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

REGULAR MEETING MARCH 24, 2011 6:30 P.M.

CALL TO ORDER
Determination of a Quorum
Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES** - Regular Meeting of March 10, 2011

2. **PRESENTATIONS**
   A. **Proclamation 11-02** declaring May 1-7, 2011 as North American Occupational Safety and Health Week and May 4, 2011 as Occupational Safety and Health Professional Day to be accepted by Jennifer Zipeto
   B. Introduction of Kathy Salerno, Outreach and Education Coordinator for the State of Florida Chief Financial Officer Jeff Atwater

3. **FIRST READING OF PROPOSED ORDINANCE**
   A. **Ordinance 11-08**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.5 ± ACRES OF RIGHT-OF-WAY FOR BURCH AVENUE AND JACKSON STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being schedule for April 14, 2011 –** Community Development Director Wilson

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**
   A. **Ordinance 11-05:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 118 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING GENERAL DEFINITIONS, PROHIBITED USES, AND SPECIAL EXCEPTIONS; AMENDING ARTICLE I, SECTION 118-1 DEFINITIONS; AMENDING ARTICLE IV, DIVISION 8, SECTION 118-535 PROHIBITED USES AND STRUCTURES FOR THE C-1 ZONING DISTRICTS; AMENDING ARTICLE IV, DIVISION 9, SECTION 118-580 PROHIBITED USES AND STRUCTURES FOR THE C-2 ZONING DISTRICTS; AMENDING ARTICLE IV, DIVISION 12, SECTION 118-729 SPECIAL EXCEPTIONS FOR THE I-1 ZONING DISTRICT; AMENDING ARTICLE IV, DIVISION 13, SECTION 118-774 SPECIAL EXCEPTIONS FOR THE I-2 ZONING DISTRICT; PROVIDING FOR ZONING REGULATIONS PERTAINING TO TATTOO PARLORS AND BODY ART ESTABLISHMENTS, PROHIBITION OF MOBILE BODY ART ESTABLISHMENTS, CODIFICATION, CONTROL IN EVENT OF

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

5. **REGULAR BUSINESS**
   A. Presentation and request by the non-profit East Winter Garden Community Development Corporation, Inc. of their accomplishments and waiver of fees for the use of Tanner Hall – Xerxes Snell

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

A. Appointment to the Community Redevelopment Area/Brownfield Advisory Board for vacated seat by James Gustino to expire on June 30, 2012 – CRA Advisory Board Chairman/CRA Member Larry Cappleman
B. Recommendation to approve joint participation, up to $15,000.00, to install three additional bicycle racks on W. Plant Street between Main Street and Lakeview Avenue - CRA Advisory Board Chairman/CRA Member Larry Cappleman
C. Recommendation to approve the Downtown Business Facade Matching Grant Program – Economic Development Director Gerhartz

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

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

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

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

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on April 14, 2011 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 11-08

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.5 ± ACRES OF RIGHT-OF-WAY FOR BURCH AVENUE AND JACKSON STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 3.5 ± acres of Right-of-Way for Burch Avenue and Jackson Street and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

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

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

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

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

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

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

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

READ FIRST TIME: _____, 2011.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2011.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"
Part 1 of 2

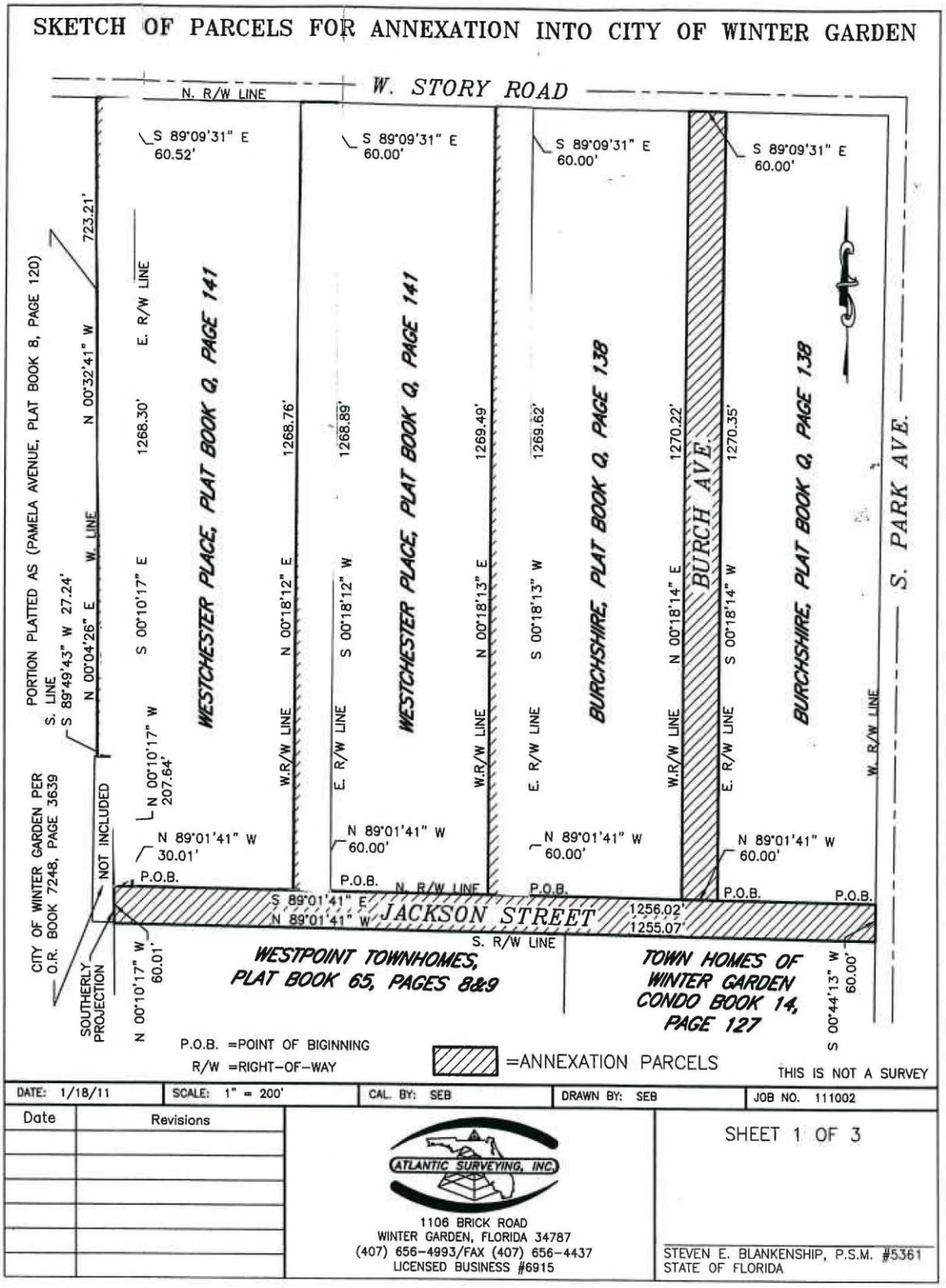
DESCRIPTION: (JACKSON STREET)
ALL OF JACKSON STREET AS PLATTED PER WESTCHESTER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 141, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND PLATTED PER BURCHSHIRE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 138, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THAT PORTION OF UNPLATTED JACKSON STREET LYING SOUTH AND ADJACENT TO THE AFORESAID PLATTED JACKSON STREET OF WESTCHESTER PLACE AND BURCHSHIRE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF JACKSON STREET AND THE WEST RIGHT-OF-WAY LINE OF S. PARK AVENUE, THENCE RUN S00°44'13"W ALONG SAID WEST RIGHT-OF-WAY LINE, 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF JACKSON STREET; THENCE RUN N89°01'41"W ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1255.07 FEET TO THE SOUTHERLY PROJECTION OF THE WEST LINE OF PAMELA AVENUE PER WESTCHESTER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 141, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N00°10'17"W ALONG SAID WEST LINE, 60.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF JACKSON STREET; THENCE RUN S89°01'41"E ALONG SAID NORTH RIGHT-OF-WAY LINE, 1256.02 FEET TO THE POINT OF BEGINNING.

DESCRIPTION: (BURCH AVENUE)
ALL OF BURCH AVENUE AS PLATTED PER BURCHSHIRE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 138, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF BURCH AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF JACKSON STREET, THENCE RUN N89°01'41"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID BURCH AVENUE; THENCE RUN N00°18'14"E ALONG SAID WEST RIGHT-OF-WAY LINE, 1270.22 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF W. STORY ROAD; THENCE RUN S89°0931"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 60.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF BURCH AVENUE; THENCE RUN S00°18'14"W ALONG SAID EAST RIGHT-OF-WAY LINE, 1270.35 FEET TO THE POINT OF BEGINNING.

ATTACHMENT "A"
Part 2 of 2



ORDINANCE 11-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 118 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING GENERAL DEFINITIONS, PROHIBITED USES, AND SPECIAL EXCEPTIONS; AMENDING ARTICLE I, SECTION 118-1 DEFINITIONS; AMENDING ARTICLE IV, DIVISION 8, SECTION 118-535 PROHIBITED USES AND STRUCTURES FOR THE C-1 ZONING DISTRICTS; AMENDING ARTICLE IV, DIVISION 9, SECTION 118-580 PROHIBITED USES AND STRUCTURES FOR THE C-2 ZONING DISTRICTS; AMENDING ARTICLE IV, DIVISION 12, SECTION 118-729 SPECIAL EXCEPTIONS FOR THE I-1 ZONING DISTRICT; AMENDING ARTICLE IV, DIVISION 13, SECTION 118-774 SPECIAL EXCEPTIONS FOR THE I-2 ZONING DISTRICT; PROVIDING FOR ZONING REGULATIONS PERTAINING TO TATTOO PARLORS AND BODY ART ESTABLISHMENTS, PROHIBITION OF MOBILE BODY ART ESTABLISHMENTS, CODIFICATION, CONTROL IN EVENT OF CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has the authority to regulate commercial activity within its jurisdictional boundaries pursuant to Article VIII, § 2(b) of the Florida Constitution and Chapter 166, Florida Statutes;

WHEREAS, the City Commission desires to enact reasonable regulations upon body art establishments within the City to promote and maintain property values and aesthetic coherence within the City and further protect the health, safety, welfare, and morals of its citizens; and

WHEREAS, the City Commission desires to expressly delineate appropriate locations in the City where body piercing, tattooing or other permanent body art activities may be conducted; and

WHEREAS, the City currently does not specifically identify locations or zoning categories in which body art establishments, body piercing, tattooing or other similar activities may be permitted to operate within the City; and

WHEREAS, the City is identifying the definitions, standards and location requirements for body art establishments, body piercing, tattooing and other permanent body art activities; and

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

SECTION 1: **Authority.** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII, § 2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: **Adoption.** Chapter 118, Article I, Section 118-1 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE I. IN GENERAL

Sec. 118-1. Definitions.

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

Abandonment of use means an intention on the part of the user to abandon his right to a nonconforming use of the premises, as well as an actual cessation of the use in issue.

Accessory use or structure means a use or structure customarily incidental to the principal use of the property.

Agricultural building or structure means any building or structure accessory to the principal agricultural use of the land.

Agriculture or agricultural means the use of land for cultivation of crops, for the raising of animals or the preservation of land in its natural state, in tracts of 2 1/2 acres or larger.

Alteration means any change, rearrangement, enlargement, extension, reduction or moving of any structure or part thereof.

Apartment building means a building which is used or intended to be used as the home or residence for more than two families living in separate quarters.

Body Art means the practice of physical body adornment by establishments and operators/technicians using, but not limited to, any of the following techniques: body piercing, tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, which shall not be performed in a body art establishment, or cosmetic tattooing as defined in this Section. Nor does this definition include, for the purposes of this Ordinance, piercing of the outer perimeter or lobe of the ear with pre-sterilized single-use stud-and clasp ear-piercing systems, the application of gemstones or other objects and adornments to the skin via the use of temporary adhesives, or the application of temporary tattoos or markings that do not involve the piercing of the skin and may be washed away with soap and water or otherwise naturally disappear within weeks or a few months after application (*e.g.*, henna or body or face painting).

Body Art Establishment means any place or premise, whether public or private, temporary or permanent, in nature or location, where the practices of body art, whether or not for profit, are performed – including mobile body art establishments and temporary body art establishments.

Body Piercing shall have the same meaning as set forth in Section 381.0075(2)(a), Florida Statutes (2010), as such may be from time to time amended.

Buffer zone means a landscaped and screened strip of land at least five feet wide separating two different types of land uses.

Building means any structure which fully encloses space for the occupancy by persons or their activities.

Building area means the total ground area taken by a horizontal plane at the mean grade level of each building and accessory building, but not including uncovered entrances, platforms, terraces and steps.

Building height means the vertical distance measured from the established mean grade at the front building line to the highest point of the building.

Building not of standard construction means any structure which is temporary, which is movable and which is not fully enclosed.

Campground means any area or tract of land used to accommodate two or more camping parties, including cabins, tents, house trailers or other camping outfits.

Club means any building, facilities and property owned and operated by a corporation or association of persons for social or recreational purposes, including those organized chiefly to promote friendship and welfare among its members, but not operated primarily for profit or to render a service which is customarily carried on as a business.

Compatible use means the use which is capable of existing in harmony with other uses situated in its immediate vicinity.

Conventional curriculums means the aggregate courses of study in primary, middle and secondary schools as generally approved by the county public school system or the state agency with jurisdiction.

Corner lot means a lot in the junction of and fronting on two or more intersecting streets.

Cosmetic Tattooing means the practice commonly known as permanent makeup, in which micropigmentation or intradermal cosmetics are applied to permanently or semi-permanently simulate the appearance of common cosmetic applications such as eyeliner, lip liner, lip color, eyebrow enhancement, and beauty marks, or to otherwise permanently or semi-permanently restore or improve the appearance of damaged or disfigured skin and other bodily features to natural coloration and condition. For the purposes of determining whether a cosmetic tattooing

establishment qualifies as permitted use, such establishment shall be treated as a clinic, beauty shop, or other similar personal service provider.

Dwelling means a building or portion thereof designed or used exclusively for residential occupancy, but not including hotels, lodging houses, boardinghouses, motels or mobile homes.

Dwelling unit means a dwelling accommodation designed for one family unit maintaining separate and independent housekeeping but including at least one kitchen.

Family means an individual or two or more persons related by blood, marriage or adoption who are living together in a single housekeeping unit.

Farm means a parcel of land of 2 1/2 or more acres used principally in the raising or production of agricultural products and the necessary or usual dwelling units, farm structures, storage and equipment.

Floor area means the sum of the gross horizontal area of the several stories of the building measured from the exterior faces of the exterior walls or from the centerline of party walls. Included shall be any basement floor, interior, balconies and mezzanines, elevator shafts and stairwells, and enclosed porches. The floor area of accessory uses and accessory buildings on the same lot shall be included.

Funeral home means a dwelling or other structure used and occupied by a licensed mortician for burial preparation and funeral services.

Garage, commercial means a building or other premises used for the storage, repair, rental, sale and servicing of motor vehicles and for the retail sale of fuel for such vehicles.

Garden apartments means a group of apartment buildings not more than three stories or 35 feet high, each building containing not less than four dwelling units, but not limited to one building per site.

Gasoline station means any building, place or location designed to supply motor vehicles with gasoline, oils, greases, and automobile sundries, and to make minor repairs.

Home occupation or profession means any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character thereof and in connection with which there is no display, no stock in trade, no outside storage of equipment, no commodity sold upon the premises, and not more than two persons are engaged in such occupation. Such uses as a barbershop, beauty parlor, tearoom, tourist home, animal hospital and dancing school shall not be deemed to be home occupations.

Hotel means a building or other structure used and maintained as a place where sleeping and supplemental accommodations are supplied transient guests. Only ten percent of the total number of lodging units will be permitted to have kitchen or cooking facilities within the unit.

Incompatible use means a use which is not in harmony with existing uses situated within its immediate vicinity.

Junkyard means a place where waste and discarded or salvaged materials are bought, sold, exchanged, stored, bailed, packaged, disassembled, and handled, including automobile wrecking yards, house wrecking and structural steel materials and other equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or stored materials as part of a manufacturing operation.

Living area. The area of a dwelling unit that is designed and constructed to be heated or air conditioned.

Lot means a parcel of land occupied by or to be occupied by one principal building and its accessory buildings and including the open space and yards required under this chapter. The term "lot" includes the word "plot" or "parcel."

Lot depth means the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot line means the border dividing a lot from a right-of-way, adjoining lot or other adjoining tract of land.

Lot of record means a lot which is duly recorded in the office of the county clerk.

Lot width means the mean horizontal distance between the two side lot lines of a lot measured within the lot boundaries.

Maximum lot coverage refers to lot coverage by all buildings.

Minimum yard requirements refers to the depth of front and rear yards, and the width of side yards.

Mini-warehouse facilities means a fully enclosed structure, each unit not to exceed 560 square feet, to be used for short-term or long-term storage purposes. This may be a detached structure or unit or a

ministorage complex. No such unit shall be used for any wholesale or retail operations; however, it shall not preclude use as a depot for such purposes as a franchised distribution.

Mobile body art establishment means a mobile establishment or unit which is self-propelled or otherwise movable from place to place operated with the intent to provide body art services in such establishment or unit while parked, temporarily or permanently, on private property or other public right-of-way or public areas of the city. Mobile body art establishments are hereby prohibited.

Mobile home means any vehicle or similar portable structure mounted or designed for mounting on wheels, used or intended for use for dwelling purposes, including structural additions, except parked or unoccupied camping-type trailers. Any vehicle or structure shall be deemed to be a mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation.

Mobile home park means a tract of land in a single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this chapter and which is intended for the express purpose of providing a satisfactory living environment for mobile home living residents on a long-term occupancy basis.

Motel means a building or groups of buildings, whether detached or in connected units, used as sleeping accommodations designed primarily for transit automobile travelers. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, motor hotels and similar applications. Only ten percent of the total number of lodging units will be permitted to have kitchen or cooking facilities within the unit.

Nonconforming use means any building or land lawfully occupied by a use on the effective date of the ordinance from which this chapter derives or amendments thereto which does not conform, after the effective date of this chapter or amendments, with the requirements of the district in which it is situated.

Noxious matter means any material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economical well-being of an individual.

Nursing home means a home for the aged, chronically ill or incurable persons in which three or more persons not of immediate the family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Park means a parcel set apart for recreation for the public to promote health and enjoyment.

Parking lot means an area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

Parking space means a surfaced area enclosed in the main building or in an accessory building, or unenclosed, having an area not less than 200 square feet, exclusive of driveways permanently reserved for the temporary storage of one automobile, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

Planned unit development means a district of not less than 50 acres designed to promote the establishment of areas in which diverse uses may be brought together as a compatible and unified plan of development which shall be in the interest of the general welfare of the public, and in accordance with this chapter.

Planned unit development project means a complex of structures and uses planned as an integral unit of development rather than as a single principal structure or use on a single lot.

Professional office building means a building accommodating professional service uses, nonprofessional and other types of offices where the service of the office does not involve the transfer of a commercial product at the office site.

Restaurant means an establishment where food is served or prepared or both, for public consumption on or off the premises.

Roominghouse means a residential building used or intended to be used as a place where sleeping or housekeeping accommodations are furnished or provided for pay to transient or permanent guests or tenants in which less than ten and more than three rooms are used for the accommodations of such guests or tenants, but which does not maintain a public dining room or cafe in the same building or in any building connected to it.

Service, Personal means a service use primarily engaged in providing services involving the care of a person, his or her apparel, pets, or small appliances, and including any of the following uses:

Appliance services
Barber shops
Beauty shops
Dance studios
Duplicating services
Funeral homes
Health spas
In-house carpet servicing
Laundromats
Massage establishments
Photographic studios
Radio repair
Shoe repair
Tailoring
Television repair
Veterinary clinic
Watch and clock repair
Any similar service use

Setback means the distance between a street and the front building line of a principal building or structure, projected to the side lines of the lot, and including driveways and parking areas, except where otherwise restricted by this chapter.

Shopping center means a group of not less than five contiguous retail stores, orderly planned and developed as a single unit.

Sign means any advertisement, announcement, direction or communication affixed to or placed on any building or structure. Signs placed or erected by governmental agencies or nonprofit civic associations for public purposes in the public interest shall not be included in this chapter, nor shall this include signs which are a part of the architectural design of a building.

Special exception means any use permitted as specified in individual district regulations, when such use is compatible to surrounding uses, will not create traffic hazards or parking problems, or does not deviate from the terms of this chapter. All special exceptions shall be subject to site plan review by the planning and zoning board. This procedure requires submission of a development plan which sets forth specific land use, circulation and access, building arrangement and overall site layout. The planning and zoning board may require conditions such as performance standards, screening or landscaping as well as time limitations or other similar requirements.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Structure means any production or piece of work, artificially built upon or composed of parts and adjoined together in some definite manner.

Swimming pool means any body of water or receptacle for water having a depth at any point greater than two feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground.

Tattooing means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa.

Tattoo Parlor is an establishment in which Tattooing is practiced and constitutes a type of Body Art Establishment as defined herein.

Truck parking facilities. A truck parking facility is a facility on a piece of property which is to be used for long term (i.e. over five hours) and overnight parking of trucks. Exceptions to this are situations where a truck is in the process of being repaired, or being loaded or unloaded. For the purpose of this definition, a truck includes tractor trailers (either cab or trailer), or any licensed vehicle (motorized or not) that is designed for transporting goods or materials and that has three or more axles.

Used or occupied, as applied to any land, building or other structure, shall be construed to include the term "intended, arranged or designed to be used or occupied."

Variance, as used in connection with the sections of this chapter dealing with zoning, means the relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. Under no circumstances shall a variance permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of this chapter in such zoning district.

SECTION 3: Adoption. Chapter 118, Article IV, Division 8, Section 118-535 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE II ADMINISTRATION

Division 8. C-1 Central Commercial District

Sec. 118-535. Prohibited uses and structures.

In the C-1 central commercial district, the uses and structures prohibited are as follows:

(1) Single-family, two-family and mobile home parks.
(2) Manufacturing and warehousing activities, freight, or cargo transportation terminals, truck parking facilities, and other activities of similar nature.
(3) Industrial activities.
(4) Body art establishments
(5) Mobile body art establishments
(~~4~~6) All uses not specifically or provisionally permitted in this division.
(~~5~~7) Any use not in keeping with the commercial character of the district.

SECTION 4: Adoption. Chapter 118, Article IV, Division 9, Section 118-580 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE II ADMINISTRATION

Division 9. C-2 Arterial Commercial District

Sec. 118-535. Prohibited uses and structures.

In the C-2 arterial commercial district, the uses and structures prohibited are as follows:

(1) Residential uses.
(2) Manufacturing activities.
(3) Industrial activities.
(4) Junkyards.
(5) Body art establishments
(6) Mobile body art establishments
(~~5~~7) All uses not specifically or provisionally permitted in this division; any uses not in keeping with the commercial character of the district.
(~~6~~8) Garages (commercial).

SECTION 5: Adoption. Chapter 118, Article IV, Division 12, Section 118-729 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE IV DISTRICT REGULATIONS

Division 12. I-1 Light Industrial and Warehousing District

Sec. 118-729. Special exceptions.

In the I-1 light industrial and warehousing district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

(1) Freight handling and transportation terminals.
(2) Planned industrial developments including office and business parks.
(3) Commercial uses which are deemed compatible with the principal uses in this zone.
(4) Body art establishments.

SECTION 6: Adoption. Chapter 118, Article IV, Division 13, Section 118-774 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE IV DISTRICT REGULATIONS

Division 13. I-2 General Industrial District

Sec. 118-774. Special exceptions.

In the I-2 general industrial district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

(1) Concrete, block, and asphalt plants including batch plants.
(2) Bulk storage of chemical or petrochemical products.
(3) Any structure higher than 40 feet.
(4) Any outside display or storage. Any outside display or storage area shall have an opaque screen on all sides in order to avoid any deleterious impact on adjacent property.
(5) Bulk storage of compressed gases or cryogenic materials.
(6) Body art establishments.

SECTION 7: Codification. Sections 2 through 6 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 7: Control. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control to the extent such conflict exists.

SECTION 8: 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, the remaining provisions of this ordinance shall survive and remain effective despite such invalidity or unconstitutionality.

SECTION 9: Effective Date. This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: March 10, 2011.

SECOND READING AND PUBLIC HEARING: March 24 , 2011.

ADOPTED this 24th day of March, 2011, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk