



# city commission agenda

City Commission Regular  
Meeting

November 11, 2020

3:31 pm

Community Center - 721  
West New England Avenue  
Hybrid (in-person & virtual)

mayor & commissioners				
seat 1 Marty Sullivan	seat 2 Sheila DeCiccio	Mayor Steve Leary	seat 3 Carolyn Cooper	seat 4 Todd Weaver

## welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted outside City Hall the Wednesday 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).

## agenda

\*times are projected and  
subject to change

### 1. Meeting Called to Order

### 2. Invocation

- a. [Rabbi David Kay, Congregation of Ohev Shalom](#) 1 minute

### Pledge of Allegiance

### 3. Approval of Agenda

### 4. Mayor's Report

### 5. City Manager's Report

- a. [90-day Report](#) 5 minutes  
b. [CIP Report](#) 10 minutes

### 6. City Attorney's Report

### 7. Non-Action Items

**8. Citizen Comments | 5 p.m. or soon thereafter**

(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)

(Three (3) minutes are allowed for each speaker)

**9. Consent Agenda**

- a. Approve the minutes of the work session, October 21, 2020 1 minute
- b. Approve the minutes of the work session, October 22, 2020 1 minute
- c. Approve the minutes of the regular meeting, October 28, 2020 1 minute
- d. Approve the following Piggyback contracts: 1 minute
  - 1. Dana Safety Supply, Inc. - Seminole County IFB-603904-20 – Purchase of Lights and Graphics for Fire Department Rolling Stock; \$75,000 per year. Contract term through September 1, 2023.
  - 2. Cubix, Inc. - Sourcewell 121215-MAC - Flooring Supplies & Services; Additional \$75,000 for contract term.
  - 3. Tyco Integrated Security, LLC - Sourcewell 031517-TIS - Facility Security Equipment, Systems & Services; Additional \$70,000 for contract term.
  - 4. Sunbelt Rentals, Inc. - OMNIA Partners R200601 - Equipment and Tool Rental Services; \$75,000 per year. Contract term through October 31, 2023.
  - 5. Municipal Emergency Services - Lake County 17-0606G - Fire Equipment Parts, Supplies & Service; Additional \$50,000 for contract term.
  - 6. Core & Main, LP - Pinellas County ITB#156-0035-B(LN) - Water & Sewer Materials; Additional \$270,000 for contract term.
  - 7. Motorola Solutions - State of Florida #43190000-18-NASPO-ACS-1 – Public Safety Communication Equipment, Phase 2: Radios, Consoles, Antennas & Repeaters; Not to exceed \$178,000.
- e. Approve the following purchase: 1 minute
  - 1. Environmental Products of Florida - Utilizing Sourcewell Contract 122017-FSC - Sewer Vacuum, Hydro-Excavation, and Street Sweeper Equipment, with Related Accessories and Supplies; \$400,000. Contract term through through 02/20/2022.

**10. Action Items Requiring Discussion**

- |    |   |            |
|----|---|------------|
| a. | City Manager Annual Evaluation  | 5 minutes  |
| b. | Electric Fuel Rate Holiday  | 10 minutes |
| c. | Roadway alignment of Bennett Road and Executive Drive in connection with the Ravaudage Development. | 30 minutes |
| d. | Micromobility Ordinance Discussion  | 10 Minutes |
| e. | Department Unfunded Capital Project List  | 30 minutes |

## 11. Public Hearings

- |    |   |            |
|----|---|------------|
| a. | Resolution - Adopting Municipal Facilities Single Use Plastics Policy   | 10 minutes |
| b. | Resolution - Approving and authorizing the execution of the License Agreement with Florida Department of Transportation concerning sharing real time traffic system data and the joint use of the regional-integrated corridor management (R-ICM) software system.  | 5 Minutes  |
| c. | Request of the City of Winter Park for: <ul style="list-style-type: none"> <li>• Ordinance - amending Article IV "Sign Regulations" providing for revised regulations relating to temporary signage. (Second Reading)</li> </ul>  | 5 minutes  |
| d. | Request of the City of Winter Park for: <ul style="list-style-type: none"> <li>• Ordinance - amending Article IV "Sign Regulations" providing for revised regulations relating to definitions; modifications for signage in certain zoning locations; and clarifying the types of permitted and prohibited signs. (Second Reading)</li> </ul> | 5 minutes  |
| e. | Ordinance - Proposing amendments to the charter related to establishment of single member districts and providing for referendum at the election on March 9, 2021. (First Reading)  | 60 minutes |
| f. | Ordinance - Amending adopted FY20 Budget (First Reading)  | 1 minute   |
| g. | Request of Z Enterprises for: <ul style="list-style-type: none"> <li>• Subdivision or lot split approval to divide the property at 1530 Wilbar Circle, zoned R-1A, into two lots.</li> <li>• Resolution - designating the property at 1530 Wilbar Circle as a historic resource on the Winter Park Register of Historic Places.</li> </ul>    | 20 minutes |
| h. | Request of Jim Veigle for: <ul style="list-style-type: none"> <li>• Ordinance - annexation of 2269/2267/2265/2263/2261/2259/2257 Kentucky Avenue. (First Reading)</li> </ul>  | 15 minutes |

- |    |   |            |
|----|---|------------|
| i. | Request of Chris Tracy for:   | 45 minutes |
|    | <ul style="list-style-type: none"><li>• Ordinance - annexing the property at 1800 Karolina Avenue (First Reading)</li><li>• Ordinance - establishing Parking Lot (PL) Future Land Use</li><li>• Ordinance - establishing Parking Lot (PL) Zoning (First Reading)</li><li>• Conditional Use approval to build a two-story, 10,022 square foot office building on the combined properties at 1801/1805 West Fairbanks and 1800 Karolina Avenue.</li></ul> |            |
| j. | Request of Benjamin Partners, Ltd for:  | 20 minutes |
|    | <ul style="list-style-type: none"><li>• Resolution - adopting amendments to the Second Amendment to the Amended and Restated Development Order for the Ravaudage Planned Development.</li></ul>   |            |
| k. | Request of the City of Winter Park for:   | 15 minutes |
|    | <ul style="list-style-type: none"><li>• Ordinance amending Chapter 58, Land Development Code, Article III, "Zoning", to establish in the Office (O-1) zoning district, a new Conditional Use provision for restaurants, cafes, coffee shops and other food and beverage establishments and to provide criteria for such Conditional Uses. (First Reading)</li></ul>   |            |

## **12. City Commission Reports**

## **13. Summary of Meeting Actions**

appeals and assistance

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"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](tel:407-599-3277)) at least 48 hours in advance of the meeting."





# City Commission **agenda item**

item type Invocation	meeting date November 11, 2020
prepared by Rene Cranis	approved by
board approval	
strategic objective	

## subject

Rabbi David Kay, Congregation of Ohev Shalom

## motion / recommendation

## background

## alternatives / other considerations

## fiscal impact



# City Commission **agenda item**

<b>item type</b> City Manager's Report	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Jennifer Guittard	<b>approved by</b> Peter Moore, Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

90-day Report

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**

## **ATTACHMENTS:**

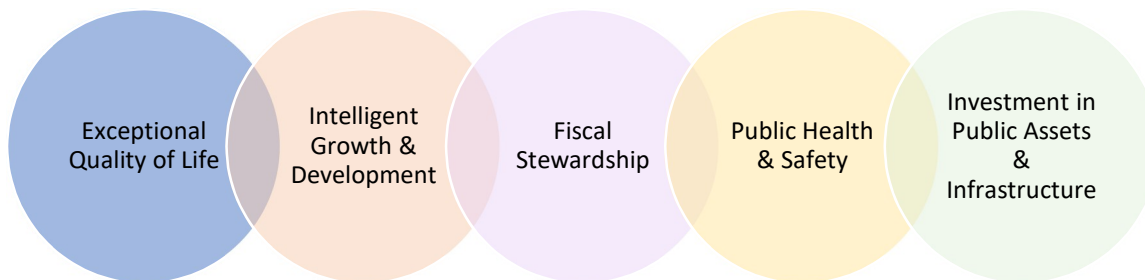
[90Day Report 11.11.20 \(003\).pdf](#)



## 90-Day Report

This outline provides a timetable for issues and items that are planned to come before the commission over the next three months as well as the status of initiatives that do not have any determined completion date. These are estimates and will be updated on a monthly basis.

### City of Winter Park Strategic Objectives



## Upcoming Commission Items

### Title 1: Exceptional Quality of Life

Item	Description	Item Department	Item Date
<b>Electric Vehicle Readiness</b>	Ordinance is going to Construction Board and P&Z for review, then Commission for approval.	Building & Permitting	Dec
<b>MLK Park Plan</b>	City has contracted professional services through Dix-Hite to conduct review of MLK master plan, assessment of neighborhood connectivity with MLK Park and Library/Event Center, and provide suitable options for replacement of Shady Park spray feature. Meetings are underway with Dix-Hite to determine concepts and cost. CRA has ability to address some improvements at this site with potential funding as part of the CRA CIP.	Parks	Jan
<b>Tree Preservation Ordinance</b>	Ordinance is being presented to newly created Tree Preservation Board. Then will go to Planning and Zoning board in Dec. After staff address comments and it will be presented to Commission in Jan.	Parks	Jan

## Title 2: Intelligent Growth & Development

Item	Description	Item Department	Item Date
<b>Building Construction Ordinance</b>	Changes to the building construction ordinance to be reviewed by Planning & Zoning Board along with the Construction Board of Adjustments then presented to Commission for adoption in December.	Building & Permitting	Dec
<b>Planning Public Hearings</b>	Future Land Use and Zoning Amendments, road vacation requests and Conditional Use for the Henderson Hotel on properties bounded by Lake Killarney, Beachview, Grove and Fairview avenues.  Future Land Use and Zoning Amendments and Conditional Use for 310 N New York Avenue	Planning & Transportation	Jan
<b>Turf Ordinance</b>	Ordinance to adopt regulations for the consideration of artificial turf as an impervious surface to residential lots will be reviewed by P&Z then brought back to Commission.	Public Works	Jan

## Title 3: Investment in Public Assets & Infrastructure

Item	Description	Item Department	Item Date
<b>CRA Agency Meeting</b>	CRA Agency meeting to discuss the Central Park stage and progress to Shady Park improvements.	CRA	Dec
<b>Sewer Capacity</b>	Purchase of additional sewer capacity at Altamonte Springs.	Water & Sewer	Dec
<b>Wastewater Interlocal Capital Contribution Payment</b>	Finalize approval with the City of Orlando for waste water plant upgrades.	Water & Sewer	Dec
<b>Wastewater Interlocal Contract</b>	Renewal of Conserv II sewer treatment contract with Orlando.	Water & Sewer	Dec
<b>City Private Fiber Network</b>	Contract for design-build of the city's private fiber network in response to ITN-6-2019 Fiber Optic Connectivity.	Administration /IT	Dec

# Additional Items of City Interest

## Title 4: Exceptional Quality of Life

Item	Description	Item Department
<b>Library &amp; Events Center</b>	The Library/Events Center construction continues on schedule and on budget. The steel erection of the Library and Events Center is complete. The concrete floor of the first and second floor of the Library is complete and protected and framing of the second floor interior walls is substantially complete. Rough-in of mechanical, electrical, plumbing and fire protection systems is in full swing in the Library. Most notably from the exterior, the concrete precast skin of the library is being installed starting along the east elevation and proceeding clockwise. This effort will take approximately 2 more weeks on the Library and will progress to installation on the Events Center once complete at the Library. Installation of window glazing will follow immediately behind that. The concrete second floor deck of the Events Center will be poured within 2 weeks in preparation for the precast concrete skin installation. The Events Center slab on grade will be poured 2 weeks after the second floor slab is complete. The foundations for the porte cochere are 50% complete. Site utilities and pond reshaping are complete. The outdoor amphitheater stage will be poured by mid-December.	Public Works
<b>Public Art for I-4</b>	Design selection company, RLF, is currently negotiating contract with the city and finalizing construction costs to bring the project in at the \$150k budget. This public art project, paid for by FDOT, is planned to be installed at the NE corner of W. Fairbanks and I-4, by June 30, 2021. The installation date was extended by four months due to COVID-19.	Administration

## Title 5: Intelligent Growth & Development

Item	Description	Item Department
<b>Sustainability Plan</b>	The KWPB&S Board will review the current Sustainability Action and refresh it with updated goals in the shorter term (2025) and longer term (2050). These proposed updates would be presented to related City Boards for feedback and support.	Sustainability & Planning

## Title 6: Investment in Public Assets & Infrastructure

Item	Description	Item Department
<b>Electric Undergrounding</b>	<p><b>Miles of Undergrounding performed</b></p> <p>Project G: 4.1 miles 88% complete</p> <p>Project I: 6.9 miles 59% complete</p> <p>Project W: 0.26 miles 85% complete</p> <p><b>TOTAL so far for FY 2021: 0.7 miles</b></p>	Electric
<b>Fairbanks Transmission</b>	Project is 95% complete. Spectrum has removed all of their facilities. Our remaining hardware is being delivered. We are prepared to begin pole removal and streetlight installation. Completion is estimated by the end of November.	Electric
<b>Lakes Health Analysis</b>	The Natural Resources Division of Parks (where lakes management now resides) along with Public Works, is preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the City lakes rank accordingly.	Parks



# City Commission **agenda item**

<b>item type</b> City Manager's Report	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Jennifer Guittard	<b>approved by</b> Peter Moore, Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

CIP Report

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

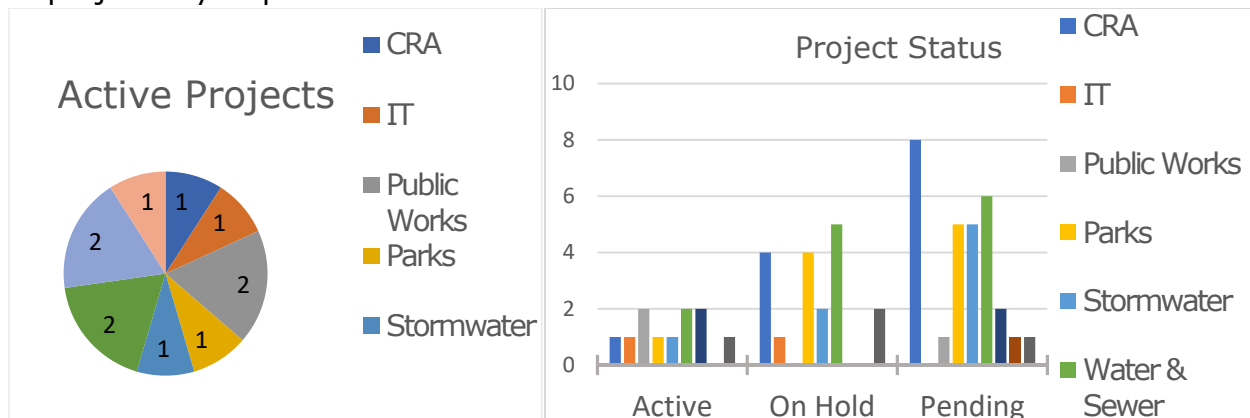
## **fiscal impact**

## **ATTACHMENTS:**

[CIP Report 11.11.20.pdf](#)



This report is updated monthly to monitor active capital projects occurring throughout the city and to provide information about recently completed projects. These are aligned with the city's strategic objectives and covers any project where implementation is currently underway. The below chart and graph show the count of projects by Department.



*Note: Charts show the count of Capital Projects. Active projects have begun construction. On Hold projects have stopped work for further review, planning, and approval. Pending projects are still in the planning, purchasing, and approval process.*

## Active Projects with Tasks

### Title 1: Exceptional Quality of Life Objective

Project	Project Tasks	Division
<b>Library</b>	The Library/Events Center construction continues on schedule and on budget. The steel erection of the Library and Events Center is complete. The concrete floor of the first and second floor of the Library is complete and protected and framing of the second floor interior walls is substantially complete. Rough-in of mechanical, electrical, plumbing and fire protection systems is in full swing in the Library. Most notably from the exterior, the concrete precast skin of the library is being installed starting along the east elevation and proceeding clockwise. This effort will take approximately 2 more weeks on the Library and will progress to installation on the Events Center once complete at the Library. Installation of window glazing will follow immediately behind that. The concrete second floor deck of the Events Center will be poured within 2 weeks in preparation for the precast concrete skin installation. The Events Center slab on grade	Public Works



Project	Project Tasks	Division
	will be poured 2 weeks after the second floor slab is complete. The foundations for the porte cochere are 50% complete. Site utilities and pond reshaping are complete. The outdoor amphitheater stage will be poured by mid-December.	
<b>Winter Park Sports Complex</b>	Continuing restoration of the area of Ward Park between Baseball fields and the Center for Health and Wellbeing. Labyrinth has been installed and is able for use, however landscaping around the area is still pending. Playground equipment from same grant from WPHF will be delivered 11/12 and installed by 11/30 and then landscaping to both areas as will go in and complete the projects. Completion by December 2020. Court resurfacing of Cady Way Tennis Courts and pickle ball conversion scheduled for December 2020.	Parks
<b>Bicycle &amp; Pedestrian Improvement</b>	Construction of sidewalk on Dundee is 90% completed. Garden Drive residents voted in favor for the sidewalk project, so design is underway and the City will hold a public meeting with the residents.	Transportation

## Title 2: Fiscal Stewardship Objective

Project	Project Tasks	Division
<b>ERP Software Project</b>	Currently implementing software modules for parking tickets, Code Enforcement, and Utility Billing.	IT

## Title 3: Intelligent Growth & Development Objective

Project	Project Tasks	Division
<b>CRA Small Projects</b>	Parking sensors on the 4th floor of the Park Place Garage are deployed. Prototype for 5th floor sensor is in development. Digital signage is approved by the Morse Genius Foundation to show real time availability of public spaces. Installation of signage is complete at Canton entrance.	CRA
<b>Lift Station R&amp;R</b>	All three backup generators have been installed at lift stations. Ranger Lift station rehab is complete expect for relating existing generator. Lift station #61 rehabilitation starting. Researching relocation of Pennsylvania lift station.	Water & Sewer

## Title 4: Investment in Public Assets & Infrastructure

Project	Project Tasks	Division
<b>Electric Undergrounding Project</b>	<b>Miles of Undergrounding performed</b> Project G: 4.1 miles 88% complete Project I: 6.9 miles 59% complete Project W: 0.26 miles 85% complete	Electric

As of 11/11/20, pg2

Project	Project Tasks	Division
	<b>TOTAL so far for FY 2021:</b> 0.7 miles	
<b>Facility Capital Improvements</b>	Still assessing planned replacements for HVAC units in Buildings 11&12 at Central Compound. HVAC equipment ordered and install scheduled within 60 days, pending grant for Building 10. Floor cleaning for Public Safety has begun. Building 10 floor cleaning set to start by 12/1.	Public Works
<b>Fairbanks Underground Project</b>	Project is 95% complete. Spectrum has removed all of their facilities. Our remaining hardware is being delivered. We are prepared to begin pole removal and streetlight installation. Completion is estimated by the end of November.	Electric
<b>Upgrade Water Mains</b>	Winter Park Oasis subdivision water main replacement complete. Park North, Lake Knowles Terrace, Flora Park, Winter Park Heights and Conwell Estates subdivision planned for water main upgrades starting in 1-2 months.	Water & Sewer
<b>Winter Park Rd SW Pond</b>	Land purchase complete. Design complete. Land to be cleared by end of Dec.	Stormwater

## Major Non-City ROW Work

### TECO Gas

The utility will be working in Winter Park to locate, repair, and replace gas mains along Palmer Ave. and side streets in a multi phased improvement project. They are currently on phase 3 of 4. We receive planned updates as they submit permitting. Estimated completion summer 2021.

## Recently Completed Projects

### Parks & Recreation

In coordination with the IT Department, the Parks Department installed the sound quality equipment and technology for improvements to the Showalter field.

### Stormwater

The Stormwater department completed 4 capital projects as part of the Investment in Public Assets & Infrastructure strategic objective to provide stormwater quality and clarity. Drainage improvements at Kings Way at Fawsett and Highland Road replaced outfall CDS. Arbor Park received improvements to underdrains. Sharon Place storm water drainage inlets have been installed.



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Rene Cranis	<b>approved by</b> Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

Approve the minutes of the work session, October 21, 2020

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**

## **ATTACHMENTS:**

[102120.ws OAO.pdf](#)



# City Commission Work Session Minutes

October 21, 2020

Virtual Meeting

## Present

Vice Mayor Cooper  
Commissioner Marty Sullivan  
Commissioner Sheila DeCiccio  
Commissioner Todd Weaver

City Manager Randy Knight  
City Attorney Dan Langley  
City Clerk Rene Cranis

## Also Present

Director of Planning and Transportation Bronce Stephenson  
Planner Allison McGillis  
Transportation Manager Sarah Walter

### 1) Call to Order

Vice Mayor Cooper called the meeting to order at 1:33 p.m. and advised that this work session is to discuss OAO issues and Commissioner DeCiccio's proposal for the "bookend" properties at each end of the OAO district.

### 2) Discussion Item(s)

Commissioner DeCiccio provided three options for "bookend" properties: 1) leave them out of the OAO; 2) leave them at a reduced FAR with the ability to come back and present their plans for review and adopt amendments accordingly; or 3) leave them out but provide the option to come back into the OAO and the city could review their plans and consider a comp plan amendment.

Mr. Stephenson offered a fourth option to establish a base FAR of 60% and a maximum of 150% including a parking garage which could be modified but would result in small-scale amendments to the comp plan that would not require submittal to the State.

Commissioner Weaver said he is uncomfortable with property at south end due to lack of knowledge of development plans and as a result would support Option 1 or reducing the base FAR to 60%.

Commissioner Sullivan said he is inclined to remove them from the OAO and consider their plans in the normal approval process for variances and conditional uses and feels the best solutions will be found if they are removed from the OAO.

In response to questions by Vice Mayor Cooper, Attorney Langley advised that each option is legally viable but the Commission's primary goal should be to make policy decisions that are best for the city and draft language based on those decisions.

Vice Mayor Cooper supported leaving these properties in with a FAR of 60%, adding the value of 25% open space to calculate base FAR, and a maximum FAR of 100%, which is the same as other large developments such as Ravaudage.

Discussion followed on FAR and parameters for additional FAR using the enhancement menu for the city to gain open space or obtain property for roadway improvements.

Vice-Mayor Cooper asked whether there is consensus to move forward keeping Subareas D, J and I but at a reduced FAR to be determined. Mr. Stephenson advised that the FAR in the most recent draft is 150% for Subareas D and J including parking and 125% for Subarea I.

Mr. Stephenson confirmed that property owners bring forward plans for review and that amendments are needed to the conditional use list to address buildings over 10,000 square feet. He reviewed the approval process and discussion followed on the process.

Commissioners Sullivan said he is inclined to remove them from the OAO because of the work yet to be done and that leaving them in with a reduced FAR does not move the process forward.

Commissioner Weaver supported removing the large properties from the OAO.

Vice Mayor Cooper said she is comfortable adjusting the FAR to be fair and then adopting a maximum FAR consistent with large parcel development.

Commissioner DeCiccio said she could support Option 1 or 2.

Mr. Stephenson said that there is no need for the OAO if these properties are removed as this was predicated on the concept that large parcel development could benefit the small businesses and Winter Park. He advised that it will be difficult for the city to get property needed for intersection improvements without the OAO and the enhancement menu. Discussion followed on the process for acquiring right-of-way.

After additional discussion on the options and the enhancement menu, consensus was to leave these properties in the OAO.

Vice Mayor Cooper said the language reads that once adopted, changes cannot be made and suggested adding unless specifically outlined herein for these two parcels.

Commissioner Weaver suggesting requiring supermajority vote if changes are allowed. Vice Mayor Cooper agreed. After discussion, consensus was to place on next Commission agenda for discussion.

In-depth discussion resumed on FAR and height and consensus reached as follows:

- Subarea A - Base FAR: 60%; maximum FAR: 60%; height: maximum two stories abutting Orange Avenue.
- Subarea B - Base FAR: 45%, maximum FAR: 60%, height: maximum three stories (current).

- Subarea G - Base FAR: 45%; maximum FAR: 45%
- Subarea D - Base FAR: 75%; maximum FAR: 100% or 125% (no consensus); height: current maximum
- Subarea J - Base FAR 75%; maximum FAR 100% or 125% (no consensus). Staff to provide renderings at 125% and three stories (current maximum).
- Subarea K - Base FAR 60%; maximum 80%, additional 20% can only be applied toward a parking structure.
- Subarea I - Base FAR 75%; maximum FAR 100% or 125% (no consensus). Staff to provide renderings at different FARs and height.

Mr. Stephenson commented on the Orchard Supply property and recommended putting it back in the OAO due the limited development options outside the OAO which would allow for shared parking.

Vice Mayor Cooper addressed Subarea E and expressed concern regarding transfer of residential density in this area and opposed transfers throughout the OAO. Removal of residential density transfers from the OAO was approved by consensus.

After discussion, consensus was reached as follows:

- Subarea E - Base FAR: 60%; maximum FAR: 80%; height: four stories.

Mr. Stephenson said he will incorporate today's changes in the draft ordinance including items related to Subarea C. Commissioner Cooper suggested a separate FAR, with and without a parking garage. She suggested that upon receipt of the draft ordinance, each Commissioner submit list of items of concern regarding draft, which will be consolidated into one list for discussion in January work sessions.

Commissioner DeCiccio left the meeting at 5:46.

Mr. Stephenson summarized the schedule with work sessions on November 19th, December 10th, and start discussion in January 14th based on the list completed by each Commissioner.

### 3) Adjournment

The meeting adjourned at 5:51 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Rene Cranis	<b>approved by</b> Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

Approve the minutes of the work session, October 22, 2020

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**

## **ATTACHMENTS:**

[102220.ws Annexation.pdf](#)



# City Commission Work Session Minutes

October 22, 2020  
Virtual Meeting

## Present

Vice Mayor Cooper  
Commissioner Marty Sullivan  
Commissioner Sheila DeCiccio  
Commissioner Todd Weaver

City Manager Randy Knight  
City Attorney Kurt Ardaman  
City Clerk Rene Cranis

## Also Present

Director of Planning and Transportation Bronce Stephenson  
Principal Planner Jeff Briggs  
Planner Allison McGillis  
Division Director of Office of Management and Budget Peter Moore

### 1) Call to Order

Vice Mayor Cooper called the meeting to order at 1:00 p.m.

### 2) Discussion Item(s)

#### a. Discussion on Future Annexations

Mr. Briggs reviewed the regulations for the different annexation options: voluntary, annexation of enclaves by agreement with Orange County, voter referendum, and by agreement with the property owner. He outlined the policies relative to the West Fairbanks Avenue corridor and summarized the city's investment in infrastructure improvements and removal of billboards to improve the major gateway into the city. He explained the comp plan policies for protection of residential and showed renderings reflecting this policy and of planned development on West Fairbanks.

Mr. Stephenson provided additional information on development plans and potential improvements to sidewalks and landscaping buffers along Fairbanks. He and Mr. Briggs responded to questions regarding redevelopment on the north side of Fairbanks.

Attorney Ardaman acknowledged Vice Mayor Cooper's request to research language that may allow the city to give preference to taxable entities.

Mr. Briggs reviewed policy direction for the south side of West Fairbanks including the pending annexation of seven lots on Kentucky Avenue and potential annexations of properties south of Kentucky Avenue between I-4 and Formosa.



In response to comments by Vice Mayor Cooper, Mr. Ardaman stated he will research the city's the authority to hold a city-wide referendum in the absence of a neighborhood referendum.

Mr. Briggs stated that staff will continue discussions with interested parties on development proposals. He suggested that the city should not provide sanitary sewer unless the property is annexed into the city. Consensus was that the city should maintain control of this annexation area. Staff responded to questions regarding sanitary sewer capacity and lift stations.

Vice Mayor Cooper commented on fragmented annexations and feels the city should have a policy for review, evaluation, timing of a cost benefit analysis and public participation in the city's annexation reserve areas. Discussion followed on fragmented annexations, timing and unknown plans for redevelopment.

Mr. Moore gave a presentation on the Killarney Area Annexation (KAA) and disclosed that this analysis is based on current conditions since future development is unknown. He stressed the need to look at the entire region including Ravaudage and outlined three scenarios showing impact on city service, costs and revenues for both KAA and Ravaudage. Staff is recommending the third scenario which splits the costs between the KAA annexation and buildout of Ravaudage and results in an outcome that shows a slightly positive long-term impact. Staff responded to questions on the analysis.

Mr. Knight said if there is interest by the commission to annex the KAA, the process will begin with a neighborhood referendum and would be placed on future Commission agenda. Mr. Stephenson advised that the Killarney neighborhood would like to make presentation.

### 3) Adjournment

The meeting adjourned at 2:56 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Rene Cranis	<b>approved by</b> Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

Approve the minutes of the regular meeting, October 28, 2020

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**

## **ATTACHMENTS:**

[102820.rs.pdf](#)



# City Commission Regular Meeting Minutes

October 28, 2020 at 3:30 p.m.

Virtual Meeting

## **Present**

Mayor Steve Leary  
Commissioner Marty Sullivan  
Commissioner Sheila DeCiccio  
Commissioner Carolyn Cooper  
Commissioner Todd Weaver

City Manager Randy Knight  
City Attorney Kurt Ardaman  
City Clerk Rene Cranis

## **1) Meeting Called to Order**

Mayor Leary called the meeting to order at 3:30 p.m.

## **2) Invocation**

Tee Rogers, Celebrant and Humanist, provided the invocation followed by the Pledge of Allegiance.

## **3) Approval of Agenda**

Motion made by Commissioner DeCiccio to approve the agenda; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.

## **4) Mayor's Report**

## **5) City Manager's Report**

### **a. Economic Recovery Task Force Presentation**

Drew Madsen, Economic Development Task Force member, provided details on programs that have been implemented with a recommendation to use street bollards instead of police presence at intersections. He presented the concept of a Festival and Entertainment District and outlined recommendations for street closures allowing on street dining and open containers on the weekends in designated areas. He asked for authorization to move forward with closing Park Avenue through April (one weekend per month), \$150,000 for street bollards, and a resolution supporting a pilot program for Festival and Entertainment District.

Commissioner Weaver suggested Christmas themed windows in vacant storefronts. He opposed open containers and street closures as he feels increased attendance will

increase the risk of spreading COVID and expressed concerns about the entertainment district due to the proximity to residential areas and Rollins.

Commissioner Cooper opposed allowing open containers and supported bollards (better designed and retractable) and street closures with advanced scheduling and notice.

Bronce Stephenson, Director of Planning and Transportation, explained the improved technology and design of bollards which requires minimal effort to install, set up and maintain and can be designed to meet city standards.

Commissioner Sullivan supported the street closure but would like more information and suggested that staff draft a resolution based on this discussion and bring back to Commission. He said he would consider open containers but would like more data on the impact from COVID.

Commissioner DeCiccio supported bollards and street closures and allowing open containers as she feels it will be effective for businesses for the holidays, bollards and street closures.

Mayor Leary spoke in support of bollards but would like to see design options, and supported a regular schedule for street closures and open containers on a temporary basis with the option to stop if issues arise. He asked for an update on past actions.

Mr. Knight advised that the Commission approved a single vendor spending limit of \$50,000 and that the city has spent about \$91,000 of the \$500,000 of CRA designated funding. Staff will present recommendations to the CRA Agency to authorize purchase of bollards.

**Motion made by Commissioner Weaver to table until a CRA Agency meeting; seconded by Commissioner Cooper.**

Mr. Knight advised that the financial decisions are a CRA matter but the resolution on open containers is a Commission decision which can be presented at the next meeting.

**Upon a roll call vote on the motion to table, Commissioner Weaver voted yes and Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted no. Motion failed with a 1-4 vote.**

After additional discussion, consensus was reached as follows:

- Move forward with the task force recommendation with additional research of bollards and schedule a CRA Agency meeting to consider funding the purchase of the bollards.

- Approve the street closures on Park Avenue once a month from November through April with the Task Force and staff to determine including the Hannibal Square area.
- Bring the resolution on open containers back to Commission on November 11th.

Mr. Knight advised that the Governor has not extended executive order and staff has prepared for in-person meetings to begin November 1<sup>st</sup> and will continue to offer and encourage virtual participation.

Commissioner Cooper commented on individual meetings with Aci and LandDesign to discuss Progress Point and asked for a work session where presentations can be made and discussed in a public forum. After discussion on Progress Point property, consensus was to schedule a work session for November 5<sup>th</sup> at 2:00 p.m.

Commissioner Cooper reminded staff of her request to ensure the ordinance relating to prohibiting development on or adjacent to Central Park is codified. Mr. Knight advised that staff is reviewing the code for ordinances not codified and for conflicts with State law.

Commissioner Cooper asked that the preliminary drawings of 17-92 improvements be shared with the Commission when they are made available by FDOT. Approved by consensus.

Commissioner Cooper asked that the city attorney meet with the city's transportation consultant to develop recommendations on cost sharing for the OAO such as mobility or impact fees that could be implemented before or in conjunction with the OAO.

## **6) City Attorney's Report**

Attorney Ardaman provided an update on the City of Pensacola arbor litigation, on the city's OAO pending litigation, and Gaines Way lift station matter.

## **7) Non-Action Items**

## **8) Citizen Comments - 5 p.m. or soon thereafter**

## **9) Consent Agenda**

- a. Approve the minutes of work session, October 8, 2020
- b. Approve the minutes of the regular meeting, October 14, 2020
- c. Approve the minutes of the work session, October 15, 2020
- d. Approve the purchase of new playground equipment for Phelps Park, Kompan, Inc; not to exceed \$168,514.66; OMNIA Contract # 2017001135
- e. Approve the following Piggyback contracts:
  1. KMG Fence - City of Orlando - IFB20-0418 - Fence Repair, Replacement and Installation; \$75,000 per year. Contract through October 4, 2023;

2. United Rentals, Inc. - Sourcewell - 062320 - Equipment Rental with Related Services; \$75,000 per year. Contract through August 27, 2024.
- f. Approve the following contracts:
  1. Gasto USA, Inc. - RFP13-09 - Red Light Safety Enforcement Program; Add \$109,034.24 in additional funds for contract term.

**Motion made by Mayor Leary to approve the Consent Agenda; seconded by Commissioner Weaver.** There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.**

## **10) Action Items Requiring Discussion**

### **a. Municipal Facilities Single Use Plastics Policy**

Vanessa Balta, Sustainability Planner, reviewed the provisions of the single-use products policy which prohibits use or sale of single-use plastics by city staff or contracted vendors on city properties unless authorized or by exemption. She responded to questions regarding product materials and alternatives. She noted that although vendors were not surveyed about this policy, city staff and applicable city boards supported the policy.

Mr. Knight advised that the resolution would be sufficient to allow staff to enforce the policy on city property. Attorney Ardaman said the city is within its authority to enforce the policy.

Extensive discussion was held on the types of products and materials and policy provisions applicable to outside vendors. Consensus was for staff to contact vendors to determine their cost impact.

**Motion made by Mayor Leary to approve the policy as presented; seconded by Commissioner Cooper.**

**Motion made by Mayor Leary to amend the policy to remove requirements for vendors; seconded by Commissioner Cooper.**

There were no public comments.

**Motion made by Commissioner Cooper to amend the policy to implement as a one-year pilot program; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners DeCiccio and Cooper voted yes and Commissioners Sullivan and Weaver voted no. Motion carried with a 3-2 vote.**

**Upon a roll call vote on the motion to amend the policy to remove requirements for vendors, Mayor Leary and Commissioner Cooper voted yes and Commissioners Sullivan, DeCiccio and Weaver voted no. Motion failed with a 2-3 vote.**

**Upon a roll call vote on the main motion as amended (adding one-year trial period) Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

Mayor Leary called for a recess at 6:00 and reconvened the meeting at 6:20 p.m.

- b. Discussion of adding a charter ballot question concerning allowing the requirement for supermajority votes in certain circumstances.

Mr. Knight stated that supermajority vote was brought up at recent work session and said he provided by e-mail some background information.

Commissioner Cooper supported a charter amendment that provides the City Commission the opportunity to require supermajority vote by ordinances on certain situations. Commissioner Weaver agreed.

Mayor Leary pointed out that this would allow future commissions to change supermajority requirements which he feels could be problematic. He said he feels simple majority is not perfect, but it has worked. Commissioner DeCiccio agreed.

Commissioner Weaver said he feels the voters should decide to allow supermajority votes and for the Commission to require supermajority vote in certain situations.

Commissioner Sullivan opposed supermajority vote due to the difficulty in specifically defining what would require a supermajority vote.

There was no consensus to pursue a charter amendment to provide for supermajority votes.

## **11) Public Hearings**

- a. Request of the City of Winter Park for: An Ordinance Amending Article IV "Sign Regulations" Providing for Revised Regulations Relating to Temporary Signage. (First Reading)

Attorney Ardaman read the ordinance by title.

Mr. Briggs reviewed the changes regarding temporary signs to allow signs up to four square feet and up to a total of 12 square feet on three signs (election, temporary or real estate) per street frontage. He commented on constitutional law that requires local governments to make provisions for free expression signs under the First Amendment.

He responded to questions stating that the city cannot restrict content of temporary signs and must remove the 45-day pre-election timeline for placement of signs.

Mr. Ardaman advised that limiting a sign's content and limiting properties to one sign is problematic and advised against limiting the time frame for putting out election signs due to the risk of being legally challenged.

**Motion made by Mayor Leary to approve the ordinance on first reading; seconded by Commissioner DeCiccio.**

Mr. Briggs responded to questions and advised that there is deadline for removal of temporary signs after an event and that the city has the authority to remove signs from vacant properties and use code enforcement procedures to enforce violations on private property and potentially impose fines. Further discussion ensued on provisions.

**Motion made by Commissioner Cooper to amend the motion to reinstate the 45-day pre-election time line. Motion failed for lack of second.**

There were no public comments.

**Upon a roll call vote on the main motion, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

- b. Request of the City of Winter Park for: An Ordinance Amending Article IV "Sign Regulations" Providing for Revised Regulations Relating to Definitions; Modifications for Signage in certain Zoning locations; and Clarifying the types of permitted and prohibited signs. (First Reading)

Attorney Ardaman read the ordinance by title.

Mr. Briggs reviewed changes and showed renderings of different types of signs. He responded to questions stating that staff reviews the plans to ensure adequate visibility at intersections and that the code provides for enforcement of landscaping that obstruct view.

**Motion made by Commissioner Cooper to approve the ordinance on first reading.**

There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

- c. Resolution - Authorizing the Mayor to execute agreement with FDOT for the relocation of water and wastewater utilities as part of the State Road 434 widening and resurfacing project (Financial Project ID 239422-1-52-01).

Attorney Ardaman read the resolution by title.



Mr. Knight reviewed requirements in the agreement. Jason Riegler, Assistant Director of Water and Wastewater Utilities stated the work will be done at the city's expense of approximately \$1.2 million.

**Motion made by Mayor Leary to approve the resolution; seconded by Commissioner Cooper.** There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

## 12) City Commission Reports

### Commissioner Sullivan:

- Commented on the success of the electric landscape demonstration at Mead Garden and staff's support of the use of electric equipment.
- Asked that public hearing notices be e-mailed to all commissioners. Approved by consensus.
- Thanked the League of Women Voters and city staff for their efforts to collect and recycle campaign signs.
- Commented on COVID data that shows an increase in cases beginning in October. He expressed his concern that the governor will require in-person meetings on November 1st and although he believes most boards want to meet in person, he suggested postponing in-person meetings for an additional month and continue to allow public participation virtually.

Mr. Knight advised that the charter requires that a quorum be physically present and allows commissioners to participate virtually at least three times each calendar year.

Mr. Ardaman explained that quorum requirements are in the Charter and is consistent with state law. The Commission is bound by both the charter and state law and noncompliance puts Commission decisions at risk.

Commissioner Sullivan asked that the city does not abide by governor's decision if he does not extend the executive order.

Commissioner Cooper said she would like more legal input before supporting Commissioner Sullivan's request because she feels that nobody should be forced to attend a public meeting if it is a risk to their health. She asked that the attorney research and identify any alternatives.

Mr. Ardaman advised that there are arguments that can be made and will provide those to the Commission.

Discussion followed on staff's proposal for in-person meetings with virtual public participation.

Commissioner Weaver said he will not be attending the meeting and suggested that Commission meetings be canceled for the rest of the year. Mr. Knight noted that the charter requires the Commission to have one meeting each month.

#### Commissioner DeCiccio

- Asked that discussion on reinstatement of the Affordable Housing linkage fee be placed on the next agenda.

Commissioner Cooper said she could support once there is plan for how the funds would be spent and recalled a report prepared by staff several years ago. Mayor Leary agreed that a plan is needed and added that this should be looked at from a regional perspective.

After discussion, consensus for staff to research and provide information on a plan.

- Asked that that staff provide a list of infrastructure improvements including poor internet, roads, drainage, and parks improvements, with the potential of issuing a bond to fund improvements. Approved by consensus.

#### Commissioner Cooper

- Asked for a strategic planning session to discuss short and long-term needs after the list of infrastructure improvements is provided.

#### Commissioner Weaver

- Urged the city to make the transition to battery-operated equipment sooner than later because of reduced noise level and pollution and lower maintenance costs.

#### Mayor Leary

- Reminded everyone of the topping off ceremony for the library and events center on Friday.
- Commented on the large number of elections signs on the Library property and asked whether they can be removed.

After discussion on past practice allowing the signs and the timing of the election, there was no consensus to have the signs removed.

### **13) Summary of Meeting Actions**

- Approved street closure once a month through April.
- Bring resolution on the entertaining district

Regular Meeting of the City Commission

October 28, 2020

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- Gather information from other cities as it relates to the spread of COVID at these events.
- Bring back options for Bollards
- Schedule work session to discuss Progress Point and ACi report for November 5<sup>th</sup> at 2:00
- Provide FDOT drawings for 17-92
- Bring back the resolution on single use plastics policy for a one-year trial period.
- Approved both sign ordinances on first reading.
- Approved resolution authorizing Mayor to sign the FDOT agreement.
- Provide public hearing notices to the Commission.
- Prepare a presentation on Affordable Housing Program.
- Provide a list of infrastructure needs for discussion at next meeting.

The meeting adjourned at 8:01 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Amanda LeBlanc	<b>approved by</b> Jennifer Maier, Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Fiscal Stewardship.	

## **subject**

Approve the following Piggyback contracts:

1. Dana Safety Supply, Inc. - Seminole County IFB-603904-20 – Purchase of Lights and Graphics for Fire Department Rolling Stock; \$75,000 per year. Contract term through September 1, 2023.
2. Cubix, Inc. - Sourcewell 121215-MAC - Flooring Supplies & Services; Additional \$75,000 for contract term.
3. Tyco Integrated Security, LLC - Sourcewell 031517-TIS - Facility Security Equipment, Systems & Services; Additional \$70,000 for contract term.
4. Sunbelt Rentals, Inc. - OMNIA Partners R200601 - Equipment and Tool Rental Services; \$75,000 per year. Contract term through October 31, 2023.
5. Municipal Emergency Services - Lake County 17-0606G - Fire Equipment Parts, Supplies & Service; Additional \$50,000 for contract term.
6. Core & Main, LP - Pinellas County ITB#156-0035-B(LN) - Water & Sewer Materials; Additional \$270,000 for contract term.
7. Motorola Solutions - State of Florida #43190000-18-NASPO-ACS-1 – Public Safety Communication Equipment, Phase 2: Radios, Consoles, Antennas & Repeaters; Not to exceed \$178,000.

## **motion / recommendation**

Commission to approve items as presented and authorize Mayor to execute.

## **background**

A formal solicitation process was conducted by the originating agency to award these contracts.

## **alternatives / other considerations**

N/A

## **fiscal impact**

Total expenditures included in approved budgets.



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Amanda LeBlanc	<b>approved by</b> Jennifer Maier, Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Fiscal Stewardship.	

## **subject**

Approve the following purchase:

1. Environmental Products of Florida - Utilizing Sourcewell Contract 122017-FSC - Sewer Vacuum, Hydro-Excavation, and Street Sweeper Equipment, with Related Accessories and Supplies; \$400,000. Contract term through through 02/20/2022.

## **motion / recommendation**

Commission to approve items as presented and authorize Mayor to execute Agreement.

## **background**

Purchase of a 2021 Vactor 2100i Sewer Cleaner on a Kenworth T880 Tandem Chassis as part of the FY21 approved Vehicle Replacement. This new vehicle will be replacing unit 7011 (2007 Aquatech Sewer Cleaner on a Sterling Chassis) for Dept. 3402 (Streets and Drainage).

