

**CITY COMMISSION AGENDA
OLD CITY HALL CHAMBERS
251 W. Plant Street**

REGULAR MEETING

JUNE 26, 2008

6:30 P.M.

CALL TO ORDER

Determination of a Quorum
Invocation and Pledge of Allegiance

1. WORKSHOP

A. Downtown District – Planning Director Williams

2. APPROVAL OF MINUTES

Regular Meeting of June 12, 2008 and Emergency Meeting of June 16, 2008

3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. **Ordinance 08-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE WINTER GARDEN COMPREHENSIVE PLAN TO IMPLEMENT PUBLIC SCHOOL CONCURRENCY; ADDING A PUBLIC SCHOOL FACILITIES ELEMENT REQUIRING COORDINATION OF PUBLIC SCHOOL PLANNING WITH LAND USE PLANNING AND DEVELOPMENT APPROVALS; SETTING LEVEL OF SERVICE STANDARDS AND SERVICE BOUNDARIES AND PROVIDING FOR DEVELOPMENT REVIEW COORDINATION TO ACHIEVE CONCURRENCY; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT TO INCLUDE NEW OBJECTIVES AND POLICIES PROVIDING FOR COORDINATION WITH ORANGE COUNTY PUBLIC SCHOOLS; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO INCLUDE NEW OBJECTIVES AND POLICIES AND STANDARDS FOR BACKLOGGED CONCURRENCY SERVICE AREAS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE **with the second reading and public hearing being advertised** – City Planner Williams

4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 08-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2007-2008 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE – City Manager Bollhoefer

B. **Ordinance 08-37:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CHAPTER 118 TO CREATE ARTICLE XII, SECTIONS 1610-1612; ESTABLISHING THE DOG FRIENDLY DINING PROGRAM; ESTABLISHING PERMIT REQUIRED; SUBMITTALS, ESTABLISHING GENERAL REGULATIONS; COOPERATION; ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer

5. REGULAR BUSINESS

A. **FIRST READING AND PUBLIC HEARING of Resolution 08-12** A EXPANSION RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, EXPANDING THE WINTER GARDEN DOWNTOWN BROWNFIELD AREA; AUTHORIZING THE CITY CHIEF PLANNER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID BROWNFIELD AREA; AND PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 10, 2008** – Chief Planner Wilson

B. Recommendation to approve site plan for 158 S. Woodland Street located on the northwest corner of Smith and Woodland Streets with conditions – Planning Director Williams

C. Recommendation to approve agreement for acquiring right-of-way and retention pond site at the northeast corner of Plant Street and West Crown Point Road from Britt Farming Company - Assistant City Manager Robertson

D. Recommendation to approve continuing consulting contracts for professional engineering services and ranks with, Pegasus Engineering, Reynolds, Smith & Hills, Inc., CPH

Engineering, Kirby Engineering, LLC, Tetra Tech, Inc., and Chastain – Skillman, Inc. -
Public Services Director Cochran

- E. Discussion on appointments to the new Architectural Review and Historical Preservation Board (*continued from June 12, 2008*) – City Manager Bollhoefer

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

- F. Appointments for expiring terms of John Kirby, Jim Gustino, Kelly Randall and for resigning member Tina Aldrich (*correct term expires June 2010*) on the Community Redevelopment Advisory Board – CRAB Chairman/CRA Member Cappleman

- G. Appointment for term expiring of Larry Cappleman on the Community Redevelopment Agency – CRAB Chairman/CRA Member Cappleman

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

6. **MATTERS FROM CITIZENS** (*Limited to 3 minutes per speaker*)

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

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

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on July 10, 2008 in **NEW** City Hall Commission Chambers located at 300 W. Plant Street on the first floor.

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 08-34

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE WINTER GARDEN COMPREHENSIVE PLAN TO IMPLEMENT PUBLIC SCHOOL CONCURRENCY; ADDING A PUBLIC SCHOOL FACILITIES ELEMENT REQUIRING COORDINATION OF PUBLIC SCHOOL PLANNING WITH LAND USE PLANNING AND DEVELOPMENT APPROVALS; SETTING LEVEL OF SERVICE STANDARDS AND SERVICE BOUNDARIES AND PROVIDING FOR DEVELOPMENT REVIEW COORDINATION TO ACHIEVE CONCURRENCY; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT TO INCLUDE NEW OBJECTIVES AND POLICIES PROVIDING FOR COORDINATION WITH ORANGE COUNTY PUBLIC SCHOOLS; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO INCLUDE NEW OBJECTIVES AND POLICIES AND STANDARDS FOR BACKLOGGED CONCURRENCY SERVICE AREAS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature signed into law, on June 24, 2005, Senate Bill 360 (the "Act"), which became effective July 1, 2005;

WHEREAS, such Act amended Chapter 163, Florida Statutes relating to Growth Management;

WHEREAS, the City is required, pursuant to § 163.3177(12)(i), Florida Statutes, to adopt a Public Schools Facilities Element into its comprehensive plan prior to December 1, 2008;

WHEREAS, the purpose of the Public School Facilities Element is to ensure that a school concurrency system is based on appropriate and relevant data and analysis, that consistent goals, objectives and policies are adopted, and that level of service standards for public school facilities are achieved and maintained;

WHEREAS, the Public School Facilities Element must include provisions addressing the elimination of existing deficiencies in the availability of public educational services, the creation and maintenance of adequate school capacity for the 5 year and long term planning periods, the collocation of schools with future and existing residential development, the achievement and maintenance of necessary supporting infrastructure, options for proportionate share mitigation, and procedures for school site selection; and

WHEREAS, the Public School Facilities Element must include maps of the general locations of schools for the five (5) year and long term planning periods;

WHEREAS, the City Commission of the City of Winter Garden finds that this ordinance implements the goals, objectives, and policies needed to provide for school concurrency in a financially feasible manner; and

WHEREAS, the City Commission of the City of Winter Garden finds that this ordinance implements the goals, objectives and policies necessary to achieve school concurrency as required by applicable law.

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

Section I The Comprehensive Plan is hereby amended to add the following Public School Element goals, objectives and policies to read as follows:

COMPREHENSIVE PLAN PUBLIC SCHOOLS FACILITIES ELEMENT

GOAL 1: To establish plans, regulations and programs in conjunction with Orange County Public Schools (OCPS) to facilitate the future availability of public school facilities to serve City residents, consistent with the adopted level of service for public schools and with state of Florida concurrency statutes and regulations.

Objective 1.1: Level of Service Standards

The City of Winter Garden (the “City”) shall coordinate with OCPS to implement a Concurrency Management System that ensures adequate classroom capacity to accommodate the impacts of new residential development throughout the planning period.

Policy 1.1.1 The City shall utilize the OCPS calculation of school capacity, which is annually determined by OCPS using the Adjusted Florida Inventory of School Houses (FISH) Capacity for each school and Concurrency Service Areas (CSA) within the school district. Consistent with the Interlocal Agreement, Adjusted FISH Capacity, shall be defined as the Permanent FISH (Florida Inventory of School Houses) Capacity, adjusted to include the design capacity of modular (“in-slot”) schools, not to exceed the adopted Core Capacity for that school. the number of students who can be served in a permanent public school facility as provided in FISH adjusted to account for the design capacity of Modular or In-Slot Classrooms on the campuses designed as Modular or In-Slot schools, but not to exceed Core Capacity.

