

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

**Regular Meeting and
Budget Workshop**

August 24, 2006

6:30 P.M.

CALL TO ORDER

Determination of a quorum
Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of August 10, 2006

2. PRESENTATIONS

- A. Charter Review Committee regarding proposed changes to election related provisions
- B. American Heart Association – Alice Forthman

3. FIRST READING OF PROPOSED ORDINANCES

- A. **Ordinance 06-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .41 ACRES LOCATED AT 21 AND 35 BROAD STREET, 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 **with the second reading and public hearing being scheduled for September 28, 2006** – City Planner Cechman
- B. **Ordinance 06-30:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW-MEDIUM DENSITY TO CITY LOW DENSITY RESIDENTIAL OF PROPERTY GENERALLY DESCRIBED AS .41 ACRES OF LAND LOCATED AT 21 AND 35 BROAD STREET: PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for September 28, 2006** – City Planner Cechman
- C. **Ordinance 06-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 2.89 ACRE PROPERTY LOCATED AT 21 & 35 BROAD STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY R-2 TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for September 28, 2006** – City Planner Cechman

4. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 06-35:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 27.32 ACRES OF LAND LOCATED AT 355 SOUTH NINTH STREET FROM ORANGE COUNTY INDUSTRIAL TO CITY INDUSTRIAL PROVIDING FOR AN

EFFECTIVE DATE LSCPA (**Second reading and Public Hearing will be scheduled when the amendment is returned from the State**) – City Planner Cechman

- B. **Ordinance 06-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 71 ACRES OF LAND LOCATED NORTH OF BLACK LAKE FROM ORANGE COUNTY AGRICULTURE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (**Second reading and Public Hearing will be scheduled when the amendment is returned from the State**) – City Planner Cechman

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

- A. **Ordinance 06-32:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED “ZONING” BY INCLUDING A NEW ZONING DISTRICT CALLED R-4; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE R-4, ZONE; ESTABLISHING PORTIONS OF LAND GENERALLY DESCRIBED AS EAST OF SOUTH WEST CROWN POINT ROAD AND WEST OF BETHUNE AVENUE AND SPECIFICALLY IDENTIFIED HEREIN AS R-4; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – **City Planner Cechman**
- B. **Ordinance 06-33:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED “ZONING” BY INCLUDING A NEW ZONING DISTRICT CALLED R-5; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE R-5, ZONE; REZONING PORTIONS OF LAND GENERALLY DESCRIBED AS THE BAY STREET PARK SUBDIVISION WHICH IS GENERALLY LOCATED SOUTH OF EAST BAY STREET, NORTH OF THE CROWN CORK & SEAL CO USA INC, WEST OF EAST BAY ESTATES, AND EAST OF 11TH STREET AND SPECIFICALLY IDENTIFIED HEREIN FROM CITY R-2 TO CITY R-5; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – **City Planner Cechman**
- C. **Ordinance 06-34:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED “ZONING” BY INCLUDING A NEW ZONING DISTRICT CALLED RNC-2; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE RNC-2 ZONE; REZONING PORTIONS OF LAND BOUNDED BY NORTH STREET, 9TH STREET, 11TH STREET, AND 85 FEET SOUTH OF KLONDIKE STREET, AND SPECIFICALLY IDENTIFIED HEREIN FROM CITY R-NC TO CITY RNC-2; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – **City Planner Cechman**
- D. **Ordinance 06-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 106-18 OF THE CODE OF THE CITY OF WINTER GARDEN; PROVIDING FOR MAXIMUM IMPERVIOUS SURFACE RATIOS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN THE R-4, R-5, AND RNC-2 ZONING

**CATEGORIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS,
SEVERABILITY, AND EFFECTIVE DATE – City Planner Cechman**

6. REGULAR BUSINESS

- A. Recommendation to approve the final plat for Pineloch Industrial Park – Senior Planner Randall
- B. Recommendation to approve the final plat for Bronson’s Landing **AND** associated Right-of-way Maintenance Agreement – Senior Planner Randall
- C. Recommendation to approve site plan of 756 Business Park Boulevard (Kelzer Concrete) – Senior Planner Randall
- D. Final ranking and recommendation for continuing contract for architectural and engineering services – Assistant City Manager Robertson
- E. Recommendation to approve site agreement with Royal Street Communications, LLC to install equipment on the cemetery tower – Finance Director Strobeck

7. MATTERS FROM CITIZENS

8. MATTERS FROM CITY ATTORNEY – A. Kurt Ardaman

9. MATTERS FROM CITY MANAGER – Michael Bollhoefer

- A. Financial Statement for July 2006

10. MATTERS FROM MAYOR AND COMMISSIONERS

ADJOURN to a budget workshop immediately following this meeting and to a regular meeting and budget hearing on Thursday, September 14, 2006 at 6:30 p.m. at Tanner Hall

BUDGET WORKSHOP AGENDA FOR FISCAL YEAR 2006/2007

- 1. City Manager and staff presentations
- 2. Questions and answers

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. 06-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .41 ACRES LOCATED AT 21 AND 35 BROAD STREET, 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.

WHEREAS, the owners of the lands generally described as 0.41 acres located at 21 and 35 Broad Street 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;

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 attached map 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: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2006.

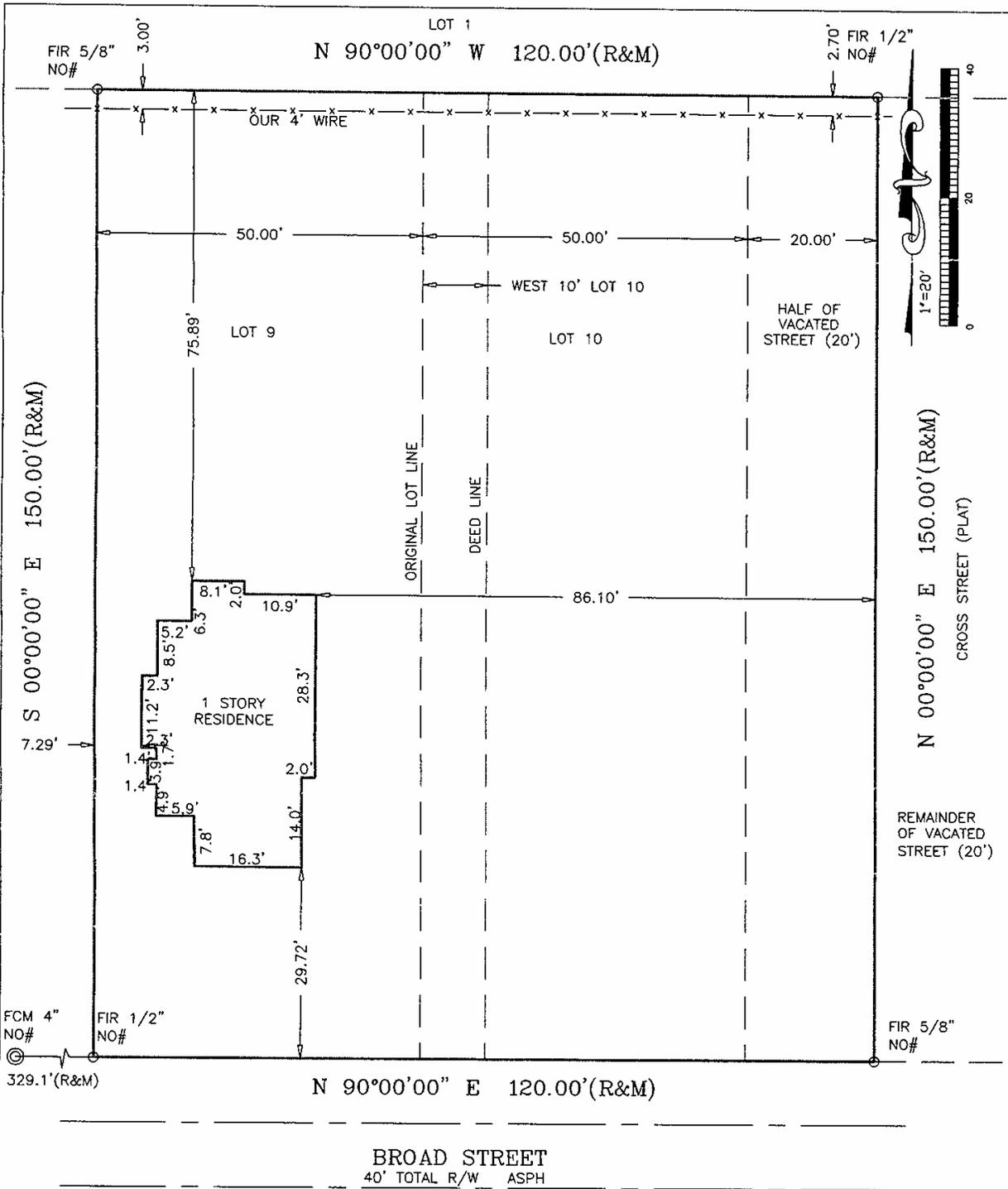
READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2006.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(21 & 35 Broad Street annex ord)



LEGAL DESCRIPTION:
PARCEL 1
LOT 9 AND THE WEST 10 FEET OF LOT 10, 1ST. ADDITION TO SCHENLEY PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK P, PAGE 42, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
PARCEL 2
LOT 10, LESS THE WEST 10 FEET OF LOT 10, AND THE WEST 1/2 OF THE VACATED STREET ON THE EAST, 1ST. ADDITION TO SCHENLEY PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK P, PAGE 42, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

(R) RECORD	ME UTILITY EASEMENT	SIP FOUND IRON PIPE	NEIGH	NEIGHBORING PROPERTY	X-X-X	WIRE FENCE	CONCRETE	DWG	CHK
(M) MEASURED	DUE DRAINAGE & UTILITY EASEMENT	FIR FOUND IRON ROD	OUR	SUBJECT PROPERTY	---	WOOD FENCE		SS	
A/C AIR	R/W RIGHT-OF-WAY	FN/D FOUND NAIL/DISK	OHW	OVERHEAD WIRES	□	PROPERTY CORNER			
CONDITIONER		FCM FOUND CONCRETE MONUMENT	SIP	SET IRON PIPE	○				
			SIR	SET IRON ROD					

- NOTES:**
- 1) NOT VALID UNLESS COPIES CONFORM TO SIGNATURE AND DATE CERTIFICATION.
 - 2) LEGAL DESCRIPTION PROVIDED BY OTHERS.
 - 3) PROPERTIES SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PROPERTY PLAT OF RECORD.
 - 4) BEARINGS WHERE SHOWN ARE PER RECORD UNLESS OTHERWISE NOTED.
 - 5) UNDERGROUND UTILITIES, FOUNDATIONS, AND/OR OTHER IMPROVEMENTS, IF ANY, WERE NOT LOCATED.
 - 6) ELEVATIONS, IF SHOWN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM 1929.
 - 7) FENCE OWNERSHIP NOT DETERMINED UNLESS OTHERWISE NOTED.
 - 8) MEASUREMENTS TO WIRE FENCES ARE TO CENTER OF WIRE.
 - 9) MEASUREMENTS TO WOOD FENCES ARE TO OUTSIDE OF WOOD.
 - 10) WALL MEASURES ARE 10'/FROM FACE OF WALL.
 - 11) DRAWING DISTANCE BETWEEN WALLS AND/OR FENCES AND PROPERTY LINES MAY BE EXAGGERATED FOR CLARITY.
 - 12) FLOOD ZONE INFORMATION WAS DERIVED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INFORMATION RATE MAPS.

FLOOD INFORMATION:
FLOOD ZONE COMMUNITY NO. 120179
PANEL NO. 0215
SUFFIX E
DATE OF FIRM 12/6/00
DATE OF SURVEY 2/23/06
SURVEY NO. 200921

ADDRESS:
21 BROAD STREET
WINTER GARDEN, FLORIDA 34787



CERTIFIED TO:
JOSE COUNTY, ORLANDO TITLE AND ABSTRACT OF FLORIDA, INC., WESTCOR LAND TITLE INSURANCE COMPANY, BANCO POPULAR.

ORDINANCE 06-30

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW-MEDIUM DENSITY TO CITY LOW DENSITY RESIDENTIAL OF PROPERTY GENERALLY DESCRIBED AS .41 ACRES OF LAND LOCATED AT 21 AND 35 BROAD STREET: PROVIDING FOR AN EFFECTIVE DATE. (21 & 35 Broad Street SSCPA)

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 as approximately .41 acres located at 21 and 35 Broad Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from Orange County Low-Medium Density to City Low Density Residential, and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

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

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with ATTACHMENT A.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: 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
- (iii) 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

(iv) 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: _____, 2006.

READ SECOND TIME: _____, 2006.

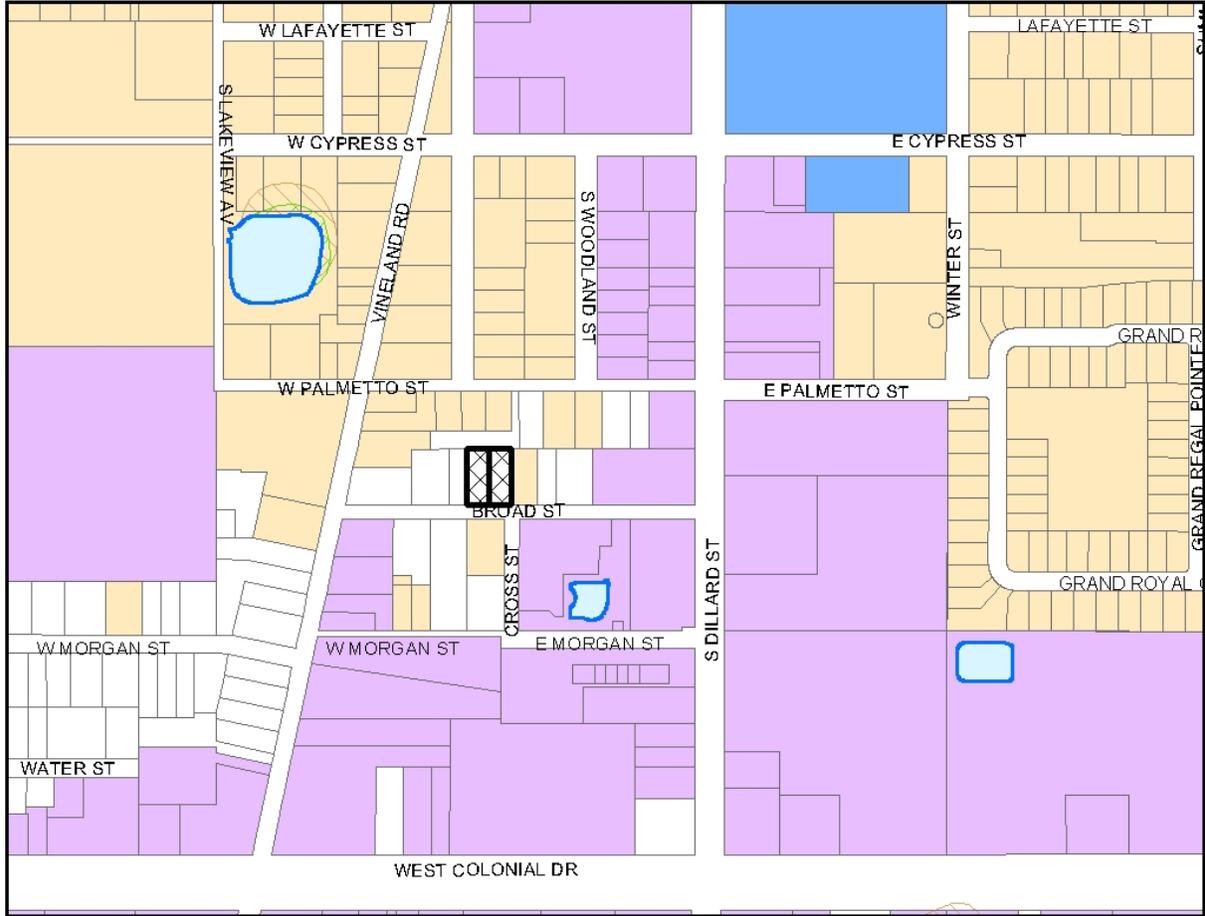
APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(21 & 35 Broad Street _ sscpa ord 8/18/2006)

Exhibit "A"



Ord. 06-31

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 2.89 ACRE PROPERTY LOCATED AT 21 & 35 BROAD STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY R-2 TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (21 & 35 Broad Street Rezoning)

WHEREAS, the owner of real property generally described as 0.41 acres located at 21 and 35 Broad Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County R-2 to the City's R-2 zoning classification, therefore;

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

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County R-2 to R-2 in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: _____ 2006.

SECOND READING AND PUBLIC HEARING: _____ 2006.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

ORDINANCE 06-35

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 27.32 ACRES OF LAND LOCATED AT 355 SOUTH NINTH STREET FROM ORANGE COUNTY INDUSTRIAL TO CITY INDUSTRIAL PROVIDING FOR AN EFFECTIVE DATE. (Dreyfus Property LSCPA)

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, on December 8, 2005 the City of Winter Garden Annexed into the City with Ordinance 05-57, PROPERTY GENERALLY DESCRIBED AS 27.32 ACRES OF LAND LOCATED AT 355 SOUTH NINTH STREET, the owners of said property has petitioned the City to amend the Future Land Use Map of the Comprehensive Growth Management Plan by changing the Future Land Use from Orange County Industrial to City Industrial, 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: _____ 2006.

PASSED AND ORDAINED this _____ day of _____, 2006, by the City Commission of the City of Winter Garden, Florida.

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(06-35 Dreyfus LSCPA_08/18/06)

ORDINANCE 06-37

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 71 ACRES OF LAND LOCATED NORTH OF BLACK LAKE FROM ORANGE COUNTY AGRICULTURE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions-Schneider-Ross (Southstar) Property LSCPA)

WHEREAS, on the 13th 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 71 ACRES OF LAND LOCATED NORTH OF BLACK LAKE, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Agriculture to City Suburban Residential.

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid property to Winter Garden LOW DENSITY RESIDENTIAL as set forth in ATTACHMENT "B".

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 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"

SESSIONS PROPERTY

Legal Description

The South 1/2 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, and the East 3/4 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida, and BEGIN at the North 1/4 corner of Section 34, Township 22 South, Range 27 East, run S02°09'34"E along the center section line 231.90 feet; thence N89°52'25"W, 1259.87 feet to the 40-acre line, thence N01°12'10"W, 123.77 feet to the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 34, thence N85°12'00"E, 1258.17 feet to the POINT OF BEGINNING; LESS Avalon Road on West and right-of-way for Siplin Road, and LESS the following portions of the above-described property:

1) BEGINNING at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 27, thence run East 421.00 feet; thence run South 517.34 feet; thence run West 421.00 feet; thence run North 517.34 feet to the POINT OF BEGINNING.

2) BEGIN at the Northwest corner of said Section 34, thence run North 185.00 feet; thence run East 515.00 feet; thence run South 845.00 feet; thence run West 185.00 feet; thence run North 660.00 feet; thence run West 330.00 feet to the POINT OF BEGINNING.

3) That part of the South 1/2 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, lying North of the following described line: Commence at the Northeast corner of the South 1/2 of the Southwest 1/4 of said Section 27; thence run S01°53'34"W, 348.53 feet along the East line of the Southwest 1/4 of said Section 27; thence S89°33'55"W, 60.46 feet to a point on the Westerly right-of-way line of Siplin Road, also being the point of curvature of a curve concave Northeasterly having a radius of 150.00 feet and a tangent bearing of N00°26'05"W, thence Northwesterly along said curve with a central angle of 70°00'15", an arc length of 183.27 feet to a point on the curve also being the Northeasterly corner of Lot 27, SIPLIN HEIGHTS, as recorded in Plat Book 21, Pages 49 and 50, of the Public Records of Orange County, Florida, thence S19°33'39"W, 108.35 feet along the East line of said Lot 27 to the Southerly plat line of said SIPLIN HEIGHTS, thence N87°45'06"W, 665.65 feet along said plat line, thence N88°43'39"W, 798.94 feet along said plat line, thence N85°26'19"W, 457.01 feet along said plat line to the Southwest corner of Lot 1 of said SIPLIN HEIGHTS, thence N00°00'00"E, 149.56 feet along the West line of said Lot 1, extended to a point on the North line of the South 1/2 of the Southwest 1/4 of said Section 27, thence S87°49'18"W, 421.00 feet to the Northwest corner of the Southwest 1/4 of said Section 27.

Containing 70.983 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

ORDINANCE 06-32

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ZONING" BY INCLUDING A NEW ZONING DISTRICT CALLED R-4; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE R-4, ZONE; ESTABLISHING PORTIONS OF LAND GENERALLY DESCRIBED AS EAST OF SOUTH WEST CROWN POINT ROAD AND WEST OF BETHUNE AVENUE AND SPECIFICALLY IDENTIFIED HEREIN AS R-4; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (R-4)

WHEREAS, the section of the City of Winter Garden generally located east of South West Crown Point Road and west of Bethune Avenue and specifically identified in ATTACHMENT "A" is currently zoned R-1B and R-2 in the City of winter Garden, and

WHEREAS, most of this section has been developed with single family residential houses, and

WHEREAS, through the East Winter Garden Sector Study, the City Staff has identified many of the existing parcels in the subject area as having non-conforming lot sizes, areas, and/or setbacks, and

WHEREAS, Goal 1 of the Housing Element of the City of Winter Garden Comprehensive Plan is to ensure that a variety of safe, decent, attractive and affordable housing is provided to meet the needs of present and future residents of Winter Garden; and

WHEREAS, Policy 1.6 of the Housing Element of the City of Winter Garden Comprehensive Plan charges the City to investigate the need to change the existing Land Development Regulations to include recent changes in land use and land development such as small-lot zoning; and

WHEREAS, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of Winter Garden, Florida, 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 163.3202 F.S. and 166, F.S.

Section 2. Establishing R-4 - Section 118-450 through Section 118-462 of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are underlined are additions):

Division 6.1 R-4 Zoning District

Sec. 118-451. Intent.

The intent of the R-4 Zoning District is to provide for quality residential neighborhoods in an urban setting. These neighborhoods should contain predominantly single family residential, churches, and daycares. With the exception of low intensity home occupations, no commercial or industrial uses are allowed. The overall residential density of this area should be between 2 to 6 dwelling units per acre. A fundamental goal of this district is to foster and protect the existing residential character of the district

Sec. 118- 452. Permitted principal uses and structures.

Permitted principal uses and structures in the R-4 Zoning district are as follows:

- (1) All Permitted Principal Uses and Structures identified in the R-1 zoning district.

- (2) Public parks and playgrounds in keeping with the character and requirements of the district.
- (3) Government facilities

Sec. 118- 453. Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-4 Zoning districts are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. Home occupations shall have no customers or employees visiting the site. Only inside storage of material and goods is allowed. No outdoor assemble or work is allowed as part of the Home Occupation.

Sec. 118- 454. Special Exceptions. Special Exception uses and structures in the R-4 Zoning district are as follows:

- (1) Day Care Facilities.
- (2) Public schools and private schools with academic curriculums similar to those in public schools.
- (3) Churches.

- (4) Any structure exceeding the maximum height requirement.

Sec. 118-455. Prohibited uses and structures.

In the following uses and structures are prohibited R-4 Zoning

District:

- (1) Recreational vehicles and House trailers.
- (2) Duplexes, townhomes, apartments and other multi-family structures.
- (3) Commercial uses (except Home Occupations)
- (4) Agriculture.
- (5) Communication towers and communication antennas.
- (6) Rooming or Boarding Houses
- (7) Accessory Dwelling Units or Garage Apartment
- (8) Any structure or use not of a nature specifically or provisionally permitted in this article.

Sec. 118-456. Minimum Lot Requirements.

In the R-4 Zoning district, the minimum lot requirements are as follows:

- (1) Single-family
 - a. Lot width: 50 feet at building front setback line;
 - b. Lot depth: 110 feet;
 - c. Lot area: not less than 5,500 square feet;
 - d. Lot width at curb on a cul-de-sac: 25 feet.
- (2) Churches
 - a. Lot area: One acre;

b. Lot width: 100 feet.

(5) Other Permitted and Special Exception Uses

a. Lot area: one-half acre;

b. Lot width: 100 feet;

c. Lot depth: 100 feet.

Sec. 118-457. Maximum lot coverage.

In the R-4 Zoning District, the maximum lot coverage is as follows:

(1) Single-family: 40 percent.

(2) Churches: 40 percent.

(3) Other Permitted and Special Exception Uses. – 40
percent

Sec. 118-458. Minimum yard requirements.

In the R-4 Zoning District, the minimum yard requirements are as
follows:

(1). Single-family.

a. Front: 20 feet.

b. Side: 7.5 feet.

c. Rear: 30 feet.

(2) Churches.

a. Front: 30 feet.

b. Side:

a. Adjacent to street, 30 feet.

b. Adjacent to interior lot, 50 feet.

c. Rear: 50 feet.

(3) Other Permitted and Special Exception Uses.

- a. Front: 30 feet.
- b. Side:
 - 1. Side interior lot, 20 feet.
 - 2. Side corner lot, 25 feet.
- c. Rear: 25 feet; 20 feet when abutting an alley.

(4) Accessory Buildings (Shed) – See Section 118-1310

Sec. 118-459. Maximum height of structures.

In the R-4 Zoning District, the maximum heights of structures are 35 feet, unless higher height approved by special exception.

Sec. 118- 460. Off-street parking and loading.

The minimum off-street parking and loading requirements for the R-4 Zoning District shall be provided in article VIII of this chapter.

Sec. 118-461. Maximum Density of Development.

Unless preempted by the Comprehensive Plan, the maximum development permitted in the R-4 Zoning District will be six (6) dwelling units per acre.

Sec. 118-462. Minimum living area.

Each residential unit constructed in the R-4 Zoning District constructed after January 1, 2007, must have a minimum living area of 1,200 square feet.

Section 3. Zoning Map - The City hereby rezones that area defined in ATTACHMENT "A" from City R-1B and R-2, to City R-4.

Section 4. Non-Conforming Situations – All uses and characteristics of use made non-conforming by the result of this ordinance must comply with Article III of this Chapter.

Section 5. Codification. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Section 7. 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: August 10, 2006.

SECOND READING AND PUBLIC HEARING HELD: _____, 2006.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ORDINANCE 06-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ZONING" BY INCLUDING A NEW ZONING DISTRICT CALLED R-5; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE R-5, ZONE; REZONING PORTIONS OF LAND GENERALLY DESCRIBED AS THE BAY STREET PARK SUBDIVISION WHICH IS GENERALLY LOCATED SOUTH OF EAST BAY STREET, NORTH OF THE CROWN CORK & SEAL CO USA INC, WEST OF EAST BAY ESTATES, AND EAST OF 11TH STREET AND SPECIFICALLY IDENTIFIED HEREIN FROM CITY R-2 TO CITY R-5; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (R-5)

WHEREAS, the section of the City of Winter Garden generally described as the Bay Street Park Subdivision PB - Y, Pg 42) and generally located south of East Bay Street, north of the Crown Cork and Seal company, west of East Bay Estates, and east of 11th Street and specifically identified in ATTACHMENT "A" is currently zoned R-2 in the City of winter Garden, and

WHEREAS, most of this section has been developed with single family residential houses, and

WHEREAS, through the East Winter Garden Sector Study, the City Staff has identified many of the existing parcels in the subject area as having non-conforming lot sizes, areas, and/or setbacks, and

WHEREAS, Goal 1 of the Housing Element of the City of Winter Garden Comprehensive Plan is to ensure that a variety of safe, decent, attractive and affordable housing is provided to meet the needs of present and future residents of Winter Garden; and

WHEREAS, Policy 1.6 of the Housing Element of the City of Winter Garden Comprehensive Plan charges the City to investigate the need to change the existing Land Development Regulations to include recent changes in land use and land development such as small-lot zoning; and

WHEREAS, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of Winter Garden, Florida, 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 163.3202 F.S. and 166, F.S.

Section 2. Establishing R-5 - Section 118-470 through Section 118-482 of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are underlined are additions):

Division 6.2 R-5 Zoning District

Sec. 118-471. Intent.

The intent of the R-5 Zoning District is to provide for quality residential neighborhoods in an urban setting. These neighborhoods should contain predominantly single family residential, churches, and daycares. With the exception of low intensity home occupations, no commercial or industrial uses are allowed. The overall residential density of this area should be between 2 to 6 dwelling units per acre. A fundamental goal of this district is to foster and protect the existing residential character of the district

Sec. 118- 472. Permitted principal uses and structures.

Permitted principal uses and structures in the R-5 Zoning district are as follows:

- (4) All Permitted Principal Uses and Structures identified in the R-1 zoning district.
- (5) Public parks and playgrounds in keeping with the character and requirements of the district.
- (6) Government facilities.

Sec. 118-473. Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-5 Zoning districts are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. Home occupations shall have no customers or employees visiting the site. Only inside storage of material and goods is allowed. No outdoor assemblage or work is allowed as part of the Home Occupation.

Sec. 118-474. Special Exceptions. Special Exception uses and structures in the R-5 Zoning district are as follows:

- (6) Day Care Facilities.

- (7) Public schools and private schools with academic curriculums similar to those in public schools.
- (8) Churches.
- (9) Any structure exceeding the maximum height requirement.

Sec. 118- 475. Prohibited uses and structures.

In the following uses and structures are prohibited R-5 Zoning

District:

- (9) Recreational vehicles and House trailers.
- (10) Duplexes, townhomes, apartments and other multi-family structures..
- (11) Commercial uses (except Home Occupations)
- (12) Agriculture.
- (13) Communication towers and communication antennas.
- (14) Rooming or Boarding Houses
- (15) Accessory Dwelling Units or Garage Apartment
- (16) Any structure or use not of a nature specifically or provisionally permitted in this article.

Sec. 118-476. Minimum Lot Requirements.

In the R-5 Zoning district, the minimum lot requirements are as follows:

- (1) Single-family
 - e. Lot width: 60 feet at building front setback line;
 - f. Lot depth: 100 feet;

- g. Lot area: not less than 6,000 square feet;
- h. Lot width at curb on a cul-de-sac: 25 feet.

(2) Churches

- c. Lot area: One acre;
- d. Lot width: 100 feet.

(3) Other Permitted and Special Exception Uses

- d. Lot area: one-half acre;
- e. Lot width: 100 feet;
- f. Lot depth: 100 feet.

Sec. 118- 477. Maximum lot coverage.

In the R-5 Zoning District, the maximum lot coverage is as follows:

- (4) Single-family: 40 percent.
- (5) Churches: 40 percent.
- (6) Other Permitted and Special Exception Uses. – 40 percent

Sec. 118- 478. Minimum yard requirements.

In the R-5 Zoning District, the minimum yard requirements are as follows:

- (1). Single-family.
 - d. Front: 20 feet.
 - e. Side: 5 feet.
 - f. Rear: 30 feet.
- (2) Churches.
 - d. Front: 30 feet.

- e. Side:
 - a. Adjacent to street, 30 feet.
 - b. Adjacent to interior lot, 50 feet.
 - f. Rear: 50 feet.
- (3) Other Permitted and Special Exception Uses.
- d. Front: 30 feet.
 - e. Side:
 - 1. Side interior lot, 20 feet.
 - 2. Side corner lot, 25 feet.
 - f. Rear: 25 feet; 20 feet when abutting an alley.
- (4) Accessory Buildings (Shed) – See Section 118-1310

Sec. 118-479. Maximum height of structures.

In the R-5 Zoning District, the maximum heights of structures are 35 feet, unless higher height approved by special exception.

Sec. 118- 480. Off-street parking and loading.

The minimum off-street parking and loading requirements for the R-5 Zoning District shall be provided in Article VIII of this Chapter.

Sec. 118-481. Maximum Density of Development.

Unless preempted by the Comprehensive Plan, the maximum development permitted in the R-5 Zoning District will be six (6) dwelling units per acre.

Sec. 118- 482. Minimum living area.

Each residential unit constructed in the R-5 Zoning District constructed after January 1, 2007, must have a minimum living area of 1,200 square feet.

Section 3. Zoning Map - The City hereby rezones that area defined in ATTACHMENT “A” from City R-2, to City R-5.

Section 4. Non-Conforming Situations – All uses and characteristics of use made non-conforming by the result of this ordinance must comply with Article III of this Chapter.

Section 5. Codification. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Section 7. 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: August 10, 2006.

SECOND READING AND PUBLIC HEARING HELD: _____, 2006.

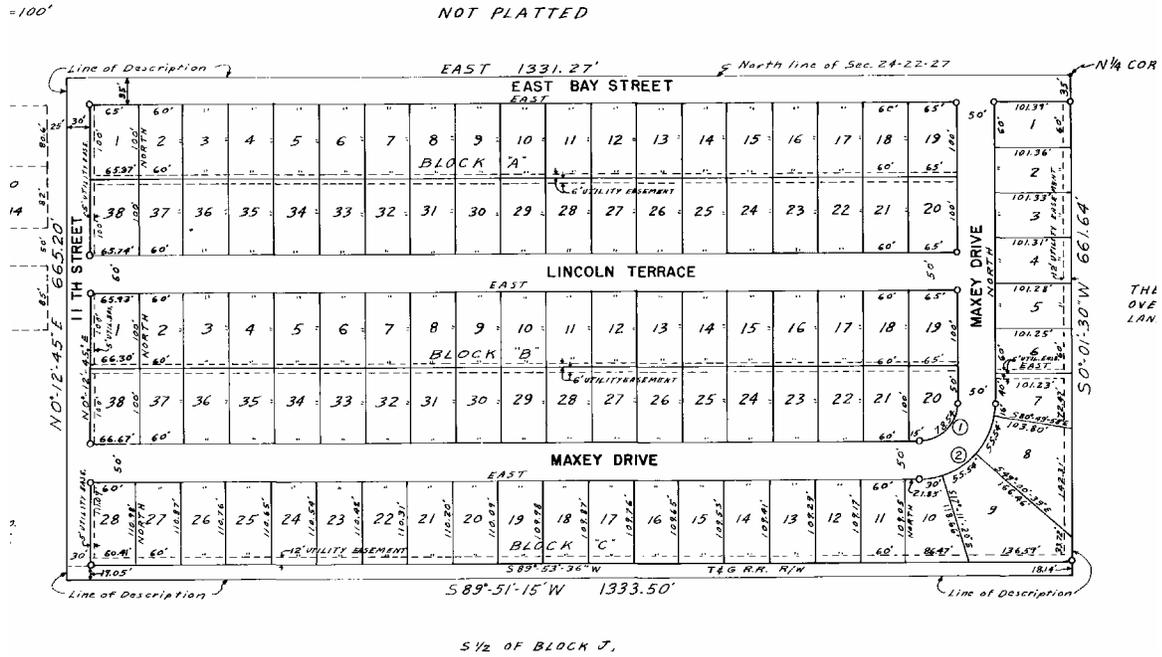
APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A" - Bay Street Park Subdivision as recorded on Plat Book Y, Page 42 at the
 Orange County Court House.



Ordinance 06-33

ORDINANCE 06-34

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ZONING" BY INCLUDING A NEW ZONING DISTRICT CALLED RNC-2; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE RNC-2 ZONE; REZONING PORTIONS OF LAND BOUNDED BY NORTH STREET, 9TH STREET, 11TH STREET, AND 85 FEET SOUTH OF KLONDIKE STREET, AND SPECIFICALLY IDENTIFIED HEREIN FROM CITY R-NC TO CITY RNC-2; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
(RNC-2)

WHEREAS, the section of the City of Winter Garden generally bounded by North Street, 9th Street, 11th Street, and a line parallel with and 85 feet south of Klondike Street (hereinafter known as the Subject Area) and specifically identified in ATTACHMENT "A" is currently zoned R-NC in the City of Winter Garden, and

WHEREAS, most of the Subject Area has been developed as single family residential houses, accessory (or garage) dwelling units, rooming houses, churches, and retail (convenience stores), and

WHEREAS, through the East Winter Garden Sector Study (herein incorporated by reference), the City Staff has identified many of the existing parcels in the Subject Area as having non-conforming lot sizes, areas, and/or setbacks, and

WHEREAS, Goal 1 of the Housing Element of the City of Winter Garden Comprehensive Plan is to ensure that a variety of safe, decent, attractive and affordable housing is provided to meet the needs of present and future residents of Winter Garden; and

WHEREAS, Policy 1.6 of the Housing Element of the City of Winter Garden Comprehensive Plan charges the City with investigating the need to change the existing Land Development Regulations to include recent changes in land use and land development such as small-lot zoning; and

WHEREAS, new development planned for the Subject Area would require numerous variances due to the current zoning restrictions; and

WHEREAS, the Community Redevelopment Agency (CRA) of the City of Winter Garden has identified the Subject Area as a priority for redevelopment in the City; and

WHEREAS, much of the existing development in the Subject Area does not comply with the current zoning code, and

WHEREAS, Objective 4 of the Future Land Use of the Comprehensive Plan for the City of Winter Garden states:

Redevelopment - The City shall continue to encourage the redevelopment and renewal of blighted areas through developing new redevelopment programs, supporting existing redevelopment programs, and through the enforcement of its codes and the utilization of its Code Enforcement Board and through rehabilitation by obtaining grants or other funds; and

WHEREAS, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of Winter Garden, Florida, 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 163.3202 F.S. and 166, F.S.

Section 2. Establishing RNC-2 - Section 118-510 through Section 118-523 of the City of Winter Garden Code of Ordinances are hereby added as follows:

Division 7.1 RNC-2 Zoning District

Sec. 118-510 Intent.

The intent of the Residential / Neighborhood Commercial – 2 (or RNC-2) Zoning District is to provide for quality residential neighborhoods with a limited amount of neighborhood oriented commercial in an urban setting. These neighborhoods should contain predominantly single family residential with some multifamily housing and accessory housing mixed within the overall area. Churches, daycares, and limited neighborhood commercial in the historical business area are also intended to be within the neighborhood. The overall residential density of this area should be between 2 to 6 dwelling units per acre. A fundamental goal of this district is to foster and protect the existing residential character of the district.

Sec. 118-511. Definitions

In addition to the definitions found in Section 118-486, the following definitions apply to the RNC-2 Zoning District:

Accessory Dwelling Unit or Garage Apartment is a secondary dwelling unit that is in compliance with the Florida Residential Building Code latest edition (kitchen and bathroom facilities) and is either attached or detached and subordinate to the permitted principal dwelling unit in accordance with the provisions of this chapter. Accessory dwelling units are intended to be secondary and accessory to the main structure. An accessory dwelling unit must have a minimum living area of 300 square feet of but shall not have over 700 square feet of living area. In addition, an accessory dwelling unit shall occupy no more than 40% of the total heated, above grade floor area of the main dwelling unit. An Accessory Dwelling Unit shall be located on the same lot or parcel as the main (or parent) dwelling unit and shall be considered a multifamily dwelling unit

for the purpose of assessing impact fees. Only one Accessory Dwelling Unit shall be allowed per parcel. No Accessory Dwelling Units shall be allowed on lots containing two or more attached dwelling units such as Duplexes, Townhomes, Tandem Housing and apartments.

Tandem Housing (as defined in Section 118-519).

Sec. 118-512. Permitted principal uses and structures.

Permitted principal uses and structures in the RNC-2 Zoning district are as follows:

- (7) All Permitted Principal Uses and Structures identified in the R-1 zoning district.
- (8) Public schools and private schools with academic curriculums similar to those in public schools.
- (9) Churches.
- (10) Public parks and playgrounds in keeping with the character and requirements of the district.
- (11) Governmental facilities.
- (12) Two-family dwellings (duplexes)
- (13) Modular and manufactured Homes that were constructed after January 1, 2000.

Sec. 118-513. Permitted accessory uses and structures.

Permitted accessory uses and structures in the RNC-2 Zoning district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no

accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. Only inside storage of material and goods is allowed. No outdoor assembly or work is allowed as part of the Home Occupation.

Sec. 118-514. Special Exceptions. Special Exception uses and structures in the RNC-2

Zoning districts are as follows:

- (10) Existing Rooming houses (as allowed as a Special Exception in the R-NC Zoning District)
- (11) Convalescent homes and nursing homes
- (12) Public and private clubs and lodges not involved in the conduct of commercial activities
- (13) Cultural facilities.
- (14) Day Care Facilities.
- (15) Multifamily Buildings.
- (16) Single Family Attached Housing (Townhomes).
- (17) Funeral Homes.
- (18) Tandem Housing (as defined in Section 118-519)
- (19) Unless specifically prohibited, any commercial business that are identified as a Permitted Principal Use in the C-4 zoning district providing the parcel fronts and the building faces Center Street and is of a nature and intensity that will not negatively affect the adjacent residential neighborhood. Note: In order to protect the

adjacent neighborhood, conditions such as number of deliveries, type and volume of services and goods sold, and hours of operation will be appropriate conditions of approval.

(20) Upper story residential, above commercial uses.

(12) Accessory Dwelling Unit or Garage Apartment as defined in Section 118-511 Maximum one Accessory Dwelling Unit per each Single Family Lot with conditions set by the P&Z Board concerning size, maximum number of occupancies, and nature of the use, and providing the owner of the property lives in either the main structure or the Accessory Dwelling Unit or Garage Apartment.

(21) Other uses of similar nature and intensity as approved by the Planning and Zoning Board.

(22) Any structure exceeding the maximum height requirement.

Sec. 118-515. Prohibited uses and structures.

The following uses and structures are prohibited in the RNC-2 zoning district:

(17) Recreational vehicles and House trailers.

(18) Modular and Manufactured Homes that were constructed before January 1, 2000.

(19) Agriculture.

(20) Communication towers and communication antennas.

(21) Industrial or storage uses.

(22) New Rooming Houses.

(23) Any structure or use not of a nature specifically or provisionally permitted in this article.

Sec. 118-516 . Minimum Lot Requirements.

In the RNC-2 zoning district, the minimum lot requirements are as follows:

1) Single-family

- a) Lot width: 50 feet at building front setback line;
- b) Lot depth: 80 feet;
- c) Lot area: not less than 4,000 square feet;
- d) Lot width at curb on a cul-de-sac: 25 feet.

2) Two-family

- a) Lot width: 100 feet at building setback line;
- b) Lot depth: 80 feet;
- c) Lot area: not less than 8,000 square feet.

3) Multi-family(Apartments and Condominiums)

- a) Lot width: 100 feet;
- b) Lot depth: 150 feet;
- c) Lot area: not less than 15,000 square feet for the parcel
- d) Maximum Density; 6 DUs / Acre

4) Single-Family Attached (Townhomes)

- a) Lot width - Building: 100 feet;
- b) Lot Width - Individual Townhome; 25 feet
- c) Lot depth: 150 feet;
- d) Lot area - Building: not less than 15,000 square feet.
- e) Maximum Density; 6 DUs / Acre

5) Churches

- a) Lot area: None but must comply with setback and parking requirements;
- b) Lot width: 100 feet.

6) Other Permitted and Special Exception Uses

- a) Lot area: None but must comply with setback and parking requirements;

- b) Lot widths: 100 feet;
- c) Lot depth: 100 feet.
- 7) Tandem Houses (See Section 118-519)
- 8) Accessory Dwelling Units – Same as the Principle Building.

Sec. 118-517. Maximum lot coverage.

In the RNC-2 Zoning District, the maximum lot coverage is as follows:

- (7) Single-family: 50 percent.
- (8) Two-family: 50 percent.
- (9) Multi-family and townhomes: 50 percent.
- (10) Churches: 40 percent.
- (11) Tandem Houses: 50 percent
- (12) Other Permitted and Special Exception Uses. – 40 percent

Sec. 118- 518. Minimum yard requirements.

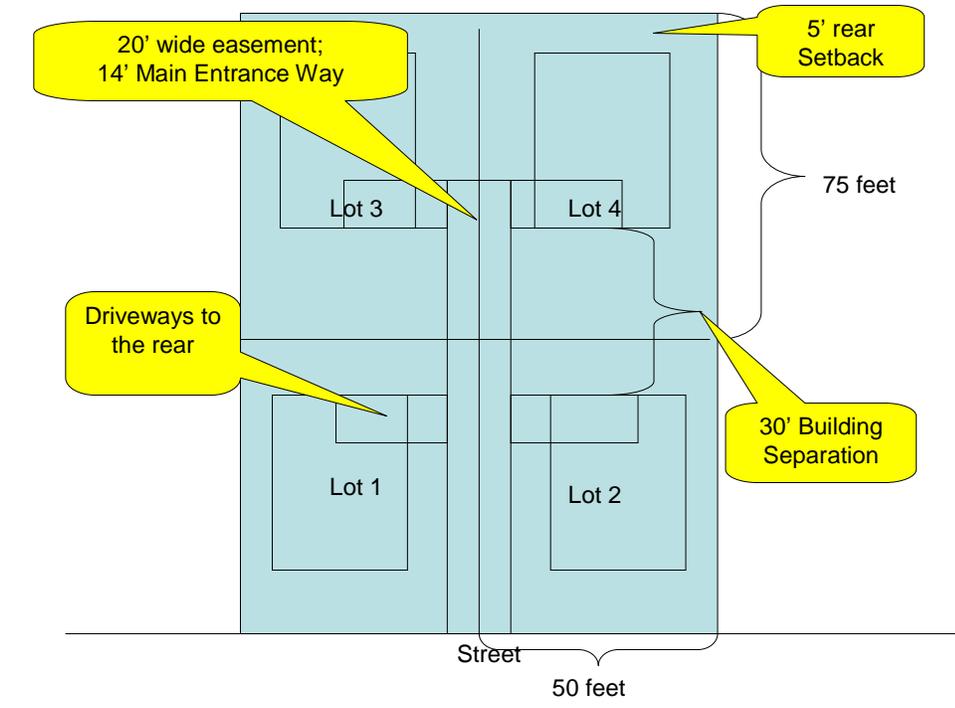
In the RNC-2 Zoning District, the minimum yard requirements are as follows:

- 1) Single-family and two-family residential
 - a) Front: 15 feet Main Structure; 10 feet for an open front porch; 20 feet for a garage or car port
 - b) Side: 5 feet.
 - c) Rear: 20 feet.
- 2) Multi-family (Apartments) and Townhomes (single-family attached)
 - a) Front: 15 feet for the main structure; 10 feet for an open front porch; 20 feet for a garage or car port.
 - b) Side: 10% of Lot Width with a minimum of 10 feet
 - c) Rear: 20 feet.
- 3) Churches.

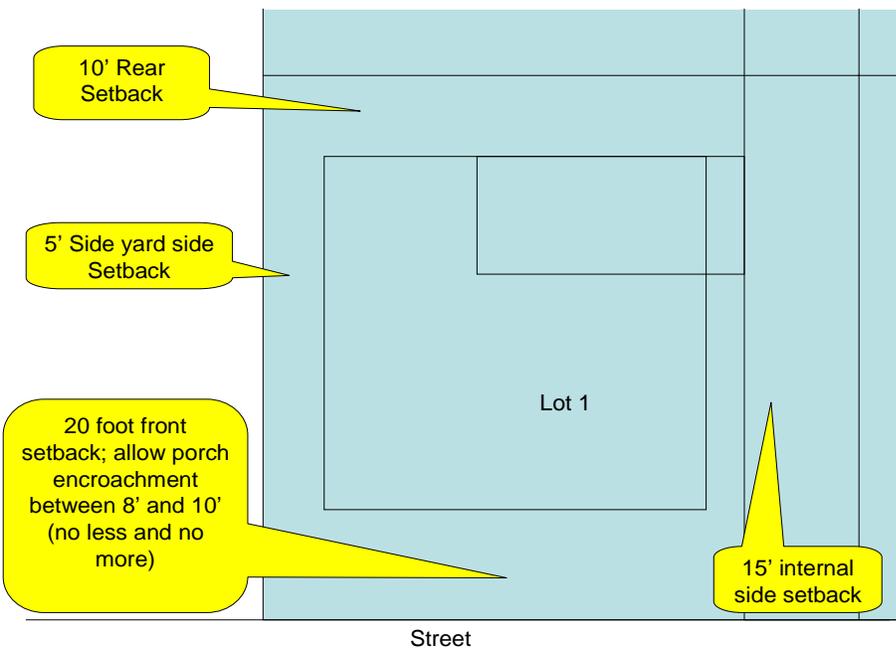
- a) Front: 30 feet.
- b) Side:
 - i. Adjacent to street, 30 feet.
 - ii. Adjacent to interior lot, 30 feet.
- c) Rear: 30 feet.
- 4) Other Permitted and Special Exception Uses.
 - a) Front: 30 feet.
 - b) Side:
 - i. Side interior lot, 20 feet.
 - ii. Side corner lot, 25 feet.
 - c) Rear: 25 feet; 20 feet when abutting an alley.
- 5) Accessory Buildings (Shed) – See Section 118-1310
- 6) Tandem Housing – See Section 118-1310
- 7) Accessory Dwelling Unit - 5 feet for rear and side yard setbacks.
Additional setback maybe required as a condition of approval of the
SEP. No Accessory Dwelling Unit may be located in the front yard or
the street side yard of a corner lot.

Sec. 118-519. Tandem Housing

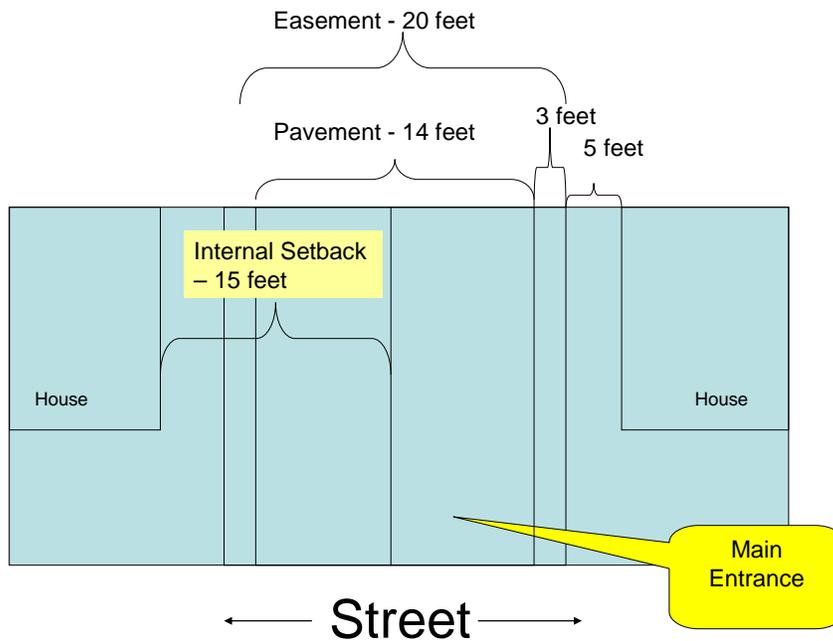
- (1) General - Tandem Housing allows two detached single family residential units along the
street front and two detached single family residential units in the rear all connected by a
common center driveway. The minimum lot dimension and zoning requirements for
tandem housing are identified below in the “four lot” tandem housing illustration:



(NTS)



(NTS)



(NTS)

In addition to the above, all tandem housing must have a shared drive down the center of the project that consist of a 20' wide access easement with a 14 foot wide paved driveway. All parking spaces shall be located out of sight of the street with each space having a back out area of at least 25 feet. All tandem house projects must be platted. The minimum living area for a tandem house is 1,200 s.f. The minimum lot area is 3,750 s.f. unless specifically identified in this zoning district, all other rights and requirements of the R-1 zone applies.

(2) **Design Criteria for Tandem Houses** - The intent of these design criteria is to assist in the review and evaluation of building design during preliminary and final plan. All Tandem Housing must have the following:

a. **Roof Design:** The pitch of the roof shall be at least 3 in 12, and the roof eaves shall extend at least 15 inches beyond the wall of the dwelling on the 2 longer sides. A

- roof with lesser pitch and/or lesser eaves may be approved by the Planning Commission.
- b. Exterior Surfaces: The nonglass exterior surfaces of the dwelling shall not be made of shiny metal and shall, in general, not reflect light to a greater extent than would a coat of semi-gloss enamel applied to wood.
- c. Windows - Each exposure in a Tandem House must have at least one window. All windows must have wooden frames (no "punch-out" or metal framed windows).
- d. Porch and Garage: All Tandem Houses shall include a garage or carport, constructed with the same materials as the dwelling. In addition, all Tandem House dwellings that face the street shall include an open (but covered) front porch that is a minimum of 130 s.f. under roof in size.
- e. The internal driveways must be either concrete or brick. No asphalt.
- (3) Approval Process** – All Tandem Housing must be approved through the platting process as identified in Chapter 110. Each Tandem Unit must be developed as a "stand alone" lot with access and utility easements.

Sec. 118-520. Maximum height of structures.

In the RNC-2 Zoning District, the maximum height of structures is 35 feet, unless higher height is approved by special exception.

Sec. 118-521. Off-street parking and loading.

The minimum off-street parking and loading requirements for the RNC-2 Zoning District shall be provided in Article VIII of this chapter. Accessory Dwelling Units must provide one additional on-site parking space. Each Dwelling Unit in a Tandem Housing Development will need to provide two on-site parking spaces.

Sec. 118-522. Maximum Density of Development .

Unless preempted by the Comprehensive Plan, the maximum development permitted in the RNC-2 Zoning District will be six (6) dwelling units per acre.

Sec. 118- 523. Minimum living area.

Each residential unit constructed in the RNC-2 Zoning District constructed after January 1, 2007, must have the following living area:

- (1) Individual Single-family, Tandem Homes, and townhomes: 1,200 square feet.
- (2) Multi-family:
 - a. 3 or more bedrooms, 1,000 square feet.
 - b. 2 or 1 bedroom, 750 square feet.
- (3) Accessory Dwelling Unit – Minimum Living Area of 300 s.f. and a Maximum Living Area of 700 s.f. or 40% of the living area of the main unit, whichever is less.

Section 3. Zoning Map - The City hereby rezones that area defined in ATTACHMENT “A” from City RN-C, to City RNC-2.

Section 4. Non-Conforming Situations – All uses and characteristics of use made non-conforming by the result of this ordinance must comply with Article III of this Chapter.

Section 5. Codification. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Section 6. 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: August 10, 2006.

SECOND READING AND PUBLIC HEARING HELD: _____, 2006.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk



Ordinance 06-34 ATTACHMENT "A"

ORDINANCE 06-38

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 106-18 OF THE CODE OF THE CITY OF WINTER GARDEN; PROVIDING FOR MAXIMUM IMPERVIOUS SURFACE RATIOS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN THE R-4, R-5, AND RNC-2 ZONING CATEGORIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City Commission desires to improve the public health, safety and general welfare; to conserve and protect natural resources; to protect the character and maintain the stability of commercial and residential areas within the City, and to promote the orderly and beneficial development of such areas, and

WHEREAS, the City Commission desires to maintain its standards by specifically prohibiting practices that would cause harm to the citizens and damage the natural resources enjoyed by the public, and

WHEREAS, the City Commission has approved Ordinances 06-32, 06-33, and 06-34 creating the R-4, R-5 and RNC-2 zoning categories and rezoned portions of East Winter Garden into these zoning districts,

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION 1. Section 106-18 of the Winter Garden City Code is hereby amended as follows (additions are underlined):

Section 106-18 Maximum Impervious Surface Ratios (ISR)

For the purpose of this subsection, impervious surface and impervious surface ratio are defined in Section 106-2. The maximum ISR's listed in this Code for various zoning districts shall be the maximum allowed and shall be supported by the necessary drainage calculations, at the sole discretion of the City Engineer or designee.

Maximum ISR's:

All parcels or lots that have been designated for

Zoning District	Maximum ISR
R-1A	50%
R-1	50%
R-1B	50%
R-2	50%
R-3	75%
<u>R-4</u>	<u>50%</u>
<u>R-5</u>	<u>50%</u>
R-NC	50% for Residential use; 70% for Commercial use
<u>RNC-2</u>	<u>65% for single family detached residential uses or 80% for townhouses, multi-family or commercial uses</u>
C-1	100%
C-2	70%
C-3	70%
C-4	70%

I-1	80%
I-2	80%
PID, PCD, and PUD	The impervious surface for each lot or parcel in a PID, PCD, or a PUD is restricted to the overall maximum ISR that the PID, PCD, or PUD is designed and permitted for by St. Johns River Water Management District (SJRWMD), but in no case shall it exceed 65% for single family detached residential uses or 80% for townhouses, multi-family, commercial or industrial uses. The ISR's listed above are the maximum allowed and shall be supported by the necessary drainage calculations.

SECTION 2: Codification: Section 1 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances.

SECTION 3: Conflicts: All Ordinances or regulations in conflict with the Ordinance are hereby repealed.

SECTION 4: Severability: 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 5: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2006.

APPROVED:

Jack Quesinberry, Mayor

ATTEST:

Kathy Golden, City Clerk