

# Planning & Zoning Board Virtual Regular Meeting

August 4, 2020 at 6 p.m.

### Agenda Items

- 1. Call to Order
- 2. Approval of July 21, 2020 meeting minutes

### 3. Public Hearings

- SPR #20-10. Michael and Angie Strasberg for: Approval to construct a new, two-story, 5,243 square foot, single-family home located at 2146 Lake Drive on Lake Killarney, zoned R-1A.
- SPR #20-11. Request of Daniel Cohen and Esther Kovacs to: Modify the P&Z approval granted on July 9, 2019 in order to enlarge the porch as a component of a two-story, addition to the single-family home located at 2104 Venetian Way on Lake Maitland, zoned R-1AAA.
- ZTA #20-05 Request of the City of Winter Park for: An Ordinance to Amend the Land Development Code to specify coop accessory structure regulations for backyard chickens in the Chapter 58, subsection 58-71(i); Amend Chapter 18, Subsection 18-16 to allow the keeping of backyard chickens; and adding Subsection 18-18, "General Conditions for the keeping of backyard chickens pilot program", to allow up 50 permits of up to four hens per household.
- 4. New Business
- 5. Planning Director's Report
- 6. Board Updates & Comments
- 7. Upcoming Meeting Schedule

Next P&Z Work Session: Tuesday, August 11, 2020 at 12:00 p.m. Next P&Z Regular Meeting: Tuesday, September 1, 2020 at 6:00 p.m.

### appeals & assistance

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

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

407-599-3324 • planning@cityofwinterpark.org cityofwinterpark.org

Planning & Community Development

# Planning & Zoning Board Staff Report for August 4, 2020 Meeting

<u>SPR #20-10. Michael and Angie Strasberg for</u>: Approval to construct a new, two-story, 5,243 square foot, single-family home located at 2146 Lake Drive on Lake Killarney, zoned R-1A.

### **Background**

The property owners, Michael and Angie Strasberg are requesting site plan approval to construct a new, two-story, 5,243 square-foot, single-family home at 2146 Lake Drive, which is located on Lake Killarney, and is zoned R-1A. This property measures 14,714 square feet. Below is a table summarizing this request in comparison to the R-1A zoning/lakefront lot requirements.

Table 1:

	R-1A/Lakefront Lot Requirements Proposed		
Floor Area Ratio	Max 38%	5,243 square feet/35.6%	
Impervious Lot Coverage	Max 50%	6,057 square feet/41.2%	
Lakefront Setback	67 feet	67 feet and 9 inches	

#### **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, and the appearance of the property and the shore when viewed from the water will be kept as natural as reasonably possible. The applicant is proposing to remove a 60" laurel oak tree as part of this request (see attached pictures for reference). The City's Urban Forestry Department has assessed this laurel oak and stated that the tree is over-mature and has generally poor branching structure. They noted that the crown of the tree is relatively healthy but also noted some deadwood and a large cavity with decay and boring activity is present in the trunk of the tree near the base. They noted buttressing at the flare as well as the presence of ganoderma (a fungal organism that grows on decayed word) which indicates the presence of basal decay.

The Urban Forestry Department indicated that the tree could be conceivably be managed in its final years of life by removing the deadwood from the crown and clearing the root-suppressing vegetation from the base of the tree. However, the poor structure and significant decay at the base would result in any attempt to prevent root damage during the construction process to be difficult at best. Even with barricades installed, site grading, digging for the retention swale, and other construction activity would inevitably harm the tree.

The Urban Forestry Department's recommendation is for removal.

#### **View From the Lake**

The code limits walls and swimming pool decks facing the lake in excess of three feet in height. This lot has a minimal grade drop from the front of the home to the lakefront, and the pool and rear deck have been designed as to not exceed the three-foot height rule.

### **View of Neighbors**

The purpose and intent of the lakefront lots section of the code is to ensure that the views of the lake from adjoining properties will not be unduly impaired by new houses, additions, second story additions, etc. In order to achieve this, the code states that the lakefront setback shall be the average established by the adjacent lakefront properties within 200 feet of the subject property, or 50 feet, whichever is greater. However, the P&Z Board does have the authority to approve setbacks less than the average determined, or impose more restrictive setbacks. Staff has determined that the average lakefront setback is 67 feet. The applicant is proposing the house to be at 67 feet and 9 inches. The applicant is also proposing the pool deck to be at the minimum 50 foot lakefront setback.

#### **Stormwater Retention**

The code requires retention of stormwater so that stormwater flowing over a waterfront lawn area does not carry with it into the canal or chain of lakes any fertilizers, herbicides, or other chemicals that affect the water quality of our community's most precious assets. The amount of impervious surface on the lot determines the depth/size of the retention needed. The applicant is proposing multiple stormwater swales throughout the lot that are sized to meet the City's code requirements.

### **Summary**

The applicant is proposing a home that is compatible with the natural grade of the property and is ensuring that water pollution from stormwater runoff and other sources will be minimized. The applicant is ensuring the appearance of the property and the shore when viewed from the water, will be kept as natural as reasonably possible. One laurel oak will be removed as recommended by the Urban Forestry Department. Overall, the plans meet the intent of the lakefront review criteria defined in the code and no variances are requested.

Staff recommendation is for approval.



### **LOCATION MAP**

2146 Lake Drive

City of Winter Park Florida







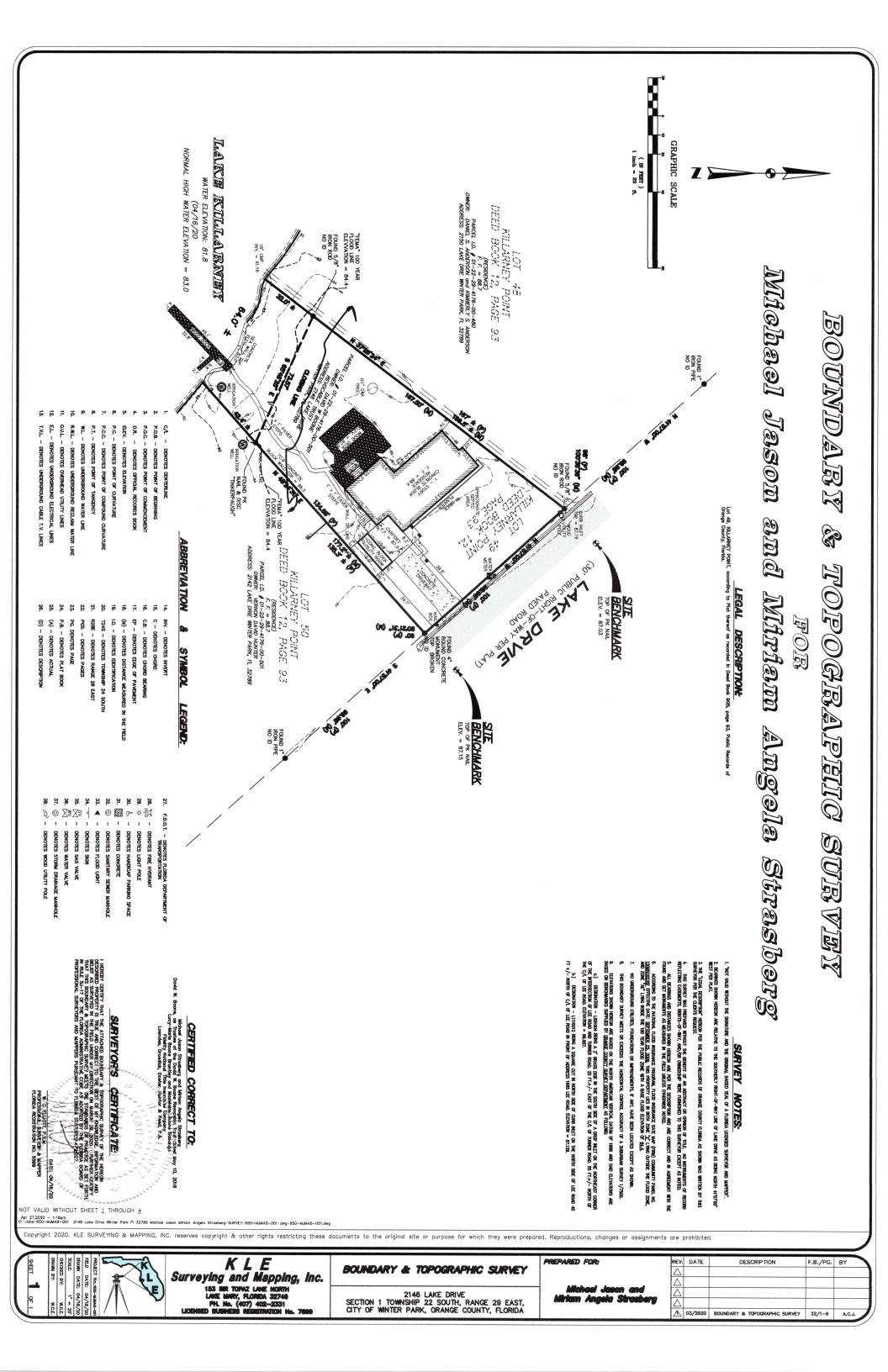
### **LOCATION MAP**

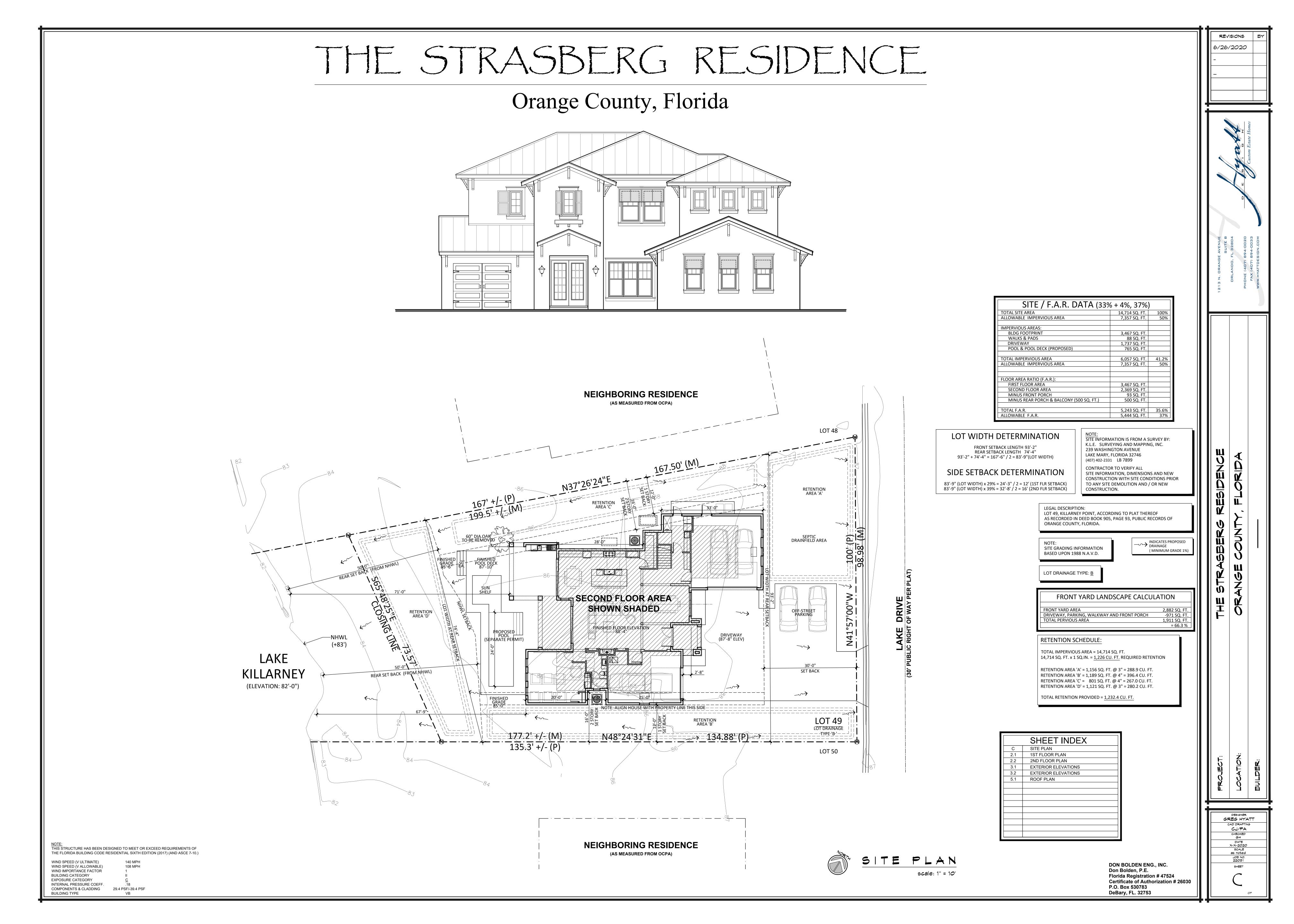
2146 Lake Drive

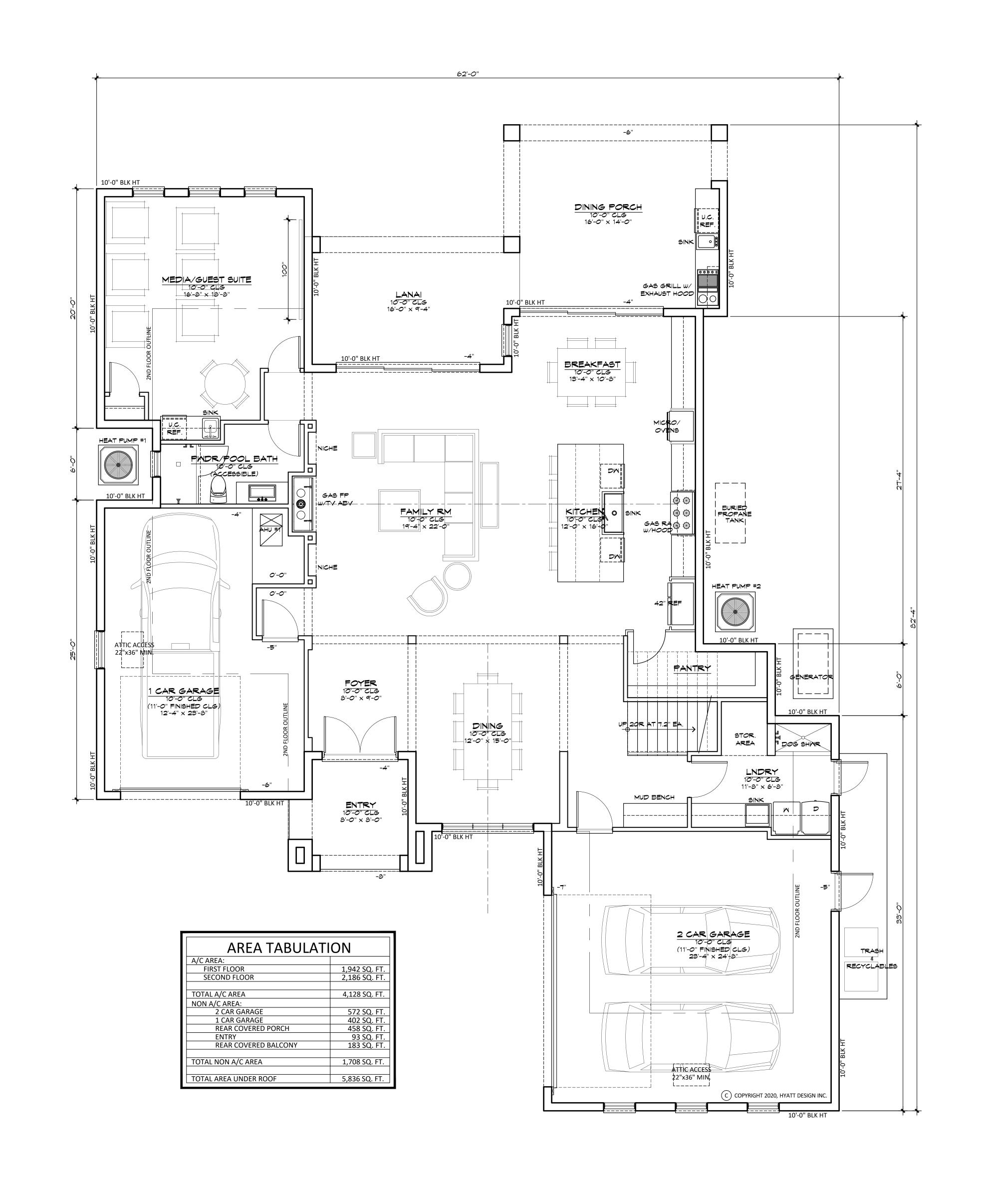
City of Winter Park Florida











1ST FLOOR PLAN

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

DON BOLDEN ENG., INC.
Don Bolden, P.E.
Florida Registration # 47524
Certificate of Authorization # 26030
P.O. Box 530783
DeBary, FL. 32753

GREG HYATT CAD DRAFTING CJ/PA CHECKED GH DATE X-X-2020 SCALE as noted

REVISIONS BY

6/26/2020

NOTE:
THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED REQUIREMENTS OF THE FLORIDA BUILDING CODE RESIDENTIAL SIXTH EDITION (2017) (AND ASCE 7-10.)

WIND SPEED (V ULTIMATE)

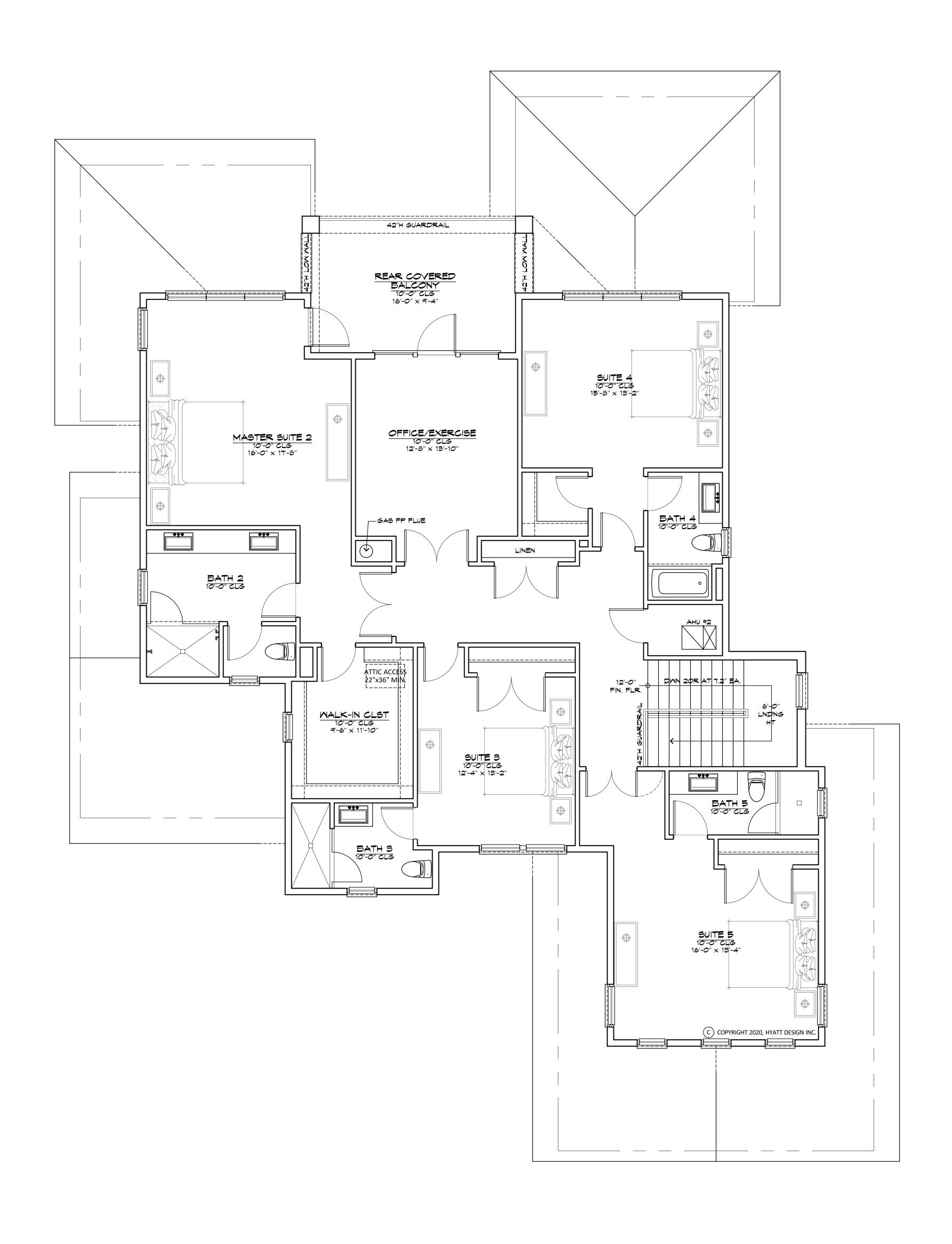
WIND SPEED (V ALLOWABLE)

WIND IMPORTANCE FACTOR

1

WIND SPEED (V ULTIMATE) 140 MPH
WIND SPEED (V ALLOWABLE) 108 MPH
WIND IMPORTANCE FACTOR 1
BUILDING CATEGORY II
EXPOSURE CATEGORY CC
INTERNAL PRESSURE COEFF. 18
COMPONENTS & CLADDING 29.4 PSF/-39.4 PSF

**BUILDING TYPE** 



NOTE:
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THE FLORIDA BUILDING CODE RESIDENTIAL SIXTH EDITION (2017) (AND ASCE 7-10.)

WIND SPEED (V ULTIMATE)
WIND SPEED (V ALLOWABLE)
WIND IMPORTANCE FACTOR
BUILDING CATEGORY

EXPOSURE CATEGORY
INTERNAL PRESSURE COEFF.

BUILDING TYPE

COMPONENTS & CLADDING 29.4 PSF/-39.4 PSF

2ND FLOOR PLAN
scale: 1/4" = 1'-0"

DON BOLDEN ENG., INC.
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DESIGNER
GREG HYATT

CAD DRAFTING
CJ/PA

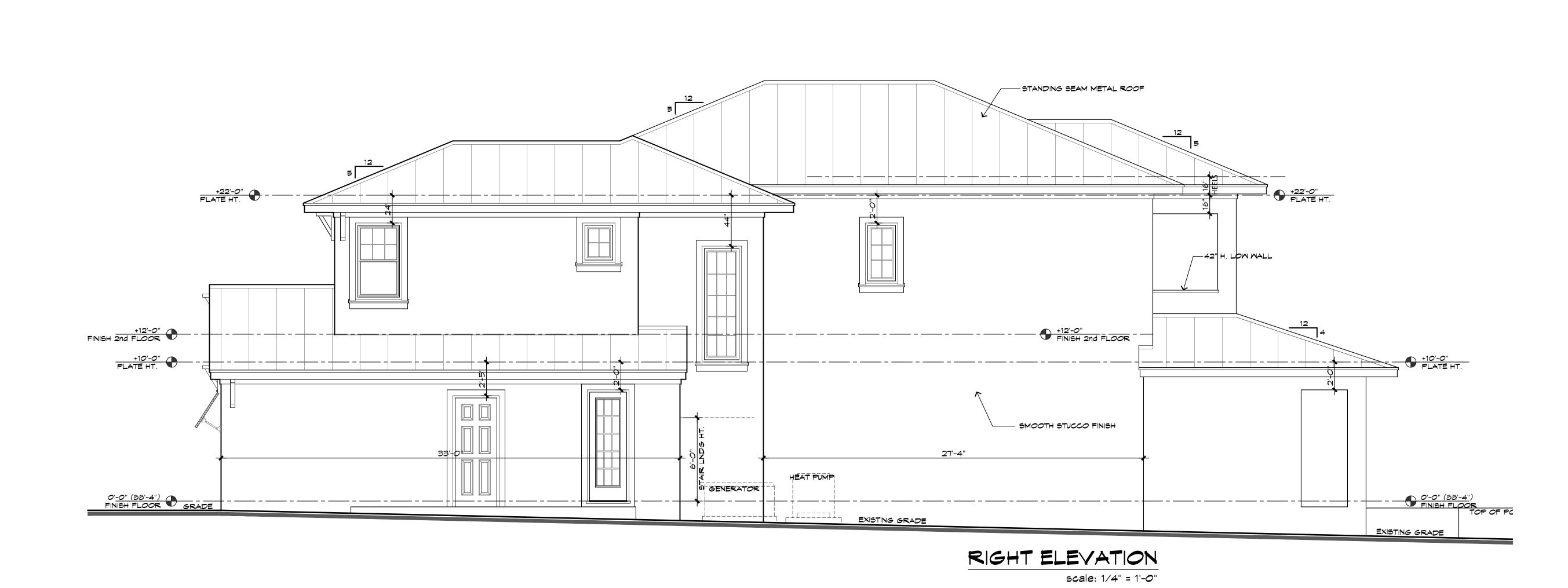
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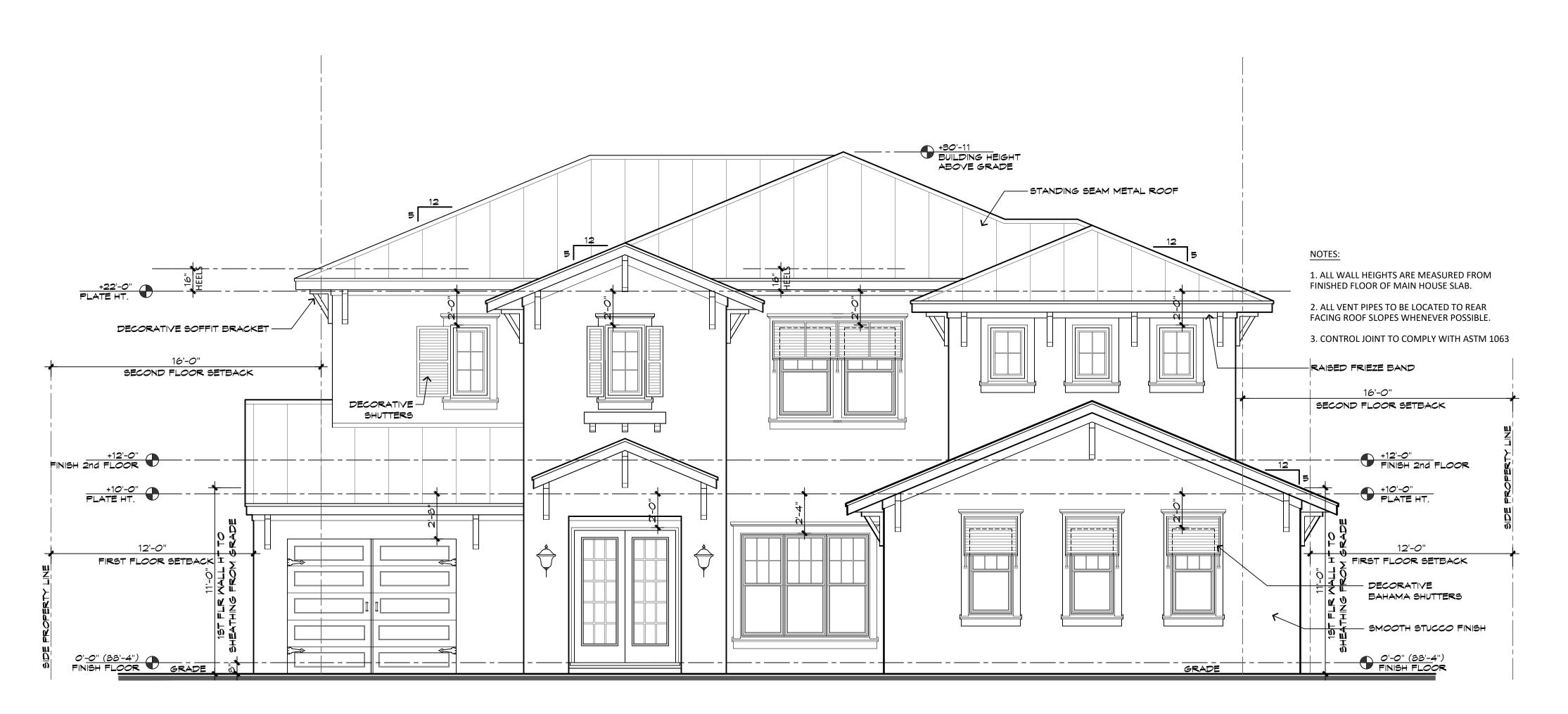
DATE
X-X-2020
SCALE
as noted
JOB NO.
22031
SHEET

THE STRASBERG ORANGE COUNTY

REVISIONS BY

6/26/2020





FRONT ELEVATION

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

NOTE:
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WIND SPEED (V ULTIMATE)
WIND SPEED (V ALLOWABLE)
108 MPH
WIND IMPORTANCE FACTOR
1

WIND SPEED (V ALLOWABLE)
WIND IMPORTANCE FACTOR
BUILDING CATEGORY
EXPOSURE CATEGORY
INTERNAL PRESSURE COEFF.
COMPONENTS & CLADDING
BUILDING TYPE

106 MPH
107
108 MPH

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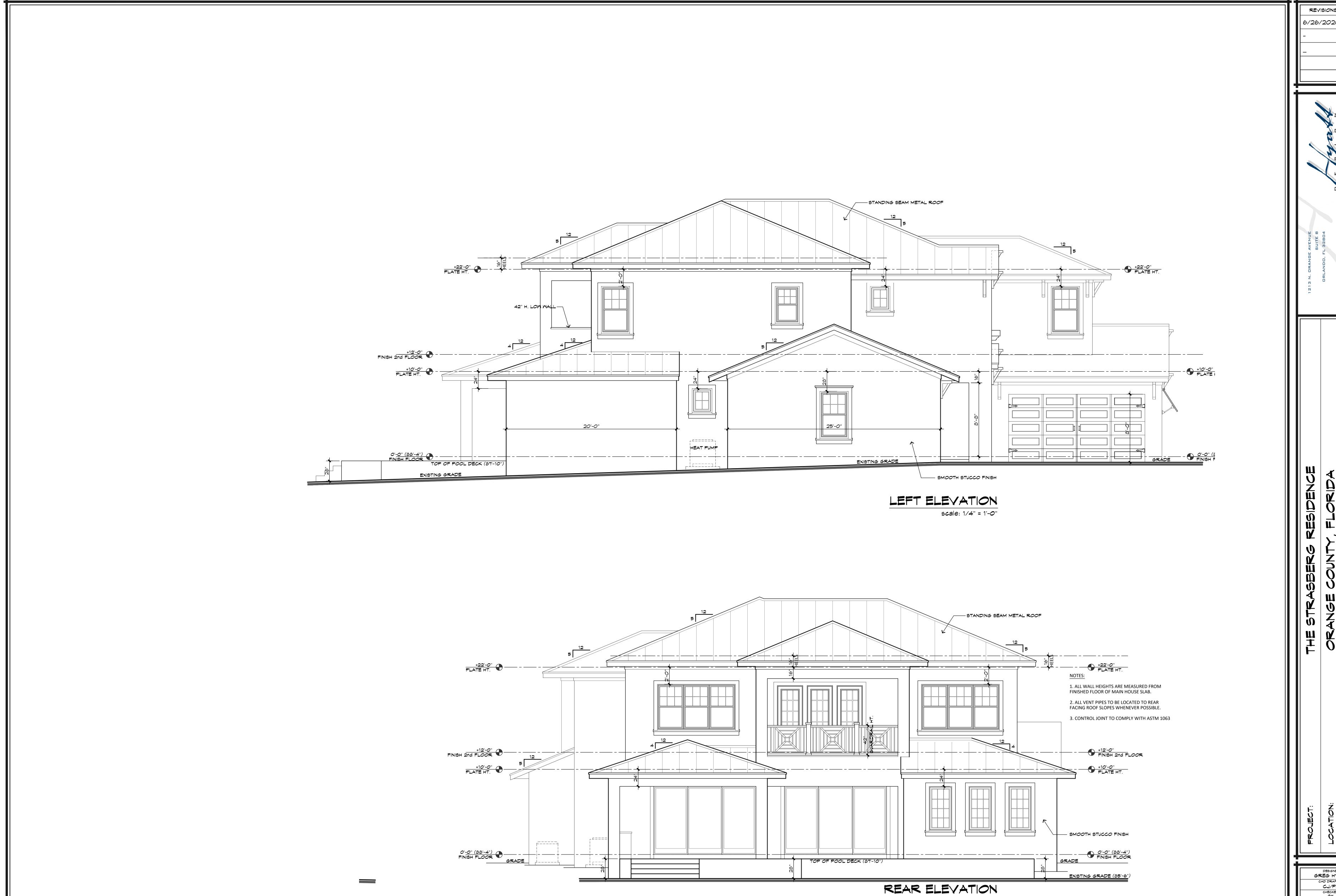
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DESIGNER
GREG HYATT
CAD DRAFTING

CJ/PA CHECKED GH

DATE
X-X-2020
SCALE
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WIND SPEED (V ULTIMATE)
WIND SPEED (V ALLOWABLE)
WIND IMPORTANCE FACTOR
BUILDING CATEGORY

EXPOSURE CATEGORY
INTERNAL PRESSURE COEFF.

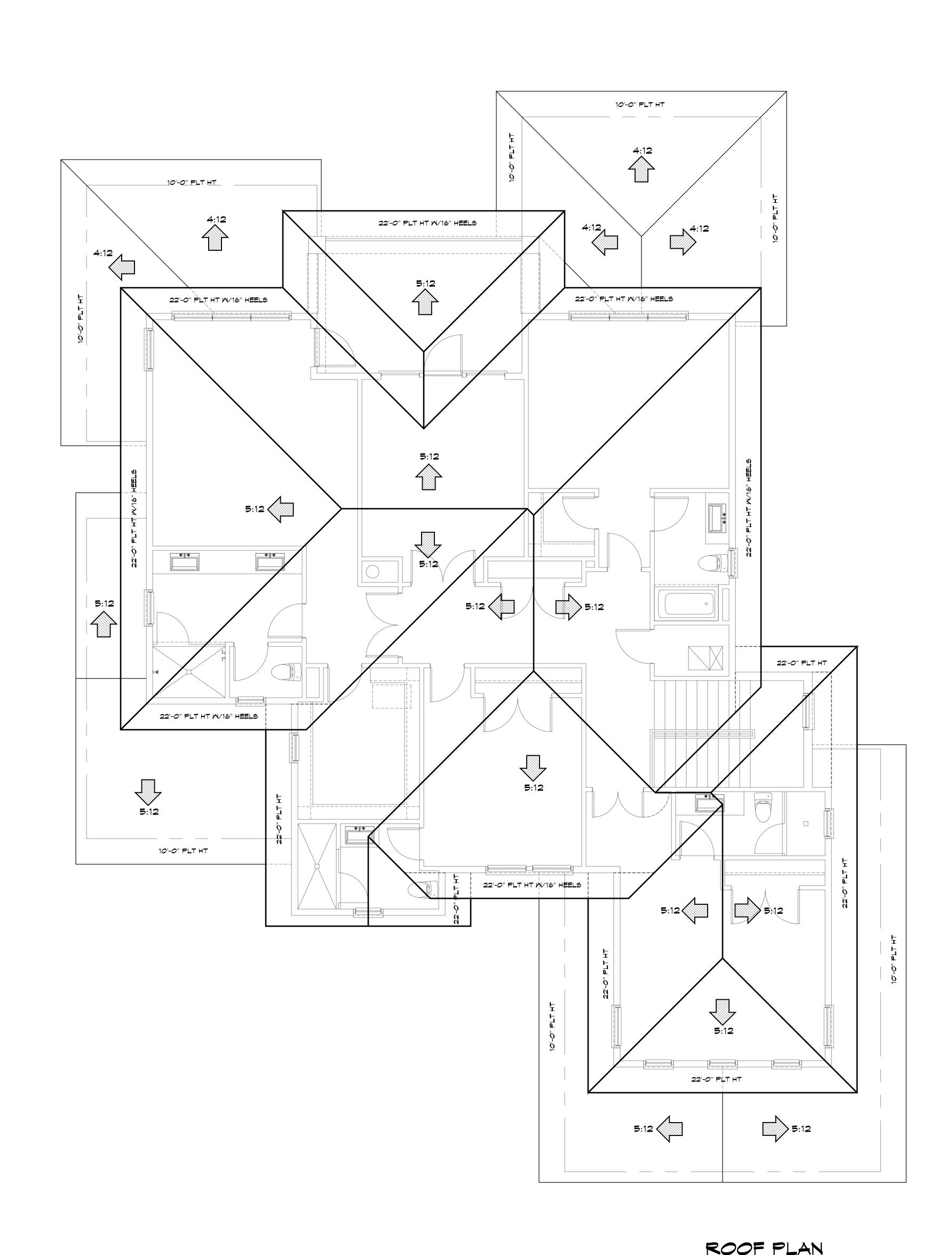
BUILDING TYPE

COMPONENTS & CLADDING 29.4 PSF/-39.4 PSF

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

DESIGNER GREG HYATT CAD DRAFTING CHECKED GH DATE
X-X-2020
SCALE
as noted
JOB NO.
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scale: 1/4" = 1'-0"

THE STRASBERG I ORANGE COUNTY

GREG HYATT CAD DRAFTING CJ/PA CHECKED GH

DATE X-X-2020 SCALE as noted

REVISIONS BY

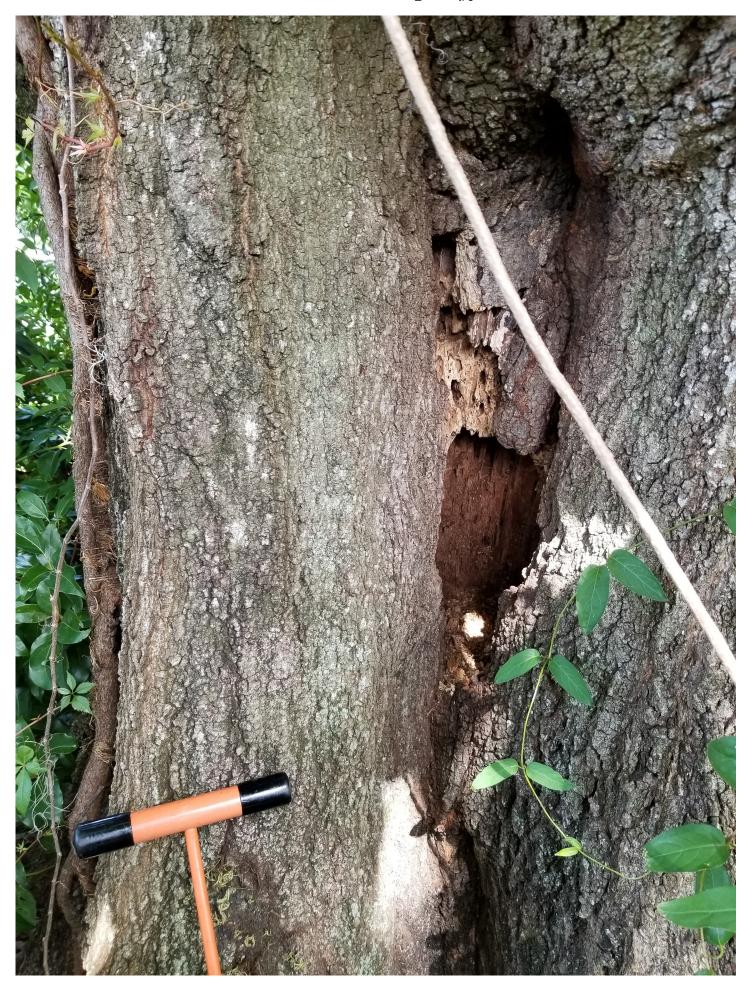
6/26/2020

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THE FLORIDA BUILDING CODE RESIDENTIAL SIXTH EDITION (2017) (AND ASCE 7-10.)

WIND SPEED (V ULTIMATE)
WIND SPEED (V ALLOWABLE)
WIND IMPORTANCE FACTOR
BUILDING CATEGORY EXPOSURE CATEGORY
INTERNAL PRESSURE COEFF.

COMPONENTS & CLADDING 29.4 PSF/-39.4 PSF BUILDING TYPE VB

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Planning & Community Development

# Planning & Zoning Board Staff Report for August 4, 2020 Meeting

<u>SPR #20-11. Daniel Cohen and Esther Kovacs for</u>: Approval to modify the site plan approval granted on July 9, 2019 to construct an enlarged addition to the lakefront façade of the home and a new circular driveway located at 2104 Venetian Way on Lake Maitland, zoned R-1AAA.

**Lakefront Site Plan Modification:** On July 9, 2019, the owners of 2104 Venetian Way received approval to expand their existing home with a two-story addition and a new two-story exterior porch on the lakeside façade of the existing home. The owners have subsequently decided to redesign the lakeside façade and to enlarge those additions.

Originally a smaller two-story open porch was approved, as shown in the attached plan from July 2019. That open porch (roofed or covered on first floor and open as a second-floor balcony on the second floor) extended 11 feet out from the façade of the home to a setback approved in July 2019 of 77 feet.

Now the owners desire to bring the entire façade out to that same 77-foot setback. The new plans would have an open lanai/porch on the first floor across most of the width of the lakefront façade of the home. The second floor would consist of covered porch in the middle and then extensions of second floor living space on top of the lanai/porch below. This adds approximately 1,440 square feet to the home, of which about one-third is second floor living space and the balance is open lanai/porch.

The owners have also decided to add a circular drive to the front. Since this is materially different from what was approved by the Planning Board in July 2019, the Code requires that this site plan modification by approved by the Planning Board.

**Staff Appraisal:** The previously approved two-story porch was 11 feet out from the main house façade and the new proposal is the same distance, albeit significantly increased in square footage. There are no issues or variances to the FAR, Setbacks or Impervious Coverage. The only issue could be whether the larger lakefront addition "unduly impairs the lake views" of the neighboring properties. From the staff's perspective this is not the case. Both the previous approval and the new request are at the previously approved 77-foot setback to the lake. There is certainly more of the home, at the previously approved 77-foot setback now in this modification, but it does not appear to impair lake views.

STAFF RECOMMENDATION IS FOR APPROVAL of the proposed addition with the same condition from the July 9, 2019 approval:

 That due to the FEMA floodway status of the property, potential changing of grades, construction within the down slope area of the lot and storm water issues on this site, that any future plans for a swimming pool/deck must be brought back to the P&Z Board for approval.

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### For Background, the Staff Report from July, 2109 is Below

Daniel Cohen and Esther Kovacs are requesting approval to construct a two-story, 1,448 square foot addition to the single-family home located at 2104 Venetian Way on Lake Maitland, zoned R-1AAA. This property measures 17,625 square feet. Below is a table summarizing this request in comparison to the R-1AAA zoning/lakefront lot requirements. Items in bold indicate a variance request as part of this site plan review.

**Stormwater Retention:** The code requires retention of stormwater so that stormwater flowing over a waterfront lawn area does not carry with it into the lake any fertilizers, herbicides, etc. The amount of impervious surface on the lot determines the depth/size of the retention needed. The applicant is proposing a stormwater swale that is sized to meet the city's code requirements.

This property has a very unique history because the land was designated on the FEMA maps as a "floodway" when the home was built in 2008/2009. A "floodway" is land that is expected to flood or hold water during high water hurricane type events. The soils were historically, and are currently, several feet of organic soils (muck). To make the land buildable, the organic soils had to be compacted. There was a large amount of dirt placed where the home would be located in order to compact the soils. That dirt was in place for three to four years prior to construction. As evident in the attached aerial photograph, the same thing is currently happening on the adjacent lot to the west at 2072 Venetian Way.

The adjacent neighbors to the east (the Serrao's) at 2112 Venetian Way were not happy living next to a tarp covered mountain of dirt for three to four years with every rainstorm washing runoff onto their lakefront. There were serious issues with erosion and flooding and a wall was built to block most of this runoff.

In order to satisfy the City and the Federal Emergency Management Agency (FEMA), a large retention area (pond) was created on the lakefront of this property. It is not a retention area where water drains down after a rain, as it holds water as compensating storage for the fill brought in to enable the existing house pad to be built. This limits changing grades and building in the location of lot slope from the house pad down to the retention pond. The owners may not realize, but the storm water design is for the entire lakefront of this lot to flood up to (but not over) the level of the fill and the home.

This proposed construction is on the area previously filled. A previous version of the plans included a swimming pool to be located that would change grades and be located outside the fill area. That is going to problematic and would certainly involve a future pool design much different than what was presented and then withdrawn. Because of this circumstance, you will see a condition of approval that puts the property owners on notice about these restrictions to keep any future pool exclusively within the filled area of the lot.

**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, and the appearance of the property and the shore when viewed from the water will be kept as natural as reasonably possible. This proposed addition does not require any tree removals.

**View From The Lake:** The code limits walls and swimming pool decks facing the lake in excess of three feet in height. The proposed addition is in the flat/filled area of the lot and therefore meets this code requirement.

**View of Neighbors:** The purpose and intent of the lakefront lots section of the code is to ensure that the views of the lake from adjoining properties will not be unduly impaired by new houses, additions, second story additions, etc. In order to achieve this, the code states that the lakefront setback shall be the average established by the adjacent lakefront properties within 200 feet of the subject property, or 50 feet, whichever is greater. However, the P&Z Board does have the authority to approve setbacks less than the average determined, or impose more restrictive setbacks. The average lakefront setback is 77 feet. The majority of the building addition is located behind this setback, with the exception of the one-story covered lanai which extends 14 feet into the average lakefront setback at 64 feet from the lake. The extent of the addition that extends into the average lakefront setback is relatively minimal, but there is still the concern that this will impact the eastern adjoining property's lakefront views.



### **LOCATION MAP**

2104 Venetian Way

City of Winter Park Florida







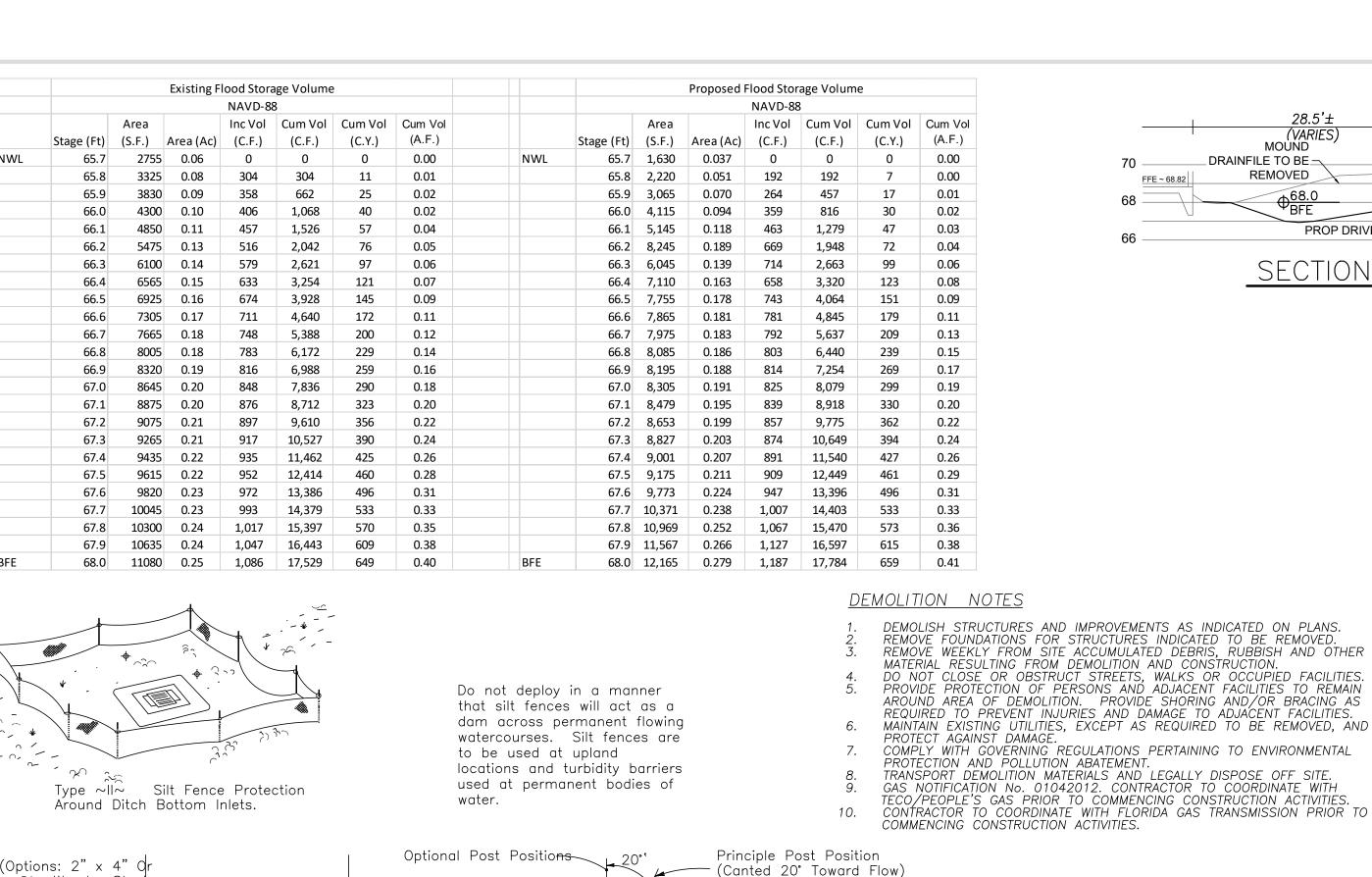
### **LOCATION MAP**

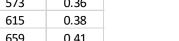
2104 Venetian Way

City of Winter Park Florida









DEMOLISH STRUCTURES AND IMPROVEMENTS AS INDICATED ON PLANS. REMOVE FOUNDATIONS FOR STRUCTURES INDICATED TO BE REMOVED REMOVE WEEKLY FROM SITE ACCUMULATED DEBRIS, RUBBISH AND OTHER MATERIAL RESULTING FROM DEMOLITION AND CONSTRUCTION.

DO NOT CLOSE OR OBSTRUCT STREETS, WALKS OR OCCUPIED FACILITIES. PROVIDE PROTECTION OF PERSONS AND ADJACENT FACILITIES TO REMAIN AROUND AREA OF DEMOLITION. PROVIDE SHORING AND/OR BRACING AS

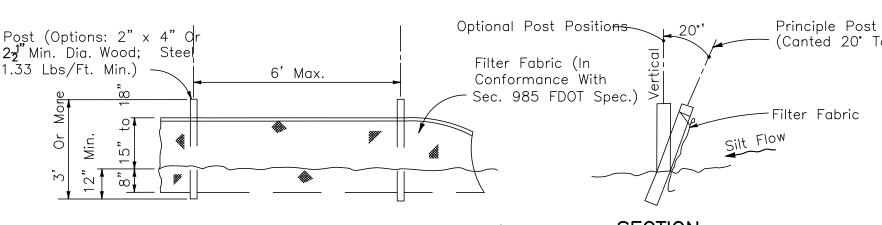
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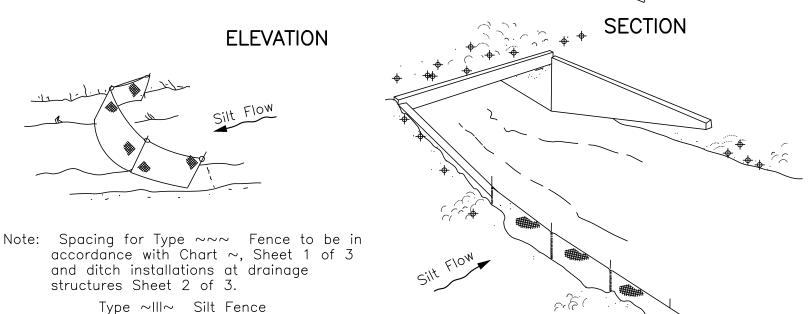
PROP DRIVEWAY -

DRAINFILE TO BE = REMOVED

PROTECT AGAINST DAMAGE. COMPLY WITH GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION AND POLLUTION ABATEMENT. TRANSPORT DEMOLITION MATERIALS AND LEGALLY DISPOSE OFF SITE

NOTIFICATION No. 01042012. CONTRACTOR TO COORDINATE WITH /PEOPLE'S GAS PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES CONTRACTOR TO COORDINATE WITH FLORIDA GAS TRANSMISSION PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES.





TYPE ~III~ SILT FENCE SILT BARRIER DETAIL

Type ~III~ Silt Fence

### **GENERAL NOTES**

- PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL PERMITTING AUTHORITIES.
- 2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS, SPECIFICATIONS, REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY.
- 3. FOR BENCHMARKS, CONTACT: <u>IRELAND SURVEYING, INC, (407) 678—3366.</u> 4. ALL HANDICAP SPACE STRIPING AND PAVEMENT MARKINGS AND SIGNAGE TO COMPLY WITH THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS, THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND <u>CITY OF WINTER PARK</u> LAND DEVELOPMENT CODE. ALL STOP BARS SHALL BE THERMOPLASTIC. ALL WORK SHALL CONFORM TO THE <u>CITY OF WINTER PARK</u> SPECIFICATIONS AND REGULATIONS.
- 6. THE SITE DIMENSIONS SHOWN ARE FOR CONSTRUCTION OF SITE IMPROVEMENTS ONLY. REFER TO ARCHITECTURAL PLANS FOR CONSTRUCTION OF BUILDING. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT/FACE OF CURB UNLESS NOTED OTHERWISE. 7. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER PRIOR TO CONSTRUCTION IF ANY DISCREPANCIES ARE FOUND BETWEEN THESE
- PLANS, THE ARCHITECTURAL PLANS AND/OR FIELD CONDITIONS. 8. ALL PRIVATE AND PUBLIC PROPERTY DAMAGED BY CONSTRUCTION ACTIVITIES SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN
- PRE-DEVELOPMENT CONDITIONS. 9. ALL DISTURBED AREAS SHALL BE REGRADED AND SODDED, UNLESS OTHERWISE NOTED ON THE LANDSCAPE PLANS.
- 10. DURING CONSTRUCTION, WHEN COMBUSTIBLES ARE BROUGHT ONTO THE SITE IN SUCH QUANTITIES AS DEEMED HAZARDOUS BY THE FIRE OFFICIAL,
- ACCESS ROADS AND A SUITABLE TEMPORARY SUPPLY OF WATER ACCEPTABLE TO THE FIRE DEPARTMENT SHALL BE PROVIDED AND MAINTAINED. 11. ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC EXCEPT PARKING SPACES WHICH MAY BE FDOT TRAFFIC RATED PAINT. MINIMUM LINE WIDTH
- SHALL BE 6". 12. WOOD IN CONTACT WITH GROUND OR BELOW GROUND LEVEL WHICH SUPPORTS PERMANENT STRUCTURES SHALL BE APPROVED PRESERVATIVE—TREATED
- WOOD SUITABLE FOR GROUND CONTACT USE. EXCEPTIONS: 13. NATURALLY DURABLE WOOD MAY BE USED IN CONTACT WITH THE GROUND FOR SUPPORT OF STRUCTURES OTHER THAN BUILDINGS AND WALKING
- SURFACES.
- 14. SEE BUILDING PLANS FOR STRUCTURAL SPECIFICATIONS AND DETAILS. 15. BACKGROUND/EXISTING CONDITION INFORMATION PRESENTED WAS TAKEN FROM TOPOGRAPHIC SURVEY PROVIDED BY THE CLIENT AND BEING UTILIZED IN THIS DRAWING FOR INFORMATION PURPOSES ONLY. BRAVO ENGINEERING, LLC IS NOT LIABLE FOR ANY INACCURACY OF THE INFORMATION. 16. CONTRACTOR SHALL FIELD STAKE ALL BUILDING CORNERS & CENTERLINE GEOMETRY TO ENSURE PROPOSED DIMENSIONS FIT EXISTING CONDITIONS.

CONTRACTOR SHALL NOTIFY BRAVO ENGINEERING, LLC IMMEDIATELY OF ANY DISCREPANCIES BETWEEN ACTUAL FIELD CONDITIONS AND PLANS BEFORE

- PROCEEDING WITH CONSTRUCTION. 17. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, AND HE SHALL BE RESPONSIBLE FOR ANY DAMAGE DUE TO HIS OPERATIONS. CONTRACTOR IS TO COORDINATE ALL UTILITY CONNECTIONS WITH THE OWNERS AND/OR THE LOCAL AUTHORITIES PRIOR TO INSTALLATION.
- 18. CONTRACTOR SHALL REFER TO MANUFACTURER'S PLANS AND SPECS FOR ACTUAL LOCATION OF ALL UTILITY CONNECTION POINTS, TO INCLUDE; GAS, SANITARY SEWER LATERALS. DOMESTIC AND FIRE PROTECTION WATER SERVICE. ELECTRICAL AND TELEPHONE SERVICE. CONTRACTOR SHALL COORDINATE INSTALLATION OF UTILITIES IN SUCH A MANNER AS TO AVOID CONFLICTS AND ASSURE PROPER DEPTHS ARE ACHIEVED, AS WELL AS, COORDINATE WITH UTILITY COMPANIES FOR APPROVED LOCATIONS AND SCHEDULING OF TIE-INS/CONNECTIONS TO THEIR FACILITIES.
- 19. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND WILL NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING ALL BARRICADES, WARNING SIGNS, FLASHING LIGHTS AND TRAFFIC CONTROL DEVICES DURING CONSTRUCTION. CONTRACTOR SHALL COMPLY WITH OSHA REGULATIONS AND SAFETY REQUIREMENTS.
- 20. HANDICAPPED RAMPS SHALL MEET ADA AND FLORIDA STANDARDS. 21. INGRESS AND EGRESS TO SITE DURING CONSTRUCTION IS ALLOWED ONLY THROUGH APPROVED SITE DRIVEWAYS.

### Inc Vol Cum Vol Cum Vol Cum Vol Stage (Ft) (S.F.) Area (Ac) (C.F.) (C.F.) (C.Y.) (A.F.) 65.8 530 0.012 0 0 0 65.9 1,320 0.030 0.145 1,034 66.3 4,000 0.092 516 1,550 WATER QUALITY CALCULATIONS: WATER QUALITY REQ'D: 1/12 FT x 17,850 SF = 1,488 CF WATER QUALITY PROV'D = 1,550 CF

Retention Stage/Storage

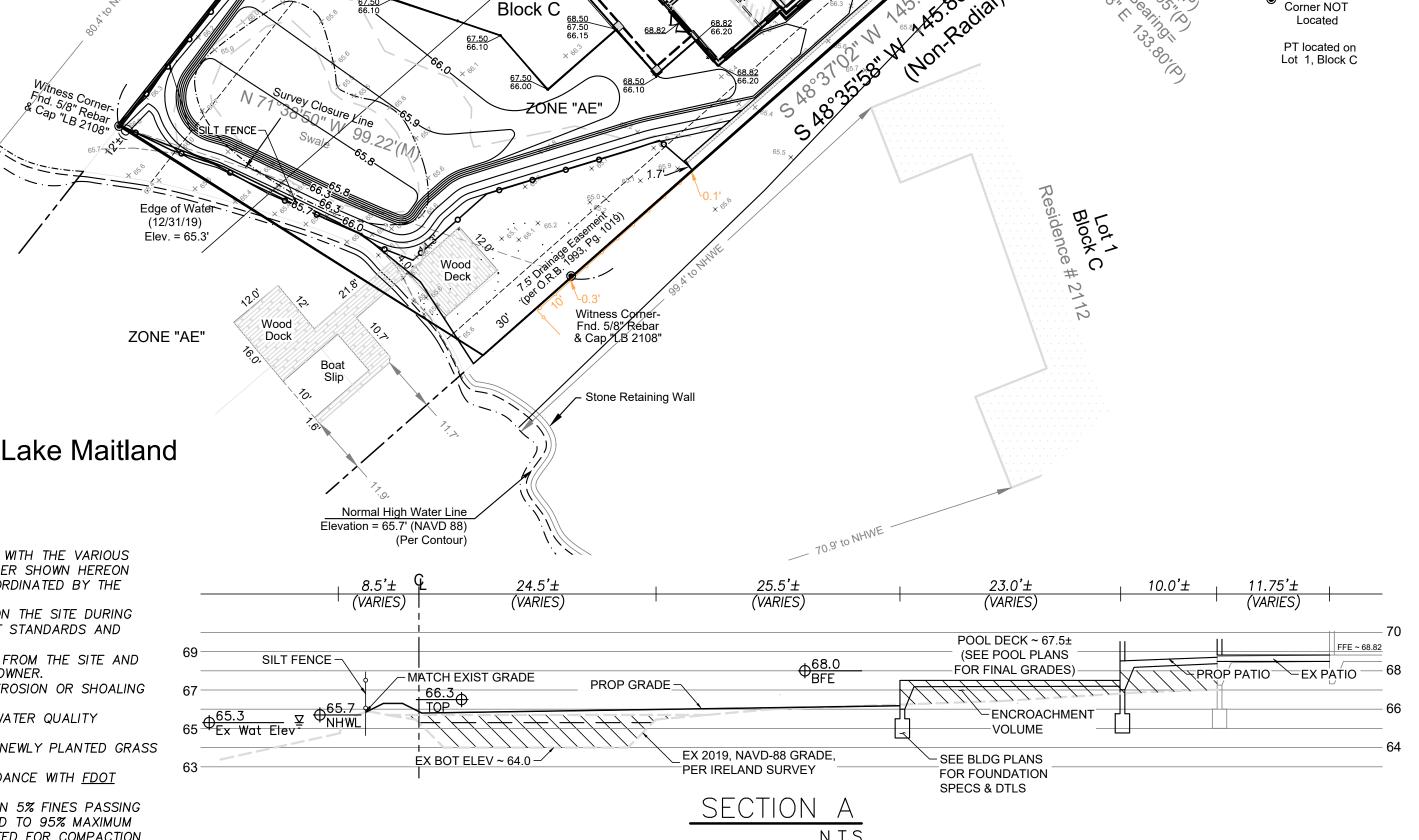
### GRADING DRAINAGE AND PAVING

- PRIOR TO START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE VARIOUS UTILITIES TO FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES WHETHER SHOWN HEREON OR NOT. RELOCATION OR EXTENSION OF EXISTING UTILITIES SHALL BE COORDINATED BY THE CONTRACTOR.
- 2. MEASURES SHALL BE TAKEN BY THE CONTRACTOR TO CONTROL EROSION ON THE SITE DURING CONSTRUCTION. SUCH METHODS SHALL BE IN ACCORDANCE WITH CURRENT STANDARDS AND SPECIFICATIONS OF THE <u>ST JOHNS RIVER WATER MANAGEMENT DISTRICT.</u>
- ALL SOIL STRIPPINGS AND ANY UNSUITABLE MATERIAL SHALL BE REMOVED FROM THE SITE AND
- DISPOSED OF BY THE CONTRACTOR UNLESS OTHERWISE DIRECTED BY THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION.
- 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL NEWLY PLANTED GRASS OR VEGETATION UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER.

ALL MANHOLE AND INLET STRUCTURES SHALL BE PRECAST AND IN ACCORDANCE WITH <u>FDOT</u>

- & <u>LOCAL STANDARDS.</u> ALL FILL MATERIAL SHALL BE CLEAN, COARSE SAND CONTAINING LESS THAN 5% FINES PASSING THE #200 SIEVE. FILL PLACEMENT SHALL BE IN 12" LIFTS AND COMPACTED TO 95% MAXIMUM DENSITY IN ACCORDANCE WITH AASHTO T-180. EACH LIFT SHALL BE TESTED FOR COMPACTION BY A FLORIDA REGISTERED SOILS ENGINEER RETAINED BY THE CONTRACTOR. ALL TEST RESULTS SHALL BE SUBMITTED TO THE OWNER FOR REVIEW BY HIS CONSULTANT. COMPACTION AT THE
- BUILDING PAD SHALL BE IN ACCORDANCE WITH ABOVE EXCEPT THAT MAXIMUM DENSITY SHALL BE 98**%**. 9. THE LOCATIONS OF UNDERGROUND FACILITIES SHOWN ON THIS PLAN ARE APPROXIMATE ONLY. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR
- TO ANY FACILITY CAUSED. THE CONTRACTOR SHALL SUBMIT ASBUILT DRAWINGS (RECORD DRAWINGS) PREPARED BY A PROFESSIONAL LAND SURVEYOR AND LICENSED IN THE STATE OF FLORIDA, TO THE ENGINEER OF RECORD. ASBUILT DRAWINGS SHALL BE IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF <u>CITY OF WINTER PARK AND SJRWMD.</u>
- THE ASBUILT DRAWINGS SHALL SHOW ADEQUATE ELEVATIONS TO INDICATE SURFACE FLOW PATTERNS, FINISHED FLOOR ELEVATION, TOPS OF ALL STRUCTURES, INVERTS OF ALL STRUCTURES & PIPE MATERIALS, HIGH POINTS AND LOW POINTS OF FINISHED GRADES.
- 12. SOD ALL DISTURBED AREAS WITHIN THE DEMISED PREMISES, INCLUDING THE RETENTION POND, EXCEPT AS DIRECTED BY LANDSCAPE PLANS. 13. ALL PAVING SURFACES SHALL BE GRADED TO DRAIN POSITIVELY IN THE DIRECTION INDICATED IN THE PLAN AND TO PROVIDE A SMOOTHLY TRANSITIONED DRIVING SURFACE FOR VEHICLES WITH
- NO SHARP BREAKS IN GRADE AND NO UNUSUALLY STEEP OR REVERSE CROSS SLOPES. 14. PAVED AREAS ARE TO BE CONSTRUCTED IN A PRECISE MANNER AND APPROVED BY THE OWNER OR HIS REPRESENTATIVE PRIOR TO COMPLETION OF WORK.
- THE OPEN SPACE IS TO BE GRADED IN SUCH A MANNER AS TO PROMOTE POSITIVE FLOW AND AVOID ANY PONDING ON SITE. WHERE SODDING IS USED ON SLOPES OR IN DRAINAGE DITCHES, ARRANGE THE SETTING OF THE
- PIECES TO AVOID A CONTINUOUS PATH FOR THE LINE OF FLOW. ON AREAS WHERE THE SOD MAY SLIDE DUE TO SLOPE, PEG THE SOD WITH PEGS DRIVEN THROUGH THE SOD INTO FIRM EARTH AT SUITABLE INTERVALS. REPLACE ANY SOD WHICH, AFTER PLACING, SHOWS AN APPEARANCE OF DRYNESS.
- OF CURB ELEVATION. 19. ALL STORM PIPE SHALL BE REINFORCED CONCRETE (RCP) CLASS III (MINIMUM) UNLESS OTHERWISE NOTED ON PLANS OR APPROVED BY ENGINEER OF RECORD.

PROPOSED SPOT ELEVATIONS ARE AT THE EDGE OF PAVEMENT. ADD 6" TO DETERMINE BACK



ZONE "AE"

Lot 3

Block C

PFRVIOUS POOL DECK

Lot 2

Elevation = 68.0' (NAVD 88

ZONE "AE

(Per Contour)

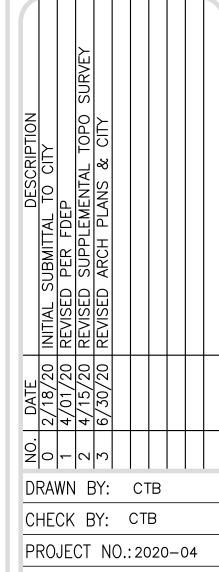
# 32789 FLWINTER RE NETIAN 104 ~

**RESIDENTIA** 

SCALE - 1"= 20'

XONE AE'S

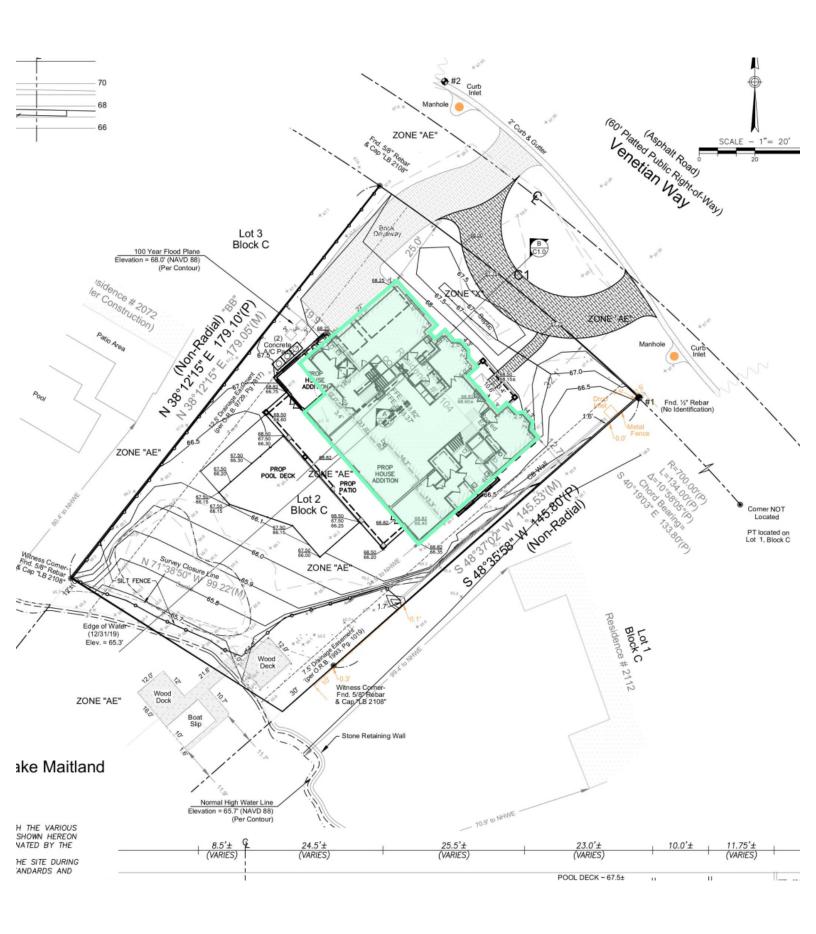
Manhole

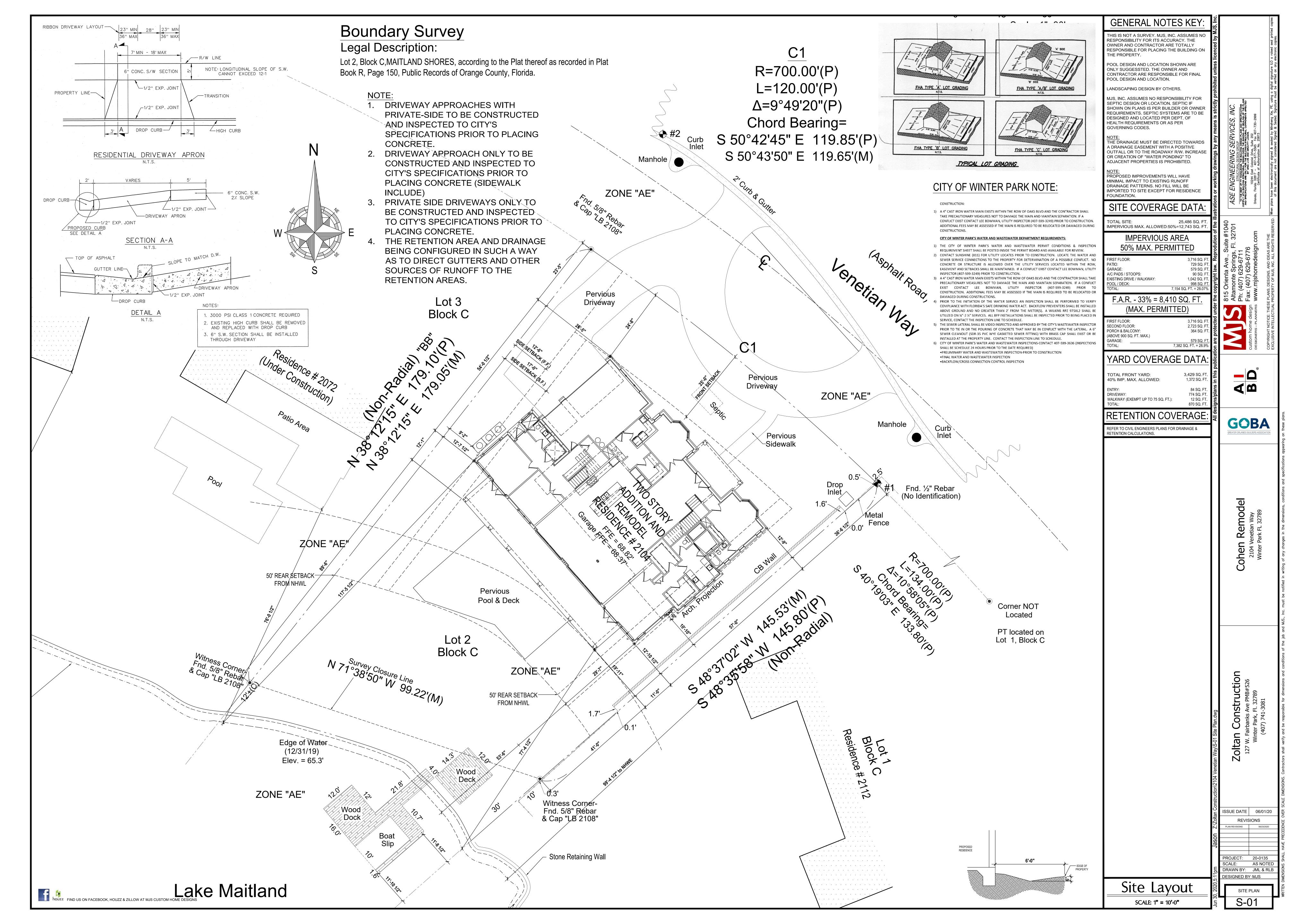


PROJECT DATE: 02/17/20

CHRISTOPHER T. BRAVO, P.E. **REGISTRATION # 58562** 

C.A. # 28953









407-599-3324 • planning@cityofwinterpark.org cityofwinterpark.org

Planning & Community Development

# Planning & Zoning Board Staff Report for August 4, 2020 Meeting

ZTA #20-05 Request of the City of Winter Park for: An Ordinance to Amend the Land Development Code to specify coop accessory structure regulations for backyard chickens in the Chapter 58, subsection 58-71(i); Amend Chapter 18, Subsection 18-16 to allow the keeping of backyard chickens; and adding Subsection 18-18, "General Conditions for the keeping of backyard chickens pilot program", to allow up 50 permits of up to four hens per household.

### **Background:**

At the April 8, 2020 City Commission Special Meeting Commissioner Weaver requested that a backyard chicken program be brought forward for further discussion, Mayor Leary said he would include the discussion under his report in the next meeting. Sustainability Program Staff drafted an ordinance based on backyard chicken program ordinances of cities of Orlando, Maitland and Longwood and requested program updates from each city. To date, the City of Orlando's Backyard Chicken Program has issued 75 permits (Pilot launched in 2012), the City of Maitland's Backyard Chicken Program has issued 10 permits (Pilot launched 2013) and the City of Longwood's Backyard Chicken Program has yet to issue a permit (Launched in 2018).

At the April 13, 2020 City Commission Regular Meeting, Commissioner Weaver spoke to the benefits of introducing a backyard chicken program including improving local food system resilience during unforeseen food shortages and advancing the City's Sustainability Action Plan Local Food & Agriculture goals of increasing local food consumption. The Commission discussed the drafted ordinance and based on this discussion the Commission requested that Sustainability Program staff work with the Keep Winter Park Beautiful & Sustainable Advisory Board and Planning and Zoning Board to bring back an ordinance to the Commission for consideration. This Ordinance addresses concerns brought by the City Commission during the April 13<sup>th</sup> meeting including:

- Type of Program. 24-month pilot program.
- Inspections: Follow up inspections to ensure criteria being met
- Number of Permits. Maximum of 50 permits during pilot program.
- Height Limit. 6' height limit for accessory structure.
- Allowable Zoning Designations. Single-family residential only.
- Completion date of Educational Class. Completed within the last year.

This Ordinance also addresses concerns brought by the Keep Winter Park Beautiful and Sustainable Advisory Board at the board's July 13, 2020 Regular Meeting:

- Animal Welfare. Access to food and water at all times.
- Disposal of waste materials (feed, manure and litter). Composted or bagged and disposed of in the trash.
- Prohibited areas. Prohibited in front yards. Allowed in side and back yards.

• Height Limit. Increase height limit to 7' to allow for easy entry for cleaning.

Staff recommendation is for approval.

ORDINANCE NO.	

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BACKYARD CHICKENS; ESTABLISHING REGULATIONS FOR THE ISSUANCE OF BACKYARD CHICKEN PERMITS AND THE KEEPING OF BACKYARD CHICKENS AS A PILOT PROGRAM; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR CONFLICTS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**WHEREAS**, there is increased interest in backyard and community food production to provide local food sources; and

**WHEREAS**, many communities in Florida and throughout the United States have been enacting regulations to compatibly integrate the keeping of backyard chickens into urban residential settings; and

**WHEREAS**, chickens can make good pets, and findings indicate that four are sufficient to meet the needs of the average family's egg consumption; and

WHEREAS, the City Commission of the City of Winter Park, Florida (the "Winter Park City Commission"), recognizes the desire of all residents to live in a clean environment free of excessive odor, noise, vermin and disease; and

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

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

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

**SECTION 2.** Portions of Chapter 18 and Chapter 58, Code of Ordinances of the City of Winter Park, Florida, is hereby amended to read as shown below, and words with <u>single underlined</u> type shall constitute additions to the original text and <del>strike through</del> shall constitute deletions to the original text.

**SECTION 3.** The allowance of chickens in single-family residential zoning designations (R-1A, R-1AA, R-1AAA) is hereby established as a pilot program of the City of Winter Park which will expire 24 months from the date of the adoption of this ordinance. At that time, City Commission shall analyze the impacts of the pilot program, both negative and positive, and determine if the pilot program shall be continued for an additional limited amount of time, or be incorporated permanently into the City Code, or be discontinued.

**SECTION 4.** Chapter 18, Animals, Article I, Subsection 18-16 "Keeping farm animals prohibited" is hereby amended and adding new Subsection 18-18 "General Conditions for the keeping of backyard chickens" as shown below:

Sec. 18-16 – Keeping farm animals prohibited.

It shall be unlawful to keep, harbor or maintain within the city limits any horse, mule, sheep, cattle, hog, pig, goat, geese, turkey, chicken, livestock or other farm animals, including but not limited to grazing and browsing animals.

### Sec. 18.18. – General Conditions for the keeping of backyard chickens pilot program.

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

- 1) Permit Required. A Backyard Chicken permit (hereinafter "permit"), is required for the keeping of chickens. The permit is personal to the permittee and may not be assigned. If the person applying for the permit is not the fee simple owner of the subject property, the fee simple owner must provide owner authorization and written consent to the application. The fee for the permit will be set by Resolution of the Winter Park City Commission.
- 2) During the pilot program, City of Winter Park staff shall be permitted to perform follow-up inspections on the premises where permits have been issued for the keeping of chickens. Inspections shall be to ensure that all of the program criteria are being met. The City shall provide 48-hour notice to permit holders prior to performing inspections. Staff will keep a record of the progress and conditions for evaluation at the end of the 24-month program. In the event the City Commission does not act to continue the program prior to said termination date, all persons with backyard chickens shall be grandfathered and be able to keep their chickens so long as no new ones are added and the guidelines and regulations of the pilot as set forth herein are maintained.
- 3) <u>Up to four chickens may be kept at an occupied single family residence upon receiving a permit from the City.</u>
- 4) <u>Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any other poultry or</u> fowl are not allowed.
- 5) <u>Chickens are not allowed on duplex, triplex, townhomes, multifamily properties, community gardens, or any other uses.</u>
- 6) Chickens must be secured within a covered chicken coop, chicken tractor, or fenced pen/run area at all times and are not allowed to run at large upon any public properties or off the premises of the owner. Chickens must have access to food and water at all times. The coop and pen/run area must be completely secured from predators with hardware cloth or similar material. Chicken wire shall not be used.
- 7) The coop and pen/run area must be cleaned regularly and kept free of insects and rodents. Odors from chickens, chicken manure, or other items associated with the keeping of chickens must not be perceptible at the property boundaries. Chickens must not be permitted to create a nuisance consisting of noise or pests, or contribute to any other nuisance condition.
- 8) No manure may be allowed to accumulate on the floor of the coop or ground. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.

- 9) Composting of chicken manure is allowed in an enclosed bin. The composting bin shall be kept at least 20 feet away from all property lines. Waste materials (feed, manure and litter) not composted must be bagged and disposed of in the trash.
- 10) Chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens is prohibited.
- 11) Chickens may not be slaughtered on premises.
- 12) Any person who violates any provision of the article will, upon conviction, be punished as provided in Section 1.7 of this Code. Additionally, the building official has the sole discretion to revoke the permit and require that the chickens be removed within 10 days if he or she determines that the permittee is in violation of the requirements of the Code.

**SECTION 5.** Chapter 58, Land Development Code, Article III, Zoning, Subsection 58-71(i) is hereby amended as follows by adding Subsection (11):

### (11) Backyard Chicken Coop Accessory Structures.

- 1) Chicken coops, pens or chicken tractors must be located in the rear yard (behind the home) and be set back a minimum of ten (10) feet from the rear and a minimum of five (5) feet from the side lot lines. No coop will be allowed in any front yard.
- 2) The coop, pen, or chicken tractor must be a minimum of 20 feet from any pre-existing neighboring residential homes, at least 5 feet from the principal structure on the subject property, and at least 5 feet from any property line. The coop, pen, or chicken tractor may be placed 0 feet from the property line if placed adjacent to a 7' height masonry wall at property line at property in a non-residential zoning district. A 0 foot setback is allowed between a coop and another accessory structure on the subject property.
- 3) Chicken coops must be less than 50 square feet and may have an attached run. The coop must also be tied down for wind resistance.
- 4) The maximum height of a coop shall be seven (7) feet, as measured from the existing grade to the highest part of the coop.
- 5) An applicant for a permit must demonstrate compliance with the criteria in the Code in order to obtain a permit. The application for a permit must be submitted to the building official. Applicants must submit photos of the proposed site of the coop/run areas, a to scale survey/site plan of the subject property showing the location, and proof of successful completion of a University of Florida Agricultural Extension Service class or an equivalent class approved by the building official, completed within the last year.
- 6) A building official determination is required for a permit. The building official is authorized to implement reasonable rules and regulations regarding backyard chickens. The building official must not approve locations with outstanding code violations.
- 7) No more than 50 permits will be issued citywide. Permits will be issued on a first-come, first-served basis. If a participant chooses to leave the program, he/she must provide notice to the City. The City is then authorized to re-issue the permit to another qualified applicant. If a participant is removed from the program due to violations of the terms of this ordinance, his/her permit may also be re-issued to another qualified applicant.

**SECTION 6.** Chapter 1, General Provisions, Article II, Subsection 1-24 "Schedule of violations and penalties" is hereby amended as follows:

### Sec. 1.24. – Schedule of violations and penalties.

(a) Civi	l infractions	of city	codes	and	ordinances	for which	h citation:	s may	be	issued	include,	but
are not	limited to:											

Class	Civil Penalty	Violation	Ord. No.
<u>II</u>	<u>\$100.00</u>	Compliance with backyard chicken restrictions	XX-XX

**SECTION 7. CONFLICTS.** The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

**SECTION 8. CODIFICATION.** The city clerk and the city attorney shall cause the Code of the City of Winter Park, Florida, to be amended as provided by this ordinance 132 and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

**SECTION 9. SCRIVENER'S ERROR.** The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

**SECTION 10. SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are 143 severable.

**SECTION 11. EFFECTIVE DATE.** This ordinance is effective upon adoption.

<b>DONE, THE FIRST READING</b> , by the C Florida, at a regular meeting, the day of	ity Commission of the City of Winter Park, f, 2020.
DONE, THE PUBLIC NOTICE, in a newsparent, Florida, by the City Clerk of the City of, 2020.	aper of general circulation in the City of Winter Winter Park, Florida, the day of
<b>DONE, THE SECOND READING, THE PUBLIC PASSAGE</b> , by an affirmative vote of a majority of the City of Winter Park, Florida, at a regular meet 2020.	a quorum present of the City Commission of
ATTEST:	Steve Leary, Mayor
City Clerk	