

**CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue
(REVISED 6/12/07)**

REGULAR MEETING

June 14, 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 May 24, 2007

2. PUBLIC WORKSHOP ON PROPOSED CHARTER AMENDMENTS

Residents are encouraged to attend and address the City Commission on the proposed Charter amendments scheduled for a mail ballot election on September 25, 2007.

3. PRESENTATION

Donation to the City of Winter Garden of \$2,000 from the Bloom and Grow Garden Society to be used for park improvement projects - Betty Anne Griffin

4. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. **Ordinance 07-22:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 88 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA; PROVIDING FOR THE ASSESSMENT OF COSTS, EXPENSES AND FEES INCURRED BY THE CITY OF WINTER GARDEN IN REVIEWING REQUESTS RELATING TO DEVELOPMENT; PROVIDING FOR FEE SCHEDULES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **This item is to be postponed until June 28, 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 – City Planner William

B. **Ordinance 07-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2006-2007 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE - Finance Director Strobeck

6. REGULAR BUSINESS

A. Recommendation to approve a development agreement for Hickory Hammock Subdivision located on Marsh Road – City Planner Williams

- B. Recommendation to approve a Right-of-Way Maintenance Agreement with Sembler Winter Garden Partnership #1, Ltd., and Winter Garden Village at Fowler Groves Property Owners' Association – City Planner Williams
- C. Recommendation to approve the final plat for Winter Garden Village at Fowler Groves with conditions – City Planner Williams
- D. Application to sell sparklers under a temporary tent in the K-Mart shopping center June 20, 2007 to July 5, 2007 – Building Official Herbert
- E. Recommendation to reconsider the sale of city owned real property located at 848 East Plant Street to R. C. Stevens for \$950,000 (*added on 6/12/2007*)- City Manager Bollhoefer

7. MATTERS FROM CITIZENS

8. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

9. MATTERS FROM CITY MANAGER – Mike Bollhoefer
A. Revised donation form

10. MATTERS FROM MAYOR AND COMMISSIONERS

11. ADJOURN to a regular City Commission meeting on Thursday, June 28, 2007 at 6:30 p.m. at Tanner Hall.

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 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 included 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 on file in the Planning Department. 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) Yankee Lake serving Western Orange and Lake Counties
- 2) Yankee Lake Serving Western Orange County
- 3) Lower Ocklawaha River serving Western Orange and Lake County
- 4) St Johns River at SR 46 serving Seminole and Eastern Orange County

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 on file in the planning department. _

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 . City will identify potential users from existing developed properties and will implement reuse where practicable and financially feasible.

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. The city shall evaluate Surface Water Conservation, Treatment and Flood Control Management Strategies, Groundwater Protection and Reuse Management Strategies, Capital Improvement Programs for subbasins and implement financially feasible projects by 2012 (ranked 1 and 2), evaluate and identify CIPs for subbasins receiving rank of 3 and 4 by 2012 and implement financially feasible projects by 2017.

POLICY 1.1.1 The city will use various funding sources including ad valorem taxes and the existing storm water utility to fund the planning, implementation and operation and maintenance of 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 proactive stormwater maintenance and inspection activities as defined by the NPDES permit including inspection program for all private stormwater systems to insure proper maintenance and functioning, street sweeping and inspection and maintenance of all components of the stormwater system.

POLICY 1.1.4 For subbasins in the Wekiva Study Area identified with predicted percent increases in pollutant loads between existing and future conditions , the City of Winter Garden shall evaluate the use of controls in addition to what is already required for stormwater treatment by City regulations and permitting agencies, where most beneficial and where feasible, by May 2010. The types of controls to be evaluated will utilize Best Management Practices (BMPs) which include the following at a minimum

- Stormwater Reuse
- Reservoirs/Ponds
- No Net Floodplain Loss
- Stormwater Infiltration Basins
- Buffers
- Recharge Rules
- Retention
- Detention
- End-of-Pipe Treatments
- Drainage Well/Recharge Well and Treatment Systems
- Agricultural Nonpoint Source Pollution Management
- Waterwise Landscaping and Reduced Turf Area
- Public Outreach/Education for Proper use of Fertilizers

ORDINANCE 07-21

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2006-2007 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 28, 2006, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 06-45 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2006 and ending September 30, 2007;

WHEREAS, on February 22, 2007, the City of Winter Garden, Florida, adopted Ordinance 07-03 amending the City of Winter Garden, Florida, Budget for the tax year beginning October 1, 2006 and ending September 30, 2007;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2006 and ending September 30, 2007 to provide for mid-year adjustments;

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

SECTION 1: That the sum of \$2,905,300 to be appropriated as follows:

REVENUES

General Fund	\$ (2,097,528)
Community Redevelopment Agency Fund	124,154
Local Option Gas Tax Fund	488,224
General Impact Fee Fund	1,098,070
Transportation Impact Fee-South of Turnpike Fund	(994,006)
Transportation Impact Fee-OOCEA Pledge Fund	120,638
Transportation Impact Fee-CR545 Special Benefit Area Fund	-
Transportation Impact Fee-General Fund	2,934,700
Police and Fire Premium Tax Trust Fund	50,000
Debt Service Fund	(146,829)
New City Hall Capital Project Fund	720,314
Utility Operating Fund	361,978
Utility Impact Fee Fund	87,906
Utility Renewal and Replacement Fund	37,798
Stormwater Fund	109,377
Trailer City Fund	<u>10,504</u>
	\$2,905,300

