



**CITY COMMISSION AGENDA  
CITY HALL COMMISSION CHAMBERS  
300 W. Plant Street  
(REVISED 6/26/12 Item #5.E was removed)**

**REGULAR MEETING**

**JUNE 28, 2012**

**6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

**1. APPROVAL OF MINUTES**

Regular Meeting of June 14, 2012 (*Staff is requesting postponement to July 12, 2012*)

**2. PRESENTATION**

A. Advocacy by Florida League of Cities – Kathy Till

**3. FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 12-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2011-2012 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 12, 2012** – City Manager Bollhoefer

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

A. **Ordinance 12-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams

B. **Ordinance 12-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.22 ± ACRES OF LAND LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams

C. **Ordinance 12-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams

D. **Ordinance 12-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

*(Staff is requesting postponement to July 12, 2012)* – Community Development Director Williams

- E. **Ordinance 12-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE *(Staff is requesting postponement to July 12, 2012)* – Community Development Director Williams
- F. **Ordinance 12-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 5.44 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE *(Staff is requesting postponement to July 12, 2012)* – Community Development Director Williams
- G. **Ordinance 12-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ORDINANCE 11-35 AND REPLACING IT WITH THE REZONING AND URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD) REQUIREMENTS CONTAINED WITHIN THIS ORDINANCE; PROVIDING FOR REZONING APPROXIMATELY 75.94 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) AT 16851 AND 17001 MARSH ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WATERSIDE ON JOHN'S LAKE URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Waterside at John's Lake) – Community Development Director Williams
- H. **Ordinance 12-31:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING UTILITY, DRAINAGE AND LANDSCAPING EASEMENTS OVER THE SOUTHERN TEN FEET OF LOT 15, DANIELS CROSSING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 23 AND 24 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 256 DANIELS POINTE DRIVE, WINTER GARDEN, FLORIDA) OWNED BY DUANE BRUCE WOLFE, JR. AND DANIEL JAMES DUNHAM; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING – Community Development Director Williams
- I. **Ordinance 12-32:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA PARTIALLY VACATING THE NORTH THREE FEET OF WALL, LANDSCAPE AND UTILITY EASEMENTS OVER THE SOUTHERN TEN FEET OF LOT 32, BELLE MEADE, PHASE 1 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 62, PAGES 21 THROUGH 23 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 15508 FIRELIGHT DRIVE, WINTER GARDEN, FLORIDA) OWNED BY BRIAN BERNATE AND DANIELLE L. BURNARD; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING – Community Development Director Williams
- J. **Ordinance 12-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR EXTENDED HOURS FOR CONSTRUCTION OPERATIONS; PROVIDING FOR ADDITIONAL ABATEMENT OF NOISE IN RESIDENTIAL AND OTHER AREAS; PROVIDING FOR ENFORCEMENT OF NOISE ORDINANCE VIA AN ALTERNATIVE OBJECTIVE STANDARD OF REASONABLENESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer

5. **REGULAR BUSINESS**

- A. **Resolution 12-11:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA SUPPORTING THE WAYFINDING SIGN SYSTEM PLAN TO EFFICIENTLY AND SAFELY GUIDE MOTORISTS AND PEDESTRIANS TO KEY PUBLIC FACILITIES SUCH AS CIVIC, CULTURAL, VISITOR, AND RECREATIONAL DESTINATIONS WITHIN THE CITY OF WINTER GARDEN – Community Development Director Williams
- B. Recommendation to approve the revised Final Plat C 90 two-unit fee simple townhomes for the Villas at Tucker Oaks – Community Development Director Williams
- C. Recommendation to approve the distribution of the \$10,947 awarded Justice Assistance Grant (JAG) to fund the Police Department’s purchase of riot response equipment – Police Chief Brennan
- D. Recommendation to close Plant Street between 7:00 - 8:30 a.m. on November 10, 2012 to accommodate the “Winter Garden” 5K road race – Parks and Recreation Director Conn

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

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

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

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a Regular Meeting on July 12, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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

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

**From:** Michael Bollhoefer, City Manager

**Date:** June 22, 2012

**Meeting Date:** June 28, 2012

**Subject:** Budget Ordinance 12-43

**Issue:** Amending the budget for fiscal year 2011- 2012. The budget amendment presented reflects projected revenues due to greater than anticipated commercial impact fees. Additionally, there is an adjustment for an electrical upgrade of the Police Communications Center.

**Recommended action:** Motion to approve Ordinance 12-43, amending the fiscal year 2011-2012 budget and schedule the second reading and public hearing for July 12, 2012.

**ORDINANCE 12-43**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2011-2012 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 21, 2011, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 11-26 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2011 and ending September 30, 2012;

**WHEREAS**, on March 8, 2012, the City of Winter Garden, Florida, adopted Ordinance 12-09 amending the City of Winter Garden, Florida, Budget for the tax year beginning October 1, 2011 and ending September 30, 2012;

**WHEREAS**, on March 8, 2012, the City of Winter Garden, Florida, adopted Ordinance 12-14 amending the City of Winter Garden, Florida, Budget for the tax year beginning October 1, 2011 and ending September 30, 2012;

**WHEREAS**, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2011 and ending September 30, 2012 to provide for an interim adjustment;

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

**SECTION 1:** That the sum of \$27,300 to be appropriated as follows:

**REVENUES**

General Impact Fee Fund	<u>\$27,300</u>
	\$27,300

**EXPENDITURES**

General Impact Fee Fund	<u>\$27,300</u>
	\$27,300

**SECTION 2:** Detail for the aforementioned totals is attached as Exhibit 1, which shall be incorporated in the Ordinance. Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

**SECTION 3:** This Ordinance shall become effective upon its adoption at the second reading and public hearing.

**READ FIRST TIME:** \_\_\_\_\_

**READ SECOND TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

APPROVED:

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

ATTEST:

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

**EXHIBIT 1**  
ORDINANCE 12-43

**City of Winter Garden  
Budget Revision  
FYE 2012**

General Impact Fee Fund

<u>Account Number</u>	<u>Description</u>	<u>2011 Actual</u>	<u>2012 Current Budget</u>	<u>Budget Adjustments</u>	<u>2012 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Police</b>					
170-0521-324.12-00 <i>Item underbudgeted</i>	Impact Fees-Commercial	3,231	1,773	27,300	29,073
<b>Total Revenues</b>				<b><u>\$ 27,300</u></b>	
<b>Expenditures</b>					
<b>Police</b>					
170-0521-521.62-00 <i>Communications Center Electrical Upgrade</i>	Building	-	-	27,300	27,300
<b>Total Expenditures</b>				<b><u>\$ 27,300</u></b>	

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** June 19, 2012

**Meeting Date:** June 28, 2012

**Subject:** **710 South Park (0.22 +/- ACRES)**  
West Orange Habitat for Humanity  
**Ordinance 12-11**  
**Ordinance 12-12**  
**Ordinance 12-13**  
**PARCEL ID# 22-22-27-1084-01-110**

**Issue:** Request approval of Ordinance 12-11 (Annexation OF 0.22± Acres located at 710 S. Park Avenue), Ordinance 12-12 (Amending Future Land Use Map of the City's Comprehensive Plan for 0.22± acres located at 710 S. Park Avenue from Orange County Low Density Residential to City Low Density Residential) Ordinance 12-13 (Rezoning 0.22± acres located at 710 S. Park Avenue from Orange County R-2 Residential District to City R-2 Residential District).

**Discussion:**

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 S. 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).

**Recommended Action:**

Staff recommends adoption of Ordinance 12-11, Ordinance 12-12 and Ordinance 12-13.

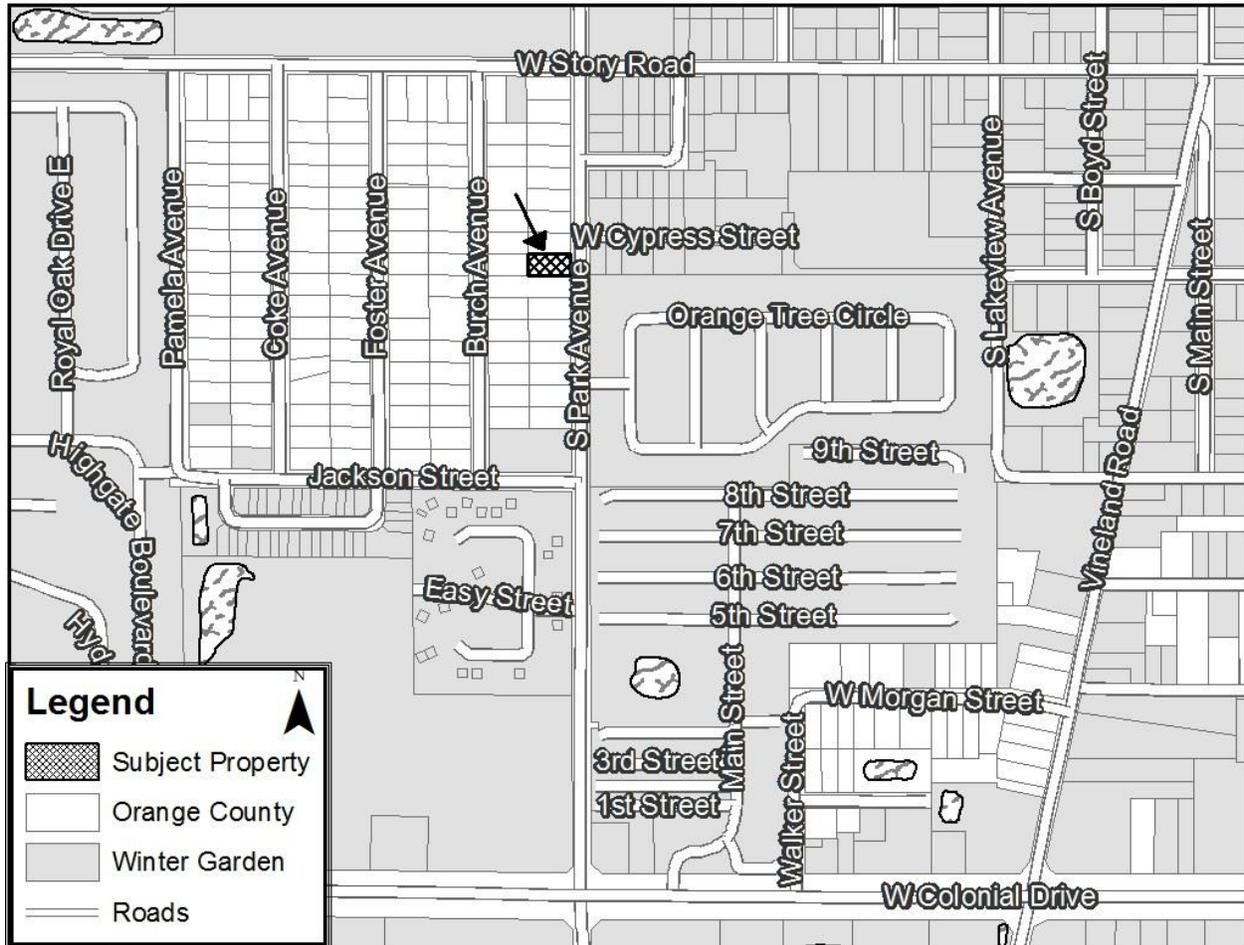
**Attachment(s)/References:**

Location Map  
Ordinance 12-11  
Ordinance 12-12  
Ordinance 12-13  
Staff Report

# LOCATION MAP

Ordinance 12-11;12-12 and 12-13

710 S. Park Avenue – 0.22 +/- Acres



ORDINANCE 12-11

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of the land, generally described as approximately 0.22 ± acres located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

