



# City Commission Regular Meeting

## Agenda

**September 22, 2021 @ 3:30 pm**

City Hall - Commissioner Chambers  
401 S. Park Avenue

### welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at [cityofwinterpark.org/bpm](http://cityofwinterpark.org/bpm) and include virtual meeting instructions.

### assistance & appeals

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.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed 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).

### city commission regular meeting

Virtual Participation Procedures: Link 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](mailto: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.

### please note

Times are projected and subject to change.

- 
1. **Meeting Called to Order**
  2. **Invocation**
    - a. [Imam Abdurrahman Sykes, Rollins College](#) 1 minute
  - Pledge of Allegiance**
  3. **Approval of Agenda**
  4. **Citizen Budget Comments**
  5. **Mayor Report**
  6. **City Manager Report**
    - a. [Meet Your Department: Building and Permitting Services](#) 10 minutes
    - b. [Recognition: George Wiggins' Retirement](#) 5 minutes
    - c. [Report: Voluntary Vaccination Program](#) 1 minute
    - d. [City Manager Report](#) 5 minutes
  7. **City Attorney Report**
  8. **Non-Action Items**
  9. **Public 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 minutes are allowed for each speaker)
  10. **Consent Agenda**
    - a. [Approve the minutes of the regular meeting of September 8, 2021](#) 1 minute
    - b. [Approve the minutes of the work session of September 9, 2021](#) 1 minute
    - c. [Approve cancellation of regular meetings on November 24 and December 22 due to their close proximity to Thanksgiving and Christmas, respectively.](#) 1 minute
    - d. [Approve the following HIDTA Pass-through Purchases](#) 1 minute  
 Purchase Orders for specialized, confidential investigative services and facility expenses; \$82,000, \$87,000, \$184,000, \$80,000, \$142,000, \$76,000 and an additional purchase order for \$198,000 for facility expenses of HIDTA.

- |    |  |           |
|----|--|-----------|
| e. | Approve the following piggyback contract   | 1 minute  |
|    | 1. Central Florida Environmental Corp. - Seminole County Contract #CC-3563-21/RTB - Continuous Contract for Public Works Minor Construction Projects less than \$2,000,000; For services on an as-needed basis during the term of the Agreement, contract term through August 10, 2024; Amount: \$850,000. |           |
| f. | Approve the following contracts  | 1 minute  |
|    | 1. Hanson Professional Services, Inc. - RFQ16-17B - Professional Green Planning Services; Amount: \$75,000.00 for services on an as needed basis during the term of the Agreement.   |           |
|    | 2. A Budget Tree Service Inc - ITN23-18A - Vegetation Management Services; Amount: \$100,000.00 for services on an as needed basis during the term of the Agreement.   |           |
| g. | Budget Amendment for Legal and Litigation Costs  | 5 minutes |

#### **11. Action Items Requiring Discussion**

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

- |    |  |           |
|----|--|-----------|
| a. | Ordinance adopting millage rates for the FY 2022 budget. (2nd Reading) | 5 minutes |
| b. | Ordinance adopting the fiscal year 2022 budget (2nd Reading)           | 5 minutes |

#### **13. Public Hearings**

- |    |  |            |
|----|--|------------|
| a. | Ordinance amending the Historic Preservation Code to revise the procedures regarding demolition and providing for clarifications on the terms, vacancies and procedures for the Historic Preservation Board. (2nd reading) | 5 minutes  |
| b. | Ordinance proposing Charter Amendments for March 2022 ballot (1st reading - Tabled September 8, 2021)  | 30 minutes |
| c. | Ordinance amending Subsidiary City Boards and Lake Killarney Advisory Board (2nd Reading)  | 10 minutes |
| d. | Ordinance approving amendment to Line of Credit with Truist for Electric (1st Reading)   | 5 minutes  |
| e. | Request of City of Winter Park: Ordinance amending the Comprehensive Plan to create the Orange Avenue Overlay (OAO) District. (1st Reading)  | 60 minutes |

#### **14. City Commission Reports**

**15. Summary of Meeting Actions**

**16. Adjournment**



# City Commission **agenda item**

item type Invocation	meeting date September 22, 2021
prepared by Kim Breland	approved by
board approval	
strategic objective	

## subject

Imam Abdurrahman Sykes, Rollins College

## motion / recommendation

## background

## alternatives / other considerations

## fiscal impact



# City Commission agenda item

item type City Manager Report	meeting date September 22, 2021
prepared by Rene Cranis	approved by
board approval	
strategic objective	

## subject

Meet Your Department: Building and Permitting Services

## motion / recommendation

## background

## alternatives / other considerations

## fiscal impact



# City Commission agenda item

item type City Manager Report	meeting date September 22, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

## subject

Recognition: George Wiggins' Retirement

## motion / recommendation

## background

## alternatives / other considerations

## fiscal impact



# City Commission **agenda item**

<b>item type</b> City Manager Report	<b>meeting date</b> September 22, 2021
<b>prepared by</b> Michelle del Valle	<b>approved by</b> Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

Report: Voluntary Vaccination Program

## **motion / recommendation**

Receive report

## **background**

The City Commission offered a voluntary vaccination program to employees and established a goal of becoming 65% vaccinated by September 15th. The program totals are as follows:

Fully vaccinated: 70.65% (366 employees)

Fully vaccinated & Initial vaccination: 72.6% (376 employees)

Testing for employees that did not participate in the voluntary program begins the week of September 20th.

## **alternatives / other considerations**

## **fiscal impact**



# City Commission **agenda item**

<b>item type</b> City Manager Report	<b>meeting date</b> September 22, 2021
<b>prepared by</b> Jennifer Guittard	<b>approved by</b> Peter Moore, Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

City Manager Report

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**

## **ATTACHMENTS:**

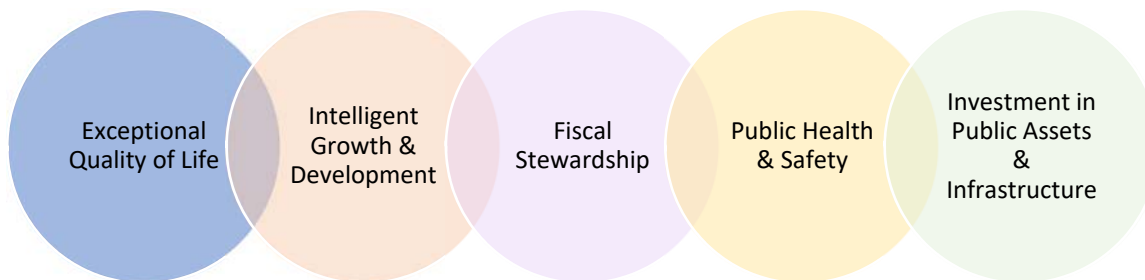
[90Day Report 9.22.21.pdf](#)



## 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: Intelligent Growth & Development

Item	Description	Item Department	Item Date
<b>Meet your Department Presentation</b>	The Fire-Rescue Department will present their video to increase awareness of the various city services their department provides.	Fire-Rescue	Oct
<b>Planning Public Hearings</b>	Ordinance requests from: ZTA#21-02 & 3217 Corrine Drive LLC.	Planning & Transportation	Oct
<b>Pineywood Columbarium</b>	Commission approval of Pineywood Columbarium project	Parks & Recreation	Oct
<b>Meet your Department Presentation</b>	The Planning & Transportation Department will present their video to increase awareness of the various city services their department provides.	Planning & Transportation	Nov
Planning Public Hearings	Conditional use approval to build a new replacement church facility on the Lakemont Avenue frontage.	Planning & Transportation	Dec

Item	Description	Item Department	Item Date
Meet your Department Presentation	The Administration Department will present their video to increase awareness of the various city services their department provides.	Administration	Dec

## Additional Items of City Interest

### Title 3: Exceptional Quality of Life

Item	Description	Item Department
<b>Library &amp; Events Center</b>	The Library and Events Center construction is substantially complete on schedule for the October 26th Certificate of Occupancy. The Contractor is working on punch list items and furniture and fixtures are starting to arrive. Landscaping is complete. Work is being done on Morse Boulevard to improve drainage and the sidewalk in front of the new Library and Events Center is being widened to 8' for better pedestrian access. A crosswalk is being installed at the easternmost entry to the Library and Events Center Driveway. The Library books are scheduled to move in mid-November and will take approximately 6 days.	Public Works
<b>Public Art for I-4</b>	This \$150,000 public art project, paid for by FDOT, is being installed at the NE corner of W. Fairbanks and I-4. The project has been delayed due to a land use agreement that I-4 Ultimate asked for, and construction product delays. Design selection company, RLF, is moving forward as quickly as possible with the installation process. The city will landscape the area around the art, as per the land use agreement, and a ribbon cutting event will be announced as soon as the project nears completion in September.	Administration

## Title 4: Intelligent Growth & Development

Item	Description	Item Department
<b>Sustainability Plan</b>	Beginning in November 2020, the Keep Winter Park Beautiful & Sustainable Board (KWPB&S) held joint work sessions with several city advisory boards to review the elements of the current Sustainability Action Plan (SAP). These boards included the Transportation, Tree Preservation, Parks & Recreation, Lakes & Waterways, Planning & Zoning, and Utility advisory boards. Since then, the Sustainability team and KWPB&S members have consolidated the feedback provided by the boards into a new draft SAP document. Between July through September, city staff will work with each board to review their respective edits prior to creating a newly updated SAP for City Commission review. This Commission review of the revised SAP is expected to be held at a work session in October 2021.	Sustainability & Planning

## Title 5: Investment in Public Assets & Infrastructure

Item	Description	Item Department
<b>Electric Undergrounding</b>	<b>Miles of Undergrounding performed</b> Project G: 4.1 miles 98% complete Project I: 6.9 miles Completed Project J: 1.9 miles 1% complete Reliability project Q: 1.85 miles 60% complete Project R: 4.31 miles (21% complete) Commission approved advancement  <b>TOTAL so far for FY 2021:</b> 7.9 miles	Electric

## Upcoming Advisory Board Meetings

This report provides a summary of upcoming board meetings currently scheduled on the calendar for the next month.

Additional information relating to all of the City's boards such as meeting schedules, agendas, minutes, and board membership can be located on the City website at:

<https://cityofwinterpark.org/government/boards/>

## September Board Meetings

Advisory Board	Meeting Date	Meeting Time
Civil Service Board	10/5/21	4 p.m.
Planning & Zoning Board	10/5/21	6 p.m.
Lakes & Waterways Advisory Board	10/12/21	Noon
Historic Preservation Board Regular Meeting	10/13/21	9:00 a.m.
Public Art Advisory Board	10/18/21	Noon
Transportation Advisory Board	10/18/21	4 p.m.
Keep Winter Park Beautiful & Sustainable	10/19/21	11:45 a.m.
Board of Adjustments	10/19/21	5 p.m.
Utilities Advisory Board	10/26/21	Noon
Tree Preservation Board	10/26/21	6 p.m.
Community Redevelopment Advisory Board	10/28/21	5:30 p.m.

## Upcoming Work Sessions

This report provides a summary of upcoming work sessions currently scheduled on the calendar for the next three months.

Work Sessions	Meeting Date	Meeting Time
Planning & Zoning Board Work Session	9/20/21	11:30 a.m.
Planning & Zoning Board Work Session	9/28/21	Noon
City Commission Work Session	10/14/21	1:00 p.m.
Planning & Zoning Board Work Session	10/26/21	Noon
City Commission Work Session	10/28/21	1:00 p.m.
City Commission Work Session	11/11/21	1:00 p.m.
City Commission Work Session	12/8/21	1:00 p.m.



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> September 22, 2021
<b>prepared by</b> Rene Cranis	<b>approved by</b> Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

Approve the minutes of the regular meeting of September 8, 2021

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**

## **ATTACHMENTS:**

[CC-min-2021-09-08.pdf](#)



# City Commission Regular Meeting Minutes

September 8, 2021 at 3:30 p.m.

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

## **Present**

Mayor Phil Anderson  
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 Anderson called the meeting to order at 3:43 p.m.

## **2) Invocation**

Finance Director Wes Hamil provided the invocation followed by the Pledge of Allegiance.

## **3) Approval of Agenda**

## **4) Citizen Budget Comments**

## **5) Mayor's Report**

Mayor Anderson said that he presented a proclamation to Daughters of American Revolution recognizing Constitution Week, September 17th to 23<sup>rd</sup> and spoke on historical significance.

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

### **a. Holiday Decorations**

Assistant City Manager Michelle del Valle introduced AOA, a business retained to help with this year's holiday decorations and whose proposal has received support from the Chamber and Park Avenue Association. Denise Hatcher, AOA, gave a presentation on the proposed theme, design and interactive environment in different areas of the city.

Commissioner DeCiccio stated that Sarah Grafton asked the city use United Vocal Arts for performers and that funding be used to help local merchants with their decorations. Mrs. Grafton suggested the theme Hometown Holidays.

**Motion made by Commissioner DeCiccio to approve the theme Hometown Holidays; seconded by Commissioner Weaver.**

Staff responded to questions regarding lights, poinsettias and clarified that white lights will be in the Park Avenue corridor and colored lights in other areas. Mr. Knight advised that funding has been allocated from ARPA.

**Upon a voice vote, motion carried unanimously with a 5-0 vote.**

Ms. del Valle advised that businesses will be asked to provide decorations for their storefront and that the Chamber and Park Avenue District have offered support to businesses. She added that the performers have been contracted through AOA after local auditions.

b. Workshop scheduling

Mr. Knight asked for direction on scheduling regular work sessions on the Thursday following regular meetings on topics for general discussion.

After discussion, consensus was to schedule work sessions on, old library reuse, Lakes, Parks and Utilities departments, and sustainability action plan/electric leaf blowers. Staff was requested to coordinate a joint work session with the Planning and Zoning Board on the OAO prior to first reading on September 22<sup>nd</sup>.

c. City Manager's Report

In response to questions, Mr. Knight advised that the owner of the property, who offered to sell his property on Howell Branch Road to the city, received a better offer and that the RFP for the Post Office has not been released. Public Works Director Troy Attaway reviewed the process and options for dredging of Lake Mendesen.

**7) City Attorney's Report**

**8) Non-Action Items**

**9) Public Comments | 5 p.m. or soon thereafter (heard after Item 11a)**

**10) Consent Agenda**

- a. Approval of minutes of work session, August 12, 2021 (Removed by Mayor Anderson)
- b. Approval of minutes of regular meeting, August 25, 2021
- c. Approve the following piggyback contract
  1. Odyssey Manufacturing Co. - Bay County Contract #20-55 - Liquid Sodium Hypochlorite; Amount: \$175,000.00 for services on an as-needed basis during the term of the Agreement.
- d. Approve the following contract:

1. DRMP, Inc. - RFQ20-18 - Professional Survey Consulting Services; Amount: \$100,000.00 for services on an as needed basis during the term of the Agreement.

**Motion made by Commissioner Cooper to approve the Consent Agenda, seconded by Commissioner DeCiccio.**

**Motion made by Mayor Anderson to amend the motion to remove Item 10a; seconded by Commissioner Weaver.**

There were no public comments.

**Motion to approve the motion as amended removing Item 10a carried unanimously with a 5-0 vote.**

Item a: **Motion made by Mayor Anderson to revise the first sentence of the second paragraph on Page 1 to read "...have looked at thus far 'that are available for sale,' are feasible..."; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.**

## **11) Action Items Requiring Discussion**

### **a. Allocation of ARPA Funds to Non-Profits in Winter Park**

Division Director of Office of Management and Budget Peter Moore advised that two of the 17 applications received did not meet the guidelines. The Center for Independent Living (CIL) exceeded the annual expense threshold; however, they have requested that \$300,000 which they receive but pass through to Polk County be excluded from their application. The Park Avenue District (PAD) has been in operation for 2 ½ years, less than the required three years. He displayed the organizations prorated amounts and recommended award amounts which totals the approved allocation of \$200k.

Commissioner Sullivan suggested that the PAD be included because of the service they provide and CIL be include because of the pass-through funds to Polk County.

**Motion made by Commissioner Sullivan to add Center for Independent Living and Park Avenue District to the list of recipients and increase total allocated funding to \$260k to be prorated to each organization at a maximum of \$25k up to 50% of operating expenses; seconded by Commissioner Weaver.**

**Motion made by Commissioner DeCiccio to award each recipient a maximum of \$25k (not to exceed 50% of operating expenses) including Center for Independent Living and Park Avenue District (total allocation of \$378); seconded by Commissioner Sullivan. (Withdrawn after discussion)**

Commissioner Cooper supported adding CIL and PAD but opposed increasing the total allocation to \$378k as there are other areas that would benefit from ARPA funding.

**Motion made by Commissioner Cooper to add Center for Independent Living and Park Avenue District based on same ratio for other organizations and increasing the budget by that amount (approximately \$20k); seconded by Commissioner Weaver. (Withdrawn after discussion)**

**Motion made by Commissioner DeCiccio to add the Center for Independent Living and Park Avenue District, to increase the amount to \$378K and give each recipient the maximum amount; seconded by Commissioner Sullivan.**

Lawanda Thompson, 664 W. Lyman, thanked the city for funding The Equity Council Corp. She spoke on grant guidelines and said that because the federal guidelines do not classify the city as low income, businesses in the Hannibal Square area cannot obtain additional funding. She urged the city to consider additional funding for small businesses and non-profits in Hannibal Square community.

Michael Perelman, 1010 Greentree Drive, expressed his concern that there may be organizations that did not apply because they did not meet guidelines and feels it is unfair to add the CIL and PAD since they did not meet the guidelines. He suggested following the established guidelines and increasing the grant to the maximum up to \$25k or half of operating amount.

**Upon a roll call vote on the motion to increase the total amount to \$378k, Commissioners Sullivan and DeCiccio voted yes. Commissioners Cooper and Weaver and Mayor Anderson voted no. Motion failed with a 2-3 vote.**

**Upon a roll call vote on the motion to increase the total amount to \$260k, Commissioners Sullivan, Cooper and Weaver and Mayor Anderson voted yes. Commissioner DeCiccio voted no. Motion carried with a 4-1 vote.**

## **9) Public Comments | 5 p.m. or soon thereafter**

Justin Harvey, 103 S. Osceola Avenue, Orlando, spoke in opposition to mandatory employee vaccinations. He said although he is not opposed to vaccinations, he supports individual choice. He feels employees should not be penalized employees for not getting vaccinated.

Natalie Ells, 519 Spring Oaks Blvd., Altamonte Springs, urged the Commission not to mandate employee vaccinations.

Dominick Faircloth, 2308 Kestrel Place, opposed mandatory vaccines as he feels it is unsafe and a violation of personal choice.

Janet Earn-Spruill, 3218 Cullen Lake Shore Drive, Orlando, opposed mandating vaccination of employees against their will and as a condition of employment.

Mayor Anderson declared a recess at 5:20 and reconvened the meeting at 5:31 p.m.

The remaining Action Items were addressed after the Millage and Budget Public Hearings.

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

- a. Ordinance adopting millage rates for the FY 2022 budget.
- b. Ordinance adopting the fiscal year 2022 budget

Mayor Anderson stated the millage rate needed in FY 22 to generate the same tax revenue as in FY 21 is 3.9604 mills. The proposed budget is based on 4.0923 mills, which will result in an increase in property taxes due in an increase in assessed property values. In addition, 0.2891 mill voted debt service is levied for bonds issued.

A simultaneous public hearing was held on these ordinances. Attorney Ardaman read the ordinances by title.

**Motion made by Commissioner Cooper that the budget be updated consistent with the CRA meeting held prior to this meeting; seconded by Commissioner Weaver.**

There were no public comments.

**Motion made by Commissioner Weaver to approve the millage rate ordinance; seconded by Mayor Anderson. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5–0 vote.**

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

## **11) Action Items Requiring Discussion (continued)**

- b. Consider allowing Rollins College the use of the old library parking lot for a staging and laydown yard for the Alford Inn expansion project.

Mr. Knight provided the background of discussions as it relates to use of the old library, potential conflicts with Rollins' use of the property and the potential renovations to prepare for future use and potential costs. He noted that the property could be used by Rollins during interim when determining future use of library.

Mr. Knight reported on current conditions and said staff's recommendation is to inspect and maintain the building to avoid deterioration while the building is unoccupied. Mayor Anderson noted that a work session will be held to discuss future of building.

Discussion was held on the benefits and drawbacks of deferring maintenance of the building, condition and impact to the brick parking area and access to the building to make repairs if needed.

**Motion made by Commissioner Weaver to table the Memorandum of Understanding until after the work session; seconded by Commissioner Cooper. Commissioners Cooper and Weaver voted yes. Commissioners Sullivan and DeCiccio and Mayor Anderson voted no. Motion failed with a 2-3 vote.**

Mr. Knight noted the terms of the contract which includes a 60-day termination clause and a monthly payment to the city of \$4,000.

**Motion made by Mayor Anderson to approve the Memorandum of Understanding with the conditions that the fees received are sufficient to keep the building well-ventilated and occupiable, the city has continued access, that a visual record of the premises is obtained beforehand and a commitment made to warrant and restore the premises to the existing condition as needed, and the 60-day termination clause is intact; seconded by Commissioner Sullivan. (clarified prior to vote below)**

**Motion made by Commissioner Cooper to amend the motion to require that Rollins pay the water and electric utility bill, maintain the land and require plywood under heavy equipment/trucks to protect the bricks; seconded by Commissioner Weaver. (Withdrawn after discussion)**

Rebecca Wilson, attorney representing Rollins, responded to comments and acknowledged the 60-day termination clause. She noted that the agreement requires pre- and post-inspection and an as-built video and that Exhibit B designates the landscaping area. She said she will work to add plywood but cannot agree to paying utilities. She confirmed that Rollins has appropriate insurance.

Discussion followed on the cost and whether \$4,000 is sufficient to maintain the facility and cover the cost of utilities.

Beth Hall, 516 Sylvan Drive, suggested that Rollins look at alternatives, the commission move forward and determine the future use and use ARPA funds for maintenance.

Additional discussion was held on alternative locations and cost to maintain the building and utilities.

Mayor Anderson clarified his motion directs staff to validate that the financial amount is enough to keep this building in good shape which entails electricity and water. He

understands that Rollins is undertaking landscaping maintenance and the protection of the brick and has appropriate insurance,

Commissioner Cooper withdrew her motion.

**Upon a roll call vote, Commissioners Sullivan, DeCiccio and Weaver and Mayor Anderson voted yes. Commissioner Cooper voted no. Motion carried with a 4-1 vote.**

c. Employee Testing Policy for COVID-19

Mr. Knight advised that this policy, approved by labor counsel, establishes requirements for mandatory testing and requires commission approval because it has a disciplinary component. He stated the Fire union has agreed to this policy that includes progressive discipline up to and including termination for failure to comply.

**Motion made by Commissioner Cooper to approve the policy as presented by staff; seconded by Commissioner Weaver.**

Heather Ellis, 519 Spring Oaks Blvd., Altamonte Springs, urged the city not to mandate vaccines and testing which could result in loss of employees. She said she sees this as coercion and that employees should have the right to make personal health decisions.

Michael Perelman, 1010 Greentree Drive, opposed mandatory vaccinations and suggested temperature checks as an alternative to testing but if testing is required, the employee should bear the cost, not the city.

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

d. Appointments to Smart City Ad-Hoc Committee

The following were appointed to this committee: Whit Cotton, James Everett and Chris Johnson (Mayor Anderson); Paul Conway (Commissioner Sullivan); Michael Poole (Commissioner DeCiccio); Wes Naylor (Commissioner Cooper); Dr. Richard James (Commissioner Weaver).

### **13) Public Hearings**

a. Request of the City of Winter Park for:

ORDINANCE 3213-21: 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 COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 647/653 HAROLD AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS

WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.

ORDINANCE 3214-21: 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 COMMERCIAL (C-3) ZONING ON THE ANNEXED PROPERTIES AT 647/653 HAROLD AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. (2<sup>nd</sup> Reading)

A simultaneous public hearing was held on these ordinances. Attorney Ardaman read the ordinances by title.

**Motion made by Commissioner Cooper to adopt the both ordinances on second reading; seconded by Commissioner Sullivan.** There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor and Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

b. Participation in the Certified Local Government Program for Historic Preservation requiring (Tabled August 25, 2021):

- An Ordinance amending the Historic Preservation Code to revise the procedures regarding demolition and providing for clarifications on the terms, vacancies and procedures for the Historic Preservation Board, (1st Reading) and
- RESOLUTION 2250-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE APPLICATION FOR PARTICIPATION IN THE CERTIFIED LOCAL GOVERNMENT PROGRAM OF THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES AND THE NATIONAL PARK SERVICE OF THE US DEPARTMENT OF INTERIOR.

A simultaneous public hearing was held on the resolution and ordinance. Attorney Ardaman read the ordinance and resolution by title.

Principal Planner Jeff Briggs explained that this will certify the city's historic preservation program and open up grant opportunities to the city. He reviewed amendments to city code and plans for signs designating historic districts in the city and placement of markers at historically significant sites. He stated that a citizen has offered to fund the cost to place a historical clock for Hannibal Square area.

**Motion made by Commissioner Cooper to amend the ordinance changing the 60-day time period to 90 days (Section 58-481); seconded by Commissioner Sullivan.**

Commissioner Cooper spoke on the response/support requirements for designating a historical district and suggested the Historic Preservation Board review the respondent requirements.

**Motion made by Commissioner Cooper to approve with the amendment to Section 58-481 changing the 60-day time period to 90 days; seconded by Commissioner Weaver.** There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

**Upon a roll call vote to approve the resolution, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

Mayor Anderson declared a recess at 7:10 p.m. and reconvened the meeting at 7:18 p.m.

- c. Ordinance proposing Charter Amendments for March 2022 ballot (1st reading - Tabled August 25, 2021)

Attorney Ardaman read the ordinance by title.

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

Commissioner Sullivan addressed the supermajority requirement as it relates to increase of intensity or density by more than 50% and said he feels it should be reduced to 25%. Lengthy discussion was held on scenarios and impact of reducing the percentage.

Commissioner Cooper expressed her concern about the ability for the general public to understand the question if all matters requiring supermajority are combined into one ballot question. Mayor Anderson suggested separate ballot questions to sell property, comp plan or rezoning from parks use, and to make certain zoning changes.

After additional comments, Mr. Ardaman said the questions can be separated and the text shortened for better understanding by voters. He said changing the increase in intensity and density for rezoning or comp plan changes need to be considered as well. Additional discussion was held on scenarios where supermajority should be required.

**Motion made by Commissioner Cooper to table to the September 22<sup>nd</sup> meeting; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.**

- d. Ordinance: Amending Subsidiary City Boards and Lake Killarney Advisory Board (1st Reading)

Attorney Ardaman read the ordinance by title.

Mr. Knight advised the ordinance was amended to add responsibility for boat dock approval consistent with the responsibilities of the Lakes and Waterways Board.

**Motion made by Commissioner Weaver to approve the ordinance on first reading with the amendment adding responsibility for boat docks; seconded by Commissioner Cooper.**

Commissioner Sullivan spoke on board member requirements and discussion followed on whether board members should be city residents and/or a lakefront property owner and commission responsibility for these board members.

**Motion made by Mayor Anderson to amend the ordinance to state the mayor shall appoint one non-resident and the commission as a whole may appoint up to one non-resident lakefront property owner; seconded by Commissioner Weaver.**

**Motion made by Commissioner Weaver that the Vice-Mayor appoint the second lakefront property owner. Motion failed for lack of second.**

There were no public comments.

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

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

e. Fee Schedule Effective October 1, 2021

Staff responded to questions regarding the Affordable Housing Fee and projected revenue which be addressed in conjunction with review of building permit and transportation fees.

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

#### **14) City Commission Reports**

##### Commissioner Sullivan

- Reported that Rollins converted to electric landscape equipment and asked city staff contact Rollins to find out what kind of equipment they use and the cost to convert to electric equipment. Approved by consensus.
- Noted that the Parks and Recreation Advisory Board was not included in discussions regarding the Progress Point park and suggested that staff inform and engage PRAB

on Progress Point initiative. After discussion, consensus to notify PRAB when the Commission will be reviewing ACi drawings for Progress Point.

- Asked for a special meeting on September 15th to re-address the city's response to COVID program with staff providing data on absenteeism, testing and vaccinations and legal matters. After discussion, consensus was to put on September 22<sup>nd</sup> agenda.

#### Commissioner DeCiccio

- Reported that the new board application has been completed.

#### Commissioner Cooper

- Presented a request from a resident for the city to take over paying for landscape maintenance at the post office which has been paid by a resident for many years.
- Commented on an article that stated the city plans to demolish the post office building which saddened the artist of the mural on the post office. She asked staff to send a letter to the artist to clarify misinformation. Approved by consensus.

#### Commissioner Weaver

- Spoke on Progress Point park activation and the commission's decisions on components of the park.
- Asked about the status of the adoption of the mobility fee. Mr. Stephenson advised that work has begun by Kimley Horn with the intent to be completed by March 2022. He noted the potential difficulties in adopting the OAO without the fee. Mr. Knight stated staff will quickly move forward and look at options for moratorium, if necessary.

Mayor Anderson – No report

### **15) Summary of Meeting Actions**

- Approved holiday decorating program with the theme Hometown Holidays
- Agreed to schedule a joint work session with Planning and Zoning Board before first reading and schedule regular work sessions on the day following regular meetings with initial topics of sustainability, old library reuse, strategic planning for Utilities, Lakes and Parks departments.
- Approved Consent Agenda
- Approved ARPA funding for non-profits increasing the total allocation to \$260k
- Approved the budget and millage rate ordinances.
- Approved the MOU with Rollins with adjustments to ensure that the fee covers cost to keep the building.
- Approved the COVID testing for employees.
- Approved the comp plan and zoning changes for properties on Harold Avenue.

- Approved resolution for the certified local governmental program for historic preservation
- Tabled the ordinance on charter amendment for revisions by city attorney.
- Approved ordinance relating to Lake Killarney Advisory Board with amendment.
- Approved Fee Schedule
- Staff to contact Rollins regarding their move to electric landscape equipment.
- Advise Parks and Recreation Advisory Board when ACi drawings are scheduled to be presented to the Commission.
- Place update of employee vaccination and testing on September 22<sup>nd</sup> agenda.
- Staff to send a letter to artist of the mural at the post office.

#### **16) Adjournment**

The meeting adjourned at 8:43 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> September 22, 2021
<b>prepared by</b> Rene Cranis	<b>approved by</b> Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

Approve the minutes of the work session of September 9, 2021

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**

## **ATTACHMENTS:**

[CC-min-2021-09-09.pdf](#)



# City Commission Work Session Minutes

September 9, 2021 at 1:00 p.m.

Virtual

## **Present:**

Commissioner Todd Weaver  
Commissioner Marty Sullivan

City Manager Randy Knight  
City Clerk Rene Cranis

## **Also Present:**

Planning and Transportation Director Bronce Stephenson  
Electric Utilities Director Dan D'Alessandro  
Finance Director Wes Hamil  
City Attorney Dan Langley

### **1) Call to Order**

Commissioner Weaver called the meeting to order at 1:02 p.m.

### **2) Discussion Item(s)**

- a. Orange Avenue Overlay - Enhancement Menu Discussion Regarding Onsite Production of Electricity

Commissioner Weaver stated the purpose of the meeting is to discuss enhancements for the OAO concerning solar and other types of power for new development.

Mr. Stephenson explained that the enhancement menu and multiplier to cover costs of the renewable energy/solar panels.

Commissioner Weaver said the city is looking for parameters to define enhancements which could include the number of kilowatts of a system and the cost per kilowatt.

Commissioner Sullivan explained that the enhancement is a capital investment by which a developer is granted credits toward increased FAR and how the solar enhancement translates from investment dollars to square feet. He noted that the Commission determined the cost for commercial land to be \$70/per square foot and discussed a scenario based on a \$100k investment and the credits awarded to a developer using the square footage cost and multiplier. Discussion followed on a percentage increase to the FAR versus a square footage increase to the building and the impacts to different subareas.

Commissioner Weaver noted that Subarea C could benefit from the enhancement if a parking garage was to be allowed. He discussed increasing the multiplier and stated that

he would like to have a sub-category that strongly encourages solar on the top floor of parking garages.

Mr. Stephenson agreed with Commissioner Weaver and stated that language needs to be put in the code to explain that when the top floor is utilized, it does not count toward FAR. Commissioner Sullivan agreed. Commissioner Weaver stated that staff will draft the language and include language regarding the structure to support the solar panels. Discussion was held on points to be included in the language and solar for rooftop dining.

Mr. D'Alessandro responded to questions. He stated there is no significant impact to electric utility revenue other than reduction of revenues from certain commercial development that decide to use solar. He discussed issues related battery storage and capacity.

In-depth discussion followed on inclusion of battery storage impacts and benefits, square footage/FAR calculations and costs under different development scenarios, investment vs enhancement, developer ROI and multiplier number (1.5 or 2).

Discussion followed on language for rooftop restaurants. Mr. Stephenson reviewed the initial language for enhancement S.1 and suggested clarifying that language to require safety railings and that areas are not to be air conditioned.

Discussion followed on structure costs for solar roofs, FAR and conditional use criteria related to the solar enhancement. Consensus was to readdress the topic at the first reading of the zoning code amendment.

### **3) Adjournment**

The meeting adjourned at 2:13 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> September 22, 2021
<b>prepared by</b> Rene Cranis	<b>approved by</b> Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b>	

## **subject**

Approve cancellation of regular meetings on November 24 and December 22 due to their close proximity to Thanksgiving and Christmas, respectively.

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> September 22, 2021
<b>prepared by</b> Michael Hall	<b>approved by</b> Jennifer Maier, Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Fiscal Stewardship	

## **subject**

Approve the following HIDTA Pass-through Purchases

## **item list**

Purchase Orders for specialized, confidential investigative services and facility expenses; \$82,000, \$87,000, \$184,000, \$80,000, \$142,000, \$76,000 and an additional purchase order for \$198,000 for facility expenses of HIDTA.

## **motion / recommendation**

Commission approve item as presented.

## **background**

The City participates in a joint task force identified as HIDTA (High Intensity Drug Trafficking Agency). Much of the activity of HIDTA is confidential and the information exempt pursuant to several provisions of Florida law, including Section 119.071(2), Florida Statutes, relating to information revealing surveillance techniques and procedures, personnel involved in surveillance techniques and procedures, and criminal investigative techniques and procedures. The estimated HIDTA funding for our FY 2022 is \$ 1,114,108.00.

## **alternatives / other considerations**

N/A

## **fiscal impact**

No fiscal impact to be incurred by the City. All expenses related to HIDTA activity shall be paid by grant funding awarded to HIDTA by the Federal Government.



# City Commission agenda item

item type Consent Agenda	meeting date September 22, 2021
prepared by Michael Hall	approved by Jennifer Maier, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

## subject

Approve the following piggyback contract

## item list

1. Central Florida Environmental Corp. - Seminole County Contract #CC-3563-21/RTB - Continuous Contract for Public Works Minor Construction Projects less than \$2,000,000; For services on an as-needed basis during the term of the Agreement, contract term through August 10, 2024; Amount: \$850,000.

## motion / recommendation

Commission approve item as presented and authorize the Mayor to execute the Agreement.

## background

1: A formal solicitation process was conducted by the originating agency to award this contract.

## 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> September 22, 2021
<b>prepared by</b> Michael Hall	<b>approved by</b> Jennifer Maier, Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Fiscal Stewardship	

## **subject**

Approve the following contracts

## **item list**

1. Hanson Professional Services, Inc. - RFQ16-17B - Professional Green Planning Services; Amount: \$75,000.00 for services on an as needed basis during the term of the Agreement.
2. A Budget Tree Service Inc - ITN23-18A - Vegetation Management Services; Amount: \$100,000.00 for services on an as needed basis during the term of the Agreement.

## **motion / recommendation**

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

## **background**

1-2: A formal solicitation process was conducted by the Procurement Division to award this contract.

## **alternatives / other considerations**

N/A

## **fiscal impact**

Total expenditures included in approved budget.



# City Commission **agenda item**

<b>item type</b> Consent Agenda	<b>meeting date</b> September 22, 2021
<b>prepared by</b> Peter Moore	<b>approved by</b> Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Fiscal Stewardship	

## **subject**

Budget Amendment for Legal and Litigation Costs

## **motion / recommendation**

Approve the amendment and corresponding increases to the contracted spending amount for city attorney services in FY21.

## **background**

The City Commission is required by Statute to approve any budget amendments that alter the total amount budgeted in any fund or when funds are transferred between different fund types.

Legal and litigation services for the current fiscal year have significantly exceeded initial budget estimates and an amendment to the FY21 budget needs to be made to bring the accounts to balance by year-end. Approximately \$55k in additional funds will be needed for general legal services and \$125k will be needed to cover litigation expenses. The original budget in the General Fund for legal services was \$300k, and is estimated to be \$355k by end fiscal year. The original budget for litigation services in the General Fund was \$50k and are likely to be \$175k at year-end. The legal services division has some unspent budget funds for misc. legal services outside of the city attorney contract and \$30k of that will be used to help cover the deficit. This leaves about \$150k in funding needed from reserves to cover legal expenses for FY21. The attached amendment details the transaction.

These amendments if approved by the Commission will become part of the formal FY21 year-end close out process that will adopt all FY21 amendments by formal ordinance. The amendment requested is attached to this item.

## **alternatives / other considerations**

## **fiscal impact**

This will reduce reserves by \$150k in the General Fund.

ATTACHMENTS:

[BA - Legal and Litigation Services FY21.pdf](#)

## Exhibit A

### Budget Amendments Requiring Commission Approval

Fiscal Year 2020 - 2021

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
Legal Services and Litigation Expenses	\$ 55,000	0010383 - 383100	General Fund Reserves	City Attorney	0011102 - 531010	The legal services costs of the city will go over budget by approximately \$150k due to higher general use of legal services as well as litigation expenses. General services will need about \$55k to complete the fiscal year while litigation services will need \$125k to bring the account to balance by year-end. About \$30k in misc legal services that is underbudget will be used to offset the total estimated loss.	Pending
	\$ 125,000			City Attorney Litigation	0011102 - 531011		
	\$ (30,000)			Other Legal Services	0011102 - 531020		



# City Commission agenda item

item type Millage and Budget Public Hearings (held after 5:00 p.m.)	meeting date September 22, 2021
prepared by Peter Moore	approved by
board approval	
strategic objective Fiscal Stewardship	

## subject

Ordinance adopting millage rates for the FY 2022 budget. (2nd Reading)

## motion / recommendation

Adopted the millage rates as presented.

## background

The proposed FY 2022 General Fund budget was prepared assuming the operating millage rate would be kept at its current level of 4.0923 mills. Because property valuations increased, the proposed property tax levy represents a 3.33% increase from FY 2021. The city's tax rate has been held constant for the last 13 years and the overall combined millage rate will decrease due to the reduction in the debt service millage.

A tentative operating millage rate of 4.0923 was approved by the City Commission on July 28. This rate sets the maximum level that the Commission could set the millage rate at during the budget approval process without having to undergo an extensive noticing process. All property owners received a Notice of Proposed Property Taxes from the Orange County Property Appraiser in August that was based on the tentative rate. This notice also advised property owners of this first public hearing on millage rates and the budget.

The rolled-back rate, represents the millage rate that would generate the same level of property tax collection revenue the prior year, excepting growth due to an inflator and new construction. The rolled back rate would be 3.9604 mills.

Below is a table of the implications to the General Fund of adjustments to the millage rate:

Rate Level	Mills	Change from Current	Net Change to GF Revenue	Contingency Balance
Current Rate	4.0923	-	-	657.929

Rolled-Back Rate	3.9604	(0.1414)	(773,153)	(115,224)
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*Note: The Net Change to GF Revenue takes into account that any increase in millage would increase the GF transfer to the CRA, and any decrease would reduce it.*

Any reduction in projected property tax revenues would require a corresponding reduction in General Fund budget appropriations.

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

N/A

#### **fiscal impact**

With the existing property tax rate, the city has a contingency of \$658k to weather impacts from this uncertain revenue environment and to allocate to needs/projects as they arise. No fiscal impact unless the Commission chooses to change the operating millage rate from the 4.0923 mills level. Every 0.25 of a mill generates approximately \$1.7 million in annual property tax revenue. Property taxes account for 43% of General Fund revenue and any changes or slowdown in this revenue source will have significant impacts on operating service levels.

#### **ATTACHMENTS:**

[Millage Ordinance FY22.docx](#)

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

**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, AND A 0.2891 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.**

**WHEREAS**, the Legislature of the State of Florida mandated a procedure for calculating the taxable value for each taxing authority by the County Property Appraiser and provided for the calculation of rolled back millage rate, and

**WHEREAS**, the City of Winter Park, Florida has made the necessary rolled back millage calculation as required by law and found it to be 3.9604 mills.

**WHEREAS**, the citizens of Winter Park approved the issuance of up to \$30,000,000 General Obligation Bonds, at the March 15, 2016 bond referendum.

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

**SECTION 1.** That an ad valorem tax levy upon all real and personal property is hereby levied at a rate of 4.0923 mills, the same to be appropriated for the general operating expenses of the City in accordance with the budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022. In addition, that an ad valorem tax levy upon all real and personal property is hereby levied at a rate of 0.2891 mills, the same to be appropriated for the City of Winter Park, Florida General Obligation Bonds, Series 2017 & 2020.

**SECTION 2.** The above levy to cover general operating expenses of the City is one thousand three hundred nineteen ten-thousandths above the rolled back millage of 3.9604 mills. Pursuant to State Statutes this levy represents a 3.33% increase in property taxes above the rolled back rate.

**SECTION 3.** The City Commission, after full, complete and comprehensive hearings and expressions of parties wishing to be heard, declares the tax levy to be reasonable and necessary for the immediate preservation and benefit of the public health, safety and welfare.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Phil Anderson, Mayor

Attest:

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



# City Commission agenda item

<b>item type</b> Millage and Budget Public Hearings (held after 5:00 p.m.)	<b>meeting date</b> September 22, 2021
<b>prepared by</b> Peter Moore	<b>approved by</b> Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Fiscal Stewardship Investment in Public Assets & Infrastructure	

## subject

Ordinance adopting the fiscal year 2022 budget (2nd Reading)

## motion / recommendation

Adopt the attached Ordinance setting forth the FY 2022 Budget and Five-year Capital Plan.

## background

**Note: The Capital Improvement Plan and Schedule A have been revised based on amendments made at first reading.**

A summary of the proposed budget is included as Schedule A. This will represent the 14<sup>th</sup> year that the City Commission has been presented with an annual budget with no change in the property tax rate to pay for city services.

The City Manager presented his proposed budget to the City Commission at the July 14, 2021 City Commission Meeting. The Commission has discussed the budget at subsequent meetings. Based on those discussions the Commission and CRA Agency has reached the current consensus regarding the following changes to the proposed budget:

### Stormwater Fund:

1. Reallocated the Stormwater CIP to utilize \$150k in ARPA funding to support capital improvements so that room could be made in the operating budget to create a Lakes Director position.

### General Fund Budget:

1. Revised State Revenue and Property Tax estimates to match most recent figures. The net effect was to increase General Fund revenues by approximately \$87,000.

2. Added a Federal Lobbyist at an estimated cost of \$78,000
3. Added a Facilities Maintenance Specialist to assist with the new Library and Events Center Campus at a cost of \$60,000
4. Added two Parks Maintenance Positions to enhance public spaces at a cost of \$126k.
5. Expanded the use of ARPA funds by \$1.25 million to support revenue loss and potential future economic and covid cost shocks that may hit in FY22.
6. Allocated \$750k to the Transportation Division to support transportation projects and design.

Overall contingency in the General Fund is now estimated at \$658k.

These changes have been incorporated into the proposed budget and are reflected in Schedule A (attached).

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

A budget must be adopted by statute.

#### **fiscal impact**

The budget is balanced per statute.

#### **ATTACHMENTS:**

[Budget Ordinance FY22.docx](#)

#### **ATTACHMENTS:**

[Schedule A - 2nd Reading FY22 Ad.pdf](#)

#### **ATTACHMENTS:**

[Capital Improvement Plan - FY 2022 v4.pdf](#)

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 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, 2021; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY.**

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:**

**SECTION 1.** The annual budget of the City of Winter Park for the fiscal year beginning October 1, 2021 and ending September 30, 2022 as set forth on Schedule A attached hereto and by reference made a part hereof, is hereby adopted and approved after full, complete and comprehensive hearings and in consideration of the expressions of all parties concerned. It is hereby declared that said budget represents and presents the judgment and intent of the City Commission as to the needs and fiscal requirements of the various departments of the City government for the next ensuing twelve-month period.

**SECTION 2.** There are hereby expressly appropriated out of anticipated revenues and funds available for such purposes and not otherwise appropriated, the funds and monies necessary to meet the appropriations set forth in said budget. It is hereby declared that the funds available are those in excess of the amount required by law to be held by the City of Winter Park.

**SECTION 3.** The budget approved by this ordinance may be reviewed by the City Commission and shall be subject to modification by ordinance if the actual revenues and necessary expenditures are found to differ substantially from the estimates contained in said budget.

**SECTION 4.** The City Manager is hereby authorized to increase the line item appropriation in the attached budget to cover those purchase orders which shall have been issued on or prior to September 30, 2021, but not filled as of that date, and is authorized to pay for all goods or services received pursuant to such purchase orders from all the funds so appropriated. All such increases shall be appropriated to the corresponding accounts in the same funds against which they were outstanding as of September 30, 2021. The City Manager shall report to the City Commission all such purchase orders.

**SECTION 5.** The City Manager is hereby authorized to increase the line item appropriation in the attached budget to cover the unspent portion of project length budgets as of September 30, 2021.

The City Manager shall report to the City Commission all such project budgets carried forward from fiscal year 2021 to fiscal year 2022.

**SECTION 6.** The City Manager shall have the authority to transfer appropriations from one line item to another line item within a fund budget so long as the total fund appropriations shall not be increased. Appropriation transfers between funds shall require the approval of the City Commission.

**SECTION 7.** The accompanying five year capital improvement plan is hereby adopted as part of this ordinance and is made a part of the Comprehensive Plan, Data, Inventory and Analysis document replacing and substituting therefore any previous five year capital improvement plan. Funding for the first year of the plan is included in the annual budget. Funding for projects in years two through five is subject to the annual budgets adopted for each of those years.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Phil Anderson, Mayor

Attest:

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

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
General Fund Summary**

**Schedule A**

	<b>2022 Proposed</b>	<b>2021 Adopted</b>
<b>Revenues:</b>		
Property Taxes	\$ 27,629,173	\$ 26,396,984
Franchise Fees & Utility Taxes	7,552,526	7,072,798
Licenses & Permits	2,706,152	2,671,394
Intergovernmental	9,753,495	7,306,208
Charges for Services	10,330,856	9,109,710
Fines and Forfeitures	1,034,000	1,284,915
Miscellaneous	573,000	648,500
Transfers from Other Funds	5,328,266	5,117,340
Fund Balance	<u>227,646</u>	<u>190,500</u>
Total Revenues	\$ <u>65,135,114</u>	\$ <u>59,798,349</u>
<b>Expenditures:</b>		
General Administration	\$ 7,110,606	\$ 6,395,153
Planning & Development	4,012,734	3,161,057
Public Works	10,570,160	9,785,451
Police	16,339,612	15,551,287
Fire	13,423,415	13,451,269
Parks and Recreation	9,638,906	8,585,596
Organizational Support	1,657,004	1,657,004
Transfers To Other Funds	6,102,196	5,097,636
Non-Departmental	(315,000)	(172,449)
Reimbursements from Other Funds	(4,062,448)	(4,268,671)
Contingency Reserve	<u>657,929</u>	<u>555,016</u>
Total Expenditures	\$ <u>65,135,114</u>	\$ <u>59,798,349</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Designations Trust Fund Summary**

	<b>2022 Proposed</b>	<b>2021 Adopted</b>
<b>Revenues:</b>		
Miscellaneous	\$ 75,000	\$ 75,000
Transfers from other funds	376,702	385,211
Fund Balance	\$ -	\$ -
Total Revenues	\$ 451,702	\$ 460,211
<b>Expenditures:</b>		
Transfers to other funds	75,000	75,000
Organizational Support	351,702	360,211
Parks & Recreation/Planning	\$ 25,000	\$ 25,000
Total Expenditures	\$ 451,702	\$ 460,211
Excess of Revenues Over (Under) Expenditures	\$ 0	\$ 0

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Stormwater Utility Fund Summary**

	<b>2022 Proposed</b>	<b>2021 Adopted</b>
<b>Revenues:</b>		
Licenses	\$ 35,000	\$ 39,904
Charges for Services	3,035,552	2,727,398
Intergovernmental	43,250	40,000
Miscellaneous	-	-
Transfers From Other Funds	-	-
Fund Balance	-	-
Total Revenues	\$ <u>3,113,802</u>	\$ <u>2,807,302</u>
<b>Expenditures:</b>		
Operations	\$ 3,113,802	\$ 2,807,302
Reimbursements to Other Funds	-	-
Contingency	-	-
Total Expenditures	\$ <u>3,113,802</u>	\$ <u>2,807,302</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida**  
**Annual Budget for Fiscal Year 2022**  
**Community Redevelopment (CRA) Fund Summary**

	<u><b>2022 Proposed</b></u>	<u><b>2021 Adopted</b></u>
<b>Revenues:</b>		
Intergovernmental Revenues	\$ 3,173,086	\$ 3,142,034
Charges for Services	-	-
Miscellaneous	50,000	130,801
Transfers	3,641,491	3,351,094
Fund Balance	<u>271,814</u>	<u>1,876,351</u>
Total Revenues	\$ <u>7,136,391</u>	\$ <u>8,500,280</u>
<b>Expenditures:</b>		
Operating Expenses	\$ 1,012,320	\$ 941,620
Capital Projects	4,065,000	4,940,000
Debt Service	1,496,097	1,491,056
Organizational Support/ Community Initiatives	439,000	947,250
Reimbursements To Other Funds	123,974	180,354
Transfers To Other Funds	-	-
Contingency Reserve	<u>-</u>	<u>-</u>
Total Expenditures	\$ <u>7,136,391</u>	\$ <u>8,500,280</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Police Grant Fund Summary**

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	<u>2022 Proposed</u>	<u>2021 Adopted</u>
<b>Revenues:</b>		
Intergovernmental	\$ <u>961,926</u>	\$ <u>982,315</u>
Total Revenues	\$ 961,926	\$ 982,315
<b>Expenditures:</b>		
Police	\$ <u>961,926</u>	\$ <u>982,315</u>
Total Expenditures	\$ <u>961,926</u>	\$ <u>982,315</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Federal Forfeiture Fund Summary**

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	<b><u>2022 Proposed</u></b>	<b><u>2021 Adopted</u></b>
<b>Revenues:</b>		
Intergovernmental	\$ <u>          -</u>	\$ <u>      66,768</u>
Total Revenues	\$               0	\$       66,768
<b>Expenditures:</b>		
Operating	\$ <u>          -</u>	\$ <u>      66,768</u>
Total Expenditures	\$ <u>          -</u>	\$ <u>      66,768</u>
Excess of Revenues Over (Under) Expenditures	\$ <u>              0</u>	\$ <u>              0</u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Debt Service Fund Summary**

	<b><u>2022 Proposed</u></b>	<b><u>2021 Adopted</u></b>
<b>Revenues:</b>		
Property Taxes	\$ 1,949,400	\$ 2,763,905
Special Assessments	104,000	158,000
Transfers From Other Funds	146,889	392,278
Fund Balance	<u>43,417</u>	<u>46,592</u>
Total Revenues	\$ <u>2,243,706</u>	\$ <u>3,360,775</u>
<b>Expenditures:</b>		
Debt Service	\$ <u>2,243,706</u>	\$ <u>3,360,775</u>
Total Expenditures	\$ <u>2,243,706</u>	\$ <u>3,360,775</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Water and Sewer Fund Summary**

	<b>2022 Proposed</b>	<b>2021 Adopted</b>
<b>Revenues:</b>		
Utility Fee	\$ 33,076,794	\$ 32,384,501
Miscellaneous	54,000	189,400
Fund Balance	<u>2,200,000</u>	<u>687,791</u>
Total Revenues	\$ <u>35,330,794</u>	\$ <u>33,261,692</u>
<b>Expenditures:</b>		
Operations	\$ 20,824,355	\$ 19,839,919
Debt Service	4,747,726	4,655,409
Capital Projects	4,455,500	2,421,791
Reimbursements to Other Funds	2,396,350	2,495,996
Transfers to Other Funds	2,906,863	2,873,827
Contingency Reserve	<u>-</u>	<u>974,750</u>
Total Expenditures	\$ <u>35,330,794</u>	\$ <u>33,261,692</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Electric Utility Fund Summary**

	<b>2022 Proposed</b>	<b>2021 Adopted</b>
<b>Revenues:</b>		
Utility Fee	\$ 44,901,606	\$ 43,720,509
Intergovernmental Revenues	-	-
Miscellaneous	(1,158)	(5,000)
Transfers from Other Funds	-	-
Fund Balance	154,458	148,360
	<u>                    </u>	<u>                    </u>
Total Revenues	\$ <u>45,054,906</u>	\$ <u>43,863,869</u>
<b>Expenditures:</b>		
Operations	\$ 5,326,397	\$ 5,338,776
Bulk Power Costs	21,159,167	20,609,306
Debt Service	4,783,940	4,779,588
Capital Projects	8,377,672	6,703,600
Transfers to Other Funds	2,677,784	2,533,805
Reimbursements to Other Funds	1,696,582	1,740,681
Contingency Reserve	<u>1,033,364</u>	<u>2,158,113</u>
Total Expenditures	\$ <u>45,054,906</u>	\$ <u>43,863,869</u>
Excess of Revenues Over (Under) Expenditures	\$ <u>                    0</u>	\$ <u>                    0</u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Fleet Maintenance Fund Summary**

	<u>2022 Proposed</u>	<u>2021 Adopted</u>
<b>Revenues:</b>		
Charges for Services	\$ 1,725,638	\$ 1,653,253
Miscellaneous	-	-
Fund Balance	<u>-</u>	<u>-</u>
Total Revenues	\$ <u>1,725,638</u>	\$ <u>1,653,253</u>
<b>Expenditures:</b>		
Operations	\$ 1,647,209	\$ 1,653,253
Reimbursements to Other Funds	-	-
Contingency Reserve	<u>78,429</u>	<u>-</u>
Total Expenditures	\$ <u>1,725,638</u>	\$ <u>1,653,253</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Equipment Replacement Fund Summary**

	<b>2022 Proposed</b>	<b>2021 Adopted</b>
<b>Revenues:</b>		
Vehicle/Equipment Rentals	\$ 1,330,306	\$ 1,330,608
Debt Proceeds	-	-
Miscellaneous	-	-
Fund Balance	-	-
Total Revenues	\$ <u>1,330,306</u>	\$ <u>1,330,608</u>
<b>Expenditures:</b>		
Operations	\$ -	\$ -
Vehicle and Equipment Acquisitions	1,330,306	1,330,608
Debt Service	-	-
Reimbursements to Other Funds	-	-
Transfers to Other Funds	-	-
Contingency Reserve	-	-
Total Expenditures	\$ <u>1,330,306</u>	\$ <u>1,330,608</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Employee Insurance Fund Summary**

	<b>2022 Proposed</b>	<b>2021 Adopted</b>
<b>Revenues:</b>		
Charges To Departments	\$ 6,424,271	\$ 6,265,305
Charges To Employees	1,814,966	1,903,017
Miscellaneous	150,000	150,000
Fund Balance	<u>-</u>	<u>-</u>
Total Revenues	\$ <u>8,389,237</u>	\$ <u>8,318,322</u>
<b>Expenditures:</b>		
Insurance Costs	\$ 8,389,237	\$ 8,318,322
Reimbursements to Other Funds	-	-
Contingency Reserve	<u>-</u>	<u>-</u>
Total Expenditures	\$ <u>8,389,237</u>	\$ <u>8,318,322</u>
Excess of Revenues Over (Under) Expenditures	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
General Insurance Fund Summary**

	<u>2022 Proposed</u>	<u>2021 Adopted</u>
<b>Revenues:</b>		
Charges To Departments	\$ 2,970,107	\$ 2,793,800
Miscellaneous	-	-
Fund Balance	<u>-</u>	<u>-</u>
Total Revenues	\$ <u>2,970,107</u>	\$ <u>2,793,800</u>
<b>Expenditures:</b>		
Insurance Costs	\$ 2,970,107	\$ 2,793,800
Reimbursements to Other Funds	-	-
Transfers to Other Funds	-	-
Contingency	<u>-</u>	<u>-</u>
Total Expenditures	\$ <u>2,970,107</u>	\$ <u>2,793,800</u>
Excess of Revenues Over (Under) Expenditures	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Cemetery Fund Summary**

	<b><u>2022 Proposed</u></b>	<b><u>2021 Adopted</u></b>
<b>Revenues:</b>		
Lot Sales	\$ 455,000	\$ 430,000
Miscellaneous	-	-
Fund Balance	<u>331,505</u>	<u>209,031</u>
Total Revenues	\$ <u>786,505</u>	\$ <u>639,031</u>
<b>Expenditures:</b>		
Transfers To Other Funds	\$ 786,505	\$ 639,031
Reimbursements to Other Funds	-	-
Contingency Reserve	<u>-</u>	<u>-</u>
Total Expenditures	<u>786,505</u>	<u>639,031</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida**  
**Annual Budget for Fiscal Year 2022**  
**General Capital Projects Fund Summary**

	<u>2022 Proposed</u>	<u>2021 Adopted</u>
<b>Revenues:</b>		
Transfers From Other Funds	\$ 3,055,000	\$ 2,026,000
Intergovernmental Revenues	-	-
Miscellaneous	-	200,000
Fund Balance	<u>-</u>	<u>-</u>
Total Revenues	\$ <u>3,055,000</u>	\$ <u>2,226,000</u>
<b>Expenditures:</b>		
Capital Projects	\$ 2,775,000	\$ 2,226,000
Debt Service	<u>280,000.00</u>	<u>-</u>
Total Expenditures	\$ <u>3,055,000</u>	\$ <u>2,226,000</u>
Excess of Revenues Over (Under) Expenditures	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Stormwater Capital Projects Fund Summary**

	<b>2022 Proposed</b>	<b>2021 Adopted</b>
<b>Revenues:</b>		
Stormwater Utility Fees	\$ 550,000	\$ 750,000
Intergovernmental	150,000	-
Fund Balance	<u>-</u>	<u>-</u>
Total Revenues	\$ <u>700,000</u>	\$ <u>750,000</u>
<b>Expenditures:</b>		
Capital Projects	\$ 700,000	\$ 750,000
Transfers to other funds	-	-
Contingency Reserve	<u>-</u>	<u>-</u>
Total Expenditures	\$ <u>700,000</u>	\$ <u>750,000</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**City of Winter Park, Florida  
Annual Budget for Fiscal Year 2022  
Affordable Housing Fund Summary**

	<u><b>2022 Proposed</b></u>	<u><b>2021 Adopted</b></u>
<b>Revenues:</b>		
Affordable Housing Fee	\$ 100,000	\$ -
Other Revenue	-	-
Fund Balance	<u>150,000</u>	<u>-</u>
Total Revenues	\$ 250,000	\$ -
<b>Expenditures:</b>		
Affordable Housing Operations	\$ 250,000	\$ -
Contingency Reserve	<u>-</u>	<u>-</u>
Total Expenditures	\$ <u>250,000</u>	\$ <u>-</u>
Excess of Revenues Over (Under) Expenditures	\$ <u><u>0</u></u>	\$ <u><u>0</u></u>

**CITY OF WINTER PARK  
SUMMARY OF CAPITAL PROJECTS**

Description	Funding Source	Estimated 5 Yr. Cost	Schedule of Planned CIP Expenditures					
			FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Other Long-term Needs
General Capital Projects	General Fund	19,051,105	3,115,082	3,827,922	3,710,187	5,024,980	3,372,934	1,175,000
	Tower Rental Revenues	375,000	75,000	75,000	75,000	75,000	75,000	-
	Cemetery Trust Fund	1,100,000	500,000	600,000	-	-	-	-
	Grants/Fund Raising	-	-	-	-	-	-	320,000
	General Obligation Bonds - Subject to Referendum	-	-	-	-	-	-	7,000,000
Stormwater Capital Projects	Stormwater Utility	3,350,000	550,000	700,000	700,000	700,000	700,000	-
	ARPA	150,000	150,000	-	-	-	-	-
Community Redevelopment Agency	Tax Increment Financing	20,985,228	4,065,000	2,740,000	2,640,000	7,140,000	4,400,228	-
Water and Sewer Fund	Water & Sewer Fees	9,551,500	1,719,000	2,058,500	2,064,000	1,970,000	1,740,000	9,100,000
	Sewer Impact Fees	1,968,000	368,000	1,000,000	600,000	-	-	1,100,000
	Water Impact Fees	381,000	381,000	-	-	-	-	1,100,000
	Water & Sewer Reserves	9,103,200	2,200,000	1,378,300	3,167,580	2,307,320	50,000	1,350,000
Electric Services Fund	Electric Service Fees	43,863,854	8,515,172	8,789,725	8,827,270	8,852,815	8,878,872	-
<b>Totals</b>		<b>109,878,888</b>	<b>21,638,254</b>	<b>21,169,448</b>	<b>21,784,037</b>	<b>26,070,115</b>	<b>19,217,033</b>	<b>21,145,000</b>

**SUMMARY OF OPERATING IMPACT**

Description	Funding Source	Estimated 5 Yr. Operating Impact	Schedule of Planned CIP Expenditures					
			FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	-
General Capital Projects	General Fund	12,551	3,000	3,090	3,183	3,278	3,377	-
Stormwater Capital Projects	Stormwater Utility Fees	-	-	-	-	-	-	-
Community Redevelopment Agency	Tax Increment Financing	-	-	-	-	-	-	-
Water and Sewer Fund	Water & Sewer Fees	-	-	-	-	-	-	-
	Sewer Impact Fees	-	-	-	-	-	-	-
	Water Impact Fees	-	-	-	-	-	-	-
	Water & Sewer Reserves	-	-	-	-	-	-	-
Electric Services Fund	Electric Service Fees	-	-	-	-	-	-	-
<b>Totals</b>		<b>12,551</b>	<b>3,000</b>	<b>3,090</b>	<b>3,183</b>	<b>3,278</b>	<b>3,377</b>	<b>-</b>

**SUMMARY OF CAPITAL PROJECTS  
GENERAL CAPITAL PROJECTS**

Department	Description	Funding Source	Estimated 5 Yr. Cost	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Other Long-term Needs
Public Works	Pavement Resurfacing and Brick Road Repairs	General Fund	5,114,230	835,082	1,014,922	1,051,157	1,088,769	1,124,299	on-going
Public Works	Sidewalk, bike path and curb repairs	General Fund	2,896,875	430,000	603,000	609,030	621,211	633,635	on-going
Facilities	Facility replacement account funding (replacement of flooring, roofing, air conditioning, painting, & other capital needs) (65% General Fund, 25% Water and Sewer Fund, and 10% Electric Fund).	General Fund	1,625,000	325,000	325,000	325,000	325,000	325,000	on-going
IT	Information Technology Upgrades (50% General Fund, 25% Water and Sewer Fund and 25% Electric Services Fund).	General Fund	950,000	175,000	175,000	200,000	200,000	200,000	on-going
Parks	General Parks Major Maintenance	General Fund	1,000,000	115,000	215,000	270,000	200,000	200,000	on-going
Parks	Showalter Field Improvements	General Fund	275,000	125,000	150,000				
Parks	Tennis Center	General Fund	680,000	30,000		360,000	145,000	145,000	
Parks	Cady Way Pool Improvements	General Fund	100,000	100,000					
Parks	Athletic Field and Tennis Center Lighting	General Fund	625,000	125,000	125,000	125,000	125,000	125,000	
		Tower Rental Revenues	375,000	75,000	75,000	75,000	75,000	75,000	
Parks	Pavilion Replacement (Ward (2) and Phelps)	General Fund	135,000	85,000	50,000				
Parks	Lake Baldwin Park Improvements	General Fund	350,000		250,000	100,000			
Parks	Cemetery Enhancements and Maintenance Facility	Cemetery Trust Fund	1,100,000	500,000	600,000				
Planning & Transportation	Bicycle & Pedestrian Improvements	General Fund	500,000	100,000	100,000	100,000	100,000	100,000	on-going
Planning & Transportation	Signalization Upgrades	General Fund	500,000	100,000	100,000	100,000	100,000	100,000	on-going
Public Works	Ravadauge Infrastructure Reimbursement	General Fund	400,000	200,000	200,000				

**SUMMARY OF CAPITAL PROJECTS  
GENERAL CAPITAL PROJECTS**

Department	Description	Funding Source	Estimated 5 Yr. Cost	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Other Long-term Needs
Fire	Fire Safety & Equipment Fund	General Fund	2,975,000	200,000	275,000	300,000	1,950,000	250,000	on-going
Police	Police Safety & Equipment Fund	General Fund	850,000	170,000	170,000	170,000	170,000	170,000	on-going
Parks	Mead Garden Master Plan Renovation	General Fund	75,000		75,000				175,000
		Grants/Fund Raising	-						320,000
Fire	Station 64 Improvement	General Fund	-						1,000,000
General	Renovation of City Hall	General Obligation Bonds - Subject to Referendum	-						2,000,000
General	Development of Northwest Sports Complex	General Obligation Bonds - Subject to Referendum	-						5,000,000
Totals			20,526,105	3,690,082	4,502,922	3,785,187	5,099,980	3,447,934	8,495,000

**Totals by Funding Source:**

	5 Yr. Cost	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Other Long-term Needs
General Fund	19,051,105	3,115,082	3,827,922	3,710,187	5,024,980	3,372,934	1,175,000
Tower Rental Revenues	375,000	75,000	75,000	75,000	75,000	75,000	-
Stimulus Funds	-	-	-	-	-	-	-
Orange County	-	-	-	-	-	-	-
Cemetery Trust Fund	1,100,000	500,000	600,000	-	-	-	-
Grants/Fund Raising	-	-	-	-	-	-	320,000
General Obligation Bonds - Subject to Referendum	-	-	-	-	-	-	7,000,000
	20,526,105	3,690,082	4,502,922	3,785,187	5,099,980	3,447,934	8,495,000

**CITY OF WINTER PARK  
CAPITAL IMPROVEMENT PLAN  
Fiscal Year 2021 - 2022**

Function	Project	Project Description	Primary Funding Source	Capital Fundin Amount	Impact on Operating Budgets	Operating Impact Amount
Public Works	Pavement Resurfacing	The City's pavement resurfacing program calls for the resurfacing of eight to nine miles of streets in the upcoming fiscal year. A pavement condition assessment identifies those streets in most need of resurfacing to prevent degradation of the road base.	Local option gas tax revenues	\$ 835,082	Investments in routine road repaving reduces the annual costs of road repairs.	-
Public Works	Sidewalk, Bike path & Curb Repairs	Replacement of sidewalks, bike paths and curbing where necessary for public safety.	Local option gas tax revenues	\$ 430,000	No additional impact on operating budget	-
Public Works	Facility Replacement Account	This account will accumulate funds for the replacement of roofs, air conditioning, paint and flooring and other major capital expenditures for City's facilities.	General Fund - \$325,000, Water & Sewer Fund - \$125,000 and Electric Services Fund - \$50,000	\$ 500,000	Replacing the aging capital reduces the costs of repairs.	-
Information Technology	Information Technology Upgrades	Upgrades to computers, networks, servers and phone systems. Also contains funding to continue the City facilities underground fiber network.	General Fund - \$175,000, Water & Sewer Fund - \$122,500 and Electric Services Fund - \$87,500	\$ 350,000	No additional impact on operating budget	-
Parks	Major Parks Maintenance Items	This funding is set aside for needed Parks Department capital equipment and facility maintenance and repairs.	General Fund	\$ 115,000	No additional impact on operating budget	-
Parks	Showalter Field Improvements	Planned ward field renovations.	General Fund	\$ 125,000	No additional impact on operating budget	-
Parks	Tennis Center	Addition of permanent hitting wall and install of well for soft court irrigation.	General Fund	\$ 30,000	Well will move from potable water use to save money and expenses for City.	(30,000)
Parks	Cady Way Pool Improvements	Replacement of filtration tanks.	General Fund	\$ 100,000	No additional impact on operating budget	-
Parks	Athletic Field & Tennis Court Lighting	Multi-year lighting enhancement project at the city's athletic venues. Includes replacement of worn poles and fixtures.	Cell Tower Revenues	\$ 200,000	The new technology LED lighting will decrease the energy cost saving money and increase the cities sustainable energy efficiency.	(5,000)
Parks	Pavilion Replacement (Ward (2) and Phelps)	Replace two pavilions at Ward park.	General Fund	\$ 85,000	No additional impact on operating budget	-
Parks	Cemetery Improvements	Funding for this project will be used to create columbarium's at Pinneywood and to start work at Palm Cemetery. Future funding will centralize maintenance services.	Cemetery Trust Fund	\$ 500,000	Improvements in 2021 through 2022 will allow for additional sales. Revenues are expected to exceed operating costs.	-

**CITY OF WINTER PARK  
CAPITAL IMPROVEMENT PLAN  
Fiscal Year 2021 - 2022**

<b>Function</b>	<b>Project</b>	<b>Project Description</b>	<b>Primary Funding Source</b>	<b>Capital Fundin Amount</b>	<b>Impact on Operating Budgets</b>	<b>Operating Impact Amount</b>
Planning & Transportation	Bicycle/Pedestrian Plan Improvements	Funding for this project will be used to create and promote a viable and safe pedestrian and bicycle-friendly infrastructure and promote these modes of transportation throughout the city.	General Fund	\$ 100,000	No additional impact on operating budget	-
Planning & Transportation	Pedestrian & Traffic Signal Upgrades	This project is part of a multi year plan to upgrade antiquated traffic signals and improve the safety of pedestrians crossing intersections.	General Fund	\$ 100,000	Annual Wifi connection costs	18,000
Public Works	Ravadauge Infrastructure Reimbursement	Provides funding estimate for the reimbursement of developer built city roads in the Ravadauge redevelopment area.	General Fund (paid from permit and tax revenues received by the development.)	\$ 200,000	The city will ultimately take over the maintenance of these roads however the reimbursement does not effect the city's obligation to do so.	-
Fire	Fire Safety Equipment Replacement Fund - Station Alerting	Contributions to the funding pool for the capital replacement of crucial life-saving equipment will go towards the cost of replacing the station alerting system to improve response times.	General Fund	\$ 200,000	The IT budget will be paying annual support. Charge did not change from previous system to new system.	20,000
Police	Police Safety & Equipment Fund	This fund will allow the Police Department to create a funding pool for replacement of crucial life-saving equipment. In FY21 -24, funds will be saved to replace the aging 124 Motorola Radios.	General Fund	\$ 170,000	No additional impact on operating budget	-
<b>Total Funding FY22</b>				<u>\$ 4,340,082</u>		<u>\$ 3,000</u>

**CITY OF WINTER PARK  
SUMMARY OF CAPITAL PROJECTS  
STORMWATER CAPITAL PROJECTS FUND**

Department	Description	Funding Source	Estimated 5 Yr. Cost	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Public Works	Drainage Improvements - Most of the City's stormwater sewer infrastructure is over fifty years old. Some of these older systems do not meet the City's current drainage standards and in many cases are experiencing pipe material failures. Groundwater seepage into the stormwater sewer system is considered an illicit discharge carrying sediments to the City's lakes compromising water quality.	Stormwater Fees	875,000	175,000	175,000	175,000	175,000	175,000
Public Works	N Lakemont Seminole Ditch Piping	ARPA	150,000	150,000				
		Stormwater Fees	350,000	350,000				
Public Works	Canton at Knowles Drainage Improvements	Stormwater Fees	250,000		250,000			
Public Works	Temple Dr Stormwater Replacement	Stormwater Fees	600,000				300,000	300,000
Public Works	Curb Implementation	Stormwater Fees	125,000	25,000	25,000	25,000	25,000	25,000
Public Works	Ward Park Ponds Construction	Stormwater Fees	250,000		250,000			
Public Works	Corrugated Metal Pipe Replacement	Stormwater Fees	600,000			200,000	200,000	200,000
Public Works	Stirling Bridge Replacement	Stormwater Fees	300,000			300,000		
Totals			3,500,000	700,000	700,000	700,000	700,000	700,000

**Totals by Funding Source:**

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
ARPA Federal Grant Funds	150,000	-	-	-	-
Stormwater Fees	550,000	700,000	700,000	700,000	700,000
	700,000	700,000	700,000	700,000	700,000

**Note: The stormwater capital improvement plan has been approved by the Lakes and Waterways Board.**

**CITY OF WINTER PARK  
CAPITAL IMPROVEMENT PLAN - Stormwater Fund  
Fiscal Year 2021 - 2022**

<b>Function</b>	<b>Project</b>	<b>Project Description</b>	<b>Primary Funding Source</b>	<b>Capital Funding Amount</b>	<b>Impact on Operating Budgets</b>	<b>Operating Impact Amount</b>
Public Works	Drainage improvements	Rainfall events within recent years have produced increased intensities which have exceeded the capacity of the storm sewer infrastructure and as result the City has been experiencing localized flooding in areas that have not been prone to flooding in the past.	Stormwater utility fee	\$ 175,000	No additional impact on operating budget	-
Public Works	N Lakemont Seminole Ditch Piping	The City of Winter Park and Seminole County both have contributing drainage basins that lead to a ditch behind the homes along N Lakemont Avenue and Arbor Park Drive. This project will improve access and add piping in cooperation with Seminole County.	Stormwater utility fee	\$ 350,000	No additional impact on operating budget	-
Public Works	Curb Implementation	New curb installations	Stormwater utility fee	\$ 25,000	No additional impact on operating budget	-
<b>Total Funding FY22</b>				<u>\$ 550,000</u>		<u>\$ -</u>

**CITY OF WINTER PARK  
SUMMARY OF CAPITAL PROJECTS  
COMMUNITY REDEVELOPMENT AGENCY FUND**

**Current Adopted CIP**

Department	Description	Funding Source	Estimated 5 Yr. Cost	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
CRA	Small Scale CIP Improvements	TIF	200,000	40,000	40,000	40,000	40,000	40,000
CRA	CRA Infrastructure Improvements	TIF	500,000	100,000	100,000	100,000	100,000	100,000
CRA	17-92 / PD&E Streetscape	TIF	5,185,228			1,000,000	2,000,000	2,185,228
CRA	MLK Park Improvements	TIF	3,025,000	625,000	2,400,000			
CRA	Hannibal Square Connectivity	TIF	200,000		200,000			
CRA	Land Acquisitions	TIF	1,500,000			1,500,000		
CRA	Post Office Acquisition	TIF	9,475,000	2,400,000			5,000,000	2,075,000
CRA	Central Park Stage Area Improvements	TIF	500,000	500,000				
CRA	New York Streetscape Improvements	TIF	400,000	400,000				
<b>Totals</b>			<b>20,985,228</b>	<b>4,065,000</b>	<b>2,740,000</b>	<b>2,640,000</b>	<b>7,140,000</b>	<b>4,400,228</b>

**Totals by Funding Source:**

Tax Increment Financing (TIF)	20,985,228	4,065,000	2,740,000	2,640,000	7,140,000	4,400,228
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**CITY OF WINTER PARK  
CAPITAL IMPROVEMENT PLAN  
Fiscal Year 2021 - 2022**

<b>Function</b>	<b>Project</b>	<b>Project Description</b>	<b>Primary Funding Source</b>	<b>Capital Funding Amount</b>	<b>Impact on Operating Budgets</b>	<b>Operating Impact Amount</b>
CRA	Small Scale CRA Improvements	Purpose of this fund is to include minor project expenditures that may be incurred throughout the year such as SunRail weekend ridership, district enhancements, or other small scale projects	Tax Increment Financing	\$ 40,000	These projects would be one time expenditures and should not impact ongoing operational costs.	-
CRA	CRA Infrastructure Improvements	This fund will provide for infrastructure improvement needs that enhance the CRA district and are in accordance with the adopted plan.	Tax Increment Financing	\$ 100,000	These projects would be one time expenditures and should not impact ongoing operational costs.	-
CRA	MLK Park Improvements	First phase of the improvements to Martin Luther King park, to include renovation of the fields and viewshed improvements.	Tax Increment Financing	\$ 625,000		-
CRA	Post Office Acquisition	Funding allocation for the acquisition of the post office property and expansion of Central Park	Tax Increment Financing	\$ 2,400,000	These projects would be one-time expenditures and should not impact ongoing operational costs in the CRA.	-
CRA	Central Park Stage	Funding to rebuild the stage in Central Park. This allocation represents a partial payment towards the estimated \$900k total cost which will be supported by federal grants.	Tax Increment Financing	\$ 500,000		-
CRA	New York Streetscape Improvements	Streetscape improvement to include landscaping, curb work, pedestrian crosswalks, ADA compliant intersection improvements, and mast arms at Fairbanks and New York.	Tax Increment Financing	\$ 400,000	No additional impact on operating budget	-
<b>Total Funding FY22</b>				<u>\$4,065,000</u>		<u>-</u>

**CITY OF WINTER PARK  
SUMMARY OF CAPITAL PROJECTS  
WATER AND WASTEWATER FUND**

Department	Description	Funding Source	Estimated 5 Yr. Cost	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Other Long-term Needs
Water and Sewer	Upgrade sewer mains - Rehabilitation of defective sewer mains with heavy ground water infiltration.	Water and Sewer Fees	1,650,000	300,000	300,000	350,000	350,000	350,000	
		Sewer Impact Fees	368,000	368,000					
Water and Sewer	Rehabilitation of sanitary manholes to restore their structural integrity	Water and Sewer Fees	460,000	-	100,000	120,000	120,000	120,000	
Water and Sewer	Short Liner Installation - for rehabilitation of sanitary sewer mains and laterals from the main to the property line.	Water and Sewer Fees	1,175,000	-	200,000	325,000	325,000	325,000	
Water and Sewer	Upgrade water mains - Replacement of sub-standard water mains throughout the water distribution system.	Water Impact Fees	381,000	381,000					
		Water and Sewer Fees	2,550,000	350,000	550,000	550,000	550,000	550,000	
Water and Sewer	Replacement of asbestos cement sanitary force mains deteriorated by hydrogen	Water and Sewer Fees	80,000	-	20,000	20,000	20,000	20,000	
Water and Sewer	Lift Station Upgrades	Water and Sewer Fees	860,000	260,000	150,000	150,000	150,000	150,000	
Water and Sewer	Upgrading/rerating of Iron Bridge Regional Wastewater Treatment Facility (City of Orlando).	Water and Sewer Reserves	5,738,200		1,253,300	3,042,580	1,442,320		
Water and Sewer	Richard Crotty Parkway Utility Upgrade	Water and Sewer Reserves	915,000				865,000	50,000	
Water and Sewer	Kennedy Blvd Road Widening Force Main Upgrade	Sewer Impact Fees	1,600,000		1,000,000	600,000			
Water and Sewer	FDOT SR 434 Water and Sewer Relocation	Water and Sewer Reserves	2,250,000	2,200,000	25,000	25,000			
Water and Sewer	Water Treatment Plant Renewal and Replacement	Water and Sewer Fees	1,166,500	416,500	426,000	324,000			

**CITY OF WINTER PARK  
SUMMARY OF CAPITAL PROJECTS  
WATER AND WASTEWATER FUND**

Department	Description	Funding Source	Estimated 5 Yr. Cost	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Other Long-term Needs
Water and Sewer	Winter Park Estates Water and Wastewater plant	Water and Sewer Fees	410,000	80,000	100,000		230,000		
Water and Sewer	17-92 Water and Sewer relocation	Water and Sewer Fees	100,000	100,000					3,000,000
ITS	Information Technology Infrastructure Upgrades (50% General Fund, 25% Water and Sewer Fund and 25% Electric Services Fund).	Water and Sewer Fees	475,000	87,500	87,500	100,000	100,000	100,000	
Public Works	Facility replacement account funding (replacement of flooring, roofing, air conditioning, painting, & other capital needs) (65% General Fund, 25% Water and Sewer Fund, and 10% Electric Fund).	Water and Sewer Fees	625,000	125,000	125,000	125,000	125,000	125,000	
Water and Sewer	Expansion of reclaimed water system	Water and Sewer Reserves	200,000		100,000	100,000			1,350,000
		Sewer Impact Fees	-						1,100,000
		Water Impact Fees	-						1,100,000
Water and Sewer	Ground Storage Tank Expansion	Water and Sewer Fees	-						6,100,000
Totals			21,003,700	4,668,000	4,436,800	5,831,580	4,277,320	1,790,000	12,650,000

<b>Totals by Funding Source:</b>	<b>Funds Available</b>							
Water and Sewer Fees	9,551,500	1,719,000	2,058,500	2,064,000	1,970,000	1,740,000	9,100,000	
Water and Sewer Reserves	12,010,826	9,103,200	2,200,000	1,378,300	3,167,580	2,307,320	50,000	1,350,000
Sewer Impact Fees	10,356,290	1,968,000	368,000	1,000,000	600,000	-	-	1,100,000
Water Impact Fees	5,914,335	381,000	381,000	-	-	-	-	1,100,000
	21,882,991	21,003,700	4,668,000	4,436,800	5,831,580	4,277,320	1,790,000	12,650,000

**CITY OF WINTER PARK  
CAPITAL IMPROVEMENT PLAN - Water & Sewer  
Fiscal Year 2021 - 2022**

Function	Project	Project Description	Primary Funding Source	Capital Funding Amount	Impact on Operating Budgets	Operating Impact Amount
Water and Sewer	Upgrade sanitary sewer mains	Defective sanitary sewer mains will be rehabilitated to decrease heavy ground water infiltration, in effect reducing the total flow to waste water facilities.	Water and Sewer Fees	\$ 300,000	This project will reduce wastewater treatment costs by reducing ground water infiltration	-
Water and Sewer	Upgrade water mains	Water main upgrades consist of construction and upgrade of water mains and service lines to replace sub-standard water mains throughout the water distribution system. This work will improve water quality, flows and fire protection in the impacted areas	Water and Sewer Fees	\$ 731,000	No additional impact on operating budget	-
Water and Sewer	Lift station upgrades	Replacement of "can" type lift stations close to failure with submersible "rail" type lift stations.	Water and Sewer Fees	\$ 260,000	No additional impact on operating budget	-
Water and Sewer	FDOT SR 434 Water and Sewer Relocation	Relocating and replacing water and wastewater utilities during the FDOT widening, milling, and resurfacing of S.R. 434 from Edgewater Drive to Maitland Boulevard.	Water and Sewer Reserves	\$ 2,200,000	No additional impact on operating budget	-
Water and Sewer	Upgrade Water Treatment Plants	Renewal and replacement of components for the Water treatment plants and repump facilities.	Water and Sewer Fees	\$ 416,500	No additional impact on operating budget	-
Water and Sewer	Upgrade Winter Park Estates Wastewater Treatment Plant	Renewal and replacement of components for the Winter Park Estates Wastewater Reclamation Facility.	Water and Sewer Fees	\$ 80,000	No additional impact on operating budget	-
Water and Sewer	17-92 Water and Sewer relocation	Replacement of existing asbestos cement water main along US 17/92 corridor in conjunction with FDOT roadway project.	Water and Sewer Fees	\$ 100,000	No additional impact on operating budget	-
<b>Total Funding FY22</b>				<u>4,087,500</u>		<u>-</u>

**CITY OF WINTER PARK  
SUMMARY OF CAPITAL PROJECTS  
ELECTRIC SERVICES FUND**

Department	Description	Funding Source	Estimated 5 Yr. Cost	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Electric Services	Routine Capital improvements including: renewals, replacements, and other improvements required to provide service and improve the reliability of the electric system	Electric System Revenues	6,388,854	1,227,672	1,252,225	1,277,270	1,302,815	1,328,872
Electric Services	Undergrounding of Electric Lines	Electric System Revenues	32,000,000	6,400,000	6,400,000	6,400,000	6,400,000	6,400,000
Electric Services	Solar Awning Construction	Electric System Revenues	500,000	500,000				
Electric Services	Substation Upgrades	Electric System Revenues	4,250,000	250,000	1,000,000	1,000,000	1,000,000	1,000,000
Public Works	Facility replacement account funding (replacement of flooring, roofing, air conditioning, painting, & other capital needs) (65% General Fund, 25% Water and Sewer Fund, and 10% Electric Fund)	Electric System Revenues	250,000	50,000	50,000	50,000	50,000	50,000
ITS	Information Technology Infrastructure Upgrades (50% General Fund, 25% Water and Sewer Fund and 25% Electric Services Fund)	Electric System Revenues	475,000	87,500	87,500	100,000	100,000	100,000
<b>Totals</b>			<b>43,863,854</b>	<b>8,515,172</b>	<b>8,789,725</b>	<b>8,827,270</b>	<b>8,852,815</b>	<b>8,878,872</b>

**Totals by Funding Source:**

Electric System Revenues	43,863,854	8,515,172	8,789,725	8,827,270	8,852,815	8,878,872
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Note: No additional bond issues are anticipated in the period covered by this Capital Improvement Plan

**CITY OF WINTER PARK  
CAPITAL IMPROVEMENT PLAN - Electric Services  
Fiscal Year 2021 - 2022**

<b>Function</b>	<b>Project</b>	<b>Project Description</b>	<b>Primary Funding Source</b>	<b>Capital Funding Amount</b>	<b>Impact on Operating Budgets</b>	<b>Operating Impact Amount</b>
Electric Services	Routine Capital: annual electric system improvements	These improvements include repair and replacement of utility infrastructure to increase the reliability of the electric system.	Electric Service Fees	\$ 1,227,672	No impact on operating budget	-
Electric Services	Undergrounding Electric Utilities	This is part of an ongoing plan to underground electric utility lines over the next 8 years.	Electric Service Fees	\$ 6,400,000	As electric utilities are placed underground there will be less costs for trimming trees around power lines.	-
Electric Services	Solar Awning Construction	Construction of an awning at the Utility Warehouse to provide protection for heavy vehicles as well as increasing the city's use of renewable energy sources.	Electric Service Fees	\$ 500,000	Solar energy savings will reduce operating costs, but also reduce revenues to the Electric Utility as this is in Winter Park's service area.	-
Electric Services	Substation Upgrades	Substations around the city will need capital upgrades to maintain exceptional quality of service. This account will serve as ongoing capital upgrades to the substations.	Electric Service Fees	\$ 250,000	Replacing the aging capital reduces the costs of repairs.	-
<b>Total Funding FY22</b>				<u>\$ 8,377,672</u>		<u>\$ -</u>



# City Commission **agenda item**

item type Public Hearings	meeting date September 22, 2021
prepared by Rene Cranis	approved by
board approval Completed	
strategic objective	

## subject

Ordinance amending the Historic Preservation Code to revise the procedures regarding demolition and providing for clarifications on the terms, vacancies and procedures for the Historic Preservation Board. (2nd reading)

## motion / recommendation

The Historic Preservation Board and Staff recommend approval.

## background

Note: This is second reading of the ordinance and the attached ordinance reflects amendments made at first reading. The Resolution was adopted in the September 8th meeting.

The staff submitted our draft application for the City's participation in the Certified Local Government program for Historic Preservation to the Florida Division of Historic Resources. The Certified Local Government program is a national program administered by the US Parks Service. The State of Florida Division of Historic Resources administers the program within Florida. Once approved by the State the application is sent to the US Parks Service for action.

Historic Preservation grant funding is provided to the states by the US Parks Service. If you have a grant request and are one of the Certified Local governments, then you have a huge advantage over cities that are not. It also is an accreditation credential to be a Certified Local Government.

## Proposed Ordinance Change

The review by the State Division of Historic Resources is requiring some ordinance modifications in order to meet the ordinance criteria of the US Parks Service. They are as follows:

Section I address their need for the ordinance to specifically indicate that the HPB will

meet at least four times a year, that the members are residents of the city, that the terms overlap and that vacancies will be filled within 60 days.

Section II addresses the designation criteria for historic district. The review comments were that there was no necessity for a historic district to be at least 12 properties or larger. There also was no reason why if a district failed to get approval that it could not be downsized for a smaller area of property owners who would agree to district status but the three year wait in our Code would prohibit that alternative.

Section III addresses their need that historic designation requests be acted upon within 60 days.

Section IV addresses their confusion in reading our Code concerning our demolition procedures for individually designation properties and then for the “contributing” and “non-contributing” properties within historic districts. The current Ordinance is organized so that Sections 58-466 thru 58-477 cover the “certificates of review” and in 58-773 (a) it mentions demolitions which would apply to the individually designated properties and the historic districts.

Section 58-481 outlines the demolition delays for those properties that are not designated but are included in the 2001 Historic Resources Survey or are listed in the Florida Master Site File, in the hopes that a white knight will ride to the rescue and save them from demolition during that 60 day wait. Since the ordinance has Section 58-481 with the title of “demolitions”, it has been amended to address all the alternative types of demolition requests that can arise including individually designated historic properties, and then “contributing” and non-contributing” properties within a historic district.

Section V addresses the need for the ordinance to indicate that the Mayor and City Commissioners are the “designated local officials”.

Section VI addresses the City’s two National Register Historic Districts including the Downtown Winter Park and Interlachen areas in order to preserve the historic architectural character of existing buildings.

## [alternatives / other considerations](#)

### [fiscal impact](#)

ATTACHMENTS:

[Ord. for CLG Ordinance Updates.docx](#)

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

AN ORDINANCE AMENDING CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE VIII, HISTORIC PRESERVATION SO AS TO REVISE THE PROCEDURES REGARDING DEMOLITIONS, PROVIDING FOR CLARIFICATIONS OF THE QUALIFICATIONS, TERMS, VACANCIES AND PROCEDURES FOR THE HISTORIC PRESERVATION BOARD, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park recognizes that the preservation and protection of historic homes individually designated, preserves the City's architectural heritage and preserves the historic scale and character of the City; and

WHEREAS, the City desires to become a Certified Local Government and ordinance amendments are necessary to meet the program requirements.

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

SECTION 1: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-446 "Qualifications" is 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.

Sec. 58-446. – Qualifications, Terms, Vacancies.

Members of the HPB shall have demonstrated civic pride, interest in historic preservation and the knowledge, experience and mature judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources. ~~The board~~ In accordance with the provisions of Chapter 2 of City Code, the Historic Preservation Board shall be comprised of seven members, who shall be residents of the City. The terms of the Board members shall be staggered in accordance with the selection process outlined in Chapter 2 of City Code, resulting in the overlap of terms so that the HPB retains membership with experience as new members are appointed to the HPB. The HPB shall meet monthly but in no case shall postponements or other circumstances allow the HPB to meet less than four times per year. Vacancies shall be filled promptly and any vacancy shall be filled within 60 days. The HPB proceedings shall conform to the Rules of Procedures as are adopted and as may be amended by the City Commission for their proceedings. Members of the HPB shall include:

(1) One member shall be a licensed architect; and

- (2) One member versed in local history; and
- (3) One member who owns or lives in a designated resource or district.

SECTION II: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-456 "Designation Criteria" is 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.

Sec. 58-457. – Designation Criteria.

(2) Historic districts must meet the criteria of subsection 58-456(1)a. and two or more of the criteria in subsection 58-456(1)b. at the local, state or national level. A district shall possess a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

a. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the historic environment or be an arrangement of historically or functionally related properties. At least 50 percent of the sites, buildings, structures or objects in a historic district must meet two or more of the National Register of Historic Places criteria at the local, state or national level.

b. ~~A district must contain a minimum of 12 properties.~~ A district must be a definable geographic area of contiguous properties and, where possible, should cover both sides of any street or comprise all the properties in any cul-de-sac or similar area and generally follow the technical guidelines for selecting boundaries used by the National Register of Historic Places. The boundaries must be based upon a shared relationship among the properties constituting the district and represent the area which completed the process described in subsection 58-457(2). The boundaries should be defined by utilizing the parcels and lots as shown on the Orange County Property Appraiser's maps.

c. ~~If the nomination for designation of a particular district pursuant to subsection 58-457(2) below is unsuccessful, no district nomination including the selected area shall be presented for nomination for at least three years after the date the city notifies the proposed district's residents that the nomination has been unsuccessful.~~

SECTION III: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-457 "Designation Procedures" is 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.

Sec. 58-457. – Designation Procedures.

Winter Park historic landmarks, resources and districts shall be designated only as provided in this section. Properties, which meet the criteria for designation as set forth in section 58-456, shall be designated according to the following procedures:

(1) Designation of local historic landmarks and resources.

a. Recommendations for nomination for designation of individual local historic landmarks and resources may be submitted to the planning and community development department by the property owner(s), who believe(s) that the property meets the criteria for listing as set forth in section 58-456. The property owner shall provide to the city proof of current fee simple ownership of the property being nominated. The proposal shall include a legal description or address of the property, a brief statement regarding its historic, cultural, aesthetic or architectural significance, and must include written authorization by the property owner(s).

b. Prior to consideration of designation, the city shall first determine if the property sought to be designated meets the criteria for designation. If so, the city shall prepare a historic designation report that shall be presented to the HPB at a regularly scheduled meeting to be held within no more than 60 days upon receipt of application for designation.

c. For each proposed designation of a historic landmark or resource, the city is responsible for mailing a notice of public hearing to all property owners of record on the latest Orange County tax roll within a 500-foot radius of the proposed landmark or resource at least 15 days prior to the public hearing held pursuant to this section, however, failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation at least 15 days prior to the hearing.

SECTION IV: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-481 "Procedure for demolition of properties identified in the Florida Master Site File or the historic survey" is 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.

Sec. 58-481. - Procedure for demolition of buildings and structures on properties designated on the Winter Park Register of Historic Places, or located within designated Historic Districts or as identified in the Florida Master Site File or the historic survey.

Applications requesting the demolition of properties that are designated on the Winter Park Register of Historic Places, or located within designated Historic Districts or as identified in the Florida Master Site File or the historic survey as potential candidates for the National Register of Historic Places but are not designated properties or properties within historic districts, shall comply with the procedures of this section.

(1) For properties with buildings or structures found in the historic survey as potential candidates for the National Register of Historic Places, ~~u~~Upon receipt of a complete application for a demolition permit, ~~for properties found in the historic survey as potential candidates for the National Register of Historic Places,~~ the city shall have 90 ~~60~~ days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 90 ~~60~~-day consideration period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from the HPB staff notifying them of the 90 ~~60~~-day period and the purpose of such and the next HPB meeting where the application for demolition will be reviewed and potential alternatives to demolition discussed. During this 90 ~~60~~-day period, the HPB will review the application for demolition permit and may direct HPB staff to make proposals to the property owner or their designee as to any specific alternatives to demolition.

(2) For properties with buildings or structures identified in the Florida Master Site File, ~~u~~Upon the city's receipt of a complete application for a demolition permit ~~of properties that are identified in the Florida Master Site File,~~ the city shall have 90 ~~60~~ days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 90 ~~60~~-day consideration period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from staff regarding the 90 ~~60~~-day period and the purpose of such. During this 90 ~~60~~-day period, staff shall consider appropriate alternatives to demolition and is authorized to make proposals to the property owner or their designee to protect the historic character of the property in lieu of demolition. HPB staff shall notify the HPB of any applications for demolition that qualify under this category at the next scheduled meeting of the HPB subsequent to the receipt of a complete application for demolition permit.

(3) For properties with buildings or structures that are individually designated on the Winter Park Register of Historic Places or located within any designated Historic District, any such request for demolition or partial demolition must be approved by the Historic Preservation Board or if required, upon approval by appeal to the City Commission based upon the process and procedures established in sections 58-473 through 58-477 and pursuant to the provisions as outlined below. In addition to meeting the requirements of sections 58-481 (1) through (9) with regards to the 90-day consideration period and process, the application shall meet the requirement outlined below.

(4) During the 90-day consideration period set forth under subsections (1), ~~and~~ (2) and (3) above, the following alternatives to demolition should be considered:

i. The feasibility of moving or relocating the structure;

ii. The feasibility of purchasing the structure, either privately or through the use of public funds;

iii. Preservation of historic elements of the structure prior to demolition through photographic documentation of the structure, removal and relocation of historic elements, or otherwise archiving the historic nature of the structure.

(a) If agreement is reached with the property owner to allow preservation of aspects of the structure pursuant to the subsections (1) and (2) above, the demolition shall be allowed immediately upon completion of the preservation or at the end of the consideration period, whichever may come first, provided all other criteria for demolition have been met. As further consideration for allowing the preservation of the structure pursuant to this section, any person or entity undertaking the preservation effort shall provide the property owner a waiver of liability for any personal injury or property damage incurred by the preserving party.

(b) For good cause shown, and with the agreement of the property owner, the consideration periods under subsections (1), ~~and (2)~~ and (3) may be extended for an additional 60-day period. The time limit under section 58-475 does not apply to demolition permits under this section.

(d) The criteria set forth in section 58-479 do not apply to applications for demolition permits under ~~this section~~ subsections (1) and (2) above. The HPB does not have the authority to approve or deny an application for demolition permit under ~~this section~~ those subsections.

(e) The provisions of this section shall be supplemental to any other requirements and conditions applicable to applications for and permits issued concerning the demolition of properties.

(f) Any property that has received, prior to the effective date of this section, an approved and valid development order or permit from the city that authorizes the redevelopment of the property is exempt from the provisions of subsections (1) and (2) in regards to the redevelopment approved by such development orders and permits.

(5) Criteria for reviewing demolition applications for individually designated historic structures and contributing structures within historic districts. In addition to process and procedures during the 60-day consideration period outlined above in subsection (4), the demolition of an individually designated historic structure or a contributing structure within a historic district constitutes an irreplaceable loss to the quality and character of the historic district and/or the city at-large. Therefore, no contributing structure within any historic district or individually designated property shall be demolished or removed, in whole or in part, until after a certificate of review for the approval of the demolition has been approved by HPB or upon approval by appeal to the city commission. However, the HPB may consider approval of the demolition of a contributing structure within a historic district only if the following criteria are met:

(a) The structure is primarily deemed contributing based upon the age of the structure and is not of such interest or quality that it would reasonably meet national, state or local criteria for designation as an individual historic landmark.

(b) The structure is of such design, craftsmanship or material that it could be replaced with a new structure in conformance with the design guideline standards and reflects a prevalent architectural style of the era.

(c) The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the historic district is not deemed critical to the integrity of the historic district.

(6) *Reconstruction.* Local historic landmarks or contributing structures within the historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building structure or object as it appeared at a certain point in time. HPB shall encourage reconstruction when appropriate.

(7) *Demolition by neglect.* Every owner of a contributing structure or an individually designated historic structure shall not be allowed to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to result in a threat to continued existence of such structure. Examples of the type of disrepair prohibited include, but are not limited to:

(a) The deterioration of exterior walls or other vertical supports;

(b) The deterioration of roofs or other horizontal members;

(c) The deterioration of exterior chimneys;

(d) The deterioration or crumbling of exterior plasters or mortar;

(e) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;

(f) The deterioration of any such structure or feature, so as to create or permit the creation of any hazardous or unsafe condition or conditions is not permitted. In the event that a contributing structure or individually designated structure is in disrepair and is in the course of being "demolished by neglect," the owner of record shall be notified of the condition of the structure and the items that need repair via certified or registered mail. The Code Enforcement Board shall then be empowered to seek remedy and resolution to this non-compliance with Code.

(8) *Emergency demolition.* Notwithstanding, the city reserves the right to initiate and carry out its own demolition of a structure if deemed to be necessary to protect the health, safety and general welfare of the city.

(9) *Noncontributing structures.* Owners of noncontributing structures within any historic district shall not be required to show economic hardship in applying for a certificate of approval for demolition for such structures. However, the new construction proposed as a replacement must conform to the adopted design guideline standards and reflects a prevalent architectural style of the era.

SECTION V: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-491 "National Register of Historic Places nominations" is 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.

Sec. 58-491. - National Register of Historic Places nominations.

The HPB and designated local officials shall review local nominations to the National Register of Historic Places and shall forward a record of their actions and recommendations to the Florida State Historic Preservation Officer.

(1) The Winter Park mayor and city commissioners, as the designated local officials, city manager, planning department director, and owners of record and applicants shall be given a minimum of 30 and not more than 75 days prior to the HPB meeting in which to comment on or object to the listing of a property in the National Register of Historic Places.

(2) Objections by property owners must be submitted in writing and their signature notarized ~~to prevent nomination~~ for nominations to the National Register of Historic Places.

SECTION VI: Chapter 58, Land Development Code, Article VIII, Historic Preservation, is hereby amended to add a new Section 58-492 "National Register Historic Districts" to read as shown below, and to renumber the current Section 58-492 "Certified local government performance" to become Section 58-493 with no other changes. Words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

Sec. 58-493. - National Register of Historic Districts.

Within the City of Winter Park are located the two National Register Historic Districts, the Downtown Winter Park Historic District and the Interlachen Historic District

(1) Within the Downtown Winter Park National Register Historic District, in addition to conformance with the applicable Central Business District guideline standards adopted as part of Zoning Regulations per Section 58-72, through 58-79, any request for an

alteration of the exterior facade or demolition of all or part of a building shall be governed by Sections 58-473 through 58-481 of this Article. This requirement shall not apply to the exterior facade changes for the typical turnover of first floor spaces from one owner/tenant to another business, involving such aspects as replacement of awnings/canopies, store fronts, windows, signage, etc. but shall apply to exterior facade alterations that markedly change the exterior materials or appearance of the entire building or a substantial portion of the building facade encompassing the area within or above one or more existing tenant space. The intent is for the existing architectural character of the buildings to be preserved or replicated.

(2) Within the Interlachen National Register Historic District, any request for an alteration of the exterior facade or demolition of all or part of a building shall be governed by Sections 58-473 through 58-481 of this Article. This requirement shall not apply to the exterior facade changes for the normal turnover of business or residential floor spaces from one owner/tenant to another involving such aspects as replacement of doors, windows, awnings/canopies, signage, etc. but shall apply to exterior facade alterations that markedly change the exterior materials or appearance of the entire building or a substantial portion of the building facade encompassing the area within or above more than one existing owner/tenant space. The intent is for the existing architectural character of the buildings to be preserved or replicated.

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

**SECTION VII:** 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 VIII:** CODIFICATION. Sections I through VI 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 IX:** 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 \_\_\_\_\_, 2021.

City of Winter Park

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Phil Anderson, Mayor

Attest: \_\_\_\_\_  
City Clerk



# City Commission agenda item

item type Public Hearings	meeting date September 22, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

## subject

Ordinance proposing Charter Amendments for March 2022 ballot (1st reading - Tabled September 8, 2021)

## motion / recommendation

Approve the first reading of the ordinance to pose ballot questions to the voters regarding charter sections 2.08 & 2.11.

## background

**Note: The ordinance has been revised based on amendments made in the September 8th meeting.**

At the direction of the City Commission, the City Attorney's office has prepared ballot language to be consider by the voters during the March 2022 election for the purpose of modifying sections 2.08 and 2.11 of the city charter. Note that the language below and in the ordinance reflects Attorney Langley's revisions dated September 13, 2021.

## alternatives / other considerations

The City Commission may accept, reject or modify this language.

## fiscal impact

## ATTACHMENTS:

[Ordinance adopting Charter Amendment Referendum draft 09-16-2021.docx](#)

ORDINANCE \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK SECTIONS 2.08 AND 2.11; 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 8, 2022; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.**

**WHEREAS**, the City Commission of the City of Winter Park, Florida pursuant to Chapter 166, Florida Statutes, and Section 1.03, Charter of the City of Winter Park, Florida, may submit to the electors of the City proposed amendments to the City Charter; and

**WHEREAS**, the City Commission finds it in the best interests of the City and its residents to propose and submit to the electors of the City of Winter Park for referendum vote the City Charter amendments provided for herein, at the election to be held on March 8, 2022.

**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 #1.** The City hereby proposes the amendment(s) to the City Charter 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. 2.08. - Procedure.

- (a) *Meetings*. The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to

the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.

- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) conveyance of fee simple ownership of real property owned by the city. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

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#### Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
  - (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;
  - (3) Levy taxes authorized by general law;
  - (4) Grant, renew or extend a franchise;
  - (5) Set service or user charge for municipal services or grant administrative authority for such charges;

- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

**Section 3. Amendment #1 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 #1:  
Require Supermajority Vote to Sell City Property**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor to approve the conveyance of fee simple title of city owned property?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 4. Charter Amendment #2.** The City hereby proposes the amendment(s) to the City Charter 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. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or

emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.

- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) comprehensive plan future land use map amendment or rezoning of city-owned park land to a use that is not a public recreational, park or city governmental use; and (ii) rezoning of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

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#### Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
  - (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;
  - (3) Levy taxes authorized by general law;
  - (4) Grant, renew or extend a franchise;
  - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
  - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
  - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;

- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

**Section 5. Amendment #2 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 4 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #2:  
Require Supermajority Vote to Rezone Parks and Public Lands**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor to (i) approve a comprehensive plan future land use map amendment or rezoning of city-owned park land; and (ii) rezoning of land currently zoned public and quasi-public district or zoned parks and recreation district.

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 6. Charter Amendment #3.** The City hereby proposes the amendment(s) to the City Charter 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. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.

- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) comprehensive plan future land use map amendment or rezoning of lakefront property from a residential use to a commercial use, mixed-use or multi-family use; and (ii) approval of a comprehensive plan future land use map amendment or zoning map amendment that changes the use of property from a residential category to a non-residential category, except that this subsection does not apply to changes from a residential use to a public, quasi-public or recreational use. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

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#### Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
  - (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;
  - (3) Levy taxes authorized by general law;
  - (4) Grant, renew or extend a franchise;
  - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
  - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
  - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;

- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

**Section 7. Amendment #3 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 6 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #3:**

**Require Supermajority Vote for Residential and Lakefront Property Map Amendments**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor of a comprehensive plan future land use map amendment or rezoning (i) from a residential category to a non-residential category, or (ii) to lakefront property from a residential use to a commercial use, mixed-use or multi-family use?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 8. Charter Amendment #4.** The City hereby proposes the amendment(s) to the City Charter 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. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.

- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) approval of a comprehensive plan amendment, land development code amendment or rezoning that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than fifty percent from the existing maximum allowed residential units per acre or floor area ratio; in evaluating floor area ratio increases for the purposes of this provision, parking garage square footage is included. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

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#### Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
  - (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;
  - (3) Levy taxes authorized by general law;
  - (4) Grant, renew or extend a franchise;
  - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
  - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
  - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;

- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

**Section 9. Amendment #4 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 8 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #4:  
Require Supermajority Vote for Density/Intensity Increases**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor of approval of a comprehensive plan amendment, land development code amendment or rezoning that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than fifty percent from the existing maximum allowed density or intensity of use?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 10. Charter Amendment #5.** The City hereby proposes the amendment(s) to the City Charter 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. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.

- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) approving a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

\*\*\*

#### Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
  - (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;
  - (3) Levy taxes authorized by general law;
  - (4) Grant, renew or extend a franchise;
  - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
  - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
  - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
  - (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
  - (9) Establish zoning.

**Section 11. Amendment #5 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 10 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #5:  
Require Supermajority Vote to Approve Development in Wetlands**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor of development orders authorizing development within wetlands?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 12. Charter Amendment #6.** The City hereby proposes the amendment(s) to the City Charter 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; stars \*\*\* indicate separations between sections and do not represent Charter amendments):

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of a majority of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a substantive or material change in the ordinance during the city commission's adoption process ~~substance in the text, then the reading at the time of change will be deemed the first reading~~ the city commission will conduct at least one reading and public hearing of the ordinance after such change is made. Further, if during the city commission's adoption process for an ordinance amending the comprehensive plan or the zoning of property there is a change made in the ordinance that results in an increase in the maximum allowed residential units per acre (density) or maximum allowed floor area ratio (intensity) for uses, or in a change to the permitted uses, prior to adoption the city commission will conduct at least one reading and public hearing of the ordinance after such change is made.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;

- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charge for municipal services or grant administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

**Section 13. Amendment #6 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 12 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #6:  
Ordinance Changes During Adoption Process**

Shall Section 2.11 of the Winter Park City Charter be amended to require an additional public meeting and reading of a proposed ordinance before its adoption if during the adoption process either (i) a substantive or material change is made, or (ii) a change is made to a proposed zoning or comprehensive plan amendment ordinance resulting in an increase in the maximum allowed density or intensity of uses or a change to the permitted uses?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 14. Referendum.** The forgoing proposed amendments to the Charter of the City of Winter Park and their accompanying ballot questions shall be individually placed on the City ballot and submitted to the qualified electors of the City of Winter Park at the election held on **March 8, 2022**. 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 15. 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. There is overlap in the charter amendments proposed by Sections 2 through 11. Voter rejection of one or more charter amendments proposed by Sections 2 through 11 of the Ordinance does not negate other the charter amendments that are approved by the voters within these sections; the City Clerk is given liberal authority to renumber the subsections and make other typographical corrections as needed to consolidate and codify all voter approved provisions. 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.

**Section 16. 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 17. 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 18. 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 19. Effective Dates.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida. Any 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.

First Reading held on \_\_\_\_\_, 2021

Second Reading held on \_\_\_\_\_, 2021

**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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor Phil Anderson

ATTEST:

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

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# City Commission **agenda item**

item type Public Hearings	meeting date September 22, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

## subject

Ordinance amending Subsidiary City Boards and Lake Killarney Advisory Board (2nd Reading)

## motion / recommendation

Approve the ordinance.

## background

**Note: The Ordinance has been revised based on amendments made at first reading.**

At the August 25th Commission Meeting, the City Commission authorized establishing the Lake Killarney Advisory Board. This is an administrative ordinance to formalize their inclusion in the subsidiary city board section of the code (Chapter 2). It also removes the terms of office section from the Lake Killarney Advisory Board section of the code (Chapter 114). **None of the original functions, powers and duties of the Lake Killarney Advisory Board are being modified or changed, however, performing the quasi-judicial duties of the lakes and waterways board under section 2-63(4) and section 58-87 have been added.**

## alternatives / other considerations

## fiscal impact

## ATTACHMENTS:

[Amendment to Chapter 2 Article III City Code - Subsidiary Boards - Lake Killarney Advisory Board 09-09-2021.doc](#)

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

**AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA,  
AMENDING ARTICLE III OF CHAPTER 2 OF THE WINTER PARK  
CODE OF ORDINANCES REGARDING SUBSIDIARY CITY  
BOARDS TO REESTABLISH THE LAKE KILLARNEY ADVISORY  
BOARD AND AMENDING ARTICLE III OF CHAPTER 114  
REGARDING THE LAKE KILLARNEY ADVISORY BOARD TO  
MAKE SUCH PROVISIONS CONSISTENT WITH THE CITY  
CHARTER; PROVIDING FOR CODIFICATION, CONFLICTS,  
SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission desires to reestablish the Lake Killarney Advisory Board as contemplated by Ordinance 2528-03 adopted on September 8, 2003; and

**WHEREAS**, the City Commission determines that this ordinance is in the best interest of the citizens of the City of Winter Park.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF  
WINTER PARK, FLORIDA, HEREBY ORDAINS AS FOLLOWS:**

Section 1. Recitals. The recitals set forth above are hereby adopted and incorporated by reference.

Section 2. Amendment/Adoption. Chapter 2, Article III, Division 1 and Division 3 of the City of Winter Park Code of Ordinances is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; provisions and sections not included are not being amended):

**ARTICLE III. - SUBSIDIARY BOARDS OF THE CITY OF WINTER PARK**

**DIVISION 1. ESTABLISHMENT OF CITY BOARDS**

\*\*\*

**Sec. 2-47. - List and size of boards established.**

The general requirements for boards are specified in division 2 herein and the board specific requirements are specified in division 3. Unless otherwise provided by the City Charter, state law, other ordinance or this article, each board shall have seven members. The following boards are established:

- (1) Board of adjustments;
- (2) Civil service board (also sits as the independent personnel review board);
- (3) Code compliance board (which also sits as the nuisance abatement board and performs the functions of a code enforcement board pursuant to F.S. ch. 162);
- (4) Community redevelopment agency;

- (5) Community redevelopment advisory board;
- (6) Construction board of adjustments and appeals;
- (7) Economic development advisory board;
- (8) Historic preservation board;
- (9) Housing authority board;
- (10) Keep Winter Park beautiful and sustainable advisory board;
- (11) Lakes and waterways advisory board;
- (12) Parks and recreation advisory board;
- (13) Transportation advisory board;
- (14) Planning and zoning board;
- (15) Public art advisory board;
- (16) Utilities advisory board;
- (17) Winter Park Firefighters' pension board;
- (18) Winter Park Police Officers' pension board;
- (19) Orange Avenue Overlay Appearance Review Advisory Board;
- (20) Tree preservation board;
- (21) Lake Killarney Advisory Board.

\*\*\*

### **DIVISION 3. - DESCRIPTION, DUTIES AND PROCEDURES OF EACH CITY BOARD**

\*\*\*

#### **Sec. 2-73. – Lake Killarney Advisory Board.**

There is established within the City of Winter Park as contemplated by Ordinance 2528-03, and by the authority of the City Commission, a Lake Killarney Advisory Board. Except as may otherwise be provided in chapter 114, article III of the city code, the provisions of divisions 1 and 2 of this article shall apply to the Lake Killarney Advisory Board and its members. The functions, procedures and duties of the Lake Killarney Advisory Board are as set forth in chapter 114, article III of the city code.

Section 3. Amendment/Adoption. Chapter 114, Article III of the City of Winter Park Code of Ordinances is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; language not included is not being amended):

### ARTICLE III. LAKE KILLARNEY ADVISORY BOARD

#### Sec. 114-41. Creation and membership.

- (a) There is created and established the Lake Killarney Advisory Board. Such board shall consist of seven members, who shall be appointed and serve in accordance with section 2.0619 of the Charter and section 2-48, of the city code. Members to the board must be residents of the city except as stated below. One of the mayor's appointments to the board must be a Lake Killarney lakefront property owner or resident in unincorporated Orange County. With city commission approval, an additional member of the board may be a Lake Killarney lakefront property owner or resident in unincorporated Orange County.
- (b) ~~Members shall be residents of the city and~~ shall be appointed from persons in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. No city employee, officer, official or commissioner shall be appointed to the board.
- (c) If requested by the board, a secretary designated by the city manager shall serve as secretary to the board, but shall have no vote in any proceeding.

#### Sec. 114-42. ~~Terms of office.~~

- ~~(a) All appointed members of the Lake Killarney Advisory Board shall be appointed for terms of three years. Initial terms shall be staggered. Vacancies shall be filled by appointment for the unexpired term only. Members of the lakes and waterways board may be permitted to serve more than two terms if specifically approved by the city commission.~~
- ~~(b) Board members may be removed by the city commission for any reason, but they shall be removed for failure to attend three consecutive regular meetings in any one year, unless excused by the chairperson of the board. Resignations shall be in writing and delivered to the mayor.~~

#### Sec. 114-43. Organization and meetings.

- (a) The Lake Killarney Advisory Board shall meet for the purpose of transacting such business as may properly come before it. Regular meetings shall be held each month, on a day, time and place convenient to the members. The board shall annually select a chairperson who shall preside at all meetings, and a vice-chairperson who shall serve in the absence of the chairperson. A majority of the board shall constitute a quorum, and the affirmative vote of a majority of a quorum present shall be required for any action to be taken. Members of the board shall serve without compensation.
- (b) The board shall adopt rules necessary to the conduct of its affairs in keeping with this article and subject to approval by the city commission.
- (c) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its hearings and other official actions, all of which shall be of public record retained by the city clerk. All meetings and proceedings of the board shall be open to the public and notice of all meetings shall be posted in city hall not less than 24 hours prior to the meeting.

- (d) Special meetings may be convened from time to time upon 24 hours prior written notice delivered to the members. The chairperson, vice-chairperson or a majority of the members shall have the power to convene special meetings.

**Sec. 114-434. Functions, powers and duties.**

The functions, powers and duties of the Lake Killarney Advisory Board shall be, in general, to:

- (1) To advise the city commission on all aspects of Lake Killarney and the interaction of that lake with water bodies outside the city.
- (2) Inquire into the condition of Lake Killarney, including the clarity, cleanliness, the desirability or undesirability of vegetation and growth therein, the use of the lake, the alteration of their shorelines and canals, the level of waters therein and all other matters pertaining to Lake Killarney.
- (3) Prepare and recommend to the city commission ordinances, regulations and other proposals promoting, protecting and enhancing Lake Killarney and the proper patrol, regulation, restoration and maintenance of the lake and boating-related activities thereon.
- (4) Recommend expenditures and revenues for the proper patrol, regulation, restoration and maintenance of Lake Killarney and for boating-related activities in the city. Such recommendations shall be submitted by the board to the city manager for necessary and appropriate action.
- (5) Keep the city commission and the general public informed and advised as to these matters.
- (6) Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of ordinances, regulations and other proposals relating to Lake Killarney.
- (7) Perform the quasi-judicial duties of the lakes and waterways advisory board under section 2-63(4) and section 58-87, city code with respect to dock and boathouse review and approval for such structures proposed along Lake Killarney. Appeals from decisions made by the Lake Killarney Advisory Board will be in the same manner as set forth in section 2-63(4), city code.
- ~~(7)~~(8) Perform such other duties as may be requested by the city commission.

Section 4. Codification. Section 2 and Section 3 shall be codified in the City Code. Any section, paragraph number, letter or heading within the Code may be changed or modified as necessary to effectuate the codification. Grammatical, typographical and similar or like errors may be corrected in the Code, and additions, alterations and omissions not affecting a material substantive change in the construction or meaning of this Ordinance may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion 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 portion or portions hereof or hereto.

Section 6. Conflicts. In the event of any conflict between this Ordinance, or any part thereof, with any of the provisions of other City Ordinances or the City Code, this Ordinance shall control.

Section 7. Effective Date Of Ordinance. This Ordinance shall become effective immediately upon adoption of the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF WINTER PARK

\_\_\_\_\_  
Mayor Phil Anderson

ATTEST:

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

S:\AKA\CLIENTS\WINTER PARK\CHARTER REVIEW W600-26084\SUBSIDIARY BOARDS ORDINANCE\AMENDMENT TO CHAPTER 2 ARTICLE III CITY CODE - SUBSIDIARY BOARDS - LAKE KILLARNEY ADVISORY BOARD 09-09-2021.DOC



# City Commission **agenda item**

<b>item type</b> Public Hearings	<b>meeting date</b> September 22, 2021
<b>prepared by</b> Wes Hamil	<b>approved by</b> Michelle del Valle, Randy Knight
<b>board approval</b> Completed	
<b>strategic objective</b> Fiscal stewardship and accountability	

## **subject**

Ordinance approving amendment to Line of Credit with Truist for Electric (1st Reading)

## **motion / recommendation**

Approve amendment to line of credit agreement

## **background**

The City has had a line of credit for Electric since the utility was purchased from Progress Energy Florida in 2005. The reason for the line of credit is the lack of liquidity in the Electric Fund since it was a start up operation. The line of credit began at \$6,000,000 and is now \$8,000,000. The Electric Fund has continued to have a low level of cash in the Electric Fund as large portions (over 10%) of operating revenues are invested in the undergrounding effort each year. The City has never drawn on the line of credit and has no intention of drawing on it in the future. It is there to reassure the credit rating agencies (Fitch Ratings and Moody's Investor Services) the City has a source available to pay obligations of the electric utility. The cost of maintaining the line of credit is \$20,000 per year.

This amendment replaces the LIBOR Rate with the SOFR Rate as the standard rate of interest the City would pay on any draws on the line of credit. The LIBOR rate is being phased out at the end of 2021 and a new reference rate must be established. It is not anticipated this change will have any impact on the City as staff does not anticipate ever drawing on the line of credit.

The Electric Fund had unrestricted cash of \$2,141,253 at July 31, 2021 and the FY 2022 budget anticipates increasing cash by a little over \$1,000,000. Once the fund has unrestricted cash of \$4,000,000 plus, consideration could be given to discontinuing the line of credit.

## **alternatives / other considerations**

Discontinue or reduce the line of credit with Truist. This may have a negative impact on

the City's bond ratings. The electric credit is currently A+ with Fitch Ratings and A1 with Moody's Investor Services.

**fiscal impact**

Continues annual cost of \$20,000 to maintain the line of credit.

**ATTACHMENTS:**

[Ordinance Approving Amendment to Line of Credit 09-16-2021.pdf](#)

**ATTACHMENTS:**

[2021 - Allonge- Truist - Winter Park Amendment 2021\(150640734.1\) \(003\).pdf](#)

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AUTHORIZING AN ALLONGE TO THE EXISTING COMMERCIAL NOTE AUTHORIZED BY ORDINANCE NO. 3077-17 IN A PRINCIPAL AMOUNT NOT TO BE OUTSTANDING THEREUNDER AT ANY ONE TIME TO EXCEED \$8,000,000 WITH TRUIST BANK OR AN AFFILIATE THEREOF TO FINANCE WORKING CAPITAL NEEDS OF THE CITY'S ELECTRIC UTILITY SYSTEM AND TO PAY THE COSTS OF SUCH LINE OF CREDIT; DELEGATING TO THE MAYOR OR CITY MANAGER THE AUTHORITY TO EXECUTE AND DELIVER THE ALLONGE TO THE COMMERCIAL NOTE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City adopted Ordinance No. 3077-17 authorizing a revolving line of credit and commercial note with Suntrust Bank (now known as Truist Bank after merger with BB&T Bank) and such was entered into on May 9, 2017; and

WHEREAS, in order to keep the line of credit active, Truist Bank ("Lender") has requested that the City execute an Allonge to Commercial Note (the "Allonge"), including a replacement Addendum A to Commercial Note (the "Addendum") to address the elimination of the LIBOR Rate as the standard for setting interest under the line of credit and commercial note and replace such with a new interest rate index and a new maturity date as more specifically set forth in Allonge attached hereto as Exhibit "1".

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA (the "Issuer") that:

**Section 1.** Authority for this Ordinance. This Ordinance is adopted pursuant to the provisions of Chapter 166, Part 1, Florida Statutes; Article VIII, Section 2, Constitution of the State of Florida and the City Charter; and other applicable provisions of law (collectively, the "Act").

**Section 2.** Addendum Authorization. The City Commission hereby authorizes the execution and delivery of the Allonge, including the Addendum, attached hereto as Exhibit "1". The Mayor or City Manager are authorized to execute and deliver to Lender such Allonge and the Addendum on behalf of the City.

**Section 3.** Severability. If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatever.

**Section 4.** Effective Date. This Ordinance shall take effect immediately upon its adoption.

Passed and duly adopted in public session of the City Commission of the City of Winter Park, Florida on the \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF WINTER PARK, FLORIDA

ATTESTED:

By: \_\_\_\_\_  
Phil Anderson, Mayor

By: \_\_\_\_\_  
Rene Cranis, City Clerk

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**Exhibit "1"**

**ALLONGE TO COMMERCIAL NOTE  
OF THE CITY OF WINTER PARK, FLORIDA**

**THIS ALLONGE TO COMMERCIAL NOTE OF THE CITY OF WINTER PARK, FLORIDA** (this "Allonge") dated \_\_\_\_\_, 2021 (the "Effective Date"), is made by the City of Winter Park, Florida (the "Borrower"), a home rule city existing under the laws of the State of Florida, to and for the benefit of Truist Bank, a North Carolina banking corporation, as successor by merger to SunTrust Bank (the "Bank"). All capitalized terms not otherwise defined herein shall have the meanings ascribed thereto in the hereinafter defined Note.

**WITNESSETH:**

**WHEREAS**, the Borrower previously issued its up to \$8,000,000 Commercial Note (the "Note") pursuant to an Ordinance enacted by the City Commission of Borrower on May 8, 2017 (the "Original Ordinance") and an Agreement to Commercial Note dated May 9, 2017 (the "Agreement") by and between the Borrower and the Bank; and

**WHEREAS**, the Borrower is executing and delivering this Allonge in order to extend the maturity date of the Note and make certain modifications to the interest rate on the Note.

**NOW, THEREFORE**, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged the Borrower ratifies the Note and agrees as follows:

1. This Allonge is to be physically attached to the Note and is incorporated into and forms a part of the Note.

2. From and after the Effective Date, "Maturity Date" means September 29, 2022, or such date to which this Note may be extended or renewed in the sole discretion of Truist Bank by written notice from Truist Bank to Borrower.

3. From and after the Effective Date, the section titled "Interest" in the Note shall be amended and restated in its entirety with the following:

Interest will accrue on an actual/360 day basis (calculated on the basis of a 360 day year based on actual days elapsed). Interest shall accrue from the date of disbursement of the unpaid balance and shall continue to accrue until this Note is paid in full.

Subject to the above, interest per annum payable on this Note (the "Rate") shall be:

Variable: This a variable rate transaction. The interest is prospectively subject to increase or decrease without prior notice and is based on the Index (as defined in Addendum A hereto).

The Rate shall equal the greater of (i) the Index plus 2% per annum or (ii) 3.00% per annum.

Adjustments to the Rate shall be effective as of the date referenced on the attached Addendum A.

4. From and after the Effective Date, Addendum A to the Note is replaced in its entirety by Addendum A attached hereto.

5. Except as amended hereby, the Note remains in full force and effect and shall be binding upon Borrower.

6. This Allonge shall be construed, and the obligations, rights and remedies of the parties hereunder shall be determined, in accordance with the laws of the State of Florida without regard to conflicts of laws or principles, except to the extent that the laws of the United States of America may prevail.

7. All references to the term "Note" in the Note, the Agreement and any other documents related to the Note shall mean the Note as amended by this Allonge.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the City of Winter Park, Florida has caused this Allonge to be executed in its name by the manual signature of its Mayor and attested by the manual signature of its Clerk, all as of this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF WINTER PARK, FLORIDA

ATTEST:

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

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

## **Addendum A to Note 30 Day Average SOFR in Advance**

**The terms of this Addendum are hereby incorporated into the Note and in the event of any conflict between the terms of the Note and the terms of this Addendum, the terms of this Addendum shall control.**

1. **Definitions.** As used in this Addendum, the following terms shall have the meanings set forth below:

**"Adjusted SOFR Rate"** means the variable annual interest rate calculated for each Interest Period equal to the sum obtained by adding (i) the Index for said Interest Period (truncated at the 5th decimal place if necessary) plus (ii) the margin provided for in the Note. For the avoidance of doubt, the term "margin" shall mean the difference between the Rate (as defined in the Note) minus the Index (as defined in the Note).

**"Bank"** shall mean Truist Bank and its successors and assigns.

**"Borrower"** shall mean the City of Winter Park, Florida referred to in the attached note dated May 9, 2017, as amended by that certain Allonge dated \_\_\_\_\_, 2021 ("Note").

**"Business Day"** means a day other than a Saturday, Sunday, legal holiday or any other day when Bank is authorized or required by applicable law to be closed.

**"Determination Date"** means that date that is five (5) Business Days prior to the commencement of the Interest Period; provided, however, that if the Interest Period does not commence on a Business Day, then that date that is five (5) Business Days prior to the Business Day immediately preceding the first day of the Interest Period.

**"Index"** means, for any Interest Period, the 30 Day Average rate published on the Determination Date by the SOFR Administrator on the SOFR Administrator's Website as quoted by Bloomberg Finance L.P., or any quoting service or commonly available source utilized by Bank on the Determination Date; provided that if the Index would be less than zero percent (0%), then the Index shall be deemed to be zero percent (0%).

**"Interest Period"** means a one month period commencing the first numeric calendar day of each month, provided that (i) the initial Interest Period shall commence on the initial funding date of the loan evidenced by the Note and may be shorter than one month and (ii) no Interest Period shall operate to extend the date on which any amount owed under the Note is due and payable.

**"Prime Rate"** means, for any day, a rate per annum equal to Bank's announced Prime Rate, and shall change effective on the date any change in Bank's Prime Rate is publicly announced as being effective; provided however, if the Note is governed by Subtitles 9 or 10 of Title 12 of the Commercial Law Article of the Annotated Code of Maryland, "Prime Rate" shall mean the Wall Street Journal Prime Rate, which is the Prime Rate published in the "Money Rates" section of the Wall Street Journal from time to time, and shall change effective on the date any change in such rate is reported; further provided if either rate referenced in this paragraph is at any time less than zero percent (0%), then such rate shall be deemed to be zero percent (0%).

**"SOFR Administrator"** means the Federal Reserve Bank of New York (or a successor administrator of the secured overnight financing rate).

**"SOFR Administrator's Website"** means the website of the Federal Reserve Bank of New York, currently at <http://www.newyorkfed.org>, or any successor source for the secured overnight financing rate identified as such by the SOFR Administrator from time to time.

2. **Interest.** Except as provided in this Addendum, the Borrower shall pay interest upon the unpaid principal balance of the Note at the Adjusted SOFR Rate, subject to any interest rate floor or interest rate ceiling contained in the Note. Interest shall be due and payable as provided in the Note and shall be calculated as described in the Note. The interest rate shall remain fixed during each Interest Period based upon the Adjusted SOFR Rate established pursuant to this Addendum on the applicable Determination Date.

3. **Inability to Determine Index.** In the event Bank determines in its sole discretion that (i) Bank cannot make, fund, or maintain a loan based upon the Index, for any reason, including without limitation illegality or the inability to

ascertain or determine said rate on the basis provided for herein, and for any length of time (whether by virtue of a temporary unavailability or the cessation of the rate) or (ii) the Index does not accurately reflect Bank's cost of funds, then Bank will have no obligation to make, fund or maintain a loan based on the Index. Upon the date of such determination, the interest rate shall convert to the Prime Rate, subject to any interest rate floor or interest rate ceiling contained in the Note, and shall be the governing interest rate for any fundings or advances requested by Borrower and for any outstanding balance and, thereafter, the interest rate on the Note shall adjust simultaneously with any fluctuation in the Prime Rate. Bank shall provide notice of any action taken pursuant to the terms of this Section in a commercially reasonable time and manner.

In the event Bank determines that the circumstances giving rise to the application by Bank of this Section have ended, the interest rate will revert to the then-current Adjusted SOFR Rate, and Bank shall provide notice to the Borrower in a commercially reasonable time and manner.

**4. Additional Costs.** In the event that any applicable law or regulation, guideline or order or the interpretation or administration thereof by any governmental or regulatory authority charged with the interpretation or administration thereof (whether or not having the force of law) (i) shall change the basis of taxation of payments to Bank of any amounts payable by the Borrower hereunder (other than taxes imposed on the overall net income of Bank) or (ii) shall impose, modify or deem applicable any reserve, special deposit or similar requirement against assets of, deposits with or for the account of, or credit extended by Bank, or (iii) shall impose any other condition with respect to the loan evidenced by the Note, and the result of any of the foregoing is to increase the cost to Bank of making or maintaining the loan evidenced by the Note or to reduce any amount receivable by Bank under the loan evidenced by the Note, and Bank determines that such increased costs or reduction in amount receivable was attributable to the Index used to establish the interest rate hereunder, then the Borrower shall from time to time, upon demand by Bank, pay to Bank additional amounts sufficient to compensate Bank for such increased costs (the "Additional Costs"). A detailed statement as to the amount of such Additional Costs, prepared in good faith and submitted to the Borrower by Bank, shall be conclusive and binding in the absence of manifest error.

By signing below, the Borrower agrees to the terms of this Addendum A to Note.

CITY OF WINTER PARK, FLORIDA

ATTEST:

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

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

#150640734\_v1 622301.00209



# City Commission agenda item

item type Public Hearings	meeting date September 22, 2021
prepared by Bronce Stephenson	approved by Bronce Stephenson, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

## subject

Request of City of Winter Park: Ordinance amending the Comprehensive Plan to create the Orange Avenue Overlay (OAO) District. (1st Reading)

## motion / recommendation

Staff recommends approval of the First Reading of the Comprehensive Plan Amendment Ordinance creating the Orange Avenue Overlay, with the suggested changes by the Local Planning Agency (P&Z) and any further changes made by the City Commission.

## background

The process of creating the Orange Avenue Overlay (OAO) has been going on since late 2018, and has included extensive input from the public, a Steering Committee, Expert Consultants, Staff, City Attorneys, the Planning & Zoning Board, and the City Commission. It is the intent of the OAO to provide enhanced standards to protect and promote the unique characteristics of the Orange Avenue area and create a distinct gateway into Winter Park. This OAO is used to create a sense of place established through specific architectural styles, streetscape design, open space areas, setbacks, site design, landscaping and other regulatory controls.

A previous version of the OAO was approved with numerous amendments, but was rescinded prior to being adopted. It was the intent of the City Commission to revise the OAO and adopt a new version, which is what is being brought forward now. The approval of the OAO will require the approval of two (2) Ordinances, an Amendment of the Comprehensive Plan and an Amendment of the Land Development Code. Citywide notice has been in Winter Park households for more than 30 days and advertised the date and time of Public Hearings by the Planning & Zoning Board (Local Planning Agency) and the City Commission. After approval of the Ordinance amending the Comprehensive Plan at 1st Reading by the City Commission, the Ordinance and supporting documentation will be sent to numerous State agencies, including the Department of Economic Opportunity (DEO). The agencies have 30 days to review the amendment and send comments back to the City through transmittal through DEO. If no technical amendments are requested by

DEO, the Ordinance will be heard at a 2nd Reading and Public Hearing by the City Commission.

The Planning & Zoning Board only took action on the Comprehensive Plan Ordinance and sent a recommendation for approval amendments to the City Commission. This will allow approximately another month for consideration and discussion of the Land Development Code element of the OAO, which is not required to be sent to DEO or other organizations. The Planning & Zoning Board continued the Public Hearing for the Land Development Code Amendment Ordinance to their October 5, 2021 meeting. After this meeting, the Land Development Code Amendment Ordinance will be sent to the City Commission for action. Due to the timeline of the Comprehensive Plan review by the State, the two Ordinances (Comp Plan & Land Development Code) are planned to have the Second Reading of the Ordinances at the same Commission meeting, though they are currently tracking separately.

### **alternatives / other considerations**

#### **fiscal impact**

#### **ATTACHMENTS:**

[OAO\\_P&Z\\_Public Hearing Redlines.docx.pdf](#)

#### **ATTACHMENTS:**

[Draft Orange Avenue Overlay Comprehensive Plan Amendment 8.2.21.pdf](#)

#### **ATTACHMENTS:**

[Citywide Trifold 11x17 OAO.pdf](#)

#### **ATTACHMENTS:**

[Draft Orange Avenue Overlay Land Development Code Amendment 9.14.21.pdf](#)

**Draft Orange Avenue Overlay Comprehensive Plan Amendment**

**~~Draft 8-24-21~~**

**P&Z AMENDMENTS FROM PUBLIC HEARING 9.7.21**

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, AND THE COMPREHENSIVE PLAN SO AS TO ADOPT NEW GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** the Creation of the Orange Avenue Overlay process was an extensive multi-year community planning effort that involved continuous opportunities for public input and unique collaborative opportunities, such as: a community workshop, surveys, citizen boards and focus groups, educational videos, open houses, charettes, written-only visioning, work sessions and much more; and

**WHEREAS,** the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and voted to recommend adoption of these proposed amendments to the Zoning—Regulations Comprehensive Plan portion of the Land Development Code, having held a public hearing, which was noticed to every property Citywide, on \_\_\_\_\_; and

**WHEREAS,** the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held an advertised public hearing, which was noticed to every property Citywide, on \_\_\_\_\_ and will have a second advertised public hearing after review and compliance with any requested changes by required State Agencies, and provided for public participation in the process in accordance with the requirements of State law and the Comprehensive Plan; and

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

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

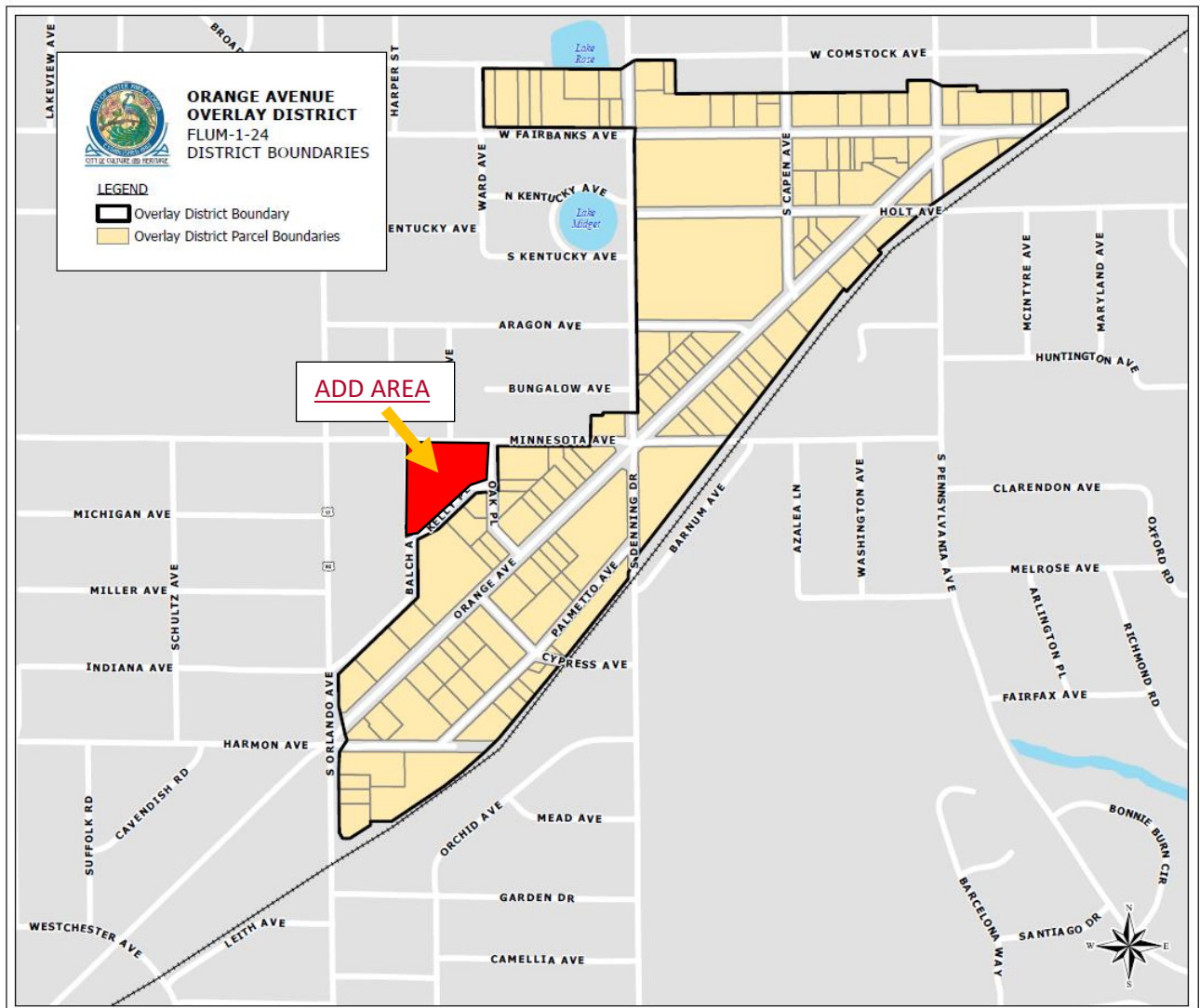
**SECTION 1. Amendment.** That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" is hereby amended to add new Goals, Objectives and Policies and FLUM-1-24 map and FLUM-1-25 subarea map to the Future Land Use Element of the City of Winter Park Comprehensive Plan to read as follows:

**GOAL 1-8: Establishment of the Orange Avenue Overlay District.**

It is the intent of the Orange Avenue Overlay District ("OAO") to provide enhanced standards to protect and promote the unique characteristics of the Orange Avenue area and create a distinct gateway into Winter Park. This OAO is used to create a sense of place established through specific architectural styles, streetscape design,

open space areas, setbacks, site design, landscaping and other regulatory controls. The City shall establish the Orange Avenue Overlay District in order to implement specific purposes, intents, and design standards, which shall be applied as additional standards to other regulations required by the City to an area defined as the Orange Avenue Overlay District.

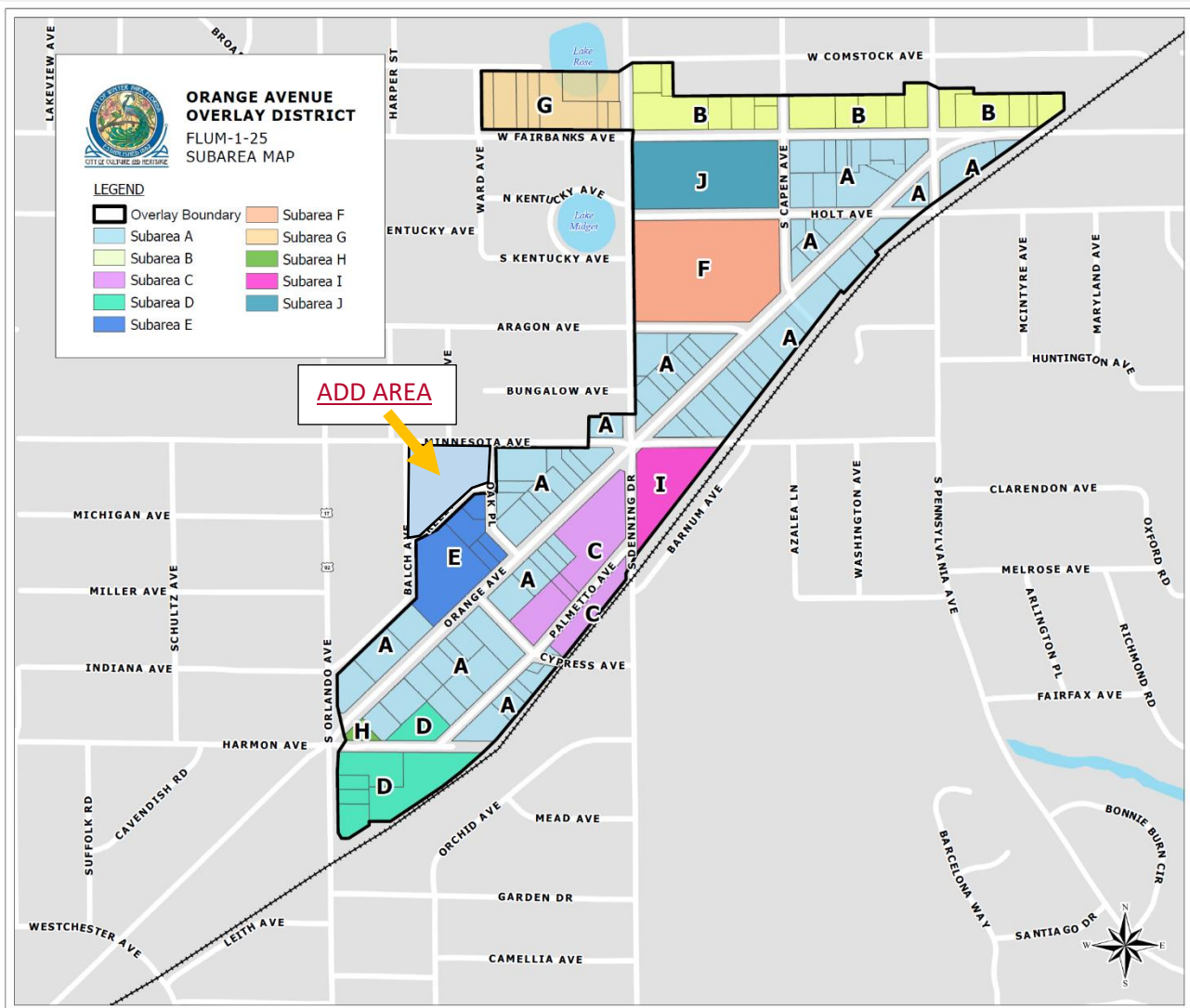
**OBJECTIVE 1-8.1: Orange Avenue Overlay District.** The boundaries of the Orange Avenue Overlay District are identified in FLUM-1-24 and the Policies regarding this Overlay District shall be established as defined herein.



**Policy 1-XXX: Conflicts.** The Policies set forth in and for the Orange Avenue Overlay District (OAO) shall prevail to control and govern the development of the property defined in Map FLUM-1-24 over any conflicting goals, objectives and policies found in the other provisions of the Future Land Use Element of the Comprehensive Plan, including any Planning Area Policies.

**Policy 1-XXX:** The standards detailed in the OAO are the maximum density and intensity parameters potentially permitted in each respective subarea. These maximum standards are not an entitlement and are not achievable in all situations. Many factors may limit the achievable FAR including limitations imposed by the maximum height, physical limitations imposed by property dimensions and natural features as well as compliance with applicable code requirements such as, but not limited to parking, setbacks, lot coverage and design standards.

**Policy 1-XXX: Orange Avenue Overlay District Subareas.** The Orange Avenue Overlay District Subarea Map, FLUM-1-25, shall delineate the different subareas and their specific development standards. Changes to the subarea map shall not be allowed unless initiated at the direction of, or otherwise authorized by, the City Commission. Each area has unique characteristics, issues and opportunities. The base and maximum achievable Floor Area Ratio (FAR), height and residential densities (if applicable) for each subarea are defined herein. An incentive menu system is established for certain properties within the Orange Avenue Overlay District (OAO) to possibly earn additional FAR up to their maximum achievable FAR, by providing certain public improvements and area-wide solutions, as outlined in the Land Development Code.



- (1) Subarea A.
  - a. Base Floor Area Ratio: 45%
  - b. Maximum Achievable Floor Area Ratio: 60% (only with residential)
  - c. Maximum Height: 2 Stories for any properties abutting Orange Avenue and Minnesota Avenue, and 3 stories for all other properties within the subarea.
  - d. Maximum Residential Density: 17 units per acre
- (2) Subarea B.
  - a. Base Floor Area Ratio: 45%
  - b. Maximum Achievable Floor Area Ratio: 60% (only with residential)
  - c. Maximum Height: 3 Stories (but with maximum height of 35 feet)
  - d. Maximum Residential Density: 17 units per acre
- (3) Subarea C.
  - a. Maximum Floor Area Ratio: 20%
  - b. Maximum Floor Area Ratio of Possible Parking Structure: 65%
  - c. Maximum Height: 2 stories, with possible rooftop area.

- d. Maximum Height of Parking Structure: 2 levels, plus open top level.
  - e. Maximum Residential Density: ~~0 units per acre~~ Residential uses shall not be permitted.
- (4) Subarea D.
- a. Base Floor Area Ratio: 60%
  - b. Maximum Achievable Floor Area Ratio: ~~100~~125%
  - c. Maximum Height: 5 stories, but with maximum height of 56 feet
  - d. Maximum Residential Density: 17 units per acre
    - i. Up to a 20% Residential Density increase for workforce housing shall be permitted.
    - i. ~~The City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.~~
- (5) Subarea E.
- a. Base Floor Area Ratio: 45%
  - b. Maximum Achievable Floor Area Ratio: 60% (additional square footage only allowed for parking structure)
  - c. Maximum Height: 2 Stories
  - d. Maximum Residential Density: 17 units per acre
- (6) Subarea F.
- a. Base Floor Area Ratio: 20%
  - b. Maximum Achievable Floor Area Ratio: 20%
  - c. Maximum Height: 2 Stories
  - d. Maximum Residential Density: Residential uses shall not be permitted.
- (7) Subarea G.
- a. Base Floor Area Ratio: 45%
  - b. Maximum Achievable Floor Area Ratio: 45%
  - c. Maximum Height: 2 stories
  - d. Maximum Residential Density: 17 units per acre
- (8) Subarea H.
- a. Base Floor Area Ratio: 0%
  - b. Maximum Achievable Floor Area Ratio: 0%
  - c. Maximum Height: N/A
  - d. Maximum Residential Density: Residential uses shall not be permitted.
- (9) Subarea I.
- a. Base Floor Area Ratio: 45%
  - b. Base Floor Area with Residential: 60%
  - c. Maximum Achievable Floor Area Ratio: ~~100~~125%
  - d. Maximum Height: 3 Stories
  - e. Maximum Residential Density: 17 units per acre

- i. Up to a 20% Residential Density increase for workforce housing shall be permitted.

~~i.—~~

(10) Subarea J.

- a. Base Floor Area Ratio: 60%
- b. Maximum Achievable Floor Area Ratio: ~~100%~~ 125%
- c. Maximum Height: 4 Stories
- d. Maximum Residential Density: 17 units per acre
  - i. Up to a 20% Residential Density increase for workforce housing shall be permitted.
  - ~~i.— The City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.~~

**Policy 1-XXX: Meaningful Open Space Requirements.** ~~It is the intent of the OAO to ensure that the development and enhancement of properties includes the creation of meaningful, useable, accessible, green and beautiful open space that invites the public to relax, interact, recreate, unwind and stimulate social connection. Where properties are planned for redevelopment, meaningful open space and the design of structures around these open spaces is the most important consideration.—~~ At a minimum, each property 2 acres in size and above, or any project covering 2 acres, that is redeveloped shall provide a minimum of 25% meaningful open space, which is open to and available to the public. At least 50% of required meaningful open-space areas provided shall be greenspace and at least 50% of hardscape areas shall be pervious or semi-pervious. Pervious areas such as retention ponds, parking lot islands or landscape planting areas around building bases shall not be counted as open space. Existing park space shall not count towards open space requirements. Open space shall be areas that are open and inviting to the public. Open space can include green areas, hardscape areas, semi-pervious areas, balcony or roof areas that are open to the public and other similar type spaces. At least 90% of the open space shall be provided at ground level.

~~**Policy 1-XXX: Parallel Orange Avenue Access.** Where Palmetto Drive, Vivian Drive and Harmon Drive provide secondary and primary access to properties within the OAO area, portions of these roadways may be considered to be closed, vacated or re-aligned subject to City Commission approval, so long as a parallel public access road and dedicated public right-of-way of at least the same width as the portion of road proposed to be closed and vacated is to be provided and maintained to allow vehicular access between Orlando Avenue and Denning Drive. Protection of on-street parking, maximizing ease of traffic flow for Palmetto Avenue and maintaining the existing 50-foot public right-of-way shall be matters of priority should re-alignment be requested.~~

**Policy 1-XXX: Multi-Modal Impact Fee.** It is the intent of the City to establish a multi-modal impact fee or other funding mechanism requiring development projects to make

a contribution towards the costs of design, engineering, permitting and construction of transportation and mobility projects.

**Policy 1-XXX: Contribution to Transportation and Mobility Infrastructure.**

Development and redevelopment within the OAO requiring a conditional use approval shall contribute to the cost of transportation and mobility improvements prior to permitting based upon the estimated cost to fund the design, engineering, permitting, and construction of those transportation and mobility projects within or proximate to the OAO that are impacted by such development or redevelopment. The owner and developer of a project shall enter into an agreement with the City addressing the project's contribution to transportation infrastructure, as part of conditional use approval. In the event the City establishes a mobility fee, road impact fee, special assessment or other funding mechanism a project's payment of such required fee may be applied towards the requirements of this policy.

**Policy 1-XXX: Appearance Review.** All development, redevelopment and external renovation occurring within the OAO shall comply with the architectural standards as set forth in the OAO policies and implementing land development regulations. All external renovation, redevelopment and development projects within the OAO shall undergo an architectural appearance review by the City.

**Policy 1-XXX: Public Hearings for Conditional Uses.** Prior to approval, there must shall be an advertised Public Hearing before the Local Planning Agency (Planning & Zoning Board) and at least two public hearings conducted before the City Commission and city-wide notice given for a Conditional Use application for a project within the OAO that has: (i) a land area of more than 80,000 square feet, (ii) a building of more than 35,000 square feet, or (iii) more than 25 residential units. This Policy shall only apply to For new construction projects between 10,000 square feet and 35,000 square feet requiring Conditional Use Approval (and notice as defined in the Code), there shall be at least 1 Public Hearing before the Local Planning Agency (Planning & Zoning Board) and 2 Public Hearings before the City Commission.

**Policy 1-XXX: Floor Area Ratio for Parking Structures.** Parking structures shall count towards the Floor Area Ratio (FAR) for any project/property within the Orange Avenue Overlay District, except for any underground levels, parking dedicated for public parking in perpetuity, and the open top level. Additionally, the required 10% of parking spaces provided above and beyond minimum code requirements (which is required to be leased to small businesses in the OAO) shall not count towards the FAR of a project. For any units that meet the workforce housing criteria, the required parking spaces shall be exempt from counting towards FAR.

**Policy 1-XXX: Block Structure.** The OAO is designed to enhance pedestrian walkability, connectivity and safety and to create a safe, comfortable and convenient pedestrian experience. Towards this end, the OAOs multimodal transportation system is based on inter-connected streets forming small blocks similar to successful patterns of the more walkable areas of the City such as the Park Avenue Corridor. Any additional development or redevelopment of parcels in excess of 2 acres within the OAO shall be required to create a block structure and pedestrian corridors conducive to pedestrian safety, comfort, and vehicular circulation.

**SECTION 2. Vesting.** In order to not adversely affect development projects that are in process and for which expenditures have been made in reliance upon the existing code provisions, the City will allow such development projects to be subject to the underlying zoning and future land use of the property, land development regulations and conditions of development approval existing prior to the adoption of this Ordinance provided such development's site and building floor plans and/or conditional use have been received and approved by the City prior to the effective date of this Ordinance. However, for any development project that received a conditional use approval from the City Commission prior to the effective date of this Ordinance, the expiration of that conditional use approval per Section 58-90 shall apply, and the City Commission will not approve any Conditional Use extensions of those development projects that have been approved prior to the effective date of this Ordinance. Further, to address claims of an inordinate burden to an existing use of real property or a vested right to a specific use of property, the City Commission may adopt land development regulations to allow, upon further City Commission approval, development of property within the OAO pursuant to the underlying zoning and future land use of the property existing prior to the adoption of this Ordinance and other applicable land development regulations without compliance with or the benefit of the goals, objectives and policies of this Ordinance and its implementing land development regulations.

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

**SECTION 4. Conflicts.** To the extent any provision or provisions of this Ordinance conflict with the provision or provisions of other Ordinances, the provisions of this Ordinance control. This Ordinance further confirms and readopts the repeal of Ordinance 3166-20 and Ordinance 3167-20. The proposed comprehensive plan amendment set forth in Ordinance 3166-20 (previously rescinded and repealed prior to its effective date) is not and was never a part of, incorporated into or codified into the City of Winter Park Comprehensive Plan.

**SECTION 5. Codification.** Section 1 of this Ordinance shall be codified and made a part of the City of Winter Park Comprehensive Plan, and the provisions of this Ordinance may be renumbered or re-lettered to accomplish this intention. The provisions of Section 1 of this Ordinance shall constitute the entirety of Comprehensive Plan goals, objectives, policies and maps of and for the Orange Avenue Overlay District. The word "Ordinance" may be changed to "Section," "Article," "Goal," "Objective," "Policy" 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.** The Comprehensive Plan amendments provided for under this Ordinance and this Ordinance do not become effective until 31 days after adoption of this Ordinance unless timely challenged. If timely challenged, this Ordinance and the comprehensive plan amendments may not become effective until the State Land Planning Agency or the Administration Commission enters a final order determining that the adopted amendments are in compliance.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

Phil Anderson, Mayor

Attest:

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City Clerk Rene Cranis

**Draft Orange Avenue Overlay Comprehensive Plan Amendment  
Draft 8/2/21**

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

**AN ORDINANCE OF THE CITY OF WINTER PARK,  
FLORIDA, AMENDING CHAPTER 58 "LAND  
DEVELOPMENT CODE" ARTICLE I, AND THE  
COMPREHENSIVE PLAN SO AS TO ADOPT NEW  
GOALS, OBJECTIVES AND POLICIES OF THE FUTURE  
LAND USE ELEMENT TO ESTABLISH THE ORANGE  
AVENUE OVERLAY DISTRICT; PROVIDING FOR  
CONFLICTS; SEVERABILITY AND AN EFFECTIVE  
DATE.**

**WHEREAS,** the Creation of the Orange Avenue Overlay process was an extensive multi-year community planning effort that involved continuous opportunities for public input and unique collaborative opportunities, such as: a community walkshop, surveys, citizen boards and focus groups, educational videos, open houses, charettes, written-only visioning, work sessions and much more; and

**WHEREAS,** the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and voted to recommend adoption of these proposed amendments to the Zoning Regulations portion of the Land Development Code, having held a public hearing, which was noticed to every property Citywide, on \_\_\_\_\_; and

**WHEREAS,** the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held an advertised public hearing, which was noticed to every property Citywide, on \_\_\_\_\_ and will have a second advertised public hearing after review and compliance with any requested changes by required State Agencies, and provided for public participation in the process in accordance with the requirements of State law and the Comprehensive Plan; and

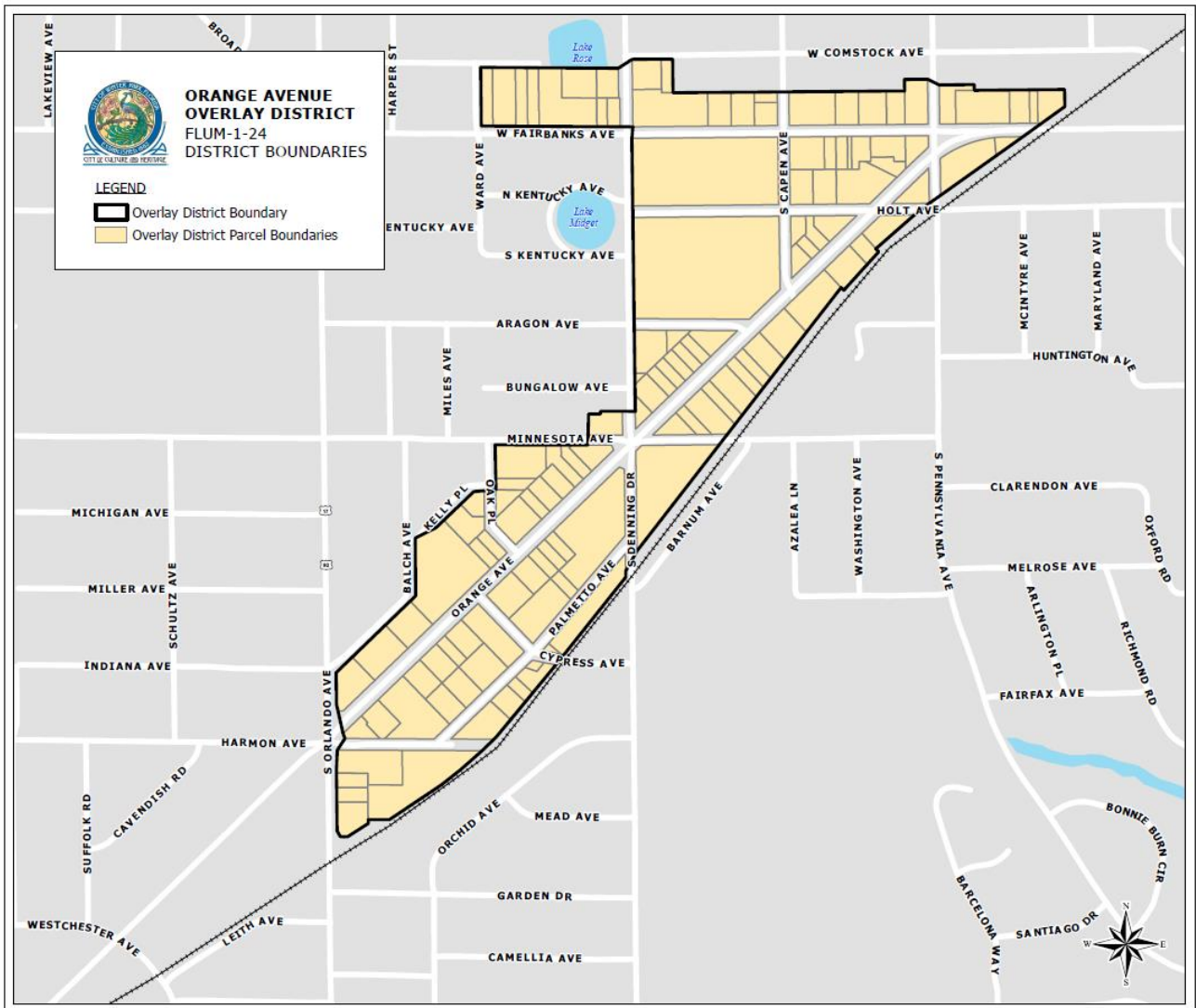
**WHEREAS,** the City Commission hereby finds that this Ordinance serves a legitimate government purpose, meets the requirements of law and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

**SECTION 1. Amendment.** That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" is hereby amended to add new Goals, Objectives and Policies and FLUM-1-24 map and FLUM-1-25 subarea map to the Future Land Use Element of the City of Winter Park Comprehensive Plan to read as follows:

**GOAL 1-8: Establishment of the Orange Avenue Overlay District.** The City shall establish the Orange Avenue Overlay District in order to implement specific purposes, intents, and design standards, which shall be applied as additional standards to other regulations required by the City to an area defined as the Orange Avenue Overlay District.

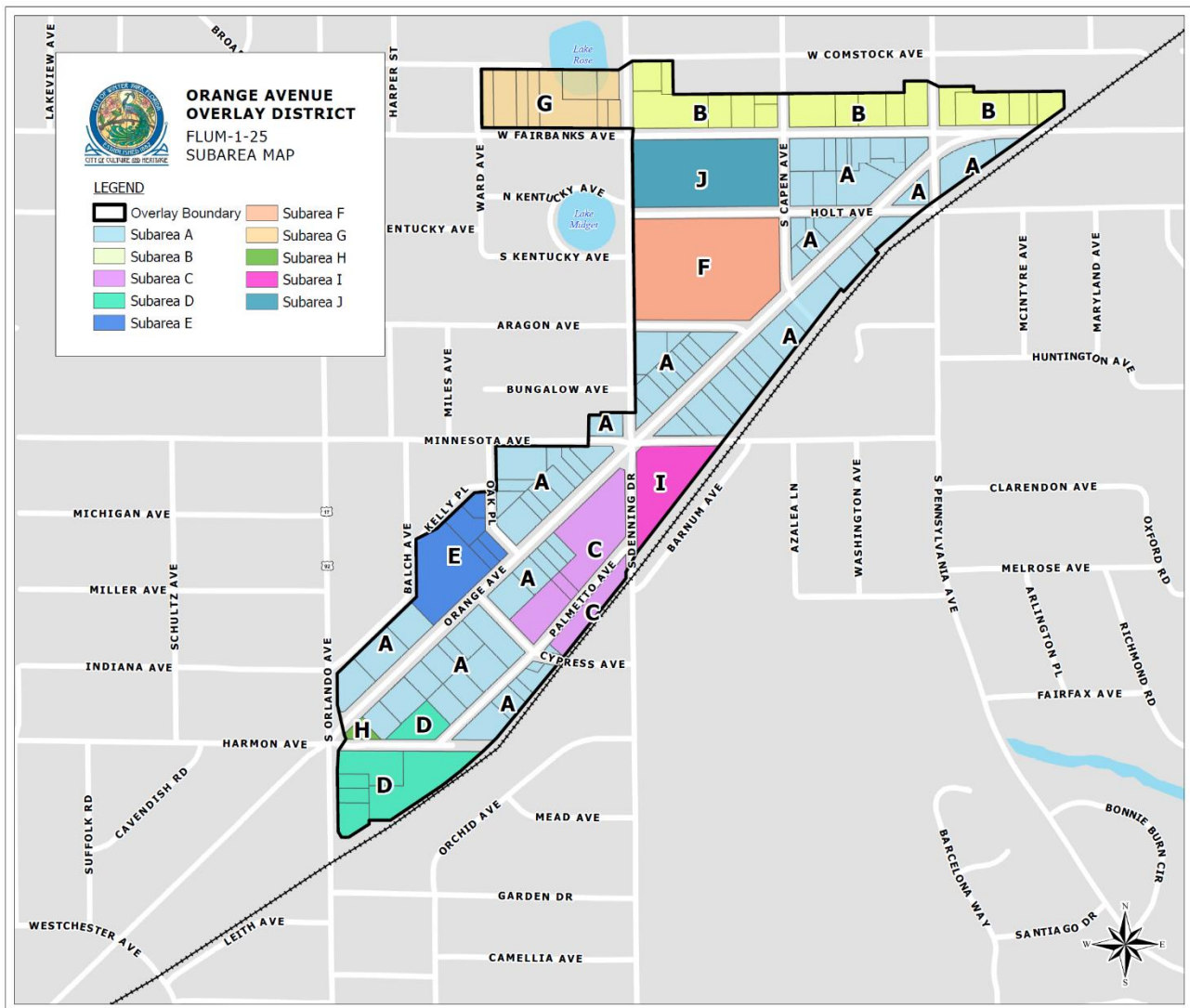
**OBJECTIVE 1-8.1: Orange Avenue Overlay District.** The boundaries of the Orange Avenue Overlay District are identified in FLUM-1-24 and the Policies regarding this Overlay District shall be established as defined herein.



**Policy 1-XXX: Conflicts.** The Policies set forth in and for the Orange Avenue Overlay District (OAO) shall prevail to control and govern the development of the property defined in Map FLUM-1-24 over any conflicting goals, objectives and policies found in the other provisions of the Future Land Use Element of the Comprehensive Plan, including any Planning Area Policies.

**Policy 1-XXX: Orange Avenue Overlay District Subareas.** The Orange Avenue Overlay District Subarea Map, FLUM-1-25, shall delineate the different subareas and their specific development standards. Changes to the subarea map shall not be allowed unless initiated at the direction of, or otherwise authorized by, the City Commission. Each area has unique characteristics, issues and opportunities. The base and maximum achievable Floor Area Ratio (FAR), height and residential densities (if applicable) for each subarea are defined herein. An incentive menu system is established for certain properties within the Orange Avenue Overlay District (OAO).

to possibly earn additional FAR up to their maximum achievable FAR, by providing certain public improvements and area-wide solutions, as outlined in the Land Development Code.



- (1) Subarea A.
  - a. Base Floor Area Ratio: 45%
  - b. Maximum Achievable Floor Area Ratio: 60% (only with residential)
  - c. Maximum Height: 2 Stories for any properties abutting Orange Avenue and Minnesota Avenue, and 3 stories for all other properties within the subarea.
  - d. Maximum Residential Density: 17 units per acre
- (2) Subarea B.
  - a. Base Floor Area Ratio: 45%
  - b. Maximum Achievable Floor Area Ratio: 60% (only with residential)
  - c. Maximum Height: 3 Stories (but with maximum height of 35 feet)
  - d. Maximum Residential Density: 17 units per acre

- (3) Subarea C.
  - a. Maximum Floor Area Ratio: 20%
  - b. Maximum Floor Area Ratio of Possible Parking Structure: 65%
  - c. Maximum Height: 2 stories, with possible rooftop area.
  - d. Maximum Height of Parking Structure: 2 levels, plus open top level.
  - e. Maximum Residential Density: 0 units per acre
- (4) Subarea D.
  - a. Base Floor Area Ratio: 60%
  - b. Maximum Achievable Floor Area Ratio: 100%
  - c. Maximum Height: 5 stories, but with maximum height of 56 feet
  - d. Maximum Residential Density: 17 units per acre
    - i. The City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.
- (5) Subarea E.
  - a. Base Floor Area Ratio: 45%
  - b. Maximum Achievable Floor Area Ratio: 60% (additional square footage only allowed for parking structure)
  - c. Maximum Height: 2 Stories
  - d. Maximum Residential Density: 17 units per acre
- (6) Subarea F.
  - a. Base Floor Area Ratio: 20%
  - b. Maximum Achievable Floor Area Ratio: 20%
  - c. Maximum Height: 2 Stories
  - d. Maximum Residential Density: Residential uses shall not be permitted.
- (7) Subarea G.
  - a. Base Floor Area Ratio: 45%
  - b. Maximum Achievable Floor Area Ratio: 45%
  - c. Maximum Height: 2 stories
  - d. Maximum Residential Density: 17 units per acre
- (8) Subarea H.
  - a. Base Floor Area Ratio: 0%
  - b. Maximum Achievable Floor Area Ratio: 0%
  - c. Maximum Height: N/A
  - d. Maximum Residential Density: Residential uses shall not be permitted.
- (9) Subarea I.
  - a. Base Floor Area Ratio: 45%
  - b. Base Floor Area with Residential: 60%
  - c. Maximum Achievable Floor Area Ratio: 100%
  - d. Maximum Height: 3 Stories
  - e. Maximum Residential Density: 17 units per acre

- i. The City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.

(10) Subarea J.

- a. Base Floor Area Ratio: 60%
- b. Maximum Achievable Floor Area Ratio: 100%
- c. Maximum Height: 4 Stories
- d. Maximum Residential Density: 17 units per acre
  - i. The City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.

**Policy 1-XXX: Meaningful Open Space Requirements.** It is the intent of the OAO to ensure that the development and enhancement of properties includes the creation of meaningful, useable, accessible, green and beautiful open space that invites the public to relax, interact, recreate, unwind and stimulate social connection. Where properties are planned for redevelopment, meaningful open space and the design of structures around these open spaces is the most important consideration. At a minimum, each property 2 acres in size and above, or any project covering 2 acres, that is redeveloped shall provide a minimum of 25% meaningful open space, which is open to and available to the public. At least 50% of required meaningful open-space areas provided shall be greenspace and at least 50% of hardscape areas shall be pervious or semi-pervious. Pervious areas such as retention ponds, parking lot islands or landscape planting areas around building bases shall not be counted as open space. Existing park space shall not count towards open space requirements. Open space shall be areas that are open and inviting to the public. Open space can include green areas, hardscape areas, semi-pervious areas, balcony or roof areas that are open to the public and other similar-type spaces. At least 90% of the open space shall be provided at ground level.

**Policy 1-XXX: Parallel Orange Avenue Access.** Where Palmetto Drive, Vivian Drive and Harmon Drive provide secondary and primary access to properties within the OAO area, portions of these roadways may be considered to be closed, vacated or re-aligned subject to City Commission approval, so long as a parallel public access road and dedicated public right-of-way of at least the same width as the portion of road proposed to be closed and vacated is to be provided and maintained to allow vehicular access between Orlando Avenue and Denning Drive. Protection of on-street parking, maximizing ease of traffic flow for Palmetto Avenue and maintaining the existing 50-foot public right of way shall be matters of priority should re-alignment be requested.

**Policy 1-XXX: Contribution to Transportation and Mobility Infrastructure.** Development and redevelopment within the OAO requiring a conditional use approval

shall contribute to the cost of transportation and mobility improvements prior to permitting based upon the estimated cost to fund the design, engineering, permitting, and construction of those transportation and mobility projects within or proximate to the OAO that are impacted by such development or redevelopment. The owner and developer of a project shall enter into an agreement with the City addressing the project's contribution to transportation infrastructure, as part of conditional use approval. In the event the City establishes a mobility fee, road impact fee, special assessment or other funding mechanism a project's payment of such required fee may be applied towards the requirements of this policy.

**Policy 1-XXX: Appearance Review.** All development, redevelopment and external renovation occurring within the OAO shall comply with the architectural standards as set forth in the OAO policies and implementing land development regulations. All external renovation, redevelopment and development projects within the OAO shall undergo an architectural appearance review by the City.

**Policy 1-XXX: Public Hearings for Conditional Uses.** Prior to approval, there must be at least two public hearings conducted before the City Commission and city-wide notice given for a Conditional Use application for a project within the OAO that has: (i) a land area of more than 80,000 square feet, (ii) a building of more than 35,000 square feet, or (iii) more than 25 residential units. This Policy shall only apply to new construction projects between 10,000 square feet and 35,000 square feet.

**Policy 1-XXX: Floor Area Ratio for Parking Structures.** Parking structures shall count towards the Floor Area Ratio (FAR) for any project/property within the Orange Avenue Overlay District, except for any underground levels, parking dedicated for public parking in perpetuity, and the open top level. Additionally, the required 10% of parking spaces provided above and beyond minimum code requirements (which is required to be leased to small businesses in the OAO) shall not count towards the FAR of a project.

**Policy 1-XXX: Block Structure.** The OAO is designed to enhance pedestrian walkability, connectivity and safety and to create a safe, comfortable and convenient pedestrian experience. Towards this end, the OAOs multimodal transportation system is based on inter-connected streets forming small blocks similar to successful patterns of the more walkable areas of the City such as the Park Avenue Corridor. Any additional development or redevelopment of parcels in excess of 2 acres within the OAO shall be required to create a block structure and pedestrian corridors conducive to pedestrian safety, comfort, and vehicular circulation.

**SECTION 2. Vesting.** In order to not adversely affect development projects that are in process and for which expenditures have been made in reliance upon the existing code provisions, the City will allow such development projects to be subject to the underlying zoning and future land use of the property, land development regulations and conditions of development approval existing prior to the adoption of this Ordinance provided such development's site and building floor plans and/or conditional use have been received and approved by the City prior to the effective date of this Ordinance. However, for any development project that received a conditional use approval from the City Commission prior to the effective date of this Ordinance, the expiration of that conditional use approval

per Section 58-90 shall apply, and the City Commission will not approve any Conditional Use extensions of those development projects that have been approved prior to the effective date of this Ordinance.

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

**SECTION 4. Conflicts.** To the extent any provision or provisions of this Ordinance conflict with the provision or provisions of other Ordinances, the provisions of this Ordinance control. This Ordinance further confirms and readopts the repeal of Ordinance 3166-20 and Ordinance 3167-20. The proposed comprehensive plan amendment set forth in Ordinance 3166-20 (previously rescinded and repealed prior to its effective date) is not and was never a part of, incorporated into or codified into the City of Winter Park Comprehensive Plan.

**SECTION 5. Codification.** Section 1 of this Ordinance shall be codified and made a part of the City of Winter Park Comprehensive Plan, and the provisions of this Ordinance may be renumbered or re-lettered to accomplish this intention. The provisions of Section 1 of this Ordinance shall constitute the entirety of Comprehensive Plan goals, objectives, policies and maps of and for the Orange Avenue Overlay District. The word "Ordinance" may be changed to "Section," "Article," "Goal," "Objective," "Policy" 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.** The Comprehensive Plan amendments provided for under this Ordinance and this Ordinance do not become effective until 31 days after adoption of this Ordinance unless timely challenged. If timely challenged, this Ordinance and the comprehensive plan amendments may not become effective until the State Land Planning Agency or the Administration Commission enters a final order determining that the adopted amendments are in compliance.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Phil Anderson, Mayor

Attest:

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



PRSR STD  
U.S. POSTAGE  
**PAID**  
ORLANDO FL  
ACG

City of Winter Park  
401 South Park Avenue  
Winter Park, FL 32789



# citywidePUBLIC NOTICE

## ORANGE AVENUE OVERLAY DISTRICT

PUBLIC HEARINGS	<b>Planning &amp; Zoning Board</b> TUESDAY 09-07-21 * @ 6 p.m.  <b>City Commission</b> WEDNESDAY 09-22-21 * @ 3:30 p.m.  <small>*Dates are subject to change. For updates, please access <a href="http://cityofwinterpark.org/citywide-notices">cityofwinterpark.org/citywide-notices</a>.</small>
	<b>City Hall Commission Chambers</b> 2nd Floor   401 South Park Avenue Winter Park, Florida 32789

access more info @ [cityofwinterpark.org/oao](http://cityofwinterpark.org/oao)

# citywide PUBLIC NOTICE



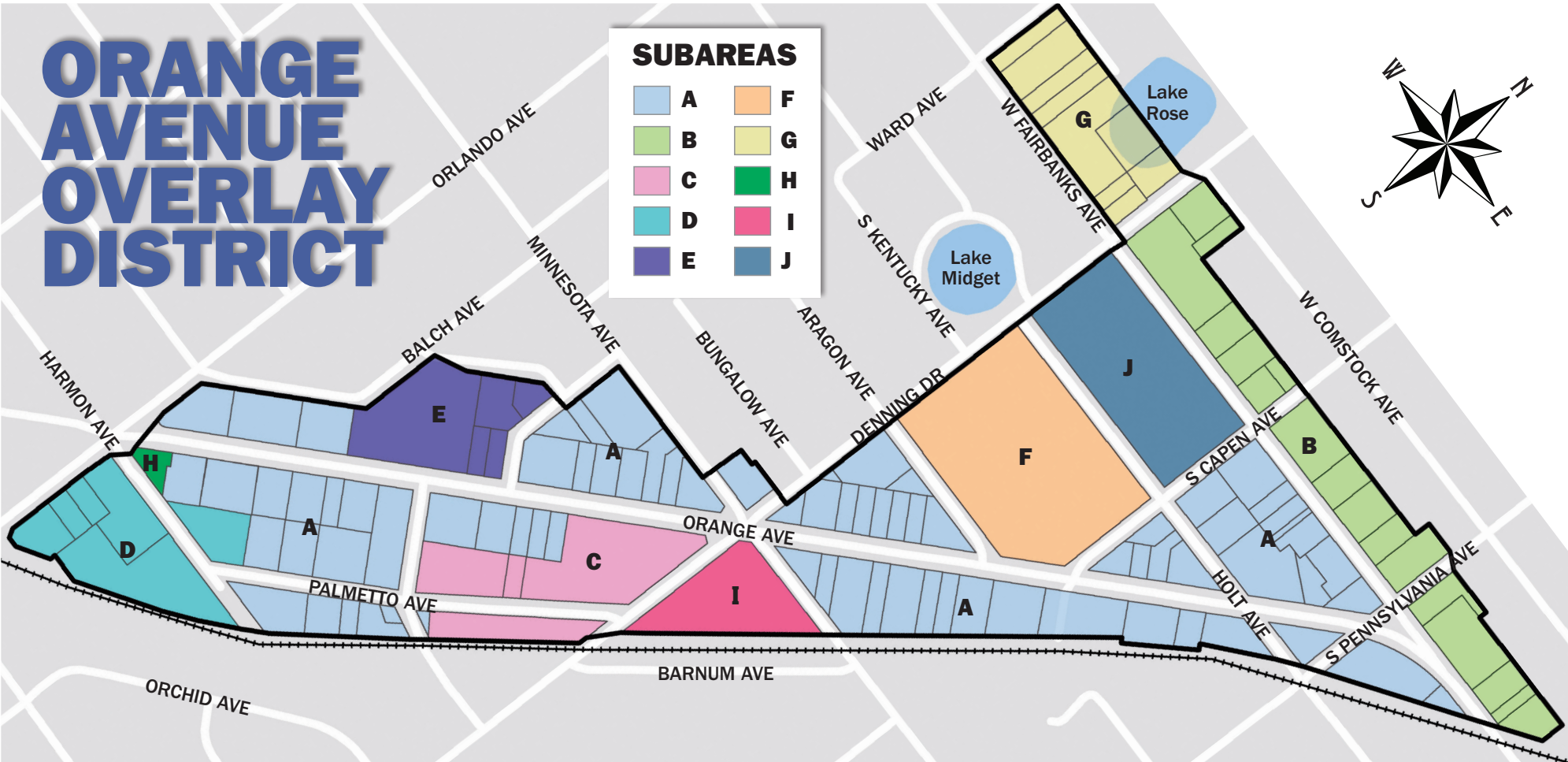
## ORANGE AVENUE OVERLAY DISTRICT

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	<b>City Hall Commission Chambers</b> 2nd Floor   401 South Park Avenue Winter Park, Florida 32789

The City of Winter Park is considering the creation of the Orange Avenue Overlay District (OAO), a Zoning Overlay, which would generate new Land Development Code standards for development and redevelopment of properties within the Overlay District. The OAO is being considered as directed by the city's Comprehensive Plan. As a part of the creation of the OAO, the City of Winter Park Comprehensive Plan would be amended to reflect and accommodate the new development standards of the OAO. The OAO is intended to incentivize reinvestment opportunities for properties in the area and help existing small businesses. For more information about OAO including draft language and maps, please access [cityofwinterpark.org/oao](http://cityofwinterpark.org/oao).

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

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning & Transportation Department at 407-599-3324 at least 48 hours in advance of the meeting.



SUBAREA A	Existing Gross Sq. Footage = 342,900			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea A			
Building Height	2 to 3 stories			
Maximum Potential Building Size	BASE	440,873 sq. ft. @ 45% FAR	MAX	587,830 sq. ft. @ 60% FAR

SUBAREA F	Existing Gross Sq. Footage = 20,199			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea F			
Building Height	2 stories			
Maximum Potential Building Size	BASE	53,950 sq. ft. @ 20% FAR	MAX	53,950 sq. ft. @ 20% FAR

SUBAREA B	Existing Gross Sq. Footage = 63,250			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea B			
Building Height	2 to 3 stories			
Maximum Potential Building Size	BASE	128,832 sq. ft. @ 45% FAR	MAX	171,776 sq. ft. @ 60% FAR

SUBAREA G	Existing Gross Sq. Footage = 29,734			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea G			
Building Height	2 stories			
Maximum Potential Building Size	BASE	67,901 sq. ft. @ 45% FAR	MAX	67,901 sq. ft. @ 45% FAR

SUBAREA C	Existing Gross Sq. Footage = 0			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea C			
Building Height	2 stories			
Maximum Potential Building Size	BASE	32,513 sq. ft. @ 20% FAR	MAX	138,181 sq. ft. @ 85% FAR

SUBAREA H	Existing Gross Sq. Footage = 0			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea H			
Building Height	0 stories			
Maximum Potential Building Size	BASE	0 sq. ft. @ 0% FAR	MAX	0 sq. ft. @ 0% FAR

SUBAREA D	Existing Gross Sq. Footage = 42,976			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea D			
Building Height	5 stories or 56 feet			
Maximum Potential Building Size	BASE	99,049 sq. ft. @ 60% FAR	MAX	165,082 sq. ft. @ 100% FAR

SUBAREA I	Existing Gross Sq. Footage = 0			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea I			
Building Height	3 stories			
Maximum Potential Building Size	BASE	36,813 sq. ft. @ 45% FAR	MAX	81,806 sq. ft. @ 100% FAR

SUBAREA E	Existing Gross Sq. Footage = 65,720			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea E			
Building Height	2 stories			
Maximum Potential Building Size	BASE	56,454 sq. ft. @ 45% FAR	MAX	75,272 sq. ft. @ 60% FAR

SUBAREA J	Existing Gross Sq. Footage = 49,180			
Land Use	Orange Avenue Overlay District			
Zoning	OAO Subarea J			
Building Height	3 to 4 stories			
Maximum Potential Building Size	BASE	110,320 sq. ft. @ 60% FAR	MAX	183,867 sq. ft. @ 100% FAR

**DRAFT ORANGE AVENUE OVERLAY  
LAND DEVELOPMENT CODE AMENDMENT  
8.2.2021 VERSION**

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

**AN ORDINANCE OF THE CITY OF WINTER PARK,  
FLORIDA, AMENDING CHAPTER 58 "LAND  
DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS  
TO ADOPT A NEW ZONING DISTRICT SECTION 58-83  
ORANGE AVENUE OVERLAY DISTRICT (OAO)  
CREATING REGULATIONS FOR THE ORANGE AVENUE  
OVERLAY DISTRICT; PROVIDING FOR CONFLICTS;  
REPEAL; SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** the Creation of the Orange Avenue Overlay process was an extensive multi-year community planning effort that involved continuous opportunities for public input and unique collaborative opportunities, such as: a community walkshop, surveys, citizen boards and focus groups, educational videos, open houses, charettes, written-only visioning, work sessions and much more; and

**WHEREAS,** the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of proposed amendments to the Zoning Regulations portion of the Land Development Code having held an advertised public hearing on \_\_\_\_\_, and has recommended approval of this Ordinance to the City Commission; and

**WHEREAS,** the City Commission of the City of Winter Park held a duly noticed public hearing on this Ordinance set forth hereunder and considered findings and advice of staff, citizens, the Orange Avenue Overlay Steering Committee, the Planning & Zoning Board and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the Land Development Code changes set forth hereunder; and

**WHEREAS,** Comprehensive Plan Policy 1-2.4.14, Mixed Use Designation directed. Within one year from the adoption of this Comprehensive Plan, the City will create a mixed use overlay or district for commercially designated parcels that would be intended to facilitate design and use flexibility to achieve pedestrian scale, innovative transit connectivity and maximizing open space within a commercially viable and architecturally desirable design. Complementary uses may include, but are not limited to retail, entertainment, office, civic and residential uses. The City shall also prepare companion land development code regulations that implement the proposed mixed use overlay or district simultaneously with any policy amendments related to this overlay or district. All policies related to this overlay or district will be subject to a Comprehensive Plan amendment; and

**WHEREAS,** the City Commission hereby finds that the land development regulations set forth in this Ordinance are consistent with the Comprehensive Plan as recently

amended to establish the Orange Avenue Overlay District goals, objectives and policies; and

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

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

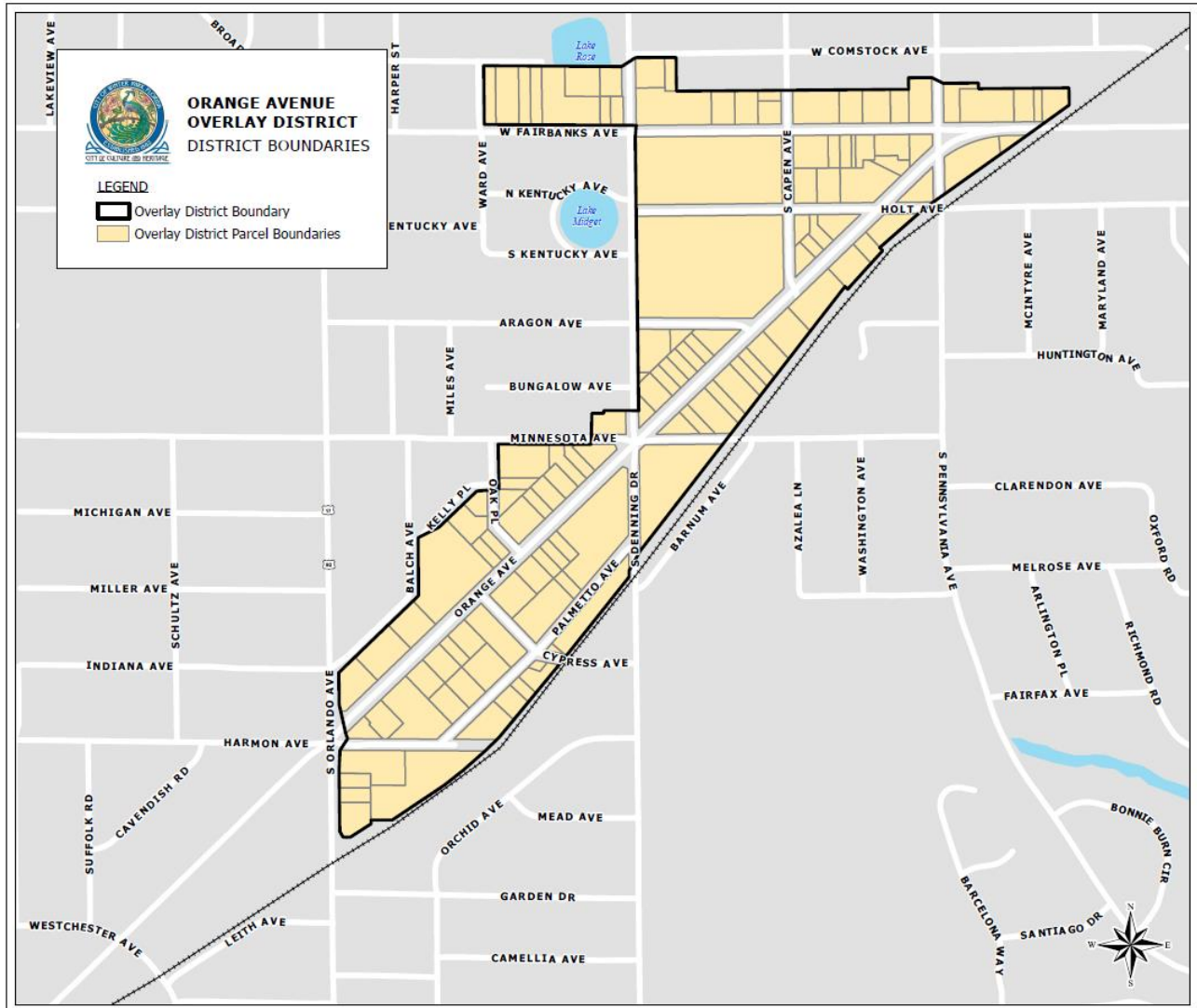
**SECTION 1. Amendment.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adopting a new Section 58-83 Orange Avenue Overlay District (OAO), to read as follows:

**Section 58-83. Orange Avenue Overlay District (OAO).**

- (1) *Establishment of Orange Avenue Overlay District.* The Winter Park City Commission adopts this overlay district as needed in order to implement specific purposes, intents, and design standards based upon the adopted Comprehensive Plan goals, objectives and policies for the Orange Avenue Overlay District, which shall be applied as additional standards to other regulations required by the City. Such overlay district shall be made a part of this section of the Land Development Code. Upon adoption, the boundaries of such overlay district shall be shown on the Winter Park Zoning Map.
- (2) *Applicability.*

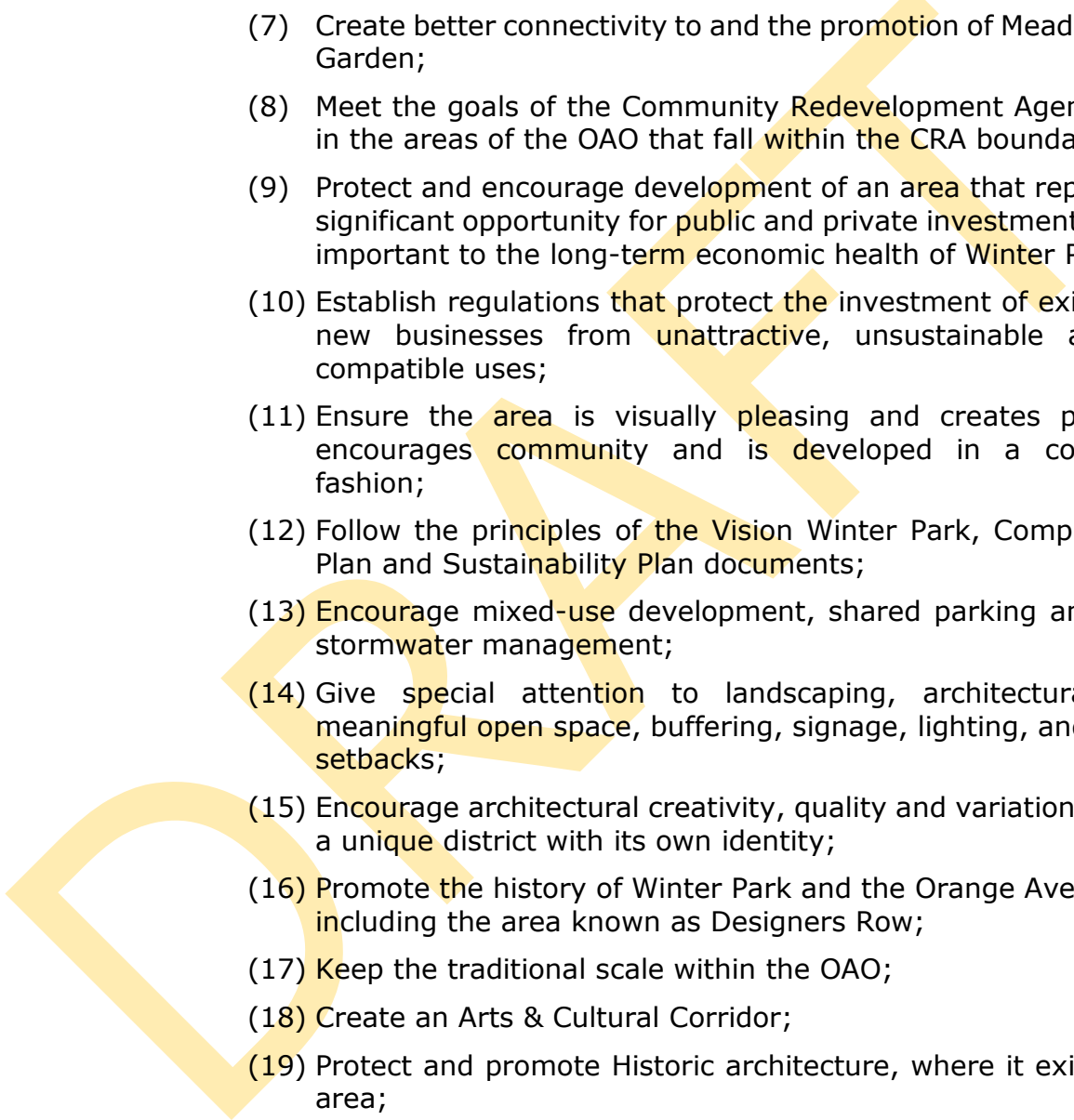
An overlay district acts as an additional layer of zoning over the base (or underlying) zoning district. All development projects located within this overlay district shall adhere to the requirements of this Section and other applicable provisions of the Land Development Code. The provisions of this Section shall prevail to govern the development of property within the overlay district over conflicting provisions found in other parts of the Land Development Code, including the provisions of the applicable base zoning district.
- (3) *Orange Avenue Overlay District.* The provisions and regulations for the Orange Avenue Overlay District within the City of Winter Park are outlined below.
  - (1) *Orange Avenue Overlay District.* It is the intent of the Orange Avenue Overlay District ("OAO") to provide enhanced standards to protect and promote the unique characteristics of the Orange Avenue area and create a distinct gateway into Winter Park. This OAO is used to create a sense of place established through specific architectural styles, streetscape design, open space areas, setbacks, site design, landscaping and other regulatory controls. The following provisions and regulations apply to all properties located within the OAO unless expressly provided otherwise.
    - a. *Location and boundaries.* The OAO boundaries are identified on the following map. The provisions and regulations found herein shall only apply to the properties located within this defined area. Each parcel of property within the OAO is identified by tax parcel identification

number on Exhibit "A" attached to the ordinance adopting this section, and each Parcel, in addition to retaining its underlying zoning classification (as modified by these OAO regulations and provisions), shall reflect on "OAO" designation on the City's zoning map.



*b. Purpose.*

- (1) Encourage sustainable development, redevelopment, and adaptive reuse that will become a long-term asset to Winter Park;
- (2) Create and enhance connectivity to the surrounding neighborhoods and promote connectivity to all of Winter Park;
- (3) Utilize and incentivize private development and/or redevelopment to create solutions for the existing problems that small properties and business-owners in the Orange Avenue area face;
- (4) Create public improvements that will benefit all residents and visitors of Winter Park;

- 
- (5) Provide the opportunity for existing businesses and properties to improve their structures, their businesses and their building facades;
  - (6) Restrict uses and create regulations that promote the development of the Orange Avenue area as a special place within Winter Park that promotes an environment of arts, healthy-living, cuisine, culture, heritage, social interaction, healthcare, local business, education, connectivity and community;
  - (7) Create better connectivity to and the promotion of Mead Botanical Garden;
  - (8) Meet the goals of the Community Redevelopment Agency (CRA) in the areas of the OAO that fall within the CRA boundary;
  - (9) Protect and encourage development of an area that represents a significant opportunity for public and private investment, which is important to the long-term economic health of Winter Park;
  - (10) Establish regulations that protect the investment of existing and new businesses from unattractive, unsustainable and non-compatible uses;
  - (11) Ensure the area is visually pleasing and creates place that encourages community and is developed in a coordinated fashion;
  - (12) Follow the principles of the Vision Winter Park, Comprehensive Plan and Sustainability Plan documents;
  - (13) Encourage mixed-use development, shared parking and shared stormwater management;
  - (14) Give special attention to landscaping, architectural detail, meaningful open space, buffering, signage, lighting, and building setbacks;
  - (15) Encourage architectural creativity, quality and variation to create a unique district with its own identity;
  - (16) Promote the history of Winter Park and the Orange Avenue area, including the area known as Designers Row;
  - (17) Keep the traditional scale within the OAO;
  - (18) Create an Arts & Cultural Corridor;
  - (19) Protect and promote Historic architecture, where it exists in the area;
  - (20) Attract new businesses, retain small businesses and encourage locally-owned businesses in the Orange Avenue area; and
  - (21) Enhance pedestrian walkability, connectivity and safety and to create a safe, comfortable and convenient pedestrian experience with shaded sidewalks, interesting business fronts, connected destinations and walkable block sizes.

c. *Permitted Uses.* Any use not listed specifically as an allowed use herein shall be deemed to be prohibited in the OAO. The following uses up to 10,000 square feet shall be allowed by-right on any property within the OAO, unless otherwise specified within the applicable subarea policies:

- (1) Antique Stores
- (2) Bars, taverns, cocktail lounges (with food sales and 51% of revenue must be from food sales)
- (3) Blueprinting, photocopying and printing offices
- (4) Boutique Hotel with 100 rooms or less and has minimal food and beverage operations, no banquet facilities permitted
- (5) Breweries/distilleries (with food sales)
- (6) Market or corner store (up to 5,000 square feet and excluding convenience store)
- (7) Dry Cleaning (Drop-Off Only, with off-site processing & no drive-thru)
- (8) Financial institutions, including banks, savings and loan associations and credit unions (with a maximum of 2 drive-thru lanes, which are screened from view)
- (9) Fine arts museums, fine arts instruction, dance instruction and music instruction
- (10) Fitness facility, exercise or health club (up to 5,000 square feet)
- (11) Food Halls
- (12) Government services
- (13) Grocer (not including convenience store), up to 10,000 square feet.
- (14) Health and wellness studios (up to 5,000 square feet)
- (15) Mixed-Use Development (can be vertical or horizontal) that includes two or more uses allowed within the OAO.
- (16) Nonprofit organization offices
- (17) Personal services (spa, barber shop, hair salon, nail salon, massage, cosmetic treatment) cannot be a standalone massage parlor, must be part of a spa or cosmetology salon
- (18) Pet supply shop, pet grooming, pet daycare (provided that there shall be no outside kennels, pens or runs. No overnight or weekend boarding of animals)
- (19) Photography Studio
- (20) Professional offices (including medical and dental offices)
- (21) Recreational facilities up to 5,000 square feet

- (22) Residential uses such as condominiums, townhomes, apartments, lofts, studios unless not allowed by the applicable subarea restrictions. If more than 4 units is proposed as a part of any new development, remodel or addition, each of the units shall be a minimum of 750 square feet of living area
  - (23) Restaurants/Fast-Casual Dining/Fine-Dining
  - (24) Retail businesses involving the sale of merchandise on the premises within enclosed buildings and excluding resale establishments or pawn shops (other than clothing resale stores), a maximum size of 10,000 square feet.
  - (25) Theater
  - (26) Uses customarily incidental and accessory to the permitted uses, including the repair of goods of the types sold in stores are permitted. Such repair must be carried on within a completely enclosed building, may not be carried on as a separate business, and provided further that there shall be no manufacturing, assembling, compounding, processing or treatment of products other than that which is clearly incidental and essential to the permitted uses. No external signage shall be permitted for accessory uses.
  - (27) Shared office space
- d. *Conditional Uses.* The following uses shall be allowed only with approval of a Conditional Use on any property within the OAO, unless otherwise specified within the applicable subarea policies:
- (1) Bars, taverns, cocktail lounges (without food sales)
  - (2) Breweries/distilleries (without food sales)
  - (3) Fitness facility, exercise or health club over 5,000 square feet, but less than 10,000 square feet
  - (4) Recreational facilities over 5,000 square feet, but less than 10,000 square feet
  - (5) Buildings or permitted uses within this section over 10,000 square feet in size
  - (6) Resale/antique stores
  - (7) Vehicle sales showroom provided the following criteria are met that all product and inventory must be housed within a fully enclosed building, that all repair and service must be conducted within a fully enclosed building with no outside storage permitted, that the hours of retail operation are limited to 8 am to 6 pm Monday-Friday and 9 am to 5 pm on Saturday and that 30% of subject property, exclusive of stormwater retention, shall be devoted to green open space visible from an arterial roadway.
- e. *Prohibited Uses.* All uses not permitted or conditionally permitted within the OAO are prohibited. Without limiting the uses that are

prohibited in the OAO, the following uses shall be prohibited in the OAO:

- (1) Adult-oriented businesses
- (2) Automotive-related businesses (i.e. auto sales, auto repair, auto rental, body shops, auto wash, auto audio, auto glass, auto tinting, auto parts sales)
- (3) Standalone massage parlors (not part of a health spa)
- (4) Fast food (with or without drive-thru)
- (5) Gas stations/convenience stores
- (6) Liquor stores
- (7) Pawn shops/check cashing
- (8) Tattoo parlors
- (9) Vape/smoke shops
- (10) Pain Management Clinics
- (11) Medical Marijuana Dispensaries, Processing, Growing, etc.
- (12) Billboards

*f. Non-Conforming Uses/Structures.* Existing but non-conforming properties uses and non-conforming structures, which existed as of the date the OAO became effective, shall be allowed to continue as legally non-conforming in the same manner after the adoption of the OAO as existed prior to the effective date of the OAO except as provided herein. Nonconforming uses and non-conforming structures shall be subject to and comply with the provisions of this OAO when any of the conditions below occur that cause the non-conforming use or non-conforming structure to be deemed abandoned and become illegal unless otherwise allowed to remain pursuant to a special permit granted by the city commission pursuant to section 58-64(f).

- (1) A non-conforming principal use on the property is discontinued for a period of three (3) calendar months then such non-conforming use shall be deemed abandoned and become an illegal use;
- (2) A non-conforming structure is destroyed or significantly altered by sixty (60) percent or greater then such structure shall be brought into compliance with the OAO requirements; or
- (3) Enlargements of any existing non-conforming structures and/or uses are made to the property that increases the gross square footage then such property shall be brought into compliance with the OAO requirements.

Discontinuance of a non-conforming use will be determined by any of the following: (i) if the business relocates, (ii) if there is an interruption in utility service, (iii) a failure to pay applicable local business taxes or

the expiration of a local business tax receipt, (iv) the absence of signage indicating the existence of the nonconforming use on the property, or (v) any other relevant evidence indicating discontinuation of the nonconforming use for the requisite time period. In determining the date of discontinuance, the date of the first indication of abandonment will be relied upon. A nonconforming use shall also be considered to be abandoned if a permitted use moves in place of a non-conforming use.

The Planning & Transportation Director or City Traffic Engineer or their respective designee may require the property owner to provide a site-specific traffic study to determine the potential impacts of the proposed changes to uses or structures as part of the site development plan.

*g. Residential Uses within the Overlay District.* The OAO shall not apply to existing residential uses or structures developed prior to the effective date of this section. Protections of existing residential uses shall be implemented. Properties currently used as and developed as residential prior to the effective date of this section shall continue to be subject only to current Land Development Code standards and protections governing such properties' underlying zoning designation and not those set forth in the OAO, unless and until such properties redevelop. Any change of use or redevelopment on the property shall require compliance with OAO standards. In order to protect existing structures that are used as a residence, new non-residential or mixed use development within the OAO shall have its structures setback at least 35 feet from the property boundaries of parcels with existing residential structures used as a residence that are not intended to be part of the proposed development, unless a written consent can be obtained from owner(s) of the affected existing residential structure(s) consenting to the waiver of such minimum setback requirement of this subsection. Parking garages shall be setback at least 100 feet from the property boundary of parcels used and developed as single-family or low-density residential.

*h. Landscaping Requirements.* Development and or redevelopment in the OAO shall comply with all landscaping requirements of other provisions of the Land Development Code and future corridor landscape plans, unless specifically addressed within the OAO. In addition to other requirements of Section 58-334 of the Land Development Code, all street frontages within the OAO shall contain at least one shade tree for every 50 feet of linear lot line. Side yards and rear yards not facing streets shall contain at least one understory tree for every 30 linear feet of side or rear lot lines.

*i. Block Structure and Circulation Requirements.*

(1) The OAO is designed to enhance pedestrian walkability, connectivity and safety and to create a safe, comfortable and convenient pedestrian experience. Towards this end, the OAOs

transportation system is based on inter-connected streets forming small blocks similar to successful patterns of the more walkable areas of the City such as the Park Avenue Corridor.

(2) Block Configuration/Lot Standards: Any additional development or redevelopment of parcels in excess of 2 acres within the OAO shall be required to create a block structure and pedestrian corridors conducive to pedestrian safety, comfort, and vehicular circulation.

- (a) New or redeveloped buildings within the OAO shall have building widths of between a minimum of 50 feet and a maximum of 300 feet wide where they interface with pedestrian oriented street frontages.
- (b) Development shall provide a continuous driveway or alley that connects to adjacent parcels and roadways and provides access for emergency vehicles and city services.
- (c) To the extent possible, given the size and shape of the parcel, new or redeveloped blocks shall be between a minimum perimeter of 1000 linear feet and a maximum perimeter of 1500 linear feet. The City goal is to encourage walkability based upon successful Park Avenue Corridor block perimeters of 1300 linear feet. Where existing block perimeters are smaller than 1500 linear feet, no further breakdown is required. Where block perimeters are larger than 1500 linear feet, new development shall be organized to break the land mass into walkable blocks.
- (d) Driveways or alleys shall be constructed at widths adequate for dumpsters, trash compactors and circulation of solid waste collection vehicles, large truck delivery and allow emergency vehicles to maneuver past parked delivery vehicles and waste receptacles.

(3) Street Realignment and Parallel Orange Avenue Access. Where Palmetto Drive, Vivian Drive and Harmon Drive provide secondary and primary access to properties within the OAO area, portions of these roadways may be considered to be closed, vacated or re-aligned subject to City Commission approval, so long as a parallel public access road and approved by the City Commission, is dedicated and maintained to allow vehicular access between Orlando Avenue and Denning Drive. Protection of on-street parking, maximizing ease of traffic flow for Palmetto Avenue and maintaining the existing 50-foot public right of way shall be matters of priority concern should the roadway be re-aligned. Any road shall be constructed with a minimum street travel lane width of 24 feet unobstructed and shall have unobstructed vertical clearance per National Fire Protection Act (NFPA) codes, shall replace all existing on-street parking and maintain the existing 50-foot public right of way.

(4) Street Sections: Any new, realigned, or redesigned street sections within the OAO shall be designed to create and maintain a quality

comfortable walking environment encouraging the use of multimodal transit options including:

- (a) On-street parking is to be provided to the maximum extent possible to buffer pedestrians from vehicular traffic. Parking space dimensions shall be not less than 9ft x 18ft.
  - (b) Vehicular traffic lanes on streets with bus routes shall be designed at not less than 12 feet to support safe circulation of busses.
  - (c) Bus transfers are to be located inside project boundaries to lesson traffic delays and increase safety on major roads. Bus transfers shall be coordinated and approved by Lynx.
  - (d) Shaded sidewalks and benches for resting and waiting for public transit shall be provided.
  - (e) Care shall be taken to minimize curb cuts and maximize visibility surrounding curb cuts.
  - (f). New development in conjunction with the City shall pursue approval from FDOT to utilize the FDOT rail right of way for pedestrian/bicycle trails where appropriate prior to submission of project plans for City approval.
- (5) **Sidewalks:** All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. A minimum 17-foot sidewalk is to be provided along Orange Avenue. Fairbanks Avenue and Orlando Avenue shall provide sidewalks at least ten feet wide with a minimum 5-foot landscape buffer along the back of curb, between the roadway and sidewalk. All other sidewalks in the OAO shall be 10-feet in width with a minimum 5-foot landscape buffer. If sufficient right-of way is not available, the building may need to be set back to accommodate these wider sidewalks and the additional space required to create the required sidewalks as defined herein shall be dedicated to public access through easement. Sidewalks shall be constructed in accordance with the standards for sidewalks set forth in City of Winter Park Engineering Standards and Landscape standards and constructed at the sole cost of the developer.
- (a) Restaurants and cafes with seating within the public right-of-way shall be subject to the regulations contained in Chapter 90, Article VI - Sidewalk Cafes, of the Winter Park code of Ordinances.
- (6) **New Streetscapes:** In order to improve the pedestrian experience, new development or redevelopment shall provide the streetscape area

including sidewalks, lighting, landscape and street furniture and will dedicate pedestrian easements over this area prior to certificate of occupancy.

(7) Access Standard:

- (a) All city services including utility access, utility equipment, solid waste containers shall be placed at the rear of lots and accessed by driveways or alleys opening to side streets.
- (b) Garage and parking shall be accessed through driveways or alleys opening to side streets.

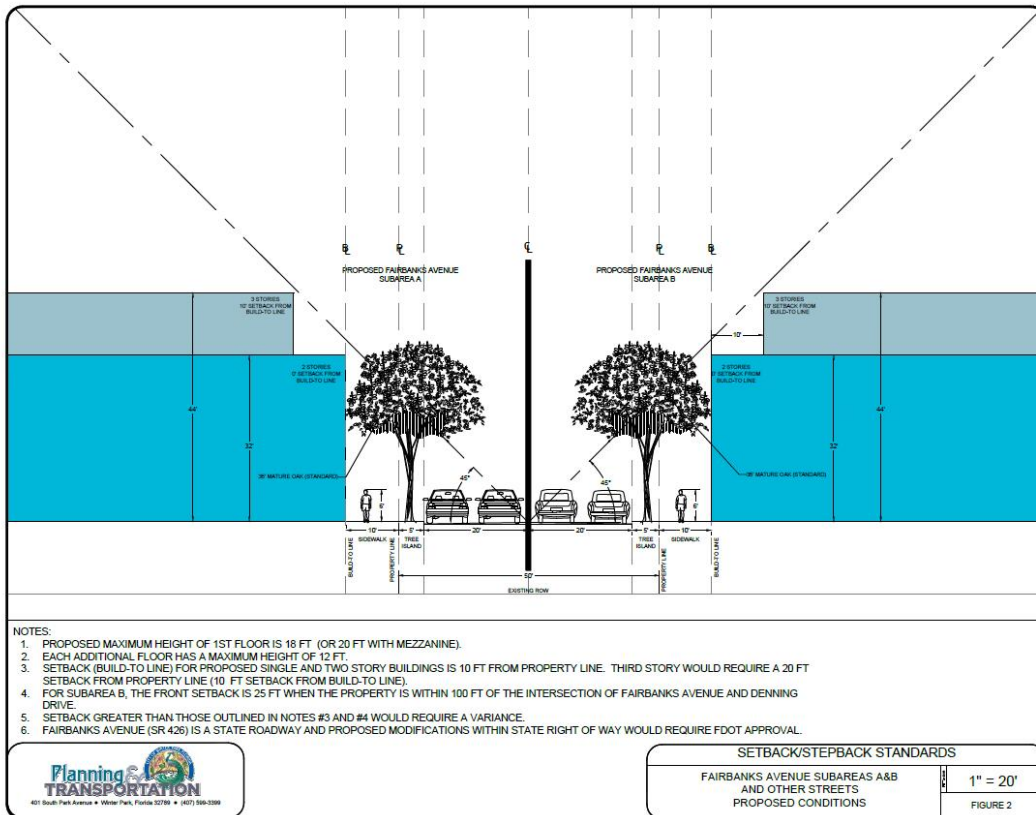
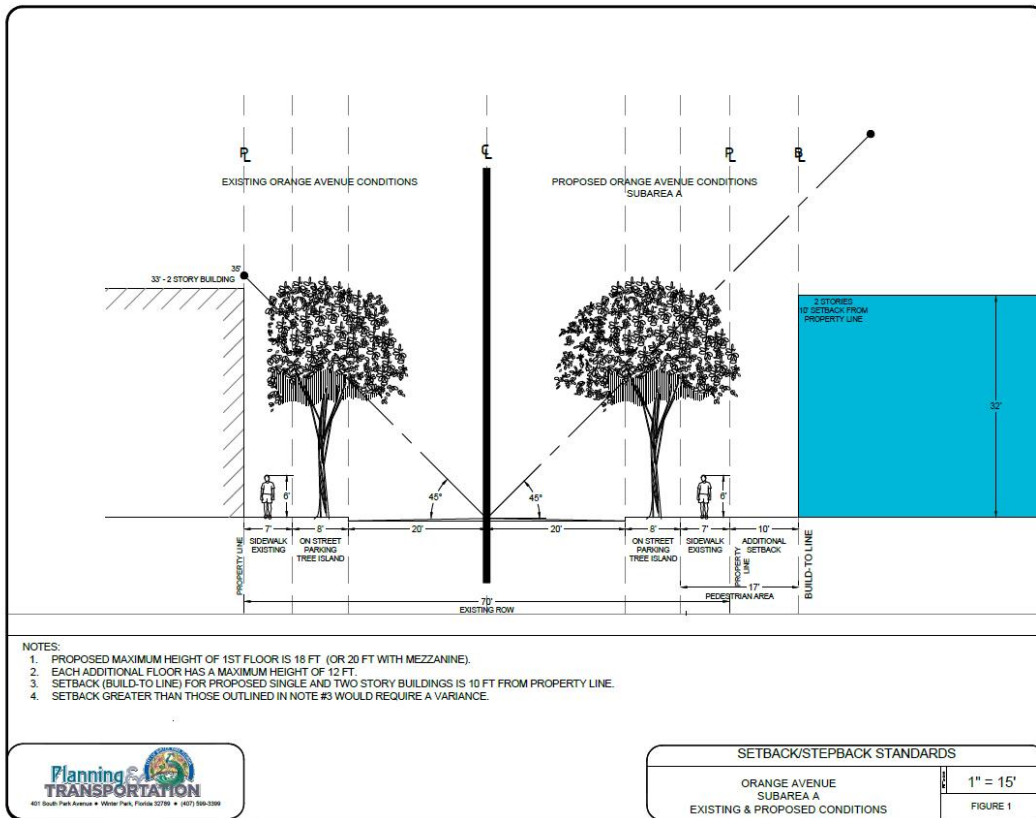
j. *Architectural Standards.* Development within all Subareas defined later in this section shall meet the following architectural standards.

- (1) *Building Height.* To allow for flexibility in design, but preserving development standards that will reduce building massing, buildings shall be measured in stories. For parking garages, levels visible on the exterior of the building shall be counted towards building height (ex. A 3-story building wraps around a 4-level interior parking garage, only the 3 stories would count as they are the only part visible).

The first floor of any building shall be allowed to be a maximum of 18 feet in height. When mezzanines, balconies or lofts are provided, first floor heights of 20 feet may be allowed. Mezzanine, balcony or loft levels shall be allowed within the first story, as long as they do not cover more than 30% of the first-floor area and stay within the maximum 20-foot first floor height area. Mezzanines, balconies or lofts shall not be allowed above the first floor. Each floor above the first floor shall have a maximum height of 12 feet.

For multi-story buildings over two stories in height, there shall be terracing and/or additional setbacks to accomplish vertical articulation is mandated to create relief to the overall massing of the building facades, as discussed later in this section.

- (2) *Setbacks/Stepbacks.* For any building over two stories in height that is built up to the allowable building line or "build-to" line, each additional floor shall be setback a minimum of ten (10) feet, or shall be within the allowable envelope as depicted in the figures below. The build to line is established by the greater of setback or sidewalk requirement. All setbacks are measured from the property line. Setbacks greater than the established "build-to" line require a variance. The required building stepbacks only apply to street frontages.





If a building is constructed within the allowable building envelope as depicted above, the first floor shall always be defined and articulated as addressed later in the OAO. Additionally, the building shall not exceed more than two stories of vertical wall without a setback/stepback, cornice, balcony or other major façade breakup, which shall create visual and massing relief. All walls shall provide two or three of the articulation options listed below, offset a minimum of 4 feet.

Each subarea of the OAO may define additional required setbacks for that area that may differ from what is defined in this section. The defined building envelope depicted above shall be maintained, regardless of any setbacks.

All setbacks and/or stepbacks shall provide space for the healthy development of shade tree crowns. The City Arborist shall review and recommend species selection and positioning to ensure compliance.

Rear building setbacks/stepbacks as defined herein shall not be required for properties abutting the railroad right-of-way. However, these rear facades shall provide articulation offset 4 feet, material change, window, entryway or other breakup of the building façade at least every 30 feet, both vertically and horizontally.

- (3) Facades. The intent of this subsection is to provide visual interest to all facades by requiring a minimum level of detail features on facades. These detail features shall not consist solely of applied graphics or paint. There shall be some sort of articulation, material or color change, window, entryway or other breakup of the building façade at least every 50 feet. Murals shall be allowed to contribute towards façade breakup.

(a) All facades of buildings with a gross floor area of ten thousand square feet or more shall be required to incorporate at least three (3) of the following facade treatments. At least one of these treatments shall repeat horizontally. All such design elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

(b) All facades of buildings with a gross floor area of less than thousand (10,000) square feet shall be required to incorporate at least two (2) of the following facade treatments. At least one (1) of these treatments shall repeat horizontally. All such design elements shall repeat at intervals of no more than twenty-five (25) feet, either horizontally or vertically.

1.Expression of a vertical architectural treatment with a minimum width of twelve (12) inches.

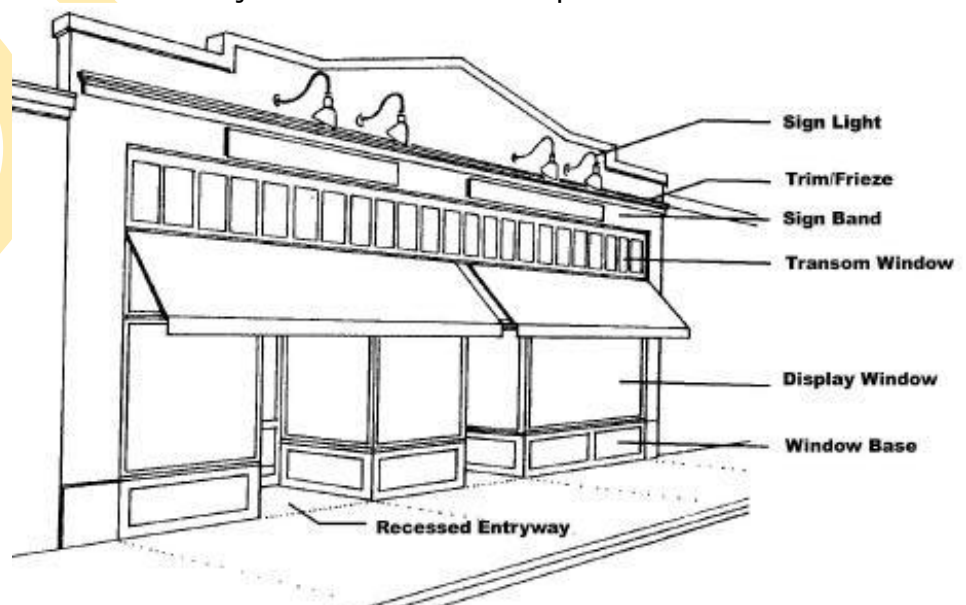
2. Building stepbacks, offsets or projections, a minimum of four (4) feet in depth.
3. Texture and /or material change.
4. Architectural banding.
5. Pattern change.
6. Other treatment that, in the opinion of the Planning & Transportation Director after review by the OAO Appearance Review Advisory Board, meets the intent of this subsection.

(c) No building shall exceed more than 300 feet of horizontal length on any street facing façade. When multiple buildings are included on the same parcel, those buildings shall be separated by 20 feet to support growth of healthy canopy crowns or provide courtyard, parking or other gathering spaces on the site.

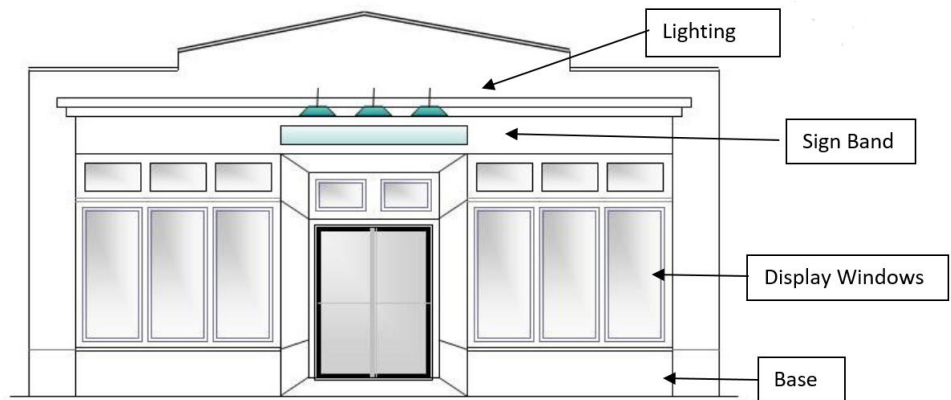
Commercial Façade Treatment Example 1:



Commercial Façade Treatment Example 2:



### Commercial Façade Treatment Example 3:



- (4) *Additional Façade Treatment Requirements.* Roof lines, parapets and building heights shall be architecturally articulated and diverse in design form with adequately scaled and proportioned architectural treatments which complement the building's design.

The window, wall and roofing treatment should be of high-quality materials and consistent on both the front and the back of the building and any street facing side wall of the building. Allowable building materials shall include brick, natural stone, glass, architectural metal, concrete, wood, or similar material with a longer life expectancy. Exterior Insulation and Finish System (EIFS) shall not be allowed. Stucco, hardiboard siding (or similar materials) or concrete block shall not exceed more than 50% of any façade. Detailing is encouraged to enhance the façade.

Structures shall be sited so as to create visual relationships with sidewalks, street alignments, trees, green space and neighboring businesses; create visual anchors at entries, provide interesting architectural perspectives featuring appropriate facade treatments and maximize the pedestrian relationship to the sidewalk. They shall also take into consideration the existing structures and be in unison with their scale and style.

- (5) *Glazing Requirements.* The lower story of the building has the most immediate visual impact on the passerby. Traditionally, buildings along urban streets have a high proportion of glazing to solid wall surface, with higher floor to floor heights, on the first story. To maintain continuity with this treatment, non-residential buildings on Orange Avenue shall have 60% minimum glass on the first story and shall be allowed height up to 20 feet. Along other roads within the OAO, non-residential buildings shall have 40% minimum glass on the first story. The first floor shall be clearly defined and articulated from upper stories.

- (6) *Building Entrance.* Primary building entrances in the OAO shall be clearly defined, and shall be recessed or framed by a sheltering element such as an awning, arcade, overhang, or portico (in order to provide weather protection for pedestrians). Awnings are encouraged. Awning standards include:
- (a) Awnings for a building façade shall be of compatible color, look, shape, and height;
  - (b) Awnings shall provide vertical clearance of no less than eight (8) feet above sidewalks; and
  - (c) Awnings are not allowed to hang over vehicular traffic ways.
- (7) *Architectural Towers, Spires, Green Roof Features, Solar Panels, Chimneys, Or Other Architectural Appendages.* Any architectural tower, spire, chimney, flag pole or other architectural appendage to a building shall conform to the underlying subarea height limit. However, when necessary to meet the building code requirements, chimneys may exceed the height by the minimum required.

Architectural appendages, roof decks, embellishments and other architectural features may be permitted to exceed the roof heights specified in that subarea, on a limited basis encompassing no more than 15% of the building roof area or 15% of building street facing façade width not to exceed 30 linear feet of a given façade, or up to ten feet of additional height upon approval of the City Commission, based on a finding that said features are compatible with adjacent projects.

Solar panels, roof garden or green roof features may be permitted to exceed the roof heights specified in that subarea, on a limited basis encompassing no more than 30% of the building roof area or 30% of building street facing façade width not to exceed 30 linear feet of a given façade, or up to ten feet of additional height upon approval of the City Commission, based on a finding that said features are compatible with adjacent projects.

- (9) *Mechanical Penthouses, Rooftop Mechanical and Air-Conditioning Equipment, Stair Tower Enclosures, Elevators and Parapets.* Mechanical penthouses, mechanical and air-conditioning equipment, stair tower enclosures, or elevators on rooftops of buildings shall not exceed a total height of ten feet (building code official shall have the ability to give administrative variances to this requirement based on life-safety or equipment needs for elevation) above the allowable building height. Any penthouses shall only be used for mechanical equipment to serve the building. Parapets, or mansard roofs serving as parapets, may extend a maximum of five feet above the height limit in the underlying zoning district unless other parapet heights are more restrictive

for the respective underlying zoning district. In addition, mechanical equipment and air-conditioning equipment on rooftops shall be screened from view from ground level on all buildings in all zoning districts and shall be located to the maximum extent possible so that they are not visible from any street.

- (10) *Appearance Review.* In addition to meeting the architectural standards as set forth in this section. All external renovation or development projects and Conditional Use requests within the OAO shall undergo Appearance Review.

For developments requiring a conditional use approval having a land area of more than 80,000 square feet, having more than 25 residential units, or having structures exceeding 35,000 gross square feet above grade, professionally prepared fully rendered 3-D digital architectural perspective images and elevations that show all sides of the proposed building(s), parking areas, parking structures and any other site improvement shall be submitted to and reviewed by and commented upon by the Orange Avenue Overlay Appearance Review Advisory Board to ensure high quality architecture consistent with the goals and objectives of the OAO. At the request of the Director of Planning an Acoustical Engineer may be invited to comment on projects having rooftop or open-air elements. The comments and recommendations of the Orange Avenue Overlay Appearance Review Advisory Board shall be transmitted to the Building Official, Director of Planning, Planning and Zoning Board and City Commission for consideration in rendering a decision on the proposed conditional use or building permit sought for the proposed development.

For all external renovation requirements not requiring a conditional use, 3-D or 2-D colored digital architectural perspective images and elevations that show all sides of the proposed building(s), parking areas, parking structures and any other site improvement shall be submitted to and reviewed by and commented upon by the Orange Avenue Overlay Appearance Review Advisory Board to ensure high quality architecture consistent with the goals and objectives of the OAO. The comments and recommendations of the Orange Avenue Overlay Appearance Review Advisory Board shall be transmitted to the Building Official or Director of Planning prior to submitting for a building permit sought for the proposed development.

*k. Parking Requirements & Access Management.*

- (1) To the extent net street parking, over and above that currently existing within the OAO, is provided by the developer prior to certificate of occupancy, such net new parking directly adjacent to the development lot may count towards satisfying code parking requirements.

- (2) *Parallel Orange Avenue Access.* Where Palmetto Drive, Vivian Drive and Harmon Drive provide secondary and primary access to properties within the OAO area, portions of these roadways may be considered to be closed, vacated or re-aligned, so long as a parallel access road, as approved by the City Commission, is dedicated and maintained to allow public vehicular access between Orlando Avenue and Denning Drive. Protection of on-street parking, maximizing ease of traffic flow for Palmetto Avenue and maintaining the existing 50-foot public right of way shall be matters of priority concern should the roadway be re-aligned. Any road shall be constructed with a minimum street travel lane width of 12 feet unobstructed and shall have unobstructed vertical clearance per National Fire Protection Act (NFPA) codes, shall replace all existing on-street parking and maintain the existing 50-foot public right of way. No on-street parking permitted along a curved roadway segment where the curve exceeds 60 degrees.
- (3) *Off-Street Parking Requirements.* Unless specifically provided within the OAO, parking spaces, parking management plans and parking leases shall be provided in accordance with Land Development Code requirements.
- (a) *General Business and Retail Commercial:* One parking space for each 333 square feet of gross floor space.
  - (b) *Office, Professional or Public Buildings:* One parking space for each 333 square feet of gross floor space.
  - (c) *Medical Office:* One parking space per 200 square feet of gross floor space.
  - (d) *Hotel:* One parking space for each guest room shall be provided. Other ancillary uses in the hotel (restaurant, spa, retail, meeting space, etc.) shall be required to provide parking in accordance with the off-street parking requirements defined in Section 58-86 subject to a credit of 50% of the rooms.
  - (e) *Restaurants, Food Service Establishments, Nightclubs, Taverns or Lounges:* One space for every four seats.
  - (f) *Multi-family residential:*
    - (1) Each one-bedroom or studio unit shall be required to provide 1.25 dedicated parking spaces per unit.
    - (2) Each two-bedroom unit shall be required to provide 2.0 dedicated spaces per unit.
    - (3) Each three-bedroom or above unit shall be required to provide 2.5 dedicated parking spaces per unit.
- (4) *Off-street Parking Access Design.* Parking access to properties along Orange Avenue, Orlando Avenue and Fairbanks Avenue shall be through an alley originating from side streets or from a side street if frontage is available on a side street. In mid-block

locations without existing alleys, new alleys shall be provided and accessed from the frontage street. Garages shall not be located in front of the primary building. If side street frontage is not available, access from cross-access easements preferably in the form of shared rear alleys shall be utilized. If cross-access is not available, a driveway will be allowed from Orange Avenue, Orlando Avenue, or Fairbanks Avenue, provided the driveway and building gap surrounding it is not more than 20 feet. Any new driveways or curb cuts along Fairbanks Avenue or Orlando Ave shall require FDOT coordination prior to submittal. Throughout the OAO, cross-access agreements, preferably in the form of shared rear alleys are required, to reduce the number of curb cuts and driveways. The intent is to maintain the building street wall without large voids for access driveways and improve traffic circulation by providing rear access for services and deliveries. The goal in this parking arrangement is to decrease the visibility of parking from the street as much as possible, by having parking behind the building and to reduce the turning movements with limited visibility across multiple lanes of traffic.

- (5) *Off-site Parking.* Required parking may be located within 750 feet of the building, or within the closest parking structure where excess parking is available for lease. In the event of new construction, addition, or change in intensity of use of the principal building or property being serviced by the remote parking lot, all existing parking spaces located on such remote lot shall be allocated to the existing building or principal use to meet the minimum requirements of this article, and any additional spaces may then be allocated to that portion of the building or property which is the subject of the new construction, addition, or change in intensity of use.
- (6) *Bicycle Parking Requirements.* Unless specifically provided within the OAO, bicycle Parking shall be required in accordance with other Land Development Code Standards. Where large projects provide parking garages, 20% of the required bike parking shall be provided onsite. The other 80% of required bike parking may be located within City right-of-way, along bike paths, or within greenspace areas throughout the OAO. The City shall determine where the off-site bicycle parking shall be located.
- (7) *Parking Exclusion.* A parking exclusion shall apply only to existing square footage or floor space. Parking shall be provided as required by the OAO parking standards or other provisions of the Land Development Code, where not specifically addressed herein. The OAO shall apply for any net new building or net new floor space created by redevelopment, new construction, additions, alterations, or remodeling or for any change in use requiring additional parking such as an office or retail space conversion to restaurant. Existing parking spaces may be counted to satisfy this

requirement only where such existing spaces are in excess of the parking space requirements of this section for any existing floor space.

(8) *Floor Area Ratio for Parking Structures.* In subareas where the city encourages the use of structured parking, an opportunity to achieve increased floor area ratio (FAR) is included in the Subarea development standards. Parking structures shall count towards the floor area ratio (FAR) for any property within the OAO (except for underground level and open top level), developments that provide parking at least 10% above what is required by minimum code requirements or parking structures meeting the following conditions are eligible to take advantage of the Bonuses offered in the OAO Development Enhancement Menu.

- i. Provide for multi-property parking collectives. For smaller-scale garages, multiple property owners may create a collective where parking can be built on a property that can serve multiple properties that do not have adequate available parking.
- ii. Provide level-two electric vehicle charging stations for a minimum of 2% of all spaces within the structure.
- iii. Provide and construct parking spaces at least 10% above what is required to meet code minimum requirements. This excess parking must be available for lease at or below fair market value (based on comparable area parking leases) to small businesses in the OAO located in Subarea A. When parking spaces to satisfy the 10% requirement are located on the primary parcel as part of structured parking, the square footage associated with those spaces shall not be included in FAR calculations. At the discretion of the City Commission, a portion of this additional parking may be provided in another location of verified parking deficiency within the OAO. Any parking spaces provided under this provision shall be constructed in conformance with the standards of the Subarea in which they are constructed, subject to an approved Parking Management Plan and supported by a recorded instrument acceptable to the City Manager with review and advice from the City Attorney. Provision of parking spaces shall run concurrent with the primary development use. The City's preference is structured parking. Should the City Commission agree to accept surface parking spaces as part of the required 10% additional parking, the number of spaces will be adjusted to reflect the comparable value of surface versus structured parking based on current market values as determined by the Office of Management and Budget.
- iv. Stairwells required for parking garages shall be designed to have open walls, visible to the outside of the garage.

- v. Parking structures shall be designed to allow sufficient airflow to ensure that all structured parking remain "open-air." Mechanical ventilation shall not be allowed for structured parking within the OAO, unless the parking structure is located below ground.
- vi. Parking structures shall be screened at least 50% on all visible sides with green walls, living walls, liner buildings (with adequate spacing to allow air and light to enter garage), murals (that do not include advertising of any type), mature shade trees or vegetative screening, or designed with architectural details to match the primary structure. that soften the appearance from looking like a stark parking garage wall.
- vii. Subarea A properties shall be offered priority for parking spaces that are required to be available for lease. Parking spaces shall also be eligible for purchase by other properties, first opportunity to purchase shall be given to Subareas A.
- viii. Parking structures shall meet height, building setback, allowable building envelope area and screening requirements as outlined in the OAO.
- ix. Parking garages shall be set back from the Orange Avenue, Fairbanks Avenue or Orlando Avenue frontages in accordance with requirements of Section 58-83(3).i. (2) Setbacks Allowable Building Envelope Cross-Section based on height. Parking structures shall be screened as required in the OAO. Parking shall be accessed from private drives or public/private alleys originating and terminating on side streets to the maximum extent feasible. They shall be designed in an architectural style that is compatible with its building counterpart and shall also conform to the City's parking garage design guidelines, be subject to Parking Management Plans and standards in Section 58-84 and Section 58-86.
- x. Parking structures shall not be permitted on the north side of Fairbanks Avenue.

*l. Public Notice and Hearing Requirements.*

- (1) In addition to notice required by state law, City-wide notice, as defined in Section 58-89, shall be required for OAO code text amendments and any proposed development within the OAO that requires Conditional Use approval and has a land area of more than 80,000 square feet, or a building of more than 35,000 square feet or having more than 25 residential units. Said notice of the hearing shall be published in a newspaper of general circulation within the city at least 30 days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of record of property within 1,500 feet of the property, and mailed to all households as determined from

the listing of utility billing addresses within the entire city limits at least 30 days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each parcel, street side, and shall be erected by the applicant.

- (2) In addition to notice required by state law and Section 58-89, for proposed development within the OAO requiring Conditional Use Approval, but not qualifying for city-wide notice, public notice shall be required as follows: Said notice of the hearing shall be published in a newspaper of general circulation within the city at least 15 days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of property of record within 1,500 feet of the property requested for Conditional Use, at least 15 days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each parcel, street side, and shall be erected by the applicant.
- (3) All changes to OAO zoning code text and subarea maps and approval of Conditional Uses for all projects that meet the size, density or intensity requirements for city-wide notice, shall be deemed approved when the change has received the affirmative vote of a majority of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If the city commission approves the required conditional use at the first public hearing, such approval shall not be considered final until the second approval at the second public hearing.

*m. Meaningful Open Space Requirements.* It is the intent of the OAO to ensure that the development and enhancement of properties includes the creation of meaningful, useable, accessible, green and beautiful open space that invites the public to relax, interact, recreate, unwind and stimulate social connection. Where properties are planned for redevelopment, meaningful open space and the design of structures around these open spaces is the most important consideration. At a minimum, each property 2 acres in size and above, or any project covering 2 acres, that is redeveloped shall provide at least 25% meaningful open space, which is predominately visible from public right of ways, open to and available to the public. At least 50% of open-space areas provided shall be greenspace. Pervious areas such as retention ponds, parking lot islands or landscape planting areas around building bases shall not be counted as open space. Existing park space shall not count towards open space requirements. Open space shall be areas that are open and inviting to the public. Open space can include green areas, hardscape areas, semi-pervious areas, balcony or roof areas that are open to the public and other similar-type spaces. At least 90% of the open space shall be provided at

ground level. The intent is that each of these areas create the opportunity for social interaction, relaxation, recreation and reflection.

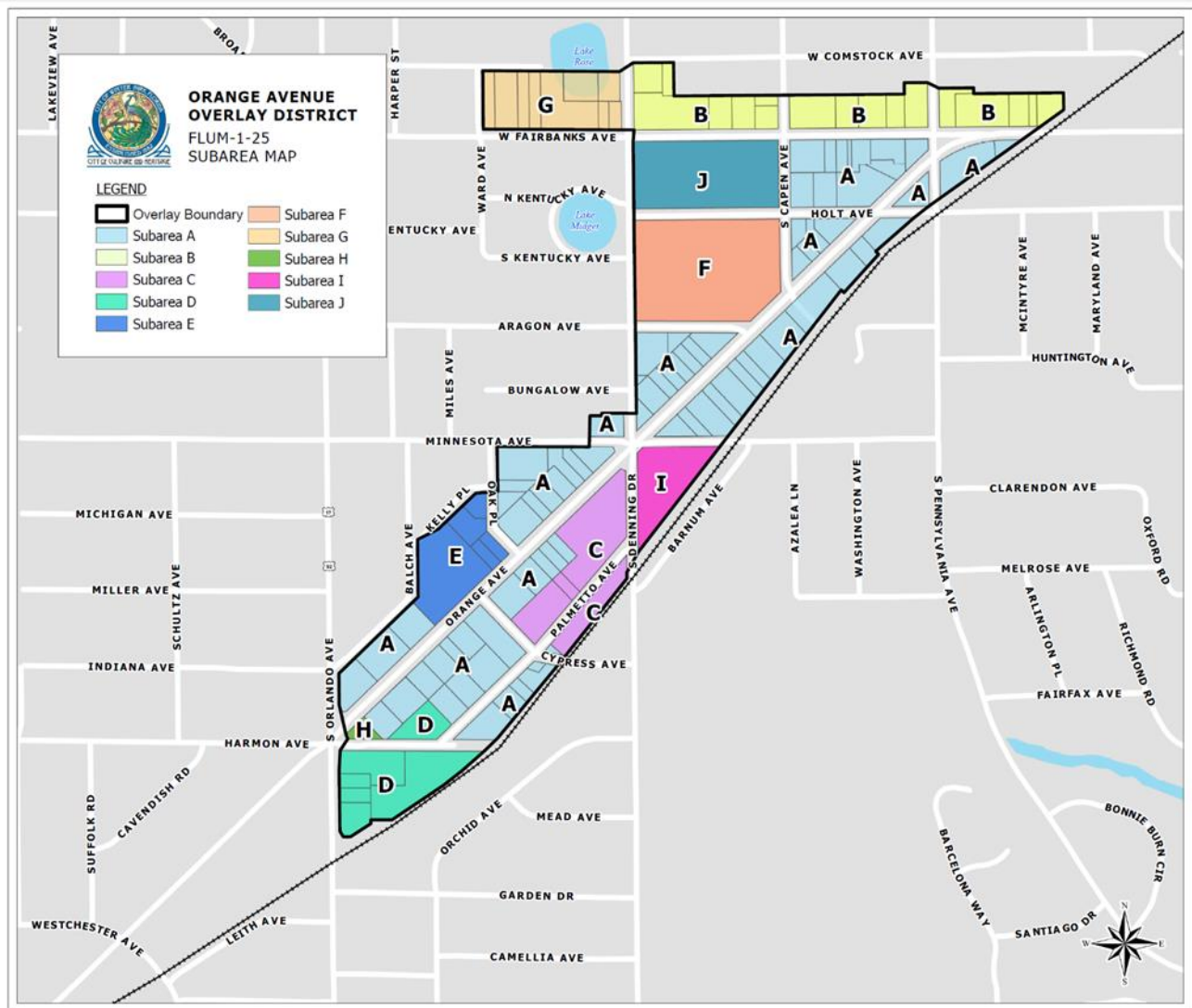
- n. Signage Requirements.* Signage within the OAO with frontage along Orange Avenue shall comply with the following requirements:
- (1) Each occupant shall be permitted a maximum of two signs indicating the business, commodities, service or other activity sold, offered or conducted on the premises. Where one occupancy has two signs, only the following combinations of sign types shall be permitted: One wall or canopy sign; one projecting sign and one wall or canopy sign; one canopy sign and one under-canopy sign. These signs shall also comply with the applicable provisions of Sections 58-125 through 58-128.
  - (2) Projecting signs on properties or buildings within the OAO shall be limited to an area of each face of 20 square feet and shall have a minimum clearance of seven feet.
  - (3) The maximum copy area of canopy signs shall be two square feet per linear foot of canopy front and sides. These signs should also comply with applicable provisions of Section 58-128.
  - (4) Signs attached to the underside of a canopy (under-canopy signs) shall have a copy area no greater than six square feet, with a maximum letter height of nine inches, subject to a minimum clearance of seven and a half feet from the sidewalk.
  - (5) OAO 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.
  - (6) Ground signs or monument signs (excluding pole and pylon signs) are only permitted within the Subareas C, D, E, I, J and K. Ground signs within these subareas are limited to 30 square feet in size, and shall be located as to prevent interference with pedestrian and vehicular traffic. The design and location of such signs shall be subject to the approval of the Planning and Community Development director and/or Building Department director via a sign location and design plan to ensure that the sign does not interfere with pedestrian traffic, parking or does not create excessive signage in one area.
- o. Sidewalk Design and Utilization.* All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. A minimum 17-foot

sidewalk is to be provided along Orange Avenue. Fairbanks Avenue and Orlando Avenue shall provide sidewalks at least ten feet wide with a minimum 5-foot landscape buffer along the back of curb, between the roadway and sidewalk. All other sidewalks in the OAO shall be at least 10-feet in width with a minimum 5-foot landscape buffer. If sufficient right-of way is not available, the building may need to be set back to accommodate these wider sidewalks and the additional space required to create the required sidewalks as defined herein shall be dedicated to public access through easement. Sidewalks shall be constructed in accordance with the standards for sidewalks set forth in City of Winter Park Engineering Standards and Landscape standards and constructed at the sole cost of the developer. Restaurants and cafes with seating within the public right-of-way shall be subject to the regulations contained in Chapter 90, Article VI - Sidewalk Cafes, of the Winter Park code of Ordinances.

- p. Display of Merchandise Outside of Commercial Buildings.* Only properties within the OAO with frontages along Orange Avenue are allowed one display of merchandise to be located outside of a commercial business exclusive of beautification elements such as plants (that are not for sale). This display must be placed within two feet of the front wall or window of the building. This display must not block or impede pedestrian traffic or be placed on the public sidewalk and at least six feet of clear sidewalk width must remain for pedestrian traffic. This display must be no more than six feet in height and no more than two feet in width. The display must be safely secured and removed under windy conditions. The display must be removed when the business is not open. An outside display is not permitted if the business chooses to place an outdoor portable sign.
- q. Contribution to Transportation and Mobility Infrastructure.* Development and redevelopment within the OAO requiring a conditional use approval shall contribute to the cost of transportation and mobility improvements prior to permitting based upon the estimated cost to fund the design, engineering, permitting, and construction of those transportation and mobility projects within or proximate to the OAO that are impacted by such development or redevelopment. The owner and developer of a project shall enter into an agreement with the City, as part of conditional use approval addressing the project's contribution to transportation infrastructure. In the event the City establishes a mobility fee, road impact fee, special assessment or other funding mechanism a project's payment of such required fee may satisfy requirements of this policy.
- r. Stormwater Management:* To increase efficiency of land use, at the discretion of the Director of Planning and Transportation or the Director of Public Works, stormwater management systems serving multiple building developments may be considered provided such systems are made available before certificate of occupancy and

recorded with a legal instrument acceptable to the City with review and advice from the City Attorney.

- s. *Orange Avenue Overlay District Subareas and Standards for Development.* The subarea map depicted below delineates the different subareas of the OAO and the specific standards, requirements and opportunities for each subarea. Each subarea has unique characteristics, issues and opportunities.



After the adoption of the OAO, no changes to the subarea map shall be allowed. Variances to height, number of stories, FAR, permitted/prohibited uses, required open space or maximum residential density shall not be granted for any property or development within the Orange Avenue Overlay District. Variances to other development standards shall be considered, with sufficient

showing of reasoning and hardship, as outlined in Section 58-90 and 58-92.

The standards detailed in the OAO are the maximum density and intensity parameters potentially permitted in each respective subarea. These maximum standards are not an entitlement and are not achievable in all situations. Many factors may limit the achievable FAR including limitations imposed by the maximum height, physical limitations imposed by property dimensions and natural features as well as compliance with applicable code requirements such as, but not limited to parking, setbacks, lot coverage and design standards.

Parcels to be developed or redeveloped within Subareas D, I & J shall contain at least 25% of the Cumulative Gross Floor Area as Mixed-Use, ensuring that no single-use developments occur that may not create the vibrant mixed-use district that is desired. Mixed-use can be vertical or horizontal.

Residential units are limited on the first floor along Orange Avenue for all Subareas. Limited residential use of the first or ground floor of such buildings may be permitted when limited to the functions of entrance lobby/elevator/stair access, leasing or management office or residential amenity spaces such as health/fitness, meeting/activity room or storage. However, in no case shall more than 15 percent of the first or ground floor be devoted to (not counting the area of parking garages) these ancillary residential uses.

(1) *Subarea A.* In order to allow for the remodeling and renovation of the buildings within this subarea and to enhance the OAO, these properties shall not be required to comply with those Land Development Code standards listed below, as long as additional square footage is not added to the buildings. If additional square footage is added, as to parking requirements, the properties shall be required only to provide the required parking for the new net square footage of the property. Any additional impervious surface created shall meet all City of Winter Park stormwater requirements for the new impervious area. All remodels, renovations or reconstructions that are allowed to remain as legally non-conforming under other Land Development Code requirements, shall still be required to meet applicable building and life safety codes as determined by the City Building Official and Fire Official. If the use of the building is changed (i.e. office conversion to café), parking shall be provided as required by Code.

(a) *Exemptions.* The following Land Development Code Requirements shall not be required to be met for renovation or remodel of existing structures that will maintain the existing use, gross square footage, number of stories and conditions of the property:

1. Floor Area Ratio (to the extent existing structure already exceeds FAR)
  2. Minimum Parking Requirements
  3. Stormwater Retention (but a minimum of 10 cubic feet of stormwater treatment and storage shall be created)
  4. Impervious Surface Percentage
  5. Setbacks
  6. Landscaping
  7. Height (no increase in stories)
- (b) *Reconstruction of Buildings.* Given the age of buildings within Subarea A, the properties within this subarea shall be allowed to reconstruct the same building footprint (and square footage) when the building on the site is completely demolished, regardless of non-conforming status, on the site without being required to meet all development standards. Reconstruction of buildings shall be required to provide stormwater retention and the sidewalk widths as described herein. All building and life safety codes shall be met with all reconstruction.
- (c) *Subarea A Development Standards:*
1. Base Floor Area Ratio (FAR): 45%
  2. Maximum Achievable FAR with Residential: 60%
  3. Maximum Height: 2 Stories for any properties abutting Orange Avenue and Minnesota Avenue, and 3 stories for all other properties within the subarea.
  4. Maximum Impervious Coverage: 85%
  5. Setbacks: Maximum front setback is 0 feet, but must allow for at least a 17-foot wide sidewalk along Orange Avenue. Fairbanks Avenue and Orlando Avenue and other streets in the OAO shall each be designed to provide for a 10-foot wide sidewalk with a minimum 5-foot landscape buffer on the back of curb. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer or street tree canopy clearance, the area shall be dedicated as a public access easement. Side setback is a minimum of 0 feet, and rear setback is a minimum of 10 feet.
  6. Maximum Residential Density: 17 units per acre
  7. Historic Preservation: It is a purpose of the OAO to protect and promote historic resources within the OAO. Towards that end the CRA in conjunction with the City, shall provide financial and administrative assistance to historic assets to submit applications for designation on the local and National Register of Historic Places. Additionally, discounts on license and permit fees shall be offered to incentivize registration on the local register of Historic Places. Applications for façade grants from historic assets shall be given prioritization.

(2) Subarea B.

(a) *Subarea B Development Standards:*

1. Base Floor Area Ratio: 45%
2. Maximum Achievable FAR with Residential: 60%
3. Maximum Height: 2 stories when property line is shared with residential use or zoning. Structures on parcels not having a common boundary with residential may increase to 3 stories if the 3<sup>rd</sup> floor is set back an additional 10 feet from front and rear setback lines. 3<sup>rd</sup> floors shall only allow residential uses.
4. Maximum Impervious Coverage: 85%
5. Setbacks:
  - a. Front/Street: 25 feet within 100 feet of the Fairbanks and Denning intersection, otherwise front setback is 20 feet. Front setbacks must allow for at least a 10-footwide sidewalk and 5-foot landscape buffer area on the back of curb along Fairbanks Avenue. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
  - b. Side: 0
  - c. Rear: 35 ft
  - d. Third stories shall require an additional 10-foot setback from the front and rear setbacks.
6. Maximum Residential Density: 17 units per acre

- (b) *Additional Development Regulations.* For properties within this Subarea B with an underlying zoning of single-family residential, these properties shall only be used for single-family residential use, open space, or transportation improvements.

(3) Subarea C.

(a) *Subarea C Development Standards:*

1. Base Floor Area Ratio: 20%
2. Bonus FAR exclusively for Structured Parking: 65%
3. Maximum Achievable FAR with Parking Structure: 85%
4. Total FAR must be divided between multiple buildings
5. Maximum Height: 2 Stories or 35 feet (including any awnings or shade structures) for Commercial Structures and Parking garage shall be allowed up to 4-levels including the rooftop deck.
6. Maximum Impervious Coverage: 75%
7. Setbacks: 0 front setback along Orange Avenue, Denning Drive, or Palmetto Avenue, except front setbacks on Orange must allow for at least a 17-foot wide sidewalk and setbacks on Denning and Palmetto

must allow for a 10-foot wide sidewalk and 5-foot landscape buffer on back of curb. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. The bike trail may substitute for applicable sidewalk requirements at the discretion of the Director of Planning. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.

8. Maximum Residential Density: 0 units per acre

- (b) *Intersection and Open Space Viewshed.* Due to the unique shape of Subarea C and proximity to a unique intersection, this additional requirement creating a viewshed shall apply. The viewshed area is banded by the lines described as follows: Start where the property lines of Subarea C meet at the intersection of Denning Drive and Orange Avenue; then travel 150 feet southwest along Orange Avenue's southeast right of way line; thence easterly to the point on the west boundary of South Denning Drive that is 150 feet south of the starting point; then north along the west boundary of South Denning Drive to the starting point ("viewshed"). This viewshed shall be an open space area not available for the construction of structures or storage or placement of equipment, material or items otherwise allowed in the OAO.
- (c) *Palmetto Re-Alignment.* Palmetto Avenue may be relocated to allow for different development scenarios on the site. Protection of on-street parking, maximizing ease of traffic flow for Palmetto Avenue and maintaining the existing 50-foot public right of way shall be matters of priority concern should the roadway be realigned.
- (d) *Additional Development Requirements.*
  - (1) A monument sign at least 3 feet in height and 5 feet in width, set in a landscaped bed, shall be required to be provided at the intersection of Denning Drive, Minnesota Drive and Orange Avenue, which directs the public to Mead Botanical Garden. The City shall approve the design and location of the sign.
  - (2) Include 1.5 acres of contiguous park space plus bicycle/pedestrian trail.
  - (3) No residential use.
  - (4) City to retain ownership of this parcel in perpetuity.
  - (5) Stormwater requirements to exceed code.
  - (6) Contribute to parking needs of small businesses in the area.

- (7) Walkways that are at least 5 feet wide (paved or bricked) must exist between buildings onsite and extend from the park area to Cypress Ave.

(4) Subarea D.

(a) Subarea D Development Standards:

1. Base Floor Area Ratio (FAR): 60%
2. Maximum Achievable FAR with Enhancements: 100%
3. Maximum Height: 5 Stories or 56 feet
4. Maximum Impervious Coverage: 75%
5. Setbacks:
  - a. Street: Minimum 50 feet along Orlando Avenue. Setbacks must allow for at least a 10-foot wide sidewalk and 5-foot landscape buffer area on the back of curb along Orlando Avenue and Palmetto Avenue. 0 feet along Orange Avenue except front setbacks must allow for at least a 17-foot wide sidewalk. The bike trail may substitute for applicable sidewalk requirements on one side of realigned Palmetto, at the discretion of the Director of Planning. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
6. Rear: 35 feet
7. Maximum Residential Density: 17 units per acre

(a) Residential Uses shall only be allowed above the ground floor fronting Orange Avenue. On a case by case basis the City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of inclusionary affordable/workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.

(b) *Required Development Enhancements.* In order to be eligible for any Development Enhancement Bonuses, any future development of the property within Subarea D shall include structured parking and the following item(s) from the Development Enhancement Menu: CT.1.

(c) *Road Realignment.* Realignment of the Harmon Avenue or Vivian Avenue right-of-way may be considered, subject to City Commission approval and shall require dedication of equivalent Right-Of-Way for the re-alignment of Palmetto Ave. Harmon Avenue currently serves as access to businesses on Palmetto Avenue. Replacement of on-street

parking and maximizing ease of traffic flow for Palmetto Avenue shall be matters of priority concern should the City Commission approve closing or vacation of Harmon Ave or Vivian Avenue. No on-street parking permitted along a curved roadway segment where the curve exceeds 60 degrees.

(5) *Subarea E.*

(a) *Subarea E Development Standards:*

1. Base Floor Area Ratio: 45%
2. Maximum Achievable Floor Area Ratio with structured parking: 60%.
3. Maximum Height: Maximum 2 Stories
4. Maximum Impervious Coverage: 85%
5. Setbacks:
  - a. 0 front setback along Orange Avenue, except front setbacks must allow for at least a 17-foot wide sidewalk and 5-foot landscape buffer at back of curb. All other street frontages must allow for a 10-foot sidewalk and 5-foot landscape buffer at back of curb. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
  - b. Side: 5 feet
  - c. Rear: 20 feet. If abutting residential, shall be a minimum of 35 feet or equal to building height, whichever is greater.
6. Maximum Residential Density: 17 units per acre

(6) *Subarea F.*

(a) *Subarea F Development Standards:*

1. Base Floor Area Ratio: 20%
2. Maximum Achievable Floor Area Ratio: 20%
3. Maximum Height: 2 Stories
4. Maximum Impervious Coverage: 50%
5. Setbacks: 20 feet. Orange Avenue setbacks must allow for at least a 17-foot wide sidewalk and 5-foot landscape buffer area on the back of curb. Setbacks on Capen Avenue, Aragon Avenue and Denning Drive must allow for at least a 10-foot wide sidewalk and 5-foot landscape buffer area on the back of curb. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. Where the building requires an additional setback to achieve the required sidewalk, landscape

buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.

6. Maximum Residential Density: No Residential Uses Allowed

- (b) *Additional Subarea Requirements:* This area shall not be used for any other future purpose than public space, recreation, open sports/recreation facilities, including ancillary structures, or the parking needed to support these uses. No offices, classrooms, residences or other college uses shall be allowed on the property.

(7) Subarea G.

*Subarea G Development Standards:*

1. Base Floor Area Ratio: 45%
2. Maximum Achievable Floor Area Ratio: 45%
3. Maximum Height: 2 Stories at max of 35 ft
4. Maximum Impervious Coverage: 85%
5. Setbacks: Front setback shall be 25 feet. Setbacks must allow for at least a 10-foot wide sidewalk and 5-foot landscape buffer area along Fairbanks Avenue. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement. Side setback is a minimum of 5 feet, and rear setback is a minimum of 10 feet.
6. Maximum Residential Density: 17 Units/Acre

*Additional Development Requirements.* This Subarea G represents an opportunity to expand Martin Luther King Jr., Park to create an increased greenway connection to Mead Botanical Garden, for cleanup of environmental hazards threatening water quality, educational opportunities regarding karst formation (sinkholes) and to improve traffic flow. It is the intent of the City of Winter Park to acquire these properties for the extension of Martin Luther King, Jr. Park and to provide for transportation improvements.

(8) Subarea H.

(a) *Subarea H Development Standards:*

1. Base Floor Area Ratio: 0%
2. Maximum Achievable Floor Area Ratio: 0%
3. Maximum Height: N/A
4. Maximum Impervious Coverage: N/A
5. Setbacks: N/A
6. Maximum Residential Density: N/A

(9) Subarea I.

- (a) *Subarea I Development Standards:*
1. Base Floor Area Ratio (FAR): 45%
  2. Maximum FAR with Residential: 60%
  3. Maximum Achievable FAR with Enhancements: 100%
  4. Maximum Height: 3 Stories
  5. Maximum Impervious Coverage: 75%
  6. Setbacks: Orange Avenue 0 front setback, except front setbacks must allow for at least a 17-foot wide sidewalk. On Denning Drive and Minnesota Avenue setbacks must allow for at least a 10-ft wide setback and a 5-ft planting strip back of curb. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
  2. Maximum Residential Density: 17 units per acre. Residential Uses shall only be allowed above the ground floor. On a case-by-case basis the City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of inclusionary affordable/workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.
- (b) *Required Development Enhancements.* In order to be eligible for any Development Enhancement Bonuses, any future development of the property within Subarea I shall include structured parking and the following item(s) from the Development Enhancement Menu: CT.7. The City of Winter Park shall determine the area required to be dedicated for intersection improvements.
- (c) *Intersection and Open Space Viewshed.* Due to the unique shape of the property and proximity to a unique intersection, this additional requirement creating a viewshed shall apply. The viewshed area is bounded by the lines described as follows: start where the property lines of Subarea I meet at the intersection of Denning Drive and Minnesota Avenue; then travel 50 feet east along Minnesota Avenue's southern right of way line; thence south westerly to the point on the east boundary of S. Denning Drive that is 30 feet south of the starting point; then north to the starting point ("viewshed"). This viewshed shall be an open space area not available for the construction of structures or storage or placement of equipment, material or items otherwise allowed in the OAO. This viewshed is in addition to other setback requirements for Subarea I.

(10) Subarea J.

(a) *Subarea J Development Standards:*

1. Base Floor Area Ratio: 60%
2. Maximum Achievable Floor Area Ratio with Enhancements: 100%
3. Maximum Height: 3 stories fronting on Fairbanks Avenue and Denning Drive. 4 Stories when setback 80 feet from Fairbanks Avenue and Denning Drive. 4 stories fronting on Holt and Capen Avenues.
4. Maximum Impervious Coverage: 75%
5. Setbacks: 35 feet from the back of sidewalk on Fairbanks Avenue. Setbacks must allow for at least a 10-foot wide sidewalk and 5-foot landscape buffer area at the back of curb along Fairbanks Avenue. On Holt Avenue, Denning Drive and Capen Avenue setbacks must allow for at least a 10-ft wide sidewalk and a 5-ft planting strip back of curb. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
6. Maximum Residential Density: 17 units per acre. Residential Uses shall only be allowed above the ground floor. On a case-by-case basis the City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of inclusionary affordable/workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.
7. Vehicle access to the property shall only be allowed from Capen Avenue or Holt Avenue. A service alley of at least 30 feet is required to extend from Holt to Capen.

- (b) *Required Development Enhancements:* In order to be eligible for any Development Enhancement Bonuses, any future development of the property within Subarea J shall include structured parking and the following item from the Development Enhancement Menu – *Land Donation for Transportation Improvements*. The City of Winter Park shall determine the area required to be dedicated for transportation improvements and the required land may be property under common ownership located offsite from Subarea J within the OAO boundaries.

- t. *Orange Avenue Overlay District Development Enhancements/Bonuses.* Enhanced development entitlements shall be considered for the OAO developments including structured parking, but shall be earned based upon a project meeting certain established criteria, rather than simply granted.

- (1) *Square-Foot-Based Development Enhancement Menu.* A square-foot-based upgrade system for properties with new developments or redevelopments that include parking dedicated to the public in perpetuity within the OAO is hereby established. For properties to obtain additional development entitlements, Floor Area Ratio (FAR) beyond what is provided in the relevant subarea or underlying zoning, the following provisions and Tables are established.
- (2) Property owners or developers providing parking dedicated to the public in perpetuity may use any combination of the Development Enhancement Menu to obtain up to the Maximum Achievable Floor Area Ratio. Certain subareas shall require certain Enhancements to be met. Each development enhancement utilized shall be required to be designed and shown on any development plans submitted for development of a property. Off-site improvements shall require plan submittal for the area where the improvements are proposed. Any enhancement or improvement shall be designed by a licensed professional (Architect, Civil Engineer, Landscape Architect, Structural Engineer, etc.) as determined by the Planning Director.
- (3) For physical improvements from the Development Enhancement Menu, the City may require a development agreement with terms acceptable to the City setting forth the ownership, operation, maintenance and replacement responsibilities for such Enhancement(s). Unless otherwise stated in the Development Enhancement Menu or a development agreement, the property owner/developer is obligated, at its expense, to operate, maintain, and replace with comparable product at the end of the enhancements' useful life based on industry standards and best practices any physical improvement enhancement made within or upon the development project for the life of the development project. For physical improvement(s) from the Development Enhancement Menu made to City-owned property or other public property, the City may require the property owner/developer, at its expense, to cause the operation, maintenance and replacement of such improvement(s) for up to twenty (20) years from completion in the manner set forth in a development agreement. For any amenities placed upon private property intended to be accessed and/or used by the public, the property owner/developer may be required to grant easements to the City permitting public access and use of such amenities without subjecting the City to any operation, maintenance and replacement responsibilities or liability arising from such public access or use.
- (3) The following OAO Development Enhancement Menu was created to address the wide-ranging issues affecting the Orange Avenue area, while meeting the goals of the Comprehensive Plan, the Vision Winter Park plan and the Winter Park Sustainability Plan. To ensure that the intent of the Development Enhancement Menu is met, any project that utilizes this menu shall be reviewed by the Planning Director in order to make a recommendation to the City

Commission as to whether and to what extent an increase in FAR is allowed.

- (4) Where the City requires Transportation, Affordable Housing or Parks Usage Fees, those fees are separate from enhancements proposed in the following Enhancement/Incentives Menu. Unless otherwise stated within this section, enhancements are not eligible to serve as credits against otherwise required fees.
- (5) The relationship between the Enhancements that will benefit the community and the Incentive that will benefit the developer is based on the following components:
  - a. The "Enhancement Cost" to be borne by the Developer
  - b. The "Incentive" to the Developer expressed as additional floor area allowed over and above the Baseline FAR
  - c. The Value of each additional square foot of floor area, the "FAR Value"
  - d. The "Multiplier" as established by Commission Policy

- (6) The calculation of the Incentive relative to the Enhancement is expressed as follows:

Incentive (in Square Feet) = Enhancement Cost (Dollars) times Multiplier (set by Policy) divided by FAR Value (Dollars per SF)

Example: For an Enhancement with a cost of \$10,000, FAR Value of \$70 per SF of FAR and a Multiplier of 2.0, the Incentive is calculated as follows:

Incentive (SF) = \$10,000 x 2.0 / (\$70/SF) = 400 Additional SF of FAR

Check: 400 Additional SF of FAR x \$70/SF = \$28,000 of Value to Developer (i.e. a \$18,000 profit on a \$10,000 cost; or 180% profit)

- (7) The "Enhancement Cost" shall be the installation cost plus the present value of the 20-year maintenance requirement, if applicable. Enhancement Cost shall be determined by staff as directed by the City Manager in their sole discretion. Staff (at the direction of city manager) may consider actual costs, estimated costs, comparable market values, consultant estimates or any other means or methods that staff may choose.
- (8) The value of each additional square foot allowed by increasing the FAR, "FAR Value," shall initially be [\$70] per SF. FAR Value shall be subject to approval by the Commission, upon recommendations from staff, but as a minimum shall increase 2.5% per year. Staff shall make recommendations to increase the FAR Value not less than every 10 years. Staff recommendations shall primarily consider recent sale comparisons expressed as the Sales Price

divided by the greater of the SF permissible under the Baseline FAR or the actual SF approved at the time of the sale closing.

- (9) The “Multiplier” is set as a policy matter by the Commission to provide a range of profit on cost or a risk premium over the cost of the Enhancement.

Examples of Multipliers and the Policy may include:

- a. “Threshold Enhancements” or “Permissible Enhancements” = [1.25 times] (e.g., 25% profit on cost or risk premium)
- b. “Encouraged Enhancements” = [1.5 times] (e.g., 50% profit on cost or risk premium)
- c. “Strongly Encouraged Enhancements” = [2.0 times] (e.g., 100% profit on cost or risk premium)

**Table 1: Orange Avenue Overlay District Development Enhancement Menu – Sustainability Category**

Category Number	Enhancement	Description & Potential Bonus	Multiplier	Maximum FAR Increase
<b>S.1</b>	<i>Renewable Energy/Solar PV Panel Systems</i>	The cost of installing the system earns an increase in square footage. Projects utilizing solar panels to cover the parking spaces on the open top level of a parking structure shall allow the area covered with solar panels and supporting structure be exempt from FAR. Electrical storage capacity system costs shall be eligible to increase square footage. Open top story areas that utilize solar panels to cover the roof area shall allow the roof area covered with solar panels and supporting structure to be exempt from FAR, so long as the sides remain open air (except to meet safety code requirements for railings or parapet walls), and the area is not air-conditioned.	1.5	10%

**Table 2: Orange Avenue Overlay District Development Enhancement Menu – Arts & Culture Category**

Category Number	Enhancement	Description & Potential Bonus	Multiplier	Maximum FAR Increase
<b>AC.1</b>	<i>Space for Non-Profit Arts &amp; Cultural Organizations</i>	For each 1,000 square feet of space that is built specifically and solely for non-profit arts and cultural facilities. The space provided for these non-profit users shall not count towards the FAR of the site. The space shall only be rented to Arts & Cultural organizations with non-profit 501.C.3 status, in perpetuity. Parking shall also be provided and shared parking is encouraged. The rents charged shall not exceed 80% of the median rents charged for similar properties in the area. The rents shall not increase more than 3% per year.	1.5	15%

**Table 3: Orange Avenue Overlay District Development Enhancement Menu – Parking Category**

Category Number	Enhancement	Description & Potential Bonus	Multiplier	Maximum FAR Increase
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<b>P.1</b>	<i>Public Parking</i>	Each 3 Dedicated Public Parking Spaces within a Parking Structure, Which Remain Free for Public Parking at All Times.	1.25	10%
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**Table 4: Orange Avenue Overlay District Development Enhancement Menu – Meaningful Open Space Category**

<b>Category Number</b>	<b>Enhancement</b>	<b>Description &amp; Potential Bonus</b>	<b>Multiplier</b>	<b>Maximum FAR Increase</b>
<b>OS.1</b>	<i>Open Space Beyond Minimums</i>	Additional dedicated open space available to the public beyond the required minimum.	1.5	20%
<b>OS.2</b>	<i>Shade Tree Planting</i>	Each 25-inches of Shade Tree Caliper Planted Onsite Beyond Minimum Requirements. Species Shall Be City Arborist Approved and Planted with Irrigation. A minimum 5" caliper tree shall be required.	1.5	10%
<b>OS.3</b>	<i>Tree Fund Donation</i>	Payment may be made into the City of Winter Park Tree Replacement Trust Fund, so that meaningful trees can be planted throughout the City to maintain and grow our tree canopy.	1.5	5%
<b>OS.4</b>	<i>Mead Garden Improvements</i>	Donation to City of Winter Park designated for Mead Botanical Garden Improvements/Restoration/Enhancements. The Funds Shall Only Be Used for Capital Improvements or Enhancements in Mead Botanical Garden with a maximum donation of \$100,000.	1.25	10%
<b>OS.5</b>	<i>Donation of Land for Parks</i>	For land donated to the City of Winter Park for park space located adjacent to existing public parkland (which is accepted by the City Commission as meaningful and useful park land). Donated park land cost shall equal FAR value.	2.0	20%
<b>OS.6</b>	<i>Martin Luther King, Jr. Park Expansion</i>	Donation to the City of Winter Park, Park Acquisition Fund. Funds Shall Only Be Used for the Acquisition of Additional Park Land. The Funds Shall Only Be Used For the Acquisition of the Area Identified as Subarea "G" herein, to expand Martin Luther King, Jr. Park. Maximum donation of \$100,000.	2.0	10%
<b>OS.7</b>	<i>Social Connection Amenities</i>	Stage areas for music/art performance	1.25	2%
		Dedicated Standalone Public Restrooms (not a part of a business onsite)		2%

**Table 5: Orange Avenue Overlay District Development Enhancement Menu – Connectivity & Transportation Category**

Category Number	Enhancement	Description & Potential Bonus	Multiplier	Maximum FAR Increase
CT.1	<i>Rail-Trail Construction &amp; Easement</i>	Provide Dedicated Utility & Public Access Easement of a Minimum of 20 feet and Construction of Rail-Trail with a 12-foot Trail Width, to match regional trail widths and 4-foot planting strip along each side within said 20 foot easement, with decorative light pole (as selected by City of Winter Park to match other areas of town) & shade or understory tree of minimum 5" caliper (as selected by Urban Forestry) with irrigation for every 50 feet of railroad frontage. The trail and easement shall connect from the property line where the rail enters, to the property line where the rail exits. The trail shall be designed to align with existing or future trail locations and the design of the trail shall be determined on the site plan when a project is submitted for consideration. Enhancement costs shall not include land costs.	1.25	20%
CT.2	<i>Off-Site Trails</i>	Donation to the Construction of Bike/Pedestrian Trails. Due to the unique circumstances and properties in each area, every section of future trail will have challenges and opportunities. Because no two areas are the same, it is preferable to have developers pay into a trails fund, with design and installation provided by the City. Maximum donation of \$100,000.	1.5	10%
CT.3	<i>Bicycle/Pedestrian Repair Facilities &amp; Rest Areas</i>	Provide bicycle/pedestrian amenities that are available to the community near any Bike Trail facility. One of each of these facilities shall be allowed to locate in one or more of the following locations: Rail Trail area as defined in this chapter, along the new Bike Path connecting to Mead Botanical Garden, or along the Denning Drive bicycle facilities. Each location shall require the following elements under a covered roof or shade area: Bicycle Fix-It Stations with bike lift, air pump and tools; water fountain and water bottle filling; bike rack; trash and recycling receptacles; and a bench. Maximum cost of \$25,000.	1.5	6%
CT.4	<i>Land Donation for Transportation Improvements</i>	Land dedicated to the City of Winter Park as right-of-way for needed transportation improvements. Right-of-way land cost shall equal 25% of FAR value.	1.5	25%

u. *Definitions.*

- (a) *Affordable Housing:* Affordable housing means a dwelling unit, with regard to a unit for sale, which costs less than 80 percent of the median price of the single-family homes sold the previous year in the Orlando metropolitan area; and with regard to a unit for rent, one which rents monthly for less than 80 percent of the median monthly cost of similar sized units for the previous year in the Orlando metropolitan area and for which the purchaser's or renter's income or combined family income does not exceed 80 percent of the median family income for the Orlando metropolitan area.
- (b) *Boutique Hotel:* A boutique hotel has minimal food and beverage operations, no banquet facilities and has 100 rooms or less. It is largely characterized by its smaller size, personalized service and local personality, which can vary dramatically depending on where the property is located. They cater to the individual, providing very personalized, intimate service. These properties are designed to blend into the community and reflect the neighborhoods and cultures around them.
- (c) *Building Story:* Building story means a section of a building between the surface of a floor and the floorplate of the floor above it.
- (d) *Common Ownership or Commonly Owned:* Properties shall be deemed to be under "common ownership" or "commonly owned" if the properties are owned by the same entity or affiliated entities with substantially similar control and management.
- (e) *EIFS:* Exterior Insulation and Finish System. A non-load bearing exterior wall cladding system consisting of a thermal insulation board, adhesively and/ or mechanically attached to the substrate, base coat with reinforced fiberglass mesh and a textured finish coat.
- (f) *Fast Casual Restaurant:* Fast casual restaurants offer consumers freshly-prepared, higher-quality food in an informal setting, with counter service to keep things speedy.
- (g) *Floor Area Ratio (FAR):* The gross floor area divided by the land area of the building site excluding land areas across a public street under the same ownership. The gross floor area ratio is the square footage of the building or buildings on the property (and

contiguous properties being used in connection with such building(s)) divided by the area of such property in square feet. This mathematical expression (gross floor area ÷ land area = floor area ratio) shall determine the maximum building size permitted. The floor area of parking structures is included in the calculation of the Floor Area Ratio with the exception of underground parking, open-air top-level parking and the 10% parking in excess of code required in accordance with Section 58:83 j(7)(c).

- (h) *Food Hall*: Unlike food courts made up of fast food chains, food halls typically mix local artisan restaurants, butcher shops and other food-oriented boutiques under one roof.
- (i) *Green Roof*: A green roof or living roof is a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. Green roofs serve several purposes for a building, such as absorbing rainwater, providing insulation, creating a habitat for wildlife, increasing benevolence and decreasing stress of the people around the roof by providing a more aesthetically pleasing landscape, and helping to lower urban air temperatures and mitigate the heat island effect.
- (j) *Green Wall/Living Wall*: Living walls or green walls are self-sufficient vertical gardens that are attached to the exterior or interior of a building. They differ from green façades (e.g. ivy walls) in that the plants root in a structural support which is fastened to the wall itself. The plants receive water and nutrients from within the vertical support instead of from the ground.
- (k) *Impervious Area*: Impervious Areas are man-made areas that cannot absorb water from rain or snow. Impervious Area Examples: Roofs; Roads; Sidewalks; Driveways; Parking Lots.
- (l) *Meaningful Open Space*: Privately -owned property that is not a part of the inside of a building. These areas are intended to provide for the use and benefit of the general public, and are legally accessible by the general public. These areas are accessible and designed for outdoor living, gathering, landscaping, recreation, pedestrian activity, meaningful, useable, accessible, green and beautiful open space that invites the public to relax, interact, recreate, unwind and stimulate social connection. Open space shall not be retention ponds, parking lot islands or landscape planting areas around building bases. Meaningful opens spaces are areas that are open and inviting to the public. Open space can include green areas, hardscape areas, semi-pervious areas, balcony or roof areas that are open to the public and other similar-type spaces. The intent is that each of

these areas create the opportunity for social interaction, relaxation, recreation and reflection.

- (m) *Mixed-Use*: Mixed-use development combines two or more types of land use into a building or set of buildings that are physically and functionally integrated and mutually supporting. This can be some combination of residential, commercial, industrial, office, institutional, or other land uses. The form of mixed-use development can be vertical or horizontal. Vertical mixed-use occurs when different uses inhabit the same building and sit atop one another, such as residential or office uses over ground floor retail. Horizontal mixed-use occurs when uses are placed next to each other, such as an apartment building that is adjacent to offices, restaurants, or retail shops. Mixed-use areas often create the main street/downtown, activity center, or commercial corridor of a local community, district, or neighborhood. They frequently involve stacking uses – residential or office above retail, for example, in low or midrise buildings, but are predominately made up of a variety of individual buildings arranged around streets and around public squares or other open spaces.
- (n) *Multi-Generational Play Area*: Instead of focusing exclusively on children, these playgrounds broaden their scope to include equipment, activities and amenities for those older than age 12— and perhaps significantly older—so that anyone who visits the playground, regardless of age or ability, can find something there they enjoy.
- (o) *Multi-Modal Transportation*: This concept is that all modes of transportation should have equality and there shouldn't be the typical hierarchy where private automobiles have more opportunities at the cost of pedestrians, cyclists, public transportation users and handicapped persons.
- (p) *Overlay District*: An area where certain additional requirements are mapped upon an underlying zoning district(s). The district modifies or supplements the underlying zoning regulations and allows for flexibility in design and the ability to apply more area specific requirements including, but not limited to, architecture, height, setbacks, use, open space, landscaping, historic preservation, floor area ratio, parking, public improvements, access, stormwater, etc. In the instance of conflicting requirements, the stricter shall apply.
- (q) *Percentage-Based Development Enhancement*: In exchange for the ability to obtain additional development entitlements above those currently allowed by the underlying zoning. Subject to approval by the City Commission, certain public improvements and area-wide solutions will be required by those who develop or redevelop properties and the requirements for Development

Enhancement Bonuses must be met. Subject to approval by the City Commission, property owners or developers may propose use of any combination of the Development Enhancement Menu to earn their way up to the Maximum Achievable Floor Area Ratio.

- (r) *Pervious Area:* A pervious surface is a surface that allows the percolation of water into the underlying soil. Pervious surfaces include grass, mulched groundcover, planted areas, vegetated roofs, permeable paving as well as porches and decks erected on pier foundations that maintain the covered lot surface's water permeability.
- (s) *Placemaking:* As both an overarching idea and a hands-on approach for improving a neighborhood, city, or region, placemaking inspires people to collectively reimagine and reinvent public spaces as the heart of every community. Strengthening the connection between people and the places they share, placemaking refers to a collaborative process by which we can shape our public and private realm in order to maximize shared value. More than just promoting better urban design, placemaking facilitates creative patterns of use, paying particular attention to the physical, cultural, and social identities that define a place and support its ongoing evolution. With community-based participation at its center, an effective placemaking process capitalizes on a local community's assets, inspiration, and potential, and it results in the creation of quality public spaces that contribute to people's health, happiness, and well-being.
- (t) *Public Improvements:* Any drainage facility, roadway, parkway, pedestrian way, off-street parking area, lot improvements, sidewalk, bike lane, park, public facility, pedestrian crossing, boulevard or other facility which benefits the public.
- (u) *Residential Density:* Measured in dwelling units per gross acre. Maximum densities determine the number of apartment, townhome, condominium or other multifamily units allowed.
- (v) *Walkability:* A measure of how well streets are designed to incorporate pedestrian scale elements and to create equal access for pedestrians. A walkable area has health, environmental, and economic benefits. It keeps pedestrians interested, safe and engaged with the built environment around them. With community-based participation at its center, an effective placemaking process capitalizes on a local community's assets, inspiration, and potential, and it results in the creation of quality public spaces that contribute to people's health, happiness, and well-being.
- (w) *Workforce Housing:* A dwelling unit, with regard to a unit for sale, which costs less than 120 percent of the median price of the

single-family homes sold the previous year in the Orange County metropolitan area; and with regard to a unit for rent, one which rents monthly for less than 120 percent of the median monthly cost of similar sized units for the previous year in the Orange County metropolitan area, and for which the purchaser's or renter's income or combined family income does not exceed 120 percent of the median family income for the Orange County metropolitan area.

v. Vested Rights.

(1) In order to not adversely affect development projects that are actively in the process of being developed for which expenditures have been made in reliance upon the previously existing land development regulations prior to the effective date of this Section as evidenced by such development project's site and building floor plans and/or conditional use having been received and approved by the City prior to the effective date of this Section, the City will allow such development projects to proceed subject to compliance with the underlying zoning and future land use of the property existing prior to the adoption of this Section, other applicable land development regulations and conditions of approval without the need to comply with the development standards of this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies for which this Section implements. Provided however, a conditional use approval or other development order that has been approved by the City which subsequently expires, whether prior to or after adoption of this Section, does not create a vested right to develop a property without compliance with this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies which this Section implements. The City Commission will not approve any Conditional Use extensions of those development projects within the OAO that have been approved prior to the effective date of this Ordinance.

(2) If a property owner believes that this Section and/or the Comprehensive Plan Future Land Use Element Goal 1-8 (and its corresponding Objectives and Policies which this Section implements) creates an inordinate burden on an existing use of real property or a vested right to a specific use of real property, the property owner may apply for a vested rights determination by the City Commission to allow development of such real property within the OAO subject to the underlying zoning and future land use of the property existing prior to the adoption of this Section and compliance with other applicable land development regulations. The Director of Planning and Transportation is authorized to develop a vested rights determination application, the minimum submittal requirements for such application and a reasonable fee associated with the review and processing of such application. The property owner requesting a vested rights development under this subsection has the burden of proof to show that the property owner has a vested right to develop its real property without being subject to the provisions of this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies which this Section implements. The City Commission will conduct a quasi-judicial public hearing on the vested rights determination

request to consider whether to approve or disapprove the property owner's request for a vested rights determination. If the City Commission approves the vested rights determination, the applicable real property will be able to develop subject to compliance with the underlying zoning and future land use of the property existing prior to the adoption of this Section and other applicable land development regulations without compliance with or benefitting (including benefitting from any increased densities or intensities allowed by the OAO) from the development standards of this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies which this Section implements. An approval of a vested rights determination may be subject to a requirement that the property owner and city execute an agreement, with terms acceptable to the city, specifying the uses, densities and intensities allowed and other applicable restrictions upon the development of the real property at issue.

(3) Upon the City's receipt of a written claim of an inordinate burden on an existing use of real property or a vested right to a specific use of real property caused by the provisions of this Section and/or the Comprehensive Plan Future Land Use Element Goal 1-8 (and its corresponding Objectives and Policies which this Section implements), the City Commission shall have the authority, but not the obligation, to authorize the applicable property to develop subject to compliance with the underlying zoning and future land use of the property existing prior to the adoption of this Section and other applicable land development regulations without compliance with or benefitting (including benefitting from any increased densities or intensities allowed by the OAO) from the development standards of this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies which this Section implements. This provision shall not be construed as a limitation on the City's authority to make, accept and implement settlement offers and settlement agreements pursuant to applicable law.

**SECTION 2. Repeal.** Ordinance 3166-20 and Ordinance 3167-20 were rescinded and repealed prior to such ordinances effective dates and were never a part of or incorporated into the Comprehensive Plan or land development regulations. Therefore, in no event shall any development project have any vesting status pursuant to the provisions of Ordinance 3166-20 or Ordinance 3167-20. This Ordinance further confirms and readopts the repeal of Ordinance 3167-20.

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

**SECTION 4. Conflicts.** To the extent any provision or provisions of this Ordinance conflict with the provision or provisions of other Ordinances, the provisions of this Ordinance control.

**SECTION 5. Codification.** Section 1 of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections and subsections of this Ordinance may be renumbered or relettered 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 upon the comprehensive plan amendments establishing the Orange Avenue Overlay District goals, objectives and policies as provided for under Ordinance \_\_\_\_\_ become effective. If Ordinance \_\_\_\_\_ does not become effective, then this Ordinance is not effective and shall not become part of the City's land development regulations.

**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 \_\_\_\_\_, 2021.

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Mayor Phil Anderson

Attest:

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City Clerk