

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

REGULAR MEETING

July 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 Meeting of June 28, 2007

2. PRESENTATIONS

- A. [Proclamation 07-07](#) to Fire Chief Williamson declaring Winter Garden Fire Fighter Appreciation the week of August 5 through 11, 2007 – Mayor Quesinberry
- B. Certificates to Commissioners Bob Buchanan, District 1, and Commissioner Harold L. Boulter, District 3 for completing the 2007 Institute for Elected Municipal Officials – Mayor Quesinberry
- C. Update on Property Tax Reform – City Manager Bollhoefer

3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. [Ordinance 07-23](#): AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL OF PROPERTY LOCATED AT 13330 WEST COLONIAL DRIVE, 13340 WEST COLONIAL DRIVE, 13350 WEST COLONIAL DRIVE AND 13360 WEST COLONIAL DRIVE (AS RECORDED IN OR. BOOK 3342, PAGE 1436 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.), ALSO KNOWN AS THE WINDTREE PROFESSIONAL CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 26, 2007**
- B. [Ordinance 07-24](#): AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.51 ACRES OF LAND LOCATED AT 13330 WEST COLONIAL DRIVE; 13340 WEST COLONIAL DRIVE, 13350 WEST COLONIAL DRIVE AND 13360 WEST COLONIAL DRIVE, WINTER GARDEN, FLORIDA (AS RECORDED IN OR. BOOK 3342, PAGE 1436 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.), ALSO KNOWN AS THE WINDTREE PROFESSIONAL CENTER AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 26, 2007**
- C. [Ordinance 07-25](#): AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; SUBMITTING AMENDMENTS TO THE CITY CHARTER TO CITYWIDE REFERENDUM THAT: PROVIDE FOR COMPREHENSIVE REVISION, REORGANIZATION, CONSOLIDATION, MODERNIZATION AND CLARIFICATION OF THE CURRENT CHARTER; PROVIDE FOR THE ELIMINATION, REPLACEMENT OR REVISION OF INEFFECTIVE, PREEMPTED OR OTHERWISE OBSOLETE LANGUAGE; SET 3 YEAR TERMS FOR CITY COMMISSIONERS; PROVIDE NEW OR REVISED PROCEDURES FOR

FILLING VACANCIES IN OFFICE, HOLDING REGULAR MEETINGS, CALLING SPECIAL AND EMERGENCY MEETINGS, CONDUCTING AND CANVASSING ELECTIONS, PRESENTING CITIZEN INITIATIVES AND REFERENDUMS, PASSING ORDINANCES, AND REVISING THE CITY CHARTER; CONSOLIDATE FISCAL PROVISIONS; PRESCRIBE NEW AND REVISED PREREQUISITES AND QUALIFICATIONS FOR COMMISSIONERS QUALIFYING AND HOLDING OFFICE; AND CHANGE THE DUTIES AND METHODS OF APPOINTMENT OF CITY OFFICERS SUCH AS THE CITY MANAGER, CITY CLERK, CHIEF OF POLICE AND CITY ATTORNEY; PROVIDING FOR NOTICE OF AN ADVERTISEMENT FOR THE REFERENDUM TO BE PUBLISHED IN ACCORDANCE WITH THE CURRENT CITY CHARTER, CITY CODE, AND STATE STATUTES; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL SUBMIT THE QUESTION AND AMENDMENTS CONTAINED HEREIN TO THE QUALIFIED ELECTORS OF THE CITY OF WINTER GARDEN AT A MAIL BALLOT SPECIAL ELECTION WHERE SUCH AMENDMENTS SHALL BE INCORPORATED INTO THE CITY CHARTER IF APPROVED; CALLING MAIL BALLOT SPECIAL ELECTION TO BE HELD IN SEPTEMBER 2007; PROVIDING FOR CHARTER AMENDMENT CONFLICTS; PROVIDING FOR CODIFICATION OF ORDINANCE AND ADOPTED CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 26, 2007** – City Attorney Ardaman

- D. **Ordinance 07-26:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA MODIFYING THE CITY'S GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE IN 2008; PROVIDING FOR A 14-DAY QUALIFYING PERIOD AND SCHEDULE FOR RUN-OFF ELECTION TO BE APPLIED IN CONJUNCTION WITH SAID ELECTION; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 26, 2007** – City Attorney Ardaman

4. **THIRD 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 - (Postponed June 14 and June 28, 2007) - City Planner Williams

5. **REGULAR BUSINESS**

- A. Recommendation to approve the final plat for Daniels Road Business Park with the conditions in the Engineering Department's memorandum of May 11, 2007, the Legal Department's letter dated May 2, 2007 and the City Surveyor's letter of May 9, 2007 (Postponed June 28, 2007) **postponement requested** - City Planner Williams
- B. Recommendation to approve bids and award contract for Phase I Public Access Reuse Storage and Pumping Facilities for \$2,938,000 – Public Services Director Cochran
- C. Recommendation to approve Cost Share Agreement with St. Johns River Water Management District and the City of Winter Garden to provide funding for the Phase I Public Access Reuse Water Storage and Pumping Project – Public Services Director Cochran

- D. Recommendation to approve setting the proposed tax millage rate at 3.4382 for Fiscal Year 2007/2008 – City Manager Bollhoefer
- E. Recommendation to approve the purchase of three parcels located at 143 S. Lakeview Avenue, 151 S. Lakeview Avenue, and 161 S. Highland Avenue for \$975,000 – City Manager Bollhoefer

6. MATTERS FROM CITIZENS

7. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

8. MATTERS FROM CITY MANAGER – Mike Bollhoefer

9. MATTERS FROM MAYOR AND COMMISSIONERS

10. ADJOURN to a regular City Commission meeting Thursday, July 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 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.

Proclamation

07-07

Whereas, fighting fires is one of the most hazardous professions, requiring physical strength, stamina, extensive training, courage, selfless concern for the welfare of our citizens; and

Whereas, in addition to their daily service to communities, Fire Fighters throughout the state and across the nation have joined the Muscular Dystrophy Association for the past 53 years in the fight against neuromuscular diseases; and

Whereas, the Muscular Dystrophy Association is extremely grateful to the Fire Fighters of Winter Garden whose “Fill the Boot” campaign will assist MDA in providing medical services at local clinics, summer camps, research grants, support groups, and public education seminars at no cost to local children and families; and

Whereas, in honor of the efforts of the Fire Fighters of Winter Garden, the MDA is sponsoring Winter Garden Fire Fighter Appreciation Week for the week of August 5 through 11, 2007; and

Whereas, it is appropriate for all Winter Garden citizens to join the Muscular Dystrophy Association in this tribute to our Fire Fighters.

Now, therefore, be it resolved that I, *Jack Quesinberry, Mayor of the City of Winter Garden* do hereby proclaim the week of August 5 through 11, 2007 as

“Winter Garden Fire Fighter Appreciation Week”

and commend Winter Garden Fire Fighters for their efforts on behalf of the Muscular Dystrophy Association.

In witness thereof, I have hereunto set my hand and caused the City Seal to be affixed this 12th day of July, 2007.

Mayor Jack Quesinberry

Attest:

Kathy Golden, City Clerk

ORDINANCE 07-23

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL OF PROPERTY LOCATED AT 13330 WEST COLONIAL DRIVE, 13340 WEST COLONIAL DRIVE, 13350 WEST COLONIAL DRIVE AND 13360 WEST COLONIAL DRIVE (AS RECORDED IN OR. BOOK 3342, PAGE 1436 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.), ALSO KNOWN AS THE WINDTREE PROFESSIONAL CENTER; 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 1.51 acres located at Wind Tree Professional Center have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "Medium Density Residential" 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 ATTACHMENT "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 AND PUBLIC HEARING: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.51 ACRES OF LAND LOCATED AT 13330 WEST COLONIAL DRIVE; 13340 WEST COLONIAL DRIVE, 13350 WEST COLONIAL DRIVE AND 13360 WEST COLONIAL DRIVE, WINTER GARDEN, FLORIDA (AS RECORDED IN OR. BOOK 3342, PAGE 1436 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.), ALSO KNOWN AS THE WINDTREE PROFESSIONAL CENTER AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 1.51 acres located at Wind Tree Professional Center and legally described in Section 1 of this ordinance has petitioned the City to zone said property from R-3 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 R-3 to 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.

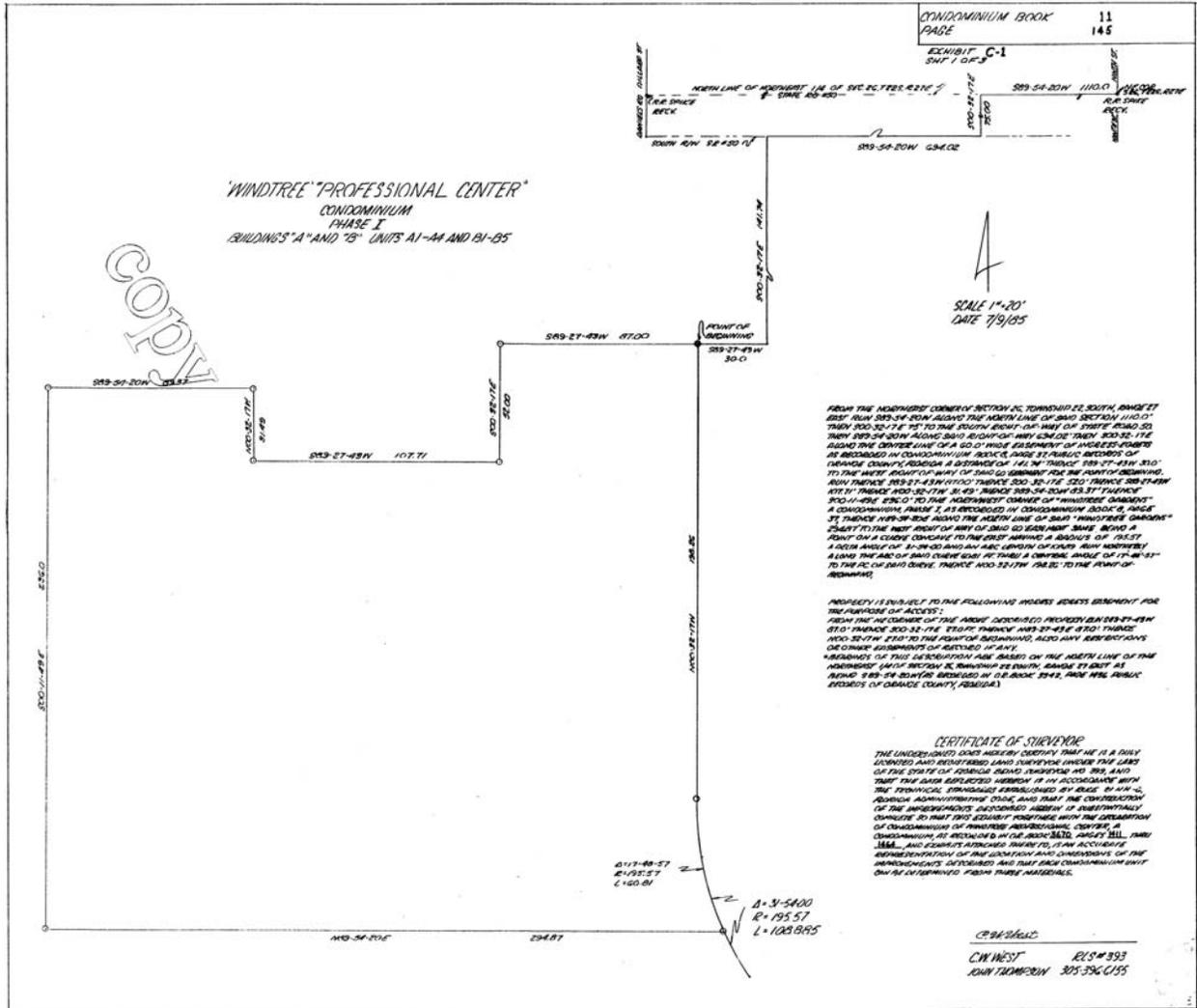
APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Attachment "A"



FROM THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST RUN 589-54-20W ALONG THE NORTH LINE OF SAID SECTION 1110.0' THEN S00-32-17E 75' TO THE SOUTH RIGHT-OF-WAY OF STATE ROAD 50 THEN 589-54-20W ALONG SAID RIGHT-OF-WAY 694.02' THEN S00-32-17E ALONG THE CENTER LINE OF A 60.0' WIDE EASEMENT OF RECORDS AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 37, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA A DISTANCE OF 141.74' THENCE S89-27-43W 87.00' TO THE WEST RIGHT-OF-WAY OF SAID 60' EASEMENT FOR THE POINT OF BEGINNING, RUN THENCE S89-27-43W 87.00' THENCE S00-32-17E 52.0' THENCE S89-27-43W 107.71' THENCE N00-32-17W 31.49' THENCE S89-54-20W 89.37' THENCE S00-11-49E 256.0' TO THE NORTHEAST CORNER OF "WINDTREE GARDENS" A CONDOMINIUM, PHASE I, AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 37, THENCE N89-54-20E ALONG THE NORTH LINE OF SAID "WINDTREE GARDENS" 29.87' TO THE WEST RIGHT-OF-WAY OF SAID 60' EASEMENT SAME BEING A POINT ON A CURVE CONCAVE TO THE FIRST HAVING A RADIUS OF 195.57' A DELTA ANGLE OF 31-54-00' AND AN ARC LENGTH OF 104.09' RUN NORTHERLY ALONG THE ARC OF SAID CURVE 60.01' AT THAT A CENTRAL ANGLE OF 17°-46'-57" TO THE P.C. OF SAID CURVE, THENCE N00-32-17W 198.26' TO THE POINT OF BEGINNING.

PROPERTY IS SUBJECT TO THE FOLLOWING INGRESS EGRESS EASEMENT FOR THE PURPOSE OF ACCESS:
FROM THE NE CORNER OF THE ABOVE DESCRIBED PROPERTY RUN S89-27-43W 87.0' THENCE S00-32-17E 27.0' THENCE N89-27-43E 87.0' THENCE N00-32-17W 27.0' TO THE POINT OF BEGINNING, ALSO ANY RESTRICTIONS OR OTHER EASEMENTS OF RECORD IF ANY.
MEMORANDUMS OF THIS DESCRIPTION ARE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST AS BEING 589-54-20W AS RECORDED IN O.R. BOOK 3343, PAGE 196 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ORDINANCE NO. 07-25

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; SUBMITTING AMENDMENTS TO THE CITY CHARTER TO CITYWIDE REFERENDUM THAT: PROVIDE FOR COMPREHENSIVE REVISION, REORGANIZATION, CONSOLIDATION, MODERNIZATION AND CLARIFICATION OF THE CURRENT CHARTER; PROVIDE FOR THE ELIMINATION, REPLACEMENT OR REVISION OF INEFFECTIVE, PREEMPTED OR OTHERWISE OBSOLETE LANGUAGE; SET 3 YEAR TERMS FOR CITY COMMISSIONERS; PROVIDE NEW OR REVISED PROCEDURES FOR FILLING VACANCIES IN OFFICE, HOLDING REGULAR MEETINGS, CALLING SPECIAL AND EMERGENCY MEETINGS, CONDUCTING AND CANVASSING ELECTIONS, PRESENTING CITIZEN INITIATIVES AND REFERENDUMS, PASSING ORDINANCES, AND REVISING THE CITY CHARTER; CONSOLIDATE FISCAL PROVISIONS; PRESCRIBE NEW AND REVISED PREREQUISITES AND QUALIFICATIONS FOR COMMISSIONERS QUALIFYING AND HOLDING OFFICE; AND CHANGE THE DUTIES AND METHODS OF APPOINTMENT OF CITY OFFICERS SUCH AS THE CITY MANAGER, CITY CLERK, CHIEF OF POLICE AND CITY ATTORNEY; PROVIDING FOR NOTICE OF AN ADVERTISEMENT FOR THE REFERENDUM TO BE PUBLISHED IN ACCORDANCE WITH THE CURRENT CITY CHARTER, CITY CODE, AND STATE STATUTES; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL SUBMIT THE QUESTIONS AND AMENDMENTS CONTAINED HEREIN TO THE QUALIFIED ELECTORS OF THE CITY OF WINTER GARDEN AT A MAIL BALLOT SPECIAL ELECTION WHERE SUCH AMENDMENTS SHALL BE INCORPORATED INTO THE CITY CHARTER IF APPROVED; CALLING MAIL BALLOT SPECIAL ELECTION TO BE HELD IN SEPTEMBER 2007; PROVIDING FOR CHARTER AMENDMENT CONFLICTS; PROVIDING FOR CODIFICATION OF ORDINANCE AND ADOPTED CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.031, Florida Statutes (2006), provides for the adoption of an ordinance submitting amendments to the City of Winter Garden's (hereinafter "City") Charter to the electors of the City for approval;

WHEREAS, the Charter Review Committee of the City, the City Commission, and City Staff have publicly deliberated proposed amendments to the charter and each reached a consensus that various amendments to the Charter be submitted to a referendum of the electors of the City; AND

WHEREAS, the City Commission has publicly reviewed and considered the Charter Review Committee and City Staff recommendations for amending the charter;

WHEREAS, the City Commission, after due consideration, directs that this Ordinance be prepared and that Charter Referendum questions be included herein, and submitted to the qualified electors of the City of Winter Garden, Florida, at the Mail Ballot Special Election to be held in September 2007.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. **Amendment #1.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 3. **Amendment #1 Ballot Question.** The ballot title and summary of the amendment referenced in Section 2 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT INCORPORATING PREAMBLE AND TECHNICAL REVISIONS, REMOVING INEFFECTIVE LANGUAGE, AND PROVIDING REORGANIZATION AND CONSOLIDATION.

SUMMARY

A vote of "yes" would approve an amendment revising the City Charter to provide a Preamble, remove ineffective, redundant, or otherwise preempted language, clarify existing provisions, substitute gender neutral language, provide technical revisions to the Charter, and reorganize and renumber charter provisions to consolidate subject matter and account for other changes as may be adopted at this referendum.

YES

NO

SECTION 4. **Amendment #2.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 5. **Amendment #2 Ballot Question.** The ballot title and summary of the amendment referenced in Section 4 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT CHANGING TERMS OF OFFICE FOR COMMISSIONERS AND MAYOR-COMMISSIONER FROM 2 YEARS TO 3 YEARS.

SUMMARY

A vote of "yes" would approve an amendment changing the terms of office of the mayor commissioner and city commissioners from the current two (2) years to terms of three (3) years and providing technical changes to accommodate such.

YES

NO

SECTION 6. **Amendment #3.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “C” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 7. **Amendment #3 Ballot Question.** The ballot title and summary of the amendment referenced in Section 6 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT REQUIRING COMMISSIONERS TO RESIDE IN THE DISTRICT THAT THEY REPRESENT.

SUMMARY

A vote of “yes” approves an amendment to the charter requiring city commissioners representing a district and commission candidates qualifying for a district election to reside within such district, excepting sitting commissioners and qualified candidates from such rule until completion of their terms if such candidate or commissioner ceases to reside in a district solely as a result of redistricting, and requiring commissioners to generally maintain their candidacy qualifications while in office.

YES

NO

SECTION 8. **Amendment #4.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “D” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 9. **Amendment #4 Ballot Question.** The ballot title and summary of the amendment referenced in Section 8 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT PROVIDING THAT THE CITY MANAGER BE HIRED PURSUANT TO AN EMPLOYMENT CONTRACT.

SUMMARY

A vote of "yes" would approve an amendment requiring the city commission to hire the city manager pursuant to an employment contract not exceeding four years and subject to renewal upon approval, empowering the city commission to terminate the city manager by resolution and 3 member affirmative vote prior to contract expiration and, and requiring the City to continue paying the city manager's full salary until final removal or contract expiration, whichever occurs first.

YES

NO

SECTION 10. **Amendment #5.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "E" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 11. **Amendment #5 Ballot Question.** The ballot title and summary of the amendment referenced in Section 10 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT PROVIDING NEW PROCEDURE FOR FILLING COMMISSION VACANCIES.

SUMMARY

A vote of "yes" replaces the charter's current system for filling commission vacancies, which current system allows the governor to fill a vacancy if the commission fails to appoint a replacement within 15 days, with a system whereby, if six months or less remain in the unexpired commissioner's term, the commission fills the vacancy by appointment, or, if more than six months remain in the unexpired term, a special election is called to fill the vacancy.

YES

NO

SECTION 12. **Amendment #6.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "F" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 13. **Amendment #6 Ballot Question.** The ballot title and summary of the amendment referenced in Section 12 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT REVISING RULES FOR CALLING SPECIAL AND EMERGENCY COMMISSION MEETINGS AND PASSING EMERGENCY ORDINANCES.

SUMMARY

A vote of "yes" reduces the number of commission members required to call special commission meetings, adjusts the notice requirements for special meetings, provides new procedures for calling emergency meetings, reduces the required vote for enactment of emergency ordinances from unanimous to an affirmative two-thirds vote, and permits emergency ordinances to expend funds in excess of the contingent fund.

YES

NO

SECTION 14. **Amendment #7.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "G" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 15. **Amendment #7 Ballot Question.** The ballot title and summary of the amendment referenced in Section 14 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT PROVIDING FOR REDISTRICTING, A REDISTRICTING COMMITTEE AND ADOPTION OF REDISTRICTING ORDINANCES.

SUMMARY

A vote of "yes" establishes events triggering the redistricting process and formation of a redistricting commission, provides for the appointment of a redistricting commission by the city commission, sets forth deadlines and standards that the redistricting commission must follow in preparing and submitting a redistricting report, and provides for the adoption of a redistricting ordinance by the city commission.

YES

NO

SECTION 16. **Amendment #8.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "H" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 17. **Amendment #8 Ballot Question.** The ballot title and summary of the amendment referenced in Section 16 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT REVISING CHARTER ELECTION PROVISIONS, RECONSTITUTING THE CANVASSING BOARD, AND PERMITTING DELEGATION OF CANVASSING DUTIES.

SUMMARY

A vote of “yes” revises and reorganizes the current charter’s election provisions to remove ineffective or preempted language, permits the dates for run-off elections and candidate registration to be determined by ordinance, clarifies procedures for tied run-off elections and single-candidate races, replaces the current canvassing board comprised of the city commission with a canvassing board comprised of the city clerk and two citizens, and permits canvassing duties to be delegated to the County Canvassing Board.

YES

NO

SECTION 18. **Amendment #9.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “I” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 19. **Amendment # 9 Ballot Question.** The ballot title and summary of the amendment referenced in Section 18 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT ESTABLISHING A CHARTER PROCESS FOR CITIZEN INITIATIVES AND REFERENDUM.

SUMMARY

A vote of “yes” creates a citizen initiative and referendum process to challenge existing ordinances and propose new ordinances whereby initiative petitions meeting certain criteria are first submitted to the city commission for adoption, and, if such petition is not adopted by the commission as an ordinance, the petition is then referred to a citywide referendum for approval or rejection.

YES

NO

SECTION 20. **Amendment #10.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “J” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 21. **Amendment #10 Ballot Question.** The ballot title and summary of the amendment referenced in Section 20 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT REVISING POWERS OF THE CITY COMMISSION AND GROUNDS AND PROCEDURES FOR REMOVAL OF COMMISSIONERS.

SUMMARY

A vote of “yes” reorganizes those charter provisions concerning the City Commission, substitutes a general statement of the Commission’s power in lieu of enumerated powers, provides the mayor-commissioner with additional representative duties, reduces the number of allowable unexcused commissioner absences from commission meetings from 4 to 3, provides commissioners subject to forfeiture with the right to a public hearing, and requires the selection of a mayor pro-tem at the commission meeting following an election.

YES

NO

SECTION 22. **Amendment #11.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “K” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 23. **Amendment #11 Ballot Question.** The ballot title and summary of the amendment referenced in Section 22 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT ADJUSTING THE RESPECTIVE DUTIES OF APPOINTED OFFICERS AND PROVIDING FOR AN INDEPENDENT CITY CLERK.

SUMMARY

Voting "yes" requires all city officers to be appointed by the city manager, except the city clerk and city attorney who would both be appointed and removed by the city commission; adjusts, revises and clarifies the duties of appointed charter officers; names the city clerk the supervisor of municipal elections; permits such clerk to act independently of the city manager while exercising certain enumerated duties; and removes the city engineer office from the charter.

YES

NO

SECTION 24. **Amendment #12.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "L" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 25. **Amendment #12 Ballot Question.** The ballot title and summary of the amendment referenced in Section 24 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT ALIGNING THE CITY'S PROCEDURES FOR ADOPTING ORDINANCES WITH STATE LAW.

SUMMARY

A vote of "yes" removes preempted language concerning the City's adoption of ordinances, eliminates the requirement that ordinances and resolutions may be passed only by entry of "yeas" and "nays" into a journal, establishes a default date for the effectiveness of an ordinance to be 10 days following adoption, and makes notice requirements for publishing and amending ordinances consistent with state law.

YES

NO

SECTION 26. **Amendment #13.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "M" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 27. **Amendment #13 Ballot Question.** The ballot title and summary of the amendment referenced in Section 26 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT PROVIDING FOR CHARTER REVIEW ONCE EVERY 8 YEARS.

SUMMARY

A vote of "yes" requires that a charter review committee be appointed by the city commission at least once every 8 years to review the city charter and report any proposed changes to the city commission.

YES

NO

SECTION 28. **Amendment #14.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "N" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 29. **Amendment #14 Ballot Question.** The ballot title and summary of the amendment referenced in Section 28 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT REVISING AND CONSOLIDATING CHARTER FISCAL PROVISIONS AND PROVIDING FOR FISCAL MANAGEMENT.

SUMMARY

Voting "yes" deletes Articles VIII, IX, X, and XI, titled respectively "Tax Administration," "Special Assessments," "Board of Equalization," and "Finance" in favor of statutory requirements for such and consolidates remaining fiscal provisions into new Article VIII, "Fiscal Management," which permits the city commission to reduce, transfer, or make additional appropriations or emergency notes, requires the city manager to monitor fiscal matters, and allows such manager to transfer funds among programs within a department or unit.

YES

NO

SECTION 30. **Referendum.** Having obtained the consent of the Orange County Supervisor of Elections ("Supervisor") by and through a mail ballot election contract with the Supervisor and in accordance with § 100.151, Florida Statutes, the City Commission hereby calls the mail ballot referendum to be held in September of 2007, at which the charter amendments and their accompanying

ballot questions contained herein will be submitted to the electorate, with the polls of such referendum closing on September 25, 2007.

SECTION 31. Advertisement. The City Clerk of the City of Winter Garden is hereby authorized and directed to advertise the referendum election contemplated herein in accordance with the current City Charter, City Code, and Florida Statutes.

SECTION 32. Codification. It is the intention of the City Commission of the City of Winter Garden that the Charter Amendment proposed by this Ordinance shall become and be made a part of the charter of the City of Winter Garden, Florida if adopted by the qualified electors of the City of Winter Garden. Articles, sections, and subsections of the Charter may be renumbered or relettered for editorial and codification purposes and such renumbering and relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. The City Clerk is hereby directed to ensure that appropriate numbers or letters are affixed to the Articles and Sections of the Charter to account for those charter provisions that are approved or rejected at referendum.

SECTION 33. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and shall have no effect the validity of the other provisions of this Ordinance.

SECTION 34. Conflict between Charter Amendments. If more than one of the charter amendments contained herein are adopted, such adopted amendments should be codified, reconciled, or implemented in such a way as to give effect to the others. If such cannot be reconciled and are determined to conflict with one another, to the extent of such conflict, amended language shall supersede unamended language, substantive provisions shall supersede editorial provisions, and amendments removing or replacing provisions shall prevail over amendments that merely revise language within such provisions.

SECTION 35. Effective Date of Ordinance. This Ordinance shall take effect immediately upon its adoption.

SECTION 36. Effective Date of Proposed Charter Amendments. Each of the Proposed Charter Amendments set forth herein shall take effect if and upon certification of an affirmative

City of Winter Garden Commission Agenda
July 12, 2007

majority vote of the qualified electors of the City of Winter Garden in favor of such at the September 2007
mail ballot special election.

FIRST READING AND PUBLIC HEARING: _____ July 12 _____, 2007.

SECOND READING AND PUBLIC HEARING: _____, 2007.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

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See Exhibits Below
for Additional
information on
Ordinance 07-25

ORDINANCE 07-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA MODIFYING THE CITY'S GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE IN 2008; PROVIDING FOR A 14-DAY QUALIFYING PERIOD AND SCHEDULE FOR RUN-OFF ELECTION TO BE APPLIED IN CONJUNCTION WITH SAID ELECTION; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, on May 21, 2007, Governor Charlie Crist signed House Bill 537 into the Laws of Florida to be effective on July 1, 2007 and codified as § 101.75(3), Florida Statutes (2007); and

WHEREAS, § 101.75(3), Fla. Stat. (2007), authorizes municipalities to change by ordinance the dates of their municipal elections held in March to coincide with the 2008 presidential preference primary to be held in January of 2008; and

WHEREAS, Chapter 2, Article IV of the City of Winter Garden Code currently provides that the regular general election for members of the City Commission shall be held on the second Tuesday in March of each year; and

WHEREAS, § 101.75(3), Fla. Stat. (2007), further provides that municipalities adopting an ordinance changing the date of a municipal general election to the date coinciding with the presidential preference primary shall specifically provide for a qualifying period of no less than fourteen (14) days; and

WHEREAS, if the City of Winter Garden, Florida (hereinafter referred to as the "City") were to conduct a separate General Municipal Election in March, the City would otherwise be responsible for the total election costs; however, in opting to hold its 2008 general election in conjunction with the presidential preference primary, the City will be responsible only for the costs of legal advertising and any separate ballots that may or may not be required, resulting in a significant financial savings to the City; and

WHEREAS, the City Commission deems it to be in the best interests of the citizens and residents of the City to change the dates of its General Municipal Election otherwise to be held in March of 2008, to coincide with the presidential preference primary to be held in January of 2008.

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

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as true and correct and incorporated herein by this reference.

Section 2. *2008 Presidential preference primary.* As authorized by general law, in January of 2008, the City shall hold its general election so that such coincides with the date of Florida's presidential preference primary. The following provisions shall apply to the 2008 municipal election held in conjunction with the presidential preference primary notwithstanding any city charter provision or ordinance to the contrary:

- (a) The qualifying period for such election shall commence at noon on Tuesday, November 6, 2007, and shall terminate at noon on the fourteenth (14th) day following the date of commencement, more specifically identified as Tuesday, November 20, 2007.

(b) In the event that the results of the general election held in conjunction with Florida's presidential preference primary require a run-off election, such run-off election shall be held on Tuesday, February 26, 2008.

Section 3. Filing fee and election assessment. A candidate for the Office of Mayor or City Commissioner, at the time of obtaining a candidate package, shall pay a municipal filing fee of \$15 and an election assessment in accordance with § 99.093, Fla. Stat.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby made ineffective to the extent of such conflict.

Section 5. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 6. This Ordinance shall take effect immediately upon its adoption.

FIRST READING THIS 12th DAY OF July, 2007.

SECOND READING AND PUBLIC HEARING THIS 26th DAY OF July, 2007.

APPROVED:

JACK QUESINBERRY, MAYOR/COMMISSIONER

ATTEST:

KATHY GOLDEN, CITY CLERK

ORDINANCE NO. 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.

WHEREAS, the City of Winter Garden (hereinafter referred to as the "City") pursuant to the Code of Ordinances and State law has the authority to review applications and proposals for development, such as subdivisions, planned unit developments, site plans, rezonings, special exceptions, variances, development agreements, plat approvals, comprehensive plan amendments, concurrency, development of regional impact determinations, annexations, and projects relating to development (hereinafter collectively referred to as "Applications") and to consider the impacts of development which may occur pursuant to such Applications on the citizens, infrastructure, lands, businesses and well being of the City and to ensure that conditions required for approval have been met; and

WHEREAS, the City has the authority to review, inspect and regulate the foregoing; and

WHEREAS, substantial costs, fees and expenses are incurred by the City, directly and solely caused by and related to the review, inspection and regulation of development pursuant to Applications; and

WHEREAS, in order to efficiently and effectively carry out the review of such Applications and the inspection and regulation of development, it is necessary that the City employ competent Staff and professional consultants and/or otherwise contract with others to perform such services and to offer legal and technical expertise; and

WHEREAS, the City Commission finds that the costs, expenses and fees incurred by the City, which are caused directly and solely by such development, should be incurred by those responsible for said development and not by the taxpayers in general; and

WHEREAS, the fees, costs and expenses recoverable by the City under this Ordinance are less than the fees, costs and expenses actually incurred by the City for review, inspection and regulation of development; and

WHEREAS, the City Commission has determined that this Ordinance is necessary and appropriate to have a substantial portion of the costs, expenses and fees incurred for the review, regulation, and inspection of development and Applications borne by those responsible for such; and

WHEREAS, to accomplish the objectives of this Ordinance and to fairly and properly assess the fees, costs and expenses incurred by the City due to development, the framework set forth in this Ordinance is necessary; and

WHEREAS, after public notice and due consideration of public comment given at an advertised public hearing, the City Commission has determined that this Ordinance is necessary to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida.

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

SECTION I: Authority. The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION II: Adoption. Chapter 88 of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Section 88-8. Fee Collection and Schedule. The Site Plan Review Fees, Platting Review Fees, Zoning Plan Amendments, Other Permits Associated With Development of Property Fees and Advertising Costs, respectively located below in subparagraphs A, B and C, as such may be amended from time to time, establish the Flat Fee for the matters referenced therein, which flat fees in addition to any Review Deposit required pursuant to section 88-3 shall be paid by the applicant to the City upon submittal of any application to the City. The City shall ensure the required flat fee is collected, and, if applicable, the Review Deposit is posted to an account for said application. The City Finance Director or his designee shall also notify the City Manager or appropriate City Staff of the applicant's proof of payment of the flat fee and, if applicable, the posting of the Review Deposit.

Should the City Manager or his designee determine that the required Review Deposit for an Application is inadequate to cover the reasonably anticipated fees, costs and expenses to be required by the City, the City Manager shall direct the City Finance Director or his designee to increase the minimum deposit to the minimum extent necessary to cover such reasonably anticipated fees, costs, and expenses. The Flat Fees are established as follows:

1. *Site Plan Review Fees.*
 - a. Communication antenna site plan approval.
 1. New communication tower greater than or equal to 35 feet in total height: \$1,000.00.
 2. New antenna less than 35 feet in total height: \$200.00.

3. Alteration of an existing antenna, alteration plus building permits, special exception (if required) and/or variance fees (if required):
\$200.00.
- b. De minimis industrial or commercial site plan review (less than 300 square feet of building or 500 square feet of impervious surface). No flat fee required (considered part of building permit fee).
- c. Major industrial, commercial, or institutional site plan approval (the addition of greater than 4,000 square feet of building or 5,000 square feet of impervious surface).
 1. Site plan review fee: \$200.00, plus \$20.00 per 1,000 square feet of the total of both building area and impervious surface.
 2. Site inspection fee: An additional fee of one and one-half percent of the cost of the improvements, including, but not limited to, materials, labor, and construction of the site (parking areas, lighting, landscaping, stormwater retention areas, and water and sewer utilities) or \$200.00, whichever is greater, will be collected prior to the time of the issuance of building permits.
- d. Minor industrial, commercial, or institutional site plan approval (all site plans smaller than a major industrial or commercial site plan review but greater than a de minimis industrial or commercial site plan review). The site plan review fee and inspection fee shall be ~~\$200.00~~ \$500.00 each.
- e. Multi-family site plan review.
 1. Site plan review fee: \$300.00, plus ten dollars (\$10.00) per unit.
 2. Site inspection fee: An additional fee of one and one-half percent of the cost of construction of the site improvements (parking areas, lighting, landscaping, stormwater retention areas, and water and sewer utilities) or \$200.00, whichever is greater, will be collected prior to the time of the issuance of building permits.

f. Single-family residential. No site plan review fees are required, except for platting fees.

2. *Platting Review Fees.*

a. Preliminary plat review fees. The fee for plans review shall be \$250.00 plus ten dollars per residential lot, ~~five~~ five-hundred dollars per nonresidential lot.

b. Plat construction plan review. \$500.00, plus two dollars per residential lot; ~~ten~~ two-hundred and fifty dollars per nonresidential lot for the first two revisions. An additional ten dollars per residential lot or ~~\$30.00~~ five-hundred dollars per nonresidential lot will be charged for each successive revision.

c. Plat infrastructure inspections: One and one-half percent of the construction cost of the infrastructure to include but not limited to roads, stormwater facilities, water facilities and wastewater facilities to be paid prior to final plat approval.

d. Final Plat Review. The fee shall be \$250.00, plus ten dollars per residential lot; ~~five~~ one-hundred dollars per nonresidential lot plus actual City Consultant review cost, fees and expenses, and recording fees.

e. Addressing and signage fees. The applicant will be responsible to reimburse the City for any addressing and signage fees.

3. *Zoning, Plan Amendments, and Other Permits Associated With Development of Property Fees.*

a. Adult entertainment establishments (development of): See Chapter 10 titled Amusements and Entertainment.

b. Annexation, infill (annexation of infill lot of five acres or less) No fee

c. Annexation, large scale (annexation of a lot or parcel great than five acres) ~~\$400.00~~ \$1,000.00

d. Deannexation \$2,500.00

e. Appeal to the planning and zoning board of an administrative interpretation ~~\$25.00~~ \$100.00

- | | | |
|----|---|---|
| f. | Appeal to the City Commission of a decision made
by the Planning and Zoning Board | \$300.00 |
| g. | Building permits: As identified in Resolution No. 96-09
as amended. | |
| h. | Comprehensive plan amendment, small scale and in
conjunction with an infill (annexation less than five acres) | No fee |
| i. | Comprehensive plan amendment, small scale and not in
conjunction with an infill (annexation less than five <u>ten</u>
acres) | \$ 700.00 |
| j. | Comprehensive plan amendment, large scale or text
amendment | \$1,000.00 <u>\$2,500.00</u> |
| k. | Concurrency review | No fee <u>City Consultant Cost</u> |
| l. | Development of regional impact (DRI) review: \$8,000.00, plus all other
associated development review fees (i.e., platting, annexation, comprehensive
plan amendment and site plan review) plus City Consultant fees, costs, and
expenses. | |
| m. | Development agreement: Actual City Consultant fees, costs, and expenses. | |
| n. | Impact fees: As identified in Chapter 42 of this Code. | |
| o. | Lot clearing not associated with any other development permit: | |
| | Residential (per lot) | \$25.00 |
| | Nonresidential (per lot) | \$100.00 |
| p. | Planned unit development (PUD): | |
| | Rezoning | \$750.00 <u>\$1,000.00</u> |
| | Amendment | \$750.00 |
| q. | Rezoning in conjunction with an infill annexation five
acres or less | No fee |
| r. | Rezoning not in conjunction with an infill annexation
five acres or less. | \$500.00 |

s.	Special exception or conditional use permit	
	For-profit Business	\$500.00
	Not-for-profit Business	\$200.00
	Extension of Permit	\$200.00
t.	Tree removal permit, per lot or parcel	\$ 10.00
u.	Variance request:	
	For a single-family residential additions and substandard lots (per variance request)	\$100.00
	For residential fences, sheds, and other non-habitable structures (per variance request)	75.00
	For all other variances (per variance request)	\$150.00
v.	Vacation of public property (plus City Consultant fees, expenses, and costs)	\$250.00
w.	Identification of all nonconforming characteristics letter (existing development)	\$300.00
x	Lot Split	\$100.00
y.	Open Air Vendor Permit	\$250.00
z.	<u>Zoning Verification Letter</u>	<u>\$100.00</u>

(plus costs such as copy charges and City Staff time)

Section 88-13. Amendments. This chapter shall periodically be reviewed and may be amended by ordinance, however, fees and fee schedule may be amended by resolution.

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: Effective Date. This Ordinance shall take effect upon adoption by City Commission and shall apply to fees, costs and expenses incurred by the City after the effective date and to Applications and projects submitted after the effective date.

SECTION V: Codification. That Section II of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances of the City of Winter Garden. Sections of this Ordinance may be

renumbered or relettered and the word "Ordinance" may be changed to "Section," "Article" or such other appropriate word or phase in order to accomplish such intentions. Typographical errors which do not effect the intent and purpose of this Ordinance may be authorized by the City Manager, or his designee, without the need of public hearing by filing a corrected or recodified copy of the same with the City Clerk.

READ FIRST TIME AND PUBLIC HEARING HELD June 14, , 2007

READ SECOND TIME AND PUBLIC HEARING HELD June 28 , 2007.

READ THIRD TIME AND PUBLIC HEARING HELD July 12 , 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk