



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

REGULAR MEETING

JULY 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 June 24, 2010

2. FIRST READING OF PROPOSED ORDINANCE

A. **Ordinance 10-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, ARTICLE III, SECTION 98-121 OF THE WINTER GARDEN CITY CODE; LIMITING TERMS TO THREE YEARS FOR MEMBERS OF THE COMMUNITY REDEVELOPMENT ADVISORY BOARD; CREATING TERM LIMITS AND IDLE PERIODS FOR MEMBERS OF THE COMMUNITY REDEVELOPMENT ADVISORY BOARD; ARRANGING FOR TERMS OF OFFICE FOR THE COMMUNITY REDEVELOPMENT ADVISORY BOARD TO EXPIRE AND COMMENCE WITHIN THE SAME MONTH; PROVIDING FOR THE FILLING OF VACANCIES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE **with the second reading and public hearing on July 22, 2010** – City Manager Bollhoefer

3. FOURTH READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. **Ordinance 10-08:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLES IX AND X OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES PRESCRIBING STANDARDS FOR THE S.R. 50 COMMERCIAL CORRIDOR OVERLAY BY REVISING LANGUAGE; PROVIDING FOR APPLICABILITY IN INSTANCES OF ANNEXATION, SUBSTANTIAL MODIFICATION, AND EXISTING NONCONFORMITIES; PROVIDING ADDITIONAL DEFINITIONS AND REVISING EXISTING DEFINITIONS; PROVIDING AND REVISING DESIGN AND TECHNICAL STANDARDS FOR DEVELOPMENT, INCLUDING BUILDING MATERIALS, SHOPPING CART CORRALS AND SIGNAGE; REMOVING CERTAIN RESTRICTIONS ON LOCATING OUTDOOR VENDING MACHINES AND AMUSEMENTS; MODIFYING SETBACK AND BUFFER REQUIREMENTS; REFERENCING LIGHTING REQUIREMENTS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE - Community Development Director Wilson

4. REGULAR BUSINESS

A. Recommendation to approve entering into a Tri-Party Road Construction Agreement for Sessions Road to include the roadway, drainage, and utility improvements, between City

of Winter Garden, Orange County School Board, and Hickory Hammock, LLC - Community Development Director Wilson

- B. **Resolution 10-09:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE ARCHITECTURAL FLOOR PLAN OF THE TUCKER OAKS PUD WHICH WAS ADOPTED BY ORDINANCE 04-34; PROVIDING FOR AN EFFECTIVE DATE, including the conditions stated in the Development Review Committee's memo of June 21, 2010 - Community Development Director Wilson
- C. Recommendation to declare vehicles, equipment and furnishings as surplus and authorize their sale at auction – Human Resources / Risk Manager Gilbert
- D. Appointment of the 2nd alternate on the Election Canvassing Board – City Clerk Golden

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

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

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

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on July 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.

ORDINANCE 10-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, ARTICLE III, SECTION 98-121 OF THE WINTER GARDEN CITY CODE; LIMITING TERMS TO THREE YEARS FOR MEMBERS OF THE COMMUNITY REDEVELOPMENT ADVISORY BOARD; CREATING TERM LIMITS AND IDLE PERIODS FOR MEMBERS OF THE COMMUNITY REDEVELOPMENT ADVISORY BOARD; ARRANGING FOR TERMS OF OFFICE FOR THE COMMUNITY REDEVELOPMENT ADVISORY BOARD TO EXPIRE AND COMMENCE WITHIN THE SAME MONTH; PROVIDING FOR THE FILLING OF VACANCIES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (“City”) desires to limit terms of office for the members of the board of commissioners of the community redevelopment agency and the community redevelopment advisory board to three years; and

WHEREAS, the City wants community redevelopment advisory board appointment terms to commence and expire in a uniform manner.

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

SECTION I. SECTION 98-121 Community redevelopment agency. Section 98-121 is hereby amended to reflect the following changes (~~struck out text~~ indicates deletions while underlined text indicates additions):

SECTION 98-121. Community redevelopment agency.

(a) The city commission expressly authorizes the community redevelopment agency, pursuant to F.S. § 163.356, which shall be a public body corporate and politic and constitute a public instrumentality.

(b) The city commission authorizes the community redevelopment agency to exercise all the powers conferred and as limited by F.S. § 163.3161 et seq., with the exception of the power to make building regulation exceptions; zone or rezone within the designated community redevelopment area; close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places as specified by the community redevelopment plan; acquire land through eminent domain; construct foundations/platforms for affordable housing air rights sites; and enforce or enact ordinances which have the purpose of protecting the public health, safety, and welfare. All other powers necessary or within the boundaries of the community redevelopment area, more particularly described in exhibit A, attached to the ordinance from which this section derives and on file in the city offices, shall be vested with the community redevelopment agency.

(c) The city commission expressly appoints a board of commissioners of the community redevelopment agency, which shall consist of seven members. Five of the members shall be current members of the city commission. A sixth member may be appointed by the board of county commissioners, and the seventh member may be appointed by the city commission. The terms of office for the sixth and seventh members of the board of commissioners of the community redevelopment agency shall be four years.

(d) The board of commissioners of the community redevelopment agency shall, at its first meeting in July, appoint a community redevelopment advisory board, which shall consist of no less than seven and no more than nine members, of which a majority shall either reside, own property or operate a business located within the area of operation of the community redevelopment agency. Beginning on August 1, 2010, members shall be appointed for a term of three years, expiring in the month of July of the third year. Members appointed prior to August 1, 2010 shall serve out the remainder of the terms to which they were appointed. Vacancies occurring during a term may be filled at any time in the same manner as the initial appointment was made, and shall remain effective until the first community redevelopment agency meeting in July of the last year of the remaining term when a successor is appointed. A member of the advisory board cannot be reappointed after serving two consecutive full terms until he

or she has remained off the board for one year; however, for members serving on the Board as of August 1, 2010 and who are in the process of serving two or more consecutive terms at such time, such members may serve one (1) additional succeeding term without interruption, regardless of the term limitations contained herein. The terms of the chairman and vice-chairman of this advisory board shall be ~~four~~ three years. A vacancy occurring during a the term shall be filled for the unexpired term by the agency appointment in the same fashion as the original appointment. The vice-chairman of this advisory board may be appointed chairman in the event the current chairman vacates his or her position as chairman, with the vice-chairman's unexpired term filled by appointment in the same fashion as the original appointment. If an advisory board member fails to attend more than three regularly scheduled meetings per year with a valid excuse, or two regularly scheduled meetings per year without a valid excuse, then that member shall relinquish his/her seat as a member of the advisory board. A member who has an excused absence may vote on any item on the agenda by making his or her vote known in writing to the chair or recording secretary prior to the start of the meeting. The community redevelopment advisory board shall have all duties and responsibilities as may be formally delegated by the community redevelopment agency, but shall, at a minimum, be responsible for the preparation and implementation of the community redevelopment plan through its recommendations to the community redevelopment agency.

(e) The city commission and the community redevelopment agency shall agree upon an amount to be rebated back to the city each year of the amount deposited in the community redevelopment trust fund pursuant to F.S. § 163.387, for a particular year.

(f) The city commission and the community redevelopment advisory board shall also agree upon what powers the community redevelopment advisory board shall possess as they apply to the community redevelopment plan. In order for the interlocal agreement to become effective it must be approved by a unanimous vote of the city commission. If the interlocal agreement is not approved by a unanimous vote of the city commission within 12 months of the effective date of the ordinance from which this section derives, the community redevelopment plan shall expire and shall be of no further effect.

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

SECTION III. CODIFICATION. 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 IV. CONTROL. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION V. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect immediately upon its adoption.

FIRST READING: _____, 2010

SECOND READING AND PUBLIC HEARING: _____, 2010

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 10-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLES IX AND X OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES PRESCRIBING STANDARDS FOR THE S.R. 50 COMMERCIAL CORRIDOR OVERLAY BY REVISING LANGUAGE; PROVIDING FOR APPLICABILITY IN INSTANCES OF ANNEXATION, SUBSTANTIAL MODIFICATION, AND EXISTING NONCONFORMITIES; PROVIDING ADDITIONAL DEFINITIONS AND REVISING EXISTING DEFINITIONS; PROVIDING AND REVISING DESIGN AND TECHNICAL STANDARDS FOR DEVELOPMENT, INCLUDING BUILDING MATERIALS, SHOPPING CART CORRALS AND SIGNAGE; REMOVING CERTAIN RESTRICTIONS ON LOCATING OUTDOOR VENDING MACHINES AND AMUSEMENTS; MODIFYING SETBACK AND BUFFER REQUIREMENTS; REFERENCING LIGHTING REQUIREMENTS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the entryways into the City of Winter Garden, Florida (the “City”) provide a critical perception of the City to its residents, clients, and service providers, who traverse the entryway routinely, as well as those who are considering relocation to the City or making investments in the City;

WHEREAS, a segment of State Road 50 is such an entryway, and the City recognizes the social and economic importance of State Road 50 as a gateway to the City;

WHEREAS, uniform building, landscape, signage and other streetscape design standards are required to ensure an attractive and viable physical environment to retain and attract commercial businesses to the City;

WHEREAS, the State Road 50 commercial corridor within the City of Winter Garden continues to be the subject of major improvements providing opportunities for additional aesthetic and functional enhancements;

WHEREAS, the City has previously enacted Articles IX and X of Chapter 118 of the Winter Garden Code via Ordinance No. 03-30, and, after extensive experience with such Articles and observing ongoing changes within the current State Road 50 commercial corridor, appointed the State Road 50 Commercial Corridor Review Board (the “Board”) to review and consider enhancements and amendments to such Articles;

WHEREAS, the Board has since considered the recommended changes and enhancements to Articles IX and X of Chapter 118 and has further recommended the amendments contained in this Ordinance for approval by the City Commission; and

WHEREAS, the City concurs with the recommendations of the Board, and, after public notice and due consideration of public comment given at advertised public hearings, the City Commission has determined that the amendments contained herein are beneficial and essential for the continued regulation of the West State Road 50 Commercial Corridor and will further advance the health, safety, and welfare of the City and its residents.

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

SECTION 1: Authority: The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: Adoption – Exhibit “A”: Article IX, Chapter 118 of the Winter Garden Code of Ordinances is hereby amended to read as set forth in **Exhibit “A”** attached hereto and incorporated herein. Additions are noted in underlined text while deletions are noted in ~~struckout~~ text.

SECTION 3: Adoption – Exhibit “B”: Article X, Chapter 118 of the Winter Garden Code of Ordinances is hereby amended to read as set forth in **Exhibit “B”** attached hereto and incorporated herein. Additions are noted in underlined text while deletions are noted in ~~struckout~~ text.

SECTION 4: Codification: The amendments contained in Exhibits “A” and “B” incorporated by reference in Sections 2 and 3 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 5: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 6: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 7: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: May 27, 2010

SECOND READING: June 10, 2010

THIRD READING AND PUBLIC HEARING: June 24, 2010

FOURTH READING AND PUBLIC HEARING: July 8, 2010

APPROVED:

JOHN REES, MAYOR

ATTEST:

Kathy Golden, City Clerk

Exhibit "A"

ARTICLE IX. WEST STATE ROAD 50 OVERLAY COMMERCIAL DEVELOPMENT STANDARDS

DIVISION 1. IN GENERAL

Sec. 118-1400. Establishment.

In addition to and supplemental to the Code, there is hereby created an overlay zoning classification known as the "West State Road 50 Commercial Corridor" (the "commercial corridor district"). The effect thereof being the creation of an overlay zoning district consisting of the regulations and requirements of the existing, or as such may be amended from time to time, underlying zoning district and the regulations and requirements contained in this article. That is, the commercial corridor district shall be in addition to and shall overlay all other existing, or as such may be amended from time to time, underlying zoning classification where it is applied so that any parcel of land lying within the commercial corridor district shall also lie within one or more of the other zoning classifications provided in the city land development code.

Sec. 118-1401. Intent and purpose.

The recitals to the ordinance adopting this article are hereby incorporated into this section as legislative findings and represent the intent of the city commission in adopting this article to provide specific and uniform design standards for properties within the hereafter identified commercial corridor for the purposes of ensuring that said commercial corridor is developed in a manner which:

- (1) Ensures that the commercial corridor is developed into a well-landscaped, scenic gateway into the city;
- (2) Provides uniform design standards to establish high quality development with a positive visual ambiance;
- (3) Prevents visual pollution caused by unplanned and uncoordinated uses, buildings and structures;
- (4) Maximizes traffic circulation patterns and functions from the standpoint of safety, roadway capacity, vehicular and non-vehicular movement;
- (5) Maintains and enhances property values;
- (6) Preserves natural features to the extent practicable;
- (7) Encourages high quality economic development within the city;
- (8) Preserves and enhances the high-quality lifestyle and standard of living available to the residents of the city;
- (9) Takes into consideration the future widening of State Road 50 to a six-lane divided highway and development associated therewith;
- (10) Creates and maintains a strong community image, identity and sense of place;
- (11) Promotes a high degree of compatibility between surrounding structures and attendant uses;
- (12) Fosters civic pride and community spirit by maximizing the impact of quality development;
- (13) Recognizes and makes allowances for existing uses and buildings;
- (14) Promotes the health, safety and general welfare of the commercial corridor, the city and its citizens;
- (15) Promotes the orderly growth and development within the commercial corridor along with the achievement of the goals, objectives and policies of the city's comprehensive plan;
- (16) Establishes coordinated and uniform standards and regulations which will encourage capital investment in the city and preserve the public investment in the commercial corridor spurring commercial activity and the attraction of new businesses and commercial activity; and
- (17) Reduces the risk of creating blighted areas resulting from uncoordinated and non-uniform standards and regulations.

Sec. 118-1402. Boundaries of the commercial corridor.

The commercial corridor consists of those parcels within the city limits located within 350 feet of the centerline of State Road 50. The boundaries of the commercial corridor are graphically depicted on the commercial corridor map, attached hereto as Exhibit "A" and incorporated herein by this reference. Parcels located within the aforesaid commercial corridor shall be subject to the provisions in this article, except as otherwise provided herein.

Where uncertainty exists with respect to the boundaries of the commercial corridor as shown on the commercial corridor map, the following shall apply:

~~(1) In construing boundaries, as reflected on the commercial corridor map, where boundaries are approximately parallel to the right-of-way line of a street, the commercial corridor shall be construed as being parallel thereto provided such distance is a minimum of 350 feet of the centerline of State Road 50. Any parcel of land, of which greater than 50 percent of the parcel's land area (measured in square footage) is located within the aforesaid 350 feet, shall be included within the commercial corridor as if the parcel was wholly situated within the stated corridor width.~~

(1) The boundaries for the West State Road 50 Overlay area extend 350 feet from the centerline of West State Road 50 and includes all parcels in the 350 foot distance. In addition, any parcel of land which is located within the 350 foot area that also has a portion of the entire parcel outside the 350 foot area but is part of the same parcel of land, shall be included within the commercial corridor as if the parcel was wholly situated within the stated corridor width and is also zoned C-2 or PCD. Single use residential zoned parcels are not included in the West State Road 50 Overlay Zone.

Parcels which are subsequently annexed into the City and are within the 350 foot distance requirement from the centerline of West State Road 50 and a portion of the entire parcel outside the 350 foot area but is part of the same parcel of land, shall be included within the commercial corridor as if the parcel was wholly situated within the stated corridor width shall be made part of the West State Road 50 Overlay as a part of the city approving annexation of the parcel and subject to the provisions as outlined in section 118-1403(3).

(2) Notwithstanding subsection (1) above, any parcel adjacent to State Road 50 or which has direct access to or from State Road 50 shall be included within the commercial corridor. Furthermore, notwithstanding subsection (1) above, any parcel, deriving in whole or in part from a parcel to which these commercial corridor standards and regulations apply as of the effective date of this article, shall also be subject to ~~this article these standards and regulations~~. Adjoining parcels created by subdividing a larger parcel shall be required to conform to these standards and regulations.

Sec. 118-1403. Applicability.

(1) The standards and regulations set forth in this article, in addition to existing land development regulations provided for in the Code, shall be the minimum standards and regulations for parcels, buildings, structures and/or improvements within the commercial corridor which undergo new development or substantial modification after the effective date of this article. It is the express intent of this article that, except as provided in section 118-1431, the standards and regulations provided in this article shall not apply to existing developed parcels, or buildings, structures or improvements existing as of the effective date of this article unless and until such time as said parcels, buildings, structures and/or improvements undergo a substantial modification or new development occurs.

~~(2) Existing Buildings or Uses. The site requirements of the West State Road 50 Overlay shall not apply to any modification, alteration, renovation or refurbishment of an existing building or use provided that: (1) such reconstruction is necessitated due to an Act of God; (2) such reconstruction is substantially similar to such building or accessory structure, or portions thereof, which was damaged or destroyed by an Act of God; and (3) such reconstruction does not cause~~

nonconformity with the provisions of this article or increase its size, height, or other physical characteristics or intensity of the site when compared to the building or accessory structure, or portions thereof, which was destroyed or damaged by an Act of God. Any such modification, alteration, renovation or refurbishment shall, however, remain subject to the architectural requirements of the overlay of a building or accessory structure, or portions thereof, legally existing and lawfully conforming with the Code as of the effective date of this article.

(3) Annexation of Commercial Property. For the purposes of this Article, the existing physical condition of properties annexed into the City after the date of this Article shall be treated as if such physical condition existed on the effective date of this Article.

Sec. 118-1404. Definitions.

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

Building (or Structure) Footprint means the area of the lot covered by the building as measured from the outside of the perimeter walls of the building. In the absence of the exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

City means the City of Winter Garden, Florida. As used throughout, the term "city" also includes the designated agent of the city.

Code means the City of Winter Garden Code of Ordinances, including, but not limited to, all ordinances, resolutions, rules, regulations or land development requirements, heretofore and hereafter adopted by the City of Winter Garden.

Commercial corridor means that geographic area identified in section 118-1402 as an overlay district and special area of control for the purposes provided in section 118-1401.

Design standards means the "Supplemental Design Standards, Requirements and Regulations Pertaining to Specified Commercial Corridors within the City of Winter Garden," as such may be amended from time to time. The design standards, adopted by the city as part of this article and attached thereto as Exhibit "B", are incorporated herein by this reference. It is the express intent of this article that the design standards, or any portion thereof, are in addition to and supplemental to the Code. Unless otherwise expressly provided for in the design standards, in the event of a conflict between the design standards, or any portion thereof, and any of the provisions of the Code the more restrictive provision shall control.

New development means the construction of a building upon a vacant parcel; construction of a building upon a parcel whereon a building existed as of the effective date of this Ordinance and such building was razed; or the construction, alteration, improvement, expansion, renovation or modification of a building which involves the complete demolition of said building. Notwithstanding the foregoing, "new development" does not include the construction, alteration, improvement, expansion, renovation or modification of all or part of a building razed or demolished by (or which is required to be razed or demolished due to) an Act of God when such building, or portions thereof, legally existed and lawfully conformed with the Code prior to the effective date of this article.

Substantial modification means any improvement, expansion, renovation, alteration, construction or modification of a building or accessory structure existing as of the effective date of this article in which said improvement, expansion, renovation, alteration, construction or modification:

- (1) Results in greater than a 50 percent increase in the total square footage of the existing building and accessory structure footprint if said existing building and accessory structure footprint is 10,000 square feet or less; or
- (2) Results in greater than a 25 percent increase in the total square footage of the existing building and accessory structure footprint if said building and accessory structure footprint is greater than 10,000 square feet; or
- (3) Results in an improvement, expansion, renovation, alteration, construction or modification where the cost of the proposed improvements is greater than 50 percent of the assessed value of the existing improvements. For purposes of this paragraph, "assessed value" shall be as determined by the Orange County Property Appraiser and "costs of the proposed improvements" shall be submitted with a cost estimate from the contractor and approved by the building official; or
- (4) Results in greater than a 100 percent increase in the number of ~~existing paved~~ parking spaces, as required ~~and in compliance with the~~ by the Code, due to a change in the use of the subject property when compared to the ~~existing~~ number of paved parking spaces required for the prior use of the subject property.

~~(65) Results in a redevelopment, modification, alteration, renovation or refurbishment of the existing business building façade and building design with no proposed change of uses for the subject property. Although, the site may be exempt from the standards and regulations set forth in this article, all proposed building improvements shall comply with Section 118-1441, Building Design Standards, set forth in this article.~~

~~(5) It is expressly provided that the reconstruction of a building or accessory structure, or portions thereof, legally existing and lawfully conforming with the Code as of the effective date of this article shall not constitute a "Substantial Modification" provided that: (1) such reconstruction is necessitated due to an Act of God; (2) such reconstruction is substantially similar to such building or accessory structure, or portions thereof, which was damaged or destroyed by an Act of God; and (3) such reconstructed building or accessory structure, or portions thereof, does not increase its nonconformity with the provisions of this article or increase its size, height, or other physical characteristics or intensity of the site when compared to the building or accessory structure, or portions thereof, which was destroyed or damaged by an Act of God.~~

Non-Substantial modification means any improvements, expansions, renovations alterations or modifications of a building or accessory structure existing as of the effective date of this article in which:

- (1) Results in a redevelopment, modification, alteration, renovation or refurbishment of the existing business building façade and building design with no proposed change of uses for the subject property. Although, the site may be exempt from the standards and regulations set forth in this article, all proposed building improvements shall comply with Section 118-1441, Building Design Standards, set forth in this article.
- (2) It is expressly provided that the reconstruction of a building or accessory structure, or portions thereof, legally existing and lawfully conforming with the Code as of the effective date of this article shall not constitute a "Substantial Modification" provided that: (1) such reconstruction is necessitated due to an Act of God; (2) such reconstruction is substantially similar to such building or accessory structure, or portions thereof, which was damaged or destroyed by an Act of God; and (3) such reconstruction does not cause nonconformity with the provisions of this article or increase its size, height, or other physical characteristics or intensity of the site when compared to the building or accessory structure, or portions thereof, which was destroyed or damaged by an Act of God.

Sec. 118-1405. Conflicts and severability.

Unless otherwise expressly provided for in this article, in the event of a conflict between this article, or any portion thereof, and any provision of the Code, the city's resolutions, ordinances, rules, regulations or policies, including but not limited to, any building, fire safety, or health ordinance, the provision which establishes the higher and/or more restrictive standard shall control. The provisions of this article are declared to be severable and if any section, sentence, clause or phrase of this article shall, for any reason, be held invalid, unlawful or unconstitutional, such decision shall not be held to impair the validity, force or effect of the remaining sections, sentences, clauses or phrases or part thereof of this article. It being the legislative intent that this article shall stand notwithstanding the invalidity of any part.

Secs. 118-1406, 118-1407. Reserved.

Sec. 118-1408. Special exceptions.

- (a) In the commercial corridor, all permitted, prohibited, and special exception uses remain the same as identified in the underlying zoning districts. In addition, within the commercial corridor, display areas, outdoor sales areas, outdoor storage areas, commercial play devices, kiosks or other permanent enclosed structures used for commercial purposes may be permitted as a special exception use, provided, in addition to complying with the requirements of division 3, article II, chapter 118 of the Code, such use is consistent with sound and generally accepted land use planning principles and practices. Except as provided in this section, all special exception requests pertaining to this article shall be submitted, reviewed, advertised, granted, denied or granted with conditions pursuant to division 3, article II, chapter 118 of the Code. Appeals of the decision of the planning and zoning board shall be pursuant to division 5, article II, chapter 118 of the Code.
- (b) Pursuant to section 22-28(b) of the Code, an open air vendor must obtain an occupational license as required of agents, peddlers and solicitors in section 66-104. It shall be unlawful for any open air vender to operate without a regulatory permit granted by the city commission.

Sec. 118-1409. Violations.

Code enforcement officers and fire inspectors are hereby expressly designated as designees of the city for purposes of issuing warning notices and citations for all violations of this article, including the adopted design standards, in accordance with the established procedures. Life safety violations are defined as those conditions which exist involving serious threat to the public health, safety or welfare, including violations of the state accessibility code or building construction, in which case no warning notice shall be required.

Sec. 118-1410. Classes of violations and penalties.

Violations of this article, including the adopted design standards, shall be classified as class 3 violations under division 3, article II, chapter 2, part II of this Code.

Sec. 118-1411. Non-exclusivity.

Nothing contained in this article shall prevent or restrict the city from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or situation of noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for in this article shall be cumulative and independently available.

Sec. 118-1412. Suit to collect lien.

If the city brings suit to collect liens, expenses, costs or assessments or to restrain, enjoin or otherwise prevent or remedy any violation of this article, including the adopted design standards, the city is entitled to recover reasonable attorneys' fees and court costs from the named defendant in such action.

Sec. 118-1413. Variances.

- (a) A variance may be granted from the regulations contained in this article, including the adopted design standards, by the planning and zoning board provided, in addition to complying with the requirements of division 4, article II, chapter 118 of the Code, the planning and zoning board concludes that literal enforcement of the provisions of this article, including the adopted design standards, would result in unnecessary and unreasonable hardships for the property at issue and that the granting of a variance is consistent with sound and generally accepted land use planning principles and practices. In order for a variance to be granted, the planning and zoning board must also find that, by granting the variance, the remaining regulations will protect the public safety and welfare of the city. Except as provided in this section, all variance requests pertaining to this article shall be submitted, reviewed, advertised, granted, denied or granted with conditions pursuant to division 4, article II, chapter 118 of the Code. Appeals of the decision of the planning and zoning board shall be pursuant to division 5, article II, chapter 118 of the Code.
- (b) In considering the grant of a variance from the standards and regulations imposed by this article, the planning and zoning board shall not grant a variance if the request is based solely on the following:
 - (1) Compliance with this article will not allow the property or business owner to maximize profits; or
 - (2) As to sign and landscaping requirements, visibility of the business is not maximized.

Secs. 118-1414, 118-1419. Reserved.

DIVISION 2. LANDSCAPING WITHIN THE COMMERCIAL CORRIDOR

Sec. 118-1420. Submittal of landscape plans.

When a development request necessitates site plan approval, a landscape plan delineating the location, height, and type of all plant and groundcover materials, as well as the irrigation system must be provided with the submittal of a site plan. Unless otherwise approved by the city planning director, the landscape plan must be prepared by a landscape architect licensed to practice in the State of Florida.

Sec. 118-1421. Landscape design standards.

All landscaping shall be designed and located to provide a logical, consistent, and attractive pattern of landscaping that softens the as-built environment, provides visual relief, separates different land uses, eliminates or minimizes potential nuisances or adverse impacts such as dirt, litter, or noise and assists in reducing air pollution hazards. Except as provided in this article, the landscaping design standards, requirements, and regulations set forth in division 3 of the design standards shall apply to all properties within the commercial corridor.

Secs. 118-1422--118-1429. Reserved.

DIVISION 3. SIGNAGE WITHIN THE COMMERCIAL CORRIDOR

Sec. 118-1430. In general.

In order to, among other things, limit visual pollution and maintain roadway aesthetics, signs shall be designed, erected, constructed or placed so as to provide a logical, consistent and attractive pattern of advertising that relates to the human-scale, attractively identify businesses, complement the building architecture and convey an understandable message when viewed in conjunction with adjacent signs and

landscaping. Except as provided in this article, the sign design standards, requirements, and regulations set forth in division 2 of the design standards shall apply to all properties within the commercial corridor.

Sec. 118-1431. Exempted signs.

Subject to the following provisions, properties within the commercial corridor upon which are located signs which were legally in existence and lawfully conforming with the Code prior to the effective date of this article and which, after adoption of this article, do not conform with this division are exempted from the requirements of section 118-1430:

- (1) *Termination by damage or destruction.* Any exempted sign damaged or destroyed, by any means, to the extent of 60 percent or more of its replacement cost at the time of such damage or destruction, shall not be restored and shall be removed.
- (2) *Termination by redevelopment.* Whenever a parcel or building undergoes new development or substantial modification, the exemption provided for herein shall terminate.
- (3) *Maintenance of exempted signs.* No exempted sign shall be expanded, moved, modified or altered in any manner which would increase the degree of its nonconformity with this division. Ordinary maintenance of the exempted sign shall be continued in order to ensure such signs are maintained in a structurally sound condition, with a neat appearance and in a generally good state of repair. Ordinary maintenance may include replacements of supports with different materials or design than the previous supports provided the replaced supports are not enlarged. Nothing in this division shall prevent the strengthening or restoring to a safe condition of any portion of an exempted sign declared unsafe by a code enforcement officer or building inspector provided that any such improvement does not exceed 60 percent of the replacement cost of the sign. For purposes of this subsection, the replacement of individual tenant name panels on a multi-tenant center sign shall not constitute an alteration or modification.
- (4) *Conflict.* Notwithstanding anything to the contrary, in the event of a conflict between the provisions of this division with regard to properties within the commercial corridor upon which are located signs which were legally in existence and lawfully conforming with the Code prior to the effective date of this article and which, after adoption of this article, do not conform with this division and the provisions of article III of chapter 118 of the Code, the provision which establishes the lower and/or less restrictive standard shall control.
- (5) *Act of God.* In regards to subsection (1) above, and notwithstanding anything in this division 3 to the contrary, an exempted sign damaged or destroyed by an Act of God may be replaced or repaired, provided such replacement or repairs results in a sign which is substantially similar to such sign which has been damaged or destroyed by an Act of God and further provided that such replacement sign does not increase its nonconformity with the provisions of this division or increase its size, height or copy area when compared to the sign which was destroyed or damaged by an Act of God.

Secs. 118-1432--118-1439. Reserved.

DIVISION 4. BUILDINGS AND ACCESSORY STRUCTURES WITHIN THE COMMERCIAL CORRIDOR

Sec. 118-1440. Required drawings.

Architectural elevations of all facades, buildings and structures subject to this article shall be a required exhibit for development plan approval. Such exhibits shall include colors, materials, building dimensions, elevations of all building sides, location of service areas and mechanical equipment, screening devices, site furnishings, lighting fixtures, all signage and any other information as determined necessary to ensure

consistency with the intent of this article by the city. All elevations must be signed and sealed by a licensed architect registered in the State of Florida.

Sec. 118-1441. Building design standards.

- (a) *Building Orientation.* All parcels adjacent to State Road 50 shall have as the primary customer entrance, an entrance along the facade that faces State Road 50. Additionally, secondary entrances facing other public streets or adjacent buildings shall be encouraged
- (b) *Building setbacks.* Except as provided for herein, all new development and any additions to existing buildings must comply with the setbacks established by the underlying zoning classification of each specific parcel. The rear yard setback shall be at least 20 feet and the side yard setback shall be at least ten feet from the property line. In the event the rear or side yard is adjacent to a public street, the rear yard setback shall be at least 20 feet and the side yard setback shall be at least 20 feet from the property line.
- (c) *Architectural cohesiveness.* Architectural style will be coordinated to create a visual cohesiveness that integrates individual projects, buildings, and signs within the commercial corridor.
 - (1) Buildings, principal structures, accessory structures, awnings, canopies, and signs shall have a consistent and cohesive style.
 - (2) This division is not intended to prohibit or discourage unique and distinctive designs but rather prohibit and discourage visually disjointed projects or buildings that are conspicuous to the casual observer.
- (d) *Size and mass of buildings.*
 - (1) The design of buildings shall include elements such as color, shape, materials, varying height, and forms that break up large expanses of blank walls. All design plans submitted to the city for approval shall contain these design elements.
 - (2) Building designs shall create visually appealing entrances and provide decorative roof and facade treatments.
 - (3) Windows and door openings shall relate to human scale and integrate the building with the surrounding site. The wall or walls of any nonresidential structure, building, or addition shall be constructed without openings that would allow occupants of the structure to view directly into adjacent residential developments.
 - (4) All nonresidential sites included in this requirement shall be oriented in a manner that will promote and strengthen pedestrian activity.
- (e) *Exterior designs, materials and color.*
 - (1) Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone or other stone, split-face decorative block, glass, stucco and/or masonry. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, unless the visible finish is brick, stucco, stone, or split-face decorative block. Except as provided in this division, the rear and side facades shall be of materials and design characteristics consistent with that of the front; use of inferior or lesser quality materials for side or rear facades shall be prohibited. Metal-skinned buildings or structures are prohibited.
 - (2) The use of day-glow or fluorescent colors shall be prohibited. The use of black, gray, primary and/or secondary colors are prohibited as the predominant exterior building or roof color(s). Earth-tone colors are encouraged.
 - (3) Building trim and accent areas may feature any color(s) not specifically excluded in this division provided said color is limited to ten percent of the affected facade segment, with a maximum trim height of 24 inches total for its shortest distance. Neon tubing shall not be an acceptable feature for building trim or accent areas.
 - (4) Walls not used as part of a structure shall not exceed a height of six feet, however, decorative features and appurtenances of a wall may project above the six feet a maximum of two feet. Walls shall be maintained and in good repair.

- (5) Exterior building design shall integrate appropriate design features such as fenestration, bays, fascia, cornices, columns, cupolas, entry focal points, gables, belt courses, lintels, pilasters, porticos, or other decorative elements to enhance overall architectural design. Entrances to a building shall be articulated with porches, porticos or other architectural forms which create a distinct entrance.
 - (6) Awnings, arcades and canopies shall be designed to shelter pedestrians from sun and rain, create a transition of scale from the street to the building entry, reduce heat against the storefront glass, and provide a distinctive image and identity for each business in the building. Lighting shall not be directly attached to a canopy or awning.
 - (7) All building facades and exterior walls which are visible from adjoining properties and/or public rights-of-way shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
 - a. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding 100 linear feet without including at least two of the following: pilasters, columns, canopies/porticos, arcades, colonnades, change in texture or masonry pattern, windows, trellis with vines, or an equivalent element that subdivides the wall into human scale proportions. Such walls shall also incorporate wall plane projections or recesses having a depth of at least two feet in off-set and extending at least 20 feet in length.
 - b. Building walls facing the front yard or street side yard shall have window(s) and door(s). Such facades shall have display windows a minimum of six feet in height along no less than 60 percent of their horizontal length. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.
- (f) *Roofs.* All buildings shall incorporate sloped roofs. Flat roofs may be permitted upon approval by the planning and zoning board provided that architectural features are incorporated which provide the appearance of a sloped roof structure. In addition, parapets concealing flat roofs and rooftop equipment such as HVAC units from public view shall be provided. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment or a decorative tower.

Sec. 118-1442. Screening of mechanical systems, equipment and facilities.

Equipment and appurtenances mounted on the tops of buildings shall be screened from view. Mechanical systems, equipment and facilities such as, but not limited to, utility, transformers, backflow preventors, condensers, hardware, loading and unloading areas, exterior storage and work areas, shall be screened from public view or located at a location that is not visible from public streets or from the parking area. All screening shall be, at a minimum, the same height as the mechanical systems, equipment, or facility. Screens shall be compatible to the building, proximate properties and reflect or complement the architecture, color, and materials of the building as determined by the city-based upon sound and generally accepted architectural practices and principles. Landscaping is permitted for at-grade screening. All outside electrical, telephone, cable and gas equipment or facilities shall be placed as close to the building as feasible and screened with landscaping.

Secs. 118-1443--118-1449. Reserved.

DIVISION 5. SITE SPECIFIC FACILITIES WITHIN THE COMMERCIAL CORRIDOR

Sec. 118-1450. Parking.

Parking areas and driveways (including paved areas) shall be designed to establish a logical pattern of pedestrian access, traffic flow, and parking lots with visible connections between building entrances, parking lot entrances, roads, parking spaces, sidewalks and adjacent properties, all as are consistent with sound and generally accepted engineering principles and practices. Parking lots and driveways within the commercial corridor shall be subject to, in addition to other requirements imposed by the Code, the following standards and regulations:

- (1) Parking areas containing more than 100 parking spaces shall be visually and functionally segmented into smaller lots. Parking in excess of 100 parking spaces shall divide into individual areas containing no more than 100 parking spaces per area. Said area shall be clearly delineated by landscaped or weather-protected pedestrian walkways, significant landscape or geographic features and/or by design components of the proposed building(s). The design of these separators shall consider pedestrian movements, conflict points with vehicles, aesthetics, site distances and angles, security site lighting and safety within the parking lot area.
- (2) All parking lots shall provide box curbing unless a drainage design requires an alternative curbing.
- (3) Parking of any vehicle for anyone other than persons engaging in commerce at the business located on the property is prohibited. Overnight parking of commercial motor vehicles, tractor trailers, boats, vessels, recreational vehicles, campers, motor homes or similar means of conveyance or places of abode is prohibited, except in conjunction with a special event where a permit has been issued by the city.
- (4) Loading and unloading of commercial vehicles or of any other vehicles used for commercial purposes is only permitted between the hours of 7:00 a.m. and 11:00 p.m. when property assigned a residential zoning classification or used for residential purposes is within 100 feet of the loading area. Within such areas, such activities are prohibited at all other times.
- (5) Vehicular cross access shall be provided between adjacent parcels consistent with sound and generally accepted engineering practices and principles.

Sec. 118-1451. Walkways, pedestrian connections and pedestrian circulation.

All development shall encourage pedestrian-oriented ingress and egress through design features that enhance pedestrian safety, efficiency and connectivity with a clear delineation between vehicular areas and pedestrian walkways. All design plans submitted to the city shall incorporate the following minimum standards:

- (1) Continuous internal pedestrian concrete walkways, no less than six feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all nonresidential establishments on the site. If a building fronts on more than one street, each street frontage shall have a connection. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than 50 percent of the length of the walkway. Commercial development greater than 25,000 square feet in size must provide a seating area for pedestrians along the portion of sidewalk which fronts the parcel. The surface of the seating area shall be constructed of concrete or decorative pavers.
- (2) Sidewalks shall be constructed along the entire length of the property's frontage adjacent to public streets to facilitate direct pedestrian connections from surrounding neighborhoods and adjacent developments, shall be six feet wide, and the sidewalk's nearest edge to the street shall be located a minimum of four feet from the edge of the curb or five feet from the edge of pavement of each adjacent street. Upon a finding of good cause, including, but not limited to a finding that the Florida Department of Transportation plans provide for such sidewalks, the planning and zoning board may

defer the foregoing requirement, in part or in whole, provided such relief is conditioned upon the applicant's contribution to the city's sidewalk fund in an amount approved by the city engineer to construct the otherwise required sidewalks. Said funds shall be used by the city for sidewalk improvement, construction or repair within the city.

- (3) Benches, bicycle racks and trash receptacles shall be provided and located at the entrance to each building and within pedestrian areas situated along the main facade of the building and at the seating areas provided for in subsection (1). All selected materials must be similar in design and color to provide a consistent and cohesive style for each parcel.
- (4) At vehicular entrances to properties abutting State Road 50, pedestrian crosswalks shall provide a specialty design which delineates said crosswalks in a decorative manner such as texture paving, brick pavers or other surface treatments; simple striping shall not be sufficient.
- (5) Pedestrian cross access shall be provided between adjacent parcels consistent with sound and generally accepted engineering practices and principles.

Sec. 118-1452. External site lighting.

In order to, among other things, provide uniform design standards as it pertains to exterior lighting, reduce light pollution, enhance the aesthetics and visual impact of the commercial corridor, promote a high degree of compatibility between surrounding structures, and for safety concerns, the site lighting design standards, requirements, and regulations set forth in division 3 of the design standards shall apply to all properties within the commercial corridor.

Sec. 118-1453. Water retention/detention areas (stormwater facilities).

In order to provide, among other things, uniform design standards as it pertains to water retention/detention areas (stormwater facilities), create useable and aesthetic open spaces in and adjacent to new developments, enhance the visual impact of the commercial corridor, promote a high degree of compatibility between surrounding properties, and for safety concerns, the water retention/detention areas (stormwater facilities) design standards, requirements, and regulations set forth in division 2 of the design standards shall apply to all properties within the commercial corridor.

Sec. 118-1454. Reserved.

Sec. 118-1455. Outdoor displays/work.

- (a) Shopping cart corrals adjoining the building ~~or within parking areas~~ are prohibited unless screened with masonry walls, landscaping or other buffers measuring at least one foot higher than the height of the shopping cart.
- (b) Shopping cart corrals within parking areas must be located within an acceptably designed non-metal enclosure. Such enclosures must be designed to be compatible with the design and overall aesthetic vision of the commercial building they serve and meet the design standards illustrated herein. Landscaping may be employed to enhance the acceptability of a design by camouflaging or otherwise enhancing the appearance of corrals.



New Graphic 1

- ~~(b) No more than one outside free standing vending machine, video game, electric ride, or similar equipment or devices shall be permitted per 25 linear feet of building frontage.~~
- (c) Outdoor freestanding propane stations must be opaquely screened from public view with landscaping or a wall.
- (d) Subject to section 118-1408, commercial outdoor display areas, sales areas, tents, play areas, and commercial play devices are prohibited, except where a special event is held and a permit is issued. This subsection does not apply to garden supply areas. Chain link security fence enclosures may only be utilized within industrial areas if there is no reasonable alternative and only when screened by landscape material to create a six-foot tall opaque screen. If permitted, chain link fences, including posts and rails, shall be green and vinyl coated.
- (e) Except as provided pursuant to chapter 62, streets and sidewalks, of the Code, the outdoor display of merchandise or operation of sidewalk cafes within the public ways or right-of-ways is prohibited.

Sec. 118-1456. Reserved.

Sec. 118-1457. Bicycle and transit facilities.

Individual projects shall create a safe enjoyable environment for pedestrians, motorists, and cyclists as well as encouraging transit ridership, at a minimum, by accomplishing the following:

- (1) Accommodating bicycle and pedestrian facilities.
- (2) Providing bicycle racks on each site at or near building entrances.
- (3) Designating transit access points and pick-up areas and transit shelters on-site, if determined to be necessary by the city or LYNX.
- (4) Providing for future transit stops, if determined to be necessary by the city or LYNX, if a project contains new commercial uses totaling more than 100,000 square feet.
- (5) Providing a sidewalk connection to the front entrance of any adjoining building to transit stops located adjacent to a site.

Sec. 118-1458. Special building uses.

- (a) Gas stations and commercial convenience stores shall utilize either gable or hip roof structures. The canopies over the gas pumps shall be attached to the main building and integrated into the architectural roof design.

- (b) Automobile service areas containing more than four bays shall be totally screened from view from the right-of-way with walls and landscaping. No outside auto service operations shall be permitted. Automobile service bays, regardless of amount, shall not face State Road 50.
- (c) Outdoor garden supply area centers (with or without a canopy) shall be constructed with a 100 percent opaque screen six feet in height, which shall be incorporated into the building architecture. Fencing shall be covered with green vinyl coating and the use of slats is prohibited. If landscape materials are used for the screen, the screen may be counted towards the ten-foot wide building perimeter landscape area.

Secs. 118-1459--118-1499. Reserved.

DIVISION 6. ADDITIONAL REQUIREMENTS FOR NON-RESIDENTIAL USES WITH STRUCTURES EXCEEDING 25,000 SQUARE FEET OF BUILDING AREA OR AN IMPROVED SURFACE AREA EXCEEDING 50,000 SQUARE FEET.

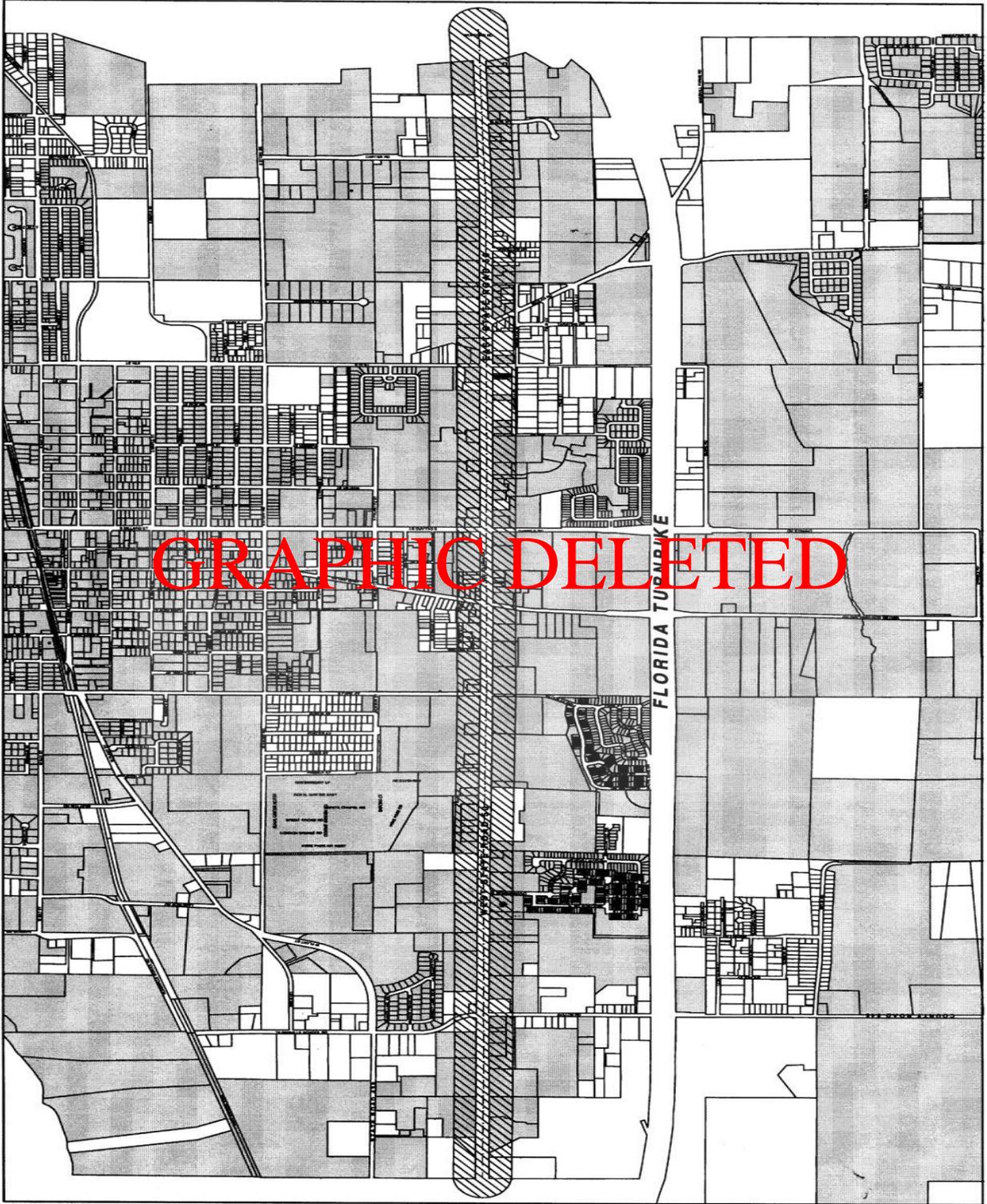
Sec. 118-1500. Development of community impact.

Because of its character, magnitude and impact on surrounding properties, the site plans for all new development within the commercial corridor that are greater than 25,000 square feet in building area or once developed, will generate more than 2,500 weekday trip ends shall be considered developments of community impact and must be approved by the city commission.

Sec. 118-1501. Additional requirements.

The following additional requirements shall apply to all existing and proposed non-residential structures and developments exceeding 25,000 square feet of building area or exceeding 50,000 square feet of impervious surface area:

- (1) *General requirements.*
 - a. Such buildings must be separated from lands designated, zoned or used for a residential purpose by at least 50 feet, which distance shall be measured by the shortest distance between the building occupied by the use and nearest property line of the residential use.
 - b. Said buildings or developments must have frontage on a public street.
 - c. All shopping centers, complexes of buildings designed as a group, retail uses or uses exceeding 25,000 gross square feet having continuous covered pedestrian arcades shall provide such covering utilizing awnings or canopies at least eight feet in width extending for the length of the main entrance facade to provide shade for pedestrians and create human scale.
- (2) *Outparcel/auxiliary uses.* When a development includes an outparcel site, the architecture of the outparcel buildings shall complement the architectural design of the non-outparcel buildings in types of colors, roof treatments and architectural details. Such architectural design shall be incorporated within the development orders and development permits relating to those buildings. Outparcels may be developed as permitted in the underlying zoning classification assigned to a parcel consistent with the provisions of this article. Outparcels must provide parking, independent of that provided by surrounding lots, as required by this Code. Outparcels shall conform to the master architectural, signage, lighting and landscaping plan prepared by the developer of the primary lot. All perimeter landscape buffers and sidewalks shall be maintained by the owner of the primary lot including, but not limited to, maintenance and irrigation until such time as the ownership of the outparcel is transferred. Prior to the recordation of the plat, the owner of the primary lot must enter into a lot tying developer's agreement, in a form acceptable to the city attorney, tying the ownership of the primary lot to the tracts. Sidewalks shall be installed between outparcels and the primary lot, and between each outparcel, to enhance internal circulation and create a streetscape experience for customers.



State Road 50

- West SR 50 Overlay Boundary
- Orange County Enclaves
- Parcels within SR 50 Overlay
- City Limits

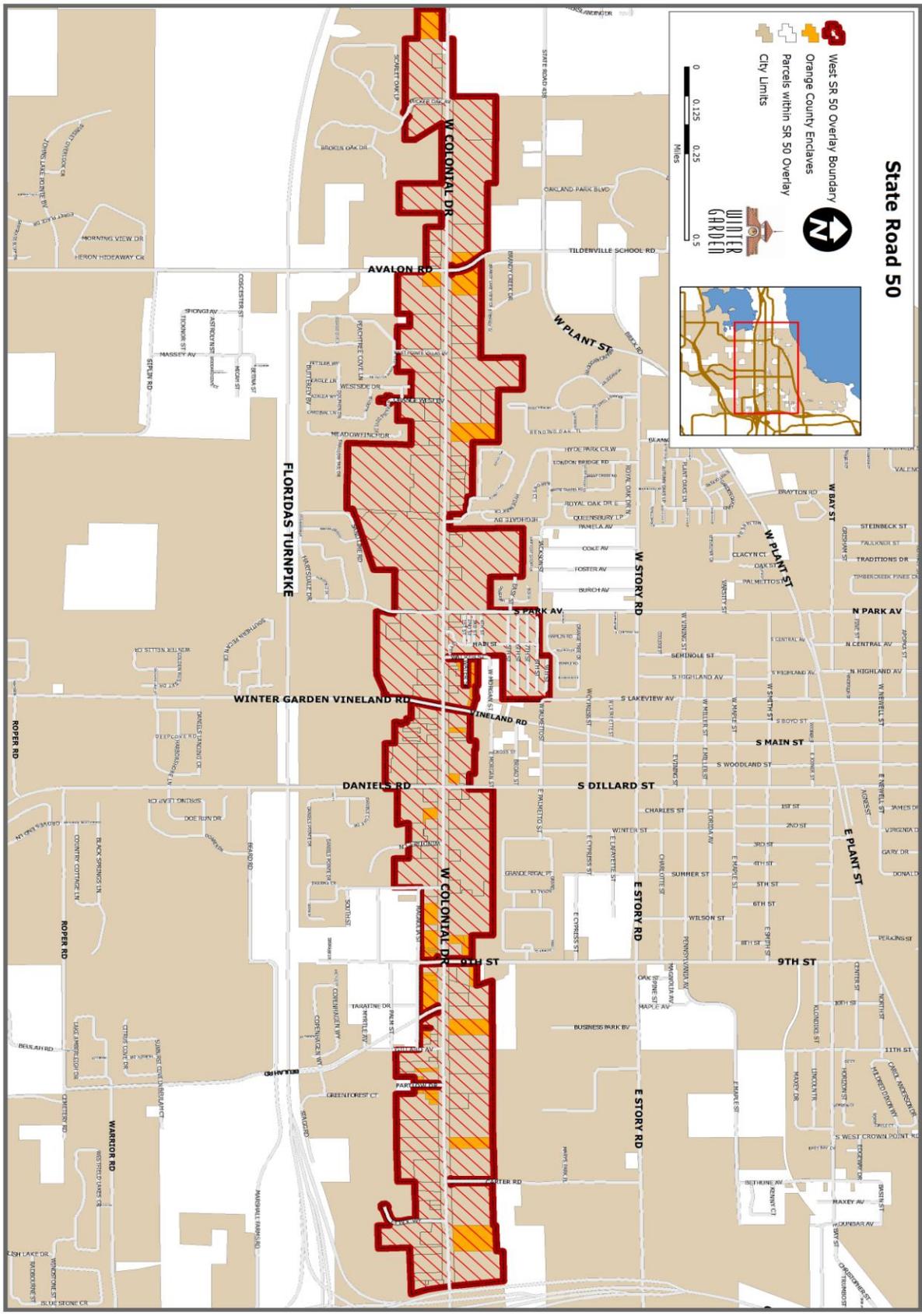


Exhibit "B"

ARTICLE X. SUPPLEMENTAL DESIGN STANDARDS, REQUIREMENTS AND REGULATIONS PERTAINING TO SPECIFIED COMMERCIAL CORRIDORS WITHIN THE CITY OF WINTER GARDEN

DIVISION 1. GENERAL

Sec. 118-1502. Applicability.

The design standards, requirements and regulations provided herein are in addition to and supplemental to the City of Winter Garden Code of Ordinances, including, but not limited to, all ordinances, resolutions, rules, or land development requirements, heretofore or hereafter adopted by the City of Winter Garden. Said design standards, requirements and regulations, or portions thereof, shall apply to all properties located within designated commercial corridors (or such other areas) as are identified by ordinance or may apply, in whole or part, as a condition of development, variance or special exception.

Sec. 118-1503. Conflict.

Unless otherwise provided for in the adopting ordinance designating the commercial corridor (or such other areas), if any provision of the design standards, requirements and regulations provided herein are found to be in conflict with any other provision of the City of Winter Garden Code, including, but not limited to, all ordinances, resolutions, rules, or land development requirements (including the underlying zoning classification), the provision which establishes the higher and/or more restrictive standard shall prevail. The provisions of the design standards, requirements and regulations provided herein, are declared to be severable and if any section, sentence, clause or phrase of said design standards, requirements and regulations shall, for any reason, be held invalid, unlawful or unconstitutional, such decision shall not be held to impair the validity, force or effect of the remaining sections, sentences, clauses or phrases or part thereof of said design standards, requirements and regulations.

DIVISION 2. SIGN REGULATIONS

Sec. 118-1511. Definitions.

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

Anchor tenant means a retail store(s) in a shopping center that is/are in excess of 15,000 square feet of gross floor area and possess at least 100 feet of building frontage.

Architectural feature means any construction attending to, but not an integral part of the sign, such as, by way of example not limitation, landscape, building, or structural forms that enhance the site in general; it also includes, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures.

Background structure means the parts of a sign, exclusive of the copy area, such as beams, buttresses, poles, cables, and stringers, which support the sign face.

Building frontage means the horizontal length of a wall of a building where such wall faces a street. The measurement of such length is along a line parallel to the street. Where a building is arranged to include establishments with exterior public entrances but no wall space facing a street, the horizontal dimension of one wall of each such establishment which faces a mall or other private way may be considered to be building frontage.

Building Signs means any sign attached to any part of a building, including but not limited to, awning, wall or projecting signage.

Changing sign (manual) means a portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified from time to time manually, such as a bulletin board.

Discontinued signs means a sign which no longer identifies or advertises a bona fide business, lesser, service, owner, product or activity and/or for which no legal owner can be found within a specified period of time.

Free standing signs means a sign supported from the ground and not attached to any building.

Gasoline station sign means signs for buildings and premises in which the primary source of revenue is the retail dispensing of motor fuels. The foregoing information must be verified to the city by the applicant prior to the issuance of sign permits.

Gross floor area means the sum of the fully enclosed covered floor area and the unenclosed covered floor area of a building at all floor levels.

Ground sign means a sign supported by uprights or braces which is placed on, near or at ground level, and which is not attached to any building. The definitions of ground sign and pole sign are mutually exclusive.

Multi-tenant parcel means a parcel of property, or parcels of contiguous property, existing as a unified or coordinated project, with a multi-tenant structure.

Multi-tenant structure means a building used, designed or constructed for occupation by more than one tenant.

Multi-tenant sign means a sign, which pertains to the uses of a parcel of property, or parcels of contiguous property, where two or more separate establishments exist on the parcel of property.

Parapet means the extension of a false front or wall above a roof line.

Permanently attached window sign means a window sign that is displayed longer than 30 days.

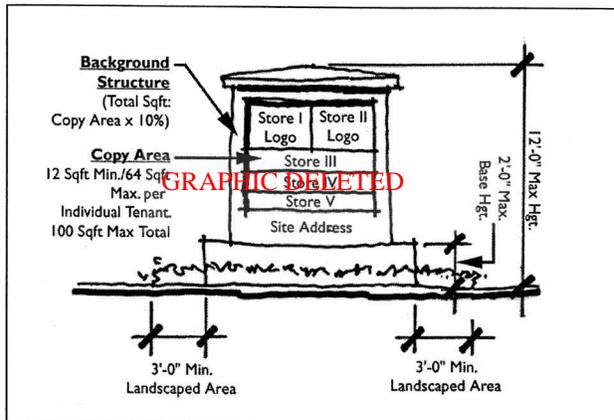
Pole sign or pylon sign means a sign supported by at least one upright pole, pylon, or post which is secured to the ground and the bottom of the sign-face exceeds two feet above the finished grade level. The definitions of pole sign and ground sign are mutually exclusive.

Projecting sign means a sign mounted on a building wall or fascia in such a manner that one or more copy areas are not parallel to the building wall.

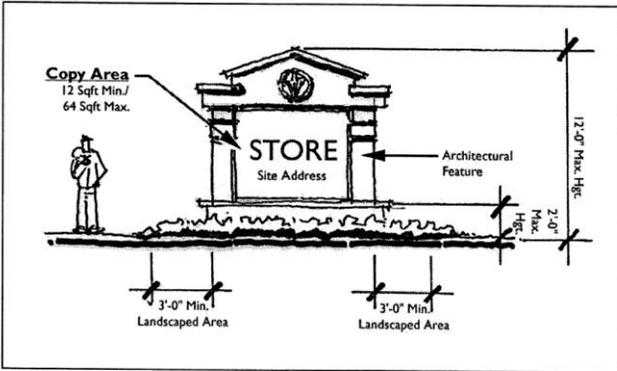
Stick-in sign means a sign which is capable of being manually inserted into the ground by a single individual and which is capable of being viewed from the public right-of-way.

T-frame sign means a portable sign utilizing an inverted "T" style of framing to support the sign.

Sec. 118-1512. Permitted signs located within the commercial corridor.



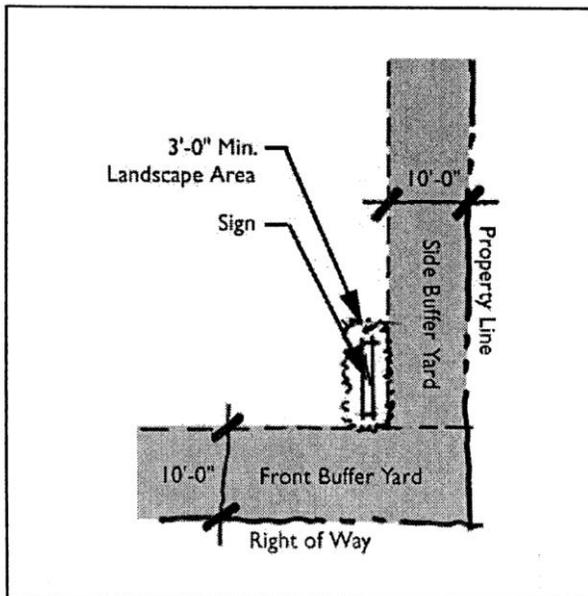
Multi-Tenant Ground Signs



Single Tenant Ground Sign

The following signs are permitted within the commercial corridor:

- (1) *Free-standing signs.* Free standing signs are permitted within the commercial corridor with the following provisions.
 - a. *Types of signs.* Free standing signs shall be limited to multi-tenant ground signs and single tenant ground signs.
 - b. *Maximum number of signs.* The number of freestanding signs shall be limited as follows.
 1. *Basic allowance.* One double faced or single faced sign shall be allowed per parcel.
 2. *Additional allowance.* Developments with 500 feet of frontage or more on a major arterial road with more than one ingress/egress serving more than one building shall permit one additional sign which shall not exceed 100 square feet in total copy area. The minimum separation for all signs on a parcel shall be at least 200 linear feet. If a building is located on a corner lot with two street facing sides, one sign may be located on each side served by an entryway.
 - c. *Single tenant ground sign.* The maximum allowable size of the sign is 64 square feet subject to section 118-1512(1)b.2.



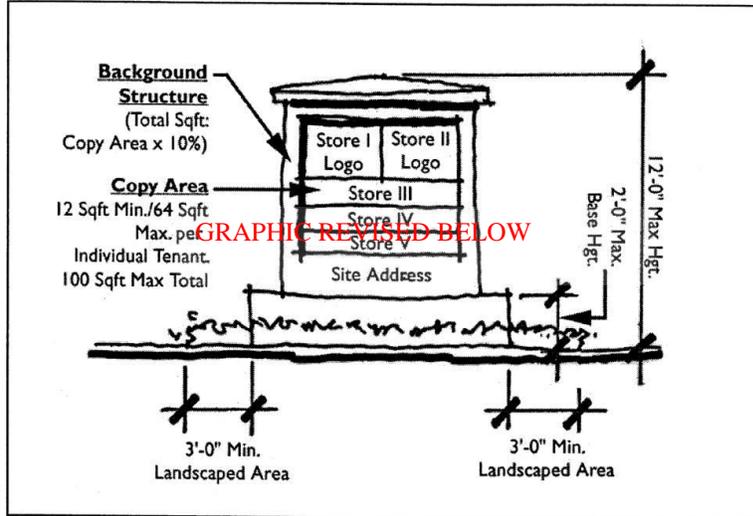
Required Sign Setbacks

Required Sign Setbacks

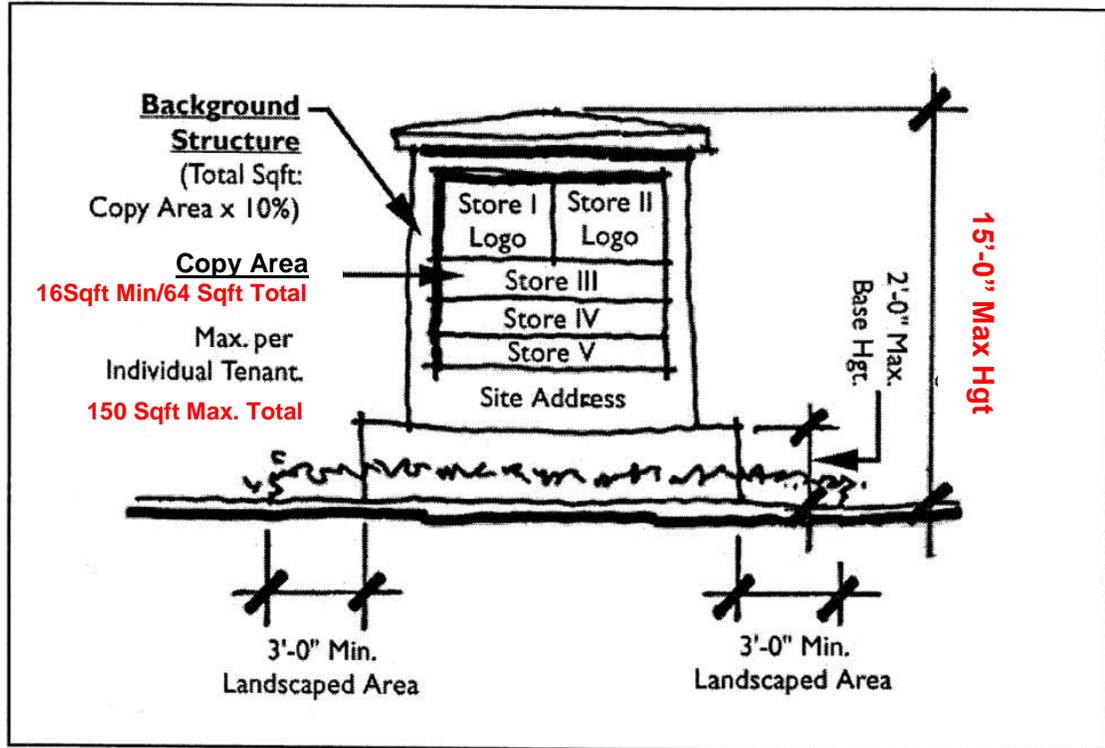
e.d. *Location.* Sign(s) shall be located no closer than ten feet from right-of-way, side or rear property lines. However, in cases of right-of-way acquisition that caused a sign(s) to be relocated, removed and/or rebuilt, the minimum setback may be reduced to 5 feet from the right-of-way and/or side property lines.

Additional standards.

1. Height. Sign(s) shall be a maximum of ~~15~~ **42** feet high and be measured from the finished grade level to the top of the sign face.
2. The maximum clearance of the bottom of the sign face of any ground sign shall be two (2) feet from the finished grade level.
3. The maximum size of the background structure of a sign shall not exceed 110 percent of the total square footage of copy area. For example, 50-square-foot of copy area can have 55 square feet of background structure area.
4. Copy area for multi-tenant ground signs. The maximum allowable copy area of any single stand-alone tenant ground sign shall be determined by Table 2.2.1. The maximum allowable copy area for any individual single tenant within on a multi tenant ground sign parcel shall be determined by Table 2.2.1, with and the total maximum allowable copy area for a multi-tenant ground sign shall not to exceed ~~150400~~ square feet. The ~~minimum allowable~~ allowable copy area for each individual tenant ~~actually permitted~~ on a multi-tenant ground sign shall be a minimum of 1642 square feet and a maximum of 64 square feet. Both single tenant and multi-tenant signs must contain the street address number (the address will not count towards the copy area) of the business or shopping center and:
 - i. Be displayed in a contrasting color on any business identification sign; and
 - ii. The minimum height of the address must be six inches and the maximum height of the address must be 12 inches.



Multi-Tenant Ground Signs



Multi-Tenant Ground Signs As Indicated In Table 2.2.1

Table 2.2.1 Maximum Copy Size Requirements for Individual Tenant Copy Area within a Multi Tenant Ground Sign.

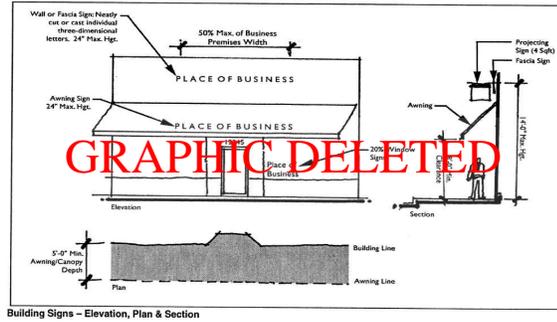
TABLE INSET:

Building Size (Gross Floor Area)	Maximum Copy area
<u>≤10,000 sq.ft</u> <u>Under 75,000 square feet</u>	<u>16 sq.ft.</u>
<u>≤ 25,000 sq.ft</u> <u>75,000—250,000 square feet</u>	<u>24 sq ft</u> <u>48 square feet</u>
<u>≤ 50,000 sq.ft.</u> <u>Over 250,000 square feet</u>	<u>32 sq.ft.</u> <u>64 square feet</u>
<u>>50,000 sq.ft – 99,999 sq.ft.</u>	<u>48 sq.ft.</u>
<u>>100,000 sq.ft.</u>	<u>64 sq.ft.</u>

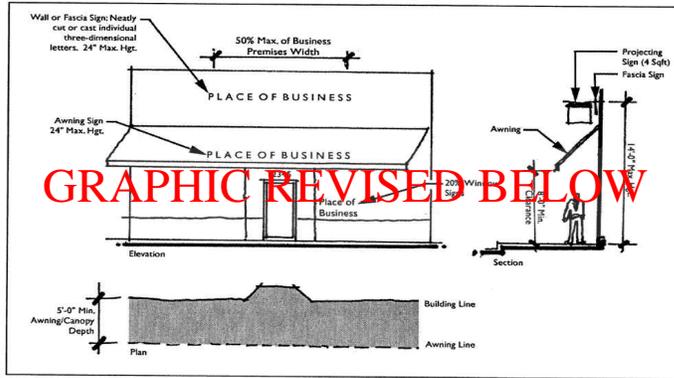
Note: Increasing the size of the copy area for individual tenants is optional.

5. Support base. The ground sign base shall be encased or provide external support and meet the following standards
 - i. Ground signs shall be of a monument design in an enclosed base possessing a minimum width of two-thirds the width of the sign.
 - ii. If any support, upright, bracing or framework is utilized or proposed to support a ground sign, said support, upright, bracing or framework shall be either:
 - 1) Encased in an ornamental shell of stone, brick, ornamental metal or similar and/or compatible materials with the architecture of the building or other site features; or
 - 2) Be constructed of an external support structure extending between grade and the base of the copy area that shall not exceed two supports.

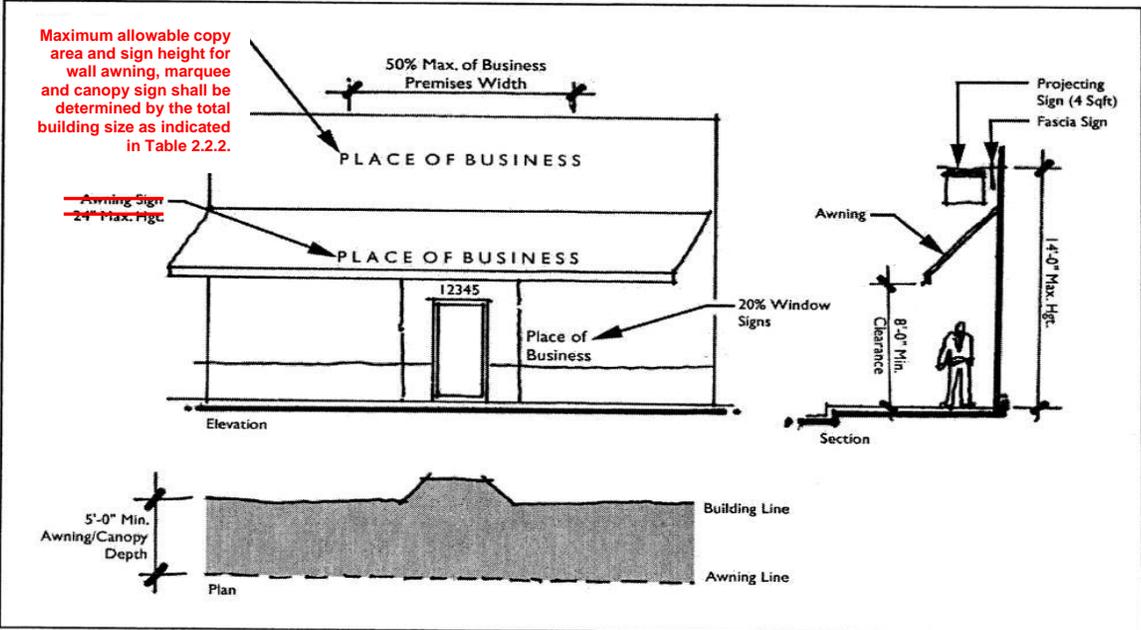
- iii. Base shall not be intended or designed to include messages and shall not include colors, trademarks, or any other decorative design features that are primarily intended to attract attention, rather than be unobtrusive or compatible with the architecture of the building or other site features.
- iv. A minimum depth of 36 inches of landscaping shall be incorporated around the base to include low growing shrubs and ground cover and/or flowering annual to promote color. The landscaping requirements may also be credited to the required landscaping in division 3, landscape design guidelines.



- (2) *Building signs.* Building signs are permitted in the commercial corridor with the following provisions:
- a. *Types of signs.* Building Signs shall be limited to wall, canopy, awning, marquee, and projecting signs.
 - b. *Maximum number of signs.* Two building signs are permitted per building frontage. A corner lot shall permit no more than a total of three building signs per property.
 - c. *Placement.* The building signs permitted may be placed on the wall, awnings, or be a projecting sign in compliance with the following standards:
 - 1. Projecting signs shall be limited to occupants that have a minimum of 20 feet of occupied building frontage provided that:
 - i. All projecting signs shall not exceed 14 feet in height and shall have a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath said sign;
 - ii. The projecting sign shall be placed on the building so that said signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way;
 - iii. The projecting sign shall not extend more than four feet from the wall of the building on which it is erected and shall not extend above the roofline or the parapet of the wall of the building on which it is erected; and
 - iv. The maximum allowable copy area for projecting signs shall be four square feet.
 - 2. Other building signs (wall, awning, marquee, canopy).
 - i. Wall signs shall display only one surface and shall not be mounted more than six inches from any wall.
 - ii. The maximum size of sign letters and logos, including any sign backgrounds, shall be between 2 and 6 feet in height in accordance with Table 2.2.2.24 inches in height for single tenants. In addition, any building greater than 10,000 sq. ft. located more than 300 feet from public right-of-way shall be allowed up to a 20% increase in maximum copy area.



Building Signs – Elevation, Plan & Section



Building Signs – Elevation, Plan & Section **As Indicated In Table 2.2.2**

- iii. The maximum height of letters and logos for anchor tenants in a retail center shall not exceed 20 percent of the building height.
- iv. The length of the sign may occupy up to 50 percent of the linear feet of the store front the business occupies.
- v. The maximum allowable copy area for a wall, awning, marquee or canopy sign shall be determined by Table 2.2.2., with the total maximum allowable copy area determined by the total building size as indicated in Table 2.2.2. 150 square feet.

Table 2.2.2 Maximum Copy Size Requirements and Maximum Sign Height for Building, Wall, Awning, Marquee and Canopy Signs

<u>Building Size (Gross Floor Area)</u>	<u>Maximum Copy area</u>	<u>Maximum Sign Height</u>
<u>≤ 10,000 sq.ft.</u>	<u>36 sq.ft.</u>	<u>2'</u>
<u>10,001 – 24,999 sq.ft.</u>	<u>72 sq.ft.</u>	<u>3'</u>

<u>25,000 - 50,000 sq.ft.</u>	<u>100 sq.ft.</u>	<u>4'</u>
<u>50,001 – 99,999 sq.ft.</u>	<u>200 sq.ft.</u>	<u>4'</u>
<u>>100,000 sq.ft.</u>	<u>250 sq.ft.</u>	<u>6'***</u>

Note: The maximum sign copy area is the cumulative copy area of one or more signs.

*In addition, any building greater than 10,000 sq. ft. located more than 300 feet from public right of-way shall be allowed up to a 20% increase in maximum copy area.

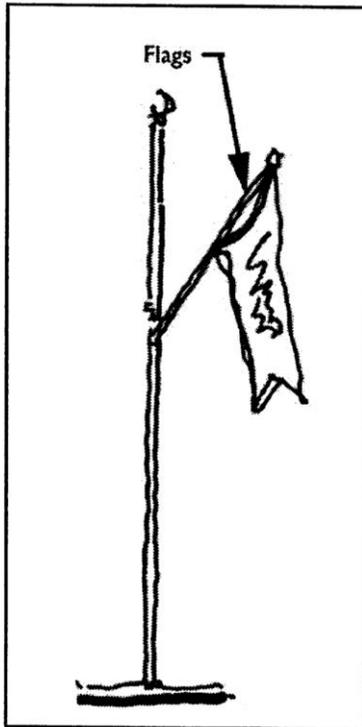
**One sign with letters this size is permitted.

d. *General standards for building signs.*

1. Building signs shall only advertise one person, firm, company, corporation or major enterprise occupying the premises.
2. The sign shall be clearly integrated with the architecture of the building and shall be consistent in design and materials with the architecture of the proposed building. The use of fluorescent colors is prohibited.

(3) *Signage, other.*

- a. *Window signs.* Total area of all window signs shall not exceed 20 percent of the total glass area of the window in which they are placed. Window signs shall not count against total allowable copy area if they are permanently attached.
- b. *Changeable copy (manual) signage.* Freestanding signs may have up to 25 percent of the permitted copy area as changeable copy.
- c. *Flags, other.* Flags include any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device. Standards for flags are as follows:
 1. Only two such flags shall be permitted.
 2. The flags shall not be flown higher than a 35-foot pole, measured from grade.
 3. Only one flag per pole up to six feet by ten feet, or two flags per pole up to four feet by six feet, may be flown.
 4. The flag shall extend no closer than ten feet from the edge of any adjacent public right-of-way.



Flags

- . *Grand opening sign.* One on-site temporary sign announcing the opening of a newly licensed business that does not exceed 16 square feet in copy area and that is not displayed for longer than 30 days after the issuance date of the occupational license for the new business shall be allowed.

Sec. 118-1513. Illumination.

Freestanding and building signs shall be permitted to be illuminated in compliance with the following:

- (1) Internally illuminated signs shall meet the following standards:
 - a. The sign shall be constructed with either: an opaque background and translucent letters and symbols; or, a translucent darker colored background with a lighter contrasting color for the letters and symbols.
 - b. The darker background color shall have a luminous transmittance, which does not exceed 15 percent. The lighter lettering or symbols shall have a luminous transmittance, which does not exceed 35 percent.
 - c. No internal lighting shall include exposed incandescent or fluorescent bulbs.
- (2) Externally illuminated signs shall meet the following standards:
 - a. The lighting of signs must be from the top of the sign and directed downward;
 - b. The lighting of signs that have a height of eight feet or less may be illuminated from the top of the sign or from the ground.
 - c. Indirect light sources must be shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized.

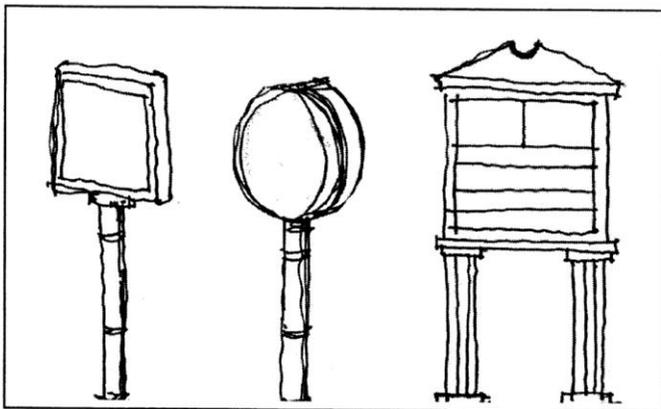
Sec. 118-1514. Maintenance.

- (a) *Maintenance.* All signs shall be maintained in good condition and working order, and be free of graffiti, peeling paint, faded colors, and/or broken and damaged materials.
- (b) *Discontinued signs.* The owner of any sign which is a discontinued sign for a period of 90 or more consecutive days shall remove the sign, not including the background structure, by painting over the copy area, or replacing the copy area with a blank insert.

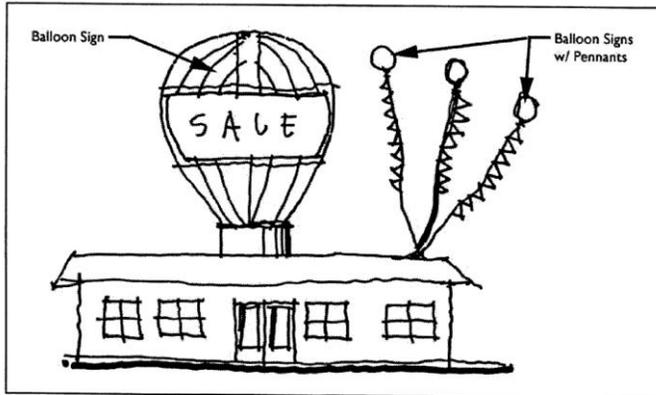
Sec. 118-1515. Prohibited signs.

The following signs shall be prohibited in the commercial corridor:

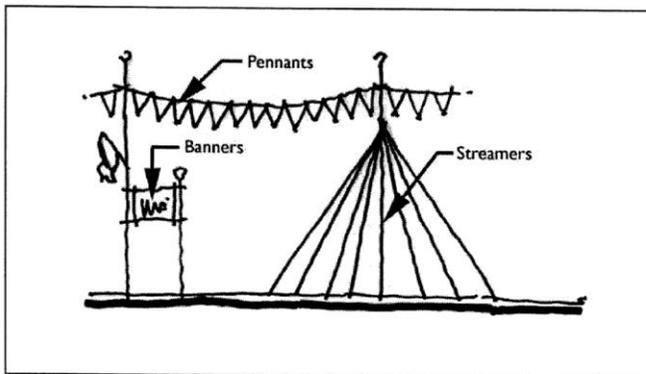
- (1) No sign, permanent or temporary, shall be erected or placed so that it interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
- (2) Portable signs.
- (3) A-frame, T-framed signs.
- (4) Signs on trailer frames with or without mounted wheels.
- (5) Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, or for the purpose of advertising.
- (6) Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of this chapter.
- (7) Signage used on bus transit shelters within the right-of-way.
- (8) Bench signs.
- (9) Roof sign.
- (10) Changing sign (automatic).
- (11) Traffic sign replica.
- (12) Pole signs.
- (13) Pylon signs.
- (14) "Stick-in" signs.



Prohibited Pole Signs



Prohibited Balloon Signs



Prohibited Streamers & Banners

DIVISION 3. LANDSCAPE DESIGN STANDARDS

Sec. 118-1521. General.

All landscaping shall be designed and located to provide a logical, consistent and attractive pattern of landscaping that relates to the human-scale, softens the built environment, and creates an attractive environment within the Commercial Corridors of Winter Garden.

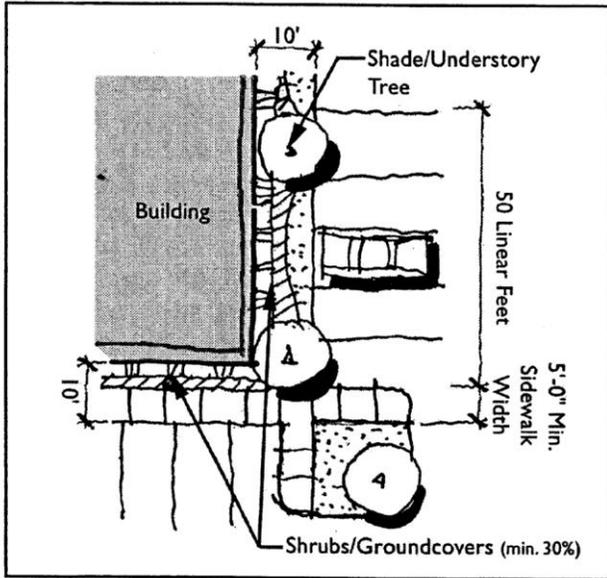
All landscaping standards shall meet the requirements of the "Commercial Corridor Plant List" for plant species, specification standard and use.

All parts of a required landscape buffer or other landscape planting area shall contain shrubs, groundcovers or sod. No portion of a required buffer may contain parking, non-landscaped retention or other non-landscaping treatment such as gravel or mulch.

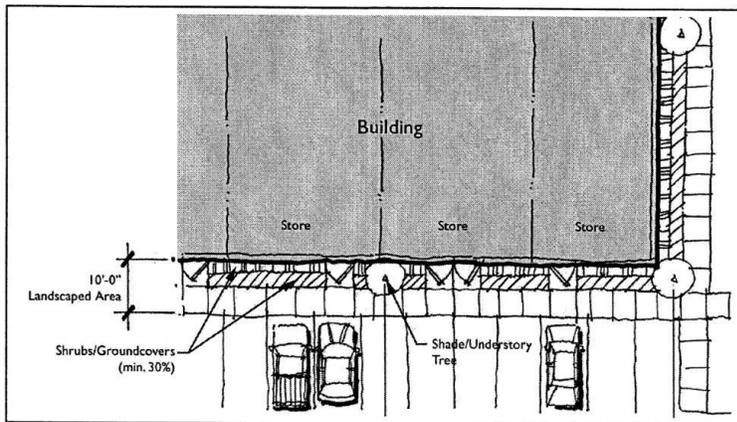
Sec. 118-1522. Building open areas.

The green spaces around buildings shall be landscaped completely with trees, shrubs, groundcovers, annuals or sod.

- (1) A minimum ten-foot wide landscape area shall be located around all buildings. A five-foot sidewalk may be included in this buffer area.

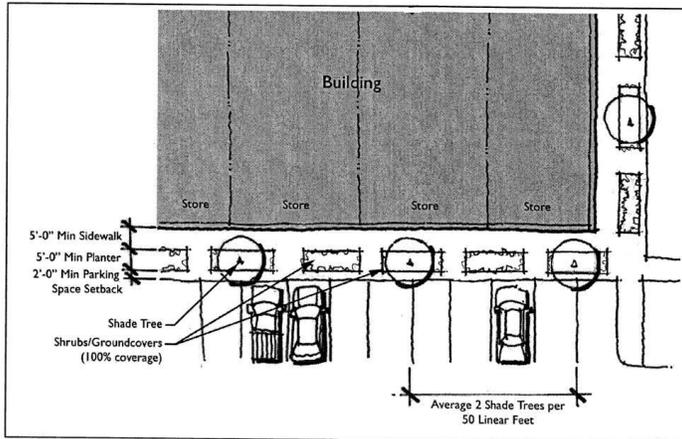


Building Open Areas



Multiple-Tenant Building Open Areas

- (2) An average of one canopy tree shall be located for every 50 linear feet of building perimeter.
- (3) All edges of buildings shall have a foundation planting of shrubs and groundcovers as a minimum. Shrubs and groundcovers shall comprise at least 30 percent of the required green space.
- (4) Landscaping shall be required around the perimeter of large strip commercial centers or "big box" structures with a continuous building length of at least 250'--0" along the primary street frontage as follows:
 - a. Rear/service area does not require planting.
 - b. The remaining three sides of building perimeter shall include a 5'--0" minimum continuous sidewalk as well as landscape planter areas along at least 60 percent of that linear distance.
 - c. The required 60 percent landscape coverage shall be in at-grade or raised planters at least 5'--0" deep and 5'--0" wide. Raised planters shall not exceed 24" overall height.
 - d. Planters may be located along building edge, or along street, drive or parking edge. Planters along head-in parking shall be located at least 2'--0" clear from edge of curb to allow for continuous pedestrian access without stepping in landscape area.
 - e. All required planters shall be planted 100 percent with shrubs and groundcovers. Sod is prohibited.
 - f. An average of one canopy tree per 50 linear feet shall be required for the remaining three sides of building perimeter. Trees may be placed in planter areas.



Strip Commercial Centers or "Big Box" Structures with a continuous building length of at least 250'-0" along the primary street frontage.

Sec. 118-1523. Landscape buffer along public streets.

Landscape Buffers along public streets shall meet the following guidelines:

- (1) ~~A 15 to 25 foot landscape buffer shall be required along public streets. A minimum 15 foot wide landscape buffer is required for parcels along any public streets and requires 50% coverage with shrubs and groundcover. A 10 foot wide landscape buffer is otherwise allowed and requires 75% shrubs and ground cover for parcels with 100 or less existing and/or proposed parking spaces or any parcel with a parcel lot depth equal to or less than 250 feet. An administrative waiver may be requested for any existing parcel that may require a front buffer width reduction that results in a landscape buffer less than the required minimum 10' and was caused or created by the State Road 50 Road Improvements or any other third party.~~
- (2) All planted shrub and groundcover areas shall achieve 100 percent coverage of their planting area within one year.
- (3) In areas where the landscape buffer must be reduced to meet individual site constraints, the planting area should be planted according to the following table of required buffer standards. Landscape buffers smaller than 10 15 feet may only be allowed through a variance process.
- ~~(4) The 25 foot buffer along public streets shall include a berm ranging in height from one to two feet, maintaining a two foot height for at least 40 percent of the overall length. The course and base of the berm shall meander where possible and have side slopes no greater than 4:1.~~
- ~~(5)~~ Additional features such as maximum 24-inch knee walls and maximum 48" decorative 'wrought iron' picket fences shall also be allowable elements. Decorative fences must have at least 50 percent of required buffer planting adjacent to right-of-way.
- ~~(6)~~ Permitted features for front buffers include sidewalks, signs, low wall and 'wrought iron' picket fences, retention features according to section 118-1527 and equipment according to section 118-1529.
- ~~(7)~~ Prohibited features in front buffers include chain-link, wood or PVC fences, walls greater than two feet in height, loading, service or dumpster areas or similar items, which may not be placed in the front buffer or in any additional "open space" adjacent to the street or any direction visible from the street.
- ~~(7)~~ The City of Winter Garden encourages the use of drought tolerant plants for all landscape buffers as recommended by the Florida-Friendly Landscaping Program as set forth by the Institute of Food and Agricultural Sciences ("IFAS") at the University of Florida. Further details may be found at <http://fyn.ifas.ufl.edu/index.html>.

Front Buffer Requirements

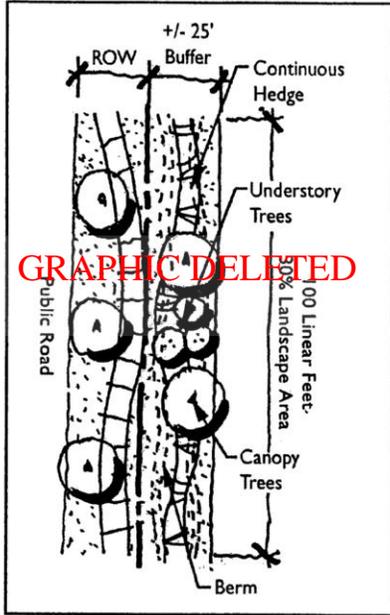
TABLE INSET:

STATE ROAD 50 FRONTAGE BUFFER REQUIREMENTS:

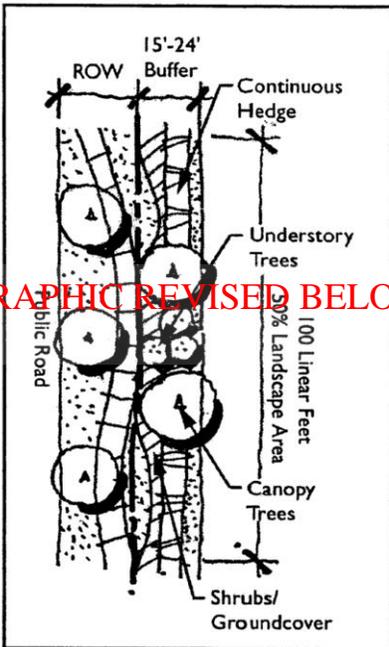
Canopy Trees (per 70 100 L F ft)	<u>One per 70 linear feet (Lft) feet or fraction thereof . Two per 100 linear-ft.</u>		
Buffer width (ft.)	25'	<u>15' 24'</u>	<u>10'5'-14'</u>
CAL	2'	<u>3.5" 3"</u>	4"
Height	12'-0"	13'--0"	14'--0"
Container size	30 gal.	65 gal.	100 gal.
Understory T rees (per 100 <u>Lft.f.</u>)	Three per 100 linear ft.		
Buffer width (ft.)	+/-25'	<u>15'15'-24'</u>	<u>10'5'-14'</u>
Tree height (ft.)	7'-0"	11'--0"	11'--0"
Container size	15gal	30 gal.	65 gal.
<u>Buffer width</u> Width (ft.)	+/-25'	15'-24'	<u>10'5'-14'</u>
Shrub screen (per 100 <u>Lft.f.</u>) Sq.ft. <u>Quantity</u> of shrubs	(33) three-gallon plants, <u>per 100 linear feet; a continuous hedge at least 36 inches high at time of planting to create a 24" minimum at installation to create 36"–42" high by 26; inch-wide hedge or</u> continuous landscape screen with a 90 percent opacity within one year of planting.		
Container size	3 gal.		
Groundcovers (per 100 <u>LftF</u>) # of plants	As needed in combination with shrubs to meet total required landscaped area <u>%percentage.</u>		
Container size	1 gal.		
Total required % landscaped area (shrubs & groundcovers vs. sod)	30%	<u>50%75%</u>	<u>75%100%-</u>

Note: -5'-14' Width buffer along public streets shall only be allowed through a variance.

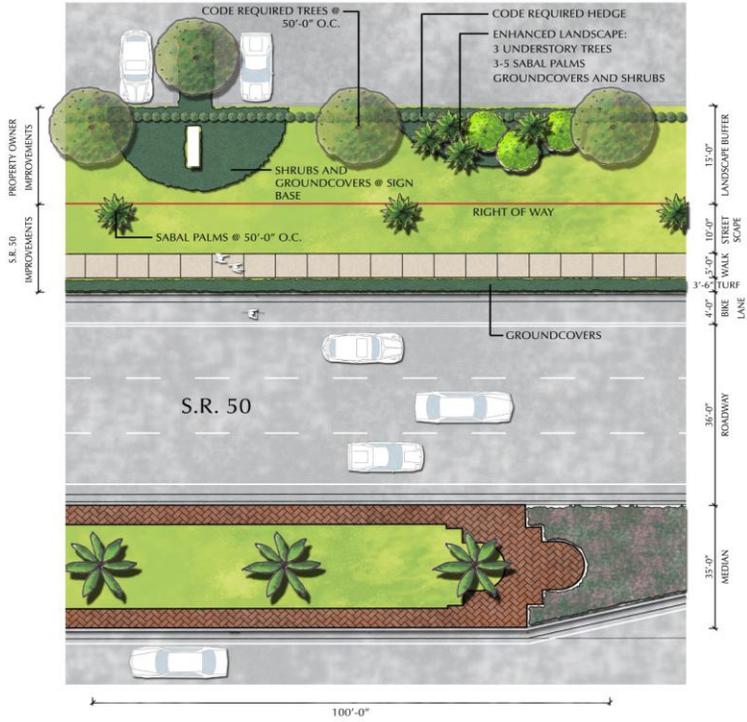
Note: An administrative waiver may be requested for any existing parcel that may require a front buffer width reduction that results in a landscape buffer less than the required minimum 10' and was caused or created by the State Road 50 Road Improvements or any other third party.



Front Buffer Yard — 25' Buffers along public streets required 30% coverage with shrubs and groundcovers.

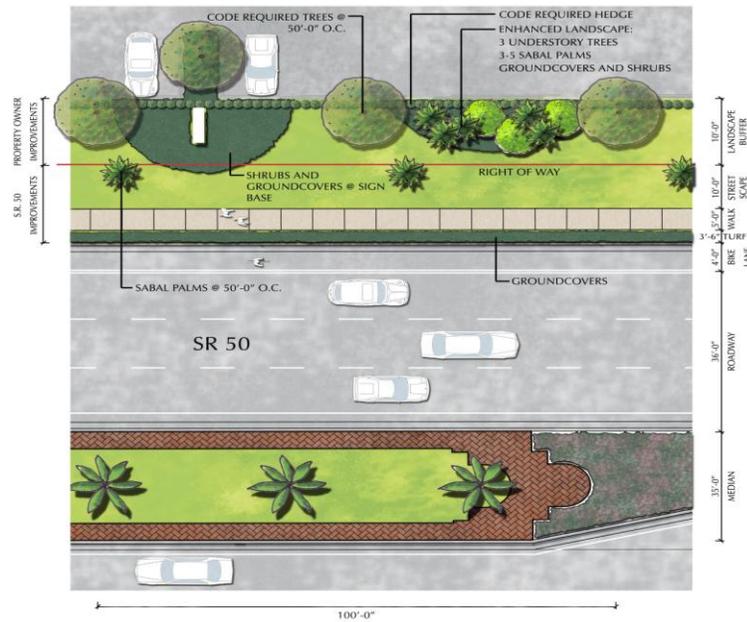


Front Buffer Yard – ~~15'-24'~~ 15' Width Buffers Buffers along public streets require 75% coverage with shrubs and groundcover. A 15 foot wide landscape buffer is required for parcels along any public streets and requires 50% coverage with shrubs and groundcover.



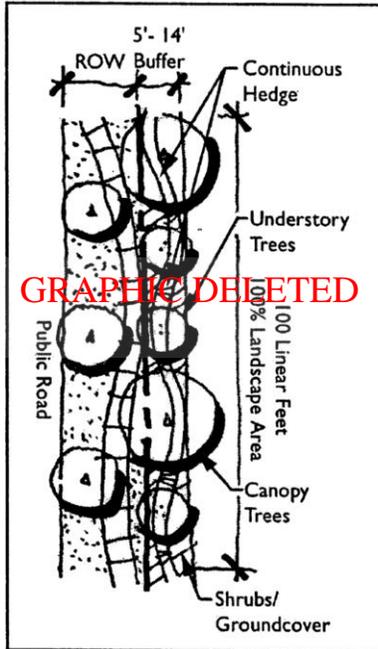
New Graphic 1

Front Buffer Yard – 10' Width Buffers. A 10 foot wide landscape buffer is allowed and requires 75% shrubs and ground cover for parcels with 100 or less existing and/or proposed parking spaces or any parcel with a parcel lot depth equal to or less than 250 feet.



New Graphic 2

An administrative waiver may be requested for any existing parcel that may require a front buffer width reduction that results in a landscape buffer less than the required minimum 10' and was caused or created by the State Road 50 Road Improvements or any other third party.



Front Buffer Yard — 5'-14' Width Buffers along public streets require 100% coverage with shrubs and groundcover. Note: 5'-14' buffers along public streets shall only be allowed through a variance.

Sec. 118-1524. Landscape buffers between parcels.

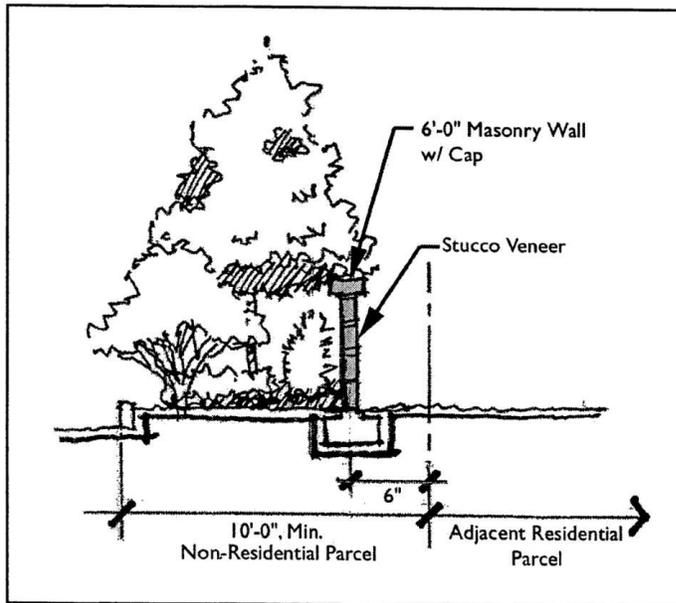
- (a) A minimum ten-foot width landscape buffer is required for rear property boundaries and shall be between adjacent tracts (side and rear property boundaries), planted in accordance with Table 3.4.1. Shrubs and Groundcover shall comprise at least 30 50 percent of the landscaped areas.
- (b) A minimum five foot width landscape buffer is required for side property boundaries and shall be planted in accordance with Table 3.4.2. Shrubs and ground cover shall comprise 50 percent of the landscaped areas. On adjoining parcels of similar use, when designed as one buffer (such as adjacent commercial outparcels with automobile and pedestrian cross access), the combined buffers may be reduced to a total of ten feet if the shrub and groundcover landscape areas are increased to at least 75 percent of the total required buffer area. The combined ten-foot buffer shall require a total of two canopy trees and three understory trees per 100 linear feet. No less than five feet is required on each of the two adjoining parcels.
- (c) Side or rear buffers adjoining non-commercial or residential parcels, churches or institutional uses shall also require a six-foot masonry wall in addition to the minimum 10 foot wide landscape buffer requirement. shall also be designed with a six-foot masonry wall. The wall shall be constructed from of a decorative "split face" concrete masonry, "Norman" brick or standard concrete masonry clad with painted stucco or other masonry veneer. The wall shall include a continuous cap and end column features. The wall shall be placed a minimum of six inches from the adjoining property line. In addition, all active "yard and shop" spaces with open work areas or other supply areas shall be treated with a similar six-foot masonry wall. The City and applicant must mutually agree on which landscape buffer requirements are most appropriate with the submission of the development and/or site plan proposal.

As an alternative to the six-foot masonry wall, a minimum 20 foot wide landscape buffer with 50% opacity may be permitted on application to and approval by the planning and zoning board at a duly noticed public hearing. The planning and zoning board shall review the proposed alternative buffer

and approve such buffer upon determining that the buffer will (1) be planted in accordance with Table 3.4.1, (2) include additional shrubs and groundcover planting to achieve 100 percent coverage, and (3) meet all other relevant landscaping standards set forth herein. Buffers smaller than ten feet may be allowed through a variance process, although landscape buffers adjacent to residential uses are not intended to be reduced below the required ten feet. Provided a variance is obtained, the planting median shall be planted according to Table 3.4.1 plus additional shrubs and groundcovers planting to achieve 100 percent coverage

TABLE INSET: [Table 3.4.1 – Rear Yard Landscape Buffer Requirements](#)

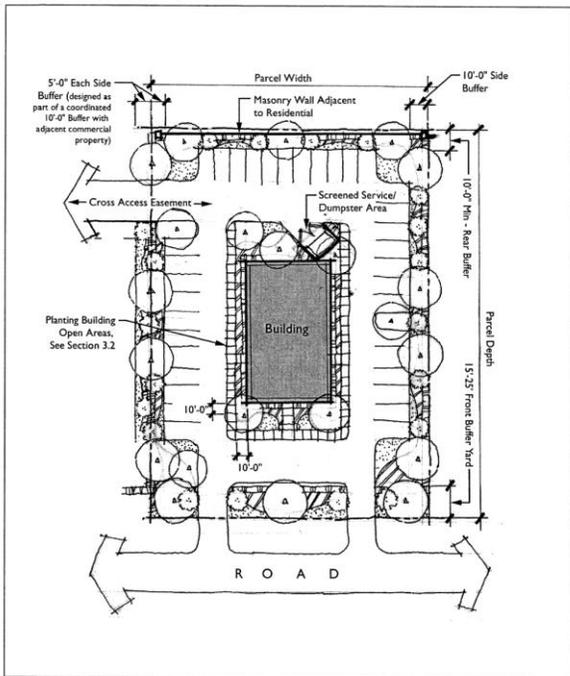
Canopy Trees (per 100 <u>Lft.l.f.</u>)	2 per 100 linear <u>feet. ft.-</u>
Tree CAL/height	2" cal, 12' overall height
Container size	30 gal.
Understory trees (per 100 <u>Lft.l.f.</u>)	Three per 100 linear <u>feet. ft.-</u>
Tree CAL/Height	1 1/2"--2" cal, 7' overall height
Container size	15 gal.
Shrub screen (per 100 <u>Lft.l.f.</u>) <u>Square feet</u> <u>Quantity</u> of shrubs	(33) three-gallon plants, 24" minimum at installation to create 36"--42" high by 36"-wide hedge or continuous landscape screen with <u>a-9090</u> percent opacity within one year of planting.
Container size	3 gal.



Section of typical Rear Buffer – adjacent residential use requires 6'-0" Masonry wall with cap.

TABLE INSET: [Table 3.4.2 – Side Yard Landscape Buffer Requirements](#)

<u>Canopy Trees (per 50 Lft)</u>	<u>1 canopy tree per 50 linear feet</u>
<u>Tree CAL/height</u>	<u>3" cal, 12' overall height</u>
<u>Container size</u>	<u>30 gal.</u>
<u>Shrub screen (per 50 Lft)</u> <u>Quantity of shrubs</u>	<u>(33) three-gallon plants, a minimum 36" continuous hedge or landscape screen at time of planting with 90 percent opacity within one year of planting.</u>
<u>Container size</u>	<u>3 gal.</u>



Typical Commercial Site Plan with cross-access easement, coordinated 10'-0" Side Buffer, Rear Buffer Masonry wall

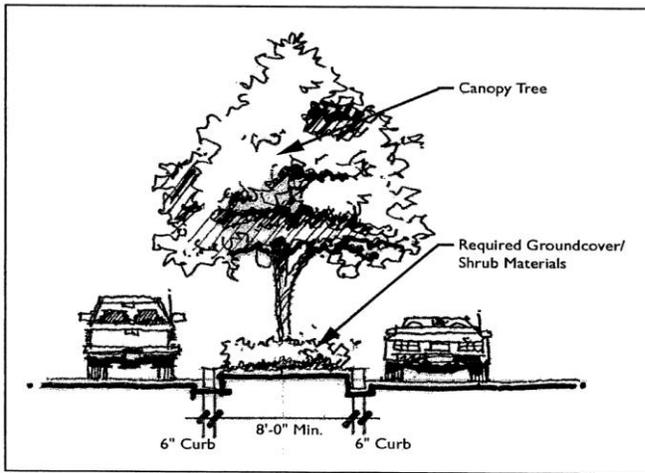
Sec. 118-1525. Parking lot landscaping.

- (a) Parking lots shall be planted with canopy trees at a rate of one tree per ten spaces. Parking shall not extend more than 12 spaces without a tree island break.
- (b) At time of parking lot construction and planter installation, all planter islands shall be excavated to the full width of the parking planter island and through the full depth of compacted subgrade to remove all compacted material, all limerock or other material deleterious to plant health, and backfilled with clean planting fill.
- (c) Planting areas shall be provided equal to or greater than ten percent of the paved area within the project site, not including building square footage or retention ponds.

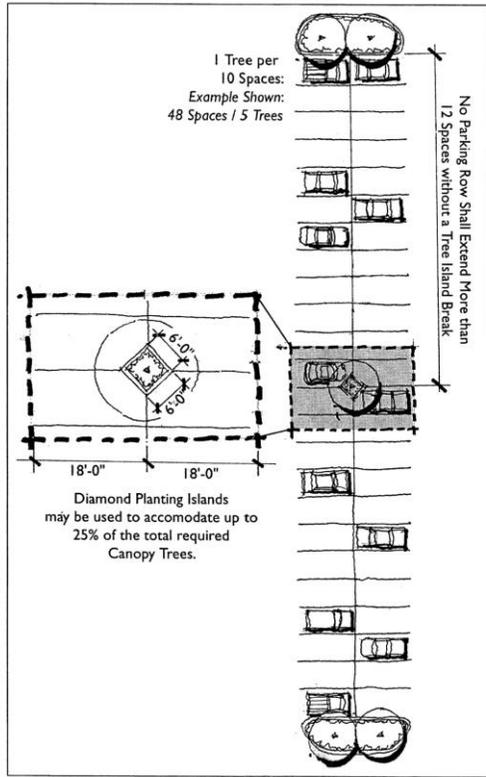
TABLE INSET:

Parking Lot/Pedestrian Areas	
Parking spaces	One canopy tree per ten parking spaces. No parking row shall extend more than 12 spaces without a tree island break.

Islands (widths)	200 s.f. planting area per tree, islands not less than eight feet wide.*
Total required % landscaped area (shrubs & groundcovers vs. sod)	40% of island planting area
Trees	2" cal., 12' ht. 30 gal. canopy tree
Other impervious	One canopy tree for each 50 linear feet of pedestrian walkway not associated with a required buffer or building frontage planting.
	One canopy tree for each 400 square feet of additional planting area
*"Diamond" or tree "cut-out" planter shall be permitted up to 25% of total required parking canopy trees.	



Section of Parking Lot Tree Island Break

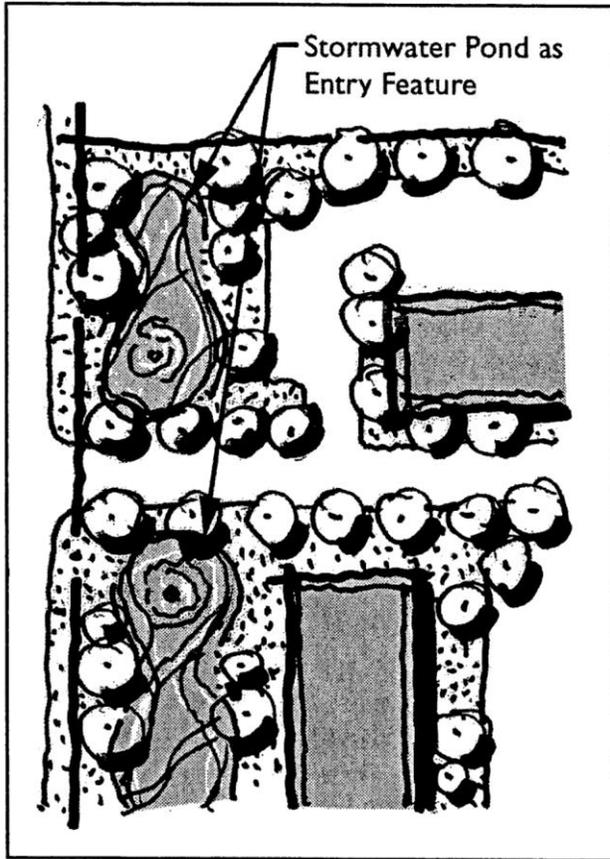


Sec. 118-1526. Walkways and pedestrian connections.

- (a) Pedestrian walkways shall be landscaped with additional shade or understory trees equal to an average of one tree per 50 linear feet of walkway, unless the walkway is adjacent or included within an existing compliant buffer or frontage planting.
- (b) One canopy tree shall be planted for each 200 square feet of separate additional landscaped area.

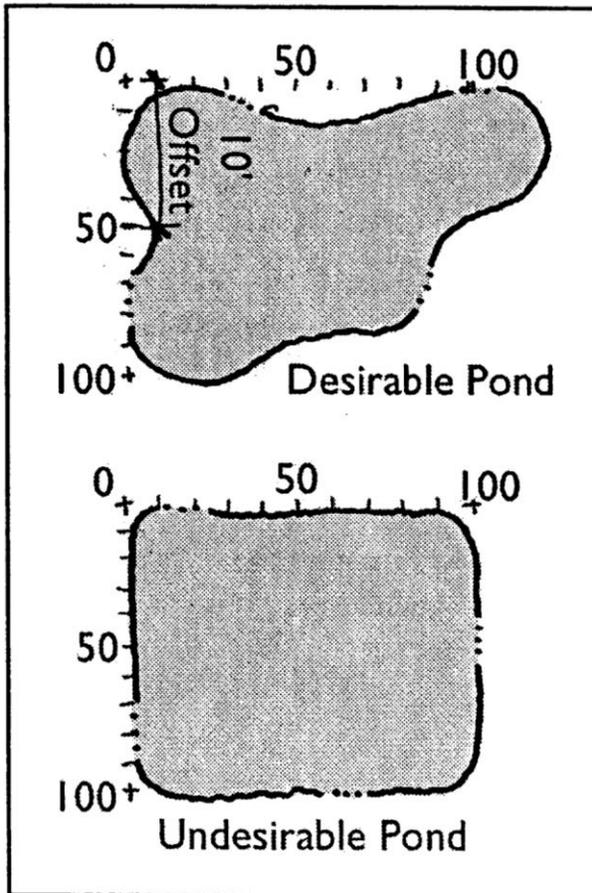
Sec. 118-1527. Stormwater facilities.

- (a) Stormwater facilities (ponds and/or depressions) shall be designed and utilized as site amenities along entrances and street frontages or incorporated with buffers between incompatible uses. These areas shall count toward open space requirements if the impervious area of the site does not exceed 75 percent.
- (b) Stormwater facilities should be designed and permitted so as not to require fencing. If fencing is required, a green or black vinyl/painted finish is required. Walls or other railings for structured stormwater "boxes" must be decorative. Fenced or walled ponds shall not count toward open space requirements within a project and shall only be located at the side or rear of a site. The maximum allowable fence height is 4'-0".



Stormwater Facilities as a Design Feature

- (c) Subject to the requirements of St. Johns River Management District, other governmental agencies, and a consideration of safety related issues, stormwater facilities that are located in the front of a property may be prohibited from having fencing.
- (d) Wet stormwater detention/retention facilities adjoining public streets shall include a water feature such as a fountain or spray jet, and shall be planted with appropriate aquatic materials as outlined in the "Commercial Corridor Plant List." Detention/Retention along the front of a property shall be designed with curvilinear edges not as a straight "box." Retention embankments shall be planted with one tree per 50 linear feet of retention perimeter measured from top of slope. Trees shall be suitable for wet locations as identified in the Commercial Corridor Planter Materials List.



Desirable and Undesirable Detention/Retention Design

- (e) Dry retention areas shall be planted with grass, and unless maintained as an open lawn swale, shall be screened from view with a continuous hedge of shrubs on 36-inch centers around at least 75 percent of the perimeter at the top of the slope.

Sec. 118-1528. Lake edges and wetlands.

Development abutting surface water bodies or wetlands shall be planted with appropriate aquatic plantings as outlined in the "Commercial Corridor Plant List."
 (Ord. No. 03-30, § 2B(3.8), 9-17-03)

Sec. 118-1529. Storage areas and site utilities.

- (a) All storage or dumpster/solid waste areas shall be designed with a six-foot masonry wall. The wall shall be of a decorative "split face" concrete masonry, "Norman" brick or standard concrete masonry clad with painted stucco or other masonry veneer. The wall shall include a continuous cap feature and closing gate.
- (b) In addition to the masonry enclosure, storage and dumpster/solid waste areas shall be treated with a 24-inch high planted hedge that shall reach 36"--42" height and 90 percent opacity within one year.
- (c) Other above-ground utility elements such as pull boxes, transformers, and backflow preventers shall be located and designed to permit convenient maintenance access, painted dark green and

screened with a 24-inch planted hedge that shall reach 36"--42" height and 90 percent opacity within one year.

- (d) Long-term storage containers are prohibited unless located on a parcel with a fully screened masonry or brick enclosure designed and constructed for that purpose.
(Ord. No. 03-30, § 2B(3.9), 9-17-03)

Sec. 118-1530. Irrigation and maintenance.

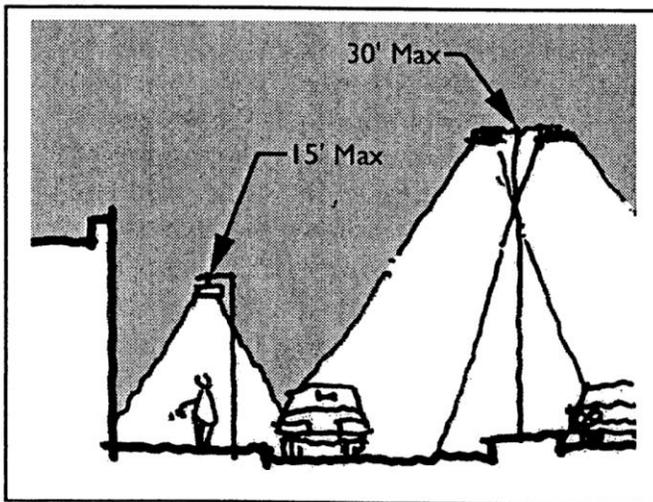
- (a) All landscaped areas within the commercial corridor shall be designed, installed and maintained at a high level of quality, following best management practices for landscaping. Broken lines or damaged spray heads shall be repaired to minimize wasted water.
- (b) All landscaped areas shall be irrigated with a timed, automatic underground system utilizing pop-up heads and/or tree bubblers and providing coverage of not more than one and one half inches of water per week. (Use of xeric plant materials may require only three-fourths inch water per week).
- (c) The automatic irrigation system shall include a rain gauge or other water saving features to minimize wasted water.
- (d) All landscape areas shall have 100 percent irrigated coverage.
- (e) Irrigation is not required in "existing wooded/forested" areas which are intended to be maintained in a natural condition.

Sec. 118-1531 – 118-1535. Reserved.

DIVISION 4. EXTERNAL SITE LIGHTING

Sec. 118-1536. General requirements.

- (a) Commercial buildings and projects, including their outparcels, shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire project. Lighting shall be used to accent key architectural elements and/or to emphasize landscape features, and shall be designed and installed to avoid the creation of hot spots, glare or a nuisance. [Please refer to Ordinance 08-01; Amending City Code Sections 1536, 1537 and 1538 Article X, Chapter 118, of the Code of Ordinances of the City of Winter Garden for additional lighting requirements.](#)



Pedestrian and Street Lighting

- (b) Light fixtures shall be designed as dark skies lighting and shall be an integral design element that complements the design of the project through style, material or color. All light poles and fixtures shall be black, dark green or some similarly dark color that is consistent with the architectural design scheme of the property. Lighting of on-site buildings shall be limited to wall-washer type fixtures or up-lights, which do not produce spillover lighting or glare. Site lighting shall not incorporate floodlight fixtures mounted on building walls, roofs, or poles. Light fixtures shall be full cut off with zero light above 90 degrees.
- (c) To provide cohesiveness and uniformity, a lighting plan prepared by an architect or engineer licensed to practice in the State of Florida shall be submitted to the city as part of an application for site plan, special exception permit or subdivision approval, and said professional shall: (1) certify that the lighting plans are compliant with the requirements of the design standards and regulations provided for herein; or (2) so certify to the extent said lighting plans are compliant with the requirements of the design standards and regulations provided for herein and provide a written explanation for any deviations.
- (d) Lighting levels for fire lanes or driveways at building entrances shall not exceed five foot-candles (fc). Lighting at fire lanes or driveways at building entrances may exceed allowable standards of intensity for safety purposes upon demonstration to the city that compliance with these lighting criteria would otherwise create a safety hazard, provided, however, that such lights shall be directed downward to minimize spillover lighting and glare.
- (e) Lighting intensities for ATM machines shall comply with Florida Statutes.
- (f) Lighting intensities shall be designed as recommended by the Illuminating Engineering Society (IES).
- (g) A light fixture (the pole and light source/luminary) shall be a maximum of 30 feet in height within any parking lot, and a maximum of 16 feet in height within any non-vehicular pedestrian area (with height being measured from the finished grade to the top of the light fixture).
- (h) At service stations and convenience centers, lighting under awnings, canopies, porte-cocheres, etcetera, should be recessed. If not recessed, the box type or other lighting fixture shall be opaque on all sides (no light shall emanate from any side of the fixture). Additionally, the following lighting standards shall apply:
 - (1) The light source shall be metal halide (a maximum of 250 watts) or fluorescent;
 - (2) The metal halide shall be phosphor coated when used with a clear flat glass lens, or may be clear when used with a diffused flat glass lens; and
 - (3) The maximum foot-candle level shall be 20 fc ~~30 fc~~ with proper shielding of under canopy light fixtures to substantially reduce the "spray light" effect- (average maintained maximum) - see the IES Lighting Handbook, 8th edition, at Chapter 11, Figure 11-1, Part IV, Outdoor Facilities, Service Stations (lighting level at grade).
- (i) Illumination levels at the property line shall range between a minimum of 0.0 fc and a maximum of 1.0 fc, with as close to 0.0 fc as reasonably feasible when lighting is located next to residential. To keep light rays and glare from encroaching onto adjacent properties, illumination shall be installed with house-side shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises. A photometric plan prepared by an engineer licensed to practice in the State of Florida shall be submitted to the city as part of an application for site plan approval, and said professional shall certify that the lighting plans are complementary with landscaping plans and compliant with the requirements of this guideline.
- (j) All parking areas, pedestrian walkways, bikeways, loading/service and other areas shall, to the extent applicable, conform to these general requirements.
- (k) Street lighting shall be provided on all private developments contiguous to all rights-of-way, roadways, streets, alleys or lanes.

Sec. 118-1537. Parking areas.

Except for areas of service stations and convenience centers located under an awning, canopy, porte-cochere, etcetera, as noted in section 118-1536(h) above, parking areas shall be illuminated as follows, with horizontal lamps highly recommended:

- (1) Parking area lighting shall be shielded from adjacent properties by utilizing flat glass lenses, house side shields, and "NEMA" type II, III, and IV reflectors.
- (2) The lamp source shall be metal halide. Wattage shall not exceed 400 watts per bulb. Illumination levels shall range between a minimum of 0.6 fc to a maximum (outside a 20-foot radius from the pole) of 3.6 fc, not including overflow lighting in a transition zone adjacent to a service station and convenience center canopy.
- (3) Phosphor coated lamps shall be utilized in all luminaries where the lamp source is not hidden by the luminary housing or equipped with a diffused lens.
- (4) Where specifically approved by the city commission, decorative acorn-type fixtures shall not exceed 18 feet in height and 250 watts per bulb, and shall have a textured clear lens/globe, frosted/phosphor coated bulbs, and an internal optical system.

Sec. 118-1538. Pedestrian walkways and bikeways.

Pedestrian walkways and bikeways shall be illuminated as follows:

- (1) The lamp shall be decorative in appearance, style and finish and shall be consistent with the architectural standards of the surrounding area. Selected luminaries shall have the lamp source shielded from view. Translucent diffusers may be an acceptable substitute to avoid visual glare and brightness.
- (2) The lamp source shall be metal halide. Wattage shall not exceed 150 watts. Illumination levels shall range between a minimum of 0.5 fc to a maximum of 2.5 fc.
- (3) Phosphor coated lamps shall be utilized in all luminaries where the lamp source is not hidden by the luminary housing or equipped with a diffused lens.

Sec. 118-1539 – 118-1599. Reserved.

RESOLUTION 10-09

A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING THE ARCHITECTURAL FLOOR PLAN OF THE TUCKER OAKS PUD WHICH WAS ADOPTED BY ORDINANCE 04-34; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 22, 2004 the City Commission approved Ordinance 04-34, amending the zoning of a 78.5 acre parcel of land located on the Southwest corner of State Road 50 and County Road 545 and Southwest of County Garden Apartments from County A-1 to City PUD and better known as Tucker Oaks; and

WHEREAS, said Ordinance defined the Architectural Floor Plan in Ordinance 04-34 to provide a 57 square foot patio for Unit 2 (B) and provide a 38 square foot patio for Unit 3 (C), and

WHEREAS, the Developer desires to amend the Architectural Floor Plan by allowing a 10' x 12' covered patio "option" for Unit B and Unit C; and

WHEREAS, Section 2.4 of Ordinance 04-34 allows for minor amendments to PUD Ordinance by Resolution of the City Commission; and

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

SECTION I – The foregoing recitals are true and correct and are incorporated herein.

SECTION II – Ordinance 04-34 is hereby amended by the following changes:

- ATTACHMENT "A" of this Resolution is incorporated into the PUD Ordinance to indicate the 10' x 12' covered patio "option" as described in the Architectural Floor Plans.

SECTION III – All of the other conditions required in Ordinance 04-34 remain valid.

SECTION IV – This resolution shall take effect immediately upon its final adoption by Winter Garden City Commission.

PASSED AND RESOLVED this _____ day of _____, 2010, by the City Commission of the City of Winter Garden, Florida.

John Rees, Mayor
Commissioner

ATTEST:

Kathy Golden, City Clerk

