



CITY COMMISSION AGENDA
REVISED AGENDA 4/10/12*
CITY HALL COMMISSION CHAMBERS
300 W. Plant Street

REGULAR MEETING

APRIL 12, 2012

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of March 22, 2012

2. PRESENTATIONS

- A. Appreciation plaques to prior Commissioner of District 3 Harold L. Bouler from the City Commission and the Maxey Center
- B. Garden Theatre Update – Becky Stafford
- C. America in Bloom and Green Up Initiative – Mary Zahl

3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 12-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 4.93 ± ACRES LOCATED AT 13045 REAVES ROAD ON THE EAST SIDE OF REAVES ROAD, SOUTH OF ROPER ROAD AND NORTH OF STONEYBROOK WEST PARKWAY INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 26, 2012** – Community Development Director Williams
- B. **Ordinance 12-16:** 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 4.93 ± ACRES OF LAND LOCATED AT 13045 REAVES ROAD ON THE EAST SIDE OF REAVES ROAD, SOUTH OF ROPER ROAD AND NORTH OF STONEYBROOK WEST PARKWAY FROM ORANGE COUNTY RURAL 1-10 TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 26, 2012** – Community Development Director Williams
- C. **Ordinance 12-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.14 ± ACRES LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER 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 **with the second reading and public hearing being scheduled for April 26, 2012** – Community Development Director Williams

- D. **Ordinance 12-18:** 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 0.14 ± ACRES OF LAND LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 26, 2012** – Community Development Director Williams
- E. **Ordinance 12-19:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.14 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 26, 2012** – Community Development Director Williams
- F. **Ordinance 12-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER 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 **with the second reading and public hearing being scheduled for April 26, 2012** – Community Development Director Williams
- G. **Ordinance 12-21:** 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 0.23 ± ACRES OF LAND LOCATED AT THE SOUTH EAST CORNER OF WALKER STREET AND WATER STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 26, 2012** – Community Development Director Williams
- H. **Ordinance 12-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 26, 2012** – Community Development Director Williams

4. **REGULAR BUSINESS**

- A. Recommendation to approve a one year extension of site plan approval for Westside Family Worship Center Church located at 12520 Warrior Road, with Development Review Committee conditions – Community Development Director Williams

- B. Recommendation to approve distribution of \$13,439.00 awarded Justice Assistance Grant funds to purchase special response team equipment for the Police Department and any public comment – Police Chief Brennan
- C. Appointment to Police and Fire Pension Board for seat vacated by Commissioner Olszewski – City Clerk Golden
- D. **Resolution 12-06:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM (*Continued from 3/22/12*) - City Clerk Golden
- E. ***Resolution 12-08:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF FEE TITLE OF PROPERTY DESIGNATED PARCEL 119 AND PARCEL 120; PARCEL 119 BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE PLANT STREET AND HENNIS ROAD INTERSECTION AND PARCEL 120 BEING GENERALLY LOCATED ON THE NORTH SIDE OF PLANT STREET SLIGHTLY EAST OF THE PLANT STREET AND HENNIS ROAD INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE – Community Development Director Williams

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

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

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

- A. Discussion on the May 5th Harvest Festival
- B. Discussion on draft Ordinance 12-23 creating parks, recreation and community facilities rules and regulations **Item removed from first reading.*

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on April 26, 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.

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



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 22, 2012

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 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. Boulter (*outgoing*), Robert Olszewski (*incoming*), 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, 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, Recreation Director Jay Conn, City Engineer Art Miller, West Orange Times Reporter Michael Laval, and Orlando Sentinel Reporter Stephen Hudak

1. **APPROVAL OF MINUTES**

Motion by Commissioner Makin to approve the regular meeting minutes of March 8, 2012, as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **GENERAL ELECTION RESULTS**

A. **Resolution 12-05:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MARCH 13, 2012 FOR COMMISSIONER DISTRICTS 2, 3, AND 4, AND AUTHORIZING ISSUANCE OF CERTIFICATES

City Attorney Ardaman read Resolution 12-05 by title only. City Clerk Golden read the following election results for the general election held on March 13, 2012:

District 2

Bob Buchanan received 268 votes
Theo Graham received 155 votes

District 3

Harold L. Boulter received 140 votes
Robert "Bobby" Olszewski received 414 votes
Edward Lee Scott received 38 votes

District 4

Colin Sharman received 235 votes
Rosemarie Solomon received 65 votes

Motion by Commissioner Boulter to approve Resolution 12-05. Seconded by Commissioner Buchanan and carried unanimously 5-0.

At this point in the meeting Mayor Rees acknowledged departing Commissioner Boulter to address the City Commission and citizens.

Commissioner Boulter thanked everyone for their assistance and spoke of serving as a Commissioner in the City of his father and grandfather. He commended the City on its work ethic and individually thanked the Mayor, Commissioners, City Manager, City Attorney, and City Clerk for their assistance.

3. OATH OF OFFICE

A. City Clerk Golden administered the oaths of office to City Commissioners Bob Buchanan District 2, Robert Olszewski District 3 and Colin Sharman District 4, as duly elected on March 13, 2012.

4. PRESENTATIONS

A. **Proclamation 12-04:** Mayor Rees proclaimed April as Sexual Assault Awareness Month and presented the proclamation to Gina Costas, Executive Director of the Victim Service Center.

B. **Proclamation 12-05:** Mayor Rees proclaimed April 2nd as World Autism Awareness Day and April as Autism Awareness Month and presented the proclamation to Henry Wright.

5. REGULAR BUSINESS

A. **Resolution 12-06:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM (*This item was postponed.*)

B. **Resolution 12-07:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REQUIRING THE CITY OF WINTER GARDEN TO MAINTAIN THE PAVEMENT TREATMENT OF (4) ADDITIONAL INTERSECTIONS IN PERPETUITY, AS STATED IN THE ORIGINAL LOCALLY FUNDED AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 12-07 by title only. Public Services Director Cochran stated that during the State Road 50 widening project the original plan was to only have Daniels Road and Dillard Street crosswalks enhanced with stamped asphalt. Staff decided that it would be to the City's advantage to add crosswalk enhancements to other intersections. He noted that this resolution requires that the City be responsible for the ongoing maintenance of the enhanced crosswalks along State Road 50 at South Park Avenue, Winter Garden Vineland Road, Ninth Street and Beulah Road. Staff recommends approval of the resolution.

Mayor Rees asked about the estimated cost over a five year period. Mr. Cochran replied that it would probably be very little in the first five years. The total approximate cost of the enhancements was \$200,000. He noted that unless there was an accident that required maintenance to the road, there is very little that would have to be done to it until it requires repainting. City Manager Bollhoefer asked about the timeframe needed to redo the crosswalks. Mr. Cochran replied that the re-stamping of the crosswalks will not be necessary but due to usage they will need to be repainted.

Commissioner Makin noted that should there be any damage to the road the stamping could be redone in small sections. Mr. Cochran agreed.

Motion by Commissioner Sharman to approve Resolution 12-07. Seconded by Commissioner Buchanan and carried unanimously 5-0.

C. **Recommendation to approve Site Plan for 881 9th Street, with conditions recommended by the Development Review Committee dated March 14, 2012 (Budget Auto Parts of Orlando)**

Community Development Director Williams stated that this is the site plan for Budget Auto Parts at 881 Ninth Street, for 10.97 acres. Last year they annexed their entire property into the City and this is their first proposal to develop a section under the City's jurisdiction. The site plan is to include an expansion area for their car storage. Anything visible from Ninth Street will have a masonry block wall with a stucco finish. Mr. Williams noted there will be additional requests in the future for this property. Staff has reviewed this request for compliance with the code and recommends approval subject to the conditions noted in the staff report.

Commissioner Olszewski asked if the surrounding businesses are in agreement with what has been proposed. Mr. Williams replied yes; during the annexation, the comprehensive plan hearing and zoning hearings, there was no opposition. He noted that there were a few calls when there was dirt brought in before approvals. There will be landscaping and screening along other parts of the property. City Manager Bollhoefer confirmed that staff conducted community meetings with the surrounding neighborhoods.

Motion by Commissioner Sharman to approve the Site Plan submitted for 881 9th Street, with conditions as recommended by the Development Review Committee dated March 14, 2012 (see attached Exhibit A). Seconded by Commissioner Buchanan and carried unanimously 5-0.

D. **Recommendation to approve a developers agreement for 720 Roper Road for the project known as Serenades by Sonata**

Community Development Director Williams stated that this is the Serenades by Sonata project that has been seen over the last six months. This developer's agreement memorializes several of the conditions that are on the property. Mr. Williams explained

that it is a two phase project that ensures that the second phase will have cross access easements and utilities from the first phase. The existing access will be on Roper Road to the south. However, if Roper Road is realigned to the north then they would tie into that portion and provide some of the right-of-way. He noted that some of the conditions deal with drainage issues, design standards, signage, and transportation impact fees. Staff recommends approval.

Motion by Commissioner Sharman to approve the developer's agreement submitted for 720 Roper Road for the project known as Serenades by Sonata. Seconded by Commissioner Buchanan and carried unanimously 5-0.

6. **MATTERS FROM CITIZENS** – There were no items.
7. **MATTERS FROM CITY ATTORNEY** – There were no items.
8. **MATTERS FROM CITY MANAGER**

A. **Discussion on realignment options for Roper Road**

City Manager Bollhoefer stated that when traveling down Daniels Road you see that Roper Road is not aligned. Staff is looking at the vacant land just north of the property the City Commission just approved the Sonata agreement. Mr. Bollhoefer cited three options on how to deal with Roper Road and asked that option C be disregarded because it is not feasible due to the need to purchase property from two different property owners, maneuvering through wetlands, and it is not a good alignment.

The two viable options for realigning Roper Road include building the road straight through from Roper Road across Daniels and go straight through to the Winter Garden Vineland Road. This would be the best option if cost were not an issue. The City would end up spending anywhere from \$1.5 million to \$2 million, which does not include street lights. Staff does not think this expense is necessary. The other option is whenever the developer builds on that piece of property (Bradford) the City could have them line their entrance into their subdivision at a location that would line it up with Roper Road. This would allow the City to warrant putting in a traffic light at this location, and solves the City's greater problem of safety for students to travel.

Mayor Rees asked how many accidents have occurred at this location. City Manager Bollhoefer replied that there have been a total of six in the last two years that have not been serious.

Commissioner Buchanan asked if this means doing away with the existing Roper Road to the south. Mr. Bollhoefer stated yes. If you are doing the realigning it would be dead ended at a certain point. He noted that the residents of Grove Park would like to see, if the City does away with that road, a green space, a park, or trees.

Mayor Rees asked when the Roper property would be developed. Mr. Bollhoefer replied that he believes it will be developed this year.

Commissioner Sharman stated that he doesn't see the benefit of a straight through road to CR 535 but he does see the benefit of a traffic light.

In conclusion, Mr. Bollhoefer noted that perhaps within the next two weeks the developer would like to know which direction the City Commission would like go.

Mr. Bollhoefer shared that there have been some recent complaints from those living along Daniels Road and they have requested additional police officer patrols. Commissioner Sharman noted that the residents have requested specific times, which will be given to the Police Chief.

- **Update on Intersection Improvement at Windermere and Roberson Road**

City Manager Bollhoefer stated that some of the community members surrounding the area would like to see some additional improvements made. Last year the City Commission budgeted funds to help pay for the costs. Since then, the County decided to do the intersection and they did not need the City's funds. Therefore, the City has \$80,000 available. There will be community meetings and the City has informed the County that we have \$80,000. He noted that the County's plan did not include north and south extra lanes because of the cost. He noted that the north and south lanes have just as much traffic as the east and west. Staff may be coming to the City Commission at a later date with a proposal for the City of Winter Garden to participate in helping the County improve that intersection. Mr. Bollhoefer also noted that the County is considering a roundabout on this road and he wanted to make the City Commission aware that community meetings will begin shortly to discuss the issue.

Commissioner Olszewski asked if the City of Winter Garden could dictate how our money is spent or would this have to be in concert with Orange County. Most of the citizens that have some concerns are not happy with the County's proposed plans at this time and would like to see it amended but the budget is already in place.

Mr. Bollhoefer replied that the City would have leverage by saying we will contribute if the County does certain things. If the County does something else, then the City will not contribute. He believes the County will be fairly cooperative. This matter will be brought back to the City Commission.

Commissioner Olszewski noted that he just wanted to be sure that staff was listening to the citizens because the concerns expressed by them were almost in unison in the community meetings.

- **Community Development Block Grant**

Mr. Bollhoefer stated that staff has met with a group that specializes in Community Development Block Grants (CDBG). This group met with staff and shared that there are

some fantastic opportunities for obtaining federal funds for some projects. Particularly there is significant funding for certain types of economic development. For many years the City has been trying to do work on housing in East Winter Garden. The group has stated that the City can secure funding to move forward with this project up to \$750,000 and even to fund some of the housing south of Plant Street. He noted that there was even separate funding available for doing infrastructure. Staff will meet with this group and bring back resolutions to the City Commission to apply for three different types of grants. Mr. Bollhoefer noted that staff feels that we will be much more successful since it is not working with the County.

Commissioner Makin asked if the weatherization was for home repairs in areas that need it. Mr. Bollhoefer responded yes but this is not a weatherization program because of the ability to go in and refurbish an entire house or even tear it down and build a new one. There is a lot of leeway when it comes to CDBG housing work.

Commissioner Makin asked if there is education required for the persons getting the work done. Mr. Bollhoefer noted that there may be a little, most of that is guided by HUD but the City could always add in what it would like to do as part of that partnership.

Commissioner Buchanan asked if the City has to match the grants. Mr. Bollhoefer replied that in some the City will have to match and some we won't; staff will bring back the details.

- **Beautification of Dillard Street**

Mr. Bollhoefer stated that staff has some conceptual drawings of Dillard Street that will be given to the City Commission and business owners so that staff can get input at community meetings. The goal is to get started on the beautification of Dillard Street next year. There are a lot of opportunities to improve the road.

- **America in Bloom**

City Manager Bollhoefer stated that staff met with the volunteer group America in Bloom to see if they could work on some projects in the City. There were three specific projects that they wanted to address; a tree scape down Lakeview by adding some oak trees, more landscaping at gateways into Winter Garden at East Plant Street and West Plant Street, and also enhancements to the Community Garden and dedicate it to Jerry Carris who was very passionate about the garden.

- **Ninth Street Lift Station**

Mr. Bollhoefer stated that another engineering group has been brought in and staff thinks it has narrowed it down to what the problem really is and it can be resolved.

- **City Sign Code**

Mr. Bollhoefer noted that staff is working on redrafting the City's sign code and the downtown sign code. He noted that the City Commission may be asked in the future to budget some funds to bring in a professional firm to assist in this effort. Mr. Bollhoefer

noted that he received a letter regarding the entrance way signs on Plant Street, State Road 50, and CR 535 that will be brought back to the City Commission.

- **State Road 50 Landscape**

Commissioner Buchanan asked about the landscape on State Road 50. Mr. Bollhoefer replied that the landscape started last week. He apologized for the delay of the project. Public Services Director Cochran stated that the irrigation and shrubbery install will begin next month. Mayor Rees asked where the installation would start. City Engineer Miller stated that the irrigation has to go in first and they will start by SunTrust Bank and Fairwinds Credit Union, to put in the main controller. The first item seen will be the palms all at once probably around the middle of April and then the rest will go in.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan thanked all of the citizens that went out and voted and especially those that went out and voted for him.

Commissioner Olszewski stated that it is an honor to be here and he thanked his fiancée Allison West, Commissioner Harold Boulter, City staff, and the City Manager for the easy transition. He offered his assistance to any and all of City citizens.

City Manager Bollhoefer stated that as part of the upcoming autism awareness he received a request for the City Commission to donate \$500 to purchase I-Pads for Dillard Elementary School. In the past the City Commission has supported programs that benefit our residents and our schools and staff recommends making the requested donation. **Motion by Commissioner Olszewski to approve donating \$500 to Dillard Street Elementary school for purchasing I-pads. Seconded by Commissioner Makin and carried unanimously 5-0.**

Commissioner Sharman stated that now that Mr. Jerry Carris is no longer with us, he is committed to keeping up his garden plot in the community garden and shared that Mr. Carris will be missed.

Commissioner Sharman thanked the voters for coming out to vote. He noted that he spent the least in his campaign this election and intends to be just as frugal with City business as well.

Mayor Rees acknowledged and welcomed a Boy Scout attending this meeting for his project.

The meeting adjourned at 7:27 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: **April 3, 2012**

Meeting Date: April 12, 2012

Subject: **13045 Reaves Road**
(Hodgskin - Annexation-FLU Amendment)
Ordinance 12-15
Ordinance 12-16
PARCEL ID # 36-22-27-0000-00-050

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

Discussion:

The applicant is requesting to annex the existing single family home into the City, and a Future Land Use Amendment to change the land use designation from Orange County Rural 1 -10 to City Low Density Residential. City Staff recommend approval of the proposed Ordinances. (See attached Staff Report).

Recommended Action:

Staff recommends approval of Ordinance 12-15 and Ordinance 12-16, with the second reading and public hearing being scheduled for April 26, 2012.

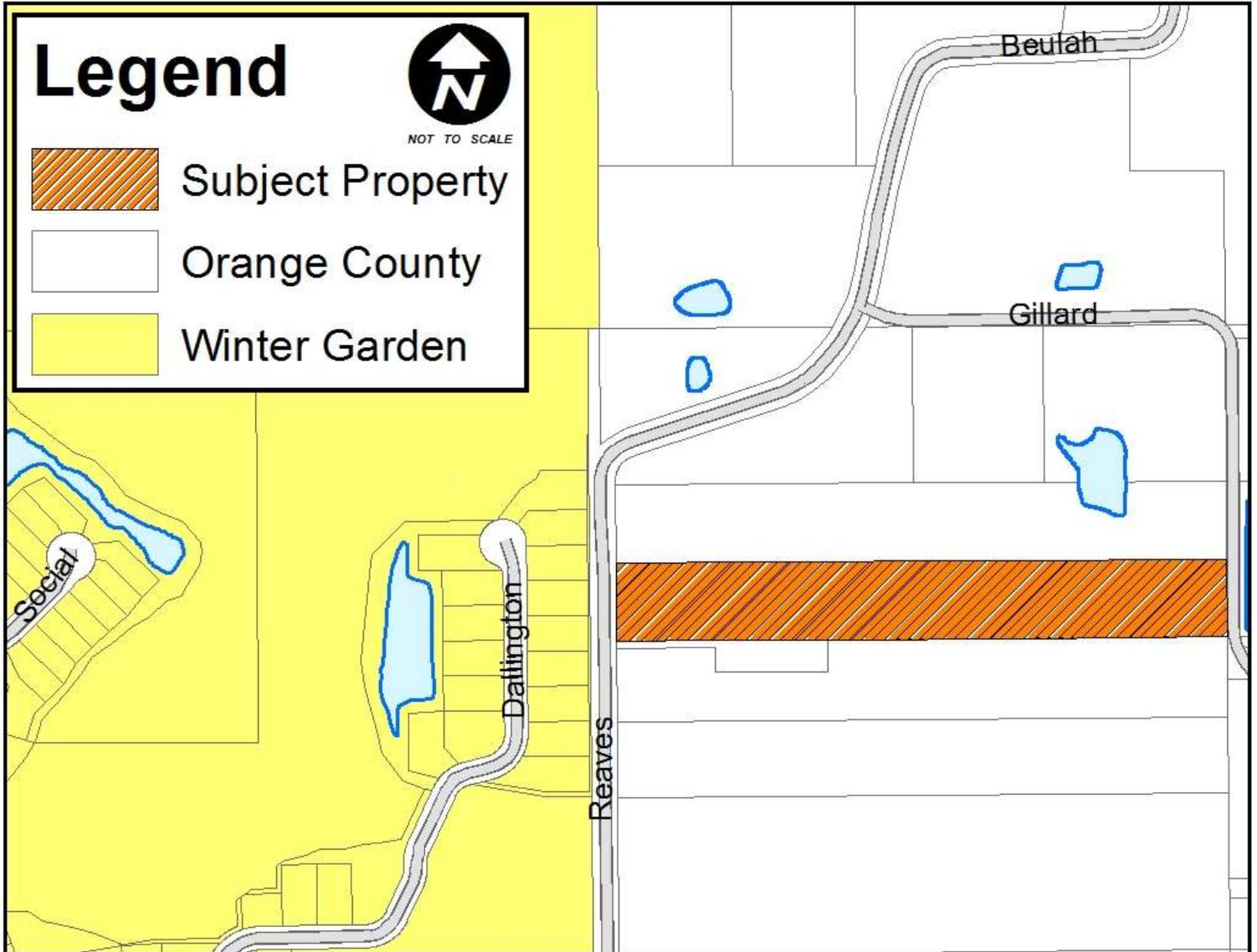
Attachments/References:

Location Map
Ordinance 12-15
Ordinance 12-16
Staff Report

LOCATION MAP

Ordinance 12-15; and 12-16

13045 Reaves Road - 4.93 +/- Acres



ORDINANCE 12-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 4.93 ± ACRES LOCATED AT 13045 REAVES ROAD ON THE EAST SIDE OF REAVES ROAD, SOUTH OF ROPER ROAD AND NORTH OF STONEYBROOK WEST PARKWAY 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 4.93 ± acres located on the east side of Reaves Road, south of Roper Road and north of Stoneybrook West Parkway 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 36-22-27-0000-00-050

LEGAL DESCRIPTION

THE NORTH 165 FEET OF THE SOUTH 825 FEET OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, LYING EAST OF BEULAH ROAD, ORANGE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS;

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST, THENCE S00°47'28"E, ALONG THE WEST LINE OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, A DISTANCE OF 285.07 FEET; THENCE N89°13'01"E, PARALLEL TO THE SOUTH LINE OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, A DISTANCE OF 30.00 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF BEULAH ROAD, AND BEING THE POINT OF BEGINNING; THENCE CONTINUE N89°13'01"E AND PARALLEL TO SAID SOUTH LINE OF SECTION 36, A DISTANCE OF 1,301.40 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE S00°36'50"E, PARALLEL TO THE EAST LINE OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 36, A DISTANCE OF 165.00 FEET, TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S89°13'01"W, PARALLEL TO SAID SOUTH LINE OF SECTION 36, A DISTANCE OF 1,301.17 FEET, TO A POINT ON SAID EAST RIGHT OF WAY; THENCE N00°47'28"W, PARALLEL TO SAID WEST LINE OF SECTION 36, A DISTANCE OF 165.00 FEET, TO THE POINT OF BEGINNING.

Containing 214,711.35 Square Feet More or Less 4.93 Acres.

ORDINANCE 12-16

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 4.93 ± ACRES OF LAND LOCATED AT 13045 REAVES ROAD ON THE EAST SIDE OF REAVES ROAD, SOUTH OF ROPER ROAD AND NORTH OF STONEYBROOK WEST PARKWAY FROM ORANGE COUNTY RURAL 1-10 TO CITY LOW DENSITY RESIDENTIAL; 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 4.93 ± acres of land located at 13045 Reaves Road on the east side of Reaves Road, south of Roper Road and north of Stoneybrook West Parkway, 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 Low Density Residential 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 12-15, 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 36-22-27-0000-00-050

LEGAL DESCRIPTION

THE NORTH 165 FEET OF THE SOUTH 825 FEET OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, LYING EAST OF BEULAH ROAD, ORANGE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS;

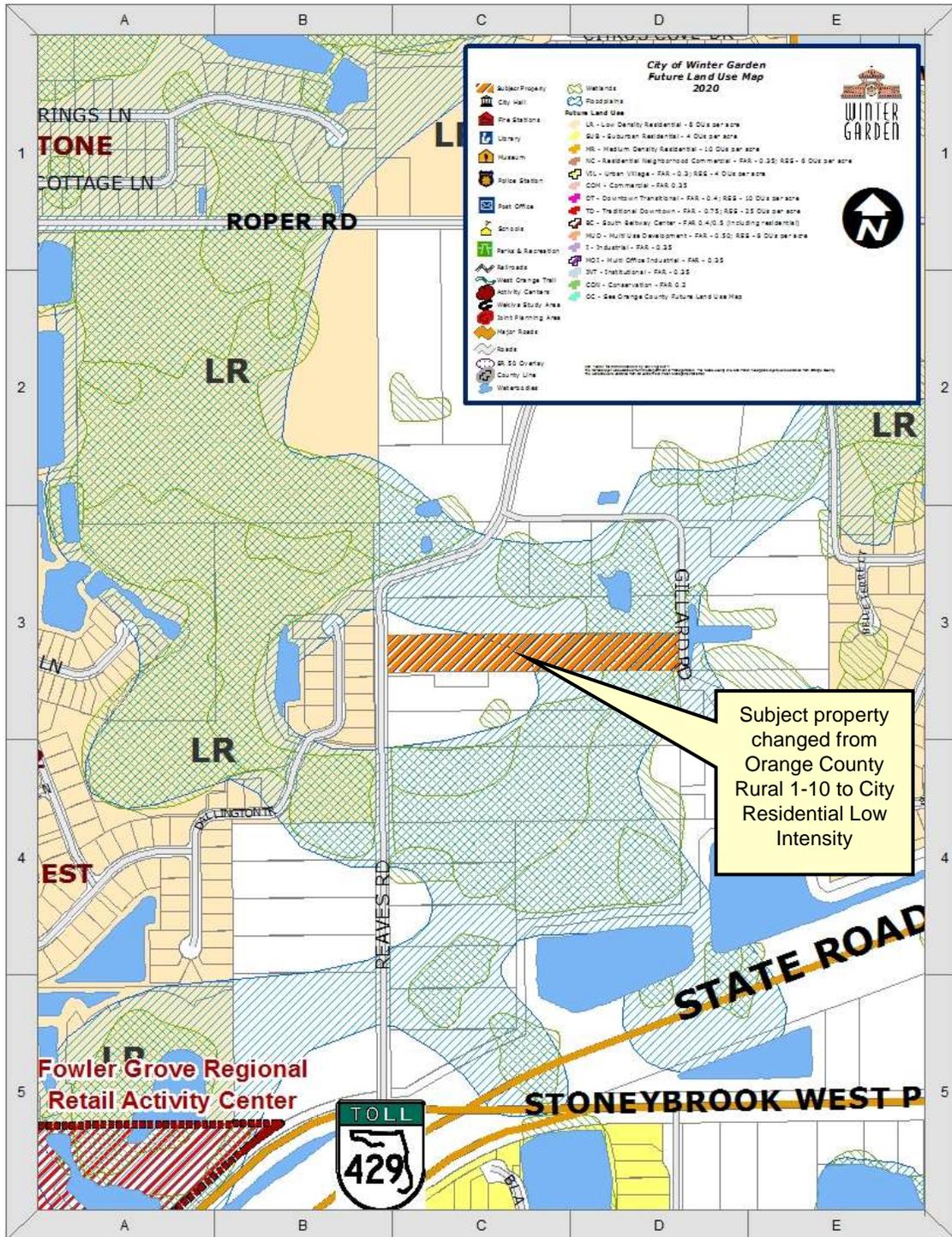
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST, THENCE S00°47'28"E, ALONG THE WEST LINE OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, A DISTANCE OF 285.07 FEET; THENCE N89°13'01"E, PARALLEL TO THE SOUTH LINE OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, A DISTANCE OF 30.00 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF BEULAH ROAD, AND BEING THE POINT OF BEGINNING; THENCE CONTINUE N89°13'01"E AND PARALLEL TO SAID SOUTH LINE OF SECTION 36, A DISTANCE OF 1,301.40 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE S00°36'50"E, PARALLEL TO THE EAST LINE OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 36, A DISTANCE OF 165.00 FEET, TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S89°13'01"W, PARALLEL TO SAID SOUTH LINE OF SECTION 36, A DISTANCE OF 1,301.17 FEET, TO A POINT ON SAID EAST RIGHT OF WAY; THENCE N00°47'28"W, PARALLEL TO SAID WEST LINE OF SECTION 36, A DISTANCE OF 165.00 FEET, TO THE POINT OF BEGINNING.

Containing 214,711.35 Square Feet More or Less 4.93 Acres.

ATTACHMENT "B"

FUTURE LAND USE MAP

13501 W Colonial Drive



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
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 15, 2011
SUBJECT: ANNEXATION - FLU AMENDMENT
13045 REAVES ROAD (4.93 +/- ACRES)
PARCEL ID #: 36-22-27-0000-00-050
APPLICANT: JON & LORI HODGSKIN

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 is located at 13045 Reaves Road and is approximately 4.93 ± 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 Low Density Residential, and to leave the property with the County A-1 Zoning in order to maintain the agricultural exemptions.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes, and churches and schools through a Special Exception Permit. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, 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 2,019 square foot single family home built in 1949, and two barns. The applicant intends to demolish the existing home and construct a new home in the near future.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned A-1 and located in Orange County. The property located to the east is developed with a warehouse and single family house, used as a trucking facility, zoned A-1, and located in Orange County. The property to the south is a single family house, zoned A-1 and located in Orange County. The properties to the west are developed as a single family neighborhood (Stone Crest – Foxcrest), zoned PUD and in the City.

PROPOSED USE

The owner is proposing to annex the property, demo the existing house and construct a new home. Once the new home is built the owner plans to move into the house as their primary residence.

PUBLIC FACILITY ANALYSIS

The property currently has a well and a septic tank. Per the City of Winter Garden Comprehensive plan, all development is required to be connected to the City potable water, and sewer system. At this time there are no water or sewer lines in close proximity and the existing well and septic system will be allowed to remain until there are water and sewer lines available for connection and the existing systems require expansion or replacement, at which time they will be required to tie into the City sewer and water system.

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.

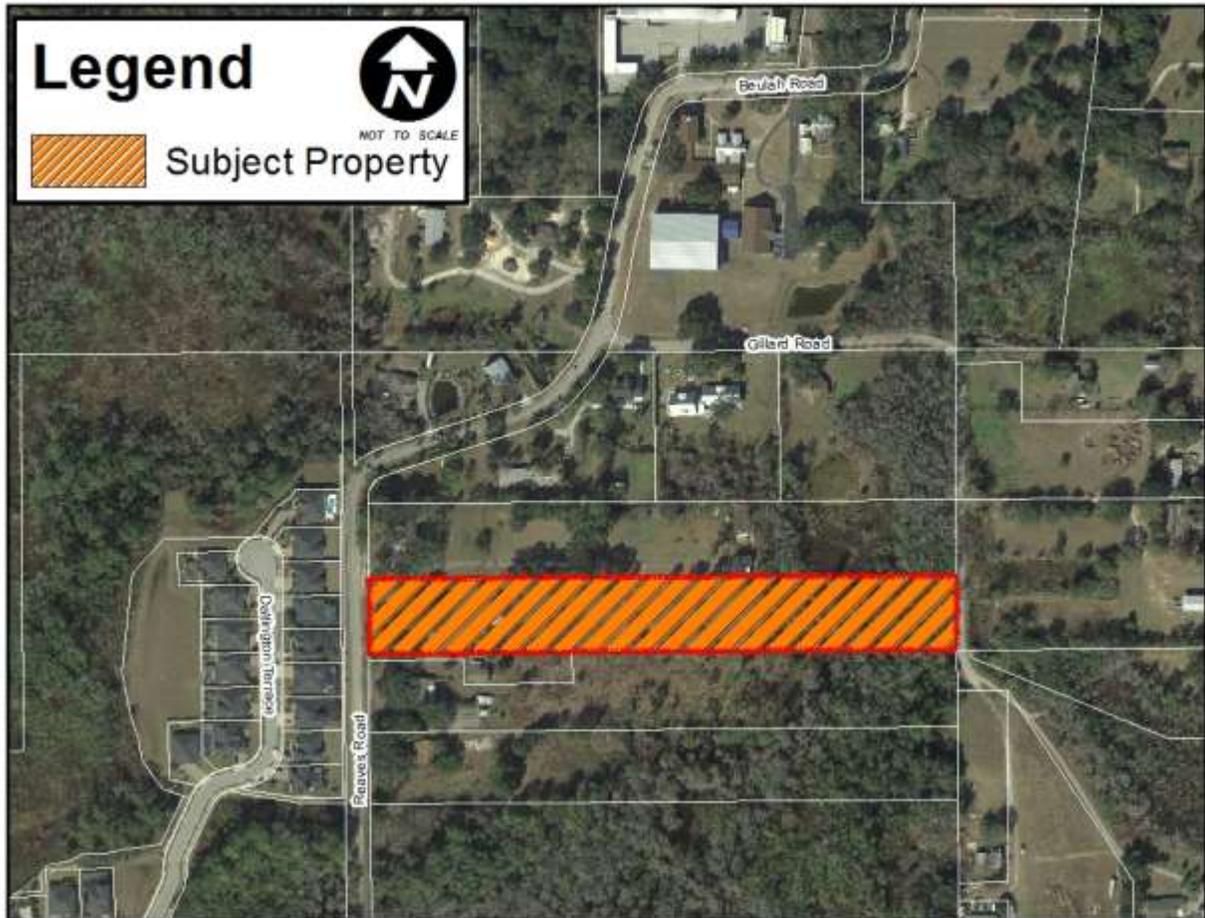
SUMMARY

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 currently developed with a single-family house and the proposed development of a new home will be consistent with the current use of the property and the surrounding area.

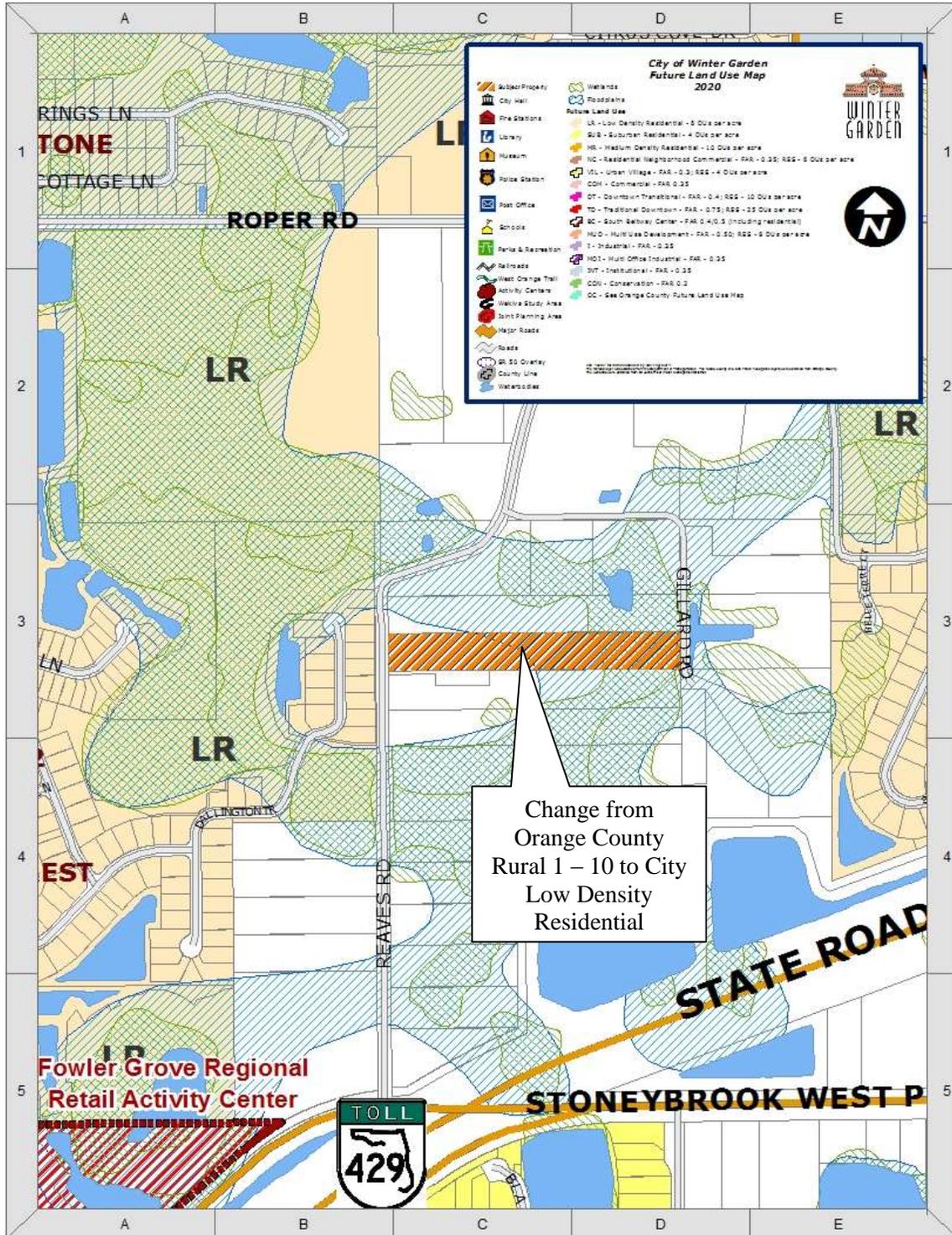
MAPS

AERIAL PHOTO

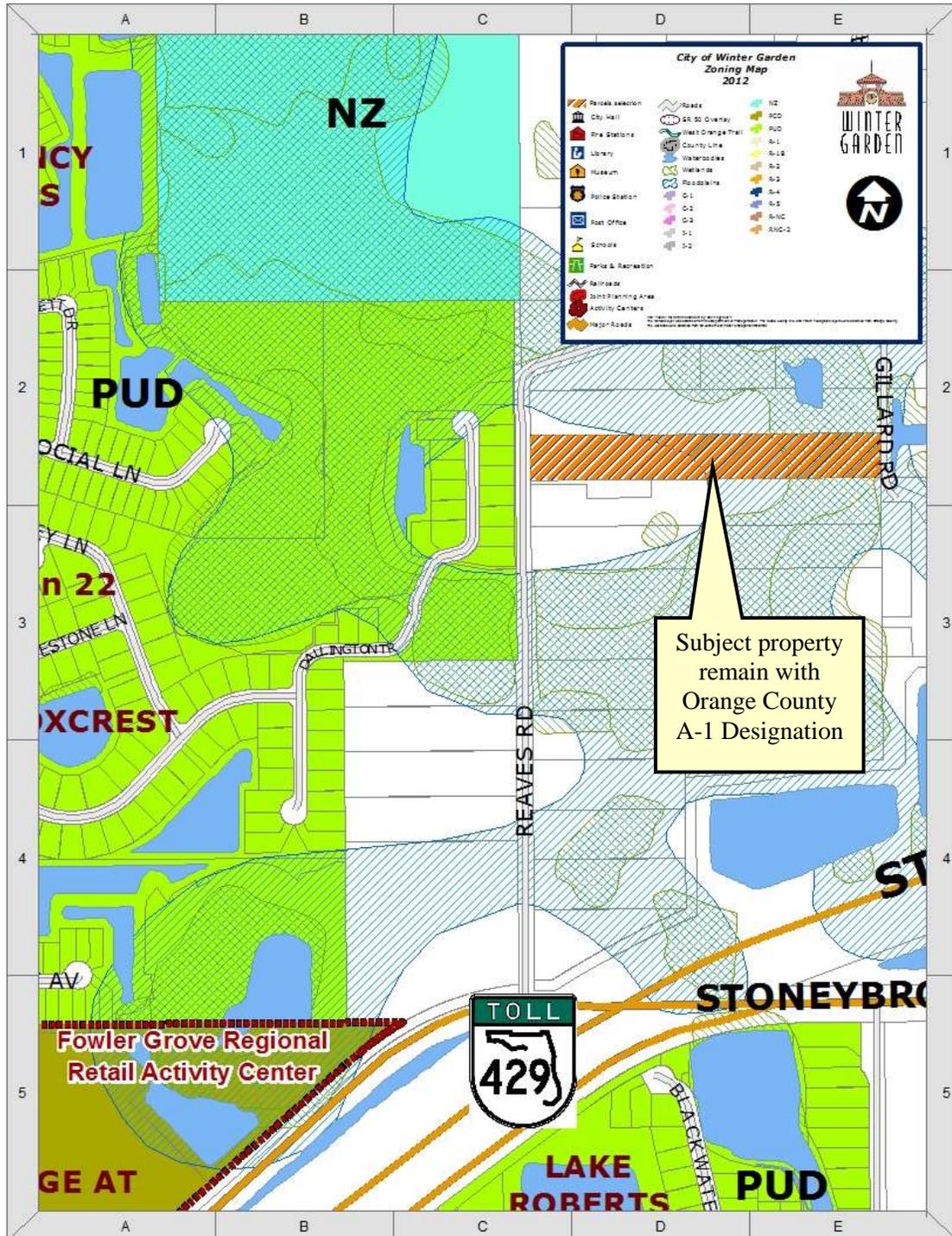
13045 Reaves Road



FUTURE LAND USE MAP
13045 Reaves Road



ZONING MAP
13045 Reaves Road



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: April 3, 2012

Meeting Date: April 12, 2012

Subject: **176 Water Street**
(Fleming - Annexation-Zoning-FLU Amendment)
Ordinance 12-17
Ordinance 12-18
Ordinance 12-19
PARCEL ID # 23-22-27-8104-00-331

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

Discussion:

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

Recommended Action:

Staff recommends approval of Ordinance 12-17, Ordinance 12-18 and Ordinance 12-19, subject to the following conditions:

1. When the property is developed, they will need to aggregate with the property to the south;
2. All access for any future development on this property shall be from State Road 50. No access will be allowed from Walker Street or Water Street;
3. To protect the single family homes to the north, a six foot masonry wall and a minimum ten foot landscape buffer consistent with the requirements of Section 118-1524 Table 3.1.4 will be required on the north property line;

with the second reading and public hearing being scheduled for April 26, 2012.

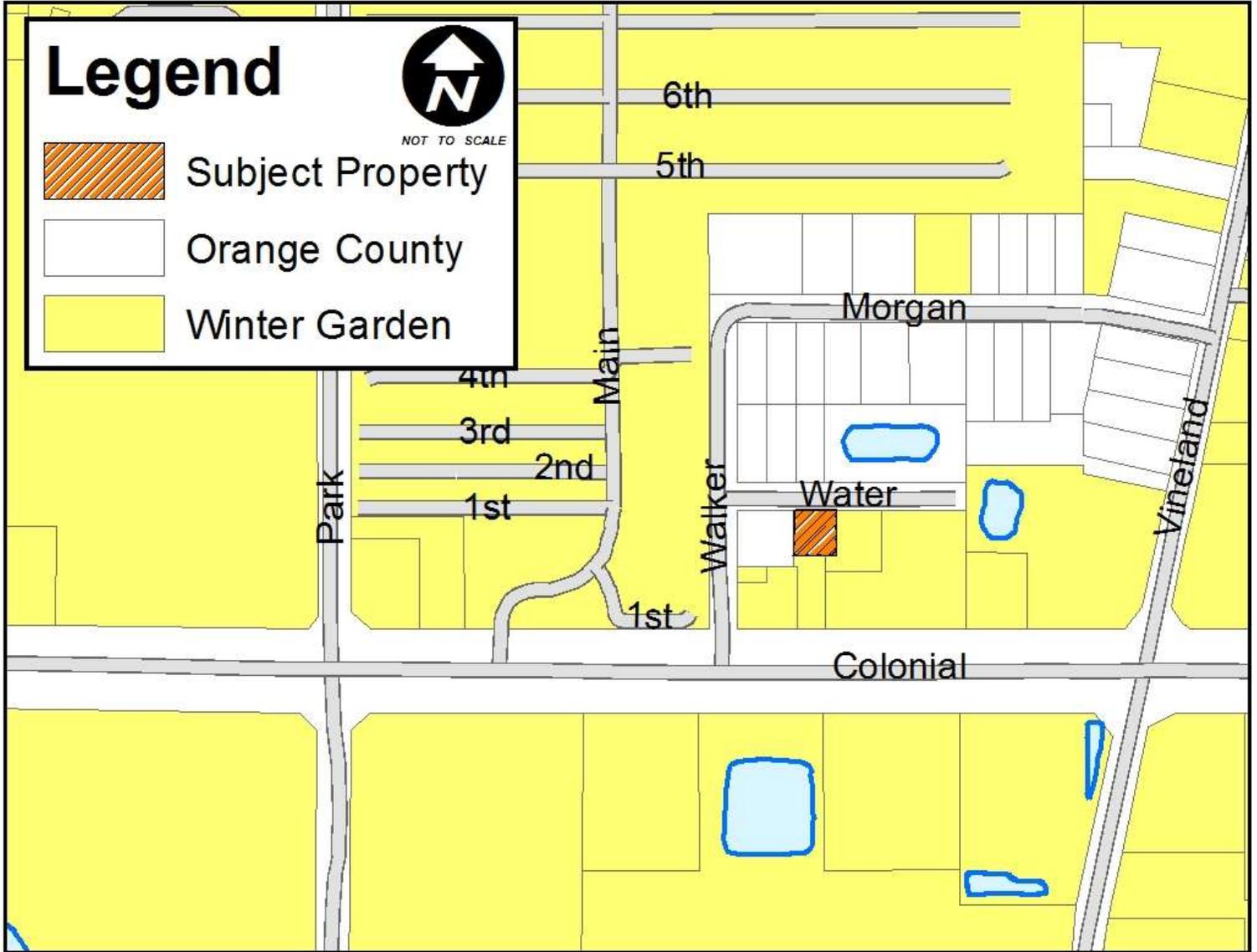
Attachments/References:

Location Map
Ordinance 12-17
Ordinance 12-18
Ordinance 12-19
Staff Report

LOCATION MAP

Ordinance 12-17; 12-18; and 12-19

176 Water Street - 0.14 +/- Acres



ORDINANCE 12-17

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.14 ± ACRES LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER 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 0.14 ± acres located at 176 Water Street; on the south side of Water Street east of Walker 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-341

THE EAST 4 FEET OF THE NORTH 80 FEET OF LOT 34 AND THE NORTH 80 FEET OF LOT 35, ALSO THE WEST 21 FEET OF THE NORTH 80 FEET OF LOT 36, OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED CONTINUE NORTH 89° 51' 45" EAST, ALONG LAST SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE EAST LINE OF SAID WEST 21 FEET OF LOT 36, A DISTANCE OF 80.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF THE NORTH 80 FEET OF SAID LOTS 36, 35, AND 34, A DISTANCE OF 75.00 FEET; THENCE NORTH 00° 05' 31" WEST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.14 ACRES, MORE OR LESS.

ORDINANCE 12-18

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 0.14 ± ACRES OF LAND LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL 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 0.14± acres of land located at 176 Water Street; on the south side of Water Street east of Walker 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 Low Medium Density Residential 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 12-17, 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-341

THE EAST 4 FEET OF THE NORTH 80 FEET OF LOT 34 AND THE NORTH 80 FEET OF LOT 35, ALSO THE WEST 21 FEET OF THE NORTH 80 FEET OF LOT 36, OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET TO THE POINT OF BEGINNING.

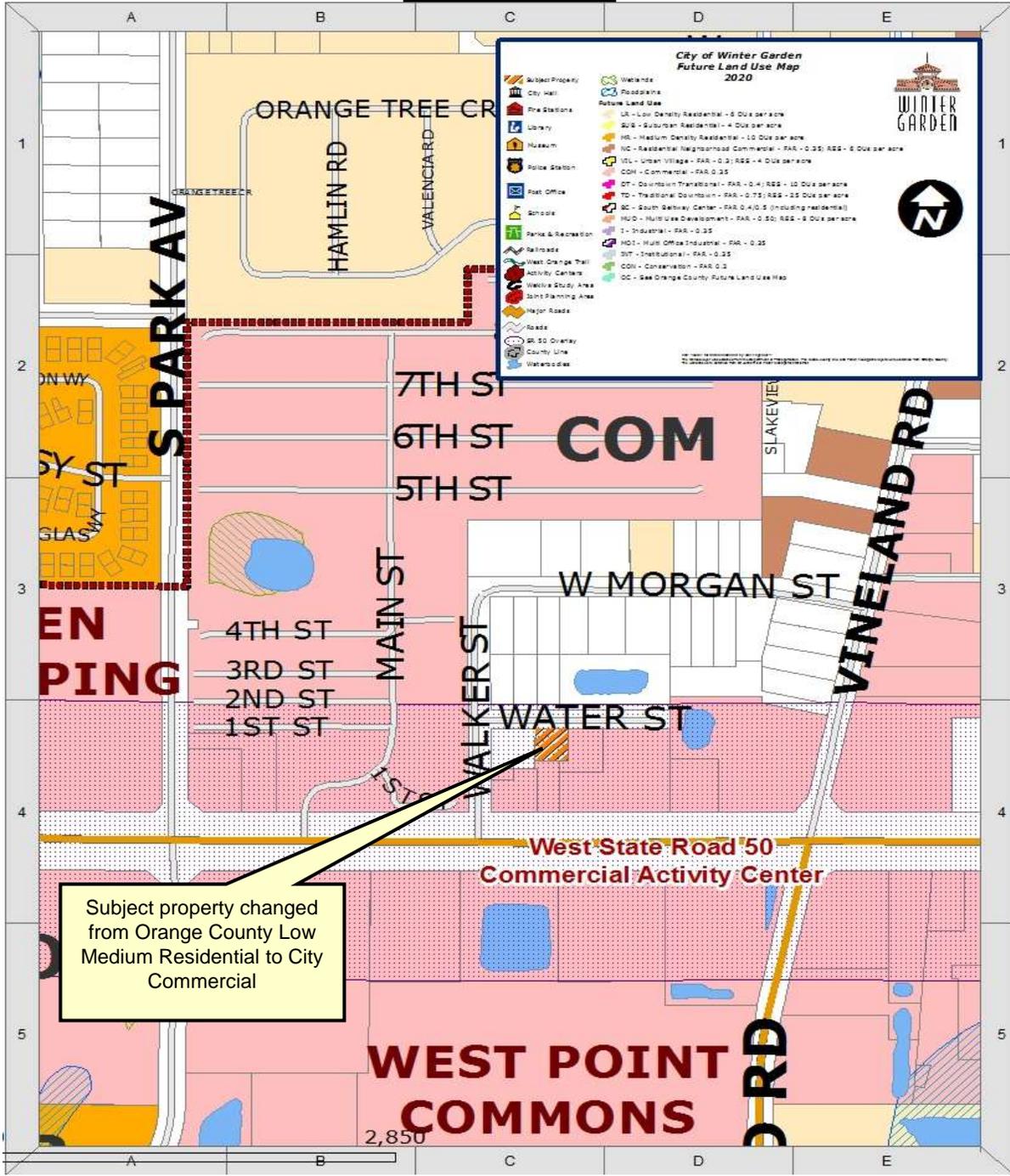
FROM THE POINT OF BEGINNING THUS DESCRIBED CONTINUE NORTH 89° 51' 45" EAST, ALONG LAST SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE EAST LINE OF SAID WEST 21 FEET OF LOT 36, A DISTANCE OF 80.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF THE NORTH 80 FEET OF SAID LOTS 36, 35, AND 34, A DISTANCE OF 75.00 FEET; THENCE NORTH 00° 05' 31" WEST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.14 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

176 Water Street



ORDINANCE 12-19

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.14 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL 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 0.14 ± acres of land located at 176 Water Street; on the south side of Water Street east of Walker , and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential 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 R-2 Residential 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 12-18 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-341

THE EAST 4 FEET OF THE NORTH 80 FEET OF LOT 34 AND THE NORTH 80 FEET OF LOT 35, ALSO THE WEST 21 FEET OF THE NORTH 80 FEET OF LOT 36, OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED CONTINUE NORTH 89° 51' 45" EAST, ALONG LAST SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE EAST LINE OF SAID WEST 21 FEET OF LOT 36, A DISTANCE OF 80.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF THE NORTH 80 FEET OF SAID LOTS 36, 35, AND 34, A DISTANCE OF 75.00 FEET; THENCE NORTH 00° 05' 31" WEST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.14 ACRES, MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

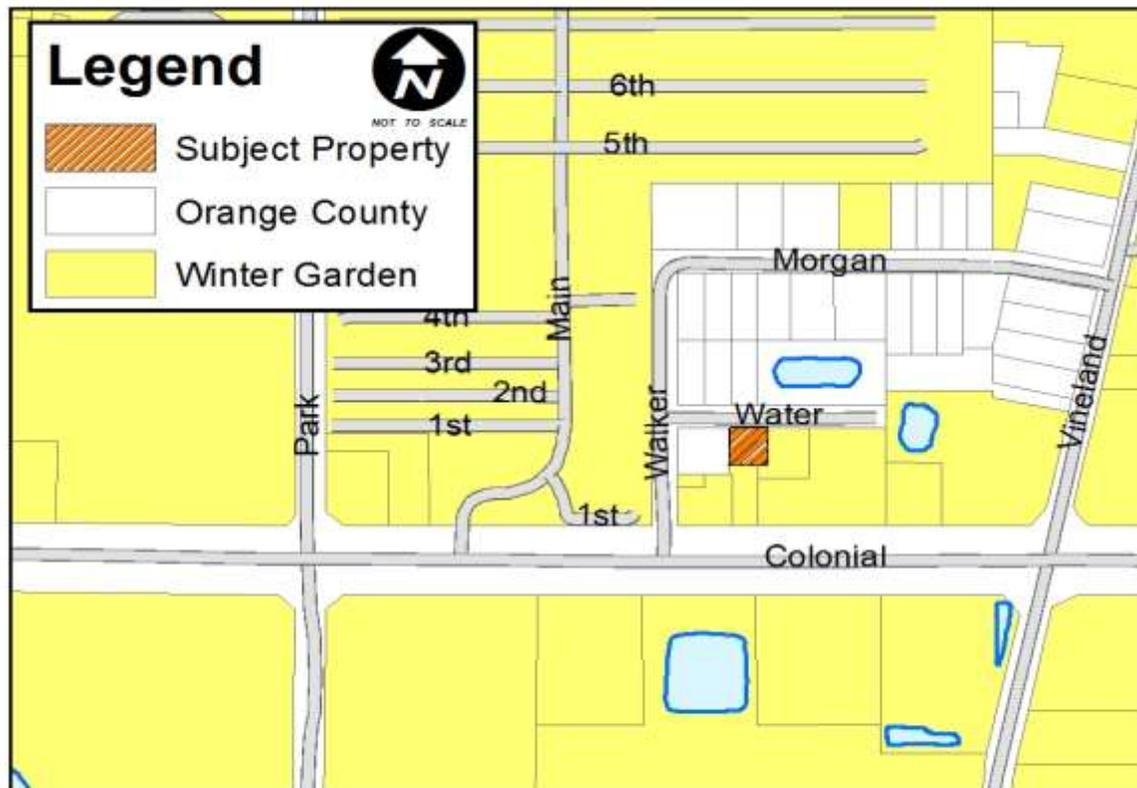
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 15, 2011
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
176 WATER STREET (0.14 +/- ACRES)
PARCEL ID #: 23-22-27-8104-00-341
APPLICANT: BURNESE FLEMMING, ALLEN STEPHENS, & QUEEN FOWLER

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 is located at 176 Water Street and is approximately 0.14 ± 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 Commercial, 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, which are designated Medium Density Residential on the Future Land Use Map and total 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 is currently developed with an 812 square foot single family house.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned R-2 and located in Orange County. The property located to the east is vacant, zoned C-2 and located in the City. The properties to the south are developed as commercial buildings, zoned C-2 and located in the City. The property to the west is developed with a single family house, zoned R-2, located in Orange County, and has also requested annexation into the City of Winter Garden.

PROPOSED USE

The owner is proposing to annex the property for future development. In order to develop the subject site, this property will need to be aggregated with property to the south. Staff will require aggregating these properties so that access to the site will only occur from State Road 50. Access will only be allowed from State Road 50 to help limit the impact of commercial development next to the single family homes on the north side of Water Street. Current access is to Water Street which would not be appropriate for commercial development. Due to the close proximity of single family homes, the development will also require additional buffering along the north property line.

PUBLIC FACILITY ANALYSIS

The City will provide water, sewer, 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

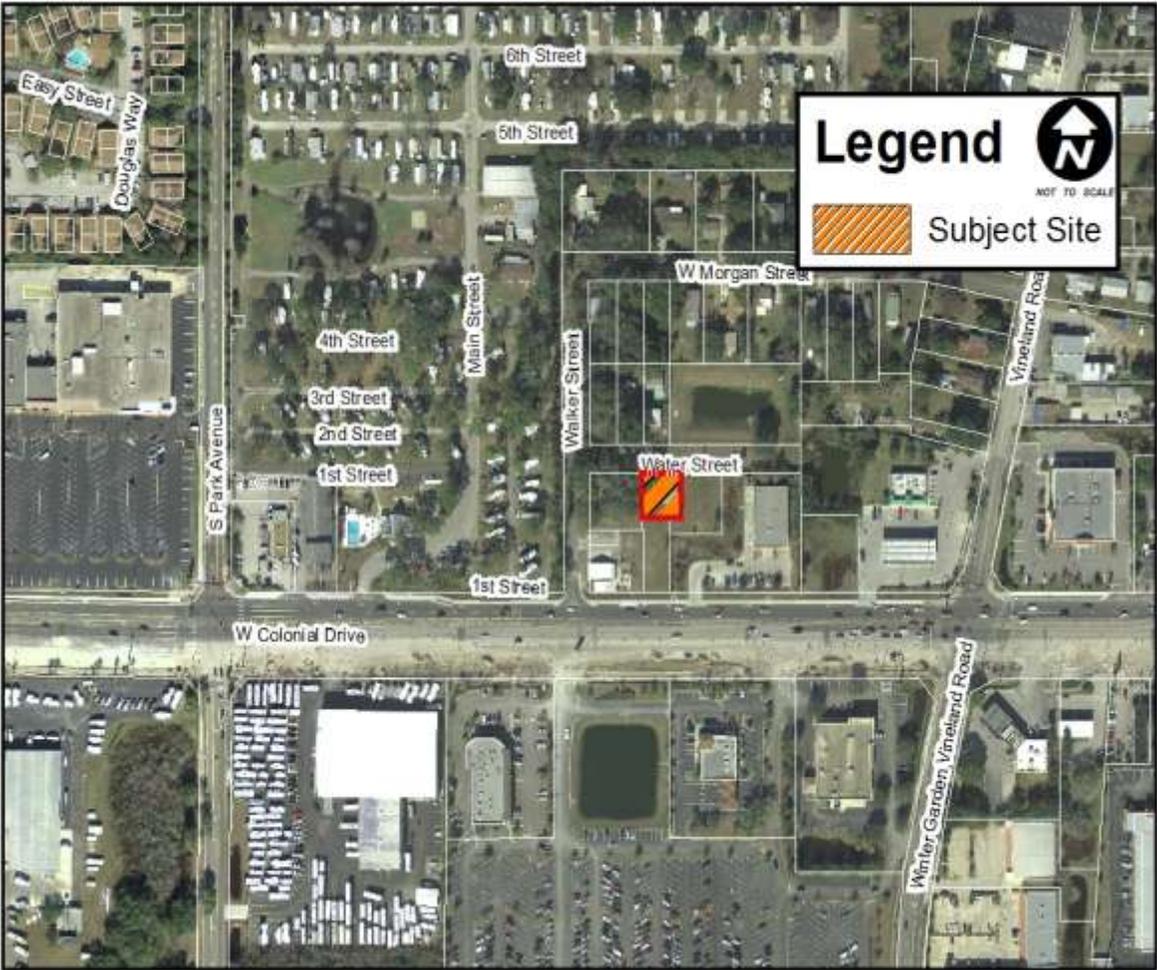
City Staff recommends approval of the proposed Ordinances, subject to the following conditions:

1. When the property is developed, they will need to aggregate with the property to the south.
2. All access for any future development on this property shall be from State Road 50. No access will be allowed from Water Street.
3. To protect the single family homes to the north, a six foot masonry wall and a minimum ten foot wide landscape easement consistent with the requirements of section 118-1524 table 3.1.4 will be required on the north property line.

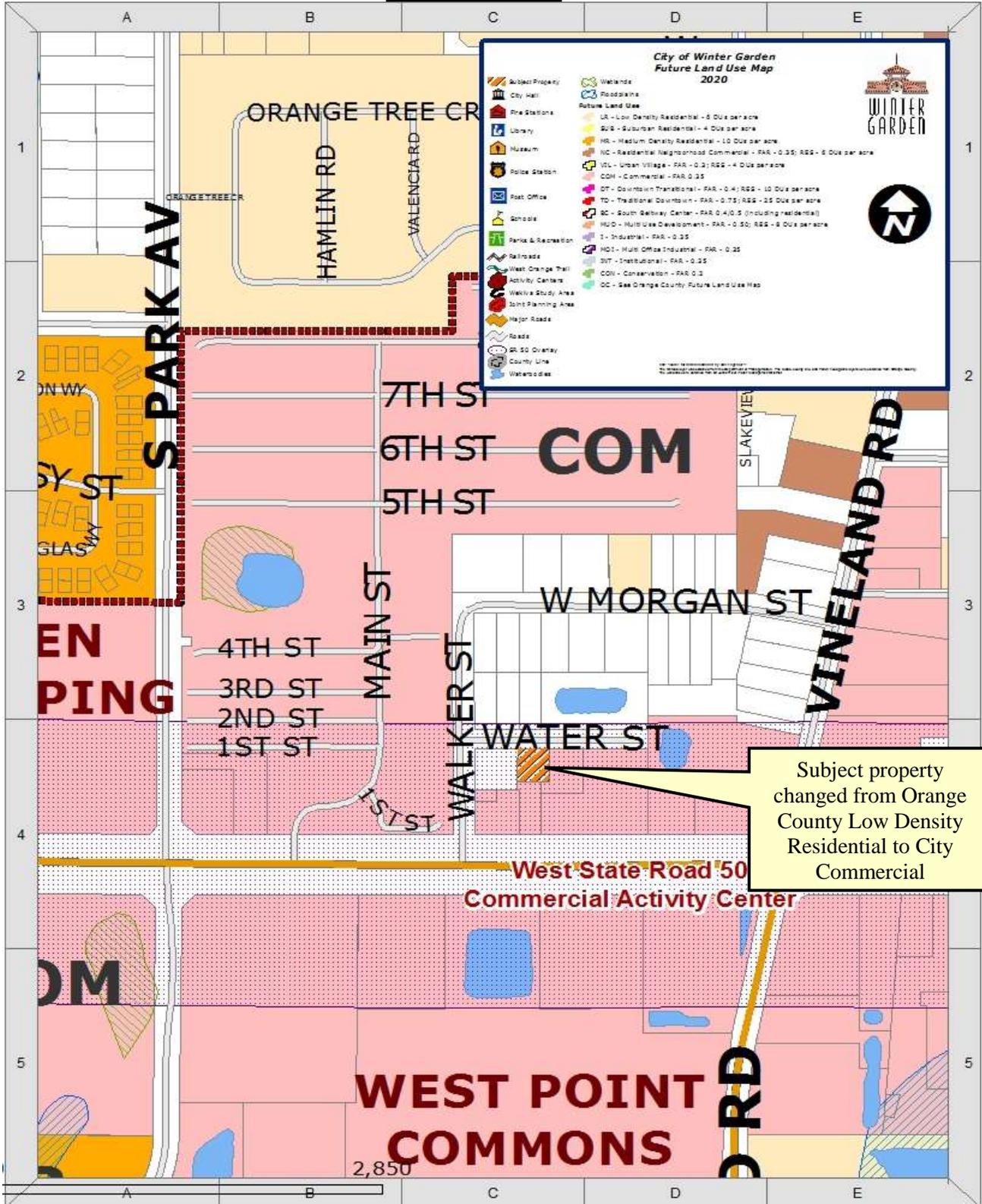
MAPS

AERIAL PHOTO

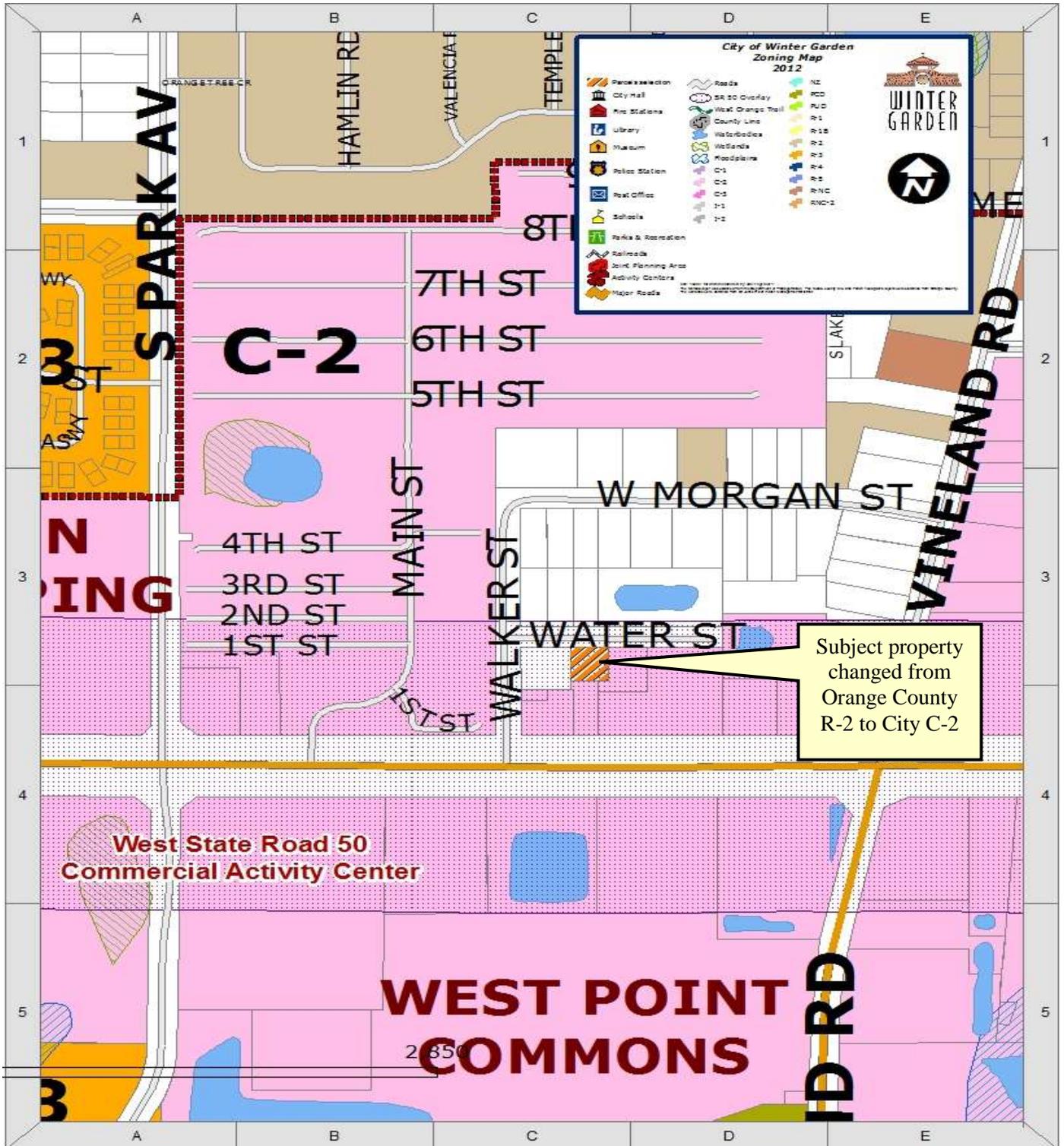
176 Water Street



FUTURE LAND USE MAP
176 Water Street



ZONING MAP
176 Water Street



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: April 3, 2012

Meeting Date: April 12, 2012

Subject: **1089 Walker Street**
(Bori - Annexation-Zoning-FLU Amendment)
Ordinance 12-20
Ordinance 12-21
Ordinance 12-22
PARCEL ID # 23-22-27-8104-00-331

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

Discussion:

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

Recommended Action:

Staff recommends approval of Ordinance 12-20, Ordinance 12-21 and Ordinance 12-22, subject to the following conditions:

1. When the property is developed, they will need to aggregate with the property to the south;
2. All access for any future development on this property shall be from State Road 50. No access will be allowed from Walker Street or Water Street;
3. To protect the single family homes to the north, a six foot masonry wall and a minimum ten foot landscape buffer consistent with the requirements of Section 118-1524 Table 3.1.4 will be required on the north property line;

with the second reading and public hearing being scheduled for April 26, 2012.

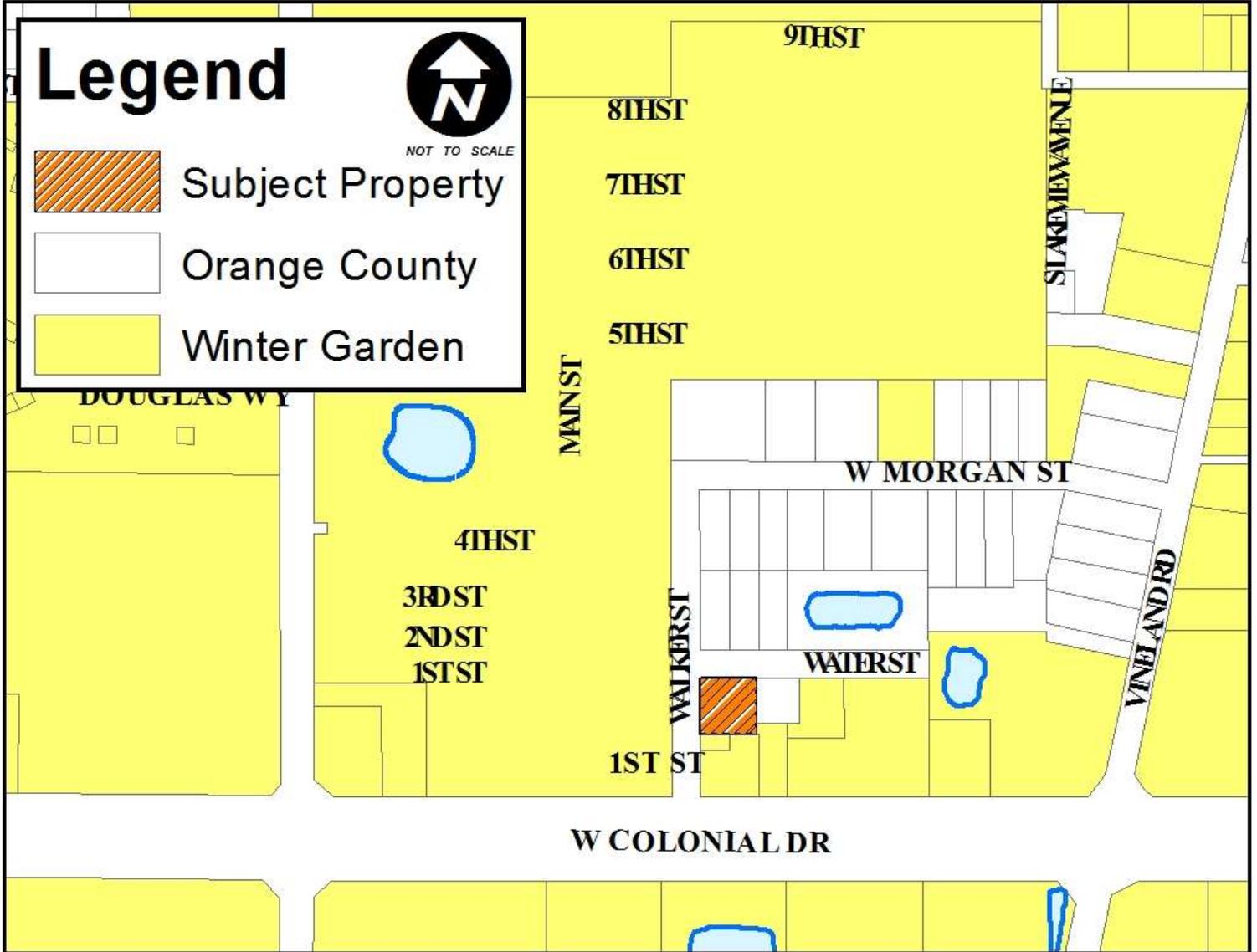
Attachments/References:

Location Map
Ordinance 12-20
Ordinance 12-21
Ordinance 12-22
Staff Report

LOCATION MAP

Ordinance 12-20; 12-21; and 12-22

1089 Walker Street - 0.23 +/- Acres



ORDINANCE 12-20

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER 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 0.23 ± acres located at the southeast corner of Walker Street and Water 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-331

THE NORTH 100 FEET OF LOT 33 AND THE NORTH 100 FEET OF LOT 34 (LESS THE EAST 4 FEET OF SAID LOT 34), OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF SAID NORTH 100 FEET OF LOTS 34 AND 33, A DISTANCE OF 101.56 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF WALKER STREET; THENCE NORTH 00° 05' 31" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRES, MORE OR LESS.

ORDINANCE 12-21

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 0.23 ± ACRES OF LAND LOCATED AT THE SOUTH EAST CORNER OF WALKER STREET AND WATER STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL 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 0.23± acres of land located at the south east corner of Walker Street and Water 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 Low Medium Residential 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 12-20, 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-331

THE NORTH 100 FEET OF LOT 33 AND THE NORTH 100 FEET OF LOT 34 (LESS THE EAST 4 FEET OF SAID LOT 34), OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

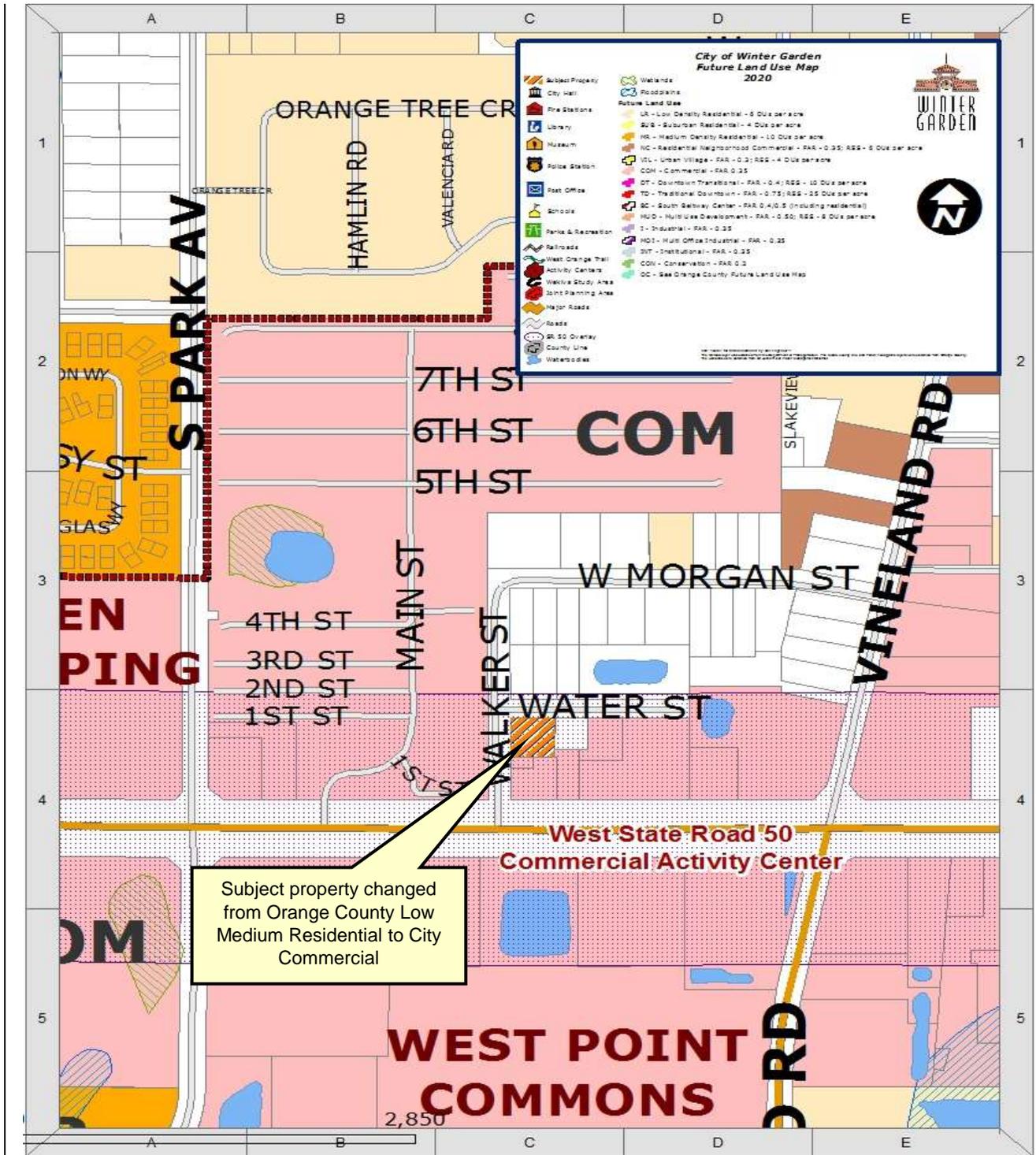
FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF SAID NORTH 100 FEET OF LOTS 34 AND 33, A DISTANCE OF 101.56 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF WALKER STREET; THENCE NORTH 00° 05' 31" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

1089 Walker Street



ORDINANCE 12-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.23 ± acres of land located at the southeast corner of Walker Street and Water Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential 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 R-2 Residential 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 12-21 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-331

THE NORTH 100 FEET OF LOT 33 AND THE NORTH 100 FEET OF LOT 34 (LESS THE EAST 4 FEET OF SAID LOT 34), OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF SAID NORTH 100 FEET OF LOTS 34 AND 33, A DISTANCE OF 101.56 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF WALKER STREET; THENCE NORTH 00° 05' 31" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 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
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 15, 2011
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
1089 WALKER STREET (0.23 +/- ACRES)
PARCEL ID #: 23-22-27-8104-00-331
APPLICANT: GEORGE L. & MARIA P. BORI

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 is located at 1089 Walker Street and is approximately 0.23 ± 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 Commercial, 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 which are designated Medium Density Residential on the Future Land Use Map and total 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 1,936 square foot single family home.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned R-2 and located in Orange County. The property located to the east is developed with a single family house, zoned R-2, located in Orange County, and has also requested annexation into the City of Winter Garden. The properties to the south are developed as commercial buildings, zoned C-2 in the City. The property to the west is the Orlando Winter Garden RV Resort, zoned C-2 in the City.

PROPOSED USE

The owner is proposing to annex the property for future development. In order to develop the subject site, this property will need to be aggregated with the property to the south. Staff will require aggregating these properties so that access to the site will occur only from State Road 50. Access will only be allowed from State Road 50 to help limit the impact of commercial development next to the single family homes on the north side of Water Street. Current access is to Walker Street, which would not be appropriate for commercial access. Due to the close proximity of single family homes, the development will also require additional buffering along the north property line.

PUBLIC FACILITY ANALYSIS

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, subject to the following conditions:

1. When the property is developed, they will need to aggregate with the property to the south.
2. All access for any future development on this property shall be from State Road 50. No access will be allowed from Walker Street or Water Street.
3. To protect the single family homes to the north, a six foot masonry wall and a minimum 10 foot wide landscape easement consistent with the requirements of Section 118-1524 table 3.1.4 will be required on the north property line.

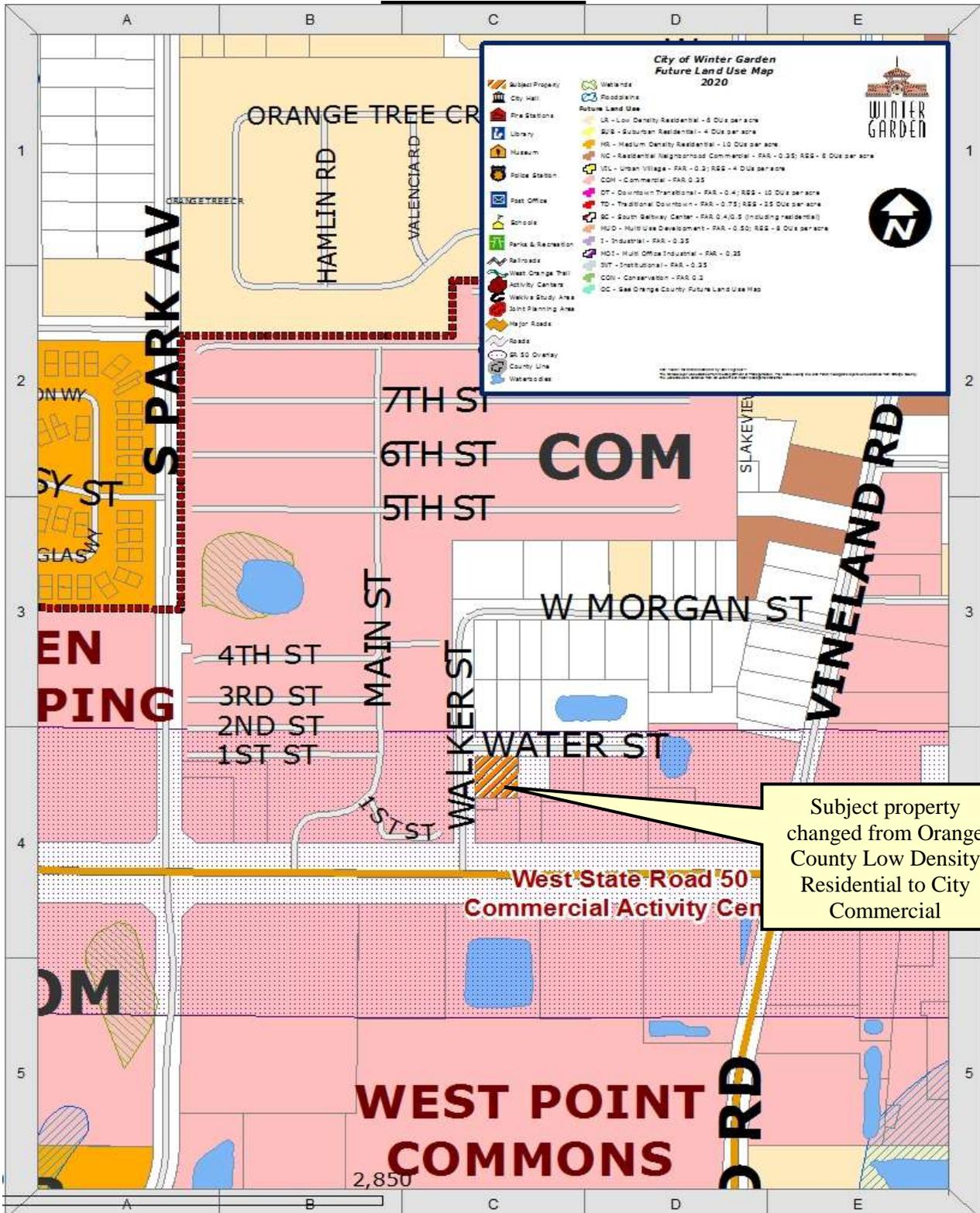
MAPS

AERIAL PHOTO

1089 Walker Street



FUTURE LAND USE MAP
1089 Walker Street



Subject property changed from Orange County Low Density Residential to City Commercial

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: **April 3, 2012** **Meeting Date: April 12, 2012**

Subject: Extension of Site Plan Approval
12520 Warrior Road (Westside Family Worship Center)
PARCEL ID # 25-22-27-0000-00-079

Issue: Applicant requests an extension of site plan approval for property located at 12520 Warrior Road.

Discussion:

Site plan approval for construction of an 8,000 square foot church for 200 person capacity, associated parking and landscaping on the property located at 12520 Warrior Road was granted by City Commission on February 12, 2009. The subject property was granted a two year extension to the expiration date of the site plan in accordance with Senate Bill 1752, extending the expiration date to February 12, 2012. The site plan approved February 12, 2009 was completed in accordance with the conditions of approval of a Special Exception Permit for a church on R-1 zoned property which was originally granted on February 3, 2003 (expired February 3, 2004) and granted again on April 2, 2007 by the Planning & Zoning Board (received 1 year extension from Planning & Zoning Board on March 3, 2008 and expired on April 2, 2009). The Planning & Zoning Board granted a new Special Exception permit for the church at their meeting on April 2, 2012.

Recommended Action:

The Development Review Committee has reviewed the site plan and recommends approval of an extension of the site plan approval for 12520 Warrior Road for a period of one (1) year, to expire no later than February 12, 2013, with all conditions established in the attached memorandum from the Development Review Committee dated April 2, 2012.

Attachments/References:

Location Map
Site Plan
Memorandum from Development Review Committee dated April 2, 2012

LOCATION MAP

Westside Family Worship Center
12520 Warrior Road



CITY OF WINTER GARDEN

Development Review Committee

300 West Plant Street - Winter Garden, Florida 34787-3011

(407) 656-4111 - FAX (407) 877-2363

MEMORANDUM

TO: CITY COMMISSION
MIKE BOLLHOEFER, CITY MANAGER

FROM: DEVELOPMENT REVIEW COMMITTEE

DATE: APRIL 2, 2012

SUBJECT: WESTSIDE FAMILY WORSHIP CENTER CHURCH
12520 WARRIOR ROAD- SITE PLAN APPROVAL EXTENSION

The Development Review Committee has reviewed the request for a one (1) year extension of the expiration date of site plan approval property located at 12520 Warrior Road. We recommend approval of the one (1) year extension of expiration date subject to the following conditions:

1. This property was granted a Special Exception Permit (SEP) on February 3, 2003 and again on April 2, 2007 by the Planning & Zoning Board. Planning & Zoning Board granted a one (1) year extension of the expiration date of the SEP on March 3, 2008 which extended the expiration date to April 2, 2009. The Planning & Zoning Board granted a new Special Exception Permit for the property on April 2, 2012.
2. The applicant received site plan approval from the City Commission on February 12, 2009. A two year extension to the site plan expiration date was granted in accordance with Senate Bill 1752, prolonging the expiration date to February 12, 2012.
3. Granting of this Special Exception Permit for a church does not allow for operation of a mission (i.e. daily food and clothing distribution to patrons) or for overnight residency as permitted uses.
4. The church must be designed to the standards and requirements of the new Florida Building Code 2010, and submitted with appropriate application and fees for review.
5. The site lighting plan shall be required to meet dark skies requirements as specified in Sections 118-1536, 118-1537, and 118-1538 of Article X, Division 4 of the City of Winter Garden Code of Ordinances.
6. Proper landscaping and/or screening must be provided on the north and east side of the property, the screening shall ensure that the four (4) homes which adjoin the property on the east side are not visible from the church.

7. The east side of the church building shall be upgraded from metal construction or have façade treatments applied to the metal building to provide the aesthetic of a finished façade.
8. All work downstream of the POS shall be performed by a licensed fire sprinkler contractor (as noted on the plans).
9. All dumpsters shall be enclosed and shall provide 10' minimum inside clearance (each way inclusive of dollars).
10. All on-site utilities shall be privately owned and maintained, as noted on the plans.
11. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time. Separate irrigation meter shown at R/W line will be acceptable.
12. Stormwater permit approval by St. Johns River Water Management District shall be provided prior to issuance of site or building permit. Permits or exemptions shall also be required from FDEP for water and sewer and FDEP NPDES NOI.
13. Pursuant to the City's Code, on-site and street lighting shall be provided. Coordinate with City Staff to ensure that all provisions are met. Based on information provided by the Applicant, Progress Energy is designing the street lighting for the project.
14. 100% of all water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
15. This review is for Phase I only. Additional phases shall require subsequent Special Exception Permit and Site Plan approval.

STANDARD GENERAL CONDITIONS

16. All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances including but, not limited to, commercial driveway requirements, parking, signage, and fences.
17. 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 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.
18. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. 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 will not be responsible and any corrective measures required will be the responsibility of the Owner. 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.

19. The owner and Contractor are responsible for meeting all provisions of ADA and Florida Accessibility Code.

20. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.

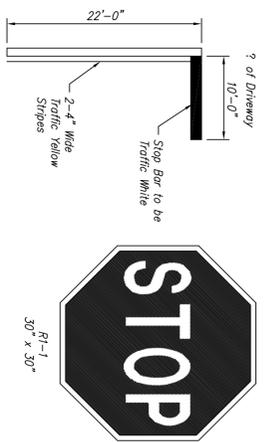
21. A separate tree removal permit is required to remove any trees. Coordinate with Building Department.

22. Approval by the City Commission (site plan) will be required prior to issuance of site or building permit(s).

23. 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 site or building permit.

Please review this information and contact our office if you have any questions. Thank you.

END OF MEMORANDUM



Conservation Area
NO Dumping Allowed

"No dumping, hand-dumping, or other disturbance to soils or vegetation permitted beyond this point."

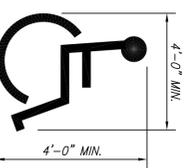
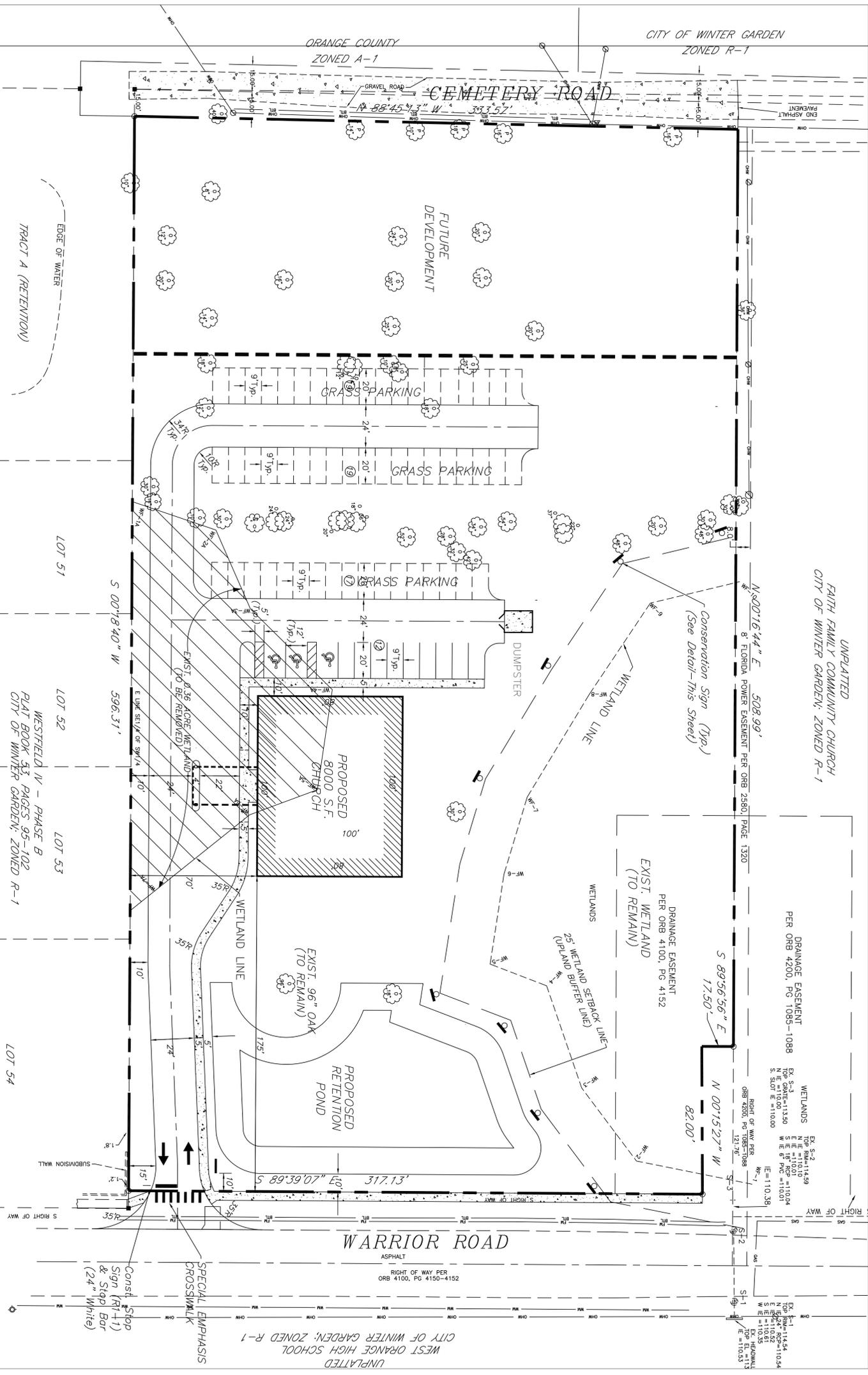
Above typical sign shall be placed on the forward edge of the Guard Barrier (not in the path of sight points) and shall be 12 inches by 12 inches minimum and at least 24 inches above grade.

CONSERVATION SIGN DETAIL
N.T.S.

NOTE: ALL LANDSCAPING AND SITE WALLS OR ANY OTHER INCIDENTAL ITEMS SHALL MEET THE SITE DISTANCE REQUIREMENTS OF FDOT INDEX 546 AND 544.

NOTES

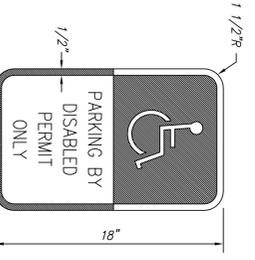
1. ALL SIGNAGE, PAVEMENT MARKINGS, AND STRIPING SHALL CONFORM TO FDOT INDEX # 17346.
2. ALL DISTURBED AREAS WITHIN FOOT & ORANGE COUNTY RIGHT OF WAY SHALL BE REGRADDED AND RESEDED WITH ARGENTINE BAHIA SOO.
3. ALL PIPES, STRUCTURES, AND OTHER CONSTRUCTION WITHIN FOOT & ORANGE COUNTY RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH APPLICABLE FDOT ROADWAY DESIGN STANDARDS AND SPECIFICATIONS.
4. REDEFINING/RESHAPE THE SMALE AND SOD IN THOSE AREAS WHERE SMALE DOES NOT EXIST OR IS BUSTED.



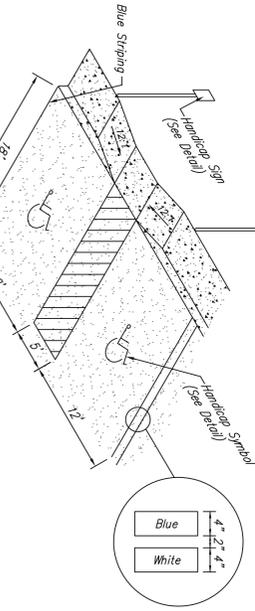
HANDICAPPED PARKING

NOTES

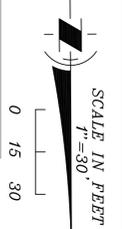
1. ALL LETTERS ARE 1" SERIES "C"
2. TOP PORTION OF SIGN SHALL HAVE A REFLECTORIZED BLUE BACKGROUND WITH WHITE REFLECTORIZED LEGEND & BORDER
3. BOTTOM PORTION OF SIGN SHALL HAVE A REFLECTORIZED WHITE BACKGROUND WITH BLACK OPACID LEGEND & BORDER
4. ONE (1) HANDICAP SIGN REQUIRED FOR EACH HANDICAP PARKING SPACE
5. PER F.D.O.T. - INDEX NO. 17355
6. PROVIDE MOUNTED SIGN AT EACH HANDICAPPED PARKING SPACE (SEE PLAN FOR LOCATIONS). SETON NAME PLATE COMP. SIZE 12" x 18" EMBOSSED STEEL OR EQUAL
7. PAINT SYMBOL & LETTERING ON PAVEMENT WITH THERMO PLASTIC PAINT.



HANDICAP SYMBOL & SIGN
N.T.S.



HANDICAP RAMP DETAIL
N.T.S.



NO.	DATE	REVISIONS
1	12-22-08	REVISED AS PER 12-05 WGORC COMMENTS
2	12-22-08	REDUCED GRASS PARKING IN SW CORNER

OVERALL & GEOMETRY PLAN
FOR
WEST SIDE FAMILY WORSHIP CENTER

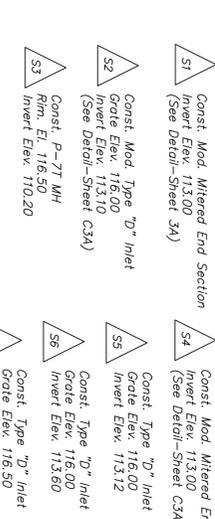
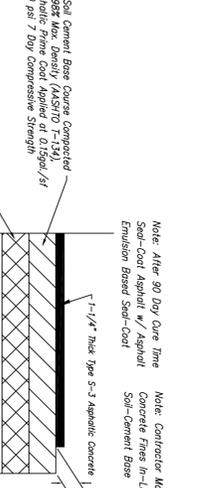
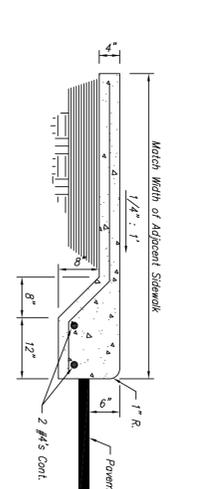
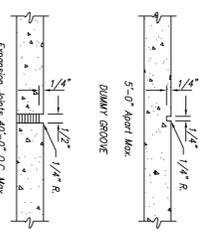
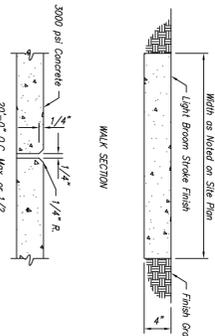
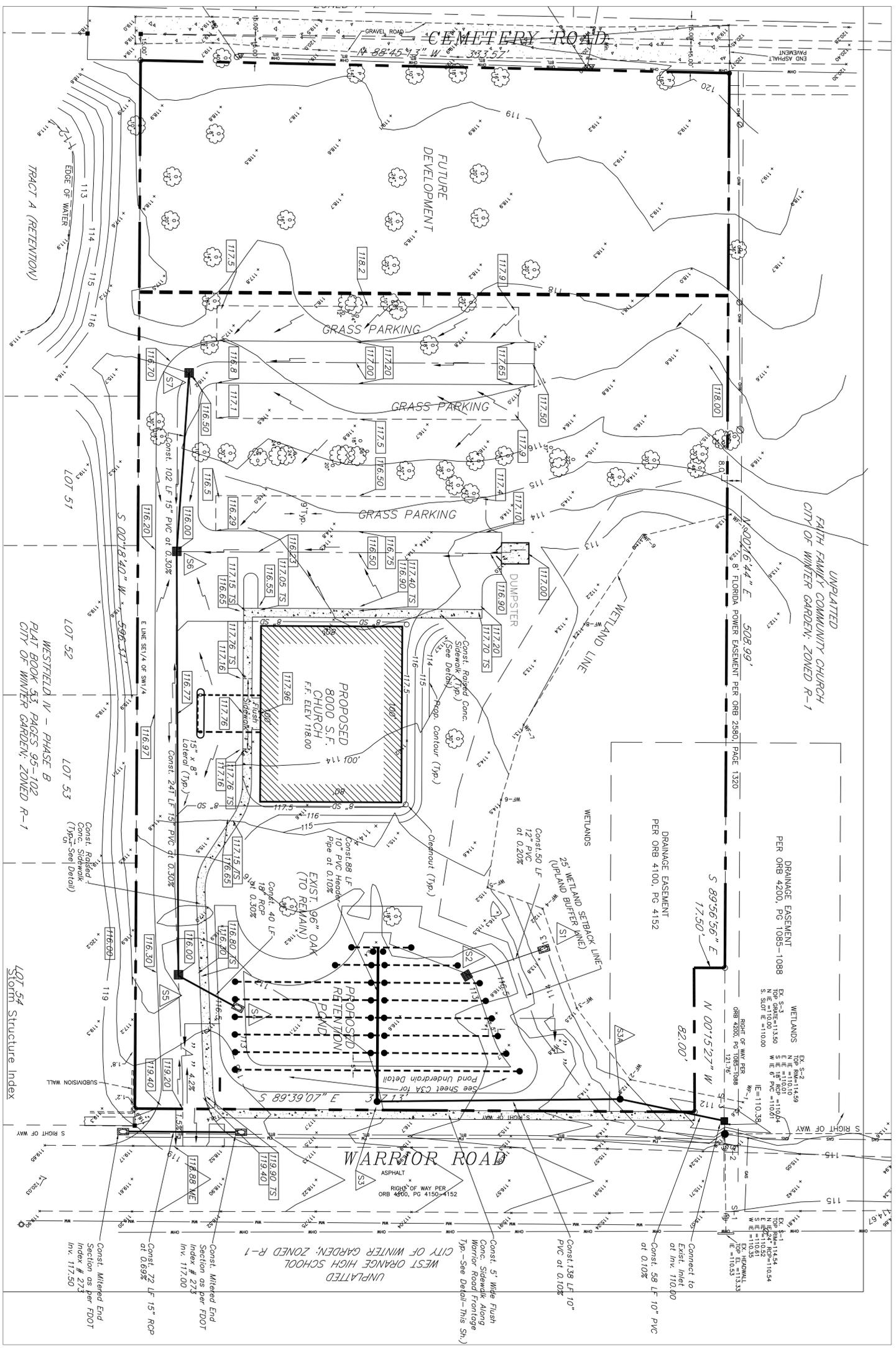
KIRBY ENGINEERING, L.L.C.
JOHN R. KIRBY, P.E.
407-877-9400

DESIGNED	JK
DRAWN	JK
DATE	10/29/08
SHEET	C2

LEGEND	
Prop. Concrete Slabwalk	
No. of Parking Spaces	
Conservation Sign	

PAVING, GRADING, AND DRAINAGE CONSTRUCTION NOTES

- UNLESS OTHERWISE NOTED, GENERAL PAVING & STORM CONSTRUCTION TO BE IN ACCORDANCE WITH FOOT STANDARDS & SPES. STANDARDS, 1991 EDITION & FOOT ROADWAY & DESIGN TRAFFIC STANDARDS, 1994 FOR ROAD & BRIDGE EDITION. SAID STANDARDS SPECIFICALLY INCLUDE:
 - INDEX # 102 - PROTECTION AROUND INLETS OR SIMILAR STRUCTURES
 - INDEX # 200 - TYPE "P" BOTTOMS
 - INDEX # 201 - SUPPLEMENTARY DETAILS FOR MANHOLES & INLETS
 - INDEX # 232 - TYPE "D" INLETS
 - INDEX # 273 - "SIDE DRAIN MITERED END SECTIONS"
 - INDEX # 304 - CURB CUT RAMPS
 - INDEX # 310 - SIDEWALKS
- EROSION AND WATER POLLUTION CONTROL TO BE PROVIDED IN ACCORDANCE WITH FOOT STANDARD INDEX NUMBER 102
- CONTRACTOR TO ENSURE POSITIVE DRAINAGE OF ALL PAVEMENT AREAS TO INLETS AS INDICATED
- CONTRACTOR TO ABIDE BY THE REQUIREMENTS SET FORTH IN SJRWMD STORMWATER PERMIT NO. _____
- NOTE: 8" SD = ROOF DRAIN HEADER WHICH IS TO BE DR 26 AT 1.00% MIN. SLOPE. SEE ARCH. DWGS. FOR CONTINUATION TO ROOF DOWNSPOUTS.
- NOTE: PVC STORM PIPE TO BE DR 26

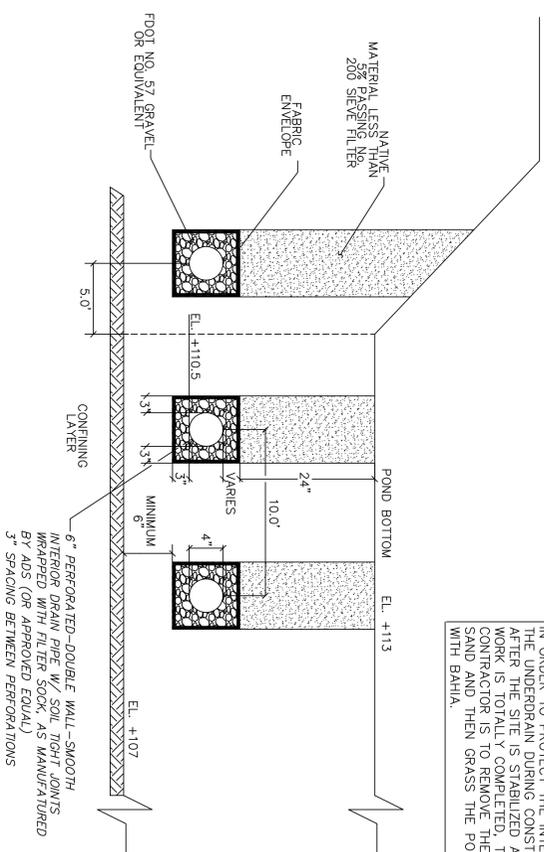
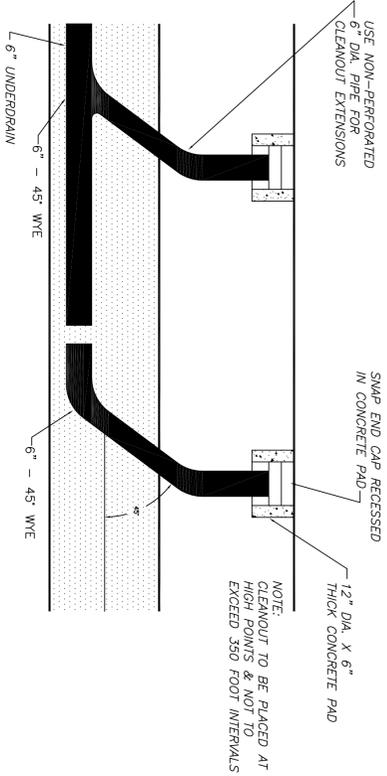
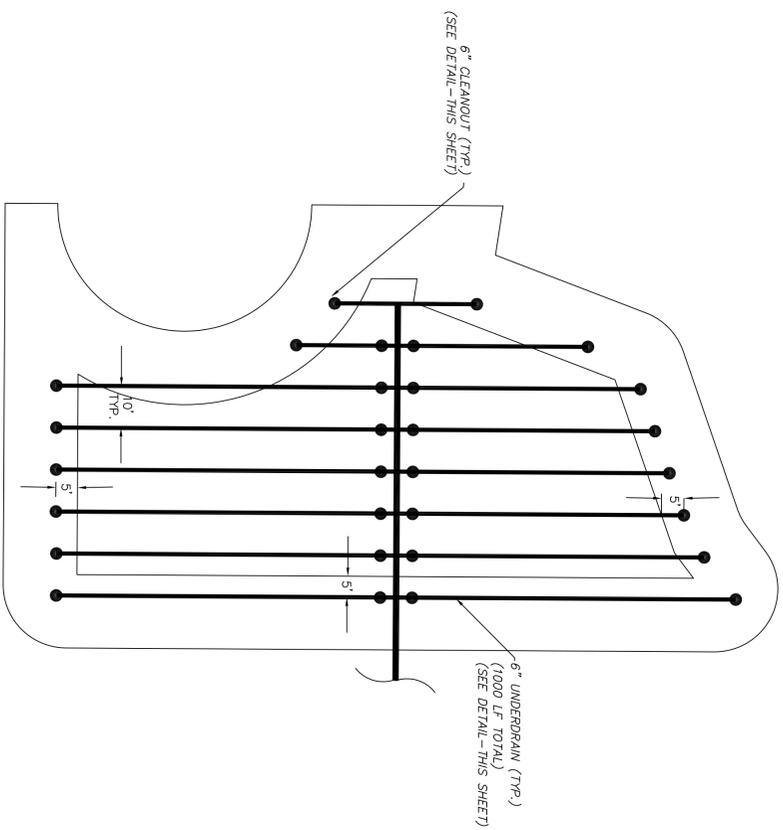
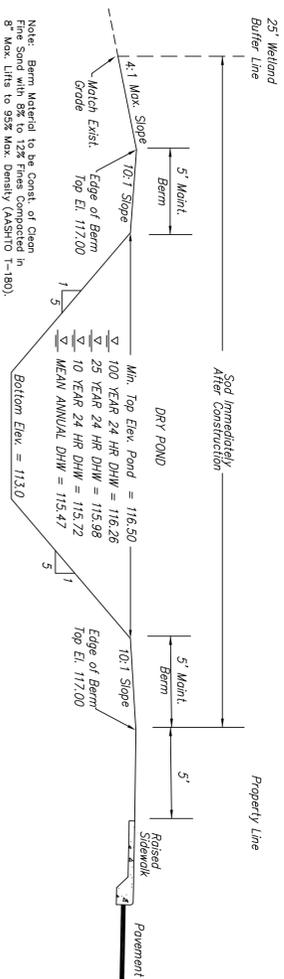
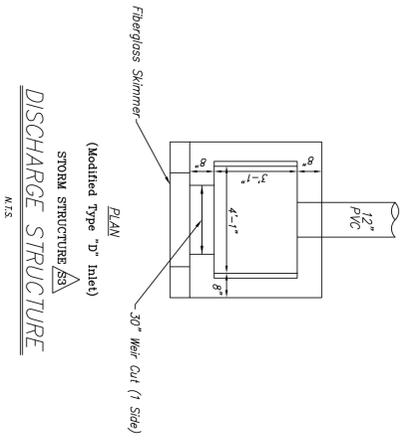
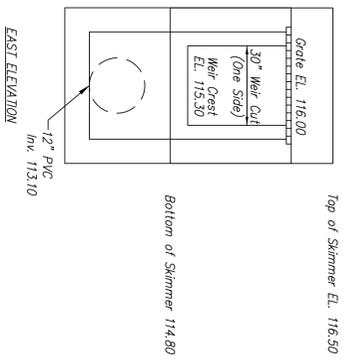
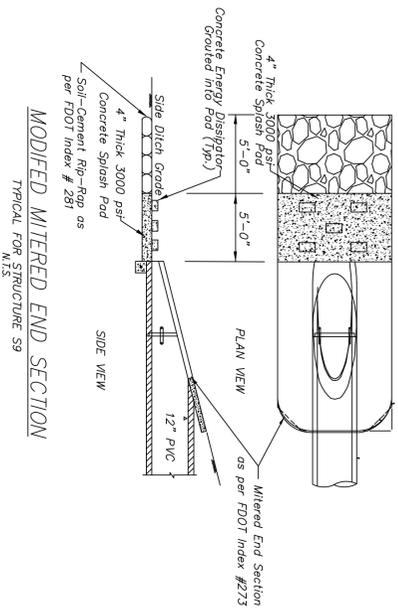


NO.	DATE	REVISIONS
1	12-22-08	REVISED AS PER 12-05 WGORC COMMENTS
2	7-13-09	REVISED AS PER WGORC & SJ COMMENTS

KIRBY ENGINEERING, L.L.C.
 JOHN R. KIRBY, P.E.
 407-877-9400

PAVING, GRADING & DRAINAGE PLAN FOR WEST SIDE FAMILY WORSHIP CENTER

SCALE IN FEET
 1" = 30'
 0 15 30



PROPOSED UNDERDRAIN SYSTEM TO BE INSPECTED FOR PROPER OPERATION ON AN ANNUAL BASIS AND BACKFLUSHED AND CLEANED AS NECESSARY TO ENSURE PROPER FUNCTIONING.

NOTE: AFTER UNDERDRAIN IS INSTALLED AND THE POND IS GRADED, THE CONTRACTOR IS TO PLACE MIRAFL FILTER FABRIC THEN 6" OF CLEAN SAND OVER THE ENTIRE POND BOTTOM IN ORDER TO PROTECT THE INTEGRITY OF THE UNDERDRAIN DURING CONSTRUCTION. AFTER THE SITE IS STABILIZED AND THE WORK IS TOTALLY COMPLETED, THE CONTRACTOR IS TO REMOVE THE FABRIC AND SAND AND THEN GRASS THE POND BOTTOM WITH BAHIA.

N.T.S.

TYPICAL UNDERDRAIN SECTION

UNDERDRAIN PLAN

TYPICAL POND SECTION "A-A"

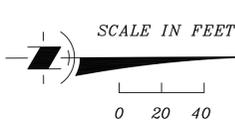
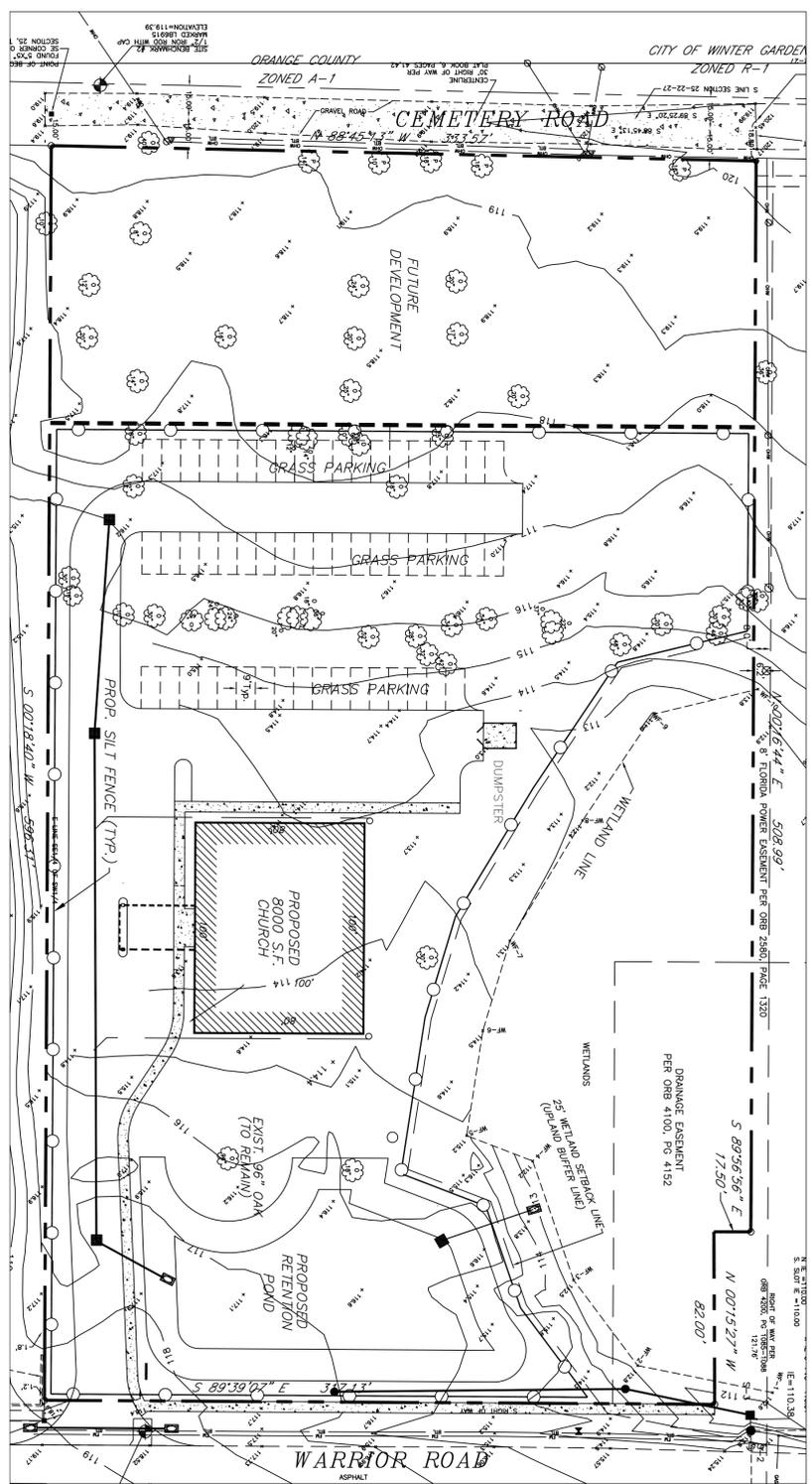
John R. Kirby, P.E.; Lic. No. 0041957

REVISIONS	
NO.	DATE
1	7-13-09
	REVISED AS PER 12-1-08 S.J.R.I.M.D COMMENTS

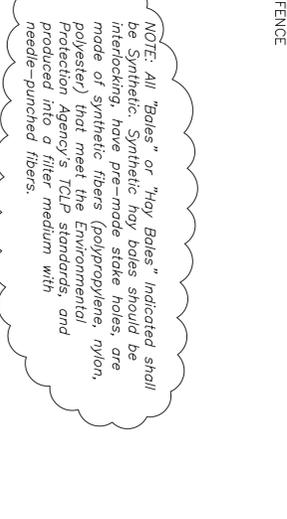
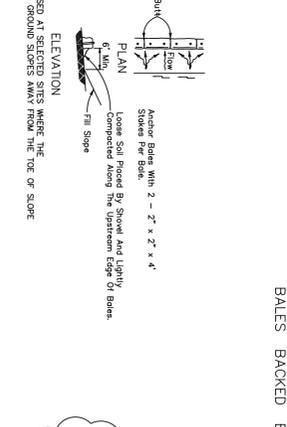
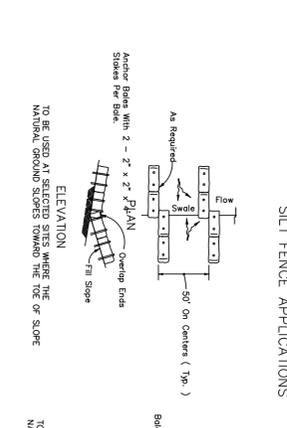
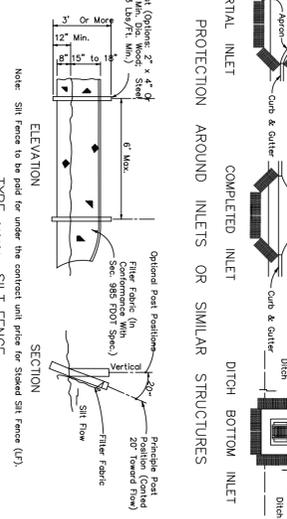
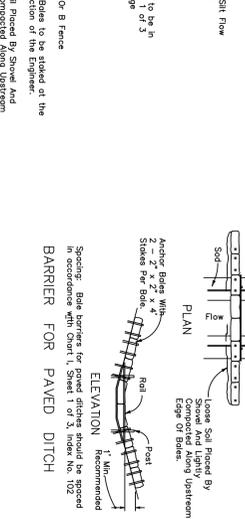
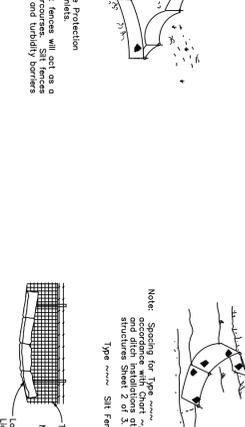
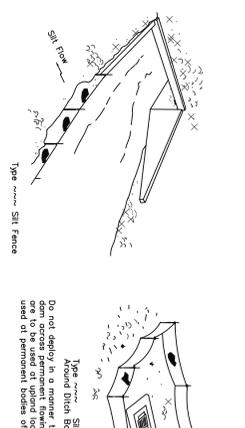
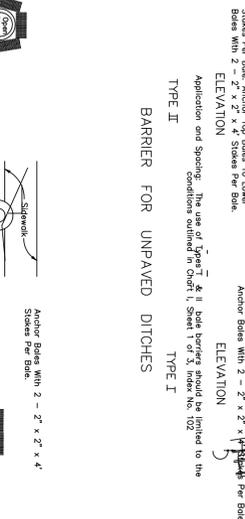
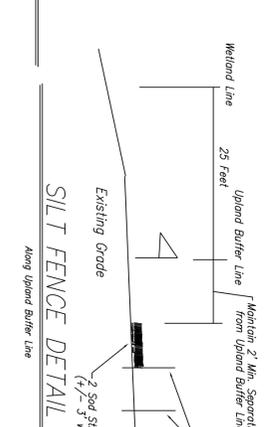
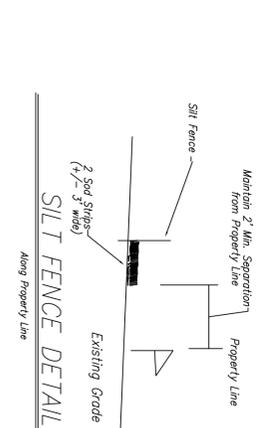
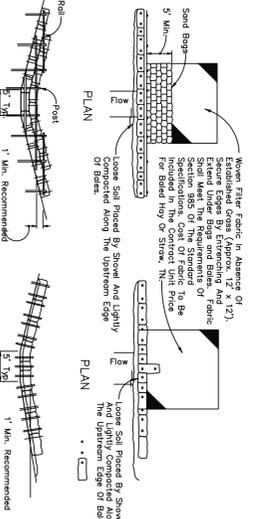
STORMWATER MANAGEMENT DETAILS FOR WEST SIDE FAMILY WORSHIP CENTER

KIRBY ENGINEERING, L.L.C.
JOHN R. KIRBY, P.E.
407-877-9400

DESIGNED JK
DRAWN JK
DATE 10/29/08
SHEET C34



- Contractor shall file a DEP Notice of Intent to Use Generic Permit for Stormwater Discharge from Large Construction Activities per F.A.C. 62-621-300.
- Contractor shall provide City of Ocala/St. Johns River Water Management District/Florida Department of Environmental Protection and any other regulatory agencies with a copy of this plan and all other documents required for the construction process. The proposed SWPPP shall remain on-site and be maintained as approved.
- Contractor shall provide copies of this plan and all other documents to the City of Ocala and other applicable regulatory agencies on approved revised copy of this SWPPP from time to time whenever the conditions warrant per F.A.C. 62-621-300 and the permit conditions.
- CONTRACTOR SHALL PROVIDE:
 - Protection of preserved/conserved upland habitats during construction.
 - General and specific erosion control.
 - Control of sediment and silt from construction activities.
 - Control of erosion on steep slopes during and after construction.
 - Sampling of drainage outlets, recording of rainfall, record keeping on site, a trained inspector and all aspects of site monitoring per DEP Document No. 62-621-300 (effective October 22, 2000) F.A.C. 62-621-300.
 - Control of sediment.
 - Record Keeping.
 - Record Keeping.
 - Record Keeping.
- Contractor may utilize, but is not limited to the following best management practices. It should be noted that the measures identified in this plan are only suggested BMP's. The contractor shall provide pollution prevention and erosion control measures as specified in FOOT index #100 and as necessary for each specific application.
- GENERAL EROSION CONTROL:
 - General erosion control BMP's shall be employed to minimize soil erosion and potential take/pond slope erosion. While the various techniques required will be site and soil specific, they should be employed as soon as possible during construction activities.
 - Graded the development areas not continuously eroded for construction activities shall be covered with hay or straw mulch and periodically watered.
 - All grass slopes constructed steeper than 4:1 shall be sodded as soon as practical after their construction.
 - Where required to prevent erosion from sheet flow across bare ground from erosion (take or settle), a temporary sediment sump shall be constructed. The temporary sediment sump shall remain in place until vegetation is established on the ground adjoining to the sump.
- PROTECTION OF SURFACE WATER QUALITY DURING AND AFTER CONSTRUCTION:
 - Surface water quality shall be maintained by employing the following BMP's in the construction planning and construction of all improvements.
 - Where practical, stormwater shall be conveyed by swales.
 - Erosion control measures shall be applied to minimize turbidity of surface waters located downstream of any construction activity. While the various measures required will be site specific, they shall be employed in accordance with the following:
 - In general, erosion shall be controlled at the furthest practical upstream location.
 - Stormwater inlets shall be protected during construction. Protection measures shall be employed as soon as practical during the various stages of field construction. Silt barriers shall remain in place until sodding ground takes is complete.
 - Heavy construction equipment parking and maintenance areas shall be designed to prevent oil, grease, and lubricants from entering site drainage systems. These areas shall be paved or covered with a protective surface. Stormwater shall be collected and stored in a silt trap. Contractors shall be notified and shall be allowed to clean up spills as soon as possible after occurrence.
 - Silt barriers, any silt that accumulates behind the barriers, and any fill used to anchor the barriers shall be removed promptly after the end of the maintenance period specified for the barriers.
- CONTROL OF WIND EROSION:
 - Bare earth areas shall be watered during construction as necessary to minimize the transport of fugitive dust. If necessary, it may be necessary to limit construction vehicle speed if bare earth has not been effectively watered. In no case shall fugitive dust be allowed to leave the site under construction.
 - As soon as practical after completion of construction, bare earth areas shall be replanted.
 - At any time during and after site construction that watering and/or vegetation are not effective in controlling wind erosion and/or dust control, windbreaks shall be installed. These windbreaks shall be installed as soon as practical and shall be maintained as necessary for dust control purposes.
- CONTRACTOR SHALL PROVIDE:
 1. EROSION AND WATER POLLUTION CONTROL TO BE PROVIDED IN ACCORDANCE WITH FOOT STANDARD INDEX NUMBER 102.
 2. THE CONTRACTOR SHALL SUBMIT AN EROSION CONTROL PLAN FOR APPROVAL PRIOR TO SCHEDULING THE PRE-CONSTRUCTION MEETING.
 3. DURING CONSTRUCTION, THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PREVENT EROSION, SLOTTING, SINKING, AND OTHER DAMAGE TO SURFACE AND SUBSURFACE SOILS AND TO PREVENT POLLUTION OF THE EXISTING DRAINAGE SYSTEM AND ADJACENT WATER BODIES AND WETLANDS. CONTRACTORS SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL PERMIT REQUIREMENTS RELATED TO SUCH MEASURES. MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, CONSTRUCTION OF TEMPORARY EROSION CONTROL STRUCTURES SUCH AS SEDIMENT BASINS OR SEDIMENT CHECKS, SILT BARRIERS OR SILT SCREENS. ANY MEASURES SHOWN OR DETAILED IN THESE DRAWINGS SHALL BE CONSIDERED MINIMUMS AND SHALL NOT ALLEVIATE CONTRACTOR FROM THE RESPONSIBILITY TO IMPLEMENT ANY MEASURES NECESSARY TO PROVIDE PROTECTION.
 4. THE STORMWATER MANAGEMENT FACILITIES SHALL BE CONSTRUCTED DURING THE REMAINING OF CONSTRUCTION.
 5. ALL DISTURBED AREAS SHALL BE SEEDING AND MULCHED, UNLESS INDICATED TO BE SOODED AFTER CONSTRUCTION IS COMPLETED TO PREVENT EROSION.
 6. IT SHALL BE NOTED THAT THE MEASURES IDENTIFIED HEREIN ARE THE MINIMUM REQUIRED. ANY ADDITIONAL MEASURES SHALL BE UTILIZED AS NECESSARY, DEPENDENT UPON ACTUAL SITE CONDITIONS AND CONSTRUCTION OPERATIONS.



NOTE: All "Bales" or "Hay Bales" indicated shall be Synthetic. Synthetic hay bales should be interlocking. Non pre-mode stake holes, are made of synthetic fibers (polypropylene, nylon, polyester) that meet the Environmental Protection Agency's TCP standards, and produced into a filter medium with needle-punched fibers.

- EROSION & SEDIMENT CONTROL PLAN**
1. EROSION AND WATER POLLUTION CONTROL TO BE PROVIDED IN ACCORDANCE WITH FOOT STANDARD INDEX NUMBER 102.
 2. THE CONTRACTOR SHALL SUBMIT AN EROSION CONTROL PLAN FOR APPROVAL PRIOR TO SCHEDULING THE PRE-CONSTRUCTION MEETING.
 3. DURING CONSTRUCTION, THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PREVENT EROSION, SLOTTING, SINKING, AND OTHER DAMAGE TO SURFACE AND SUBSURFACE SOILS AND TO PREVENT POLLUTION OF THE EXISTING DRAINAGE SYSTEM AND ADJACENT WATER BODIES AND WETLANDS. CONTRACTORS SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL PERMIT REQUIREMENTS RELATED TO SUCH MEASURES. MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, CONSTRUCTION OF TEMPORARY EROSION CONTROL STRUCTURES SUCH AS SEDIMENT BASINS OR SEDIMENT CHECKS, SILT BARRIERS OR SILT SCREENS. ANY MEASURES SHOWN OR DETAILED IN THESE DRAWINGS SHALL BE CONSIDERED MINIMUMS AND SHALL NOT ALLEVIATE CONTRACTOR FROM THE RESPONSIBILITY TO IMPLEMENT ANY MEASURES NECESSARY TO PROVIDE PROTECTION.
 4. THE STORMWATER MANAGEMENT FACILITIES SHALL BE CONSTRUCTED DURING THE REMAINING OF CONSTRUCTION.
 5. ALL DISTURBED AREAS SHALL BE SEEDING AND MULCHED, UNLESS INDICATED TO BE SOODED AFTER CONSTRUCTION IS COMPLETED TO PREVENT EROSION.
 6. IT SHALL BE NOTED THAT THE MEASURES IDENTIFIED HEREIN ARE THE MINIMUM REQUIRED. ANY ADDITIONAL MEASURES SHALL BE UTILIZED AS NECESSARY, DEPENDENT UPON ACTUAL SITE CONDITIONS AND CONSTRUCTION OPERATIONS.

- SITE DATA**
1. SITE AREA: DISTURBED: 11.36 ACRES
 2. SITE LOCATION: SECTION 25, TOWNSHIP 22, RANGE 27
 3. LOCATION: 17580 WARRIOR ROAD, WINTER GARDEN, FLORIDA
 4. OUTFALL LOCATION (LATITUDE, LONGITUDE): 28° 32' 17.8" N, 81° 34' 02.2" W

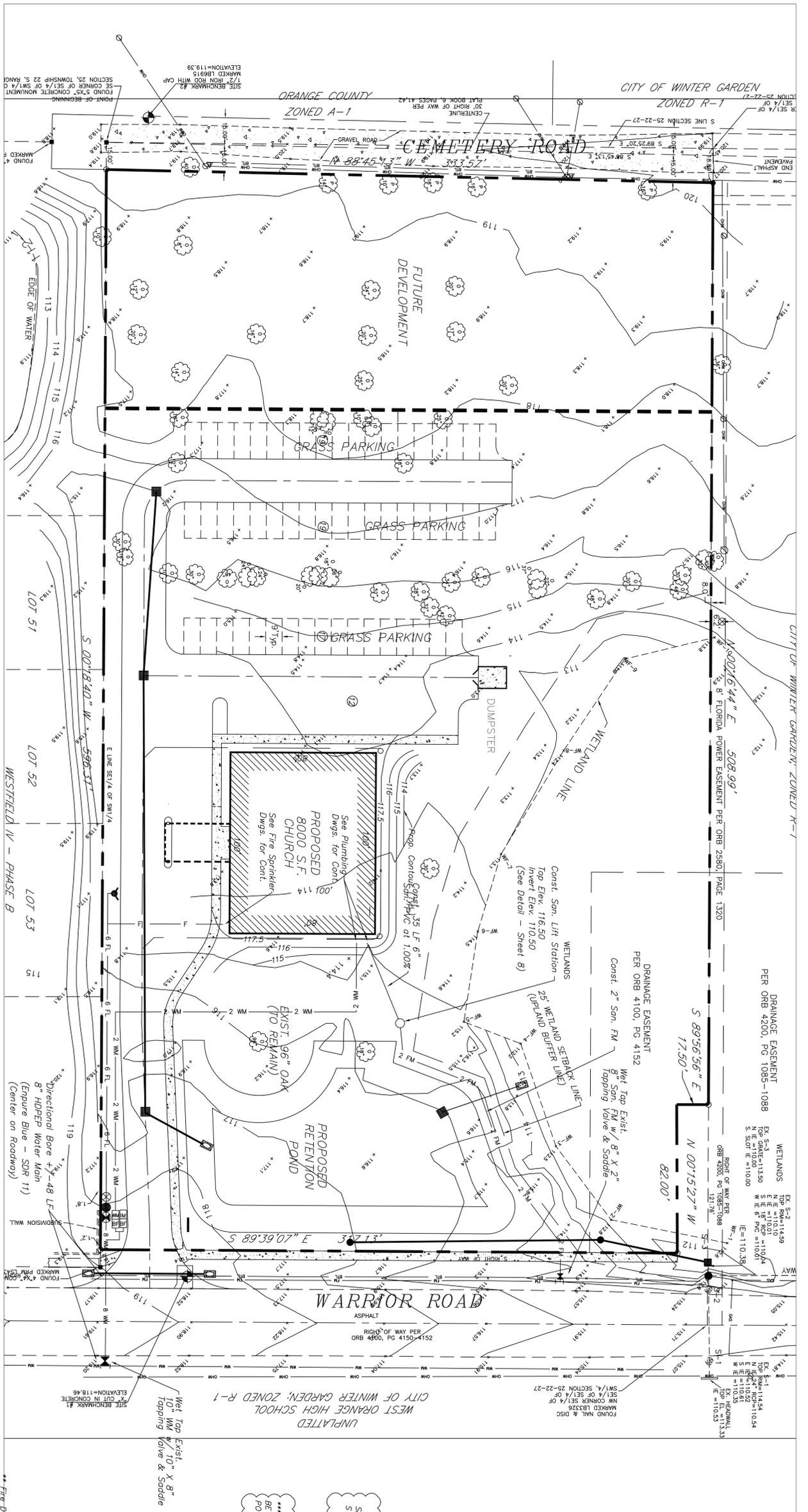
LEGEND

Prop. Silt Fence	○—○
DESIGNED	JK
DRAWN	JK
DATE	10/29/08
SHEET	C4

KIRBY ENGINEERING, L.L.C.
 JOHN R. KIRBY, P.E.
 407-877-9400

STORM WATER POLLUTION PREVENTION PLAN
 FOR
 WEST SIDE FAMILY WORSHIP CENTER

NO.	DATE	REVISIONS



- NOTES**
1. WATER SYSTEM CONSTRUCTION TO BE IN ACCORDANCE WITH CITY OF WINTER GARDEN STANDARDS & SPECS. WHICH INCLUDE:
 - A. CITY CODE - CHAPTER 78
 - B. CITY STANDARD DETAIL SHEETS
 - C. ORANGE COUNTY MANUAL OF STDS. & SPECS FOR WATER MAIN CONST.
 2. NEW MAIN CONSTRUCTION SHALL NOT BE ALLOWED TO CONNECT TO THE CITY SYSTEM UNTIL BACTERIOLOGICAL AND PRESSURE TESTS ARE DONE. THE CONTRACTOR SHALL MAKE PROVISIONS TO ENSURE THAT THE EXISTING ACTIVE MAIN IS PROTECTED FROM BACKFLOW CONTAMINATION DURING TESTING. UNTIL A LETTER OF CLEARANCE IS OBTAINED FROM TDEP, BY UTILIZING A TYPICAL TEMPORARY JUMPER CONNECTION.
 3. ALL MAINS & SERVICES SHALL BE HYDROSTATICALLY TESTED AT 150 PSF FOR TWO HOURS IN ACCORDANCE WITH CITY SPECS. & AWWA 605 & W23.
 4. CONTRACTOR SHALL PROVIDE JOHN KIRBY CONSULTING ENGINEER WITH AS-BUILT INFORMATION ON THE WATER MAIN INCLUDING TEES, VALVES, AND BENDS.
 5. GRP RINGS, OR MEGA LUGS IN ACCORDANCE WITH CITY SPECIFICATIONS SHALL BE UTILIZED IF RESTRAINT IS NECESSARY. THRUST BLOCKING (AS PER CITY SPECS) ALLOWED ONLY IF EITHER OF THE ABOVE IS NOT VIABLE.
 6. THE CONTRACTOR/OWNER TO PAY ALL REQUIRED CONNECTION, IMPACT FEES, METER FEES, CONNECTION FEES ETC., PRIOR TO CONNECTING TO THE CITY WATER AND WASTEWATER SYSTEM.

7. CONTRACTOR TO PROVIDE ALL MATERIALS AND LABOR AS NECESSARY TO CONNECT TO THE CITY SYSTEM. ALL MATERIAL AND LABOR TO BE INSPECTED AND APPROVED BY CITY PERSONNEL.
8. CITY CROSS-CONNECTION CONTROL DEPARTMENT TO VERIFY AND INSPECT AND APPROVE BACKFLOW PREVENTION DEVICES AND CONNECTION TO THE CITY SYSTEM.
9. UTILITIES SHOWN WERE LOCATED FROM BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFICATION OF ALL UTILITIES THAT MAY EXIST.
10. DISINFECTION TO BE IN ACCORDANCE WITH AWWA C-651.
11. 1" PVC SHALL BE SCHEDULE 40 ASTM 1785 WITH THE NSF LOGO.
12. MATERIAL SPECIFICATIONS TO BE IN ACCORDANCE WITH AWWA C-908
13. ALL COPPER PIPE TO BE IN ACCORDANCE WITH AWWA C-800.
14. ALL POLYETHYLENE PIPE TO BE IN ACCORDANCE WITH AWWA C-901.
15. ALL DUCTILE IRON PIPE TO BE IN ACCORDANCE WITH AWWA C150/151.
16. SEE DEEP REQUIREMENTS FOR SPECIFIC MAIN SEPARATION REQUIREMENTS.
17. NOTE: PRIOR TO ANY UNDERGROUND EXCAVATION, THE CONTRACTOR SHALL CONTACT SUNSHINE STATE ONE CALL OF FLORIDA (800) 432-4770 TO LOCATE ANY OR ALL UNDERGROUND UTILITIES WITHIN RIGHT-OF-WAYS OR PRIVATE PROPERTIES. (CHAPTER 556, F.S.)

- Additional Notes:**
1. All San. Gravity Mains/Syces to be constructed of Green PVC (SDR 26).
 2. Unless otherwise noted, all water mains 4" or greater to be constructed of blue PVC (SDR 18)(C900).
 3. All water/irrig. mains or services less than 4" must be Endot Empure Blue HDPEP (SDR 9).
 5. Sanitary Force Main to be Endot Empure Green HDPEP (SDR 9).
 6. See Fire Sprinkler Plans to Determine Main Size for Fire Service.

John R. Kirby, P.E.; Lic. No. 0041957

LEGEND	
Existing Grade	479.3
Prop. Concrete Sidewalk	
Existing Contours	
1" Water Meter	WM
1" Irrig. Meter	IM
Prop. 2" Force Main	2 FM
Prop. Fire Hydrant	BF
1" Backflow Preventor	
Gate Valve	
6" Detector Check Valve Assembly	
** Fire Dept. Point of Connection	
Post Indicator Valve	
6" Water Main	6 WM
2" Water Service	2 WM
6" Fire Main	6 FL
Fire Service	F

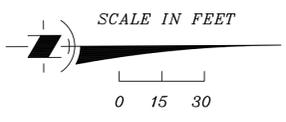
DESIGNED	JK
DRAWN	JK
DATE	10/29/08
SHEET	C5

**Fire Dept. Connection (FDG) Point of Service. Any Work Beyond this Point to be Performed by a Licensed Fire Sprinkler Contractor. See Fire Sprinkler Dwg. for Cont.

UTILITY PLAN FOR WEST SIDE FAMILY WORSHIP CENTER

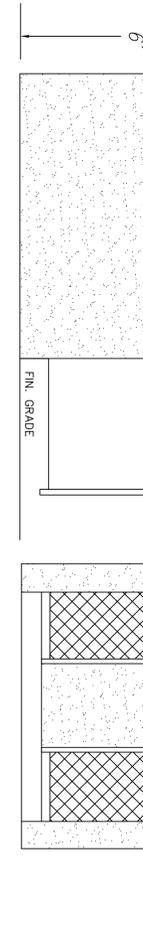
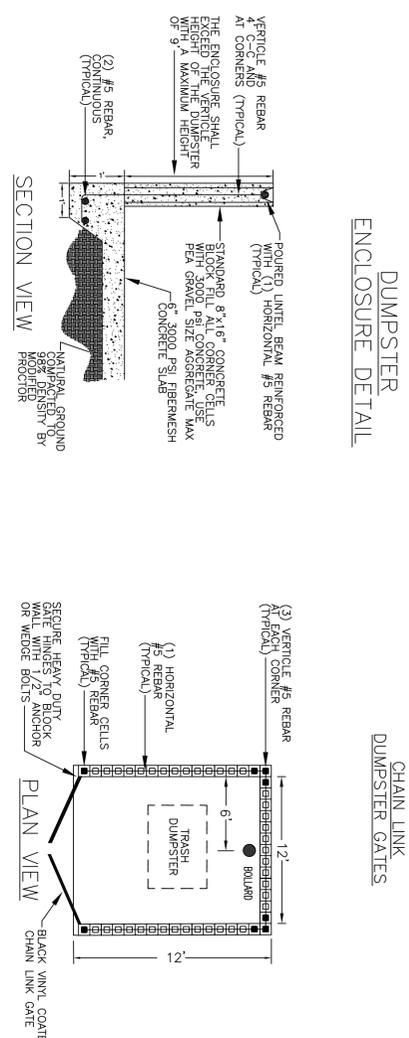
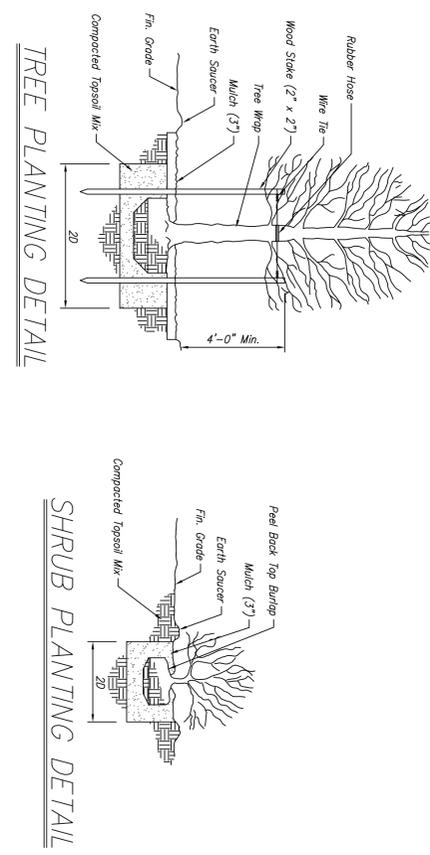
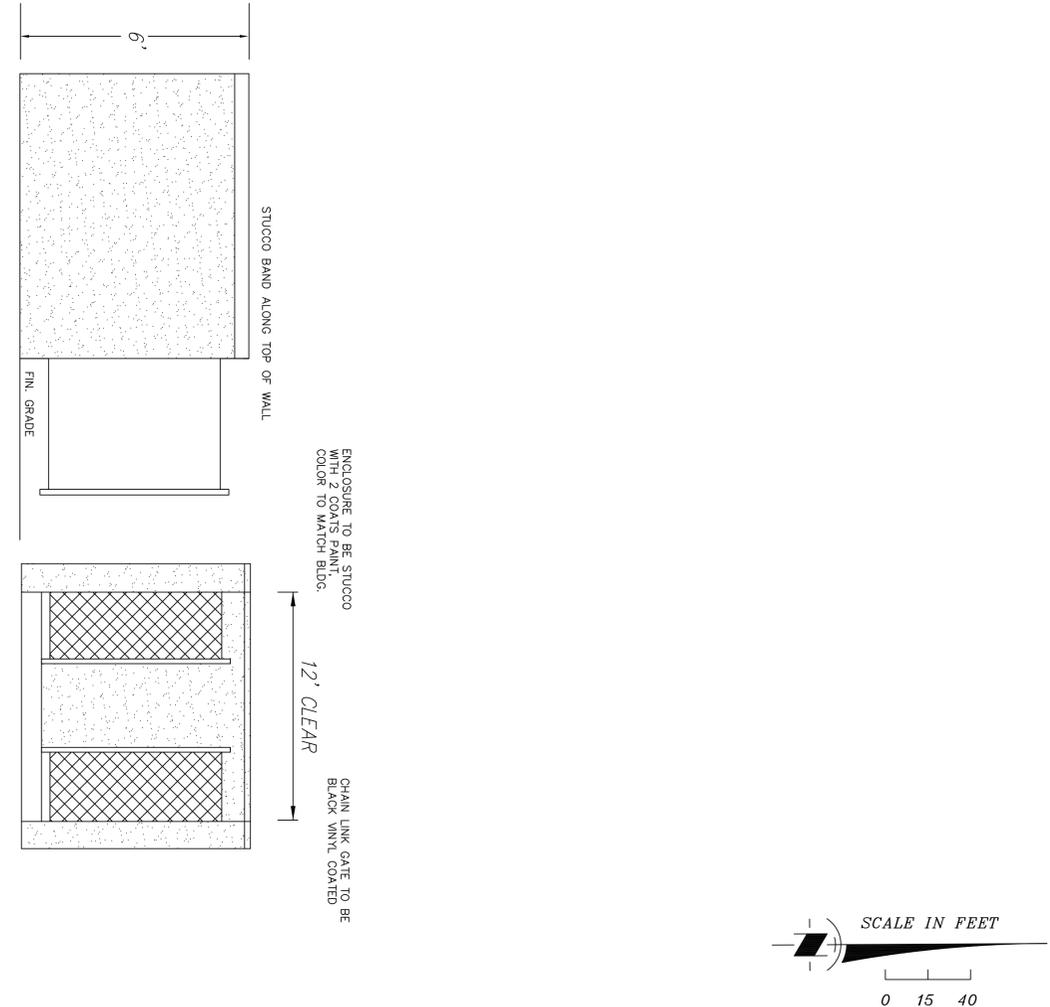
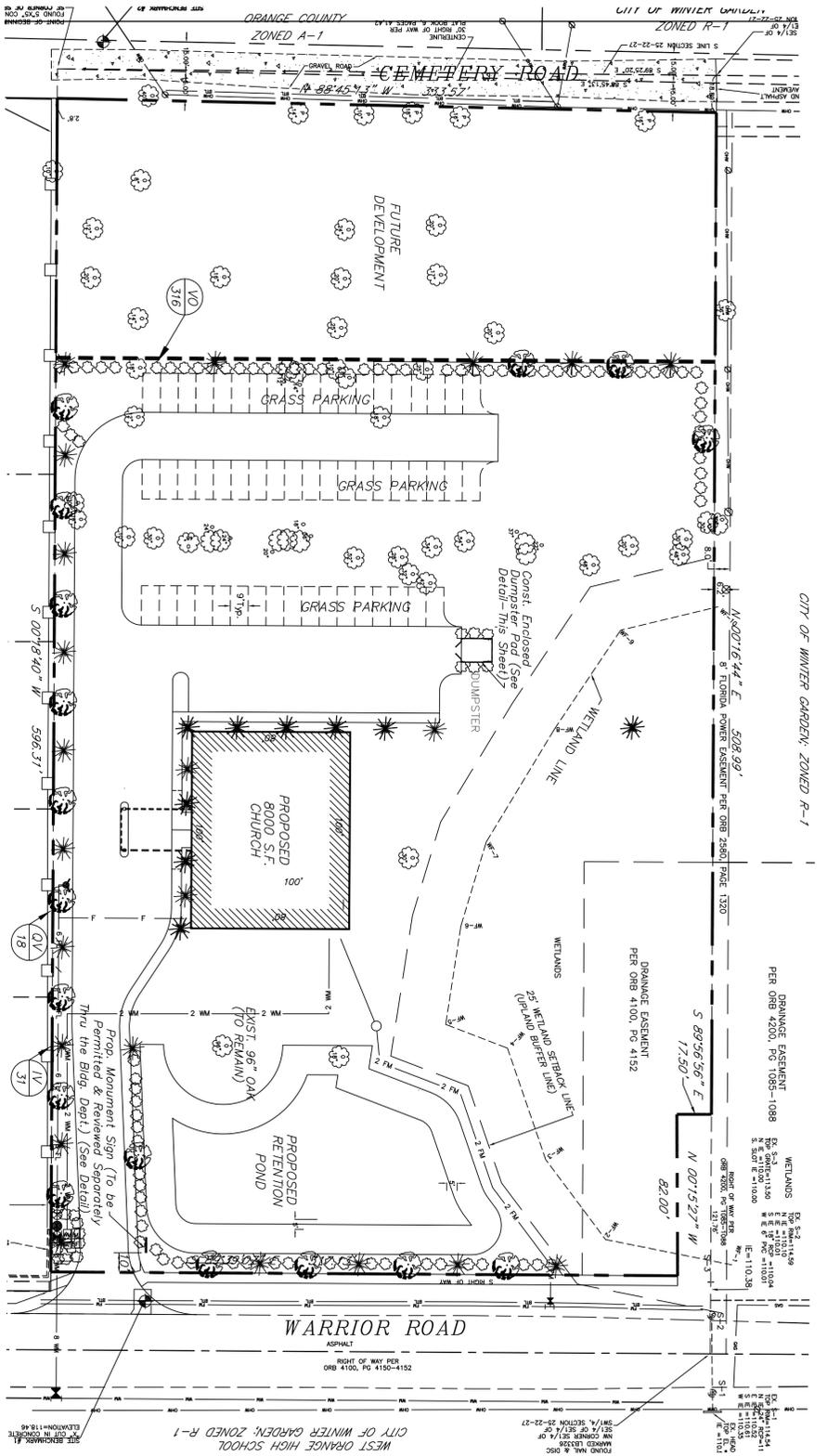
KIRBY ENGINEERING, L.L.C.
JOHN R. KIRBY, P.E.
407-877-9400

NO.	DATE	REVISIONS
1	12-22-08	REVISED AS PER 12-05 WGRDC COMMENTS



SEE SHEETS C8 THRU C10 FOR CITY STANDARD WATER & SEWER DETAILS

*** MAINTAIN A MIN. OF 6" SEPARATION BETWEEN OUTSIDE OF SANITARY & POTABLE WATER MAINS / SERVICES



DUMPSTER DETAIL

DUMPSTER GATES

DUMPSTER DETAIL

NTS

TREE PLANTING DETAIL

SHRUB PLANTING DETAIL

DUMPSTER ENCLOSURE DETAIL

CHAIN LINK DUMPSTER GATES

DUMPSTER DETAIL

DUMPSTER DETAIL

NTS

LANDSCAPE NOTES

- 1) All Landscaping Shall be in accordance with City of Winter Garden Ordinance 03-30 including the most recent edition of the Winter Garden Commercial Overlay Standards. The ordinance takes precedence over discrepancies with the plan.
- 2) All plant material shall be Florida #1 or better.
- 3) All planting beds shall be covered with 3" minimum of cypress mulch.
- 4) All areas disturbed by construction shall be sodded/replanted appropriately when outside the site.
- 5) All plant quantities indicated above are approximate. In case of discrepancy the quantity key shall govern.
- 6) All planting shall be done by qualified individuals and in accordance with accepted commercial procedures.
- 7) Proposed Shrubs to create 36" High, 36" Wide screen with 90% opacity within one year of planting.
- 8) All Landscaped area shall be irrigated with a timed, automatic underground system utilizing pop-up heads and/or tree bubblers, etc... See Section 3.10 of the Winter Garden Commercial Overlay Standards for additional requirements.
- 9) No hard wood trees may be planted over or within 5 feet of utility lines. Only sod may be planted over utility lines.

LANDSCAPING KEY

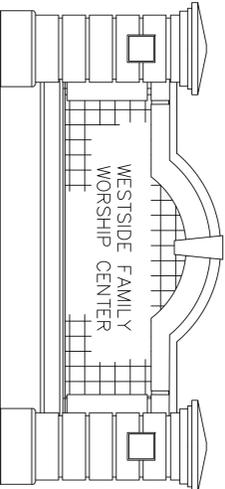
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
QV	18	Quercus Virginia	Live Oak	13' Ht., 65 Ga. Container 8-10 Spd., 3" Caliper 6 Cr. Trk.
IV	31	Ilex Verticilla	Yaupon Holly	11' Ht., 30 Ga. Container.
VO	316	Viburnum odoratissimum.	Sweet Viburnum	30"-36" Ht., 21"-24" Spd. 3 Ga. Container, 30" O.C.

Sod: St. Augustine-Floratum



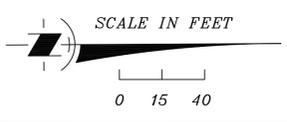
Contractor may Substitute Plants and Trees Listed Above with Plants and Trees in the City's Approved Species List.

Note:



DOUBLE SIDED SIGN MONUMENT

NTS



NO.	DATE	REVISIONS
1	12-22-08	REVISED AS PER 12-05 WGDC COMMENTS

LANDSCAPE & HARDSCAPE PLAN
FOR
WEST SIDE FAMILY WORSHIP CENTER

KIRBY ENGINEERING, L.L.C.
JOHN R. KIRBY, P.E.
407-877-9400

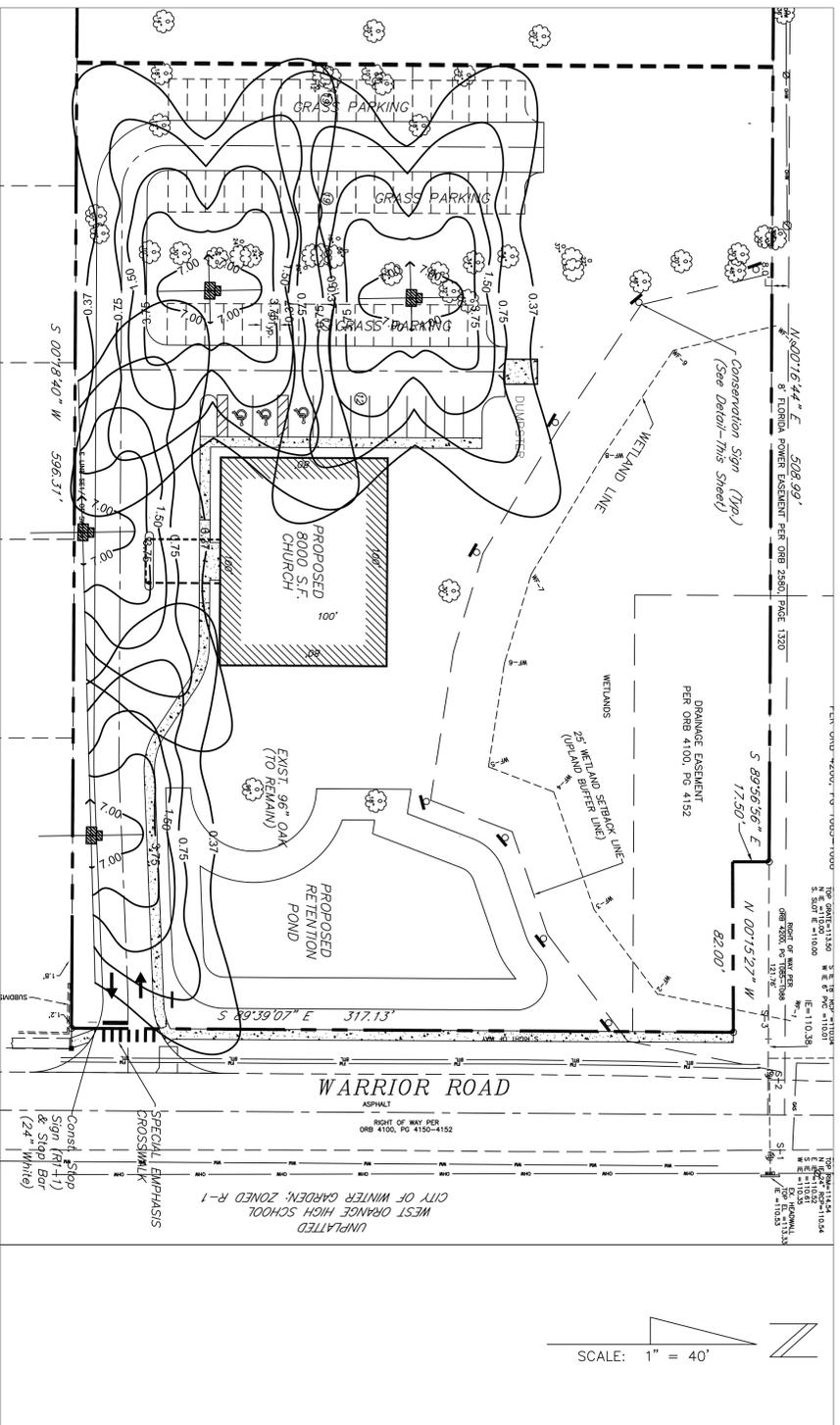
DESIGNED JK

DRAWN JK

DATE 10/29/08

SHEET 06

John R. Kirby, P.E.; Lic. No. 0041957



LIGHTING FIXTURE SPECIFICATIONS

SITE LIGHTING NOTES

1. SITE LIGHTING SHALL BE PROVIDED IN ACCORDANCE WITH CITY OF WINTER GARDEN REGULATIONS.
 2. ANY SITE LIGHTING SHALL NOT INCORPORATE SPOT OR DOWN LIGHT FIXTURES MOUNTED ON BUILDINGS, WALLS, ROOFS OR POLES.
 3. MAXIMUM ILLUMINANCE IS NOT TO EXCEED 7 FOOT CANDLES. AVERAGE ILLUMINANCE TO BE 2 FOOT CANDLES.
- ALL LIGHTING TO BE PROVIDED BY PROGRESS ENERGY. PLEASE CONTACT JOHN KIRBY AT 407-877-9400 FOR MORE INFORMATION. E-mail: john.kirby@kirbyengineering.com
- ON-SITE BUILDING LIGHTING NOTES**
1. LIGHTING OF STAIRWELLS, ENTRANCE AREAS, ETC., SHALL BE PROVIDED IN ACCORDANCE WITH CITY OF WINTER GARDEN REGULATIONS.
 2. ON-SITE LIGHTING OF BUILDINGS ARE LIMITED TO SHIELDED WALL-WASHER TYPE FIXTURES OR DOWN LIGHTS. ALL LIGHTING FIXTURES SHALL BE EQUIPPED WITH SHIELDED OR FULL-CUTOFF LUMINAIRE INCORPORATING FLUSH-MOUNTED LENSES, ALL IN ACCORDANCE WITH CITY OF WINTER GARDEN REGULATIONS.
 3. ILLUMINANCE OF ON-SITE BUILDING AREAS SHALL MEET AVERAGE AND MAXIMUM FOOT CANDLE REQUIREMENTS AS PER CITY OF WINTER GARDEN REGULATIONS.

LUMINAIRE NOTES:

- A. Housing: Die-cast aluminum housing and door. Standard color is bronze. Other finish colors available. Consult Architectural colors brochure. ANSI wattage/source listed.
- B. Lens: Flat, tempered glass lens.
- C. Reflector: Hydroformed anodized aluminum reflector.
- D. Socket: Mogul-base porcelain lamp socket.
- E. Gasket: The optical chamber is sealed with a die-cut, dacron polyester gasket.
- F. Ballast: Removable swing-down ballast assembly. Available on arm mount RCL only. Ballast standard hard mounted in RCS slipfitter. Optional hard mount ballast. (RCL only)
- G. Door: Die-cast aluminum with spring-loaded latches for toolless entry.
- H. Slipfitter (RCS): Optional internal slipfitter fits 1 1/4" - 2 3/8" O.D. pipe.

LUMINAIRE NOTES:

- STREETWORKS-RC AREA LUMINAIRE**
- 70-400W
HIGH PRESSURE SODIUM
SUPER METAL HALIDE
- Application:
The RCS Area Luminaires superior beam utilization and smooth distribution make it ideal for parking areas, access roadways and other general off-street area/site lighting applications. Now available with internal slipfitter.
- EPA (Effective Projected Areas):
1,568 Sq. Ft., End 1,000 Sq. Ft., Arm .53 Sq. Ft.

**BRONZE PROMENADE
SPUN CONCRETE POLE**



CATALOG NUMBER 034134

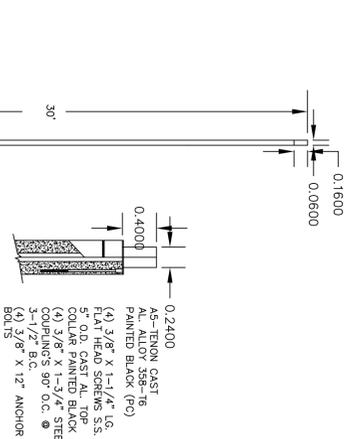
LENGTH 34'-8"

WEIGHT 1200 LBS.

EMBEDDED DEPTH 5'-3"

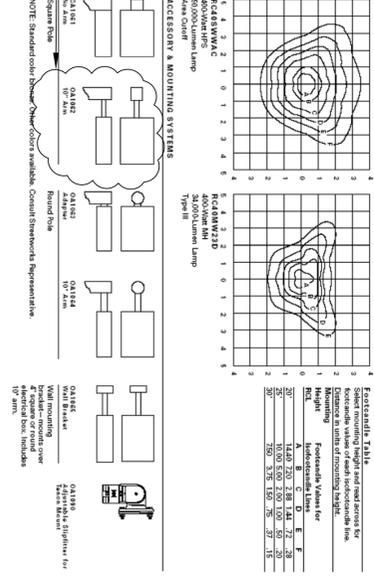
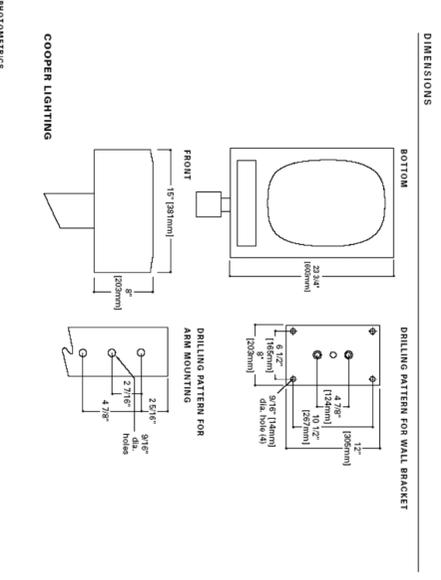
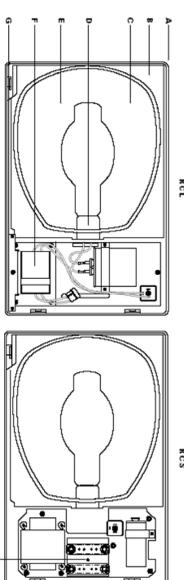
COMPATIBLE UNIT PLEC35B

MOUNTING HEIGHT 29'-8"



SPECIFICATION FEATURES

- A - Housing**
Die-cast aluminum housing and door. Standard color is bronze. Other finish colors available. Consult Architectural Colors Brochure ANSI wattage/source listed.
- B - Lens**
Tempered glass lens.
- C - Reflector**
Hydroformed anodized aluminum reflector.
- D - Socket**
Mogul-base porcelain lamp socket.
- E - Gasket**
The optical chamber is sealed with a die-cut, dacron polyester gasket.
- F - Ballast**
Removable swing-down ballast assembly. Available on arm mount RCL only. Ballast standard hard mounted in RCS slipfitter. Optional hard mount ballast. (RCL only).
- G - Door**
Die-cast aluminum with spring-loaded latches for toolless entry.
- H - Slipfitter (RCS)**
Optional internal slipfitter fits 1 1/4" - 2 3/8" O.D. pipe.



**SITE LIGHTING PLAN
FOR
WEST SIDE FAMILY WORSHIP CENTER**

KIRBY ENGINEERING, L.L.C.
JOHN R. KIRBY, P.E.
407-877-9400

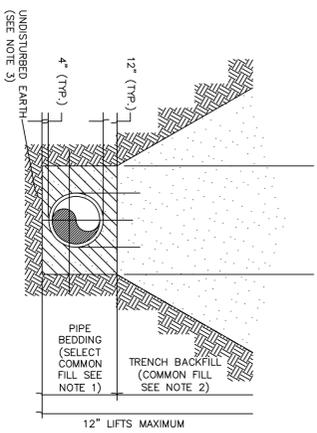
NO.	DATE	REVISIONS

JK
DESIGNED

DK
DRAWN

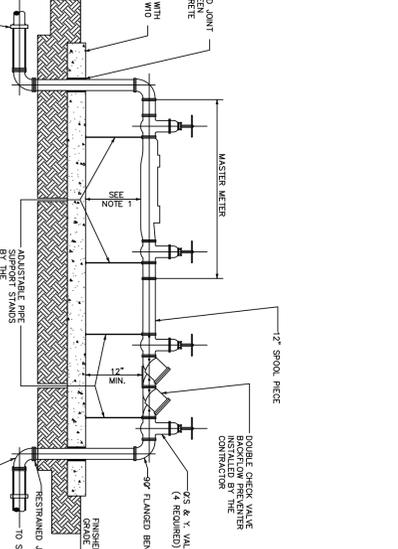
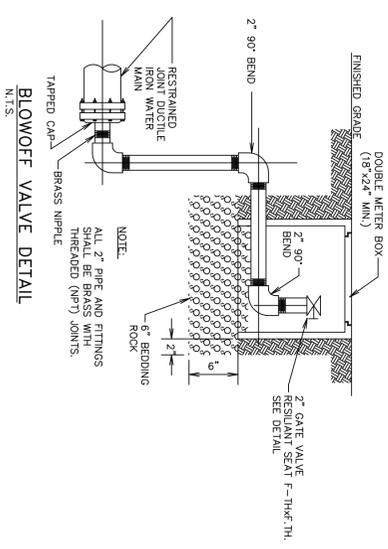
12/17/08
DATE

C7
SHEET



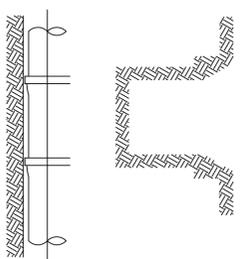
- NOTES:
1. PIPE BEDDING: SELECT COMMON FILL COMPACTED TO 98% OF THE MAXIMUM DENSITY AS PER AASHTO T-99 AND CONTAINING NO MORE THAN 5% PASSING #200 SIEVE.
 2. TRENCH BACKFILL: COMMON FILL COMPACTED TO 98% OF THE MAXIMUM DENSITY AS PER AASHTO T-99 AND CONTAINING NO MORE THAN 5% PASSING #200 SIEVE.
 3. PIPE BEDDING UTILIZING SELECT COMMON FILL OR BEDDING ROCK IN ACCORDANCE WITH SECTION 323.5 OF THE CITY OF WINTER GARDEN MANUAL SHALL BE REQUIRED AS DIRECTED BY THE CITY OF WINTER GARDEN.
 4. (1) 18" MAX. FOR PIPE DIAMETER LESS THAN 24" AND 24" MAX. FOR PIPE DIAMETER 24" LARGER.
 5. WATER SHALL NOT BE PERMITTED IN THE TRENCH DURING CONSTRUCTION.
 6. ALL PIPE TO BE INSTALLED WITH BELL FACING UPSTREAM TO THE DIRECTION OF THE FLOW.
 7. REFER TO SECTION 323.5 OF THE CITY OF WINTER GARDEN MANUAL FOR STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION FOR SLEEVING AND BRACING IN EXCAVATIONS.
 8. FINAL RESTORATION IN IMPROVED AREAS SHALL BE IN COMPLIANCE WITH THE CITY OF WINTER GARDEN MANUAL FOR WASTEWATER AND WATER MAIN CONSTRUCTION FOR SLEEVING AND BRACING IN EXCAVATIONS. RIGHT-OF-WAY SHALL COMPLY WITH REQUIREMENTS OF RIGHT-OF-WAY UTILIZATION REGULATIONS AND ROAD CONSTRUCTION SPECIFICATIONS.

STANDARD BEDDING DETAIL
N.T.S.



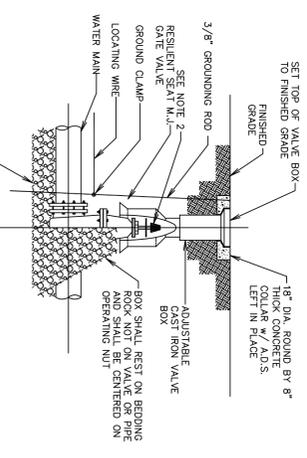
- NOTES:
1. THE CONTRACTOR SHALL CONTACT THE INSPECTOR FOR EXACT ASSEMBLY LENGTH AND HEIGHT ABOVE THE SLAB REINFORCING AND APPROVED BY THE INSPECTOR.
 2. ALL PIPE LARGER THAN 2 INCH SHALL BE FLANGED OUTSIDE.
 3. SENSUS METERS REQUIRED.
 4. ZEROSSENS METERS SHALL BE CONSTRUCTED ON MASTER METERS.

MASTER METER ASSEMBLY
N.T.S.



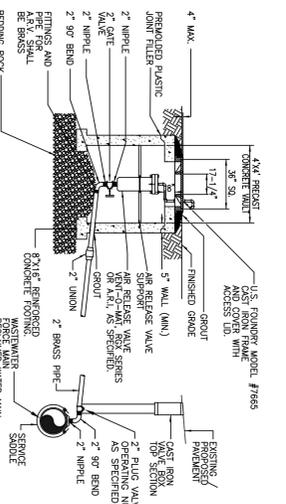
- NOTES:
1. PVC PIPE SHALL REQUIRE INSULATED METALLIC LOCATING WIRE (10 GAUGE COPPER) CAPABLE OF DETECTION BY A CABLE LOCATOR AND SHALL BE ATTACHED TO THE TOP OF PIPE WITH DUCT TAPE, AT LEAST 5 TIMES PER JOINT.
 2. LOCATING ROD SHALL TERMINATE AT THE TOP OF EACH BOX & SO AS NOT TO INTERFERE WITH VALVE OPERATION.

PVC PIPE LOCATING WIRE DETAIL
N.T.S.



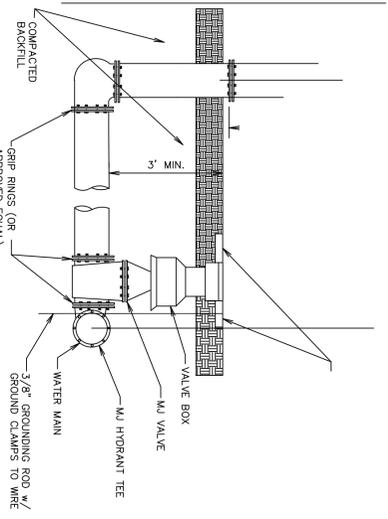
- GENERAL NOTES:
1. PVC EXTENSIONS SHALL NOT BE USED ON VALVE BOX INSTALLATION.
 2. THE ACTUATING NUT FOR DEEPER VALVES SHALL BE EXTENDED TO COME UP TO 4 FOOT DEPTH BELOW FINISHED GRADE.

GATE VALVE AND VALVE BOX DETAIL
N.T.S.



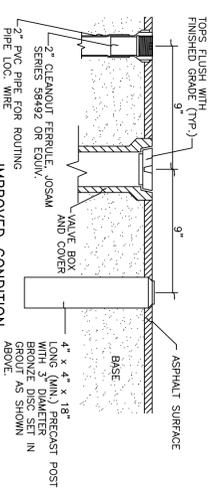
- NOTES:
1. THE MINIMUM DIMENSION FROM TOP OF PIPE TO FINISHED GRADE SHALL BE 3.0 FEET.
 2. DOUBLE STRAP SADDLE AND WRAP WITH TWO LAYERS OF WIRE PLASTIC OR POLY TAPE WITH STAINLESS STEEL STRAP.
 3. PIPE INSTALLATION SHALL BE SUCH THAT THE AIR V. IS LOCATED AT THE HIGHEST POINT IN THE RESPECTIVE SEGMENT.
 4. PROTECTIVE COATING AS SPECIFIED FOR VALVE VALVES.
 5. CAST IRON FRAME COVER AND ACCESS UD SHALL BE INSTALLED FLUSH WITH FINISHED GRADE.
 6. COVER SHALL READ 'WINTER GARDEN UTILITIES DIVISION, 'SEWER'.
 7. NO GALVANIZED PIPE/VALVES.

AIR RELEASE VALVE ASSEMBLY
N.T.S.

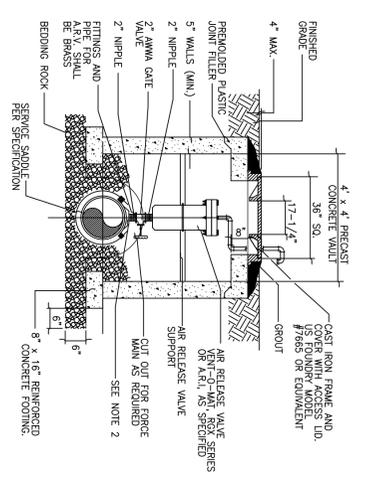


- NOTES:
1. THE MINIMUM DIMENSION FROM TOP OF PIPE TO FINISHED GRADE SHALL BE 3.0 FEET.
 2. DOUBLE STRAP SADDLE AND WRAP WITH TWO LAYERS OF WIRE PLASTIC OR POLY TAPE WITH STAINLESS STEEL STRAP.
 3. PIPE INSTALLATION SHALL BE SUCH THAT THE AIR V. IS LOCATED AT THE HIGHEST POINT IN THE RESPECTIVE SEGMENT.
 4. PROTECTIVE COATING AS SPECIFIED FOR VALVE VALVES.
 5. CAST IRON FRAME COVER AND ACCESS UD SHALL BE INSTALLED FLUSH WITH FINISHED GRADE.
 6. COVER SHALL READ 'WINTER GARDEN UTILITIES DIVISION AND 'POTABLE WATER'.
 7. NO GALVANIZED PIPE/VALVES.

FIRE HYDRANT ASSEMBLY DETAIL
N.T.S.

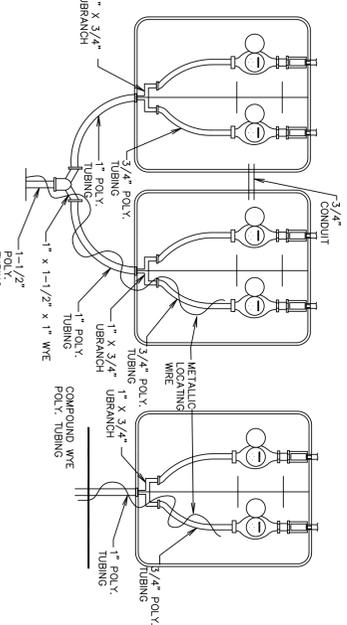
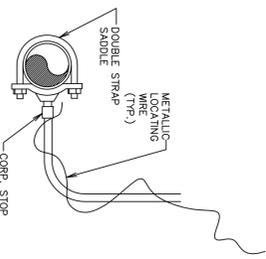


VALVE BOX COLLAR
N.T.S.



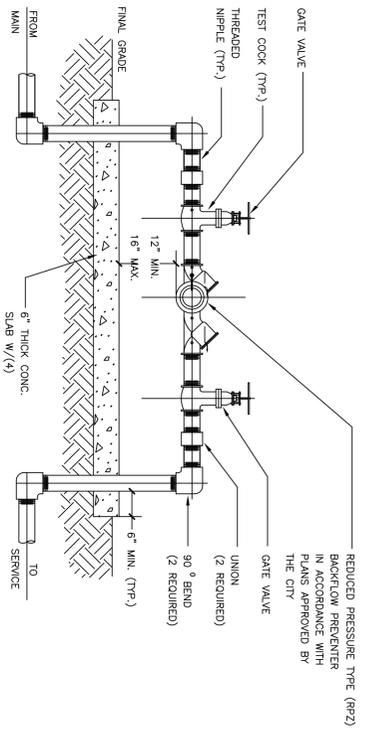
- NOTES:
1. THE MINIMUM DIMENSION FROM TOP OF PIPE TO FINISHED GRADE SHALL BE 3.0 FEET.
 2. DOUBLE STRAP SADDLE AND WRAP WITH TWO LAYERS OF WIRE PLASTIC OR POLY TAPE WITH STAINLESS STEEL STRAP.
 3. PIPE INSTALLATION SHALL BE SUCH THAT THE AIR V. IS LOCATED AT THE HIGHEST POINT IN THE RESPECTIVE SEGMENT.
 4. PROTECTIVE COATING AS SPECIFIED FOR VALVE VALVES.
 5. CAST IRON FRAME COVER AND ACCESS UD SHALL BE INSTALLED FLUSH WITH FINISHED GRADE.
 6. COVER SHALL READ 'WINTER GARDEN UTILITIES DIVISION AND 'POTABLE WATER'.
 7. NO GALVANIZED PIPE/VALVES.

POTABLE WATER SYSTEM AIR RELEASE VALVE AND VAULT
N.T.S.



- NOTES:
1. A FITTINGS SHALL BE BRASS WITH COMPRESSION/PACK JOINT CONNECTIONS.
 2. NO SERVICE LINE SHALL TERMINATE UNDER A DRIVEWAY.
 3. EACH SERVICE SHALL TERMINATE IN A METER BOX ASSEMBLY WHICH SHALL BE PLACED TO GRADE IN THE UTILITY EASEMENT AT THE PROPERTY LINE(S) OF THE LOT(S) TO BE SERVED.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTRIBUTION TO AND INCLUDING THE METER BOX ASSEMBLY. CITY SHALL FURNISH THE METER AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR SETTING METER BOX ASSEMBLY TO FINISH GRADE AND MAKING ANY GRADE ADJUSTMENT TO METER BOX IF RESOUNDING OCCURS.
 5. LOCATING WIRE ON POLY PIPE SHALL BE TAPPED EVERY 5 FT FROM METER BOX TO WATER MAIN.
 6. METER NIPPLE BEHIND SIDEWALK TO BE INSTALLED BY CONTRACTOR (H10094).
 7. IN NO CASE IS METER TO BE INSTALLED IN SIDEWALK OR OTHER PAVED AREAS.

POTABLE WATER SINGLE AND DOUBLE SERVICE DETAIL
N.T.S.



- NOTES:
1. PIPE AND FITTINGS 2" AND SMALLER SHALL BE THREADED SCHEDULE 40 PVC. NO GALVANIZED PIPE WILL BE APPROVED.
 2. ALL PIPE LARGER THAN 2" SHALL BE FLANGED DUCTILE IRON PIPE.
 3. NO GALVANIZED PIPE ALLOWED.

BACKFLOW PREVENTER DETAIL
N.T.S.

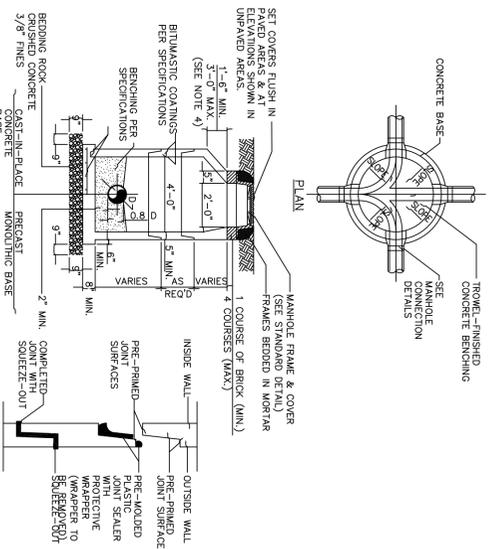
WINTER GARDEN STANDARDS INCORPORATED WITH DESIGN ENGINEERS DOCUMENTS:
THE DETAILS, NOTES AND SPECIFICATIONS SHOWN ON THIS SHEET REPRESENT THE NOTED STANDARDS OF THE CITY OF WINTER GARDEN FOR CONSTRUCTION OF PUBLIC WORKS AND UTILITY INFRASTRUCTURE. BY INCLUDING THE STANDARDS, THE DESIGN ENGINEER HAS ACKNOWLEDGED THAT THEY ARE EFFECTIVE TO THE PROJECT AND THAT DETAILS, NOTES, OR SPECIFICATIONS ARE AS PROVIDED BY THE CITY AND HAVE NOT BEEN REVISED OR MODIFIED WITHOUT WRITTEN APPROVAL FROM THE CITY ENGINEER OR UTILITY DIRECTOR.

NO.	DATE	REVISIONS

KIRBY ENGINEERING, L.L.C.
JOHN R. KIRBY, P.E.
407-877-9400

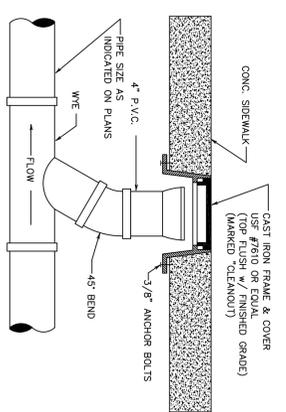
STANDARD DETAILS FOR POTABLE WATER SYSTEMS
WEST SIDE FAMILY WORSHIP CENTER

CITY OF WINTER GARDEN, FLORIDA
STANDARDS AND SPECIFICATIONS
FOR UTILITIES SYSTEMS

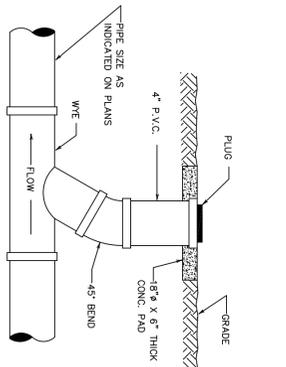


- NOTES:**
1. GROP CONNECTIONS ARE REQUIRED WHENEVER INSERT OF INFLUENT SEWER IS 24" OR MORE ABOVE THE INVERT OF THE MANHOLE. SEE MANHOLE CONNECTION DETAILS.
 2. E-Z RAPP OUTSIDE ALL JOINTS
 3. GROUT WITH NON-SHRINKING GROUT INSIDE JOINTS
 4. NO CONES OVER 3 FT. TALL
 5. ALL PRECAST CONCRETE SHALL BE COATED INSIDE AND OUTSIDE WITH COAL TAR EPOXY, MINIMUM 1/8 MIN. THK.

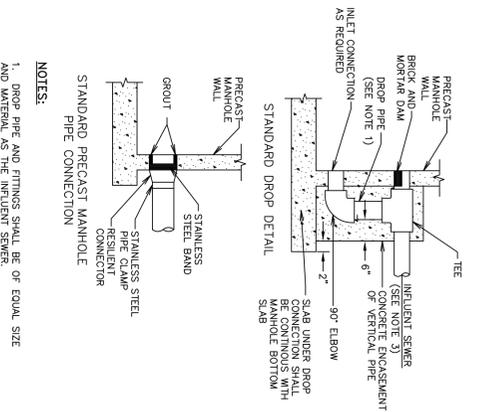
PRECAST CONCRETE SANITARY MANHOLE
N.T.S.



CLEAN OUT DETAIL FINISHED BUILDOUT (IN PAVED AREA)
N.T.S.

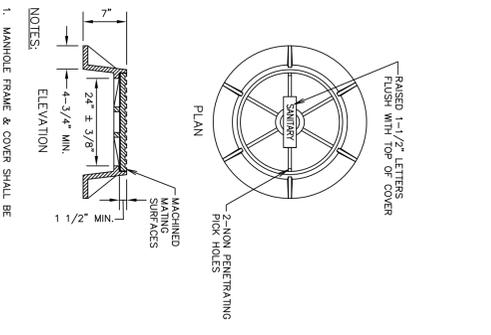


CLEAN OUT DETAIL FINISHED BUILDOUT (IN UNPAVED AREA)
N.T.S.



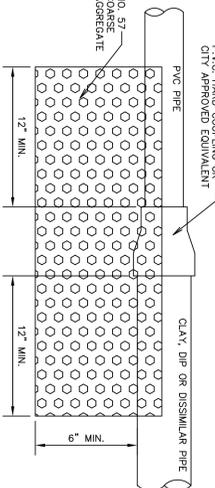
- NOTES:**
1. GROP PIPE AND FITTINGS SHALL BE OF EQUAL SIZE AND OUTSIDE AS THE INFLUENT SEWER.
 2. AN OUTSIDE DROP CONNECTION SHALL BE REQUIRED ABOVE THE MANHOLE INVERT.

SANITARY MANHOLE CONNECTION DETAILS
N.T.S.



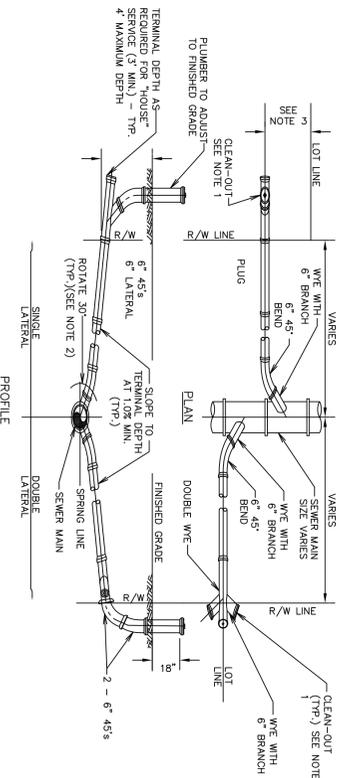
- NOTES:**
1. MANHOLE FRAME & COVER SHALL BE 24\"/>
 - 2. AN OUTSIDE DROP CONNECTION SHALL BE REQUIRED ABOVE THE MANHOLE INVERT.
 - 3. RAIN STOPPER LIDS OR RAIN GUARD LIDS (LIDS) REQUIRED.

SANITARY MANHOLE STANDARD MANHOLE FRAME AND COVER
N.T.S.



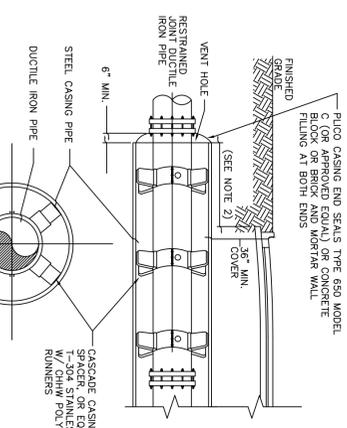
- NOTE:**
1. FIELD JOINT MATERIALS OF EXISTING PIPES TO SELECT PROPER CONNECTOR.
 2. HARBOR COUPLING OR APPROVED EQUIVALENT FOR ALL PIPE MATERIALS, UNLESS APPROVED IN WRITING BY THE CITY.

SEWER MAIN CONNECTION DETAIL
N.T.S.



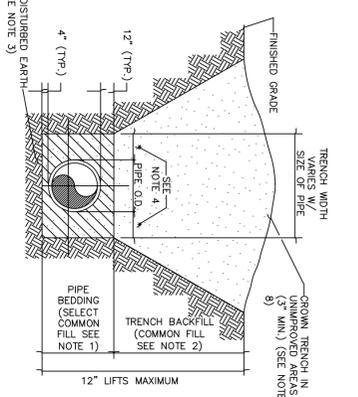
- NOTES:**
1. CLEANOUT SHALL BE INSTALLED BY THE CONTRACTOR IN ACCORDANCE WITH STANDARD PLUMBING CODE.
 2. INVERT OF SERVICE LATERAL SHALL NOT ENTER SEWER MAIN BELOW SPRING LINE.
 3. WYES AND 45° BENDS SHALL BE PVC (SDR 26).
 4. LOCATE SINGLE LATERAL AS CLOSE TO LOT LINE AS POSSIBLE, 25' MAXIMUM.

SANITARY SEWER SERVICE LATERAL DETAIL
N.T.S.



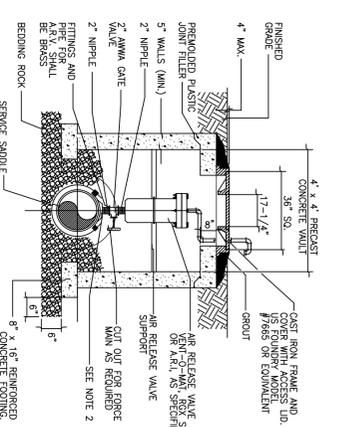
- NOTES:**
1. WHERE PRACTICAL CASING SHALL EXTEND 8' BEYOND EDGE OF PAVEMENT IN ANY CASE. SHALL NOT BE LESS THAN 6' BEYOND EDGE OF PAVEMENT IN ANY CASE.
 2. CASING SPACERS AND END SEALS TO BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.
 3. DESIGN ENGINEER TO DETERMINE NEED FOR SACRIFICIAL ANODE (S) FOR CORROSION CONTROL.

BORE AND JACK DETAIL
N.T.S.



- NOTES:**
1. PIPE BEDDING SELECT COMMON FILL COMPACTED TO 98% OF THE MAXIMUM RESIST AS PER ASTM 1-180 AND CONTAINING NO MORE THAN 5% PASSING #20 SIEVE.
 2. TRENCH BACKFILL COMMON FILL COMPACTED TO 98% OF THE MAXIMUM RESIST AS PER ASTM 1-180 AND CONTAINING NO MORE THAN 5% PASSING #20 SIEVE.
 3. PIPE BEDDING UTILITIES SELECT COMMON FILL OR BEDDING ROCK IN ACCORDANCE WITH TYPE A BEDDING AND TRENCHING MAY BE REQUIRED AS DIRECTED BY THE CITY OF WINTER GARDEN.
 4. (1) 15" MAX. FOR PIPE DIAMETER LESS THAN 24", AND 24" MAX. FOR PIPE DIAMETER 24" AND LARGER.
 5. WATER SHALL NOT BE PERMITTED IN THE TRENCH DURING CONSTRUCTION.
 6. ALL PIPE TO BE INSTALLED WITH BELL FACING UPSTREAM TO THE DIRECTION OF THE FLOW.
 7. REFER TO SECTION 32.5 OF THE ORANGE COUNTY MANUAL OF STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION FOR SHEETING AND BRACING IN EXCAVATIONS.
 8. FINAL RESTORATION IN IMPROVED AREAS SHALL BE IN COMPLIANCE WITH ALL APPLICABLE REGULATIONS OF GOVERNING AGENCIES. RESTORATION SHALL BE IN ACCORDANCE WITH REQUIREMENTS OF RIGHT-OF-WAY SHALL COMPLY WITH REQUIREMENTS OF APPLICABLE REGULATIONS AND ROAD CONSTRUCTION SPECIFICATIONS.

STANDARD BEDDING DETAIL
N.T.S.



- NOTES:**
1. THE MINIMUM DIMENSION FROM TOP OF PIPE TO FINISHED GRADE SHALL BE 3.0 FEET.
 2. DOUBLE STRAP SANDIE AND WEAP WITH TWO LAYERS OF WIDE PLASTIC OR POLY TAPE WITH STAINLESS STEEL STRAP.
 3. PIPE INSTALLATION SHALL BE SUCH THAT THE A.R.V. IS LOCATED IN ACCORDANCE WITH THE CITY OF WINTER GARDEN.
 4. ALL PROTECTIVE COATING SHALL BE APPLIED TO THE VALVE.
 5. CAST IRON FRAME COVER AND ACCESS LID SHALL BE INSTALLED FLUSH WITH FINISHED GRADE.
 6. COVER SHALL HEAD WINTER GARDEN UTILITIES DIVISION AND "WASTEWATER".
 7. NO GALVANIZED PIPE/VALVES.

SEWAGE COMBINATION AIR VALVE (SCAV) AND INFLW VAULT
N.T.S.

WINTER GARDEN STANDARDS INCORPORATED WITH DESIGN ENGINEERS DOCUMENTS.

THE DETAILS, NOTES AND SPECIFICATIONS SHOWN ON THIS SHEET REPRESENT THE NOTED STANDARDS OF THE CITY OF WINTER GARDEN FOR CONSTRUCTION OF PUBLIC WORKS AND UTILITY INFRASTRUCTURE. BY INCLUDING THE STANDARDS, THE DESIGN ENGINEER HAS ACKNOWLEDGED THAT THEY ARE EFFECTIVE TO THE PROJECT AND THAT DETAILS, NOTES, OR SPECIFICATIONS ARE AS PROVIDED BY THE CITY AND HAVE NOT BEEN REVISED OR MODIFIED WITHOUT WRITTEN APPROVAL FROM THE CITY ENGINEER OR UTILITY DIRECTOR.

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: George Brennan, Police Chief

Via: City Manager Mike Bollhoefer

Date: April 3, 2012

Meeting Date: April 12, 2012

Subject: Recommendation to approve distribution of \$13,439 awarded Justice Assistance Grant (JAG) funds to purchase Special Response Team equipment for the Police Department, and allow for public comment.

Issue: The Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) has earmarked \$13,439 for the Winter Garden Police Department. The Police Department is requesting to utilize this money to purchase items needed for officers to perform Special Response Team (also known as SWAT) functions as listed in the attached spreadsheet.

Recommended action: Approve the distribution of awarded grant funds to purchase Special Response Team equipment for the Police Department.

Attachment: Spreadsheet containing listed items and costs.

Police Special Response Team Equipment

SRT Required Operator Equipment	Item cost	Qty.	Total Cost
Point Blank I ESU Spider I Entry Vest with Point Blank Hard Armor Plate	\$ 1,992.42	3	\$ 5,977.26
Tru-Spec Combat Shirt (Multi-Cam)	\$ 59.99	3	\$ 179.97
Tru-Spec BDU Pants (Multi-Cam)	\$ 49.99	3	\$ 149.97
BlackHawk I Hellstorm Knee pads	\$ 27.95	3	\$ 83.85
BlackHawk I Hellstorm Elbow Pads	\$ 12.95	1	\$ 12.95
Atlantic Signal I MH180-H I Tactical Headset I SOLE SOURCE 2009	\$ 775.00	3	\$ 2,325.00
Colt M16A2 CQB I 5.56 I 10.3" I Safe-Semi-Full	\$ 1,120.00	3	\$ 3,360.00
EOTech 552.A65 I Holographic Weapon Sight I BID 2009	\$ 450.00	3	\$ 1,350.00
Grant Total =			\$ 13,439.00

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Kathy Golden, City Clerk *Kathy*
Via: Mike Bollhoefer, City Manager
Date: March 26, 2012 **Meeting Date:** April 12, 2012
Subject: Resignation of City Commission appointee on the Police and Fire Employees Pension Board
Issue: Robert Olszewski has been elected City Commissioner of District 3 and has resigned his position on this board.

The seat is scheduled to expire November 30, 2012.

The next meeting is scheduled for May 29, 2012.

Reference:

City Code Sec. 54-188. Board of trustees.

(a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this article are hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city commission, one of whom shall be a firefighter member of the system and one of whom shall be a police officer member of the system, who shall be elected by a majority of the firefighters or police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four trustees as provided for herein, and such person's name shall be submitted to the city commission. Upon receipt of the fifth person's name, the city commission shall, as a ministerial duty, appoint such person to the board of trustees as its fifth trustee. The fifth trustee shall have the same rights as each of the other four trustees appointed or elected as herein provided and shall serve a two-year term unless he sooner vacates the office. **Each resident trustee shall serve as trustee for a period of two years, unless he sooner vacates the office or is sooner replaced by the city commission at whose pleasure he shall serve.** Each member trustee shall serve as trustee for a period of two years, unless he sooner leaves the employment of the city as a firefighter or police officer or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office.

Attachments:

Resignation

Board appointment interest form on file with the City Clerk.

Kathy Golden

From: Bobby Olszewski <thebobbyo@yahoo.com>
Sent: Friday, March 23, 2012 3:59 PM
To: Susy Pita; Tim Nash; Grant McMurry; Scott Christiansen
Cc: Bill Rosenfeld; Phil Cross; Joe Morabito; Thomas Resko; Kathy Golden
Subject: Winter Garden Fire/Police Pension Board

Dear Fellow Winter Garden Fire and Police Pension Board Members:

Last night I was officially sworn-in as Winter Garden Commissioner for District 3.

After discussions with our City Attorney, with regards to FL Sunshine Laws, it would be in everyone's best interests for me to resign my position on the Winter Garden Fire and Police Pension Board.

There are a number of issues that I could have to vote on as Commissioner from our Pension Board that could potentially cause some statutory issues that would be best avoided.

I thank you for your service to the City of Winter Garden as I have truly enjoyed working with you.

As always, please let me know what I can do for you as I hope to see you again soon.

Robert "Bobby" Olszewski, M.A., M.S., Ph.D. Candidate
Managing Principal
Emerson Management & Consulting Group, Inc.
1130 Copenhagen Way
Winter Garden, FL 34787
Voice: 321.217.8687
Website: www.EmersonMCG.com



CITY OF WINTER GARDEN
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

still interested as of 10-5-10
3-26-12

Rec'd. 4-19-10

P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

WINTER GARDEN • A charming little city with a juicy past.

CITY OF WINTER GARDEN BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE. FEEL FREE TO ATTACH A RESUME.

DATE: APRIL 16, 2010 VERIFIED INTEREST ON: _____

LAST NAME: LIPPOLD FIRST: NEAL MIDDLE: W
HOME ADDRESS: 525 S. HIGHLAND AVENUE, WINTER GARDEN, FL 34787
OFFICE ADDRESS: _____
HOME PHONE: 407-347-8300 WORK PHONE: _____ FAX: 407-347-8300
CURRENT EMPLOYER: RETIRED - WAUBONSEE COMMUNITY COLLEGE, SUGAR GROVE, IL LENGTH: 31 YEARS
POSITION: PROFESSOR EMERITUS OF CRIMINAL JUSTICE

EDUCATION: AURORA EAST HIGH SCHOOL UNDERGRADUATE COLLEGE DEGREE IN: CRIMINAL JUSTICE/SOCIOLOGY
ADVANCED COLLEGE DEGREE IN: CRIMINAL JUSTICE OTHER: ALL BUT DISSERTATION FOR EDUCATIONAL DOCTORATE IN CURRICULUM AND INSTRUCTION

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:
I was involved in police work for 17 years holding position from patrolman to chief of police; 5 years as a correctional counselor and parole agent with the Illinois Department of Corrections; 31 years a professor of criminal justice. I believe my work and educational qualify for a position on the police committee.

COMMUNITY INVOLVEMENT: Instructor with AARP Driver Safety Program, past member of the Volusia County COP program.

INTERESTS/ACTIVITIES: Sports, reading, gardening

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? I have a strong interest in giving back to the communities were I have lived.

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.
American Legion, member for over 15 years, Illinois Association of Police Planners, 1980 thru 2006; International Association of Law Enforcement Planners, 2000 thru 2006.

ARE YOU A RESIDENT OF WINTER GARDEN? Yes IF YES, CONTINUOUS RESIDENT SINCE? 2008

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? Yes WHICH CITY DISTRICT? 3

ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? No IF YES, PLEASE STATE NAME OF BOARD: _____

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? Yes IF YES, PLEASE STATE NAME OF BOARD: POLICE COMMITTEE

AS CHIEF OF POLICE, I SERVED ON THE POLICE COMMITTEE FOR THE VILLAGE OF SUGAR GROVE, ILLINOIS FROM 1980 THRU 1986.

REFERENCES: SUPPLIED ON DEMAND

WHICH BOARD(S) ARE YOU INTERESTED?

- *CODE ENFORCEMENT BOARD
- *PLANNING & ZONING BOARD
- *COMMUNITY REDEVELOPMENT AGENCY OR ADVISORY BOARD
- *GENERAL EMPLOYEES PENSION BOARD
- *FIRE/POLICE PENSION BOARD
- *ARCHITECTURAL REVIEW AND HISTORICAL PRESERVATION BOARD

PLEASE NOTE: MEMBERS SERVING ON BOARDS WITH AN ASTERISK (*) ARE REQUIRED TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM WITH THE ORANGE COUNTY SUPERVISOR OF ELECTIONS OFFICE ON OR BEFORE JULY 1ST OF EACH YEAR. APPLICANTS FOR BOARD APPOINTMENT ARE REMINDED OF THE PROVISIONS OF THE FLORIDA STATUTES AS APPLICABLE TO CONFLICTS OF INTEREST. ALL BOARD APPLICATIONS ARE KEPT ON FILE FOR ONE YEAR AND ARE SUBMITTED TO THE CITY COMMISSION WHENEVER A VACANCY OCCURS. UPDATED INFORMATION SHOULD BE SUBMITTED AND MAY BE REQUESTED AT ANY TIME.

DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254.

NEAL W. LIPPOLD

525 S. Highland Avenue ■ Winter Garden, FL 34787 ■ (407) 347-8300 ■ nlippold@cfl.rr.com

EDUCATION

NORTHERN ILLINOIS UNIVERSITY

Curriculum and Instruction, January, 1992-2002

All course work completed for EdD, except dissertation.

CHICAGO STATE UNIVERSITY

Masters Degree ■ Corrections, May, 1978

AURORA UNIVERSITY

Bachelors of Arts Degree - Sociology and Corrections, June, 1974

WAUBONSEE COMMUNITY COLLEGE

Associate in General Studies Degree, June, 1972

WORK EXPERIENCE

ACADEMIC

8/75-6/06: Professor of Criminal Justice, Waubonsee Community College.

Taught all criminal justice courses; promoted the criminal justice program via advertising, flyers, advisory councils and visits to criminal justice agencies.

Responsible for budget preparation; preparing semester class schedule; degree and certificate programs; catalog changes; ordering equipment; developing departmental policy and procedures, and hiring of adjunct faculty.

Program Development/Curriculum Design

- Curriculum design written all course work leading to both the Associate in Science and Associate in Applied Science Degrees.
- Created certificates in advance police skills and community policing.

Distance Learning

- Pioneer teacher in two-way interactive teaching.
- Pioneer teacher in the development of online courses.
- Have written a total of ten online courses, 7 criminal justice and 3 Microsoft application courses.

Dual credit course offerings

- Help to create and taught dual credit program that combined the efforts of Waubonsee Community College, Oswego, Illinois school district and the Oswego Illinois Police Department.
- Through the two-way interactive television system I have taught dual credit classes with two high school districts..

Driver Safety:

- Certified DDC 4 Instructor
- Certified 25 Alive Instructor
- Certified instructor with AARP Driver Safety Program

Extracurricular Activities:

- Campus Police Cadet training
- Involvement with Waubensee Community College Drama Department
- SkillsUSA VICA Criminal Justice Advisor
- Member of the Waubensee Community College Speakers Bureau

Center for Teaching, Learning and Technology

- Pioneer leadership role with the Center for Teaching and Learning and Technology as a trailblazer and Consultant
- Faculty Liaison for the academic year of 1999 - 2000
- Responsible for coordinating the Spring 2000 Adjunct training workshop
- Developed the foundational study for the development of a Faculty Teaching and Learning Academy
- Created and coordinated the New Faculty Teaching and Learning Academy for new faculty coming to Waubensee
- Chaired the Faculty Development Committee for the Center for Teaching, Learning and Technology
- Worked with faculty to create a (CATs) classroom assessment techniques program for all Waubensee faculty
- Tested interactive video and audio software

Presenter--State Level

- Peoria, Illinois, 1995, Illinois Community College Faculty Association
- Bloomington, Illinois, 1997, Statewide Distance Learning Instructional Consortium
- Bloomington, Illinois, 1998, Statewide Distance Learning Instructional Consortium

Research - Classroom Usage

- Developed and conducted a study regarding classroom usage for Waubensee Community College

ADMINISTRATIVE/PRACTICAL

1987 - 1992, Sergeant, Fox Valley Park District Police Department. Responsible for general patrol, patrol supervision, and training of officers.

1976 - 1986, Chief of Police, Village of Sugar Grove, Illinois. Responsible for the operation of the police department, including budgeting, personnel matters, policy formulation, and working with the village's governmental officials.

1975 - 1982, Chief of Police, Waubensee Community College Police Department. Responsible for the security of the campus, training of student employees, budgeting, and policy formulation.

1970 - 1975, Parole Agent and Correctional Counselor, State of Illinois, Department of Corrections. Responsible for caseload management and the supervision of incarcerated inmates and parolees.

KNOWLEDGE, ABILITIES, AND SKILLS

- X Software: WordPerfect, Microsoft Word, PowerPoint, Publisher, and Outlook, WordPerfect Presentation Graphics, Web Browsers, Working knowledge of Hypertext Markup Language, WebCT course management software, Cu-See-Me.
- X Equipment: Personal Computers and Macintosh.
- X Other: various printers, and scanners, telecommunications equipment, interactive video equipment.

COLLEGIATE ACTIVITIES

- Curriculum Council
- Calendar Committee
- Member of committee that planned the new classroom building
- Co-Chair of the Illinois Articulation Initiative Criminal Justice Panel
- Member of Committees to prepare for North Central Accreditation Visit (3 visits)
- Past president of Faculty Federation
- Safety Committee
- Diversity Committee
- Insurance Ad Hoc Committee
- Interview committees
- Faculty Trainer for Two-way Interactive Video
- Evaluation committees
- Student Advisement Committees
- Student health and Safety

- Administration Search Committees
- Semester Orientation Committees
- Advisory Counsel
- Building Committees
- Referendum Committees
 - Criminal Justice Program Advisory Committee
 - Student Conduct Board

PROFESSIONAL AFFILIATIONS

- X Illinois Association of Police Planners
- X International Association of Law Enforcement Planners
- X American Correctional Association
- X Illinois Correctional Association

COMMUNITY ACTIVITIES

- Breaking Free, member of the Board, 1978 - 1982
- Sugar Grove Lions Club, former member and past president
- DeKalb Evening Lions club, 1992 - 2000
- Candidate for Kane County Sheriff, 1986
- Candidate for Alderman, 3rd Ward, City of Aurora, 1991
- Member of the Board, Kane County Association of Chiefs of Police, 1988

HONORS

- Awarded Rank of Professor by the Waubensee Community College Board of Trustees
- Certificate of Merit presented by the Du Page Bar Association
- Who's Who in America 1997 & 2000
- Who's Who in American Education 1998 & 2004
- Certificate of Appreciation, awarded by the Board of Trustees, Waubensee Community College, 1988
- Featured Alumnus, awarded by the Board of Trustees, Waubensee Community College, 1991
- Certificate of Achievement, awarded by the National District Attorneys Association, 1990
- Certificate of Honor, awarded by the Kane County Bar Association, 1991
- Great Teacher Conference, 1987
- National Great Teacher Conference, 1988
- Nominated as Distinguished Alumnus

References sent under separate cover

RESOLUTION 12-06

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF WINTER GARDEN, FLORIDA, APPOINTING
A MAYOR PRO-TEM**

WHEREAS, Sec. 2 of the City Charter states that the at the first regular commission meeting after an election, including any runoffs and swearing in of commissioner(s); and

WHEREAS, Sec. 2 of the City Charter also states the commission shall elect from among its members a Mayor Pro-Tem; and

WHEREAS, the Charter also states that the Mayor Pro-Tem shall serve until a successor is elected; and

WHEREAS, a new Mayor Pro-Tem must be appointed;

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

Section 1. That _____ is hereby appointed to serve as Mayor Pro-Tem until the first meeting after the 2014 election has been certified.

Section 2. That this resolution shall be in full force and effect immediately upon its passage and adoption.

This Resolution is duly adopted at a regular meeting of the City Commission of the City of Winter Garden, Florida, held on the 12th day of April 2012.

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: Mike Bollhoefer, City Manager

Date: April 10, 2012

Meeting Date: April 12, 2012

Subject: Acquisition of real property to widen East Plant Street

Recommended action:

Resolution #12-08 is required in order for the City to be able to commence the statutory eminent domain process to acquire the remaining parcels needed to widen Plant Street. Once the Resolution is approved by the City Commission, the City will take all steps necessary and appropriate to carry out the acquisition of the remaining parcels needed for the project, including proper notices, further negotiations, any necessary litigation, and any other needed and appropriate actions.

RESOLUTION NO. 12-08

A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF FEE TITLE OF PROPERTY DESIGNATED PARCEL 119 AND PARCEL 120; PARCEL 119 BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE PLANT STREET AND HENNIS ROAD INTERSECTION AND PARCEL 120 BEING GENERALLY LOCATED ON THE NORTH SIDE OF PLANT STREET SLIGHTLY EAST OF THE PLANT STREET AND HENNIS ROAD INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Winter Garden desires to serve the transportation and public utility needs of the City of Winter Garden, Florida; and

WHEREAS, the City Commission of the City of Winter Garden has the authority to adopt this Resolution pursuant to Article VIII of the Constitution of the State of Florida and Chapters 73, 74, 163, 166 & 180, Florida Statutes; and

WHEREAS, the City Commission of the City of Winter Garden finds a public need and necessity exists to acquire, by eminent domain, fee simple title to the land described in **Exhibit “A”** and **Exhibit “B”** attached hereto and incorporated herein by reference; and

WHEREAS, the City Commission of the City of Winter Garden finds a public need and necessity exists to acquire the lands described in **Exhibit “A”** and **Exhibit “B”** hereto for transportation and public utility purposes; and

WHEREAS, the City Commission of the City of Winter Garden finds that the acquisition of said lands is necessary for transportation and public utility purposes, and that the acquisition of said lands therein otherwise to be in the public interest of the City and the people thereof; and

WHEREAS, the acquisition of said lands are necessary for the City of Winter Garden’s Plant Street widening and improvement project, which includes, without limitation, road, stormwater drainage and utility improvements; and

WHEREAS, all conditions precedent to the exercise of the power of eminent domain have been satisfied by the City of Winter Garden.

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

Section 1. That the acquisition, by eminent domain, of the interest indicated in the following parcels for the purposes set forth above have been found to be, and are found and determined to be, necessary, in the best interest of the public, and for a public use and purpose, the legal descriptions of said parcels being more particularly described in **Exhibit “A”** and **Exhibit “B”** attached hereto and by this reference made a part hereof:

Parcel No.: 119
Owner: Bnh Corner Store, Inc.
Interest: Fee Simple

Parcel No.: 120
Owner: RMC Ewell, Inc. f/k/a Ewell Industries, Inc.
Interest: Fee Simple

Section 2. That the appropriate officers, employees and attorneys of the City of Winter Garden are authorized to proceed forthwith to institute such necessary and proper actions and proceedings and to comply with all legal requirements as may be necessary or proper for the acquisition by eminent domain of the fee simple absolute title in the property described in attached **Exhibit “A”** and **Exhibit “B,”** the specific interest to be acquired therein being further set forth above.

Section 3. That if any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion and such holding shall not affect the validity of the remaining portion hereto.

Section 4. That this Resolution shall become effective immediately upon adoption.

DONE AND RESOLVED this ____ day of _____, 2012.

CITY OF WINTER GARDEN, FLORIDA

By: _____
John Rees, Mayor

ATTEST:

By: _____
Kathy Golden
City Clerk

Attachments: Exhibit "A" - Parcel 119
Exhibit "B" - Parcel 120

s:\aka\clients\winter garden\plant street widening w500-20829\eminent domain resolution.doc

SCHEDULE "A"
PARCEL 119
PURPOSE : RIGHT OF WAY

EXHIBIT "A"

A portion Section 13, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows :

COMMENCING at the Northwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 13; thence, along the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 13, North 89°37'40" East, 29.95 feet to the East right of way line of Hennis Road, as recorded in Official Records Book 3905, Page 2432 and Official Records Book 2025, Page 957, Public Records of Orange County, Florida; thence, along said East line South 00°09'03" East, 110.39 feet to the POINT OF BEGINNING; thence South 56°05'19" East, 36.29 feet to a point on a non-tangent curve concave Southeasterly, having a radius of 9,250.00 feet, a central angle of 00°37'43" and a chord bearing and distance of North 68°21'19" East, 101.47 feet; thence along the arc of said curve 101.47 feet to the East line of the lands described in Official Records Book 9079, Pages 1060 through 1062, Public Records of Orange County, Florida; thence, along said East line, South 00°15'45" East, 38.97 feet to the Northerly right of way line of Plant Street (State Road 438), as recorded in Florida Department of Transportation right of way map Section number 75230-2518; thence, along said Northerly right of way line, South 67°54'15" West, 70.59 feet to the point of curvature of a curve concave Northeasterly, having a radius of 43.00 feet, a central angle of 111°56'42" and a chord bearing and distance of North 56°07'24" West, 71.27 feet; thence along the arc of said curve 84.01 feet to the point of tangency, said point also being a point on aforesaid East right of way line; thence, along said East right of way line, North 00°09'03" West, 8.62 feet to the POINT OF BEGINNING.

Containing: 4,487 square feet, more or less.

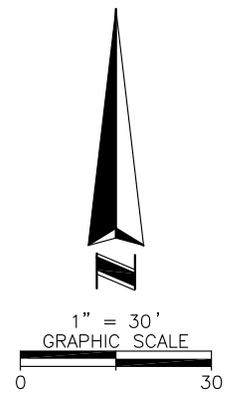
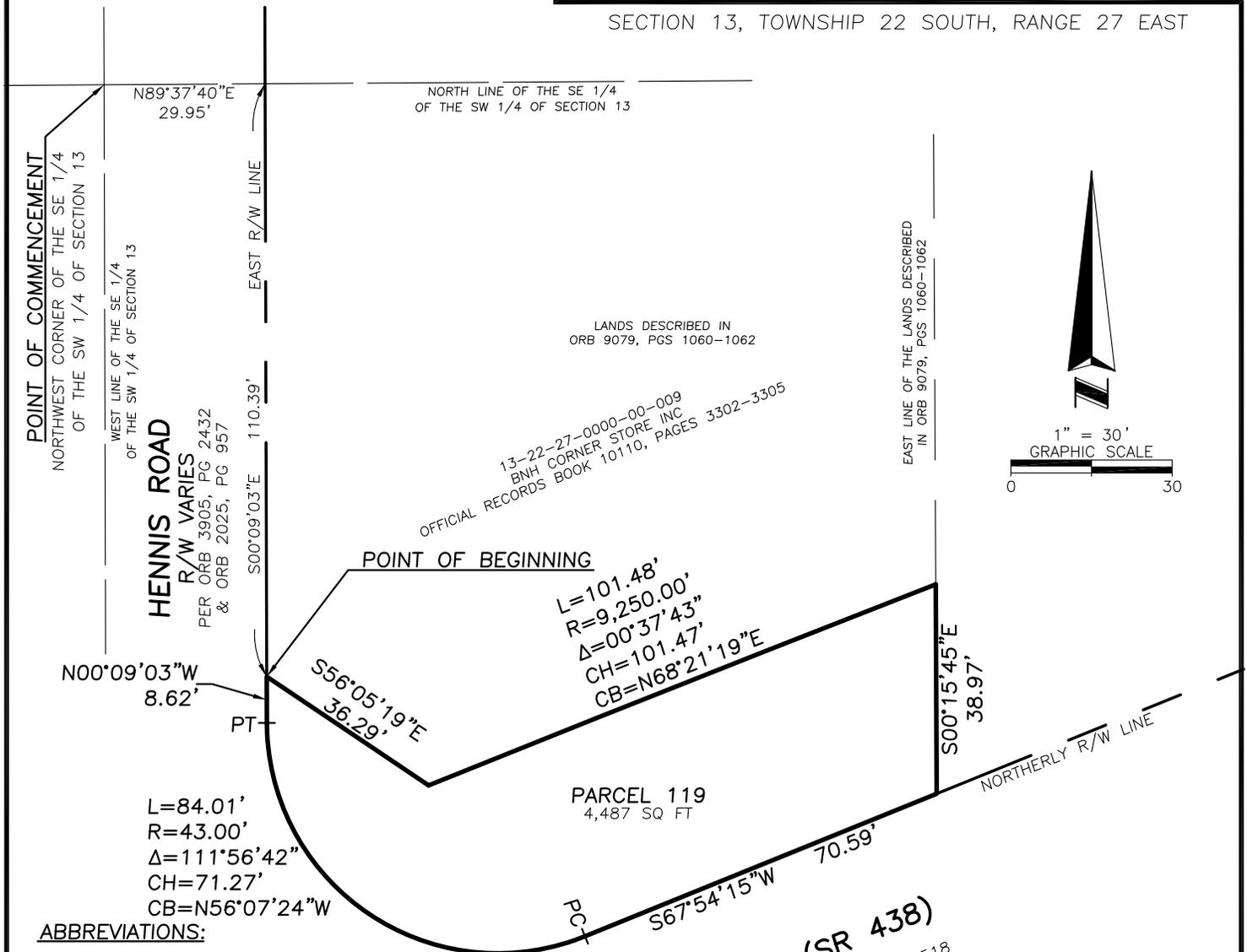
NOTES:

1. Bearings shown hereon are based on the North line of the Southeast 1/4 of the Southwest 1/4 of Section 13, being North 89°37'40" East, assumed.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying CH. 61G17-6 requirements.
3. Not valid without the original signature and raised seal of a Florida Licensed Surveyor and Mapper.

DESCRIPTION FOR City of Winter Garden Pegasus Engineering, LLC Revised Sketch 04/05/12 REJ	Date: 07/15/2009 REJ		CERT. NO. LB2108 49446106
	Job No.: 49446	Scale: 1" = 30'	 SOUTHEASTERN SURVEYING & MAPPING CORP. 6500 All American Boulevard Orlando, Florida 32810-4350 (407)292-8580 fax(407)292-0141 email info@southeasternsurveying.com  GARY B. KRICK REGISTERED LAND SURVEYOR NO. 4245
	CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	NOT VALID WITHOUT SHEET 2 SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		

SKETCH OF DESCRIPTION:
PARCEL 119

SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST



ABBREVIATIONS:

- SR = STATE ROAD
- SQ FT = SQUARE FEET
- PT = POINT OF TANGENCY
- PC = POINT OF CURVATURE
- PG(S) = PAGE(S)
- ORB = OFFICIAL RECORDS BOOK
- L = LENGTH
- R = RADIUS
- Δ = DELTA
- CH = CHORD
- CB = CHORD BEARING
- R/W = RIGHT OF WAY
- FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION

PLANT STREET (SR 438)
R/W VARIES
PER FDOT R/W MAP SECTION 75230-2518



Revised Sketch 04/05/12 REJ
Drawing No. 49446106
Job No. 49446
Date: 07/15/09
SHEET 2 OF 2
See Sheet 1 for Description

THIS IS NOT A SURVEY
NOT VALID WITHOUT SHEET 1

SOUTHEASTERN SURVEYING & MAPPING CORP.
6500 All American Boulevard
Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
Cert. No. LB-2108
email: info@southeasternsurveying.com

SCHEDULE "A"
PARCEL 120
PURPOSE : RIGHT OF WAY

EXHIBIT "B"

A portion Section 13, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows :

COMMENCING at the Northwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 13; thence, along the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 13, North 89°37'40" East, 154.30 feet to the West line of the lands described in Official Records Book 5627, Pages 3600 through 3602, Public Records of Orange County, Florida; thence, along said West line, South 00°08'21" East, 94.07 feet to a point on a non-tangent curve concave Southerly, having a radius of 9,250.00 feet, a central angle of 01°13'38" and a chord bearing and distance of North 69°16'56" East, 198.14 feet, said point also being the POINT OF BEGINNING; thence along the arc of said curve 198.14 feet to the East line of said described lands; thence, along said East line, South 00°08'21" East, 33.87 feet to the Northerly right of way line of Plant Street (State Road 438), as recorded in Florida Department of Transportation right of way map Section number 75230-2518; thence, along said Northerly right of way line, South 67°52'59" West, 200.03 feet to aforesaid West line; thence, along said West line, North 00°08'21" West, 39.09 feet to the POINT OF BEGINNING.

Containing: 6,837 square feet, more or less.

NOTES:

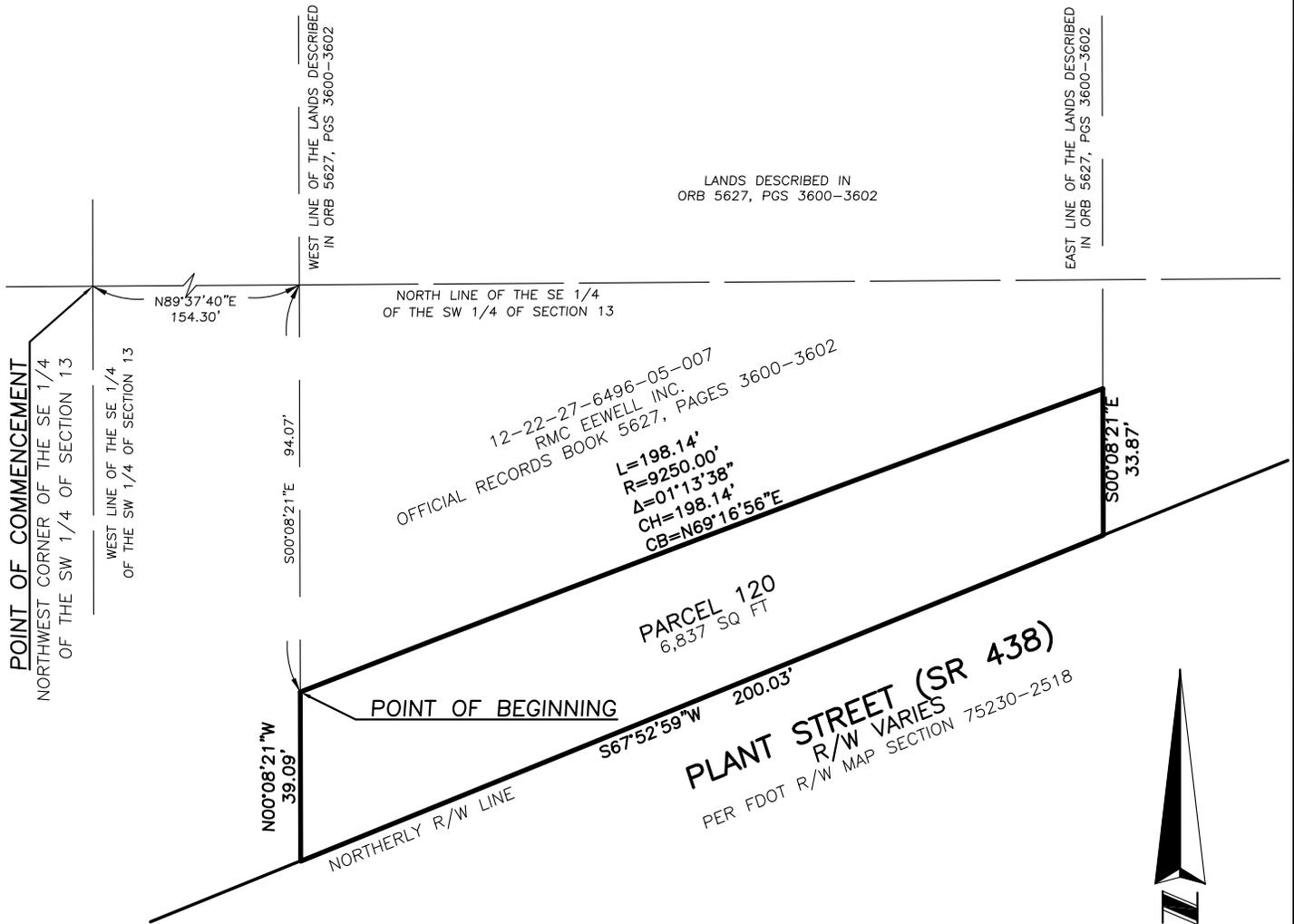
1. Bearings shown hereon are based on the North line of the Southeast 1/4 of the Southwest 1/4 of Section 13, being North 89°37'40" East, assumed.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying CH. 61G17-6 requirements.
3. Not valid without the original signature and raised seal of a Florida Licensed Surveyor and Mapper.

DESCRIPTION FOR City of Winter Garden Pegasus Engineering, LLC	Date: 07/15/2009 REJ		CERT. NO. LB2108 49446107
	Job No.: 49446	Scale: 1" = 40'	 SOUTHEASTERN SURVEYING & MAPPING CORP. 6500 All American Boulevard Orlando, Florida 32810-4350 (407)292-8580 fax(407)292-0141 email info@southeasternsurveying.com  GARY B. KRICK REGISTERED LAND SURVEYOR NO. 4245
	CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	NOT VALID WITHOUT SHEET 2 SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		
Revised Sketch 04/05/12 REJ			

SKETCH OF DESCRIPTION:
PARCEL 120

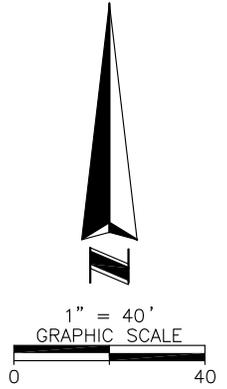
EXHIBIT "B"

SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST



ABBREVIATIONS:

- SR = STATE ROAD
- SQ FT = SQUARE FEET
- PG(S) = PAGE(S)
- ORB = OFFICIAL RECORDS BOOK
- L = LENGTH
- R = RADIUS
- Δ = DELTA
- CH = CHORD
- CB = CHORD BEARING
- R/W = RIGHT OF WAY
- FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION



Revised Sketch 04/05/12 REJ
Drawing No. 49446107
Job No. 49446
Date: 07/15/09
SHEET 2 OF 2
See Sheet 1 for Description

THIS IS NOT A SURVEY
NOT VALID WITHOUT SHEET 1



SOUTHEASTERN SURVEYING & MAPPING CORP.
6500 All American Boulevard
Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
Cert. No. LB-2108
email: info@southeasternsurveying.com

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: *Jay Conn, Parks and Recreation Director*

Via: City Manager Mike Bollhoefer

Date: **April 3, 2012** **Meeting Date: April 12, 2012**

Subject: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA CREATING A NEW CHAPTER 27 OF THE CODE OF ORDINANCES REGARDING PARKS, RECREATION AND COMMUNITY FACILITIES; PROVIDING FOR RULES AND REGULATIONS CONCERNING CITY PARKS, RECREATIONAL FACILITIES AND COMMUNITY FACILITIES; PROVIDING FOR USE PERMITS AND SPECIAL EVENTS PERMITS AND ASSOCIATED STANDARDS, CONDITIONS AND FEES; AMENDING SECTION 50-151 OF THE CODE OF ORDINANCES TO DELETE APPLICABILITY OF PROHIBITED ACTIVITIES IN PARKS AND RECREATIONAL FACILITIES TO AVOID CONFLICTS WITH NEW CHAPTER 27 OF THE CODE OF ORDINANCES; AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES TO DELETE ARTICLE III. MUSICAL OR ENTERTAINMENT FESTIVALS, SECTIONS 10-241, 10-242, 10-243, 10-244 AND 10-245 TO AVOID CONFLICTS WITH NEW CHAPTER 27 OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

Issue:

The current code of the City of Winter Garden is being amended to include a new Park and Recreation Ordinance that will include a comprehensive list of regulations applicable to many of the situations that are frequently encountered by parks staff or police officers during their management of public properties. This will allow for more uniform enforcement and assure that the public will ultimately have a safe and enjoyable experience when utilizing any of our public spaces.

Some of the changes to the current parks ordinance include the following proposed regulations:

- Special Events – Any festival, athletic competition, gathering, or demonstration with more than 100 people in attendance will now be considered a “special event” and will be required to fill out a permit, provide evidence of insurance, and provide the city with adequate proof that there are plans in place for parking, sanitation, and a plan to manage emergency situations that may arise. The

language in the current code of ordinances only requires “Music or Entertainment Festivals” to obtain permits. Changing this term to “Special Events” will alleviate the ambiguity of an event that may or may not easily be classified in the “Musical or Entertainment” category.

- Park Operating Hours – Establishes normal park operating hours as 6:00am to 10:00pm unless activities have been approved by city staff to take place outside of these hours.
- Playground Use - Prohibits anyone over the age of 14 from utilizing playground equipment unless it is in the supervision of younger children in his or her care.
- Signage – Prohibits anyone from affixing any type of sign to any part of a public facility without proper permission.
- Sound Amplification – Use of any type of sound amplification equipment will need to have pre-approval of city staff through a special event permit.
- Pet Regulations – Dogs and cats must be leashed by pet owners unless it is in an area that has been designated to allow for free roaming pets.
- Picnic Shelter Use – Allows individuals or groups to reserve picnic facilities for a fee. To assure that no one person or group is monopolizing the opportunity to utilize these facilities the use frequency is limited to no more than once every three months by the same individual.
- Prohibited Activities in Parks – Some of the prohibited activities include alcohol consumption, gambling, soliciting/advertising, camping (unless in an area designated for such use), and igniting fires (unless in an installed grill).
- Rental Functions – Limits all alcohol possession to indoor areas only.

Recommended action:

Motion to approve Ordinance 12-23 for first reading on April 26, 2012.

Attachments/References:

Draft Ordinance 12-23

ORDINANCE 12-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA CREATING A NEW CHAPTER 27 OF THE CODE OF ORDINANCES REGARDING PARKS, RECREATION AND COMMUNITY FACILITIES; PROVIDING FOR RULES AND REGULATIONS CONCERNING CITY PARKS, RECREATIONAL FACILITIES AND COMMUNITY FACILITIES; PROVIDING FOR USE PERMITS AND SPECIAL EVENTS PERMITS AND ASSOCIATED STANDARDS, CONDITIONS AND FEES; AMENDING SECTION 50-151 OF THE CODE OF ORDINANCES TO DELETE APPLICABILITY OF PROHIBITED ACTIVITIES IN PARKS AND RECREATIONAL FACILITIES TO AVOID CONFLICTS WITH NEW CHAPTER 27 OF THE CODE OF ORDINANCES; AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES TO DELETE ARTICLE III. MUSICAL OR ENTERTAINMENT FESTIVALS, SECTIONS 10-241, 10-242, 10-243, 10-244 AND 10-245 TO AVOID CONFLICTS WITH NEW CHAPTER 27 OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden owns and holds available to the public, parks and recreational facilities and other community facilities; and

WHEREAS, it is the City's goal to provide citizens with a safe environment in which recreational opportunity can be maximized; and

WHEREAS, in order to promote public health, safety and welfare of the citizens of the City of Winter Garden, it is necessary to adopt this Ordinance for the general purpose of assuring the proper balance between the use of parks, recreational facilities and other community facilities with the preservation of such parks and facilities and law and order; and

WHEREAS, it is the intent of this Ordinance not to exclude communication of a particular content; and

WHEREAS, to allow unregulated access to all comers to parks and recreational facilities could easily reduce rather than enlarge parks' and recreational facilities' utility as a forum for speech; and

WHEREAS, it is further the intent of this Ordinance to coordinate multiple uses or limited space, reduce and prevent property damage, minimize the hazards of personal injury and loss of life, and maintain the quality of outdoor and indoor cultural, recreational and other community facilities by establishing rules and regulations governing the use of such parks and facilities.

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

SECTION 1: Adoption. A new Chapter 27, Divisions 1, 2, 3 and 4 of the City of Winter Garden Code is hereby created and adopted to read as follows:

CHAPTER 27 PARKS, RECREATION AND COMMUNITY FACILITIES

DIVISION 1. SCOPE AND PURPOSE.

Sec. 27-1. Purpose and objectives.

In order to promote public health, safety and welfare of the citizens of the city, a parks and recreation ordinance is hereby enacted for the general purpose of assuring the proper balance between (1) the use of park, cultural and recreational facilities and (2) the preservation of such facilities and law and order.

Sec. 27-2. Applicability.

- (a) Unless stated otherwise herein, this article shall apply in all city parks and recreation areas and in all cultural, recreational and other community facilities which now are or which may hereafter be under the jurisdiction and control of the City of Winter Garden, and shall include all grounds, roadways, parks, athletic fields, buildings, school facilities when they are in use by the city as recreational facilities, and other areas used by the city for cultural, recreational or other community purposes.
- (b) The provisions of this article shall not apply to any public officer, employee or peace officer who is acting in the course of and within the scope of the public business, nor to any other person conducting public business or related activities for, on behalf of, and pursuant to lawful authority of an appropriate public entity.

Sec. 27-3. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The pronouns "he" and "his" include the pronouns "she" and "her, and the use of his/her means "his or her."

Alcoholic beverage means distilled spirits and all beverages containing one-half of one (0.5) per cent or more alcohol by volume, including beer and wine. Medicines or drugs dispensed pursuant to a physician's prescription are excluded.

Amplified sound equipment and/or sound-emanating equipment means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including, but not limited to, public address systems, amplifiers, horns and megaphones.

Animal means any cat, dog, horse, fowl and living creature other than a human.

Applicant means any person seeking a permit to use or conduct an activity in a park or recreation area or facility.

City means the City of Winter Garden.

City Commission means the governing body of the City of Winter Garden.

City Manager means the chief administrative officer of the City of Winter Garden or his/her designee.

Civic, educational or community service group means any not-for-profit group primarily devoted to the advancement of civic, educational or community service purposes.

Community facility means a building owned, leased or otherwise controlled by the city which is made available for reserved use by members of the public.

Domestic animal. Any animal not deemed to be a wild or exotic animal pursuant to Florida Game and Freshwater Fish Commission regulations.

Facility means any building, structure, or location owned, equipped and maintained by the city for public use.

Lewd or lascivious act means any one or more of those acts defined in Section 800.04(4)(5)(6) & (7) or Section 825.1025, Florida Statutes, as may be amended from time to time, regardless of the age of the victim(s) or observer(s) of such acts.

Limited membership group means denominational groups, partisan political groups, labor organizations and other such groups where membership is limited or not open to the general public.

Loiter or prowl shall have the same meaning as used in Section 856.021, Florida Statutes, as may be amended from time to time.

Nonrecurring use means infrequent use of a specific facility or the use of a facility on a special event basis (i.e., annual picnics, private parties or company-sponsored events).

Organized play means six persons or more engaging in a team sport athletic contest, such as, but not limited to, soccer, baseball, softball, football, basketball, or volleyball; this shall not apply for infrequent use.

