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PLANNING & ZONING BOARD AGENDA

To: James Gentry – Chairman
Jimmy Dunn - Vice Chairman
Kent Horsley
Mark Maciel
Mac McKinney
Rohan Ramlackhan
Eric Weiss

Copy to: Mike Bollhoefer
Dan Langley
Ed Williams
Laura Smith
Stephen Pash
Alejandra Fazekas

RE: Agenda – May 7, 2012 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

-
1. **CALL TO ORDER**
 2. **ROLL CALL AND DETERMINATION OF QUORUM**
 3. **APPROVAL OF MINUTES FROM THE APRIL 2, 2012 MEETING**
 4. **SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**
125 N. Lakeview Avenue - First United Methodist Church Memorial Garden
Parcel ID #: 14-22-27-5656-00-760
 5. **ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT (PUBLIC HEARING)**
710 S. Park Avenue - West Orange Habitat for Humanity
Parcel ID #: 22-22-27-1084-01-110
 6. **ORDINANCES (PUBLIC HEARING)**
Ordinance 12-24, Repealing Ordinance 12-02, amending Chapter 118 Article V
 7. **ADJOURNMENT**
To the next regular Planning and Zoning Board meeting on Monday, June 4, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.

Posted: May 3, 2012

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED, WHICH SUCH WRITTEN RECORD IS NOT PROVIDED BY THE CITY OF WINTER GARDEN.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT CORRINA WILLIAMS, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 877-5149 - 48 HOURS IN ADVANCE OF THE MEETING.



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
APRIL 2, 2012**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Vice Chairman James Dunn called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:35 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

A quorum was declared present.

MEMBERS PRESENT:

Vice-Chairman James Dunn, Board Members: Mark Maciel, Mac McKinney, Rohan Ramlackhan, and Eric Weiss.

MEMBERS ABSENT/ARRIVED LATE:

Chairman James Gentry (Arrived Late 7:00p.m.), Kent Horsley (Excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner I Alejandra Fazekas and Administrative Specialist Corrina Williams.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held March 5, 2012.

Motion by Eric Weiss to approve the March 5, 2012 minutes, seconded by Mark Maciel, the motion carried unanimously 5-0.

**** BUSINESS CONDUCTED OUT OF AGENDA ORDER ****

TABLED ITEMS

SPECIAL EXCEPTION PERMIT(Public Hearing)

5. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden

Community Development Director Ed Williams requested this item to be tabled until the May 7, 2012 Planning and Zoning Board meeting to allow the applicant time to host an additional Community Meeting for citizen input on the project.

Motion by Mark Maciel to recommend the 125 N. Lakeview Avenue - Special Exception Permit request to be tabled till the next Planning and Zoning Board meeting, May 7, 2012 at 6:30 pm to allow applicant to resolve outstanding issues. Seconded by Rohan Ramlackhan, the motion carried unanimously 5-0.

ANNEXATION, REZONING AND FUTURE LAND USE AMENDMENTS (Public Hearing)

7. 710 S. Park Avenue – West Orange Habitat for Humanity

Community Development Director Ed Williams requested this item to be tabled for thirty days until the May 7, 2012 Planning and Zoning Board meeting.

Motion by Eric Weiss to recommend the 710 S. Park Avenue – Annexation, Rezoning and Future Land Use Amendment request to be tabled till the next Planning and Zoning Board meeting, May 7, 2012 at 6:30 pm. Seconded by Rohan Ramlackhan, the motion carried unanimously 5-0.

**** AGENDA ORDER RESUMED ****

LOT SPLIT

4. 543 Seminole Street – Story Road, LLC

Community Development Director Ed Williams presented an application for the lot split of the property at 543 Seminole Street and Story Road which are two platted lots oriented toward Story Road, which Staff has initiated the request to reorient the lots to Seminole Street. The additional driveways on Story Road could be unsafe and not the best access for this property and City Staff asked that the applicant to reorient the lots, which the owner applicant agreed to do. The property is substandard R-2 zoned property by reorienting it will be more conforming with the R-2 regulations though it will not be in conformance with all the regulations. The applicant is proposing to construction a duplex on each lot for a total of two (2) duplexes or four (4) units. Staff recommends approval subject to staff conditions.

General discussion of the Board with Director Williams clarified that the two (2) duplexes will be constructed as a zero lot line building a two-story (townhome) structure as a four-plex with a firewall divider wall to allow more green space around the perimeter of the structure which if Story Road is widened the property to accommodate right-of-way expansion. Staff feels this development may stimulate more development to this area.

Motion by Rohan Ramlackhan to recommend the approval of the lot split on 543 Seminole Street, with staff recommendations (Attachment "A"). Seconded by Eric Weiss, motion carried unanimously 5-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

6. 12520 Warrior Road – Westside Family Worship Center Church

Senior Planner Laura presented a request for a special exception permit to allow for a church on the property located at 12520 Warrior Road zoned R-1. A church is not a permitted use in the R-1 zoning district but R-1 zoning district does allow this use as a special exception. The applicant has applied and received a special exception permit in 2003 and again in 2007 which have expired. However; the applicant did proceed with a site plan while one of the special exceptions for the church was in effect and the site plan was approved in 2009 which the applicant is also seeking extension of the site plan approval by the City Commission to be done next week. At this time the applicant requests that the special exception be reinstated so they can proceed with their project with staff conditions. City Staff recommends approval of the special exception with staff conditions from the staff report dated April 2, 2012.

Citizen Krista Plaza of 12421 Westfield Lakes Circle, Winter Garden, FL 34787 spoke to the board on behalf of the four property owners of the homes that back up to the proposed church parking lot. Ms. Plaza voiced her concerns which were, that people would have an eyeline view into her home from the church parking lot, the lighting onto her property, the additional traffic and noise. The property is currently a vacant lot where Ms. Plaza witnesses people using the lot as a pass-through or place for teenagers to hang out and do "donuts" in the lot. Pastor Jean Payton, applicant representative for Westside Family Worship Church advised the board that they have complied with all the requests the City has asked of them and are simply in need of an extension of time to the already approved special exception permit.

General Board, Citizen and Staff discussion clarified that the site plan is already approved and is being brought before commission to ask for an extension of one year and Senior Planner Smith clarified to the Board that if the project is not built during the one year extension the site plan approval will expire and the applicant would no longer be eligible for extension. Planner Smith also advised that the site plan approval requires extensive mature landscape buffering between the church and the residential development surrounding the property and that the site would have to meet the City's current "Dark Skies" standards.

Board member Eric Weiss expressed additional concerns for the construction of a metal building in the residential area next to an existing church already constructed as a metal building.

Applicant Pastor Jean Payton of Westside Family Worship Center spoke on behalf of the application to state the use was previously approved and they are seeking to extend it but will take into consideration the landscaping for the residents abutted to the property but they are

developing the property with all the City's requirements of the site plan approval and it also their intentions to add a finish to the front facade of the building.

Arrived Late: Chairman James Gentry 7:00 p.m.

City Attorney Kurt Ardaman clarified that the prior special exception approvals have expired so tonight's consideration is for a "new" special exception permit and new conditions and considerations can be imposed with an approval.

Further discussion with regard to the development of the site and the construction of the metal building acknowledging the industrial look of the building would not be appealing to a residential neighborhood and additional landscaping or building facade requirements should be imposed with a special exception approval.

Board member Eric Weiss reiterated his concerns for the construction of a metal building in the residential area and is an issue in the neighborhood. Community Development Director Ed Williams advised that this is typical construction for churches but as congregations increase they reinvest into the buildings to make better looks and the economy has made things more difficult for churches to proceed like this. A good compromise in this situation is that the applicant is willing to do more than a plain metal look on the front facade and a solution for the visibility into the four properties could be rectified by moving the existing fence to the highest point of the slope on the property and then there would be zero visibility between the residential properties and the church.

Motion by James Gentry to recommend the 12520 Warrior Road - Special Exception Permit request to be approved subject to proper landscaping and/or screening be provided on the north and east side of the property, the screening shall ensure that the four (4) residential homes which adjoin the property on the east side are not visible from the church. The east side of the church building shall be upgraded from metal construction or have facade treatments applied to the metal building to provide the aesthetic of a finished facade. Seconded by Rohan Ramlackhan, the motion carried unanimously 6-0.

ANNEXATION, REZONING AND FUTURE LAND USE AMENDMENTS (Public Hearing)

8. 13045 Reaves Road – Jon and Lori Hodgskin

Senior Planner Stephen Pash presented the Board with a request for annexation of 13045 Reaves Road. The applicant also requests a low density land use designation. The applicant purchased the property and planned to demolish the existing home and develop a new house on the 4.93 acre site and retain the agricultural type uses and therefore do not want a zoning designation at this point in time. Staff recommends the approval of annexation Ordinance 12-15 and land use designation Ordinance 12-16.

Board member Mac McKinney asked for clarification by staff of what would keep the owner from subdividing the lot in the future and is there a more definitive development plan.

Senior Planner Pash advised that if the owner were to initiate subdividing the lot the property would have to go through subdivision review, provide access to all the lots, and go through all our development review processes. Senior Planner Pash also confirmed that the applicant currently has submitted the construction plans for the residential home to be built on the lot along with retaining an existing barn.

Motion by Mark Maciel to approve Ordinance 12-15 and Ordinance 12-16, for the property located at 13045 Reaves Road, subject to staff recommendations (Attachment "B"). Seconded by James Gentry, the motion carried unanimously 6-0.

9. 1089 Walker Street – George Bori

Senior Planner Stephen Pash presented the Board with a request for an annexation of 1089 Walker Street located at the southeast of Walker Street and Water Street. The applicant also requests rezoning the property from C-1 (Orange County) to C-2 (Winter Garden), and changing the land use designation from Orange County Commercial to City of Winter Garden Commercial. This property lies within the West State Road 50(WSR50) Overlay District which has additional development standards, sign regulations, and landscaping requirements. This annexation assists with the elimination of an enclave within the City and Staff recommends the approval of annexation Ordinance 12-20, land use designation Ordinance 12-21 and rezoning Ordinance 12-22 subject to conditions outlined in the staff report (Attachment "D").

General Board discussion by the board with regard to staffs conditions and specifically the access to the property.

Victor Chapman of BCR law, 18 Wall Street, Orlando, FL representing the applicants Bori and Fleming requested the City not to impose the condition of no access being allowed from Walker Street and Water Street due to the potential restriction of access via West State Road 50 (WSR50) by Florida Department of Transportation (FDOT) not allowing the curb cut off of WSR50.

Justin Polk of CPH, 500 W. Fulton Street, Sanford, FL, Engineer representing the applicants Bori and Fleming. further expressed the need for this project to have access from Walker Street. Mr. Polk provided an aerial photograph as a visual aid to the Board (Attachment "E") for a representation of the lots of 1089 Walker Street and the next item on the agenda as 176 Water Street. Further, Mr. Polk advised the Board that the applicants have made previous submissions for the annexation of these two parcels that the City Commission has not approved and this submission is a third attempt by the applicant to meet the City's conditions and proceed with this annexation request. The applicant has received one letter from an adjacent property owner saying they do not oppose the annexation, rezoning, and land use designation but did not want to see access through Water Street. The applicant does not wish to propose access through Water Street but feels that with the impending development FDOT will force the project to have access through Walker Street and not off WSR50. The access on Walker would only be between WSR50 and the driveway. The engineer will develop a site plan that would discourage a right turn on Walker Street.

Community Development Director Ed Williams addressed the access concerns of the applicant advising the Board that the proposed project is commercial development and it needs to be oriented to WSR50 and the City Staff sees that due to the median locations on WSR50 people will utilize Walker Street to Morgan Street to access Vineland Road. The applicants have frontage of their property on WSR50 and the City feels the applicant needs to work out the access issue with FDOT if it becomes an access issue, and the City conditions set by the City should assist the applicant with its request to FDOT. Access through the residential neighborhood was the main concern of the City Commission. The applicant does not have input from FDOT at this point but the City will assist the applicant to gain the access through WSR50.

City Attorney Kurt Ardaman clarified that the City's position would be to impose the condition prior to an application to the FDOT by the applicant and assist the applicant, if necessary with the direction of any decisions from the FDOT.

Motion by Mac McKinney to approve Ordinance 12-20, land use Ordinance 12-21 and Ordinance 12-22, for the property located at 1089 Walker Street, subject to staff recommendations (Attachment "C"). Secoded by Rohan Ramlackhan, the motion carried unanimously 6-0.

10.176 Water Street – Berness Fleming

Senior Planner Stephen Pash presented the Board with a request for an annexation of 176 Water Street located to the east of Walker Street. The applicant also requests rezoning the property from C-1 (Orange County) to C-2 (Winter Garden), and changing the land use designation from Orange County Commercial to City of Winter Garden Commercial. This property lies within the West State Road 50(WSR50) Overlay District which has additional development standards, sign regulations, and landscaping requirements. This annexation assists with the elimination of an enclave within the City and Staff recommends the approval of annexation Ordinance 12-17, land use designation Ordinance 12-18 and rezoning Ordinance 12-19 subject to conditions outlined in the staff report (Attachment "D").

Motion by James Gentry to approve Ordinance 12-17, Ordinance 12-18 and Ordinance 12-19, for the property located at 176 Water Street, subject to staff recommendations (Attachment "D"). Secoded by Mac McKinney, the motion carried unanimously 6-0.

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 8.17 p.m.

APPROVED:

ATTEST:

Vice Chairman James Dunn

Administrative Specialist Corrina Williams

ATTACHMENT "A"

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: ALEJANDRA FAZEKAS, PLANNER I
DATE: March 26, 2012
SUBJECT: LOT SPLIT
543 Seminole Street
PARCEL ID #23-22-27-7152-08-110

APPLICANT: John Kirby – Kirby Engineering

INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split on property located at 543 Seminole Street for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located at the northwest corner of West Story Road and Seminole Street is approximately 0.297± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



P&Z : PH12-001

CURRENT USE AND ZONING

The subject property is located in the R-2 zoning district and consists of two lots oriented north-south with a single family residence in the middle of these two lots.

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

(1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.

(2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.

(3) A listing of the names and addresses of the record owners abutting subject property.

(4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

(1) Approve the application as recommended by the city staff.

- (2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.
- (3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
- (4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

The applicant has submitted a request for a lot split to divide the existing two lots into two new parcels that will be oriented toward Seminole Street.

The two lots were originally platted in 1925. Each of these two lots measures approximately 50' wide x 130' deep with a lot area of approximately 6,500 SqFt. The two existing lots front on West Story Road. There is an existing single-family residential structure in the middle of these two lots. This structure will be demolished.

The two existing lots are currently non-conforming lots. Section 118-396 of the City Code of Ordinances establishes that the minimum lot requirements for a two-family dwelling in the R-2 residential zoning district are 100' wide x 100' deep and a lot area no less than 10,000 SqFt.

The proposed Parcel A will measure approximately 70' wide x 100' deep and the proposed Parcel B will measure approximately 60' wide x 100' deep. The change in size will improve conformance, but the proposed lots will still be non-conforming. The proposed widths for parcel A and B do not meet the the minimum required 100' width for two-family dwellings, but the non-conformity of the proposed lots will be less than the existing lots. The remaining non-conformity in width for Parcel A will be 30' and for Parcel B 40'. The remaining non-conformity for lot area will be 3,000 SqFt for Parcel A and 4,000 SqFt for Parcel B.

The proposed development includes a two-family dwelling on each parcel. As proposed, the homes will be attached, creating one structure that over laps the property line with access from Seminole Street. City Staff supports relocating the access to Seminole Street for traffic and safety reasons because Story Road is a busier street than Seminole Street. The proposed development of a two-family dwelling on each parcel is allowed in the R-2 residential zoning district and the City encourages higher density in the downtown area.

STAFF RECOMMENDATION

Staff recommends approval of the proposed lot split with the following condition:

1. The structure shall be built with fire separation walls.

NEXT STEP

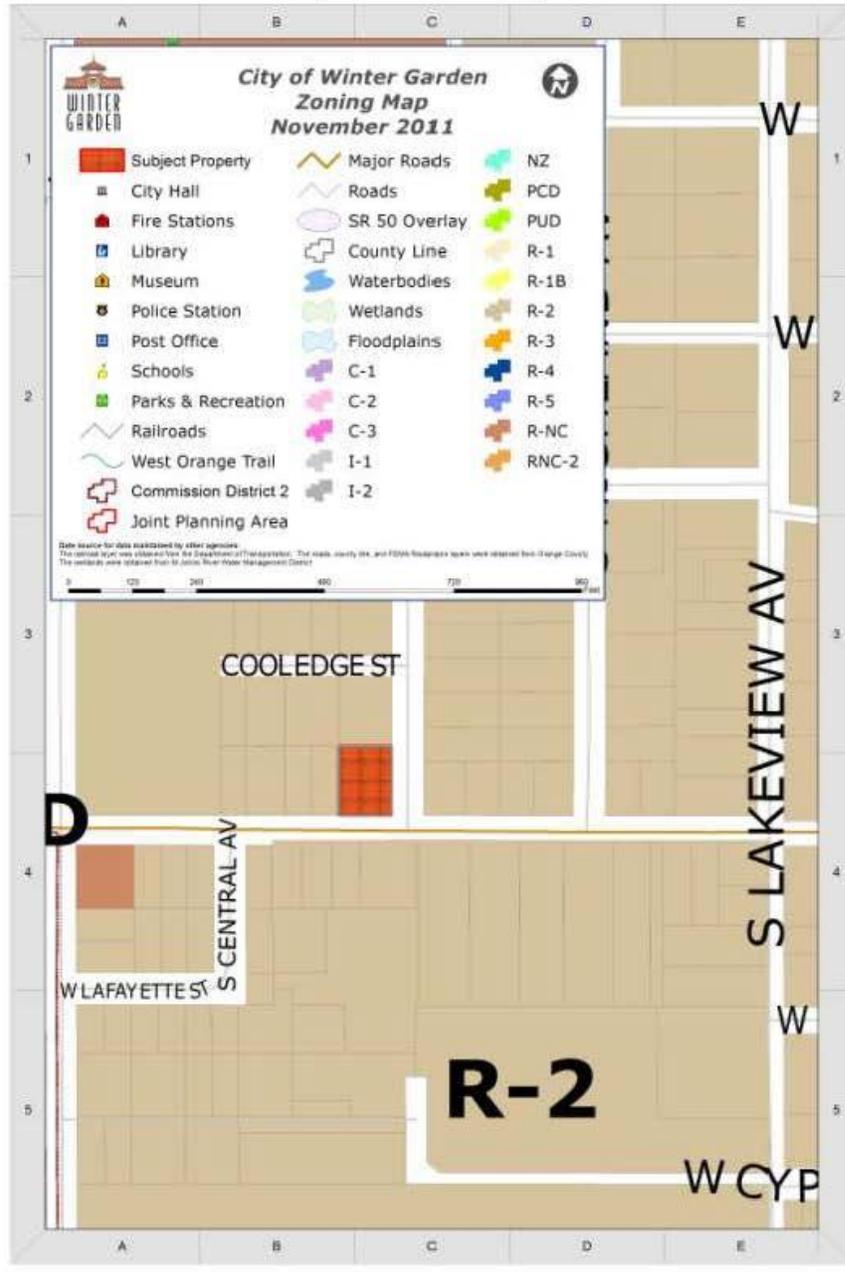
If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

