

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

**REGULAR MEETING**

**December 14, 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 November 9, 2006 and Joint Workshop with the Charter Review Committee November 30, 2006

2. **PRESENTATIONS:**

- A. Certificate of Completion from the Institute for Elected Municipal Officials to Commissioner Colin Sharman - Mayor Quesinberry
- B. Plaque to Mayor Jack Quesinberry for his dedicated service and outstanding leadership while serving as a Florida League of Cities Director 2004-2006 - City Manager Bollhoefer
- C. Presentation from Winter Garden Rotary Club to Mayor

3. **FIRST READING OF PROPOSES ORDINANCES**

- A. **Ordinance 06-51:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR ABANDONMENT, VACATION, AND CLOSURE OF A PORTION OF TREMAINE STREET IN WINTER GARDEN FROM SOUTH HIGHLAND AVENUE TO HENRY STREET; AUTHORIZING EXECUTION OF EFFECTNG DOCUMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for January 11, 2007** - Assistant City Manager Robertson
- B. **Ordinance 06-52:** AN ORDINANCE ADDING DIVISION 6 IN ARTICLE II OF CHAPTER 18 OF THE CITY OF WINTER GARDEN, FLORIDA, CODE OF ORDINANCES; ENTITLED "DOWNTOWN WINTER GARDEN MINIMUM MAINTENANCE CODE"; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for January 11, 2007** – City Manager Bollhoefer
- C. **Ordinance 06-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE I OF CHAPTER 98 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR LIMITATION OF THE NUMBER OF PLANNING AND ZONING BOARD MEMBERS FROM ANY SINGLE DISTRICT TO TWO; PROVIDING FOR PHASING OF SAID PLANNING AND ZONING BOARD MEMBERSHIP REQUIREMENT; PROVIDING FOR INCONSISTENCY; PROVIDING FOR CODIFCATION, SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for January 11, 2007** – City Manager Bollhoefer
- D. **Ordinance 06-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 66 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR THE CHANGE OF TERMINOLOGY OF OCCUPATIONAL LICENSES TO LOCAL BUSINESS TAX RECEIPTS IN CONFORMANCE WITH AMENDMENTS TO

CHAPTER 205, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE - **with the second reading and public hearing being scheduled for January 11, 2007** – Building Official Herbert

**Ordinance 06-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE NUMBER 06-06 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE ESTABLISHMENT OF THE WINTER GARDEN VILLAGE AT FOWLER GROVES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING ADEQUATE DESCRIPTION AND BOUNDARIES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. - **with the second reading and public hearing being scheduled for January 11, 2007** - City Manager Bollhoefer

4. **SECOND READING AND PUBLIC HEARING OF PROPOSES ORDINANCES**

- A. **Ordinance 06-47:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 0.33 ACRES OF LAND LOCATED AT 305 S. WOODLAND STREET, FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE –Planning and Growth Management Director Williams
- B. **Ordinance 06-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 0.17 ACRES OF LAND LOCATED AT 111 PENNSYLVANIA AVENUE, FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE –Planning and Growth Management Director Williams

5. **REGULAR BUSINESS**

- A. **Resolution 06-18:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AN OFFICIAL CITY LOGO FOR THE CITY OF WINTER GARDEN, FLORIDA; PROVIDING GUIDELINES FOR THE USAGE OF LOGO; AND PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer
- B. **Resolution 06-19:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR COMMERCIAL SOLID WASTE SERVICES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE – Public Works Director Smith
- C. **Resolution 06-20:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR ALL OPENING AND CLOSING SERVICES AND CERTAIN OTHER MATTERS AT THE WINTER GARDEN CEMETERY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE – Public Works Director Smith
- D. **Resolution 06-21:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE CLOSURE TO VEHICULAR TRAFFIC OF A PORTION OF HENRY STREET IN WINTER GARDEN; FLORIDA; AUTHORIZING EXECUTION OF EFFECTING DOCUMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE – Assistant City Manager Robertson
- E. **Resolution 06-22:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, EXPRESSING THE DECISION OF THE CITY COMMISSION OF SAID CITY TO SUPPORT THE FLORIDA FOREVER PROGRAM AND A SUCCESSOR PROGRAM FOR THE FUTURE – Recreation Director Conn

- F. Recommendation to approve a developer's agreement for [Johns Lake Pointe](#) Subdivision - Planning and Growth Management Director Williams
- G. Recommendation to approve [Covington Park](#) Final Plat - Planning and Growth Management Director Williams
- H. Recommendation to approve Developer's Agreement for [Tucker Oaks](#) - Planning and Growth Management Director Williams
- I. Recommendation to approve [Garden Plaza](#) (aka Peoples Plaza) Site Plan - Planning and Growth Management Director Williams
- J. Recommendation to participate in the BankFirst "Socially Responsible Banking" Program and transfer \$1 million to BankFirst – City Manager Bollhoefer
- K. Recommendation to approve entering into a interlocal agreement with Orange County's Intergovernmental Integrated Criminal Justice Information System – Police Chief Brennan
- L. Recommendation to approve request from Stoneybrook West to authorize use of golf carts within the gated community – City Manager Bollhoefer
- M. Recommendation to approve PEC, DRMP, HDR and Boyle Engineering to provide continuing engineering services for the city – City Manager Bollhoefer

**6. MATTERS FROM CITIZENS**

- 7. **MATTERS FROM CITY ATTORNEY** – A. Kurt Ardaman
  - A. Discussion on City Charter Referendum implementation schedule

- 8. **MATTERS FROM CITY MANAGER** – Michael Bollhoefer
  - A. Financial Statement for October 2006
  - B. A Report from School Liaison

**9. MATTERS FROM MAYOR AND COMMISSIONERS**

- A. Request for sponsorship by the West Orange High School Baseball team by renewing the City's field sign – Mayor Quesinberry

**10. ADJOURN** to a regular City Commission meeting on December 28, 2006

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.

**ORDINANCE 06-51**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR ABANDONMENT, VACATION, AND CLOSURE OF A PORTION OF TREMAINE STREET IN WINTER GARDEN FROM SOUTH HIGHLAND AVENUE TO HENRY STREET; AUTHORIZING EXECUTION OF EFFECTNG DOCUMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden (“City”) needs and will construct a new city hall (the “Project”); and

**WHEREAS**, the City has purchased and assembled property for the Project, described as the “City Hall Parcel,” which abuts a portion of Tremaine Street; and

**WHEREAS**, that portion of Tremaine Street as described in Exhibit “A” attached hereto impedes the design of the Project; and

**WHEREAS**, the City has the authority to adopt this Ordinance by virtue of its home rule powers to regulate the use of and control City streets, alleyways, and easements pursuant to but not limited to Section 2(b), Article VIII of the Florida Constitution, Chapter 166 of the Florida Statutes, and Section 8(12), Article I of the City Charter.

**WHEREAS**, after due consideration of the supporting documents, staff investigations and report, the City Commission finds that the portion of Tremaine Street to be abandoned, vacated, and closed is not necessary for public use and convenience, and that its abandonment, vacation, and closure will not impede efficient provision of municipal and emergency services to the public; and

**WHEREAS**, after due consideration of the supporting documents, staff investigations and report, the City Commission has determined that all properties abutting that portion of Tremaine street to be closed, vacated, and abandoned are owned by the City and that any nearby properties not owned by the City currently possess valid and existing means of motor vehicle access, ingress, and egress, which operate independently of the portion of Tremaine Street to be closed, vacated, and abandoned; and

**WHEREAS**, after due consideration of the supporting documents, staff investigations and report, the City Commission has determined that abandonment, vacation, and closure of the subject portion of Tremaine Street will benefit the general public by providing for a site for a new, expanded, and updated City Hall building to better house those operations crucial to the management of the City and from which municipal services may be efficiently and effectively be provided to the citizens of the municipality at large.

**BE IT ENACTED** by the City of Winter Garden, Florida:

**Section 1. ABANDONMENT.** The City Commission of the City of Winter Garden, Florida, hereby finds and declares that the property described on the attached Exhibit “A” is no longer necessary as a public right-of-way, and it is in the best interest of the public that said property be abandoned, vacated, and closed as a public right-of-way.

**Section 2. EFFECTING DOCUMENTS.** The City Manager is hereby authorized and directed to execute such instruments as may be necessary or required to demonstrate that said right-of-way has been properly abandoned, vacated, and closed in accordance with the provisions of this ordinance.

**Section 3. SEVERABILITY.** If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section 4. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage.

**ADOPTED** at a Regular Meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**CITY COMMISSION OF THE CITY OF WINTER  
GARDEN, FLORIDA**

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

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

S:\AKA\CLIENTS\Winter Garden\General W500-20501\Street Closures\Ordinance for Vacation & Abandonment of Tremaine Street  
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**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Planning Director  
**Via:** City Manager Mike Bollhoefer  
**Date:** December 11, 2006                      **Meeting Date:** December 14, 2006  
**Subject:** Downtown - Minimum Maintenance  
**Issue:** Establishing Minimum Maintenance Requirements

**Supplemental Material/Analysis:**

Currently, the City of Winter Garden does not have any code requirements that require a business owner to insure his awnings are free of holes, mold, or faded colors. Also, we do not have any regulations requiring a property owner to make sure his building is free of dry rot or chipped or faded paint. Many other communities with historical downtowns had developed “Minimum Maintenance Standards” that require property owners to keep their buildings in good repair.

The Downtown Merchants Group has requested the City Staff develop such an ordinance for the properties in Downtown Winter Garden and bring it to the City Commission for approval. Attached is an ordinance that establishes these minimum maintenance standards for the C-1 zoning district (the downtown). The Downtown Merchants Guild has reviewed this ordinance and is strongly in favor of it. They voted to support the ordinance at their December 6, 2006 meeting.

**Staff Recommendation:** Staff recommends the following motion:

“I move to approve Ordinance 06-52 for First Reading with the second reading and public hearing for the January 11, 2006 meeting at 6:30 p.m. in Tanner Hall.”

**ORDINANCE 06-52**

**AN ORDINANCE ADDING DIVISION 6 IN ARTICLE II OF CHAPTER 18 THE CITY OF WINTER GARDEN CODE OF ORDINANCES; ENTITLED "DOWNTOWN WINTER GARDEN MINIMUM MAINTENANCE CODE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Code currently does not provide any minimum maintenance standers for the downtown property owners, and:

**WHEREAS**, the City of Winter Garden desires to ensure high standards of property maintenance within the downtown corridor, then

BE IT ENACTED BY THE CITY OF WINTER GARDEN

**SECTION I** - The following Sections shall be included in Article II of Chapter 18 of the Winter Garden Code of Ordinances and shall read as follows:

**Division 6 - Downtown Winter Garden Minimum Maintenance Code.**

**Sec. 18-174. Title. -**

This Division shall be known and may be cited as the "Downtown Winter Garden Minimum Maintenance Code."

**Sec. 18-175. - Applicability –**

The minimum maintenance standards contained in this division shall be applicable to all unimproved and improved commercial properties, within the C-1 Zoning District (the downtown area). Commercial properties outside the geographic boundaries of the C-1 Zoning District are not bound by these standards. These minimum maintenance standards shall be in addition to any other standards, codes, ordinances, rules, regulations or other statutory requirements applicable to such properties.

Single Family Residential properties within the C-1 zone are specifically exempt from these requirements.

**Sec. 18-176. Purpose and Intent –**

It shall be the purpose and general intent of this Division to ensure regular maintenance and upkeep to existing buildings, structures, and exterior property located on commercial, office, institutional, or residential lands located in the C-1 Zoning District; to safeguard against blight and preserve property values and community standards; to establish

minimum maintenance standards to safeguard life, limb, health, safety, property, and public welfare; to assist in the continued revitalization of areas in the Downtown Area; and to attract new businesses and promote the public interest in continued development.

**Sec. 18-177. Definitions.**

For the purposes of the Downtown Winter Garden Minimum Maintenance Code, certain terms and words used herein shall have the following meaning:

*Accessory structure* shall mean a building which is customarily incidental and subordinate to a principal use of property and is located upon said property.

*Building Code* shall mean the building code as established in the City of Winter Garden's Code of Ordinances.

*Code enforcement board* shall mean the City of Winter Garden Municipal Code Enforcement Board created pursuant to Chapter 162, Florida Statutes, and as otherwise established in the City of Winter Garden Code of Ordinances.

*Debris* shall mean material which is stored outdoors and shall include, but is not limited to, the following: discarded household items; inoperative or discarded machinery, vehicles, or appliances; refuse, trash, or junk; and used scrap or discarded lumber, pipe, steel, plumbing fixtures, insulation or other building materials.

*Deterioration* shall mean a lowering in quality in the condition or appearance of a building or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, spalling, peeling, rusting, or any other evidence of physical decay or neglect, excessive use, or lack of maintenance.

*Dilapidated* shall mean substantial deterioration of a building or parts thereof, rendering said building, or portion thereof, inadequate for the purpose or use for which it was originally intended.

*Garbage regulations* shall mean the provisions and standards as stated in Chapter 58, Solid Waste, City of Winter Garden Code of Ordinances.

*Infestation* shall mean the presence within or around a commercial property of insects, rodents, or pests which are detrimental to the public health, safety, and general welfare of occupants or visitors; and, in the case of a structure, that if left unattended, may result in structural deterioration.

*Inoperative vehicle* shall mean a vehicle which is missing functioning parts including, but not limited to, the chassis, engine, wheels, or tires; or any vehicle without a valid, current registration; or any vehicle which is incapable of

movement under its own power and will remain so unless repair or reconstruction occurs.

*Nuisance conditions* shall mean (a) any nuisance as defined by law, whether general law or City Code, (b) any attractive nuisance which may be detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied job site. This includes, but is not limited to: abandoned wells or shafts; or excavations; abandoned iceboxes, refrigerators, or motor vehicles; any structurally unsound fences or structures; lumber, trash/debris, or any other materials which may provide a hazard; (c) unsanitary conditions or anything offensive to the senses or dangerous to health including, but not limited to: the emission of odors, sewage, human waste, liquids, gases, dust, smoke, vibration, noise, or whatever may render air, food, or drink detrimental to the health of human beings; (d) physical conditions such as, but not limited to: old, dilapidated, abandoned scrap or metal, paper, building materials and equipment, bottles, glass, appliances, furniture, rags, rubber, motor vehicles, and parts hereof; (e) physical conditions posing fire hazards; (f) physical conditions posing a hazard such as, but not limited to, dead or damaged trees.

*Operator* shall mean any person who has charge, care, or control of a building, a part thereof, with or without the knowledge or consent of the owner.

*Owner* shall mean a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative, or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under the lease for property maintenance; or, the requisite owner of a vehicle, as determined by the division of highway safety and motor vehicles (or corresponding agency) of any state.

*Person* shall mean any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, private or public corporation, and all other groups or combination thereof.

*Plumbing Code* shall mean the plumbing code as established in the City of Winter Garden Code of Ordinances.

*Premises* shall mean a lot, plot, or parcel of land and may include any building or structure thereon.

*Stairway* shall mean one or more flights of stairs and the necessary landings and platforms which form a continuous and uninterrupted passage from one story to another within or attached to the exterior of a building or structure.

*Story* shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor above, except that the topmost story

shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished ceiling level directly above a basement or cellar is more than six (6) feet above grade, the basement or cellar shall be considered a story.

Structure shall mean anything constructed or erected, installed or portable with a fixed location on the ground, or attached to something having a fixed location on the ground, the use of which requires location on a parcel of land. It includes a movable structure while it is located on land which can be used for business, commercial, agricultural, educational, or office purposes either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, fences, poles, pipelines, transmission lines, advertising signs, and to the extent not superseded by federal law or regulation, radio and television antennae and dishes.

Trash shall mean non-putrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, boxes, crates, tin cans, yard clippings, leaves, wood, glass, crockery, and similar materials that may accumulate about commercial property.

Weatherproof shall mean able to withstand exposure to weather without damage or loss of function.

Weathertight shall mean able to exclude wind and rain under normal conditions.

### **Sec. 18-178. Enforcement.**

(a) It shall be the duty of the code enforcement division of the Winter Garden Police Department to initiate enforcement proceedings of the Downtown Winter Garden Minimum Maintenance Code. Where applicable, the building official shall assist the code enforcement officer in the investigation of violations, inspections of premises, or other actions necessary to enforce compliance with the Downtown Winter Garden Minimum Maintenance Code.

(b) The code enforcement division of the Winter Garden Police Department shall establish administrative rules of procedure for administering and enforcing the Downtown Winter Garden Minimum Maintenance Code. Any action taken pursuant to the Downtown Winter Garden Minimum Maintenance Code shall be considered cumulative and in addition to penalties and to other remedies provided elsewhere by ordinance or law.

### **Sec. 18-179 Code enforcement board.**

(a) Violations of any provision of the Downtown Winter Garden Minimum Maintenance Code shall be governed by, but not limited to, the requirements and remedies of the code

enforcement board pursuant to the provisions of Chapter 2, Article 2 of the City of Winter Garden Code of Ordinances.

(b) Other remedies: The city may institute any other remedies and appropriate action to restrain, correct, or abate violations of the Downtown Winter Garden Minimum Maintenance Code including, but not limited to the use of citations or condemnation of buildings or structures pursuant to the unsafe building abatement code. If, at the option of the Code Enforcement Officer, a citation is issued in lieu of Code Enforcement procedures, said violation will be a Class I violation as defined in Section 2-92 of the Code of Ordinances

#### **Sec. 18-180. Prevalence of state laws and local ordinances.**

(a) The minimum standards established by the Downtown Winter Garden Minimum Maintenance Code do not replace or modify standards established by any other applicable laws or ordinances for the construction, replacement, or repair of structures.

(b) In any case where the provisions of the Downtown Winter Garden Minimum Maintenance Code impose a higher standard than those set forth in any other city ordinance or under the Florida Statutes, then the standard set forth herein shall prevail. Should the provisions of the Downtown Winter Garden Minimum Maintenance Code impose a lower standard than those set forth in any other city ordinance or pursuant to the Florida Statutes, the higher standard set forth shall prevail.

#### **Sec. 18-181. Minimum standards.**

The owner of any parcel of land located within C-1 Zoning District shall maintain all buildings, structures, and property free of nuisance conditions and in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in sanitary and safe condition and which do not comply with the requirements of this division. Owners, operators, occupants, and tenants are jointly responsible for keeping in a clean, sanitary and safe condition that part of the buildings, structures, premises, and property which they occupy and control, consistent with the applicable following requirements:

##### (a) Exterior of structures.

(1) Foundation. The building foundation walls, or other structural elements, shall be maintained safely and be capable of supporting the load which normal use may place thereon.

(2) Exterior walls and surfaces. All exterior surfaces including, but not limited to, doors, door and window frames, cornices, breezeways and trim shall be secure and maintained in good condition and shall be clean, neat, and attractive. All defective structural and decorative elements shall be repaired or replaced, to match as closely as possible the original materials

and construction. Exterior surfaces, other than decay-resistant materials, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. Exterior surfaces shall be kept free of markings, carvings or graffiti. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weathertight and watertight and in sound condition and good repair to prevent infestation.

(3) Roofs. Roofs shall be kept clean and free of trash, debris, or any other element which is not a permanent part of the building or a functional element of its mechanical or electrical system and shall be maintained according to the manufacturer's specifications in a safe manner, sound condition, and good repair and shall have not defects or excessive worn surfaces which might admit rain or cause dampness in the walls or exterior portion of the building. Gutters shall be maintained to allow unobstructed flow.

(4) Structural supports. Structural elements of a building shall be maintained in good repair with no deterioration which would render it incapable of carrying normal loads.

(5) Means of egress. Every building or structure shall have a means of safe, unobstructed egress leading to open space outside of any building or structure or part thereof which shall be of a number, size, design and location meeting local and state building codes, fire codes and other applicable requirements.

(6) Protective railings. Protective railings shall be required on any unenclosed building or structure over thirty (30) inches from the ground level or on any steps containing four (4) or more risers. Such handrails (or protective railings) shall be maintained in good condition and be capable of bearing normally imposed loads.

(7) Windows and exterior doors. Every window, exterior door, and basement door shall be properly fitted within its frame, provided with the proper hardware and shall be weathertight and waterproof, maintained in good repair, and properly fitted with locking devices adequate to reasonably prevent unauthorized entry. All storefront windows shall be kept unbroken, in a clean and harmonious condition, free of dirt, filth, cobwebs, marks, or foreign substances. Window panes or an approved substitute shall not be painted and shall be maintained without cracks or holes. Window openings shall not be filled or boarded up. It shall not be permitted to replace the glass with plywood or other non-translucent materials except on an emergency basis that shall not exceed a period of fifteen (15) days.

(8) Hardware. Every door shall be provided with proper hardware and maintained in good condition.

(9) Accessory structures. All accessory structures shall be maintained to avoid deterioration and shall be kept in good repair and sound structural condition. All exterior surfaces, other than decay-resistant woods, shall be protected from the elements by paint or other protective covering applied and maintained according to the manufacturer's specifications.

(10) Awnings or marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or any other portion of the premises shall be maintained in good repair and shall not constitute a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event said awnings or marquees are made of cloth, plastic or of a similar material, said cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Awnings that are torn, badly faded, or structurally compromised shall be removed, repaired or replaced. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

(11) Miscellaneous elements. Mechanical equipment, air conditioning units, antennas, ducts, pipes, etc., shall be inconspicuously located. Lighting, sun protection, porches, security grills, etc., shall be maintained and kept in good repair. Any elements that are in disrepair shall be brought into compliance by repair or removal. Existing miscellaneous and nonfunctional elements on the building, such as empty electrical conduit, unused sign brackets, unused awning brackets, unsecured signs, etc., shall be removed and the building surface repaired or rebuilt.

(12) Temporary coverings. No temporary covering of any part of a structure may remain more than fifteen (15) days after ongoing construction has been completed or sixty (60) days total, whichever is longer. An example of a temporary covering is a board covering a broken or missing window.

(b) *Garbage and trash.*

(1) Trash receptacles. Garbage and trash shall be deposited only in dumpsters, cans, or other receptacles specifically manufactured and intended for such purpose and secured at all times with a tight fitting cover or lid.

(c) Parking lots and walkways.

(1) Maintenance. Parking and walkway areas shall be kept safe, in good repair, sound structural condition, and shall provide a neat, clean appearance.

(2) Surfaces. All off-street parking areas shall provide a durable, stabilized, dustless surface; free of potholes; and shall effectively dispose of surface water.

(3) Wheel stops. All parking areas shall be equipped with wheel stops, guards, or similar devices properly anchored or secured to prevent vehicles from overhanging into public rights-of-way, sidewalks, or planting areas.

(4) Use. All parking areas shall be used for vehicular parking only and not for sales, dead storage, repair work, dismantling, or servicing of any kind unless otherwise specifically provided for. Delivery and service vehicles shall not excessively interfere with or obstruct the use of primary service drives or fire lanes, or block minimum required site triangles and/or public rights-of-way.

(d) Buffers.

(1) All buffers, fences, and walls including, but not limited to, chain link, wood, brick, and masonry construction shall be kept in good repair, sound structural condition, and shall provide a neat, clean appearance.

(2) Fences and walls which are stained or painted shall be maintained with the same and like materials, uniform in design and color.

(3) Structural supports for fences and walls shall be maintained in good repair.

(4) At all times, fences and walls shall be kept free from graffiti, undergrowth, weeds, and other unsightly matter.

(5) These standards shall not conflict with those of fences and walls which serve as swimming pool barriers.

(e) Signs.

(1) Maintenance. Signs shall be maintained and kept in good repair. Any exterior signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith or put into a good state of

repair. Unused sign brackets, unsecured signs, etc., shall be removed and the building surface repaired or rebuilt.

(f) Landscaping.

(1) Maintenance. All grass, shrubs, and trees shall be maintained in a manner so as to prevent uncontrolled growth. A vacant parcel shall be kept free of trash and debris.

(g) Sanitation.

(1) All public or shared areas, parking lots, landscaped areas, breezeways, walkways, overhangs, buildings, structures, premises, and property shall be kept clean, neat and sanitary by the occupant or owner, free of trash, litter, debris, gum, tobacco butts, cobwebs, wasp nests, and other foreign substances at all times.

(2) All garbage or trash shall be disposed of and kept in the manner prescribed in the garbage regulations. Dumpsters and dumpster enclosures shall be maintained, clean, and neat.

(3) Nothing shall be placed, constructed, or maintained on any premises that shall constitute a nuisance condition or fire hazard.

(4) All buildings, structures, or accessory structures shall be free from infestation.

(5) The plumbing fixtures of every building or structure shall be maintained in a clean and sanitary condition as prescribed by the plumbing code.

**SECTION 2:** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

**SECTION 3:** If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**SECTION 4:** This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: \_\_\_\_\_, 2006

SECOND READING: \_\_\_\_\_, 2006.

APPROVED:

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JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

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KATHY GOLDEN, City Clerk

## Ordinance 06-53

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE I OF CHAPTER 98 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR LIMITATION OF THE NUMBER OF PLANNING AND ZONING BOARD MEMBERS FROM ANY SINGLE DISTRICT TO TWO; PROVIDING FOR PHASING OF SAID PLANNING AND ZONING BOARD MEMBERSHIP REQUIREMENT; PROVIDING FOR INCONSISTENCY; PROVIDING CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden (“City”) desires to amend Article I of Chapter 98 of its Code of Ordinances relating to the creation, composition, appointment, terms, removal, compensation of members, and filling of vacancies with regard to the City Planning and Zoning Board ; and

**WHEREAS**, the City wishes to further ensure that the decisions of the Planning and Zoning Board remain impartial, fair, and unbiased; and

**WHEREAS**, the City recognizes that the current Code allows certain districts to become overrepresented with respect to the composition of the Planning and Zoning board and permits the Zoning and Planning Board to consist of members solely representative of a single district within the City’s boundaries; and

**WHEREAS**, the City seeks to ensure representation of all districts within its boundaries in the composition of the Planning and Zoning Board and ensure multidistrict representation in zoning and planning decisions;

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

**SECTION I.** SECTION 98-26 Creation; composition; appointment terms, removal, compensation of members; filling of vacancies. Section 98-26 is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

**SECTION 98-26. Creation; composition; appointment terms, removal, compensation of members; filling of vacancies.**

(a) There is created a planning and zoning board which shall consist of seven members who shall be appointed by the city commission. Each appointment shall be for a term of four years, each with eligibility for reappointment.

(b) To ensure multidistrict representation on the board, the city commission shall appoint to the board at least one member from each voting district within the City’s boundaries. Furthermore, no more than two (2) members of the planning and zoning board may reside in a single district subject to the following exceptions:

- (1) If upon the adoption of this requirement there are more than two (2) members of the planning and zoning board who reside within a single voting district, such members may continue in their respective terms until the earlier of their removal or expiration of their respective terms of office.

(2) If a redistricting of voting districts results in more than two (2) members of the planning and zoning board residing within the same voting district, such members may continue in their respective terms until the earlier of their removal or expiration of their respective terms.

(c) Any vacancy in membership shall be filled for the unexpired term by the city commission who shall have the authority to remove any member for cause upon written charges, and after a public hearing. Absence from four consecutive regular meetings of the board shall operate to vacate the seat of a member, unless such absence is excused by the board by resolution setting forth the fact of such excuse duly entered upon the journal.

(d) All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties. The city manager and city engineer shall be ex officio members of the board.

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

**SECTION III. SEVERABILITY.** If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**SECTION IV. CODIFICATION.** That Section I of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word "*Ordinance*" may be changed to "*Section*", "*Article*", or other appropriate word.

**SECTION V.** This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: \_\_\_\_\_, 2006.

SECOND READING: \_\_\_\_\_, 2006.

APPROVED:

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

ATTESTED:

\_\_\_\_\_  
Kathy Golden, City Clerk

## Ordinance 06-54

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 66 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR THE CHANGE OF TERMINOLOGY OF OCCUPATIONAL LICENSES TO LOCAL BUSINESS TAX RECEIPTS IN CONFORMANCE WITH AMENDMENTS TO CHAPTER 205, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Winter Garden (“City”) imposes occupational license tax for the privilege of engaging in a business or profession;

WHEREAS, the City of Winter Garden (“City”) desires to amend Article IV of Chapter 66 of its Code of Ordinances relating to occupational license tax to be consistent with amendments to Chapter 205, Florida Statutes;

WHEREAS, this Ordinance changes the item issued by the City from occupational license to local business tax receipt in conformance with Chapter 205, Fla. Stat.

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

SECTION I: Article IV of Chapter 66 of the City of Winter Garden Code is hereby amended as follows:

Sec. 66-91. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agent* means a person engaged in a house-to-house canvass, demonstrating or taking orders for any goods, wares, or merchandise or taking orders from samples where goods are to be delivered later in the same manner, not in interstate commerce.

*Business, profession* and *occupation* do not include the customary religious, charitable or educational activities of nonprofit religious, nonprofit charitable and nonprofit educational institutions in this state, which institutions are more particularly defined and limited as follows:

*Religious institutions* means churches and ecclesiastical or denominational organizations or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and shall also mean church cemeteries.

*Educational institutions* means state tax-supported or parochial, church and nonprofit private schools, colleges or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, department of education or the Florida Council of Independent Schools; nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and are eligible for exemptions.

*Charitable institutions* means only nonprofit corporations operating physical facilities in this state at which are provided charitable services, a reasonable percentage of which shall be without cost to those unable to pay.

*Employee* means all full-time or part-time personnel, including nonprofessionals, principals and partners, contract workers, subcontractors and consultants who worked for the business, occupation or profession during the prior 12-month period beginning on May 1 of the previous calendar year and ending on April 30 of the current calendar year. Issuance of a paycheck shall be conclusive evidence that an individual is an employee.

*Goods, wares and merchandise* includes a photograph and coupons or tickets good in whole or in part for a photograph or other merchandise.

*Local Business Tax* ~~Local occupational license, occupational license, business license, and license~~ each means the fees charged and the method by which the city grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination or inspection. Unless otherwise provided by law, these latter fees and licenses are deemed to be regulatory and in addition to, but not in lieu of, any local occupational license-local business tax imposed under this article, article III of chapter 10 and articles II, III and IV of chapter 22.

*Local Business Tax Receipt, Business Tax Receipt, Receipt* each mean the document issued by the City which bears the words "Local Business Tax Receipt" and evidences that the merchant in whose name the document is issued has complied with the provisions of this Article relating to the local business tax. The local business tax receipt is not evidence, verification or a statement by the City that the merchant and its business location comply with building, zoning and other codes and regulations not set forth in this Article.

*Merchant* means any person engaged in the business of selling merchandise at retail or wholesale. For the purpose of this article, the term "merchant" shall not include the operators of bulk plants or service stations engaging principally in the sale of gasoline and other petroleum products; those conducting distress sales; installation contractors; operators of manufacturing or processing plants selling only the products manufactured or processed therein; milk and dairy product distributors; sellers of motor vehicles; peddlers of fuel oil, gasoline, LP gas or produce; and operators of restaurants, cafes, cafeterias, caterers or hotels.

*Number of employees* is determined by adding the total number of paychecks issued for all full-time and part-time personnel, inclusive of nonprofessionals, principals and partners, contract workers, subcontractors and consultants who worked for the business, occupation or profession during the prior 12-month period beginning May 1 of the previous calendar year and ending on April 30 of the current calendar year. A new business shall be taxed based on the number of employees as of opening day who are entitled to receive paychecks.

*Open-air vendor* means any person who has goods, wares, or merchandise for sale in a commercial zone in a location which is not completely enclosed.

*Peddler* means a person who sells goods, wares or merchandise and the goods, wares or merchandise are not sold in original packages in interstate commerce but at retail in small quantities, by means of house-to-house or place-to-place canvass.

*Retail merchant* means any merchant who sells to the consumer for any purpose other than resale, provided that sales to manufacturers and sales to the United States government or the state or any of their political subdivisions shall be considered wholesale sales.

*Solicitor* means any agent or peddler who is otherwise permitted to do business in the city, whether or not such agent or peddler is engaged in interstate commerce, and includes all servicemen or repairmen who engage in any activity as an agent or peddler as defined in this section.

*Taxpayer* means any person liable for taxes imposed under this article, any agent required to file and pay any taxes imposed under this article and the heirs, successors, assignees and transferees of any such person or agent.

*Wholesale merchant* means any merchant who sells to another for the purpose of resale.

Sec. 66-92. Required.

An local business tax ~~occupational license tax~~ for the privilege of engaging in or managing any business, profession or occupation within the corporate limits of the city is required and shall be levied on any person who:

- (1) Maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

(3) Does not qualify under subsection (1) or (2) of this section and who transacts any business or engages in any occupation or profession in interstate commerce where such local business license-tax is not prohibited by section 8 of article 1 of the United States Constitution.

Sec. 66-93. Local Business Tax Occupational Licenses--Dates due and delinquent; penalties.

(a) All local business tax receipts occupational licenses shall be sold by the building official beginning August 1 of each year and shall be due and payable on or before September 30 of each year and shall expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax shall be due and payable on or before the first working day following September 30. Those licenses-local business tax receipts not renewed by September 30 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each month of delinquency thereafter until paid, provided that the total delinquency penalty shall not exceed 25 percent of the local business tax fee for the delinquent establishment.

(b) Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license-business tax receipt, if required under this article, shall be subject to a penalty of 25 percent of the license-local business tax determined to be due, in addition to any other penalty provided by law or ordinance.

(c) Any person who engages in any business, occupation or profession who does not pay the required local business tax occupational license tax within 150 days after the initial notice of tax due and who does not obtain the required occupational license local business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

Sec. 66-94. Same--Identification; period for which issued.

No license-local business tax receipt to engage in any business, occupation or privilege shall be issued to any person in the city unless proof of the employer identification number or social security number is submitted to the city.

Licenses-Local business tax receipts may only be issued for the periods as follows:

(1) One-year licenses-receipts shall be issued for the period commencing on October 1 and expiring on September 30 in the year following.

(2) Half-year licenses-receipts may be issued after April 1 and shall expire on September 30 of the same year.

Sec. 66-95. Same--Transferability.

(a) Every business tax license-receipt may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee of ten percent of the annual local business license-tax, but not less than \$3.00 or more than \$25.00, and presentation of evidence of the sale and the original license-local business tax receipt.

(b) Upon written request and presentation of the original license-local business tax receipt, any license-receipt may be transferred from one location to another location in the city upon payment of a transfer fee of ten percent of the annual local business license-tax, but not less than \$3.00 or more than \$25.00.

Sec. 66-96. Same--Exhibit and display.

Every person having an local business tax receipt occupational license shall exhibit the license-receipt when called upon to do so by an authorized officer of the city, and all such licenses-receipt must be conspicuously displayed at all times. The local business tax receipt occupational license for coin-operated devices shall be posted permanently and conspicuously on the coin-operated device for which such local business tax receipt occupational license was issued.

(Code 1988, § 13-32)

Sec. 66-97. Exemptions--Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products.

No local occupational license-local business tax receipt shall be required of any natural person for the privilege of engaging in the selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, or tropical fish farm products or products manufactured therefrom, except intoxicating liquors, wine, or beer, when such products were grown or produced by such natural person in the state.

Sec. 66-98. Same--Motor vehicles.

Vehicles used by any person licensed-issued a receipt under this article for the sale and delivery of tangible personal property at either wholesale or retail from the place of business on which a license-local business tax is paid shall not

be construed to be separate places of business, and no separate ~~license receipt~~ shall be levied on such vehicles or the operators thereof as salesmen or otherwise.

Sec. 66-99. Same--Certain disabled persons, the aged and widows with minor dependents.

(a) All disabled persons physically incapable of manual labor, widows with minor dependents, and persons 65 years of age or older, with not more than one employee or helper, and who use their own capital only, not in excess of \$1,000.00, shall be allowed to engage in any business or occupation in counties in which they live without being required to pay for a ~~license~~ business tax receipt. The exemption provided by this section shall be allowed only upon the certificate of the county physician or other reputable physician that the applicant claiming the exemption is disabled, the nature and extent of the disability being specified therein, and, if the exemption is claimed by a widow with minor dependents or a person over 65 years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof, be issued a ~~license receipt~~, which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon.

(b) In no event under this section or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a ~~license receipt~~ to sell intoxicating liquors or malt and vinous beverages.

Sec. 66-100. Same--Disabled veterans or their unremarried spouses.

(a) Any bona fide, permanent resident elector of the state who served as an officer or enlisted person during any of the periods specified in F.S. § 1.01(15) in the armed forces of the United States, national guard, or United States coast guard or coast guard reserve or any temporary member thereof who has actually been or may be reassigned by the air force, army, navy, coast guard, or marines to active duty during any war, declared or undeclared, armed conflicts, crises, etc., who was honorably discharged from the service of the United States and who, at the time of his application for a ~~license receipt~~ as provided in this section, shall be disabled from performing manual labor shall, upon sufficient identification, proof of being a permanent resident elector in the state, and production of an honorable discharge from the service of the United States, be:

(1) Granted a ~~license receipt~~ to engage in any business or occupation which may be carried on mainly through the personal efforts of the ~~licensee receipt holder~~ as a means of livelihood and for which the city ~~license receipt~~ does not exceed the sum of \$50.00 for each without payment of any ~~license business tax~~ otherwise provided for by law.

(2) Entitled to an exemption to the extent of \$50.00 on any ~~license receipt~~ to engage in any business or occupation which may be carried on mainly through the personal efforts of the ~~licensee receipt holder~~ as a means of livelihood when the city ~~license receipt~~ for such business or occupation shall be more than \$50.00. This exemption shall extend to and include the right of the ~~licensee receipt holder~~ to operate an automobile for hire of not exceeding five-passenger capacity, including the driver, when it shall be made to appear that such automobile is bona fide owned or contracted to be purchased by the ~~licensee receipt holder~~ and is being operated by him as a means of livelihood and that the proper ~~license business tax~~ for the operation of such motor vehicle for private use has been applied for and ~~receipt~~ attached to the motor vehicle and the proper fees therefor paid by the ~~licensee receipt holder~~.

(b) When any such person shall apply for a ~~license receipt~~ to conduct any business or occupation for which the city ~~license business tax~~ shall exceed the sum of \$50.00, the remainder of such ~~license business tax~~ in excess of \$50.00 shall be paid by him in cash.

(c) Under this section, the city ~~licensing receipt issuing authority~~ shall issue to such persons as may be entitled a ~~license receipt~~ pursuant to and subject to the conditions of subsection (b) of this section. Such ~~license receipt~~ when issued shall be marked across the face thereof "veterans exempt ~~license receipt~~--not transferable." Before issuing the ~~license receipt~~ proof shall be duly made in each case that the applicant is entitled under the conditions of this section to receive the exemption provided for in this section. The proof may be made to the satisfaction of the city ~~licensing receipt issuing authority~~, by means of certificate of honorable discharge or certified copy thereof, that the applicant is a veteran within the purview of this section and by exhibiting the following:

(1) A certificate of government-rated disability to an extent of ten percent or more;

(2) The affidavit of testimony of a reputable physician who personally knows the applicant and who makes oath that the applicant is disabled from performing manual labor as a means of livelihood;

(3) The certificate of the veteran's service officer of the county in which applicant lives, duly executed under the hand and seal of the chief officer and secretary thereof, attesting the fact that the applicant is disabled and entitled to receive a ~~license receipt~~ within the meaning and intent of this section;

(4) A pension certificate issued to him by the United States because of such disability; or

- (5) Such other reasonable proof as may be required by the city ~~licensing receipt~~ issuing authority to establish the fact that such applicant is so disabled.
- (d) All ~~licenses-receipts~~ issued under this section shall be in the same general form as other city ~~licenses-receipts~~ and shall expire at the same time as such other ~~licenses-receipts~~ are fixed to expire.
- (e) All ~~licenses-receipts~~ obtained under this section by the commission of fraud upon any issuing authority shall be deemed null and void. Any person who has fraudulently obtained any such ~~license receipt~~ or who has fraudulently received any transfer of a ~~license receipt~~ issued to another and has thereafter engaged in any business or occupation requiring a ~~license receipt~~ under color thereof shall be subject to prosecution as for engaging in a business or occupation without having the required ~~license-receipt~~.
- (f) Such ~~license-receipt~~ shall not be issued in any county other than the county wherein the veteran is a bona fide resident citizen elector, unless such veteran applying therefor shall produce to the city ~~licensing receipt~~ issuing authority in such county a certificate of the tax collector of his home county to the effect that no exemption from the ~~license receipt~~ has been granted to such veteran in his home county under the authority of F.S. § 205.171.
- (g) In no event, under this section or any other law, shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a ~~license-receipt~~ to sell intoxicating liquors or malt and vinous beverages.
- (h) The unmarried spouse of a deceased disabled veteran of any war in which the United States armed forces participated will be entitled to the same exemptions as the disabled veteran.

Sec. 66-101. Same--Religious tenets.

Nothing in this article shall be construed to require a ~~receipt license~~ for practicing the religious tenets of any church.

Sec. 66-102. Same--Certain organizations engaging in occasional sales, fundraising.

No ~~occupational license-local business tax receipt~~ shall be required of any charitable, religious, fraternal, youth, civic, service, or other such organization when the organization makes occasional sales or engages in fundraising projects when the projects are performed exclusively by the members thereof and when the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic, and service activities of the organization.

Sec. 66-103. Same--Mobile home setup operations.

No city ~~license-local business tax receipt~~ may be required of a duly licensed mobile home dealer or a duly licensed mobile home manufacturer or an employee of such dealer or manufacturer who performs setup operations as defined in F.S. § 320.822 to be licensed to engage in such operations. However, such dealer or manufacturer shall be required to obtain an ~~occupational license-local business tax receipt~~ for his permanent business location or branch office, which ~~license-receipt~~ shall not require for its issuance any conditions other than those required by F.S. ch. 320.

Sec. 66-104. Tax schedule.

The amount of ~~occupational license-local business~~ tax levied and imposed upon every person who shall engage in or manage any business, profession, privilege or occupation hereinafter mentioned within the city is hereby fixed, graded, determined and imposed at the rates or amounts as follows:

A

- (1) Abstract/title company . . . \$172.00
- (2) Accountant/bookkeeping/tax service (other than CPA) . . . 82.56
- (3) Advertising agents
  - a. Those renting space on any vehicle, including any boat, car, bus, truck . . . 86.00
  - b. Those distributing any circulars, handbills, or other advertising . . . 86.00
  - c. Those operating a sound truck for advertising . . . 86.00
  - d. Advertising/agency . . . 86.00
- (4) Adult entertainment (See notes A and B)  
(A \$500.00 non-refundable application fee is required.)
  - a. Adult bookstore . . . 573.30
  - b. Massage establishment . . . 573.30
  - c. Adult motion picture theaters
    1. Having only adult motion picture booths, per each booth . . . 114.66
    2. Having only hall or auditorium, each seat or place . . . 4.00

3. Seated in automobiles, each parking place or speaker . . . 4.00
4. Having a combination of any of subsections (4)c.1.-3. of this section, the ~~license~~-receipt fee applicable to each under subsections (4)c.1.-3. of this section. . . . 573.30
- d. Adult dancing establishment . . . 573.30
- e. Two or more ~~licenses~~ receipts in any of the above categories, in this subsection, except a massage establishment, to a single premises . . . 1,146.60
- (5) Agency office (For those uses not specifically provided for in this article, this includes: Collection, talent and travel) . . . 86.00
- (6) *Agents*, including emigrant, each . . . 343.98
- (7) *Alarm systems--Fire and burglary.* . . . 86.00
- (8) *Ambulance service.*
  - a. Office only . . . 86.00
  - b. Each vehicle . . . 28.66
- (9) *Amusements/entertainment.*
  - a. Arcade/game room
    1. each location . . . 57.34
    2. each machine . . . 28.66
  - b. Batting range/cage
    1. each location . . . 57.34
    2. each machine . . . 28.66
  - c. Car rides . . . 172.00
  - d. Golf
    1. Golf, miniature . . . 172.00
    2. Golf, driving range . . . 172.00
    3. Golf course/par 3 . . . 343.98
    4. Golf course/regulation . . . 573.30
  - e. Hot air balloons . . . 86.00
  - f. Paint ball . . . 86.00
  - g. Rinks . . . 172.00
  - h. Theaters
    1. Indoor . . . 172.00
    2. Outdoor
      - i) Per location . . . 86.00
      - ii) Per speaker . . . 1.14
- (10) *Amusements, games, recreational devices, contrivances or facilities not otherwise licensed, each* . . . 137.59
- (11) *Animal services.*
  - a. Hospital (see also veterinarian) . . . 172.00
  - b. Boarding/kennel . . . 86.00
  - c. Grooming/supplies . . . 86.00
- (12) *Appraisers.*
  - a. Real estate . . . 86.00
  - b. Personal property . . . 86.00
  - c. Others . . . 86.00
- (13) *Architect.* . . . 86.00
- (14) *Artist.* . . . 57.34
- (15) *Astrologers* (See *Clairvoyants.* )
- (16) *Attorneys* (See *Lawyers.* )
- (17) *Auctioneer.*
  - a. Resident, general merchandise . . . 114.66
  - b. Transient, each per day (no proration) . . . 86.00

B

- (18) *Banks*, including all finance companies, small loan companies, moneylenders, salary purchasers, building and loan associations, and federal savings associations
  - a. Those lending \$25,000.00 or less . . . 86.00
  - b. Those lending over \$25,000.00 to and including \$50,000.00 . . . 172.00
  - c. Those lending over \$50,000.00 . . . 343.98

- (19) *Barbershop.*
  - a. First chair . . . 17.20
  - b. Each additional chair . . . 4.31
- (20) *Bar/lounge* (Additional restaurant ~~license~~ receipt required for food preparation)
  - a. Occupancy of less than 50 . . . 114.66
  - b. Occupancy of 50 to 100 . . . 172.00
  - c. Occupancy over 100 . . . 343.98
- (21) *Beauty parlor*, per operator . . . 17.20
- (22) *Bed and breakfast* . . . 86.00
- (23) *Boardinghouse/roominghouse*; having accommodations for three or more non-related persons . . . 81.90
- (24) *Bondsmen*, professional, each . . . 172.00
- (25) *Bootblack*, per chair . . . 8.59
- (26) *Bowling alley.*
  - a. First five alleys . . . 86.00
  - b. Each additional alley . . . 22.93
- (27) *Brokers.*
  - a. Stocks and bonds . . . 86.00
  - b. Mortgages and loans . . . 86.00
  - c. Insurance . . . 86.00
  - d. Merchandise . . . 86.00
  - e. Produce, fruits and vegetables . . . 86.00
  - f. Dealing in lumber and lumber products . . . 86.00
  - g. Not otherwise specified . . . 86.00

C

- (28) *Cable television company.* . . . 343.98
- (29) *Canteen wagon, truck, food cart*; per mobile unit . . . 57.34
- (30) *Car wash.*
  - a. Location . . . 86.00
  - b. Per stall . . . 28.66
- (31) *Carnival, circus and traveling show,*
  - a. Each engagement . . . 343.98
  - b. One day's performance, each concession . . . 172.00
  - c. For more than one day's performance, each concession . . . 114.66
  - d. Peddlers, hawkers or similar salesmen connected with carnivals or similar traveling shows, per day . . . 17.20
- (32) *Caterer or catering service.* . . . 93.60
- (33) *Certified public accountants*, each individual . . . 82.56
- (34) *Chiropractors*, each individual . . . 82.56
- (35) *Citrus vendors*, each establishment operating a business of selling "gift boxes" either for local sales or shipment . . . 86.00
- (36) *Civil engineers*, each individual . . . 82.56
- (37) *Clairvoyants*, including fortune tellers, palmists, astrologers, phrenologists, character readers, spirit mediums, absent-treatment healers, mental healers, and every person engaged in an occupation of a similar nature, each individual . . . 458.64
- (38) *Clubs, social/civic* . . . 172.00
- (39) *Coin-operated devices*, each device . . . 34.40
- (40) *Computer service/sales.*
  - a. Internet sales/web page design . . . 86.00
  - b. Computer courses/classes . . . 86.00
  - c. Consultant/programmer . . . 86.00
- (41) *Consultant.* . . . 86.00
- (42) *Contractors.*
  - a. General contractor . . . 86.00
  - b. Building contractor . . . 86.00
  - c. Residential contractor . . . 86.00
  - d. Specialty contractor . . . 86.00
  - 1. Electrical . . . 86.00

- 2. Plumbing . . . 86.00
- 3. Mechanical/HVAC . . . 86.00
- 4. Demolition/house moving . . . 86.00
- 5. Fire sprinkler . . . 86.00
- 6. Carpentry . . . 86.00
- 7. Masonry/concrete . . . 86.00
- 8. Painting . . . 86.00
- 9. Sign . . . 86.00
- 10. Tile installer . . . 86.00
- 11. Roofing . . . 86.00
- 12. Irrigation . . . 86.00
- 13. Swimming pool . . . 86.00
- 14. Drywall . . . 86.00
- 15. Utility . . . 86.00
- e. Land clearing/excavation . . . 86.00
- f. Landscape/irrigation . . . 86.00
- g. Subcontractor; miscellaneous . . . 86.00
- h. Each branch office of non-residential contractor . . . 86.00
- (43) *Cosmetologist*. . . 86.00
- (44) *Counseling* . . . 86.00
- (45) *Court reporter* . . . 86.00
- (46) *Crafts* (home occupation only) . . . 57.34

D

- (47) *Dancehall*, including entertainment such as variety programs. The license receipt provided herein shall be in addition to all other licenses receipts required, provided all charitable entertainment is exempt.
  - a. For one day's performance only, each . . . 257.98
  - b. For more than one day's performance, each . . . 172.00
- (48) *Dating/escort service*. . . 343.98
- (49) *Day care/nursery* (HRS license required)
  - a. Capacity 1--25 . . . 57.34
  - b. Capacity 26--50 . . . 114.66
  - c. Capacity 51--75 . . . 172.00
  - d. Capacity 76 or more . . . 229.32
- (50) *Day care* in-home family as licensed by the State of Florida . . . 57.34
- (51) *Dentists*, each individual . . . 82.56
- (52) *Disk jockey* . . . 86.00
- (53) *Drafting, designing, graphics*. . . 86.00

E

- (54) *Electric light or power company*, each . . . 573.30
- (55) *Electrolysis technician* . . . 86.00
- (56) *Electrotherapists*, each individual . . . 82.56
- (57) *Employment agencies*, each . . . 86.00
- (58) *Engineer* . . . 86.00
- (59) *Environmental and ecological services* . . . 343.98
- (60) *Express companies*, air and railroad, each . . . 114.66

F

- (61) *Flea market* (per each rental space)
  - a. Location . . . 343.98
  - b. Additional per space . . . 11.47
- (62) *Funeral directors/embalmer*, each . . . 82.56
- (63) *Funeral home* . . . 343.98

G

- (64) *Gas distributor*.
  - a. Natural, pipeline, manufacturing . . . 286.66
  - b. Bottled, LPG . . . 57.34

H

- (65) *Hair replacement.* . . . 86.00
- (66) *Health care equipment/supplies provider.* . . . 86.00
- (67) *Health care facility/emergency clinic* . . . 172.00
- (68) *Health spas/gyms/athletic clubs.*
  - a. Up to 1,000 square feet . . . 172.00
  - b. Up to 5,000 square feet . . . 343.98
  - c. Over 5,000 square feet . . . 573.30
- (69) *Hearing aids and assistive devices.* . . . 86.00
- (70) *Hospitals/nursing homes/sanitariums/convalescent/assisted living facility.*
  - a. Under 10 rooms . . . 86.00
  - b. 10 to 25 rooms . . . 172.00
  - c. Over 25 rooms . . . 343.98
- (71) *Hotel/motel.*
  - a. per room up to 105 . . . 1.73
  - b. 105 to 199 rooms, per room . . . 2.60
  - c. 200 rooms and over . . . 520.00
- (72) *Hypnotist.* . . . 172.00

I

- (73) *Ice.*
  - a. Manufacturer . . . 343.98
  - b. Distributor . . . 343.98
- (74) *Insurance company.*
  - a. Regional office . . . 343.98
  - b. District office . . . 172.00
  - c. Resident agency office . . . 51.59
  - d. Each insurance company--Writing policies and collecting within city corporate limits . . . 51.59
  - e. Per salesman/agent . . . 17.20
- (75) *Interior decorator/designer.* . . . 86.00

J

- (76) *Junk dealers, each* . . . 82.56

L

- (77) *Laboratories.*
  - a. Research, development, testing . . . 86.00
  - b. Equipment and supplies . . . 86.00
- (78) *Laundry and dry cleaner.* . . . 86.00
- (79) *Lawyers, each individual* . . . 82.56
- (80) *Limousine service (See Motor vehicles. )*
- (81) *Linen supplies (diaper, apron or towel.)* . . . 86.00
- (82) *Liquidation sales, each* . . . 172.00
- (83) *Locksmith* . . . 86.00
- (84) *Lodginghouse (See Boardinghouse. )*

M

- (85) *Machine/repair shop (other than motor vehicles.)* . . . 86.00
- (86) *Mail order distributor/manufacturer representative (does not stock merchandise.)* . . . 86.00
- (87) *Manufacturer agent/representative.* . . . 86.00
- (88) *Manufacturers/fabricators/assembly.*
  - a. 1 to 5 employees . . . 86.00
  - b. 6 to 10 employees . . . 143.32
  - c. 11 to 20 employees . . . 172.00
  - d. 21 to 30 employees . . . 229.32
  - e. Over 30 employees . . . 286.66
- (89) *Marketing representative.* . . . 86.00
- (90) *Merchants, retail/wholesale.*
  - a. 1 to 5 employees . . . 82.56
  - b. 6 to 10 employees . . . 143.32
  - c. 11 to 20 employees . . . 172.00

- d. 21 to 30 employees . . . 229.32
- e. Over 30 employees . . . 286.66
- (91) *Merchant--Import/export.* . . . 114.66
- (92) *Mobile home park/campground.*
  - a. Location . . . 86.00
  - b. Additional per space . . . 1.14
- (93) *Monument company.* . . . 86.00
- (94) *Motor vehicles.*
  - a. New/used sales
    - 1. All motor vehicles . . . 82.56
    - 2. Each additional lot . . . 49.14
  - b. New/used sales with repairs . . . 172.00
  - c. Repair shops/garages/paint shops/body work shops . . . 172.00
  - d. Wrecker service . . . 172.00
  - e. Drive/shuttle service/auto delivery . . . 114.66
  - f. For hire, including U-Drive-Its and limousine service
    - 1. First unit . . . 229.32
    - 2. Each additional unit . . . 51.59
  - g. Taxicabs, each vehicle (See note B.) . . . 34.40
  - h. Detailing, cleaning, buffing, waxing (without repair) . . . 109.20
- (95) *Moving company* . . . 86.00

N

- (96) *Nail technician* . . . 86.00
- (97) *Naturopaths, each individual* . . . 82.56
- (98) *Newspaper/publisher* . . . 172.00
- (99) *Nursery --Plants, trees, etc.*
  - a. Less than 25 . . . 86.00
  - b. More than 25 . . . 172.00
- (100) *Nurse.* . . . 86.00

O

- (101) *Oculists, each individual* . . . 82.56
- (102) *Open air sales* (no proration) (See note A.)
  - a. Each 15-day period . . . 172.00
  - b. Any portion less than 15 days . . . 114.66
- (103) *Optometrists, each individual* . . . 82.56
- (104) *Orthodontist.* . . . 82.56
- (105) *Osteopaths, each individual* . . . 82.56

P

- (106) *Pack and ship store.* . . . 86.00
- (107) *Paralegal.* . . . 86.00
- (108) *Pawnbrokers, each* . . . 343.98
- (109) *Peddler.*
  - a. Ice cream/snacks, each vehicle . . . 86.00
  - b. All others, each vehicle . . . 86.00
- (110) *Personal trainers, each* . . . 57.34
- (111) *Pest control.*
  - a. Office only . . . 86.00
  - b. Each vehicle . . . 28.66
- (112) *Petroleum products, distributor or wholesaler* . . . 172.00
- (113) *Photographer* . . . 86.00
- (114) *Physicians, each individual* . . . 82.56
- (115) *Piano/organ mover* . . . 86.00
- (116) *Piano or organ tuners, each* . . . 28.66
- (117) *Pool or billiard hall, per table* . . . 57.34
- (118) *Printing/copying/blueprinting.* . . . 86.00

- (119) *Processing plants*, each establishment (other than nonprofit cooperative association) engaged in packing or processing agricultural products . . . 172.00
- (120) *Professional persons*, each person possessing some special knowledge, skill or calling and offering his services to the public, not otherwise provided for in this Code, each . . . 82.56
- (121) *Property management* (apartment/condo/other rentals.) . . . 86.00
- (122) *Psychologist*. . . . 86.00

R

- (123) *Radio/TV station*. . . . 172.00
- (124) *Radio/TV broadcasting/production services*. . . . 86.00
- (125) *Railroad companies*, each company doing business within the city and receiving protection therefrom . . . 172.00
- (126) *Recording service* (sound and video.) . . . 86.00
- (127) *Real estate agents, brokers and salesmen*.
  - a. Real estate broker . . . 82.56
  - b. Salesman . . . 17.20
- (128) *Rental service store* (includes video/film, furniture, post office boxes, equipment.) . . . 86.00
- (129) *Restaurants/cafes/delis/snack bars*.
  - a. No seating . . . 86.00
  - b. Seating/dining
    - 1. Up to 50 accommodations . . . 114.66
    - 2. Over 50 accommodations . . . 229.32

S

- (130) *Satellite equipment and systems*. . . . 86.00
- (131) *School, private/instructional*. . . . 86.00
- (132) *Security/guard services/investigators/private detectives* . . . 114.66
- (133) *Septic tanks*, systems and cleaning . . . 86.00
- (134) *Service station and convenience store* with gas pumps (7-11 types with pre-packaged food items.) . . . 343.98
- (135) *Services: Personal/business*
  - a. Carpet cleaning/installation . . . 86.00
  - b. Commercial and residential cleaning . . . 86.00
  - c. Janitorial/maid service . . . 86.00
  - d. Lawn maintenance/service . . . 86.00
  - e. Pressure washing/cleaning . . . 86.00
  - f. Secretarial services . . . 86.00
  - g. Sewing/alterations . . . 86.00
  - h. Tree surgeon/trimmer . . . 86.00
  - i. Pool/spa maintenance . . . 86.00
  - j. Others not mentioned . . . 86.00
- (136) *Shooting galleries*, each location. . . . 86.00
- (137) *Solicitors* (See *Peddler*. )
- (138) *Storage/warehouse/public storage*
  - a. Location . . . 86.00
  - b. Per each storage unit . . . 1.09
- (139) *Surgeons*, each individual. . . . 82.56
- (140) *Surveyors*, each individual . . . 82.56

T

- (141) *Taxicabs* (See *Motor vehicles*. )
- (142) *Taxidermists*, each individual . . . 82.56
- (143) *Telegraph companies*, each . . . 172.00
- (144) *Telemarketing* . . . 218.40
- (145) *Telephone companies*, each . . . 343.98
- (146) *Therapists* --Massage/physical rehabilitation . . . 86.00
- (147) *Transportation/trucking/freight terminals*.
  - a. Up to 100 vehicles . . . 172.00
  - b. Additional per vehicle over ten . . . 28.66

U

(148) *Unclassified*, all persons engaging in any business, occupation or profession or avocation in which merchandise is sold or service rendered for compensation, not otherwise specifically provided for herein, each . . . 86.00

V

(149) *Vendors*, each person vending produce, vegetables, fruit or merchandise of any kind from other than a fixed place of business . . . 172.00

(150) *Veterinarians*, each individual . . . 82.56

W

(151) *Well drillers*, each . . . 114.66

Notes:

A. Requires approval by the city commission.

B. Requires city police department recommendation.

**Editor's note:** Upon the discontinuance, dissolution or other termination of any business, occupation or profession for which an ~~occupational license-local business tax receipt certificate~~ has been issued under this article, the person to whom such ~~license receipt certificate~~ was issued shall forthwith voluntarily surrender and deliver such ~~license receipt certificate~~ to the Winter Garden City Clerk building official.

Sec. 66-105. Suspension or revocation of ~~license business tax receipt or permit~~.

(a) The city ~~license receipt issuance~~ officer may suspend or revoke the ~~occupational license-local business tax receipt or permit~~ of any ~~licensee or permittee-merchant or receipt holder~~ for the remaining period of the ~~license receipt year~~ or duration of the ~~permit-receipt~~ or any part thereof after notice in writing, setting forth specifically the grounds of the complaint and the time and place of a hearing. Such notice shall be served five days prior to such hearing at the address given by the ~~licensee merchant or receipt holder or permittee~~ upon the application for such ~~occupational license-local business tax receipt or permit~~.

(b) Upon specific findings of fact which meet the allegation of the complaint, the city ~~license-receipt issuance~~ officer shall order the ~~occupational license-local business tax receipt or permit~~ suspended or revoked and forfeited to the city.

(c) The following shall constitute grounds for suspension or revocation of ~~occupational license-local business tax receipts or permits~~:

(1) Fraud, misrepresentation or false statement contained in the application for the ~~license or permit receipt~~.

(2) Any violation of this article.

(3) Conviction of any felony or misdemeanor involving moral turpitude.

Sec. 66-106. Appeal of revocation of ~~license or permit-business tax receipt~~.

(a) Any person aggrieved by the city ~~license-receipt issuance~~ officer in the revocation or suspension of his ~~occupational license-local business tax receipt or permit~~ or in the denial of an application for such ~~license or permit receipt~~ shall have recourse to the city commission by way of appeal.

(b) Such appeal shall be perfected by filing, within 14 days from the date the final action was taken for which the person was aggrieved, a statement in writing setting forth fully the grounds for the appeal. The city commission shall set a time and place for hearing, notice of which shall be served on the appellant five days prior to such hearing, at which time he shall be given an opportunity to be heard by himself or counsel.

(c) Upon a review of the findings and order of the city ~~license receipt issuance~~ officer, the city commission shall enter an order which shall be final and conclusive upon the person aggrieved.

Sec. 66-107. Reevaluation of rates.

(a) The rates of the ~~occupational license-local business~~ taxes set forth in section 66-104, may be increased every odd-numbered year by a percentage not to exceed the lesser of (i) five percent, or (ii) the percentage increase in the Consumer Price Index or its successor index, during the two calendar years prior to the year in which the proposed increase will become effective.

(b) At the first regularly scheduled city commission meeting in March of every odd-number year, the city manager shall present a report to the city commission which sets forth the total ~~licenses receipts~~ by classification and the total ~~occupation license-local business~~ tax fees for the prior fiscal year and which contains a recommendation for increases, if any, to the rates for the ~~occupation license-local business~~ tax established by this article. Unless otherwise directed by the city commission, the city manager shall, at the second meeting in March of that year, present to the city commission for first reading an ordinance which increases the ~~occupational license local business~~

tax established by this article in accordance with the recommendations contained in such report and as otherwise provided in this section. However, the increases set forth in such report and ordinance shall not exceed the maximum increases set forth in subsection (a) of this section. Any such ordinance shall have an effective date of August 1 of the year of adoption.

Sec. 66-108. Required for each location.

If any person operates any of the businesses subject to tax under this article at more than one location, each location shall be considered a separate business, and a separate ~~license receipt certificate~~ shall be required therefor, unless otherwise provided for in this article or in F.S. ch. 205.

Sec. 66-109. Investigations and examinations.

The city manager may inspect and examine all places of business, occupations and professions in the city to ascertain whether the provisions of this article have been and are being complied with and shall have the power and authority to enter such businesses, free of charge, during business hours for such purposes. It shall be unlawful for any ~~licensee receipt holder~~ under this article to fail to exhibit upon demand the ~~license tax certificate business tax receipt~~ as well as evidence of the amount and time of the last ~~license business tax~~ paid.

Sec. 66-110. ~~{Additional requirements for issuance of occupational license~~ Compliance with other codes and regulations. ~~}~~

~~No license~~ In addition to the payment of the local business tax and obtaining a receipt pursuant to this article, merchants and their business locations must comply with all applicable ordinances and regulations of the City. The issuance of a business tax receipt to engage in any business, occupation, or privilege shall be issued unless the owner of the business is in compliance with the city's Code of Ordinances applicable to the operations and location of such business, occupation or privilege pursuant to this article shall not be evidence, verification or a statement by the City that the merchant and its business location comply with building, zoning and other codes and regulations not set forth in this Article. The issuance of an ~~occupational license local business tax receipt~~ in error is not evidence of compliance with ~~the this article city Code and an occupational license the local business tax receipt~~ may be revoked or suspended if the owner is found not in compliance with ~~the city Code~~ this article.

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

SECTION III. SEVERABILITY. If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION IV. CODIFICATION. That Section I of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word "*Ordinance*" may be changed to "*Section*", "*Article*", or other appropriate word.

SECTION V. This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: \_\_\_\_\_, 2006.

SECOND READING: \_\_\_\_\_, 2006.

APPROVED:

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

ATTESTED:

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Kathy Golden, City Clerk

S:\AKA\CLIENTS\Winter Garden\General W500-20501\Business Tax Act\Local Business Tax Ordinance Draft 11-17-06.doc

**ORDINANCE NO. 06-55**

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE NUMBER 06-06 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE ESTABLISHMENT OF THE WINTER GARDEN VILLAGE AT FOWLER GROVES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING ADEQUATE DESCRIPTION AND BOUNDARIES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the City Commission for the City of Winter Garden, Florida (the “City Commission”) adopted Ordinance number 06-06 and established the Winter Garden Village at Fowler Groves Community Development District (the “District”); and

**WHEREAS**, the City Commission finds and determines that due to scrivener’s error in the original, it is necessary for the legal description depicting the external boundaries of the District and incorporated in Exhibit “B” of Ordinance Number 06-06 shall be replaced with a new legal description; and

**WHEREAS**, the new legal description is consistent with the policies and objective of the creation of Ordinance 06-06; and

**WHEREAS**, after review by the City Staff, 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.** The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

**SECTION 2.** The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

**SECTION 3.** The City of Winter Garden hereby strikes Exhibit “B” of Ordinance Number 06-06 in its entirety and replaces it with the description attached hereto as Exhibit “B”.

**SECTION 4.** All other restrictions, conditions, and matters in Ordinance 06-06 remain valid.

**SECTION 5.** This Ordinance shall become effective ten (10) days after its adoption.

**SECTION 6.** 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:** \_\_\_\_\_, 2006.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2007.

**APPROVED:**

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

ATTESTED:

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KATHY GOLDEN, City Clerk

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Planning Director

**Via:** City Manager Mike Bollhoefer

**Date:** December 11, 2006      **Meeting Date:** December 14, 2006

**Subject:** Second Reading of Ordinance 06-47, rezoning the property located at 305 S. Woodland Street from R-2 to C-3.

**Issue:** Second Reading of Ordinance 06-47, rezoning the property located at 305 S. Woodland Street from R-2 to C-3. The property is currently a vacant site. The applicant proposes to utilize the land with professional offices. The Planning & Zoning Board recommended approval of the Ordinance at their November 6, 2006 meeting.

**Recommended  
Action:**

Move to approve Ordinance 06-47; rezoning to C-3.

**Attachments/References:**

Ordinance 06-47

**305 S. Woodland Street**





ORDINANCE 06-47

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 0.33 ACRES OF LAND LOCATED AT 305 S. WOODLAND STREET, FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the owner of real property generally described as approximately .033 acres located at 305 S. Woodland Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from City R-2 to the City C-3 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 R-2 to C-3 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

ATTEST:

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



**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Planning Director

**Via:** City Manager Mike Bollhoefer

**Date:** December 11, 2006      **Meeting Date:** December 14, 2006

**Subject:** Second Reading of Ordinance 06-48, rezoning the property located at 111 Pennsylvania Avenue from R-2 to C-3.

**Issue:** Second Reading of Ordinance 06-48, rezoning the property located at 111 Pennsylvania Avenue from R-2 to C-3. The property is currently a vacant site. The applicant proposes to utilize the land with professional offices. The Planning & Zoning Board recommended approval of the Ordinance at their November 6, 2006 meeting.

**Recommended  
Action:**

Move to approve Ordinance 06-48; rezoning to C-3.

**Attachments/References:**

Ordinance 06-48

**111 Pennsylvania Avenue**



ORDINANCE 06-48

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 0.17 ACRES OF LAND LOCATED AT 111 PENNSYLVANIA AVENUE, FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the owner of real property generally described as approximately .017 acres located at 111 Pennsylvania Avenue and legally described in Section 1 of this ordinance has petitioned the City to zone said property from City R-2 to the City C-3 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 R-2 to C-3 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.

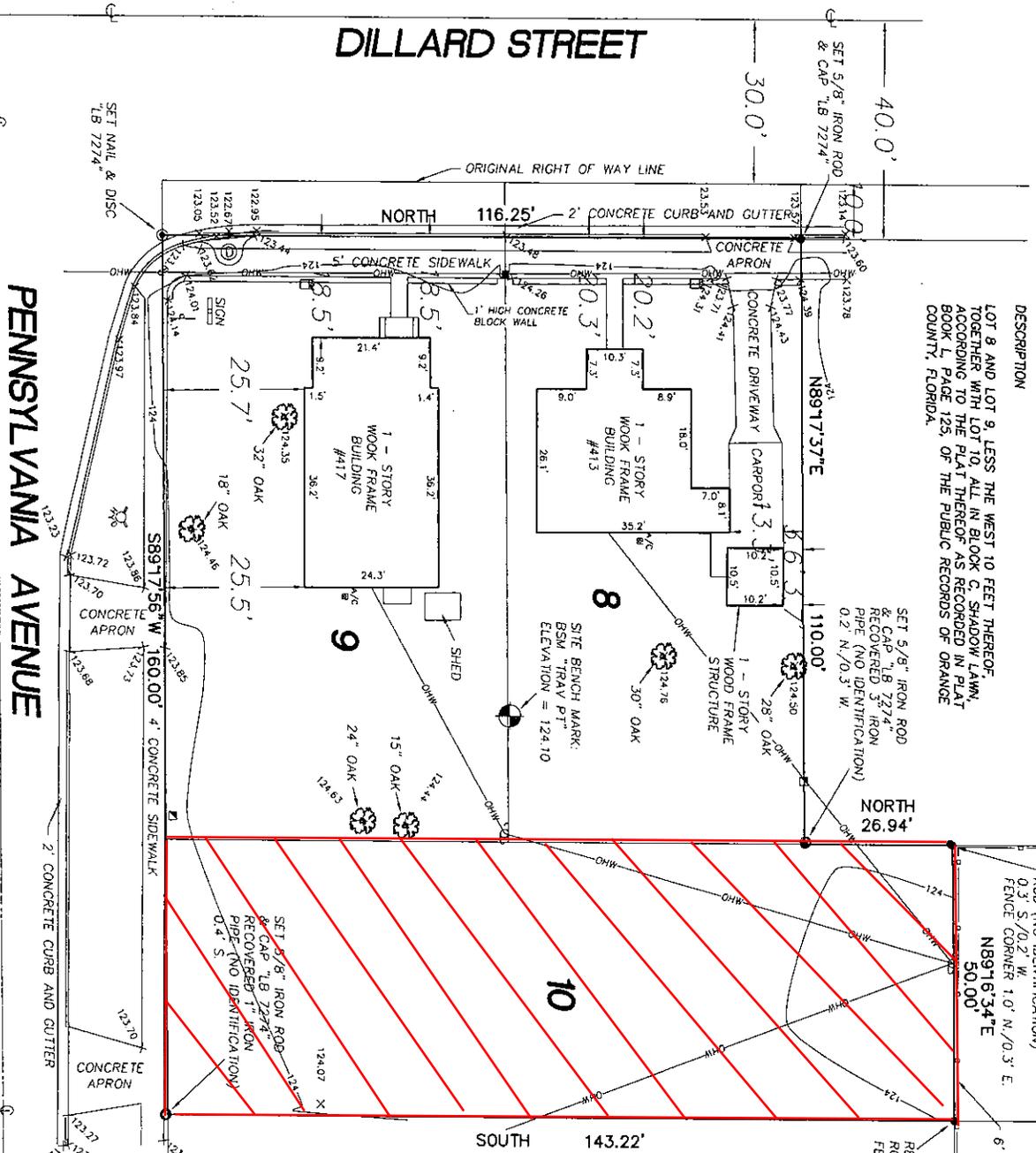
APPROVED:

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

ATTEST:

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

# BOUNDARY AND TOPOGRAPHIC SURVEY



**DESCRIPTION**  
 LOT 8 AND LOT 9, LESS THE WEST 10 FEET THEREOF, TOGETHER WITH LOT 10, ALL IN BLOCK C, SHADOW LAWN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK L, PAGE 125, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SET 5/8" IRON ROD & CAP "LB 7274" RECOVERED 3" IRON PIPE (NO IDENTIFICATION) 0.2' N./0.3' W.

SET 1/2" IRON ROD & CAP "LB 7274" RECOVERED 1/2" IRON ROD (NO IDENTIFICATION) 0.3' S./0.2' W. FENCE CORNER 1.0' N./0.3' E.

RECOVERED 1/2" IRON ROD (NO IDENTIFICATION) FENCE LINE 0.5' N.

**SURVEYOR'S NOTES:**

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ASSUMED TO BE RIGHTS OF WAY, EASEMENTS, EMBANKMENT, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. PERSONS DO NOT CONSTITUTE A REDEVELOPMENT OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
4. BEARINGS SHOWN HEREON ARE BASED ON THE FOLLOWING: XXXXXXXXXX (ASSUMED).
5. THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.
6. UNDERGROUND IMPROVEMENTS AND INSTALLATIONS HAVE NOT BEEN LOCATED.
7. NO INTERIOR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE INDICATED.
8. THE LANDS SHOWN HEREON ARE ENTIRELY WITHIN ZONE X (AREAS DESIGNATED TO BE DIVIDED THE 500 YEAR FLOOD PLAIN) ACCORDING TO THE FLOOD INSURANCE RATE MAP AND COMMUNITY NO. 12079 0000 L, DATED DECEMBER 6, 2000.
9. THE ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY DATUM AND ON PER BENCH MARK NUMBER L-503-026, ELEVATION = 118.72.
10. SITE BENCH MARK IS SHOWN HEREON.
11. ALL ADJOINERS PROVIDED BY THE CLIENT HAVE BEEN SHOWN HEREON. THE ELECTRONIC FILE FOR THIS PROJECT IS THE PROPERTY OF SEARS SURVEYING COMPANY, INC. AND IS NOT THE PROPERTY OF THE CLIENT.
- 12.

**LEGEND**

- FIRE HYDRANT
- TELEPHONE RAISER
- CENTERLINE
- STOP SIGN
- CURB INLET
- WATER METER
- UTILITY POLE
- OVERHEAD WIRES
- PROFESSIONAL SURVEY AND MAPPER



**JOB NUMBER: 04061.000**

SURVEY DATE:	09/25/04
FIELD BY:	A. BISHMAN
FIELD BOOK:	42
PAGES:	68
FIELD FILE:	04061(TDS)
DRAWING FILE:	04061

WE CERTIFY THAT THIS BOUNDARY & TOPOGRAPHIC SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN RULE 61G17-6 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTE 472.027.

ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5668

232 S. DILLARD STREET STE. 20  
 WINTER GARDEN, FL 34787  
**BISHMAN SURVEYING AND MAPPING, INC.**  
 Phone No. 407.905.8877  
 bsminc@earthlink.net  
 CERTIFICATE OF AUTHORIZATION LB 7274

**RESOLUTION NO. -6-18**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AN OFFICIAL CITY LOGO FOR THE CITY OF WINTER GARDEN, FLORIDA; PROVIDING GUIDELINES FOR THE USAGE OF LOGO; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden desires to establish an Economic Development Marketing Plan; and

**WHEREAS**, the Economic Development Marketing Plan identifies a branding campaign and the creation of a City of Winter Garden logo; and

**WHEREAS**, the City Commission of the City of Winter Garden desires to approve the design and use of an official City of Winter Garden logo; and

**WHEREAS**, the City Commission desires to utilize a recognizable feature within Historic Downtown Winter Garden for the official City logo; and

**WHEREAS**, the Downtown Winter Garden clock tower is an identifiable feature of the City of Winter Garden; and

**WHEREAS**, the City Commission finds that it is in the best interest of the residents and Citizens of the City to adopt an official City logo and provide guidelines for usage.

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

**Section 1.** Adoption of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

**Section 2.** Adoption of City Logo. The City Commission of the City of Winter Garden hereby adopts the official logo of the city of Winter Garden as set forth in Exhibit "A" attached hereto.

**Section 3.** Guidelines of Use. The City Commission of the City of Winter Garden hereby recommends that the official logo of the City of Winter Garden be used as set forth in Exhibit "B".

**Section 4.** This Resolution shall take effect immediately upon its adoption.

Adopted at a Regular Meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA

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JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

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Kathy Golden, City Clerk

EXHIBIT A



## EXHIBIT B

# GUIDELINES FOR USAGE OF CITY LOGO

### Introduction

In order to protect its name and image, and the logo for the City of Winter Garden, the City of Winter Garden Commission is asserting on its logo clear rules as to the permitted use of its logo by city staff and third parties.

### The City of Winter Garden Logo

This logo shall not be used to replace the City Seal as established by Chapter 16, Article IV, Section 33 establishing the City Seal and the custodian thereof.

### This logo may be used by City Staff for the following purposes:

1. On City of Winter Garden letterhead, business cards, website, newsletters, promotional items and policy documents.
2. On all marketing materials and campaigns for all departments as may be deemed appropriate by the department head/division head.

### This logo may be used by any third person individual or organization subject to the following restrictions:

1. Usage of the logo shall require prior written consent of the City Manager.
2. Usage of the logo is restricted to references of the City of Winter Garden, its activities or its website.
3. No implication of endorsement by the City of Winter Garden of any individual's or organizations products or services shall be made.
4. The logo may be used by any of Winter Garden's civic organizations, associations and clubs to promote the City of Winter Garden and events sponsored by the City.

### General Requirements

The following requirements apply to all versions of the City of Winter Garden logo:

1. The logo shall be reproduced from master artwork available at the City of Winter Garden and shall not be a second generation copy. The logo shall not be recreated and shall not be revised or altered without the written consent of the City Manager.
2. The logo shall be reproduced at a size that is appropriate for the context in which it is found. It shall be easily visible but not overwhelming. The text within or around the logo shall be legible.
3. The logo shall be reproduced in the correct proportions.
4. Sufficient clear space shall be provided around the logo to create an effective visual impression.
5. The logo may be reproduced in black and white and the color of the clock tower may change to provide a visual appeal with background images or colors.
6. The logo shall always be positioned horizontally.

**RESOLUTION 06-19**

**A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR COMMERCIAL SOLID WASTE SERVICES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Winter Garden City Commission adopted Ordinance 01-14 (the Solid Waste/Recycling Ordinance) which included a provision in Section 58-75 providing for the City Commission's adoption of an amended fee schedule for the services related to the collection of solid waste and recycling by Resolution; and

**WHEREAS**, the City Commission and City Staff have considered the increase based upon the Consumer Price Index (CPI) of 2.2%, which is needed for the City to protect the City's financial resources and the resources of the citizens of the City of Winter Garden; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Winter Garden, Florida:

**Section 1:** The applicable rates for the collection of commercial solid waste and recycling as specified on the attached Exhibit "A" are hereby adopted and approved by the City Commission of the City of Winter Garden.

**Section 2:** That all Resolutions or parts thereof that are in conflict with this Resolution are hereby rescinded and repealed to the extent of said conflict.

**Section 3:** That this Resolution shall take effect on January 1, 2007.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of December 2006.

**APPROVED:**

\_\_\_\_\_  
**JACK QUESINBERRY MAYOR/COMMISSIONER**

**ATTEST:**

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

**Exhibit "A"**

**OLD RATE 2006  
RESOLUTION 05-21**

**Commercial Solid Waste Rates**

<b>Container</b>	<b>1 time/wk</b>	<b>2 times/wk</b>	<b>3 times/wk</b>	<b>4 times/wk</b>	<b>5 times/wk</b>	<b>6 times/wk</b>
<b>Ploy carts</b>	\$ 23.19	\$ 34.38	\$ 52.08	\$ 69.70	\$ 87.03	95.41

<b>Container</b>	<b>1 time/wk</b>	<b>2 times/wk</b>	<b>3 times/wk</b>	<b>4 times/wk</b>	<b>5 times/wk</b>	<b>6 times/wk</b>	<b>7 times/wk</b>
<b>Front load</b>							
C2 - 2 yd.	\$ 43.01	\$ 86.03	\$ 129.03	\$ 172.04	\$ 215.05	\$ 258.08	\$ 301.08
C4 - 4 yd.	\$ 82.74	\$ 165.50	\$ 248.24	\$ 330.99	\$ 413.74	\$ 496.49	\$ 579.23
C6 - 6 yd.	\$ 122.85	\$ 245.68	\$ 368.53	\$ 491.37	\$ 614.22	\$ 737.05	\$ 859.90
C8 - 8 yd.	\$ 162.45	\$ 324.91	\$ 487.38	\$ 649.83	\$ 812.29	\$ 974.53	\$ 1,137.19

**NEW RATE 2007  
RESOLUTION 06-19  
Effective January 1st 2007**

**Commercial Solid Waste Rates**

<b>Container</b>	<b>1 time/wk</b>	<b>2 times/wk</b>	<b>3 times/wk</b>	<b>4 times/wk</b>	<b>5 times/wk</b>	<b>6 times/wk</b>
<b>Ploy carts</b>	\$ 23.71	\$ 35.15	\$ 53.24	\$ 71.25	\$ 88.97	\$ 97.54

<b>Container</b>	<b>1 time/wk</b>	<b>2 times/wk</b>	<b>3 times/wk</b>	<b>4 times/wk</b>	<b>5 times/wk</b>	<b>6 times/wk</b>	<b>7 times/wk</b>
<b>Front load</b>							
C2 - 2 yd.	\$ 43.97	\$ 87.94	\$ 131.92	\$ 175.89	\$ 219.86	\$ 263.83	\$ 307.81
C4 - 4 yd.	\$ 84.59	\$ 169.18	\$ 253.76	\$ 338.35	\$ 422.94	\$ 507.53	\$ 592.12
C6 - 6 yd.	\$ 125.59	\$ 251.17	\$ 376.76	\$ 502.34	\$ 627.93	\$ 753.51	\$ 879.10
C8 - 8 yd.	\$ 166.07	\$ 332.14	\$ 498.21	\$ 664.28	\$ 830.35	\$ 996.42	\$ 1,162.49

**RESOLUTION 06-20**

**A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR ALL OPENING AND CLOSING SERVICES AND CERTAIN OTHER MATTERS AT THE WINTER GARDEN CEMETERY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden City Commission adopted Ordinance 96-06 (the Cemetery Ordinance) which included a provision now in Section 26-30(c) providing for the City Commission’s adoption of a rate schedule for opening and closing services and other matters at the Winter Garden Cemetery by Resolution; and

**WHEREAS**, the City Commission and City Staff have considered the costs and expenses relating to the matters set forth in this Resolution and the need for the City to protect the City’s financial resources and the resources of the citizens of the City of Winter Garden; and

**WHEREAS**, the City Commission has determined that the rates specified in this Resolution are reasonable and proper.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Winter Garden, Florida:

**Section 1:** The applicable rates for opening and closing services and related matters as specified on the attached Exhibit “A” are hereby adopted and approved by the City Commission of the City of Winter Garden.

**Section 2:** That all Resolutions or parts thereof that are in conflict with this Resolution are hereby rescinded and repealed to the extent of said conflict.

**Section 3:** That this Resolution shall take effect December 15, 2006.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

**APPROVED:**

\_\_\_\_\_  
**MAYOR JACK QUESINBERRY**

**ATTEST:**

\_\_\_\_\_  
**City Clerk Kathy Golden**

**EXHIBIT "A"**

**CEMETERY RATES  
REVISED  
(Effective 12/15/06)**

	Current fee	New fee
Opening and closing services without setup	\$495.00 *	\$620.00*
Opening and closing services with setup	\$600.00 *	\$725.00*
Opening and closing service for disinterment and reinterment inside Cemetery	\$820.00	\$1,070.00
Opening and closing services for disinterment for removal from Cemetery	\$460.00	\$585.00
Opening and closing services for reinterment from another Cemetery	\$460.00	\$585.00
Opening and closing with setup for infant burial	\$460.00	\$585.00
Setup services for cremation	\$450.00	\$575.00
Opening and closing services of a plot for cremation without setup	\$ 85.00	\$ 85.00
Columbarium Opening and closing with setup	\$400.00	\$525.00
Columbarium Opening and closing without setup	\$250.00	\$350.00
<b>Miscellaneous expenses:</b>		
Extra Chairs (12)	\$ 50.00	\$125 .00
Extra tent	\$125.00	\$150.00
Saturday Services add	\$200.00	\$225.00
Monday Holiday Services add	\$350.00	\$425.00
Services not completed by 4:00 p.m.	\$25 per hour (prorated)	\$25 per hour (prorated)
Services scheduled at or after 3:00 p.m.	\$75 flat fee	\$100 flat fee

\*Grave, mausoleum catacombs and columbarium services are the same price.

**RESOLUTION 06-21**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE CLOSURE TO VEHICULAR TRAFFIC OF A PORTION OF HENRY STREET IN WINTER GARDEN; FLORIDA; AUTHORIZING EXECUTION OF EFFECTING DOCUMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the City of Winter Garden (“City”) needs and will construct a new city hall (the “Project”); and

**WHEREAS**, the City has purchased and assembled property for the Project described as the “City Hall Parcel,” which abuts a portion of Henry Street; and

**WHEREAS**, that portion of Henry Street as described in Exhibit “A” attached hereto impedes the design of the Project; and

**WHEREAS**, after due consideration of the supporting documents, staff investigations and report, the City Commission finds that the portion of Henry Street described in Exhibit “A” attached hereto is not necessary for public use and convenience or for vehicular traffic and that its closure will not impede efficient provision of municipal and emergency services to the public; and

**WHEREAS**, after due consideration of the supporting documents, staff investigations and report, the City Commission has determined that all properties abutting that portion of Henry Street described on the attached Exhibit “A” not owned by the City currently possess adequate and existing means of motor vehicle ingress and egress, which operate independently of that portion of Henry Street to be closed; and

**WHEREAS**, after due consideration of the supporting documents, staff investigations and report, the City Commission has determined that closure of the subject portion of Henry Street will benefit the general public by providing for the beautification of such portion and surrounding area as well as increasing public access to City services via expanded parking facilities for and pedestrian access to the Project once completed.

**NOW, THEREFORE, BE IT ENACTED** by the City Commission of the City of Winter Garden, Florida:

**Section 1. Authority.** The City of Winter Garden has the authority to adopt this Resolution pursuant to those home rule powers to regulate the use of and control City Avenues, alleyways, and easements pursuant but not limited to Section 2(b), Article VIII of the Florida Constitution, Chapter 166 of the Florida Statutes, and Section 8(12), Article I of the City Charter.

**Section 2. Closing of Henry Street to Vehicular Traffic.** The City of Winter Garden hereby closes to vehicular traffic those portions of Henry Street illustrated in the attached Exhibit “A” for the purpose of facilitating pedestrian traffic, beautifying the surrounding area, and providing additional parking access for the City Hall building to be constructed adjacent thereto.

**Section 3. Effecting Documents.** The City Manager is hereby authorized and directed to execute such instruments as may be necessary or required to demonstrate that said portion of Henry Street is closed to vehicular traffic and authorize such improvements as are deemed necessary to facilitate beautification of such portion of Henry Street, pedestrian access and parking access.

**Section 4. Severability.** If any portion of this Resolution is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon its passage.

**ADOPTED** at a Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2006.

**CITY COMMISSION OF THE CITY OF WINTER  
GARDEN, FLORIDA**

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JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

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Kathy Golden, City Clerk

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**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** *Jay Conn, Recreation Department Director*

**Via:** City Manager Mike Bollhoefer

**Date:** Nov. 29, 2006

**Meeting Date:** Dec. 14, 2006

**Subject:** Adoption of Resolution # 06-22 supporting the Florida Forever program and a successor program to be continued in its place.

**Issue:**

The Florida Forever program was instituted in 1999 by the State of Florida as a program to protect many of the lands throughout the state that serve as valuable wildlife habitat, aquifer recharge areas, and lands for recreational uses. Florida Forever served as a replacement program for the 10 year, Preservation 2000 program that began in 1990. Combined, both programs have funded the acquisition and permanent protection of over 2 million acres of environmentally sensitive lands, historical sites, and lands for recreational trails. Local and state governments have benefited greatly from these programs through providing parks, protecting endangered wildlife, providing vital aquifer recharge areas, and otherwise saving important areas from the enormous development pressures over the last several decades throughout the state.

The current Florida Forever program is scheduled to sunset in 2010 with no secure future for continuing this vitally important funding program. Skyrocketing land prices have made the continuance of this program more important than ever before. Many cities and counties throughout the state are working on similar resolutions to inform state legislators that the Florida Forever and a successor program are considered vital to the health our environment, local communities, and the state in general.

Locally, Winter Garden has applied for two grants utilizing Florida Forever funds. Both applications were unsuccessful due to the funding limits and the multitude of applicants that have sought assistance from the development pressures within their own communities.

A successor program with increased annual appropriations is being sought to take the place of Florida Forever. In 2006, there were over \$240 million in applications for the \$66 million that was appropriated to the Florida Communities Trust Grant as part of the annual Florida Forever Funding. A well funded grant program similar to Florida Forever is essential to eliminate this annual shortfall and to keep Florida's environmentally sensitive lands and historical sites protected from encroaching development.

**Recommended action:**

***Adopt Resolution # 06-22 in support of the Florida Forever program and a successor program to take its place.***

**RESOLUTION 06-22**

**A resolution of the City Commission of the City of Winter Garden, Florida, expressing the decision of the City Commission of said city to support the Florida Forever program and a successor program for the future.**

**WHEREAS**, the Florida Forever program and its predecessor Preservation 2000 program have immeasurably contributed to environmental health, quality of life, recreation, and sustainability in Florida for this and future generations, and

**WHEREAS**, Florida Forever has acquired over one million acres throughout Florida since 2000 and allocates \$300 million annually to purchase environmentally sensitive and other lands, and has done so through numerous successful partnerships with cities, counties, state agencies, water managements districts, nonprofit organizations, private landowners, and others in achieving its conservation purposes, and

**WHEREAS**, Florida Forever, through its partnerships with the Florida Department of Environmental Protection, Water Management Districts, and others, produces benefits that include clean air and water; healthy fisheries and wildlife habitat; improved water supply protection; and protected open spaces including greenway corridors, park lands, forests, and water bodies, and

**WHEREAS**, Florida Forever, through the Florida Communities Trust, has assisted Florida's cities and counties in protecting their cultural and historical resources, meeting the challenges of growth management, directing development away from coastal high hazard areas and floodplains; fostering a healthier lifestyle for Floridians; and providing recreational outdoor experiences in both urban and rural settings, and

**WHEREAS**, Florida Forever has helped to save many of Florida's beaches, rivers, bays, forests, coral reefs and estuaries that provide the foundation for our \$3 billion tourism industry that attract more than 70 million visitors each year, and

**WHEREAS**, 50 Florida local governments have enacted land acquisition financing programs in the past decades, and these conservation finance programs serve to leverage Florida Forever funding and increase the impact of State land conservation funding, and

**WHEREAS**, Florida is experiencing rapid population growth, with approximately 1,100 new residents every day; and Floridians demand a high quality of life that includes green space, access to water, pastoral settings and recreational opportunities, and

**WHEREAS**, Florida Forever and other land conservation programs must compete in Florida's market of surging land and housing prices; and,

**WHEREAS**, the effectiveness of Florida Forever has diminished because of escalating land prices and the impacts of inflation; and,

**WHEREAS**, the funding for the Florida Forever program will sunset in 2010; and,

**WHEREAS**, research by the Florida Forever Coalition has found that well in excess of \$10 billion in State funding is currently needed to purchase wildlife and wilderness areas, parks and open space for our state's ecological sustainability and increasing human population, and

**WHEREAS**, research by the Florida Forever Coalition has also found that additional billions of dollars in local funding is necessary in order that cities and counties can protect additional wilderness areas, parks, and open space, in ways fully complementary with those of the State, and

**WHEREAS**, a 2005 public opinion survey conducted by members of the Florida Forever Coalition found that 78% of Florida's voters approve of the Florida Forever program, and

**WHEREAS**, the Florida Forever Coalition endorsed a Florida Forever successor program of \$1 billion annually, and

**NOW, THEREFORE, BE IT RESOLVED** by this resolution that the City of Winter Garden declares its support for the creation and funding of a successor program to the Florida Forever sufficient to meet the needs of lands conservation today and in the generations to come,

And declares its intention to inform our representatives in the State Senate and State House of the passage of this resolution.

**PASSED AND RESOLVED** this 14 day of December, 2006, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

---

Jack Quesinberry, Mayor/Commissioner

**ATTEST:**

---

Kathy Golden, City Clerk

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Planning Director

**Via:** City Manager Mike Bollhoefer

**Date:** December 11, 2006      **Meeting Date:** December 14, 2006

**Subject:** John's Lake Pointe Developer's Agreement.

**Issue:** The Developer's Agreement for John's Lake Pointe ensures that the project is responsible for its impacts on public facilities. These improvements include stormwater drainage, sanitary sewer, potable water, roads, police, and fire. Following approval of the Developer's Agreement, the final plat will be scheduled for future City Commission approval.

**Recommended**

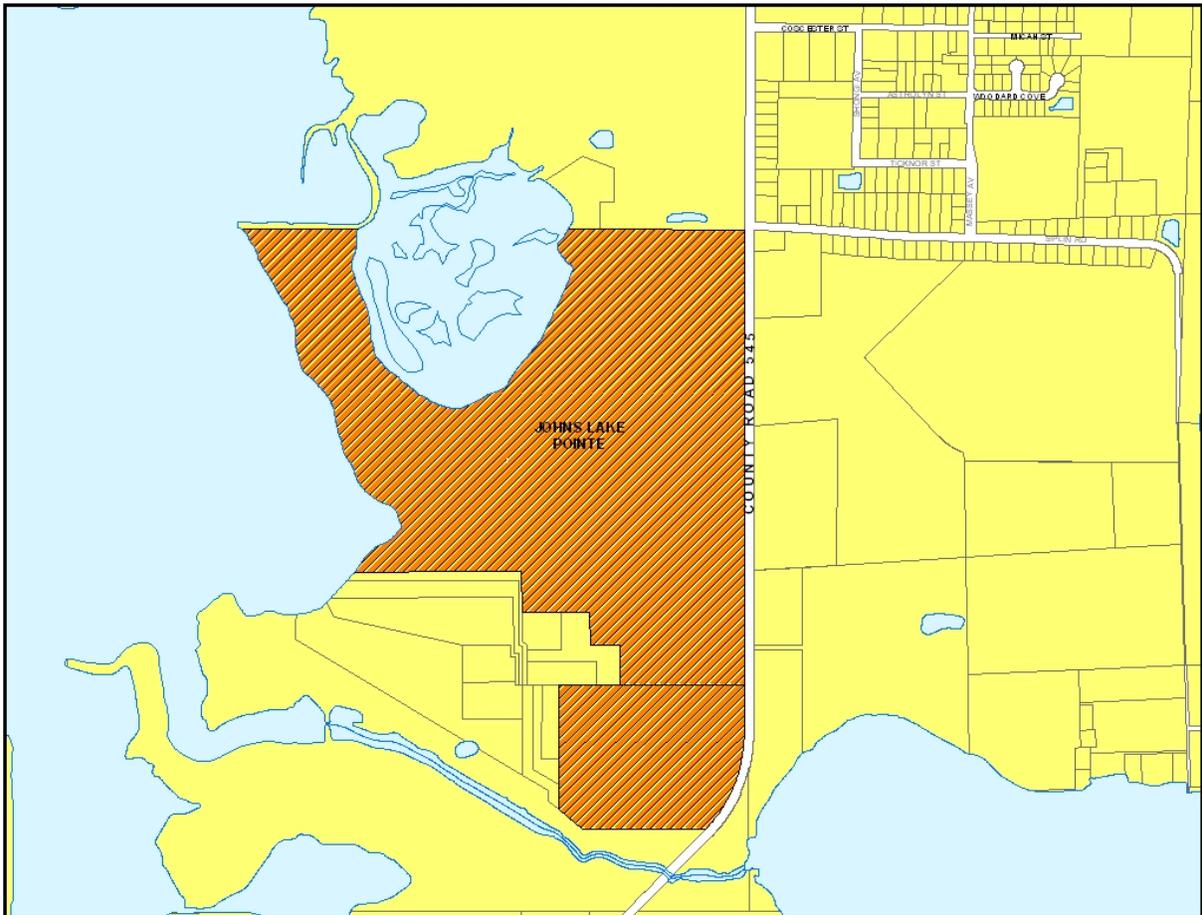
**Action:**

Move to approve the Developer's Agreement of John's Lake Pointe.

**Attachments/References:**

Developer's Agreement

**John's Lake Pointe**



**THE CITY OF WINTER GARDEN  
CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Planning Director

**Via:** City Manager Mike Bollhoefer

**Date:** December 11, 2006      **Meeting Date:** December 14, 2006

**Subject:** Tucker Oaks Developer's Agreement.

**Issue:** The Developer's Agreement for Tucker Oaks ensures that the project is responsible for its impacts on public facilities. These improvements include stormwater drainage, sanitary sewer, potable water, roads, police, and fire. Following approval of the Developer's Agreement, the final plat will be scheduled for future City Commission approval.

**Recommended**

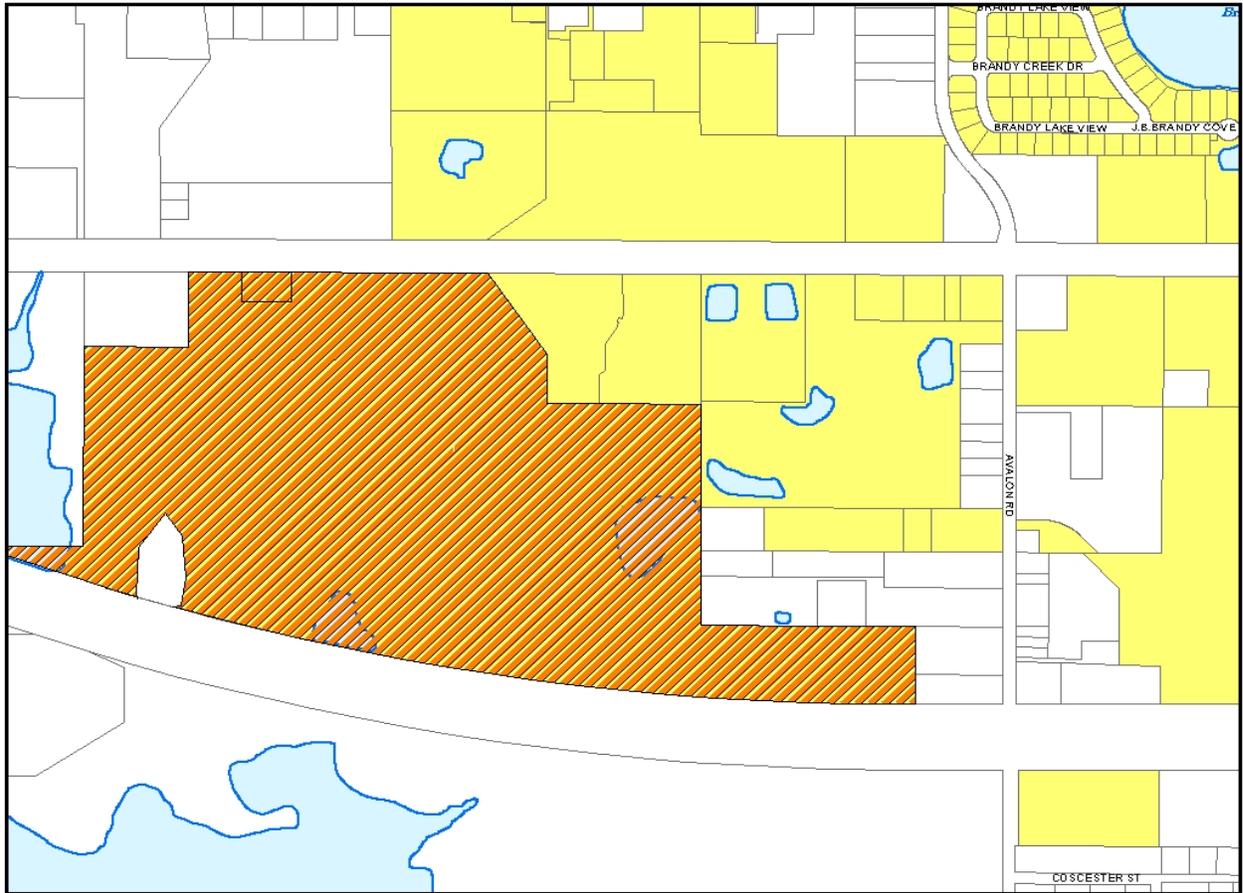
**Action:**

Move to approve the Developer's Agreement of Tucker Oaks.

**Attachments/References:**

Developer's Agreement

**Tucker Oaks**



**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Planning Director  
**Via:** City Manager Mike Bollhoefer  
**Date:** December 11, 2006                      **Meeting Date:** December 14, 2006  
**Subject:** Garden Plaza (aka Peoples Plaza) Site Plan  
**Issue:** Request approval of a Site Plan for the property located at 12301 West Colonial Drive to be used as a mixed use commercial development.

**Supplemental Material/Analysis:**

**Owner/Applicant:** John Hussy                      (407) 843-1111

**Zoning:** PCD (Planned Commercial Development)

**FLU:** COM

**P&Z Board Recommendation:** The P&Z Board recommended approval at their December 4, 2006 meeting with the condition that the applicant must satisfy all staff conditions stated in the attached staff memorandums. The P & Z Board also approved a variance for the reduction of the required 545 parking spaces to 466 spaces for this project to allow additional landscaping and construction of the proposed mixed use commercial development.

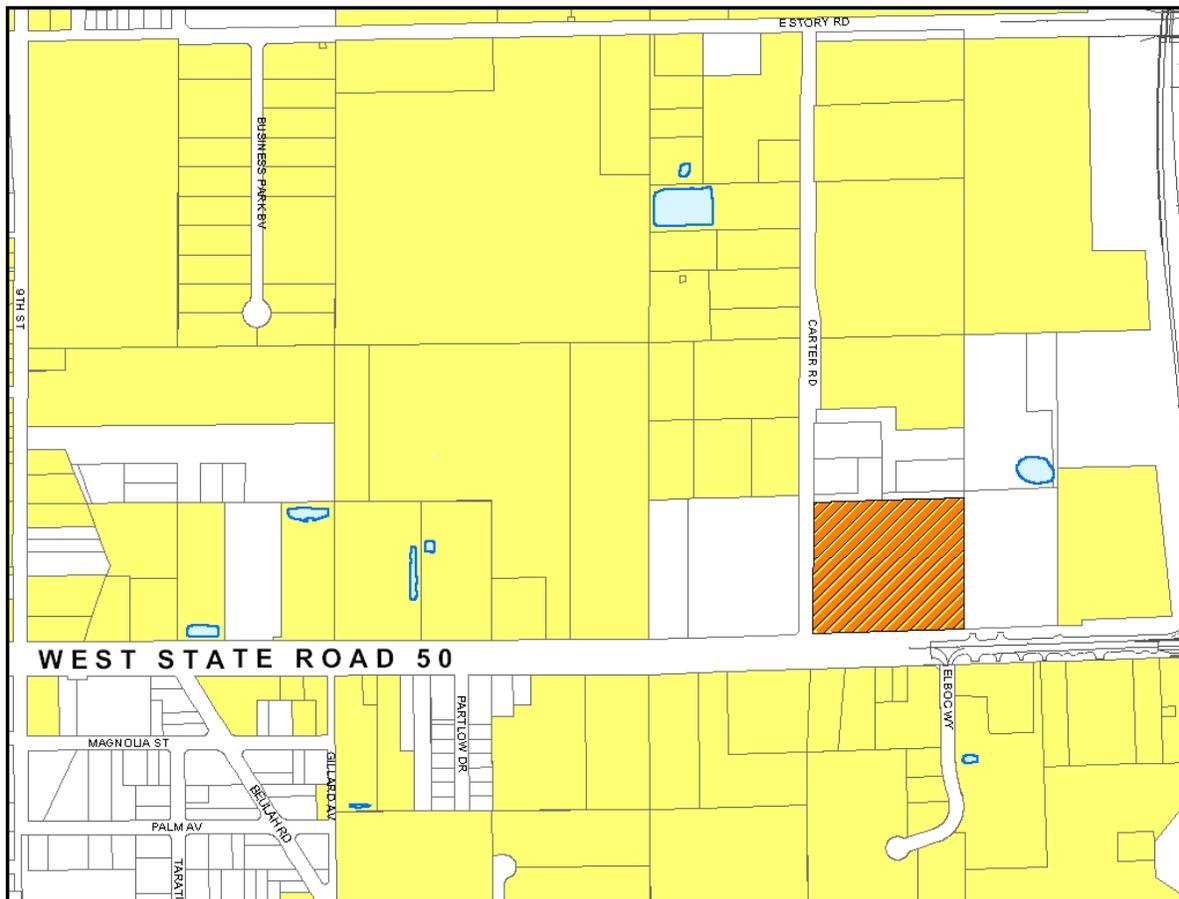
**Staff Recommendation:** Staff Recommends approval with the conditions in the Planning Department's memorandum of November 21, 2006, the Engineering Department's memorandum of November 29, 2006, the Stormwater Engineer's memorandum December 8, 2006 and November

16, 2006, the Building Official's memo of November 15, 2006, and the Fire Department's memo of November 17, 2006.

**Next Step:** Resubmit revised site plans addressing and satisfying all staff comments for final staff approval.

**Attachments/References:** Copies of staff memorandums, Site Plans.

**Garden Plaza**



**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Planning Director  
**Via:** City Manager Mike Bollhoefer  
**Date:** December 8, 2006                      **Meeting Date:** December 14, 2006  
**Subject:** Covington Park (a/k/a Youngblood Roper) Final Plat  
**Issue:** Request approval of a final plat for 175 single family homes to be located on the north side of Division Street, west of Hennis Road.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Richard Fadil, Greenleaf Development, LLC.  
(407) 322-1870

**Zoning:** PUD

**FLU:** LR (Low Density Residential)

**P&Z Board Recommendation:** The Planning & Zoning Board recommended approval at their July 10, 2006 meeting.

**Staff**

**Recommendation:** Staff recommends approval of the final plat with the conditions in the Engineering Department's memo dated November 8, 2006, the Legal Review memo of November 13, 2006 and the City Surveyor's memo dated June 6, 2006. Also the applicant/owner must provide a Performance Bond to the City's satisfaction for the subdivision amenities prior to recording of the final plat.

**Attachments/References:** Copies of final plat

### Covington Park

