



# city commission agenda

## Regular Meeting

August 24, 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](http://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 John Legg, Aloma United Methodist Church Pledge of Allegiance	
3	Approval of Agenda	
4	Citizens Budget Comments	
5	Mayor's Report	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Winter Park Historical Association Annual Update b. Recognition of NJW Cheese Company c. Board appointment: Lakes and Waterways Board	10 minutes
6	City Manager's Report	<b>*Projected Time</b> <b>*Subject to change</b>

<b>7</b>	<b>City Attorney's Report</b>	<b>*Projected Time</b> <b>*Subject to change</b>
<b>8</b>	<b>Non-Action Items</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Update on marketing strategies for undergrounding overhead electric service wires	15 minutes
<b>9</b>	<b>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)</b> (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
<b>10</b>	<b>Consent Agenda</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Approve the minutes of August 10, 2015.	
	b. Approve the following contracts:	
	1. Renewal with Aetna for Medical Insurance (RFP-6-2007) and authorize the Mayor to execute contract.	
	2. Renewal with MetLife for Group PPO Dental Benefits (RFP-19-2008) and authorize the Mayor to execute contract.	
	3. Renewal and subsequent Purchase Order with Cigna Group Insurance (RFP-19-2008) Group Term Life, AD&D, Voluntary Term Life for Employee, Spouse and Children, Long Term Disability, and Voluntary Short Term Disability and authorize the Mayor to execute the Renewal Package documents.	
	c. Approve the HD Supply Waterworks proposed statement of work for the analysis, optimization and system maintenance of our advanced metering system.	
	d. Approve Task Order 2015-01, Ravaudage Master Lift Station Project Definition Report.	5 minutes
<b>11</b>	<b>Action Items Requiring Discussion</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Reimbursement for Ravaudage gravity sewer using portions of project sewer impact fees	15 minutes
	b. Budget discussion	30 minutes
<b>12</b>	<b>Public Hearings</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. 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 (2)	5 minutes
	b. Fifth Third Bank development agreement	10 minutes

c. <u>Request of Winter Park Memorial Hospital:</u>	30 minutes
- Conditional use approval to renovate and expand the emergency services component of the hospital and to build a new five story patient wing on the east side of the hospital located at 200 N. Lakemont Avenue	
d. <u>Request of Henderson Investments:</u>	20 minutes
- Subdivision or lot split approval to divide the property at 500 N. Phelps Avenue zoned R-1A into two single family building lots.	
e. Ordinance – Amending Ordinance No. 1882, “Affordable Housing” to expand the program to include Workforce Housing (1)	20 minutes
- Allocation of City owned lot at 507 S. Capen Avenue for Habitat for Humanity	
f. <u>Request of Rollins College:</u> <b>TABLED UNTIL SEPTEMBER 28, 2015</b>	
- Ordinance – Amending Chapter 58 “Land Development Code” Article III, “Zoning” to add within Section 58-76 Commercial (C-3) District, a new conditional use provision for outdoor recreational facilities subject to certain limitations (1)	
- Conditional use approval for an outdoor lacrosse and soccer field on the property at 1111 West Fairbanks Avenue, zoned C-3	

13	City Commission Reports	*Projected Time *Subject to change
a. Commissioner Seidel		
b. Commissioner Sprinkel		
c. Commissioner Cooper		
d. Commissioner McMacken		
e. Mayor Leary		10 minutes

## 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 **city manager's report**

item type

City Manager's Report

meeting date

August 24, 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.	Notice to Proceed for construction expected October 2015.
Future tree plantings	FY 2015 to date – 422 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	Contractor is currently constructing foundation and walls. Construction will take approximately (four) 4 months.	Anticipate completion by the end of the year.
Historic Preservation Ordinance	Draft under review by the Historic Preservation Board.	Special HPB meeting scheduled for August 19, 1:30 p.m., Chambers  Ordinance to be presented to the Commission on November 9.
Visioning Steering Committee	Continuing to host stakeholder meetings. Inviting community to participate at <a href="http://www.visionwinterpark.org">www.visionwinterpark.org</a> and community talks every Thursday through August at the Civic Center.	August 20 – Community event – Alford Inn, 5:30-7:30 p.m.  August 21, 9:00-11:00 and 2:00-4:00, Winter Park Country Club – Hands on meetings with Peter Kageyama (the Public is invited)  October 27, 5:30-7:30, Mead Gardens – Keynotes in the Park
New Hope Baptist Church Project	The exterior of the buildings, accessible restrooms, landscaping, parking and drainage have been completed and approved; however, the Pastor has not yet received DCF approval for a day care center. The Pastor has been notified of the expiration of the conditional use permit, and has stated he will follow up with the Planning	Approved conditional use will expire in September 2015.



	Department to ask for an extension.	
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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.



# city commission agenda item

Item type	Non-Action Item	meeting date	August 24, 2015		
prepared by	Jerry Warren	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Electric Department		<input type="checkbox"/>	City Attorney	
division	Administration		<input type="checkbox"/>	N/A	
board approval	N/A	<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 checked="" type="checkbox"/> Fiscal Stewardship <input type="checkbox"/> Intelligent Growth & Development <input checked="" type="checkbox"/> Public Health & Safety <input checked="" type="checkbox"/> Investment in Public Assets & Infrastructure				

## subject

Update on marketing strategies for undergrounding overhead electric service wires

## motion | recommendation

Receive a Presentation from Staff

## background

Beginning back in the spring of 2013 staff introduced to the City Commission various issues associated with the undergrounding program. Two difficult issues included the burying of the customers' overhead service wires and decorative lighting. Multiple times the Commission has decided that from a priority point of view that funding should be first applied to the burying of the electric utility's overhead primary and secondary since burying these wires would have the most positive impact on electric reliability and community aesthetics.

Historically for Winter Park and most other Florida electric utilities, burying overhead service wires has been the responsibility of the homeowner. Few electric utilities have or are in the process of placing all overhead electric wires underground. The ones we have talked to have experienced the same challenges with the customers' overhead service wires. All have recommended that, heavy hand of government options not be used initially, but be saved for possible use, if needed at the end of the program. Their experience says that better marketing and building peer pressure solve most of the problem

Since the City Commission meetings and workshops in the winter of 2013, the Utilities Advisory Board has had many discussions about this topic and supports an increased emphasis on marketing and the implementation of a mix of

incentives and financing mechanisms. The purpose of staff's presentation is to provide an update to the City Commission on our new and improved marketing program, incentives offered, and available financing mechanisms and other strategies to increase the conversion of our customers' overhead service wires.

#### **alternatives | other considerations**

The purpose of the presentation is informational only.

#### **fiscal impact**

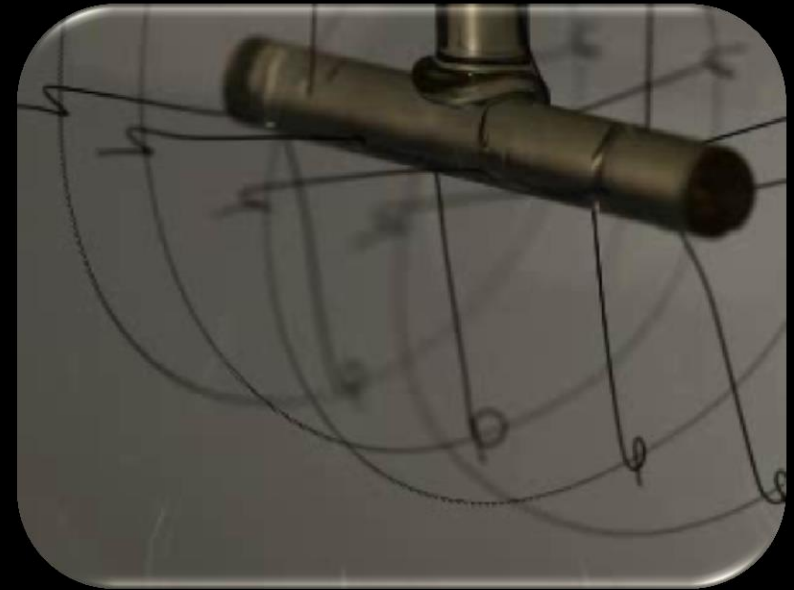
No City Commission action is requested and so no fiscal impact is anticipated beyond those currently born by the undergrounding program.

(Attachment)

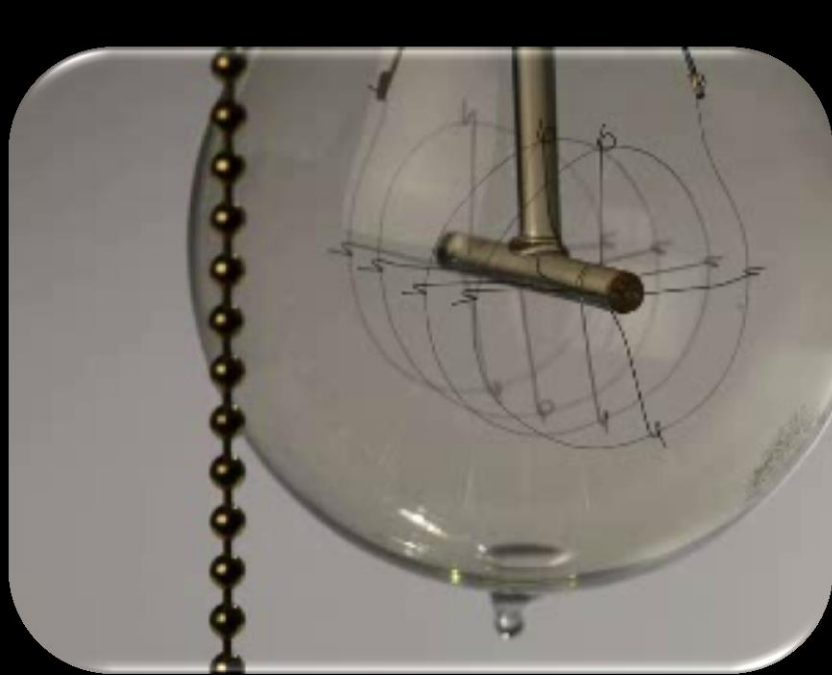


# Service Wires

- Are owner's responsibility
  - City requires UG service wires for all new construction residential and commercial.
  - City requires UG service wires for renovation that exceeds 50% of building's taxable value or if service entrance is increased above 200 amps.
  - WPE's standard charge is \$3,000 for 200 amp service Higher for larger meters.
  - WPE offers \$1,000 discounted price to put service wires underground at the time we bury our primary wires.
  - Customers will incur additional charge by electrician for conversion.



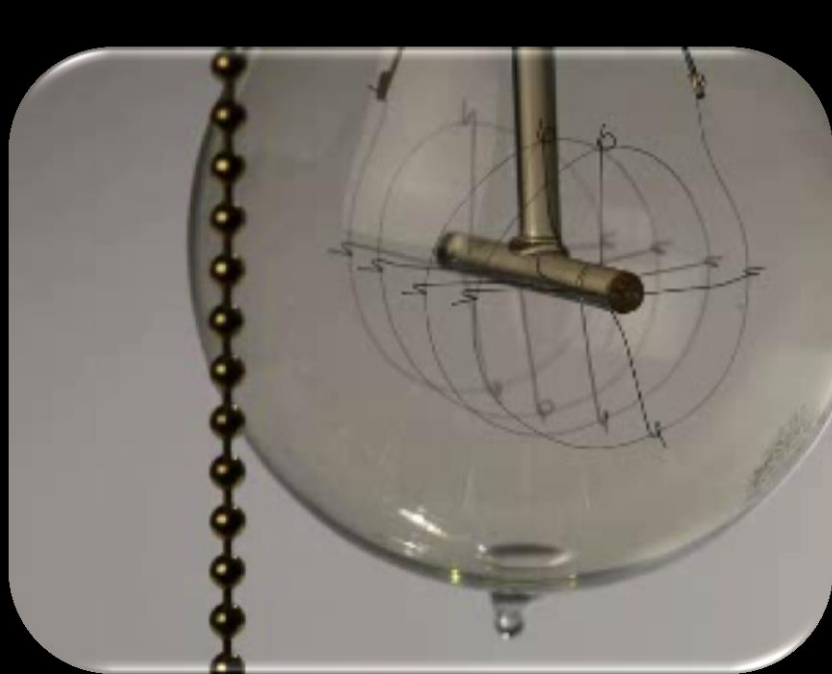




## Service Wires

- Estimated cost to place overhead service wires underground ~ \$18 million.
- Existing 9,000 have paid ~\$30 million (guess) to underground existing services
- Equity issues would be created if we shift cost burden to electric system revenues.
- Two approaches to encourage owner conversions:
  - Increased marketing efforts along with Softer incentive approaches
  - Heavy hand of government strategies (last option)

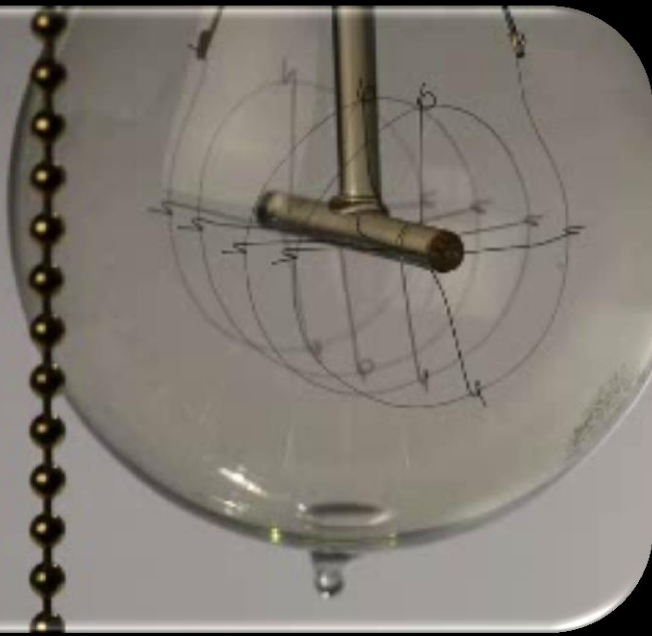




## Service Wires – Go Forward Strategies

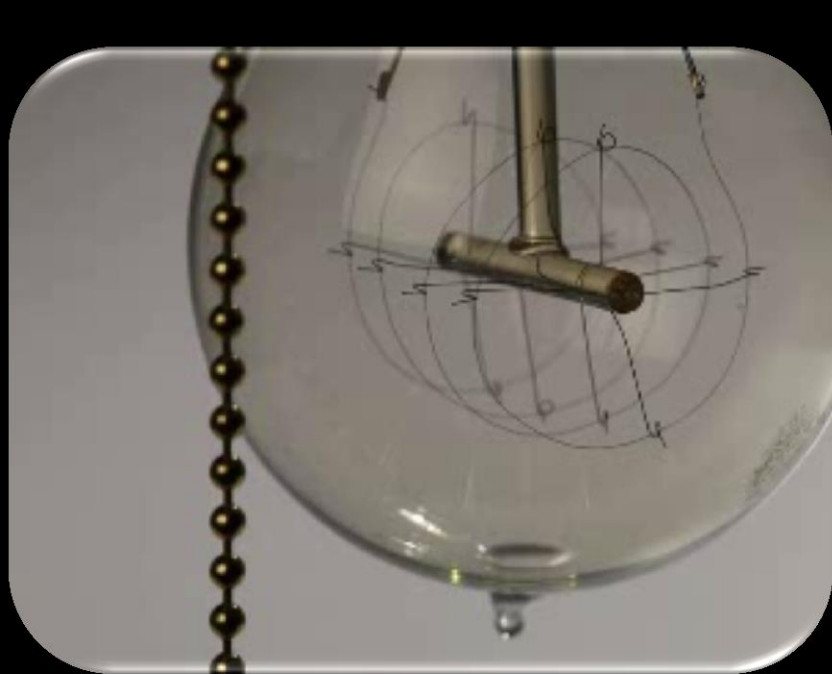
- Continue discounted price (\$1,000) along with payment options
  - Consider reducing renovation trigger to 33% of building taxable value.
  - Increased marketing (Prior to increased mktg ~ 1/3 participation)
  - Other utilities say peer pressure begins to force conversion.
- ( identify neighborhood advocate)





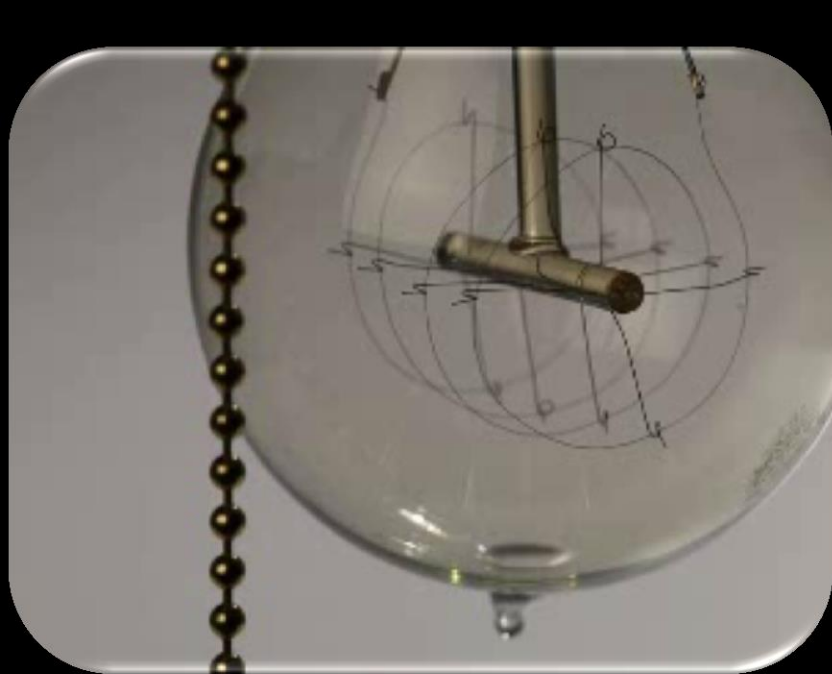
## **Service Wires (cont'd)**

- Near-term enhanced marketing strategy
  - Webinar developed by Full Sail



## Service Wires (cont'd)

- Near-term enhanced marketing strategy
  1. We are coming next year - we will bury your service wires for discounted \$1,000 price if you let us do it while we are there
  2. Your area is scheduled in the next few weeks
  3. We are getting ready to leave, this is your last chance for the \$1,000 deal
  4. Knock on doors face-to-face marketing
  5. Information request cards given to Line workers to provide customers



## Service Wires (cont'd)

- Possible future heavy handed strategies (if all else fails):
  - Underground by a specific date or city will do it and put a lien on your property
  - Underground by specific date or City will do it and place a 48 month assessment on your bill.
  - Bill for service calls related to overhead service wires
  - Increase customer service charge from (\$9 - \$50?) for customers choosing not to underground their service
  - Discontinue service for overhead service wires. Customer would call a electrician for service wire issues



**REGULAR MEETING OF THE CITY COMMISSION**  
**August 10, 2015**

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 4:16 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by City Manager Randy Knight, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary  
Commissioner Greg Seidel  
Commissioner Sarah Sprinkel  
Commissioner Tom McMacken  
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight  
City Attorney Larry Brown  
City Clerk Cynthia Bonham

Approval of the agenda

**Motion to approve the agenda made by Commissioner Sprinkel with the deletion of public hearing 'd' (tabled until August 24); seconded by Mayor Leary and approved by 5-0 vote.**

**Citizen Budget Comments**

Joe Terranova, 151 N. Virginia Avenue, spoke about the substantial reduction in the current budget for communication tax revenues because of the reduction in phone landlines. He asked that consideration be made to provide assurance that communication will not be lost in an emergency if cell service ceases.

**Mayor's Report**

a. Advisory Board discussion

Mayor Leary spoke about our Sustainability Board and that he believed a Rollins College representative on this board would be beneficial. Upon discussion, there was a consensus that this appointee is to be a Rollins student and a resident and for the Mayor to contact Rollins to provide us with names and resumes. The ordinance will be amended if this position needs to be more permanent next year. Mayor Leary will provide these names upon receipt.

b. Revise membership on Development Review Committee

City Manager Knight explained the unintended consequence from the original appointees by having both Jeff Briggs and Dori Stone from the Planning Department as voting members. They could not have conversations outside of published meetings which caused issues with being able to discuss key issues with the Ravaudage project. He requested that Mr. Briggs be replaced by Parks and Recreation Director John Holland and that Mr. Briggs be the staff liaison from Planning but not a voting member. Upon discussion as to the current voting members, Ms. Stone explained that Mr. Holland is being requested because of the

number of open space and parkland requirements in Ravaudage and that he would be a voting member. It was explained that other key staff, including water/sewer and electric among others, are present at the meetings but are not voting members. Commissioner Cooper expressed her desire that Mr. Briggs be a voting member because he is only focused on planning.

**Motion made by Mayor Leary to approve the staff recommendation to revise the DRC membership to include Parks and Recreation Director Mr. Holland and have Mr. Briggs as a staff liaison; seconded by Commissioner Sprinkel and carried with a 4-1 vote with Commissioner Cooper voting no.**

### **City Manager's Report**

City Manager Knight reminded the Commission that on August 20 the Celebrate Winter Park function is at the Alford Inn as part of the visioning process.

Mr. Knight asked the Commissioners to turn in their budget worksheets if they have not done so.

Upon discussion of the September deadline, Commissioner Sprinkel asked that the portable building information for the New Hope Church be added back into the City Manager's Report.

Commissioner Cooper inquired about the Historic Preservation ordinance portion of the report that they have approved the ordinance and asked why they cannot come forward now as opposed to November. Ms. Stone explained they approved a draft to use for public discussion as part of the forums but that they still want to make modifications and are on track to bring this back for the November deadline.

Commissioner Cooper asked that the business tax comparison with other cities be sent to them. Building Director Wiggins stated he has a detailed analysis and will forward it to the Commission.

### **City Attorney's Report**

No report.

### **Non-Action Item**

#### **a. Financial Report – June 2015**

Finance Director Wes Hamil summarized the June 2015 financial report. The report was accepted by the Commission.

### **Consent Agenda**

- a. Approve the minutes of July 27, 2015. **PULLED FOR DISCUSSION. SEE BELOW.**
- b. Approve award to Life Extension Clinics, Inc. dba Life Scan Wellness Centers for Firefighter Physical Exams and authorize the Mayor to execute contract.

**Motion made by Commissioner McMacken to approve Consent Agenda item 'b'; seconded by Commissioner Seidel. No public comments were made. The motion carried unanimously with a 5-0 vote.**

### **Consent Agenda Item 'a' – Minutes of July 27, 2015**

Commissioner Cooper asked that the last sentence be modified to include the response from the City Attorney.

**Motion made by Commissioner Cooper to approve consent agenda item 'a', the minutes from July 27, 2015 to include the response from the City Attorney to the question in the last paragraph, seconded by Mayor Leary and carried unanimously with a 5-0 vote.**

### **Action Items Requiring Discussion**

- a. Undergrounding of Duke 69 kV transmission along Harper Street

Electric Director Jerry Warren provided a PowerPoint presentation regarding the construction of a termination pole to be located at the corner of Harper Street and Comstock Avenue as part of the Fairbanks undergrounding project.

Mr. Warren addressed concerns about Duke's 69 kV transmission line as follows:

- 1) That the termination pole at Comstock and Harper will become a landmark in Winter Park that won't be positive.
- 2) 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. In future years as the trees grow Duke will prune them to provide adequate clearance from the transmission line which will be unsightly.
- 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 Street and Comstock Avenue. 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 unsightly 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 Avenue. The estimated cost is \$3,887,000. 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.

Mr. Warren stated that Duke wants \$150,000 up front for the extra engineering and surveying associated with the project. He has asked Duke as to whether this payment could be deferred to the October 1 budget year but has not heard back from Duke as of this time. He presented the project cash flow provided by Duke showing the timing and estimated amounts that would be paid by the City. He stated he would like a decision by the Commission to either authorize Duke to move forward or not on the extended underground. He spoke about possible funding partners. There was a consensus that the Commission would like to underground the wires but with the need to determine how to fund this. Mayor Leary stated he could not support this cost. Commissioner Sprinkel hoped that half of the cost would come from other sources but spoke about wanting to approve the \$150,000 to go forth and come back with something without signing on for the entire cost because she believed this will be an opportunity they will not always have. Mayor Leary commented that spending the \$150,000 does not guarantee anything moving forward. Commissioner McMacken would not support spending the \$150,000. Mr. Warren answered questions of the Commission.

**Motion made by Commissioner Sprinkel that Mr. Warren go forth and try his best to get this down to a better deal with some more funding sources (did not want this not to move forward); put the \$150,000 out now but go forth and see what we can do. No second or vote was taken.**

After further comments, there was a consensus for Mr. Warren to continue the discussions but no support for the \$150,000 expenditure. Mr. Warren was instructed to go forth and continue conversations with Duke and come back with how to fund this before the approval of the budget.

The following spoke:

Joe Terranova, 151 N. Virginia Avenue, spoke in favor of undergrounding this pole and to come up with a funding strategy.

Mary Randall, 1000 S. Kentucky Avenue, also spoke in favor of approving this.

**Public comments (items not on the agenda)**

Joe Terranova, 151 N. Virginia Avenue, spoke about freedom of speech and the importance to provide guidance to staff and board members when dealing with the media. Commissioner Cooper suggested including training at the time of board orientation with to deal with the press and what to do. There was a consensus.

**Public Hearings:**

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

Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs was available for questions. Ex-parte communications since the first reading were disclosed. Vice Mayor Sprinkel took the gavel for a few minutes that was returned before the vote.

ORDINANCE NO. 3004-15: 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. Second Reading

ORDINANCE NO. 3005-15: 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. Second 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

**Motion made by Commissioner McMacken to adopt the first ordinance (comprehensive plan); seconded by Commissioner Cooper.** No public comments were made. **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.**

**Motion made by Commissioner McMacken to adopt the second ordinance (zoning); seconded by Commissioner Cooper.** No public comments were made. **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.**

**Motion made by Commissioner McMacken to approve the conditional use request as amended that the applicants have voluntarily agreed to be**



**limited to two stories and 43 feet in building height, seconded by Commissioner Cooper.** No public comments were made. **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. 3006-15: 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. Second Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Sprinkel.** No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and McMacken voted yes. Commissioner Cooper was absent for the vote. The motion carried with a 4-1 vote.**

- 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.

Planning Director Dori Stone explained the history of the property at 483 Holt Avenue and the denial of the Historic Preservation Board in January 2015. She stated Rollins appealed the decision and has since come forward and asked that the appeal be placed on the City Commission agenda. They have offered to allow for the demolition of the property subject to a number of conditions that the property would continue to be zoned R-2, Low Density Residential; that the property will be redeveloped as either a new duplex or single family home; that the proposed new use will be reviewed by the Historic Preservation Board, subject to the Historic Preservation ordinance requirements; and that the existing duplex will not be demolished until the City has issued a building permit for the new unit(s). She stated that staff recommends approval of the demolition subject to these four conditions. Ms. Stone spoke about the damage to the house that recently occurred.

Commissioner McMacken stated at the time this came before the HPB, it was requested that whatever is built there would be in accordance with the College Quarter design standards. He asked for clarification that they will adhere to these design standards.

Attorney Rebecca Wilson, representing the applicant, stated that their intent is to build in accordance with the College Quarter design standards. Ms. Wilson stated she has not had a specific conversation that there was damage to the house and if

that is accelerating the plans. Ms. Stone stated they have met the intent of the HPB ordinance and that they agree with the conditions.

Upon comments, **motion was made by Commissioner McMacken to approve the applicant's request with the condition that any new structure that is built there comply with the College Quarter design standards; seconded by Commissioner Seidel.**

Nancy La Porte Shaw, 479 Holt Avenue, adjacent property owner, asked for assurance that this will be demolished and built.

Margie Bridges, 767 Antonette Avenue, spoke in favor of the request and the conditions they must adhere to. She stated she looks forward to working together with Rollins and asked that the City protect their downtown historic residential properties.

Ms. Wilson commented that Rollins College will not do anything to hurt its relationship with the City and that this will move forward.

**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.**

d. Fifth Third Bank Development Agreement

This item was tabled per the request of both parties until the next meeting.

- e. 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. First Reading

Attorney Brown read the ordinance by title. Building Director George Wiggins explained the major items amended or updated in the ordinance.

**Motion made by Commissioner Cooper to accept the ordinance on first reading; seconded by Commissioner Seidel.** No public comments were made. **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 – No report.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about riding with the Fire Chief, the number of signs throughout the City (she believes are too many) and that Pods are not allowed in the City. She announced she has "Coffee Talk" Thursday.

c. Commissioner Cooper

Commissioner Cooper mentioned the Men of Valor ceremony at the Community Center and that Assistant Parks Director Ron Moore was a recipient.

She requested that staff be asked to reduce costs and to create alternate revenue sources. She addressed a list she had that she wanted staff to review and respond to concerning fees. She asked for a consensus to ask staff to provide some understanding of the things she knows other cities are doing to see if it is worth it because of understanding the financial impacts of the things on the list. It was clarified for staff to provide quick answers and not a detailed report. Commissioner McMacken wanted to get through this budget cycle and start earlier with this for the next cycle. Commissioner Cooper agreed to that.

d. Commissioner McMacken

Commissioner McMacken addressed the visioning process going on and the meeting on August 20.

e. Mayor Leary

Upon questioning by Mayor Leary, City Manager Knight stated that the RFP for the City Attorney is due tomorrow and the Labor Attorney is due Thursday. The Lobbyist is due later in the month.

Mayor Leary spoke about high speed internet/wire for the city. City Manager Knight stated staff is working on it and that he will provide him an answer.

The meeting adjourned at 6:21 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Cynthia S. Bonham, MMC



# city commission agenda item

item type	Consent Agenda	meeting date	August 24, 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

## Contracts

vendor	item   background	fiscal impact	motion   recommendation
Aetna	Contract Renewal for RFP-6-2007 – Medical Insurance	Total expenditure included in approved FY16 budget.	Commission approve contract renewal with Aetna for Medical Insurance and authorize the Mayor to execute contract.
Administrative fees are the same as last year. Total costs for administrative fees and stop-loss insurance is estimated at \$794,000. The renewal is for the plan year October 1, 2015 through September 30, 2016.			
MetLife	Contract Renewal for RFP-19-2008 – Group PPO Dental Benefits	Total expenditure included in approved FY16 budget.	Commission approve contract renewal with MetLife for Group PPO Dental Benefits and authorize the Mayor to execute contract.
Covers premiums paid for dental coverage and is estimated at \$392,000. The renewal is for the plan year October 1, 2015 through September 30, 2016.			
Cigna Group Insurance	Contract Renewal for RFP-19-2008 Group Term Life, AD&D, Voluntary Term Life for Employee, Spouse and Children, Long Term Disability, and Voluntary Short Term Disability	Total expenditure included in approved FY16 budget.	Commission approve contract renewal and subsequent Purchase Order with Cigna Group Insurance for RFP-19-2008 Group Term Life, AD&D, Voluntary Term Life for Employee, Spouse and Children, Long Term Disability, and Voluntary Short Term Disability and authorize the Mayor to execute the Renewal Package documents.
Fees are unchanged from the previous year and include Employee Life, Disability, and AD & D insurance at an estimated \$138,000. The renewal is for the plan year October 1, 2015 through September 30, 2016.			



# city commission agenda item

Item type	Consent Agenda	meeting date	August 24, 2015		
prepared by	David Zusi	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Water & Wastewater Utility		<input type="checkbox"/>	City Attorney	
division	Administration		<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 checked="" 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

Analysis, optimization, and system maintenance of our advanced metering system

## motion | recommendation

Recommend City Commission approval of the HD Supply Waterworks proposed statement of work (attached).

## background

The city installed an advanced metering system several years ago that has provided more accurate metering for water and electric, increased billing accuracy, eliminated estimated bills, and provided additional data for analysis. It has been several years since we performed system maintenance, and we are proposing to use our existing contract with HD Supply and their subcontractor SL-serco to provide the services outlined in the attached statement of work. They will be working with City utility and IT staff to provide cost effective and coordinated updates, backups and system maintenance.

This same organization provided support during the smart meter installation and was instrumental in the project's successful completion. They have a great deal of knowledge of our system, radio network, and equipment and will be able to assist us immediately without any learning curve delay.



## **alternatives | other considerations**

Based on the vast institutional knowledge the contractor has of our system, and the existing contract, other considerations were not considered.

## **fiscal impact**

Total project cost not to exceed \$66,400.00. This project is included in the FY15 budget.



Paul Thomas  
590 Ferguson Dr.  
Orlando, FL 32805

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## Executive Summary

Meters and the systems that deliver meter information act as the cash register for the City; it is imperative that these systems and components are maintained to ensure that a minimum base system functionality is consistently available. Ignoring proper system process and maintenance leads to inefficiencies and City investments slowly being wasted.

HD Supply Waterworks in conjunction with SL-serco is committed to assisting Cities maximize the value of their advanced metering systems. To this end we have developed a three-phased approach to optimize them.

The first phase, Systems Analysis, which involves the following:

- Investigation the Meter Reading system and identifying gaps in process or systems that have created inefficiencies that have caused system performance to drop.
- Provision of a report listing recommendations to the City outlining those areas that once addressed will bring the system(s) up to an optimized performance level.

A detailed description of the tasks, responsibilities, and pricing for the Systems Analysis phase are found in the Proposed Statement of Work (SOW) listed below.

Upon completion of phase one, HD Supply Waterworks, LTD recommends that the City engage in the Systems Enrichment phase. A brief description of this phase follows:

HD Supply Waterworks in conjunction with SL-serco will address and resolve identified issues to the greatest extent possible.

Identification of business process gaps. We will devise strategies by working with departments to identify the proper process, design and document them as well as train City staff. This method ensures issues that caused the system(s) to lose efficiency are resolved going forward, thereby keeping systems in an optimized state.

Specifics related to the SOW and Pricing for the Systems Enrichment phase will be available following the Analysis phase and scope discussions with the City.

The third and final phase of this process is Systems Sustain. A brief description follows:

Two-fold purpose: system maintenance & maximization of system data

Creation of a plan tailored to address City's needs. Activities could include Annual, Quarterly and/or Monthly system and hardware checks ensuring that designed processes are followed and that systems continue to operate in an optimized state.

Work with the City to assist in maximizing system value through data mining and reporting, aiding in operational analysis and City customer service functions. Phase will be created jointly to ensure that the City gets the most out of their investment.

We look forward to the opportunity to work with the City of Winter Park on this project as we seek to continue our goal of assisting our clients in maximizing the value of their systems.

Thank you for your consideration. If you have questions regarding this proposal, please do not hesitate to contact me.

Paul Thomas  
HD Supply Waterworks

## Proposed Statement of Work – Systems Analysis

Thank you for considering our services. Clear procedures, shared timelines, and strong communication are highly valued by HD Supply Waterworks, LTD, and essential to ensuring a successful project. This SOW will define the project's scope and each party's responsibilities as they pertain to the services being provided.

<b>Client name</b>	David Zusi
<b>City</b>	City of Winter Park, FL
<b>Project name</b>	Systems Analysis for the City of Winter Park, FL
<b>Engagement duration</b>	One to Three Month(s)
<b>Begin date</b>	TBD
<b>End date</b>	TBD (can be extended upon request)

## Schedule of Rates – Systems Analysis

For each completed month, HD Supply Waterworks, LTD will charge according to the rates outlined in the chart below, billed in full following the Analysis Findings Meeting.

<b>Item description</b>	<b>Rate</b>
<b>System Analysis</b>	<b>\$21,600.00</b>

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## **Work Requirements – Systems Analysis**

HD Supply Waterworks, LTD and SL-serco will ensure dedicated resources for the proposed project upon mutual agreement of terms defined within this SOW.

### **HD Supply Waterworks & SL-serco Responsibilities**

Provide Systems Analysis Services for the City of Winter Park, FL, which includes the following:

- Facilitation of an Initial Consultation meeting with key City personnel (2 to 3 days onsite). This includes the following steps:

  - Introduce HD Supply Waterworks, LTD and this service plan

  - Discuss Analysis Questionnaire with key City personnel

  - Key City personnel interviews

  - Infrastructure Review

  - Reiterate a timeframe for the Analysis stage to set expectations

Thorough analyzation of the functionality of the following components of the Meter Reading System (4-8 weeks):

- RF Infrastructure and Configuration

- Network Infrastructure and Configuration

- Utility Billing System

- City GIS System (if applicable)

- City Work Order System (if applicable)

- Databases

- Deployed Meter Configurations

- MDM/Web Interface System(s) (if applicable)

- Staff Training Levels

- Business Process Gap Analysis

Facilitation of an Analysis Findings Meeting with key City personnel, which includes the following:

- Walk through each area of Analysis (listed above) and discussion of findings as well as proposed solutions

- Creation of a plan for the Optimization phase with the City

  - Decide which services HD Supply Waterworks, LTD will provide

  - Decide when HD Supply Waterworks, LTD will provide those services

- Presentation of a digital and hard copy file of Analysis Results

### **City of Winter Park, FL Responsibilities**

Coordinate and host the Initial Consultation and Analysis Findings meetings

Provide HD Supply Waterworks & SL-serco reasonable access to key members of the City staff for consultation throughout the Analysis phase

Ensure remote access to applicable systems is readily available (if applicable)

Work with HD Supply Waterworks & SL-serco personnel in an open, honest and professional manner

Track and pay invoices within 30 day terms

Provide feedback as needed throughout the project as well as upon completion

## Proposed Statement of Work – Systems Maintenance

Thank you for considering our services. Clear procedures, shared timelines, and strong communication are highly valued by HD Supply Waterworks, LTD, and essential to ensuring a successful project. This SOW will define the project's scope and each party's responsibilities as they pertain to the services being provided.

Client name	David Zusi
City	City of Winter Park, FL
Project name	Systems Maintenance for the City of Winter Park, FL
Engagement duration	One Year
Begin date	TBD
End date	TBD (can be extended upon request)

## Schedule of Rates – Systems Maintenance

For each completed month, HD Supply Waterworks, LTD will charge according to the rates outlined in the chart below, billed in full following the Analysis Findings Meeting. Proposed rates cover up to 16 hours of service and maintenance per month.

Item description	Quantity	Rate
Monthly Hardware Maintenance Services – with Analysis	12	\$2,400/month*

***\*If The City chooses to go through Analysis and Enrichment with HD Supply Waterworks, LTD, it is very possible that we may identify further areas that will need regular verification. Prior to starting the each phase, HD Supply Waterworks, LTD and The City will need to negotiate a contract. The pricing above is merely to give you an idea for planning purposes.***

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## **Work Requirements –Maintenance**

HD Supply Waterworks will work with SL-serco to dedicate resources for the proposed project upon mutual agreement of terms defined within this Statement of Work.

### HD Supply Waterworks, LTD Responsibilities

#### **RF and Network Maintenance**

Provide remote maintenance, which includes:

- Weekly checks to verify backhaul connectivity, collector alarms, SQL jobs and performance, RNI disk space

- Assist with backhaul configurations and port forwarding

- Assist with Power Supply networking and remote troubleshooting of alarms and error conditions

- Evaluate collector firmware version and software configurations, apply corrections/updates as permitted and/or assist in the escalation process to the manufacturer

- Provide emergency relief for full hard drives, review partitioning provisions

- Verify and correct Collector maintenance processes if necessary

- Advise on RNI remote access methods and protocols

- Verify and correct Network maintenance processes if necessary

- Perform network transmission optimizations via 2-way

If field visits are required, site visits can be provided but will require an additional mobilization fee each time (outlined below).

***Systems Analysis and Enrichment may discover other areas to be added to this Work Requirements list upon their completion. A new agreement will be drafted after these two phases are completed.***

### Winter Park, FL Responsibilities

- Provide remote access to required systems

- Communicate an escalation path for issues

- Tracking and payment of invoices within 30 day terms

- Provide feedback as needed throughout the project as well as at the end

***Network and RF Maintenance is dependent on adequate system access.***



## Proposed Statement of Work – Server Migration

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Thank you for considering our services. Clear procedures, shared timelines, and strong communication are highly valued by HD Supply Waterworks, LTD, and essential to ensuring a successful project. This SOW will define the project's scope and each party's responsibilities as they pertain to the services being provided.

<b>Client name</b>	David Zusi
<b>City</b>	City of Winter Park, FL
<b>Project name</b>	Systems Maintenance for the City of Winter Park, FL
<b>Engagement duration</b>	One Year
<b>Begin date</b>	TBD
<b>End date</b>	TBD (can be extended upon request)

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## Schedule of Rates – Server Migration

<b>Item description</b>	<b>Quantity</b>	<b>Rate</b>
Sensus P2V Server Migration	1	\$12,000.00
Sensus P2V Server Migration Related Travel	2 Trips	\$2,000/trip

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## **Work Requirements –Maintenance**

HD Supply Waterworks will work with SL-serco to dedicate resources for the proposed project upon mutual agreement of terms defined within this Statement of Work.

### HD Supply Responsibilities

- Review server specs for current environment
- Review software revision and planned upgrades for Sensus environment
- Review virtual resources available
- Review migration steps and downtime with City Staff
- Draft migration plan
- Work with Winter Park IT Staff to migrate servers
- Submit tickets and provide escalation support accordingly
- Define backup best practices and assist Winter Park IT Staff to enact backup policy

### Winter Park Responsibilities

- Provide SL-serco with appropriate staff resources to perform migration
- Provide SL-serco with access to facilities and equipment as needed
- Provide SL-serco with documentation appropriate to migration effort

***Server Migration is dependent on adequate system access.***

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## Change Management Process

In providing this Statement of Work, responsibilities have been assumed in regard to the scope and requirements of our proposed services; the above pricing is predicated on those assumptions. We do our best to anticipate all potential project requirements. Should any additions or changes be requested that are beyond the Scope and Requirements outlined above, they must be submitted in writing to Paul Thomas and a new Statement of Work must be drafted and approved by all parties.

## Terms and Conditions

The services outlined above will be provided on a contractual basis for the stated price, following mutual agreement and signing of this Statement of Work. HD Supply Waterworks, LTD will require payment of invoices within 30 day terms. Any services required beyond the scope of this Statement of Work must be negotiated through the Change Management Process.

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## Acceptance and Authorization

HD Supply Waterworks and SL-serco are honored to provide you this project quote. Terms and prices are valid for 30 days from this Statement's date of issue. Your signature below will signify your acceptance of these terms and prices, and serve to authorize our engagement on this project. Please scan the entire signed SOW and return to paul.thomas@hdsupply.com

**IN WITNESS WHEREOF**, the parties hereto each acting with proper authority have executed this Statement of Work.

\_\_\_\_\_  
David Bryant  
Full name

\_\_\_\_\_  
Branch Manager – HD Supply Waterworks  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jozette J Spandel  
Full name

\_\_\_\_\_  
Service Coordinator – SL serco  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
8/14/2015  
Date

David Zusi

Full name

Director Water & Wastewater

Title

Signature

Date



# city commission agenda item

Item type	Consent Agenda	meeting date	August 24, 2015		
prepared by	David Zusi	approved by	<input checked="" type="checkbox"/> City Manager		
department	Water & Wastewater Utility		<input type="checkbox"/> City Attorney		
division	Administration		<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	<div><input type="checkbox"/> Exceptional Quality of Life</div> <div><input type="checkbox"/> Intelligent Growth &amp; Development</div> <div><input checked="" type="checkbox"/> Investment in Public Assets &amp; Infrastructure</div> <div><input type="checkbox"/> Fiscal Stewardship</div> <div><input type="checkbox"/> Public Health &amp; Safety</div>				

## subject

Task Order 2015-01: Ravaudage Master Lift Station – Project Definition Report

## motion | recommendation

Recommend Commission approval of the scope of work defined in the attached Task Order 2015-01 for CH2M HILL.

## background

As re-development occurs in the Lee Road/17-92 intersection area, wastewater flow generated by new projects will contribute to existing flow in a trunk sewer line that runs East through downtown, around Interlachen Avenue and eventually to the Iron Bridge Water Reclamation Facility operated by the City of Orlando. It has long been the desire of City utility staff to divert the existing and future flow from this area West to the Altamonte Springs wastewater treatment facility. This diversion to the West will require the construction of a new lift station (LS) and force main (FM) in the vicinity of the Bennet Ave/Monroe Ave intersection. Diversion of wastewater the existing and future wastewater flow to the Altamonte Springs will greatly extend the useful life of 4 miles of critical gravity sewer and 1.3 miles of force mains.

This Task Order will analyze the existing and future flow projections, potential routes and sizing for the new FM, preliminary LS site plan, and additional related engineering assistance.

## **alternatives | other considerations**

Several alternate routes for the proposed new FM were considered; however, the proposed option has multiple side benefits.

## **fiscal impact**

The project Task Oder 2015-01 for \$167,891 is funded in the approved FY15 W&WW Utility budget.

## City of Winter Park Utilities Task Order 2015-01

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### **Ravaudage Master Lift Station - Project Definition Report**

This Task Order is a supplement to and part of the Agreement to furnish continuing professional consulting services for the City of Winter Park (City) dated December 13, 2010. This Task Order describes the scope of work and specific engineering services to be performed by CH2M HILL for the development of a project definition report for the Ravaudage Master Lift Station and Transmission System project.

CH2M HILL will design the Ravaudage Master Lift Station and force main system, as well as a new potable water transmission main to serve the Lee Road/ Highway 17-92 Redevelopment area. The new force main system and potable water transmission main will be routed westward, installed in parallel if feasible, and will terminate at and connect to existing wastewater/ water pipelines in the Wymore Road corridor.

This Task Order (No. 2015-01) provides project definition engineering services, including the following tasks:

- Data Collection and Flow Projections Development
- Force Main and Water Transmission Main Route Evaluation
- Pump and Force Main Hydraulic Evaluation and Sizing
- Lift Station Wetwell Sizing and Preliminary Site Plan
- Meetings and Workshops
- Project Definition Report

### **Design Approach**

The design of the Ravaudage Master Lift Station project will be completed using CH2M HILL's four-phase design delivery process to ensure the logical, progressive and coordinated completion of the design services. This task order 2015-01 will complete the project definition phase (Phase 1) which will establish the basis of design of the project. This phase firmly establishes the project design criteria and will incorporate criteria developed from strategic planning work. Work during this project phase will culminate in the preparation of the Project Definition Report.

The second phase of the design, or schematic design phase, will include topographic, property/boundary, and utility surveying services, geotechnical investigations, and will result in a schematic design report. The third phase, design development, will include preliminary plan drawings based on survey results and technical specifications. The final phase, construction documents, will result in biddable construction documents incorporating the City's front end documents, detailed plan drawings and technical specifications. The schematic design, design development, and final design phases will be performed under future task orders.

CH2M HILL will provide project definition engineering services to the City in accordance with the following task descriptions.

### **Task 1 – Data Collection and Flow Projections Development**

CH2M HILL will work with City staff to discuss and confirm project design criteria that will be used for this project, including; existing wastewater and water infrastructure in the redevelopment area, adjacent existing lift station and gravity main flows, planned development wastewater flows, GIS datasets for water and wastewater systems, property appraiser data, zoning, and land use data, as well as record drawings and easement maps. CH2M HILL will tabulate existing wastewater flows and new flow projections associated with planned developments to



establish annual average daily flows (AADF) and peaking factors which will be used to size the new Master Lift Station pumps, wet well, and associated equipment systems.

## **Task 2 – Force Main and Water Transmission Main Route Evaluation**

CH2M HILL will conduct a route evaluation for the master lift station force main pipeline and water transmission main from the Lee Road/Highway 17-92 Redevelopment Area westward to existing facilities in the Wymore Road corridor. The purpose of the route evaluation will be to identify efficient and cost effective route(s) for the pipelines which consider constructability concerns, the need for easements from numerous property owners, social impacts during construction, and overall pipeline lengths. Up to three alternative alignments will be evaluated for the force main system and the water transmission main. The evaluation will tabulate road right-of-way owners (City/County) and widths, number of adjacent private properties, available existing underground utility information, traffic volume, available existing easement information, available wetlands/conservation area information, anticipated construction methods, and estimated restoration efforts. The evaluation will result in detailed maps of each of the alternatives, a tabulated summary of each alternative, and recommendations for further consideration by the City.

## **Task 3 – Force Main Hydraulic Evaluation and Sizing**

Based on the wastewater flow projections developed in Task 1 and the force main route selected in Task 2, CH2M HILL will update the hydraulic model of the Fairbanks Avenue/Wymore Road to Altamonte Springs manifold force main system and evaluate the operational conditions of the new system. This model was built in 2007 for the Fairbanks Avenue Master Lift Station Project, and includes the existing Maitland Master Lift Station and Winter Park's Lift Station #78 (near the Channel 2 News facility). More recent flow and pressure data from the connected lift stations will be incorporated into the model. This evaluation will consider a range of force main sizes to accommodate existing/ projected flows and achieve minimum scouring velocities, will estimate minimum and maximum total dynamic head (TDH) pumping conditions at the new Ravaudage Master Lift Station, and will identify any potential concerns regarding the operation of the existing master lift stations once the new Ravaudage facility is placed into service.

## **Task 4 –Lift Station Sizing and Preliminary Site Plan**

A parcel of land within the Ravaudage develop has been identified as a the site for the new Ravaudage Master Lift Station, and it is understood that an existing gravity sewer main in the area will be intercepted to direct flow to the new lift station. Based on the results of Task 3, CH2M HILL will develop design criteria and operating conditions for the new lift station and establish preliminary pump configurations and sizing based on flows, pressure and TDH conditions. The wetwell will then be sized based on the existing gravity sewer main elevation, lift station location, volume turnover requirements, estimated pump operating bands, and any horizontal constraints of the site. A preliminary site plan and a profile drawing of the wetwell will be developed which will include site access improvements, electrical and water service connections, valve vault(s) and electrical equipment rack locations, and foot prints for future emergency generator and odor control equipment. Dimensions for both the permanent easement/property and temporary construction easement will be estimated for the City's use in future land use planning of the area.

## **Task 5– Meetings & Workshops**

Several coordination meetings and design review workshops will be conducted with the City's personnel and key individuals from the CH2M HILL project team throughout this project. The results of these meetings and design review workshops (i.e. agreement on design concepts) constitute an agreement between CH2M HILL and the City on the design approach and form the basis of design. The anticipated meetings and design review workshops are as follows:

- Kick-off meeting
- Flow Projections review meeting
- Force Main and Water Transmission Main Route Evaluation review meeting



- Hydraulic Evaluation review meeting
- Lift Station Sizing/ Site Plan review meeting
- Project Definition Report review meeting

## **Task 6 – Project Definition Report**

The results of Tasks 1 through 5 above will be compiled into a Project Definition Report (PDR). This PDR will provide a summary of existing and projected wastewater flows, incorporate the route evaluation tables and alignment maps, and present findings of the hydraulic modeling effort, including preliminary pump and system curves. The PDR will also include site maps of the redevelopment area, including the existing water transmission main and gravity sewer main in relation to the proposed lift station site, the primary site plan for the master lift station, profile drawing of the lift station wet well, and cut sheets of potential pumping systems/equipment.

Five hardcopies and a PDF of the Draft PDR will be submitted to the City for review. Upon completion of the City's review, CH2M HILL and the City will meet to discuss design options, provide comments, and agree on the approach to the remaining phases of the design.

## **Task 7 – Revise Fairbanks Pump Station Flow Projections**

The recently constructed Fairbanks Pump Station discharges to the City of Altamonte Springs for treatment and disposal. The City of Altamonte Springs has been reserving capacity based on the flow projections completed for the design of the Fairbanks Pump Station. The purpose of this task is to revisit the previous flow projections and update those projections based on different land use assumptions and revised service area. CH2M HILL will coordinate with City staff on information regarding the revised land use assumptions and service area and will generate updated flow projections. The findings will be documented in technical memoranda to the City.

## **Assumptions**

- Only one site for the Ravaudage Master Lift Station is being evaluated under this task order.
- Construction cost estimates will be developed under future task order(s).
- The City will provide requested documents or data within two weeks of CH2M HILL's request.
- The City will provide comments on documents submitted for review within two weeks of delivery.
- The design concepts agreed upon will not be changed once accepted by the City.
- No permitting activities are included in this task order.

## **Deliverables**

CH2M HILL will provide the five hardcopies and a PDF of the Project Definition Report to the City in addition to technical memoranda for Task 7.

## **Schedule**

A project schedule will be developed at the beginning of the project after coordination with the City.

## Compensation

CH2M HILL proposes to perform the work described herein on a time and materials basis using the 2015 per diem rates (see Appendix A) with labor and expense budgets between subtasks being interchangeable as needed. The estimated total engineering fee including labor and expenses associated with the task order is \$167,891.

## Acceptance

This Task Order shall become part of the Agreement upon execution by both parties.

Approved for City of Winter Park

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Accepted for CH2M HILL Engineers, Inc

By W. S. D. Wab

Title Vice President

Date 3/30/15

# Appendix A

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TABLE 1  
2015 Per Diem Rate Schedule

Classification	Rate
Engineer 9	\$247.49
Engineer 8	\$239.74
Engineer 7	\$236.90
Engineer 6	\$201.88
Engineer 5	\$186.92
Engineer 4	\$149.55
Engineer 3	\$127.11
Engineer 2	\$112.15
Engineer 1	\$104.69
Engineer 0	\$89.73
Technician 5	\$142.06
Technician 4	\$119.61
Technician 3	\$97.18
Technician 2	\$89.73
Technician 1	\$74.76
Technical Aide	\$67.29
Office	\$82.25

City of Winter Park Ravaudage Master Lift Station - Project Definition Report

		Task 1	Task 2	Task 3	Task 4	Task 5	Task 6	Task 7	Total		
Team Member	Per Diem Schedule Description	Hours							Hours	Rate	Amount
Project Manager	Engineer 7	8	8	8	8	40	16	8	96	\$236.90	\$22,742
Wastewater/Pipeline Engineer	Engineer 5	80	80	24	40	40	40	40	344	\$186.92	\$64,300
Mechanical Engineer	Engineer 5			16	40		24		80	\$186.92	\$14,954
Structural Engineer	Engineer 6				24		24		48	\$201.88	\$9,690
Electrical Engineer	Engineer 5				24		24		48	\$186.92	\$8,972
I&C Engineer	Engineer 4				16		16		32	\$149.55	\$4,786
Civil Engineer	Engineer 4				24		16		40	\$149.55	\$5,982
QC Reviewers	Engineer 7	8	8	4	16		16	2	54	\$236.90	\$12,793
GIS Technician	Technician 5	16	16						32	\$142.06	\$4,546
CAD Technician	Technician 5				80				80	\$142.06	\$11,365
Admnistrative Assistant	Office	4	4	4	4	4	16		36	\$82.25	\$2,961
Hour Subtotals:		116	116	56	276	84	192	50	890		
Labor Subtotals:		\$21,346	\$21,346	\$10,649	\$47,646	\$17,282	\$34,976	\$9,846			\$163,091
Miscellaneous Expenses (travel, shipping, etc.):		\$1,500	\$600	\$300	\$300	\$900	\$900	\$300			\$4,800
Task Total:		\$22,846	\$21,946	\$10,949	\$47,946	\$18,182	\$35,876	\$10,146			\$167,891

Task Key		
Task 1	Data Collection and Flow Projections Development	
Task 2	Force Main and Water Transmission Main Route Evaluation	
Task 3	Force Main Hydraulic Evaluation and Sizing	
Task 4	Lift Station Sizing and Preliminary Site Plan	
Task 5	Meetings & Workshops	
Task 6	Project Definition Report	
Task 7	Revise Fairbanks Pump Station Flow Projections	



# city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	August 24, 2015		
prepared by	David Zusi	approved by	<input checked="" type="checkbox"/> City Manager		
department	Water & Wastewater Utility		<input type="checkbox"/> City Attorney		
division	Administration		<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 type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety			
	<input checked="" type="checkbox"/> Investment in Public Assets & Infrastructure				

## subject

Reimbursement for Ravaudage Gravity Sewer Using Portions of Project Sewer Impact Fees.

## motion | recommendation

Recommend Commission approval to use portions of the sewer impact fees for construction of the gravity sewer system within Ravadauge.

## background

Several years ago the City Commission held a Work Session regarding the Ravaudage development. One of the items discussed was the possibility of reimbursing the developer for the construction of underground water and wastewater utilities from portions of the respective impact fees generated from the development. It appeared at that time that there was consensus on the Commission that this was an appropriate use of impact fees, and that because there was limited existing utilities, the City would allow a portion of the impact fees paid by the project to be used for new infrastructure construction.

The City will realize a significant benefit from the construction of the proposed new sewer collection system because it will intercept existing sanitary sewer flow from West of the Ravaudage property and divert it to a new lift station being constructed by the City. This lift station will pump existing and future flows from this area to the wastewater treatment facility operated by Altamonte Springs. The reduced demand on our existing collection system will extend the life of these facilities significantly.

## **alternatives | other considerations**

Alternatives to the proposal above requiring the developer to pay impact fees, construct the necessary utilities, and dedicate the new utilities to the City upon completion.

## **fiscal impact**

Reimbursement of the collected impact fees for the construction of the new Ravaudage sewer collection system will in no case exceed the amount collected by the project. Preliminary estimates of the construction costs for the sanitary sewer system are well below the estimated sewer impact fees.



**CITY COMMISSION WORK SESSION**  
**July 22, 2013**

The work session was called to order by Mayor Kenneth Bradley at 2:04 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Mayor Kenneth Bradley  
Commissioner Steven Leary  
Commissioner Sarah Sprinkel  
Commissioner Carolyn Cooper  
Commissioner Tom McMacken

Also present:

City Manager Randy Knight  
City Clerk Cynthia Bonham  
Deputy City Clerk Michelle Bernstein  
City Attorney Larry Brown  
Planning Director Jeff Briggs  
Public Works Director Troy Attaway  
Water & Wastewater Director David Zusi

Others present:

Jan Carpenter, Latham, Shuker, Eden & Beaudine Law Firm  
Bret Sealy, MBS Capital Markets

This meeting was a work session with no public input.

Ravaudage Community Development District (CDD) Discussion

The purpose of this meeting was for the Commissioners to discuss the financial aspects of the Ravaudage Community Development District (CDD) and if they would be willing to provide any financial or infrastructure assistance.

City Manager Knight explained that if the Commission agrees to assist, the financial details would need to be incorporated into the legal documents which would then be presented to the Commission as part of the public hearing process for adoption.

Dan Bellows of Sydgan Corporation provided copies of a presentation booklet titled "Ravaudage" which included concept drawings, a site plan, location maps, perspectives, aerials and design guidelines and a draft copy of the Infrastructure Cooperation Agreement dated 5/21/2013.

Copies of the following items were also distributed and attached for reference: Developer estimate of public infrastructure costs, a side by side comparison of revenue sharing option table and City staff estimate of basic infrastructure costs.

City Manager Knight explained that if the City were to provide the basic infrastructure for a commercial development the total estimated cost would be approximately \$10,150,000. He noted that this amount does not include landscaping, traffic signals, parking garages, plazas or parks or any payment for land. He also explained that there is a 72 inch stormwater pipe which runs from Lee Road into Lake Gem (along Bennett Road) that is failing and at some point will



have to either be repaired or replaced by the City and will cost approximately \$1,000,000. He said this repair cost is included in the \$10,150,000.

Jan Carpenter of the Latham, Shuker, Eden & Beaudine Law Firm, said if the CDD were to provide the infrastructure for these public improvements which are necessary for the development (water, sewer, roads), the total estimated cost would be approximately \$75,888,360. She said these improvements would be owned by the CDD (or dedicated to the City in a typical manner) and operated independently by the developer. She said the developer will be responsible to pay for anything that the CDD cannot either finance, receive via a grant or some other method.

Ms. Carpenter said it would make more sense if there was a cash influx now to allow certain development improvements to happen immediately such as the building of roads, sewer, sidewalks, etc. particularly on the lots around the outskirts or edges since they would be developed first.

Developer Dan Bellows explained that approximately \$2,346,763 worth of public infrastructure work has been completed and paid to date. This leaves an estimated total of \$73,541,597, less the \$10,150,000 that the City might contribute needed to complete the development.

Discussion ensued regarding the possibility of revenue sharing; a majority of the Commission agreed not to share ad valorem taxes. They did agree to consider sharing the water/sewer impact fees with a cap (a percentage or amount of whatever was generated by the project). They also discussed the pros and cons of possibility sharing the stormwater utility fee, the water utility tax, the unrestricted building permit fees and the electric franchise fees.

Public Works Director Troy Attaway and Water & Wastewater Director David Zusi addressed questions relative to the proposed costs involved with either repairing or replacing the stormwater pipe on Lee Road and the associated benefits/value it would provide to the local business owners and residents in the community.

Discussion ensued regarding the proposed infrastructure costs. Mr. Attaway spoke about the cost being approximately \$200,000 to repave the streets within the proposed development. City Manager Knight said currently there are no sidewalks installed and due to its commercial nature, sidewalks would be needed.

Mr. Bellows said he has a firm contract with a local home builder that plans to build 60 townhomes within the development. He said if we can fix the stormwater pipe and construct the roadway in a timely manner the builder can commence work. In return, the City would receive immediate income from building permits, impact fees and electric/water utility bills.



Discussion ensued regarding the four different revenue options listed on the attached table and the potential return on investment and how it varies, dependent upon which option is chosen. The Commission seemed to favor Option 3.

Mr. Bellows responded to a suggestion made at the last meeting for the developer to dedicate six acres of land within the development to the City as a way to ensure the taxpayers that the City receives something in return. Mr. Bellows commented that it is impossible for him to set aside six acres of land when he is already in the hole. He clarified his request by asking the City to enter into an interlocal agreement which would allow the developer to obtain a bond to assist them with their financing.

Mayor Bradley said the purpose of this meeting was to find out what the City is willing to share or discuss. He said the City has some broad requirements and that based on today's discussion he believes there are at least three of them that may consider sharing and would be willing to negotiate and discuss \$6 million to get the project started but nothing more.

Mayor Bradley recommended that City Manager Knight continue the discussions and bring something back that might be palatable that they could discuss and possibly vote on. City Manager Knight acknowledged.

The meeting adjourned at 3:26 p.m.

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City Clerk Cynthia S. Bonham

7/22/13 Work Session

**Ravaudage Revenue Sharing Options  
Side-by-Side Comparison**

	Option 1		Option 2		Option 3		Option 4	
	Sharing Level	Amount	Sharing Level	Amount	Sharing Level	Amount	Sharing Level	Amount
Ad Valorem Tax equivalent	Amount equal to fifty percent of the incremental annual ad valorem tax revenue from 2019 thru 2043	\$ 9,100,000	N/A		N/A		N/A	
Water Impact Fees	100% collected within the CDD through 12/31/18 and 75% collected between 1/1/19 and 12/31/23 not to exceed actual costs of Water infrastructure	\$ 1,490,000	100% collected within the CDD through 12/31/18 and 75% collected between 1/1/19 and 12/31/23 not to exceed actual costs of Water infrastructure or \$1.2 million whichever is less	\$ 1,200,000	100% collected within the CDD through 12/31/18 and 75% collected between 1/1/19 and 12/31/23 not to exceed actual costs of Water infrastructure or \$1.2 million whichever is less	\$ 1,200,000	100% collected within the CDD through 12/31/18 and 75% collected between 1/1/19 and 12/31/23 not to exceed actual costs of Water infrastructure or \$1.2 million whichever is less	\$ 1,200,000
Sewer Impact Fees	100% collected within the CDD through 12/31/18 and 75% collected between 1/1/19 and 12/31/23 not to exceed actual costs of sewer infrastructure	\$ 3,680,000	100% collected within the CDD through 12/31/18 and 75% collected between 1/1/19 and 12/31/23 not to exceed actual costs of sewer infrastructure or \$2.6 million whichever is less	\$ 2,600,000	100% collected within the CDD through 12/31/18 and 75% collected between 1/1/19 and 12/31/23 not to exceed actual costs of sewer infrastructure or \$2.6 million whichever is less	\$ 2,600,000	100% collected within the CDD through 12/31/18 and 75% collected between 1/1/19 and 12/31/23 not to exceed actual costs of sewer infrastructure or \$2.6 million whichever is less	\$ 2,600,000
Stormwater Utility Fee	100% of growth in stormwater utility fees generated in CDD through 12/31/23	\$ 940,000	100% of growth in stormwater utility fees generated in CDD through 12/31/23	\$ 940,000	100% of growth in stormwater utility fees generated in CDD through 12/31/23	\$ 940,000	N/A	
Electric Franchise Fee/Utility Tax	90% of growth in electric franchise fee, franchise fee equivalent and utility tax generated in CDD through 12/31/18 and 75% from 1/1/19 to	\$ 3,900,000	90% of growth in electric franchise fee, franchise fee equivalent and utility tax generated in CDD through 12/31/18 and 75% from 1/1/19 to	\$ 3,900,000	N/A		N/A	
Water Utility Tax	90% of the water utility tax generated in the CDD through 12/31/23	\$ 150,000	N/A		N/A		N/A	
Unrestricted Building Permit Fees	90% of the non-restricted building permit and plan review fees generated in the CDD through 12/31/18 and 75% from 1/1/19 through 12/31/23	\$ 1,920,000	90% of the non-restricted building permit and plan review fees generated in the CDD through 12/31/18 and 75% from 1/1/19 through 12/31/23	\$ 1,920,000	90% of the non-restricted building permit and plan review fees generated in the CDD through 12/31/18 and 75% from 1/1/19 through 12/31/23	\$ 1,920,000	100% of the non-restricted building permit and plan review fees generated in the CDD through 12/31/18 and 75% from 1/1/19	\$ 2,130,000
Total		\$ 21,180,000		\$ 10,560,000		\$ 6,660,000		\$ 5,930,000
NPV		\$ 14,340,000		\$ 8,980,000		\$ 6,050,000		\$ 5,550,000



Ravaudage

7/22/13 work session

City Staff Estimate of Basic Infrastructure Costs

Electric	\$ 1,800,000
Standard Street Lights	\$ 800,000
Water and Sewer	\$ 3,800,000
Roads, Sidewalks and Drainage	<u>\$ 3,750,000</u>
Total	\$ 10,150,000

- \* Above does not include landscaping, traffic signals, parking garages, plazas or parks.
- \* Includes storm water ponds to meet city requirements not the upgraded design proposed by developer. Also includes repair of large Bennett storm trunk line.
- \* Does not include any payment for land.



# city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	August 24, 2015		
prepared by	Randy Knight	approved by	<input checked="" type="checkbox"/>	City Manager	
department			<input 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 type="checkbox"/> Intelligent Growth & Development		<input type="checkbox"/>	Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

## subject

Budget discussion

## motion | recommendation

Budget worksheets will be provided later.

## background

N/A

## alternatives | other considerations

N/A

## fiscal impact

N/A

Budget Review Discussion Commissioner Comments FY 16

Revenue Sources						Operational Impact
Fund	Potential revenue	Amount	Frequency			
General Fund	Reserves	450,000	One-Time			Reduces reserves to 25% of recurring expenditures at FY16 year end if the contingency amount of \$515k and up to \$450k of reserves is used for projects or programs.
General Fund	Contingency	515,000	Recurring			
General Fund	State Revenue Estimates	100,000	Recurring			State revenues estimates for Sales Tax, municipal revenue sharing, and communications services taxes are \$175k higher than staff's estimates. Raising the revenue estimates is easy however it reduces conservatism overall for hitting revenue targets. Currently staff estimates zero growth for Comm Svcs vs a state estimate of +2.9% (-6% in 2015, and estimated -8% in 2015). Half cent sales tax staff estimate is 7% vs a state estimate of 8.5% (current monthly comparisons in sales tax revenue growth range from 5 - 8%). Revenue share staff estimate is +5.4% vs a state estimate of 9.1%.
General Fund	1.5% Electric Rates Raise	100,000	Recurring			Increasing Electric rates will add an additional \$100k to the General Fund in increased utility taxes and franchise fees.
General Fund	CIP- Golf Greens	350,000	Available in FY 18 One-Time			Funding in FY18 CIP to renovate the golf course greens. Depending upon any plans to redo the golf course this money could be available then.
Parks Impact Fund	Parks Impact	630,000	One-Time			Current ordinance restricts use to acquisition of new parkland and accompanying facilities.
Parks Acquisitions Fund	Parks Acq.	250,000	One-Time			Current comp plan language indicates that funding can only be used for new land acquisition.
CRA	Reserves	650,000	One-Time			CRA unencumbered project funds remaining after approval of FY16 budget. Use of these funds could restrict future flexibility on expanding the scope of CIP projects.
Electric	Undergrounding redirect	0 - \$3.5 million	Recurring			Funding for regular undergrounding could be redirected to the Harper Undergrounding project. This would impact the current electric undergrounding timeline by up to a maximum delay of 1 year.
Electric	1.5% Rate increase	600,000	Recurring			Increasing the typical residential and commercial customer bill by 1.5% would generate approximately \$600k in operating revenues to keep the electric undergrounding program funded at \$3.5 million and not require the use of reserves. This rate increase will be reflected in the Fee Schedule coming to the Commission at the first meeting in September.
Sale of Property	Progress Point	4,500,000	One-Time			Offer for \$4.5 million was received to build Assisted/Memory Care Living Facility.
Sale of Property	Swoope Plant Lot	665,000	One-Time			Assessed value
Sale of Property	Blake Lot	522,000	One-Time			Assessed value

Commissioner	Department Description	Recommendation	Fund (if known)	Financial* Impact Decrease/ (Increase)	Discussion	Operational Impact (completed by staff)
McMacken	Forestry	Add \$100k for trees	General Fund	Reduce contribution to Contingency by \$100k		Reduces FY 16 year-end estimated reserves % to 26.88% vs 27.1%.
Sprinkel	All	Reduce merit increase for employees to 2% from 3.5%	All Funds	\$ (160,000)		The total cost of the 3.5% merit is approximately \$520k (420k GF, 100k all other funds). Providing a 2% merit would result in approximately a total cost of \$297k (240k GF, 57k all other funds). However the Fire Union contract stipulates a 3.5% increase so that \$63k difference would not be deductible resulting in overall city reduction in cost of \$160k. The city annually conducts a review of other municipalities to see how their proposed wage increases compare, and Winter Park is in-line with the budget goal of being in the top 1/3. Most are doing cost of living adjustments across the board, and some do a combination of merit and COLA. (Altamonte 3%, Apopka 6% merit, Casselberry 3%, Lake Mary 3% merit, Longwood 3%, Maitland 1% + 2% merit, Orange County 3.5%, Orlando 2%, Oviedo 2%, Sanford 3%, Tavares 5%, Winter Garden 3%.)
Sprinkel	All	Move all operating expenditures back to 2015 levels.	General Fund	\$ (834,193)		This would have a significant fiscal impact as many operational contracts, service agreements, and prices increase every year. To hold overall spending at 2015 levels would require actually cutting operational spending so that items that escalate each year such as the library payment, garbage contract, facilities services contracts, etc could still be funded at their required level. Further cuts to 2015 levels would also have to be made if projects like the Comprehensive Plan (\$150K) or funding for trees (\$100k) were kept in favor of reducing other operating lines.
Sprinkel	Parks and Rec	Fund the golf course	CIP	1.2 million		Phase 1 of the Golf Course calls for \$1.2 to \$1.5 million. Depending upon the timing of this project and the need for cash flows there is \$350k in the FY18 CIP designated for this purpose. Other funding sources discussed have included the CRA (See comments below on the difficulty), fundraising, General Fund reserves, and the sale of real property such as Progress Point, Blake Yard, and the Swoope site.
Sprinkel	Parks and Rec	Heat Cady Pool by funding half of \$140 cost and loaning the other half to the YMCA.	CIP	70K plus loan		Staff is awaiting an update from the YMCA on this issue and will have information at the meeting.

Commissioner	Department Description	Recommendation	Fund (if known)	Financial* Impact Decrease/ (Increase)	Discussion	Operational Impact (completed by staff)
Sprinkel	Electric	Begin decorative light plan with collector roads setting aside \$200k annually.	CIP	200K		This could be reviewed to become an ongoing capital item funded by the Electric Utility. If this becomes part of the capital budget it would have implications on dollars available for undergrounding.
Sprinkel	Parks and Rec	Postpone Northwestern Sports Complex until review of existing fields can be performed.	CIP			There is \$5 million estimated for this project in the FY19 portion of the CIP. However this level of funding would only be achievable through some sort of bond issue. Additional impacts of the operating costs of the facility are planned to be studied in FY18.
Sprinkel	Parks and Rec	Redo Showalter with help from Rollins and OCSB	CIP	1.5 million		A proposed agreement is coming to the Commission for consideration in the near future.
Sprinkel	Operational Support	Mead Garden Amphitheater	CIP	155k		
Cooper	Planning	Hire a City Architect	CRA/General Fund (base on % commercial properties)	No Impact	In the absence of adopted architectural design standards and an architectural review board, this position is critical to insure quality of design along Winter Park's Commercial Corridors & CRA. Prior to recession there was an architect on WP Planning Staff. Currently there is a vacant position within the Planning Department. Sharing of this position should result in no impact to GF/CRA. (OC Architect/Planner \$100K)	There is a vacant position for CRA Project Manager. The addition of the City Architect position and the existing position in Planning could be shared between the two funds (General Fund/CRA) resulting in little impact to the budget.
Cooper	Police	Hire 2 Uniform Police Officers	GF: Unfreeze one existing position.	\$ (85,000)	The Civil Service Board (including 2 past Mayors) wrote a letter to the Commission in Oct 2014 requesting management unfreeze the 4 frozen police positions. The letter cited statistics on lowered response time, increased population, increased number of incidents, and increased index crimes. Population/Police ratio may be above average but safety is WPs differentiator. Also, WP enjoys huge crowds for Art Shows/Concours d'Elegance/Parade of Bands. These crowds are growing. With the introduction of SunRail plus our events and seasonable population increased police presence specific to the CRA is warranted. Additionally, the anticipated increased traffic on 17/92 resulting from the I-4 construction will result in more traffic incidents requiring response by Winter Park police officers.	An additional police officer would come with some minor costs beyond the \$85k as the major cost of a new vehicle can be covered with an existing car in the pooled fleet.
Cooper			CRA: Add 1 Police officer exclusive to CRA	\$ (85,000)	Public Safety is one of the 8 strategic goals of the CRA Plan. As part of the original CRA Plan, 5/17/93, <u>New Police for Community Policing</u> was #6 on CRA Priority Survey approved by the CRA Advisory Committee. With the increase in feet on the street due to new development in our CRA area increased policing continues to be a community need.	If an officer is hired through the CRA a job description specific to the CRA would need to be created. To avoid supplanting the existing budget this new officer could not count as unfreezing on the 4 frozen positions but would clearly need to be described as an added level of service provided to the CRA.
Cooper	Urban Forestry	Hire 1 Watering Technician	General Fund	\$ (42,000)	Needed to protect our investment in new high quality ROW oak trees. Increase planting of oak trees will require increase in watering commitment.	The need for aggressive watering may only be temporary 2-3 years during the heavier planting period of the Urban Forestry Master Plan. Staff is considering that this may be more appropriate as a contractual service position if no longer term employment plan is in place for anyone hired into this position.
Cooper	Urban Forestry	Watering Vehicle/Trailer	General Fund	\$ (35,000)	Urban Forestry requires an additional water truck to sustain new trees. 400+ new trees require frequent watering over the first 6 months.	City may have an existing vehicle that could work on a short term basis if an additional person is hired or contracted for watering work. The trailer portion would need to be purchased and costs \$10k.
Cooper	Urban Forestry	Street Tree Plantings (Oak)	General Fund/ CRA CIP (based on location)	\$ (80,000)	Plant 200 additional <u>oak</u> trees. To date, 223 oak trees have been removed and not replanted. These 200 new oaks are in addition to trees currently budgeted for FY2016. Schedule to precede Phase 2 removals. (\$400/tree)	This would bring planned total trees to be planted to approximately 600.

Commissioner	Department Description	Recommendation	Fund (if known)	Financial* Impact Decrease/ (Increase)	Discussion	Operational Impact (completed by staff)
Cooper	Parks CIP	Country Club Golf Course Upgrade	General Fund/CRA (based on location) Capital Improvement Plan	\$ (500,000)	Major renovation to Country Club Golf Course. City to budget GF \$500K in 2016 and CRA \$500K in 2017 with work to be completed in 2017. \$500K to be raised by Golf Greens Committee. City investment 2 to 1 based on fundraising efforts. (Current \$350,000 CIP 2018 allocation to be replaced by this \$1M investment in 2016/2017.)	CRA funding of the golf course is problematic as it is not mentioned in the CRA Plan. An attorney letter of opinion would need to be provided on this issue. Fundraising is an option and the time it takes to raise funds may not require the city to make any change to the planned CIP allocation for the golf course in FY18. Other options for funding include the sale of property including Progress Point, Blake Yard, and the Swoope Plant site adjacent to the golf course.
Cooper	Parks CIP	Showalter Stadium Renovation	General Fund	\$ (180,000)	Staff is currently negotiating a revised lease agreement with OCPS for the use of Showalter Stadium. The lease agreement will include shared upgrades to the equipment, addition of artificial turf and the ability for the City to lease the field when not used by WPHS. WPHS's 3100 students are the pride of our community. WPHS prides itself in having the most national merit scholars and highest AP pass rates. This year 88% of the senior class is college bound receiving \$15.5M scholarships. The quality of our schools is a key economic driver. The time has come for WP to make capital improvements to the WPHS Wildcats' home stadium. WP is negotiating a sharing of necessary capital improvements.	A proposed agreement is coming to the Commission for consideration in the near future.
Cooper	CRA	Undergrounding Harper	CRA Capital Improvement Plan	TBD	Recommend sharing of Harper undergrounding between CRA-Duke-Rollins-Library Bond (\$3.7M total cost)	CRA funding could be used for this project. Currently the CRA has almost \$700k remaining in reserves after the approval of their budget. Other funding sources would include raising electric rates, pursuing other funding partners, and the sale of property. Granted these funding options are one-time sources and project funding priority needs should be addressed. If regular underground funds are used to support this project it would delay the undergrounding initiative timeline.
Cooper	CRA	Include Adaptive Signalization Funding in Out Years	CRA CIP	TBD	Pilot project funded \$200K for signalization improvements in FY15 but no funding was included in out years. Citywide modeling and traffic flow improvements require out year funding. Adjustment to CIP out years is requested to address traffic congestion.	\$200k is currently in the budget to do a pilot project test of this technology. FDOT has indicated that this technology is in it's early stages and staff recommends waiting for the results of the CRA pilot test before making further determinations.
Cooper	Offsetting Revenue	Increased Revenues (eg Sales Tax distribution)	General Fund	\$ 100,000	Revenue projections from State (Office of Tax Research) were delayed due to legislative special sessions. Released projections show more revenue than the projections used to formulate preliminary GF budget.	See comment in revenue section.
Cooper	Offsetting Revenue	Increased Electric Fund/GF Transfer	General Fund	\$ 100,000	Increased Electric franchise fees attributable to 1.5% increase in Electric Rates.	See comments in revenue section.
Cooper	Offsetting Revenue	Sale of Progress Point Property	General Fund	\$ 4,500,000	Notice of Disposition was approved by the Commission and publicized through an appropriate process. A proposal was submitted to the City and the developer is ready to proceed.	A \$4.5 million offer was received on the property. EDAB has recommended moving forward with the sale to the proposer.
Leary	Forestry	Add \$100k+ for trees	General Fund		Add dollars for tree canopy.	See comments on tree purchases above.
Leary	CRA	Golf Course Phase 1	All Funds	\$1.5 million	I would like to see Phase 1 of the golf course receive funding. This is going to be a challenge, but I am hopeful we can figure a way to allocate dollars to improve one of our most prized assets. As part of this is within the CRA, as a CRA member I would consider additional dollars from that funding source as I believe a top-rated park environment meets the spirit of the CRA.	See comments on golf course project above.
Leary	Planning/CRA	Workforce housing	General Fund/CRA/ Affordable Housing Trust Fund		I am also looking forward to hearing the outline of a Workforce Housing plan that would help provide for city employees a greater opportunity to live in the city which they care for, and take care of.	The City currently has \$400k in the Affordable Housing Trust fund that could be used for workforce housing purposes.
Leary	Parks	Quality standard for Parks restrooms	General Fund		I believe we need to bring our park facilities (restrooms, etc) up to the standards that we expect of anything that is a city owned asset.	The restructuring of the Parks Dept will free up additional positions to better maintain and manage our restrooms. The current budget also includes the completion of an additional restroom.

Commissioner	Department Description	Recommendation	Fund (if known)	Financial* Impact Decrease/ (Increase)	Discussion	Operational Impact (completed by staff)
Leary	Administrative Services	Evaluate Municipal Fiber citywide	General Fund		High-speed internet access is something that we have discussed and I believe has the support of a majority of the Commission. I look forward to hearing more about how we can accomplish a high-level of service to our residents and businesses.	Staff received a draft proposal 8/19/15 to review the feasibility and options available for municipal fiber. This study would include needs assessment, broadband market analysis and feasibility, a conceptual network design, and financial plan. The cost of the study is \$40k but could be pursued in parts.
Leary	Building and Permitting	Review options for solar use	General Fund		Sustainability is important to me and many of our stakeholders. Perhaps moving forward we can develop a plan to encourage more solar use and possibly fund & manage a solar program. It can be done and be a positive budget item.	The adopted Sustainability Action Plan and the Georgetown Energy Prize competition seek a reduction in residential and municipal energy use while increasing the amount of renewable sources for city needs. Three of the four Water and Wastewater facilities are not served by Winter Park Electric and all energy consumed at these plants is a cost to the city. Staff is currently reviewing the feasibility of providing solar at these sites which would reduce energy costs and generate credits that could be resold.
Leary	Parks/Facilities	Maintain Quality Parks and City Facilities	General Fund		City asset optimization plan. This goes for not only buildings, but also parks. I want to make sure that our facilities are the highest quality in the region. For instance, I know that we have parking challenges along Cady Way, Showalter Field and Ward Park. Given the mass of the property, can we rearrange the fields and parking to create a better environment for neighbors and those that utilize the parks?	Parks is working closely with Public Works to increase the parking capacity within the property and increase the efficiency of the parking in several of the existing lots. We have already removed several areas of “No Parking” signs along the perimeter streets and increased the number of parking spaces in the Cady Way Park parking lot. We currently have three areas designated for parking improvements and are working with Engineering to design the lots and initiate the changes.
Leary	Fleet Management	Reduce funding for vehicle replacement	Vehicle Replacement Fund		Vehicle Replacement. \$1.6 million is a large number, so perhaps we can reduce this amount and reallocate to some of the above items.	The amount of funding for vehicle replacement is based on taking the city's fleet, looking at purchase prices, useful life, and salvage value, and coming up with an annual amount that has to be set aside for the future replacement of vehicles. Because of the pricing of many of the more significant vehicles the city uses (fire engines, ambulance, vac cons, construction equipment, etc) the annual cash flow needs can vary significantly. \$1.6 million is the average annual set aside that would need to be reserved from the budget each year to replace our existing fleet on an ongoing basis. In some years we'll pay less than that and in some years we will pay more. Fleet Management does plan to use the full \$1.6 million this year to replace 6 cop cars, a fire truck, three dump trucks, a barge backhoe for lakes, and 5 other various trucks and construction equipment. Staff routinely performs an audit of vehicle use and 2 years ago removed 18 vehicles. This year we anticipate removing 4 - 5 more. Not allocating the budgeted amount could lead to wider fluctuations in funding demanded in future years to replace necessary equipment.
Leary	Contingency	Reallocate contingency funding to other projects	General Fund		General Fund Reserve. I am open to a reallocation of the roughly \$515k planned for the general fund reserves to meet potential project needs.	See comments in revenue section above regarding general fund reserves.
Seidel	Electric/Public Works	Move Streetlight costs to the General Fund	Electric/ General Fund	\$425k	Moving the cost back to the General Fund would free up funding to accelerate undergrounding.	In FY 2014 the cost of paying for street lighting expenses was moved to the Electric Utility from the General Fund. Moving it back would necessitate significant cuts to the existing operating budget or would use up a majority of the annually budgeted contingency on an ongoing basis.

These Items were Submitted for Discussion Purposes

Commissioner	Department Description	Recommendation	Fund (if known)	Financial* Impact Decrease/ (Increase)	Discussion	Operational Impact (completed by staff)
Cooper	Urban Forestry	Reconsider Fee for Removal of (More Than One) Healthy Trees per Lot	General Fund	\$50,000	For the 5 years prior to the weakening of WP's tree preservation ordinance in November 2012, our Tree Fund collected an average of <u>\$100,000 per year...enough to plant 253 top grade oak trees annually.</u> Recommend we direct the TPB to review compensation to define a fee that is fair to single family home owners but also provides reasonable but meaningful compensation for removal of <u>more than</u> one healthy tree from any building lot with multiple healthy trees.	



Commissioner	Department Description	Recommendation	Fund (if known)	Financial* Impact Decrease/ (Increase)	Discussion	Operational Impact (completed by staff)
Cooper	Parks	Commercial Parks Usage Fee	General Fund	Requires analysis of future required improvements	Comprehensive Plan policy 6-1.7.1. requires "all new development" to pay its fair-share of the cost to acquire new parks. The City is required to update that fee periodically. Currently the fee is only assessed on residential properties in excess of 10 units. The WRT, <i>Analysis of Potential Impediments to Economic Development</i> , in September 2013, recommended developing " a non-residential system development charge (SDC) allowing the city to require non-residential development to pay a fee or dedicate park land as a condition of building permit approval." (pg 32) We have not evaluated this source of parks acquisition contribution.	A study would need to be conducted to determine the rational nexus for charging a fee to commercial developers.
Cooper	Fire	Fire Services Fees	General Fund	While this doesn't reduce cost it does share the cost fairly across all users.	In 2007, the Commission codified the ability to impose a fire service fee; they did not establish a process or set any actual fee. We have had an Ordinance in place and no fee since 2007. Staff could present options for implementation of the city-wide fee on the fire-only services (about 30% of fire budget). Fees could be applied to all property in the city protected by the fire department; including those currently owned by non-profit organizations. Evaluate millage rate reduction concurrent with application of fee.	
Cooper	Public Works	Transportation Impact Fees/Proportionate Fair Share	General Fund	Requires analysis of future required improvements	Comprehensive Plan Policies anticipate a comprehensive transportation study and development of a program for collection of fair share contributions from developers based on increased impact to our transportation facilities. Recently a resident advised, " <u>Transportation impact fees on 72,000 SF in Orlando is \$778,000.</u> " We have not evaluated proportionate fair share or impact fees.	These fees are commonly charged by jurisdictions but are quite involved and vary depending upon land use. Staff would recommend conducting a study to pursue this further. Transportation Impact fees received are restricted in their use to the expansion of existing capacity such as expanding or adding roads, or increasing bike and pedestrian opportunities. They cannot be use for repair and replacement of roads, sidewalks, or curbs.
Cooper	Public Safety Pensions	Negotiate reduction in 6.5% Interest Earned on DROP funds.	General Fund	Requires Actuarial Computation Due to Assumptions	Public Safety employees participating in DROP have earned <u>6.5% return</u> on DROP invested retirement benefits regardless of performance of pension investments. Recommend we negotiate lower guaranteed rate and set a base and ceiling for rate tied to performance of plan . Maitland's terms are plan performance with a cap of 10% and a base of 0% or a fixed rate of 3%.	
Cooper	Public Safety Pensions	Negotiate increase in 6% employee pension contribution.	General Fund	\$139,000 yr 1	Public safety employees contributed <u>6% of payroll</u> to their pension plan: the City contributed 38.3%/48.6% of payroll. A comparative study of employee contribution and salary should be prepared for commission understanding. If warranted, recommend increase in employee contribution consistent with adjacent municipality. (Maitland 7.7% Orlando firefighters 7.5% and police officers 8.5%.)	



# city commission public hearing

Item type	Public Hearing	meeting date	August 24,2015		
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 – SECOND READING OF 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 104.1-104.5~~7~~ 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.

104.5~~7~~ 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**

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##### 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 ~~405.16~~ 105.18 is added to read as follows:

~~5.16~~ 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 where practical, and may not be placed in the public right-of-way and shall be screened from view when required. The location of temporary toilet facilities on the property may be changed by the building official to recognize unique conditions or a less offensive location for neighbors.

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

~~405.17~~ 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.

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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.

~~105.24~~ 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 107 Submittal Documents

Section ~~106.2~~ 107.2. ~~451.1~~ is added to read as follows:

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~~407.2.4~~ 107.2.61.1 Site plan.

107.2. ~~1.14.15.2~~ 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 110.3.3 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 ~~where~~ applicable:

- ☐ stem-wall
- ☐ monolithic slab-on-grade
- ☐ piling/pile caps

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- ☐ 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.

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.

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

2.21. 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.

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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.

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

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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:

**1<sup>st</sup>.** - **Pool steel & ground:** Pipe sizing and pressure test

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

**3<sup>rd</sup>.** - **Deck inspection:** Size, location and bonding grid.

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

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

**6<sup>th</sup>.** - **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.[27.20 of this code](#)).

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.~~40-9~~ to read as follows:

| ~~440.7~~ 110.3.~~40-9~~ 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.

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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 ~~D~~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.~~

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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~~

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

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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]~~

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**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/m<sup>3</sup>) 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

31  
Ordinance No. \_\_\_\_\_



# city commission public hearing

Item type	Public Hearing	meeting date	August 24, 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: \_\_\_\_\_

\_\_\_\_\_  
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)

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



# city commission public hearing

item type	Public Hearing	meeting date	August 24, 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	6-0 final vote

**Subject: Conditional Use Request by Winter Park Hospital for Expansions to the Emergency Services Dept. and Construction of a new Bed Pavilion Wing.**

This public hearing is a Conditional Use request of the Winter Park Memorial Hospital at 200 N. Lakemont Avenue for:

1. Renovation and Expansion of the Emergency Services component of the Hospital on the Lakemont Avenue side of the Hospital and
2. Construction of a new five story Bed Pavilion wing on the east side of the Hospital.

**Emergency Department (ED) Project Proposal:** According to the applicant, the existing Emergency Department of the Hospital is undersized, out-dated and functionally deficient. The proposed expansion is intended to enhance the emergency room's ability to serve patients and provide space for treatment rooms, storage, staff and other needed services. The proposed changes also separates emergency vehicle (ambulance) dropoff from walk in traffic. The new layout splits the function with emergency vehicles accessing from Lakemont Avenue and the patient/visitor entrance to be located on the south side of the proposed expansion. The layout also provides new visitor/family parking adjacent to the new walk in entrance. The existing 14,100 square foot emergency services component increases to 29,100 square feet.

**New Bed Pavillion Project Proposal:** The other component of this Conditional Use request is for a new five story, 177,000 square foot "north tower or bed pavillion" on the east side of the Hospital. The building will be 80 feet tall to the roof eave on the fifth floor and then 95 feet to the top of the pitched roof. This addition is contemplated to add 160 beds at maximum build-out to the Hospital. However, with the transition of double rooms to single rooms within the Hospital, the net effect of this building addition will be to increase the Hospital from 320 beds to 417 beds or an increase of 97 beds. This is a 30% increase in the capacity of the Hospital but is consistent with the adopted Master Plan's total bed count.

**Parking Requirements:** The City's parking code for the Hospital is one parking space for each three patient beds plus one parking space for each employee, contract personnel, volunteer, etc. including part-time employees, expected on the most populated work shift. Attached are the calculations provided by the Hospital which show that the current parking provided by the Hospital campus-wide, exceeds the code requirements. The Planning staff has surveyed the campus on several occasions and the parking garage is generally full except for the top two levels. An employee parking lot, identified as the Red Lot located between Moray and Strathy Lanes has been empty during staff's review, providing additional capacity.

**Comprehensive Plan Policy/Master Plan Process:** The development of these two projects is provided for by the adoption of the conceptual Master Plan in the 2009 Comprehensive Plan.

**Policy 1.2.5.1.4: Redevelopment of Winter Park Hospital Campus.** The City shall strive to accommodate the enhancement and redevelopment of the Winter Park Hospital campus and their administrative properties as a paramount public service purpose. To this end the creation of a Hospital/Medical Arts district shall be considered. Development of the Winter Park Hospital campus and ancillary facilities shall be pursued in accordance with the conceptual Master Plan approved April 25, 2005.

Past approvals of projects within the Master Plan have provided for flexibility within the phasing plans as long as the various proposed developments are consistent with the overall square footage, height, bed count, parking requirements and infrastructure needs of the adopted Master Plan. Past major approvals include the four story South Patient Wing and the Parking Garage as well as significant internal renovations that did not qualify as conditional uses. Given the ten year time limit within the adopted Master Plan, the Hospital's representatives recognize that this will be the final approval under the current Master Plan for any project requiring conditional use approval. Any subsequent phases would require an update to the Master Plan and adoption of a new Master Plan by the City Commission. The city staff has been working with the Hospital's representatives on a Hospital/Medical Arts district as part of the Comprehensive Plan update intended in 2016.

**Approval Process:** A city-wide notice has been sent to all 17,500+ households in the City and notices mailed to the property owners within 1,500 feet of the Hospital. The approvals are for the site plan and conceptual elevations. The conditions of approval by the P&Z Board provide for staff approval of the subsequent civil engineering, landscape and lighting plans.

**P&Z Board Review and Conclusion:** The P&Z Board was in agreement that these projects were beneficial improvements to the Hospital. The P&Z Board and planning staff have determined that even with the height relocation from Lakemont Avenue to the east side of the campus for five stories on the new proposed wing, that the applications meet the intent of the Master Plan. The applications also conform to the parking requirements, the height, the square footage and the bed count within the Master Plan. The P&Z Board conditions outline some additional steps that are needed to further buffer the physical plant facilities and activity (which will be growing in order to serve these new additions), to enhance the aesthetics along the Lakemont Avenue corridor and to improve pedestrian safety.

### **Planning and Zoning Board Recommendation:**

**Motion made by Mr. Sacha, seconded by Mrs. DeCiccio to approve the Conditional Use approval to renovate and expand the emergency services component of the hospital and to build a new five-story patient wing on the east side of the hospital, located at 200 North Lakemont Avenue and pursuant to the approved master plan subject to the following conditions:**

1. The Hospital shall continue the exterior architectural enhancements to the Lakemont Avenue façade of the Hospital (on the two floors above the Emergency Services façade) in order to provide architectural consistency on the same building wall with the new façade.
2. The Hospital will provide by December 31, 2016, a Master Storm Water/Drainage (campus wide) Plan including a schedule of infrastructure improvements and implementation dates.

3. The Hospital shall provide a visual and sound attenuation buffer along Lakemont Avenue to screen and buffer the proposed expansion to the physical plant facilities necessary to serve these two projects, as part of the building permit package submission for the Bed Pavilion project which then is to be completed by the time of the first temporary C.O. for Bed Pavilion project.
4. These approvals represent the final project approvals under the current 2005 Hospital Master Plan. Any additional approvals for major projects within the Hospital's campus governed by the Master Plan which require conditional use approval will require the adoption by the City Commission of a new Master Plan before any other facility improvements are requested.
5. The Hospital will continue to work with city staff on a Hospital/Medical Arts district or overlay as part of the city's Comprehensive Plan update in 2016.
6. After approval by the City Commission of these two projects on August 24, 2015, no additional public hearings shall be required and City staff shall review all construction documents and other submittals in the permitting process including, without limitation, landscape and civil plans to confirm compliance with the staff report and conditions.
7. The Hospital will work with city staff to design and implement appropriate pedestrian cross walks on Lakemont Avenue.

**Motion carried unanimously with a 6-0 vote.**

## **P&Z Minutes: August 4, 2015**

### **REQUEST OF THE WINTER PARK MEMORIAL HOSPITAL FOR: CONDITIONAL USE APPROVAL TO RENOVATE AND EXPAND THE EMERGENCY SERVICES COMPONENT OF THE HOSPITAL AND TO BUILD A NEW FIVE-STORY PATIENT WING ON THE EAST SIDE OF THE HOSPITAL LOCATED AT 200 N. LAKEMONT AVENUE, ZONED O-1, PURSUANT TO THE APPROVED MASTER PLAN.**

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing is a Conditional Use request of the Winter Park Memorial Hospital at 200 N. Lakemont Avenue for: (1) Renovation and Expansion of the Emergency Services component of the Hospital on the Lakemont Avenue side of the Hospital; and (2) Construction of a new five story patient wing in the east side of the Hospital. Mr. Briggs provided an overview of the applicant's plans for the Emergency Department (ED) and the new bed pavillion. He also reviewed parking, comprehensive plan policies and the hospital master plan. A city-wide notice has been sent to all 17,500+ households in the City and notices mailed to the property owners within 1,500 feet of the Hospital.

Mr. Briggs concluded by stating that staff has reviewed the adopted Master Plan and has determined that even with the height relocation from Lakemont to the east side of the campus for five stories on the new proposed wing, that the applications meet the intent of the Master Plan. In addition, the applications meet the parking requirements, the height, the square footage and the bed count within the Master Plan. Staff recommended approval of the Preliminary Conditional Use with conditions. Mr. Briggs responded to Board member questions and concerns.

Borron Owen, Attorney for WP Hospital, 301 North Pine Street, Orlando, represented the Hospital. He introduced the members of the redevelopment team. He provided the Board with more details of the redevelopment plan. He said that he has no objections to the content of the staff report or and the intent of five conditions listed in the staff report. He did, however, request certain changes to some conditions and some wording changes to other conditions. Mr. Owen responded to Board member questions and concerns.

The following people spoke concerning the request.

Tom Yokum; Jay Plotkin, 1733 Lake Berry; Mike Haye, 1217 Fairway; Nancy Schwab, 508 Henkle Circle; Michael Clary, 1377 Richmond Road and Sharon Gillette, 1830 Fawsett Road; and Clark Sprinkle, 166 Harris Avenue. Mr. Sprinkle did not oppose the request but he did ask that more thought go into the safety of pedestrian crossings. No one else appeared to speak, public hearing closed.

The P&Z Board members all agreed that these were much needed and valuable improvements to the Winter Park Hospital. Several members commented upon the difficulty of crafting and rewording conditions from the dias. Mr. Ross Johnston indicated that he was comfortable that the proposed addressed the matters that P&Z had discussed with respect to the physical plant, project appearance and especially pedestrian safety, etc. Mr. Sacha expressed his appreciation to the Hospital team for their efforts and indicated that the Board has the faith and trust in all parties that the implementation details will all be resolved. Mr. Hahn said that he looked forward to the next phase of updating the Hospital master plan and the Medical Arts district as an opportunity to look at the Hospital campus from a global and comprehensive viewpoint. Mrs. DeCiccio and Mr. Slocum also voiced their support for the projects.

Motion made by Mr. Sacha, seconded by Mrs. DeCiccio to approve the Conditional Use approval to renovate and expand the emergency services component of the hospital and to build a new five-story



patient wing on the east side of the hospital, located at 200 North Lakemont Avenue and pursuant to the approved master plan subject to the following conditions:

1. The Hospital shall continue the exterior architectural enhancements to the Lakemont Avenue façade of the Hospital (on the two floors above the Emergency Services façade) in order to provide architectural consistency on the same building wall with the new façade.
2. The Hospital will provide by December 31, 2016, a Master Storm Water/Drainage (campus wide) Plan including a schedule of infrastructure improvements and implementation dates.
3. The Hospital shall provide a visual and sound attenuation buffer along Lakemont Avenue to screen and buffer the proposed expansion to the physical plant facilities necessary to serve these two projects, as part of the building permit package submission for the Bed Pavilion project which then is to be completed by the time of the first temporary C.O. for Bed Pavilion project.
4. These approvals represent the final project approvals under the current 2005 Hospital Master Plan. Any additional approvals for major projects within the Hospital's campus governed by the Master Plan which require conditional use approval will require the adoption by the City Commission of a new Master Plan before any other facility improvements are requested.
5. The Hospital will continue to work with city staff on a Hospital/Medical Arts district or overlay as part of the city's Comprehensive Plan update in 2016.
6. After approval by the City Commission of these two projects on August 24, 2015, no additional public hearings shall be required and City staff shall review all construction documents and other submittals in the permitting process including, without limitation, landscape and civil plans to confirm compliance with the staff report and conditions.
7. The Hospital will work with city staff to design and implement appropriate pedestrian cross walks on Lakemont Avenue.

Motion carried unanimously with a 6-0 vote.

**NARRATIVE TO APPLICATION FOR CONDITIONAL USE**  
**WINTER PARK MEMORIAL HOSPITAL**

The City has adopted the Winter Park Memorial Hospital ("**WPMH**") Master Plan dated November 15, 2004 (the "**Master Plan**") relative to the WPMH Campus. The Master Plan was approved for a term of ten (10) years with an expiration date of April 25, 2015. By action of the Florida Legislature in 2014, the term of the Master Plan was extended for two (2) years to April 25, 2017. The Master Plan requires that certain features and aspects of each project be reviewed and approved by the Planning Commission and the City Commission. The purpose of this Application is to commence that review and approval process for two (2) projects on the WPMH Campus.

Page 2 of the Master Plan outlines different "Master Planning Options" for future growth and development of the WPMH Campus. These Master Planning Options are identified as Phases One through Five; however, there is no requirement in the Master Plan that the Master Planning Options/Phases occur in any particular order, at any particular time, or even at all. The Master Planning Options/Phases are designed to be a "menu" of possible development projects, rather than a sequential, chronological program of development. By outlining Master Planning Options in the form of Phases and projects within Phases, the Master Plan enables selection of a project or projects within a Phase in no required order or timing, thus providing WPMH with the flexibility needed to appropriately develop its Campus to meet the healthcare needs of the Winter Park Community. Additionally, the sketches and graphics in the Master Plan are conceptual in nature, and are intended to graphically depict how the WPMH Campus might look depending on the Master Planning Options/Phases selected, but are not intended to be strictly and rigidly followed, as evidenced by the recently approved and constructed East Tower (the "**Baby Place**") and the Parking Garage.

This Application for Conditional Use ("**Application**") requests approval of two (2) functionally linked, inseparable projects at the WPMH Campus (sometimes, collectively, the "**Projects**"). These Projects are the expansion of the existing Emergency Department ("**ED**") and the construction of a new 5-floor bed tower ("**Bed Pavilion**") at the location depicted as "Phase 5" in the Master Plan on the graphic entitled "Phase 4". The locations of the Projects are depicted in the graphic attached to this Narrative as **Exhibit "A"**.

The ED expansion project is a Phase 2 Master Planning Option, and is at the location depicted in the Master Plan. The ED expansion project will improve traffic patterns and conditions on Lakemont Avenue.

Relative to the new Bed Pavilion, the Master Plan includes as a Phase 5 Master Planning Option the construction of either a 5-floor "120-bed north tower...along the north edge of the Campus (not shown)...or a 4-floor, 80-bed tower...north of the main entry...as shown dashed in" on the Master Plan graphic for Phase 4. With this Application, WPMH requests approval of the Bed Pavilion, which will contain 160 hospital beds at full buildout, at the location "shown dashed in" on the Phase 4 graphic in the Master Plan, which is consistent with the Master Planning Option of a 5-floor bed tower along the north edge of the Campus. In exchange for the City's approval of the Bed Pavilion containing 160 beds at this location, and, in order to move density away from Lakemont Avenue, WPMH will agree that the



5-floor west tower along Lakemont Avenue as described in the Master Plan may only be a maximum of 4-floors, and the 5-floor south tower described in the Master Plan may only be a maximum of 5-floors east of the ED expansion.

Although the new Bed Pavilion is to be 5-stories in height, as permitted by the Master Plan, its eave height will be less than eighty (80) feet, and the roof ridge line will be less than ninety-five (95) feet in height. The ground floor will contain the building lobby and other public functions, and will have a ceiling height of less than twenty (20) feet. Each of the floors above the ground floor will be an inpatient floor with a ceiling height of approximately fifteen (15) feet in order to accommodate the mechanical and medical equipment required for an inpatient hospital facility.

There are currently 320 hospital beds on the WPMH Campus. Although the new Bed Pavilion will contain 160 hospital beds in private hospital rooms (single occupancy) at full buildout, a number of semi-private hospital rooms (double occupancy) will be converted to private hospital rooms and a number of older hospital rooms will be removed, as determined by patient need and/or clinical demands. Therefore, the new Bed Pavilion will only add an additional approximately 97 hospital beds beyond the existing 320 hospital beds, for a total of approximately 417 hospital beds at full buildout of the new Bed Pavilion.

The Projects will not increase the external impacts of the WPMH Campus beyond that contemplated and approved in the Master Plan. The parking required to support the Projects is already in place; therefore, the number of parking spaces on the WPMH Campus will not be increased with the Projects. The Projects are within the Master Plan entitlements and the Master Planning Options and Phases.



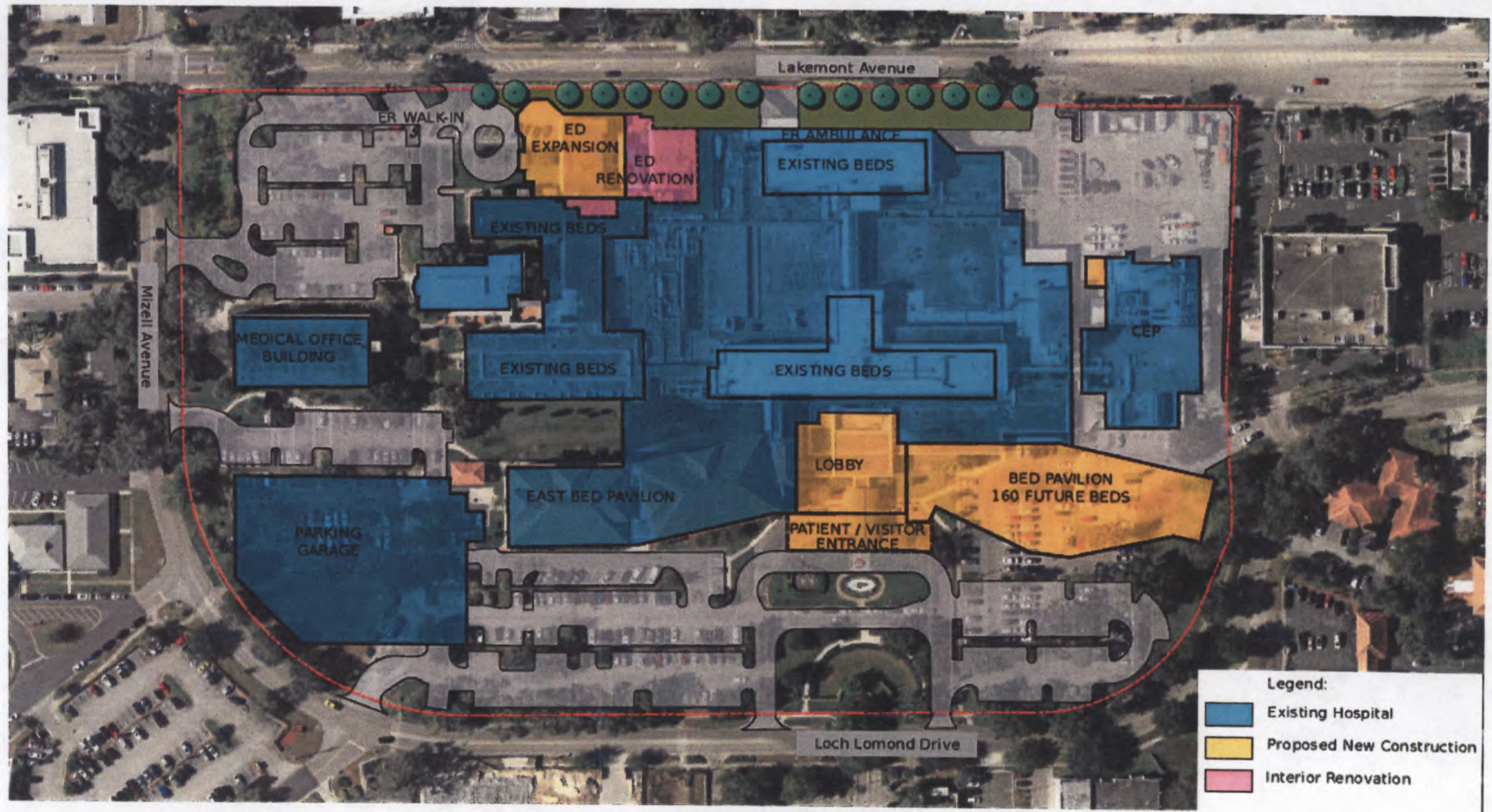


EXHIBIT 'A'  
EXISTING & PROPOSED CONDITIONS



**Florida Hospital - Winter Park Memorial Hospital**  
**Evaluation of Parking Plan - 6/25/15**  
**Existing Conditions / City Code Requirements**

**Winter Park City Code<sup>1</sup>:**

Units	Unit Type	Parking Spaces		
		Rate / Unit	Required	
<u>Hospital &amp; Emergency Department (Current conditions)</u>				
320	Beds	1 / 3	107	
600	Employees	1.000	600	Main shift
25	Volunteers	1.000	25	Main shift
			<u>732</u>	spaces
<u>Physician Office Building</u>				
35,500	Square Foot	1/200	178	Outpatient (POB) parking spaces
		Total:	<u>910</u>	spaces (required)
Existing Parking Inventory <sup>2</sup> :			1042	Spaces provided inside Loop
Red Lot Parking Outside Loop:			<u>286</u>	
		Sub Total:	<u>1328</u>	
Surface Parking Removed:			<u>111</u>	for ED/Hospital Pavilion expansion
Total Available Parking:			<u>1217</u>	Spaces available for Main Hospital/ED

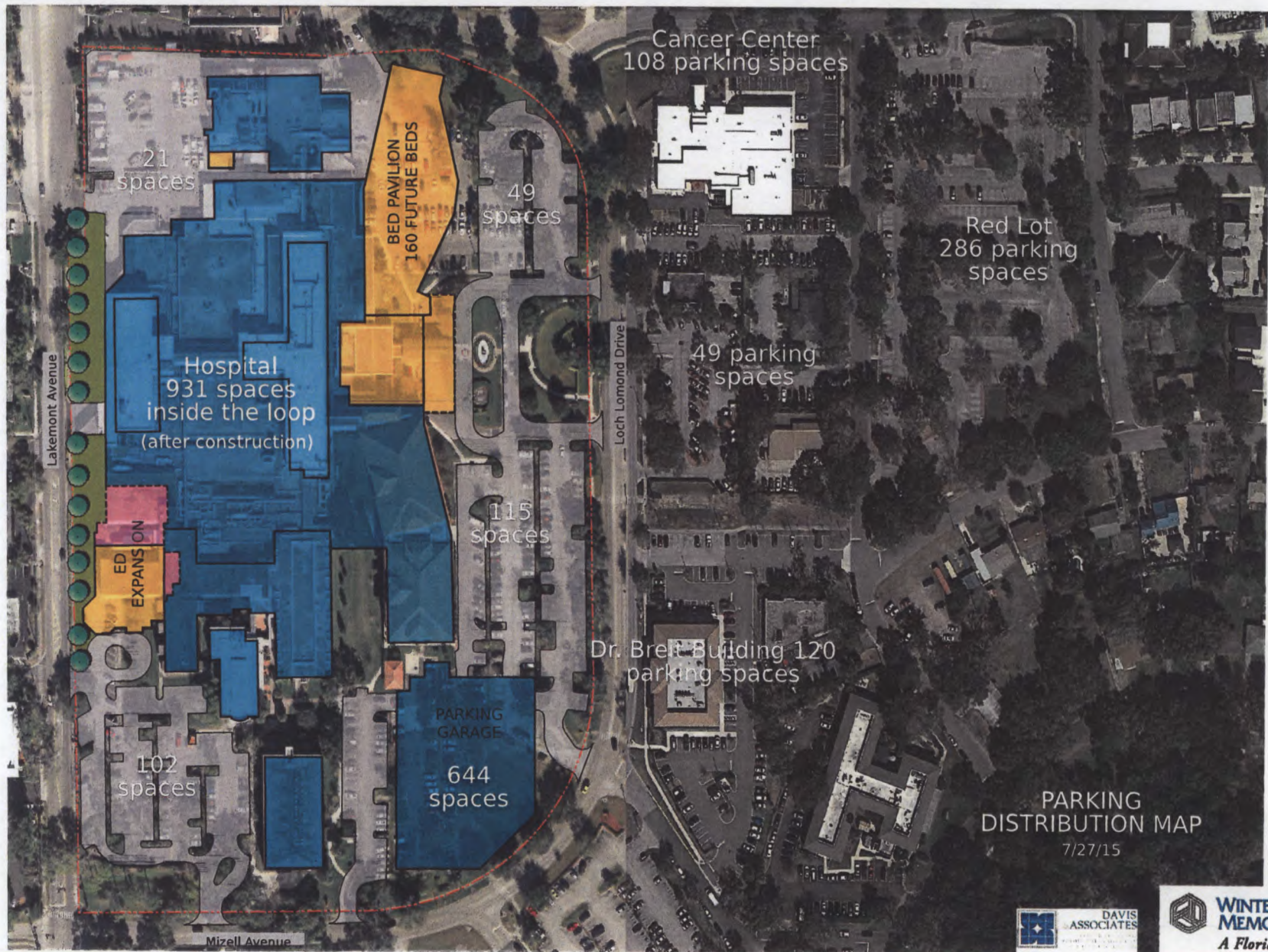
**Emergency Dept. & North Pavilion Buildout Plan Rates:**

Units	Unit Type	Parking Spaces		
		Rate / Unit	Required	
<b><u>Hospital &amp; Emergency Department Phase 1 Scenario</u></b>				
337	Beds	1 / 3	113	
649	Employees & Volunteers	1.000	649	Hosp & ED (Main shift) parking spaces
35,500	Square Foot	1/200	178	Outpatient (POB) parking spaces
			<u>940</u>	spaces (required)
<b><u>Hospital &amp; Emergency Department Phase 2 Scenario</u></b>				
417	Square Foot	1 / 3	139	
758	Employees & Volunteers	1.000	758	Hosp & ED (Main shift) parking spaces
35,500	Square Foot	1/200	178	Outpatient (POB) parking spaces
			<u>1,075</u>	spaces (required)
<b><u>Excess Parking Available after Ph. 2</u></b>			142	(above code requirements)

1 - Sec 58-86 "Off-Street Parking and Loading Regulations"

2 - Per existing parking inventory within "Loop" (bounded by Lakemont Ave, Mizell Ave, Loch Lomond Dr, Edinburgh Dr and Aloma Ave). Source: WPMH Staff, June 2015, Includes Garage







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**CITY OF WINTER PARK**  
401 South Park Avenue  
Winter Park, FL 32789



# Citywide Public Notice

## WINTER PARK MEMORIAL HOSPITAL EXPANSIONS

Planning & Zoning Board  
Public Hearing  
Tuesday, August 4  
@ 6 p.m.

City Commission  
Public Hearing  
Monday, August 24  
@ 3:30 p.m.

Commission Chambers  
Winter Park City Hall, 2nd Floor  
401 South Park Avenue | Winter Park, Florida

Winter Park Memorial Hospital, a Florida Hospital, is requesting Conditional Use approval to renovate and expand their Emergency Services component of the hospital, as well as build a new five-story patient wing on the east side of the hospital located at 200 N. Lakemont Ave., zoned O-1, in conformance with the master plan that was approved November 15, 2004.

NOTE: 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 Planning & Community Development Department at 407-599-3453 at least 48 hours in advance of the meeting.

### Winter Park Memorial Hospital - Conceptual Renderings



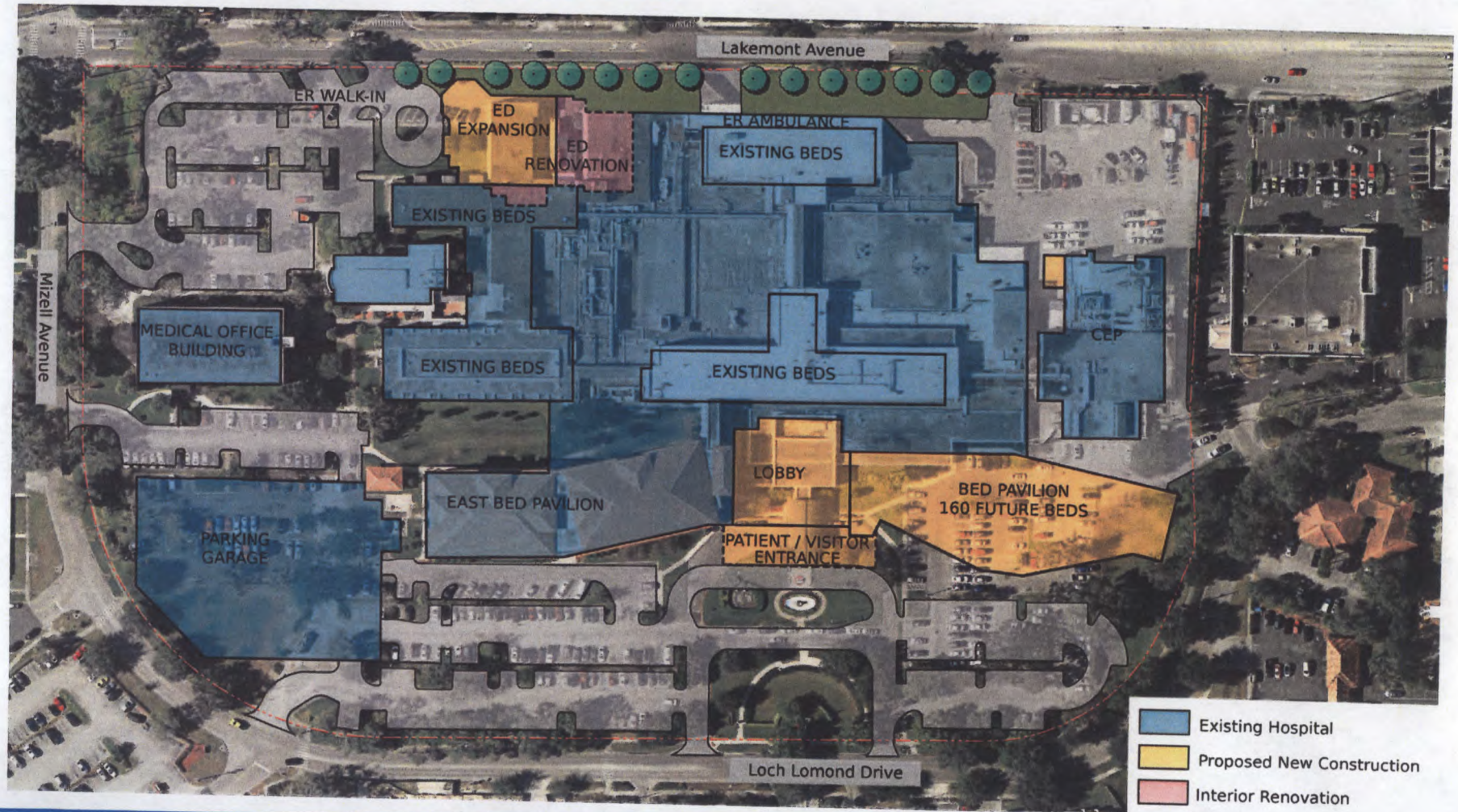
North Pavilion

Emergency services





## Winter Park Memorial Hospital ■ Proposed Site Plan



More detailed information can be found in the Planning & Zoning Board's staff report that will be available Tuesday, July 28, 2015, at [cityofwinterpark.org/pzb-reports](http://cityofwinterpark.org/pzb-reports).



## Jeffrey Briggs

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**From:** Rick Higbie <Rick.Higbie@bllc.com>  
**Sent:** Thursday, July 23, 2015 8:32 AM  
**To:** Jeffrey Briggs  
**Cc:** Theresa Dunkle  
**Subject:** Winter Park/Florida Hospital Addition?

Hello Jeff,

My Name is Rick Higbie and I have written to the city in the past about sound attenuation or lack thereof at the above hospital. In fact, since my last letter, Florida Hospital has added another BAC cooling tower and pump without any sound attenuation provided. I have worked on many hospitals and power plants as this is my business and we are always forced to screen and provide sound attenuation for the types of equipment Florida Hospital has sitting, basically, in a parking lot? I have driven over to the hospital on some mornings due to an excessive amount of noise to find the cooling tower and pump in the parking lot screaming and the stationary engineers running/exercising the generator with the doors open.....I have videoed this.

My wife and I live only a few blocks from this hospital for over 20 years and the noise levels have increased four fold since Florida Hospital took ownership and began expanding. Please understand that we appreciate having this facility nearby and all of the good work they do but to continue to expand without consideration for those tax payers in the immediate vicinity is wrong.

I am writing you because we received a public notice that the hospital is expanding once more. Is there nothing the city can do to require the hospital as a stipulation for allowing a building permit, to address the increased noise at their power plant?

On a separate note related to the mailing, it was my understanding that all of the existing and new structures are 4 stories.....why is this one going to 5 stories?

I look forward to hearing from you and thank you in advance for your consideration.

Sincerely,

Rick Higbie

Director of Operations  
Belvedere Property Management LLC

407-628-9651



Existing Hospital facade on Lakemont Avenue  
To be updated & modernized per Condition #1  
from PAZ.





*Existing Hospital facade on  
Lakemont Avenue*





Existing Physical Plant - More equipment like to be added to serve expansion.  
Visual & Sound Buffer required per P&Z Condition #3.







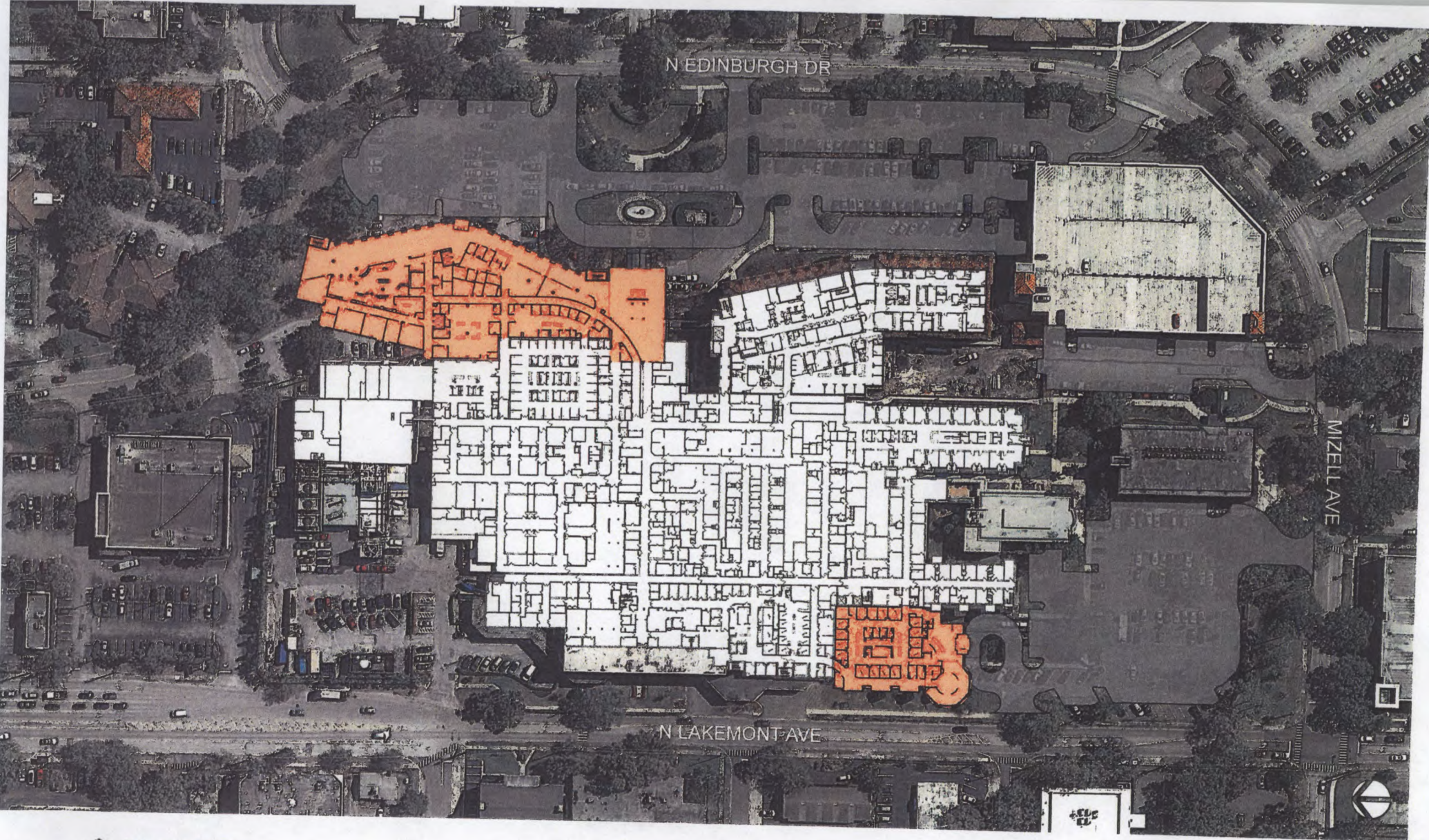
## **North Pavilion + ED Expansion and Renovation**

**City of Winter Park | Conditional Use Package**

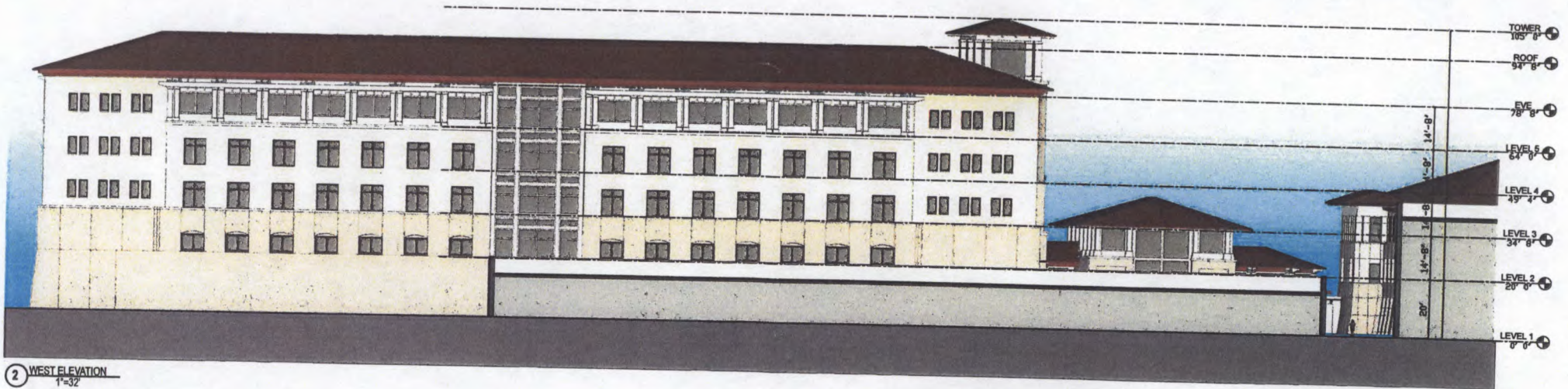
**03 June 2015**

RLF | healthcare

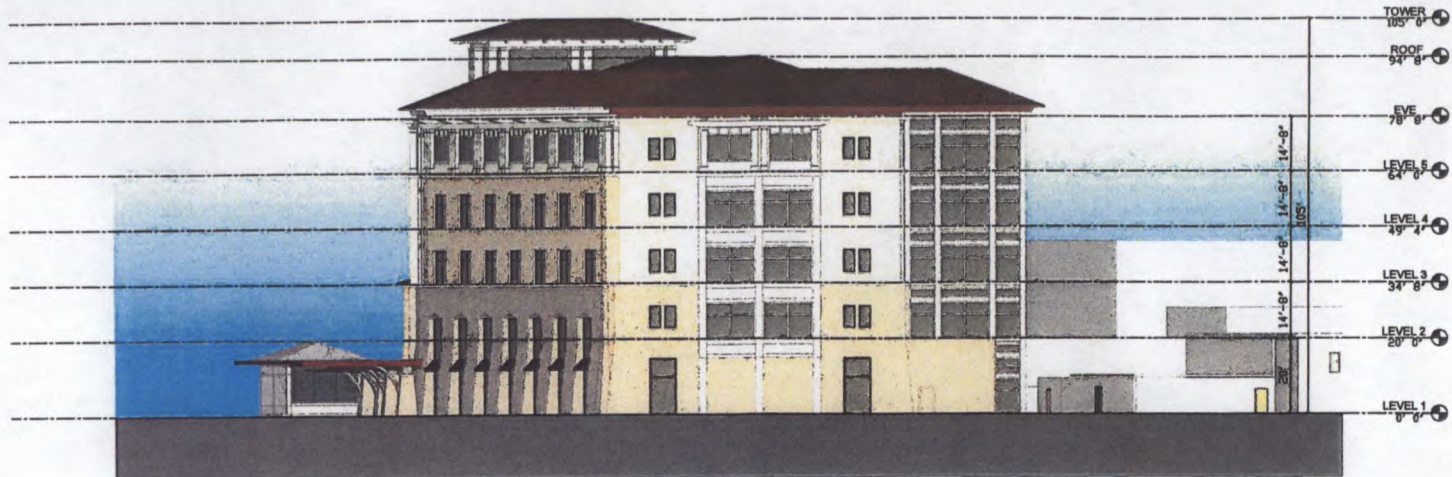




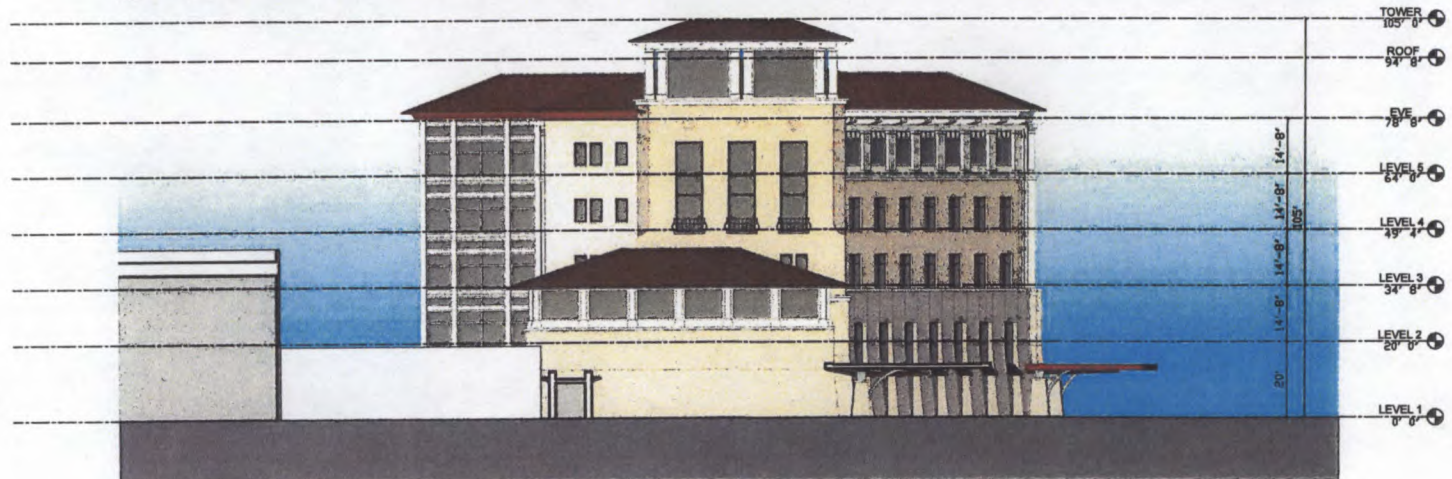






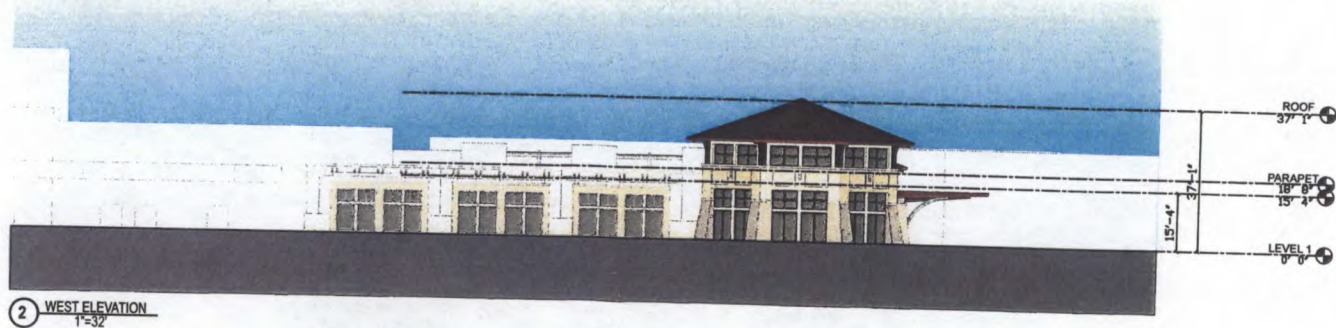
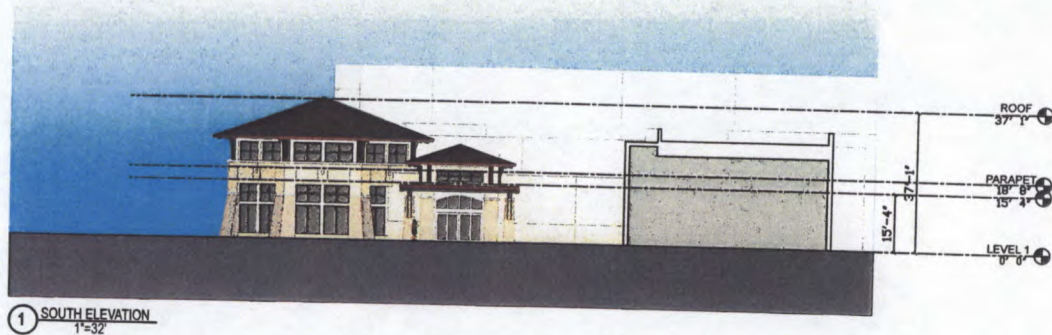


3 NORTH ELEVATION  
1"=32'



4 NORTH ELEVATION  
1"=32'













 **WINTER PARK  
MEMORIAL HOSPITAL**  
*A Florida Hospital*

**VIEW 1**  
STREET VIEW OF NORTH PAVILION FROM NORTH

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 **WINTER PARK  
MEMORIAL HOSPITAL**  
*A Florida Hospital*

**VIEW 2**  
STREET VIEW OF NORTH PAVILION FROM NORTH-EAST

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 **WINTER PARK  
MEMORIAL HOSPITAL**  
*A Florida Hospital*

**VIEW 3**  
STREET VIEW OF NORTH PAVILION FROM NORTH

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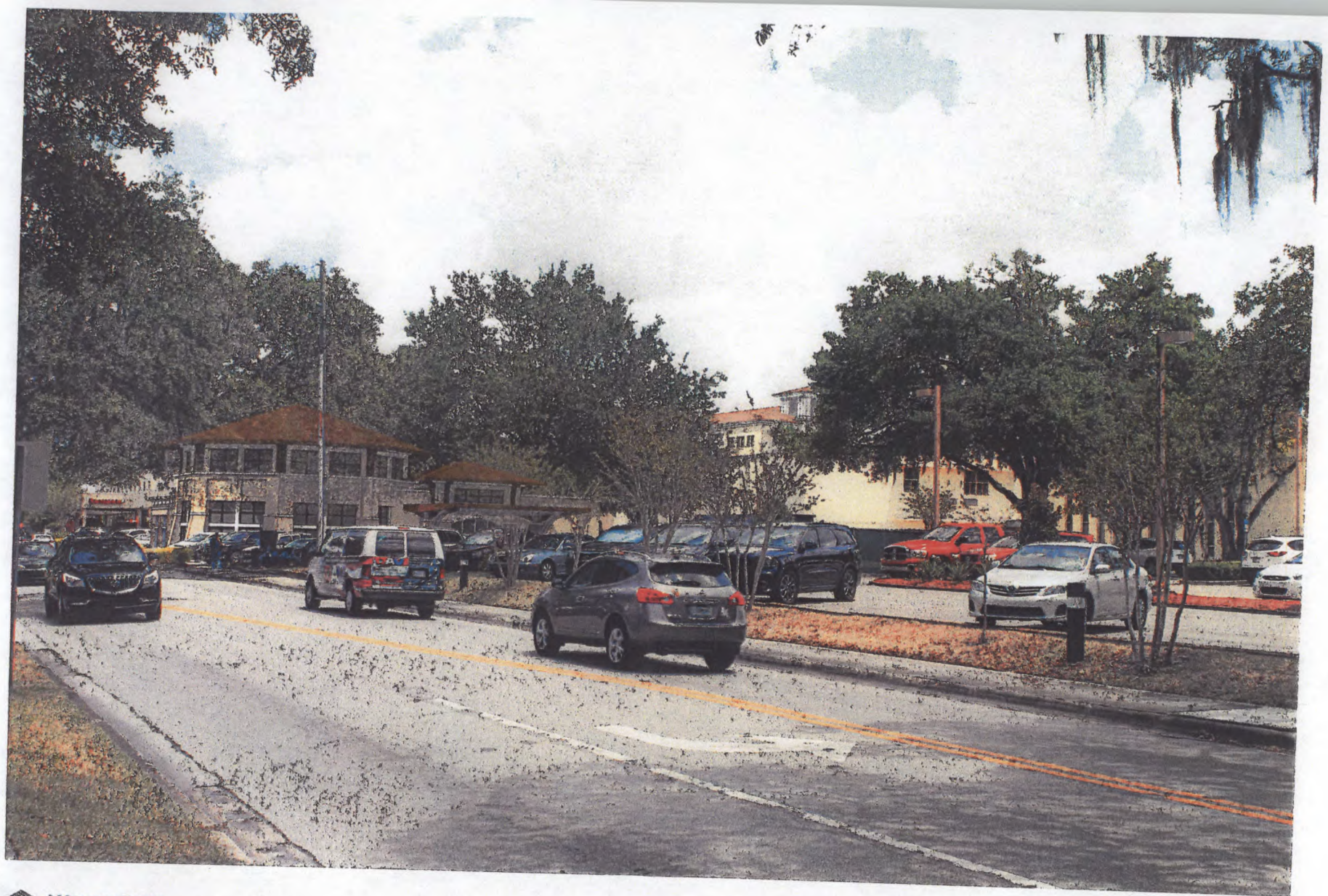


 **WINTER PARK  
MEMORIAL HOSPITAL**  
*A Florida Hospital*

**VIEW 4**  
STREET VIEW OF EMERGENCY DEPARTMENT FROM EAST

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 **WINTER PARK  
MEMORIAL HOSPITAL**  
*A Florida Hospital*

**VIEW 5**  
STREET VIEW OF EMERGENCY DEPARTMENT FROM SOUTH

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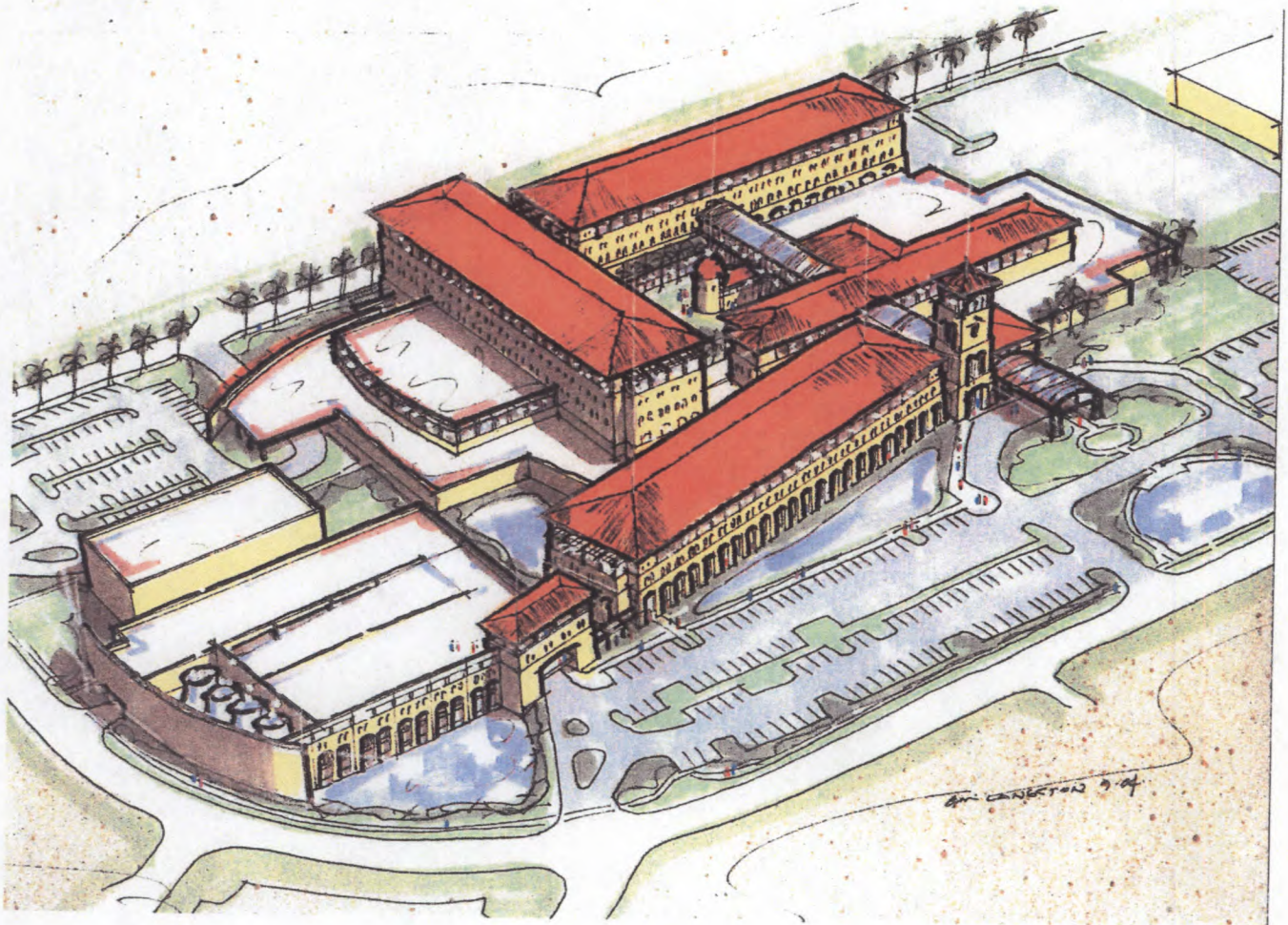








*The Skill to Heal. The Spirit to Care.*



## WINTER PARK MEMORIAL HOSPITAL WOMEN'S SERVICES EXPANSION

Winter Park, Florida  
Master Plan  
November 15, 2004

**RLF** | Healthcare



**Master Plan:**

Winter Park Memorial Hospital has developed a master plan over a period of several years. The plan is comprehensive, documenting existing conditions and providing recommendations for the future growth of the campus. Our goal was to review this information and look for ways to enhance the existing plan.

Upon review, these planning efforts established short, intermediate, and long-term needs. The departments within the hospital which require immediate attention are:

Nursing Units  
Radiology Department  
Cath Lab / Cardiology  
Orthopedic Rehab  
Emergency Department

**Summary of Issues:**

The facility has several issues which need to be addressed both in the short and long term. First, the nursing units are a combination of both private and semi-private patient rooms. Current Florida Hospital trends are for all rooms to be private. The conversion to private rooms will have to take place over a longer period of time beginning with any new phases of work.

The buildings have several physical issues to address. The floor-to-floor heights within the facility severely limit the flexibility and the introduction of newer technologies into the facility. Current floor-to-floor heights vary from 11'-3" to 12'-6". These varying heights between areas are resolved by the use ramps to connect the buildings.

The building systems in the older buildings present maintenance and operational issues. Current and future renovations will require extensive re-working of the MEP systems.

Building systems are restricted by the floor-to-floor heights. Some existing ducts and lines are currently on the roof requiring constant maintenance attention to these systems. Additionally the central energy plant (CEP) is about to its maximum capacity with the systems and physical space. Its location to the north limits economical distribution of systems.

The parking on the campus was not completely addressed in the master plan. A parking analysis must be completed along with the phasing and future growth to adequately understand the parking needs.



**Master Planning Goals:**

- Plan for the eventual on-site replacement of the oldest facilities.
- Establish relocation/growth plan for departments with the greatest needs.
- Plan for a conversion to all Private Patient Rooms.
- Establish a plan to align all floor-to-floor heights as new structures are built.
- Improve campus and building wayfinding.
- Plan for the new expansion or eventual relocation of the central energy plant.
- Study the parking counts and plan for a parking garage or other alternatives.

**Master Planning Options:**

The existing campus master plan was revised to effectively meet these goals. A series of new towers ranging from 4 to 5 floors are planned to replace older, obsolete facilities. The towers are planned in three main phases. The removal of the older facilities will allow new buildings to be built on the south side of the existing hospital.

The planned building replacement on the campus will open the center of the facility for a large courtyard. The courtyard will allow light and views into the center areas of the facility. Additionally it will act as a wayfinding device, allowing all the main public circulation to encircle the courtyard. A main east-west circulation spine will stretch from Lakemont Avenue to the main entry on Edinburgh Street. Major departments and outpatient functions will be accessible from this spine.

**Phase One: 91,000 GSF**

The first phase shows the eventual build-out of a four story 80-bed tower located south of the main entry. This phase is divided in the two components (1A & 1B). The first component is to build a 12-bed postpartum unit and eventual build-out of 40 beds. The tower will connect back to the existing facility with a three-story connector. The second component would be the build-out of the remainder of the floor plate to accommodate a total of 80 beds. No building demolition will be required in this phase.

**Phase Two: 109,000 GSF**

This phase shows the expansion of the Emergency Room to the south and a new five story-60-bed tower above. A parking garage will be needed at this phase to increase the parking count. The Bush wing will be demolished at the start of this phase. The new entry lobby and tower along with a portion of the courtyard will be completed with this phase. The new Central Energy Plant (CEP) will be partially constructed with the parking garage.

**Phase Three: 146,000 GSF**

The south wing will need to be demolished and an infill project will be completed between the new east tower and the ER tower. This project will add a five story-60 bed tower to complete the south tower build-out to 120 beds. This phase will complete the courtyard and the chapel. The second component will be to demolish the old west tower and construct a new west tower of 120 beds. The CEP and parking garage will be fully built out at this phase.



Winter Park Memorial Hospital  
Florida Hospital  
Schematic Design

**Phase Four: 116,000 GSF**

This phase will demolish the old west tower and construct a new five-story west tower of 120 beds. The CEP and parking garage will be fully built out at this phase.

**Phase Five: 91,000 GSF**

The future fifth phase has two options at this point in time. A 120-bed north tower can be constructed along the north edge of the campus (not shown) or a 4-floor, 80-bed tower can be built north of the main entry (mirrored) as shown dashed in on our master plan graphics.

**New Area Added:**

	Area Added	Cost Per Square Foot	Phase Cost
Phase 1	91,000 GSF	\$266	\$24,206,000
Phase 2	109,000 GSF	\$266	\$28,994,000
Phase 3	146,000 GSF	\$266	\$38,836,000
Phase 4	116,000 GSF	\$266	\$30,856,000
Phase 5	91,000 GSF	\$266	\$24,206,000
Total	553,000 GSF	\$266	\$147,098,000

**Bed Count:**

	Before Construction	During Construction	After Construction
Existing	287*		
Phase 1 (A)	287	287	299*
Phase1 (B)	299	299	367*
Phase 2	367	288	348*
Phase 3	348	272	380**
Phase 4	332	260	380**
Phase 5	380	380	460**

**Note:**

\* Assumes current Bed count as both private and semi-private patient rooms.

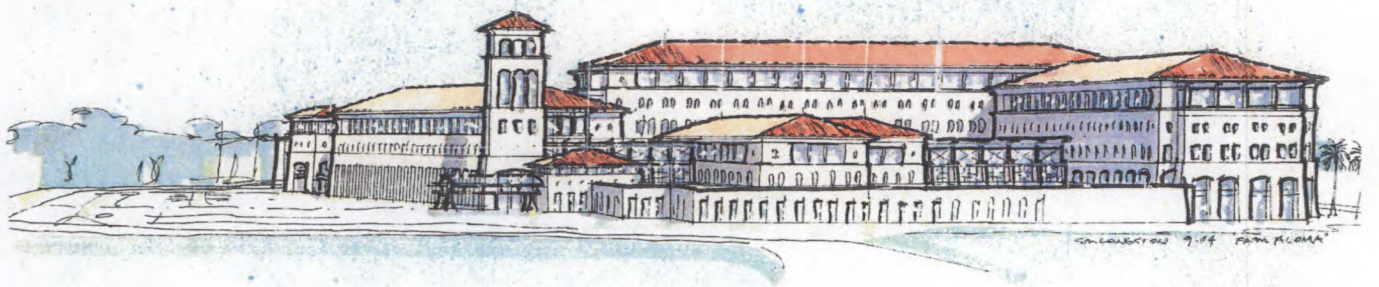
\*\* Assumes all patient beds in private rooms.

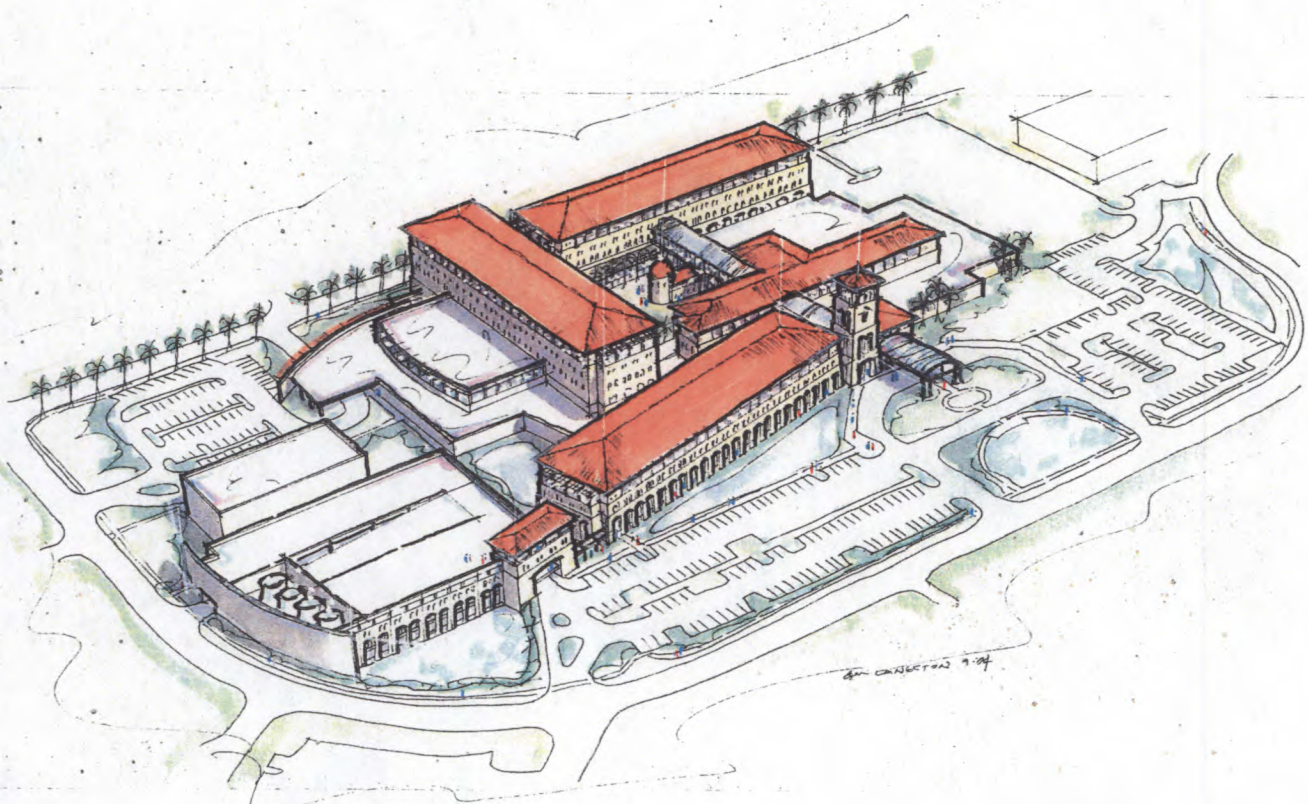
Winter Park Memorial Hospital  
Florida Hospital  
Schematic Design

**Parking Count:**

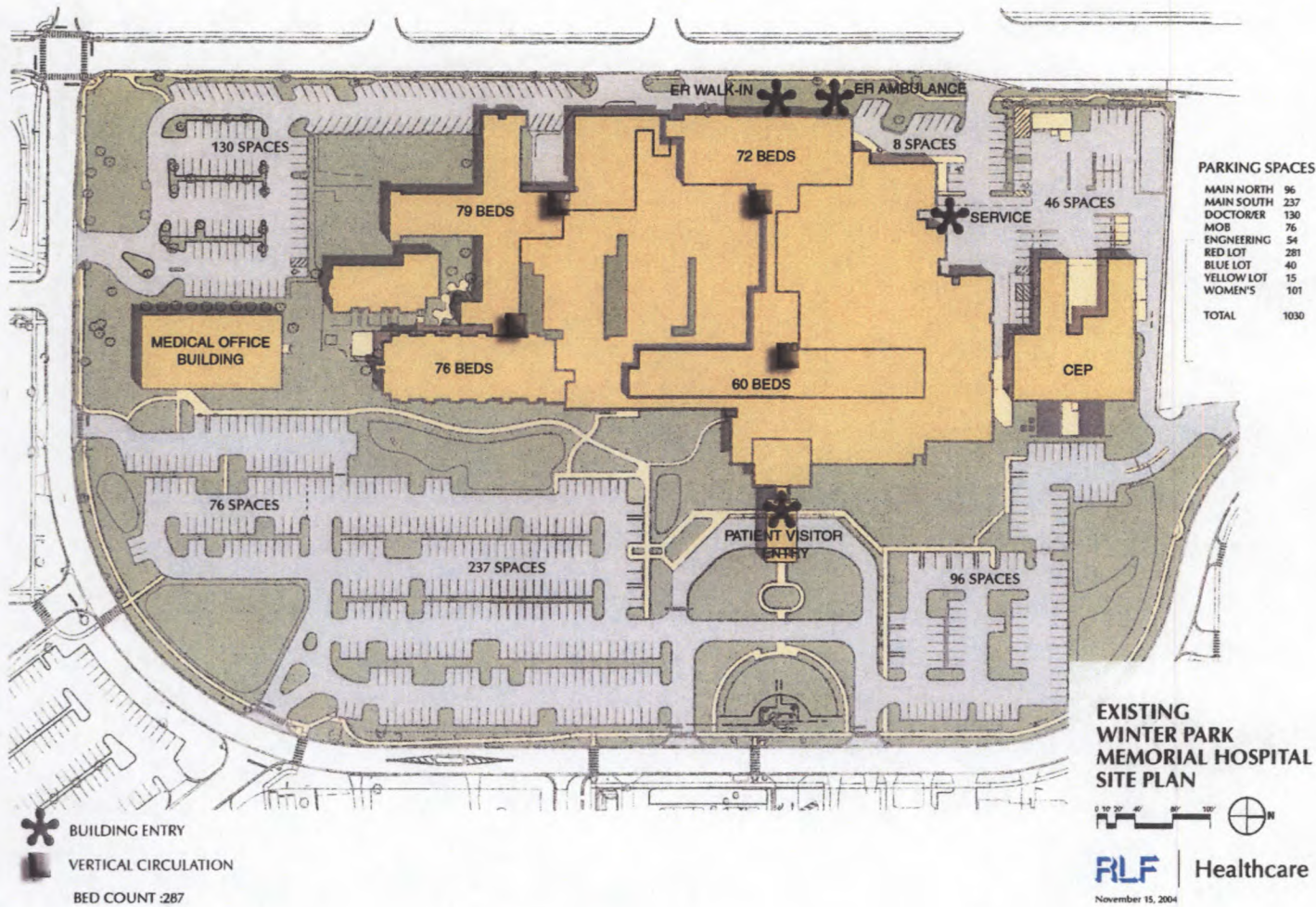
	Patient Beds X 1.5	Employees per shift	ED/ Outpatient	Required Total	Total Parking Available
Existing	431	590	95	1,115	853
Phase 1(A)	431	590	95	1,115	864
Phase 1 (B)	449	614	95	1,158	779
Phase 2	551	754	120	1,424	942
Phase 3	522	754	130	1,406	1,052
Phase 4	498	754	140	1,392	1,052
Phase 5	570	781	150	1,501	1,052



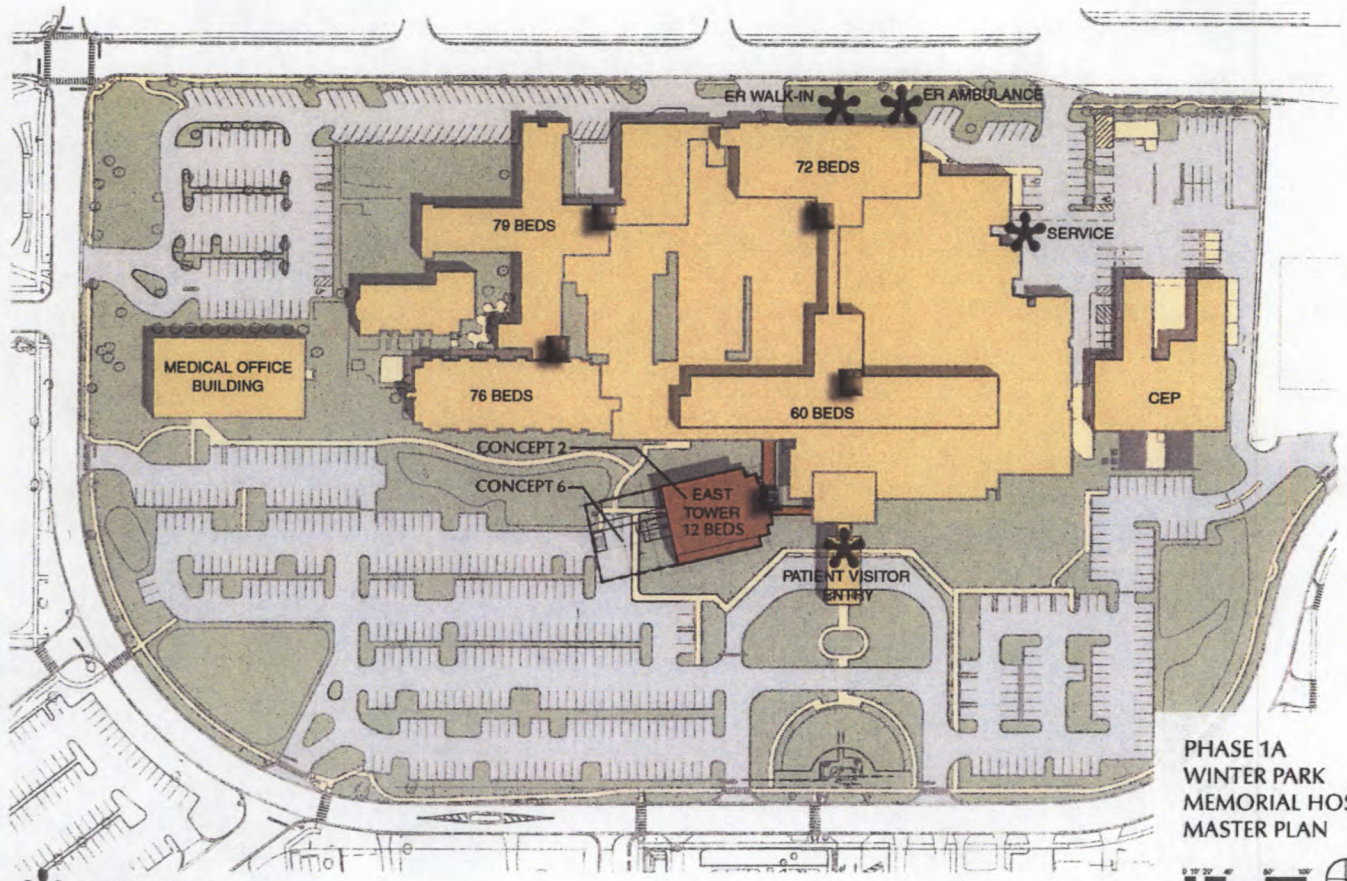








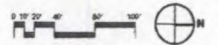






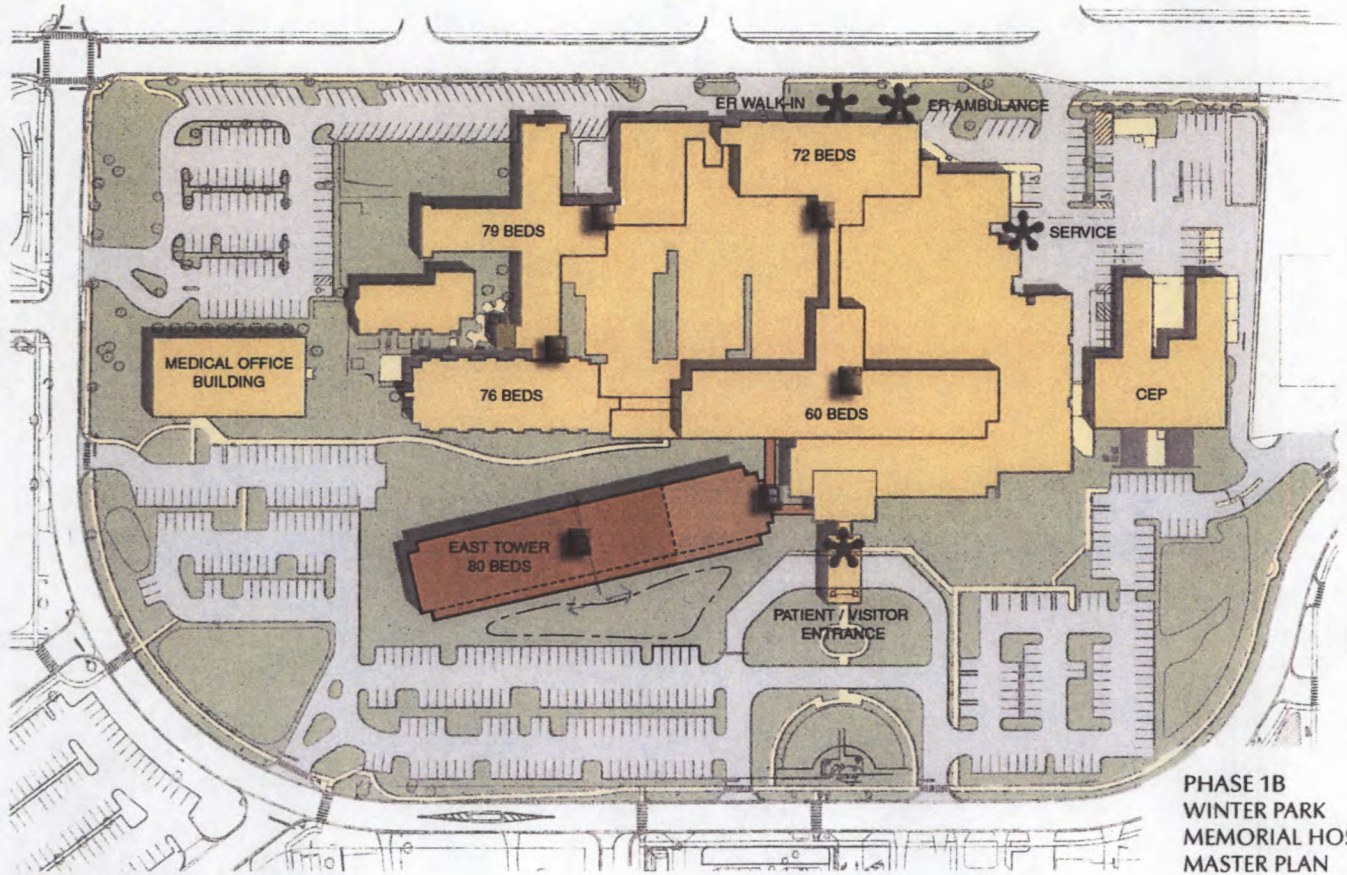
 BUILDING ENTRY  
 VERTICAL CIRCULATION  
 BED COUNT :299

PHASE 1A  
 WINTER PARK  
 MEMORIAL HOSPITAL  
 MASTER PLAN






**RLF** | Healthcare  
 November 15, 2004



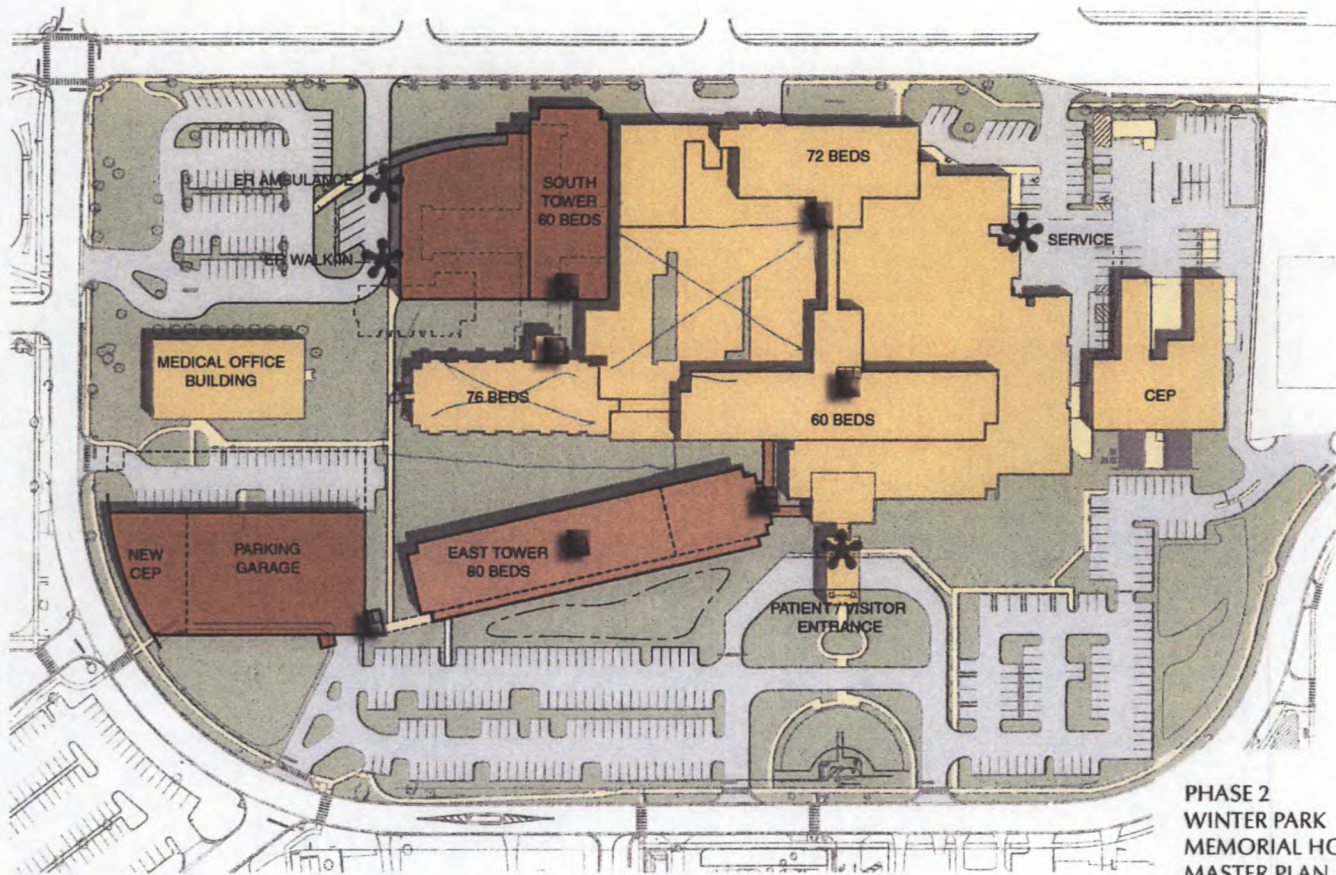


PHASE 1B  
WINTER PARK  
MEMORIAL HOSPITAL  
MASTER PLAN

 BUILDING ENTRY  
 VERTICAL CIRCULATION  
 BED COUNT : 367

0 10' 20' 40' 80' 160'  
  
**RLF** | Healthcare







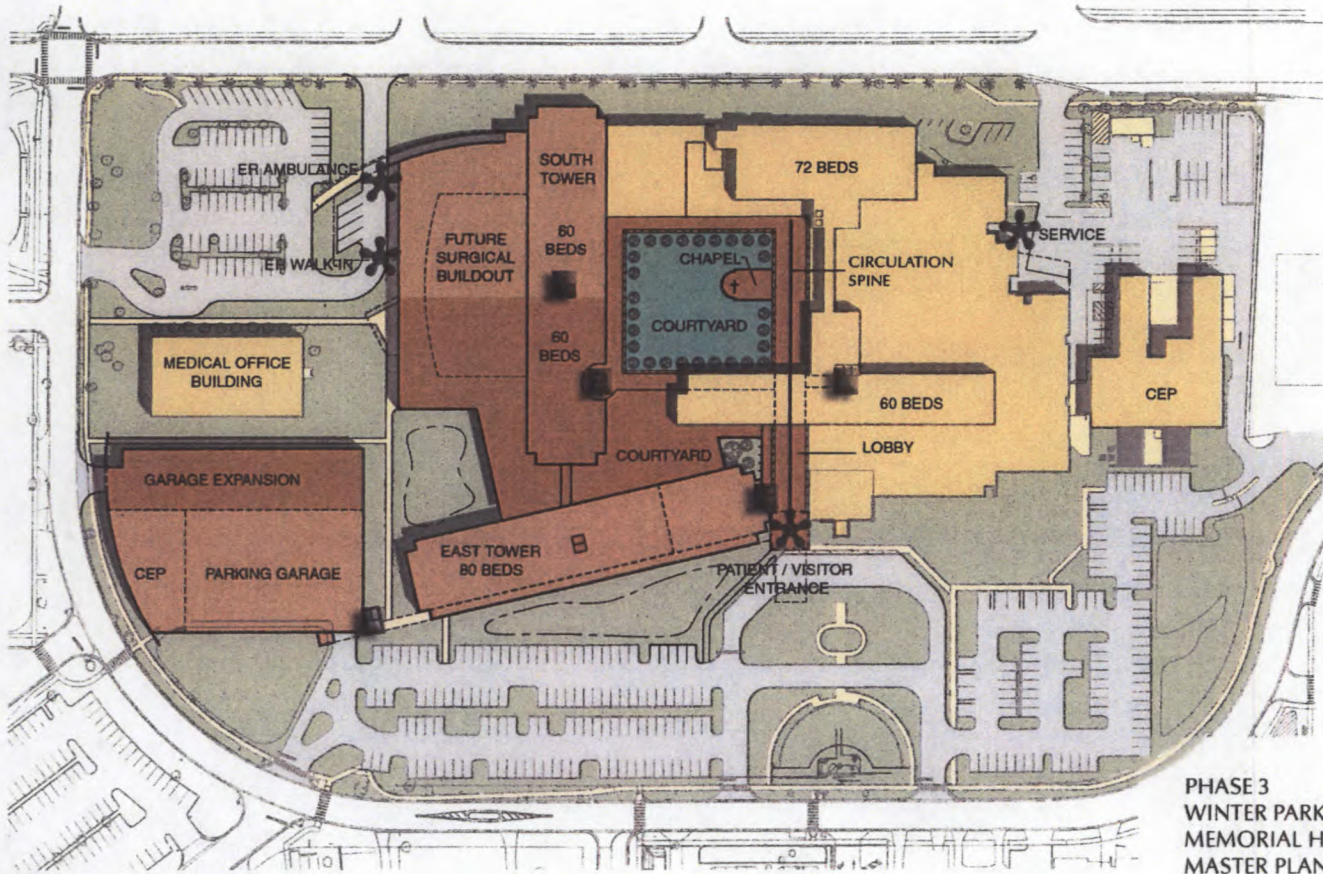
**PHASE 2  
WINTER PARK  
MEMORIAL HOSPITAL  
MASTER PLAN**



0 10' 20' 40' 60' 80' 100' 120'

**RLF** | Healthcare

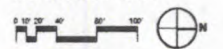
-  BUILDING ENTRY
-  VERTICAL CIRCULATION
- BED COUNT : 348





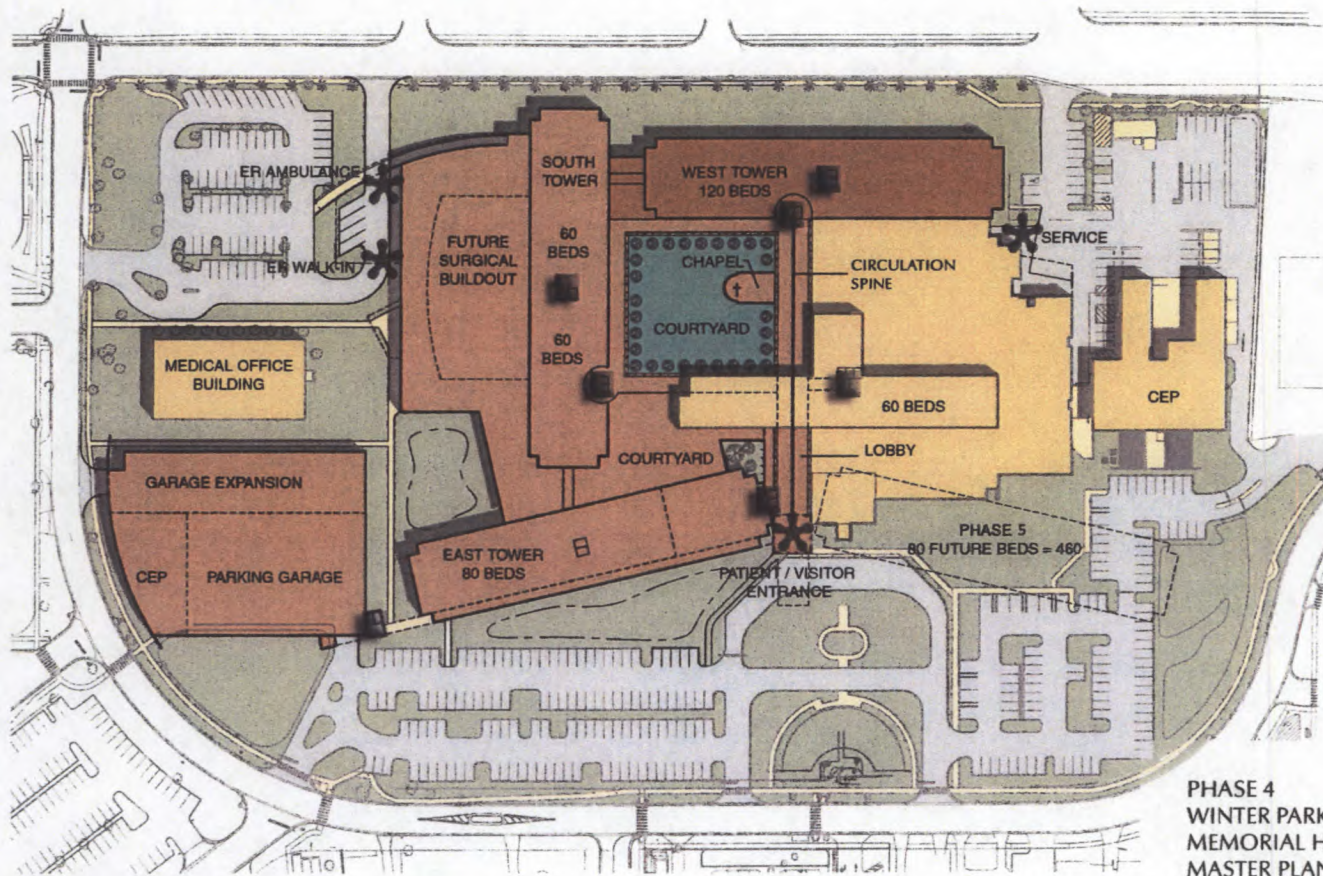
-  BUILDING ENTRY
-  VERTICAL CIRCULATION
- BED COUNT :332

PHASE 3  
WINTER PARK  
MEMORIAL HOSPITAL  
MASTER PLAN



**RLF** | Healthcare





**PHASE 4  
WINTER PARK  
MEMORIAL HOSPITAL  
MASTER PLAN**



**RLF** | Healthcare

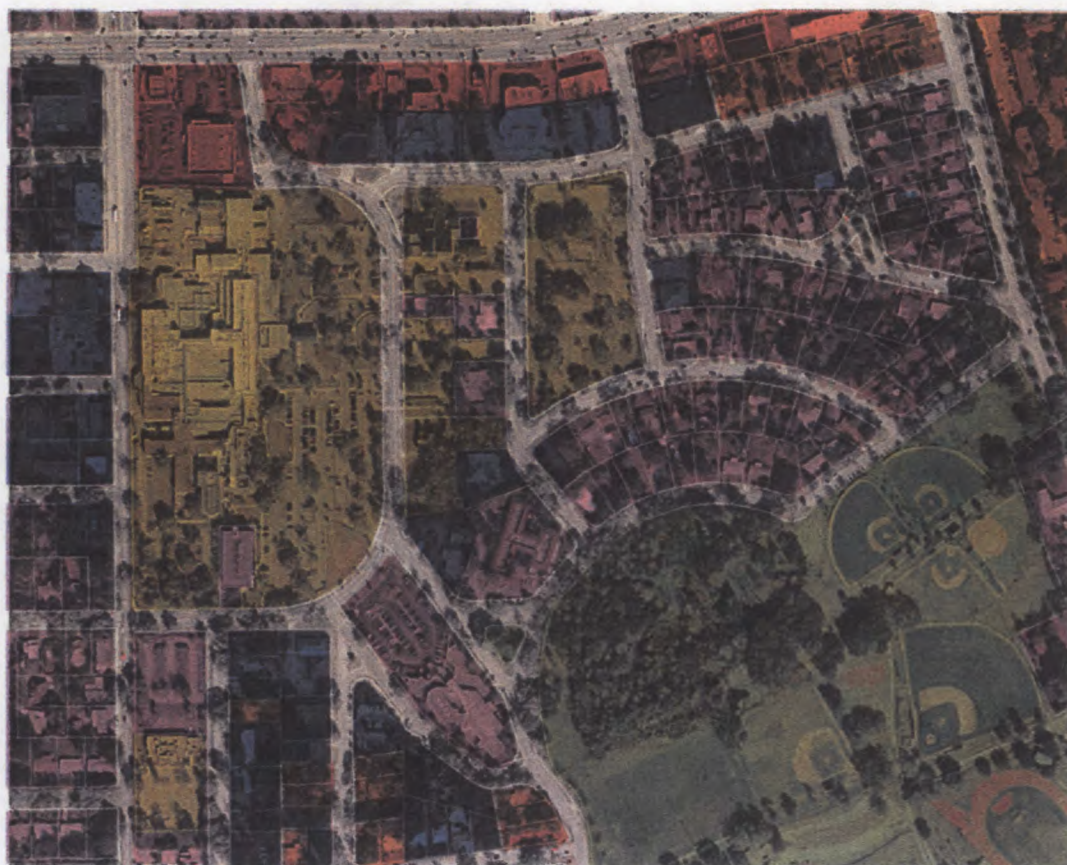


BUILDING ENTRY

VERTICAL CIRCULATION

BED COUNT : 380



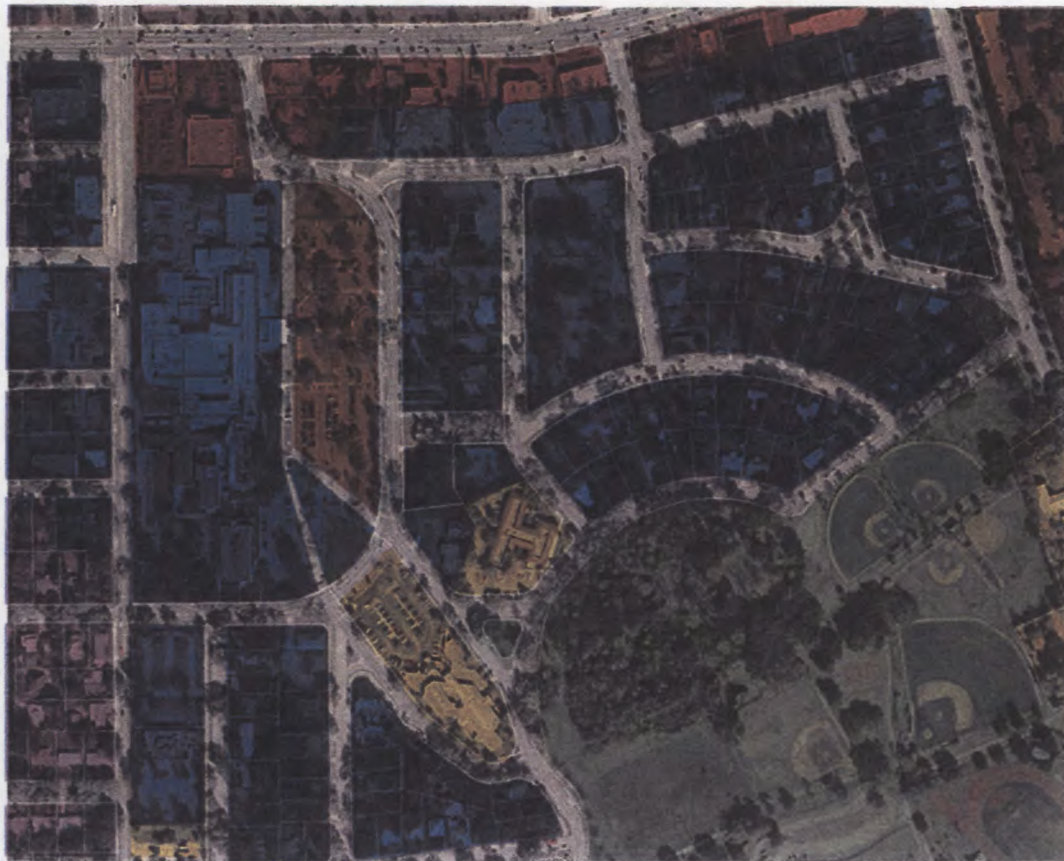


-  Hospital Ownership
-  Commerce
-  Office & Professional
-  Open Space & Recreation
-  Multi-family Residential
-  Single Family Residential

**WINTER PARK  
MEMORIAL HOSPITAL  
LAND OWNERSHIP MAP**

**RLF** | Healthcare  
November 15, 2014



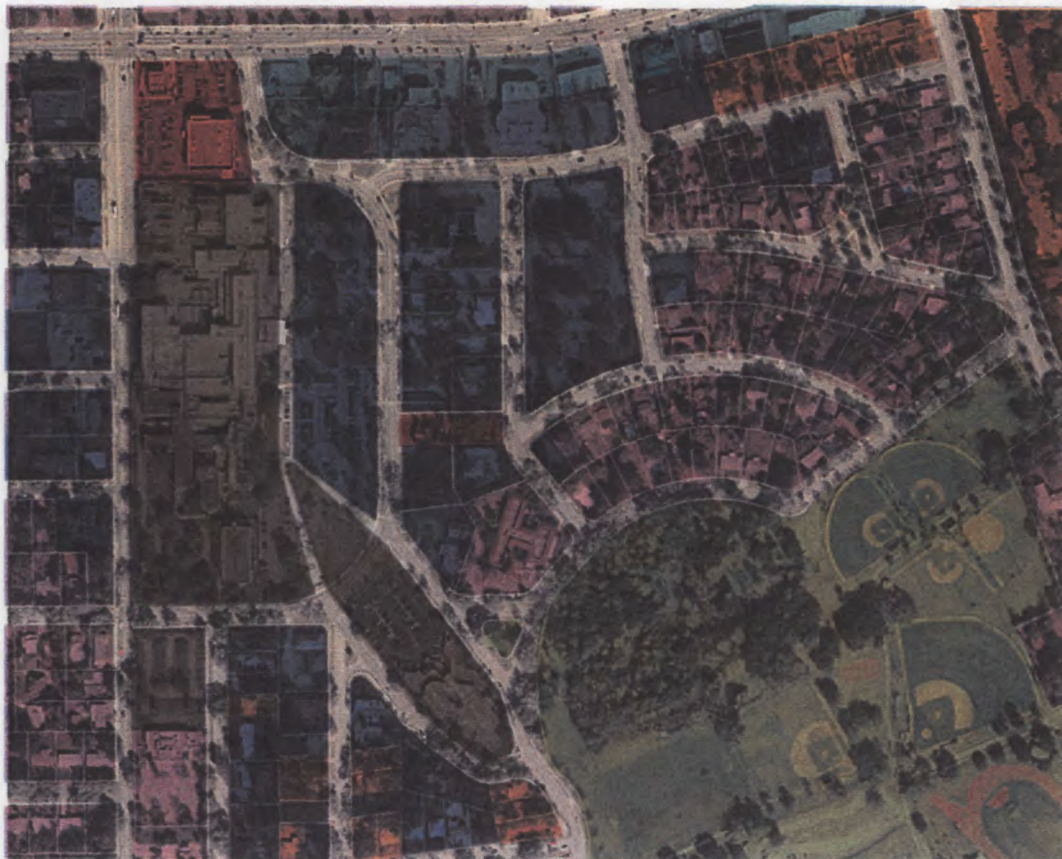


- Religious, Government  
Education & Comm. Services
- Commerce
- Office & Professional
- Open Space & Recreation
- Multi-family Residential
- Single Family Residential

**WINTER PARK  
MEMORIAL HOSPITAL  
FUTURE LAND USE MAP**

**RLF** | Healthcare



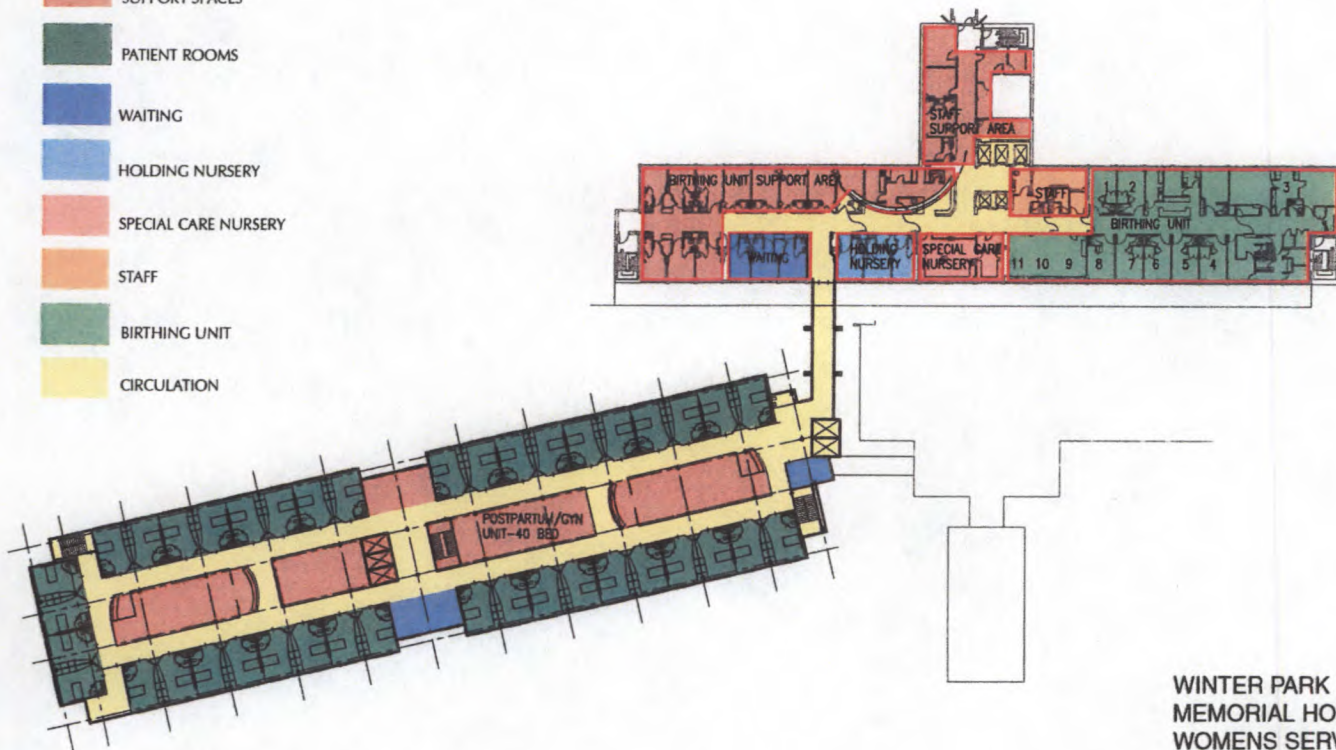


-  Office District
-  Commerce  
C-1
-  General Commercial  
C-3
-  Open Space & Recreation  
PR
-  Office & Professional  
O-2
-  Single Family Residential  
R-1A
-  Multi-family Residential  
R-3

**WINTER PARK  
MEMORIAL HOSPITAL  
ZONING MAP**

**RLF** | Healthcare  
STRATEGIC PLANNING & DESIGN

- SUPPORT SPACES
- PATIENT ROOMS
- WAITING
- HOLDING NURSERY
- SPECIAL CARE NURSERY
- STAFF
- BIRTHING UNIT
- CIRCULATION

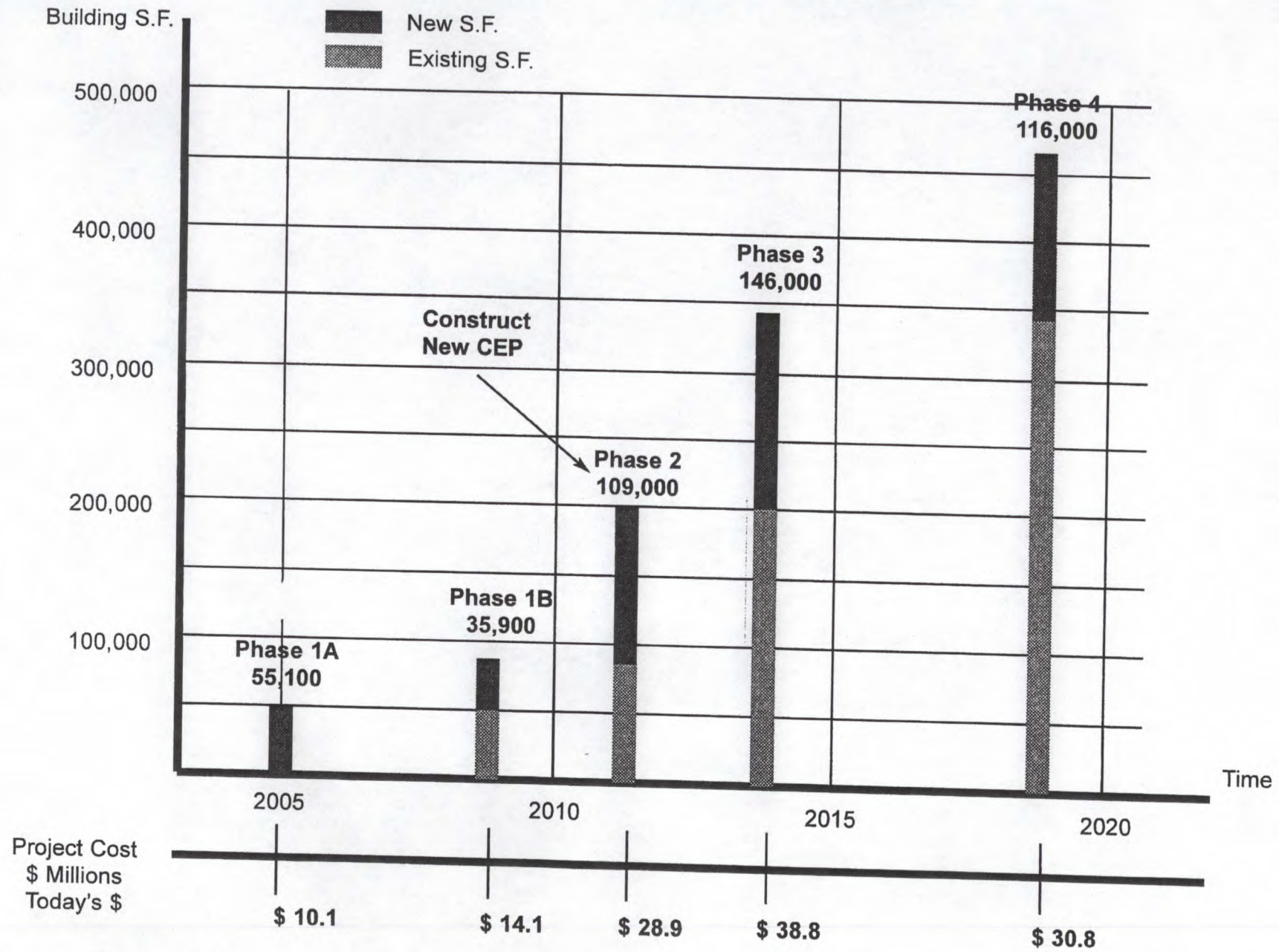


WINTER PARK  
MEMORIAL HOSPITAL  
WOMENS SERVICES  
MASTER PLAN



**RLF** | Healthcare





Master Plan Schedule Winter Park Memorial Hospital - Women's Services Expansion



# city commission public hearing

item type	Public Hearing	meeting date	August 24, 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	6-0 final vote

## Subject: Subdivision Request for 500 N. Phelps Avenue.

Henderson Investments is requesting subdivision or lot split approval to divide the property at 500 N. Phelps Avenue into two single family lots. The zoning is R-1A. The property now holds one single family home, which is to be demolished. The application meets all of the requirements of the Zoning Code, Subdivision Code and Comprehensive Plan.

### Summary:

When the City reviews small subdivisions or lot split requests there are two criteria. One is the 'Zoning Test' as to conformance with the zoning criteria. The other is the 'Comprehensive Plan Test' which is conformance to the neighborhood character.

**ZONING TEST:** The proposed corner lot is 85 feet wide and 11,815 square feet in size. The proposed interior lot is 75 feet wide and 10,425 square feet in size. The R-1A zoning requires a minimum of 75 of lot width and a minimum of 8,500 square feet of land area. In addition, any corner lot must be 10 feet wider to compensate for the greater corner lot setbacks. Thus, this request meets or exceeds the R-1A lot dimension standards and no variances are requested.

**COMPREHENSIVE PLAN TEST:** There are many neighborhoods in the City that are zoned R-1AA or R-1A but the existing character may be significantly different than the zoning code minimums. In some cases the typical lots are smaller or the typical lots are larger. The Comprehensive Plan test or comparison is a door that swings both ways. In some cases, it can substantiate a relaxation of the minimum lot dimensions and in other cases it can require larger lot sizes than the minimums.

As a result, the practice outlined in the Comprehensive Plan and the Subdivision Code (attached) is to look at the surrounding neighborhood to see what standard is for typical lot sizes. The Code dictates that the review area is within a 500 foot radius of the subject property and limited to those in the same zoning.

There are 55 homes within this neighborhood on Phelps, Walker, Bryan, Edwin, Aloma, Shepard and Bryan Avenues. The average lot width is 82 feet and the average lot area is 11,437 square feet. The median lot width is 78 feet. Thus, these lots do compare favorably to the average and the median lot size.

**Development Plans:** The applicant has provided a generalized front elevation for the types of home that their company builds. They have not developed site plans or more formalized plans at this time. They will comply with the normal single family development standards, setbacks, etc. Since the request conforms to the zoning requirements and comprehensive plan lot standards, the staff has not requested further plans. However, per our Subdivision Code, the City can condition any approval upon the subsequent submission, review and approval of house plans, as well as place conditions upon this approval.

### **Planning and Zoning Board Recommendation:**

**Motion made by Mr. Sacha, seconded by Mr. Slocum to approve the subdivision request to divide the property at 500 North Phelps Avenue into two single-family building lots.**

**Motion carried unanimously with a 6-0 vote.**

### **Planning and Zoning Board Minutes:**

#### **REQUEST OF HENDERSON INVESTMENTS FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE PROPERTY AT 500 N. PHELPS AVENUE, ZONED R-1A, INTO TWO SINGLE FAMILY BUILDING LOTS**

Planning Manager Jeffrey Briggs presented the staff report and explained that Henderson Investments is requesting subdivision or lot split approval to divide the property at 500 N. Phelps Avenue into two single family lots currently zoned R-1A. He noted that the property now holds one single family home, which is to be demolished. Mr. Briggs reviewed the Zoning and Comprehensive Plan tests for conformance to the neighborhood character. He reviewed the pertinent codes as relates to subdivision requests. Mr. Briggs stated that the applicant has provided a generalized front elevation for the types of home that their company builds. They have not developed site plans or more formalized plans at this time. They will comply with the normal single family development standards, setbacks, etc. Since the request conforms to the zoning requirements and comprehensive plan lot standards, the staff has not requested further plans. He summarized by stating that the application meets all of the requirements of the Zoning and Subdivision Codes and the Comprehensive Plan. Staff recommended approval of the request. He responded to Board member questions and concerns.

Rick Henderson, the applicant, 1004 Versailles, Maitland, stated he was in agreement with the staff report. He was available to respond to Board member questions and concerns.

No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

The P&Z Board members acknowledged that the request met all the, zoning code, subdivision and comprehensive plan criteria and no one was present in opposition.

**Motion made by Mr. Sacha, seconded by Mr. Slocum to approve the subdivision request to divide the property at 500 North Phelps Avenue into two single-family building lots.**

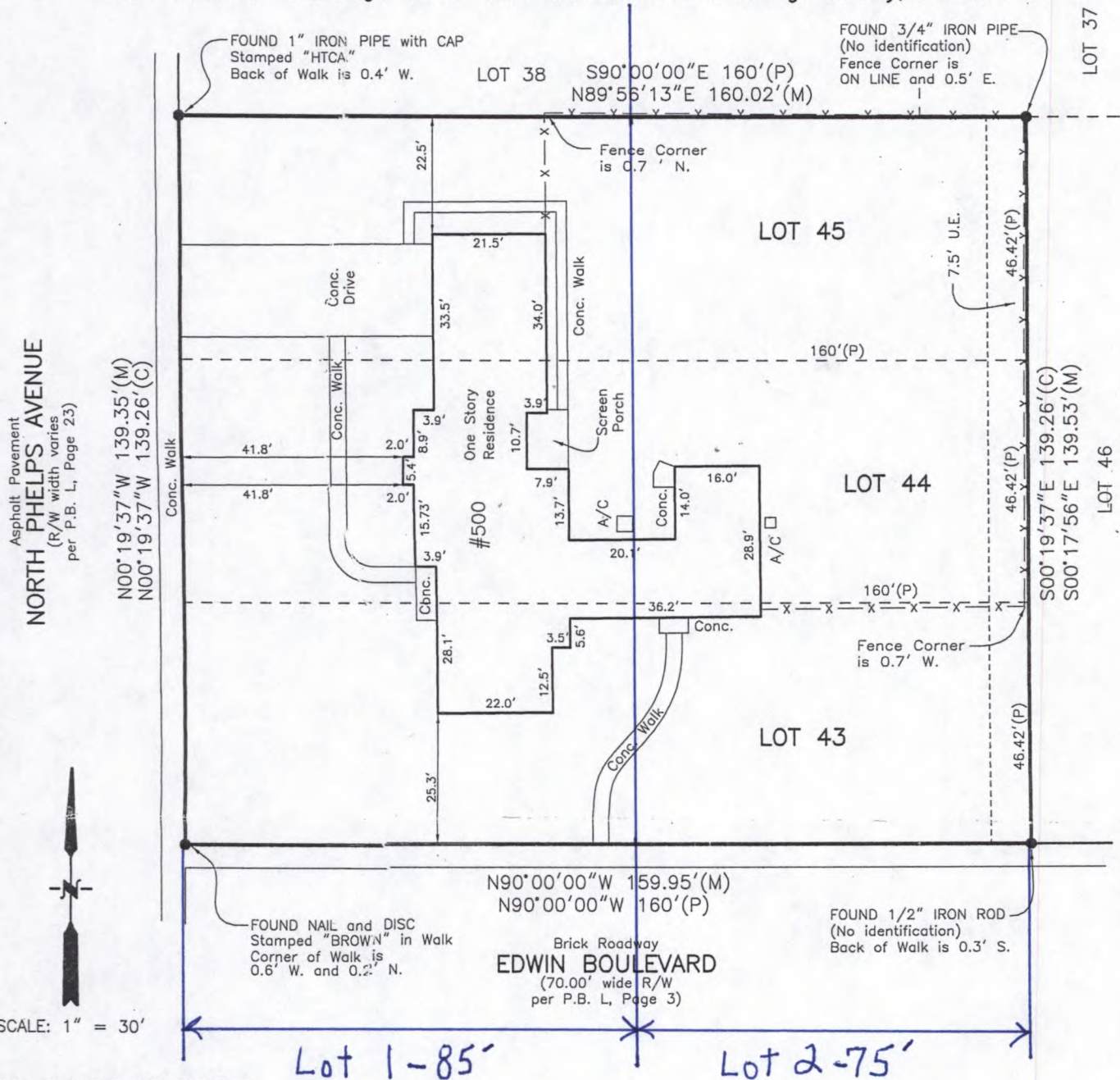
**Motion carried unanimously with a 6-0 vote.**



# PLAT OF BOUNDARY SURVEY

DESCRIPTION (As Furnished)

LOTS 43, 44 and 45 of CAMPO BELLO, according to the plat thereof as recorded in Plat Book "L", Page 25 of the Public Records of Orange County, Florida.



NOTE: ADJOINERS NOT PROVIDED.

NOTE:  
NO EASEMENTS OR DOCUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.

NO TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY OR THOSE OF ADJOINING LANDS HAVE BEEN PROVIDED. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.

CERTIFIED TO:  
WELLS FARGO HOME BANK, N.A.  
MICHAEL F. GULLA  
GREATER FLORIDA TITLE COMPANY II, LLC  
WESTCOR LAND TITLE INSURANCE CO.

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Orange County, Florida, Community Parcel Number 120179/12095C 0795 F, last dated 09-25-09 it appears from a scaling of said map that the land described hereon is shown to be in "ZONE X". Said map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

1. This Plat represents a Boundary Survey of the description as furnished Harrison Surveying and Mapping, Inc. per client's instruction and makes no claims regarding ownership or rights of possession.

## LEGEND:

P.C.	= Point of Curvature	D.E.	= Drainage Easement
P.R.C.	= Point of Reverse Curve	S.E.	= Sidewalk Easement
P.T.	= Point of Tangency	OH	= Overhead Utility Line(s)
P.B.	= Plat Book		
Pg.(s)	= Page(s)		
Conc.	= Concrete		

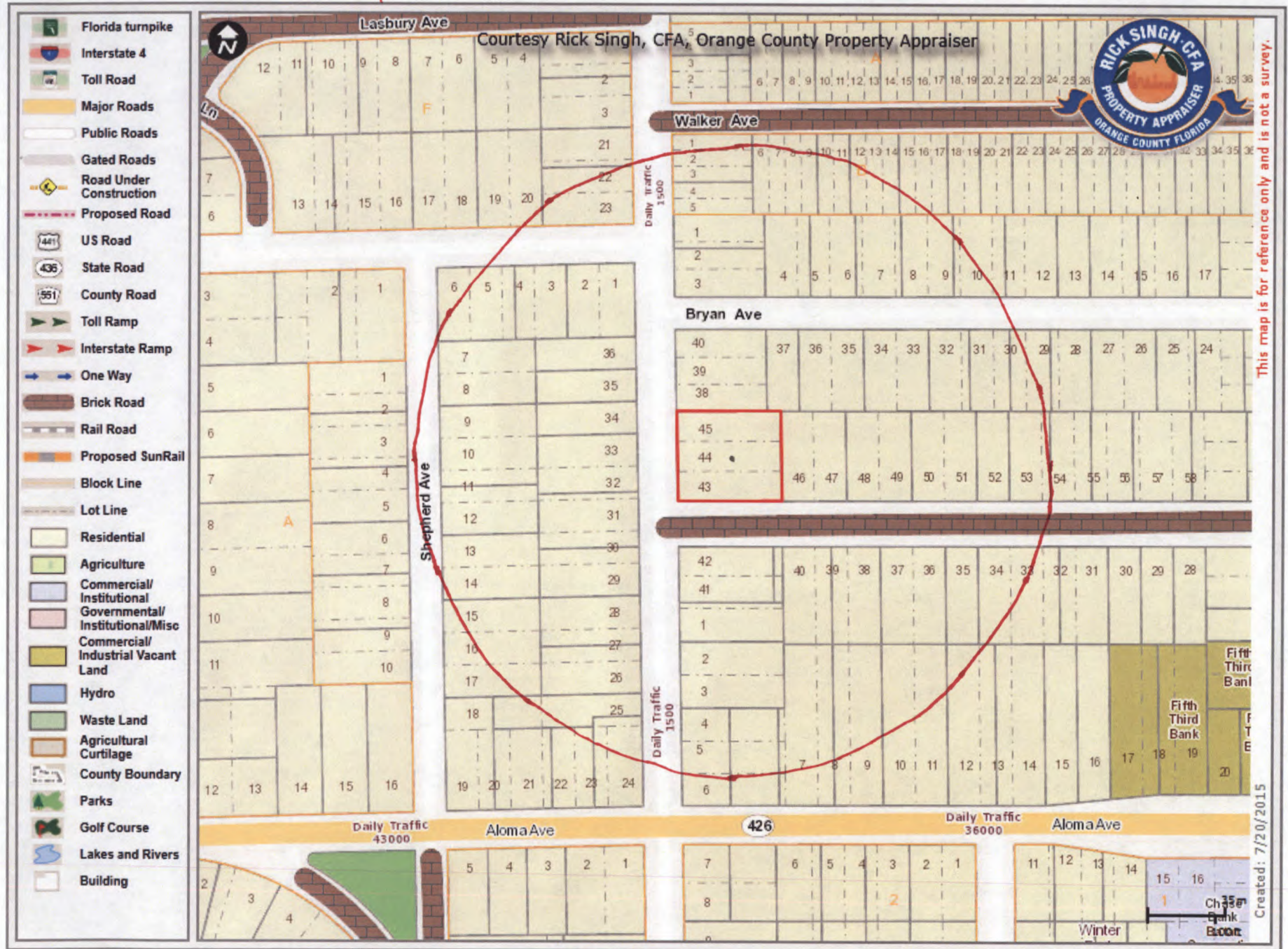
## REVISIONS AND ADDITIONS







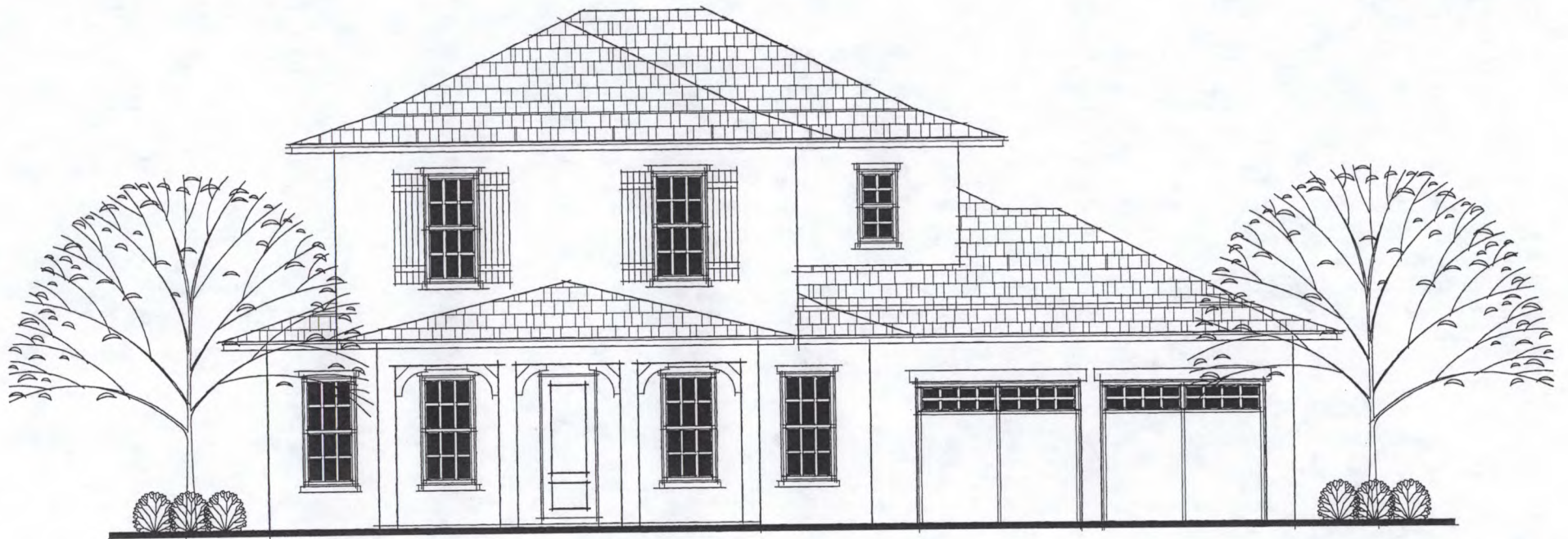
# Comp. Plan Test 500 ft. radius













# city commission public hearing

item type	Public Hearing	meeting date	August 24, 2015
prepared by department division	Dori Stone Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	N/A	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

## **Subject: Ordinance to Expand the Affordable Housing Program to include Workforce Housing and Allocation of the lot at 507 S. Capen Avenue to Habitat for Humanity.**

This public hearing is for two related actions by the City Commission:

1. First reading of an Ordinance to expand the Affordable Housing Program to include Workforce Housing, and
2. Allocation of the City owned lot at 507 S. Capen Avenue to Habitat for Humanity.

### **Summary:**

Earlier this year the City Commission asked staff to bring back an Ordinance to expand the affordable housing program to include workforce housing. Affordable housing is for working persons and families that make 80% or less of the median family income (see Chart attached). Those persons tend to work in service type professions. For example, the most recent Habitat homeowner is employed full time in food service at Florida Hospital Altamonte. Workforce housing expands the income range for eligibility to include up to 120% of the median family income. Those persons include those employed in positions such as teachers, nursing, public safety, entry level office staff, etc. This Ordinance will accomplish that goal.

Section 2-204(a) requires the Commission to establish programs and projects for the distribution of the fees. Staff intends to work with outside housing experts about possible programs and projects for Commission consideration and will bring back recommendations within 90 days after adoption of the Ordinance.

In the meantime, Habitat for Humanity of Winter Park/Maitland, Inc. has requested that the City allocate to them the building lot at 507 S. Capen Avenue. The City purchased this lot in October, 2007 with affordable housing funds for the purpose of use for the City's affordable housing program. As a land asset of the Affordable Housing Trust fund, the lot can only be used for that purpose and it is the last lot that the City owns purchased for that purpose.

This will be Habitat's 46<sup>th</sup> house in Winter Park and 52<sup>st</sup> house total since 1992. They will begin construction right after Labor Day and will finish next June.

The City's affordable housing fee has provided financial assistance to the non-profit affordable housing providers in the City since 1992. The recipients have been Habitat for Humanity of Winter Park/Maitland, the Hannibal Square Community Land Trust and the Winter Park Housing Authority. Historically, Habitat for Humanity has been provided with an annual donation of one



building lot from the City or they have been provided an annual budget allocation to use to purchase a lot.

**Fiscal Impact:**

There is no fiscal impact to the General Fund as this is funded by previously collected fees held by the Affordable Housing Trust Fund. Per the adopted policies on organizational support contributions to non-profits, Habitat for Humanity of Winter Park/Maitland, Inc. as a non-profit 501 (c) (3) organization has provided the documentation requested of others receiving organizational support from the City such as their IRS tax returns (Form 990's) and a list of their all-volunteer Board of Directors, etc. Habitat has one part time employee who is paid from mortgage revenue. Thus, 100% of all donations from the City and others are used for the building of homes.

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,  
AMENDING ORDINANCE 1882 "AFFORDABLE HOUSING"  
SO AS TO EXPAND THE PROGRAM TO INCLUDE  
WORKFORCE HOUSING, PROVIDING DEFINITIONS,  
PROVIDING FOR SEVERABILITY, CODIFICATION,  
CONFLICTS AND AN EFFECTIVE DATE.**

**Whereas,** the City of Winter Park adopted Ordinance 1882 on August 29, 1990 which established an affordable housing program within the City, and

**Whereas,** the City of Winter Park desires to broaden the opportunities for program development that may also respond to the workforce housing needs of individuals and families, and

**Whereas,** Ordinance 1882 needs to be amended to provide for that broader representation of individuals and families, and

**WHEREAS,** words with single underline shall constitute additions to the original text and strike through text shall constitute deletions to the original text, and where not so indicated shall indicate the text as unchanged from the language existing prior to adoption of this Ordinance.

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

**SECTION 1.** That Ordinance 1882 "Affordable Housing" shall be amended to read as follows and to be codified as Article VIII within Chapter 2, "Administration":

**ARTICLE VIII. AFFORDABLE AND WORKFORCE HOUSING.**

Sec. 2-201. Affordable and Workforce Housing.

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

Sec. 2-202. Affordable and Workforce Housing Fee Established.

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

Sec. 2-203. Exemptions.

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

Sec. 2-204. Affordable and Workforce Housing Program.

- (a) The City Commission shall establish, after public hearing, an affordable and workforce housing program and projects to be undertaken by the City or in partnership with other housing providers.

Sec. 2-205. Definitions.

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



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

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

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

*Non-residential Construction* means enclosed building and floor areas used for non-residential purposes but excluding parking decks or garages, carports or covered parking, attics, external mechanical or storage buildings.

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

**Section 2.** Incorporation Into Code. This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section 3.** Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions 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 immediately upon adoption by the City Commission of the City of Winter Park, Florida.

**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 Steve Leary

ATTEST:

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

# Orange County, Florida

## Income Limits

# 2014

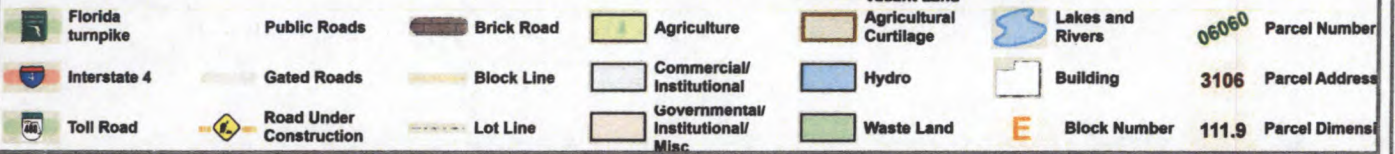


Median Income \$54,800

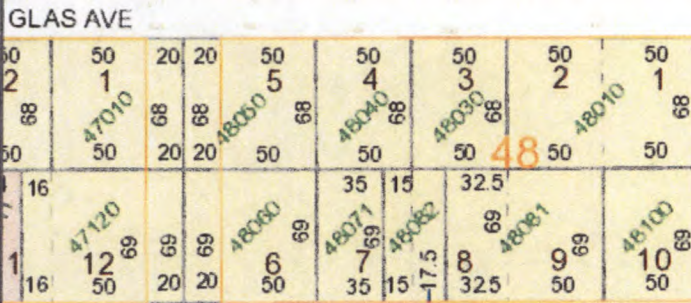
HOUSEHOLD SIZE	INCOME CATEGORY		
	VERY LOW (50% OF MEDIAN)	<i>Affordable</i> ↓ LOW (80% OF MEDIAN)	<i>Workforce</i> ↓ MODERATE (120% OF MEDIAN)
1	\$20,100	\$32,100	\$48,240
2	\$22,950	\$36,700	\$55,080
3	\$25,800	\$41,300	\$61,920
4	\$28,650	\$45,850	\$68,760
5	\$30,950	\$49,550	\$74,280
6	\$33,250	\$53,200	\$79,800
7	\$35,550	\$56,900	\$85,320
8	\$37,850	\$60,550	\$90,840



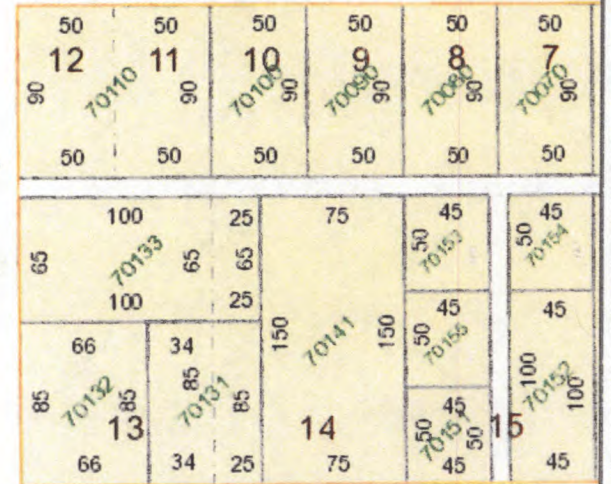
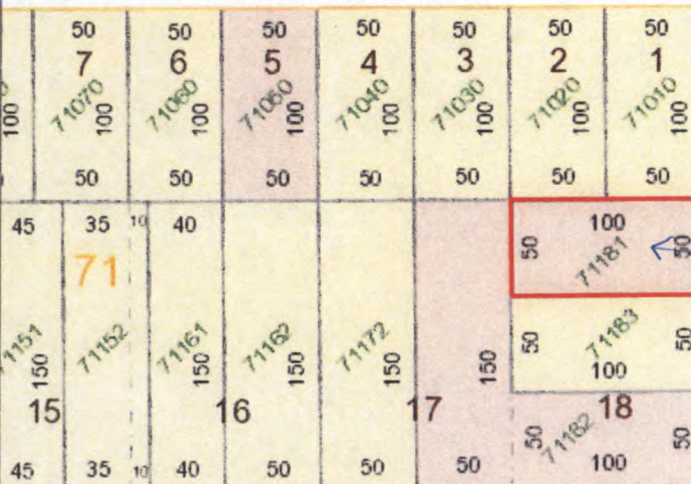
# OCA Web Map



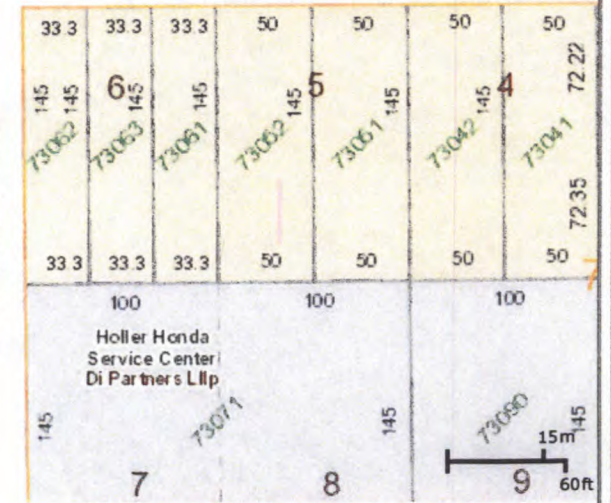
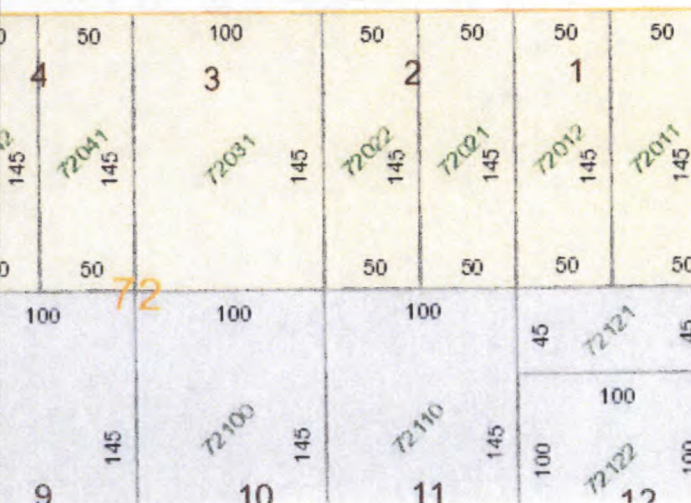
Courtesy Rick Singh, CFA, Orange County Property Appraiser



## LYMAN AVE



## W COMSTOCK AVE



































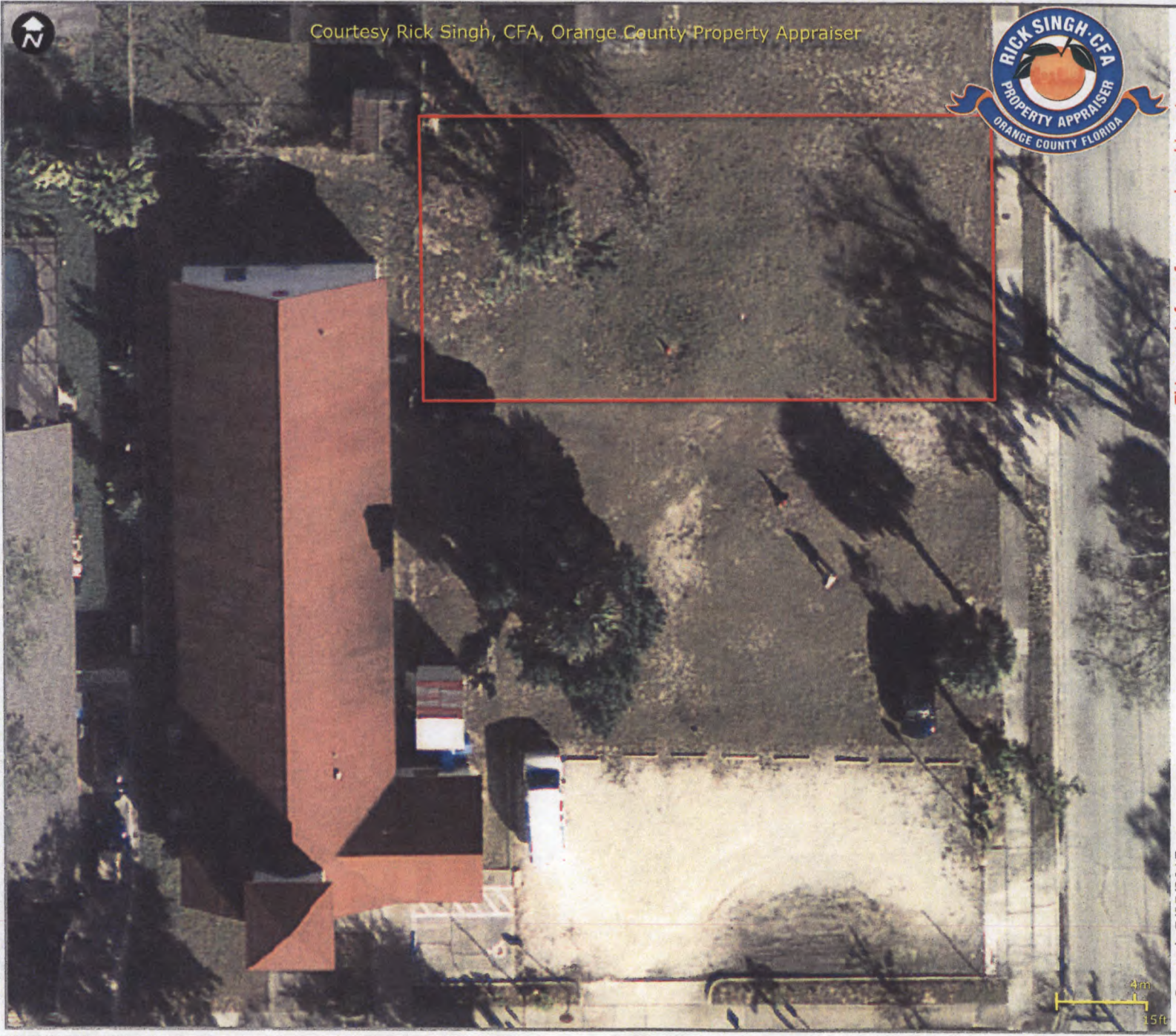
S CAPEN AVE

Created: 7/27/2015

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



-  Florida turnpike
-  Interstate 4
-  Toll Road
-  Major Roads
-  Public Roads
-  Gated Roads
-  Road Under Construction
-  Proposed Road
-  US Road
-  State Road
-  County Road
-  One Way
-  Brick Road
-  Proposed SunRail
-  Block Line
-  Lot Line
-  Residential
-  Agriculture
-  Commercial/Institutional/Governmental/Institutional/Misc
-  Commercial/Industrial Vacant Land
-  Hydro
-  Waste Land
-  Agricultural Curtilage
-  County Boundary
-  Parks
-  Golf Course
-  Lakes and Rivers
-  Block Number
-  Lot Number
-  Parcel Number
-  Parcel Address
-  Parcel Dimension



Courtesy Rick Singh, CFA, Orange County Property Appraiser



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

Created: 7/27/2015