Park means all real properties owned or controlled by the city and designated on a map maintained in the office of the city clerk, regardless of the extent of development or official designation, which serve as picnic grounds, recreation areas, nature areas and public fishing waters. Use of the term “park” in this article generally refers to those parks which are not used for organized scheduled activities. Park facilities include, but are not limited to, open space play areas, picnic shelters or pavilions, park benches, bike trails, fishing piers, boat ramps, restrooms, etc. The term “park” also refers to urban open spaces that are maintained for public use.

Permit means any written license issued by or under the authority of the city manager or the city commission permitting a use, event or activity in a park or recreation area or facility.

Person means any individual, child, firm, association, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations thereof.

Political activities means activities engaged in by candidates for public office, political groups, political parties or political committees.

Professional association means a group formed by practitioners of a specific profession or occupation.

Recreation facility means a building, structure, field, court, or park owned, leased or otherwise controlled by the city for public use which hosts organized recreational activities for teams and individuals or which provides active facility sites for non-organized leisure play. Recreation facilities include, but are not limited to, ballfields, tennis courts, shuffleboard courts, and playgrounds.

Recurring use means repeated use of a specific facility on a regularly scheduled basis (i.e., leagues, organized play, monthly meetings, etc.).

Reserved use means exclusive, permitted use for one or more occasions.

Resident means a person or the minor children of the person who owns or leases real property within the city limits or who maintains either voter registration or a bona fide domicile within the city limits. For the purpose of assessing fees for use of city facilities, the term “resident” also includes persons who reside outside the city limits but are customers of the city’s water utility.

Service animal means any animal such as a seeing-eye dog or hearing-ear dog used to assist a person with a disability or an animal trained for law enforcement purposes and under the control of a law enforcement officer.

Sexual activity means the same as defined in Section 800.04(1)(a), Florida Statutes, as may be amended from time to time.

Special event means an event that takes place on any publicly owned property, sidewalk, alley, park, lake or other publicly owned outdoor location, which, because of its scope and impact on surrounding areas and the potential need for provision of extra services by the city, requires a permit issued by the city manager in accordance with Division 4 of this Article. Special events include, but are not limited to circuses, carnivals, concerts, festivals, parades, special photography or any other event involving the anticipated assembly of one hundred (100) or more participants, spectators or other persons. Special events that require the closure of a public street(s) must be approved by the city commission. The location of a special event shall require the approval of the city manager. Special events do not include activities sponsored by the City or activities conducted by athletic organizations that utilize public facilities and have a current existing contract agreement with the City to do so.

Vehicle means every device in, upon or by which any person or property may be transported or drawn upon a highway, excepting devices used exclusively upon station rails or tracks.

Sec. 27-4. Parental responsibility.

No parent, guardian or custodian of a minor shall permit or allow such minor to do any act or thing in any city park or facility prohibited by the provisions of this article. Parents, guardians and custodians of minors shall also be held responsible for the acts of said minors.

Sec. 27-5. Enforcement.

- (a) It shall be unlawful for any person to do any act prohibited or fail to perform any act required by this article. Any person who fails to comply with any lawful and reasonable order given by law enforcement officers or authorized city official shall be in violation of § 843.02, Fla. Stat.
- (b) The city manager, city law enforcement officers, or any employee so designated by the city manager shall have the authority to eject from a city park or facility any person in violation of this article, the Winter Garden Code of Ordinances, or Florida Statutes.

Sec. 27-6. Penalties.

Any person violating any of the provisions of this Chapter shall also be subject to the violation and penalty provisions of § 1-15 of this Code.

DIVISION 2. RULES FOR USE OF CITY PARKS AND FACILITIES.

Sec. 27-7. Hours of use — parks and outdoor recreation facilities.

- (a) It shall be unlawful to congregate in or use any lighted city park or outdoor recreation facility after 10:00 p.m. and before 6:00 a.m., except for the following:

- (1) Those organized recreational or cultural activities where the organizer has obtained a permit for use of the city park beyond 10:00 p.m. A permit for the use of a city park beyond 10:00 p.m. may be issued to the organizer of a cultural or recreational activity by the city manager or his/her designee.
 - (2) Any park or outdoor recreation facility where a sign is posted that specifies closing hours other than those specified in paragraph (a).
 - (3) Any city sponsored activity that has been authorized to take place in such facilities by the city manager or his/her designee.
- (b) It shall be unlawful to congregate in or use any unlighted city park or outdoor recreation facility after dusk and before dawn.
- (c) It shall be unlawful to congregate on or use any unlighted trail after 11:00 p.m. and before 5:00 a.m. Lighted trails shall be open at all times.

Sec. 27-8. Prohibited acts in city parks and facilities.

It shall be unlawful for any person using city parks and facilities to either perform or allow the performance of any of the following acts, unless such activity is authorized, permitted or supervised by the city:

- (a) *Damaging property.* No person shall willfully mark, deface, damage, displace, remove or tamper with any park or facility buildings, tables, benches, fireplaces, railing, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards or notices, monuments, stakes, posts, boundary markers or other structures, equipment or parks or recreation property.
- (b) *Improperly using park structures, equipment and furniture.*
 - (1) No person over the age of fourteen (14) years shall trespass upon or play upon or use the playground equipment at any city park other than those swings and equipment designated for adult use; however, parents, guardians, and other bona fide caretakers over the age of fourteen (14) shall have limited access to playground equipment for the purposes of supervising the use of such equipment by children under their care.
 - (2) No person shall lie or otherwise be in a horizontal position on a table or bench intended for use by the general public.
 - (3) No person may erect signs or affix signs to any tree, post, or park facility or grounds, except for city representatives or other individuals authorized by the city to do so.

- (4) No person may drive, putt, or otherwise hit a golf ball or throw javelins or other missile type objects except in areas specifically designated for such purposes by the city manager.
- (5) No person shall sleep, loiter or prowl in bushes, shrubs, or other foliage located within the parks.
- (6) The city manager may develop and post additional safety rules and regulations particular to each facility.
- (c) *Polluting waters.* No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond or lake or any storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of such waters.
- (d) *Damaging plants.* No person shall damage, cut, carve, transplant or remove any tree or plant, or grass area, or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire, sign or other contrivance to any tree or plant.
- (e) *Harming or molesting animal life.* No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw missiles at any mammal, bird, reptile or amphibian; nor shall any person remove or in any way harm the eggs, nest or young of any mammal, bird, reptile or amphibian. Fishing shall be permitted in accordance with § 27-10 of this article.
- (f) *Littering.* No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other litter, or place refuse or litter in any waters in or contiguous to any park or facility, or anywhere on the grounds thereof, except for within those receptacles provided by the city and designated for such purposes.
- (g) *Igniting fires.* No person shall ignite or attempt to ignite any fire against or on any vegetation or park or facility structure, except in city provided fireplaces or grills when used for cooking. Persons are permitted to use a personal grill of type approved by the parks and recreation department in a designated picnic area; provided that such persons accept responsibility for proper off-site disposal of all charcoal, wood chips or other cooking materials after such use.
- (h) *Unauthorized operation of vehicles.* No person shall drive or otherwise operate a vehicle in a park or recreation area upon surfaces other than those maintained and open to the public for purposes of vehicular travel, except upon temporary parking areas as may be designated from time to time by the city commission or city manager, and further excepting vehicles in the service of the city, animal control vehicles, law enforcement vehicles, and motorized wheelchairs.

- (i) Possessing or consuming alcoholic beverages. No person shall sell, possess or consume alcoholic beverages, including beer or wine; provided, however, that alcoholic beverages may be permitted by the city manager for special events or within certain designated facilities.
- (j) Possessing or discharging weapons, explosives, etc.
- (1) No person shall carry or discharge bows and arrows, firecrackers, rockets, torpedoes, or other types of explosives, nor shall any person carry or use any object calculated to make a noise sufficient to disturb the peace or quiet of the park or facility.
 - (2) The provisions of paragraph (1) shall not be deemed to prohibit the carrying of ordinary tools or equipment for use in a lawful occupation or a fireworks exhibition sponsored by the city or community organizations during the Fourth of July or similar community celebrations.
- (k) Gambling. No person shall conduct in any city park or facility any card game for money or any other game for money or participate in any form of betting or gambling as defined in Florida Statutes. A drawing for chance conducted by a charitable or non-profit organization may be conducted only in accordance with § 849.0935, Fla. Stat.
- (l) Vending, soliciting, advertising, etc. No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any city park or facility; or sell or offer for sale any food, beverage, merchandise, article, or anything whatsoever in any park or facility. No person shall beg or solicit contributions. This paragraph shall not apply to any person, association, organization, entity or group acting pursuant to a contract with the city or under a special event permit granted by the city.
- (m) Operating amplified sound equipment. No person shall install, use, and operate within a park amplified sound equipment for the purposes of giving instructions, directions, talks, addresses, or lectures, or for transmitting music to any persons or groups of persons in any park, or in the vicinity thereof, except when installed, used, or operated in compliance with a special event permit issued by the city and when operated in accordance with terms of the permit. This paragraph shall not apply to the use of a loudspeaker or other amplified sound equipment that might be used on an athletic field during an athletic competition or other event sponsored by a school or community organization or when amplified sound equipment is authorized by a negotiated agreement with the city.
- (n) Launching or operating aircraft, radio-controlled model airplanes, etc. No person shall launch or operate any aircraft, including but not limited to, hot air balloons, airplanes, ultralights, helicopters and gliders except in areas or at times specifically designated for this purpose by special permit issued by the city manager.

- (o) Camping. No person shall camp in a city park or recreation area except at such times and places as may be designated by the city manager and except pursuant to a special permit issued by the city.
- (p) Erecting structures. No person shall construct or erect any tent, building, shed, shelter or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across a city park or recreation area except as authorized by the city manager or his/her designee.
- (q) Endangering the public. No person shall endanger the safety of any person or group by any conduct or act or by any failure to observe the rules established by this article.
- (r) Interfering with use of the park by others. No person or group shall prevent any other person or group from using any park or any of its facilities, or interfere with such use in compliance with this article and with the rules applicable to such use. Conducting activities authorized by a reserved use or special event permit issued pursuant to this article shall not constitute a violation of this section.
- (s) Lewd or lascivious acts and sexual activity. No person shall engage in a lewd or lascivious act or sexual activity in a city park or facility.
- (t) Sanitation. No person shall discharge or otherwise deposit human wastes in a city park or facility, except in appropriate toilet facilities provided by the city for such purposes. Furthermore, no person shall shave or shower in any city park or facility except in appropriate bathing facilities provided by the city for such purposes.

Sec. 27-9. Domestic animals in parks and recreation facilities.

- (a) No animals, other than dogs or cats, are permitted on park property unless a permit is applied for and obtained from the city manager to expressly authorize such animal(s). Dogs must be kept at all times on leashes no longer than eight (8) feet. Cats must be kept at all times on leashes or restrained within a pet carrier or cage. All animal excrement must be properly cleaned up and properly disposed of by the owner or keeper of the animal.
- (b) No person shall bring into any park any animal that constitutes a safety hazard or detriment to the enjoyment of the area by the public.
- (c) No person having in charge or custody any dog or cat shall permit, allow or suffer such dog or cat to enter upon or remain within any playground or park area reserved for children or to enter any sandbox or play apparatus area.

Sec. 27-10. Fishing.

Fishing shall be permitted in accordance with state law in those areas of ponds, lakes, and streams designated by the city for such activity, a record of which shall be maintained by the City's parks and recreation department and made available to the public.

Sec. 27-11. Alcoholic beverages.

No person shall sell, offer for consumption, or consume any alcoholic beverage, including beer and wine, within any city park or facility except as follows:

- (a) The city commission may approve the sale or consumption of alcoholic beverages in a city park or facility in conjunction with the issuance of a special event permit when possession and consumption is specifically authorized by permit or license of the state division of alcoholic beverages and tobacco.
- (b) The city manager may approve the consumption of alcoholic beverages at private social functions in city facilities designated for such functions.

DIVISION 3. USE PERMITS

Sec. 27-12. General Provisions

(a) *Application for permits*

- (1) Applicants may be required to provide liability insurance in accordance with § 27-12 (e) if, in the sole discretion of the city manager, the requested use of the facility represents a significant risk of loss to the city.
- (2) Parks and facility use permits will not be issued to persons under 18 years of age; youth groups must have an adult sponsor.
- (3) The permittee listed on the park or facility use permit shall be considered the person or entity responsible for the conduct of the activities occurring during the event and shall be responsible for the condition of the park or facility after its use. All other conditions listed on the park or facility use permit shall apply.

(b) *Permit fees for reserved use.*

- (1) The city is authorized to establish fees for reserved use of park, recreation and community facilities and to offset the cost to the public for additional services provided by the city in connection with such use.
- (2) A fee will not be charged for use of a facility for city sponsored or co-sponsored programs or events.

(c) *Standards for review of permit applications.*

- (1) The city manager shall approve an application for permit unless the city manager finds that any one or more of the following basis for denying a permit application exists: (i) if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant; (ii) the application for permit (including any required attachments and submissions) is not fully completed and executed; (iii) the applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the city; (iv) the application for permit contains a material falsehood or misrepresentation; (v) the applicant is legally incompetent to contract or to sue and be sued; (vi) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged city property and has not paid in full for such damage, or has other outstanding and unpaid debts to the city; (vii) a fully executed application for permit with priority for the same time and place has been received, and a permit has been or will be granted to another applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof; (viii) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the city and previously scheduled for the same time and place; (ix) the application is in conflict with the facility reservation frequency restrictions under this chapter; (x) the applicant has exhibited an inability or unwillingness to satisfy conditions of a permit; (xi) the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to this chapter; (xii) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of city employees or of the public; (xiii) the use or activity intended by the applicant would reasonably be calculated to incite violence, crime or disorderly conduct on the part of the participants; (xiv) the use or activity intended by the applicant would reasonably be calculated to entail unusual, extraordinary or burdensome expense for supervision, maintenance, cleanup or police protection by the city; or (xv) the use or activity intended by the applicant is prohibited by law, by this chapter or the Code of Ordinances.
- (2) Under no circumstances shall the sex, age, race, religion, political views, or national origin of applicants, event coordinators or participants be used as a basis for denying a permit.
- (3) Upon receipt of a fully executed and complete permit application, the city manager shall have twenty-one (21) days to approve, approve with conditions or deny the permit application. If the 21-day application review period expires on a Saturday, Sunday or city observed holiday, the city manager shall be given until the following business day to take action on the applicable permit application. If a permit application is denied, the city manager shall explain to the applicant the city manager's reasons for denial.

(4) Applications for permits shall be processed in order of receipt; provided however, in the event more than one application is received for reservation of the same park or park facility during the review of a pending application(s), the city may give priority preference, first to an applicant that is a city resident or entity maintaining an office within the city's municipal boundaries, and second to an applicant with the fewest reservations of park facilities within the previous twelve-month period. The use of a particular park facility or part thereof shall be allocated based on the receipt of fully executed and complete application. Any amendment or revision of an application or permit shall for purposes of determining the priority of the application for permit, relate back to the original filing thereof; but the time in which the city manager shall approve, approve with conditions or deny the application for permit and serve notice of such denial shall be computed from the date of the amendment or revision.

(d) Conditions of permits.

(1) Permits will be issued under this article subject to such special regulations and instructions as may be prescribed by the city manager including, but not limited to:

- a. Restrictions on the number and other designations of persons who may participate in such permitted activities.
- b. Restrictions on the days of the week and the time of day that the particular facility may be used by the permittee.
- c. Provisions for maintenance by the permittee of the sanitation, cleanliness, and appearance of the facility. At times, portable restrooms may be required for special events.
- d. Provisions for security and the maintenance of law and order, including compliance with noise, parking, safety and other appropriate regulations. It is at the city's discretion to require security on the premises to enforce the policies of facility use. If security is deemed necessary, it is the responsibility of the user group or individual to reimburse the city for costs incurred in providing such security.
- e. Restrictions on the installation of apparatus or modification in any manner, either temporary or permanent, by the permittee to a sports field or adjacent structures.
- f. Requirements that all applicable fees shall be paid prior to use, unless other payment arrangements have been authorized.

g. Requirements that a certificate of insurance in accordance with § 27-12 (e), naming the city as the additional insured, must be on file at the city prior to any permit being approved.

(2) By applying for and obtaining a permit, permittees agree to indemnify and hold the city and the city's officials, employees, and agents harmless from any and all claims for loss, injury or damage to any persons (including death or illness) and property whatsoever caused, in whole or part by the negligence of permittees and permittees' officers, directors, employees, members, participants, invitees, spectators and agents (or any combination thereof) in the exercise or use of such permit. Without limitation to the protections afforded to the city by foregoing sentence, the city may require a permittee to execute an indemnity and hold harmless agreement in a form acceptable to the city as a condition to a permit. Nothing in or required by this chapter is intended as or shall be construed as a waiver of the city's sovereign immunity protections.

(e) *Liability insurance required for certain uses of city parks and facilities.*

(1) The city shall require each large organized activity taking place at any city facility to have insurance for said activity. Permittee shall procure and maintain for the term of the permit insurance against claims for injuries to persons or damages to property which may arise from or in connection with the activities described hereunder performed by the permittee, his agents, representatives, or employees. Except where otherwise specified in this article, insurance shall be provided in an amount to be determined by the city manager, provided that such amount reflects a reasonable expectation of potential liability. Insurance is to be placed with insurers authorized to do business in the state and acceptable to the city. This may not apply for infrequent use; however, a one-time special event shall be subject to this requirement. For the purpose of this subsection (e)(1), the term "large organized activity" shall apply to sporting events and competitions, special events, exhibitions, shows, speaking engagements, celebrations, concerts, performances, camps, fairs, programs and other such activities involving the assembly of one hundred (100) or more participants, spectators or other persons at any city park or facility for a common purpose under the direction and control of a person or group of persons. The city manager is authorized to waive the requirement for liability insurance when the applicant for a use permit is a regular user of the facility or an established not-for-profit group and such user or group has no history of misusing the city's parks or facilities. The city manager is also authorized to require liability insurance for an activity when not specifically required above if, in his/her opinion, the proposed activity represents a significant risk to bystanders, equipment or facilities, wildlife, or wildlife habitat. Nothing in or required by this chapter is intended as or shall be construed as a waiver of the city's sovereign immunity protections.

(2) The certificate of insurance, naming the city as the additional insured along with an endorsement, is to be submitted prior to permit authorization or execution of a

negotiated use agreement. A 30-day written notice of cancellation clause is required.

(f) Challenge of Permit Decisions.

(1) City Manager decisions. Any applicant or other aggrieved party in connection with a permit decision by the city manager or his/her designee made pursuant to this chapter may challenge such decision to the city commission. A challenge to the city commission of a city manager's or his/her designee's decision shall be valid only if such is submitted in writing to the city manager no later than 5:00 p.m. on the seventh (7th) day after the decision being challenged was rendered. Failure to timely submit a written challenge shall constitute a waiver of the right to challenge the decision. Upon receipt of a timely challenge, a hearing before the city commission shall be scheduled to be conducted within thirty (30) days. The time, date and location of the city commission hearing on the challenge shall be noticed in the same manner as the city notices regular city commission meetings. The city commission shall conduct a hearing de novo and hear the testimony of witnesses and other evidence offered by the appealing party, city staff and other aggrieved persons and interested parties to the appeal. The city commission may, in conformity with the city code of ordinances, reverse, or affirm, wholly or partly, or modify the decision of the city manager or his/her designee. The city commission's determination on the challenge shall constitute the city's final determination of the matter.

(2) City Commission decisions. Any party aggrieved or adversely affected by the city commission's decision on a challenge conducted pursuant to subsection (f)(1), may challenge such decision by filing a petition for writ of certiorari as provided by the Florida Rules of Appellate Procedure in the circuit court of Orange County. The petition for writ of certiorari shall be filed within thirty (30) days of the rendition of the city commission's decision, or the right to challenge the decision is waived. The court shall not conduct a trial de novo, but shall be limited to reviewing whether the decision was supported by competent substantial evidence in the record, the essential elements of the law were followed and due process was afforded. The proceedings before the city commission, including applicable city ordinances, rules and regulations, testimony of witnesses, and any exhibits and documents filed before it, shall be the subject of review by the circuit court. The person filing the petition for certiorari shall be responsible for filing with the circuit court a true and correct transcript and the complete testimony of the witnesses from the city commission hearing or meeting in which the decision was rendered. Any aggrieved person may intervene as a respondent in the certiorari proceeding authorized by this section.

Sec. 27-13. Use Permits - Parks

(a) Picnic shelters.

Reservations for picnic shelters or park pavilions and the appurtenances thereto must be obtained in advance by filing a permit application and obtaining a use permit. A group consisting of more

than twenty (20) persons assembled for a common purpose shall make a reservation and obtain a use permit prior to the use of picnic shelters and park pavilions. Reservations must be for a specific time and duration for each such facility and shall be subject to the conditions and provisions contained in the use permit. Applications for reserved use of picnic shelters or park pavilions shall be made on forms provided by the city and in accordance with procedures promulgated by the recreation department. Reservations shall be made no less than forty-eight (48) hours in advance and no longer than six (6) months in advance. In order to allow opportunities for varied users, picnic shelters and park pavilions may not be reserved on a recurring basis by any group or individual more frequently than once each month. Use permits shall be issued only after payment of a damage deposit and fees as required by city staff. The city manager or his/her designee may establish a policy on which picnic shelters and park pavilions are available for reservation.

(b) *Public demonstrations, meetings and other public assemblies.*

(1) No person, entity, or association shall initiate, sponsor, organize, promote, conduct or advertise a public assembly of one hundred (100) or more persons to be gathered in a park or recreational area unless a permit has been obtained from the city manager. A separate permit shall be required for each such assembly and the period of time for which such is authorized shall be clearly stated. Such permits shall clearly define the nature of the activity and the limit of its scope and time, and shall set forth such other restrictions and requirements, such as restrictions concerning the use of electronic microphones and other amplified sound equipment as the city manager or his/her designee may deem necessary to ensure that such use does not unreasonably impact the general public's use of the location or facility. Applications for permits shall be submitted no less than two (2) weeks in advance of the date of the activity and no longer than six (6) months in advance.

(2) No entertainment, concert, exhibition or performance by any musical, theatrical or circus group shall be given in any park or recreation area and no electronic microphones or amplifying devices shall be used in connection therewith, except in accordance with a special event permit approved by the city manager pursuant to division 4 of this article. Applications for special event permits shall be submitted no less than forty-five (45) days in advance of the date of the activity and no longer than twelve (12) months in advance.

Sec. 27-14. Use Permits – Recreation Facilities

(a) *Negotiated agreements for recurring use* - Regardless of any restrictions to the contrary, nothing in this article shall prohibit the city from entering into a negotiated agreement with any person or organization for recurring use of a city recreation facility in return for renovation or maintenance of the facility, provision of a particular recreation program, or similar consideration. Such agreements shall require the approval of the city manager or his/her designee.

(b) Permit required for reserved use - Except as provided in § 27-14 (a), reserved use of recreation facilities shall require obtaining a use permit in accordance with division 3 of this article. Applications for recreation facility use permits shall be submitted no less than one (1) week in advance of the date of the activity and no more than two (2) months in advance.

(c) Prohibited activities.

(1) No act prohibited by § 27-8 of this article shall be permitted in city recreation facilities, including the sale or consumption of alcoholic beverages.

(2) No person shall conduct or participate in any sport or in any organized athletic activities within any recreation area other than in such areas as may be designated for such sports, games or athletic activities, or in any areas where the city has posted signs prohibiting such activities.

(d) Sales and commercial uses - Authorized user groups which desire to use concession stands or other facilities for fund raising purposes shall be allowed to do so subject to policies and fee requirements contained herein. Proposed uses which are determined by the city to be solely a commercial undertaking and without educational, recreational or cultural benefit to the community shall not be allowed on the premises of recreational facilities.

(e) Denial of facility use - The city shall have the authority, based on cause, to deny use of all or any portion of a recreational facility to any group or individual who has abused the privilege of facility use, including failure to comply with the general policies and rules governing the use of city parks and recreation facilities.

Sec. 27-15. Use Permits – Community Facilities

(a) Negotiated agreements for recurring use - Regardless of any restrictions to the contrary, nothing in this article shall prohibit the city from entering into a negotiated agreement with any person or organization for recurring use of a community building facility in return for renovation or maintenance of the facility, provision of a particular program, or similar consideration. Such agreements shall require the approval of the city manager or his/her designee.

(b) Permit and rental fees required for reserved use - Reserved use of community facilities shall require obtaining a use permit in accordance with division 3 of this article.

(c) City sponsored uses - Any use of city facilities scheduled for city sponsored or co-sponsored uses shall be deemed a use for municipal purposes, and shall be exempt from fees, deposits and permit requirements listed herein. A determination of whether an event is city sponsored or co-sponsored by the City is to be made by the city manager.

(d) Use of community facilities for commercial purposes prohibited - No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any community building. All programs must be open to the public at no charge. Requests by non-profit educational groups or institutions desiring to use community facilities for short-term classes, institutes, discussion groups and forums which involve small fees will be examined on an individual basis. Nothing may be sold to the public in a community building.

(e) General Rules and Regulations Regarding Use of Community Facilities

- (1) Consumption of alcoholic beverages shall not be permitted in parking lots or other outside areas.
- (2) If a permit is issued for a non-alcoholic event and alcohol is found on the premises, the police will shut down the event and no deposit will be refunded. "On the premises" shall be interpreted to include the community facility as well as the parking lots and all surrounding exterior public property.
- (3) If an event is shut down by the police for any reason, the clean-up/damage deposit shall be forfeited.
- (4) Smoking. Smoking is prohibited inside any community facility or outdoors within 10 yards of an entrance or exit to any community facility.
- (5) Supervision of minors. Adults must supervise groups composed of minors in a ratio of one (1) adult to every five (5) minors. Adult supervisors shall be named on the permit application.
- (6) All equipment and materials not belonging to the city must be removed at the end of each scheduled use.
- (7) Liability for damage to facility/Requirement for insurance.
 - a. The permittee shall be responsible for any and all damage to the facility premises and property therein and shall be responsible for all actions, behavior and damages caused by its/their officers, directors, employees, members, participants, invitees, spectators, agents, guests and attendees (or any combination thereof).
 - b. The city is not responsible for accidents, injury, illness or loss of group or individual property.
 - c. Prior to issuance of a permit, all approved applicants shall execute a hold harmless and indemnification agreement in a form acceptable to the city, indemnifying and releasing the city and its officials, employees and agents from and against any and all claims, demands, damages and liability arising from or related to activities conducted in community facilities.

d. If, in the sole discretion of the city manager, the use of a community facility involves significant risk of loss or casualty to the city, the permittee shall be required to provide satisfactory evidence of liability insurance naming the city as an additional insured in accordance with § 27-12 (e) of this article.

(f) *Endorsement not implied* - The fact that a group, association, or entity is permitted to meet in a community facility does not constitute an endorsement of the group's, association's, or entity's policies or beliefs by the city.

DIVISION 4. SPECIAL EVENTS

Sec. 27-16. Permit required.

No person or entity shall stage, promote or conduct any special event on any publicly owned property within the city limits unless he, she or it first secures a permit for such event.

Sec. 27-17. Conditions for obtaining permit.

To obtain a permit as required by § 27-16, the sponsor of a special event must comply with and demonstrate adherence to the following requirements:

- (a) Fill out a special event request application form and any requested supporting documentation at least six weeks but no more than 12 months prior to the intended date of the event. Such application shall include the following:
- (1) A plan for sanitation facilities and sewage disposal commiserate with the anticipated impacts of the event.
 - (2) A plan for adequate parking facilities to accommodate anticipated participants and attendees, including any such parking facilities that will not be located within the area of the special event, as well as a plan for transporting individuals parked off-site to and from such event.
 - (3) A plan for medical facilities and first aid stations adequate to serve the number of anticipated participants and attendees.
 - (4) A plan for adequate security and traffic control in and around the event.
- (b) Withhold from charging an admission fee for entrance into the area associated with the event unless such charge or charges are otherwise approved by the city commission;
- (c) Obtain liability insurance coverage for said event in limits deemed appropriate by the city manager or his/her designee;

- (d) Limit activities associated with the event to areas within the park or public area that have been pre-approved by the city manager;
- (e) Request permission from the city commission if any streets are to be blocked for said event and/or more than 500 people are reasonably anticipated to be in attendance;
- (f) Pay permit fees according to the following schedule:
 - (1) Events with less than 25 people in attendance: \$25
 - (2) Events with between 25 and 100 in attendance: \$100
 - (3) Events with more than 100 but less than 250 in attendance: \$250
 - (4) Events with more than 250 in attendance: \$1000
- (g) Pay additional fees for city staff or services as deemed appropriate by the city manager or his/her designee.
- (h) Any other restrictions or limitations reasonably imposed by the city manager as being necessary for the health, safety and welfare of participants and attendees.

SECTION 2: Adoption: Section 50-151 of Chapter 50, Article VI, Winter Garden Code of Ordinances is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 50-151. Prohibited activities in ~~parks, recreational facilities, or any other facility~~ or public rights-of-way owned, controlled and/or operated by the city. Except for activities of a governmental agency within the scope of its governmental authority, or unless specifically permitted to do so by a permit issued pursuant to this Code, it shall be unlawful for any person to do any one or more of the following in or on a ~~park, recreational facility, or any other facility~~ or public right-of-way owned or controlled by the city:

- (1) ~~Occupy or otherwise be present in or on a park, recreational facility, or any other facility or public right of way owned or controlled by the city at any time other than the hours posted on a sign at, in, or near the park, recreational facility, or any other facility or public right of way owned or controlled by the city;~~
- (2) Lie or otherwise be in a horizontal position on a bench placed at its location for use by the general public;
- (3) Construct any hut, shanty, or other shelter;
- (4) Cook foodstuffs, ~~except where facilities for such preparation are provided by the city;~~
- (5) Set or stoke a fire, ~~except where appropriate facilities are provided by the city;~~
- (6) Discharge or deposit human wastes, except in toilet facilities provided by the city;
- (7) Dig holes or otherwise disturb the natural surface of the ground;
- (8) Pick flowers or damage or remove plants, trees, shrubs, or any part of the ~~park~~ grounds;
- (9) Erect signs or affix signs to any tree, post, or ~~park~~ facility or grounds, except signs posted by the city or a representative or agent thereof;

- ~~(10) Drive, putt, or otherwise hit a golf ball or shoot an arrow, except in areas specifically designated for those purposes by the city or a representative or agent thereof;~~
- ~~(11) Kill, injure, harm, capture, chase, poison, or remove any wildlife, animal, bird, or touch, break, remove, or relocate any bird egg locate above, upon, or under a park, recreational facility, or any other facility or public right-of-way owned or controlled by the city;~~
- ~~(12) Write on, draw on, or otherwise deface, damage, remove or destroy any park, recreational facility, or any other facility or improvement on a public right-of-way owned or controlled by the city or any part of the park, recreational facility, or any other facility or public right of way owned or controlled by the city;~~
- ~~(13) Sleep or otherwise remain in the bushes, shrubs, or other foliage;~~
- ~~(14) Use public restrooms to shave, shower, or bathe, except where facilities are provided specifically for use by the public for those purposes;~~
- ~~(15) Sit in or on any trash receptacles provided for public use; or~~
- ~~(16) Bathe or otherwise cleanse one's self in a water fountain and/or reservoir.~~

SECTION 3: Adoption: Chapter 10, Winter Garden Code of Ordinances is hereby amended to delete Article III, Sections 10-241 through 10-245 (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

~~ARTICLE III. MUSICAL OR ENTERTAINMENT FESTIVALS (Reserved)~~

~~Sec. 10-241. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Musical or entertainment festival* means any gathering of groups or individuals for the purpose of listening to or participation in entertainment, which consists primarily of musical renditions conducted in open spaces and not within an enclosed structure.~~

~~(Code 1988, § 13-61)~~

~~**Cross references:** Definitions generally, § 1-2.~~

~~Sec. 10-242. Permit required.~~

~~No person shall stage, promote or conduct any musical or entertainment festival within the city limits unless he shall first secure a special entertainment permit for the festival.~~

~~(Code 1988, § 13-62)~~

~~Sec. 10-243. Conditions for obtaining permit.~~

~~A permit required by section 10-242 shall not be issued unless the following conditions are met and the following plans are submitted to the city commission:~~

- ~~(1) A plan for adequate sanitation facilities and sewage disposal, approved by the city manager.~~
- ~~(2) A plan for parking facilities which are not within the area of the festival, and a plan for transportation of the patrons from parking facilities to the festival area.~~
- ~~(3) A plan for adequate medical facilities.~~

~~(4) A plan for the provision of adequate security and traffic control in and around the festival area.~~

~~(5) Full disclosure made by the promoters to the city commission of the financial backing of the festival and the names of all persons or groups who will perform in the festival.~~

~~(6) Any other reasonable conditions set by the city commission in its discretion.
(Code 1988, § 13-63)~~

~~Sec. 10-244. Limitation on hours; rest period required.~~

~~Under no circumstances shall any person operate any musical or entertainment festival, which will continue for more than an eight-hour period, without a 24-hour rest period before any continuation of the festival.~~

~~(Code 1988, § 13-64)~~

~~Sec. 10-245. Permit fee.~~

~~The fee imposed upon each permit issued for a musical or entertainment festival shall be \$1,000.00.~~

~~(Code 1988, § 13-65)~~

SECTION 4: Codification: Sections 1, 2 and 3 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 5: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control to the extent such conflict exists.

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

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

FIRST READING: April 12, 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