Policy 1.1.2 The School Concurrency Management System shall include standards and procedures to ensure that new residential development complies with the Level of Service (“LOS”) Standards provided in the Interlocal Agreement pertaining to school

concurrency as executed by and between the City of Winter Garden and OCPS (the “ILA”) and as provided in the City’s adopted Capital Improvements Element (“CIE”) and Intergovernmental Coordination Element (“ICE”). These standards do not include backlogged facilities as provided in Capital Improvements Element Policy 6.7. The adopted LOS must be achieved in all CSA’s by April 1, 2012, except for deficient CSA’s

where improvements needed to achieve adequate classroom capacity are specifically identified in the OCPS ten (10) year DCOP for funding by April 1, 2017. The adopted LOS shall be used to determine the available capacity of Elementary, Middle and High Schools within the designated Concurrency Service Area (“CSA”) where the development is proposed.

Policy 1.1.3 In accordance with Rule 9J-5.025(3)(c)(7), F.A.C., the adopted LOS for the purposes of school concurrency for each school type shall be calculated as a percentage of adjusted FISH capacity as follows:

<u>School Type</u>	<u>Standard*</u>	<u>Concurrency Service Area (“CSA”)</u>
Elementary	110%	Modified Middle School Attendance Zones
K-8	110%	K Through 8 School Attendance Zones
Middle	100%	Middle School Attendance Zones
High Including 9 th Grade Centers	100%	High School Attendance Zones (Adjusted permanent FISH for High Schools does not include in-slots)

** Permanent FISH + “In-Slot” school, not to exceed Core Capacity for Elementary and Middle School types. Permanent FISH, not to exceed Core Capacity for High Schools*

¹ An “in-slot” school is designed to employ in-slot classrooms, which are defined as relocatable classrooms that conceptually ‘slide’ into the spaces along a common walkway, as part of a modular campus which is characterized by a campus with brick and mortar core facilities and covered concrete walkways leading to the relocatable classrooms.

Policy 1.1.4 Any changes or modifications to the adopted LOS shall follow the process and guidelines as outlined in Section 13 of the Interlocal Agreement.

Policy 1.1.5 The City shall support OCPS's efforts to initiate and implement any of the following strategies to ensure compliance with adopted LOS standard.

- a) Building new schools to relieve over-capacity schools in CSA's that exceed the adopted LOS,
- b) Renovating over-capacity schools to add permanent capacity and replace on-campus portables,
- c) Rezoning students from over-capacity schools to under-capacity schools,
- d) Moving special programs from over-capacity schools to under-capacity schools to utilize excess permanent capacity where such permanent capacity exists.

Policy 1.1.6 Concurrency shall be evaluated and determined within the geographical boundaries of the established Concurrency Service Areas (CSA's).

Policy 1.1.7 Any changes or modifications to the adopted CSA's shall follow the process and guidelines as outlined in Section 14 of the Interlocal Agreement. [9J-5.025 (3) (c) 1.F.A.C.]

Policy 1.1.8 The number of elementary, middle and high school students generated by a residential development, shall be calculated by OCPS student generation rates by school type as set forth in Table 12 of the Appendix to the Public School Facilities Element.

Policy 1.1.9 The City shall support OCPS' efforts to meet adopted LOS standards through the adoption of a ten (10) year, financially feasible DCOP. Where the LOS cannot be achieved through the construction of new school capacity as provided in the five (5) year District Capital Outlay Plan (DCOP), the City shall cooperate with OCPS' efforts to adopt a long range ten (10) year DCOP as part of the School District's annual capital planning process.

Policy 1.1.10 Where adequate school facilities will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, or the functional equivalent, the City shall not deny an application for site plan approval, final subdivision approval, or the functional equivalent thereof, for any development or phase of a development that includes residential uses, based solely on failure to achieve and maintain the adopted LOS in a CSA.

Policy 1.1.11 The City, in conjunction with OCPS, shall review LOS standards for public school facilities annually, and any changes to those standards shall be processed as amendments to the County's Public School Facilities Element and Capital Improvements Element.

Policy 1.1.12 The City shall amend the Concurrency Management System in its Code of Ordinances for the purpose of implementing school concurrency.

Objective 1.2: OCPS, in conjunction with the City, shall adopt and annually update school Concurrency Service Areas (“CSA’s”) which shall be used to evaluate capacity of schools available to accommodate students generated by proposed development.

Policy 1.2.1 OCPS, in coordination with the City of Winter Garden, Orange County and other local governments within Orange County, has established CSA’s that are less than district wide. Such CSA’s are depicted in Exhibits 13-15 of this element. Existing conditions for elementary, middle and high schools are depicted in Exhibits, 6, 8 and 10 as provided for in the School Facilities Element Data, Inventory and Analysis dated, May 2, 2008.

Policy 1.2.2 CSA’s shall be reviewed annually in conjunction with the adoption of an updated ten (10) year District Capital Outlay Plan (DCOP). CSA boundaries may be adjusted to ensure that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, and other factors.

Objective 1.3 The City and OCPS shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the Interlocal Agreement.

Policy 1.3.1 The City shall not adopt a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density on property that is not otherwise vested or determined exempt from school concurrency requirements until such time as OCPS has determined whether sufficient capacity will exist concurrent with the development, or a capacity enhancement agreement is executed that provides for the needed capacity to accommodate the proposed development, or OCPS fails to timely make a recommendation, in which case the City may thereafter determine, utilizing the best available data and analyses, whether sufficient capacity exists.

Policy 1.3.2 The City shall determine if a development is vested or exempt from school concurrency. Unless the development is determined to be vested or exempt from concurrency, the City shall not approve a residential site plan, plat, or its functional equivalent, until a concurrency review has been conducted by OCPS and a Concurrency Certificate or its functional equivalent has been issued for the development consistent

with the provisions of the ILA. However, if OCPS fails to timely issue such Concurrency Certificate or its functional equivalent, the City may perform such concurrency review, utilizing the best available data and analyses, to determine whether a development meets concurrency requirements.

Policy 1.3.3 School concurrency shall not apply to property within a Development of Regional Impact (DRI) for which a Development Order was issued prior to July 1, 2005, or for which a DRI application was submitted prior to May 1, 2005, unless the developer elects otherwise or unless the developer files a Notice of Proposed Change (“NOPC”) and/or Substantial Deviation to increase the total number of residential dwelling units.

Policy 1.3.4 For DRIs that include residential development and are submitted after July 1, 2005, the City shall include OCPS planning staff on its team assigned to review the DRI, and shall ensure that DRI Development Orders and DRI Development Order amendments that increase the total number of residential dwelling units, address the issue of school concurrency. Where existing LOS is exceeded, mitigation for school impacts shall be included in any mitigation agreements, Development Orders and agreements.

Policy 1.3.5 Any Proposed residential developments that creates an impact of less than one student shall be considered de minimus and therefore exempt from school capacity review.

Policy 1.3.6. Vested rights and exemptions with respect to concurrency and consistency shall be in accordance with applicable law.

Policy 1.3.7 Consistent with Section 16.2 of the Interlocal Agreement, the following residential uses shall be exempt from the requirements of school concurrency:

(a) Any proposed Residential Development considered de minimus as defined by PSFE Policy 1.3.5

(b) One single-family house, one (1) duplex, and/or one accessory multi-family unit being developed on an existing platted residential lot of record.

(c) Any building or structure that has received a Building Permit as of the effective date of the Interlocal Agreement, or is described in section 163.3167(8), Florida Statutes.

(d) Any new Residential Development that has Site Plan approval for a site pursuant to a specific development order approved prior to the effective date school concurrency, including the portion of any project that has received final subdivision plat approval as a residential subdivision into one (1) dwelling unit per lot.

(e) Any amendment to any previously approved Residential Development, which does not increase the number of dwelling units or change the type of dwelling units (e.g., converts single-family to multi-family, etc.).

(f) Any age-restricted community that qualifies as one of the three types of communities designed for older persons as "housing for older persons" in the Housing for Older Persons Act, 42 U.S.C. § 3607(b). This exemption shall be applied in conformity with the principles set forth in Volusia County v. Aberdeen at Ormond Beach, L.P., 760 So. 2d, 126 (Fla. 2000).

(g) Provided, however, that any senior housing community or dwelling unit that loses its qualification as housing for older persons shall be required to meet applicable school concurrency requirements in effect at the time the qualifications for older persons is lost.

(h) Alterations or expansion of an existing dwelling unit where no additional dwelling units are created.

(i) The construction of accessory buildings or structures which will not create additional dwelling units.

(j) The replacement of a dwelling unit where no additional dwelling units are created and where the replacement dwelling unit is located on the same lot, provided the original dwelling unit was located on the site as of effective date of school concurrency. If the type of dwelling unit is different from the original dwelling unit type, the exemption shall be limited to an exemption based on the current student generation rate for the original dwelling unit type. Documentation of the existence of the original dwelling unit must be submitted to the concurrency management official.

(k) School concurrency shall not apply to property within a development of regional Impact (DRI) for which a Development Order was issued prior to July 1, 2005, or for which a DRI application was submitted prior to May 1, 2005, unless the developer elects otherwise or unless the developer files a Notice of Proposed Change (NOPC) and/or Substantial Deviation to increase the total number of residential dwelling units; however, such exemption shall expire upon withdrawal, denial, or expiration of the application for a development order. If such Development of Regional Impact has been approved, or is approved, through a development order, such exemption shall expire for any phase of the development order upon expiration of the development order build-out date for such phase, or for the entire development order upon expiration of the development order, or upon any material default of the school mitigation conditions of the development order or

a related development agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.

(m) Any Residential Development with a letter vesting it for purposes of complying with school concurrency, or which would be vested at common law for purposes of such concurrency requirement implemented by this Agreement.

(n) Group living facilities that do not generate students and including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse sleeping quarters, dormitory-type facilities for post-secondary students, and religious non-youth facilities, regardless of whether such facilities may be classified as residential uses.

Objective 1.4: Upon completion of an OCPS Concurrency Review, a development that fails to meet school concurrency requirements may be postponed until adequate public school capacity is created through the construction of new schools or any combination of those methods specified in Policies 1.4.1, 1.4.2, 1.4.3 and 1.4.4 may be postponed until adequate public school capacity is created.

Policy 1.4.1 A development shall be deemed to meet concurrency if there is available capacity in the CSA where the development is located or where available capacity exists in one or more contiguous CSA's, so long as the LOS in the adjacent zone does not exceed 95% of the adjusted FISH capacity, or when the LOS for the specific school type, when considered District wide, does not exceed 100% of the adjusted FISH capacity, and approval of the development does not result in a violation of a court ordered desegregation order.

Policy 1.4.2 Proportionate share, when used for mitigation, shall be calculated based on the number of elementary, middle and high school students generated by the development at build out. As provided for in the ILA, proportionate share shall be calculated based on reasonable methods of estimating cost of school construction, including the cost of land, equipment, school buses. Any Proportionate Share Migration, must be directed by OCPS to a school capacity improvement identified in the capital improvement schedule in the financially feasible five (5) year district work plan of the District Facilities Work Program, and in the Capital Improvements Element in the Comprehensive Plan of the County and the Orange County Municipalities to maintain financial feasibility based upon the adopted LOS standards. If a school capacity improvement does not exist in the District Facilities Work Program, OCPS may, in its sole discretion, add a school capacity improvement to mitigate the impacts from a proposed residential development, so long as the financial feasibility of the District Facilities Work Program can be maintained and so long as the County agrees to amend its Capital Improvements .

Policy 1.4.3 Proportionate Share Mitigation may include payments of money, construction of schools, donations of land, expansion of permanent capacity of existing school campuses, payment of funds necessary to advance schools contained in the ten

(10) year School Board District Capital Outlay Plan (DCOP), establishment of charter schools that meet State Requirements for Educational Facilities (SREF) standards, payments into mitigation banks, establishment of an Educational Facilities Benefit District, Community Development District, or other methods identified in section 17.6 (b) of the school ILA and may be negotiated between the developer and OCPS and, as appropriate, the City.

Policy 1.4.4 Any of the Proportionate Share options set forth in Policy 1.4.3 that are utilized by developers as mitigation are eligible for school impact fee credits as provided for by Florida Statutes.

GOAL 2: To maintain a high quality educational system for the current and future residents of the City of Winter Garden through enhanced and meaningful coordination between the City and Orange County Public Schools (OCPS) as provided in the ILA.

Objective 2.1 Throughout the planning period, the City and OCPS shall work together to review and maintain policies and procedures established in the ILA and ensure compliance with the adopted Comprehensive Plan.

Policy 2.1.1 Pursuant to the Interlocal Agreement, a Technical Advisory Committee, composed of representatives from the City of Winter Garden, Orange County, other local governments located within Orange County, OCPS and the East Central Florida Regional Planning Council, shall be established to discuss issues of mutual concern. OCPS shall be responsible for making meeting arrangements, providing notification and maintaining a written summary of meeting actions.

Policy 2.1.2 The Technical Advisory Committee shall meet quarterly, or as needed, to discuss issues and formulate recommendations regarding coordination of land use and school facilities. Specific areas addressed by the committee shall include, but shall not be limited to, the following:

- a) Short and long-range planning, population and student projections, and future development trends;
- b) Co-location and joint-use opportunities, and ancillary infrastructure improvements needed to support the school facilities and ensure safe student access to schools;
- c) Planning for needed supporting infrastructure for schools such as utilities, roads, sidewalks, etc.;
- d) The need for new schools to meet the adopted LOS within the adopted CSA's and the coordination of annual revisions to the five (5) year and ten (10) year District Capital Outlay Plan
- e) Update of the City's Capital Improvements Element for inclusion in the City's Comprehensive Plan.

Policy 2.1.3 The City shall provide an update of approved developments, phases of development and estimated build out by phase to the OCPS Planning Department on an annual basis.

Policy 2.1.4 The City shall review OCPS's generated future enrollment and growth projections on an annual basis and provide input to the OCPS Planning Department.

Policy 2.1.5 The City shall protect existing schools from the intrusion of incompatible land uses through the development review process. [163.3177(12)(g)4. F.S.] and [9J-5.025(3)(b)5.F.A.C.]

Objective 2.2 Throughout the planning period, the City and OCPS shall work together to coordinate the siting of new public schools to ensure public school facilities are located in areas that address the needs of future residential development, are coordinated with necessary services and infrastructure development, provide for safe learning environments, and are consistent with the City's adopted Future Land Use Map, Comprehensive Plan, and Code of Ordinances.

Policy 2.2.1 Applications for Future Land Use Map amendments, rezonings, conditional use/special exceptions and site plans for schools shall be given priority status. OCPS shall not be required to pay application fees or impact fees for the development of public school facilities, except for advertising and property owners notice provided, however, that OCPS shall not be exempt from payment of capital connection fees for water and wastewater.

Policy 2.2.2 The City shall protect existing schools from the intrusion of incompatible land uses through the development review process. The City shall also protect existing residential neighborhoods through the development review process when considering

proposed new schools, school renovations and school expansions. [163.3177 (12) g. 4., F.S.] and [9J.5.025 (3) (b) 5 F.A. C.]

Policy 2.2.3 In an effort to enhance local communities and neighborhoods, the City shall work with OCPS throughout the school siting, design and development process to ensure that proposed schools serve as a focal point for the community and are compatible with the Future Land Use Map and other surrounding land uses and neighborhoods.

Policy 2.2.4 Where feasible, OCPS and the City shall work jointly to co-locate public facilities such as parks, libraries, community centers, and other similar public uses with public schools. Where such co-location occurs, both the City and OCPS shall consider the establishment of an ongoing mutual management agreement that permits the school's use of the public facilities and the public's use of school facilities for community meetings and sports activities.

Policy 2.2.5 In accordance with Section 1006.23, Florida Statutes, and as funding permits, the City shall, where required, provide construction of sidewalks along roadways and trails connecting neighborhoods that are within two miles of schools to the school facility. OCPS shall be responsible for the construction of sidewalks and trails on school property and shall provide connections to existing and future sidewalks and trails identified by the City.

Policy 2.2.6 Turn lanes and signalization shall be provided at school entrances and at other locations near schools, where warranted, to provide safe access to students and the public. OCPS shall be responsible for the construction of school-related signalization and road construction.

Policy 2.2.7 The City shall coordinate with OCPS in OCPS's efforts to construct new public school facilities and rehabilitate existing public school facilities to serve as emergency shelters as required by Section 1013.372, Florida Statutes.

Policy 2.2.8 The City of Winter Garden supports Orange County School Board's evaluation of the use of Public Private Partnerships to finance school construction including but not limited to Real Estate Investment Trusts (REIT)

Policy 2.2.9 The City of Winter Garden will support efforts by OCPS to formally request additional funding from the State of Florida to meet class size reduction obligations.

OBJECTIVE 2.3 Prior to June 1st of each year, OCPS shall coordinate with the City to develop a financially feasible ten (10) year District Capital Outlay Plan (DCOP) for review and approval by the OCPS Board and adoption into the Capital Improvements Element for the City.

Section II The Comprehensive Plan is hereby amended to amend the Intergovernmental Coordination Element objectives and policies to read as follows:

Policy 2.3.1 Ten (10) year DCOP shall include all capital projects which increase the capacity of public schools within the City and address the deficiencies necessary to maintain or improve LOS.

Policy 2.3.2 The City shall include the ten (10) year DCOP in the annual update of the CIE.

Policy 2.3.3 The City shall review and update OCPS' adopted CSA's, adopted LOS and enrollment projections in the annual update of the CIE to ensure that the CIE continues to be financially feasible and that the LOS will be achieved. As provided by OCPS Staff.

Policy 2.3.4 OCPS in conjunction with the City shall review the annual ten (10) year DCOP update to determine the projected capacity, projected enrollment, and LOS for each school and CSA within the County.

Policy 2.3.5 In accordance with F.S. 163.3180 (9)(a), the City adopts a long-term school concurrency management system with a for the 2007/2008-2017/2018 ten (10) year planning period for areas where significant backlog exists.

Objective 8 The City of Winter Garden shall, throughout the planning period, coordinate and work with Orange County Public Schools to ensure that sufficient school capacity is available to support proposed development and that necessary infrastructure is available to accommodate new schools.

Policy 8.1 The City shall designate a representative to serve on the Technical Advisory Committee to discuss issues and formulate recommendations regarding the appropriate coordination of land uses and schools.

Policy 8.2 The City shall provide projected development data to OCPS on a regular basis to assist in the development of a long-range planning model to project student enrollment.

Policy 8.3 As a member of the OCPS Technical Advisory Committee, the City shall review OCPS model projections for consistency with the City projections and, if necessary, shall recommend additions or modifications to the model results.

Policy 8.4 The City shall comply with the Interlocal Agreement for Public School Planning and School Concurrency as agreed to and adopted between the City of Winter Garden and OCPS.

Section III The Comprehensive Plan is hereby amended to amend the following Capital Improvement Element Objectives and Policies to read as follows:

Objective 6 To work with OCPS to develop a financially feasible Five (5) and Ten (10) year District Capital Outlay Plan (DCOP), a consistent Public School Facilities Element ("PSFE"), and Capital Improvements Element ("CIE").

Policy 6.1 Prior to June 1st of each year, Orange County Public Schools (OCPS) shall coordinate with the City to develop a financially feasible ten (10) year District Capital Outlay Plan (DCOP) for review and approval by the OCPS Board and adoption into the Capital Improvements Element for the City.

Policy 6.2 The County shall review the updated ten (10) year DCOP to determine if the projected capacity, projected enrollment, and LOS for each school and Concurrency Service Area (CSA) within the City's jurisdiction is consistent with its growth projections.

Policy 6.3 The City shall review and update OCPS' adopted CSA's, adopted Level of Service (LOS) and enrollment projections in the annual update of the CIE to ensure that the CIE continues to be financially feasible and that the LOS will be achieved.

Policy 6.4 The ten (10) year DCOP shall include all planned capital projects which increase the capacity of public schools within the County.

Policy 6.5 The City shall include the ten (10) year DCOP in the annual update of the CIE.

Policy 6.6 The City hereby incorporates by reference the OCPS 10-Year Capital Outlay Plan for 2007-2008, adopted by the Orange School Board on September 11, 2007, which includes school capacity sufficient to meet anticipated student demands projected by OCPS.

Policy 6.7 The LOS standards, except for backlogged facilities as provided in CIE Policy 6.10, to implement school concurrency shall be calculated as a percentage of the Adjusted FISH Capacity as follows:

(a) Elementary: 110% of Adjusted FISH using Modified Middle School Attendance Zones as CSA's

(b) K through 8: 110% of Adjusted FISH Capacity using K through 8 School Attendance Zones as CSA's

(c) Middle: 100% of Adjusted FISH using Middle School Attendance Zones as CSA's

(d) High, including ninth grade centers: 100% of Adjusted FISH using High School Attendance Zones as CSA's (Note: Adjusted permanent FISH for High Schools does not include in slots)

Policy 6.8 In accordance with F.S. 163.3180 (9)(a), the City hereby adopts a long-term school concurrency management system with the ten(10) year planning period of 2007/2008-2017/2018 for areas where a significant backlog exists.

Policy 6.9 The City shall annually review compliance and appropriateness of the adopted LOS standard.

Policy 6.10 Consistent with Section 13 of the Interlocal Agreement, the LOS standards shall be applied consistently by all the local governments within Orange County and by the School Board to all schools of the same type. However, within backlogged CSA's, the ratio of student enrollment to school capacity may not increase beyond its interim level of service of April 1, 2008. During the period covered by the 10-year schedule of capital improvements the backlogged CSA's will be improved to the adopted LOS standard. The LOS standards are initially set as follows:

<u>School Type</u>	<u>Adopted LOS</u>
<u>Elementary</u>	<p><u>110% of Adjusted FISH Capacity by 2011.</u></p> <p><u>The interim LOS for backlogged facilities is shown in Figure 13 of the Data, Inventory and Analysis.</u></p> <p><u>The following elementary school CSA's are designated as backlogged facilities: A, DD, U and Arbor Ridge.</u></p> <p><u>The utilization of these CSA's may not increase beyond its level of April 1, 2008, as designated in Figure 6 of the Data, Inventory and Analysis, and must achieve a LOS of 110% by 2017.</u></p>
<u>Middle</u>	<p><u>100% of Adjusted FISH Capacity by 2011</u></p> <p><u>The interim LOS for backlogged facilities is shown in Figure 14 of the Data, Inventory and Analysis.</u></p> <p><u>The following middle school CSA's are designated as Backlogged Facilities: Apopka M.S., Chain of Lakes M.S., Gotha M.S., Meadow Woods M.S. and Walker M.S.</u></p> <p><u>The utilization of these CSA's may not increase beyond its level of April 1, 2008, as designated in Figure 8 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</u></p> <p><u>The utilization of a backlogged CSA shall not be permitted to increase beyond the CSA's utilization level existing on April 1, 2008, and must achieve a LOS of 100% by 2017.</u></p>
<u>High</u>	<p><u>100% of Adjusted FISH Capacity by 2011</u></p> <p><u>The interim LOS for backlogged facilities is shown in figure 15 of Data Inventory and Analysis.</u></p> <p><u>The following high school CSA's are designated as Backlogged Facilities: Freedom H.S. and University H.S.</u></p> <p><u>The utilization of these CSA's may not increase beyond their level of April 1, 2008 as designated in figure 10 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</u></p>

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

Section V Severability 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 VI Codification It is the intention of the City Commission of the City of Winter Garden that the Comprehensive Plan Amendment proposed by this Ordinance shall ultimately

become and be made a part of the Comprehensive Plan of the City of Winter Garden. Goals, objectives, and policies of the Comprehensive Plan may be renumbered for editorial and codification purposes and such renumbering shall not constitute nor be considered a substantive change to the Comprehensive Plan Amendment as adopted. For solely organizational purposes, the City Clerk is hereby directed to ensure that appropriate numbers are affixed to the Goals, Objectives, and Policies in the Comprehensive Plan prior to Codification of the Comprehensive Plan Amendment.

Section VII Transmittal Within ten (10) working days after adoption of this Ordinance, the City Planning Department is directed to transmit this comprehensive plan amendment to the Department of Community Affairs in accordance with Section 163.3184 (16), Florida Statutes.

Section VIII Effective Date Pursuant to Rule 9J-11.011(10), F.A.C., the effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with [Section 163.3184\(1\)\(b\), Florida Statutes](#), whichever is applicable. This amendment shall not be utilized as a basis for approving or issuing any development orders, development permits or land uses before such amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

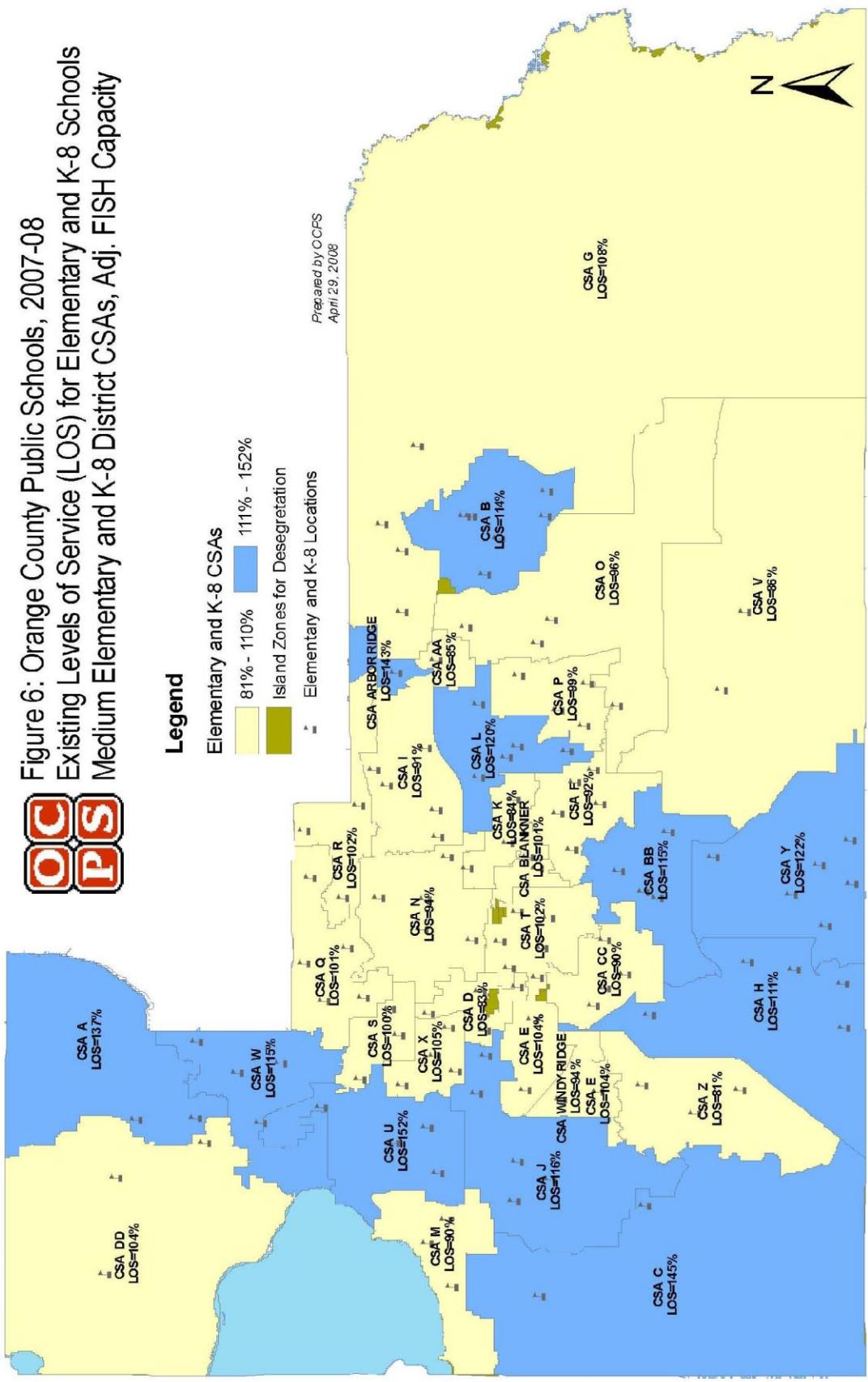


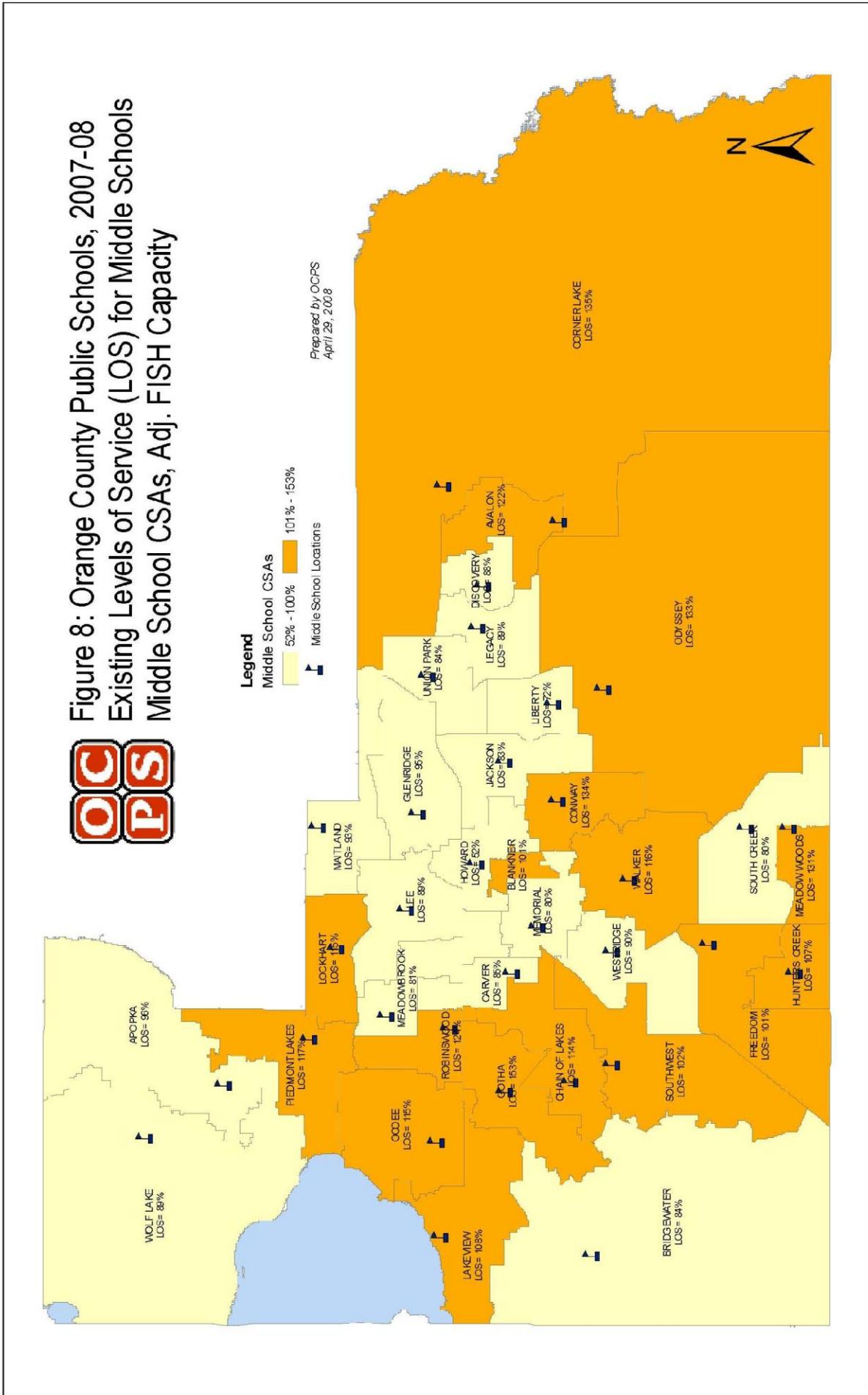
Figure 6: Orange County Public Schools, 2007-08
Existing Levels of Service (LOS) for Elementary and K-8 Schools
Medium Elementary and K-8 District CSAs, Adj. FISH Capacity

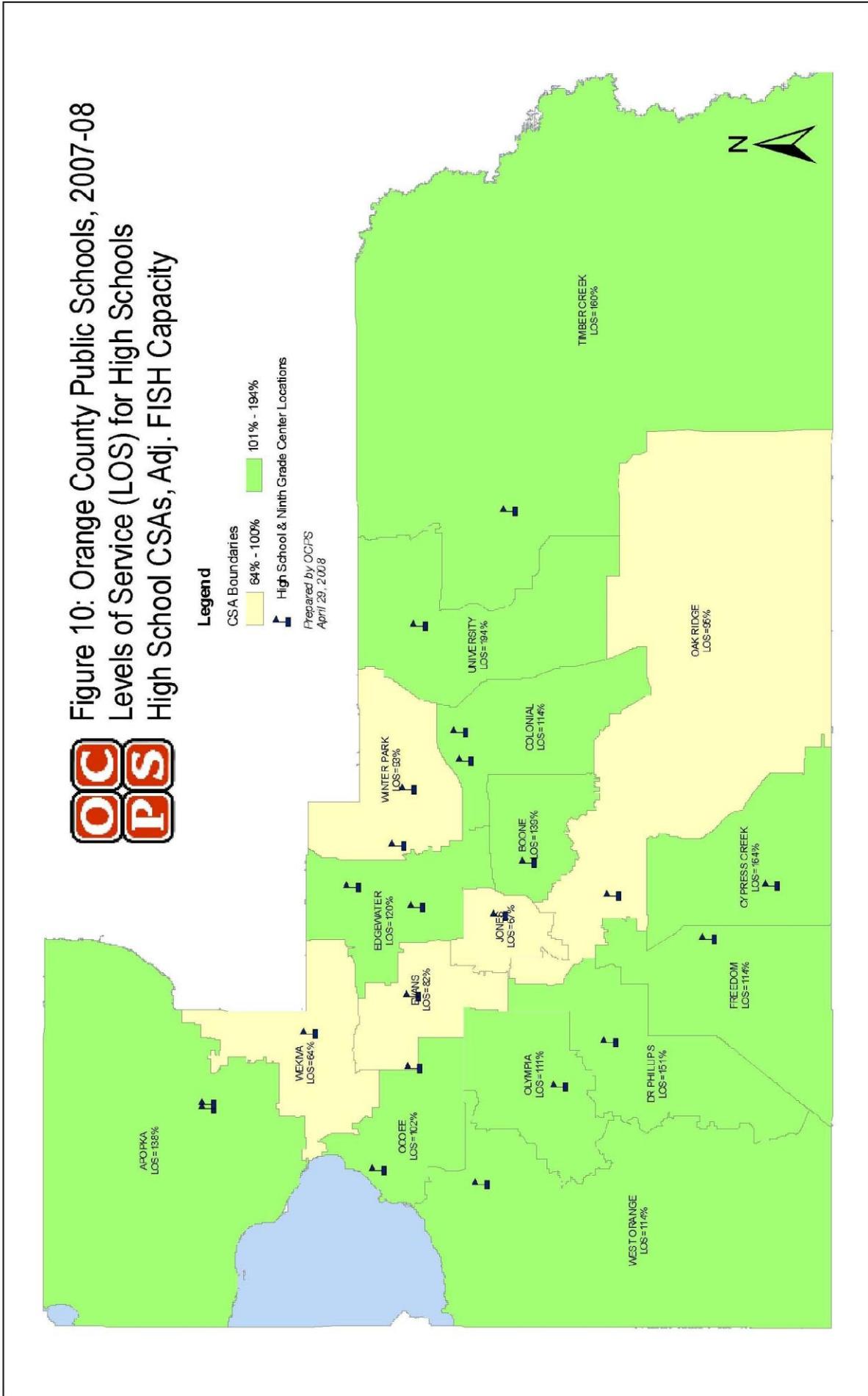
Legend

- Elementary and K-8 CSAs
- 81% - 110%
- 111% - 152%
- Island Zones for Desegregation
- Elementary and K-8 Locations

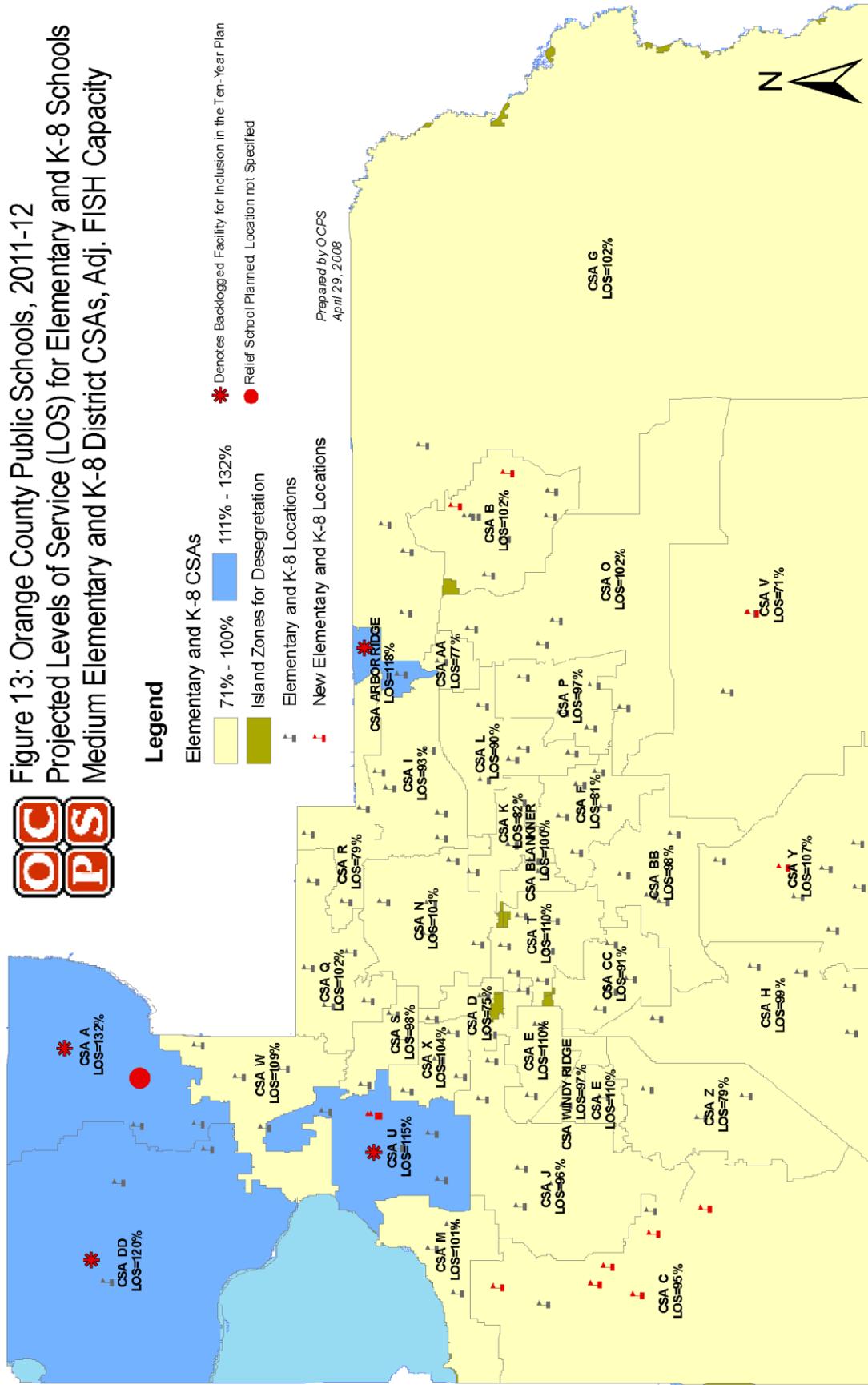
Prepared by OCPS
April 29, 2008

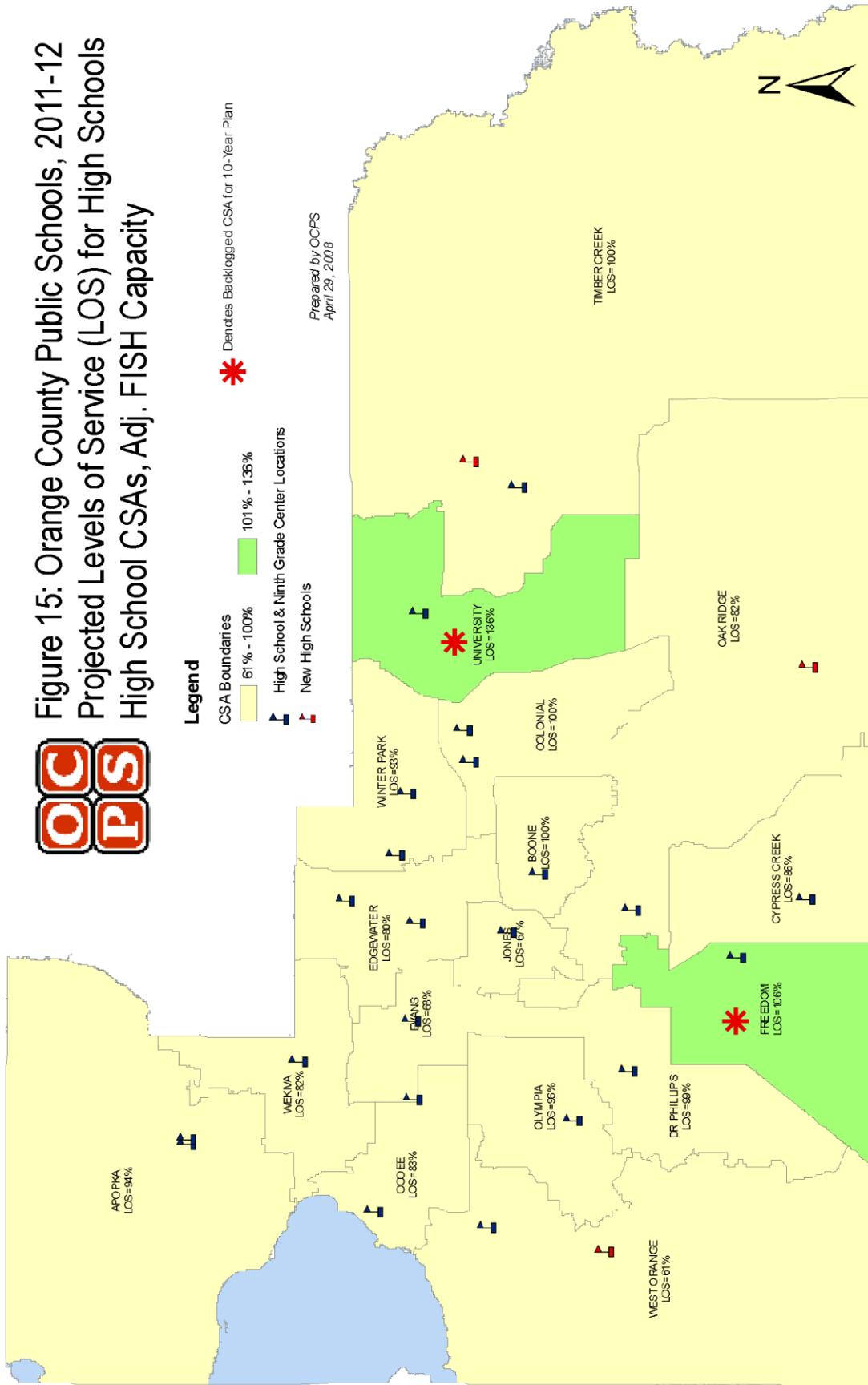






**Figure 13: Orange County Public Schools, 2011-12
 Projected Levels of Service (LOS) for Elementary and K-8 Schools
 Medium Elementary and K-8 District CSAs, Adj. FISH Capacity**





ORDINANCE 08-30

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2007-2008 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 27, 2007, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 07-45 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2007 and ending September 30, 2008;

WHEREAS, on January 24, 2008, the City of Winter Garden, Florida, adopted Ordinance 08-08 amending the City of Winter Garden, Florida, Budget for the tax year beginning October 1, 2007 and ending September 30, 2008;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2007 and ending September 30, 2008 to provide for mid-year adjustments;

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

SECTION 1: That the sum of \$3,159,199 to be appropriated as follows:

REVENUES

General Fund	\$ (465,148)	
Downtown Parking District Fund	(150,000)	
Community Redevelopment Agency Fund	(25,151)	
Law Enforcement Trust Fund	39,634	
Local Option Gas Tax Fund	(196,608)	
General Impact Fee Fund	2,412,623	
Transportation Impact Fee-South of Turnpike Fund	263,677	
Transportation Impact Fee-OOCEA Pledge Fund	41,245	
Transportation Impact Fee-CR545 Special Benefit Area Fund	-	
Transportation Impact Fee-General Fund	98,546	
Police and Fire Premium Tax Trust Fund	10,000	
New City Hall Capital Project Fund	894,768	
Utility Operating Fund	(105,937)	Utility
Impact Fee Fund	380,267	
Utility Renewal and Replacement Fund	(128,359)	
Stormwater Fund	2,891	
Solid Waste Fund	186,751	
Trailer City Fund	(100,000)	
	<u>\$3,159,199</u>	

EXPENSES

General Fund	\$ (465,148)	
Downtown Parking District Fund	(150,000)	
Community Redevelopment Agency Fund	(25,151)	
Law Enforcement Trust Fund	39,634	
Local Option Gas Tax Fund	(196,608)	
General Impact Fee Fund	2,412,623	
Transportation Impact Fee-South of Turnpike Fund	263,677	
Transportation Impact Fee-OOCEA Pledge Fund	41,245	
Transportation Impact Fee-CR545 Special Benefit Area Fund	-	
Transportation Impact Fee-General Fund	98,546	
Police and Fire Premium Tax Trust Fund	10,000	
New City Hall Capital Project Fund	894,768	
Utility Operating Fund	(105,937)	Utility
Impact Fee Fund	380,267	
Utility Renewal and Replacement Fund	(128,359)	
Stormwater Fund	2,891	
Solid Waste Fund	186,751	
Trailer City Fund	<u>(100,000)</u>	
	<u>\$3,159,199</u>	

SECTION 2: Detail for the aforementioned totals is attached as Exhibit 1, which shall be incorporated in the Ordinance. Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 3: This Ordinance shall become effective upon its adoption at the second reading and public hearing.

READ FIRST TIME: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

 Mayor/Commissioner John Rees

ATTEST:

 Kathy Golden, City Clerk

ORDINANCE 08-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CHAPTER 118 TO CREATE ARTICLE XII, SECTIONS 1610-1612; ESTABLISHING THE DOG FRIENDLY DINING PROGRAM; ESTABLISHING PERMIT REQUIRED; SUBMITTALS, ESTABLISHING GENERAL REGULATIONS; COOPERATION; ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden appreciates the patronage of its residents and visitors to support economically the restaurants and eateries located in the City limits of Winter Garden; and

WHEREAS, many residents and visitors enjoy an outside dining experience with their dogs in designated areas; and

WHEREAS, Orange County requires local governments to pass an ordinance allowing dogs in outdoor dining areas in order for dogs to be allowed in outdoor dining areas; and

WHEREAS, Orange County requires the ordinance to contain minimum requirements.

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

SECTION 1: **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 2: **Adoption:** Chapter 118 of the Winter Garden Code of Ordinances is hereby amended to create Article XII and following sections to read as follows:

DOG FRIENDLY DINING PROGRAM

Sec 118-1610. Purpose and Intent; Program Created; Definitions.

(a) The purpose and intent of this part is to implement the pilot program established by section 509.223, Florida Statutes (2006), by permitting public food service establishments within the City of Winter Garden, Florida, subject to the terms and contained herein, to become exempt from certain portions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of their respective establishments.

(b) Pursuant to section 509.233(2), Florida Statutes, there is hereby created in the City of Winter Garden, Florida, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure may be known as the City of Winter Garden Dog Friendly Dining Program.

(c) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. "Division" means the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

b. "Dog" means an animal of the subspecies *Canis lupus familiaris*.

c. "Outdoor area" means an area adjacent to a public food service establishment that is predominantly or totally free of any physical barrier on all sides and above.

d. "Patron" has the meaning given to "guest" by section 509.013, Florida Statutes.

e. "Public food service establishment" has the meaning given it by section 509.013, Florida Statutes.

f. "Zoning Official" has the meanings given it by Chapter 118, City of Winter Garden Code.

Sec. 118-1611. Permit Required; Submittals.

(a) In order to protect the health, safety, and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless it possesses a valid permit issued in accordance with this part.

(b) Applications for a permit under this part shall be made to the Zoning Official, on a form provided for such purpose by the Zoning Official, and shall include, along with any other such information deemed reasonably necessary by the Zoning Official in order to implement and enforce the provisions of this part, the following:

a. The name, location, and mailing address of the subject public food service establishment.

b. The name, mailing location, and telephone contact information of the permit applicant.

c. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the Zoning Official. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

d. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

e. All application materials shall contain the appropriate division issued license number for the subject public food service establishment.

Sec. 118-1612. General Regulations; Cooperation; Enforcement.

(a) In order to protect the health, safety, and general welfare of the public, and pursuant to section 509.233, Florida Statutes, all permits issued pursuant to this part are subject to the following requirements:

a. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

b. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

c. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

d. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

e. Dogs shall not be allowed on chairs, tables, or other furnishings.

f. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

g. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

h. At least one sign reminding employees of the applicable rules, including those contained in this part, and those additional rules and regulations, if any,

included as further conditions of the permit by the Zoning Official, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size.

i. At least one sign reminding patrons of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the Zoning Official, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size.

j. At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size.

k. Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.

(b) A permit issued pursuant to this part shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this part if such owner wishes to continue to accommodate patrons' dogs.

(c) In accordance with section 509.233(6), Florida Statutes, the Zoning Official shall accept and document complaints related to the Dog Friendly Dining Program within the City of Winter Garden, Florida, and shall timely report to the division all such complaints and the City's enforcement response to such complaint. The Zoning Official shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this part.

(d) Any public food service establishment that fails to comply with the requirements of this part shall be guilty of violating this part of the City of Winter Garden Code and shall be subject to any and all enforcement proceedings consistent with the applicable provisions of the Winter Garden City Code and general law. Each day a violation exists shall constitute a distinct and separate offense.

SECTION 3: **Codification:** Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: **Control:** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: **Severability:** It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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

FIRST READING: June 16, 2008.

SECOND READING AND PUBLIC HEARING: June 26, 2008.

ADOPTED this 26th day of June, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

RESOLUTION 08-12

A EXPANSION RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, EXPANDING THE WINTER GARDEN DOWNTOWN BROWNFIELD AREA; AUTHORIZING THE CITY CHIEF PLANNER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID BROWNFIELD AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Brownfield Redevelopment Act, F.S. Sections 376.77 – 376.85, and as such may be amended, the “Act” provides for local government to designate areas as brownfield areas; and

WHEREAS, on April 11, 2002 the City of Winter Garden adopted Resolution 02-01, which established the Community Redevelopment Area (CRA) of Winter Garden as the Winter Garden Downtown Brownfield Area; and

WHEREAS, on February 12, 2004, the City of Winter Garden adopted Resolution 04-05 expanding the Winter Garden Downtown Brownfield Area; and

WHEREAS, such brownfield designation will allow for accelerated environmental assessment and, if necessary, remediation of the property; and

WHEREAS, such brownfield designation will allow access to job-related bonus monies thereby encouraging job creation; and

WHEREAS, the proposed brownfield expansion area warrants economic development and has a reasonable potential for such activities; and

WHEREAS, the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage; and

WHEREAS, the proposed area of expansion has potential to interest the private sector in participating in rehabilitation; and

WHEREAS, the proposed area of expansion is contiguous with the existing Winter Garden Downtown Brownfield Area; and

WHEREAS, the Brownfield Advisory Board has reviewed the proposed area and recommends approval to the City Commission; and

WHEREAS, the designation of the proposed expansion area is consistent with the City of Winter Garden’s Comprehensive Plan;

NOW THEREFORE, in accordance with Florida Statutes 376.77 – 376.84, as amended, and after the required public noticing and public hearing, **BE IT RESOLVED BY THE CITY OF WINTER GARDEN, FLORIDA:**

SECTION I – Recitals.

The foregoing recitals are true and correct and are incorporated herein.

SECTION II - Brownfield Area.

The incorporation portions of the City of Winter Garden as identified in ATTACHMENT “A” are hereby designated as brownfield areas as defined by F.S. 376.77 through 376.84, as amended, and hereby formally included in the Winter Garden Downtown Brownfield Area.

SECTION III – Notification.

The Chief City Planner is hereby authorized to notify the Florida Department of Environmental Protection of the City of Winter Garden’s decision to expand the Winter Garden Downtown Brownfield Area for remediation, rehabilitation, and economic development for the purposes set forth in Sections 376.77 – 376.84, as amended, Florida Statutes.

SECTION IV – Effective Date.

This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Winter Garden, Florida.

FIRST READING AND PUBLIC HEARING HELD ON:
_____, 2008

SECOND READING AND PUBLIC HEARING ON:
_____, 2008

PASSED AND RESOLVED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk