



# **CITY COMMISSION**

## **WORKSHOP AGENDA**

**MONDAY, APRIL 15, 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

Approval of the Agenda

## **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.*

## **DISCUSSION ITEMS**

1) Discuss Florida Regional Planning Council Proposal

Attachments: [Proposal](#)

2) Draft Noise Ordinance 2019-XX

Attachments: [Ordinance](#)

3) Draft Construction Management Ordinance 2019-XX

Attachments: [Ordinance](#)

4) Discuss Gibbs Planning Group, Inc. Economic Study

Attachments: [Proposal](#)

## **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*.



# East Central Florida Regional Planning Council

455 N. Garland Avenue, Orlando, FL 32801  
 Phone 407.245.0300 • Fax 407.245.0285 • www.ecfrpc.org

Hugh W. Harling, Jr. P.E.  
 Executive Director

## Quote for Services: City of Winter Springs Technical Assistance and Community Visioning By East Central Florida Regional Planning Council (ECFRPC)

### I. Technical Planning Assistance

The ECFRPC will provide technical planning assistance to the City of Winter Springs as requested by City planning staff. Technical assistance activities include, but are not limited to application reviews, research, zoning inquiries, data and analysis, GIS, and other requests by the staff. If the RPC is unable to complete task due to level of required expertise (Ex: engineer or surveying), RPC will request either the appropriate City staff review or receive authorization to contract the task to an outside source.

The ECFRPC will work with City Planning staff to obtain access to all necessary planning documents, codes, data and procedures for requested tasks. Upon request, the ECFRPC staff will be available to attend board and meetings as needed. Typical response time for a review, depending on scope and size, is 5-7 business days. If a review will require additional time, based on level of review, the ECFRPC will notify City staff within two days of receipt.

The ECFRPC will invoice monthly on an “actual cost” basis and provide a per task cost. The table below comprises the **maximum** cost per position.

Position	Max Cost per Hour (2019-2021)*
Administrative Assistant	\$62
Economic Development Manager	\$79
Emergency Preparedness Manager	\$67
Emergency Preparedness Planner I	\$42
Planner I (No Benefits)/Intern	\$25
Planner I	\$44
Planner II	\$58
Planner III	\$70
Planning Director	\$98
Project Coordinator	\$104

*The ECFRPC will invoice monthly based on the personnel costs above. As chart represents the maximum cost for each position, the actual cost may be lower due to the staff member assigned to the task, fringe and indirect rates.*

### Executive Committee

<b>Chair</b> John Lesman Gubernatorial Appointee Seminole County	<b>Vice Chair</b> Sean Parks County Commissioner Lake County	<b>Secretary</b> Emily Bonilla County Commissioner Orange County	<b>Treasurer</b> Ed Kelley County Councilmember Volusia County	<b>Immediate Past Chair</b> Lee Constantine County Commissioner Seminole County	<b>Member at Large</b> Dina Sweatt Mayor of Groveland Lake Cty League of Cities	<b>Member at Large</b> David Moore County Commissioner Marion County
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## II. Community Visioning

The ECFRPC will furnish the personnel and resources to conduct the following activities and provide the associated deliverables for each task noted below.

### Task 1: Adopted Vision and Trend Analysis

The ECFRPC will review the currently adopted vision of the City of Winter Springs and projects and programs developed in support of the plan, conduct a trends analysis and make a determination as to the status of implementation of the adopted vision. The review will include data and analysis, research via the City website, and interviews with City staff as necessary. The trend analysis will include, but not be limited to comparison of trends in growth and development, future land use, demographics and economic development. Findings from this analysis will be presented to City Council.

**Deliverable:** Adopted Vision and Trend Analysis Report; Presentation to City Council

**Timeframe:** May 1- June 14; Draft Deliverable of report and presentation – June 3; Final deliverable – June 14

**Cost:** \$7,000

### Task 2: Community Workshop

A workshop will be held in the community to discuss the findings of Task 1 and engage the community in a discussion on priorities, opportunities and needs within the City. The workshop will include a presentation and breakout group discussions. The information derived from this workshop will be utilized to develop Task 3.

- a) The City will provide the public notice of the workshop and outreach to the community. The ECFRPC will develop and provide the following: agenda, sign-in sheets, presentation, interactive survey, breakout group activities and meeting summary.
- b) The ECFRPC will coordinate the format, agenda, and presentation with City staff to ensure their approval.

**Deliverable:** workshop, agenda, sign-in sheet, presentation, meeting summary

**Timeframe:** June 3 -June 28; Deliverables due June 28.

**Cost:** \$4,000

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### Task 3: Community Survey

Using the Metroquest platform and input from Task 2, an online survey will be developed to engage the community in a greater capacity. The ECFRPC will work with the City staff to design the survey to cover topics such as opportunities, priorities and direction for the City to move. The survey will be released to the public when approved by the City. The City will be responsible for pushing announcements of the survey through various mechanisms. The survey will be available to the community for 30 days. After the survey is closed, the ECFRPC will develop a findings report which will analyze the results and include all comments made by participants.

**Deliverable:** Survey, Survey Findings Report

**Timeframe:** June 17 – August 23; Deliverables due August 23.

**Cost:** \$5,000 (Metroquest Platform – Free)

### Task 4: City Council Presentation and Recommendations

Develop recommendations for next steps. Present findings from the public workshop and survey as well as recommendations for next steps to the City Council.

**Deliverable:** Recommendations document; Presentation to the Board

**Timeframe:** August 23 – September 30; Deliverables due September 30

**Cost:** \$1,500

*Community Visioning Total - \$17,500*

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#### Executive Committee

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**ORDINANCE NO. 2019-\_\_\_**

**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; 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 lawn and plant irrigation pumps.

**Section 3. Code Amendment - Prohibitions.** Section 13-31 of the City Code is 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.

**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: \_\_\_\_\_

ORDINANCE NO. 2019-\_\_\_

**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: \_\_\_\_\_

10 April 2019

Shawn Boyle, Interim City Manager  
City of Winter Springs  
1126 East State Road 434  
Winter Springs, FL 32708

Dear Mr. Boyle:

On behalf of Gibbs Planning Group and The Zall Company (GPG), I am pleased to respond to your request to provide retail consulting services for a market-based retail market analysis and retail development strategy for the City of Winter Springs. GPG's expertise allows us to formulate and refine a proven and focused approach to accomplish the market research. GPG is dedicated to providing practical, actionable results, which reflect economic development realities and not just theoretical research.

The GPG team has a broad range of both private and public sector experience across North America. Public urban retail consulting clients include Alexandria, Charleston, Delray Beach, Houston, Longwood, Miami, Naples, Ocala, Portland, Sarasota and Seattle. GPG's private sector clients include EDS, Florida Hospital, Rosemary Beach, The St. Joe Company, The Taubman Company, Simon Property Group and the Walt Disney Company.

Please find below GPG's proposed scope of services, based upon our understanding of the City's objectives:

**Task 1: Retail Market Assessment (\$30,000)**

The Existing Conditions Assessment shall include the following:

1. *Kick-off lecture and retail workshop.*
2. Perform a summary competitive analysis of key existing marketplaces, shopping centers and other retail concentrations in the City, with an understanding of Winter Spring's position relative to neighboring communities Assess the City of Winter Spring's position in the region as it pertains strategically to various retail subcategories and analyze how this impacts existing and future retail potential and retail recruitment in the City.
3. Retail Gap/Opportunity Analysis, including a summary table and summary graphs, showing surpluses and/or leakages for the 52 retail sectors. Estimate buying power and current retail supply and demand by:
  - a. Retail scale (regional, community, and neighborhood)
  - b. Type (grocery, restaurant, hotel, etc.)
  - c. Provide the population, demographic and consumer lifestyle segment (psychographic) characteristics for the City, as well as for existing and potential retail trade areas (starting in 2019 with projections through 2025) and identify changing demographics that will impact selected strategies.
4. Identify naturally emerging or potential retail nodes or clusters within the City, describe their existing conditions and characteristics (provide graphic/map to convey).

**Task 1 (Cont.):**

5. GPG will define a trade area that would serve the retail in the study area based on geographic and topographic considerations, traffic access/flow in the area, relative retail strengths and weaknesses of the competition, concentrations of daytime employment and the retail gravitation in the market, as well as our experience defining trade areas for similar markets.
6. Clearly define existing and potential retail trade areas (geographies), as well as existing and potential customers by category (i.e. employees, visitors, residents) and include:
  - a. A Primary Trade Zone Area Map with Demographics and travel time/miles.
  - b. A Secondary Trade Zone Area Map with Demographics and travel time/miles.
7. Lead an economic forum with 5-7 representatives of local commercial real estate companies to talk about Winter Spring's strengths and weaknesses as a market, and what barriers exist to attracting better retail. The list of representatives shall be selected by the consultant and reviewed and approved by the City. The City Commission will be invited to attend the forum.
8. Summary of any retailer interviews or other data collection that may have occurred based upon your particular methodology.

**Deliverables**

- A report including all of the required information for Task 1 described above in PDF and Word, to be submitted in draft format for staff review and revised before final approval.
- Provide all data collected as defined in the Scope of Work in an electronic format that can be updated periodically and used for/integrated in future analysis (compatible with ArcGIS 10 and/or Microsoft Office software as appropriate).

**Task 2: Community Retail Vision - Public Workshop (\$2,500)**

- The consultant shall lead a public workshop in which the information collected as part of Task 1 shall be presented to the community and the City Commission. City staff shall set the date and meeting time, advertise the meeting on the City website, in utility bills, and by any other method deemed appropriate by the City. The contractor shall be expected to:
  - The consultant shall lead a public workshop for identifying the community retail vision.
  - Through the workshop, identify a cohesive community vision that is as consistent as possible between the community vision, the vision of the City Commission, and the existing conditions analysis completed in Task 1.
  - Prepare a detailed summary of the public workshop intended to describe the City's vision for retail development as expressed at the meeting.

**Deliverables**

- A report including all of the required information for Task 2 described above in PDF and MS Word, to be submitted in draft format for staff review and revised before final approval.
- Provide all data collected as defined in the Scope of Work in an electronic format that can be updated periodically and used for/integrated in future analysis (compatible with ArcGIS 10 and/or Microsoft Office software as appropriate).

**Task 3: Identification of Target Retailers and Site Development Analysis (\$12,000)**

Task 3 will build off the data collected in Task 1 and 2 and include the following:

1. Analyze and develop a list of supportable tenants by category, based on all of the fundamental market data and competitive analysis conducted to this point.
2. Categorize each target retailer, as either new to market, expansion within the metro area, or expansion in Winter Springs.
3. Provide contact information for key decision makers at selected retailers.

**Task 3 (Cont.)**

4. Retailers and restaurants listed shall be selected after an evaluation of the consistency of all relevant factors including:
5. The size and character of available properties, either vacant buildings or undeveloped land.
6. Compatibility with the findings of the Existing Conditions Analysis, particularly the demographic and psychographic findings from Task 1
7. Compatibility with the community vision as determined in Task 2
8. The market requirements of the companies selected
9. Prepare a list of recommended developers with contact information for key decision makers based on the information prepared as part of this study that would be best suited to the type of development Winter Springs should seek. These developers, whether local, regional or national in scope should be those that have had success in the development/redevelopment of projects similar in size to Winter Springs and with full consideration to the physical limitations of the area.
10. Identify key retail opportunity areas and sites to be prioritized by their potential to attract opportunity-filling retailers that are consistent with the criteria above. The City's Economic Development Manager will provide a list of available properties, vacant land, and development opportunities to the vendor however it is expected that the consultant will draw on their background and previous work to evaluate the whole City to identify unique and creative opportunities for development.
11. Land Use/Development Analysis of 10 sites selected by the consultant as the most attractive for development and evaluated for their highest and best use. The recommendations should be accomplished in the context of economic and site conditions, the vision of the community and its stakeholders, and the optimal financial impact. Site criterion includes:
  - The suitability for developments that provide a mix of uses, public gathering spaces, outdoor dining, and other place-making type features
  - Market Conditions (as determined by the consultant in Task 1)
  - Retail Trade Area Population (As determined by consultant)
  - Traffic Count Summary (As collected by Seminole County and provided to consultant)
  - Site-line Visibility (primary and secondary arterial roads)
  - Ingress/Egress (primary and secondary arterial roads)
  - Existence of Median Cuts or Possibilities
  - Traffic Signal Existence or Possibilities
  - Site Characteristics and Topography
  - Current Zoning
  - Proximity to "Anchor" Retailers/Retail Clusters
  - Workplace Population
  - Residential Support

**Deliverables**

- A report including all of the required information for Task 3 described above in PDF and Word, to be submitted in draft format for staff review and revised before final approval.
- Provide all data collected as defined in the Scope of Work in an electronic format that can be updated periodically and used for/integrated in future analysis (compatible with ArcGIS 10 and/or Microsoft Office software as appropriate).

**Task 4: Retail Strategy (\$3,000)**

Task 4 consists of the development of specific and detailed strategies that will successfully attract the targeted retailers and developers to meet the demands of the community and the primary and secondary trade zones, including:

1. Retail Road Map/Action Plan that will describe in detail a realistic and feasible set of specific actions and strategies to be taken by the City to promote retail development within the City limits.
2. Recommend and prioritize new financial recruitment strategies that would be appropriate for use by Winter Springs, including the parameters needed for successful implementation.
3. The identification of any niche markets that the City of Winter Springs should pursue.
4. Prepare a Market Barriers Analysis to identify issues that would inhibit an enhanced retail environment. Referencing this analysis and the Existing Conditions Analysis, recommend strategies to overcome barriers and; if applicable, note barriers that cannot be overcome.
5. Highlight market assets that should be capitalized to improve the overall retail environment.
6. Identify strategies that will be successful in promoting mixed-use development in the along the City's major corridors.

**Deliverables**

- A report including all of the required information for Task 4 described above in PDF and Word, to be submitted in draft format for staff review and revised before final approval.
- Provide all data collected as defined in the Scope of Work in an electronic format that can be updated periodically and used for/integrated in future analysis (compatible with ArcGIS 10 and/or Microsoft Office software as appropriate).

**Task 5: Wrap-Up Public Workshop (\$2,500)**

1. The consultant shall present at a second public workshop (which will be advertised and organized by City staff) in which the consultant will describe the entirety of the findings of the retail study, with particular attention paid to those findings in Task 3-4 following the initial public meeting.
2. The consultant shall prepare a PowerPoint and other materials to be presented by the consultant at a Workshop that summarizes the information collected in the retail study to the City Commission and the Public.
3. The consultant shall describe the findings and methodology of the study to the Commission and the Public, seek input on the findings, and incorporate those findings into the final report as deemed appropriate.
4. Prepare a detailed summary of the public workshop intended to describe the City's vision for retail development as expressed at the meeting.
5. Revise the PowerPoint presented at this workshop in such a manner that it can be used by City staff to present the findings of the report to targeted businesses and developers.

**Deliverables**

- A report including all of the required information for Task 5 described above in PDF and Word, to be submitted in draft format for staff review and revised before final approval.
- A power point presentation for the purpose of marketing Winter Springs that the City can use to share the findings of this study with the targeted businesses and developers.
- Provide all data collected as defined in the Scope of Work in an electronic format that can be updated periodically and used for/integrated in future analysis (compatible with ArcGIS 10 and/or Microsoft Office software as appropriate).

**Professional Fees:**

GPG's proposed fee for the consulting services required for the above Tasks 1-5 is **\$50,000** (*Fifty-Thousand Dollars*), including all expenses.

**Meetings & Presentations**

GPG shall meet with City of Winter Springs officials as follows:

- o Opening kick-off lecture and retail workshop
- o Economic Forum
- o Market Study findings presentation and public lecture
- o Final presentation to City and/or public presentation

**Schedule**

All services shall be completed within 120 days of authorization:

**Study Area**

GPG shall complete the above Tasks for the up to 10 Winter Springs designated focus areas as mutually agreed.

**Limits of Scope of Services:**

The services described in this agreement are for qualitative retail and planning analysis only and should not be used as the sole basis of development, financing or leasing. Actual site, building, parking, utility, environmental, grading, civil engineering and architectural plans, cost projects, real estate leasing, brokerage services and construction documents are not included within the scope of work of this proposal and are to be completed by others.

Thank you for the opportunity to submit this proposal and we are looking forward to working with you and the Winter Springs community in the near future.

Sincerely,  
GIBBS PLANNING GROUP, INC.



Robert J. Gibbs, AICP, ASLA  
President  
[rgibbs@gibbsplanning.com](mailto:rgibbs@gibbsplanning.com)