AERIAL PHOTO
543 Seminole Street



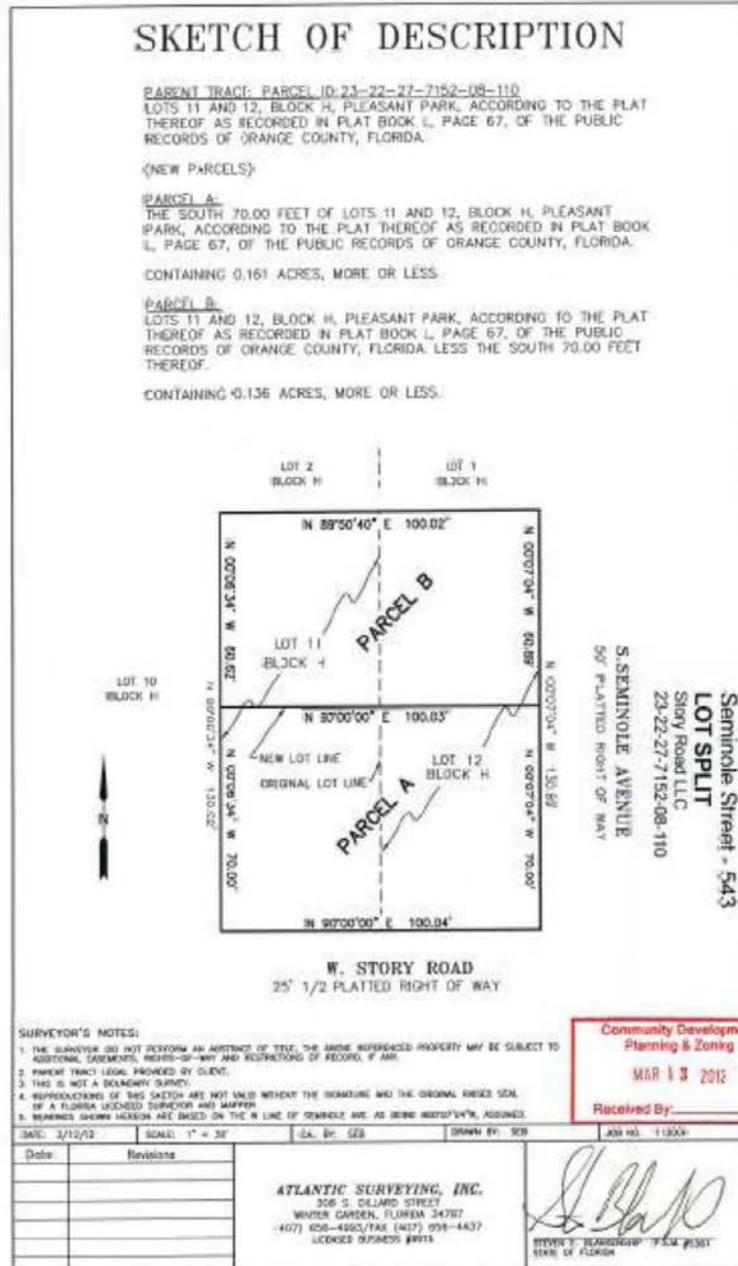
P&Z : PH12-001

ZONING MAP
543 Seminole Street



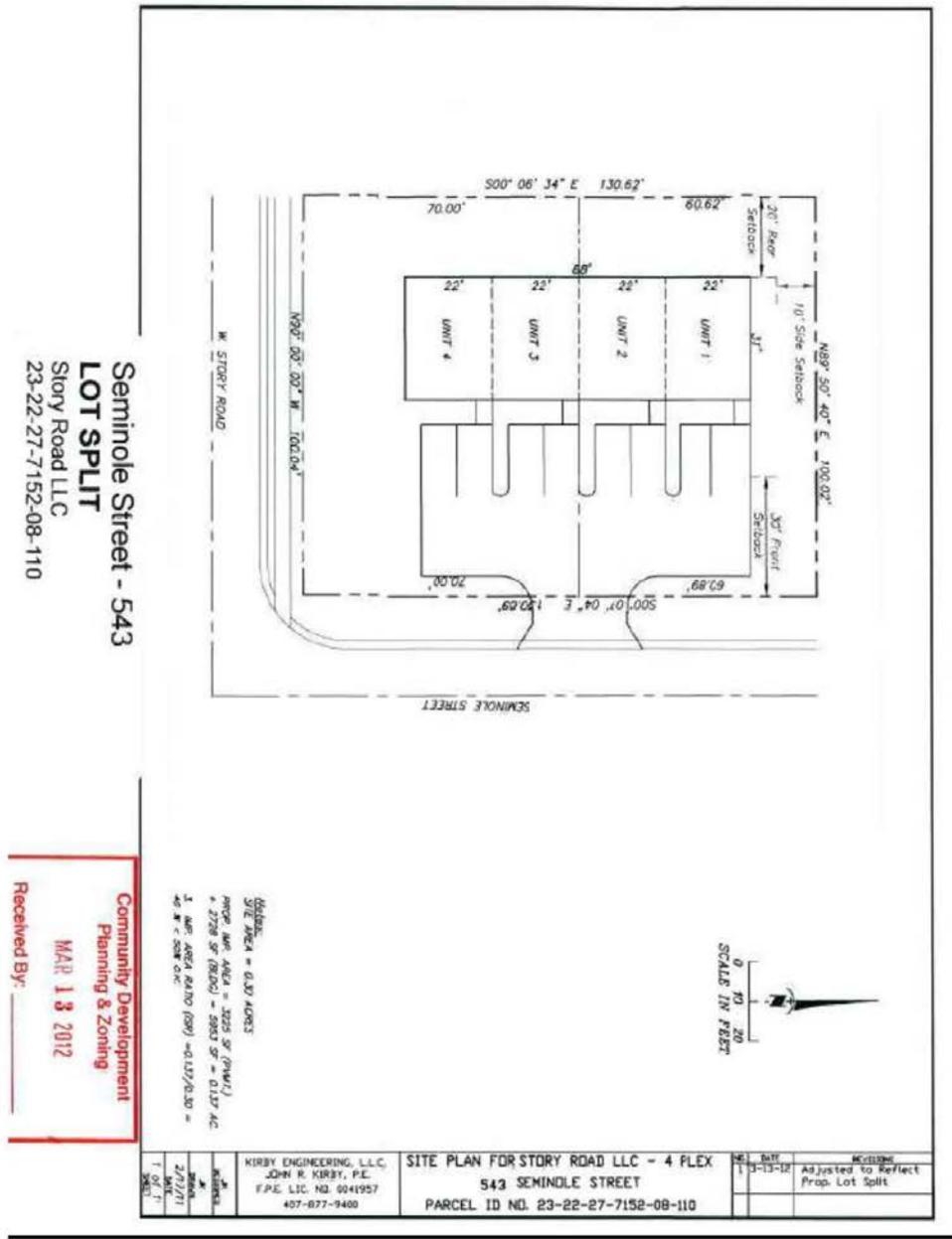
P&Z : PH12-001

PROPOSED SURVEY
543 Seminole Street



P&Z : PH12-001

PROPOSED CONCEPTUAL SITE PLAN
543 SEMINOLE STREET



P&Z : PH12-001

SITE PHOTOS
543 Seminole Street



END OF STAFF REPORT

P&Z : PH12-001

ATTACHMENT "B"

**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.

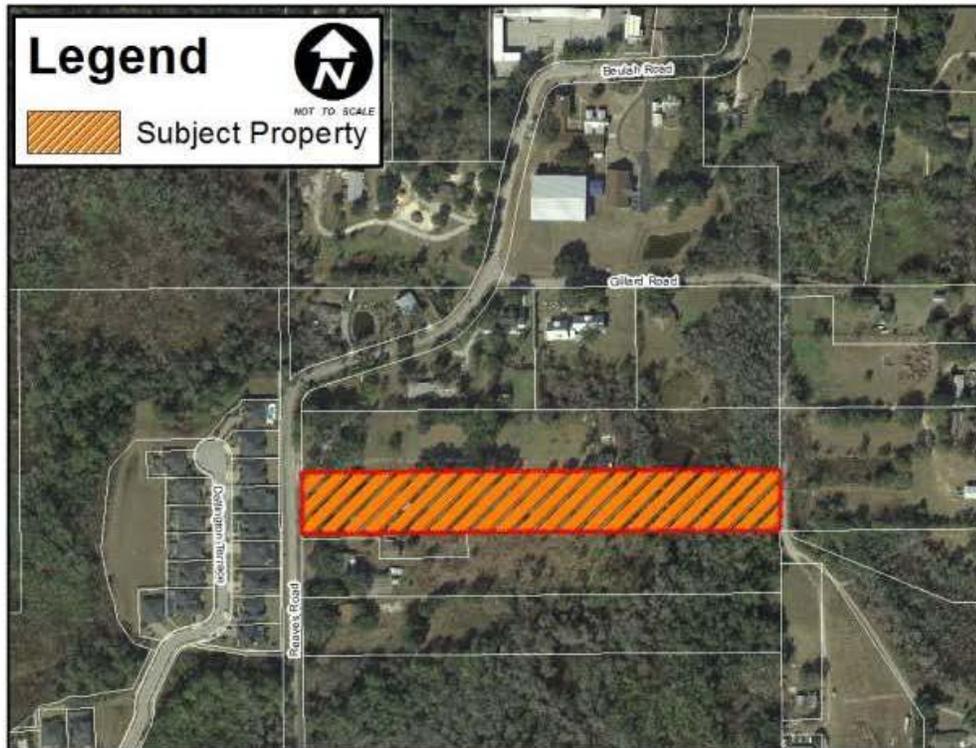
SUMMARY

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.

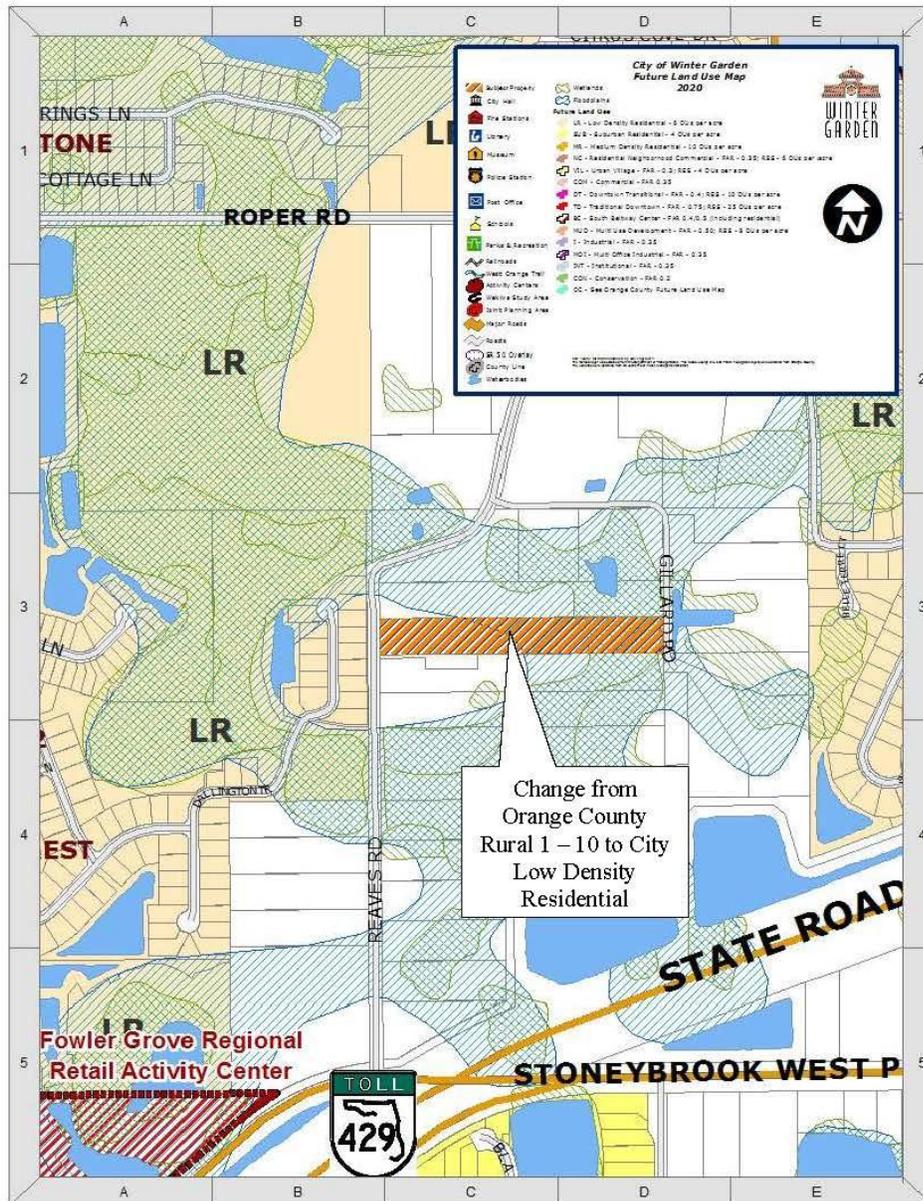
MAPS

AERIAL PHOTO

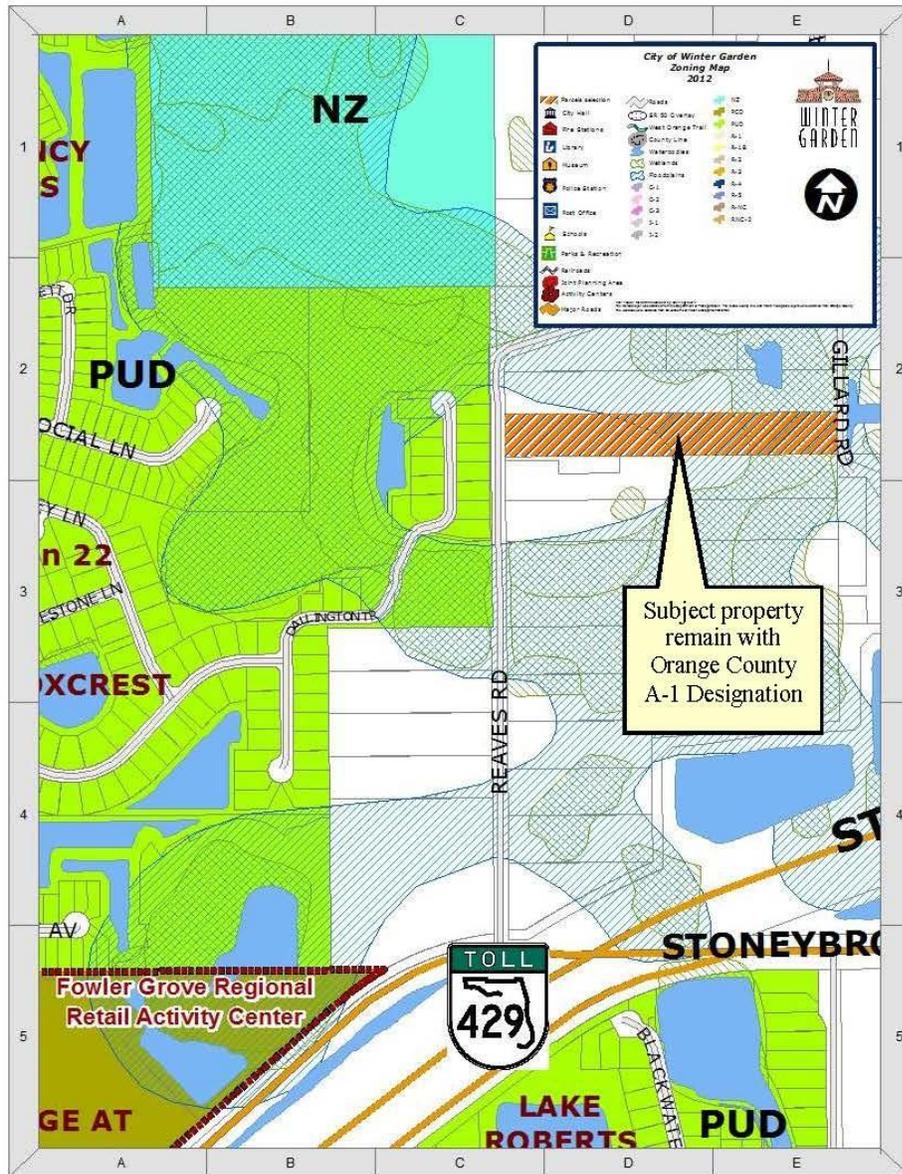
13045 Reaves Road



FUTURE LAND USE MAP
13045 Reaves Road



ZONING MAP
13045 Reaves Road



END OF STAFF REPORT

ATTACHMENT "C"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

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

INTRODUCTION

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

The subject property is located at 1089 Walker Street and is approximately 0.23 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Commercial Arterial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

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

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

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

EXISTING USE

The subject property contains a 1,936 square foot single family home.

ADJACENT LAND USE AND ZONING

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

PROPOSED USE

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

PUBLIC FACILITY ANALYSIS

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

SUMMARY

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

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

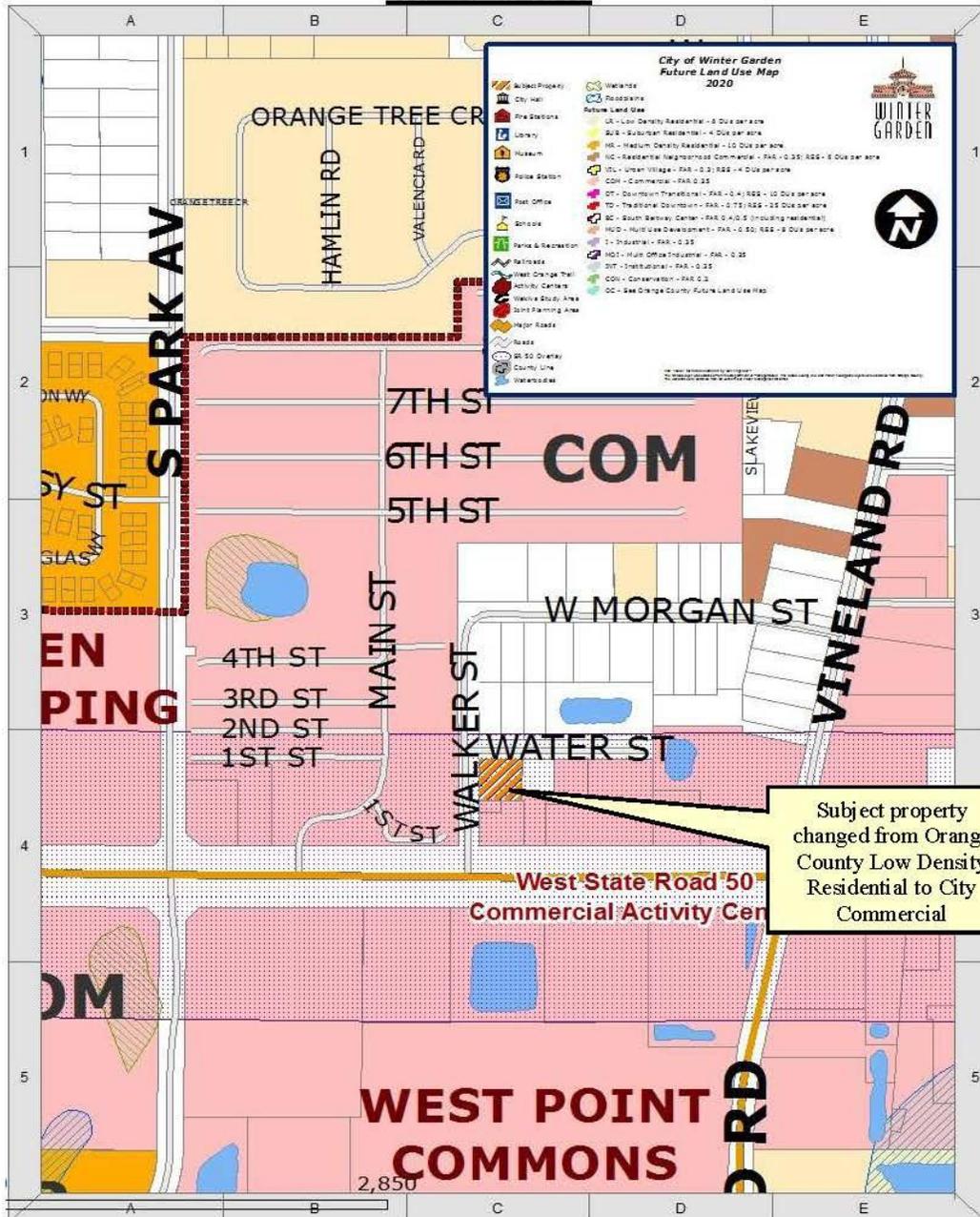
MAPS

AERIAL PHOTO

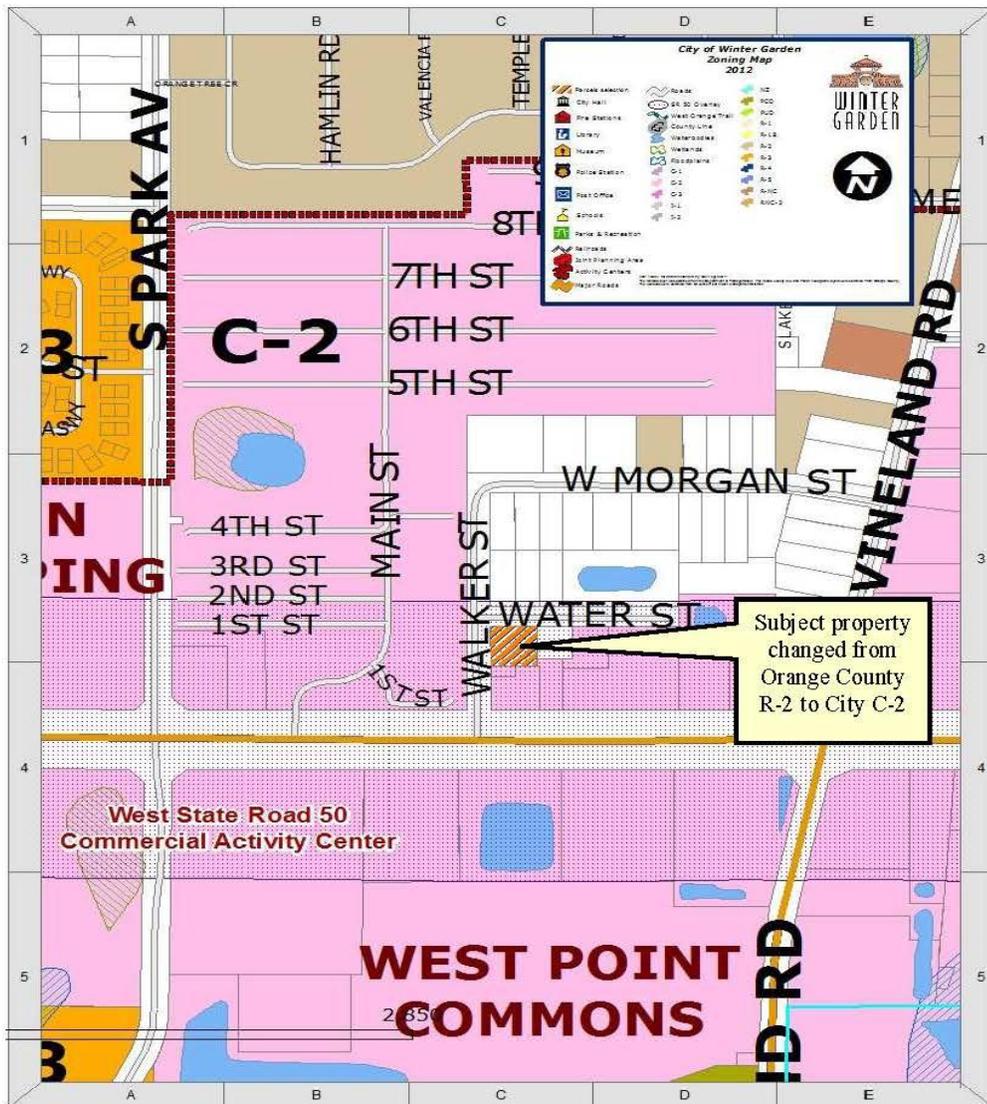
1089 Walker Street



**FUTURE LAND USE MAP
 1089 Walker Street**



ZONING MAP
1089 Walker Street



END OF STAFF REPORT

ATTACHMENT "D"

**CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION**

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

STAFF REPORT

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

INTRODUCTION

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

The subject property is located at 176 Water Street and is approximately 0.14 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Commercial Arterial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

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

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

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

EXISTING USE

The subject property is currently developed with an 812 square foot single family house.

ADJACENT LAND USE AND ZONING

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

PROPOSED USE

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

PUBLIC FACILITY ANALYSIS

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

SUMMARY

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

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

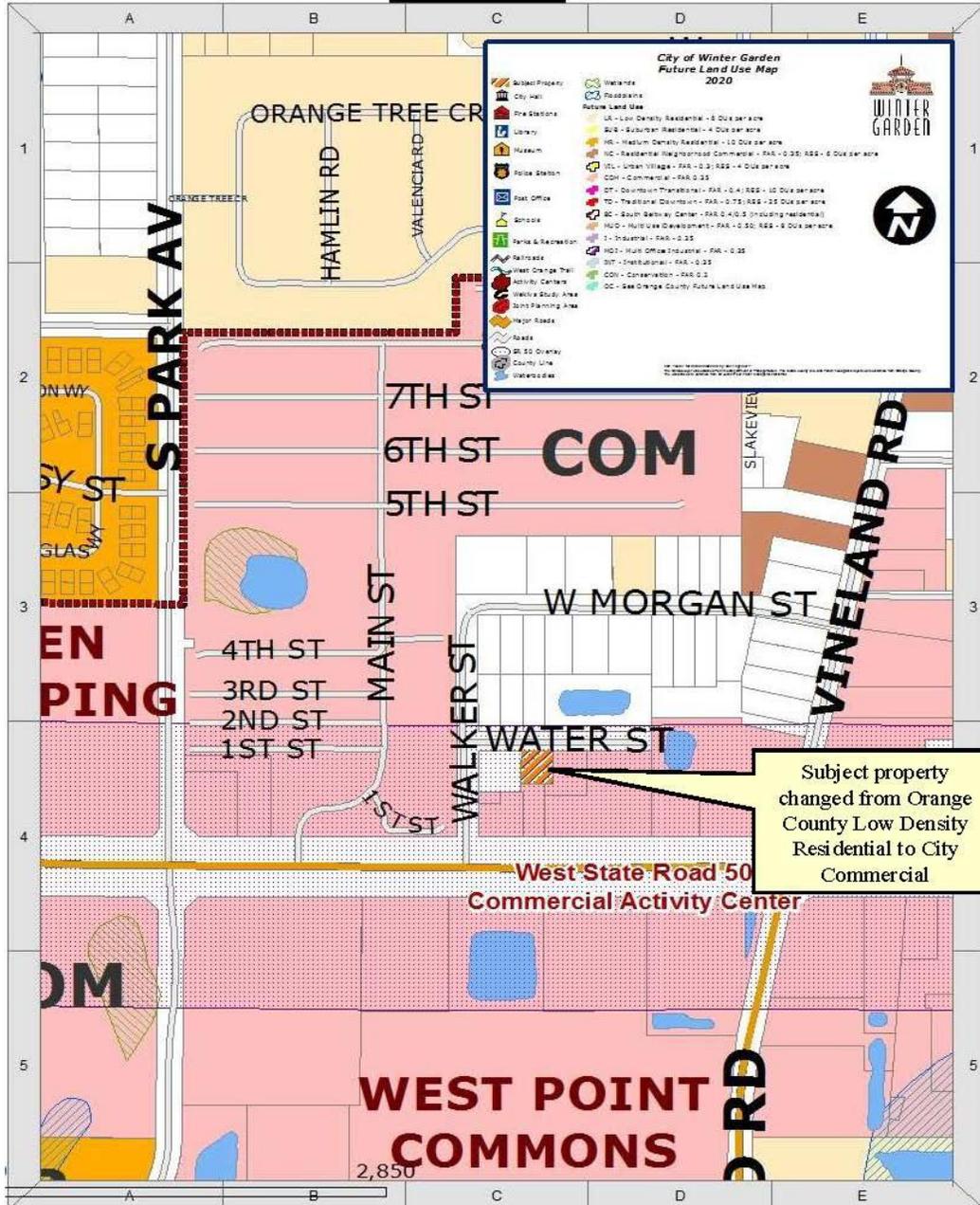
MAPS

AERIAL PHOTO

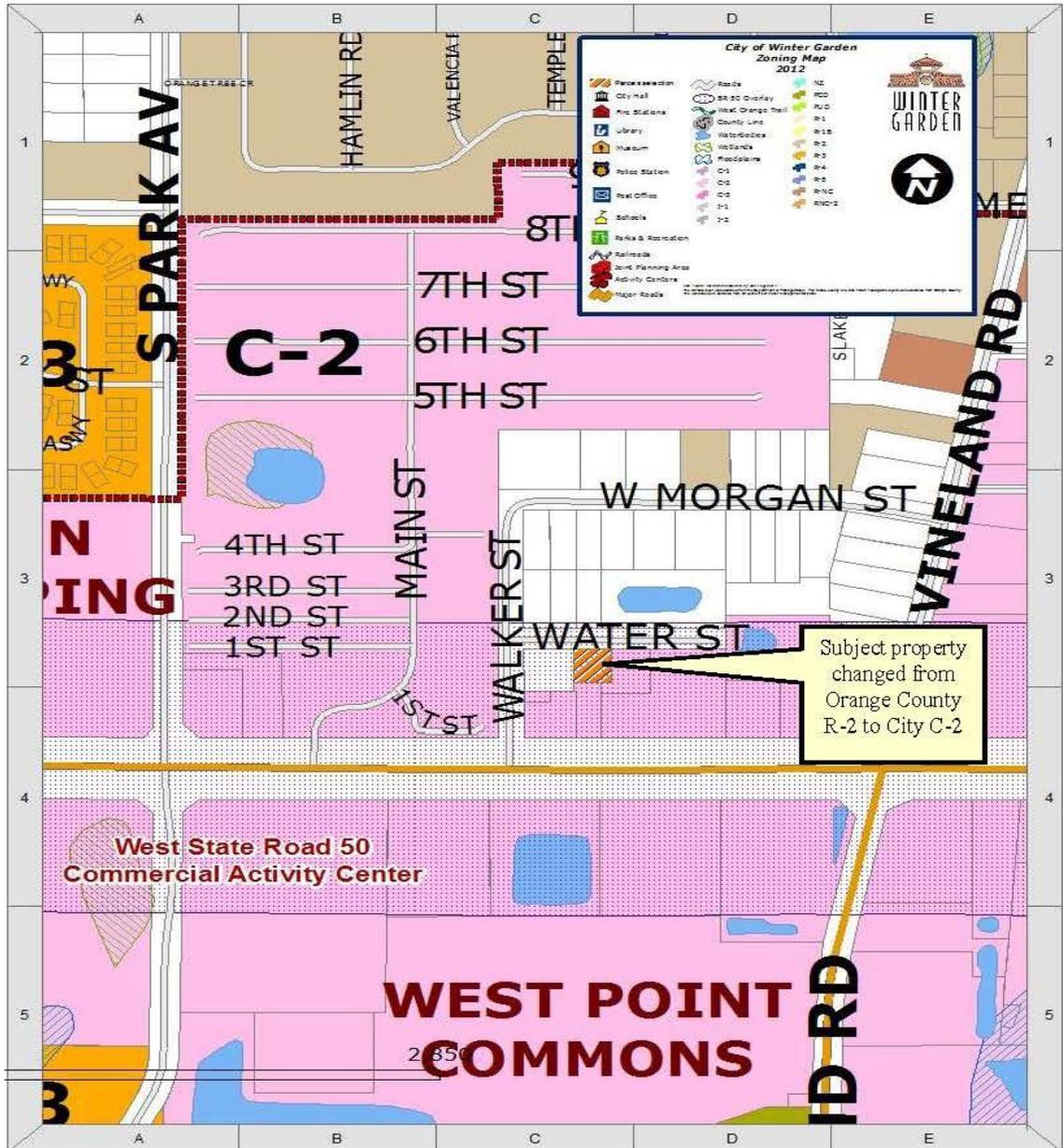
176 Water Street



FUTURE LAND USE MAP
176 Water Street



ZONING MAP
176 Water Street



END OF STAFF REPORT

ATTACHMENT "D"



THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: MAY 3, 2012

MEETING DATE: MAY 7, 2012

SUBJECT: 125 N LAKEVIEW AVE (SPECIAL EXCEPTION PERMIT)
PROJECT NAME FIRST UNITED METHODIST CHURCH
PARCEL ID# 14-22-27-5656-00-760

ISSUE: THE APPLICANT IS REQUESTING A SPECIAL EXCEPTION PERMIT TO ALLOW FOR THE PROPERTY LOCATED AT 125 N LAKEVIEW AVENUE TO BE USED FOR A CEMETERY FOR THE OPERATION OF A COLUMBARIUM.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: FIRST UNITED METHODIST CHURCH OF WINTER GARDEN, INC.

CURRENT ZONING: C-1

PROPOSED ZONING: N/A

CURRENT FLU: TRADITIONAL DOWNTOWN

PROPOSED FLU: N/A

SUMMARY:

N/A

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS ITEM BE TABLED TILL THE JUNE 4, 2012 PLANNING & ZONING BOARD MEETING, TO ALLOW ADDITIONAL TIME FOR THE APPLICANT TO HOST A COMMUNITY MEETING FOR CITIZEN INPUT.

NEXT STEP(S):

SCHEDULE A COMMUNITY MEETING

ATTACHMENT(S):

N/A

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: MAY 3, 2012 **MEETING DATE:** MAY 7, 2012

SUBJECT: 710 SOUTH PARK AVENUE (0.22 +/- ACRES)
PROJECT NAME WEST ORANGE HABITAT FOR HUMANITY
PARCEL ID# 22-22-27-1084-01-110

ISSUE: REQUEST APPROVAL OF ORDINANCE 12-11 (ANNEXATION OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE), ORDINANCE 12-12 (AMENDING FUTURE LAND USE MAP OF THE CITY’S COMPREHENSIVE PLAN FOR 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL). ORDINANCE 12-13 (REZONING OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: WEST ORANGE HABITAT FOR HUMANITY (WARREN A. & GERALDINE M. LEWIS)

CURRENT ZONING: ORANGE COUNTY R-2 RESIDENTIAL DISTRICT

PROPOSED ZONING: CITY R-2 RESIDENTIAL DISTRICT

CURRENT FLU: ORANGE COUNTY LOW DENSITY RESIDENTIAL

PROPOSED FLU: CITY LR (LOW DENSITY RESIDENTIAL / 6 DU PER ACRE)

SUMMARY:

THE CITY ENCOURAGES INFILL OF ITS JURISDICTIONAL LIMITS THROUGH VOLUNTARY ANNEXATION OF ENCLAVES. THE SUBJECT PROPERTY IS A 0.22± ACRE ENCLAVE LOCATED ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD. THE APPLICANT HAS REQUESTED ANNEXATION INTO THE CITY, AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY’S COMPREHENSIVE PLAN TO DESIGNATE THE PROPERTY AS LOW DENSITY RESIDENTIAL, AND REZONING OF THE PROPERTY TO CITY R -2 RESIDENTIAL DISTRICT. (SEE ATTACHED STAFF REPORT)

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS ITEM BE TABLED TILL THE JUNE 4, 2012 PLANNING & ZONING BOARD MEETING, TO ALLOW ADDITIONAL TIME FOR THE APPLICANT TO HOST A COMMUNITY MEETING FOR CITIZEN INPUT.

NEXT STEP(S):

NOT APPLICABLE

ATTACHMENT(S):

N/A

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: MAY 3, 2012 **MEETING DATE:** MAY 7, 2012
SUBJECT: ORDINANCE 12-24
ISSUE: REPEALING ORDINANCE 12-02 AND REPLACING IT WITH THE AMENDMENTS TO ARTICLE V CHAPTER 118 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES.

SUMMARY:

ON JANUARY 26, 2012, THE CITY COMMISSION ADOPTED ORDINANCE 12-02 AMENDING ARTICLE V OF CHAPTER 118, CITY OF WINTER GARDEN CODE OF ORDINANCES. THERE HAS BEEN A CLAIM ASSERTED THAT THE ADOPTION OF ORDINANCE 12-02 WAS NOT PROPERLY ADVERTISED. REPEALING ORDINANCE 12-02 AND REPLACING IT WITH THE AMENDMENTS TO ARTICLE V OF CHAPTER 118, CITY OF WINTER GARDEN CODE OF ORDINANCES CONTAINED IN THIS ORDINANCE IS IN AN EFFORT TO AVOID LITIGATION RELATING TO SUCH ALLEGATION AND THE COSTS ASSOCIATED WITH SUCH LITIGATION AND TO MAKE FURTHER AMENDMENTS DEEMED TO BE IN THE BEST INTERESTS OF THE CITY AND CONSISTENT WITH THE COMPREHENSIVE PLAN

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS APPROVAL OF ORDINANCE 12-24 (URBAN VILLAGE PUD)

NEXT STEP(S):

A PUBLIC HEARING FOR THE FIRST READING OF THIS ORDINANCES IS SCHEDULED FOR THE CITY COMMISSION ON THURSDAY, MAY 10, 2012.

ATTACHMENT(S):

ORDINANCE 12-24

ORDINANCE 12-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ORDINANCE 12-02 AND REPLACING IT WITH THE AMENDMENTS TO ARTICLE V OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES CONTAINED WITHIN THIS ORDINANCE; PROVIDING FOR THE AMENDMENT OF ARTICLE V OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "PLANNED UNIT DEVELOPMENTS" CREATING URBAN VILLAGE PLANNED UNIT DEVELOPMENTS; PROVIDING REQUIREMENTS FOR MIXTURE OF USES AND URBAN DEVELOPMENT CRITERIA FOR ALL PROPOSED PLANNED DEVELOPMENT PROJECTS IN THE URBAN VILLAGE PLANNED UNIT DEVELOPMENT ZONING DISTRICT; CLARIFYING, UPDATING, AND REMOVING REDUNDANT LANGUAGE FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS; PROVIDING FOR REVISIONS TO PLANNED UNIT DEVELOPMENT REVIEW PROCESS AND APPROVAL CRITERIA; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 26, 2012, the City Commission of the City of Winter Garden adopted Ordinance 12-02 amending Article V of Chapter 118, City of Winter Garden Code of Ordinances;

WHEREAS, since the adoption of Ordinance 12-02, there has been a claim asserted that the adoption of Ordinance 12-02 was not properly advertised and such claim is denied by the City;

WHEREAS, the City Commission desires to repeal Ordinance 12-02 and replace it with the amendments to the Article V of Chapter 118, City of Winter Garden Code of Ordinances adopted by this Ordinance in an effort to avoid litigation relating to such allegation and the costs associated with such litigation and to make further amendments deemed to be in the best interests of the City and consistent with the Comprehensive Plan; and

WHEREAS, the adoption of this Ordinance shall not be construed as an admission that the aforesaid claim has merit or is correct; and

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

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

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

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

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

SECTION 1: That Division 1 (titled: Generally) of Chapter 118, Article V, Planned Unit Developments of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being amended):

ARTICLE V. PLANNED UNIT DEVELOPMENTS

DIVISION 1. GENERALLY

Sec. 118-826. - Review by planning and zoning board.

~~All proposed planned development projects shall be referred to the planning and zoning board for its review and recommendation in conformance with subdivision II of division 3 of this article. The planning and zoning board shall proceed as set forth in subdivision II of division 3 of this article.~~

The planning and zoning board shall review a planned unit development (PUD) application and its associated preliminary development plan to determine its conformity with the comprehensive plan and the requirements of this article. The planning and zoning board shall recommend to the city commission the approval, approval subject to conditions and modifications, or disapproval of the a planned unit development zoning application and its associated preliminary development plan. In making its recommendation to the city commission, the planning and zoning board shall consider the criteria specified in section 118-828. It is not necessary for planning and zoning board to make findings of fact in support of its recommendation to the city commission concerning planned unit development applications and associated preliminary development

plans.

Sec. 118-827. - Ordinance requirements.

~~The plan unit development classification is a zoning district that is allowed in all future land use categories. Property rezoned to the PUD classification must meet the requirements of the rezoning procedure to include proper notification and the adoption of an ordinance approving the PUD (hereinafter know as the "Parcel Specific PUD Ordinance"). No part of the following PUD requirements of this article may be eliminated except with the specific approval of the city commission through the adoption of an ordinance approving the PUD. the Parcel Specific PUD Ordinance.~~

Sec. 118-828. Approval Criteria.

