

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

REGULAR MEETING

April 26, 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 of April 12, 2007

2. OATHS AND PRESENTATIONS

- A. Introduction and Oaths of new police officers – Police Chief Brennan
- B. Certificate of Achievement of Excellence in Financial Reporting to the Finance Department – Mayor Quesinberry
- C. Annual Drop Savers Awards – Mayor Quesinberry
- D. Presentation by the Florida Green Building Coalition of the Oakland Park’s certification as a Green Development

3. FIRST READING OF PROPOSED ORDINANCE

- A. **Ordinance 07-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REMOVING SECTION 118-1387 (f) RELATED TO PARKING EXEMPTIONS FOR THE C-1 ZONING DISTRICT; CREATING SECTION 118-1390 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR THE OPTION TO PAY PARKING USER FEES FOR NON-RESIDENTIAL PROPERTIES IN THE DOWNTOWN CORE IN LIEU OF PROVIDING ON-SITE PARKING; PROVIDING FOR THE ESTABLISHMENT OF A DOWNTOWN PARKING DISTRICT FUND FOR PARKING IMPROVEMENTS IN THE DOWNTOWN CORE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing scheduled for May 10, 2007** – Planning Director Williams

4. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 07-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing scheduled for May 24, 2007** - City Planner Williams
- B. **Ordinance 07-14:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN

EFFECTIVE DATE **with the second reading and public hearing scheduled for May 24, 2007**
- City Planner Williams

- C. **Ordinance 07-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.34 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 81 BROAD STREET FROM ORANGE COUNTY RESIDENTIAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing scheduled for May 24, 2007** - City Planner Williams
 - D. **Ordinance 07-16:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM RESIDENTIAL NEIGHBORHOOD COMMERCIAL TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.150 ± ACRES LOCATED AT 462 WEST PLANT STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing scheduled for May 24, 2007** - City Planner Williams
 - E. **Ordinance 07-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.150 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 462 WEST PLANT STREET FROM CITY R-NC TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing scheduled for May 24, 2007** - City Planner Williams
 - F. **Ordinance 07-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.33 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 32 EAST MILLER STREET FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing scheduled for May 24, 2007** - City Planner Williams
5. **SECOND 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 (staff is requesting postponement to May 10, 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 - City Planner Williams
6. **REGULAR BUSINESS**
- A. Request for waiver of fees for Tanner Hall on April 5, 2008 by the West Orange County Culture Keepers (non-profit) – William Johnson
 - B. Request for donation of \$500 by West Orange High School Parent Teacher Student Association for their Challenge Day event – Karen Loughheed
 - C. Recommendation approve the Lake Robert's Landing Final Plat **AND** a Environmental Contamination Hold Harmless and Indemnity Agreement – Planning Director Williams

- D. Recommendation to approve the site plan for 252 W. Plant Street - Planning Director Williams
- E. Recommendation to approve an Emergency Medical Services Agreement with Orange County to receive five (5) automated external defibrillator's through grant funds – Fire Chief Williamson.
- F. Recommendation to submit the proposed Letter of Intent to St. Johns Regional Water Management District acknowledging the City's interest in evaluating the feasibility of an alternative surface water supply – Public Services Director Cochran
- G. Appointment to fill seat vacated by outgoing Commissioner Graham on the Ocklawaha River Basin Advisory Board (*Postponed from April 12, 2007*) – City Clerk Golden

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

- H. Appointment to fill seated vacated by incoming Commissioner Boulter on the Community Redevelopment Advisory Board (*Postponed from April 12, 2007*) – City Clerk Golden

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

7. MATTERS FROM CITIZENS

8. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

9. MATTERS FROM CITY MANAGER – Mike Bollhoefer

- A. Financial Statement For March 2007

10. MATTERS FROM MAYOR AND COMMISSIONERS

- A. Direction regarding proposed Charter amendments

11. ADJOURN to a regular City Commission meeting on Thursday, May 10, 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 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 07-20

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REMOVING SECTION 118-1387 (f) RELATED TO PARKING EXEMPTIONS FOR THE C-1 ZONING DISTRICT; CREATING SECTION 118-1390 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR THE OPTION TO PAY PARKING USER FEES FOR NON-RESIDENTIAL PROPERTIES IN THE DOWNTOWN CORE IN LIEU OF PROVIDING ON-SITE PARKING; PROVIDING FOR THE ESTABLISHMENT OF A DOWNTOWN PARKING DISTRICT FUND FOR PARKING IMPROVEMENTS IN THE DOWNTOWN CORE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Revitalization and Redevelopment of the Downtown Winter Garden Core area has been and continues to be successful, and

WHEREAS, the continued success of the Redevelopment of Downtown depends on sufficient support infrastructure including adequate parking, and

WHEREAS, the City Planning Department has developed a report entitled "Downtown Winter Garden Parking Study 2005," which indicates that Downtown Winter Garden Core currently needs an additional 600 parking spaces to comply with the Code of Ordinances, and support continued redevelopment of the Downtown Core, and

WHEREAS, forty percent of the parking used by businesses in the Downtown Core has been provided in the form of on-street parking or public parking which is maintained by the City of Winter Garden, and

WHEREAS, Section 118-1386 requires all new or expanding commercial development and all changes of use to provide adequate parking prior to receiving an Occupational License, and

WHEREAS, Section 118-1387 (f) allows the P&Z Board to grant relief from the parking requirements for some downtown developments, and

WHEREAS, many of the existing parcels of land in the Downtown Core are too small to provide adequate parking, or would not develop to their optimum potential if on-site parking is required, and

WHEREAS, the City desires to continue to provide a positive environment for new businesses and commercial development, and

WHEREAS, the City desires to provide sufficient support infrastructure in the form of additional parking to accommodate the additional businesses, and

WHEREAS, the City desires to provide all new or expanding business the option of paying a user fee in lieu of providing parking, or providing on-site required parking, and

WHEREAS, the per space shared cost has been estimated by the City Staff to be \$7,000.00 (in 2007 dollars)

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

Section I Section 118-1387 (f) of the City Code shall read as follows:

~~(f) — Exception for C-1 commercial district. The planning and zoning board may waive the requirement for automobile off-street parking space within the C-1 commercial district, provided the following determinations are made (the administrative official shall apply to the planning and zoning board for a decision when building permits are requested in such cases):~~

~~(1) — Construction of the required automobile off-street parking space on the premises would prevent the continuous development of a compact and coordinated row of commercial buildings fronting on an already established commercial block or shopping area.~~

~~(2) — The required automobile off-street parking space cannot be reasonably provided off the premises in accordance with section 118-1386.~~

~~(3) — The principal building and use proposed is not designed or oriented to providing sales or services to persons remaining in automobiles or similar vehicles~~

Reserved

Section II Section 118-1390 of the City Code shall read as follows:

Section 118-1390 Parking User Fee for the Downtown Core

1. Purpose and Intent - The intent and purpose of this ordinance are as follows:

(a) To protect the health, safety and general welfare of the citizens and visitors of Winter Garden.

(b) To facilitate orderly development within the Downtown Core Area.

(c) To enhance parking level of service within the Downtown Core and to promote economic well-being within the Downtown Core and the City as a whole.

(d) To provide adequate parking for future development that may occur in the Downtown Core.

(e) To ensure that new businesses that cannot provide adequate on-site parking shall bear a proportionate share of the cost for the provision of new or expanded parking facilities.

(f) To establish a Parking Trust Fund that will be used to maintain existing and future parking spaces as well as to construct new parking spaces.

(g) To establish a Downtown Parking Fee option for new and expanding buildings located within the Winter Garden Downtown Core.

2. **Generally.** As required by Section 118-1386, all new or expanding commercial buildings and all changes of use of existing buildings must provide adequate parking. At the option of the property owner or business owner, the below parking user fee may be paid in lieu of providing all or some of the aforesaid required parking.
3. **Parking Calculations** – The number of paved parking spaces for new development in the Downtown Core will be as follows:
 - Restaurants – 1 parking space for each four patron seats
 - Residential – Two parking spaces for each residential unit
 - All Other Allowable Uses – 3 parking spaces for each 1,000 s.f. of gross space
4. **Vesting.** The Current number of parking spaces provided by all existing improved properties are vested for their current use, square footage and parking as of the effective date of this ordinance. Any change of use, modification of square footage of structures or increased use such as outdoor cafes or seating will require a determination or assessment of parking need. If the assessment determines additional parking is needed, that parking shall comply with provisions of this ordinance.
5. Property owner must either provide the required parking on-site, off-site within four hundred feet of the entrance, pay the appropriate amount of the Downtown Core parking fee or some combination of the three.
6. The Downtown Core parking fee shall be \$7,000.00 (in 2007 dollars). The fee is based on one-third cost of land and parking to provide a typical space. The Downtown Core parking fee shall be increased by 2.5% per year beginning January 1, 2008 and increasing each year thereafter or as adjusted by the Winter Garden City Commission by Resolution. The Downtown Core is identified on Exhibit “A” and may be amended by Resolution by the Winter Garden City Commission.
7. ***Downtown Parking District Trust Fund.*** The Downtown Parking District Trust Fund shall be established by the Winter Garden City Commission at the time of the payment of the first parking user fee. The payment to the Trust Fund shall be used for the following purposes:
 - a. Acquire, construct, or develop off-street parking and related facilities on interim or long-term basis;
 - b. Fund the capital costs associated with new, upgraded, and/or expanded off-street parking areas serving land uses within the Downtown Core;
 - c. Acquisition of land for future surface parking lots or garage construction;
 - d. Maintenance, including but not limited to lighting, landscaping, striping, signage, and resurfacing, of present and future city-owned parking spaces.
8. **Reserved Parking** – Payment into the Parking Trust Fund does not in any way entitle any property owner permanent rights of ownership to any parking spaces owned by the City. No parking spaces will be identified as “reserved” and all will remain as a “public parking” spaces subject to the rules and ordinances of the City of Winter Garden.

Provided, that the City Manager may reserve any or all of the parking spaces for emergency, law enforcement, and municipal service purposes, as well as special events and activities.

9. **Administration** – The City Manager is authorized to develop any required forms and / or contracts to implement this section. Appeal of staff determination or request for waiver or variance shall be to City Manager.

Section 10 In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance controls.

Section 11 If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

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

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 0.34 ± acres located at 81 Broad Street and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

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

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

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

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

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

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

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2007.

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

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Attachment "A"

ORDINANCE 07-14

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owners of land generally described as approximately 0.34 ± acres located at 81 Broad Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "ORANGE COUNTY LOW DENSITY RESIDENTIAL" to "CITY COMMERCIAL", and

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

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

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

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

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

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

SECTION 4: This Ordinance shall become effective upon the later of:

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

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

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

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

READ FIRST TIME: _____, 2007.

READ SECOND TIME: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.34 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 81 BROAD STREET FROM ORANGE COUNTY RESIDENTIAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 0.34 ± acres located at 81 Broad Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County Residential to the City's C-2 zoning classification, therefore;

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

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

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

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

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

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

Attachment "A"

ORDINANCE 07-16

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM RESIDENTIAL NEIGHBORHOOD COMMERCIAL TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.150 ± ACRES LOCATED AT 462 WEST PLANT STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owners of land generally described as approximately 1.150 ± acres located at 462 West Plant Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "RESIDENTIAL NEIGHBORHOOD COMMERCIAL" to "COMMERCIAL", and

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

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

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

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

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

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

SECTION 4: This Ordinance shall become effective upon the later of:

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

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

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

READ FIRST TIME: _____, 2007.

READ SECOND TIME: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-17

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.150 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 462 WEST PLANT STREET FROM CITY R-NC TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 1.150 ± acres located at 462 West Plant Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from R-NC to the City's C-1 zoning classification, therefore;

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

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

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

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

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

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

Attachment “A”

ORDINANCE 07-18

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.33 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 32 EAST MILLER STREET FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 0.33 ± acres located at 32 East Miller Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from City R-2 to the City's C-3 zoning classification, therefore;

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

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from City R-2 to City C-3 in the City of Winter Garden, Florida.

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

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

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

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

Attachment “A”

ORDINANCE 05-56

Not Available in this format – Please see City Clerk for additional information.

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: April 12, _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: April 26 _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk