

**REGULAR MEETING OF THE CITY COMMISSION**  
**August 26, 2013**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:31 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Fire Chief Jim White, followed by the Pledge of Allegiance.

Members present:

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

Also present:

City Manager Randy Knight  
City Attorney Larry Brown  
Deputy City Clerk Michelle Bernstein

**Approval of the agenda**

**Motion made by Commissioner Cooper to approve the agenda; seconded by Commissioner McMacken and approved by acclamation with a 5-0 vote.**

**Budget Comments**

Joe Terranova, 151 N. Virginia Avenue, addressed public parking being an important issue and agreed that we should increase the funding for the removal and trimming of hazardous trees.

**Mayor's Report**

- a. Presentation– Winter Park Chamber of Commerce's Lifetime Achievement Award

Winter Park Chamber of Commerce Vice President Debra Hendrickson presented the Lifetime Achievement Award to Wanda Salerno for establishing the Scenic Boat Tour business and for her marketing efforts to bring tourists/visitors to Winter Park.

**City Manager's Report**

Scheduling of Comprehensive Plan Work Session

After an inquiry made by City Manager Knight, a work session was scheduled at 2:00 p.m. on September 9 to discuss the Comprehensive Plan report.

Capen House Update

City Manager Knight addressed his understanding that they have raised enough money to qualify for the matching of funds from the Galloway Foundation. They are looking to host another fundraising event on September 14 and asked to use Central Park. He asked for permission to waive the event fee to help with the cause whereby the Commission agreed to waive the fee.

### Strategic Planning

City Manager Knight announced the Commission's selection of the following top five agenda topics for the upcoming strategic planning meeting: 1. Undergrounding; 2. City Bus/Circulator System; 3. Downtown Parking; 4. Gateway Corridors; and 5. Trees. Following a brief discussion regarding other topics of interest, the Commission agreed to focus on these five topics. City Manager Knight noted that the agenda and backup information will be sent to them prior to the meeting.

### Video Broadcasting Update

City Manager Knight stated that the Request for Proposal (RFP-29-2013) was issued on August 16 with a submission deadline of September 11. Following receipt and review of the proposals this topic will then be placed on the agenda for discussion.

### Miscellaneous Items

1. Per the request of Mayor Bradley, Electric Utility Director Jerry Warren provided an update regarding the electrical distribution and transmission lines on Fairbanks Avenue.

2. Commissioner Sprinkel thanked staff for removing several wayfinding signs that were no longer needed but stated that we still have too many signs. She also commented on the New Hope Baptist Church project and that it has been almost a year and the trailers are still unoccupied. She believed that the current approval process failed since they now have two trailers in a community that does not permit trailers.

3. Per the request of Commissioner Leary, Planning Director Jeff Briggs provided an update on the tree removal and replacement process for the project located at 940 West Canton Avenue.

4. Commissioner Leary mentioned an old historic house for sale at 218 S. Pennsylvania Avenue that according to the property appraiser dates back to 1902. He recommended that the homeowner be approached for historic preservation and asked staff or City Manager Knight to look into this. The request was acknowledged.

**City Attorney's Report** – No items.

**Non-Action Item** – No items.

**Public comments (5:00 p.m.)** – No public comments were made.

### **Consent Agenda**

a. Approve the minutes of 8/12/13.

- b. Approve the purchase order for Technical Solutions to perform work for CIP project - Alum Station upgrades under approved Stormwater CIP using Stormwater Utility Funds; \$137,213.
- c. Approve the budget adjustment to fund payments to Waste Pro and ADPI (third party billing agent for ambulance transport services) through the remainder of the current fiscal year.
- d. Approve the annual review of the City's Debt Management Policy.
- e. Approve the expenditure of \$149,700 of Federal Forfeiture Funds for the purchase and installation of the AeroClave Hydra System and two portable units.

**Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Mayor Bradley and approved unanimously with a 5-0 vote.**

**Action Items Requiring Discussion**

a. Budget Discussion

City Manager Knight said he received several budget recommendations from each Commissioner. A summary spreadsheet including staff comments on the operational impact was prepared and included in the agenda packet for discussion. He requested that any changes be approved during today's meeting so those items can be incorporated into the budget ordinance to be adopted in September.

The Commission brought up the 10 year proforma and discussed whether they should increase the percentage contributed to reserves each year and if money should be taken from planned contributions to this fiscal year's reserves and instead use it to augment the hazardous tree removal and trimming budget. The Commission also discussed bonding and debt service coverage and discretionary capital in the electrical services fund.

City Manager Knight advised that we received revised projections from the State on sales tax revenues. The new projections are about \$80,000 higher than what was included in the proposed budget, so an additional \$80,000 is available for appropriation.

**Motion made by Commissioner McMacken that we move \$250,000 out of the proposed contribution to our Contingency Fund for the removal of Class 1 trees; seconded by Commissioner Sprinkel.**

Mayor Bradley stated that he will be voting against this since he does not want to approve a budget with no contingency. A brief discussion transpired regarding existing monies in the tree replacement fund, the need to trim the existing trees to avoid potential lawsuits/liability and the need to keep funding our Contingency Fund every year. Commissioner McMacken explained his intent is to put \$250,000 towards reserves and the other \$250,000 towards contingency.

**Motion amended by Mayor Bradley that additional money will not come from the City reserves but will come from the total City budget as a reduction; seconded by Commissioner Cooper.**

**Motion amended by Commissioner Cooper that the funding for trees be allocated to both Category 1 tree removal and Category 1 tree pruning where it is most in line with safety hazards first; seconded by Mayor Bradley.**

Commissioner Sprinkel felt that it is imperative that we start to put money away for the SunRail quiet zones. Commissioner Cooper felt that the electric undergrounding should get the priority funding that it deserves. She also spoke about the increase in yearly costs for post-employment insurance benefits and subsidies and that we need to keep an eye on this. City Manager Knight said this is one of those unfunded mandates on local government and from a legislative standpoint could be fixed with a stroke of a pen. He said we will continue to lobby the State to take away that mandate.

No public comments were made.

**Upon a roll call vote on the first amendment (that we move \$250,000 out of the proposed contribution to our contingency fund for the removal of class 1 trees), Mayor Bradley and Commissioner Cooper voted yes. Commissioners Leary, Sprinkel and McMacken voted no. The motion failed with a 3-2 vote.**

**Upon a roll call vote on the second amendment (that the funding for trees be allocated to both Category 1 tree removal and Category 1 tree pruning where it is most in line with safety hazards first); Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.**

**Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

**Public Hearings:**

a. Police and Fire Pension ordinances

ORDINANCE NO. 2934-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 3, FIREFIGHTERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-154, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 74-165, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING

FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read both ordinances by title. **Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Cooper.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

ORDINANCE NO. 2935-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 4, POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-201, DEFINITIONS; AMENDING SECTION 74-204, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 74-215, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. Second Reading

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

- b. RESOLUTION NO. 2128-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 940 OLD ENGLAND AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Brown read the resolution by title. **Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner Sprinkel.** No public comments were made. The Commission thanked both Richard and Sandra Womble for bringing this property forward since it is a significant contribution to our City. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

A recess was taken from 5:05 p.m. to 5:24 p.m.

- c. Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III "ZONING", SECTION 58-95 "DEFINITIONS" OF THE CITY CODE TO REVISE THE DEFINITION OF FINE DINING RESTAURANT AND TO CREATE A DEFINITION OF FAST FOOD RESTAURANT; TO AMEND SECTION 58-75 "COMMERCIAL (C-2) DISTRICT" TO ALLOW CERTAIN CATEGORIES OF RESTAURANTS AS PERMITTED USES IN THE PARK AVENUE CORRIDOR; TO AMEND SECTION 58-75 "COMMERCIAL (C-2) DISTRICT" TO PROVIDE THAT CERTAIN CATEGORIES OF RESTAURANTS ARE PROHIBITED NON-CONFORMING USES IN THE COMMERCIAL (C-2) DISTRICT; PROVIDING FOR

SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS;  
PROVIDING FOR AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Planning Director Jeff Briggs explained that the proposed ordinance revises the current rules for restaurants in the Park Avenue area. He said the current proposal has been developed as a 'bottom-up' approach by the downtown property owners and merchants in concert with the Park Avenue Area Association and the Winter Park Chamber. He thanked Patrick Chapin, Frank Hamner, Lambrine Macejewski and Daniel Butts for their hard work and assistance in developing the proposed ordinance and in achieving the much needed consensus on how to proceed with the merchants and property owners. Mr. Briggs noted that the Planning & Zoning Board voted 4-0 in favor of the proposed ordinance, subject to the City Attorney revision to the section regarding City review of menu changes.

Mr. Briggs explained that the proposed ordinance makes four changes to the C-2 zoning rules for restaurants and other food service type establishments as follows:

1. It provides a new, improved definition of "fine dining restaurant". It makes it clear to the owners and operators of existing fine dining restaurants and to any new proposed fine dining restaurateurs what they are expected to do (operationally) and will be easier for the City staff to enforce.
2. It provides a new definition of "fast food restaurants" and makes it clear that they are prohibited, non-conforming uses.
3. It provides a new definition for "coffee shops, bakeries and dessert restaurants" which provides a solution for staff addressing the menu creep that we have experienced with these establishments that are primarily coffee shops, bakeries or ice cream/dessert places but also which sell some ancillary food for breakfast/lunch.
4. It provides within the Park Avenue corridor a new definition and a new permitted use for "non-fine dining restaurants" otherwise sometimes referred to as 'fast casual' restaurants. These are not currently permitted unless by conditional use approval based on adequacy of parking. The proposal now is that subject to the defined limitations, new "non-fine dining restaurants" may be established as permitted uses within the Park Avenue corridor. The limitations are no more than 20% of any block storefronts and no more than 15% of total storefronts within the Park Avenue corridor may become "non-fine dining restaurants".

Frank Hamner, 405 Balmour Road, provided the attached PowerPoint presentation and addressed the overall intent, goals for the revisions, overview, current guidance, new definitions and an example of the revised business application.

Mr. Briggs addressed the question pertaining to the existing boundary limits and clarified it would be Park Avenue from Swoope to Fairbanks and 140 feet down the

side streets which takes you to the Center Street alley. Mr. Hamner commented that the Park Avenue Corridor is clearly defined in the code.

Commissioner Cooper noticed that the definition of non-fine dining is not in the ordinance and felt that it should be included. Attorney Brown said it is adequately covered in Section 58-75 but agreed that it makes sense to include it.

Commissioner Cooper referenced page 5 of the proposed ordinance and raised concern with the language as it relates to the total percentage number of non-fine dining restaurants not to exceed 20% of the available first floor storefronts of either side of any city block in the Park Avenue corridor, nor 15% of the total number of businesses in the Park Avenue corridor. She preferred to have these two limits mirror each other in some fashion.

**Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner Sprinkel.**

**Motion amended by Commissioner Cooper to accept the ordinance as presented with one change, that the 15% of the Park Avenue corridor be changed to 10% of the Park Avenue corridor. Motion failed for lack of a second.**

Patrick Chapin, President, Chamber of Commerce, provided a brief overview and thanked everyone involved for their input with crafting this ordinance.

Commissioner Leary addressed the dissatisfaction of people with some of the newly installed storefront signs and that this may be an opportunity to get another team together to look at the sign ordinance and provide feedback. Mayor Bradley felt that currently it is not a problem but that it can certainly be looked at.

Attorney Brown referenced Section 58-95, Definitions, Fine Dining Restaurant, Item #5. He said it currently reads "The menu shall consist of fine dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of wines or alcoholic beverages or both." He felt that is a policy issue and asked for direction/feedback. Patrick Chapin said this item was raised by the Planning & Zoning Board and following discussion they agreed that it was not their intent and that this language needs to be changed.

**Motion amended by Mayor Bradley to amend the language to say that alcohol is available but it is not mandatory; seconded by Commissioner Sprinkel.** Attorney Brown said he understands the change and that it is an easy fix.

Joe Terranova, 151 N. Virginia Avenue, said this was a grassroots effort and thanked everyone for their input. He urged the Commission to approve it.

John Dowd, 427 N. Phelps Avenue, said he thoroughly approves the work that has been done to this ordinance and that it is very clear and understandable now.

**Upon a roll call vote on the amendment (to amend the language to say that alcohol is available but it is not mandatory), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 5-0 vote.**

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

**City Commission Reports:**

a. Commissioner Leary

Commissioner Leary congratulated Patrick Chapin for completing the Iron Man competition in Louisville, Kentucky this week.

Commissioner Leary said he had the pleasure of speaking at the Rollins College matriculation ceremony this past week and that it is a great opportunity to welcome the 500 new students to the community.

b. Commissioner Sprinkel

Commissioner Sprinkel said she participated in the Education Summit Breakfast last week and that it was a great event. She announced that she has a speaking engagement at the Mayflower Retirement home tomorrow.

c. Commissioner Cooper

Commissioner Cooper stated that she attended the Florida League of Cities event last week. She said Commissioner Sprinkel also attended and addressed our Women in Municipal Government regarding new education initiatives. Commissioner Cooper noted that as the delegator at the conference, she voted for the tax exempt status for municipal bonds compelling internet businesses to collect sales tax and maintaining the Community Development Block Grant Program.

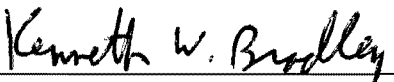
d. Commissioner McMacken – No items.

e. Mayor Bradley

Mayor Bradley welcomed the Rollins College students and their parents to the community.



The meeting adjourned at 6:24 p.m.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
\_\_\_\_\_  
City Clerk Cynthia S. Bonham

City of Winter Park, Florida, USA  
 2014 Proposed Budget  
 Combined Spreadsheet of Recommendations  
 August 26, 2013

Submitted by	Recommendation	Fund <sup>1</sup>	Financial Impact Decrease/(Increase)	Staff Comments on
<b>Suggestions</b>				
City Management	Increase budget for sales tax revenue based upon revised state estimates	General fund	\$ 80,000	More funds available for appropriation
Mayor Bradley	Create additional parking spaces in downtown corridor	General Fund (CIP)	\$ 500,000	
Mayor Bradley	Reduce funding for vehicle replacement to 2013 budgeted levels	Various	\$ (400,000)	Will create a larger need in 2015 but can't
Mayor Bradley	Reduce Street Paving	General Fund (CIP)	\$ (100,000)	Would delay a few repaving projects by a
Mayor Bradley	New art work for Train Station	General Fund or CRA	\$ 50,000	
Mayor Bradley	Create entry of Lee Road to Tree Farm	General Fund (CIP)	TBD	The actual access road would not cost much more than a purchase of the ROW or condemn it.
Vice-Mayor Sprinkel	Art for train station	General Fund or CRA	\$ 19,500	
Vice-Mayor Sprinkel	Increase ROW tree maintenance	General Fund	Amount not specified	
Vice-Mayor Sprinkel	Find way to fund Quiet Zones	TBD	Amount not specified	The estimated cost to implement quiet zones south city limits line is \$1.4 million. This includes an intersection that we
Commissioner McMacken	Fund below from Reserves	General Fund	\$ (250,000)	If an unbudgeted need arises during the year use Reserves instead of the contingency
Commissioner McMacken	Increase funding for Removal and Trimming of hazardous trees	General Fund	\$ 250,000	Would help City get caught up

Commissioner Cooper	Increase funding to address Cat 1 Hazardous Tree Removal and Cat 1 Tree Pruning . Amend ordinance to assign responsibility for maintenance of street tree canopy to the City as opposed to the residents. Focus funding to address Cat 1 street ROW trees first.	General Fund	\$ 300,000	Would help City get caught up
Commissioner Cooper	Set a minimum goal of \$3.5M annual Electric Fund investment in undergrounding. Establish a policy that limits electric fund transfers and limits transferring new costs to Electric Fund until annual minimum undergrounding is funded.	Electric	none in FY 14	
Commissioner Cooper	Consider funding WP's Other Post Employment Benefits (OPEB) plan. Unfunded Actuarial Accrued Liability (UAAL) has grown from \$1.6M in FY09 to \$7.2M in FY13. Currently the OPEB benefits are unfunded and we operate on a pay as you go plan.	All funds with employees	apx. (\$400K) FY14 (Normal cost \$591K less employer contribution , \$213K)	Based upon latest actuarial report, the pay about 0.8% of payroll to about 2.4% of payroll amount is already factored into our health plan. city provides OPEB at the minimum amount. choose to fund amounts in excess of payroll for cities that offer more than the minimum amount.
Commissioner Leary	Reduce Contingency/Reserves	General Fund	\$ (250,000)	If an unbudgeted need arises during the year use Reserves instead of the contingency
Commissioner Leary	Increase funding for Removal of Priority 1 trees	General Fund	\$ 250,000	Would help City get caught up

## PARK AVENUE CORRIDOR CODE REVISIONS

Planning and Zoning  
August 26, 2013

### GOALS FOR THE REVISIONS

1. Maintain the character and experience of the Park Avenue Corridor by reinforcing the rules and definitions that encourage fine dining and other acceptable restaurants.
2. Keep the charm, appeal and unique characteristics of the Park Avenue Corridor as a primarily fine dining destination and promote locally owned or operated small business restaurants, while at the same time providing a number of options for dining in the Corridor.
3. Clearly define permitted use fine-dining restaurants; non-fine dining restaurants; coffee shops, bakery and dessert restaurants; as well as prohibited use restaurants.

### GOALS FOR THE REVISIONS

4. Limiting the non-fine dining restaurants in the Park Ave corridor to ensure that its charm, appeal and unique characteristics are maintained.
5. Clarifying the rules and definitions for allowable restaurant types and defining a scope of permitted and conditional uses.
6. Clarifying the rules and definitions for coffee shops and bakeries, et al., where food service or meals are not the primary business function and to provide for appropriate boundaries of "scope or menu creep" or change in their offerings.

### GOALS FOR THE REVISIONS

7. Providing for clarification and certainty in the definitions associated with these rules to provide for not only easier enforcement of these rules and definitions by the City, but also a clearer understanding of allowable or conditional uses for property owners and prospective merchants.
8. Providing that existing restaurants are governed by the rules and definitions, or accepted methods of operation, in effect prior to the enactment of the new ordinance.
9. Revise and update the Business Application to reflect the various categories of restaurants and require applications for changes of use among the categories of permitted restaurants.

**OVERVIEW**

- > While definitions are applicable throughout C-2, certain items are initially applicable only in the Park Avenue Corridor.
  - > For purposes of this section, the **Park Avenue Corridor** is that area which encompasses those properties having frontage on Park Avenue or having frontage on the intersecting streets within 140 feet of Park Avenue.
    - Sec. 58-75 (a)(3)
  - > **Why?**
    - > Point of most emphasis
    - > Gives some flexibility outside the PAC
  - > **Grandfathering**
    - > No current violations by CEB
    - > Continue current business model

**OVERVIEW**

- > **New Definitions**
  - > Fast Food (prohibited use)
  - > Fine Dining (objective criteria added)
  - > Non – Fine Dining (permitted use with % limitations)
  - > Coffee, Tea, et al. (close “scope creep” gap)
- > **New Business Application**
  - > Must clarify initial use per category
  - > Must submit menu and business/ops plan
  - > Must reapply to change format

**CURRENT GUIDANCE**

**Sec. 58-95. Definitions**

*Fine dining restaurant* means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages where food service is provided by waiters/waitresses and where the menu shall consist of fine dining cuisine with a range of appetizers, entrees and desserts. Fine dining restaurants shall not include establishments where ordering or payment is done at a counter/cashier and shall not include sandwich shops, sub shops or any type of fast food business.

**CURRENT GUIDANCE**

**Sec. 58-75. Commercial (C-2) District**

*(b) Permitted uses.* All permitted uses shall be conducted so as to emphasize the pedestrian orientation of the district. Thus, drive-in-type businesses or uses which have a drive-in component as part of their operation shall not be permitted except to a limited degree in the area on Morse Boulevard, west of Virginia Avenue and confined to nonretail use. All uses permitted shall be conducted exclusively within a building except those uses permitted which are customarily conducted in the open such as off-street parking and outdoor patio seating for dining. Storage shall be limited to accessory storage of commodities sold at retail on the premises and storage shall be within a completely enclosed building. Bars, taverns and cocktail lounges are prohibited in this zoning district.

\*\*\*\*\*

(6) Fine dining restaurants as well as ice cream, tea, coffee, cheese, pastry and bakery stores with retail sales and consumption of food and beverage products on premises.

**NEW DEFINITIONS**

**Fine dining restaurant** means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcohol. Additionally, fine dining restaurants shall meet all of the following criteria:

1. A host or hostess must be regularly present to greet and arrange for seating of patrons;
2. Food and beverage service (other than bar service) is provided via table service by servers;
3. Dinnerware (utensils, plates, etc.) shall be non-disposable;
4. Ordering, food service and payment is done at the table; and
5. The menu shall consist of fine dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of wines or alcoholic beverages or both.

Establishments which include a drive-thru or where ordering or payment is done at a counter/cashier and then the food and/or beverage is brought to the table or customer by restaurant staff shall not be considered fine dining restaurants. Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders. Take-out orders shall not exceed 10% of the gross revenue.

**NEW DEFINITIONS**

**Fast Food Restaurant** means any restaurant whose normal business model includes two or more of the following criteria or characteristics:

1. A predominance of locations offer drive-thru service;
2. The menu consists of predominantly fast food or take-out food typically: consumed on site, or off the site as to-go food; pre-made and wrapped before customers place orders; served with disposable tableware and/or typically served in paper or plastic containers;
3. Food is typically ordered from a wall menu at a service counter;
4. Food consumed on the premises is typically ordered while customers are standing;
5. Payment must typically be made by customers before food is consumed;
6. Customers typically bus their own tables;
7. The service counter is closer to an entry/exit than is the seating/dining area; or
8. The business interior is brightly illuminated (greater than eight candle foot power as measured in a horizontal plane three feet above the floor).

Any restaurant meeting the above-definition shall be considered a fast food restaurant under this Code, even if it also meets the criteria for a non-fine dining restaurant under Section 58-75(b)(6).

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Bars, taverns, and cocktail lounges, and fast food restaurants are prohibited in this zoning district.

- > DEVELOPED FROM CARMEL, CA CODE
- > PRIORITIZES PROHIBITION FOR FAST FOOD

**NEW DEFINITIONS**

**Non-Fine Dining Restaurants.** Certain other restaurants (other than fast food restaurants, which are a prohibited use) shall qualify for a permitted use in the Park Avenue Corridor, provided that they satisfy the following criteria and do not exceed the percentages set forth in this section:

- i. Upon a patron's request, on-site food and beverage service shall be provided via table service by servers;
- ii. Appropriate visible signage is provided to notify patrons of the availability of table service;
- iii. The menu consists of a variety of food options including pre-entrée items (soups, salads, appetizers, etc.) entrees, sides and desserts;
- iv. Non-disposable dinnerware (utensils, plates, etc.) shall be provided;
- v. Food items are predominately freshly prepared on site rather than just the warming, microwaving or final preparation of pre-packaged items; and
- vi. All tables are bussed by restaurant staff.

(CONTINUED NEXT SLIDE)

**NEW DEFINITIONS**

**Non-Fine Dining Restaurants. (cont.)**

The number of non-fine dining restaurants shall not exceed 20% of the available first floor storefronts of either side of any city block in the Park Avenue Corridor, nor 15% of the total number of businesses in the Park Avenue Corridor. Should any restaurant currently operating within the Park Avenue Corridor as of the enactment of this ordinance cease business operations, another permitted use restaurant (fine dining; non-fine dining, as allowed under this section; or coffee shop, bakery and dessert restaurant) shall be allowed at that location, regardless of the percentage limitation; provided that the restaurant use is not discontinued for a period greater than three months, as provided in Sec. 58-65 (d) of this Code.,

- > ALLOWS FOR PRESERVATION OF IMPACT FEE CREDITS
- > RETAIL BECOMES RESTAURANT BUT NOT VICE VERSA
- > LIMITS TOTAL OF NFD RESTAURANTS IN THE PAC
- > REFLECTIVE OF CURRENT PERCENTAGES IN EXISTENCE
- > CHAIN Restaurant Question

### NEW DEFINITIONS

**Coffee Shops, Bakery and Dessert Restaurants.**

Certain restaurants that do not provide full service of food and beverages, but limit their offerings to particular food and beverages reflecting the core business of the restaurant and a limited number of ancillary non-core items, are permitted uses. These restaurants include, but are not limited to ice cream, frozen yogurt, Italian ice, smoothie, cookie, tea, coffee, wine, cheese, pastry and bakery stores. The restaurants of this category must also provide retail sales and consumption of the named core food and beverage products on premises. Such restaurants shall include, as part of their application for the business tax receipt, a menu identifying the core offerings of the business and a limited number of ancillary non-core items. The restaurants of this category shall not change their core offerings, nor significantly expand their ancillary, non-core offerings, without submitting an application to the City for another business tax receipt.

- MORE FOCUSED TO LIMIT SCOPE CREEP

### REVISED BUSINESS APPLICATION

**Change of Business Activity**

- Add restaurant as business activity
- More description of type of restaurant per new definitions

**Change of Use**

- Designation of specific change of use

**LIMIT SCOPE AND MENU CREEP**

### REVISED BUSINESS APPLICATION

**Attachment "A"**

For all restaurant operations in the Park Avenue Corridor, please provide the following information:

**Type of Restaurant:**

- Fine Dining per §§ 58-75 ( ) and 58-95 ( ), Code of Ordinances, City of Winter Park, Florida
- Non - Fine Dining per §§ 58-75 ( ) and 58-95 ( ), Code of Ordinances, City of Winter Park, Florida
- Coffee Shop, Bakery or Dessert Restaurant per §§ 58-75 ( ) and 58-95 ( ), Code of Ordinances, City of Winter Park, Florida:
  - Coffee             Tea                     Ice Cream
  - Frozen Yogurt     Italian Ice         Cookies
  - Cheese             Bakery             Smoothie
  - Wine                 Other (Describe Below):

**Attach a copy of:**

the proposed menu;  
building plan; and,  
operational plan

### PARK AVENUE CORRIDOR CODE REVISIONS

Planning and Zoning  
August 26, 2013