

**CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue
(REVISED 4/10/07)**

REGULAR MEETING

April 12, 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 Meetings of March 8, 2007 and March 16, 2007

2. **PRESENTATIONS**

- A. Certificate to Commissioner Charlie Mae Wilder for serving the remaining term of Mildred L. Dixon (deceased) and prior service on the Code Enforcement Board – Mayor Quesinberry
- B. Plaque to Commissioner Theo Graham for 20 years of service – Mayor Quesinberry

3. **OATH OF OFFICE**

City Commissioners elected March 13, 2007 to Districts 2, 3 and 4 – City Clerk Golden

Dispense as the City Commission and convene as the Community Redevelopment Agency

- 4. Request by the Heritage Foundation for a \$200,000 donation for the construction of the Garden Theatre - (**added on 4/10/2007**), Larry Cappleman Chairman of the CRAAB

Adjourn as the Community Redevelopment Agency and reconvene as the City Commission

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

- A. **Ordinance 05-56:** AN ORDINANCE AMENDING THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN TO COMPLY WITH THE WEKIVA PARKWAY AND PROTECTION ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 26, 2007** – City Planner Williams
- B. **Ordinance 07-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING THE PLATTED SOUTH WEST CORNER OF LOT 50, WINTERMERE HARBOR ACCORDING TO PLAT BOOK 42 AT PAGES 67-68 IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N 84°29'04''E AT A DISTANCE OF 3.55 FEET; THENCE N 05°30'56''W A DISTANCE OF 7.25 FEET TO THE POINT OF BEGINNING; THENCE 27°25'26''W THENCE N 84°29'04''E A DISTANCE OF 62.08 FEET; THENCE S 79°57'48''W A DISTANCE OF 60.35 FEET RETURNING TO THE POINT OF BEGINNING FOR THE PROPERTY LOCATED AT 13119 LAKESHORE GROVE DRIVE, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 26, 2007-** City Planner Williams

6. REGULAR BUSINESS

- A. Request for donation by Winter Garden Rotary - Jim Carter
- B. Request by the Winter Garden Heritage Foundation to hold a music festival October 5-7, 2007 on Plant Street between Main and Highland streets - Ron Sikes
- C. Recommendation to approve site plans for Avalon Marsh Retail (Avarar) – Planning Director Williams
- D. Recommendation to approve a Right-of-way Maintenance Agreement for Covington Park Subdivision – Planning Director Williams
- E. Appointment to fill seat vacated by incoming Commissioner Buchanan on the Planning and Zoning Board – City Clerk Golden
- F. Appointment to fill seat vacated by incoming Commissioner Bouler on the Code Enforcement / Nuisance Abatement Board – City Clerk Golden
- G. Appointment to fill seat vacated by incoming Commissioner Bouler on the Community Redevelopment Advisory Board – City Clerk Golden
- H. Appointment to fill seat vacated by outgoing Commissioner Graham on the Ocklawaha River Basin Advisory Board – City Clerk Golden
- I. Selection of a Mayor Pro Tempore – Mayor Quesinberry
- J. Recommendation to approve Annual Construction Services Contracts for Infrastructure Improvements – Public Services Director Cochran
- K. Recommendation to award contract for Division Street roadway and utilities improvements from Lakeview Avenue to Dillard Street - Public Services Director Cochran
- L. Recommendation to approve youth program scholarships to summer day camp participants – Recreation Director Conn
- M. Recommendation to approve policy changes to the rental agreements for Tanner Hall - Recreation Director Conn
- N. Recommendation to approve the purchase of the old Dillard Street Elementary School site – Assistant City Manager Robertson
- O. Recommendation to purchase property located at the southeast corner of Windermere Road and Warrior Road for a park in District 4 (*added on 4/10/2007*)- City Manager Bollhoefer

7. MATTERS FROM CITIZENS

8. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

- A. Discussion on Charter referendum

9. MATTERS FROM CITY MANAGER – Mike Bollhoefer

10. MATTERS FROM MAYOR AND COMMISSIONERS

11. ADJOURN to a regular City Commission meeting on Thursday, April 26, 2007 at 6:30 p.m.

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

City of Winter Garden Commission Agenda
April 12, 2007

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 05-56

AN ORDINANCE AMENDING THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN TO COMPLY WITH THE WEKIVA PARKWAY AND PROTECTION ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

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

WHEREAS, on June 29, 2004 the State of Florida enacted the Wekiva Parkway and Protection Act (hereinafter known as the Act) which requires local governments within the Wekiva Study Area to amend their Comprehensive Plans by establishing Land Use Strategies that protect recharge areas, establish a 10 year Potable Water Plan and to develop a Master Stormwater Plan, and

WHEREAS, the City of Winter Garden is within the Wekiva Study Area and thus subject to the rules and requirements of the Act, and

WHEREAS, the city of Winter Gardens 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 1 The City of Winter Garden hereby amends the comprehensive plan with the following provisions:

Goal 1 Support and implement the recommendations of the Wekiva River Basin Committee to protect the surface water and ground water resources of the Wekiva Study Area, as fragile resources necessary for sustaining the community quality of life, drinking water, and health of the Wekiva River System.

OBJECTIVE 1 Winter Garden shall protect the most effective recharge areas, karsts features and sensitive natural habitat including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub, within the Wekiva Study Area through the delineation and adoption of the Wekiva Study Area Resource Protection Overlay. The Resource Protection Overlay will be designed as a land use category, a zoning district and an overlay district.

POLICY 5.6 The entire municipal limits of the City of Winter Garden and its Joint Planning Area with Orange County are within the boundaries of the Wekiva Study Area but not within the boundaries of the Wekiva River Protection Area.

POLICY 5.6.1 The Future Land Use Map of the City of Winter Garden is hereby amended and shall include the delineation of the Wekiva Study Area, and the Resource Protection Overlay (WSA-5) which is the overlay consisting of the Most Effective Recharge Soils (WSA-4), Karst Features (WSA-2) and Sensitive Natural Habitat (WSA-3). The city shall protect the Wekiva Study Area by establishing the Resource Protection Overlay land use and Resource Protection Overlay Zoning.

POLICY 5.6.2 All new development and all redevelopment within the city, which is located within the Resource Protection Overlay shall comply with the Wekiva Land Development Code provisions and the policies of this plan.

POLICY 5.6.3 The Heavy Commercial and Industrial land uses are prohibited within the Resource Protection Overlay: prohibited uses shall include but not be limited to:

Uses that involve hazardous chemicals or materials that have the potential to contaminate surface or groundwater; including but not limited to petroleum and chemical tank farms, landfills, septic tanks, heavy industry, fertilizer manufacturing, chemical storage and other similar uses.

POLICY 5.6.4 Implement Best Management Practices and development standards such as increased buffers, setbacks, and open space to minimize the adverse impacts of development on the Resource Protection Overlay.

POLICY 5.6.5 Prior to the issuance of any development permit within the Resource Protection Overlay, the applicant shall provide the following:

- a) Soils report by a qualified professional to determine the location of all Type “A” Hydrologic soils, to identify the most effective recharge areas. If the soils analysis conclusively proves that the soils can not provide recharge due to subsurface confining layers, then the presence of Type “A” soils will not, in and of themselves, require compliance with the Wekiva Provisions of the code
- b) An analysis by a qualified professional geologist to determine the location and nature of all Karst features on the property. If karst features are determined to exist on the site further analysis shall be required to evaluate surface and subsurface characteristics in order to determine:
 1. Assessment of the potential for contamination
 2. Identify protective solution to be incorporated into the site design
- c) An analysis of the site by a qualified biologist to identify flora and fauna, state and federal listed species and vegetative habitat types including but not limited to Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.

The presence of one or more of the factors will require compliance with the Wekiva Study Area provisions of the codes.

POLICY 5.6.6 All new development and redevelopment within the Resource Protection Overlay shall be required to meet the following standards:

- 1) All rezoning shall be to the appropriate Planned Development Zoning District
- 2) Minimum open space shall be 25% for both residential and non residential development with 20% consisting of WSA open space and 5% useable recreation/open space (Non-WSA Open Space) Open space will be preserved through the use of conservation easements, deed restriction, plats and/or dedication to the appropriate governmental agency, environmental association or homeowners association. Open space shall be connected to the greatest extent possible on-site and to natural areas and open space within adjacent property or corridors.
- 3) Stormwater management systems in the Resource Protection Overlay shall provide retention of the total runoff generated by a twenty five year frequency, twenty four hour duration storm event from the developed site. Sites with no positive outfall, as determined by the City Engineer, shall be required to retain the total runoff of the 100 Year storm.
- 4) To discourage development of the Resource Protection Overlay development may be clustered on or transferred to others areas of a development site outside the Resource Protection Overlay up to 50% of the density/intensity. The land development code shall provide for reduced lot size and increased ISR to maximize WSA open space.
- 5) The City of Winter Garden does not contain any identified sensitive natural habitat. A development that creates sensitive natural habitat of five acres or greater will receive density and intensity bonuses or other development incentives.

POLICY 5.6.7 Open space within the Resource Protection Overlay shall be defined as land area that remains undisturbed or minimally disturbed such as trails and boardwalks., as part of a natural resource preserve or passive recreation area and shall include land preserved for Conservation purposes. Resource Protection Overlay open space shall include dry retention, passive recreation, buffers and landscape areas and easements for pedestrian connections and trails but may not include setback area, private yard of single family lots, street right of way, parking lots, impervious surfaces or active recreation areas.

POLICY 5.6.8 The City of Winter Garden priorities for open space protection are most effective recharge, karst features, and sensitive natural habitat including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. The city will continue to use land acquisition and the land development code to protect WSA open space.

POLICY 5.6.9. The City of Winter Garden does not contain any identified springs or spring runs. All development shall be setback from any springs, spring runs, sinkholes and other karst features. All setback areas shall remain in its natural state.

DEVELOPMENT SETBACKS

FEATURE	MINIMUM SETBACK (FEET)
Spring	300
Spring Run	100
Sinkhole with direct connection to aquifer	200
Sinkhole no direct connection to aquifer	100
Other Karst Features	200

POTABLE WATER ELEMENT

POLICY 1.13 The City of Winter Garden will continue to participate in the Regional Water Supply Plan, support the recommendations of the plan, participate in its ongoing programs and prioritize identified projects within the city limits.

POLICY 1.13.1 The City of Winter Garden 10 Year Water Supply Facility Work Plan , prepared for the Wekiva Parkway and Protection Act is hereby adopted and incorporated into the Comprehensive Plan and is attached as an exhibit. The city will utilize the plan as the basis for prioritizing the Capital Improvement Program.

POLICY 1.13.2 The 10 Year Water Supply and Facility Work Plan demonstrates that the Future Land Use Plan will not exceed the city ability to provide service to the entire municipal limits and Joint Planning Area with Orange County

POLICY 1.13.3 The city will maintain and upgrade its 10 Year Water Supply and Facility Work Plan consistent with the updates of the Water Management Districts Regional Water Supply Plan. The city is participating in three projects identified in the Regional Water Supply Plan.

POLICY 1.13.4 The city is participating in the regional study of alternative water supply projects with the Water Management District and will designate a project to participate in before June 2007. Projects being considered include

- 1) St Johns River Lake Monroe Project
- 2) Apopka/Winter Garden Reuse Partnership Project
- 3) Orange County Project RENEW
- 4) Winter Garden Reclaimed Water Pumping and Transmission Project

POLICY 1.13.5 The city has adopted a Territorial Water and Wastewater Agreement with Orange County, service agreements with Oakland, Ocoee and Apopka and reuse water agreements with Orange County , OUC and Orlando. The city will strive to maintain the excellent relationships it enjoys with those jurisdictions.

SANITARY SEWER

POLICY 1.13.6 The city of Winter Garden Wastewater Facility Plan , prepared for the Wekiva Parkway and Protection Act is hereby adopted and incorporated into the Comprehensive Plan and is attached as an exhibit.

POLICY 1.13.7 The city will utilize the plan as the basis for prioritizing the Capital Improvement Program to provide central wastewater service to properties within the city wastewater service area that are currently served by on-site wastewater treatment and disposal systems

POLICY 1.13.8 All new development and redevelopment shall connect to central wastewater systems.

POLICY 1.13.9 All new development and redevelopment shall connect to reuse systems

POLICY 1.13.10 The city has adopted a Territorial Wastewater Agreement with Orange County and reuse agreements with Orange County, OUC and City of Orlando.

STORMWATER MANAGEMENT

POLICY 1.1 The City of Winter Garden has participated in the Regional Master Storm Water Plan and will support its recommendations. Of the 589 projects identified in the plan , three projects along Lulu Creek were in Winter Garden and will be prioritized in the CIP.

POLICY 1.1.1 The city will use various funding sources including ad valorem taxes and the existing storm water utility to fund necessary improvements.

POLICY 1.1.2 The city shall require all new development and redevelopment to meet current state water quality standards.

POLICY 1.1.3 The city shall continue its inspection program for all private stormwater systems to insure proper maintenance and functioning.

