



# **CITY COMMISSION**

## REGULAR MEETING

## REVISED AGENDA

**MONDAY, MAY 13, 2019 AT 6:30 PM**

CITY HALL - COMMISSION CHAMBERS  
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

## CALL TO ORDER

Roll Call  
Invocation  
Pledge of Allegiance  
Agenda Changes

## AWARDS AND PRESENTATIONS

100. Presentation of Resolution 2019-08 to Kevin Smith
101. Presentation of Resolution 2019-09 to Kevin Brunelle
102. Recognition of the Winter Springs High School Softball Team, their Coach, Mark Huaman, and their undefeated regular season (24-0)
103. Presentation from the Daughters of the American Revolution to the City and Tuscawilla Homeowners Association

## INFORMATIONAL AGENDA

200. Current Development Projects Update

Attachments: [Project Map](#)

201. Traffic Safety Management Devices

Attachments: [Traffic Safety Devices Flyer](#)

## PUBLIC INPUT

*Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.*

## CONSENT AGENDA

300. Resolution 2019-10 in recognition of former Officer James Flannigan's service to the City of Winter Springs

Attachments: [Resolution 2019-10](#)

301. Surplus Assets

Attachments: [Surplus Asset Final List](#)



[302.](#) Tuskawilla Crossings Phase 2 Plat

Attachments: [Exhibit A – Plat](#)

[303.](#) Tuskawilla Crossings Phase 2 Final Site Acceptance

Attachments: [Exhibit A - Punch List](#)

[304.](#) Ocean Bleu Plat

Attachments: [Exhibit A – Plat](#)

[305.](#) Minutes from the Monday, April 15, 2019 City Commission Workshop

Attachments: [Minutes](#)

[306.](#) Minutes from the Monday, April 22, 2019 City Commission Regular Meeting

Attachments: [Minutes](#)

## **PUBLIC HEARINGS AGENDA**

[400.](#) Second Reading of Ordinance 2019-07 regarding prohibited noise disturbances in residential areas

Attachments: [Ordinance 2019-07](#)  
[Legal Advertisement](#)

[401.](#) Second Reading of Ordinance 2019-08 regarding the regulation of construction site management

Attachments: [Ordinance 2019-08](#)  
[Legal Advertisement](#)

[402.](#) First Reading of Ordinance 2019-09 regarding the Application, Notice, and Review Criteria Procedures for Special Zoning Permits

Attachments: [Ordinance 2019-09](#)  
[Exhibit A](#)

## **REGULAR AGENDA**

[500.](#) 2018 Comprehensive Annual Financial Report

Attachments: [2018 CAFR \[EXTERNAL LINK\]](#)  
[McDermitt Davis Letter to Commission](#)

## **REPORTS**

- 600. City Attorney Anthony A. Garganese, Esquire
- 601. Interim City Manager Shawn Boyle
- 602. City Clerk Andrea Lorenzo-Luaces, MMC
- 603. Seat Two Commissioner/Deputy Mayor Kevin Cannon
- 604. Seat Three Commissioner Ted Johnson
- 605. Seat Four Commissioner TiAnna Hale
- 606. Seat Five Commissioner Geoff Kendrick
- 607. Mayor Charles Lacey
- 608. Seat One Commissioner Jean Hovey

## **PUBLIC INPUT**

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## **ADJOURNMENT**

## **PUBLIC NOTICE**

This is a Public Meeting, and the public is invited to attend and this Agenda is subject to change. Please be advised that one (1) or more Members of any of the City's Advisory Boards and Committees may be in attendance at this Meeting, and may participate in discussions.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs at (407) 327-1800 "at least 48 hours prior to meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26 *Florida Statutes*.

"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or 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" - per Section 286.0105 *Florida Statutes*.



# INFORMATIONAL AGENDA ITEM 200

## CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

### TITLE

Current Development Projects Update

### SUMMARY

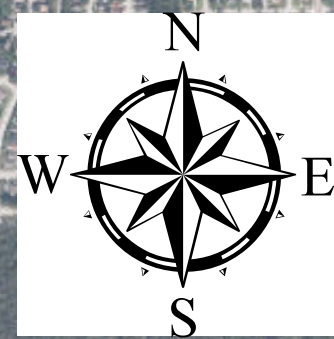
<b>PROPOSED DEVELOPMENT PROJECTS</b>			
<b>PROJECT NAME</b>	<b>LOCATION</b>	<b>LAST ACTION ITEM</b>	<b>CURRENT STATUS</b>
AITC Office Building	863 N US 17-92	N/A	Final Engineering & Aesthetic Plans are under Staff review.
Winter Springs Medical Office	E SR 434 – West of Hacienda Dr.	N/A	Final Engineering Plans are under Staff review. Aesthetic Plans are being prepared.
Beazer Homes Senior (55+) Condominium Project (The Gatherings at Winter Springs- 108 Units)	Town Center - West side of Tuskawilla, north of Blumberg	Special Exceptions approved by City Commission on 8/13/18.	Engineering & Aesthetic Plans to be prepared by the developer.
Dream Finders Townhomes (Winter Springs Townhomes) - 114 Units	Town Center - East side of Michael Blake Blvd.	Preliminary Engineering approved by City Commission on 1/8/18.	Final Engineering & Aesthetic Plans are under Staff review.
Winter Springs Town Center Retail Building	Town Center	N/A	Final Engineering & Aesthetic Plans are being prepared by the developer.
Iriye Suites Live-Work Community	Town Center	Special Exceptions & Development Agreement approved by City Commission on 1/28/19.	Final Engineering & Aesthetic Plans are being prepared by the developer.

<b>APPROVED DEVELOPMENT PROJECTS / UNDER CONSTRUCTION</b>			
<b>PROJECT NAME</b>	<b>LOCATION</b>	<b>LAST ACTION ITEM</b>	<b>CURRENT STATUS</b>
The Studios at Tusawilla	Vistawilla Drive	N/A	Final Engineering Plans are under Staff review.
Octopus Car Wash	510 W. SR434	Site work approved by City Commission on 4/22/2019.	Building is under construction.
Tuskawilla Crossings: 379 single-family homes	Town Center	Final Engineering, Development Agreement & Aesthetics approved by City Commission on 4/24/17. Plat approved 8/13/2018. Phase 1 Site work approved by City Commission on 11/19/18.	Site work under construction. Permits have been issued for Phase 1 units.
The Blake Apartments (Catalyst Apartments): 279 apartment units	Town Center	Plat approved 10/23/17. Development Agreement & Final Engineering were approved by City Commission on 1/9/17.	Buildings under construction.
Hawthorn ILF (Winter Springs Retirement Residence): 144 independent living suites	Town Center	Final Engineering, Aesthetic Review, & Development Agreement approved by City Commission on 1/22/18.	Developer to schedule preconstruction meeting prior to starting site work.
Northern Oaks: 35 single-family homes by Dream Finders Homes	North side of SR 434, East of SR 417	Final Engineering & Waivers approved by City Commission on 3/13/17. Preconstruction meeting held 10/17/17. Aesthetic Review approved by City Commission on 4/9/18. Plat is recorded.	Site work under construction.
Southern Oaks: 54 single-family homes	West of DeLeon St. & North of SR 434	Final Engineering, Aesthetic Review, & Development Agreement approved on 6/22/15. Plat is recorded. City Commission accepted site work on 8/14/17.	Site work complete. Homes under construction.

## **RECOMMENDATION**

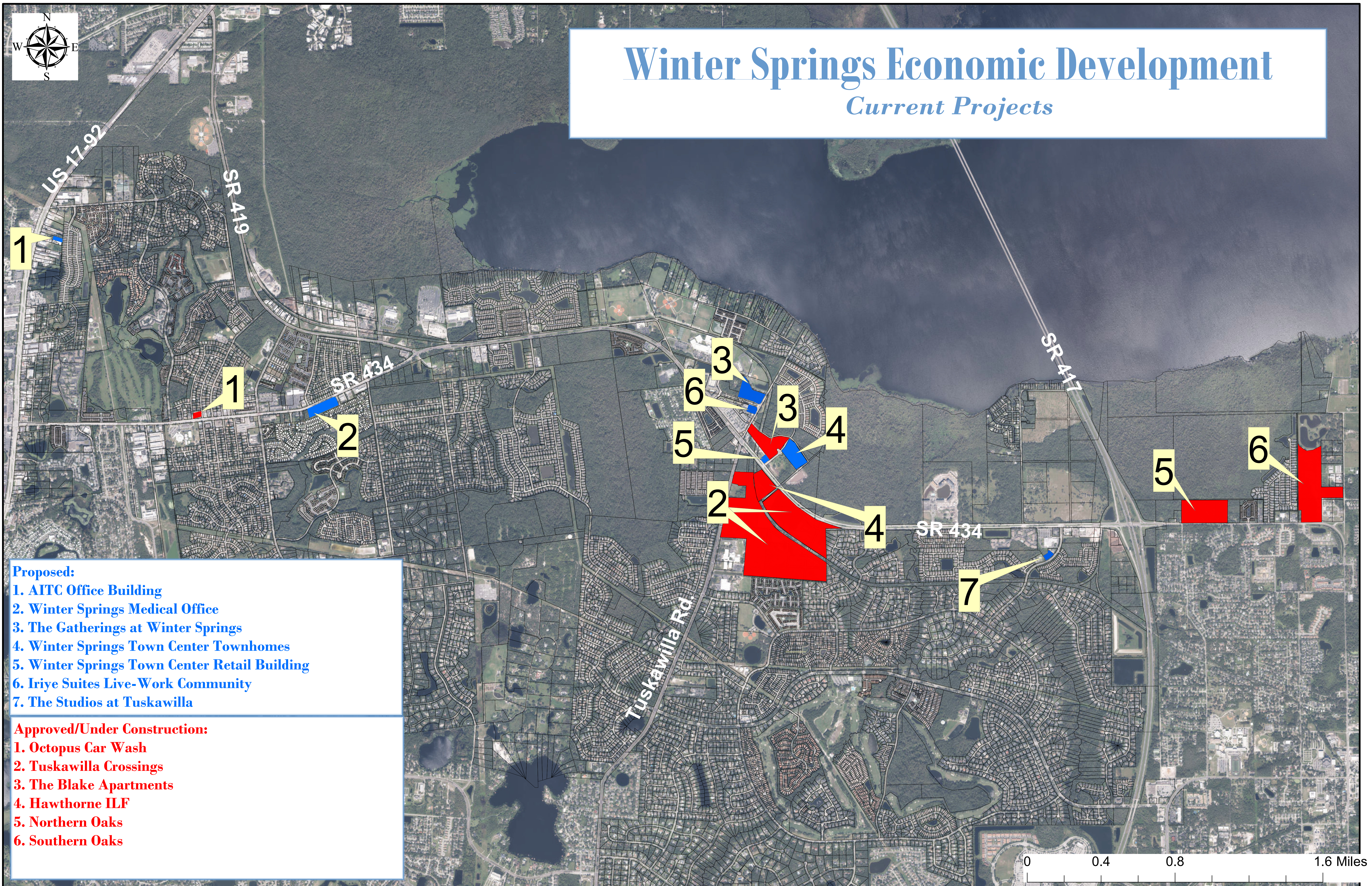
Staff recommends the City Commission receive and review the information provided.





# Winter Springs Economic Development

## Current Projects







# INFORMATIONAL AGENDA ITEM 201

## CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

### **TITLE**

Traffic Safety Management Devices

### **SUMMARY**

The Police Department wishes to inform the City Commission of the possibility of deploying LED warning devices at targeted locations throughout the City to help with stop sign and crosswalk visibility.

The Police Department is considering of augmentation of existing fixed traffic control signs with an LED style warning component to increase advance warning times and driver accountability. These devices are Manual on Uniform Traffic Control Devices (MUTCD) compliant and are beneficial to help increase safety while maximizing enforcement efforts.

Staff is exploring this option and will keep the City Commission informed as this progresses.

### **RECOMMENDATION**

Staff recommends the City Commission review the information and attached informational flyer provided.



**Traffic Safety Corporation**  
 2708 47th Ave.  
 Sacramento, CA 95822-3806  
 Toll Free: 888.446.9255  
 Tel: 916.394.9884  
 Fax: 916.394.2809  
 Email: sales@xwalk.com  
 Web: www.xwalk.com



**TS40**  
**Flashing LED Edge Lit Signs**  
**MUTCD Compliant**

### General Description

The TS40 conforms to the specifications of the Federal Highway Administration (FHWA) set forth in the Manual on Uniform Traffic Control Devices (MUTCD). Using the latest advances in LED technology, the TS40 employs a set of synchronized high-intensity LEDs to extend the range of visibility of the sign during the day or night. Furthermore, the LEDs are flashed, which increases driver awareness of the sign.

### Why Our Signs are Better

#### High Visibility

- Type IX reflective sheeting provides outstanding reflective brightness, day or night.
- High intensity LEDs extend the visibility of the sign under all weather conditions.

#### Superior Performance

- Low power LED technology reduces system power consumption and operating cost.

#### Outstanding Durability

- Highway grade .080 aluminum construction provides resistance to corrosion.
- The use of highway grade Type IX sheeting helps to maintain long term reflectivity.
- Stainless steel security fasteners and Tufnut mounting hardware included to keep the sign secure.
- Signs are weatherproof to prevent outside elements from entering the internal casing.

#### Features

- MUTCD section 2A.07 and 2A.08 compliant.
- High visibility, low power consumption.
- Fast, easy installation, low maintenance.
- Field adjustable LED flashing duration (30 seconds standard).
- Vandal-resistant mounting hardware included.
- Optional battery backup, not affected by local grid power outages, 12 day autonomy (flashing 24/7).



*Stop Sign (R1-1)*



*School Speed Limit (S5-1)*



*Double sided configuration*

 **SIGN LED FLASHING DURATION IS NOW ADJUSTABLE IN THE FIELD**


### Solar TS40

A solar powered TS40 is available that features off-grid power generation and independent flashing control.

#### Features

- Solar powered with battery backup, no AC power required.
- MUTCD section 2A.07 and 2A.08 compliant.
- Installs easily onto any new or existing sign post.
- High intensity LEDs flash in unison, once per second, commanding the attention of drivers day and night.
- Activation options: Continuous 24/7 Flashing, Programmable Timer, or Wireless Push-button.



 **OPTIONAL LED DIMMING AT NIGHT TO REDUCE GLARE FOR MOTORISTS**

**Visit our web site: [www.xwalk.com](http://www.xwalk.com)**



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*Stop  
(R1-1)*



*Stop and Pedestrian  
Combo*



*Yield  
(R1-2)*



*State Law (Yield to,  
Stop For) Pedestrians  
(R1-6, R1-6A)*



*Speed Limit  
(R2-1)*



*Do Not Enter  
(R5-1)*



*Wrong Way  
(R5-1A)*



*Do Not Stop On  
Tracks (R8-8)*



*School Speed Limit  
(S5-1)*



*Rail Grade Crossing  
(W10-1)*



*Bicycle Warning  
(W11-1)*



*Turn Arrow  
(W1-1)*

**TS40 Specifications\***

**Compliance**

- MUTCD section 2A.07 and 2A.08 compliant

**Construction**

- .080 highway grade aluminum and stainless fasteners
- Tufnut security mounting hardware (pole not included)

**LED Lighting**

- White or Yellow sign background: White LEDs standard, Yellow LEDs optional
- Red sign background: Red LEDs standard, White LEDs optional
- LED 1-1/4" bullet style in sign perimeter border
- Flash rate 50 to 60 times per minute
- Field adjustable LED flashing duration (30 seconds standard)
- LED life expectancy over 100,000 hours
- Visible up to 2 miles away
- Field replaceable grommet mounted lights
- Sealed DOT approved lighting

**Circuitry Technology**

- Sealed PCB technology
- 24 hour operation / dusk to dawn operation

**Solar / AC / Battery Specifications\*\***

- 15W solar cell
- AC - 120V, 240V; 120V battery maintainer
- DC - 6 volt 18AH SLA battery pack (3 to 5 year battery life)
- Up to 12 days in 24/7 operation


**Options**


- Battery backup for AC signs
- Additional LED lights
- Standard 7 day or deluxe 365 day programmable timers
- Wireless activation, keyfob transmitter, photo-sensor bollard, door switch.
- Wired, wireless push-button activation; keyed on/off switch
- LED dimming at night to reduce glare for motorists (solar only)
- Anti-graffiti protective overlay

**Warranty**

- 10 Year Solar Panel
- 5 Year Sign Construction
- 2 Year LED Lights & Circuitry
- 1 Year Battery

**Reflective Sheeting**

 Type IX Fluorescent Yellow Green (FYG)  
 (Standard for warning signs in school zone areas)

 Type IX (Yellow, Red, White)  
 (Standard for non-school zone areas)

\* All specifications subject to change without notice.

\*\* Special configuration (wireless, etc.) signs will have 12 volt 22AH SLA battery with 20W solar cell (22.75" x 16.75" x 1.125", 4.5" depth with bracket).

**Visit our web site: [www.xwalk.com](http://www.xwalk.com)**






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**Optional Push-Button Activation**  
 Provides a simple and convenient way for pedestrians to activate the signs.




**Optional Photo-Sensor Bollard Activation**  
 Activates signs when pedestrian passes between two bollards.




**Optional Double Sided Configuration**  
 Our double sided configuration is available with an attached 2-1/4" Telespar square tube sleeve. The Telespar sign support system allows for fast and easy installation. Just insert the sign's 2-1/4" square tube sleeve over a 2" Telespar pole, insert the bolts and tighten.



**Optional Door Switch Activation**  
 Activates signs when a door is opened.



**Optional Keyfob Remote Control Transmitter**  
 Temporarily activates signs with wireless signal.



**Ordering Codes**

Product Code	Sign Type and Size <sup>7</sup>	Sign Faces	Power <sup>3</sup>	Activation Options (select only one)	Reflective Sheeting
SI-TS40 <sup>1,6</sup>	R1-1-24: 24" x 24" Stop R1-1-30: 30" x 30" Stop R1-1-36: 36" x 36" Stop R11W11224: 24" Stop and Pedestrian Combo R11W11230: 30" Stop and Pedestrian Combo R1-2-36: 36" x 36" Yield R1-6-12x36: 12" x 36" State Law Yield to Pedestrians R1-6A-12x36: 12" x 36" State Law Stop For Pedestrians R2-1-18x24: 18" x 24" Speed Limit R2-1-24x30: 24" x 30" Speed Limit R2-1-36x48: 36" x 48" Speed Limit R5-1-24: 24" x 24" Do Not Enter R5-1-30: 30" x 30" Do Not Enter R5-1-36: 36" x 36" Do Not Enter R5-1A-24x36: 24" x 36" Wrong Way R8-8-18x24: 18" x 24" Do Not Stop On Tracks R8-8-24x30: 24" x 30" Do Not Stop On Tracks S5-1-24x48: 24" x 48" School Speed Limit XX W10-1-30: 30" x 30" Rail Grade Crossing W11-1-30: 30" x 30" Bicycle Warning W11-1-36: 36" x 36" Bicycle Warning W1-1L-24: 24" x 24" Turn Left Arrow W1-1L-30: 30" x 30" Turn Left Arrow W1-1L-36: 36" x 36" Turn Left Arrow W1-1R-24: 24" x 24" Turn Right Arrow W1-1R-30: 30" x 30" Turn Right Arrow W1-1R-36: 36" x 36" Turn Right Arrow	D: Double Sided <sup>2</sup>	AC: AC B: Battery <sup>4</sup> S: Solar SD: Solar Dimming <sup>8</sup>	1: Wireless Communication Sign for Wired Activation (push-button not included) 2: Standard Programmable 7 Day Timer 3: Photocell 4: Keyfob Remote Control Transmitter 5: Single Sign for Wired Activation (push-button not included) 6: Deluxe Programmable 365 Day Timer 7: Single Sign for Wireless Activation (push-button not included) 9: Wireless Communication Sign for Wireless Activation (push-button not included) 10: Wireless Communication Sign for Wired Push-button with Audio Caution Message Capability (AC-XAV2E-LED push-button not included) 11: Photo-Sensor Bollards 12: Door Switch	A: Type IX Fluorescent Yellow Green (FYG) <sup>5</sup> B: Type IX I: Anti-graffiti Protective Overlay

1. SI-TS40 is used in standalone applications, without a system controller.  
 2. Single sided signs standard. Not available with combo signs.  
 3. 24/7 operation standard.  
 4. Includes spare battery and charger.  
 5. Fluorescent Yellow Green (FYG) sheeting should be used in school zone areas.  
 Many additional sign types, messages and sizes are available. Call for details.

6. When ordering, specify size & shape (square, round) of your sign pole. Pole not included, sold separately.  
 7. Signs have 4 to 8 LEDs depending on sign size and configuration.  
 8. Sign LEDs are dimmed at night to reduce glare for motorists. If solar panel voltage is 66% or less of the battery voltage, then the sign LEDs will go into auto-dimming mode. Only works on 24/7 signs.

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**How to Specify the TS40**

**1. Sign Materials - Construction - Compliance**

- a. Sign reflective sheeting in compliance with current MUTCD requirements for reflectivity, wording, materials and mounting guidelines.
- b. Pole mounting requirements per MUTCD guidelines.
- c. Sign constructed of .080 aluminum with stainless / aluminum fasteners and weatherproof sealant.
- d. All mounting hardware fasteners shall be theft deterrent hardware preferably Tufnut security hardware where applicable.
- e. 3/8" x 3" stainless steel tap bolts for standard mounting hardware (other mounting options available).
- f. Battery access compartment located at lower portion of sign to allow access to battery compartment for maintenance (field replaceable battery).
- g. Solar signs to have a 2" to 4" wide casing, depending on model, between front and rear sign faces to enclose all wiring, battery, PCB and LED light connections. AC powered signs 2" wide casing.
- h. Security keyed ON/OFF switch located on side of casing controlling operation.
- i. Vented weatherproof casing allowing ambient air to circulate for internal components and prevent condensation and excessive heat buildup.
- j. Compression type solar panel connector allowing optimum directional placement of solar collector.
- k. Anti-theft placards and decals for theft / vandalism deterrents.
- l. Serial # plate with manufacture date for informational and warranty purposes.

**2. Battery**

	12 Volt 12 Volt 22000mAH SLA	6 Volt 2 - 6 Volt 9000mAh SLA (18 Ah Total)
Dimensions	7.14" x 3.03" x 6.59"	5.95" x 1.34" x 3.70"
Weight	12.74 lb.	3.09 lb.
Terminal Connector	Nut/Bolt	T2 - Spade
Operating Temperature	-40°F to +156°F	-40°F to +156°F
Warranty	1 Year	1 Year

- a. Battery mounting with aluminum fasteners and brackets for in-field replacement after life cycle has expired.
- b. Battery casing fully sealed in a moisture and corrosion proof casing.
- c. Required battery replacement every 18 months from manufacture date.

**3. Solar Panel Collector**

- a. Solar panels to be 6/12 volt 15/20/30 watt collector type depending on type of sign, region, LED light quantities and application uses.

	15 Watt	20 Watt	30 Watt
Max Power	15W	20W	30W
Operating Voltage	8.0V	17.2V	17.4V
Operating Current	1.88A	1.16A	1.73A
Max Voltage	10.8V	21.6V	21.6V
Operating Temperature	-40°C to +85°C	-40°C to +85°C	-40°C to +85°C
Dimensions	16.75" x 14.00" x 1.125"	22.75" x 16.75" x 1.125"	26.5" x 16.75" x 1.125"
Type	Polycrystalline	Polycrystalline	Polycrystalline

- b. Solar panel bracket constructed of aluminum alloy.
- c. Schedule 40 3/4" aluminum tubing attached to the solar panel bracket to the upper casing of the sign casing. Panel must face south.
- d. Angle of panel shall be 45° to 65° depending on region. Special attention required to insure solar collector has good access to solar power with no obstructions for optimum operation.
- e. Electrical connectors shall be insulated spade type connectors.
- f. Tempered glass solar cell sealer/protector.

**4. LED Lights (Light Emitting Diodes)**

- a. Sign shall have a series of either 4 - 8 LEDs depending on sign size and configuration.
- b. All LEDs shall be compliant to MUTCD Section 2A.07 and match colors acceptable to each type of signal per this specification.
- c. LED flash rate at 50 to 60 times per minute per MUTCD Section 2A.07 requirements.
- d. LED light dimensions: 1/8" Cree LED inside a 1-1/4" diameter lens.
- e. 100,000 hour rated LED life (11.415 years).
- f. High impact acrylic water/vibration proof housing lens.
- g. Completely resin sealed lens.
- h. Operating voltage: 6/12 VDC / Amp Draw 85ma.
- i. Rubber grommet mounted (for easy in-field replacement) into a 1-1/4" hole.
- j. Output power of LEDs approximate 60,000 mcd brightness.
- k. LEDs wired in series for simultaneous flash pattern per MUTCD.
- l. Wiring completely enclosed in sign casing with access for replacement.

**5. Circuitry / LED Lighting Control Unit**

- a. Circuit shall have a minimum of 4 output LED light circuits for use.
- b. Circuit shall control flash rates at 50 to 60 times per minute.
- c. Circuit shall flash 500 milliseconds / 150 milliseconds per flash.
- d. Activation duration shall be field adjustable in one-second increments, over a range of 1 to 99 seconds (30 seconds standard).
- e. Available dusk-to-dawn flash mode.
- f. Micro-controller technology.
- g. Keyed "ON/OFF" activation for tamper/vandalism protection.
- h. Operation of circuit temperatures -40°C to +80°C.
- i. Circuit enclosed in weatherproof casing.
- j. Low voltage protection program (protecting from total discharge of battery).
- k. All wiring connections in accordance to standard wiring protection guidelines.

**6. Warranty**

- 10 Year Solar Panel
- 5 Year Sign Construction
- 2 Year LED Lights & Circuitry
- 1 Year Battery

**Visit our web site: [www.xwalk.com](http://www.xwalk.com)**



# CONSENT AGENDA ITEM 300

CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

## TITLE

Resolution 2019-10 in recognition of former Officer James Flannigan's service to the City of Winter Springs

## SUMMARY

Officer James Flannigan has provided the residents of the City of Winter Springs with 30 years of dedicated service since joining the City of Winter Springs on April 13, 1989 as a police officer.

Officer Flannigan has completed countless hours of advanced and specialized training in the furtherance of his career to provide our community with the highest level of service. He has served as a department subject matter expert in the discipline of traffic crash investigation, reconstruction, and scene management. Routinely, he provides direction and guidance to junior members of the police department.

Throughout his career, Officer Flannigan has received several awards and public recognition during his service, which include but are not limited to numerous Meritorious Service awards, Unit Citations, and division service awards recognizing his tenure in the Traffic, Investigations, and Operations divisions. Officer Flannigan was also instrumental in the development and management of the police bicycle patrol from its inception and served admirably in that capacity.

In 2012, Officer Flannigan was called upon to use his scene reconstruction expertise in order to help properly document and preserve a triple homicide case that was seen across the nation. His efforts helped secure convictions on several suspects.

Officer Flannigan has served this city with professionalism and dedication; his contributions have benefitted the City of Winter Springs in so many ways. This resolution is submitted for approval in recognition of his service.

## RECOMMENDATION

Staff recommends the City Commission approve Resolution 2019-10.

# RESOLUTION NUMBER 2019-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, RECOGNIZING JAMES FLANNIGAN FOR HIS 30 YEARS OF DEDICATED SERVICE TO THE CITY OF WINTER SPRINGS; AND EXPRESSING OUR GREAT APPRECIATION ON BEHALF OF THE CITIZENS OF THE CITY OF WINTER SPRINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS, JAMES FLANNIGAN** has provided the residents of the City of Winter Springs with 30 years of service to the city since joining the Winter Springs Police Department on April 13, 1989; and

**WHEREAS, JAMES FLANNIGAN** has served this agency and community with commitment and dedication during his career. He has served to help train and mentor new officers in the ways our community has come to expect police services; and

**WHEREAS, JAMES FLANNIGAN**, has completed hundreds of hours of advanced and specialized training in the furtherance of his career designed to help him provide our community with a level of service that is second-to-none; and

**WHEREAS, JAMES FLANNIGAN** was called upon for his advanced training and expertise during an internationally known triple homicide case to help map and document the extensive crime scene to ensure a solid case was made against the suspects; and

**WHEREAS, JAMES FLANNIGAN** has served as a specialist in many aspects of traffic enforcement, crash investigation, and advanced traffic investigations involving bicyclists and pedestrians. He has become known department-wide as a subject matter expert in these disciplines and is frequently called upon for his expertise; and

**WHEREAS, JAMES FLANNIGAN** served as a criminal investigator who worked hundreds of cases with professional diligence to try to bring justice to victims of crime, elderly victims who had nowhere to turn, and children who were unable to speak for themselves and needed help; and

**WHEREAS, JAMES FLANNIGAN** has truly been a valuable employee who has shown professional commitment and dedication in every aspect of his work and done so with professionalism. He has excellent investigative skills, been a source of guidance for new officers, and has been a very hard working employee— all of which has benefitted the City of Winter Springs in so many ways.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Winter Springs, Florida as follows:

**SECTION I** — Upon the occasion of **JAMES FLANNIGAN**'s retirement, the Mayor and Commission, City Manager, and Staff of the City of Winter Springs wish to recognize and honor him for his excellent level of distinguished service to the residents of Winter Springs through his 30 years of esteemed exemplary service.

**SECTION II** — That this Resolution commending the services of **JAMES FLANNIGAN** be recorded upon the official Public Records and Minutes of the City Commission of the City of Winter Springs, Florida.

**SECTION III** — That a copy of the Resolution be forwarded to **JAMES FLANNIGAN** with our sincerest and heartfelt thanks for his numerous and valued important contributions.

**PASSED AND ADOPTED** BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, IN A REGULAR MEETING ASSEMBLED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

*In witness whereof, I have hereunto set my hand and caused this seal to be affixed.*

\_\_\_\_\_  
CHARLES LACEY, MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

DATE:

Surplus Assets Final List to Commission

Provided by City of Winter Springs

Comission Date	Methods of Disposal
5/13/2019	1 - Auction 2 - eWaste 3 - Destroy 4 - Salvage 5 - Trade-in
	6 - Totaled/Accident 7 - Lost 8 - Stolen 9 - Donated 10 - Transfer

Surplus Assets

Departments	Description	Asset #	Serial #	Original Cost	Model #	Method of Disposal
IT	Printer	-	CNBJC78400	\$ 169.00	HP LaserJet 1200	1
IT	Printer	-	CNBJH22343	\$ 169.00	HP LaserJet 1200	1
IT	Printer	-	CNB0088582	\$ 139.00	HP LaserJet 1020	1
IT	Printer	-	VNB3B70092	\$ 179.00	HP LaserJet P1606dn	1
IT	Printer	-	CNBJK86974	\$ 109.00	HP LaserJet 1320	1
IT	Scanner	300414	105134	\$ 1,217.25	Fujitsu fi-4220c2	1
IT	Scanner	303192	004974	\$ 4,975.66	Fujitsu fi-6770C	1
IT	Scanner	300823	020550	\$ 1,310.37	Fujitsu fi-5220C	1
IT	Computer	307031	2J99Z01	-	Dell Dimension 4300	1
IT	Monitor	-	MX-0881UM-47605-17K-AUVC	-	Dell E770s	1
Parks	Christmas Tree	300477		\$ 6,933.50		4
Parks	4- Daktronics Consols	N/A			All Sport 5000	1



# CONSENT AGENDA ITEM 302

CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

## TITLE

Tuskawilla Crossings Phase 2 Plat

## SUMMARY

### Land Use & Zoning

Zoning: Town Center (T3, T4, and T5) and PUD

Future Land Use: Town Center and LDR

### Applicable Regulations

Chapter 177, Florida Statutes

Chapter 197, Florida Statutes

Chapter 9, City Code

Tuskawilla Crossings is a proposed 379-unit single-family residential subdivision by Lennar Homes located southeast of the SR 434 / Tuskawilla Road intersection. The total project area is approximately 133 acres and includes a central amenity area and a 3.2-acre commercial out-parcel at the north end of the subdivision.

An Annexation Agreement was approved by the City Commission in May of 2014 which requires the property to be developed in conformance with the Town Center District Code. At the August 13, 2018 City Commission meeting, the City Commission approved the Phase 1 plat, consisting of 189 single family lots. The approval of the Phase 2 plat will consist of the remaining 190 single family lots.

## RECOMMENDATION

Staff recommends the City Commission conditionally approve the Tuskawilla Crossings Phase 2 plat, subject to the satisfaction of open comments, and authorize the City Mayor and City Attorney to prepare and execute any and all applicable documents.



# TUSKAWILLA CROSSINGS PHASE 2

SHEET 1 OF 8

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

A REPLAT OF FUTURE DEVELOPMENT TRACTS FD-1, FD-2, FD-3, FD-5 AND FD-6 OF TUSKAWILLA CROSSINGS PHASE 1, PLAT BOOK 83, PAGES 75 THROUGH 89

OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

LYING IN SECTION 6, TOWNSHIP 21 SOUTH, RANGE 31 EAST AND IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 30 EAST CITY OF WINTER SPRINGS, SEMINOLE COUNTY FLORIDA

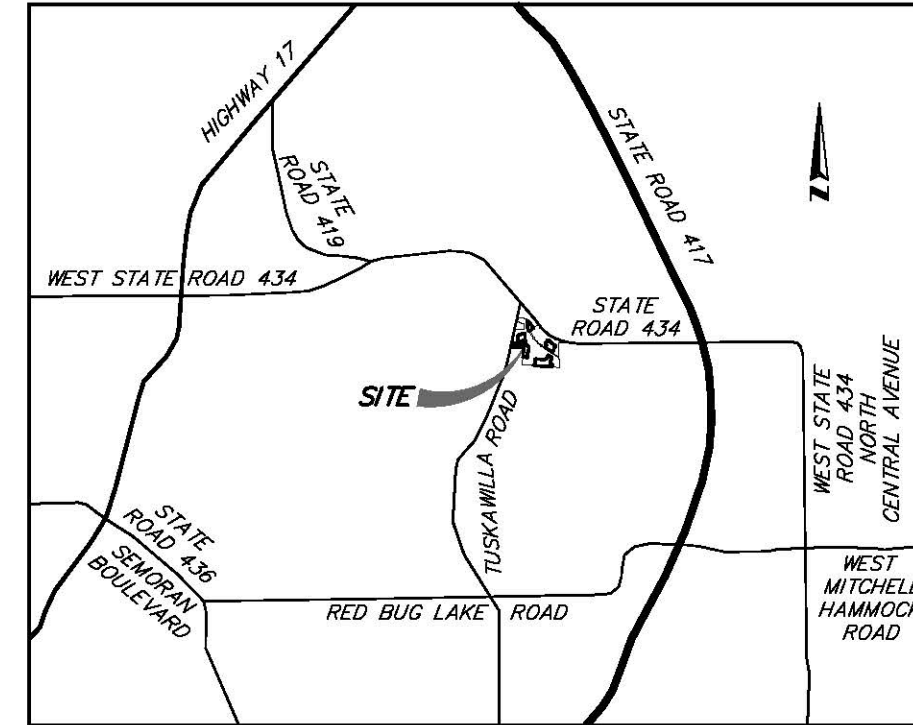
**LEGAL DESCRIPTION:**

Tracts FD-1, FD-2, FD-3, FD-5 and FD-6, Tuskawilla Crossings Phase 1 according to the plat thereof as recorded in Plat Book 83, pages 75 through 89 of the Public Records of Seminole County.

Containing a combined area of 35.03 acres more or less.

**SURVEYOR'S NOTES:**

- Bearings shown hereon are based on the westerly line of TUSKAWILLA Unit 9, P.B. 24, PGS. 72-73 being on assumed bearing of South 00°44'58" East.
- All lot lines are radial, unless otherwise noted non-radial ( N.R. ).
- The lands described in the caption hereon are subject to that certain Declaration of Covenants, Conditions, Restrictions and Easements of Tuskawilla Crossings ("The Declaration").
- All platted utility easements shall also be easements for the construction, installation, maintenance, and operation of cable television and data services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of on electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.
- Per Florida Statutes Chapter 177.091(9), lot corners must be set before the transfer of any lot.
- All alleys shown hereon and the drainage facilities within the alleys shall be owned and maintained by The Association. The Association does hereby grant to the present and future owners of all lots and their guests, invitees, domestic help, and to delivery, pick-up and fire protection services, police and other authorities of law, United States mail carriers, representatives of utilities, holders of mortgage liens on such lands, and such other persons as owner, its successor and assigns, may from time to time designate a non-exclusive and perpetual right of ingress and egress over and across said alleys. A utility easement is dedicated to the City of Winter Springs and other utility providers over the alleys for the construction, installation, maintenance, and operation of public utilities.
- The granting of easements to the City of Winter Springs does not impose any obligation, burden, responsibility or liability upon the City of Winter Springs, Florida, to enter upon the subject property and take any action to repair or maintain the system unless otherwise stated.
- The drainage easement along the sides of residential lots shall be dedicated to the public.
- All landscaping, irrigation, hardscape improvements and other decorative features within this Plat's Right-of-Ways shall be maintained by the Association or adjacent lot owner as defined in the Declaration in accordance to a Use and Maintenance Agreement to be recorded in the official records of Seminole County.
- The Tree Preservation Buffer (T.P.B.) shown within Lots 329 through 332 shall be maintained as defined in the Declaration and shall take effect after the development of the affected Lots/Tracts has been completed. No tree removal within the T.P.B. is permitted without prior approval of the City of Winter Springs. No buildings, pools, or screen enclosures will be permitted within the T.P.B.
- A utility easement over the entirety of Tracts M, N, O, Y, Z and AA is hereby dedicated to the City of Winter Springs and other utility providers for the construction, installation, maintenance, and operation of public utilities.



VICINITY MAP:  
(NOT TO SCALE)

**LEGEND:**

- |      |  |          |  |
|------|--|----------|--|
| OA   | denotes overall dimension                                  | TYP.     | denotes typical  |
| PC   | denotes point of curvature                                 | THE CITY | denotes The City of Winter Springs   |
| PCC  | denotes point of compound curvature                        | T.P.B.   | denotes tree preservation buffer   |
| PRC  | denotes point of reverse curvature                         | P.B.     | denotes Plat Book  |
| PT   | denotes point of tangency                                  | ORB.     | denotes Official Records Book  |
| PI   | denotes point of intersection                              | R/W      | denotes right-of-way   |
| NR   | denotes non-radial   | PG(S).   | denotes page(s)  |
| D.E. | denotes drainage easement                                  | U.E.     | denotes utility easement   |
| •    | denotes change in direction                                | ⊙        | denotes centerline   |
| NT   | denotes non-tangent  | ⊙        | denotes set 1/2" iron rod and/or nail & disk LB # 6723 permanent control point |
| Δ    | denotes central angle                                      | □        | denotes set 4" x 4" concrete monument LB 6723 permanent reference monument     |
| R    | denotes radius   | ■        | denotes found 4" x 4" concrete monument LB 6723, unless otherwise noted        |
| L    | denotes arc length   | LB       | denotes licensed business  |
| CB   | denotes chord bearing                                      | P.S.M.   | denotes professional surveyor and mapper                                       |
| C    | denotes chord distance                                     | HOA      | denotes Home Owners Association  |
| SR   | denotes State Road   |          |  |
| CM   | denotes concrete monument                                  |          |  |
| FDEP | denotes Florida Department of Environmental Protection     |          |  |
| ▨    | denotes tree preservation buffer (see surveyor's note #10) |          |  |

TRACTS SCHEDULE		
TRACT NAME	TRACT USE	OWNED/MAINTAINED
L	OPEN SPACE	HOA/HOA
M	OPEN SPACE	HOA/HOA
N	OPEN SPACE	HOA/HOA
O	OPEN SPACE	HOA/HOA
Y	OPEN SPACE	HOA/HOA
Z	OPEN SPACE	HOA/HOA
AA	OPEN SPACE	HOA/HOA

**NOTICE:**

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**QUALIFICATION AND STATEMENT OF SURVEYOR AND MAPPER**

This plat was prepared under my direction and supervision. This plat complies with all of the survey requirements of Chapter 177, Florida Statutes.

Surveyor's name: James L. Rickman Date: \_\_\_\_\_  
 Registration number: 5633  
 Professional Land Surveyor  
 Registration number of Legal Entity : 6723  
 Allen & Company, Inc.  
 16 East Plant Street, Winter Garden, Florida 34787

**TUSKAWILLA CROSSINGS PHASE 2**

**DEDICATION**

This is to certify that Standard Pacific of Florida, a General Partnership is the lawful owner of the lands described in the caption hereon, hereafter referred to as "Owner", and that they have caused the same to be surveyed, and this plat, made in accordance with said survey, is hereby adapted as the true and correct plat of said lands. The Owner dedicates said lands and plat for the uses and purposes therein expressed and dedicate the streets, drainage easements and utility easements to the perpetual use of the public.

IN WITNESS WHEREOF, the undersigned, Standard Pacific of Florida, a General Partnership has caused these presents to be executed and acknowledged by its undersigned Division President, Guy Skoy, thereunto duly authorized on this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

Standard Pacific of Florida, a General Partnership  
 By: Standard Pacific of Florida GP, Inc.,  
 a Delaware corporation, as Managing Partner

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

Print Name: Guy Skoy

Title: Division President

Signed and sealed in the presence of:

_____ Witness signature	_____ Witness signature
_____ Witness printed name	_____ Witness printed name

STATE OF FLORIDA  
 COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2019, by Guy Skoy, as Division President of Standard Pacific of Florida GP, Inc., a Delaware Corporation, on behalf of the Corporation in its capacity as the Managing Partner of STANDARD PACIFIC OF FLORIDA, a Florida General Partnership. Said person ( ) is personally known to me or ( ) has produced \_\_\_\_\_ as identification.

Printed Name \_\_\_\_\_  
 Notary Public  
 Commission Number \_\_\_\_\_  
 My Commission Expires \_\_\_\_\_

**CERTIFICATE OF APPROVAL BY MUNICIPALITY**

THIS IS TO CERTIFY, that on \_\_\_\_\_ the foregoing plat was approved by the City of Winter Springs, Florida.

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

ATTEST: \_\_\_\_\_

**CITY SURVEYOR'S CERTIFICATE**

I have reviewed this plat and find it to be in conformity with Chapter 177 Florida Statutes.

By: \_\_\_\_\_ Date: \_\_\_\_\_ 2019

Florida Registration No. \_\_\_\_\_  
 City Surveyor for The City of Winter Springs, Florida

**CERTIFICATE OF CLERK OF CIRCUIT COURT**

I hereby certify, that the plat was filed for record on \_\_\_\_\_ 2019, File No. \_\_\_\_\_

Clerk of the Circuit Court  
 in and for Seminole County, Florida.

**SHEET INDEX:**

- SHEETS 1 OF 8- LEGAL DESCRIPTION, DEDICATION AND SURVEYORS NOTES
- SHEETS 2 OF 8 - KEY MAP
- SHEETS 3 - 8 OF 8 - BOUNDARY, LOTS AND TRACTS GEOMETRY



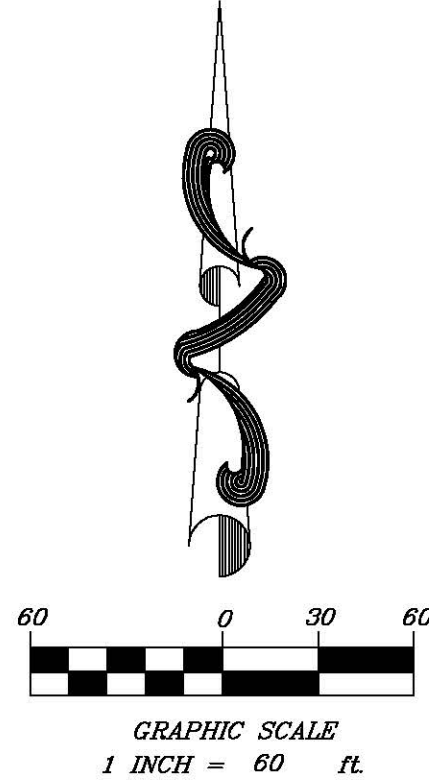




# TUSKAWILLA CROSSINGS PHASE 2

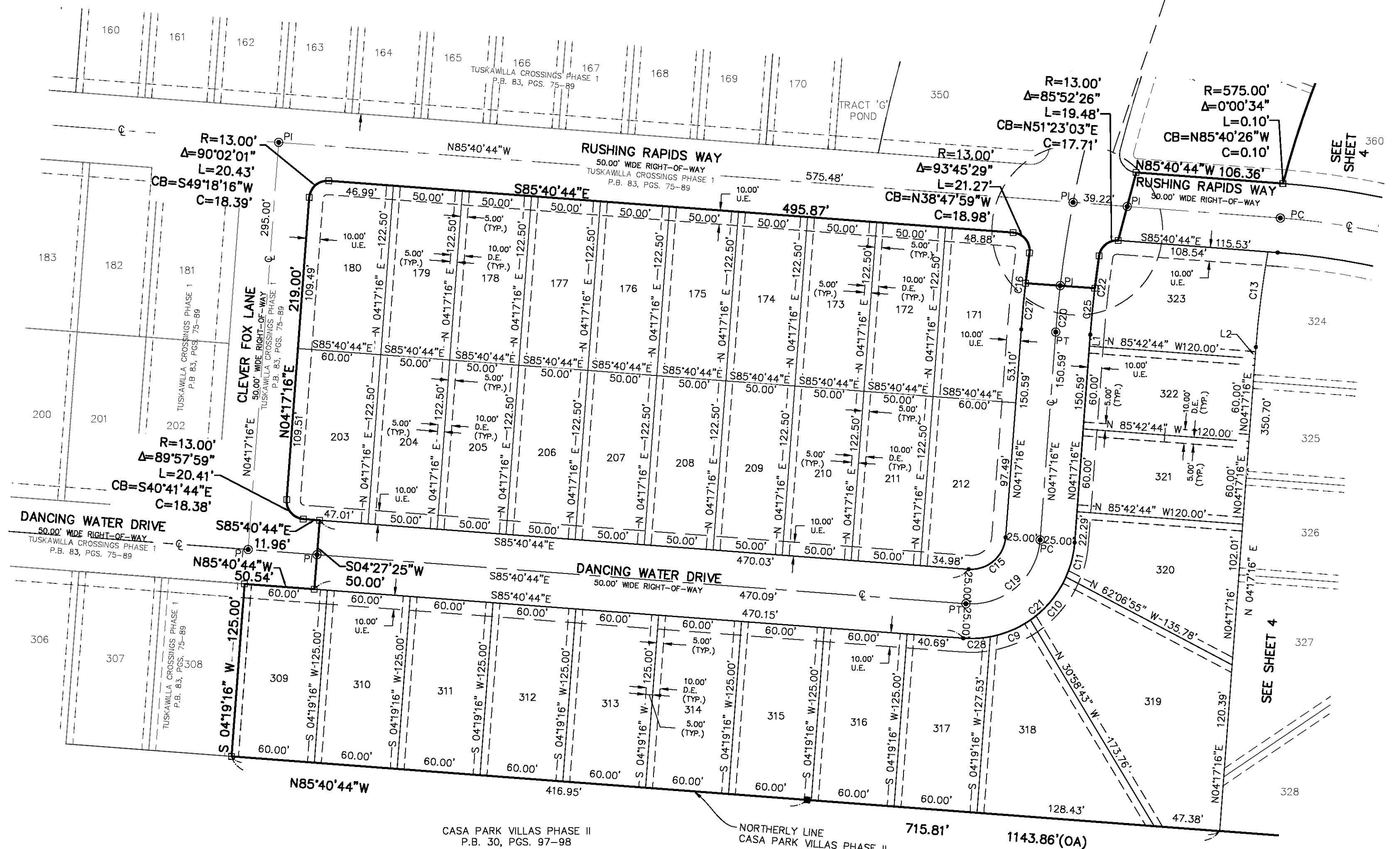
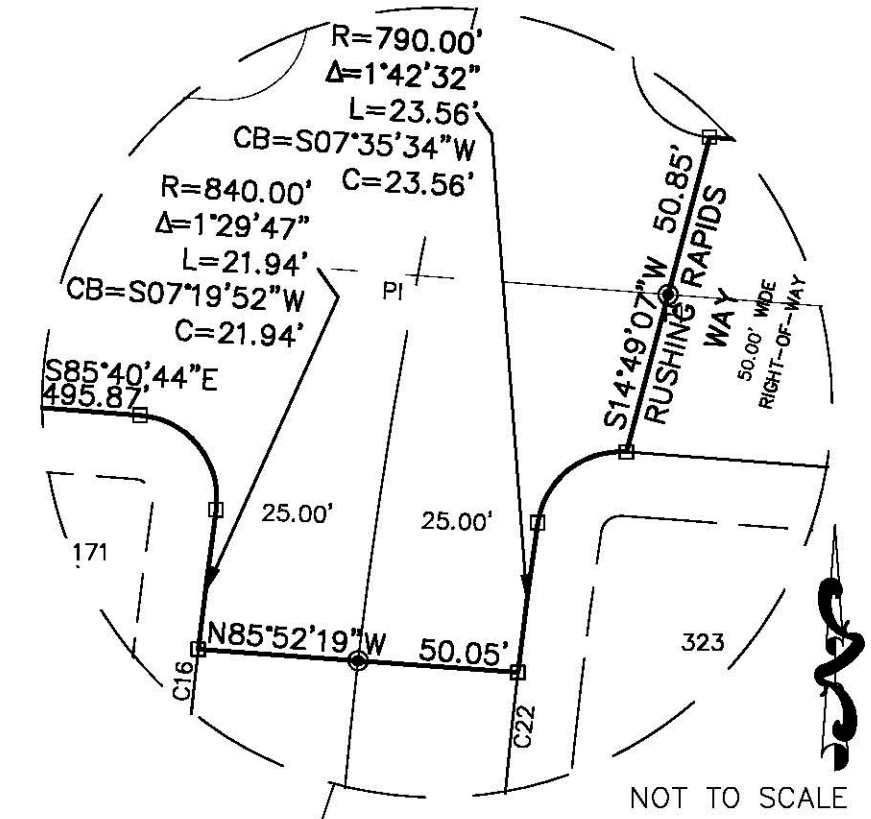
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CITY OF WINTER SPRINGS, SEMINOLE COUNTY FLORIDA



LINE TABLE		
LINE	LENGTH	BEARING
L1	8.30'	N04°17'16"E
L2	8.30'	N04°17'16"E

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C9	75.00'	24°12'14"	31.68'	31.45'	N67°18'02"E
C10	75.00'	31°08'11"	40.76'	40.26'	N39°37'50"E
C11	75.00'	19°46'28"	25.88'	25.76'	N14°10'30"E
C13	670.00'	05°56'12"	69.42'	69.39'	S07°15'22"W
C15	25.00'	90°01'59"	39.28'	35.37'	S49°18'17"W
C16	840.00'	03°47'29"	55.59'	55.58'	S06°11'00"W
C19	50.00'	90°02'01"	78.57'	70.73'	N49°18'16"E
C20	815.00'	02°22'14"	33.72'	33.72'	S05°28'23"W
C21	75.00'	90°02'01"	117.85'	106.10'	N49°18'16"E
C22	790.00'	04°09'35"	57.35'	57.34'	N06°22'03"E
C25	790.00'	02°27'02"	33.79'	33.79'	S05°30'47"W
C27	840.00'	2°17'43"	33.65'	33.65'	S05°26'07"W
C28	75.00'	14°55'07"	19.53'	19.47'	N86°51'43"E

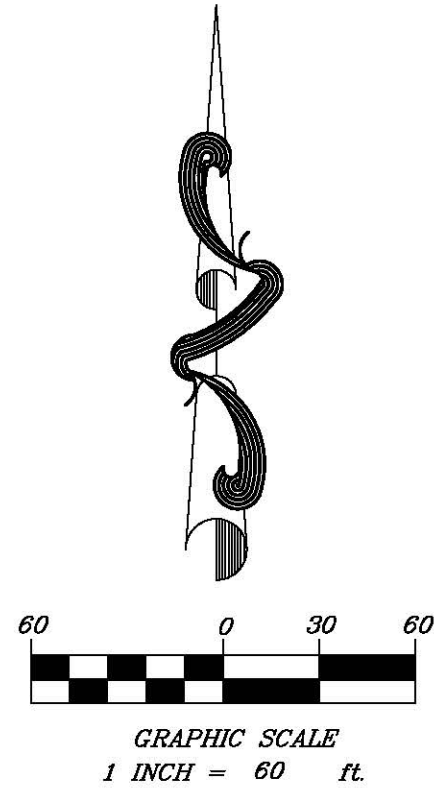


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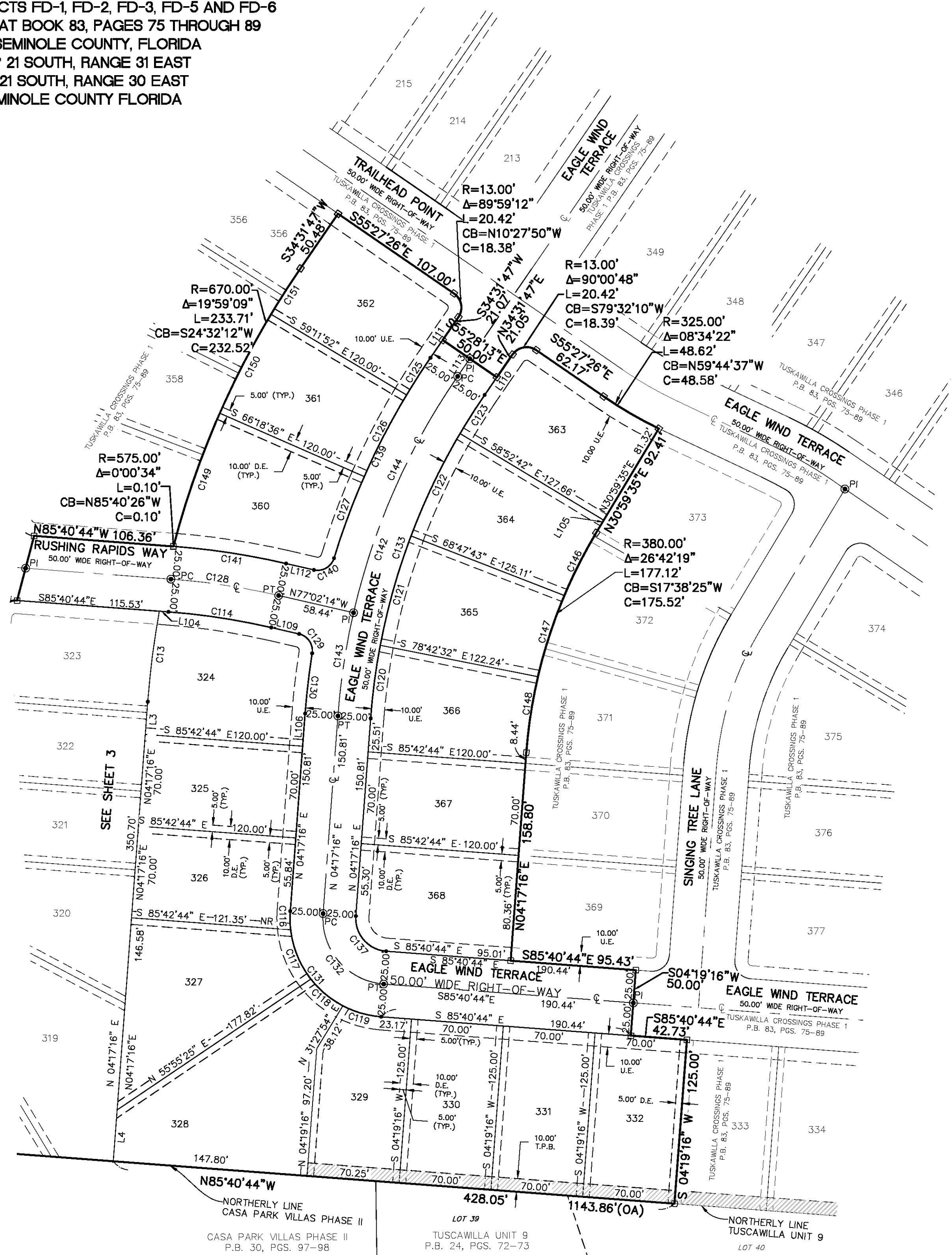
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 AND IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 30 EAST  
 CITY OF WINTER SPRINGS, SEMINOLE COUNTY FLORIDA



LINE	LENGTH	BEARING
L3	24.97'	N04°17'16"E
L4	39.15'	N04°17'16"E
L104	6.99'	S85°40'44"E
L105	11.09'	N30°59'35"E
L106	24.97'	N04°17'16"E
L109	21.73'	S77°02'14"E
L110	37.44'	S34°31'47"W
L111	37.45'	S34°31'47"W
L112	21.73'	N77°02'14"W
L113	16.38'	S34°31'47"W

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C13	670.00'	05°56'12"	69.42'	69.39'	S07°15'22"W
C114	525.00'	08°38'30"	79.18'	79.11'	S81°21'29"E
C116	75.00'	10°52'51"	14.24'	14.22'	S01°09'09"E
C117	75.00'	31°18'22"	40.98'	40.47'	S22°14'46"E
C118	75.00'	24°27'31"	32.02'	31.77'	S50°07'42"E
C119	75.00'	23°19'16"	30.53'	30.32'	S74°01'06"E
C120	500.00'	06°25'50"	56.12'	56.09'	S07°30'11"W
C121	500.00'	09°54'49"	86.51'	86.40'	S15°40'30"W
C122	500.00'	09°55'01"	86.54'	86.43'	S25°35'25"W
C123	500.00'	03°58'51"	34.74'	34.73'	S32°32'21"W
C125	550.00'	03°30'32"	33.68'	33.68'	S32°46'31"W
C126	550.00'	07°17'05"	69.93'	69.88'	S27°22'42"W
C127	550.00'	06°54'11"	66.27'	66.23'	S20°17'04"W
C128	550.00'	8°38'30"	82.95'	82.87'	N81°21'29"W
C129	13.00'	86°07'47"	19.54'	17.75'	S33°58'20"E
C130	550.00'	04°48'18"	46.12'	46.11'	S06°41'25"W
C131	75.00'	89°57'59"	117.77'	106.04'	S40°41'44"E
C132	50.00'	89°57'59"	78.51'	70.69'	S40°41'44"E
C133	500.00'	30°14'31"	263.91'	260.86'	S19°24'31"W
C137	25.00'	89°57'55"	39.25'	35.34'	S40°41'42"E
C139	550.00'	17°41'48"	169.88'	169.20'	S25°40'53"W
C140	13.00'	86°07'47"	19.54'	17.75'	S59°53'52"W
C141	575.00'	08°37'55"	86.63'	86.55'	N81°21'12"W
C142	525.00'	30°14'32"	277.11'	273.90'	S19°24'32"W
C143	525.00'	08°40'30"	79.49'	79.41'	S08°37'31"W
C144	525.00'	21°34'02"	197.62'	196.46'	S23°44'47"W
C146	380.00'	08°04'44"	53.58'	53.54'	S26°57'13"W
C147	380.00'	09°49'17"	65.14'	65.06'	N18°00'12"E
C148	380.00'	08°48'18"	58.40'	58.34'	N08°41'25"E
C149	670.00'	09°11'02"	107.39'	107.28'	S19°08'09"W
C150	670.00'	07°15'14"	84.82'	84.77'	S27°21'17"W
C151	670.00'	03°32'53"	41.49'	41.48'	S32°45'20"W



**ALLEN & COMPANY**  
 Professional Surveyors & Mappers

16 EAST PLANT STREET  
 WINTER GARDEN, FLORIDA 34787  
 (407) 654-5355  
 LB #6723

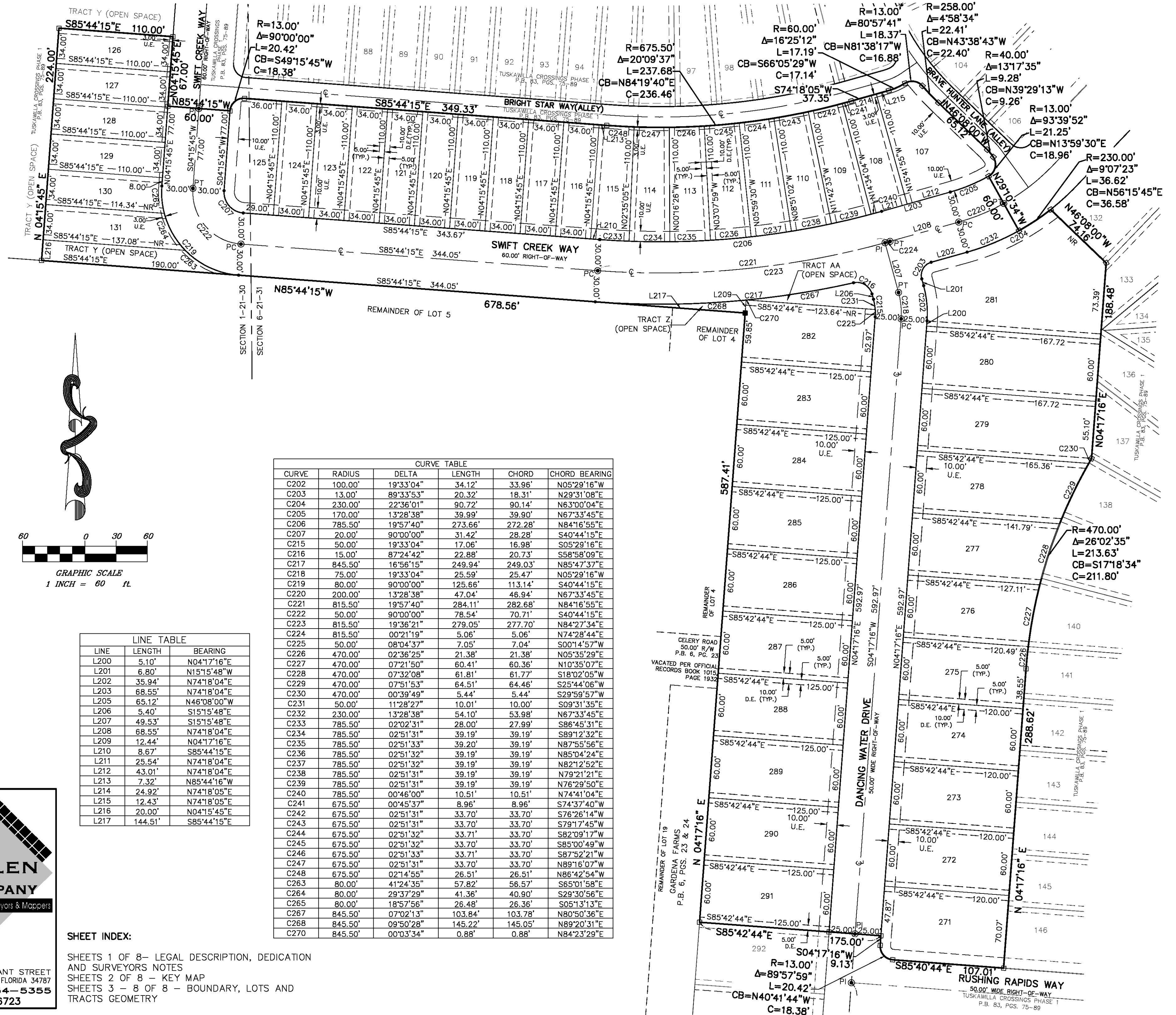
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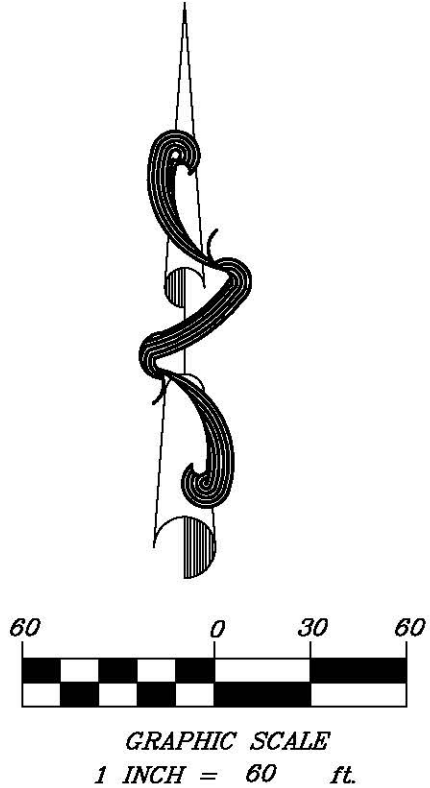
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CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C202	100.00'	19°33'04"	34.12'	33.96'	N05°29'16"W
C203	13.00'	89°33'53"	20.32'	18.31'	N29°31'08"E
C204	230.00'	22°36'01"	90.72'	90.14'	N63°00'04"E
C205	170.00'	13°28'38"	39.99'	39.90'	N67°33'45"E
C206	785.50'	19°57'40"	273.66'	272.28'	N84°16'55"E
C207	20.00'	90°00'00"	31.42'	28.28'	S40°44'15"E
C215	50.00'	19°33'04"	17.06'	16.98'	S05°29'16"E
C216	15.00'	87°24'42"	22.88'	20.73'	S58°58'09"E
C217	845.50'	16°58'15"	249.94'	249.03'	N85°47'37"E
C218	75.00'	19°33'04"	25.59'	25.47'	N05°29'16"W
C219	80.00'	90°00'00"	125.66'	113.14'	S40°44'15"E
C220	200.00'	13°28'38"	47.04'	46.94'	N67°33'45"E
C221	815.50'	19°57'40"	284.11'	282.68'	N84°16'55"E
C222	50.00'	90°00'00"	78.54'	70.71'	S40°44'15"E
C223	815.50'	19°36'21"	279.05'	277.70'	N84°27'34"E
C224	815.50'	00°21'19"	5.06'	5.06'	N74°28'44"E
C225	50.00'	08°04'37"	7.05'	7.04'	S00°14'57"W
C226	470.00'	02°36'25"	21.38'	21.38'	N05°35'29"E
C227	470.00'	07°21'50"	60.41'	60.36'	N10°35'07"E
C228	470.00'	07°32'08"	61.81'	61.77'	S18°02'05"W
C229	470.00'	07°51'53"	64.51'	64.46'	S25°44'06"W
C230	470.00'	00°39'49"	5.44'	5.44'	S29°59'57"W
C231	50.00'	11°28'27"	10.01'	10.00'	S09°31'35"E
C232	230.00'	13°28'38"	54.10'	53.98'	N67°33'45"E
C233	785.50'	02°02'31"	28.00'	27.99'	S86°45'31"E
C234	785.50'	02°51'31"	39.19'	39.19'	S89°12'32"E
C235	785.50'	02°51'33"	39.20'	39.19'	N87°55'56"E
C236	785.50'	02°51'32"	39.19'	39.19'	N85°04'24"E
C237	785.50'	02°51'32"	39.19'	39.19'	N82°12'52"E
C238	785.50'	02°51'31"	39.19'	39.19'	N79°21'21"E
C239	785.50'	02°51'31"	39.19'	39.19'	N76°29'50"E
C240	785.50'	00°46'00"	10.51'	10.51'	N74°41'04"E
C241	675.50'	00°45'37"	8.96'	8.96'	S74°37'40"W
C242	675.50'	02°51'31"	33.70'	33.70'	S76°26'14"W
C243	675.50'	02°51'31"	33.70'	33.70'	S79°17'45"W
C244	675.50'	02°51'32"	33.71'	33.70'	S82°09'17"W
C245	675.50'	02°51'32"	33.70'	33.70'	S85°00'49"W
C246	675.50'	02°51'33"	33.71'	33.70'	S87°52'21"W
C247	675.50'	02°51'31"	33.70'	33.70'	N89°16'07"W
C248	675.50'	02°14'55"	26.51'	26.51'	N86°42'54"W
C263	80.00'	41°24'35"	57.82'	56.57'	S65°01'58"E
C264	80.00'	29°37'29"	41.36'	40.90'	S29°30'56"E
C265	80.00'	18°57'56"	26.48'	26.36'	S05°13'13"E
C267	845.50'	07°02'13"	103.84'	103.78'	N80°50'36"E
C268	845.50'	09°50'28"	145.22'	145.05'	N89°20'31"E
C270	845.50'	00°03'34"	0.88'	0.88'	N84°23'29"E

LINE TABLE		
LINE	LENGTH	BEARING
L200	5.10'	N04°17'16"E
L201	6.80'	N15°15'48"W
L202	35.94'	N74°18'04"E
L203	68.55'	N74°18'04"E
L205	65.12'	N46°08'00"W
L206	5.40'	S15°15'48"E
L207	49.53'	S15°15'48"E
L208	68.55'	N74°18'04"E
L209	12.44'	N04°17'16"E
L210	8.67'	S85°44'15"E
L211	25.54'	N74°18'04"E
L212	43.01'	N74°18'04"E
L213	7.32'	N85°44'16"W
L214	24.92'	N74°18'05"E
L215	12.43'	N74°18'05"E
L216	20.00'	N04°15'45"E
L217	144.51'	S85°44'15"E



**ALLEN & COMPANY**  
Professional Surveyors & Mappers

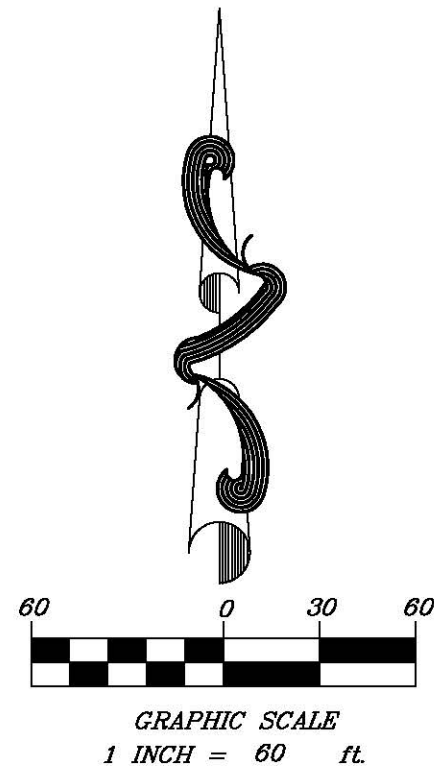
16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
(407) 654-5355  
LB #6723

**SHEET INDEX:**  
SHEETS 1 OF 8- LEGAL DESCRIPTION, DEDICATION AND SURVEYORS NOTES  
SHEETS 2 OF 8 - KEY MAP  
SHEETS 3 - 8 OF 8 - BOUNDARY, LOTS AND TRACTS GEOMETRY



# TUSKAWILLA CROSSINGS PHASE 2

A REPLAT OF FUTURE DEVELOPMENT TRACTS FD-1, FD-2, FD-3, FD-5 AND FD-6  
 OF TUSKAWILLA CROSSINGS PHASE 1, PLAT BOOK 83, PAGES 75 THROUGH 89  
 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA  
 LYING IN SECTION 6, TOWNSHIP 21 SOUTH, RANGE 31 EAST AND IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 30 EAST  
 CITY OF WINTER SPRINGS, SEMINOLE COUNTY FLORIDA



LINE	LENGTH	BEARING
L303	9.68'	N04°19'16"E

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C250	13.00'	90°00'00"	20.42'	18.38'	S49°19'16"W
C252	13.00'	90°00'00"	20.42'	18.38'	N40°40'44"W
C253	13.00'	90°00'00"	20.42'	18.38'	S49°19'16"W
C256	13.00'	90°00'00"	20.42'	18.38'	N40°40'44"W
C257	20.00'	90°00'00"	31.42'	28.28'	S49°19'16"W
C262	50.00'	90°00'00"	78.54'	70.71'	S49°19'16"W



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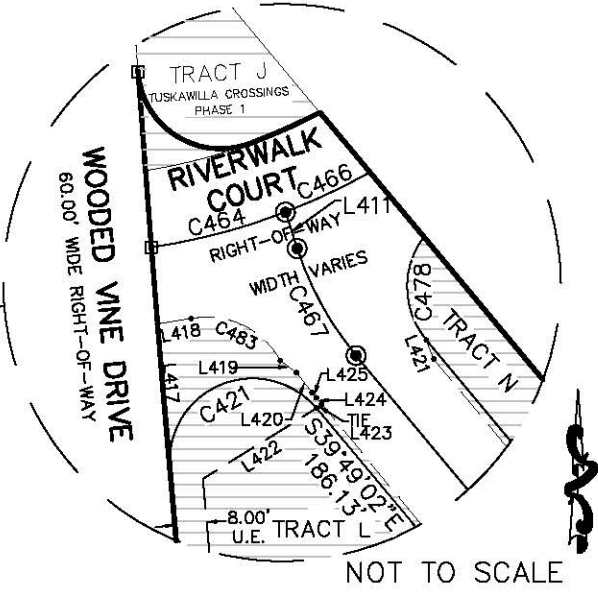
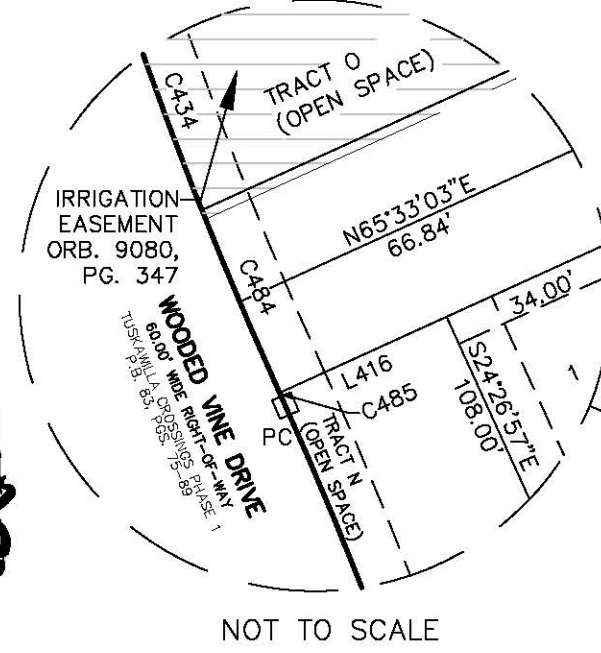
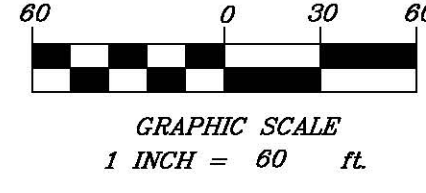
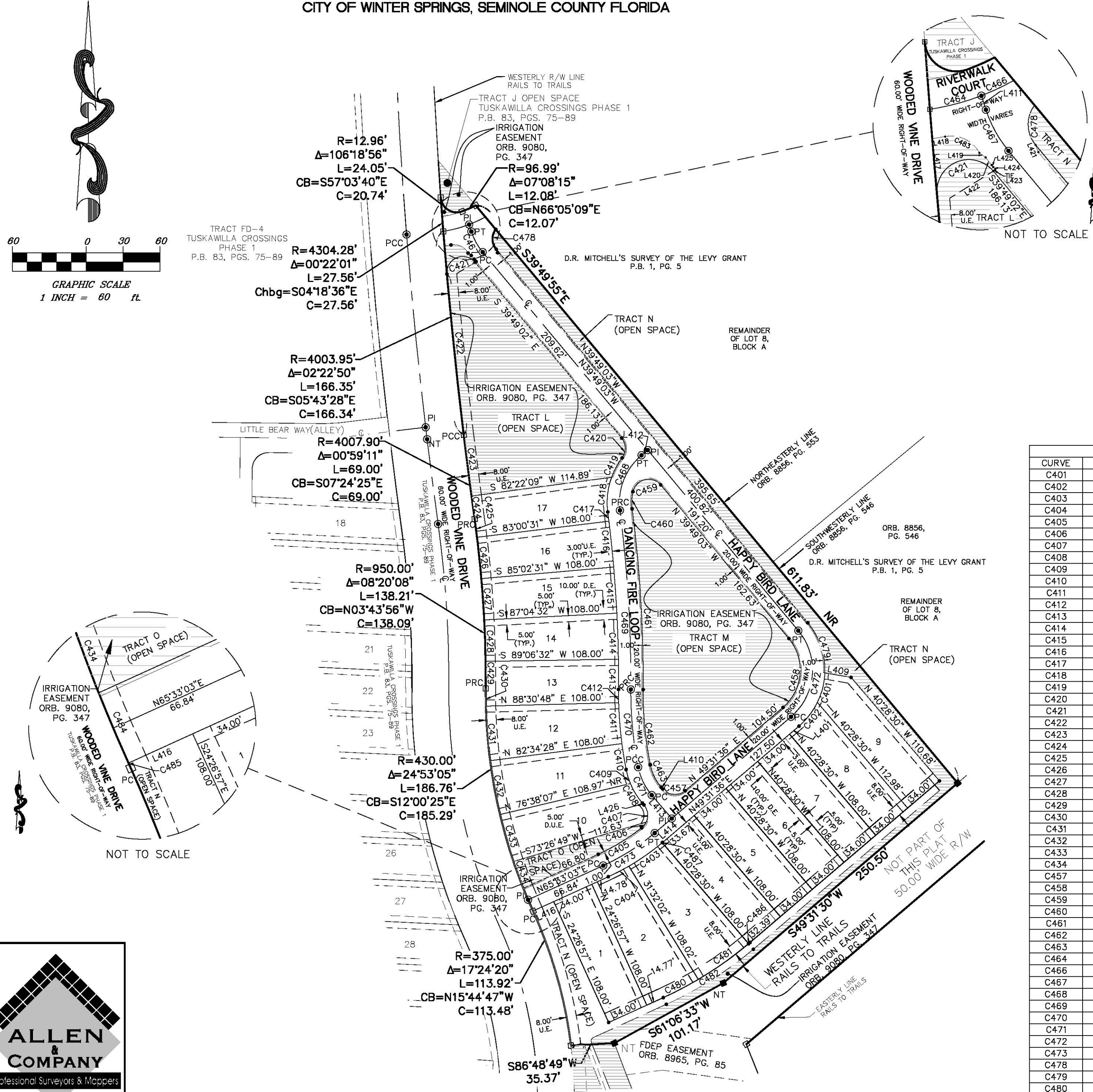
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LYING IN SECTION 6, TOWNSHIP 21 SOUTH, RANGE 31 EAST AND IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 30 EAST  
CITY OF WINTER SPRINGS, SEMINOLE COUNTY FLORIDA



LINE TABLE		
LINE	LENGTH	BEARING
L401	10.08'	N49°31'36"E
L409	21.64'	N80°16'50"W
L410	2.06'	S40°28'24"E
L411	5.97'	S17°48'24"E
L412	6.57'	S50°10'58"W
L413	25.06'	S40°28'24"E
L414	18.19'	N49°31'36"E
L415	48.77'	N65°33'03"E
L416	18.49'	N65°33'03"E
L417	22.70'	N04°52'10"W
L418	5.35'	N80°33'58"E
L419	3.20'	S53°28'47"E
L420	3.89'	S37°55'48"E
L421	3.16'	S21°22'53"E
L422	20.92'	S58°10'07"W
L423	1.00'	N50°10'57"E
L424	2.37'	S39°49'03"E
L425	3.89'	S37°55'48"E
L426	1.95'	S40°28'24"E

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C401	59.99'	23°46'25"	24.89'	24.71'	N14°07'11"E
C402	59.99'	23°30'15"	24.61'	24.44'	N37°45'31"E
C403	192.10'	09°56'56"	33.36'	33.31'	N54°59'00"E
C404	192.10'	05°35'06"	18.73'	18.72'	N62°45'01"E
C405	172.08'	13°49'56"	41.54'	41.54'	S58°37'34"W
C406	13.00'	26°45'22"	6.07'	6.02'	S38°19'55"W
C407	13.00'	65°25'38"	14.84'	14.05'	S07°45'35"E
C408	60.00'	17°47'41"	18.63'	18.56'	S31°34'34"E
C409	60.00'	11°26'18"	11.98'	11.96'	S16°57'35"E
C410	322.00'	03°48'54"	21.44'	21.44'	S09°19'59"E
C411	322.00'	05°56'21"	33.38'	33.36'	S04°27'22"E
C412	322.00'	01°55'19"	10.80'	10.80'	S00°31'32"E
C413	1058.00'	01°19'36"	24.50'	24.50'	S00°13'40"E
C414	1058.00'	02°02'00"	37.55'	37.55'	S01°54'28"E
C415	1058.00'	02°02'00"	37.55'	37.55'	S03°56'29"E
C416	1058.00'	02°02'00"	37.55'	37.55'	S05°58'29"E
C417	1058.00'	00°24'28"	7.53'	7.53'	S07°11'43"E
C418	60.00'	27°24'12"	28.70'	28.42'	S06°18'09"W
C419	60.00'	17°10'23"	17.98'	17.98'	S28°35'26"W
C420	13.00'	76°59'30"	17.47'	16.18'	S01°19'22"E
C421	13.00'	145°12'53"	32.95'	24.81'	N67°34'31"E
C422	4003.95'	01°53'01"	131.63'	131.62'	N05°58'22"W
C423	4007.90'	00°43'01"	50.17'	50.16'	N07°16'20"W
C424	4007.90'	00°16'10"	18.84'	18.84'	N07°45'56"W
C425	950.00'	00°54'31"	15.07'	15.07'	N07°26'45"W
C426	950.00'	02°02'00"	33.72'	33.71'	N05°58'29"W
C427	950.00'	02°02'00"	33.72'	33.71'	N03°56'29"W
C428	950.00'	02°02'00"	33.72'	33.71'	N01°54'28"W
C429	950.00'	01°19'36"	22.00'	22.00'	N00°13'40"W
C430	430.00'	01°55'19"	14.42'	14.42'	N00°31'32"W
C431	430.00'	05°56'21"	44.57'	44.55'	N04°27'22"W
C432	430.00'	05°56'20"	44.57'	44.55'	N10°23'43"W
C433	430.00'	05°17'09"	39.67'	39.66'	N16°00'27"W
C434	430.00'	03°06'11"	23.29'	23.29'	N20°12'08"W
C457	13.00'	90°00'00"	20.42'	18.38'	S85°28'24"E
C458	40.00'	89°20'39"	62.37'	56.24'	N04°51'16"E
C459	13.00'	127°28'38"	28.92'	23.32'	S76°26'38"W
C460	40.00'	20°06'16"	14.04'	13.96'	S02°39'11"W
C461	1078.00'	07°50'05"	147.41'	147.29'	S03°28'55"E
C462	302.00'	11°40'34"	61.54'	61.44'	S05°24'09"E
C463	40.00'	29°13'58"	20.41'	20.19'	S25°51'25"E
C464	100.00'	12°27'07"	21.73'	21.69'	N75°18'06"E
C466	100.00'	08°22'14"	14.61'	14.60'	N64°53'25"E
C467	50.00'	22°00'38"	19.21'	19.09'	S28°48'43"E
C468	50.00'	57°34'55"	50.25'	48.16'	S21°23'31"W
C469	1068.00'	07°50'05"	146.04'	145.92'	N03°28'55"W
C470	312.00'	11°40'34"	63.58'	63.47'	S05°24'09"E
C471	50.00'	29°13'58"	25.51'	25.23'	S25°51'25"E
C472	50.00'	89°20'39"	77.97'	70.30'	N04°51'16"E
C473	182.09'	15°37'16"	49.65'	49.49'	N57°34'55"E
C478	13.00'	76°44'37"	17.41'	16.14'	N01°26'44"W
C479	59.99'	42°03'30"	44.04'	43.06'	N18°47'46"W
C480	300.00'	06°07'45"	32.09'	32.08'	N62°29'10"E
C481	300.00'	09°35'22"	50.21'	50.15'	N54°37'36"E
C482	300.00'	16°01'31"	83.91'	83.63'	N57°32'17"E
C483	13.00'	72°26'18"	16.44'	15.36'	N64°34'57"W
C484	430.00'	02°39'57"	20.01'	20.01'	S23°05'12"E
C485	430.00'	00°01'47"	0.22'	0.22'	S24°26'04"E
C486	300.00'	01°18'24"	1.61'	1.61'	N49°40'44"E
C487	192.10'	0°05'51"	0.33'	0.33'	N49°57'36"E



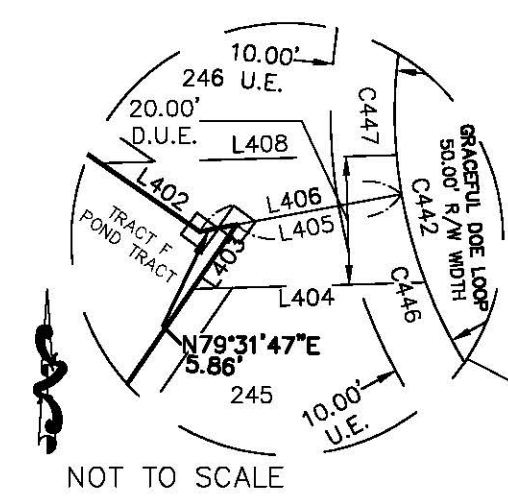
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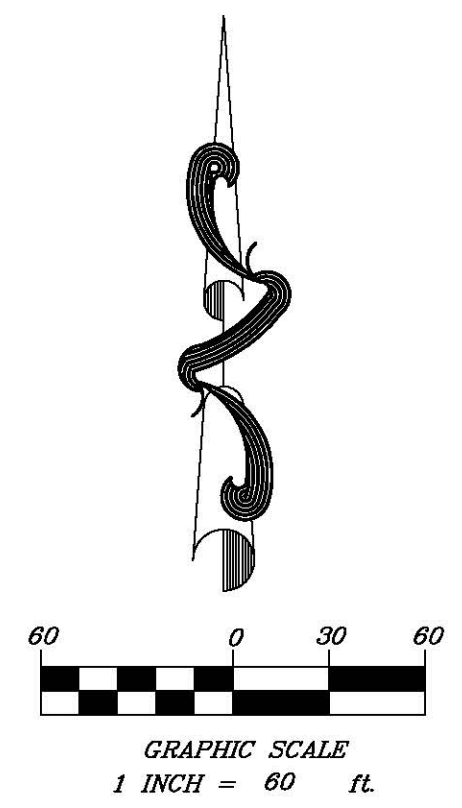
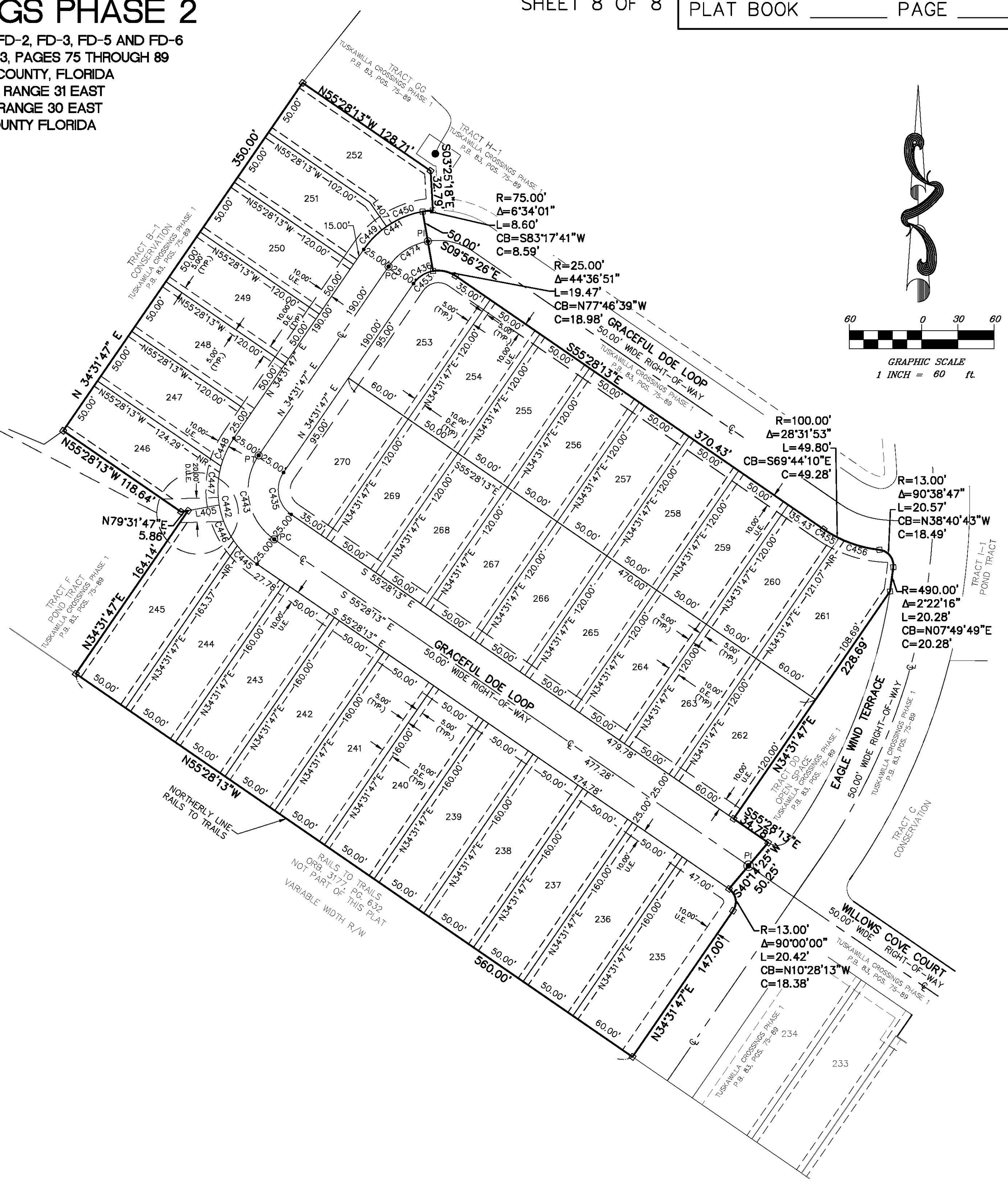
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LINE	LENGTH	BEARING
L402	18.85'	N55°28'13"W
L403	12.14'	S34°31'47"W
L404	36.37'	S88°27'04"W
L405	26.17'	N79°31'47"E
L406	32.03'	N79°31'47"E
L407	24.37'	S34°50'49"E
L408	46.25'	S88°27'04"W

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C435	25.00'	90°00'00"	39.27'	35.36'	N10°28'13"W
C436	25.00'	90°00'00"	39.27'	35.36'	N79°31'47"E
C441	75.00'	52°02'55"	68.13'	65.81'	N60°33'14"E
C442	75.00'	90°00'00"	117.81'	106.07'	N10°28'13"W
C443	50.00'	90°00'00"	78.54'	70.71'	S10°28'13"E
C445	75.00'	17°13'49"	22.55'	22.47'	N46°51'19"W
C446	75.00'	28°30'12"	37.31'	36.93'	N23°59'18"W
C447	75.00'	24°47'42"	32.46'	32.20'	N02°39'39"E
C448	75.00'	19°28'16"	25.49'	25.37'	N24°47'38"E
C449	75.00'	20°37'25"	27.00'	26.85'	N44°50'29"E
C450	75.00'	31°25'31"	41.14'	40.62'	N70°51'57"E
C453	25.00'	45°23'09"	19.80'	19.29'	S57°13'21"W
C455	100.00'	08°22'50"	14.63'	14.61'	S59°39'38"E
C456	100.00'	20°09'03"	35.17'	34.99'	S73°55'35"E
C474	50.00'	45°27'28"	39.67'	38.64'	S57°15'31"W



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# CONSENT AGENDA ITEM 303

CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

## TITLE

Tuskawilla Crossings Phase 2 Final Site Acceptance

## SUMMARY

The Tuskawilla Crossings project consists of a 379-unit single family residential subdivision by Lennar Homes. The project is located southeast of SR 434 and Tuskawilla Road. The project area is approximately 133 acres and includes a central amenity area and a commercial out-parcel.

This agenda item is for the conditional acceptance of the Phase 2 site improvements. The site work has been constructed in substantial compliance with the Final Engineering Plans approved by the City Commission, except as noted on the attached punch-list, Exhibit A. At the November 11, 2018 City Commission meeting, the City Commission approved the Tuskawilla Crossings Phase 1 Site Acceptance. Phase 2 is the final portion of this project containing public improvements.

### Applicable Code:

Section 9-178. Required Improvements to be completed prior to building on lots; exceptions.

- (c) Where the building official has an authoritative method of assurance that the improvements will be completed in accordance with approved plans, such as withholding occupancy, the building official may issue building permits upon advising the developer that all of the partial occupancy will be restricted until satisfactory completion of the improvements has been accomplished.
- (d) ...Certificates of occupancy will not be issued until all improvements are accepted by the City Commission.

## RECOMMENDATION

Staff recommends that the City Commission validate the Staff recommendation finding the Phase 2 portion of the Tuskawilla Crossings site work to be built in substantial accordance with the Final Engineering plans, subject to satisfactory completion of the remaining open punch-list items.



**City of Winter Springs**  
**Project Closeout List for City Commission Final Site Approval**  
**Tuskawilla Crossings – Phase 2**

1. Complete all sitework and pass the final engineering inspection. Contact Bryant Smith, P.E. at 407-327-8979 to schedule a preliminary and/or final engineering inspection. The final inspection will occur after receipt of the record drawings from the engineer-of-record.
2. Obtain Approvals from all City Departments

Additional items to be completed prior to closeout (this is not a complete punchlist):

- Final lift of asphalt
- Final striping
- Complete lift station enclosure
- Complete street lighting
- Site cleanup





# CONSENT AGENDA ITEM 304

CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

## TITLE

Ocean Bleu Plat Approval

## SUMMARY

Land Use & Zoning

Zoning: Town Center T5

Future Land Use: Town Center District

Applicable Regulations

Chapter 177, Florida Statutes

Chapter 197, Florida Statutes

Chapter 9, City Code

The applicant is seeking approval for the subdivision of land, as shown in the plat (Exhibit A). The applicant has recently completed the construction of the Starbucks, referred to as Lot 3 in the plat and will be seeking future approval of a retail building on Lot 4. Approval of the final plat is regulated by Chapter 9 of the City Code (various sections) and Chapter 177, Florida Statutes.

Chapter 177, Florida Statutes, requires that the plat be fully executed by the owner(s) of record, by all mortgagees having an interest in the land to be subdivided, by the professional surveyor and mapper of record, and by the independent professional surveyor and mapper who reviews the plat for consistency with Chapter 177, Florida Statutes. City Staff, including the City's independent surveyor, Southeastern Surveying and Mapping Corporation, have reviewed and conditionally approved the plat, subject to any remaining comments.

## RECOMMENDATION

Staff recommends the City Commission conditionally approve the Ocean Bleu plat, subject to the satisfaction of open comments, and authorize the City Mayor and City Attorney to prepare and execute any and all applicable documents.

# WSTC OCEAN BLEU

A REPLAT OF LOTS 3 AND 4, WINTER SPRINGS APARTMENTS - A REPLAT, PLAT BOOK 82, PAGES 63 THROUGH 66; LYING IN SECTION 6, TOWNSHIP 21 SOUTH, RANGE 31 EAST, CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA.

PLAT  
BOOK PAGE

## WSTC OCEAN BLEU DEDICATION

KNOW ALL BY THESE PRESENTS, JDBS Winter Springs, LLC, a Florida limited liability company, and SBUXS Winter Springs 434, LLC, a Florida limited liability company, being the owners in fee simple of the land described in this plat, do hereby dedicate said land and plat for the uses and purposes therein expressed.

N WITNESS WHEREOF, The undersigned has hereunto set his hand on this day of \_\_\_\_\_, 2019.

By: JDBS Winter Springs, LLC,  
a Florida limited liability company

Its: Authorized Member

By: \_\_\_\_\_  
Joshua Horrocks, Manager

SIGNED IN THE PRESENCE OF:

/s/ \_\_\_\_\_ /s/ \_\_\_\_\_  
/P/ \_\_\_\_\_ /P/ \_\_\_\_\_

By: SBUXS Winter Springs 434, LLC, a Florida limited liability company

By: \_\_\_\_\_  
Joseph DiGerlando  
As its: Manager

SIGNED IN THE PRESENCE OF:

/s/ \_\_\_\_\_ /s/ \_\_\_\_\_  
/P/ \_\_\_\_\_ /P/ \_\_\_\_\_

STATE OF FLORIDA, COUNTY OF HILLSBOROUGH

THIS IS TO CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, a notary public, duly authorized to take acknowledgements in the State and County set forth above, personally appeared Joshua Horrocks, as Manager on behalf of JDBS Winter Springs, LLC, a Florida limited liability company, who did / did not take an oath and who is personally known to me or produced the following identification: \_\_\_\_\_, and who executed the this plat and acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

NOTARY PUBLIC \_\_\_\_\_

Printed Name: \_\_\_\_\_  
My Commission Number: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

## QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL BY THESE PRESENTS, That the undersigned, being a professional surveyor and mapper that has prepared the foregoing plat was made under my direction and supervision and that the plat complies with all of the survey requirements of Chapter 177 Part I, Florida Statutes, and that said land is located in Seminole County, Florida.

Dated: 4/18/19 Signed: Ronald K. Smith  
Registration Number: \_\_\_\_\_  
LB #4475  
Accuright Surveys of Orlando, Inc.  
2012 East Robinson Street  
Orlando, Florida 32803

## CERTIFICATE OF CLERK OF CIRCUIT COURT

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on \_\_\_\_\_, 2019 at File no. \_\_\_\_\_

Clerk of the Court  
in and for Seminole County, Florida

By: Grant Maloy

## CITY SURVEYOR'S CERTIFICATE

I have reviewed this plat and find it to be in substantial conformity with Chapter 177, Florida Statutes.

Timothy D. Mosby, PLS Date \_\_\_\_\_  
Florida Registration No. 4732  
City Surveyor for The City of Winter Springs, Florida

## CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on \_\_\_\_\_, the foregoing plat was approved by the City of Winter Springs, Florida.

Charles Lacey, Mayor

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

## NOTES

1. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATUM, BASED ON THE MONUMENTED NORTHEASTERLY RIGHT-OF-WAY OF STATE ROAD 434, BEING: N38°43'16"W.

2. - DENOTES A PERMANENT REFERENCE MONUMENT, A 4"x4" CONCRETE MONUMENT WITH A DISC MARKED "PRM LB 4475", UNLESS OTHERWISE NOTED.

3. - DENOTES A PERMANENT REFERENCE MONUMENT, A NAIL WITH A DISC MARKED "PRM LB 4475, UNLESS OTHERWISE NOTED.

5. ALL PLATTED EASEMENTS, EXCLUSIVE OF PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY.

6. THIS SURVEY WAS MADE WITH BENEFIT OF FIRST AMERICAN TITLE INSURANCE COMPANY'S PROPERTY INFORMATION REPORT, FATIC FILE NO.: 2037-4294292, DATED: MARCH 29, 2019, WITH THE FOLLOWING ENCUMBRANCES:

E. 2. DECLARATION OF CONDITIONS, COVENANTS, EASEMENTS AND RESTRICTIONS BY AND BETWEEN WINTER SPRINGS HOLDINGS, INC., A DELAWARE CORPORATION, AND WINTER SPRINGS APARTMENTS, LP, A DELAWARE LIMITED PARTNERSHIP, RECORDED MARCH 2, 2017 IN OFFICIAL RECORDS BOOK 8871, PAGE 98, AS AFFECTED BY FIRST AMENDMENT TO DECLARATION OF CONDITIONS, COVENANTS, EASEMENTS AND RESTRICTIONS RECORDED AUGUST 3, 2017 IN OFFICIAL RECORDS BOOK 8964, PAGE 1579, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

F. 1. FUTURE DEVELOPMENT COMMITMENT AGREEMENT BY AND BETWEEN WINTER SPRINGS HOLDINGS, INC., A DELAWARE CORPORATION THE CITY OF WINTER SPRINGS, FLORIDA RECORDED NOVEMBER 29, 2010 IN OFFICIAL RECORDS BOOK 7486, PAGE 146, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

F. 2. DEVELOPMENT AGREEMENT (MULTI-FAMILY/MIXED USE APARTMENT PROJECT - S.R. 434) BY AND BETWEEN THE CITY OF WINTER SPRINGS, A FLORIDA MUNICIPAL CORPORATION, AND WINTER SPRINGS HOLDINGS, INC., A DELAWARE CORPORATION, RECORDED APRIL 9, 2015 IN OFFICIAL RECORDS BOOK 8446, PAGE 1131, AS AFFECTED BY FIRST MODIFICATION OF DEVELOPMENT AGREEMENT (MULTI-FAMILY/MIXED USE APARTMENT PROJECT S.R. 434) RECORDED JANUARY 31, 2017 IN OFFICIAL RECORDS BOOK 8852, PAGE 1719, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

7. THE UTILITY EASEMENTS ON LOTS 2 AND 4, THE DRAINAGE EASEMENT ON LOT 3, AND THE CROSS ACCESS EASEMENT ON LOTS 1 AND 2 ARE PROVIDED FOR IN THE DECLARATION OF COVENANTS, RESTRICTIONS AND RECIPROCAL EASEMENTS AGREEMENT MADE BY JDBS WINTER SPRINGS, LLC AND RECORDED IN OFFICIAL RECORDS BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

## DESCRIPTION

LOTS 3 AND 4, WINTER SPRINGS APARTMENTS - A REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 82, PAGE 63 THROUGH 66, INCLUSIVE, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF STATE ROAD 434 AND TUSKAWILLA ROAD (PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 77070-2516, SHEET 10 OF 13, P.I. STATION 600+32.111; RUN THENCE S38°23'34"E, A DISTANCE OF 193.02 FEET ALONG THE BASELINE OF SURVEY AS SHOWN ON SAID RIGHT-OF-WAY MAP; THENCE DEPARTING SAID BASELINE, RUN N51°36'26"E, A DISTANCE OF 88.48 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE AFORESAID STATE ROAD 434, AS SHOWN ON SAID RIGHT-OF-WAY MAP, ALSO BEING THE MOST SOUTHERLY CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2803, PAGE 643, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE RUN N30°04'56"E ALONG THE SOUTHEASTERLY LINE OF SAID PROPERTY, A DISTANCE OF 188.49 FEET; THENCE DEPARTING SAID SOUTHEASTERLY LINE RUN S38°30'33"E, A DISTANCE OF 355.63 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF EAGLE EDGE LANE AS DESCRIBED IN OFFICIAL RECORDS BOOK 9329, PAGE 443, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE S51°31'43"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 174.42 FEET TO A POINT ON THE AFOREMENTIONED NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 434; THENCE N38°43'16"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 286.71 FEET TO THE POINT OF BEGINNING.

CONTAINS 56,208 SQUARE FEET OR 1.290 ACRES MORE OR LESS.

TOGETHER WITH:

COMMENCE AT SAID MOST SOUTHERLY CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2803, PAGE 643; RUN THENCE S38°43'16"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 348.71 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID EAGLE EDGE LANE AS DESCRIBED IN OFFICIAL RECORDS BOOK 9329, PAGE 443, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE N51°31'43"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF EAGLE EDGE LANE A DISTANCE OF 174.20 FEET TO A POINT ON THE SOUTHWEST LINE OF SEA HAWK COVE; THENCE S38°30'33"E ALONG SAID SOUTHWEST LINE OF SEA HAWK COVE, A DISTANCE OF 398.14 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF MICHAEL BLAKE BOULEVARD; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: RUN S64°45'55"W A DISTANCE OF 39.50 FEET; THENCE RUN S51°16'44"W A DISTANCE OF 96.38 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING OF N83°15'04"W; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°56'23" A DISTANCE OF 39.68 FEET TO A POINT ON THE AFOREMENTIONED NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 434 AND A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 7905.47 FEET AND A CHORD BEARING OF N38°15'04"W; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE RUN NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°56'23" A DISTANCE OF 129.67 FEET; THENCE RUN S51°16'44"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 14.00 FEET; THENCE RUN N38°43'16"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 224.60 FEET TO THE POINT OF BEGINNING.

CONTAINS 65,478 SQUARE FEET OR 1.503 ACRES MORE OR LESS.

## SHEET INDEX

SHEET 1: DESCRIPTION, NOTES, DEDICATION, LEGEND  
SHEET 2: PLAT DETAIL

## LEGEND

CCR - CERTIFIED CORNER RECORD  
 - CENTERLINE SYMBOL  
 CM - CONCRETE MONUMENT  
 - CENTRAL ANGLE  
 FND - FOUND  
 L - ARC LENGTH  
 LB - LICENSED BUSINESS  
 N&D - NAIL & DISK  
 NT - NON-TANGENT  
 ORB - OFFICIAL RECORDS BOOK  
 PB - PLAT BOOK  
 PC - POINT OF CURVATURE  
 PG - PAGE  
 POB - POINT OF BEGINNING  
 POC - POINT OF COMMENCEMENT  
 PRM - PERMANENT REFERENCE MONUMENT  
 PSM - PROFESSIONAL SURVEYOR AND MAPPER  
 R - RADIUS  
 R/W - RIGHT-OF-WAY  
 UE - UTILITY EASEMENT

### NOTICE:

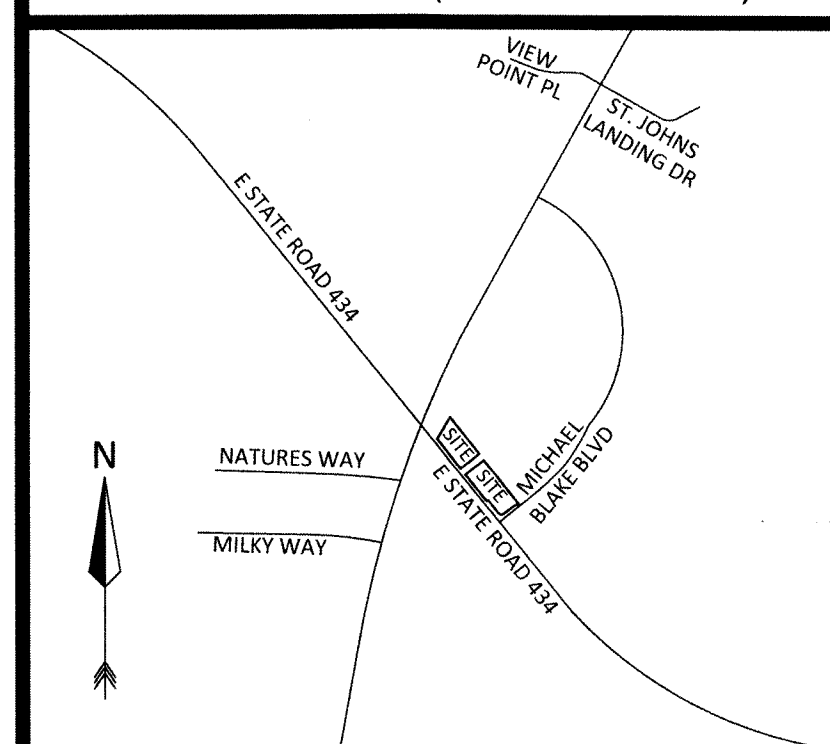
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.



ACCURIGHT SURVEYS OF ORLANDO INC., LB 4475  
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 PHONE: (407) 894-6314

## SHEET 1 OF 2

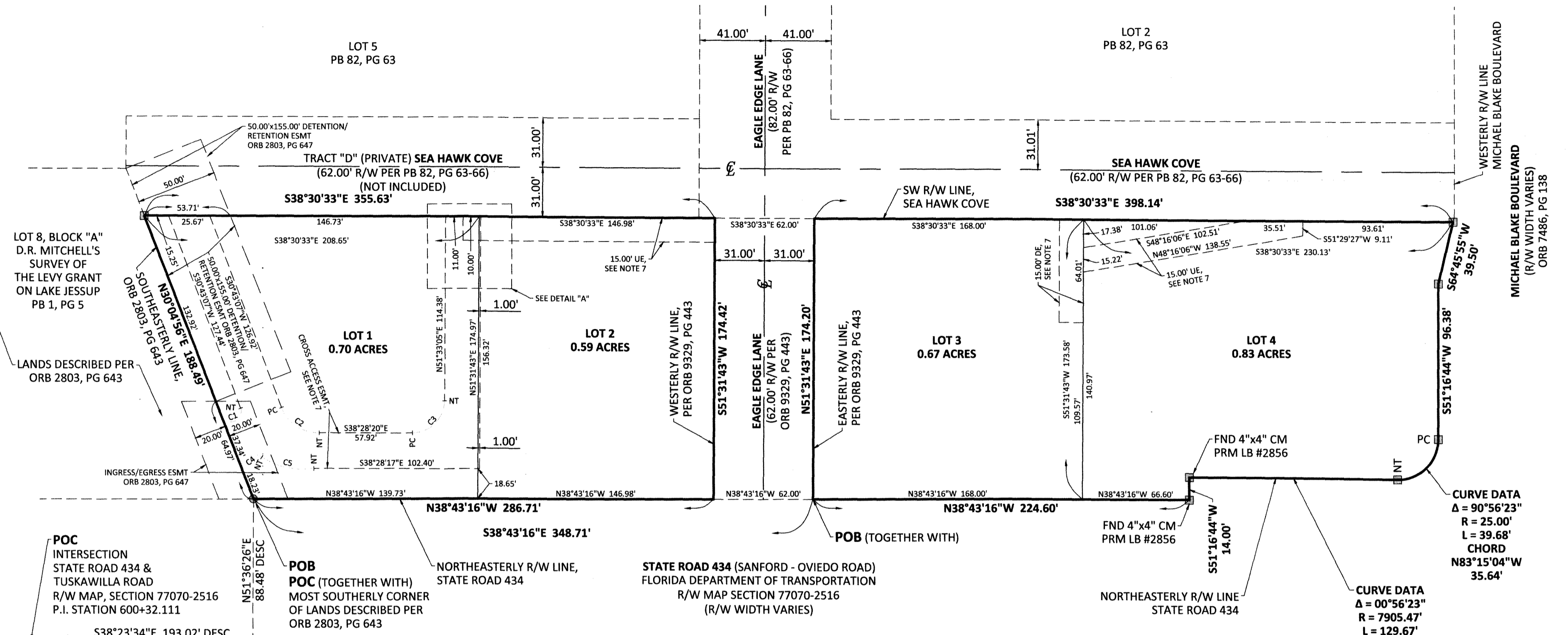
### VICINITY MAP (NOT TO SCALE)



# WSTC OCEAN BLEU

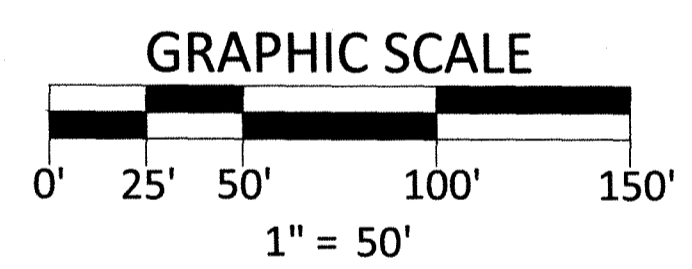
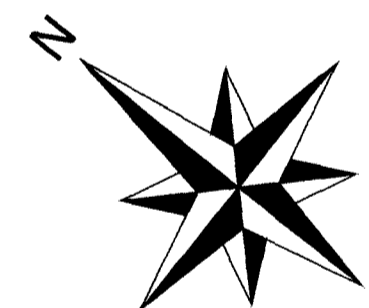
PLAT  
BOOK PAGE

A REPLAT OF LOTS 3 AND 4, WINTER SPRINGS APARTMENTS - A REPLAT, PLAT BOOK 82, PAGES 63 THROUGH 66; LYING IN SECTION 6, TOWNSHIP 21 SOUTH, RANGE 31 EAST, CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA.

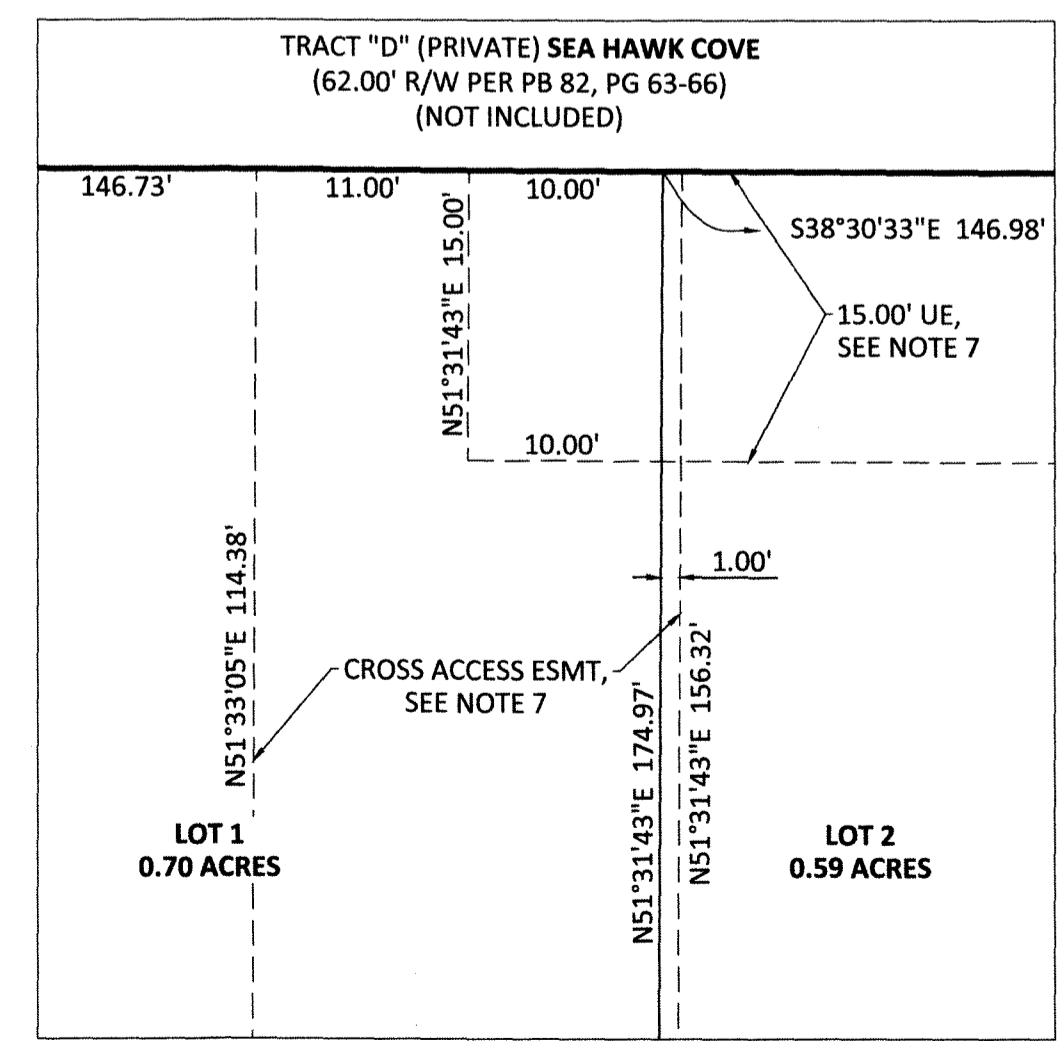


CURVE CHART

NO.	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	178°56'23"	6.39'	19.97'	N59°35'54"W	12.79'
C2	71°41'57"	24.19'	30.27'	S05°07'52"E	28.33'
C3	89°59'53"	20.00'	31.42'	S83°28'17"E	28.28'
C4	142°50'18"	7.81'	19.47'	S76°15'52"E	14.81'
C5	42°22'49"	45.65'	33.77'	S26°36'28"E	33.00'



DETAIL "A" - 1" = 10'



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# **CITY COMMISSION**

## **WORKSHOP**

## **MINUTES**

**UNAPPROVED**

**MONDAY, APRIL 15, 2019 AT 6:30 PM**

CITY HALL - COMMISSION CHAMBERS  
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA



## CALL TO ORDER

The Workshop of Monday, April 15, 2019 of the City Commission was called to Order by Mayor Charles Lacey at 6:30 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

### Roll Call:

Mayor Charles Lacey, present  
Deputy Mayor Kevin Cannon, present  
Commissioner Jean Hovey, present  
Commissioner Ted Johnson, present  
Commissioner TiAnna Hale, present  
Commissioner Geoff Kendrick, present  
Interim City Manager Shawn Boyle, present  
City Attorney Anthony A. Garganese, arrived at 6:32 p.m.  
City Clerk Andrea Lorenzo-Luaces, present

A moment of silence was held, followed by the Pledge of Allegiance.

Mayor Lacey mentioned that Interim City Manager Shawn Boyle had asked if Agenda Item 4). could be deferred, "So, I would ask for a Consensus to approve the Agenda including items 1), 2), and 3)." Deputy Mayor Kevin Cannon and Commissioner Geoff Kendrick stated, "No objection." No disagreement was noted.

## PUBLIC INPUT

*Mayor Lacey opened "Public Input".*

*Mr. Phil Kaprow, Esquire, 1005 Antelope Trail, Winter Springs, Florida:* addressed the City Commission as a representative of his employer, Killgore, Pearlman, Semanie, Denius & Squires, P.A., whom he noted was a sponsor for the Oviedo-Winter Springs Regional Chamber of Commerce's Capitol Connection. Mr. Kaprow mentioned that his company had an extra seat for the Capitol Connection and was offering it to the City of Winter Springs, specifically for Commissioner TiAnna Hale who they knew was interested in attending the Capitol Connection.

*City Attorney Anthony A. Garganese arrived at 6:32 p.m.*

With additional remarks, Mr. Kaprow pointed out, "We're not lobbyists, there's no quid pro quo involved; it's a gift to the City - the same way that it's an emolument of the membership of the Trusteeship. So, it's not like we're giving it with an earmark for her, but presumably the intention was that she had expressed an interest."

Mayor Lacey summarized, "It is a gift to the City, no strings attached." Mr. Kaprow responded, "That is correct."

Comments continued.

Attorney Garganese noted, "If it's something that the City can accept, not a gift but an emolument or whatever it is, it's of the trustee relationship between the Chamber and the City, and it comes to this body, and then the body can determine whether or not to accept it, and then the body, the governing body of Winter Springs can determine who goes on behalf of the City."

Discussion.

Mayor Lacey stated, "So, coming from a firm that has that as their benefit, can that be a donation to the City?" Attorney Garganese said, "The firm is not lobbying the City on behalf of a client or lobbying ..." Mr. Kaprow noted, "...We have no business before the City at this point, nor in the foreseeable future at this time."

Remarks continued regarding Deputy Mayor Cannon was also attending the Capitol Connection, how a past Commissioner served as the City's representative to the Oviedo-Winter Springs Regional Chamber of Commerce, that various current City Officials might also like to participate with similar trips, the Sunshine Law, and this current situation.

**REGARDING THE CAPITOL CONNECTION TRIP, "I WOULD LIKE TO MAKE A MOTION THAT WE ACCEPT THE GENEROUS DONATION FROM MR. KAPROW'S FIRM AND THAT COMMISSIONER HALE BE THE PERSON SELECTED TO ATTEND." MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

*Mayor Lacey opened "Public Input" on this particular topic of discussion.*

No one spoke.

*Mayor Lacey closed "Public Input" on this particular topic of discussion.*



**VOTE:****COMMISSIONER JOHNSON: AYE****COMMISSIONER HALE: AYE****DEPUTY MAYOR CANNON: AYE****COMMISSIONER KENDRICK: AYE****COMMISSIONER HOVEY: AYE****MOTION CARRIED.**

*Mayor Lacey closed "Public Input".*

**DISCUSSION ITEMS****1). Discuss Florida Regional Planning Council Proposal**

*Ms. Tara McCue, AICP, Director of Planning & Community Development, East Central Florida Regional Planning Council, 455 North Garland Avenue, Orlando, Florida:* introduced herself and gave an overview of what the East Central Florida Regional Planning Council does and specifically what her agency could provide in terms of a possible Visioning program.

Regarding a proposal that the East Central Florida Regional Planning Council submitted, Ms. McCue referenced Task 1 and stated, "We would look at your old Vision and Strategic Plan, look through your land development, your demographic and your economic growth, and then interview the different Directors from the City to see what from your Strategic Plan process and that Vision would move forward - with some communication ideas, park and rec[reation] programs, those things that were highlighted. Then we would present this to the city council and also develop a report on that."

Continuing, Ms. McCue mentioned Task 2 that involved engaging the community and noted, "What we generally do is hold a Workshop with the community. We would present the findings from where you guys were in 2009, how things have changed because of the growth." Ms. McCue added, "A lot of the people who are here, may not have been part of that process, so we need to see how things have changed in the view of their minds as well, and educate them on the process that had already taken place. So, we would do that and then conduct the various numbers of roundtable discussions."

Ms. McCue added that during this process they would identify strengths and opportunities, where people would like to see improvement, and where they envision the City being in ten to twenty (10 to 20) years.

Continuing, Ms. McCue explained, "All of that would be led by the Regional Planning Council, we would work with your City Staff to get everybody out there, to announce it and get a really, really good turn out, and then taking that information, we would implement that into a survey."

Ms. McCue referenced a survey platform that was available to be used, and suggested the City take advantage of this free resource.

Furthermore, Ms. McCue noted, "We would take all that information and create the survey from it and really make it a community-based survey. So, we would work with the City to use all means necessary, mail out flyers, your marquee, social media, email lists to get as many people to participate in that survey as possible, and then we would develop a report."

Ms. McCue mentioned their Report would address "What came out of the Workshop, and what came out of the survey, and provide some recommendations to move forward; and those are the recommendations that we would come back and present to you all, whether or not it's to create another full vision, to create an addendum for your old Plan, or other recommendations that might come forward."

And then obviously all that information, we would work with the City to make sure it moves forward to get consulting, so that they would have an opportunity to look that over and move that forward. And some things that are not on the proposal - then we could work with the City to either create the vision if that was what the recommendation was and then review your LDR's (Land Development Regulations), your Ordinances in your Comp[rehensive] Plan to see if there are any barriers or gaps in order to move this forward."

Deputy Mayor Cannon remarked, "As part of this process, if the community decides that they want to tweak some of the goals that are in the Comp[rehensive] Plan you would - gather that information as well and then make recommendations."

Continuing, Deputy Mayor Cannon commented, "In Task 1, what you are looking at - is basically looking at our Comprehensive Land-Use Plan that was adopted in 2009, and looking at the Goals set forth in that and what we've achieved, and what we haven't achieved; and in addition to that, if the community's perspective has changed a little, you will capture that, right? If we need to tweak some things and bring it current?"



Ms. McCue responded, “Yes, we would look at what your Comp[rehensive] Plan is saying; if your Comp[rehensive] Plan really encompasses the vision. If they were done at the same time, I would hope it did.”

Further, Ms. McCue added, “We would do a periphery look at that. We wouldn’t for this, we would not do straight through revisions. For that, I think that is a task that would be after - but that we can always add on, like I said, the findings we can recommend. We need to go through in a more detailed analysis of your Comp[rehensive] Plan.”

Deputy Mayor Cannon thought that reaching out for ten to twenty (10-20) years made sense to consider and asked if Ms. McCue had done this before. Ms. McCue responded that they had not done a twenty (20) year Plan, however, they had just completed a five (5) year Plan for another municipality.

Further remarks ensued on benchmarks, economic viability, the Gibbs Planning Group, marketing, and economic strategies.

Deputy Mayor Cannon then asked Ms. McCue when would her agency be available, if the City wanted to go forward. To that, Ms. McCue noted a May 1<sup>st</sup> start date.

Commissioner Hale asked if the suggested survey platform would be offered online to which Ms. McCue explained it was available via various electronic means however due to ADA (Americans with Disabilities Act) requirements, a paper copy would also be available as required.

Brief comments followed on the survey process, data, results, and Commissioner Kendrick noted his preference was for as much data gathered as possible.

Next, Commissioner Jean Hovey pointed out, “The total cost is seventeen thousand five hundred [dollars] (\$17,500.00). Is that an estimate?” Ms. McCue replied, “That was the cost, as-is. If we’re going to be doing some best practice, that will go up a little bit but not tremendously – if we were to do three (3) best practice research, probably about twenty, twenty-one thousand.”

Continuing, Commissioner Hovey asked Interim Manager Boyle about the services that the Institute of Government might provide. Interim Manager Boyle spoke briefly about the Institute of Government and pointed out, “The benefit is that Tara (McCue) can actually come back and do the actual work to update the Comp[rehensive] Plan.”

With further remarks, Commissioner Hovey then referenced the suggested costs for this process and asked where the funds would come from, if the City Commission went with the Gibbs Planning Group,?

Interim Manager Boyle said, “We actually have some money in Community Development, one of the line items is for these type of services and what we’d like to do is if we don’t make a decision – we weren’t really asking you guys to make a decision tonight.

What we were going to do is bring it back on a Consent and we would put in there, ‘Not to exceed this much money’; and obviously, if we do, then we come back before this body and ask for permission to exceed it. But we have some money in Economic Development over in Community Development line items to pay for it.” Further in response, Interim Manager Boyle added, “We have money budgeted and no, we would not defer monies from other projects.”

Commissioner Ted Johnson inquired as to what kind of a return could be expected from the proposed survey.

Ms. McCue noted, “Our aim is always to get three to five percent (3 - 5%) of the entire community which is pretty good for a survey. Of course, it depends upon how well the City can get the message out.” Ms. McCue then mentioned a survey that was done in a coastal community that received excellent participation and results and noted that this other community set up a booth at festivals, used electronic devices, and also sent a letter to all citizens and businesses in the community to make sure everyone was informed about their survey.

Regarding attendance at Workshops, Commissioner Johnson asked about past results to which Ms. McCue said they have had varying results; however, they structured and marketed surveys to garner as much interest as possible. Next, Commissioner Johnson asked Ms. McCue what would be included on the survey.

Ms. McCue remarked, “What we would do is we would take some of the items that came out of the last Vision process, some of the things that boiled to the top for that, and then the information that we get from the community Workshops - what are the top things you want to see move forward and then we would combine them and tweak them in a way that they were comprehensive enough so that we’re combining everything and then taking a deeper dive as the survey - moves along, so it would really be community driven.

What was important in the last survey to see if that has moved forward and then what has boiled to the top again in the community Workshop. And if there's things that are important to the Commission, we can include those as well."

Commissioner Johnson then inquired, "What would be a reasonable timeline for this process to be concluded?"

Ms. McCue said, "What we were envisioning was for reviewing everything in the trend analysis, and where have you been in the last ten (10) years. We are hoping to start that in May and complete that towards the middle of June, and then present to the council toward the end of June, and then the month of June, we would work on the community Workshop, and pulling all of that together. And then from there with the survey, we definitely would want the survey out for about a month, so we would take the information from the Workshop, compile it all together, have the Workshop out by July 1<sup>st</sup>.

So, the whole month of July would be attributed to people filling out the survey, and then we would spend the first week or two in August pulling all of that information together, coming up with our recommendations, creating a Report and then in August, depending on the schedule of the council, we would come back and provide you our recommendations."

Further comments.

Deputy Mayor Cannon mentioned he thought the timeline was longer than he would have preferred, however he said that that was related to the City. Ms. McCue then stated, "If we can get it done sooner, we will do our very best."

Brief remarks followed on the Visioning process, marketing, recommendations and whether this agency would assist with possible suggestions.

Ms. McCue explained, "If there is something that we see, that really come out, we would provide that recommendation but as far as the strategy of who to target, that would definitely be something coming from Gibbs, if you choose to go with them."



Commissioner Kendrick noted the timing, getting this done right, and pointed out, “July 4<sup>th</sup>, we have Celebration of Freedom here. We could probably incorporate and try to derive maybe a larger group of citizens to get those surveys out to, because we do have a City event that is very well attended by everyone throughout the County quite frankly, but plenty of Winter Springs’ residents, and I think that would be an ideal time to have a City booth and to have those iPads, and I think that would be perfect to drive those surveys home.”

Continuing, Commissioner Kendrick added that he thought these Workshops the City has had were more like Regular Commission meetings rather than roundtable discussions. Commissioner Kendrick suggested that what might be more conducive to hearing from residents and business representatives was to have actual tables for attendees to sit at, and thought that such would be helpful in opening up discussions, especially with business representatives.

Ms. McCue noted, “The way we set it up is that we would do one community Workshop; but if you are suggesting we do a Business Workshop as well, we can do one of those. We’ve done that as well, where we separated the conversation. The way that we do our Workshop is we get up, we do a presentation, why we’re here, this is where you’ve been, where do you want to go, and then we have different conversations occurring at different tables.”

Furthermore, Ms. McCue noted that typically she recommends that the Elected Officials do not attend Visioning Workshops so that the citizens can talk freely. Commissioner Kendrick said that he was agreeable to that.

Deputy Mayor Cannon asked how do they ensure that only residents from Winter Springs are surveyed. Ms. McCue explained that in another jurisdiction, participants had people put in their address; however, Ms. McCue suggested that sometimes, getting comments from others who visit a City and utilize services in that City, could also be helpful.

Commissioner Johnson noted that he thought the Workshops should be less formal and supported the roundtable concept. Additionally, Commissioner Johnson mentioned that he also agreed with the City having a booth or tent at the City’s 4<sup>th</sup> of July event, which he thought would be great for the survey and that we could ask people for their driver’s license for verification.

Further comments.



Mayor Lacey then remarked, "I believe it is Shawn's (Boyle) intention to bring this back as an Agenda Item next week, right? Interim Manager Boyle responded, "Yes." Interim Manager Boyle added, "What I'd like to bring back is some spending limits, some caps and a draft contract, that way we give Anthony (Garganese) some time to review it."

Mayor Lacey then said, "Commissioners, if you have any input for Shawn (Boyle) now or in the next few days, it would be useful." In terms of agreement, Mayor Lacey pointed out, "I don't see any shaking heads."

## **2). Draft Noise Ordinance 2019-XX**

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Interim Manager Boyle began the discussion by commending Attorney Garganese for his work on various Ordinances and that he was very appreciative of his efforts.

Attorney Garganese began the discussion on this Agenda Item and mentioned some recent issues related to the use of power tool equipment and power ground maintenance equipment being used during early morning hours.

Captain Matt Tracht, Operations Bureau, Police Department addressed the City Commission on these matters, recent Code Enforcement complaints, how most of this was related to landscaping work, and that they were proposing a new sub section (k) which would address landscaping issues.

Attorney Garganese remarked, "The way the Noise Ordinance is structured in Winter Springs - there's two (2) possible Violations. We have a decibel-based standard to deal with general noise and there's a whole methodology that's set forth in the Ordinance; and then the other section of the Ordinance deals with noise disturbances that are just prohibited out right. That is just generally deemed a public nuisance because they occur, not because of a decibel reading and there's a list of those type of activities that the Commission has previously deemed a noise disturbance that should be prohibited.

The way the Ordinance is structured, if this Ordinance were adopted by the Commission there would be an additional prohibited activity added to the Noise Ordinance for power tool equipment and power ground maintenance equipment. And the Ordinance would deem it unlawful to operate or permit to be operated any power tool equipment as defined in this Ordinance or power ground maintenance equipment – as defined in this Ordinance in residential areas only, not commercial areas but in residential areas, outdoors.

So, not the use of this equipment indoors but it would be in residential areas and the activity would occur outdoors, and it would be between the hours of 10 p.m. and 7 a.m. the following day.

Now with respect to outdoor use of ground maintenance equipment on public recreational fields and golf courses, the hours would be slightly different. It would be prohibited between 10:00 p.m. and 6:30 a.m. the following day, generally because of the recognition that those types of facilities tend to have to get fields ready for morning play.”

Deputy Mayor Cannon inquired if there were any exemptions for generators and big festivals such as the Scottish Highland Games or festivals held at churches.

Interim Manager Boyle stated, “There is an administrative exception that the City Manager currently can grant for - early morning concrete pours, any events, anything along those lines, the City Manager currently has the ability to waive some of the rules...” Captain Tracht added, “...Special Permits like the Highland Games.”

Comments followed on when special events such as the Scottish Highland Games have to go quiet.

Interim Chief of Police Chris Deisler, Police Department stated, “Generally, the noises are allowed per the Special Events Permit. So, if the permit gives them ‘x’ hours, the noises are exempt between those hours specified on the permit.”

Comments followed on school carnivals, permits, that this Ordinance would not address commercial situations, and issues such as garbage collections very early in the morning.

Commissioner Hovey noted, “If someone is at the school mowing the yard, it’s not just affecting me, it is affecting all of us around there, plus the people across [State Road] 434 - there are lots of residential next to commercial.”

Attorney Garganese pointed out, “The way the Ordinance is written for this particular Violation, it would be within a residential area. A residential area is defined in the existing Ordinance and with respect to the use of power equipment and power ground maintenance equipment, I would have to maybe look at that a little bit more if that is what the Commission wants to do.”



Remarks continued on waste and recycling pick-ups, and for example, when someone could start mowing lawns on Sunday mornings. Further discussion continued.

Deputy Mayor Cannon spoke of the 6:30 a.m. start time and comments followed that noise often comes with living on a golf course.

Furthermore, Deputy Mayor Cannon commented on the proposed Ordinance, Emergency Declarations, hurricane or smaller storm type events, and suggested that perhaps some leeway might be helpful if Attorney Garganese and/or the Police Department thought such would be helpful.

Mayor Lacey then said to Attorney Garganese, "Do you have from us what you need – any clarifications?" Attorney Garganese then asked if the 6:30 a.m. start time was acceptable. Deputy Mayor Cannon stated, "I am fine with it." No objections were voiced.

### **3). Draft Construction Management Ordinance 2019-XX**

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Attorney Garganese began the discussion on this Agenda Item and said, "At the last Workshop, the Commission discussed having a more specific and consolidated Construction Site Management Ordinance." Attorney Garganese added, "I went ahead and proposed an Ordinance which would create a new section of the City Code 6-88. which is our Building Code provisions, and it would create this uniform set of construction site management regulations.

Generally, the topics that are covered by this Ordinance are construction management plans, temporary toilet facilities for workers, the contractor and property owners responsibilities when there's the ongoing construction on the property.

There's a final site cleanup and repair of damage to public property provision - a temporary construction fence is another category that's addressed, and erosion and runoff control is another general category, and then there's a Violation and Enforcement section.

Further comments followed.



Deputy Mayor Cannon applauded Attorney Garganese for the great job that Attorney Garganese did in terms of putting this as well as the previous Ordinance together.

Discussion.

Commissioner Kendrick agreed with Deputy Mayor Cannon's compliments regarding Attorney Garganese's work on this Ordinance.

Deputy Mayor Cannon then suggested that with the Management Plan, before any Permit was issued, someone from the City would meet with the builder, provide them with a copy of the (final) Ordinance, have them sign that they have received it and will follow it. Interim Manager Boyle said, "Yes."

It was then noted that no Motion was needed and Mayor Lacey added, "It will come back to us for formal action."

#### **4). Discuss Gibbs Planning Group, Inc. Economic Study**

As stated during the Approval of the Agenda, this Agenda Item was not heard.

#### **PUBLIC INPUT**

*Mayor Lacey opened "Public Input".*

No individuals expressed any remarks.

*Mayor Lacey closed "Public Input".*

In other City business, Commissioner Johnson remarked that this week was set forth to recognize Dispatchers with the Police Department and Commissioner Johnson expressed that their work was very impressive and they do indeed deserve recognition.

Interim Chief Deisler agreed and said he would share these compliments with his staff.

**UNAPPROVED**

## **ADJOURNMENT**

Mayor Lacey adjourned the Workshop at 7:39 p.m.

*RESPECTFULLY SUBMITTED:*

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ANDREA LORENZO-LUACES, MMC  
CITY CLERK

*APPROVED:*

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MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the \_\_\_\_\_, 2019 City Commission Regular Meeting.

UNAPPROVED



# **CITY COMMISSION**

## REGULAR MEETING MINUTES

**MONDAY, APRIL 22, 2019 AT 6:30 PM**

CITY HALL - COMMISSION CHAMBERS  
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA



## CALL TO ORDER

The Regular Meeting of Monday, April 22, 2019 of the City Commission was called to Order by Mayor Charles Lacey at 6:30 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

### Roll Call:

Mayor Charles Lacey, present  
Deputy Mayor Kevin Cannon, present via telephone  
Commissioner Jean Hovey, present  
Commissioner Ted Johnson, present  
Commissioner TiAnna Hale, present  
Commissioner Geoff Kendrick, present  
Interim City Manager Shawn Boyle, present  
City Attorney Anthony A. Garganese, present  
City Clerk Andrea Lorenzo-Luaces, present

A moment of silence was held, followed by the Pledge of Allegiance.

In terms of the Agenda, Mayor Lacey asked, "Commissioners, may we Adopt the Agenda?" Commissioner Jean Hovey and Commissioner Geoff Kendrick remarked, "Yes." With no objections, Mayor Lacey stated, "It stands adopted." Further comments followed on the Agenda.

## AWARDS AND PRESENTATIONS

**100. Recognition of Len Hartman, Public Works Superintendent, Guy Meyers, Construction Project Manager, Ken Miller, Parks and Recreation Maintenance, and Clifton Mullis, Public Works Supervisor, for their leadership and initiative during the construction of the Pamela A. Carroll Memorial Pavilion at Trotwood Park**

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Mr. Chris Caldwell, Director, Parks and Recreation Department introduced this presentation.

Continuing, Mr. Caldwell pointed out that through their ideas, leadership, and a lot of hard work, this new initiative came to fruition. Mr. Len Hartman, Superintendent, Public Works Department, Mr. Guy Meyers, Construction Project Manager, Finance and Administrative Services Department, Mr. Ken Miller, Maintenance Parks and Recreation Department, and Mr. Clifton Mullis, Supervisor, Public Works Department all worked together to plan and construct the new Pamela A. Carroll Memorial Pavilion at Trotwood Park.

Mr. Caldwell then noted that Interim City Manager Shawn Boyle assisted with this project and should also be commended.

Congratulations were offered to these City employees for a great team effort.

Commissioner Hovey then mentioned that she often attends sports events at many parks throughout Seminole County and that parks in Winter Springs, especially Central Winds Park, are really the best in Seminole County. Commissioner Hovey offered her compliments to Mr. Caldwell and his team on how great they maintain the City's parks.

## **INFORMATIONAL AGENDA**

### **200. Current Development Projects Update**

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This Agenda Item was not discussed.

## **PUBLIC INPUT**

*Mayor Lacey opened "Public Input".*

*Mr. Michael Burns, 1095 Cheyenne Trail, Winter Springs Florida:* commented on issues with bears and wildlife in the area, how the food cycle works, his concern with residents feeding wild and feral animals, and to try to solve potential problems, Mr. Burn hoped the City would adopt an Ordinance requiring people who feed feral animals to take full care of them.

*Ms. Karina Rivadeneira, 150 Bear Springs Drive, Winter Springs Florida:* spoke of her and other people getting nails in their tires at the intersection of Wade Street and Old Sanford Oviedo Road possibly due to streets not being cleaned enough, the costs involved with fixing flat tires, and hoped the City would try to make sure the streets were cleaned more.

Mayor Lacey suggested that Interim City Manager Boyle have someone on staff get in touch with Ms. Rivadeneira regarding this matter.

*Mayor Lacey closed "Public Input".*

## **CONSENT AGENDA**

### **300. Acceptance of the 2018 Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Grant**

This Agenda Item was not discussed.

### **301. Purchase of a new Dehumidification System for the Senior Therapy Pool**

No discussion.

### **302. Resolution 2019-06 establishing rental fees for the Pamela A. Carroll Memorial Pavilion at Trotwood Park**

There was no discussion on this Agenda Item.

### **303. Octopus Car Wash Site Plan Acceptance**

No discussion.



**304. Resolution 2019-08 in recognition of former City Manager Kevin L. Smith's service to the City of Winter Springs**

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This Agenda Item was not discussed.

**305. Resolution 2019-09 in recognition of former Chief of Police Kevin Brunelle's service to the City of Winter Springs**

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No discussion.

**306. Minutes from the Monday, March 25, 2019 City Commission Regular Meeting**

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There was no discussion on this Agenda Item.

**307. Minutes from the Monday, April 1, 2019 City Commission Workshop**

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No discussion.

**308. Planning and Community Visioning Services Agreement with the East Central Florida Regional Planning Council**

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This Agenda Item was not discussed.

**REGARDING A MOTION TO APPROVE THE CONSENT AGENDA, "SO MOVED." MOTION BY COMMISSIONER HOVEY. MAYOR LACEY STATED, "SECONDED BY COMMISSIONER JOHNSON." DISCUSSION.**

**VOTE:**

**COMMISSIONER KENDRICK: AYE**

**COMMISSIONER HALE: AYE**

**COMMISSIONER HOVEY: AYE**

**DEPUTY MAYOR CANNON: AYE**

**COMMISSIONER JOHNSON: AYE**

**MOTION CARRIED.**

**PUBLIC HEARINGS AGENDA**

**400. Public Transmittal Hearing and First Reading of Ordinance 2019-06 regarding EAR based amendments to the Comprehensive Plan related to the Intergovernmental Coordination Element and transmit to the Department of Economic Opportunity and other reviewing agencies**

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**“MOTION TO READ BY ‘TITLE’ ONLY.” MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.**

City Attorney Anthony A. Garganese read Ordinance 2019-06 by “Title” only, referenced the basic process and noted, “If the Commission approves this, the Ordinance would be submitted to the Department of Economic Opportunity at which point state reviewing agencies will have about thirty (30) days in which to provide any comments, should they have any, and this Ordinance would then come back to the Commission for Second and Final Reading sometime in July of this year.”

Brief comments followed on updates, possible future agreements, and compliance.

*Mayor Lacey opened “Public Input”.*

There were no Speakers at this time.

*Mayor Lacey closed “Public Input”.*

**“MOTION TO APPROVE.” MOTION BY COMMISSIONER KENDRICK. MAYOR LACEY CONFIRMED, “SECONDED BY DEPUTY MAYOR CANNON.” DISCUSSION.**

**VOTE:**

**DEPUTY MAYOR CANNON: AYE**

**COMMISSIONER KENDRICK: AYE**

**COMMISSIONER JOHNSON: AYE**

**COMMISSIONER HALE: AYE**

**COMMISSIONER HOVEY: AYE**

**MOTION CARRIED.**

**401. First Reading of Ordinance 2019-05 a Temporary Moratorium within the jurisdictional limits of the City of Winter Springs regarding the filing, processing, consideration, or decision of conditional uses, special exceptions and waivers (“special zoning permits”) under Chapter 20 of the City’s zoning code**

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“Regarding the First Reading of Ordinance 2019-05, Mayor Lacey asked, “Motion to read by ‘Title’ only?”

**MOTION. MOTION BY COMMISSIONER JOHNSON. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.**

**MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.**

Attorney Garganese read Ordinance 2019-05 by “Title” only.

Commissioner Kendrick commented on the Ordinance and said that he did not really think the scope was limited, referenced a Moratorium Ordinance related to multifamily that he recently offered, mentioned how some businesses he had been in contact with thought that this suggested Moratorium would actually cut out any competition and provide them with more customers, that the Planning and Zoning Board/Local Planning Agency had recommended a time frame of sixty (60) days rather than ninety (90) days, and his impression was that this Moratorium might set a bad precedent for the future of Winter Springs.

Deputy Mayor Kevin Cannon asked for support for this proposed Ordinance, suggested the City put together a specific and complete plan for Economic Development as we do not have one, and thought we should include various organizations in this effort. Deputy Mayor Cannon also commented on the proposed Visioning program.

Further remarks followed on how a Moratorium might affect a community.

Commissioner Ted Johnson commented on miscommunication related to proposed Moratoriums, said that he supported the suggested proposed Moratorium, and thought it offered protection for citizens.

Next, Commissioner TiAnna Hale said she wanted to ensure a good quality of life for the residents, anticipated that businesses could be included in a plan for the community, and inquired as to possibly modifying the proposed Moratorium from ninety (90) days to sixty (60) days.



Additionally, Commissioner Hale hoped Developers would give the City some time to consider which direction the City Commission wanted to go, spoke of changes to the Comprehensive Plan, and that she wanted Developers to be a part of the Visioning process.

Discussion ensued as to whether the City had received any Applications since the new year for new development projects, if the timeframe of the Moratorium could be adjusted without it affecting the current process, Special Exceptions, future developments, a possible Wendy's project, setbacks, what the City Attorney and the Interim City Manager thought of a possible adjustment in the Moratorium timeline from ninety (90) days to sixty (60) days, the upcoming Visioning process as well as the proposed schedule, and Staff interactions with Developers.

Commissioner Kendrick commented on zero lot line setbacks. Deputy Mayor Cannon said he hoped that Staff and the City Attorney could identify zero lot line setbacks and suggested these could possibly be addressed at the April 29, 2019 Workshop, and then considered for inclusion in revised Land Development Regulations.

Continuing, remarks followed on the proposed Moratorium, timelines, and potential dates related to deliverables associated with the Visioning proposal from the East Central Florida Regional Planning Council.

Commissioner Johnson spoke of perceptions, and then asked Mr. Bryant Smith, III, P.E., CFM, City Engineer, Community Development Department if he was aware of any concerns should this proposed Moratorium be approved, to which Mr. Smith noted he had received some comments of concern from some Developers who potentially might have projects planned for the Town Center.

Deputy Mayor Cannon further inquired of Interim Manager Boyle, Attorney Garganese and Mr. Smith if they had heard from any Developers about potential issues as a result of the proposed Moratorium. Interim Manager Boyle said he had not received any. Attorney Garganese responded that he had heard general comments about uncertainty. Mr. Smith concurred with what Interim Manager Boyle and Attorney Garganese stated.

*Mayor Lacey opened "Public Input".*

*Mr. Paul Partyka, 404 Park Lake Drive, Winter Springs, Florida:* spoke against the proposed Moratorium Ordinance, said that a Moratorium implies a perception of not being open for business, mentioned that a good Visioning plan would take quite some time, added that the City Commission is who protects and controls growth or issues, and suggested that if this Moratorium Ordinance was passed, he thought the Mayor should Veto such Ordinance.

*Mr. Ryan Stahl, 630 South Maitland Avenue, Suite 100, Maitland, Florida:* explained why Developers would not be interested in developing a property if a Moratorium was in effect, his preference that going forward, the previously referenced Pinch-A Penny site should be referred to differently, explained that Developers typically have to work with City Managers and cannot contact Elected Officials, and urged the City Commission to hear from Developers.

Comments followed on whether an Application could be submitted during a Moratorium. Attorney Garganese pointed out that the proposed Moratorium is applicable to Special Zoning Permits. With continued remarks, Mr. Stahl added that if roundtable discussions could be held, Developers could converse more with Elected Officials.

Commissioner Hale pointed out that she supported roundtable discussions. Deputy Mayor Cannon suggested Mr. Stahl meet with Interim Manager Boyle and City Staff on his plans and thought if some small setbacks were all that was needed, then that could be reviewed and considered. Deputy Mayor Cannon and Commissioner Kendrick both agreed they were also interested in roundtable discussions with Developers. Further discussion continued.

Mayor Lacey noted, "I agree with Commissioner Hale and that it would be a nice addition to one of our future Workshops, if we were to ask for their guidance and input on what they think is feasible and invite them to participate. Would the Commission have any objection to that?" Commissioner Kendrick and Deputy Mayor Cannon remarked, "No." No objections were heard.

Deputy Mayor Cannon added, "I would like to have them on a very soon - even Monday night's Agenda. I would like for them to highlight for us as Developers, some of the challenges with these setbacks and some of the other Variances in the Town Center – Special Exceptions. Let us get them in at the table, let them lay down some examples of what prospective tenants they have and problems that they are hearing from prospective tenants or problems that they are hearing."

Comments followed including having the Visioning program facilitators hear from local Developers. Deputy Mayor Cannon remarked further about addressing the Land Development Regulations and the preliminary procedural revisions that Attorney Garganese had drafted.

With further remarks, Deputy Mayor Cannon added, "We need the Developers to come to us and to City Staff and say, 'These are specific provisions in the Land Development Regulations that are problematic for us, can we address those now'."



Mayor Lacey noted, "There are a lot of things we don't know now. I would not like to handcuff the City Manager into insisting that it be the next meeting because there are variables in terms of whether the guests that we would like – can make it or not, whether their schedule can accommodate it. So, I would like for the direction to the City Manager to be to do it as soon as possible. Next week is not too early; but if everything aligns, as soon as possible. Would that be acceptable to the Commission?"

Commissioner Hale nodded affirmatively. Deputy Mayor Cannon mentioned due diligence and thought that even if a Special Meeting was needed, the City Commission needed to have roundtable discussions with Developers. No dissent was voiced.

Mayor Lacey then said that there were a couple of Mondays open before the next Regular Meeting of the City Commission. Commissioner Kendrick agreed with what Deputy Mayor Cannon had suggested and specifically asked that an actual table be used for such a meeting and that if more than one Workshop/roundtable meeting was needed, that was agreeable to him. Deputy Mayor Cannon again stated that he was in agreement with roundtable discussions and also urged Developers to meet with City Staff beforehand to point out what issues they may have with the City's Land Development Regulations.

*Mr. Bryan Schultz, 6414 Montclair Bluff Lane, Windermere, Florida:* spoke in agreement with what Mr. Partyka and Mr. Stahl had said in opposition to the proposed Moratorium Ordinance, and asked about the timeline when Special Exceptions/Applications could be submitted with consideration of the Moratorium Ordinance being considered, as well as Zoning changes, the process, and related timelines.

Discussion continued.

*Mr. Lee Barnes, 2804 Wright Avenue, Winter Park, Florida:* said he worked for a land brokerage company and that questions had arisen with potential clients regarding working with the City, and asked how the Moratorium idea had originally been brought up.

Mayor Lacey briefly addressed Mr. Barnes' comments.

*Mr. James Vanderkrake, Senior Project Manager, Infinity Engineering Group, LLC, 1208 East Kennedy Boulevard, Suite 230, Tampa, Florida:* said that he was working on a potential Wendy's project, and mentioned related plans, setbacks, Special Exceptions and noted that he could have a project ready to go very soon.



**UNAPPROVED**

Mr. James Evans, 217 Almaden Court, Winter Springs, Florida: commented on remarks related to possibly going around the proposed Moratorium, Special Exceptions, Waivers, interim Code changes, and said that he was against the suggested Moratorium.

Discussion ensued on the process, driving patterns within the Winter Springs Town Center, and adverse impacts to businesses in our City.

**“MOTION TO EXTEND THE MEETING TO AT LEAST COVER THE REGULAR AGENDA BECAUSE THERE ARE TWO (2) ITEMS ON THERE THAT WE NEED TO DISCUSS.” MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**MAYOR LACEY REITERATED THE MOTION WHICH WAS TO “EXTEND THE MEETING PAST THE 8:30 TIME SUFFICIENT TO COVER ITEMS ‘500’ AND ‘501’.” COMMISSIONER HOVEY STATED, “YES.”**

**MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.**

*Mayor Lacey closed “Public Input”.*

**“MOTION TO APPROVE ORDINANCE 2019-05.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**MAYOR LACEY SUGGESTED THE ORDINANCE NOT BE APPROVED AND TO INSTEAD FOCUS ON FIXING ISSUES IN THE CITY.**

**VOTE:**

**COMMISSIONER HOVEY: NAY  
DEPUTY MAYOR CANNON: AYE  
COMMISSIONER KENDRICK: NAY  
COMMISSIONER JOHNSON: AYE  
COMMISSIONER HALE: AYE  
MOTION CARRIED.**

Mayor Lacey pointed out, “This Ordinance will be back for Second Reading in three (3) weeks time.”

**402. First Reading of Ordinance 2019-07 amending Chapter 13, Article II Noise regarding prohibited noise disturbances to include the use of power equipment and power ground maintenance equipment outdoors in residential areas during certain late evening and early morning hours and modifying the emergency exception under Chapter 13, Article II**

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**FOR THE FIRST READING OF ORDINANCE 2019-07, "MOTION TO READ BY 'TITLE' ONLY." MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER KENDRICK. DISCUSSION.**

**MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.**

Attorney Garganese read Ordinance 2019-07 by "Title" only.

In terms of this proposed Ordinance, Commissioner Kendrick mentioned he thought that this Ordinance seemed more heavy handed than what he originally supported.

Further comments.

Mayor Lacey noted the current time and said, "Without action by the Commission, I am obliged to move on to item '500'. I know we have a number of people here who are interested in this Ordinance. Would there possibly be a Motion for the extension to include conclusion of item '402'?"

**"SO MOVED." MOTION BY COMMISSIONER HOVEY. MAYOR LACEY STATED, SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.**

**MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.**

Discussion continued about people not following rules or being considerate of others, and possible future issues with landscape companies if they are not able to do their work.

*Mayor Lacey opened "Public Input".*

No one spoke.

*Mayor Lacey closed "Public Input".*

**“MOTION TO APPROVE 2019-07.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**VOTE:**

**COMMISSIONER HALE: NAY  
COMMISSIONER JOHNSON: AYE  
DEPUTY MAYOR CANNON: AYE  
COMMISSIONER HOVEY: AYE  
COMMISSIONER KENDRICK: NAY  
MOTION CARRIED.**

**403. First Reading of Ordinance 2019-08 regarding buildings and building administrative regulations and providing for the adoption of Section 6-88 regarding construction site management and related conforming amendments to the City Code**

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This Agenda Item was not addressed.

**REGULAR AGENDA**

**500. Discussion on preferences for serving on the Florida League of Cities' five Legislative Policy Committees**

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Commissioner Hovey commented that she had been serving on the “Municipal Administration” Policy Committee.

Deputy Mayor Cannon pointed out that he has been serving on the “Utilities, Natural Resources & Public Works” Policy Committee and would like to continue serving on this Policy Committee for at least another year.

Commissioner Kendrick remarked about possible options and how he was very active with the Tri-County League of Cities as well as the Florida League of Cities and he would like to continue serving on one of these Policy Committees.

Further discussion followed on the process, the upcoming Application deadline, and how Commissioner Hale would be interested in serving and getting more involved.



Mayor Lacey noted that he had been serving on the “Finance, Taxation & Personnel” Policy Committee; how a former Commissioner has been serving on the “Land Use & Economic Development” Policy Committee; Commissioner Hovey had been Appointed to the “Municipal Administration” Policy Committee; and Commissioner Kendrick had been Appointed to serve on the “Transportation and Intergovernmental Relations” Policy Committee. As previously mentioned, Deputy Mayor Cannon had been serving on the “Utilities, Natural Resources & Public Works” Policy Committee.

Further remarks.

Mayor Lacey pointed out that the “Land Use & Economic Development” Policy Committee does not have an incumbent to which Commissioner Johnson stated that he had attended one of their meetings before and that Policy Committee would actually be his preference.

Discussion ensued on the Application and Appointment process.

Next, Commissioner Hovey said to Commissioner Hale, “I will give up the ‘Municipal Administration’ if you are interested in that committee.” Commissioner Hale responded, “I would be happy – thank you very much.”

Commissioner Hovey added that an Application should be sent to Commissioner Johnson and Mayor Lacey suggested that the City Clerk do that. City Clerk Andrea Lorenzo-Luaces stated, “I can do that.”

### **501. Seat Two Replacement Appointment to the 2019 Districting Commission**

Mayor Lacey remarked, “Deputy Mayor, the Appointment to the 2019 Districting Commission to take Ms. (Colleen) Murphy’s place.”

**REGARDING A REPLACEMENT FOR THE DISTRICT TWO POSITION ON THE 2019 DISTRICTING COMMISSION, “I NOMINATE DAVID WITHEE TO SERVE IN THAT CAPACITY.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE. DISCUSSION.**

UNAPPROVED

**VOTE:**

**DEPUTY MAYOR CANNON: AYE**  
**COMMISSIONER HOVEY: AYE**  
**COMMISSIONER HALE: AYE**  
**COMMISSIONER JOHNSON: AYE**  
**COMMISSIONER KENDRICK: AYE**  
**MOTION CARRIED.**

**ADJOURNMENT**

Mayor Lacey adjourned the Regular Meeting at 8:47 p.m.

❖❖ **AGENDA NOTE: THE REST OF THE AGENDA AS NOTED BELOW WAS NOT DISCUSSED.** ❖❖

**REPORTS**

**600. City Attorney Anthony A. Garganese, Esquire**  
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**601. Interim City Manager Shawn Boyle**  
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**602. City Clerk Andrea Lorenzo-Luaces, MMC**  
\_\_\_\_\_

**603. Seat One Commissioner Jean Hovey**  
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**604. Seat Two Commissioner/Deputy Mayor Kevin Cannon**  
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UNAPPROVED

**605. Seat Three Commissioner Ted Johnson**

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**606. Seat Four Commissioner TiAnna Hale**

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**607. Seat Five Commissioner Geoff Kendrick**

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**608. Mayor Charles Lacey**

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## **PUBLIC INPUT**

*RESPECTFULLY SUBMITTED:*

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ANDREA LORENZO-LUACES, MMC  
CITY CLERK

*APPROVED:*

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MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the \_\_\_\_\_, 2019 City Commission Regular Meeting.



# PUBLIC HEARINGS AGENDA ITEM 400

## CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

### TITLE

Second Reading of Ordinance 2019-07 regarding prohibited noise disturbances in residential areas

### SUMMARY

During the City Commission workshop process, which has been taking place this past month, the City Commission expressed a desire to adopt modifications to the City noise ordinance to specifically prohibit noise generated by power equipment and power ground maintenance equipment during certain hours of the day in residential areas. Additionally, the City Commission expressed a desire to clarify the emergency exception under the City's noise ordinance to specifically include the City's use of emergency management declarations and the emergency use of generators.

Ordinance No. 2019-07 was preliminarily reviewed at the Commission workshop on April 15, 2019. At that meeting, the consensus of the City Commission was to proceed with the public hearing and adoption process of Ordinance No. 2019-07, with additional modifications being made to the Ordinance regarding the emergency exception.

Relevant to the proposed Ordinance No. 2019-07, the existing Noise ordinance, Chapter 13, Article II, defines the following applicable terms:

- **Residential area** means those areas zoned and designated for residential uses on the city's official zoning map (including, but not limited to, R-1AAA, R-C1, R-1AA, R-1A, R-1, R-3 and PUD residential) and/or future land use map or areas where residential uses exist.
- **Emergency** means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.
- **Emergency work** means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

If Ordinance No. 2019-08 is adopted, the Ordinance will prohibit the following noise in residential areas:



**Power Tool Equipment and Power Ground Maintenance Equipment.** It shall be unlawful to operate or permit to be operated any power tool equipment or power ground maintenance equipment in residential areas outdoors between the hours of 10:00 p.m. and 7:00 a.m. the following day, with the exception that the outdoor use of ground maintenance equipment on public recreational fields and golf courses within residential areas shall be unlawful under this subsection between the hours of 10:00 p.m. and 6:30 a.m. the following day.

The terms “power tool equipment” and “power ground maintenance equipment” will be defined as follows:

- ***Power tool equipment*** shall mean a tool that is actuated by an additional power source and mechanism other than the solely manual labor used with hand tools. The most common types of power tools use electric motors, internal combustion engines, and compressed air. Power tools may be stationary or portable and are used in industry, in construction, in the garden, for housework tasks such as cleaning and power washing, and around the house for purposes of driving (fasteners), drilling, mixing, cutting, shaping, sanding, grinding, routing, polishing, painting, heating, cooling and more.
- ***Power ground maintenance equipment*** shall mean stationary or portable specialty equipment and vehicles that are actuated by an additional power source and mechanism other than the solely manual labor used with hand tools. The most common types of such power equipment and vehicles use electric motors, internal combustion engines and compressed air including, but not limited to, lawn and other mowers, trimmers, blowers, edgers, rotary brushes, tractor mounted devices, mechanical rakes, chainsaws, hydraulic lifts, mechanical sprayers, construction trucks, mechanical sod cutters, chippers, and trenchers. Such equipment does not include ground and plant irrigation equipment.

In addition, the proposed Ordinance No. 2019-07 modifies the existing emergency exception in the Noise Ordinance to clarify that emergencies include:

- (1) exemptions enacted pursuant to an emergency declaration under Chapter 2, Article VII of the City Code;
- (2) emergency use of a generator.

At the April 22, 2019 City Commission meeting, the Commission voted 3-2 recommending the City Commission approve Ordinance 2019-07.

## **RECOMMENDATION**

Staff recommends the City Commission conduct a Public Hearing for consideration of passing Ordinance 2019-07 on Second Reading.



**ORDINANCE NO. 2019-07**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA; AMENDING THE CITY OF WINTER SPRINGS CODE OF ORDINANCES, CHAPTER 13, ARTICLE II REGARDING PROHIBITED NOISE DISTURBANCES TO INCLUDE THE USE OF POWER EQUIPMENT AND POWER GROUND MAINTENANCE EQUIPMENT OUTDOORS IN RESIDENTIAL AREAS DURING CERTAIN LATE EVENING AND EARLY MORNING HOURS; MODIFYING THE EMERGENCY EXCEPTION UNDER CHAPTER 13, ARTICLE II; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Commission previously adopted comprehensive noise regulations as provided in Chapter 13, Article II of the City Code to address excessive sound which constitutes a serious hazard to the public health and welfare, safety, and the quality of life of the citizens of the City of Winter Springs; and

**WHEREAS**, the citizens of the City of Winter Springs should continue to have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life; and

**WHEREAS**, the regulation of sound and noise in public areas is an important function of government. See Davis v. State, 710 so. 2d 635 (Fla. 5th DCA 1998); and

**WHEREAS**, protecting the public from excessively loud noise is a compelling state interest. See Grayned v. City of Rockford, 408 U.S. 104 (1972) (“If overamplified loudspeakers assault the citizenry, government may turn them down.”) (citing Kovacs, 336 U.S. at 80, 69 S.Ct. 448, and Saia, 334 U.S. at 562, 68 S.Ct. 1148); and

**WHEREAS**, the amendments to the City’s Noise Ordinance set forth herein are based on a significant number of citizen complaints regarding the operation of power and grounds maintenance equipment in residential areas during unreasonable hours of the day that negatively impact the peace, serenity and repose of residents in their homes; and

**WHEREAS**, the amendments set forth herein have been recommended by the City’s Police Chief, whose department is primarily responsible for enforcing the provisions of the City’s Noise Ordinance; and

**WHEREAS**, the City Commission finds that the limitations on noise within the City of Winter Springs, as provided herein, are unrelated to viewpoint and the content of any message, and will further the City’s legitimate and substantial government interest in minimizing noise pollution; and

**WHEREAS**, the City Commission finds that the goals of this Ordinance are unrelated to the suppression of free expression; and

**WHEREAS**, the City Commission finds that the amendment to Section 13-31 provided herein is intended to be a specific prohibited noise disturbance that is applicable at the time prescribed herein notwithstanding the decibel-based standards set forth elsewhere in Chapter 13, Article II; and

**WHEREAS**, the City Commission of the City of Winter Springs, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Winter Springs

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Commission of the City of Winter Springs.

**Section 2. Code Amendment – Definitions.** Section 13-27 of the City Code is hereby amended to add the following new definitions (underlined type indicates additions):

Power tool equipment shall mean a tool that is actuated by an additional power source and mechanism other than the solely manual labor used with hand tools. The most common types of power tools use electric motors, internal combustion engines and compressed air. Power tools may be stationary or portable and are used in industry, in construction, in the garden, for housework tasks such as cleaning and power washing, and around the house for purposes of driving (fasteners), drilling, mixing, cutting, shaping, sanding, grinding, routing, polishing, painting, heating, cooling and more.

Power ground maintenance equipment shall mean stationary or portable specialty equipment and vehicles that are actuated by an additional power source and mechanism other than the solely manual labor used with hand tools. The most common types of such power equipment and vehicles use electric motors, internal combustion engines and compressed air including, but not limited to, lawn and other mowers, trimmers, blowers, edgers, rotary brushes, tractor mounted devices, mechanical rakes, chainsaws, hydraulic lifts, mechanical sprayers, construction trucks, mechanical sod cutters, chippers, and trenchers. Such equipment does not include ground and plant irrigation equipment.

**Section 3. Code Amendment - Prohibitions.** Sections 13-31 and 13-32 of the City Code are hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions):

**Sec. 13-31. - Specific—Noise disturbances prohibited.**

The following acts, and the causing thereof, are declared to be in violation of this article:

(a) *Electronic device; musical instruments.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:



(1) Between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone, except for activities open to the public and for which a special event variance has been issued by the city according to the criteria set forth in section 13-33;

(2) In such a manner as to create a noise disturbance at twenty-five (25) feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters;

(3) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

(b) *Loud speakers.* Using or operating any loudspeaker, public address system, or similar device:

(1) Between the hours of 10:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone;

(2) Between the hours of 10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.

(c) *Animals; birds.* Having control and possession of any animal or bird which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential real property boundary or within a noise sensitive zone. (This provision shall not apply to public zoos and public paw parks).

(d) *Construction.* Operating or permitting the operation of any mechanically powered tools or equipment used in construction, drilling, or demolition work between the hours of 10:00 p.m. and 7:00 a.m. the following day. Sound levels created by construction, drilling, or demolition activities shall not cause a noise disturbance at or across a real property boundary, except for bona fide emergency work of or by special variance issued pursuant to this article;

(e) *Vehicle and boat repairs.* Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.

(f) *Places of public entertainment.* Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in any place of public entertainment at a sound level greater than the maximum permissible limit measure at the property line for commercially zoned areas.

(g) *Explosives.* Using or firing explosives or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way, without first obtaining a special variance pursuant to this article.

(h) *Model vehicles.* Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary, in a public space or within a noise sensitive zone between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(i) *Motorboats*. Operating or permitting the operation of any motorboat in any lake, river, stream, or other waterway in such a manner as to create a noise disturbance at fifty (50) feet or the nearest shoreline, whichever distance is less.

(j) *Noise sensitive zones*. Creating or causing the creation of any sound within any noise sensitive zone designated pursuant to this article so as to disrupt the activities normally conducted within the zone or that exceeds the maximum permissible sound level established for said zone pursuant to section 13-43, provided that conspicuous signs are displayed indicating the presence of the zone.

(k) *Power Tool Equipment and Power Ground Maintenance Equipment*. It shall be unlawful to operate or permit to be operated any power tool equipment or power ground maintenance equipment in residential areas outdoors between the hours of 10:00 p.m. and 7:00 a.m. the following day, with the exception that the outdoor use of ground maintenance equipment on public recreational fields and golf courses within residential areas shall be unlawful under this subsection between the hours of 10:00 p.m. and 6:30 a.m. the following day.

#### **Sec. 13-32. - Emergency exception.**

The provisions of this article shall not apply to the emission of sound for the purpose of alerting persons to the existence of any emergency, or the emission of sound in the performance of emergency work, or exemptions enacted pursuant to an emergency declaration under Chapter 2, Article VII of the City Code, or to the emergency use of a generator.

**Section 4.** **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts or ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5.** **Incorporation into Code.** This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section 6.** **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 7.** **Effective Date.** This Ordinance shall become effective upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to City Charter.

**[Adoption Page Follows]**



**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**Charles Lacey, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Andrea Lorenzo-Luaces, City Clerk**

**APPROVED AS TO LEGAL FORM  
AND SUFFICIENCY FOR THE CITY  
OF WINTER SPRINGS ONLY:**

\_\_\_\_\_  
**Anthony A. Garganese, City Attorney**

Legal Ad: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_



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### Legal Notices

### Public Hearing Notices

#### NOTICE OF PUBLIC HEARING

You are hereby informed that the City Council of the City of Maitland, Florida, will hold a Public Hearing on the following proposed ordinance:

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, RELATING TO PARKING OF VEHICLES ON PUBLIC STREETS AND DRIVEWAYS IN RESIDENTIALLY ZONED DISTRICTS; AMENDING THE CODE OF ORDINANCES, SECTION 18-23, "OTHER COMMERCIAL VEHICLES - RESTRICTIONS;" SECTION 5, "ZONING - SUPPLEMENTAL DISTRICT REGULATIONS, AND SECTION 21-23 OF THE CITY CODE;" AMENDING THE TYPES OF VEHICLES PROHIBITED ON PUBLIC STREETS AND DRIVEWAYS IN RESIDENTIALLY ZONED DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

The Public Hearing will be held at 6:30 P.M. or as soon thereafter as possible, on Monday, May 13, 2019, in the Maitland City Hall Council Chambers, 1776 Independence Lane, Maitland, Florida, 32751.

A copy of the proposed ordinance is available in the office of the City Clerk for inspection. Interested parties may appear at the hearing and be heard with respect to the proposed ordinance.

Any person who decides to appeal any decision made at this meeting or hearing will need a record of the proceedings, and that, for such purpose, 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. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office at (407) 539-4219, 48 hours in advance of the meeting.

CITY OF MAITLAND  
Maria T. Waldrop, MMC  
City Clerk  
056248795 5/2/19

#### CITY OF WINTER SPRINGS NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN THAT THE CITY COMMISSION PROPOSES TO CONSIDER: ORDINANCE NO. 2019-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA; AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 13, ARTICLE II REGARDING PROHIBITED NOISE DISTURBANCES TO INCLUDE THE USE OF POWER EQUIPMENT AND POWER GROUND MAINTENANCE EQUIPMENT IN RESIDENTIAL AREAS DURING CERTAIN LATE EVENING AND EARLY MORNING HOURS; MODIFYING THE EMERGENCY EXCEPTION UNDER CHAPTER 13, ARTICLE II; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY AND AN EFFECTIVE DATE.

#### PUBLIC HEARING FOR SECOND READING WILL BE HELD ON

MONDAY, MAY 13, 2019 AT 6:30 P.M. OR SOON THEREAFTER IN THE COMMISSION CHAMBERS LOCATED AT THE WINTER SPRINGS CITY HALL 1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA. THE CITY COMMISSION RESERVES THE RIGHT TO POSTPONE OR CONTINUE THE PUBLIC HEARING ON THIS ORDINANCE AT THIS MEETING WITHOUT FURTHER NOTICE.

The proposed ordinance may be inspected by interested parties between 8 a.m. and 5 p.m., Monday through Friday, at the City Clerk's Office, located at 1126 East State Road 434, Winter Springs, Florida. For more information call (407) 327-1800, Extension 227. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Employee Relations Department Coordinator, 48 hours in advance of the meeting at (407) 327-1800, Extension 236. These are public hearings. If you decide to appeal any recommendation/decision made by the City Commission with respect to any matter considered at this meeting, you will need a record of the proceedings, and for such purposes, you may need to ensure that a verbatim record of the proceedings is made upon which the appeal is based. Interested parties are advised that they may appear at the meeting and be heard with respect to the proposed ordinance.

OSC6258220 5/2/2019

#### CITY OF WINTER SPRINGS NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN THAT THE CITY COMMISSION PROPOSES TO CONSIDER: ORDINANCE NO. 2019-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, REGARDING BUILDINGS AND BUILDING ADMINISTRATIVE REGULATIONS; PROVIDING FOR THE ADOPTION OF SECTION 6-88 REGARDING CONSTRUCTION SITE MANAGEMENT AND RELATED CONFORMING AMENDMENTS TO THE CITY CODE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY AND AN EFFECTIVE DATE.

#### PUBLIC HEARING FOR SECOND READING WILL BE HELD ON

MONDAY, MAY 13, 2019 AT 6:30 P.M. OR SOON THEREAFTER IN THE COMMISSION CHAMBERS LOCATED AT THE WINTER SPRINGS CITY HALL 1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA. THE CITY COMMISSION RESERVES THE RIGHT TO POSTPONE OR CONTINUE THE PUBLIC HEARING ON THIS ORDINANCE AT THIS MEETING WITHOUT FURTHER NOTICE.

The proposed ordinance may be inspected by interested parties between 8 a.m. and 5 p.m., Monday through Friday, at the City Clerk's Office, located at 1126 East State Road 434, Winter Springs, Florida. For more information call (407) 327-1800, Extension 227. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Employee Relations Department Coordinator, 48 hours in advance of the meeting at (407) 327-1800, Extension 236. These are public hearings. If you decide to appeal any recommendation/decision made by the City Commission with respect to any matter considered at this meeting, you will need a record of the proceedings, and for such purposes, you may need to ensure that a verbatim record of the proceedings is made upon which the appeal is based. Interested parties are advised that they may appear at the meeting and be heard with respect to the proposed ordinance.

OSC6258218 5/2/2019

#### NOTICE OF PUBLIC MEETING DATES OF THE CONSTRUCTION COMMITTEE OF THE BOGGY CREEK, GREENEWAY, AND MYRTLE CREEK IMPROVEMENT DISTRICTS

The Construction Committee of the Boggy Creek, Greenway, and Myrtle Creek Improvement Districts will be meeting on May 9, 2019 and May 23, 2019, at 3:30 p.m. at the office of Donald W. McIntosh Associates, Inc., 2200 Park Avenue North, Winter Park, FL 32789.

The Construction Committee will discuss and review the status of current and future infrastructure improvements. Requests for Qualifications, Requests for Proposals, etc., related to the Districts. The meeting will be open to the public and will be conducted in accordance with provisions of Florida Law for Community Development Districts. The meetings may be continued to a date, time, and place to be specified on the record at the meeting.

## Legal Notices

There may be occasions when one or more members of the Committee and/or District Staff will participate by telephone. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations at these meetings because of a disability or physical impairment should contact the District Office at (407) 323-5900 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the District Office at (407) 323-5900 to aid you in contacting the District Office.

Any person who decides to appeal any decision made by the Committee with respect to any matter considered at this meeting will need a record of the proceedings and that, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Lynne Mullins  
Assistant District Manager  
056240348 5/2/19

#### NOTICE OF PUBLIC HEARING

You are hereby informed that the City Council of the City of Maitland, Florida, will hold a Public Hearing on the following proposed ordinance:

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, RELATING TO THE REGULATION, PLACEMENT AND USE OF TEMPORARY UNMANNED RECYCLING AND COLLECTION CONTAINERS; AMENDING CHAPTER 21, "SUPPLEMENTAL REGULATIONS OF THE CODE OF ORDINANCES;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Public Hearing will be held at 6:30 P.M. or as soon thereafter as possible, on Monday, May 13, 2019, in the Maitland City Hall Council Chambers, 1776 Independence Lane, Maitland, Florida, 32751.

A copy of the proposed ordinance is available in the office of the City Clerk for inspection. Interested parties may appear at the hearing and be heard with respect to the proposed ordinance.

Any person who decides to appeal any decision made at this meeting or hearing will need a record of the proceedings, and that, for such purpose, 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. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office at (407) 539-4219, 48 hours in advance of the meeting.

CITY OF MAITLAND  
Maria T. Waldrop, MMC  
City Clerk  
056248767 5/2/19

### Sale Notices

**NOTICE OF SALE**  
You and each of you are hereby notified that on May 14th, 2019 at 10:00 am, the vehicle (s) described below will be sold. Location 6512 Old Cheney Hwy. Orlando, FL 32807, Orange County

12 SDC Vessel GDYJ6782F212  
056249111 5/2/19

**NOTICE OF SALE**  
You and each of you are hereby notified that on May 15th, 2019 at 10:00 am, the vehicle (s) described below will be sold. Location 6512 Old Cheney Hwy. Orlando, FL 32807, Orange County

02 HYUN KMHDN45D42U442857  
056249122 5/3/19

#### NOTICE OF PUBLIC AUCTION BY ORANGE COUNTY SHERIFF'S OFFICE

NOTICE IS HEREBY GIVEN, THAT I, JOHN W. MINA, as Sheriff of Orange County, Florida, will sell fleet vehicles and forfeitures, at a public auction for cash on demand. This auction will be held on the 11th day of May, 2019, beginning at 9 o'clock in the forenoon and continuing on the same day at the premises of Tampa Machinery Auction, Inc. (License# AB135/AU871) located in Thonotosassa, Hillsborough County, Florida. A complete list may be seen the day of the viewing at U.S. Highway 301 five miles north of I-4, in Thonotosassa, Hillsborough County, Florida. Prospective bidders may pre-register on-line at [www.tmauction.com](http://www.tmauction.com) and view the items the day before the sale. Bidding begins at 8:00 am to 5:00 p.m. and the morning of the sale between 7:30 a.m. and 9:00 a.m. You must be sixteen or older with proper I.D. to attend and 18 or older to bid. All items will be SOLD AS IS AND WITH NO WARRANTIES. SOLD SUBJECT TO ALL TAXES. ALL SALES ARE FINAL.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Eric Nieves, Civil Process Sales Coordinator not later than seven days prior to the proceeding at Sheriff's Office, Office, 425 North Orange Avenue, Suite 240, Telephone: 407-836-4570; If hearing impaired, (TDD) 1-800-955-8771, or Voice (1-800-955-8770), via Florida Relay Service

JOHN W. MINA, as Sheriff Orange County, Florida  
By: Lieutenant Kyle Morse as Deputy Sheriff  
056256931 05/02, 05/09/2019

### Foreclosures

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA  
GENERAL JURISDICTION DIVISION  
Deutsche Bank National Trust Company, as Trustee for NovaStar Mortgage Funding Trust, Series 2007-1, Plaintiff,  
vs.  
Lloyd A. Story, et al., Defendants.

NOTICE IS HEREBY GIVEN pursuant to an Order granting Motion to Cancel and Reset Foreclosure Sale dated March 12, 2019, on the 14th day of May, 2019, in Case No. 2009-CA-016442-0 of the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, wherein Deutsche Bank National Trust Company, as Trustee for NovaStar Mortgage Funding Trust, Series 2007-1 is Plaintiff and Sarah K. Lovejoy; The Bay Vista Estates Homeowner's Association, Inc. are Defendants. The following persons were served by U.S. Mail on 5/1/2019: Sarah K. Lovejoy; #1 and #2, and all Other Unknown Parties, including, if a named Defendant is deceased, the personal representative, surviving spouse, heirs, devisees, grantees, creditors, and all other parties claiming, by, through, under or against the estate of the Defendant; all claimants, persons or parties, natural or corporate, or whose exact legal status is unknown, claiming under the Defendant; and all persons named in the Complaint, the Defendants, that Tiffany Russell, Orange County Clerk of Court will set to the highest and best bidder for cash by electronic sale at [www.myorangeclerk.realforeclose.com](http://www.myorangeclerk.realforeclose.com), beginning at 11:00 on the 14th day of May, 2019, the following described property as set forth in said Final Judgment, to wit:

LOT 41, BAY VISTA ESTATES UNIT 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 00200, PAGE 0001, OF THE RECORDS OF ORANGE COUNTY, FLORIDA.

Any person claiming an interest in the surplus from the sale, if any, other than the property owner as of the date of the lis pendens must file a claim within 60 days after the sale.  
Dated this day of May, 2019.  
BROCK & SCOTT, PLLC  
Attorney for Plaintiff  
2001 NW 64th St, Suite 130  
FL, Lauderdale, FL 33309  
Phone: (954) 618-6955, ext. 6108  
Fax: (954) 618-6956  
FLCourtDocs@brockandscott.com  
By Giuseppe Cataudella, Esq. Florida Bar No. 889

**PUBLISH IN THE BUSINESS OBSERVER**  
If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Human Resources, Orange County Courthouse, 425 North Orange Avenue, Suite 240, Orlando, Florida, (407) 836-2303, at least 7 days before your scheduled court appearance to ensure that you are notified immediately upon receiving this notification if the

time before the scheduled appearance is less than 7 days; if you are hearing or speech impaired, please contact the District Office at (407) 323-5900 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the District Office at (407) 323-5900 to aid you in contacting the District Office.

Any person who decides to appeal any decision made by the Committee with respect to any matter considered at this meeting will need a record of the proceedings and that, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Lynne Mullins  
Assistant District Manager  
056256500 5/2, 5/9/2019

#### NOTICE TO PATIENTS

Jeffrey R. Koren, MD will be closing his office at 885 Sedalia Street Suite 100 Cocoa, FL 34761 effective May 30th, 2019. Medical records will be held at the office of:  
Oliver K. Bayouth, MD  
94 W Underwood St.  
Orlando, FL 32806.

To schedule an appointment with Dr. Bayouth, or to obtain medical records call: 407-425-4422 or 407-294-2994.  
056257035 04/27, 05/04, 05/11, 05/18/2019

### Miscellaneous Legals

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF APPLICATION  
The Department of Environmental Protection announces receipt of application for permit ERP 0316816-006 from The City of Deltona to modify permit to construct and operate a RIB Expansion. The proposed project will be located in Valusia County, at Latitude (OMS) 28° 52' 53.24" N Longitude (OMS) 81° 15' 1.82" W at 601 Mobley Drive, Deltona, FL 32725. The Department has assigned permit file number ERP 0316816-006 to the proposed project.

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the office of the Department's Central District Office, 3319 Maguire Blvd, Suite 232, Orlando, Florida 32803-3767, at phone number (407)897-4100.  
056260455 5/2/2019

#### MEETING NOTICE

MetroPlan Orlando, The Metropolitan Planning Organization for the Orlando Urban Area, announces the following public meeting of the Transportation Disadvantaged Local Coordinating Board (TDLCB), to which all persons are invited:  
Date: Thursday, May 9, 2019  
Time: 10:00 a.m.  
Place: MetroPlan Orlando  
250 S. Orange Avenue, Suite 200  
Orlando, FL 32801

Regularly Scheduled TDLCB Meeting  
A copy of the detailed agendas for these meetings may be obtained by contacting Ms. Lisa Smith, Board Services Coordinator, MetroPlan Orlando, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801, 407-481-5672, ext. 307, E-mail: [lsmith@metroplanorlando.org](mailto:lsmith@metroplanorlando.org), or by visiting [info@metroplanorlando.org](http://info@metroplanorlando.org).

Public participation is conducted without regard to race, color, national origin, sex, age, disability, religion, or family status. Persons wishing to express concerns, who require special assistance under the Americans with Disabilities Act, or who require language services (free of charge), should contact MetroPlan Orlando by phone at (407) 481-5672 or by email at [info@metroplanorlando.org](mailto:info@metroplanorlando.org) at least three business days prior to the event.

Anuncio de Reunión  
MetroPlan Orlando, la organización de planificación metropolitana (MPO) de los condados Orange, Osceola y Seminole - anuncia la siguiente reunión pública de la Junta de Coordinación Local para Personas con Desventaja de Transporte (TDLCB), a la cual todos están invitados.  
Fecha: jueves, mayo 9, 2019  
Hora: 10:00 a.m.  
Lugar: MetroPlan Orlando  
250 S. Orange Avenue, Suite 200  
Orlando, FL 32801  
Propósito: Reunión Regularmente Programada

Para obtener copias de la agenda de esta reunión por favor contactar a la Sra. Lisa Smith, asistente administrativa, MetroPlan Orlando, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801, 407-481-5672, ext. 307, email: [lsmith@metroplanorlando.org](mailto:lsmith@metroplanorlando.org) o [info@metroplanorlando.org](mailto:info@metroplanorlando.org)

La participación pública se lleva a cabo sin distinción de raza, color, origen nacional, sexo, edad, discapacidad, religión o estado familiar. Las personas que deseen expresar inquietudes, que requieren asistencia especial solo la ley de Americanos con Discapacidad (ADA) o que requieren servicios de traducción (sin cargo) deben ponerse en contacto con MetroPlan Orlando por teléfono (407) 481-5672 (marcar 0) o por correo electrónico [info@metroplanorlando.org](mailto:info@metroplanorlando.org) por lo menos tres días antes del evento.

OSC6254619 05/02/2019

### Merchandise

**HARBOR LAKES AT MEADOWS WOODS**  
Community garage sale on Sat. May 4th & Sun. May 5th from 8AM to 4PM. Located at the intersection of Rhode Island Woods Circle & Wynndham Lakes Blvd.

**WYNDHAM LAKES AT MEADOWS WOODS**  
Community garage sale on Saturday May 4th from 8 AM to 4 PM. Located at the intersection of Rhode Island Woods Circle & Wynndham Lakes Blvd.

### Osceola County Garage Sales

**KISSIMMEE**  
Preserve of Tapestry Community Garage sale on Saturday, May 4th from 8 AM to 4 PM. Located at the intersection of Dyer Blvd & Tapestry Preserve Dr.

**KISSIMMEE**  
Indian Ridge Spring Yard Sale-off CR 345, 2mi south of 192, 8am-2pm Sat/ Sun, 5/4 & 5/5, Tax Refund? Want to save? Maybe something for Mom, or yourself come see us

### HUGE SALE

**THE OAKS COMMUNITY**  
The Oaks Annual Community wide Garage Sale, Saturday and Sunday May 4th & 5th, 8am-4pm. Many homes participating.  
Corner of John Young Parkway and Pleasant Hill Road. "The Oaks Blvd" as a GPS location.

### Pets

**HORSES: PAINT**  
Beautiful Paint Mare, Gentle For Anyone, Done Ranch Work & Trail Riding. \$2500. Call: 352-339-3018

### Livestock/ Poultry

**CATTLE**  
Looking to Lease Cattle Pasture, Call: 352-339-3018

**CATTLE**  
Wanted to Buy Cattle of All Kinds. Will Haul Call: 352-339-3018

### Real Estate for Rent

**Apts/Condos/ Multi-Family Orlando Central/ Downtown for Rent**

**WANTED: MATURE LADY SEEKING STUDIO APT**  
in or near downtown Orlando. Will pay up \$1000/month. Please call 321-773-2416 321-758-4730

### Transportation

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# PUBLIC HEARINGS AGENDA ITEM 401

## CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

### TITLE

Second Reading of Ordinance 2019-08 regarding the regulation of construction site management

### SUMMARY

During the City Commission workshop process, which has been taking place this past month, the City Commission expressed a desire to adopt a more comprehensive and centrally codified set of reasonable construction site management requirements to mitigate against the negative effects construction sites may sometimes cause to surrounding properties and neighborhoods.

Ordinance 2019-08 was preliminarily reviewed at the Commission workshop on April 15, 2019. At that meeting, the consensus of the City Commission was to proceed with the public hearing and adoption process of Ordinance 2019-08.

Ordinance 2019-08 is intended to provide a reasonable set of construction site management rules that contractors and property owners can follow. By consolidating these rules in one City Code section, the intension is that all affected parties (contractors, property owner, neighborhoods) will have advance notice of what is expected during the construction process. Ordinance 2019-08 generally addresses several categories of construction related issues that could, if not reasonably monitored and controlled with reasonable rules, cause negative effects on the construction site and surrounding properties and neighborhoods. The categories are as follows:

- (a) Construction Management Plan.
- (b) Temporary toilet facilities for workers.
- (c) Contractor/Owner Responsibility.
- (d) Final site clean-up; Repair damage to Public Property.
- (e) Requirements during weather emergency.
- (f) Temporary construction fence.
- (g) Erosion and run-off control.

The details for each category are set forth in Ordinance 2019-08 and not repeated in the Agenda Item.

In addition, Ordinance 2019-08 also provides for enforcement and penalties. Specifically, the Ordinance provides:

- (a) The contractor and property owner shall be joint and severally responsible and liable for the requirements of this section and any violation thereof.

(b) Failure to abide by the provisions of this section shall constitute a violation of the City Code, and are subject to the enforcement procedures and penalties set forth in chapter 2, Division 2 of the City Code. Each day a violation continues shall be deemed a separate violation.

(c) A violation may be enforced by the building official or designee through the issuance of a stop work order in accordance with the procedures in the Florida Building Code; or an order to repair, restore or demolish the work, to vacate the premises, or otherwise abate the violation.

(d) Any violation of this section is subject to abatement as a public nuisance.

(e) The provisions of this subsection are cumulative with and in addition to any other remedy provided by law.

(f) The city may recover as costs of repairs or compliance, the costs associated with the city securing job sites and correcting any violation of this section. Failure of the contractor or owner to reimburse the city for said costs within thirty (30) days of written notice by the City, the city may collect said costs in accordance with law and the costs shall also constitute a lien on the property until paid in full.

At the April 29, 2019 City Commission meeting, the Commission voted 5-0 recommending the City Commission approve Ordinance 2019-08.

## **RECOMMENDATION**

Staff recommends the City Commission conduct a Public Hearing for consideration of passing Ordinance 2019-08 on Second Reading.



**ORDINANCE NO. 2019-08**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, REGARDING BUILDINGS AND BUILDING ADMINISTRATIVE REGULATIONS; PROVIDING FOR THE ADOPTION OF SECTION 6-88 REGARDING CONSTRUCTION SITE MANAGEMENT AND RELATED CONFORMING AMENDMENTS TO THE CITY CODE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the enforcement of the Florida Building Code is the responsibility of local governments; and

**WHEREAS**, the City of Winter Springs actively participates in the enforcement of building construction regulations for the benefit of the public health, safety and welfare; and

**WHEREAS**, the City of Winter Springs desires to facilitate the enforcement of the Florida Building Code by enacting administrative and technical amendments which meet the needs of the citizens and businesses of Winter Springs and protect the public health, safety and welfare; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Commission of the City of Winter Springs.

**Section 2. Code Amendment.** Section 6-88 of the City Code is hereby created to read as follows: (underlined type indicates additions to the City Code and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from this Ordinance of text existing in Chapter 6. It is intended that the text in Chapter 6 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

## Chapter 6 – BUILDING AND BUILDING REGULATIONS

\* \* \*

### Article III. – BUILDING CONSTRUCTION STANDARDS

\* \* \*

**Sec. 6-88. – Construction Site Management.** Unless otherwise preempted by state or federal law, the following construction site management requirements shall apply to construction projects within the jurisdictional limits of the city:

(a) Construction Management Plan. The building official may require a detailed management plan and completion schedule prior to the approval of a building permit or during the process of completing any active or inactive construction or demolition project. The management plan shall, at a minimum, provide specific information outlining the location of construction worker parking, construction equipment, material storage and temporary structures on the site under construction or on nearby properties, and methods of debris removal including compliance with the city's waste franchise agreement. Additionally, traffic routes to and from the site, pedestrian safety barriers and fencing shall be included on the management plan and shall be identified for approval. The management plan must also reflect where displaced public or private parking is temporarily located during the term of the project to the maximum extent feasible. The plan is subject to review and approval by the building official. Failure to comply with the approved management plan shall constitute a violation of this section. The approved management plan must be kept at the construction site and be available at all times during the construction process and be made available to the building official or city inspectors.

(b) Temporary toilet facilities for workers. Suitable temporary toilet facilities as determined by the building official in reliance upon normal industry standards shall be provided and maintained in a sanitary condition for the use of workers during construction. Such facilities may only be located on the construction site after the building permit has been issued and construction has commenced. If construction becomes inactive on the site for more than a two week time period, the building official may require that the temporary toilet be removed from the site until such time reasonable assurances have been provided that active construction has resumed on the site. Such facilities shall be regularly cleaned and provided in a well-ventilated location and shall be placed at least 15 feet from the side property line of the lot on which it is located where practical, may not be placed in the public right-of-way and shall be screened from view when required and to the extent practicable. The location of temporary toilet facilities on the property may be changed by the building official to recognize unique conditions or a less offensive location for pedestrians and neighbors.

(c) Contractor/Owner Responsibility. The contractor and owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the entire duration of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean, free of overgrown weeds and grass over 12 inches in height, and the accumulation of construction debris must not remain on the property for a period of time exceeding 10 days. The accumulation of trash and litter and other miscellaneous discarded articles not constituting construction debris (e.g., cans, bottles, food products and containers, papers, towels, clothing, plastics, etc.) must also be cleaned daily and placed in a separate on-site receptacle. Trash and litter



shall not be discarded in construction debris containers and roll-offs. The on-site litter/trash receptacle service must be paid for by the contractor and emptied at least once a week by the city's solid waste franchise hauler or more often in a timely fashion so there is no overflow of trash and litter. Off-site trash and litter generated by the contractor and workers must be picked-up and cleaned daily and placed in the on-site trash/litter receptacle. Public trash receptacles are not intended to handle trash and litter generated from construction sites so the contractor and workers shall not use such receptacles for their trash. The contractor is responsible for their workers overburdening public off-site trash receptacles located near the construction site. Dust created during construction or demolition must be contained on the site or close proximity to building or structure through wetting down the dust or materials or through the use of any alternate means that prevents dust from leaving the property. Violation of any of these conditions shall authorize the building official to place a stop work order on such jobs in violation of this section and require removal of debris and overgrowth, and correction of dust accumulation on site and adjacent properties or streets.

(d) *Final site clean-up; Repair damage to Public Property.* The contractor and owner, upon completion of a building or construction project, shall immediately remove all walkways, debris and all other obstructions and leave such public property in as good a condition as it was before work was commenced and shall replace all broken curbs, sidewalks or other damaged public utilities or property to the satisfaction of the building official prior to obtaining a certificate of occupancy/completion or within 14 calendar days from notification if no certificate of occupancy/completion is issued. Failure to correct damaged public property will result in the city taking action to make corrections and all costs incurred will be charged to the contractor and owner, and a lien will be placed against the property for the costs of repairs.

(e) *Requirements during weather emergency.* It is the responsibility of the owner and contractor to have removed construction materials from the project site or secured construction materials at the project site at least 48 hours prior to the predicted landfall of a tropical storm or hurricane until the time set forth in subsection (8) below.

(1) *Applicability.* At least 48 hours prior to the predicted landfall of a tropical storm or hurricane for any portion of Seminole County Florida, as determined by the National Weather Service, National Hurricane Center or appropriate weather agency or as provided in the city's emergency plan; or upon order of the building official in anticipation of a storm emergency; all construction materials, including roof tiles, on all project sites within the city shall be secured and stored onsite in a safe manner or removed so that no material can become a safety hazard with hurricane or tropical storm force winds.

(2) *Notice.* Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of an approaching tropical storm or a hurricane is hereby deemed notice to the owner or contractor. The owner and contractor are responsible for the project site by securing on-site or removing from the site any construction materials or debris or trash and litter to protect against the effect of hurricane or tropical storm force winds. By holding a building permit during hurricane season, the contractor shall monitor the National Weather Service and the National Hurricane Center for weather emergencies.

(3) *Inspection.* A pre-storm inspection shall be required for all active construction sites involving exterior work and/or exterior storage of materials. The owner and contractor shall be responsible for insuring that the construction site has passed inspection prior to the issuance of a

tropical storm warning or hurricane warning. The owner or contractor shall be available by phone until the site has passed the pre-storm inspection.

(4) *Materials stockpiled on site.* Materials stockpiled on any construction site shall be handled as follows:

a. Band construction materials together and fasten them to the structure in such a manner to prevent the material from becoming airborne during a tropical storm or hurricane; or

b. Remove construction materials from the top of the structure and secure them to the ground;  
or

c. Remove construction materials from the project site; or

d. Store construction materials inside a structure if said structure is secure from tropical or hurricane force wind loads.

(5) *Dumpsters.* The contents of construction site dumpsters must be removed or weighted and secured with rope, mesh or other durable, wind resistant material.

(6) *Temporary toilets.* Temporary portable toilets shall be secured to the structure, dumpster or emptied and laid horizontal and secured to the ground.

(7) *Roofing Materials – Hurricane Season.* During the National Weather Service designated hurricane season, building or roofing materials shall not be loaded on a roof earlier than ten working days prior to the permanent installation of the materials.

(8) *Material capable of becoming airborne.* Construction materials, debris or any material capable of becoming airborne shall remain secured and stored on the project site or shall be removed from the project site until the National Weather Service, National Hurricane Center, or the city through local action has removed all portions of the city from those areas included in a tropical storm warning or hurricane warning. Contractors shall not resume construction on any construction site until the site is brought into compliance with the construction site management plan.

(f) *Temporary construction fence.* A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be removed when construction has been completed. The temporary construction fence shall be six feet chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The chain link and screening material must be constructed and maintained at ground level to mitigate against ground level windblown dust and materials being blown off-site. If the construction site is located on an arterial or collector road, and is not located within an existing residential area, the screening material facing the arterial or collector road may temporarily depict on-site information about the project, provided the information is limited on no more than 25% of the screening material facing the arterial or collector road. A fence permit is required to be issued for the temporary construction fence, and the fence installed, inspected, and the fence permit must be closed-out by the building official prior to the issuance of a building permit.



(1) A temporary construction fence will be required for all new construction, demolitions and substantial renovations unless the building official determines all or portion of the fencing is not required to protect or screen neighboring properties.

(2) Work being done within the unit is exempt from this requirement.

(3) Individual lots being constructed in a new residential or commercial subdivision are exempt from being individually screened under the requirements of this section. However, the outer perimeter of the new subdivision is subject to the requirements unless otherwise determined by the building official pursuant to subsection (1) above.

(4) Work on pools, pool installations or substantial renovations will require a temporary construction fence at all times to avoid health and safety hazards. Also pools undergoing renovations and new pools being installed must be emptied of accumulated water at all times.

(g) *Erosion and run-off control.* In compliance with the city's National Pollution Discharge Elimination System (NPDES) permit requirements, prior to beginning any clearing, grubbing, or construction activities, as part of the building permit process, the contractor shall submit a plan (Erosion and Sediment Control Plan) detailing the location and handling of materials, soils and outlining the actions to be taken to prohibit run-off of dirt, sand, fluids, vegetation or any other item into the city's stormwater system or onto adjacent property, roadways and waterways. Piles of soil, erected barriers, temporary detention areas, or any other methods approved by the city, shall provide for a containment area to reduce run-off.

(h) *Violations; Enforcement.*

(1) The contractor and property owner shall be joint and severally responsible and liable for the requirements of this section and any violation thereof.

(2) Failure to abide by the provisions of this section shall constitute a violation of the City Code, and are subject to the enforcement procedures and penalties set forth in chapter 2, Division 2 of the City Code. Each day a violation continues shall be deemed a separate violation.

(3) A violation may be enforced by the building official or designee through the issuance of a stop work order in accordance with the procedures in the Florida Building Code; or an order to repair, restore or demolish the work, to vacate the premises, or otherwise abate the violation.

(4) Any violation of this section is subject to abatement as a public nuisance.

(5) The provisions of this subsection are cumulative with and in addition to any other remedy provided by law.

(6) The city may recover as costs of repairs or compliance, the costs associated with the city securing job sites and correcting any violation of this section. Failure of the contractor or owner to reimburse the city for said costs within thirty (30) days of written notice by the City, the city may collect said costs in accordance with law and the costs shall also constitute a lien on the property until paid in full.

\* \* \*

**Section 3. Conforming Amendments to Section 6-31 of the City Code.** Sec. 6-31. - Administrative amendments to Chapter 1 of the Florida Building Code, Subsection 110.3 of the City Code is hereby amended to read as follows: (underlined type indicates additions to the City Code and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from this Ordinance of text existing in Section 6-31 and Subsection 110.3. It is intended that the text in Section 6-31 and Subsection 110.3 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

**Sec. 6-31. - Administrative amendments to Chapter 1 of the Florida Building Code**

\* \* \*

**110.3 Required inspections.** The building official, upon notification from the permit holder or his or her agent shall make the following inspections, and such other inspections as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

\* \* \*

**Site Debris**

~~1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean.~~

~~2. All debris shall be kept in such a manner as to prevent it from being spread by any means.~~

\* \* \*

**Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts or ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5. Incorporation into Code.** This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section 6. 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 7. Effective Date.** This Ordinance shall become effective upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to City Charter.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**Charles Lacey, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Andrea Lorenzo-Luaces, City Clerk**

**APPROVED AS TO LEGAL FORM  
AND SUFFICIENCY FOR THE CITY  
OF WINTER SPRINGS ONLY:**

\_\_\_\_\_  
**Anthony A. Garganese, City Attorney**

Legal Ad: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_



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### Legal Notices

### Public Hearing Notices

#### NOTICE OF PUBLIC HEARING

You are hereby informed that the City Council of the City of Maitland, Florida, will hold a Public Hearing on the following proposed ordinance:

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, RELATING TO PARKING OF VEHICLES ON PUBLIC STREETS AND DRIVEWAYS IN RESIDENTIALLY ZONED DISTRICTS; AMENDING THE CODE OF ORDINANCES, SECTION 18-23, "OTHER COMMERCIAL VEHICLES - RESTRICTIONS;" SECTION 5, "ZONING - SUPPLEMENTAL DISTRICT REGULATIONS, AND SECTION 21-23 OF THE CITY CODE;" AMENDING THE TYPES OF VEHICLES PROHIBITED ON PUBLIC STREETS AND DRIVEWAYS IN RESIDENTIALLY ZONED DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

The Public Hearing will be held at 6:30 P.M. or as soon thereafter as possible, on Monday, May 13, 2019, in the Maitland City Hall Council Chambers, 1776 Independence Lane, Maitland, Florida, 32751.

A copy of the proposed ordinance is available in the office of the City Clerk for inspection. Interested parties may appear at the hearing and be heard with respect to the proposed ordinance.

Any person who decides to appeal any decision made at this meeting or hearing will need a record of the proceedings, and that, for such purpose, 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. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office at (407) 539-4219, 48 hours in advance of the meeting.

**CITY OF MAITLAND**  
Maria T. Waldrop, MMC  
City Clerk  
056248795 5/2/19

#### CITY OF WINTER SPRINGS NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN THAT THE CITY COMMISSION PROPOSES TO CONSIDER: ORDINANCE NO. 2019-07

**AN ORDINANCE OF THE CITY OF WINTER SPRINGS, FLORIDA; AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 13, ARTICLE II REGARDING PROHIBITED NOISE DISTURBANCES TO INCLUDE THE USE OF POWER EQUIPMENT AND POWER GROUND MAINTENANCE EQUIPMENT IN RESIDENTIAL AREAS DURING CERTAIN LATE EVENING AND EARLY MORNING HOURS; MODIFYING THE EMERGENCY EXCEPTION UNDER CHAPTER 13, ARTICLE II; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY AND AN EFFECTIVE DATE.**

#### PUBLIC HEARING FOR SECOND READING WILL BE HELD ON

MONDAY, MAY 13, 2019 AT 6:30 P.M. OR SOON THEREAFTER IN THE COMMISSION CHAMBERS LOCATED AT THE WINTER SPRINGS CITY HALL 1126 EAST ROAD 434, WINTER SPRINGS, FLORIDA. THE CITY COMMISSION RESERVES THE RIGHT TO POSTPONE OR CONTINUE THE PUBLIC HEARING ON THIS ORDINANCE AT THIS MEETING WITHOUT FURTHER NOTICE.

The proposed ordinance may be inspected by interested parties between 8 a.m. and 5 p.m., Monday through Friday, at the City Clerk's Office, located at 1126 East State Road 434, Winter Springs, Florida. For more information call (407) 327-1800, Extension 227. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Employee Relations Department Coordinator, 48 hours in advance of the meeting at (407) 327-1800, Extension 236. These are public hearings. If you decide to appeal any recommendation/decision made by the City Commission with respect to any matter considered at this meeting, you will need a record of the proceedings, and for such purposes, you may need to ensure that a verbatim record of the proceedings is made upon which the appeal is based. Interested parties are advised that they may appear at the meeting and be heard with respect to the proposed ordinance.

OSC6258220 5/2/2019

#### CITY OF WINTER SPRINGS NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN THAT THE CITY COMMISSION PROPOSES TO CONSIDER: ORDINANCE NO. 2019-08

**AN ORDINANCE OF THE CITY OF WINTER SPRINGS, FLORIDA, REGARDING BUILDINGS AND BUILDING ADMINISTRATIVE REGULATIONS; PROVIDING FOR THE ADOPTION OF SECTION 6-88 REGARDING CONSTRUCTION SITE MANAGEMENT AND RELATED CONFORMING AMENDMENTS TO THE CITY CODE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY AND AN EFFECTIVE DATE.**

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MONDAY, MAY 13, 2019 AT 6:30 P.M. OR SOON THEREAFTER IN THE COMMISSION CHAMBERS LOCATED AT THE WINTER SPRINGS CITY HALL 1126 EAST ROAD 434, WINTER SPRINGS, FLORIDA. THE CITY COMMISSION RESERVES THE RIGHT TO POSTPONE OR CONTINUE THE PUBLIC HEARING ON THIS ORDINANCE AT THIS MEETING WITHOUT FURTHER NOTICE.

The proposed ordinance may be inspected by interested parties between 8 a.m. and 5 p.m., Monday through Friday, at the City Clerk's Office, located at 1126 East State Road 434, Winter Springs, Florida. For more information call (407) 327-1800, Extension 227. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Employee Relations Department Coordinator, 48 hours in advance of the meeting at (407) 327-1800, Extension 236. These are public hearings. If you decide to appeal any recommendation/decision made by the City Commission with respect to any matter considered at this meeting, you will need a record of the proceedings, and for such purposes, you may need to ensure that a verbatim record of the proceedings is made upon which the appeal is based. Interested parties are advised that they may appear at the meeting and be heard with respect to the proposed ordinance.

OSC6258218 5/2/2019

#### NOTICE OF PUBLIC MEETING DATES OF THE CONSTRUCTION COMMITTEE OF THE BOGGY CREEK, GREENEWAY, AND MYRTLE CREEK IMPROVEMENT DISTRICTS

The Construction Committee of the Boggy Creek, Greenway, and Myrtle Creek Improvement Districts will be meeting on May 9, 2019 and May 23, 2019, at 3:30 p.m. at the office of Donald W. McIntosh Associates, Inc., 2200 Park Avenue North, Winter Park, FL 32789.

The Construction Committee will discuss and review the status of current and future infrastructure improvements. Requests for Qualifications, Requests for Proposals, etc., related to the Districts. The meeting will be open to the public and will be conducted in accordance with provisions of Florida Law for Community Development Districts. The meetings may be continued to a date, time, and place to be specified on the record at the meeting.

## Legal Notices

There may be occasions when one or more members of the Committee and/or District Staff will participate by telephone. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations at these meetings because of a disability or physical impairment should contact the District Office at (407) 539-4219 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the District Office at (407) 539-4219 to aid you in contacting the District Office.

Any person who decides to appeal any decision made by the Committee with respect to any matter considered at this meeting will need a record of the proceedings and that, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Lynne Mullins  
Assistant District Manager  
056240348 5/2/19

#### NOTICE OF PUBLIC HEARING

You are hereby informed that the City Council of the City of Maitland, Florida, will hold a Public Hearing on the following proposed ordinance:

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, RELATING TO THE REGULATION, PLACEMENT AND USE OF TEMPORARY UNMANNED RECYCLING AND COLLECTION CONTAINERS; AMENDING CHAPTER 21, "SUPPLEMENTAL REGULATIONS OF THE CODE OF ORDINANCES;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Public Hearing will be held at 6:30 P.M. or as soon thereafter as possible, on Monday, May 13, 2019, in the Maitland City Hall Council Chambers, 1776 Independence Lane, Maitland, Florida, 32751.

A copy of the proposed ordinance is available in the office of the City Clerk for inspection. Interested parties may appear at the hearing and be heard with respect to the proposed ordinance.

Any person who decides to appeal any decision made at this meeting or hearing will need a record of the proceedings, and that, for such purpose, 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. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office at (407) 539-4219, 48 hours in advance of the meeting.

**CITY OF MAITLAND**  
Maria T. Waldrop, MMC  
City Clerk  
056248767 5/2/19

### Sale Notices

**NOTICE OF SALE**  
You and each of you are hereby notified that on May 14th, 2019 at 10:00 am, the vehicle (s) described below will be sold. Location 6512 Old Cheney Hwy. Orlando, FL 32807, Orange County

12 SDC Vessel GDYJ6782F212  
056249111 5/2/19

**NOTICE OF SALE**  
You and each of you are hereby notified that on May 15th, 2019 at 10:00 am, the vehicle (s) described below will be sold. Location 6512 Old Cheney Hwy. Orlando, FL 32807, Orange County

02 HYUN KMHDN45D2U442857  
056249122 5/3/19

#### NOTICE OF PUBLIC AUCTION BY ORANGE COUNTY SHERIFF'S OFFICE

NOTICE IS HEREBY GIVEN, THAT I, JOHN W. MINA, as Sheriff of Orange County, Florida, will sell fleet vehicles and forfeitures, at a public auction for cash on demand. This auction will be held on the 11th day of May, 2019, beginning at 9 o'clock in the forenoon and continuing thereafter on the premises of Tampa Machinery Auction, Inc. (License# AB135/AU871) located in, Thonotosassa, Hillsborough County, Florida. A complete list may be seen the day of the viewing at U.S. Highway 301 five miles north of I-4, in Thonotosassa, Hillsborough County, Florida. Prospective bidders may pre-register on-line at [www.tmauction.com](http://www.tmauction.com) and view the items the day before the sale. Bidding begins at 8:00 am to 5:00 p.m. and the morning of the sale between 7:30 a.m. and 9:00 a.m. You must be sixteen or older with proper I.D. to attend and 18 or older to bid. All items will be SOLD AS IS AND WITH NO WARRANTIES. SOLD SUBJECT TO ALL TAXES. ALL SALES ARE FINAL.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Eric Nieves, Civil Process Sales Coordinator not later than seven days prior to the proceeding at Sheriff's Office, Office, 425 North Orange Avenue, Suite 240, Telephone: 407-836-4570; If hearing impaired, (TDD) 1-800-955-8771, or Voice (V) 1-800-955-8770, via Florida Relay Service

JOHN W. MINA, as Sheriff Orange County, Florida  
By: Lieutenant Kyle Morse as Deputy Sheriff  
056256931 05/02, 05/09/2019

### Foreclosures

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA**  
GENERAL JURISDICTION DIVISION  
Deutsche Bank National Trust Company, as Trustee for NovaStar Mortgage Funding Trust, Series 2007-1, Plaintiff,

vs.  
Lloyd A. Story, et al., Defendants.  
NOTICE IS HEREBY GIVEN pursuant to an Order granting Motion to Cancel and Reseal Foreclosure Sale dated March 12, 2019, on the case No. 2009-CA-016442-0 of the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, wherein Deutsche Bank National Trust Company, as Trustee for NovaStar Mortgage Funding Trust, Series 2007-1 is the Plaintiff and Sarah K. Lovejoy; The Bay Vista Estates Homeowner's Association, Inc.; Plaintiff and #2, and all Other Unknown Parties, including, if a named Defendant is deceased, the personal representatives, surviving spouses, heirs, devisees, grantees, creditors, and all other parties claiming, by, through, under or against the estate of the Defendant are the Defendants, that all claimants, persons or parties, natural or corporate, or whose exact legal status is unknown, claiming under the Defendant are the Defendants, that Tiffany Russell, Orange County Clerk of Court will set to the highest and best bidder for cash by electronic sale at [www.myorangeclerk.com/realforeclose](http://www.myorangeclerk.com/realforeclose), on, beginning at 11:00 on the 14th day of May, 2019, the following described property as set forth in said Final Judgment, to wit:

**LOT 41, BAY VISTA ESTATES UNIT 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK NO. 118, PAGE 10, OF THE RECORDS OF ORANGE COUNTY, FLORIDA.**

Any person claiming an interest in the surplus from the sale, if any, other than the property owner as of the date of the lis pendens must file a claim within 60 days after the sale.

Dated this day of May, 2019.  
BROCK & SCOTT, PLLC  
Attorney for Plaintiff  
2001 NW 64th St, Suite 130  
FL, Lauderdale, FL 33309  
Phone: (954) 618-6955, ext. 6108  
Fax: (954) 618-6955  
FLCourtDocs@brockandscott.com  
By Giuseppe Cataudella, Esq. Florida Bar No. 889

#### PUBLISH IN THE BUSINESS OBSERVER

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain accommodations. Please contact the ADA Coordinator, Human Resources, Orange County Courthouse, 1025 Orange County Courthouse, Orlando, Florida, (407) 836-2303, at least 7 days before your scheduled court appearance. Accommodations upon receiving this notification if the

### Notice to Patients

Jeffrey R. Koren, MD will be closing his office at 885 Sedalia Street Suite 100 Cocoa, FL 34761 effective May 30th, 2019. Medical records will be held at the office of:  
Oliver K. Bayouth, MD  
94 W Underwood St.  
Orlando, FL 32806.  
To schedule an appointment with Dr. Bayouth, or to obtain medical records call: 407-425-4222 or 407-294-2994.

056256500 5/2, 5/9/2019

#### NOTICE TO PATIENTS

Jeffrey R. Koren, MD will be closing his office at 885 Sedalia Street Suite 100 Cocoa, FL 34761 effective May 30th, 2019. Medical records will be held at the office of:  
Oliver K. Bayouth, MD  
94 W Underwood St.  
Orlando, FL 32806.  
To schedule an appointment with Dr. Bayouth, or to obtain medical records call: 407-425-4222 or 407-294-2994.

056257035 04/27, 05/04, 05/11, 05/18/2019

### Miscellaneous Legals

#### STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF APPLICATION

The Department of Environmental Protection announces receipt of application for permit ERP 0316816-006 from The City of Deltona to modify permit to construct and operate a RIB Expansion. The proposed project will be located in Valusia County, at Latitude (OMS) 28° 52' 53.24" N Longitude (OMS) 81° 15' 1.82" W at 601 Mobley Drive, Deltona, FL 32725. The Department has assigned permit file number ERP 0316816-006 to the proposed project.

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the office of the Department's Central District Office, 3319 Maguire Blvd, Suite 232, Orlando, Florida 32803-3767, at phone number (407)897-4100.

056260455 5/2/2019

#### MEETING NOTICE

MetroPlan Orlando, The Metropolitan Planning Organization for the Orlando Urban Area, announces the following public meeting of the Transportation Disadvantaged Local Coordinating Board (TDLCB), to which all persons are invited:  
Date: Thursday, May 9, 2019  
Time: 10:00 a.m.  
Location: MetroPlan Orlando  
250 S. Orange Avenue, Suite 200  
Orlando, FL 32801  
Meeting: Regularly Scheduled TDLCB Meeting

A copy of the detailed agendas for these meetings may be obtained by contacting Ms. Lisa Smith, Board Services Coordinator, MetroPlan Orlando, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801, 407-481-5672, ext. 307, E-mail: [lsmith@metroplanorlando.org](mailto:lsmith@metroplanorlando.org), or by visiting [info@metroplanorlando.org](http://info@metroplanorlando.org).

Public participation is conducted without regard to race, color, national origin, sex, age, disability, religion, or family status. Persons wishing to express concerns who require special assistance under the Americans with Disabilities Act, or who require language services (free of charge), should contact MetroPlan Orlando by phone at (407) 481-5672 or by email at [info@metroplanorlando.org](mailto:info@metroplanorlando.org) at least three business days prior to the event.

**Anuncio de Reunión**  
MetroPlan Orlando por favor contactar a la Sr.a Lisa Smith, asistente administrativa, MetroPlan Orlando, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801, 407-481-5672, ext. 307, E-mail: [lsmith@metroplanorlando.org](mailto:lsmith@metroplanorlando.org) o [info@metroplanorlando.org](mailto:info@metroplanorlando.org) al menos tres días antes del evento.

La participación pública se lleva a cabo sin distinción de raza, color, origen nacional, sexo, edad, discapacidad, religión o estado familiar. Las personas que deseen expresar inquietudes, que requieren asistencia especial bala la ley de Americanos con Discapacidad (ADA) o que requieren servicios de traducción (sin cargo) deben ponerse en contacto con MetroPlan Orlando por teléfono (407) 481-5672 (marcar 0) o por correo electrónico [info@metroplanorlando.org](mailto:info@metroplanorlando.org) por lo menos tres días antes del evento.

OSC6254619 05/02/2019

### Merchandise

**HARBOR LAKES AT MEADOWS WOODS**  
Community garage sale on Sat. May 4th & Sun. May 5th from 8AM to 4PM. Located at the intersection of Rhode Island Woods Circle & Wynndham Lakes Blvd.

**WYNDHAM LAKES AT MEADOWS WOODS**  
Community garage sale on Saturday May 4th from 8 AM to 4 PM. Located at the intersection of Rhode Island Woods Circle & Wynndham Lakes Blvd.

### Osceola County Garage Sales

**KISSIMMEE**  
Preserve of Tapestry Community Garage sale on Saturday, May 4th from 8 AM to 4 PM. Located at the intersection of Dyer Blvd & Tapestry Preserve Dr.

**KISSIMMEE**  
Indion Ridge Spring Yard Sale-off CR 345, 2mi south of 192, 8am-2pm Sat/Sun, 5/4 & 5/5, Tax Refund? Want to save? Maybe something for Mom, or yourself come see us

### HUGE SALE

**THE OAKS COMMUNITY**  
The Oaks Annual Community wide Garage Sale, Saturday and Sunday May 4th & 5th, 8am-4pm. Many homes participating. Corner of John Young Parkway and Pleasant Hill Road. "The Oaks Blvd" as a GPS location.

### Pets

#### Horses

**HORSES: PAINT**  
Beautiful Paint Mare, Gentle For Anyone, Done Ranch Work & Trail Riding. \$2500. Call: 352-339-3018

#### Livestock/ Poultry

**CATTLE**  
Looking to Lease Cattle Pasture, Call: 352-339-3018

**CATTLE**  
Wanted to Buy Cattle of All Kinds. Will Haul Call: 352-339-3018

### RealEstate forRent

### Apts/Condos/ Multi-Family Orlando Central/ Downtown for Rent

**WANTED: MATURE LADY SEEKING STUDIO APT**  
in or near downtown Orlando. Will pay up \$1000/month. Please call 321-773-2416 321-258-4730

### Transportation Auction

**GSA PUBLIC AUCTION - LATE MODEL CARS, TRUCKS, VANS @ BUYERS FEE. PREVIEW May 8th 10-4 and May 9th 10-12. SALE May 9th at 12. 4636 W. Col. Dr. Orlando 32808. <http://autoauctions.gsa.gov>. ORLANDO AUTO AUCTION 407-299-3904**

### Autos

**TOYOTA SIENNA - 2008**  
\$9,900 Bought new in Lakeland. One owner. Always garaged in Haines City, FL. Still like new in and out. Four new Michelin tires, new brakes, under 99,600 mi. Jim 207-377-2979

### ONLINE

Go to [OrlandoSentinel.com](http://OrlandoSentinel.com)/advertise to order and pay for your Orlando Sentinel Classified ad. Online. Anytime. It's fast! It's easy!

### Transportation

#### Autos Wanted

**ACURA 109+ IN STOCK!**  
Save THOUSANDS! No Hidden Fees! Thousands of Used Cars, Trucks, SUVs and Vans  
833-220-5194  
Huge Brand New Location Now Open  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**AUDI 108+ IN STOCK!**  
SAVE THOUSANDS! No Hidden Fees! No Stress of Negotiating! Trades Wanted!  
833-220-5194  
Huge Brand New Location Now Open  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**BMW 300+ IN STOCK!**  
LUXURY FOR LESS! Save THOUSANDS! No Hidden Fees! No Negotiating  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**BUICK 76+ IN STOCK!**  
Save THOUSANDS! SELL YOUR CAR! Trades Wanted! Online Financing Available  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**CADILLAC 131+ IN STOCK!**  
Save THOUSANDS! SELL YOUR CAR! Trades Wanted! Online Financing Available  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**CHEVROLET 336+ IN STOCK!**  
Online Financing! Thousands of Used Cars, Trucks SUVs and Vans  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**CHRYSLER 64+ IN STOCK!**  
Save THOUSANDS! Online Financing! SELL YOUR CAR! Trades Wanted! All on the BBB  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**DODGE 55+ IN STOCK!**  
NO HIDDEN FEES! No Negotiating  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**FORD 366+ IN STOCK!**  
INSTANT FINANCING! TRADE-INS WANTED! NO HIDDEN FEES  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**GMC 65+ IN STOCK!**  
Thousands of Used Cars, Trucks, SUVs and Vans. Priced Below Retail. No Hidden Fees!  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**HONDA 240+ IN STOCK!**  
THOUSANDS OF CARS! THOUSANDS BELOW RETAIL! No Hidden Fees!  
7948 Narcoossee Rd  
833-220-5194  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**HYUNDAI 107+ IN STOCK!**  
SAVE THOUSANDS! Online Financing! Trade-Ins Wanted! Don't Pay More  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

**INFINITI 146+ IN STOCK!**  
Save THOUSANDS! Don't Pay More! Instant Financing! Trade-In - Trade-Up  
833-220-5194  
Huge Brand New Location Now Open!  
8443 McCoy Rd. Orlando, FL 32822  
Shop Now @ [OffLeaseonly.com](http://OffLeaseonly.com)

**JAGUAR 42+ IN STOCK!**  
LUXURY FOR LESS! Save \$1000's! No Hidden Fees! No Negotiating!  
833-220-5194  
Shop Now @ [OffLeaseOnly.com](http://OffLeaseOnly.com)

### Community Bulletin Board

#### ELDERLY CARE

**LICENSED NURSE**  
Will take care of your parents or loved ones in my Windermere home. Call 407-720-1302 for appointment

#### PAINTING

**A GOOD PAINT JOB!**  
A Painter referred by your neighbor. Call Today. Scott the Painter. 720-373-1010

#### MISCELLANEOUS

**ARE YOU A LICENSED REALTOR?**  
Join Crown Zip: [oincrownzip.com](http://oincrownzip.com)

## Boys & Girls Clubs of Central Florida: BUILDING GREAT FUTURES

Each year, Boys & Girls Clubs of Central Florida provides a safe place to learn and grow for more than 15,000 at-risk children in our region.

Every day after school, and all summer long, children come to our Clubs to receive the academic and emotional support, extracurricular opportunities, and life skills they need to become productive and successful adults.

For more information on how you can make a difference, visit [bgccf.org](http://bgccf.org) or find us on Facebook: @bgccf



**BOYS & GIRLS CLUBS OF CENTRAL FLORIDA**





# PUBLIC HEARINGS AGENDA ITEM 402

## CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

### TITLE

First Reading of Ordinance 2019-09 regarding the Application, Notice, and Review Criteria Procedures for Special Zoning Permits

### SUMMARY

During the City Commission workshop process, which has been taking place, the City Commission directed the City Attorney to prepare an Ordinance to update and streamline the application, notice, review criteria, and procedures regarding special zoning permits and other land use permitting decisions. Additionally, the City Commission directed that the Ordinance eliminate the separate land use permit decision making process in the Town Center Code and to consolidate the Town Center Code process with the regular development permit process under the City Code for purposes of streamlining development permit procedure and eliminating any unintended confusion with the two separate processes. The Ordinance will also provide greater public awareness opportunities for the public regarding many proposed development projects.

On May 6, 2019, the City Commission considered an initial draft of Ordinance No. 2019-09 and provided comments. The comments were considered by the City Attorney and additional changes to the Ordinance have been made since the May 6<sup>th</sup> meeting. The changes are **highlighted** in yellow for the City Commission's convenience.

The City Commission has previously recognized that since the Town Center District Code's adoption in 2000, the Town Center has operated, in many respects, under its own set of rules and procedures especially regarding special exception applications which may be filed requesting waivers from the various standard provisions of the Town Center Code. The City Commission has recently expressed interest in streamlining the special exception process by consolidating it with the general zoning regulations applicable to other zoning districts and special zoning permits.

The attached Ordinance was prepared at the City Commission's direction. The Ordinance is procedural in nature only regarding the requirements to process development permit applications and does not specifically address land uses in the various zoning districts. Land uses will be reviewed by the City Commission

separately as part of the workshop process and addressed in a separate ordinance if the City Commission desires to modify the land use provisions in the City Code.

The proposed Ordinance will require several publicly noticed and advertised public hearings including one hearing before the City's Land Planning Agency and two hearings before the City Commission.

This is a legislative process. In other words, the City Commission is exercising its legislative authority to consider whether to amend the zoning laws applicable within the jurisdiction of the city of Winter Springs. Unlike a quasi-judicial zoning hearing where the City Commission is applying existing policy, the City Commission is attempting to formulate (create) new policy related to the processing of development permit applications as set forth in the proposed Ordinance.

Any new zoning policies must be adopted by ordinance and will be applied in quasi-judicial hearings conducted on the development permits referenced in the Ordinance in the future.

Generally, the Ordinance, if approved, will make very important changes to requirements in the City's land development code which are fundamental to the City's authority to process land development permit applications:

1. Repeals the separate development permit procedure in the Town Center Code, and streamlines it by consolidating the Town Center permit process with the regular development permit process contained in Chapter 20 of the City Code. Conforming text amendments to the Town Center Code, such as striking (as no longer necessary) the reference to the special development review committee, are required to be made to effectuate this streamlining/consolidation including as stated in Exhibit "A" to the Ordinance.
2. The Ordinance addresses a uniform procedure for applying for site plans, variances, conditional uses, rezoning, waivers, limited administrative waivers, and administrative appeals as set forth in the City Code. These uniform procedures will apply to ALL City zoning districts, and not just the specific zoning districts referenced in the pending moratorium ordinance.
3. In addition to the consolidation of the Town Center Code referenced above, the Ordinance proposes a variety of updates and improvements including:
  - a. Providing for a discretionary advisory hearing officer to conduct land use permit hearings if necessary;



- b. Require posting of land use permit applications on the City's website for public viewing within 5 days of filing with the City;
- c. Providing an optional conceptual plan review process (currently limited to Town Center Code);
- d. Providing a pre-application meeting with the community development department;
- e. Enhancing the development permit application requirements and process to require applicants to not only provide a complete application, but to provide all relevant and necessary information related to the proposed development project for purposes of allowing the City to make a compliance determination with the City's Comprehensive Plan and Code;
- f. Requiring certain defined new development projects, conditional uses and redevelopment projects to be memorialized in a binding development agreement;
- g. Requiring the developer to conduct a publicly noticed community workshop, consistent with the minimum enumerated code requirements, for all new commercial development, new residential subdivisions of ten (10) or more lots, conditional uses, existing commercial buildings being altered by 50 percent or greater of the original floor area or seating capacity and requiring a modified site plan, or development agreements processed under section 20-28.1 of the City Code;
- h. Requiring minimum requirements for City staff recommendations to the land planning agency and city commission related to their review of all applications for site plans, rezonings, variances, conditional uses, waivers, and administrative appeals;
- i. Enhancing the review criteria applicable to applications for rezonings, variances, site and final engineering plans and subdivisions, conditional uses, waivers, and administrative appeals;
- j. Clarifying provisions applicable to administrative appeals related to administrative determinations and interpretations under Chapter 20 of the City Code;
- k. Expressly incorporating unique features (e.g. transects and other architectural dimensional requirements) of the Town Center Code into the existing limited administrative waiver procedure in the City Code, and also clarifying that city commission can likewise use the limited administrative criteria to grant applicable waivers when considering and making final decisions on any other land use application requiring city commission approval such as final engineering plans; and
- l. Repealing old language in the City Code regarding the site plan review board which was previously superseded and repealed by the Chapter 9 of the City Code related to approval of final development plans and engineering.

The details of the aforementioned changes are set forth in the attached Ordinance and will be discussed in more detail at the City Commission meeting.

4. The City Attorney and City Manager are requesting that the City Commission consider passing the Ordinance on First Reading and referring the Ordinance to the City's Land Planning Agency/ Planning & Zoning Board for their review and recommendation pursuant to the Community Planning Act.

## **RECOMMENDATION**

Staff recommends the City Commission conduct a Public Hearing for consideration of passing Ordinance 2019-09 on First Reading.



**ORDINANCE NO. 2019-09**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA; AMENDING APPLICATION, NOTICE, REVIEW CRITERIA, AND PROCEDURES REGARDING SPECIAL ZONING PERMITS AND OTHER LAND USE PERMITTING DECISIONS; MAKING CONFORMING AMENDMENTS TO THE CITY CODE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Commission has conducted numerous public workshops to evaluate and discuss updating and amending the City's land development code related to certain land use decision making procedures including special zoning permits; and

**WHEREAS**, the City Commission desires to update and amend the City Code related to the aforesaid; and

**WHEREAS**, the City's Land Planning Agency/Planning & Zoning Board has reviewed and made a recommendation regarding this Ordinance at a duly advertised public meeting held on \_\_\_\_\_; and

**WHEREAS**, the City Commission held a duly noticed public hearing on the proposed changes to the land development code set forth hereunder and considered findings and advice of the Land Planning Agency, staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the changes set forth hereunder serve a legitimate government purposes and are consistent with the City of Winter Springs Comprehensive Plan; and

**WHEREAS**, the City Commission also hereby deems this Ordinance in the best interests of the public health, safety and welfare of the citizens of Winter Springs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Commission of the City of Winter Springs.

**Section 2. Code Amendment.** Chapter 20 of the City Code is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from this Ordinance of text existing in Chapter 20. It is intended that the text in

Chapter 20 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

## Chapter 20 – ZONING

\* \* \*

### ARTICLE II. - ADMINISTRATION

#### DIVISION 1. - PROCEDURE; LAND USE DECISIONS

##### **Sec. 20-26. - Intent and purpose.**

The intent and purpose of this division is to set forth the uniform procedure for applying for site plans, variances, conditional uses, rezonings, waivers, limited administrative waivers, and administrative appeals as set forth in the City Code ~~this chapter~~.

##### **Sec. 20-27. - City commission; authority.**

(a) Unless otherwise provided in this chapter, the city commission shall render all final decisions regarding site plans, rezonings, variances, conditional uses, waivers, certain limited administrative waivers, and administrative appeals provided for in this chapter. The city commission may impose reasonable conditions on any approved site plan, rezoning, variance, conditional use, waiver, limited administrative waiver or administrative appeal to the extent deemed necessary and relevant to ensure compliance with applicable criteria and other applicable provisions of the city code and comprehensive plan. All formal decisions shall be based on competent substantial evidence and the applicable criteria set forth in this chapter. The city commission may adopt, by resolution or ordinance, quasi-judicial rules and procedures to implement this article ~~division~~.

(b) For applications having one or more complex relevant and material evidentiary issues or multiple interested parties with standing to present relevant and material evidence, the city commission at its discretion may appoint, or direct the city manager to appoint, an advisory hearing officer to conduct an evidentiary hearing required by this section on a case-by-case basis. The advisory hearing officer shall be a member of the Florida Bar in good standing for five or more years. The hearing officer must demonstrate satisfactory knowledge of municipal land use and zoning law and general procedures for quasi-judicial land use matters. Hearings conducted pursuant to this subsection shall be noticed as required by this Division and the hearing officer shall generally conduct the hearing in accordance with applicable provisions of the city commission's quasi-judicial procedures. The advisory hearing officer shall within a reasonable time, not to exceed 30 days from the date the hearing is closed, submit in writing a report to the city commission. Such report shall summarize the evidence submitted and considered and state precisely the hearing officer's findings, conclusions and recommendations. The report shall be a public record and shall be provided by mail and email to the applicant and any interested party. The city commission shall consider the hearing officer's report at a public hearing. At the hearing, the applicant, interested parties and the public shall be permitted to comment on the findings, conclusions and recommendations contained in the report. The city commission shall also take such additional relevant and material testimony at the public hearing as deemed



necessary to complete the hearing on the subject application, or the city commission may refer the application back to the hearing officer to take additional relevant and material evidence if necessary. The city commission may adopt or reject, in whole or in part, the hearing officer's proposed findings, conclusions and recommendations. The city commission's decision on the application shall be deemed final.

**Sec. 20-28. - Due process; special notice requirements.**

- (a) All applicants shall be afforded minimal due process as required by law, including the right to receive notice, be heard, present evidence, cross-examine witnesses, and be represented by a duly authorized representative.
- (b) Within five (5) business days of filing with the City or as soon as practicable, applications filed under this Division shall be publicly posted on the City's website on a web page reserved for identifying pending land use applications.
- (b)c) In addition to any notice requirements provided by state law, all public hearings under this division shall be publicly noticed for at least seven (7) calendar days prior to any required planning & zoning board hearing and at least twenty (20) calendar days prior to any required city commission hearing unless otherwise provided by subsections (d) and (e). ~~five (5) calendar days prior to the date of the hearing.~~ Said notice shall include the address of the subject property, matter to be considered and the time, date and place of the hearing. The notice shall be posted in the following manner:
  - (1) Posting the affected property on a sign form provided by the city.
  - (2) Posting at city hall.
  - (3) Notifying, by U.S. mail, all owners of real property adjacent to and within approximately five one-hundred fifty (150-500) feet of the subject property based on the information contained in the property appraiser's or similar property database. In addition, all neighborhood homeowner's associations registered with the City and located within one-half-mile of the property shall likewise be provided notice by U.S. mail. Said mailing shall only be required for the initial public hearing and shall not be required for hearings that are continued to a date certain by the planning & zoning board or city commission.
  - (4) Posting on the city's website and social media platform.

The notice requirements set forth in subsections (1), (2), ~~and (3)~~, and (4) above are hereby deemed to be courtesy notices. The failure to provide such courtesy notices shall not be a basis of appealing any decision made under this division.

(d) Public hearings initially noticed as required by this section and then continued by the planning & zoning board or city commission may be continued to a date certain without compliance with the minimum seven (7) and twenty (20) calendar day requirement.

(e) Applications regarding an existing single-family home shall be publicly noticed for at least seven (7) calendar days prior to any required planning & zoning board or city commission hearing, and shall not require posting of the affected property.

**Sec. 20-28.1. – Conceptual Plan Review – Non-Binding and Binding by Development Agreement.** Applicants may, at their option and sole cost and risk, submit site layout and building elevation designs in schematic or sketch form to the city commission for a non-binding and preliminary review as an initial courtesy to the applicant. These submittals are subject to a more formal application process which requires the submission of more detailed plans and specifications and requires a more detailed review and final consideration of approval by the city commission. Comments and statements made by city officials at the preliminary review are non-binding unless memorialized in a written agreement approved by the city commission. City staff and the applicant shall only seek feedback from the commission and city staff shall not make a formal recommendation regarding the proposed project at this time, unless the application is accompanied by a written development agreement being proposed by city staff for the commission's approval or during the preliminary review, a development agreement is pursued by the city commission and the applicant. In which case, the city staff shall make a recommendation regarding the application and proposed agreement. This non-binding and preliminary review shall not be relied upon by the applicant as a final decision and shall not be construed in any manner as creating any vested right or entitlement for the development of the subject property. By requesting and participating in the optional preliminary review process, the applicant shall be deemed to have read and agreed to this code provision and to hold the city and its officials harmless for any future actions they may have taken based on the results of a preliminary review pursuant to this section.

**Sec. 20-28.2. - Pre-application Meeting.** A prospective applicant, who desires to submit an application for a development project which will require a community workshop under Section 20-29-1, shall be required to schedule and attend a pre-application meeting with the community development department in order to discuss the application process and the proposed project. For all other projects, it is recommended that applicants meet with the community development department prior to submitting an application. No person may rely upon any comment made by any participant at the pre-application conference as a representation or implication that the application will be ultimately approved or rejected in any form.

**Sec. 20-29. - Applications.**

- (a) The city manager or the city manager's designee is hereby authorized to prepare applications in furtherance of this division. At a minimum, applications for conceptual plan review shall require payment of an applicable application fee adopted by the city commission. Applications for non-binding conceptual plan review shall contain the information required by subparagraphs (1) through (6), site layout and building elevation designs in schematic or sketch form, and such other preliminary information deemed necessary by the applicant or city staff to describe the development concept and the potential on and off-site impacts of the proposed development. Additionally, all applications for site plans, rezonings, variances, conditional uses, waivers, binding development agreements including binding conceptual plan approval, and administrative appeals shall be accompanied by the applicable application fee adopted by the city commission and shall contain the following information which shall be considered by the City when evaluating the applicable review criteria:

- (1) A general description of the relief sought under this division.
- (2) A brief explanation, with applicable supporting competent substantial evidence and documents, as to why the application satisfies the relevant criteria set forth in this division.
- (3) The name(s) of the owner(s) of the particular real property.
- (4) If the applicant is other than all of the owners of the particular property, written consent signed by all owners of the particular real property shall be attached.
- (5) The legal description of the particular real property, accompanied by a certified survey or that portion of the map maintained by the Seminole County Property Appraiser reflecting the boundaries of the particular real property.
- (6) The current and future land use and the zoning designations on the real property.
- (7) For all new development, new buildings, conditional uses, existing buildings being altered by 50 percent or greater of the original floor area or seating capacity, or as otherwise deemed applicable by the city to relevantly and competently examine an application for compliance with the city code and the affect the proposed use will have on neighborhood and surrounding properties, applicants shall be required to submit with the application the following information:
  - a. A current up-to-date tree survey and tree preservation and landscape plan;
  - b. A site plan, drawn to scale, which shall indicate:
    1. Building elevations illustrating all side of structures, floor plans, locations and orientations, and landscape areas;
    2. Ingress and egress, emergency access, parking locations and number of spaces, sidewalks and pedestrian and vehicle circulation within the site;
    3. If applicable, stacking/queuing of vehicles, drop off zones, truck/delivery areas, bike rack locations, and connections to adjacent properties;
    4. Paved surfaces, materials and location(s);
    5. Site location diagram and legal description;
    6. Signage;
    7. Wetland and floodplain boundaries;
    8. Screening, buffering and lighting plans; and
    9. Such other relevant information regarding the proposed site.
  - c. A parking analysis, prepared by a duly qualified expert, justifying the proposed parking solution;
  - d. An economic fiscal impact report, prepared by a duly qualified expert, in compliance with the requirements set forth in the City's Comprehensive Plan and Code, if applicable and required by the city;



- e. A traffic study and analysis, prepared by a duly qualified expert, regarding both the estimated impact of the proposed project on the neighborhood and surrounding properties and the established level of service on affected roads;
  - f. A stormwater management plan;
  - g. A noise study to analyze current and proposed noise levels as well as methods of sound attenuation, if applicable and required by the city.
  - (8) If a residential development is proposed, a school concurrency letter from the School District, if applicable, and the proximity and transportation routes of the proposed development to the elementary, middle and high schools assigned by the School District.
  - (9) If the proposed development has the potential to discharge noxious odors or pollutants, an odor or pollution study, prepared by a duly qualified expert, regarding the proposed project's estimated odor or pollutant impact on the neighborhood, surrounding properties and the environment.
  - (10) Other reasonable supporting documents to indicate intentions and/or any other items reasonably required by the city to determine whether or not the proposed development is in compliance with the City's Comprehensive Plan and Code.
- (b) Incomplete applications will not be processed and presented to the planning & zoning board and city commission, or if inadvertently presented to said board and city commission, the board and city commission may require the applicant to complete the application if deemed necessary before proceeding with final review of the application. Applicants will be provided written notice of incomplete applications and be afforded a reasonable opportunity to sufficiently complete an application before an incomplete application is deemed rejected and returned by the city staff. If an application is deemed incomplete and the applicant fails to complete it within ninety (90) days of written notice from the City, the City shall have the right, by providing written notice to the applicant, to deem the application withdrawn by the applicant. Applications deemed withdrawn shall not be processed and the application fee shall be deemed forfeited. Withdrawn applications may be refiled in complete form and payment of the applicable application fee.
- (c) All site plans, rezonings, variances, conditional uses, waivers, limited administrative waivers, and appeals approved herein shall be binding on the use of the property. As a condition of approval by the city commission, all development projects requiring a community workshop pursuant to section 20-29-1 of the City Code, shall be required to be memorialized in a binding development agreement which shall be executed by the City and property owner. If the applicant is a developer, the developer shall be required to execute the binding development agreement subject to closing and acquiring the property. The agreement shall be recorded against the property so that the terms and conditions of approval related to the development project or conditional use shall run with the land.

**Sec. 20-29.1. – Community Workshop requirements.**

- (a) For all new commercial development, new residential subdivisions of ten (10) or more lots, conditional uses, existing commercial buildings being altered by 50 percent or greater of the original floor area or seating capacity and requiring a modified site plan, or development agreements processed under section 20-28.1 of the City Code, the applicant shall be responsible for conducting a community workshop to inform neighboring property owners of the proposed application and answer questions relevant to the proposed application. At a minimum, preliminary demonstrative concept plans, development schedules, and specifications of the proposed development project such as land uses, size and height of buildings, intensity and density, new roads, and other primary features and amenities shall be presented to the public. The workshop shall be held in a location generally near the subject property and shall be held in a facility that is ADA compliant. The applicant shall provide notification by mail to all owners of property located within 500 feet of the subject property and to all neighborhood homeowner’s associations registered with the city and located within one-half-mile of the property. The city manager or designee shall provide mailing labels to the applicant. The applicant shall mail these notices with proper postage at least twenty (20) calendar days before the workshop date, and provide proof of same to the city manager or designee. The applicant shall also provide the City with an appropriate written notice to be published on the City’s website and social media platform at least twenty (20) calendar days before the date of the workshop.
- (b) The workshop date and time shall be scheduled in coordination with the City and shall start between 6:00 p.m. and 8:00 p.m. on a weekday or with the approval of the city manager between 9:00 a.m. and 5:00 p.m. on a weekend. All required workshops shall be held prior to submittal of the application with the exception that applications for a non-binding and preliminary review, without a development agreement, under section 20-28.1 shall not require a workshop. The applicant shall be required to schedule an additional workshop if the initial workshop has occurred more than six months prior to submittal of the application, or the applicant’s initially proposed plans have substantially and materially changed from the initial workshop or the city commission determines that an additional workshop is required before making a final decision on any related application.

**Sec. 20-30. - Staff review.**

- (a) The city staff shall be required to review all applications for site plans, rezonings, variances, conditional uses, waivers, and administrative appeals, and make written recommendations to the planning and zoning board and the city commission as may be required in this article. Staff recommendations shall include at a minimum the following relevant information:
- (1) background data about the subject property including, but not limited to, current future land use and zoning designations, previous applicable development agreements, binding

land covenants, parcel size and dimensions, development constraints such as wetlands and conservation areas and easements, and a map and aerial of the subject and surrounding property;

(2) information regarding adjacent and surrounding land uses;

(3) information regarding the applicant and proposed application request;

(4) citation and summary of applicable law such as city comprehensive plan policies, city code provisions and state and federal laws;

(5) procedural history of the proposed application and project including application submittal dates, legal advertisements, other related pending applications, previous city commission approvals, community workshop meetings, and planning & zoning board recommendations;

(6) summary of relevant review criteria regarding the application;

(7) the applicants written analysis and response to the review criteria;

(8) city staff's written analysis and response to the review criteria; and

(9) other competent substantial evidence deemed necessary by city staff to analyze the application for compliance with law.

(b) Upon completion of the written recommendation, city staff shall forward the application along with the recommendation, to the planning and zoning board as required by this division, for a duly noticed public hearing and recommendation before the city commission considers the application.

#### **Sec. 20-31. - Rezoning.**

(a) Any real property owner may file a rezoning application requesting a change in zoning designation for their real property.

(b) The planning and zoning board shall be required to review all rezoning applications and make a written recommendation to the city commission. Such recommendation shall include the reasons for the board's recommendation and show the board has considered the applicable rezoning criteria set forth in this section.

(c) Upon receipt of the planning and zoning board's recommendation, the city commission shall make a final decision on the application. If the city commission determines that the planning and zoning board has not made a recommendation on an application within a reasonable period of time, the city commission may, at its discretion, consider an application without the planning and zoning board's recommendation.

(d) All rezoning applications shall be reviewed for compliance with the following standards:

(1) The proposed rezoning change is in compliance with all procedural requirements established by the City Code and law;

(2) The proposed rezoning change is consistent with the goals, policies and objectives of the city's comprehensive plan including, but not limited to, the Future Land Use Map



and the proposed change would not have an adverse effect on the city's implementation of the goals, policies and objectives of the comprehensive plan;

- (3) The proposed rezoning change is consistent with any master plan applicable to the property;
- (4) The proposed rezoning change is not contrary to the land use pattern established by the city's comprehensive plan;
- (5) The proposed rezoning change would not create a spot zone prohibited by law;
- (6) The proposed rezoning change would not materially alter the population density pattern in a manner that would overtax the load on public facilities and services such as schools, utilities, streets, and other municipal services and infrastructure;
- (7) The proposed rezoning would not result in existing zoning district boundaries that are illogically drawn in relation to existing conditions on the property and the surrounding area and the land use pattern established by the city's comprehensive plan;
- (8) Changed or changing conditions make the proposed rezoning necessary for the city to serve the population and economic activities;
- (9) The proposed rezoning change will not seriously reduce light or air to adjacent areas;
- (10) Should the city be presented with competent substantial evidence indicating that property values will be adversely affected by the proposed rezoning, the applicant must demonstrate that the proposed rezoning change will not adversely affect property values in the surrounding area;
- (11) The proposed rezoning will not be a substantial detriment to the future improvement or development of vacant adjacent and surrounding property;
- (12) The proposed rezoning will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare and legitimate government interests;
- (13) The proposed rezoning change and allowed uses, intensity and density are is compatible with and not out of scale or incompatible with the surrounding existing development and needs of the neighborhood or the city;
- (14) The proposed rezoning does not violate any applicable land use regulations adopted by the city.
- (15) Applications in the Town Center to rezone to a transect zone shall meet the following additional criteria:
  - a. The proposed T-Zone shall provide a logical extension of an existing zone, or an adequate transition between zones.
  - b. The area shall have had a change in growth and development pattern to warrant a rezoning to a more or less urban T-Zone.
  - c. The request shall be consistent with the overall city vision for growth and development as expressed in the city's comprehensive plan or applicable master plan.

(16) Speculative rezoning of land is very disfavored by the City. In conjunction with a rezoning application, the applicant shall be required to fully disclose any proposed new development project that will be pursued by the applicant if the proposed rezoning request is approved, and all applicable application information shall be submitted for the proposed new development project. The proposed development project shall be deemed to have been relied on by City in reaching its decision concerning the proposed change of zoning. Said site plan or concept plan shall be deemed to be binding on the subject property affected by the rezoning and site plan or concept plan, and any change of zoning shall be deemed to be granted in reliance on said site plan or concept plan, even though said site plan or concept plan imposes greater or stricter standards on said property than does other provisions of the City Code for the other lots, tracts, or parcels of land in like land use classifications. Such greater or stricter standards shall be deemed appropriate when unique or peculiar site and locational characteristics are evident and shall be deemed to exist when such site plan or concept plan is relied upon by the planning and zoning board and the city commission. The proposed new development project shall be evaluated in accordance with the review criteria set forth in this subsection and the applicable review criteria for conditional uses set forth in section 20-33. Mitigative techniques and plans required to support any change of zoning may be addressed pursuant to the restricted rezoning provisions set forth in subsection (e) and a binding development agreement.

(17) If the proposed rezoning will allow residential uses or increase the possible density of residential uses, the proposed rezoning shall not potentially cause negative impacts on school capacity (K-12), school overcrowding (K-12), accessibility and convenience (e.g., walking distance, travel time, private and public transportation, and quality of route environment) to the majority of the K-12 school population projected for the property and that will be drawn from any proposed residential project, and the integration of future residents of any proposed residential project into the existing city of Winter Springs community in sustainable manner.

(18) Whether the applicant has agreed to execute a binding development agreement required by city to incorporate the terms and conditions of approval deemed necessary by the city commission including, but not limited to, any mitigative techniques and plans required by city code.

(e) In approving a change in the zoning classification on a lot or parcel of land, at the request of or with the concurrence of the owner of said lot or parcel, the city commission may approve a rezoning subject to restrictions provided such restrictions do not confer any special privilege upon the owner or subject property that would otherwise be denied by the city's land development regulations in the same zoning district. Such restrictions may include one or more of the following:

- (1) Use restrictions greater than those otherwise specified for that particular district;
- (2) Density restrictions greater than those otherwise specified for the particular district;
- (3) Setbacks greater than those otherwise specified for the particular district, including setbacks from lakes and major arterial roadways;
- (4) Height limits more restrictive than otherwise permitted in the district;

- (5) Minimum lot areas or minimum widths greater than otherwise specified for the particular district;
- (6) Minimum floor area greater than otherwise specified for structures in the particular district;
- (7) Open space requirements greater than otherwise required for property in the particular district;
- (8) Parking, loading driveway or traffic requirements more restrictive than otherwise required for the particular district;
- (9) Fencing or screening requirements greater than otherwise required for the particular district;
- (10) Restrictions on any other matters which the city commission is authorized to regulate.

Upon approval of such restrictive rezonings, the planning division shall enter a reference to the restrictions on the city's official zoning map, and a notice of zoning restrictions shall be recorded in the public records of Seminole County. Restrictions shall run with the land, without regard to transfer of ownership or other interests, and may be removed only upon further amendment to the zoning classification of the subject property in accordance with the procedures prescribed herein.

**Sec. 20-32. - Variances.**

- (a) Any real property owner may file a variance application requesting variance from this chapter for their real property. Variances may be approved only for height, width, length or area of structures; size of lots; size of yard setbacks; driveway widths; building design standards (dimensional standards only); landscaping area requirements for vehicular use areas; landscape buffer requirements for buffer strip areas; landscape zones; street setbacks; glazing and window percentages; and minimum first floor height. Under no circumstances may a variance be granted to allow a use not permitted generally or by conditional use permit in the district involved, or any use expressly or by necessary implication prohibited in the district by the terms of this chapter or other applicable provision of the city code.
- (b) The planning and zoning board shall be required to review all variance applications and make a written recommendation to the city commission. Such recommendation shall include the reasons for the board's recommendation and show the board has considered the applicable variance criteria set forth in this section.
- (c) Upon receipt of the planning and zoning board's recommendation, the city commission shall make a final decision on the application. If the city commission determines that the planning and zoning board has not made a recommendation on an application within a reasonable period of time, the city commission may, at its discretion, consider an application without the planning and zoning board's recommendation.
- (d) All variance recommendations and final decisions shall be based on an affirmative finding as to each of the following criterion:



- (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the same zoning district.
  - (2) That special conditions and circumstances do not result from the actions of the applicant or applicant's predecessor in title.
  - (~~23~~) That literal interpretation of this chapter would work an unnecessary and undue hardship on the applicant deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and other applicable building and land development codes of the city~~would work unnecessary and undue hardship on the applicant.~~
  - (~~34~~) That the special conditions and circumstances referred to in subsection (d)(1) of this section do not result from the actions of the applicant.
  - (~~45~~) That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures in the same zoning district.
  - (~~56~~) That the requested variance is the minimum variance from this chapter necessary to make possible the reasonable use of the land, building or structure.
  - (~~67~~) That approval of the variance will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - (8) Whether the applicant has agreed to execute a binding development agreement required by city to incorporate the terms and conditions of approval deemed necessary by the city commission including, but not limited to, any mitigative techniques and plans required by city code.
- (e) The following factors shall not be considered in any variance request:
- (1) The presence of nonconformities in the zoning district or adjoining districts.
  - (2) Financial loss or business competition.
  - (3) Whether the property was purchased with the intent to develop or improve the property, whether or not it was known at the time of purchase that such development would be a violation.

**Sec. 20-33. - Conditional uses.**

- (a) Any real property owner may file a conditional use application requesting a conditional use of their real property providing the conditional use is listed in the applicable zoning district category.
- (b) The planning and zoning board shall be required to review all conditional use applications and make a written recommendation to the city commission. Such recommendation shall include the reasons for the board's recommendation and show the board has considered the applicable conditional use criteria set forth in this section.

- (c) Upon receipt of the planning and zoning board's recommendation, the city commission shall make a final decision on the application. If the city commission determines that the planning and zoning board has not made a recommendation on an application within a reasonable period of time, the city commission may, at its discretion, consider an application without the planning and zoning board's recommendation.
- (d) All conditional use recommendations and final decisions shall be based on the following criteria to the extent applicable:
- (1) Whether the applicant has demonstrated the conditional use, including its proposed density, height, scale and intensity, hours of operation, building and lighting design, setbacks, buffers, noise, refuse, odor, particulates, smoke, fumes and other emissions, parking and traffic-generating characteristics, number of persons anticipated using, residing or working under the conditional use, and other offsite impacts, is compatible and harmonious with adjacent land uses, and will not adversely impact land use activities in the immediate vicinity.
  - (2) Whether the applicant has demonstrated the size and shape of the site, the proposed access and internal circulation, and the design enhancements to be adequate to accommodate the proposed density, scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate design amenities such as screening, buffers, landscaping, open space, off-street parking, safe and convenient automobile, bicycle, and pedestrian mobility at the site, and other similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
  - (3) Whether the proposed use will have an adverse impact on the local economy, including governmental fiscal impact, employment, and property values.
  - (4) Whether the proposed use will have an adverse impact on the natural environment, including air, water, and noise pollution, vegetation and wildlife, open space, noxious and desirable vegetation, and flood hazards.
  - (5) Whether the proposed use will have an adverse impact on historic, scenic, and cultural resources, including views and vistas, and loss or degradation of cultural and historic resources.
  - (6) Whether the proposed use will have an adverse impact on public services, including water, sewer, stormwater and surface water management, police, fire, parks and recreation, streets, public transportation, marina and waterways, and bicycle and pedestrian facilities.
  - (7) Whether the traffic report and plan provided by the applicant details safe and efficient means of ingress and egress into and out of the neighborhood and adequately addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, and traffic flow through immediate intersections and arterials.
  - (78) Whether the proposed use will have an adverse impact on housing and social conditions, including variety of housing unit types and prices, and neighborhood quality.

- (9) Whether the proposed use avoids significant adverse odor, emission, noise, glare, and vibration impacts on adjacent and surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements.
- (10) Whether the applicant has provided an acceptable security plan for the proposed establishment that addresses the safety and security needs of the establishment and its users and employees and minimizes impacts on the neighborhood, if applicable.
- (11) Whether the applicant has provided an acceptable plan for the mass delivery of merchandise for new large footprint buildings (greater than 20,000 square feet) including the hours of operation for delivery trucks to come into and exist the property and surrounding neighborhood, if applicable.
- (12) Whether the applicant has demonstrated that the conditional use and associated site plan have been designed to incorporate mitigative techniques and plans needed to prevent adverse impacts addressed in the criteria stated herein or to adjacent and surrounding uses and properties.
- (13) If the proposed conditional use is a residential use, whether the elementary, middle and high schools (K-12) that will be initially assigned to the residential project by the School District at the time the city commission considers final approval of the conditional use have both sufficient capacity, are in close proximity to the project so as to make each of the assigned schools accessible and convenient (e.g., walking distance, travel time, private and public transportation, and quality of route environment) to the majority of the school population that will be drawn from the project, and promote and support the integration of future residents of the project into the existing city of Winter Springs community in sustainable manner.
- (14) Whether the applicant has agreed to execute a binding development agreement required by city to incorporate the terms and conditions of approval deemed necessary by the city commission including, but not limited to, any mitigative techniques and plans required by city code.

**Sec. 10-33.1. – Site and Final Engineering Plans.**

(a) Site and final engineering plans and the subdivision of land shall also be subject to the technical requirements set forth in Chapter 9 of the City Code. It is the intent of this Section to apply to applications for site and final engineering plans and to any subdivision of land requiring a plat, if applicable, and does not include review and approval of a lot split application.

(b) Except for single-family homes, the planning and zoning board shall be required to review all site and final engineering plan and subdivision of land applications and make a written recommendation to the city commission. Such recommendation shall include the reasons for the board's recommendation and show the board has considered the applicable conditional use criteria set forth in this section.

(c) Upon receipt of the planning and zoning board's recommendation, the city commission shall make a final decision on the application. If the city commission determines that the



planning and zoning board has not made a recommendation on an application within a reasonable period of time, the city commission may, at its discretion, consider an application without the planning and zoning board's recommendation.

(d) Except for single-family homes, all site and final engineering plan and subdivision recommendations and final decisions shall be based on whether the site and final engineering plan and subdivision of land complies with all the technical requirements set forth in Chapter 9 of the City Code and the following criteria to the extent applicable:

(1) Whether the applicant has demonstrated the site and final engineering plan and subdivision of land, including its proposed density, height, scale and intensity, hours of operation, building and lighting design, setbacks, buffers, noise, refuse, odor, particulates, smoke, fumes and other emissions, parking and traffic-generating characteristics, number of persons anticipated using, residing or working under the plan, and other offsite impacts, is compatible and harmonious with adjacent land uses, and will not adversely impact land use activities in the immediate vicinity.

(2) Whether the applicant has demonstrated the size and shape of the site, the proposed access and internal circulation, and the design enhancements to be adequate to accommodate the proposed density, scale and intensity of the site and final engineering plan requested. The site shall be of sufficient size to accommodate design amenities such as screening, buffers, landscaping, open space, off-street parking, safe and convenient automobile, bicycle, and pedestrian mobility at the site, and other similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

(3) Whether the proposed the site and final engineering plan and subdivision of land will have an adverse impact on the local economy, including governmental fiscal impact, employment, and property values.

(4) Whether the proposed the site and final engineering plan and subdivision of land will have an adverse impact on the natural environment, including air, water, and noise pollution, vegetation and wildlife, open space, noxious and desirable vegetation, and flood hazards.

(5) Whether the proposed the site and final engineering plan and subdivision of land will have an adverse impact on historic, scenic, and cultural resources, including views and vistas, and loss or degradation of cultural and historic resources.

(6) Whether the proposed the site and final engineering plan and subdivision of land will have an adverse impact on public services, including water, sewer, stormwater and surface water management, police, fire, parks and recreation, streets, public transportation, marina and waterways, and bicycle and pedestrian facilities.

(7) Whether the site and final engineering plan and subdivision of land, and related traffic report and plan provided by the applicant, details safe and efficient means of ingress and egress into and out of the neighborhood and adequately addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, and traffic flow through immediate intersections and arterials.

(78) Whether the proposed the site and final engineering plan and subdivision of land will have an adverse impact on housing and social conditions, including variety of housing unit types and prices, and neighborhood quality.

(9) Whether the proposed the site and final engineering plan and subdivision of land avoids significant adverse odor, emission, noise, glare, and vibration impacts on adjacent and surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other sire elements.

(10) Whether the applicant has provided an acceptable security plan for the proposed establishment to be located on the site and final engineering plan and subdivision of land that addresses the safety and security needs of the establishment and its users and employees and minimizes impacts on the neighborhood, if applicable.

(11) Whether the applicant has provided on the site and final engineering plan and subdivision of land an acceptable plan for the mass delivery of merchandise for new large footprint buildings (greater than 20,000 square feet) including the hours of operation for delivery trucks to come into and exist the property and surrounding neighborhood, if applicable.

(12) Whether the applicant has demonstrated that the site and final engineering plan and subdivision of land have been designed to incorporate mitigative techniques and plans needed to prevent adverse impacts addressed in the criteria stated herein or to adjacent and surrounding uses and properties.

(13) Whether the applicant has agreed to execute a binding development agreement required by city to incorporate the terms and conditions of approval deemed necessary by the city commission including, but not limited to, any mitigative techniques and plans required by city code.

#### **Sec. 20-34. - Waivers.**

- (a) Any real property owner may file a waiver application requesting a waiver for their real property from any term and condition of this chapter (except from the list of permitted, conditional and prohibited uses set forth in any zoning district category) ~~if the property owner clearly demonstrates that the applicable term or condition clearly creates an illogical, impossible, impractical, or patently unreasonable result.~~
- (b) The planning and zoning board shall be required to review all waiver applications and make a written recommendation to the city commission. Such recommendation shall include the reasons for the board's recommendation and show the board has considered the applicable waiver criteria set forth in this section.
- (c) Upon receipt of the planning and zoning board's recommendation, the city commission shall make a final decision on the application. If the city commission determines that the planning and zoning board has not made a recommendation on an application within a reasonable period of time, the city commission may, at its discretion, consider an application without the planning and zoning board's recommendation.
- (d) ~~In addition to the standard set forth in paragraph (a) above, a~~All waiver recommendations and final decisions shall also comply with the following criteria:

- (1) The applicant clearly demonstrates that the applicable term or condition clearly creates an illogical, impossible, impractical, or patently unreasonable result related to the proposed property and development.
- (~~4~~2) The proposed development plan is in substantial compliance with this chapter and in compliance with the comprehensive plan.
- (~~2~~3) The proposed development plan will significantly enhance the real property.
- (~~3~~4) The proposed development plan serves the public health, safety, and welfare.
- (~~4~~5) The waiver will not diminish property values in or alter the essential character of the surrounding neighborhood.
- (~~5~~6) The waiver granted is the minimum waiver that will eliminate or reduce the illogical, impossible, impractical, or patently unreasonable result caused by the applicable term or condition under this chapter.
- (~~6~~7) The proposed development plan is compatible and harmonious with the surrounding neighborhood.
- (8) Whether the applicant has agreed to execute a binding development agreement required by city to incorporate the terms and conditions of approval deemed necessary by the city commission including, but not limited to, any mitigative techniques and plans required by city code.

**Sec. 20-35. - Administrative appeals.**

- (a) Any final administrative decision regarding the enforcement or interpretation of this chapter, where it is alleged there is an error by an administrative official, can be appealed as set forth in this section. Administrative appeals are not authorized or permitted on interpretation issues based on the following:
  - (1) Any order, requirement, decision, or determination made regarding code enforcement, including notice of violations and civil citations.
  - (2) Acts of administrative officials pursuant to the orders, resolutions, or directives of the city commission including development agreements.
  - (3) Zoning verification letters.
  - (4) Challenges to a development order controlled by F.S. § 163.3215.
  - (5) Appeals that circumvent procedures required by this chapter, including those that are more appropriately addressed in an application for a waiver, variance, or rezoning.
- (b) The following persons shall have standing to appeal an administrative decision that is not of general applicability and that is specifically related to a particular project or parcel of real property:
  - (1) An applicant who is adversely affected by the decision.
  - (2) A property owner whose property is the subject of the decision.



- (3) All owners of real property that lies within 500 feet of the property that is the subject of the decision.
- (4) Any resident, landowner, or person having a contractual interest in land in the city who demonstrates a direct adverse impact from the decision that exceeds in degree the general interest in community good shared by all persons.
- (bc) Appeals shall be taken within thirty (30) calendar days after such administrative decision is signed by the administrative official rendering the decision or is otherwise rendered in writing. Appeals shall be is made by filing a written notice of appeal with the city manager stating the name of the decision maker, date of the decision, applicable code provisions and the specific grounds for appeal. A copy of the written decision shall accompany the written notice of appeal and filing fee. Upon receipt of the notice of appeal, the city manager shall schedule the appeal before the planning and zoning board within sixty (60) calendar days and transmit all documents, plans, papers or other materials constituting the record upon which the action appealed from was taken. Within twenty (20) calendar days of the filing of a notice of appeal pursuant to this section, any person with standing may intervene and become a party to the appeal by filing a written notice of appeal in accordance with this section and payment of the filing fee.
- (ed) The planning and zoning board shall be required to review all administrative appeals and make a recommendation to the city commission.
- (de) Upon receipt of the planning and zoning board's recommendation, the city commission shall make a final decision on the administrative appeal. If the city commission determines that the planning and zoning board has not made a recommendation on an administrative appeal within a reasonable period of time, the city commission may, at its discretion, consider an application without the planning and zoning board's recommendation.
- (f) The hearing shall be limited to the record on appeal and shall consist of oral argument by city staff and parties with standing, each of whom may be represented by legal counsel, and the party challenging the administrative decision shall have the burden of proof. The hearing shall be conducted in accordance with established Florida law for quasi-judicial hearings. The record on appeal shall consist of the following: 1) the application and accompanying information; and 2) the written decision of the administrative official and accompanying information. All parties may freely refer to provisions from the comprehensive plan, any other city ordinance, resolution, or rule, and any federal or state statute, rule, or decision. If any party desires to admit any additional evidence, the additional evidence shall be disclosed to the other parties and the planning and zoning board or city commission not less than five calendar days before the hearing. At the beginning of the hearing, the planning & zoning board or city commission shall rule on whether such additional evidence may be presented and shall freely allow the evidence when such evidence is relevant to the issue on appeal.
- (eg) Review of administrative decisions shall be based on the following criteria:
- (1) Whether the applicant was properly afforded procedural due process;
  - (2) Whether the decision under review is supported by competent, substantial evidence;
- and

- (3) Whether the decision under review complied with applicable law, including a proper interpretation of any provision under this chapter.
- (fh) The city commission shall have the right to reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the officers from whom the appeal is taken.
- (i) An administrative appeal filed pursuant to this section stays all proceedings in furtherance of the action appealed from, including the issuance of a building permit or development order, unless the administrative official from whom the appeal is taken certifies in writing to the board of adjustment after the notice of appeal is filed that, because of facts stated in the certificate, a stay would, in the administrative official's opinion, cause imminent peril to life and property. In such case where the administrative official makes such certification, proceedings shall not be stayed other than by an injunction issued by a court of competent jurisdiction

**Sec. 20-36. - Expiration of conditional use, variance and waiver approvals.**

- (a) Any conditional use, variance or waiver approved by the city commission under this Division shall expire two (2) years after the effective date of such approval by the city commission, unless a building permit based upon and incorporating the conditional use, variance, or waiver is issued by the city within said time period. Upon written request of the property owner, the city commission may extend the expiration date, without public hearing, an additional six months, provided the property owner demonstrates good cause for the extension. In addition, if the aforementioned building permit is timely issued, and the building permit subsequently expires and the subject development project is abandoned or discontinued for a period of six months, the conditional use, variance or waiver shall be deemed expired and null and void.
- (b) The city commission hereby finds that there may be one or more unexpired conditional use, variance, or waiver permits previously granted by the City that may have never been acted upon or abandoned by the property owner. The city commission finds that these unexpired permits may now be detrimental to the public health, safety, and welfare of the community due to changed circumstances in the surrounding neighborhood and changes in law. Therefore, the provisions of this section shall apply retroactively to any unexpired conditional use, variance, and waiver previously granted by the city commission. It is the intent and purpose of this subsection to void any previously granted conditional use, variance, and waiver permit that does not comply with the provisions of this section and to require the property owner to reapply, under current circumstances, for said permit should the property owner desire or need said permit.

**Sec. 20-37. - Limited administrative waivers.**

- (a) *Authorization by city manager.* Waivers to the adopted land development regulations set forth in this chapter may be authorized administratively by the city manager or designee, subject to the procedures and limitations of this section. Designees under this section may be approved by city manager by written administrative order.
- (b) *Waivers subject to administrative review and approval.*

- (1) Administrative waivers may be considered for height, area, ~~or~~ size, or design dimensional requirement of a structure or architectural feature; and/or distance requirement, size of yard, setback and open space requirements of an applicable zoning district including the transect design standards in the Town Center District. Administrative waivers shall not exceed ten percent (10%) of the applicable requirement.

The city manager may authorize the administrative review and approval of a waiver when a property owner clearly demonstrates:

- a. The waiver is necessary, as a condition of city permit approval, to allow the reasonable use of the subject property and any proposed or existing improvements thereon; and
  - b. Such waiver will not: (i) have more than a de minimus impact on the subject property and surrounding area; (ii) be contrary to the public interest; (iii) be incompatible with the surrounding area; (iv) have an adverse effect on the neighborhood or general welfare of the area; and (v) have the effect of nullifying the intent and purpose of any applicable provision of this chapter.
- (c) *Application submittal and fee.* Application for an administrative waiver by the city manager shall be made on a form provided by the community development department and shall be accompanied by an application fee established by the city. As part of the application, the city manager reserves the right to require a signed affidavit (submitted on a form prepared by the city) from all abutting property owners indicating no objection to the requested waiver. In such case, failure of the applicant to obtain signatures of all abutting property owners will constitute a basis for denying the application. For the purpose of this section, the term "abutting" shall include those properties directly across a road.
- (d) *Conditions.* The city manager may prescribe appropriate conditions and safeguards to ensure that the purposes of this section, chapter and other applicable regulations set forth in the City Code are carried out, and to ensure that the waiver granted is the minimum necessary to allow reasonable use of the land and improvements.
- (e) *Further action.* Applications approved by the city manager under this section shall be deemed final. However, a denial of a request for an administrative waiver by the city manager shall be considered a non-final order of the city and shall not be appealable. Applications denied under this section shall not preclude an applicant from requesting a variance or waiver from the city commission pursuant to other applicable provisions of this chapter. In such cases, the applicant shall submit a formal application for a variance or waiver consistent with the requirements set forth in this chapter, and decisions made on such applications shall be deemed final and subject to appeal in a court of competent jurisdiction.
- (f) *Approvals by City Commission.* The city commission can use the limited administrative criteria in subsection (b) to grant applicable waivers when considering and making final decisions on any other land use application requiring city commission approval such as approval of final engineering plans. Such waivers are not subject to the application requirements in subsection (c) and shall not exceed twenty percent (20%) of the applicable requirement. However, in conjunction with the land use application requiring city



commission approval, the applicant and city staff shall identify the applicable limited waivers and address, in writing, the criteria in subsection (b). Additionally, if deemed necessary and relevant by city staff or city commission to approving the limited waiver requested, the applicant shall provide such relevant information enumerated in section 20-29 to support granting the waiver request.

\* \* \*

**DIVISION 12. - TOWN CENTER DISTRICT CODE**

\* \* \*

**Sec. 20-320. - Intent.**

\* \* \*

(c) *How to use this code.*

(1) Review the policies and administration procedures ~~specifically~~ applicable to the town center as set forth ~~including those contained~~ in the City's Comprehensive Plan and City Code including the Town Center District Code, Chapter 9 Land Development including final engineering plans, subdivision of land, and aesthetic review, and Chapter 20, Article II Administration, Division 1 Procedures; Land Use Decisions regarding special zoning permits.

(2) Identify the transect zone assigned to the subject property.

(3) Determine whether the proposed use is permitted in the applicable transect zone and is compatible under existing conditions at the proposed location with other adjacent or nearby land uses within the town center and any established surrounding neighborhoods.



*Tuscawilla Road Retail, Winter Springs Town Center*

(4) Review the general provisions and other requirements which apply throughout the applicable transect zone.

- (5) Determine which street type your lot fronts on the thoroughfare standards map.
- (6) Review the building elements and architectural guidelines which contain specific rules for architectural design.
- (7) Prepare plans and specifications for submittal to the city in compliance with applicable law including, but not limited to, the City's Comprehensive Plan, City Code and Town Center District Code.

\* \* \*

**Sec. 20-321. - Administration.**

~~(a) *Interpretation of the standards.* Interpretation of the standards in this division shall be the responsibility of the city's development review committee (DRC). Unless otherwise authorized by resolution of the city commission, the city commission shall serve as the development review committee under this division. The adopted Master Plan (inclusive of any economic development strategies adopted by the city commission for the town center) shall serve as guidance to the development review committee with regard to the city's intent for land development in the town center. The images contained in this division are meant to demonstrate the character intended for the town center and shall be the guide for future development, but are for illustrative purposes only. The accompanying text and numbers are rules that govern permitted development.~~

~~(b) *Review process.*~~

~~(1) Applications are subject to final review and approval by the development review committee (DRC). Prior to final review and approval by the development review committee, all new applications, and proposed substantial amendments to previously approved applications, shall be reviewed by the planning and zoning board for purposes of issuing an advisory recommendation to the development review committee.~~

~~The committee shall have authority, within reason and applicable rules, for approving all aspects of site planning and exterior architecture, including aesthetic appropriateness, verification of an acceptable economic fiscal impact, environmental implications, traffic impacts, and any other site specific matters not delineated herein.~~

~~(2) *Optional preliminary review.* Applicants may, at their option and sole cost and risk, submit site layout and building elevation designs in schematic or sketch form to the development review committee for a non-binding and preliminary review as an initial courtesy to the applicant. These submittals are subject to a more formal application process which requires the submission of more detailed plans and specifications and requires a more detailed review and final consideration of approval by the DRC. Comments and statements made by city officials at the preliminary review are non-binding unless memorialized in a written agreement approved by the city commission. City staff and the applicant shall only seek feedback from the commission and city staff shall not make a formal recommendation regarding the proposed project at this time, unless the application is accompanied by a written development agreement being proposed by city staff for the commission's approval. In which case, the city staff shall make a~~

~~recommenda-tion regarding the applica-tion and proposed agree-ment. This non-binding and preliminary review shall not be relied upon by the applica-tant as a final decision and shall not be construed in any manner as creating any vested right or entitlement for the development of the subject property. By requesting and participating in the optional preliminary review process, the applica-tant shall be deemed to have read and agreed to this code provision and to hold the city and its officials harmless for any future actions they may have taken based on the results of a preliminary review pursuant to this section.~~

~~(3) Applicants shall submit the following items to the community development department for review:~~

- ~~a. A current up-to-date site survey;~~
  - ~~b. A current up-to-date tree survey;~~
  - ~~c. A site plan, drawn to scale, which shall indicate:
    - ~~1. Building locations and orientations, and landscape areas;~~
    - ~~2. Parking locations and number of spaces;~~
    - ~~3. Paved surfaces, materials and location(s);~~
    - ~~4. Site location diagram and legal description; and~~
    - ~~5. Signage.~~~~
  - ~~d. Building elevations illustrating all sides of structures facing public streets or spaces;~~
  - ~~e. A parking analysis justifying the proposed parking solution (such as Shared Parking, by Barton Aschman Associates, The Urban Land Institute);~~
  - ~~f. An economic fiscal impact report, prepared by a duly qualified expert, in compliance with the requirements set forth in the City's Comprehensive Plan and Code, if applicable; and~~
  - ~~g. Other reasonable supporting documents to indicate intentions and/or any other items reasonably required by the development review committee to determine whether or not the proposed development is in compliance with the City's Comprehensive Plan and Code.~~
- ~~The provisions of this subsection are not applicable to the optional preliminary review process, but some or all of the requirements may be required by the city, on a case-by-case basis, if the city and the applicant pursue a development agreement during the optional preliminary review process.~~

~~(c) *Special exceptions.*~~

~~(1) The city commission may by special exception waive strict compliance with provisions of this code in furtherance of promoting the town center policies adopted by the city. In granting a special exception, the city commission must find by substantial competent evidence that:~~

- ~~a. The proposed development contributes to, promotes and encourages the improvement of the Winter Springs Town Center and catalyzes other development as envisioned in the Winter Springs Town Center regulations.~~
- ~~b. The proposed development will not have an unfavorable effect on the economy of the Winter Springs Town Center and complies with the economic fiscal impact requirements set forth in the City's Comprehensive Plan and Code.~~



~~e. — The proposed development abides by all rules in this code other than those specially excepted. Special limitations apply to large footprint buildings (greater than twenty thousand (20,000) square feet); see subsection 20-324(9) for these limitations.~~

~~d. — The proposed development meets any reasonable additional conditions, restrictions or limitations deemed necessary by the city commission in order to preserve and promote the intent of the Winter Springs Town Center District Code.~~

~~e. — With respect to each waiver requested, the specific waiver shall comply with all of the following:~~

~~1. — Is a result of special conditions and circumstances which are peculiar to the land, site plan, structure or building involved and which justify granting the waiver in the context of the overall proposed development being successful within the town center;~~

~~2. — Is the minimum waiver from the town center regulations necessary to make possible the reasonable use of the land, building or structure;~~

~~3. — Is in harmony with the general intent and purpose of the town center regulations;~~

~~4. — Will not be injurious or incompatible to the town center and any surrounding neighborhood or property; and~~

~~5. — Will not create a public nuisance or be detrimental to the public health, safety, and welfare relative to public services including water, sewer, surface water management, police, fire, parks and recreation, streets and traffic patterns, public transportation, marina and water ways, bicycle and pedestrian facilities.~~

~~(2) — Procedure for special exceptions .~~

~~a. — Approval may be granted only after a minimum of two (2) discretionary reviews. The first review shall be before the planning and zoning board, at which time the planning and zoning board shall review the project and provide to the city commission an advisory recommendation regarding approval, approval with conditions, or disapproval. The second review shall be a public hearing held before the city commission and shall be held no sooner than seven (7) calendar days following the planning and zoning board hearing.~~

~~b. — Requests for special exceptions under this division shall include each exhibit required in the administration review process per subsection 20-321(b). In addition, the city commission may within reason require additional exhibits and may defer approval of the special exception application or schedule an additional public hearing or hearings to review those exhibits.~~

~~e. — Special exceptions shall not be unreasonably withheld if the requested special exception complies with the applicable criteria set forth in the town center regulations, but the city commission shall have authority to require that the applicant satisfy any additional conditions it deems necessary to fulfill goals of the master plan, including reasonable offsite improvements directly related and proportionate to the specific impact of the request, or further review(s) and approval by the development review committee.~~

~~(3) — The city commission may grant the approval of an application for special exceptions from the Code in whole or in part upon a majority vote of its members.~~

~~(d) — *Site development agreement option.* The city may enter into a site development agreement with the user or developer of a property, relating to development of a particular parcel or tract of land, and such an agreement may address such issues as impact fee credits; a specialized or negotiated concept of design or site plan development authorized or sanctioned by this division; infrastructure service credits or public-private participation in funding, design or construction; or other incentives based upon strict compliance with requirements of this ordinance. The agreement will be mutually acceptable to all parties. Considerations for the city in deciding whether to participate in such an agreement will include compliance with the objectives and design criteria specified in this division; demonstration of a cost benefit to city and developer; consideration of development amenities provided by the developer. Such a site development agreement shall be adopted and be in conformance with the requirements of the Florida Municipal Home Rule Powers Act or F.S. §§ 163.3220 through 163.4243, as to effect, duration, public hearing requirements and other issues.~~

~~The terms and conditions set forth in a development agreement and any related final engineering plans ("development agreement") approved by the city commission shall be binding on the subject property regardless of any changes to the Town Center Code. In the event that the Town Center Code is amended after a development agreement is approved to permit development that is inconsistent and in conflict with a previously approved development agreement, the terms and conditions of the development agreement shall prevail, unless the development agreement is amended. The intent of this paragraph is to prohibit a developer from relying upon an amendment to the Town Center Code enacted subsequent to approval of its development project in order to alter the terms and conditions of its project without the express written consent of the city commission.~~

(b) In the town center district, decorative street signs are required along roadways as part of the decorative street sign and light program for new development including: subdivisions, commercial development and areas constructed for public use. Standards for the town center district follow the same guidelines as street signage that is upgraded in all other areas of the city. In addition, the city requires that decorative street lights be provided for all development within the town center district. During the development review process, it will be determined by the city whether or not the user or developer of a property within the town center may need to enter into a Neighborhood Street Sign Light Improvement Agreement (NSSLIA) as part of the respective development agreement.

~~(e) — *Comprehensive plan compliance required.* All development of property subject to these regulations shall also be subject to the Comprehensive Plan of the City of Winter Springs, Florida, and all approvals and land development permits shall be in compliance with said comprehensive plan.~~

\* \* \*

## **Sec. 20-324. – General Provisions.**

The following general provisions apply to all street types.

\* \* \*

(9) Large footprint buildings. Buildings with a footprint greater than twenty thousand (20,000) square feet may be built within the town center district by ~~special exception~~ conditional use only. In these cases, the maximum lot width as noted in each applicable transect zone will be waived. Such buildings must abide by all rules in this division with the following special limitations:

\* \* \*

**Sec. 20-327.1. - Signs.**

\* \* \*

Signs shall be flat against the facade, mounted projecting from the facade, or mounted above the top of the facade. Free standing monument signs are permitted by ~~special exception~~ waiver along State Road 434 frontage.

\* \* \*

**Sec. 20-417. - Residential wall buffers required.**

Any developer or property owner proposing a commercial or multi-family development or redevelopment adjacent to a single family zoning district or use shall construct, at the developer's expense, an opaque wall of six (6) feet in height along the full length of the property line between such development or redevelopment and the adjacent single family zoning district or use. A wall shall also be required for a proposed commercial development or redevelopment adjacent to a multi-family zoning district or use, as required above. The wall shall be constructed of concrete block, brick or other durable material (wood not allowed) which is compatible with the surrounding area, and acceptable to the development review committee as to compatibility, design, and compliance with this section and the City Code. The wall requirements of this section shall apply internally within the boundaries of town center, but only to buffer loading docks, service areas, and trash disposal facilities from adjacent single-family or multi-family residential uses. If a wall is required internally within the town center, the wall requirement may be waived or varied by the development review committee and city commission pursuant to the ~~special exception~~ waiver or variance criteria and procedure set forth in the Town Center District Code. The wall requirements of this section shall also apply along the boundary of property that also constitutes the outer perimeter of the existing area zoned town center.

**Sec. 20-422. - Public, private and charter school and daycare center siting criteria.**

Daycare centers and schools (hereinafter referred to as "school" in this section) present unique planning/zoning issues and challenges for the city and surrounding land uses. Therefore, all schools must be deemed compatible with surrounding land uses by the city before any development permit may be issued for a new school or the expansion of existing school. In addition to complying with any other applicable provision of the City Code including, but not limited to, conditional use ~~and special exception~~ requirements, and applicable provisions of the city's comprehensive plan, compatibility shall be determined by satisfying all of the following factors:



\* \* \*

**Sec. 20-436. - Authorized commercial vehicles—Limited-term parking permits.**

(a) One (1) authorized commercial vehicle per dwelling unit, as defined in section 20-434 above and not to exceed ten (10) feet in height, may be exempted from the garaging and fencing requirements of section 20-434 until July 2, 2001, if the dwelling unit of the owner, user, or caretaker of the authorized commercial vehicle does not have a garage or fence capable of screening the vehicle from view as provided in section 20-434 provided that the owner, user, or caretaker of the authorized commercial vehicle shall have first acquired from the city a limited term parking permit which shall be clearly affixed upon the rear window or rear panel of the authorized commercial vehicle.

(b) Following the termination of the period of the permit the commercial vehicle must comply in all respects with section 20-434 or be removed from the residential zoned district.

(c) No authorized commercial vehicle as defined in section 20-434 may be provided a limited term parking permit later than December 31, 1999.

(d) A permit may be transferred to a similar authorized commercial vehicle as defined in section 20-434 for the duration of any applicable permit ~~the special exception~~ provided that a new permit is acquired from the city and the original permit is returned to the city.

\* \* \*

**Section 2. Code Amendment.** Chapter 9 of the City Code is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from this Ordinance of text existing in Chapter 9. It is intended that the text in Chapter 9 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

Chapter 9 – LAND DEVELOPMENT

\* \* \*

~~ARTICLE VI. SITE PLAN REVIEW~~

~~DIVISION 1. GENERALLY~~

~~Secs. 9-326—9-340. Reserved.~~

~~DIVISION 2. SITE PLAN REVIEW BOARD~~

~~Sec. 9-341. Creation.~~

~~There is hereby created a site plan review board for the city.~~

~~Sec. 9-342. Purpose; composition.~~

~~The purpose of the site plan review board is to ensure compliance with adopted development standards and the Code of Ordinances. The board shall be composed of the city manager, building official, fire chief, police chief, and any other pertinent department heads or consultants as designated by the city manager. The city manager shall serve as chairman and appoint a board member as vice chairman to serve in his absence.~~

**~~Sec. 9-343. – Clerical support and records.~~**

~~The city shall provide the site plan review board such clerks, stenographers and assistants as the city manager may deem necessary and responsible. The city shall provide a secretary to keep the minutes of the board's proceedings, serve all notices directed by the board, maintain site plan review board service records and files, preserve all reports and correspondence, and perform such other related duties as directed by the site plan review board. All permanent records of the site plan review board shall be kept in the custody of the city clerk.~~

**~~Sec. 9-344. – Meetings.~~**

~~All meetings of the site plan review board shall be open to the public and the board shall meet upon call of the chairman or vice chairman in the absence of the chairman. Public notice of a meeting shall be posted on the public bulletin board at the city hall three (3) days before a scheduled meeting.~~

**~~Sec. 9-345. – Procedures, regulations and fees.~~**

~~Complete records of all proceedings of the site plan review board shall be kept. Procedures, regulations and fees relating to site plans not inconsistent with the provisions of sections 9-341 through 9-349 may be established by the city council from time to time by applicable administrative procedure or resolution. Such procedures, regulations and fees as then established shall be adhered to as if the same were specifically set forth in this chapter.~~

**~~Sec. 9-346. – Prohibitions.~~**

~~Except that used for a single family dwelling, no parcel of land within the city shall be developed or improved by construction of any nature without a site plan having been first submitted, reviewed and approved as herein set forth, such approval to be valid for a period not to exceed one (1) year. Upon receipt of written application, the site plan review board may extend the approval for a period not to exceed six (6) months. If development has not commenced within one (1) year from the date of approval or within any extension period authorized by the board, the approval of the site plan originally submitted shall be considered null and void and no development or improvement of any nature may take place until such time as a site plan is resubmitted for review and approval as set forth in this chapter. No building permit shall be issued by the city until the site plan has been finally approved by the board or the city commission when applicable. No work of any nature shall commence on the property until a building permit has been issued, except with the express approval of the board or the city commission when applicable.~~

**~~Sec. 9-347. – Duties.~~**

~~Any person desiring to develop or improve any parcel of land as provided for in this chapter shall first submit to the site plan review board a site plan. Such site plan shall be reviewed for compliance with all city ordinances, for conformity with the city's comprehensive plan, for compatibility with locally recognized values of community appearance and design, for conformity with the guidelines established by the city council concerning vehicular traffic access, ingress, egress, internal circulation, parking; concerning emergency vehicle access and concerning pedestrian movement; for assurances of satisfactory utility service for the health and welfare of the community; to assure compatibility with other improvements and the need for adequate light, air, access and privacy; to assure that the natural qualities and characteristics of the land will be preserved and that the project site will be appropriately landscaped and provisions established for the maintenance of same; to assure that adequate setbacks will be provided within the planned project and that provisions are made for the supervision and maintenance thereof; and to assure that the aesthetic and architectural details of the planned project are compatible with the surrounding area and serve to enhance the character of that area. The site plan shall be reviewed by the board and approved, disapproved or properly referred by such board in accordance with the results of its review.~~

**~~Sec. 9-348. Appeals.~~**

~~Any person aggrieved by a decision of the site plan review board may appeal such decision to the city commission within thirty (30) days after notice of such decision. Upon appeal, the city commission shall review the decision of the board within fourteen (14) days and approve, modify or disapprove such decision. The decision of the city commission on appeal shall be final, provided any person aggrieved thereby may seek judicial relief as provided by law.~~

**~~Sec. 9-349. Penalty for violation.~~**

- ~~(a) It is unlawful for any person to violate any of the terms and/or provisions specified within sections 9-341 through 9-349 or failing to comply with any order issued pursuant to any section hereof.~~
- ~~(b) The developer, owner or tenant of any building or structure, parcel, premises or any part thereof, and any architect, building contractor, corporate officer, agent or other person who commits, participates in, assists in or maintains that which is a violation of this ordinance shall be classified as principal in the first degree and shall be found guilty of a violation of the terms of this division and suffer the penalties herein specifically provided.~~
- ~~(c) Nothing herein contained shall prevent the city from instituting and taking such other legal action at law or in equity as is from time to time necessary, in order to prevent or remedy any violation of the rules, conditions, covenants stipulations or terms of this division.~~

\* \* \*

**Sec. 9-386.4. - Definitions.**

For the purpose of this division, the following words and terms shall have the meaning ascribed thereto:

\* \* \*

*Development permit.* Includes any building permit, conditional use, zoning approval, subdivision approval, rezoning, development order, conditional use special exception, variance, waiver, or



any other official action of local government having the effect of permitting the development of land.

\* \* \*

**Sec. 9-501. - Definitions.**

The following words and phrases used in this article shall have the meanings ascribed below unless the context clearly indicates otherwise:

\* \* \*

*Development permit.* Includes any building permit, zoning permit, subdivision approval, rezoning certification, conditional use special exception, variance, waiver, or any other official action of the city having the effect of permitting the development of land.

\* \* \*

**Section 3. Conforming Amendments to Town Center Land Use Matrix.** One of the major policy objectives of this Ordinance is to streamline the town center development land use permit process and consolidate it with the regular land use permit process contained in the City Code. Consequently, the special exception land use identified in the Town Center Land Use Matrix is being relabeled a conditional use. Therefore, Section 20-323 Land Use Matrix attached hereto as EXHIBIT “A” is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions):

See Exhibit “A,” which is hereby fully incorporated herein by this reference.

**Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts or ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5. Incorporation into Code.** This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section 6. 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 7. Effective Date.** This Ordinance shall become effective upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to City Charter.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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**Charles Lacey, Mayor**

**ATTEST:**

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**Andrea Lorenzo-Luaces, City Clerk**

**APPROVED AS TO LEGAL FORM  
AND SUFFICIENCY FOR THE CITY  
OF WINTER SPRINGS ONLY:**

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**Anthony A. Garganese, City Attorney**

Legal Ad:  
First Reading:  
Second Reading:

## EXHIBIT "A"

### Sec. 20-323. - Permitted uses.

	T1	T2	T3	T4	T5	C/P
Administrative public buildings				P	P	P
Adult congregate living facility			<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Advertising agencies			<del>SE</del> <u>CU</u>	P	P	
Alcoholic beverage sales (package)				P	P	
Alcoholic beverage on-premises consumption				P	P	
Alterations and tailoring			P	P	P	
Amusement enterprises, private commercial				<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Antique and gift shop			P	P	P	
Appliances, sales and service				P	P	
Artists' studios			P	P	P	
Automobile Repair Shops (routine service)					<del>SE</del> <u>CU</u>	
Automotive accessories sales				<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	



Bakery, wholesale and retail			P	P	P	
Bed and breakfast inn			P	P	P	
Bicycles, sales and service			P	P	P	
Bookkeepers			P	P	P	
Bookstores, stationery, newsstands				P	P	
Bus terminal (exclusive of bus stops)					<del>SE</del> <u>CU</u>	
Bridal shops				P	P	
Butcher shop, retail only			P	P	P	
Carpets, rugs and linoleum				P	P	
Churches (with or without educational and recreational buildings and facilities)		<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>
Cleaners (Retail)			P	P	P	
Coin dealers			P	P	P	
Computers, hardware and software sales and service			P	P	P	
Confectionery and ice cream stores			P	P	P	
Convention center				<del>SE</del> <u>CU</u>	P	P
Corner store or neighborhood convenience store without gas pumps			P	P	P	
Corner store or neighborhood convenience store with gas pumps					<del>SE</del> <u>CU</u>	

Dance and music studios			P	P	P	
Day care centers			<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Drug and sundry stores				P	P	
Dry cleaner				P	P	
Equestrian facilities	<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>				<del>SE</del> <u>CU</u>
Employment agencies				P	P	
Financial institutions, banks, savings and loan				<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Florist and gift shops			P	P	P	
Furniture, retail, new and used				P	P	
Gas Stations				<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Grocers, retail and wholesale			<del>SE</del> <u>CU</u>	P	P	
Gun shop (retail, no gun range)			<del>SE</del> <u>CU</u>	P	P	
Hair, nail and tanning salons			P	P	P	
Hardware stores				P	P	
Health food			P	P	P	

Hobby and craft shops			P	P	P	
Home occupations			P	P	P	
Hospitals and nursing homes				<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Hotel					P	
Inn				P	P	
Insurance			P	P	P	
Interior decorating and draperies			P	P	P	
Jewelry stores			P	P	P	
Launderettes and Laundromats				<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Libraries				P	P	P
Loan companies				<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Locksmiths			P	P	P	
Luggage shops			P	P	P	
Manufacturing and assembly of scientific and optical precision instruments			<del>SE</del> <u>CU</u>	P	P	
Medical clinics and laboratories				P	P	
Municipal buildings			<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	P





P—Permitted Use					
SE—Special Exception required					
Quick printers			P	P	
Radio and TV broadcasting studios, excluding towers			P	P	
Radio and TV sales and service			P	P	
Reception facilities (meeting rooms, etc.)			P	P	P
Rental stores, excluding auto/truck rentals			P	P	P
Retirement homes, including independent living through assisted living			SE <u>CU</u>	SE <u>CU</u>	SE <u>CU</u>
Residential, single family (attached)			P	P	P
Residential, single family (detached)			P	P	SE <u>CU</u>
Residential, multifamily				SE <u>CU</u>	SE <u>CU</u>
Restaurants			P	P	P
Schools				SE <u>CU</u>	SE <u>CU</u>
Shoe repair shops			P	P	P
Sidewalk cafes			P	P	P
Skating rinks				SE <u>CU</u>	SE <u>CU</u>

Snack shops			P	P	P	
Sporting goods, retail			P	P	P	
Stadiums and arenas					<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>
Swimming pools; sales, service and supplies			<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Tailoring shops			P	P	P	
Taxidermists				<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Theaters, not drive-ins				<del>SE</del> <u>CU</u>	P	P
Title companies			<del>SE</del> <u>CU</u>	P	P	
Tobacco shops				<del>SE</del> <u>CU</u>	<del>SE</del> <u>CU</u>	
Town Center marketing and sales center			P	P	P	P
Toy stores			P	P	P	
Trail heads	P	P	P	P	P	P
Travel agencies			P	P	P	
Veterinary clinics (no overnight boarding)				<del>SE</del>	<del>SE</del>	



			<u>CU</u>	<u>CU</u>	
Wearing apparel stores			P	P	P
Any other similar retail store or business enterprise permitted in the relevant transect, provided the proposed use is not specifically limited to a different Town Center transect or some other zoning district within the city and provided a <u>conditional use special exception</u> is approved by the city commission. Approved <del>special exceptions</del> <u>conditional use</u> may be conditioned upon a required development agreement at the discretion of the City Commission <u>or as required by the City Code</u> to address development terms and conditions related to the approved <u>conditional use special exception</u> use.			<del>SE</del>	<del>SE</del>	<del>SE</del>
			<u>CU</u>	<u>CU</u>	<u>CU</u>

**P—Permitted by right.**

**CU—Conditional Use.**

**~~SE—Special exception required~~**



# REGULAR AGENDA ITEM 500

CITY COMMISSION AGENDA | MAY 13, 2019 | REGULAR MEETING

## **TITLE**

2018 Comprehensive Annual Financial Report

## **SUMMARY**

The presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2018 by the auditors McDirmit Davis & Company, LLC.

The CAFR is prepared and presented to give the City Commission, citizens, and other users a greater understanding of the City's financial standing. Our 2018 financial statements received an unqualified opinion (best possible) by the auditors.

Additionally, the 2018 CAFR will be submitted to the Government Finance Officers Association (GFOA) for consideration for their Certificate of Achievement award as we believe it continues to conform to the program's stringent requirements. The City's CAFR has previously been awarded the GFOA's Certificate of Achievement award for the past 17 years.

## **RECOMMENDATION**

Staff recommends that the Commission accept the Comprehensive Annual Financial Report (CAFR) as presented for the Fiscal Year Ended September 30, 2018.

Honorable Mayor and City Commissioners  
*City of Winter Springs, Florida*

We have audited the financial statements of *City of Winter Springs* as of and for the year ended September 30, 2018, and have issued our report thereon dated May 13, 2019. Professional standards require that we advise you of the following matters relating to our audit.

**Our Responsibility in Relation to the Financial Statement Audit**

As communicated in our engagement letter dated September 18, 2018, our responsibility, as described by professional standards, is to form and express an opinion(s) about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of *City of Winter Springs* solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

**Planned Scope and Timing of the Audit**

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

**Compliance with All Ethics Requirements Regarding Independence**

The engagement team, others in our firm, as appropriate, our firm, have complied with all relevant ethical requirements regarding independence.

**Qualitative Aspects of the Entity's Significant Accounting Practices**

*Significant Accounting Policies*

Management has the responsibility to select and use appropriate accounting policies. A summary of significant accounting policies adopted by the City are described in Note 1 to the financial statements. As described in Note 1 to the financial statements, during the year, the City adopted Governmental Accounting Standards Board (GASB) Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other than Pensions*. Accordingly, the cumulative effect of the accounting change as of the beginning of the year has been reported in the Statement of Activities. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.



### *Significant Accounting Estimates*

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are:

Management's estimate for the allowance for doubtful accounts is based on historical loss levels, and an analysis of the individual accounts. We evaluated the key factors and assumptions used to develop the allowance in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimation for the allowance for depreciation is based on the estimated useful lives of the capital assets. We evaluated the reasonableness of the useful lives as well as the depreciation methods in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's allocation of the net pension liability, deferred inflows/outflows and pension expense is based on the participating employees' contributions made. We evaluated the reasonableness of the allocation methods in determining that it is reasonable in relation to the financial statements taken as a whole.

### *Financial Statement Disclosures*

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting City of Winter Springs's financial statements relate to the recording of investments at fair value.

### **Significant Difficulties Encountered During the Audit**

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

### **Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

### **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to City of Winter Springs's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

### **Representations Requested from Management**

We have requested certain written representations from management, which are included in the attached letter dated May 3, 2019.

### **Management's Consultations with Other Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

**Other Significant Matters, Findings, or Issues**

In the normal course of our professional association with City of Winter Springs, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as City of Winter Springs's auditors.

This report is intended solely for the use of management, the City Commission and the Auditor General of the State of Florida and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

*McDiernit Davis & Company, LLC*

Orlando, Florida  
May 3, 2019



## CITY OF WINTER SPRINGS, FLORIDA

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1126 EAST STATE ROAD 434  
WINTER SPRINGS, FLORIDA 32708-2799  
Telephone (407) 327-5957  
sboyle@winterspringsfl.org

May 3, 2019

McDermitt Davis & Company, LLC  
934 N. Magnolia Avenue, Suite 100  
Orlando, FL 32803

This representation letter is provided in connection with your audit of the financial statements of the *City of Winter Springs, Florida* as of September 30, 2018, then ended, and the related notes to the financial statements, for the purpose of expressing opinions on whether the basic financial statements present fairly, in all material respects, the financial position, results of operations, and cash flows, where applicable, of the various opinion units of the *City of Winter Springs, Florida* in accordance with accounting principles generally accepted for governments in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in the light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement.

We confirm that, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves as of May 3, 2019.

### **Financial Statements**

- We have fulfilled our responsibilities, as set out in the terms of the audit engagement dated September 18, 2018, for the preparation and fair presentation of the financial statements of the various opinion units referred to above in accordance with U.S. GAAP.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- We acknowledge our responsibility for compliance with the laws, regulations, and provisions of contracts and grant agreements.
- We have reviewed, approved, and taken responsibility for the financial statements and related notes.
- We have a process to track the status of audit findings and recommendations.
- We have identified and communicated to you all previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- Significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable.
- Related party relationships and transactions have been appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.
- All events subsequent to the date of the financial statements and for which U.S. GAAP requires adjustment or disclosure have been adjusted or disclosed.



- There is no summary of uncorrected misstatements since all adjustments proposed by the auditor, material and immaterial, have been recorded.
- The effects of all known actual or possible litigation and claims have been accounted for and disclosed in accordance with U.S. GAAP.
- All component units, as well as joint ventures with an equity interest, are included and other joint ventures and related organizations are properly disclosed.
- All funds and activities are properly classified.
- All funds that meet the quantitative criteria in GASB Statement No. 34, *Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments*, and GASB Statement No. 37, *Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments: Omnibus* as amended, and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*, for presentation as major are identified and presented as such and all other funds that are presented as major are considered important to financial statement users.
- All components of net position, nonspendable fund balance, and restricted, committed, assigned, and unassigned fund balance are properly classified and, if applicable, approved.
- Our policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position/fund balance are available is appropriately disclosed and net position/fund balance is properly recognized under the policy.
- All revenues within the statement of activities have been properly classified as program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.
- All expenses have been properly classified in or allocated to functions and programs in the statement of activities, and allocations, if any, have been made on a reasonable basis.
- All interfund and intra-entity transactions and balances have been properly classified and reported.
- Special items and extraordinary items have been properly classified and reported.
- Deposit and investment risks have been properly and fully disclosed.
- Capital assets, including infrastructure assets, are properly capitalized, reported, and if applicable, depreciated.
- All required supplementary information is measured and presented within the prescribed guidelines.
- With regard to investments and other instruments reported at fair value:
  - The underlying assumptions are reasonable and they appropriately reflect management's intent and ability to carry out its stated courses of action.
  - The measurement methods and related assumptions used in determining fair value are appropriate in the circumstances and have been consistently applied.
  - The disclosures related to fair values are complete, adequate, and in conformity with U.S. GAAP.
  - There are no subsequent events that require adjustments to the fair value measurements and disclosures included in the financial statements.

#### **Information Provided**

- We have provided you with:
  - Access to all information, of which we are aware that is relevant to the preparation and fair presentation of the financial statements of the various opinion units referred to above, such as records, documentation, meeting minutes, and other matters;
  - Additional information that you have requested from us for the purpose of the audit; and
  - Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
- All transactions have been recorded in the accounting records and are reflected in the financial statements.
- We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.

- We have no knowledge of any fraud or suspected fraud that affects the entity and involves:
  - Management;
  - Employees who have significant roles in internal control; or
  - Others where the fraud could have a material effect on the financial statements.
- We have no knowledge of any allegations of fraud, or suspected fraud, affecting the entity's financial statements communicated by employees, former employees, vendors, regulators, or others.
- We are not aware of any pending or threatened litigation and claims whose effects should be considered when preparing the financial statements.
- We have disclosed to you the identity of the entity's related parties and all the related party relationships and transactions of which we are aware.
- There have been no communications from regulatory agencies concerning noncompliance with or deficiencies in accounting, internal control, or financial reporting practices.
- City of Winter Springs has no plans or intentions that may materially affect the carrying value or classification of assets and liabilities.
- We have disclosed to you all guarantees, whether written or oral, under which City of Winter Springs is contingently liable.
- We have disclosed to you all nonexchange financial guarantees, under which we are obligated and have declared liabilities and disclosed properly in accordance with GASB Statement No. 70, *Accounting and Financial Reporting for Nonexchange Financial Guarantees*, for those guarantees where it is more likely than not that the entity will make a payment on any guarantee.
- For nonexchange financial guarantees where we have declared liabilities, the amount of the liability recognized is the discounted present value of the best estimate of the future outflows expected to be incurred as a result of the guarantee. Where there was no best estimate but a range of estimated future outflows has been established, we have recognized the minimum amount within the range.
- We have disclosed to you all significant estimates and material concentrations known to management that are required to be disclosed in accordance with GASB Statement No. 62 (GASB-62), *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*. Significant estimates are estimates at the balance sheet date that could change materially within the next year. Concentrations refer to volumes of business, revenues, available sources of supply, or markets or geographic areas for which events could occur that would significantly disrupt normal finances within the next year.
- We have identified and disclosed to you the laws, regulations, and provisions of contracts and grant agreements that could have a direct and material effect on financial statement amounts, including legal and contractual provisions for reporting specific activities in separate funds.
- There are no:
  - Violations or possible violations of laws or regulations, or provisions of contracts or grant agreements whose effects should be considered for disclosure in the financial statements or as a basis for recording a loss contingency, including applicable budget laws and regulations.
  - Unasserted claims or assessments that our lawyer has advised are probable of assertion and must be disclosed in accordance with GASB-62.
  - Other liabilities or gain or loss contingencies that are required to be accrued or disclosed by GASB-62
  - Continuing disclosure consent decree agreements or filings with the Securities and Exchange Commission and we have filed updates on a timely basis in accordance with the agreements (Rule 240, 15c2-12).
- City of Winter Springs has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset or future revenue been pledged as collateral, except as disclosed to you.
- We have complied with all aspects of grant agreements and other contractual agreements that would have a material effect on the financial statements in the event of noncompliance.

#### **Pension and Postretirement Benefits**

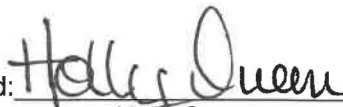
- An actuary has been used to measure pension liabilities and costs.

- We believe that the actuarial assumptions and methods used to measure pension and other postemployment benefit liabilities and costs for financial accounting purposes are appropriate in the circumstances.
- With regard to nonaudit services performed by you (financial statement preparation), we acknowledge and accept our responsibility to:
  - Assume all management responsibilities;
  - Assign a competent individual to oversee the services;
  - Evaluate the adequacy and results of the services performed; and
  - Accept responsibility for the result of the services.

Signed: \_\_\_\_\_

  
Shawn Boyle  
Acting City Manager

Signed: \_\_\_\_\_

  
Holly Queen  
City Controller