



**CITY COMMISSION *CORRECTED AGENDA
CITY HALL COMMISSION CHAMBERS
300 W. Plant Street**

REGULAR MEETING

APRIL 8, 2010

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of March 25, 2010

2. **PRESENTATION**

A. **Proclamation 10-03** declaring the month of April as Water Conservation Month – Mayor Rees

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 10-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 78, ARTICLE II, WATER AND SANITARY SEWER SYSTEMS OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES BY REPEALING SECTIONS 78-50 THROUGH 78-60 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTIONS 78-50 THROUGH 78-63 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; REPEALING SECTION 78-243, RECLAIMED WATER RATES AND CHARGES OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTION 78-243 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; AMENDING CHAPTER 78, UTILITIES OF THE WINTER GARDEN CODE OF ORDINANCES BY CHANGING REFERENCES OF UTILITIES DEPARTMENT TO PUBLIC SERVICES DEPARTMENT; MODIFYING WATER AND WASTEWATER IMPACT FEE AMOUNTS AND ASSESSMENT METHOD TO A METER BASED IMPACT FEE; PROVIDING FOR WATER AND WASTEWATER IMPACT FEE COLLECTION, ADMINISTRATION, AND DISPOSITION; MODIFYING AND PROVIDING FOR WATER, IRRIGATION AND WASTEWATER CONNECTION FEES; MODIFYING AND PROVIDING FOR SECURITY DEPOSITS, INITIATION OF SERVICE CHARGE, AND MISCELLANEOUS CHARGES AND FEES; MODIFYING AND PROVIDING FOR WATER, IRRIGATION AND WASTEWATER USEAGE RATES, ADMINISTRATION AND COLLECTION; MODIFYING AND PROVIDING FOR FIRE PROTECTION CONNECTION AND SERVICE CHARGES; MODIFYING AND PROVIDING FOR RECLAIMED WATER CONNECTION CHARGES AND USEAGE RATES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 22, 2010 (continued from 3/25/10)** – Public Services Director Cochran

B. **Ordinance 10-22:** AN ORDINANCE PURSUANT TO SECTION 125.01(1)(Q), FLORIDA STATUTES, CONSENTING TO THE ORANGE COUNTY LAKE ROBERTS MUNICIPAL SERVICE BENEFIT UNIT AND THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN

BENEFITTED PROPERTIES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF WINTER GARDEN, FLORIDA IN ORDER TO PAY A PORTION OF THE COSTS OF LAKE MAINTENANCE AND CLEANING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 22, 2010** – Public Services Director Cochran

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 10-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-191 (a) AND (c), BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE – City Manager Bollhoefer
- B. **Ordinance 10-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.06 ± ACRES LOCATED AT 1170 EAST PLANT STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE– Community Development Director Wilson
- C. **Ordinance 10-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.06 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1170 EAST PLANT STREET FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Wilson
- D. **Ordinance 10-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.16 ± ACRES LOCATED AT 564 PINE STREET AND PARCEL ID# 24-22-27-5584-04-080, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Wilson
- E. **Ordinance 10-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.16 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 564 PINE STREET AND PARCEL ID# 24-22-27-5584-04-080 FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Wilson
- F. **Ordinance 10-23:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 18-57 OF CHAPTER 18, SECTIONS 46-58, 46-60, 46-61, AND 46-62 OF CHAPTER 46, ARTICLE II, AND SECTION 88-8 OF CHAPTER 88, OF THE CITY CODE OF ORDINANCES FOR THE CITY OF WINTER GARDEN, FLORIDA, TO REMOVE CERTAIN FEE SCHEDULES AND CHARGES ASSOCIATED WITH BUILDING PERMITS, FIRE INSPECTION REVIEW, PLAT REVIEW, AND OTHER MATTERS FROM THE CITY’S CODE OF ORDINANCES AND PROVIDE FOR SUCH FEE SCHEDULES AND CHARGES TO BE SET AND AMENDED BY RESOLUTION OF THE CITY COMMISSION; AND PROVIDING FOR SEVERABILITY,

CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE – Community Development
Director Wilson

5. **REGULAR BUSINESS**

- A. Recommendation to adopt a scholarship policy for various Parks and Recreation programs (*amended and continued from 3/25/10*) – Recreation Director Conn
- B. **Resolution 10-05:** A RESOLUTION ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING VARIOUS APPLICATION FEES FOR HISTORIC DOWNTOWN DISTRICT APPLICATION REQUESTS AND PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Wilson
- C. ***Resolution 10-06:** A RESOLUTION ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING VARIOUS APPLICATION FEES AND CHARGES FOR OPEN AIR VENDORS, MOBILE FOOD VENDORS, OPEN AIR SPECIAL EVENT, AND OPEN AIR SOLICITOR APPLICATION REQUESTS AND PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Wilson

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 April 22, 2010 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st 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.

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.

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, 300 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

Proclamation

10-03

Whereas, water is a basic and essential need of every living creature; and

Whereas, the State of Florida, Water Management Districts and the City of Winter Garden are working together to increase awareness about the importance of water conservation; and

Whereas, the City of Winter Garden and the State of Florida have designated April, typically a dry month when potable water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

Whereas, the City of Winter Garden has always encouraged and supported water conservation, through various educational programs and special events; and

Whereas, every business, industry, school, and citizen can make a difference when it comes to conserving water; and

Whereas, each business, industry, school, and citizen can help save water and thus promote a healthy economy and community; and

Now, therefore, be it resolved that by virtue of the authority vested in me as Mayor of the City of Winter Garden I hereby proclaim the month of April 2010 as

“WATER CONSERVATION MONTH”

and call upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

In witness thereof, I have hereunto set my hand and caused the City Seal to be affixed this 25th day of March 2010.



Mayor John Rees

Attest:

A handwritten signature in cursive script that reads "Kathy Golden".

Kathy Golden, City Clerk

ORDINANCE 10-21

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 78, ARTICLE II, WATER AND SANITARY SEWER SYSTEMS OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES BY REPEALING SECTIONS 78-50 THROUGH 78-60 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTIONS 78-50 THROUGH 78-63 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; REPEALING SECTION 78-243, RECLAIMED WATER RATES AND CHARGES OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTION 78-243 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; AMENDING CHAPTER 78, UTILITIES OF THE WINTER GARDEN CODE OF ORDINANCES BY CHANGING REFERENCES OF UTILITIES DEPARTMENT TO PUBLIC SERVICES DEPARTMENT; MODIFYING WATER AND WASTEWATER IMPACT FEE AMOUNTS AND ASSESSMENT METHOD TO A METER BASED IMPACT FEE; PROVIDING FOR WATER AND WASTEWATER IMPACT FEE COLLECTION, ADMINISTRATION, AND DISPOSITION; MODIFYING AND PROVIDING FOR WATER, IRRIGATION AND WASTEWATER CONNECTION FEES; MODIFYING AND PROVIDING FOR SECURITY DEPOSITS, INITIATION OF SERVICE CHARGE, AND MISCELLANEOUS CHARGES AND FEES; MODIFYING AND PROVIDING FOR WATER, IRRIGATION AND WASTEWATER USAGE RATES, ADMINISTRATION AND COLLECTION; MODIFYING AND PROVIDING FOR FIRE PROTECTION CONNECTION AND SERVICE CHARGES; MODIFYING AND PROVIDING FOR RECLAIMED WATER CONNECTION CHARGES AND USAGE RATES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden, Florida (“City”) owns and operates a water and wastewater system within an exclusive water and wastewater service area;

WHEREAS, the City has adopted a comprehensive plan containing various elements, including a capital improvements element, which projects significant expansions to the City’s water and wastewater system;

WHEREAS, Florida law authorizes cities to fund capital expansion by imposing and collecting impact fees;

WHEREAS, the City desires to change its method of assessment of water and wastewater impact fee to a water meter based assessment system; and

WHEREAS, the City has engaged a consultant who has analyzed the data, applied the dual rational nexus test, and determined that the impact fees adopted by this Ordinance have a reasonable connection, or rational nexus, between the anticipated need for additional capital facilities and the growth in population;

WHEREAS, to generate funds for present and future needs, administration, operation and long-range projects, it is necessary to increase water and wastewater user rates, connection fees, tapping charges, fire protection service charges and other miscellaneous charges;

WHEREAS, the City has notified each customer of the utility system through the regular utility billing process of this Ordinance in accordance with Section 180.136, Florida Statutes;

WHEREAS, the City has given notice no less than ninety (90) days before the effective date of this Ordinance in accordance with Section 163.31801, Florida Statutes; and

WHEREAS, the City Commission finds that the charges, rates and fees adopted by this Ordinance are in the best interest of and for the health, safety and welfare of the citizens of the City of Winter Garden and users of the City utility system.

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

Section I Adoption. Sections 78-50, 78-51, 78-52, 78-53, 78-54, 78-55, 78-56, 78-57, 78-58, 78-59 and 78-60 of the City of Winter Garden Code are hereby repealed and in their place the following new Sections 78-50 through 78-63 are hereby adopted to read as follows:

Sec. 78-50. Water and wastewater impact fees.

(a) *Imposition.* A water and wastewater impact fee is hereby imposed and levied on all development requesting capacity from the city’s water system and/or wastewater system to provide service to their properties and on all properties presently connected to the City’s water system or wastewater collection system when structural changes, additions, or changes in permitted use result in an additional impact to the city’s water system or wastewater system. The water and wastewater impact fee will be charged based on water meter size to be installed in accordance with the fee schedule adopted in this Section. A water and wastewater impact fee shall be paid for each individual water meter to be installed. When an existing development increases its water meter size, the development shall pay an additional water and wastewater impact fee equal to the difference between the current impact fee charged for the desired increased water meter size and the existing water meter size. The impact fee will be charged over and above any service connection fee, lateral charge, inspection fee, monthly user charge, and monthly service charge as may be established by city from time to time.

(b) *Impact fees.* Water and wastewater impact fees shall be paid in accordance with this subsection.
 (1) Impact fee schedule. The following water and wastewater impact fees shall be paid based on water meter size for each water meter to be connected to the city’s system:

Impact Fees for Water and Wastewater Service – Water Meter Based			
Water Meter Size	ERUs	Water Impact Fees	Wastewater Impact Fees
3/4" Meter	1.00	\$1,086	\$1,767
1" Meter	2.50	\$2,715	\$4,418
2" Meter	8.00	\$8,688	\$14,136
3" Meter	15.00	\$16,290	\$26,505
4" Meter	25.00	\$27,150	\$44,175
6" Meter	50.00	\$54,300	\$88,350
8" Meter	80.00	\$86,880	\$141,360
10" Meter	115.00	\$124,890	\$203,205

(2) Irrigation meter. For potable or reclaimed water meters used for irrigation only, the water impact fee shall be paid for each irrigation meter based on meter size; however, the wastewater impact fee is not charged.

(3) Connection not provided. In the event that the city provides a connection for only water or wastewater service to a development, only the impact fee applicable to the service provided shall be paid.

(c) *Payment schedule for impact fees.* The water and wastewater impact fees based on water meter size as described in this Section shall be due and payable as follows:

(1) New residential development. For proposed residential development, except development described in subsection (c)(2), an amount equal to fifty (50) percent of the water and wastewater impact fees based on all requested water meters for the proposed development shall be due and payable to the city at the time of application for a FDEP permit and prior to issuance of the FDEP permit in order to temporarily reserve water and wastewater capacity for the development. When fifty (50) percent of the water and wastewater impact fees are paid at the time of application for a FDEP permit, the remaining fifty (50) percent of the water and wastewater impact fees shall be paid at the time of application for each building permit requested commencing with the first building permit issued and continuing until one-hundred (100) percent of the water and wastewater impact fees have been paid for the requested water meters which are reserved. The water and wastewater impact fee payment made at the time of application for each building permit shall equal one-hundred (100) percent of the impact fees for water meters associated with the building permit requested, so that the city collects the full amount of water and wastewater impact fees for the development when approximately half of the building permits for the development have been sought. Any sewer and water reserve capacity for and any partial impact fee payment previously made concerning any remaining water meters for the project for which water and wastewater impact fees have not been paid in full shall be forfeited by the applicant unless one-hundred (100) percent of the entire projects' water and wastewater impact fees have been paid no later than 24 months after the date of issuance of the FDEP permit or 12 months from the date of final plat approval, whichever comes first. The applicant may choose to pre-pay remaining impact fees for the development in order to avoid forfeiture of reserve capacity and partial impact fee payments. In the event additional water meters are requested for the development that were not originally contemplated when applying for the FDEP permit, one-hundred (100) percent of water and wastewater impact fee associated with such additional water meters shall be paid to the city at the earlier of at the time of application for a building permit associated with water meter requested, and prior to installation of the water meter requested.

(2) De minimus new residential development. For the following residential development, one-hundred (100) percent of water and wastewater impact fees based on all requested water meters shall be paid at the time application is made to the city for a building permit that requires use of a water meter(s) and prior to issuance of a building permit: (i) a single user individual lot; or (ii) residential development where no FDEP permit for water or wastewater is required.

(3) New non-residential development. The water and wastewater impact fees for one-hundred (100) percent of the water meters for a commercial or industrial development are due and payable to the city at the time of application for a FDEP permit, or, if no such permit is required, at the time application is made to the city for a building permit that requires use of the water meter and prior to the issuance of a building permit.

(4) Existing development. When an existing development increases its water meter size, the development shall pay an additional water and wastewater impact fee as specified in this Section at the earlier of (i) the time application is made to the city for a building permit that requires use of the larger water meter and prior to the issuance of such building permit; and (ii) prior to the installation of the water meter. When an existing development that is not currently connected to the city's system desires to connect to the city's water and/or wastewater system, the development shall pay the city the applicable impact fees based on water meter size prior to connection to the city's system.

(5) Non-transferable. Reserved water and wastewater capacity is not transferable to any other property or development. Water and wastewater impact fee payments or credits are not transferable to any other property or development and cannot be applied towards other types of impact fees.

(6) Administrative policies. The city shall have the right to adopt and enforce policies and rules consistent with this Section in order to administer the collection of water and wastewater impact fees.

(d) *Disposition of revenues imposed by water impact fee.* All revenues derived from the water impact fees imposed by this Section shall be accounted for separately in a capital fund of the public services department enterprise fund. All water impact fee revenues expended from the impact fee capital fund shall be used for the purpose of providing growth necessitated capital improvements and extending, oversizing, or separating existing water system improvements, or constructing new additions to the water plant, distribution or transmission systems or part thereof as authorized by the city commission, including, but not limited to expenses for: (i) design or construction plan preparation; (ii) permitting and related fees; (iii) land or utility system acquisition, including acquisition or condemnation costs; (iv) construction and design of water systems buildings, facilities, or

improvements and additions thereto; (v) design and construction of drainage facilities reasonably required by, or convenient to, the construction of water systems buildings, facilities, or improvements and additions thereto; (vi) relocating utilities required by the construction of water systems buildings, facilities, or improvements and addition thereto; (vii) construction management, inspection, or both; (viii) surveying, soils and material testing, and the evaluation and development of raw water, alternative water, and reuse water resources and supplies; (ix) acquisition of plant or equipment necessary or convenient to expand the water system; and (x) payment of principal and interest, reserves and costs of issuance under any bonds or other indebtedness issued by the city to fund growth impacted improvements, and additions to the water system. No part of such water impact fee revenues shall be budgeted or used for the operating expenses of the water system.

(e) *Disposition of revenues imposed by wastewater impact fee.* All revenues derived from the wastewater impact fees imposed by this Section shall be accounted for separately in a capital fund of the public services department enterprise fund. All wastewater impact fee revenues expended from the impact fee capital fund shall be used for the purpose of providing growth necessitated capital improvements and extending, oversizing, or separating existing wastewater system improvements, or constructing new additions to the sewer plant, distribution or transmission systems or part thereof as authorized by the city commission, including, but not limited to expenses for: (i) design or construction plan preparation; (ii) permitting and related fees; (iii) land or utility system acquisition, including acquisition or condemnation costs; (iv) construction and design of wastewater systems buildings, facilities, or improvements and additions thereto; (v) design and construction of drainage facilities reasonably required by, or convenient to, the construction of wastewater systems buildings, facilities, or improvements and additions thereto; (vi) relocating utilities required by the construction of wastewater systems buildings, facilities, or improvements and addition thereto; (vii) construction management, inspection, or both; (viii) surveying, soils and material testing, and the evaluation and development of reuse water resources and supplies; (ix) acquisition of plant or equipment necessary or convenient to expand the wastewater system; and (x) payment of principal and interest, reserves and costs of issuance under any bonds or other indebtedness issued by the city to fund growth impacted improvements, and additions to the wastewater system. No part of such wastewater impact fee revenues shall be budgeted or used for the operating expenses of the wastewater system.

(f) *Disposition of funds not expended.* If the impact fees have not been expended or encumbered by the end of the calendar quarter immediately following six years from the date the fees were paid, upon application of the fee payer of proof of payment or the development for which the fees were paid was never begun, the fees shall be returned with interest at the rate determined by the city based upon the average interest earning rate incurred by the city in accordance with the following procedure:

- (1) The then present owner must petition the city commissioners for the refund within one year following the end of the calendar quarter immediately following six years from the date on which the fee was received.
- (2) The petition must be submitted to the city manager and must contain:
 - (i) A notarized sworn statement that the petitioner is the current owner of the property;
 - (ii) A copy of the dated receipt issued for payment of the fee;
 - (iii) A certified copy of the latest recorded deed; and
 - (iv) A copy of the most recent ad valorem tax bill.
- (3) If reimbursement is approved, the city shall remit to the present owner of the petition within 60 days of approval.

(g) *Disposition of funds on deposit.* Any funds on deposit in the utilities impact fee fund not immediately necessary for expenditure shall be invested in interest-bearing accounts up to and including interfund loans. Interfund loans shall be made by resolution by the city commission payable in full over time at the prevailing interest rate. Applicants shall not receive a credit for or be entitled to interest from the investment of funds except as provided in section (f) above.

Sec. 78-51. Collection of past due impact fees.

In the event that the water and/or wastewater impact fee, or any portion thereof, is not paid when due for any reason, including by mistake or inadvertence, the city shall proceed to collect the impact fee as follows:

(1) The city shall serve, by certified mail, return receipt requested, an impact fee statement notice upon the applicant at the address set forth in the application for the building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of the county. Service of the impact fees statement notice shall be deemed notice of the impact fees due and service shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was attached to the building permit, whichever occurs first.

(2) The impact fee statement notice shall contain a description of the property and shall advise the applicant and the owner as follows:

(i) The amount due and the general purpose for which the impact fee was imposed.

(ii) That a hearing before the city commission to challenge the impact fee assessed may be requested within 30 calendar days from the date of receipt of the impact fee statement notice, by filing a written application to the office of the city manager. The written application shall state with specificity the basis of the challenge.

(iii) That the impact fee shall be delinquent if not paid and received by the city within 30 calendar days of the date the impact fee statement notice, or if a hearing is not requested pursuant to subsection (2) ii. above and, upon becoming delinquent, shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid.

(iv) That in the event the impact fee becomes delinquent, a lien against the applicable property for which the building permit was secured shall be recorded in the official records book of the county.

(3) The impact fee shall be delinquent if, within 30 calendar days from the date of the impact fee statement notice, or the date said notice was attached to the building permit, neither the impact fees have been paid and received by the city, nor a hearing requested pursuant to subsection (2)(ii) above. In the event a hearing is requested pursuant to subsection (2)(ii), the impact fees shall become delinquent if not paid within 30 calendar days from the date the City Commission determines the amount of impact fees due upon the conclusion of such hearing. Said time periods shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of said impact fee statement notice or the hearing date of the city commission's decision in the event of an appeal. In the event the last day falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business day. Upon becoming delinquent, a delinquency fee equal to ten percent of the total impact fee imposed shall be assessed. Such total impact fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

(4) Should the impact fee become delinquent, the city shall serve, by certified mail, return receipt requested, a "notice of lien" upon the delinquent applicant at the address indicated in the application for the building permit, and upon the delinquent owner at the address appearing on the most recent records maintained by the property appraiser of the county. The notice of lien shall notify the delinquent applicant and owner that due to their failure to pay the impact fee, the city shall record a claim of lien in the official public records of the county.

(5) Upon mailing of the notice of lien, the city attorney shall cause the recording of a claim of lien in the official public records of the county. The claim of lien shall describe the property, the amount of the delinquent impact fees and the date of their imposition. Once recorded, the claim of lien shall constitute a lien against the property described therein. The city attorney shall proceed expeditiously to collect or otherwise enforce said lien.

(6) After the expiration of three (3) months from the date of recording of the claim of lien, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in F.S. §§ 173.04 through 173.12, inclusive, which provisions are hereby incorporated herein in their entirety to the same extent as if such provisions were set forth herein verbatim.

(7) The liens for delinquent impact fees imposed hereunder shall remain liens, coequal with the liens of all state, county, district and municipal taxes, superior in priority to all other recorded liens and claims whether recorded prior to or after the city's lien, except as otherwise provided by law, until paid as provided herein.

(8) The owner shall be responsible for and the city shall be entitled to reimbursement for the payment of all administrative expenses and costs, including attorney's fees and litigation costs and recording and filing fees, incurred by the city in the collection of impact fees, filing of liens and in actions to foreclose such liens or actions for a monetary judgment.

(9) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the

city or any applicable law or administrative regulation of the state. Failure of the city to follow the procedure set forth in this section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city or any applicable law or administrative regulation of the state.

Sec. 78-52. Impact fee protest and appeals.

(a) A person may protest or challenge the imposition of or a decision on an impact fee imposed pursuant to this article by filing with the city manager, within 30 days from the occurrence of the decision, event, or imposition of an impact fee sought to be challenged, a written notice of protest containing the following minimum information:

- (i) The name and address of the person protesting and property owner;
- (ii) The legal description of the property at issue;
- (iii) If issued, the date of the building permit(s) issued for the property at issue; (iv) If paid, the date of and the amount of the impact fee paid; and
- (v) A full statement of the reasons why the person is protesting.

The person who files the protests bears the burden of proof to demonstrate that the fee, decision or matter challenged is improper and/or should be modified.

(b) Upon receipt of such protest, including all the information required pursuant to subsection (a), the city manager or his designee shall review the protest, and within forty-five (45) days of the receipt of the complete request, approve or deny the request. If the person making the protest disagrees with the determination of the city manager or his designee, such person may appeal the decision to the city commission, provided a written appeal is filed with the city clerk within ten (10) days from the issuance of the city manager's decision.

(c) Upon receipt of an appeal, a hearing shall be scheduled before the city commission at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the person who filed the appeal written notice of the time and place of the hearing. Such hearing shall be held within sixty (60) days of the date the appeal was filed. The determination of the city commission shall be final.

(d) Any judicial action or proceeding to attack, review, set aside or annul the reasonableness, legality, or validity of any impact fee or decision related thereto must be filed within thirty (30) days following the date of the imposition of the impact fee or the final determination of the city commission on an appeal, which occurs later.

(e) Failure to timely file a protest, appeal or judicial action in accordance with these procedures shall constitute a waiver and invalidation of any protest, appeal or challenge to the applicable imposition of an impact fee or decision concerning an impact fee.

Sec. 78-53. Water and wastewater connection charges.

(a) *Water connection fee.* There shall be charges for tapping water mains for each tap and water connection fees shall be charged and paid as follows:

Meter Size	Meter Installation Charge	Meter Installation & Connection Fees (Tap-In Charge)
3/4"	\$404.00	\$656.00
1"	\$482.00	\$824.00
2"	\$832.00	\$1,384.00
Above 2"	Direct Costs Plus 20%	Direct Costs Plus 20%

Charges for a meter above two inches in size shall be the direct cost, as determined by the city, of labor, materials and equipment for said tapping, together with a surcharge of an additional twenty (20) percent of such costs to cover engineering and administrative costs, but in no event shall the amount charged be less than the amount charged for a two inch size meter.

(b) *Irrigation only meter connection fee.* There shall be charges for tapping water mains for each tap and water connection fees charged and paid equal to the cost, as determined by the city, of labor, materials and equipment for said tapping, together with a surcharge of an additional twenty (20) percent of such costs to cover engineering and administrative costs, but in no event shall the amount charged be less than the amount charged for the 3/4" inch size meter.

(c) *Wastewater connection fee.* There shall be a charge for tapping wastewater mains, which shall be the cost, as determined by the city, of labor, materials and equipment for said tapping, together with a surcharge of an additional twenty (20) percent of such costs to cover engineering and administrative costs, but in no event shall the amount charged be less than \$955.00.

Sec. 78-54. Utility deposits; refund.

(a) *Deposit schedule.* The following schedule of deposits for water, sewer, stormwater and solid waste collection shall be known as utility deposits and shall be required prior to service connection on all buildings used for residential, commercial or industrial purposes:

(1) For each habitation (single-family residence) the utility deposit shall be \$190.00. If the prospective user can demonstrate good credit, the deposit may be waived. In order to qualify for the waiver, the prospective user's credit score, as established by a nationally recognized reporting agency, must equal or exceed the benchmark score established by the finance department. The benchmark score will be reviewed by the finance department on a yearly basis to ensure that the established score represents a good credit risk.

(2) Commercial establishments, including multiple habitations under a master meter, service stations, drugstores, cafeterias and restaurants, industrial users and any commercial users shall pay a deposit which will be estimated as the equivalent of three month's water, sewage, solid waste collection and stormwater charge, with a minimum deposit of \$190.00, such estimate to be determined by the public services department.

(b) *Deposit return.* Residential deposits shall be returned to the user, if the user has a good payment history with no late payments or cutoffs for two continuous years.

(c) *Credit interest.* During July of each year, the city shall credit the customer account for interest earnings earned on such deposits of three percent per annum on the deposit.

(d) *Modification of deposit amount.* The amount of any deposit assessed pursuant to this Section may be established and modified by resolution or ordinance of the city commission.

Sec. 78-55. Initiation of service, service charge, and miscellaneous charges.

(a) *Initiation of service request.* There will be a charge of \$10.00 to process a request to initiate service only. This does not include the fee associated with the physical turn-on of utility service.

(b) *Turn-on fee.* There will be a charge of \$25.00 to turn on the water supply of any user during normal working hours when service has been cut off or discontinued from the applicant's premises for nonpayment of current bills, or the return of a check because of insufficient funds, or when commencing new service, and after normal hours there will be a charge of \$30.00 for turn-on service.

(c) *Turn-off fee.* There will be a charge of \$25.00 to turn off the water supply of any user during normal working hours, and after normal business hours there will be a charge of \$30.00 for turn-off service.

(d) *Late fee.* A service charge of \$5.00 will be added to the account of each user whose bill is not paid by the due date.

(e) *Returned check fee.* A return-check fee of \$25.00 shall be charged to the user in the event a check for payment on the user's account is returned for insufficient funds, stopped payment or closed account.

(f) *Meter re-read/special read.* There shall be a charge of \$25.00 to the user to read a water meter if the user requests a meter reading more than once per fiscal year.

(g) *Meter testing.* The public services department shall have the right to test meters to determine their accuracy whenever it sees fit, but if a user demands a test when, in the judgment of the public services department, the meter is operating correctly, the user shall pay a fee of \$50.00 for each test performed by the public services department.

(h) *Search fee.* The city shall have the right to charge a search fee to conduct research on fees due to the city for a specific parcel serviced by the water and/or waste water system when such information is requested by third parties, including, but not limited to, requests for such information by a title company, closing agent, mortgagee, broker, or potential buyer.

(i) *Modification of fees.* The amount of any fee or charge assessed pursuant to this Section may be established and modified by resolution or ordinance of the city commission.

Sec. 78-56. Water meters; stopcock and waste cock or cutoff valve required; exemption; right of access.

(a) *Connection to system.* All occupied premises within the city and within 200 feet of a city water line must be connected to city water and shall have a separate meter which shall only meter water servicing such premises.

(b) *Shutoff or cutoff.* Any new buildings erected and used for residential, commercial or industrial uses must have a shutoff or cutoff valve placed at the property line or at some convenient point on the premises. Such shutoff valve shall be under the control of the tenant or owner and shall be used if a break in the pipes occurs in the building or structure or for other necessity, so that the pipes to be repaired can be shut off without the necessity of using the water shutoff maintained and installed by the city.

(c) *Upsizing; city property.* All necessary meters will be furnished by the city and shall remain the property of the city. A consumer desiring a meter larger than the size of the meter then in service will be required to pay the difference between the price of the meter then in service and the price of the larger meter and all other fees required for the upsizing. The city shall approve the requested upsizing.

(d) *Repair.* The public services department is to maintain the proper operation of all meters and has the right to, whenever such meter wears out or becomes incapacitated, install a new meter. No repair or replacement of meters shall be made other than by the public services department.

(e) *Access.* The officers and employees of the public services department shall have the right of access to the premises of a consumer at any reasonable hour for the purpose of conducting the normal business of the public services department, such as making tests and inspections. Through connection to and use of the water and/or wastewater system, customer consents to such right of access to the premises for such purposes.

(f) *Landscaping restriction.* The consumer shall not cause any plant, tree, shrub, weeds, trash, mulch, fence, vehicle, pet, or structure to grow or to be placed within three feet of the water meter box and shall not do anything which would cause the public services department any difficulty in locating, reading, or maintaining the water meter and box located on the consumer's property. The public services department shall have the right to refuse service to any premises when the contracting party of such premises, after 20 days from rendition of a written notice to the consumer specifying the problem, has failed to correct the condition causing the public services department difficulty in reading or maintaining the water meter or box.

(g) *Damage.* Where meters or appurtenances are broken or damaged by the negligence of the owner, tenant or occupant of the premises, the cost of repair or replacement shall be paid by the owner or occupant of the premises, and if the cost is not paid upon repair or replacement, the water supply shall be turned off and shall not be turned on again until payment of such amount due is made.

Sec. 78-57. Responsibility for damages by hot water heaters or steam boilers.

Persons using hot water heaters or steam boilers which take a supply of water directly from the service pipes of the public services department will do so at their own risk, as the public services department shall not be responsible for accidents or damages resulting in such cases. If the hot water backs up in the water pipes, damaging the meters or other connections, the costs of all necessary repairs to such equipment shall be paid by the consumer responsible therefor.

Sec. 78-58. Private fire hydrants, sprinkler systems, hose racks.

(a) *Inspection; maintenance.* Fire hydrants, fire sprinkler systems or hose racks may be established on private property by the owner thereof at his own cost for equipment, pipes, valves, fittings and connections to water mains, etc., provided such shall be done under the supervision and subject to the inspection of and in accordance with the requirements of the public services and fire departments. The maintenance of such mains, valves and hydrants shall be at the cost and expense of the owner of the property. The regular established rate for such connection for such fire hydrants, fire sprinkler systems and hose racks shall be paid, and if not, such shall be disconnected from the water system by the public services department.

(b) *Connection to system.* Any person establishing fire hydrants, fire sprinkler systems or hose racks shall have the right to have such connected with the city's water system and have installed and maintained at his own cost by the public services department a water meter and to pay therefore the regularly established charge for water service as listed in the published rates, whether water has been used for fire or any other purpose. No fixture whatsoever, other than fire hydrants, sprinkler connections and hose racks, used for fire only, shall be connected on such fire lines.

(c) *No pressure guarantee.* The city guarantees no certain water pressure and shall not in any way be liable or responsible to any person whomsoever, in case of fire, for any damage that may result from any alleged insufficiency of such fire protection, either from want of pressure or volume, accessibility or for any other cause.

(d) *Sprinkler service charge.* The service charge for fire sprinkler systems, within or without the city, not metered, is prescribed and fixed as follows:

- (i) \$50.00 per year for each sprinkler connection less than four inches.
- (ii) \$95.00 per year for each four-inch sprinkler system connection.
- (iii) \$145.00 per year for each six-inch sprinkler system connection.
- (iv) \$190.00 per year for each eight-inch sprinkler system connection.

Each of these charges shall be made payable annually in advance on August 1 to the city public services department. No water is to be used from sprinkler systems at any point on the line except for fire, nor are any fixtures whatsoever to be connected to such fire line.

(e) *Hydrant service charge.* The service charge for fire hydrants which are the property of the city and located on private property within or without the city, which are utilized for fire protection is \$70.00 per year per hydrant, payable annually in advance of August 1st, to the public services department. No water is to be used from fire hydrants or from the service line on which they are situated, unless metered, except for fire, nor are any other fixtures whatsoever to be connected to such fire line. If the fire hydrant is metered as approved by the city, for the provision of water service, exclusive of fire, all applicable commercial rates in accordance with this ordinance shall apply.

(f) *Hose racks service charge.* Hose racks on private property within or without the city, connected to city mains not metered, shall have a service charge of \$35.00 per year per hose rack located within the city, payable annually in advance of August 1st. No water shall be used from such hose rack or from the line upon which it is situated, unless metered, except for a fire, nor are any other fixtures whatsoever to be connected to such fire line.

(g) *Modification of charge.* The amount of any fee or charge assessed pursuant to this Section may be established and modified by resolution or ordinance of the city commission.

Sec. 78-59. Basic rate schedule for water and wastewater service.

(a) *Water service rates.* The basic rate for water service shall be as follows:

Description	Rates Effective July 8 of each Year				
	2010	2011	2012	2013	2014

DOMESTIC / INDOOR WATER SERVICES

Single-Family

Monthly Service Charge

All Meter Sizes	\$6.24	\$6.30	\$6.36	\$6.42	\$6.48
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Usage per 1,000 gallons

0 -10,000 Gal.	\$1.05	\$1.06	\$1.07	\$1.08	\$1.09
10,001 - 15,000 Gal.	1.31	1.32	1.33	1.34	1.35
15,001 - 35,000 Gal.	1.58	1.60	1.62	1.64	1.66
Above 35,000 Gal.	1.89	1.91	1.93	1.95	1.97

Multi-Family

Monthly Service Charge (Per Unit)

All Meter Sizes	\$4.37	\$4.41	\$4.45	\$4.49	\$4.53
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Usage per 1,000 gallons (Per Unit)

0 -7,000 Gal.	\$1.05	\$1.06	\$1.07	\$1.08	\$1.09
7,001 - 10,000 Gal.	1.31	1.32	1.33	1.34	1.35
10,001 - 25,000 Gal.	1.58	1.60	1.62	1.64	1.66
Above 25,000 Gal.	1.89	1.91	1.93	1.95	1.97

General Service / Commercial

Monthly Service Charge

Meter Size:

3/4"	\$6.24	\$6.30	\$6.36	\$6.42	\$6.48
1"	15.60	15.76	15.92	16.08	16.24
2"	49.92	50.42	50.92	51.43	51.94
3"	93.60	94.54	95.49	96.44	97.40
4"	156.00	157.56	159.14	160.73	162.34
6"	312.00	315.12	318.27	321.45	324.66
8"	499.20	504.19	509.23	514.32	519.46
10"	717.60	724.78	732.03	739.35	746.74

Usage per 1,000 gallons

All Usage	\$1.19	\$1.20	\$1.21	\$1.22	\$1.23
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After July 8, 2014, the basic water rates will remain the same as the 2014 rates indicated in the above table, unless the city commission adopts by resolution or ordinance different basic water rates.

(b) *Wastewater services rates.* The basic rate for wastewater service shall be as follows:

Description	Rates Effective July 8 of each Year				
	2010	2011	2012	2013	2014

WASTEWATER SERVICES

Single-Family

Monthly Service Charge

All Meter Sizes	\$8.93	\$9.02	\$9.11	\$9.20	\$9.29
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Usage per 1,000 gallons

0 - 10,000 gal.	\$3.50	\$3.54	\$3.58	\$3.62	\$3.66
Above 10,000 gal.	0.00	0.00	0.00	0.00	0.00

Multi-Family

Monthly Service Charge (Per Unit)

All Meter Sizes	\$6.25	\$6.31	\$6.37	\$6.43	\$6.49
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Usage per 1,000 gallons (Per Unit)

0 - 7,000 gal.	\$3.50	\$3.54	\$3.58	\$3.62	\$3.66
Above 7,000 gal.	0.00	0.00	0.00	0.00	0.00

General Service / Commercial

Monthly Service Charge

Meter Size:

3/4"	\$8.93	\$9.02	\$9.11	\$9.20	\$9.29
1"	22.33	22.55	22.78	23.01	23.24
2"	71.44	72.15	72.87	73.60	74.34
3"	133.95	135.29	136.64	138.01	139.39
4"	223.25	225.48	227.73	230.01	232.31
6"	446.50	450.97	455.48	460.03	464.63
8"	714.40	721.54	728.76	736.05	743.41
10"	1,026.95	1,037.22	1,047.59	1,058.07	1,068.65

Usage per 1,000 gallons

All Usage	\$3.50	\$3.54	\$3.58	\$3.62	\$3.66
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After July 8, 2014, the basic wastewater rates will remain the same as the 2014 rates indicated in the above table, unless the city commission adopts by resolution or ordinance different basic water rates.

(c) *Readiness to serve charge.* Whether occupied or unoccupied, all existing structures, once connected to the city's water system by a meter shall incur a monthly water service charge and all structures once connected to the city's wastewater system shall incur a monthly wastewater service charge, unless such structure has been destroyed, condemned or demolished. The monthly readiness to serve charges shall equal the applicable base monthly service charges. The user has the duty to notify the city of a structure that has been destroyed, condemned or demolished in order to avoid the readiness to serve charge. For any month that a metered account has zero water consumption, such account will be not charged a readiness to serve charge.

(d) *Measuring instrument.* If a commercial or residential user receives sewer service from the city but does not receive water service from the city, the water meter used for such units shall be the measuring instrument, unless it shall be found to be faulty or inaccurate by a qualified representative of the city;

(1) Commercial. If a commercial user's meter proves to be faulty or inaccurate or if there is no meter, the director of the public services department shall estimate the sewage rate by using a figure of water flow at 25 gallons per day, per employee, or the city may install a meter at its option and at the expense of the consumer. All expenses incurred for the purposes of inspecting, testing, repairing and replacing of meters is to be borne by the user. All meters so installed must be compatible with the city's system, installed in a location approved by the city, and the city, at all times, shall have access to such meters for the purpose of inspecting, testing, repairing, replacing or reading such meter.

(2) Residential. If a residential user does not have a water meter, the residential user shall pay the maximum rate for sewer service. The maximum rates shall be assessed until the user installs at the user's expense a water or sewage meter that meets with the city's approval. All expenses incurred for the purpose of inspecting, testing, repairing and replacing of meters is to be borne by the user. All meters so installed must be compatible with the city's system, installed in a location approved by the city, and the city, at all times, shall have access to such meters for the purpose of inspecting, testing, repairing, replacing or reading such meter.

(e) *Institutional rates.* The city commission has the right to negotiate or authorize the city manager to negotiate the service charge, but not the user charge, for institutions, public agencies, nonprofit organizations and others not covered in this section, when it is deemed in the best interest of the city. In all such cases, due consideration shall be given to the number of persons using the facility, the size or purpose of the building, the number of rooms and the estimated amount of sewage discharged into the sanitary sewer system. The rates shall be established by contract entered into between the city commission and such user without amendment of this article.

(f) *Separate meter.* If all water entering a user's premises will not be discharged into the city wastewater system, a separate meter may be installed on the user's line which discharges into the sewer. Such meters shall be installed and maintained at the expense of the user, and the city shall at all times have access to such meters for the purpose of inspecting, testing, repairing, replacing, or reading such meters. If any user by use of such meters can prove to the satisfaction of the city manager that substantial amounts do not enter the wastewater system, the sewer bill will be reduced in accordance with a written agreement. Copies of any such agreement shall be furnished to members of the city commission.

(g) *Nonfunctioning meter.* If any meter is damaged, destroyed or fails to register, the consumer will be billed for the period involved on a basis of the average water consumption for the preceding six months for all water and sewer services applicable.

(h) *Liquidated damages.* When a consumer has made application for water service and has paid the installation or meter charges, the city shall not be required to refund these charges if the consumer later decides not to desire service after a new service has been installed to his premises, but shall retain such payments as liquidated damages.

(i) *Effluent charge.* Each commercial, industrial, business establishment or master-metered apartment user who discharges a waste with strength characteristics which exceed one or more of the strength characteristics of normal domestic waste shall pay an effluent charge. The effluent charge shall be proportional to the amount by which the waste characteristics exceed the levels for normal domestic waste. It shall be calculated as follows:

(1) BOD (biochemical oxygen demand). Concentration in mg/l minus 204 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$55.43.

(2) Suspended solids. Concentration in mg/l minus 204 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$65.49.

(3) Total nitrogen. Concentration in mg/l minus 30 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$383.71.

(4) Total phosphorus. Concentration in mg/l minus 10 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$496.06.

(5) Total charge. The total of subsections (i)(1) through (4) above, equals the total effluent charge.

Sec. 78-60. Service charges to be paid by the city.

(a) There shall be no free services rendered by the sanitary sewer and water systems, and if the city or any department, agency or instrumentality thereof shall avail itself of the service and facilities of the sanitary sewer and water systems, it shall pay for the use of such service and facilities at the established rates.

(b) Revenues received from the services and facilities furnished by the sanitary sewer and water systems to the city shall be applied and accounted for in the same manner as other revenues derived from the operation of the sanitary sewer and water systems.

(c) The city shall pay a per-year hydrant fee of \$70.00 for city owned hydrants to the credit of the public services department for public fire protection service.

Sec. 78-61. Charges for water on separate meter used for irrigation only.

(a) *Application for irrigation system or irrigation meter.* All users of the city water system within the corporate limits of the city shall request a permit for the installation of an irrigation system and irrigation meter. An application must be completed and submitted to the public services department for the installation of an irrigation system and irrigation meter prior to the issuance of a permit. The public services department director may deny the issuance of a permit for an irrigation system or irrigation meter when the existing water main does not provide sufficient water volume/pressure to support the demands of an irrigation system without causing unacceptably low water pressure for other customers on the same water main.

(b) *Basic rate for separate meter, used for irrigation only.* The monthly charges for a separate meter, used for irrigation only, shall be as follows:

	Rates Effective July 8 of each Year				
<u>Dual Metered Services</u>	2010	2011	2012	2013	2014
Single - Family Irrigation					
<u>Monthly Service Charge</u>					
All Meter Sizes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Usage per 1,000 gallons</u>					
0- 5,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
5,001 - 25,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 25,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97
General Service / Commercial [1]					
<u>Monthly Service Charge</u>					
Meter Size:					
3/4"	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1"	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2"	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3" & Larger	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Usage Per 1,000 Gallons</u>					
3/4" Meter:					
0- 5,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
5,001 - 25,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 25,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97
1" Meter:					
0 - 13,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35

13,001 - 62,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 62,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97
2" Meter					
0 - 40,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
40,001 - 200,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 200,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97
3" Meter & Larger:					
0 - 75,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
75,001 - 375,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 375,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

Single Metered Services

Single - Family Irrigation

Monthly Service Charge

All Meter Sizes	\$6.24	\$6.30	\$6.36	\$6.42	\$6.48
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Usage per 1,000 gallons

0- 5,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
5,001 - 25,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 25,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

General Service / Commercial [1]

Monthly Service Charge

Meter Size:

3/4"	\$6.24	\$6.30	\$6.36	\$6.42	\$6.48
1"	\$15.60	\$15.76	\$15.92	\$16.08	\$16.24
2"	\$49.92	\$50.42	\$50.92	\$51.43	\$51.94
3" & Larger	\$93.60	\$94.54	\$95.49	\$96.44	\$97.40

Usage Per 1,000 Gallons

3/4" Meter:

0- 5,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
5,001 - 25,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 25,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

1" Meter:

0 - 13,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
13,001 - 62,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 62,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

2" Meter					
0 - 40,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
40,001 - 200,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 200,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97
3" Meter & Larger:					
0 - 75,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
75,001 - 375,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 375,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

Footnotes:

[1] Includes all Multi-Family irrigation services.

For the purposes of the above rate schedule, dual meter service rates apply when a customer has a domestic potable water service meter and adds a second meter for irrigation service, and single meter service rates apply when a customer installs a single meter for irrigation service only. After July 8, 2014, the basic irrigation rates will remain the same as the 2014 rates indicated in the above table, unless the city commission adopts by resolution or ordinance different basic water rates.

(c) *Readiness to serve charge.* Whether occupied or unoccupied, all existing structures, once connected to the city's water system by a meter shall incur a monthly water charge, unless such structure is destroyed, condemned or demolished. The monthly readiness to serve charge shall equal the applicable base monthly service charge. The user has the duty to notify the city of a structure that has been destroyed, condemned or demolished in order to avoid the readiness to serve charge. For any month that a metered account has zero water consumption, such account will be not charged a readiness to serve charge.

(d) *Residential use of irrigation meter installation.* Only three-quarter-inch size irrigation meters are authorized for installation on residential lots for irrigation purposes for those customers which receive both individually metered domestic and irrigation service from a single service connection.

Sec. 78-62. Billing; payment; delinquent bills; transfer of delinquent bills from one location to another.

(a) In all cases where water is furnished by the city water system, the sewer service charge shall be included in the bills for water rendered by the city; provided, however, that each such bill shall show separately the amount of the bill for water.

(b) Utility bills shall be sent to consumers or when the use of a multiple or master meter is employed by the owner, regularly each month, and the fact that a consumer or owner does not receive a bill shall not constitute grounds for discount or adjustment.

(c) A utility bill shall not be considered paid until remittance for the bill has been received by the city, and the city shall not be responsible for delays or losses in the transportation in the mail or otherwise.

(d) If the amount of such water and sewer charges shall not be paid within 20 days from the rendition of such bill, the city shall, after written notice to the customer, discontinue furnishing water to such premises and shall discontinue the premises from the city water system and shall proceed forthwith to recover the amount of such water and sewer service charges in such lawful manner as may be required.

(e) The city shall have the right to refuse service to any premises, when the contracting party of such premises has an unpaid utilities bill under his contract, until such time as the bill is paid. The city shall also have the right to refuse service to premises when the owner of such premises has an unpaid bill for services or for material or labor rendered or expended by the city in connection with rendering service to the premises.

(f) The city shall have the right to transfer a delinquent water bill at one address to the account of the same consumer at another address, provided the consumer is receiving service at the latter address, and shall have the right to discontinue service at the latter address for nonpayment of the transferred bill, regardless of the fact that the current bills are being paid.

(g) Charges included in utility bills shall be a lien upon the real property. Whenever a bill remains unpaid 60 days after it has been rendered, the city may record in the public records of the county, a claim of lien. This claim of lien shall contain a description of the premises served, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the consumer of services whose bill is unpaid is not the owner of the premises and the utility billing department has notice of this, notice shall be mailed to the owner of the premises, if his address is known to the utility billing department, whenever such bill remains unpaid for a period of 60 days after it has been rendered. The failure of the city to record such lien claim and to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in subsection (i) of this section. The owner shall be responsible for and the city shall be entitled to reimbursement for the payment of all administrative expenses and costs, including attorney's fees and litigation costs and recording and filing fees, incurred by the city in the collection of charges, filing of liens and in actions to foreclose such liens or actions for a monetary judgment.

(h) The liens for delinquent utility service charges imposed hereunder shall remain liens, coequal with the liens of all state, county, district and municipal taxes, superior in priority to all other recorded liens and claims whether recorded prior to or after the city's lien, except as otherwise provided by law, until paid as provided herein.

(i) Foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in F.S. §§ 173.04 through 173.12, inclusive, which provisions are hereby incorporated herein in their entirety to the same extent as if such provisions were set forth herein verbatim. Property subject to a lien for unpaid utility charges shall be sold for nonpayment of the charges, and the proceeds of such sale shall be applied to pay the charges owed plus accrued interest and the city's attorneys' fees and costs incurred in the collection of said charges.

(j) The city attorney is authorized and directed to institute such proceedings, in the name of the city, in any court having jurisdiction over such matters, against any property for which a utility bill has remained unpaid for 60 days after it has been rendered.

Sec. 78-63. Administrative rules and policies.

The city manager is hereby authorized to adopt administrative rules and policies to implement the provisions of this Article as the city manager deems necessary and appropriate.

Section II Adoption. Section 78-243 of the City of Winter Garden Code is repealed and replaced with a new

Section 78-243 to read as follows:

Sec. 78-243. Reclaimed water rates and charges.

(a) *Connection charges.* The connection charges for reclaimed water service shall consist of the tap in charge and meter installation fee for metered connections to be paid as follows:

Meter Size	Meter Installation Charge	Meter Installation & Connection Fees (Tap-In Charge)
3/4"	\$404.00	\$656.00
1"	\$482.00	\$824.00
2"	\$832.00	\$1,384.00

Above 2"	Direct Costs Plus 20%	Direct Costs Plus 20%
----------	-----------------------	-----------------------

Charges for a meter above two inches in size shall be the direct cost, as determined by the city, of labor, materials and equipment for said tapping, together with a surcharge of an additional twenty (20) percent of such costs to cover engineering and administrative costs, but in no event shall the amount charged be less than the amount charged for a two inch size meter.

(b) *Reclaimed water charges.* The following shall be the schedule of monthly rates and charges for reclaimed water provided by the city:

	Rates Effective July 8 of each Year				
<u>Dual Metered Services</u>	2010	2011	2012	2013	2014
Single - Family Irrigation					
<u>Monthly Service Charge</u>					
All Meter Sizes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Usage per 1,000 gallons</u>					
0- 5,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
5,001 - 25,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 25,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97
General Service / Commercial [1]					
<u>Monthly Service Charge</u>					
Meter Size:					
3/4"	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1"	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2"	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3" & Larger	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Usage Per 1,000 Gallons</u>					
3/4" Meter:					
0- 5,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
5,001 - 25,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 25,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97
1" Meter:					
0 - 13,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
13,001 - 62,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 62,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97
2" Meter					
0 - 40,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
40,001 - 200,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66

Above 200,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97
3" Meter & Larger:					
0 - 75,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
75,001 - 375,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 375,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

Single Metered Services

Single - Family Irrigation

Monthly Service Charge

All Meter Sizes	\$6.24	\$6.30	\$6.36	\$6.42	\$6.48
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Usage per 1,000 gallons

0- 5,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
5,001 - 25,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 25,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

General Service / Commercial [1]

Monthly Service Charge

Meter Size:

3/4"	\$6.24	\$6.30	\$6.36	\$6.42	\$6.48
1"	\$15.60	\$15.76	\$15.92	\$16.08	\$16.24
2"	\$49.92	\$50.42	\$50.92	\$51.43	\$51.94
3" & Larger	\$93.60	\$94.54	\$95.49	\$96.44	\$97.40

Usage Per 1,000 Gallons

3/4" Meter:

0- 5,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
5,001 - 25,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 25,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

1" Meter:

0 - 13,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
13,001 - 62,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 62,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

2" Meter

0 - 40,000 gal.	\$1.31	\$1.32	\$1.33	\$1.34	\$1.35
40,001 - 200,000 gal.	\$1.58	\$1.60	\$1.62	\$1.64	\$1.66
Above 200,000 gal.	\$1.89	\$1.91	\$1.93	\$1.95	\$1.97

City of Winter Garden City Commission
Regular Meeting Agenda for April 8, 2010

THIRD READING AND PUBLIC HEARING: May 13, 2010

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

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ORDINANCE NO. 10-22

AN ORDINANCE PURSUANT TO SECTION 125.01(1)(Q), FLORIDA STATUTES, CONSENTING TO THE ORANGE COUNTY LAKE ROBERTS MUNICIPAL SERVICE BENEFIT UNIT AND THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN BENEFITTED PROPERTIES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF WINTER GARDEN, FLORIDA IN ORDER TO PAY A PORTION OF THE COSTS OF LAKE MAINTENANCE AND CLEANING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01(1)(q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service benefit unit (“MSBU”) for any part or all of the unincorporated areas within its boundaries, and within the municipal boundaries of an incorporated area, upon consent by ordinance of the governing body of such municipality, within which may be provided certain facilities and services;

WHEREAS, on May 19, 2009, Orange County created the Lake Roberts MSBU as a municipal service benefit unit pursuant to the authority of the Florida Constitution and pursuant to Section 125.01(1)(q), Florida Statutes for the purpose of general lake cleaning, water quality improvement, maintenance, and aquatic plant control in Lake Roberts;

WHEREAS, the City of Winter Garden, Florida (the “City”) now desires to consent to the Lake Roberts MSBU including within its boundaries certain properties located within the municipal boundaries of the City, which properties will receive a

special benefit from the general lake cleaning, water quality improvement, maintenance, and aquatic plant control financed by the Lake Roberts MSBU;

WHEREAS, a majority of affected property and home owners voted to approve of the MSBU;

WHEREAS, the Winter Garden City Commission has determined that consenting to the MSBU is in the best interests of the City; and

BE IT ENACTED BY THE CITY OF WINTER GARDEN:

SECTION 1. CONSENT. The City of Winter Garden hereby consents to the inclusion of certain properties described herein within the boundaries of the Lake Roberts MSBU created pursuant to Orange County Resolution on May 19, 2009, attached hereto as Exhibit “A” and incorporated herein by reference (the “MSBU Resolution”). The properties to be located within such MSBU boundaries are more particularly described in Exhibit “B” attached hereto and incorporated herein by reference. The City’s consent is granted for each and every year on a continuing basis until terminated by the City Commission, with respect only to those terms and provisions of the MSBU Resolution and the special assessments levied thereby as are set forth in Exhibit “A” hereto.

SECTION 2. SEVERABILITY. If any provision of this ordinance or application thereof to any person or circumstance is held or otherwise determined void or invalid by a court of competent jurisdiction, such invalidity or void provision shall not affect other provisions or applications of this ordinance which can be given effect

without the invalid or void provision or application, and to such end, the provisions of this ordinance are declared severable.

SECTION 3. CONFLICTS. In the event of a conflict or conflicts among this ordinance and other ordinances, this ordinance shall control to the extent that any such conflict exists.

SECTION 4.EFFECTIVE DATE. This Ordinance shall take effect upon its passage and as provided by law.

READ FIRST TIME: _____ April 8 _____, 2010

ADVERTISED: _____, 2010

READ SECOND TIME AND
PUBLIC HEARING HELD: _____, 2010

APPROVED:

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk

ORDINANCE NO. 10-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-191 (a) AND (c), BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, Section 54-191, Benefit Amounts and Eligibility, subsections (a) and (c), are hereby amended to read as follows:

(a) *Normal retirement date.* A member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age 55 and the completion of ~~ten~~ six years of credited service or the completion of 25 years of credited service, regardless of age. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become 100 percent vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the city on or after the normal retirement date.

(c) *Early retirement date.* A member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age 50 and the completion of ~~ten~~ six years of credited service. Early retirement under the system is retirement from employment with the city on or after the early retirement date and prior to the normal retirement date.

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate

jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 4. That Section I of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word “*Ordinance*” may be changed to “*Section*”, “*Article*”, or other appropriate word.

SECTION 5: That this Ordinance shall become effective upon adoption.

PASSED ON FIRST READING, this 25th day of March, 2010.

PASSED AND ADOPTED ON SECOND READING, this 8th day of April, 2010.

APPROVED:

JOHN REES, MAYOR/COMMISSIONER

ATTEST:

KATHY GOLDEN, CITY CLERK

ORDINANCE 10-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.06 ± ACRES LOCATED AT 1170 EAST PLANT STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 1.06 ± acres located at 1170 East Plant Street and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

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

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

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

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

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

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

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

READ FIRST TIME AND PUBLIC HEARING HELD: March 11, 2010.

READ SECOND TIME AND PUBLIC HEARING HELD: April 8, 2010.

APPROVED:

ATTEST:

JOHN REES, Mayor/Commissioner

KATHY GOLDEN, City Clerk

Attachment "A"

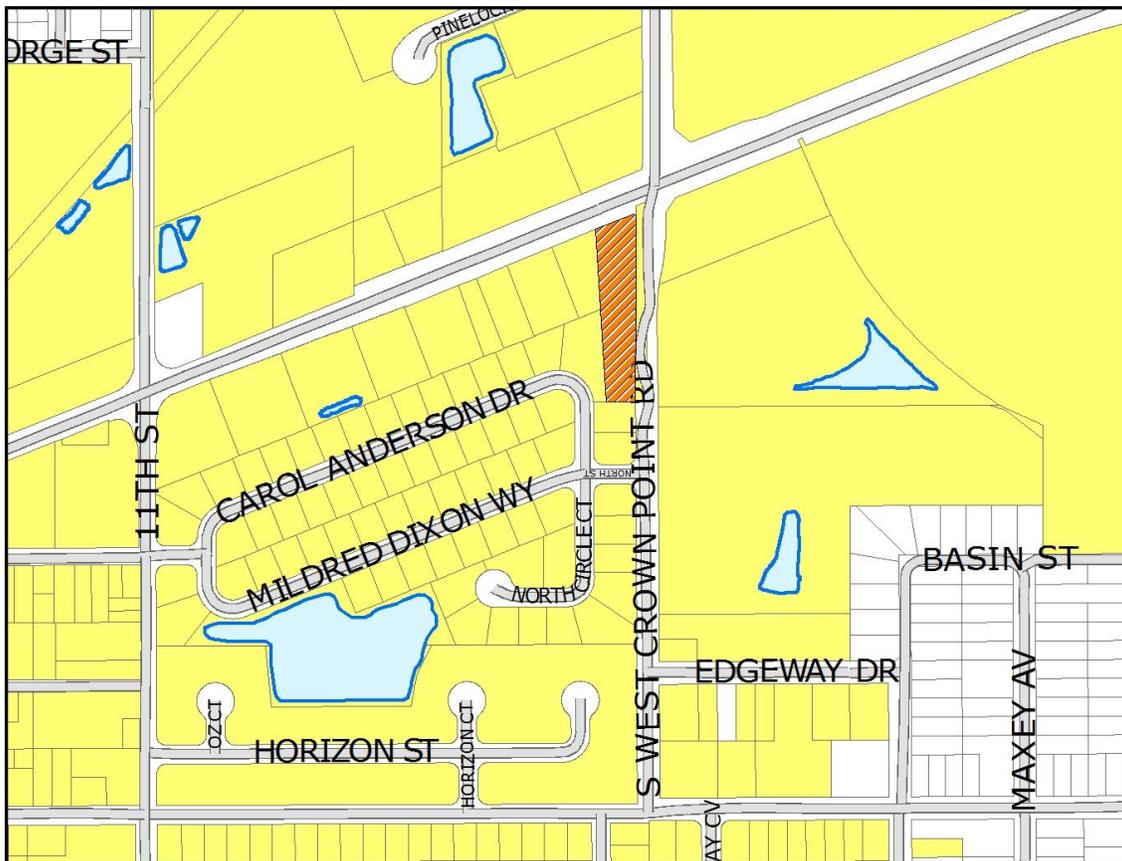
PARCEL 1:

BEGINNING AT A POINT 1447.35 FEET NORTH AND 30.00 FEET WEST OF THE SOUTHEAST CORNER OF SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST; RUN THENCE WEST 100 FEET; THENCE NORTH 3 DEGREES 30 MINUTES WEST 107.6 FEET TO THE SOUTH RIGHT OF WAY LINE OF OCOEE-WINTER GARDEN HIGHWAY; THENCE NORTH 68 DEGREES 16 MINUTES EAST 115 FEET ALONG SAID RIGHT OF WAY TO A POINT 30 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 150 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

PARCEL 2:

BEGIN 1447.35 FEET NORTH AND 30.00 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/2 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST, (BEING THE SOUTHEAST CORNER OF A PARCEL AS AND RECORDED IN DEED BOOK 740, PAGE 584, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA), THENCE RUN WEST ALONG THE SOUTH LINE OF SAID PARCEL AND DESCRIPTION 100.00 FEET, THENCE SOUTH 3 DEGREES 38 MINUTES EAST 370.97 FEET; THENCE EAST 76.49 FEET TO A POINT 30.00 FEET WEST OF THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST; THENCE NORTH 370.22 FEET TO THE POINT OF BEGINNING.



ORDINANCE 10-16

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.06 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1170 EAST PLANT STREET FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 1.06 ± acres located at 1170 East Plant Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County C-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 Orange County C-3 to City C-2 in the City of Winter Garden, Florida.

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

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

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

FIRST READING AND PUBLIC HEARING: _____ March 11, _____ 2010.

SECOND READING AND PUBLIC HEARING: _____ April 8, _____ 2010.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Attachment "A"

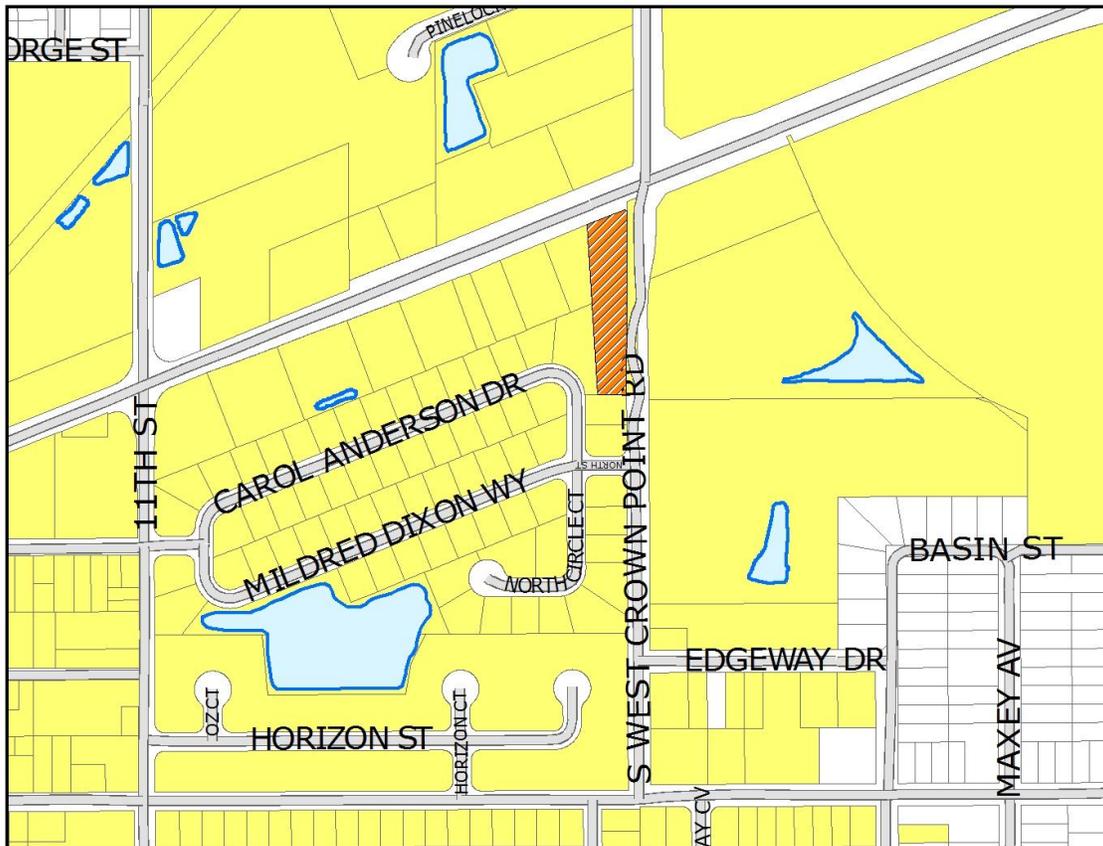
PARCEL 1:

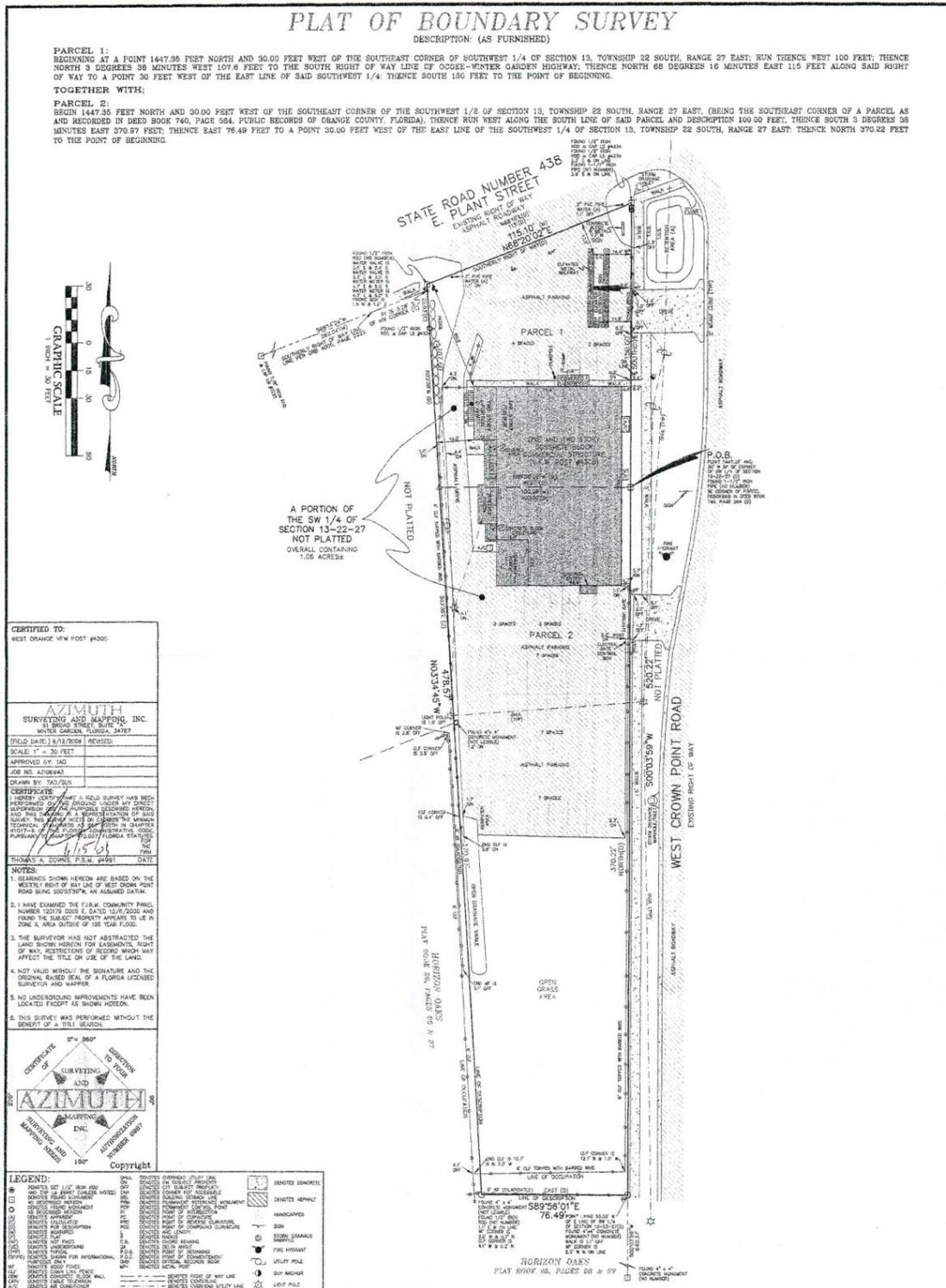
BEGINNING AT A POINT 1447.35 FEET NORTH AND 30.00 FEET WEST OF THE SOUTHEAST CORNER OF SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST; RUN THENCE WEST 100 FEET; THENCE NORTH 3 DEGREES 30 MINUTES WEST 107.6 FEET TO THE SOUTH RIGHT OF WAY LINE OF OCOEE-WINTER GARDEN HIGHWAY; THENCE NORTH 68 DEGREES 16 MINUTES EAST 115 FEET ALONG SAID RIGHT OF WAY TO A POINT 30 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 150 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

PARCEL 2:

BEGIN 1447.35 FEET NORTH AND 30.00 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/2 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST, (BEING THE SOUTHEAST CORNER OF A PARCEL AS AND RECORDED IN DEED BOOK 740, PAGE 584, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA), THENCE RUN WEST ALONG THE SOUTH LINE OF SAID PARCEL AND DESCRIPTION 100.00 FEET, THENCE SOUTH 3 DEGREES 38 MINUTES EAST 370.97 FEET; THENCE EAST 76.49 FEET TO A POINT 30.00 FEET WEST OF THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST; THENCE NORTH 370.22 FEET TO THE POINT OF BEGINNING.





ORDINANCE 10-17

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.16 ± ACRES LOCATED AT 564 PINE STREET AND PARCEL ID# 24-22-27-5584-04-080, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 0.16 ± acres located at 1170 564 Pine Street and Parcel ID# 24-22-27-5584-04-080 and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

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

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

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

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

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

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

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

READ FIRST TIME AND PUBLIC HEARING HELD: March 11, 2010.

READ SECOND TIME AND PUBLIC HEARING HELD: April 8, 2010.

APPROVED:

ATTEST:

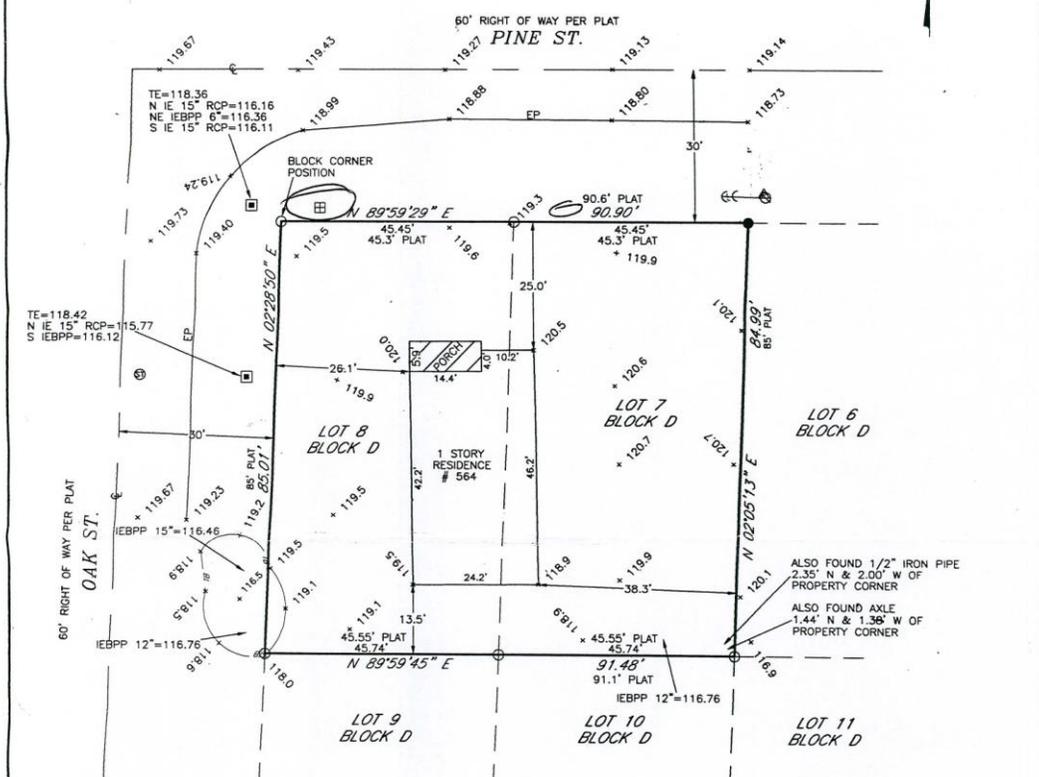
JOHN REES, Mayor/Commissioner

KATHY GOLDEN, City Clerk

Attachment "A"

PLAT OF BOUNDARY & TOPOGRAPHIC SURVEY

LEGAL DESCRIPTION:
 LOTS 7 AND 8, BLOCK D, MERCHANT'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS
 RECORDED IN PLAT BOOK Q, PAGE 101, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



CERTIFICATION TO:
 LEONARD COLLONS

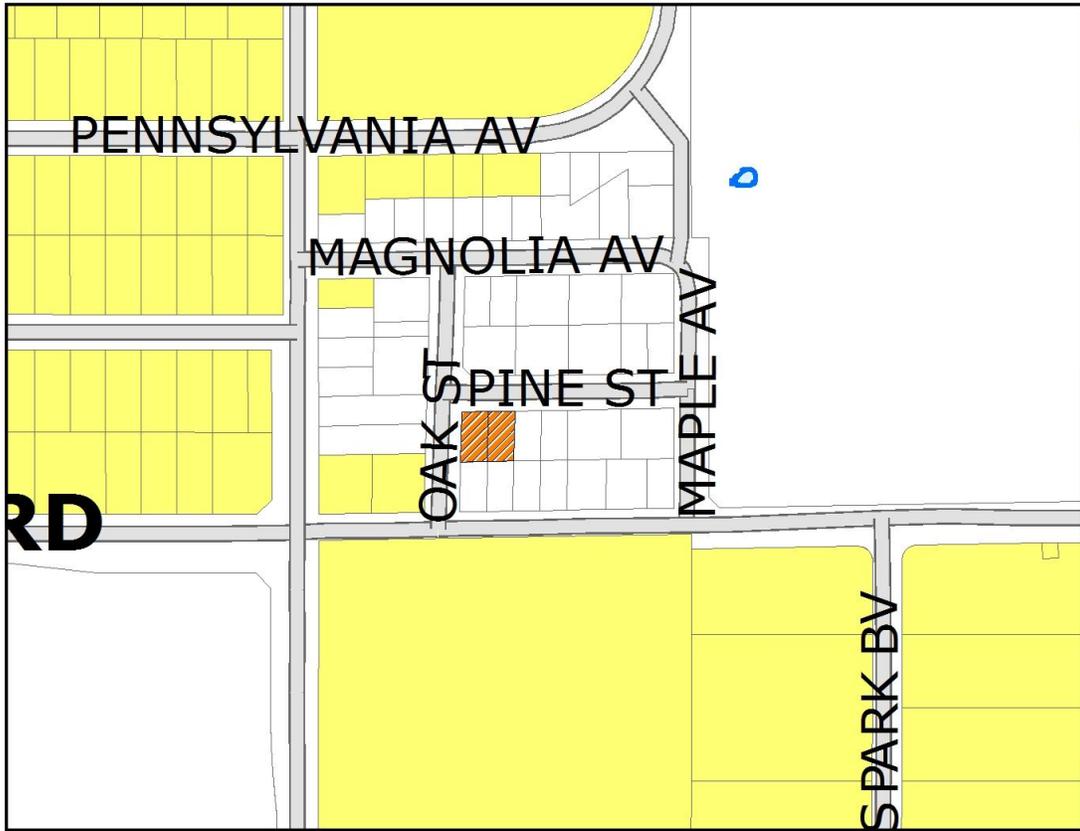
SURVEYOR'S REPORT:

1. THE SURVEYOR DID NOT PERFORM AN ABSTRACT OF TITLE, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
2. LEGAL PROVIDED BY CLIENT.
3. SUBJECT PROPERTY APPEARS TO LIE WITHIN ZONE X, ACCORDING TO THE F.I.R.M. MAP # 12095C0215 E, DATED 12-6-2000.
4. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS WERE NOT LOCATED EXCEPT AS NOTED.
5. BUILDING TIES SHOULD NOT BE USED TO REESTABLISH BOUNDARY LINES.
6. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH PROPERTY LINE, BEING N 89°59'45\" E, ASSUMED.
8. ELEVATIONS BASED ON ORANGE COUNTY DATUM.

LEGEND:

- FOUND 1/2" IRON ROD & CAP "LS 5154"
- SET 1/2" IRON ROD & CAP "ASI LB 6915"
- ⊙ UTILITY POLE
- GUY ANCHOR
- ▣ FLAT GRATE INLET (STORM)
- ⊕ MANHOLE (STORM)
- ⊞ WATER METER
- ▲ PHONE RISER
- /// COVERED AREA
- + 119.9 SPOT ELEVATION IN FEET
- TB- TOP OF BANK
- CONC CONCRETE
- EP EDGE OF PAVEMENT
- IE INVERT ELEVATION
- IEBPP INVERT ELEVATION BLACK PLASTIC PIPE
- TE TOP ELEVATION

DATE: 9/10/02	SCALE: 1" = 20'	CAL. BY: BST	DRAWN BY: BST	JOB NO. 102246																
<table border="1"> <thead> <tr> <th>Date</th> <th>Revisions</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> </tbody> </table>		Date	Revisions															<p>525 WEST PLANT STREET WINTER GARDEN, FLORIDA 34787 (407) 656-4993/FAX (407) 656-4437 LICENSED BUSINESS #6915</p>		<p>STEVEN E. BLANKENSHIP, P.S.M. #5361 STATE OF FLORIDA</p>
Date	Revisions																			



ORDINANCE 10-18

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.16 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 564 PINE STREET AND PARCEL ID# 24-22-27-5584-04-080 FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 0.16 ± acres located at 564 Pine Street and Parcel ID# 24-22-27-5584-04-080 and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County R-2 to the City's R-4 zoning classification, therefore;

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

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County R-2 to City R-4 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 AND PUBLIC HEARING: March 11, 2010.

SECOND READING AND PUBLIC HEARING: April 8, 2010.

APPROVED:

JOHN REES, Mayor/Commissioner

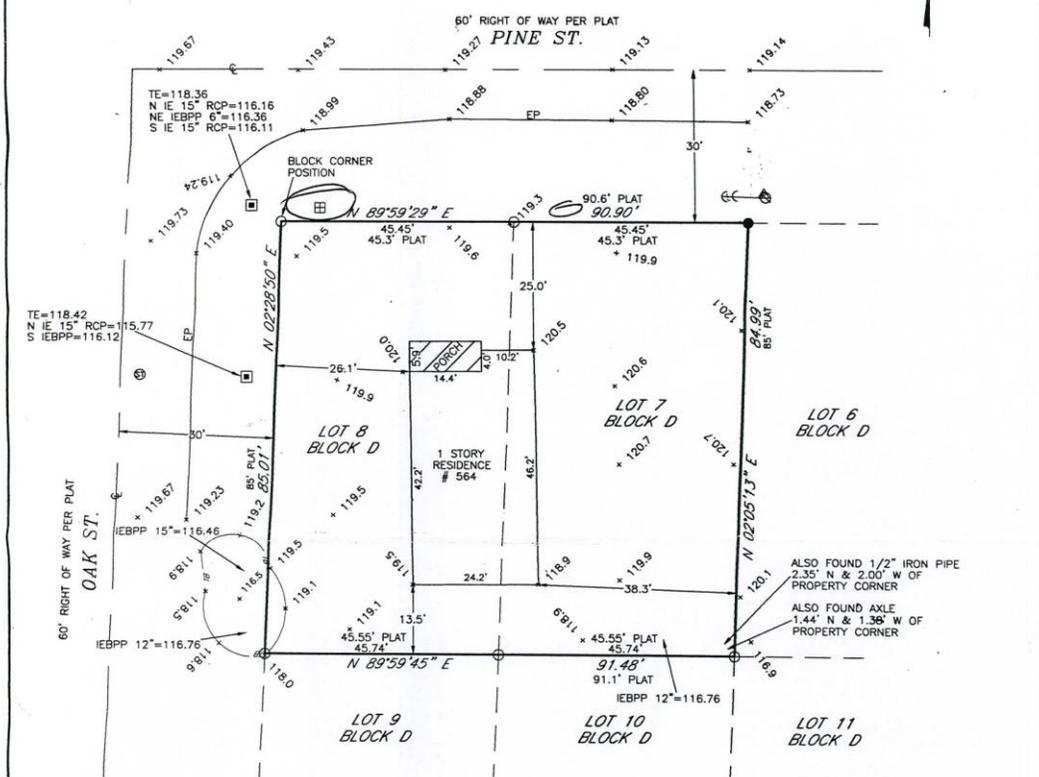
ATTEST:

KATHY GOLDEN, City Clerk

Attachment "A"

PLAT OF BOUNDARY & TOPOGRAPHIC SURVEY

LEGAL DESCRIPTION:
 LOTS 7 AND 8, BLOCK D, MERCHANT'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS
 RECORDED IN PLAT BOOK Q, PAGE 101, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



CERTIFICATION TO:
 LEONARD COLLONS

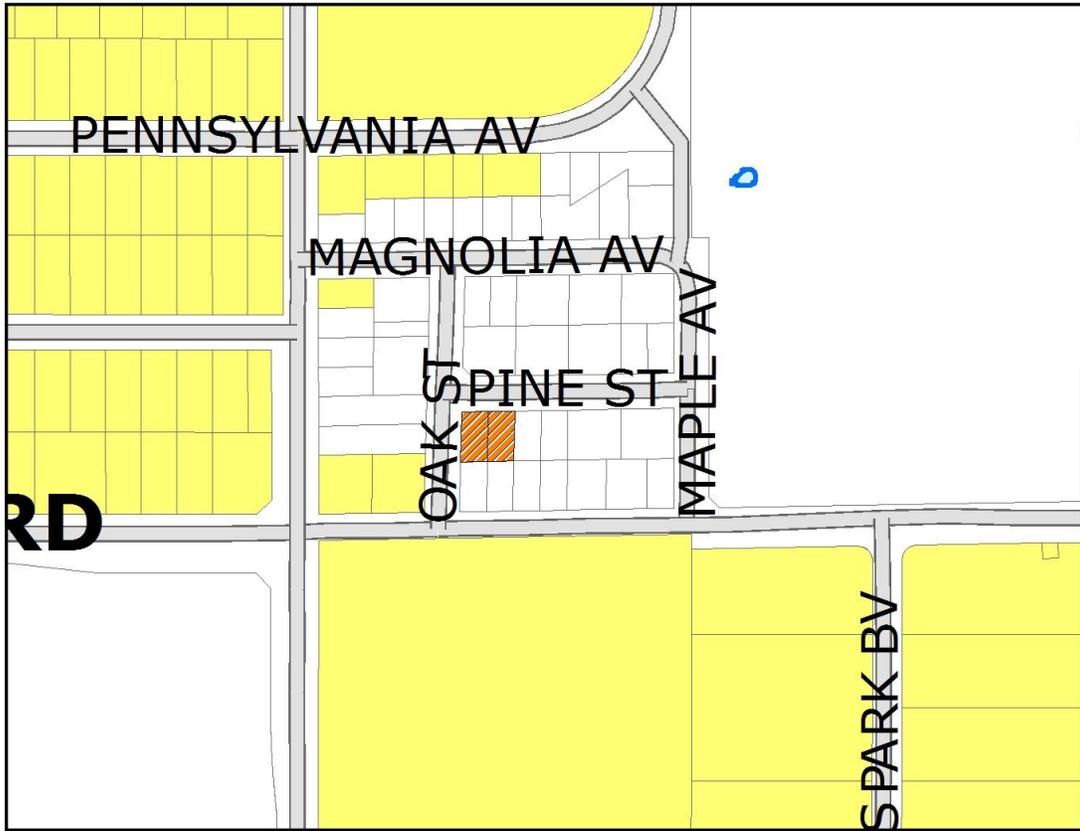
SURVEYOR'S REPORT:

1. THE SURVEYOR DID NOT PERFORM AN ABSTRACT OF TITLE, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
2. LEGAL PROVIDED BY CLIENT.
3. SUBJECT PROPERTY APPEARS TO LIE WITHIN ZONE X, ACCORDING TO THE F.I.R.M. MAP # 12095C0215 E, DATED 12-6-2000.
4. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS WERE NOT LOCATED EXCEPT AS NOTED.
5. BUILDING TIES SHOULD NOT BE USED TO REESTABLISH BOUNDARY LINES.
6. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH PROPERTY LINE, BEING N 89°59'45\" E, ASSUMED.
8. ELEVATIONS BASED ON ORANGE COUNTY DATUM.

LEGEND:

- FOUND 1/2" IRON ROD & CAP "LS 5154"
- SET 1/2" IRON ROD & CAP "ASI LB 6915"
- ⊙ UTILITY POLE
- GUY ANCHOR
- ▣ FLAT GRATE INLET (STORM)
- ⊕ MANHOLE (STORM)
- ⊞ WATER METER
- ▲ PHONE RISER
- /// COVERED AREA
- + 119.9 SPOT ELEVATION IN FEET
- TB- TOP OF BANK
- CONC CONCRETE
- EP EDGE OF PAVEMENT
- IE INVERT ELEVATION
- IEBPP INVERT ELEVATION BLACK PLASTIC PIPE
- TE TOP ELEVATION

DATE: 9/10/02	SCALE: 1" = 20'	CAL. BY: BST	DRAWN BY: BST	JOB NO. 102246																				
<table border="1"> <thead> <tr> <th>Date</th> <th>Revisions</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> </tbody> </table>		Date	Revisions																			 <p>525 WEST PLANT STREET WINTER GARDEN, FLORIDA 34787 (407) 656-4993/FAX (407) 656-4437 LICENSED BUSINESS #6915</p>		 <p>STEVEN E. BLANKENSHIP, P.S.M. #5361 STATE OF FLORIDA</p>
Date	Revisions																							



ORDINANCE 10-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 18-57 OF CHAPTER 18, SECTIONS 46-58, 46-60, 46-61, AND 46-62 OF CHAPTER 46, ARTICLE II, AND SECTION 88-8 OF CHAPTER 88, OF THE CITY CODE OF ORDINANCES FOR THE CITY OF WINTER GARDEN, FLORIDA, TO REMOVE CERTAIN FEE SCHEDULES AND CHARGES ASSOCIATED WITH BUILDING PERMITS, FIRE INSPECTION REVIEW, SITE PLAN AND SITE INSPECTION FEES, AND OTHER MATTERS FROM THE CITY'S CODE OF ORDINANCES AND PROVIDE FOR SUCH FEE SCHEDULES AND CHARGES TO BE SET AND AMENDED BY RESOLUTION OF THE CITY COMMISSION; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City recognizes that certain permitting and other administrative fees and charges must often be changed and adjusted for inflation and other economic conditions;

WHEREAS, the City has, in the past, either set such fees and charges by ordinance or otherwise allowed such fees and charges to be set by ordinance or resolution;

WHEREAS, the City Commission recognizes that the passage of an ordinance requires additional formalities, expense, and advertising not otherwise inherent in the adoption of a resolution;

WHEREAS, the City Commission further acknowledges that, due to the ephemeral and oft-changing nature of the amounts at which administrative and permitting fees and charges are set, the City would realize a savings in funds and administrative labor by allowing such fees and charges to be set by resolution rather than ordinance;

WHEREAS, the City desires to remove that portion of Chapter 18 allowing building fees to be adopted and set by Ordinance so as to clarify that such fees should be set by resolution;

WHEREAS, the City desires to remove certain fee schedules and fee charges for fire plan review fees, inspection fees, re-inspection fees and burn permits from Chapter 46 and allow such fees to be modified and adopted by resolution; and

WHEREAS, the City desires to remove the fee schedule and fee changes for site work engineering fees from Chapter 88 and have such fees adopted by resolution.

NOW, THEREFORE, be it enacted by the City of Winter Garden, Florida, as follows:

SECTION I. That Section 18-57 of Chapter 18, Article II of the Code of Ordinances, City of Winter Garden, Florida is hereby amended to read as follows:

Sec. 18-57. Building permit fee amendments.

The building code adopted in section 18-56 is amended in the following respects and/or by adding the following:

- (1) *Schedule of permit fees.* On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, ~~a plan review fee for each permit shall be paid as required at the time of a non refundable deposit that will be applied to the permit shall be collected at the time of permit application submittal, applying for the permit and a fee shall be paid as required at the time of obtaining the permit~~ in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees.

- a. The schedule of building permit fees ~~shall be established by is adopted by ordinance or~~ resolution of the city commission and shall be kept on file in the building official's office. Fees and permit rates arising under this division may be amended from time to time by the city commission by ~~ordinance or~~ resolution.
 - b. ~~The schedule of fees shall be used in determining permit fees based on construction valuation. In the event of controversy between the city and applicant as to construction valuation, the valuation shall be determined by the valuation standards as established and set forth in the latest official publications of the most recently approved Building Validation Data published by the Southern Building Code Congress International, Inc., or by copy of the original signed contract or by a detailed cost estimate which meets the approval of the building official.~~ There shall be one building permit issued to the contractor/builder of record, which shall also be deemed the electrical, plumbing, HVAC, roofing, and all applicable trades required. All subcontractors intended to be used, and those used, for a project shall be listed with each state license number on the building permit application. When there is a change in subcontractor, the permit applicant shall notify the building department of the change, in writing, within ten days of the change on a "Notice of Contractor Change" form. The applicant shall pay the applicable fee at the time of notice of the change.
- (2) If any provision of the building code adopted in section 18-56 conflicts with an existing city ordinance, the building code shall prevail unless said ordinance is more stringent than the building code and is not otherwise inconsistent with the intent or purpose of the building code.
 - (3) Within the building code adopted in section 18-56, when reference is made to the duties of certain officials named therein, that designated official in the city who has duties corresponding to those of the named official in the building code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.
 - (4) If any provision of the building code conflicts with the state statutes, the state statute shall prevail, unless said provision is more stringent than the state statute and is not otherwise inconsistent with the intent or purpose of the state statute.
 - (5) Reserved.

SECTION II. That Section 46-58 of Chapter 46, Article II of the Code of Ordinances, City of Winter Garden, Florida is hereby amended to read as follows:

Sec. 46-58. Plan review; permits.

The fire department shall perform a review of all pertinent building plans and specifications submitted to the building department in order to determine whether such plans and specifications comply with this chapter. Separate inspections and permits will be required for fire protection systems. In addition to any fees paid at the time of application for a building permit pursuant to chapter 18 of the City Code, at the time of such application, the applicant shall also pay ~~the following a~~ non-refundable plan review fee for review by the fire department to be collected by the building department: The City Commission shall set or amend such fees by resolution.

~~(1) Plan review:~~

~~a. Single family residential: No fee.~~

~~b. Non single family residential: One half of one percent of value of construction.~~

~~(2) Value of construction for purposes of calculating the above fee shall be determined in accordance with chapter 18 of City Code.~~

~~(3) Plan review fees shall not be charged for construction projects when construction plans or drawings are not required.~~

SECTION III. That Section 46-60 of Chapter 46, Article II of the Code of Ordinances, City of Winter Garden, Florida is hereby amended to read as follows:

Sec. 46-60. Reinspection; fees.

In the event that the fire department, upon initial inspection, shall find work not in compliance with this chapter, the person doing said work shall promptly do everything necessary to bring said work within the requirements of this chapter. The fire department shall then, upon notice from such person, reinspect said work after payment of ~~the following fees, which shall be collected by the building department:~~ appropriate fee(s). A schedule for inspection and reinspection fees shall be adopted and amended from time to time by resolution of the City Commission.

~~(1) Initial inspection: No charge.~~

~~(2) First reinspection: No charge.~~

~~(3) Second reinspection: \$50.00.~~

~~(4) Each additional reinspection for the same noncompliance after the second reinspection shall be increased \$25.00 per reinspection, cumulatively. By way of example not limitation, the third reinspection for the same noncompliance shall be \$75.00; the fourth reinspection for the same noncompliance shall be \$100.00 and so forth.~~

SECTION IV. That Section 46-61 of Chapter 46, Article II of the Code of Ordinances, City of Winter Garden, Florida is hereby amended to read as follows:

Sec. 46-61. Burn permits.

Section 10.11.1.1. of NFPA 1 is amended to read as follows: Permits shall be obtained from the city for all open fires. During construction or demolition of any building or structure, no waste materials or rubbish may be disposed of by burning. Burn permits, if issued, are subject to the following:

(1) *Period of issuance.* Burn permits shall be issued for a five-day period and for the hours as specified on the permit.

(2) *Grounds for revocation/denial.* Burn permits shall be revoked or denied if the fire department determines that the burning is detrimental to surrounding property or persons, or that conditions may cause the burning to be unsafe or the burn permit is issued in error or in contravention to the Code.

(3) *Permit fee.* The fee for a burn permit issued pursuant to this section is a non-refundable ~~\$100.00 fee to be adopted and amended from time to time by resolution of the City Commission~~ and shall be collected by the building department.

SECTION V. That Section 88-8 of Chapter 88, of the Code of Ordinances, City of Winter Garden, Florida is hereby amended to read as follows:

Sec. 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 subsections (1) through (4~~3~~), 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. Those flat fees associated with site plan review shall be established and amended from time to time by resolution of the City Commission.

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 for platting review, zoning plan amendments, and other permits associated with development of property fees and advertising costs not otherwise established by resolution 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 two and one quarter 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 \$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 two and one quarter 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.~~

~~(21)~~ *Platting review fees.*

- a. *Preliminary plat review fees.* The fee for plans review shall be \$250.00 plus \$10.00 per residential lot, \$500.00 per nonresidential lot.
- b. *Plat construction plan review.* \$500.00, plus two dollars per residential lot; two-hundred and fifty dollars per nonresidential lot for the first two revisions. An additional \$10.00 per residential lot or \$500.00 per nonresidential lot will be charged for each successive revision.
- c. *Plat infrastructure inspections.* Two and one-quarter 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 \$10.00 per residential lot; \$100.00 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.

~~(32)~~ *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 greater than five acres) . . . \$1,000.00
- d. Deannexation . . . \$2,500.00
- e. Appeal to the planning and zoning board of an administrative interpretation . . . \$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 ten acres) . . . 700.00
- j. Comprehensive plan amendment, large scale or text amendment . . . 2,500.00
- k. Concurrency review . . . City consultant cost

- 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 . . . 1,000.00
 - 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. Zoning verification letter . . . 100.00

(Plus costs such as copy charges and city staff time.)

(43) *Advertising costs.* Applicants shall be required to reimburse the city for actual costs, expenses and fees incurred by the city relating directly to any advertising associated with any application, including but not limited to notices, posting, mailings and postage.

(54) *Waiver of flat fees.* An applicant may request that the city commission, or the planning and zoning board if the applicable development related activity and application will not be brought before the city commission, waive the flat fee requirement. Prior to such waiver, a finding of good cause for the waiver must be made by the city commission (or planning and zoning board). By way of example, not limitation, the following may be considered in order to support a finding of good cause: the waiver of the flat fee will further a legitimate city objective or the associated development related activity is directly beneficial to the city.

SECTION VI. CONFLICTS. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of such conflict.

SECTION VII. 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. See § 1-12, Charter of the City of Winter Garden, Florida.

SECTION VIII. CODIFICATION. That Section I, Section II, Section III, Section IV and Section V of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the work “*Ordinance*” may be changed to “*Section*”, “*Article*”, or other appropriate word.

SECTION IX. EFFECTIVE DATE. This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: _____ March 25 _____, 2010.

SECOND READING
AND PUBLIC HEARING: _____ April 8 _____, 2010.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk

RESOLUTION NO. 10-05

A RESOLUTION ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING VARIOUS APPLICATION FEES FOR HISTORIC DOWNTOWN DISTRICT APPLICATION REQUESTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (“City”) process applications for Historic Downtown District requests for various improvements to residential and commercial properties within the designated Historic Overlay Area; and

WHEREAS, the City Commission on January 14, 2010 adopted Ordinance 10-05 which established the standards and regulations for the Historic Downtown District architectural overlay for both residential and commercial properties; and

WHEREAS, the City staff within the Community Development Department review applications to determine if the request conforms to the architectural standards and requirements for each type of application; and

WHEREAS, the City wishes to establish reasonable fees and charges in order to recoup the City’s staff time and expenses associated with processing said applications including those which must go before the Architectural Review and Historic Preservation Board; and

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

SECTION 1. The City of Winter Garden, Florida, hereby adopts the following fee schedule for processing various types of application fees as established herein.

Planning & Zoning

A. Historic Downtown District Architectural Plan Review FEES:

A)	ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD REVIEW FEES – HISTORIC DOWNTOWN OVERLAY		
	1) RESIDENTIAL		
	A) MINIMUM	\$	25.00
	B) HOME ADDITIONS / NEW CONSTRUCTION	\$	50.00
	C) WITH WAIVERS (PER ARTICLE VII SECTION 98-190(5))	\$	100.00
	2) COMMERCIAL		
	A) MODIFY EXISTING BUILDING	\$	100.00
	B) NEW CONSTRUCTION	\$	200.00
	C) WITH WAIVERS (PER ARTICLE VII SECTION 98-190(5))	\$	300.00
B)	STAFF REVIEW OF REQUEST (NO CHARGE)	\$	0.00
C)	APPEAL FEES		
	1) APPEAL OF DENIAL - COMMERCIAL	\$	200.00
	2) APPEAL OF DENIAL - RESIDENTIAL	\$	100.00
	2) APPEAL OF FEES	\$	100.00
D)	REVISION FEE		
	1) RESIDENTIAL	\$	25.00
	2) COMMERCIAL	\$	50.00
E)	DEMOLITION PERMIT		
	1) RESIDENTIAL (PLUS REIMBURSEMENT FOR ANY COSTS INCURRED BY THE CITY FOR CONSULTANT REVIEW OF STRUCTURAL REPORTS AND OTHER DOCUMENTS).	\$	200.00

	2) COMMERCIAL (PLUS REIMBURSEMENT FOR ANY COSTS INCURRED BY THE CITY FOR CONSULTANT REVIEW OF STRUCTURAL REPORTS AND OTHER DOCUMENTS).	\$	300.00
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SECTION 2. Appeal of any fees as established by this Resolution, unless already exempted as provided for by law, shall follow established procedures in City Code Article VII – Section 98-190(11) established by Ordinance 10-05.

SECTION 3. This Resolution shall be effective upon the adoption of the resolution.

PASSED AND RESOLVED THIS 8th DAY OF April, 2010.

APPROVED:

BY: _____
John Rees, Mayor/Commissioner

ATTESTED:

BY: _____
Kathy Golden, City Clerk

RESOLUTION NO. 10-06

A RESOLUTION ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING VARIOUS APPLICATION FEES AND CHARGES FOR OPEN AIR VENDORS, MOBILE FOOD VENDORS, OPEN AIR SPECIAL EVENT, AND OPEN AIR SOLICITOR APPLICATION REQUESTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (“City”) processes applications for certain temporary uses on private parcels of land for open air sales including but not limited to, open air vendors, mobile food vendors, open air special events and open air solicitors; and

WHEREAS, the City Commission on September 21, 2009 adopted Ordinance 09-25 which established the standards and criteria for various open air vendors and other open air events and activities; and

WHEREAS, the City staff within the Community Development Department staff review applications to determine if the request conforms to the zoning and other standards for said events; and

WHEREAS, the City wishes to establish reasonable fees and charges in order to recoup the City’s staff time and expenses associated with processing said applications for various types of event permits; and

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

SECTION 1. The City of Winter Garden, Florida, hereby adopts the following fee schedule for processing the various types of open air vendor/solicitor permit fees as established herein.

Planning & Zoning

B. Open-Air Vendor/Solicitor Permit Fees:

		PER EVENT	COMMENT
A)	OPEN AIR-SPECIAL EVENT PERMIT		
	1) PROMOTIONAL	\$ 0.00	NO CHARGE
	2) APPLICATION FEE (NON-REFUNDABLE – WILL APPLY TO PERMIT/APPROVAL)		
	A) STANDARD (FOR PROFIT ORGANIZATIONS)	\$ 25.00	
	B) NOT FOR PROFIT/CHARITABLE ORGANIZATIONS	\$ 0.00	NO CHARGE
	3) PERMIT FEE (NO PRO-RATIONS)		
	A) ≤ 15 DAYS (EVENT TIME FRAME)	\$ 50.00	
	B) > 15 DAYS (EVENT TIME FRAME)	\$ 100.00	
B)	OPEN AIR-VENDOR PERMIT		
	1) APPLICATION FEE (NON-REFUNDABLE)	\$ 25.00	
	2) PERMIT FEE (NO PRO-RATIONS)		
	A) ≤ 15 DAYS (EVENT TIME FRAME)	\$ 114.66	
	B) > 15 DAYS (EVENT TIME FRAME)	\$ 172.00	
C)	OPEN AIR SOLICITOR APPLICATION/PERMIT FEE	\$ 25.00	
D)	APPEAL FEES		
	1) APPEAL OF DENIAL	\$ 100.00	
	2) APPEAL OF FEES	\$ 100.00	

SECTION 2. Appeal of any fees as established by this Resolution, unless already exempted as provided for by law shall follow established procedures as applied for in the City Code.

SECTION 3. This Resolution shall be effective upon adoption of the resolution.

PASSED AND RESOLVED THIS 8th DAY OF April, 2010.

APPROVED:

BY: _____
John Rees, Mayor/Commissioner

ATTESTED:

BY: _____
Kathy Golden, City Clerk