consistent with the recommended order of the Comprehensive Plan amendment, the OAO will be effective as well as the Land Development Code regulations.

Mr. Spencer inquired about the status of the City's consultant to which Mr. Briggs responded that the contract has been approved and the consultant has already started on the assignment.

## (4) Public Comments (for items not on Agenda)

No one from the public wished to speak. The public hearing was closed.

## (5) Non-Action Items

No non-action items.

## (6) Action Items

No action items.

## (7) Public Hearings

- SUB #22-05: Request of Marilyn King for Subdivision approval to split the property at 358 Virginia Drive, zoned R-1AA.

Mr. Briggs provided the Board a brief summary of the request. He presented to the Board an area map and proposed site plan of the property. He noted that lots #3 and #6 are combined and there are individual houses on lots #1 and #8. He added that the applicant wants to separate a portion of their lot #7 as an individual future building lot. Mr. Briggs then presented photos of the existing house and the vacant rear portion of the property. He explained that the applicant plans to split off the rear of the property approximately 133 feet to create a 15,333 square foot lot in the rear, leaving an approximate 23,300 square foot lot in the front along Virginia Drive. He then reviewed the minimum requirements for the R-1AA zoning for the property, the floor-area-ratio (FAR), and the impervious coverage. He noted that the new lot line is within five feet of the existing guest house, so the applicant was requesting a variance of five feet in lieu of the required 25 foot setback. Mr. Briggs indicated that the applicant agreed to historically designate the existing home in consideration of the requested variance. He then stated that the request exceeds the subdivision code required comparison to the lots within a 500 foot radius of the property.

Staff recommendation was for approval.

No one from the public wished to speak. The public hearing was closed.

**Motion made by Michael Spencer, seconded by David Bornstein, for Subdivision approval to split the property at 358 Virginia Drive, zoned R-1AA.**

**Motion carried with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)**

- ZTA #22-01: Request of the City of Winter Park for an Ordinance of the City of Winter Park, Florida, amending Chapter 58 “Land Development Code” Article III, “Zoning Regulations” Section 58-72 “Office (O-1) District” and Section 58-76 “Commercial (C-3) District” so as to amend the development standards regarding setbacks.

Mr. Briggs provided the Board a brief summary of the request. He explained staff’s reasoning for modifying the code language regarding setbacks.

He then briefly discussed the background of the following proposed ordinance changes:

- in office (O-1) zoning, establish 10 foot front setback on W. Fairbanks Avenue to be consistent with Commercial (C-3) setbacks,
- amend rear setback in O-1 and C-3 zoning from 30 feet to 10 feet, if not adjacent to residential,
- and remove side setback variance authority for P&Z.

Mr. Briggs noted that since there have been minimum development proposals received, staff has been able to take a look at the codes to update them at this time.

Staff recommendation was for approval.

The Board briefly inquired about the following:

- if the rear setback issue was throughout the code or only with regard to West Fairbanks,
- clarification on the front setback for O-1 zoning,
- if the proposed ordinance changes would affect any existing buildings, businesses or offices,
- and how parking would be addressed with the ordinance changes.

The Board heard public comment from the following resident:

Zach Stovall of 1877 Karolina Avenue, Winter Park, FL 32789 addressed the Board. Mr. Stovall spoke on concerns regarding the rear setback changes possibly causing a closer proximity of commercial buildings and parking to the homes in the area.

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

Mr. Briggs noted to the Board that on the north side of Fairbanks, the commercial lots are only about 50 feet deep, so it would be very difficult to get someone to agree to tear down a 3,000 square foot building just to build another 3,000 square foot building. He explained that the only economic incentive would be that they

can build something bigger by using the property behind them that fronts on Karolina Avenue. The Comprehensive Plan says that the City will consider rezoning only to parking lot (PL), in which the building will have to be located on the commercial frontage and the rear of the property can be a parking lot but with protections for the neighbors behind it. Mr. Briggs briefly described the protections.

The Board briefly discussed the item and inquired if any feedback to the request had been received by staff from the neighborhood and general public, clarification of the 30 foot setback requirement, how the amount of parking spaces is determined for the PL zoning, and if staff has had any complaints from the public about the required landscape screening.

**Motion made by David Bornstein, seconded by Michael Spencer, for approval of an Ordinance of the City of Winter Park, Florida, amending Chapter 58 "Land Development Code" Article III, "Zoning Regulations" Section 58-72 "Office (O-1) District" and Section 58-76 "Commercial (C-3) District" so as to amend the development standards regarding setbacks.**

**Motion carried with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)**

- ZTA #22-02: Request of the City of Winter Park for an Ordinance to codify the charter amendments approved by referendum on March 8, 2022.

Mr. Briggs provided the Board a brief summary of the request. He noted that the amendments are already in effect but staff felt that people who look at the City's codes and research them through Municode, may not think to go to the charter to find the special provisions, so they should be referenced in the Comprehensive Plan and zoning code chapters that cover how to make amendments. Mr. Briggs explained that staff used the exact language that was previously approved by the voting public and added it into the ordinance to codify it within the two chapters. He then went into detailed discussion about what currently needs four votes to be passed.

Staff recommendation was for approval.

Chairman James noted to staff that on page 32 of the meeting's agenda packet, under the changes to Section 58-89, one "planning and zoning commission" was left in without striking out the word "commission".

No one from the public wished to speak. The public hearing was closed.

**Motion made by Michael Spencer, seconded by David Bornstein, for approval of an Ordinance of the City of Winter Park, Florida, amending Chapter 58 "Land Development Code" Article III, "Zoning Regulations" Section 58-72 "Office (O-1) District" and Section 58-76 "Commercial (C-3) District" so as to amend the development standards regarding setbacks.**

**Motion carried with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)**

## **(8) Board Comments**

No Board Comments.

## **(9) Upcoming Agenda Items**

No discussion ensued on upcoming agenda items.

## **(10) Adjournment**

Meeting adjourned at 6:43 p.m.

/s/ Recording Secretary Mary Bush



## Planning & Zoning Board

# agenda item

|                                                                                                            |                                                    |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>item type</b> Public Hearings<br>(Public participation and comment on these matters must be in-person.) | <b>meeting date</b> September 6, 2022              |
| <b>prepared by</b> Aaron Hull                                                                              | <b>approved by</b> John Harbilas, Allison McGillis |
| <b>board approval</b> Completed                                                                            |                                                    |
| <b>strategic objective</b>                                                                                 |                                                    |

### subject

SPR #22-11. Request of Michael John & Rita G Barko.

### item list

Request of Michael John & Rita G Barko for approval to construct a new, one-story, 2,562 sq. ft., single-family home located at 2064 Lake Drive on Lake Killarney, zoned R-1A.

### motion / recommendation

Staff recommendation is for approval.

### background

Michael & Rita Barko request approval to construct a new, one-story, 2,562 square-foot, single-family home at 2064 Lake Drive on Lake Killarney. The property is zoned R-1A and is 26,812 square feet in size. The proposed impervious lot coverage of 3,333 square feet is 12% of the total lot and is under the maximum 50% as the Code allows. In the R-1A zoning district, the base maximum Floor Area Ratio is 33%, with an allowance of up to 38% for increased side-yard setback standards. The maximum total gross floor area allowed is 10,189 square feet. However, the applicant proposes a home with a total gross floor area of 2,334 square feet. This equates to a FAR of 9%. An ingress/egress easement on the Northwest corner of the property has a shared driveway between 1800 Boitnott Lane, 2056 Lake Drive, and the applicant's property. The ingress/egress easement was created on June 3, 1971, and allows for the shared paved driveway to be connected to the public street for the abovementioned properties. The applicant is aware of the easement, and the construction of the proposed home will not encroach on the egress/ingress easement.

Lakefront Lot Review Criteria:

Tree Preservation

The purpose and intent of the lakefront lots section of the Code state that existing trees shall be preserved to the degree reasonably possible. This lot will save numerous trees, and the only trees to be removed include some palms along the shoreline. The builder has contacted Urban Forestry regarding tree preservation and has received approval for the trees planned to be removed.

#### View from the Lake

The Code direction is to minimize the height and extent of stem walls or retaining walls facing the lake. Generally, the policy does not permit walls/swimming pool decks facing the lake in excess of three feet in height. This plan complies with that provision. The issues that we typically deal with about grades and pool decks/retaining walls are not present in this case because the lot is relatively flat.

#### View of Neighbors

The Code direction is to minimize the degradation of traditional views across properties by new homes, additions, second-story additions, etc., along property lines toward the lake that may block traditional views. The average lakefront setback of the two adjoining homes is 60 feet. This proposed home will have a setback to the house of 63 feet. A large portion of the rear yard is to remain open, mitigating any visual impact to the adjoining neighbors.

#### Stormwater Retention

The Code requires the retention of stormwater. The amount of impervious surface on the lot determines the needed depth/size of the retention. The applicant proposes a swale retention area along the lakefront (as they have ample land to accomplish this). There is also ample space in the side setbacks to convey the rainfall down the lot to this retention area. They will meet the stormwater retention criteria. Summary Overall, the plans meet the intent of the lakefront review criteria. The rear setback is more significant, leaving a bit more lakefront yard and a large portion of the rear yard to remain open, mitigating any visual impact to the adjoining neighbors. To that extent, the proposed impervious coverage is 48% less than the maximum allowed by the Code is beneficial.

### **alternatives / other considerations**

#### **fiscal impact**

#### **ATTACHMENTS:**

[Survey.pdf](#)

ATTACHMENTS:  
[Grading Plan.pdf](#)

ATTACHMENTS:  
[Plan Set.pdf](#)

ATTACHMENTS:  
[Lakefront Site Plan Review Table for 2064 Lake Drive.pdf](#)

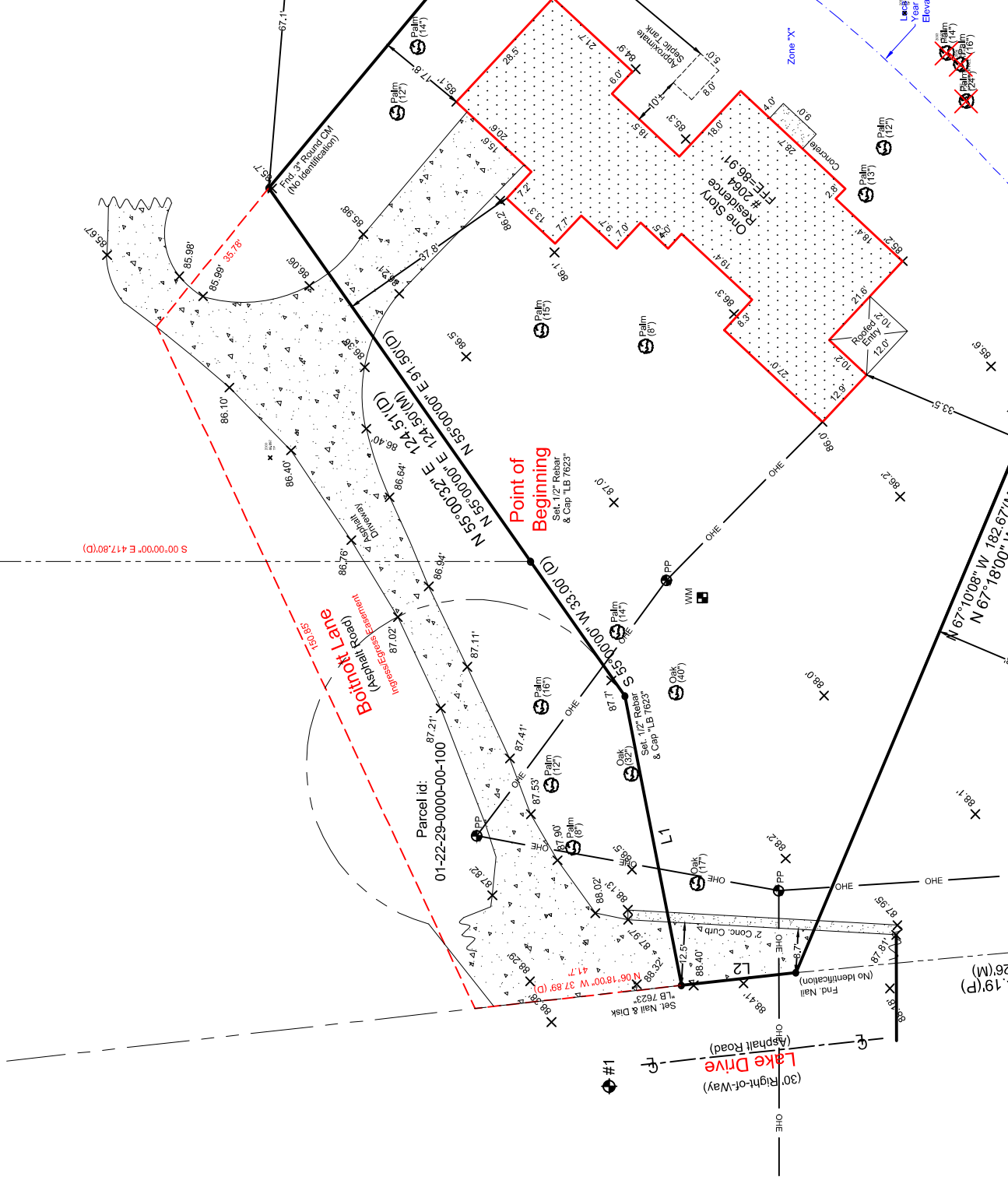
ATTACHMENTS:  
[Easement.pdf](#)

ATTACHMENTS:  
[Rita & Mike Barco Deed 2021.pdf](#)

ATTACHMENTS:  
[Rita & Mike Barco deed #2.pdf](#)

**Point of Commencement**

NW Corner of Lot 4, Lord's  
Subdivision, PB P, PG 89  
Calculated Corner,  
Not Located



Legal Description:

DESCRIPTION LA AN EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER THE FOLLOWING DESCRIBED PARCEL OF LAND: THAT PART OF THE NORTHWEST ¼ OF THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 22 SOUTH, RANGE 90 EAST, AND THAT PART OF LOT 4, LORD'S SUBDIVISION, AS RECORDED IN PLAT BOOK "P" PAGE 88, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, WHICH IS DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF SAID LOT 4, LORD'S SUBDIVISION, RUN SOUTH 417.8 FEET FOR THE POINT OF BEGINNING; THENCE RUN NORTH 55 DEGREES EAST 91.5 FEET; THENCE SOUTH 65 DEGREES WEST 190.85 FEET; THENCE SOUTH 06 DEGREES 19'08" WEST 130.00 FEET; THENCE NORTH 78 DEGREES EAST 50.06 FEET; THENCE NORTH 55 DEGREES EAST 33.0 FEET TO THE POINT OF BEGINNING. DESCRIPTION # 2 THAT PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 20 EAST AND THAT PART OF LOT 4, LORD'S SUBDIVISION, AS RECORDED IN PLAT BOOK "P" PAGE 88, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, WHICH IS DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF SAID NORTHWEST ¼ OF THE SOUTHWEST ¼, RUN SOUTH 417.80 FEET FOR THE POINT OF BEGINNING; THENCE RUN NORTH 55 DEGREES WEST 190.85 FEET; THENCE SOUTH 06 DEGREES 19'08" WEST 130.00 FEET; THENCE NORTH 78 DEGREES EAST 50.06 FEET; THENCE NORTH 55 DEGREES EAST 33.0 FEET TO THE POINT OF BEGINNING. EAST 35 FEET TO THE POINT OF BEGINNING.

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OF WINTER PARK, FLORIDA, THE PROPERTY IS LOCATED IN ZONE X AND AS THIS PROPERTY WAS FOUND IN CITY OF WINTER PARK, COMMUNITY NUMBER 120188, DATED 09-25-2009.

IMPERVIOUS AREA TABULATION

- 26,812.48 SF (TOTAL OF SUBJECT PARCEL AREA)
- 212,381.12 SF (IMPERVIOUS DRIVEWAY AREA)
- 27,213.38 SF 5.06% (IMPERVIOUS HOUSE & ADJACENT CONCRETE)
- 3333 SF 6.95% (IMPERVIOUS AREA PROPOSED)

NOTES STORM WATER SITE PLAN

1. ALL % INFORMATION IS FROM THE TOTAL OF SUBJECT PARCEL AREA.
2. ALL SF INFORMATION IS INSIDE THE SUBJECT PARCEL AREA.
3. DRAINAGE EASEMENTS SHALL NOT CONTAIN PERMEABLE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO SIDEWALKS, DRIVEWAYS, IMPERVIOUS SURFACES, PATIOS, DECKS, POOLS, AIR CONDITIONERS, STRUCTURES, UTILITIES SHEDS, POLES FENCES, SPRINKLER SYSTEMS, TREES, SHRUBS, HEDGES, AND LANDSCAPING PLANTS OTHER THAN GRASS, EXCEPT FOR THE LANDSCAPING OF STORMWATER DETENTION AND RETENTION PONDS AS REQUIRED BY THE CODE.

VOLUME REQUIRED:

CITY OF WINTER PARK REQUIRES TO RETAIN:

2.0 INCH OF WATER OVER THE IMPERVIOUS AREA  
 $3.333 \times 2.0/12 = 555.5$  CF  
(AREAS WHICH OVERFLOW TO ADJACENT PROPERTIES)

PROJECT AREA = 26,812.48 SF  
MAX. IMPERVIOUS AREA (50%) = 13,406.24  
REQUIRED VOLUME TO BE RETAINED = 2,234 CF  
(BASED ON MAX. IMP.)

REQUIRED VOLUME TO BE RETAINED = 555.5 CF

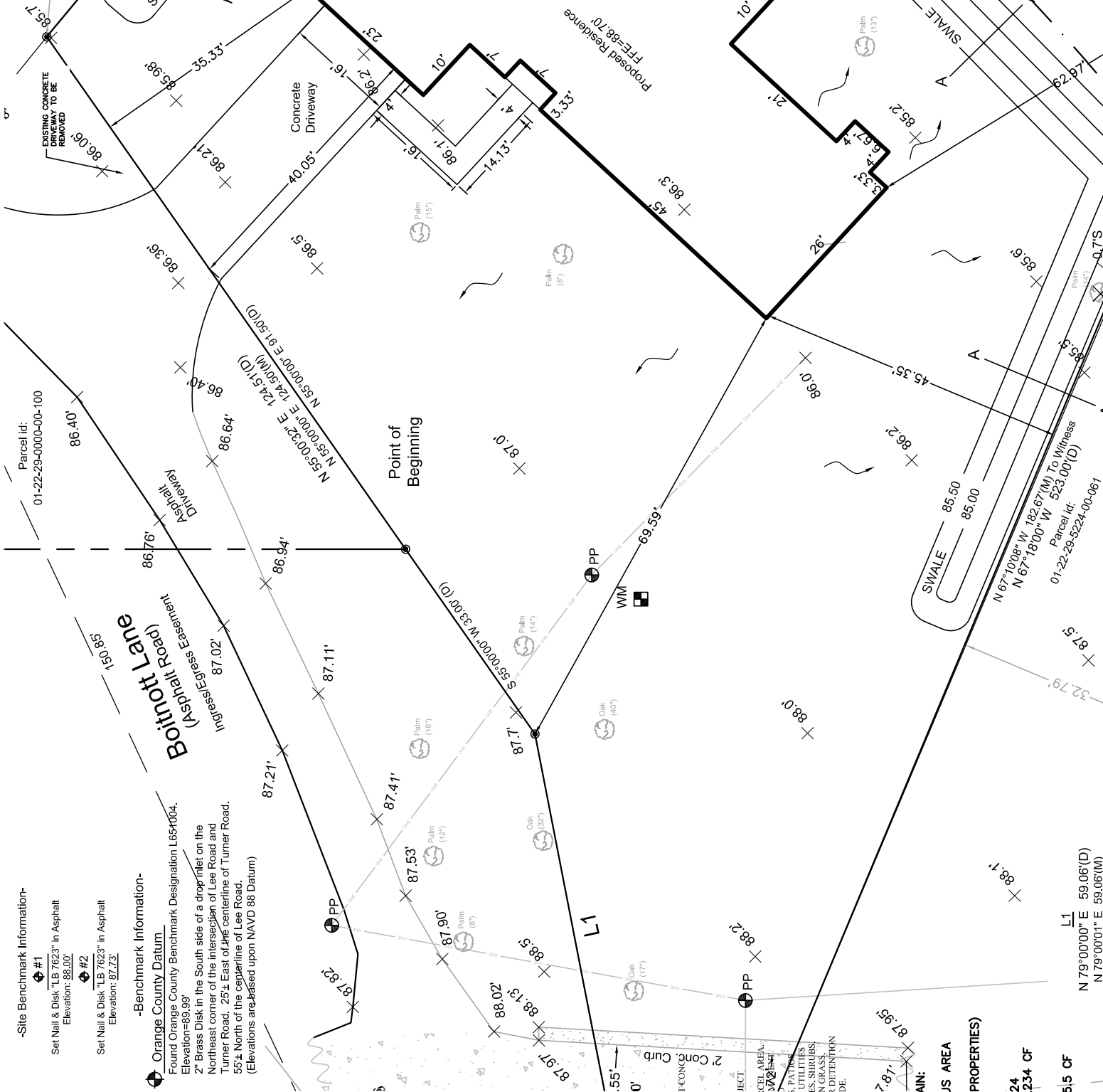
VOLUME PROVIDED:

-Site Benchmark Information-

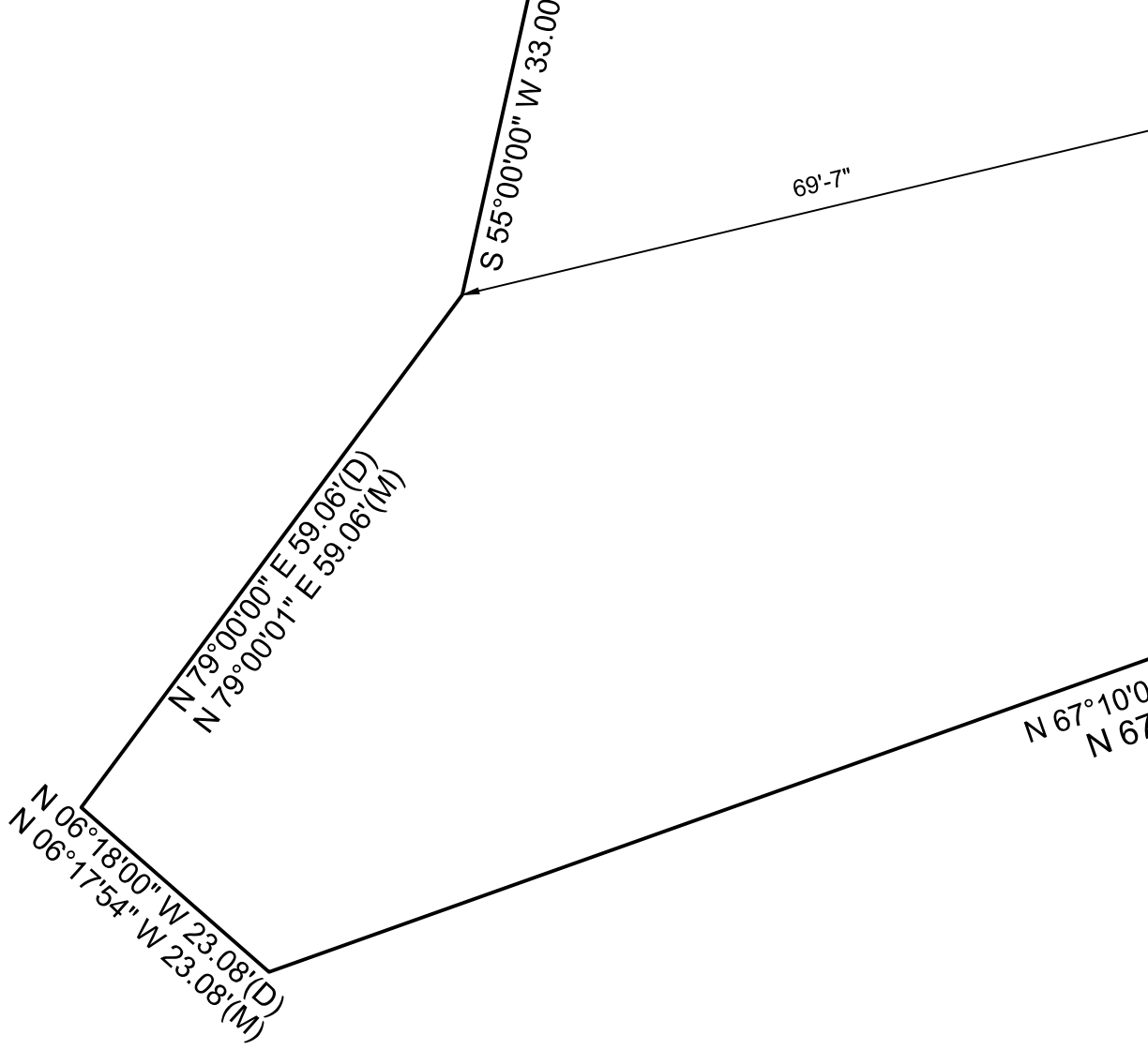
- #1  
Set Nail & Disk "LB 7623" in Asphalt  
Elevation: 88.00'
- #2  
Set Nail & Disk "LB 7623" in Asphalt  
Elevation: 87.73'

-Benchmark Information-

Orange County Datum  
Found Orange County Benchmark Designation L651004.  
Elevation=88.99'  
2" Brass Disk in the South side of a dropinlet on the Northeast corner of the intersection of Lee Road and Turner Road. 25'± East of the centerline of Turner Road. 55'± North of the centerline of Lee Road.  
(Elevations are based upon NAVD 86 Datum)







ABBREVIATIONS

|        |                       |
|--------|-----------------------|
| AB     | ANCHOR BOLT           |
| A.F.F. | ABOVE FINISH FLOOR    |
| ADJ    | ADJACENT              |
| AL     | ALUMINUM              |
| ARCH   | ARCHITECTURAL         |
| ATT    | ATTACHED              |
| BD     | BOARD                 |
| BLDG   | BUILDING              |
| BM     | BEAM                  |
| BOT    | BOTTOM                |
| BLKG   | BLOCKING              |
| BRG    | BEARING               |
| CJ     | CONTROL JOINT         |
| CL     | CENTERLINE            |
| CMU    | CONCRETE MASONRY UNIT |
| COL    | COLUMN                |
| CONC   | CONCRETE              |
| COND   | CONDITION             |
| CONT   | CONTINUOUS            |
| CONST  | CONSTRUCTION          |
| CSK    | COUNTERSINK           |
| C.O.   | CASED OPENING         |
| C.T.   | CERAMIC TILE          |
| CLG    | CEILING               |
| C.M.   | CROWN MOULD           |
| C.R.   | CHAIR RAIL            |
| DDRYER |                       |
| d      | PENNY                 |
| DBL    | DOUBLE                |
| DET    | DETACHED              |
| DJA    | DIAMETER              |
| DIR    | DIRECTION             |
| DN     | DOWN                  |
| DR     | DOOR                  |
| DW     | DISHWASHER            |
| DWG    | DRAWING               |
| DS     | DOWNSPOUT             |
| DTL    | DETAIL                |
| EA     | EACH                  |
| EXP JT | EXPANSION JOINT       |
| ELEC   | ELECTRICAL            |
| EL     | ELEVATION             |
| EQ     | EQUAL                 |

|          |                               |
|----------|-------------------------------|
| JT       | JOINT                         |
| KSI      | KIPS PER SQUARE INCH          |
| LT       | LIGHT                         |
| LV       | LOUVER                        |
| LT       | LAUNDRY TUB                   |
| MAS      | MASONRY                       |
| MATL     | MATERIAL                      |
| MAX      | MAXIMUM                       |
| MECH     | MECHANICAL                    |
| MIN      | MINIMUM                       |
| MET      | METAL                         |
| (N.T.S.) | NOT TO SCALE                  |
| OC       | ON CENTER                     |
| OD       | OUTSIDE DIAMETER              |
| OPNG     | OPENING                       |
| OPT      | OPTIONAL                      |
| OSB      | ORIENTED STRAND BOARD         |
| OZ       | OUNCE                         |
| 1/R      | ONE ROD                       |
| 1/S      | ONE SHELF                     |
| PRCST    | PRECAST                       |
| PREFAB   | PREFABRICATED                 |
| PB       | PARTICLE BOARD                |
| PCBP     | PORTLAND CEMENT BASED PLASTER |
| PL       | PLATE                         |
| PNL      | PANEL                         |
| PLY      | PLYWOOD                       |
| PR       | PAIR                          |
| PROJ     | PROJECT/PROJECTED             |
| PSI      | POUNDS PER SQ. IN.            |
| PSF      | POUNDS PER SQ. FT.            |
| PT       | PRESSURE TREATED              |
| QUAD     | QUADRUPE                      |
| REF      | REFERENCE                     |
| REINF    | REINFORCE-ING-ED              |
| REQD     | REQUIRED                      |
| RM       | ROOM                          |
| RNG      | RANGE                         |
| RGH OPNG | ROUGH OPENING                 |
| R        | RISER                         |
| RND      | ROUND                         |
| R.&S.    | ROD AND SHELF                 |
| SCH      | SCHEDULE                      |

1.3 DESIGN LOADS

1. ROOF DEAD LOADS:

A. TOP CHORD (ROOF)

B. BOTTOM CHORD
2. ROOF LIVE LOADS:
3. DEAD LOAD FOR UPLIFT
4. ATTIC LIVE LOADS:

A. NO STORAGE

B. LIMITED STORAGE

C. HABITABLE WITH STORAGE
5. FLOOR DESIGN LIVE LOAD:

A. SLEEPING ROOM

B. ALL OTHER ROOMS

C. DECK:

D. PASSENGER VEHICLE
6. FLOOR DESIGN DEAD LOAD
7. STAIR DESIGN LIVE LOAD
8. GUARDRAILS AND HANDRAILS:

A. INFILL COMPONENT

B. POINT LOAD APPLICATION

1.4 STRUCTURE CATEGORY

1. BUILDING RISK CATEGORY
2. BUILDING CONSTRUCTION
3. OCCUPANCY CLASSIFICATION
4. WIND SPEED:
5. BASIC WIND SPEED:
6. EXPOSURE:
7. ENCLOSURE CLASSIFICATION
8. INTERNAL PRESSURE COEFFICIENT
9. WIND-BORNE DEBRIS ZONE
10. REFER TO DRAWINGS

1.5 GENERAL

1. CONTRACTOR AND SUB-CONTRACTOR SHALL BE RESPONSIBLE FOR DURING THE COURSE OF CONSTRUCTION, THE MEANS AND METHODS OF CONSTRUCTION, THE ORDER OF BUILDING, ZONING, ELECTRICAL, MECHANICAL, PLUMBING, SHALL VERIFY ALL CODE REQUIREMENTS, THE CONTRACTOR SHALL VERIFY THE PROFESSIONAL OF RECORD SHALL SIGN OFF ON THE ARCHITECT / ENGINEER DRAWINGS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION TO CARRY OUT THE WORK.
2. CONTRACTOR SHALL VERIFY THE PROFESSIONAL OF RECORD SHALL SIGN OFF ON THE ARCHITECT / ENGINEER DRAWINGS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION TO CARRY OUT THE WORK.
3. THE ARCHITECT / ENGINEER SHALL BE RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION TO CARRY OUT THE WORK.

1.2 MATERIAL

- 1. THE SPECIALTY TRUSS MANUFACTURER SHALL DESIGN ALL TRUSSES FOR LOADS SPECIFIED HEREIN. THE TRUSS DESIGN AND FABRICATION OF WOOD TRUSSES SHALL COMPLY WITH TRUSS PLATE INSTITUTE (TPI).
- 2. SHOP DRAWINGS AND CALCULATIONS SIGNED AND SEALED BY A FLORIDA REGISTERED TRUSS ENGINEER SHALL BE SUBMITTED TO THE DESIGN PROFESSIONAL OF RECORD FOR APPROVAL PRIOR TO THE USE FOR THIS PROJECT.
- 3. TRUSSES SHALL BE SHIPPED TO THE JOB WITH THE FOLLOWING MINIMUM DOCUMENTATION SUPPLIED BY THE TRUSS MANUFACTURER:
  - A. GABLE END BRACING DETAILS AND RECOMMENDATIONS
  - B. LATERAL BRACING AND RESTRAINT DETAILS
  - C. CONTINUOUS LATERAL BRACING (CLB) INSTALLATION REQUIREMENTS
  - D. PIGGYBACK INSTALLATION DETAILS
  - E. CONVENTIONAL FRAMED VALLEY DETAIL
  - F. TOE NAIL DETAIL
  - G. TWO-PLY CONNECTION DETAIL

1.3 EXECUTION

- 1. ERECTION OF TRUSSES SHALL BE IN ACCORDANCE WITH BUILDING COMPONENTS SAFETY INFORMATION PUBLICATION, BCSI 1-13. THE ERECTION CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER WOOD TRUSS HANDLING AND FOR PROPER TEMPORARY AND PERMANENT BRACING. TRUSSES SHALL BE MAINTAINED IN PROPER ALIGNMENT AND SHALL NOT BE STRUCTURALLY DAMAGED.
- 2. WOOD TRUSSES SHALL BE INSTALLED AS INDICATED IN THE LAYOUT DOCUMENTS SUPPLIED BY THE TRUSS MANUFACTURER, BUT NOT LESS THAN 2'-0" O.C.
- 3. PERMANENT 2x4 HORIZONTAL BRACING SHALL BE INSTALLED ON TOP OF THE BOTTOM CHORDS OF ALL ROOF TRUSSES WITH SPANS GREATER THAN 10'-0". BRACING SHALL BE NAILED WITH 2-10d NAILS AT EACH TRUSS AND BE SPACED NOT MORE THAN 10'-0" O.C.
- 4. FLOOR FRAMING SHALL BE OF PRE-ENGINEERED FLOOR TRUSSES OR MANUFACTURED LUMBER SPACED AT 2'-0" O.C. MAXIMUM, UNLESS NOTED OTHERWISE ON DRAWINGS.
- 5. FLOOR FRAMING SHALL BE LOCATED TO ACCOMMODATE MECHANICAL LAYOUT.

6.4. FASTENERS

ROOFING

- 1.1 ROOF COVERING SECTION
- 1.2 ROOFS AND WALLS AND WALLS
- 1.3 ROOF COVERING IDENTIFICATION
- 1.4 ASPHALT
- 1.5 FASTENERS COPPER
- 1.6 SHINGLE INTO THE REQUIREMENT FOUR P

8. FINISHES

GYPSUM BOARD

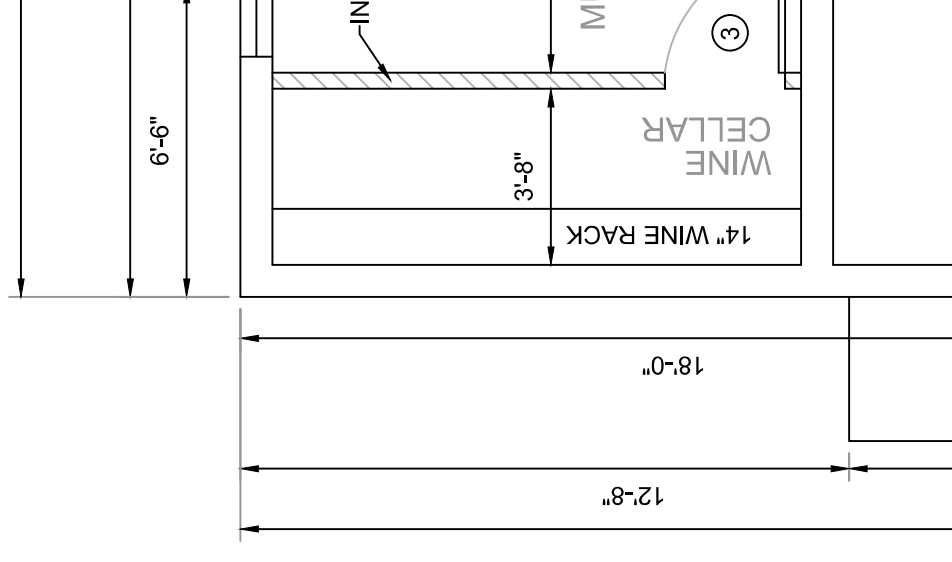
- 1.1 GYPSUM BOARD ABOVE
- 1.2 GYPSUM DESIGN CODE
- 1.3 GYPSUM WHERE PREVA
- 1.4 GYPSUM DIAPHR
- 1.5 WHEN OR WA

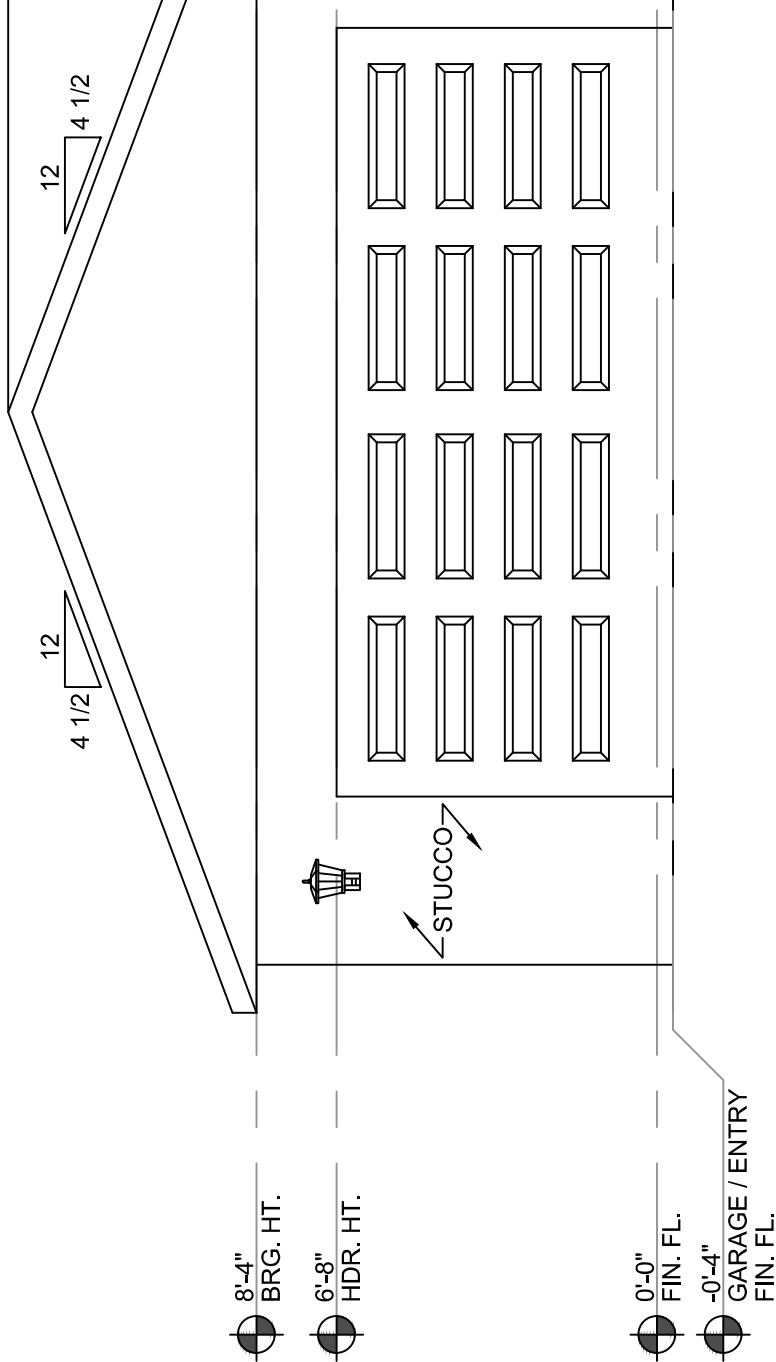
WATER RESISTANT

- 1.1 WATER WITH F
- 1.2 BARRIER AT LEA
- 1.3 THE IN SEPAR

## ROOF VENTILATION REQUIREMENTS

# FLOOR PLAN NOTES





FRONT ELEVATION "A"

SCALE: 1/4" = 1'-0"

| WALL TYPE                                                            | ANCHORING OPTIONS |   |   |   |   |   |   |   |
|----------------------------------------------------------------------|-------------------|---|---|---|---|---|---|---|
|                                                                      | A                 | B | C | D | E | F | G | H |
| EXTERIOR 4" WIDE @ SLAB EDGE, CURB, BOND BEAM, OR STEMWALL           | X                 |   |   | X |   |   |   |   |
| EXTERIOR 6" & WIDER @ SLAB EDGE, CURB OR STEMWALL                    | X                 | X | X | X |   |   |   |   |
| INTERIOR SHEARWALLS. BEARING WALLS SUPPORTING ROOF OR ROOF AND FLOOR | X                 | X | X | X |   |   |   |   |
| INTERIOR BEARING WALLS SUPPORTING FLOOR ONLY                         | X                 | X | X | X | X | X | X | X |

ANCHORAGE METHODS:

A: 1/2" DIA. ANCHOR BOLT (WITH 7" MIN. EMBEDMENT) SPACED AT 32" O.C. MAX. (MAINTAIN A 3" MIN. EMBEDMENT BELOW TOP OF LOWEST ADJACENT SLAB AT STEP-DOWNS OR CURBS).

B: 5/8" DIA. EXPANSION BOLTS (WITH 4" MIN. EMBEDMENT) SPACED AT 32" O.C. MAX. (MAINTAIN A 4" MIN. EMBEDMENT BELOW TOP OF LOWEST ADJACENT SLAB AT STEP-DOWNS OR CURBS), (1800# ALLOWABLE TENSION MIN.)

C: 1/2" DIA. EXPANSION BOLTS (WITH 4" MIN. EMBEDMENT) SPACED AT 24" O.C. MAX, (MAINTAIN A 4" MIN. EMBEDMENT BELOW TOP OF LOWEST ADJACENT SLAB AT STEP-DOWNS OR CURBS), (1200# ALLOWABLE TENSION MIN.)

D: 1/2" DIA. THREADED ROD (WITH 5" MIN. EMBEDMENT) SPACED AT 32" O.C. MAX. WITH SIMPSON "SET-XP" EPOXY, (MAINTAIN A 5" MIN. EMBEDMENT BELOW TOP OF LOWEST ADJACENT SLAB AT STEP-DOWNS OR CURBS).

E: 1/2" DIA. ANCHOR BOLT (WITH 7" MIN. EMBEDMENT) SPACED 72" O.C. MAX. , (MAINTAIN A 3" MIN. EMBEDMENT BELOW TOP OF LOWEST ADJACENT SLAB AT STEP-DOWNS OR CURBS).

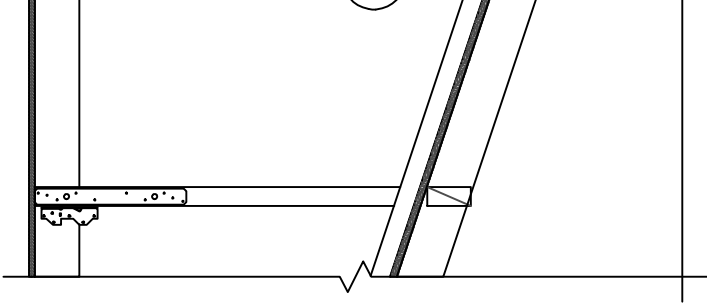
F: 1/2" DIA. EXPANSION BOLT (WITH 4" MIN. EMBEDMENT) SPACED 72" O.C. MAX., (MAINTAIN A 4" MIN. EMBEDMENT BELOW TOP OF LOWEST ADJACENT SLAB AT STEP-DOWNS OR CURBS).

G: 1/4" DIA. x 3" POWER ACTUATED FASTENERS AT 32" O.C.

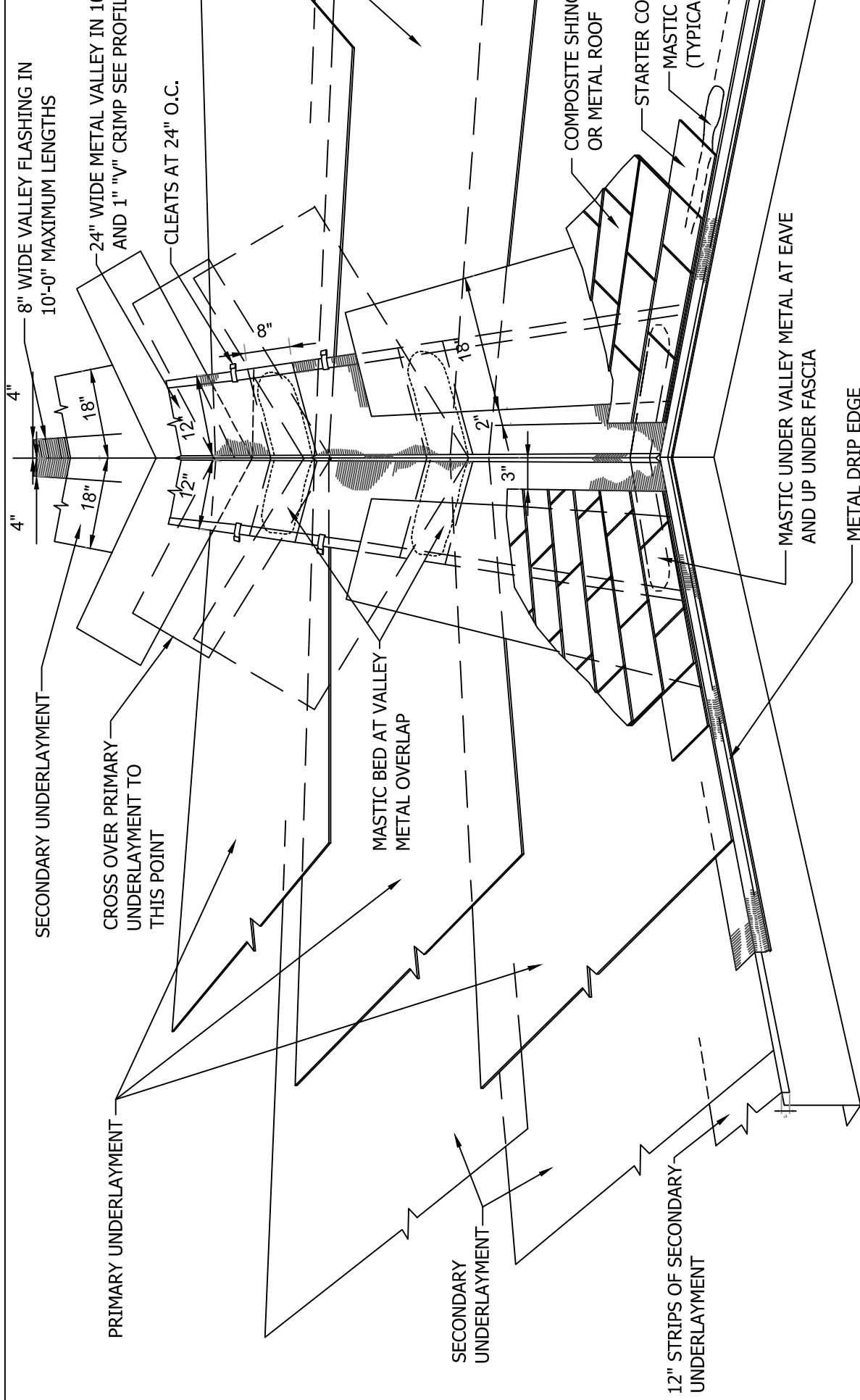
H: 1/4" DIA. x 3" TAPCON FASTENERS AT 32" O.C. MAX.

SOLE PLATE ANCHORAGE SCHEDULE

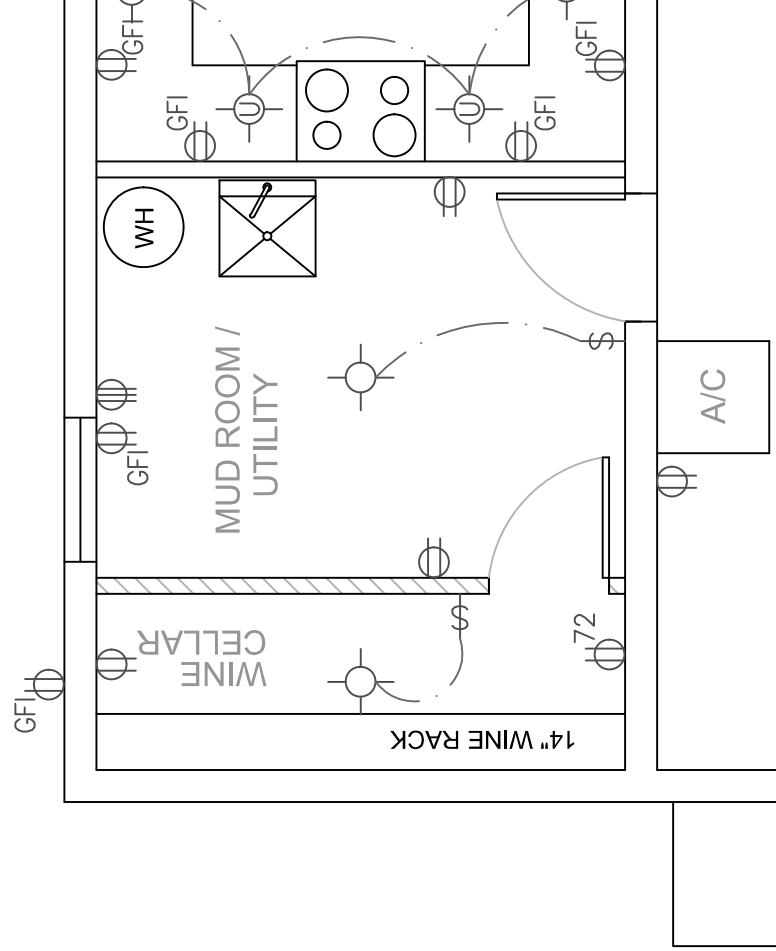
FOR 115 THRU 170 MPH ULTIMATE DESIGN WIND SPEEDS



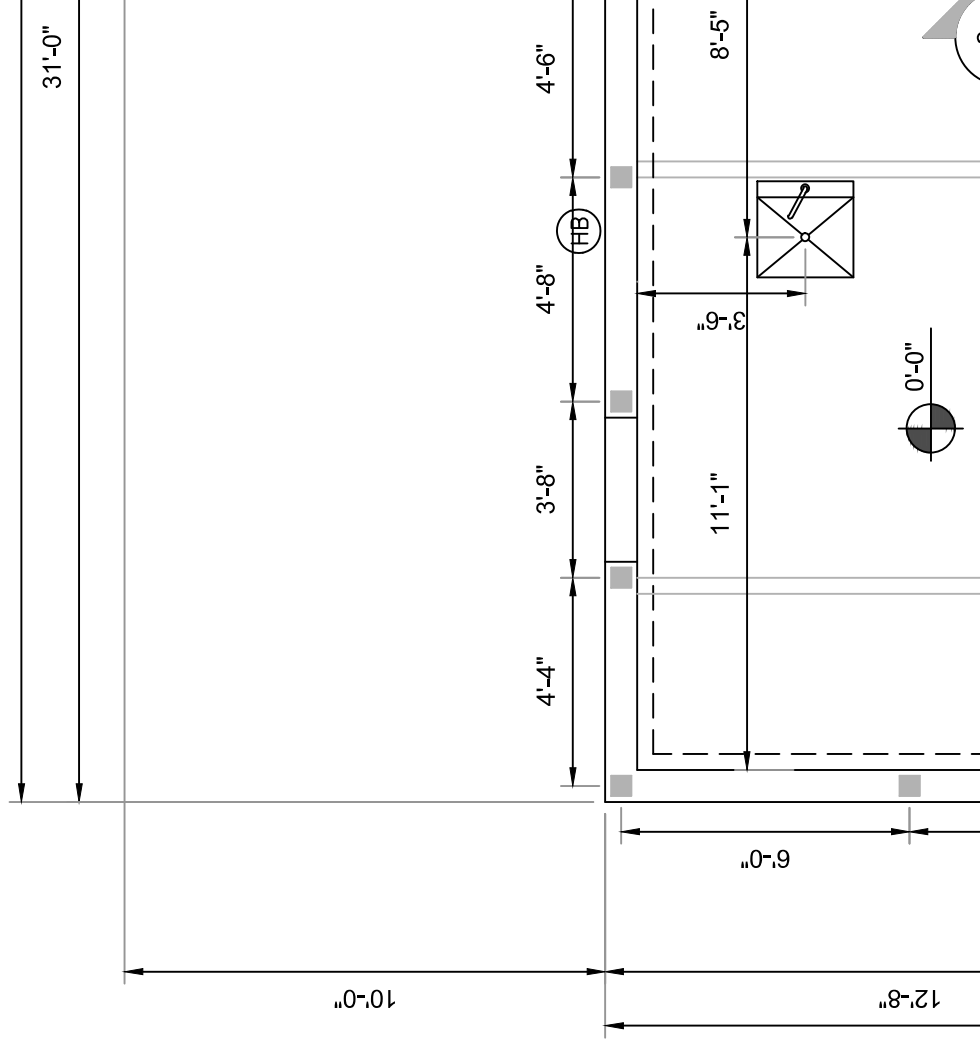
5-10d NAILS



VALLEY FLASHING DETAIL

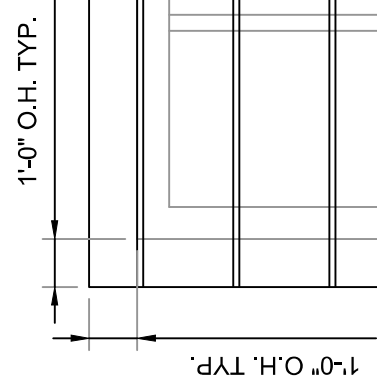




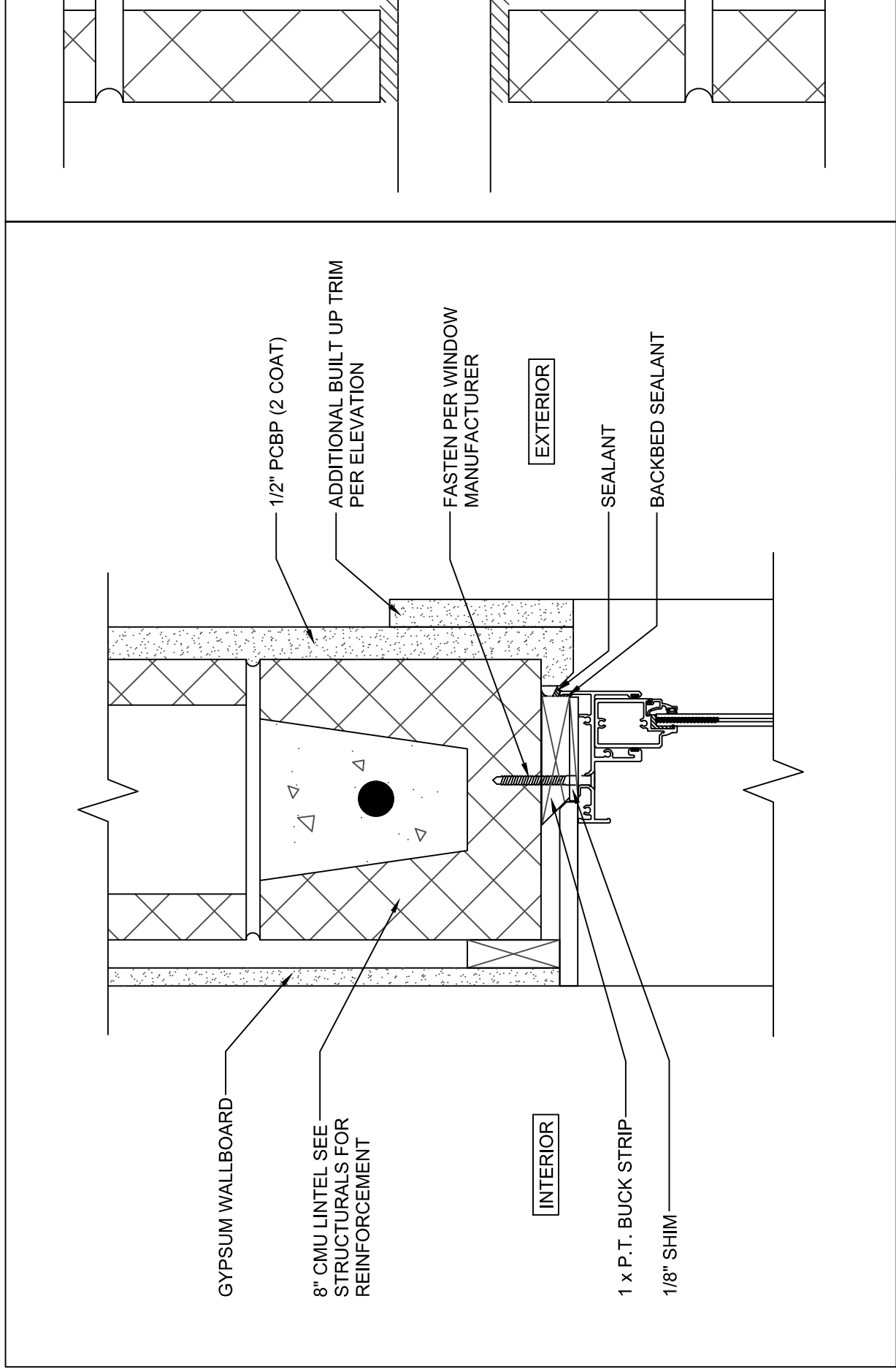


L3F8-B





|                                            |                                                                                                                         |                                                                                                  |                                            |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------|
| <div data-bbox="599 753 1089 1659"> </div> | <div data-bbox="1492 942 1541 1568">FOOTING AT GARAGE DOOR</div> <div data-bbox="1476 430 1508 602">SCALE: N.T.S.</div> | <div data-bbox="518 58 574 186">CONCRETE<br/>SLAB</div> <div data-bbox="915 249 956 281">4</div> | <div data-bbox="1500 249 1541 281">5</div> |
|                                            |                                                                                                                         |                                                                                                  |                                            |



|                        |  |               |    |
|------------------------|--|---------------|----|
| WINDOW HEAD - CMU WALL |  | SCALE: N.T.S. | PI |
|------------------------|--|---------------|----|

Lakefront Site Plan Review: **2064 Lake Drive**

|                                | <b>R-1A Requirements</b>               | <b>Existing</b>       | <b>Proposed</b>       |
|--------------------------------|----------------------------------------|-----------------------|-----------------------|
| <b>Zoning</b>                  | N/A                                    | R-1A                  | R-1A                  |
| <b>Future Land Use</b>         | N/A                                    | Single-family         | Single-family         |
| <b>Lot Width</b>               | 75 ft./85 ft. (Corner Lots)            | 166 feet              | 166 feet              |
| <b>Lot Depth</b>               | N/A                                    | 156 feet              | 156 feet              |
| <b>Lot Area</b>                | 8,500 sq.ft.                           | 26,812.48 sq. ft.     | 26,812.48 sq. ft.     |
| <b>Floor Area Ratio</b>        | 8,848 sq. ft/ 33%                      | 2,766 sq. ft.         | 2,334 sq. ft./ 9%     |
| <b>Impervious Lot Coverage</b> | 60% (single-story)/ 50%<br>(two-story) | 3,049 sq. ft./<br>12% | 3,333 sq. ft./<br>12% |
| <b>Front Setback</b>           | Avg. Adj Neighbors                     | 37'-8"                | 35'-4"                |
| <b>Side Setbacks</b>           | 25% lot width                          | 17'-8"                | 24'-10"               |
| <b>Lakefront Setbacks</b>      | 60"                                    | 65"                   | 63"                   |

\*Variances requested are bolded

420103 RECORDED

JUN 4 1 02 PM '71

F.O.R. 2073 PG 921

EASEMENT

THIS EASEMENT is made this 3 day of June, 1971,  
by and between JEANETTE K. LOTT, a widow, WILLIAM M. EARNEST and  
PATRICIA B. EARNEST, husband and wife, grantors, and ARTHUR M.  
BARKO and RITA G. BARKO, grantees,

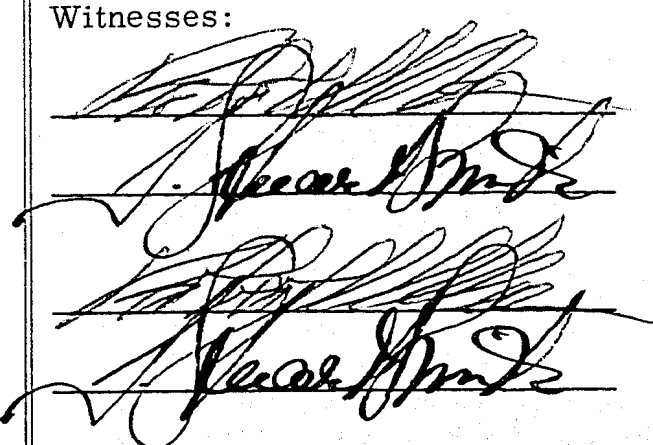
WITNESSETH:

That grantors, for and in consideration of \$10.00 and other valuable  
considerations paid by grantees, receipt of which is hereby acknowledged,  
hereby grant to grantees an easement for ingress and egress to a public street  
or road, to be appurtenant to the land referred to as "Description No. 2"  
attached hereto which easement shall be over, upon and across the land re-  
ferred to as "Description No. 1a" attached hereto, and shall be located and  
consist of the paved drive as the same exists and is located on the date of  
this easement grant and as it appears on the plat of survey prepared by Jones  
& Wood, Inc. dated February 14, 1968, as Job No. 16534, said easement to  
be and exist forever.

The aforesaid easement for ingress and egress shall be unimpeded  
and uninterfered with by any structure, shrubbery, landscaping, activity or  
land use of the grantors or their heirs, successors or assigns.

In Witness Whereof, the parties have hereunto set their hands and  
seals on the date first above written.

Witnesses:

*Robert Allen*  


Jeanette K. Lott  
Jeanette K. Lott

William M. Earnest  
William M. Earnest

Patricia B. Earnest  
Patricia B. Earnest

STATE OF FLORIDA  
COUNTY OF Duval

C.O.R. 2073 PG 922

STATE OF FLORIDA  
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared WILLIAM M. EARNEST and PATRICIA B. EARNEST, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

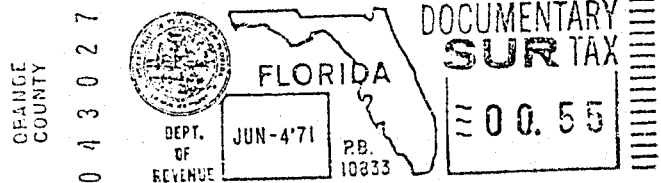
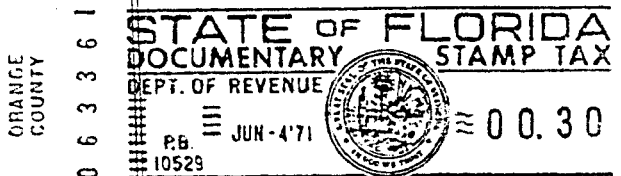
WITNESS my hand and official seal in the County and State last aforesaid this 3<sup>rd</sup> day of June, 1971.

RECORDED & RECORD VERIFIED

*James B. Hines* Clerk of  
Circuit Court, Orange Co., Fla.

*Patricia E. Pearson*  
Notary Public  
My Commission expires

Notary Public, State of Florida at Large  
My Commission expires Sept. 11, 1974  
Bonded by American Fire & Casualty Co.



DESCRIPTION / 2

An easement for ingress and egress purposes over the following described parcel of land:

That part of the Northwest 1/4 of the Southwest 1/4 of Section 1, Township 22 South, Range 29 East and that part of Lot 4, LORD'S SUBDIVISION, as recorded in plat Book "P", page 89, Public Records of Orange County, Florida, which is described as follows:



RETURN TO:  
Glenn L. Nye, Esq.  
228-C East New York Avenue  
DeLand, FL 32724

This Instrument Prepared by:  
Glenn L. Nye, Esq.  
228-C East New York Avenue  
DeLand, FL 32724

DOC# 20210762786  
12/14/2021 02:13:20 PM Page 1 of 1  
Rec Fee: \$10.00  
Deed Doc Tax: \$0.70  
DOR Admin Fee: \$0.00  
Intangible Tax: \$0.00  
Mortgage Stamp: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
SA - Ret To: GLENN L NYE



SPACE ABOVE THIS LINE FOR RECORDING DATA

**QUIT-CLAIM DEED**

THIS QUIT-CLAIM DEED, made this 30 day of November, 2021 between RITA G. BARKO, a single person, whose post office address is 2064 Lake Drive, Winter Park, Florida 32789, the Grantor, and RITA G. BARKO and MICHAEL JOHN BARKO, as joint tenants with right of survivorship, whose post office address is 2064 Lake Drive, Winter Park, Florida 32789, the Grantees.

**WITNESSETH:**

That the Grantor, for and in consideration of the sum of Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, has remised, released and quit claimed to the Grantees, their heirs and assigns, all of the Grantor's right, title, interest, claim and demand in and to the following described land situate and lying in Orange County, Florida to-wit:

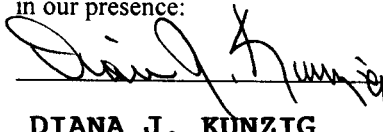
That part of the NW ¼ of the SW ¼ of section 1, Township 22 South, Range 29 East and that part of Lot 4, LORD'S SUBDIVISION, as recorded in Plat Book "P", Page 89, of the Public Records of Orange County, Florida, which is described as follows: From the NE corner of said NW ¼ of the SW ¼ run South 417.80 feet for the Point of Beginning; thence North 55° 00' East 91.50 feet; thence South 50° 12' 41" East 423 feet to a point on a line 400 feet East of and parallel with the West line of said Lot 4; thence South 36.74 feet along said line; thence North 67° 18' West 523 feet; thence North 06° 18' West 23.08 feet; thence North 79° 00' East 59.06 feet; thence North 55° 00' East 35 feet to the Point of Beginning together with easement.

SUBJECT TO all real property taxes for the year 2021.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantees.

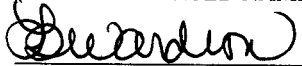
IN WITNESS WHEREOF, the Grantor has caused this deed to be signed the day and year first above written.

Signed, sealed and delivered  
in our presence:

  
\_\_\_\_\_

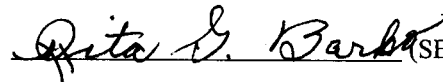
**DIANA J. KUNZIG**

(WITNESS PRINTED NAME)

  
\_\_\_\_\_

**DIANE WARDLOW**

(WITNESS PRINTED NAME)

  
\_\_\_\_\_ (SEAL)

**RITA G. BARKO** (SEAL)  
(PRINTED NAME)

2064 Lake Drive, Winter Park, FL 32789  
(POST OFFICE ADDRESS)

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned officer duly authorized to take acknowledgements, RITA G. BARKO, (who did/did not take an oath), to me known to be the person described in and who executed the foregoing, and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30 day of November, 2021.

RETURN TO:  
Glenn L. Nye, Esq.  
228-C East New York Avenue  
DeLand, FL 32724

This Instrument Prepared by:  
Glenn L. Nye, Esq.  
228-C East New York Avenue  
DeLand, FL 32724

DOC# 20210762787  
12/14/2021 02:13:20 PM Page 1 of 1  
Rec Fee: \$10.00  
Deed Doc Tax: \$0.70  
DOR Admin Fee: \$0.00  
Intangible Tax: \$0.00  
Mortgage Stamp: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
SA - Ret To: GLENN L NYE



SPACE ABOVE THIS LINE FOR RECORDING DATA

**QUIT-CLAIM DEED**

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**WITNESSETH:**

That the Grantor, for and in consideration of the sum of Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, has remised, released and quit claimed to the Grantees, their heirs and assigns, all of the Grantor's right, title, interest, claim and demand in and to an easement for ingress and egress to a public street or road, to be appurtenant to the land referred to as "Description No. 2" attached hereto which easement shall be over, upon and across the land referred to as "Description No. 1 a" attached hereto, and shall be located and consist of the paved drive as the same exists and is located on the date of this easement grant and as it appears on the plat of survey prepared by Jones & Wood, Inc. dated February 14, 1968, as Job No. 16534, said easement to be and exist forever, the following described land situate and lying in Orange County, Florida to-wit:

**Description 1a**

An easement for ingress and egress purposes over the following described parcel of land:

That part of the Northwest ¼ of the Southwest ¼ of Section 1, Township 22 South, Range 29 East and that part of Lot 4, LORD'S SUBDIVISION, as recorded in plat Book "P", page 89, Public Records of Orange County, Florida, which is described as follows: From the Northwest corner of said Lot 4, LORD'S SUBDIVISION, run South 417.8 feet for the point of beginning; thence run North 55 degrees East 91.5 feet; thence North 51 degrees West 35.78 feet; thence South 65 degrees West 150.85 feet; thence South 06 degrees 18 minutes East 41.7 feet; thence North 79 degrees East 59.06 feet; thence North 55 degrees East 33.0 feet to the point of beginning.

**Description # 2**

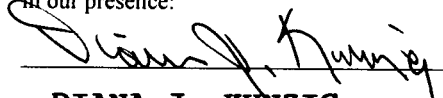
That part of the Northwest ¼ of the Southwest ¼ of Section 1, Township 22 South, Range 20 East and that part of Lot 4, LORD'S SUBDIVISION, as recorded in Plat Book "P", page 89, Public Records of Orange County, Florida, which is described as follows: From the Northeast corner of said Northwest ¼ of the Southwest ¼ run South 417.80 feet for the point of beginning; thence North 55 degrees 00 minutes East 91.50 feet; thence South 50 degrees 12 minutes 41 seconds East 423 feet to a point on a line 400 feet East of and parallel with the West line of said Lot 4; thence South 36.74 feet along said line; thence North 67 degrees 18 minutes West 523 feet; thence North 06 degrees 18 minutes West 2308 feet; thence North 79 degrees 00 minutes East 59.06 feet; thence North 55 degrees 00 minutes East 35 feet to the point of beginning.

SUBJECT TO all real property taxes for the year 2021.

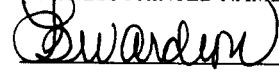
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantees.

IN WITNESS WHEREOF, the Grantor has caused this deed to be signed the day and year first above written.

Signed, sealed and delivered  
in our presence:

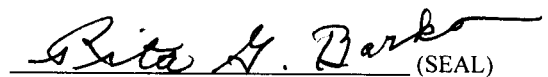
  
\_\_\_\_\_  
**DIANA J. KUNZIG**

(WITNESS PRINTED NAME)

  
\_\_\_\_\_  
**DIANE WARDLOW**

(WITNESS PRINTED NAME)

STATE OF FLORIDA  
COUNTY OF VOLUSIA

  
\_\_\_\_\_  
(SEAL)

RITA G. BARKO  
\_\_\_\_\_  
(PRINTED NAME)

2064 Lake Drive, Winter Park, FL 32789  
\_\_\_\_\_  
(POST OFFICE ADDRESS)

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned officer duly authorized to take acknowledgements, RITA G. BARKO, (who did/did not take an oath), to me known to be the person described in and who executed the foregoing instrument.



|                                                                                                            |                                                    |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>item type</b> Public Hearings<br>(Public participation and comment on these matters must be in-person.) | <b>meeting date</b> September 6, 2022              |
| <b>prepared by</b> Nicholas Lewis                                                                          | <b>approved by</b> John Harbilas, Allison McGillis |
| <b>board approval</b> Completed                                                                            |                                                    |
| <b>strategic objective</b>                                                                                 |                                                    |

## subject

SPR #22-12. Request of Andy Sturup with M. Lahr Homes on behalf of the homeowners David and Julia McKillen.

## item list

Request of Andy Sturup of M. Lahr Homes on behalf of the homeowners David and Julia McKillen to construct a new, two-story, 4,709 square-foot, single-family home located at 1747 Barcelona Way on Lake Sue, zoned R-1AAA.

## motion / recommendation

Staff recommendation is for approval with two conditions:

- That the required stormwater retention areas be reduced in order to provide a 30-foot setback to any preserved tree within the rear portion of the lot.
- That the driveway be modified to provide at least a 15-foot setback to the young 10" oak within the front of the lot that is being preserved.

## background

Andy Sturup with M. Lahr Homes, on behalf of the homeowners David and Julia McKillen, is requesting approval to construct a new, two-story, 4,709 square-foot, single-family home at 1747 Barcelona Way on Lake Sue. The property is zoned R-1AAA and is 24,141 square feet in size. The lot is currently vacant. Under the applicant's proposal, the proposed impervious lot coverage of 8,255 square-feet is 34.2% of the total lot, under the maximum 50% as the Code allows. In the R-1AAA zoning district, the base maximum Floor Area Ratio (FAR) for larger properties is 33%. The applicant is proposing a 4,709 square-foot home which equates to an FAR of 19.5%, well below the base maximum. The total size of the home is 5,232 square-feet, but the FAR excludes up to 500 square-feet of the rear deck and the 23 square-foot front porch. The proposal also meets all required setbacks including the 80-foot average lakefront setback.

## **Lakefront Lot Review Criteria:**

## **Tree Preservation**

The purpose and intent of the lakefront lots section of the code states that existing trees shall be preserved to the degree reasonably possible. This lot will save numerous trees and because it is currently vacant, will require a few trees to be removed. Urban Forestry assessed each tree the applicant's wish to remove, and specifically declared the specimen 28-inch caliper cypress tree along the eastern side of the property to be in good health and condition.

Due to its location on the side of the property, staff offered the applicant the option to request to reduce the front and side setbacks in order provide at least a 15-foot clearance from the base of the tree in order to preserve it. The applicants felt that neither option captured the overall use of property including lake views and privacy. They indicated that they would like to remove the 28-inch cypress along the eastern side of the property, and are willing to fully mitigate the lost through the requirements of the Tree Preservation ordinance.

Following the applicants response, staff visited the property with Urban Forestry and felt that with the nine (9) cypress trees that are being preserved in the rear portion of the lot and the three (3) cypress trees that are not shown on the applicants tree preservation plan due to their location within the lake, that there is a significant tree canopy that is being preserved at the property. This amount of tree coverage meets the intent of the lakefront lot section, and with this significant tree canopy along the rear and lakefront portion of the lot, the home will likely be mostly hidden from the lakefront.

Staff is recommending two conditions of approval for this request in exchange for the removal of this cypress tree in addition to the mitigation requirements of the Tree Preservation ordinance. First is to reduce the size of the required stormwater retention in order to provide a 30-foot setback to any preserved tree within the rear portion of the lot. This is due to the extensive cypress tree root systems that are present in the rear of the lot, and any grading in this portion of the lot needed for the size of the proposed retention areas will likely damage these root systems. Providing a larger 30 foot setback to the retention areas will help minimize this impact. Furthermore, there is a significant amount of area (60 to 80 feet) between the rear of the pool deck and the lakefront to accommodate the percolation of runoff into the ground before it hits the lakefront. Second is that the driveway be modified to provide at least a 15-foot setback to the young 10" oak within the front of the lot that is being preserved. This will give this oak tree more room to grow its root system without being impacted by the grading needed for the driveway.

## **Views from the Lake**

The Code direction is to minimize the height and extent of stem walls or retaining walls facing the lake. Generally, the policy does not permit walls/swimming pool decks facing the lake in excess of three feet in height. This plan complies with that provision. The issues that we typically deal with about grades and pool decks/ retaining walls are not present in this case because the lot is relatively flat sloping from 76-feet in the front of the home to 74-feet to the rear of the pool deck.

### **View of the Neighbors**

The Code direction is to minimize the degradation of traditional views across properties by new houses, additions, second-story additions, etc., alongside property lines toward the lake that may block traditional views. The average lakefront setback to the neighboring lakefront homes is 80-feet. This proposed home will have an equal setback to the house of 80-feet. A large portion of the rear yard is to remain open, mitigating any visual impact to the adjacent neighbor to the East. The neighboring property most affected by the design is the property immediately to the West. However, the homeowners of the proposed home are related to the homeowners of the neighboring property and the current proposed location has full approval by those neighbors.

### **Stormwater Retention**

The Code requires the retention of stormwater. The amount of impervious surfaces on the lot determines the needed depth/size of the retention. The applicants are proposing two swale retention areas along the lakefront (as they have ample land to accomplish this). There is also ample spaces in the side setbacks to convey the rainfall down the lot to these retention areas. As previously mentioned, staff is recommending a condition to reduce the size of the required stormwater retention in order to provide a 30-foot setback to any preserved tree within the rear portion of the lot.

### **Summary**

Overall, the plans meet the intent of the lakefront review criteria, and staff has recommended two conditions of approval to help mitigate the impact of removing the 28-inch cypress tree along the eastern portion of the lot on top of the Tree Preservation ordinance mitigation requirements.

### **[alternatives / other considerations](#)**

### **[fiscal impact](#)**

### **ATTACHMENTS:**

[1747 Barcelona Way - Area Map.pdf](#)

ATTACHMENTS:

[1747 Barcelona Way - Aerial Map.pdf](#)

ATTACHMENTS:

[Applicant Tree Removal Request Email.pdf](#)

ATTACHMENTS:

[Grading and Drainage Plan - 1747 Barcelona Way.pdf](#)

ATTACHMENTS:

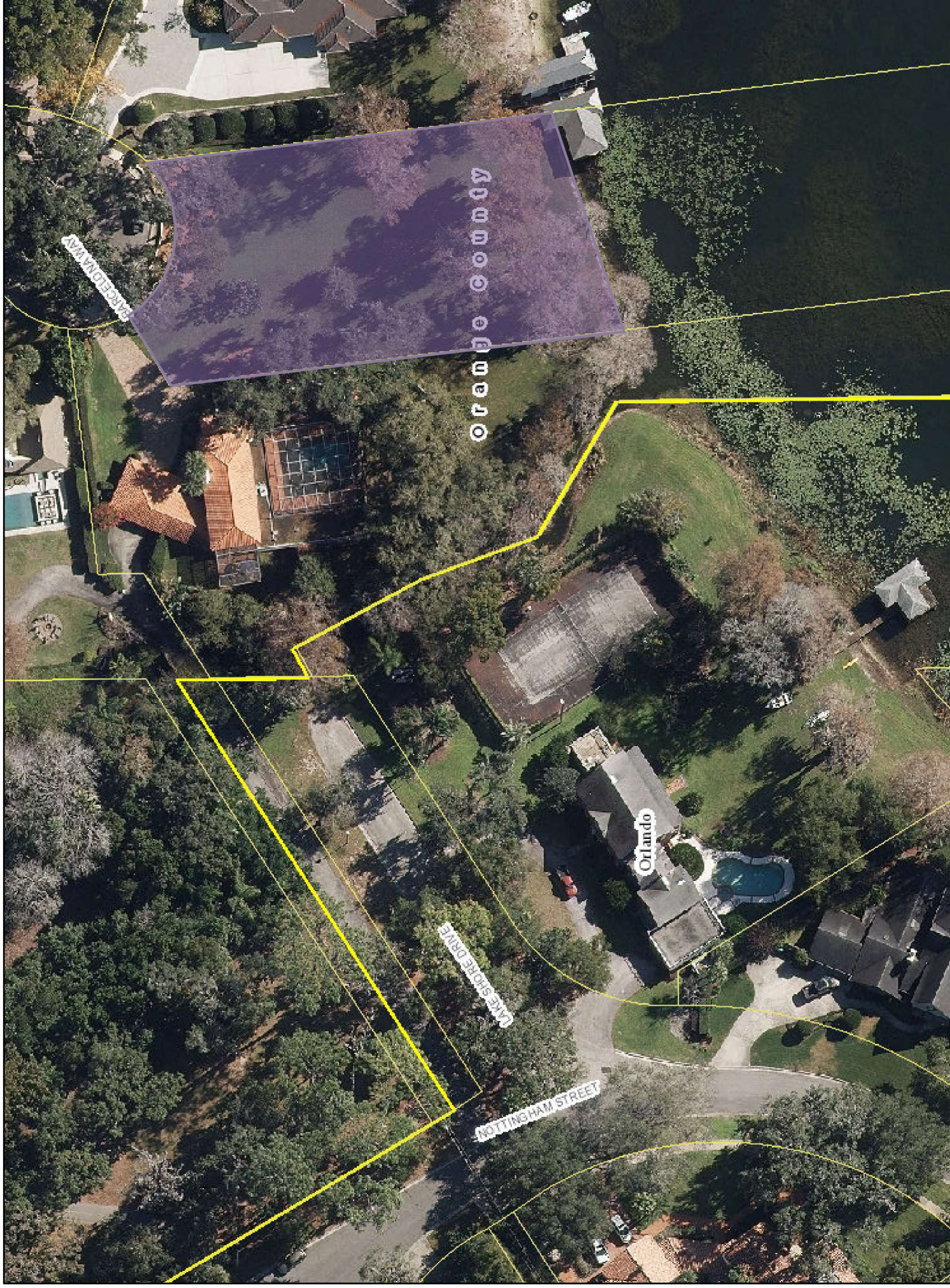
[Building Plan Set - 1747 Barcelona Way.pdf](#)

# 1747 Barcelona Way - Area Map





# 1747 Barcelona Way - Aerial Map





**From:** [Nicholas Lewis](#)  
**To:** [Nicholas Lewis](#)  
**Subject:** FW: [External] Re: [External] Re: [External] Re: [External] Re: [External] Re: Lakefront Application  
**Date:** Monday, August 29, 2022 10:55:19 AM

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**From:** Mike Lahr <mike@mlahrhomes.com>  
**Sent:** Wednesday, August 24, 2022 10:39 AM  
**To:** Nicholas Lewis <nlewis@cityofwinterpark.org>  
**Cc:** Andy Sturup <Andy@mlahrhomes.com>; Allison McGillis <amcgillis@cityofwinterpark.org>; Stefano Alvernia <salvernia@cityofwinterpark.org>; David Montalto <david@mlahrhomes.com>  
**Subject:** [External] Re: [External] Re: [External] Re: [External] Re: [External] Re: Lakefront Application

**[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.]**

Hi Nick,

I have talked to the owners numerous times over the last few days. Although they appreciate the flexibility with the setbacks, they would like to continue with the plans / site layout as-is when going in front of the planning / zoning board. Below are a few things to note:

- There are six (6) other cypress trees at a more typical location closer to the water. These will remain.
- The owners have no problem planting additional cypress trees and paying tree mitigation fees to offset the removal of the cypress shown at the corner of the house
- Reasonably avoiding the cypress tree with the modified setbacks is appreciated, but it does not properly capture the overall use of the lot with the lake views, privacy from the road, etc.
- To put things into more context, this is a paragraph the owner (Julie) sent me. This is obviously very personal to them in a much different sense than a typical infill build in Winter Park.

The parcel of land, 1747 Barcelona Way, has been in my family for almost 50 years. My parents bought it and the adjoining lot, 1741 Barcelona Way in 1975. They built and moved into their house at 1741 Barcelona Way in 1977, 3 months before I was born. When they moved in, 1747 was a veritable forest: there were dozens of trees. And fortunately, for me and my siblings, my parents focused on starting their family and their careers instead of landscaping. The forest that was 1747 Barcelona Way became our playground. And I remember that playground so well. There was the tree that arched over the lake where we put a rope swing and would jump into the lake. There was the tall cypress where my dad made a makeshift bar swing where I practiced my gymnastics. For years, my parents kept a porch swing balanced between 2 cypress trees. My favorite trees though had to be the quintet of oak trees that formed a ring around a 3 square foot area. These trees were a treasure that formed our "jail" or "home base" or whatever else was needed in our game to occupy our imagination. I remember all these trees. I also remember when each tree died or was destroyed by a storm. Our ring of trees, fortunately, had a slow demise. A bad storm ripped out a tree or two at a time over the course of a dozen years. Our famous "home base" and "jail", for a

while, was only one tree, and then that lone tree was gone. Just like all the other trees in my memory. Of the dozens of trees that occupied 1747 Barcelona Way in 1977 few remain. However, my parent's house still does remain. And over the years, they've been good stewards to the land and replaced many lost trees. In fact, I remember when my dad planted the cypress trees that currently border the lake and stream on their property. I was probably about 9 years old, and they were barely bigger than me. Today, they seem like they've been there for more than just my lifetime. We plan to be good stewards of the land too and would gladly replace the cypress tree that we'd like to remove to optimize the location of our house.

Based on this, and assuming Stefano does not change his mind, can you please email us the staff report when it is ready?

Thank you,  
Mike



Mike Lahr | Owner  
| M. Lahr Homes  
| m. 407-702-4315 | f. 407-749-0095  
| e. [mike@mlahrhomes.com](mailto:mike@mlahrhomes.com) | w. [www.mlahrhomes.com](http://www.mlahrhomes.com)



NHWL: 71.17'

71'

72'

73'

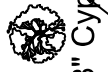
28" Cyp

28"

15'

74'

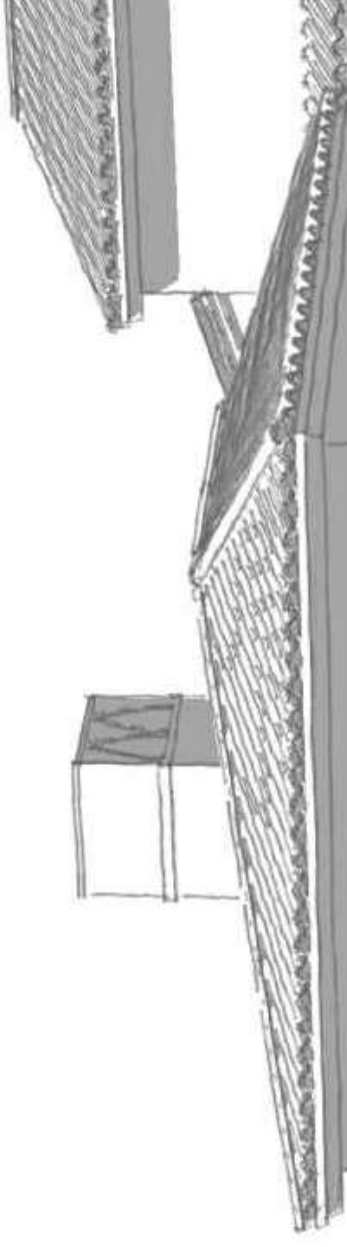
74'



# Custom Home

## McKillen Family

1747 Barcelona Way  
Winter Park, FL 32789



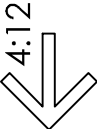
## SITE CALCULATIONS





RIDGE

4:12



EAVE

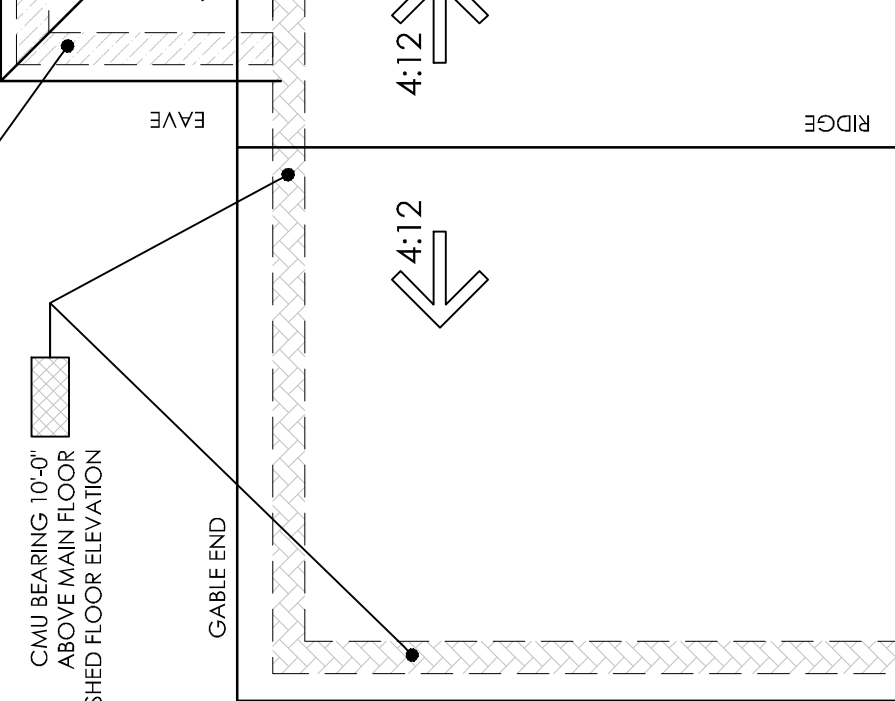
GABLE END

EAVE

CMU BEARING 10'-8" ABOVE MAIN FLOOR  
FINISHED FLOOR ELEVATION  
**ALL** PORCH BEARING HEIGHTS



CMU BEARING 10'-0"  
ABOVE MAIN FLOOR  
FINISHED FLOOR ELEVATION

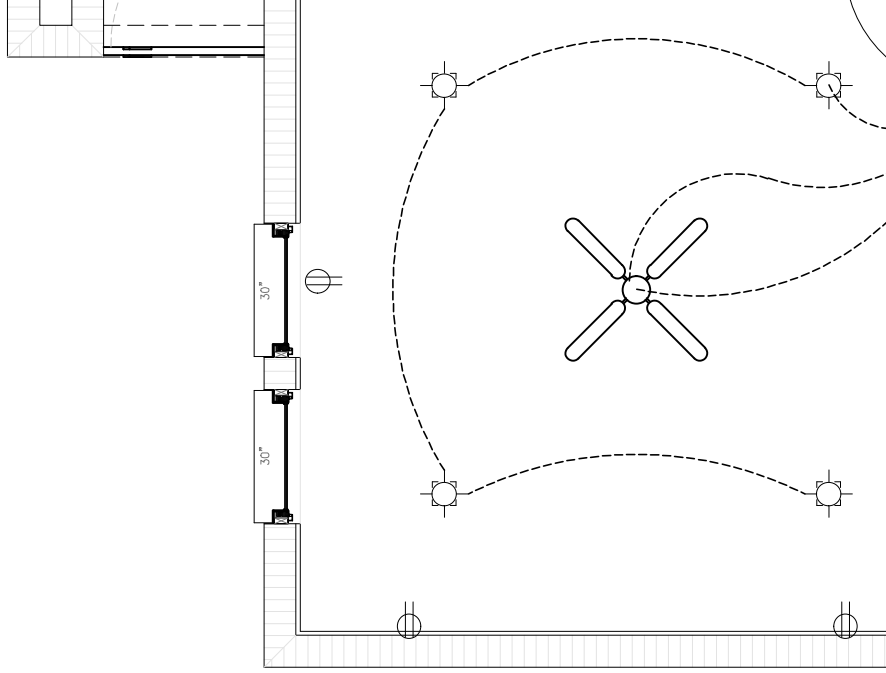


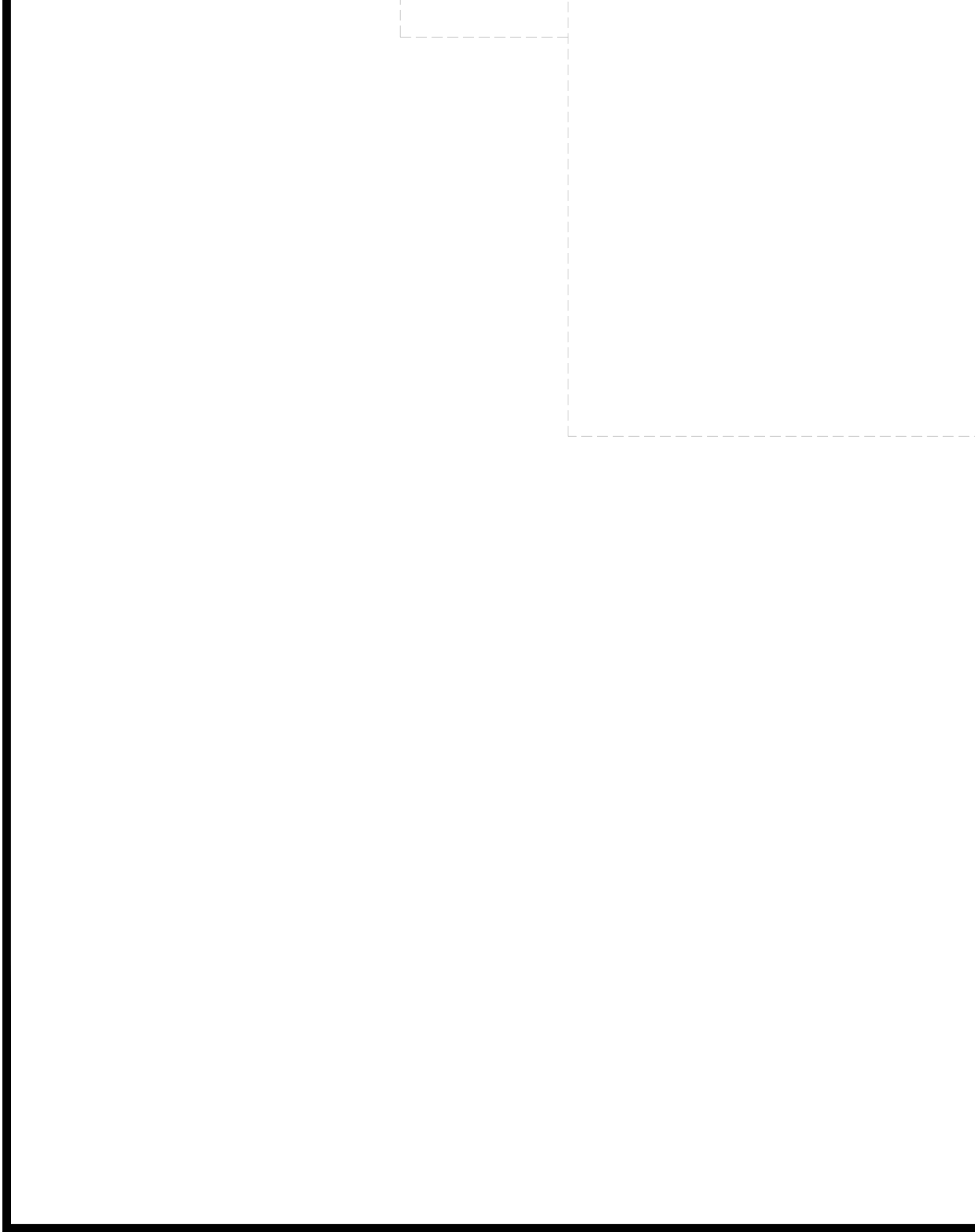


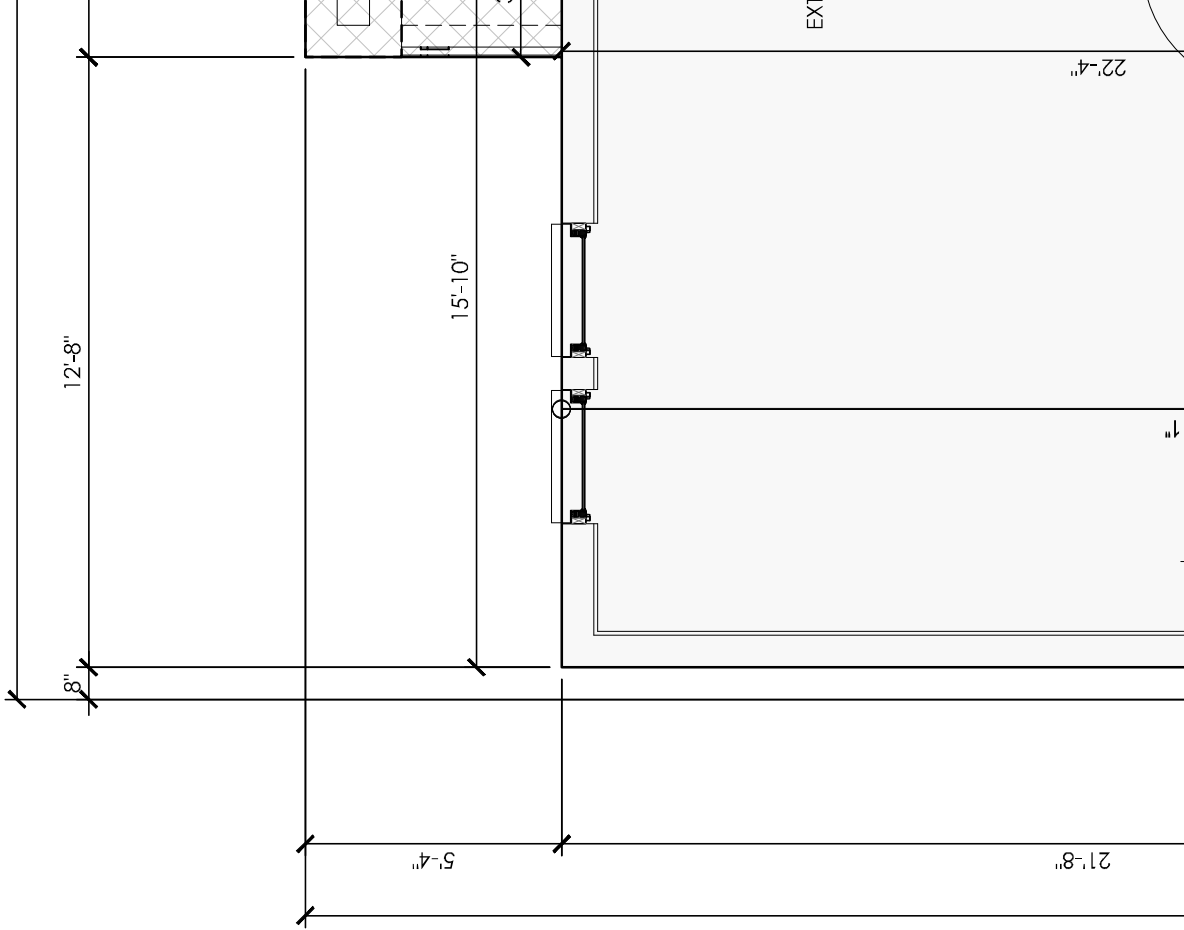














|                                                                                                            |                                                  |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <b>item type</b> Public Hearings<br>(Public participation and comment on these matters must be in-person.) | <b>meeting date</b> September 6, 2022            |
| <b>prepared by</b> John Harbilas                                                                           | <b>approved by</b> John Harbilas, Jeffrey Briggs |
| <b>board approval</b> Completed                                                                            |                                                  |
| <b>strategic objective</b>                                                                                 |                                                  |

## subject

CU#22-07 Request of Winter Park Town Center LTD.

## item list

Request Winter Park Town Center LTD for Conditional Use approval is requested to redevelop the Ruth Chris restaurant pad within the Winter Park Village (490 N. Orlando Avenue) with a one-story, 16,186-square-foot building with a 6,138-square-foot outdoor patio for an Arhaus furniture store, zoned C-1.

## motion / recommendation

Staff recommendation is for approval

## background

### Project Description

The Winter Park Village property is bounded by N. Orlando Ave on the west, W. Webster Avenue on the north, Denning Drive on the east, and W. Canton Avenue on the south. The portion of the Winter Park Village that is requesting this Conditional Use approval is the Ruth Chris Restaurant pad which has an individual address of 610 N. Orlando Avenue, and fronts on W. Webster Avenue. The Ruth Chris restaurant building will be demolished, and the restaurant will be moving into the former Brio Tuscan Grille tenant space. The proposed new one-story building to take the place of the demolished building will be 16,186-square-feet in size with a 6,138-square-foot outdoor patio, and will be occupied by the Arhaus furniture store which is an upscale indoor/outdoor furniture store. This will be the company's first Central Florida Location, as the only locations in Florida are located in Sarasota and Tampa.

The project meets all setback requirements, impervious coverage requirements, and will provide landscaping as required by code. The existing street trees along W. Webster Avenue are also being preserved. The proposed architectural elevations of the Arhaus building are part of the applicant's back-up materials. The applicant did not provide a sign package, but has stated that the existing monument sign that fronts W. Webster Avenue (northwest corner of the pad) will be repurposed for the new business.

## **Parking and Traffic Analysis**

Overall, the traffic impact will be reduced as part of this Conditional Use. As previously mentioned, the Ruth Chris restaurant will be relocated to the closed Brio Tuscan Grille tenant space, which will be a reduction in one large scale restaurant for a furniture store, which has much less of an impact on traffic.

In terms of parking, the requirements for a furniture store are also less than a restaurant. A restaurant requires one parking space for every three seats, while a furniture store requires one parking space for every 400 square feet. Ruth Chris has 225 seats, which requires 75 parking spaces, while Arhaus requires 56 parking spaces with the square-footage proposed.

The existing parking count within the Ruth Chris pad is 87 parking spaces, and with this new Arhaus development, there will be 52 parking spaces. However, there is ample parking with the Winter Park Village campus as a whole to account for the parking needed for each use. This is mostly due to the large renovation of the AMC theater, which greatly reduced the number of seats within the theater to accommodate their larger reclining chairs, and thus less parking overall.

**Staff Recommendation is for Approval.**

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Location Map - Arhaus.pdf](#)



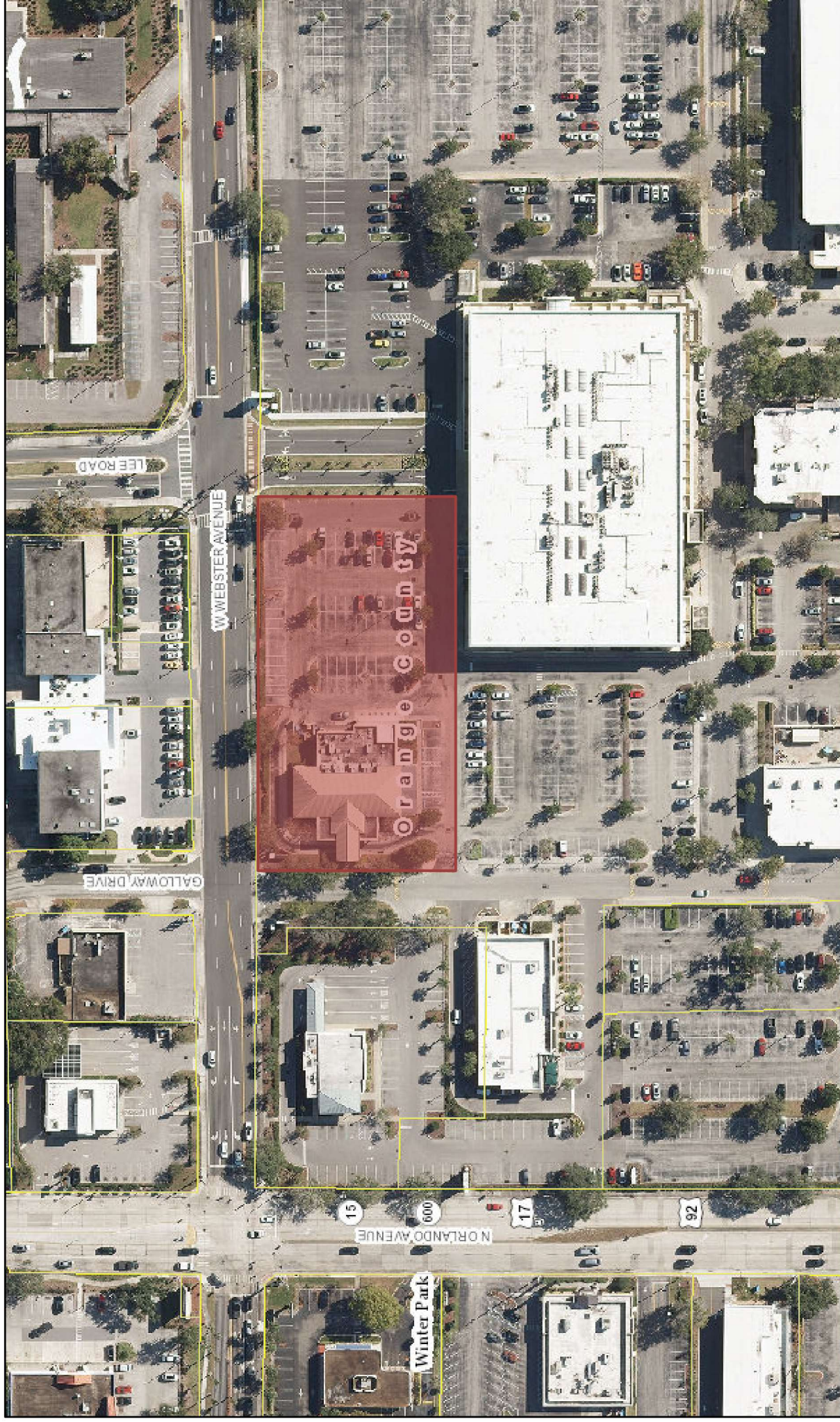
ATTACHMENTS:

[Arhaus Elevations.pdf](#)

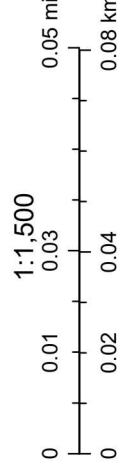
ATTACHMENTS:

[Arhaus CU Plan Set.pdf](#)

490 N Orlando Ave - CU# 22-06

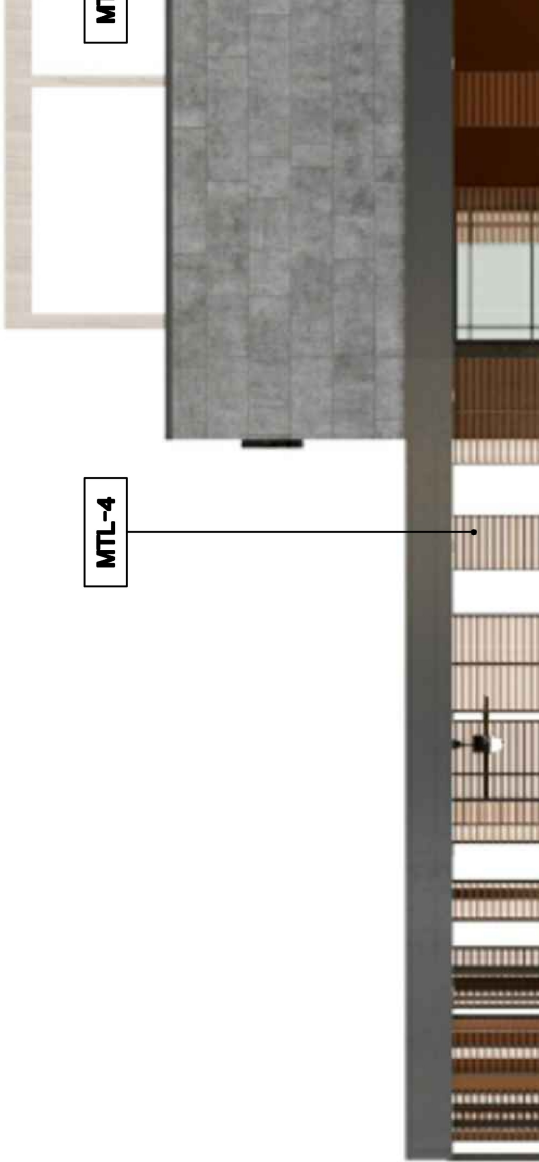


Subject Property





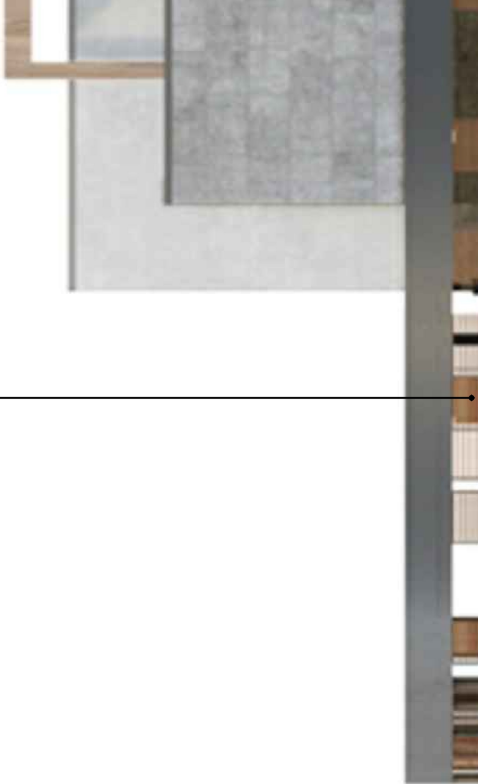
MTL-3



MTL-4



MTL-4









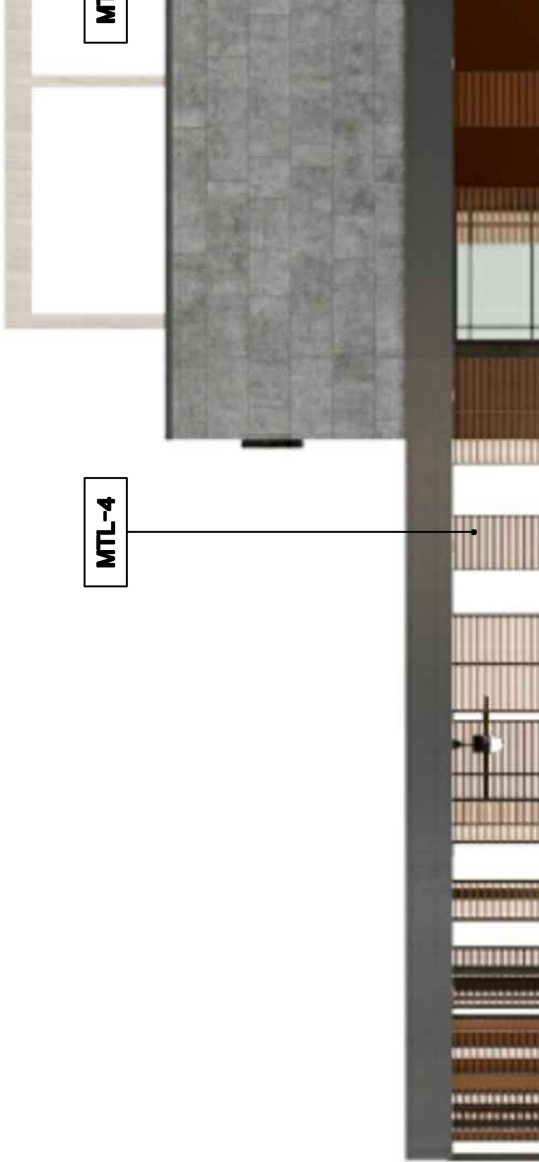
## LEGAL DESCRIPTION

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BLK A & LOTS 1 TO 9, 14, 15, 17 LOT 18 (LESS W 97 FT OF S 68 FT)  
LOTS 19 TO 38 & VAC PART OF CHEROKEE AVE BETWEEN  
WEBSTER AV & CANTONAVE & VAC PT OF SWOOPE AV RUNNING  
W FROM MAITLAND AV TO ORLANDO AVE (LESS RD R/W ON E &  
LESS R/W ON W PER MB 95/569 & LESS BEG INTERSECT SLY R/W

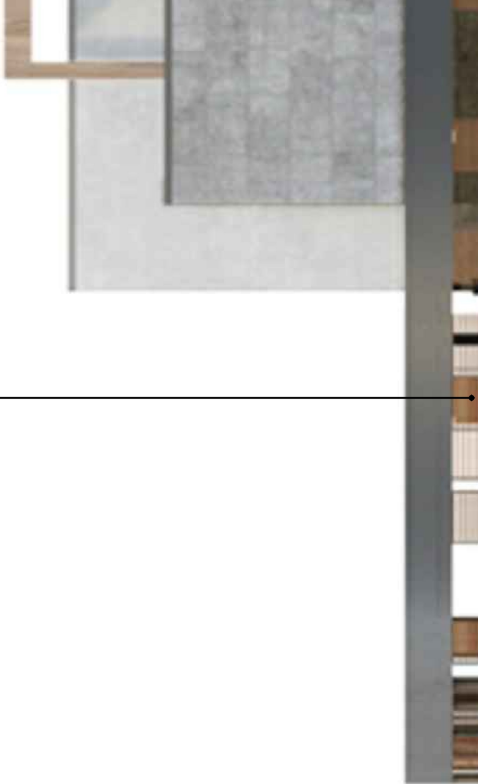


MTL

MTL-4



MTL-4









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(UN NAMED STREET)

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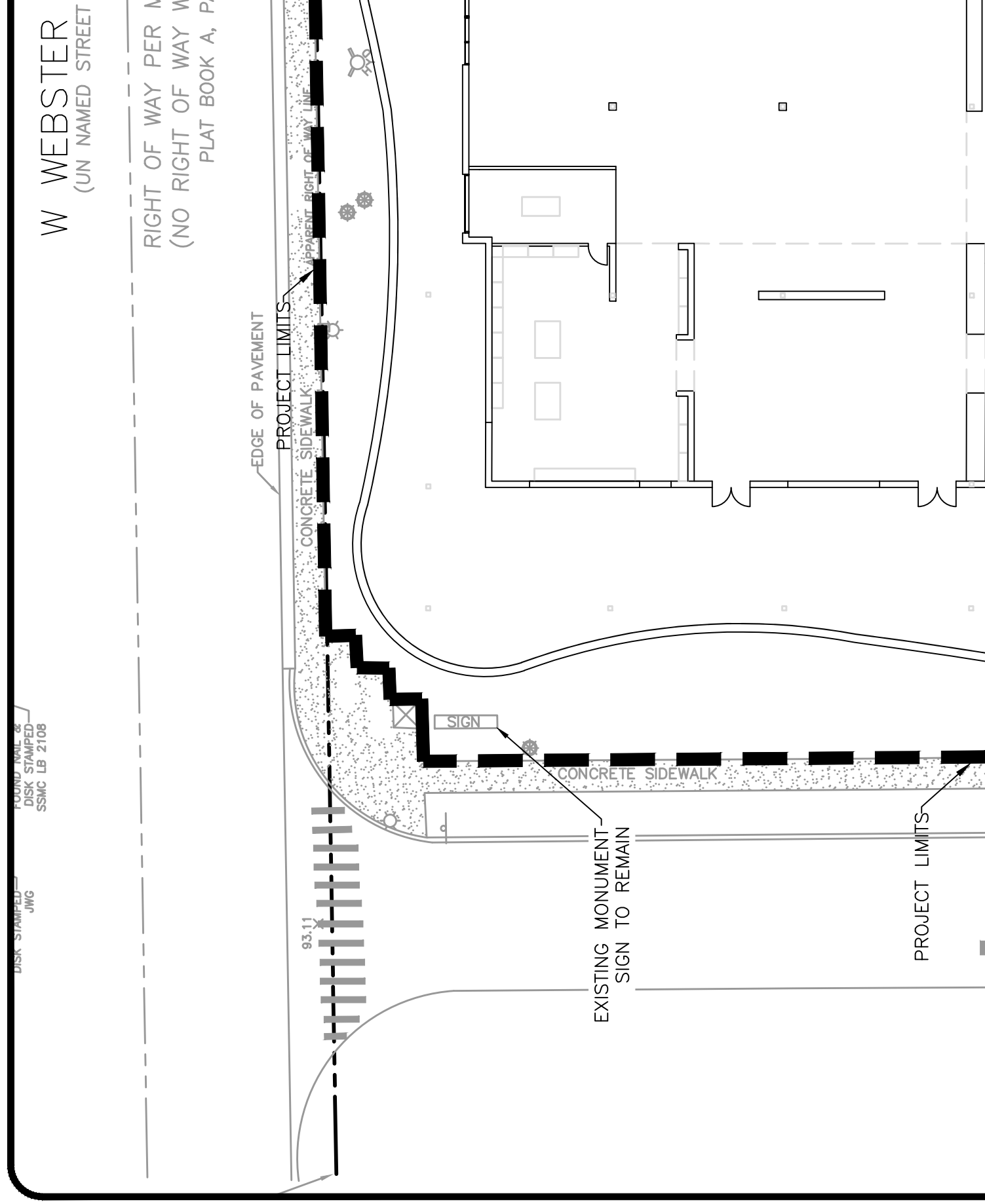
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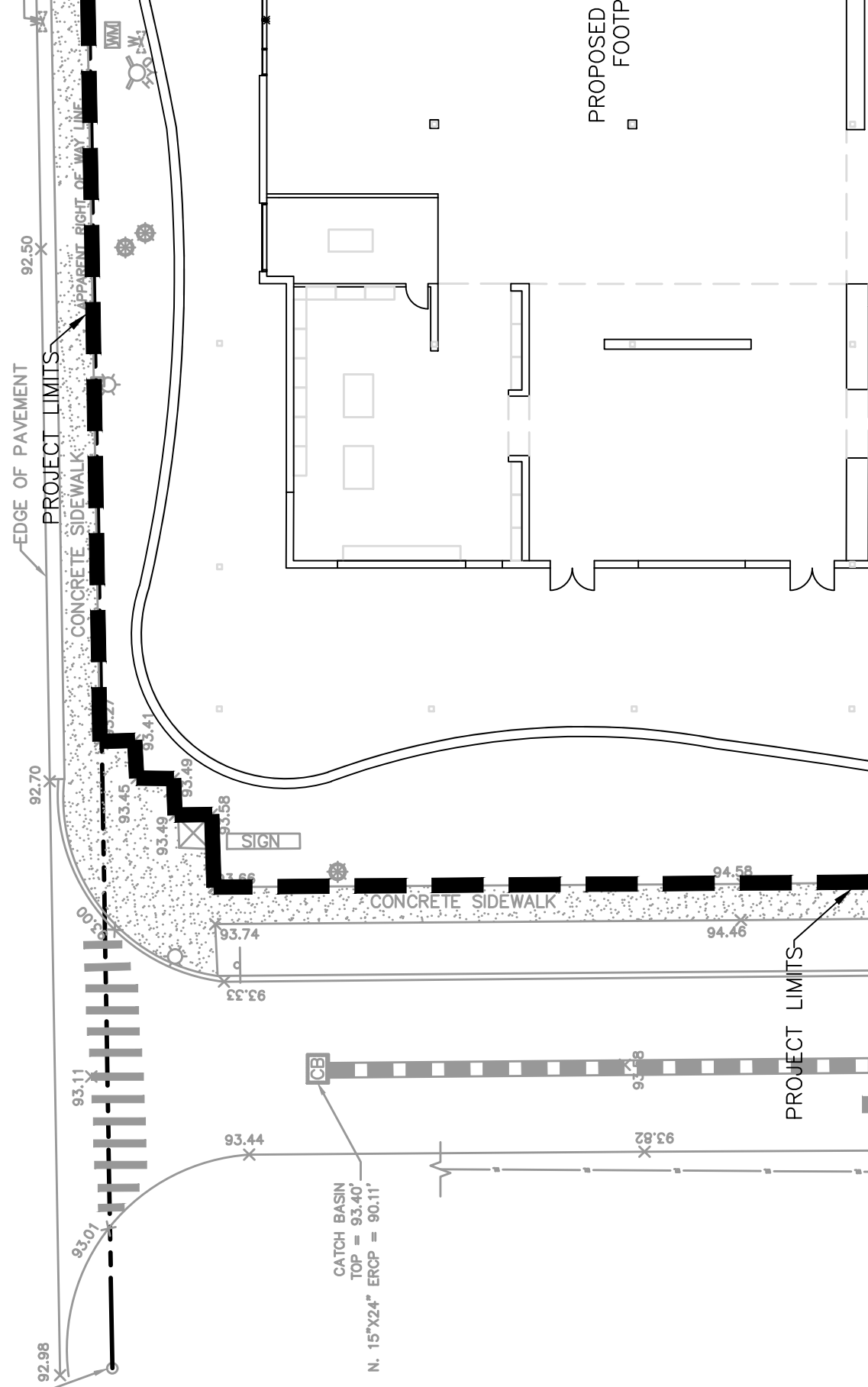
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PROJECT LIMITS

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PLAT BOOK A, PAG<sub>3</sub>

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DISK STAMPED  
SSMC LB 2108

FOUND NAIL &  
DISK STAMPED  
JWG

EXISTING LIGHT POLE TO REMAIN

EDGE OF PAVEMENT

PROJECT LIMITS

CONCRETE SIDEWALK

93.11

APPARENT RIGHT OF WAY LINE

EXISTING MONUMENT  
SIGN TO REMAIN

SIGN

CONCRETE SIDEWALK

SPECIMEN TREE



## Planning & Zoning Board

# agenda item

|                                                                                                            |                                       |
|------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <b>item type</b> Public Hearings<br>(Public participation and comment on these matters must be in-person.) | <b>meeting date</b> September 6, 2022 |
| <b>prepared by</b> Jeffrey Briggs                                                                          | <b>approved by</b> Allison McGillis   |
| <b>board approval</b> Completed                                                                            |                                       |
| <b>strategic objective</b>                                                                                 |                                       |

### subject

Request of the City of Winter Park and the Elevation Plaza LLC for: Ordinances to amend the Comprehensive Plan Future Land Use map and zoning map from Institutional (PQP) to Office (O-1) on a portion of the property at 631 N. New York Avenue and to change from Office (O-1) to Institutional (PQP) on a portion of the property at 507 N. New York Avenue as part of a swap of properties.

### motion / recommendation

Staff recommendation is for approval of the Ordinances as presented.

### background

The City Commission has entered into contract to sell and swap a portion of the City's former water plant site at 631 N. New York Avenue to the Elevation Plaza LLC group that owns the Elevation Financial office building directly to the south at 507 N. New York Avenue. In return, the City is receiving a portion of Elevation's existing office building parking lot. Since the City is swapping 0.665 acres of city land for 0.433 acres of private land, the difference is being compensated for with a \$1 million dollar payment.

Attached is the survey and site plan drawings showing the properties and their intended uses. The City intends to use the property received from Elevation for a new golf course maintenance building in order to replace the unsightly yellow metal storage building adjacent on the golf course. The \$1 million will pay to construct the new building. The Elevation Plaza LLC group intends to build a new office building on the land acquired from the City. Since the new office building will be a conditional use (as a building over 10,000 square feet) that project will come back to the P&Z Board and City Commission at a later time. The Elevation Plaza LLC group is trying to acquire the Century Link/Lumen parking lot along New York Avenue in order to be able to enlarge the size of the new office project.

In order to close on this transaction, the City and Elevation Plaza LLC need to swap their

respective Future Land Use and zoning designations. Institutional (PQP) on the City property to Office (O-1) for Elevation Plaza LLC to use the property for office development. Office (O-1) to Public Quasi-Public (PQP) for the City to use for a new golf course maintenance building.

### **alternatives / other considerations**

### **fiscal impact**

ATTACHMENTS:

[Site and Development Plans.pdf](#)

ATTACHMENTS:

[Survey for City and Elevation LLC swap.pdf](#)

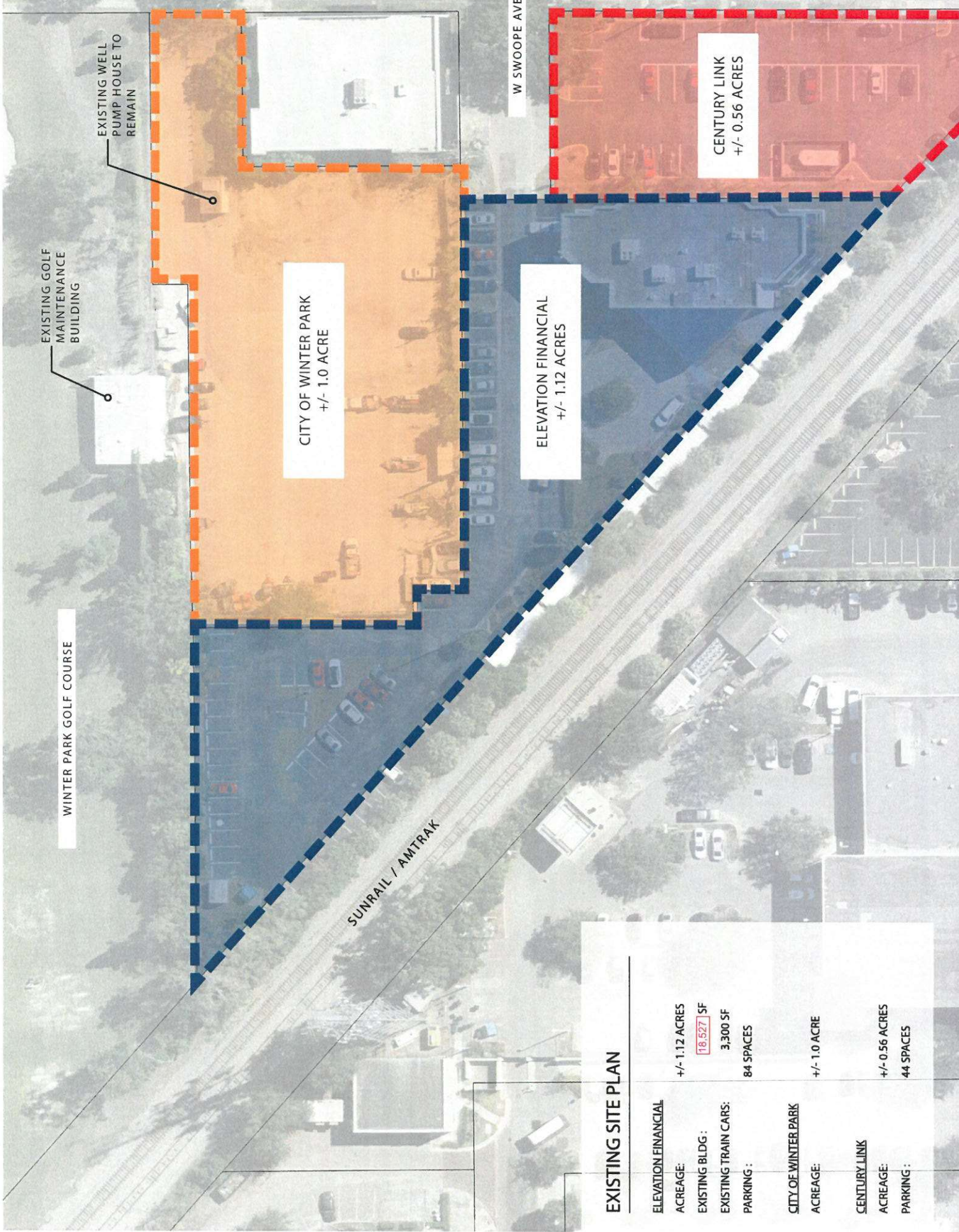
ATTACHMENTS:

[Ord.\\_Comp. Plan FLU\\_updated.doc](#)

ATTACHMENTS:

[Ord.\\_Zoning Map\\_updated.doc](#)





EXISTING SITE PLAN

|                      |                |
|----------------------|----------------|
| ELEVATION FINANCIAL  |                |
| ACREAGE:             | +/- 1.12 ACRES |
| EXISTING BLDG :      | 18,527 SF      |
| EXISTING TRAIN CARS: | 3,300 SF       |
| PARKING :            | 84 SPACES      |
| CITY OF WINTER PARK  |                |
| ACREAGE:             | +/- 1.0 ACRE   |
| CENTURY LINK         |                |
| ACREAGE:             | +/- 0.56 ACRES |
| PARKING :            | 44 SPACES      |



WINTER PARK GOLF COURSE

EXISTING GOLF  
MAINTENANCE SHED AND  
DRIVEWAY (IMPERVIOUS  
AREA) TO BE DEMOLISHED  
AND LANDSCAPED

CITY OF WINTER PARK  
+/- 0.66-ACRE

6,000 SF  
(4,000 SF 1ST FLOOR,  
2,000 SF 2ND FLOOR)

EXISTING WELL  
PUMP HOUSE TO  
REMAIN

PROPOSED BLDG.  
6,525 SF  
FLOORPLATE

W SWOOPE AV

ELEVATION FINANCIAL  
+/- 1.44 ACRES

EXISTING BLDG.  
20,160 SF  
TOTAL

SUNRAIL / AMTRAK

#### ELEVATION FINANCIAL

ACREAGE: APPROX. 1.45 ACRES

NET CHANGE AC: APPROX. 0.33-ACRE INCREASE

PROPOSED BLDG: 3 STORY WITH GROUND FLOOR PARKING / 6,750 SF  
FLOORPLATE / 13,500 SF TOTAL  
NET CHANGE BLDG: +13,500 SF

PARKING REQ: 3 SPACES PER 1,000 SF  
EX. BUILDING: 56 SPACES  
PROP. BUILDING: 41 SPACES

PARKING REQ/PROVIDED: 97 SPACES / 105 SPACES (INCLUDING 24 GROUND FLOOR SPACES)

\* INCLUDING 8 PARKING SPACES WITHIN CITY PROPERTY



WINTER PARK GOLF COURSE

EXISTING GOLF  
MAINTENANCE SHED AND  
DRIVEWAY (IMPERVIOUS  
AREA) TO BE DEMOLISHED  
AND LANDSCAPED

CITY OF WINTER PARK  
+/- 0.66-ACRE

6000 SF  
(4,000 SF 1ST FLOOR,  
2,000 SF 2ND FLOOR)

PROPOSED BLDG.  
3,300 SF  
FLOORPLATE

EXISTING WELL  
PUMP HOUSE TO  
REMAIN

PROPOSED PROPERTY  
LINE UPDATE

SUNRAIL / AMTRAK

W SWOOPE AVE

ELEVATION FINANCIAL  
+/- 1.44 ACRES

EXISTING BLDG.  
20,160 SF  
TOTAL

#### ELEVATION FINANCIAL

ACREAGE: APPROX. 1.47 ACRES

NET CHANGE AC: APPROX 0.35 ACRE INCREASE

PROPOSED BLDG: 3 STORY / 3,433 SF FLOORPLATE / 10,300 SF TOTAL  
NET CHANGE BLDG: +10,300 SF

PARKING REQ: 3 SPACES PER 1,000 SF

EX. BUILDING: 56 SPACES

PROP. BUILDING: 31 SPACES

PARKING REQ/PROVIDED: 87 SPACES / 94 SPACES

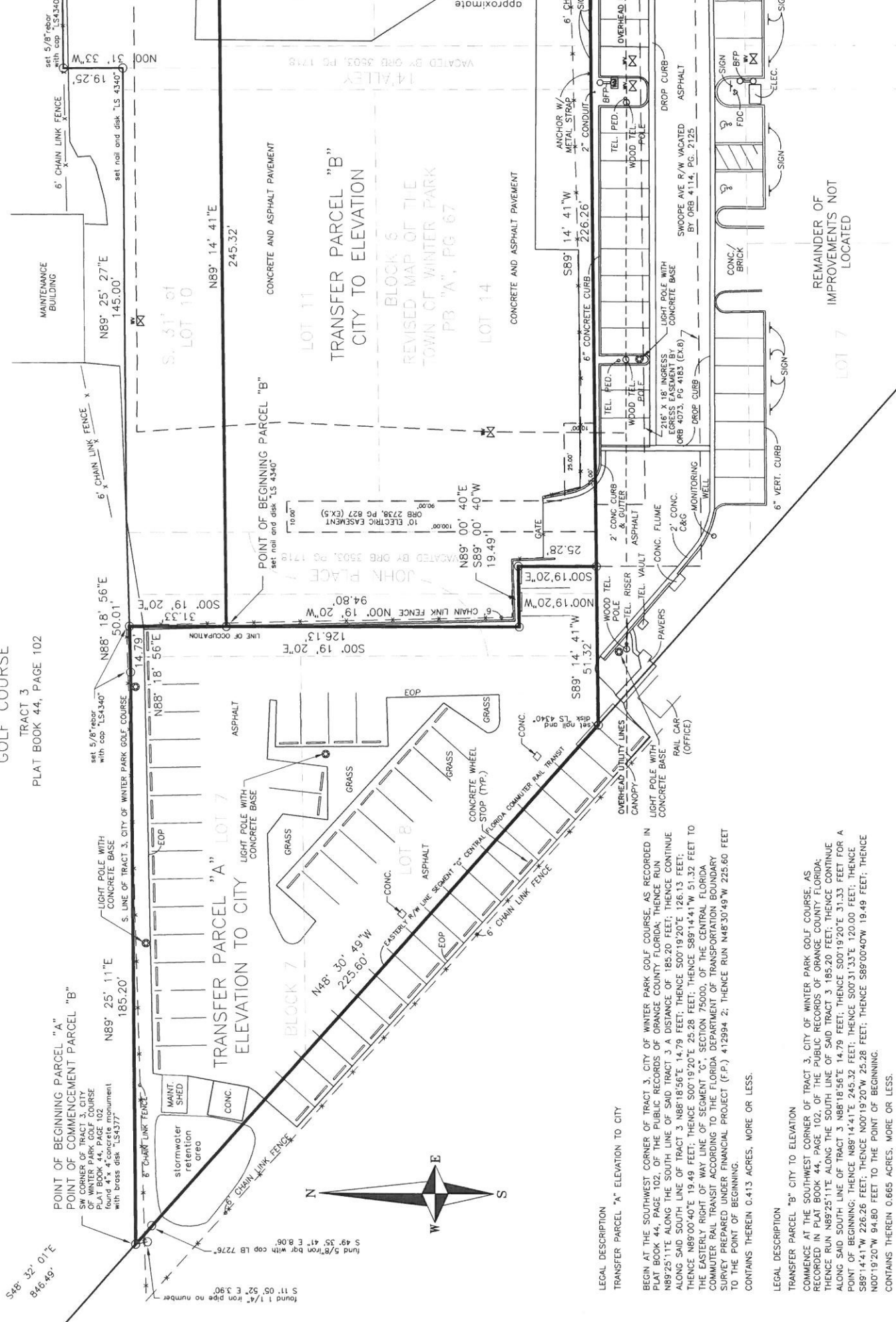
\* INCLUDING 8 PARKING SPACES WITHIN CITY PROPERTY

FAR: 45%

CITY OF WINTER PARK

# CITY OF WINTER PARK GOLF COURSE

TRACT 3  
PLAT BOOK 44, PAGE 102



## LEGAL DESCRIPTION TRANSFER PARCEL "A" ELEVATION TO CITY

BEGIN AT THE SOUTHWEST CORNER OF TRACT 3, CITY OF WINTER PARK GOLF COURSE, AS RECORDED IN PLAT BOOK 44, PAGE 102, OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN N89°25'11"E ALONG THE SOUTH LINE OF SAID TRACT 3 A DISTANCE OF 185.20 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE OF TRACT 3 N88°18'56"E 14.79 FEET; THENCE S00°19'20"E 126.13 FEET; THENCE N89°00'40"E 19.49 FEET; THENCE S00°19'20"E 25.28 FEET; THENCE S89°14'41"W 51.32 FEET TO THE EASTLY RIGHT OF WAY LINE OF SEGMENT "C", SECTION 75000, OF THE CENTRAL FLORIDA COMMUTER RAIL TRANSIT ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION BOUNDARY SURVEY PREPARED UNDER FINANCIAL PROJECT (F.P.) 412994 2; THENCE RUN N48°30'49"W 225.60 FEET TO THE POINT OF BEGINNING.

CONTAINS THEREIN 0.413 ACRES, MORE OR LESS.

## LEGAL DESCRIPTION TRANSFER PARCEL "B" CITY TO ELEVATION

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 3, CITY OF WINTER PARK GOLF COURSE, AS RECORDED IN PLAT BOOK 44, PAGE 102, OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN N89°25'11"E ALONG THE SOUTH LINE OF SAID TRACT 3 185.20 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE OF TRACT 3 N88°18'56"E 14.79 FEET; THENCE S00°19'20"E 31.33 FEET FOR A POINT OF BEGINNING; THENCE N88°14'41"E 245.32 FEET; THENCE S00°31'33"E 120.00 FEET; THENCE S88°14'41"W 226.26 FEET; THENCE N00°19'20"W 25.28 FEET; THENCE S89°00'40"W 19.49 FEET; THENCE N00°19'20"W 94.80 FEET TO THE POINT OF BEGINNING.

CONTAINS THEREIN 0.665 ACRES, MORE OR LESS.

## SURVEY NOTES:



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE",  
ARTICLE I, "COMPREHENSIVE PLAN" TO AMEND THE  
COMPREHENSIVE PLAN FUTURE LAND USE MAP TO CHANGE  
THE FUTURE LAND USE DESIGNATION OF INSTITUTIONAL  
TO OFFICE ON A PORTION OF THE PROPERTY AT 631 N. NEW  
YORK AVENUE AND TO CHANGE FROM OFFICE TO  
INSTITUTIONAL ON A PORTION OF THE PROPERTY AT 507  
N. NEW YORK AVENUE AS PART OF A SWAP OF PROPERTIES.**

**WHEREAS**, the owners of these properties, more particularly described herein have voluntarily agreed to a swap of properties and swap of comprehensive plan future land use designations, and

**WHEREAS**, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small-scale amendment to the Comprehensive Plan, and

**WHEREAS**, on September 6, 2022, the Planning and Zoning Board held a public hearing on the proposed future land use map amendment set forth herein and made a recommendation to the City Commission concerning the same, and

**WHEREAS**, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and pursuant to and in compliance with law.

**NOW THEREFORE BE IT ENACTED, AS FOLLOWS:**

**SECTION 1.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change from Institutional future land use designation an Office future land use designation on a portion of the property at 631 N. New York Avenue, more particularly described as follows:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 3, CITY OF WINTER PARK GOLF COURSE, AS RECORDED IN PLAT BOOK 44, PAGE 102, OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN N89°25'11"E ALONG THE SOUTH LINE OF SAID TRACT 3 185.20 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE OF TRACT 3 N88°18'56"E 14.79 FEET; THENCE S00°19'20"E 31.33 FEET FOR A POINT OF BEGINNING; THENCE N89°14'41"E 245.32 FEET; THENCE S00°31'33"E 120.00 FEET; THENCE S89°14'41"W 226.26 FEET; THENCE N00°19'20"W 25.28 FEET; THENCE S89°00'40"W

19.49 FEET; THENCE N00° 19' 20"W 94.80 FEET TO THE POINT OF BEGINNING.

CONTAINS THEREIN 0.665 ACRES, MORE OR LESS.

**SECTION 2.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change from an Office future land use designation to an Institutional future land use designation on a portion of the property at 507 N. New York Avenue, more particularly described as follows:

BEGIN AT THE SOUTHWEST CORNER OF TRACT 3, CITY OF WINTER PARK GOLF COURSE, AS RECORDED IN PLAT BOOK 44, PAGE 102, OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN N89° 25' 11"E ALONG THE SOUTH LINE OF SAID TRACT 3 A DISTANCE OF 185.20 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE OF TRACT 3 N88° 18' 56"E 14.79 FEET; THENCE S00° 19' 20"E 126.13 FEET; THENCE N89° 00' 40"E 19.49 FEET; THENCE S00° 19' 20"E 25.28 FEET; THENCE S89° 14' 41"W 51.32 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SEGMENT "G", SECTION 75000, OF THE CENTRAL FLORIDA COMMUTER RAIL TRANSIT ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION BOUNDARY SURVEY PREPARED UNDER FINANCIAL PROJECT (F.P.) 412994 2; THENCE RUN N48° 30' 49"W 225.60 FEET TO THE POINT OF BEGINNING.

CONTAINS THEREIN 0.413 ACRES, MORE OR LESS.

**SECTION 3.** This Ordinance shall become effective 31 days after its adoption unless timely challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. If timely challenged, this Ordinance will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance pursuant to Chapter 163, Florida Statutes.

**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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Phillip Anderson

Attest:

\_\_\_\_\_  
City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**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 CHANGE FROM PUBLIC, QUASI-PUBLIC (PQP) ZONING  
TO OFFICE (O-1) ZONING ON A PORTION OF THE PROPERTY  
AT 631 N. NEW YORK AVENUE AND TO CHANGE FROM  
OFFICE (O-1) TO PUBLIC, QUASI-PUBLIC (PQP) ON A  
PORTION OF THE PROPERTY AT 507 N. NEW YORK AVENUE  
AS PART OF A SWAP OF PROPERTIES.**

**WHEREAS**, the owner of these properties more particularly described herein have voluntarily agreed to a swap of properties and swap of zoning designations, and

**WHEREAS**, on September 6, 2022, the Planning and Zoning Board held a public hearing on the rezoning set forth herein and made a recommendation to the City Commission regarding such rezoning, and

**WHEREAS**, the City Commission finds that the changes in zoning set forth herein is consistent with the Comprehensive Plan and meets the requirements for rezoning under the City's Comprehensive Plan and land development regulations, and

**WHEREAS**, the establishment of municipal zoning meets the criteria established by Chapter 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.

**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 III, "Zoning" and the Official Zoning Map is hereby amended so as to change from Public, Quasi-Public (PQP) district zoning to Office (O-1) district zoning on a portion of the property at 631 N. New York Avenue, more particularly described as follows:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 3, CITY OF WINTER PARK GOLF COURSE, AS RECORDED IN PLAT BOOK 44, PAGE 102, OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN N89° 25' 11"E ALONG THE SOUTH LINE OF SAID TRACT 3 185.20 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE OF TRACT 3 N88° 18' 56"E 14.79 FEET; THENCE S00° 19' 20"E 31.33 FEET FOR A POINT OF BEGINNING; THENCE N89° 14' 41"E

245.32 FEET; THENCE S00°31'33"E 120.00 FEET; THENCE S89°14'41"W 226.26 FEET; THENCE N00°19'20"W 25.28 FEET; THENCE S89°00'40"W 19.49 FEET; THENCE N00°19'20"W 94.80 FEET TO THE POINT OF BEGINNING.

CONTAINS THEREIN 0.665 ACRES, MORE OR LESS.

**SECTION 2.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change from Office (O-1) Zoning district to Public Quasi-Public (PQP) district zoning on a portion of the property at 507 N. New York Avenue more particularly described as follows:

BEGIN AT THE SOUTHWEST CORNER OF TRACT 3, CITY OF WINTER PARK GOLF COURSE, AS RECORDED IN PLAT BOOK 44, PAGE 102, OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN N89°25'11"E ALONG THE SOUTH LINE OF SAID TRACT 3 A DISTANCE OF 185.20 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE OF TRACT 3 N88°18'56"E 14.79 FEET; THENCE S00°19'20"E 126.13 FEET; THENCE N89°00'40"E 19.49 FEET; THENCE S00°19'20"E 25.28 FEET; THENCE S89°14'41"W 51.32 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SEGMENT "G", SECTION 75000, OF THE CENTRAL FLORIDA COMMUTER RAIL TRANSIT ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION BOUNDARY SURVEY PREPARED UNDER FINANCIAL PROJECT (F.P.) 412994 2; THENCE RUN N48°30'49"W 225.60 FEET TO THE POINT OF BEGINNING.

CONTAINS THEREIN 0.413 ACRES, MORE OR LESS.

**SECTION 3.** This Ordinance shall become effective immediately upon the effective date of this Ordinance.

**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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Phillip Anderson

Attest:

\_\_\_\_\_  
City Clerk



|                                                                                                            |                                                     |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>item type</b> Public Hearings<br>(Public participation and comment on these matters must be in-person.) | <b>meeting date</b> September 6, 2022               |
| <b>prepared by</b> Jeffrey Briggs                                                                          | <b>approved by</b> Allison McGillis, Jeffrey Briggs |
| <b>board approval</b> Completed                                                                            |                                                     |
| <b>strategic objective</b>                                                                                 |                                                     |

## subject

Request of the City of Winter Park for an Ordinance to update and modernize the Stormwater Retention code.

## motion / recommendation

Staff Recommendation is for approval.

## background

The City's history with regard to stormwater retention requirements is as follows:

1. In 1975 storm water retention was first required but just new subdivisions.
2. In 1989 storm water retention was first required for all new buildings.
3. In 1994 storm water retention was also required to be retrofit on-site for existing developed properties that were undergoing renovations, expansions, etc. and a fee-in-lieu provided for, where deemed impractical, within the CBD.
4. In 2006 the storm water code was modified to provide for underground exfiltration systems and adopt design criteria for such.
5. In 2008 the storm water retention code was modified to address a problem of excessive fill for exfiltration systems by limiting such to two feet.

Except for the 2006 & 2008 updates, the storm water management code is largely unchanged since 1994 (28 years). As a result, it is timely to address issues in the implementation of the code and coordination with other codes of the city.

As a joint project of Public Works and Planning, the staff is suggesting updates to the storm water code for the following areas:

1. Allowing for alternate method of compliance via payment of a fee-in-lieu, as determined by the City.

- a. Now only allowed within the CBD and would also allow within Hannibal Square.
  - b. Would allow if the project is an interior remodel only, if underground storm water retention is the only solution with no place to add surface retention that would otherwise take away parking or trees.
  - c. Historically designated properties.
2. Adds new mandatory setbacks for preservation of shade trees, same as the distance required for construction barriers around trees.
3. Modifies the regulations on fill dirt added to sites prohibiting altering the existing drainage patterns and provides for the ability of the City to require remedial actions for retention issues.
4. Designates artificial turf as an impervious surface and provides setbacks from streets, property lines, and lakes for its' use.

#### **alternatives / other considerations**

#### **fiscal impact**

#### **ATTACHMENTS:**

[Ordinance Updating Stormwater Code.docx](#)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-95 "DEFINITIONS" AND ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 1, "STORMWATER MANAGEMENT" PROVIDING FOR UPDATES AND MODERNIZATION TO THE CURRENT STORMWATER RETENTION REGULATIONS, ADDING REGULATIONS GOVERNING ARTIFICIAL TURF INSTALLATIONS AND MAINTENANCE OF ARTIFICIAL TURF, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS,** the City Commission of the City of Winter Park deems it necessary for the purpose of providing environmental protections for the City in the management of stormwater runoff to update and modernize the stormwater management regulations that have not been updated for 14 years in furtherance of the general welfare of the City as set forth in this Ordinance.

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

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

**SECTION 1.** Amendment of City Code. Section 58-95 of Chapter 58, Article III of the City Code of Ordinances is hereby amended as shown below, all as follows (words that are stricken out are deletions; underlined are additions; stars \* \* \* \* \* indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code; provisions not included are not being amended):

**Sec. 58-95. - Definitions.**

For the purposes of this article, certain terms or words used herein shall be interpreted as follows:

\* \* \* \*

Artificial Turf or synthetic grass means an artificial grass mat manufactured with man-made materials such as polypropylene, polyethylene, and/or other materials, which is used to replicate the appearance of natural grass.

\* \* \* \*

*Impervious coverage* means the percentage of the lot land area that is covered with impervious materials such as building, swimming pools (including pool water and pool decks), decks, patios, driveways, etc. Standard engineering coefficients of permeability may be utilized for mixed surfaces. Artificial turf shall also be considered an impervious coverage. Land located across a street and separated from the building site shall not be included in the available land area calculation.

\* \* \* \*

**SECTION 2.** That Chapter 58 "Land Development Code", Article V "Environmental Protection Regulations, Article I "Stormwater Management of the City of Winter Park Land Development Code is hereby amended by amending Division 1 as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

## **DIVISION 1. - STORMWATER MANAGEMENT**

### **Sec. 58-161. - Purpose and intent.**

The city finds that the uncontrolled drainage of developed land has a significant adverse impact upon the health, safety and welfare of the city by increasing the siltation and pollution of ground and surface water, by accelerating the eutrophication of receiving waters, by diminishing groundwater recharge and by increasing the incidence and severity of flooding. In order to minimize these detrimental effects of stormwater runoff, the following stormwater management regulations are enacted to provide for the mitigation of stormwater impacts from new development and from the redevelopment of existing properties.

### **Sec. 58-162. - Performance standards for new development.**

(a) In order to achieve the benefits of stormwater management, the city shall require the provision of onsite stormwater retention for all new construction of buildings and parking lots.

(b) The stormwater management requirement for new development shall be the retention onsite of the first inch of runoff from all impervious surfaces.

(c) The stormwater retention requirements of this ~~section~~ division shall be achieved through the retention of stormwater runoff in surface retention facilities, such as grassed swales or retention ponds, or in subsurface exfiltration systems.

(d) The above performance standards shall apply to all new nonresidential and multi-family residential building projects on vacant land, or land made vacant after the demolition of existing structures. These requirements shall also apply to all building



projects whose construction value exceeds fifty (50%) percent of the assessed value of the improvements detailed on the most current OCPA property tax assessment role. Building renovations phased over a two-year period shall be combined to determine applicability of the fifty (50%) percent threshold criteria.

**Sec. 58-163. - Performance standards for the retrofit of existing development.**

(a) In order to achieve the benefits of stormwater management on nonresidential and multi-family residential properties undergoing redevelopment, renovation or additions, the city shall require the provision of onsite stormwater retention.

(b) The following performance standards shall apply to all new nonresidential and multi-family residential building projects on vacant land, or land made vacant after the demolition of existing structures. These requirements shall also apply to all building projects whose construction value exceeds fifty (50%) percent of the assessed value of the improvements detailed on the most current OCPA property tax assessment role. Building renovations phased over a two-year period shall be combined to determine applicability of the fifty (50%) percent threshold criteria.

(c) The stormwater management requirement for new development shall be the retention onsite of the first inch of runoff from all impervious surfaces, or in subsurface exfiltration systems.

(d) The stormwater retention requirements of this section shall be achieved through the retention of stormwater runoff in surface retention facilities, such as grassed swales or retention ponds, or in subsurface exfiltration systems, or at the sole discretion of the city, via a payment of a fee-in-lieu, as further detailed in this division.

(e) The following stormwater performance standards for the retrofit of existing development shall apply to all building projects whose construction value exceeds twenty-five (25%) percent of the assessed value of the improvements detailed on the most current OCPA property tax assessment role. Building renovations or additions phased over a two-year period shall be combined to determine when the twenty-five (25%) percent threshold criteria has been achieved.

(f) The stormwater management requirement for the redevelopment, renovation or additions to existing buildings shall be the retention onsite of the first one-half (0.5) inch of stormwater runoff from all impervious surfaces.

(g) The stormwater retention requirements of this section shall be accomplished by utilizing surface stormwater facilities, or in subsurface exfiltration systems, or at the sole discretion of the city, via a payment of a fee-in-lieu, as further detailed in this division.

(h) These stormwater management requirements for the retrofit of existing development do not allow properties constructed in conformance with the requirements for the first inch of retention to revert to a lesser requirement.

**Sec. 58-164. - Performance standards for properties within the central business district.**

(a) In recognition of the existing fully developed density of properties within the central business district, special stormwater retention requirements are provided for the development or redevelopment of these properties.

(b) On properties within these districts the stormwater retention requirement shall be either:

(1) The provision of onsite stormwater retention of the first one-half (0.5) inch from all impervious surfaces into surface or subsurface facilities; or

(2) The payment to the city of a fee in lieu of stormwater management to be equal to the cost of providing subsurface stormwater retention facilities, as further detailed in this Division. These fees are to be earmarked and utilized by the city for construction and improvement to capital facilities of the offsite stormwater management system within the city ~~drainage basin~~. Such cost estimates shall be certified by a registered engineer. ~~The stormwater board of appeals shall act to resolve any conflicts or disputes regarding the appropriate fee in lieu of stormwater management.~~

**Sec. 58-165. - Performance standards for properties within single family zoning districts.**

(a) In recognition that single family properties have limitations on the percentage of impervious surfaces allowed, there are qualitative rather than quantitative stormwater retention requirements for these building projects.

(b) The stormwater management requirement for development and redevelopment on properties within single family districts shall include some method or methods of onsite retention for the building, parking, and driveway areas. These methods shall include, but not be limited to: the provision of swales or other retention areas; the sloping of parking areas and drives to landscaped areas versus directly to the street; the guttering of building runoff to landscaped open areas where setbacks limit the amount of pervious area available; and other such methods which provide opportunities for the percolation of stormwater.

(c) The above performance standards shall apply to all single-family residential building projects on vacant land, or land made vacant after the demolition of existing structures.

These requirements shall also apply to all building projects whose construction value exceeds fifty (50%) percent of the assessed value of the improvements detailed on the most current OCPA property tax assessment role. Building renovations phased over a two-year period shall be combined to determine applicability of the fifty (50%) percent threshold criteria.

(d) The drainage type of each property, whether A, B or C graded lot shall not be changed by the construction or by the addition of fill dirt. In order to comply with the Zoning provisions of Section 58-71 (b) (2) no property shall be graded in such a way as to interfere with the natural drainage of adjoining lots or divert drainage or to cause overflow from retention areas to increase storm water flow onto adjoining properties over the amount naturally occurring prior to construction of any new improvements. The City may require physical barriers such as curbs or walls to be constructed in order to accomplish this requirement when there has been a demonstrated increase in runoff onto adjoining properties. Conversely, when a property constructs a wall or other physical barrier that precludes an adjoining property from allowing storm water to flow onto the subject site, then the city may require weep holes or openings in the bottom of such wall or physical barrier in order to accommodate the natural flow.

(e) In any case where fill is brought onto a property that raises the natural grade of the lot and the construction type does not include a stem wall keeping the side or rear setback areas at the existing grade prior to construction, then the structure shall require gutters and downspouts hooked to an underground pipe system to carry the storm water to its intended destination and thereby preclude water flowing onto an adjoining property.

(f) In the implementation and construction of retention for single family properties there may be situations that arise after the issuance of a certificate of occupancy where the retention system does not function per the original design and creates runoff problems to adjacent properties or streets. The City shall be empowered to require modifications and changes to the retention system including but not limited to those design parameters outlined above. on a property within two (2) years from the date of the certificate of occupancy in order to insure the retention system functions properly and remedies any unanticipated problems.

(g) No storm water retention area requiring fill to create or excavation of the ground to create, shall be allowed within ten (10) feet of any protected shade tree that is up to twelve (12) inches DBH, or fourteen (14) feet for such up to nineteen (19) inches DBH, or eighteen (18) feet for any such tree, twenty (20) inches or greater DBH.

## **Sec. 58-166. - Stormwater management technical standards.**

(a) It is the responsibility of the applicant to submit sufficient information for the building official and public works director or their designees to determine whether the

requirements of this division are being met. The public works department may from time to time issue design guidelines that are to be followed in meeting the requirements of this division.

(b) Submittal information should detail elevations or contours, direction of flow, and other grading or fill information. Submittals should also detail the computations and calculations utilized to demonstrate satisfaction of the retention requirements. Submittals should also detail the type of soil conditions present and the depth to the water table. A soils report and/or survey may be required to verify the conditions represented on the plan.

(c) It shall be the duty of the property owner to provide proper maintenance of the stormwater management system so that the system continues to meet the requirements of this division. The city shall have the power to inspect stormwater management systems and facilities and to require such maintenance, repair, and replacement of facilities as necessary. Necessary maintenance and repair shall be made within a time period not to exceed thirty (30) days after notification by the city of the problem and required corrective action.

#### **Sec. 58-167. - Surface stormwater system standards.**

(a) Surface stormwater systems utilized to accomplish the stormwater retention and percolation requirements shall be designed so as to be readily accessible from rights-of-way, parking lots, court yards, or other open areas so that maintenance and clean-out of these areas can be easily accomplished.

(b) The side slopes and bottoms of all retention areas shall have a grass or other landscape material cover. The maximum depth of retention areas shall be four feet from the surrounding average grade. The maximum side slopes of retention areas shall not exceed three to one.

(c) Spillways or other entrance channels to retention areas shall be designed to prevent the flushing of these retention areas by heavy rains.

(d) Retention areas shall be designed and function such that all retained water is removed after the third day. If this is not accomplished by percolation and evaporation, the retention area must be improved to include an underdrain system or other bottom materials that will accomplish this requirement.

(e) The design shall not allow or permit the grade of the site to be elevated above two (2) feet from the existing grade of the adjoining properties or adjoining right-of-way.

(f) The drainage type of each property, whether A, B or C graded lot shall not be changed by the construction or by the addition of fill dirt. In order to comply with the

Zoning provisions of Section 58-71 (b) (2) no property shall be graded in such a way as to interfere with the natural drainage of adjoining lots or divert drainage or to cause overflow from retention areas to increase storm water flow onto adjoining properties over the amount naturally occurring prior to construction of any new improvements. The City may require physical barriers such as curbs or walls to be constructed in order to accomplish this requirement when there has been a demonstrated increase in runoff onto adjoining properties. Conversely, when a property constructs a wall or other physical barrier that precludes an adjoining property from allowing storm water to flow onto the subject site, then the city may require weep holes or openings in the bottom of such wall or physical barrier in order to accommodate the natural flow.

(g) In any case where fill is brought onto a property that raises the natural grade of the lot and the construction type does not include a stem wall keeping the side or rear setback areas at the existing grade prior to construction, then the structure shall require gutters and downspouts hooked to an underground pipe system to carry the storm water to its intended destination and thereby preclude water flowing onto an adjoining property.

(h) In the implementation and construction of retention for properties there may be situations that arise after the issuance of a certificate of occupancy where the retention system does not function per the original design and creates runoff problems to adjacent properties or streets. The City shall be empowered to require modifications and changes to the retention system including but not limited to those design parameters outlined above, on a property within two (2) years from the date of the certificate of occupancy in order to insure the retention system functions properly and remedies any unanticipated problems.

(i) No storm water retention area requiring fill to create or excavation of the ground to create, shall be allowed within ten (10) feet of any protected shade tree that is up to twelve (12) inches DBH, or fourteen (14) feet for such up to nineteen (19) inches DBH, or eighteen (18) feet for any such tree, twenty (20) inches or greater DBH.

#### **Sec. 58-168. - Underground stormwater system standards.**

(a) *Generally.* Underground stormwater seepage systems may be permitted in all zoning districts upon city staff approval to accomplish stormwater retention and percolation requirements provided those systems are designed for the prevention of clogging by fine material and for ease of clean with convention sewer cleaning equipment.

(b) *Design criteria.*

(1) Underground stormwater treatment systems shall be designed by a licensed professional engineer.



(2) Underground stormwater treatment systems shall be designed so as to accept a retention volume calculated for two inches of runoff from all contributing impervious areas.

(3) A system overflow outfall shall be required.

(4) The bottom of the stormwater treatment system shall be constructed a minimum of one foot above the estimated high ground elevation. The estimated high groundwater elevation and a modeled recovery analysis shall be performed by a licensed geotechnical engineer.

(5) Filtration media shall consist of a gravel or river rock to be approved by city staff. A limestone based or crushed concrete media is not permitted.

(6) A pretreatment structure shall be incorporated to remove all debris and sedimentation from the stormwater runoff prior to entering the ex-filtration system.

(7) Proper inspection and maintenance access ports/manholes shall be installed on all structures and ex-filtration termination points.

(8) The design shall meet such site or project-specific additional criteria as the director of public works may require.

(9) The design shall not allow or permit the grade of the site to be elevated above two feet from the existing grade of the adjoining properties or adjoining right-of-way.

(10) No storm water retention area requiring fill to create or excavation of the ground to create, shall be allowed within ten (10) feet of any protected shade tree that is up to twelve (12) inches DBH, or fourteen (14) feet for such up to nineteen (19) inches DBH, or eighteen (18) feet for any such tree, twenty (20) inches or greater DBH.

*(c) Inspection and maintenance criteria.*

(1) Upon initial construction completion, an "as-built" drawing confirming that the stormwater treatment system was constructed according to the city approved drawings shall be signed and sealed by the engineer of record and submitted to the city public works department.

(2) Inspection, maintenance, and testing procedures (including report forms) shall be provided by the engineer of record and submitted to the city for approval, and approved by the city, before a permit is issued.

(3) Monthly inspections shall be performed by responsible party and findings logged and/or recorded. Monthly inspection logs shall be submitted annually to the city public works department.

(4) Routine maintenance and cleaning operations shall be performed and logged and/or recorded. Maintenance and cleaning logs shall be submitted annually to the city public works department.

(5) A volume test shall be performed on the underground stormwater treatment system and an engineer certified volume test report, satisfactory to the city, submitted every three years to the city public works department.

(6) As a means of ensuring the future maintenance, repair, or replacement of the underground stormwater treatment system, the owner of the property shall be required to enter into an agreement suitable for recording in the public records, which shall run with the land and bind future owners of the property, reflecting the owner's responsibility to perform future maintenance, repairs, or replacement, as deemed reasonably necessary by the city, and in addition the owner's responsibility to pay for such future maintenance, repairs, or replacement, as deemed reasonably necessary by the city, regardless of by whom the future maintenance, repairs, or replacement is performed. The city shall have the right, but not the obligation, to perform or have performed future maintenance, repairs, or replacement, as deemed reasonably necessary by the city, and the property owner shall be responsible for the costs of such future maintenance, repairs, or replacement, the recorded agreement referred to herein shall reflect this obligation of the property owner.

#### **Sec. 58-169. - Disposition of stormwater runoff.**

(a) All stormwater systems shall include a method for the disposition of excess stormwater runoff. This disposition is to be into rights-of-way of the city with storm drainage facilities.

(b) In cases where the disposition of stormwater runoff is other than to rights-of-way with storm drainage facilities, the approval of the city engineer or public works director shall be required for the design and disposition of stormwater runoff into other areas such as lakes, ponds, streams, canals, wetlands, or rights-of-way without storm drainage facilities.

#### **Sec. 58-170 – Fee-in-lieu provisions.**

(a) In certain circumstances, the city may accept a storm water fee-in-lieu payment, based upon a calculation adopted in the city fee schedule to approximate the cost of otherwise providing such required storm water retention on-site. Payment of a fee-in-lieu versus construction of on-site storm water retention shall be at the sole discretion of the city engineer or public works director and shall not be an option available by choice by the property owner, developer, contractor, etc. in connection with any permit requiring storm water retention. The city may also propose a partial fee-in-lieu alternative when some amount of retention is possible on-site but the project cannot

retain the full volume required, in which case the fee-in-lieu shall cover the pro-rata portion.

(b) A fee-in-lieu shall not be permitted on vacant sites or sites made vacant or substantially vacant via the demolition of a building/structure or substantial demolition of a building/structure. The instances when a fee-in-lieu may be considered by the city would include:

(1) Properties within the Central Business District or Hannibal Square Commercial District.

(2) Properties required to be retrofitted for storm water retention that are maintaining the parking lot and building location/dimensions unchanged but are only doing interior alterations and remodeling in circumstances where the property cannot lose any required parking spaces for the creation of surface swales/retention and where the only option or remaining option to reach the required retention volume is the creation of an underground exfiltration retention system.

(3) Properties where the ability to create required surface retention volume requires the removal of shade trees deemed important to preserve by the staff of the city's urban forestry division.

(4) Properties individually designated on the Winter Park Register of Historic Places or designated as 'contributing' properties within city historic districts.

### **Sec. 58-171. – Artificial Turf Installation.**

(a) The following requirements shall govern the installation of artificial turf.

(1) A permit shall be required to install and at a minimum, be installed according to the manufacturer's specifications and may be subject to further City stormwater requirements.

(2) New total impervious area coverage to include the artificial turf shall be submitted with the permit application.

(3) The first one inch of stormwater runoff from the artificial turf must be retained on site in accordance with Sec. 58-163.

(4) Installations are not allowed under tree canopies, or within the drip line of any tree.

(5) Installations are not permitted in any front or side street facing yard areas and



not allowed within five (5) feet of any side or rear property line.

- (6) Installation of artificial turf within public and private rights-of-way is prohibited.
- (7) Artificial turf may not be installed within 50 feet of any artificial or natural water body.
- (8) Within Historic Districts, artificial turf may not be installed where it is visible from any rights-of-way.
- (9) Artificial turf is prohibited within drainage features (e.g. retention ponds, swales, and etc.)

(b) Maintenance of artificial turf. The property owner shall routinely maintain artificial turf, including cleaning, brushing, debris removal, repairing and replacement. Such maintenance activities shall ensure that artificial turf continues to function as designed and permitted. The aforesaid requirements of this subsection (c) apply to all artificial turf installed within the city limits whether such: (i) was installed prior or after the adoption of this subsection, or (ii) was not required to obtain a permit or enter into an agreement required by this section at the time of its installation. All artificial turf must be replaced if it falls into disrepair with fading, holes or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf. The property owner's failure to maintain, repair and/or replace artificial turf in compliance with this section or any agreement entered into with the City as required herein shall constitute a violation of this subsection.

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

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

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

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida (the "Effective Date"), and shall apply to all applications for permits received on or after the Effective Date.

**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 \_\_\_\_\_ 2022.

By: \_\_\_\_\_  
Mayor Phil Anderson

ATTEST:

By: \_\_\_\_\_  
Rene Cranis, City Clerk