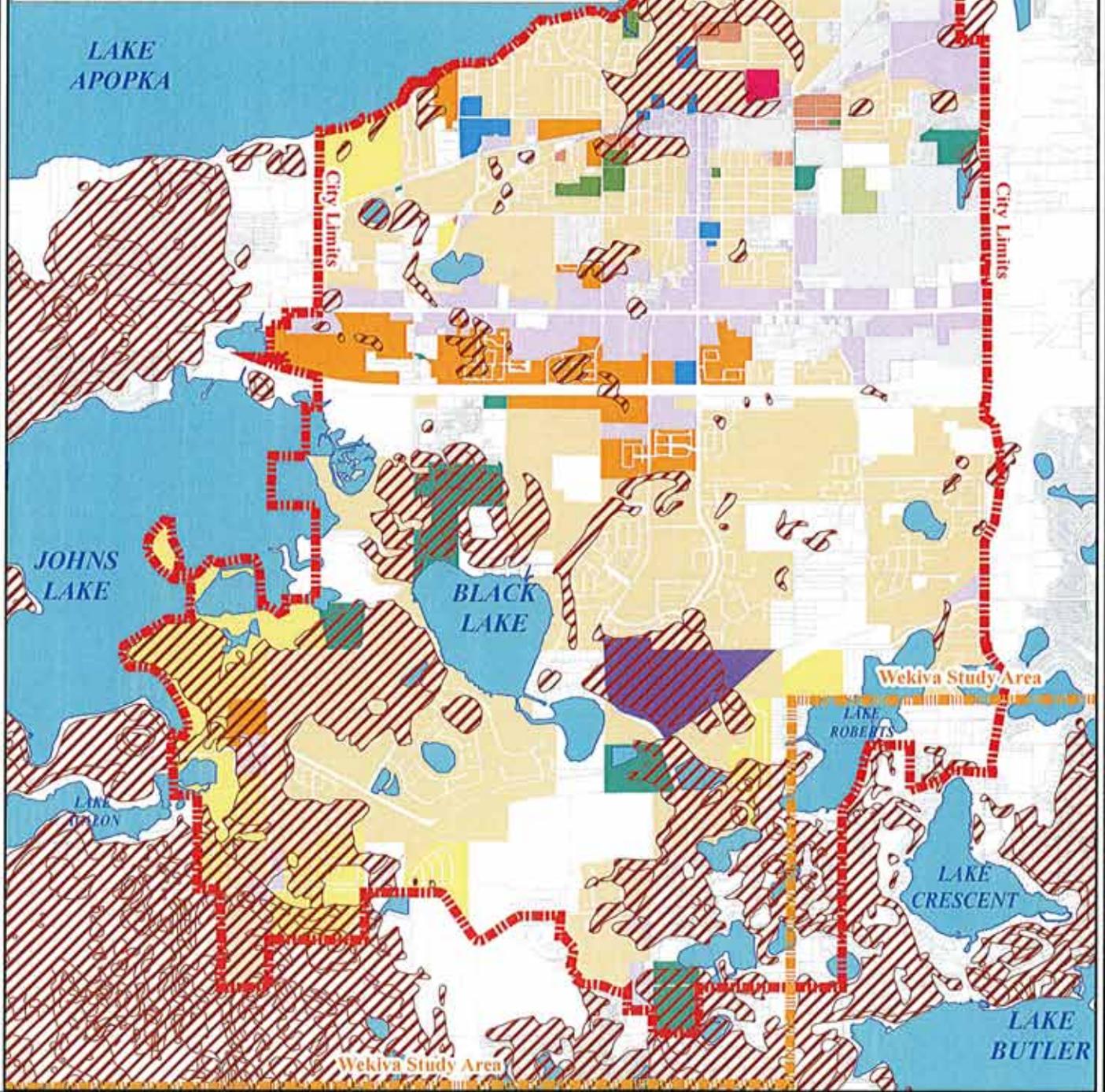
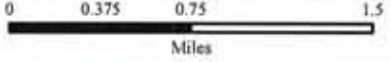
Future Land Use Series - 1

Future Land Use with Resource Protection Overlay

-  Wekiva Study Area
-  Joint Planning Agreement/ Winter Garden City Limits
-  Resource Protection
-  Water bodies
-  Parcels
- Future Landuse**
-  Agriculture
-  Beltway Corridor
-  Commercial
-  Downtown Transitional
-  Industrial
-  Low Residential (2 - 6 DU/A)
-  Mid Residential (6.1 - 10 DU/A)
-  Low Density Residential/Neighborhood Commercial
-  See Orange County FLUM
-  Public Facility and Education
-  Recreation
-  Suburban Residential (1 - 4 DU/A)
-  Utility



Data Source: The Resource Protection Overlay was created by combining the Soils from St John River Water Management District with Karst feature from the Department of Community Affairs and the vegetation feature from the Florida Fish and Wildlife. The Future Landuse is provided by the City of Winter Garden. The Wekiva Study Area was obtained from the Department of community Affairs. The Parcels, Joint planning agreement and Water bodies were obtained from Orange County Property Appraiser.



Future Land Use Series - 2 Wekiva Study Area - 2 (WSA-2) Karst Features

 Wekiva Study Area

 Joint Planning Agreement/ Winter Garden City Limits

 Water bodies

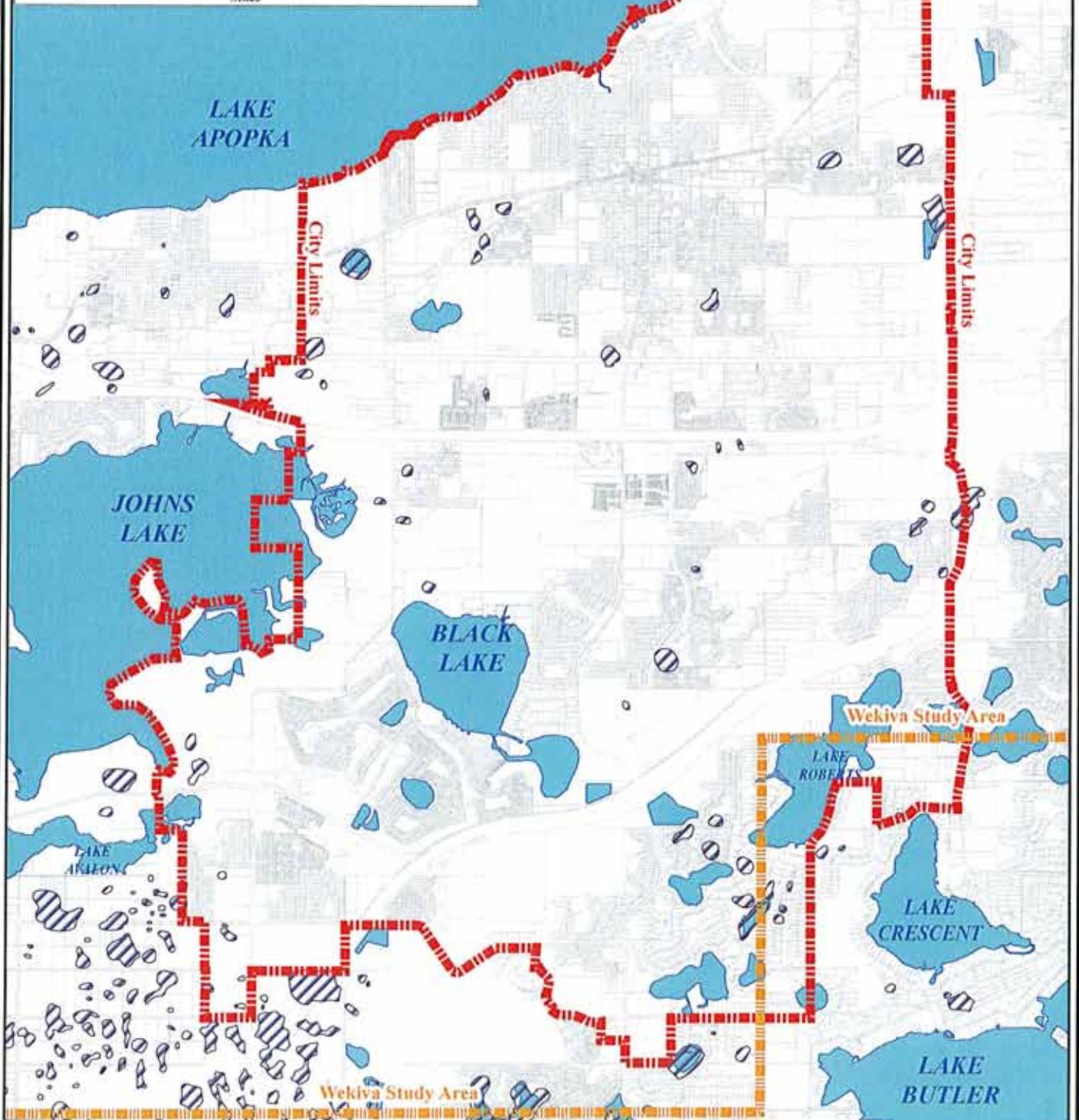
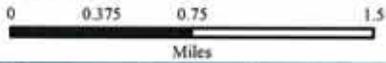
 Parcels

 Karst Features



Data Source: Karst feature layer and the Wekiva Study Area was obtained from the Department of Community Affairs.

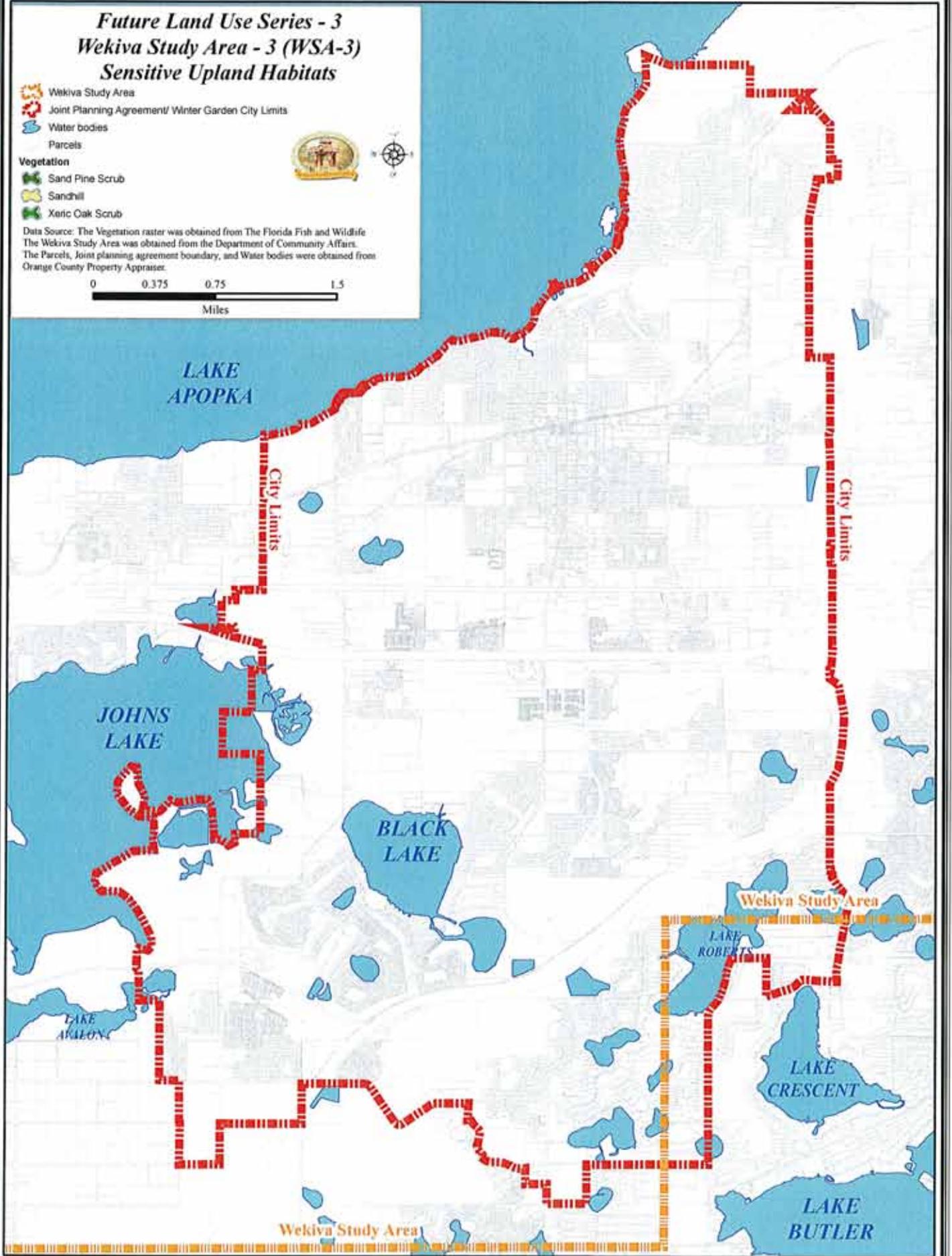
The Parcels, Joint planning agreement boundary, and Water bodies were obtained from Orange County Property Appraiser.



**Future Land Use Series - 3
Wekiva Study Area - 3 (WSA-3)
Sensitive Upland Habitats**

-  Wekiva Study Area
-  Joint Planning Agreement/ Winter Garden City Limits
-  Water bodies
-  Parcels
- Vegetation**
 -  Sand Pine Scrub
 -  Sandhill
 -  Xeric Oak Scrub

Data Source: The Vegetation raster was obtained from The Florida Fish and Wildlife
The Wekiva Study Area was obtained from the Department of Community Affairs.
The Parcels, Joint planning agreement boundary, and Water bodies were obtained from
Orange County Property Appraiser.

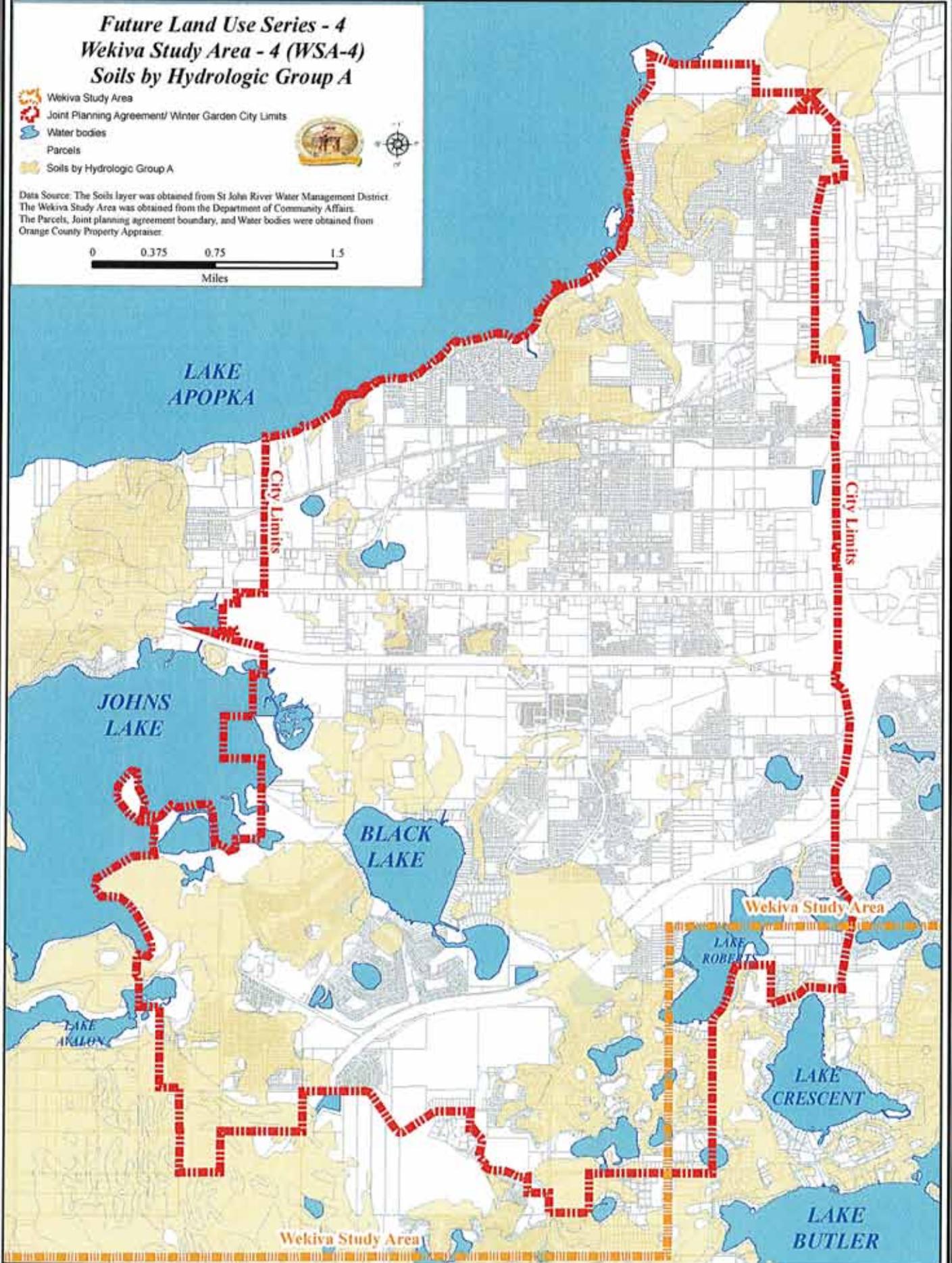
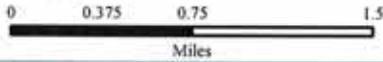


Future Land Use Series - 4 Wekiva Study Area - 4 (WSA-4) Soils by Hydrologic Group A

-  Wekiva Study Area
-  Joint Planning Agreement/ Winter Garden City Limits
-  Water bodies
-  Parcels
-  Soils by Hydrologic Group A



Data Source: The Soils layer was obtained from St John River Water Management District
The Wekiva Study Area was obtained from the Department of Community Affairs
The Parcels, Joint planning agreement boundary, and Water bodies were obtained from Orange County Property Appraiser.

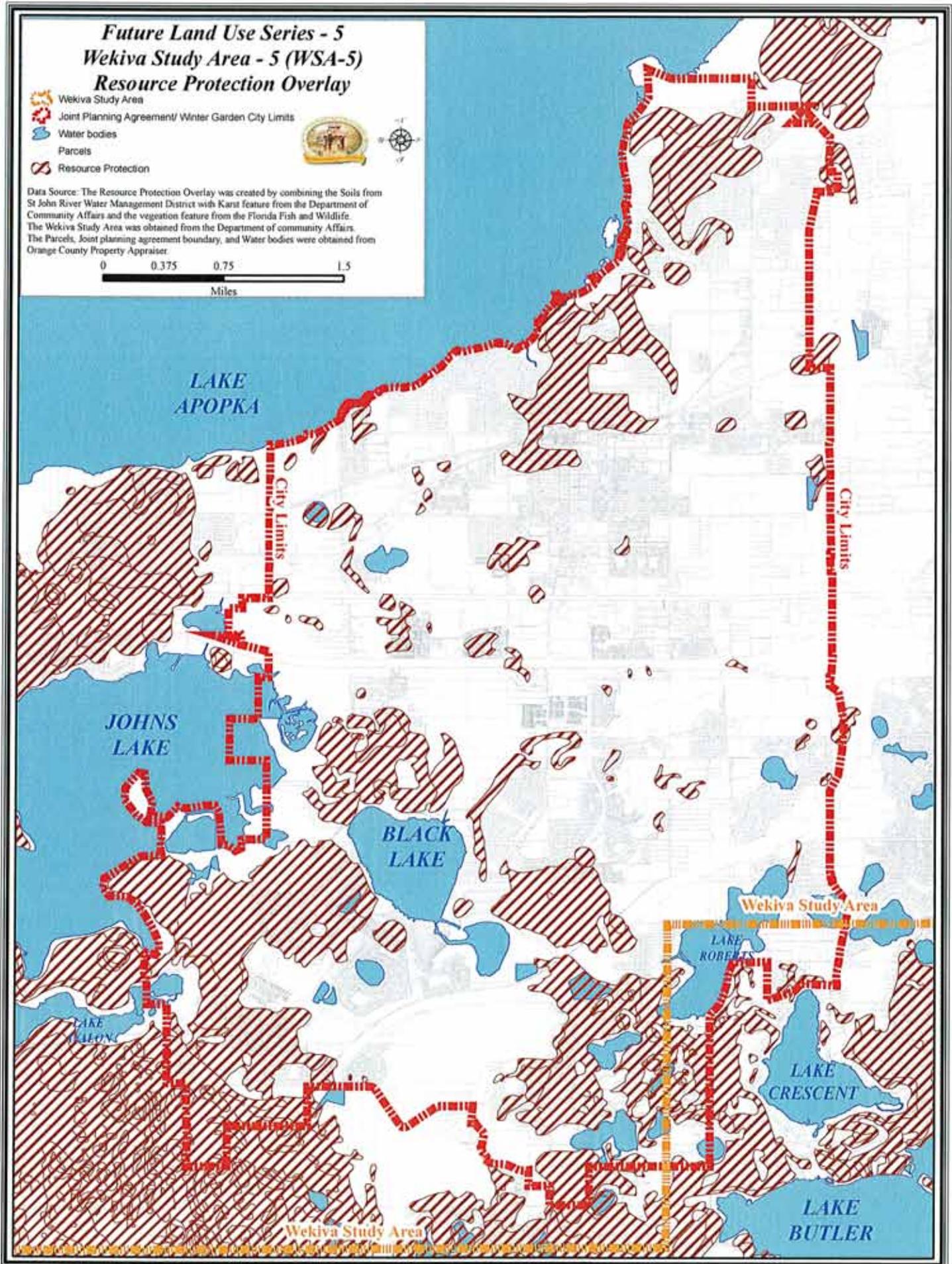


Future Land Use Series - 5 Wekiva Study Area - 5 (WSA-5) Resource Protection Overlay

-  Wekiva Study Area
-  Joint Planning Agreement/ Winter Garden City Limits
-  Water bodies
-  Parcels
-  Resource Protection



Data Source: The Resource Protection Overlay was created by combining the Soils from St John River Water Management District with Karst feature from the Department of Community Affairs and the vegetation feature from the Florida Fish and Wildlife. The Wekiva Study Area was obtained from the Department of community Affairs. The Parcels, Joint planning agreement boundary, and Water bodies were obtained from Orange County Property Appraiser.



Future Land Use Series - 6 Urban Development

-  Wekiva Study Area
-  Joint Planning Agreement/ Winter Garden City Limits
-  Water bodies
-  Parcels
-  Urban Development



Data Source: The Urban Development was produced from The Florida Fish and Wildlife Commission and Orange County Property Appraiser.
The Wekiva Study Area was obtained from the Department of Community Affairs.
The Parcels, Joint planning agreement boundary, and Water bodies were obtained from Orange County Property Appraiser.

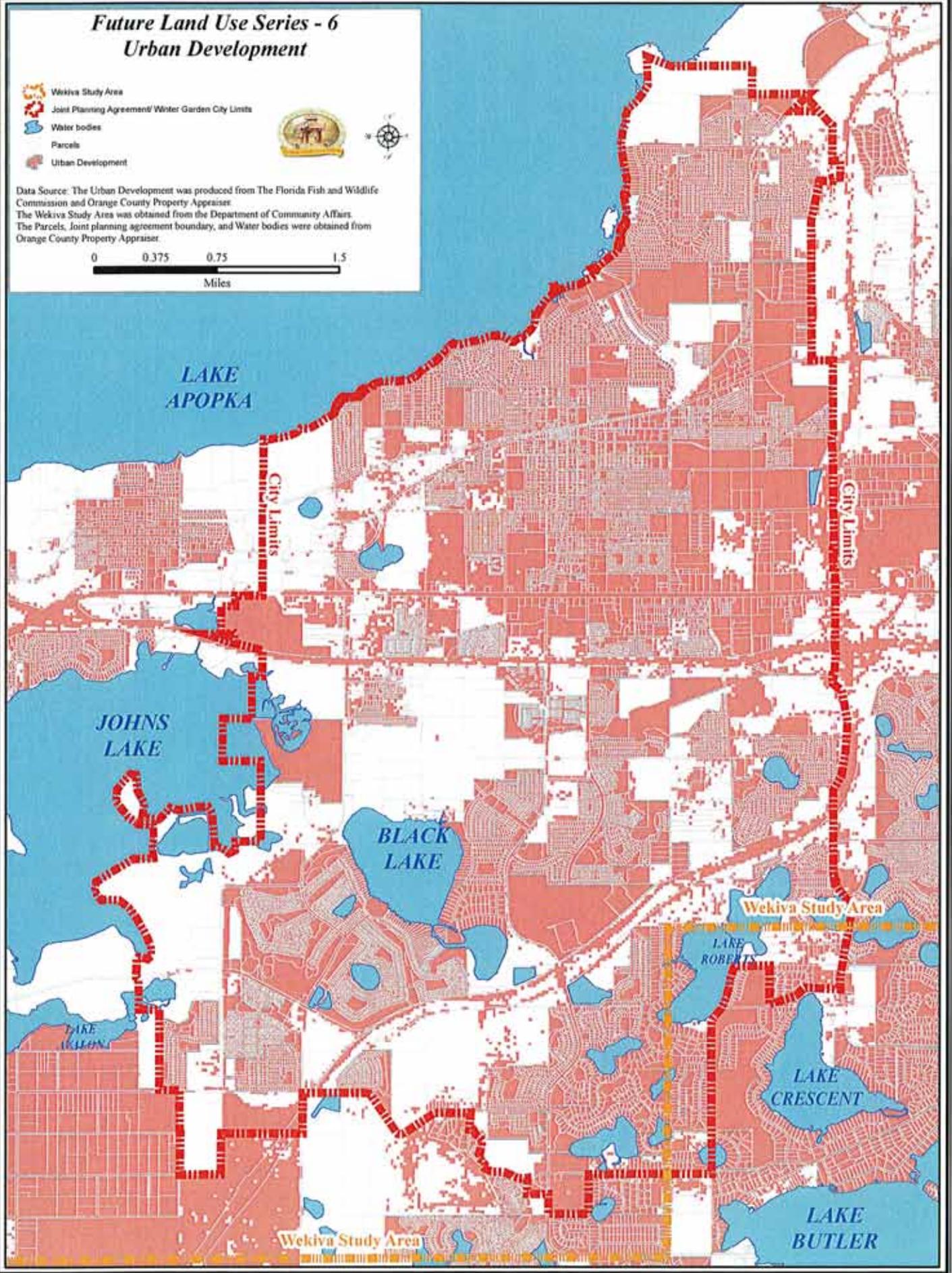


EXHIBIT 5- LOCAL PLANNING AGENCY AND CITY COMMISSION AGENDA
AND MINUTES

EXHIBIT 6- LEGAL NOTICE AND SIGN IN SHEETS

THE WEST ORANGE TIMES
WINTER GARDEN, FLORIDA
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned personally appeared Andrew Bailey who on oath says he is Publisher of THE WEST ORANGE TIMES a weekly newspaper published at Winter Garden in Orange County, Florida; that the attached advertisement was published in said newspaper in the issues of:

10/20/05

Affiant further says that the said WEST ORANGE TIMES is a newspaper published at Winter Garden, in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as second class mail matter at the post office in Winter Garden, in said Orange County, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signed and subscribed before me the Twentieth
Day of October, 2005,
Notary Public, State of Florida
Lisa F. Combs
(SEAL)



**CITY OF
WINTER GARDEN, FLORIDA
NOTICE OF COMPREHENSIVE
PLAN AMENDMENT**

The City Commission of Winter Garden, Florida, proposes to adopt the following ordinance:

ORDINANCE 05-56

AN ORDINANCE AMENDING THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN TO COMPLY WITH THE WEKIVA PARKWAY AND PROTECTION ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

If approved, this amendment will make text changes that will bring the City's Comprehensive Plan into compliance with the Wekiva Parkway and Protection Act. A public hearing before the Planning and Zoning Board on this ordinance will be held on November 7, 2005 at 6:45 p.m. This public hearing will be held in the Commission Chambers located at City of Winter Garden City Hall, 251 W. Plant Street, in Winter Garden, Florida.

Another public hearing to consider transmitting this ordinance to the Department of Community Affairs for review will be held by the City Commission on November 10, 2005 at 6:30 p.m. This public hearing will be held in Tanner Hall located at 29 West Garden Avenue in Winter Garden, Florida.

This ordinance may be inspected by the public between the hours of 8 A.M. and 5 P.M. at the Winter Garden City Hall or by contacting Mark Cedman at 655-4111 (ext: 2272) 270 West Plant St. Winter Garden, FL 34787 for more information. Interested parties may appear at the meeting and be heard regarding this ordinance. Any persons wishing to appeal a decision of the City Commission should ensure that a verbatim record of the proceedings is made. Written comments will be accepted before or at the public hearing.

EXHIBIT 7- DATA AND ANALYSIS

Data and Analysis

1. In accordance with Wekiva Parkway and Protection Act, the City of Winter Garden has identified and mapped the most effective recharge area, Karst features and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Shrub. The City then used these maps to create the WSA Resource Protection Overlay.

Map 1) Amended Future Land Use Map with Resource Protection Overlay and Wekiva Study Area.

Source: St Johns River Water Management District
US Soil Conservation Service
Department of Community Affairs
The Florida Fish & Wildlife Conservation Commission
Orange County Property Appraiser

Map 2) Adopt New Map: Karst Feature/WSA

Source: Department of Community Affairs

Map 3) Adopt New Map: Sensitive Natural Habitats

Source: The Florida Fish & Wildlife Conservation Commission

Map 4) Adopt New Map: Soils by Hydrologic Group A

Source: St Johns River Water Management District
US Soils Conservation Service

Map 5) Adopt New Map: WSA Resource Protection Overlay

Source: St Johns River Water Management District
US Soil Conservation Service
Department of Community Affairs
The Florida Fish & Wildlife Conservation Commission
Orange County Property Appraiser

Map 6) Adopt New Map: Urban Development

Source: The Florida Fish & Wildlife Conservation Commission
Orange County Property Appraiser

Note: Karst features are based on Florida Vulnerability Assessment Model (FAVA) produced by Florida Geological Survey and Department of Environmental Protection.

The Karst map and Resource Protection Overlay (RPO) are not intended for site specific analysis but are general indicators. When general indicators are present site-specific information must be gathered by licensed professionals to determine if Karst features actually exist.

The Most Effective Recharge Areas/Soil Conservation Service Type "A" soils are based on the US Soils Conservation Service Type "A" Hydrologic Soils Group and could be revised by St Johns River Water Management District. Type "A" soils are generalized and will require

additional geotechnical information to establish whether a particular site/location contains Type “A” soils and is actually within the most effective recharge area.

The Sensitive Natural Habitats map is based on 2003 Florida Fish & Wildlife Conservation Commission GIS coverage of vegetation and land cover from the LandSat Enhanced Thematic Mapper Imagery. Based on existing data sources, does not appear that sensitive natural habitat occurs in Winter Garden. Citrus production over the last one hundred years required the same soils and ground water conditions and cleared those areas of the sensitive natural habitat and put them into citrus production. Policy 5.6.6 will provide incentives for re-establishing sensitive natural habitat greater than five acres in size.

Winter Garden JPA	(12,627.24 acres)
Most Effective Recharge	2749.87 acres
Karst Features	142.0 acres
Sensitive Natural Habitat	0.0 acres
Resource Protection Overlay	2891.87 acres
Resource Protection Overlay Developed	<u>1809.16</u> acres
Resource Protection Overlay Vacant	1082.71 acres

Evaluate Alternative Land Use Strategies

The City of Winter Garden overall strategy can be summarized as:

- 1) All development regardless of size or type shall comply with the WSA requirements
- 2) Property within the city limits and the JPA-6, that annexes shall comply
- 3) Redevelopment proposals must comply
- 4) All development and redevelopment in RPO must submit as Planned Development
- 5) All projects within Resource Protection Overlay shall meet more stringent retention/detention Stormwater requirements, more stringent open space requirements and greater restrictions on number and type of permitted uses.

Non-Wekiva Study Area Stormwater (City Wide Existing) detention capacity sufficient to ensure that post development runoff flow rates, quantities, peaks and velocities shall be equal or less than pre-development runoff for 25 year 24 hour storm event and water quality of runoff shall conform to state water policy.

Wekiva Study Area Stormwater (Resource Protection Overlay)

Stormwater management systems in the Resource Protection Overlay shall provide retention of the total runoff generated by a twenty five year frequency, twenty four hour duration storm event from the developed site. Sites with no positive outfall, as determined by the City Engineer, shall be required to retain the total runoff of the 100 Year storm.

The requirement for more stringent storm water management will ensure that recharge occurs and that the water quality standards of the state shall be met. The land area required for the more stringent requirements will be 25 to 50 % greater.

Coordinate Greenway Plans

There are no proposed greenway plans with which to coordinate.

Dedication of Conservation Easements

The City of Winter Garden requires all conservation and WSA open spaces to be designated as Conservation Easements that are recorded or platted. Ownership shall be by appropriate environmental group or agency.

Land Acquisition

The City of Winter Garden has a very aggressive land acquisition program and will utilize land acquisition to protect open space. The City currently is pursuing joint acquisition of open space with Orange County of the Tucker Ranch Property, an environmentally significant site in the WSA.

Low/Very Low Density Development

This land use strategy of low and very low density development is considered one dwelling unit per five acres and one dwelling unit per ten acres. Those densities are appropriate in rural areas not urban cities such as Winter Garden.

Orange County and City of Winter Garden have established a JPA which establishes a land use limitation for the area south of the turnpike that restricts the area to four dwelling units per acre with limited support commercial.

Clustering

The City of Winter Garden uses clustering within the Planned Development Districts and will require all development within the WSA Resource Protection Overlay to submit as P.D. The City will amend the Land Development Code to allow residential lot size to be reduced up to 50% while increasing ISR by up to 25% in order to encourage the provision of maximum amount of WSA open space Clustering must be within the overall comprehensive plan and JPA-6 density restriction of 4.0du/acre. The following charts represent the changes that will be incorporated into the Land Development Code:

Zoning District	ISR Non-Resource Protection Overlay	ISR Resource Protection Overlay
	<u>Maximum ISR</u>	<u>Maximum ISR</u>
R-1A	50%	75%
R-1	50%	75%
R-1B	50%	75%
R-2	50%	75%
R-3	75%	75%
R-NC	50% for Residential use; 70% for Commercial use	75% for Residential use; 70% for Commercial use
C-1	100%	70%
C-2	70%	70%
C-3	70%	70%
C-4	70%	70%
I-1	80%	Not Allowed
I-2	80%	Not Allowed
PID, PCD, and PUD	The impervious surface for each lot or parcel in a PID, PCD, or a PUD is restricted to the overall maximum ISR that the PID, PCD, or PUD is designed and permitted for by St. Johns River Water Management District (SJRWMD), but in no case shall it exceed 65% for single family detached residential uses or 80% for townhouses, multi-family, commercial or industrial uses. The ISR's listed above are the maximum allowed and shall be supported by the necessary drainage calculations.	The impervious surface for each lot or parcel in a PID, PCD, or a PUD is restricted to the overall maximum ISR that the PID, PCD, or PUD is designed and permitted for by St. Johns River Water Management District (SJRWMD), but in no case shall it exceed 75% for residential uses or 70% for commercial uses. No ISR for industrial uses.

Minimum Lot Size by Zoning District

Minimum Lot Size	Non-WSA Resource Protection Overlay (sq. ft.)	WSA Resource Protection Overlay (sq. ft.)
R-1A	13,000	7,500
R-1	10,000	7,500
R-1B	7,500	5,000
R-2	7,500	5,000
R-3	7,500	5,000
R-NC	7,500	5,000
R-NC-2	4,000	4,000
R-4	5,500	4,000
R-5	6,000	4,000

1. DEVELOPMENT OF THE MASTER STORMWATER MANAGEMENT PLAN

Requirement: The Wekiva Parkway and Protection Act requires local governments within the Wekiva Study Area to develop a Master Stormwater Management Plan (s.369.321 (2)). The statute provides that “local governments shall amend the appropriate elements of the comprehensive plan, including the capital improvements element, to ensure implementation of the master stormwater management plan.” The City of Orlando is currently working with the St. John’s River Water Management District and 13 other local governments within the Wekiva Study Area to develop a regional master stormwater management plan.

The master plan will address the following issues:

- Existing problems and deficiencies
- Projects to meet long-range needs
- Priorities to address existing deficiencies
- Measures to address redevelopment
- Schedule to complete needed improvements

- Feasibility of stormwater reuse and establish a water reuse and irrigation program
- Requirements for inspection and maintenance of facilities
- Funding implementation of Master Stormwater Plans and Maintenance Programs

Current status: CDM Engineering has coordinated several meetings with the stakeholders to collect and organize data relating to stormwater issues within the Wekiva Study Area. A draft copy of the plan has been received and reviewed.

According to the guidelines provided by DCA, the following areas need to be addressed by each local government within the Study Area as part of the Master Stormwater Plan. The bulleted items list policies the City has in place to address each requirement.

1. Priorities to address existing deficiencies

Policy 1.1 City adopts the recommendation of Regional Master Storm Water Plan, only 3 projects along Lula Creek out of 589 identified projects are in Winter Garden. Winter Garden has attempted to acquire the property involved and will prioritize the projects in its CIP.

2. Measures to address redevelopment

All City requirements apply to new development and redevelopment proposals alike.

3. Schedule to complete needed improvements

City CIP, updated annually reflects the time frame and funding sources for improvements

4. Water reuse and irrigation

Mandatory in City, Policy 1.13.9, requires LDC requirements.

5. Inspection and maintenance of facilities

City currently has program, Policy 1.1.3 restates City position to continue program.

REQUIRED GMP AMENDMENTS

Required Amendment	Growth Management Plan	Land Development Code	Comments
Identify and map the most effective recharge areas, karst features, and sensitive natural habitats	X		Future Land Use Map and maps WSA-1,2,3,4,5,
Adopt a definition of open space	X	X	Policy 5.6.6 (2)
Provide mechanisms for protection of open space	X	X	Policy 5.6.7
Establish priorities and set targets for open space protection	X	X	Policy 5.6.6 Policy 5.6.8
Promote a pattern of development that protects the identified resources that need to be protected	X		
Evaluate the effect of the land use strategies on property rights protection		X	See attached analysis
Adopt a land use strategy for protection	X		
Amend the future land use map to protect areas of open space (overlay district)	X		Policy 5.6.1
Adopt supporting goals, objectives and policies to implement priorities of open space	X		
Include policies to assist with FCT purchases, where applicable	X	X	Joint project with Orange Co on Tucker Ranch

Water Supply Facility Work Plan

Section 369.321(4) of the Florida Statutes requires local governments within the Wekiva Study Area to adopt a water supply facility work plan by January 1, 2006. During the 2005 Legislative session, the Florida Senate passed Senate Bill 908, the Wekiva Parkway and Protection Act “Glitch” Bill. Section 3 of SB 908 extends the deadline to December 1, 2006.

The City of Winter Garden 10 Year Water Supply Facility Plan is attached; Policy 1.13.1 adopts the plan and uses it as the basis for CIP

Interchange Land Use Plans

No part of the Wekiva Parkway is planned within the City of Winter Garden. Therefore, this portion of the Wekiva Parkway and Protection Act does not apply to the City.

Wastewater Facility Plan

Florida Statute 369.320 requires local governments within the Wekiva Study Area to develop a wastewater facility plan for joint planning and utility service areas where central wastewater systems are not readily available.

All of the City limits and JPA are covered by water and wastewater agreements and the entire city and JPA can be served by central service. Policy 1.13.8 requires all new development and redevelopment to connect to central systems. The attached Wastewater Facility Plan to serve on-site Wastewater treatment and disposed systems is the cities program to remove septic tanks and connect to central systems.

Private Property Rights Protection

The private property rights for development under the Wekiva Study Area requirements of the City of Winter Garden should be the same as without the requirements. When ever the city regulations have restricted development with these amendments they have provided mechanisms such as clustering and incentives such as reduced lot size and increased floor area ratio to allow the same development density and intensity that could have been accomplished prior to the regulations, while still protecting the natural resources. The ordinance respects existing vested rights of prior approved and /or developed properties.

ORDINANCE 07-12

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING THE PLATTED SOUTH WEST CORNER OF LOT 50, WINTERMERE HARBOR ACCORDING TO PLAT BOOK 42 AT PAGES 67-68 IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N 84°29'04"E AT A DISTANCE OF 3.55 FEET; THENCE N 05°30'56"W A DISTANCE OF 7.25 FEET TO THE POINT OF BEGINNING; THENCE 27°25'26"W THENCE N 84°29'04"E A DISTANCE OF 62.08 FEET; THENCE S 79°57'48"W A DISTANCE OF 60.35 FEET RETURNING TO THE POINT OF BEGINNING FOR THE PROPERTY LOCATED AT 13119 LAKESHORE GROVE DRIVE, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of property generally known as 13119 Lakeshore Grove Drive, Winter Garden, Florida, has petitioned the City of Winter Garden to partially vacate the drainage and utility easement of said property and legally described in Section I below, and

WHEREAS, after due consideration of public comment given at an advertised public hearing, the City has determined that the aforesaid easement is not needed,

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

SECTION I - The City of Winter Garden hereby vacates all interest in the aforesaid easement as legally identified as follows:

THE PLATTED SOUTH WEST CORNER OF LOT 50, WINTERMERE HARBOR ACCORDING TO PLAT BOOK 42 AT PAGES 67-68 IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N 84°29'04"E AT A DISTANCE OF 3.55 FEET; THENCE N 05°30'56"W A DISTANCE OF 7.25 FEET TO THE POINT OF BEGINNING; THENCE 27°25'26"W A DISTANCE OF 5.13 FEET; THENCE N 84°29'04"E A DISTANCE OF 62.08 FEET; THENCE S 79°57'48"W A DISTANCE OF 60.35 FEET RETURNING TO THE POINT OF BEGINNING.

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

SECTION III: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk