

**CITY COMMISSION AGENDA  
CITY OF WINTER GARDEN  
TANNER HALL  
29 W. Garden Avenue**

Agendas are also available on the internet at  
[http://www.wintergarden-fl.gov/pages/cityclerk/meetings\\_minutes.php](http://www.wintergarden-fl.gov/pages/cityclerk/meetings_minutes.php)

**REGULAR MEETING**

**February 9, 2006**

**6:30 P.M.**

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**CALL TO ORDER**

Roll Call and Determination of a Quorum  
Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of January 12, 2006, Special Meeting of January 17, 2006, Charter Review Workshop of January 26, 2006 and postponement of Regular Meeting of January 26, 2006

2. **PRESENTATIONS**

- A. Commuter Rail
- B. County Road 545 corridor

3. **FIRST READING OF PROPOSED ORDINANCES**

- A. **Ordinance 06-08**: AMENDING CHAPTER 110 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO SUBDIVISIONS BY AMENDING THE FOLLOWING SECTIONS THEREOF: SECTION 110-3, STATE CERTIFICATION OR COUNTY COMPETENCY CARD REQUIRED; SECTION 110-4, CONTRACTOR'S INSURANCE, GUARANTEE; RELEASE OF LIENS REQUIRED; SUBSECTIONS (1)O AND (8) OF SECTION 110-152, FINAL PLATS; APPLICATION, SUPPLEMENTARY MATERIALS, DOCUMENTATION, CONTENTS AND DATA REQUIRED FOR FINAL APPROVAL; SECTION 110-60, MODEL HOMES; SECTION 110-155, INITIAL COMMUNITY SUBDIVISION INFRASTRUCTURE REPORT; SECTION 110-156, SUBSEQUENT COMMUNITY SUBDIVISION INFRASTRUCTURE REPORTS AND MAINTENANCE; AND SECTION 110-171, ACCESS PROVISIONS AND GATE DESIGN STANDARDS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing scheduled for March 9, 2006** – Public Works Director Smith
- B. **Ordinance 06-12**: AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY AMENDING THE FOLLOWING SECTIONS THEREOF: SECTION 78-1. STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION; SECTION 78-35. TEMPORARY WATER SERVICE; SECTION 78-130. PRIVATE SEWAGE COLLECTION SYSTEM CONNECTED TO POTW; SECTION 78-131. BUILDING SEWERS AND CONNECTIONS; SECTION 78-133 ADMINISTRATION, PERMITS AND MONITORING; SECTION 78-264. IN-CITY SERVICE; AND SECTION 78-268. RESTRICTIONS ON USE OF ALTERNATIVE WATER SOURCES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing scheduled for March 9, 2006** – Utilities Director Tiblier

4. **PUBLIC HEARING TO ADOPT STIPULATED SETTLEMENT AGREEMENT WITH THE STATE DEPARTMENT OF COMMUNITY AFFAIRS FOR FOWLER GROVES DRI** – City Planner Cechman

5. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 06-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE WINTER GARDEN COMPREHENSIVE GROWTH MANAGEMENT PLAN IN ACCORDANCE WITH A STIPULATED SETTLEMENT AGREEMENT BETWEEN THE CITY OF WINTER GARDEN AND THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS BY AMENDING POLICY 3.3 OF THE CAPITAL IMPROVEMENTS ELEMENT BY PROVIDING FOR PROPORTIONAL SHARE CONTRIBUTIONS FOR TRANSPORTATION IMPROVEMENTS AND ADDRESSING TRANSPORTATION CONCURRENCY PERTAINING TO THE FOWLER GROVES DEVELOPMENT OF REGIONAL IMPACT; ADDING POLICY 1.4 TO THE CAPITAL IMPROVEMENTS ELEMENT TO PROVIDE FOR MAJOR CAPITAL EXPENDITURES TO DANIELS ROAD AND STATE ROAD 50 RESULTING FROM DEVELOPMENT OF A DEVELOPMENT OF REGIONAL IMPACT; AMENDING THE FUTURE TRAFFIC CIRCULATION MAP OF THE TRANSPORTATION ELEMENT BY DEPICTING THE SEGMENT OF DANIELS ROAD THROUGH THE FOWLER PROPERTY AS A SIX-LANE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Fowler Remedial Comprehensive Plan Amendment) **with the second reading and public hearing scheduled for February 23, 2006** – City Planner Cechman
- B. **Ordinance 06-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE NUMBER 05-24, RELATING TO THE REZONING OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 174.8 ACRES OF LAND LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535, GENERALLY KNOWN AS THE FOWLER PROPERTY, FROM CITY R-1 TO CITY PCD, BY AMENDING SUBSECTION “t” OF SECTION 2 OF ORDINANCE NUMBER 05-24 PERTAINING TO HOURS OF OPERATION PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Winter Garden Villages at Fowler Groves PCD Amendment) **with the second reading and public hearing scheduled for February 23, 2006** – City Planner Cechman

6. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 06-03:** PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.68 ACRES LOCATED AT SOUTHWEST CORNER OF NINTH STREET AND STORY ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **Staff recommends postponing this item until February 23, 2006 due to an advertising error** – City Planner Cechman
- B. **Ordinance 05-18:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 112.16 ACRES LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF THE INTERSECTION OF CR545 AND TILDEN ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN

EFFECTIVE DATE (Karr-Allen Alexander Ridge) **AND AN ANNEXATION AGREEMENT POSTPONED from January 12, 2006** – City Planner Cechman

- C. **Ordinance 05-19**: AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 112.16 ACRES LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF THE INTERSECTION OF CR545 AND TILDEN ROAD AS CITY LOW DENSITY RESIDENTIAL, COMMERCIAL, AND CONSERVATION OVERLAY; PROVIDING FOR AN EFFECTIVE DATE (Karr-Allen Alexander Ridge) **POSTPONED from January 12, 2006** – City Planner Cechman
- D. **Ordinance 05-44**: REZONING APPROXIMATELY 112.16 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHWEST AND NORTHWEST CORNERS OF THE AVALON ROAD AND TILDEN ROAD INTERSECTION FROM COUNTY A-1 TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Alexander Ridge PUD) **POSTPONED from January 12, 2006** – City Planner Cechman
- E. **Ordinance 06-04**: AMENDING ARTICLE III OF CHAPTER 22 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO ROLL-OFF CONTAINER SERVICE BY AMENDING THE FOLLOWING SECTIONS THEREOF: SECTION 22-62, APPLICATION FOR PERMIT, SECTION 22-63, PREREQUISITES TO ISSUANCE OF PERMIT, AND SECTION 22-67, EXEMPTION FOR USE ON TEMPORARY RESIDENTIAL CONSTRUCTION SITES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE– Public Works Director Smith

7. **REGULAR BUSINESS**

- A. Request for sponsorship by purchasing an advertisement for the West Orange High School Theatre Department – Brooke James
- B. Recommendation to approve an Interlocal Agreement with Orange County for the Creation of a County Wide Watershed Atlas – Public Works Director Smith
- C. Recommendation to approve Preliminary Plat for Avalon Reserve Townhomes – City Planner Cechman
- D. Recommendation to approve interlocal agreement with the Town of Oakland regarding the Oakland Park development – City Planner Cechman
- E. **Resolution 06-04**: ESTABLISHING A CHARTER REVIEW COMMITTEE, ESTABLISHING ITS DUTIES, ESTABLISHING APPOINTMENT OF MEMBERS, ESTABLISHING ORGANIZATION, PROVIDING FOR THE SUNSETTING OF THE CHARTER REVIEW COMMITTEE AND PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer
- F. **Resolution 06-05**: URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2006 LEGISLATIVE SESSION – Mayor Quesinberry

8. **MATTERS FROM CITIZENS**

9. **MATTERS FROM CITY ATTORNEY**

10. **MATTERS FROM CITY MANAGER** – Michael Bollhoefer

- A. Update on flooding next to Chapin Station Subdivision – Public Works Director Smith

**11. MATTERS FROM MAYOR AND COMMISSIONERS**

A. Consideration of employment contract with Gerry Clark as City Attorney

**ADJOURN** to a regular meeting on Thursday, February 23, 2006, 6:30 p.m. at Tanner Hall

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

Ord. 05-18

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 112.16 ACRES LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF THE INTERSECTION OF CR545 AND TILDEN ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Alexander Ridge Annexation)

WHEREAS, the owners of the lands generally described as 112.16 ACRES LOCATED ON THE NORTHWEST AND SOUTHWEST OF THE INTERSECTION OF CR545 AND TILDEN ROAD, and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

WHEREAS, on November 9, 2004, the Orange County Board of Commissioners approved the 5<sup>th</sup> Amendment to the Restated Joint Planning Agreement (JPA) between the City of Winter Garden and Orange County to include this parcel, and

WHEREAS, said JPA amendment included some conditions for development if said parcel was annexed, therefore

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the ATTACHMENT "B" shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: The development of said parcel will be subject to the conditions of the 5<sup>th</sup> Amendment to the Restated Joint Planning Area Agreement.

SECTION 7: This Ordinance shall become effective upon adoption at its second reading and approval by the City Commission of an Annexation Agreement between the City and the property owners.

READ FIRST TIME: \_\_\_\_\_, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2006.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk  
(karr annex .ord 2/7/2006)

KARR ANNEXATION ORD – ATTACHMENT “A” (4 pages)

SKETCH OF DESCRIPTION

SHEET 1 OF 2

LEGAL DESCRIPTION ( North Parcel ):

A parcel of land lying in the Southwest 1/4 of Section 4 , Township 23 South, Range 27 East, Orange County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of aforesaid Southwest 1/4 of Section 4, also being the Northwest corner of the Northwest 1/4 of Section 9, aforesaid Township 23 South, Range 27 East, Orange County, Florida; thence run North 89°56'08" East along the South line of said Southwest 1/4, also being the North line of said Northwest 1/4 for a distance of 233.66 feet to a point on a line parallel to and 233.70 feet East of the West line of said Southwest 1/4 of Section 4; thence departing said South line and said North line run North 00°00'03" East along said parallel line for a distance of 30.00 feet to a point on the apparent Northerly right-of-way line of Tilden Road as monumented, also being a point on the North line of the South 30.00 feet of said Southwest 1/4 of Section 4, also being the POINT OF BEGINNING; thence departing said Northerly right-of-way line and said North line continue North 00°00'03" East along said parallel line for a distance of 1287.82 feet; thence departing said parallel line run North 89°50'04" East for a distance of 427.11 feet; thence run North 00°04'23" West for a distance of 238.40 feet; thence run North 89°50'04" East for a distance of 627.51 feet to a point on the Westerly line of Avalon Road; thence run South 00°08'47" East along said Westerly right-of-way line for a distance of 238.40 feet; thence continuing along said Westerly right-of-way line run North 89°49'44" East for a distance of 2.99 feet; thence run South 00°08'47" East for a distance of 1077.47 feet to a point of curvature of a curve concave Northwesterly and having a radius of 211.92 feet; thence run Southwesterly along said curve through a central angle of 90°04'56" for an arc distance of 333.19 feet to a point of tangency, also being a point on aforesaid apparent Northerly right-of-way line of Tilden Road, also being a point on the North line of the South 30.00 feet of said Southwest 1/4 of Section 4; thence departing said Westerly right-of-way line run South 89°56'09" West along said apparent Northerly right-of-way line and said North line for a distance of 849.01 feet to aforesaid POINT OF BEGINNING.

Contains 34.562 acres more or less.

SURVEYOR'S NOTES:

THIS IS NOT A SURVEY.  
 THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
 BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 9-23-27 BEING AN ASSUMED BEARING OF N89°56'08"E.

JOB NO. 23213  
 DATE: 12-21-04  
 SCALE: 1" = 400 FEET  
 FIELD BY: N/A

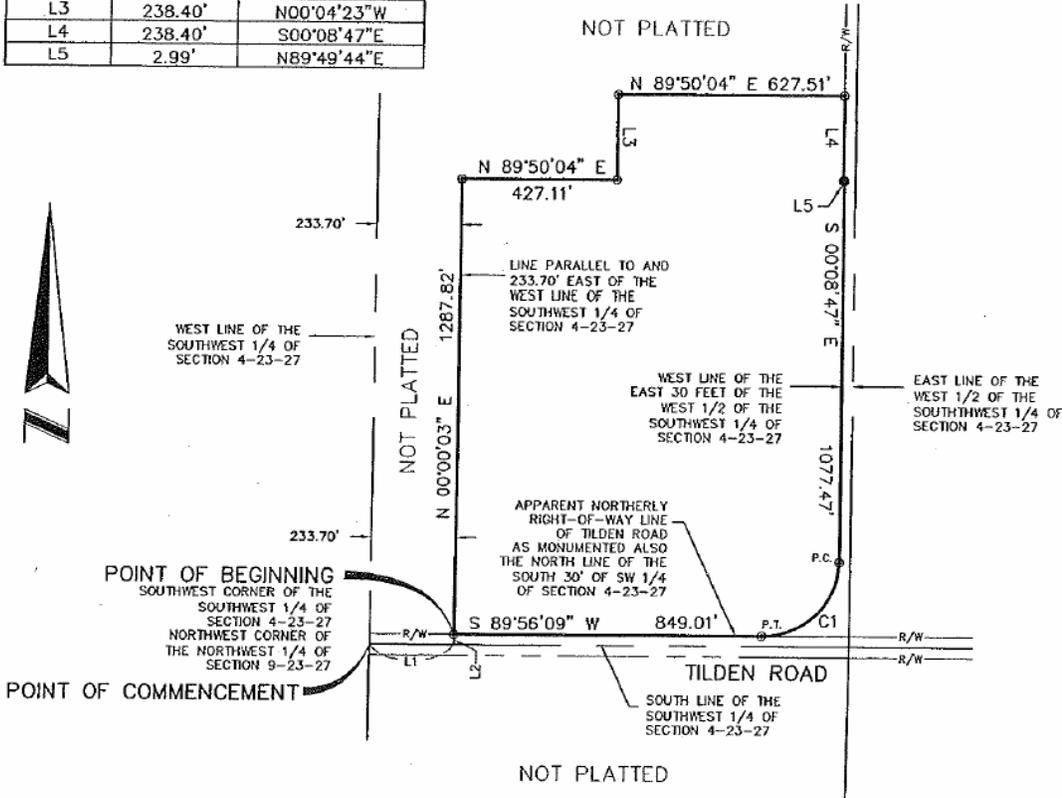
CALCULATED BY: JLR  
 DRAWN BY: PJR  
 CHECKED BY: JLR

FOR THE LICENSED BUSINESS # 6723 BY:

JAMES L. RICKMAN P.S.M. # 5633

SKETCH OF DESCRIPTION  
SHEET 2 OF 2

LINE TABLE		
LINE	LENGTH	BEARING
L1	233.66'	N89°56'08"E
L2	30.00'	N00°00'03"E
L3	238.40'	N00°04'23"W
L4	238.40'	S00°08'47"E
L5	2.99'	N89°49'44"E



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA
C1	211.92'	333.19'	299.91'	N44°53'41"E	90°04'56"



16 East Plant Street  
Winter Garden, Florida 34787 • (407) 654-5355

THIS IS NOT A SURVEY:

- ⊙ DENOTES CHANGE IN DIRECTION
- R/W DENOTES RIGHT-OF-WAY
- ⊔ DENOTES CENTERLINE
- P.C. DENOTES POINT OF CURVATURE
- P.T. DENOTES POINT OF TANGENCY
- P.R.C. DENOTES POINT OF REVERSE CURVATURE
- P.C.C. DENOTES POINT OF COMPOUND CURVATURE

SK2

JOB NO. 23213

DATE: 12-21-04

SCALE: 1" = 400 FEET

FIELD BY: N/A

CALCULATED BY: JLR

DRAWN BY: P.JR

CHECKED BY: JLR

**SKETCH OF DESCRIPTION**  
 SHEET 1 OF 2

**LEGAL DESCRIPTION ( South Parcel ):**

A parcel of land lying in the Northwest 1/4 of Section 9, Township 23 South, Range 27 East, Orange County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of aforesaid Southwest 1/4 of Section 4, also being the Northwest corner of the Northwest 1/4 of Section 9, aforesaid Township 23 South, Range 27 East, Orange County, Florida; thence run South 00°11'41" West along the West line of said Northwest 1/4 for a distance of 30.00 feet to a point on the apparent Southerly right-of-way line of Tilden Road as monumented, also being a point on the South line of the South 30.00 feet of said Northwest 1/4 of Section 9, also being the POINT OF BEGINNING; thence departing said West line run North 89°56'08" East along said apparent Southerly right-of-way line, also being said South line for a distance of 1294.83 feet to a point on the West line of the East 30.00 feet of the West 1/2 of aforesaid Northwest 1/4 of Section 9; thence departing said apparent Southerly right-of-way line, also being said South line run South 00°30'05" West along said West line for a distance of 2625.57 feet to a point on the South line of aforesaid Northwest 1/4 of Section 9; thence departing said West line run South 89°59'23" West along said South line for a distance of 1280.78 feet to a point on the West line of said Northwest 1/4; thence departing said South line run North 00°11'41" East along said West line for a distance of 2624.26 feet to aforesaid POINT OF BEGINNING.

Contains 77.601 acres more or less.

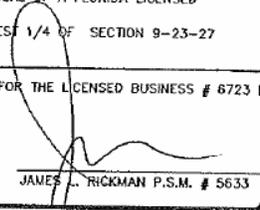


16 East Plant Street  
 Winter Garden, Florida 34787 • (407) 654 5355

**SURVEYOR'S NOTES:**

THIS IS NOT A SURVEY.  
 THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
 BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 9-23-27 BEING AN ASSUMED BEARING OF N89°56'08"E.

sk1

JOB NO. 23213	CALCULATED BY: JLR	FOR THE LICENSED BUSINESS # 6723 BY:   JAMES L. RICKMAN P.S.M. # 5633
DATE: 12-21-04	DRAWN BY: PJR	
SCALE: 1" = 400 FEET	CHECKED BY: JLR	
FIELD BY: N/A		

# SKETCH OF DESCRIPTION

SHEET 2 OF 2

POINT OF COMMENCEMENT  
 SOUTHWEST CORNER OF THE  
 SOUTHWEST 1/4 OF  
 SECTION 4-23-27  
 NORTHWEST CORNER OF  
 THE NORTHWEST 1/4 OF  
 SECTION 9-23-27  
 POINT OF BEGINNING

NORTH LINE OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

TILDEN ROAD

N 89°56'08" E 1294.83'

APPARENT RIGHT-OF-WAY  
 OF TILDEN ROAD  
 AS MONUMENTED ALSO  
 THE SOUTH LINE OF THE  
 NORTH 30' OF NORTHWEST  
 OF SECTION 9-23-27

DAVENPORT ROAD

2624.26'

NOT PLATTED

WEST LINE OF THE  
 WEST 1/2 OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

WEST LINE OF THE  
 EAST 30 FEET OF THE  
 WEST 1/2 OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

EAST LINE OF THE  
 WEST 1/2 OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

2625.57'

NOT PLATTED

N 00°11'41" E

S 00°30'05" W

SANDHILL ROAD

WEST 1/4 CORNER OF  
 SECTION 9-23-27

SOUTH LINE OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

S 89°59'23" W 1280.78'

NOT PLATTED

LINE TABLE	
LINE	BEARING
L1	S00°11'41" W
	30.00'



THIS IS NOT A SURVEY:

- ⊙ DENOTES CHANGE IN DIRECTION
- R/W DENOTES RIGHT-OF-WAY
- ⊕ DENOTES CENTERLINE
- P.C. DENOTES POINT OF CURVATURE
- P.T. DENOTES POINT OF TANGENCY
- P.R.C. DENOTES POINT OF REVERSE CURVATURE
- P.C.C. DENOTES POINT OF COMPOUND CURVATURE

sk1

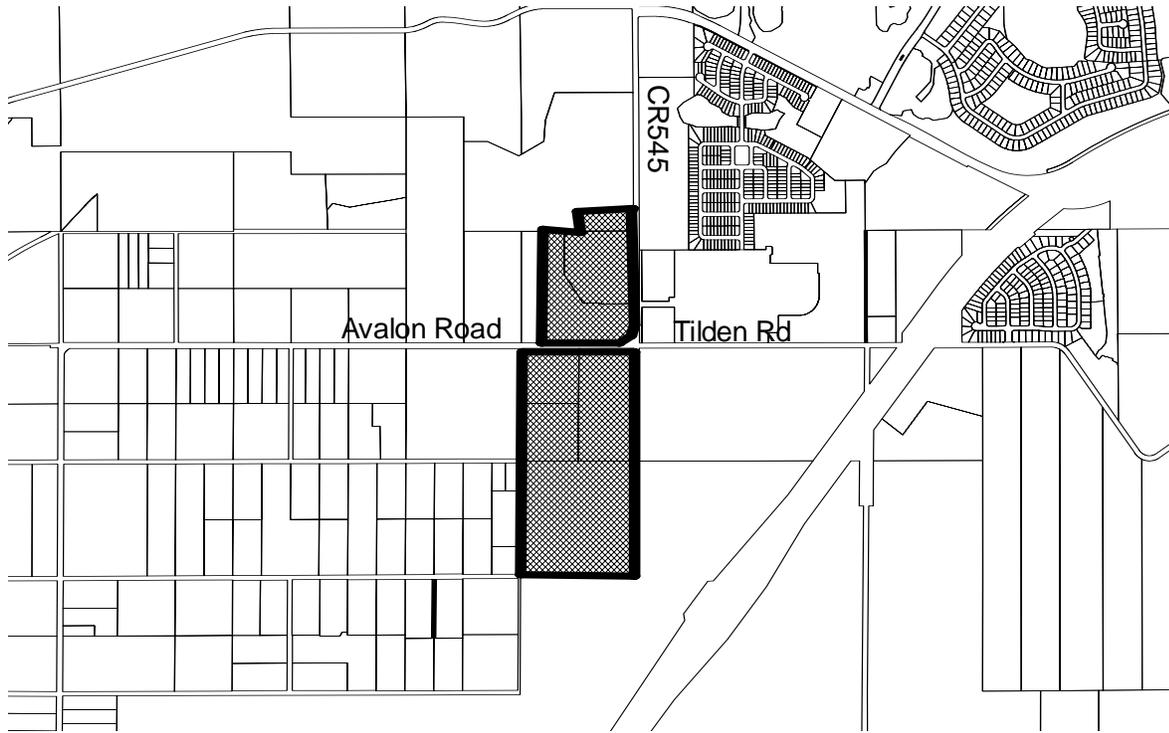
JOB NO. 23213  
 DATE: 12-21-04  
 SCALE: 1" = 400 FEET  
 FIELD BY: N/A

CALCULATED BY: JLR  
 DRAWN BY: PJR  
 CHECKED BY: JLR



16 East Plant Street  
 Winter Garden, Florida 34787 • (407) 654 5355

*KARR ANNEXATION ORD – ATTACHMENT “B”*



ORDINANCE 05 - 19

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 112.16 ACRES LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF THE INTERSECTION OF CR545 AND TILDEN ROAD AS CITY LOW DENSITY RESIDENTIAL, COMMERCIAL, AND CONSERVATION OVERLAY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden , and

WHEREAS, the owners of land generally described 112.16 ACRES LOCATED ON THE NORTHWEST AND SOUTHWEST OF THE INTERSECTION OF CR545 AND TILDEN ROAD have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by including said property as CITY LOW DENSITY RESIDENTIAL AND COMMERCIAL and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

**SECTION I** - The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with ATTACHMENT "A".

**SECTION II** This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes, or  
  
when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or  
  
the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME: \_\_\_\_\_, 2005.

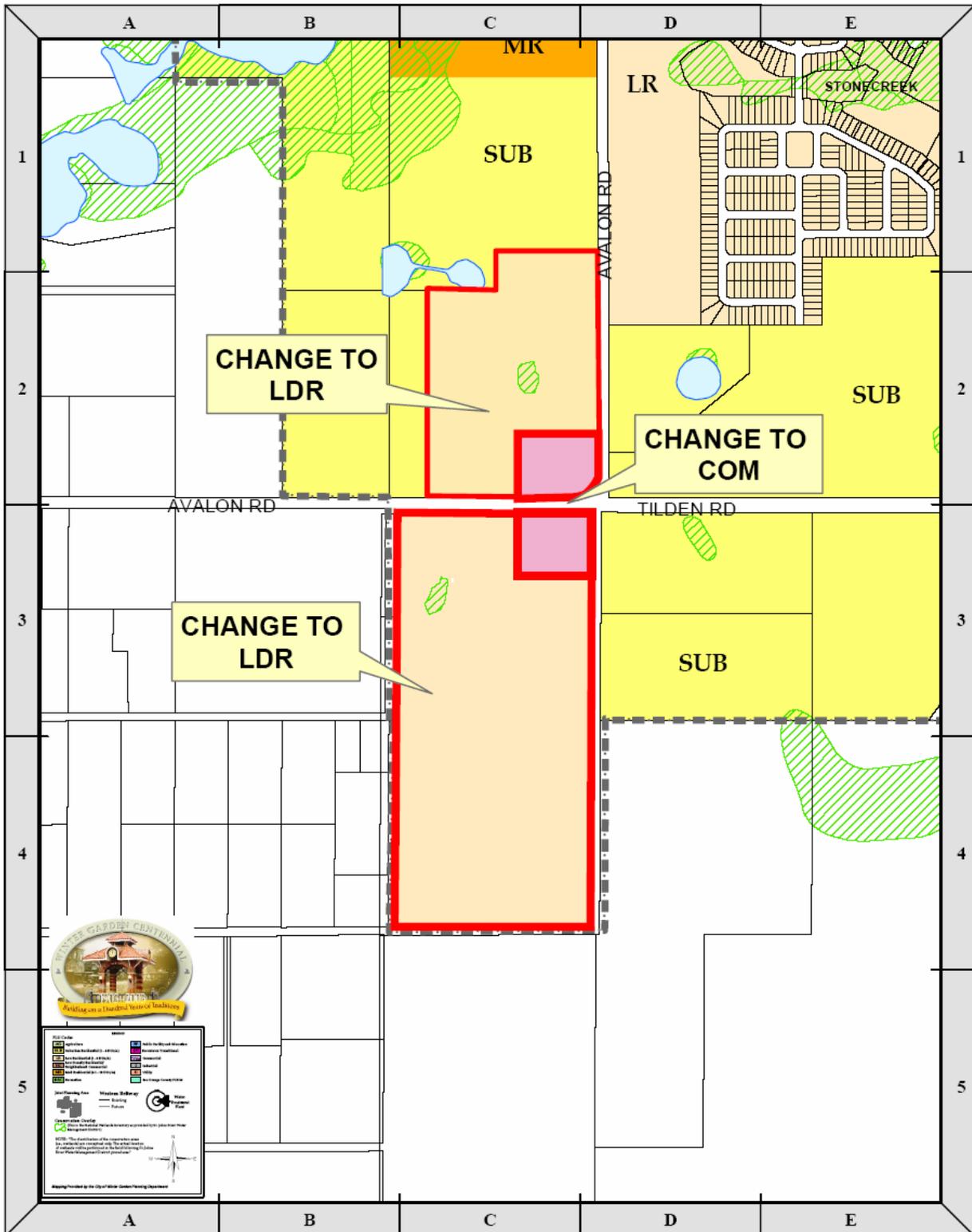
READ SECOND TIME AND PUBLIC HEARING this \_\_\_\_\_ day of  
\_\_\_\_\_, 2005.

\_\_\_\_\_  
Jack Quesinberry, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
KATHY MONTOYA, City Clerk  
(karr\_LSCPA 2/7/2006)

# ATTACHMENT "A"



## **Resolution 06-05**

### **A RESOLUTION OF THE CITY OF WINTER GARDEN, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2006 LEGISLATIVE SESSION**

**WHEREAS**, as Florida's population continues to increase, cities are challenged to meet the service demands and infrastructure needs to account for new growth; and

**WHEREAS**, a majority of Florida's municipalities have experienced negative impacts to the infrastructure, housing stock and employment base from a series of natural disasters in the past two years; and

**WHEREAS**, the state has imposed greater accountability in comprehensive planning and fiscal feasibility standards on municipalities; and

**WHEREAS**, Florida's municipalities are dependent on other governmental entities for financial stability and presently the state, counties, and school districts control every funding source that has been authorized for implementing growth management, capital improvements and complying with concurrency requirements; and

**WHEREAS**, municipal self-determination and local self-government are constantly under attack from a variety of public and private interests; and

**WHEREAS**, the role and function of municipal government is constantly evolving from new demands from its citizens and businesses.

#### ***NOW, THEREFORE, BE IT RESOLVED:***

Section 1. That the City of Winter Garden urges Governor Jeb Bush and members of the Florida Legislature to support legislation as part of a comprehensive legislative reform package that:

- Preserves municipal autonomy and protects the fundamental right of voluntary self-government.
- Provides municipalities alternative funding options for the purpose of responding to impacts of declared disasters.
- Preserves municipal tools for community redevelopment and urban revitalization.
- Provides a dedicated and recurring revenue source for municipal transportation projects.
- Preserves dedicated funding for local affordable housing programs.
- Provides for an equitable distribution of fines and fees from criminal violations such as driving under the influence of alcohol or other chemical substances.

- Provides a comprehensive and uniform workers' compensation system.

Section 2. That a copy of this resolution shall be provided to Governor Jeb Bush, Senate President Tom Lee, House Speaker Allan Bense and members of the Florida Legislature.

**PASSED AND ADOPTED by the City of Winter Garden, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

**THE CITY OF WINTER GARDEN, FLORIDA**

By: \_\_\_\_\_  
**MAYOR JACK QUESINBERRY**

**ATTEST:**

By: \_\_\_\_\_  
**KATHY GOLDEN, CITY CLERK**

**ORDINANCE NO. 06-04**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE III OF CHAPTER 22 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO ROLL-OFF CONTAINER SERVICE BY AMENDING THE FOLLOWING SECTIONS THEREOF: SECTION 22-62, APPLICATION FOR PERMIT, SECTION 22-63, PREREQUISITES TO ISSUANCE OF PERMIT, AND SECTION 22-67, EXEMPTION FOR USE ON TEMPORARY RESIDENTIAL CONSTRUCTION SITES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, it is within the police power of the City to regulate and proscribe rules in the interest of the health, safety and general welfare of the residents of the City; and

**WHEREAS**, the City desires to amend and clarify existing ordinances concerning the amount of permit fees, the amount to be remitted to the City, and provide for fees in connection with residential 96 gallon poly-cart and recycle bins; and

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida; now, therefore,

**BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1. Authority.** The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

**SECTION 2.** The City of Winter Garden hereby amends Section 22-62 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 22-62. Application for permit.**

Every person required to procure the permit required in section 22-61 shall submit an application for such permit to the superintendent of solid waste. The application shall:

(1) Be a written statement upon forms provided by the city. Such application form shall include an affidavit to be sworn to by the applicant before a notary public of the state.

(2) Require the disclosure of all information necessary in compliance with this article.

(3) Be accompanied by the full amount of the fee for such permit. The permit fee shall be ~~\$5.00~~ \$25.00.

(4) Be submitted to the director of public works by the superintendent of solid waste, together with all pertinent information required in this article, in order that a determination can be made by the city manager.

(5) Contain a complete record of all arrests and convictions against the applicant and every partner, officer or director of the applicant for violations of any and all laws and ordinances of the city, state, or federal government.

(6) Contain the names of employees responsible for operation of the applicant's business, meaning those who will manage, administer and supervise the business under the permit when issued, including the amount of experience possessed by each such employee. If such employee is other than a partner or director of the applicant, each such employee must complete a police department background information report, executed under oath, and submit a background investigation, photograph, and fingerprints.

(7) Contain the following additional information:

a. The number, type and size of waste collection vehicles to be used.

b. The number of employees to be assigned to each waste collection vehicle.

c. The name and location of commercial and industrial establishments where roll-off containers and compactors are to be placed and serviced.

**SECTION 3.** The City of Winter Garden hereby amends Section 22-63 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 22-63. Prerequisites to issuance of permit.**

In determining whether or not a permit for the placing and servicing of roll-off containers and compactors should be issued, the city manager shall consider and base his decision on the following:

(1) Review of the material submitted pursuant to section 22-62.

(2) A review of all convictions of the applicant, the reasons therefor and the conduct of such applicant subsequent to release.

(3) The license history of each such applicant.

(4) The certificate of approval of the superintendent of solid waste to the effect that the applicant has satisfied the following:

a. The adequacy of the equipment to be used.

b. The applicant has agreed to remit to the city each month a fee calculated at ~~45~~ 25 percent of the gross revenue received by the applicant for the preceding calendar month, and has agreed to furnish a duplicate copy of the applicant's monthly billing.

c. The applicant has agreed to make all books and records applicable to business conducted under the permit required by section 22-61 available to the city for inspection and audit.

- d. The applicant has provided a copy of a certificate of insurance demonstrating that the applicant's employees performing work pursuant to the permit are covered by workers' compensation insurance.

**SECTION 4.** The City of Winter Garden hereby amends Section 22-67 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 22-67. Exemption for use on temporary residential construction sites.**

This article shall not apply to roll-off containers used on temporary residential construction sites, except that there shall be a one-time permit fee of ~~\$20.00~~ \$100.00 payable when the building permit is pulled. Also, there shall be a one-time fee of \$100.00 for providing, assembly, delivery, and maintenance of one 96 gallon poly-cart and two recycle bins payable when a new residential building permit is pulled.

**SECTION 5. Severability.** Should any part, including but not limited to any section, subsection, sentence, phrase or portion of this Ordinance be held invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining part of this Ordinance, and to this end the provisions of this Ordinance are declared severable. The City Commission declares that it would have adopted this Ordinance and each part, thereof, despite the fact that any one or more part or portion of this Ordinance would be declared invalid or unconstitutional.

**SECTION 6. Codification.** It is the intention of the City Commission of the City that the provisions of Section 2 through Section 4 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; and that Sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase in order to accomplish such intention; and regardless of such inclusion in the code is accomplished, Sections of this Ordinance may be renumbered or relettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

**SECTION 7. Effective Date.** This Ordinance shall become effective upon its final adoption.

READ FIRST TIME: \_\_\_\_\_, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2006.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ORDINANCE NO. 06-08**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 110 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO SUBDIVISIONS BY AMENDING THE FOLLOWING SECTIONS THEREOF: SECTION 110-3, STATE CERTIFICATION OR COUNTY COMPETENCY CARD REQUIRED; SECTION 110-4, CONTRACTOR'S INSURANCE, GUARANTEE; RELEASE OF LIENS REQUIRED; SUBSECTIONS (1)O AND (8) OF SECTION 110-152, FINAL PLATS; APPLICATION, SUPPLEMENTARY MATERIALS, DOCUMENTATION, CONTENTS AND DATA REQUIRED FOR FINAL APPROVAL; SECTION 110-60, MODEL HOMES; SECTION 110-155, INITIAL COMMUNITY SUBDIVISION INFRASTRUCTURE REPORT; SECTION 110-156, SUBSEQUENT COMMUNITY SUBDIVISION INFRASTRUCTURE REPORTS AND MAINTENANCE; AND SECTION 110-171, ACCESS PROVISIONS AND GATE DESIGN STANDARDS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the public health, safety and welfare require the harmonious, orderly, and progressive development of land within the corporate limits of the City of Winter Garden, Florida (the "City"); and

**WHEREAS**, once the subdivision of land has been shaped into building lots, blocks, and streets, the correction of defects is costly and difficult; and

**WHEREAS**, substantial public responsibility is created by each new subdivision, including, but not limited to, the maintenance of public streets and the provision of additional public services; and

**WHEREAS**, the general welfare, health, safety, and convenience of the community is directly affected by the use of land as a subdivision; and

**WHEREAS**, due to the City's rapid growth and proliferation of subdivisions, it is necessary to revisit potential deficiencies in the City's policies and regulations pertaining to the platting and subdivision of land; and

**WHEREAS**, it is in the direct interest of the public that subdivisions are conceived, designed and developed in accordance with sound rules and proper minimum standards; and

**WHEREAS**, appropriate guidelines and development management mechanisms, along with uniform standards and regulations pertaining to the platting and subdivision of land, are necessary to ensure the orderly, efficient and environmentally sound subdivision of land; and

**WHEREAS**, it is within the police power of the City to regulate and proscribe rules in the interest of the health, safety and general welfare of the residents of the City; and

**WHEREAS**, the City desires to amend and clarify existing ordinances concerning subdivisions and the platting of land within the City; and

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida; now, therefore,

**BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1.** **Authority.** The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

**SECTION 2.** The City of Winter Garden hereby amends Section 110-3 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 110-3. State certification or county competency card required.**

For the purpose of this chapter, no contractor or subcontractor shall do work within the city limits unless such contractor or subcontractor has the appropriate state certification, if doing general contractor or subcontractor work, or a county competency card, if doing underground utility contractor or subcontractor work.

**SECTION 3.** The City of Winter Garden hereby amends Section 110-4 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 110-4. Contractor's insurance, guarantee; release of liens required.**

(a) *Insurance.* Pursuant to this chapter, the contractor shall maintain the proper insurance during the life of his contract, to hold the city free from any and all claims due to the contractor's acts, his agents, assigns or assignees, in no less than the following minimums:

- (1) Workers' compensation insurance.
- (2) Public liability insurance of \$500,000.00.
- (3) Property damage of \$100,000.00.

(b) *Guarantee.* The contractor and property owner shall guarantee all materials, workmanship, and equipment for any improvement dedicated or conveyed to the city, whether in a subdivision or otherwise, for a period of one year from the date of final acceptance by the city. If any such defect or damage due to the materials, workmanship, and equipment is shown within the one-year period, the contractor or property owner shall replace or repair such at no cost to the city. This guarantee shall be secured by ~~an acceptable bond,~~ irrevocable letter of credit, or other guarantee, acceptable by the city in the amount of ~~ten~~ twenty percent of the contract cost of the improvement dedicated or conveyed to the city.

(c) *Liens.* The city shall not accept any improvements until release of liens is furnished for all labor and materials.

**SECTION 4.** The City of Winter Garden hereby amends subsection (1)o. of Section 110-152, captioned "Final plats; application, supplementary materials, documentation, contents and data required for final approval," of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

o. When a subdivision provides screening walls, landscaping, sidewalks, or other amenities within the public right-of-way and such is acceptable to the city in the city's sole discretion, a license agreement shall be required between the city, the developer and/or the homeowners association and such license agreement shall be referenced on the plat. Such license agreement shall be reviewed by the city as part of the preliminary plat process. Unless otherwise provided for in the license agreement, the developer and the HOA, jointly and severally, shall be responsible for the maintenance and repair of any such amenities constructed in the public right-of-way, and in no event shall the city be prohibited from removing such amenities within the public right-of-way in its sole and absolute discretion (such removal being at the cost of the developer and HOA, jointly and severally).

**SECTION 5.** The City of Winter Garden hereby amends subsection (8) of Section 110-152, captioned "Final plats; application, supplementary materials, documentation, contents and data required for final approval," of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

(8) An original maintenance guarantee in favor of and acceptable to the city. Subject to approval by the city engineer, said maintenance guarantee may be provided after final plat approval, but before issuance of a certificate of occupancy. Said guarantee shall, at a minimum, be in the amount of ~~120~~ twenty percent of the contract cost of the required subdivision improvements to be dedicated to the city and provide for the guarantee of all materials, workmanship, and equipment for any improvement dedicated to the city for at least a period of one year from the date of final acceptance by the city.

**SECTION 6.** The City of Winter Garden hereby amends Section 110-60 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 110-60. Model Homes.**

Except as otherwise provided for in this section, no building permit shall be issued until such time as a certificate of completion has been issued by the city engineer and final plat approval has been obtained. A subdivider may be allowed to obtain one (1) building permit for a model home for each twenty (20) lots located within a proposed subdivision prior to the issuance of a certificate of completion by the city engineer and final plat approval, provided the subdivider executes a hold harmless agreement to the city's satisfaction and provides the performance guarantee required by section 110-152(7). Notwithstanding the permitted rate for model homes, the maximum number of building permits for model homes to be allowed in any one subdivision shall not exceed ten (10). In addition, the following shall apply for lots where model homes are allowed:

(1) The lots upon which the model homes are constructed shall be located within three hundred (300) feet of an active and approved fire hydrant and Florida Department of Environmental Protection has approved the clearance for the water system; and

(2) Main sewer and water lines for said lots shall be installed by the developer and be subject to review and approval by the city and approved for clearance by the Florida Department of Environmental Protection; and

(3) The lots shall have a minimum of twenty (20) foot wide emergency access road extending from a paved public street to within fifty (50) feet of the proposed structure, as approved by the city engineer.

~~(4)~~(4) A certificate of occupancy will not be issued on any model home permitted by this section until the city engineer has issued a certificate of completion pursuant to section 110-152(2)a.

**SECTION 7.** The City of Winter Garden hereby amends Section 110-155 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 110-155. Initial community subdivision infrastructure report.**

No earlier than 180 days before turnover, the HOA must retain the services of a Florida registered engineer experienced in subdivision construction to inspect the community subdivision infrastructure and prepare a report recommending the amount of scheduled maintenance and unscheduled repair for the subsequent ~~three~~ five years that likely will be needed for each component of the community subdivision infrastructure (specifically, at a minimum and as may be applicable, providing for the roads, street lights, side walks and drainage system (which includes, without limitation, the stormwater detention/retention areas and underdrains)), ~~in accordance with standards that may be established and revised from time to time by the city engineer or his or her designee~~, which recommends the amounts of money that should be deposited each year in the routine-community subdivision infrastructure-maintenance account, and determining what repairs, if any, are needed prior to turnover of the HOA. The HOA shall pay the cost associated with the preparation of the initial community subdivision infrastructure report, and the HOA may pay such cost from the routine-community subdivision infrastructure-maintenance account. The report must be signed and sealed by the engineer, certified to the HOA ~~and the city~~ and provided to all owners of lots, blocks, and tracts within the subdivision ~~and the city engineer~~ within 15 days after its completion. Any needed repairs or replacements identified by the report shall be completed by the developer, at the developer's sole expense, prior to turnover. If turnover occurs and the foregoing requirements have not been fulfilled, the rights of the HOA, any of its members, ~~the city~~, and any and all owners of land within the subdivision to enforce these requirements against the developer shall survive the turnover, with the prevailing party to be entitled to attorneys' fees and costs.

Notwithstanding the foregoing and without limiting the city's remedies, the city shall be entitled to withhold the issuances of certificates of occupancy or building permits for improvements within the subdivision until such time as the provisions of this section are met.

**SECTION 8.** The City of Winter Garden hereby amends Section 110-156 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 110-156. Subsequent community subdivision infrastructure reports and maintenance.**

The HOA shall obtain an inspection and written report of the community subdivision infrastructure, by a Florida registered engineer experienced in subdivision construction at least once every ~~three~~ five years after the initial engineer's inspection required by section 110-155. Using good engineering practice, ~~and in accordance with standards that may be established and revised from time to time by the city engineer or his or her designee,~~ or in accordance with such other standards as may be adopted from time to time by the HOA, or in accordance with such standards as the HOA's engineer may determine to be appropriate, the inspection shall determine and the written report shall document the level of maintenance and repair (both scheduled and unscheduled) needed, the amounts of funding needed each year for the next ~~three~~ five years in the routine-community subdivision infrastructure-maintenance account to pay for such maintenance and repair, and any repairs then needed. The report must be signed and sealed by the engineer, certified to the ~~city and the~~ HOA, and provided to all owners of lots, blocks, and tracts within the subdivision ~~and the city engineer~~ within 15 days after its completion. Within one hundred eighty days of receipt of each five year ~~tri-annual~~ report, the HOA shall complete all remedial work identified and recommended by the engineer. A completion report, signed, sealed and certifying that said remedial work has been completed, shall be submitted to the HOA and to all owners of lots, blocks, and tracts within the subdivision ~~city engineer~~ 90 days thereafter.

**SECTION 9.** The City of Winter Garden hereby amends Section 110-171 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 110-171. Access provisions and gate design standards.**

(a) *Emergency vehicle access.* Entryway gates and other restricted access gates must be equipped with an emergency vehicle access system inspected and approved by the city police chief and city fire chief before such gates may be closed. After initial approval is obtained from the city police chief and the city fire chief, said emergency vehicle access system may be inspected, from time to time, to ensure that said gates and emergency vehicle access systems are acceptable and in good working order. Notwithstanding anything herein to the contrary, the fire chief or police chief may require an existing emergency vehicle access system to be updated, modified, or replaced in light of changes in technology, policy, or change in equipment used by the police department or fire department. In the event such change is requested by the fire chief or police chief, the requested change must be made within the time specified, and, if necessary for the health, safety, and welfare, the fire chief or police chief may require such gates to remain in an open position until such changes are affected and approved.

(b) *Master entry device.* The entryway gate must provide a key pad device by which police, fire and rescue personnel, code enforcement officers, environmental protection workers and, if the residential subdivision is served by city utilities or public works, city utility and public works workers, may gain access to the residential subdivision. The access code, and such changes to the access code, must be provided to the city police chief, city fire chief, city utilities director, city public works director, and the city manager. Said access code must be provided before the entryway gate may be closed.

(c) *Gate design standards.* Electrically operated gates shall be designed to default to the "open position" in the event of a power failure. Said gates shall remain open until such time as power is restored. Swinging gates for single-direction traffic shall open toward (i.e., swing into) the property being entered. After passing through a gate, the nearest curb of any cross street shall be no closer than 40 feet from said gate. Access for single direction traffic shall be unobstructed to the following dimensions: 16 feet wide and 13.5 feet high. Access for bi-directional traffic shall be unobstructed to the following dimensions: 24 feet wide and 13.5 feet high. No gate shall be installed where access requires the use of a proximity reader or card, unless a turn-out is provided for its use. Direction limiting devices, such as fixed tire spikes, are prohibited. No more than one vehicle access control device or system through which emergency vehicles must pass to reach any address within the residential subdivision shall be permitted.

(d) *Maintenance and compliance.* Maintenance of the emergency vehicle access system and the compliance with the requirements of this section is the responsibility of the HOA, violation of which may result in removal of the gates at the cost of the HOA, code enforcement action and a lien on each of the lots within the residential subdivision.

(e) *Gate hours.* Provided the provisions of this section are fully complied with by the HOA, the gates may be closed during daytime and nighttime hours. All gates are required to be open during daytime hours unless physically and continuously manned by HOA designated security personnel during said hours.

(f) *Existing gated communities.* Gated communities existing as of the effective date of this ordinance or which are annexed into the city, shall, at a minimum, comply with the provisions of subparagraph (a) above within one year of the effective date of this article or annexation into the city and, unless in full compliance with the provisions of this section, shall be required to have the gate open during daytime hours unless physically and continuously manned by HOA designated security personnel during said hours. ~~comply with subparagraph (e) above upon the effective date of this article.~~

**SECTION 10. Severability.** Should any part, including but not limited to any section, subsection, sentence, phrase or portion of this Ordinance be held invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining part of this Ordinance, and to this end the provisions of this Ordinance are declared severable. The City Commission declares that it would have adopted this Ordinance and each part, thereof, despite the fact that any one or more part or portion of this Ordinance would be declared invalid or unconstitutional.

**SECTION 11. Codification.** It is the intention of the City Commission of the City that the provisions of Section 2 through Section 9 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; and that Sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase in order to accomplish such intention; and regardless of such inclusion in the code is accomplished, Sections of this Ordinance may be renumbered or relettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

**SECTION 12. Effective Date.** This Ordinance shall become effective upon its final adoption.

READ FIRST TIME: \_\_\_\_\_, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2006.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

ORDINANCE 06-10

AN ORDINANCE OF THE CITY OF WINTER GARDEN,  
FLORIDA, AMENDING THE WINTER GARDEN  
COMPREHENSIVE GROWTH MANAGEMENT PLAN IN  
ACCORDANCE WITH A STIPULATED SETTLEMENT  
AGREEMENT BETWEEN THE CITY OF WINTER GARDEN AND

THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS BY AMENDING POLICY 3.3 OF THE CAPITAL IMPROVEMENTS ELEMENT BY PROVIDING FOR PROPORTIONAL SHARE CONTRIBUTIONS FOR TRANSPORTATION IMPROVEMENTS AND ADDRESSING TRANSPORTATION CONCURRENCY PERTAINING TO THE FOWLER GROVES DEVELOPMENT OF REGIONAL IMPACT; ADDING POLICY 1.4 TO THE CAPITAL IMPROVEMENTS ELEMENT TO PROVIDE FOR MAJOR CAPITAL EXPENDITURES TO DANIELS ROAD AND STATE ROAD 50 RESULTING FROM DEVELOPMENT OF A DEVELOPMENT OF REGIONAL IMPACT; AMENDING THE FUTURE TRAFFIC CIRCULATION MAP OF THE TRANSPORTATION ELEMENT BY DEPICTING THE SEGMENT OF DANIELS ROAD THROUGH THE FOWLER PROPERTY AS A SIX-LANE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Fowler Remedial Comprehensive Plan Amendment)

WHEREAS, on the 13<sup>th</sup> of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the owner of that certain real property generally described as 174.8 acres of land located north of the western beltway and east of CR 535, being more particularly described on ATTACHMENT "A" and generally known as the Fowler Property petitioned the City to amend the Winter Garden Comprehensive Plan as follows:

1. Establish a new land use classification, Beltway Center, to allow for a mix of commercial, office, and residential uses at the Roper/Fowler property at the Beltway (SR 429); and
2. Revise Policy 9.3.2.4 to identify the subject property [Fowler Property] as an appropriate site for Beltway Center (BC); and
3. Revise the Future Land Use Map to designate the Roper/Fowler Property as Beltway Center (BC); and
4. Add a new policy to the Capital Improvement Element to allow proportionate share payments to mitigate transportation impacts.

WHEREAS, the aforesaid requested changes to the City's Comprehensive Plan were documented in Ordinance 05-02; and

WHEREAS, on September 7, 2005, the City Commission adopted Ordinance 05-02 (hereinafter known as "the Amendment"); and

WHEREAS, on November 30, 2005, the Department of Community Affairs (DCA) issued a Notice to find the amendment to the Future Land Use Map and Future land Use Element Policy 1.3(a)(4) and Police 9.3.2.4 "not in compliance"; and

WHEREAS, pursuant to Section 163.3184(10), Florida Statutes, DCA initiated an administrative proceeding challenging the Amendment; and

WHEREAS, the City and the DCA agreed to enter into a Stipulated Settlement Agreement providing, among other things, the remedial actions necessary to bring the Amendment into compliance and for the dismissal of the administrative proceeding; and

WHEREAS, among the remedial actions required by the DCA are the comprehensive plan amendments provided for herein; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

**SECTION I.** The City of Winter Garden hereby amends Policy 3.3 of the Capital Improvements Element to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

*Policy 3.3: At the City's discretion, a multi-use development of regional impact ("DRI") meeting the criteria of Section 163.3180(12), Florida Statutes, may use the standards and procedures set forth in that statute to satisfy the City's transportation concurrency requirements and transportation mitigation requirement under Section 380.06, Florida Statutes, by payment of a proportionate share contribution. Any proportionate share contribution for a DRI pursuant to this policy shall be stated in the DRI Development Order and shall be subject to the conditions stated in the Development Order.*

*If the affected roadway is on the State Highway System or the Orange County system, the FDOT or Orange County, as the case may be, must agree to accept payment of proportionate share contribution as adequately mitigating the impacts of development. In order to address transportation concurrency, the City will contact and request that Metro Plan Orlando and FDOT ensure that the necessary improvements are prioritized in the next appropriate update to the Transportation Improvement Program (TIP). When appropriate, the City's 5-Year Capital Improvement Plan will be amended to include the necessary improvements to be funded through the Developer's proportionate share contribution.*

*In many cases, a FDOT proportionate share payment is not sufficient to cover the cost of the entire needed improvement. Although FDOT may receive enough from the proportionate share payment to actually make a single improvement in a larger needed construction project, the agency often does not and cannot commit to a date certain during which either the single improvement or the larger construction project will be constructed. Operationally, such large construction projects cannot be approached on a piecemeal basis and the funding for such large-scale projects is uncertain. Finally, in many areas of the State, the Transportation Planning Organizations (TPO) may play a role in the timing of improvements.*

*Developments of Regional Impact utilizing Proportionate Share impact mitigation standards include the following:*

*a. Winter Garden Village at Fowler Groves DRI shall implement the following requirements to mitigate for transportation improvements:*

(1). For Phase 1 of the project, Developer and FDOT entered into a Transportation Proportionate Share Agreement on January 16, 2006, which commits Developer to pay FDOT \$8,991,835 prior to issuance of its first building permit for vertical construction or on March 27, 2007, whichever occurs earlier, upon Developer obtaining all necessary approvals and purchases the property. The City will contact and request that MetroPlan Orlando and FDOT apply the funds contributed by Developer to expedite the 6-laning of SR 50 from CR 545 to Clarke Road. Said proportionate share payment by Developer is deemed sufficient to pay for the transportation benefit to a regionally significant transportation facility pursuant to Chapter 9J-2 FAC and s. 163.3180(12), F.S. If transportation facility improvements are necessary in Phase 2 of the project, this portion of the project may not be permitted by the City of Winter Garden until Developer has mitigated significant and adverse impacts, if any, to this segment of SR 50 to provide adequate public facilities. If mitigation funds are committed, then the 5-Year Capital Improvement Plan will be amended to reflect such commitment of funds.

(2). Traffic studies show that the level of service on CR 535 south of SR 429 is not adverse through Phase 1 of the project and available capacity exists. Traffic studies will be prepared for Phase 2. Phase 2 of the project shall not be permitted by the City of Winter Garden until Developer has satisfied Orange County and the City that any significant and adverse transportation impacts at buildout, if any, have been mitigated. If transportation facility improvements are necessary to provide adequate public facilities for Phase 2, then the 5-Year Capital Improvement Plan will be amended to reflect such commitment of funds.

(3). The City and Developer entered into that certain Daniels Road Northern Extension Agreement dated December 8, 2006, which commits Developer, subject to certain contingencies provided for in said Agreement, to pay for construction of Daniels Road from a point 450 feet south of the south right-of-way line of the Florida Turnpike to SR 50 and also commits the City to pay for relocating utilities within the right-of-way of the roadway.

**SECTION II.** The City of Winter Garden hereby amends Policy 1.4 of Objective 1 of the Capital Improvements Element to read as follows (words that are ~~stricken-out~~ are deletions; words that are underlined are additions):

Police 1.4 Additional Road Improvements – In addition to the Capital Improvements identified in the yearly budget, the following improvements are also acknowledged:

(Attachment "B")

**SECTION III.** The City of Winter Garden hereby amends the Traffic Circulation Element's Future Traffic Circulation Map to depict the segment of Daniels Road which runs through the Fowler Property as a six-lane road as set forth in ATTACHMENT "C".

**SECTION IV.** This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community Affairs issues a cumulative notice of intent

in accordance with section 163.3184(16)(e), Florida Statutes; and

- (iii) the administrative proceedings filed by the Department of Community Affairs are finally dismissed; and
- (iv) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or  
the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2006.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**  
**(Description of Fowler Groves Property)**

**ATTACHMENT "B"**  
**(Five-Year Capital Improvement Budget-Additions  
Resulting From Winter Garden Village At Fowler Groves)**

**ATTACHMENT "C"**  
**(Future Traffic Circulation Map)**

ORDINANCE 06-11

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE NUMBER 05-24, RELATING TO THE REZONING OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 174.8 ACRES OF LAND LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535, GENERALLY KNOWN AS THE FOWLER PROPERTY, FROM CITY R-1 TO CITY PCD, BY AMENDING SUBSECTION "t" OF SECTION 2 OF ORDINANCE NUMBER 05-24 PERTAINING TO HOURS OF OPERATION PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Winter Garden Villages at Fowler Groves PCD Amendment).

**WHEREAS**, Isabel T. Fowler (as to her life estate) and Fowler Groves Limited Partnership, a Florida limited partnership (as to its fee simple interest), collectively hereinafter referred to as the "Owners", are the Owners of that certain real property located north of the western beltway and east of County Road 535 in Winter Garden, Florida, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

**WHEREAS**, Sembler Florida, Inc., a Florida corporation ("Developer"), is the contract purchaser and developer of the Property; and

**WHEREAS**, Developer is authorized to act as agent for Owners in connection with obtaining necessary approvals and permits for developing the Property and executing agreements in connection therewith; and

**WHEREAS**, on September 7, 2005 the City Commission of the City of Winter Garden approved Ordinance 05-24 which rezoned the Property from R-1 to PCD and provided for certain PCD requirements; and

**WHEREAS**, among the PCD requirements are the imposition of certain hours of operation in connection with commercial businesses within the Property; and

**WHEREAS**, the Owner and Developer of the Property has petitioned the City to amend the hours of operation as to certain businesses; and

**WHEREAS**, after public notice and due consideration of public comment, review by the City Staff and the Planning and Zoning Board, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is appropriate; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

**SECTION 1. AUTHORITY.** The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

**SECTION 2. AMENDMENT.** The City of Winter Garden hereby amends subsection “t” of Section 2 of Ordinance Number 05-24 as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

- t. Hours of Operation**--The hours of operation for any business to be open to the public shall be restricted to the following:
- Restaurants - 6:00 a.m. to midnight Sunday thru Thursday and 6:00 a.m. to 1:00 a.m. Friday and Saturday (or as may otherwise be limited by City ordinance)
  - Bars and Drinking Establishments - 8:00 a.m. to midnight Monday thru Thursday and 8:00 a.m. to 1:00 a.m. Friday and Saturday (or as may otherwise be limited by City ordinance or Charter)
  - Retail, Office, and Services - 7:00 a.m. to 11:00 p.m. (except that a home improvement facility located in the southeast corner of the Property and as depicted on an approved Development Plan, shall be permitted to operate between the hours of ~~6:30~~ 6:00 a.m to 11:00 p.m.)
  - Entertainment – 8:00 a.m. to midnight Sunday thru Thursday and 8:00 a.m. to 1:00 a.m. Friday and Saturday (or as may otherwise be limited by City ordinance or Charter)
  - Gasoline Pumps – 24 hours a day
  - Convenience Stores (as defined by ITE) - 24 hours if operated in conjunction with Gasoline Pumps
  - Convenience Stores (as defined by ITE)—7:00 a.m. to 11:00 p.m. if not operated in conjunction with Gasoline Pumps
  - Daycares, ~~Health Clubs/Spas, and Gymnasiums~~ – 6:00 a.m. to 11:00 p.m.  
Health Clubs/ Spas, and Gymnasiums – 5:00 a.m. to midnight
  - Loading Dock Activity – Except as to a home improvement facility located in the southeast corner of the Property and as such is depicted on an approved Development Plan, no loading dock activities or truck deliveries, including semi-tractor trailer deliveries, large truck service, and garbage collection, shall occur between 10:00 p.m. and 7:00 a.m. As to said home improvement facility, no loading dock activities or truck deliveries, including semi-tractor trailer deliveries, large truck service, and garbage collection, shall occur between 10:00 p.m. and ~~6:30~~ 6:00 a.m.

**SECTION 3. Remaining Ordinance** - All other restrictions, conditions, and matters in Ordinance 05-24 remain valid.

**SECTION 4. Effective Date.** This Ordinance shall become effective upon its approval by the City Commission and upon the effective date of Ordinance 05-24.

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or

portion would be declared invalid or unconstitutional.

FIRST READING AND PUBLIC HEARING:	_____	2006.
SECOND READING AND PUBLIC HEARING:	_____	2006.

APPROVED:

\_\_\_\_\_  
Jack Quesinberry, Mayor/Commissioner

ATTESTED:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**EXHIBIT "A"**

**ORDINANCE NO. 06-12**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY AMENDING THE FOLLOWING SECTIONS THEREOF: SECTION 78-1. STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION; SECTION 78-35. TEMPORARY WATER SERVICE; SECTION 78-130. PRIVATE SEWAGE COLLECTION SYSTEM CONNECTED TO POTW; SECTION 78-131. BUILDING SEWERS AND CONNECTIONS; SECTION 78-133 ADMINISTRATION, PERMITS AND MONITORING; SECTION 78-264. IN-CITY SERVICE; AND SECTION 78-268. RESTRICTIONS ON USE OF ALTERNATIVE WATER SOURCES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the City of Winter Garden, Florida (the "City") desires to keep current its Ordinances for consistency with budget practices and manning requirements driven by operational needs of the Department; and

**WHEREAS**, Regulatory and Environmental considerations result in the need for periodic changes in the rules governing the manner in which business is conducted ; and

**WHEREAS**, the delivery of high quality and efficient services to the Utilities customers of the City are integral to the mission of the Utilities Department, the City Manager and the City Commission; and

**WHEREAS**, references to other public agencies and documents require periodic revisions to keep our ordinances consistent; and

**WHEREAS**, subsequent revisions are also deemed warranted my staff and shall be offered as supplemental to this Ordinance to complete the Utilities Ordinance Update process and deal specifically with policy matters concerning Revisions to Utilities Standards and Simplification of Fee Schedules, while the intent of this Ordinance is regarded as a matter of "housekeeping"; and

**WHEREAS**, the day to day involvement of the City Engineer in the conduct of utilities Department business has been rendered unnecessary with the requirement that the Utilities Director must possess Engineering Licensure ; and

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida; now, therefore,

**BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1. Authority.** The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

**SECTION 2.** The City of Winter Garden hereby amends Section 78-1 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 78-1. Standards and specifications for wastewater and water main construction.**

There is adopted by the city for the purpose of establishing minimum acceptable standards for the design and construction of water distribution and transmission facilities and wastewater collection and transmission facilities in the city that certain Orange County, Florida, Manual of Standards and Specifications for Wastewater and Water Main Construction, most recent edition, and Appendix E to the Orange County Manual of Regulations, Specifications and Standards for Wastewater and Water Main Construction, save and except such portions as are deleted, modified or amended from time to time. Such manual and appendix shall apply to all proposed water and wastewater mains to be owned, operated or maintained by the city. One copy of each is filed in the office of the City Clerk. It is adopted and incorporated as fully as if set out in length in this section. If the Orange County, Florida, Manual of Regulations, Specifications and Standards for Wastewater and Water Main Construction or appendix of that manual conflict with any section of this Code, the Code section shall take precedence.  
(Code 1988, § 22-1)  
Secs. 78-2--78-25. Reserved.

**SECTION 3.** The City of Winter Garden hereby amends Section 78-35 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 78-35. Temporary water service.**

- (a) Temporary service, such as service for circuses, fairs, carnivals, construction work and the like, shall be rendered upon written application accompanied by a nonrefundable fee of \$15.00 for a five-eighths-inch by three-fourths-inch to one-inch meter or \$25.00 for a larger meter, plus a deposit sufficient to cover the city's estimate of the water to be consumed, materials, labor and any other expense incurred by the city in rendering such service, plus a replacement cost deposit equal to the cost of replacing the meter and appurtenances. Upon termination of the service, any balance of the deposit shall be refunded to the consumer.
- (b) Bulk sales of water can be arranged with the Utilities Department. The rate for such sales will be \$3.00 per thousand gallons with a minimum charge of \$25.00 per month.
- (c) When water utilized cannot be metered, the Utilities Director will estimate the volume, which will be sold at the rates established in this section.  
(Code 1988, § 22-25)

**SECTION 4.** The City of Winter Garden hereby amends Section 78-130 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 78-130. Private sewage collection system connected to POTW.**

- (a) Before commencement of construction, reconstruction, enlargement, modification or improvement of a private sewage collection system connected to a POTW, the owner shall first obtain a written permit signed by the City Manager. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the City Manager. A permit and inspection fee shall be paid to the city at the time the application is filed.
- (b) The type, capacities, location and layout of a private sewage collection system connected to a POTW shall comply with all requirements of the city Utilities Department and the department of engineering.
- (c) A permit for a private sewage collection system connected to a POTW system shall not become effective until the private sewage collection system is completed and has been inspected and approved by the utilities Director, or designee. The utilities Director shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Utilities Director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two days, excluding Saturday, Sunday and holidays, of the receipt of notice by the Utilities Director.
- (d) All costs and expenses incident to the installation and connection of the private sewage collection system shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation or connection of the private sewage collection system.
- (e) The owner shall operate and maintain the private sewage collection system in a sanitary and effective manner at all times, at no expense to the city. Private sewers shall be maintained so as to preclude the entrance of excessive amounts of infiltration and inflow. If it is determined by the Utilities Director that excessive amounts of infiltration/inflow are entering the public sewer from a private sewage collection system, the owner shall be

responsible for determining the cause and for making all necessary repairs to the system, to the Utilities Director's satisfaction. All work shall be done by a contractor experienced in sewer rehabilitation work and acceptable to the Utilities Director. Televising of the private sewer lines and submission of TV logs shall be required if determined necessary by the Utilities Director. All operation, maintenance, and repair of private lift stations and pumping facilities shall be done by a reputable person experienced in the operation, maintenance and repair of such facilities, and upon demand the owner shall furnish such proof as the Utilities Director deems necessary. The city shall have the right to inspect all private sewage collection systems and appurtenances and to cause discontinuance of sewer service if the private sewage collection is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.

(f) The city shall be responsible for the maintenance of the public sewer and for providing service to receive the approved sewer discharge from the private sewage collection system.

(Code 1988, § 22-80)

**SECTION 5.** The City of Winter Garden hereby amends subsection (l) of Section 78-131. captioned "Building sewers and connections." of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

(l) Garages and other establishments where gasoline is used or where wastes containing grease in excessive amounts or where any flammable wastes, sand, or other harmful ingredients can be discharged and which are connected with municipal sewers shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the Utilities Director and shall be located so as to be readily and easily accessible for cleaning and inspection.

**SECTION 6.** The City of Winter Garden hereby amends Section 78-133 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 78-133. Administration, permits and monitoring.**

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 78-132 and which may have a deleterious effect on the public sewer system, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the city, via the Utilities Director, may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition prior to discharge to the public sewers.
- (3) Require control over the quantities and rates of discharges.
- (4) Require payment pursuant to this section and subsection, to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges. The class descriptions and permitting fee shall be as follows:

TABLE INSET:

Class	Description
1	EPA categorical industries local pollutant dischargers
2	Grease dischargers
3	Dischargers requiring a spill containment plan
4	Nonindustrial dischargers

- a. Class 1 users shall obtain a permit prior to discharge, and periodic site visits will be made by the city prior to any permit renewal. Class 1 users shall also submit a spill containment plan to the city.
- b. Class 2 users shall have an annual inspection by the city, and a permit may be required for these users.
- c. Class 3 and 4 dischargers are not required to have a permit, although their permit applications shall be kept on file pending a status change or reclassification.
- d. Any user or industry storing hazardous or toxic chemicals on site shall submit a spill containment plan to the city.
- e. All class 1 users shall be assessed a permit fee of \$50.00 and a renewal fee of \$50.00. There shall be no permit application fee and no fee assessed for the random sampling and compliance monitoring expenses incurred by the city; provided, however, that the sampling fees assessment as outlined in subsection (e) of this section shall be in full force and effect at all times.
- f. If the Utilities Director permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Utilities Director, and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the permit holder at his expense as required by this section.
  - (b) Grease, oil and sand interceptors shall be provided when, in the opinion of the Utilities Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Utilities Director and shall be located as to be readily and easily accessible for cleaning and inspection.
  - (c) Requirements for industrial wastewater discharge permits shall be as follows:
    - (1) Permit required. An industrial wastewater discharge permit shall be required of every industry whose discharge might contain the substances or possess the characteristics enumerated in section 78-132 or whose discharge might have an adverse impact or deleterious effect on any portion of the public sewer system.
    - (2) Existing industrial wastewater dischargers. Dischargers of industrial wastewater into the city's sewer system prior to the effective date of the ordinance from which this article derives are granted temporary authority to continue to discharge industrial wastewaters in compliance with the city's codes, regulations, and policies. This temporary authority shall expire 90 days after the date of notification by the Utilities Director of the requirement for a discharger to make application for an industrial wastewater discharge permit. In no case shall this temporary authority extend beyond 90 days after the effective date of the ordinance from which this article derives. If, prior to the expiration date, the discharger has filed for an industrial wastewater discharge permit pursuant to subsections (c)(1) and (c)(4) of this section, its temporary authority to discharge will continue. In such case, this temporary authority shall expire on the date the industrial wastewater discharge permit is issued or denied. Any person discharging pursuant to the temporary authority provided in this subsection is subject to all sections of this article, and such authority may be suspended or revoked in accordance with the terms and procedures set forth in section 78-134.

(3) Compliance required. No permit holder shall discharge industrial wastewater in excess of the quantity, rate of discharge, or quality conditions specified in the permit. Any person desiring to modify his discharge which would violate conditions of his permit shall apply for an amended permit.

(4) Permit applications. Existing and proposed new industrial users seeking a permit shall complete and file with the city an application in the form prescribed by the city. Proposed new industrial users shall file their applications at least 90 days prior to their discharging to the POTW. The applicant shall submit, where appropriate, the following:

a. The name, address, telephone number, and location if different from the address of the applicant, the owner of the premises from which industrial wastes are intended to be discharged, and the name of a local representative duly authorized to act on behalf of the company.

b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as may be amended.

c. Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.

d. Schedule of all industrial process waste flows produced before and after pretreatment, if any, at the premises, including the daily volume and wastewater constituents and characteristics as determined by representative samples and analyses done by a qualified laboratory acceptable to the city and in accordance with Standard Methods.

e. Estimated time and duration of discharge within a 20-percent tolerance.

f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.

g. Each product produced by type, amount, process or processes and rate of production.

h. Type and amount of raw materials processed (average and maximum per day).

i. Number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.

j. Any other information as may be deemed by the city to be necessary to evaluate the permit application.

k. Permit fees as determined by the Utilities Director, and pursuant to this section.

l. A compliance schedule for meeting categorical pretreatment standards, the following conditions of which shall apply:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in this section shall exceed nine months.

3. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the city.

(5) Processing and issuance of permits.

a. The Utilities Director will act only on applications that are accompanied by a report which contains all of the information required in subsection (c)(4) of this section. A person who has filed an incomplete application will be notified by the Utilities Director that the application is deficient and the nature of such deficiency and will be given 30 days to correct the deficiency. Upon receipt of complete applications, the Utilities Director shall review and evaluate the applications and shall propose such special permit conditions as he deems advisable. All industrial wastewater discharge permits shall be expressly subject to all sections of this article and all other applicable ordinances, laws, and regulations.

b. Upon completion of his evaluation, the Utilities Director shall notify the applicant of any special conditions which he proposes be included in the permit. The applicant shall have 30 days from and after the date of the Utilities Director's recommendations for special permit conditions to review such and file written objections with the Utilities Director regarding any such special permit conditions. The Utilities Director may, but shall not be required to, schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, and attempt to resolve disputed issues concerning special permit conditions. If the applicant files no objections to special permit conditions proposed by the Utilities Director or if a subsequent agreement is reached concerning such, the Utilities Director shall issue an industrial wastewater discharge permit to the applicant with such special conditions incorporated therein.

c. Issuance of a permit shall not relieve the discharger from complying with all applicable laws, regulations, and ordinances promulgated by other government authority, nor shall the issuance of a permit be construed as a representation by the city that the discharge permitted therein complies with all of such laws, regulations and ordinances. Permits are issued solely to govern the discharge of wastewater into the public sewer system and the applicable receiving waters, as between the discharger and the city, and shall not be construed to benefit any third party.

(6) Permit requirements and restrictions. The requirements and restrictions in permits shall be uniformly enforced by the city and may include, but shall not be limited to, the following:

- a. The maximum permissible concentration of wastewater constituents.
- b. Limits on rate and time of discharge, or requirements for flow regulation and equalization.
- c. Requirements for inspection, flow metering and sampling facilities, and alternative sampling methods.
- d. Pretreatment of industrial wastewater before discharge.
- e. Compliance schedules.
- f. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, flow metering, number, types and standards of tests and reporting schedule.
- g. Prohibition of discharge of certain wastewater constituents.
- h. Requirements for submission of periodic discharge reports to include information concerning volume, rate of flow, constituent concentration, peak flow rates, hours of operation, number of employees, or other information.
- i. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto; any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:
  1. The date, exact place, method, and time of sampling and the names of the person taking the samples;
  2. The dates analyses were performed;
  3. Who performed the analyses;
  4. The analytical techniques/methods used; and
  5. The results of such analyses.

Any industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three years any records of monitoring activities and results, whether or not such monitoring activities are required by this section, and shall make such records available for inspection and copying by the Utilities Department. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW, or when requested by any state or federal agency.

j. Requirements for notification of the city for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

k. Requirements for notification of slug discharge or accidental discharges.

l. Other conditions as deemed appropriate by the city to ensure compliance with this article. The city may require that any or all of the pretreatment requirements or restrictions be provided by the user at his expense.

(7) Pretreatment requirements. If pretreatment is required through the issuance of industrial wastewater discharge permit, users of the POTW shall design, construct, operate, and maintain such wastewater pretreatment facilities whenever necessary to reduce, modify, or eliminate the user's wastewater discharge to achieve compliance with the limitations in wastewater strength set forth in section 78-132, to meet applicable national pretreatment standards or to meet any other wastewater condition or limitation contained in the user's permit. If required by the city, plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered professional engineer and shall be submitted to the Utilities Director for review. Prior to beginning construction of such pretreatment facilities, the user shall submit a set of final construction plans and specifications to the Utilities Director. Prior to beginning construction, the user shall also secure such building, plumbing, or other permits that may be required by the city. The user shall construct the pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction, the user shall provide the Utilities Director with as-built drawings. Neither filing of the plans nor the issuance of a permit shall be construed to indicate that the city in any way vouches for or warrants the performance capabilities of any facilities constructed pursuant to such plans, specifications, or data. Subsequent alterations or additions to such pretreatment of flow-control facilities shall not be made without prior notice to the city.

(8) Duration. Permits shall be issued for any specified period of time, not to exceed five years.

(9) Modification. The terms and conditions of any permit may be subject to modification and change by the city during the life of the permit to accommodate changed conditions and as local, state, regional, and federal laws, rules

and regulations and case decisions are modified or amended or for a variation in reported data as provided in subsection (j) of this section. Permit holders shall be informed of any proposed changes in their respective permits at least 60 days prior to the effective date of change and shall be allowed to comment relating to any of the proposed changes in their permits within the first 30 days after issuance of such proposed change by the city. The city shall allow a discharger a reasonable period of time to comply with any changes in the permit required by the city, unless otherwise required by emergency or governmental regulations. The permit holder may petition the city for modification of the permit based on changed conditions. The Utilities Director shall review such petitions with such supporting data as he deems necessary and shall take appropriate action.

(10) Transferability. A separate permit shall be required for each wastewater connection discharging, directly or indirectly, into the sewer system. For each discharger having multiple connections at a single plan or facility, a single permit shall be required which may set forth specific effluent limitations and conditions for discharge from each separate connection. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, or for different premises, unless approved by the Utilities Director, and any such attempted assignment, transfer, or sale shall be void and of no effect.

(d) Each industrial user shall be required to establish a spill containment plan. The plan shall contain the following elements:

(1) Accidental discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by the date as specified by the industrial wastewater discharge permit. No new user who begins discharge to the POTW after the effective date of the ordinance from which this article derives shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved.

(2) Telephone notification. Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the POTW shall notify the Utilities Director immediately by telephone. In the absence or unavailability of the Utilities Director, notification shall be given to the city employee then in charge of the treatment works.

(3) Written report. Within five days following such occurrence, the user shall provide the Utilities Director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. Furthermore, the industrial user shall control its production or all its discharges to the extent necessary to maintain compliance with all applicable city, state and federal regulations upon reduction, loss, or failure of its treatment facility, and until the facility is completely restored or an alternative and equally effective method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(4) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call if a dangerous discharge occurs. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(e) Annual operation costs of the city's POTW for activities required under this section shall be recovered, at the city's option, through fees charged to the industries and users. Each user may be billed for each scheduled, unscheduled, or demand monitoring visit performed. The billing may include direct costs incurred by the city or its authorized agent in sampling, inspecting, and laboratory analyses, adjusted to reflect administrative, legal and other indirect costs incurred by activities that may be required under this section. All self-monitoring costs incurred by any user, these self-monitoring costs including but not limited to the cost of sampling, analysis, and reporting, shall be borne by the user.

(f) When required by the Utilities Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install at his expense an industrial sampling station according to the design as approved by the Utilities Director together with such necessary approved meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such industrial sampling station, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Utilities

Director. The industrial sampling station shall be installed by the owner at his own expense, and shall be maintained by him so as to be safe and accessible at all times.

(g) Special requirements shall be as follows:

(1) The city reserves the right to require an industrial user to submit a monthly or quarterly certified statement to the city, on forms provided by the city, of the characteristics of its industrial wastes discharged in the sewer and sewage works of the city, or to any sewer connected therewith. Such documents shall be filed with the city not later than the tenth day of the month following the month or quarter for which the report is required, or any as may be specified in the user's permit, and shall contain the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(2) The city reserves the right to sample industrial wastewater or to use any and all available information to determine which industrial users shall be subject to the requirements of this section.

(3) Any industrial user may be required to provide wastewater monitoring facilities, at the user's sole cost, and as provided in this article. All monitoring reports shall be based on an appropriate amount of sampling and analysis performed during the period covered by the report. If sampling and analysis by the industrial user indicate a violation of a pretreatment or discharge standard, the industrial user shall repeat the sampling and analysis and submit the results of both analyses to the control authority within 30 days from the industrial user's receipt of the results of the original sampling. The industrial user shall notify the control authority within 24 hours of any violation of an applicable pretreatment or discharge standard.

(h) The Utilities Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observations, measurement, sampling and testing in accordance with this article. The Utilities Director shall also be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept, to ensure compliance with pretreatment standards. Upon a showing satisfactory to the Utilities Director by a person furnishing a report, permit application, or questionnaire, those portions of any document which might disclose trade secrets or secret processes shall, to the extent allowable by law, be made available to the public pursuant to section 308(b) of the act. This information shall be distributed according to the procedures set by the Utilities Director.

(i) While performing the necessary work on private properties referred to in this section or other sections of this article, the Utilities Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company, to the extent allowed by law, shall be held harmless from injury or death to the city employees for intentional or negligent acts solely caused by the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, for intentional or negligent acts solely caused by the city employees.

(j) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with 40 CFR 136 and shall be determined at the control industrial sampling station provided or upon suitable samples taken at the control sampling station. If no special sampling station has been required, the control sampling station shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer system and to determine the existence of hazards to health, safety and welfare. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or for a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the city a report containing the information described in this section and section 78-84. For industrial users subject to equivalent mass or concentration limits established by the city, this report shall contain a reasonable measure of the user's longterm production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period.

(1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, for a new source, after commencement of the discharge into the POTW, shall submit to the city during the months of June and December, unless required more frequently in the pretreatment standard or by

the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge, except that the city may require more detailed report of flows. At the discretion of the city and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city may agree to alter the months during which such reports are to be submitted.

(2) Where the city has imposed mass limitations on industrial users, the report required by subsection (j)(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(3) For industrial users subject to equivalent mass or concentration limits established by the city, the report required by subsection (j)(1) of this section shall contain a reasonable measure of the user's longterm production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production or other measure of operation, the report required by subsection (j)(1) of this section shall include the user's actual average production rate for the reporting period.

(4) All such reports and any and all baseline monitoring reports, final compliance reports, and periodic reports on continued compliance must be signed and certified by a duly authorized representative of the industrial user.

(k) The permit holder shall make measurements, including but not limited to flow rates, flow volumes, BOD and suspended solids concentrations as well as concentrations of other particular constituents of the industrial wastewater discharges, at his own expense, as frequently as necessary to comply with the terms and conditions of each permit. If measurements or other investigations indicate that the industrial user has discharged wastewater which has constituents significantly different in quantity or quality from those stated by the discharger, the discharger shall furnish all information in his possession relevant to the apparent variance.

(l) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to special payment therefore, by the industrial concern; provided, however, that at no time will the city be asked to accept such discharges that, in the city's sole judgment, would violate any local, state, or federal pretreatment standard.

(m) Any provision or section of this article to the contrary notwithstanding, the city reserves the absolute right to deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by industrial users when such contributions do not meet applicable pretreatment standards and requirements or when such contributions would cause the POTW to violate its NPDES permit.

(Code 1988, § 22-83)

**SECTION 7.** The City of Winter Garden hereby amends Section 78-264 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 78-264. In-city service.**

Reclaimed water service shall be provided for properties located within the City Reclaimed Service Water Territory on a first priority basis, which comply with the provisions for such service as set forth in this article. Reclaimed water service shall be available to these properties within the city as the transmission and distribution systems are extended and reclaimed water becomes available.

(Ord. No. 01-52, § 2, 7-26-01)

**SECTION 9.** The City of Winter Garden hereby amends Section 78-268 of the Winter Garden Code of Ordinances as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 78-268. Restrictions on use of alternative water sources.**

No person shall install a new irrigation well to serve property where reclaimed water distribution facilities are available; nor shall any person utilize potable water for irrigation through a new or existing lawn meter on property where reclaimed water distribution facilities are available. Existing private irrigation systems which connect to the reclaimed water system and are presently served by an on-site well or other water source shall disconnect the well or other water source permanently. Dual or temporary connections of wells to irrigation systems served by reclaimed water are not permitted. Dual or temporary connections may be made to natural surface waters or artificially created

surface impoundments as permissible by FDEP when declared exempt by the director. The director may make such declaration of exemption as to a limited area or particular lake or as to a particular property or class of properties (i.e., commercial, multi-family, etc.) and for such a limited time period as determined necessary by the Utilities Director to serve and protect the public interest. In making such determinations, the Utilities Director shall consider, among other things, the following factors:

- (1) Whether city-wide reuse irrigation utilization is high;
  - (2) Whether such irrigation would not be detrimental to the body of water; and
  - (3) Whether the particular property or class of properties has the physical means to take water from the body of water using available facilities which can be isolated from other piping systems so as not to pose cross connection control problems. A declaration of exemption issued under this section shall not exempt the user or property from compliance with all other regulatory requirements of the St. Johns River Water Management District, State of Florida Department of Environmental Protection, the City of Winter Garden, and all other applicable local, regional, state, or federal agencies.
- (Ord. No. 01-52, § 2, 7-26-01)

**SECTION 10. Severability.** Should any part, including but not limited to any section, subsection, sentence, phrase or portion of this Ordinance be held invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining part of this Ordinance, and to this end the provisions of this Ordinance are declared severable. The City Commission declares that it would have adopted this Ordinance and each part, thereof, despite the fact that any one or more part or portion of this Ordinance would be declared invalid or unconstitutional.

**SECTION 11. Codification.** It is the intention of the City Commission of the City that the provisions of Section 2 through Section 9 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; and that Sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase in order to accomplish such intention; and regardless of such inclusion in the code is accomplished, Sections of this Ordinance may be renumbered or relettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

**SECTION 12. Effective Date.** This Ordinance shall become effective upon its final adoption.

READ FIRST TIME: \_\_\_\_\_, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2006.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**RESOLUTION NO. 06-04**

**A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA,  
ESTABLISHING A CHARTER REVIEW COMMITTEE, ESTABLISHING  
ITS DUTIES, ESTABLISHING APPOINTMENT OF MEMBERS,  
ESTABLISHING ORGANIZATION, PROVIDING FOR THE  
SUNSETTING OF THE CHARTER REVIEW COMMITTEE AND  
PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Commission wishes to appoint an advisory board of citizens from the community to review the City Charter and make recommendations for amendments to the City Charter.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA,**

Section 1. The City Commission hereby establishes a temporary citizens advisory committee to perform a comprehensive Charter review. The committee shall be named the Charter Review Committee (CRC).

Section 2. The Charter Review Committee shall consist of no more than nine (9) persons, all of whom shall be residents of the City. Interested residents shall complete and application for membership and submit it to the City Clerk. The City Clerk shall provide application copies to the Mayor and Commissioners for their appointment consideration. All members shall serve from the date of their appointment until the sunseting of the committee. Each City Commissioner shall appoint two (2) members and the Mayor shall appoint one (1) member. The members shall serve without compensation.

Section 3. No member of the Charter Review Committee shall be employed by or be an official of the City. Each member must comply with the Florida Code of Ethics and Sunshine Amendment. In the event of the resignation or death of a member prior to the expiration of his/her term, the Mayor or Commissioner making the initial appointment will make the replacement appointment.

Section 4. At the first meeting of the Charter Review Committee, the committee members shall select from their own membership a chairperson and a vice-chairperson and organize itself as it deems proper in order to appropriately carry out the duties assigned to it, including the enactment of rules of procedure.

Section 5. A majority of the members of the Charter Review Committee shall constitute a quorum necessary for the conduct of the business of the Charter Review Committee. Meetings shall be at the call of the chairperson or in her/her absence, the vice-chairperson or at the call of any three members of the Charter Review Committee. Meetings of the Charter Review Committee shall be held no earlier than 5:00 p.m. during a weekday. The records and minutes of the deliberations and decisions of the Charter Review Committee shall be kept and filed with the City Clerk.

Section 6. The duty of the Charter Review Committee shall be to conduct a review of the existing City Charter. The Charter Review Committee shall advise the City Commission of the results of its' review of the City Charter and any recommendations for amendments to the Charter. The Charter Review Committee shall conduct its review of the Charter and make its recommendations so that the City Commission has the opportunity to review the recommendations of the Charter Review Committee and sufficient time to allow the Commission to consider and adopt an ordinance to place proposed changes approved by the City Commission before the electorate at a referendum election to be held at the City's regular election in March 2007. Every attempt will be made by the City Commission to place all changes proposed by the Charter Review Committee before the electorate.

Section 7. This resolution shall take effect immediately upon its final passage and adoption. This resolution and the Charter Review Committee shall be sunsetted upon presentation by the Charter Review Committee to the City Commission of the results of its review of the City Charter and its recommendations for amendments to the City Charter, if any.

**PASSED AND RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2006, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

\_\_\_\_\_  
Jack Quesinberry, Mayor/Commissioner

ATTEST:

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Kathy Golden, City Clerk

ORDINANCE 05-44

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 112.16 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHWEST AND NORTHWEST CORNERS OF THE AVALON ROAD AND TILDEN ROAD INTERSECTION FROM COUNTY A-1 TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Alexander Ridge PUD)

WHEREAS, the owners of real property of approximately 112.16 acres of land generally LOCATED ON THE SOUTHWEST AND NORTHWEST CORNERS OF THE AVALON ROAD AND TILDEN ROAD INTERSECTION and legally defined herein desire to rezone their property from COUNTY A-1 TO CITY PUD,

WHEREAS, the City and the Owner have entered into an Annexation Agreement that addresses certain development issues, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

**Section I –**

After due notice and public hearing, the zoning classification of real property legally described in ATTACHMENT "A" (herein after known as Alexander Ridge or Property) is hereby rezoned from COUNTY A-1 TO CITY PUD in the City of Winter Garden, Florida with the following provisions and restrictions:

- a. **Conceptual Plan** - All development on Alexander Ridge must substantially conform to the requirements identified in ATTACHMENT "B" (the Alexander Ridge Planned Unit Development Plan created by Canin Associates and revised on **Nov 29 and 30, 2005**).
- b. **Zoning** - Unless specifically noted otherwise in ATTACHMENT "B", all residential development in Alexander Ridge (to include accessory buildings and structures) must comply with the general zoning requirements of the R-1 zoning district for any single family house that is developed on the site and R-3 (to include the townhome section of the City Land Development Regulations) for any townhome that is developed on the property. These requirements include any approval procedure of the R-1 and R-3 zoning districts.

Unless specifically noted otherwise in ATTACHMENT "B", all the area described as "FUTURE COMMERCIAL" will require a separate rezoning to PCD prior to any construction or development.

- c. **JPA** - All development of the Property must conform with the requirements of the Fifth Amendment to the Restated Interlocal Agreement as recorded by the Orange County Board of Commissioners on November 9, 2004 to include (but not limited to) the following:
- Compliance with the School Capacity Requirements to include receiving a Capacity Enhancement Agreement with Orange County Public Schools prior to receiving Construction Plan approvals for the subdivision.
  - Garages shall be located at least 5 feet behind the front building line for single family houses and in the rear of the townhome units, unless side entry garages are utilized, and in such case, the front façade shall meet the PUD architectural standards.
  - Front porches on at least 50% of the units.
- d. **Reuse** - Any irrigation on the development shall be designed to be supplied by reclaimed water once it is made available. This will include installation of reuse water mains (purple pipe) and meters that will initially be supplied by domestic water via a jumper. Reuse connection point(s) shall be shown on construction plans; irrigation/reuse plans shall be submitted, reviewed and approved by the City prior to installation.
- e. **Architectural Standards** – Architectural Standards shall be developed and submitted by the property owner. These Architectural Standards must be approved by the City Commission prior to the first preliminary plat approval.
- f. **Box Curbs** – The subdivisions must be constructed with FDOT type “F” or box curbing.

## **Section II - Specific requirements for Townhome Development**

- (1) **Zoning** – Unless specifically identified on Attachment “B” (i.e. setbacks, lot size, lot width, etc), all townhome development must comply with the R-3 zoning code (i.e. permits and prohibited uses, Home Occupations, parking requirements, accessory structures, etc.) with the following exceptions:
- a. Unless specifically identified on Attachment “B”, all townhome (single family attached development) development must comply with the R-3 and Townhome section of the City Code with the following additions:
- **Parking** – A minimum of 2.5 parking spaces (with a minimum of 2 parking spaces on each lot, not including garages) must be provided for each townhome unit. No head in parking is allowed on public or common Right of Way. Only parallel parking is allowed on the right-of-way.

## **Section III –**

- (1) **Staff Conditions** – All development must comply with the conditions identified in ATTACHMENT “C” (November 30, 2005 memorandum from the City Engineer).
- (2) **Stand Alone Clause** - Each phase of development must operate as an individual unit in that each particular phase will be able to stand-alone in the event no other phase is developed.
- (3) **Utilities and equipment** - All utilities must be underground. All utility equipment (i.e. transformers, etc.) must be well screened.

- (4) **Dark Sky** - All street lights will comply with Orange County's "Dark Sky" requirements
- (5) **Amendments** – Minor amendments to this ordinance will be achieved by Resolution of the City Commission. Major amendments will need to be approved by the City Commission by Ordinance.

**Section IV** The City Clerk and the City Manager are hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

**Section V** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**Section VI** This Ordinance shall become effective upon approval by the City Commission.

FIRST READING: \_\_\_\_\_ 2005.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ 2006.

APPROVED:

\_\_\_\_\_  
Jack Quesinberry, Mayor/Commissioner

ATTESTED:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

{Alexander Ridge 02/07/2006}

ALEXANDER RIDGE REZONING ORD – ATTACHMENT “A” (4 pages)

SKETCH OF DESCRIPTION

SHEET 1 OF 2

LEGAL DESCRIPTION ( North Parcel ):

A parcel of land lying in the Southwest 1/4 of Section 4 , Township 23 South, Range 27 East, Orange County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of aforesaid Southwest 1/4 of Section 4, also being the Northwest corner of the Northwest 1/4 of Section 9, aforesaid Township 23 South, Range 27 East, Orange County, Florida; thence run North 89°56'08" East along the South line of said Southwest 1/4, also being the North line of said Northwest 1/4 for a distance of 233.66 feet to a point on a line parallel to and 233.70 feet East of the West line of said Southwest 1/4 of Section 4; thence departing said South line and said North line run North 00°00'03" East along said parallel line for a distance of 30.00 feet to a point on the apparent Northerly right-of-way line of Tilden Road as monumented, also being a point on the North line of the South 30.00 feet of said Southwest 1/4 of Section 4, also being the POINT OF BEGINNING; thence departing said Northerly right-of-way line and said North line continue North 00°00'03" East along said parallel line for a distance of 1287.82 feet; thence departing said parallel line run North 89°50'04" East for a distance of 427.11 feet; thence run North 00°04'23" West for a distance of 238.40 feet; thence run North 89°50'04" East for a distance of 627.51 feet to a point on the Westerly line of Avalon Road; thence run South 00°08'47" East along said Westerly right-of-way line for a distance of 238.40 feet; thence continuing along said Westerly right-of-way line run North 89°49'44" East for a distance of 2.99 feet; thence run South 00°08'47" East for a distance of 1077.47 feet to a point of curvature of a curve concave Northwesterly and having a radius of 211.92 feet; thence run Southwesterly along said curve through a central angle of 90°04'56" for an arc distance of 333.19 feet to a point of tangency, also being a point on aforesaid apparent Northerly right-of-way line of Tilden Road, also being a point on the North line of the South 30.00 feet of said Southwest 1/4 of Section 4; thence departing said Westerly right-of-way line run South 89°56'09" West along said apparent Northerly right-of-way line and said North line for a distance of 849.01 feet to aforesaid POINT OF BEGINNING.

Contains 34.562 acres more or less.

SURVEYOR'S NOTES:

THIS IS NOT A SURVEY.  
 THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
 BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 9-23-27 BEING AN ASSUMED BEARING OF N89°56'08"E.

JOB NO. 23213  
 DATE: 12-21-04  
 SCALE: 1" = 400 FEET  
 FIELD BY: N/A

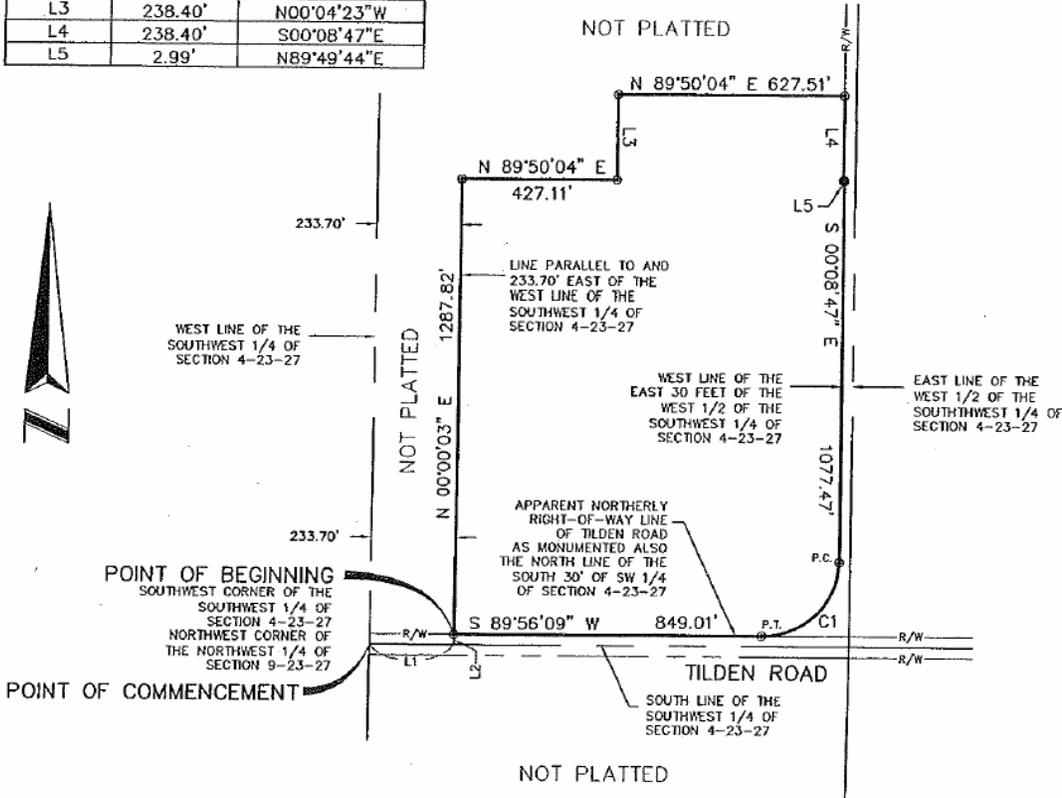
CALCULATED BY: JLR  
 DRAWN BY: PJR  
 CHECKED BY: JLR

FOR THE LICENSED BUSINESS # 6723 BY:

JAMES L. RICKMAN P.S.M. # 5633

SKETCH OF DESCRIPTION  
SHEET 2 OF 2

LINE TABLE		
LINE	LENGTH	BEARING
L1	233.66'	N89°56'08"E
L2	30.00'	N00°00'03"E
L3	238.40'	N00°04'23"W
L4	238.40'	S00°08'47"E
L5	2.99'	N89°49'44"E



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA
C1	211.92'	333.19'	299.91'	N44°53'41"E	90°04'56"



16 East Plant Street  
Winter Garden, Florida 34787 • (407) 654-5355

THIS IS NOT A SURVEY:

- ⊙ DENOTES CHANGE IN DIRECTION
- R/W DENOTES RIGHT-OF-WAY
- ⊔ DENOTES CENTERLINE
- P.C. DENOTES POINT OF CURVATURE
- P.T. DENOTES POINT OF TANGENCY
- P.R.C. DENOTES POINT OF REVERSE CURVATURE
- P.C.C. DENOTES POINT OF COMPOUND CURVATURE

SK2

JOB NO. 23213

DATE: 12-21-04

SCALE: 1" = 400 FEET

FIELD BY: N/A

CALCULATED BY: J.R.

DRAWN BY: P.J.R.

CHECKED BY: J.R.

**SKETCH OF DESCRIPTION**  
 SHEET 1 OF 2

**LEGAL DESCRIPTION ( South Parcel ):**

A parcel of land lying in the Northwest 1/4 of Section 9, Township 23 South, Range 27 East, Orange County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of aforesaid Southwest 1/4 of Section 4, also being the Northwest corner of the Northwest 1/4 of Section 9, aforesaid Township 23 South, Range 27 East, Orange County, Florida; thence run South 00°11'41" West along the West line of said Northwest 1/4 for a distance of 30.00 feet to a point on the apparent Southerly right-of-way line of Tilden Road as monumented, also being a point on the South line of the South 30.00 feet of said Northwest 1/4 of Section 9, also being the POINT OF BEGINNING; thence departing said West line run North 89°56'08" East along said apparent Southerly right-of-way line, also being said South line for a distance of 1294.83 feet to a point on the West line of the East 30.00 feet of the West 1/2 of aforesaid Northwest 1/4 of Section 9; thence departing said apparent Southerly right-of-way line, also being said South line run South 00°30'05" West along said West line for a distance of 2625.57 feet to a point on the South line of aforesaid Northwest 1/4 of Section 9; thence departing said West line run South 89°59'23" West along said South line for a distance of 1280.78 feet to a point on the West line of said Northwest 1/4; thence departing said South line run North 00°11'41" East along said West line for a distance of 2624.26 feet to aforesaid POINT OF BEGINNING.

Contains 77.601 acres more or less.

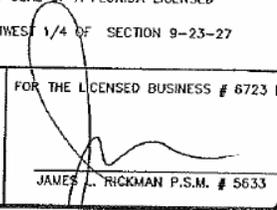


16 East Plant Street  
 Winter Garden, Florida 34787 • (407) 654 5355

**SURVEYOR'S NOTES:**

THIS IS NOT A SURVEY.  
 THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
 BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 9-23-27 BEING AN ASSUMED BEARING OF N89°56'08"E.

sk1

JOB NO. 23213	CALCULATED BY: JLR	FOR THE LICENSED BUSINESS # 6723 BY:
DATE: 12-21-04	DRAWN BY: PJR	 JAMES L. RICKMAN P.S.M. # 5633
SCALE: 1" = 400 FEET	CHECKED BY: JLR	
FIELD BY: N/A		

# SKETCH OF DESCRIPTION

SHEET 2 OF 2

POINT OF COMMENCEMENT  
 SOUTHWEST CORNER OF THE  
 SOUTHWEST 1/4 OF  
 SECTION 4-23-27  
 NORTHWEST CORNER OF  
 THE NORTHWEST 1/4 OF  
 SECTION 9-23-27  
 POINT OF BEGINNING

NORTH LINE OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

TILDEN ROAD

DAVENPORT ROAD

N 89°56'08" E 1294.83'

APPARENT RIGHT-OF-WAY  
 OF TILDEN ROAD  
 AS MONUMENTED ALSO  
 THE SOUTH LINE OF THE  
 NORTH 30' OF NORTHWEST  
 OF SECTION 9-23-27



LINE TABLE	
LINE	BEARING
L1	S00°11'41" W
30.00'	

NOT PLATTED

2624.26'

WEST LINE OF THE  
 WEST 1/2 OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

WEST LINE OF THE  
 EAST 30 FEET OF THE  
 WEST 1/2 OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

EAST LINE OF THE  
 WEST 1/2 OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

NOT PLATTED

N 00°11'41" E

S 00°30'05" W

SANDHILL ROAD

WEST 1/4 CORNER OF  
 SECTION 9-23-27

SOUTH LINE OF THE  
 NORTHWEST 1/4 OF  
 SECTION 9-23-27

S 89°59'23" W 1280.78'

NOT PLATTED



16 East Plant Street  
 Winter Garden, Florida 34787 • (407) 654 5355

THIS IS NOT A SURVEY:

- ⊙ DENOTES CHANGE IN DIRECTION
- R/W DENOTES RIGHT-OF-WAY
- ⊕ DENOTES CENTERLINE
- P.C. DENOTES POINT OF CURVATURE
- P.T. DENOTES POINT OF TANGENCY
- P.R.C. DENOTES POINT OF REVERSE CURVATURE
- P.C.C. DENOTES POINT OF COMPOUND CURVATURE

sk1

JOB NO. 23213  
 DATE: 12-21-04  
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 FIELD BY: N/A

CALCULATED BY: JLR  
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 CHECKED BY: JLR