## **alternatives / other considerations**

N/A

## **fiscal impact**

Total expenditures included in approved budgets.



# City Commission agenda item

item type Action Items Requiring Discussion	meeting date November 11, 2020
prepared by Michelle Neuner	approved by Randy Knight
board approval Completed	
strategic objective	

## subject

City Manager Annual Evaluation

## motion / recommendation

Through consensus of the City Commission, establish a merit increase or bonus for the City Manager.

## background

The Commission has had the opportunity to meet with the City Manager and provide feedback. In accordance with the adopted FY 2021 budget the City Manager is eligible for up to 3.5% merit increase or bonus.

## alternatives / other considerations

## fiscal impact



# City Commission agenda item

<b>item type</b> Action Items Requiring Discussion	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Wes Hamil	<b>approved by</b> Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## subject

Electric Fuel Rate Holiday

## motion / recommendation

Determine whether to offer an electric fuel rate holiday for the month of December

## background

The City sets its electric fuel cost recovery rates with the goals of recovering the fuel portion of its bulk power purchases and maintaining a fuel cost stabilization fund balance at a maximum of 10% of its projected fuel costs with a floor of \$500,000. For December 31, 2020, that target balance is \$1,200,000. The City provided an electric fuel rate holiday for the month of May 2020 which reduced its fuel cost fund balance by \$662,168. Lower than expected fuel costs over the next few months helped the City recover much of this rate reduction.

At the September 9 City Commission meeting, the Commission requested staff take the possibility of a second electric fuel rate holiday to the Utility Advisory Board. This was done on September 22. At that time, fuel costs were trending upwards and the projected fuel cost fund balance at December 31 was \$945,000 if no action were taken to reduce fuel cost recovery rates. Based on that information, the Utility Advisory Board recommended no action be taken to increase or reduce fuel rates. The increased costs of fuel would give customers the benefit of \$255,000 in avoided increases between then and December 31.

Since that time, fuel rates have not increased as much as anticipated and the ratio of sales/purchases of power has been more favorable than expected resulting in a new projected fuel cost balance at December 31 of \$1,100,000. Still below the original target balance of \$1,200,000 but, leaves a little more room if the Commission wanted to reduce rates.

If the Commission wanted to reduce fuel rates for December, a couple of different options and the projected impact to the fuel cost stabilization fund and benefit to the customer are presented below:

		\$ Savings for 1,500 kWh	% Savings for 1,500 kWh	\$ Savings for 15,000 kWh	% Savings for 15,000 kWh
	Projected 12/31/20 Fuel Fund Balance	Residential Customer	Residential Customer	Commercial Customer with 45 kW Demand	Commercial Customer with 45 kW Demand
Reduce non-taxable fuel rates to zero	\$625,000	\$22	12%	\$247.99	16%
Reduce non-taxable fuel rates by 50%	\$865,000	\$11	6%	\$124.00	8%

1,500 kWh per month is about average for our residential customers and 15,000 kWh with 45 kW demand is an average for a mid-sized restaurant. It is important to note these are all just estimates. Actual fuel costs for October - December are unknown at this point.

#### alternatives / other considerations

In addition to the two options for reducing fuel rates in December, other alternatives include:

- 1) Leave rates as they are for the remainder of the calendar year. This is projected to result in a 12/31/2020 fuel cost stabilization fund balance of \$1,100,000.
- 2) Evaluate fuel costs over the next few months to determine if a fuel rate holiday makes sense based on actual and projected costs for the remainder of 2021.

In any case, fuel rates will be adjusted, if necessary, January 1, 2021 to aim at a December 31, 2021 fuel cost stabilization fund balance equal to 10% of projected fuel costs for 2021. Any break in fuel costs given now would be offset by the rates necessary in 2021 to maintain an acceptable balance in the stabilization fund. It is too early at this point to know projected fuel costs for 2021.

#### fiscal impact

Reducing the non-taxable fuel rates to zero for the month of December is estimated to reduce the fuel cost stabilization fund balance by \$475,000. Reducing these rates by 50% is estimated to reduce the fuel cost fund balance by \$235,000.







# City Commission agenda item

item type Action Items Requiring Discussion	meeting date November 11, 2020
prepared by Bronze Stephenson	approved by Bronze Stephenson, Sarah Walter, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

## subject

Roadway alignment of Bennett Road and Executive Drive in connection with the Ravaudage Development.

## motion / recommendation

Provide input on an approved alignment so staff can bring back an amendment to the development order, and provide guidance to the developer so they can design and construct a new intersection.

## background

After discussing this item with the Commission at numerous previous meetings, staff held a discussion at the second meeting in September about the two alignment options, outlining the advantages and disadvantages of each. Discussion did not lead to a final preference from the City Commission, so staff asked that the item be tabled so that staff could have meaningful discussion with the Florida Department of Transportation (FDOT), who will be the authority on intersection design and approval.

Commissioner Weaver also sent a potential design for consideration. Transportation staff created 2 additional concepts based on what Commissioner Weaver asked to be considered. Transportation staff held a meeting with Jim Stroz of FDOT District 5 and then sent the five (5) potential designs to ascertain the preferred design and alignment. Attached is the communication from FDOT, the conceptual intersection designs, along with additional analysis from other City departments on the potential fiscal impacts of realignment or other intersection concepts.

## alternatives / other considerations

City staff shared the two alternatives presented to the City Commission at the second meeting in September as well as three additional alternatives (one proposed by Commissioner Weaver and two sketched by City staff based on the conversation during

the September City Commission meeting) with FDOT. Each of the alternatives are outlined below.

### **Alternative #1 - Bennett Avenue aligned to Executive Drive**

Align Bennett Avenue with Executive Drive to create a plus intersection at Lee Road, to be signalized with controlled pedestrian crossings once warranted. This option was prepared by Tipton Associates Incorporated, the Engineering Firm of the developer.

Alternative #1 would reduce the spacing between the following intersections/median openings:

- Distance between Bennett Avenue & 17-92 would be reduced from approximately 1,225' to approximately 1,119'
- Distance between Bennett Avenue & Lewis Avenue would be reduced from approximately 627' to approximately 521'
- Distance between Bennett Avenue & Loren Avenue would be reduced from approximately 300' to approximately 194'
- Would reduce length of eastbound left-turn lane at Lewis Avenue from approximately 500' to 400'

### **Alternative #2 – Existing Bennett Avenue Alignment Remains**

Existing alignment of Bennett Avenue at Lee Road would remain, creating a three-leg intersection, to be signalized with pedestrian crossings once warranted. Executive Drive would continue to operate as a northbound right-turn only movement onto Lee Road. This option was prepared by Tipton Associates Incorporated, the Engineering Firm of the developer.

Alternative #2 would not reduce the existing spacing between the intersections or medians along Lee Road between Bennett Avenue and 17-92.

### **Alternative #3 – Bennett Avenue aligned to Executive Drive (right-turn only from Bennett Avenue and Executive Drive)**

Align Bennett Avenue with Executive Drive to create a plus intersection. Sign and stripe southbound Bennett Avenue and northbound Executive Drive to only allow right-turns from each approach onto Lee Road. Alternative #3 also provides a pedestrian crossing on the east of the intersection and calls for an existing power pole to remain in place (within Bennett Avenue's newly aligned right of way) until intersection warrants a traffic signal.

Alternative #3 would reduce the spacing between the following intersections/median openings:

- Distance between Bennett Avenue & 17-92 would be reduced from approximately 1,225' to approximately 1,119'
- Distance between Bennett Avenue & Lewis Avenue would be reduced from approximately 627' to approximately 521'
- Distance between Bennett Avenue & Loren Avenue would be reduced from approximately 300' to approximately 194'
- Would reduce length of eastbound left-turn lane at Lewis Avenue from approximately 500' to 400'

#### **Alternative #4 – Install Directional Median and Align Lee Road Westbound Left-Turn with Executive Drive**

Align the westbound left-turn lane on Lee Road with Executive Drive so that vehicles do not need to u-turn to access southbound Executive Drive. Install a median along Lee Drive between the eastbound left-turn lane onto Bennett Avenue and the relocated westbound left-turn lane onto Executive Drive. This alternative would allow for only right-turns onto Lee Road from Bennett Avenue and Executive Drive.

Alternative #4 would reduce the spacing between the following intersections/median openings:

- Would reduce length of eastbound left-turn lane at Lewis Avenue from approximately 500' to 400'

#### **Alternative #5 – Align Bennett Avenue with Executive Drive and Install Directional Median**

Align Bennett Avenue with Executive Drive and install a directional median. This alternative would allow for only right-turns onto Lee Road from Bennett Avenue and Executive Drive.

Alternative #5 would reduce the spacing between the following intersections/median openings:

- Distance between Bennett Avenue & 17-92 would be reduced from approximately 1,225' to approximately 1,119'
- Distance between Bennett Avenue & Lewis Avenue would be reduced from approximately 627' to approximately 521'
- Distance between Bennett Avenue & Loren Avenue would be reduced from approximately 300' to approximately 194'
- Would reduce length of eastbound left-turn lane at Lewis Avenue from approximately 500' to 400'

### **FDOT Alternative Preferences**

FDOT provided City staff with their order of preference for the five alternatives presented along with benefits and concerns for each of the alternatives.

FDOT's order of preference is as follows:

1. Alternative #2 – three approach signalized intersection
2. Alternative #4 – restricted crossing u-turn (RCUT) or directional median opening
3. Alternative #5 – restricted crossing u-turn (RCUT) or directional median opening
4. Alternative #1 – Four approach signalized intersection with realigned Bennett Avenue
5. Alternative #3 – Full median opening

The email from Jim Stroz, FDOT District Traffic Operations Engineer for District 5, outlining the benefits and concerns of each of the presented alternatives is included as an attachment.

### **Other Considerations**

For Alternative #1, aligning Bennett Avenue with Executive Drive and signaling the intersection would require roadway improvements for the southern leg of the intersection (Executive Drive).

These improvements would include the widening of Executive Drive to provide a dedicated left-turn lane, the relocation of portions of the existing sidewalk located along the east side of Executive Drive, the potential closure of the entrance to the property on the southwest corner of the intersection off of Executive Drive, modifications to the stormwater infrastructure and modifications to the existing electrical infrastructure. These improvements would be the responsibility of the City of Winter Park.

These improvements would be necessary for the intersection to function at an acceptable level of service. If Executive Drive were to remain under its existing configuration and the alignment of Bennett Avenue and signalization of the intersection occurred, the Executive Drive approach to the intersection would potentially operate with a failing level of service.

#### **fiscal impact**

In reviewing the realignment of Bennett Avenue to Executive Drive, staff explored the costs that would be borne by the City of Winter Park, as any improvements on the south leg of the intersection would fall on the City. As stated above, if the current 2-lane configuration of Executive Drive at the intersection with Lee Road remained, it would create an approach that could already be operating at a failing level of service prior upon signalization.

In order for the Executive Drive leg of the intersection to function at an acceptable capacity, a dedicated left turn lane would need to be provided, along with a combined thru/right-turn lane. Transportation staff asked various departments who may be impacted to provide their input, along with estimated costs to provide the right-of-way improvements needed to add the dedicated turn lane and implement modifications to the pedestrian infrastructure.

- Winter Park Electric Utility:
  - On our side of things in the neighborhood of 400k and advancing that work within our projects. On Duke's side (the City would have to relocate a Duke transmission pole) more like 600K with a minimum 18 week lead time on material from the date of design approval.

ATTACHMENTS:

[2020.10.15\\_Bennett Avenue Alignment Conversation.pdf](#)

ATTACHMENTS:

[EXECUTIVE DR btw Gay & Lee Rd 1 Day Count.pdf](#)

ATTACHMENTS:

[Bennett-Lee RealignTCW phase 1 Sept 28 2020.pdf](#)

ATTACHMENTS:

[Bennett Avenue Discussion.pdf](#)

ATTACHMENTS:

[Stroz Reply to Bennett Avenue Discussion.pdf](#)

ATTACHMENTS:

[2020.10.28\\_Draft Executive Drive Improvements.pdf](#)

# Bennett Avenue Alignment

Conversation with FDOT  
October 15, 2020





**From:** Stroz, Jim <[Jim.Stroz@dot.state.fl.us](mailto:Jim.Stroz@dot.state.fl.us)>

**Sent:** Tuesday, November 12, 2019 9:58 AM

**To:** Troy R Attaway <[Tattaway@cityofwinterpark.org](mailto:Tattaway@cityofwinterpark.org)>

**Cc:** Bronce Stephenson <[bstephenson@cityofwinterpark.org](mailto:bstephenson@cityofwinterpark.org)>; Allison McGillis <[amcgillis@cityofwinterpark.org](mailto:amcgillis@cityofwinterpark.org)>; Donald Marcotte <[DMarcotte@cityofwinterpark.org](mailto:DMarcotte@cityofwinterpark.org)>; Hongmyung Lim <[hlim@cityofwinterpark.org](mailto:hlim@cityofwinterpark.org)>; Sanders, Michael <[Michael.Sanders@dot.state.fl.us](mailto:Michael.Sanders@dot.state.fl.us)>

**Subject:** [External] RE: Bennet Avenue realignment with Executive drive on Lee road

**[Caution:** This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

Troy,

After reading this, let me know if you would like to follow-up with a call or brief meeting.

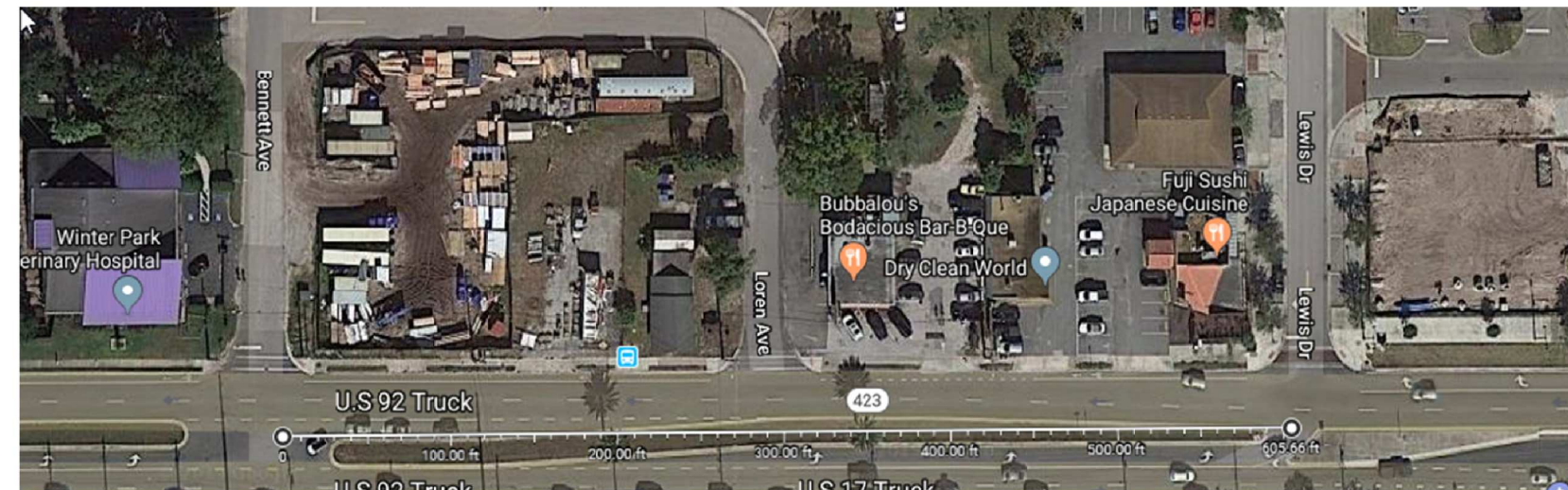
I recall this conversation with the Ravadauge folks and also recall their strong desire to keep the directional median opening at Lewis open for eastbound drivers. My biggest concern is EB left turns travelling through westbound queued vehicles (at the new signal). Having the new signal at Bennett would certainly provide the maximum amount of distance between access points. Looking at the screen shot below, there roughly 600 feet. Per Florida Admin Code 14-96, the spacing should be 660 feet for this access management classification.....but we can work with a 10% variance. So, a traffic signal at Bennett appears to work from a spacing perspective.

A signal at the current Executive side street location, reduces the spacing (to Lewis) by 100 feet. This could lead to more operational issues with the reduced storage distance. If a crash problem were to develop, there is potential the access point at Lewis will be closed. Maximizing the distance would be great.

**Mike** – copying you in case you or your staff has had any previous conversations....or if you need to clarify any access management criteria.

Thanks,

Jim



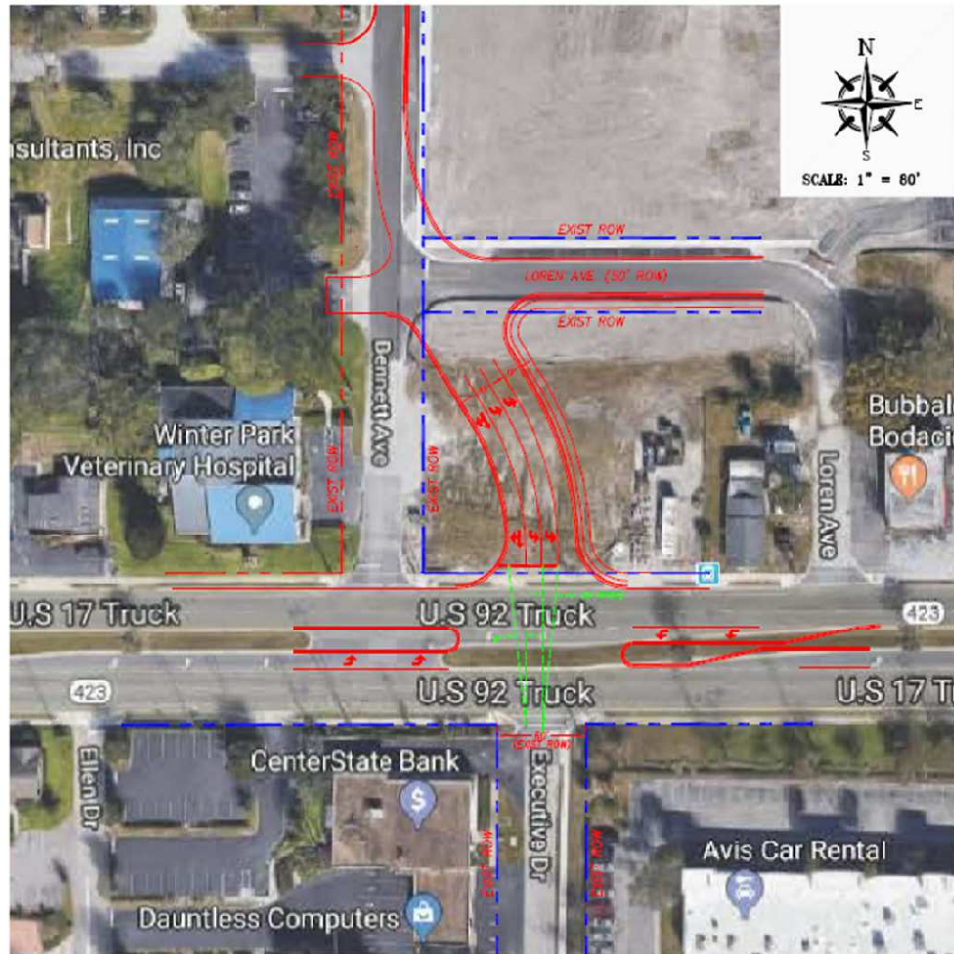
# Existing Street Network



Lee Road (SR 423) identified as Access Class 5 according to FDOT Roadway Characteristics Inventory.



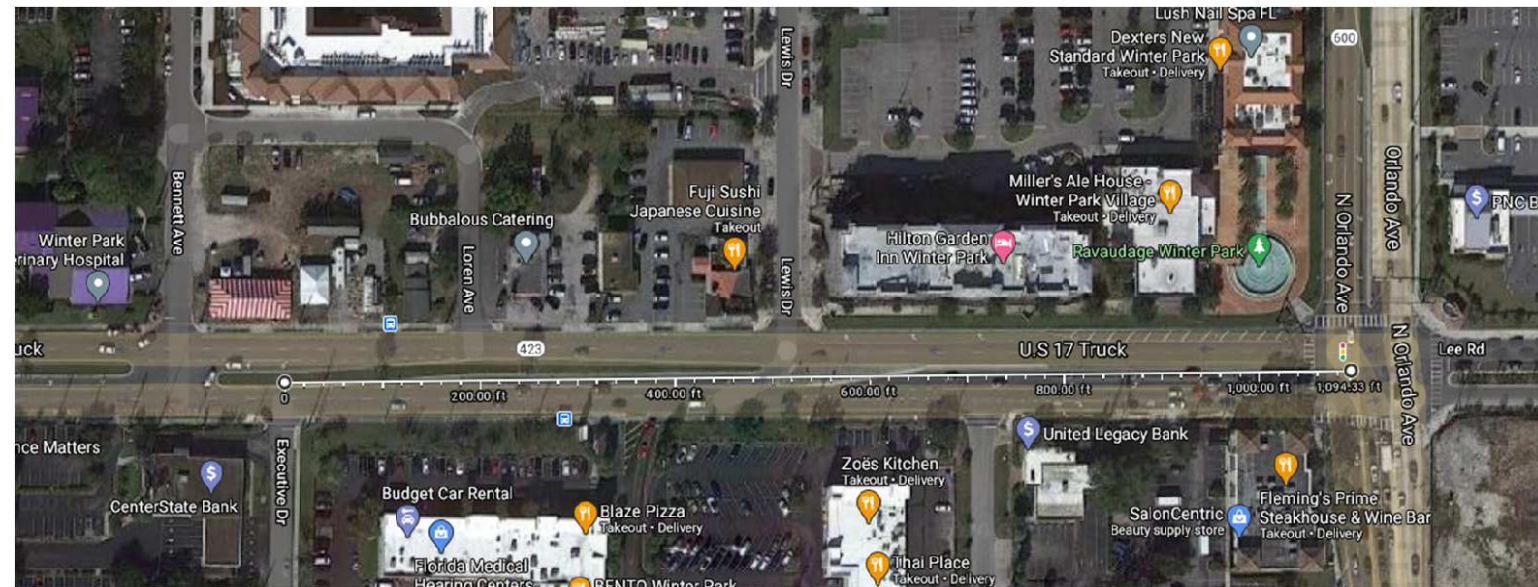
# Alignment Alternative #1



LEE ROAD & BENNETT AVENUE  
FUTURE INTERSECTION CONFIGURATION-B

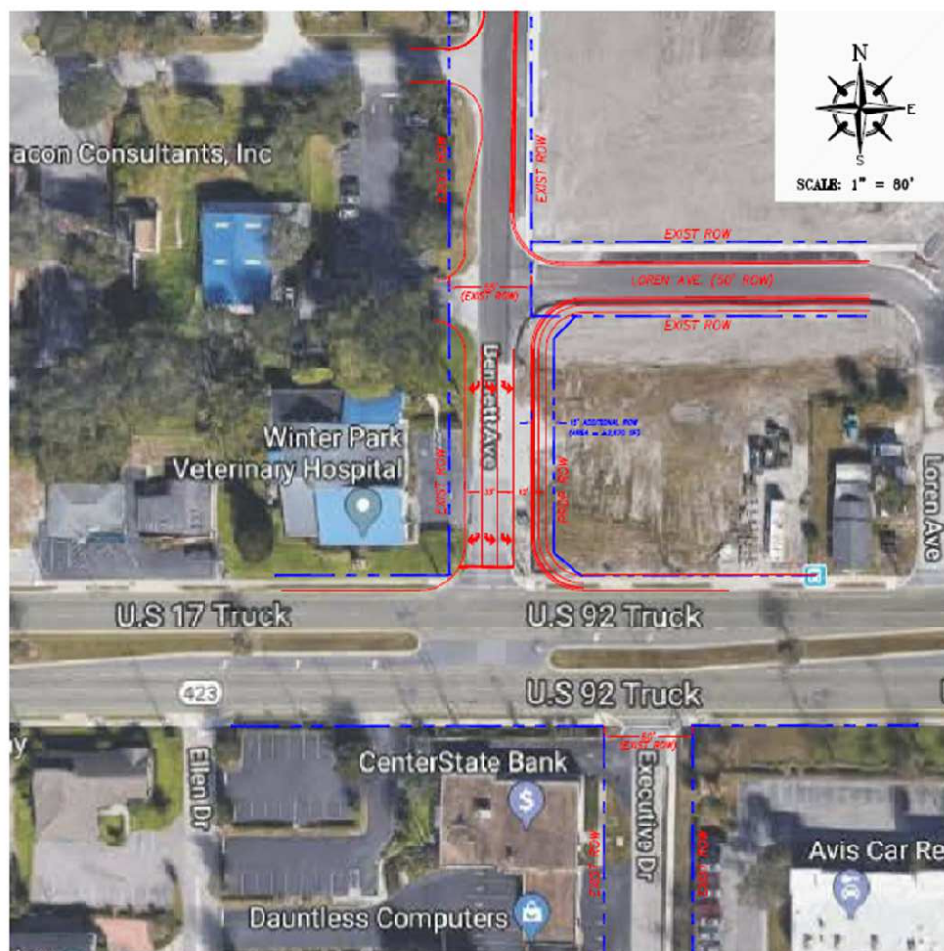
FIGURE 6

- Aligns Bennett Avenue with Executive Drive creating a plus intersection
- Reduces distance between Bennett Avenue and 17-92 (from ~1,225' to ~1,119')
- Reduces distance between Bennett Avenue and Lewis Avenue (from ~627' to ~521')
- Reduces distance between Bennett Avenue and Loren Avenue (from ~300' to ~194')
- Reduces length of EB left-turn lane at Lewis Avenue (from ~500' to ~400')





# Alignment Alternative #2



LEE ROAD & BENNETT AVENUE  
FUTURE INTERSECTION CONFIGURATION-A

- Creates a 'T' intersection at Bennett Avenue & Lee Road
- Movements at Executive Drive would remain unchanged
- All distances measured from Bennett Avenue would remain unchanged

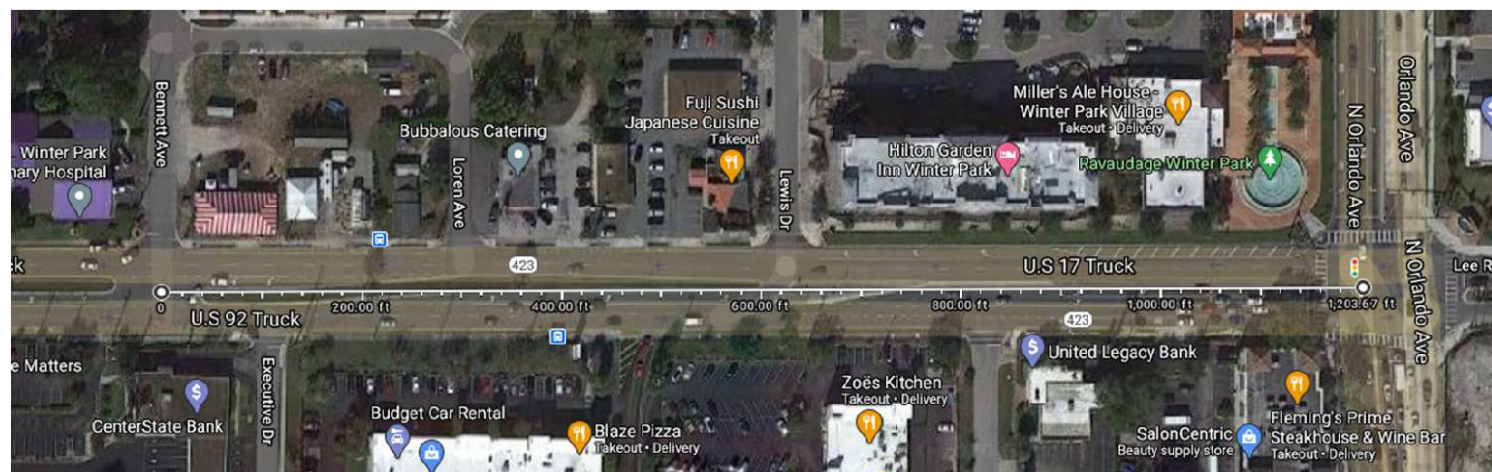
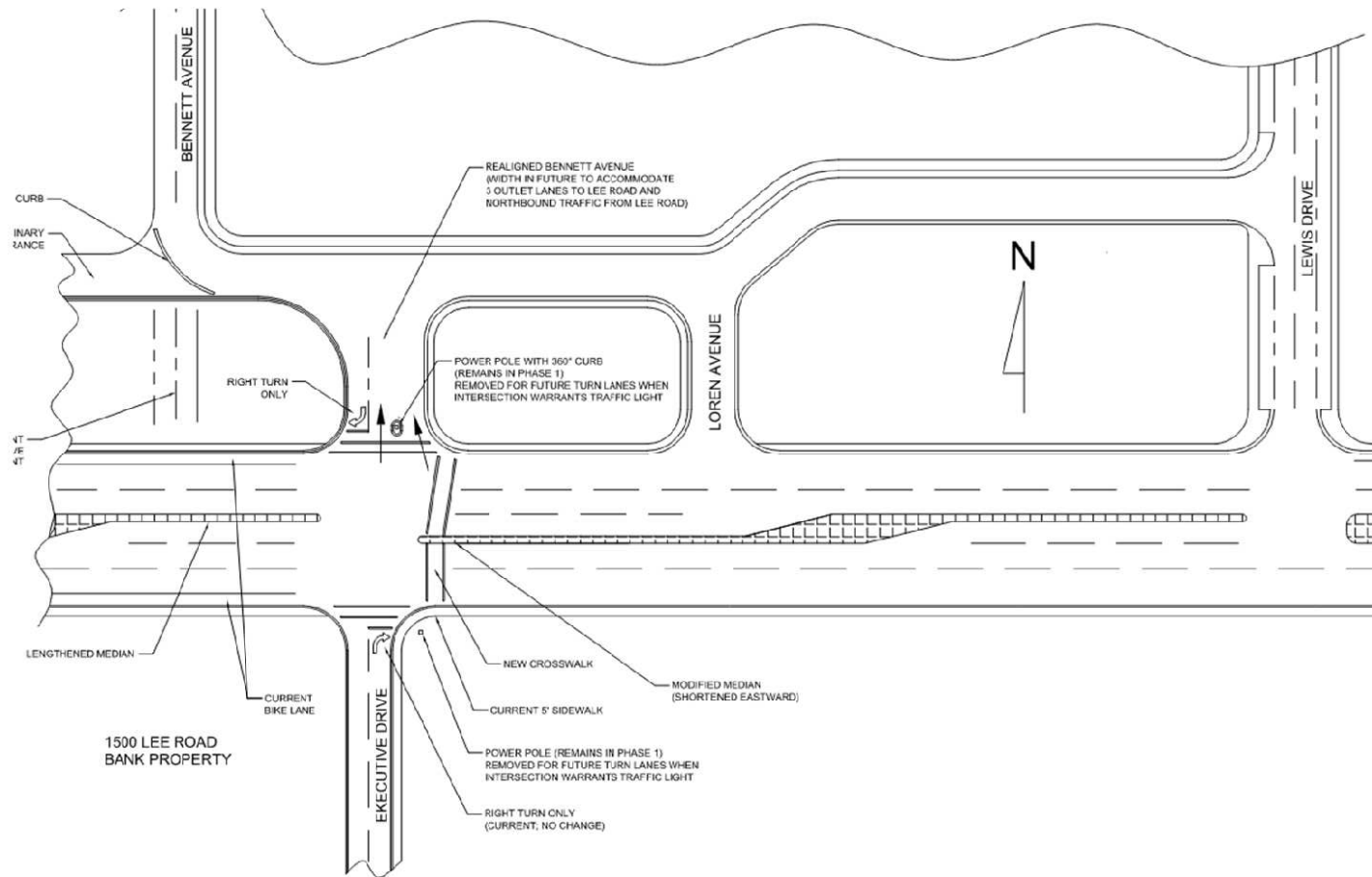


FIGURE 5

# Alignment Alternative #3



- Aligns Bennett Avenue with Executive Drive creating a plus intersection
- Bennett Avenue & Executive Drive both striped and signed to only allow right-turns onto Lee Road (SR 423)
- Reduces distance between Bennett Avenue and 17-92 (from ~1,225' to ~1,119')
- Reduces distance between Bennett Avenue and Lewis Avenue (from ~627' to ~521')
- Reduces distance between Bennett Avenue and Loren Avenue (from ~300' to ~194')
- Reduces length of EB left-turn lane at Lewis Avenue (from ~500' to ~400')



# Alignment Alternative #4



- Install directional median for left-turns onto Bennett Avenue & Executive Drive
- Reduces length of EB left-turn lane at Lewis Avenue (from ~500' to ~400')
- Bennett Avenue does not get realigned
- Only allows for right-turns onto Lee Road (SR 423)

# Alignment Alternative #5



- Install directional median for left-turns onto Bennett Avenue & Executive Drive
- Reduces length of EB left-turn lane at Lewis Avenue (from ~500' to ~400')
- Bennett Avenue does get realigned
- Only allows for right-turns onto Lee Road (SR 423)

## Daily Vehicle Volume Report

Study Date: Tuesday, 09/22/2020 / Wednesday, 09/23/2020

Unit ID: CWP4

Location: EXECUTIVE DRIVE, Btw Gay & Lee Rd

	Northbound Volume	Southbound Volume	Total Volume
01:00 - 01:59	0	1	1
02:00 - 02:59	0	0	0
03:00 - 03:59	0	0	0
04:00 - 04:59	0	1	1
05:00 - 05:59	1	4	5
06:00 - 06:59	1	16	17
07:00 - 07:59	8	32	40
08:00 - 08:59	10	27	37
09:00 - 09:59	14	37	51
10:00 - 10:59	18	43	61
11:00 - 11:59	17	34	51
12:00 - 12:59	25	53	78
13:00 - 13:59	23	43	66
14:00 - 14:59	18	46	64
15:00 - 15:59	16	35	51
16:00 - 16:59	18	51	69
17:00 - 17:59	29	57	86
18:00 - 18:59	12	31	43
19:00 - 19:59	10	17	27
20:00 - 20:59	9	11	20
21:00 - 21:59	2	8	10
22:00 - 22:59	1	3	4
23:00 - 23:59	0	1	1
00:00 - 00:59	0	1	1
Totals	232	552	784
AM Peak Time	10:52 - 11:51	09:49 - 10:48	09:49 - 10:48
AM Peak Volume	20	43	61
PM Peak Time	16:58 - 17:57	16:56 - 17:55	17:00 - 17:59
PM Peak Volume	29	58	86



## Daily Northbound Speeds (MPH)

Study Date: Tuesday, 09/22/2020 / Wednesday, 09/23/2020

Unit ID: CWP4

Location: EXECUTIVE DRIVE, Btw Gay & Lee Rd

Posted Speed: 25

	5-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-99	Total
01:00 - 01:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00 - 02:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 - 03:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 - 04:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00 - 05:59	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
06:00 - 06:59	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
07:00 - 07:59	1	0	0	3	3	0	1	0	0	0	0	0	0	0	0	8
08:00 - 08:59	1	0	0	3	3	3	0	0	0	0	0	0	0	0	0	10
09:00 - 09:59	1	1	2	7	1	2	0	0	0	0	0	0	0	0	0	14
10:00 - 10:59	1	1	5	10	0	1	0	0	0	0	0	0	0	0	0	18
11:00 - 11:59	0	1	5	3	4	3	1	0	0	0	0	0	0	0	0	17
12:00 - 12:59	1	2	3	5	10	2	0	2	0	0	0	0	0	0	0	25
13:00 - 13:59	0	1	1	9	4	7	1	0	0	0	0	0	0	0	0	23
14:00 - 14:59	0	3	3	1	6	3	2	0	0	0	0	0	0	0	0	18
15:00 - 15:59	0	6	4	1	3	1	0	0	1	0	0	0	0	0	0	16
16:00 - 16:59	2	1	1	7	5	0	2	0	0	0	0	0	0	0	0	18
17:00 - 17:59	1	5	2	5	4	5	6	0	1	0	0	0	0	0	0	29
18:00 - 18:59	0	0	2	0	6	2	1	0	1	0	0	0	0	0	0	12
19:00 - 19:59	0	0	3	3	2	2	0	0	0	0	0	0	0	0	0	10
20:00 - 20:59	0	0	0	2	4	3	0	0	0	0	0	0	0	0	0	9
21:00 - 21:59	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2
22:00 - 22:59	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
23:00 - 23:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
00:00 - 00:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	9	21	31	59	56	37	14	2	3	0	0	0	0	0	0	232
Percent of Total	3.9	9.1	13.4	25.4	24.1	15.9	6.0	0.9	1.3	0.0	0.0	0.0	0.0	0.0	0.0	100
Percent of AM	7.2	4.3	17.4	37.7	15.9	14.5	2.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100
Percent of PM	2.5	11.0	11.7	20.2	27.6	16.6	7.4	1.2	1.8	0.0	0.0	0.0	0.0	0.0	0.0	100

Standard Deviation:	8.4 MPH	Ten Mile Pace:	25 to 34 MPH	85th Percentile:	37.8 MPH
Mean Speed:	29.4 MPH	Percent in Ten Mile Pace:	49.6%	15th Percentile:	20.7 MPH
Median Speed:	29.6 MPH			90th Percentile:	39.4 MPH
Modal Speed:	27.5 MPH			95th Percentile:	42.5 MPH

## Daily Southbound Speeds (MPH)

Study Date: Tuesday, 09/22/2020 / Wednesday, 09/23/2020

Unit ID: CWP4

Location: EXECUTIVE DRIVE, Btw Gay & Lee Rd

Posted Speed: 25

	5-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-99	Total
01:00 - 01:59	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
02:00 - 02:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 - 03:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 - 04:59	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00 - 05:59	0	1	1	2	0	0	0	0	0	0	0	0	0	0	0	4
06:00 - 06:59	0	3	1	5	4	2	1	0	0	0	0	0	0	0	0	16
07:00 - 07:59	0	3	4	14	9	2	0	0	0	0	0	0	0	0	0	32
08:00 - 08:59	0	1	6	12	7	0	1	0	0	0	0	0	0	0	0	27
09:00 - 09:59	0	2	10	12	9	2	2	0	0	0	0	0	0	0	0	37
10:00 - 10:59	3	2	8	17	10	3	0	0	0	0	0	0	0	0	0	43
11:00 - 11:59	0	2	7	17	8	0	0	0	0	0	0	0	0	0	0	34
12:00 - 12:59	0	3	8	24	16	2	0	0	0	0	0	0	0	0	0	53
13:00 - 13:59	1	1	7	22	12	0	0	0	0	0	0	0	0	0	0	43
14:00 - 14:59	0	0	11	20	10	4	1	0	0	0	0	0	0	0	0	46
15:00 - 15:59	0	4	4	15	11	1	0	0	0	0	0	0	0	0	0	35
16:00 - 16:59	1	2	10	17	16	5	0	0	0	0	0	0	0	0	0	51
17:00 - 17:59	0	2	9	19	20	6	1	0	0	0	0	0	0	0	0	57
18:00 - 18:59	0	1	6	13	8	3	0	0	0	0	0	0	0	0	0	31
19:00 - 19:59	0	1	6	7	3	0	0	0	0	0	0	0	0	0	0	17
20:00 - 20:59	0	3	2	5	1	0	0	0	0	0	0	0	0	0	0	11
21:00 - 21:59	0	0	1	5	2	0	0	0	0	0	0	0	0	0	0	8
22:00 - 22:59	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	3
23:00 - 23:59	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
00:00 - 00:59	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
<b>Totals</b>	<b>5</b>	<b>31</b>	<b>106</b>	<b>226</b>	<b>147</b>	<b>31</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>552</b>
<b>Percent of Total</b>	<b>0.9</b>	<b>5.6</b>	<b>19.2</b>	<b>40.9</b>	<b>26.6</b>	<b>5.6</b>	<b>1.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>100</b>
<b>Percent of AM</b>	<b>1.5</b>	<b>7.1</b>	<b>20.4</b>	<b>40.3</b>	<b>24.0</b>	<b>4.6</b>	<b>2.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>100</b>
<b>Percent of PM</b>	<b>0.6</b>	<b>4.8</b>	<b>18.5</b>	<b>41.3</b>	<b>28.1</b>	<b>6.2</b>	<b>0.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>100</b>

Standard Deviation:	5.5 MPH	Ten Mile Pace:	25 to 34 MPH	85th Percentile:	33.4 MPH
Mean Speed:	27.9 MPH	Percent in Ten Mile Pace:	67.6%	15th Percentile:	22.2 MPH
Median Speed:	28.0 MPH			90th Percentile:	34.4 MPH
Modal Speed:	27.5 MPH			95th Percentile:	36.4 MPH

## Daily Total Speeds (MPH)

Study Date: Tuesday, 09/22/2020 / Wednesday, 09/23/2020

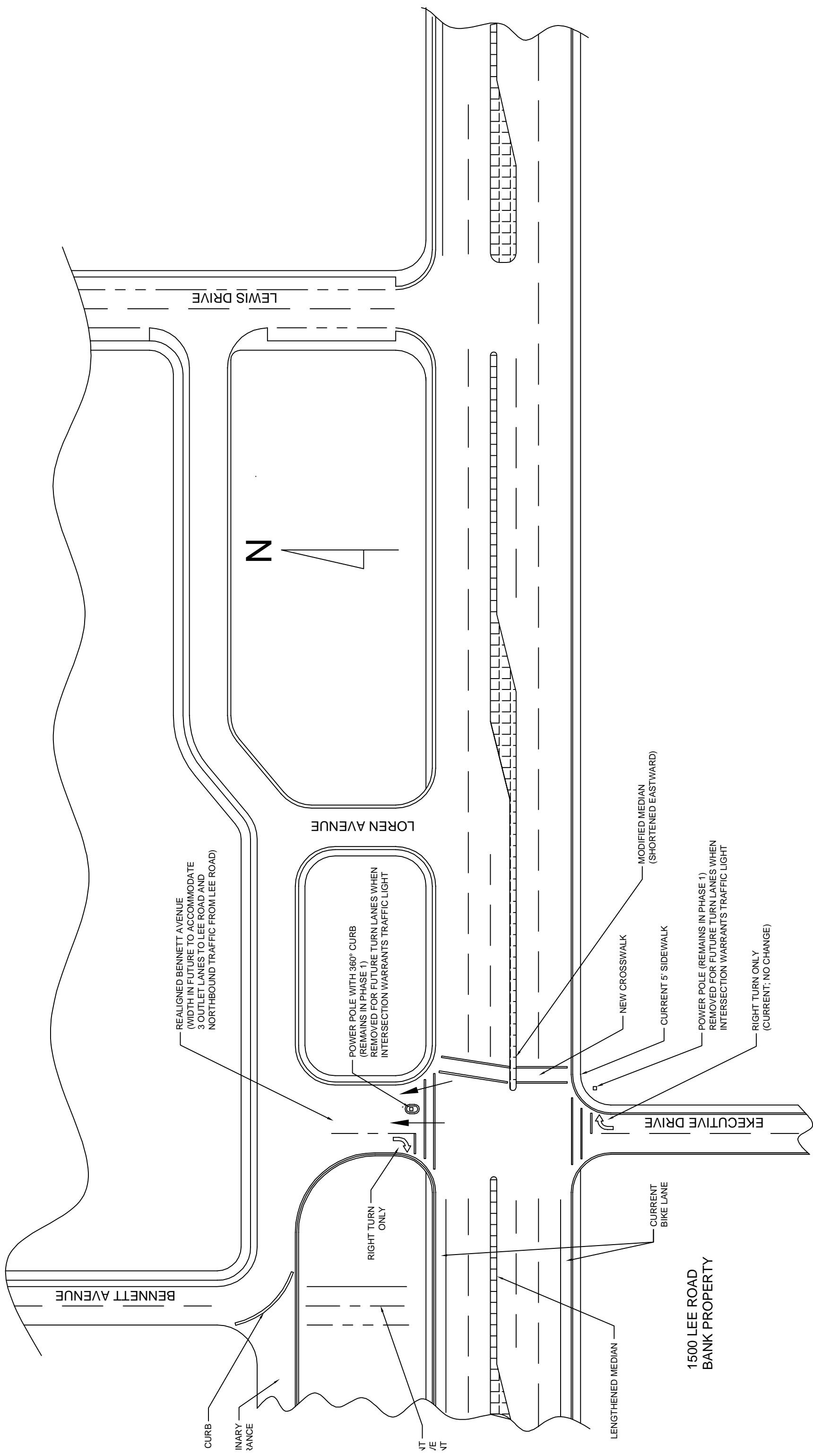
Unit ID: CWP4

Location: EXECUTIVE DRIVE, Btw Gay & Lee Rd

Posted Speed: 25

	5-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-99	Total
01:00 - 01:59	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
02:00 - 02:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 - 03:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 - 04:59	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05:00 - 05:59	1	1	1	2	0	0	0	0	0	0	0	0	0	0	0	5
06:00 - 06:59	0	3	1	5	4	3	1	0	0	0	0	0	0	0	0	17
07:00 - 07:59	1	3	4	17	12	2	1	0	0	0	0	0	0	0	0	40
08:00 - 08:59	1	1	6	15	10	3	1	0	0	0	0	0	0	0	0	37
09:00 - 09:59	1	3	12	19	10	4	2	0	0	0	0	0	0	0	0	51
10:00 - 10:59	4	3	13	27	10	4	0	0	0	0	0	0	0	0	0	61
11:00 - 11:59	0	3	12	20	12	3	1	0	0	0	0	0	0	0	0	51
12:00 - 12:59	1	5	11	29	26	4	0	2	0	0	0	0	0	0	0	78
13:00 - 13:59	1	2	8	31	16	7	1	0	0	0	0	0	0	0	0	66
14:00 - 14:59	0	3	14	21	16	7	3	0	0	0	0	0	0	0	0	64
15:00 - 15:59	0	10	8	16	14	2	0	0	1	0	0	0	0	0	0	51
16:00 - 16:59	3	3	11	24	21	5	2	0	0	0	0	0	0	0	0	69
17:00 - 17:59	1	7	11	24	24	11	7	0	1	0	0	0	0	0	0	86
18:00 - 18:59	0	1	8	13	14	5	1	0	1	0	0	0	0	0	0	43
19:00 - 19:59	0	1	9	10	5	2	0	0	0	0	0	0	0	0	0	27
20:00 - 20:59	0	3	2	7	5	3	0	0	0	0	0	0	0	0	0	20
21:00 - 21:59	0	0	1	5	3	1	0	0	0	0	0	0	0	0	0	10
22:00 - 22:59	0	0	1	0	1	2	0	0	0	0	0	0	0	0	0	4
23:00 - 23:59	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
00:00 - 00:59	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Totals	14	52	137	285	203	68	20	2	3	0	0	0	0	0	0	784
Percent of Total	1.8	6.6	17.5	36.4	25.9	8.7	2.6	0.3	0.4	0.0	0.0	0.0	0.0	0.0	0.0	100
Percent of AM	3.0	6.4	19.6	39.6	21.9	7.2	2.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100
Percent of PM	1.2	6.7	16.4	34.7	27.9	9.4	2.7	0.4	0.6	0.0	0.0	0.0	0.0	0.0	0.0	100

Standard Deviation:	6.5 MPH	Ten Mile Pace:	25 to 34 MPH	85th Percentile:	34.4 MPH
Mean Speed:	28.3 MPH	Percent in Ten Mile Pace:	62.2%	15th Percentile:	21.9 MPH
Median Speed:	28.3 MPH			90th Percentile:	36.0 MPH
Modal Speed:	27.5 MPH			95th Percentile:	38.9 MPH




**From:** [Sarah Walter](#)  
**To:** ["Jim.Stroz@dot.state.fl.us"](mailto:Jim.Stroz@dot.state.fl.us)  
**Cc:** [Bronce Stephenson](#)  
**Subject:** Bennett Avenue Discussion  
**Date:** Thursday, October 15, 2020 12:27:34 PM  
**Attachments:** [2020.10.15 Bennett Avenue Alignment Conversation.pdf](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Greetings Jim,

Thank you again for taking the time to chat with us today. As requested, here is a PDF of the slides we shared with the different alternatives and subsequent distances. If you have any questions, please do not hesitate to reach out. We look forward to hearing back from you and your team.

Cheers,  
Sarah

 <p>City of Winter Park <a href="http://cityofwinterpark.org">cityofwinterpark.org</a></p>	<p><b>Sarah M. Walter</b> <i>PE</i> Transportation Manager Planning &amp; Transportation</p> <p>407.599.3695</p>
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Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: [Steve Jim](#)  
To: [Sarah Walker](#)  
Cc: [Bronce Stephenson](#)  
Subject: [External] RE: Bennett Avenue Discussion  
Date: Thursday, October 22, 2020 4:59:53 PM  
Attachments: [image007.png](#)  
[image011.png](#)  
[image011.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

Sarah/Bronce,

Thank you for sending the presentation materials. I sorted the alternatives we discussed below (sorted by preference):

- Alternative #2 – Three approach signalized intersection
- Alternative #4 – Restricted crossing u-turn (RCUT) or directional median opening
- Alternative #5 – Restricted crossing u-turn (RCUT) or directional median opening with realigned Bennett Avenue
- Alternative #1 – Four approach signalized intersection with realigned Bennett Avenue
- Alternative #3 – Full median opening

Following are benefits and concerns with the alternatives.

Alternative #2

- Benefit - Provides maximum separation from US 17/92
- Benefit - Provides signalized pedestrian crossing for SR 423
- Concern - SR 423 driveway from bank would likely need to be closed (see Picture A below)

Alternative #4 & #5

- Benefit - Provides fewer conflict points
- Benefit - Provides unsignalized pedestrian crossing, which could be upgraded to signalized crossing in the future (see Picture B Below)
- Concern - Right turns (redirected as u-turns) from Bennett could become problematic if too heavy. Although as we discussed, it is likely some of the projected maneuvers would travel through the development to access US 17/92

Alternative #1

- Benefit - Provides signalized pedestrian crossing for SR 423
- Concern - Could result in split-phase signal operations, which is not efficient
- Concern - realigned Bennett Avenue does not provide optimal sight line to signal
- Concern - Left turn volumes could block internal intersection at Loren Avenue

Alternative #4

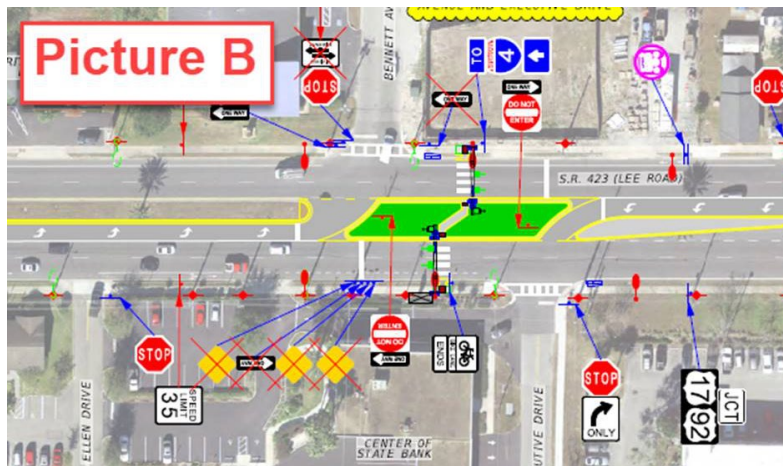
- Benefit - Provides unsignalized pedestrian crossing for SR 423
- Concern - Likely to be low compliance of Right Turn Only operation from side street

As mentioned in the meeting, our Safety group has a DRAFT pedestrian study. The study is still in DRAFT form, as staff was waiting to see what the Executive/Bennett intersections would look like based on coordination with the City and developer. After you speak with the Commissioners, let us know which option the City prefers and we can update our study to show the future layout. After the study is updated, we will share with City staff to get feedback and determine if adjusting the proposed crossings are needed....or if new crossings should be considered.

Thanks,  
Jim







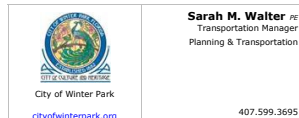
**From:** Sarah Walter <swalter@cityofwinterpark.org>  
**Sent:** Thursday, October 15, 2020 12:28 PM  
**To:** Stroz, Jim <jim.stroz@dot.state.fl.us>  
**Cc:** Bronce Stephenson <bstephenson@cityofwinterpark.org>  
**Subject:** Bennett Avenue Discussion

**EXTERNAL SENDER: Use caution with links and attachments.**

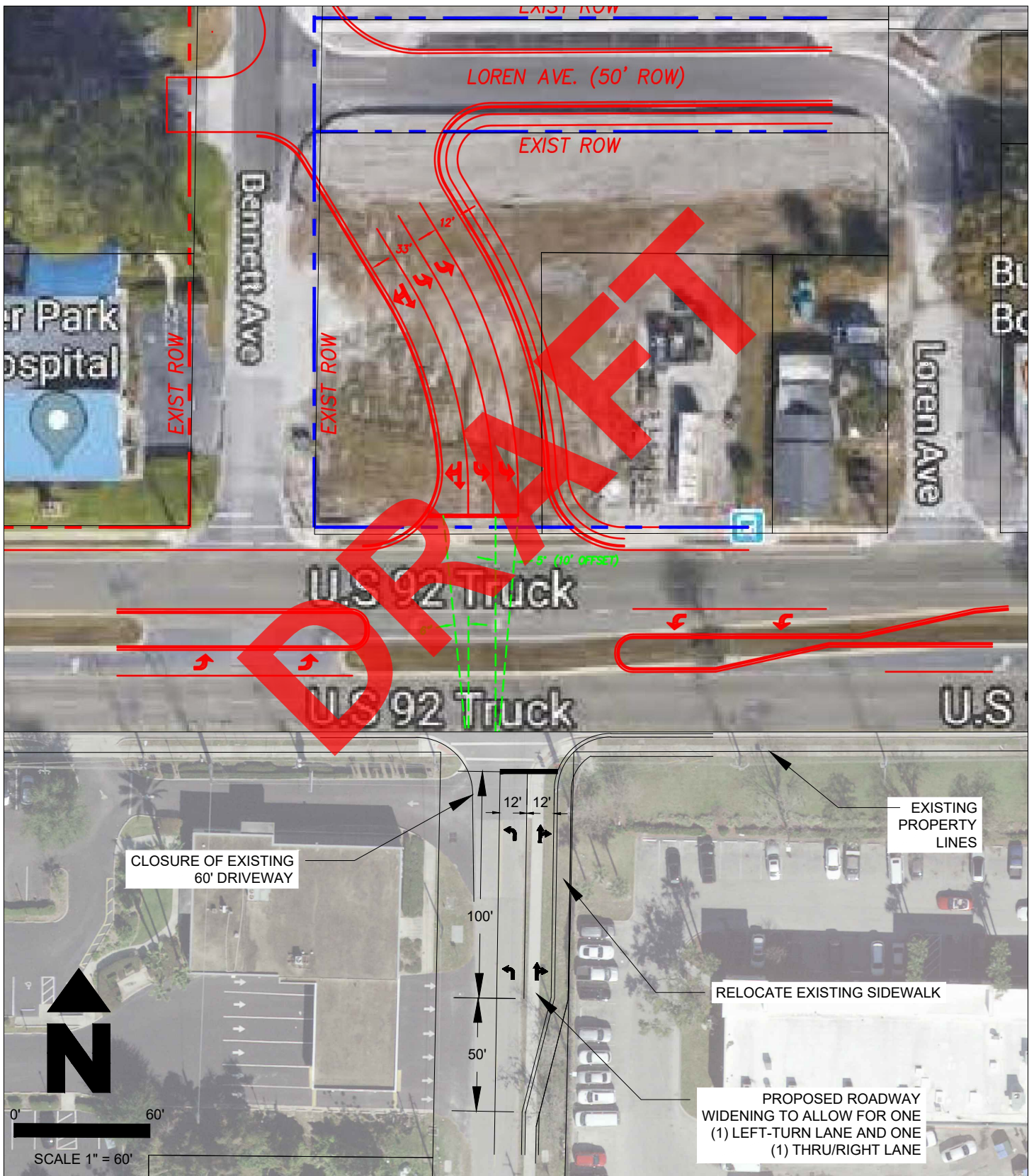
Greetings Jim,

Thank you again for taking the time to chat with us today. As requested, here is a PDF of the slides we shared with the different alternatives and subsequent distances. If you have any questions, please do not hesitate to reach out. We look forward to hearing back from you and your team.

Cheers,  
 Sarah



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.



NOTES:

1. THIS IS A PRELIMINARY CONCEPTUAL LAYOUT AND SHALL NOT BE USED FOR CONSTRUCTION
2. THE REALIGNED PORTIONS OF BENNETT AVENUE AND TURN LANE MODIFICATIONS ON LEE ROAD WERE SKETCHED BY TIPTON AND ASSOCIATES INC.
3. THE WIDENING OF EXECUTIVE DRIVE IS BASED ON MINIMUM ACCEPTABLE DIMENSIONS AND MAY NEED TO BE MODIFIED IN THE FUTURE IF WARRANTED BY TRAFFIC STUDY FINDINGS.





# City Commission agenda item

<b>item type</b> Action Items Requiring Discussion	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Sarah Walter	<b>approved by</b> Bronce Stephenson, Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## subject

Micromobility Ordinance Discussion

## motion / recommendation

Provide input on which version of the Micromobility Ordinance the City Commission would like to move forward with:

Option #1 - first reading of the revised ordinance (revised based on TAB input)

Option #2 - second reading of the original ordinance that received a 4-0 vote at it's first read at the June 22, 2020 meeting

## background

At the second City Commission meeting in June 2020, the Micromobility Prohibition Ordinance had its first reading and the Commission voted in favor of the ordinance. The Commission also asked that the ordinance be brought to the Transportation Advisory Board (TAB) for feedback prior to second reading.

The ordinance was brought before TAB at their August 2020 meeting. The feedback from the board was that they felt as though the ordinance was too restrictive and that the use of personal electric bicycles and electric scooter should be allowed within the City limits.

## alternatives / other considerations

## fiscal impact

### ATTACHMENTS:

[WP Micromobility and Motorized Scooter Ordinance DRAFT\\_Redline\\_TAB.doc](#)

### ATTACHMENTS:

[WP Micromobility and Motorized Scooter Ordinance DRAFT\\_TAB.doc](#)

ATTACHMENTS:

[WP Micromobility and Motorized Scooter Ordinance DRAFT \(amended for second reading by City Attorney\).doc](#)

ATTACHMENTS:

[WP Micromobility and Motorized Scooter Ordinance Draft \(Second Reading Redline City Attorney\).docx](#)

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 98 OF THE WINTER PARK CODE PROHIBITING MICROMOBILITY DEVICES AND THE OBSTRUCTION OF STREETS, RIGHT-OF-WAYS AND SIDEWALKS BY, AND REGULATING THE USE OF, BICYCLES, ELECTRIC BICYCLES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the passage of HB 453 and HB 971 have expanded the rights of electric bicycle, motorized scooter and micromobility device operators within the state and expanded the areas where electric bicycle, micromobility device and motorized scooter operators may operate these devices under Section 316.2128 and Section 316.20655, Florida Statutes; and

WHEREAS, Section 316.2128, Florida Statutes provides operators of motorized scooters and micromobility devices with the same rights and duties of the operator of a bicycle; and

WHEREAS, Section 316.20655, Florida Statutes provides operators of electric bicycles the same rights and duties as the operator of a bicycle; and

~~WHEREAS, the City finds the proliferation of electric bicycles, motorized scooters and micromobility device has dramatically increased the risk of traffic related injuries and fatalities to micromobility device and motorized scooter operators due to the risk of motor vehicle collisions with electric bicycle, micromobility device and motorized scooter operators as well as electric bicycle, micromobility device and motorized scooter operators colliding with pedestrians on sidewalks; and~~

~~WHEREAS, the brick lined streets, narrow sidewalks, high pedestrian traffic, extensive sidewalk dining, and high volume arterial roadways within the City of Winter Park create unique hazards to pedestrians and operators of micromobility devices, motorized scooters, electric bicycles and bicycles not present in most cities; and~~

WHEREAS, operation of electric bicycles, micromobility devices and motorized scooters is not compatible with the uses and activities within the Central Business District, the Hannibal Square Neighborhood Commercial District and the Orange Avenue District as defined by Article I, Chapter 58 of the Comprehensive Plan due to high volumes of pedestrian and vehicle traffic; and

WHEREAS, electric bicycles, micromobility devices, motorized scooters and bicycles parked improperly create dangerous conditions for pedestrians, particularly the disabled residents of the City; and

WHEREAS, Section 316.2128, Florida Statutes expressly reserves local authority and jurisdiction to regulate micromobility devices and motorized scooters to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, Section 316.20655 Florida Statutes expressly reserves local authority and jurisdiction to regulate electric bicycles within certain areas to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, the City recognizes that Section 316.008(1)(a), Florida Statutes authorizes municipalities to regulate or prohibit "stopping, standing, or parking," that Section 316.008(1)(h), Florida Statutes authorizes municipalities to regulate bicycles, that Section 316.008(1)(n), Florida Statutes authorizes municipalities to prohibit or regulate the use of "heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic"; and

WHEREAS, the City recognizes that Section 316.008(7)(a), Florida Statutes authorizes municipalities to "permit, control, or regulate" vehicles operating on sidewalks including micromobility devices, bicycles, and motorized scooters; and

WHEREAS, the City recognizes the First District Court of Appeals recently upheld a total prohibition on motorized scooter rentals within the City of Panama City Beach in *Classy Cycles, Inc. v. Pan. City Beach*, 2019 Fla. App. LEXIS 16995; and

WHEREAS, the City finds a comprehensive regulatory scheme is necessary to mitigate the risks and dangers posed by electric bicycles, motorized scooters and micromobility devices within the City; and

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

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings and legislative intent of the City Commission of the City of Winter Park

SECTION 2: Amendment. That Chapter 98 "Traffic and Vehicles" of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 98. Traffic and Vehicles.

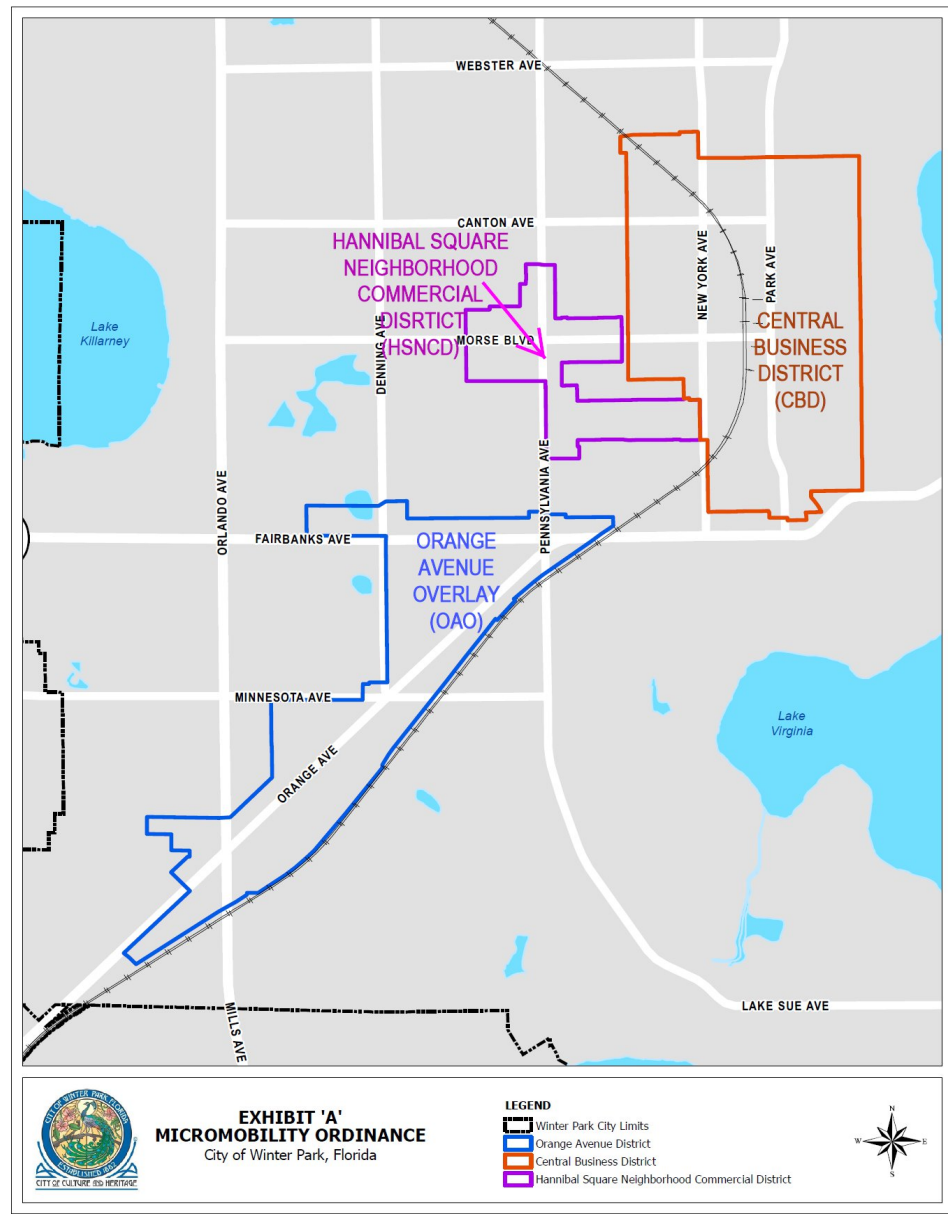
Article I. – In General

Sec. 98-2. – Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except when the context otherwise requires. Whenever any words and phrases used in this chapter are not defined in this section but are defined in the state laws regulating the operation of vehicles, any such definition in state law shall be deemed to apply to such words and phrases used in this chapter, except when the context otherwise requires.

Bicycle means every vehicle propelled solely by human power having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include an electric bicycle, motorized scooter or similar device.

Central Business District shall have the same meaning as defined within the maps of the Central Business District adopted in the definitions section of the Comprehensive Plan of the City, article I, chapter 58 and is generally that part of the city bordered by Webster Avenue on the north, Interlachen Avenue on the east, Fairbanks Avenue on the south and New York Avenue on the west



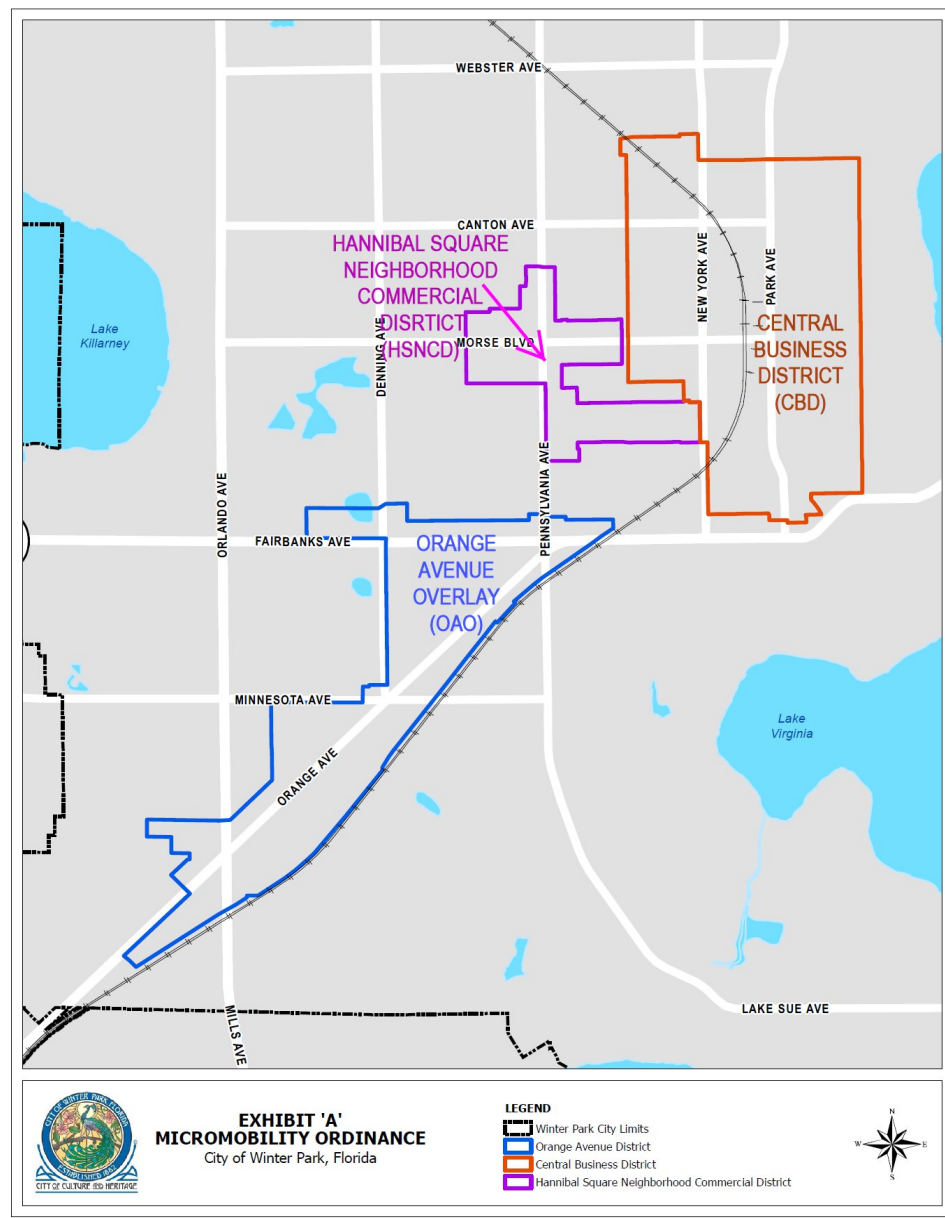
Commercial vehicle means every vehicle designed, maintained or used primarily for the transportation of property and which displays lettering thereon advertising the owner of the vehicle.

Electric Bicycle means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts. This definition includes all classes of Electric Bicycle under Section 316.003(22), Florida Statutes (2020).

Freight curb loading zone means a space adjacent to a curb for the exclusive use of commercial vehicles during the loading or unloading of freight.

Hannibal Square Neighborhood Commercial District shall have the same meaning as defined within the maps of the Hannibal Square Neighborhood Commercial District adopted in the definitions section of the Comprehensive Plan of the City, article

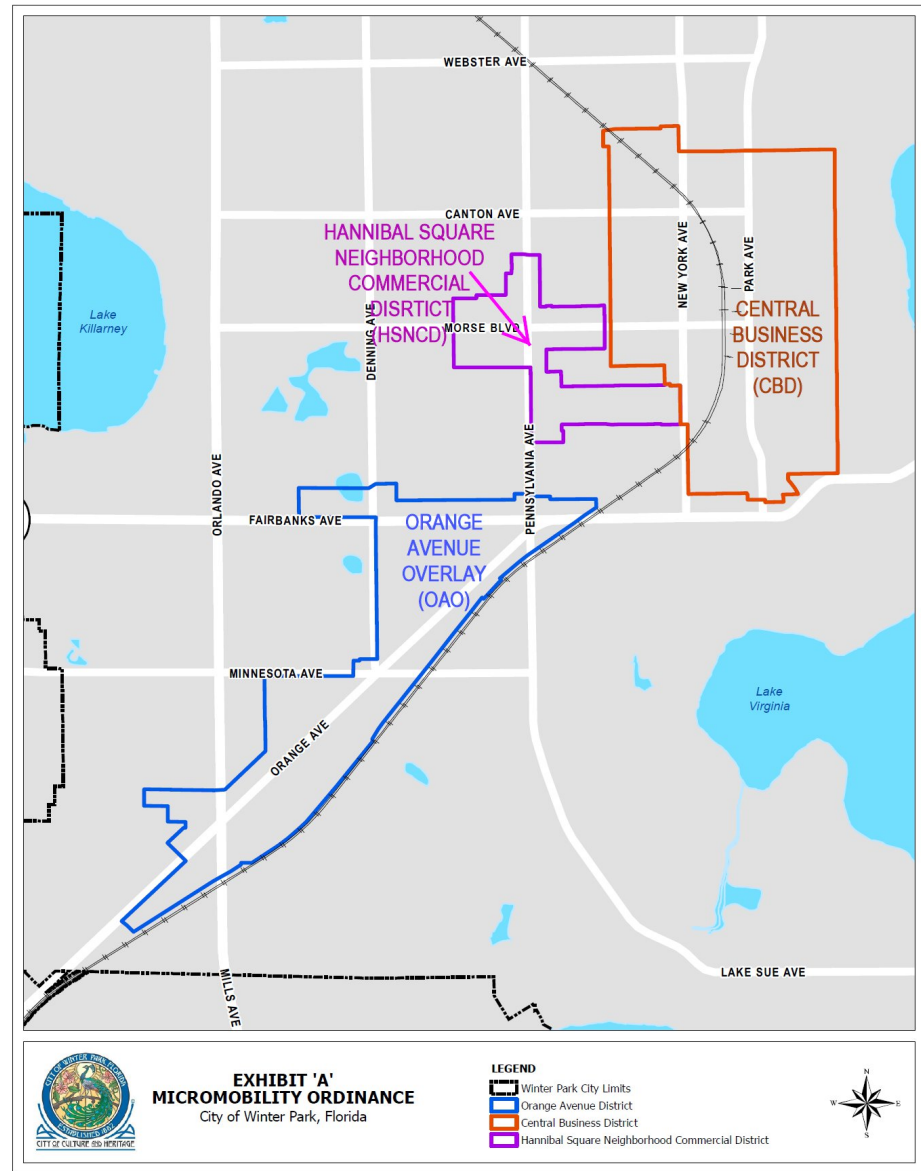
I, chapter 58 and is generally that part of the city fronting on New England Avenue, Hannibal Square, Morse Boulevard and Pennsylvania Avenue.



Motorized scooter means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(45).

Micromobility device means any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(38). This term includes motorized scooters and bicycles as defined by Fla. Stat. § 316.003.

Orange Avenue District shall consist of the frontages along Orange Avenue between Orlando Avenue and Fairbanks Avenue as well as the frontages along Fairbanks Avenue between Denning Drive and the SunRail crossing east of Pennsylvania Avenue.



Parkway means that portion of a street not designated or intended for the use of pedestrians and located between the curb and the adjacent property lines or between the edge of pavement and the adjacent property lines where there is no curb or between the established vehicular traveled way and the adjacent property lines on unpaved streets.

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.



Right-of-way means property owned or controlled by the City or other governmental entity over which the public has a right of passage, including, without limitation, the streets, parkways, paths, alleys, sidewalks, and driveways constructed thereon.

Sidewalk means that portion of a right-of-way between the curbline, or the lateral line, of a roadway and the adjacent property lines, that is improved for intended use by pedestrians or by bicycles in areas designated for bicycle use.

Stage or Staging means the parking and/or placing of electric bicycles, micromobility devices or motorized scooters on a right-of-way, within a public park or on other public property for the purpose of advertising or displaying such micromobility devices to the general public for use or rental.

Traffic division means the traffic division of the police department or, if a traffic division is not established, the term shall be deemed to refer to the police department.

#### Sec. 98-6. – Micromobility devices.

- (a) Prohibition. It shall be unlawful to operate any micromobility device upon the roadways, sidewalks, bicycle paths or rights-of-way of the City unless expressly permitted by Section 98-6. See definition of micromobility devices in Section 98-2.

#### Sec. 98-7. – Electric Bicycles.

- (a) Electric bicycles must comply with all regulations under Florida law and this Code applicable to bicycles.

#### Sec. 98-68. – Bicycle, ~~electric bicycle and motorized scooter~~ riding.

- (a) Official bike paths shall be used in lieu of city streets where available and so long as their use will not endanger the safety of pedestrians.
- (b) It shall be unlawful for any person to ride a bicycle, electric bicycle or motorized scooter upon any sidewalk within the ~~central~~ Central business ~~Business district~~ District of the city, Hannibal Square Neighborhood Commercial District or Orange Avenue District ~~without limitation or exception.~~
- (c) It shall be unlawful to operate any bicycles, electric bicycle or motorized scooters upon any sidewalk adjacent to or within any sidewalk cafe as defined by Chapter 90, Article VI.

#### Sec. 98-9. – Bicycles, micromobility devices, electric bicycles and motorized scooters obstructing streets or sidewalks.

No bicycle, electric bicycle, micromobility device or motorized scooter shall be parked, staged, abandoned or otherwise left upon any street, right-of-way or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians, or to obstruct any stopping or parking space.

Sec. 98-10. – Micromobility device and motorized scooter staging.

It shall be unlawful to stage electric bicycles, micromobility devices and motorized scooters within the limits of the City.

Sec. 98-11. – Violations.

The City is authorized to establish civil penalties for violations of this Chapter pursuant to the "Schedule of City of Winter Park Service and User Fees and Charges" adopted by the City Commission from time to time, and persons or entities in violation of this Chapter or any part thereof shall be subject to such prescribed penalties. In addition, the City shall have the right to enforce this Chapter or any portion thereof through any remedies available at law and in equity, including, without limitation, injunctive relief.

Secs. ~~98-8~~ 98-11 – 98-30. – Reserved.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Steve Leary

ATTEST:

\_\_\_\_\_  
Rene Cranis, City Clerk

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

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WHEREAS, Section 316.2128, Florida Statutes provides operators of motorized scooters and micromobility devices with the same rights and duties of the operator of a bicycle; and

WHEREAS, Section 316.20655, Florida Statutes provides operators of electric bicycles the same rights and duties as the operator of a bicycle; and

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WHEREAS, electric bicycles, micromobility devices, motorized scooters and bicycles parked improperly create dangerous conditions for pedestrians, particularly the disabled residents of the City; and

WHEREAS, Section 316.2128, Florida Statutes expressly reserves local authority and jurisdiction to regulate micromobility devices and motorized scooters to the extent authorized by Section 316.008, Florida Statutes; and

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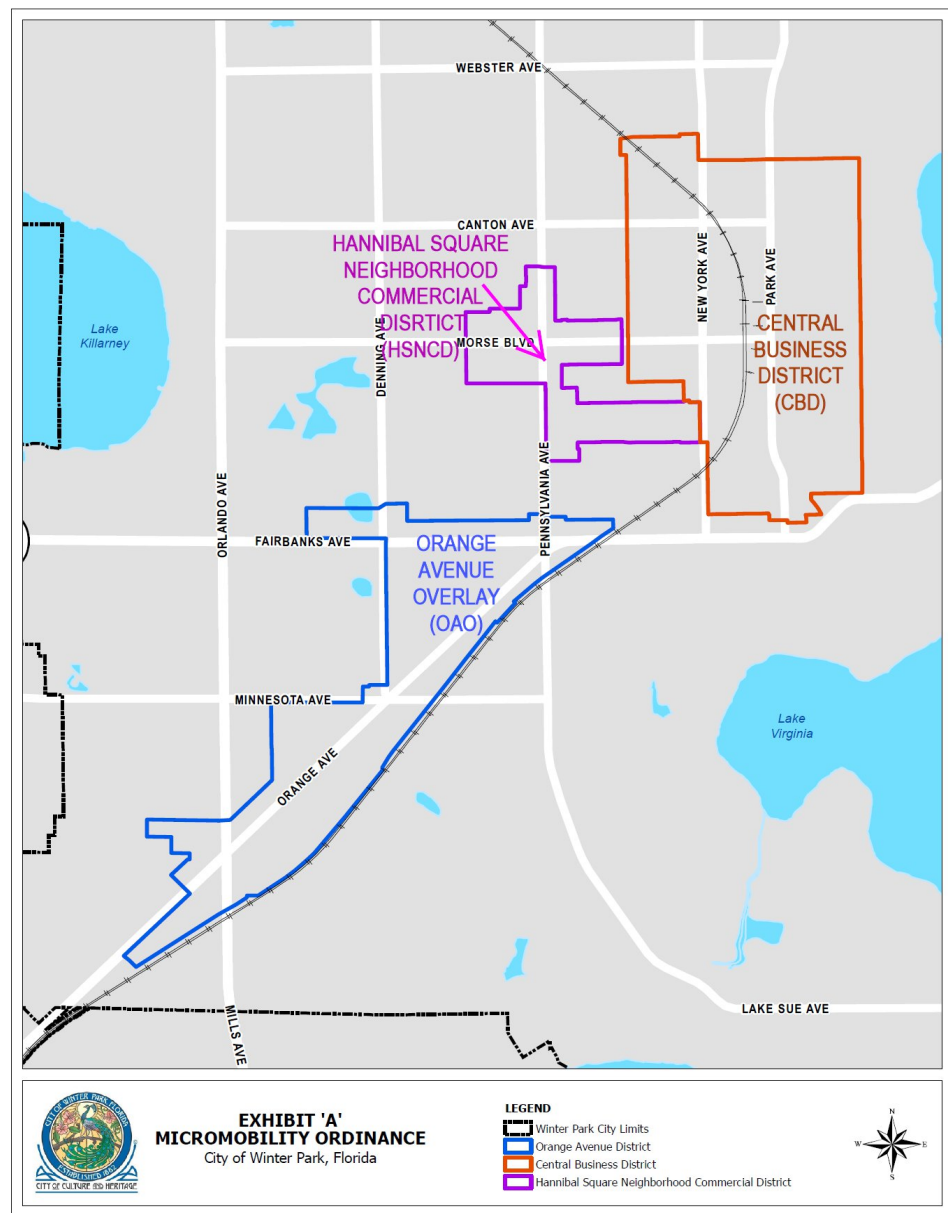
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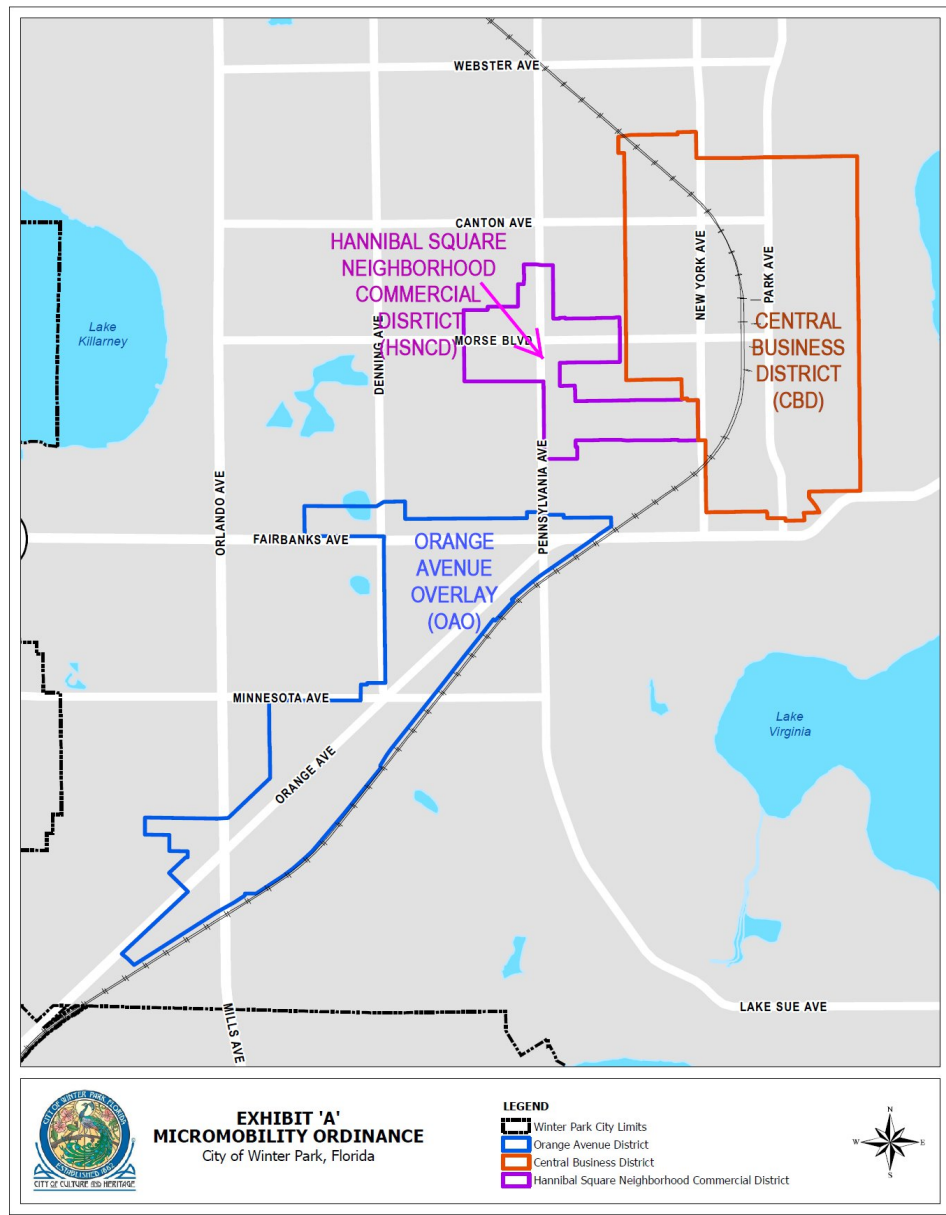


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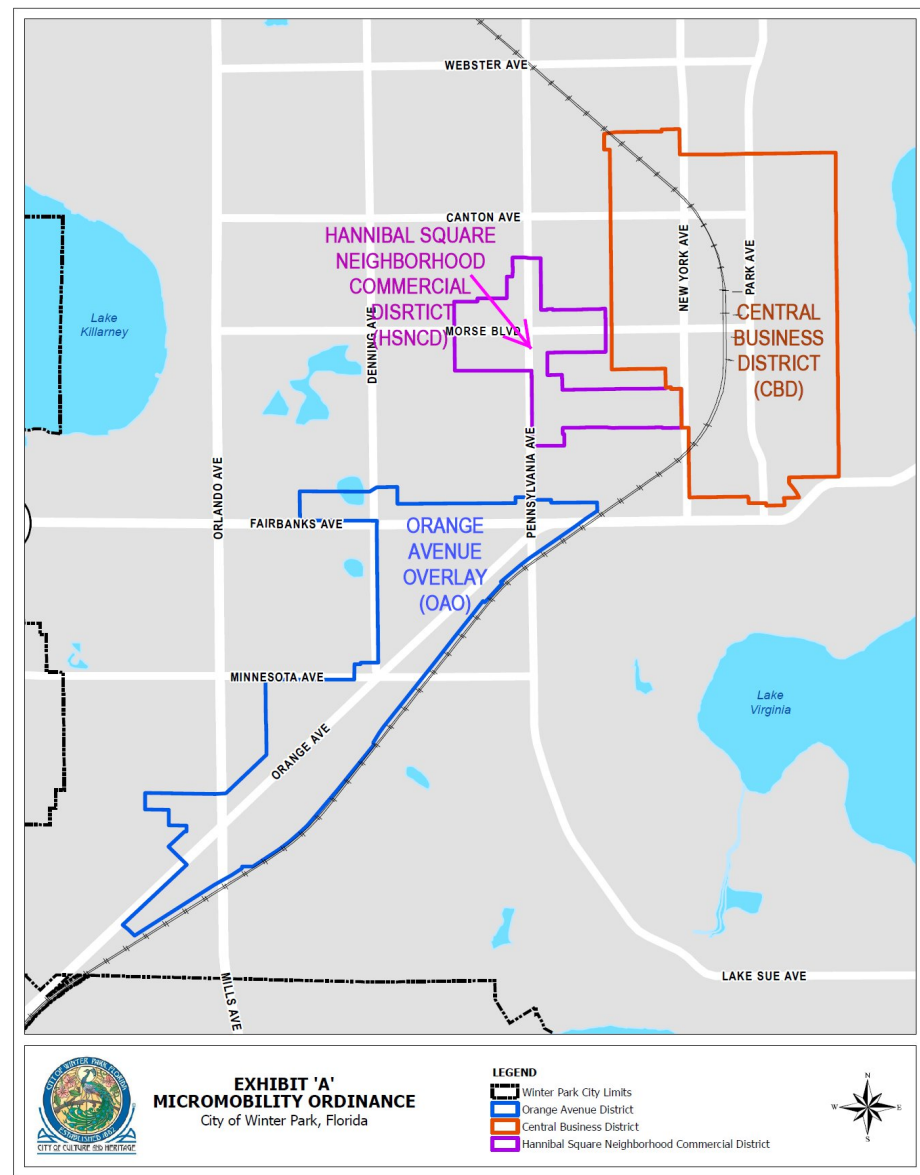
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#### Sec. 98-68. – Bicycle, ~~electric bicycle and motorized scooter~~ riding.

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- (b) It shall be unlawful for any person to ride a bicycle, electric bicycle or motorized scooter upon any sidewalk within the Central Business District ~~central business district of the city, Hannibal Square Neighborhood Commercial District or Orange Avenue District. without limitation or exception.~~
- (c) It shall be unlawful to operate any bicycles, electric bicycles or motorized scooters upon any sidewalk adjacent to or within any sidewalk cafe as defined by Chapter 90, Article VI.

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It shall be unlawful to stage electric bicycles, micromobility devices and motorized scooters within the limits of the City.

Sec. 98-11. – Violations.

The City is authorized to establish civil penalties for violations of this Chapter pursuant to the "Schedule of City of Winter Park Service and User Fees and Charges" adopted by the City Commission from time to time, and persons or entities in violation of this Chapter or any part thereof shall be subject to such prescribed penalties. In addition, the City shall have the right to enforce this Chapter or any portion thereof through any remedies available at law and in equity, including, without limitation, injunctive relief.

Secs. ~~98-8~~ 98-11 – 98-30. – Reserved.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Steve Leary

ATTEST:

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Rene Cranis, City Clerk

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 98 OF THE WINTER PARK CODE PROHIBITING THE OBSTRUCTION OF STREETS, RIGHT-OF-WAYS AND SIDEWALKS BY, AND PROHIBITING USE OF, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS WITHIN THE CITY EXCEPT ALLOWING USE OF SUCH DEVICES AND SCOOTERS IN CERTAIN RESIDENTIAL AREAS, AND PROHIBITING THE STAGING OF MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS ON PUBLIC PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the passage of HB 453 and HB 971 have expanded the rights of electric bicycle, motorized scooter and micromobility device operators within the state and expanded the areas where electric bicycle, micromobility device and motorized scooter operators may operate these devices under Section 316.2128 and Section 316.20655, Florida Statutes; and

WHEREAS, Section 316.2128, Florida Statutes provides operators of motorized scooters and micromobility devices with the same rights and duties of the operator of a bicycle; and

WHEREAS, Section 316.20655, Florida Statutes provides operators of electric bicycles the same rights and duties as the operator of a bicycle; and

WHEREAS, the City finds the proliferation of electric bicycles, motorized scooters and micromobility device has dramatically increased the risk of traffic related injuries and fatalities to micromobility device and motorized scooter operators due to the risk of motor vehicle collisions with electric bicycle, micromobility device and motorized scooter operators as well as electric bicycle, micromobility device and motorized scooter operators colliding with pedestrians on sidewalks; and

WHEREAS, the brick lined streets, narrow sidewalks, high pedestrian traffic, extensive sidewalk dining, and high volume arterial roadways within the City of Winter Park create unique hazards to pedestrians and operators of micromobility devices, motorized scooters, electric bicycles and bicycles not present in most cities; and

WHEREAS, operation of electric bicycles, micromobility devices and motorized scooters is not compatible with the uses and activities within the Central Business District and the Hannibal Square Neighborhood Commercial District as defined by Article

I, Chapter 58 of the Comprehensive Plan due to high volumes of pedestrian and vehicle traffic; and

WHEREAS, electric bicycles, motorized scooters and micromobility devices present a greater risk to riders and pedestrians than devices propelled by human power such as bicycles; and

WHEREAS, a study conducted by the Journal of American Medicine found that 94.3% of observed micromobility device riders were not wearing helmets and that only 4.4% of micromobility device riders admitted to the hospital were wearing a helmet at the time of the accident; and

WHEREAS, electric bicycles, micromobility devices, motorized scooters and bicycles parked improperly create dangerous conditions for pedestrians, particularly the disabled residents of the City; and

WHEREAS, Section 316.2128, Florida Statutes expressly reserves local authority and jurisdiction to regulate micromobility devices and motorized scooters to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, Section 316.20655 Florida Statutes expressly reserves local authority and jurisdiction to regulate electric bicycles within certain areas to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, the City recognizes that Section 316.008(1)(a), Florida Statutes authorizes municipalities to regulate or prohibit "stopping, standing, or parking," that Section 316.008(1)(h), Florida Statutes authorizes municipalities to regulate bicycles, that Section 316.008(1)(n), Florida Statutes authorizes municipalities to prohibit or regulate the use of "heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic"; and

WHEREAS, the City recognizes that Section 316.008(7)(a), Florida Statutes authorizes municipalities to "permit, control, or regulate" vehicles operating on sidewalks including micromobility devices, bicycles, and motorized scooters; and

WHEREAS, notwithstanding that Section 316.1995, Florida Statutes, with limited exceptions, prohibits operation of vehicles on sidewalks, including electric bicycles, micromobility devices and motorized scooters except to the extent a micromobility device or motorized scooter is propelled by human power, and this Ordinance reiterates such prohibitions; and

WHEREAS, the City recognizes the First District Court of Appeals recently upheld a total prohibition on motorized scooter rentals within the City of Panama City Beach in *Classy Cycles, Inc. v. Pan. City Beach*, 2019 Fla. App. LEXIS 16995; and

WHEREAS, the City finds a comprehensive regulatory scheme is necessary to mitigate the risks and dangers posed by electric bicycles, motorized scooters and micromobility devices within the City; and

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

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings and legislative intent of the City Commission of the City of Winter Park

SECTION 2: Amendment. That Chapter 98 "Traffic and Vehicles" of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 98. Traffic and Vehicles.

Article I. – In General

Sec. 98-2. – Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except when the context otherwise requires. Whenever any words and phrases used in this chapter are not defined in this section but are defined in the state laws regulating the operation of vehicles, any such definition in state law shall be deemed to apply to such words and phrases used in this chapter, except when the context otherwise requires.

Bicycle means every vehicle propelled solely by human power having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include an electric bicycle, motorized scooter or similar device.

Central Business District shall have the same meaning as defined within the maps of the Central Business District adopted in the definitions section of the Comprehensive Plan of the City, article I, chapter 58 and is generally that part of the city bordered by Webster Avenue on the north, Interlachen Avenue on the east, Fairbanks Avenue on the south and New York Avenue on the west.

Commercial vehicle means every vehicle designed, maintained or used primarily for the transportation of property and which displays lettering thereon advertising the owner of the vehicle.

Electric Bicycle means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts. This definition includes all classes of Electric Bicycle under Section 316.003(22), Florida Statutes (2020).

Freight curb loading zone means a space adjacent to a curb for the exclusive use of commercial vehicles during the loading or unloading of freight.

Hannibal Square Neighborhood Commercial District shall have the same meaning as defined within the maps of the Hannibal Square Neighborhood Commercial District adopted in the definitions section of the Comprehensive Plan of the City, article I, chapter 58 and is generally that part of the city fronting on New England Avenue, Hannibal Square, Morse Boulevard and Pennsylvania Avenue.

Motorized scooter means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(45).

Micromobility device means any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(38).

Parkway means that portion of a street not designated or intended for the use of pedestrians and located between the curb and the adjacent property lines or between the edge of pavement and the adjacent property lines where there is no curb or between the established vehicular traveled way and the adjacent property lines on unpaved streets.

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Right-of-way means property owned or controlled by the City or other governmental entity over which the public has a right of passage, including, without limitation, the streets, parkways, paths, alleys, sidewalks, and driveways constructed thereon.

Sidewalk means that portion of a right-of-way between the curbline, or the lateral line, of a roadway and the adjacent property lines, that is improved for intended use by pedestrians or by bicycles in areas designated for bicycle use.

Stage or Staging means the parking and/or placing of electric bicycles, micromobility devices or motorized scooters on a right-of-way, within a public park or on other public property for the purpose of advertising or displaying such micromobility devices to the general public for use or rental.

Traffic division means the traffic division of the police department or, if a traffic division is not established, the term shall be deemed to refer to the police department.

Sec. 98-7. – Bicycles, micromobility devices and motorized scooters obstructing streets or sidewalks.

No bicycle, electric bicycle, micromobility device or motorized scooter shall be parked, staged, abandoned or otherwise left upon any street, right-of-way or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians, or to obstruct any stopping or parking space.

Sec. 98-8. – Motorized Scooters and micromobility devices.

- (a) Prohibition. It shall be unlawful to operate any motorized scooter or micromobility devices upon the roadways, sidewalks, bicycle paths or rights-of-way of the City unless expressly permitted by Section 98-8. It shall be

unlawful to operate any motorized scooter or micromobility device within the Central Business District or Hannibal Square Neighborhood Commercial District without limitation or exception. It shall be unlawful to operate any motorized scooter or micromobility device upon any sidewalk adjacent to or within any sidewalk cafe as defined by Chapter 90, Article VI.

(b) Permitted operating areas. Except as otherwise prohibited by Chapter 98 or other provision of the City Code or Florida law, motorized scooters and micromobility devices may be operated for personal use within residential neighborhoods zoned R-1A, R-1AA, R-1AAA, and R-2. This provision is not intended to grant permission to operate or conduct any business or use not authorized by zoning regulations.

(c) Electric Bicycles. Electric bicycles must comply with all regulations under Florida law and this Code applicable to bicycles.

#### Sec. 98-9. – Micromobility device and motorized scooter staging.

It shall be unlawful to stage electric bicycles, micromobility devices and motorized scooters within the limits of the City.

#### Sec. 98-10. – Violations.

The City is authorized to establish civil penalties for violations of this Chapter pursuant to the "Schedule of City of Winter Park Service and User Fees and Charges" adopted by the City Commission from time to time, and persons or entities in violation of this Chapter or any part thereof shall be subject to such prescribed penalties. In addition, the City shall have the right to enforce this Chapter or any portion thereof through any remedies available at law and in equity, including, without limitation, injunctive relief.

Secs. ~~98-8~~ 98-11 – 98-30. – Reserved.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.



SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Steve Leary

ATTEST:

\_\_\_\_\_  
Rene Cranis, City Clerk

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 98 OF THE WINTER PARK CODE PROHIBITING THE OBSTRUCTION OF STREETS, RIGHT-OF-WAYS AND SIDEWALKS BY, AND PROHIBITING USE OF, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS WITHIN THE CITY EXCEPT ALLOWING USE OF SUCH DEVICES AND SCOOTERS IN CERTAIN RESIDENTIAL AREAS, AND PROHIBITING THE STAGING OF MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS ON PUBLIC PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the passage of HB 453 and HB 971 have expanded the rights of electric bicycle, motorized scooter and micromobility device operators within the state and expanded the areas where electric bicycle, micromobility device and motorized scooter operators may operate these devices under Section 316.2128 and Section 316.20655, Florida Statutes; and

WHEREAS, Section 316.2128, Florida Statutes provides operators of motorized scooters and micromobility devices with the same rights and duties of the operator of a bicycle; and

WHEREAS, Section 316.20655, Florida Statutes provides operators of electric bicycles the same rights and duties as the operator of a bicycle; and

WHEREAS, the City finds the proliferation of electric bicycles, motorized scooters and micromobility device has dramatically increased the risk of traffic related injuries and fatalities to micromobility device and motorized scooter operators due to the risk of motor vehicle collisions with electric bicycle, micromobility device and motorized scooter operators as well as electric bicycle, micromobility device and motorized scooter operators colliding with pedestrians on sidewalks; and

WHEREAS, the brick lined streets, narrow sidewalks, high pedestrian traffic, extensive sidewalk dining, and high volume arterial roadways within the City of Winter Park create unique hazards to pedestrians and operators of micromobility

devices, motorized scooters, electric bicycles and bicycles not present in most cities; and

WHEREAS, operation of electric bicycles, micromobility devices and motorized scooters is not compatible with the uses and activities within the Central Business District and the Hannibal Square Neighborhood Commercial District as defined by Article I, Chapter 58 of the Comprehensive Plan due to high volumes of pedestrian and vehicle traffic; and

WHEREAS, electric bicycles, motorized scooters and micromobility devices present a greater risk to riders and pedestrians than devices propelled by human power such as bicycles; and

WHEREAS, a study conducted by the Journal of American Medicine found that 94.3% of observed micromobility device riders were not wearing helmets and that only 4.4% of micromobility device riders admitted to the hospital were wearing a helmet at the time of the accident; and

WHEREAS, electric bicycles, micromobility devices, motorized scooters and bicycles parked improperly create dangerous conditions for pedestrians, particularly the disabled residents of the City; and

WHEREAS, Section 316.2128, Florida Statutes expressly reserves local authority and jurisdiction to regulate micromobility devices and motorized scooters to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, Section 316.20655 Florida Statutes expressly reserves local authority and jurisdiction to regulate electric bicycles within certain areas to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, the City recognizes that Section 316.008(1)(a), Florida Statutes authorizes municipalities to regulate or prohibit "stopping, standing, or parking," that Section 316.008(1)(h), Florida Statutes authorizes municipalities to regulate bicycles, that Section 316.008(1)(n), Florida Statutes authorizes municipalities to prohibit or regulate the use of "heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic"; and

WHEREAS, the City recognizes that Section 316.008(7)(a), Florida Statutes authorizes municipalities to "permit, control, or regulate" vehicles operating on sidewalks including micromobility devices, bicycles, and motorized scooters; and

WHEREAS, notwithstanding that Section 316.1995, Florida Statutes, with limited exceptions, prohibits operation of vehicles on sidewalks, including electric bicycles, micromobility devices and motorized scooters except to the extent a micromobility device or motorized scooter is propelled by human power, and this Ordinance reiterates such prohibitions; and

WHEREAS, the City recognizes the First District Court of Appeals recently upheld a total prohibition on motorized scooter rentals within the City of Panama City Beach in *Classy Cycles, Inc. v. Pan. City Beach*, 2019 Fla. App. LEXIS 16995; and

WHEREAS, the City finds a comprehensive regulatory scheme is necessary to mitigate the risks and dangers posed by electric bicycles, motorized scooters and micromobility devices within the City; and

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The City is authorized to establish civil penalties for violations of this Chapter

pursuant to the "Schedule of City of Winter Park Service and User Fees and Charges" adopted by the City Commission from time to time, and persons or entities in violation of this Chapter or any part thereof shall be subject to such prescribed penalties. In addition, the City shall have the right to enforce this Chapter or any portion thereof through any remedies available at law and in equity, including, without limitation, injunctive relief.

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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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Steve Leary

ATTEST:

\_\_\_\_\_  
Rene Cranis, City Clerk



# City Commission agenda item

<b>item type</b> Action Items Requiring Discussion	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Peter Moore	<b>approved by</b> Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Investment in Quality Infrastructure	

## subject

Department Unfunded Capital Project List

## motion / recommendation

Select items for potential inclusion in a proposed bond referendum.

## background

The City Commission asked staff to generate a list of capital projects that could become part of a bond referendum and that highlighted unfunded needs or projects that if funding was available, could be accelerated. In large part, the City's adopted CIP was used as the framework to construct the list and any requests that were already scheduled to be largely funded within the next four years, have not been included unless there was a request to accelerate funding. The remaining projects represent those capital items that would significantly enhance the quality of infrastructure and experience for residents, businesses, and visitors to the city. Some funding requests are more specific than others as they have been previously discussed and priced, others are estimates and may be in the various design and early development/planning stages. Due to timing, any items would have to be agreed upon tonight, so that they could meet first and second reading requirements to be eligible to be placed on a referendum for March.

## **Information Technology Department**

### **Site Security**

This project seeks to enhance the safety and security of city facilities by making significant improvements to access control (digital key card access) and video camera improvements. Already underway with improvements at the Water Plants and City Operations Compound which included new gating and fencing and video access control,



this project would allocate funding to other city buildings. This project has been advanced as funds are available in either the IT or Facility Replacement Account, however the \$625k would complete the project scopes of work on the other buildings.

## **Fiber Network**

The Fiber Task Force outlined three phases for development of the city's fiber infrastructure. Phase 1 represented the connection of all remaining city facilities onto a private fiber network. This went through an ITN process and will come back to approval with the City Commission on December 9<sup>th</sup>. Phase II begins to contemplate buildout of a backbone system along all the major commercial streets, laying the foundation for "smart city" improvements. Phase III contemplated a substantial investment into fiber systems and provided for fiber-to-the-premise buildout city-wide. Estimates provided in a business plan by Magellan Advisors put the cost of Phase II at an additional \$2.4 million (assumes completion of Phase I) and Phase III at an additional \$15 - \$23 million depending upon coordination with electric undergrounding.

## **Virtual Desktop Infrastructure**

Estimated at \$250k, this allows IT to create a computing environment that allows for centralized management of end user devices, enhance flexibility, support remote work, and allows for the creation of additional workstations to respond to emergencies such as a pandemic and storms. This would exceed planned funding already set aside for IT infrastructure improvements in the CIP. It is possible that if further CARES Act funding is opened up or if there is further support for local government pandemic related improvements, that this project could become part of a grant request.

## **Public Works & Stormwater**

### **New City Hall**

Long contemplated in the outer years of the CIP, the renovation or rebuild of City Hall has been estimated at \$12.5 million. Due to the availability of the Old Library Site as possible swing space while construction is underway at the current City Hall site, the window of timing to make any improvements may be opportune.

### **Temple Drive**

This project would accelerate improvements to Temple Dr. to install proper drainage inlets and pipes at the appropriate spacing to provide adequate drainage during typical storm events. This also includes re-profiling the road to properly direct the runoff to the proposed inlet system. This project is estimated to cost \$1.2 million.

## **Parks Department**

### **Dinky Dock**

Funding to continue improvements to the city's Dinky Dock park, were reduced as part of budget reductions this fiscal year. This funding of \$140k would restore the funding to complete the improvements.

### **Field Lighting**

The city has been making continual improvements to replace athletic field and tennis court lighting over many years. To meet budget reductions this year, about \$102k was removed from the CIP to do lighting improvements. The remaining four years of the adopted CIP also includes \$800k in additional lighting improvements. Accelerating funding to make wholesale improvements to all the fields now, would greatly enhance the quality of nighttime field play.

### **Farmers' Market**

The Farmers' Market is a popular venue and a number of facility improvements could greatly enhance customer experience and energy efficiency of the building. This improvements would include air curtains to maintain climate control when doors are open, replacement of the wooden doors to better protect against energy loss, and renovation to the commercial kitchen. These improvements would cost \$96k.

### **Winter Park Sports Complex**

The Parks Department currently has about \$370k set aside in future CIP years to make site improvements to Ward Park and rebuild athletic fields. An additional \$500k would allow for replacement of the concession stand, restroom, and make ADA sidewalk enhancements. Accelerating funding for the \$370k to rebuild fields and adding \$500k for the other improvements would make significant user experience enhancements now.

## **Fire Department**

### **Fire Station 62 & Training Facility**

The Fire Department has expressed a need to significantly rebuild or renovate Fire Station 62 located on Lakemont Ave. Originally constructed in the early 70's the fire station was remodeled in 2000. Including design, demolition, construction and temporary housing, estimates to rebuild the station are \$2 million. In addition to considering a rebuild of the

station, the Fire Department will be losing access to their training facility cooperation with OCPS and would like to build their own facility on city land. While currently exploring all alternatives, constructing the city's own facility is estimated at \$500k, it is possible that this facility could be part of a rebuild at Lakemont or placed on existing city property. Lastly, the rebuild of the station at Lakemont could also include expanded bays for the securitization of the reserve engines when not in use. Estimates for an expanded garage are \$225k. Altogether, potential funding for these projects would total \$2,725,000.

## **Planning & Transportation Department**

### **Pedestrian Crossings**

Priced at \$60k per intersection, this funding would provide for an enhanced pedestrian experience at the following intersections: Sylvan, Goodrich, Yorkshire, & Lakehurst at Palmer. Total cost is estimated at \$240k.

### **Bike & Trail Network**

Plans are currently under development by the Transportation Advisory Board. Funding of \$10 million is an estimate of the potential cost to make a network of connected trails throughout the city. This project would require further review and could also be eligible under the postponed proposal for a penny increase in the sales tax that was originally raised by the county but is now delayed due to the pandemic. This type of project could also be supported by a mobility fee, if enacted.

### **Glenridge Intersection**

This would include structural enhancements to the intersection at Glenridge and Lakemont. It is estimated to cost \$1,239,000 and would also potentially be fundable under the proposed sales tax for transportation improvements. This type of project could also be supported by a mobility fee, if enacted.

### **Lakemont Avenue**

This project would propose a complete streets renovation to all of Lakemont Avenue, to include hardscape, lighting, and landscape improvements. This project would require further review and could also be eligible in the future under the penny sales tax proposed by the county for transportation improvements. This type of project could also be supported by a mobility fee, if enacted. Estimated cost is \$8 million.

### **Denning & Fairbanks Turn Lanes**

The CRA already has \$1 million allocated to intersection and ROW improvements for this

intersection. The additional \$1 million would go towards development of turn lanes at this crowded intersection. This project could also be eligible in the future under the penny sales tax proposed by the county for transportation improvements. This type of project could also be supported by a mobility fee, if enacted.

## **Orange Avenue**

This estimated \$5 million improvement would make enhancements to Orange Ave in concert with the overlay discussion that include rightsizing the road, addition of a roundabout, and other safety enhancements. Funding has already been put in the budget in the current fiscal year to begin studying these improvements. This project could also be eligible in the future under the penny sales tax proposed by the county for transportation improvements. This type of project could also be supported by a mobility fee, if enacted.

## **Progress Point Park**

Park and parking improvements for the city owned "Progress Point" site on Orange Avenue are still undergoing scope determinations. The site would potentially include a 1.5 acre park and the possible addition of a parking garage. Structured parking spaces in Florida average \$20 – 25k apiece, while park improvements would depend upon the level of landscaping and amenities added. Private fundraising groups have also expressed an interest in supporting this project.

## **Building & Sustainability Department**

### **Solar Installations on City Buildings**

Similar to what was just placed at the Aloma Water Plant, this would provide solar paneling at the city's Public Safety, Swoope Water Treatment Plant, and new Library building. Estimated at \$250k for each installation, this would increase the city's commitment to energy sustainability.

### **Electric Charging Stations at City Buildings**

Furthering the commitment to a cleaner environment, this funding would finish placing electric charging stations at all major city facilities. Estimated cost is \$100k.

## **alternatives / other considerations**

Some of the project possibilities listed may be eligible for potential future revenue

sources. Many of the transportation items could be supported by a mobility or transportation impact fee as well as the proposed one-penny increase to sales tax that Orange County had originally proposed to go for voter approval this November, but delayed due to the pandemic. Due to the tight timeline to educate voters on the capital projects and to build consensus, it is also possible that this item could be prepared for the following year to allow further time for strategic planning and vetting of other potential revenue sources.

### **fiscal impact**

Impact varies depending upon the scope of projects selected and the funding source for the projects. The city's charter requires that any debt issue to support non-parks projects has to go to referendum if pledging the City's taxing authority, purchasing land or is over approximately \$2.5 million. If a package of projects exceeded that figure then voters will decide to approve or disapprove it. The structure of paying for that bond could either be an increased cost to the city's general fund by expanding debt service payments, or an increased cost to property owners directly if it is structured as a general obligation bond.

To give an indication of scale, a hypothetical bond issue at 2% interest and a 20 year term, paid semi-annually, would be as follows:

<b>Amount of Issue</b>	<b>Est. Annual Payment</b>
\$10 million	\$609,112
\$20 million	\$1,218,224
\$30 million	\$1,827,336

Currently the General Fund pays just under \$400k annually for debt service on remaining non-ad valorem revenue debt. Those bonds are just about paid out, and this will only hit the budget for one more fiscal year. This funding could be redirected to a new non-ad valorem revenue bond but, would only be enough to finance approximately \$6.5M in projects.

This current fiscal year is also the last year for the voted debt service that was passed to support the Public Safety building construction. This 0.1263 mills generates approximately \$814k in annual debt service support and would drop off property owner's tax bills starting next fiscal year.

ATTACHMENTS:

[Unfunded Capital Projects - Table Summary.pdf](#)



401 South Park Avenue • Winter Park, Florida 32789

407-599-3349 • [cityofwinterpark.org](http://cityofwinterpark.org)

## Unfunded Capital Project List

Department	Project	Est. Funding
<b>IT</b>	City facility site securitization and access control enhancements	\$625,000
<b>IT</b>	Fiber Installation Phase II - Smart City Applications	\$2,400,000
<b>IT</b>	Fiber Installation Phase III - Fiber to the Premise Build-Out	\$15 million - \$23 million
<b>IT</b>	Virtual Desktop Infrastructure	\$250,000
<b>Public Works</b>	Construction of New City Hall	\$12,500,000
<b>Public Works</b>	Temple Dr. Stormwater	\$1,200,000
<b>Parks</b>	Dinky Dock Renovation	\$140,000
<b>Parks</b>	Field and Tennis Lighting	\$902,000
<b>Parks</b>	Farmers Market Facility Upgrades	\$96,000
<b>Parks</b>	Winter Park Sports Complex	\$870,000
<b>Fire</b>	Station 62, Training Facility, and apparatus storage	\$2,725,000
<b>Planning</b>	Pedestrian Crossings	\$240,000
<b>Planning</b>	Bike & Trail Network	\$10,000,000
<b>Planning</b>	Glenridge Intersection Improvements	\$1,239,000
<b>Planning</b>	Lakemont Avenue Complete Street	\$8,000,000
<b>Planning</b>	Denning & Fairbanks turn lane additions	\$1,000,000
<b>Planning</b>	Orange Avenue rightsizing roundabout and safety	\$5,000,000
<b>Planning</b>	Progress Point Park	TBD
<b>Sustainability</b>	Solar Installations	\$750,000
<b>Sustainability</b>	Electric Charging Stations	\$100,000

As of 11/5/20



# City Commission **agenda item**

<b>item type</b> Public Hearings	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Vanessa Balta Cook	<b>approved by</b> Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Reduce the single use plastics at city facilities. Many of these items are unable to be recycled by current city vendors and end up landfilled. If not properly disposed the items become long term pollution in the environment.	

## **subject**

Resolution - Adopting Municipal Facilities Single Use Plastics Policy

## **motion / recommendation**

Adopt resolution.

## **background**

**Updated from October 28th meeting:**

The resolution has been updated to include a one-year trial period.

Commissioner Sullivan requested a policy be brought to the Commission on a Single Use Plastics Policy for Municipal facilities based upon similar policies in the City of Orlando and Orange County. The Sustainability Department and Parks Director drafted a policy in line with the policies of City of Orlando and Orange County. The policy was taken to and approved by the Parks Board and Keep Winter Park Beautiful & Sustainable Board.

## **alternatives / other considerations**

Other considerations would include expanding the items covered under this policy to include plastic plates, forks, spoons, and knives. State pre-emptions make it difficult to expand this policy to the private sector.

## **fiscal impact**

Cost comparable alternative items available

## **ATTACHMENTS:**

[WP Res - Single Use Products Policy - Updated as Pilot.docx](#)

## **ATTACHMENTS:**



[20200916 Single Use Products Policy.pptx](#)

ATTACHMENTS:

[Cost Comparison of Plastic Alternatives.pdf](#)

RESOLUTION NO. XXXX-XX

**A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING A SINGLE-USE PRODUCTS POLICY ON CITY PROPERTY AS A PILOT PROGRAM; PROVIDING FOR CONFLICTS AND EFFECTIVE DATE.**

**WHEREAS**, the effects of single-use products and plastic bags have become globally recognized as having lasting negative impacts on the environment. These products can pollute waterways and natural lands, are difficult to collect and contain, take significant time to degrade, and are potentially harmful to wildlife; and

**WHEREAS**, the City Commission wishes to establish a single-use products and plastic bags policy to reduce the use of these products and encourage the use of reusable, recyclable, biodegradable, or compostable materials.

**WHEREAS**, the City Commission desires to adopt a single-use products policy on city property, and finds that such will benefit the City and its residents.

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

**SECTION 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution.

**SECTION 2. Single-Use Products Policy.** The City hereby adopts the City of Winter Park Procurement Single-Use Products Policy on City Property attached to this Resolution (the “Single-Use Products Policy”), which shall govern all matters described therein, establishing a pilot program of the City of Winter Park which will expire 12 months following a 6-month grace period. At that time, City Commission shall analyze the impacts of the pilot program, both negative and positive, and determine if the pilot program shall be continued for an additional limited amount of time, or be incorporated permanently into the City policy, or be discontinued.

**SECTION 3. Conflicts.** In the event of a conflict or conflicts between this Resolution or the Single-Use Products Policy and any other resolution or policy, this Resolution and the Single-Use Products Policy control to the extent of the conflict.

**SECTION 4. Effective date.** This Resolution and the Single-Use Products Policy shall become effective immediately upon adoption of this Resolution by the City Commission of the City of Winter Park, Florida.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Winter Park, Florida.

---

Steve Leary, Mayor

ATTEST:

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City Clerk

## CITY OF WINTER PARK

# SINGLE-USE PRODUCTS POLICY ON CITY PROPERTY AS A PILOT PROGRAM

## I. POLICY

The effects of single-use products and plastic bags have become globally recognized as having lasting negative impacts on the environment. These products can pollute waterways and natural lands, are difficult to collect and contain, take significant time to degrade, and are potentially harmful to wildlife. The Winter Park City Commission wishes to establish a single-use products and plastic bags policy to reduce the use of these products and encourage the use of reusable, recyclable, biodegradable, or compostable materials.

It is the policy of the City Commission that neither single-use products nor plastic bags may be sold or disbursed on City property by staff or contracted vendors except as set forth in this Administrative Regulation.

## II. PROCEDURES

### A. Definitions.

1. "Biodegradable materials" are manufactured products made entirely of natural materials, such as paper or plant fibers, that will undergo a natural process of deterioration.
2. "City contractor" is a food service related contractor, vendor, concessionaire, or lessee of the City including Farmers' Market vendors.
3. "City permittee" is any person or entity issued a special event permit or temporary use permit by the City for a special event or temporary use on City property.
4. "City property" includes land or facilities owned, operated or managed by the City, and public rights-of-way within the jurisdictional boundaries of the City of Winter Park.
5. "Compostable materials" are manufactured products made from uncoated paper, wood, or vegetable-derived plastics.
6. "Contract" is a written agreement between the City and a contracted vendor.
7. "Plastic" is a human-made synthetic material commonly produced from petroleum and derived from carbon and other elements.
8. "Plastic bags" are bags made of flexible plastic that are not biodegradable provided to a customer, typically at the point of sale or distribution.
9. "Plastic stirrers" are plastic tubes or sticks used for mixing a beverage in its container.
10. "Plastic straws" are plastic tubes that are non-biodegradable and are intended for transferring a beverage from its container to the mouth of the drinker.
11. "Polystyrene foam" is a synthetic polymer made from the styrene monomer, commonly known by the name brand Styrofoam®.
12. "Polystyrene foam products" include containers, plates, bowls, cups, and trays.

13. "Recyclable materials" are raw or processed materials that can be recovered or diverted from a non-hazardous waste stream to be reused or repurposed into another item, which may otherwise be produced using raw or virgin materials.
14. "Reusable materials" are manufactured products that are durable and washable, can be used multiple times, and are not typically discarded.
15. "Single-use products" are defined here as polystyrene foam products, plastic straws, and plastic stirrers.

## B. General Guidelines

1. Neither single-use products nor plastic bags may be sold or disbursed on City property by City staff or contracted vendors unless authorized by the City Manager, Assistant City Manager, or a Department Director. The use of reusable, recyclable, biodegradable, or compostable materials is encouraged. The policy is established as a pilot program of the City of Winter Park which will expire 12 months following a 6-month grace period for compliance. At that time, City Commission shall analyze the impacts of the pilot program, both negative and positive, and determine if the pilot program shall be continued for an additional limited amount of time, or be incorporated permanently into the City policy, or be discontinued
2. City departments and divisions purchasing products intended for one-time use and then disposed of in waste streams must follow the product specifications approved by the Sustainability Program Manager. The City will provide a list of product specifications upon request for use in issuing Invitations for Bid and Requests for Proposal.
3. At the time of contract renewal or amendment, all contracts must incorporate this Administrative Regulation by reference and provide notice of this Administrative Regulation to the contracted vendor as applicable.
4. Following contract renewal, if a contracted vendor fails to comply with this Administrative Regulation, the City may terminate the contract or pursue other appropriate contractual remedies set forth in the contract, or both. Additionally, the City may use past non-compliance by a contracted vendor as grounds for precluding the contracted vendor from future City contracts.

## C. City Departments

All City departments and divisions will work cooperatively to further the purpose of this policy and will comply with this Administrative Regulation as of the applicable effective date set forth below.

## D. Exemptions

1. The following are exempt from this Administrative Regulation:
  - a. single-use products disbursed in compliance with the Americans with Disabilities Act (ADA);
  - b. pre-packaged food that was filled and sealed prior to receipt by a contracted vendor or permittee; and
  - c. packaging of unwrapped raw meat, poultry, and seafood.

- d. Single-use products used by a City permittee for events or facility rentals attended by 75 people or less.
2. To allow appropriate time to modify business practices and offer educational materials to facilitate compliance, a 6-month grace period will begin upon passing of resolution.

#### E. State of Emergency

This Administrative Regulation will not apply during a state of local emergency declared pursuant to Chapter XX, Article XX of the Winter Park Code.

#### F. Effective dates

This Administrative Regulation is effective as of XXX XX, 2020 for all new or renewed City contracts and City purchases. City staff may continue to use and disburse single-use products and plastic bags purchased prior to the effective date.



# Single-Use Products Policy Resolution



## April 27, 2020 Commission Meeting

Commissioner Weaver requested that single use plastic ban in government facilities policy similar to Orange County's be brought forward for discussion to KWPB&S, Parks & Recreation Board and be brought back to Commission. Commissioner Carolyn Cooper requested through the City Manager that potential cost impacts be included in discussions

## June 4, 2020

Sustainability Staff provided draft ordinance based on Orange County and Orlando Ordinances to Parks & Recreation Staff Liaison





## July 1, 2020 Provided Ordinance to KWPB&S Board for Comments

- Board recommended resolution with amendments: Make city permittee for events attended by 75 people or less exempt (reduced from event size of 100); Add a 6-month grace period from date of resolution for compliance;

### Basics:




- Only applicable on City Property (Parks/Offices/Venues)  
\*NOT community-wide, not private property\*
- Applicable to City Boards, City Contractors, City Permittees (farmers market, events/facility rentals)
- Exemptions: ADA, prepackaged food, packaging of unwrapped raw meat, city permittee for events attended by 75 people or less
- Prohibits selling or disbursement of plastic bags, plastic straws, plastic stirrers, polystyrene (Styrofoam®) containers, plates, bowls, cups and trays \*NOT plastic forks, knives, spoons\*

# Cost Comparison of Alternatives - BAGS


Material	Size (Width x Height x Gusset Width)	Manufactured In	Price/Case	Units/Case	Price/Unit	Webstaurant Link
No Bag Provided (bring your own) 					\$0.00	
HDPE Plastic 	11.5"x21"x6.25"	Unknown	\$ 13.99	500	\$0.03	<a href="https://www.webstaurantstore.com/1-6-size-71-mil-white-happy-face-heavy-duty-plastic-t-shirt-bag-case/433NHT108.html">https://www.webstaurantstore.com/1-6-size-71-mil-white-happy-face-heavy-duty-plastic-t-shirt-bag-case/433NHT108.html</a>
Biodegradable Plastic 	12"x22"x6.5"	USA	\$ 19.49	500	\$0.04	<a href="https://www.webstaurantstore.com/green-herc-1-6-size-biodegradable-plastic-t-shirt-bag-case/433NHTBIO.html">https://www.webstaurantstore.com/green-herc-1-6-size-biodegradable-plastic-t-shirt-bag-case/433NHTBIO.html</a>
Paper 	12"x17"x7"	Unknown	\$ 59.11	300	\$0.20	<a href="https://www.webstaurantstore.com/duro-brown-printed-100-recycled-shopping-bag-with-handles-12-x-7-x-17-bundle/433B12717REC.html">https://www.webstaurantstore.com/duro-brown-printed-100-recycled-shopping-bag-with-handles-12-x-7-x-17-bundle/433B12717REC.html</a>







### Cost Comparison of Plastic Alternatives - STRAWS

Material	Size (Length, Diameter)	Manufactured In	Price/Case	Units/Case	Price/Unit	Webstaurant Link
No Plastic Straw Provided (bring your own) 					\$0.000	
Plastic, Paper Wrapped 	7.75", 0.25"	Unknown	\$33.28	12,000	\$0.003	<a href="https://www.webstaurantstore.com/choice-7-3-4-jumbo-clear-wrapped-straw-case/485WJ7TN.html">https://www.webstaurantstore.com/choice-7-3-4-jumbo-clear-wrapped-straw-case/485WJ7TN.html</a>
Paper, Paper Wrapped 	7.75"	Unknown	\$46.16	3,200	\$0.014	<a href="https://www.webstaurantstore.com/ecochoice-7-3-4-white-jumbo-wrapped-compostable-paper-straw-case/485WPJ7WH.html">https://www.webstaurantstore.com/ecochoice-7-3-4-white-jumbo-wrapped-compostable-paper-straw-case/485WPJ7WH.html</a>





### Cost Comparison of Plastic Alternatives - STIRRERS

Material	Size (Length, Diameter)	Manufactured In	Price/Case	Units/Case	Price/Unit	Webstaurant Link
No Plastic Stirrer Provided					\$0.000	
Wood	5.5"	Unknown	\$12.98	10,000	\$0.001	<a href="https://www.webstaurantstore.com/royal-paper-r810-5-1-2-eco-friendly-wood-coffee-stirrer-case/485R810.html">https://www.webstaurantstore.com/royal-paper-r810-5-1-2-eco-friendly-wood-coffee-stirrer-case/485R810.html</a>
Plastic 	5", 0.1"	Unknown	\$8.64	10,000	\$0.001	<a href="https://www.webstaurantstore.com/choice-5-black-unwrapped-coffee-stirrer-sip-straw-case/485SIP5BK.html">https://www.webstaurantstore.com/choice-5-black-unwrapped-coffee-stirrer-sip-straw-case/485SIP5BK.html</a>





**Cost Comparison of Plastic Alternatives - TAKE OUT CONTAINERS**

Material	Size (Length x Width x Height)	Manufactured In	Price/Case	Units/Case	Price/Unit	Webstaurant Link
No Disposable Takeout Containers Provided					\$0.00	
Expanded Polystyrene Foam (Styrofoam™) 	8.25"x8"x3"	Unknown	\$ 17.69	200	\$0.09	<a href="https://www.webstaurantstore.com/genpak-sn240-wht-8-1-4-x-8-x-3-white-medium-1-compartment-foam-snap-it-hinged-lid-container-case/3745N240W.html">https://www.webstaurantstore.com/genpak-sn240-wht-8-1-4-x-8-x-3-white-medium-1-compartment-foam-snap-it-hinged-lid-container-case/3745N240W.html</a>
Biodegradable sugarcane/bagasse 	8"x8"x3"	Unknown	\$ 37.99	200	\$0.19	<a href="https://www.webstaurantstore.com/8-x-8-x-3-biodegradable-compostable-sugarcane-bagasse-1-compartment-takeout-box-case/395TO881.html">https://www.webstaurantstore.com/8-x-8-x-3-biodegradable-compostable-sugarcane-bagasse-1-compartment-takeout-box-case/395TO881.html</a>
Paper 	8"x6"x2.5"	USA	\$ 48.96	200	\$0.24	<a href="https://www.webstaurantstore.com/bio-pak-03bwwhite-8-x-6-x-2-1-2-white-microwavable-paper-3-take-out-container-case/79503BPWHITE.html">https://www.webstaurantstore.com/bio-pak-03bwwhite-8-x-6-x-2-1-2-white-microwavable-paper-3-take-out-container-case/79503BPWHITE.html</a>
Clear Polystyrene 	8.25"x7.75"x3"	USA	\$ 62.56	250	\$0.25	<a href="https://www.webstaurantstore.com/dart-c51ut1-staylock-8-1-4-x-7-3-4-x-3-clear-hinged-plastic-medium-container-case/301CS1UT1.html">https://www.webstaurantstore.com/dart-c51ut1-staylock-8-1-4-x-7-3-4-x-3-clear-hinged-plastic-medium-container-case/301CS1UT1.html</a>




# Cost Comparison of Plastic Alternatives - FOAM PLATES

Material	Size (Length, Diameter)	Manufactured In	Price/Case	Units/Case	Price/Unit	Webstaurant Link
No Disposable plate provided (reusables on site)					\$0.00	
Expanded Polystyrene Foam (Styrofoam™) 	10.25"	Unknown	\$36.92	500	\$0.07	<a href="https://www.webstaurantstore.com/genpak-lam10-elite-10-1-4-white-laminated-foam-plate-case/374LAM10.html">https://www.webstaurantstore.com/genpak-lam10-elite-10-1-4-white-laminated-foam-plate-case/374LAM10.html</a>
Sugarcane 	10"	Unknown	\$46.61	500	\$0.09	<a href="https://www.webstaurantstore.com/ecochoice-biodegradable-compostable-sugarcane-bagasse-10-plate-case/395RP10.html">https://www.webstaurantstore.com/ecochoice-biodegradable-compostable-sugarcane-bagasse-10-plate-case/395RP10.html</a>
Paper 	10"	Unknown	\$59.50	500	\$0.12	<a href="https://www.webstaurantstore.com/creative-converting-50000b-10-white-paper-plate-case/286PP10WH.html">https://www.webstaurantstore.com/creative-converting-50000b-10-white-paper-plate-case/286PP10WH.html</a>
Plastic 	10"	Unknown	\$116.06	600	\$0.19	<a href="https://www.webstaurantstore.com/creative-converting-28000031b-10-white-plastic-plate-case/286P10WH.html">https://www.webstaurantstore.com/creative-converting-28000031b-10-white-plastic-plate-case/286P10WH.html</a>




### Cost Comparison of Plastic Alternatives - FOAM BOWLS

Material	Size (Capacity)	Manufactured In	Price/Case	Units/Case	Price/Unit	Webstaurant Link
No Disposable bowl provided (reusables on site)					\$0.00	
Expanded Polystyrene Foam (Styrofoam™) 	10-12oz.	USA	\$34.42	1000	\$0.03	<a href="https://www.webstaurantstore.com/dart-12bwwgr-quiet-classic-10-12-oz-white-laminated-round-foam-bowl-case/30112BWWQR.html">https://www.webstaurantstore.com/dart-12bwwgr-quiet-classic-10-12-oz-white-laminated-round-foam-bowl-case/30112BWWQR.html</a>
Sugarcane 	12oz.	Unknown	\$51.99	1000	\$0.05	<a href="https://www.webstaurantstore.com/ecochoice-biodegradable-compostable-sugarcane-bagasse-12-oz-bowl-case/395RB12.html">https://www.webstaurantstore.com/ecochoice-biodegradable-compostable-sugarcane-bagasse-12-oz-bowl-case/395RB12.html</a>
Plastic 	12oz.	USA	\$52.68	1000	\$0.05	<a href="https://www.webstaurantstore.com/fine-line-flairware-210-wh-10-1-4-white-customizable-plastic-plate-case/346210WH.html">https://www.webstaurantstore.com/fine-line-flairware-210-wh-10-1-4-white-customizable-plastic-plate-case/346210WH.html</a>
Paper 	12oz.	USA	\$115.40	1000	\$0.12	<a href="https://www.webstaurantstore.com/bare-by-solo-hb12b-j7234-12-oz-heavy-weight-paper-bowl-case/760HB12B.html">https://www.webstaurantstore.com/bare-by-solo-hb12b-j7234-12-oz-heavy-weight-paper-bowl-case/760HB12B.html</a>

### Cost Comparison of Plastic Alternatives - FOAM CUPS

Material	Size (Capacity)	Manufactured In	Price/Case	Units/Case	Price/Unit	Webstaurant Link
No Disposable cup provided (reusables on site)					\$0.00	
Expanded Polystyrene Foam (Styrofoam™) 	16 oz.	USA	\$44.28	1000	\$0.04	<a href="https://www.webstaurantstore.com/dart-16-oz-white-customizable-foam-cup-case/30116/16.html">https://www.webstaurantstore.com/dart-16-oz-white-customizable-foam-cup-case/30116/16.html</a>
Paper (Single Poly Coated Paper) 	16 oz.	Unknown	\$41.57	1000	\$0.04	<a href="https://www.webstaurantstore.com/choice-16-oz-white-poly-paper-hot-cup-case/50016W.html">https://www.webstaurantstore.com/choice-16-oz-white-poly-paper-hot-cup-case/50016W.html</a>
Paper (biodegradable lining) 	16 oz.	Unknown	\$70.06	1000	\$0.07	<a href="https://www.webstaurantstore.com/ecochoice-16-oz-leaf-print-compostable-and-biodegradable-paper-hot-cup-case/50016PLAWHT.html">https://www.webstaurantstore.com/ecochoice-16-oz-leaf-print-compostable-and-biodegradable-paper-hot-cup-case/50016PLAWHT.html</a>

### Cost Comparison of Plastic Alternatives - FOAM TRAYS

Material		Size (lengthxwidthxheight)	Manufactured In	Price/Case	Units/Case	Price/Unit	Webstaurant Link
No Disposable tray provided (reusables on site)						\$0.00	
Foam		10.4"x8.4"x1.2"	Unknown	\$25.84	500	\$0.05	<a href="https://www.webstaurantstore.com/genpak-10500-10-3-8-x-8-3-8-x-1-3-16-5-compartment-white-foam-school-tray-case/37410500%20%20%20%20WHITE.html">https://www.webstaurantstore.com/genpak-10500-10-3-8-x-8-3-8-x-1-3-16-5-compartment-white-foam-school-tray-case/37410500%20%20%20%20WHITE.html</a>
Sugarcane		10"x8"x0.75"	Unknown	\$45.49	500	\$0.09	<a href="https://www.webstaurantstore.com/ecochoice-8-1-2-x-12-biodegradable-compostable-sugarcane-bagasse-5-compartment-long-tray-case/395TRAYSL.html">https://www.webstaurantstore.com/ecochoice-8-1-2-x-12-biodegradable-compostable-sugarcane-bagasse-5-compartment-long-tray-case/395TRAYSL.html</a>
Molded Paper Fiber		10.5"x8.5"x1"	USA	\$84.63	500	\$0.17	<a href="https://www.webstaurantstore.com/huhtamaki-chinet-22025-10-1-2-x-8-1-2-white-molded-fiber-pulp-5-compartment-cafeteria-tray-case/433VALLEY.html">https://www.webstaurantstore.com/huhtamaki-chinet-22025-10-1-2-x-8-1-2-white-molded-fiber-pulp-5-compartment-cafeteria-tray-case/433VALLEY.html</a>





# City Commission **agenda item**

<b>item type</b> Public Hearings	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Bronce Stephenson	<b>approved by</b> Bronce Stephenson, Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

Resolution - Approving and authorizing the execution of the License Agreement with Florida Department of Transportation concerning sharing real time traffic system data and the joint use of the regional-integrated corridor management (R-ICM) software system.

## **motion / recommendation**

Approve the resolution establishing a License Agreement between the Florida Department of Transportation (FDOT) and the City of Winter Park.

## **background**

District Five of FDOT encompasses the Central Florida area (including the City of Winter Park), and it has the largest district population size in the State of Florida, having over four million permanent residents, accounting for 20% of the State of Florida's urbanized area population, and the permanent resident population of District Five area is expected to continue to grow at a rate of 1-3% each year. Additionally, FDOT District Five area is home to the nation's top visitor destination with a record 75 million visitors in 2018 (which equates to more than 205,000 visitors per day), and strong growth is expected to continue at a rate of 2-4% per year.

Within the region, there are increasingly limited opportunities for constructing new roadways in densely developed urbanized areas and further expansion of existing arterials may not be cost feasible in consideration of the cost of right-of-way acquisition and in consideration of the potential for negative impacts to local community interests. To meet these challenges, more emphasis and consideration is being placed on the use of transportation system management and operations strategies because they have been shown to improve utilization and the efficiency of urban arterials and to reduce travel time delays.

FDOT has created a software system known as the R-ICM, an acronym for “Regional - Integrated Corridor Management,” and it will be used by the Parties to inform decision making to effectively deliver transportation services to the public. The goal to have a more efficient way to share Real Time Traffic System Data supports the mutual beneficial mission to delivering the public the safest and most efficient transportation system possible. R-ICM depends on a commitment of effective maintenance and continued investment in the technology on the roadside and in Transportation Management Centers by all the regional parties, and the City of Winter Park is committed to helping create solutions through the better use of technology to assess and improve transportation.

#### [alternatives / other considerations](#)

#### [fiscal impact](#)

#### ATTACHMENTS:

[City of Winter Park R\\_ICM License Agreement 10232020 - all changes accepted.pdf](#)

#### ATTACHMENTS:

[Resolution approving R\\_ICM License Agreement - 10-6-2020..pdf](#)

## **LICENSE AGREEMENT**

**THIS AGREEMENT** (“LICENSE AGREEMENT”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter called the “DEPARTMENT,” and **CITY OF WINTER PARK**, a political subdivision of the State of Florida, hereinafter referred to as the “CITY.”

### **RECITALS:**

**WHEREAS**, the District Five of the Department of Transportation encompasses the Central Florida area, and it has the largest district population size in the State of Florida having over four million permanent residents, accounting for 20% of the State of Florida’s urbanized area population, and the permanent resident population of District Five area is expected to continue to grow at a rate of 1-3% each year;

**WHEREAS**, the District Five area is home to the nation’s top visitor destination with a record 75 million visitors in 2018 (which equates to more than 205,000 visitors per day), and strong growth is expected to continue at a rate of 2-4% per year;

**WHEREAS**, there are increasingly limited opportunities for constructing new roadways in densely developed urbanized areas while further expansion of existing arterials may not be cost feasible in consideration of the cost of right-of-way acquisition and in consideration of the potential for negative impacts to local community interests;

**WHEREAS**, the continued economic growth and prosperity of the area depends on a viable transportation system that can safely and efficiently move an ever-greater volume of people and goods;

**WHEREAS**, to meet these challenges, more emphasis and consideration is being placed on the use of transportation system management and operations strategies because they have been shown to improve utilization and the efficiency of urban arterials and to reduce travel time delays;

**WHEREAS**, the Parties have a long standing and mutual beneficial mission to delivering the public the safest and most efficient transportation system possible;

**WHEREAS**, the Parties have worked together in delivering this service by sharing resources such as communication infrastructure, adopting roles most effectively carried out by the appropriate Party, and sharing lessons learned on project implementations;

**WHEREAS**, the Parties recognize that the transportation landscape is rapidly changing with the introduction of new technology, including more advanced signals, connected vehicles, and automated vehicles;

**WHEREAS**, it is in the public's best interest to have a system that is secure, protects privacy, and reacts to changing conditions in a coordinated manner, with local knowledge and regional consideration of impacts;

**WHEREAS**, the Parties desire to share Real Time Traffic System Data in support of the mutual beneficial mission to delivering the public the safest and most efficient transportation system possible;

**WHEREAS**, the Parties recognize that data sharing and coordination between the Parties will need to occur in real time via automated means, using the latest technology, effectively maintained, and connected;

**WHEREAS**, the Department has created a software system known as the R-ICM, an acronym for "Regional - Integrated Corridor Management," and it will be used by the Parties to inform decision making to effectively deliver transportation services to the public;

**WHEREAS**, the scope of services for the R-ICM software systems is attached hereto and incorporated herein as **Exhibit "A,"** entitled "Scope of Services";

**WHEREAS**, the success of the R-ICM depends on a commitment of effective maintenance and continued investment in the technology on the roadside and in Transportation Management Centers by the Parties;

**WHEREAS**, the Parties mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each Party; and

**WHEREAS**, the CITY, by Resolution No.\_\_\_\_\_, dated \_\_\_\_\_, 2020 and attached hereto as **Exhibit “B,”** has authorized its officers to execute this LICENSE AGREEMENT on its behalf.

**NOW THEREFORE**, in the Parties’ consideration of the mutual benefits to be derived from participation in the R-ICM, these standards are summarized below:

1. This LICENSE AGREEMENT is non-exclusive and nothing herein shall be deemed to limit the ability of the DEPARTMENT or the CITY to provide the transportation data and/or services referenced herein to other parties. The foregoing RECITALS are hereby deemed to be true to the best of the knowledge of the parties and are hereby incorporated herein by reference.
2. The CITY has an existing telecommunication connection to the DEPARTMENT.
3. The DEPARTMENT will provide a good faith effort in maintaining the quality of service of the telecommunication connection.
4. The DEPARTMENT has created an R-ICM software for use by the Parties that requires data sharing of the Parties to inform decision making to effectively deliver transportation services to the public.
5. The Parties’ real time traffic data systems provide detection data, probe data, signal status and states, demand status and states, and other information available from the traffic signal controller, the DEPARTMENT’s central system, and the CITY’s Advanced Traffic Management System (ATMS).
6. The Parties’ computerized motorist information systems provide “live” video image

- (“video images”). The video images are not recorded by the DEPARTMENT and may not be recorded by the CITY.
7. The Parties agree to share data from their real time traffic data systems, central system, ATMS, and computerized motorist information systems for the mutual benefit of the traveling public.
  8. The Parties agree that sharing real time data and information may be limited by individual agency policies or statutes or may be the subject of contractual non-disclosure, licenses, or confidentiality agreements.
  9. The DEPARTMENT makes no warranties concerning the quality or accuracy of the data provided under this LICENSE AGREEMENT. The DEPARTMENT does not warrant it will be able to continuously provide the data without interruption and expressly reserves the right to discontinue the data stream at any time.
  10. The CITY agrees that it will not install or operate any equipment, hardware, or software that may interfere with the DEPARTMENT’s communications equipment or other DEPARTMENT electronic systems. If any such interference occurs, the CITY shall immediately remedy all problems caused by such interference to the extent such interference is caused by the acts or omissions of the CITY. The CITY further authorizes the DEPARTMENT to disconnect or deactivate any equipment, hardware or software causing such interference and waives any claim it might otherwise assert as a result of such disconnection or deactivation.
  11. The DEPARTMENT agrees to allow shared operations of Closed-Circuit Television (CCTV) camera operations and pan-tilt-zoom control of DEPARTMENT owned cameras, for transportation purposes only, with the CITY for CCTV cameras located within the CITY’S jurisdictional boundaries.
  12. The CITY agrees to allow shared operations of CCTV cameras and pan-tilt-zoom control of CITY owned cameras for transportation purposes only with the DEPARTMENT.
  13. The CITY agrees to allow the DEPARTMENT the right to disseminate information to the general public. The DEPARTMENT agrees not to derive revenue from the

disseminated information.

14. The DEPARTMENT requests that the CITY give appropriate on-screen, on-air, online, and in-print attribution to the DEPARTMENT for use of the video images.
15. The DEPARTMENT requests that the CITY bear in mind the content of the images when broadcasting. The video feed may sometimes contain sensitive images that can be disturbing or offensive to some viewers, potentially including images of persons or vehicles involved in fatal accidents, law enforcement stops or pursuits of vehicles, identifiable images of the general public or license plates of vehicles, or images of catastrophic events.
16. The DEPARTMENT requests that the CITY provide a disclaimer of any DEPARTMENT endorsement of any advertising located near or in association with the presentation of the video images.
17. The DEPARTMENT operates R-ICM from the Regional Transportation Management Center that is open 24 hours a day, 7 days a week. The DEPARTMENT will maintain operational control of the R-ICM at all times for the mutual benefit of the parties.
18. It is understood and agreed by the Parties that neither Party will have sole control of the overall system. Each Party has its own responsibility to ensure service is delivered. This LICENSE AGREEMENT is not a commitment of funds by either Party. Each Party shall bear its own costs in pursuing the purpose of this LICENSE AGREEMENT.
19. The risk of use of transportation data and/or services by the CITY is the CITY's sole responsibility.
20. The CITY will not be charged any fees under this LICENSE AGREEMENT. Nothing herein may be construed to require one party to indemnify or insure the other party for the other party's negligence or assume any liability for the other party's negligence in contravention of § 768.28(19), Florida Statutes.
21. Either Party may terminate this LICENSE AGREEMENT at any time and without notice, with or without cause.
22. It is understood and agreed by the Parties that if any part, term, or provision of this LICENSE AGREEMENT is held by the courts to be illegal or in conflict with any law



of the State of Florida, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the LICENSE AGREEMENT did not contain the particular part, term, or provision held to be invalid.

23. The term of this LICENSE AGREEMENT commences upon its execution by the last Party to approve and sign it.
24. Each Party agrees that it shall be solely responsible for the wrongful acts of its employees, officers, and authorized agents, to the extent provided under Florida Statutes. Nothing contained herein constitutes a waiver by either Party of its sovereign immunity or otherwise authorizes a third party to maintain a claim or cause of action against either Party that would otherwise be prohibited by the doctrine of sovereign immunity or by operation of law.
25. This writing embodies the entire LICENSE AGREEMENT and understanding between the Parties, and there are no other Agreements and understanding, oral or written, with reference to the subject matter hereof that are not merged herein.
26. This LICENSE AGREEMENT may not be assigned or transferred by the CITY, in whole or part.
27. This LICENSE AGREEMENT is governed by and is to be construed in accordance with the laws of the State of Florida. If a conflict arises between any portion of the LICENSE AGREEMENT and Florida law, the laws of Florida shall prevail.

**IN WITNESS WHEREOF**, the parties hereto have caused this LICENSE AGREEMENT to be executed the day and year first above written.

**CITY OF WINTER PARK**

**STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

Name: Randy Knight

Title: City Manager

Date:

\_\_\_\_\_

Attest:

\_\_\_\_\_  
Rene Cranis, City Clerk

Legal Review:

\_\_\_\_\_  
A. Kurt Ardaman, City Attorney

By: \_\_\_\_\_

Name: John E. Tyler, P.E.

Title: Director of Transportation Operations

Date:

\_\_\_\_\_

Attest:

\_\_\_\_\_  
Executive Secretary

Legal Review:

\_\_\_\_\_

**EXHIBIT "A"**

**SCOPE OF SERVICES**

## Scope of Services

Financial Management Numbers:

### **Central Florida Regional Integrated Corridor Management System Program**

The DEPARTMENT has identified a need for software development services to design, develop, test, deploy, and support the Central Florida Regional Integrated Corridor Management System (hereinafter “ICMS”).

The DEPARTMENT is looking to enter into a contract to procure works-for-hire system design, develop, test, deploy, and support for the ICMS needed as part of the Integrated Corridor Management (“ICM”) Program.

The ICMS will consist of, but not be limited to, commercial off-the-shelf (“COTS”) modeling software, a custom built decision support system (“DSS”), a custom built information exchange network (“IEN”) subsystem that includes dashboards and other user interfaces to the system, and a data fusion environment (“DFE”) to host data sources for both the ICMS and other external users and applications.

The Central Florida Regional ICMS is an essential system for the operating agencies within the region to implement coordinated strategies to meet transportation performance measures and in response to recurring congestion and planned and unplanned traffic events causing congestion and/or delay. The ICMS will become the collective knowledge resource to select appropriate response plans either through an automated or human process and determine potential corridor benefits of proposed response plans. The ICMS is comprised of three main systems: 1) DFE, 2) IEN, and 3) DSS.

The DFE will host a variety of data sets used and produced by the ICMS and other external systems. Data interfaces (“DI”) will be developed to receive Central Florida transportation network data from various transportation data providers into the DFE. Application program interface (“API”) specifications will be provided for the majority of interfaces. However, if a new data source is found to be necessary, the VENDOR may be required to develop the data interface for that source and will include additional APIs as part of a Special Projects scope outside the base scope. The DFE will also serve other D5 transportation operations beyond the needs of the ICMS.

The IEN provides graphical user interfaces (“GUI”) for agencies to view the entire data set of transportation information on a single GUI and interact with the system including invoking response plans. The IEN also provides notifications through text, emails, and mobile applications to notify stakeholder agencies of events and response plan actions needed.

The DSS will be developed to provide a system to review and evaluate the current and predicted conditions of the Central Florida transportation network in order to help operators make smart decisions in managing both recurring and non-recurring congestion conditions. Components to the DSS will include an Expert Rules Engine (“ERE”), a Predictive Engine (“PRE”), and an Evaluation Engine (“EVE”) that will build and select response plans to be evaluated, model the predicted outcomes of the selected response plans, evaluate and score the plans, coordinate with operators and local agency maintainers through the IEN, and invoke

the approved response plan actions through the SunGuide® software system (“SunGuide”). Once the system has deployed a response plan to SunGuide, the DSS will continue to monitor event status for changes and until the congestion has been alleviated so response plans can be modified or deactivated. The core responsibilities of the DSS are as follows:

- a. Monitor, evaluate, and respond to reoccurring congestion along the arterial network.
- b. Evaluate and respond to non-recurring congestion on I-4 within the identified network.
- c. Evaluate and respond to non-recurring congestion on arterial roadways within the identified network.

The main functionality of the ICMS is to:

1. Receive live and historical data from traffic and transportation-related systems and operations in the region;
2. Provide the current status of devices and performance of roadway and transit network within the region of interest;
3. Analyze infrastructure status data to determine the availability of infrastructure components and/or systems to use in corridor improvement strategies and response plans in the region;
4. Analyze collected data to determine transportation performance, potential corridor improvement strategies, and responses to traffic events and congestion. Strategies and responses will include, but are not limited to:
  - Coordinated timing plan for central traffic signal software;
  - Metering state and rates for ramp meters;
  - Hard shoulder running;
  - Dynamic messaging for diverting traffic;
  - Disable pricing on managed lanes;
  - Responder dispatch and coordination; and
  - Transit rerouting and bus bridging.
5. Evaluate the potential benefit of implementing corridor improvement strategies and associated response plans through simulation in real-time and offline;
6. Evaluate the impact of enacted corridor improvement strategies and associated response plans in real-time and offline;
7. Provide stakeholders with the capability to provide and receive transportation-related data; and
8. Present stakeholders with transportation-related analysis, and corridor improvement and response plan recommendations in an interactive real-time manner.
9. There are some areas of the system that were not specified in the requirements. These areas are opportunities to add value in innovated approaches. They include the following:
  - Determine cycle length during period corridor optimization
  - Connected Vehicle Integration
  - Master Signal Determination

**EXHIBIT "B"**

**RESOLUTION**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE LICENSE AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WINTER PARK CONCERNING THE SHARING OF REAL TIME TRAFFIC SYSTEM DATA AND THE JOINT USE OF THE REGIONAL – INTEGRATED CORRIDOR MANAGEMENT (“R-ICM”) SOFTWARE SYSTEM; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida Department of Transportation (“FDOT”) and City of Winter Park desire to facilitate the sharing of Real Time Traffic System Data and joint use of the R-ICM software system as more specifically described in the License Agreement attached hereto; and

**WHEREAS**, the FDOT has requested the City of Winter Park to execute and deliver to the FDOT the License Agreement and adopt a Resolution approving the same;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, that:**

SECTION 1. The City Commission hereby approves and authorizes the Mayor or the City Manager of the City of Winter Park to execute and deliver to the State of Florida Department of Transportation the License Agreement attached hereto.

SECTION 2. This Resolution shall take effect immediately upon its adoption.

**PASSED AND RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Winter Park, Florida.

**APPROVED:**

\_\_\_\_\_  
Steve Leary, Mayor

**ATTEST:**

\_\_\_\_\_  
Rene Cranis, City Clerk



# City Commission agenda item

item type Public Hearings	meeting date November 11, 2020
prepared by Rene Cranis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

## subject

Request of the City of Winter Park for:

- Ordinance - amending Article IV "Sign Regulations" providing for revised regulations relating to temporary signage. (Second Reading)

## motion / recommendation

P&Z Board and staff recommendation is for approval of the Ordinance as presented.

## background

**The ordinance has been revised for second reading.**

Definitions of "banner" and "flag" have been added at the request Code Compliance staff. Banners are prohibited under our Code. Up to three Flags are allowed. When Code Compliance goes to tell a business that their wind sign banner is illegal they argue that it is a flag. "Show me where it says this is not a flag" is what they hear. Current code does not have a definition of either.

This would not be a substantial change since the regulations that apply do not change, just adding a definition.

This public hearing is to consider an Ordinance to amend the City Sign Code to revise the regulations for temporary signs. There are many types of temporary signs but the proposed changes in this Ordinance focus on political or election signs as well as event or free expression signs.

Political or election signs are temporary signs in support of candidates for elected office, or other voter election issues to be on a ballot. Event or free expression signs would advocate for variety of causes. We typically see such signs promoting an event like a Church rummage sale, announcing a child as a high school graduate, advocating for social justice and other political causes on a range of opinions on local or national issues.



Constitutional law requires that local government make provisions for all types of these political and free expression signs based upon the First Amendment to the US Constitution providing for “free speech” and such signage regulations must be content neutral.

Part of the objective of this Ordinance is to update the temporary sign regulations based on current constitutional law and to make the regulations for temporary signs uniform. A summary of the changes are as follows:

1. The Ordinance has reorganized the regulations that apply to all types of temporary signs including construction development signs, real estate signs, etc. so that they are all grouped under one Code section uniformly.
2. The Ordinance revises the size of permitted temporary political, election, event or free expression signage to a maximum of 12 square feet in total (per street frontage) with no one sign greater than 4 square feet in size. The Ordinance is consistent with Orlando’s code in limiting no more than two election signs while then allowing another temporary sign to be a real estate or event/free expression sign. Currently Winter Park is the only jurisdiction in Orange County that restricts such temporary election signage to a limit of two signs, each a maximum of two square feet. The allowable size for election signs in every other Orange County jurisdiction is at least 4 square feet in size.
3. The Ordinance also removes the 45-day pre-election timeline that currently exists as current case law does not allow for the restriction of election signage to any number of days prior to an election.
4. The new text emphasizes that all types of temporary signage, including election signs cannot be placed in the public right-of-way and cannot be placed on a property without the consent of the owner or the tenant of the property. When vacant lots are used for a proliferation of political signs, this section will allow for their removal. This section also states the normal practice that such illegally placed temporary signage in the street right-of-way and on public property shall be subject to removal.

A comparison with other nearby jurisdictions for election and free expression signs is as follows:

Orange County:

Residential Zones: 16 sq. ft. max. total                      Other zones: 32 sq. ft. max.

No limit on the number of signs except the total area cannot exceed the square footage.

Winter Garden: 8 sq. ft. max. total                      Other zones: 32 sq. ft. max.

No limit on the number of signs except the total area cannot exceed the square footage.

Maitland: 6 sq. ft. max. each sign      Other zones: 32 sq. ft. max.

No limit on the number of signs; only one for each candidate with a max. 6 sf. size.

Orlando: 4 sq. ft. max. each sign      Other zones: 32 sq. ft. max.

Election signs and limited to two signs per property.

These new proposed temporary signage rules would be similar to Orlando's regulations. Both cities would allow up to two election signs, each a maximum of 4 sq. ft. in size. The same property could have another temporary sign such as a real estate sign or free expression sign.

Planning & Zoning Board Minutes from October 6, 2020:

- ZTA #20-06 Request of the City of Winter Park for: An Ordinance Amending Article IV "Sign Regulations" Providing for Revised Regulations Relating to Temporary Signage.

Mr. Briggs provided the Board a brief summary of the ZTA #20-06 request. Mr. Briggs explained that the City Commission is seeking to change the size limit of election signs from two square feet to four square feet to be in alignment with all other jurisdictions in Orange County. The temporary sign regulations are proposed to be grouped together into one section and include the following adjustments:

- The size of all temporary signs revised to a maximum of 12 square feet per property, per street frontage. No one temporary sign may be more than four square feet on any property. Thus, a maximum of three signs, up to four square feet each.
- The allowance of up to two election signs and up to one real estate sign or one free expression sign.
- Removal of the 45-day pre-election timeline that currently exists.
- Added emphasis that all types of temporary signage, including election signs cannot be placed in the public right-of-way or on city property and cannot be placed on a property without the consent of the owner or the tenant of the property.

The Board briefly discussed the proposed ordinance. Questions were raised regarding necessary conformity, time limits for removal of election signs, and any public appeal with regard to the current sign regulations.

No one from the public wished to speak. The public hearing was closed.

**Motion made by David Bornstein, seconded by Michael Spencer, for recommendation of an Ordinance Amending Article IV "Sign Regulations" Providing for Revised Regulations Relating to Temporary Signage.**

**Motion carried with a 5-2 vote. (Chairman Ross Johnston and Jim Fitch voted in opposition of the recommendation)**

[alternatives / other considerations](#)

fiscal impact

ATTACHMENTS:

[Temporary Sign\\_Ordinance\\_\(Second Reading\) Redline 11-5-2020.pdf](#)

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
AMENDING ARTICLE IV OF CHAPTER 58 OF THE LAND  
DEVELOPMENT CODE CONCERNING SIGN REGULATIONS;  
PROVIDING FOR REVISED REGULATIONS RELATING TO  
TEMPORARY SIGNAGE; PROVIDING FOR CONFLICTS,  
CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park (the “City”) recognizes that the location and maintenance of temporary signage affects the public health, safety, and general welfare of the businesses and residents of the City, and that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing and visually attractive environment of utmost importance; and

**WHEREAS**, the City recognizes that the regulation of temporary signage within the City is a means by which the aesthetics and character of the City may be maintained, and that the uncontrolled and unlimited proliferation of temporary signage would degrade the attractiveness of the natural and manmade attributes of the City, thereby undermining the economic value of tourism, visitation, and permanent economic growth; and

**WHEREAS**, the City finds that the regulation of temporary signage shall further improve pedestrian and traffic safety within the City, minimize the adverse possible impacts of temporary signage on nearby public and private property, lessen the competition and visual clutter that may otherwise be caused by the improper placement, excessive height, excessive size, or increasing numbers of temporary signage that conceals or obstructs adjacent land uses or signs; and

**WHEREAS**, the City has deemed it necessary to clarify and simplify existing temporary signage regulations and to provide additional revisions necessary to ensure the delicate balancing of First Amendment and free speech principles while achieving the City’s goals of creating a healthy, safe, and attractive environment that does not contain excessive clutter and visual distractions throughout the City; and

**WHEREAS**, in accordance with section 163.3174, Florida Statutes, and section 58-3 of the City Code of Ordinances, the City’s local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein;

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

**SECTION I: RECITALS.** The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

**SECTION II:** Portions of Chapter 58, Land Development Code, Article IV, Sign Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

\* \* \*

**SECTION III:** Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-123 “Definitions” is hereby amended to add or amend the definitions as shown below:

**Sec. 58-123. – Definitions.**

*Banner* means anything attached to a building, wall, pole, or any structure that is visible from a street or right-of-way which displays a message, color(s), logo, or other design. As opposed to a flag, a banner is attached to structures or mounts at opposite ends, hung from a horizontal mount with the length of the banner running parallel to such mount, or otherwise affixed to the side of a building, wall, or any other structure.

*Flag* means any material which displays a message, color(s), logo, or other design, which is attached at one side of the flag, with the length of the flag perpendicular to a singular flagpole when fully extended.

*Snipe sign* means any unauthorized sign of any material whatsoever that is placed upon public property or attached in any way to any public utility pole, tree, or any other object located or situated on or within any public road right-of-way or easement or placed upon a private property without the express written permission of the property owner.

*Temporary sign* means any sign that is not a permanent sign. Temporary signs shall include any and all signs formerly or commonly referred to as temporary election signs, temporary political signs, temporary free expression signs, temporary real estate signs, temporary directional signs, temporary construction signs, temporary grand opening signs, or any other temporary sign unless otherwise expressly provided herein. Permitted temporary signs shall not include any sign devoted to commercial off-site advertising for services such as lawn care, day care, construction services or solicitations.

**SECTION IV:** Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-134 “Temporary signs” subsections (a) through (e) are hereby repealed in their entirety and shall be amended, modified and readopted as subsections (a) through (f) as shown below:

**Sec. 58-134. – Temporary signs.** In addition to other signs permitted by this section, temporary signs may be permitted in accordance with the following requirements. Such temporary signs shall meet all requirements of this article except as otherwise provided in this subsection. Further, a temporary sign may display multiple independent messages on any portion of the sign surface or copy area of such temporary sign.

- (a) Each property in the City shall be allowed twelve (12) square feet of non-illuminated temporary signage on each street frontage. Such temporary signs may be either where an owner or resident is actively attempting to sell or lease such property, either personally or through an agent, or is displaying signage which is supporting an election or political purpose or free expression purpose. Such temporary sign(s) shall not

- individually exceed four (4) square feet in area nor six (6) feet in height. Temporary signs promoting an election, political purpose shall be limited to no more than two (2) signs per street frontage and only one per candidate. Temporary signs promoting an event, free expression or a real estate purpose shall be limited to no more than one (1) sign per street frontage. Such sign(s) may be up to twelve (12) square feet in size in areas that are permitted for nonresidential buildings as long as the twelve (12) square feet is used entirely for the purpose of advertising the sale or lease of property, otherwise, such signs are limited to four (4) square feet in size.
- (b) Temporary signs used for the purpose of supporting an event, ~~including an election or political purpose~~ shall be removed within seven (7) days after the event ~~or election~~ is ~~held~~concluded.
  - (c) One on-site non-illuminated temporary development sign may be permitted on property where there is an active building program is underway to identify the project, the developer, architect, contractor, realtor and others involved in the design, construction and financing in accordance with Florida law. Such sign shall be permitted on a temporary basis and shall not be erected more than five days prior to the start of construction. Such temporary sign shall be removed upon issuance of a certificate of occupancy or when there has been no construction activity on the property for sixty (60) days or more. Such sign shall be limited to one per street frontage and shall not exceed eight (8) square feet in size or six (6) feet in height for single family and duplex building projects; thirty-two (32) square feet in size and eight (8) feet in height for multifamily building projects and thirty-two (32) square feet for nonresidential building projects. For construction projects of multi-family or non-residential buildings, the wind screen coverings on construction fences may contain pictures and perspective elevations of the project but the area of text, words, logos, and other project information shall not cover more than thirty-two (32) square feet of the fence wind screen materials per street frontage.
  - (d) In addition to the above, a maximum of two additional temporary signs may be used to direct interested persons to the location of an open house. The two directional signs are limited in size to four (4) square feet, may not be adorned with any visual attractors such as balloons or pinwheels and may be placed in the public right-of-way subject to not blocking visibility for traffic and are subject to allowing removal by the abutting property owner if that owner does not consent to the placement of the sign. Such directional signs shall be posted only during the hours of 9:00 a.m. to 6:00 p.m. and shall be removed immediately following the close of the open house event. Open house signage shall not be posted more than two days per week.
  - (e) All temporary signs shall be located only on private property with the express permission of the property owner or occupant of such property, and such signage shall be located behind the sidewalk, or ten (10) feet behind the curb or edge or pavement, whichever is greater. When a vacant property is used for the placement of more than two (2) temporary signs, the City may presume that the property owner has not granted express permission for such temporary signage and such signs may be removed by the city. No such temporary signage shall be allowed on any public property or within the public right-of-way. Temporary signage that is placed in violation of this subsection is subject to immediate removal and disposal by the city.

## **~~Sec. 58-134. -- Temporary signs.~~**

~~(a) In addition to other signs permitted by this section, temporary signs may be permitted in accordance with the following requirements: Such temporary signs shall meet all requirements of this article except as otherwise provided in this subsection.~~

~~(b) Subdivision development signs shall be permitted to identify subdivisions where an active building and development program is underway. Such signs shall be permitted on a temporary permit basis only for a maximum of two years or until the subdivision is completed, whichever shall occur first. Such signs shall be limited to one per street frontage and shall not exceed 32 square feet in size or eight feet in height. For construction projects of multi-family or non-residential buildings, the wind screen coverings on construction fences may contain pictures and perspective elevations of the exterior of the project on up to 50 percent of the wind screen area but the area of text, words, logos, and other project information shall not cover more than 32 square feet of the fence wind screen materials per street frontage.~~

~~(c) On site development signs shall be permitted on property where there is an active building program underway to identify the project, the developer, architect, contractor, realtor and others involved in the design, construction and financing. Such signs shall be permitted on a temporary basis and shall not be erected more than five days prior to the start of construction. Signs shall be removed upon issuance of a certificate of occupancy or when there has been no construction activity on the property for 60 days or more. Such signs shall be limited to one per street frontage and shall not exceed eight square feet in size or six feet in height for single family and duplex building projects; 32 square feet in size and eight feet in height for multifamily building projects and 32 square feet for nonresidential building projects. For construction projects of multi-family or non-residential buildings, the wind screen coverings on construction fences may contain pictures and perspective elevations of the project but the area of text, words, logos, and other project information shall not cover more than 32 square feet of the fence wind screen materials per street frontage.~~

~~(d) One temporary real estate sign offering real property for sale or lease shall be permitted on each street frontage of properties where an owner is actively attempting to sell or lease such property, either personally or through an agent. Such sign shall not exceed four square feet in area nor six feet in height in residential zones for one or two family dwellings and shall not exceed 12 square feet in area for multifamily dwellings or nonresidential buildings. All such temporary real estate signs shall be located behind the sidewalk or ten feet behind the curb or edge of pavement, whichever is greater. Additionally, a maximum of two "open house" signs may be used to direct interested persons to the location of an open house, in addition to the "open house" sign placed at the site of the real property offered for sale. The two directional signs are limited in size to two square feet and may be placed in the public right of way subject to not blocking visibility for traffic and are subject to allowing removal by the abutting property owner if that owner does not consent to the placement of the sign. Such "open house" signs shall be posted only during the hours of 9:00 a.m. to 6:00 p.m. and shall be removed immediately following the close of the open house event. Open house signage shall not be posted more than two days per week.~~

~~(e) Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that such signs are subject to the following regulations:~~

~~(1) Such signs shall be erected not earlier than 45 days prior to such election and shall be removed within three days following such election. For city elections, political signs posted prior to the date of the scheduled primary election date may remain posted until three days following the general election.~~

~~(2) One sign is permitted on any one property frontage, except as modified herein. Such signs shall not exceed two square feet in area, and if detached, shall not exceed six feet in height. For city elections, when an election is held for two city commission seat vacancies, two signs (one for each seat) are permitted on any one property frontage. In addition, one additional sign (other than a sign for a city commission seat or city mayoral candidate) may be placed on any property street frontage. For elections when no city commission or mayoral candidate or other city matter is on the ballot, one sign is permitted on any one property frontage.~~

~~(3) All signs shall be located behind the sidewalk, or ten feet behind the curb or edge or pavement, whichever is greater.~~

~~(4) Any candidate, election committee or organization for an electoral measure that does not conform to these provisions shall be subject to the misdemeanor penalties provided by [section 1-7](#) of this Code of Ordinances, or shall be subject to issuance of a citation under [chapter 1](#), article II, of this Code of Ordinances or shall be subject to issuance of a notice to appear before the city's code enforcement board as provided under [chapter 2](#), article III, division 4 of this Code of Ordinances.~~

~~Prior to the imposition of any of the foregoing penalties on a candidate for political office, written notice of the violation shall be delivered to the candidate's local campaign treasurer or to the candidate or his representative. If the violation is not corrected within 72 hours following delivery of such notice, the candidate shall be in violation of this subsection (e) whether or not the candidate erected the signs constituting the violation.~~

~~Prior to the imposition of any of the foregoing penalties on an election committee or organization for an electoral provision, written notice of the violation shall be delivered to the person or persons who publicly represent themselves as chairman of or in charge of such committees or organizations. If the violation is not corrected within 72 hours following delivery of such notice, the election committee or organization for an electoral provision shall be in violation of this subsection (e) whether or not the committee or organization erected the signs constituting the violation.~~

**SECTION V. INCONSISTENCY.** If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

**SECTION VI: SEVERABILITY.** If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

**SECTION VII: CODIFICATION.** Sections II through IX of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be



changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s errors.

**SECTION VIII:** This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

**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 \_\_\_\_\_, 2020.

**City of Winter Park**

\_\_\_\_\_  
Steven M. Leary, Mayor

Attest:

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



# City Commission agenda item

item type Public Hearings	meeting date November 11, 2020
prepared by Rene Cranis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

## subject

Request of the City of Winter Park for:

- Ordinance - amending Article IV "Sign Regulations" providing for revised regulations relating to definitions; modifications for signage in certain zoning locations; and clarifying the types of permitted and prohibited signs. (Second Reading)

## motion / recommendation

P&Z Board and staff recommendation is for approval of the Ordinance.

## background

This public hearing is to consider an Ordinance to amend the City Sign Code to revise the regulations and allowances for certain signs. These are updates to the Sign Code regulations based on direction from the City Commission and observations by staff. A summary of the changes are as follows:

1. The Ordinance requires that when a building is demolished, the ground or pole sign is also demolished entirely. Now only sign face must be removed. All ground signage on such redeveloped office or commercial properties then requires that the pole sign must be replaced by a ground level monument sign.
2. The Ordinance imposes a maximum 50 square foot limitation for wall signs regardless of the amount of signable wall area.
3. The Ordinance reduces the size of under awning and under canopy signs along Park Avenue and New England Avenue from six square feet to four square feet to match the existing conditions that exist along these streets.
4. The Ordinance adds various sign definitions that were missing from the current code language and clarifies that other types of signs are prohibited, such as people spinning signs (human signs) and that no advertising signage is permitted on traffic control boxes.

Planning & Zoning Board Minutes from October 6, 2020:

- ZTA #20-07 Request of the City of Winter Park for: An Ordinance Amending Article IV “Sign Regulations” Providing for Revised Regulations Relating to Definitions; Modifications for Signage in certain Zoning locations; and Clarifying the types of permitted and prohibited signs.

Mr. Briggs provided the Board an overview of the ZTA #20-07 request. Mr. Briggs explained that the proposed revisions to the Ordinance include the following:

- The requirement that ground or pole signs are entirely demolished when a building is demolished. The pole sign must also be replaced by a ground level monument sign on such redeveloped office or commercial properties.
- The imposition of a maximum 50 square foot limitation for wall signs regardless of the amount of signable wall area.
- The reduction of the size of under awning and under canopy signs along Park Avenue and New England Avenue from six square feet to four square feet to match the existing conditions along these streets.
- The addition of various sign definitions that were missing from the current code language and the clarification that other types of signs are prohibited.

The Board briefly discussed the proposed ordinance. Questions were raised regarding existing signs being grandfathered in, controlling signage on dark store fronts, and monument sign height limits.

No one from the public wished to speak. The public hearing was closed.

**Motion made by Laura Turner, seconded by Richard James, for recommendation of an Ordinance Amending Article IV “Sign Regulations” Providing for Revised Regulations Relating to Definitions; Modifications for Signage in certain Zoning locations; and Clarifying the types of permitted and prohibited signs.**

**Motion unanimously carried with a 7-0 vote.**

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Sign Ordinance\\_Staff Updates\\_2020.docx](#)

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE IV “SIGN REGULATIONS” OF CHAPTER 58 LAND DEVELOPMENT CODE; PROVIDING FOR REVISED REGULATIONS RELATING TO AMENDMENTS TO DEFINITIONS; MODIFICATIONS FOR SIGNAGE IN CERTAIN ZONING LOCATIONS; CLARIFYING TYPES OF PERMITTED AND PROHIBITED SIGNS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park (the “City”) recognizes that the location and maintenance of signage affects the public health, safety, and general welfare of the businesses and residents of the City, and that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing and visually attractive environment of utmost importance; and

**WHEREAS**, the City recognizes that the regulation of signage within the City is a means by which the aesthetics and character of the City may be maintained, and that the uncontrolled and unlimited proliferation of signage would degrade the attractiveness of the natural and manmade attributes of the City, thereby undermining the economic value of tourism, visitation, and permanent economic growth; and

**WHEREAS**, the City finds that the regulation of signage shall further improve pedestrian and traffic safety within the City, minimize the adverse possible impacts of temporary signage on nearby public and private property, lessen the competition and visual clutter that may otherwise be caused by the improper placement, excessive height, excessive size, that conceals or obstructs adjacent land uses or signs; and

**WHEREAS**, in accordance with section 163.3174, Florida Statutes, and section 58-3 of the City Code of Ordinances, the City’s local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein;

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

**SECTION I: RECITALS.** The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

**SECTION II:** Portions of Chapter 58, Land Development Code, Article IV, Sign Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

\* \* \*

**SECTION III:** Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-123 “Definitions” is hereby amended to add or amend the definitions as shown below:

**Sec. 58-123. – Definitions.**

*Canopy (or marquee)* means a permanent roof-like shelter extending from part or all of a building face over the sidewalk or public right-of-way or a colonnade where the upper floor(s) extend over the pedestrian sidewalk and constructed of some durable materials such as wood, metal glass or plastic.

*Monument sign* means a freestanding ground mounted sign which is supported by and integrated with an internal structural framework covered by a solid base, as opposed to exposed poles, posts, columns or other such structural supports.

*Signable area* means an area of the façade of a building up to the roof line, not including parapet façade areas, which is free of windows and doors or ~~major~~ architectural detailing.

**SECTION IV:** Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-124 “Signs permitted in zoning districts of the city” is hereby amended in subsection (d) (3) (5) and (6) and by the addition of a new subsection (g) as shown below:

**Sec. 58-124. Signs permitted in zoning districts of the city.**

(d) Commercial (C-2) district.

(3) Ground signs and projecting signs on properties or buildings within the ~~central business district~~ C-2 district shall be limited to an area of each face of 20 square feet and shall have a minimum clearance of seven feet unless such sign is a ground level monument sign.

(5) Signs attached to the underside of a canopy or colonnade shall have a copy area no greater than four ~~six~~ square feet for single tenant signs and six square feet for multi-tenant signs, with a maximum letter height of nine inches, subject to a minimum clearance of seven feet from the sidewalk or pedestrian walkway. Under canopy signs shall not have any lighting either internal, on the sign face or external.

(6) Commercial (C-2) district properties may not have digital, electronic, and/or internally-illuminated signs, such as backlit plastic, acrylic or glass. Front lighting of signs is encouraged. External illumination must be provided by a light source that is installed to prevent direct light from shining onto the street or adjacent properties. Flashing or moving lights are not permitted. Backlit halo-type opaque sign lettering is permitted, however, the light color must be white or subdued and muted such as a pastel shade. Sign faces and sides may not be translucent and must be an opaque material such as metal or wood.

(e) General commercial (C-3), limited commercial (C-3A) and light industrial (I-1) districts.

(1) Each ~~premises or~~ building shall be permitted one ground sign indicating only the business, commodities, service or other activity sold, offered or conducted on the property. Where a ~~premises~~ building has in excess of 300 feet of frontage, one additional ground sign may be erected for each additional 300 feet of street frontage in excess to the first 300 feet. Ground signs shall also comply with the applicable provisions of [section 58-125](#). Service stations shall be permitted one additional ground sign not exceeding 32 square feet of area per face indicating only the prices of fuels sold on the premises. A ground sign must be located entirely on private property behind the lot line. Effective January 1, 2021, whenever a property is undergoing redevelopment such that the principal building has been demolished or more than 50% of the building structure or structural elements have been removed, then the ground or pylon sign must also be removed and the only type of ground sign that is permitted to be erected is a monument sign.

(g) Medical arts (MA) district.

- (1) Signs in the medical arts district shall comply with the regulation for the office (O-1) and (O-2) districts except that the city commission may approve a master sign plan permitting additional signs, height and area as appropriate for the medical campus and buildings.
- (2) Signs in the medical arts district shall also comply with the provisions of the office districts including paragraph (3) related to sign types, design and illumination.

**SECTION V:** Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-125 “Ground signs” in subsection (d) “Height and area” in the text above Table I, is hereby amended as shown below:

**Sec. 58-125. - Ground signs.**

(d) *Height and area.* The maximum permitted height and area of signs should be related to the environment in which the sign will be seen and to the type of ground sign utilized either a pylon or pole supported sign or a monument supported ground sign. Therefore, the limits in Table I are based on traffic speed and number of lanes on streets in the city. The maximum height of any pylon or pole supported ground sign other than a monument sign shall not exceed the limits established by Table I, per sign face. ~~If the sign has more than one face, the total area shall not exceed twice the area permitted for one face.~~ The maximum height for a monument supported ground sign shall not exceed 20 feet on the four lane arterial roadways of Orlando Avenue, Aloma Avenue and Lee Road and shall not exceed 8 feet in height for all other roadways.

TABLE 1  
MAXIMUM PERMITTED HEIGHT AND AREA  
OF PYLON AND POLE SUPPORTED GROUND SIGNS

Street	Area Each Face (square feet)	Max. Height From Grade (feet)
2-Lane Streets	36	8
Orlando Ave., Aloma Ave., Lee Rd.	100	25
All other 4—6 lanes	50	20

**SECTION VI:** Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-126 Wall signs is hereby amended as shown below:

**Sec. 58-126. - Wall signs.**

a) *Signable area determination.* The occupancy displaying a wall sign shall with the City's approval, determine the signable area by choosing one such area on the building facade or wall and by then calculating the number of square feet which are enclosed by an imaginary rectangle or square which is drawn around this wall area.

(b) *Area limits.* In all cases, wall sign areas refer to the area of copy including words, logos and decorative elements rather than the area of the and blank background or frame.

(1) Where an occupancy has no ground, roof or projecting sign on the same premises, 45 percent of the signable area may be used for copy.

(2) Where an occupancy has a ground sign but no roof or projecting sign on the same premises, 30 percent of the signable area may be used for copy.

(3) Where an advertiser has a projecting sign but no ground sign on the same premises, 15 percent of the signable area may be used for copy.

(4) However, in no case shall any wall sign exceed fifty (50) square feet, regardless of the amount of signable area.

(c) *Interruption of architectural features.* A wall sign shall not interrupt any ~~major~~ architectural features of the building, and shall not project from the wall by more than 12 inches.

~~(d) *When unrestricted.* One identification wall sign four square feet in area or less with non-illuminated letters up to but not exceeding three inches in height, is not restricted and shall be permitted in addition to regulated signage.~~

**SECTION VII:** Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-128 "Canopy (or marquee) signs", subsection (6) is hereby amended to add or amend the definitions as shown below:

**Sec. 58-128. Canopy (or marquee) signs.**

- (6) Signs attached to the underside of a canopy or colonnade shall have a copy area no greater than four ~~six~~ square feet for single tenant signs and six square feet for multi-tenant signs, with a maximum letter height of nine inches, subject to a minimum clearance of seven feet from the sidewalk or pedestrian walkway in the ~~central business district~~ (C-2) zoning district, and eight feet from the sidewalk or pedestrian walkway in all other districts and shall be mounted as nearly as possible at right angles to the building face. Under canopy signs shall not have any lighting either internal, on the sign face or external.

**SECTION VIII:** Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-133 “Nonconforming signs”, subsection (b) is hereby amended to add or amend the definitions as shown below:

**Sec. 58-133. Nonconforming signs and signage permitted for redevelopment.**

- (b) Whenever the occupancy of a premises with nonconforming signs changes, the new occupant shall be required to remove, change or alter such signs to conform to the provisions of these regulations. This requirement is not intended to apply to changes in ownership where the same type of business, continues to occupy the premises. Whenever a building is demolished or more than 50% of the building or structural elements have been removed for redevelopment, any existing ground signs shall also be demolished and completely removed including all parts of the structure and base at the same time as the demolition is permitted and occurs and any new signs shall be required to conform to the provisions of these regulations.

**SECTION IX:** Chapter 58, Land Development Code, Article IV, Sign Regulations, Subsection 58-135 “Prohibited signs” is hereby amended by adding and amending subsections (12) through (14) as shown below:

**Sec. 58-135. – Prohibited signs.**

The following types of signs are expressly prohibited in all districts, except as otherwise provided by this article:

- (13) Human signs.
- (14) Signage, lettering or logos on any sidewalk café seating umbrella, chair or table located within a public right-of-way.
- (15) Any sign not expressly permitted in article IV, sign regulations, or elsewhere in this code is prohibited.
- (16) Any signage attached to or made as a part of any traffic signal box or cabinet.



**SECTION X. INCONSISTENCY.** If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

**SECTION XI: SEVERABILITY.** If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

**SECTION XII: CODIFICATION.** Sections II through IX of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s errors.

**SECTION XIII:** This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

**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 \_\_\_\_\_, 2020.

**City of Winter Park**

\_\_\_\_\_  
Steven M. Leary, Mayor

Attest:

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



# City Commission agenda item

item type Public Hearings	meeting date November 11, 2020
prepared by Randy Knight	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

## subject

Ordinance - Proposing amendments to the charter related to establishment of single member districts and providing for referendum at the election on March 9, 2021. (First Reading)

## motion / recommendation

This is a policy issue before the Commission. A vote for the ordinance is a vote to place the issue of Single Member Districts on the March 2020 ballot without a citizen petition initiative. A vote against is a vote for the status quo until there is a citizen petition initiative.

## background

A change to the Charter requires a vote of the residents. There are two ways to place an ordinance before the voters. One, the Commission can place it on the ballot by adopting an ordinance. Two, the citizens can place it on the ballot through the petition initiative process outlined in the charter. At the request of the Commission this ordinance is on the agenda without the citizen petition process.

Under the current Charter the city is governed by a Mayor and four Commissioners elected at large. That provision of the Charter reads as follows:

### ***Sec. 2.01. - Commission created; composition; designation; election generally.***

***There is hereby created a city commission to consist of five (5) members, one of whom shall have the title of "mayor." The other four shall be known and designated as "commissioners," one of whom shall be elected vice mayor as set forth in Section 2.06. The city commission shall be elected at large and hold office in the manner hereinafter provided, and shall constitute the governing body and authority of the city, with all the powers and privileges herein granted and provided.***

The commission held a work session on October 8, 2020 and discussed the details of a potential ordinance to place the issue of changing to Single Member Districts on the March 9, 2021 ballot.

The consensus on policy issues from that meeting are reflected in the ordinance attached. The general provisions of the ordinance are as follows:

The Mayor would continue to be elected at large.

There would be four district commissioners elected by the voters residing within each respective district.

Candidate must live in the district for which they are running. Provides for opening up to others to run if no one residing in the district qualifies.

Provides for a seven member districting commission to draw the district boundaries in accordance with federal and state laws and related case law and based upon the 2020 Census. The districting commission will be appointed the same manner as other citizen boards as established by the Charter.

The City Commission will establish the district boundaries after considering the recommendations of the districting commission.

Provides for a transition to Single Member Districts beginning with the election in March 2022.

Provides for future modifications to districts as population changes.

#### **alternatives / other considerations**

If the City Commission votes down the ordinance the current governance structure will remain.

#### **fiscal impact**

There will be minor cost associated with advertising and providing educational materials in regard to this ballot question.

Going forward, if the voters approve this measure, there would be minor savings to the city in election costs for the two out of three years that are not a city-wide mayoral election. The estimated savings is about \$9,500 for those years.

#### **ATTACHMENTS:**

[Single Member Districts Charter Referendum Ordinance.pdf](#)

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK RELATED TO ESTABLISHMENT OF SINGLE MEMBER DISTRICTS FOR ELECTION OF CITY COMMISSIONERS AND THE CREATION AND ADJUSTMENT OF COMMISSION DISTRICTS; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF WINTER PARK ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 9, 2021; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AMENDMENT OF SECTION 42-7(c) OF THE CITY CODE IF THE CITY CHARTER AMENDMENT SET FORTH HEREIN IS ADOPTED; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE, CHARTER AMENDMENTS AND CITY CODE AMENDMENT; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.**

**WHEREAS**, the City Charter of the City of Winter Park currently provides for at-large elections of City Commissioners without regard to their residency in any particular area or district of the City; and

**WHEREAS**, although the City's current at-large voting scheme is a fair and legally valid form of representation, a number of City residents have expressed a preference for a single-member voting scheme whereby City Commissioners would be elected from separate districts of the City; and

**WHEREAS**, the City Commission wishes to give the residents of the City the opportunity to vote upon and adopt the City Charter amendments provided in this Ordinance, which would transition the City from an at-large to a single-member voting scheme.

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

**Section 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

**Section 2. Charter Amendment.** The City is hereby allowing the voters to decide whether to amend Section 2.01, Section 2.02 and Section 3.05 of the City Charter and to add a new Section 2.20 to the City Charter as described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars \*\*\* indicate separations between sections and do not represent Charter amendments):

**Sec. 2.01. - Commission created; composition; designation; election generally.**

There is hereby created a city commission to consist of five (5) members, one of whom shall have the title of "mayor." The other four shall be known and designated as "commissioners," one of whom shall be elected vice mayor as set forth in Section 2.06. The mayor shall be elected at large. Beginning with the general election of March 2022, each of the four commissioners shall represent a single-member district and shall be elected by the voters within the district that they represent. The city commission shall ~~be elected at large~~ and hold office in the manner hereinafter provided, and shall constitute the governing body and authority of the city, with all the powers and privileges herein granted and provided.

**Sec. 2.02. - Qualifications.**

(a) Members of the city commission shall be residents of the city and shall have the qualifications of electors therein.

(b) Beginning with the general election of March 2022, a candidate for a city commission seat other than mayor must have established residency within the district for which they seek election by the end of the qualifying period, except as provided in this section.

(c) Beginning with the commissioner terms of office resulting from the general election of March 2022, each commissioner, except for the mayor, must be a resident of the district that they represent and maintain residency within the district during their term of office, except as provided in this section.

(d) In the event that there is no qualified candidate satisfying the district residency requirement for a particular commission seat by the end of the qualifying period, there shall be an additional qualifying period for such seat

as established by resolution or ordinance and the district residency requirement shall not apply to that seat during such election and corresponding term of office resulting from said election.

(e) In the event a commissioner fails to meet the district residency requirements for holding office solely as the result of a redistricting or charter revision that occurs during the term of office, such commissioner shall not be deemed to have forfeited such office and may continue to serve in office for the remainder of the commissioner's term provided the commissioner maintains his/her residency existing at the time of redistricting or charter revision. The exception set forth in this subsection specifically applies to allow city commissioners holding office at the time this section is adopted to serve out the remainder of their terms of office regardless of whether such city commissioners reside in the district that they are assigned to represent.

\*\*\*

**Sec. 2.20 - City commission districts; adjustment of districts.**

(a) The city shall establish four (4) city commission districts. Each district shall be formed of compact and contiguous territory. The districts shall be approximately equal in population based upon the principle of equal and effective representation with a deviation in the population of a district when formed not exceeding five (5) percent of the average population for all commission districts.

(b) A seven (7) member districting commission must be created by resolution of the city commission to study and propose the creation and/or readjustment of district boundaries when required herein. Each member of the districting commission must be a registered voter residing in the city and not be employed by the city. The mayor will appoint three (3) members to the districting commission and each of the four (4) commissioners will appoint (1) member to the districting commission.

(c) A districting commission will be created under the following circumstances:

(1) As soon as practicable after the publication of the 2020 decennial census data for the initial establishment of commission districts after the adoption of this section;

(2) Within ninety (90) days following official certification of any decennial census of the state;

(3) At any time that the population of the largest district exceeds the population of the smallest district by ten (10) percent or more; or

(4) Any time the city commission determines that redistricting could be necessary or advisable to ensure equal representation between the residents of the city, to ensure compliance with any law, or to serve any other public purpose.

(d) Within one hundred and twenty (120) days of being created, or longer as maybe authorized in the resolution establishing the districting commission, the districting commission shall transmit its recommendation for the creation or adjustment of the boundaries for the four city commission districts to the city commission. In making its recommendation to the city commission, the districting commission must consider the districting requirements of this section and may consider other legally applicable factors as may be directed in the resolution establishing the districting commission. In creating the original district boundaries following the adoption of this section, the city should attempt to draw the district boundaries in a manner that causes the existing commissioners holding seats 1 and 2 (whose terms end in March 2023) to reside in two different commission districts, unless impracticable or inconsistent with the requirements or principles described in this section as determined by the city commission.

(e) It will be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.

(f) The city commission will consider the recommendation of the districting commission and thereafter establish or amend the boundaries of the four city commission districts by ordinance. To the extent feasible, an ordinance establishing or amending the district boundaries should be adopted at least sixty (60) days prior to the qualifying period for next regular election for city commissioner(s) occurring after the establishment of the districting commission. The ordinance creating the original district boundaries following the adoption of this section will assign commission seats to single-member districts created by such ordinance.

(g) Property that is newly annexed into the city shall become part of the district most contiguous to such property, and the district boundaries shall automatically be adjusted to encompass such annexed property.

\*\*\*

### **Sec. 3.05. - City commissioner seats.**

City commissioner seats are hereby designated as Seats No. 1, 2, 3 and 4 for the purpose of identification. Prior to the general election in March 2022, the city commission must assign each of the city commissioner seats to a corresponding city commission single-member district. Each candidate for the office of city commission shall declare at the time of qualification the seat to which such candidate seeks election.

**Section 3. Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 2 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

**Question:**

**City Charter Amendment – Single-Member Commission Districts**

Shall the City Charter be amended to provide for the creation of single-member districts for the election of the four city commissioners by the electors residing in each district, which the individual commissioners are required to reside in and represent, and with the mayor continuing to be elected at large; to provide a process for the creation and amendment of boundaries for the four commission districts; and to provide for the transition to single-member districts?

**Section 4. City Code Amendment.** In the event that the electors of the City of Winter Park approve the City Charter amendment provided in this Ordinance, subsection 42-7(c) of the City Code of Ordinances shall be amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended):

(c) The city clerk is authorized to enforce the qualification deadline, and all filing requirements set forth in this section, under state law, and pertinent Florida Division of *Elections* opinions. Except as provided in this chapter, the City Charter, or other law, There there will be no exceptions to the requirement that all matters be properly completed and filed during the qualification period and before the qualification deadline, in order for all interested citizens to have an equal and fair opportunity to qualify to have their names placed on the ballot. In the event that no candidate qualifies for a particular city commission district seat by the qualification deadline, the qualification deadline shall be extended for an additional five business days.



or such other time period as provided by resolution of the city commission, and candidates for such seat during the extended qualifying period shall not be required to reside in or demonstrate that they reside in the corresponding commission district in accordance with Section 2.02(d) of the City Charter. The qualification of a candidate that resides in the district during the extended qualifying period does not disqualify any other candidate that does not reside in the district who qualifies or seeks to qualify during the extended qualifying period.

**Section 5. Referendum.** The forgoing ballot question for the charter amendments set forth herein shall be placed on the City ballot and submitted to the qualified electors of the City of Winter Park at the election held on **March 9, 2021**. The qualified voters shall have an opportunity to vote on the proposed amendments to the Charter. The City Clerk is hereby authorized and directed to advertise the referendum election authorized herein in accordance with the applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal law. In the event it becomes necessary, as determined by the City Commission, to make modifications to any ballot question, ballot summary or to remove a proposed charter amendment from the ballot contained herein after adoption of this Ordinance, the City Commission may make such modification by resolution. In the event it becomes necessary, as determined by the City Commission, to reschedule the referendum on the proposed amendments to the City Charter set forth herein, the City Commission may make such modification by resolution.

**Section 6. Codification & Corrections.** Any City Charter amendment provided for in this Ordinance, which receives affirmative votes from the majority of the votes cast shall be incorporated into the City Charter of the City of Winter Park. Any section, paragraph number, cross references, letter and/or any heading, may be changed or modified in the existing Charter and the charter amendments proposed herein adopted as necessary to effectuate the foregoing, including for consistency with other charter amendments adopted. Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Charter may be freely made. In the event that the electors of the City of Winter Park approve the City Charter amendments provided for in this Ordinance, Section 4 of this Ordinance shall be incorporated into the City Code of Ordinances.

**Section 7. 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 8. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**Section 9. Directions to City Staff.** City Staff under the direction of the City Manager are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance and the City Charter amendments and referendum provided for herein. If the City Charter is amended, a copy of the revised City Charter shall be filed with the Department of State in accordance with Section 166.031(2), Florida Statutes.

**Section 10. Effective Dates.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida. The City Charter amendment provided for herein shall become effective immediately upon approval by the certified voters of the City of Winter Park and certification by the Orange County Supervisor of Elections or other appropriate officer or entity. The code amendment set forth in Section 4 of this Ordinance shall become effective only if the City Charter amendment proposed in this Ordinance becomes effective.

**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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Steve Leary

ATTEST:

\_\_\_\_\_  
Rene Cranis, City Clerk



# City Commission **agenda item**

<b>item type</b> Public Hearings	<b>meeting date</b> November 11, 2020
<b>prepared by</b> Peter Moore	<b>approved by</b> Michelle Neuner, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Fiscal Stewardship	

## **subject**

Ordinance - Amending adopted FY20 Budget (First Reading)

## **motion / recommendation**

Approve the ordinance adopting amendments made to the FY20 budget over the course of the last fiscal year (2019 - 2020).

## **background**

The City Commission is required by Statute to approve any budget adjustments that alter the total amount budgeted in any fund or when funds are transferred between different fund types. The City has adopted the practice of bringing budget amendments to the City Commission as they arise and then bringing a year-end ordinance adopting all the amendments formally to comply with Statute.

Through the receipt of grants or due to a need to revise original revenue estimates the city periodically needs to make changes to stated account revenues and expenditures. This is primarily a housekeeping process and it properly provides departments and divisions with an accurate picture of the funds available to undertake programs and projects. The following attachment highlights the budget amendments (Exhibit A of the Ordinance) that have already been approved by the Commission at prior meetings and now need to be formally adopted through public hearing.

In addition to those previously adopted, two additional amendments have been brought for approval:

1) Building & Permitting restricted reserves were utilized to make the improvements to the offices and lobby in the 2nd floor of city hall. This amendment will appropriately account for the use of those funds in the budget.

2) The CARES Act, managed by the county, has allowed the city to apply for grant reimbursement of eligible covid expenses. All materials and supplies costs have been moved to a special fund for tracking, however labor related charges are still reflected in the General Fund. This amendment will adjust revenues to account for the reimbursement. The city expects to receive a total of \$227,044 in

reimbursement for Fire Department related labor costs, and \$39,128 in attorneys fees paid.

Both of these additional amendments will properly reflect the use of revenues to offset costs that are already incurred on the books.

#### **alternatives / other considerations**

Not approving this would require staff to remove the amendments in the accounting system.

#### **fiscal impact**

None. All the amendments have been previously approved by the Commission or are revenue neutral.

#### **ATTACHMENTS:**

[Budget Amendment Ord FY20 year end.docx](#)

#### **ATTACHMENTS:**

[Budget Amendments Sheet - FY20 YrEnd Closeout Ordinance Exhibit A.pdf](#)

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2019 – 2020 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Ordinance No. 3184-20, the City of Winter Park, Florida has adopted the Budget and Capital Improvement Program for the fiscal year 2019 – 2020; and

**WHEREAS**, the City of Winter Park, Florida desires to amend the Budget and Capital Improvement Program for supplemental appropriations in the amounts identified in Exhibit A; and

**WHEREAS**, Section 166.241(4)(c) Florida Statutes require such a budget amendment be adopted in the same manner as the original budget.

**BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA THAT:**

**SECTION 1.** The Budget and Capital Improvement Program for fiscal year 2019 – 2020 is hereby amended by providing for changes identified in Exhibit A.

**SECTION 2.** If any section, subsection, phrase or portion of this Ordinance 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 portions thereof.

**SECTION 3.** In the event of any conflict between the provisions of this Ordinance and any other ordinance, resolution, or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 4.** The provisions of this Ordinance shall become effective immediately upon passage.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida this 9<sup>th</sup> day of December, 2020.

\_\_\_\_\_  
Steve Leary, Mayor

Attest:

\_\_\_\_\_  
Rene S. Cranis, City Clerk

# Exhibit A

## Budget Amendments Requiring Commission Approval

Fiscal Year 2019 - 2020

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
HIDTA Building Rent Funding	\$ 65,000	1070331 - 331223	Fed Grant - Public Safety - HIDTA	1074112 - 544020	HIDTA Rental - Buildings	Reflects pass-through costs for increased rental rates at HITDA and is fully reimbursed.	11/11/2019
Winter Park High School Foundation - Showalter Field Concession Stand Upgrades	\$ 10,000	3010369 - 369901	Capital Fund: Other Misc. Revenue	3016101 - 565324	CIP - Showalter Field	Donation from Winter Park High School Foundation for upgrades to the concession stand.	11/11/2019
Winter Park Health Foundation - Phase 2 Ward Park	\$ 50,000	3010369 - 369901	Capital Fund: Other Misc. Revenue	3016101 - 565316	CIP - Parks Major Improvements	Donation from the Winter Park Health Foundation for Phase 2 of the Ward Park improvements which includes, continued upgrades to landscaping, a pocket playground, and fitness labyrinth.	11/11/2019
Electric Vehicle Purchase - Building/Permitting	\$ 157,162	0010383 - 383211	Fund Balance - Restricted Building Reserve Funds	5023210 - 564020	Equipment Fund - Vehicle Purchases	Purchase of five Nissan Leaf fully electric vehicles and charging stations to increase the city's investment in sustainable Fleet.	1/27/2020
				5023210 - 564050	Equipment Fund - Machinery & Equipment		
Library/Events Center - Funding Source Allocation	\$ 750,000	3010381 - 381104	Capital Fund - Transfer from CRA	3013101 - 565313	Library & Events Center Project	Reflection in accounting system of funding sources to support the budget for the Library/Events Center not already reflected in the budget. Includes crediting TDT funds, fundraising, interest earnings, CRA support funding, and additional bond proceeds issued.	1/27/2020
	\$ 2,095,000	3010384 - 384001	Capital Fund - General Obligation Bonds				
	\$ 382,775	3010381 - 381104	Capital Fund - Transfer from CRA				
	\$ 10,057,303	3010383 - 383112	Capital Fund - Fund Balance Carryforward				

# Exhibit A

## Budget Amendments Requiring Commission Approval

Fiscal Year 2019 - 2020

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
Covid Budget Adjustment	\$ 2,823,700	Various (See Attached)				Adjustment to revenues and expenditures to reflect an almost \$3 million impact to the General Fund due to anticipated revenue collection declines.	7/20/2020
	\$ 207,800	Various (See Attached)				Reflects the impact of reduced transfers from the General Fund covid amendment that would have gone to support the future replacement of vehicles and heavy equipment in the Equipment Replacement Fund.	
City Attorney	\$ 250,000	0010383 - 383100 1040383 - " 4030383 - " 4600383 - "	Fund Balance Carryforward - General, CRA, Water&Sewer, & Electric Fund.	0011102 - 531010 0011102 - 531011 1042306 - 531010 4032841 - 531010 4602901 - 531010	City Attorney & Litigation	Reflects additional funding from reserves to reflect higher city attorney costs related to general use and to litigation.	8/12/2020
Stormwater Lot Purchase	\$ 134,000	3020383 - 383112	Stormwater Capital Projects - Fund Balance Carryforward	3023406 - 565233	Winter Park Rd. Stormwater Pond	Reflects the portion of the funding needed to support the purchase of the lot on Winter Park Rd to address stormwater concerns, that will come from Stormwater Capital reserves.	8/12/2020
Building & Permitting Office and Lobby Remodel	\$ 103,397	0010383 - 383211	Fund Balance - Restricted Building Reserve Funds	0012401 - 534040	Building Department Contractual Services	Costs associated with the remodel, remediation, and furniture and fixture purchases associated with the improvements made to the Building & Permitting offices and lobby. Restricted permitting fee revenues were used for the expenditures and this adjustment accounts for their use.	Pending
CARES Act Reimbursement - Wages & Attorney Fees	\$ 227,044	0010331 - 331200	Grants - Public Safety	0015103 - 514010	Fire - Rescue Overtime	Just over \$200k is expected to be reimbursed from the county for CARES Act funds designated for covid eligible expenditures related to employee overtime, isolation, and quarantine. Half has been received to-date.	Pending
	\$ 39,128	0010331 - 331100	Fed Grant - General Gov't	0011102 - 531010	City Attorney Services	Reimbursable attorney fees related to covid issues.	

Org	Object	Description	Input for Amendment (Rounded)
0010312	312410	LOCAL OPTION GAS TAX	126,500.00
0010314	314400	UTILITY SERVICE TAX - GAS	12,500.00
0010314	314300	UTILITY SERVICE TAX - WATER	(73,400)
0010314	314100	UTILITY SERVICE TAX - ELCTRCTY	(193,200)
0010315	315000	COMMUNICATION SERVICES TAX	17,300.00
0010322	322001	BLDG PMTS-BLDG CODE	72,800.00
0010322	322002	BLDG PMTS-LAND DEV CODE	72,800.00
0010322	322005	BLDG PMTS-OTHER	56,900.00
0010322	322003	BLDG PMTS-PL REV BDG CODE	41,400.00
0010322	322004	BLDG PMTS-PL REV LAND DEV CODE	41,400.00
0010322	322300	BLDG PMTS-ZONING APPLICATIONS	11,000.00
0010323	323910	FRANCHISE FEES - SCENIC BOAT T	12,600.00
0010329	329300	LIC&PERMIT-VARIANCES	39,000.00
0010329	329001	LIC&PERMIT-CODE TRAINING FEE	17,000.00
0010329	329003	LIC&PERMIT-ENGINEERING FEE	(23,000)
0010335	335180	ST REV SHAR-1/2 CENT SALES TAX	1,063,000.00
0010335	335123	ST REV SHAR-MUNPL REV SHARE-ST	284,200.00
0010335	335122	ST REV SHAR-MUNPL REV SHARE-MF	69,600.00
0010338	338600	COUNTY-911 PUBLIC SAFETY	(24,300)
0010341	341930	OTH GEN GOV-ROW PERMIT FEES	(51,600)
0010342	342601	AMBULANCE TRANSPORT FEES	167,900.00
0010342	342201	FIRE-SPECIAL DETAIL	9,300.00
0010347	347230	PARKS-GOLF GREEN FEES	160,000.00
0010347	347591	REC FAC-RENT COMM CENTER	130,600.00
0010347	347242	PARKS-POOL-COMMUNITY CENTER	65,000.00
0010347	347306	PARK-TENNIS CONTRACTED SVCS	63,200.00
0010347	347421	SP EVNTS-SIDEWALK ART FESTIVAL	49,000.00
0010347	347597	REC FAC-RENT FARMERS MARKET	41,300.00
0010347	347210	PARKS-PROGRAM ACTIVITY FEES	37,100.00
0010347	347237	PARKS-GOLF SPONSORSHIPS	28,200.00
0010347	347235	PARKS-GOLF PRO SHOP FOOD & BEV	24,000.00
0010347	347302	PARK-TENNIS MEMBERSHIPS	20,200.00
0010347	347595	REC FAC-RENT PICNIC PAVILLION	20,000.00
0010347	347511	REC FAC-RENT FIELD SB/SOCCER	18,000.00
0010347	347301	PARK-TENNIS COURT FEES	14,200.00
0010347	347232	PARKS-GOLF CART FEES	13,000.00
0010347	347593	REC FAC-RENT AZALEA LANE	13,000.00
0010347	347292	PARKS-FLAG FOOTBALL LEAGUE	10,000.00
0010347	347303	PARK-TENNIS FOOD & BEVERAGE	7,000.00
0010347	347216	PARKS-COMM. CENTER CONCESSIONS	6,000.00
0010347	347305	PARK-TENNIS MEMBER EVENTS	5,000.00
0010347	347594	REC FAC-RENT GOLF CLUB HOUSE	5,000.00
0010347	347515	REC FAC-RENT SHOWALTER FIELD	(20,000)
0010351	351102	FINES-RED LIGHT CAM CITATIONS	331,100.00



0010351	351101	FINES-TRAFFIC CITATIONS	20,000.00
0010354	354101	LCL ORD-PARKING TICKETS	39,400.00
0010361	361110	INT-CHECKING AND SAVINGS	14,000.00
0010362	362300	RENT-FARMERS MARKET	25,000.00
0010362	362112	RENT-BILLBOARD	8,500.00
0010369	369101	EMPLOYEE REIMBURSEMENT	(8,800)
0010369	369901	OTHER MISCELLANEOUS REVENUES	(65,000)
<b>Revenue Reductions</b>			<b>2,823,700</b>

#### Expenditure Reductions

##### Contingencies

0019200	599414	OTHER USES - COMMUTER RAIL	(316,000)
0019200	599410	OTHER USES - CONTINGENCY RES	(2,120,643)
0018502	591301	CAPITAL PROJECTS CONTINGENCY	(50,000)
<b>Total Contingencies</b>			<b>(2,486,643)</b>

##### Reduced Equipment Fund Transfers

0011701	544060	RENTALS - EQUIP REPLACEMENT FD	(600)
0012401	544060	RENTALS - EQUIP REPLACEMENT FD	(2,700)
0012402	544060	RENTALS - EQUIP REPLACEMENT FD	(2,100)
0013102	544060	RENTALS - EQUIP REPLACEMENT FD	(6,600)
0013103	544060	RENTALS - EQUIP REPLACEMENT FD	(2,300)
0013110	544060	RENTALS - EQUIP REPLACEMENT FD	(1,400)
0013112	544060	RENTALS - EQUIP REPLACEMENT FD	(2,300)
0014101	544060	RENTALS - EQUIP REPLACEMENT FD	(2,000)
0014103	544060	RENTALS - EQUIP REPLACEMENT FD	(2,500)
0014104	544060	RENTALS - EQUIP REPLACEMENT FD	(35,000)
0014105	544060	RENTALS - EQUIP REPLACEMENT FD	(10,100)
0014106	544060	RENTALS - EQUIP REPLACEMENT FD	(1,400)
0014107	544060	RENTALS - EQUIP REPLACEMENT FD	(7,500)
0014108	544060	RENTALS - EQUIP REPLACEMENT FD	(1,900)
0014110	544060	RENTALS - EQUIP REPLACEMENT FD	(6,700)
0015101	544060	RENTALS - EQUIP REPLACEMENT FD	(2,900)
0015102	544060	RENTALS - EQUIP REPLACEMENT FD	(1,700)
0015103	544060	RENTALS - EQUIP REPLACEMENT FD	(86,400)
0016102	544060	RENTALS - EQUIP REPLACEMENT FD	(15,800)
0016103	544060	RENTALS - EQUIP REPLACEMENT FD	(1,800)
0016104	544060	RENTALS - EQUIP REPLACEMENT FD	(2,400)
0016105	544060	RENTALS - EQUIP REPLACEMENT FD	(900)
0016201	544060	RENTALS - EQUIP REPLACEMENT FD	(300)
0016202	544060	RENTALS - EQUIP REPLACEMENT FD	(800)
0016205	544060	RENTALS - EQUIP REPLACEMENT FD	(2,000)
0016302	544060	RENTALS - EQUIP REPLACEMENT FD	(7,700)
<b>Total Equipment Fund Transfers</b>			<b>(207,800)</b>

##### Misc. Operating Spending Reductions

0011203	534046	OTHER SERVICES - ELECTION COST	(14,500)
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0011701	548008	PROMOTIONAL - 4TH OF JUL	(15,000)
0014104	515020	SPECIAL PAY - SPECIAL DETAIL	(50,000)
0015102	515020	SPECIAL PAY - SPECIAL DETAIL	(3,000)
0015102	554020	PUBLICATIONS AND MEMBERSHIPS	(2,000)
0015102	551020	OFFICE SUPPLIES	(257)
0015103	534090	CONTRACTUAL SERV - MOTOROLA	(3,000)
0015103	515020	SPECIAL PAY - SPECIAL DETAIL	(7,000)
0015105	534040	OTHER SERVICES - CONTRACTUAL	(5,000)
0015103	512020	TEMPORARY SUPERVISOR WAGES	(15,000)
0011101	540010	TRAVEL AND PER DIEM	(3,500)
0011301	540010	TRAVEL AND PER DIEM	(4,000)
0012401	540010	TRAVEL AND PER DIEM	(2,500)
0012402	540010	TRAVEL AND PER DIEM	(3,000)
0016302	540010	TRAVEL AND PER DIEM	(1,500)
<b>Total Misc. Operating</b>			<b>(129,257)</b>

<b>Balanced Amendment</b>			<b>0.00</b>
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# City Commission agenda item

item type Public Hearings	meeting date November 11, 2020
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

## subject

Request of Z Enterprises for:

- Subdivision or lot split approval to divide the property at 1530 Wilbar Circle, zoned R-1A, into two lots.
- Resolution - designating the property at 1530 Wilbar Circle as a historic resource on the Winter Park Register of Historic Places.

## motion / recommendation

Recommendation is for approval of the lot split request and the Resolution to designate 1530 Wilbar Circle as a historic resource on the Winter Park Register of Historic Places.

## background

Z Properties has requested to split the property at 1530 Wilbar Circle into two lots. The zoning of this property is R-1A which requires 75 feet of lot width for any interior lots and 85 feet for any corner lots, as well as a minimum 8,500 sq. ft. of lot area. The applicant desires to split off the vacant portion of the property comprising the south 80 feet of this property and leave the existing 1926 Bungalow home on the northern 50 feet of the property. They have provided site and floor plans for each lot as well as proposed elevations of the appearance.

## Zoning Test

The proposed interior southern vacant lot with 80 feet of lot width and 10,880 sq. ft. of land area, complies and exceeds the minimum 75 feet and 8,500 sq. ft. required by the R-1A zoning. The proposed corner lot with the 1926 Bungalow would have 50 feet of lot width and 7,350 sq. ft. of land area, thus needing variances for those lot dimensions.

## **Lot Conformance to Subdivision Code 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. As a result, the practice outlined in the Subdivision Code is to look at the surrounding neighborhood to compare the standard 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 94 homes within this neighborhood with the same R-1A zoning (see attached map). The average and median lot width is 68-70 feet, and the average and median lot area is 9,017-9,046 square feet. The proposed lot width and size for the corner lot is less than the averages and median sizes in this neighborhood. However, the mitigating factor is the offer for historic designation. But it is important to point out that homes on 50-foot wide lots are not uncommon in this neighborhood. There are 36 such homes on 50-foot lots (one-third of the total) within the 500-foot radius.

## **Justification for the Variance**

Z Properties has voluntarily agreed to designate the home at 1530 Wilbar Circle, built in 1926, to the Winter Park Register of Historic Places, contingent upon the subdivision/lot split of the overall property. In January 2020, the P&Z Board recommended approval and the City Commission adopted, an amendment to the Subdivision Code that provides a justification for lot split variances when there is a companion designation of an existing historic home.

Designation of a home to the Register of Historic Places means that the home cannot be demolished and that any repairs or changes to the exterior, or any additions, must be approved by the Historic Preservation Board. The newly revised Subdivision Code (excerpted at the end of this report) now states that the designation of a historic home is a “special condition and circumstance” that can justify a lot dimension variance.

The role for the Historic Preservation Board in these circumstances is to determine if this home is worthy of listing on the Winter Park Register of Historic Places. The Board did review this request at their October 14<sup>th</sup> meeting and has unanimously recommended that the home is worthy of Historic Designation based upon being a 1926 example of Bungalow architectural styling applied to a residence and for its association with the Land Boom era development of the City of Winter Park. Similarly, in the opinion of staff, this home retains its original exterior architectural integrity and is highly qualified for listing on the Winter Park Register of Historic Places.

The applicant plans to remove a small wing of the house that extends over the new lot line. They plan to update and modernize the interior of the home and add a 573 sq. ft. addition to the rear of the home for a bedroom/bath and laundry space. A swimming pool is planned between the home and the existing garage.

### **Summary and Staff Recommendation**

This is exactly the type of scenario that was anticipated when the Subdivision Code was amended earlier this year. In order to preserve the City's architectural heritage, there need to be incentives provided, otherwise this property would be a continuation of the tear downs and rebuilds. In most cases, those tear downs are removing homes that do not have any architectural significance. But occasionally, as in this circumstance, it can be a win-win for the applicant as well as the City.

#### **alternatives / other considerations**

#### **fiscal impact**

#### **ATTACHMENTS:**

[Backup\\_1530 Wilbar Circle - Copy.pdf](#)

#### **ATTACHMENTS:**

[Resolution\\_1530 Wilbar Circle.doc](#)

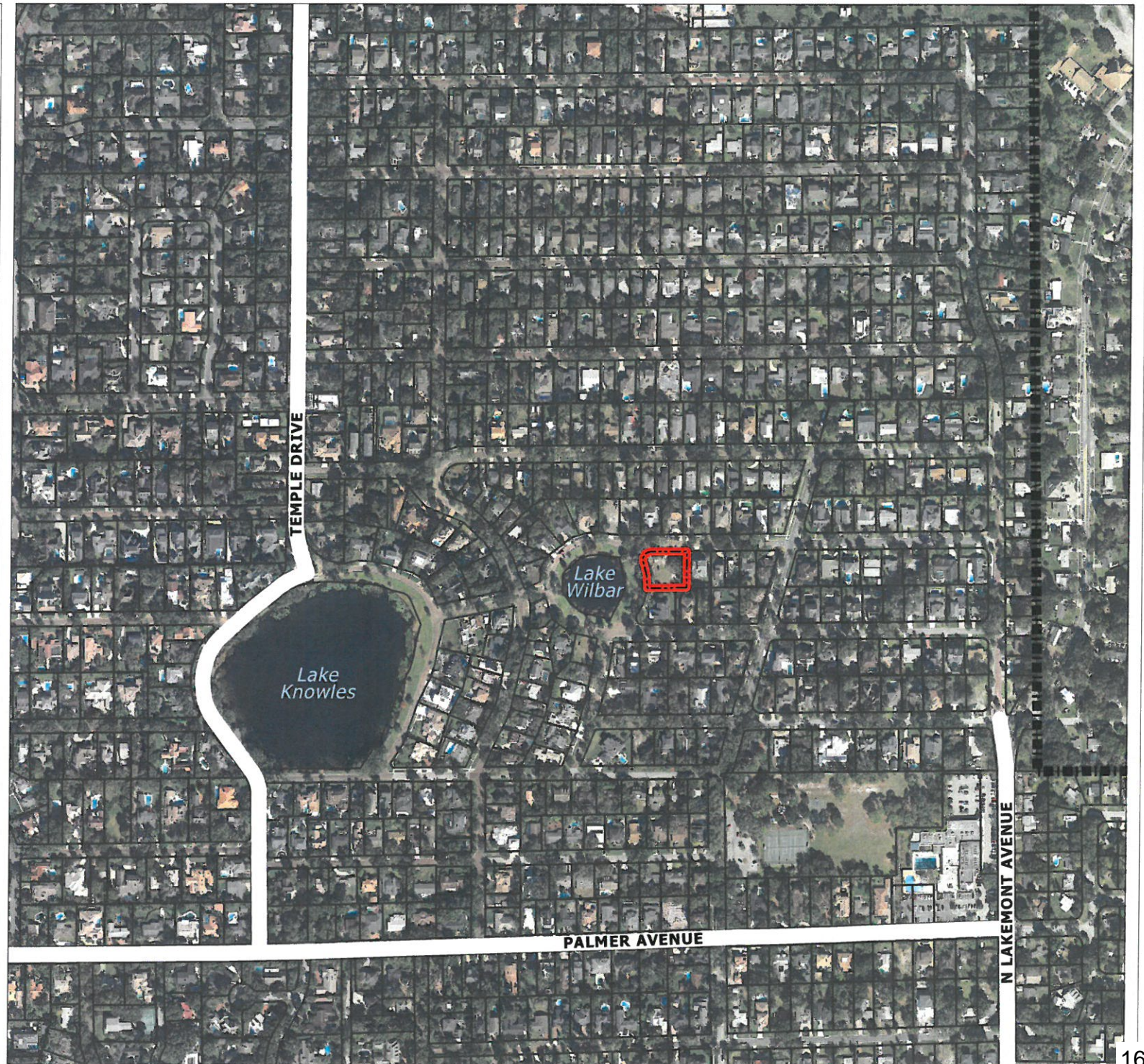




## LOCATION MAP

**1530 Wilbar Circle**

City of Winter Park  
Florida







## LOCATION MAP

**1530 Wilbar Circle**

City of Winter Park  
Florida







# **LOT CONFORMANCE TO SUBDIVISION CODE TEST**

**1530 Wilbar Circle**

City of Winter Park  
Florida

## **LEGEND**

- Subject Site
- Single-Family Lots  
Within 500' of Site  
(94 total)

## **NOTES**

Average Lot Width = 68 ft  
Median Lot Width = 70 ft  
Average Lot Size = 9,046 sq ft  
Median Lot Size = 9,017 sq ft





## WALTER MARK DESIGN



3070



7

[illegible]

## FLOOR PLAN

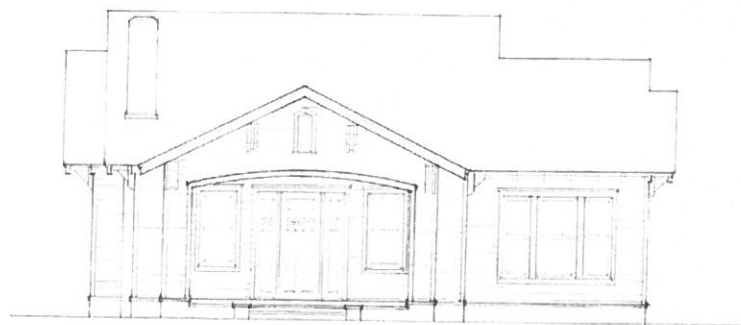
edge of street

Walnut Avenue

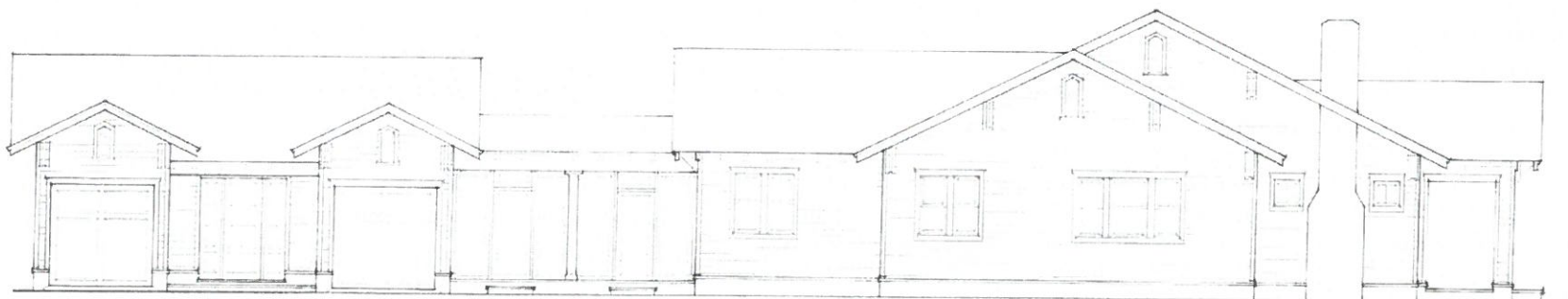


\_\_\_\_\_

*Elevations for  
1926 Bungalow  
home restoration*



LAKE WILBAR ELEVATION



WALNUT ELEVATION



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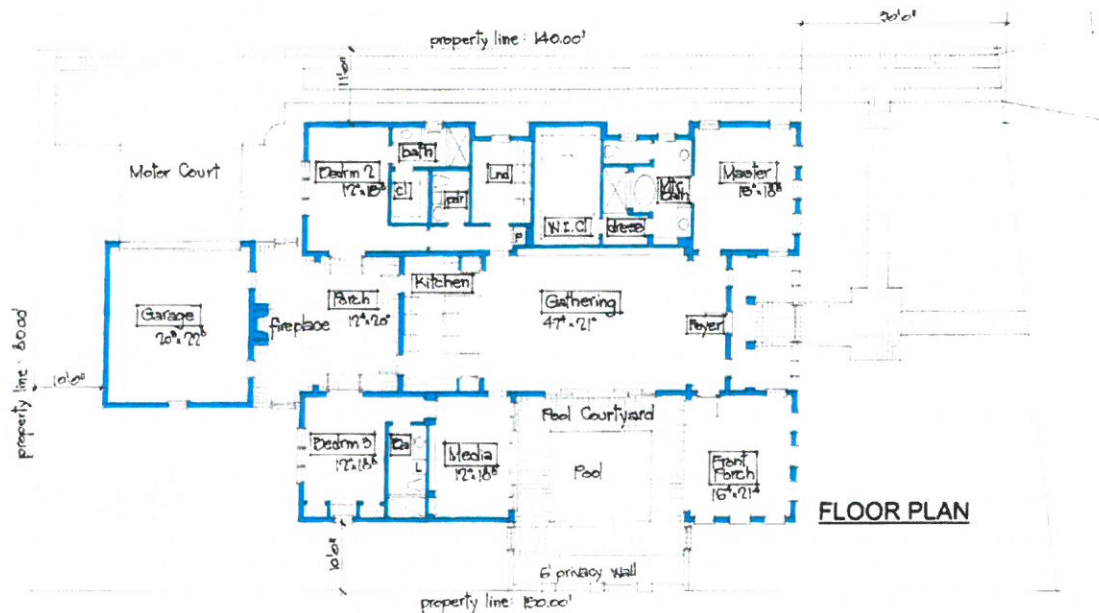
WINTER PARK DESIGN

14300 W. 14TH AVE.  
SUITE 100  
DENVER, CO 80202  
303.755.1111

WILBAR CIRCLE RESTORATION

WINTER PARK, FLORIDA

Site Plan for new home on  
the interior lot



AREA CALCULATION	
Lot Area	11,400 SF
FAR Allowed	4,902 (43%)
BUILDING AREA	
Plan	3,027
Garage	448
Front Entry	73
Front Porch	333
Rear Porch	247
Front Courtyard	127
Rear Courtyard	222
Total FAR	3,572 (31.3%)
Total Construction	4,574 SF



LAKE WILBAR RESIDENCE  
WINTER PARK, FLORIDA



2



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*Front Elevation of New Home on Interior Lot*



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY  
LOCATED AT 1530 WILBAR CIRCLE, WINTER PARK, FLORIDA  
AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER  
OF HISTORIC PLACES.**

**WHEREAS**, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

**WHEREAS**, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well being and quality of life of the citizens of Winter Park; and

**WHEREAS**, there is the desire foster awareness and civic pride in the accomplishments of the past; and

**WHEREAS**, the Winter Park Historic Preservation Board has determined and recommended that the property at 1530 Wilbar Circle meets the criterion for historic resource status as built in 1926 through its association with the Florida Land Boom period of development in Winter Park and as an example of Craftsman style architecture.

**NOW, THEREFORE**, be it resolved by the City Commission of the City of Winter Park, Florida that:

**SECTION 1.** That the City Commission of the City of Winter Park hereby designates 1530 Wilbar Circle as a historic resource on the Winter Park Register of Historic Places, such action being taken in concert with the approval of a subdivision or lot split of this property allowing for the vacant south 80 feet of said property to be split and be used for the construction of another single-family home.

**SECTION 2.** That the two properties shall be eligible for the historic preservation incentive of city fee waiver for underground electric

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Steve Leary, Mayor

ATTEST:

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



# City Commission agenda item

item type Public Hearings	meeting date November 11, 2020
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

## subject

Request of Jim Veigle for:

- Ordinance - annexation of 2269/2267/2265/2263/2261/ 2259/2257 Kentucky Avenue. (First Reading)

## motion / recommendation

Recommendation is to approve the annexation Ordinance.

## background

This public hearing is for a voluntary annexation of seven (7) properties on Kentucky Avenue, measuring approximately 1.1 acres. These properties are being voluntarily annexed into the City by the property owners.

The Kentucky Avenue properties are all interconnected and consolidated in ownership with the adjacent properties that front on West Fairbanks Avenue. This annexation will allow for commercial redevelopment of the properties from Fairbanks Avenue back to Kentucky Avenue. This annexation provides a more uniform city limit line. The City already provides the potable water and sanitary sewer to these properties. Any future development will go through the regular Winter Park development approval process. The property owner realizes that it would be extremely cumbersome for them to get permits for new building projects on a site that is one-half in the City and one-half in the County.

Ultimately, annexing these properties and having the entire Fairbanks/Kentucky tract of land within one jurisdiction will allow for better coordination of the development of these parcels and gives Winter Park better control of how these properties will be developed.

Once these properties are annexed the city staff will come back with Ordinances to establish the Comprehensive Plan Future Land Use and Zoning designations. However, that cannot be done until the property is officially annexed and must have a recommendation from the Planning and Zoning Board. Thus, those will be on a future Commission agenda.

#### [alternatives / other considerations](#)

#### [fiscal impact](#)

#### ATTACHMENTS:

[Annexation Ordinance for Kentucky.doc](#)

#### ATTACHMENTS:

[Kentucky Ave Annexation map.pdf](#)

## ORDINANCE \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.1+/- ACRES OF REAL PROPERTY LOCATED AT 2269/2267/2265/2263/2261/2259/2257 KENTUCKY AVENUE AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the property owners of seven (7) parcels have requested the City enact a voluntary annexation for 2269/2267/2265/2263/2261/2259/2257 Kentucky Avenue, as also identified by Orange County Tax Parcel ID #s: 11-22-29-6180-01-320, 11-22-29-6180-01-330, 11-22-29-6180-01-340, 11-22-29-6180-01-350; 11-22-29-6180-01-360; 11-22-29-6180-01-370; 11-22-29-6180-01-380; 12-22-29-5000-03-061, and 12-22-29-5000-03-081.

**WHEREAS**, the Subject Properties being annexed comprise approximately 1.1 acres; and

**WHEREAS**, the City of Winter Park has determined that the Subject Properties are reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Properties will not result in the creation of an enclave and that the Subject Properties and Right-of-Way meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

**WHEREAS**, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Properties and has conducted the required public hearing prior to the adoption of this Ordinance.

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

**SECTION 1: *Recitals.*** The above “Whereas” clauses are true and correct and constitute legislative findings of the City of Winter Park City Commission and are incorporated herein by this reference.

**SECTION 2: *Property Annexed.*** That, after conducting a public hearing and having found that the Owners’ petition for voluntary annexation of the Subject Properties meets the prerequisites and standards for annexation under general law, the Subject Properties identified as 2269 Kentucky Avenue 11-22-29-6180-01-320; 2267 Kentucky



Avenue 11-22-29-6180-01-330; 2265 Kentucky Avenue 11-22-29-6180-01-340; 2263 Kentucky Avenue 11-22-29-6180-01-350; 2261 Kentucky Avenue 11-22-29-6180-01-360; 2259 Kentucky Avenue 11-22-29-6180-01-370 and 2257 Kentucky Avenue 11-22-29-6180-01-380 and as legally defined and graphically shown on the map and sketch attached hereto as Exhibit "A" are hereby annexed into the municipal boundaries of the City of Winter Park.

**SECTION 3:** *Effect of Annexation.* That the City of Winter Park, shall have all of the power, authority, and jurisdiction over and within the Subject Properties as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

**SECTION 4:** *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

**SECTION 5:** *Consent to Municipal Services Taxing Unit.* Pursuant to § 125.01 (1) (q), Fla. Stat., the Winter Park City Commission consents to the continuation of the Municipal Services Taxing Unit (MSTU) for street lighting along Kentucky Avenue involving these seven properties within this area to be annexed by this ordinance. The City's consent expires on the date on which Orange County discontinues this MSTU levy or amends the boundaries of this MSTU to exclude these properties. Additionally, this consent is hereby conditioned upon the City maintaining its full constitutional authority to levy ad valorem taxes up to 10 mills for municipal purposes. Therefore, the City's consent by this section shall terminate as of the date the Winter Park City Commission levies an ad valorem millage rate that when added to this MSTU levy would, if the City's consent to the MSTU were not terminated, exceed the constitutional 10 mill cap. The purpose of this term and condition is to maintain the City's ability, if ever necessary, to levy its full constitutional allotment of ad valorem taxes without restriction by virtue of this MSTU.

**SECTION 6:** *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or her designee is directed to file a copy of this Ordinance with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

**SECTION 7:** *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

**SECTION 8:** *Effective Date.* This Ordinance shall become effective after its adoption at its second reading.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Winter Park, Florida.

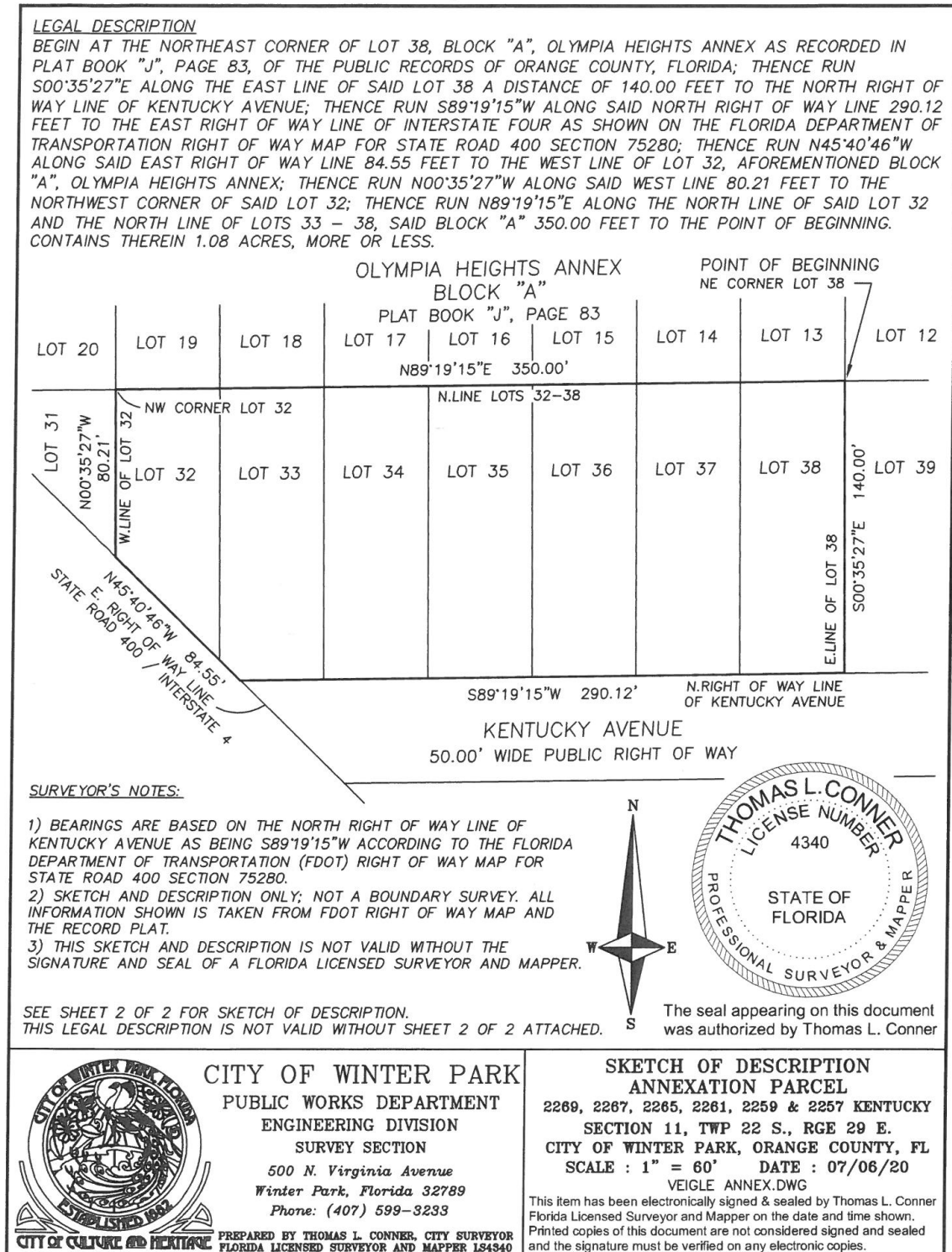
**APPROVED:**

\_\_\_\_\_  
Steve Leary, Mayor

**ATTEST:**

\_\_\_\_\_  
Rene Cranis, City Clerk

## Exhibit "A"





**Annexation Request**  
**Kentucky Avenue**

City of Winter Park  
Florida



WP Boundary



Proposed Annexations





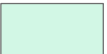


**Annexation Request**  
**Kentucky Avenue**

City of Winter Park  
Florida



WP Boundary



Proposed Annexations





# City Commission **agenda item**

item type Public Hearings	meeting date November 11, 2020
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

## subject

Request of Chris Tracy for:

- Ordinance - annexing the property at 1800 Karolina Avenue (First Reading)
- Ordinance - establishing Parking Lot (PL) Future Land Use
- Ordinance - establishing Parking Lot (PL) Zoning (First Reading)
- Conditional Use approval to build a two-story, 10,022 square foot office building on the combined properties at 1801/1805 West Fairbanks and 1800 Karolina Avenue.

## motion / recommendation

Recommendation is for approval of the requests with the following conditions related to the Conditional Use:

1. That the project grant to the City an access easement across the parking lot at the entrance/exit traffic aisle so that the adjacent properties may be interconnected for access to/from Clay Street.
2. That one EV charging station be installed for the parking space adjacent to the Handicapped spaces.
3. That the applicant partner with the City to implement a landscape pedestrian safety zone along the Fairbanks Avenue frontage, as deemed feasible.
4. That the applicant provide a pedestrian easement for the sidewalk improvements to be implemented along the Fairbanks Avenue frontage.

## background

This public hearing is to consider four requests made by the owner (Melissa Myers) and the contract purchaser (Chris Tracy) for 1) annexation of 1800 Karolina Avenue; 2) establishing Parking Lot future land use and 3) Parking Lot (PR) zoning on 1800 Karolina Avenue and 4) Conditional Use approval to build a two-story, 10,022 sq. ft. office building on the combined properties at 1801/1805 W. Fairbanks Avenue and 1800 Karolina Avenue.

## **Background**

The combined properties at 1801/1805 W. Fairbanks Avenue and to the rear at 1800 Karolina Avenue have been in the same ownership since 1986. The former Paco's restaurant at the corner of W. Fairbanks Avenue and Clay Street closed in October 2016 after 35 years in business. That building and the former locksmith building next door have been vacant for several years. In the rear, on land zoned R-2 is a somewhat deteriorated 1935 house used as a rental. The combined 36,000 square foot site is now under contract for redevelopment. It has the advantage of a highly visible location at the traffic light for West Fairbanks and Clay Street and sufficient land for redevelopment. The detriment to the property is that it holds an unattractive lattice cell phone tower. The front properties on West Fairbanks Avenue are in the City of Winter Park but the rear property at 1800 Karolina Avenue is still part of unincorporated Orange County.

## **Request for Annexation and Establish Zoning**

In order to utilize this combined redevelopment site, the applicants are seeking annexation of 1800 Karolina Avenue and for the City to establish, a Parking Lot future land use designation and Parking Lot (PL) zoning on that annexed property. This would allow for the proposed redevelopment of a new two-story office building on the commercially zoned frontage on West Fairbanks Avenue with the associated required parking to the rear.

## **Comprehensive Plan/Zoning Code Conformance**

Redevelopment of this West Fairbanks gateway corridor has been a long-term project pursued by the City Commissions over the past 15 years. The first step was the annexation of this corridor 15 years ago and then over time, major investments in the public infrastructure. The City has invested over \$20 million to install a sanitary sewer system along this West Fairbanks corridor in order to allow for redevelopment. The City has done repaving, installed new mast arm traffic signals and street lights. The City has just recently completed the project to underground the electric lines (both the major transmission and service lines).

All of this financial investment along with the removal of several billboards has been done to help encourage the redevelopment of this gateway corridor. The City's image is defined by this major entrance and the transformation of that entry experience to a quality experience is the long-term goal of the City.

To that end, there is the recognition that the north side of the corridor will not redevelop unless owners can increase their values with new buildings. With the commercial properties only having a depth of 100 feet, this cannot happen without parking for the new development which must occur on the residentially zoned properties to the rear that front on Karolina Avenue.

### **Protections for the Adjacent Residential Neighborhood**

The Comprehensive Plan contains the policy (below) that specifically encourages redevelopment on the North side of West Fairbanks Avenue in the manner as proposed by the applicant. This Comprehensive Plan policy mandates the protections and screening necessary to protect the adjacent residential homes. This includes a six-foot brick perimeter wall with column/cap and a landscape program outside the wall to soften that appearance including street trees to buffer the view of the building. Dumpsters must be up by the buildings. Lighting is low profile poles with shielding for downlighting only. There can be no driveway curb cuts onto Karolina Avenue. All traffic comes and goes via the side street of Clay Street. As this adjacent neighborhood is a dead-end scenario (with all roads leading back to Fairbanks Avenue), there is no reason for any traffic to use the residential streets as a cut-thru since those roads do not cut-thru. As a result, all traffic will come and go via the traffic light at Fairbanks and Clay.

**Policy 1-L-11: Provide for & Encourage the Redevelopment of the North Side of Fairbanks Avenue** Given the shallow lot depths on the north side of Fairbanks Avenue, the City shall consider the annexation of properties to the rear/north up to Karolina Avenue and land use designations for parking usage provided that the parking is screened from view by a brick wall, landscape, and ligustrum tree buffer per the template provided by the City; that no driveways are permitted that allow access onto the rear streets and that any lighting has no negative impact on nearby homes.

### **Office Building Conditional Use Request**



The specific request by Chris Tracy anticipates a combination of medical use and general office use. Parking and setbacks are provided to meet code. No variances are requested. The building area itself is a modest 28% FAR, in part because of the land needed to be set aside for the cell tower. The plans include the commitments, as described above, for the brick wall, landscape buffering and the other design requirements for the parking lot. In order to continue this template as the other properties to the west are redeveloped, the applicant has agreed to grant the City a cross access easement allowing for access to/from Clay Street for future development in this block. The result will be the loss of two parking spaces but there is sufficient parking. The calculations are based on the gross 10,022 sq. ft. of building (per Code) but the net after subtracting common area lobbies, stairs, elevator, etc. is 7,832 leasable sq. ft. As an office building, the traffic generation is lower and over fewer business hours versus if commercial redevelopment were proposed such as a restaurant.

It is important to note that several driveways are being removed along the Fairbanks Avenue frontage. In addition, the applicant is partnering with the City to improve the pedestrian sidewalk along Fairbanks to add a wider sidewalk, oak trees and a landscape pedestrian safety zone by pulling the sidewalk back from the edge of the roadway.

## **Summary and Recommendation**

This project will set the template for the redevelopment desired by the City along the North side of the West Fairbanks Avenue corridor. The planning staff is very pleased to have this project pave the way for others to follow both in terms of design and also architectural image. All of the design elements required by the City for the rear parking lot to be harmonious with the adjacent residential properties have been implemented. The existing cell tower on this site could easily have made this the last site to redevelop and not the first. The building architecture will be a great addition to the street image and again set the tone for redevelopment along the corridor. This building image will help to transform this intersection.

### **alternatives / other considerations**

### **fiscal impact**

ATTACHMENTS:

[Annexation Ord. for Pacos Redevelopment.doc](#)

ATTACHMENTS:

[Ord.\\_1800 Karolina\\_Comp. Plan FLU.doc](#)

ATTACHMENTS:

[Ord.\\_1800 Karolina\\_Zoning.doc](#)

ATTACHMENTS:

[Backup materials.pdf](#)

ATTACHMENTS:

[Chris Tracy-Neighbor letters of support.pdf](#)

## ORDINANCE 3187-20

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.62 ACRES OF REAL PROPERTY LOCATED AT 1800 KAROLINA AVENUE AND THE ADJACENT CLAY STREET RIGHT-OF-WAY, AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the property owner of 1800 Karolina Avenue has requested the City enact a voluntary annexation for 1800 Karolina Avenue, also identified by Orange County Tax Parcel ID #: 12-22-29-4076-04-010.

**WHEREAS**, the Subject Property being annexed is a portion of other properties in the same ownership at 1801 and 1805 West Fairbanks Avenue, that are proposed for a unified redevelopment; and

**WHEREAS**, the City of Winter Park has determined that the Subject Property is reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Property will not result in the creation of an enclave and that the Subject Property meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

**WHEREAS**, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Properties and has conducted the required public hearing prior to the adoption of this Ordinance.

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

**SECTION 1: *Recitals.*** The above “Whereas” clauses are true and correct and constitute legislative findings of the City of Winter Park City Commission and are incorporated herein by this reference.

**SECTION 2: *Property Annexed.*** That, after conducting two public hearings and having found that the Owners’ petition for voluntary annexation of the Subject Property meets the prerequisites and standards for annexation under general law, the Subject Property identified as 1800 Karolina Avenue, also identified with the OCPA ID# 12-22-29-4076-04-010 and the right-of-way of Clay Street lying immediately east of this subject property, as further legally defined below and as graphically shown on the map and sketch attached hereto as Exhibit “A” is hereby annexed into the municipal boundaries of the City of Winter Park.

Legal description: Lots 1, 2 and 3, Block D, Karolina on Killarney subdivision, and the adjacent right-of-way lying immediately east thereof, as recorded in Plat Book "M", Page 105 of the Public Records of Orange County, further described by metes and bounds as Begin at the NE corner of Lot 1, Block D, Karolina on Killarney subdivision; then run South 135 feet to the SE corner of Lot 1, then run west 150 feet to the SW corner of Lot 3; then run north 135 feet to the NW corner of Lot 3; then run east 135 feet to the Point of Beginning and also including the 50-foot wide right-of-way of Clay Street lying immediately east of the above described property, as dedicated in the Karolina on Killarney plat and the Flamingo Shores plat per Plat Book "S", Page 144.

**SECTION 3: *Effect of Annexation.*** That the City of Winter Park, shall have all of the power, authority, and jurisdiction over and within the Subject Properties as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

**SECTION 4: *Apportionment of Debts and Taxes.*** Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

**SECTION 5: *Consent to Municipal Services Taxing Unit.*** Pursuant to § 125.01 (1) (q), Fla. Stat., the Winter Park City Commission consents to the continuation of the Municipal Services Taxing Unit (MSTU) for street lighting along Karolina Avenue involving these seven properties within this area to be annexed by this ordinance. The City's consent expires on the date on which Orange County discontinues this MSTU levy or amends the boundaries of this MSTU to exclude these properties. Additionally, this consent is hereby conditioned upon the City maintaining its full constitutional authority to levy ad valorem taxes up to 10 mills for municipal purposes. Therefore, the City's consent by this section shall terminate as of the date the Winter Park City Commission levies an ad valorem millage rate that when added to this MSTU levy would, if the City's consent to the MSTU were not terminated, exceed the constitutional 10 mill cap. The purpose of this term and condition is to maintain the City's ability, if ever necessary, to levy its full constitutional allotment of ad valorem taxes without restriction by virtue of this MSTU.

**SECTION 6: *Instructions to Clerk.*** Within seven (7) days following the adoption of this Ordinance, the City Clerk or her designee is directed to file a copy of this Ordinance with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

**SECTION 7: *Severability.*** Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

**SECTION 8:** *Effective Date.* This Ordinance shall become effective after its adoption at its second reading.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Winter Park, Florida.

**APPROVED:**

\_\_\_\_\_  
Steve Leary, Mayor

**ATTEST:**

\_\_\_\_\_  
Rene Cranis, City Clerk

## Exhibit "A"



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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH PARKING LOT FUTURE LAND USE ON THE ANNEXED PROPERTY AT 1800 KAROLINA AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small-scale amendment to the Comprehensive Plan on the recently annexed property at 1800 Karolina Avenue, and

**WHEREAS**, this annexation and establishment of a Comprehensive Plan future land use designation is being done in concert with the redevelopment of other property under the same ownership at 1801/1805 W. Fairbanks Avenue, as one unified redevelopment project that has been approved by Conditional Use, in conformance with the Comprehensive Plan policies for redevelopment of such properties and as such is viewed in its' totality of the commercial land to be redeveloped with respect to the applicable land development regulations.

**WHEREAS**, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and pursuant to and in compliance with law.

**NOW THEREFORE BE IT ENACTED, AS FOLLOWS:**

**SECTION 1.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to establish a Parking Lot future land use designation on the annexed property at 1800 Karolina Avenue and that all other maps in the Comprehensive Plan reflect the annexation of this property into the City of Winter Park, said property being more particularly described as follows:

LOTS 1, 2 and 3, BLOCK "D", KAROLINA ON KILLARNEY SUBDIVISION AS RECORDED IN PLAT BOOK "M", PAGE 105 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA  
PROPERTY TAX ID# 12-22-29-4076-04-010

**SECTION 2.** This ordinance shall become effective 31 days after adoption but shall not become effective if this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance, in compliance, with Chapter 163, Florida Statutes.

**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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Steve Leary

Attest:

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

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH PARKING LOT (PL) ZONING ON THE ANNEXED PROPERTY AT 1800 KAROLINA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, the City Commission intends to establish a municipal zoning designation on this property in compliance with the establishment of a similar Comprehensive Plan future land use designation for said recently annexed property, and

**WHEREAS**, this annexation and establishment of a Zoning Map designation is being done in concert with the redevelopment of other property under the same ownership at 1801/1805 W. Fairbanks Avenue, as one unified redevelopment project that has been approved by Conditional Use, in conformance with the Comprehensive Plan policies for redevelopment of such properties and as such is viewed in its' totality of the commercial land to be redeveloped with respect to the applicable land development regulations.

**WHEREAS**, the establishment of municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to establish Parking Lot (PL) district zoning on the annexed property at 1800 Karolina Avenue, more particularly described as follows:

LOTS 1, 2 and 3, BLOCK "D", KAROLINA ON KILLARNEY SUBDIVISION AS RECORDED IN PLAT BOOK "M", PAGE 105 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA  
PROPERTY TAX ID# 12-22-29-4076-04-010

**SECTION 2.** This ordinance shall become effective 31 days after adoption. If this Ordinance or the related companion Ordinance amending the Comprehensive Plan for this property is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance in compliance with Chapter 163, Florida Statutes.

**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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Steve Leary

Attest:

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





## LOCATION MAP

**1800 Karolina Ave &  
1805 & 1801  
West Fairbanks Ave**

City of Winter Park  
Florida



*Preliminary Conditional Use Submittal*  
**TRACY OFFICE BUILDING**  
1801 W. FAIRBANKS AVE • WINTER PARK, FLORIDA

Sheet:  
**A01**  
ARCHITECTURAL

Drawing:  
**COVER**  
SCALE: UNSCALED

Project:

**TRACY OFFICE BUILDING**  
1801 W. FAIRBANKS AVE • WINTER PARK, FLORIDA

Date & Issue:  
**27 AUGUST 2020**  
DESIGN REVIEW



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Sheet:  
**A14**  
ARCHITECTURAL

Drawing:  
**PERSPECTIVE • FROM FAIRBANKS**  
SCALE: UNSCALED

Project:

## TRACY OFFICE BUILDING

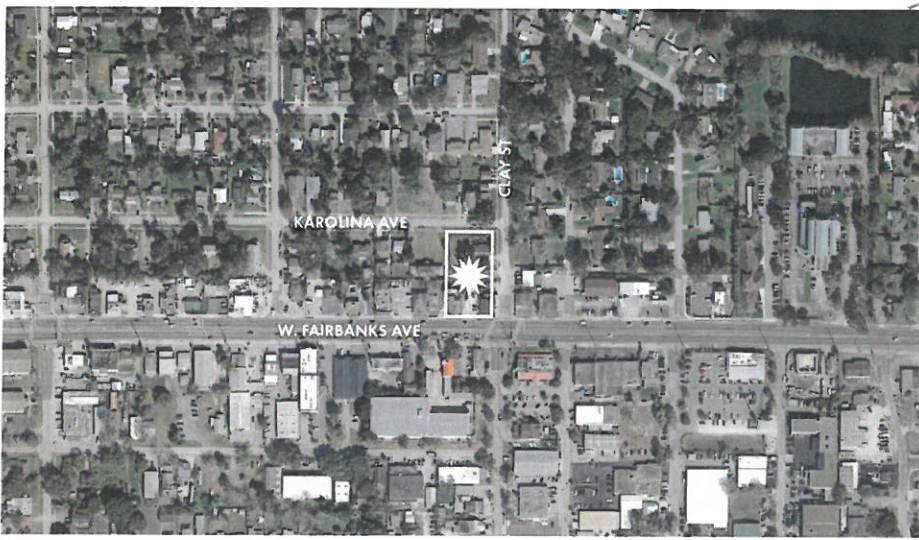
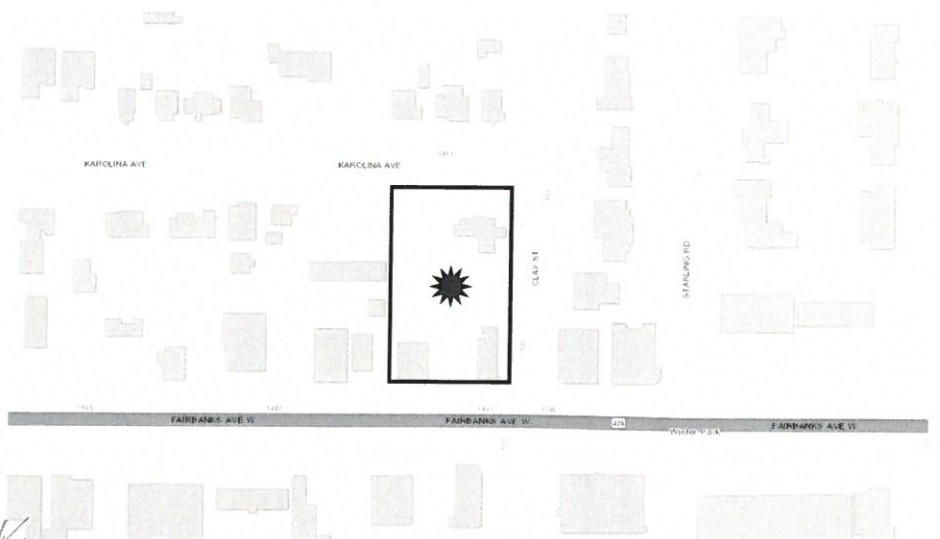
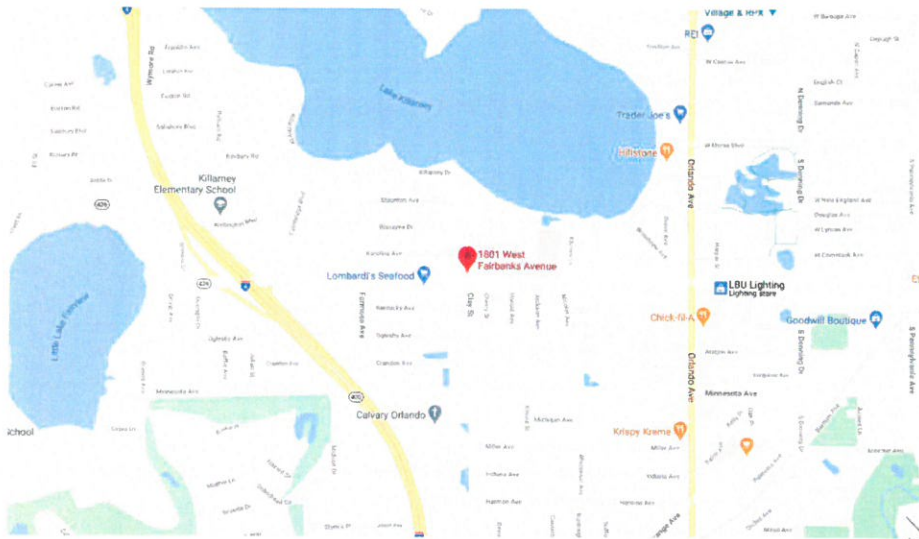
1801 W. FAIRBANKS AVE • WINTER PARK, FLORIDA

Date & Issue:  
**27 AUGUST 2020**  
DESIGN REVIEW



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Sheet:  
**A02**  
ARCHITECTURAL

Drawing:  
**PROJECT LOCATION**  
SCALE: UNSCALED

Project:

**TRACY OFFICE BUILDING**

1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:  
**27 AUGUST 2020**  
DESIGN REVIEW

**STOA**  
Studios

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## PROJECT DATA

**Zoning**  
Parcel # C3  
Parcel # C3  
Parcel # PL\*

\*Proposed annexation & zoning change

**Use**  
Office (Mix of Medical & General)

**Setbacks**  
Front - Fairbanks Ave 10' / 15'  
Front - Clay St 10' / 15'  
Side - West 10'  
Rear - North 35'  
Pavement 8'

\* Front setbacks per LDC are 15' typical with a reduction to 10' allowed for certain building features

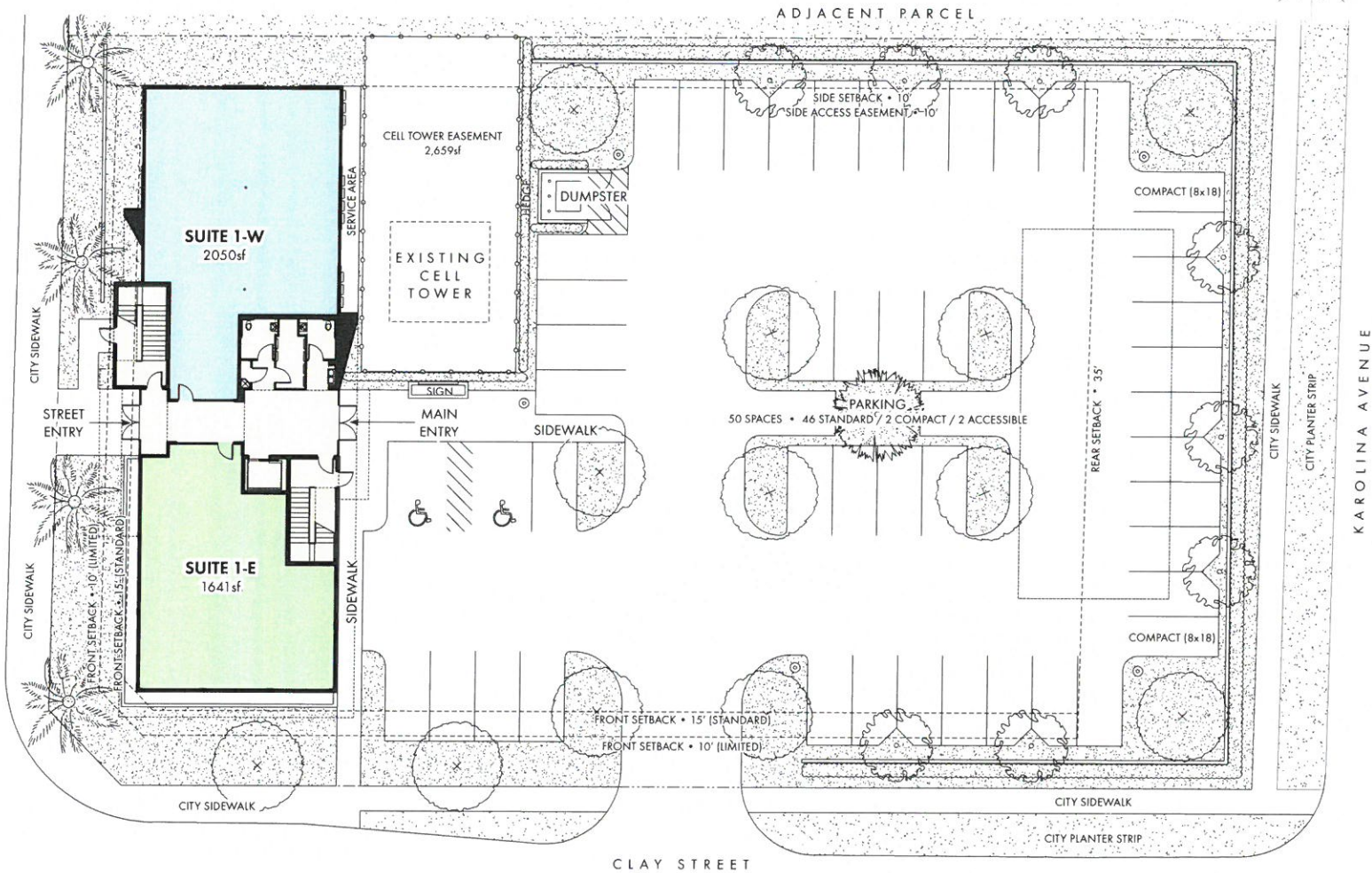
\*\* Rear property line faces a residential neighborhood

**Site Area**  
Total 36,039  
Impervious Area  
Building Footprint 5,011  
Hardscape 19,298  
Subtotal 26,309

**Ratios**  
Impervious Area 53.5%  
FAR 27.8%

**Parking**  
**Required**  
Office-Med (5,011sf/200) 26 spaces  
Office-Gen (5,011sf/250) 20 spaces  
**Provided**  
Standard (9' x 18') 46 spaces  
Compact (8' x 18') 02 spaces  
Accessible (12' x 18') 02 spaces

**Building**  
Building Area 10,022sf  
Height / Stories 36' / 2  
Construction Type IIIB  
Fire Sprinklers Yes



Sheet:  
**A03**  
ARCHITECTURAL

Drawing:  
**PLAN - SITE**  
SCALE: 3/4" = 1'-0"

Project:

## TRACY OFFICE BUILDING

1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:  
**27 AUGUST 2020**  
DESIGN REVIEW

**STOA**  
Studios

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# STOA Studios

STOA STUDIOS  
Architect  
52 Riley Rd Ste 374  
Crestview, FL 34747  
(407) 748-0289  
info@stoa-studios.com  
FL Lic # AR14064

HARRIS ENGINEERING  
Civil Engineer  
1200 Hillcrest St Ste 200  
Orlando, FL 32803  
(407) 629-4777  
john@harris-engineering.com

DALE & COMPANY  
Landscape Architect  
651 N Mills Ave  
Orlando, FL 32803  
(407) 884-1317  
dale@dale.com

## Tracy Office Building 1801 W. FAIRBANKS AVE • WINTER PARK, FL

New Construction

### GENERAL SITE NOTES

**GENERAL NOTE**  
These drawings are preliminary, and intended to communicate the intended direction for the project. As the project progresses, all site work will be designed and detailed by the Civil Engineer and Landscape Architect. That work will be based on the design, but will further develop it and detail it as those design professionals deem necessary in the event that an conflict is discovered between the plan and the Landscape drawings, the Landscape drawings shall prevail.

### STORMWATER MANAGEMENT NOTES

**GENERAL NOTE**  
The existing grade of the site, although generally flat, slopes slightly to the north toward Lake Mary. The preliminary intent for stormwater management is to slope the pavement toward the north end of the parking lot. Once these, the stormwater will be handled via underground collection.  
**PRELIMINARY CALCULATIONS**  
Lot: 24,309 sq ft x 2" = 4,861.8 cu ft  
Product: StormTech Chamber "SC 303" model  
Configuration: Approx. 110 modules. Total Area Approx. 80' x 30'  
**\*\*Chamber model selection is based on a preliminary high water table elevation determination of 7 below grade. If this determination is reduced, a more shallow chamber model will be selected, and a second array can be added between the first parking array.**

### FLOOD ZONE

**CATEGORY**  
The entire project area is outside the 100 yr flood plain. Per FEMA, the project area is located in the following category: Zone X / Area of Minimal Flood Hazard.

### BUILDING DATA

BUILDING AREA: 10,022 sq ft  
BUILDING HEIGHT: 32'  
BUILDING STORES: 2  
CONSTRUCTION TYPE: RB  
HRS (SPRINKLES): Yes

**GENERAL DESCRIPTION**  
3-story office building with interior view columns, view from each floor assembly and roof assembly, composite concrete and steel floor joists, aluminum storefront exterior doors & windows, exterior shading system, including continuous louvers and paneled aluminum, single-ply roofing system, rooftop solar array is being considered.

### PARKING DATA

The project is intended to have a mix of General Office and Medical Office tenants. The table below is based on a 300 sq ft, however the relative areas of each office type will vary based on tenant mix.  
**REQUIREMENT RATIOS**  
General Office: 1/2500  
Medical Office: 1/1000  
**REQUIREMENT CALCULATIONS**  
General Office: 30 (3,011 sq ft / 100 sq ft)  
Medical Office: 24 (3,011 sq ft / 125 sq ft)

FAIRFAX COUNTY SUMMARY		
SPACE TYPE	REQUIRED	PROVIDED
Standard	41	41
Accessible	02	02
EV	01	01
EXPEDIENT	00	00
TOTAL	44	50

### AREA DATA

SITE AREA: 34.02 AC / 82 AC  
PERVIOUS AREA: 19,708  
IMPERVIOUS AREA: 24,309  
BUILDING FOOTPRINT: 28,014  
HARDSCAPE: 19,286

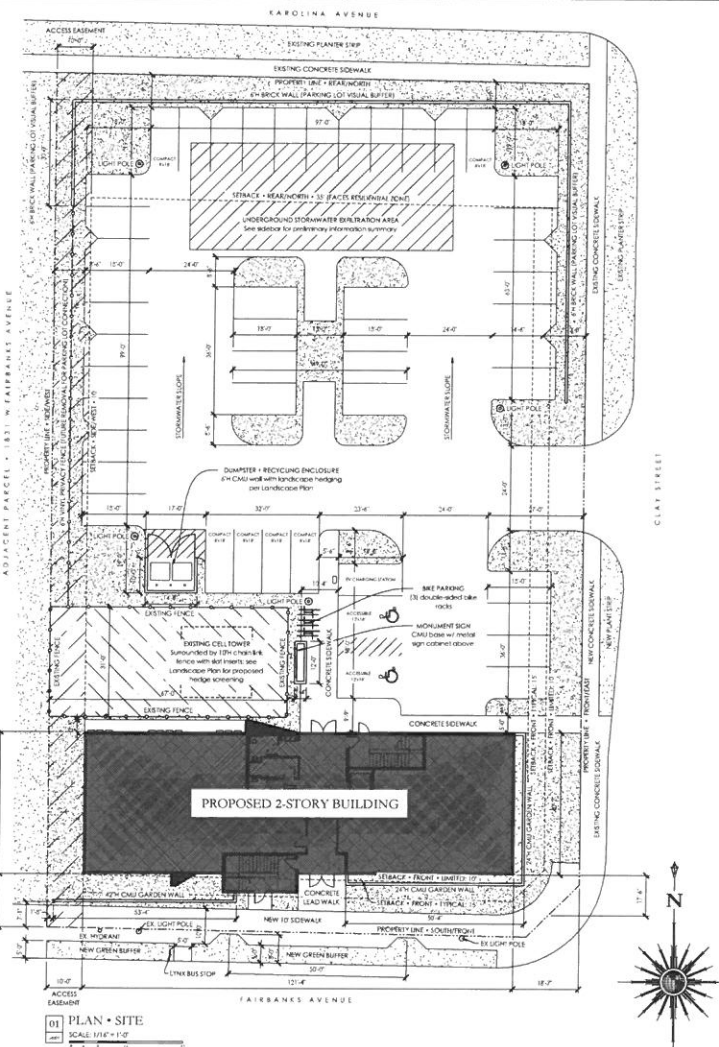
BUILDING AREA	10,022
1st Floor	10,014
2nd Floor	10,014
RATIOS	
Impervious Area	13.5%
FAIR	27.8%

### PARCEL INFORMATION

**GENERAL NOTE**  
This project encompasses (3) contiguous parcels with the same owner. Parcel information is identified below:

STREET ADDRESS	POB	LEGAL DESCRIPTION	EDN	AREA	JURISDICTION	EXISTING LAND USE
1801 W. Fairbanks Ave	12-22-29-4074-04-246	KAROLINA ON RELIANCEWAY MATES LOTS 22 & 23 BLD D	C-3	12 acres	City of Winter Park	2100 Retail Restaurant
1803 W. Fairbanks Ave	12-22-29-4074-04-205	KAROLINA ON RELIANCEWAY MATES LOT 24 BLD D	C-3	24 acres	City of Winter Park	1100 Retail Library Store & 1100 Per Comm Tower Site
1805 Fairbanks Ave	12-22-29-4074-04-010	KAROLINA ON RELIANCEWAY MATES LOTS 22 & 23 BLD D	R-2	46 acres	Union, Orange County	5100 Single Family Residential

**SPSAC REQUIREMENTS**  
Appl - Fairbanks Ave: 10' / 15' \*Front setbacks per LDC are 15' typical with a reduction to 10' allowed for certain building features.  
Front - Clay St: 10' / 15'  
Side - West: 10'  
Rear - North: 35' \*\*  
Pavement: 8'



01 PLAN - SITE  
SCALE: 1/16" = 1'-0"

A B C D E F G H I J

1

2

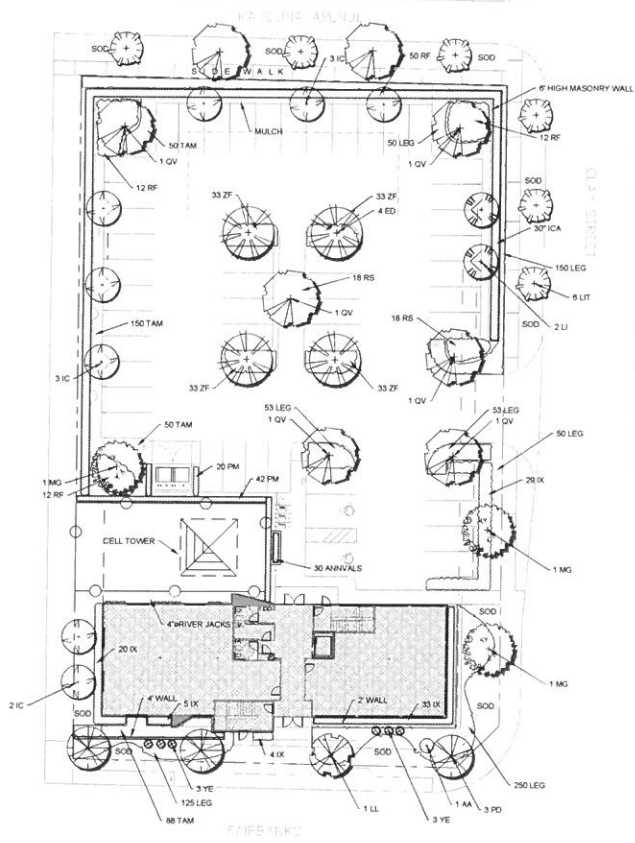
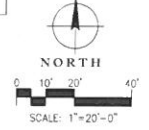
3

4

5

6

7



P L A N T L I S T						
KEY	TOTAL	BOTANICAL NAME	COMMON NAME	SIZE/HEIGHT, WIDTH	NATIVE	WATER USE
ED	4	ELEDORAMUS DECIPENS	JAPANESE BLUEBERRY	3' CAL	NO	LOW
LI	2	LASERSTROMIA	CRAPPE MYRTLE	10-12' H	NO	MEDIUM
IC	8	ILEX CASSINE	TENSAW	2-1/2' CAL	YES	LOW
MG	3	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	3' CAL	YES	MEDIUM
QV	8	QUERCUS VIRGINIANA	LIVE OAK	3' CAL	YES	LOW
PD	3	PHOENIX DACT. 'MEDJOL'	MEDJOL PALM	18' CW / 20' CT	NO	LOW
LIT	6	LASERSTROMIA 'TUSCARORA'	TUSCARORA CRAPPE MYRTLE	12' H. ST	NO	MEDIUM
LL	1	LIGUSTRUM INDICUM	LIGUSTRUM TREE	8' H	NO	MEDIUM
AA	1	AGAVE	BLUE GLOW	15' GAL	NO	LOW
YE	8	YUCCA ELEPHANTIPES	SPINELESS	15' GAL	NO	LOW
PM	62	PODOCARPUS MAC	MAKI PODOCARPUS	42" H	NO	MEDIUM
IX	90	IXORA C	SUPER KING	30" H	NO	MEDIUM
RS	36	RHOODELDRON SP	RED RUFFLE	30" H	NO	MEDIUM
RF	86	RHOODELDRON FORMOSIANA	FORMOSA	30" H	NO	LOW
ZF	132	ZAMIA FLORIDANA	COONTIE	3' GAL	YES	MEDIUM
LEG	731	LIRIOPE M	EVERGREEN GIANT	1' GAL	NO	MEDIUM
TAM	338	TRACHELOSPERMUM ASIATICUM 'MINIMA'	CONFEDERATE VARIEGATA	1' GAL	NO	LOW
SOD		ST. AUGUSTINE 'CITRA BLUE'		AS REQUIRED	NO	MEDIUM

NOTE: AN AUTOMATIC IRRIGATION PLAN WILL BE SUBMITTED FOR FINAL PERMIT APPLICATION

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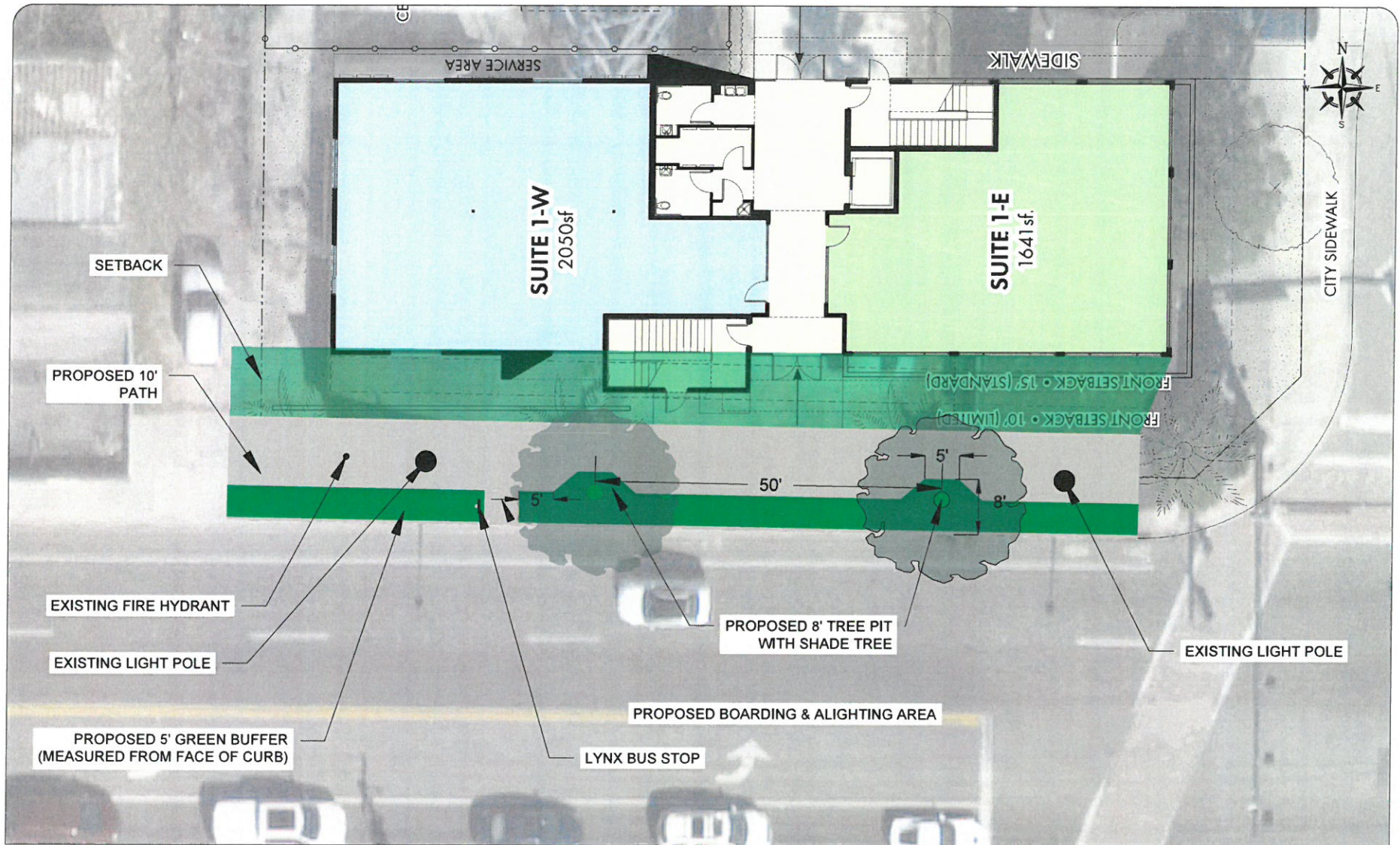
LANDSCAPE SITE PLAN  
FOR  
**Tracy Building**  
WINTER PARK, FLORIDA

DESIGNED BY: RCD  
DRAWN BY: RCD  
CHECKED BY: RCD  
DATE: 08-26-20

REVISIONS  
1. Owner/City 10-8-20  
2.  
3.  
4.  
5.  
6.  
7.





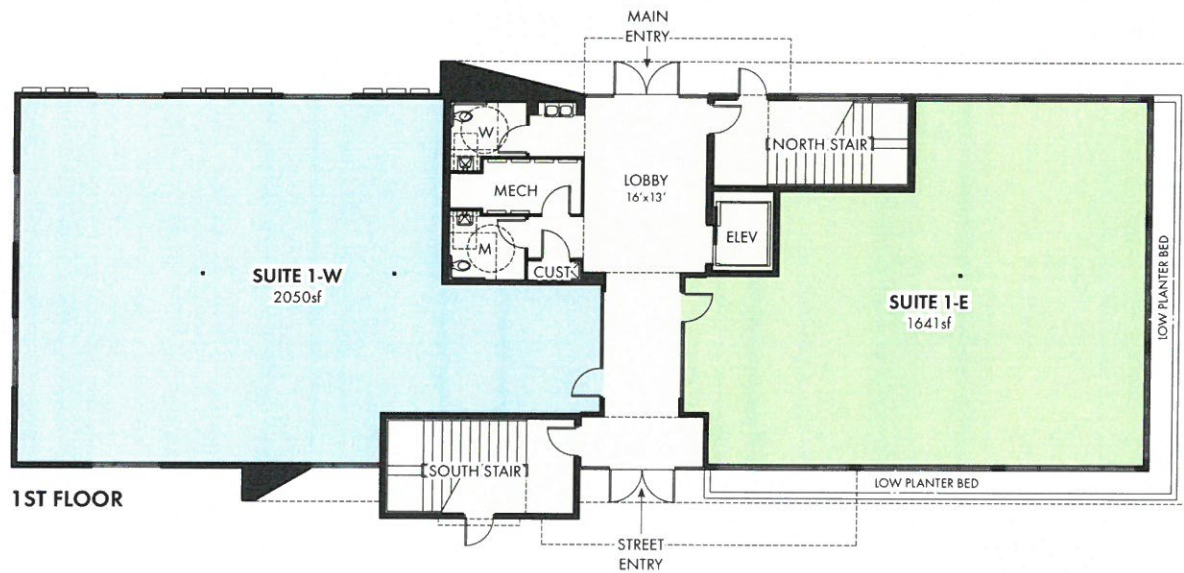
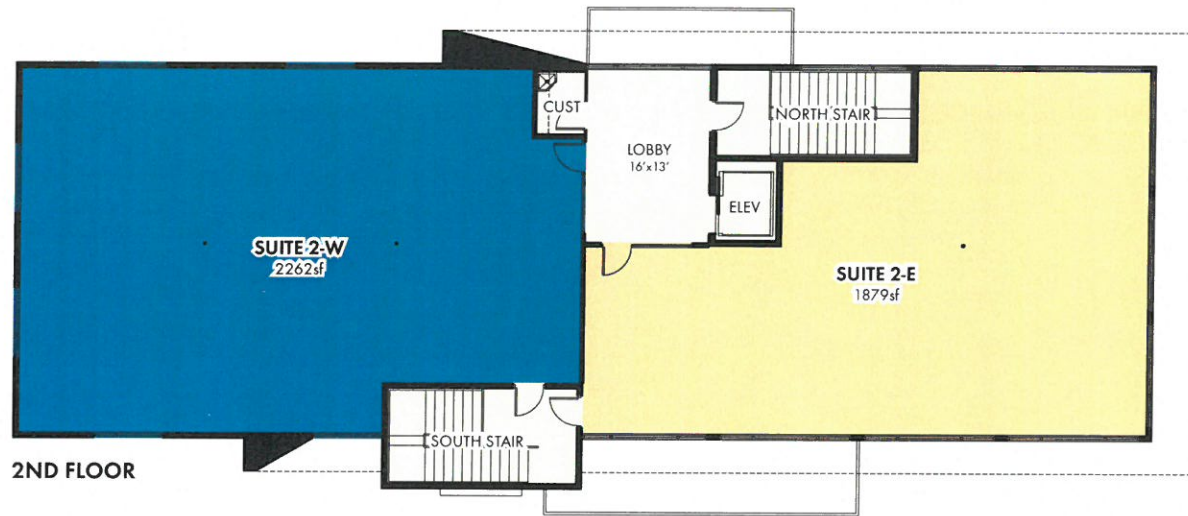


**NOTES:**

1. GREEN BUFFER IS MEASURED FROM FACE OF CURB.
2. UNOBSTRUCTED SIDEWALK WIDTH AROUND EXISTING FIRE HYDRANT SHALL BE A MINIMUM OF 36".
3. UNOBSTRUCTED SIDEWALK AT STREET WIDTH LIGHT SHALL BE A MINIMUM OF 48".
4. TREE PIT TO MEASURE 8' LENGTH (MEASURED PERPENDICULAR TO CURB AND 5' WIDTH (MEASURED PARALLEL TO ROADWAY).
5. BOARDING AND ALIGHTING AREA SHALL HAVE A MINIMUM CLEAR WIDTH OF 5' (MEASURED PARALLEL TO THE ROADWAY) AND MINIMUM CLEAR LENGTH OF 8' (MEASURED PERPENDICULAR TO THE CURB). COORDINATE WITH LYNX.
6. FINAL DESIGN TO BE APPROVED BY FDOT.
7. BASED ON EXISTING GEOMETRY, NO SIDEWALK TRANSITION IS NEED.

## AREA SUMMARY

<b>Total Area:</b>	<b>10,022sf</b>
<b>First Floor</b>	<b>5,011sf</b>
Suite 1-W	2,050sf
Suite 1-E	1,641sf
Common Area	1,320sf
<b>Second Floor</b>	<b>5,011sf</b>
Suite 2-W	2,262sf
Suite 2-E	1,879sf
Common Area	0,870sf
<b>Leasable Area:</b>	<b>7,832sf</b>



Sheet:  
**A04**  
ARCHITECTURAL

Drawing:  
**PLAN • FLOOR**  
SCALE: 3/64" = 1'-0"

Project:

**TRACY OFFICE BUILDING**  
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:  
**27 AUGUST 2020**  
DESIGN REVIEW



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## INSTITUTE OF TRANSPORTATION ENGINEERS COMMON TRIP GENERATION RATES (PM Peak Hour)

(Trip Generation Manual, 10th Edition)

				Setting/Location	
Code	Description	Unit of Measure	Trips Per Unit	General Urban/ Suburban	Dense Multi- Use Urban
MEDICAL					
610	Hospital	1,000 SF GFA	0.97		
620	Nursing Home	1,000 SF GFA	0.59		
630	Clinic	1,000 SF GFA	→	3.28	5.18
640	Animal Hospital / Veterinary Clinic	1,000 SF GFA	3.53		
650	Free-Standing Emergency Room	1,000 SF GFA	1.52		
OFFICE					
710	General Office Building	1,000 SF GFA	→	1.15	0.87
712	Small Office Building	1,000 SF GFA	2.45		
714	Corporate Headquarters Building	1,000 SF GFA	0.60		
715	Single Tenant Office Building	1,000 SF GFA	1.74*		
720	Medical-Dental Office Building	1,000 SF GFA	3.46		
730	Government Office Building	1,000 SF GFA	1.71		
731	State Motor Vehicles Department	1,000 SF GFA	5.20		
732	United States Post Office	1,000 SF GFA	11.21		
733	Government Office Complex	1,000 SF GFA	2.82		
750	Office Park	1,000 SF GFA	1.07		
760	Research and Development Center	1,000 SF GFA	0.49		
770	Business Park	1,000 SF GFA	0.42		

### NOTES & CALCULATIONS

The purpose of this conditional-use permit application is to give the Owner potential to build more than 10,000sf. This site doesn't support more than about 50 parking spaces with a two story building. Thus, at City of Winter Park parking ratios, the building size is practically limited as follows: max 10,000sf if the use is entirely medical offices, max 12,500sf if the use is entirely general offices. For that reason, the calculation below is based on a 12,500sf building with half of the building being used for each type of office.

Step 1: Additional Area Conditional Use Permit Would Enable: 2,500sf (1,250sf Medical Office + 1,250sf General Office)  
 Step 2: Additional Trips Generated at Peak Hour

1.25k <sub>sf</sub> Medical Office x 3.46 Peak Trips =	4,3250 trips
1.25k <sub>sf</sub> General Office x 2.45 Peak Trips =	3,0625 trips
<b>Total</b>	<b>7,3875 trips</b>

Conclusion: Given the small additional square footage, even at peak hours the traffic impact is estimated at only 7-8 trips; average trip count would be much lower.

(Table Source: Institute of Transportation Engineers)

Sheet:  
**A06**  
ARCHITECTURAL

Drawing:  
**PRELIMINARY TRAFFIC ANALYSIS**  
SCALE: UNSCALED

Project:

**TRACY OFFICE BUILDING**  
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:  
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Sheet:  
**A07**  
ARCHITECTURAL

Drawing:  
**ELEVATION • FAIRBANKS AVE**  
SCALE: UNSCALED

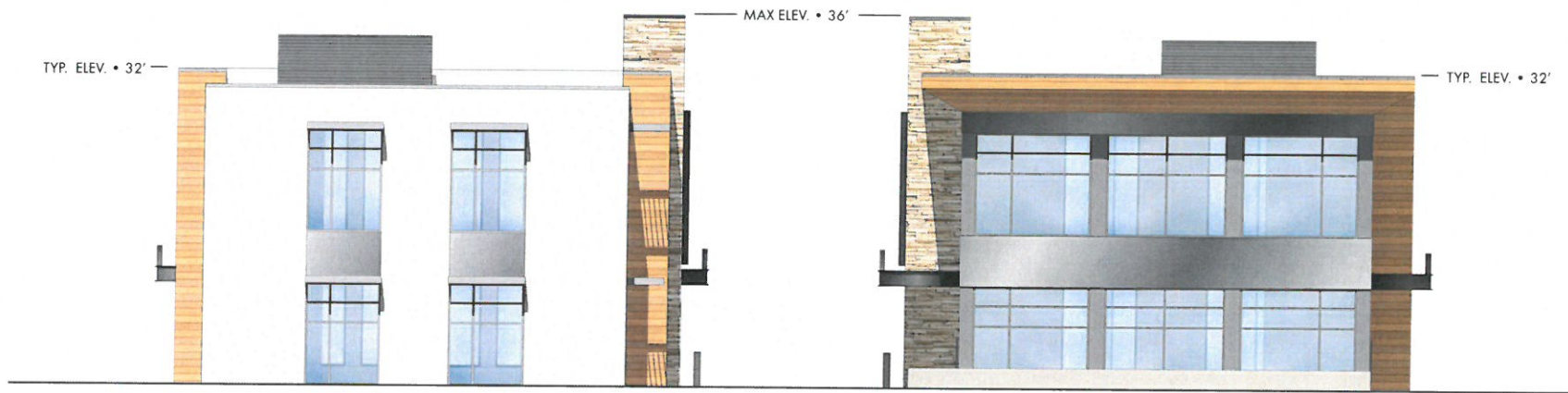
Project:  
**TRACY OFFICE BUILDING**  
1801 W FAIRBANKS AVE • WINTER PARK, FLORIDA

Date & Issue:  
**27 AUGUST 2020**  
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WEST ELEVATION

EAST ELEVATION



NORTH ELEVATION

Sheet:  
A08  
ARCHITECTURAL

Drawing:  
ELEVATIONS • ALL  
SCALE: 1/16" = 1'-0"

Project:

TRACY OFFICE BUILDING  
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

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Sheet:  
**A09**  
ARCHITECTURAL

Drawing:  
**PERSPECTIVE • AERIAL S.E.**  
SCALE: UNSCALED

Project:  
**TRACY OFFICE BUILDING**  
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:  
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Sheet:  
**A10**  
ARCHITECTURAL

Drawing:  
**PERSPECTIVE • AERIAL S.W.**  
SCALE: UNSCALED

Project:

## TRACY OFFICE BUILDING

1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

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Sheet:  
**A11**  
ARCHITECTURAL

Drawing:  
**PERSPECTIVE • AERIAL N.W.**  
SCALE: UNSCALED

Project:

## TRACY OFFICE BUILDING

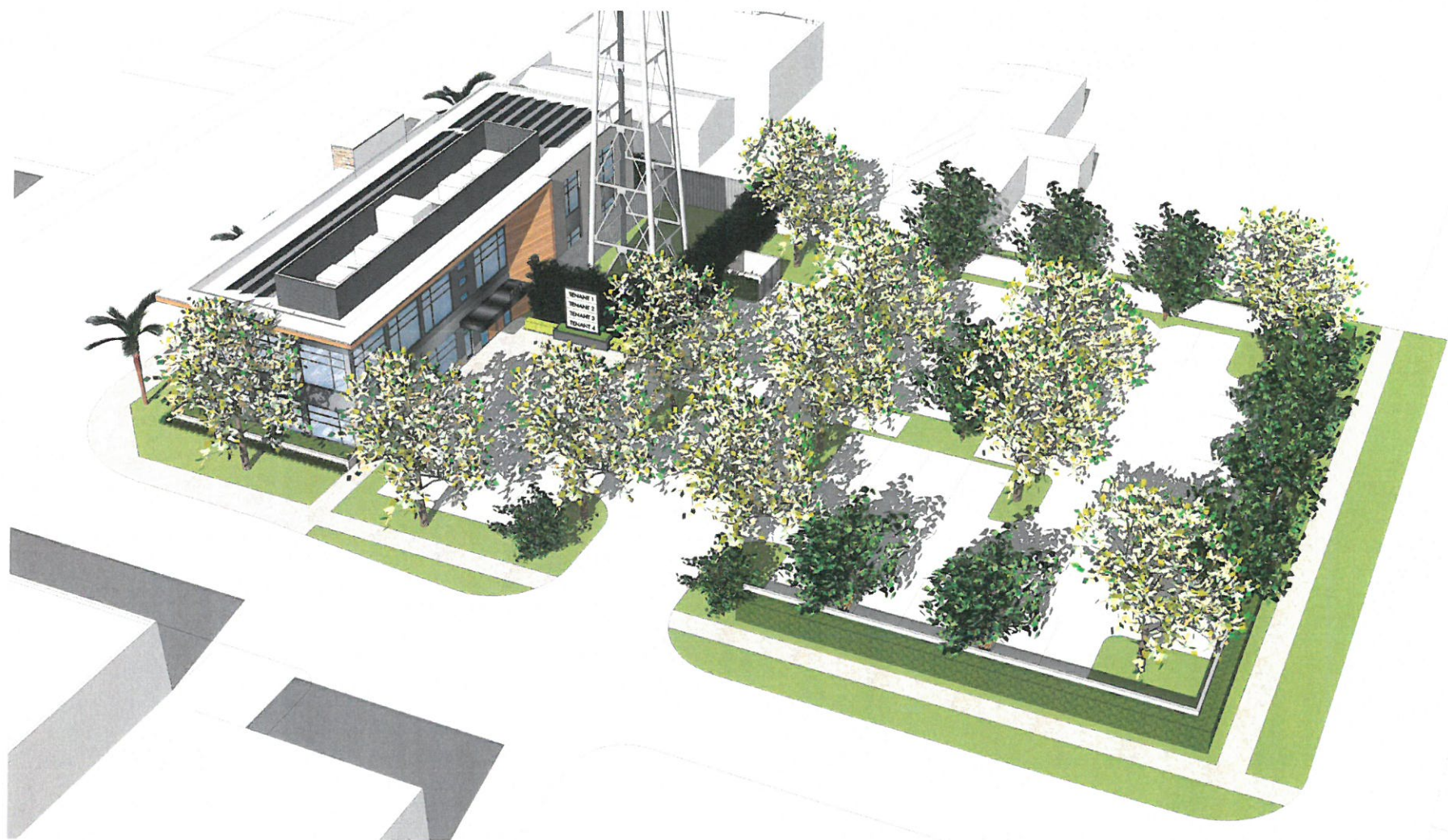
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Sheet:  
**A12**  
ARCHITECTURAL

Drawing:  
**PERSPECTIVE • AERIAL N.E.**  
SCALE: UNSCALED

Project:

**TRACY OFFICE BUILDING**  
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

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Sheet:  
**A13**  
ARCHITECTURAL

Drawing:  
**PERSPECTIVE • FROM CLAY**  
SCALE: UNSCALED

Project:

**TRACY OFFICE BUILDING**  
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:  
**27 AUGUST 2020**  
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# C. Brenner, Inc.

3586 Aloma Ave Suite 5  
Winter Park, FL 32792  
Phone: (407) 677-1700

COMMERCIAL REAL ESTATE

## Planning and Zoning – City of Winter Park

REF: Annexation, 1800 Karolina Ave;  
Hearing Date – November 2, 2020

TO: Members of Planning and Zoning

After living on the south side of Lake Killarney for over 60 years, and seeing all the good things the County and City has accomplished, I submit my thoughts.

With great insight the City had extended the Annexation on Fairbanks out west of I-4. Although it was only on those properties immediately fronting Fairbanks, most of those on the north side from Clay Street west to Orange Terrace are only 120 feet deep. For proper re-development of these parcels you need parking and retention areas.

It would be a smart move for an Administrative Annexation from the City of Winter Park much like was done on the Fairbanks properties, on the immediate properties north of those that were annexed allowing the new depth to be used for parking and retention.

I have been a Commercial Broker for over 45 years and feel this maybe a great solution for all concerned including the neighborhood.

Thank you,

Charlie Brenner, CCIM  
C. Brenner, Inc.  
O: 407-677-1700; M: 407-256-1700  
cbrenner@cbrenner.com

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City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Christina Sawyer

Name

Christina Sawyer

Christina Sawyer (Aug 26, 2020 13:25 EDT)

Signature

8/26/20

Date

1803 Karolina Avenue

Winter Park, FL 32789

My Address

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Andrew Toth

Name

Andrew Toth

Signature

8/30/20

Date

1807 Karolina Ave

Winter Park, FI 32789

My Address



~~AREA~~ RESIDENT

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Robert Davis Helsby

Name



Signature

8/11/20

Date

438 Lakeview Avenue

Winter Park, FL 32789


My Address

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Name CAROLYN MINEAR

Signature 

Date 8/25/20

My Address

430 KILLARNEY DR  
WINTER PARK FL  
32789

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Alan Thompson  
Name

[Signature]  
Signature

8/21/2020  
Date

458 Lakewood Ave  
Winter Park, FL 32789  
My Address

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Jackie Byrd Thompson

Name

Jodi Byrd Thompson

Signature

August 21, 2020

Date

458 Lakewood Ave  
Winter Park, FL 32789

My Address



ALLEN NORTON & BLUE  
PROFESSIONAL ASSOCIATION

1477 West Fairbanks Avenue, Suite 100 • Winter Park, Florida 32789  
Telephone 407-571-2152 • Facsimile 407-571-1496

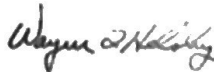
August 11, 2020

City of Winter Park  
761 Old England Ave.  
Winter Park, FL 32789

To Whom it May Concern:

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Wayne L. Helsby'.

Wayne L. Helsby

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# AREA COMMERCIAL BUILDING OWNER

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

James W. Ferrell

Name



Signature

August 14, 2020

Date

1400 W. Fairbanks Avenue

Winter Park, Florida, 32789

My Address

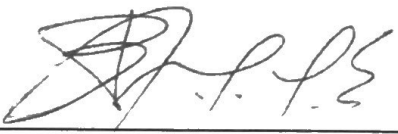


City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Sergio Von Schmeling  
Name

  
Signature

8-11-2020  
Date

WORK: 1850 W. Fairbanks  
Winter Park, FL 32789

HOME: 1764 Elizabeth's Walk  
Winter Park, FL 32789  
My Address



# City Commission agenda item

item type Public Hearings	meeting date November 11, 2020
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

## subject

Request of Benjamin Partners, Ltd for:

- Resolution - adopting amendments to the Second Amendment to the Amended and Restated Development Order for the Ravaudage Planned Development.

## motion / recommendation

Recommendation is to approve the Resolution as presented.

## background

The applicant, or master developer for the Ravaudage Planned Development (PD), recently annexed into the City of Winter Park, portions of the Bennett Avenue and Lewis Drive rights-of-way and the properties at 304/308/312/322 Monroe Avenue, and 1396 Bennett Avenue.

The applicant is requesting to amend via Resolution, the Second Amendment to the Amended and Restated Development Order for the Ravaudage PD, specifically the Land Use Plan Sheet A-1 Project Location and the Land Use Plan Sheet A-2 Maximum Height Zones. These amendments will add the annexed rights-of-way and properties into the PD and establish maximum heights for the annexed properties. The maximum heights will match the heights of the adjoining properties at height maximum of one to seven stories (92 feet).

Therefore, in recognition that 304/308/312/322 Monroe Avenue, and 1396 Bennett Avenue will be added to the Ravaudage PD boundary, which comprise of 53,143 square feet of new land area, and pursuant to the existing Ravaudage entitlements of 14.76 units/acre (based on acreage including right-of-way vacation) and a 100% FAR, the total added entitlements would require the following change to the "Project Building Program Table" of the Ravaudage Development Order:

## CATEGORY

## ENTITLEMENTS

RESIDENTIAL	<u>622</u> 604 UNITS
COMMERCIAL	<u>565,541</u> 512,398 SF
OFFICE	866,255 SF
HOTEL	320 ROOMS

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Ravaudage Resolution Nov 2020.doc](#)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE OF  
WINTER PARK, FLORIDA, ADOPTING AMENDMENTS TO THE  
SECOND AMENDMENT TO THE AMENDED AND RESTATED  
DEVELOPMENT ORDER FOR THE RAVAUDAGE  
DEVELOPMENT AS ORIGINALLY ADOPTED ON NOVEMBER  
10, 2014, PROVIDING FOR, CONFLICTS, SEVERABILITY AND  
EFFECTIVE DATE.**

**WHEREAS**, Benjamin Partners, Ltd. (Developer), and City of Winter Park previously entered into an Annexation Agreement dated April 9, 2012 and recorded in O.R. Book 10363, Page 1250, et seq, Public Records of Orange County, Florida, concerning property generally located at Lee Road and 17-92 in Winter Park, Florida and known as Ravaudage, in which the parties agreed that Developer's Development Order with Orange County dated May 24, 2011, (the "Original Development Order") would govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

**WHEREAS**, the Original Development Order was amended and restated by that certain Second Amendment to the Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2211-18 adopted on October 22, 2018, which is recorded at Official Records Document Number 20180635393, et. seq., Public Records of Orange County, Florida ("Second Amendment to the Amended and Restated Development Order"); and

**WHEREAS**, the Orange County Code applies to the development of Ravaudage under F.S. §171.062 and under the terms of the Annexation Agreement subject to the terms and conditions of the Second Amendment to Amended and Restated Development Order as further amended herein; and

**WHEREAS**, the Developer and the City staff have requested certain additional amendments to the Second Amendment to Amended and Restated Development Order, which have been recommended for approval by the City's Development Review Committee, and by the City Commission, all in accordance with the procedure required by the Orange County Zoning Code, and those requested amendments are reflected in the attached Second Amendment to the Amended and Restated Development Order; and

**WHEREAS**, the City finds that these amendments to the Second Amendment to Amended and Restated Development Order are consistent with the Orange County Comprehensive Plan and the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

**WHEREAS**, words with double underline shall constitute additions to the original text and strike through text shall constitute deletions to the original text.

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

**SECTION 1.** That the Winter Park City Commission does hereby amend the Ravaudage Land Use Plan Sheet A-1 Project Location in order to add the annexed right-of-way of Bennett Avenue and Lewis Drive, and the properties at 304/308/312/322 Monroe Avenue, and 1396 Bennett Avenue into the Ravaudage Planned Development boundary, per Exhibit A.

**SECTION 2.** That the Winter Park City Commission does hereby amend the Ravaudage Land Use Plan Sheet A-2 Maximum Height Zones, in order to establish maximum heights for the annexed properties at 304/308/312/322 Monroe Avenue, and 1396 Bennett Avenue, per Exhibit B.

**SECTION 3.** In recognition that 304/308/312/322 Monroe Avenue, and 1396 Bennett Avenue have been added to the Ravaudage Planned Development boundary comprising of 14,525 square feet of new land area, pursuant to the existing Ravaudage entitlements of 14.76 units/acre (based on acreage including right-of-way vacation) and a 100% FAR, the Winter Park City Commission does hereby amend the "Project Building Program Table" of the Ravaudage Development Order regarding the residential units and commercial square footage to read as follows:

CATEGORY	ENTITLEMENTS
RESIDENTIAL	<u>622</u> <del>604</del> UNITS
COMMERCIAL	<u>565,541</u> <del>512,398</del> SF
OFFICE	866,255 SF
HOTEL	320 ROOMS

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

**SECTION 5. CONFLICTS.** All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its final passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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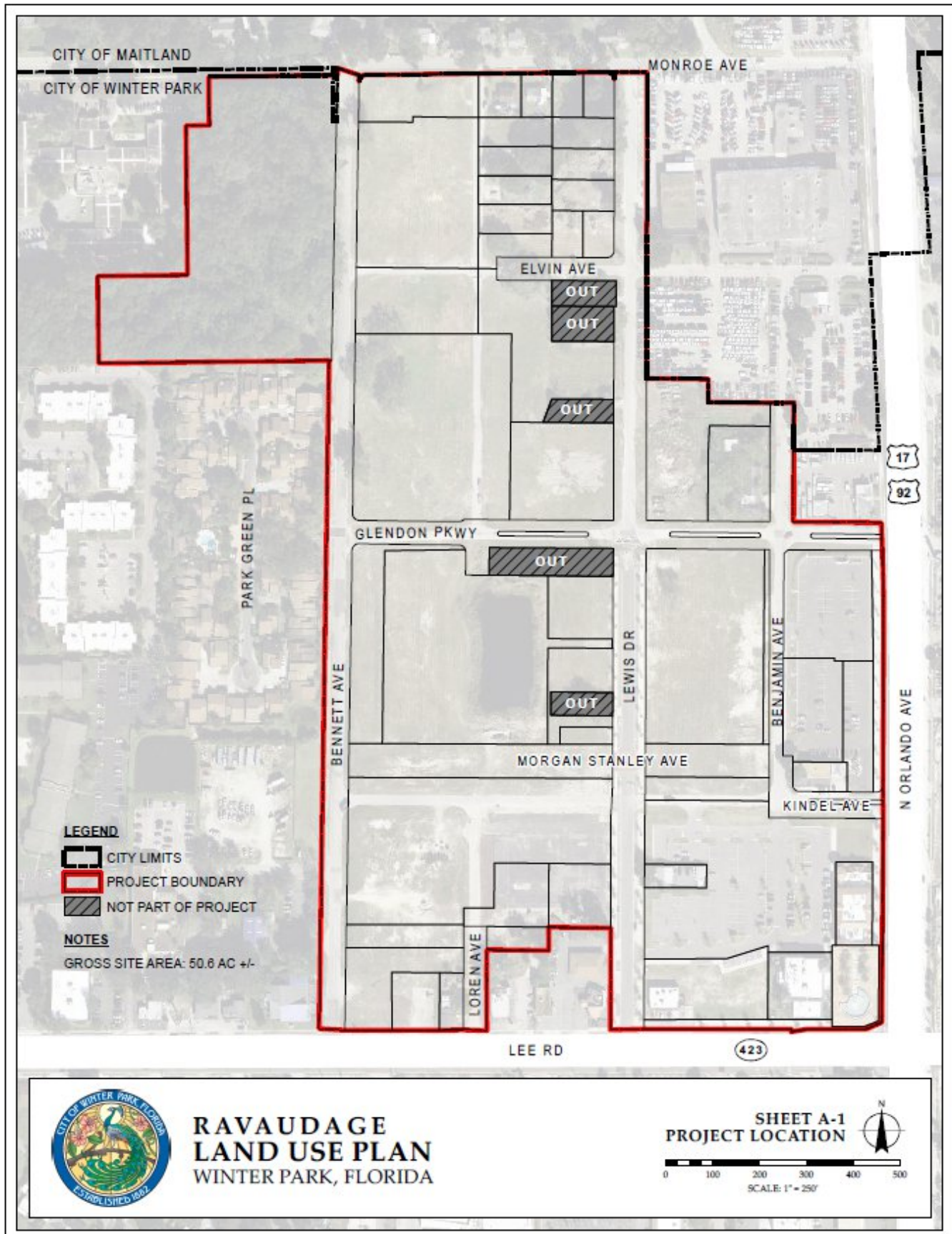
Mayor Steve Leary

ATTEST:

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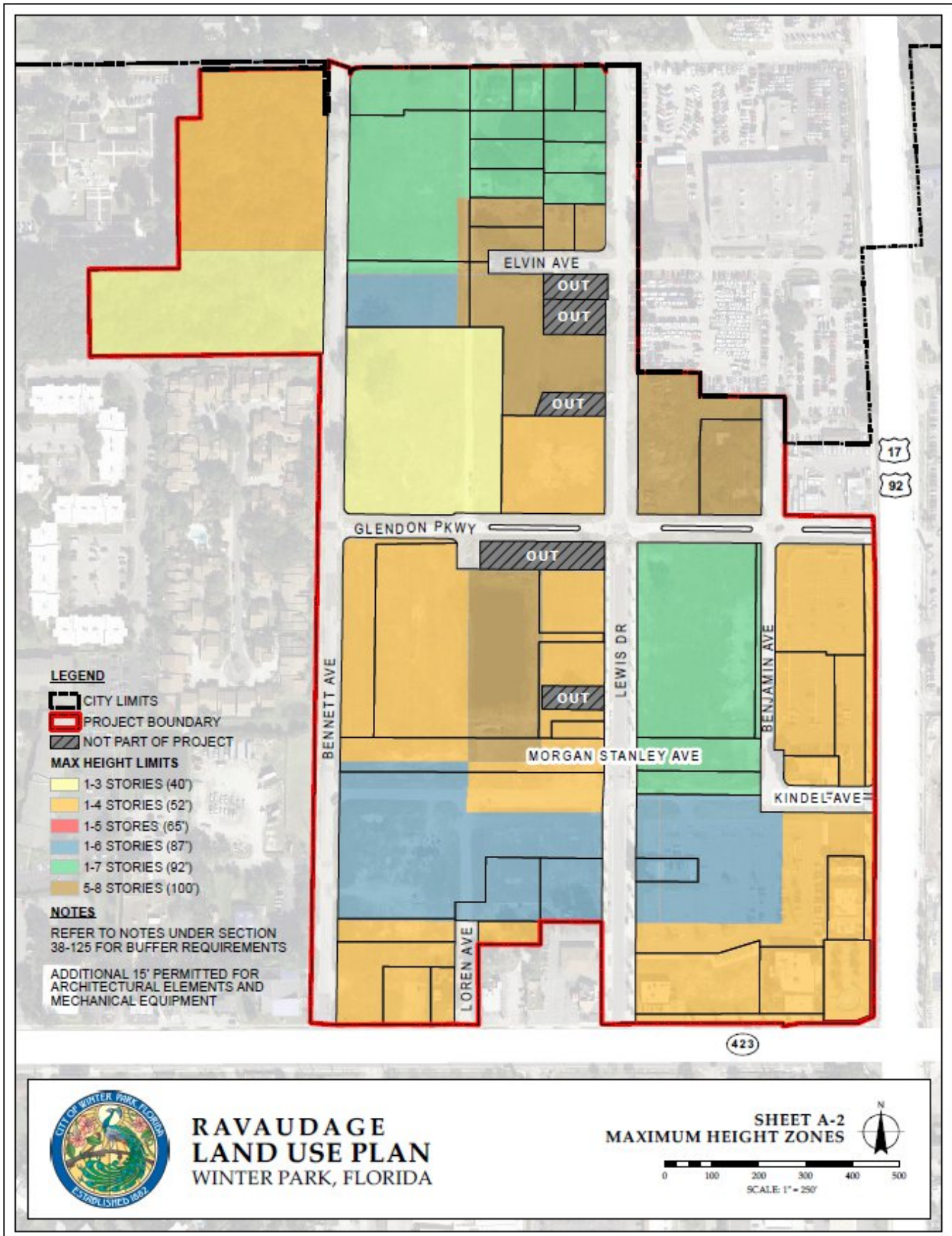
City Clerk

# EXHIBIT A





## EXHIBIT B





# City Commission agenda item

item type Public Hearings	meeting date November 11, 2020
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

## subject

Request of the City of Winter Park for:

- Ordinance amending Chapter 58, Land Development Code, Article III, "Zoning", to establish in the Office (O-1) zoning district, a new Conditional Use provision for restaurants, cafes, coffee shops and other food and beverage establishments and to provide criteria for such Conditional Uses. (First Reading)

## motion / recommendation

Recommendation is for approval of the Ordinance.

## background

The City's Office (O-1) Zoning district now allows office buildings, hospitals, etc. to have restaurants, cafeterias, coffee shops, etc. when those food and beverage establishments cater exclusively to the workers and visitors to the building. This proposed Ordinance would amend the Office (O-1) Zoning district text to allow for the range of restaurants and other food and beverage establishments to locate on the ground floor of existing office buildings that are three stories or more in height via a case by case conditional use review.

## Impact of the Code Change

The Zoning Code now allows restaurants within office buildings that are zoned commercial such as Luma in the Bank of America building. This code change would potentially apply then to a very limited number of existing properties that have 3+ story office buildings with office zoning. This is a way to responsibly respond to market demand and creates opportunities for adaptive reuse of large lobby spaces that were built for customer interaction, but due to changes in business models, technology and other

factors, the lobby spaces now often sit vacant or are used very little. Our Comprehensive Plan calls for us to be constantly re-evaluating our policies and codes.

There are not a great number of locations within the City that would be able to achieve adaptive re-use, and each would be evaluated on their unique merits as a Conditional Use application. During the 2018 Parking Study that led to our parking modernization in the Zoning Code, we found that our larger offices were extremely over-parked, meaning large portions of their lots sit empty during the day, and are totally empty on the weekends. This creates the opportunity to utilize both the excess parking and the underutilized space within the building.

The proposed code change would be to allow buildings zoned office that are 3-stories or higher to utilize 25% of their square footage for adaptive re-use into food and beverage space. Winter Park also promotes mixed-use by the fact that all commercial and office zoned properties can include a residential component. This would build on the desire for mixed-use development. Some examples of buildings in town that would potentially have the opportunity for this type of re-use would be the Heritage Park building on the northwest corner of Denning & Morse or the Commerce National Bank building at Orlando Avenue and Harmon Road. All of these sites appear to have ample surplus parking to accommodate customers within their existing parking lots.

### **Conditional Use Approval Required**

In each instance the specific building location and the specific restaurant or food service venue, including hours of operation would need to be approved on a case by case basis via Conditional Use. In that way the City can determine the compatibility of the request with the surroundings and may impose any conditions of approval that necessary for such specifics as hours of operation, live entertainment, location of parking, etc.

#### [alternatives / other considerations](#)

#### [fiscal impact](#)

#### ATTACHMENTS:

[Ordinance\\_Restaurants CU in Office Zoning.docx](#)

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
AMENDING ARTICLE III ZONING REGULATIONS OF CHAPTER 58  
OF THE LAND DEVELOPMENT CODE TO AMEND SUBSECTION 58-  
72 OFFICE (O-1) DISTRICT TO ESTABLISH A NEW CONDITIONAL  
USE FOR RESTAURANTS, CAFES, COFFEE SHOPS AND OTHER  
FOOD AND BEVERAGE ESTABLISHMENTS AND TO PROVIDE  
CRITERIA FOR SUCH CONDITIONAL USES. PROVIDING FOR  
CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE  
DATE.**

**WHEREAS**, the City Commission of the City of Winter Park (the “City”) recognizes that certain types of food and beverage establishments can be compatible within multi-story office buildings as an ancillary activity to the predominate character and use of the building for offices and such mixed use requires special consideration and clarification of the intent of the Zoning Code; and

**WHEREAS**, the City recognizes that the Planning and Zoning Board and/or the City Commission desires that certain criteria and factors be necessary in order to promote such mixed use in office zoned areas as important for the character and environment of the City; and

**WHEREAS**, the City recognizes that the Planning and Zoning Board and/or the City Commission recognizes that the location and such other criteria are a part of the consideration for the approval of conditional uses but agrees that those types of conditional use applications may be heard; and

**WHEREAS**, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City’s local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein; and

**WHEREAS**, this Ordinance is being adopted in the best interests of the health, safety and welfare of the citizens of Winter Park.

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

**SECTION I:** RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

**SECTION II:** EDITS. Portions of Chapter 58, Land Development Code, Article III, Zoning Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text. Provisions not included are not being amended.

**SECTION III:** AMENDMENT. Chapter 58, Land Development Code, Article III, Zoning Regulations, Section 58-72 “Office (O-1) District” is hereby amended in subsection (d) “Conditional uses” to establish a new conditional use, together with criteria as shown to read as follows:

**Sec. 58-72. Office (O-1) district.**

**(d) Conditional uses.**

\*\*\*

(8) Restaurants, cafes, coffee shops and other food and beverage establishments (but not including bars, taverns and lounges), provided the following criteria are met that such establishment may only be located on the ground floor within buildings of a minimum of three stories in height and such establishment may not occupy more than twenty-five (25%) percent of the floor area of the entire office building.

**SECTION IV:** INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

**SECTION V:** SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

**SECTION VI:** CODIFICATION. Section III of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s errors.

**SECTION VII:** This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

**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 \_\_\_\_\_, 2020.

**City of Winter Park**

\_\_\_\_\_  
Steven M. Leary, Mayor

Attest: \_\_\_\_\_  
Rene Cranis, City Clerk