The city commission may approve a proposed planned unit development (PUD) and its associated preliminary development plan only after competent, substantial evidence has been presented that allows the city commission to make the following findings determination:

- (1) The ~~request~~ proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;
- (2) The proposed ~~rezoning~~ PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;
- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an development agreement or binding conditions ~~has have~~ been established that will provide these facilities, improvements and services in a reasonable time frame;
- (4) The proposed ~~rezoning~~ PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;
- (5) ~~The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and~~
- (5) ~~The rezoning will not significantly increase the vehicular traffic in adjacent residential neighborhoods.~~ There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame; and

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

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

- (1) Preliminary conference;
- (2) Preliminary development plan submission and application for planned unit development zoning;
- (3) Preliminary plat submission; and
- (4) Final development plan submission

Sec. 118-832. Preliminary conference.

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

Sec. 118-833. 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:

Common open space: a parcel of land or a combination of land and water within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. All common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.

Developer: a person, firm, association, syndicate, partnership or corporation who owns land which is developed or proposed to be developed into a planned unit development and who is actually involved in the construction and creation of a planned unit development.

Development plan: the total site plan of a planned unit development drawn in conformity with the requirements of this division. The development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads, and common open space.

Development schedule: a comprehensive statement showing the type and extent of development to be completed within the various practicable time limits and the order in which development is to be undertaken. A development schedule shall contain an exact description of the specific buildings, facilities, common open space, and other improvements to be developed at the end of each time period.

Final development plan: the development plan approved by the city commission and recorded with the clerk of the circuit court of the county according to this division.

Final development plan application: the application for approval of the final development plan and for approval of the required exhibits as specified in this division.

Planned unit development or PUD: an area of land developed as a single entity, or in approved

stages or phases by a developer or group of developers acting jointly, which is planned and approved in accordance with this article. A planned unit development approved under any division of this article is sometimes generally referred to as a PUD.

Preliminary development plan: means the development plan approved by the city commission and filed with approval of the city for a planned unit development zone.

Preliminary development plan application: the application for approval of the use of a site as a planned unit development and for approval of the required exhibits as specified in this division.

Residential clustering: the grouping of residential structures on a portion of the available land, reserving a significant amount of the site as protected open space.

Site: means the actual physical area to be developed as a planned unit development, including the natural and created characteristics of the area.

Stage or phase: means a specified portion of the planned unit development that may be developed as an independent entity. It must be delineated in the preliminary development plan, defined in the final development plan, and specified within the development schedule.

Village center: that portion of the properties within the urban village future land use classification which allow retail and commercial uses. Residential uses may also be located in the village center.

Zero lot line: means a residential development of single-family detached dwelling units in which each dwelling unit abuts one side lot line with no two dwelling units abutting a common side lot line, and the maximum height of units in the development is 30 feet.

Sec. 118-834. Preliminary development plan application.

- (a) For residential and urban village planned unit development rezonings, a preliminary development plan along with a zoning application shall be submitted to the city by the developer requesting approval of the site as a PUD. The preliminary plan and application shall contain the name of the developer and the architect, surveyor and engineer who prepared the development plan.
- (b) The following generally shall be included on the preliminary development plan with the zoning application:
 - (1) Proposed name or title of the project; the name of the surveyor, engineer, architect, and developer.
 - (2) North arrow, scale of one inch equals 200 feet or larger, date and legal description of the site.
 - (3) Boundaries of the site shown with bearings, distances, closures and bulkhead lines. All existing easements, section lines and property lines, all existing streets, rights of ways, natural waterbodies, karst features, wetlands and physical features in and adjoining the project, and the existing zoning.
 - (4) Names and locations of adjoining developments and subdivisions.
 - (5) Any proposed parks, school sites, and other public and private open space.

- (6) Vehicular and pedestrian circulation systems.
 - (7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the types of uses, the proposed total number of dwelling units, the proposed lot size(s) and minimum house size(s), the proposed square footage of nonresidential uses, and the proposed building setbacks and building elevation renderings.
 - (8) Proposed setbacks and buffering between uses within the PUD; and proposed setbacks and buffering at the perimeter of the PUD.
 - (9) Proposed common open space, including proposed improvements and proposed common open space structures and the tabulation of the percent of the total area of the project to be devoted to common open space. Areas proposed to qualify for common open space shall be specifically designated on the preliminary development plan.
 - (10) Delineation of specific areas designated as a proposed stage or phase.
 - (11) General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the area or with the drainage plan established or to be established within the vicinity.
 - (12) General location within the site of each residential and/or nonresidential use.
 - (13) The proposed method of dedication and administration of proposed common open space.
 - (14) Vicinity map.
- (c) Submittal requirements and procedures are as follows:
- (1) Prints required. The application shall include the required number of prints of the preliminary development plan and an electronic copy.
 - (2) Certified survey. Two copies of a certified survey must also accompany the application.
 - (3) Application review. The preliminary development plan shall be reviewed by the Development Review Committee in accordance with Chapter 98, Article VI of the City of Winter Garden Code of Ordinances, and any other city division or department as deemed necessary by the city to determine the feasibility and suitability of the plan prior to the submission of the planned unit development zoning application to the planning and zoning board. The planning and zoning board shall then review the PUD and its associated preliminary development plan and recommend to the city commission the approval, approval subject to conditions and modifications, or disapproval of such application. Upon receiving the recommendation of the planning and zoning board, the city commission shall review the recommendation and the PUD and associated preliminary development plan application and either approve, approve subject to conditions and modifications, or disapprove the proposed PUD and associated preliminary development plan.
 - (4) Approval Criteria. In addition to the approval criteria set forth in Section 118-828, the proposed PUD should address, to the extent deemed applicable by the city, the following:
 - a. The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.

- b. Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.
- c. Prevention of erosion and degrading or enhancement of the surrounding areas.
- d. Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.
- e. The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.
- f. The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.
- g. The availability of existing or planned reclaimed water service to support the proposed PUD.
- h. The benefits within the proposed PUD development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.
- i. The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.
- j. Architectural characteristics of proposed residential and/or nonresidential development.
- k. A listing of the specific types of nonresidential uses to be allowed.

(5) Recordation of PUD. If the proposed PUD and its associated preliminary development plan application is approved by the city commission, a copy of the approved PUD and preliminary development plan shall be signed by the mayor and attested by the city clerk, and a certified copy or original of such shall be filed with the city clerk as a permanent record.

Sec. 118-835. Preliminary plat.

- (a) Procedures for preliminary plat submission will comply with chapter 110 pertaining to subdivisions.
- (b) Additional information on the preliminary plat should include the following for the residential or urban village planned unit development or the portion thereof which is the subject of the preliminary plat:
 - (1) Any proposed residential use other than single-family.
 - (2) The proposed location of the residential use and/or nonresidential use.
 - (3) Acreage in each of the residential and/or nonresidential use areas.
 - (4) Proposed setbacks and buffering between uses within the PUD; and proposed setbacks and buffering at the perimeter of the PUD.
 - (5) Phasing or development schedule.
 - (6) Number of units, both total and by type, and total square footage of any nonresidential

uses and by type.

(7) The proposed method of maintenance of the storm drainage system.

(c) A topographical map shall be submitted with the preliminary development plan. The topographical map shall be drawn at a scale of not less than 100 feet to one inch by a registered professional engineer or registered land surveyor showing the following:

(1) The location of existing property lines, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, city limit lines and all public utility easements and rights of ways.

(2) Wooded areas, marshes, wetlands, karst features and any other physical conditions affecting the site.

(d) Engineering drawings and specifications of the following proposed utility system improvements must be presented to the city engineer no less than 30 days prior to the intended commencement of construction of such improvements. Construction of such improvements shall not commence until the city engineer approves the drawings and specifications submitted. Engineering drawings must include the following:

(1) Potable water.

(2) Sanitary sewer.

(3) Storm sewer.

(4) Reclaimed water

(5) Sidewalks and bicycle paths.

(6) Streets.

(7) Lot grading plan.

(8) Drainage.

(9) Lighting.

Sec. 118-836. Final development plan.

(a) Time limits for submission. Unless otherwise specified by the planned unit development zoning ordinance or extended under section 118-829, the developer shall have three (3) years from the adoption date of the PUD zoning ordinance in which to:

(1) File and obtain approval of a final plat of a residential or urban village planned unit development, or any portion thereof; or

(2) File and obtain approval of a final development plan of a residential or urban village planned unit development, or a portion thereof and commence construction contemplated by such plan. Site clearing and tree removal activities do not constitute commencement of construction for the purposes of this subsection.

Residential planned unit developments adopted prior to September 30, 2009 are hereby granted an extension to allow three years from September 30, 2009 in order to satisfy the conditions under section (1) or (2) above.

- (b) Site plan. A site plan must be presented in accordance with division 2 of article II of this chapter.
- (c) Plat. A plat must be presented which complies with chapter 110.
- (d) Additional exhibits. Additional exhibits required for the final development plan may include the following:
- (1) Development schedule. The development schedule shall contain the following information for the urban village planned unit development or the portion thereof which is the subject of the final development plan:
 - a. The order of construction of the proposed stages or phases delineated in the development plan.
 - b. The proposed date for the beginning of construction on the stages or phases.
 - c. The proposed date for the completion of the stages or phases.
 - d. The proposed schedule for the construction and improvement of common open space within the stages or phases, including any complementary buildings.
 - (2) Deed restriction. Deed restriction proposals to preserve the character and purpose of the common open space. The deed restrictions shall include, among other provisions a prohibition against partition by any residential property owner.
 - (3) Association or nonprofit corporation. If the developer elects this method of administering common open space, the proposed bylaws of the association, articles of incorporation and other controlling documents shall be submitted for approval by the city attorney.
 - (4) Instruments. Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons and entities having any interest in the land and instruments indicating that all necessary off-site easements or dedications have been acquired. In lieu of originals, certified copies of the relevant documents will be accepted if the recording information from the public records of the county is included thereon.
 - (5) Bill of sale. A bill of sale, conveying to the city water and sewer utility lines, mains, lift stations, and other improvements required to be installed by this Code.
 - (6) Title opinion. A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, taxes, encumbrances, easements, agreements, and other documents affecting title.
 - (7) Tax receipts. Paid receipts from the city and county indicating taxes and required fees have been paid in full up to and including the current period.
- (e) Procedure.
- (1) A fee established by the city commission shall accompany the final development plan application for the purpose of administration.
 - (2) The city engineer and the city planner shall recommend the approval, approval subject to conditions and modifications, or disapproval of the final development plan application

based upon the conformity of the final development plan with the preliminary development plan, sufficiency and accurateness of the required exhibits, and the requirements and purposes of this division and ordinances and regulations of the city.

- (3) The planning and zoning board and the city commission shall review these recommendations at regular public meetings and shall approve, approve subject to conditions and modifications, or deny the final development plan application.

(f) Recording of final development plan.

- (1) After approval of the city commission of the final development plan application, it shall be recorded in the public records of the county. No final development plan of a planned unit development, or any portion thereof, within the city shall be recorded unless it shall have the approval of the city commission inscribed thereon.
- (2) The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of or other use of a final development plan of a planned unit development or portion thereof that has not been given final approval by the city commission and recorded in the official records of the county is prohibited. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such documents.

Sec. 118-837. Physical review.

The city shall have the right to evaluate the physical layout, architectural characteristics, and amenities of the planned unit development and to require changes or modifications designed to create compatibility and conformity in the variety of uses within the development to ensure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the city.

Sec. 118-838. Building permit.

No building permit shall be issued by the city until the final development plan has been approved and duly recorded as provided in this division.

Sec. 118-839. Enforcement.

In addition to any other method of enforcement, the city shall have the power to enforce this division by a suit in equity.

Secs. 118-840—118-855. Reserved

SECTION 2: That Division 2 (titled: Residential Planned Unit Developments) of Chapter 118, Article V, Planned Unit Developments of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being amended):

DIVISION 2. RESIDENTIAL PLANNED UNIT DEVELOPMENTS

Subdivision I. In General

Sec. 118-857. – Reserved. Definitions.

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

~~*Common open space* means a parcel of land or a combination of land and water within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. All common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.~~

~~*Developer* means a person, firm, association, syndicate, partnership or corporation who owns land which is developed or proposed to be developed into a planned unit development and who is actually involved in the construction and creation of a planned unit development.~~

~~*Development plan* means the total site plan of a planned unit development drawn in conformity with the requirements of this division. The development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads, and common open space.~~

~~*Development schedule* means a comprehensive statement showing the type and extent of development to be completed within the various practicable time limits and the order in which development is to be undertaken. A development schedule shall contain an exact description of the specific buildings, facilities, common open space, and other improvements to be developed at the end of each time period.~~

~~*Final development plan* means the development plan approved by the city commission and recorded with the clerk of the circuit court of the county according to this division.~~

~~*Final development plan application* means the application for approval of the final development plan and for approval of the required exhibits as specified in this division.~~

~~*Planned unit development or PUD* means an area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential and compatible uses and common open space.~~

~~*Preliminary development plan* means the development plan approved by the city commission and filed with approval of the city for a planned unit development zone.~~

~~*Preliminary development plan application* means the application for approval of the use of a site as a planned unit development and for approval of the required exhibits as specified in this division.~~

~~*Site* means the actual physical area to be developed as a planned unit development, including the natural and created characteristics of the area.~~

~~*Stage or phase* means a specified portion of the planned unit development that may be developed as an independent entity. It must be delineated in the preliminary development plan, defined in the final development plan, and specified within the development schedule.~~

~~*Zero lot line* means a residential development of single family detached dwelling units in which each dwelling unit abuts one side lot line with no two dwelling units abutting a common side lot line, and the maximum height of units in the development is 30 feet.~~

~~**Subdivision II. Administration***~~

~~*Cross references: Administration, ch. 2.~~

~~**Sec. 118-886. Summary of steps for receiving final approval.**~~

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

- ~~(1) Preliminary conference;~~
- ~~(2) Preliminary development plan submission and application for zoning request;~~
- ~~(3) Preliminary plat submission, which may be omitted if the phase is not platted; and~~
- ~~(4) Final development plan submission (if platted, the final plat; if not platted, a site plan with engineering drawings listed in subsection 118-889(e)).~~

~~(Code 1988, § 24-45(g))~~

~~**Sec. 118-887. Preliminary conference.**~~

~~The preliminary conference for a residential planned unit development includes the following:~~

- ~~(1) City planner, city engineer.~~
- ~~(2) Building official and fire marshal.~~
- ~~(3) Public works director and utilities director.~~
- ~~(4) Developer.~~

~~(Code 1988, § 24-45(g)(1))~~

Sec. 118-888. Preliminary development plan application.

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

(b) The following shall be included with the preliminary application:

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

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

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

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

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

(6) Vehicular and pedestrian circulation systems.

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

(8) Proposed common open space, including the proposed improvements and any complementary structures and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.

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

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

(11) General location within the site of each primary residential use, secondary nonresidential use, and the proposed amount of land to be devoted to individual ownership.

(12) The proposed method of dedication and administration of proposed common open space.

(13) Vicinity map.

(c) Submittal requirements and procedures are as follows:

(1) *Time limits.* The PUD zoning application and preliminary development plan shall be submitted to the city clerk at least 30 days prior to any scheduled

~~meetings of the planning and zoning board.~~

~~(2) *Prints required.* The application shall include the required number of black or blue line prints of the development plan and a reproducible copy.~~

~~(3) *Certified survey.* Two copies of a certified survey must also accompany the application.~~

~~(4) *Application review.* The preliminary development plan shall be reviewed formally by the city engineer and the city planner and any other city division or department as necessary to determine the feasibility and suitability of the plan prior to the submission of the PUD zoning application to the planning and zoning board. The planning and zoning board shall then review the preliminary development plan to determine its conformity with the official plans and policies of the city and the requirements of this division. Upon completion of its review, the planning and zoning board shall recommend to the city commission the approval, approval subject to conditions, or disapproval of the preliminary development plan application and the PUD zoning.~~

~~(5) *Review criteria.* The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:~~

~~a. The degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.~~

~~b. Compatibility within the planned unit development and the relationship with surrounding neighborhoods.~~

~~c. Prevention of erosion and degrading of the surrounding area.~~

~~d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.~~

~~e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.~~

~~f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.~~

~~g. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development and the surrounding area.~~

~~h. The availability and adequacy of water and sewer service to support the proposed planned unit development.~~

~~i. The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements~~

~~inherent in a planned unit development classification.~~

~~j. The conformity and compatibility of the planned unit development with the comprehensive plan of the city.~~

~~k. The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses within the proposed planned unit development.~~

~~l. Architectural characteristics of proposed nonresidential development when available.~~

~~m. A listing of the specific types of secondary nonresidential or commercial uses to be allowed.~~

~~(6) *Review by city commission.* Upon receiving the recommendation of the planning and zoning board, the city commission shall, at a regularly scheduled public meeting, review the recommendation and preliminary development plan and either approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan includes the approval of the PUD zoning. The decision of the city commission shall be based upon a consideration of the facts specified as review criteria for the planning and zoning board.~~

~~(7) *Recordation of preliminary application.* If the preliminary development plan application is approved by the city commission, a copy of the application and required exhibits shall be certified by the city clerk and signed by the mayor, and the certified copy shall be filed with the city clerk as a permanent record.~~

~~(Code 1988, § 24-45(g)(2))~~

~~Sec. 118-889. Preliminary plat.~~

~~(a) For a residential planned unit development, or any portion thereof, the preliminary plat may be omitted if the parcel, or applicable portion thereof, is not to be platted.~~

~~(b) The developer may request plat approval of the entire PUD or any portion thereof (a minimum of 20 acres).~~

~~(c) Procedures for preliminary plat submission will comply with chapter 110 pertaining to subdivisions.~~

~~(d) Additional information on the preliminary plat should include the following for the residential planned unit development or the portion thereof which is the subject of the preliminary plat:~~

~~(1) The proposed residential use other than single family.~~

~~(2) The proposed location of the primary residential use and secondary nonresidential use.~~

~~(3) Acreage in each of the primary residential and secondary nonresidential uses.~~

~~(4) Phasing or development schedule.~~

~~(5) Number of units, both total and by type.~~

~~(6) The proposed method of maintenance of the storm drainage system.~~

~~(e) A topographic data map may be submitted with the preliminary development plan if the property is not to be platted. The topographic data map shall be drawn at a scale of not less than 100 feet to one inch by a registered professional engineer or registered land surveyor showing the following:~~

~~(1) The location of existing property lines, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, city limit lines and any public utility easements.~~

~~(2) Wooded areas, marshes and any other physical conditions affecting the site.~~

~~(f) Engineering drawings of the following proposed utility system improvements must be presented to the city engineer no less than 30 days prior to commencement of construction of such improvements. Further, the improvements must be constructed and approved by the city engineer prior to presenting the final development plan to the planning and zoning board, unless an acceptable developer's agreement and bond are provided to the city by the developer in accordance with the requirements of this Code. Engineering drawings must include the following:~~

~~(1) Water.~~

~~(2) Sanitary sewer.~~

~~(3) Storm sewer.~~

~~(4) Sidewalks and bicycle paths.~~

~~(5) Streets.~~

~~(6) Lot grading plan.~~

~~(7) Drainage.~~

~~(Code 1988, § 24-45(g)(3); Ord. No. 09-19, § 7, 10-8-09)~~

~~Sec. 118-890. Final development plan.~~

~~(a) *Time limits for submission.* Unless otherwise specified by the PUD zoning ordinance, the developer shall have three years from the adoption date of the PUD zoning ordinance in which to:~~

~~i. File and obtain approval of a final plat of a residential planned unit development, or any portion thereof; or~~

~~ii. File and obtain approval of a final development plan of a residential planned unit development, or a portion thereof and commence construction contemplated by such plan. Site clearing and tree removal activities do not constitute commencement of construction for the purposes of this subsection.~~

~~Residential planned unit developments adopted prior to September 30, 2009 are hereby granted an extension to allow three years from September 30, 2009 in order to satisfy the conditions~~

~~under subsection i. or ii. above.~~

~~(b) *Site plan.* If not platted, a site plan must be presented in accordance with division 2 of article II of this chapter.~~

~~(c) *Plat.* If platted a plat must be presented which complies with chapter 110.~~

~~(d) *Additional exhibits.* Additional exhibits required for the final development plan may include the following:~~

~~(1) *Development schedule.* The development schedule shall contain the following information for the residential planned unit development or the portion thereof which is the subject of the final development plan:~~

~~a. The order of construction of the proposed stages delineated in the development plan.~~

~~b. The proposed date for the beginning of construction on the stages.~~

~~c. The proposed date for the completion of the stages.~~

~~d. The proposed schedule for the construction and improvement of common open space within the stages, including any complementary buildings.~~

~~(2) *Deed restriction.* Deed restriction proposals to preserve the character of the common open space. The deed restrictions shall include a prohibition against partition by any residential property owner.~~

~~(3) *Association or nonprofit corporation.* If the developer elects this method of administering common open space, the proposed bylaws of the association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the city attorney.~~

~~(4) *Instruments.* Instruments dedicating all rights of way, easements and other public lands shown on the final development plan from all persons having any interest in the land and instruments indicating that all necessary off-site easements or dedications have been acquired. In lieu of originals, certified true copies will be accepted if the recording information from the public records of the county is included thereon.~~

~~(5) *Bill of sale.* A bill of sale, conveying to the city water and sewer utility lines, mains, lift stations, and other personal property required to be installed by this Code.~~

~~(6) *Title opinion.* A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.~~

~~(7) *Tax receipts.* Paid receipts from the city and county indicating taxes have been paid in full up to and including the current period.~~

~~(e) *Procedure.*~~

~~(1) A fee established by the city commission shall accompany the final development plan application for the purpose of administration.~~

~~(2) The city engineer and the city planner shall recommend the approval, approval subject to conditions, or disapproval of the final development plan application based upon the conformity of the final development plan with the preliminary development plan, sufficiency and accurateness of the required exhibits, and the requirements and purposes of this division and ordinances and regulations of the city.~~

~~(3) The planning and zoning board and the city commission shall review these recommendations at regular public meetings and shall approve, approve subject to conditions, or deny the final development plan application.~~

~~(f) *Recording of final development plan.*~~

~~(1) After approval of the city commission of the final development plan application, it shall be recorded in the public records of the county. No final development plan of a planned unit development, or any portion thereof, within the city shall be recorded unless it shall have the approval of the city commission inscribed thereon.~~

~~(2) The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of or other use of a final development plan of a planned unit development or portion thereof that has not been given final approval by the city commission and recorded in the official records of the county is prohibited. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such documents.~~

(Code 1988, § 24-45(g)(4); Ord. No. 09-19, § 2, 10-8-09)

~~Sec. 118-891. Physical review.~~

~~The city shall have the right to evaluate the physical layout, architectural characteristics, and amenities of the residential planned unit development and to require changes or modifications designed to create compatibility and conformity in the variety of uses within the development to ensure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the city.~~

(Code 1988, § 24-45(h))

~~Sec. 118-892. Building permit.~~

~~No building permit shall be issued by the city until the final development plan has been approved and duly recorded as provided in this division.~~

(Code 1988, § 24-45(i))

~~Sec. 118-893. Reserved.~~

~~Editor's note: Ord. No. 09-19, § 3, adopted October 8, 2009, repealed § 118-893, which pertained to termination of PUD zone and derived from § 24-45(j) of the 1988 Code.~~

~~Sec. 118-894. Enforcement.~~

~~In addition to any other method of enforcement, the city shall have the power to enforce this division by an appropriate suit in equity.~~

~~(Code 1988, § 24-45(k))~~

~~Secs. 118-895—118-920. Reserved~~

~~Secs. 118-886--118-920. Reserved.~~

Subdivision III. Land Use Regulations

Subdivision II. Land Use Regulations

SECTION 3: That Chapter 118, Article V, Planned Unit Developments of the City of Winter Garden Code of Ordinances is hereby amended to create a new Division 4, titled: Urban Village Planned Unit Development (UVPUD) as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

DIVISION 4. URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD)

Subdivision I. In General

Sec. 118-1063. Intent/description/design features.

- (a) This division is intended to implement the policies of the comprehensive plan concerning the urban village future land use classification.
- (b) Development within the urban village future land use classification shall be designed based on an urban development pattern which encourages the formation of a suburban village. Through the urban village planned unit development process, which may involve the approval of multiple UVPUDs, all development within the urban village future land use classification shall follow the general design principles of:
 - (1) creating a series of walkable residential neighborhoods;
 - (2) developing an integrated park and trail system to facilitate pedestrian travel and recreation;

- (3) developing a comprehensive network of roads and traffic calming solutions to complement and support the existing Marsh Road infrastructure;
 - (4) establishing connectivity to natural systems while preserving wetlands and other natural resources and protecting water quality and quantity;
 - (5) creating a mixed-use character through the integration of a diversity of uses; and
 - (6) creating a focus center within the urban village.
- (c) The urban village planned unit development shall provide a compact integrated development pattern with a park or central feature located within a ¼ mile walking distance of the majority of residences in each neighborhood.
 - (d) To ensure adequate housing diversity, urban village planned unit development should generally contain a variety of housing types which may include both attached and detached housing product with ownership and rental opportunities, as well as live/work housing.
 - (e) The street network shall be designed to create a hierarchy of interconnected streets and traffic calming solutions to allow travel through and between neighborhoods and beyond the urban village planned unit development. Roadway cross sections shall be designed to accommodate multiple modes of transportation.
 - (f) Emphasis shall be placed on pedestrian and bike paths and shall be incorporated in street cross sections and open spaces.
 - (g) The standards and procedures of the urban village planned unit development are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while retaining in the city commission the absolute authority to establish such limitations and regulations as it deems necessary to protect and promote the public health, safety and general welfare.
 - (h) Consistent with the goal of ensuring the entirety of lands designated with the urban village future land use designation developing in such a way as to meet the goals and policies of the comprehensive plan, the city commission shall have the flexibility in deciding whether to require a mixture of residential and non-residential uses and a variety of housing types and lot sizes within individual urban village planned unit developments based on anticipated development patterns.

Sec.118.1064. General requirements.

- (a) The urban village planned unit development shall be located in the urban village future land use designation as defined in the city's comprehensive plan, or in such other areas as determined by city commission.
- (b) All development proposals within an urban village planned unit development shall, as determined by the city commission, be consistent with the requirements and/or guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden (Dated January 24, 2007) as approved by the city commission, as such may be amended from time to time.

- (c) All development within the urban village planned unit development shall comply with the Wekiva Parkway and Protection Act, and shall meet or exceed the standards of the Resource Protection Overlay as established by the City's Comprehensive Plan. In the event of a conflict or conflicts between the Urban Village Planned Unit Development zoning district and the Resource Protection Overlay, the Resource Protection Overlay shall control to the extent such conflict exists.
- (d) Maximum density in the urban village planned unit development for any neighborhood shall be four dwelling units per gross acre except in the village center where the density may be up to 12 dwelling units per gross acre. However, certain neighborhoods may use residential clustering while maintaining the overall maximum density for the neighborhood. Maximum intensity for non residential development is 0.3 floor area ratio.
- (e) Stormwater facilities within the urban village residential planned unit development shall generally be designed as amenities and low impact design (LID) techniques will be used where practical.
- (f) New development shall connect to City utilities, potable water, sanitary sewer, and reclaimed water when available.
- (g) Residential and nonresidential uses are allowed in the village center and may occupy the same building where nonresidential occupies the first floor with residential on the upper floors.
- (h) Accessory dwelling units, not to exceed 850 square feet, above garages shall be allowed for a maximum of 50% of the residential units in the urban village planned unit development. These additional accessory units shall not be counted towards the density.

Sec. 118-1065. Permitted uses.

Uses permitted in the urban village residential planned unit development may include and shall be limited to the following:

- (1) Primary residential uses. Primary residential uses permitted are single-family detached and multifamily residential dwelling units, including apartments, in semidetached, attached, and multistoried structures.
- (2) Nonresidential uses. Nonresidential uses include religious, public or semipublic uses, cultural, recreational, retail, schools, personal service, offices and professional centers providing services to residents of the urban village planned unit development and to residents of surrounding properties. The nonresidential uses shall be compatible with the primary residential use. No building devoted primarily to a commercial use shall be built or established prior to the primary residential buildings or uses it is designed or intended to serve. These uses shall be located in the village center and shall be accessible from all primary residential use areas.

Sec. 118-1066. Unified ownership or control.

For an urban village planned unit development, unified ownership or control is not required. An urban village planned unit development can be made up of numerous property owners. However,

parcels that do not contain non-residential uses must have direct pedestrian and vehicular access to the village center and other commercial and institutional areas.

Sec. 118-1067. Common open space.

- (a) All common open spaces in urban village planned unit developments shall be preserved for their intended purpose as expressed in the final development plan. The developer shall choose one of the following methods of administering common open space:
 - (1) Public dedication to the city of the common open space. This method is subject to formal acceptance by the city and in its sole discretion.
 - (2) Establishment of an association or nonprofit corporation or entity which must include all individuals, corporations and entities owning property within the urban village planned unit development to ensure the maintenance of all common open space.
- (b) All privately owned common open space shall continue to conform to its intended purpose and remain as expressed in the final development plan through its inclusion in all deeds with appropriate restrictions to ensure that the common open space is permanently preserved. The deed restrictions shall run with the land and shall be for the benefit of present as well as future property owners and shall contain a prohibition against partition.
- (c) All common open space and recreational facilities shall be specifically included in the development schedule and shall be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
- (d) If the developer elects to administer common open space through an association or nonprofit corporation or other entity, the organization shall conform to the following requirements:
 - (1) The developer must establish the association or nonprofit corporation prior to the sale or transfer of any lots.
 - (2) Membership in the association or nonprofit corporation or other entity shall be mandatory for all property owners within the urban village planned unit development.
 - (3) The association or nonprofit corporation or other entity shall manage all common open space and recreational and cultural facilities that are not dedicated to the City or public; shall provide for the maintenance, administration and operation of the land and improvements and any other land and improvements within the urban village planned unit development not publicly or privately owned; and shall secure adequate liability insurance on the land and improvements, and provide adequate reserves for operation, maintenance and replacement of improvements.
 - (4) If the developer elects an association or nonprofit corporation or other entity as a method of administering common open space, the title to all property owners in the planned unit development shall include undivided rights and obligations in all common open space.
 - (5) Association documents shall be reviewed and approved by the city.

Secs. 118-1068—118-1079. Reserved

Subdivision II. Land Use Regulations

Sec. 118-1080. Minimum size; dwelling units.

There are no minimum acreage requirements for the urban village planned unit development zoning.

Sec. 118-1081. Maximum development.

The average density permitted in each planned unit development shall be established by the city commission upon recommendation of the planning and zoning board. Maximum density in the urban village planned unit development shall be four dwelling units per gross acre except in the village center where the density may be up to 12 dwelling units per acre. Maximum intensity for non residential development is 0.3 floor area ratio.

Sec. 118-1082. Minimum common recreation and open space.

(a) For the urban village planned unit development, all new development and redevelopment shall be subject to the Resource Protection Overlay and Wekiva Study Area Open Space standards and requirements as follows:

(1) Minimum open space shall be 25% for both residential and non residential development, all open space shall consist of Wekiva Study Area Open Space. Wekiva Study Area Open space shall be preserved through the use of conservation easements, deed restriction, plats and/or dedication to the appropriate governmental agency, environmental association or homeowners association as required by the City. Open space shall be connected to the greatest extent possible on-site and to natural areas and open space within adjacent property or corridors.

(2) Wekiva Study Area Open space shall be defined as land area within the Resource Protection Overlay that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for Conservation purposes. Wekiva Study Area Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to fifty percent (50%) of the Wekiva Study Area Open Space requirement may be met with dry stormwater retention areas. None of the 25% WSA Open Space may be chemically treated with pesticides or fertilizers; provided, however, a development that creates sensitive natural habitat may be allowed limited use of pesticides and fertilizers to establish sensitive natural habitat. Wekiva Study Area Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas.

(b) Common recreation space shall be provided to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the PUD. Drainage ditches, if allowed by the city commission, parking areas, road rights-of-way and minimum yards and spacing between dwelling units may not be included in determining usable recreation space. Water areas including wet bottom retention, dry retention, and wetland areas which are aesthetically and functionally designed for active or passive recreational use may be considered to partially

fulfill recreation requirements. In no case, however, shall there be less than five percent of the total developable land area set aside for active, dry-land recreational use.

Sec. 118-1083. Minimum lot area, frontage and setbacks.

- (a) A minimum lot size of 90 feet wide by 120 feet deep shall be required for lakefront lots within the urban village planned unit development district. No minimum lot size shall be required for non-lakefront lots; however residential areas within an urban village planned unit development must provide a mixture of lot sizes.
- (b) Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via a private road or other area dedicated to public or private use guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. The city shall be allowed access on privately owned roads, easements and common open space.
- (c) The minimum distance between structures and side yards shall be as follows:
 - (1) For single-family platted lots, minimum side yard requirements shall be as follows:
 - a. For lot width less than 70 feet: five feet.
 - b. For lot width 70 feet to 84 feet: 7 1/2 feet or five feet if unobstructed by equipment.
 - c. For lot width greater than 84 feet: ten feet or 7 ½ feet if unobstructed by equipment.
 - d. For zero lot line single-family detached development: ten feet.
 - (2) For townhouses, unplatted residential development, commercial development, and all development other than single-family platted lots, the distance between structures shall be as follows:
 - a. Between structures of 20 feet in height or less: 15 feet.
 - b. Between structures of 20 and 30 feet in height: 20 feet.
 - c. Between structures of 30 feet and 40 feet in height: 25 feet.
 - d. Between structures over 40 feet in height: 40 feet, plus five feet for each additional ten feet of height or fraction thereof over 40 feet.
 - e. Between structures of varying heights, the larger distance separation shall be required.
- (d) A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the UVPUD. Additional perimeter yard requirements for multistory buildings shall be figured at five additional feet for each ten feet of height over the first story.
- (e) Maximum height shall be 50 feet, not to exceed 3 stories, unless approved by special exception by the city commission in addition to a finding by the city commission that height in excess of 50 feet will be compatible with adjacent uses and will substantially further the health, safety or general welfare of the citizens of the city.

(f) Accessory buildings or structures may only be placed in the rear yard according to the requirements of this chapter.

(g) Building setbacks from water areas and lakes shall be 30 feet from the normal high water line.

Sec. 118-1084. Maximum length of structure.

The maximum length of a structure in the urban village planned unit development is 200 feet. Units constructed under the zero lot line concept with common walls shall be considered as one structure and shall not exceed 200 feet.

Sec. 118-1085. Minimum floor area per unit.

In a residential planned unit development, the minimum floor area per unit shall be as follows:

(1) Single family dwellings, 1,000 square feet.

(2) Multifamily dwellings including townhouses:

a. Efficiency, 450 square feet.

b. One bedroom, 550 square feet.

c. Two bedrooms, 650 square feet.

d. Three bedrooms, 800 square feet.

Sec. 118-1086. Off-street parking.

All uses in the urban village planned unit development shall meet the city's parking and landscaping requirements.

Sec. 118-1087. Underground utilities.

Within the residential planned unit development, all utilities including telephone, television cable and electrical systems shall be installed underground unless physical and technical conditions require aboveground installation. Primary facilities providing service to the site of the PUD may be exempted from this section. Large transformers shall be placed on the ground, and such transformers and all utilities not installed underground shall be contained within landscaped enclosures or vaults. Any required substations shall be screened by walls resembling a structure which is compatible with the design of the PUD.

Sec. 118-1088. Development standards.

For the urban village planned unit development, the minimum construction requirements for streets or roads, sidewalks, sewer and water facilities, drainage and all utilities shall be in compliance with the requirements of chapter 78, chapter 110 and the manual in appendix A to this Code.

Secs. 118- 1089--118-1100. Reserved.

SECTION 4. REPEAL. The repeal of Ordinance 12-02 is not intended to and shall not affect the legal status of any planned unit development ordinance adopted in accordance with the provisions of Ordinance 12-02.

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

SECTION 7. CODIFICATION. Sections 1, 2 and 3 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; and the word “*Ordinance*” may be changed to “*Section*”, “*Article*”, or other appropriate word.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective upon approval of the City Commission at its second reading.

READ FIRST TIME AND PUBLIC HEARING HELD: _____, 2012.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2012.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk