



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

**REGULAR MEETING**

**APRIL 26, 2012**

**6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

**1. APPROVAL OF MINUTES**

Regular Meeting of April 12, 2012

**2. PRESENTATIONS**

A. **Proclamation 12-07** declaring April as Water Conservation Month

B. **Proclamation 12-09** declaring May 6-12, 2012 as North American Occupational Safety and Health (NAOSH) week and May 9, 2012 as Occupational Safety and Health Professional Day (OSHP)

**3. FIRST READING OF PROPOSED ORDINANCES**

A. **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 **with the second reading and public hearing being scheduled for May 24, 2012** – Parks and Recreation Director Conn

**4. SECOND 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  
(*Hodgskin*) – 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 (*Hodgskin*) – Community Development Director Williams

5. **REGULAR BUSINESS**

- A. **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 and 4/12/12*)

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

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

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

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a Regular Meeting on May 10, 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.

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

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## CITY COMMISSION REGULAR MEETING MINUTES

April 12, 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 Bob Buchanan, Kent Makin and Robert Olszewski

**Absent:** Commissioner 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, and Orlando Sentinel Reporter Stephen Hudak

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Makin to approve the regular meeting minutes of March 22, 2012, as submitted. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

### 2. **PRESENTATIONS**

A. Appreciation plaques were presented to prior District 3 City Commissioner, Harold L. Boulter, by the City Commission and Sherrie Jackson with the Maxey Center.

#### B. **Garden Theatre Update**

Becky Stafford gave a PowerPoint presentation on the past accomplishments of the theater and events for the upcoming year. Mayor Rees stated his appreciation for all that Ms. Stafford does and encouraged everyone to attend the theater events.

#### C. **America in Bloom and Green Up Initiative**

Mary Zahl shared that the City Manager approached her about helping to coordinate a new program called America in Bloom (AIB) that is a national beautification program that helps to improve the esthetics of Winter Garden and invited Darand Williams to come forward to explain how Winter Garden was asked to participate.

Mr. Williams explained how America in Bloom came to him from a family friend and he asked the City Manager to speak with the Chairman Katy Warner. This is a national awards program that cities compete in and are judged by a panel of two to three qualified judges.

A committee has been formed and has met once to discuss participating in the upcoming national awards program. The City would register and be in a population category to compete with other cities in the same category. She explained that AIB looks at basically six different categories that include overall impression, floral display, landscaped areas, tree canopy, heritage preservation, and environmental efforts. The committee came up with certain focus areas that include enhancements to the community garden and evening out the tree canopy. The first focus could be on North Lakeview to the lake by making trees available to residents with their permission to plant trees and provide them with a watering bag to get them established. The third focus is the entrance corridors that include Dillard Street, Main Street, Park Avenue, East Plant Street, and West Plant Street.

The committee will be looking for corporate sponsorship and grants. A YouTube video will be developed before the judge's visit in June. To get this going the committee would like to receive some seed money.

Mayor Rees asked if anyone has worked up an estimate on the number of trees and a shade structure for the community garden. City Manager Bollhoefer shared that possibly 70 or 80 12-foot planted oak trees would run \$200.00 each with irrigation bags being provided and asked for \$10,000.00. Long term would be across the city with the use of volunteers and grants. This program is an investment in the future at which time Winter Garden when we will see the results when we have a mature tree canopy. Mayor Rees stated he favors enhancing our corridors.

**Motion by Commissioner Buchanan to provide the America in Bloom Committee with the initial \$10,000.00 as requested.**

Commissioner Olszewski stated that he wants other areas in the City to be able to participate and he supports the program. Mr. Bollhoefer responded the plan is to be city-wide and they will be applying for a \$750,000.00 Community Development Grant as part of a much larger project.

**Motion was seconded by Commissioner Olszewski and carried unanimously 4-0.**

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

City Attorney Ardaman read Ordinance 12-15 by title only. Community Development Director Williams stated that this is the first annexation along Reaves Road and several

others in this enclave are talking with the City with hopes of coming into the City's jurisdiction. The property owners, the Hodgkins', have had their construction and dock building business in the City of Winter Garden for a number of years. Staff recommends the support of the annexation and will be offering recommendations on the land use for the five acre tract.

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

**Motion by Commissioner Buchanan to approve Ordinance 12-15 with the second reading and public hearing being scheduled for May 10, 2012. Seconded by Commissioner Makin and carried unanimously 4-0.**

- 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

City Attorney Ardaman read Ordinance 12-16 by title only. Community Development Director Williams stated the City has received comments on both the annexation and the joint planning area agreement with Orange County and these comments were submitted for the record.

Mr. Williams stated that in establishing the single family low density residential designation, the Orange County staff was concerned with the surrounding area being agricultural. The County was not aware of residential development which the City brought to their attention and the County said please disregard their concerns on the designation. The County realized that it is an enclave surrounded by urban levels of development.

Mr. Williams stated that staff and the Planning and Zoning Board would recommend approval of the low density residential designation.

Mayor Rees opened the public hearing.

Darand Williams, 12960 Reaves Road, Winter Garden, Florida, asked about the density of the residential lot size. Mr. Williams responded that it would allow four units to the acre; however, they have no intention of developing the property. They are keeping the County agricultural zoning to keep their single family house and the barn that they built on the property.

Mayor Rees closed the public hearing.

**Motion by Commissioner Buchanan to approve Ordinance 12-16 with the second reading and public hearing being scheduled for May 10, 2012. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

- 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

City Attorney Ardaman read Ordinance 12-17 by title only. Community Development Director Williams stated that there are two parcels being proposed for annexation, future land use designation and zoning. He noted that the next six hearings will involve these two properties located north of State Road 50 on Walker and Water Street.

Mr. Williams stated that the first property directly on Water Street is a residential piece that is being proposed for commercial. He noted that after the annexation, staff will be asking that the City Commission give it a commercial designation and require conditions on the zoning that be aggregated with the frontage property owned by the same person. In addition, that a restriction be imposed that there be no access to Walker Street or Water Street and that all access be off of State Road 50. Mr. Williams stated that the applicant is not supportive of that particular condition. This topic was discussed with the Planning and Zoning Board and they supported the restriction.

Mr. Williams noted that the comments received from Orange County state that they strongly recommend a condition that does not allow access anywhere other than State Road 50. They are concerned about the residential area, which is a County enclave to the rear of the property. Staff recommends that the City Commission support the condition that there will be no access except from State Road 50.

Mayor Rees opened the public hearing.

Victor Chapman, Esq., 18 Wall Street, Orlando, Florida, stated that he was present on behalf of George and Maria Bori and three elderly owners; Mrs. Fleming, Mrs. Fowler, and Mr. Stevens.

Mr. Chapman displayed the original letter from the City asking the property owners to annex into the City. This has been a three year process and the Bori and the Fleming property owners took the City up on this offer and submitted a package proposal to

develop this property into an Auto Zone. The plan then was to have access to the corner property of SR 50 and Walker from State Road 50 as well as a side entrance from Walker Street; never on Water Street. Mr. Chapman also displayed an aerial view of the subject property. Their proposal was rejected by City staff, which started his involvement in this issue. The only opposition on this project was from one resident on Water Street (as displayed) that they did not want an entrance. He noted that development would only occur with access from Walker Street as well as State Road 50.

Mr. Chapman stated that the engineer, Justin Polk, has designed an option that minimizes the impact by making it a left turn only going out and right only turn only going in and displayed a rendering of the proposal (**Exhibit A**). There is a concern about the loss of access causing inverse condemnation and Mr. Chapman read and displayed a quote from a 1989 Florida Supreme Court case involving Mildred Tessler. He noted that restricting ingress/egress to just Highway 50 could result in a form of taking; which they don't want. The concern about traffic heading north from here has no empirical evidence and is speculation. He would like the City Commission to consider their proposal for limited access.

Justin Polk, CPH Engineers, 500 Fulton Street, Sanford, Florida, gave a chronological recap of events and meetings with City staff. He noted that AutoZone has stepped away until the issue with the lot is resolved. The Florida Department of Transportation (FDOT) has a right to re-access whenever there is a change in square footage. They are only asking for access via Walker Street and State Road 50. He noted that the improvements made to State Road 50 include a directional cut to Walker Street knowing there was a commercial property on the corner. He stated the request is to only allow access on Walker between the property and State Road 50. Mr. Polk read the intent and purposes of the State Road 50 corridor overlay and his reasons why the denial of access does not meet the purposes stated. He added that they will comply with the ordinance regarding delivery trucks.

Commissioner Makin indicated he likes the new Walker Street proposal better than the last one presented last year. He asked about any entrance or exit on Water Street.

Mr. Polk responded none; there will be a wall along that street. He does not want customers accessing Water Street but he does want them to access State Road 50 from both directions. This proposed plan allows just that.

Mr. Williams noted that Mr. Polk did not address the Comprehensive Plan policies for protection of residential areas from commercial traffic. Also, there is the long standing policy of the City Commission to support residential areas and protect them. Secondly, Mr. Polk has stated that FDOT will not approve a widening of the access but his proposal shows a widening of the access. Third, there has been the threat of a Tessler lawsuit. The simple solution is to not annex the properties. It does not apply to our actions. If this would expose us to a lawsuit, he would advise the City Commission to not approve the annexation.

Mr. Polk stated that they have shown access to State Road 50 because staff had asked them to show it. He may not even be able to get a driveway from FDOT. He will ask for access from east bound State Road 50 for the left in and hopes to get it.

Commissioner Olszewski stated that if the annexation was granted would the action expose the City to a potential lawsuit.

City Attorney Ardaman indicated that staff's recommendation is to only allow access on State Road 50 upon redevelopment of the property. As the property exists today and if the annexation occurred without being redeveloped, Fleming's property access out to Water Street and Bori's would access out to Water Street and State Road 50. At the point the property was redeveloped, the City would be in the position to restrict the access. Annexation does not create much liability for the City. He does not see much liability because there is currently access to all the properties. There is some risk but it is not great by annexing the property.

Commissioner Olszewski asked Mr. Williams why the diagram with the right in and left out would not suffice.

Mr. Williams stated that drivers will still make the right hand turn. It is the easy way to get out to go east through the neighborhood.

Mr. Polk agreed for the City Commission's consideration to leave in no access to Water Street, remove no access to Walker Street and add a directional left out.

Commissioner Buchanan asked if the surrounding neighbors have been asked their opinion on the proposed change. Mr. Polk noted only the neighbor directly behind them that fronts Water Street. Commissioner Buchanan asked that before this comes to the final reading what about getting the neighborhood involved and find out their thoughts. Mr. Williams stated that the notices that were mailed out addressed the annexation, comprehensive plan, and zoning; they do not go into details about access. Notices could be sent out between now and the next meeting if the Commission wishes.

Commissioner Buchanan stated that he can see moving forward with this item with a condition that between the first and second reading there were public meetings with the residents. Commissioner Olszewski agreed and asked if there would be enough time.

**Motion by Commissioner Buchanan to approve Ordinance 12-17 with the second reading and public hearing being scheduled for May 10, 2012 to include Walker Street access as represented on the attached Exhibit A and to hold a community meeting to discuss Exhibit A prior to the next public hearing. Seconded by Commissioner Makin and carried unanimously 4-0.**

- 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

City Attorney Ardaman read Ordinance 12-18 by title only. Community Development Director Williams stated that staff recommendations approval subject to conditions provided in the staff report.

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

Justin Polk, CPH Engineers, 500 Fulton Street, Sanford, Florida, indicated that his comments are the same for items D through H that he made for item C.

**Motion by Commissioner Buchanan to approve Ordinance 12-18 with the second reading and public hearing being scheduled for May 10, 2012 to include Walker Street access as represented on the attached Exhibit A and to hold a community meeting to discuss Exhibit A prior to the next public hearing. Seconded by Commissioner Makin and carried unanimously 4-0.**

- 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

City Attorney Ardaman read Ordinance 12-19 by title only. Community Development Director Williams stated staff recommends approval of commercial zoning subject to conditions provided in the staff report.

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

**Motion by Commissioner Buchanan to approve Ordinance 12-19 with the second reading and public hearing being scheduled for May 10, 2012 to include Walker Street access as represented on the attached Exhibit A and to hold a community meeting to discuss Exhibit A prior to the next public hearing. Seconded by Commissioner Makin and carried unanimously 4-0.**

- 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

City Attorney Ardaman read Ordinance 12-20 by title only. Community Development Director Williams stated staff recommends approval of the annexation subject to conditions.

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

**Motion by Commissioner Buchanan to approve Ordinance 12-20 with the second reading and public hearing being scheduled for May 10, 2012 to include Walker Street access as represented on the attached Exhibit A and to hold a community meeting to discuss Exhibit A prior to the next public hearing. Seconded by Commissioner Makin and carried unanimously 4-0.**

- 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 SOUTHEAST 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

City Attorney Ardaman read Ordinance 12-21 by title only. Community Development Director Williams stated staff recommends approval of future land use for commercial.

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

**Motion by Commissioner Buchanan to approve Ordinance 12-21 with the second reading and public hearing being scheduled for May 10, 2012 to include Walker Street access as represented on the attached Exhibit A and to hold a community meeting to discuss Exhibit A prior to the next public hearing. Seconded by Commissioner Makin and carried unanimously 4-0.**

- 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

City Attorney Ardaman read Ordinance 12-22 by title only. Community Development Director Williams stated staff recommends approval of commercial zoning subject to conditions.

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

**Motion by Commissioner Buchanan to approve Ordinance 12-22 with the second reading and public hearing being scheduled for May 10, 2012 to include Walker Street access as represented on the attached Exhibit A and to hold a community meeting to discuss Exhibit A prior to the next public hearing. Seconded by Commissioner Makin and carried unanimously 4-0.**

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 stated that the site plan was approved for an 8,000 square foot church, capacity of 200 persons, associated parking and landscaping. This plan was approved in February 2009 and some site work has been done on the property but the actual building construction has not begun. The State legislature has granted two year extensions through their legislative acts for these types of plans. That period is now expiring and the applicant is asking for a yearly extension. Mr. Williams stated that staff and the Planning and Zoning Board have recommended approval subject to conditions. No regulations have changed that would change any of the site plans from its original approval.

Commissioner Olszewski asked if this is going in next to the existing building on Warrior Road. Mr. Williams replied yes, on the vacant site next to the existing church.

**Motion by Commissioner Makin to approve a one year extension of site plan approval for Westside Family Worship Center Church located at 12520 Warrior Road. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

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 stated that the fiscal year 2012 Byrne Memorial Justice Assistance Grant has earmarked \$13,439.00 for use by the City of Winter Garden Police

Department. Chief Brennan stated that the Police Department is requesting to use that money to purchase items needed for three officers to perform special response team functions. He noted that the grant requires approval from the City Commission and be opened for public comments.

Mayor Rees opened the item to public comments; hearing and seeing none, he closed the item for Commission action.

**Motion by Commissioner Buchanan to approve distribution of \$13,439.00 awarded Justice Assistance Grant funds to purchase special response team equipment for the Police Department. Seconded by Commissioner Makin and carried unanimously 4-0.**

C. **Appointment to Police and Fire Pension Board for seat vacated by Commissioner Olszewski**

**Motion by Commissioner Olszewski to appoint Mark Defuso to the Police and Fire Pension Board for the unexpired term of seat he held on this board. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

D. **Resolution 12-06:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM

City Attorney Ardaman read Resolution 12-06 by title only. It was the **consensus** of the City Commission to address this item at the next City Commission meeting when a full Commission would be present.

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

City Attorney Ardaman read Resolution 12-08 by title only. Community Development Director Williams stated that the construction and design plans for this section of Plant Street have been completed. Staff is preparing to go out for bid. The last two parcels have not been acquired so staff is pursuing this resolution to allow the City to proceed with eminent domain. Prior to this meeting, the Cemex Company seems to have come to an agreement, but staff is asking that the City Commission still pass this resolution in such case the final details do not work out.

Mr. Williams shared that the other parcel, which is the convenience store on the corner, has retained counsel who has indicated a willingness to settle this issue without going through the eminent domain process. Mr. Williams stated that because time is of the essence, staff is asking that the City Commission pass the resolution so that staff can go forward with the eminent domain if the negotiations breakdown.

**Motion by Commissioner Buchanan to adopt Resolution 12-08 with staff recommendations. Seconded by Commissioner Makin and carried unanimously 4-0.**

5. **MATTERS FROM CITIZENS** – There were no items.

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that the City still has an outstanding claim from Prince Contracting. In order to deal with this claim, staff needs certain records from Prince Contracting that has been requested on multiple occasions. Prince has failed to provide the records which are viewed as public records because of their work with a governmental agency, the Florida Department of Transportation. Unfortunately, because some of the claims that Prince Contracting has threatened against the City, staff feels that it is appropriate to go forward with a public records lawsuit against Prince Contracting for violating the Public Records Act in order to obtain those records.

Commissioner Buchanan asked if there is a reason why Prince Contracting has not complied with the public records request.

Mr. Ardaman responded that Prince Contracting Inc. is claiming that they are not an agency of the State and not subject to the public records act even though it is clearly a State Road project. Also, there are provisions in the contract that Prince Contracting, Inc. has with the FDOT that make them subject to the Public Records Act.

**Motion by Commissioner Buchanan to authorize the City Attorney to file a lawsuit stated against Prince Contracting, Inc. for violation of the Public Records Act. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

7. **MATTERS FROM CITY MANAGER**

A. **Discussion on the May 5<sup>th</sup> Harvest Festival**

City Manager Bollhoefer stated that staff has been working with an organization that puts on events during Farmer's Market where local chefs will come in and do demonstrations, activities related to local food and in the evening they offer a paid dinner. This type of micro-event is one of the things the City of Winter Garden is doing to bring new niches of people into Winter Garden. These people, called foodies, are already in the food industry and they will blog and tell others about the events.

Mr. Bollhoefer asked permission to serve designer beers and wines at this event. This will be held entirely separate from the rest of the community within the pavilion and

parking area in front. He noted that this is a very high class event that is approximately \$75.00 a ticket per person.

Economic Director Gerhartz noted that they will also have beer tasting, beer garden with craft beers in the afternoon that is a ticketed event also at the pavilion. It is a celebration of local food in the farming community. Mr. Bollhoefer shared that the foodies have discovered Winter Garden and staff thinks this will be the next opportunity in marketing to reach out to new customers.

**Motion by Commissioner Olszewski to approve the alcohol sales at the May 5<sup>th</sup> Harvest Festival in the confined space of the Pavilion. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

B. **Discussion on draft Ordinance 12-23 creating parks, recreation and community facilities rules and regulations**

Mr. Bollhoefer asked the pleasure of the City Commission about moving forward with this ordinance. It was the **consensus** of the City Commission to bring this ordinance to first reading at the next meeting.

Recreation Director Conn explained just recently an incident occurred at Tanner Hall and is not addressed in this draft ordinance. Mr. Conn asked the City Commission for direction on whether or not the Police should be required to be present at certain rental events at Tanner Hall. He noted that this incident is only the second in his 13 years of being with the City and wanted to bring this up for discussion.

City Manager Bollhoefer noted that in the past, any event that served alcohol was required to have Police in attendance. He noted that the upside is that an officer would be available if you needed one. The downside is that 99 percent of the City's events are not required to have one. Mr. Conn added that those renting have objected to being required to have an officer present.

Mayor Rees noted that with only two incidents out of 13 years he does not think it would be warranted.

• **Naming the road for the new elementary and middle schools**

City Manager Bollhoefer explained that there is a new elementary and middle school and Orange County Public Schools has chosen to name the schools SunRidge Middle and SunRidge Elementary. He stated that the City has been asked to select a name for the road and the general practice has been to name the road after the school. He stated that if there is no objection to the road being named SunRidge Boulevard, he will convey this information to the school board. *No objections were noted.*

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Olszewski** thanked all the department heads who met with him for their professionalism and service. He assured our residents especially those in District 3 that we are in good hands.

Commissioner Olszewski stated that he was able to attend the Science and Technology fair at Tildenville Elementary School. He noted that it is an “A” rated school right here in Winter Garden and acknowledged how fortunate we are to have such quality educators.

Commissioner Olszewski announced that on April 22<sup>nd</sup> the Montessori of Winter Garden Charter School is having their GreenFest from 1:00 p.m. to 5:00 p.m. to celebrate using green products and green lifestyles.

Commissioner Olszewski announced that a health fair will be held in the Orlando Magic Gym on April 21st.

**Commissioner Buchanan** stated that he is looking forward to the Bloom ‘N Grow event coming up this weekend.

The meeting adjourned at 8:27 p.m.

APPROVED:

\_\_\_\_\_  
Mayor John Rees

ATTEST:

\_\_\_\_\_  
City Clerk Kathy Golden, CMC



## Proclamation

12-07

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

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

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

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

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

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

**Now, therefore**, be it resolved that by virtue of the authority vested in me as Mayor of the City of Winter Garden I hereby proclaim the month of April 2012 as

### “WATER CONSERVATION MONTH”

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



**In witness thereof**, I have hereunto set my hand and caused the City Seal to be affixed this 26th day of April 2012.

Mayor John Rees

Attest:

Kathy Golden, City Clerk





**Proclamation**  
**12-09**

**Whereas**, more than 4,500 people died from job-related injuries, 12 people a day, in the U.S. in 2010, and millions more people suffered occupational injuries and illnesses; and

**Whereas**, businesses with fewer than 500 employees represent about 99.9 percent of the total businesses in the U.S., yet those with 50-249 employees had the highest number of work injuries and illnesses in 2010;

**Whereas**, businesses spend \$170 billion a year on costs tied to occupational injuries, health care and illnesses; and

**Whereas**, a single slip or fall injury averages approximately \$25,000 in direct costs and in order to maintain a 10 percent profit margin it has been estimated that an additional \$250,000 in sales would be needed to make up for *just* the direct costs of one such incident;

**Whereas**, during the week of May 6-12, 2012, North American Occupational Safety and Health (NAOSH) Week, American Society of Safety Engineers members, the Occupational Safety and Health Administration (OSHA) and corporate/association partners will mobilize in an effort to increase employer, employee and public awareness of the importance of being safe at work; to raise awareness of the role and contribution of safety, health and environmental professionals; encourage safe practices; and on May 9, 2012, Occupational Safety and Health Professional (OSHP) Day will recognize safety professionals working to keep people safe, preserving a company's good reputation, building employee pride, and helping their communities;

**Now, therefore**, be it resolved that I, John Rees, Mayor of the City of Winter Garden do hereby proclaim **May 6-12, 2012**, to be

**“North American Occupational Safety and Health Week (NAOSH)”**

and **Wednesday, May 9, 2012**, to be

**“Occupational Safety and Health Professional (OSHP) Day”**

To commend occupational safety, health and environmental practitioners for their ongoing commitment to protecting people, property, environment, and businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;



In witness thereof, I have hereunto set my hand and caused the City Seal to be affixed this 26th day of April 2012.

Mayor John Rees

Attest:

Kathy Golden, City Clerk



**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** *Jay Conn, Parks and Recreation Director*

**Via:** City Manager Mike Bollhoefer

**Date:** **April 18, 2012**

**Meeting Date:** **April 26, 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 encountered by parks staff or police officers on a daily basis. 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 included in these newly proposed regulations include:

- 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 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:**

**Move to approve Ordinance 12-23 with the second reading on May 24, 2012.**

**Attachments/References:**

**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 (7<sup>th</sup>) 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:** \_\_\_\_\_, 2012.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2012.

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

APPROVED:

\_\_\_\_\_  
John Rees, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

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

**Via:** City Manager Mike Bollhoefer

**Date:** April 18, 2012

**Meeting Date:** April 26, 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.

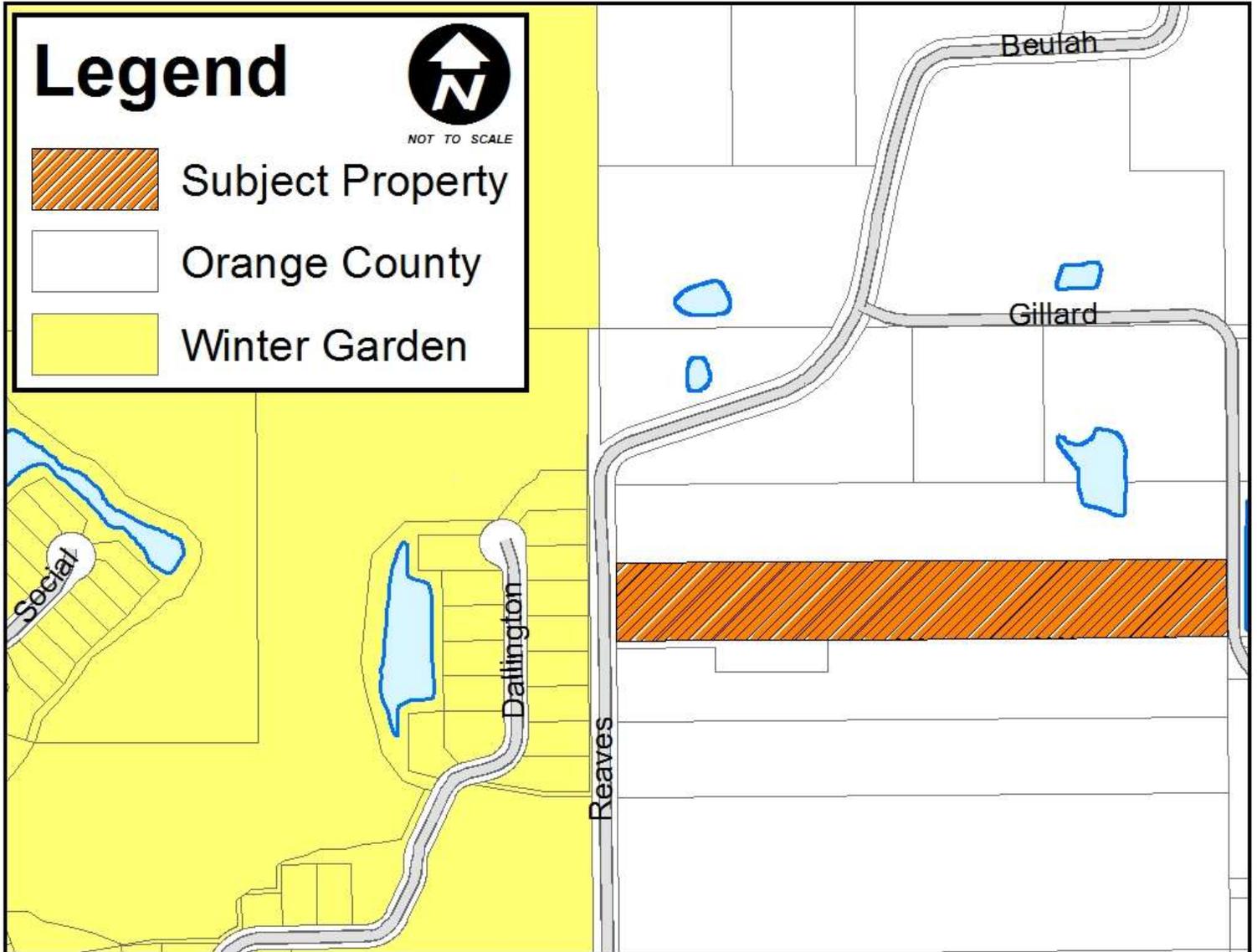
**Attachments/References:**

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 13<sup>th</sup> 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 24<sup>th</sup> 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;

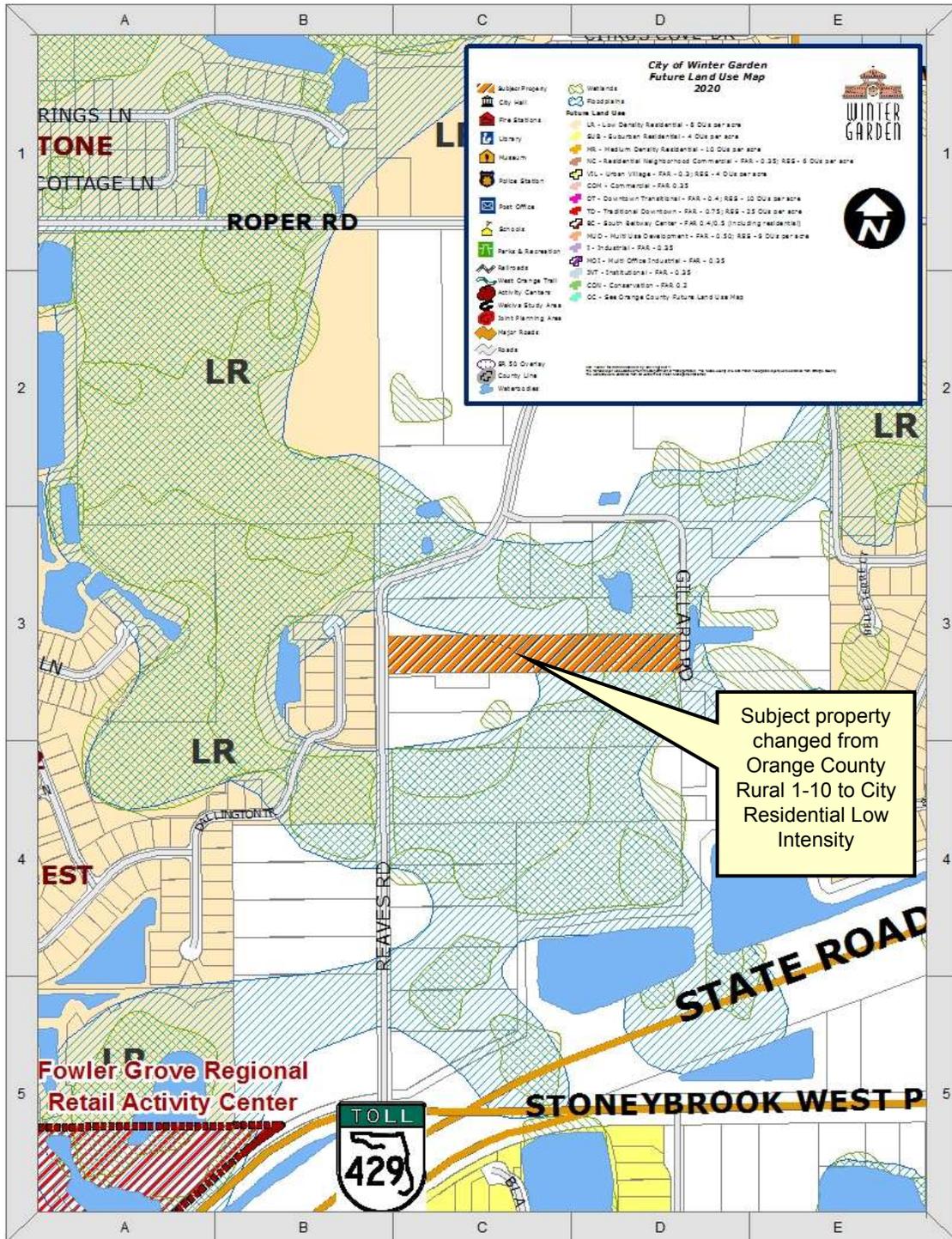
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST, THENCE S00°47'28"E, ALONG THE WEST LINE OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, A DISTANCE OF 285.07 FEET; THENCE N89°13'01"E, PARALLEL TO THE SOUTH LINE OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 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.

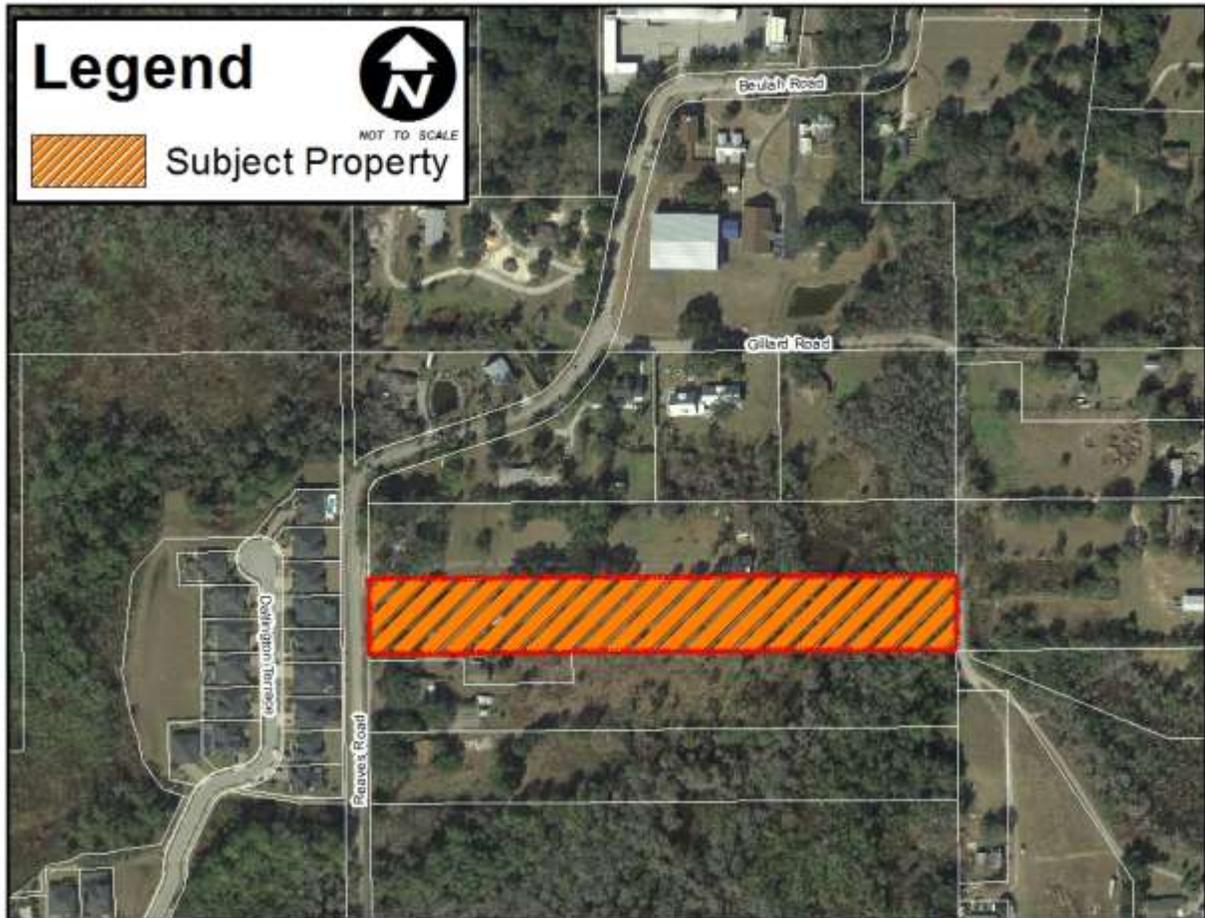
**SUMMARY**

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.

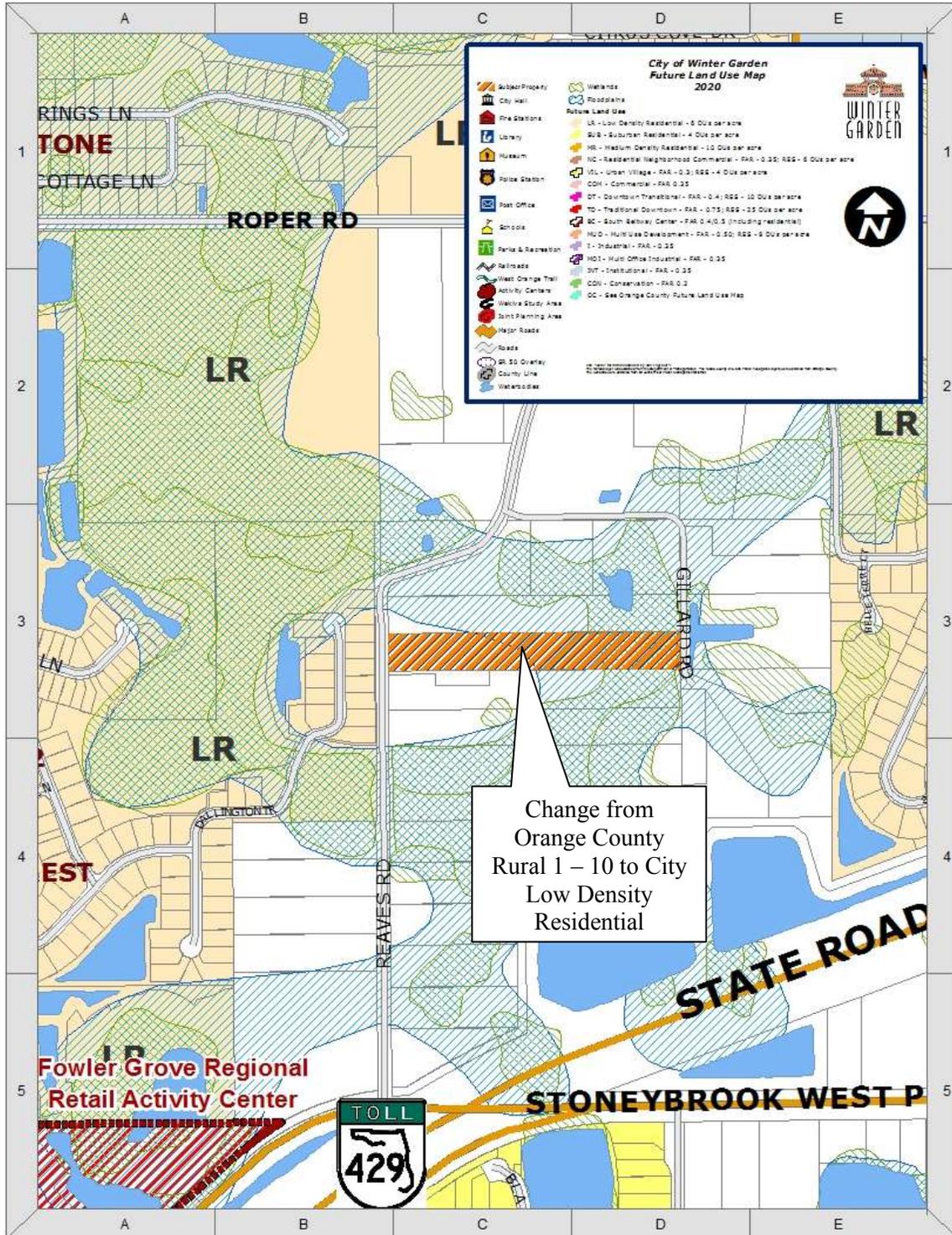
MAPS

**AERIAL PHOTO**

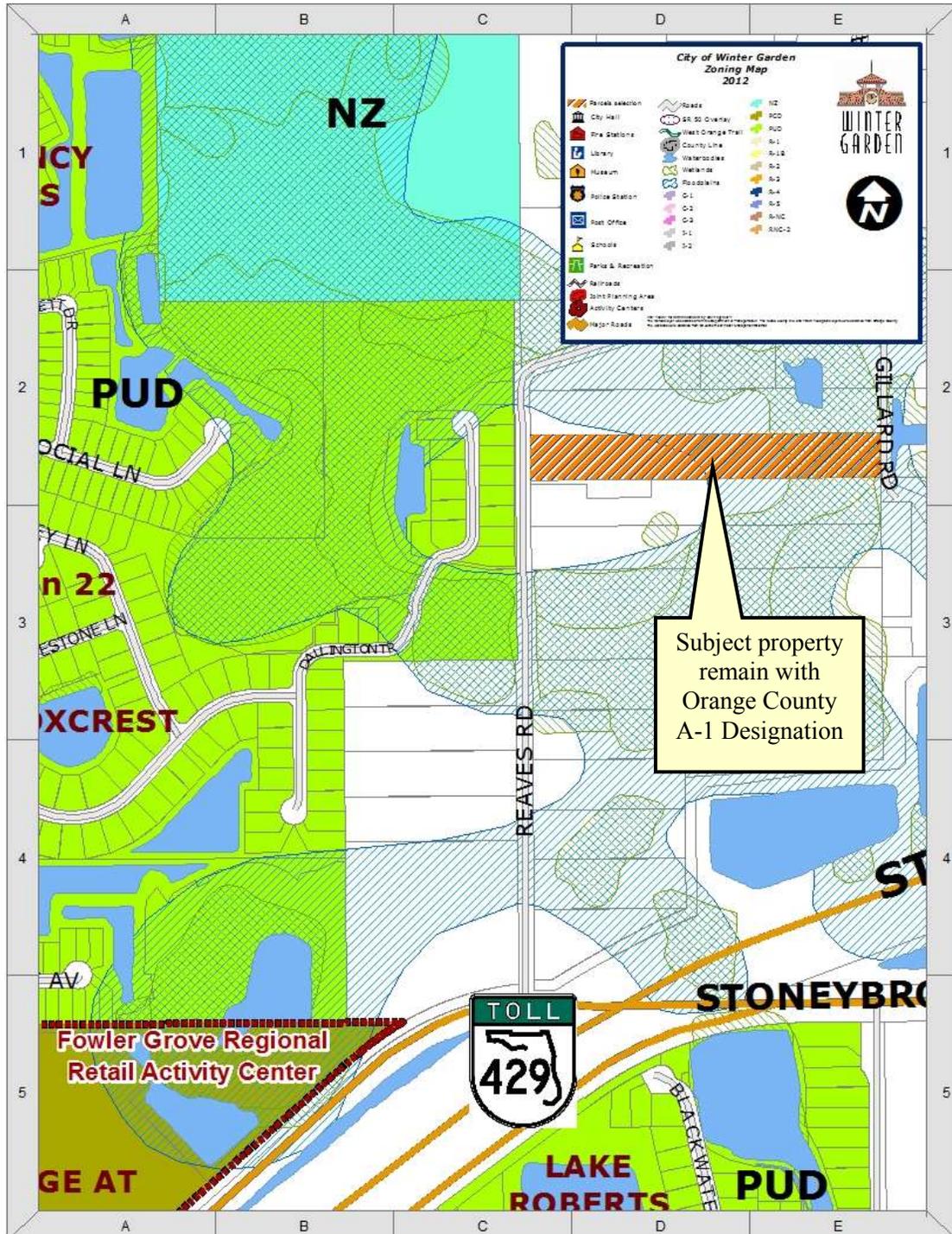
**13045 Reaves Road**



**FUTURE LAND USE MAP**  
**13045 Reaves Road**



**ZONING MAP**  
**13045 Reaves Road**



**END OF STAFF REPORT**

**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 26th day of April 2012.

APPROVED:

\_\_\_\_\_  
John Rees, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk