

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

REGULAR MEETING

January 11, 2007

6:30 P.M.

CALL TO ORDER

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

1. **APPROVAL OF MINUTES**

Regular Meeting December 28, 2006

2. **PRESENTATION:**

Orange County School Board Chairman Karen Ardaman and Senior Administrator Dr. Carol McGowin

3. **FIRST READING OF AND PUBLIC HEARING OF PROPOSES ORDINANCES**

A. **Ordinance 06-35:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 27.32 ACRES OF LAND LOCATED AT 355 SOUTH NINTH STREET FROM ORANGE COUNTY INDUSTRIAL TO CITY INDUSTRIAL PROVIDING FOR AN EFFECTIVE DATE. (Dreyfus Citrus Property LSCPA) **with the second reading and public hearing being scheduled when the amendment is returned from the state** – City Planner Williams

B. **Ordinance 06-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 79 ACRES OF LAND LOCATED ON THE EAST SIDE OF COUNTY ROAD 545, AND NORTH OF BLACK LAKE FROM ORANGE COUNTY RURAL TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions-Schneider-Ross /Southstar Property LSCPA) **with the second reading and public hearing being scheduled when the amendment is returned from the state** – City Planner Williams

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED 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 EFFECTING DOCUMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE - Assistant City Manager Robertson

B. **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 CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE – City Manager Bollhoefer

- C. **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– Building Official Herbert
- D. **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 - City Manager Bollhoefer

5. **REGULAR BUSINESS**

- A. **Resolution 07-01:** A RESOLUTION OF THE CITY OF WINTER GARDEN IN SUPPORT OF NEMOURS ORLANDO CHILDREN’S HOSPITAL; ENCOURAGING SUPPORT OF OTHER MUNICIPALITIES AND LOCAL GOVERNMENTS IN CENTRAL FLORIDA FOR NEMOURS ORLANDO CHILDREN’S HOSPITAL, AND PROVIDING AN EFFECTIVE DATE – City Manager Bollhoefer
- B. Recommendation to accept and authorize a Department of Environmental Protection grant for Dr. Bardford Park stormwater retrofit project – Public Works Director Smith
- C. Recommendation to approve entering into negotiations with Spies Pools, LLC for improvements to Boulder Pool – Recreation Director Conn
- D. Discussion on Canvassing Board meeting dates for the 2007 general and possible run-off elections – City Clerk Golden

6. **MATTERS FROM CITIZENS**

7. **MATTERS FROM CITY ATTORNEY – A. Kurt Ardaman**

8. **MATTERS FROM CITY MANAGER – Mike Bollhoefer**

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

10. **ADJOURN** to a workshop on January 18, 2007 at 6:00 p.m. in City Hall Chambers

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 06-35

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

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

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

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

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

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

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

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

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

READ FIRST TIME: _____ 2006.

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

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(06-35 Dreyfus LSCPA_01/08/07)

ORDINANCE 06-37

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 79.95 ACRES OF LAND LOCATED NORTH OF BLACK LAKE FROM ORANGE COUNTY AGRICULTURE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions-Schneider-Ross (Southstar) Property LSCPA)

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

WHEREAS, the owner of that certain real property generally described as 79.95 ACRES OF LAND LOCATED NORTH OF BLACK LAKE, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Agriculture to City Suburban Residential.

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

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

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

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

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes, or

when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

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

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

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

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

EXHIBIT "A"

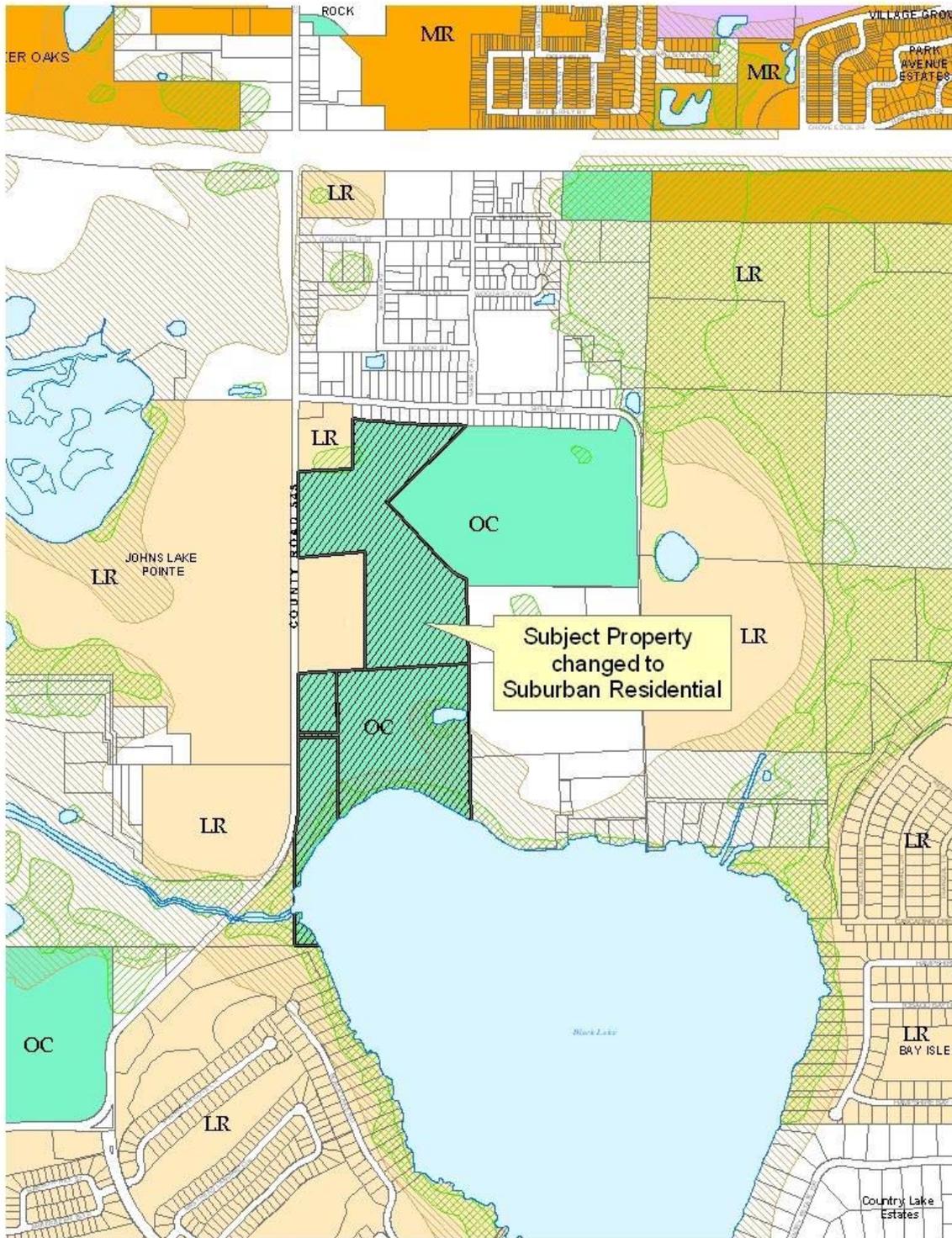
The South 1/2 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, and the East 3/4 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida, and BEGIN at the North 1/4 corner of Section 34, Township 22 South, Range 27 East, run S02°08'34"E along the center section line 231.90 feet; thence N89°52'25"W, 1258.87 feet to the 40-acre line, thence N01°12'10"W, 123.77 feet to the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 34, thence N85°12'00"E, 1258.17 feet to the POINT OF BEGINNING; LESS Avolon Road on West and right-of-way for Sixth Road, and LESS the following portions of the above-described property:

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

2) BEGIN at the Northwest corner of said Section 34, thence run North 185.00 feet; thence run East 515.00 feet; thence run South 845.00 feet; thence run West 185.00 feet; thence run North 580.00 feet; thence run West 330.00 feet to the POINT OF BEGINNING.

3) That part of the South 1/2 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, lying North of the following described line: Commence at the Northeast corner of the South 1/2 of the Southwest 1/4 of said Section 27; thence run S01°53'34"W, 348.53 feet along the East line of the Southwest 1/4 of said Section 27; thence S89°33'55"W, 60.46 feet to a point on the Westerly right-of-way line of Sixth Road, also being the point of curvature of a curve concave Northeasterly having a radius of 150.00 feet and a tangent bearing of N50°25'05"W, thence Northwesterly along said curve with a central angle of 70°02'15", an arc length of 183.27 feet to a point on the curve also being the Northeasterly corner of Lot 27, SPLIT HEIGHTS, as recorded in Plat Book 21, Pages 49 and 50, of the Public Records of Orange County, Florida, thence S13°33'39"W, 108.35 feet along the East line of said Lot 27 to the Southern plat line of said SPLIT HEIGHTS, thence N87°45'05"W, 655.65 feet along said plat line, thence N88°43'39"W, 730.04 feet along said plat line, thence N55°25'15"W, 457.07 feet along said plat line to the Southwest corner of Lot 1 of said SPLIT HEIGHTS, thence N00°00'00"E, 149.56 feet along the West line of said Lot 1, extended to a point on the North line of the South 1/2 of the Southwest 1/4 of said Section 27, thence S87°49'18"W, 421.00 feet to the Northwest corner of the Southwest 1/4 of said Section 27.

12/10/2004



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 Ordinance shall become effective immediately upon its passage.

READ FIRST TIME: December 14, 2006.

READ SECOND TIME AND ADOPTED: _____, 2007.

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

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

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: _____, 2007.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

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

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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

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- (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

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- 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: _____, 2007.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk

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

ATTEST:

KATHY GOLDEN, City Clerk

RESOLUTION 07-01

A RESOLUTION OF THE CITY OF WINTER GARDEN IN SUPPORT OF NEMOURS ORLANDO CHILDREN'S HOSPITAL; ENCOURAGING SUPPORT OF OTHER MUNICIPALITIES AND LOCAL GOVERNMENTS IN CENTRAL FLORIDA FOR NEMOURS ORLANDO CHILDREN'S HOSPITAL, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the genesis of Nemours is found in the will of Alfred I. DuPont where he expressed his desire to alleviate human suffering; and

WHEREAS, Nemours was incorporated in 1936 and currently receives funding through the Alfred I. DuPont Testamentary Trust and the Edward Ball Estate; and

WHEREAS, in 1940 Nemours opened its first health care institution, what is now the Alfred I. DuPont Hospital for Children, located in Delaware, and today operates its stand alone children's hospital in Delaware and numerous children's health care clinics in Delaware, Pennsylvania, New Jersey and Florida; and

WHEREAS, since establishing its Orlando clinic in 1997 through 2005, Nemours has provided over \$140 million in mission support to Central Florida, currently employs a total of more than 200 associates and physicians covering numerous specialties and hospital based physicians; and

WHEREAS, currently, the pediatric specialty practices and clinics of Nemours operating in Orlando, Pensacola and Jacksonville have invested over \$500 million in mission support in the State of Florida, have treated almost 800,000 Florida children, employ over 130 physicians in the State, and have had an economic impact of \$240 million annually; and

WHEREAS, Nemours is proposing to build a fully endowed, top-tier integrated children's health system, inclusive of a 95 bed, \$260 million state-of-the-art children's hospital, in addition to the planned clinic and related facilities in Orlando, Florida; and

WHEREAS, Orlando is fortunate to have excellent community hospitals and that Nemours' addition of pediatric subspecialty care will serve to enhance the healthcare system for infants, children and adolescents, regardless of their financial status; and

WHEREAS, in addition to providing the kind of specialized care that will attract patients from around the world, Nemours will also employ as many as 1,500 people, add as much as \$350 million annually to the Central Florida economy, enhance the region's reputation as a world-class provider of medical care, make Central Florida a logical location for ancillary health-care based businesses; and

WHEREAS, Central Florida will have access to the Nemours Biomedical Research Program, ranked 13th in National Institutes of Health funding among children's hospitals, based on 2004 rankings; and

WHEREAS, the Nemours Orlando Children's Hospital along with the new UCF Medical School, a VA hospital, the Burnham Institute, and our two existing community hospitals, will create a "medical center of excellence" that will benefit our children, our families and our region; and

WHEREAS, the Nemours Orlando Children's Hospital will target patients with complex pediatric disease issues that require highly specialized resources and integrated patient management without requiring government subsidies.

NOW, THEREFORE BE IT RESOLVED, that the City of Winter Garden hereby finds that the proposed Nemours Orlando Children's Hospital is in the best interests of the citizens of this community and region and that

the City of _____ supports the efforts to build the Nemours Orlando Children's Hospital and encourages other municipalities and local governments in Central Florida to publicly express their support as well.

BE IT FURTHER RESOLVED, this Resolution be presented to Karen Breakell, Director of Community Relations of Nemours.

Adopted at a Regular Meeting this _____ day of _____, 2007.

CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk