



city commission agenda

Regular Meeting

August 10, 2015
3:30 p.m.
Commission Chambers

commissioners		mayor		commissioners	
seat 1 Gregory Seidel	seat 2 Sarah Sprinkel	Steve Leary	seat 3 Carolyn Cooper	seat 4 Tom McMacken	

welcome

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

meeting procedures

Persons desiring to address the Commission MUST fill out and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address, and direct all remarks to the Commission as a body and not to individual members of the Commission, staff or audience.

Citizen comments at 5 p.m. and each section of the agenda where public comment is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. Large groups are asked to name a spokesperson. This period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

agenda

1	Meeting Called to Order	
2	Invocation Reverend Steve May, First Baptist Church of Winter Park Pledge of Allegiance	
3	Approval of Agenda	
4	Citizens Budget Comments	
5	Mayor's Report	*Projected Time *Subject to change
	a. Advisory Board discussion b. Revise membership on Development Review Committee	10 minutes
6	City Manager's Report	*Projected Time *Subject to change

7 City Attorney's Report	*Projected Time *Subject to change
8 Non-Action Items	*Projected Time *Subject to change
a. Financial Report – June 2015	10 minutes
9 Citizen Comments 5 p.m. or soon thereafter (if the meeting ends earlier than 5 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
10 Consent Agenda	*Projected Time *Subject to change
a. Approve the minutes of July 27, 2015. b. Approve award to Life Extension Clinics, Inc. dba Life Scan Wellness Centers for Firefighter Physical Exams and authorize the Mayor to execute contract.	5 minutes
11 Action Items Requiring Discussion	*Projected Time *Subject to change
a. Undergrounding of Duke 69 kV transmission along Harper Street	15 minutes
12 Public Hearings	*Projected Time *Subject to change
a. <u>Request of Dr. Randall Loy for the property at 1500 S. Orlando Avenue:</u> - Ordinance - Amending the comprehensive plan to change the Future Land Use Designation of Institutional to Office and Professional Future Land Use (2) - Ordinance – Amending the zoning and official zoning map to change from Single Family (R-1A) District to Office (O-1) District (2) - Conditional Use Approval to redevelop the St. John's Lutheran Church parking lot with a two story, 15,000 square foot medical office building	15 minutes
b. Ordinance – Adopting parking garage design guidelines governing the construction of parking garages, providing for review procedures; appeal procedures and for a resolution of interpretations regarding such guidelines (2)	5 minutes
c. Appeal by Rollins College of the January 14, 2015 Historic Preservation Board (HPB) decision to deny the Certificate of Review request (COR 15-001) for the demolition of the duplex at their property located at 483 Holt Avenue.	20 minutes
d. Fifth Third Bank Development Agreement	15 minutes

- e. Ordinance – Amending Chapter 22 to incorporate the Florida Building Code with certain administrative and technical amendments which include a fire sprinkler requirement as the Winter Park Building Code; designating applicable wind design criteria; updating the property and building maintenance code with amendments (1)

10 minutes

13 City Commission Reports

- a. Commissioner Seidel
- b. Commissioner Sprinkel
- c. Commissioner Cooper
- d. Commissioner McMacken
- e. Mayor Leary

***Projected Time**
***Subject to change**

10 minutes each

appeals & assistance

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

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



city commission agenda item

Item type	Mayor's Report	meeting date	August 10, 2015		
prepared by	Dori Stone	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Planning & Comm. Development		<input type="checkbox"/>	City Attorney	
division			<input type="checkbox"/>	N A	
board approval		<input type="checkbox"/>	yes	<input type="checkbox"/>	no
		<input type="checkbox"/>		<input type="checkbox"/>	N A
					final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life		<input type="checkbox"/>	Fiscal Stewardship	
	<input type="checkbox"/> Intelligent Growth & Development		<input type="checkbox"/>	Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

subject

Revise membership on City's Development Review Committee

motion | recommendation

Approve revised membership to the City's Development Review Committee by removing the Planning Manager and allowing for the Parks and Recreation Department Director to participate as a voting member.

background

In April 2013, the City Commission approved the membership for the City's Development Review Committee that includes the Assistant City Manager, and the department heads of Planning, Economic Development, Public Works and Building as voting members. With the merger of the Planning and Economic Development/CRA Departments, staff is requesting a change to the voting membership to allow staff review within the Planning & Community Development Department without risking any Sunshine Law violation.

Staff is asking for the removal of the Planning Manager and the appointment of the Parks & Recreation director as a voting member.



city commission **city manager's report**

item type

City Manager's Report

meeting date

August 10, 2015

Below are issues of interest to the Commission and community that are currently being worked on by staff, but do not currently require action on the Commission agenda. These items are being tracked to provide the Commission and community the most up to date information regarding the status of the various issues. The City Manager will be happy to answer questions or provide additional updates at the meeting.

issue	update	date
Railroad crossing update	Grade crossing repairs included in a CIP managed by FDOT.	Contracts to be awarded by August 2015.
Future tree plantings	FY 2015 to date – 363 trees planted.	We received a \$20,000 Urban & Community Forestry Grant from the State of Florida Department of Forestry. This is the third grant we have received to continue our street tree inventory.
MLK (Rollins) Restroom	Plans complete. Rollins will be contracting.	Contractor is constructing foundation. Construction will take approximately (four) 4 months.
Historic Preservation Ordinance	Draft approved by the Historic Preservation Board. On-going additional review underway.	To be presented to the Commission on November 9.
Visioning Steering Committee	Next meeting scheduled for August 4 at 3:00 p.m. in Welcome Center. Continuing to host stakeholder meetings. Inviting community to participate at www.visionwinterpark.org and community talks every Thursday through August at the Civic Center.	August 4 – Steering Committee Meeting. August 20 – Community event – Alford Inn, 5:30-7:30 p.m.
Art on the Green Report	Attached at the end of this report.	

Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.



2015 HALF YEAR REVIEW

Below is a recap of the commercial development projects that are now under underway or in the planning stage during the first half (January-July) of 2015:

Apartments at Winter Park Village (Paseo): The 204 unit apartment project at the former DMV property at 940 W. Canton Avenue, began construction in November 2013 and was completed in April/May 2015. The project is currently leasing apartments.

Ravaudage: Construction is underway on the 18,000 square foot building next to the Ale House to hold a Tony Roma's (TR's Firegrill) restaurant and a Zona Fresca restaurant location. Construction is completed on the building shell. The interior build-out permits for those two restaurants have been issued but not for any other interior spaces.

Jewett Clinic: Construction began in October, 2014 on a two-story, 25,000 sq. ft. medical building in conjunction with the Jewett Clinic at 1285 Orange Avenue. Completion expected in August 2015.

Lombardi's Seafood: A new Lombardi's Seafood retail store with café at 1888 West Fairbanks Avenue to replace the existing location opened in June 2015.

Kid's Care: The first pediatric Centra Care facility in Central Florida called "Kid's Care" at 2325 West Fairbanks (former site of a Chevron station) adjacent to the on-ramp to I-4 was completed and opened in June.

Blake's Corner: The building at 900 S. Orlando Avenue (SE corner of Minnesota) is now under redevelopment. The size of the project remains the same as the previous building but it will be a new modern look and the parking lot will be completely redone in the rear. Prospective tenants to include new retail and possible gourmet burger restaurant space.

Whole Foods project: Redevelopment of the 11 acre former Corporate Square/WP Dodge properties for a Whole Foods grocery has begun. Whole Foods together with and another major retailer will total 77,000 square feet of retail store area. In addition, there are three out-parcels. One of the out-parcels will be a new PNC Bank site, which has been issued their building permit. The building permits have been issued for the site development work for the shopping center. Also issued is the building permit for the 'shell' of the Whole Foods building. The developer has accomplished the acquisition of the land from the Orange County School Board for the Lee Road extension and FDOT has approved the modification of the Lee Road/Orlando Avenue intersection.

Lakeside Crossing: The redevelopment proposed for the former Mt. Vernon Inn at 110 S. Orlando Avenue has begun with demolition of the hotel buildings. A building permit has been issued for the site development work and very shortly the permit will be issued for the building shells. The project is to consist of 37,473 square feet of retail and restaurant space.

Canton/Capen Homes: Twelve new single family homes are to be built on the vacant land at the NW corner of Canton and Capen Avenues by David Weekly Homes. The City has approved the site development plans for the alleys and other infrastructure which are now under construction. Upon completion David Weekly can then start on the new homes.

State Auto Body: The former State Auto Body building at 1280 N. Orange Avenue is also under renovation into retail space. The size of the building remains the same and a new parking lot will be constructed in the rear.

Coming Later in 2015: There are several new projects in the works for later in 2015:

Lee Road Medical Office: A 9,000 square foot expansion has been permitted to the medical office at 1691 Lee Road. Construction has not yet started.

Fifth Third Bank: A 3,872 square foot branch bank and 5,410 square feet of other office has been granted their zoning approval by the City for the vacant NW corner of Lakemont & Aloma. This project will replace the current Fifth Third branch location at 2011 Aloma (next to Mellow Mushroom).

Downtown Residential/Townhouses: Eight new townhouse units at 401/421 W. Morse Blvd. (NW corner of Virginia Avenue) were approved by the City Commission in October 2014. The previous buildings have been demolished and the City is now reviewing the site development plans and the re-plat for the fee simple sale of these units. Construction to start with two months.

Six new townhouse units within a three story building with underground parking is in construction plan development at 125 S. Interlachen (former Ye Olde Bric Condo) which was approved by the City Commission on February 23rd. Construction to start later this year.

Three new townhouse units were approved by the City Commission at 170 E. Morse on July 13th. That project will demolish the existing two story commercial building at the SW corner of Morse/Knowles and replace it with a three story townhouse building of approximately 19,000 square feet in total size. Construction to start later this year.

Lee Road Townhouses: On July 13th the City Commission approved a new project for the redevelopment of the 1800 Lee Road parcels. The property now consists of eight duplex buildings which are to be removed and the property redeveloped into 30, two-story townhomes. Construction to start likely at the end of 2015.

Winter Park Hospital: Late in 2015, the Winter Park Hospital hopes to start on a major renovation and expansion to the Emergency Services Dept. as well as construction of a new five story Patient Tower/Wing on the east side of the Hospital building.

For more information on these or other projects, please contact Jeff Briggs, Planning Manager at jbriggs@cityofwinterpark.org or at (407) 599-3440.



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

July 27, 2015

Art on the Green 2015-16

The Public Art Advisory Board has successfully raised the funds for *Art on the Green*; an exhibition of outdoor sculpture in Central Park. The sculptures will be on display from November 1, 2015 through March 1, 2016. All by Florida based artists, the seven artworks were selected by curator Suzanne Delehanty, and are united by a theme of what may be discovered, imagined and enjoyed in a park.

There will be a special tour and reception for invited City officials and sponsors on Tuesday evening November 3rd.

Signage for each sculpture will have a QR code to link park visitors to the exhibition catalog on the City web site for more information. The signs and web site will also include family friendly, thought provoking Discovery Guide questions and comments about each artwork.

Art on the Green has been presented to the Parks and Recreation Advisory Board and has their support and direction to continue to work with the Parks staff regarding installation. Installation begins after the Winter Park Autumn Art and removal will be prior to the Winter Park Sidewalk Art Festival. Placement of the artworks avoids conflict with the Morse Museum's Windows in the Park.

The exhibition will be featured in the local *Passport* publication, *M & V* magazine and others to attract tourists as well as Central Florida residents to Winter Park's downtown.

THE CITY OF WINTER PARK

Art

on the green



Robert Chambers

Ballship Raytynz 2014

Fiberglass with kevlar fabric and resin,
stainless steel and electronic components
Diameter, 144 inches
Lent by the artist
Installed in a public park, Sarasota, Florida.
Photo by Fayanne Hayes.



Cristina Lei Rodriguez

Stools (Rose Quartz) 2015

Wood, plaster, paint, concrete, paint, plastic,
epoxy, dye, ink, pigment and gold leaf
Two objects - each 20 by 18 1/2 by 19 inches
Unique examples in an edition of three,
two artist's proofs

Listed by the artist.
Installed in a private garden, Miami.
Photo by the artist.



Maria Cristina Carbone

Love Life 2011

Fiberglass, stainless steel and acrylic

Group : 43 by 44 by 48 inches

Pair : 55 by 51 by 20 inches

Lent by the artist, courtesy T88 COART, Miami.
Installed in a private garden, Miami. Photo by Oriol Tortosa.



Edouard Duval Carrié

La Porte d'Haïti 2014

Aluminum with thirty electrical lamps
135 x 96 x 84 inches

Lent by the artist.

Installed at the artist's studio. Photo by Jide Shonkoko.



Emmett Moore

Points of Pine 2014

Pine decking, hardware and aniline dye
76 by 182 by 5 inches
Lent by the artist,
courtesy Gallery Olet, Miami.
Installed in Collins Park,
Bass Museum of Art, Miami Beach.
Photo from Bass Museum of Art.



Frances Trombly

Caution 2008

Embroidery on hand dyed,
hand woven Lyocell
4 inches by 250 feet

Lent by the artist,
courtesy Emersion Donath Gallery, Miami.
Installed in Socrates Sculpture Park,
Long Island City, New York.
Photo by the artist.



Lydia Azouf
Guardian Solar V 2003

Steel and Corten steel with colored patina
113 by 85 1/2 by 85 1/2 inches

Lent by the artist, courtesy of Pinyan Gallery, Miami.
Installed in a private garden, Bogotá, Colombia. Photo by the artist.



Financial Report

For the Month of June (75% of fiscal year lapsed) Fiscal Year 2015

General Fund

Nine months into the fiscal year General Fund revenues appear to be on track with annual budget projections with the following exceptions and explanations:

1. The largest portion of property tax revenues are received in the December – February timeframe.
2. The projected shortfall in utility tax revenue is due to the decline in Communications Services Tax. Projections for this revenue were reduced by \$183,000 from the prior year but based on receipts to date this still was overly optimistic even though the City's projection was \$24,000 less than the estimate provided by the Florida Department of Revenue. It looks like we could be up to \$230,000 short of our budget estimate if CST revenues continue to decline. Electric utility tax revenues are behind but the high months of July – September will be enough to bring FY 2015 revenues up to the projection.
3. Business taxes are renewed each October 1. Some additional revenue will be realized over the remainder of the fiscal year but the largest amount has already been received.
4. Building permit revenues are not quite as strong as they were last year but are not too far off the budget forecast. Permit fee revenues by their nature fluctuate significantly based on construction activity. Revenues will likely be about \$100,000 short of projections.
5. Fines and forfeiture revenues are low due to lower red light camera receipts
6. Miscellaneous revenue includes \$623,548 from the sale of 300 N Pennsylvania Avenue.
7. Overall, General Fund revenues will probably be about \$400,000 short of projected revenues excluding the one-time revenue from the sale of property. Staff is monitoring spending accordingly.

Departmental expenditures for the nine months ended June 30 are essentially on target with budgetary expectations. Organizational support payments are paid on a quarterly basis and a bit ahead but will equal budget at fiscal year end. Operating transfers out reflect the annual payment of tax increment revenue to the CRA. Tax increment payments must be made no later than December 31 each year. While a large portion of the budget for transfers out has already been expended by this \$1,147,624 payment, it is a one time payment and transfers will match the annual budget at fiscal year end.

Community Redevelopment Agency Fund

The CRA was credited with the annual tax increment revenue from both the City and County in December. The County portion is on the Intergovernmental revenue line item and the City portion is reflected in the Operating Transfers In.

Tax increment revenue from the County (reported as intergovernmental revenue) and the City (reported as operating transfers in) was credited to the CRA in December.

Charges for services revenue is primarily associated with the ice rink.

Debt service is paid January 1 and July 1 and will equal what was budgeted for the fiscal year.

Water and Sewer Fund

Water sales are comparable to the prior year at this point in time and slightly below our forecast.

The bottom line reflects a positive \$1,435,913 and debt service coverage is projected to be a strong 1.99 for the fiscal year.

Electric Services Fund

Electric sales in kWh are about 0.2% behind where we were through June 2014 and will be very close to the forecast for FY 2015.

Fuel costs were over-recovered by about \$600,000 for the nine months ended June 30.

Bottom line reflects \$1,538,759 being taken from working capital. Extra spending is in the capital area for undergrounding as well as routine capital.

Debt service coverage is projected to be a strong 2.50 for the fiscal year.

Investment Report

This two page report summarizes the City's cash and investment holdings as of June 30, 2015. The overall portfolio has a blended rate of return of 1.45% and the average maturity of the long-term investment securities held was 5.46 years. 85.8% of the long-term investments are invested in federal instrumentalities (e.g., Federal Farm Credits, Federal Home Loan Bank, Freddie Mac, and Fannie Mae). This is in excess of the City's investment policy limitation of 80% and was due to the maturity of some U.S. Treasury Securities. Between now and September 30, the portfolio will be rebalanced to be within the 80% limitation. All other parameters of the City's Investment Policy were met.

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
General Fund
Fiscal YTD June 30, 2015 and 2014
75% of the Fiscal Year Lapsed

	Fiscal YTD June 30, 2015						Fiscal YTD June 30, 2014				
	Actual		Budget				Actual	Budget			
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual		Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual	
Revenues:											
Property Tax	\$ 16,231,363	131%	\$ 16,489,478	\$ 16,489,478	\$ 12,367,109	\$ 3,864,254	\$ 15,220,476	\$ 15,703,126	\$ 11,777,345	\$ 3,443,131	
Franchise Fees	855,029	102%	1,122,850	1,122,850	842,138	12,891	773,350	1,118,000	838,500	(65,150)	
Utility Taxes	4,745,500	94%	6,728,400	6,728,400	5,046,300	(300,800)	4,870,955	6,830,400	5,122,800	(251,845)	
Business Taxes	492,740	136%	481,500	481,500	361,125	131,615	486,765	476,500	357,375	129,390	
Building Permits	1,384,381	93%	1,988,000	1,988,000	1,491,000	(106,619)	1,728,115	1,417,500	1,063,125	664,990	
Other Licenses & Permits	19,911	111%	24,000	24,000	18,000	1,911	15,420	26,000	19,500	(4,080)	
Intergovernmental	5,046,407	100%	6,738,307	6,758,307	5,068,730	(22,323)	4,922,772	6,298,461	4,723,846	198,926	
Charges for Services	4,191,189	104%	5,396,450	5,396,450	4,047,338	143,851	4,142,033	5,145,450	3,859,088	282,945	
Fines and Forfeitures	693,530	71%	1,300,100	1,300,100	975,075	(281,545)	889,672	1,294,150	970,613	(80,941)	
Miscellaneous	1,095,441	226%	621,700	646,923	485,192	610,249	676,293	553,907	415,430	260,863	
Fund Balance	-	-	833,284	2,173,350	1,630,013	(1,630,013)	-	389,842	292,382	(292,382)	
Total Revenues	34,755,491	107%	41,724,069	43,109,358	32,332,020	2,423,471	33,725,851	39,253,336	29,440,004	4,285,847	
Expenditures:											
City Commission	17,333	101%	22,927	22,927	17,195	(138)	14,854	23,427	17,570	2,716	
Legal Services - City Attorney	167,862	80%	325,000	281,000	210,750	42,888	213,766	245,000	183,750	(30,016)	
Legal Services - Other	72,879	162%	40,000	60,000	45,000	(27,879)	39,703	60,000	45,000	5,297	
Lobbyists	53,840	61%	94,000	118,000	88,500	34,660	66,432	108,000	81,000	14,568	
City Management	405,993	102%	531,030	531,030	398,273	(7,720)	377,219	503,379	377,534	315	
Budget and Performance Measurement	111,399	0%	141,514	141,514	106,136	(5,263)	98,586	136,316	102,237	3,651	
City Clerk	157,267	85%	245,632	245,632	184,224	26,957	186,170	247,496	185,622	(548)	
Communications Dept.	365,861	89%	519,733	548,406	411,305	45,444	322,622	483,105	362,329	39,707	
Information Technology Services	874,140	94%	1,234,967	1,234,967	926,225	52,085	912,454	1,197,783	898,337	(14,117)	
Finance	626,388	97%	865,294	865,294	648,971	22,583	612,860	840,785	630,589	17,729	
Human Resources	271,061	106%	341,130	341,130	255,848	(15,213)	217,976	294,311	220,733	2,757	
Purchasing	118,801	59%	269,479	269,479	202,109	83,308	147,294	226,775	170,081	22,787	
Planning & Community Development	561,670	88%	682,209	847,209	635,407	73,737	353,836	535,256	401,442	47,606	
Building	818,785	98%	1,115,832	1,115,832	836,874	18,089	774,356	1,066,378	799,784	25,428	
Economic Development	9,691	-	-	-	-	(9,691)	8,389	157,820	118,365	109,976	
Public Works	5,071,192	98%	6,788,658	6,875,529	5,156,647	85,455	4,800,507	6,820,122	5,115,092	314,585	
Police	9,434,873	94%	13,418,138	13,421,633	10,066,225	631,352	9,071,100	12,907,382	9,680,537	609,437	
Fire	8,541,070	101%	11,288,494	11,310,044	8,482,533	(58,537)	7,747,776	10,727,098	8,045,324	297,548	
Parks & Recreation	4,973,773	96%	6,868,157	6,932,857	5,199,643	225,870	5,031,869	6,836,080	5,127,060	95,191	
Organizational Support	1,394,580	133%	1,394,580	1,394,580	1,045,935	(348,645)	1,225,920	1,534,560	1,150,920	(75,000)	
Non-Departmental	-	-	175,000	190,000	142,500	142,500	-	(78,475)	(58,856)	(58,856)	
Total Expenditures	34,048,458	97%	46,361,774	46,747,063	35,060,300	1,011,842	32,223,689	44,872,598	33,654,450	1,430,761	
Revenues Over/(Under) Expenditures	707,033	-26%	(4,637,705)	(3,637,705)	(2,728,280)	3,435,313	1,502,162	(5,619,262)	(4,214,446)	5,716,608	
Operating transfers in	6,275,504	98%	8,532,487	8,532,487	6,399,365	(123,861)	6,259,659	8,549,181	6,411,886	(152,227)	
Operating transfers out	(3,948,589)	108%	(3,894,782)	(4,894,782)	(3,671,086)	(277,503)	(2,354,279)	(2,929,919)	(2,197,439)	(156,840)	
Other Financing Sources/(Uses)	2,326,915	85%	4,637,705	3,637,705	2,728,279	(401,364)	3,905,380	5,619,262	4,214,447	(309,067)	
Total Revenues Over Expenditures	\$ 3,033,948		\$ -	\$ -	\$ (1)	\$ 3,033,949	\$ 5,407,542	\$ -	\$ 1	\$ 5,407,541	

* As adjusted through June 30, 2015

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
Community Redevelopment Fund
Fiscal YTD June 30, 2015 and 2014
75% of the Fiscal Year Lapsed

	Fiscal YTD June 30, 2015						Fiscal YTD June 30, 2014			
	Actual		Budget				Actual	Budget		
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual
Revenues:										
Intergovernmental	\$ 1,243,644	132%	\$ 1,257,232	\$ 1,257,232	\$ 942,924	\$ 300,720	\$ 1,106,615	1,107,992	\$ 830,994	\$ 275,621
Charges for services	182,635	108%	225,000	225,000	168,750	13,885	183,197	195,000	146,250	36,947
Miscellaneous	41,505	73%	50,000	76,000	57,000	(15,495)	47,922	70,000	52,500	(4,578)
Fund Balance	-	0%	-	987,713	740,785	(740,785)	-	531,658	398,744	(398,744)
Total Revenues	1,467,784	77%	1,532,232	2,545,945	1,909,459	(441,675)	1,337,734	1,904,650	1,428,488	(90,754)
Expenditures:										
Planning and Development	773,884	54%	883,450	1,897,163	1,422,872	648,988	653,095	1,326,258	994,694	341,599
Capital Projects	-	0%	-	-	-	-	-	-	-	-
Debt service	1,285,137	114%	1,498,378	1,498,378	1,123,784	(161,354)	1,256,290	1,486,425	1,114,819	(141,471)
Total Expenditures	2,059,021	81%	2,381,828	3,395,541	2,546,656	487,635	1,909,385	2,812,683	2,109,513	200,128
Revenues Over/(Under) Expenditures	(591,237)	93%	(849,596)	(849,596)	(637,197)	45,960	(571,651)	(908,033)	(681,025)	109,374
Operating transfers in	1,147,624	132%	1,160,162	1,160,162	870,122	(277,503)	1,021,174	1,022,445	766,834	(254,340)
Operating transfers out	(37,424)	100%	(49,898)	(49,898)	(37,424)	1	(35,951)	(47,934)	(35,951)	-
Other Financing Sources/(Uses)	1,110,200	0%	1,110,264	1,110,264	832,698	277,502	985,223	974,511	730,883	254,340
Total Revenues Over/(Under) Expenditures	\$ 518,963		\$ 260,668	\$ 260,668	\$ 195,501	\$ 323,462	\$ 413,572	66,478	\$ 49,858	\$ 363,714

* As adjusted through June 30, 2015

WINTER PARK WATER AND WASTEWATER METRICS
June 30, 2015

	FY 2015				FY 2014	
	FY 2015 YTD	FY 2015 Annualized	FY 2015 Budget	Projected Variance from Budget	FY 2014 YTD	FY 2014 in Total
Operating Performance:						
Water and Irrigation Sales (in thousands of gallons)						
Sewer - inside city limits	727,902	958,882	961,182	(2,300)	730,253	965,315
Sewer - outside city limits	638,057	846,439	856,019	(9,580)	644,771	862,933
Water - inside city limits	1,063,189	1,398,821	1,425,817	(26,996)	1,081,172	1,434,771
Irrigation - Inside City	402,647	530,397	552,714	(22,317)	418,078	559,582
Water - outside city limits	899,151	1,185,069	1,231,121	(46,052)	927,008	1,238,144
Irrigation - Outside City	78,816	102,771	112,809	(10,038)	87,618	115,527
Total	3,809,762	5,022,378	5,139,662	(117,284)	3,888,900	5,176,272
<hr style="border-top: 1px dashed black;"/>						
Operating revenues: ¹						
Sewer - inside city limits	\$ 4,483,853	\$ 5,906,681	\$ 5,666,302	\$ 240,379	4,681,181	6,259,030
Sewer - outside city limits	4,833,876	6,412,565	6,242,021	170,544	5,058,821	6,828,389
Water - inside city limits	6,330,258	8,328,621	8,439,061	(110,440)	5,810,249	7,815,209
Water - outside city limits	4,275,644	5,635,239	5,943,517	(308,278)	4,090,740	5,516,225
Other operating revenues	1,037,463	1,383,284	1,255,837	127,447	959,208	1,228,163
Total operating revenues	20,961,094	27,666,390	27,546,738	119,652	20,600,199	27,647,016
Operating expenses:						
General and administration	1,177,305	1,569,740	2,018,381	448,641	1,192,054	1,667,091
Operations	8,241,585	10,988,780	12,192,357	1,203,577	8,141,634	11,406,886
Wastewater treatment by other agencies	2,748,202	3,664,269	3,667,813	3,544	2,510,182	3,487,555
Total operating expenses	12,167,092	16,222,789	17,878,551	1,655,762	11,843,870	16,561,532
Operating income (loss)	8,794,002	11,443,601	9,668,187	1,775,414	8,756,329	11,085,484
Other sources (uses):						
Investment earnings	274,691	366,255	178,600	187,655	281,832	243,427
Miscellaneous revenue	77,327	77,327	-	77,327	170,990	685,121
Transfer to Renewal and Replacement Fund	(1,235,951)	(1,647,935)	(1,647,935)	0	(1,752,494)	(2,336,658)
Transfer to General Fund	(1,565,175)	(2,086,900)	(2,086,900)	-	(1,515,825)	(2,021,100)
Transfer for Organizational Support	(45,635)	(60,847)	(60,846)	(1)	-	-
Transfer to Capital Projects Fund	(422,215)	(562,953)	(562,953)	(0)	(54,375)	(72,500)
Debt service sinking fund deposits	(4,441,131)	(5,921,446)	(5,869,813)	(51,633)	(4,441,939)	(5,922,530)
Total other sources (uses)	(7,358,089)	(9,836,499)	(10,049,847)	213,348	(7,311,811)	(9,424,240)
Net increase (decrease) in funds	\$ 1,435,913	\$ 1,607,102	\$ (381,660)	\$ 1,988,762	1,444,518	1,661,244
Debt service coverage		1.99				2.02
Annual Renewal and Replacement (R&R) Funding		1,647,935		26,459,063		
Net Value of Water and Wastewater Plant as of 09/30/2014		93,095,590				
Annual R&R Funding as a Percentage of Plant		<u>1.77%</u>				

¹The City implemented adjustments to water (increasing) and wastewater (decreasing) effective October 1, 2014

Sewer Impact Fees

	Beginning Balance	Additions	Deductions	Ending Balance
Beginning balance - 10/01/2014	2,654,434			2,654,434
Sewer impact fee revenues		188,238		188,238
Investment earnings		45,208		45,208
Fairbanks Avenue sewer extension				-
Other sewer main extension work			(17,193)	(17,193)
Ending balance - 6/30/2015	2,654,434	233,447	(17,193)	2,870,688

Water Impact Fees

	Beginning Balance	Additions	Deductions	Ending Balance
Beginning balance - 10/01/2014	2,903,766			2,903,766
Water impact fee revenues		88,030		88,030
Investment earnings		61,488		61,488
Upgrade water mains				-
Ending balance - 6/30/2015	2,903,766	149,518	-	3,053,284

Renewal and Replacement Fund

	Beginning Balance	Additions	Deductions	Ending Balance
Beginning balance - 10/01/2014	1,938,972			1,938,972
R&R transfer		1,235,951		1,235,951
Investment earnings		43,979		43,979
Upgrade water mains			(696,790)	(696,790)
Upgrade sewer mains			(339,775)	(339,775)
Rehab sewer manholes				-
Replace asbestos cement force mains				-
Short line sewer rehab projects			(91,703)	(91,703)
Sewer main extensions				-
Lift station upgrades and repairs				-
Utility patch crew work			(204,572)	(204,572)
Ending balance - 6/30/2015	1,938,972	1,279,930	(1,332,840)	1,886,062

WINTER PARK ELECTRIC UTILITY METRICS

June 30, 2015

	<u>FY'15</u> <u>YTD</u>	<u>FY'15</u> <u>Annualized</u>	<u>FY'15</u> <u>Budget</u>	<u>Variance</u> <u>from</u> <u>Budget</u>	<u>FY'14</u>
<u>Technical Performance</u>					
Net Sales (kWh)	299,389,289	424,682,723	425,008,963	(326,240)	425,342,682
Average Revenue/kWh	0.1099	0.1081			0.1135
Wholesale Power Purchased (kWh)	317,695,131	449,706,131	449,826,000	(119,869)	445,526,000
Wholesale Power Cost/kWh	0.0524	0.0527			0.0572
Gross margin	0.0574	0.0554			0.0563
SAIDI (rolling 12 month sum)					62.01
MAIFI (rolling 12 month sum)					-
Sold vs. Purchased kWh Ratio	94.24%	94.44%	94.48%		95.47%
<u>Income Statement</u>					
Electric Sales:					
Fuel	11,326,400	15,273,965	16,535,297	(1,261,332)	17,715,492
Non-Fuel	21,561,528	30,635,874	30,219,385	416,489	30,554,862
Other Operating Revenues	397,866	530,488	265,422	265,066	248,010
Total Operating Revenues	33,285,794	46,440,327	47,020,104	(579,777)	48,518,364
Operating Expenses:					
General and Administrative	846,991	1,129,321	1,112,956	(16,365)	1,135,782
Operating Expenses	5,015,125	6,686,833	7,934,385	1,247,552	7,216,805
Purchased Power					
Fuel	10,726,905	15,273,965	16,535,297	1,261,332	17,753,988
Non-Fuel	5,923,958	8,435,081	8,063,634	(371,447)	7,745,014
Transmission Power Cost	2,352,451	3,136,601	3,083,397	(53,204)	2,724,792
Total Operating Expenses	24,865,430	34,661,802	36,729,669	2,067,867	36,576,381
Operating Income (Loss)	8,420,364	11,778,524	10,290,435	1,488,089	11,941,983
Nonoperating Revenues (Expenses):					
Investment Earnings (net of interest paid on interfund borrowings)	38,073	50,764	35,000	15,764	58,589
Principal on Debt	(1,301,250)	(1,735,000)	(1,600,000)	(135,000)	(1,765,000)
Interest on Debt	(2,252,749)	(3,003,665)	(2,945,334)	(58,331)	(2,767,440)
Miscellaneous Revenue	215,543	215,543	-	215,543	684,689
Proceeds from Sale of Assets	48,852	65,136	-	65,136	25,817
Routine Capital	(1,741,460)	(2,321,947)	(739,400)	(1,582,547)	(3,057,038)
Undergrounding of Power Lines	(3,402,009)	(4,536,012)	(3,500,000)	(1,036,012)	(3,656,667)
Contributions in Aid of Construction	390,855	521,140	-	521,140	901,067
Residential Underground Conversions	15,800	21,067	-	21,067	73,050
Capital Contributions for Plug-In Program	52,013	69,351	-	69,351	63,960
Total Nonoperating Revenues (Expenses)	(7,936,332)	(10,653,624)	(8,749,734)	(1,903,890)	(9,438,973)

WINTER PARK ELECTRIC UTILITY METRICS

June 30, 2015

	<u>FY'15</u> <u>YTD</u>	<u>FY'15</u> <u>Annualized</u>	<u>FY'15</u> <u>Budget</u>	<u>Variance</u> <u>from</u> <u>Budget</u>	<u>FY'14</u>
Income (Loss) Before Operating Transfers	484,032	1,124,901	1,540,701	(415,800)	2,503,010
Operating Transfers In	-	-	-	-	-
Operating Transfers Out	(1,940,588)	(2,757,300)	(2,752,600)	(4,700)	-
Transfers for organizational support	(82,203)	(109,604)	(109,604)	-	-
Total Operating Transfers	(2,022,791)	(2,866,904)	(2,862,204)	(4,700)	-
Net Change in Working Capital	(1,538,759)	(1,742,004)	(1,321,503)	(420,501)	2,503,010

Other Financial Parameters

Debt Service Coverage	2.38	2.50			2.85
Fixed Rate Bonds Outstanding	69,065,000				64,750,000
Auction Rate Bonds Outstanding	1,220,000				7,445,000
Total Bonds Outstanding	70,285,000				72,195,000
Principal Retired	1,735,000		-		1,765,000
Capital Spending from Bond Proceeds	-	-	-		
Balance Owed on Advance from General Fund	-				-
Cash Balance	(503,667)				3,530,562

Notes

Fiscal Years run from October to September; FY'15 is 10/1/14 to 9/30/15

SAIDI is System Average Interruption Duration Index (12-month rolling sum)

MAIFI is Momentary Average Interruption Frequency Index (12-month rolling sum)

Cash and Investment Portfolio (excluding pension funds and bond proceeds)
30-Jun-15

Issuer	CUSIP	Purchase Date	Quantity	Estimated Price	Coupon Rate	Cost	Market Value	Maturity Date	Moody's Rating	S & P Rating	Percentage of Total Cash and Investments	Percentage of Long-Term Investments
Short-term funds:												
Bank of America					0.25%	\$ 1,369,347	\$ 1,369,347					
BankFirst					0.25%	\$ 1,158,424	\$ 1,158,424					
Money Market Fund					0.00%	\$ 1,668,758	\$ 1,668,758					
Certificate of Deposit					0.45%	\$ 100,000	\$ 100,230	12/29/15				
Certificate of Deposit					0.60%	\$ 1,000,000	\$ 1,000,000	09/16/15				
State Board of Administration (SBA)					1.80%	\$ 19,017	\$ 19,017					
Total short-term funds						\$ 5,315,546	\$ 5,315,776				9.71%	
Long-term investments:												
US Treasury Note Investments (backed by full faith and credit of the United States Government):												
US TREASURY NOTES	912828RJ1	02/21/14	\$ 2,000,000	100.742	1.00%	\$ 2,018,270	\$ 2,014,840	09/30/16	AAA			
US TREASURY NOTES	912828UA6	02/07/13	\$ 1,000,000	99.531	0.63%	\$ 992,580	\$ 995,310	11/30/17	AAA			
Total US Treasury Note Investments			\$ 3,000,000			\$ 3,010,850	\$ 3,010,150				5.50%	6.09%
Government National Mortgage Investments (backed by full faith and credit of the United States Government):												
GNMA II ARM PASS THRU POOL 8258	36202KE76	05/04/99	\$ 490,000	102.322	1.75%	\$ 2,473	\$ 2,525	08/20/23				
GNMA PASS THRU POOL 372024	36204KG98	05/21/98	\$ 1,730,000	115.838	6.50%	\$ 49,270	\$ 57,073	01/15/24				
GNMA PASS THRU POOL AD1605	36180CYA1	02/01/13	\$ 1,000,000	98.986	2.00%	\$ 794,428	\$ 786,373	01/15/28				
GNMA II PASS THRU POOL 2562	36202CZ30	02/08/01	\$ 2,500,000	111.189	6.00%	\$ 37,413	\$ 41,600	03/20/28				
GNMA PASS THRU POOL 497581	36210NXJ3	02/11/99	\$ 500,000	114.466	6.00%	\$ 14,928	\$ 17,087	01/15/29				
GNMA II PASS THRU POOL 2795	36202DC82	02/08/01	\$ 2,000,000	114.082	6.50%	\$ 23,005	\$ 26,245	08/20/29				
GNMA II PASS THRU POOL 2997	36202DKJ9	01/31/01	\$ 1,717,305	114.582	6.50%	\$ 7,846	\$ 8,990	11/20/30				
GNMA PASS THRU POOL 574674	36200WMX6	03/27/08	\$ 1,700,000	110.945	5.00%	\$ 137,556	\$ 152,611	04/15/34				
GNMA II PASS THRU POOL 3839	36202EHQ5	01/30/08	\$ 1,000,000	108.050	4.50%	\$ 170,109	\$ 183,802	04/20/36				
GNMA II PASS THRU POOL 4071	36202EQY8	01/18/08	\$ 1,000,000	109.126	5.00%	\$ 108,084	\$ 117,947	01/20/38				
GNMA 09-9 TA REMIC MULTICLASS CMO	38374TDH4	03/17/09	\$ 1,000,000	105.276	4.50%	\$ 133,855	\$ 140,917	08/20/38				
GNMA 10-31 AP REMIC MULTICLASS CMO	38376XL50	04/12/10	\$ 1,000,000	105.162	4.00%	\$ 373,715	\$ 393,006	08/20/38				
GNMA PASS THRU POOL 702875	36296V2G2	05/10/10	\$ 1,015,000	106.583	4.00%	\$ 761,071	\$ 811,172	07/15/39				
GNMA 13-28 DE REMIC MULTICLASS CMO	38378FWG1	02/08/13	\$ 1,000,000	96.002	1.75%	\$ 807,370	\$ 775,091	12/20/42				
GNMA 13-42 DE REMIC MULTICLASS CMO	38378JFT4	03/13/13	\$ 1,000,000	99.304	1.75%	\$ 497,821	\$ 494,356	01/20/43				
Total Government National Mortgage Investments			\$ 18,652,305			\$ 3,918,944	\$ 4,008,795				7.32%	8.11%
Agencies which are non-full faith and credit):												
Federal Farm Credit Investments:												
FEDERAL FARM CREDIT	3133EA3Z9	10/16/12	\$ 1,000,000	98.865	1.42%	\$ 999,250	\$ 988,650	07/10/19	AAA	AA+		
FEDERAL FARM CREDIT	3133ECTL2	12/13/13	\$ 2,000,000	98.315	1.29%	\$ 1,931,749	\$ 1,966,300	06/14/19	AAA	AA+		
FEDERAL FARM CREDIT	3133ECMJ0	04/22/13	\$ 1,000,000	99.659	0.74%	\$ 1,000,000	\$ 996,590	07/25/17	AAA	AA+		
FEDERAL FARM CREDIT	3133ECNY6	05/03/13	\$ 1,000,000	99.127	0.95%	\$ 1,000,000	\$ 991,270	05/08/18	AAA	AA+		
FEDERAL FARM CREDIT	3133EA6F0	10/19/12	\$ 1,000,000	99.397	1.24%	\$ 1,000,000	\$ 993,970	10/25/18	AAA	AA+		
FEDERAL FARM CREDIT	3133EETT7	03/11/15	\$ 1,000,000	99.996	1.60%	\$ 1,000,000	\$ 999,960	10/25/18	AAA	AA+		
FEDERAL FARM CREDIT	31331KAU4	01/21/11	\$ 1,000,000	106.841	3.33%	\$ 1,000,000	\$ 1,068,410	01/28/19	AAA	AA+		
FEDERAL FARM CREDIT	3133EAD70	07/31/12	\$ 800,000	98.749	1.40%	\$ 798,600	\$ 789,992	08/01/19	AAA	AA+		
FEDERAL FARM CREDIT	3133EEJW1	01/12/15	\$ 2,000,000	99.528	2.15%	\$ 2,000,000	\$ 1,990,560	01/20/21	AAA	AA+		
Total Federal Farm Credit Investments			\$ 10,800,000			\$ 10,729,599	\$ 10,785,702				19.70%	21.82%

Cash and Investment Portfolio (excluding pension funds and bond proceeds)
30-Jun-15

Issuer	CUSIP	Purchase Date	Quantity	Estimated Price	Coupon Rate	Cost	Market Value	Maturity Date	Moody's Rating	S & P Rating	Percentage of Total Cash and Investments	Percentage of Long-Term Investments
Federal Home Loan Banks Investments:												
FEDERAL HOME LOAN BANK	3130A4NW8	03/11/15	\$ 2,000,000	99.986	1.50%	\$ 2,000,000	\$ 1,999,720	10/09/18	AAA	AA+		
FEDERAL HOME LOAN BANK	313380BQ9	07/31/12	\$ 3,750,000	99.272	1.55%	\$ 3,750,000	\$ 3,722,700	08/15/19	AAA	AA+		
FEDERAL HOME LOAN BANK	313380Z83	10/10/12	\$ 1,000,000	98.792	1.49%	\$ 1,000,000	\$ 987,920	11/01/19	AAA	AA+		
FEDERAL HOME LOAN BANK	313380S65	02/27/14	\$ 1,007,609	99.611	1.67%	\$ 994,006	\$ 1,003,689	10/11/19	AAA	AA+		
FEDERAL HOME LOAN BANK	3133814M4	10/19/12	\$ 1,000,000	98.523	1.05%	\$ 1,000,000	\$ 985,230	04/29/20	AAA	AA+		
FEDERAL HOME LOAN BANK	3130A55X3	04/27/15	\$ 1,300,000	99.974	1.00%	\$ 1,000,000	\$ 1,299,662	05/21/20	AAA	AA+		
FEDERAL HOME LOAN BANK	313380C54	07/31/12	\$ 3,000,000	98.203	1.25%	\$ 3,000,000	\$ 2,946,090	08/14/20	AAA	AA+		
Total Federal Home Loan Banks Investments			\$ 13,057,609			\$ 12,744,006	\$ 12,945,011				23.65%	26.19%
Federal Home Loan Mortgage Investments:												
FEDERAL HOME LN MTG CORP	3134G6EB5	02/04/15	\$ 2,000,000	99.863	1.13%	\$ 2,000,000	\$ 1,997,260	02/27/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G3M56	09/12/12	\$ 1,000,000	99.825	1.15%	\$ 1,000,000	\$ 998,250	03/27/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G34QO	03/05/13	\$ 1,000,000	99.241	1.10%	\$ 1,000,000	\$ 992,410	07/30/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G42X5	04/11/13	\$ 2,000,000	99.318	1.05%	\$ 2,000,000	\$ 1,986,360	10/30/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G6ML4	03/11/15	\$ 2,000,000	99.908	1.63%	\$ 998,000	\$ 1,998,160	03/19/20	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G3K58	09/13/12	\$ 1,000,000	99.142	1.50%	\$ 998,000	\$ 991,420	03/19/20	AAA	AA+		
FHLMC GOLD PASS THRU POOL J01091	3128PCF80	01/17/06	\$ 1,000,000	106.440	5.00%	\$ 73,277	\$ 77,996	02/01/21				
FHLMC GOLD PASS THRU POOL C91020	3128P7DZ3	03/21/07	\$ 1,000,000	112.319	5.50%	\$ 69,098	\$ 77,610	03/01/27				
Total Federal Home Loan Mortgage Investments			\$ 11,000,000			\$ 8,138,375	\$ 9,119,466				16.66%	18.45%
Federal National Mortgage Association Investments:												
FEDERAL NATL MTG ASSN	3136G16F1	12/11/12	\$ 1,000,000	99.156	1.00%	\$ 1,000,000	\$ 991,560	06/27/18	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G13U1	11/27/12	\$ 1,000,000	99.326	1.10%	\$ 1,000,000	\$ 993,260	12/18/18	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G0VM0	07/31/12	\$ 1,000,000	99.684	1.13%	\$ 1,000,000	\$ 996,840	07/30/19	AAA	AA+		
FEDERAL NATL MTG ASSN	3135G0NK5	08/13/12	\$ 2,000,000	99.508	1.63%	\$ 2,000,000	\$ 1,990,160	08/28/19	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G02B6	10/16/12	\$ 1,000,000	97.320	1.60%	\$ 1,000,000	\$ 973,200	10/30/20	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G0YZ8	08/15/12	\$ 2,500,000	98.967	2.00%	\$ 2,497,500	\$ 2,474,175	12/14/20	AAA			
FEDERAL NATL MTG ASSN	3136G2CS4	01/12/15	\$ 1,000,000	97.143	2.00%	\$ 1,000,000	\$ 971,430	01/27/22	AAA	AA+		
FNMA PASS THRU POOL 255994	31371MKF3	03/12/07	\$ 1,605,000	112.375	5.50%	\$ 148,734	\$ 167,140	11/01/25				
Total Federal National Mortgage Association Investments:			\$ 11,105,000			\$ 9,646,234	\$ 9,557,765				17.46%	19.34%
Total Federal Instrumentalities (United States Government Agencies which are non-full faith and credit):												
			\$ 45,962,609			\$ 41,258,214	\$ 42,407,944				77.47%	85.80%
Total Long-Term Investments			\$ 67,614,914			\$ 48,188,008	\$ 49,426,889					
Total Short-Term Funds and Long-Term Investments						\$ 53,503,554	\$ 54,742,665					
Blended Portfolio Rate of Return							1.45%					
Average Maturity (in years)							5.46					

REGULAR MEETING OF THE CITY COMMISSION
July 27, 2015

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Building Director George Wiggins, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel (via phone/skype)
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

Asst. City Manager Michelle Neuner
City Attorney Larry Brown
City Clerk Cynthia Bonham

Approval of the agenda

Motion made by Commissioner Cooper to approve the agenda; seconded by Commissioner Sprinkel and approved by 5-0 vote.

Citizen Budget Comments

Joe Terranova, 151 N. Virginia Avenue, urged the Commission to raise the electric fees to expedite the undergrounding and to keep increasing the stormwater and sewer utility fees yearly as recommended by staff.

Mayor's Report

a. Presentation – Employee Coin Recipients 3rd Quarter 2015

Assistant City Manager Neuner presented the coin recipients for the 3rd quarter and congratulated them for their efforts and hard work. She recognized Scott Holden and Justin Falk with their story of how they helped a little girl who was lost. Other recipients were: for Communication: Lena Peterson and Richard Heath; For Customer Service: Justin Falk, Scott Holden, Dell Massie and Sujay Sukadia; For Safety: Rob Cochran; and For Teamwork: Juan Figueroa, Andy Holloway, Kesha Jones and Neal Olson.

City Manager's Report

There were no questions or comments made.

City Attorney's Report

a. Non-exclusive drainage easement agreement-UP Fieldgate US Investments

City Attorney Brown stated this is in connection with the VoTech property purchase and the Whole Foods development project (Lee Road extension). He stated this was contemplated in the purchase contract that the Commission approved but that the

Commission has to approve easement agreements and recommended approval. Public Works Director Attaway clarified the Lee Road extension parcel would go over the existing pipe and that they want to preserve the right to be able to drain as it currently is. There was further discussion regarding who will maintain the easement.

Motion made by Commissioner McMacken to approve the easement agreement; seconded by Commissioner Sprinkel. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Non-Action Item

a. Decorative lighting for gateway collector streets

Electric Utility Director Jerry Warren spoke about the January 26 meeting where the lighting along Palmer Avenue was discussed as to its adequacy and that if decorative lighting is installed, it would be inconsistent with the City's policy. He addressed the March 23 meeting where staff presented a list of collector roads and an estimate to provide decorative lighting on each road. He spoke about the existing street lighting policy that provides the installation of wood pole/cobra head lighting for public safety purposes and decorative lighting only when paid for by the adjoining electric customers.

Mr. Warren provided an estimate to install decorative lights for all collector roads. He listed what they determined to be the collector roads as well as the decorative lighting estimate for "gateway" roads. He also explained the impact on the undergrounding program if they use these funds to pay for streetlights. He asked for feedback regarding the list of "gateway" roads, if the City should install decorative lighting on "gateway roads" and if installation should be funded from the undergrounding budget.

Commissioner Sprinkel asked about using a less expensive light pole to cut the cost. Mr. Warren stated there are ones costing less and that he would bring forward some alternate recommendations. Commissioner Cooper asked for consideration to include Webster and Interlachen Avenues as collector roads and did not want funds coming out of undergrounding until the undergrounding is complete. She spoke about Palmer Avenue and made suggestions regarding how to pay for this. Commissioner McMacken spoke about the current policy that he did not want to change because of the residents that are already paying monthly for decorative lighting. Commissioner Seidel agreed with the list of gateway streets and that installing lighting would be an asset but after undergrounding is completed.

There was a consensus that staff has done enough for now but that staff bring back information on less expensive fixtures.

Consent Agenda

- a. Approve the minutes of July 13, 2015.
- b. Approve PR158056 to Wesco Distribution for Inventory Replenishment of Pad Mount Transformers; \$182,787

Motion made by Commissioner Sprinkel to approve the Consent Agenda; seconded by Commissioner Cooper. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion

- a. Final recommendations of the Golf Course Strategic Task Force

Matt Hegarty, Task Force member, showed a video of the golf course and its history. He presented their final presentation consisting of their mission, the Task Force vision and action plan (primary objective: renovation of the Country Club and secondary objective: to create a state of the art teaching and practice facility accessible to the entire community); expected life cycle of golf course items and the recommended industry standards; golf trends, and information regarding the proposed training center location and cost. Mr. Hegarty provided funding options.

Task Force member Gary Diehl asked that the investment made in the golf course be protected whereby this was discussed by the Commission. Assistant City Manager Neuner advised that partial funding is in the CIP in three years but does not cover all funding needed. Mr. Diehl stated they have investigated contributions with no success. There was a Commission consensus that the golf course needs to be protected and the maintenance list needs to be addressed but that funding needs to be determined with to pay for it. Comments were provided by each Commissioner regarding their support and the need to find funding for only Phase 1 at this time. Mayor Leary asked that staff look at additional funding sources beyond bonding.

Motion made by Commissioner McMacken to accept the report, seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Regarding the Task Force, Mayor Leary asked that they do not move forward with any work until the determination is made regarding funding. It was clarified that the Task Force expires August 25. The Commission thanked the Task Force for their hard work and many hours of work.

- b. Construction of new electric warehouse and Fire Station 64 apparatus bay on Howell Branch Road

Public Works Director Troy Attaway provided the background of the electric utility leased office and warehouse space at Metric Drive and Fire Station 64 located adjacent to the Central Compound on Howell Branch Road. He requested approval

of Bid IFB-14-2015 to Johnson-Laux Construction LLC, and purchase requisition #158185 of \$892,696.00; \$669,454.00 for the construction of a new electric utility warehouse at the City's central compound at 1409 Howell Branch Road and \$223,242.00 for the construction of a new apparatus bay at Fire Station 64 at 1439 Howell Branch Road. Fire Chief White spoke about the need to upgrade the fire station.

Motion made by Commissioner Cooper to approve Bid IFB-14-2015; seconded by Commissioner Sprinkel. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

c. Set tentative millage rate and budget discussion

Assistant City Manager Neuner explained the Commission needs to set the tentative millage rate as high as the Commission anticipates it going because of the exhaustive notification process if the Commission decides to go higher after this evening. She stated that it has been eight (8) years since the millage rate was increased and that the City is the second lowest in the county.

Motion made by Commissioner Sprinkel to set the tentative millage rate to the current rate of 4.0923 mills; seconded by Commissioner Cooper.

Commissioner Seidel commented about the need to determine if there are any increases in property values to see if additional money will be coming in. He spoke about the projects in the CIP plan that need funding and that he does not want to raise the millage rate but may find that we cannot fund the projects needed. Ms. Neuner explained that the Commission can make the rate a little higher this evening and then come down during the budget process.

The motion was amended by Commissioner Seidel to increase the millage rate by .5 mills; seconded by Commissioner McMacken for discussion. Commissioner McMacken stated he does not want to raise taxes but was not sure where they can find the funds needed for needed projects.

Nancy Shutts, 2010 Brandywine Drive, asked that the brick roads on Pennsylvania/Lake Sue be worked on to smooth the roadway and to make it safer. She also wanted to raise Commissioner's compensation. She explained that a small millage increase does not cost the taxpayer a lot and that it needs to be explained to the public so the City can move forward with needed projects such as improvements to parks, etc. She commented that she does not want to take money away from parks for the golf course.

After further comments, **a roll call vote was taken on the amendment to raise the millage by .5 mills, Mayor Leary and Commissioners Sprinkel, Cooper and McMacken voted no. Commissioner Seidel voted yes. The motion failed with a 4-1 vote.**

Upon a roll call vote on the main motion to set the tentative millage rate to the current rate of 4.0923 mills, Mayor Leary and Commissioners Sprinkel, Cooper and McMacken voted yes. Commissioner Seidel voted no. The motion carried with a 4-1 vote.

Public comments (items not on the agenda)

There were no comments made.

Recess

A recess was taken from 5:05 – 5:20 p.m.

d. New Library Facility – Next steps

At the July 13, 2015 meeting staff was directed to put together a scope for professional services and a schedule to complete the next phase of the new library process. The scope was provided to the Commission which calls for three public participation meetings to finalize recommendations on the site and style. ACi is the City's continuing services architect that has been working with the Library Task Force through the first phase.

Staff recommended three actions to be taken:

1. Approve the north end of MLK Park as the area in which to study for the final site selection for the new Library and replacement of Civic Center.
2. Approve allocating \$108,750 to be matched with \$50,000 from the Library to contract with ACi to complete the next phase of the project.
3. Approve the attached schedule which includes setting the referendum date for March 15, 2016.

Assistant City Manager Neuner addressed the task order and the schedule provided.

Architect Larry Adams, ACi, spoke about the three workshops for the public whereby the third one will culminate what they heard from the community in the first two. He addressed the scope of services and what they will be doing within the work order as presented.

Discussion ensued regarding the proposed site and identifying a specific area within the MLK Park/Civic Center site. Commissioner Cooper asked that the existing library site be included in addition to the locations within the proposed MLK Park site. Commissioner Sprinkel spoke about the excessive cost to rebuild the library at the existing site because of having to re-locate to another location while the library is being built. She also clarified that the Commission has always said they are looking to increase park space, not decrease it.

After discussion, a **motion was made by Mayor Leary to accept staff's recommendation with the change to number 2 where the allocations will be split 50/50 between the Library and City to fund this, seconded by Commissioner McMacken for discussion purposes.**

Motion amended by Commissioner Sprinkel that the allocation split be as presented in number 2; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper that the existing library site be considered as part of ACi's scope as we go forward. The motion failed for lack of a second.

Joe Terranova, 151 N. Virginia Avenue, spoke about taking away open space if the Library is built on the north end of Morse Boulevard and recommended the Civic Center site. He addressed the existing site.

Jeffrey Jontz, President of Winter Park Public Library Association, Inc., addressed the timeline of the three public meetings to receive comment about what we want the library to do in the park that will then help the architect design for a single location. He stated the split (as in number 2 above) was negotiated because the City is not going to mount a campaign to sell the referendum to the voters but will be the library's responsibility.

Jan Walker, 1624 Barcelona Way, Library Board of Trustees, spoke in favor of building the library at the proposed location because of having the library in conjunction with the park for the children.

Bob Bendick, 1211 Oxford Road, spoke in favor of building a new library but that it should be in the downtown area.

Jackie Sward, 292 Sylvan Boulevard, spoke in opposition to the proposed MLK Park site because of disturbing the habitat and she thought it would take away greenspace.

Sally Flynn, 1400 Highland Road, stated we are setting up for a divisive fight in the City because of residents wanting the library to remain downtown and do not want to give up greenspace.

Vicki Krueger, 200 Carolina Avenue, spoke against the MLK corner and agreed with the Civic Center site.

Lurline Fletcher, 811 English Court, spoke against the proposed library site in MLK Park.

Ann Hicks Murrah, 1601 Legion Drive, spoke about the need for residents to understand what the facts are and believed that ACi will bring back a report that addresses the options. She stated we are not talking about giving up the park for a

building but building a wonderful asset in the community. She addressed her disappointment that the Commission did not support raising the millage because of the projects needing attention.

Mary Randall, 1000 S. Kentucky Avenue, spoke against the library location at the corner of Denning and Morse Boulevard.

Pat McDonald, 2348 Summerfield Road, spoke in favor of leaving the library in its current location and against the MLK Park location.

Nancy Shutts, 2010 Brandywine Drive, addressed the importance to prepare and clarify the facts for residents because of the misinformation in the public.

Shawn Shaffer, 151 N. Orlando Avenue and Winter Park Library, spoke in favor of building the library and that she hopes this will be a great process and will come up with the best opportunity for Winter Park. She stated she believes we can enhance everyone's use, view and beauty of the MLK Park and that we have a wonderful opportunity to put a building here, make a minimal impact to the park, and come out with a wonderful and special jewel.

Mayor Leary stressed the importance to provide the information/facts to the residents because of the misinformation out there that the Commission is taking parkland although every Commission discussion has been to maintain the parkland.

Upon a roll call vote on the amendment that the allocation split be as presented in number 2, Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. Mayor Leary voted no. The amendment carried with a 4-1 vote.

Upon a roll call vote on the main motion as amended (includes staff recommendations as presented above), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- e. Appointment of City Commission member to City Attorney and State Lobbyist RFP selection committees

Assistant City Manager Neuner announced the list of members established for each process. She explained the selection committees for each of these disciplines have been created to shortlist the applicants for final decision by the Commission. For City Attorney, the following were selected to serve on the committee: Randy Knight, Jim White, Dori Stone and Troy Attaway. For State Lobbyist, the following were selected to serve on the committee: Randy Knight, Don Marcotte, Brenda Moody and George Wiggins. She stated that a Commission member needs to be appointed to each committee and that staff is recommending three (3) but could be as many as five (5) to shortlist the group to move onto oral presentations.

Motion made by Mayor Leary to appoint Commissioner McMacken to the City Attorney selection committee, seconded by Commissioner Cooper.

Motion made by Mayor Leary to appoint Commissioner Sprinkel to the State Lobbyist selection committee, seconded by Commissioner Cooper.

The team selection for City Attorney was discussed as to why they were selected. Commissioners expressed their preferences for the number of shortlisted groups. Upon discussion concerning the City Attorney shortlist as to a reasonable number of shortlisted groups there was a consensus to expect five (5) groups for oral presentations (depending on the points that could add an additional group) and that the City Commission as a whole will sit through the oral presentations. Ms. Neuner further explained the process regarding oral presentations that are closed to the public and other participants but will include the Commission as a whole and that the deliberation will be public.

Regarding the State Lobbyist, Ms. Neuner explained the selection committee members selected. There was a consensus to accept the selection committee members as recommended by staff and to shortlist the list to 3-5 groups.

Ms. Neuner spoke about the Labor Attorney RFP already being out and that this will be treated as a regular RFP process and that staff will bring back the recommendation to the Commission. No public comments were made.

Upon a roll call vote to appoint Commissioner McMacken to the City Attorney selection committee, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote to appoint Commissioner Sprinkel to the State Lobbyist selection committee, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Hearings:

- a. ORDINANCE NO. 3001-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 1566 WEST FAIRBANKS AVENUE AND A PORTION OF JACKSON AVENUE TO THE WEST; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Cooper. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- b. ORDINANCE NO. 3003-15: AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA AMENDING CHAPTER 94 TAXATION, ARTICLE II, BUSINESS TAX, PROVIDE CLARIFICATION ON CERTAIN BUSINESS TAX CATEGORIES, MODIFY PRORATION OF PARTIAL YEAR BUSINESS TAX CERTIFICATES, CLARIFY AND UPDATE PROVISIONS; AND PROVIDE ENABLING LANGUAGE TO COLLECT ORANGE COUNTY BUSINESS TAX RECEIPTS FOR WINTER PARK BUSINESSES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. It was clarified that the language regarding the increase in fees was omitted from the ordinance per the direction at the July 13, 2015 Commission meeting but that all other language was included from first reading. Upon a suggestion by Commissioner Cooper, there was a consensus that staff put together an analysis comparing fees with our peer cities for the next time this is put forward.

Motion made by Mayor Leary to adopt the ordinance; seconded by Commissioner Sprinkel. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- c. Request of Dr. Randall Loy for the property at 1500 S. Orlando Avenue:

Attorney Brown read both ordinances by title. This was a simultaneous public hearing. Each Commissioner explained any conversations with staff, residents and/or the applicant's attorney prior to the meeting. Planning Manager Jeff Briggs explained the request and that this request meets all City codes, the correct number of parking places, setbacks, FAR, etc. He spoke about the great job they have done to preserve trees and the Planning and Zoning Board approval. He explained that the conditional use approval will be at the August 10 meeting.

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OFFICE AND PROFESSIONAL FUTURE LAND USE ON THE PROPERTY AT 1500 S. ORLANDO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO OFFICE (O-1) DISTRICT ZONING ON THE PROPERTY AT 1500 S. ORLANDO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Conditional Use Approval to redevelop the St. John's Lutheran Church parking lot with a two story, 15,000 square foot medical office building (will be approved at the August 10 meeting after adoption of ordinances).

Upon questioning, Mr. Briggs explained the reason for the O-1 zoning versus O-2. Commissioner Seidel addressed the Mead Garden master plan including the construction of a sign on the corner as an entrance feature and asked if this is something we can ask for. Mr. Briggs stated the sign for the public park could be in the public right-of-way.

Attorney Becky Wilson, representing the applicant, explained the presence of the architect/general contractor and applicant along with his partners to answer questions. She explained the doctor's practice that is building here that has been in existence since the 1980's and wanting to relocate into Winter Park. She spoke about their community meeting to introduce the project to the neighbors and the reason for O-1 zoning to be consistent with the zoning to the north. She displayed the site plan and explained the need for an exfiltration system, the trees they are saving, the elevation, and the height of the building. She explained the planting of trees and what they are allowed to plant and the loss of two parking spaces because of saving some of the large trees on the south side of the lot. She spoke about the City code requirement of 75 parking spaces and the church requirement. She also addressed the church's easement agreement with the doctors on Sundays to direct people for parking and the traffic analysis performed to help them understand any impact on the neighborhood. She asked for approval of the ordinances on first reading.

Motion made by Commissioner Sprinkel to accept the first ordinance (comprehensive plan) on first reading; seconded by Mayor Leary.

Motion made by Commissioner Sprinkel to accept the second ordinance (zoning) on first reading; seconded by Commissioner Cooper.

Wendy Anderson, 1353 Palmetto Avenue, spoke in favor of the request.

Questions were answered by Mr. Briggs regarding community input, the O-1 zoning request versus O-2 zoning, and the process in the future if someone else purchases the building which would have to come back for approval. Ms. Wilson spoke about P&Z unanimously approving this request and having to re-advertise their notice if the zoning is changed at this point which would slip on their closing date.

Ms. Wilson stated she is not familiar with what Mead Garden has put together and did not want to maintain someone else's sign if put on their property. Mr. Briggs clarified that there is about 15' in the right-of-way between the pavement of Garden Drive and the property line which provides adequate space for the sign.

Upon questioning regarding the Commission's ability to approve a lesser zoning without going back through P&Z, Attorney Brown responded.

Upon a roll call vote on the first ordinance, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the second ordinance, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-71 AND 58-84 SO AS TO ADOPT PARKING GARAGE DESIGN GUIDELINES GOVERNING THE CONSTRUCTION OF PARKING GARAGES WITHIN THE CITY OF WINTER PARK, PROVIDING FOR REVIEW PROCEDURES; APPEAL PROCEDURES AND FOR RESOLUTION OF INTERPRETATIONS REGARDING SUCH GUIDELINES; PROVIDING FOR A DEFINITION OF PARKING GARAGE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

RESOLUTION NO. 2163-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING PARKING GARAGE DESIGN GUIDELINES PURSUANT TO CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, ZONING; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Brown read the ordinance by title. Planning Manager Jeff Briggs explained the ordinance that puts guidance into the code that provides direction for future design. Commissioner Cooper asked if we are dealing with the turning radius and adequate size internally. Mr. Briggs stated they have set standards for the size of parking spaces and have kept a little flexibility of between 22'-24' in the aisle that both work so they have that flexibility to make it work.

Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Sprinkel. No public comments were made.

Commissioner Cooper asked that before the next meeting that they consider more comfortable interiors to the garages since these are only guidelines and not prescriptive. There was a consensus to consider this. Planning Director Stone stated if we are going to look at prescriptive drive aisles that we could be looking at a variance issue more often if we have to get prescriptive based on the size of the lot and the Land Development Code does leave that option if they cannot fit 24' in.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

The resolution was explained in that it contains the guidelines that can be easily amended if necessary.

Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

a. Commissioner Seidel – Thanked staff and the Commission for accommodating him this evening.

b. Commissioner Sprinkel - Addressed the rainfall we have been experiencing and that the streets are draining quickly. She also spoke about the upcoming Florida League of Cities conference and asked if anyone else was going to attend the breakfast.

c. Commissioner Cooper – No report.

d. Commissioner McMacken – No report.

e. Mayor Leary – No report.

The meeting adjourned at 7:20 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC



city commission agenda item

item type	Consent Agenda	meeting date	August 10, 2015
prepared by department division	Purchasing Division	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N A		final vote

Piggyback contracts

	vendor	item background	fiscal impact	motion recommendation
	Life Extension Clinics, Inc. dba Life Scan Wellness Centers	Piggyback Contract RFP# P-5-15-13 – Firefighter Physical Exams	Total expenditure included in approved FY budget.	Commission approve award to Life Extension Clinics, Inc. dba Life Scan Wellness Centers for Firefighter Physical Exams and authorize the Mayor to execute contract.
Brevard County issued a formal solicitation to award this contract.				



city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	August 10, 2015		
prepared by	Jerry Warren	approved by	<input checked="" type="checkbox"/> City Manager		
department	Electric		<input type="checkbox"/> City Attorney		
division	Administration		<input type="checkbox"/> N A		
board approval		<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N A	final vote
strategic objective	<input checked="" type="checkbox"/> Exceptional Quality of Life		<input type="checkbox"/> Fiscal Stewardship		
	<input checked="" type="checkbox"/> Intelligent Growth & Development		<input type="checkbox"/> Public Health & Safety		
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

subject

Undergrounding of Duke 69 kV transmission along Harper Street

motion | recommendation

- (1) Authorize staff to request Duke Energy Florida ("DEF") to extend the Fairbanks 69kV transmission underground project from the currently planned termination at the corner of Harper St. and Comstock north along Harper Street to the DEF Winter Park substation;
- (2) Authorize Duke to engineer the project and to order conductor and other long lead time materials associated with the extension;
- (3) Authorize staff to negotiate a reimbursement agreement between the City of Winter Park and Duke

background

At its June 8 meeting, the City Commission entered into various agreements with Duke and the Florida Department of Transportation (FDOT) which taken together will result in Duke's electric facilities along Fairbanks (transmission and distribution) being placed underground. FDOT has agreed to fund the actual cost of the project up to \$11.5 million. Duke is responsible for the engineering and construction of the underground transmission project. The City's electric department is responsible for the engineering and construction of the underground distribution project Both Duke and City staff believe the actual project cost (transmission and distribution) will be equal to or less than the FDOT funding amount. If the project exceeds a total of \$11.5 million, the City would bear the responsibility of any cost overruns.

As a part of the I-4 ultimate expansion, Duke has relocated transmission lines along I-4 and has already installed the pole that will serve as the underground termination pole at the intersection of I-4 and Fairbanks. The pole is very large since it will serve as self-supporting (no guy wires) termination pole for the overhead transmission wires that go north along I-4. A picture of the new termination pole is shown as Figure 1 (attached).

The termination pole also has a large box installed on its side that will serve as the cable guard where the new Fairbanks underground transmission cable will come out of the ground and run up the pole. A picture is attached as Figure 2 that shows the cable guard. Terry Hotard is standing next to the cable guard to provide perspective as to its size.

Attached as Figure 3 is a picture created by Duke of what the termination pole at I-4 and Fairbanks will look like. The current 69kV undergrounding plans call for a similar termination pole to be constructed at the corner of Harper St. and Comstock Ave. Staff has a number of concerns about Duke's 69 kV transmission line (see list below).

- 1) Concern that the termination pole at Comstock and Harper will become a landmark in Winter Park that won't be positive.
- 2) Trees along Harper St. There are existing oak trees along Harper St. on both sides of the street and the City is requiring the developer of the new Lakeside Crossing project to install 5 inch caliper oak trees along with the development. It does not take much imagination to visualize what the trees along this road will look like in ten years as the trees grow and Duke prunes them to provide adequate clearance from the transmission line. Figure 4 is a picture of the current situation and gives some idea of the problem. It will only get worse.
- 3) Harper St. is the western boundary of the City's Martin Luther King Park.
- 4) Rollins College now owns the old bowling alley site bound by Fairbanks, Harper St. and Comstock Ave. It is Rollins' intention to develop this piece of property into a Lacrosse sporting complex. This is the corner where Duke plans to install the 69kV termination pole.
- 5) The City is looking at various site options to construct a new library/ civic center. The site adjacent to the Morse and Harper intersection is being strongly considered.

Given these considerations, staff asked Duke for the incremental price to extend the Fairbanks transmission underground project from the planned termination at the corner of Harper St. and Comstock north to the Duke and Winter Park substations. This would result in underground transmission from the termination pole at I-4 all the way to the Duke and City's substations near Canton Ave. Duke provided a planning level estimate of \$3.7 million. This compares to the estimate of \$8.4 million to underground the 6,000' along Fairbanks from I-4 to Harper St. and Comstock Ave. Consultants to the City's electric department believe that to delay the undergrounding of this transmission line along Harper beyond the existing Fairbanks project, would likely result in an increase in cost of 20-25% plus inflation.

Given the above considerations, staff believes that the City Commission should authorize Duke to extend the Fairbanks 69 kV undergrounding transmission project all the way to the Duke and Winter Park substations located at the north end of Harper St. near Canton Avenue.

alternatives | other considerations

Accept the installation of the large termination pole at the corner of Harper St and Comstock Ave.

fiscal impact

Possible funding sources for this \$3.7 million capital project include:

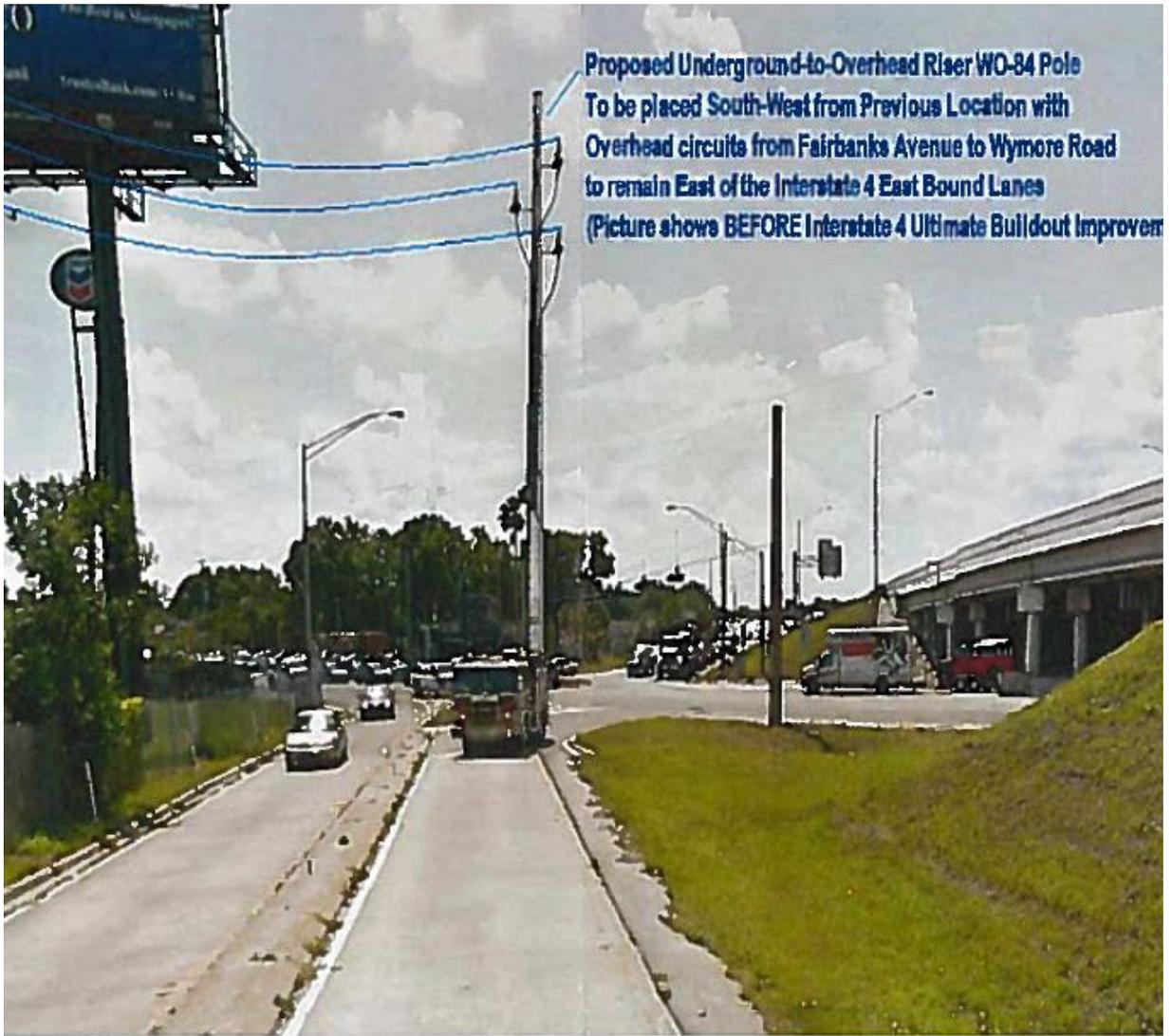
- (1) Use of left over FDOT funds (savings) from the Fairbanks undergrounding projects (both transmission and distribution) *Note; this would require approval by FDOT which is not guaranteed.*
- (2) Reallocation of the electric department's planned undergrounding funding;
- (3) Electric utility rate increase;
- (4) Funding by the CRA;
- (5) Funding by Rollins College
- (6) Bonding by the City and/or the CRA;
- (7) Use of the City's and/or CRA reserves;
- (8) Borrowing from the City and/or CRA reserves with a defined repayment plan;
- (9) Inclusion in the City's proposed general fund budget (would require a millage increase to the City's taxes)
- (10) Other;
- (11) Some combination of the above.



Figure 1 – New Duke Energy Termination Pole at Fairbanks Exit



Figure 2 – Cable Guard on Side of Duke Energy Termination Pole



Proposed Underground-to-Overhead Riser WO-84 Pole
To be placed South-West from Previous Location with
Overhead circuits from Fairbanks Avenue to Wymore Road
to remain East of the Interstate 4 East Bound Lanes
(Picture shows BEFORE Interstate 4 Ultimate Bulldout Improvem

Figure 3 – Duke Provided Picture of Planned Riser Pole at I-4



Figure 4 Existing View Harper St.



city commission public hearing

item type	Public Hearing	meeting date	August 10, 2015
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5-0 final vote

Subject: Second Reading of the Comprehensive Plan/Rezoning Ordinances and First Vote on the Conditional Use for 1500 S. Orlando Avenue (St. John Lutheran).

This public hearing is the second reading of the Ordinances requested by Dr. Randall Loy (Center for Reproductive Medicine) involving rezoning and redevelopment of the St. John Lutheran Church parking lot at 1500 S. Orlando Avenue (Pumpkin Patch). This public hearing is also the Conditional Use or Project approval which had to wait for the second reading in order for the zoning change to be effective.

All of the information below is the same as was presented at the first reading. The one change is that the applicants have voluntarily agreed to be limited to two stories and 43 feet in building height and the zoning ordinance has been amended to reflect those conditions.

Summary:

The applicants are requesting to change the Comprehensive Plan future land use map from institutional to office & professional and a companion rezoning from single family (R-1A) to office (O-1); along with a Conditional Use for the proposed two-story, 15,000 square foot medical building. The project statistics include:

Project Site:	1.36 acres
Existing Future Land Use Category:	Institutional
Existing Zoning District:	R-1A
Proposed Future Land Use Category:	Office & Professional
Proposed Zoning District:	O-1

Project Proposal:

The proposed medical office building is two-stories and a total of 15,000 square feet with a floor area ratio (FAR) of 25.3%. This is less than the maximum 45% FAR permitted in the requested O-1 zoning.

The overall site area is 59,242 square feet (1.36 acres). Under the current Institutional future land use and R-1A zoning, the site could be used for Church parking (as it is now) or for other new Church building(s) or based on the Single Family (R-1A) zoning, the site could be used to construct new single family homes with a maximum total size of 25,474 square feet based on the maximum 43% FAR. Thus, the proposed 15,000 sq. ft. medical building is smaller in size

than the collective size that the new single family homes might be, if developed based on that R-1A zoning maximums.

For purposes of comparison, the following table outlines the R-1A zoning requirements, the O-1 zoning requirements and the proposed development standards of this project.

	R-1A Requirements	O-1 Requirements		Project Proposal
Property Size 59,242 sq. ft.				
Floor Area Ratio	Max. 43%	Max. 45%		25.3%
Lot Coverage	N/A	N/A		N/A
Min.Open Space/Imp. Cov.	Min. 50%	Min. 15%		29%
Primary Street Front setback	25 feet	10 feet		18.75 feet
Secondary Side Street setback	20 ft.	10 feet		60-90 feet
Interior Side setback	10 feet	10 feet		115 feet
Rear setback	25/35 feet	25 feet		115 feet
Parking Requirement	2/unit	1 per 200/sq. ft.		75 spaces
Bldg. Height	35 feet (2 story max)	55 feet (4 story max)		40-43 feet (2 story)

Parking Requirements:

The City’s parking code for medical office is one space for each 200 gross square feet of building area. This project needs 75 spaces and is providing the 77 spaces, two more than required.

The City’s parking requirement for Churches is one parking space for each four seats. There is no method prescribed in the zoning code for measuring the number of “seats” in the sanctuary when you have rows of church pews. The number of seats depends upon how much space each person occupies and the comfort level of sitting next to others. Sometimes people leave a lot of space between them, but if the Church is full then you sit much closer together. Technically, per the Building Code, each seat is defined as 22 inches wide. That is similar to the width of the seats at the Amway Arena. Church pews however, are not fixed seating. None-the-less, based on those 22 inch per seat

calculations, there are 525 seats in the Church sanctuary which would translate into the need for 131 parking spaces.

The Church has 125 parking spaces comprised as follows: (A) 61 spaces to the east of the Church which will soon be increased to 78 spaces by reconfiguring the playground; (B) 13 spaces pursuant to the agreement with Lutheran Counseling Center; and (C) 34 spaces on The Baby Project. In addition, pursuant to the agreement with the doctors, the Church must provide a parking attendant on Sunday that will help usher attendees to the correct location. Given that there is no specific code prescribed method to assess seating in a sanctuary setting and that it is not realistic to think that in every church pew, every person will be 22 inches apart (as with fixed seating) then these 125 spaces are deemed by staff be in compliance with code for the required Church parking.

The current size of the congregation for Sunday services is about one-third full. Given a typical Sunday, the 88 spaces on site would be adequate to meet the parking needs of the Church with about 120-140 people in attendance. The concern of the neighbors is what happens if or when the Church restores its' congregation to resemble its' previous membership. The Church believes they can overcome that scenario by having more than one Church service. They also have the potential to seek additional parking on the other Church properties at 1010 Garden Drive and 1021 Camellia Avenue. However, that would need a future Conditional Use approval and that is not part of this application.

Tree Preservation:

Dru Dennison, the City's Urban Forestry Manager has assessed the existing trees and the efforts to preserve the best specimens. The applicant is doing an excellent job with respect to tree preservation. All of the seven existing oak trees along the eastern property line are being preserved.

The site plan preserves the remaining three trees (two big live oaks and a laurel oak) on that northern portion of the site. It is important that there is separation from those trees from the construction impacts of digging the retention area near those trees and tree root systems. The staff recommendation included a 25 foot setback from those trees before grading/digging begins for the storm water retention area. The applicant can maximize retention with a vertical wall (to increase retention capacity) on the sides away from the trees, but the City does not want more than a 6:1 side slope for the retention area on the eastern side, near the trees due to the impacts on the root systems and survivability of those trees. Similarly, staff recommended removal of the sidewalk adjacent to those live oak trees again due to the construction impacts of digging the sidewalk so close to those trees and tree root systems.

Lastly the two existing live oak trees along the southern property line are in great condition per Dru Dennison. Both of these two nice live oak trees have been saved. As we proceed further in the parking lot design, the layout may need to lose a parking space or two for better protection of those live oaks. The proposed plan has two extra spaces and as a point of information the Code provides that up to 5 spaces can be lost to aid tree preservation and still be credited to the project. So the City has some flexibility with the parking lot design. Also, as designed, at 1 parking space per 200 sq. ft. and a building set up for 5 doctors with only 2 doctors on-site at any one time, there is ample parking.

Comprehensive Plan/Zoning Code Exceptions Requested:

The Conditional Use process allows the applicant to request certain exceptions regarding setbacks and other similar development standards. Based on the layout there are 11 parking spaces in a row before a landscape island (versus 10 per code) but that is trivial and otherwise there are no zoning code exceptions and the project plans meet all code requirements for the proposed O-1 zoning.

Traffic Study:

As required by the Land Development Code, the developer provided a traffic study to determine the impacts of this project. The study shows 283 net new trips over the current development potential of the property. The staff recognizes this location is adjacent to Orlando Avenue with 26,000 cars/day. The neighbors however, already feel overwhelmed by the cut-thru traffic especially on Garden Drive that is a popular cut-thru route to avoid congestion at the Orange/Orlando intersection. Understandably, the neighbors don't want any more cut-thru traffic and expect some of this project's traffic on their streets.

Site Design:

City staff is generally very complimentary of the site design and layout of this project. The applicants have done many things to enhance the visual appeal of the building. The elevation drawing provided is a very attractive style with elements of residential design (mediterranean) and the front façade provides a semblance of a "front" on Orlando Avenue even though the patients enter on the opposite side.

The P&Z Board recommended "final" conditional use phase, with delegation to the staff to approve the final architectural plans, civil plans/storm water retention, parking lot lighting, monument signage, etc. which are important but especially at this gateway location into Winter Park. P&Z also asked for some pedestrian accessibility enhancements along Orlando Avenue.

Compatibility Analysis:

As with the previous request for the assisted living facility, one of the City's primary concerns is always based on compatibility. The staff looked to see if the size and scale of the proposed project is comparable to the density and intensity of commercial or institutional buildings in this immediate area on Orlando Avenue. To that end, the Church itself and the adjacent Office buildings seem to be the best guides for density and intensity that would fit and be compatible on these properties.

Per the tax rolls, the Church is approx. 57,462 square feet of building on a 2.6 acre site. That is a density/intensity (floor area ratio) of 53.8%. Per the tax rolls, the Office building to the north at 1400 S. Orlando Ave. is 21,023 sq. ft. on a 0.85 acre site. That is a density/intensity (floor area ratio) of 57.0%. This project is 15,000 square feet on a 1.36 acre site which is a density/intensity (floor area ratio) of 25.3%. Thus, this project is less than the neighboring density/intensity of development. (FYI: The assisted living proposal was at a FAR of 90%)

Zoning Options:

P&Z discussed the two office zoning district options. The O-1 office district allows buildings up to 55 feet in height (4 stories) and the O-2 office district allows 35 feet of height (2 story maximum). Otherwise all of the development rules are essentially the same. The City could grant O-2 office zoning with an exception for the height as proposed but the P&Z Board did not feel that was the appropriate method.

Evolution of this Project:

Originally in April 2014 the proposed sale by the Church was just and only this parking lot property at 1500 S. Orlando Avenue. However, the two Church houses at 1010 Garden Drive and 1021 Camellia were added to the purchase that was proposed in December 2014 by Sentio for the assisted living facility. The Sentio project was a 73,000 square foot building at an FAR of 90%. It was much larger both in land area and building size than the current request. Due to that size/scale and neighborhood objection, P&Z recommended denial of their request and it was subsequently withdrawn. Thus the Church is back to where this process started, with the sale of only the Church parking lot at 1500 S. Orlando Avenue which has resulted in a much smaller building.

Comprehensive Plan Policy Guidance:

There are not any relevant policies in the Comprehensive Plan that address the aspects of this application of the change to the Comp. Plan FLU Map from Institutional to the Office and Professional future land use category. The reason is that while the land is zoned Single Family (R-1A), it has an Institutional future land use designation. In theory the Church could be asking to build a 15,000 square foot Fellowship Building; Education Center, Gymnasium or some other type of Church building on this land.

In the previous request by Sentio, that circumstance involved the other two Church properties with Single Family future land use which brought up other Comp. Plan policy issues that are not the case with this request just limited to the 1500 S. Orlando property.

There is one Comp. Plan Policy 1-4.1.F.5 that provides that the growth and development of St. John Lutheran Church should be in conformance with a master plan. However, there has never been a master plan prepared, submitted or approved for St John Lutheran Church.

Planning and Zoning Board Summary and Conclusion:

The P&Z Board has expressed that they have not been opposed to the sale and redevelopment of this property. In the December 2014 staff report, it said "There are a number of other scenarios that could work well both for the Church and for the adjacent neighborhoods. One of which would be to go back to the original plan by the Church to sell only the existing parking lot and keep the two Church houses as a buffer from the neighborhood." P&Z agreed with that assessment in their recommendation at that time that the former project was too big and out of scale with the adjacent neighborhood.

The staff report in December 2014 also said "One more compatible option would be to sell for a use, such as an office, that is more compatible with the adjacent single family residential neighborhoods. If redeveloped as an office building, then with office zoning and the 45% maximum FAR, it would be the virtually the same size as the current single family zoning would permit with its maximum 43% FAR. This is also an attractive scenario because typically the office building parking lot would be inactive at nights and on weekends and available for the Church to use on Sundays."

The P&Z Board and the neighbors all agree that in an ideal scenario, this property would remain vacant and be the home of the 'Pumpkin Patch' for many years. But the Church has the ability to sell this land and still meet their requirements for Church parking both on their property and with the off-site agreements with the Lutheran Counseling Center; and this medical office project. Redevelopment for an office use is the best scenario with respect to neighborhood compatibility in that it is generally a weekday activity and so on nights and weekends when neighbors are at home, there is very little activity. This is a location that is adjacent to a neighborhood but also a location adjacent to a four lane arterial State Highway. The size and scale of two stories and 15,000 square feet on 1.36 acres (25% FAR) is thus compatible.

Planning and Zoning Board Recommendation:

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE the Ordinance to change the Future Land Use designation of Institutional to Office and Professional Future Land Use on the property at 1500 S. Orlando Avenue. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE the Ordinance to change the official zoning map from Single Family (R-1A) district to Office (O-1) district on the property at 1500 S. Orlando Avenue. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE the "Final" Conditional Use request to redevelop the St. John's Lutheran Church parking lot at 1500 S. Orlando Avenue with a two story, 15,000 square foot medical office building, subject to the staff conditions as follows:

- 1. That the civil site plan complies with a 25 foot setback from the oak trees in the northern portion of the site before grading/digging begins for the storm water retention area. The applicant may maximize retention with a vertical wall (to increase retention capacity) on the sides away from the trees, but may not utilize more than a 6:1 side slope for the retention area on the eastern side, near the trees due to the impacts on the root systems and survivability of those trees.**
- 2. That the proposed sidewalk adjacent to those live oak trees be removed due to the construction impacts of digging the sidewalk so close to those trees and tree root systems.**

Motion carried unanimously with a 5-0 vote.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OFFICE AND PROFESSIONAL FUTURE LAND USE ON THE PROPERTY AT 1500 S. ORLANDO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Winter Park City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09, and

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

WHEREAS, the owner of this property is desirous of amending the future land use designation from Institutional to Office and Professional; and

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

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on July 7, 2015, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on July 27, 2015 and August 10, 2015 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. Future Land Use Map Amendment. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation from Institutional to Office and Professional on the property at 1500 S. Orlando Avenue, more particularly described as follows:

Lots 1 through 5 & 11, Block E, Garden Acres 2nd Replat as recorded in Plat Book "R", Page 141 of the Public Records of Orange County, Florida.

Parcel ID# 12-22-29-2936-00-010

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

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

SECTION 4. Effective Date. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2015.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO OFFICE (O-1) DISTRICT ZONING ON THE PROPERTY AT 1500 S. ORLANDO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owner of a properties at 1500 S. Orlando Avenue has requested a Zoning Map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such 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; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their July 7, 2015 meeting; and

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

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

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation from Single Family Residential (R-1A) to Office (O-1) District on the properties at 1500 S. Orlando Avenue, more particularly described as follows:

Lots 1 through 5 & 11, Block E, Garden Acres 2nd Replat as recorded in Plat Book "R", Page 141 of the Public Records of Orange County, Florida.

Parcel ID# 12-22-29-2936-00-010

SECTION 2. Voluntary Consent to Height Limitations. Notwithstanding the general development standards of the Office (O-1) zoning district, the City hereby establishes, with the consent of the property owners, a maximum height limit of two stories and a maximum building height of 43 feet from first floor to roof peak in accordance with the plans presented and such height may not be exceeded on this property without the further consent of the City Commission. No other development standard of the Zoning Code shall be restricted or limited in any fashion.

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

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

SECTION 5. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance _____. If Ordinance _____ does not become effective, then this Ordinance shall be null and void.

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 _____, 2015.

Mayor

Attest:

City Clerk

Planning & Zoning Board Minutes – July 7, 2015:

REQUEST OF DR. RANDALL LOY FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OFFICE AND PROFESSIONAL FUTURE LAND USE ON THE PROPERTY AT 1500 S. ORLANDO AVENUE.

REQUEST OF DR. RANDALL LOY FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING OF SINGLE FAMILY (R-1A) DISTRICT TO OFFICE (O-1) DISTRICT ON THE PROPERTY AT 1500 S. ORLANDO AVENUE.

REQUEST OF DR. RANDALL LOY FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE ST. JOHN’S LUTHERAN CHURCH PARKING LOT AT 1500 S. ORLANDO AVENUE WITH A TWO STORY, 15,000 SQUARE FOOT MEDICAL OFFICE BUILDING, PURSUANT TO THE REQUESTED O-1 ZONING.

Planning Manager Jeffrey Briggs presented the staff report and stated that this public hearing is at the request of Dr. Randall Loy (Center for Reproductive Medicine) involving rezoning and redevelopment of the St. John Lutheran Church parking lot at 1500 S. Orlando Avenue. He noted that it does not include the two adjacent Church properties at 1010 Garden Drive and 1021 Camellia Avenue. He explained that the applicants are requesting to change the Comprehensive Plan future land use map from institutional to office & professional and a companion rezoning from single family (R-1A) to office (O-1). In addition there is a Conditional Use request for the proposed two-story, 15,000 square foot medical building. Mr. Briggs reviewed the history of the subject property, project statistics, parking requirements, tree preservation, Comprehensive Plan policies and requested exceptions, Zoning Code requirements and requested exceptions, the details of the traffic Study, and site design and compatibility. He discussed the differences between the proposed project versus the previous Sentio request.

Mr. Briggs summarized by stating that the planning staff has not been opposed to the sale and redevelopment of this property. In the December 2014 staff report, it said “One more compatible option would be to sell for a use, such as an office, that is more compatible with the adjacent single family residential neighborhoods. If redeveloped as an office building, then with office zoning and the 45% maximum FAR, it would be the virtually the same size as the current single family zoning would permit with its maximum 43% FAR. This is also an attractive scenario because typically the office building parking lot would be inactive at nights and on weekends and available for the Church to use on Sundays.”

Staff recommended approval of the request for office and professional future land use and office (O-1) zoning; and approval of the Preliminary Conditional Use with the following conditions:

3. That the civil site plan complies with a 25 foot setback from the oak trees in the northern portion of the site before grading/digging begins for the storm water retention area. The applicant may maximize retention with a vertical wall (to increase retention capacity) on the sides away from the trees, but may not utilize more than a 6:1 side slope for the retention area on the eastern side, near the trees due to the impacts on the root systems and survivability of those trees.
4. That the proposed sidewalk adjacent to those live oak trees be removed due to the construction impacts of digging the sidewalk so close to those trees and tree root systems.

Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, 215 North Eola Drive, represented the applicant. She introduced the members of the development team and background information on the applicant's practice. She said that the applicant intends to relocate their Orlando location to Winter Park. Mrs. Wilson noted that a community meeting was held on June 9 in an effort to address as many neighborhood concerns as possible prior to the public hearing. She agreed with staff recommendations concerning comprehensive plan amendment and rezoning; however requested that tonight they be granted a final conditional use. She expressed that they have submitted all of the necessary information to staff for final conditional use approval. She noted that the timing of the closing is sensitive and does not allow for the applicant to go thru an additional approval step. She used a power point to present the details of the site plan. She discussed parking requirements and the contents of the traffic report. Mrs. Wilson responded to Board member questions and concerns.

Wendy Anderson, Attorney representing St. John's Lutheran Church, stated that the church's Board whole-heartedly supports the project and would like to see this project moves forward. She further explained the Church parking situation, the options to increase parking and the ability to move to two services.

Sara Brady, 929 Garden Drive, explained that she lives in the Mead Garden neighborhood. She said that the neighbors are not opposed to redevelopment but support smart and compatible redevelopment. She expressed concern that no one from the church has ever reached out to the residential community in a neighborly fashion and discussed the state of the two residential properties owned by the Church. She stated that the neighborhood is opposed to the demolition of houses for more Church parking and feels that the Church has been unresponsive to the concerns of the neighborhood.

Woody Woodall, 328 North Park Avenue, stated that he opposes the change in zoning and comprehensive plan amendment.

Richard Kessler, explained that he is church member. He stated that the Church has worked closely with the team to bring it to this point. He said that the sale of this property will allow the church to pay off the mortgage and hire the pastor that the church needs. He added his concerns that this is a time sensitive situation.

Kim Ruffier, 3039 Middlesex Road, expressed concern with transparency thru the process and supported the statements made by other neighbors.

Marilyn Money, stated that she is a past resident of the neighborhood and a long-time church member, spoke in favor of the request.

Genean Newman, 941 Camelia Avenue, agreed with the comments made by Ms. Ruffier concerning process.

Ms. Anderson, responded to concerns raised with regard to the Counseling Center, youth house and parsonage. She explained that there are 13 spaces at the counseling center site and 7 spaces at the youth and parsonage house. She said that the youth house is no longer in use and the church is in the process of evicting the tenant in the parsonage house.

Mrs. Wilson clarified that the applicant is not requesting any variances. She noted that although the property is zoned R-1A residential could not be developed on the site due to the current flu designation of institutional. With regard to landscaping on 17/92, she noted that the landscaping and sidewalks for this project will be similar to that of the Womens' Center as this is the same developer. Mrs. Wilson also asked that the Conditional Use be a "final" approval versus a "preliminary" approval. Mrs. Wilson responded to Board member questions and concerns.

No one else wished to speak concerning this issue. Public Hearing closed.

Chairman Johnston asked Mr. Briggs if this could be a “final” CU approval per the applicant’s request. Mr. Briggs responded that we do not yet have a landscape plan, storm water plan or lighting plan but if P&Z did not feel it necessary to review those then the action could delegate that authority to the staff. Mr. Gottfried expressed that he was fine with that scenario but asked that staff look at ways to make the project more pedestrian friendly on the Orlando Avenue frontage.

Mr. Weldon discussed with the Board the option for O-2 zoning and a height exception versus O-1 zoning since it would permit redevelopment many years from now for a 4 story building. He suggested that it would be a good idea not to create entitlements for future redevelopment. The Board discussed this matter and the consensus of the Board members was to allow the O-1 as requested by the applicant to delegate to staff the approval of the final plans for the conditional use. They had no objections to granting the final approval for the conditional use.

The Board members then individually expressed their appreciation to the neighborhood for their participation in this process and that the eventual outcome appeared to be much better for all involved.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending Chapter 58 “Land Development Code” Article I, “Comprehensive Plan” so as to change the Future Land Use designation of Institutional to Office and Professional Future Land Use on the property at 1500 S. Orlando Avenue.

Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending Chapter 58 “Land Development Code” Article III, “Zoning” and the official zoning map so as to change the zoning of Single Family (R-1A) district to Office (O-1) district on the property at 1500 S. Orlando Avenue.

Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE the “Final” Conditional Use request to redevelop the St. John’s Lutheran Church parking lot at 1500 S. Orlando Avenue with a two story, 15,000 square foot medical office building, subject to the staff conditions as follows:

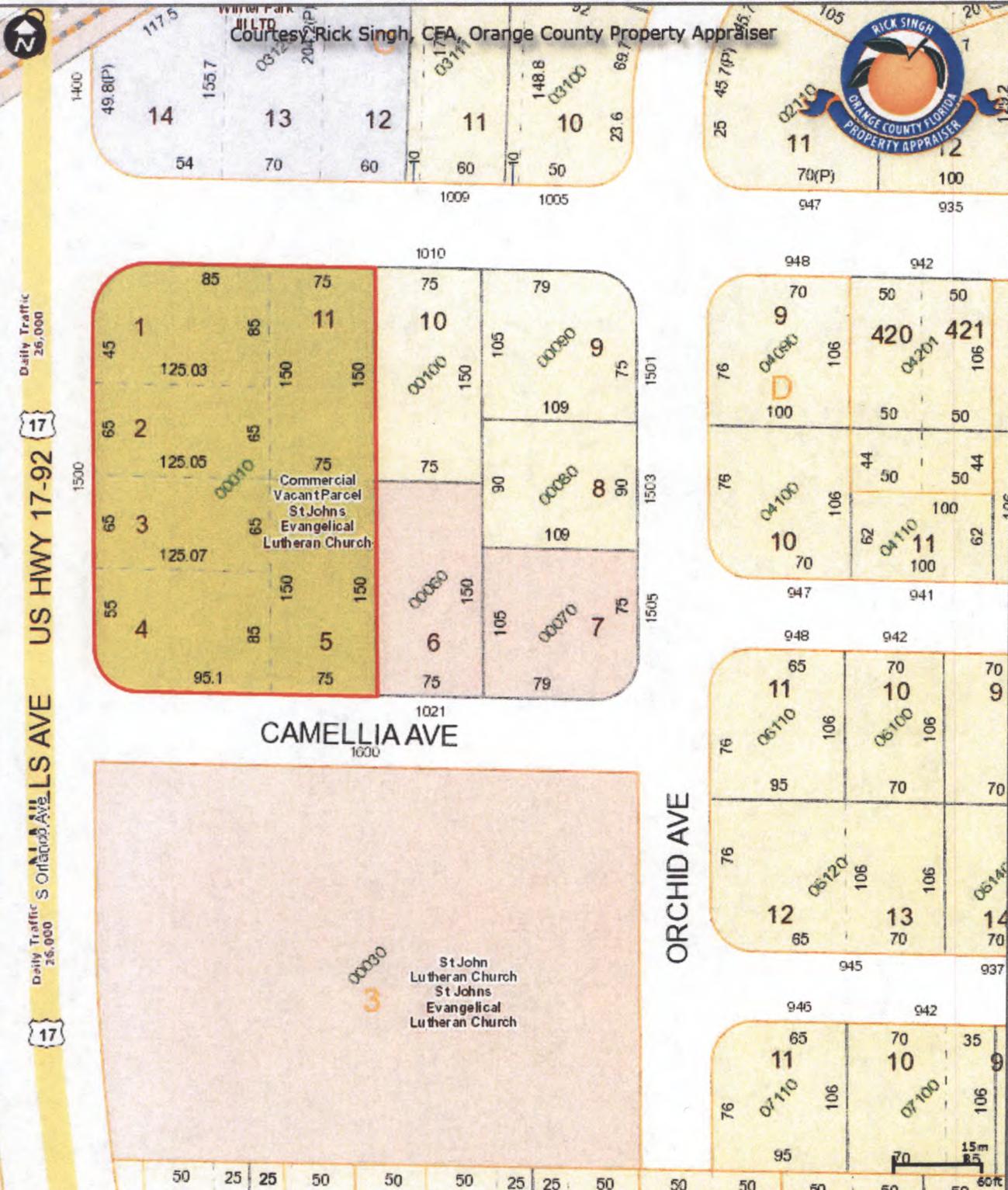
- 1. That the civil site plan complies with a 25 foot setback from the oak trees in the northern portion of the site before grading/digging begins for the storm water retention area. The applicant may maximize retention with a vertical wall (to increase retention capacity) on the sides away from the trees, but may not utilize more than a 6:1 side slope for the retention area on the eastern side, near the trees due to the impacts on the root systems and survivability of those trees.**
- 2. That the proposed sidewalk adjacent to those live oak trees be removed due to the construction impacts of digging the sidewalk so close to those trees and tree root systems.**

Motion carried unanimously with a 5-0 vote.

OCA Web Map

	Major Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Parks	6	Lot Number
	Florida Turnpike		Public Roads		Agriculture		Agricultural Curtilage		Lakes and Rivers	06060	Parcel Number
	Interstate 4		Gated Roads		Commercial/Institutional		Hydro		Building	3106	Parcel Address
	Toll Road		Road Under Construction		Governmental/Institutional/Misc		Waste Land	E	Block Number	111.9	Parcel Dimension

Courtesy: Rick Singh, CEA, Orange County Property Appraiser



OCPA Web Map		Major Roads	Proposed Road	Residential	Commercial/Industrial/Vacant Land	Parks	6	Lot Number
Florida Turnpike	Public Roads	Brick Road	Agriculture	Agricultural Curtilage	Lakes and Rivers	06060	Parcel Number	
Interstate 4	Gated Roads	Block Line	Commercial/Institutional	Hydro	Building	3106	Parcel Address	
Toll Road	Road Under Construction	Lot Line	Governmental/Institutional/Misc	Waste Land	E	Block Number	111.9	Parcel Dimension

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 8/28/2013

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





CRM

CENTER FOR
REPRODUCTIVE
MEDICINE

Dear Neighbors,

The Center for Reproductive Medicine (CRM) has been successfully treating infertility patients in Orlando and Central Florida for the past 30 years. Founded in 1985, CRM was the first In Vitro Fertilization (IVF) program in the State of Florida and since that time has celebrated the births of thousands of IVF babies. The team at our center has more than 150 years of collective experience in Reproductive Endocrinology and Infertility.

CRM works with each patient to create a customized treatment plan based on the patient's needs. This approach requires physicians to spend sufficient time with each patient resulting in a much lower patient load as compared to other medical practices. A CRM physician will see approximately 12-15 patients per day with additional patients visiting for monitoring appointments and minor, in-office surgical procedures. Therefore with a total of 3 physicians, CRM's Winter Park location can expect an average of 80 patient visits per day between the hours of 7:00 a.m. and 4:00 p.m.

Our typical patients are healthy women, between 23 and 45 years of age. During their treatment cycle, which can last a few months, patients will visit the office between 5 and 10 times in a 30 day period. Most of these visits are for monitoring lab work and ultrasounds, which usually last approximately 15-30 minutes each. Most patients undergoing IVF will have 2 minor, outpatient procedures, a retrieval and transfer that will last approximately 2 hours. All patient visits are non-emergency and do not require the use of an ambulance. All procedures performed in our office have the distinct purpose of providing our patients with every conceivable chance for success.

It is with great expectations that we relocate our practice, and we look forward to continuing our mission of fulfilling the dreams of families in Winter Park.

Respectfully,

Randall A. Loy, M.D.
Medical Director



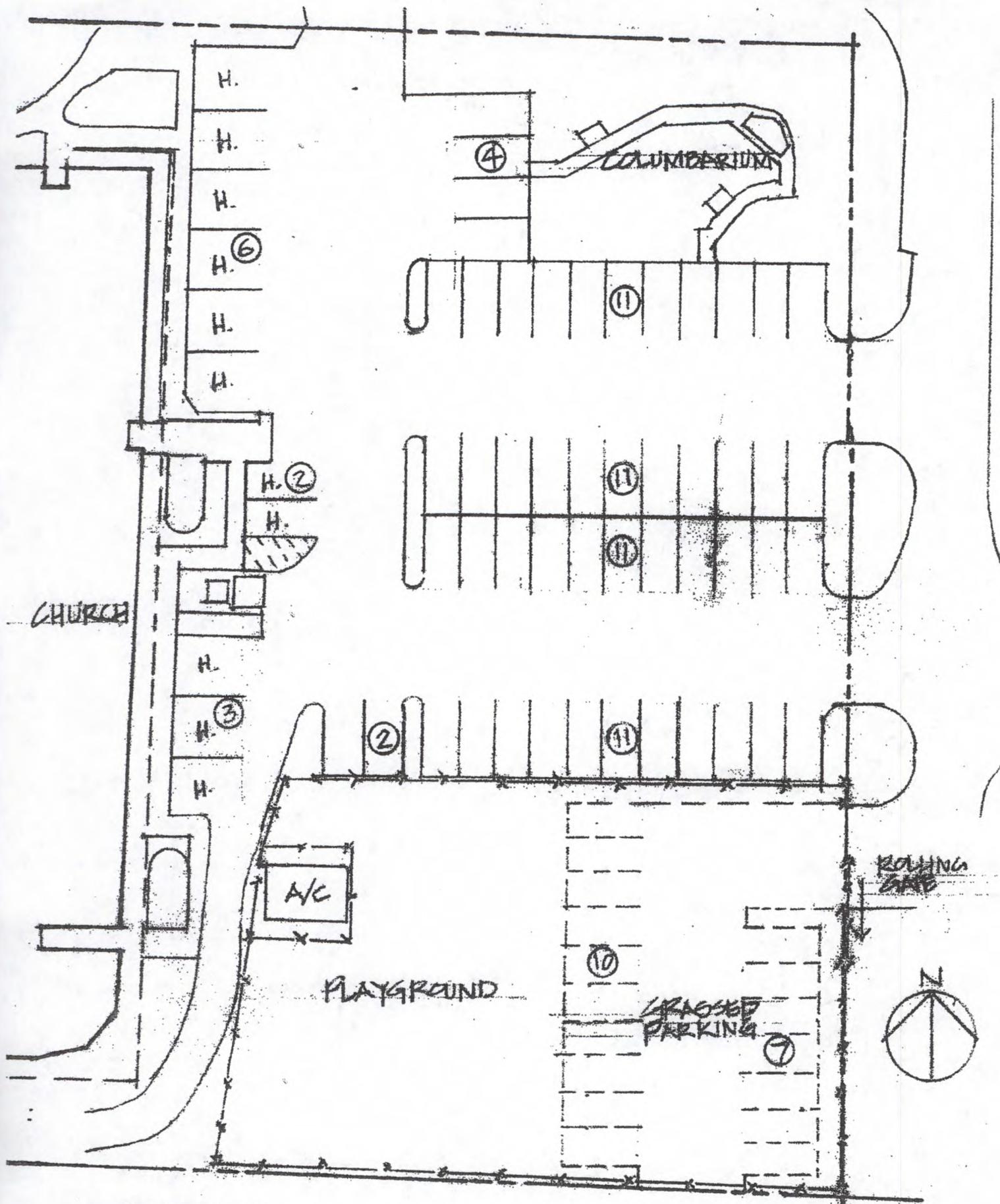
The Leading Edge of Infertility
U.S. News and World Report lists CRM one of Top U.S. Reproductive Centers

The Center for Reproductive Medicine (CRM) has been providing patients with individualized fertility treatment options in Orlando and Central Florida since 1985. CRM is known for providing compassionate patient care, customized treatment plans, and affordable pricing options to give patients every possible chance of success to conceive. CRM's six reproductive endocrinologists and fertility specialists are nationally recognized as leaders in the field of reproductive medicine.

Whether helping to conceive Central Florida's first IVF baby or performing robotic and minimally invasive reproductive surgeries, CRM has always been on the leading edge of infertility treatment technology. Additionally, CRM is part of an elite category of infertility clinics that are equipped with on-site embryology, laboratory, and surgical facilities; providing patients with the highest quality of fertility care and convenience. CRM physicians are also consistently recognized as Orlando Top Doctors and Best Doctors as well as named to the U.S. News and World Report list of Top U.S. Reproductive Endocrinologists.

If you are in need of the most sophisticated IVF technology available or less complex fertility therapies to help you conceive, CRM's dedicated physicians and staff offer a full range of diagnostic and treatment services for both men and women. From ovulation induction, to the most advanced reproductive technologies such as in-vitro fertilization (IVF) or third-party reproduction to fertility preservation, CRM will work together with you to provide a customized treatment plan based on your physical, emotional, and financial needs. CRM is also a founding partner in My Egg Bank and has a very successful egg donor program. Please contact us today to schedule an initial appointment at one of our offices in Orlando, Celebration, or Lake Mary. 🙌

Gary W. DeVane, M.D.
Randall A. Loy, M.D.
Sharon B. Jaffe, M.D.
Sejal Dharia Patel, M.D.
Frank C. Riggall, M.D.
Celso P. Silva, M.D.



61 PAVED SPACES
 17 GRASSED SPACES
 78 TOTAL SPACES

525 seats

ST JOHN
 LUTHERAN CHURCH
 PROPOSED EAST PARKING
 1"=30'

6/1/14



LUTHERAN COUNSELING SERVICES
A Service Center for the American Association of Pastoral Counselors

R. Richard Armstrong, D.Min. LMFT
Executive Director

November 5, 2014

Dear St. John's Leadership,

Yes, we approve the requested use of LCS parking. LCS parking is gladly available to St. John's Church on Christmas Eve and Sunday mornings.

LCS Leadership reserves the right to adjust, revoke or amend this approval with proper notification and discussion with St. John Leadership.

Sincerely,

Rev. Dr. Richard Armstrong, LMFT
Executive Director
Lutheran Counseling Services





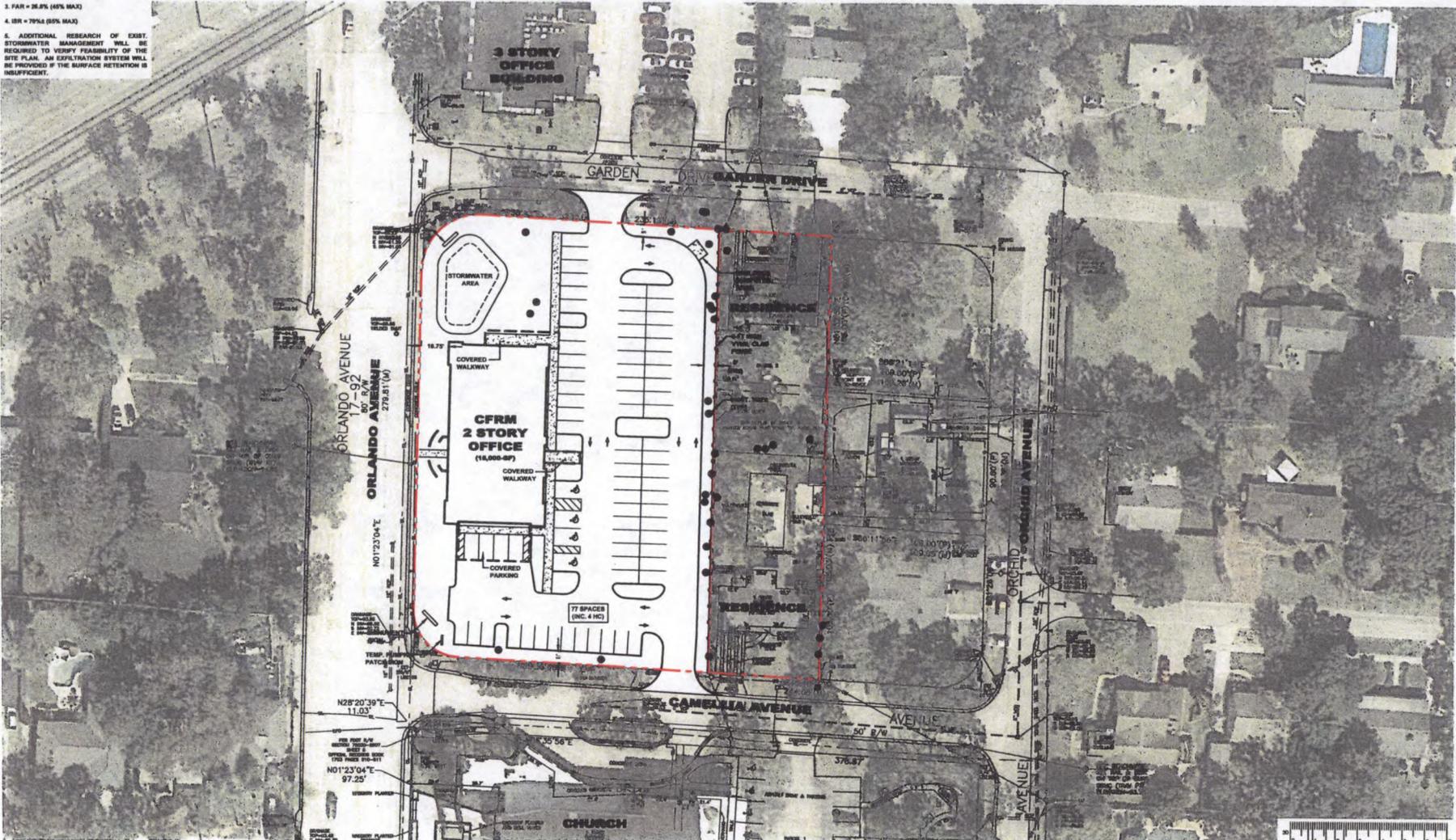
CONCEPTUAL LANDSCAPE PLAN
 SHEET #1 • 25'-0"

FRED M. HUMPHREY & ASSOCIATES, INC. ARCHITECTS
 805 S. ORLANDO AVENUE, SUITE C, WINTER PARK, FLORIDA 32789 • OFFICE (407) 281-5300 • FAX: (407) 281-5302

CONCEPTUAL LANDSCAPE PLAN

GENERAL NOTES

1. TOTAL AREA = 1.362AC
2. PARKING PROVIDED = 77 SPACES
 * INC. 4 HANDICAPPED ACCESSIBLE
3. FAR = 36.8% (65% MAX)
4. IRR = 79% (85% MAX)
5. ADDITIONAL RESEARCH OF EXIST. STORMWATER MANAGEMENT WILL BE REQUIRED TO VERIFY FEASIBILITY OF THE SITE PLAN. AN EXFILTRATION SYSTEM WILL BE PROVIDED IF THE SURFACE RETENTION IS INSUFFICIENT.



mei civil
 964 Lake Baldwin Lane, Suite 200
 Orlando, FL 32814 CA 0006505
 P: 407.893.6894 | F: 407.893.6851
 Web Site: meicivil.com

DATE	REVISION	DATE	REVISION

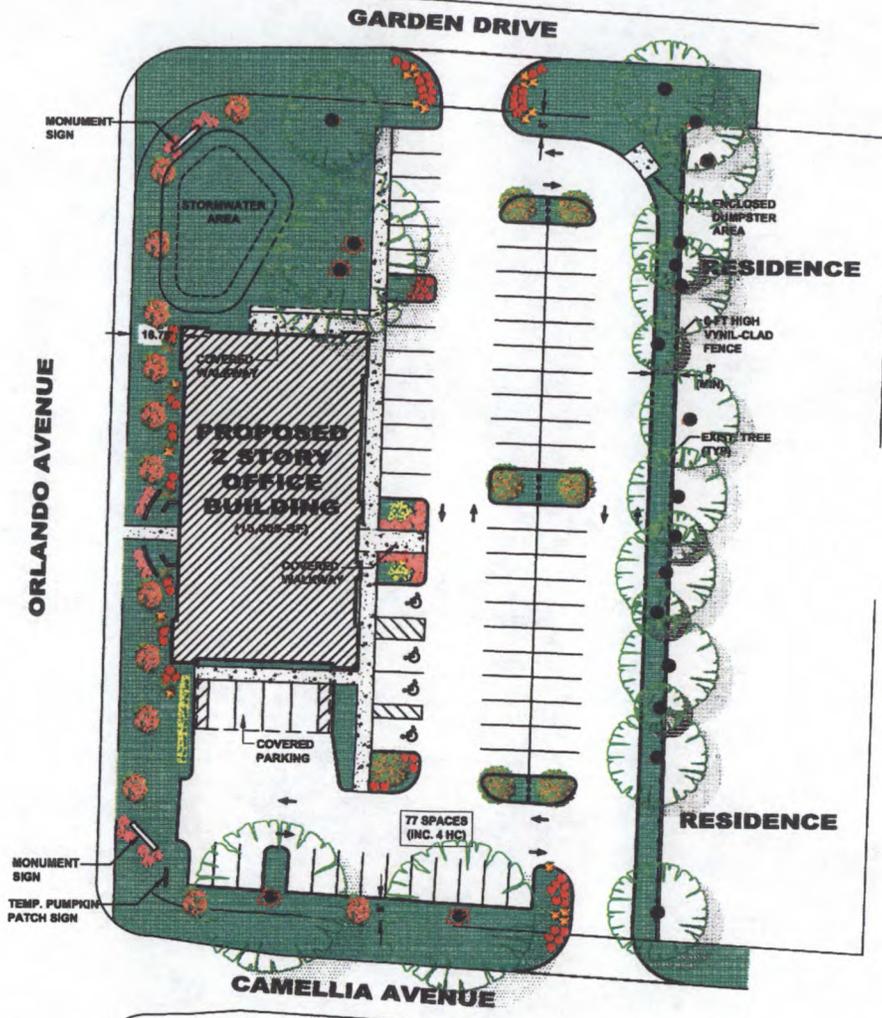
FRED M. HUMPHREY & ASSOCIATES, INC.
 808 S. ORLANDO AVENUE, SUITE C, WINTER PARK, FLORIDA 32789 • OFFICE: (407) 281-3200 • FAX: (407) 281-3552

ARCHITECTS
CONCEPTUAL SITE PLAN

PROJECT TITLE
THE BABY PROJECT
 1500 S. ORLANDO AVE., WINTER PARK

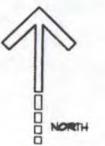
DATE PLOTTED
1541

DATE 6-2-15
 BY KSH
C-2



PLANT LEGEND: NOTE: FINAL LANDSCAPE & IRRIGATION DESIGN TO COMPLY WITH CITY OF WINTER PARK MUNICIPAL LANDSCAPE CODE

-  EXISTING TREE
-  LOW FLOWERING PLANTS & FERNS
-  MID-SIZE TREE
-  EXTERIOR SITE LIGHTING ON 10' HIGH POLE



CONCEPTUAL LANDSCAPE PLAN
SCALE 1" = 30'-0"

DATE	REVISION	DATE	REVISION	FRED M. HUMPHREY & ASSOCIATES, INC. 180 S. ORLANDO AVENUE, SUITE C, WINTER PARK, FLORIDA 32789 • 577322 (407) 381-5288 • FAX (407) 381-5282	DATE	REVISION	PROJECT TITLE THE BABY PROJECT 1800 S. ORLANDO AVE., WINTER PARK	SHEET NUMBER 1541 TOTAL SHEETS
					CONCEPTUAL LANDSCAPE PLAN			

DATE	REVISION	DATE	REVISION	SHEET NO. L-1
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**Trip Generation Analysis & Traffic Impact Assessment
Center for Reproductive Medicine**

This analysis was undertaken in support of a request to rezone, with a conditional use, an approximately two-acre property in Winter Park, Florida. This property is located on the east side of US 17-92 between Garden Drive and Camellia Avenue. **Figure 1** depicts this location.

Under the existing zoning, the property can be developed as single family residential with 9 dwelling units. The rezoning of the property with conditional use will allow the proposed development of a two-story 15,000 square foot Center for Reproductive Medicine, a medical office building.

Trip Generation

The trip generation of the land uses under the proposed zoning as well as the existing was calculated with the use of trip generation rates from the 9th Edition of the *Institute of Transportation Engineers (ITE) Trip Generation Manual*. The calculation summarized in **Table 1**. The ITE trip generation sheets are attached.

**Table 1
Trip Generation Summary**

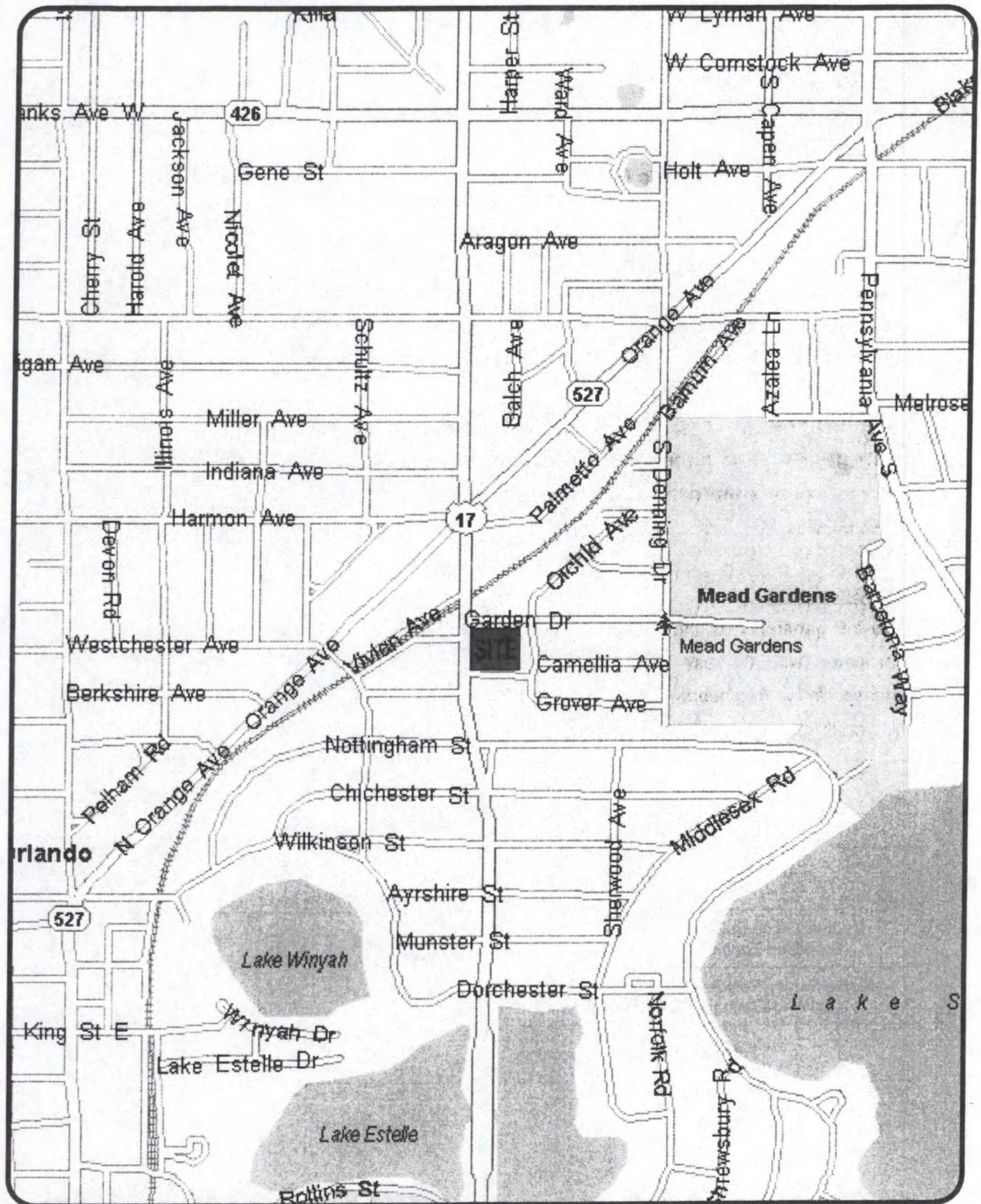
Land Use	ITE Code	Quantity*	Daily Trips		P.M. Peak Hour Generation			
			Rate	Trips	Rate**	Enter	Exit	Total
Medical Office Building (Proposed Zoning)	720	15 KSF	26.53	398	3.53/E	15	38	53
Single Family Residential (Existing Zoning)	210	9 DUs	12.79	115	1.33/E	8	4	12
Trip Increase Due to Rezoning			--	283	--	7	34	41

* KSF = Thousand Square Feet

DU = Dwelling Units

** Based Upon ITE Equations

TPD № 4653
June 1, 2015



Center for Reproductive Medicine
Project № 4653

Figure 1

Site Location



As shown in the table, the proposed zoning will increase the property's trip generation by 283 daily trips and 41 P.M. peak hour trips. These trips will utilize US 17-92 from the north and south in gaining access to the development site. **Figure 2** is a conceptual first floor plan showing the site's access configuration.

Impact on 17-92

US 17-92 is a four-lane divided arterial facility with a daily traffic volume of 25,500 vehicles and a posted speed limit of 35 mph. Its adopted LOS E daily capacity is 33,800 vehicles. With an anticipated 60/40 trip distribution on US 17-92, the additional trips to be added to this arterial facility will be a maximum of 170 daily trips and 25 P.M. peak hour trips. These trips will have a negligible impact on US 17-92 and the area roadways.

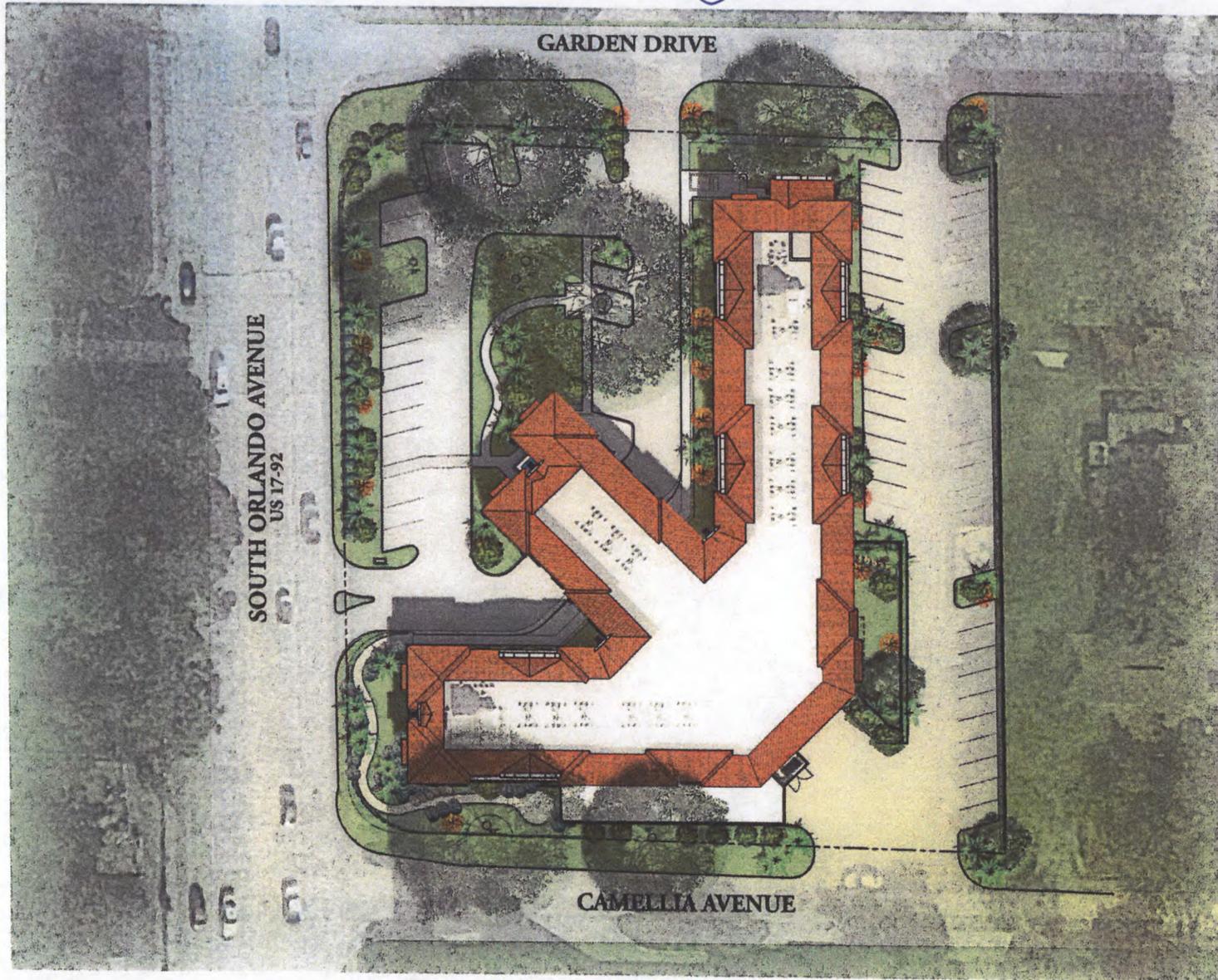
Impact on Residential Streets to the East

The proposed development is such a small trip generator that, for all practical purposes, all of its trips during the peak hour will come from US 17-92. However, a small portion of the generated trips (up to 15% on the high side) may be generated from the neighborhood to the east. This would represent a negligible 8 trips during the P.M. peak hour arriving and departing.

Conclusions

The proposed rezoning which would allow the development of a 15,000 square foot medical office building will increase the site's trip generation by 283 daily trips and 41 P.M. peak hour trips. The impact of these trips on the adjacent US 17-92 segment and the neighborhood streets to the east will be minimal, if not negligible. Furthermore, US 17-92 has additional excess capacity to accommodate the project trips.

Sentio - Assisted Living Site Plan - Dec. 2014



Chancey Design Partnership
Architecture • Planning • Interior Design

Tampa
1801 W. Ashley St., Tampa, FL 33615
Tel: 813-452-2121 Fax: 813-452-2122

Seagrave
1100 N. 18th Street, Seagrave, FL 33601
Tel: 813-231-2121 Fax: 813-231-2122

www.chanceydesign.com
AEC 011711

SENTIO WINTER PARK ASSISTED LIVING
1500 SOUTH ORLANDO AVENUE
WINTER PARK, FLORIDA

MARK	DATE	DESCRIPTION
	August 28, 2014	
PROJECT NO.	14470	
	XX	
	XX	

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NOTE FOR CONSTRUCTION: DATE PUBLISHED: August 28, 2014

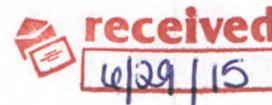
SHEET TITLE
SITE PLAN

A-001

For comparison, this is the Sentio assisted living facility site plan presented to P&Z in Dec. 2014. Three stories, 73,000 sq. ft. It was to be on 1500 S. Orlando and 1010 Garden Drive/1021 Camellia Ave. ① SITE PLAN

PRINTED: CHANCEY DESIGN PARTNERSHIP, 11/23/14 4:07 PM. 11/23/14 4:07 PM. COLOR LANDSCAPE PLAN.DWG
PLOT DATE: 08/28/2014 11:04:13 AM BY: BMO/DLL/LLD

ARTHUR R. MILLER, III
929 Camellia Avenue
Winter Park, Florida 32789
Home: (407) 644-7689 – E-mail: art@armengr.com



(VIA HAND DELIVERY & E-MAIL)

MEMORANDUM

TO: MS. DORI STONE, DIRECTOR – PLANNING & COMMUNITY DEVELOPMENT
MR. JEFF BRIGGS, MANAGER – PLANNING & COMMUNITY DEVELOPEMENT
FROM: ART & MARYLEE MILLER
DATE: JUNE 28, 2015
SUBJECT: ZONING CHANGE REQUEST – 1500 S. ORLANDO AVE. – DR. RANDALL LOY

We live at 929 Camellia Avenue, about one half block east of the proposed re-zoning and conditional use request for 1500 S. Orlando Avenue. We attended the community meeting held on June 9th that was very informative and would like you to consider the following:

1. While we enjoy having a large vacant lot at this location, it's not realistic that this property on Orlando Avenue/17-92 remains residentially zoned. It's even shown on the Property Appraiser's website as "Commercial Vacant Parcel". The proposed plan, with a 2-story, 15,000 s.f. building, is less intense than the previous proposal and makes sense for this site. The City will benefit by collecting ad valorem taxes where the Church currently pays none.
2. Our main concern is what the Church will do for its Sunday parking; events such as food trucks, pumpkin patch, Christmas tree sales, and play area for the day care/school. Street parking on the substandard width streets (17' – 18') in our neighborhood is not an option!! At the community meeting we were told the proposed office building would dedicate a certain number (30 - 35?) of their paved parking spaces to the Church. Is this enough? What legal document ensures that these spaces will always be available? What if the church grows beyond its present congregation?

The attached pictures were taken on June 21st and represent, in our opinion, the number of cars parking on the vacant lot on any "normal" Sunday, excluding Christmas and Easter – 43 vehicles that day. The paved parking on the church property to the south was practically full, with 2 spaces empty.

3. Throughout this discussion, the only conditions that seem to be considered concern the Zoning Applicant, with no conditions imposed on the Church. Pursuant to the City's Zoning Code, churches are allowed in the R-1A zoning district by Conditional Use. St. Johns Lutheran Church may have been grandfathered-in due to its long-time existence in the community, but it seems this reduction in available parking would trigger a Conditional Use requirement that would spell out conditions that the Church would have to abide by. These could include a limit on the number of seats, providing additional parking on other church-owned parcels, and not allowing any on-street parking. If requiring the Church to concurrently apply for a Conditional Use is not something the City is willing to do, then possibly requiring a 3-party Developers Agreement between the City, Zoning Applicant and the Church is in order.
4. Our last concern is about site lighting. The City's Code appears to address this, but we want to make sure that "dark skies" lighting is provided and that any lights are shielded from the residential areas immediately to the east, north and south.

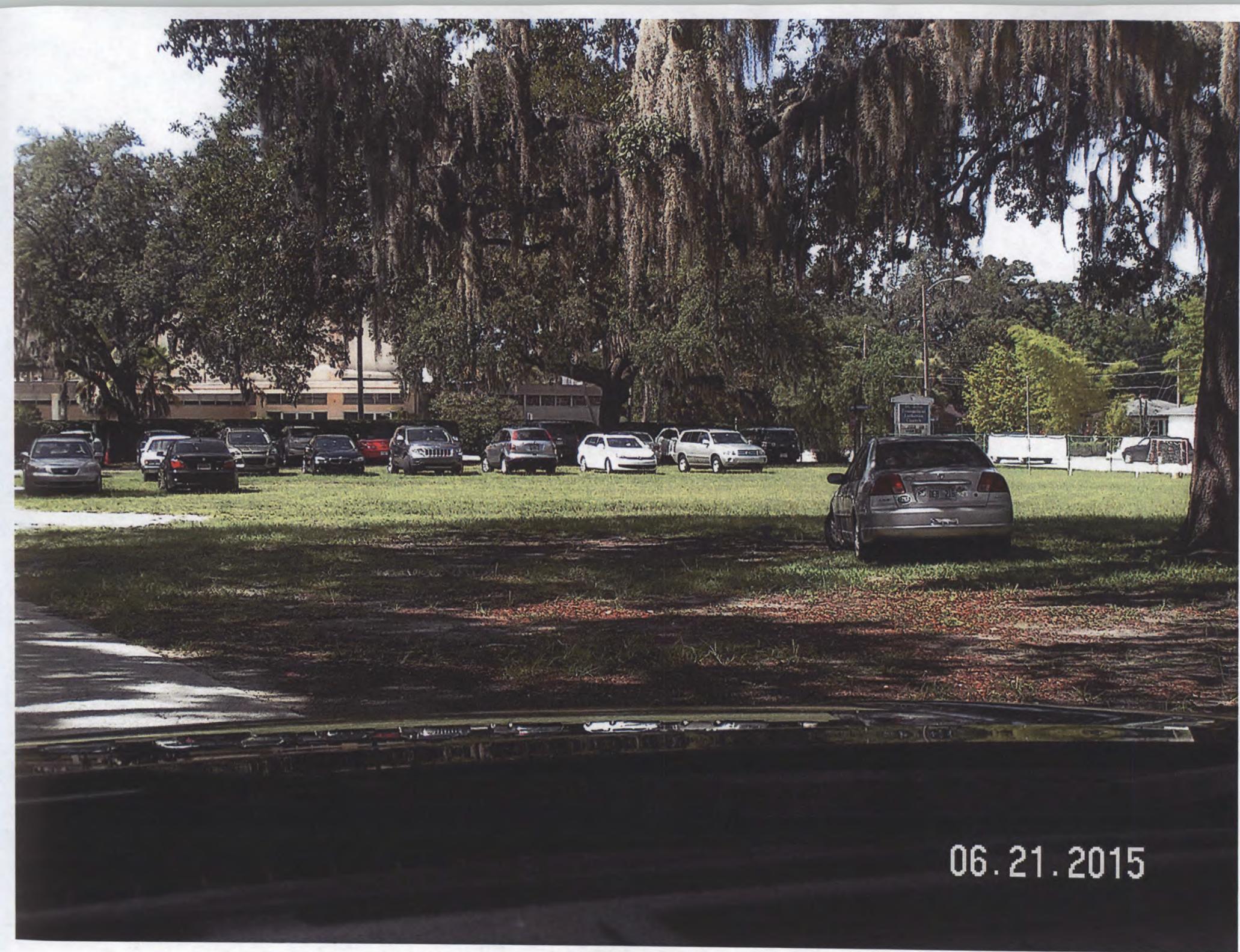
Thank you for your consideration of our comments. We plan on being at the July 7th Planning & Zoning Board meeting, but if we cannot attend, please have this memo placed into the record on our behalf.



06.21.2015



06.21.2015



06.21.2015



06.21.2015



06.21.2015

Jeffrey Briggs

From: Jennifer Lyons <jen.w.lyons@gmail.com>
Sent: Wednesday, June 10, 2015 11:30 AM
To: Jeffrey Briggs
Subject: St. John's Lutheran Church Property Re-zone

Jeff,

Thank you for attending our neighborhood meeting last night. I am not in favor of re-zoning the church property, but I want to mention a couple of concerns relative to the impact on the neighborhood if the project does move forward:

1. **Drainage:** Currently water backs up into the street in front of 942 Garden Drive. The backup sometimes extends all the way to the intersection of Garden and Orchid. The developer may need to upgrade the drainage system to accommodate additional flows from the new impervious area.
2. **Sidewalks:** There are two vocal neighbors who are against sidewalks, but the lack of sidewalks is a safety issue and I think that the developer should add sidewalks to rezone the property.
3. **Traffic:** The developer should configure the entrance and exit to direct traffic out to 17-92.

Thank you, Jennifer Lyons
936 Garden Drive.



city commission public hearing

item type	Public Hearing	meeting date	August 10, 2015
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager
department	Planning Department		<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no <input type="checkbox"/> N A 5-0 final vote

Subject: **Second Reading** of the Ordinance to Adopt Parking Garage Design Guidelines.

This public hearing is the **second reading** of the Ordinance, requested by the City Commission, to add to the Zoning Code, new design guidelines for future parking garages within the City.

All of the information below is the same as was considered at the first reading.

Summary:

The City has previously adopted two other sets of Design Guidelines which apply to the 1) Park Avenue/Central Business District, and 2) Morse Blvd./New England Avenue area. These design guidelines establish expectations as to the appearance of buildings within the geographical area or in this case for the appearance of future parking garages. The plan approval process is the same as currently utilized. It starts with staff review and then the staff decisions can be appealed to P&Z and ultimately to the City Commission. However, in almost every situation, any future parking garage would be part of a Conditional Use for a Large Building project (over 10,000 sq. ft.). that would be coming to P&Z and City Commission for the ultimate decision.

Planning and Zoning Board Recommendation:

The P&Z Board members agreed that it is a good idea to have guidelines to provide direction to the developer and to the City staff, P&Z Board and City Commission.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE the Ordinance so as to adopt parking garage design guidelines governing the construction of parking garages within the City of Winter Park. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the Resolution of the City of Winter Park adopting parking garage design guidelines pursuant to Sections 58-71 and 58-84 of the zoning regulations so as to establish design guidelines for the construction of parking garages within the City of Winter Park. Motion carried unanimously with a 5-0 vote.

July 7, 2015 P&Z Minutes:

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-71 AND 58-84 SO AS TO ADOPT PARKING GARAGE DESIGN GUIDELINES GOVERNING THE CONSTRUCTION OF PARKING GARAGES WITHIN THE CITY OF WINTER PARK.

Planning Manager Jeffrey Briggs presented the staff report and explained this public hearing is to consider an Ordinance, requested by the City Commission, to add to the Zoning Code, new design guidelines for future parking garages within the City. The City has previously adopted two other sets of Design Guidelines which apply to the 1) Park Avenue/Central Business District, and 2) Morse Blvd./New England Avenue area. These design guidelines establish expectations as to the appearance of buildings within the geographical area or in this case for the appearance of future parking garages. The plan approval process is the same as currently utilized. It starts with staff review and then the staff decisions can be appealed to P&Z and ultimately to the City Commission. However, in almost every situation, any future parking garage would be part of a Conditional Use for a Large Building project (over 10,000 sq. ft.). It is theoretically possible to have a stand-alone project of a parking garage that is less than 10,000 square feet in size, (50 spaces), but the building that it serves would be larger than 10,000 square feet and then still be part of the Conditional Use. So in virtually every case, the parking garage plans and elevations would be coming to P&Z and City Commission for the ultimate decision. However, the City would now have guidelines to provide direction to the developer and to the City staff, P&Z Board and City Commission. Staff Recommendation is for Approval.

No one wished to speak to this item. Public Hearing closed.

The Planning Board members expressed support for these design guidelines to provide some expectations from the City as to the look of future parking garages. The Board discussion also emphasized that these were guidelines and ultimately the P&Z Board and City Commission would make the final decisions together with the Conditional Use.

**Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending Chapter 58 "Land Development Regulations", Article III, "Zoning" Sections 58-71 and 58-84 so as to adopt parking garage design guidelines governing the construction of parking garages within the City of Winter Park, providing for review procedures; appeal procedures and for resolution of interpretations regarding such guidelines.
Motion carried unanimously with a 5-0 vote.**

**Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the Resolution of the City of Winter Park adopting parking garage design guidelines pursuant to Sections 58-71 and 58-84 of the zoning regulations so as to establish design guidelines for the construction of parking garages within the City of Winter Park.
Motion carried unanimously with a 5-0 vote.**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-71 AND 58-84 SO AS TO ADOPT PARKING GARAGE DESIGN GUIDELINES GOVERNING THE CONSTRUCTION OF PARKING GARAGES WITHIN THE CITY OF WINTER PARK, PROVIDING FOR REVIEW PROCEDURES; APPEAL PROCEDURES AND FOR RESOLUTION OF INTERPRETATIONS REGARDING SUCH GUIDELINES; PROVIDING FOR A DEFINITION OF PARKING GARAGE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Commission desires to implement design guidelines to govern the exterior and interior appearance and function of parking garages in order to protect the public health safety and welfare of the City; and

WHEREAS, this land development code regulation is deemed the minimum necessary regulation in order to accomplish the necessary oversight of such parking garage structures and does not affect in any way the amount of building square footage, the size, the permitted uses or the conditional uses currently allowed within the various zoning districts of the City, and

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

WHEREAS, the City Staff recommends this Ordinance, and the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their July 7, 2015 meeting; and

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

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

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

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SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-71 "General provisions residential zoning districts", is hereby amended and modified by adding a new subsection (II) as follows:

Sec. 58-71. General provisions for residential zoning districts.

(II) Parking garage design guidelines. Parking garages shall conform to the parking garage design guidelines and procedures outlined within Section 58-84. This requirement however, shall not apply to parking garages below grade within basements, defined as having at least half the height of the entire parking structure below existing grade or for parking garages that are totally enclosed by other liner building areas that are not visible from any public street other than the entrance/exit feature.

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SECTION 2. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions non-residential zoning districts, is hereby amended and modified by adding a new subsection (ee) as follows:

Sec. 58-84. General provisions for non-residential zoning districts.

(ee) Parking garage design guidelines.

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(1) The construction of parking garages within the non-residential zoning districts shall conform to and only be permitted when in conformance with parking garage design guidelines as may be adopted by Resolution by the City Commission. This requirement shall apply to any parking garages to be constructed within the City of Winter Park, other than parking garages within basements that are defined as having at least half the height of the entire parking structure below existing grade, or parking garages that are totally enclosed by other liner building areas that are not visible from any public street other than the entrance/exit feature.

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(2) In addition to the other requirements and regulations of the respective zoning district and prior to the issuance of a building permit for the initial construction, or renovation or remodeling of any existing parking garage other than for the scenarios outlined above, an applicant shall be required to obtain approval of the parking garage plans by the planning department.

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(3) Building elevation drawings and other plans as determined by the planning department shall be submitted of sufficient detail to indicate the building materials, composition, color, etc. so that the visual appearance of the exterior and interior of the parking garage is readily apparent, as well as any proposed landscape buffer, signage and lighting.

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(4) The planning department shall render a decision on all applications for building permits for parking garage construction, renovation or remodeling. After a determination that the plans presented are sufficient for the purposes of this review, the decision of the planning department shall be made within fifteen working days, excluding holidays, of the receipt of a complete and sufficient set of plans and application materials, unless referred to the planning and zoning commission for review as outlined below.

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(5) The planning department's decision shall be either a continuance based upon the specific defined need for additional plan information, an approval, an approval with conditions or denial. Any applicant for parking garage approval may elect to appeal a decision of the planning department to the planning and zoning board for their consideration.

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(7) Decisions by the planning department and/or the planning and zoning board shall be made at a public hearing based on the conformance of plans and application materials to the parking garage design guidelines and criteria adopted by the city commission.

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(8) The decision of the planning and zoning board shall be the final decision of the City except where a building project also requires conditional use or other land development approval by the city commission. In that case, the decision of the planning and zoning board shall be a recommendation with the final decision made by the city commission.

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(9) The parking garage design guidelines shall be adopted and subsequently amended by the City Commission by Resolution following a public hearing and recommendation from the Planning and Zoning Board.

SECTION 3. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-95 "Definitions", is hereby amended and modified by adding a new definition for "parking garage" to read as follows:

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Sec. 58-95. Definitions.

Parking garage means any structure of more than one level on which vehicles park for an associated multi-family, commercial, office or other non-residential, recreational or educational facility. This definition is to be inclusive of multi-level parking garages and single level parking decks. Parking garage shall not mean garages or carports, at grade, used to provide shelter for vehicles.

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SECTION 4. Severability. If any portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 5. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall become immediately effective upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2015.

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Mayor

Attest:

City Clerk

City of Winter Park

PARKING GARAGE DESIGN GUIDELINES

STATEMENT OF PURPOSE

The purpose of adopting Parking Garage Design Guidelines, within the Zoning Regulations, is to provide for architectural appeal and compatibility of the size, scale, intensity/mass and image of the parking garage structures with adjacent buildings and with the context of the surrounding area/neighborhood. Parking garages are significant buildings and the building facade treatment must be appropriately scaled and present a pedestrian friendly street image in order to compliment the commercial or multi-family project that it serves as well as be compatible and not detract from the character of the surrounding area. Additionally the interior of parking garage needs to be well lighted and attractive in order to provide a safe environment and one in which the users feel comfortable.

These Parking Garage Design Guidelines, within the Zoning Regulations, are supplementary to the other regulations within the Land Development Code and Building/Fire/Life Safety Codes of the City. All future parking garages shall comply in their design to the maximum extent possible with these guidelines. As to applicability, they shall apply to parking garages (multiple levels) and parking decks (single level) but shall not apply to underground parking structures (at least half the floor height below grade) and shall not apply to parking garages within the interior of projects that are not visible on the exterior.

The Zoning Regulations outline the process for administering these design guidelines. In summary, the city staff will make a determination as to whether the proposed plans for a parking garage structure conform to these design guidelines. Such determinations are then able to be appealed to the Planning and Zoning Board/City Commission or as will be more customary, the design will be part of a Conditional Use review. Economic impact shall not be deemed an adequate reason for non-compliance and shall not be a factor in any appeal or in determining the application of these requirements.

GENERAL BUILDING ARRANGEMENT

Build to line

The street front facade of any parking garage structure shall be setback at least ten (10) feet from any street facing property line in order to provide land area for landscape screening unless the Zoning District provides for a lesser setback requirement or such lesser setback is approved via exception by the City Commission. If there is a desire to increase sidewalk width for enhanced pedestrian utility then some of that setback area may be utilized for added sidewalk width. In zoning districts with larger street front setbacks, those larger setbacks shall apply. Within the Central Business District area, the street setback may be reduced to five (5) feet.

If the parking garage contains a below grade or basement parking level(s) with exterior access driveway ramp (at least one-half below existing grade) then the street setback for that street side providing driveway ramp access to the below grade level(s) shall be a minimum of thirty (30) feet in order to provide grade/slope transition that is not excessively steep.

Parking garage orientation, access & design

Parking garages should be located to the rear or side of the primary building such that the primary street frontage holds the principal building which then screens to the extent possible the parking structure. To the extent that a parking garage is serving existing building(s) or required by expansions to existing building(s) then this requirement may not apply. Liner buildings on the exterior of parking garages sides which face streets are encouraged but not required. Access points whenever possible should be on the secondary or side streets versus the primary frontage unless there are multiple access points and the setback to the parking garage from the primary street is at least sixty (60) feet from that right-of-way.

Access points should provide clear definition of the entry to the development. Unless specifically approved by the City, there shall be a minimum of two (2) entry and exit points shall be incorporated into the structure design. All ingress/egress points shall be designed to ensure adequate emergency vehicle access to the parking structure.

The interior of parking structures shall have a minimum floor to ceiling height of eight (8) feet and shall have signage indicating the clearance height.

PARKING GARAGE FAÇADE TREATMENT

The most important factor in the success and acceptance of parking garages in Winter Park is the exterior façade design treatment. How the parking garage looks on the exterior is just as vitally important to this community as how the facility functions on the interior. These parking garage design guidelines have been adopted primarily because the parking garage design community and development partner clients have placed economies of construction over architectural design.



Example of minimal architectural treatment or interest

Some members of the parking garage design community strive to produce the most cost efficient parking garage facilities for their clients that contain little or no architectural façade treatments other than stucco or alternating paint colors. That approach is not acceptable to the City of Winter Park. To that end, these guidelines for exterior façade treatments have been adopted in order to require the mandatory inclusion of exterior and interior design components. The concept that good design costs too much is not permitted as a grounds for appeal from these parking design guidelines as exterior and interior appearance is critically important for this community.



Example of precast concrete panels with minimal interest

A parking garage is typically a precast concrete panel structure. If one does nothing to cover or screen the “bones” of the parking garage, then the result is parking garages that look like these pictures.



Example of cost being the sole design motivation

Parking garage façade treatment design elements

The goal for parking garage design in the City of Winter Park was set with the construction of the Rollins College/Sun Trust parking garage. On many occasions, subsequent parking garages have been permitted with conditions that they should be designed to “Sun Trust parking garage standards”. In order to achieve that outcome on the exterior of parking garages, there are five methods of incorporating elements within the design in order to achieve successful architectural facades on parking structures. Location and visibility is an important factor in the degree to which the full menu of façade design elements must be applied. However, with parking garages that front on streets or are largely visible from adjoining streets then the following sections outline those elements which shall be necessary for the approval of a parking garage structure within the City of Winter Park. In general then those exterior design plans shall include the following elements which are:

1. Architectural compatibility with the principal building(s) when appropriate;
2. Exterior landscaping to screen the structure within setback and streets;
3. Exterior façade coverings on the concrete panels;
4. Fenestration for the openings and control over the design of the openings; and
5. Exterior architectural articulation and color composition.

Application of the parking garage design façade treatment requirements based on the location of the parking garage

The importance of these mandatory design elements depends in large part upon the location of the parking structure. There are situations where the parking garage structure is screened by linear exterior building components or located on a portion of the project that is less visible to the public.

Three such examples can be cited in Winter Park. The parking garage serving the office buildings at Morse Boulevard and Pennsylvania Avenue has the entire south and western sides screened and concealed by the buildings along Morse. The parking garage in the interior of the block serving the Village Park apartments on Denning Drive is similarly screened by buildings. The parking garage for the Paseo Apartment project (pictured below) is located in the rear corner distant from view from public right of ways.

In these types of circumstances and only in these situations, the City may, by specific approval, allow the use of more limited exterior façade design treatments than those outlined and required within these parking garage design guidelines. Designers should consult with the planning staff to determine whether the location criteria will apply that can result in less than a complete application of these design guidelines. Otherwise for parking garages facing public streets or visible thereto, the mandatory design elements within the guidelines shall be required.



Location is not visible from public streets so the exterior façade may exclude design treatment.



Interior location minimizes public visibility allowing landscape buffering alone to suffice.

Architectural compatibility with the principal building(s)

A general design guideline that can be found in all jurisdictions is the desire to have some elements of architectural conformity between the principal building(s) and the parking garage. This is beneficial when done successfully. These design guidelines encourage designers to make attempts for architectural conformity as one of the design goals. For example, matching a brick veneer façade or stone façade from the principal building can provide beneficial architectural consistency. However, this design guideline is not a 'be all-end all'. It also can be an excuse for doing nothing. One such example would be just using the same stucco or paint color as the principal building. The other design challenge is that while the principal building is typically broken up architecturally by windows, storefronts, signage, etc., the parking garage is a large monolithic structure that needs other design elements to achieve architectural interest.

One of the more successful examples of architectural compatibility is the Bank of America parking garage. These photos show examples of architectural compatibility done successfully (right).



Bank of America parking garage on New England Avenue which successfully incorporates common architectural elements and design within two separated buildings as shown above and below.



Steelhouse Apartments on Colonial Drive with parking garage shown in the photo to the right.



Landscape screening of parking garages

One method to provide for the enhanced visual appeal of parking garages is to hide them from view with significant landscaping and trees. This can be a successful approach and a critical element in the total design package. However, landscape screening alone is not to be used in place of exterior façade treatments but to complement those design features.

Below are pictures of successful examples within Winter Park where the use of landscaping/trees successfully screens the view of the parking garage by landscape elements.



Mature oak trees screen the view of the garage



Landscape buffer screens an otherwise non-descript facade



Landscaping is one element in attractive look of the Sun Trust garage.

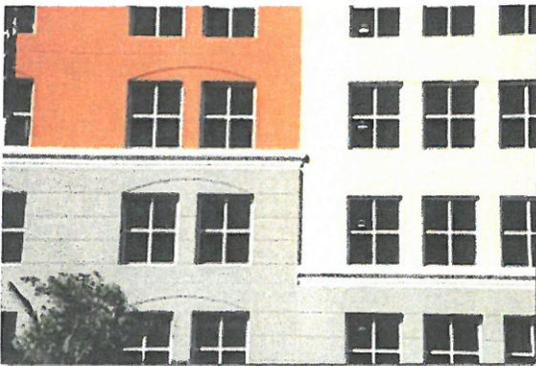


Significant landscape screening works to screen a very long wall façade of this parking garage

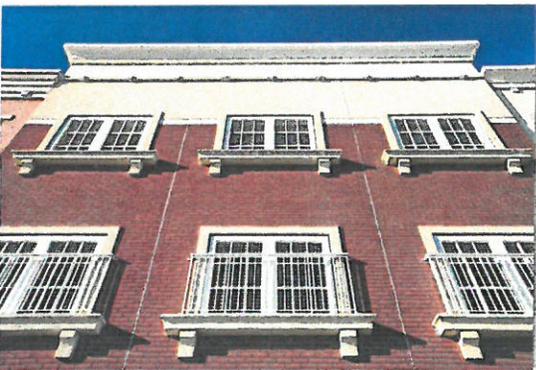
Exterior façade coverings on the concrete panels

One of the most important design elements is to add “skin” to the concrete panel “bones” of the parking garage. These exterior façade coverings shall be brick, stone or other complimentary materials that provide a covering to concrete structure. Reliance solely on stucco, scored stucco and paint alone is NOT an acceptable exterior façade covering to meet this design objective. In addition, the ground level of the parking structure shall include a ‘water table’ or base element around the entire structure of architectural materials and interest other than the precast or block at least three to four (3-4) feet in height.

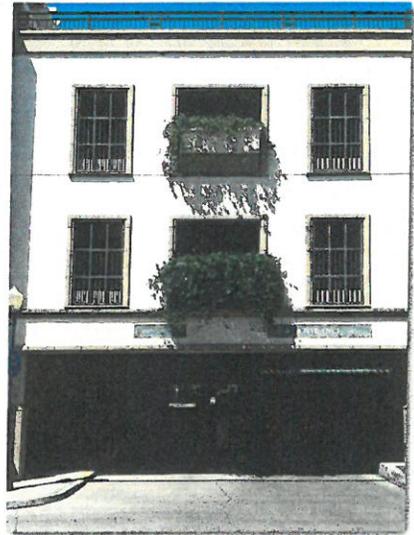
Included below are some pictures that illustrate this done successfully, along with other examples of design elements that are not permitted.



Articulation, color changes, expression lines and window grills combine successfully.



Exceptional window/opening treatments combine with cornice and color.



Cornice, expression lines, window boxes and window grills.



Planter boxes, window grills, protruded balconies and window framing provide the appearance of windows.

Fenestration for the openings & design of the openings

The design of the openings on the exterior of parking garages and the fenestration and/or coverings for those openings is critically important. These design guidelines prohibit the use of wire cables as the sole barrier within openings. These design guidelines can permit railings covering only half of the openings but on a limited basis. The design goal is decorative grillwork added to the openings and fenestration to resemble windows to the maximum extent possible. This is an essential component of the design of parking garages in order to replicate a window pattern so it appears more as a building than as a parking structure. Behind the metal grillwork designers are encouraged to utilize a mesh screen to the maximum extent possible in order to provide a backdrop which will appear as if the opening is an actual window.

This requirement then also controls the amount of openings, as substantially opened sides which reveal the visibility of vehicles parked within the garage are not permitted under these guidelines. Prohibited are entire sides or substantial lengths of parking garage walls designed to be open with no fenestration. Prohibited are long runs of openings that do not conform to or replicate a window or storefront pattern. Prohibited is metal grillwork within the openings that do not replicate a window or storefront pattern.

The openings should be larger on the ground floor in order to replicate storefront windows and smaller on the upper levels in order to replicate the size of windows. Based upon the local Building Code interpretation in Winter Park, the opening requirement for non-mechanically ventilated garages can be met by calculating the entire area of openings and discounting any de minimus covering that is accomplished by addition of railings, grillwork or mesh screening.

Exterior architectural articulation & color composition

There shall be architectural articulation on all sides of the parking structure visible from a public right-of-way. The articulation shall be of architectural materials and interest other than the precast concrete or block and shall extend at least six (6) inches from the precast or block structure.

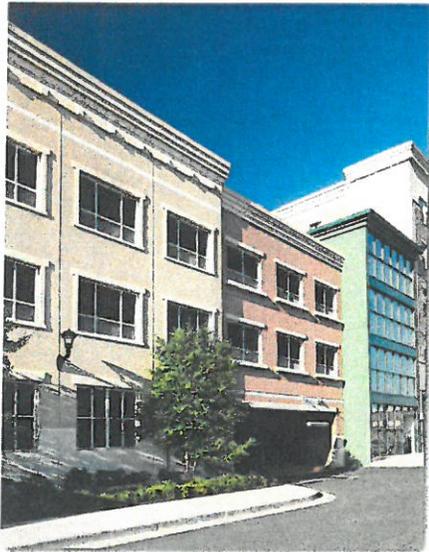
In order to provide aesthetic interest, the exterior shall contain a variety of materials and colors. Below are some pictures that illustrate this done successfully of design elements not permitted.



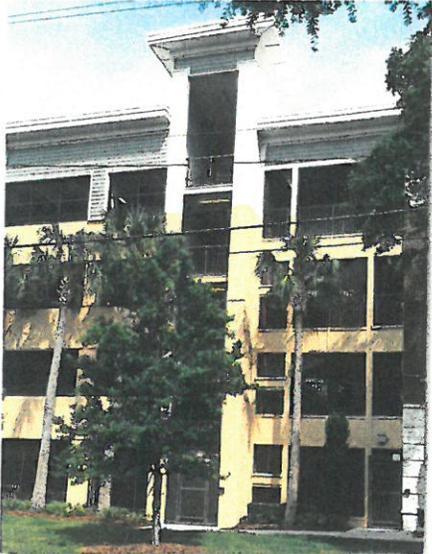
Building wall articulation (in's and out's) and color variation adds to the visual appeal.



Cornice, expression line and larger ground floor windows resembling storefront windows add to the visual appeal.



Articulation and color variation adds to the visual appeal.



Articulation of the stair tower adds to visual appeal.

INTERIOR PARKING GARAGE TREATMENTS

The interior of parking structures must be well lighted and provide a sense of safety and an inviting environment for the users. Typically as a cost control feature, the interior of parking garages are simply the grey unadorned concrete flooring, ceiling, columns and retaining walls with minimal lighting. The interior environment can be made much more inviting and allow for increased safety and illumination except that designers do not wish to incur those costs. As a result the interior of most parking garages resembles that of an unfinished basement. In order to provide for the safety and illumination benefits all parking garage interiors shall comply with the following design requirements:

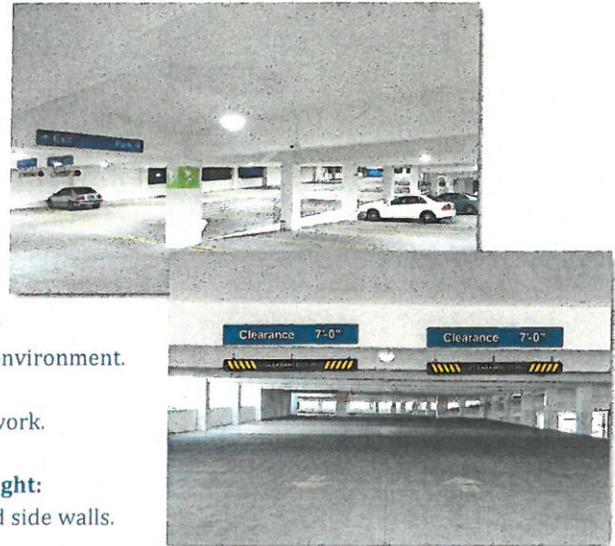
1. Interior side walls, columns and retaining walls as well as all columns shall be painted a light color to improve illumination and safety.
2. All exposed mechanical equipment and piping should be painted to match the interior of the structure.



Above: Well-lighted interior provides a safe and inviting environment.

Left: Decorative colorful artwork.

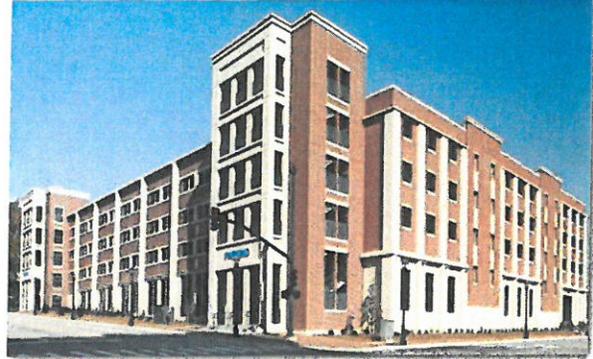
Above & below right:
Note painted columns and side walls.



GOOD FAÇADE TREATMENT EXAMPLES



Successful articulation, color variation and window treatment for openings.



Successful articulation, color variation and window treatment for openings.



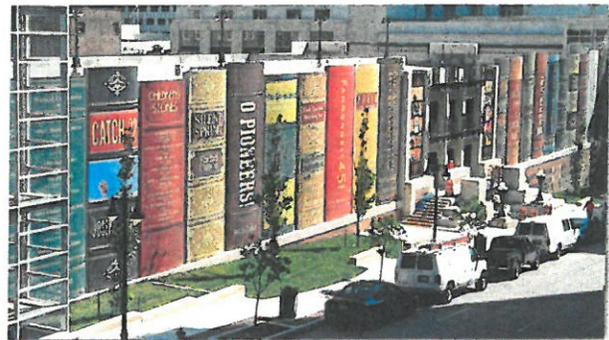
Architecture originality masks the function as a parking garage.



Sun Trust garage with cornice, color, window boxes, fenestration of the opening and landscape buffering combine successfully.



WP Towers garage with cornice, articulation, stair tower, window fenestration, planter boxes and opening framing details combine successfully.



Kansas City Library which shows that a parking garage can look like anything you want it to look like.

AWNINGS & CANOPIES

Awnings or Canopies are another exterior design feature that is encouraged to make the parking garage look more like a habitable building. They can be strategically placed over the garage openings to create the appearance of windows in a systematic method or awnings can be placed over the ground level opening or garage entry/exit. Awning and canopies are also encouraged over the pedestrian stair and elevator access points as a practical method for rain and sun protection.

Below are examples where this has been accomplished successfully.



Awnings over the ground floor openings create the look of storefronts.

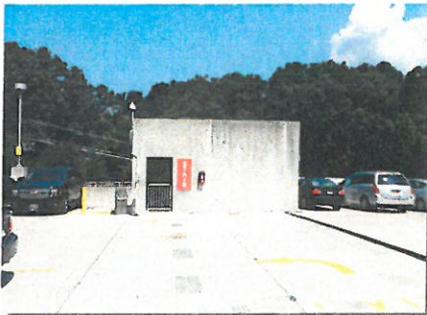


Awnings or shutters over upper floor opening create the look of an office building.

Rooftop stair tower and elevator design

While the rooftops of parking garages are the last resort for parkers, that exterior environment and visual appeal is also an important element for successful parking garage design. Too often the rooftop stair tower and elevator is nothing more than a concrete appendage with a level number painted on the side. But with some architectural interest and paint those elements can be attractive features to the rooftop level.

These design guidelines shall require that the rooftop elevator and stair tower elements include architectural features such as pitched roofs, architectural materials in a fashion that compliments the overall style of the project/parking garage. Painting on the exterior of these elevator/stair towers can make a significant difference. Murals or artwork of a non-advertising nature are encouraged to be painted on the elevator stair tower interior facing walls in order to make the rooftop or interior parking garage environment more interesting and appealing. Below are pictures of the do's and don'ts for rooftops.



Unacceptable example with no architectural design elements.



Successful incorporation of architecture for the stairway element.



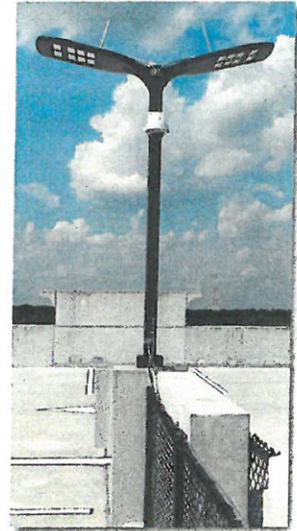
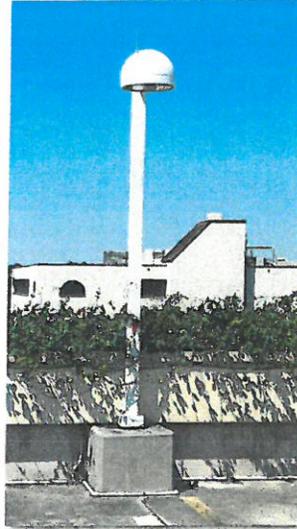
Pitch roof, roof tile and architectural design elements combine successfully.



Pitch roof, roof tile and architectural design elements combine successfully.

Lighting

Lighting can enhance or detract from the appearance of the parking structure and be distracting to pedestrians and motorists if used improperly. On the exterior of the parking garage it should be used sparingly to accent signage, entrances, architectural details, and enhance the overall appearance of the property. Lights should be shielded and directed away from the view of pedestrians and motorists. Lighting within the interior levels of the parking structure and within the stairwells shall be at levels necessary for the safety and security of the users and designers are encouraged to design to exceed those levels in order to create a safe and inviting interior environment. Lighting on the top open rooftop level shall consist of lights including fixtures no higher than sixteen (16) feet above the floor level and shall be mounted on the interior (not exterior) areas of the rooftop level.



Low height poles and fixtures reduce the off-site rooftop visibility of rooftop lighting. Directional fixtures reduce light spread and meet “dark sky” requirements.

Signage and Other Provisions

Mechanical equipment, such as air conditioning units, satellite dish antennas or emergency generators, placed on roof tops or at grade must be hidden or screened from view by architectural elements compatible with the building design as per the Winter Park Land Development Code. If placed on a roof top, the equipment should be positioned near the center of the roof to reduce as much visibility of it as possible. Solid waste containers or dumpsters shall also be screened from view of surrounding properties, and plans for new construction must show the location of containers for solid waste disposal per the Winter Park Land Development Code.

Building Signage is also one of the most prominent visual elements on the street that affects the aesthetic appeal of the parking garage building. Appropriate signage is coordinated and adds interest and variety to the streetscape and parking garage façade, while enlivening the street scene.

PARKING MANAGEMENT PLAN

The construction of any parking garage shall require the submission and approval by the City of a Parking Management Plan (PMP). The PMP shall include, at a minimum, the following elements:

1. The PMP shall include any method of charging for use of the parking structure and the proposed charges to be incurred for use of the parking garage. Without the express approval of the City, the parking garage shall not charge any fees in any manner to park within the parking garage or include charges to tenants for the ability to park within the parking garage. Any proposal to change for parking either directly or indirectly with tenant leases shall include the method by which visitors to the residential units or customers/clients to the businesses shall be entitled to park without payment of fees so that such visitors/customers/clients are not incentivized to park off-site on streets or other properties.
2. The PMP shall also include and require the City approval of signage and the location of such signage that reserves parking for specific tenant business usage. The City may require that such reserved parking signage provide for the public use of those spaces at nights or on weekends when such businesses are closed in order to facilitate the public benefit of the parking structure.
3. The PMP shall also include the contacts for the property management company responsible for the maintenance and upkeep of the parking structure. Any dangerous or unsightly conditions such as trash, broken glass or graffiti shall be remedied with 48 hours of contact from the City or the failure to remedy shall be immediate grounds for action by the Code Enforcement Board.

It shall be the responsibility of the Owner(s) of the parking structure to request approval of any amendment to the PMP and no changes to the operations of the parking garage shall be undertaken without such consent.

Both the Owner(s) of the parking structure and the City may seek amendments or changes to the PMP. The City may seek changes to the PMP when the operation of the parking garage creates situations that adversely affect the City or other property owners.

COMPREHENSIVE PLAN GUIDANCE

There are several policies within the Comprehensive Plan that relate to parking garages. Aside from the traditional setbacks that apply to all buildings, Policy 1-3.8.2 requires that above grade parking garages must be at least 100 feet from any single family or low density residential property. Also Policy 1-2.1.4, Policy 1-2.1.6 and Policy 1-3.8.2 require that the floor area of above grade parking garages shall be included in Floor Area Ratio and Lot Coverage calculations. However, public parking garages owned by the City or the portion of parking provided in excess of the parking requirements for a building project may be excluded from the floor area ratio calculation by the City Commission in order to encourage projects to provide parking in excess of the minimum code requirements. The definition of private parking garages is as follows:

Private parking garage

Any parking structure, above grade, within which parking is provided as required by the parking requirements of the Land Development Code to meet the code requirements for the private (non-public) use of building space, be it for retail, office, restaurant, residential uses, etc. Regardless of the fact that the “public” uses the parking garage spaces as customers, clients, residents, visitors, or employees; if the parking space floor area is necessary to meet the code requirements, it is defined as private parking. Where a building project provides parking in excess of code requirements and such parking is open and available to the public without restriction, that pro-rata share of the parking garage floor area may be defined as public parking for the purposes of this provision, if approved by the City Commission and deed restricted as public parking as defined in the public parking garage provision of this Comprehensive Plan.



city commission public hearing

Item type	Public Hearing	meeting date	August 10, 2015			
prepared by	Lindsey Hayes, Senior Planner	approved by	<input checked="" type="checkbox"/>	City Manager		
department	Planning & Community Development		<input checked="" type="checkbox"/>	City Attorney		
division			<input type="checkbox"/>	N A		
board approval	Historic Preservation Board	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> N A	5-1	final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life	<input type="checkbox"/> Fiscal Stewardship	<input checked="" type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety		
	<input type="checkbox"/> Investment in Public Assets & Infrastructure					

subject

Appeal by Rollins College of the January 14, 2015 Historic Preservation Board (HPB) decision to deny the Certificate of Review request (COR 15-001) for the demolition of the duplex at their property located at 483 Holt Avenue. The subject property is a contributing historic resource in the College Quarter Historic District.

motion | recommendation

Recommendation that the City Commission overturn the HPB decision to deny the Certificate of Review request for the demolition of the duplex located at 483 Holt Avenue subject to the conditions proposed in the Appeals letter dated July 15, 2015.

background

The subject property, a duplex zoned R-2, is located in the College Quarter Historic District which was established in 2003. At that time, the property was classified as a contributing historic resource in the district. Rollins College purchased the property in 2006. The property began to decline from a lack of maintenance. Rollins applied to the HPB for a Certificate of Review with plans to demolish the duplex and surround it with a chain link fence to visually incorporate the land with Rollins' abutting vacant commercial property. The applicant stated that there were no plans for the subject property; it would be left vacant. Six neighbors spoke in opposition to demolition. Based on the criteria for consideration of demolition application, the HPB found that while the building was not a landmark, the physical presence of a residential structure at this location contributed to the character of the district entrance whereas a vacant lot would not, and that given that Rollins had no approved plans for the property, it would be vacant for an undetermined time. *(The minutes are attached.)* The HPB denied the request based upon evidence presented at the hearing in that the applicant failed to prove their case to demolish the structure located at 483 Holt

Avenue in accordance with Section 58-479(a)(4) in that the simple dwelling helps establish the beginning of the residential historic district at the northwest corner of the neighborhood; and plans for the reuse of the property did not follow the criteria set forth in section 58-479(a)(6) of the Land Development Code.

Rollins filed for an appeal on January 28, 2015 and asked for the appeal to be held while they resolved several issues with the property. After discussions between the city and Rollins administration about possible code compliance issues, the College cleaned up the site and has continued to maintain the structure and the surrounding area which was a concern to the neighbors. Since that time, Rollins has decided to move forward with the appeal for demolition with the intent to rebuild a duplex or a single family residential unit. Rollins College has met with representatives of the College Quarter neighborhood and shared this proposal with them.

Based on the new terms offered by Rollins College in the attached letter, staff recommends approving the request for demolition subject to the following terms:

1. The property will continue to be zoned R-2, Low Density Residential
2. The property will be redeveloped as either a new duplex or single-family home.
3. The proposed new use will be reviewed by the Historic Preservation Board, subject to the Historic Preservation Ordinance requirements.
4. The existing duplex will not be demolished until the City has issued a building permit for the new unit(s).

alternatives | other considerations

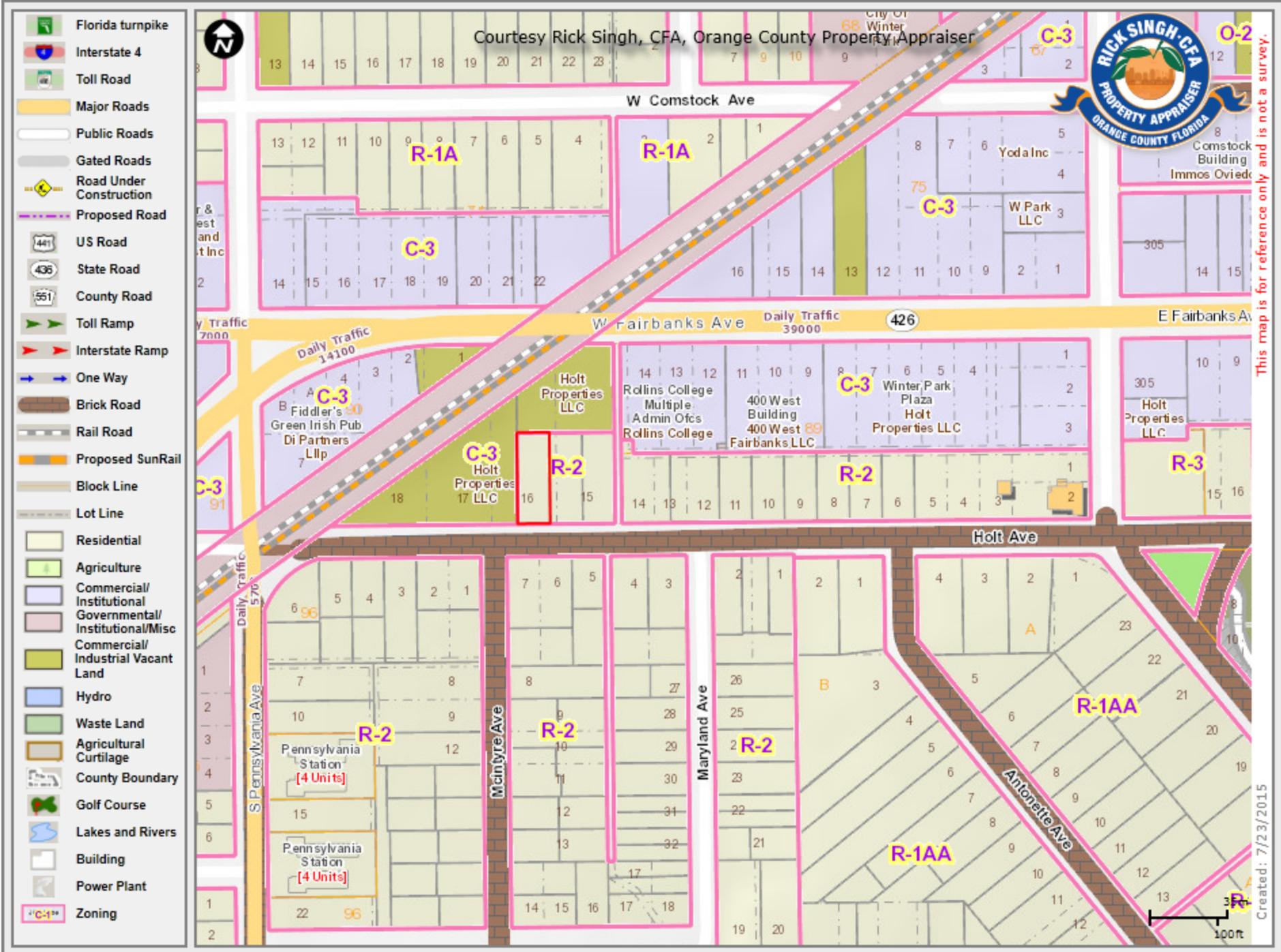
The City Commission hears appeals of decisions made by the Historic Preservation Board.

Sec. 58-477. – Appeals.

- (a) Any substantially affected party may appeal any decision of the HPC to the city commission by filing within 15 days after the date of the decision a written notice of appeal and an appeal fee as established by the schedule of fees. The notice shall set forth concisely the decision appealed from and the reasons or grounds for the appeal.
- (b) The appeal shall be heard by the city commission, which shall hear and consider all facts material to the appeal and render a decision promptly. The city commission may affirm, modify or reverse the HPC's decision. The decision of the city commission may be made to the courts as provided by the Florida Rules of Appellate Procedure.

fiscal impact

The property with a building remains on the tax rolls.



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 MERITAS LAW FIRMS WORLDWIDE

January 28, 2015

VIA HAND DELIVERY

City of Winter Park
Attn: Cindy Bonham, City Clerk
401 Park Avenue South
Winter Park, FL 32789

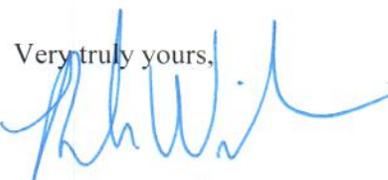
Re: COR 15-001; Appeal of Historic Preservation Board January 14, 2014 Denial of Request of Rollins College on behalf of Holt Properties LLC (the "Applicant") to demolish the duplex at their property located at 483 Holt Avenue (the "Decision").

Dear Clerk Bonham,

Pursuant to Section 58-477 of the City of Winter Park Land Development Code, a substantially affected party may appeal any decision of the Historic Preservation Board (the "Board") to the City Commission by filing within 15 days after the date of the decision a written notice of appeal. As counsel for the affected party, this letter shall constitute a written appeal of the above referenced Decision.

On January 14, 2015, the Board denied the request of Rollins College to demolish their duplex located at 483 Holt Avenue. However, based on the reasons set forth in the January 14, 2015 staff report in support of the Applicant's request (a copy of which is enclosed herewith), the Applicant has satisfied the requirements in Section 58-479(a)(4) and (6), as well as the applicable Land Development Code and Comprehensive Plan Future Land Use Policies. Thus, we respectfully request this appeal to be heard by the City Commission at their next meeting.

Enclosed herewith please find a check in the amount of \$35.00 covering the fee for the appeal of the Decision. If there is any additional information needed to file an appeal on behalf of the Applicant, please advise. Thank you for your time and consideration.

Very truly yours,


M. Rebecca Wilson

MRW/TLT

Enclosures

cc: Lindsey Hayes (via e-mail: Lhayes@cityofwinterpark.org)

LOWNDES, DROSDICK, DOSTER, KANTOR & REED

PROFESSIONAL ASSOCIATION
OPERATING ACCOUNT
215 N. EOLA DRIVE
ORLANDO, FLORIDA 32801-2028

WELLS FARGO BANK, N.A.
ORLANDO, FLORIDA

63-751631

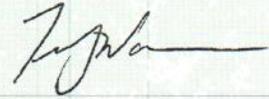
DATE: January 28, 2015

265046

PAY: **Thirty-five and 00/100******* \$ *****35.00*****

LOWNDES, DROSDICK, DOSTER, KANTOR & REED
TWO SIGNATURES REQUIRED OVER \$500.00

PAY TO THE ORDER OF: CITY OF WINTER PARK
721 WEST NEW ENGLAND AVE
WINTER PARK, FL 32789



AUTHORIZED SIGNATURE

⑈ 265046⑈ ⑆063107513⑆ 2140000000 120⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

Payee: CITY OF WINTER PARK
Vendor ID: 3930

Check #: 265046
Check Date: Jan 28/15

Invoice Num	Invoice Date	Reference	Invoice Amount	Amount Paid	Discount Taken	Payment Amt
012815	Jan 28/15	MANUAL	\$35.00	\$35.00	\$0.00	\$35.00
Totals:			\$35.00	\$35.00	\$0.00	\$35.00



CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

Staff Report
January 14, 2015

COR 15-001 Request of Rollins College on behalf of Holt Properties LLC to demolish the duplex at their property located at 483 Holt Avenue. The property is a contributing resource in the College Quarter Historic District; Zoned R-2. Parcel ID #05-22-30-9400-89-161.

The residential property located at 483 Holt Avenue is a contributing historic building in the College Quarter Historic District by virtue of its age and association with the final period of development in the College Quarter. Built about 1940, the one-story masonry vernacular duplex has about 625 square feet of living space divided into 2 one bedroom units. The lot is 50 feet by 140 feet totaling 7,000 square feet. The zoning is R-2, low density residential. It is the first property on the northwest end of Holt Avenue that begins the historic district. The adjacent vacant property to the west (former Ahik's Garage site) and north of 483 Holt Avenue is not in the historic district and has commercial C-3 zoning.

Certificate of Review Request. The duplex has been vacant since its purchase by Rollins College. Rollins College as Holt Properties LLC, does not plan to activate the duplex as living space and the empty building is in a state of decline. Code Compliance is monitoring the condition of the property. Rollins is requesting to demolish the duplex with plans to completely fence the commercial property from this residential property with chain link and add climbing jasmine along the fence line. The existing portion of the chain link fence around the commercial property would then completely separate the commercial from the residential lots and direct campus traffic to the commercial property entrance. The property would then be maintained in an open park-like condition. A more permanent fence or wall structure would help dispel neighborhood concerns about rezoning and encroachment of non-residential uses in the future.

In addition, at this time Rollins College would construct a sidewalk on the north side of Holt Avenue from the existing sidewalk to the curb cut serving Rollins' commercial property to improve pedestrian connections now rather than in the future. Some additional landscaping will be added along the fence line to screen the property. A site plan from Rollins is attached.

The historic district residents have long been concerned about the vacant commercial property and unlive in duplex. With city permission, the commercial lot has been used in the past as a staging area for campus construction. To allay some longstanding neighborhood concerns, it should be stated that any future use(s) of the lot, including commercial or public quasi- public,

other than what is permitted in an R-2 residential district would require rezoning. Storm water retention or parking for commercial or public quasi-public uses on the adjacent lot would not be permitted without rezoning. If demolition is approved, any future redevelopment must meet the Residential R-2 zoning code and would require design review approval by the HPB at a public hearing. The following Comprehensive Plan Future Land Use Policies apply:

Policy 1-4.1.F.14: Restriction on Development Fronting on Holt Avenue. Expansions of commercial or office developments or the parking of vehicles on properties fronting on Holt Avenue shall be prohibited. Access driveways from commercial or office development on Fairbanks Avenue onto Holt Avenue shall be prohibited.

Policy 1-3.5.1: Criteria for Managing Encroachment of Nonresidential Uses into Established Residential Neighborhoods. The City shall require that any change in land use designation from residential to nonresidential comply with all of the following:

1. That this change shall not be a precedent toward other similar applications for change requesting similar land use as a matter of equity or fairness;
2. That the change can be demonstrated to be in the best interests of the City at large;
3. That the change can be demonstrated to be in the best interests of the adjacent residential area;
4. That residential use of the property is no longer a viable use.

Policy 1-3.5.2: Investigate Just Compensation/Linkage System for Adverse Impacts Incurred by Changes in Future Land Use Designation from Residential to Nonresidential Use. The City shall explore the feasibility of establishing a linkage system that addresses compensation for the loss of housing or housing opportunity and/or the need for public service or social program in consideration of the increase in value bestowed upon land through designation from residential use to nonresidential use.

Demolitions within historic districts have been approved in the past and are taken very seriously. Section 58-479. *Guidelines for issuance—Demolition, and construction, excavation or other disturbance in archaeological zones* states that the HPB shall consider specific criteria when assessing demolition requests. The criteria and staff's response (in italics) to each follows.

- (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark. *This property is not a landmark.*
- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense. *This would be a simple structure to replicate, and the type of masonry block is available.*
- (3) The structure is one of the last remaining examples of its kind in the city, the county or the region. *The structure is not a significant architectural example and does not embody distinctive craftsmanship.*

(4) The structure contributes to the historic character of a designated district. *The simple dwelling helps establish the beginning of the residential historic district at the northwest corner of the neighborhood.*

(5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage. *The building does not contribute in this area other than being part of the final period of development of the College Quarter historic district.*

(6) There are definite plans for reuse of the property if the proposed demolition is carried out, and there is an explanation of what the effect of those plans will be on the character of the surrounding area. *Removing the building subtracts a dwelling from the district entrance at northwest end of Holt Avenue and it is desirable that an appropriate dwelling be built on the site in the future.*

RECOMMENDATION: Staff recommends approval subject to HPB review, with a condition that a fence and landscaping be installed and maintained.

July 15, 2015

Dori Stone
Director-Economic Development
City of Winter Park
401 Park Avenue South
32789-4386 Winter Park, FL

Re: 483 Holt Avenue (“Subject Property”)

Dear Dori:

As you know, this firm represents Rollins College with respect to the Subject Property. The Subject Property is developed as a duplex and is located in the City’s College Quarter Historic District. On October 21, 2014 the property owner requested a demolition permit for the duplex located on the Subject Property. In conformance with the City’s Historic Preservation Ordinance, the demolition permit was considered by Historic Preservation Board (the “Board”) on January 14, 2015. At that time, Rollins College intended to demolish the duplex and include the lot (via a fence) with its commercially-zoned property to the west. There were no specific redevelopment plans for the Subject Property.

The Board denied Rollins College request and Rollins College, pursuant to Section 58-477, appealed the Board’s decision to the City Commission. Subsequent to such appeal being filed, Rollins College has re-considered the best use of the Subject Property for itself and its neighbor. Accordingly, it would now like to proceed with the appeal to demolish the duplex on the Subject Property and offers the following terms:

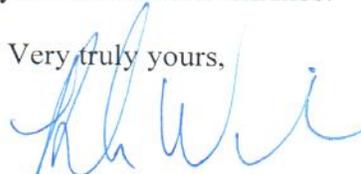
- The Subject Property will continue to be zoned R-2, low density residential.
- The Subject Property will be redeveloped as either a new duplex or single-family home.
- Such new residential development will be reviewed by the Board in accordance with the Historic Preservation Ordinance.

Dori Stone
July 15, 2015
Page 2

- The duplex will not be demolished until the City's issuance of a building permit for the new unit(s).

Please schedule the City Commission hearing at your earliest convenience.

Very truly yours,



M. Rebecca Wilson

MRW/dmv



**CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD**

9:00 a.m.
January 14, 2015
Commission Chambers
401 Park Avenue South

MINUTES

1. Call to order. The meeting was called to order at 9:05 a.m.

Present: Chairman Randall Glidden, Vice-Chair Rebecca Talbert, Louise Sprimont, Barbara De Vane, Genean McKinnon, and Phil Wood. Absent: Candace Chemtob and Michael Miller. Also Present: City Attorney Robin McKinney. Staff: Senior Planner Lindsey Hayes, Sylvia Hawkins and Smitha Raphael representing Code Compliance and Recording Secretary Lisa Smith.

2. Approval of Minutes.

Motion made by Ms. Talbert, seconded by Mrs. Sprimont to approve the October 22, November 12, and December 10, 2014 meeting minutes. Motion carried unanimously.

Public Comments:

No one wished to speak. Public comment was closed.

3. Action Item.

- COR 15-001 Request of Rollins College on behalf of Holt Properties LLC to demolish the duplex at their property located at 483 Holt Avenue. The property is a contributing resource in the College Quarter Historic District; Zoned R-2. Parcel ID #05-22-30-9400-89-161.

Senior Planner Lindsey Hayes presented the staff report. She explained that the residential property located at 483 Holt Avenue is a contributing property in the College Quarter Historic District by virtue of its age and association with the final period of development in the College Quarter. She used a Power Point presentation to review the history of the subject property and discuss the details of the certificate of review request. She said that the duplex has been vacant since its purchase by Rollins College; and that Rollins College as Holt Properties LLC, has no plans to activate the duplex as living space. Ms. Hayes noted that the empty building is in a state of decline, and that Code Compliance is monitoring the condition of the property. She explained that Rollins is requesting to demolish the duplex and proposes to completely fence the commercial property from this residential property with chain link fencing and add climbing jasmine along the fence line. The existing portion of the chain link fence around the commercial property would then completely separate the commercial from the residential lots and direct campus traffic to the commercial property entrance. The property would then be maintained in an open park-like condition. A more permanent fence or wall structure would help dispel neighborhood concerns about rezoning and encroachment of non-residential uses in the future.

In addition, at this time Rollins College would construct a sidewalk on the north side of Holt Avenue from the existing sidewalk to the curb cut serving Rollins' commercial property in an effort to improve pedestrian connections now rather than in the future. Some additional landscaping will be added along the fence line to screen the property. She noted that the historic district residents have long been concerned about the vacant commercial property and unlive in duplex. With city permission, the commercial lot has been used in the past as a staging area for campus construction. To allay some longstanding neighborhood concerns, it should be stated that any future use(s) of the lot, including commercial or public quasi-public, other than what is permitted in an R-2 residential district would require rezoning. Storm water retention or parking for commercial or public quasi-public uses on the adjacent lot would not be permitted without rezoning. She said that if demolition is approved, any future redevelopment must meet the Residential R-2 zoning code and would require design review approval by the HPB at a public hearing. She reviewed in detail the Comprehensive Plan Future Land Use Policies relating to this application and the demolition guidelines established in the Land Development Code for historic districts. She stated the demolition criteria as follows:

(1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark. *(Ms. Hayes noted that the subject property is not a landmark.)*

(2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense. *(Ms. Hayes noted that this would be a simple structure to replicate, and the type of masonry block is available.)*

(3) The structure is one of the last remaining examples of its kind in the city, the county or the region. *(Ms. Hayes stated that the structure is not a significant architectural example and does not embody distinctive craftsmanship.)*

(4) The structure contributes to the historic character of a designated district. *(Ms. Hayes noted that the simple dwelling helps establish the beginning of the residential historic district at the northwest corner of the neighborhood.)*

(5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage. *(Ms. Hayes noted that the building does not contribute in this area other than being part of the final period of development of the College Quarter historic district.)*

(6) There are definite plans for reuse of the property if the proposed demolition is carried out, and there is an explanation of what the effect of those plans will be on the character of the surrounding area. *(Ms. Hayes noted that removing the building subtracts a dwelling from the district entrance at northwest end of Holt Avenue, and it is desirable that an appropriate dwelling be built on the site in the future.)*

Staff recommended approval subject to HPB review, with a condition that a fence and landscaping be installed and maintained. Ms. Hayes responded to Board member questions and concerns.

Scott Bitikofer, Facilities Manager, represented Rollins College. He agreed with the staff report as presented by Ms. Hayes. He explained that Rollins desires to demolish the structure because they do not feel it is a benefit to the neighborhood. He said that Rollins has no plans for future of the property and feel that demolition makes the most sense. He provided insight with regard to the decline of the property. He responded to Board member questions and concerns. Messrs. Glidden and Wood questioned the applicant about potential trade-offs that Rollins would be willing to provide. Mr. Bitikofer stated that he could not commit to anything on behalf of Rollins College.

Several residents of the College Quarter Neighborhood were present for the public hearing. The following addressed the Board:

Nancy La Porte, 479 Holt Avenue, opposed the request. She said that she feels that the subject property is the cornerstone of their historic neighborhood, and that it provides both sight and sound barriers. She explained that her property is the most impacted in the neighborhood as she owns next door. She expressed frustration that the applicant has allowed the property to exist continually in the current state of decline. She presented photographs to validate her concerns.

John Schofield, 358 Vitoria Avenue, stated that he is an admirer of Rollins in the community, but feels that the subject property degrades the surrounding community with the way the property has been maintained and opposes demolition.

Margie Bridges, 767 Antonette Avenue, opposed the demolition of the structure as it is a contributing resource, and it marks the end of the residential in the historic district. She said that she feels that demolition would create a domino effect. She added that she feels that the structure could be rehabbed and used as housing in the City.

Gordon Blich, 695 French Avenue opposed the demolition. He expressed concern about the parking lot on residential zoned property. He stated that he feels that demolition is inappropriate. He suggested that the Holt Avenue property be sold at market rate, or donate the property to either the College Quarter Neighborhood or the City for use as a park.

Nancy Galyean, 746 McIntyre Avenue, opposed the demolition and also expressed concerns with Rollins' use of the College Arms residential property as parking.

Elizabeth Bosterman, 818 Antonette Avenue, agreed with the previous comments and wanted to go on record as opposed to the demolition.

No one else wished to speak concerning the request. Public Hearing closed.

The Board members requested further information concerning the pending code compliance case for the subject property. Sylvia Hawkins, Code Compliance Section Chief, addressed the Board concerning the pending case against the applicant. She stated that in order for the property to be brought up to compliance standards it requires exterior painting, installation of buffer on rear of property, repair doors, and removal of the boarded up windows. She provided the Board with a detailed overview of the entire code compliance process and responded to Board member questions and concerns.

Mr. Wood observed that this case appeared to be a case of demolition by neglect. Mrs. McKinnon stated that she feels that this request is a classic example of an owner's right to decide what to do with their property versus the neighborhood. She agreed with the comments made regarding the "little house movement" but felt that it is at the discretion of the applicant what they chose to do with the property. Further, if the structure is demolished and the green space created, that would enhance the drive along Holt Avenue. She supported staff recommendation. She encouraged anyone that wanted to see the property redeveloped with two tiny residences to make an offer to purchase the property from the applicant.

Motion made by Mrs. McKinnon to approve the request subject to staff recommendations. Motion failed due to lack of a second.

Motion made by Mr. Wood to deny the request. Mr. Wood withdrew his motion.

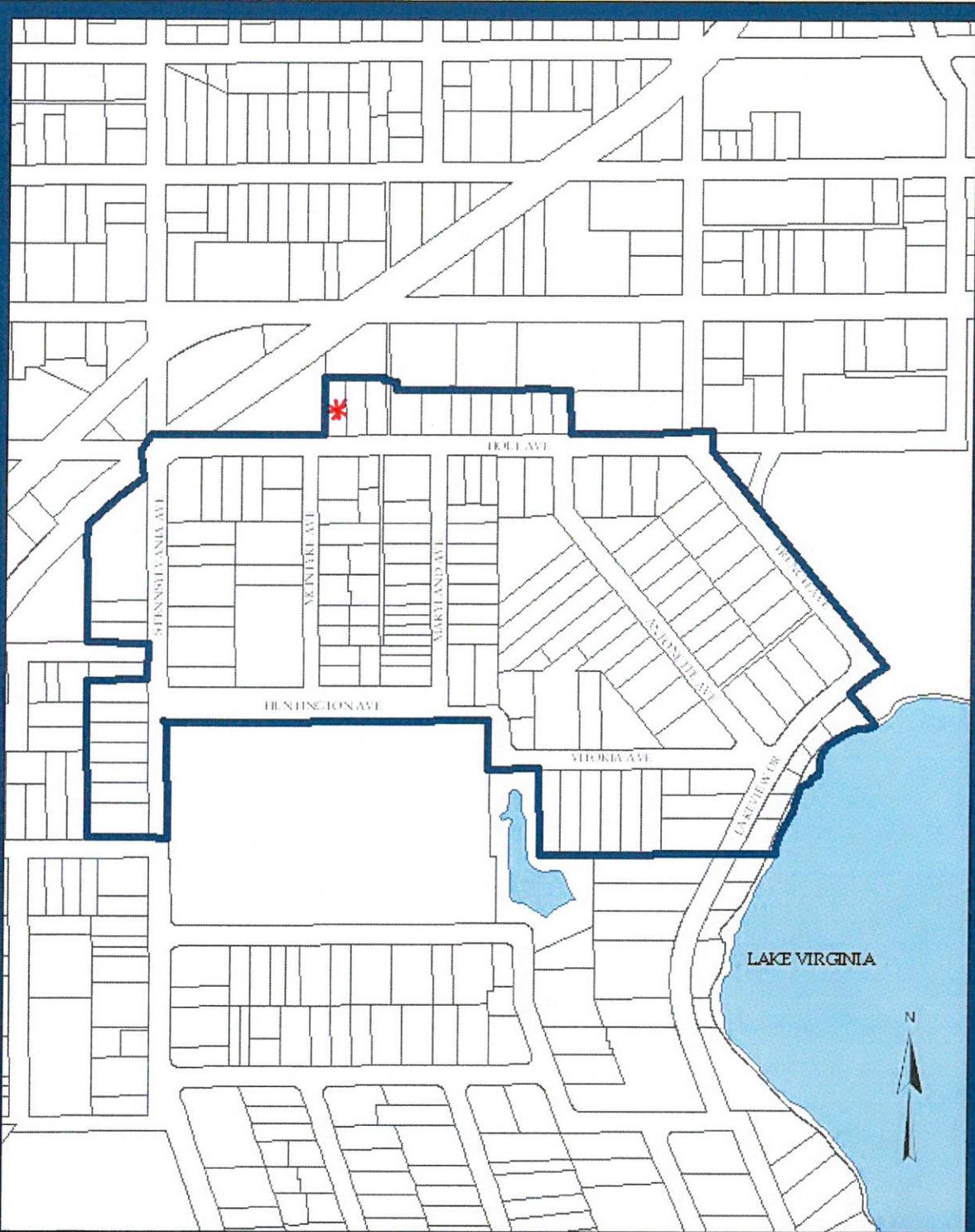
City Attorney McKinney read Section 58-474, Decision of the Commission, into the record in its entirety. She reiterated that if the Board motions to deny the request the specific section of the code must be cited for the basis of the recommendation of denial, and a description of the findings, specifically the six points spelled out by staff in the staff report.

* **Motion made by Ms. Talbert, seconded by Mrs. De Vane recommending denial of the request based upon evidence presented at today's hearing in that the applicant failed to prove their case to demolish the structure located at 483 Holt Avenue in accordance with Section 58-479(a)(4) in that the simple dwelling helps establish the beginning of the residential historic district at the northwest corner of the neighborhood; and plans for reuse of the property did not follow the criteria set forth in Section 58-479(a)(6) of the Land Development Code. A roll call vote was taken and the following Board members voted in favor of the motion: Mr. Wood, Mrs. Devane, Ms. Talbert, Mr. Glidden and Mrs. Sprimont. Mrs. McKinnon voted against the motion. Motion carried with a vote of 5-1.**

- Potential Incentive discussion

Ms. Hayes continued the discussion with the Board members regarding proposed Incentives for historic preservation that need to be incorporated into the ordinance. She explained that at the Board's request, staff has studied more closely the pros and cons of offering ad valorem tax relief in exchange for designation. She stated that staff took a very close look at FLA Statutes 196 regarding Taxation and Finance, specifically Statutes 196.1961 and 196.1997. She advised that staff did not find any broad ability to provide ad valorem tax relief for historic properties. She noted that staff found two exemptions for historic properties. One is used for commercial and non-profit properties that open to the public, and one that relates to the rehabilitation of historic properties, and that is already in the City's ordinance. Ms. Hayes reviewed in detail how ad valorem tax relief would affect the properties currently on the city's historic resources survey. This issue was discussed at length. They responded to questions posed by Board members. Mr. Glidden proposed that in lieu of providing tax relief the City could potentially allocate a percentage of the taxable income from historic properties to fund the grant. He suggested that the grant could be developed and funded based on the income that the City receives in taxing historic properties. Ms. McKinney responded that Mr. Glidden's proposal is more restrictive. She said that if a grant program is initiated, the City could benefit in that there is more control over the improvements that are made because all of the applications would have to come before the Board for review and approval; and from the budgeting perspective, the City would be able to predict more accurately the amount of funds utilized each year.

City Attorney McKinney and Ms. Hayes also reviewed the pros/cons of whether it is legally possible to create a non-profit organization as a shelter and incentive to reduce property taxes for designated historic properties specifically Tier One or Tier Two. City Attorney McKinney reviewed the provisions of Florida Statutes Chapter 617 that governs the establishing of non-profits. Attorney McKinney explained that the advantage of this is that it allows the city more control, and the city will be able to accurately predict each year the amount of funds that will be coming in. They responded to questions posed by members of the Board.



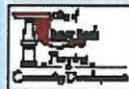
Adopted July 28, 2003

Coordinate System

NAD 83 StatePlane FL
Zone 16N FIPS 5003

**College Quarter
Historic District
City of Winter Park, FL
July 2003**

Planning and Community
Development Department



Source: Google Earth Property Appraiser
Created in ArcGIS using AirMap



city commission public hearing

Item type	Public Hearing	meeting date	August 10, 2015
prepared by	George Wiggins Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager
department	Building - Planning		<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N A
board approval		<input type="checkbox"/> yes <input type="checkbox"/> no	<input checked="" type="checkbox"/> N A final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life		<input type="checkbox"/> Fiscal Stewardship
	<input checked="" type="checkbox"/> Intelligent Growth & Development		<input type="checkbox"/> Public Health & Safety
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

Subject

Fifth Third Bank Development Agreement – **This was tabled at the July 13 meeting.**

Background

At the May 11, 2015 City Commission meeting, the Fifth Third Bank CUP was unanimously approved with the condition added below:

Motion made by Commissioner McMacken to approve the application for conditional use as was presented this evening with the modification included in the plan, and also with the additional condition of approval that was submitted by the applicant, and for the City Attorney to insure a means for resolution of the easement negotiations if the parties cannot agree as to what is reasonable under the circumstances; seconded by Commissioner Sprinkel.

After the City Commission motion, the City Attorney concluded that a Development Agreement was necessary in order to enforce the terms of the condition above as well as to incorporate the other conditions of approval. The City Attorney in consultation with the attorneys representing Fifth Third and the Matsby’s developed the attached Agreement to implement the requirement that will allow the Matsby’s to negotiate with Fifth Third for vehicular access through the Fifth Third property as an alternate traffic exit onto Lakemont Avenue. The easement negotiations will commence when the adjacent property owner comes forward with a site development plan to construct a new building at 1835 Aloma Avenue. See Subsection 3 (m) on the third page of the attached Development Agreement for the specific provision.

Prepared by:
Usher L. Brown, Esq.
Greenspoon Marder Law
201 East Pine Street, Suite 500
Orlando, FL 32801

Return to:
City of Winter Park
City Clerk
401 Park Avenue South
Winter Park, Florida 32789

DEVELOPER'S AGREEMENT (Fifth Third Bank)

THIS DEVELOPER'S AGREEMENT (the "Agreement") is made and entered into this _____ day of _____, 2015, by and between the **City of Winter Park, Florida**, a political subdivision of the State of Florida (the "City"), 401 Park Avenue South, Winter Park, Florida 32789 and Fifth Third Bank, an Ohio banking corporation, (referred to as "Developer"), 38 Fountain Square Plaza, MD10ATA1, Cincinnati, Ohio 45263.

WITNESSETH:

WHEREAS, Developer intends to build and manage a 3,872 square foot branch bank for Fifth Third Bank with two drive-in tellers and a companion 5,410 square feet of separate "for lease" office space (hereinafter the "Project"); and

WHEREAS, the properties subject to the Conditional Use application are 443 and 453 North Lakemont Avenue and 1851, 1861 and 1871 Aloma Avenue; and

WHEREAS, the request for a drive-in teller requires a Conditional Use permit for the Project under the Municipal Code; and

WHEREAS, this Agreement is adopted pursuant to the Conditional Use section of the City Code, Section 58-90, and is not a statutory development agreement under Fla. Stat. §163.3220, et seq.

NOW, THEREFORE, for and in consideration of the terms and conditions of this Agreement and the mutual covenants set forth herein, and for other good and valuable consideration, the City and Developer agree to the following conditions:

1. Subject Property: The Subject Property is comprised of 3,872 square feet bank branch for Fifth Third Bank and the companion 5,410 square feet of separate "for lease" office

space, located at 443 and 453 North Lakemont Avenue, and 1851, 1861 and 1871 Aloma Avenue, as more particularly described on Exhibit "A" attached hereto and incorporated by this reference.

2. Project Approvals: The plan for the Project was approved by the City Commission on May 11, 2015, subject to compliance with this Agreement, as depicted on Exhibit "B".

3. Special Conditions of Approval: The following variances or conditions of approval are included in the Conditional Use Permit as follows, and are or shall be deemed to be depicted on Exhibit "B", the Site Plan:

- a. The Fifth Third Bank Project entitlements comprise 9,282 square feet of office development including two drive-thru teller lanes.
- b. The Project is required to have a minimum of 37 parking spaces to meet the anticipated needs of the development plan and may create the additional 6 parking spaces needed for medical tenant usage of the 5,410 square feet of associated office space within the landscape area along the western border of the site.
- c. The entrance/exits to the Project along Aloma and Lakemont Avenues will be restricted to "right in/right out" only and the center line median on Lakemont Avenue shall be extended to the north 25 feet at the expense of the applicant.
- d. The Project signs along the two streets shall be limited to non-interior illuminated monument signs as presented.
- e. The western building elevation facing 17,000 cars a day traveling east on Aloma Avenue shall include significant brick veneer façade coverings to match the architectural pattern of the other building façades.
- f. The hours of operation of the drive-in teller speaker system is restricted to no later than 10:00 p.m. and no drive-in teller speaker noise shall be audible within any adjacent residential building.
- g. Replacement of the sweet gum and cypress trees on the northern border of the property with oak trees.
- h. Increase in the height of the proposed privacy wall on the northern property line to eight feet in height and construction to be of brick or brick veneer to match the primary structure with columns appropriately spaced and cap. Also, this privacy wall to be constructed in the first phase of the construction activity in order to serve as a buffer from construction noise/dust.
- i. Insure that the parapet wall height and location of AC and mechanical equipment screens such equipment from view.
- j. Add hedges and understory trees to the landscape area adjacent to the north side of the building consistent with that shown of the landscape areas on the east and south sides of the building.

- k. Modify the rear parking lot lighting on the northern border of the property adjacent to the residential properties to insure no light intrusion onto their properties.
- l. Relocate the dumpster to a location further removed from the abutting residential neighbors.
- m. Upon Matsby Properties L.L.C., its successors and assigns, submitting a final site plan to the City for the property with tax identification number 05-22-30-1140-00-160 (the "Matsby Property") and subject to commercially reasonable discretion of Fifth Third Bank, Fifth Third Bank, its successors and assigns shall enter into an agreement with Matsby Properties, L.L.C. providing for cross access between the Matsby Property and the property owned by Fifth Third Bank that is the subject of this approval. Fifth Third Bank and Matsby Properties, L.L.C. will continue to negotiate a reasonable resolution for the current impasse relating to the standards for which commercially reasonable discretion will be based for the potential cross access easement. Matsby Properties L.L.C., its successors and assigns, must submit to the City of Winter Park a complete submission of a final site plan for the Matsby Property made in good faith for purposes of developing the Matsby Property, prior to May 11, 2017, or this condition will automatically terminate and will become null and void in its entirety.

4. Each party to the Agreement represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Agreement and that all acts, approvals, procedures and similar matters required in order to authorize this Agreement have been taken, obtained or followed, as the case may be, and upon the execution of this Agreement by both parties, this Agreement shall be valid and binding upon the parties hereto and their successors in interest.

5. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

6. This Agreement may only be amended or terminated by a written agreement executed by all parties hereto or by their successors in interests.

7. This Agreement and the terms and conditions hereof shall be binding upon and inure to the benefit of the City, Developer and their respective successors in interests, and the terms and conditions shall be binding upon and inure to the benefit of the Subject Property, and shall run with title to the same.

8. This Agreement will be recorded by the City, at the City's expense, among the Public Records of Orange County, Florida. Notwithstanding the foregoing, the same shall not constitute any lien or encumbrance on title to the Subject Property and shall instead constitute record notice of government regulations which may regulate the use and enjoyment of the Subject Property. The City shall, upon written request by Developer, provide written confirmation of the status of this Agreement and performance or non-performance of obligations

hereunder as may be reasonably requested by Developer or any lender with respect to the Subject Property.

9. If any provisions of this Agreement are held to be illegal or invalid, the other provisions of this Agreement shall remain in full force and effect.

10. Term. This Agreement has a term of fifty (50) years.

11. Specific Performance. Strict compliance shall be required with each and every provision of this Agreement. The parties agree that failure to perform the obligations provided by this Agreement shall result in irreparable damage and that specific performance of these obligations may be obtained by a suit in equity.

12. Development Permits. Nothing herein shall limit the City's authority to grant or deny any development permit application or request subsequent to the effective date of this Agreement. The failure of this Agreement to address any particular City, County, State and/or Federal permit, condition, term or restriction shall not relieve Developer or the City of the necessity of complying with the law governing said permitting requirements, condition, term or restriction. Without imposing any limitation on the City's police powers, the City reserves the right to withhold, suspend, or terminate any and all certificates of occupancy or permits for the Property if Developer is in breach of any term and condition of this Agreement.

13. Termination. The City shall have the unconditional right, but not obligation, to terminate this Agreement, without notice or penalty, if Developer fails to receive building permits and substantially commence construction of the Project within three (3) years of the effective date of this Agreement. If the City terminates this Agreement, the City shall record a notice of termination in the public records of Orange County, Florida.

14. Recitals. The Recitals to this Agreement are incorporated herein and are a part of the Agreement.

15. Notice. Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) when (i) hand delivered to the other party at the address appearing on the first page of this Agreement, or (ii) when deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the part at the address appearing on the first page of this Agreement, or such other person or address as the party shall have specified by written notice to the other party delivered in accordance herewith.

16. Time of the Essence. Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Agreement.

17. Agreement. This Agreement, along with the Preliminary Plan, constitutes the entire agreement between the parties, and supersedes all previous discussions, understandings and agreements, with respect to the subject matter hereof.

18. Further Documentation. The parties agree that at any time following a request by the other party, each shall execute and deliver to the other party such further documents and

instruments, in form and substance reasonably necessary to confirm and/or effectuate the obligations of either party hereunder.

19. Attorneys' Fees. In the event that either party finds it necessary to commence an action against the other party to enforce any provision of this Agreement or because of a breach by the other party of any terms hereof, the prevailing party shall be entitled to recover from the other party its reasonable attorneys' fees, paralegal fees and costs incurred in connection therewith, at both trial and appellate levels, including bankruptcy proceedings, without regard to whether any legal proceedings are commenced or whether or not such action is prosecuted to judgment.

20. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.

21. Captions. Captions of the Sections and Subsections of this Agreement are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction, or meaning of the provisions of this Agreement.

22. Severability. If any word, sentence, phrase, paragraph, provision, or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof so long as the purpose and intent of this Agreement can still be achieved.

23. Effective Date. The Effective Date of this Agreement shall be the day this Agreement is last executed by a party hereto and such date shall be inserted on Page 1 of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

CITY OF WINTER PARK, FLORIDA, a political subdivision of the State of Florida

Name: _____

By: _____
Name: Steve Leary, Mayor

Name: _____

ATTEST:
By: _____
Cynthia S. Bonham, City Clerk

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Steve Leary, Mayor of THE CITY OF WINTER PARK, FLORIDA, a municipal corporation, on behalf of the corporation. He (She) is personally known to me or has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

FIFTH THIRD BANK, an Ohio banking corporation

By: _____

Name: _____

Its: _____

Date: _____

Name: _____

Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, as _____ of Fifth Third Bank. He (She) is personally known to me or has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

FIFTH THIRD BANK, an Ohio banking corporation

By: _____

Name: _____

Its: _____

Date: _____

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Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

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(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

Exhibits "A" and "B" to be attached for execution



city commission public hearing

Item type	Public Hearing	meeting date	August 10,2015						
prepared by	George Wiggins	approved by	<input checked="" type="checkbox"/>	City Manager					
department	Building & Permitting Services		<input type="checkbox"/>	City Attorney					
division			<input type="checkbox"/>	N A					
board approval	Construction Board Of Adjustments & Appeals	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	<input type="checkbox"/>	N A	5-0	final vote
strategic objective	<input checked="" type="checkbox"/>	Exceptional Quality of Life		<input type="checkbox"/>	Fiscal Stewardship				
	<input checked="" type="checkbox"/>	Intelligent Growth & Development		<input checked="" type="checkbox"/>	Public Health & Safety				
	<input type="checkbox"/>	Investment in Public Assets & Infrastructure							

subject

Updating Building Code & Property Maintenance Code Ordinance

motion | recommendation

Approve

background

Every three years the Florida Building Code is updated statewide, and concurrently most local governments update their administrative and technical amendments to the current edition of the Florida Building Code.

The major items amended or updated in this ordinance include:

- Update to Fifth Edition of Florida Building Code including separate volumes for Accessibility and Energy.
- Section 105.4.1.2 Page 4: Clarifies actions to be taken when permit expires.
- Section 105.24.1 Page 9: Provides specific dust control requirements during construction or demolition.
- Section 105.25.2 Page 9: Provides specific hours and days permitted for demolition activities due to the disruption and noise created during demolition of buildings.
- Section 110 Pages 11-14: Provides clarifications and more specific inspection requirements at various stages of construction
- Section 114 Violations Page 17: Provides a clearer path in identifying the process to follow in citing code violations, appeals procedure and remedial actions.

- Section R4501.17.1.16 Page 19: Clarifies requirement to protect all swimming pools during the construction process when workers are not present.
- Section 1609.3 Page 19: This section is not new but carries over our local wind design speed designation as the highest allowable under the Code for Winter Park, otherwise we default to a lower wind design category, and this gives specific guidance engineers and architects designing buildings in the City.
- Retains a local fire sprinkler amendment which requires fire sprinkler for new building in the central business district (has been in effect for over 25 years).
- Sec 22-76 Pages 20-30: Updates the International Property Maintenance Code to 2015 Edition and retains all more specific and more stringent building and property maintenance requirements implemented previously.

This ordinance also carries forward stringent conditions on permits (Section 105.4, Page 4) enacted several years ago to address timely completion of buildings and actions to be taken on inactive building sites; and continues a requirement (mostly on large commercial projects) to provide a detailed construction management plan detailing where construction worker parking, construction equipment, material storage and temporary structures will be located on the site under construction or on nearby properties, traffic routes used to access the site and the enforcement process for violation of the approved construction management plan.

alternatives | other considerations

Continue all administrative provisions without modification and drop technical amendment regarding fire sprinkler in central business district.

fiscal impact

None

ORDINANCE NO. _____

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

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

WHEREAS, the Fifth Edition Florida Building Code is in effect throughout the State of Florida as of June 30, 2015; and

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

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

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

WHEREAS, within the City of Winter Park there exists an area with a special zoning district known as the Commercial (C-2) District, where buildings are located in close proximity to each other with zero setbacks and in some cases are located next to older historic and non-historic buildings which require an additional level of fire protection through the provision of fire sprinkler systems; and

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

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

Section 1. All of the “**WHEREAS**” clauses mentioned above are fully incorporated herein.

Section 2. Article II, “Building Code,” Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby repealed and a new Article II is substituted to read as follows:

ARTICLE II. Building Code

Sec. 22-26. Short title.

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

Sec. 22-27. Codes adopted by reference.

The Fifth Edition 2010 Florida Building Code (with 2012 Amendments), including all volumes: Building, Existing Building, Fuel Gas, Plumbing, Mechanical, Accessibility, Energy and Residential, as published by the International Code Council, Inc, (Country Club Hills, Illinois) is hereby adopted by reference and is automatically in effect as required by Florida Statutes ~~with the ability for local governments to enact~~ and shall include administrative and technical amendments in this Chapter as deemed appropriate to meet local needs and to facilitate the administration of the Florida Building Code.

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

The Florida Building Code as adopted in section 22-27 is amended in the following respects:

Section 101.2.2 is amended as follows:

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

101.2.2 Unsafe Buildings shall be abated using the *International Property Maintenance Code 2012-2015 edition*, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

Section 101.2.3 is added as follows:

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

SECTION 103 is added to read as follows:

103. BUILDING DEPARTMENT OF BUILDING SAFETY

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

103.2 Employee qualifications

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

103.2.2 Employee qualifications. The building official, with the approval of the governing authority, may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired

as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida.

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

103.4 Records. The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection, except where exempted by Florida law.

103.5 Liability. Any officer or employee, or member of the construction board of adjustments and appeals, charged with the enforcement of this code, acting for the governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act, event or omission of action in the scope of his employment or function, unless he acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. Any suit brought against any officer or employee or member because of such act, event or omission performed by him in the enforcement of any provisions of this code shall be defended by the city until the final termination of the proceedings, unless such person acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights or property.

Section 104.1-104.57 is added to read as follows:

SECTION 104 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code, and shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Right of entry.

104.2.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

104.2.2 When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

104.3 Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or for violation of any provision of this building code or the code of ordinances of the city.

104.4 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the permit application or plans on which the permit or approval was based including unlicensed contracting.

104.5⁷ Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.

Section 105.4 is amended to read as follows:

105.4 Conditions of permit

105.4.1 Conditions of permit; permit term and intent.

105.4.1.1 The building official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code (including the Winter Park Code of Ordinances), nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction or of violations of this code (including the Winter Park Code of Ordinances). No substantial building site preparation, including but not limited to excavation or placement of fill or foundation construction, shall take place prior to the issuance of a building, foundation or site development permit. Issuance of such permits is limited to meeting all other city site development requirements, and is subject to the approval of the building official.

105.4.1.2 Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced and the building official is authorized to require that any work which has been commenced or completed be removed from the building site unless the permit is extended or renewed as approved by the building official due to extenuating circumstances.

105.4.1.3 In constructing, renovating or building a new one or two family dwelling, additions onto one or two-family dwellings or accessory buildings work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new

permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit unless an extension or reinstatement of the original permit is granted by the building official after receiving in writing reasons for the delay in completion of the building for good cause (see Section 105.15.1.6). When extending or reinstating a residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties. Furthermore any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the invalidation date, then the building official may take the necessary action to have the structure removed and have the property cleaned with all costs assessed against the property owner and if unpaid for 30 days shall be assessed as a lien against the property.

Standard criteria that may be applied when extending or reinstating an expired permit:

1. Limitation of noise: In addition to the specific prohibitions of noise from construction activities in Section 62-97 of Chapter 62, Article II "Noise and Disturbance Control," construction activity noise may be limited to week days between the hours of 8AM and 5PM.
2. Limitation of site cleanliness and storage of materials: In addition to the requirements addressing construction debris in Section 105.24, clean up of debris and discarded construction material may be required every 7 days; and storage of building material not in use may be limited to a storage period of 30 days.
3. Limitation of work hours to 5AM to 5PM, Monday through Friday, excluding holidays.
4. Parking of all vehicles, trailer(s) and equipment related to the construction project is limited to onsite parking or parking on a remote non-residentially zoned site.

105.4.1.4 With respect to commercial or multifamily building projects, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding ninety (90) days or ninety (90) days after the last inspection after which the building permit may be revoked and become void and the project shall be deemed an inactive construction site for the purpose of this Section. The licensed contractor and/or property owner shall maintain all construction sites in a safe condition and shall provide fencing or other protective barriers if needed for security and safety on active or inactive construction sites. All building sites shall be kept clean so as to minimize unsafe or hazardous conditions and unsightly appearance. Active construction sites shall be protected as directed by the Florida Building Code and the building official. When extending or reinstating a non-residential or multifamily residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties.

For inactive construction sites the licensed contractor or owner shall remove any silt fencing unless deemed necessary to protect adjacent public or private property from soil erosion or adverse drainage. During the first twelve (12) months after a construction project has

become an inactive construction site the licensed contractor or owner shall comply with one of the following actions:

- 1) Paint unfinished surfaces of uncompleted structure(s) with muted or approved paint color and remove construction fencing or set back exterior fencing and cover with a black or muted color screen cover at least ten (10) feet (or approved distance) from all property lines abutting public streets. Provide an approved landscape barrier, sod or other approved surface: such as, but not limited to, mulch within the approved set back area. The approved landscape barrier or sod must be irrigated and maintained in good condition until the project can proceed with active construction. All buildings must be secured in an aesthetic manner to prevent entry in accordance with Section 22-177(108.9) where boarding up openings are used. All construction debris must be removed from the site and overgrowth of grass, weeds and vegetative growth must be mowed regularly to comply with Section 22-177 (302.4) of the Winter Park Code: or
- 2) Remove all incomplete structures (exclusive of the principal building(s) under construction); remove unused materials or store inside incomplete building or place out of view from the surrounding lot lines and maintain the property free of debris and overgrowth in accordance with Section 22-177 (302.4) of the Winter Park Code: or
- 3) Provide a written plan and completion time line outlining proposed measures to be taken to maintain the construction site in a safe and aesthetic manner until construction of the project can proceed. The plan must be reviewed and approved by the building official.

In addition to the above required actions for an inactive construction site, after twelve (12) months, at the discretion of the Building Official based on safety concerns, all temporary or non-permitted fencing must be removed and the property shall be maintained free of overgrowth in accordance with Section 22-177 (302.4) of the Winter Park Code.

Upon a determination by the building official that the subject project is not in compliance with this section, the licensed contractor or property owner may appeal the building official's decision to the Construction Board of Adjustments and Appeals to affirm or to amend and modify the decision of the building official. Failure to comply with any of these actions will result in the Building Official referring the matter to the Code Enforcement Board. If the Code Enforcement Board finds a serious threat to public health, safety and welfare, the Code Enforcement Board may recommend reasonable repairs to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with a fine, as provided for in Section 162.09, Florida Statutes.

Active construction sites shall be protected as directed by the Florida Building Code and the building official.

105.4.1.5 In addition to any stricter provisions listed in 104.3 for revoking or voiding a permit, failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment of the permit. One or more extensions of time, for periods not more than 180 days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.

105.4.1.6 For good cause shown, in order to keep the permit valid, the building official may grant one or more extensions of time for periods not exceeding 90 days each. Requests for extensions shall be in writing and addressed to the building official, shall state the basis for the request, and shall be filed prior to the expiration of the permit period or any extension thereof previously granted. Such extensions as may be granted shall be in writing by the building official.

105.4.1.7 Good cause for an extension shall include, but not be limited to, the following circumstances beyond the control of the permit holder:

- (1) Acts of God and other natural disasters.
- (2) Material shortages.
- (3) Interruptions due to strikes or other employee job actions.
- (4) Fire, explosion, or some similar catastrophe.
- (5) Financial reversals of a temporary nature.
- (6) Other situations beyond the control of the permit holder.

Section 105.5 is added to read as follows:

105.5 Construction site management. The building official may require a detailed site management plan and completion schedule prior to the approval of a building permit or during the process of completing any active or inactive construction or demolition project. The site management plan shall, at a minimum, provide specific information outlining where all construction worker parking, construction equipment, material storage and temporary structures will be located on the site under construction or on nearby properties, and the plan is subject to review and approval by the building official. Additionally, traffic routes to and from the site, pedestrian safety barriers and fencing shall be included on the site management plan and shall be identified for approval. The site management plan must also reflect where displaced public or private parking is temporarily located during the term of the project to the maximum extent feasible. Failure to comply with the approved site management plan shall result in the placement of a "stop work" order as outlined in Section 115.4.4, the issuance of a citation, by referring the violation to be heard by the Code Enforcement Board or any other remedy provided at law. The approved construction site management plan must be kept at the construction site and be available at all times during the construction process and be made available to the building official or city inspectors.

Section ~~405.46~~ 105.18 is added to read as follows:

~~5.46~~ 105.18 Temporary toilet facilities for workers. Suitable temporary toilet facilities as determined by the building official in reliance upon normal industry standards shall be provided and maintained in a sanitary condition for the use of workers during construction. Such facilities shall be regularly cleaned and provided in a well-ventilated location and shall be placed at least 15 feet from the side property line of the lot on which it is located and may not be placed in the public right-of-way. The location of temporary toilet facilities on the property may be changed by the building official to recognize unique conditions or a less offensive location for neighbors.

Section ~~405.7~~ 105.19 is added to read as follows:

~~405.47~~ 105.19 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official’s approval or the necessary permits shall be subject to a penalty of triple the basic permit fee. This provision does not apply if the building official determines that due to emergency work a delay would clearly have placed life or property in imminent danger. The payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

Sections ~~405.18~~ 105.20 to ~~405.25~~ 105.27 are added to read as follows:

~~405.18~~ 105.20 Building permit valuations. If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including design costs, materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council’s ~~Building Safety magazine~~ or other current valuation data available at the option of the building official or by using the actual contract amount for the construction improvement with the higher amount used for the permit valuation.

The following Section ~~405.19~~ 105.21 replaces Section 109:

~~405.19.1~~ 105.21.1 Permit fees. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a plan review fee for each permit shall be paid as required at the time of applying for the permit, and a fee shall be paid as required at the time of obtaining the permit in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. The established permit and plan review fee shall include the costs of services for enforcing the land development code in the areas of plan review, inspection, and preliminary consultation for a project and administration of the land development code. The amount of refunds for any building permit, including single-family dwellings, shall be determined by deducting the cost of all city services including but not limited to plan review fees. When one year has elapsed from the time of issuance of a permit, no refunds shall be processed. No new permit shall be issued to a building permit applicant who has outstanding unpaid fees from any previous permit issued to said applicant, including but not limited to re-inspection fees, impact fees, or “stop work order” charges or who has outstanding permits which have not received either final inspection approval or a release on abandoned projects after more than six months of inactivity except for extenuating circumstances such as good cause as delineated under Section 105.4.1.7.

~~405.19.2~~ 105.21.2 Electronic filing of permit documents. After all applicable city departments have reviewed and approved submitted permit documents and plans filed as part of an application for a building permit, and after all required corrections are made to the submitted permit documents and plans, prior to final issuance of the approved permit. The permit applicant must submit an electronic copy of the approved permit documents and plans in a format compatible with the city’s electronic storage and retrieval system prior to obtaining the building permit, or the permit applicant may pay a fee in lieu of providing the electronic copy of the approved plan documents. The fee shall be the city’s cost plus administrative costs to produce an electronic copy of the approved permit documents and plans and shall be listed in the city’s most recently adopted or amended schedule of fees as approved by the City Commission. The building official may allow the building permit to be issued prior to providing the

electronic permit documents and plans to prevent delays in the construction project. However, such electronic documents and plans must be submitted within thirty (30) days of issuing the building permit. In addition, when plan revisions occur during the construction process, the permit applicant must submit an electronic copy of the final construction documents with approved revisions prior to final inspection approval of the project or the permit applicant may pay a fee in lieu of providing the electronic copy of the final construction documents with approved revisions as referenced in this section. The implementation of these provisions for electronic filing and storage of permitting documents may be suspended or amended to implement any improved methods of permit document storage which become available.

~~405.20~~ 105.22 Tents. Temporary tent structures with an area of 100 square feet or less which do not block access to buildings, violate zoning setbacks and are not used to expand or provide a commercial business do not require a permit. Temporary for the purpose of this section shall be defined as 7 calendar days or less. Temporary structures over 100 square feet shall comply with Section 3103 of the Florida Building Code.

~~405.24~~ 105.23 Additional data. The building official may require details, computations, stress diagrams, surveys and other data necessary to describe the construction, ensure proper building placement on a site, to verify code compliant installation(s) and to determine the basis of calculations provided.

~~405.22~~ 105.24 Contractor/owner responsibility.

105.24.1 The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, free of overgrown weeds and grass over 12 inches in height, and the accumulation of construction debris must not remain on the property for a period of time exceeding 10 days. Dust created during construction or demolition must be contained on the site or close proximity to building or structure through wetting down the dust or materials or any alternate means that prevents dust from leaving the property. Violation of these conditions shall authorize the building official to place a stop work order on such jobs in violation of this section and require removal of debris and overgrowth. Other remedies shall include referring the violation to the Code Enforcement Board or having all debris removed from job site by the city and charging all costs to the contractor or the property owner and if unpaid for 30 days shall be assessed as a lien against the property.

105.24.2 The contractor, the owner or his agent, upon completion of a building or construction project, shall immediately remove all walkways, debris and all other obstructions and leave such public property in as good a condition as it was before work was commenced and shall replace all broken curbs, sidewalks or other damaged public utilities or property to the satisfaction of the Public Works Department prior to obtaining a certificate of occupancy/completion or within 14 calendar days from notification if no certificate of occupancy/completion is issued. Failure to correct damaged public property will result in the city taking action to make corrections and all costs incurred will be charged to the property owner and/or contractor, and a lien will be placed against the property for the costs of repairs.

~~405.23~~ 105.25 Demolition –

105.25.1 Rodent and dust control. In order to control spread of infestation by rodents, the building official may require proof that a building proposed to be demolished is free of rodents. Such proof may be certification by a state certified pest control operator that the building is free of

infestation by rodents. Dust control shall be maintained at all times during demolition by watering or other protective means. This Section shall apply to all buildings, residential and non-residential as directed above. In addition, Section 3303 of the Florida Building Code, Building Edition, shall apply where applicable.

105.25.2 Work hours and days. Due to the disruptive nature of demolition activity the hours of operation permitted for demolition activities are limited to the following time periods:

Residential areas zoned for one and two family dwellings: 7:30AM to 6PM Monday through Saturday.

Non-residential multi-family zoned areas: 7:30AM to 6:30PM Monday through Saturday.

Prohibited days include: Sundays and New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day or Christmas Day.

~~405.24~~ 105.26 Notice provision for demolition of buildings.

(a) Prior to the issuance of a permit for the demolition of a building, the property owner or the designated representative of the owner of the building proposed for demolition shall post a notice on the property where the building is located so as to be easily visible and readable from the abutting street frontage and shall remain in place for 30 days. This notice shall be provided by the City and shall include the following information:

- (1) Owner of the property.
- (2) Date of posting the notice.
- (3) Address of the building planned for demolition and statement that the building will be demolished at the end of the posting period.

(b) Buildings not required to follow the notice of demolition provisions of this section:

1. Buildings which are determined to be a safety hazard, unsafe, a public nuisance, or otherwise dangerous and require immediate removal.
2. Accessory buildings, such as detached carports, garages, sheds, storage buildings, arbors, boathouses, greenhouses, and similar detached structures.
3. Other buildings as determined by the building official, such as certain commercial or multifamily buildings, but not including any building listed on the city's registry of historical buildings.

Section ~~406.2~~ 107.2.45 is added to read as follows:

~~407.2.4~~ 107.2.5 Site plan.

107.2.4.45.2 Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor.

Section 107.7 is added to read as follows:

107.7 Hazardous occupancies. The building official may require the following:

1. General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
2. Building floor plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous material storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.2 Preliminary inspections. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy.

110.3 Required inspections. The building official upon notification from the permit holder or his or her agent shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Required inspections listed in Section 110.3 are amended as follows:

Building.

1-4 Foundation inspection: To be made after trenches are excavated, and forms and reinforcing steel is in place, ~~erected~~ and shall at a minimum include the following building components:

- stem-wall
- monolithic slab-on-grade
- piling/pile caps
- footers/grade beams
- column pads
- waterproofing
- footer steel grounding

1.1 In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 Florida Building Code Building and R3221.1.1 Florida Building Code Residential, shall be submitted to the building official shall be submitted to the authority having jurisdiction.

1.2 Slab Inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed, termite soil treatment, sub-grade electrical, plumbing, and mechanical work is complete. Slab shall not be poured until all previous required inspections have been approved.

1.3 A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the floor slab inspection. The survey shall certify placement of the building on the site, finish floor elevation and indicate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, when requested and approved by the building official, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

~~1.4. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 Florida Building Code Building and R3221.1.1 Florida Building Code Residential, shall be submitted to the building official. shall be submitted to the authority having jurisdiction.~~

1.45 Tie Beam/Lintel or Column Inspection (masonry/reinforced concrete construction only): To be made after all reinforcing steel is in place and clean outs provided.

2.4 Framing inspection: To be made after the roof, all framing, fireblocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete; the rough electrical, plumbing, heating wires, pipes and ducts are approved; and shall at a minimum include the following building components and requirements:

- window/door framing and installation
- vertical cells/columns
- lintel/tie beams
- framing/trusses/bracing/connectors
- draft stopping/fire-blocking
- curtain wall framing
- energy insulation (to be made after the framing inspection is approved & insulation is in place)
- accessibility provisions
- verify verification that rough opening dimensions are within tolerances allowed

2.2 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance- rated assembly or a shear assembly.

3.4 Sheathing inspection: To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- roof sheathing
- wall sheathing
- sheathing fasteners
- roof/wall/dry-in

NOTE: Sheathing fasteners installed and found to be missing on the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

3.12. Fire rated component inspection: To be made when components are in place and fasteners are visible for all wall, floor, roof or ceiling assemblies.

4. Roofing inspection: To be made as two inspections on tile, slate or similar roof coverings or as one inspection on all other roof coverings, and shall at a minimum include the following building components:

- dry-in
- insulation
- roof coverings
- flashing

5. Final inspection: To be made after the building is completed and ready for occupancy.

5.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the building official ~~authority having jurisdiction~~.

6. Swimming pool inspection:

- First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.
- Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.
- In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in the Florida Building Code (Section 454.2.17).

Specific swimming pool inspections required below:

1st. - **Pool steel & ground:** *Pipe sizing and pressure test*

2nd. - **Plumbing rough:** *Trench, bond wire, piping placement and pressure test.*

3rd. - **Deck inspection:** *Size, location and bonding grid.*

4th. - **Safety inspection:** *Before plaster: drain covers, pool barriers, and light niche bonding.*

5th. - **Pool electrical final:** *Electrical bonding, equipment connections, GFCI devices, and disconnects.*

6th. - **Pool final:** *Total Dynamic head pressure, permanent barrier or alarms and pool swim out.*

7. Demolition inspections:

- First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.

- Final inspection to be made after all demolition work is completed.

8. Manufactured building inspections. The building department shall inspect construction of foundations; connection of buildings to foundations; installation of parts identified on plans as site installed items joining the modules, including utility crossovers; utility connections from the building to utility lines on site; utility lines on site; and any other work done on site which requires compliance with the Florida Building Code. Additional inspections may be required for public educational facilities. (See Section 453).

9. Where impact resistant coverings or impact resistant systems are installed, the building official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following: The system indicated on the plans is installed. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

1. Underground inspection: To be made after trenches or ditches are excavated, conduit or cable installed, footer steel grounding is in place and before any backfill is put in place.
2. Rough-In inspection: To be made after the roof, framing, fire-blocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Temporary power inspection: To be made after temporary power pole is in place and properly supported.
5. New electrical service inspection: To be made when all electrical work is complete and prior to energizing the electrical service.

Plumbing

1. Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-In inspection: To be made after the roof, framing, fire-blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes. Additional inspections shall include top out, tub sets, sewer and water service inspections.
3. Final inspection: To be made after the building is complete, all required plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section P312 of the Florida Building Code, (Plumbing) for required tests.

Mechanical

1. Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

2. Rough-In inspection: To be made after the roof, framing, fire-blocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. Rough piping inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. Final piping inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Add Section ~~440.7~~ 110.3.10 to read as follows:

~~440.7~~ 110.3.10 Final inspections. The licensed contractor and permit holder shall be responsible for obtaining final inspections and a certificate of occupancy/completion for all permits within a timely manner after completion of work. Timely shall mean within 30 calendar days after completion of work. Failure to obtain such final inspections and certificates of occupancy/completion shall be a violation of this article.

Section 111 Certificate of Occupancy

Add Section 111.1.1 to read as follows:

111.1.1 Issuing Certificate of Occupancy. Upon completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, and after verification that all septic system permits have received an approved final inspection where applicable, and after approval of other City departments involved in the inspection of the building or site, the building official shall issue a Certificate of Occupancy containing the information listed in Section 111.2 of the Florida Building Code and any other information required by the city. Delays in obtaining a certificate of occupancy by the contractor or property owner after fulfilling the above listed conditions will result in the automatic issuance of the certificate of occupancy with the issuance date recorded as the date on which final inspection approval occurred.

Add Section 112.4 & .5 to read as follows:

112.4 Underground utilities. In order to improve the aesthetic appeal of the city and to reduce hazards from wind storms, all utility lines such as electric, telephone, cable TV and other utilities shall be placed underground in conjunction with new construction, substantial renovation, and repair

of buildings, signs or other structures or when a building is undergoing an electrical service upgrade from a 200 amperage service to a greater amperage service. Substantial renovation shall be renovation and/or additions whose building permit value exceeds 50 percent of the value of the existing improvements on the most current property tax roll published by the Orange County Property Appraiser. The city recognizes that certain physical elements such as existing buildings, swimming pools, large trees and such may impose unreasonable hardships on the property owner's compliance with the placement of utilities underground. Upon confirmation of these hardships by the utility companies, the building official may waive this requirement.

SECTION 112.5 TESTS

112.5 For products not covered under the statewide product evaluation and approval system, the building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

SECTION 113 CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

113 Construction board of adjustments and appeals.

113.1 Membership. There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of 7 members and one alternate member. The alternate member of this board shall also be licensed and employed or practicing in one of the trades regulated by this board. The board shall be comprised of 2 licensed contractors (building, residential or general), one (4) practicing architect, one structural engineer, one master electrician, one master plumber and one mechanical contractor or mechanical engineer. The board shall be appointed by the mayor and confirmed by the city commission.

113.2 Terms of office. Members shall be appointed for terms of 3 years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

113.3 Quorum. Four members of the board shall constitute a quorum, in the case of a matter or case concerning an electrical, plumbing or mechanical matter before the board, the respective appointee knowledgeable of that field shall be present in order to make a decision. In hearing appeals of the enforcement of the application of any provisions of the building codes including electrical, plumbing, fuel gas or mechanical volumes of the Florida Building Code or in modifying an order of the building official, affirmative votes of the majority present, but not less than 3 affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

113.4 Secretary of board. The building official or designee of the building official shall act as ~~secretary~~ staff liaison of the construction board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

113.5 Authority. The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official of this code and shall also have the authority to suspend or revoke the certificate of competency or state certification (within the city) of any residential, building, general, roofing, swimming pool, electrical, plumbing, mechanical or other

specialty contractor doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:

- (1) Fraud or deceit in obtaining a certificate of competency.
- (2) Negligence, incompetence or misconduct in the practice of contracting within the meaning of this chapter.
- (3) Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.

113.6 Decision of the building official. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

113.7 Procedures. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet expeditiously after notice of appeal has been received within 21 days but no more than 30 days.

113.8 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.

113.9 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.

113.10 Decisions. The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A copy of the decision shall be sent by mail or hand delivery to the appellant, and a copy shall be kept publicly in the office of the building official. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. Appeals from the decision of the construction board of adjustments and appeals relating to provisions of the Florida

Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to section 120.569 Florida Statutes, regarding the local government's action.

Section 114 is added as follows:

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Appeals of the Notice of Violation may be filed and heard by the Board of Adjustments and Appeals in accordance with the appeal procedure outlined in Section 113. Failure to comply with the Notice of Violation may result in referring the matter to the Code Enforcement Board who are empowered to impose fines in accordance with procedures set forth in Section 2-107 of the Winter Park Code of Ordinances.

114.34 Violation of code provisions. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code or the code of ordinances of the city.

Section 115 is amended as follows:

115.1.1 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of ~~this code~~ the Florida Building Code or the code of ordinances of the city or in a dangerous or unsafe manner, shall immediately cease, regardless of whether permitted plans have been reviewed by the city or permits have been issued. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, or by posting the building, structure or property upon which work is being performed and shall state the reason(s) for stopping work. In an emergency situation, the building official shall not be required to give a written notice prior to stopping the work. Remedial action to correct violations or deficiencies shall be addressed by the owner, contractor or designer in a timely manner not to exceed time limits as set by the building official. Such remedial or corrective action shall be submitted for review and approval to the ~~B~~building Department official when required.

Section 116 is added as follows:

116 Unsafe buildings or systems.

116.6.1 Abatement. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are

otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or unsafe service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Section 108 and 109.1-.4 of the International Property Maintenance Code or other provisions of the building and property maintenance code of the city where applicable. All repairs shall be performed in accordance with the Florida Building Code.

116.6.2. Public nuisances. Public nuisances are defined in section 22-177(202) under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code enforcement board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this chapter. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

116.6.3. Vacant buildings. No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with section 22-177(304.6). Exterior walls and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the color of the building, but shall not be brightly colored such as bright red, orange, green, or purple colors but rather shall be muted colors such as but not limited to tan or grey.

116.6.4 VIOLATIONS AND PENALTIES

116.6.4. Violations and penalties. Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.

Section 202 is amended by adding or altering the following definitions:

Building department: The city's building and permitting services ~~code enforcement~~ department.

Building official: The officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this chapter, also known as the director of building and permitting services ~~code enforcement~~.

Sections 454.3 and R4501.17.1.16 is added as follows:

R4101.17.4 454.3 (Building) and R4501.17.1.16 (Residential) swimming pool enclosure protection during construction.

Prior to the start of During the construction of public or private swimming pools, the permanent fence or wall meeting all applicable requirements of the Florida Building Code, Residential Volume, Chapter 445, or a temporary fence at least four (4) feet in height above the grade shall be installed. This fence or wall shall be closed, latched and locked at all times, except when work is in progress and workmen are on the site. The temporary fence shall not be removed except when the permanent fence, wall, enclosure or swimming pool is being actively constructed. At no time shall the pool be left by workmen unless secured by either the permanent or temporary enclosure. Swimming pool barrier protection shall allow bodies of water such as lakes, canals and streams to serve as one side of the required barrier when the water frontage is at least six feet wide beyond the shoreline, and the side yard fence barrier proceeds at least one foot into the water body or the fence continues to the edge of the water to the top of a canal or stream bulkhead wall. Provisions in this section shall also apply to swimming pools on ~~multi-family or commercial~~ all building sites, including commercial, residential or multifamily projects.

Section 903.1 shall be in addition to the fire sprinkler provisions required in the Florida Building Code is amended as follows:

903 Automatic sprinklers systems. Approved automatic sprinkler systems installed in buildings shall comply with Section 903 of the Florida Building Code and in addition shall meet the following provisions:

903.1 Where required

903.2.13 Approved automatic sprinkler systems shall be provided in all buildings in the Commercial (C-2) zoning district as defined in the Land Development Code (Chapter 58).

Section 1609.3 is amended as follows for the purpose of determination of design wind loads in Winter Park:

Section 1609.3 Basic wind speed. The ultimate design wind speed V_{ult} in miles per hour, for the development of the wind loads shall be determined by Figures 1609A, 1609B and 1609C. The ultimate design wind speed V_{ult} for use in the design of Risk Category II buildings and structures shall be obtained from Figure 1609A. The ultimate design wind speed V_{ult} for use in the design of Risk Category III and IV buildings and structures shall be obtained from Figure 1609B. The ultimate design wind speed V_{ult} for use in the design of Risk Category I buildings and structures shall be obtained from Figure 1609C. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores wherever possible. For the purpose of complying with the structural requirements related to wind loads, all buildings and structures including one and two family dwellings shall comply with the following ultimate design wind speeds V_{ult} :

- 1) Risk Category I: 130 mph
- 2) Risk Category II: 139.9 mph
- 3) Risk Category III & IV: 150 mph

As indicated in Figures 1609 A, B, & C linear interpolation between wind contour lines is permitted.

Exception: Buildings designed utilizing one of the alternate prescriptive wind design standards permitted in the Florida Building Code.

This wind speed determination is an administrative amendment to the Florida Building Code for the purpose of giving guidance to designers and to provide uniformity with neighboring jurisdictions and is not a local technical amendment or change in the published Florida Building Code wind load criteria.

Section 3. Article V, "Property and Building Maintenance," Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby amended and to read as follows:

Sec. 22-176. Code adopted. The International Property Maintenance Code, ~~2012~~ 2015 edition, as published by International Code Council, Inc., is hereby adopted by reference, together with modifications and amendments contained in this article, and shall be known as the property and building maintenance code of the city. All references within the International Property Maintenance Code to the International Code(s) shall refer to the applicable Florida Building Code(s).

Sec. 22-177 Amendments

The International Property Maintenance Code, ~~2012~~ 2015 edition, is hereby amended in the following respects:

General: All references to the International Building, Plumbing, Mechanical, Fuel Gas, Fire, Electrical and Zoning Codes shall mean the respective building, residential, plumbing, mechanical, gas, fire, electrical, and zoning codes of the city.

Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the property and building maintenance code of Winter Park, hereinafter referred to as "this code."

Section 103 is deleted.

Section 106.6 is added to read as follows:

106.6 Codes and ordinances enforced. The provisions of this article are an additional and supplemental means of enforcing city codes and ordinances and may be used for the enforcement of this article. Nothing contained in this article shall prohibit the city from enforcing its codes and ordinances by any other means.

Section 108.1.1 is amended to read as follows:

108.1.1 Unsafe structures. An unsafe structure is one that is found to be a nuisance or dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible. ~~or is~~

~~determined to be unsafe based on the definition of "Unsafe Building" in section 22-29 of this chapter.~~

Sections 108.8 and 108.9 are added as follows:

108.7 ~~8~~ Public nuisances. Public nuisances are defined in section 22-177(202) under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code enforcement board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this code. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

108.8 ~~9~~ Vacant buildings. No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with section 22-177(304.6). "Exterior walls" and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building.

Section 110.1 is amended to read as follows:

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than 90 days, to demolish and remove such structure; or where a nuisance exists, the code official shall order the owner of the premises to correct or remove conditions causing the nuisance. The existence of a nuisance shall constitute a violation of this code.

Section 111 (including subsections 111.1 through 111.8 inclusive) is amended to read as follows:

Applications for appeals from the enforcement of provisions of this code shall be heard by the construction board of adjustment and appeals under the criteria and guidelines addressed in the building code of the city, as adopted in this article.

Section 202. General definitions is amended by adding or altering the following definitions:

~~**Code official.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative, and also known as the building official. [Note: See Definition in International Property Maintenance Code]~~

~~**Department.** The building and code enforcement department. [Note: See Section 302.8.3 Enforcement, of this Code]~~

Nuisance. The following shall be defined as nuisances: It is a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city to maintain, or permit to exist, such premises in such manner that any one or more of the following conditions are to exist thereon:

- (1) Any public nuisance known at common law or in equity jurisprudence.
- (2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
- (3) Whatever is dangerous to human life or is detrimental to health, as determined by the Orange County Environmental Health Department or the code official.
- (4) Overcrowding a room with occupants.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewage or plumbing facilities.
- (7) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Orange County Health Department or the code official.
- (8) Any place or premises which have been used on more than two occasions as the site of the unlawful sale or delivery of controlled substances.
- (9) Any building or premises declared to be a public nuisance by the nuisance abatement board.
- (10) Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties.
- (11) Buildings which are abandoned for a period of six months, or permitted to remain unreasonably in a state of partial destruction for a period of four months without a building permit having been obtained and substantial construction performed, or permitted to remain unreasonably in a state of partial construction without substantial construction being performed. Substantial construction shall mean construction sufficiently noticeable to the public to give notice of ongoing construction work.
- (12) The failure to close, by such means as are acceptable to the code official, all doorways, windows and other openings into vacant structures.
- (13) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.

- (14) Vegetation, including dry grass, dead shrubs, dead trees, combustible refuse and waste, or any material growing upon the area between the traveled way and the property line, sidewalks or upon private property which by reason of size, manner of growth and location would create any one or more of the following:
- a. A condition likely to constitute a fire hazard to any building, improvement or other property, or when dry will in reasonable probability constitute a fire hazard;
 - b. A condition likely to harbor rats, vermin or other similar creatures constituting a health hazard; or
 - c. Causes appreciable harm or material detriment to the aesthetic and/or property values of surrounding property.
- (15) Dead, decayed, diseased or hazardous trees, weeds and other vegetation:
- a. Dangerous to public safety and welfare; or
 - b. Causing appreciable harm or material detriment to the aesthetic and/or property values of surrounding property.
- (16) The accumulation and storage on any premises for more than 10 days of abandoned, wrecked, dismantled or inoperative automobiles, trailers, campers, boats, other mobile equipment, or major part thereof within the view of persons on public or other property adjacent to the premises.
- (17) Attractive nuisances dangerous to children in the form of:
- a. Abandoned and broken equipment; or
 - b. Unprotected and/or hazardous pools, ponds and excavation; or
 - c. Neglected machinery.
- (18) Waste on the premises which by reason of its location is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community or which would materially hamper or interfere with the suppression of fire upon the premises or adjacent premises and which is visible from public property or from neighboring properties for a period of time in excess of ten days. "Waste" is defined for the purpose of this section as unused or discarded matter and material which consists (without limitation or exclusion by enumeration) of such matter and material as rubbish and refuse and matter of any kind including, but not limited to, rubble, debris, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, furniture and household equipment or parts thereof, lumber, trash, dirt, machinery or parts thereof, scrap metal and pieces of metal, ferrous or nonferrous, bottles, bedding, etc.

- (19) The accumulation of dirt, litter or debris in vestibules, doorways or the adjoining sidewalks of commercial or industrial buildings.
- (20) The maintenance of signs and/or sign structures relating to uses no longer conducted or products no longer sold on vacant commercial, office, industrial or institutional buildings more than 45 days after such building becomes vacant.
- (21) The maintenance of any structure in a defective, unsightly, deteriorated and unrepaired condition, which is viewable from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.
- (22) The substantial lack of maintenance of grounds within the city on which structures exist, where the grounds are viewable by the public from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.

Section 302 shall be amended to read as follows:

302.1 Sanitation and storage of materials. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. It shall be unlawful for any person to permit any old, broken lumber, rusted or unused equipment, discarded refrigerators, stoves, old pipe or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than five days.

It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the code official.

Section 302.4 shall be amended as follow:

302.4. Weeds and overgrowth.

302.4.1 Clearing overgrowth. The owner or the agent of such owner or occupant of any lot, place or area within the city shall not permit any trash, rubbish or noxious matter to remain lying on such lot, place or area or upon any sidewalk or street right-of-way abutting the lot, place or area. Upon sidewalks, noxious matter shall include accumulations of sand, leaves, algae growth, slippery conditions, food or food residue, and vegetation. Likewise, such owner, his agent and the occupant shall not permit any weeds or grass to grow to a height exceeding 12 inches upon any portion of such lot, place or area or upon any sidewalk, over street curbs or street right-of-way abutting such lot, place or area. For land being used for a bona fide commercial agricultural purpose, the limitation

on the height of grass or weeds shall only apply to the first 20 feet of such lands abutting a public street or adjacent developed property. The limitation on the height of grass or weeds shall not apply to undeveloped wild land that remains in a natural state unless determined to be a fire hazard or other health hazard as determined by the code official.

302.4.2 Notice. The city shall notify in writing the owner of any lot, place or area within the city or the agent of such owner or the occupant to cut, destroy or remove any weeds, grass, trash, rubbish or noxious matter found growing, lying or located on such owner or occupant's property or upon the sidewalk or street right-of-way abutting the property and that, upon the failure of the owner or agent or occupant to do so. The city will cause such weeds, grass, rubbish or noxious matter to be cut, destroyed or removed. Such notice shall be by certified mail, addressed to the owner or agent of the owner or occupant, at his last known address, or by hand delivery to the owner or agent of the owner or occupant. In lieu of notice by certified mail, a notice may be posted on the property upon which the violation is alleged to exist and at the office of code enforcement, and proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date, and the place of its posting. Notice by posting may run concurrently with, or may follow an attempt or attempts to provide notice by hand delivery or by mail, as required by this subsection.

302.4.3 Clearing by city. Upon failure, neglect or refusal of any owner, agent or occupant notified as provided in this article to cut, destroy or remove weeds, grass, trash, rubbish or noxious matter growing, lying or located upon such owner or occupant's property or upon the sidewalk or street right-of-way abutting property, within five days of posting the property as provided for in this article, or within five days upon receipt of the written notice provided for in this article or within five days after the date of such notice, if the notice is returned to the city because of the inability of the post office to make delivery thereof, provided the notice was properly addressed to the last known address of such owner, agent or occupant, the city may, in addition to any other penalties provided for in this Code, pay for the cutting, destroying or removing of such weeds, grass, trash, rubbish or noxious matter or effect the removal by the city.

302.4.4 Charges. When the city has affected the removal of obnoxious growth or has paid for its removal the actual cost thereof, including administrative costs, plus accrued interest at the rate of twelve percent per annum beginning 30 days after completion of the work, shall be charged to the owner or occupant of such property.

302.4.5 Lien. Where the full amount due the city is not paid by such owner or occupant within 30 days after the cutting, destroying or removal of weeds, grass, trash, rubbish or noxious matter as set forth in sections 302.4.3 and 302.4.4, such charges are declared a lien upon the property and the provisions of sections 102-135 shall apply.

Section 302.8 shall be amended to read as follows:

302.8 Abandoned and disabled motor vehicles.

302.8.1 Definitions:

Abandoned motor vehicle means any motor-driven vehicle, regardless of size, which is left unattended for a period exceeding 48 hours.

Disabled motor vehicle means any motor-driven vehicle, regardless of size, which is incapable of being self-propelled upon the public streets of the city or which does not meet the requirements for operation upon the public streets of the city, including a current motor vehicle license.

A motor vehicle shall be considered abandoned or disabled if it is in a state of evident disuse, neglect or abandonment. Evidence of disuse, neglect or abandonment may include, without limitation, factors such as: the vehicle being wrecked or inoperative; the vehicle being partially dismantled, having no engine, transmission, or other major or necessary parts; the vehicle having no valid license tag; there being vegetation underneath the vehicle as high as the vehicle body or frame; there being refuse or debris collected under the vehicle; the vehicle being used solely for storage purposes; or the vehicle being in any physical state rendering it inoperable or unsightly to the neighborhood.

302.8.2 Responsibility and liability. It shall be the joint and several responsibility of both the property owner upon whose property a disabled or abandoned motor vehicle is located and the owner of such vehicle to meet the requirements of this article, and the property owner and vehicle owner shall both be subject to any and all penalties for violations hereof. The property owner and vehicle owner shall jointly and severally be liable to the city for the payment of any unrecovered expenses incurred by the city in the removal and disposition of motor vehicles. If the expenses are not paid upon demand, a lien shall be placed upon the property and the vehicle for the amount of such expenses and costs.

302.8.3 Enforcement. It shall be the duty of the police department to enforce this article for disabled or abandoned motor vehicles within the public right-of-way or on public property. The ~~code enforcement division compliance section of the planning and community development fire-rescue department~~ shall enforce provisions of this article relating to disabled vehicles on private property and property maintenance provisions of this Chapter.

302.8.4 Notice of violation.

302.8.4.1 When a disabled motor vehicle is found to be in violation of this article, a code inspector or a police officer shall give the owner on whose property the disabled motor vehicle is located a notice that the vehicle is in violation of this article and must be removed within ten days. This notice shall be in writing and shall state the date on which the ten days' notice shall expire and shall further state that if the notice has not been complied with and the disabled motor vehicle removed within such ten calendar days that enforcement of this article will ensue. Should the owner of the property upon which the disabled motor vehicle is located not be an occupant or not in possession of this property, in addition to such notice to the owner, the notice shall be served upon the occupant or person in possession of the property. The code inspector or police officer shall make every reasonable attempt to ascertain the owner of the vehicle, and shall notify any such vehicle owner so identified within either reasonable notice delivered by mail or personal service at any known business or residential address of such owner.

302.8.4.2 Within the ten calendar day period specified in the notice, the owner of the vehicle or the owner of the property or an authorized agent may appeal to the director of code enforcement or his designee. The director of code enforcement or his designee shall

determine the validity of the violation and may for good cause extend the time for compliance or removal. If such an appeal is made, no removal shall be required until after the appeal has been finally determined, unless the removal is required under 98-191.

302.8.4.3 If no appeal is made and the abandoned or disabled vehicle remains in violation after the ten calendar-day period, the city shall cause such vehicle to be removed to a storage facility approved by the city and thereafter disposed of in accordance with applicable state law or city ordinance.

302.8.4.4 Notwithstanding any of the foregoing, all abandoned motor vehicles which are located on public property shall be towed and disposed of in accordance with the notice, sale and disposition requirements of F.S. ch. 705, as revised or amended from time to time.

302.8.5 Disposal of vehicles; entrance upon private property. The city is authorized to enter upon private property for the purpose of seizing and taking into possession any abandoned or disabled vehicle.

302.8.6 Removal. The city is authorized to provide for the immediate removal of any abandoned or disabled motor vehicle to a garage or other place of safety, the cost of such removal to be a lien against the motor vehicle, when the abandoned or disabled vehicle is found unattended upon a bridge or causeway or in any tunnel or on any public highway or street or public parking lot in the following instances:

302.8.6.1 Where such vehicle constitutes an obstruction of traffic; or

302.8.6.2 Where such vehicle has been parked or stored on the public right-of-way or city property for a period exceeding 48 hours.

Section 302.10 shall be added shall read as follows:

302.10 Shrubs, hedges and trees obstructing visibility at intersections.

Shrubs, hedges, trees or plantings shall be kept trimmed so that the visibility for motor vehicle drivers is not obstructed at street intersections and points of ingress and egress to the public right-of-way. Where shrubs, hedges, trees or plantings are not kept so trimmed, in addition to any other penalties provided for in this code, the city may, after notice to the property owner responsible for such violation, enter upon the property where such violation is taking place and cut and trim the hedges or plantings, which are causing such violation to be reduced to a height of 2½ feet above the street curb elevation or cut tree limbs to a height of eight feet above the curb or sidewalk and upon performing such labor may bill the property owner for the actual cost thereof. Shrubs, trees and other vegetation which extend into the public right-of-way, and obstruct visibility at street intersections and points of ingress and egress to the public right-of-way or over hang the sidewalk obstructing pedestrian travel may be cut or trimmed by the city in accordance with the above referenced specifications after providing a 24-hour notice by placing such notice on the door of the abutting dwelling or business or by hand delivery to the occupant of the dwelling or business in order to provide for the public safety. This provision does not limit or prevent the city from taking

immediate action to clear any hazardous or unsafe conditions created by trees or vegetation in the public right-of-way.

Amend Section 304.3 to read as follows:

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, in accordance with Article VII, Numbering of Buildings.

Amend Section 304.6 to read as follows:

304.6. Exterior walls.

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timber, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair. All exterior surfacing material shall be painted or properly surface coated (except brick, stone or other natural material which does not require the application of a weatherproofing substance) and in good repair after scraping and removing any loose paint or surfacing material.

Amend Section 304.14 to read as follows:

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

Section 304.20 is added as follows:

304.20. Skirting around foundations. Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice.

Amend Section 404.3 to read as follows:

404.3 Minimum ceiling heights. Occupiable rooms and habitable spaces shall have a ceiling height of not less than seven feet, six inches (2286 mm). Corridors, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than seven feet (2134 mm).

Amend Section 602 to read as follows:

602 HEATING FACILITIES.

602.1 Occupiable rooms and habitable spaces (including every dwelling unit) shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.

602.2 Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.

602.3 Gas heaters listed for unvented use shall be permitted provided the total input rating of the heaters is less than 30 Btu per hour per cu ft (312 W/m³) of room content. Such heaters shall be prohibited in bedrooms.

602.4 The use of any liquid fueled unvented heating appliance shall be prohibited in any enclosed occupied structure within the city. Liquid fueled unvented heating appliances may be used as a temporary measure on construction sites and open well-ventilated work sites when they pose no hazard of ignition or explosion. Such devices must be tested and listed by an approved laboratory according to the requirements of UL647 (1984) and the fuel must be stored in containers meeting ASTM ES-8 for kerosene heaters.

602.5 Any metal flue pipe that has been connected to a wood heating appliance that has experienced a flue fire shall be replaced unless otherwise specified by the manufacturer's instructions.

602.6 Any metal (pre-fabricated) fire place unit that has experienced a chimney fire shall be replaced unless otherwise specified by the manufacturer's instructions.

Section 4. It is the intention of the city commission of the city that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the city; and that sections of this ordinance may be numbered or renumbered or lettered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be numbered or renumbered or lettered or relettered and typographical errors which do not affect the intent may be authorized by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases under application shall not be affected thereby.

Section 7. This ordinance enacting amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days.

Section 8. Effective Date. This ordinance shall take effect immediately upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the ____ day of August, 2015.

Mayor Steve Leary

Attest _____
City Clerk Cynthia S. Bonham