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

**REGULAR MEETING JANUARY 26, 2012 6:30 P.M.**

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

1. **APPROVAL OF MINUTES**
   Regular Meeting of January 12, 2012

2. **FIRST READING OF PROPOSED ORDINANCE**
   A. **Ordinance 12-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ORDINANCE 11-10 RELATING TO PAIN MANAGEMENT TEMPORARY MORATORIUM TO ALLOW RELOCATION OF EXISTING PAIN MANAGEMENT CLINICS UPON PROPER APPLICATION AND APPROVAL BY CITY COMMISSION; PROVIDING CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for February 12, 2012 -** – Community Development Director Williams

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**
   A. **Ordinance 11-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 40.29 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED ON ROPER ROAD EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM CITY NZ TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
   B. **Ordinance 12-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 2, ARTICLE V, ELECTIONS; SECTION 2-251(b), GENERAL AND RUNOFF ELECTIONS; TO DETERMINE WHO IS IN THE RUN-OFF ELECTION IF THERE IS A TIE BETWEEN SECOND AND THIRD PLACING CANDIDATES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE – City Clerk Golden
   C. **Ordinance 12-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.50 ± ACRES LOCATED AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND SOUTH DILLARD STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
   D. **Ordinance 12-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.50 ± ACRES OF LAND LOCATED AT THE NORTH WEST CORNER OF WEST COLONIAL DRIVE AND SOUTH DILLARD STREET FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
   E. **Ordinance 12-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.50 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND SOUTH DILLARD STREET FROM ORANGE COUNTY C-1 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
   F. **Ordinance 12-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 37.8 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTH WEST CORNER OF THE INTERSECTION OF

AVALON ROAD AND DAVENPORT ROAD AT 2911 AVALON ROAD, FROM CITY NZ TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Carriage Pointe Reserve PUD) - – Community Development Director Williams

G. **Ordinance 12-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION II AND SECTION IV OF ORDINANCE 05-26 OAKLAND PARK PUD; AMENDING THE LOT SIZE MIXTURE, PHASING AND AMENITY SCHEDULE AND ALLOWING FOR 35 ADDITIONAL DWELLING UNITS ON APPROXIMATELY 189.9 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF TILDENVILLE SCHOOL ROAD, SOUTH OF LAKE APOPKA, AND EAST OF THE TOWN OF OAKLAND; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Oakland Park PUD) – Community Development Director Williams

H. **Ordinance 12-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE V OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "PLANNED UNIT DEVELOPMENTS" CREATING URBAN VILLAGE PLANNED UNIT DEVELOPMENTS; PROVIDNG REQUIREMENTS FOR MIXTURE OF USES AND URBAN DEVELOPMENT CRITERIA FOR ALL PROPOSED PLANNED DEVELOPMENT PROJECTS IN THE URBAN VILLAGE PLANNED UNIT DEVELOPMENT ZONING DISTRICT; CLARIFYING, UPDATING, AND REMOVING REDUNDANT LANGUAGE FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **(*postponed from January 12, 2012*)**- Community Development Director Williams

4. **REGULAR BUSINESS**
   A. Recommendation to approve Winter Garden Fire Department entering into an Emergency Medical Services Agreement with Orange County that allows the City to receive equipment through grant funds – Fire Chief Williamson
   B. Discussion and possible action regarding sun shelters for downtown splash fountain – City Manager Bollhoefer

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 Meeting on February 9, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

NOTICE: In accordance with Florida Statutes 286.0105, if any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City of Winter Garden does not prepare or provide such record.

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| | Those needing assistance to participate in any of these proceedings should contact the City Clerk's Office at least 48 hours in advance of the meeting (407) 656-4111 x2254. | | Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director. |

# CITY OF WINTER GARDEN

**CITY COMMISSION**
**REGULAR MEETING MINUTES**
January 12, 2012

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:32 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

**Present:** Mayor John Rees, Commissioners Harold L. Bouler, Bob Buchanan, Kent Makin, and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, Finance Director Robin Hayes, Community Development Director Ed Williams, Human Resources Director Frank Gilbert, Police Chief George Brennan, Fire Chief John Williamson, Building Official Skip Lukert, Information Technology Director Bob Reilly, Economic Development Director Tanja Gerhartz, West Orange Times Reporter Michael Laval, and Orlando Sentinel Reporter Stephen Hudak

1. **APPROVAL OF MINUTES**
   **Motion by Commissioner Bouler to approve the regular meeting minutes of December 8, 2011 and Executive Session and Special Meeting of December 14, 2011 as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

2. **PRESENTATION**
   **Request from Winter Garden Rotary to waive fees for using Tanner Hall and to allow beer and wine for the Evening at the Pops event**
   Larry Cappleman, on behalf of the Winter Garden Rotary Club, requested waiving of the rental fees for using Tanner Hall and Newton Park. He also requested permission to sell beer and wine with consumption only on the premises, use of the City's gas grill, and some assistance from City staff.

   **Motion by Commissioner Buchanan to approve waiving rental fees for the Winter Garden Rotary to use Tanner Hall for the annual Evening at the Pops event and to allow beer and wine to be sold. Seconded by Commissioner Makin and carried unanimously 5-0.**

3. **FIRST READING OF PROPOSED ORDINANCES**
   A. **Ordinance 11-37**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 40.29 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED ON ROPER ROAD EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM CITY NZ TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-37 by title only. Community Development Director Williams stated that this property is located on the south side of Roper Road, between Daniels Road and Beulah Road. This property was purchased by a church and is being rezoned to accommodate their church. The property is constrained with 24.9 acres being wetlands and approximately 15.4 acres are uplands. The development of the property will be restricted to the uplands portion. The church has not submitted plans at this point for any development on the property. They have annexed into the City and are now rezoning it. Plans are expected later this year or next year for the church. Staff recommends approval subject to the staff report. This has been recommended for approval by the Planning and Zoning Board.

Mayor Rees asked if the plans to be submitted would include information on their anticipated membership.

Mr. Williams replied yes, they will include the size, capacity, and a certain amount of parking. He noted that the abutting single family residence and the applicant is aware of the extra buffering between.

**Motion by Commissioner Bouler to approve Ordinance 11-37 with the second reading and public hearing being scheduled for January 26, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.**

B. **Ordinance 12-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 2, ARTICLE V, ELECTIONS; SECTION 2-251(b), GENERAL AND RUNOFF ELECTIONS; TO DETERMINE WHO IS IN THE RUN-OFF ELECTION IF THERE IS A TIE BETWEEN SECOND AND THIRD PLACING CANDIDATES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-03 by title only. City Clerk Golden stated that upon review of the City's code regarding our elections, it was determined that in the event there was a tie between second and third, there would not be a way to know who would be included on the ballot. This clarifies amendment would allow for a drawing of lots to make that determination.

Commissioner Sharman asked about the definition of a lot. There was discussion that it is a drawing of straws.

**Motion by Commissioner Sharman to approve Ordinance 12-03 with the second reading and public hearing being scheduled for January 26, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

C. **Ordinance 12-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.50 ± ACRES LOCATED AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND SOUTH DILLARD STREET 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

City Attorney Ardaman read Ordinance 12-04 by title only. Community Development Director Williams stated that this item and the next items involve the same property. This is the newly renovated Sunoco gas station at the corner of State Road 50 and Dillard Street. Staff is working with the agent for the owners to clean up signage and other issues with the renovation done under County regulations. They have been very cooperative and have made major changes, which staff has seen huge improvements. Staff recommends annexation and is happy to have them come into the City.

**Motion by Commissioner Sharman to approve Ordinance 12-04 with the second reading and public hearing being scheduled for January 26, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.**

D. **Ordinance 12-05**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.50 ± ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND SOUTH DILLARD STREET FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-05 by title only. Community Development Director Williams stated that this is the same property that changes the land use from County commercial to City commercial and staff recommends approval.

**Motion by Commissioner Buchanan to approve Ordinance 12-05 with the second reading and public hearing being scheduled for January 26, 2012. Seconded by Commissioner Bouler and carried unanimously 5-0.**

E. **Ordinance 12-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.50 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND SOUTH DILLARD STREET FROM ORANGE COUNTY C-1 COMMERCIAL DISTRICT TO CITY C-2 ATERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-06 by title only. Community Development Director Williams indicated staff recommends approval.

**Motion by Commissioner Sharman to approve Ordinance 12-06 with the second reading and public hearing being scheduled for January 26, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

F. **Ordinance 12-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 37.8 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF AVALON ROAD AND DAVENPORT ROAD AT 2911 AVALON ROAD, FROM CITY NZ TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Carriage Pointe Reserve PUD)

City Attorney Ardaman read Ordinance 12-07 by title only. Community Development Director Williams stated that this property was formerly known as the Cantero property and has since changed hands. A revised report has been submitted reflecting the new ownership by Taylor Morrison. The Development Review Committee and the Planning and Zoning Board have reviewed this item and recommend approval. The plan is consistent with the comprehensive plan and zoning codes of the City. This development is for 90 lots; 47 are 65 by 120 feet, 43 are 75 by 120 feet. This property abuts the county rural settlement of Avalon; therefore, it requires a 100 foot buffer on their west boundary and on their south boundary. Staff had a community meeting with the residents in the area who had concerns that a buffer of pine trees would not be sufficient. The developer has agreed to put in more shrubs and other lower lying bushes to fill up the buffer. At the end of the meeting the residents were supportive of the request. Another feature will be turn lanes on CR 545 and there will be no access to the roads to the south except for emergency access. Staff recommends approval subject to the conditions in the report. The Planning and Zoning Board has reviewed and recommends approval.

Commissioner Makin asked if this included a multi-use trail within the buffer.

Mr. Williams responded yes. The Joint Planning Area agreement with the County provides for trails and interconnections throughout that area.

**Motion by Commissioner Bouler to approve Ordinance 12-07 with the second reading and public hearing being scheduled for January 26, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.**

G. **Ordinance 12-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION II AND SECTION IV OF ORDNANCE 05-26 OAKLAND PARK PUD; AMENDING THE LOT SIZE MIXTURE, PHASING AND AMENITY SCHEDULE AND ALLOWING FOR 35 ADDITIONAL DWELLING UNITS ON APPROXIMATELY 189.9 +/- ACRES OF CERTAIN REAL PROPERTY

GENERALLY LOCATED WEST OF TILDENVILLE SCHOOL ROAD, SOUTH OF LAKE APOPKA, AND EAST OF THE TOWN OF OAKLAND; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR NON SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Oakland Park PUD)

City Attorney Ardaman read Ordinance 12-08 by title only. Community Development Director Williams stated that this project has been under review for quite some time. It proposes to amend the lot size mixture, the phasing, and the amenities schedule. It ends up with an infrastructure change; there is now additional land available for development. There is a net gain of approximately 35 units across the property. Staff has reviewed and prepared a series of conditions and restrictions in the report. It has been reviewed by the Planning and Zoning Board who recommends approval. Mr. Williams stated that the applicant is here and would like to make a brief presentation of their proposal.

John Rinehart, 15241 E. Oakland Avenue, Winter Garden, Florida, highlighted the material provided with the application to amend the PUD as submitted in the agenda packet. He noted that there is another layer of control or design that is in the plan now. He noted a new section regarding the architectural design. One of the housing types that they have requested was a house lot which is a 40 foot wide lot. He noted the pattern of architecture for how the houses would appear on the street so there would not be a repetition of the same style housing.

Commissioner Makin asked how many forty foot wide lots are included.

Mr. Rinehart referred him to page 57 and shared that T-3 zone is no more than thirteen percent, T-4 zone would be no more than twenty-two percent and overall no more than thirty-five percent and emphasized that the design is important to house sizes.

Commissioner Buchanan asked if the marina was being eliminated.

Mr. Rinehart stated that the original plan had boat storage and a ramp with a retail component. The boat ramp is still part of the union club area. They will build the boat ramp for the residents of Oakland Park subject to the ability to get all of the required permits that is outside their control.

Mayor Rees asked if the boat ramp would be completed around the same time as the other recreation area such as the pool and clubhouse.

Mr. Rinehart replied that there is a change in the amenity phasing. They had initially planned that the union club would start around the 150$^{th}$ home in the community. What is now being proposed is that they are starting the Meadowmarsh Park up front with the pool in conjunction with the two builders starting construction now. The construction of the union club would fall in line with its natural phase development. The amenities of a particular phase will be built before fifty percent of the Certificate of Occupancies (COs) are issued within a phase. The pool is designed to handle three to four hundred homes.

Commissioner Sharman asked about how parking will be handled for the forty foot lots.

Mr. Rinehart stated that they have spent a fare amount of time with staff going through a variety of issues and parking was one of concern to staff. They propose to submit a parking plan as part of each plat. Mr. Rinehart referred to the chart on page 58, which identifies the required parking.

**Motion by Commissioner Buchanan to approve Ordinance 12-08 with the second reading and public hearing being scheduled for January 26, 2012. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

A. **Ordinance 11-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 75.94 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) AT 16851 AND 17001 MARSH ROAD, FROM CITY NZ TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Waterside on John's Lake PUD)

City Attorney Ardaman read Ordinance 11-35 by title only. Community Development Director Williams requested that this item be postponed until February 9, 2012.

**Motion by Commissioner Sharman to postpone Ordinance 11-35 until February 9, 2012 at 6:30 p.m. or as soon thereafter as possible. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

At this time, Mayor Rees recognized Jim Thomas, President of the Friends of Lake Apopka (FOLA) to present two issues that will have a major impact on the City of Winter Garden.

Mr. Thomas stated that one of the big issues proposed by Fish and Wildlife is to allow Hydrilla to proliferate in Lake Apopka. This is a preposterous plan. They plan to make their decision by counting stakeholders. There are a number of fisherman and fish managers who think Hydrilla would be an improvement to Lake Apopka with the idea that it can be controlled at some point down the line, which is not possible. He shared that Fish and Wildlife will conduct a public hearing in Winter Garden on January 24, 2012 at 6:00 p.m. at Tanner Hall and the purpose will be to hear from the stakeholders. He noted that FOLA has been circulating petitions and they have about 1,000 signatures opposing the plan, but he understands that a lot of people in Lake County are counting on making this happen in Lake Apopka. In addition, a questionnaire will be presented to those attending the hearing or who live on the lake; counting those who are in favor or are against. He noted that a lake full of Hydrilla would degrade property values in Winter Garden.

Mr. Thomas noted a recent challenge with competition for water level management. The scientific staff has recommended that Lake Apopka keep the dam closed through the winter until April to keep the water level high. The purpose of keeping the higher level is because it lowers the phosphorous breeding and we are better able to control phosphorous. St. Johns River Water Management Board, just last week, voted to open the dam to allow water into Lake Griffin so that they could get their boats out of the docks. He noted that this was a complete surprise and noted that it was a classic example of politics over science. We will see a major impact on the eelgrass that is growing around the edges. He asked the City Commission to take a stand along with FOLA to protest on exposing the eelgrass.

Mr. Thomas noted another issue that people object to is so much money is being spent on Lake Apopka and the people are not using the lake. He asked if the City could look at its own boat ramps and see what might be done to create more access to Lake Apopka. He noted that they (FOLA) will be working on getting Federal funds that might be available and he would like to work with the City on this possibility.

At this time, Mayor Rees resumed the regular meeting.

B. **Ordinance 11-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION IV OF ORDINANCE 03-50 PUD TO CONVERT TOWNHOMES TO SINGLE-FAMILY RESIDENCES ON APPROXIMATELY 19.24 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF AVALON ROAD AND MARSH ROAD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Avalon Reserve Village 1 PUD)

City Attorney Ardaman read Ordinance 11-39 by title only. Community Development Director Williams stated that this request is, by staff, considered to be an improvement in the planned unit development. It is a downgrade from 150 townhomes to 66 single family residential units. The Planning and Zoning Board and the Development Review Committee recommend approval subject to conditions.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Buchanan to adopt Ordinance 11-39. Seconded by Commissioner Makin and carried unanimously 5-0.**

C. **Ordinance 12-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION I AND SECTION II OF ORDINANCE 04-34 TUCKER PROPERTY PUD TO CONVERT TRIPLEX CONDOMINIUMS TO TWO-UNIT TOWNHOMES ON APPROXIMATELY 13.29 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF FLORIDA'S TURNPIKE AND SOUTH OF WEST COLONIAL DRIVE ON SCARLET OAK LOOP; PROVIDING FOR

CERTAIN PUD REQUIREMENTS; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Tucker Oaks PUD)

City Attorney Ardaman read Ordinance 12-01 by title only. Community Development Director Williams stated this amendment reduces the density and the types of units. The project will go from 390 triplexes to 345 units that are both triplex and duplex type units. Staff and the Planning and Zoning Board recommend approval subject to conditions.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Bouler to adopt Ordinance 12-01. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

D. **Ordinance 12-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE V OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "PLANNED UNIT DEVELOPMENTS" CREATING URBAN VILLAGE PLANNED UNIT DEVELOPMENTS; PROVIDNG REQUIREMENTS FOR MIXTURE OF USES AND URBAN DEVELOPMENT CRITERIA FOR ALL PROPOSED PLANNED DEVELOPMENT PROJECTS IN THE URBAN VILLAGE PLANNED UNIT DEVELOPMENT ZONING DISTRICT; CLARIFYING, UPDATING, AND REMOVING REDUNDANT LANGUAGE FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman advised that there would be no need to read this title as it is being re-advertised. Community Development Director Williams stated staff would like to postpone this item until January 26, 2012.

**Motion by Commissioner Buchanan to postpone Ordinance 12-02 until January 26, 2012 at 6:30 p.m. or as soon thereafter as possible. Seconded by Commissioner Bouler and carried unanimously 5-0**

5. **REGULAR BUSINESS**

A. **Recommendation to approve the final plat for Villas at Tucker Oaks**

Community Development Director Williams stated that this is the plat for the Villas at Tucker Oaks that has been reviewed by staff, who recommends approval and authorization for the Mayor to sign.

**Motion by Commissioner Sharman to approve the final plat for Villas at Tucker Oaks. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

B. **Recommendation to approve site plan, with conditions, for 1103 Crown Park Circle owned by Boyd Consulting, Inc. for an office/warehouse building by Precision Contracting Services**

Community Development Director Williams stated that this site plan has been reviewed by the Development Review Committee (DRC), who recommends approval. It is for a fiber optic company that is locating into that industrial area. Staff has reviewed the site plan for consistency with regulations and recommends approval.

**Motion by Commissioner Buchanan to approve site plan, with conditions, for 1103 Crown Park Circle owned by Boyd Consulting, Inc. for an office/warehouse building. Seconded by Commissioner Makin and carried unanimously 5-0.**

C. **Recommendation to approve site plan for 12801 W. Colonial Drive owned by Sigma Delta Investments, Inc. for a convenience store**

Community Development Director Williams stated that this is one of the properties that is being renovated on State Road 50 since the road widening project occurred. It is the convenience store, Citgo gas station, and the cheese steak restaurant. Staff recommends approval.

**Motion by Commissioner Sharman to approve the site plan for 12801 W. Colonial Drive. Seconded by Commissioner Bouler and carried unanimously 5-0.**

D. **Recommendation to authorize the City Manager to enter into and transmit an agreement with the Florida Communities Trust for the Tucker Ranch Heritage Park property to receive $840,252.00 reimbursement from Florida Forever funding**

Community Development Director Williams stated that the State approved the City for the money and now the City has to go through the process involved in actually collecting the funds for the park. Staff is asking for authorization and approval for the City Manager to execute the agreement and transfer it to the State so that the City can collect the funds. He stated that the City Attorney will also have to sign off on this agreement and there are also some issues that he would like to advise the City Commission on that are included in the grant.

City Attorney Ardaman stated that there are restrictions that will apply to the entire property. All buildings and structures have to be approved, in advance, by the State. The City will have to change the future land use zoning if it is not all conservation. There are a lot of requirements. One of the primary concerns he has as the City's attorney is that a Declaration of Restrictive Covenants must be recorded that require the City's compliance with certain requirements. In the event that the City does not comply with the requirements and the State gives the City notice, and the City does not adhere to those requirements, the City could be asked and required to deed the property to the State.

Mayor Rees asked if there is any room in this agreement that says if the City does not agree, we could refund the funds back to the State.

City Attorney Ardaman stated that the City could try and most of the agreement does allow for that.

City Manager Bollhoefer stated that on paper it looks worse than what it really is because with the State this has never happened; they try to work with everyone.

Mr. Ardaman stated that the City Manager is correct. He just wanted to be sure that the City Commission was aware of the possibility however unlikely it is.

**Motion by Commissioner Sharman to approve authorizing the City Manager to enter into and transmit an agreement with the Florida Communities Trust for the Tucker Ranch Heritage Park property. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

E. **Recommendation to approve Resolution 12-01 and utility work agreement with the Florida Department of Transportation for relocating city owned utilities on State Road 50 west of Avalon Road**

Public Services Director Cochran stated that this is a utility work agreement with the Florida Department of Transportation (FDOT). The project is described as State Road 50 between Avalon Road and just east of the turnpike ramps, but the City's portion is just relocating the utilities that are within the City's limits.

City Manager Bollhoefer asked when the widening is to begin.

Mr. Cochran responded that he did not have the schedule, but staff has just received bids today for the City's portion of moving utilities, and he expects to begin in the next 30 to 45 days.

**Motion by Commissioner Sharman to approve Resolution 12-01 and utility work agreement with the Florida Department of Transportation for relocating city owned utilities on State Road 50 west of Avalon Road. Seconded by Commissioner Makin and carried unanimously 5-0.**

F. **Recommendation to approve entering into an agreement with St. Johns River Water Management District for the Water Conservation Cost Share Program**

Public Services Director Cochran stated that staff is requesting to enter into a water conservation cost share agreement with St. Johns River Water Management District (SJRWMD). This is to fund the upgrading of the City's automatic meter reading system to a technology called Flexnet Technology. This allows water meters to be read from a computer in City Hall as opposed to the automatic radio read system that are read by a technician who drives around the City via a computer. This program covers the first 3,500 meters. As the City replaces meters, the upgraded meters will be installed. He can foresee that, in the future, accounts could be shut-off at City Hall and someone could pay on line and be reconnected. The City's shared amount is $200,000.00.

Mayor Rees asked if the contingency amount is shared or is it the city's amount.

Mr. Cochran replied that the contingency is the City's amount.

Commissioner Buchanan asked if commercial will also be upgraded.

Mr. Cochran responded yes.

Mayor Rees asked if there will ultimately be a significant savings to the City.

Mr. Cochran responded that eventually there will be the reduction in the driving being done and the staff of twelve required for shutting off meters and then going out and turning them back on.

**Motion by Commissioner Sharman to approve entering into an agreement with St. Johns River Water Management District for the Water Conservation Cost Share Program. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

G. **Recommendation to approve request for qualification rankings and material testing, and authorize staff to negotiate contracts for professional services agreements for geotechnical and materials testing with Ardaman and Associates, Universal Engineering Sciences, Tri-County Testing, PSI ,and Elipsis**

Public Services Director Cochran stated that every two to three years the City goes out for bid on geotechnical services. We have received ten responses and staff recommends going under contract with the top five. He noted that the reason staff is picking the top five is there may be emergencies and you need to make sure you have someone on hand. He stated that staff wants to have a pool of contacts. He noted the chosen companies are Ardaman and Associates, Universal Engineering Sciences, Tri-County Testing, PSI, and Elipsis. He noted that Tri-County Testing and Elipsis are local companies. Mayor Rees asked if these were listed in the preferred order. Mr. Cochran replied that this is the order in which they were ranked.

**Motion by Commissioner Sharman to approve request for qualification rankings and material testing, and authorize staff to negotiate contracts for professional services agreements for geotechnical and materials testing with Ardaman and Associates, Universal Engineering Sciences, Tri-County Testing, PSI, and Elipsis. Seconded by Commissioner Makin and carried unanimously 5-0.**

H. **Recommendation to extend the annual services agreement with Quality Vaults for opening and closing of cemetery spaces**

Public Services Director Cochran stated that this is an annual renewal. In 2009 this item was sent out for bid and Quality Vaults was the only company that submitted a bid. Quality Vaults has agreed to hold their prices at the same amount for another year. Staff recommends approving the renewal of Quality Vaults contract.

**Motion by Commissioner Sharman to approve extending the annual services agreement with Quality Vaults for opening and closing of cemetery spaces. Seconded by Commissioner Bouler and carried unanimously 5-0.**

I. **Recommendation to approve bids and award contract to Schuller Contractors, Inc. for the Southwest Reuse Expansion Project with a ten percent contingency for a total of $2,094,250.40**

Public Services Director Cochran stated that this has been a long time coming. The City entered into an agreement approximately five years ago with Orange County, City of Orlando, and Conserv II to receive two million gallons of reclaimed water from the Conserv II system. It has taken five years to get an agreement with Orange County to make the connection to that pipe. The City has received bids from the contractor who has the engineering designs for making those connections. The lowest bid was Schuller Contractors, Inc. at $1,903,864.00 and staff recommends a ten percent contingency which brings the project total to $2,094,250.40

Mr. Cochran stated that last Tuesday he attended the SJRWMD board meeting and they awarded Winter Garden a grant for this project, along with three other cities. The award was for forty percent of this contract. Of the $2 million, SJRWM has given the City $800,000.00 of the cost.

**Motion by Commissioner Bouler to approve bids and award contract to Schuller Contractors, Inc. for the Southwest Reuse Expansion Project with a ten percent contingency for a total of $2,094,250.40. Seconded by Commissioner Makin and carried unanimously 5-0.**

J. **Appointment of the fifth trustee on the Police Officer and Firefighter Pension Board**

City Clerk Golden stated that this for the appointment of the fifth trustee on the Police Officer and Firefighter Pension Board. The board met and is recommending the reappointment of the current fifth trustee, Phil Cross.

**Motion by Commissioner Buchanan to reappoint Phil Cross as the fifth trustee on the Police Officer and Firefighter Pension Board. Seconded by Commissioner Bouler and carried unanimously 5-0.**

K. **Request approval to sell beer February 4, 2012, during the chili cook-off fundraiser to benefit the American Cancer Society**

Community Relations Manager Vaughn requested permission to sell alcohol at the 4th Annual Uncle Don's Chili Cook off on February 4, 2012.

Mayor Rees asked if it was alcohol or just beer. Ms. Vaughn responded that only beer would be sold at $4.00 per cup. She noted that last year's sales raised $8,000.00 and the goal this year is to raise $15,000.00. Ms. Vaughn noted that this fundraiser for the American Cancer Society is sponsored by the City of Winter Garden's Employee teams.

**Motion by Commissioner Buchanan to approve the sell of beer on February 4, 2012 during the chili cook off fundraiser to benefit the American Cancer Society. Seconded by Commissioner Makin and carried unanimously 5-0.**

6. **MATTERS FROM CITIZENS**

Ainsley Reid-Hart, an investor of a condo in Windtree asked why the City charges for sewer and garbage when the water has been turned off.

City Manager Bollhoefer explained that part of the cost pays for ongoing expenses and the other part is for capital expenses, which are the greater part of the cost. The City is still paying for the capital expenditures and those expenses do not go away. All houses have to pay a portion of that capital cost. For example, if 50 percent of the City had its water turned off, the City would still have to maintain the related costs such as the employee's salaries. and those costs do not go away. Therefore, everyone is responsible for paying their fair share.

Dr. Rosemarie Solomon, 2169 Wintermere Pointe Drive, Winter Garden, Florida, stated that she has two medical schools and that she would like to put one in Winter Garden to help our youth. She also wants to work with the performing arts center in order to assist young girls and those who may have suffered abuse.

7. **MATTERS FROM CITY ATTORNEY –** There were no items.

8. **MATTERS FROM CITY MANAGER**

A. **Draft ordinance on park regulations**

City Manager Bollhoefer stated that this ordinance will be brought back to the City Commission in approximately 30 days. The regulations are fairly significant and asked that the Commission review it and bring any comments to his attention. He noted that staff would like to bring it to the first meeting in February.

*At this point in the meeting Mayor Rees requested a spokesperson on this subject for several individuals who wanted to voice the same opinion on an issue.*

Tonya Laul Jimenez stated that she was present on behalf of True Ministries Church which regularly uses Veterans Memorial Park and will be directly affected by this proposed ordinance. She stated that they feel that they are being forced out of the park and have been for several years, and she shared several reasons. Ms. Jimenez asked why their church has been singled out.

City Manager Bollhoefer responded that their church has not been singled out and it was not mentioned in the ordinance. He noted that this is an ordinance that has been prepared with the City Attorney who has reviewed other park regulations. This ordinance has not been delayed but has been given to the City Commission so that they have time to review and suggest any changes and/or recommendations.

Ms. Jimenez thanked Mr. Bollhoefer for his explanation and stated that the church feels that this ordinance is a violation of its first amendment rights. She stated that they have been in contact with the Liberty Counsel who has sent an e-mail to the City Commission and provided the Commission with a copy of the letter to review prior to voting on this ordinance. Ms. Jimenez stated that Richard Mast of the Liberty Counsel, the source of the letter, also agrees that the ordinance appears to be unconstitutional. She noted that the various reasons are outlined. On behalf of True Ministries Church and the Liberty Counsel they are asking that this proposed ordinance be opposed. Mr. Mast has offered to assist in drafting a constitutional version of the ordinance.

B. **Draft ordinance modifying pain clinic regulations**

City Manager Bollhoefer stated that the City adopted an ordinance to regulate pain clinics that were really just places for drug distribution. However, there are some legitimate pain clinics who are being penalized. This ordinance would modify it so that real pain clinics are not penalized. He stated that he has distributed the proposed ordinance for review and or comments to him or the City Attorney who he believes drafted it.

C. **Discussion on ownership of Windtree Lane**

City Manager Bollhoefer stated that Windtree Condominiums road in back of Kentucky Fried Chicken has been a problem road for many years. The City has been trying to work with the supposed road owners and he would like the City to take ownership of the road. He believes that it should have been a City road all along because it provides ingress and egress to businesses and private residences. If the City takes ownership, then we would be responsible for maintaining the road, and it would become a public road. The City Engineer has reviewed, the road and to bring it up to standards would be approximately $15,000.00 to $20,000.00 to repair. Staff recommends taking ownership of the road and repairing it.

Commissioner Buchanan asked if the City will ask that they do repairs before we take it over.

Mr. Bollhoefer stated that generally we would, but there were so many different owners and the ownership was so confusing. After review, it would have cost more to look into this and incur legal fees than to pay the $15,000.00 to $20,000.00 and take ownership.

Commissioner Buchanan asked if the road is from the Windtree entrance sign to State Road 50. Mr. Bollhoefer responded yes; not within Windtree itself.

**Motion by Commissioner Bouler to approve recommendation as made by the City Manager. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

D. **Review design for sun shelters at splash fountain**

City Manager Bollhoefer stated that the splash fountain has been a great success but the one comment made was that there was not sufficient shade. The design should not clash

with the architecture, and whatever is chosen it needs to be aluminum that is fastened down for lower maintenance and longevity. A rendering was distributed and it was discussed. The approximate size is 14 feet long by 8½ each, with four total. The highest approximate price is $39,000.00 and the lowest was $35,000.00.

Mayor Rees stated that the City Commission would review the design and decide at the next meeting.

- **Micro Events at the Pavilion**
  City Manager Bollhoefer stated that one of the City's plans is to use the pavilion for micro events. The recreation staff has come up with an event that they would like to have on March 3, 2012 called a Blues and Barbeque event from 4:00 p.m. to 10:00 p.m. at the pavilion. They are asking permission to have beer sales and consumption at the event within the confines of the pavilion.

  There was discussion that this would not interfere with the Farmer's Market, and the barbeque would be provided by several local businesses.

  **Motion by Commissioner Buchanan to approve the Blues and Barbeque event on March 3, 2012 with permission to sell beer at the pavilion. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- **Farewell and thank you to Finance Director Hayes**
  City Manager Bollhoefer announced that Robin Hayes, the City's Finance Director, has submitted her resignation and will be going to the City of Oviedo. He thanked her for the time she has served the City of Winter Garden.

  Mayor Rees thanked Ms. Hayes for all she has done for the City and wished her the best.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**
   **Commissioner Bouler** wished everyone a Happy New Year.

   **Commissioner Sharman** thanked City staff and City Manager Bollhoefer for being on top of the noise issues at the mall.

   City Manager Bollhoefer stated that the Winter Garden Choir would like to use Tanner Hall the Sunday before Valentine's Day for a fundraiser and have asked that the City waive the fees for use of the hall.

   **Motion by Commissioner Bouler to approve waiving the rental fees for the Winter Garden Choir to conduct a fundraiser the Sunday before Valentine's Day 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

The meeting adjourned at 8:05 p.m.

APPROVED:

_____
Mayor John Rees

ATTEST:

_____
City Clerk Kathy Golden, CMC

**THE CITY OF WINTER GARDEN**

**CITY COMMISSION AGENDA ITEM**

**From:** Mike Bollhoefer, City Manager

**Date:** **January 19, 2012** **Meeting Date:** **January 26, 2012**

**Subject:** Ordinance 12-10

**Issue:** Amending Ordinance 11-10 relating to Pain Management Temporary Moratorium.

**Recommended action:**

First reading of Ordinance 12-10 amending Ordinance 11-10 relating to Pain Management Temporary Moratorium, with second reading and adoption on February 9, 2012.

**Attachments/References:**

Ordinance 12-10

**ORDINANCE 12-10**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ORDINANCE 11-10 RELATING TO PAIN MANAGEMENT TEMPORARY MORATORIUM TO ALLOW RELOCATION OF EXISTING PAIN MANAGEMENT CLINICS UPON PROPER APPLICATION AND APPROVAL BY CITY COMMISSION; PROVIDING CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Winter Garden, Florida (the "City"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, the "Whereas" causes constituting the Findings of Fact as set forth in Ordinance 11-10 are hereby incorporated herein; and

**WHEREAS**, the City Commission desires to amend Ordinance 11-10 to lift the prohibition on relocation of existing pain management clinics during the moratorium, provided a requested relocation by a pain management clinic meets the criteria provided herein and such requested relocation is approved by the City Commission;

**WHEREAS**, the City Commission hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a significant and important governmental interest.

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

**SECTION 1.** **AUTHORITY.** The City Commission of 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.** **FINDINGS OF FACT**. The foregoing **"WHEREAS"** clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 3.** Section 3 of Ordinance 11-10 is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**TEMPORARY MORATORIUM**. Beginning on the effective date of this Ordinance and continuing through May 1, 2012, or sooner as provided in Section 5 of this Ordinance, a moratorium is hereby imposed on the opening of new pain management clinics and on the expansion or relocation of existing pain management clinics, except as provided herein. During the moratorium, the following shall be unlawful and a violation of this Ordinance:

1. During the moratorium, it is unlawful and a violation of this Ordinance for any person, firm, or corporation to open or caused to be opened any pain management clinic within the City of Winter Garden.

2. During the moratorium, it is unlawful and a violation of this Ordinance for any person, firm, or corporation to relocate or cause to be relocated any pain management clinic within the City of Winter Garden without prior approval from the City Commission. A pain management clinic that was legally operating and existing within the city limits prior to May 12, 2011, and is operating under a duly issued local business tax receipt, may file an application to obtain City Commission approval to relocate to another location within the city. The relocation application shall be signed and sworn to by the applicant and the medical director (as defined herein) and contain the following:

   (i) The name and post office address of the applicant and the "medical director", which means the physician licensed by the State of Florida with a full, active and unencumbered license under F.S. ch. 456 or 459 who shall be the designated physician responsible for complying with all requirements related to the operation of the pain management clinic;

   (ii) Indicate whether the pain management clinic dispenses controlled substances on the pain management clinic site;

(iii) The registration number from the state department of health as required by F.S. § 458.309 or § 459.005, if the pain management clinic must be registered in accordance with state law;

(iv) The professional license numbers of the medical director, including DEA number;

(v) A list of all persons associated with the management or operation of the pain management clinic whether paid or unpaid, part time of full time, contract labor or independent contractor. For the persons listed, the following information must be provided: (i) title; (ii) current home address, telephone numbers and date of birth; (iii) all criminal convictions whether misdemeanor or felony; (iv) current Florida driver's license; and (v) whether the person has any financial or business interest in a pharmacy, as defined in F.S. § 465.003, within the State of Florida;

(vi) A floor plan of the pain management clinic showing the location and size of the waiting area, location and size of the patient rooms and types and location of diagnostic equipment;

(vii) If any controlled substances are dispensed on-site during the course of business, a floor plan showing the location and the method of security for protection of any controlled substance to be dispensed in the course of business;

(viii) A sworn statement and agreement that: (a) the pain management clinic shall be operated by the medical director; (b) the pain management clinic shall not limit the form of payment for services or prescriptions to cash only; (c) the pain management clinic shall maintain at the clinic the diagnostic equipment to diagnose and treat patients complaining of chronic pain as provided for by the appropriate standard of care; and (d) the dispensing of controlled substances for treatment of chronic non-malignant pain must be done in compliance with all applicable state and federal laws and regulations. A violation of the agreements contained in this subsection shall be unlawful and constitute a violation of this Ordinance; and

(ix) Show that the proposed location of the pain management clinic is in compliance with all applicable zoning regulations.

3. During the moratorium, it is unlawful and a violation of this Ordinance for any person, firm, or corporation to expand or cause to be expanded any pain management clinic within the City of Winter Garden. For the purposes of this subsection, the terms “to expand” and “cause to be expanded” mean to “enlarge the physical size of”.

**SECTION 4.** **CONFLICTS**. 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 5.** **SEVERABILITY**. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remainder.

**SECTION 6.** **EFFECTIVE DATE**. This Ordinance shall become effective upon its adoption.

**FIRST READING:** _____January 26_____, 2012.

**SECOND READING AND PUBLIC HEARING**: _____, 2012.

**ADOPTED** this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

**THE CITY OF WINTER GARDEN**

**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** **January 13, 2012** **Meeting Date: January 26, 2012**

**Subject:** **13036 Roper Road** - (Grace Church - Rezoning)
**Ordinance 11-37**
**PARCEL ID #** 35-22-27-0000-00-024

**Issue:** The applicant is requesting to rezone 40.29+/- acres of unimproved vacant land located at 13036 Roper Road from City NZ to City R-1.

**Discussion:**

City Staff recommend approval of the proposed Ordinance 11-37 Rezoning of 40.29+/- acres from City NZ to City R-1.

(See attached Staff Report).

**Recommended Action:**

Staff recommends adoption of Ordinance 11-37 (Rezoning 40.29 +/- acres located at 13036 Roper Road from City NZ to City R-1).

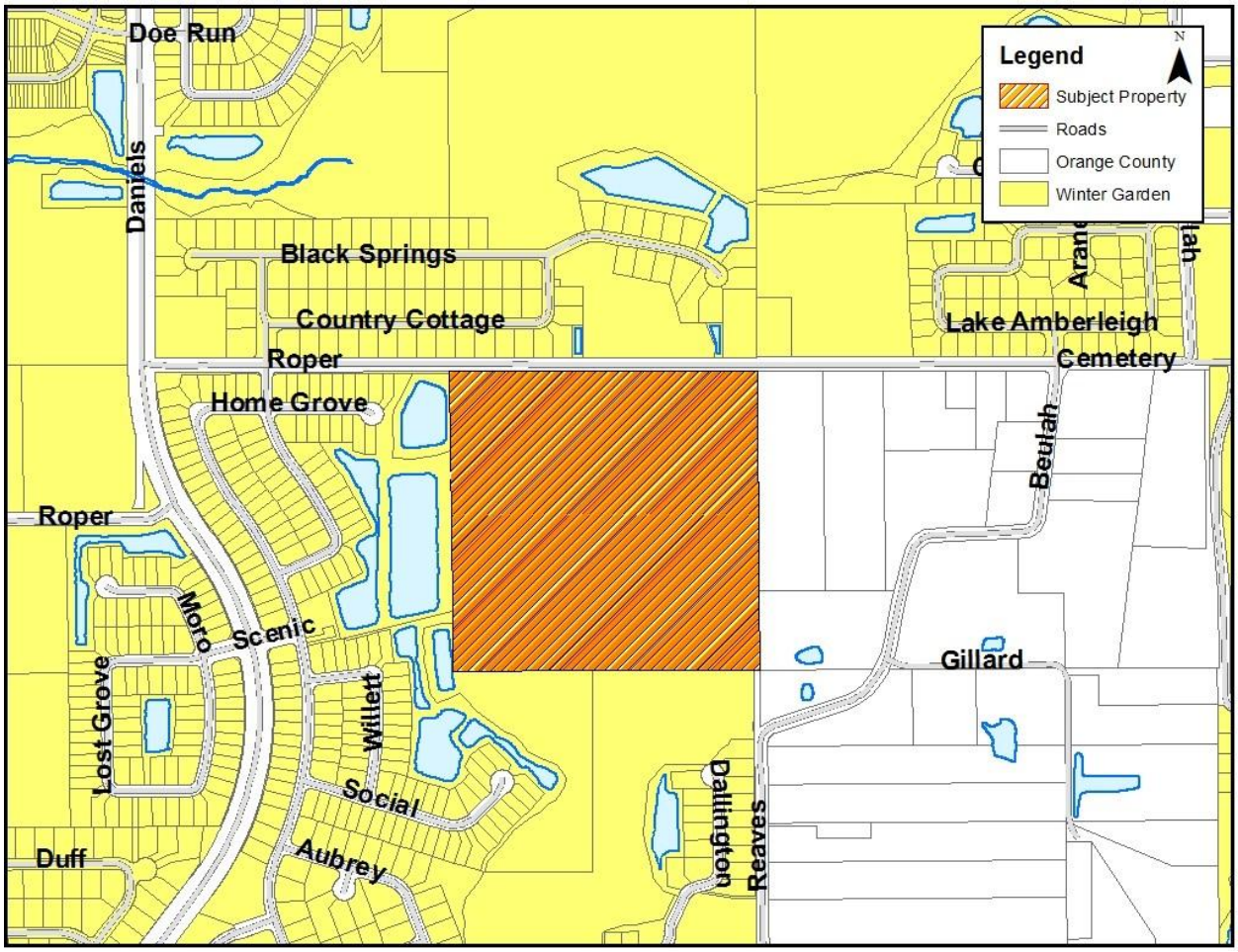
**Attachments/References:**

Location Map
Ordinance 11-37
Staff Report

# LOCATION MAP

Ordinance 11-37

13036 Roper Road
(Grace Church)



ORDINANCE 11-37

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 40.29 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED ON ROPER ROAD EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM CITY NZ TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner(s) of real property generally described as approximately 40.29± acres of certain real property generally located on Roper Road east of Daniels Road and west of Beulah Road, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), desire to rezone their property from the City NZ and the City's R-1 Single Family Residential District; and

**WHEREAS,** after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is consistent with the City of Winter Garden Comprehensive Plan, and the City of Winter Garden Code of Ordinances, therefore;

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

**SECTION 1:** *Rezoning.* After due notice and public hearing, the zoning classification of certain real property legally described on Exhibit "A" attached hereto, is hereby rezoned from City NZ to City R-1 Single Family Residential District in the City of Winter Garden, Florida. Churches and other places of worship are permitted only as special exceptions in the R-1 Single Family Residential District.

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

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

**SECTION 4:** *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** January 12 , 2012.

**SECOND READING AND PUBLIC HEARING**: January 26 , 2012.

**ADOPTED** this 26th day of, January , 2012, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

_____
JOHN REES, Mayor/Commissioner

**ATTEST:**

_____
KATHY GOLDEN, City Clerk

**Exhibit "A"**

**Parcel ID # 35-22-27-0000-00-024**

The Northeast 1/4 of the Northeast 1/4 of Section 35, Township 22 South, Range 27 East, Orange County, Florida. Less the following:

Begin at the Northwest corner of Section 36, Township 22 South, Range 27 East, Orange County, Florida, thence run South 00° 23'14" East along the West line of the Northwest 1/4 of said Section 36, a distance of 30.00 feet; thence run North 89° 57'38" West, a distance of 1344.33 feet to the West line of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00° 32'11" West along said Northeast 1/4 of the Northeast 1/4 of Section 35, a distance of 30.00 feet to the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 35; thence run South 89° 57'38" East along the North line of aforesaid Northeast 1/4 of the Northeast 1/4 of Section 35, a distance of 1344.41 feet to the Point of Beginning.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 ● (407) 656-4111

# STAFF REPORT

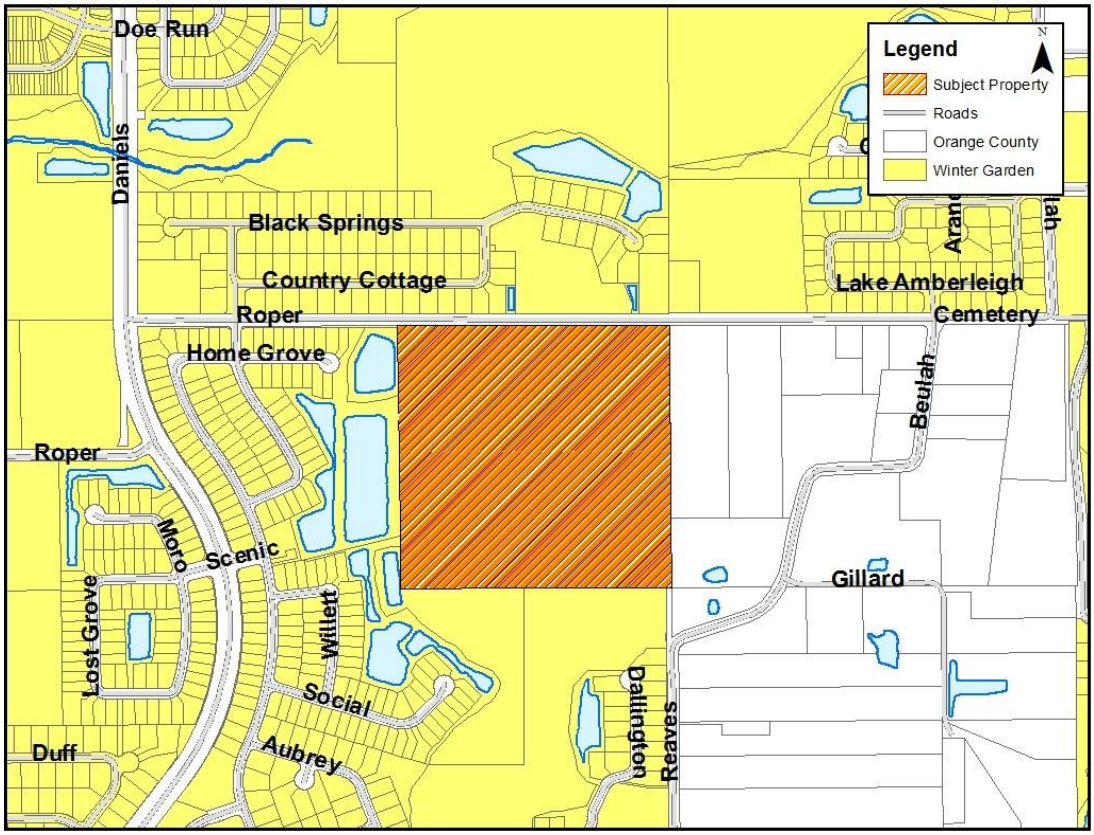
**TO:** PLANNING AND ZONING COMMITTEE
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER
**DATE:** JANUARY 3, 2012
**SUBJECT:** REZONING
**13036 Roper Road (GRACE CHURCH)**
**PARCEL ID #** 35-22-27-0000-00-024

**APPLICANT:** GRACE CHURCH OF ORLANDO, INC.

## INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, generall y located on the south side of Roper Road, east of Daniels Road and west of Beulah Road at 13036 Roper Road, is approximately 40.29± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone 40.29± acres of unimproved vacant land which was annexed into the City of Winter Garden in October 2009 and assigned a Future Land Use Designation of LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan in June 2010.

The subject property is made up of approximately 24.91 +/- acres of jurisdictional wetlands and contains several upland areas which encompass approximately 15.38 +/- acres.

The subject property is located within the City of Winter Garden municipal limits, and has not been assigned a zoning designation since annexation into the City.

## EXISTING USE

The subject property is unimproved vacant land at this time.

## ADJACENT LAND USE AND ZONING

The properties located to the north, south, and west of the subject property are developed residential subdivisions zoned PUD and R-1 within the City of Winter Garden. The properties located to the east of the subject property consist of a single family residence (A-1) located in Unincorporated Orange County and an agriculture use (A-1) Orange County owned property which is also located in Unincorporated Orange County.

## PROPOSED USE

The applicant proposes to construct a 22,100 square foot church on the 40.29 +/- acre property. The R-1 zoning district does not allow for churches or other places of worship as permitted uses, however the R-1 zoning district does allow for churches and other places of worship as special exceptions. The applicant has submitted an application for a Special Exception Permit which is presently in review.

## PUBLIC FACILITY ANALYSIS

The property does not have a point of transportation access at this time because it is unimproved vacant land. However, if the property is developed for a Church then access would be from Roper Road.

The property is not currently a water or sewer customer of the City of Winter Garden; however water and sewer are available along Roper Road. At such time that the property is developed and connection to City water and/or sewer is necessary the cost shall be borne by the property owner.

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

## SUMMARY

City Staff recommend approval of the proposed Ordinance. Rezoning the subject property from City NZ to City R-1 is consistent with the City's Comprehensive Plan and surrounding property uses, and the adjacent property owners should not be negatively impacted south and west side of

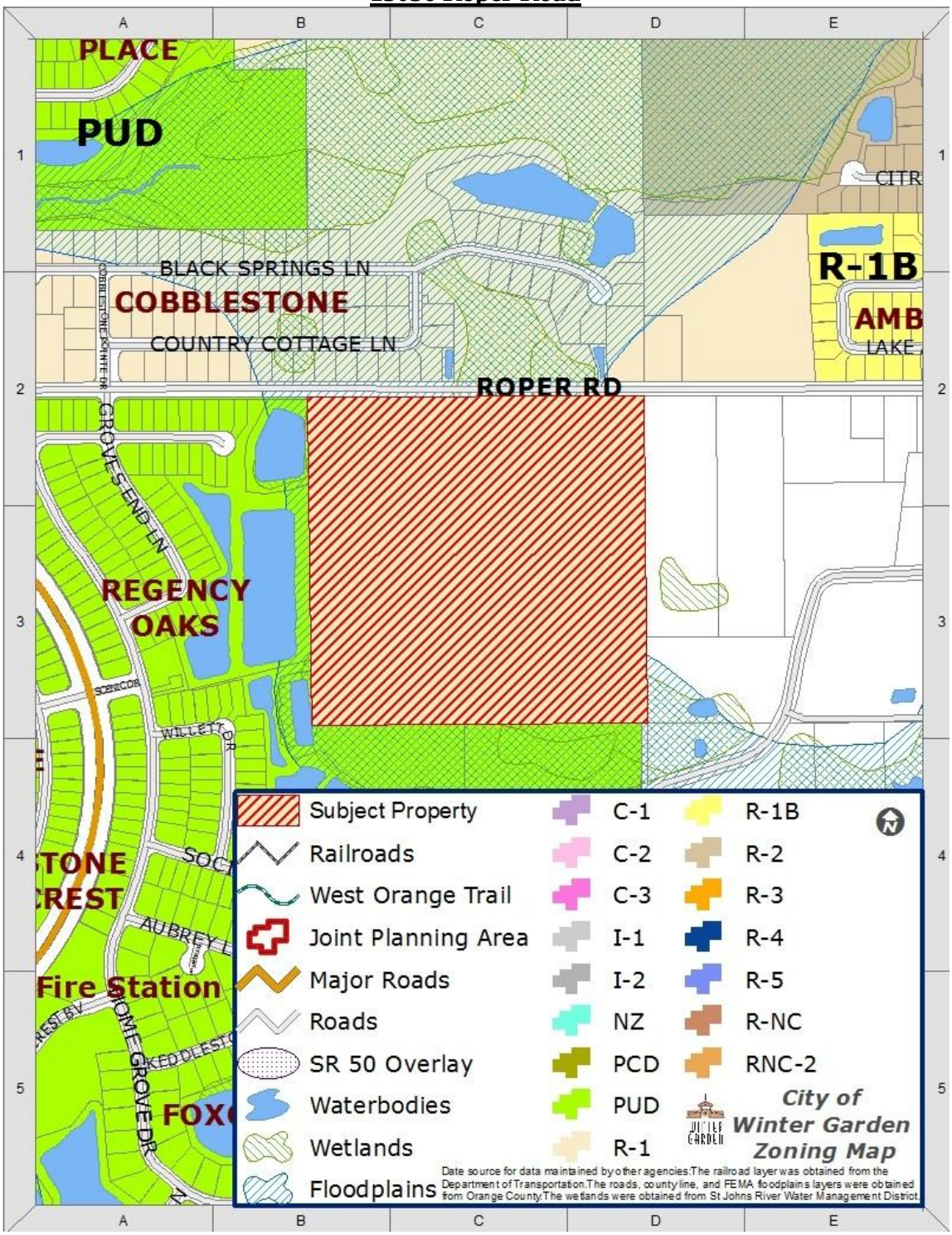
the property are bordered by retention areas for the surrounding residential subdivisions and the east side of the property is bordered by land zoned for agricultural use in Orange County.

City Staff have coordinated with the applicant to ensure preservation of the jurisdictional wetland areas located on the subject property, and specified that any future development will be restricted to the greatest extent possible to preserve the wetlands.

## MAPS

### AERIAL PHOTO
### 13036 Roper Road

**ZONING MAP**
**13036 Roper Road**




**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**

**CITY COMMISSION AGENDA ITEM**

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**From:** City Clerk Golden

**Date:** January 19, 2012 **Meeting Date:** January 26, 2012

**Subject:** Ordinance 12-03

**Issue:** Staff has identified an anomaly within our code relating to our general elections. It appears that in those cases of a tie vote between second and third candidates, there is nothing in our code on how to decide who would participate in a run-off election if no one received more than fifty percent of the votes cast. Therefore, the attached proposed ordinance is being submitted for your consideration to allow those candidates in this situation could draw lots to decide who would be in the run-off election.

**Recommendation:**

Staff recommends adoption of Ordinance 12-03.

**Attachment:** Ordinance 12-03

# ORDINANCE NO. 12-03

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 2, ARTICLE V, ELECTIONS; SECTION 2-251(b), GENERAL AND RUNOFF ELECTIONS; TO DETERMINE WHO IS IN THE RUN-OFF ELECTION IF THERE IS A TIE BETWEEN SECOND AND THIRD PLACING CANDIDATES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE**

**WHEREAS,** the citizens of the City of Winter Garden, Florida, by referendum amended the City Charter relating to elections and,

**WHEREAS,** the City of Winter Garden City Commission has determined that it is in the best interest of its residents to clarify that in such situations whenever there is a tie vote, in the general election, between those placing in third and fourth place respectfully and there being a process needed to be able to determine who will be in a runoff election.

**THEREFORE**, be it enacted by the City Commission of the City of Winter Garden Florida:

**SECTION I** Section 2-251 of the Winter Garden Code of Ordinances is hereby amended to read as follows (underlined text indicates additions; ~~struckout~~ text indicates deletions):

**SECTION 2**. 2-251(b) *Runoff election date.* If no single candidate receives greater than 50 percent of the votes cast within a district general election, a runoff election shall be held on the second Tuesday of the month following the month of the district general election producing the need for a runoff. If necessary, the city commission may change the date of the runoff election by resolution to coordinate the runoff election with other municipalities' elections or to comply with requirements of the county supervisor of elections, provided that such runoff election is held no later than seven weeks after the general election warranting the runoff. The two candidates receiving the greatest votes within a district shall be the only candidates on the ballot for such runoff election. In the event there is a tie between the second and third placing candidates within a district, such candidates will draw lots with the City Clerk to determine who will be placed on the runoff ballot as soon as possible after the election results have been certified by the Canvassing Board. In the event of a tie during the runoff election, the winner of the runoff election shall be selected by a flip of a coin administered by the city clerk.

**SECTION 3.** In the event of a conflict or conflicts with this ordinance or other ordinances, this ordinance controls to the extent of the conflict.

**SECTION 4**. Should any portion of this Ordinance be held invalid, then such portions are not declared invalid and shall remain in full force and effect.

**SECTION 5.** This Ordinance shall take effect immediately upon passage and adoption by the City Commission.

FIRST READING HELD ON January 12, 2012

SECOND READING, PUBLIC HEARING, AND ADOPTION HELD January 26, 2012

_____
JOHN REES, MAYOR

ATTEST:

_____
KATHY GOLDEN, CITY CLERK

**THE CITY OF WINTER GARDEN**

**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** **January 13, 2012** **Meeting Date: January 26, 2012**

**Subject:** **13501 W. Colonial Drive**
(Minsung Park - Annexation-Rezoning-FLU Amendment)
**Ordinance 12-04**
**Ordinance 12-05**
**Ordinance 12-06**
**PARCEL ID #** 23-22-27-4036-00-162

**Issue:** The applicant is requesting voluntary Annexation into the City of Winter Garden, Rezoning, and a Future Land Use Amendment.

**Discussion:**

The applicant is requesting to annex the existing gas station into the City, Rezone the property from C-1 (Orange County) to City C-2, and a Future Land Use Amendment to change the land use designation from Orange County Commercial to City Commercial. City Staff recommend approval of the proposed Ordinances. (See attached Staff Report).

**Recommended Action:**

Staff recommends adoption of Ordinance 12-04, Ordinance 12-05, and Ordinance 12-06.

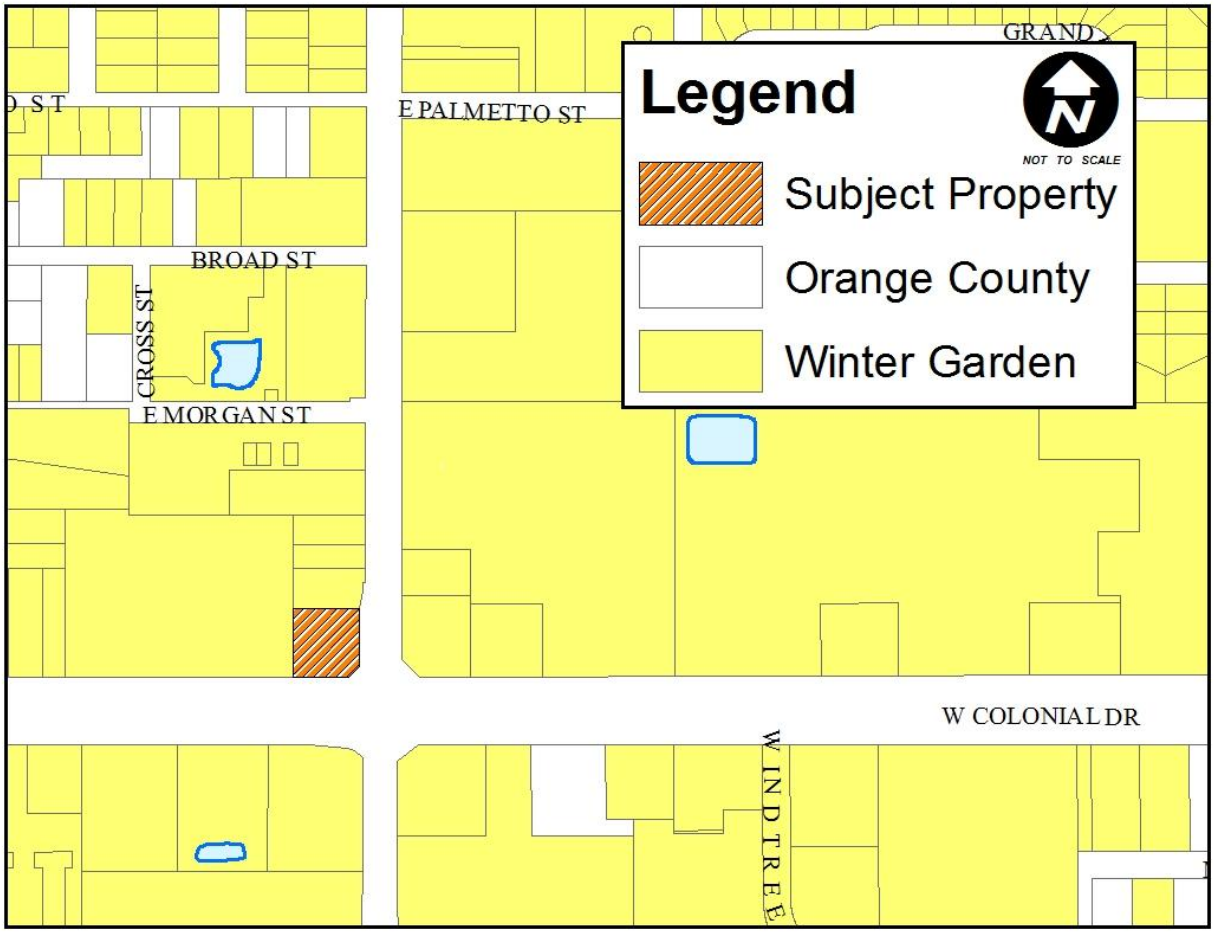
**Attachments/References:**

Location Map
Ordinance 12-04
Ordinance 12-05
Ordinance 12-06
Staff Report

# LOCATION MAP

Ordinance 12-04; 12- 05; and 12-06

13501 W. Colonial Drive



ORDINANCE 12-04

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.50 ± ACRES LOCATED AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND SOUTH DILLARD STREET 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 owner of the land, generally described as approximately 0.50 ± acres located at the northwest corner of West Colonial Drive and South Dillard Street and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida ("City"), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

**WHEREAS**, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

**WHEREAS**, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

**SECTION 1**: *Annexation.* 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, Fla. Stat. and has held a public hearing and said petition and made certain findings.

**SECTION 2**: *Description of Area Annexed.* 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.

**SECTION 3**: *Effect of Annexation.* 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 the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

**SECTION 4**: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of 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:** *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

**SECTION 6**: *Severability.* 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 7**: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** January 12 , 2012.

**SECOND READING AND PUBLIC HEARING**: January 26 , 2012.

**ADOPTED** this 26th day of, January , 2012, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

_____
JOHN REES, Mayor/Commissioner

**ATTEST:**

_____
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

# LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-4036-00-162

BEGIN AT THE NORTHWEST CORNER OF THE NORTH 150 FEET OF THE SOUTH 195 OF LOTS 16 AND 17, JOINER-REINER'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 116, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N.89°35'53"E ALONG THE NORTH LINE OF SAID NORTH 150 FEET OF THE SOUTH 195 FOR A DISTANCE OF 145.21 FEET TO THE EAST RIGHT-OF-WAY LINE OF DILLARD STREET AS RECORDED IN OFFICIAL RECORDS BOOK 9004, PAGE 2598 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN S.00°18'23"W., ALONG SAID WEST RIGHT-OF-WAY LINE OF DILLARD STREET FOR A DISTANCE OF 128.08 FEET; THENCE RUN S.45°16'45"W., FOR A DISTANCE OF 31.13 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST COLONIAL DRIVE (SR 50); THENCE RUN S89°57'07"W., ALONG SAID NORTH RIGHT-OF-WAY LINE FOR A DISTANCE 124.68 FEET TO A POINT THE WEST LINE OF SAID LOT 16; THENCE RUN N.00°02'23'E., ALONG SAID WEST LINE FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.5008 ACRES, MORE OR LESS.

ORDINANCE 12-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.50± ACRES OF LAND LOCATED AT THE NORTH WEST CORNER OF WEST COLONIAL DRIVE AND SOUTH DILLARD STREET FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

**WHEREAS**, the owner of that certain real property generally described as .50± acres of land located at the north west corner of West Colonial Drive and South Dillard Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Commercial to City Commercial; and

**WHEREAS**, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

**SECTION I.** *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Commercial within the West State Road 50 Commercial Activity Center as set forth in ATTACHMENT "B".

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-04, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** January 12 , 2012.

**SECOND READING AND PUBLIC HEARING**: January 26 , 2012.

**ADOPTED** this 26th day of, January , 2012, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

_____
JOHN REES, Mayor/Commissioner

**ATTEST:**

_____
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

# LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-4036-00-162

BEGIN AT THE NORTHWEST CORNER OF THE NORTH 150 FEET OF THE SOUTH 195 OF LOTS 16 AND 17, JOINER-REINER'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 116, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N.89°35'53"E ALONG THE NORTH LINE OF SAID NORTH 150 FEET OF THE SOUTH 195 FOR A DISTANCE OF 145.21 FEET TO THE EAST RIGHT-OF-WAY LINE OF DILLARD STREET AS RECORDED IN OFFICIAL RECORDS BOOK 9004, PAGE 2598 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN S.00°18'23"W., ALONG SAID WEST RIGHT-OF-WAY LINE OF DILLARD STREET FOR A DISTANCE OF 128.08 FEET; THENCE RUN S.45°16'45"W., FOR A DISTANCE OF 31.13 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST COLONIAL DRIVE (SR 50); THENCE RUN S89°57'07"W., ALONG SAID NORTH RIGHT-OF-WAY LINE FOR A DISTANCE 124.68 FEET TO A POINT THE WEST LINE OF SAID LOT 16; THENCE RUN N.00°02'23"E., ALONG SAID WEST LINE FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.5008 ACRES, MORE OR LESS.

**ATTACHMENT "B"**

**FUTURE LAND USE MAP**

**<u>13501 W Colonial Drive</u>**

ORDINANCE 12-06

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.50 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND SOUTH DILLARD STREET FROM ORANGE COUNTY C-1 COMMERCIAL DISTRICT TO CITY C-2 ATERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.50 ± acres of land located at the northwest corner of West Colonial Drive and South Dillard Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-1 Commercial District to the City's C-2 Arterial Commercial District zoning classification, therefore;

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

**SECTION 1:** *Rezoning.* After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County C-1 Commercial District to City C-2 Arterial Commercial District in the City of Winter Garden, Florida.

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

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

**SECTION 4:** *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 12-05 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

**FIRST READING AND PUBLIC HEARING:** January 12 , 2012.

**SECOND READING AND PUBLIC HEARING**: January 26 , 2012.

**ADOPTED** this 26th day of, January , 2012, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

JOHN REES, Mayor/Commissioner

**ATTEST:**

KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

# LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-4036-00-162

BEGIN AT THE NORTHWEST CORNER OF THE NORTH 150 FEET OF THE SOUTH 195 OF LOTS 16 AND 17, JOINER–REINER'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 116, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N.89°35'53"E ALONG THE NORTH LINE OF SAID NORTH 150 FEET OF THE SOUTH 195 FOR A DISTANCE OF 145.21 FEET TO THE EAST RIGHT–OF–WAY LINE OF DILLARD STREET AS RECORDED IN OFFICIAL RECORDS BOOK 9004, PAGE 2598 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN S.00°18'23"W., ALONG SAID WEST RIGHT–OF–WAY LINE OF DILLARD STREET FOR A DISTANCE OF 128.08 FEET; THENCE RUN S.45°16'45"W., FOR A DISTANCE OF 31.13 FEET TO A POINT ON THE NORTH RIGHT–OF–WAY LINE OF WEST COLONIAL DRIVE (SR 50); THENCE RUN S89°57'07"W., ALONG SAID NORTH RIGHT–OF–WAY LINE FOR A DISTANCE 124.68 FEET TO A POINT THE WEST LINE OF SAID LOT 16; THENCE RUN N.00°02'23'E., ALONG SAID WEST LINE FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.5008 ACRES, MORE OR LESS.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 ● (407) 656-4111

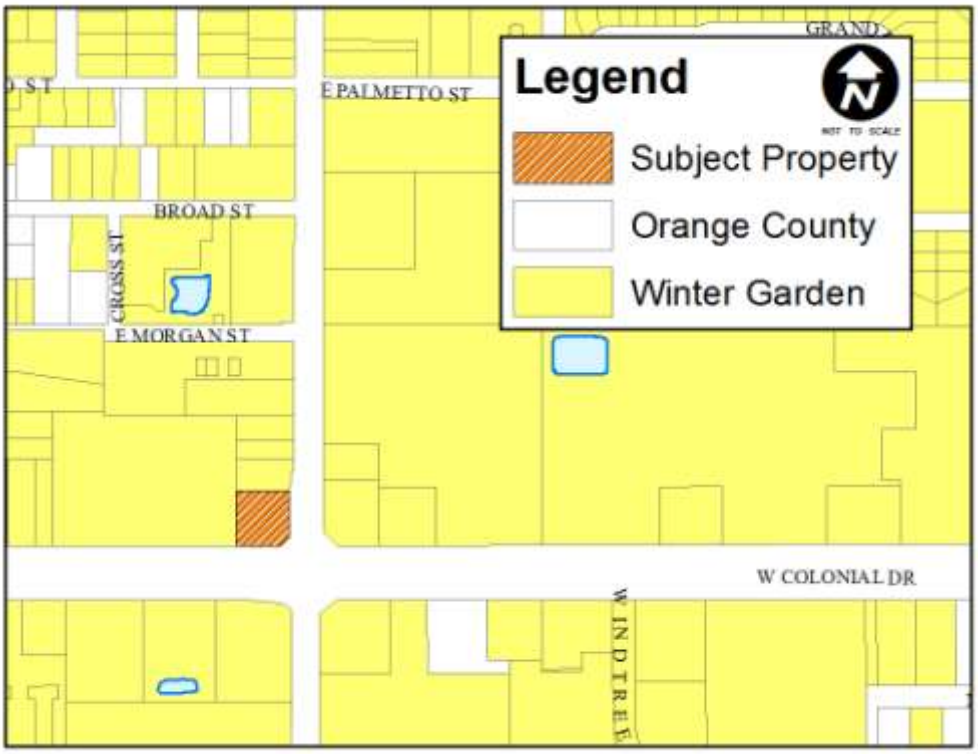
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD
**PEPARED BY:** STEVE PASH, SENIOR PLANNER
**DATE:** DECEMBER 16, 2011
**SUBJECT:** ANNEXATION - REZONING - FLU AMENDMENT
**13501 WEST COLONIAL DRIVE (0.50+/- ACRES)**
**PARCEL ID #:** 23-22-27-4036-00-162
**APPLICANT:** MINSUNG PARK (SUNOCO GAS STATION)

## INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located at 13501 West Colonial Drive, and is approximately 0.50 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:




The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Comercial, and rezoning

the property to C-2 Commercial Arterial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits are designated Medium Residential on the Future Land Use Map totaling about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

## EXISTING USE

The subject property contains a 384 square foot gas station / convenience store, a 210 square foot building with restrooms, and a 342 square foot building with a window tinting business. The subject property is being used by the property owner primarily for the operation of the gas station / convenience store.

## ADJACENT LAND USE AND ZONING

The property located to the north is a doctor's office and zoned C-2 in the City. The property located to the east is developed with a shopping center and zoned C-2 in the City. The properties to the south are developed as banks and a restaurant, zoned C-2 in the City. The property to the west is a motel with a restaurant and zoned C-2 in the City.

## PROPOSED USE

There is no proposed change to the existing use of the property at this time. The existing gas station is permitted in the C-2 Arterial Commercial District, and the window tinting company would be allowed through a Special Exception for automobile services.

Outdoor storage of any materials, inoperable automobiles, trailers, mobile restaurants, and the like is prohibited in the C-2 District. The City also has different regulations for signage and the existing signage is not in compliance with City standards, any new signs or alterations to the existing signs will be required to follow the procedures set forth in the City of Winter Garden Code of Ordinances.

## PUBLIC FACILITY ANALYSIS

The property currently has irrigation, potable water, and sewer accounts with the City of Winter Garden.

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

## SUMMARY

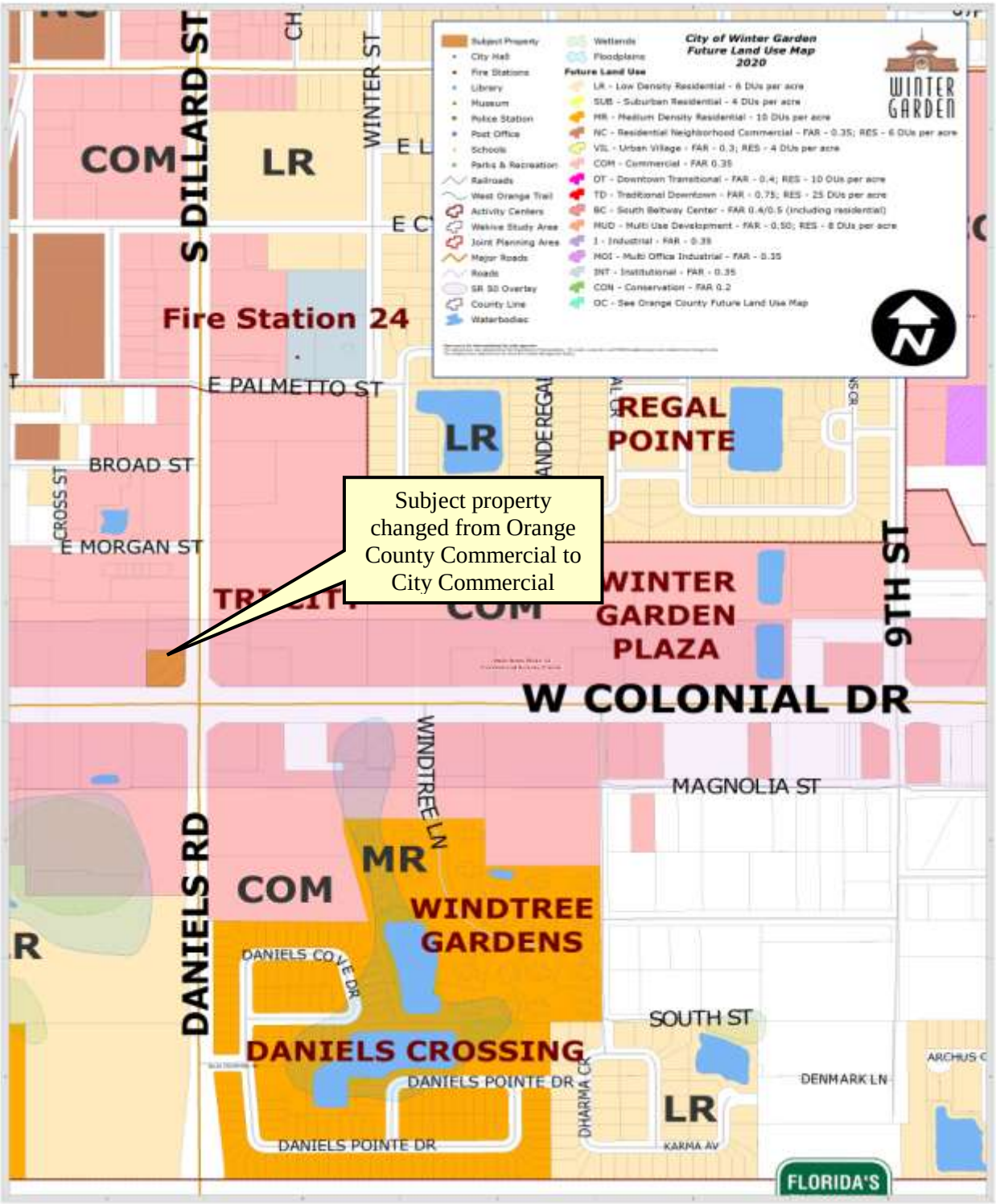
City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. The property is developed and no change in use is proposed, therefore the adjacent property owners should not be negatively impacted.

## MAPS

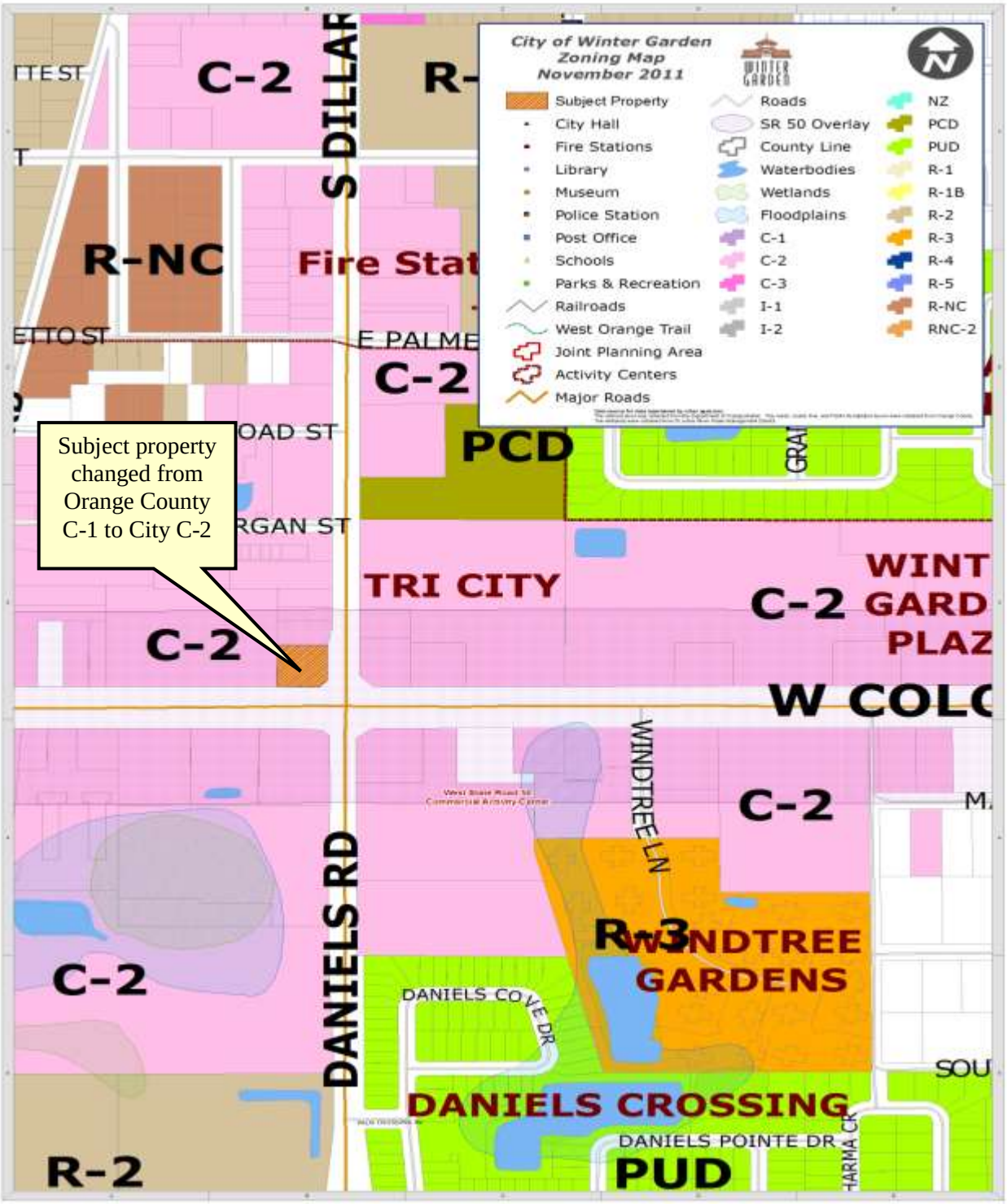
### AERIAL PHOTO

### 13501 W. Colonial Drive

**FUTURE LAND USE MAP**
**13501 W. Colonial Drive**



**ZONING MAP**
**13501 W. Colonial Drive**




**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**

**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** **January 13, 2012** **Meeting Date: January 26, 2012**

**Subject:** **2911 Avalon Road- 37.8 +/- acres**
**Ordinance 12-07** (Carriage Pointe Reserve- PUD Rezoning)
**PARCEL ID #** 06-23-27-4284-04-010

**Issue:** The applicant is requesting to rezone 37.8+/- acres of land from City NZ to City PUD. The subject property is located within the City of Winter Garden municipal limits, and is designated Suburban Residential on the Future Land Use Map of the City's Comprehensive Plan.

**Discussion:**

City Staff recommend approval of the proposed Ordinance. Rezoning the subject property from City NZ to City PUD is consistent with the Code of Ordinances, the Future Land Use Map of the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

**Recommended Action:**

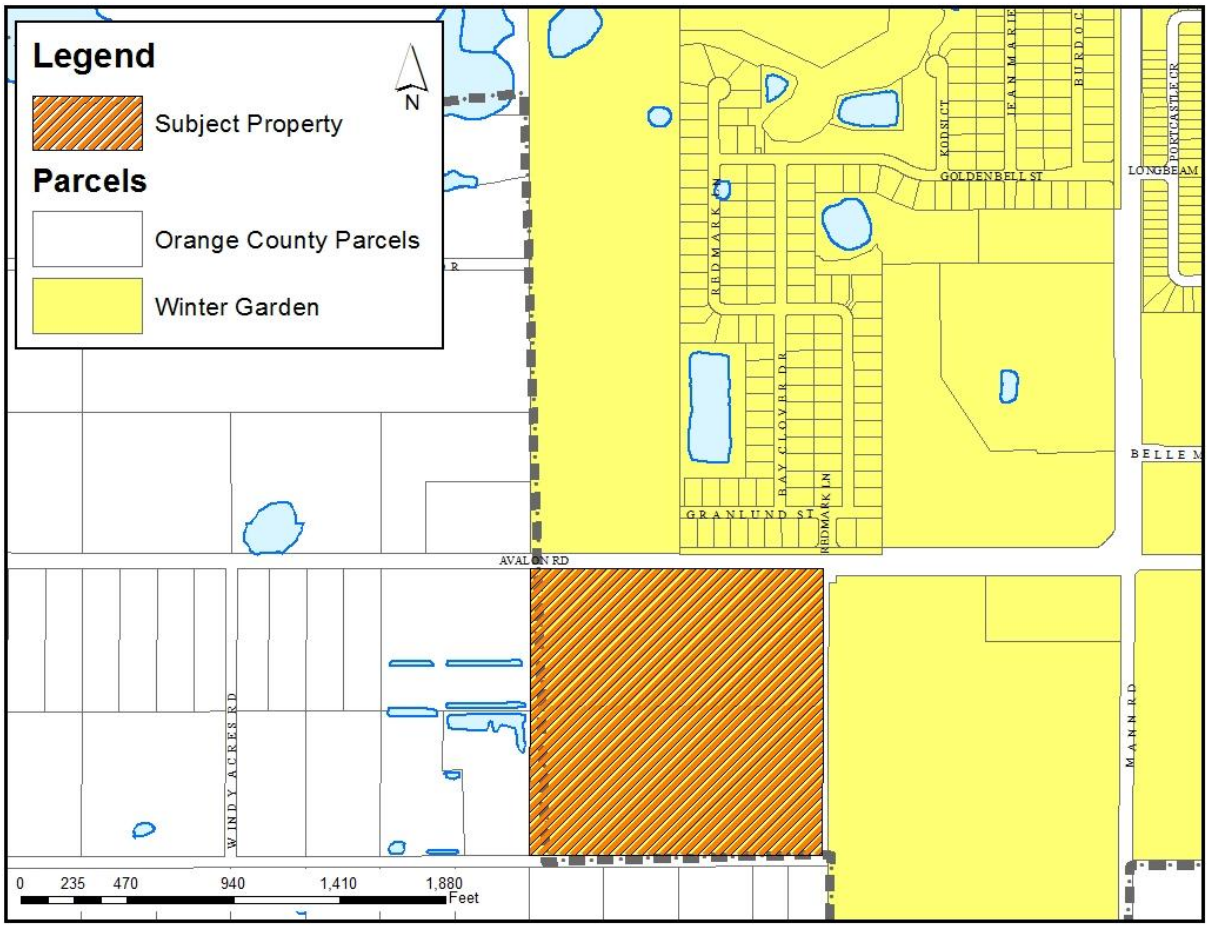
Staff recommends adoption of Ordinance 12-07, (Rezoning 37.8+/- acres located at 2911 Avalon Road from City NZ to City PUD).

**Attachments/References:**

Location Map
Ordinance 12-07
Staff Report

# LOCATION MAP

Ordinance 1207
Carriage Pointe Reserve
2911 Avalon Road



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 ● (407) 656-4111

# STAFF REPORT

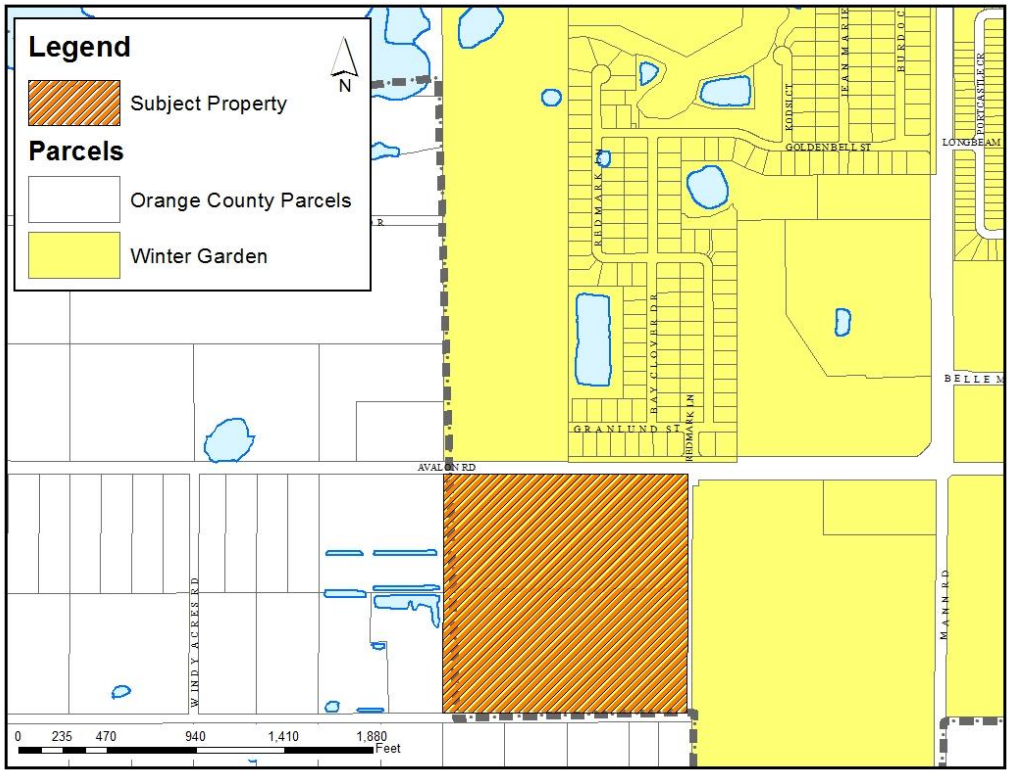
**TO:** PLANNING AND ZONING COMMITTEE
**PREPARED BY:** ALEJANDRA FAZEKAS, PLANNER I
**DATE:** JANUARY 3, 2012
**SUBJECT:** REZONING
**Avalon Road (37.8+/- ACRES)**
**PARCEL ID #** 06-23-27-4284-04-010

**APPLICANT:** TAYLOR MORRISON OF FLORIDA, INC.

## INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located on the south west corner of the intersection of Avalon Road and Davenport Road, is approximately 37.8± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting to rezone 37.8± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007 by Ordinance 07-28. The subject property is designated Suburban Residential on the Future Land Use Map of the Comprehensive Plan (see attached map).

## EXISTING USE

The subject property does not presently contain any strutures and is agricultural use (planted pine trees).

## ADJACENT LAND USE AND ZONING

The properties located to the north are a vacant property of 39.45 ± acres zoned NZ in the City and Carriage Pointe PUD. The properties located to the south are in unincorporated Orange County and are large-lot (e.g., 1 to 5 acres) single-family homes and vacant properties currently zoned A-1. The property to the east is Alexander Ridge, an undeveloped PUD with 72.54 ± acres. The properties to the west are Green Machine with 9.55 ± acres and Hodges Green Houses, Inc with 4.86 ± acres.

The subject property as well as some of the surrounding properties are located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007. Additionally, the subject property as well as many properties in the area (a total of 596 acres) were annexed into the City of Winter Garden by Ordinance 07-34. At the time the properties were annexed into the City they were not assigned zoning or future land use designation in the City of Winter Garden.

## PROPOSED USE

The applicant proposes to develop the 37.8 ± acre site into a residential planned unit development containing 90 single-family dwelling units. The density shall be between 1 to 4 units per acres maximum as specified in the Joint Planning Agreement. The proposed neighborhood will be a private community with a gross residential density of 2.43 du/ac. The proposed neighborhood will have a park, three retention ponds, and a multipurpose trail.

The applicant proposes to construct the project in two phases of development with approximately 55 lots in phase 1 and 35 lots in phase 2. The proposed project will have 47 lots of 65’x120’ and 43 lots of 75’x120’.

The proposed project will be required to submit and receive approval for a PUD ordinance. This PUD will designate the lot sizes, open space, density, amenities, and general utility locations for each project.

## PUBLIC FACILITY ANALYSIS

### Potable Water, Reclaimed Water, and Wastewater Services

Per the Sixth Amendment to the Joint Planning Area Agreement between Orange County and the City of Winter Garden, the project area will be served by the City of Winter Garden for water,

reclaimed water, and wastewater. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner. The potable water and wastewater service demands shall be calculated in accordance witht the LOS Standards, listed in Policy 4-1.1.1 of the Public Facilities Element included in the City of Winter Garden Comprehensive Plan, and Section 78-60 of the City Code of Ordinances, which require 350gal./day/ERU for water and 250gal./day/ERU for wastewater.

**Stormwater**

The stormwater facilities designed to service the proposed development will meet or exceed the LOS Standards stated in Policy 4-1.1.1 of the Public Facilities Element included in the City of Winter Garden Comprehensive Plan. In addition, the stormwater facilities will be designed to meet the rules and regulations required of SJRWMD and FDEP.

**Common Recreation and Open Space**

The proposed development will have ± 11.8 acres of open space, consisting of three retention areas, 100' natural buffer space, and a park in compliance with the City of Winter Garden Comprehensive Plan Future Land Use Element Policies 1-3.1.7 and 1-3.1.8 providing no less than 25% Wikiva Study Area Open Space and 5% of the gross developable area set aside for passive, dry-land recreational use. The developer will purchase 0.50 acres from the City Recreation Fund in accordance with Chapter 110, Article V, Division 2 of the City Code of Ordinances to fulfill the 5% recreational facilities requirement.

All of the common recreation and open space will be maintained by a homeowner's association and available to the residents. The developer shall establish a homeowner's association in accordance with Chapter 720, Florida Statutes and having governing documents in compliance with Chapter 110 of the City of Winter Garden Code of Ordinances.

**Environment**

The subject property is located within the Wekiva Study Area Resource Protection Overlay. The developers are required to provide a minimum of 25% of the gross developable area as Wekiva Open Space as stated in Policies 1-3.1.7 and 1-3.1.8 of the Future Land Use Element included in the City of Winter Garden Comprehensive Plan.

**Transportation**

A 60 ft half right-of-way south of the centerline of Avalon Road shall be conveyed to the City of Winter Garden via fee simple warranty deed (for 120 ft wide future overall right-of-way width). All streets within the property will be private and shall be conveyed to and maintained by a homeowner's association.

**Other Services**

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

## SUMMARY

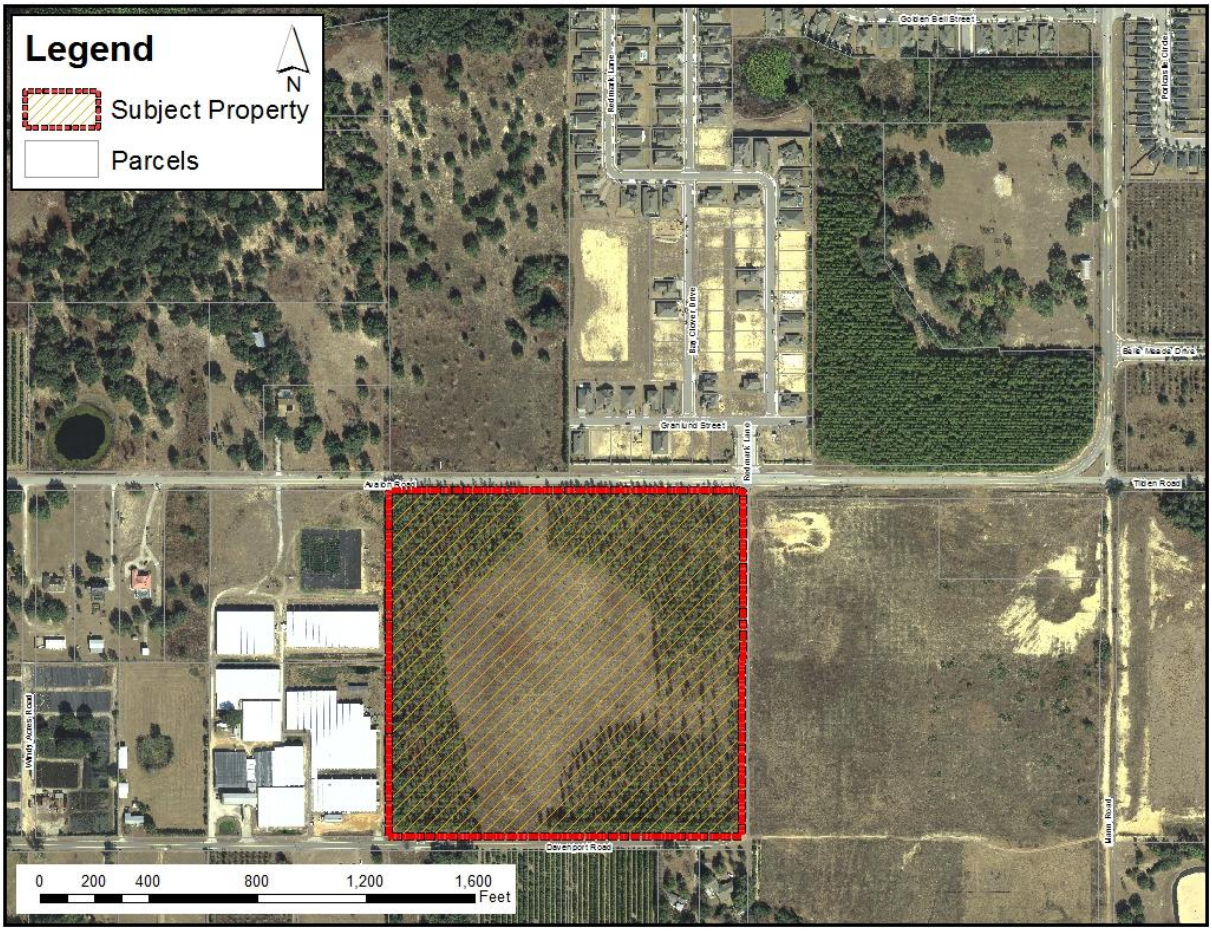
City Staff recommends approval of the proposed Ordinance. Rezoning the subject property form

City NZ to City PUD is consistent with the Future Land Use Map of the City's Comprehensive Plan, and is consistent with the trend of development in the area.

The proposed development of the subject property is consistent with the policies of the City's Comprehensive Plan and the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden which requires that rezoning applications or development plans for properties located within the JPA expansion area must be processed as Planned Unit Developments.

## MAPS

### AERIAL PHOTO
### Carriage Pointe Reserve

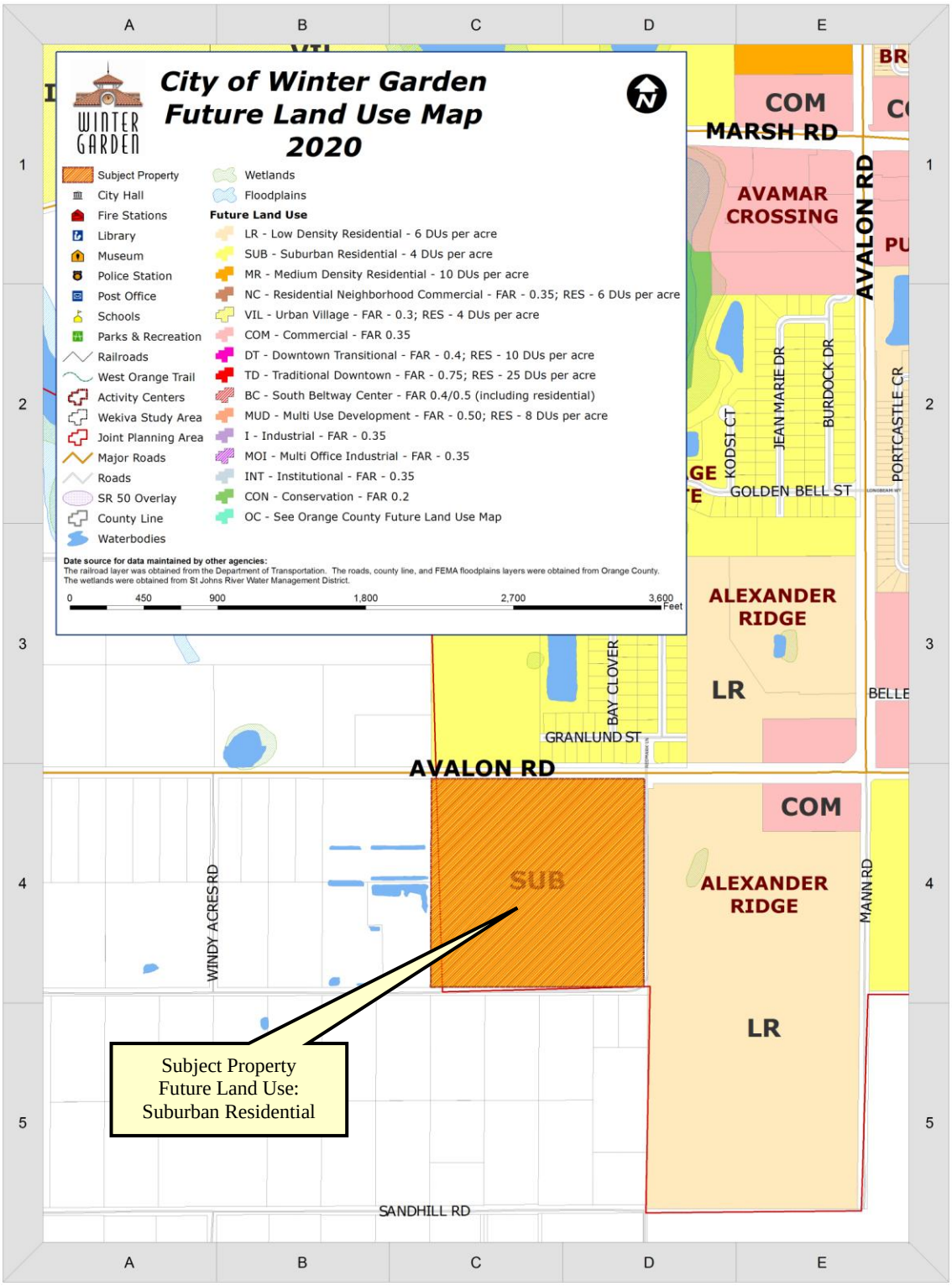



### ZONING MAP

## Carriage Pointe Reserve

**FUTURE LAND USE MAP**

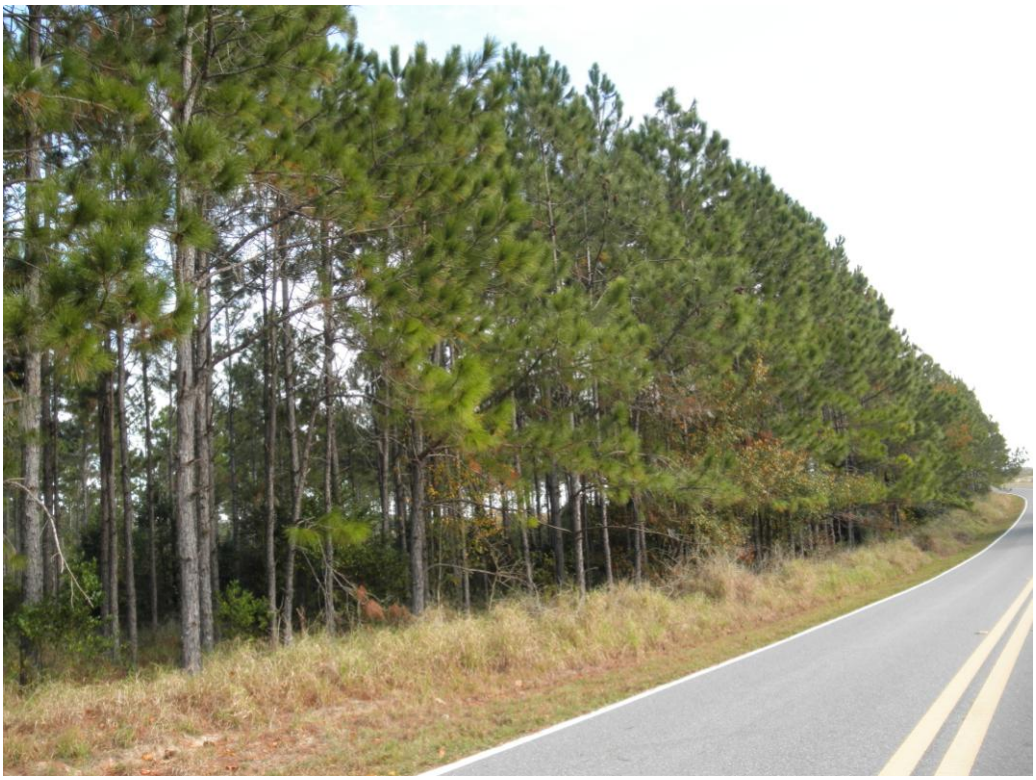
## Carriage Pointe Reserve




## SITE PHOTOS

## Carriage Pointe Reserve

AVALON ROAD



DAVENPORT ROAD

**PROPOSED ELEVATIONS**

**65 FT LOTS BUILDING ELEVATIONS EXAMPLES**

**Carriage Pointe Reserve**

**PROPOSED ELEVATIONS**
**75 FT LOTS BUILDING ELEVATIONS EXAMPLES**
**Carriage Pointe Reserve**

**END OF STAFF REPORT**

ORDINANCE 12-07

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 37.8 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTH WEST CORNER OF THE INTERSECTION OF AVALON ROAD AND DAVENPORT ROAD AT 2911 AVALON ROAD, FROM CITY NZ TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Carriage Pointe Reserve PUD)

**WHEREAS**, the Owner(s) of real property generally described as approximately 37.8 ± acres of certain real property generally located on the south west corner of the intersection of Avalon Road and Davenport Road in Winter Garden, Florida, being more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), desire to rezone their property from City NZ to City PUD, and

**WHEREAS**, Taylor Morrison of Florida, Inc, a Florida corporation ("Developer"), is the contract purchaser and developer of the Property; and

**WHEREAS**, Developer is authorized to act as agent for Owners in connection with obtaining necessary approvals and permits for developing the Property and executing agreements in connection therewith; and

**WHEREAS**, on December 13, 2011 the School Board of Orange County, Florida approved the transfer of eighty seven (87) owner capacity credits from the following Capacity Agreements (CEAs) Summerport West, LLC and SSp1, LLC to the Cantero Property (Cantero Holdings, LLC); and

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden, and the City of Winter Garden Code of Ordinances; therefore;

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

**SECTION 1:** *Rezoning.* After due notice and public hearing, the zoning classification of the Property, as described in Exhibit "A" attached hereto, is hereby rezoned from City NZ to City PUD in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

**a.** **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Carriage Pointe Reserve Planned Unit Development Preliminary Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Carriage Pointe Reserve Planned Unit Development Preliminary Plan attached hereto as Exhibit "B", then the standards and conditions established by this Ordinance shall control.

**b.** **Zoning-** Unless specifically noted elsewhere in Exhibit "B" attached hereto, all residential development on the Property must comply with the general zoning requirements of the R-1 Single Family Residential District for any structures, including but not limited to swimming pools, screen rooms, accessory structures and buildings, that are developed on the Property.

**c.** **JPA-** Unless specifically noted elsewhere in Exhibit "B" attached hereto, all development of the Property must conform to the requirements of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007.

**d.** **Design Criteria/Architectural Standards-**

**1.** **Lot Size-** Minimum lot width shall be 65 feet.

**2.** **Building Height-** Maximum building height shall be 40 feet.

**3.** **Minimum Living Area-** Minimum living area for each residential unit shall be 1,400 square feet.

**4.** **Signage-** All signage shall be reviewed and permitted by the City of Winter Garden. All proposed signage, with the exception of street and traffic signs, shall be submitted for review and approval as part of the Development Agreement for the Property.

**5.** **Setbacks and Required Yards-**

| 65'x120' Lots | | 75'x120' Lots | |
|---|---|---|---|
| Front Yard | 20' | Front Yard | 20' |
| Rear Yard | 20' | Rear Yard | 20' |
| Side Yard | 7.5' | Side Yard | 7.5' |
| Corner | 20' | Corner | 20' |
| Front Load Garage (Front) | 25' | Front Load Garage (Front) | 25' |
| Porch/ Courtyard Garage (Front) | 15' | Porch/ Courtyard Garage (Front) | 15' |
| Pool (Side & Rear) | 5' | Pool (Side & Rear) | 5' |

**6. Common Recreation and Open Space-**

The Property is located within the Resource Protection Overlay, and in compliance with the City of Winter Garden Comprehensive Plan Future Land Use Element Policies 1-3.1.7 and 1-3.1.8 no less than 25% Wekiva Study Area Open Space shall be provided.

None of the 25% Wekiva Study Area Open Space shall be chemically treated with pesticides or fertilizers to establish sensitive natural habitat.

To the greatest extent possible, 5% of the developable area of the Property shall be set aside for passive, dry-land recreational use. In the event that this requirement cannot be met wholly or in part, then a financial contribution in accordance with Chapter 110, Article V, Division 2 of the City Code of Ordinances shall be made to the City Recreation Fund to fulfill the requirement.

**7. Residential Design Criteria-** Prior to obtaining any preliminary plat or final plat approvals for the Property, the Developer shall submit typical front elevations and floor plans for project dwelling units for Planning and Zoning Board review and approval. The typical elevations and floor plans shall provide:

- Product types shall be varied and/or staggered to avoid similar products directly adjacent to each other or provide alternate color and architectural details. Front façade variation should be provided so the Front Load Garage and the Porch/ Courtyard Garage are alternated.
- A variety of building elevations utilizing main entrance treatments such as front porches with substantial architectural finish. Front porches shall be provided on at least fifty percent of all single-family residential units.
- Building entrances shall be visible and accessible from the street and shall provide variations of walkways from the primary entrance to the sidewalk.
- Garages should be located to the rear of single-family residential lots or at least five feet behind the primary building façade. Accentuate the use of step backs in building elevations.

**8.** In order to minimize the light glare and nuisance light impacts on surrounding properties, drop lenses, sag lenses, and convex lenses shall be prohibited on the Property.

**9.** Swimming pools must meet all requirements of City Code. No encroachments will be allowed within drainage or utility easements. Applications for swimming pools will be reviewed on an individual

basis.

**e.** **Staff Conditions-** All development on the Property must comply with the following conditions:

**1.** The Property will be constructed in two (2) phases of development with approximately 55 lots in phase 1 and 35 lots in phase 2. The main entrance will be constructed with the first phase of development; the second access point located on the south side of the Property shown on Exhibit "B" will be an emergency access route only and will be constructed with the second phase.

**2.** A 60 ft half right-of-way south of the centerline of Avalon Rd shall be conveyed to the City of Winter Garden via fee simple warranty deed (for 120 ft wide future overall right-of-way width). Neither Owner/Developer nor their successors and assigns shall be entitled to any road impact fee credits or other compensation of any kind for, on account of, or with respect to the required conveyance of right-of-way to the City.

**3.** The Owner/Developer is responsible for meeting all provisions of ADA and Florida Accessibility Code.

**4.** All work shall conform to City of Winter Garden standards and specifications.

**5.** All streets within the Property will be private and shall be conveyed to and maintained by a homeowner's association. The Owner/Developer shall establish a homeowner's association in accordance with Chapter 720, Florida Statutes and having governing documents in compliance with Chapter 110, City of Winter Garden Code of Ordinances.

**6.** Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.

**7.** In accordance with Section 78-2, City of Winter Garden Code of Ordinances, all potable water, reclaimed water and sanitary sewer main lines and utilities required for the project shall be extended from their current terminus to the Property and along the Property's entire frontage along public rights-of-way, at the Owner's/Developer's expense. Water and sewer impact fees shall be paid pursuant to Code, prior to City execution of FDEP permits and issuance of site or building permits.

**8.** All irrigation on the Property shall be designed to be supplied by

reclaimed water.

**9.** City requirements concerning most effective recharge areas, positive outfall, etc. shall be met. Total retention of the 25 yr, 96 hr storm event or 100 yr, 24 hr storm event may be required, depending on positive outfall.

**10.** All proposed easements shall be 30' minimum width for sanitary, water and storm; improvements shall be centered within the easement.

**11.** Plans have been revised to show 7.5' side setbacks; utility and drainage easements shall be dedicated to the City on each side and rear lot line, and adjacent to the street R/W line, pursuant to Code.

**12.** The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner/Developer and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.

**13.** The Owner's/Developer's Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.

**14.** No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.

**15.** After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of **2.25%** of the cost of all site improvements shall be paid prior to issuance of the building permit.

**16.** Providing positive drainage within the site is the responsibility of the Design Engineer. The City will not maintain any portion of the on-site drainage systems.

**17.** If approval is granted by the City of Winter Garden, it does not grant authority to enter, construct or otherwise alter the property of others, nor does it waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.

**18.** The 100 feet open space buffer area provided along the south west side of the property boundary shall be consistent with the Wekiva Protection Act. Additional landscaping shall be provided to offset visual impact to the adjacent residential properties. Landscaping shall be installed consistent with the requirements of Section 118-1524(b) and Table 3.4.2.

**SECTION 2:** *General Requirements.*

**a.** **Development Agreement-** A Development Agreement shall be drafted, approval obtained and recorded prior to approval of Preliminary Plat of the Property. The Development Agreement shall address matters to include, but not limited to, project phasing, utilities extension and oversizing, right-of-way conveyance and improvement, other off-site public infrastructure improvements easements, transportation/roadway system, design standards, impact fees, recreation fund contribution, stormwater, signage, and schools.

**b.** **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

**c.** **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, preliminary plat, final plat, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be

processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.

**d.** **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.

**e.** **Expiration/Extension-** Expiration of this PUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

**SECTION 3:** *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

**SECTION 4:** *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

**SECTION 5:** *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** January 12 , 2012.

**SECOND READING AND PUBLIC HEARING**: January 26 , 2012.

**ADOPTED** this 26th day of, January , 2012, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

_____
JOHN REES, Mayor/Commissioner

**ATTEST:**

_____
KATHY GOLDEN, City Clerk

**Exhibit "A"**

**LEGAL DESCRIPTION**

(PER WARRANTY DEED AS RECORDED IN ORB 8789, PG97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA)

TRACTS ONE-D, TWO-D, FIFTEEN-D AND SIXTEEN-D, OF LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE(S) 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**Exhibit "B"**

# COVER PAGE

# PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

# CARRIAGE POINTE RESERVE

# NOVEMBER 2011

# (8 PAGES - ATTACHED)

# PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

## A PLANNED UNIT DEVELOPMENT IN THE CITY OF WINTER GARDEN, FLORIDA

# CANTERO PROPERTY

**PARCEL ID. NUMBER: 06–23–27–4284–04–010**

**NOVEMBER 2011**

SITE LOCATION

### LEGAL DESCRIPTION

(TITLE WARRANTY DEED AS RECORDED IN OFFI RDWG, PG 62, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA)

SHACTS 3NE-1S, TWN-2S, RNG-27 SECTION-2, AND SECTION-2, OF LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "V", PAGE 24, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CONTAINING +/- 32.38 ACRES.

### PROJECT DESCRIPTION

A 90 UNIT SINGLE FAMILY PLANNED UNIT DEVELOPMENT.

**PREPARED FOR**

**TAYLOR MORRISON OF FLORIDA, INC.**
**151 SOUTHHALL LANE**
**SUITE 200**
**MAITLAND, FLORIDA 32751**
**CONTACT: JONATHAN WHITE**
**PHONE: (321) 397–7523**


OWNER/APPLICANT
TAYLOR MORRISON OF FLORIDA, INC
151 SOUTHHALL LANE, SUITE 200
MAITLAND, FLORIDA 32751
PHONE: (321) 397-7523
CONTACT: JONATHAN WHITE

ENGINEER/SURVEY/ENVIRONMENTAL
BOWYER-SINGLETON & ASSOCIATES, INC.
525 SOUTH MAGNOLIA AVE.
ORLANDO, FLORIDA 32801
PHONE: (407) 843-5120
CONTACT: SCOTT STEARNS, P.E.

GEOTECHNICAL ENGINEER
YOVASH ENGINEERING SCIENCES, INC.
953 SUNSHINE LANE
ALTAMONTE SPRINGS, FLORIDA 32714
PHONE: (407) 774-8383
CONTACT: DOUG YOVASH

TRAFFIC ENGINEER
LOKE TRASPORTATION ENGINEERING CONSULTANTS, INC.
29 EAST PINE STREET
ORLANDO, FLORIDA 32802
PHONE: (407) 423-8055
CONTACT: J. ANTHONY LOKE, P.E.

LANDSCAPE ARCHITECT
PAUL VERLANDER
708 TURNBULL AVENUE
SUITE 201
ALTAMONTE SPRINGS, FLORIDA 32701
PHONE: (407) 834-4914
CONTACT: PAUL VERLANDER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|---|---|
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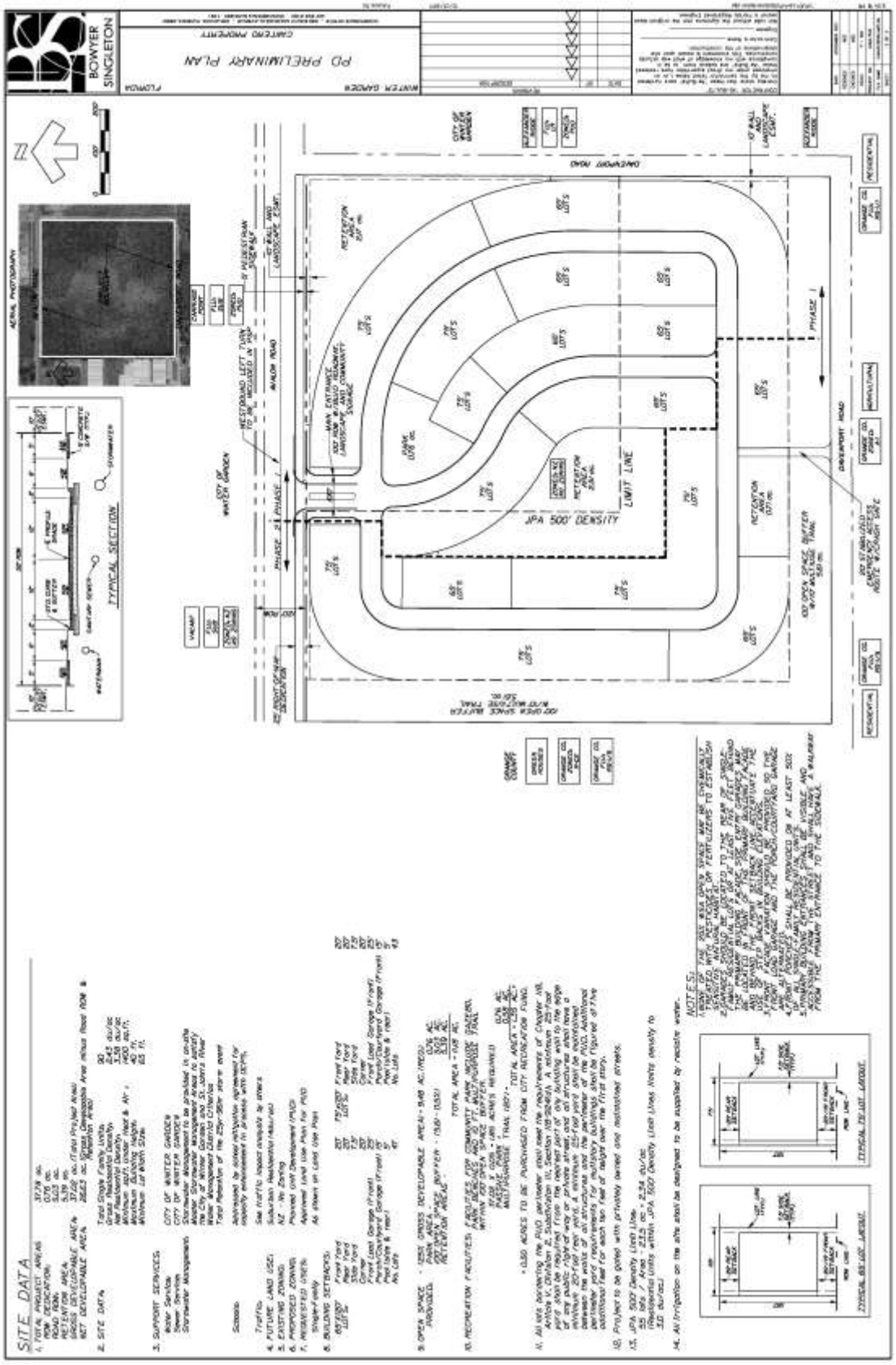
| 2 | PD PRELIMINARY PLAN |
| 3 | BOUNDARY SURVEY & EXISTING CONDITIONS PLAN |
| HS-1 | HARDSCAPE PLAN |
| HS-2 | ENTRY HARDSCAPE PLAN |
| LA-1 - LA-3 | LANDSCAPE PLANS |

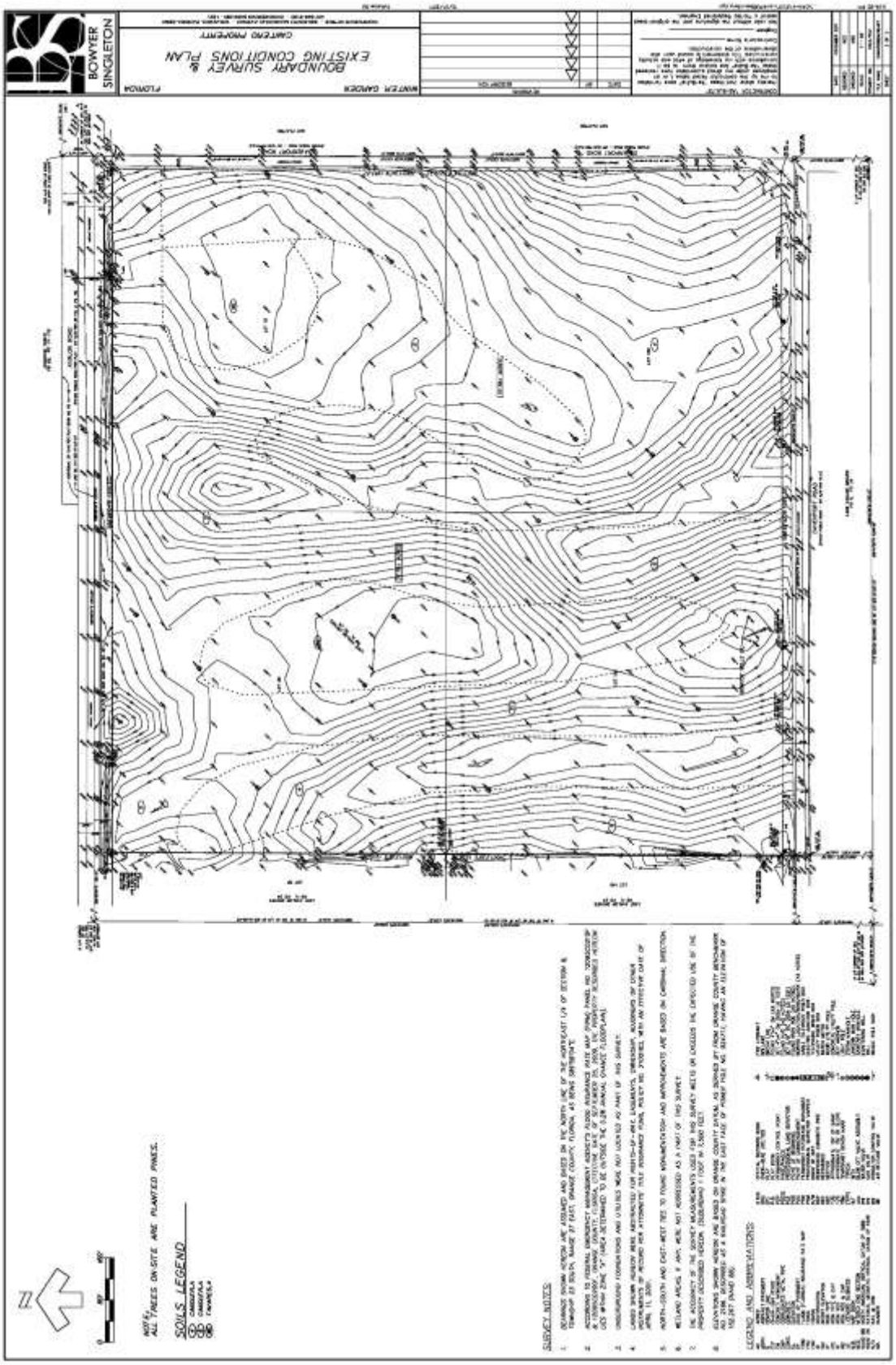

THIS IS TO CERTIFY THAT THE REQUIRED CONSTRUCTION PLANS AND SPECIFICATIONS AS CONTAINED HEREIN WERE DESIGNED TO APPLICABLE STANDARDS AS SET FORTH IN THE "MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS" AS PREPARED BY FLORIDA DEPARTMENT OF TRANSPORTATION.

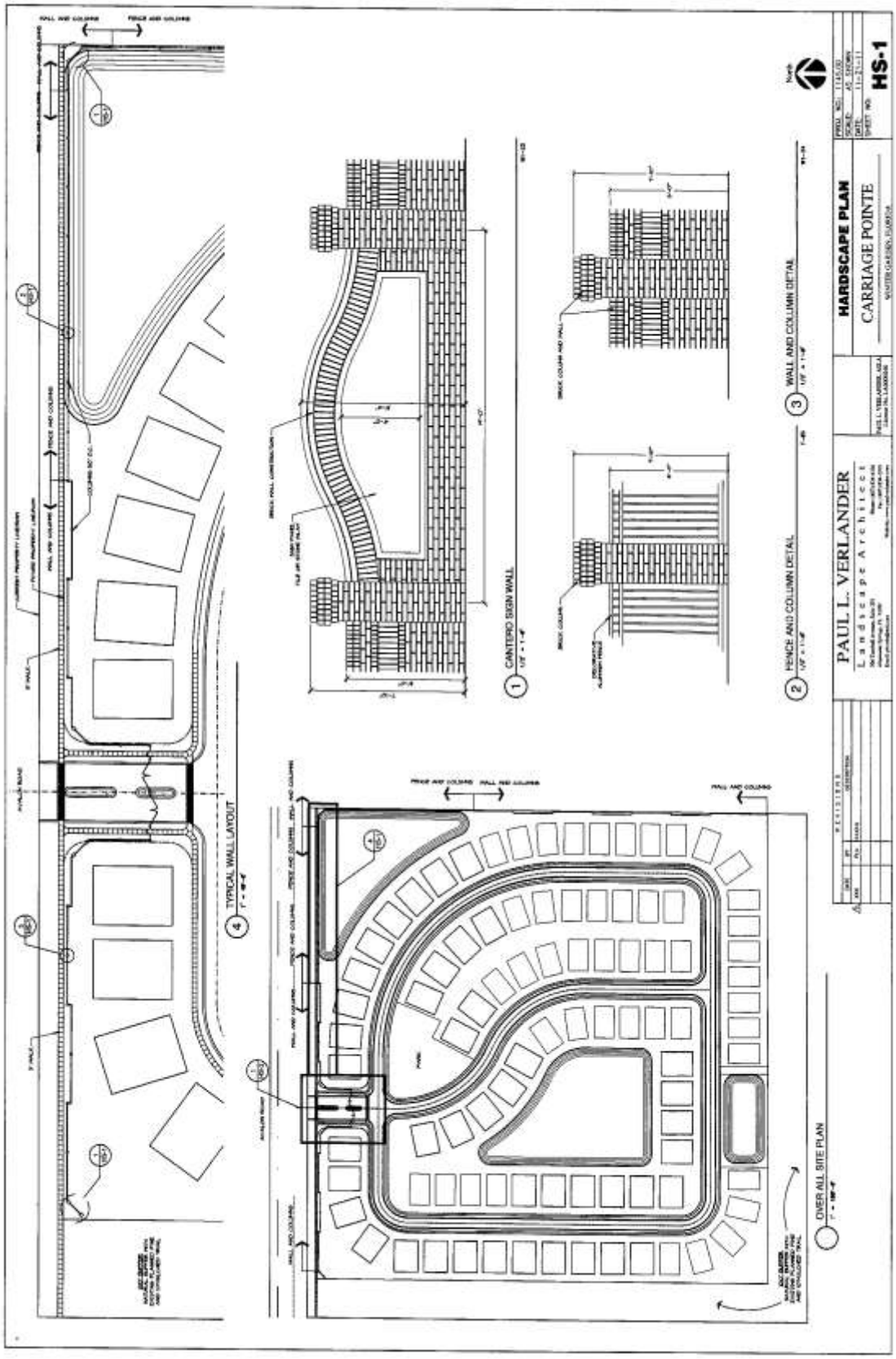
BOWYER SINGLETON

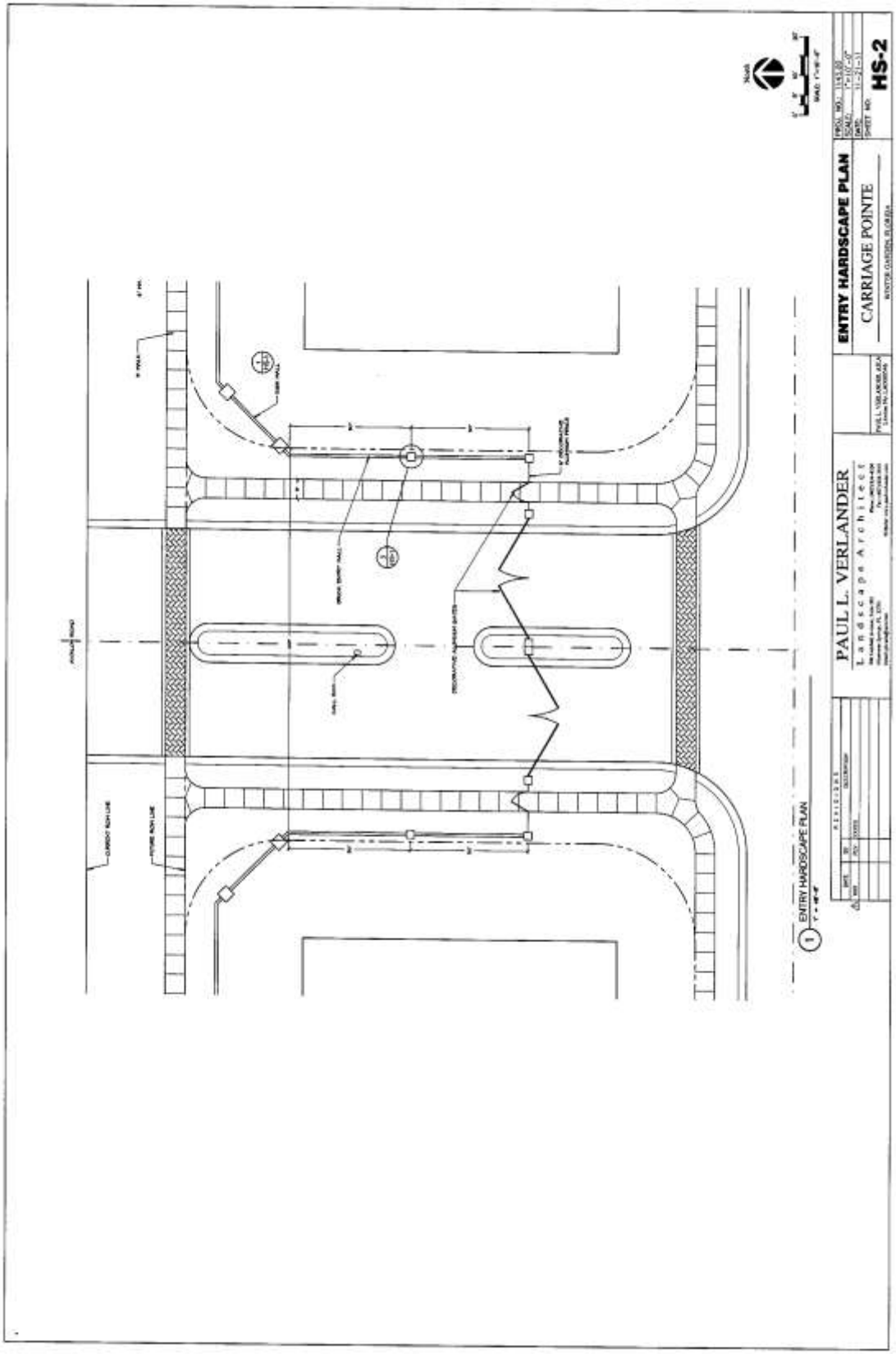
WINTER GARDEN FLORIDA

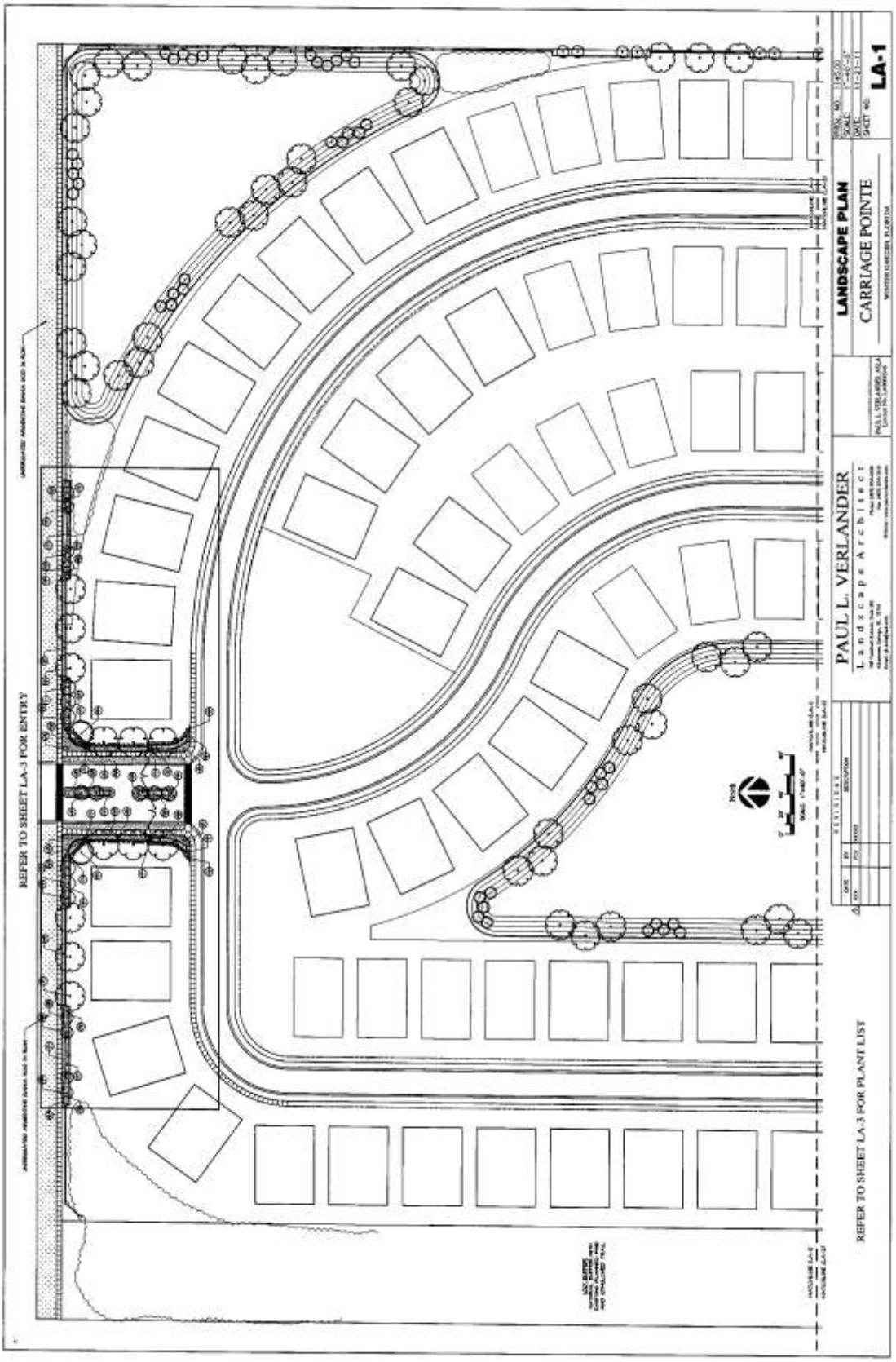
CANTERO PROPERTY


BOWYER SINGLETON
PD PRELIMINARY PLAN
SITE DATA
TYPICAL SECTION
JPA 500' DENSITY
LIMIT LINE
PHASE 1
PHASE 2
MAJOR ROAD
OAKWOOD ROAD
NOTES:


BOWYER SINGLETON
BOUNDARY SURVEY & EXISTING CONDITIONS PLAN
CARTERO PROPERTY
WINTER GARDEN
FLORIDA
NOTE:
ALL TREES ON-SITE ARE PLANTED PINES.
SOILS LEGEND
SURVEY NOTES:
LEGEND AND ABBREVIATIONS


HARDSCAPE PLAN
CARRIAGE POINTE
HS-1
PAUL L. VERLANDER
Landscape Architect
1 CANTERO SIGN WALL
2 FENCE AND COLUMN DETAIL
3 WALL AND COLUMN DETAIL
4 TYPICAL WALL LAYOUT
OVER ALL SITE PLAN


ENTRY HARDSCAPE PLAN
CARRIAGE POINTE
HS-2
PAUL L. VERLANDER
Landscape Architect
ENTRY HARDSCAPE PLAN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REFER TO SHEET LA-3 FOR PLANT LIST
LANDSCAPE PLAN
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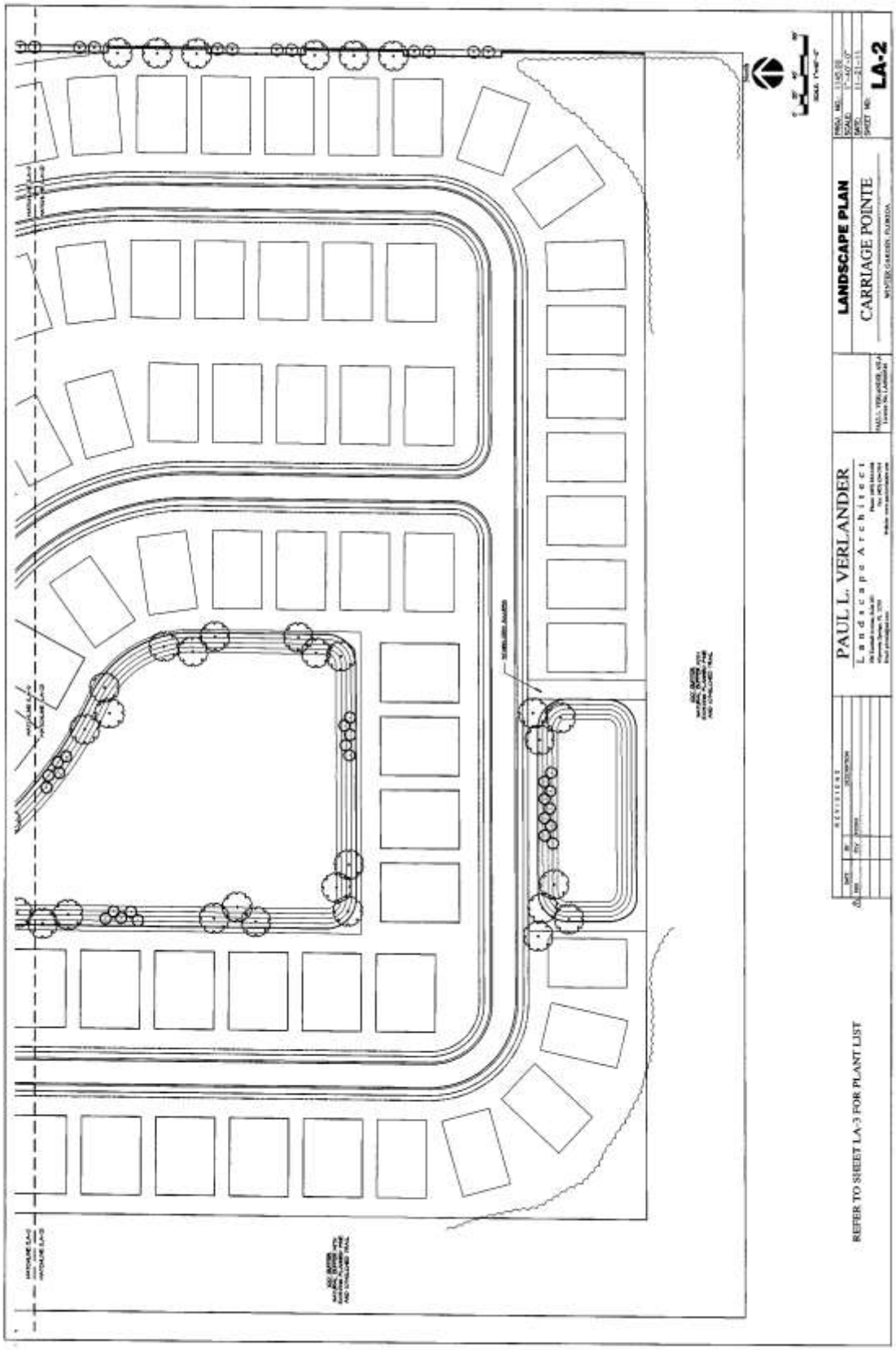
LA-1
PAUL L. VERLANDER
Landscape Architect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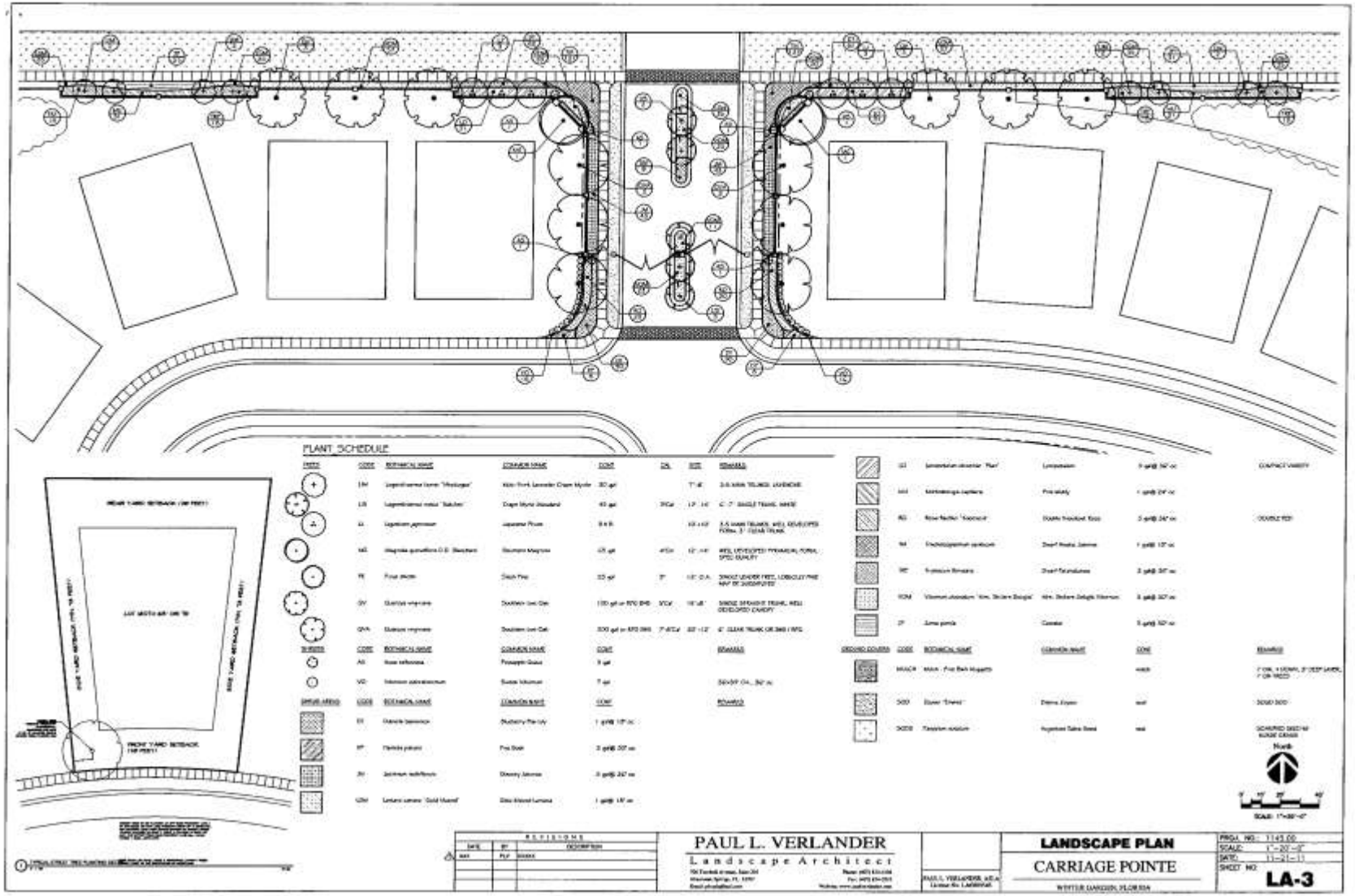
LA-2
PAUL L. VERLANDER
Landscape Architect
REFER TO SHEET LA-3 FOR PLANT LIST


PLANT SCHEDULE
PAUL L. VERLANDER
Landscape Architect
LANDSCAPE PLAN
CARRIAGE POINTE
LA-3

**THE CITY OF WINTER GARDEN**

**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** **January 13, 2012** **Meeting Date: January 26, 2012**

**Subject:** Ordinance 12-08 (Oakland Park PUD Amendment)
**Oakland Park Property (189.9+/- ACRES)**
**PARCEL ID #** 21-22-27-6090-00-01

**Issue:** The applicant is requesting to amend Ordinance 05-26 Oakland Park PUD, amending the lot size mixture, phasing and amenity schedule, and allowing for 35 additional dwelling units.

**Discussion:**

City Staff recommend approval of Ordinance 12-08. Amending Ordinance 05-26 Oakland Park PUD (See attached Staff Report).

**Recommended Action:**

Staff recommends adoption of Ordinance 12-08 (Amending Ordinance 05-26 Oakland Park PUD).

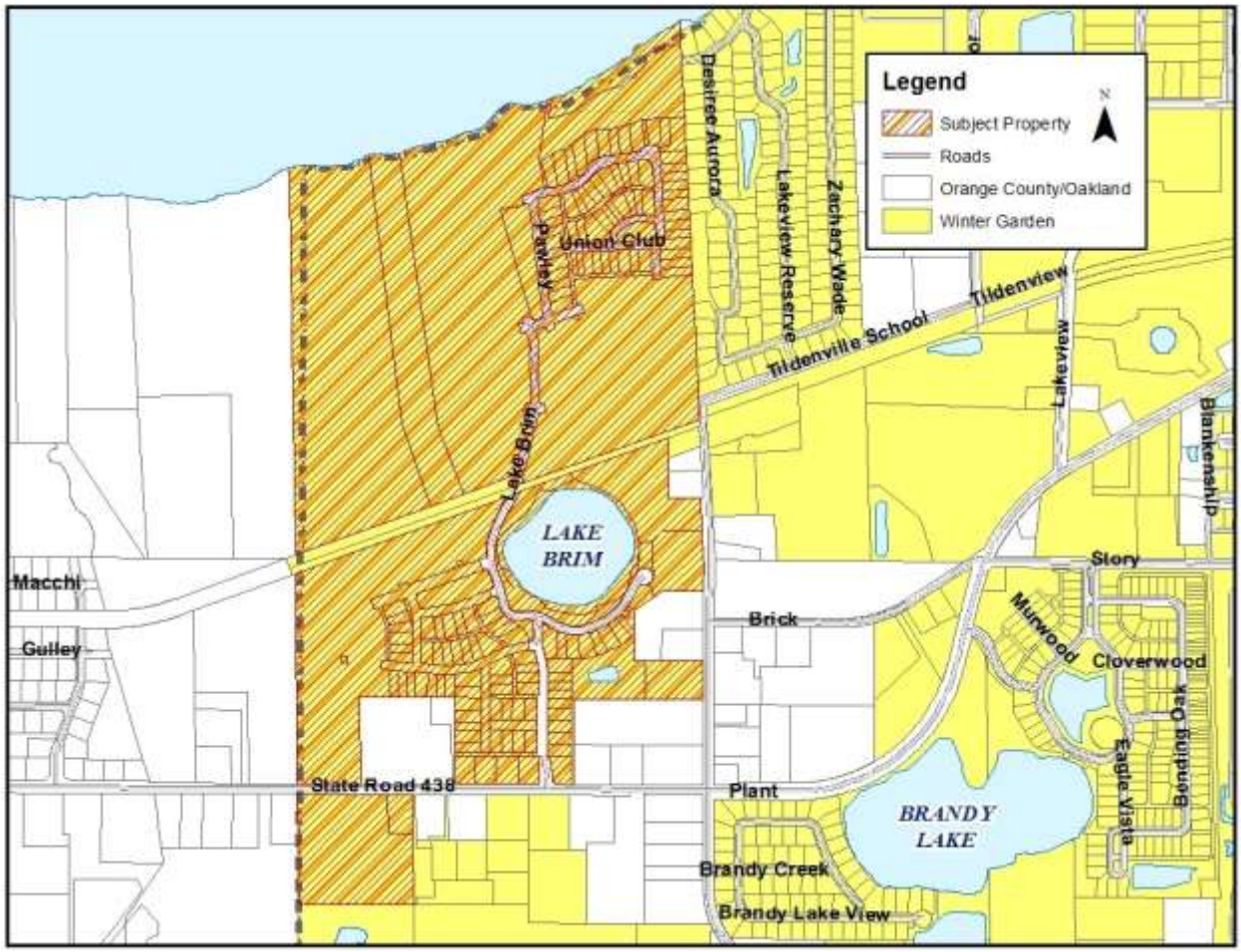
**Attachments/References:**

Location Map
Ordinance 12-08
Staff Report
PUD Plan

# LOCATION MAP

Ordinance 12-08

Oakland Park – PUD Amendment



ORDINANCE 12-08

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION II AND SECTION IV OF ORDINANCE 05-26 OAKLAND PARK PUD; AMENDING THE LOT SIZE MIXTURE, PHASING AND AMENITY SCHEDULE AND ALLOWING FOR 35 ADDITIONAL DWELLING UNITS ON APPROXIMATELY 189.9 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF TILDENVILLE SCHOOL ROAD, SOUTH OF LAKE APOPKA, AND EAST OF THE TOWN OF OAKLAND; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR NON SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Oakland Park PUD)

**WHEREAS**, on May 26, 2005 the City Commission of the City of Winter Garden approved Ordinance 05-26, which rezoned approximately 189.9± acres of certain real property now commonly known as Oakland Park from City R-1 and County A-1 to City PUD, which such real property is generally described in Exhibit "A" attached hereto (sometimes herein referred to as the "Oakland Park PUD property" or "subject property"); and

**WHEREAS**, the property owner, Castle & Cooke, Florida, Ltd. has requested to amend the approved PUD Plan for the Oakland Park PUD, amending the lot mixture, phasing and amenity schedule and allowing for 35 additional dwelling units; and

**WHEREAS**, Ordinance 05-26 allows for amendments to the Ordinance to be achieved by Ordinance of the City Commission; and

**WHEREAS,** after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed amendment to the Oakland Park PUD Plan is consistent with the City of Winter Garden Comprehensive Plan, and the City of Winter Garden Code of Ordinances, therefore;

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

**SECTION 1:** *Amendments to Ordinance 05-26*

**a.** Exhibit "B" (the Conceptual Plan created by Glatting Jackson Kercher Anglin Lopez Rinehart, Inc.) referenced in Section 2a, Section 2d, Section 2h, Section 2i, and Section 2k of Ordinance 05-26 is deleted and replaced with the Oakland Park Planned Unit Development Amendment to the Approved PUD attached hereto as Exhibit "B."

**b.** Section 2k (Meadow Marsh Bed and Breakfast) of Ordinance 05-26 is deleted and replaced with the following:

> The existing building ("Meadow Marsh") located at 940 Tildenville School Road has historically existed as a Bed and Breakfast. In addition to a Bed and Breakfast, Meadow Marsh will be available for the permitted and special exception uses identified on page 57 of Exhibit "B". A site plan must be submitted and approved by the City prior to the conversion from a Bed and Breakfast to any other land use. It is the intent of this PUD to continue the appearance, size, and architectural style of the existing building at in the same historical state as it exists at the date of this Ordinance. Any expansion of the Meadow Marsh building for additional square footage space or any major redesign of the site will require a Special Exception Permit and must comply with the R-NC setback requirements.

**c.** Section 2m (Granny Flats) of Ordinance 05-26 is deleted and replaced with the following:

> **Granny Flats**-Up to 35% of the residential units within each phase may be permitted to have accessory apartments or "granny flats" located above a garage. Accessory apartments will be limited to one floor above the garage, not exceeding 800 square feet. To be classified as a "granny flat" the unit must meet all of the following conditions:
>
> i. Accessory Apartments have an entry that is discrete and separate from the primary house, providing private access to the granny flat.
> ii. Accessory Apartments are metered separately from the primary house.
> iii. Accessory Apartments have a separate, full service kitchen.
> iv. An Accessory Apartment can be rented only if the owner lives in the primary house.
> v. A lot must have at least one additional parking space when the lot includes an Accessory Apartment.

**SECTION 2:** *General Requirements.* In addition to the conditions and requirements set forth in Ordinance 05-26 as amended by this Ordinance, the following are conditions and requirements for the development of the subject property:

**a.** **Staff Conditions-** All development on the 189.9 ± acre Oakland Park PUD property must comply with the following staff conditions:

(1) All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances.

(2) The Utilities Department will require separate water metering for the "Granny Flats" (or garage apartments) on the final plans that will include additional water/wastewater impact fees based on 1 ERU per "Granny Flat" or garage apartment.

(3) Minimum width for drainage and utility easements between buildings shall be 30 feet. Narrower easement widths (20 foot minimum width) will be allowed for shallow drainage pipes 12 inch diameter or less. Additional drainage and utility easements will be required adjacent to the proposed rights-of-way for telephone, electrical power, gas and cable TV facilities (10 foot minimum width pursuant to Code).

(4) Any off-site utilities required to serve the project shall be installed by the Owner with reimbursement by the City if upsizing is requested, as outlined in the Developer's Agreement. All design and construction shall conform to City requirements for roadways, drainage and utilities including reclaimed water for irrigation.

(5) Any irrigation on the development shall be designed and constructed to be supplied by reclaimed water – approvals will be required from City, FDEP and SJRWMD for any use of stormwater or water from Lake Apopka for irrigation. This will include installation of reuse water mains (purple pipe) and meters that will initially be supplied by domestic water via a jumper. Reuse mains shall be constructed along project frontage on Oakland Avenue per ordinance. Reuse connection point(s) shall be shown on construction plans; irrigation/reuse plans shall be submitted, reviewed and approved by the City prior to installation. Reuse mains, services and meters shall be required with the initial infrastructure as required by Code.

(6) Permit approvals from the St. Johns River Water Management District and FDEP are required. The State of Florida shall provide approval for all crossings, etc. of the West Orange Trail prior to construction.

**b**. **Amendment to Developer's Agreement**. An amendment to the Developer's Agreement (recorded on February 22, 2006 in the Public Records of Orange County, Florida at Official Record Book 08492 Page 3431, et. seq.) shall be drafted, executed, approved, and recorded to address the following:

(1) Improvements to the Plant Street/Oakland Avenue/Tildenville School Road intersection to be made in the future by the City of Winter Garden, with a proportionate share of the cost paid by the owner/developer of Oakland Park PUD property (or its successors and assigns), including the following improvements to such intersection:

i. Eastbound (two lane approach)

A. Combination Left/Thru Lane

B. Separate Right Turn Lane

ii. Southbound (single lane away)

A. One-way northbound away movement

iii. Westbound (two lane approach)
   A. Separate Left Turn Lane
   B. Combination Right/Thru Lane
iv. Northbound (two lane approach)
   A. Combination Left/Through Lane
   B. Separate Right Turn Lane

(2) The traffic signal at the central project access on Oakland Avenue shall be designed, permitted and constructed by the owner/developer prior to issuance of the 450th residential building permit or construction of 10,000 or more square feet of non-residential building area (total aggregate) south of Oakland Avenue, whichever occurs first.

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

**SECTION 4:** *Effective Date.* This Ordinance shall become effective upon adoption at its second reading and the occurrence of the execution and recording of an amendment to the Developer's Agreement required by SECTION 2 b. of this Ordinance.

**FIRST READING AND PUBLIC HEARING:** January 12 , 2012.

**SECOND READING AND PUBLIC HEARING**: January 26 , 2012.

**ADOPTED** this 26th day of, January 2012 , by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

_____
JOHN REES, Mayor/Commissioner

**ATTEST:**

_____
KATHY GOLDEN, City Clerk

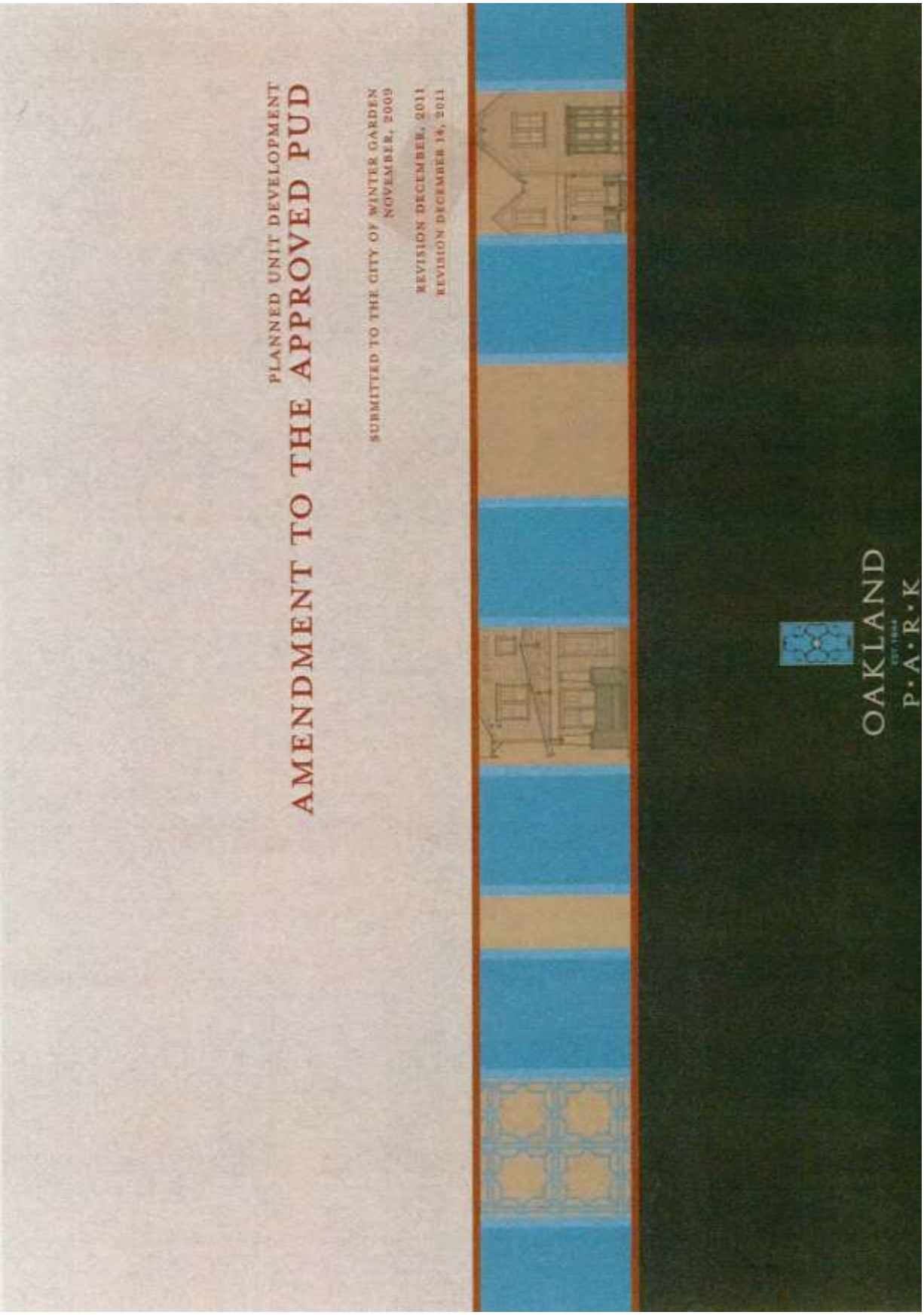
**Exhibit "B"**

# COVER PAGE

# OAKLAND PARK
# PLANNED UNIT DEVELOPMENT
# AMENDMENT TO THE APPROVED PUD

# DECEMBER 14, 2011

# (72 PAGES - ATTACHED)


PLANNED UNIT DEVELOPMENT
AMENDMENT TO THE APPROVED PUD
SUBMITTED TO THE CITY OF WINTER GARDEN
NOVEMBER, 2009
REVISION DECEMBER, 2011
REVISION DECEMBER 14, 2011
OAKLAND
P·A·R·K

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# DEVELOPMENT TEAM

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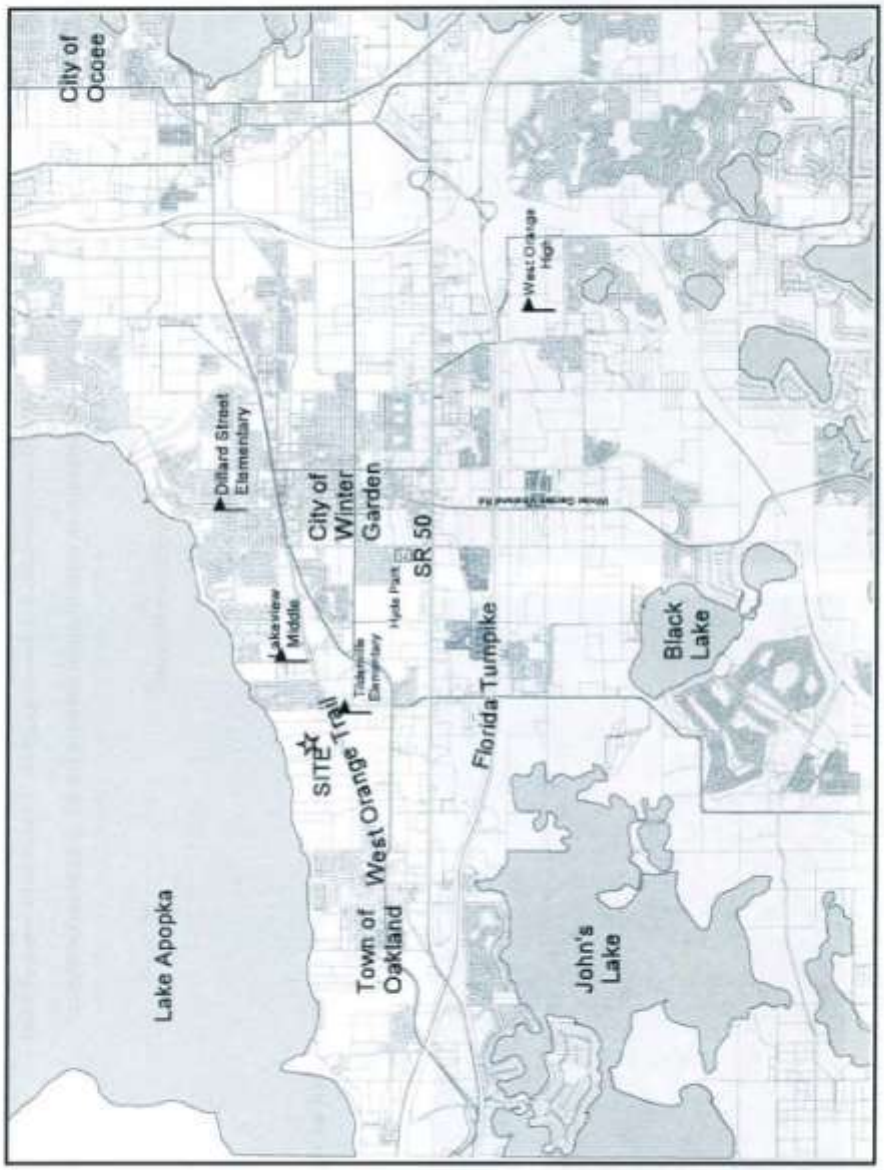
# LOCATION MAP



# THE VISION *for* OAKLAND PARK

The Planned Unit Development for Oakland Park was first submitted to the City of Winter Garden in 2004. Since preparation of the initial PUD submittal for Oakland Park, traditional neighborhoods have undergone a renaissance that has recognized that the value of traditional neighborhoods goes far beyond merely their aesthetics. Done well, traditional neighborhoods foster civic pride, encourage a healthier lifestyle and conserve resources. We also have seen the need to hone the Oakland Park plan in response to the changing economic crisis that is forcing all of us to be smarter in how we make our housing choices. This application is to amend the currently approved Oakland Park PUD to accomplish this as well as adjust the plan to be more efficient.

The changes to the plan remain consistent with the vision for Oakland Park which is enumerated in the six original cornerstones:

- Sensitivity Relate to Neighborhood Communities
- Embrace Lake Apopka's Environmental Restoration
- Provide Connectivity, Both Within Oakland Park and to the Surrounding Street Network
- Celebrate the West Orange Trail
- Provide a Broad, Diverse Mixture of Housing Types
- Build buildings True to the Architectural patterns of Oakland and Winter Garden

## SENSITIVELY RELATE TO NEIGHBORING COMMUNITIES

Oakland Park is nestled between the historic towns of Oakland and Winter Garden. Sharing in the life of these two existing communities is an important aspect of Oakland Park, manifested in the sensitive blending of the community into the existing context.

NATIVE PLANTS ARE USED THROUGHOUT THE COMMUNITY
THE NEIGHBORING COMMUNITY OF LAKEVIEW RESERVE IS TIED INTO EAST SHORE PARK VIA PEDESTRIAN CONNECTION.

OAKLAND PARK 1844 SALES CENTER IS ARCHITECTURALLY IN KEEPING WITH THE CHARACTER OF OTHER HOMES ON OAKLAND AVENUE

## EMBRACE LAKE APOPKA'S ENVIRONMENTAL RESTORATION

Lake Apopka, the fourth largest lake in the State of Florida and a former bass fishing mecca for the United States, is on the way to recovery. When complete, Oakland Park will have restored approximately one half of a mile of shoreline to its native state as part of the community's park system.

RESTORATION OF THE FIRST PHASE OF SHORELINE INVOLVED REMOVING ALL EXOTICS AND REPLANTING WITH THOUSANDS OF NATIVE PLANTS.

LAKE APOPKA ENVIRONMENTAL RESTORATION IN THE FIRST PHASE INCLUDES EAST SHORE PARK.

## PROVIDE CONNECTIVITY, BOTH WITHIN OAKLAND PARK AND TO THE SURROUNDING STREET NETWORK

With multiple street and pathway connections to surrounding neighborhoods in Winter Garden and in Oakland, Oakland Park is part of the community fabric that creates West Orange County. Alternate ways to come into and out of the community minimizes traffic congestion at intersections and offers safe routes for children and adults alike to interact with their neighbors, take advantage of community and neighborhood amenities.

ENTERING FROM OAKLAND AVENUE: ONE OF SEVERAL EVENTUAL CONNECTIONS TO THE EXTERNAL STREET NETWORK.

# THE VISION *for* OAKLAND PARK

## CELEBRATE THE WEST ORANGE TRAIL

The West Orange Trail is now approximately 35 miles long, passing through the heart of Oakland Park. The community embraces the trail as a connection to three neighboring schools, downtown Winter Garden and other parks and activities that are within easy walking and biking distance for residents in the community.

THE QUESINBERRY OAK DEDICATED IN NOVEMBER 2008 IS ADJACENT TO THE WEST ORANGE TRAIL.

THE WEST ORANGE TRAIL AS IT ENTERS OAKLAND PARK.

## PROVIDE A BROAD, DIVERSE MIXTURE OF HOUSING TYPES

A diversity of housing types meant to appeal to families large and small and to a cross section of the community is a key principle of traditional neighborhood design (TND). Oakland Park offers an array of home types including single family homes, townhomes, and cottages.

ALL HOMES LIKE THIS FOLK VICTORIAN HOME ARE REQUIRED TO BE CERTIFIED GREEN BY THE FLORIDA GREEN BUILDING COALITION.

HOMES OVERLOOKING RECIPROCITY PARK ARE A DIVERSE MIXTURE OF DETACHED AND ATTACHED HOMES.

## BUILD BUILDINGS TRUE TO THE ARCHITECTURAL PATTERNS OF OAKLAND PARK AND WINTER GARDEN

Architectural patterns in Oakland Park have been inspired by historic local neighborhoods. Five distinct residential architectural patterns will characterize the community. The Oakland Park Town Architect will oversee and approve all architectural design for purity and consistency of pattern.

FLORIDA VERNACULAR STYLE ARCHITECTURE

AN OUTDOOR CLASSROOM IN THE RESTORED NATIVE LANDSCAPE FOR BOTH FORMAL AND INFORMAL DISCUSSIONS.

## GREEN AND SUSTAINABLE

Back in 2004 and 2005 when the first plans were approved they incorporated sustainable concepts that have become much more mainstream today. In fact we had not conceived of a green certified community at the outset, but are proud today that Oakland Park is the only community in Orange County certified as a Green Development by the Florida Green Building Coalition. We believe the economic downturn of the past two years makes an even stronger case for sustainable development in the pattern of Oakland Park. While the initial start of Oakland Park has been slower than desired the community has already received significant recognition for both the community and the initial construction of housing product including the following:

- US Dept. of Energy Builders Challenge - Home Advantage Energy Star Premium Builder
- 2008 Aurora Award - Audubon Park, green construction new production built spec/model
- 2008 Aurora Award - Audubon Park, Energy efficient Home detached single family
- 2008 Aurora Award - Green construction residential development/mixed use development
- 2008 Parade of Homes - Merit Award Ivanhoe Park Model
- 2008 Parade of Homes - First Place Delaney Park Model
- Trees Florida 2008 - Outstanding Tree Preservation Project for the State of Florida
- Florida Green Building Coalition - Green Development Designation
- American Society of Landscape Architects - Award of Excellence for the Oakland Park pattern book, *Patterns of the Past: A foundation for the Future. A Guide for Place Making*.
- 2010 Grand Aurora Award - Landscape Design / Lake Brim restoration, Lake Apopka restoration
- 2010 Grand Aurora Award - Residential Community Site Plan
- 2010 Florida Association of Realtors - ENVY Award - Outstanding Environmental Community of the Year

# AERIAL

Source: Aerials Express Photography (Mar. 2008)

# LAND USE *and* REGULATING PLAN

| LEGEND/LAND USE | | | ACRES |
|---|---|---|---|
| | Special District | | 8.6 |
| | T4-O (Neighborhood General-Open) | | 2.2 |
| | T4-R (Neighborhood General-Restricted) | | 27.1 |
| | T3 (Neighborhood Edge) | | 63.6 |
| | T2 (Open Space) | 27.8 | 50.7 |
| | Retention | 22.9 | |
| - - - | Right-of-way | | 37.7 |
| ST-24/50 | Street type | | |
| | TOTAL ACRES | | 189.9 |

Full size Land Use and Regulating Plan is located in the back cover pocket.

## TRANSECT STANDARDS

Great neighborhoods have a wide cross section of building types that vary in intensity from center to edge. The center of a neighborhood is usually developed in a mixed-use manner with more intense uses than the edge area. This delicate gradient provides visual variety as well as a variety of housing and commercial options. In an infill project like Oakland Park the transect gradients must respect the already built adjoining land.

The TRANSECT is a categorization system that organizes all elements of the urban environment on a scale from rural to urban. Any lot in the manmade environment belongs to a certain transect zone, which will describe the character and intensity of construction upon that lot. The *Transect Standards* regulate the permitted lot types for each block, as identified on the Regulating Plan.


Land use and Regulating Plan..... Page 15

T4-O (Neighborhood General - Open)..... Page 18

T4-R (Neighborhood General - Restricted)..... Page 19

T3 (Neighborhood Edge)..... Page 20

T2 (Open Space)..... Page 21

SD (Special District)..... Page 22


**Permitted Uses**

*Following is a general description of the permitted uses in each of the transect zones; a chart containing specific uses may be found on page 57.*

**T4-O (Neighborhood General - Open) Transect Zone:**

- Residential, including:
  - Dwelling, single family (attached)
  - Dwelling unit, multi-family
  - Dwelling unit, accessory
- Neighborhood-Oriented Commercial
- Civic uses, including:
  - Churches
  - Schools
  - Community facilities, including pavilions, public restrooms, and utility structures

**T4-R (Neighborhood General - Restricted) Transect Zone:**

- Residential, including:
  - Dwelling, single family (attached and detached)
  - Dwelling unit, multi-family
  - Dwelling unit, accessory
- Civic uses, including:
  - Community facilities, including pavilions, public restrooms, and utility structures

**T3 (Neighborhood Edge) Transect Zone:**

- Residential, including:
  - Dwelling, single family (detached)
  - Dwelling unit, multi-family
  - Dwelling unit, accessory
- Civic uses, including:
  - Community facilities, including pavilions, public restrooms, and utility structures

**T2 (Open Space) Transect Zone:**

- Civic uses, including:
  - Community facilities, including pavilions, public restrooms, and utility structure

**SD (Special District):**

- Special District designation is used for areas which do not conform to one of the Transect Zones due to location or historical significance. Permitted uses shall be determined for each unique district; see page 22.

As an interim use agricultural uses are permitted in any transect until time of final development.

# URBAN DESIGN STANDARDS

## T4 (NEIGHBORHOOD GENERAL)

### PURPOSE:

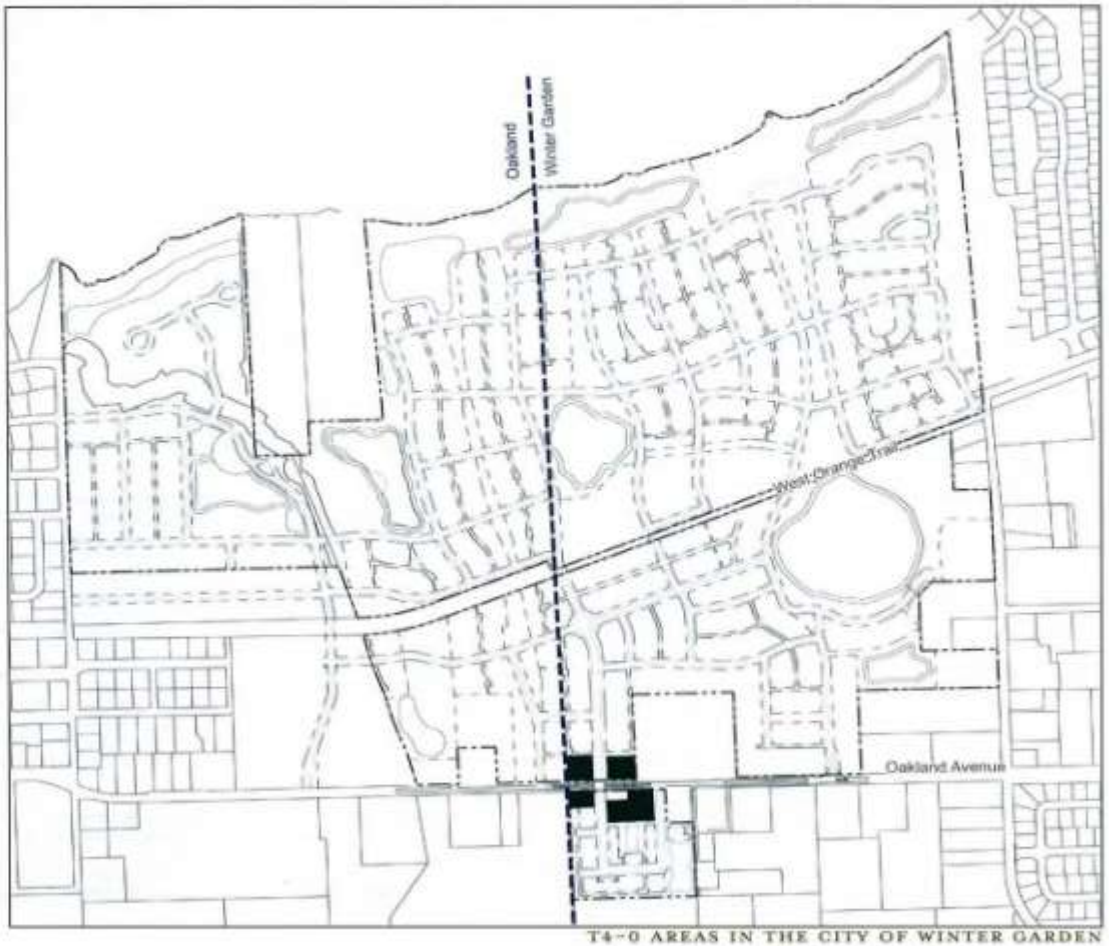
The T4 (Neighborhood General) areas include a mixture of uses and building types. Residential units include detached single-family homes, attached homes, and apartments. Homes are normally set back from the front property line to allow a small front yard with a porch or stoop, and a private rear yard; street plantings are generally formal.

At Oakland Park the T4 zone has been divided into two sub-zones: T4-O (Open) which permits a wider range of uses; and T4-R (Restricted) which is primarily residential in character. T4-O (Neighborhood General-Open)

### PERMITTED LOT TYPES T4-O (OPEN)

Within the T4-O zone, land shall be subdivided into one of the following lot types:

- *Townhouse Lot*
- *Live/Work Lot*
- *Apartment House Lot*
- *Retail Building Lot*



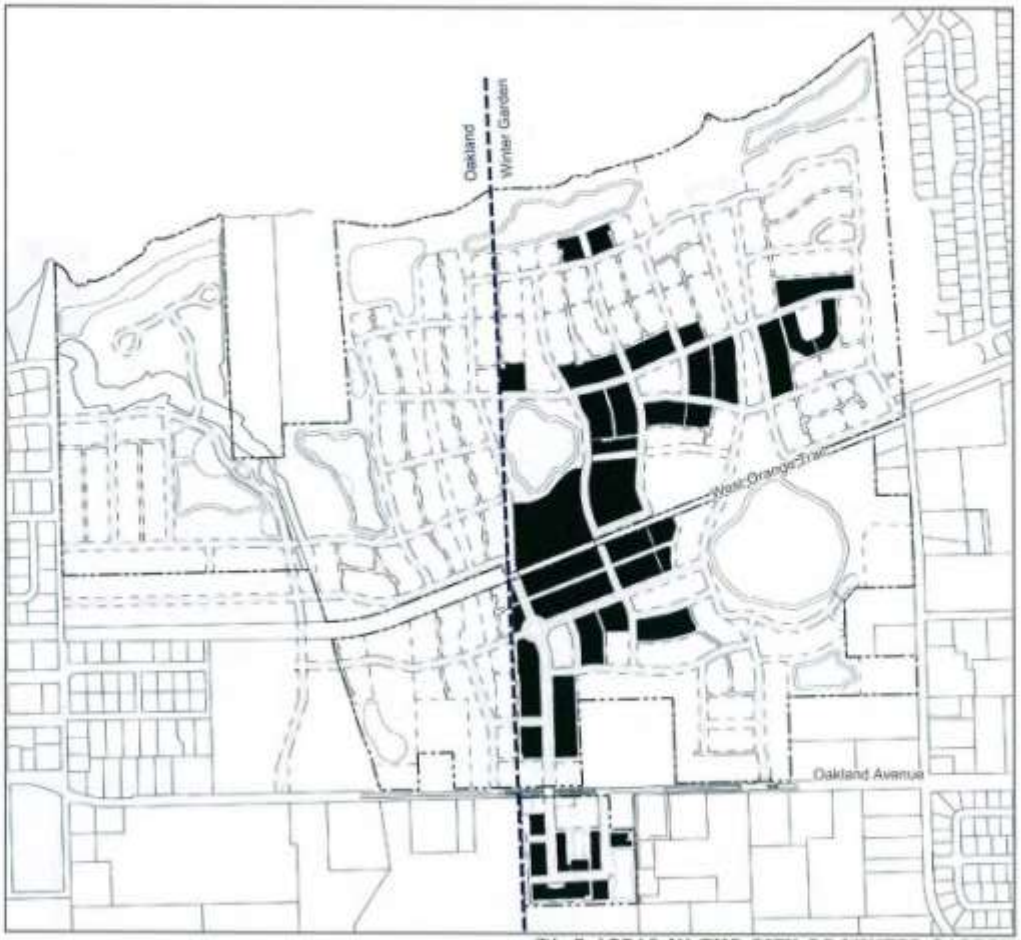

T4-O AREAS IN THE CITY OF WINTER GARDEN

## T4-R (NEIGHBORHOOD GENERAL - RESTRICTED)

### PERMITTED LOT TYPES: T4-R (RESTRICTED)

Within the T4-R zone, land shall be subdivided into one of the following lot types:

- *Large House Lot*
- *House Lot*
- *Manor House Lot*
- *Cottage Common Lot*
- *Tandem House Lot*
- *Townhouse Lot*
- *Live/Work Lot*
- *Apartment House Lot (by special exception North of the West Orange Trail; by right south of the West Orange Trail)*




T4-R AREAS IN THE CITY OF WINTER GARDEN

# URBAN DESIGN STANDARDS

## T3 (NEIGHBORHOOD EDGE)

### PURPOSE:

The T3 (Neighborhood Edge) areas are single-family residential in character, with a lower density. Street plantings may be naturalistic, and there are normally deeper setbacks.

### PERMITTED LOT TYPES:

Within the T3 zone, land shall be subdivided into one of the following lot types:

- *Oakland Avenue Lot*
- *Lake front House Lot*
- *Estate House Lot*
- *Large House Lot*
- *Manor House Lot*
- *Cottage Common Lot*
- *Tandem House Lot*

T3 AREAS IN THE CITY OF WINTER GARDEN

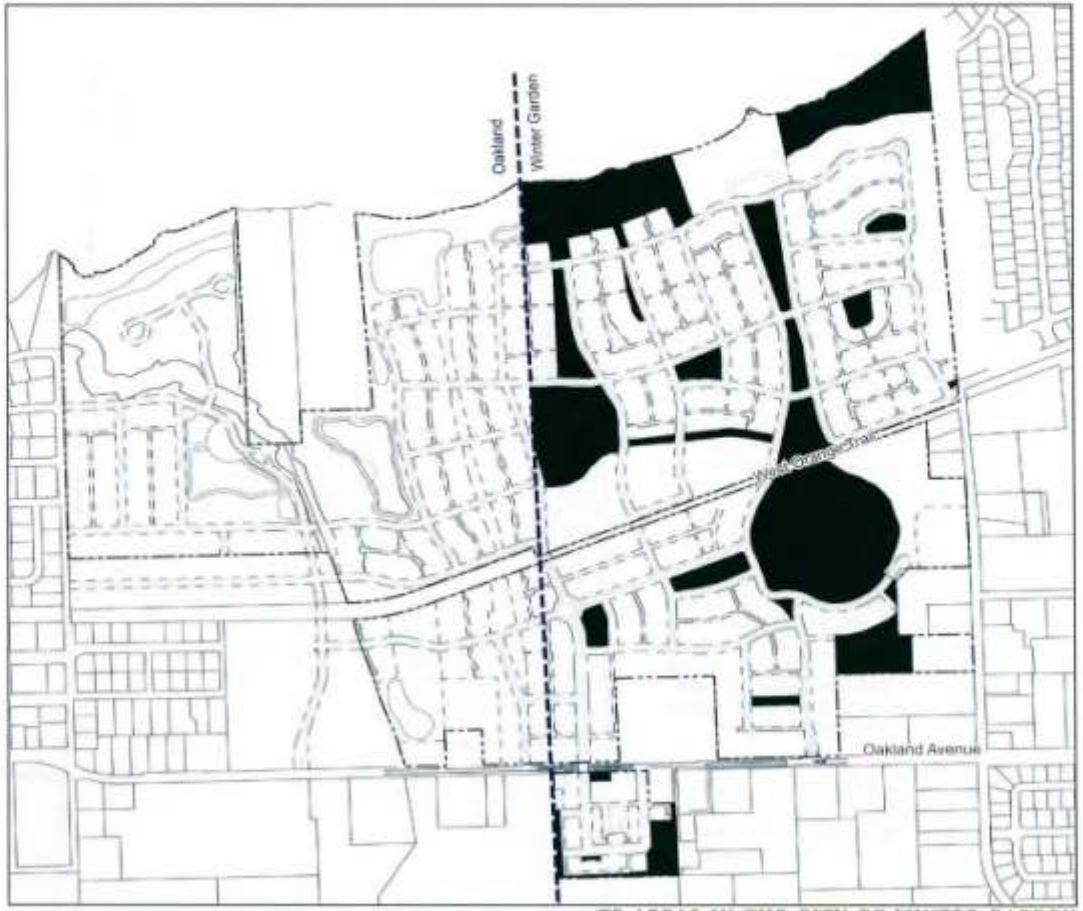
## T2 (OPEN SPACE)

### PURPOSE:

The open space zone is intended to provide areas for active and passive recreation, site drainage and water retention, and natural vegetation. Civic Buildings may be permitted within this zone. Other structures built within the open space zone are intended to be those accessory to the recreational uses, such as pavilions, restrooms, and utility buildings.

### PERMITTED LOT TYPES:

Within the open space zone, land may be allocated for Civic structures at the discretion of the Town Architect. No other lot / building types are permitted.




T2 AREAS IN THE CITY OF WINTER GARDEN

## SD (SPECIAL DISTRICT)

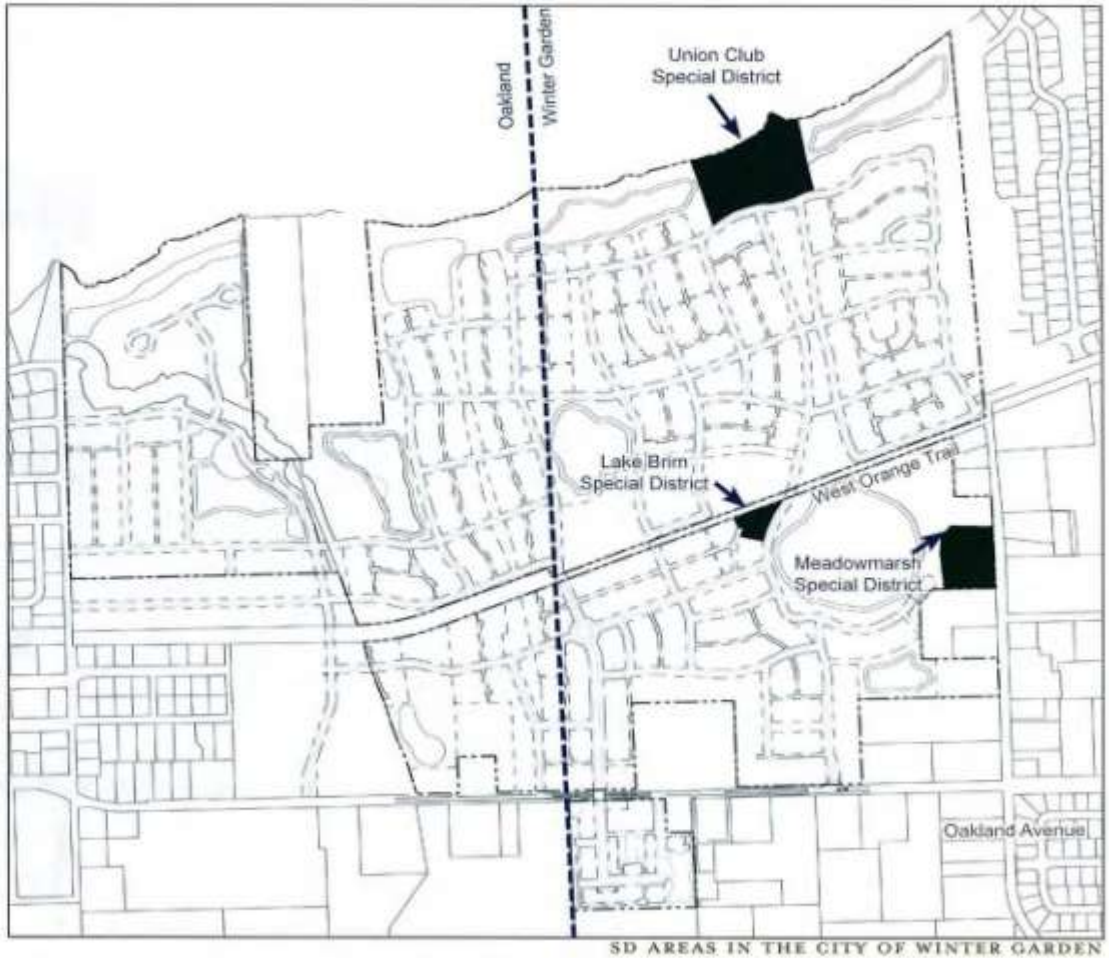
### PURPOSE & PERMITTED USES:

Special Districts are places that don't fit within the T2, T3, or T4 categories. They are special in light of location, historical significance or other compelling attributes. The lot type regulations (*pages 24-37*) do not apply in the Special Districts.

*Meadowmarsh Special District*
The centerpiece of the Meadowmarsh Special District is the Tilden Estate Home built in 1877 by Luther Tilden. This home is listed on the National Register of Historic Places. The house is in excellent condition and has been used by a number of community groups over the past several years for special functions. No change is proposed to the currently approved uses for this area which include single family residence, recreation facility, bed and breakfast, eating and drinking establishment, office, and private club. A school is permitted by special exception.

*Union Club Special District*
Located on Lake Apopka the Union Club Special District is at the foot of the North Lawn. To the west of the district is an area identified as a potential archaeological site of historic and cultural significance. No changes to the currently approved uses are proposed for the Union Club parcel. Permitted uses include public parks, playground and recreational facilities, marinas, cultural facilities, retail, eating and drinking establishments, office, private clubs and outdoor sales displays.

*Lake Brim Special District*
Located on the West Orange Trail, the Lake Brim Special District is permitted by right for a single family residence, bed & breakfast, nursery, child care; school by special exception.




SD AREAS IN THE CITY OF WINTER GARDEN

## URBAN STANDARDS

The Urban Standards establish the physical and functional relationships between buildings. They regulate the rules related to building placement (setbacks, build-to lines, lot frontage, height, and parking location). The intent of these standards is to shape high-quality public spaces by using buildings to form a valuable neighborhood for its inhabitants.

In case of contradiction with local safety codes, these regulations shall be adjusted in collaboration with the Town Architect.

# URBAN DESIGN STANDARDS

## THE OAKLAND PARK URBAN STANDARDS CONTAIN REGULATIONS FOR THE FOLLOWING LOT TYPES:


(OA): Oakland Avenue Lot ..... Page 25

(LF): Lakefront House Lot ..... Page 26

(EH): Estate House Lot ..... Page 27

(LH): Large House Lot ..... Page 28

(H): House Lot ..... Page 29

(MA-A): Manor House Lot (attached) ..... Page 30

(MA-D): Manor House Lot (detached) ..... Page 31

(CC): Cottage Common Lot ..... Page 32

(TA): Tandem House Lot ..... Page 33

(TH): Townhouse Lot ..... Page 34

(LW): Live/Work Lot ..... Page 35

(AP): Apartment House Lot ..... Page 36

(RB): Retail Building Lot ..... Page 37


## LOT COMPATIBILITY MATRIX:

The Lot Compatibility Matrix identifies the lot types that are permitted within each of the TRANSECT Zones identified on the Land Use and Regulating Plans.

| TRANSECT ZONES \ LOT TYPES | Oakland Avenue Lot | Lakefront House Lot | Estate House Lot | Large House Lot | House Lot | Manor House Lot | Cottage Common Lot | Tandem House Lot | Townhouse Lot | Live/Work Lot | Apartment House Lot | Retail Building Lot |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| T4-O (Neighborhood General - Open) | | | | | | | | | ● | ● | ● | ● |
| T4-R (Neighborhood General - Restricted) | | | | ● | ● | ● | ● | ● | ● | ● | ● | |
| T3 (Neighborhood Edge) | ● | ● | ● | ● | ● | ● | ● | ● | | | | |
| T2 (Open Space)* | | | | | | | | | | | | |

*civic structures shall be permitted in all transect zones, including areas designated T2 (Open Space)

## GENERAL NOTES:

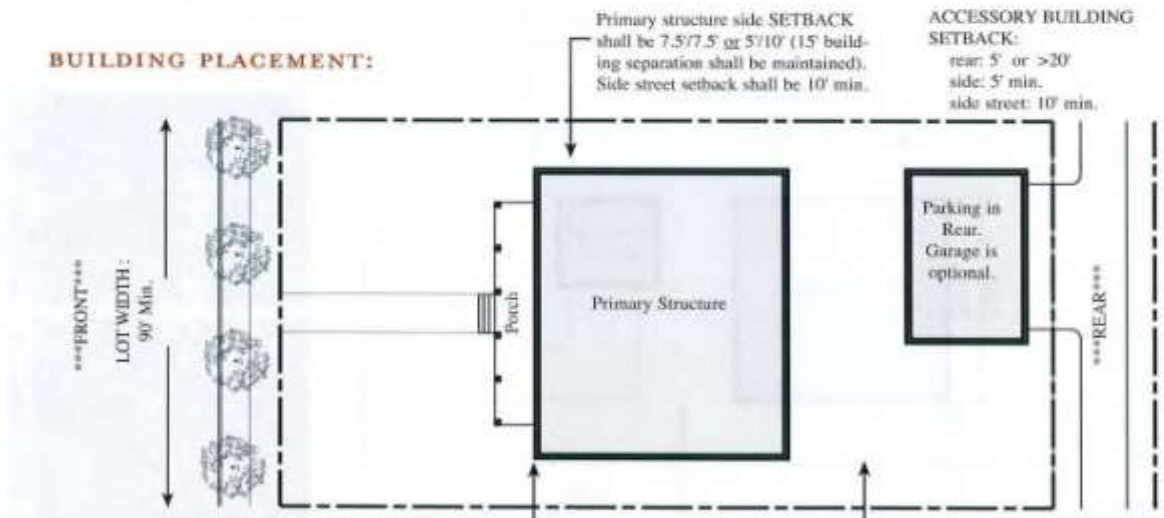
- Permitted lot types on each block within the Oakland Park plan shall be determined by Transect Zone, as described on page 17.
- Terms in ALL CAPS are defined in the definitions (page 38).
- Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

## (OA): OAKLAND AVENUE LOT

### HEIGHT:

*A front PORCH or STOOP is required.

### BUILDING PLACEMENT:




Notes:

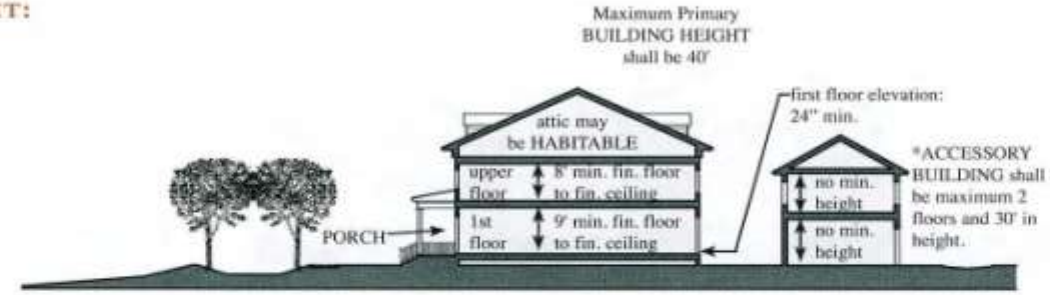
- Min. Square Footage:
  2800 sf for Primary Structure
- Max. Impervious Area:
  40% of lot
- Min. Building Separation:
  15' to Primary Structure on adjacent lot

### PRECEDENT EXAMPLES:

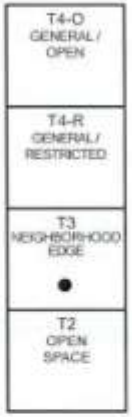
# URBAN DESIGN STANDARDS

## (LF): LAKEFRONT HOUSE LOT

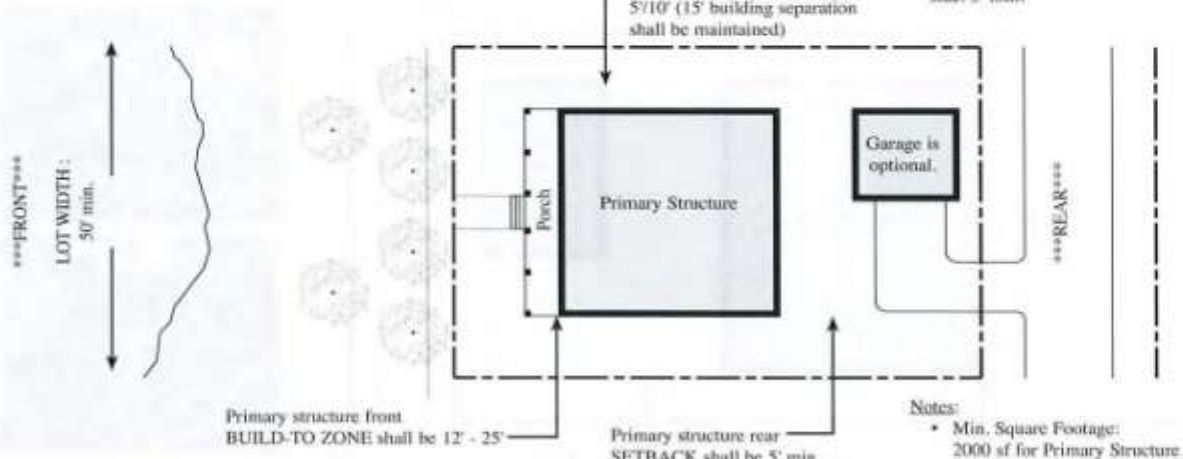
### HEIGHT:




*A front PORCH or STOOP is required.




### BUILDING PLACEMENT:



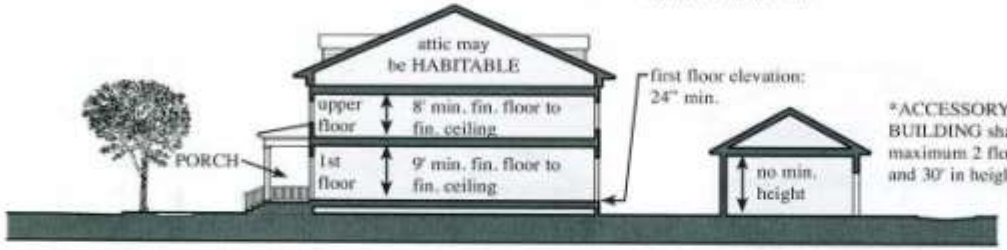

Notes:

- Min. Square Footage:
  2000 sf for Primary Structure
- Max. Impervious Area:
  70% of lot
- Min. Building Separation:
  15' to Primary Structure on adjacent lot
- Garage must be side loaded

### PRECEDENT EXAMPLES:

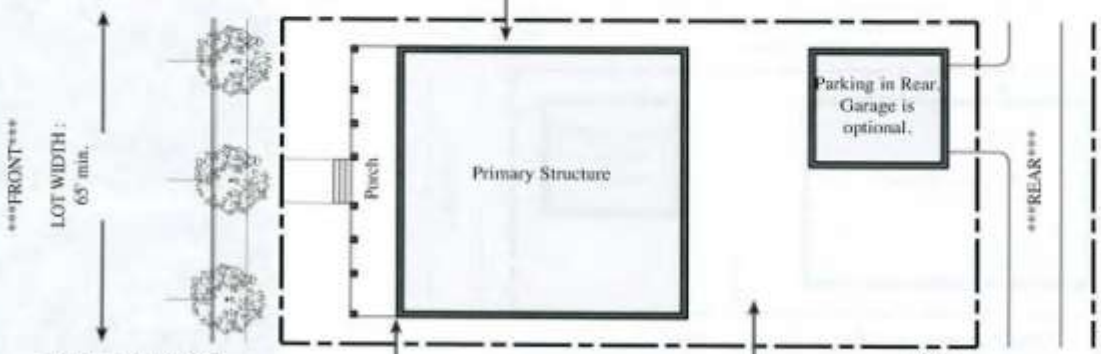
## (EH): ESTATE HOUSE LOT

### HEIGHT:




*A front PORCH or STOOP is required.

### BUILDING PLACEMENT:




Front PORCH SETBACK:
front: 5' min.
side: 5' min.
side street: 5' min.

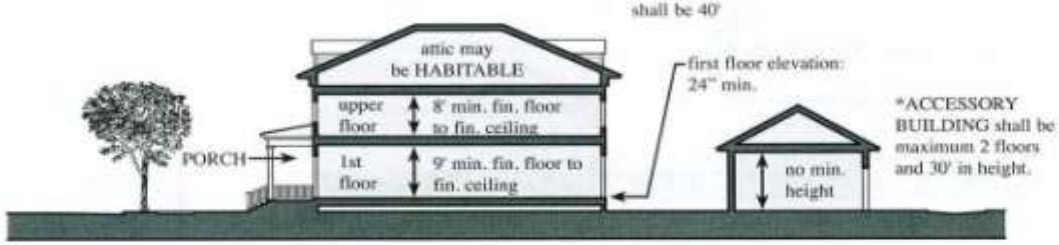
Notes:
- Min. Square Footage: 2000 sf for Primary Structure
- Max. Impervious Area: 60% of lot
- Min. Building Separation: 15' to Primary Structure on adjacent lot

### PRECEDENT & CHARACTER EXAMPLES:

# URBAN DESIGN STANDARDS

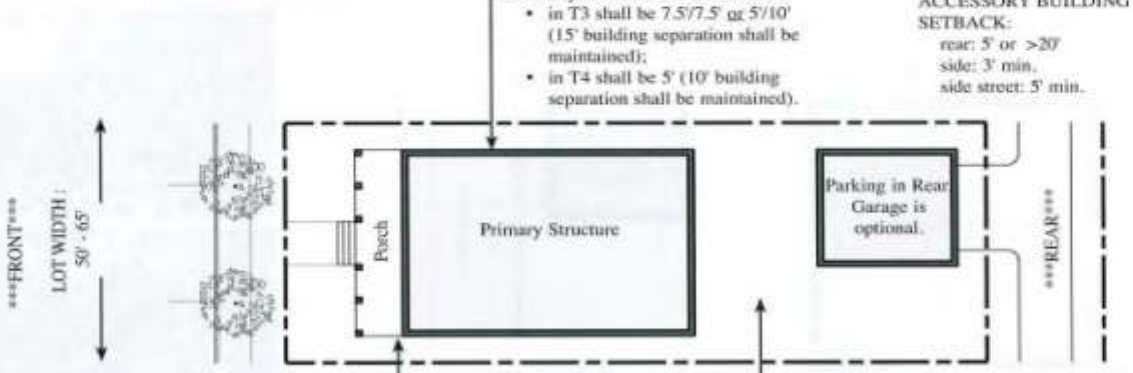
## (LH): LARGE HOUSE LOT

### HEIGHT:




*A front PORCH or STOOP is required.

### BUILDING PLACEMENT:




Primary structure front BUILD-TO ZONE shall be 12' - 25'

Primary structure rear SETBACK shall be 5' min. (or 15' min. rear SETBACK if no alley is present)

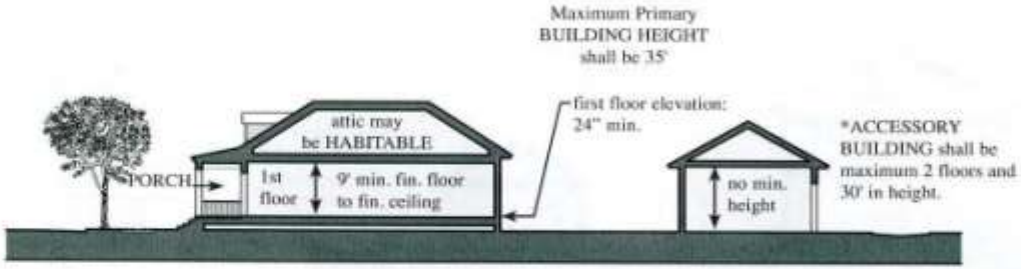
Front PORCH SETBACK:
front: 5' min.
side: 5' min.
side street: 5' min.

Notes:
- Min. Square Footage: 1400 sf for Primary Structure
- Max. Impervious Area: 70% of lot
- Min. Building Separation:
  - in T3: 15' to Primary Structure on adjacent lot;
  - in T4: 10' to Primary Setback on adjacent lot, unless adjacent Primary Structure requirement is greater (*which shall then prevail*).

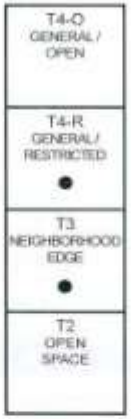
### PRECEDENT & CHARACTER EXAMPLES:

## (H): HOUSE LOT

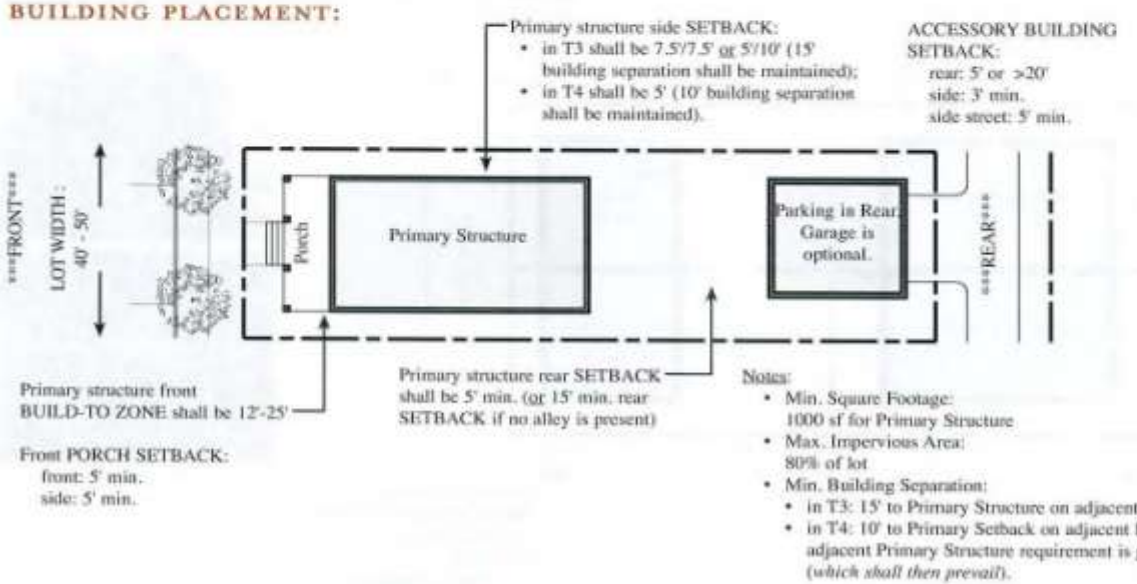
### HEIGHT:




*A front PORCH *or* STOOP is required.




### BUILDING PLACEMENT:

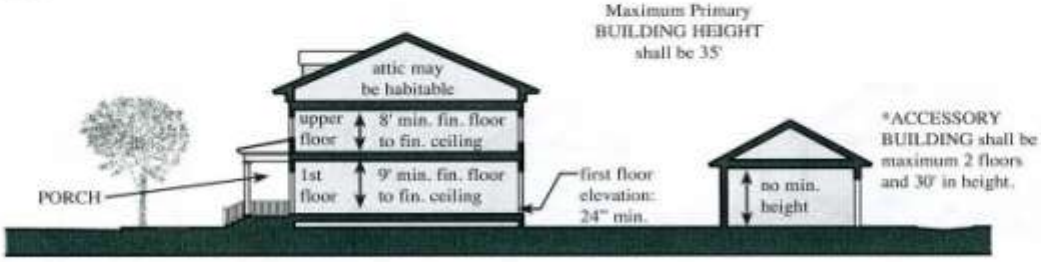



### PRECEDENT EXAMPLES:

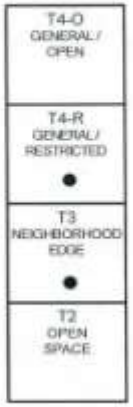
# URBAN DESIGN STANDARDS

## (MA-A): MANOR HOUSE LOT (ATTACHED)

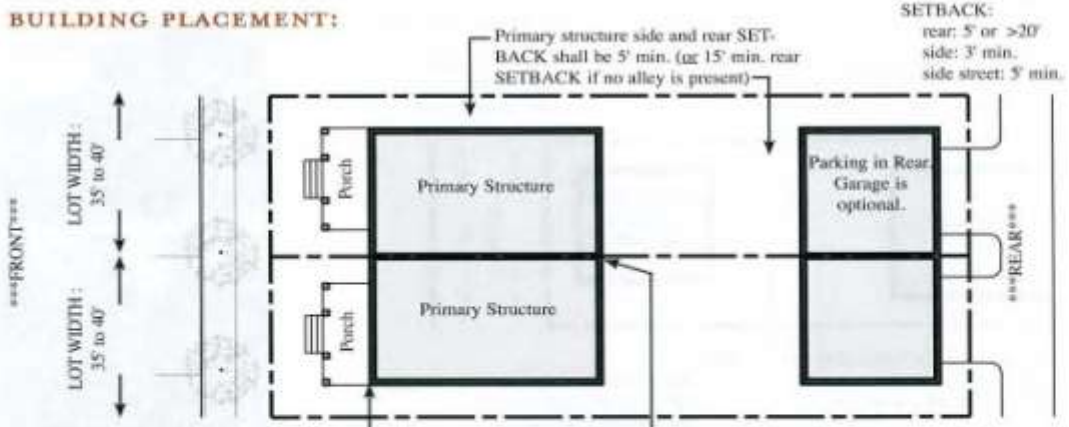
### HEIGHT:




*A front PORCH or STOOP is required.




### BUILDING PLACEMENT:



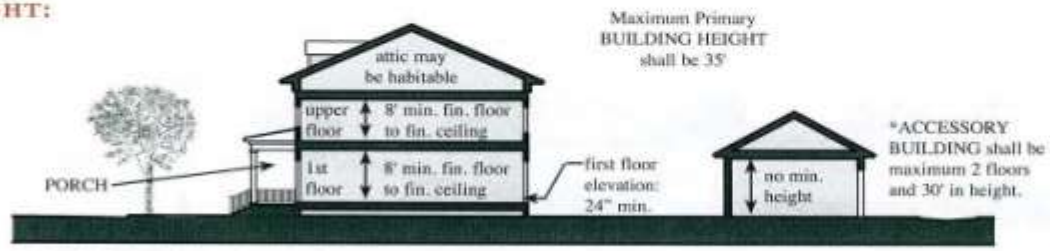

Notes:

- Min. Square Footage: 1000 sf for Primary Structure
- Max. Impervious Area: 80% of lot
- Min. Building Separation: 10' to Primary Structure on adjacent lot

### PRECEDENT & CHARACTER EXAMPLES:

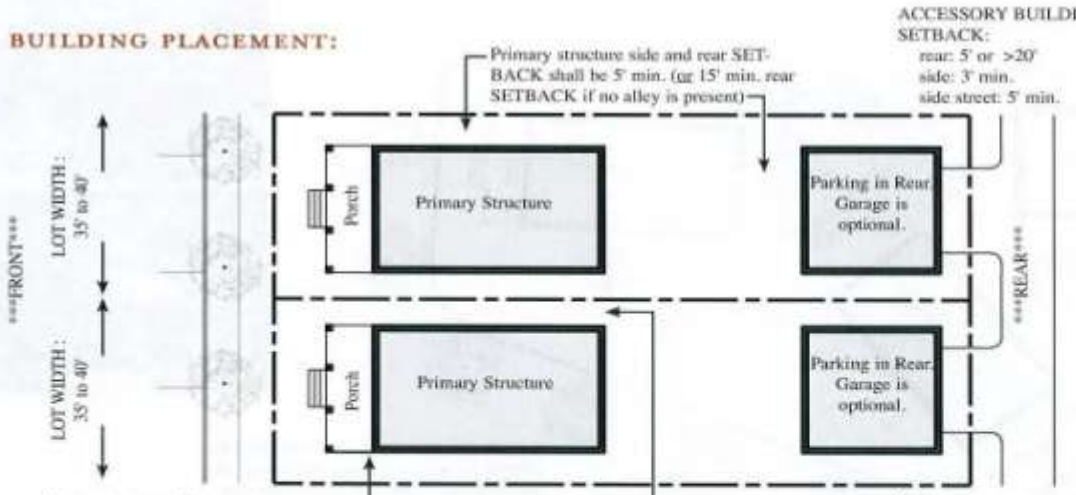
## (MA-D): MANOR HOUSE LOT (DETACHED)

### HEIGHT:




*A front PORCH *or* STOOP is required.

### BUILDING PLACEMENT:




Notes:

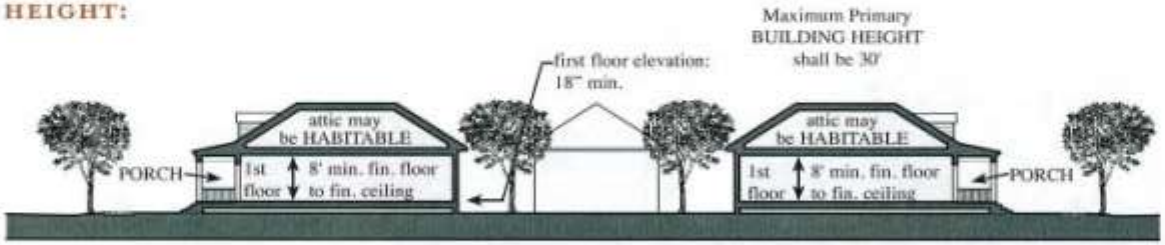
- Min. Square Footage: 1000 sf for Primary Structure
- Max. Impervious Area: 80% of lot
- Min. Building Separation: 10' to Primary Structure on adjacent lot, unless adjacent Primary Structure requirement is greater (*which shall then prevail*)

### PRECEDENT & CHARACTER EXAMPLES:

# URBAN DESIGN STANDARDS

## (CC): COTTAGE COMMON LOT

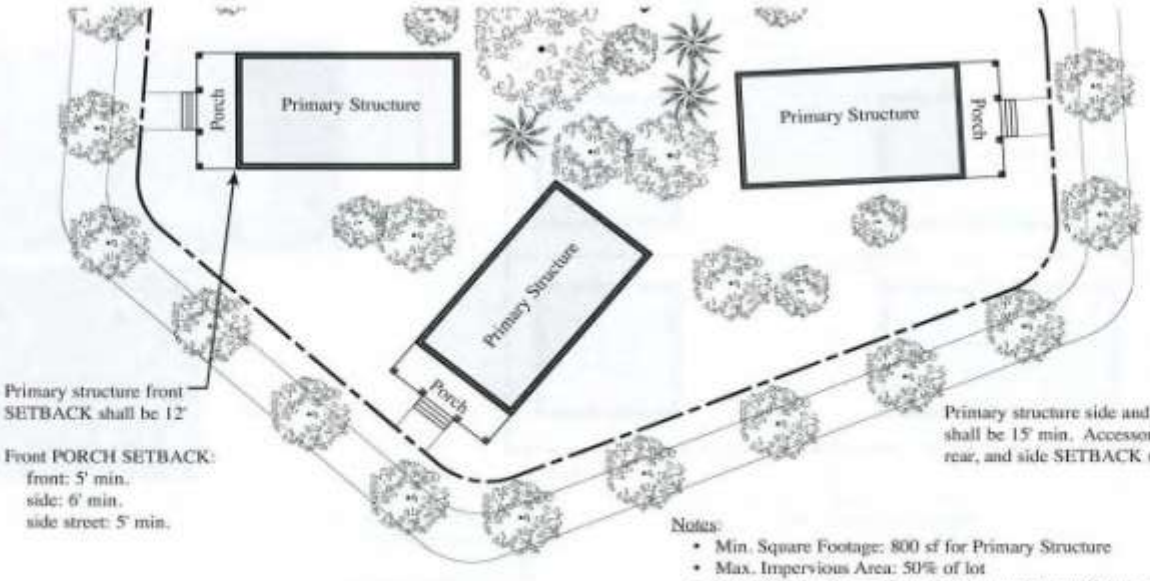
### HEIGHT:




*A front PORCH *or* STOOP is required.
*The Cottage Common lot has been created to maximize the preservation of specimen trees and provide a parklike setting next to the West Orange Trail. Cottages will be sited in a manner that preserves tree canopy; ownership of each cottage will be condominium style.

### PRECEDENT EXAMPLES:

### BUILDING PLACEMENT:

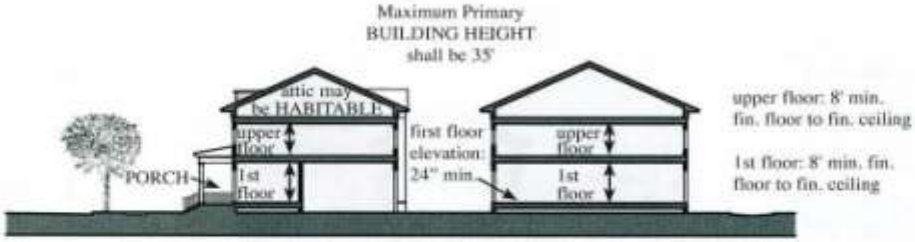



Notes:

- Min. Square Footage: 800 sf for Primary Structure
- Max. Impervious Area: 50% of lot
- Min. Building Separation: 15' between Primary Structures
- Cottages are in a condominium-style ownership and therefore setbacks listed are to the perimeter of the parcel.

## (TD): TANDEM HOUSE LOT

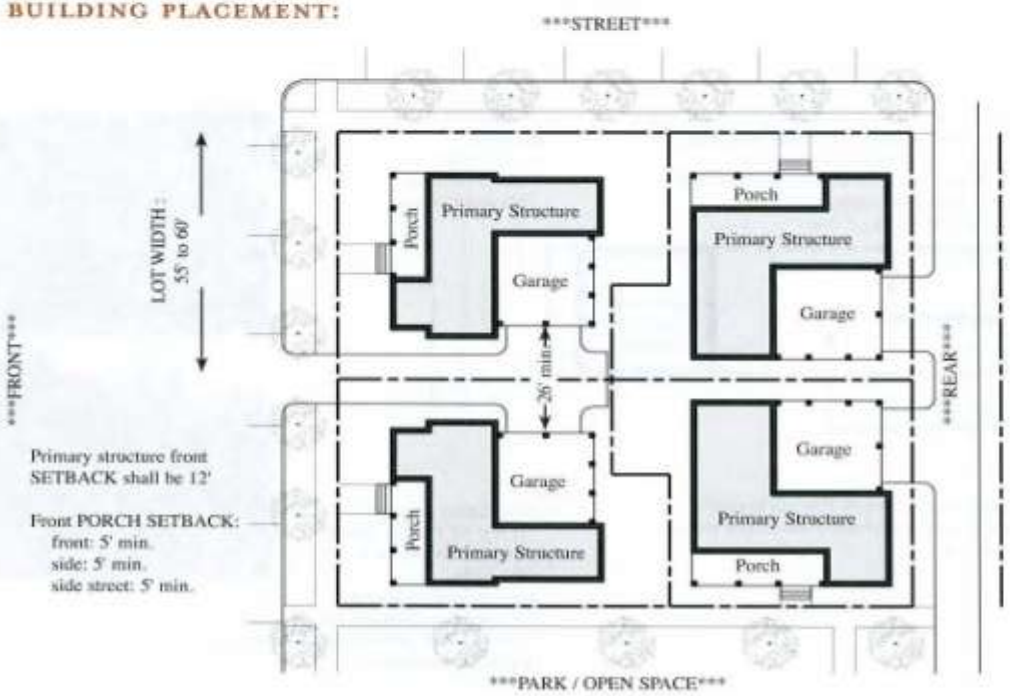
### HEIGHT:




*A front PORCH or STOOP is required.

| |
|---|
| T4-O GENERAL / OPEN |
| T4-R GENERAL / RESTRICTED ● |
| T3 NEIGHBORHOOD EDGE ● |
| T2 OPEN SPACE |

### BUILDING PLACEMENT:



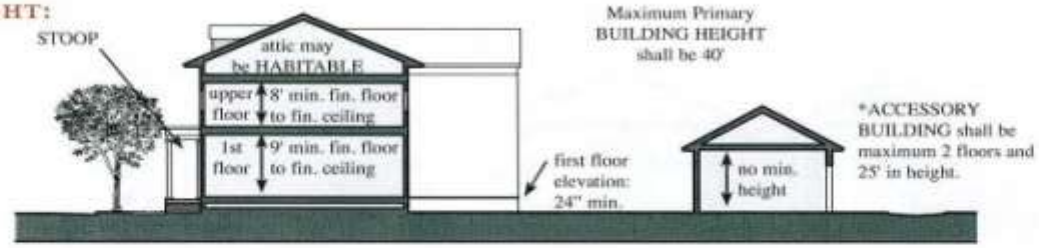

### PRECEDENT EXAMPLES:

Notes:
- Min. Square Footage: 800 sf for Primary Structure
- Max. Impervious Area: 80% of lot
- Min. Building Separation: 10' between Primary Structures

# URBAN DESIGN STANDARDS

## (TH): TOWNHOUSE LOT

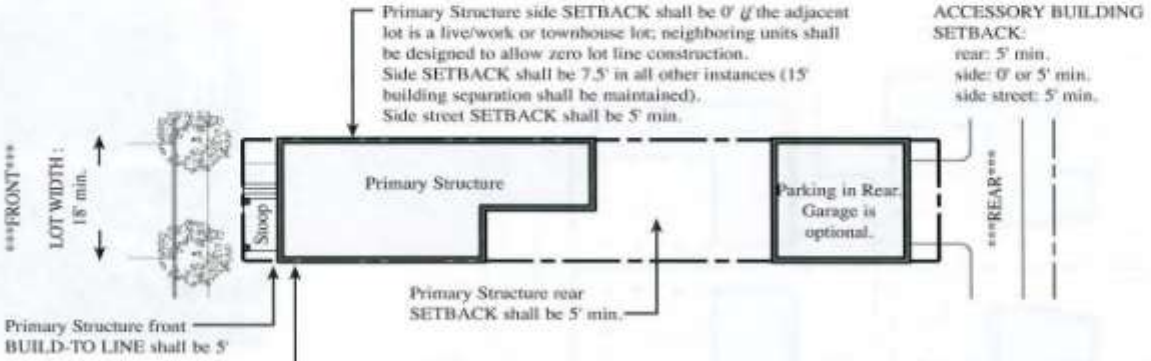
### HEIGHT:




*A front PORCH *or* STOOP is required.

| |
|---|
| T4-O GENERAL/ OPEN ● |
| T4-R GENERAL/ RESTRICTED ● |
| T3 NEIGHBORHOOD EDGE |
| T2 OPEN SPACE |

### BUILDING PLACEMENT:




Notes:

- Min. Square Footage: 1000 sf for Primary Structure
- Max. Impervious Area: 90% of lot
- Min. Building Separation: 15' to Primary Structure on adjacent lot (*up to 6 attached townhouse units permitted before separation*)

### PRECEDENT & CHARACTER EXAMPLES:

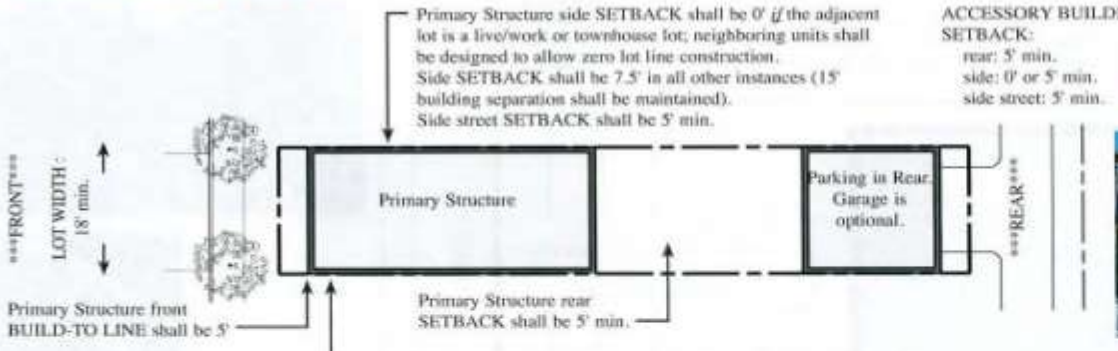
## (LW): LIVE/WORK LOT

### HEIGHT:

*If 1st floor is **residential**: A front PORCH *or* STOOP is required.
*If 1st floor is **commercial**: An AWNING/ MARQUEE, BALCONY, *or* COLONNADE/ ARCADE is required

| | |
|---|---|
| T4-O GENERAL/ OPEN | ● |
| T4-R GENERAL/ RESTRICTED | ● |
| T3 NEIGHBORHOOD EDGE | |
| T2 OPEN SPACE | |

### BUILDING PLACEMENT:




### PRECEDENT & CHARACTER EXAMPLES:

Notes:

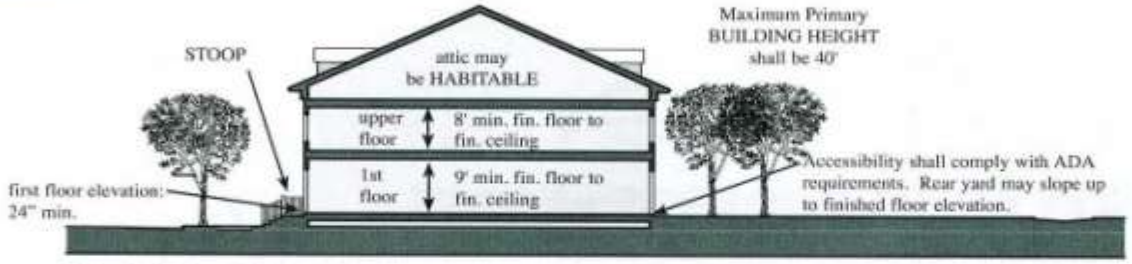
- Min. Square Footage:
  1000 sf for Primary Structure
- Max. Impervious Area:
  90% of lot
- Min. Building Separation:
  15' to Primary Structure on adjacent lot
  (*up to 6 attached live/work units permitted before separation*)

# URBAN DESIGN STANDARDS

## (AH): APARTMENT HOUSE LOT

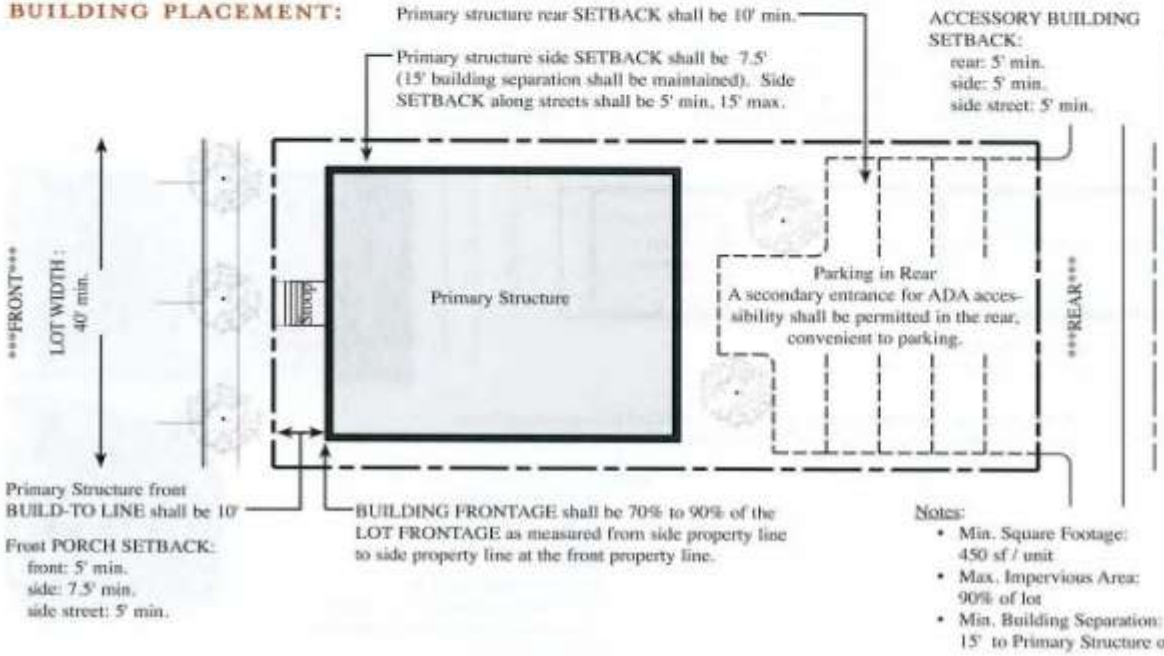
| |
|---|
| T4-O GENERAL/ OPEN ● |
| T4-R GENERAL/ RESTRICTED ● |
| T3 NEIGHBORHOOD EDGE |
| T2 OPEN SPACE |

### HEIGHT:




*A front PORCH or STOOP is required.

### BUILDING PLACEMENT:




Notes:
- Min. Square Footage: 450 sf / unit
- Max. Impervious Area: 90% of lot
- Min. Building Separation: 15' to Primary Structure on adjacent lot

### PRECEDENT EXAMPLES:

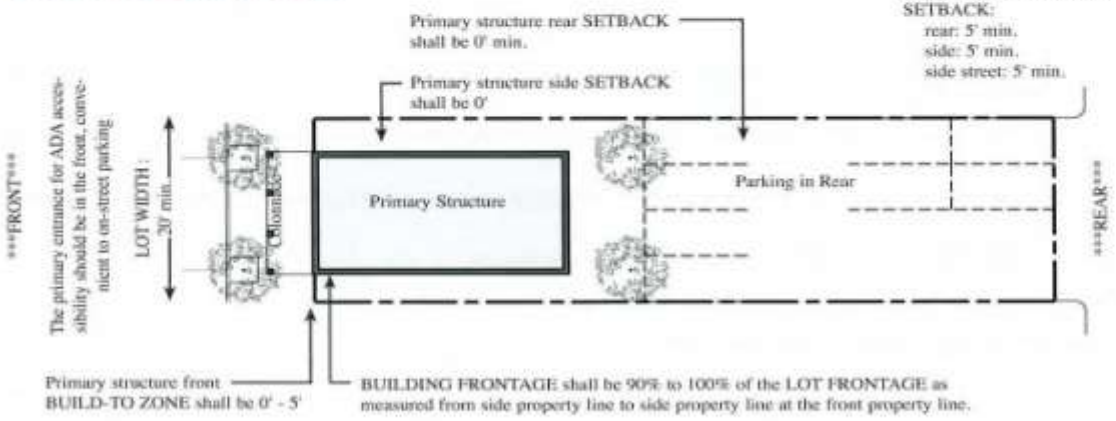
## (RB): RETAIL BUILDING LOT

### HEIGHT:

*An AWNING, BALCONY, or COLONNADE/ARCADE is required.

| |
|---|
| T4-O GENERAL / OPEN ● |
| T4-R GENERAL / RESTRICTED |
| T3 NEIGHBORHOOD EDGE |
| T2 OPEN SPACE |

### BUILDING PLACEMENT:




Front PORCH SETBACK:
front: 0' min.
side: 0' min.
side street: 0' min.

Notes:
- Min. Square Footage: N/A
- Max. Impervious Area: 100% of lot
- Min. Building Separation: 0'

### PRECEDENT & CHARACTER EXAMPLES:

## DEFINITIONS

**ACCESSORY BUILDING**: A building or structure subordinate to the principal building or lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

**APPURTENANCES**: Architectural features not used for human occupancy, consisting of spires, belfries, cupolas or dormers; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

**ARCADE**: A colonnade composed of a series of arches supported on piers or columns.

**AWNING**: An architectural projection roofed with flexible material supported entirely from an exterior wall of a building.

**BALCONY**: An open habitable portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers but is instead supported by either a cantilever or brackets.

**BUILD-TO LINE**: A build-to line identifies the precise horizontal distance from a street right-of-way that the building shall be built to, in order to create a uniform line of buildings along the street.

**BUILD-TO-ZONE**: A build-to zone is a range of allowable distances from a street right-of-way that the building shall be built to in order to create a moderately uniform line of buildings along the street.

**BUILDING FRONTAGE**: The side of a building which faces the frontage street.

**BUILDING HEIGHT**: The maximum building height shall be measured from the midpoint of a line connecting the front and rear property lines drawn diagonally from opposing corners, to the peak of the roof, exclusive of appurtenances.

**CIVIC BUILDING**: Structure used primarily for public education, cultural performances, gatherings and displays administered by non-profit cultural, educational, governmental, and religious organizations.

**COLONNADE**: A roofed structure, extending over the sidewalk, open to the street except for supporting columns or piers. Upper levels may contain habitable space.

**CUPOLA**: A domelike structure surmounting a roof or dome, often used as a lookout or to admit light and air.

**FRONTAGE LINE**: The property line or lines of a lot which coincide with a right-of-way or other public open space.

**FRONTAGE STREET**: The public right-of-way which serves as primary access to a property.

## DEFINITIONS

**GRANNY FLAT**: An accessory residential unit located above the garage. To be classified a granny flat the unit must have an entry that is discrete and separate from the primary house providing private access to the "granny flat", must be metered separately from the main house, and must have a full service kitchen.

**HABITABLE SPACE**: Building space whose use involves human presence. Habitable space excludes parking garages, self-service storage facilities, warehouses, and display windows separated from retail activity.

**LOT FRONTAGE**: The property line adjacent to the frontage street.

**LOT WIDTH**: The length of a property line along the frontage street.

**MARQUEE**: A permanently roofed architectural projection whose sides are vertical; marquees are intended for the display of signs, and are supported entirely from an exterior wall of a building.

**PORCH**: A roofed area, attached at the ground floor level or first floor level, and to the front of a building, open except for railings and support columns.

**PRINCIPAL FAÇADE** (For purposes of placing buildings along build-to lines or build-to zones): The front plane of a building not including stoops, porches, or other attached architectural features.

**PRIMARY ENTRANCE**: The entrance to a structure which is located along the frontage street.

**SETBACK**: Minimum distance between the building face and the lot boundary line.

**STOOP**: A small platform and / or entrance stairway at a house door, commonly covered by a secondary roof or awning.

**STORY**: A floor level within a building.

**TRANSECT**: A categorization system that organizes all elements of the urban environment on a scale from rural to urban. Any lot in the manmade environment belongs to a certain transect zone, which will describe the character and intensity of construction upon that lot.

SOUTHERN LIVING HOME IN HARRISHAM, SC.

# ARCHITECTURAL PATTERNS

The following Architectural Pattern section is excerpted from the Oakland Park Design Code. Implementation of the Code is the responsibility of the Town Architect whose responsibilities are described in the recorded Declaration of Covenants, Conditions and Restrictions for Oakland Park. The Town Architect interprets the Design Code and from time to time may revise the Code. Oakland Park has established an Architectural Review Committee which reviews plans for all new construction within Oakland Park for consistency with the Code. The Founder recommends that the City require the application for a building permit to include the approval letter from the Architectural Review Committee.

The architecture of Oakland Park est.1844 draws inspiration from historic homes in Oakland and Winter Garden. This involves original designs and a 360-degree approach to detail, not merely facing the home with historically appropriate trappings. Most homes will be sited fairly close to the street. Generous front porches will allow ample opportunity for interaction with neighbors and a feeling of emotional investment in, and connection to, the whole of this small town community. Homes are to be serviced by a rear alley or garage contributing to the aesthetic and pedestrian friendly nature of Oakland Park. Exceptional attention to detail and authenticity of design are an integral part of the vision to recreate in Oakland Park est. 1844 what the original settlement might be like now.

Architecture within Oakland Park should fit one of five patterns described in this section. The code includes information and detail on those major architectural elements that define each pattern. As designs are prepared for submittal to the Oakland Park Architectural Review Committee (ARC) it is important to note that variation is possible as long as it is related to and consistent with the respective pattern.

## MASSING

The Oakland Park house is made up of human scaled forms combined to provide an ordered and proportioned composition. Historically, homes did not utilize the entire footprint of the lot to construct the home. Rather, the "main body" provided the root massing with added elements, such as subordinate wings and porches to make up the composition that is so pleasing to the eye. The following information is universal, although each style may have specific elements that may deviate from the general massing principles.

The main house and all accessory structures shall be of the same architectural style within any given lot. Mixing of styles within a lot is not permitted.

The Rear Yard shall be screened from an adjacent side street by the house, garage, hedge, or fencing. Sixty percent of the length of the property line shall be screened from view on Corner Lot and Public view conditions. The elevation of the house facing the side street zone shall have an undulating facade.

Smaller massed forms attached to the Main Body are referred to as "add on elements" (e.g. porches, connectors, or wings). The main body roof line should not run continuously over the add on elements. Each add-on form typically has an independent roof as appropriate to the style. The add on element roof pitch never exceeds the Main Body roof pitch.

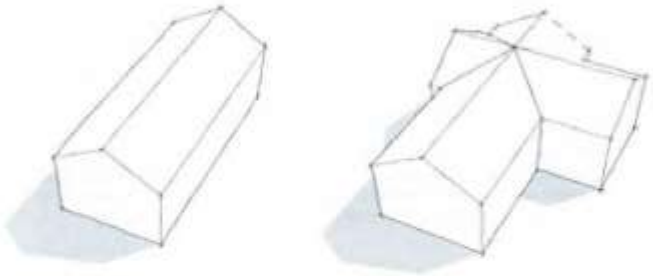
## GENERAL CONSIDERATIONS

1. The front Main Body of a house shall be the dominant form on the lot.
2. Over-scaled Main Bodies are not allowed. See Diagrams for details.
3. All massing components of the house shall be one or two story. Extended rooflines are not allowed. Style specific exception is the bungalow variation of the Craftsman style.
4. Wings and connectors protruding from main body shall step in from any corner a minimum of 1'-0".
5. Consider the "Golden Rectangle" (1.618: 1) in house forms, plan and elevation.

# ARCHITECTURAL PATTERNS

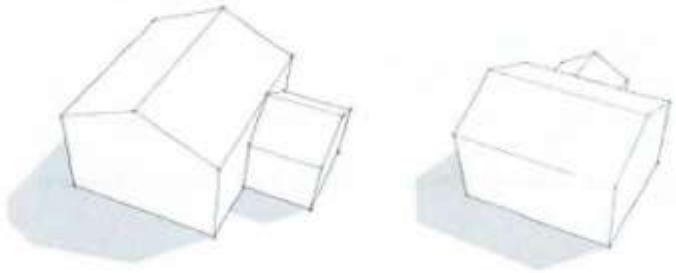
### THE SINGLE BAY

The single bay is one room in width or between 14' and 18'. This can be introduced as the main body as well as subordinating wings.



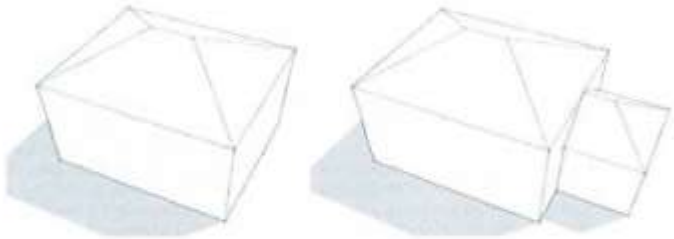
### THE DOUBLE BAY

The Double bay is two rooms in width or between 24' and 28'. This can be introduced as the main body. Wings can be one or two stories and protrude from the sides and rear of the main body in a single bay form.



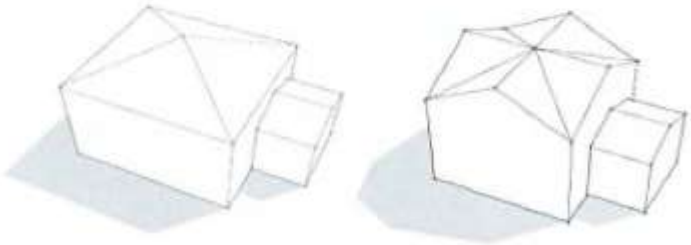
### THE DOUBLE BAY (VARIATION)

The narrow dimension of the main body should not extend beyond 28' where a gable roof is desired. The maximum narrow dimension of the main body should not be more than 32'. In cases where the dimension is between 28' and 32', a hip roof is required. This can be introduced as the main body. Wings can be one or two stories and protrude from the sides and rear of the main body in a single bay form. Roof types should be consistent.



### THE FOURSQUARE

The Main Body is two rooms in width and depth or between 24' and 32' square. This can be introduced as the main body. In most cases a hip roof is considered, accentuating the simple form. Certain styles are accomplished with a cross gable roof. Wings can be one or two stories and protrude from the sides and rear of the main body in a single bay form.



## WALLS

Architectural details and exterior finish materials shall be the same on all elevations of the Main Body of the house so that the Main Body provides a consistent palette of materials, finishes, colors.

Material and finish changes may occur on appendages, add-on elements, ancillary structures, dormer or gable end accent elements as consistent with the Architectural Style Guidelines and as listed in the Architectural Matrix.

Chimneys and fireplace flue enclosures shall be constructed of non-combustible materials. Siding shall not be used as an exterior finish for these elements.

Exterior materials shall consist of a balance of siding, board and batten, brick, and stucco. Where no one material, other than siding, is predominant on the street. (See Street Pattern Code for more information)

## MATERIALS SPECIFIC TO THE HOUSE:

1. Any one material shall be consistent on all 4 sides of the massing. Connectors and minor wings can have an alternate material.
2. All trim elements shall be proud of any siding or stucco and be painted the trim color on all edges.
3. Any masonry over 4" in height shall have a stucco finish.
4. Some Architectural Styles have specific siding requirements. Please consult Town Architect for further details.

## EAVES

Eave conditions vary per Architectural Style. Two of the common eave types are a 'Closed Soffit' and 'Open Soffit' or 'Open Rafter Tail'. True Florida Vernacular, Folk Victorian, and Craftsman Styles are 'Open Rafter Tail', while the remaining styles can achieve either condition.

**Closed Soffit**: Material to be paintable trim for fascia, soffit, and frieze. Overhang depth is style specific varying from 1'-0" to 2'-8".

**Open Soffit**: Material is considered finished framing and should be constructed in a manner projecting craftsmanship in the home. Rafters may have a scroll cut tail in the Folk Victorian Style. Tails may be terminated by a fascia or left completely exposed. Overhangs are a minimum of 2'-0".

# ARCHITECTURAL PATTERNS

## PORCHES

All covered porches shall be a minimum of 8 feet in depth. Ten feet is encouraged. The additional 2'-0" provides for furniture to be in a room setting.

The porch shall extend a minimum of 40% of the length of the main body.

Screen framing members and compositions, if visible from the street, shall be comparable to traditional wood framing (for example, 1x2, 2x2, etc.)

The screening shall be located and installed in a manner that does not obscure the architectural elements that define the style of the principle structure.

Enclosed porches are allowed given the surface area of the front facade is 70% window within the column bay with the window casing being adjacent to the column. Enclosure shall be located and installed in a manner that does not obscure the architectural elements that define the style of the principle structure.

All porch enclosure material shall be trim color

**Porch beam:** The width of the porch beam shall be equal to the column at the column neck, exclusive of the capital.

Pilasters or half columns, when used, shall be the width of porch beam and column neck. Pilasters shall be used when the porch is appended to the main body of the house. When the porch roof is integral with the main body roof, pilasters are optional.

## HEIGHT

With the exception of the Spanish Colonial style and the Cottage Common Lot, the first floor finished floor elevation shall be a minimum of 24 inches above the adjacent finished grade. Adjacent finished grade shall be measured at the midpoint of the front façade.

## WINDOWS

All windows are to punctuate the wall plane of the home. Double hung windows and casement windows sitting within a frame are preferred options as they provide the necessary relief. If the glazing of a window does not punctuate the wall plane one inch or greater then the window must be inset. All windows both first and second floor shall have the same inset.

Double hung or single hung windows are to be equal sash with a vertical proportion of 2:1

Specialty windows are discouraged. When necessary 2'-0" wide by 2'-4" tall "cube" windows can be accepted when in an appropriate composition.

All windows are to have casing at a minimum of a nominal 4" wide.

Muntins shall be 5/8" to 7/8" wide and shall project out from the glass. Muntins shall give the appearance of true divided lites.

Clear glass shall be used in all the windows and doors. Stained glass is an allowable material in special windows. Colored, applied tinted, or reflective glass is not permitted. Clear low-emissivity glass is encouraged.

Painting the inside face of the glass is not acceptable.

## WINDOW RHYTHM

The composition of windows is a critical part of the homes integrity. Windows shall be oriented in a pattern along a facade. Windows shall be aligned vertically when located in two story facades. Windows are encouraged to be positioned at least one window width away from any corner.

## SHUTTERS

Shutter height shall be equal to the window sash height. Each flanking shutter shall be one-half the width of the window so that the shutters can completely cover the window if in a closed position.

Shutters shall be of materials and hardware to be operable or appear to be operable.

Louvered shutters should be installed so as to shed water away from the house when shutters are in a "closed" position

Hinges and a shutter dog shall be provided on each shutter.

## DORMERS

Dormer windows, are used only for habitable interior space or future habitable interior space, must have appropriate window treatment including, but not limited to, blinds or curtains on the inside of the window. Painting the inside of the glass is not acceptable.

Doghouse or single window dormers shall be no wider than the window plus required casing. Refer to the Architectural Style Matrix.

## DOORS

Doors should fit into the same guidelines and rhythm as windows. Entry doors should express importance through added casing detail and or color. Entry doors can include sidelights and all doors are to be 6'-8" tall and have transoms. Door slabs shall remain traditional. All glazing in doors, transoms, or sidelights to be clear. (Double doors are not allowed as entry doors)

## ROOFING

Asphalt dimensional shingles and metal are the predominant roofing material for most Architectural Styles with the exception of Spanish Colonial which is clay/concrete barrel tile. In all other styles, porch roofs are encouraged to be metal.

## EAVE CONDITIONS WITH GUTTER OPTIONS

### OPEN EAVES

**without gutter**

open rafter tails with mill finish drip edge and 1x2 trim

**standard**

half round 6" to 7" gutter anodized aluminum

coordinate color with trim

round downspout

**better**

half round 6" to 7" gutter mill finish

galvanized or copper

round downspout

### CLOSED EAVES

**without gutter**

vertical fascia with crown and mill finish drip edge

**standard**

K style 5" to 6" gutter anodized aluminum

coordinate color with trim

round downspout

**better**

half round 6" to 7" gutter anodized aluminum

coordinate color with trim

round downspout

**best**

half round 6" to 7" gutter mill finish

galvanized or copper

round downspout

leader head

# ARCHITECTURAL PATTERNS

## GARAGES

Street-facing doors are permitted only on those lots requiring front access.

Street-facing garage doors shall be no wider than 16'-0" and shall be of a design that appears to replicate double doors.

Street-facing garages shall be located behind the Main Body of the house as appropriate to the architectural style and scale of the house. In no case shall the garage be more than 20'-0" from the rear property line. Waterfront lots with a carriage house located at the front are to have side facing garage doors.

On alleys, two car garages are permitted with a single garage door.

All garage doors shall be a minimum 7'-0" in height.

## PARKING

The required parking may be met by use of a garage, driveway or on-street parking as defined in the PUD Development Standards, page 58.

## OUTBUILDINGS

Outbuildings shall not exceed one story and shall be similar in architectural style to the primary structure. For purposes of this code requirement, detached garages are not considered outbuildings.

## STREET PATTERN CODE

Two of the objectives for Planned Unit Developments in the City of Winter Garden code are particularly important objectives for Oakland Park in providing a mixture of housing types in a viable complex environment.

> *"Creation of a variety of housing types and compatible neighborhood arrangements that gives the homebuyer greater choice in selecting types of environment and living units," and*
>
> *"Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the city."*

Smaller lots have historically been viewed as an attempt to only increase density. However, they can be an important component to provide diversity of housing product. Housing of various price ranges is a known healthy condition in viable neighborhoods. This cannot be readily achieved with monotonous rows of similar sized lots and homes whether large or small. In order to successfully carry this off attention must be paid to not only the architecture of the homes but the street patterns that are implemented within the community. In an effort to create a harmonious neighborhood without becoming sterile or monotonous, the following guidelines for street patterning are incorporated in the Oakland Park Design Code.

To avoid repetition the Design Code identifies five key components of a house including:

- Massing
- Style
- Materials
- Porch
- Color

## PARAMETERS FOR PLAN DIVERSITY

Massing and Style are articulated in detail in the Design Codes. Materials, porch requirements and color are also contained within the Design Code. What is required in street patterning is diversity in the exterior appearance of housing product. Identical floor plans may occur at a minimum of 2 lot separations given 3 of the 4 components, massing, style, materials and porch are significantly altered. Similar colors cannot occur side by side.

Significant material changes include a change from horizontal lap siding to brick to stucco, where no single material on the street is dominant.

Significant porch changes include a change in design from a full façade front porch to a wrapping porch, second floor porch or portico.

## PARAMETERS FOR ARCHITECTURAL PLAN DIVERSITY

Winter Garden has a predominant mix of Colonial Revival, Craftsman, and Florida Vernacular. Secondary is Folk Victorian with a small percentage of Spanish Colonial. Oakland Park's street patterns wish to respect this historic blend of Architecture with the following:

Colonial Revival, Craftsman, and Florida Vernacular may be mixed into the block without restrictions on lot separation given that Plan Diversity parameters are met.

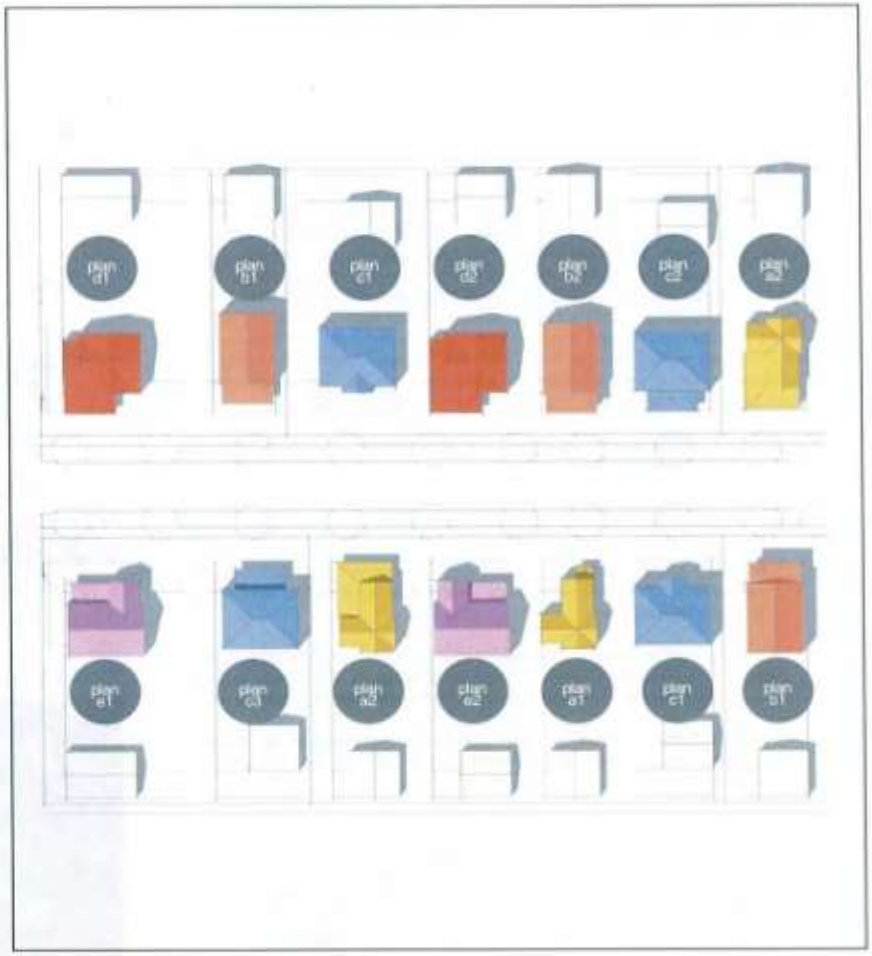
Folk Victorian shall be separated by a minimum of 3 lots on either side of the same street.

Spanish Colonial shall be separated by a minimum of 10 lots on either side of the same street.

STREET PATTERN CODE EXAMPLE

**Plan types with varying key components:**

- **Plan a1:** Colonial Revival, horizontal siding, portico entry
- **Plan a2:** Folk Victorian, board & batten, front porch
- **Plan a3:** Florida Vernacular, horizontal siding, wrapping porch
- **Plan b1:** Craftsman, horizontal siding, front porch
- **Plan b2:** Florida Vernacular, horizontal siding, two story front porch
- **Plan c1:** Colonial Revival, horizontal siding, pediment front - no porch
- **Plan c2:** Florida Vernacular, horizontal siding, 3 bay front porch
- **Plan c3:** Spanish Colonial, stucco, front loggia
- **Plan d1:** Craftsman, horizontal siding, wrapping porch
- **Plan d2:** Folk Victorian, board & batten, wrapping porch
- **Plan e1:** Fl. Vern. (asymmetrical massing), horizontal siding, 3 bay front porch
- **Plan e1:** Folk Vict. (asymmetrical massing), horizontal siding, 3 bay front porch



# ARCHITECTURAL PATTERNS

The following description of permitable Architectural styles are excerpted from the Oakland Park Pattern Book, *Patterns of the Past. A Foundation for the Future.*

## COLONIAL REVIVAL

### FUNDAMENTALS

During the earliest part of the 20th Century, much like today, there was a resurgence of the values and traditions of Colonial architecture Colonial Revival is one of the most predominant styles in the area. The strong presence of the Colonial Revival home is defined by the homes main body symmetrical façade, a well detailed entry portico or full façade porch, and side wings that buttress the main body of the home. The typical condition for an Oakland Park Colonial Revival will be a street facing gable end no more than 28 feet wide with a front porch extending across the front façade. Other less common versions will be a side gable main body no more than 42 feet wide with an entry portico or full façade front porch that may be one or two story in height, or an asymmetrical form where a porch terminates into a street facing gable end protruding from the main body.

A. Simple rectangular volumes are combined to create a main body and side wings

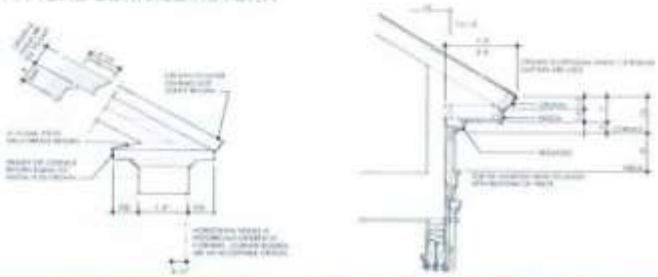
B. Roofs are simple gables and hips with pitches ranging from 2:12 for porches to 6:12 through 10:12 pitch for main body and wings.

C. The eave or cornice is finished with elements such as a frieze, bedmold at the intersection of the frieze and soffit, and fascia with crown molding.

D. Porches and entries are detailed to the same level or at a higher level than the main body. Porch foundations, columns, railings, eaves, and ceiling treatment are all elements that define the style.

E. Windows are double hung and are vertical in proportion. Typical windows have muntin patterns of 6 over 1. Other options include 3 and 4 over 1.

TYPICAL CORNICE RETURN



Please refer to Oakland Park pattern book for additional details and exceptions to general architectural patterns.

## CRAFTSMAN

### FUNDAMENTALS

The Craftsman style's finish framing, unique massing, and colorful palette provide our community with diversity and character. The typical condition for an Oakland Park Craftsman home will be a foursquare home where the main body width and depth are no more than 32 feet. The square volume of the main body may be capped with a simple hip roof, gable, or a four sided gable. A front porch extends across the front façade. Other versions will be a bungalow with a full façade front porch that is incorporated with the main body roof. All of these forms are defined by the following details that are specific to Craftsman style.

A. Simple square and rectangular volumes are combined to create a main body and side wings.

B. Roofs are simple gables and hips with pitches ranging from 2:12 for porches to 6:12 through 9:12 pitch for main body and wings.

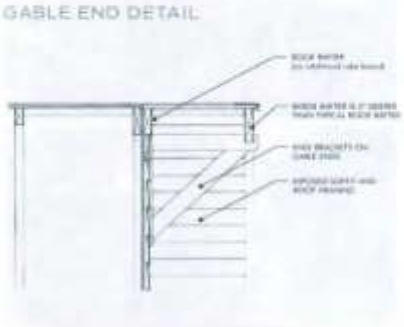
C. The eave is simply detailed. Most have no fascia with plumb or square cut rafter tails. Other eaves will still have exposed rafters with a simple plumb or square fascia.

D. Porches and entries are detailed to the same level as the main body. Porch foundations, square columns, tapered columns with tall column bases, unique railings, eaves, and ceiling treatment are all elements that define the style.

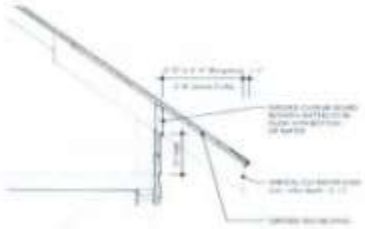
E. Windows are double hung and are vertical in proportion. Typical windows have muntin patterns of 3 over 1. Other options include 2 over 1, and 1 over 1 (No mutins).

Please refer to Oakland Park pattern book for additional details and exceptions to general architectural patterns.

GABLE END DETAIL



TYPICAL EAVE CONDITION



# ARCHITECTURAL PATTERNS

## FLORIDA VERNACULAR

### FUNDAMENTALS

The Florida Vernacular style is an adaptation of the national style known for its practical details and construction. This style is the best suited for our warm sub-tropic climate with its broad overhangs and deep porches allowing for shade and accepting of slight breezes. The typical condition for an Oakland Park Florida Vernacular will be a street facing gable end no more than 28 feet wide with a front porch extending across the front façade. Other less common versions will be a side gable main body nor more than 38 feet wide with a full façade front porch that may be one or two story in height, or an asymmetrical form where a porch terminates into a street facing gable end protruding from the main body. All of these main body forms are defined by the following details that are specific to Florida Vernacular.

A. Simple rectangular volumes are combined to create a main body and side wings.

B. Roofs are simple gables and hips with pitches ranging from 2:12 for porches to 6:12 through 10:12 pitch for main body and wings.

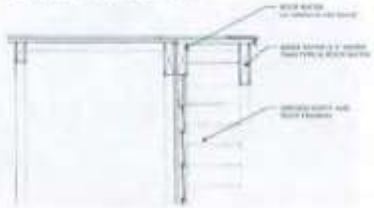
C. The eave is simply detailed. Most have no fascia with plumb or square cut rafter tails. Other eaves will still have exposed rafters with a simple plumb or square fascia.

D. Porches and entries are detailed to the same level as the main body. Porch foundations, square columns, simple railings, eaves, and ceiling treatment are all elements that define the style.

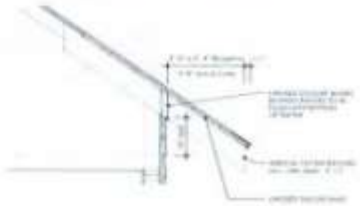
E. Windows are double hung and are vertical in proportion. Typical windows have muntin patterns of 3 over 1. Other options include 2 over 1, and 1 over 1 (no mutins).

Please refer to Oakland Park pattern book for additional details and exceptions to general architectural patterns.

GABLE END DETAIL



TYPICAL EAVE CONDITION



## FOLK VICTORIAN

### FUNDAMENTALS

In Central Florida the Folk Victorian style is a refinement of the Florida Vernacular style. This style utilizes the same massing and forms as Florida Vernacular with additional detail and or ornamentation. The typical condition for an Oakland Park Folk Victorian will be a street facing gable end no more than 28 feet wide with a front porch extending across the front façade. Other common version will be a side gable main body no more than 28 feet wide with a full façade front porch that may be one or two story in height, or an asymmetrical form where a porch terminates into a street facing gable end more than 18 feet wide protruding from the main body. All of these main body forms are defined by the following details that are specific to Folk Victorian.

A. Simple rectangular volumes are combined to create a main body and side wings.

B. Roofs are simple gables and hips with pitches ranging from 2:12 for porches to 8:12 through 14:12 pitch for main body and wings.

C. The eaves are either simply detailed with no fascia with plumb or square cut rafter tails or have a closed soffit with a frieze and modillions or brackets.

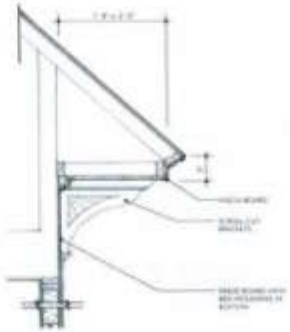
D. Porches and entries are detailed to the same level as the main body. Porch foundations, square or turned columns, simple or ornate railings, eaves, and ceiling treatment are all elements that define the style.

E. Windows are double hung and are vertical in proportion. Typical windows have muntin patterns of 3 over 1. Other options include 2 over 1, and 1 over 1 (no mutins).

Please refer to Oakland Park pattern book for additional details and exceptions to general architectural patterns.

TYPICAL RAFTER CONDITION

TYPICAL CORNICE BRACKET



# ARCHITECTURAL PATTERNS

## SPANISH COLONIAL

FUNDAMENTALS:

As the popularity of the Colonial Revival style increased during the early part of the century, the Spanish Colonial style became an attractive alternative in southeast Florida. Central Florida has many examples of this robust style ranging from small bungalows to lakefront estates. In some cases, the buildings would utilize elements from Mission and more formal European (Mediterranean) styles establishing architecture unique to our area.

A. Simple symmetrical rectangular volumes and asymmetrical vertical volumes are typical of the Spanish Colonial style. Spanish Colonial homes either have a large mass for a main body with loggias integral with the mass or have narrow volumes forming an asymmetrical composition.

B. Roofs are low pitch (4:12 to 5:12), clay barrel tile in natural tones of red, orange, and brown. Gables, when used, do not span more than 16'-0" in width. Wider volumes utilize hip roofs.

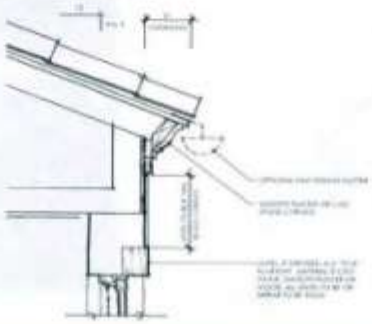
C. Very little or no eaves are utilized and the gable end consists only of one barrel tile on edge. Exceptions are open rafter tails with 1'-4" to 2'-0" overhang.

D. Porches or Loggias can be incorporated with an entry or almost anywhere a view may be taken of an outside place of interest. Loggias are additive elements as well as being integral with the home. Most examples utilize classical columns (Doric, Corinthian) with full arches.

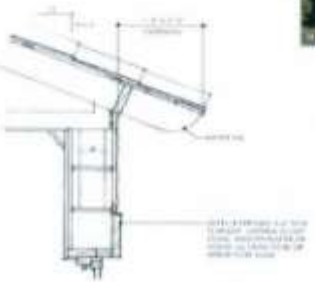
E. Windows are a crucial element in these homes. A minimum 3" recess from face of stucco to window frame is required to show the mass of this minimally detailed facade. Casement windows are used in the Spanish Colonial style home.

Please refer to Oakland Park pattern book for additional details and exceptions to general architectural patterns.

TYPICAL EAVE CONDITION



OPEN RAFTER TAIL EAVE CONDITION



**Architectural Style Matrix**

| | | Colonial Revival | Craftsman | Fl. Vernacular | Folk Victorian | Spanish Colonial | Notes |
|---|---|---|---|---|---|---|---|
| **Massing** | | | | | | | |
| Ceiling Height | | | | | | | |
| | Elevation above grade | 24" | 24" | 24" | 24" | 12" | |
| | 1st Floor Ceiling Height | 9'-0" - 10'-0" | 9'-0" - 10'-0" | 9'-0" - 10'-0" | 9'-0" - 10'-0" | 9'-0" - 10'-0" | 8'-0" for Cottage Common, |
| | 2nd Floor Ceiling Height | 8'-0" - 9'-0" | 8'-0" - 9'-0" | 8'-0" - 9'-0" | 8'-0" - 9'-0" | 8'-0" - 9'-0" | Detached Manor, & Tandem lots |
| | Main Body St. facing gable | ● | ● | ◐ | ◐ | ● | |
| | Main Body Side facing gable | ◐ | ◐ | ● | ● | ◐ | |
| Roof type | | | | | | | |
| | Hip | ◐ | | | ◐ | ● | |
| | Gable | ● | ● | ● | ● | ◐ | 30'-0" Maximum span |
| **Roof** | | | | | | | |
| Pitch - Main | | | | | | | |
| | 2:12 - 4:12 | | | | | | |
| | 4:12 - 6:12 | | ◐ | | | ● | |
| | 6:12 - 8:12 | ● | ● | ◐ | | | |
| | 8:12 - 10:12 | ◐ | | ● | ◐ | | |
| | 10:12 - 14:12 | | | ◐ | ● | | |
| Pitch - Porch | | | | | | | |
| | Flat | ◐ | | | ◐ | ◐ | |
| | 2:12 - 4:12 | ● | ● | ● | ● | ● | |
| Material | | | | | | | |
| | Metal - 5v | ◐ | ● | ● | ● | | All front porch roof material to be metal |
| | Metal - standing seam | ● | ◐ | | | | |
| | Dimensional shingle | ◐ | ◐ | ◐ | ◐ | | |
| | Clay | | | | | ● | |
| Eave | | | | | | | |
| | Closed Box Horizontal Soffit | ● | | | | | |
| | Closed Box Sloped Soffit | | ◐ | ◐ see note | ◐ | | Permitted for Fl. Vernacular w/ |
| | Open Rafter Tail - No Fascia | | ● | ● | ● | ● | horizontal siding or 5v mtl. roof |
| | Open Rafter Tail - Fascia | | ◐ | ◐ | ◐ | | |
| Overhang | | | | | | | |
| | | 10" - 2'-0" | 2'-0" - 3'-0" | 2'-0" - 3'-0" | 2'-0" - 3'-0" | 8" - 3'-0" | No overhang with crown is acceptable for Spanish Colonial |

## Architectural Style Matrix

| | | Colonial Revival | Craftsman | Fl. Vernacular | Folk Victorian | Spanish Colonial | Notes |
|---|---|---|---|---|---|---|---|
| **Dormers** | | | | | | | |
| | Gable | ○ | ○ | ● | ● | | Dormers are approved only in habitable space |
| | Shed | | ● | ○ | ○ | | |
| | Doghouse (single window) | ● | | ○ | ○ | | |
| **Wall Surface** | | | | | | | |
| **Main Body** | | | | | | | |
| | Board & Batten | | | ○ | ● | | |
| | Brick | ○ | | | | | |
| | Horizontal Siding | ● | ● | ● | ○ | | |
| | Shingle | | ○ | ○ | ○ | | |
| | Stucco | ○ | ○ | | | ● | Stucco may be allowed on 1st floor only in Fl. Vernacular |
| **Appendages** | | | | | | | |
| | Board & Batten | ○ | ○ | ● | ○ | | |
| | Brick | ○ | | | | | |
| | Horizontal Siding | ● | ● | ○ | ● | | |
| | Shingle | ○ | ○ | ○ | ○ | | |
| | Stucco | ○ | ○ | ○ | | ● | |
| **Porch** | | | | | | | |
| **Columns** | | | | | | | |
| | Square | | ○ | ○ | ○ | ● | columns may be chamfered |
| | Doric Square | ○ | | | | | |
| | Doric Round | ● | | | | ○ | |
| | Ionic, Corinthian Round | ○ | | | | ○ | |
| | Tapered | | ● | | | | |
| **Balusters** | | | | | | | |
| | Square | ● | ● | ● | ○ | | Max 3" apart |
| | Turned | | | | ● | | Max 3" apart |
| | Solid Wall | | ○ | | | | |
| | Wrought Iron | | | | | ● | |
| **Base** | | | | | | | |
| | Stucco | | | | | ● | |
| | Stucco w/ Full Brick Edge | ● | ● | ○ | ○ | | |
| | Wood Frame on Piers | ○ | ○ | ● | ● | | |
| | Full Brick Stemwall | ○ | ○ | ○ | ○ | | |

## Architectural Style Matrix

| | | Colonial Revival | Craftsman | Fl. Vernacular | Folk Victorian | Spanish Colonial | Notes |
|---|---|---|---|---|---|---|---|
| **Floor Surface** | | | | | | | |
| | Concrete (stained, shell, salt) | ● | ● | ○ | ○ | ○ | Acrylic not allowed |
| | Brick | ○ | ○ | ○ | ○ | ● | Saltillo tile for Spanish Colonial |
| | Wood | ○ | ○ | ● | ● | | |
| **Windows** | | | | | | | |
| **Type** | | | | | | | |
| | DH or SH (2 over 1) | | ○ | ● | ○ | | Note: 1 over 1 is permited with |
| | DH or SH (2 over 2) | ○ | | ○ | ● | | horizontal siding or 5v mtl. roof |
| | DH or SH (3 over 1) | | ● | ○ | ○ | | |
| | DH or SH (6 over 1) | ● | | | | | |
| | Casement (3 Light) | | | | | ● | |
| | Casement (6 Light) | | | | | ○ | |
| **Shutters** | | | | | | | |
| | Louvered | ○ | ○ | ○ | | | |
| | Paneled | ○ | | | ○ | | |
| | Board | | ○ | ○ | ○ | ○ | |
| **Doors** | | | | | | | |
| **Entry** | | | | | | | |
| | 2 Panel with Transom | ○ | ● | ● | ○ | ● | Full Light French and Double Doors are not allowed as Entry |
| | 4 Panel with Transom | ● | | ○ | ● | | |
| | 6 Panel with Transom | ○ | | | | | Upper panels may be glazing |
| | 2 Panel with Transom w/ sl. | ○ | ○ | | ○ | | |
| | 4 Panel with Transom w/ sl. | ○ | | | ○ | | |
| | 6 Panel with Transom w/ sl. | ○ | | | | | |
| **Personnel** | | | | | | | |
| | French with Transom | ○ | ○ | ○ | ○ | ○ | |
| | 3/4 light with Transom | ● | ● | ● | ● | ● | |
| | 1/2 light with Transom | ○ | ○ | ○ | ○ | ○ | |
| | 2 Panel | ○ | ○ | ○ | ○ | ○ | |
| | 4 Panel | ○ | | ○ | | | |
| | 6 Panel | ○ | | | | | |
| **Garage** | | | | | | | |
| | Carriage dr 16' x 7', 16' x 8' | ● | ● | ● | ● | ● | |
| | Carriage dr 9' x 7', 9' x 8' | ○ | ○ | ○ | ○ | ○ | |

● Primary Selection
○ Secondary and alternative selection

# DEVELOPMENT NOTES

Project Description: This community is a traditional neighborhood design, including a mixture of residential unit types, a neighborhood center, a regional trail and many civic spaces. The design includes TND development standards in the Planned Unit Development, including reduced building setbacks, porches, rear garages and alleyways, community open space and a focus on walkability. Oakland Park is connected by multiple streets and pathways to the surrounding neighborhoods in Winter Garden and Oakland.

## SITE DATA

| | Wetlands and Waterbodies (acres) | Net Developable (acres) | Gross Acreage |
|---|---|---|---|
| City of Winter Garden | 23.6 | 166.3 | 189.9 |

## FUTURE LAND USE AND ZONING

| | Future Land Use | Current Zoning | Proposed Zoning |
|---|---|---|---|
| City of Winter Garden | SUB. LR | PUD | PUD |

## DEVELOPMENT SUMMARY

| Proposed - City of Winter Garden | | |
|---|---|---|
| **Land Use** | **Acres** | **Dwelling Units** |
| Special Districts | 8.6 | |
| T4-O (Neighborhood General-Open) | 2.2 | 610 |
| T4-R (Neighborhood General-Restricted) | 27.1 | |
| T3 (Neighborhood Edge) | 64.3 | |
| T2 (Open Space) | 50 | |
| Retention | | |
| Right of Way | 37.7 | |
| *Total* | *189.9* | |

## MAXIMUM RESIDENTIAL UNITS BY TYPE AND SIZE AT BUILDOUT

In order to insure diversity, each lot type will be limited to a maximum percent of the approved total number of units. The Gross Density of Oakland Park based on a maximum of 610 units on 189.9 acres is 3.21 DU/AC.

| Housing Type | Maximum Percentages Allowed by Transect Zone | | | |
|---|---|---|---|---|
| | T-3 | T-4R | T-4O | Total |
| Large House Lot[1] | 22% or 134 | 8% or 50 | | 30% or 184[1] |
| Estate House Lot[2] | 15% or 91 | | | 15% or 91[2] |
| Lakefront House[3] | 5% or 30 | | | 5% or 30[3] |
| Manor Homes | 3% or 18 | | | 3% or 18 |
| Cottage Common Lots | 7% or 45 | 4% or 25 | | 11% or 70 |
| Oakland Avenue Lots[4] | 1% or 5 | | | 1% or 5[4] |
| Tandem House Lot | | 12% or 73 | | 12% or 73 |
| House Lot | 13% or 81 | 22% or 134 | | 35% or 215 |
| Live Work Units | | 5% or 30 | 1% or 6 | 6% or 36 |
| Townhomes | | 15% or 91 | | 15% or 91 |
| Apartment House Lot | | 8% or 48 | 2% or 12 | 10% or 60 |

[1]Minimum Large House Lots required shall be 22% or 134.
[2]Minimum Estate House Lots required shall be 10% or 60.
[3]Minimum Lakefront House Lots required shall be 3% or 18.
[4]Minimum Oakland Avenue Lots shall be 5.
[5]Maximum number of single or multifamily housing units that can be built is 610 or 187 respectively.

## PERMITTED USES BY RIGHT AND BY SPECIAL EXCEPTION

| | T2 District | T3 District | T4-R District | T4-O District | Union Club Special District | Meadowmarsh Special District | Lake Brim Special District |
|---|---|---|---|---|---|---|---|
| Single Family Detached Residential[1] | | P | P | | | P | P |
| Attached two and three unit residences | | P | P | | | | |
| Townhomes with more than 3 attached units | | | P | P | | | |
| Apartments | | | P[2] | P | SE | | |
| Live-work units | | | P | P | | | |
| Accessory residential units over garages | | P | P | P | | | |
| Public parks, playgrounds and recreational facilities and related structures | P | P | P | P | P | P | |
| Schools | | | | SE | | SE | SE |
| Churches and other places of worship, parish houses | | | SE | P | | | |
| Kindergartens, nurseries and child day care facilities | | | | P | | SE | SE |
| Marinas and boat basins operated as private clubs | | | | | P | | |
| Bed and Breakfast lodging facilities | | | SE | SE | P | P | SE |
| Governmental institutions and cultural facilities | | | | P | P | P | |
| Medical and dental clinics, excluding animal clinics | | | | SE | | | |
| Retail establishments | | | | P | P | | |
| Eating and drinking establishments | | | | P | P | P | |
| Office, studios | | | | P | P | P | |
| Financial institutions | | | | P | | | |
| Hotels | | | | SE | SE | | |
| Private clubs and lodges | | | | | P | P | |
| Personal services | | | | P | | | |
| Public buildings | | | | P | | | |
| Retail stores and shops of a neighborhood convenience, such as convenience foodstores, dry cleaning and laundry facilities, bakeries, drug and sundries, barbershops and beauty shops and the like | | | | P | SE | | |
| Outdoor sales displays | P | | | P | P | | |
| Agricultural uses including groves and gardens | P | P | P | P | | | |
| Filling or service stations | | | | | | | |

1 For specific single family lot products permitted in the T3 and T4-R districts refer to the Urban Standards section and each individual lot sheet

2 apartments in T4-R north of the West Orange Trail permitted by Special Exception; permitted by right South of the West Orange Trail.

P=Permitted SE=Special Exception

# DEVELOPMENT NOTES

**PUD Development Standards**

| Lot Type | Minimum Lot Width or Range | Square Foot Range[1] | Required Parking Spaces[2] | % Impervious[3] | Maximum Height[1,4] | Minimum Front Porch Setbacks[5,6] | | | Minimum Primary Structure Setbacks[7,8] | | | | | | | | | Minimum Garage Setbacks[7,9] | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Side[8] | | | Building Separation | | | | | | | |
| | | | | | | Front | Side | Side Street | Front[8,10] | Rear[8] | T3 | T4 | Side Street | T3 | T4 | PD Perimeter[11] | Front[8] | Rear[8] | Side | Side Street |
| Manor House Lot Attached | 35' | 1000-3800 | 2 | 80% | 35' | 5' | 5' | N/A | 12' - 25' | 5'/15' | 5' | 5' | N/A | 10' | 10' | 20' | N/A | 3' or >20' | 3' | 3' |
| Manor House Lot Detached | 35' to 40' | 1000-3800 | 2 | 80% | 35' | 5' | 5' | N/A | 12' - 25' | 5'/15' | 5' | 5' | 5' | 10' | 10' | 20' | N/A | 3' or >20' | 3' | 3' |
| Tandem House Lot | 30' - 60' | 800-2000 | 2 | 80% | 35' | 5' | 5' | 5' | 12' | 5' | 5' | 5' | 5' | 10' | 10' | 20' | 10' N/A | 5' | 5' | 5' |
| House Lot | 40' to 50' | 1,000-2800 | 3 | 80% | 35' | 5' | 5' | N/A | 12' - 25' | 5'/15' | 7.5'/7.5' or 5'/10' | 5' | N/A | 10' | 10' | 20' | N/A | 3' or >20' | 3' | 3' |
| Large House Lot | 50' to 65' | 1400-4000 | 3 | 70% | 40' | 5' | 5' | 5' | 12' - 25' | 5'/15' | 7.5'/7.5' or 5'/10' | 5' | 5' | 10' | 10' | 20' | N/A | 3' or >20' | 3' | 3' |
| Estate House Lot | 60' | 2000-6500 | 3 | 60% | 40' | 5' | 5' | 5' | 12' - 25' | 5'/15' | 7.5'/7.5' or 5'/10' | N/A | 10' | 10' | N/A | 20' | N/A | 3' or >20' | 3' | 10' |
| Oakland Avenue Lot | 90' | 2400-7500 | 3 | 40% | 40' | 35' | 7.5' | 5' | 50' | 5'/15' | 7.5'/7.5' or 5'/10' | N/A | 10' | 15' | N/A | 20' | N/A | 3' or >20' | 3' | 10' |
| Lakefront Home Lot | 50' | 2000-6500 | 3 | 70% | 40' | 5' | 5' | N/A | 12' - 25' | 15' | 7.5'/7.5' or 5'/10' | N/A | N/A | 10' | N/A | 20' | N/A | 10' | 3' | N/A |
| Cottage Common Lot[12] | N/A | 800-3400 | 1.5 | 50% | 30' | 5' | 5' | 5' | 12' | 15' | 15' | 15' | 15' | 15' | 15' | 20' | 10' | 10' | 10' | 10' |
| Townhome Lot | 18' | 1,000-3800 | 2 | 90% | 40' | 0' | 0' | 5' | 5' | 5' | N/A | 0'[13] | 5' | N/A | 10'[14] | 20' | N/A | 5' | 0 or 3' | 3' |
| Live/Work Lot | 18' | 1000-3800 | 3 | 90% | 40' | 0' | 0' | 5' | 5' | 5' | N/A | 5'[13] | 5' | N/A | 15'[14] | 20' | N/A | 5' | 5' | 3' |
| Apartment House Lot | 40' | 400 - 900[15] | 1 - 2[16] | 90% | 40' | 5' | 7.5' | 5' | 10' | 10' | N/A | 7.5' | 5' | N/A | 15' | 20' | N/A | 5' | 5' | 5' |
| Retail Building Lot | 20' | N/A | | 100% | 40' | 0' | 0' | 0' | 0' | 10' 0' | N/A | 0' | 0' | N/A | 0' | 20' | N/A | 5' | 5' | 5' |

[1] The maximum building height shall be measured from the midpoint of a line connecting the front and rear property lines (taken diagonally from opposing corners, to the peak of the roof, exclusive of chimneys and cupolas.

[2] The minimum front yard setback to the front primary building façade for a Manor House, House Lot, Large House Lot, or Estate House Lot shall be 20'.

[3] 1/12, denotes 0' if alley loaded, 15' for standard lots.

[4] Guest parking is not included except in the case of the Cottage Common Lot.

[5] Garages are either alley loaded or when front loaded located at the rear of the lot, behind the primary structure. Lakefront only face the lake, so the garage will in these instances be at the front of the lot facing the street.

[6] 5' or >20' requires the garage to be setback 5' from the rear lot line or more than 20', but not between 5' and 20'.

[7] Granny flats are permitted as a second floor over above the garages.

[8] Garages are in a condominium style ownership and therefore setbacks listed are to the perimeter of the parcel.

[9] Maximum building height for garages is 25' to peak of roof, in no case shall height of garage exceed height of primary structure.

[10] Garage setback from the PD perimeter is a minimum of 10' if rear alley is height.

[11] The maximum front yard setback of homes on lots fronting the Reel Grange Trail may be up to 30 feet from the adjacent trail right of way.

[12] Driveway Structure side setback shall be 5' if the adjacent lot is a townhome or townhouse lot, neighboring units shall be designed to allow zero lot line construction. In all other instances side setbacks shall be consistent with City Code or a minimum of 1.5', which ever is greater.

[13] Where a building envelope diagram has been filed with the plat, setbacks shown on the building envelope diagram shall prevail.

[14] Minimum apartment square footages are governed by bedrooms: studio apartment 450SF, 1 bedroom apartment 600SF, 2 bedroom apartment 850 SF, three bedroom and larger 900SF.

[15] Apartment parking required is governed by bedrooms: studio apartment/ loft/ 1 bedroom 1.5 spaces, 2 bedroom and larger 2 spaces.

[16] Building separation for Townhome and Live/Work Lots shall be consistent with City Code for townhome building separation.

[17] Maximum allowable percent impervious standards will be required to conform to SJRWMD permit requirements. This condition will be confirmed by the founder with the submission of each preliminary plat.

[18] For lot types with minimum living area square footages of less than 2,000 square feet, no more than 10% of the allowable number of lots of that type will be permitted to have a house less than 110% of the minimum living area square footage.

## GENERAL DEVELOPMENT NOTES

1. **Phasing**. A phasing plan is included with this submittal on page 61. The phasing plan identifies all phases, including those currently under construction. The applicant reserves the right to modify proposed future phases based on future demand. In no case will a phase be proposed that cannot along with previous phases stand alone as an independent project.

2. **Common Open Space**. Common open space may include community recreation, parks, wetlands, water bodies, upland buffers, retention, and landscape buffers. There will be in excess of 45 acres of common open space in Oakland Park. No more than 50 percent of the required open space may be retention. Detailed open space calculations will be provided with the subdivision plan. Common and recreation open space will be owned and maintained by either the Home Owners' Association or a Community Development District. The applicant reserves the right to form a community development district

3. **Recreation Open Space**. Usable recreation and open space may include community parks, neighborhood parks, community clubhouses, active recreation, passive recreation, trails, marina, community recreation/athletic facilities and associated facilities. There will be in excess of 45 acres of usable recreation and open space in Oakland Park.

4. **Street Trees and Landscaping**. Street trees will be an integral part of the landscape of Oakland Park. They will be permitted to occur in the street right of-way, as long as they do not conflict with underground utilities. Oakland Park shall provide the quantity, size, and type of landscape required by the controlling jurisdiction.

5. **Pedestrian Circulation**. Oakland Park will include minimum 5' sidewalks along sides of all streets with the exception of Rear Lanes. There will be 5' sidewalks adjacent to the West Orange Trail, only when fronted by residential lots. The West Orange Trail, accommodating users from all over the region, transverses the development and there will be an 8' internal trail beginning in the neighborhood center and looping through the development. Please see the street cross sections for details on sidewalk locations.

6. **Stormwater Management**. Stormwater management will be provided consistent with the requirements of the St. Johns River Water Management District Master stormwater facilities will be designed to provide the pre-post difference for the 25 year/24 hour storm event for the developed site and will meet the requirements of the Lake Apopka Rule.

7. **Sanitary Sewer and Potable Water**. Potable water, central sewer, and reuse water will be provided by the City of Winter Garden.

8. **Vehicular Circulation**. A street network plan and street types are identified on the Land Use and Regulating Plan.

9. **School Capacity Analysis**. The Applicant has executed a Capacity Reservation Agreement with Orange County Public Schools (OCPS) for 750 dwelling units.

10. **Solid Waste**. Solid waste services will be provided by the City of Winter Garden.

11. **Parking Requirements**. All uses in Oakland Park shall meet the City of Winter Garden's parking requirements found in Section 118-1386 except that on street parking can be counted as available spaces for non residential uses when within a convenient walking distance.

    A parking plan will be submitted prior to or concurrently with a pre-plat submittal providing required parking per PUD Development Standards chart on page 58. The Parking Plan will show available onsite and on street parking. Up to one space per unit may be on street with the exception of the Cottage Common Lots. If a lot also includes a "Granny Flat" by definition that lot will be required to have one additional space on site. Every single-family lot will be required to accommodate a garage or carport whether built during initial construction or not. Every front-loaded home will be required to have a garage or carport.

# DEVELOPMENT NOTES

## GENERAL DEVELOPMENT NOTES

12. **Granny Flats**. In Winter Garden up to 35% of the residential units in each phase will be permitted to have "granny flats." "Granny Flats" will be limited to one floor above the garage not to exceed 800 square feet. To be classified as a "Granny Flat" the unit must meet all of the following conditions:

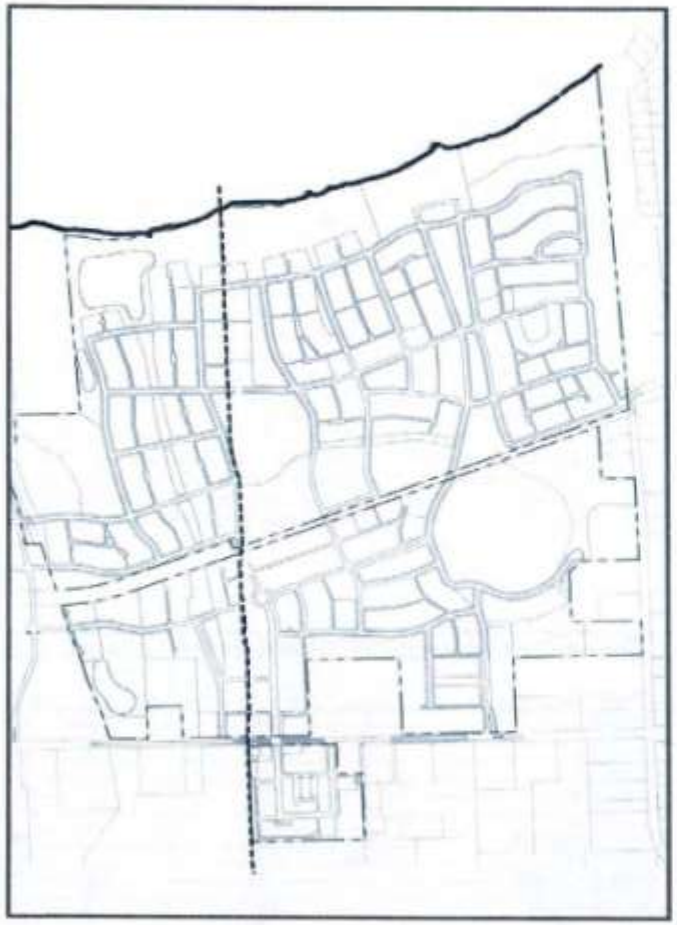
    - "Granny Flats" have an entry that is discrete and separate from the primary house, providing private access to the "granny flat"
    - "Granny Flats" are metered separately from the primary house
    - "Granny Flats" have a separate full service kitchen
    - A "Granny Flat" can be rented only if the owner lives in the primary house.

13. **Union Club**. The Union Club is the Oakland Park community recreation facility located on Lake Apopka. It will include a swimming pool, tennis court, and children's playground.

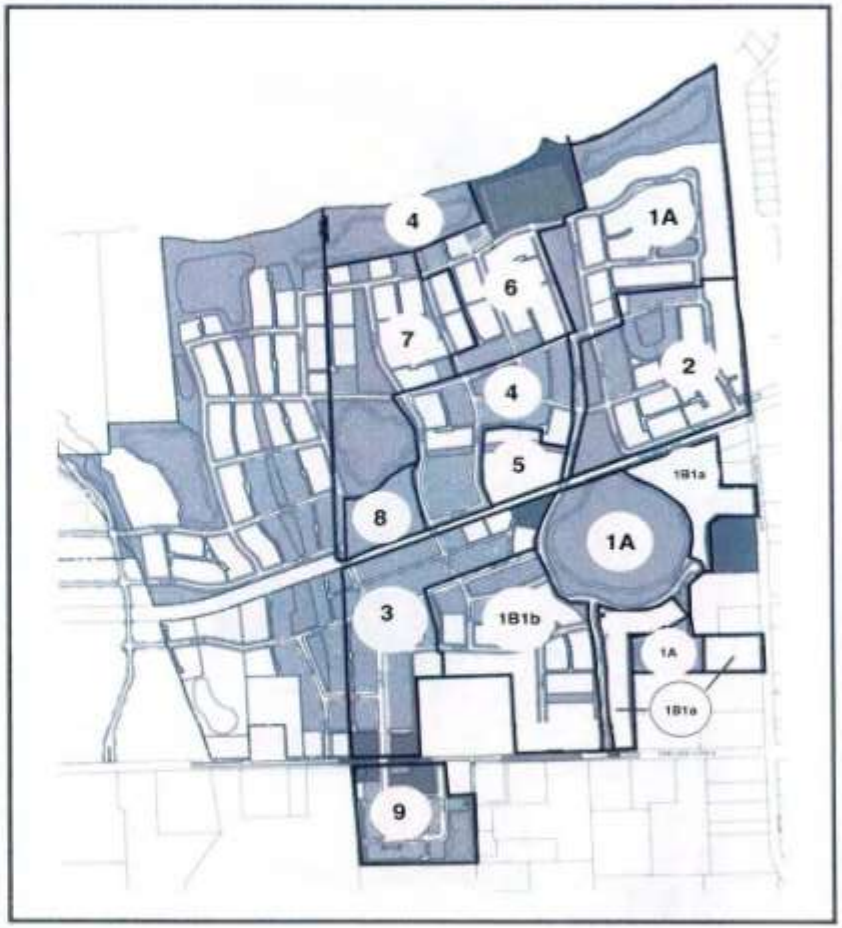
14. **Meadowmarsh Park**. Meadowmarsh Park is the community recreation facility South of the West Orange Trail, opposite Lake Brim. It will include a swimming pool and children's playground.

15. **Applicabililty**. This amendment to the Oakland Park PUD shall supercede the Oakland Park PUD in affect at the time of adoption and shall apply to the entire development without exception.

# FLOODPLAIN *and* PHASING



Floodplain Line




**Phasing**. The phasing plan identifies potential phases, including those constructed or currently under construction. The applicant reserves the right to modify proposed future phases based on future demand. In no case will a phase be proposed that cannot along with previous phases stand alone as an independent project.

# COMMUNITY OPEN SPACE

The community will provide a minimum of five (5) percent of the gross site acreage as usable recreation/open space (189.9 acres x .05 = 9.5 acres) and a minimum of twenty (20) percent of the gross site acreage as common open space (189.9 x .20 = 38.0 acres). The proposed development will exceed the minimum requirements for usable recreation/open space and common open space in the City of Winter Garden.

Usable recreation and open space may include community parks, neighborhood parks, active recreation, passive recreation, trails, community recreation/ athletic facilities and associated facilities. There will be in excess of 25 acres of usable recreation and open space in Oakland Park.

Common open space may include community recreation, parks, wetlands, water bodies, upland buffers, retention, and landscape buffers. There will be in excess of 45 acres of common open space in Oakland Park. No more than 50 percent of the required open space may be retention. Detailed open space calculations will be provided with each subdivision plan. Common and recreation open space will be owned and maintained by the Home Owners' Association. All ponds will have a drainage easement to the City. The Oakland Park Parks and Open Space Inventory identifies the proposed parks and community open space that will be provided. The acreages are estimates and may have minor variances as a a result of final engineering, subject to compliance with provision of a minimum 20 percent Common Open Space (38.0 +/- acres) and a minimum five (5) percent of usable recreation area

**Oakland Park Parks and Open Space Inventory (in acres)**

| | Current or Proposed Name | Phase | Park Facility | Dry Retention | Lake or Wet Retention | Total |
|---|---|---|---|---|---|---|
| 1 | Union Club | 6 | 5.5 | | | 5.5 |
| 2 | Tract K | 1A | 1.2 | | 0.7 | 1.9 |
| 3 | Pocket Park | 4 | 0.8 | | | 0.8 |
| 4 | North Lawn | 1A | 1.8 | | | 1.8 |
| 5 | South Lawn | 2 | 2.6 | | | 2.6 |
| 6 | Lake Brim | 1A | 1.9 | | 10.3 | 12.2 |
| 7 | Central Park | 3 | 0.7 | | | 0.7 |
| 8 | Meadowmarsh Park | 1B1 | 1.2 | | | 1.2 |
| 9 | Median Parks | various | 0.5 | | | 0.5 |
| 10 | Hammock Preserve | 7 | 1.6 | | 3.8 | 5.4 |
| 11 | Village Center Park | 9 | 0.4 | | 0.7 | 1.1 |
| 12 | McKinnon Square | 9 | 0.2 | | | 0.2 |
| 13 | Lakeview Park | 7 | 1.6 | | | 1.6 |
| 14 | Plinth Park | 2 | 0.6 | | | 0.6 |
| 15 | Reciprocity Park | 1A | 0.5 | | | 0.5 |
| 16 | East Shore Park | 1A | 2.9 | 2.9 | | 5.8 |
| 17 | West Shore Park | 4 | 3.9 | | 3.8 | 7.6 |
| | | | 27.8 | 2.9 | 19.3 | 50.0 |

# AMENITY

The Open Space Plan for Oakland Park includes a diversity of amenities for the benefit of the community. Completion of the first phase of construction included completion of East Shore Park, Lake Brim Park and the majority of the North Lawn. All three parks are actively used by residents of Oakland Park and the surrounding community. This includes residents of nearby subdivisions that were built without usable open space.

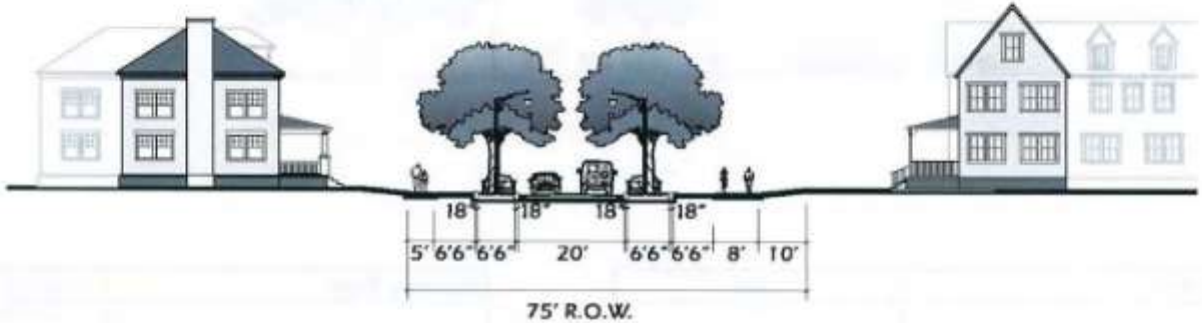
To insure that the provision of parks and facilities keeps pace with development of the community as phases are developed the associated parks within that phase will be substantially complete prior to the issuance of the building permit for over 50% of the units to be constructed in that phase. The adjacent sketches show the current conceptual plan for Meadowmarsh Park and the amenities for the Union Club. Each will contain a swimming pool. The pool in Meadowmarsh Park will be constructed as part of Phase 1B1. The pool in the Union Club will be constructed as the Meadowmarsh Park pool reaches design capacity.

CONCEPTUAL PLAN FOR MEADOWMARSH PARK

CONCEPTUAL ILLUSTRATIONS OF UNION CLUB AMENITIES

The Street Network Plan includes a variety of Avenues, Streets, and Lanes. These are identified on the Land Use and Regulating Plan, page 15 and full size in rear pocket. Rear lanes shown on the Land Use and Regulating Plan may in some cases be eliminated and those lots front loaded.

## AVENUE 'A' (AV-20/75)

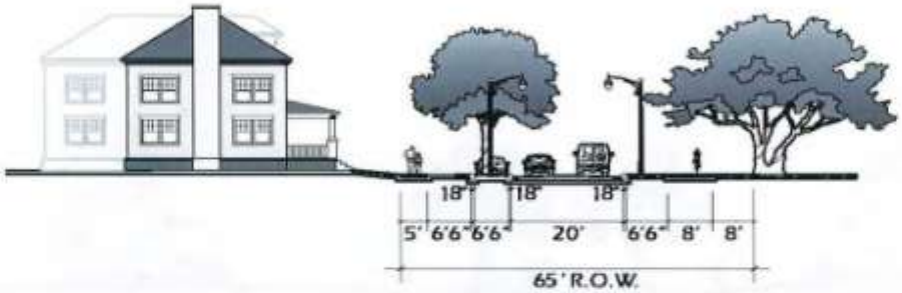



| | |
|---|---|
| **Movement** | Slow |
| **Design Speed** | 25 |
| **R.O.W. Width** | 75' |
| **Pavement Width** | 20' |
| **Traffic Flow** | Two-way |
| **Number of Parking Lanes** | Two sides protected with bulb-outs |
| **Curb Types** | 6" vertical curb with 12" gutter |
| **Curb Radius** | 15' |

| | |
|---|---|
| **Bikeway Type** | Bike Path (one side) |
| **Bikeway Width** | 8' (shared with pedestrians) |
| **Sidewalks** | One Side |
| **Sidewalk Width** | 5' |
| **Planter Width** | 6'6" - 14'6" |
| **Planter Type** | Continuous Grass or Groundcover |
| **Planting Pattern** | Informal Spacing |
| **Tree Type** | Predominant Live Oaks, with others |

# STREET NETWORK PLAN

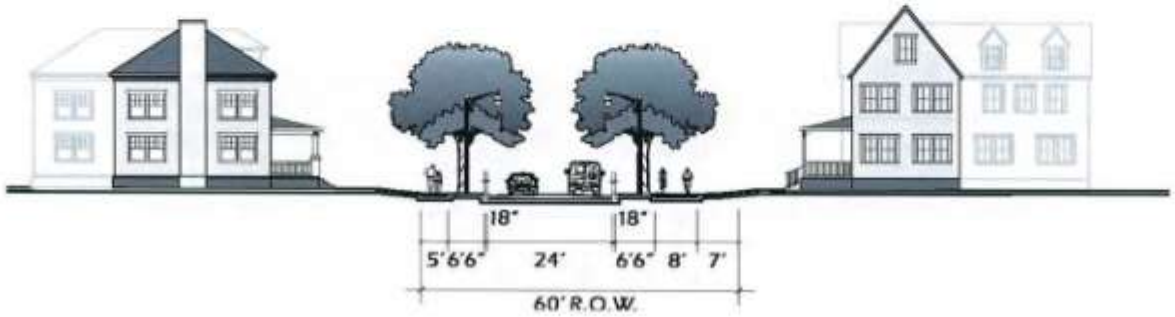
## AVENUE 'B' (AV-20/65)




| | |
|---|---|
| **Movement** | Slow |
| **Design Speed** | 25 |
| **R.O.W. Width** | 65' |
| **Pavement Width** | 20' |
| **Traffic Flow** | Two-way |
| **Number of Parking Lanes** | One side protected with bulb-outs |
| **Curb Types** | 6" vertical curb with 12" gutter |
| **Curb Radius** | 15' |

| | |
|---|---|
| **Bikeway Type** | Bike Path (one side) |
| **Bikeway Width** | 8' (shared with pedestrians) |
| **Sidewalks** | One Side |
| **Sidewalk Width** | 5' |
| **Planter Width** | 6'6" - 14'6" |
| **Planter Type** | Continuous Grass or Groundcover |
| **Planting Pattern** | Informal Spacing |
| **Tree Type** | Predominant Live Oaks, with others |

## AVENUE 'C' (AV-24/60)

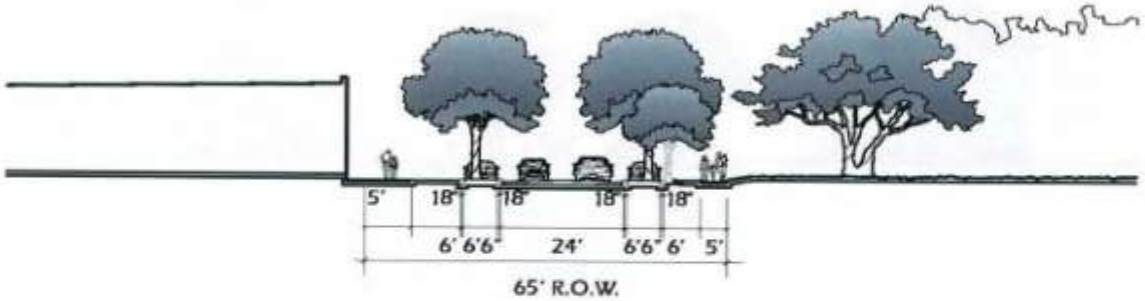



| | |
|---|---|
| **Movement** | Slow |
| **Design Speed** | 25 |
| **R.O.W. Width** | 60' |
| **Pavement Width** | 24' |
| **Traffic Flow** | Two-way |
| **Number of Parking Lanes** | None. Parking allowed one side. |
| **Curb Types** | 6" vertical curb with 12" gutter |
| **Curb Radius** | 15' |

| | |
|---|---|
| **Bikeway Type** | Bike Path (one side) |
| **Bikeway Width** | 8' (shared with pedestrians) |
| **Sidewalks** | One Side |
| **Sidewalk Width** | 5' |
| **Planter Width** | 6'6" |
| **Planter Type** | Continuous Grass or Groundcover |
| **Planting Pattern** | Informal Spacing |
| **Tree Type** | Predominant Live Oaks, with others |

# STREET NETWORK PLAN

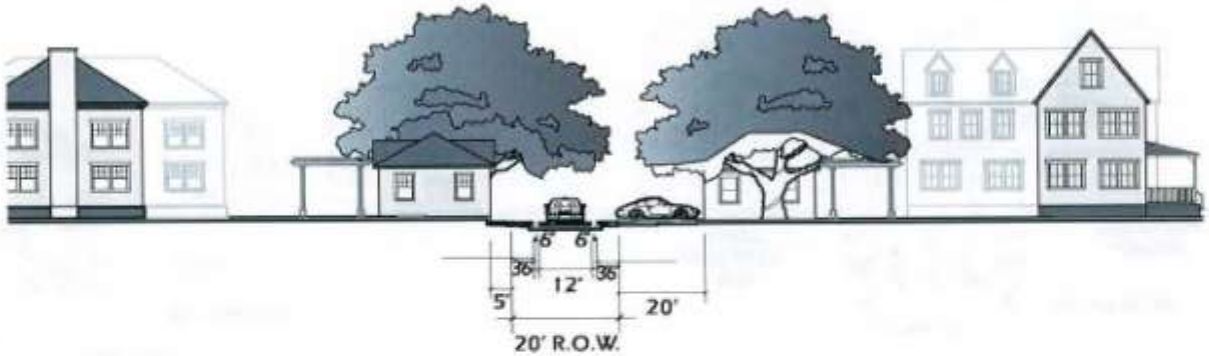
## NEIGHBORHOOD CENTER STREET (NC-24/65)




| | |
|---|---|
| **Movement** | Slow |
| **Design Speed** | 5 |
| **R.O.W. Width** | 65' |
| **Pavement Width** | 24' |
| **Traffic Flow** | Two-way |
| **Number of Parking Lanes** | Two sides protected with bulb-outs |
| **Curb Types** | 6" vertical curb with 12" gutter |
| **Curb Radius** | 15' |

| | |
|---|---|
| **Bikeway Type** | N/A |
| **Bikeway Width** | N/A |
| **Sidewalks** | Each Side |
| **Sidewalk Width** | 5' |
| **Planter Width** | 6'6" -14'0" |
| **Planter Type** | Continuous Grass or Groundcover |
| **Planting Pattern** | Informal Spacing |
| **Tree Type** | Predominant Live Oaks, with others |

## REAR LANE (RL-12/20)***



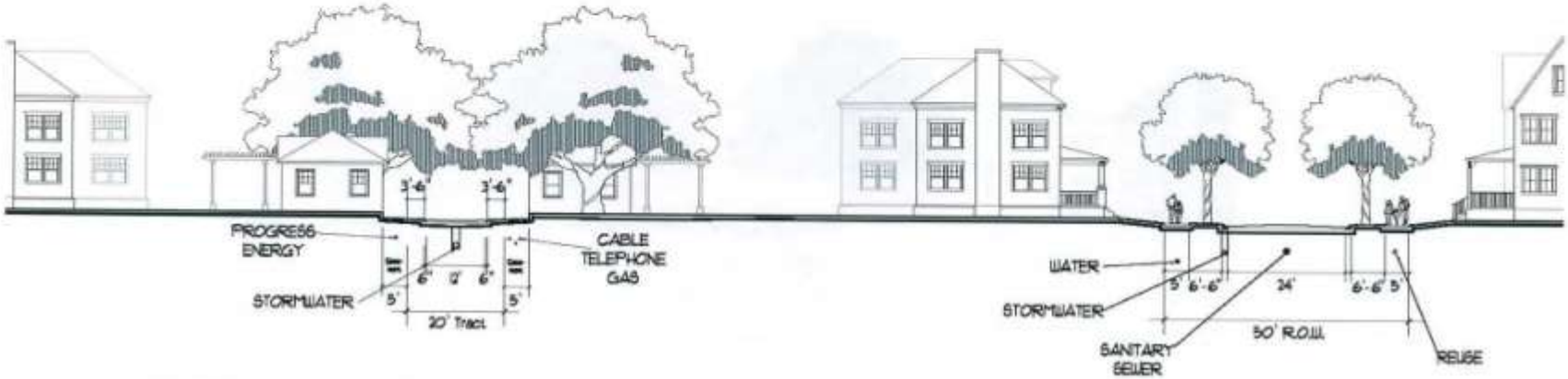

| | |
|---|---|
| **Movement** | Slow |
| **Design Speed** | 10 |
| **R.O.W. Width** | 20' |
| **Pavement Width** | 12' |
| **Traffic Flow** | One-way |
| **Number of Parking Lanes** | N/A |
| **Curb Types** | 6" Ribbon Curb if asphalt |
| **Curb Radius** | 15' |

| | |
|---|---|
| **Bikeway Type** | N/A |
| **Bikeway Width** | N/A |
| **Sidewalks** | N/A |
| **Sidewalk Width** | N/A |
| **Planter Width** | N/A |
| **Planter Type** | N/A |
| **Planting Pattern** | N/A |
| **Tree Type** | N/A |

***Rear Lanes will be in a tract owned by the HOA

# STREET NETWORK PLAN

## STREET (ST-24/50) WITH ALLEY



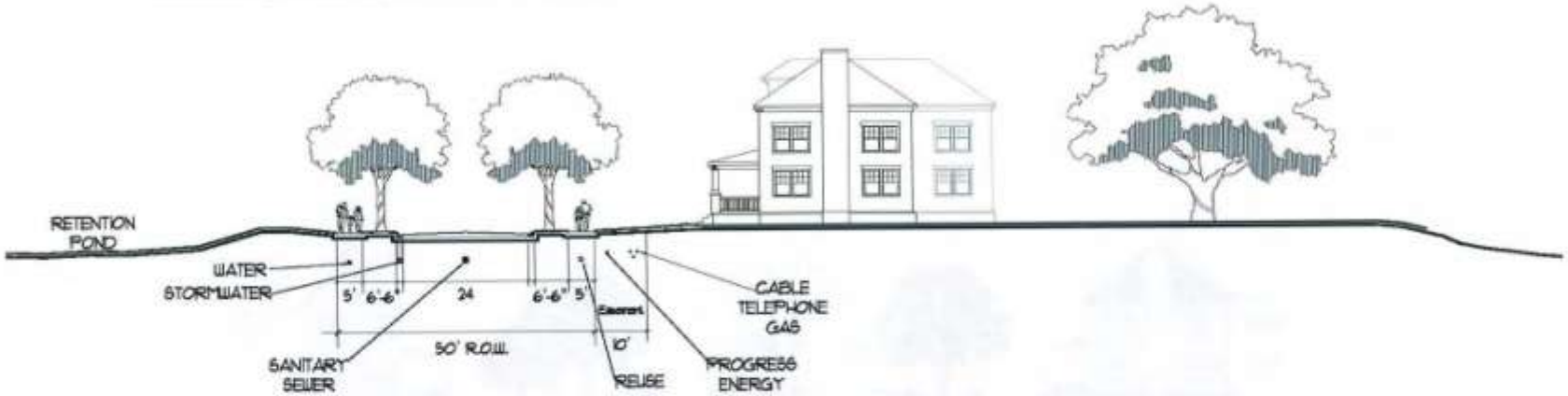

| | |
|---|---|
| **Movement** | Slow |
| **Design Speed** | 25 |
| **R.O.W. Width** | 50'* |
| **Pavement Width** | 24'** |
| **Traffic Flow** | Two-way |
| **Number of Parking Lanes** | None. Parking allowed one side. |
| **Curb Types** | 6" vertical curb with 12" gutter |
| **Curb Radius** | 15' |

| | |
|---|---|
| **Bikeway Type** | N/A |
| **Bikeway Width** | N/A |
| **Sidewalks** | Each Side |
| **Sidewalk Width** | 5' |
| **Planter Width** | 6'6" |
| **Planter Type** | Continuous Grass or Groundcover |
| **Planting Pattern** | Informal Spacing |
| **Tree Type** | Predominant Live Oaks, with others |

*** 40' right-of-way width if one way**

**** 16' pavement width if one way**

## STREET (ST-24/50) WITHOUT ALLEY



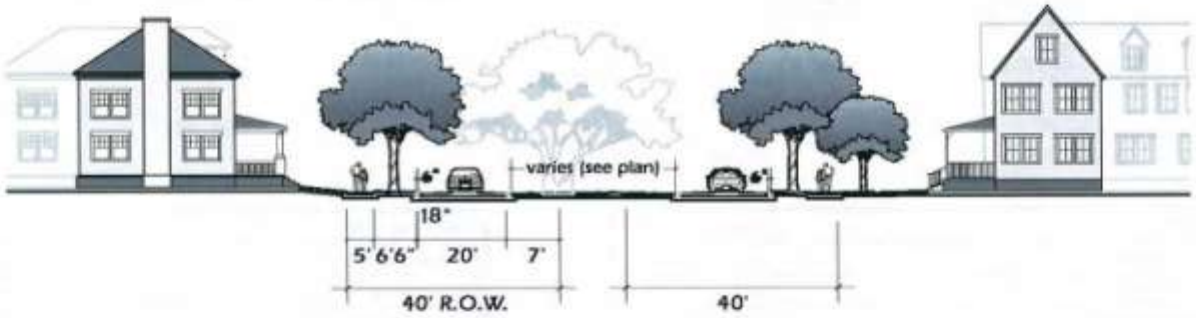

| | |
|---|---|
| **Movement** | Slow |
| **Design Speed** | 25 |
| **R.O.W. Width** | 50'* |
| **Pavement Width** | 24'** |
| **Traffic Flow** | Two-way |
| **Number of Parking Lanes** | None. Parking allowed one side. |
| **Curb Types** | 6" vertical curb with 12" gutter |
| **Curb Radius** | 15' |

| | |
|---|---|
| **Bikeway Type** | N/A |
| **Bikeway Width** | N/A |
| **Sidewalks** | Each Side |
| **Sidewalk Width** | 5' |
| **Planter Width** | 6'6" |
| **Planter Type** | Continuous Grass or Groundcover |
| **Planting Pattern** | Informal Spacing |
| **Tree Type** | Predominant Live Oaks, with others |

*** 40' right-of-way width if one way**

**** 16' pavement width if one way**

## STREET (ST-20/40)

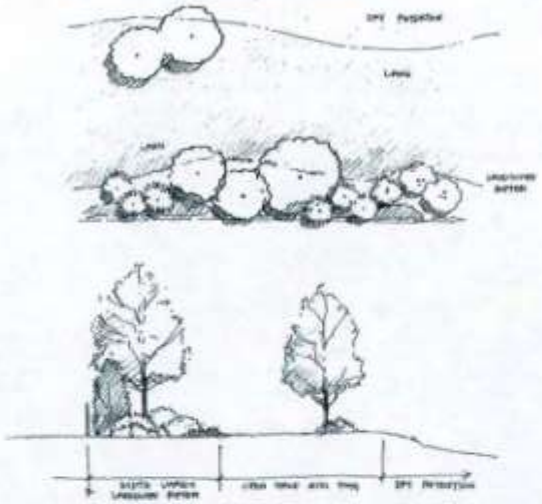



| | |
|---|---|
| **Movement** | Slow |
| **Design Speed** | 25 |
| **R.O.W. Width** | 40' |
| **Pavement Width** | 20' |
| **Traffic Flow** | One-way |
| **Number of Parking Lanes** | Parking allowed one side |
| **Curb Types** | 6" vertical curb with 12" gutter |
| **Curb Radius** | 15' |

| | |
|---|---|
| **Bikeway Type** | N/A |
| **Bikeway Width** | N/A |
| **Sidewalks** | Outside only (trail within park) |
| **Sidewalk Width** | 5' |
| **Planter Width** | 6'6" |
| **Planter Type** | Continuous Grass or Groundcover |
| **Planting Pattern** | Informal Spacing |
| **Tree Type** | Predominant Live Oaks, with others |

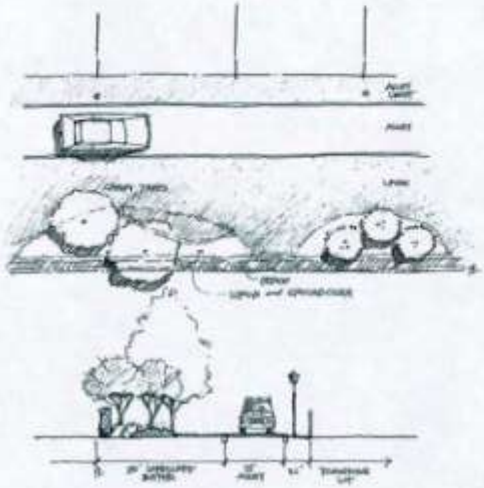
# VILLAGE CENTER BUFFER COMMITMENTS

## A. ADJACENT BUFFER

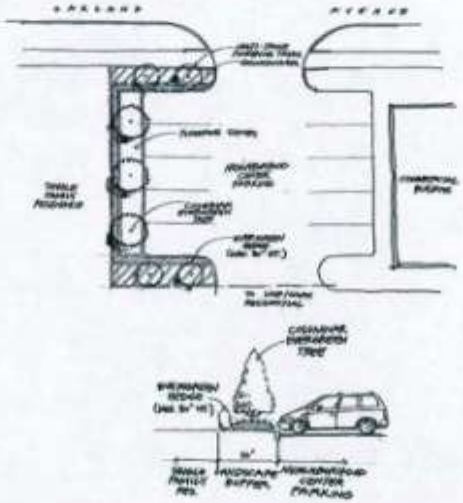


VILLAGE CENTER KEY PLAN

## B. WEST BUFFER



## C. VILLAGE CENTER BUFFER



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

**300 West Plant Street - Winter Garden, Florida 34787-3011 ● (407) 656-4111**

# STAFF REPORT

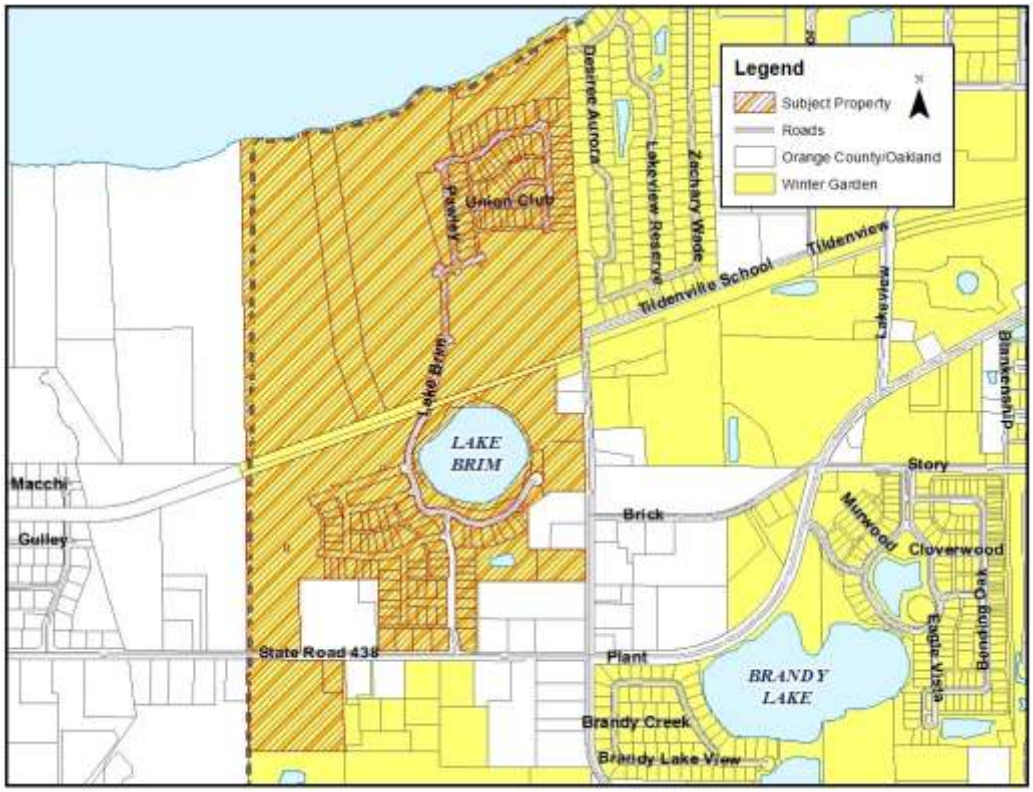
**TO:** PLANNING AND ZONING COMMITTEE
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER
**DATE:** JANUARY 3, 2012
**SUBJECT:** AMENDMENT TO PLANNED UNIT DEVELOPMENT (PUD)
**Oakland Park (189.9 +/- ACRES)**
**PARCEL ID #** 21-22-27-6090-00-001

**APPLICANT:** CASTLE & COOKE FLORIDA, LTD

## INTRODUCTION

The purpose of this report is to evaluate the proposed PUD Amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located west of Tildenville School Road, south of Lake Apopka and east of the Town of Oakland, commonly known as Oakland Park within the City of Winter Garden. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to amend the PUD Plan for the Oakland Park Property which was adopted by Ordinance 05-26 (rezoning 191.2 ± acres of land from County A-1 and City R-1 to City PUD) to allow for alteration of the mixture of lot sizes and revisions to the phasing and amenity schedule from those approved by Ordinance 05-26 and to allow for an additional 35 dwelling units to be constructed within the project. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PUD (Planned Unit Development) in the City of Winter Garden. The subject property is designated Suburban Residential and Low Density Residential on the Future Land Use Map of the City's Comprehensive Plan.

## EXISTING USE

At present, three phases of the 189.9± acre Oakland Park Property have been platted for a total of 137 residential lots, approximately 15 units have been constructed.

## ADJACENT LAND USE AND ZONING

The Oakland Park Property is bordered on the north by Lake Apopka, the properties located to the east are made up of a single family residential subdivision (R-1) and a commercial warehousing facility (R-1) within the City of Winter Garden, and Tildenville Elementary School (A-1) and several single family residences (A-1) located in Unincorporated Orange County. The Oakland Park Property abuts property on the west side, which they also own, located within the Town of Oakland municipal limits. The properties located to the south of the Oakland Park Property consist of single family residential properties (R-1) and vacant unimproved commercial properties along SR 50 (PCD & C-2) within the City of Winter Garden, and single family residential properties (A-1 & A-2) within Unincorporated Orange County.

## PROPOSED USE

The applicant proposes to amend the approved PUD Plan for the 189.9 ± acre Oakland Park Property to allow for a modification to the mixture of lot sizes, which introduces new lot types to accommodate more house types and divides the PUD into "transect zones" providing the developer greater flexibility when siting homes within each zone. The amendment further revises the phasing of the project to maintain consistency with the "transect zones" methodology and amends the amenity schedule to apply one uniform standard to the completion requirements for amenities within each platted phase. Finally, the amendment to the PUD Plan would allow for an additional 35 dwelling units to be constructed within the Oakland Park Project which changes the total maximum number of dwelling units from 575 dwelling units to 610 dwelling units.

## PUBLIC FACILITY ANALYSIS

Infrastructure in the form of roads, water, sewer, and reclaimed water systems have been installed to support the platted phases of the project. All requirements for installation of infrastructure will be restated and in some capacities amended when the Developer's Agreement is amended to reflect the amendment to the PUD Plan.

The Developer's Agreement will be amended prior to the amendment to the PUD Plan becoming effective. Amending the Developer's Agreement will require approval of the City Commission.

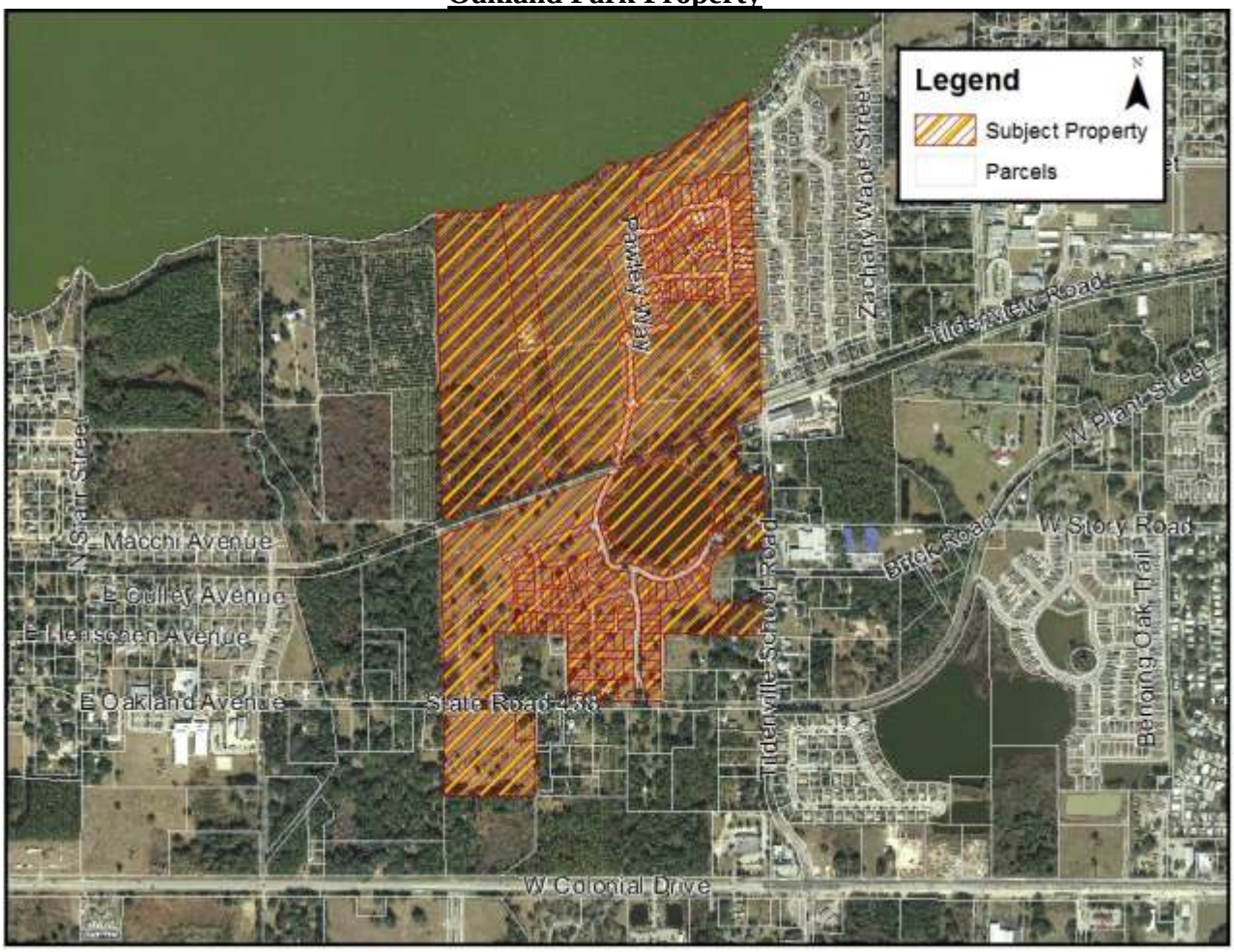
**SUMMARY**

City Staff recommend approval of the proposed Ordinance. Amending the PUD Plan for the Oakland Park Property to allow for an additional 35 dwelling units, modification to the mixture of lot types, and revision to the phasing and amenity schedule for the 189.9± acre project is consistent with the City's Comprehensive Plan and the City of Winter Garden Code of Ordinances. The proposed amendment to the approved PUD Plan is a reasonable use of the land which should not result in any negative impact on the surrounding property owners, further the proposed amendment would not generate an increase in traffic volume or demand on public facilities beyond that which was approved for the property.

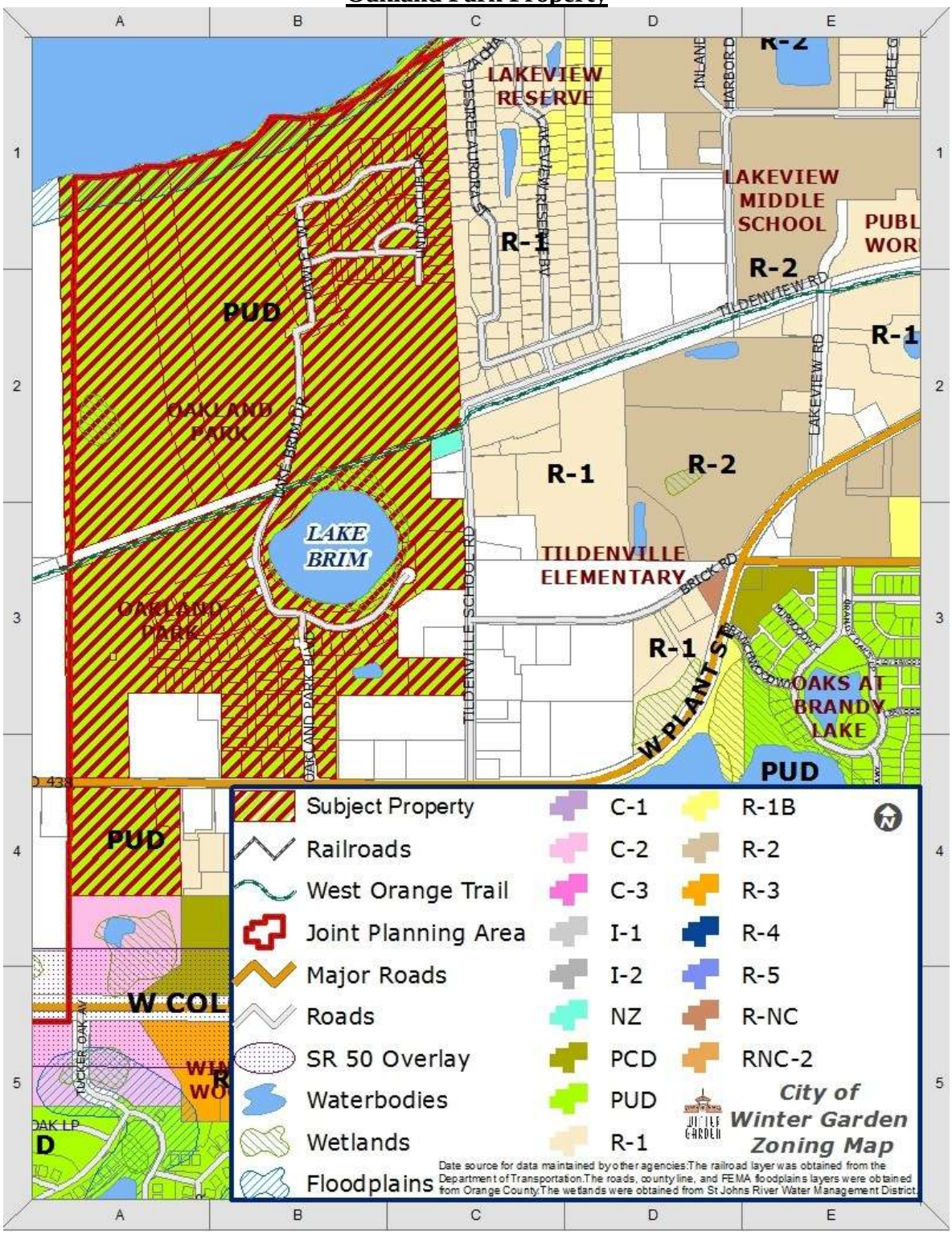
Staff has coordinated with the applicant to ensure that the amendment to the PUD Plan will be consistent with the residential units which have already been constructed both in the scale and architectural style and design of the buildings as well as substantially conforming to the layout and patterns which were approved for the project previously.

## MAPS

### AERIAL PHOTO
### Oakland Park Property



**ZONING MAP**
**Oakland Park Property**




**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**

**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** **January 13, 2012** **Meeting Date: January 26, 2012**

**Subject:** Ordinance 12-02

**Issue:** Amending Chapter 118 Article V of the Code of Ordinances, creating Urban Village Planned Unit Development Zoning District.

**Discussion:** The comprehensive plan identifies the need for the Urban Village Planned Unit Development Zoning Designation in order to further the Goals, Objectives and Policies of the comprehensive plan.

**Recommended Action:**

Staff recommends adoption of Ordinance 12-02 for creating the Urban Village Planned Unit Development Zoning Designation.

**Attachments/References:**

Ordinance 12-02

ORDINANCE 12-02

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE V OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "PLANNED UNIT DEVELOPMENTS" CREATING URBAN VILLAGE PLANNED UNIT DEVELOPMENTS; PROVIDNG REQUIREMENTS FOR MIXTURE OF USES AND URBAN DEVELOPMENT CRITERIA FOR ALL PROPOSED PLANNED DEVELOPMENT PROJECTS IN THE URBAN VILLAGE PLANNED UNIT DEVELOPMENT ZONING DISTRICT; CLARIFYING, UPDATING, AND REMOVING REDUNDANT LANGUAGE FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** the City Commission of 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;

**WHEREAS,** the Zoning Ordinance as set forth in the Land Development Regulations of the City of Winter Garden Code of Ordinances must be consistent with the provisions of the City of Winter Garden Comprehensive Plan by furthering and moving the City in the direction of accomplishing the objectives, goals and policies of the Comprehensive Plan; and

**WHEREAS**, the provisions of this Ordinance implement the provisions of Policy 1-1.2.18 of the City of Winter Garden Comprehensive Plan, as well as other objectives, goals and policies of the City's Comprehensive Plan, and provide for the application of sound and generally accepted land use principles in order to promote and protect the quality of life of the citizens of the City while imposing reasonable regulations upon the development of private property; and

**WHEREAS,** after public notice and due consideration of public comment given at advertised public hearings, the City Commission has determined the hereafter described amendments to Chapter 118, Article V of the City of Winter Garden Code of Ordinances are warranted to ensure consistency with the City of Winter Garden Comprehensive Plan.

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

**SECTION 1:** That Chapter 118, Article V, Planned Unit Developments of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

## ARTICLE V. PLANNED UNIT DEVELOPMENTS

## DIVISION 1. GENERALLY

### Sec. 118-831. Summary of steps for receiving final approval of a residential or urban village planned unit development.

Four steps are generally required to obtain final approval for a residential or urban village planned unit development:

(1) Preliminary conference;

(2) Preliminary development plan submission and application for planned unit development zoning;

(3) Preliminary plat submission; and

(4) Final development plan submission

### Sec. 118-832. Preliminary conference.

The preliminary conference for a residential or urban village planned unit development shall include the following: the city planner, city engineer, building official, fire marshal, city public services director, and the developer.

### Sec. 118-833. Preliminary development plan application.

(a) For residential and urban village planned unit development rezoning, a preliminary development plan along with a zoning application shall be submitted to the city clerk by the developer requesting approval of the site as a PUD. The preliminary plan and application shall contain the name of the Developer and the architect, surveyor and engineer who prepared the development plan.

(b) The following shall be included on the preliminary development plan with the zoning application:

(1) Proposed name or title of the project; the name of the surveyor, engineer, architect, and developer.

(2) North arrow, scale of one inch equals 200 feet or larger, date and legal description of the site.

(3) Boundaries of the site shown with bearings, distances, closures and bulkhead lines. All existing easements, section lines and property lines, all existing streets, rights of ways and physical features in and adjoining the project, and the existing zoning.

(4) Names and locations of adjoining developments and subdivisions.

(5) Proposed parks, school sites, and other public and private open space.

(6) Vehicular and pedestrian circulation systems.

(7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of uses, and the proposed total number of dwelling units and the proposed square footage of nonresidential uses.

(8) Proposed common open space, including proposed improvements and proposed common open space structures and the tabulation of the percent of the total area of the project to be devoted to common open space. Areas proposed to qualify for common open space shall be specifically designated on the preliminary development plan.

(9) Delineation of specific areas designated as a proposed stage or phase.

(10) General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the area or with the drainage plan established or to be established within the vicinity.

(11) General location within the site of each residential and nonresidential use.

(12) The proposed method of dedication and administration of proposed common open space.

(13) Vicinity map.

(c) Submittal requirements and procedures are as follows:

(1) *Time limits.* The planned unit development zoning application and preliminary development plan shall be submitted to the city clerk at least 30 days prior to any scheduled meetings of the planning and zoning board.

(2) *Prints required.* The application shall include the required number of black- or blue-line prints of the preliminary development plan and a reproducible copy.

(3) *Certified survey.* Two copies of a certified survey must also accompany the application.

(4) *Application review.* The preliminary development plan shall be reviewed by the city engineer and the city planner and any other city division or department as necessary to determine the feasibility and suitability of the plan prior to the submission of the planned unit development zoning application to the planning and zoning board. The planning and zoning board shall then review the preliminary development plan to determine its conformity with the plans and policies of the city and the requirements of this division and the City Code. Upon completion of its review, the planning and zoning board shall recommend to the city commission the approval, approval subject to conditions and modifications, or disapproval of the preliminary development plan application and the planned unit development zoning application.

(5) *Review criteria.* The decision of the planning and zoning board on the preliminary development plan and rezoning application shall include findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:

a. The degree of departure or conformity of the proposed planned unit development with surrounding areas in terms of character and density.

b. Compatibility of uses and improvements within the planned unit development and the relationship with surrounding existing or proposed developments.

c. Prevention of erosion and degrading or enhancement of the surrounding areas.

d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

f. The feasibility and compatibility of the specified stages or phases contained in the preliminary development plan to exist as an independent development.

g. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development and the surrounding area.

h. The availability and adequacy of water and sewer service to support the proposed planned unit development.

i. The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements inherent in a planned unit development classification.

j. The conformity, compatibility and consistency of the planned unit development with the comprehensive plan of the city.

k. The conformity and compatibility of the proposed common open space, residential and nonresidential uses within the proposed planned unit development.

l. Architectural characteristics of proposed residential and nonresidential development.

m. A listing of the specific types of nonresidential uses to be allowed.

(6) *Review by city commission.* Upon receiving the recommendation of the planning and zoning board, the city commission shall, at a regularly scheduled public meeting, review the recommendation and preliminary development plan and either approve, approve subject to conditions and modifications, or disapprove the preliminary development plan application. Approval of the preliminary development plan includes preliminary approval of the PUD zoning. The decision of the city commission shall be based upon a consideration of the facts specified as review criteria for the planning and zoning board.

(7) *Recordation of preliminary application.* If the preliminary development plan application is approved by the city commission, a copy of the application and required exhibits shall be certified by the city clerk and signed by the mayor, and the certified copy shall be filed with the city clerk as a permanent record.

**Sec. 118-834. Preliminary plat.**

(a) Procedures for preliminary plat submission will comply with chapter 110 pertaining to subdivisions.

(b) Additional information on the preliminary plat should include the following for the

residential or urban village planned unit development or the portion thereof which is the subject of the preliminary plat:

(1) The proposed residential use other than single-family.

(2) The proposed location of the residential use and nonresidential use.

(3) Acreage in each of the residential and nonresidential use areas.

(4) Phasing or development schedule.

(5) Number of units, both total and by type, and square footage of total nonresidential uses and by type.

(6) The proposed method of maintenance of the storm drainage system.

(c) A topographical map shall be submitted with the preliminary development plan. The topographical map shall be drawn at a scale of not less than 100 feet to one inch by a registered professional engineer or registered land surveyor showing the following:

(1) The location of existing property lines, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, city limit lines and all public utility easements and rights of ways.

(2) Wooded areas, marshes and any other physical conditions affecting the site.

(d) Engineering drawings and specifications of the following proposed utility system improvements must be presented to the city engineer no less than 30 days prior to commencement of construction of such improvements. Further, the improvements must be constructed and approved by the city engineer prior to presenting the final development plan to the planning and zoning board, unless an acceptable developer's agreement and bond are provided to the city by the developer in accordance with the requirements of this Code. Engineering drawings must include the following:

(1) Potable water.

(2) Sanitary sewer.

(3) Storm sewer.

(4) Reclaimed water

(5) Sidewalks and bicycle paths.

(6) Streets.

(7) Lot grading plan.

(8) Drainage.

(9) Lighting.

**Sec. 118-835. Final development plan.**

(a) *Time limits for submission*. Unless otherwise specified by the residential or urban village planned unit development zoning ordinance, the developer shall have three years from the adoption date of the PUD zoning ordinance in which to:

(1) File and obtain approval of a final plat of a residential or urban village planned unit development, or any portion thereof; or

(2) File and obtain approval of a final development plan of a residential or urban village planned unit development, or a portion thereof and commence construction contemplated by such plan. Site clearing and tree removal activities do not constitute commencement of construction for the purposes of this subsection.

Residential planned unit developments adopted prior to September 30, 2009 are hereby granted an extension to allow three years from September 30, 2009 in order to satisfy the conditions under section (1) or (2) above.

(b) *Site plan.* A site plan must be presented in accordance with division 2 of article II of this chapter.

(c) *Plat.* A plat must be presented which complies with chapter 110.

(d) *Additional exhibits.* Additional exhibits required for the final development plan may include the following:

(1) *Development schedule.* The development schedule shall contain the following information for the urban village planned unit development or the portion thereof which is the subject of the final development plan:

a. The order of construction of the proposed stages or phases delineated in the development plan.

b. The proposed date for the beginning of construction on the stages or phases.

c. The proposed date for the completion of the stages or phases.

d. The proposed schedule for the construction and improvement of common open space within the stages or phases, including any complementary buildings.

(2) *Deed restriction.* Deed restriction proposals to preserve the character and purpose of the common open space. The deed restrictions shall include, among other provisions a prohibition against partition by any residential property owner.

(3) *Association or nonprofit corporation.* If the developer elects this method of administering common open space, the proposed bylaws of the association, articles of incorporation and other controlling documents shall be submitted for approval by the city attorney.

(4) *Instruments.* Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons and entities having any interest in the land and instruments indicating that all necessary off-site easements or dedications have been acquired. In lieu of originals, certified copies of the relevant documents will be accepted if the recording information from the public records of the county is included thereon.

(5) *Bill of sale.* A bill of sale, conveying to the city water and sewer utility lines, mains, lift stations, and other improvements required to be installed by this Code.

(6) *Title opinion.* A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, taxes, encumbrances, easements, agreements, and other documents affecting title.

(7) *Tax receipts.* Paid receipts from the city and county indicating taxes and required fees have been paid in full up to and including the current period.

(e) *Procedure.*

(1) A fee established by the city commission shall accompany the final development plan application for the purpose of administration.

(2) The city engineer and the city planner shall recommend the approval, approval subject to conditions and modifications, or disapproval of the final development plan application based upon the conformity of the final development plan with the preliminary development plan, sufficiency and accurateness of the required exhibits, and the requirements and purposes of this division and ordinances and regulations of the city.

(3) The planning and zoning board and the city commission shall review these recommendations at regular public meetings and shall approve, approve subject to conditions and modifications, or deny the final development plan application.

(f) *Recording of final development plan.*

(1) After approval of the city commission of the final development plan application, it shall be recorded in the public records of the county. No final development plan of a planned unit development, or any portion thereof, within the city shall be recorded unless it shall have the approval of the city commission inscribed thereon.

(2) The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of or other use of a final development plan of a planned unit development or portion thereof that has not been given final approval by the city commission and recorded in the official records of the county is prohibited. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such documents.

**Sec. 118-836. Physical review.**

The city shall have the right to evaluate the physical layout, architectural characteristics, and amenities of the planned unit development and to require changes or modifications designed to create compatibility and conformity in the variety of uses within the development to ensure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the city.

**Sec. 118-837. Building permit.**

No building permit shall be issued by the city until the final development plan has been approved

and duly recorded as provided in this division.

**Sec. 118-838. Enforcement.**

In addition to any other method of enforcement, the city shall have the power to enforce this division by a suit in equity.

Secs. 118-839—118-855. Reserved

**DIVISION 2. RESIDENTIAL PLANNED UNIT DEVELOPMENTS**

~~**Subdivision II. Administration***~~

~~***Cross references:** Administration, ch. 2.~~

~~**Sec. 118-886. Summary of steps for receiving final approval.**~~

~~Four steps are generally required to obtain final approval for a residential planned unit development:~~

~~(1) Preliminary conference;~~

~~(2) Preliminary development plan submission and application for zoning request;~~

~~(3) Preliminary plat submission, which may be omitted if the phase is not platted; and~~

~~(4) Final development plan submission (if platted, the final plat; if not platted, a site plan with engineering drawings listed in subsection 118-889(e)).~~

~~(Code 1988, § 24-45(g))~~

~~**Sec. 118-887. Preliminary conference.**~~

~~The preliminary conference for a residential planned unit development includes the following:~~

~~(1) City planner, city engineer.~~

~~(2) Building official and fire marshal.~~

~~(3) Public works director and utilities director.~~

~~(4) Developer.~~

~~(Code 1988, § 24-45(g)(1))~~

~~**Sec. 118-888. Preliminary development plan application.**~~

~~(a) For a residential planned unit development, a preliminary plan along with a zoning application shall be submitted to the city clerk by the developer requesting approval of the site as a PUD. The preliminary plan and application shall contain the name of the~~

~~developer and the architect, surveyor or engineer who prepared the development plan.~~

~~(b) The following shall be included with the preliminary application:~~

~~(1) Proposed name or title of the project; the name of the surveyor, engineer, architect, and developer.~~

~~(2) North arrow, scale of one inch equals 200 feet or larger, date and legal description of the proposed site.~~

~~(3) Boundaries of the tract shown with bearings, distances, closures and bulkhead lines. All existing easements, section lines and property lines, all existing streets and physical features in and adjoining the project, and the existing zoning.~~

~~(4) Names and locations of adjoining developments and subdivisions.~~

~~(5) Proposed parks, school sites, and other public and private open space.~~

~~(6) Vehicular and pedestrian circulation systems.~~

~~(7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary nonresidential uses, and the total number of dwelling units.~~

~~(8) Proposed common open space, including the proposed improvements and any complementary structures and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.~~

~~(9) Delineation of specific areas designated as a proposed stage.~~

~~(10) General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the area or with the drainage plan established within the vicinity.~~

~~(11) General location within the site of each primary residential use, secondary nonresidential use, and the proposed amount of land to be devoted to individual ownership.~~

~~(12) The proposed method of dedication and administration of proposed common open space.~~

~~(13) Vicinity map.~~

~~(c) Submittal requirements and procedures are as follows:~~

~~(1) *Time limits.* The PUD zoning application and preliminary development plan shall be submitted to the city clerk at least 30 days prior to any scheduled meetings of the planning and zoning board.~~

~~(2) *Prints required.* The application shall include the required number of black- or blue-line prints of the development plan and a reproducible copy.~~

~~(3) *Certified survey*. Two copies of a certified survey must also accompany the application.~~

~~(4) *Application review*. The preliminary development plan shall be reviewed formally by the city engineer and the city planner and any other city division or department as necessary to determine the feasibility and suitability of the plan prior to the submission of the PUD zoning application to the planning and zoning board. The planning and zoning board shall then review the preliminary development plan to determine its conformity with the official plans and policies of the city and the requirements of this division. Upon completion of its review, the planning and zoning board shall recommend to the city commission the approval, approval subject to conditions, or disapproval of the preliminary development plan application and the PUD zoning.~~

~~(5) *Review criteria*. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:~~

~~a. The degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.~~

~~b. Compatibility within the planned unit development and the relationship with surrounding neighborhoods.~~

~~c. Prevention of erosion and degrading of the surrounding area.~~

~~d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.~~

~~e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.~~

~~f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.~~

~~g. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development and the surrounding area.~~

~~h. The availability and adequacy of water and sewer service to support the proposed planned unit development.~~

~~i. The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements inherent in a planned unit development classification.~~

~~j. The conformity and compatibility of the planned unit development with the comprehensive plan of the city.~~

~~k. The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses within the proposed planned unit development.~~

~~l. Architectural characteristics of proposed nonresidential development when available.~~

~~m. A listing of the specific types of secondary nonresidential or commercial uses to be allowed.~~

~~(6) *Review by city commission.* Upon receiving the recommendation of the planning and zoning board, the city commission shall, at a regularly scheduled public meeting, review the recommendation and preliminary development plan and either approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan includes the approval of the PUD zoning. The decision of the city commission shall be based upon a consideration of the facts specified as review criteria for the planning and zoning board.~~

~~(7) *Recordation of preliminary application.* If the preliminary development plan application is approved by the city commission, a copy of the application and required exhibits shall be certified by the city clerk and signed by the mayor, and the certified copy shall be filed with the city clerk as a permanent record.~~

~~(Code 1988, § 24-45(g)(2))~~

**~~Sec. 118-889. Preliminary plat.~~**

~~(a) For a residential planned unit development, or any portion thereof, the preliminary plat may be omitted if the parcel, or applicable portion thereof, is not to be platted.~~

~~(b) The developer may request plat approval of the entire PUD or any portion thereof (a minimum of 20 acres).~~

~~(c) Procedures for preliminary plat submission will comply with chapter 110 pertaining to subdivisions.~~

~~(d) Additional information on the preliminary plat should include the following for the residential planned unit development or the portion thereof which is the subject of the preliminary plat:~~

~~(1) The proposed residential use other than single-family.~~

~~(2) The proposed location of the primary residential use and secondary nonresidential use.~~

~~(3) Acreage in each of the primary residential and secondary nonresidential uses.~~

~~(4) Phasing or development schedule.~~

~~(5) Number of units, both total and by type.~~

~~(6) The proposed method of maintenance of the storm drainage system.~~

~~(e) A topographic data map may be submitted with the preliminary development plan if the property is not to be platted. The topographic data map shall be drawn at a scale of not less than 100 feet to one inch by a registered professional engineer or registered land surveyor showing the following:~~

~~(1) The location of existing property lines, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, city limit lines and any public utility easements.~~

~~(2) Wooded areas, marshes and any other physical conditions affecting the site.~~

~~(f) Engineering drawings of the following proposed utility system improvements must be presented to the city engineer no less than 30 days prior to commencement of construction of such improvements. Further, the improvements must be constructed and approved by the city engineer prior to presenting the final development plan to the planning and zoning board, unless an acceptable developer's agreement and bond are provided to the city by the developer in accordance with the requirements of this Code. Engineering drawings must include the following:~~

~~(1) Water.~~

~~(2) Sanitary sewer.~~

~~(3) Storm sewer.~~

~~(4) Sidewalks and bicycle paths.~~

~~(5) Streets.~~

~~(6) Lot grading plan.~~

~~(7) Drainage.~~

~~(Code 1988, § 24-45(g)(3); Ord. No. 09-19, § 7, 10-8-09)~~

**~~Sec. 118-890. Final development plan.~~**

~~(a) *Time limits for submission.* Unless otherwise specified by the PUD zoning ordinance, the developer shall have three years from the adoption date of the PUD zoning ordinance in which to:~~

~~i. File and obtain approval of a final plat of a residential planned unit development, or any portion thereof; or~~

~~ii. File and obtain approval of a final development plan of a residential planned unit development, or a portion thereof and commence construction contemplated by such plan. Site clearing and tree removal activities do not constitute commencement of construction for the purposes of this subsection.~~

~~Residential planned unit developments adopted prior to September 30, 2009 are hereby granted an extension to allow three years from September 30, 2009 in order to satisfy the conditions under subsection i. or ii. above.~~

~~(b) *Site plan.* If not platted, a site plan must be presented in accordance with division 2 of article II of this chapter.~~

~~(c) *Plat.* If platted a plat must be presented which complies with chapter 110.~~

~~(d) *Additional exhibits.* Additional exhibits required for the final development plan may include the following:~~

~~(1) *Development schedule.* The development schedule shall contain the following information for the residential planned unit development or the portion thereof which is the subject of the final development plan:~~

~~a. The order of construction of the proposed stages delineated in the development plan.~~

~~b. The proposed date for the beginning of construction on the stages.~~

~~c. The proposed date for the completion of the stages.~~

~~d. The proposed schedule for the construction and improvement of common open space within the stages, including any complementary buildings.~~

~~(2) *Deed restriction.* Deed restriction proposals to preserve the character of the common open space. The deed restrictions shall include a prohibition against partition by any residential property owner.~~

~~(3) *Association or nonprofit corporation.* If the developer elects this method of administering common open space, the proposed bylaws of the association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the city attorney.~~

~~(4) *Instruments.* Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons having any interest in the land and instruments indicating that all necessary off-site easements or dedications have been acquired. In lieu of originals, certified true copies will be accepted if the recording information from the public records of the county is included thereon.~~

~~(5) *Bill of sale.* A bill of sale, conveying to the city water and sewer utility lines, mains, lift stations, and other personal property required to be installed by this Code.~~

~~(6) *Title opinion.* A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.~~

~~(7) *Tax receipts.* Paid receipts from the city and county indicating taxes have been paid in full up to and including the current period.~~

~~(e) *Procedure.*~~

~~(1) A fee established by the city commission shall accompany the final~~

~~development plan application for the purpose of administration.~~

~~(2) The city engineer and the city planner shall recommend the approval, approval subject to conditions, or disapproval of the final development plan application based upon the conformity of the final development plan with the preliminary development plan, sufficiency and accurateness of the required exhibits, and the requirements and purposes of this division and ordinances and regulations of the city.~~

~~(3) The planning and zoning board and the city commission shall review these recommendations at regular public meetings and shall approve, approve subject to conditions, or deny the final development plan application.~~

~~(f) *Recording of final development plan.*~~

~~(1) After approval of the city commission of the final development plan application, it shall be recorded in the public records of the county. No final development plan of a planned unit development, or any portion thereof, within the city shall be recorded unless it shall have the approval of the city commission inscribed thereon.~~

~~(2) The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of or other use of a final development plan of a planned unit development or portion thereof that has not been given final approval by the city commission and recorded in the official records of the county is prohibited. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such documents.~~

~~(Code 1988, § 24-45(g)(4); Ord. No. 09-19, § 2, 10-8-09)~~

**~~Sec. 118-891. Physical review.~~**

~~The city shall have the right to evaluate the physical layout, architectural characteristics, and amenities of the residential planned unit development and to require changes or modifications designed to create compatibility and conformity in the variety of uses within the development to ensure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the city.~~

~~(Code 1988, § 24-45(h))~~

**~~Sec. 118-892. Building permit.~~**

~~No building permit shall be issued by the city until the final development plan has been approved and duly recorded as provided in this division.~~

~~(Code 1988, § 24-45(i))~~

**~~Sec. 118-893. Reserved.~~**

~~**Editor's note:** Ord. No. 09-19, § 3, adopted October 8, 2009, repealed § 118-893, which pertained to termination of PUD zone and derived from § 24-45(j) of the 1988 Code.~~

~~**Sec. 118-894. Enforcement.**~~

~~In addition to any other method of enforcement, the city shall have the power to enforce this division by an appropriate suit in equity.~~

~~(Code 1988, § 24-45(k))~~

~~Secs. 118-895 – 118-920. Reserved~~

Secs. 118-886--118-920. Reserved.

~~**Subdivision III. Land Use Regulations**~~

**Subdivision II. Land Use Regulations**

**DIVISION 4. URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD)**

**Subdivision I. In General**

**Sec. 118-1063. Intent/description/design features.**

(a) Development within the urban village planned unit development shall be designed based on an urban development pattern which encourages the formation of a suburban village. All development within the boundaries of the urban village planned unit development shall follow the design principles of:

(1) creating a series of walkable residential neighborhoods;

(2) developing an integrated park and trail system to facilitate pedestrian travel and recreation;

(3) developing a comprehensive network of roads and traffic calming solutions to complement and support the existing Marsh Road infrastructure;

(4) establishing connectivity to natural systems while preserving wetlands and other natural resources and protecting water quality and quantity;

(5) creating a mixed-use character through the integration of a diversity of uses; and

(6) creating a focus center within the urban village.

(b) The urban village planned unit development shall provide a compact integrated development pattern with a park or central feature located within a ¼ mile walking distance of the majority of residences in each neighborhood.

(c) To ensure adequate housing diversity, each urban village planned unit development shall contain a variety of housing types which may include both attached and detached housing product with ownership and rental opportunities.

(d) The street network shall be designed to create a hierarchy of interconnected streets and traffic calming solutions to allow travel through and between neighborhoods and beyond the urban village planned unit development. Roadway cross sections shall be designed to accommodate multiple modes of transportation.

(e) Emphasis shall be placed on pedestrian and bike paths and shall be incorporated in street cross sections and open spaces.

(f) The standards and procedures of the urban village planned unit development are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while retaining in the city commission the absolute authority to establish such limitations and regulations as it deems necessary to protect and promote the public health, safety and general welfare.

**Sec. 118-1064. 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:

*Common open space:* a parcel of land or a combination of land and water within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. All common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.

*Developer*: a person, firm, association, syndicate, partnership or corporation who owns land which is developed or proposed to be developed into a planned unit development and who is actually involved in the construction and creation of a planned unit development.

*Development plan*: the total site plan of a planned unit development drawn in conformity with the requirements of this division. The development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads, and common open space.

*Development schedule*: a comprehensive statement showing the type and extent of development to be completed within the various practicable time limits and the order in which development is to be undertaken. A development schedule shall contain an exact description of the specific buildings, facilities, common open space, and other improvements to be developed at the end of each time period.

*Final development plan*: the development plan approved by the city commission and recorded

with the clerk of the circuit court of the county according to this division.

*Final development plan application*: the application for approval of the final development plan and for approval of the required exhibits as specified in this division.

*Planned unit development or PUD*: an area of land developed as a single entity, or in approved stages or phases in conformity with a final development plan by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential and compatible uses and common open space.

*Preliminary development plan*: means the development plan approved by the city commission and filed with approval of the city for a planned unit development zone.

*Preliminary development plan application*: the application for approval of the use of a site as a planned unit development and for approval of the required exhibits as specified in this division.

*Residential clustering*: the grouping of residential structures on a portion of the available land, reserving a significant amount of the site as protected open space.

*Site*: means the actual physical area to be developed as a planned unit development, including the natural and created characteristics of the area.

*Stage or phase*: means a specified portion of the planned unit development that may be developed as an independent entity. It must be delineated in the preliminary development plan, defined in the final development plan, and specified within the development schedule.

*Village center*: that portion of the urban village which allows retail and commercial uses. Residential uses may also be located here.

*Zero lot line*: means a residential development of single-family detached dwelling units in which each dwelling unit abuts one side lot line with no two dwelling units abutting a common side lot line, and the maximum height of units in the development is 30 feet.

**Sec.118.1065. General requirements.**

(a) The urban village planned unit development shall be located in the urban village future land use designation as defined in the city's comprehensive plan, or in such other areas as determined by City Commission.

(b) All development proposals within an urban village planned unit development will be evaluated for consistency with the requirements and/or guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange county and the City of Winter Garden (Dated January 24, 2007) as approved by the City Commission.

(c) All development within the urban village planned unit development shall comply with the Wekiva Parkway and Protection Act, and shall meet or exceed the standards of the Resource Protection Overlay as established by the City's Comprehensive Plan. In the event of a conflict or conflicts between the Urban Village Planned Unit Development zoning district and the Resource Protection Overlay, the Resource Protection Overlay shall control to the extent such conflict exists.

(d) Maximum density in the urban village planned unit development for any neighborhood shall be four dwelling units per gross acre except in the village center where the density may be up

to 12 dwelling units per gross acre. However, certain neighborhoods may use residential clustering while maintaining the overall maximum density for the neighborhood. Maximum intensity for non residential development is 0.3 floor area ratio.

(e) Stormwater facilities within the urban village residential planned unit development shall generally be designed as amenities and low impact design (LID) techniques will be used where practical.

(f) New development shall connect to City utilities, potable water, sanitary sewer, and reclaimed water when available.

(g) Residential and nonresidential uses are allowed in the village center and may occupy the same building where nonresidential occupies the first floor with residential on the upper floors.

(h) Accessory dwelling units, not to exceed 850 square feet, above garages shall be allowed for a maximum of 75% of the residential units for the urban village planned unit development. These additional accessory units shall not be counted towards the density.

(i) If needed and in coordination with the school board, adequate school capacity will be satisfied for all urban village planned unit developments through school concurrency.

**Sec. 118-1066. Permitted uses.**

Uses permitted in the urban village residential planned unit development may include and shall be limited to the following:

(1) *Primary residential uses.* Primary residential uses permitted are single-family detached and multifamily residential dwelling units, including apartments, in semidetached, attached, and multistoried structures.

(2) *Nonresidential uses.* Nonresidential uses include religious, public or semipublic uses, cultural, recreational, retail, schools, personal service, offices and professional centers providing services to residents of the urban village planned unit development and to residents of surrounding properties. The nonresidential uses shall be compatible the primary residential use. No building devoted primarily to a commercial use shall be built or established prior to the primary residential buildings or uses it is designed or intended to serve. These uses shall be located in the village center.

**Sec. 118-1067. Unified ownership or control.**

For an urban village planned unit development, unified ownership or control is not required. An urban village planned unit development can be made up of numerous property owners. However, parcels that do not contain non-residential uses must have direct pedestrian and vehicular access to the village center and other commercial and institutional areas.

**Sec. 118-1068. Common open space.**

(a) All common open spaces in urban village planned unit developments shall be preserved for

their intended purpose as expressed in the final development plan. The developer shall choose one of the following methods of administering common open space:

(1) Public dedication to the city of the common open space. This method is subject to formal acceptance by the city and in its sole discretion.

(2) Establishment of an association or nonprofit corporation or entity which must include all individuals, corporations and entities owning property within the planned unit development to ensure the maintenance of all common open space.

(b) All privately owned common open space shall continue to conform to its intended purpose and remain as expressed in the final development plan through its inclusion in all deeds with appropriate restrictions to ensure that the common open space is permanently preserved. The deed restrictions shall run with the land and shall be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

(c) All common open space and recreational facilities shall be specifically included in the development schedule and shall be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(d) If the developer elects to administer common open space through an association or nonprofit corporation or other entity, the organization shall conform to the following requirements:

(1) The developer must establish the association or nonprofit corporation prior to the sale or transfer of any lots.

(2) Membership in the association or nonprofit corporation or other entity shall be mandatory for all property owners within the planned unit development.

(3) The association or nonprofit corporation or other entity shall manage all common open space and recreational and cultural facilities that are not dedicated to the City or public; shall provide for the maintenance, administration and operation of the land and improvements and any other land and improvements within the planned unit development not publicly or privately owned; and shall secure adequate liability insurance on the land and improvements.

(4) If the developer elects an association or nonprofit corporation or other entity as a method of administering common open space, the title to all property owners in the planned unit development shall include undivided rights and obligations in all common open space.

(5) Association documents shall be reviewed and approved by the city.

Secs. 118-1069—118-1079. Reserved

## Subdivision II. Land Use Regulations

### Sec. 118-1080. Minimum size; dwelling units.

(a) There are no minimum acreage requirements for the urban village planned unit development zoning.

**Sec. 118-1081. Maximum development.**

The average density permitted in each planned unit development shall be established by the city commission upon recommendation of the planning and zoning board. Maximum density in the urban village planned unit development shall be four dwelling units per gross acre except in the village center where the density may be up to 12 dwelling units per acre. Maximum intensity for non residential development is 0.3 floor area ratio.

**Sec. 118-1082. Minimum common recreation and open space.**

(a) For the urban village planned unit development, all new development and redevelopment shall be subject to the Resource Protection Overlay and Wekiva Study Area Open Space standards and requirements as follows:

(1) Minimum open space shall be 25% for both residential and non residential development, all open space shall consist of Wekiva Study Area Open Space. Wekiva Study Area Open space shall be preserved through the use of conservation easements, deed restriction, plats and/or dedication to the appropriate governmental agency, environmental association or homeowners association as required by the City. Open space shall be connected to the greatest extent possible on-site and to natural areas and open space within adjacent property or corridors.

(2) Wekiva Study Area Open space shall be defined as land area within the Resource Protection Overlay that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for Conservation purposes. Wekive Study Area Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to fifty percent (50%) of the Wekiva Study Area Open Space requirement may be met with dry stormwater retention areas. None of the 25% WSA Open Space may be chemically treated with pesticides or fertilizers; provided, however, a development that creates sensitive natural habitat may be allowed limited use of pesticides and fertilizers to establish sensitive natural habitat. Wekiva Study Area Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas.

(b) Common recreation space shall be provided to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the PUD. Drainage ditches, if allowed by the city commission, parking areas, road rights-of-way and minimum yards and spacing between dwelling units may not be included in determining usable recreation space. Water areas including wet bottom retention, dry retention, and wetland areas which are aesthetically and functionally designed for active or passive recreational use may be considered to partially fulfill recreation requirements. In no case, however, shall there be less than five percent of the total developable land area set aside for active, dry-land recreational use.

**Sec. 118-1083. Minimum lot area, frontage and setbacks.**

(a) No minimum lot size shall be required within the urban village planned unit development district, however residential areas within an urban village planned unit development must provide a mixture of lot sizes.

(b) Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via a private road or other area dedicated to public or private use guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. The city shall be allowed access on privately owned roads, easements and common open space.

(c) The minimum distance between structures and side yards shall be as follows:

(1) For single-family platted lots, side yard requirements shall be as follows:

a. For lot width less than 70 feet: five feet.

b. For lot width 70 feet to 84 feet: 7 1/2 feet.

c. For lot width greater than 84 feet: ten feet.

d. For zero lot line single-family detached development: ten feet.

(2) For townhouses, unplatted residential development, commercial development, and all development other than single-family platted lots, the distance between structures shall be as follows:

a. Between structures of 20 feet in height or less: 15 feet.

b. Between structures of 20 and 30 feet in height: 20 feet.

c. Between structures of 30 feet and 40 feet in height: 25 feet.

d. Between structures over 40 feet in height: 40 feet, plus five feet for each additional ten feet of height or fraction thereof over 40 feet.

e. Between structures of varying heights, the larger distance separation shall be required.

(d) A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the PUD. Additional perimeter yard requirements for multistory buildings shall be figured at five additional feet for each ten feet of height over the first story.

(e) Maximum height shall be 50 feet unless approved by special exception by the city commission in addition to a finding by the city commission that height in excess of 50 feet will be compatible with adjacent uses and will substantially further the health, safety or general welfare of the citizens of the city.

(f) Accessory buildings or structures may only be placed in the rear yard according to the requirements of this chapter.

(g) Building setbacks from water areas and lakes shall be 30 feet from the normal high water line.

**Sec. 118-1084. Maximum length of structure.**

The maximum length of a structure in the urban village planned unit development is 200 feet. Units constructed under the zero lot line concept with common walls shall be considered as one structure and shall not exceed 200 feet.

**Sec. 118-1085. Minimum floor area per unit.**

In a residential planned unit development, the minimum floor area per unit shall be as follows:

(1) Single family dwellings, 1,000 square feet.

(2) Multifamily dwellings including townhouses:

a. Efficiency, 450 square feet.

b. One bedroom, 550 square feet.

c. Two bedrooms, 650 square feet.

d. Three bedrooms, 800 square feet.

**Sec. 118-1086. Off-street parking.**

All uses in the urban village planned unit development shall meet the city's parking and landscaping requirements.

**Sec. 118-1087. Underground utilities.**

Within the residential planned unit development, all utilities including telephone, television cable and electrical systems shall be installed underground unless physical and technical conditions require aboveground installation. Primary facilities providing service to the site of the PUD may be exempted from this section. Large transformers shall be placed on the ground, and such transformers and all utilities not installed underground shall be contained within landscaped enclosures or vaults. Any required substations shall be screened by walls resembling a structure which is compatible with the design of the PUD.

**Sec. 118-1088. Development standards.**

For the urban village planned unit development, the minimum construction requirements for streets or roads, sidewalks, sewer and water facilities, drainage and all utilities shall be in compliance with the requirements of chapter 78, chapter 110 and the manual in appendix A to this Code.

Secs. 118- 1089--118-1100. Reserved.

**SECTION 4.** 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 5.** SEVERABILITY. If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**SECTION 6.** CODIFICATION. This Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; and the word *"Ordinance"* may be changed to *"Section", "Article",* or other appropriate word.

**SECTION 7.** EFFECTIVE DATE. This Ordinance shall become effective upon approval of the City Commission at its second reading.

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

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2012.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

**THE CITY OF WINTER GARDEN**

**CITY COMMISSION AGENDA ITEM**

**From:** John Williamson, Fire Chief

**Via:** City Manager Mike Bollhoefer

**Date:** January 9, 2012 **Meeting Date:** January 26, 2012

**Subject:** Emergency Medical Services Agreement between Orange County and the City of Winter Garden Fire Rescue Department

**Recommended action:**

Approve the Emergency Medical Services Agreement to allow Winter Garden Fire Rescue Department to receive four (4) Medtronic Sprint Wireless Modems and one (1) Code Simulator 12-lead Arrhythmia Simulator - Physio Quick Combo through grant funds.

**Attachments/References:**

Emergency Medical Services Agreement

# EMERGENCY MEDICAL SERVICES AGREEMENT

## BETWEEN
## ORANGE COUNTY, FLORIDA

## AND

## CITY OF WINTER GARDEN FIRE DEPARTMENT

THIS EMERGENCY MEDICAL SERVICES AGREEMENT is entered into this _____ day of _____, 2011, by and between Orange County, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY," and to the City of Winter Garden Fire Department, hereinafter referred to as the "OWNER."

WHEREAS, under Section 401.113(2), Florida Statutes, the Department of Health: Bureau of Emergency Medical Services, hereinafter referred to as the "DEPARTMENT" shall annually dispense funds contained in the Emergency Medical Services Trust Fund; and

WHEREAS, the COUNTY has applied for its proportion of funds from said Trust Fund; and

WHEREAS, Section 401.113(2)(a), Florida Statutes (hereinafter the "Statute"), provides that an individual Board of County Commissioners may distribute funds received under the Statute to licensed Emergency Medical Services Providers within the County as designated by the Emergency Medical Service (EMS) grant award; and

WHEREAS, such grant money shall be used solely to improve and expand pre-hospital Emergency Medical Services and will not be used to supplant or replace any other funds; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, has agreed to purchase and distribute equipment and/or services or both, pursuant to grant award C-0048 to the City of Winter Garden Fire Department, (OWNER).

NOW, THEREFORE, the parties hereto agree as follows:

1. OWNER agrees warrants and covenants as follows.

a. To use the facilities, vehicles, and equipment purchased under the grant award, solely for EMS throughout their useful life. Failure to use the facilities, vehicles and equipment for EMS will result in termination of this Agreement, items being returned to the COUNTY and further restrictions on future allocations.

b. To accept full title to all designated equipment purchased with EMS grant funds. An Equipment Release Form will be provided at the time of distribution (Attached as Exhibit "A").

c. To clearly document the assignment of equipment and usage and provide such documentation to the COUNTY within thirty (30) days of the assignment.

d. To be responsible for properly insuring, licensing and maintaining equipment purchased with county EMS grant funds for the useful life of the equipment.

e. To notify the COUNTY upon the loss, destruction, or theft of the equipment.

f. To not sell, lease, rent, lend, encumber or dispose of said equipment without the written permission from the COUNTY.

g. To provide access to all such information, reports and documents as may be required for the COUNTY to monitor the grant.

h. To comply with all terms and conditions imposed on the COUNTY as "original owner" of the equipment. A copy of the EMS County Grant General Conditions is attached as Exhibit "B" and incorporated herein.

i. That OWNER is duly authorized by law to provide pre-hospital Emergency Medical Services and shall maintain all licenses and approvals required by any law, rule or regulation of the State of Florida required for the rendering of pre-hospital Emergency Medical Services.

j. That the COUNTY's sole responsibility is to distribute the designated equipment and/or services or both, pursuant to the grant award.

k. That the undersigned possesses the authority to legally execute and bind OWNER to the terms of this Agreement.

2. COUNTY agrees, covenants and warrants:

a. To comply with all terms and conditions as "Grantee" of the grant award.

b. To purchase and distribute the designated EMS equipment and/or services or both to OWNER.

c. To transfer title of the designated equipment to OWNER at the time of distribution.

3. This Agreement may be terminated upon the OWNER returning all equipment purchased with EMS grant funds to the COUNTY.

IN WITNESS WHEREOF, the parties hereto have caused this EMS Agreement to be executed by their undersigned officials as duly authorized.

Orange County, Florida

By: Board of County Commissioners

By: _____

County Mayor

Date: _____

Attest: Martha Haynie, Comptroller

As Clerk to the Board of County Commissioners

By: _____

Deputy Clerk

City of Winter Garden Fire Department

By: _____

Title: _____

Date: _____

Federal Employer I.D. #_____

Attest: _____

Title: _____

By: _____

ORANGE COUNTY GOVERNMENT
FLORIDA

*Office of the Medical Director*
**2002-A E. Michigan St., Orlando, Florida 32806**
**Telephone (407) 836-8960 * Fax (407) 836-7625**

Exhibit A

Equipment Release Form
EMS County Grant C-0048
Year 2010-11

Agency: City of Winter Garden Fire Department

| Description | Model Item Number | Quantity | PO Number |
|---|---|---|---|
| Medtronic Sprint Wireless Modem 800/1900 | MTCBA-C-IP-N2-LP | 4 | M52951 |
| | | | |

Equipment Picked up by:

Brian A. McGrew
Print Name

Signature

8/12/11
Date

Orange County EMS Representative

EKG # Modems for EKG Transmission

| | | | |
|---|---|---|---|
| 1 | 7232 | 407-694-4439 | Winter Garden Fire |
| 2 | 7233 | 407-694-4445 | Winter Garden Fire |
| 3 | 7234 | 407-694-4456 | Winter Garden Fire |
| 4 | 7235 | 407-694-4463 | Winter Garden Fire |

ORANGE COUNTY GOVERNMENT
FLORIDA

**_Office of the Medical Director_**
**2002-A E. Michigan St., Orlando, Florida 32806**
**Telephone (407) 836-8960 * Fax (407) 836-7625**

Exhibit A

Equipment Release Form
EMS County Grant C-0048
Year 2010-11

Agency: City of Winter Garden Fire Department

| Description | Model Item Number | Quantity | PO Number |
|---|---|---|---|
| Code Simulator 12-Lead Arrhythmia Simulator – Physio Quick Combo | 9851-001 | 1 | P-card 12-4-2011 |
| | | | |

Equipment Picked up by:

Brian Wa McGrew
Print Name

Signature

11-29-2011
Date

Orange County EMS Representative