

**ORDINANCE NO. 2788-09**

**AN ORDINANCE OF THE CITY OF WINTER PARK,  
FLORIDA, AMENDING CHAPTER 58 "LAND  
DEVELOPMENT CODE" ARTICLE II, "CONCURRENCY  
MANAGEMENT REGULATIONS" SO AS TO AMEND AND  
READOPT PORTIONS OF THE CITY'S CONCURRENCY  
REGULATIONS IN CONFORMANCE WITH THE CITY OF  
WINTER PARK'S NEW COMPREHENSIVE PLAN,  
GOALS, OBJECTIVES AND POLICIES DOCUMENT  
RELATED TO PUBLIC SCHOOLS, WATER AND SEWER  
AS ADOPTED FEBRUARY 23, 2009, PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, the Florida Statutes require all local communities to adopt Comprehensive Plans pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules and to implement the required concurrency regulations within the City's Land Development Code in order to provide appropriate infrastructure for future growth and development: and

**WHEREAS**, the Winter Park City Commission has adopted a new Comprehensive Plan on February 23, 2009 via Ordinance 2762-09 and the City needs to update the concurrency management regulations for public schools and water and sewer to reflect revised level of service standards and procedures.

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article II "Concurrency Management Regulations" of the Code of Ordinances is hereby amended by repealing and re-adopting Sections 58-31, 58-32, 58-33, 58-35 and Section 58-40 subsections (a) and (b) within Article II, "Concurrency Management Regulations" to read as follows:

**ARTICLE II. CONCURRENCY MANAGEMENT REGULATIONS**

Sec. 58-31. Introduction; summary.

This article implements the concurrency management regulations mandated by Florida Statute Chapter 163 Part II, Florida Statute Chapter 1013 and Rule 9J-5 Florida Administrative Code, as well as serving as an implementation mechanism for the city's comprehensive plan.

Sec. 58-32. Purpose and intent.

(a) The purpose of this article is to enable growth and development to proceed in the city in compliance with the city's comprehensive plan. As such, this article implements the concurrency provisions of the comprehensive plan that are mandated by Florida Statute Chapter 163, Part II, Florida Statute Chapter 1013, and Rule 9-J5 Florida Administrative Code.

(b) The city commission has determined and recognized that new growth and development may necessitate expansions and improvements of infrastructure. In order to assure capacity in infrastructure systems for new growth, all new development will be reviewed to determine the effect of such development on the infrastructure systems within the city. No new development or redevelopment will be permitted which would have the effect of degrading the level of service of any infrastructure system below that level established in the comprehensive plan.

(c) Florida Statutes Chapter 163, Part II and Chapter 1013 require the coordination of planning between the City of Winter Park, the Orange County School Board, the Orange County government and the other municipalities within Orange County for the timely delivery of adequate public school facilities concurrently with residential development. The City of Winter Park and the Orange County School Board shall review and provide a determination of concurrency for the impact of residential development according to the policies and procedures set forth in the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency (ILA) adopted by the City Commission on December 8, 2008. These policies and procedures are in addition to the concurrency requirements and procedures that follow.

(d) The city sponsors or experiences several special events each year such as the Winter Park Arts Festival. Such events generate temporary peak demands on the infrastructure. It would be an unnecessary and unreasonable expense to the public to develop public infrastructure to support completely such temporary periods of usage. It is not the purpose of this article to require the complete infrastructure for these occasional special events.

Sec. 58-33. Concurrency requirements.

(a) A concurrency approval shall be required to be granted by the city prior to the issuance of any development order or approval except as exempted in the article. The following are determined to be development orders requiring a concurrency approval:

- (1) Building permit;
- (2) Permitted use approval;
- (3) Conditional use approval;
- (4) Site plan approval;
- (5) Preliminary or Final plat;
- (6) Planned unit development;
- (7) Development agreement, pursuant to F.S. § 163.3220;
- (8) Development of regional impact (D.R.I.); and
- (9) Florida quality development (F.Q.D.);

(b) A concurrency approval shall be required prior to commencement of construction of any new public facilities, or expansion thereof, whether or not a final development order or building permit is issued by the city.

(c) A concurrency approval shall be required prior to the commencement of construction within the city of any new public facilities by any other government, school board or quasi-governmental agency.

(d) A concurrency approval shall not be required to be granted by the city and the following development orders are exempted from the requirements of this article:

(1) Development orders or building permits for single family homes or duplexes within existing platted subdivisions of record recorded prior to the effective date of the article where all infrastructure required within the subdivision to support the property has been provided and accepted by the city;

(2) Development orders or building permits for other residential or nonresidential development where the following standards are not exceeded:

a. Roads--20 average daily trip ends; (as calculated by the current Institute of Transportation Engineer's Trip Generation Manual);

b. Water--640 gallons per day;

c. Sewer--640 gallons per day; and

(3) Development of regional impact (D.R.I.), Florida quality development (F.Q.D.) or development included in a development agreement adopted by the city commission pursuant to Florida Statutes Chapter 163, Part II. Development pursuant to a building permit issued prior to the effective date of this article and consistent with the comprehensive plan, provided however, that no such building permit shall be extended except in conformance with this article. If, however, the code enforcement director determines such a building permit has lapsed or expired, pursuant to the building code, then no subsequent building permit shall be issued except in conformance with this article. In addition, if the planning official determines that the developer is proposing a change in the plan of development resulting in impacts on public services greater than those impacts caused by the previously approved development, then no change shall be approved except in accordance with this article.

(4) Development orders or building permits for residential development identified as exempt residential uses pursuant to the Public Schools Facilities element (Comprehensive Plan Policy 9-1.3.6 standards.

#### Sec. 58-35. Concurrency approval application and review procedures.

(a) Development projects shall be reviewed to determine the effect of the project on the capacity of the following infrastructure systems:

(1) Traffic circulation/roadway capacity;

(2) Potable water production capacity;

(3) Sanitary sewer treatment capacity;

(4) Park and recreation facility capacity;

(5) Drainage/storm water management; and

(6) Solid waste collection and disposal capacity.

(7) Public school capacity.

(b) Review shall be initiated by the owner, developer or authorized agent by submitting a site plan drawn from or based on a survey of the site, legal description of the property and all other information requested by the city so that a determination of the size, scale and nature of the infrastructure impacts can be determined by the city. Incomplete submittals will be returned to the applicant. Applications shall be reviewed in the order of acceptance as complete.

Sec. 58-40. Methods of capacity evaluation.

(a) In performing concurrency evaluations, the city staff shall determine the amount of infrastructure capacity necessary to serve the proposed development. If such amount of infrastructure capacity that will be generated can be provided, then the development shall be deemed to be concurrent and, accordingly, the requested capacity approval may be issued. If the amount of infrastructure capacity that will be generated can not be provided, then the development shall be deemed not to be concurrent and, accordingly, the requested capacity approval shall not be issued.

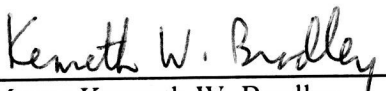
(b) In order to measure the demands for infrastructure capacity from development, the following methods shall be utilized:

Infrastructure	System Method
Sanitary sewer capacity	Established by Florida Department of Environmental Regulation.
	Demand--Customer demand based on past usage by similar users.
Potable water capacity	Established by Florida Department of Environmental Regulation.
	Demand--Customer demand based on records of past usage by similar users.
Solid waste capacity	As determined by Orange County.
	Demand--Average customer demand based on records of past usage
Parks and recreation capacity	Total existing park land acreage.
	Demand--Number of permanent residential housing units x 2.2 persons.


Traffic circulation capacity and demand	Capacity--Highway Capacity Manual, and Florida Quality Level of Service Manual (latest edition).
	Demand--Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition)
Drainage	Established in the storm water management provisions of Article VI of this chapter.
Public School Facilities	Capacity – Established by Orange County Public Schools (OCPS) using the Adjusted FISH (Florida Inventory of School Houses) Capacity for each school and Capacity Service Area.
	Demand – The number of students generated by residential development shall be calculated by multiplying the number of housing units by the student generation rates by school type as set forth in Table 12 of the OCPS Facilities Data, Inventory and Analysis.

**SECTION 3.** This ordinance shall become effective immediately upon its final passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 23<sup>rd</sup> day of November, 2009.

  
 Mayor Kenneth W. Bradley

ATTEST:

  
 City Clerk Cynthia S. Bonham