



city commission agenda

**City Commission Virtual
Regular Meeting
October 14, 2020
3:30 pm
Virtual Meeting**

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 Thursday 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.

Virtual City Commission public comment procedures:

- Please see the link below for instructions on providing public comment:
<https://cityofwinterpark.org/cclive>.
- If you would like to provide comments prior to the meeting, please send them to MayorAndCommissioners@cityofwinterpark.org. These comments will be received by the City Commissioners and staff, however, will not be read publicly into the record during the meeting. This is consistent with our normal procedures for emails received prior to a City Commission meeting.

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Invocation

- a. [Pastor Darren Bess, Winter Park Presbyterian Church](#) 1 minute

Pledge of Allegiance

3. Approval of Agenda

4. Mayor's Report

5. City Manager's Report

- a. [City Manager's Report](#) 5 minutes

- b. CIP Report 1 minute

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, citizen comments will be at the end of the meeting)

(Three minutes are allowed for each speaker)

9. Consent Agenda

- a. Approve the minutes of the regular meeting, September 23, 2020. 1 minute
- b. Approve the minutes of the work session, September 24, 2020. 1 minute
- c. Approve the following contracts: 1 minute
 - 1. Power Engineers, Inc. - Renewal of RFQ-18-2018 - Professional Engineering Services to Design Underground Conversion of Power Lines; \$150,000;
 - 2. HDD of Florida - Renewal of RFP-15-2019 - Underground Conduit/Pipe Installation Services; \$2,800,000 and authorization of additional FY20 contract funds for final invoice payment; \$128,050;
 - 3. Cathcart Construction Company - Renewal of RFP-15-2019 - Underground Conduit/Pipe Installation Services; \$82,000;
 - 4. Heart Utilities of Jacksonville - Renewal of RFP10-19 - Electric Utility Installation & Maintenance; \$2,600,000;
 - 5. High Performance Sports Management - Renewal of RFP17-18 - Tennis Programming & Instructional Services; \$300,000;
 - 6. Brown & Brown of Florida, Inc. - Renewal of RFP22-18 - Insurance Agent/Broker of Record; \$1,100,000; All City insurance premium payments are processed directly through Brown & Brown of Florida.
 - 7. Ambulance Medical Billing - RFP-13-2020 - EMS Billing Services; 2 year term, \$100,000 per year;
 - 8. Stryker Sales Corp. - ProCare LUCAS - 3 year term, \$2,667.60 per year.

- d. Approve the following Piggyback contracts: 1 minute

1. Odyssey Manufacturing Co - City of Daytona Beach ITB#20561 - Sodium Hypochlorite; \$400,000;
2. Online Information Services, Inc. (Online Utility Exchange) - Kissimmee Utility Authority #19-022-CV - Debt Collection Services; \$12,000 per year. Contract through August 6, 2022;
3. ABM Industry Groups, LLC - Pasco County IFB-TB-16-131 - Janitorial Services & Equipment; Increase allowable spend to \$615,000 per year;
4. Cintas Corporation - Omnia Partners contract #R-BB-19002 - Facilities Management Products & Solutions; Increase allowable spend to \$90,000 per year.
5. Cubix, Inc. - Sourcewell 121715-MAC - Flooring Supplies & Services; approve an additional \$150,000 spend under contract.

10. Action Items Requiring Discussion

11. Public Hearings

- a. Request of the City of Winter Park for: An Ordinance to adopt regulations to regulate the amount of fill added to residential lots. (Second Reading) 5 minutes
- b. Request of the City of Winter Park for: An Ordinance amending Article IV "Subdivision and Lot Consolidation Regulations" to provide regulations for the permitted floor area ratio related to lot splits of four lots or less and to update the process and procedures for approvals of final plats. (Second Reading) 5 minutes

12. City Commission Reports

13. Summary of Meeting Actions

appeals and assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105)

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



City Commission agenda item

item type Invocation	meeting date October 14, 2020
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Pastor Darren Bess, Winter Park Presbyterian Church

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type City Manager's Report	meeting date October 14, 2020
prepared by Jennifer Guittard	approved by Peter Moore, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

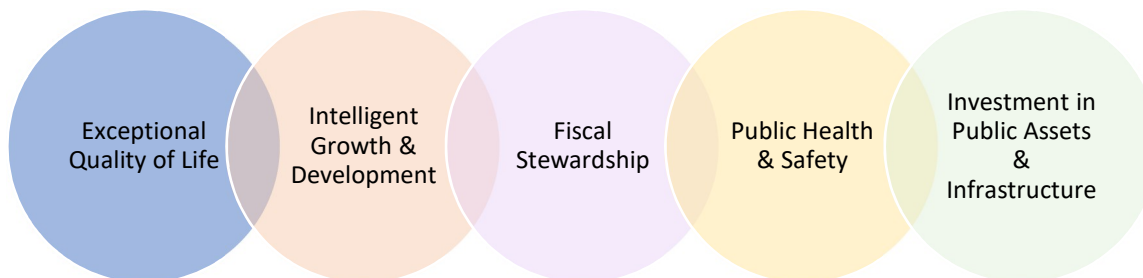
[90Day Report 10.14.20.pdf](#)



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
Phelps Park Playground Renovation	Design and equipment selection of Phelps playground. Public Input conclude on August 28th and selected design was approved by PRAB 7-0 at Sept meeting. Purchase will be brought to Commission in October.	Parks	Oct
MLK Park Plan	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. CRA Agency meeting being scheduled for November to discuss progress.	Parks	Nov

Item	Description	Item Department	Item Date
Electric Vehicle Readiness	Ordinance is going to P&Z for review. Then Commission for approval.	Building & Permitting	Dec
Tree Preservation Ordinance	Ordinance will be presented to newly created Trees Preservation Board and Planning and Zoning, then presented to Commission.	Parks	Dec

Title 2: Fiscal Stewardship

Item	Description	Item Department	Item Date
Florida Building Code	Presenting an update of our local Administrative Ordinance that implements the next Edition of the Florida Building Code. Current scheduled to be reviewed by the Construction Board Sept/Oct prior to Commission in Nov.	Building & Permitting	Nov

Title 3: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Annexation Work session	Work session scheduled for Oct 22 to discuss annexation law, annexation policies, current annexation requests, and a comprehensive financial analysis of the annexation requests. Staff feels that these items are important to have in-depth discussion about prior to Commission consideration, given the upcoming complexity of the annexation requests.	Planning & Transportation	Oct
Single Use Plastic Policy	Commission approval of the Single use Plastic Policy scheduled for commission Oct 28th by the Sustainability department after review by KWPB board.	Building & Permitting	Nov
Turf Ordinance	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	Nov

Title 4: Investment in Public Assets & Infrastructure

Item	Description	Item Department	Item Date
Drainage Plan for CRA	Geosyntech is the stormwater consulting firm on contract for the study and development of improvements particularly surrounding the MLK park pond basin and the Center street basin downtown. The draft report was received with staff on September 29th, corrections and additions were identified before bringing to commission in October.	Stormwater	Oct
Sewer Capacity	Purchase of additional sewer capacity at Altamonte Springs.	Water & Sewer	Oct
Wastewater Interlocal Capital Contribution Payment	Finalize approval with the City of Orlando for waste water plant upgrades.	Water & Sewer	Oct
Wastewater Interlocal Contract	Renewal of Conserv II sewer treatment contract with Orlando.	Water & Sewer	Oct
CRA Agency Meeting	CRA Agency meeting to discuss the Central Park stage and progress to MLK Park improvements.	CRA	Nov

Additional Items of City Interest

Title 5: Exceptional Quality of Life

Item	Description	Item Department
Library & Events Center	The Library/events center construction continues on schedule and on budget. Notable milestones are the steel erection of the Library is substantially complete and the steel erection of the events center is approximately 50% complete. Currently, the floor pans and ceiling pans are being installed in preparation for the concrete floor of the second floor and the roofing system. Also, rough-in of the library under slab utilities is underway. The concrete precast skin of the library is anticipated to begin installation October 27th with installation of window glazing following 2 weeks behind that. Steel erection of the events center is anticipated to be complete within 2 weeks after which precast skin installation will commence followed by window glazing. Site utilities and pond reshaping are nearing completion.	Public Works
Public Art for I-4	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 6: Intelligent Growth & Development

Item	Description	Item Department
Sustainability Plan	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 7: Investment in Public Assets & Infrastructure

Item	Description	Item Department
Electric Undergrounding	Miles of Undergrounding performed Project G: 4.1 miles 88% complete Project I: 6.9 miles 49% complete Project W: 0.26 miles 85% complete TOTAL so far for FY 2020: 6.4 miles	Electric
Fairbanks Transmission	Project is 95% complete. The poles remaining on Fairbanks are supporting Spectrum cables. Spectrum is on Fairbanks working currently with a commitment to be off the poles by the end of October. Paving of Fairbanks is complete. Streetlights for the South side of the project are in the warehouse. We will begin installation immediately after removal of joint use overhead wires.	Electric
Lakes Health Analysis	The Natural resources division of Parks (where lakes management now resides) along with Public Works, are 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
New York Avenue Streetscape	Signed plans and permits received. Solicitation for bids underway. Improvement highlights include pedestrian crosswalks, ADA compliant intersection improvements, and mast arms at Fairbanks and New York. Mast arm delivery is expected 3-6 months after purchase.	CRA



City Commission agenda item

item type City Manager's Report	meeting date October 14, 2020
prepared by Jennifer Guittard	approved by Peter Moore, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

CIP Report

motion / recommendation

background

alternatives / other considerations

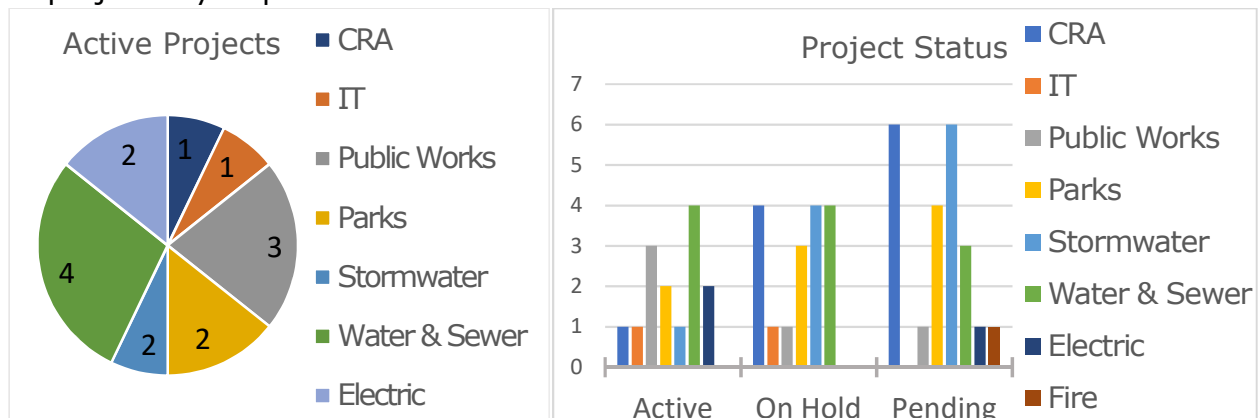
fiscal impact

ATTACHMENTS:

[CIP Report 10.14.20.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: 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
Library	The Library/events center construction continues on schedule and on budget. Notable milestones are the steel erection of the Library is substantially complete and the steel erection of the events center is approximately 50% complete. Currently, the floor pans and ceiling pans are being installed in preparation for the concrete floor of the second floor and the roofing system. Also, rough-in of the library under slab utilities is underway. The concrete precast skin of the library is anticipated to begin installation October 27th with installation of window glazing following 2 weeks behind that. Steel erection of the events center is anticipated to be complete within 2 weeks after which precast skin installation will commence followed by window glazing. Site utilities and pond reshaping are nearing completion.	Public Works
Mini Park Restorations	Champion Circle mini park has been completed except for signage awaiting naming of park. Minor improvements to mini parks as needed	Parks

Project	Project Tasks	Division
Winter Park Sports Complex	Continuing restoration of the area of Ward Park between Baseball fields and the Center for Health and Wellbeing. Pond dredging has been completed. Hardscape work and site prep began Aug. 26; remainder of work to include labyrinth, pocket play space, and landscaping is set for completion by late October. Court resurfacing of Cady Way Tennis Courts and pickleball conversion scheduled for December 2020.	Parks

Title 2: Fiscal Stewardship Objective

Project	Project Tasks	Division
ERP Software Project	Currently implementing software modules for Parking Tickets, Code Enforcement, and Utility Billing.	IT

Title 3: Intelligent Growth & Development Objective

Project	Project Tasks	Division
CRA Small Projects	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
Lift Station R&R	2 of the three backup generator have been installed at lift stations. Package lift station equipment for Ranger Lift station Replacement received; construction work anticipated to begin in 1-2 months. Lift station #61 rehabilitation starting.	Water & Sewer

Title 4: Investment in Public Assets & Infrastructure

Project	Project Tasks	Division
Electric Undergrounding Project	Project G 88% complete, H complete, I 49% complete, M complete, & W 85% complete.	Electric
Facility Capital Improvements	Still assessing planned replacements for HVAC units in Buildings 11&12 at Central Compound. Planning to proceed with HVAC replacement at Building 10 within 90 days, pending grant. Painting of Public Safety Building is complete. Floor cleaning for Building 10 and Public Safety is scheduled to begin week of 10/5.	Public Works
Fairbanks Underground Project	Project is 95% complete. The poles remaining on Fairbanks are supporting Spectrum cables. Spectrum is on Fairbanks working currently with a commitment to be off the poles by the end of October. Paving of Fairbanks is complete. Streetlights for the South side of the project are in the warehouse. We will begin installation	Electric

As of 10/14/20, pg2

Project	Project Tasks	Division
	immediately after removal of joint use overhead wires.	
Kings Way at Fawsett Rd	Permit exemption received from the SJRWMD, construction is 60% complete.	Stormwater
Meter Data Management Upgrade	Implementation of new cloud based software and integration with Tyler will take 8 to 12 months.	Water & Sewer
Sewer Mains R&R	Minor work continues rehabilitating manholes and lining sewer mains.	Water & Sewer
Signalization Upgrade	Developing City Wide traffic signal interconnection and communication system. Currently upgrading traffic controllers to a new system that communicates with FDOT and Orange County systems.	Public Works
Upgrade Water Mains	Winter Park Oasis subdivision water main replacement complete. Park North, Lake Knowles Terrace, Flora Park, Winter Park Heights and Conwill Estates subdivision planned for water main upgrades starting in 1-2 months.	Water & Sewer

Major Non-City ROW Work

TECO Gas

The utility will be working in Winter Park for the next several months to locate, repair, and replace gas mains along Palmer Ave and side streets. Their work is estimated to complete this summer 2020.

Recently Completed Projects

Community Redevelopment Agency

The Community Redevelopment Agency installed new parking sensor signage at the Park Place Garage. As part of the Intelligent Growth & Development strategic objective for the strategy to implement the adopted economic development plan.

In coordination with the Parks department the CRA improved the Central Park irrigation. As part of downtown enhancements to provide the strategic objective for Exceptional Quality of Life.



Parks & Recreation

The Parks department partially completed capital repairs to the Dinky Dock. Improvements to the swimming pier and boardwalk are completed for the strategic objective to provide an Exceptional Quality of Life to residents and visitors. Additional upgrades to the beach rehabilitation and dredging are on hold pending budget availability.

As of 10/14/20, pg3

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

Water & Wastewater

The Water and Wastewater department completed water main replacements at Albert Lee Ridge/Lake Bell and Winter Park Oasis subdivision. As part of the Investment in Public Assets & Infrastructure strategic objective to provide quality water utility service.



City Commission **agenda item**

item type Consent Agenda	meeting date October 14, 2020
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the regular meeting, September 23, 2020.

motion / recommendation

Approve

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[092320rs.pdf](#)



City Commission

Regular Meeting Minutes

September 23, 2020

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

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

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

1) Meeting Called to Order

Mayor Leary called the regular meeting of the City Commission to order at 3:30 p.m.

2) Invocation and Pledge of Allegiance

Randy Robertson, Gladdening Light, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Mr. Knight advised that the Chamber of Commerce asked to make a presentation relating to Consent Agenda Item f. Consensus was to move Item f to Action Items Requiring Discussion Item a.

Mr. Knight advised that no action is needed on Public Hearing Item c. since the extension of the conditional use is automatically granted pursuant to State law.

Motion made by Commissioner DeCiccio to approve the agenda as revised; seconded by Commissioner Sullivan. Motion carried with a 4-1 vote. Commissioner Cooper voted no.

4) Mayor's Report

5) City Manager's Report

Parking Code Modifications

Mr. Stephenson gave a presentation on the CBD parking code which currently requires businesses to provide owned parking as opposed to leased parking which is permitted elsewhere and said that allowing shared/leased parking would require a modification

to the code. He asked for consideration to defer or allow long-term payment of impact fees paid by restaurants for additional seating to reduce the financial burden.

Staff responded to questions on shared/leased parking and discussion followed on the impact of modifications. Consensus was to have staff review and provide information and options to the Commission to determine next steps.

a. 90-Day Report

Annexation Work Session - Commissioner Cooper recommended that staff determine the appropriate time to complete a cost benefit analysis on the annexation reserve area.

Florida Building Code - Commissioner Cooper asked staff to look at local amendments relating to underground parking garages.

Mr. Knight stated that two work sessions are needed, one for single member districts and the second on annexations. After discussion, consensus was to schedule the work session on single member districts for October 8th and a separate work session on annexations.

6) City Attorney's Report

7) Non-Action Items

8) Citizen Comments | 5 p.m. or soon thereafter (heard after Item 10)

9) Consent Agenda

- a. Approve cancellation of regular meetings of November 25th and December 23rd due to their close proximity to Thanksgiving and Christmas respectfully.
- b. Approve the minutes of the regular meeting, September 9, 2020
- c. Approve the minutes of the work session, September 10, 2020
- d. Approve the following HIDTA Pass-through Purchases - Purchase orders for specialized, confidential investigative services and facility expenses; \$80,000, \$85,000, \$185,000 and an additional purchase order for \$195,000 for facility expenses of HIDTA.
- e. Approve Interlocal Agreement for Lake Killarney Aquatic Plant Management
- f. Business Assistance Funding (moved to Action Items Requiring Discussion)

Motion made by Commissioner Cooper to approve Consent Agenda Items a-e; seconded by Commissioner Weaver. Motion carried with a 5-0 vote.

10) Action Items Requiring Discussion

- a. Business Assistance Funding (Moved from Consent Agenda, Item f)

Betsy Gardner Eckbert, Winter Park Chamber of Commerce gave an update on the efforts of the Economic Recovery Task Force.

Drew Madsen, Task Force and Economic Development Advisory Board member, gave a presentation on economic impact of the pandemic and reviewed the Task Force's role and guiding principles. He presented questions for consideration and next steps including a direct mailing of upcoming events and mask-wearing campaign.

Commissioner Sullivan expressed support for the promotion and enforcement of healthy actions to reduce the potential impact of a second wave and urged the Task Force to look beyond strictly economic activities.

Commissioner Weaver agreed with Commissioner Sullivan. He expressed concern that accommodating curbside pickup will restrict the location of tables for outdoor dining and opposed street closures.

Commissioner Cooper suggested a establishing a portal or e-mail for the public to submit ideas and comments. She spoke in favor of allowing expanded outdoor dining with agreement by adjacent business owners.

Commissioner DeCiccio asked for clarification on the City Manager's spending authority of the approved \$500,000 CRA funds. Mayor Leary stated the City Manager has up to \$75,000 purchasing authority and suggested establishing a single purchase limit for these funds. Discussion followed on funding and spending limitations.

Commissioner Cooper questioned the need for the CRA Agency to approve expenditures and encouraged distribution of monthly reports which include upcoming events which can be approved in advance by the Commission.

Mr. Langley advised that \$500,000 has been allocated by the CRA Agency and any modifications must go back to the Agency for approval. Agency approval is also required if the allocation was contingent upon approval of funding.

Consensus was to schedule a CRA Agency meeting to determine City Manager's spending limit, move forward with an initial/pilot street closure in October with details to be finalized and pending financial approval, and move forward with the mask-wearing campaign using city funds if CRA funds are not approved in the CRA Agency meeting.

12) Millage Rate and Budget Public Hearings (held after 5:00 p.m.)

ORDINANCE 3183-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A 0.1263 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2011, AND A 0.3025 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2017 & 2020. (Second Reading)

ORDINANCE 3184-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, COMMUNITY REDEVELOPMENT FUND, AFFORDABLE HOUSING TRUST FUND, FEDERAL FORFEITURE FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2020; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. (Second Reading)

A simultaneous public hearing was held on these ordinances

Mayor Leary stated the millage rate needed for FY21 to generate the same property tax revenue as in FY20 is 3.9509 mills. The proposed budget with amendments generally agreed to by the City Commission requires a millage rate of 4.0923 which has been the rate levied by the city for the last 12 years. The proposed millage of 4.0923 mills would represent an increase in property taxes due to the increase in assessed property values. He reviewed the voted debt service millage rates to cover bonds issued.

Attorney Langley read the ordinances by title.

Motion made by Commissioner Sullivan to adopt the millage ordinance as presented; seconded by Commissioner Cooper.

Motion made by Commissioner Sullivan to approve the budget ordinance as presented; seconded by Commissioner Cooper.

Motion made by Mayor Leary to amend the millage rate ordinance to adopt the roll back rate of 3.9509. Motion failed for lack of second.

Motion made by Mayor Leary to amend the millage rate ordinance to adopt a millage rate of 3.9937 and include the employee pay increase approved on first reading. Motion failed for lack of second.

Mayor Leary stated the City is going to adopt an operating millage of 4.0923 which represents a property tax levy that is 3.58% higher than the rolled-back rate of 3.9509 mills due to increases in assessed property values.

William Sullivan, 1362 Richmond Road, thanked the Commission for listening to the public and maintaining the millage rate although he would have preferred a lower rate due to the financial difficulties of residents during the pandemic.

Upon a roll call vote on the motion to adopt the millage rate ordinance as presented, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the motion to adopt the budget ordinance as presented, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

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

No citizen comments.

Mayor Leary declared a recess at 5:37 and reconvened the meeting at 5:52 p.m.

10) Action Items Requiring Discussion

b. Bennett Road/Executive Drive Realignment

Mr. Stephenson reviewed the history of the Ravaudage development and development orders and modifications as they relate to the realignment of Bennett Avenue and Executive Drive.

Sarah Walter, Transportation Manager, gave a presentation on the current conditions of the area street network and presented two alternatives. Alternative 1 is in the current development order and aligns Bennett Avenue with Executive Drive creating a “plus” intersection. Alternative 2 creates a “T” intersection at Bennett Avenue and Lee Road with no change to the movement at Executive Drive. She reviewed the advantages and disadvantages of each alternative and stated that staff is recommending Alternative 2, which is FDOT’s preference.

Mr. Stephenson provided additional input on the impact of each alternative on local streets and stated a decision is needed in order to update the development order for future commission approval and to allow the developer to proceed.

Dan Bellows, Sydgan Corp., said he needs direction in order to move forward and will comply with the city's decision. He provided the history of previous traffic studies and commented on the issues with electric utility undergrounding.

Commissioner Weaver provided accident information at Bennett and Lee and Executive at Lee and suggested a right-turn only to Lee Road from Bennett and Executive with realignment of that intersection but without signalization.

Commissioner Cooper expressed her concern regarding traffic impact on area roads and Mrs. Walter provided additional information on traffic impact and safety.

Mayor Leary expressed his concern that Alternative 1 will negatively impact the Gay Road area which is contrary to the city’s efforts to minimize local traffic impact. He supported Alternative 2 as recommended by staff. Discussion followed on the alternatives and potential impact.

Motion made by Commissioner Cooper to require the developer to provide a connection between Bennett and Executive; seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to amend the motion that the developer execute the agreement to align Bennett with Executive Drive (Alternative 1) with the option for the developer to purchase the bank (1500 Lee Road) or reach an agreement through that property; seconded by Commissioner Weaver.

Motion made by Mayor Leary to approve Alternative 2 as recommended; seconded by Commissioner DeCiccio.

Attorney Langley advised that the either alternative will require Commission approval of an amendment to the development order.

Commissioner Sullivan spoke in favor of realignment but feels the city needs to protect Gay Road from cut-through traffic.

Commissioner DeCiccio asked for FDOT's involvement and position. Troy Attaway, Director of Public Works, provided the background of FDOTs involvement and its regulations.

There were no public comments.

Mr. Bellows asked that the City provide specific direction on its intent for the existing Bennett Drive if it were realigned, who is handling the relocation of the transmission pole at the corner of Executive Drive and Lee Road which may interfere with the realignment and on undergrounding.

Discussion followed on Mr. Bellows' requests and the need for additional information before making decisions.

Motion made by Commissioner DeCiccio to table this matter; seconded by Mayor Leary. Upon a roll call vote, Commissioner Sullivan, Commissioner DeCiccio, Mayor Leary voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

In response to questions by Commissioner Cooper, Mr. Stephenson advised that the deadline for having an agreement in place lapsed due to COVID-19. The developer can only build what has been permitted and needs an agreement in place to move forward.

Mr. Bellows requested that the scheduled Development Review Committee meeting be held on his application for a medical building at Lewis Drive. Consensus was to allow staff to move forward with review of this application.

11) Public Hearings

- a. Request of the City of Winter Park for: An Ordinance to adopt regulations to regulate the amount of fill added to residential lots. (First Reading)

Attorney Langley read the ordinance by title.

George Wiggins, Director of Building and Permitting, reviewed the ordinance which prohibits excessive fill and retaining walls that create an unnatural grade transition between properties.

Motion made by Mayor Leary to approve the ordinance on first reading; seconded by Commissioner Sullivan. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

- b. Request of the City of Winter Park for: An Ordinance amending Article IV “Subdivision and Lot Consolidation Regulations” to provide regulations for the permitted floor area ratio related to lot splits of four lots or less and to update the process and procedures for approvals of final plats. (First Reading)

Attorney Langley read the ordinance by title.

Mr. Briggs reviewed the changes to the city code and responded to questions.

Commissioner Cooper submitted revisions to the ordinance to remove superlative language:

- 1st Whereas paragraph: change to “...recognizes that there are requests...”
- 2nd Whereas paragraph: change to “...there are occasions where such lot splits are granted including variances...”.
- 3rd Whereas paragraph: change to “...recognizes that the expected result of two homes where one was previously permitted may result in the cumulative home sizes...”
- 4th Whereas paragraph: change to “...recognizes limitations are necessary...”

She suggested that the city consider additional provisions to prohibit lot splits in certain conditions. Consensus was to place on a future agenda.

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

Motion made by Commissioner Cooper to amend the motion to remove superlatives (noted above); seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

Upon a roll call vote on the motion to approve the ordinance as amended, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

- c. Request of Interlachen North Partners, LLC: Extension of the Conditional Use approval at 503 North Interlachen Avenue.

Due to multiple Governor Executive Orders and pursuant to Section 252.363(1)(a), Florida Statutes, the conditional use is automatically extended under general law.

13) City Commission Reports

Commissioner Sullivan

- Suggested that staff look at the positioning of produce vendors at the Farmer's Market to provide better social distancing.
- Advised that he has been speaking with community members regarding single member districts and encouraged residents to submit comments to the commission and staff. He said he is developing an educational forum and thanked Mr. Knight for gathering information and data.

Commissioner DeCiccio

- Asked that ideas on single member districts be vetted before the work session. Commissioner Cooper suggested that each member of the Commission provide a summary of comments received to the rest of the Commission.
- Asked when live meetings will resume. Mrs. Neuner advised that unless the executive order is extended, city boards will begin live meetings on October 1st. Consensus was to continue virtual meetings if the Executive Order is extended.

Commissioner Cooper

- Complimented IT and Parks on the online survey regarding Phelps Park playground equipment and suggested using this model for future surveys.
- Asked for consensus to determine which ordinances have not been codified in the City Code. Approved by consensus.

Commissioner Weaver

- Thanked staff for coordinating the demonstration of battery-operated landscape equipment in October.
- Apologized to Michael Perelman who was unable to provide comments in this meeting. Mrs. Neuner stated she e-mailed apologies to him.

Mayor Leary

- Stated he has received many compliments on Fairbanks Avenue improvements.
- Expressed sympathy to the family of Tom Savino, Sr. who passed away.

14) Summary of Meeting Actions

- Staff to provide data on CBD parking, impact fees and schedule for future meeting.
- Scheduled work session on single member districts for October 8th.
- Agreed to schedule a work session on annexation.
- Agreed to schedule a CRA Agency meeting to establish spending limits for the City Manager.

- Approve closure of Park Avenue for the October event and mask wearing campaign.
- Adopted millage rate and budget.
- Tabled action on Bennett Avenue for further discussion with FDOT, sketch designs and evaluate impact, and determine cost of moving electric.
- Approved ordinance on lot fill and grading regulations
- Approved ordinance on lot splits with amendments and directed staff to review the code for additional changes.
- Asked staff to look at repositioning Farmers Market produce vendors to allow better social distancing.
- Agreed to accept feedback for single member districts.
- Agreed to continue virtual meetings if the Executive Order is extended.
- Directed staff to research ordinances that may not be codified.

The meeting adjourned at 7:20 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date October 14, 2020
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, September 24, 2020.

motion / recommendation

Approve.

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

092420.ws OAO Massing.pdf



City Commission Work Session Minutes

September 24, 2020 at 1:00 p.m.

Virtual Meeting

Present

Vice Mayor Cooper
Commissioner Sullivan
Commissioner DeCiccio
Commissioner Weaver

Also present:

Bronce Stephenson, Director of Planning and Transportation
Allison McGillis, Planner III
Sarah Walter, Transportation Manager
Mike Woodward, Kimley-Horn
Ray Waugh, LandDesign

1) Meeting Call to Order

Vice Mayor Cooper called the meeting to order at 1:03 p.m. and introduced those in attendance.

Mr. Stephenson advised that the transportation update by Mike Woodward of Kimley-Horn was not advertised on the agenda. After discussion, consensus was to add the transportation data & analysis update to the meeting agenda after the visualization modeling and massing studies presentation.

Mr. Stephenson explained that in response to the Commission discussion, the massing model was prepared at three development scales, .6 FAR, 1.5 FAR and 2.0 FAR, including garage, using established design criteria for stepbacks and setbacks.

2) OAO Discussion

a. Visualization Modeling and Massing Studies

Mr. Waugh stated the goal was to create a model that could be used as a guide and to provide an efficient way to evaluate development applications. He presented a map of the OAO District and discussed issues related to walkshed circles, connectivity, green space, civic space and shared parking. He identified Sub Areas J, A, F and D as the density study areas to show options of massing density and programming.

Mr. Waugh presented data and renderings for development in four subareas in the OAO under the different FAR scenarios and resulting buildable square footage, parking, building height and stories, setbacks, stepbacks and open space. He responded to questions and discussion followed on mixed use development and FAR including and excluding parking structures.

Due to time constraints, consensus was to postpone discussion on the transportation data and analysis. Mr. Woodward left the meeting at 1:57 p.m.

At the request of Commissioner Cooper, Mr. Waugh stated that he will update the renderings to include depth for setbacks and stepbacks.

Commissioner Cooper suggested that renderings shown to the public should match city code requirements and show how they comply. Additionally, alternative renderings that do not comply should indicate how they are non-compliant.

In depth discussion ensued on development options, turn lanes and potential traffic impact. Consensus was to defer the topic of turn lanes and easements to the transportation discussion with Kimley-Horn.

There was a brief recess from 3:13 p.m. to 3:30 p.m.

Mr. Waugh continued his presentation on development by subarea. He advised the commission to be mindful and prescriptive when deciding on the open space and civic space elements and let development react to it. He stated identifying open space is important as the city starts to organize development around civic space.

Commissioner Sullivan asked if any of the Commissioners had met with Mary Demetree of Demetree Global and asked for them to provide feedback on the meeting. Commissioner Cooper stated that she had met with Ms. Demetree and that the meeting had been productive. Commissioner Sullivan commented that he will be meeting with Ms. Demetree and Michelle Heatherly in the near future.

Commissioner DeCiccio said she feels it is incumbent on the commissioners to develop parameters and let property owners develop plans within those parameters.

Commissioner Cooper stated the parameters need to be articulated in the code.

The OAO adoption schedule was reviewed. Mr. Stephenson will contact GAI and Kimley-Horn to get new dates for their deliverables. Staff will prepare videos that will present different aspects of the overlay and will establish a link for public feedback. The next OAO work session is October 15, 2020.

The meeting was adjourned at 4:54 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



City Commission agenda item

item type Consent Agenda	meeting date October 14, 2020
prepared by Amanda LeBlanc	approved by Jennifer Maier, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following contracts:

1. Power Engineers, Inc. - Renewal of RFQ-18-2018 - Professional Engineering Services to Design Underground Conversion of Power Lines; \$150,000;
2. HDD of Florida - Renewal of RFP-15-2019 - Underground Conduit/Pipe Installation Services; \$2,800,000 and authorization of additional FY20 contract funds for final invoice payment; \$128,050;
3. Cathcart Construction Company - Renewal of RFP-15-2019 - Underground Conduit/Pipe Installation Services; \$82,000;
4. Heart Utilities of Jacksonville - Renewal of RFP10-19 - Electric Utility Installation & Maintenance; \$2,600,000;
5. High Performance Sports Management - Renewal of RFP17-18 - Tennis Programming & Instructional Services; \$300,000;
6. Brown & Brown of Florida, Inc. - Renewal of RFP22-18 - Insurance Agent/Broker of Record; \$1,100,000; All City insurance premium payments are processed directly through Brown & Brown of Florida.
7. Ambulance Medical Billing - RFP-13-2020 - EMS Billing Services; 2 year term, \$100,000 per year;
8. Stryker Sales Corp. - ProCare LUCAS - 3 year term, \$2,667.60 per year.

motion / recommendation

Commission approve items as presented and authorize Mayor to execute.

background

Formal solicitations were issued to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.



City Commission agenda item

item type Consent Agenda	meeting date October 14, 2020
prepared by Amanda LeBlanc	approved by Jennifer Maier, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following Piggyback contracts:

1. Odyssey Manufacturing Co - City of Daytona Beach ITB#20561 - Sodium Hypochlorite; \$400,000;
2. Online Information Services, Inc. (Online Utility Exchange) - Kissimmee Utility Authority #19-022-CV - Debt Collection Services; \$12,000 per year. Contract through August 6, 2022;
3. ABM Industry Groups, LLC - Pasco County IFB-TB-16-131 - Janitorial Services & Equipment; Increase allowable spend to \$615,000 per year;
4. Cintas Corporation - Omnia Partners contract #R-BB-19002 – Facilities Management Products & Solutions; Increase allowable spend to \$90,000 per year.
5. Cubix, Inc. - Sourcewell 121715-MAC - Flooring Supplies & Services; approve an additional \$150,000 spend under contract.

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**

item type Public Hearings	meeting date October 14, 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: An Ordinance to adopt regulations to regulate the amount of fill added to residential lots. (Second Reading)

motion / recommendation

Staff and Planning & Zoning Board recommendation is for approval.

background

A modified version of this Ordinance, that included regulations regarding artificial turf was presented to the Planning and Zoning Board on July 21st, but was tabled due to missing information that the Board requested. It was subsequently split into two Ordinances, one for artificial turf and one for fill, and discussed at the August 11th P&Z Board work session. This modified Ordinance that only includes fill, is being proposed by George Wiggins, Director of Building Services for the City to address issues that have arisen in the recent past with new homes on lots where excessive fill and retaining walls were added to the single-family building site.

With the redevelopment of residential properties throughout the City, many builders or owners are providing an excessive amount of fill onto both level lots and lots with significant sloping grades and then providing retaining walls along or near abutting property lines to retain the excessive fill that has been brought to the property. Although in certain cases under severe sloping conditions retaining walls are needed to create a terracing effect and prevent soil erosion, in most cases as shown in attached photographs, the unneeded fill results in builders providing retaining walls which create a sudden grade change to abutting properties. This could have been remedied before bringing in excessive fill. Although the current ordinance provisions address not creating excessive drainage onto abutting properties, the long-term effect of building home after home with higher grades and more retaining walls, need to be more clearly addressed in our Zoning Code in order to provide authority to better regulate this practice. The proposed code language addresses this situation and gives the appropriate departments

authority to prevent excessive filling and improper use of retaining walls.

Summary

This proposed Ordinance would help to remedy drainage concerns in the City by controlling the amount of fill and grade change including the construction of retaining walls that can cause drainage issues to neighboring properties.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ord. for Fill Regulations_Sept. P&Z.docx](#)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING CHAPTER 58, ARTICLE III, "ZONING" OF THE LAND
DEVELOPMENT CODE, TO AMEND SECTION 58-71; CONCERNING
LOT GRADING AND FILLING REQUIREMENTS; PROVIDING FOR
CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE
DATE.**

WHEREAS, the City desires to amend its Land Development Code to prohibit the filling with elevated lot grades adjacent to or near other surrounding properties so as to require the use of retaining walls or other barriers or to create an unnatural lot grade transition unless approved by the building director or the public works director; and

WHEREAS, the City finds that this Ordinance advances the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ENACTED 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 Ordinance.

SECTION 2. Amendment of City Code. The following sections and subsections of Chapter 58, Article III of the City Code are hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; stars * * * * * indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code):

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

(a) *Suitability of buildings.* Any proposed building shall be considered as to its suitability of design and type of construction in relation to the district and to the immediate neighborhood site, and if such design, lot grading or construction is markedly incongruous with the character of such neighborhood as to be detrimental to the value of adjacent or nearby properties, then the ~~code enforcement~~ building director or the public works director shall deny the application for a building permit.

(b) *Grading of building site.*

(1) Every lot which is used for a building site shall be so graded that it will be dry and free from standing water and the grade around the walls of every new building at the point where the sill meets these walls shall not be less than 12 inches above the crown line established or to be established for the street on which such a building faces, unless the lot has drainage away from the street to the lake or canal or has other adequate means of drainage as may be checked and approved by the building director or the public works director ~~city engineer~~ at the request of the city building director. If the street on which the lot faces has a slope between lot lines, an elevation half-way between the high and low points is to be used for determining the height of crown line.

(2) No lot owner shall grade ~~his~~ a lot in such a way as to interfere with the natural drainage of adjoining lots, ~~or~~ divert the drainage of ~~his~~ a lot onto adjoining lots, ~~nor~~ ~~to~~ interfere with the natural drainage of any lot so that the drainage of such lot is diverted in a manner that is inconsistent with permitted stormwater management systems or upon any public street or thoroughfare in such a manner or in such amounts as to flood such a public street or thoroughfare.

(3) In addition, no lot shall be filled with elevated lot grades adjacent to or near other surrounding properties so as to require the use of retaining walls or other barriers to create an unnatural lot grade transition unless approved by the building director or the public works director based on a determination that the proposed grading or structure will not adversely affect other properties, is reasonably necessary based on the physical characteristics of the property or proposed construction, and is not inconsistent with the intent of the City Code.

* * * * *

SECTION 3. Codification. Section 2 of this Ordinance shall be codified into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any 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 5. 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 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission.

ADOPTED this ____ day of _____, 2020, by the City Commission of the City of Winter Park, Florida.

CITY OF WINTER PARK

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk



City Commission agenda item

item type Public Hearings	meeting date October 14, 2020
prepared by Allison McGillis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of the City of Winter Park for: An Ordinance amending Article IV "Subdivision and Lot Consolidation Regulations" to provide regulations for the permitted floor area ratio related to lot splits of four lots or less and to update the process and procedures for approvals of final plats. (Second Reading)

motion / recommendation

Staff and Planning & Zoning Board recommendation is for approval.

background

The attached revised ordinance reflects changes made/approved on first reading.

The Planning & Transportation Department and City Attorney's office are proposing the following updates and modifications to the Subdivision Code. The attached Ordinance, which has been prepared by the City Attorney, includes changes to update the process and procedures for approval of final plats and to resolve the applicable floor area ratio (FAR) for lot splits.

Updates to the Final Plat Approval Process and Procedures

Final Subdivision Plat approvals are controlled by Florida Statutes Chapter 177, Part I. The text in the City's Subdivision Code regarding the process for approval of Final Plats dates from the 1970's and requires updating. Most of this proposed Ordinance (Sec. 58-374 and 58-379) are City Attorney generated updates for the submittals and process of final plat approvals.

For major subdivision approvals that are granted by the City Commission, such as

townhouse plats, the implementation by the property owner is for a surveyor or engineer to prepare the actual subdivision plat drawing and for their attorney to prepare companion Declarations and Restrictive Covenants, to be recorded. The review of those materials rest with the City Attorney and City Surveyor. Only when those two parties are satisfied that the plat meets the requirements of Florida Statutes and any local restrictions and conditions of approval, does the City allow the Final Plat to be signed by the Mayor and recorded along with the Declarations and Restrictive Covenants, as well as the creation of any Homeowners Association.

Floor Area Ratio Determination for Lot Splits

In recent years, the P&Z Board and City Commission have discussed on individual lot split requests whether to apply a condition of approval, to limit the maximum FAR of the subdivided lots, to what exists on the parent parcel. Sometimes there is no change to the FAR. However, in most cases the parent parcel is a larger property on which the maximum FAR is 38%. However, then by virtue of creating two smaller lots, the maximum FAR becomes 43%. On occasions the City Commission has limited the maximum FAR to what currently exists and on other occasions allows it to increase. The planning staff would like to simplify the public hearings by having the City Commission make the policy decision universally versus case by case.

As an example, the lot split at 1666 Chestnut Avenue in 2019 had the parent parcel of 18,148 square feet allowing a maximum 6,896 square feet per the maximum 38% FAR. The lot split into two lots of 9,074 square feet each, produced 3,901 square feet under the applicable maximum 43% FAR or an increase of approximately 1,100 square feet of added home structure compared to what could be built on the parent parcel.

Typical lot splits allow two homes where one home exists today. It is clear that the decision for an approval of a lot split is agreement that more residential unit density is acceptable in the context of two homes versus one home. The policy question for the P&Z Board and City Commission is whether it is also the City's intention to bestow added building square footage.

The motivation of the planning staff to bring this policy decision forward is so staff can inform applicants up front, so that they are not surprised or feel like something is being

taken away from them. If this Ordinance is not adopted, then the staff doesn't have to raise the question.

Implementation of the Floor Area Ratio Change

Anticipating that staff will be asked how future owners would be aware of this restriction, the staff has taken the deed restriction that the City uses to record conditions of approval for guest houses and modified it for this situation. It is a 'fill in the blank' restriction that the City then is recorded electronically from City Hall.

Summary and Recommendation

The changes proposed by the City Attorney for updating the process and procedures for approval of final plats is beneficial for the city. Planning staff feels that having this policy question decided universally for all applications rather than case by case is beneficial. Economically there is a strong financial incentive to pursue lot splits when one can sell two lots versus one lot. The planning staff would support the proposed change based on the inclination that the City does not need to further economically incentivize lot splits by also creating larger homes.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance for Subdivision_Lot Split Density Limitations 2nd Reading.pdf](#)

ATTACHMENTS:

[deed-restriction-floor area ratio.docx](#)

ORDINANCE NO. 3186-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE VI "SUBDIVISION AND LOT CONSOLIDATION REGULATIONS OF CHAPTER 58 "LAND DEVELOPMENT CODE" TO AMEND THE PROCEDURES FOR FINAL PLATS AND LOT SPLITS AND TO PROVIDE REGULATIONS FOR THE PERMITTED FLOOR AREA RATIO RELATED TO SUBDIVISIONS AND LOT SPLITS RESULTING IN FOUR OR LESS LOTS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that there are requests from applicants for subdivision or lot split approvals as the single-family neighborhoods of the City undergo redevelopment; and

WHEREAS, the City Commission recognizes that there are occasions where such lot splits are granted including variances to the lot dimensions required by the underlying zoning; and

WHEREAS, the City Commission also recognizes that the expected result of two homes where one was previously permitted may result in the cumulative home sizes of the two homes that are developed that exceed the maximum floor area ratio that was allowed for the property prior to the subdivision or lot split; and

WHEREAS, the City Commission recognizes limitations are necessary to the floor area ratio for compatibility with the surrounding neighborhood; and

WHEREAS, the City desires to amend its final plat and lot split procedures to be more specific in the application requirements and in a manner to be consistent with the City's current practices for reviewing final plat and lot split applications; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, 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;

WHEREAS, the City Commission has determined that this Ordinance is in the best interest of the health, safety and welfare of the citizens of Winter Park and is consistent with the Comprehensive Plan.

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

SECTION I: 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: Chapter 58, Land Development Code, Article VI, Subdivision and Lot Consolidation Regulations, Section 58-374 "Procedures for approval of final plat, Section 58-375.- Procedure for approval of plats (four lots or less), and Section 58-379. - Specifications for final plat and plans" are hereby amended as shown below (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being revised):

Sec. 58-374. - Procedure for approval of final plat.

- (a) The final plat shall conform substantially to the preliminary plats as approved and the requirements of this division and F.S. chapter 177, and if desired by the applicant subdivider, it may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- (b) The following minimum information and documentation must be submitted with an application for final plat:
 - (i) The proposed plat complying with the requirements of this article and F.S. chapter 177.
 - (ii) A title opinion from a licensed attorney or property information report from a title company certified to the city showing the ownership, easement, mortgage, and other lien and encumbrance information for the property proposed to be subdivided. The legal description used shall match the legal description on the proposed plat. The effective date of the title opinion or property information report must be within sixty (60) days from the date of the plat application. The city may require an update of the title opinion or property information report before the approval and recording of the plat.
 - (iii) A boundary survey of the property proposed to be subdivided prepared by a professional surveyor and mapper. The boundary survey shall show the location of all existing easements and encumbrances. The legal description of the boundary survey shall match the legal description on the proposed plat.

(iv) Proposed declaration of covenants, conditions and restrictions and/or instruments creating proposed easements including those as may be needed for access to and from public rights-of-way and utilities, if applicable.

(v) Proposed joinders and consents from mortgage holder(s) to plat, declaration of covenants, conditions and restrictions and/or proposed easements, if applicable.

(vi) Proposed deed(s) to convey tract(s) created by the plat and proposed partial release of mortgages for such tract(s), if applicable. If applicable, the city may require that common area tracts proposed to be created by the plat to be quit-claimed to a homeowners' association or property owners' association. If applicable, the city may require any lift station, public right-of-way, public park tract or other public tract created by a plat and intended to be owned by the city to be deeded to the city by special warranty deed.

(vii) Other documentation or instruments as needed to address conditions of development approval, if applicable.

(b~~c~~) One copy and one electronic submission ~~Twelve copies~~ of the final plat and other exhibits required for approval shall be prepared as specified in this article and shall be submitted to the planning and zoning board ~~commission~~ within one year after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the planning and zoning board ~~commission~~.

(e~~d~~) After the report and recommendation of the planning and zoning board ~~commission~~ is made and filed, such plats shall be submitted to the city commission for its approval or disapproval. If disapproved by the city commission, the final plat shall be returned to the subdivider together with a statement setting forth the grounds for its disapproval. Should either the preliminary or final plat be disapproved by the planning and zoning board ~~commission~~, the subdivider may petition the city commission for its approval of the plat notwithstanding such disapproval by the planning and zoning board ~~commission~~, and the city commission shall either approve, approve with conditions, or disapprove such plat.

(e) After a plat is approved by the city commission and the conditions required to be satisfied before to plat recording are met, the plat and plat related documents to be recorded should be promptly recorded in the public records at the applicant's expense. The applicant shall pay in full all real estate taxes relating to the property to be subdivided before the plat is recorded. The applicant shall, at applicant's expense, provide the city with recorded copies of the plat and plat related documents.

Sec. 58-375. - Procedure for approval of lot splits or plats (four or less lots).

- (a) Application for approval of lot splits or subdivision plats resulting in containing four or less divisions, parcels, or lots, etc. shall be prepared by the applicant subdivider, and submitted with the applicable information and documentation set forth in subsection 58-374(b)(ii)-(vii) and sketches and legal descriptions prepared by a professional surveyor and mapper showing the lots and easements after the proposed lot split, or a proposed plat (or replat) meeting the requirements of F.S. chapter 177 and the requirements of this article. ~~Plats and data shall combine those features required for both the preliminary and final plats.~~
- (b) ~~Application for approval shall be submitted in writing to the planning and zoning commission at least 30 days prior to the meeting at which it is to be considered.~~
- (c) ~~Twelve copies of the plat and other exhibits required for approval shall be prepared.~~
- (d) (b) Review by the planning and zoning board ~~commission~~ shall be at a public hearing pursuant to the notice requirements of this article. After ~~report and~~ recommendation of the planning and zoning board ~~commission~~ is made, such lot splits or plats shall be submitted to the city commission for its approval or disapproval as is required for all final plats.
- (e) (c) The city commission review shall be a public hearing with appropriate notice published in a newspaper of general circulation within the city at least 15 days in advance of the hearing. In addition, written notice of the time and place of such meeting and proposed action to be taken shall be mailed to all owners of record of property within 500 feet of the subdivision, at least 15 ~~ten~~ days prior to the public hearing.
- (d) Any approval for a lot split or plat resulting in four lots or less that includes a companion request for a variance to the lot dimensions as required by the underlying zoning designation for the subject property, shall automatically restrict and limit the maximum permitted floor area ratio of the resultant lots (on a pro-rata basis) to no more than the existing current maximum floor area ratio of the subject property prior to being the subdivided or split. The city may condition the approval of a lot split or plat on the execution and recording of a deed restriction with terms acceptable to the city and binding upon the subject property to give

record notice of such maximum permitted floor area ratio restriction. This limitation shall not be eligible for a variance as may be permitted by Sec. 58-376.

- (e) The city may condition the approval of a lot split upon the recording in the Orange County public records legal instrument(s), with terms acceptable to the city, showing the new boundaries of the lots created by the lot split and instrument(s) creating any easements, conditions and restrictions upon the lots necessary for the orderly and proper development of the lots or to satisfy applicable conditions of development approval.
- (f) The planning and zoning ~~board commission~~ and/or the city commission may elect at a public hearing to require that plats, replats or lot splits ~~resubdivisions~~ of four or less lots conform to the procedures outlined for approval of preliminary plats and final plats.

Sec. 58-379. - Specifications for final plat and plans.

The final plat shall be drawn in ink on linen tracing cloth or other equally durable material approved by the city engineer, using sheets of 24 inches wide by 30 inches and prepared at a scale of 200 feet to one inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections. The final plat shall show the following:

- (1) Primary control points, approved by the city engineer, or descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred;
- (2) Tract boundary lines, right-of-way lines of street, easements and other right-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves;
- (3) Name and right-of-way width of each street or other right-of-way.
- (4) Location, dimensions and purpose of any easements. Recording information for existing easements. The plat notes shall clearly identify the party responsible for operation, maintenance and repair of all easements created by the plat;
- (5) Number to identify each lot or letter for each tract site;

- (6) Purpose for which tract sites, other than residential lots, are dedicated or reserved;
- (7) Location and description of monuments;
- (8) Certification by surveyor certifying to the accuracy of survey and plat;
- (9) Certification of title showing ownership of property;
- (10) Dedication language acceptable to the city ~~Statement by owner dedicating the uses and purposes of tracts, easements, streets, and rights-of-way, and if applicable, dedications to the city and/or to the public~~any sites for public use;
- (11) Title, scale, north arrow and date.
- (12) All contiguous properties shall be identified by subdivision title, plat book, and page, and date of recording, or, if unplatted, land shall be so designated.
- (13) To the extent there are any private roads or alleys created by the plat, the plat shall contain a plat note stating the following (or similar language approved by the city): "There is hereby granted and dedicated to the City of Winter Park and including other public service and emergency service providers or visitors, a non-exclusive public access easement over and through Tract _____ and any other privately owned internal roads, alleys, paved areas and sidewalks for vehicular and pedestrian ingress and egress access for the purpose of providing access for visitors, and public and emergency services to the subdivision, including but not limited to, postal, express delivery services, fire protection, police protection, emergency medical transportation, code enforcement, garbage, utilities and other public and emergency services."
- (14) To the extent there is a homeowner's association or property owner's association, the plat notes shall disclose such along with a reference to the applicable declaration of covenants, conditions and restrictions (or similar governing document) recorded or to be recorded in the public records.
- (15) Other information as required by F.S. chapter 177 or reasonably inferred therefrom as may be required by the city.

SECTION III: CONFLICTS. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION IV: 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 V: CODIFICATION. Section II 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 City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION VI: 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 14th day of October, 2020.

City of Winter Park

Steven M. Leary, Mayor

Attest:

Rene Cranis, City Clerk

THIS INSTRUMENT PREPARED BY:

FLOOR AREA RATIO RESTRICTION DECLARATION

THIS FLOOR AREA RESTRICTION DECLARATION made this ____ day of _____, 20__, by _____, whose address is _____

(“Owner”), in favor of the CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of the State of Florida, whose address is 401 Park Avenue South, Winter Park, Florida 32789.

R E C I T A L S

WHEREAS, The Owner is the fee simple owner of property located at _____, more particularly described as _____ or as set forth in Exhibit “A” attached hereto, which property (herein-after referred to as the “Property”) is located within the corporate limits of the City of Winter Park; and

WHEREAS, Owner has applied for and received a subdivision or lot split approval from the City Commission to divide the Property into ____ lots, which are addressed as _____ and _____ or as described in Exhibit “A” attached hereto; and

WHEREAS, Section 58-375 of the Code of Ordinances of the City of Winter Park restricts the permitted floor area ratio for such cases of subdivisions or lot splits to no greater than the maximum 38% of the land area, as was in place on the Property prior to the subdivision or lot split; and

WHEREAS, in the administration and implementation of Section 58-375 it has been determined to have this restriction be of public record such that all current and future owners of said properties will have knowledge of this restriction.

NOW, THEREFORE, in consideration of the mutual benefits contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, Owner hereby declares the following:

1. The Property as described above or as in Exhibit “A” attached hereto is subject to the restrictions identified in Section 58-375 of the Code of Ordinances of the City of Winter Park, which limits and restricts the maximum floor area ratio on the Property or lots resultant from the subdivision or lot split approval to no more than 38% floor area ratio.

2. Owner hereby further declares and warrants that Owner has fee simple title and full right and interest in and to the Property and represents that no other parties other than those signing this document have any legal or equitable right, title or interest to the Property.

I N WITNESS WHEREOF, Owner has hereunto executed this document as of the day and year first written above.

Signed, Sealed and Delivered
in the Presence of:

_____, a
_____ corporation

(Address)

Print Name _____

BY _____

Print Name _____

As Its _____

Print Name _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ as _____ of _____, a _____ corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.

My Commission Expires:

NOTARY PUBLIC

Print Name _____

APPROVED BY THE CITY OF WINTER PARK

BY _____

Print Name _____

As Its _____

Date: _____