**SECTION 3: *Effect of Annexation.*** That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall

apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

**SECTION 4:** *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

**SECTION 5:** *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

**SECTION 6:** *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

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

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

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

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

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

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

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 22-22-27-1084-01-110

LOT 11, BLOCK A, BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA; THENCE RUN S00°00'00"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.72 FEET; THENCE DEPARTING SAID LINE N00°00'00"E A DISTANCE OF 30.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVE. AS SHOWN ON SAID PLAT AND ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE N89°31'03"W, A DISTANCE OF 138.64'; THENCE S00°26'43"E, A DISTANCE OF 70.00'; THENCE S89°31'03"E TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PARK AVE, A DISTANCE OF 138.09'; THENCE N00°00'00"E ALONG SAID RIGHT OF WAY LINE, 70.00' TO THE POINT OF BEGINNING, SAID LANDS LYING IN ORANGE COUNTY, FLORIDA CONTAINING 9,685 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

ORDINANCE 12-12

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.22 ± ACRES OF LAND LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVEUNE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROADFROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the owner of that certain real property generally described as 0.22 ± acres of land located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

**SECTION I.** *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-11, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

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

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

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

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

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

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

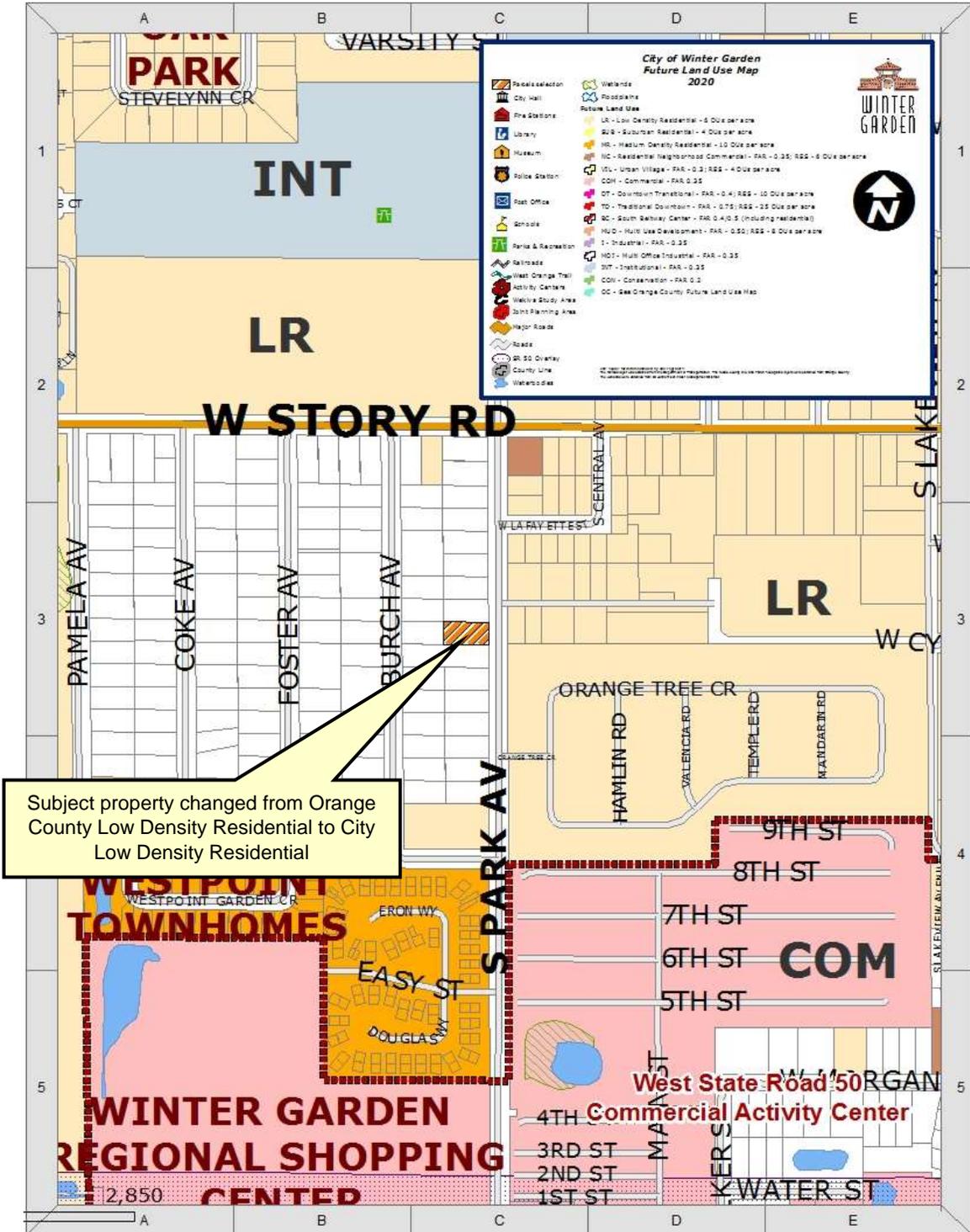
PARCEL ID#: 22-22-27-1084-01-110

LOT 11, BLOCK A, BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA; THENCE RUN S00°00'00"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.72 FEET; THENCE DEPARTING SAID LINE N00°00'00"E A DISTANCE OF 30.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVE. AS SHOWN ON SAID PLAT AND ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE N89°31'03"W, A DISTANCE OF 138.64'; THENCE S00°26'43"E, A DISTANCE OF 70.00'; THENCE S89°31'03"E TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PARK AVE, A DISTANCE OF 138.09'; THENCE N00°00'00"E ALONG SAID RIGHT OF WAY LINE, 70.00' TO THE POINT OF BEGINNING, SAID LANDS LYING IN ORANGE COUNTY, FLORIDA CONTAINING 9,685 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

ATTACHMENT "B"

FUTURE LAND USE MAP

710 South Park Avenue



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

ORDINANCE 12-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.22 ± acres of land located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 Residential District zoning classification, therefore;

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

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

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

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

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

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

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

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

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

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

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 22-22-27-1084-01-110

LOT 11, BLOCK A, BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA; THENCE RUN S00°00'00"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.72 FEET; THENCE DEPARTING SAID LINE N00°00'00"E A DISTANCE OF 30.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVE. AS SHOWN ON SAID PLAT AND ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE N89°31'03"W, A DISTANCE OF 138.64'; THENCE S00°26'43"E, A DISTANCE OF 70.00'; THENCE S89°31'03"E TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PARK AVE, A DISTANCE OF 138.09'; THENCE N00°00'00"E ALONG SAID RIGHT OF WAY LINE, 70.00' TO THE POINT OF BEGINNING, SAID LANDS LYING IN ORANGE COUNTY, FLORIDA CONTAINING 9,685 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

# 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 16, 2011  
**SUBJECT:** ANNEXATION – ZONING – FLU AMENDMENT  
**710 SOUTH PARK AVEUNUE (0.22 +/- ACRES)**  
**PARCEL ID #:** 22-22-27-1084-01-110  
**APPLICANT:** WARREN A. & GERALDINE M. LEWIS

### 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 710 South Park Aveune and is approximately 0.22 ± 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 rezoning the property to R-2 Residential District.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes, and churches and school 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 is currently vacant. The applicant intends to develop the property with a new duplex once the annexation, FLU, and zoning process is complete.

### **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 properties located to the east are developed with a single family and the Orange Tree Mobile Home Park, zoned R-2 and located in the City. The property to the south is a single family house, zoned R-2 and located in Orange County. The properties to the west are developed as single family homes, zoned R-2 and located in Orange County.

### **PROPOSED USE**

The owner is proposing to annex the property, then construct a new duplex home.

### **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. 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 vacant and the proposed development will be consistent with the surrounding area.

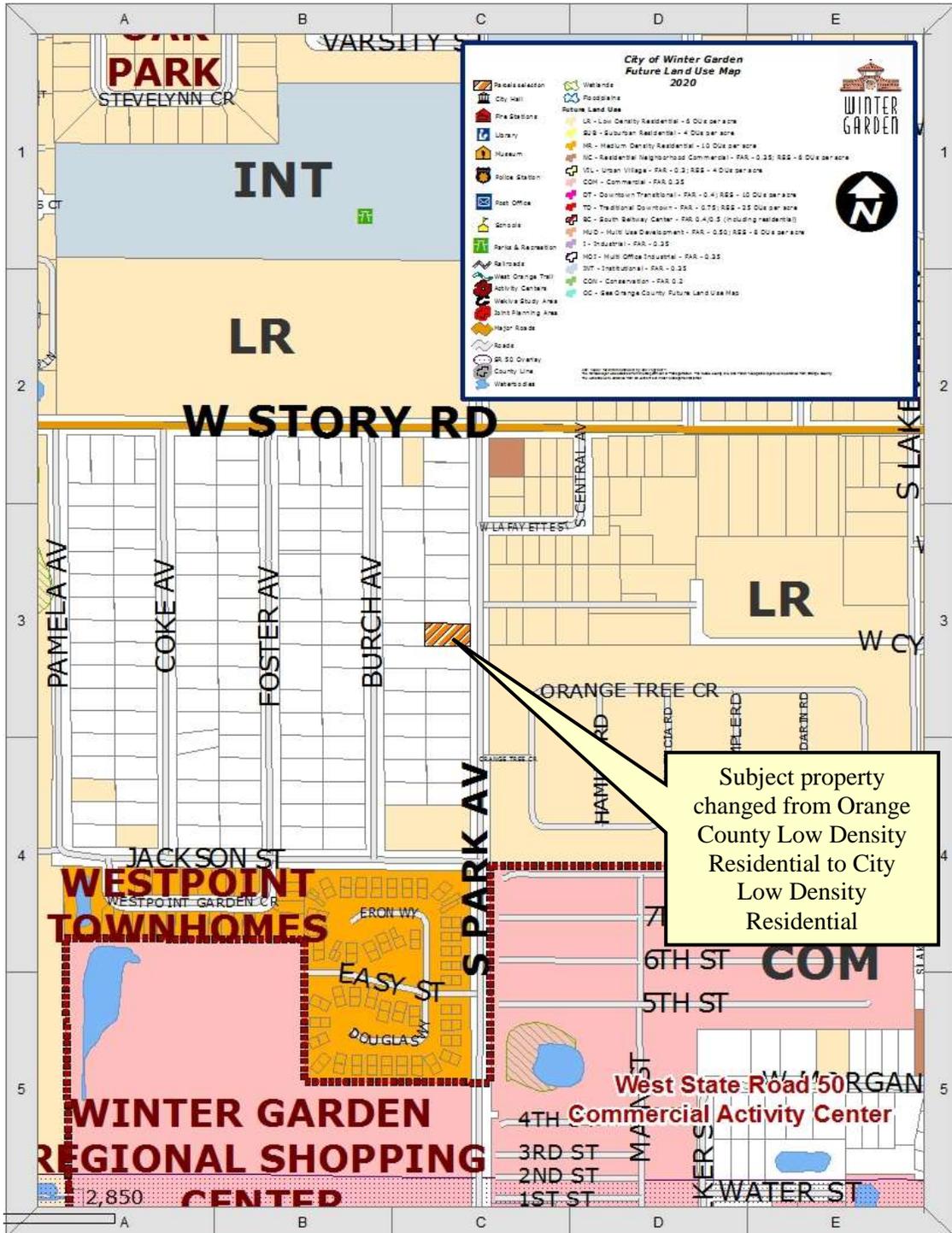
MAPS

**AERIAL PHOTO**

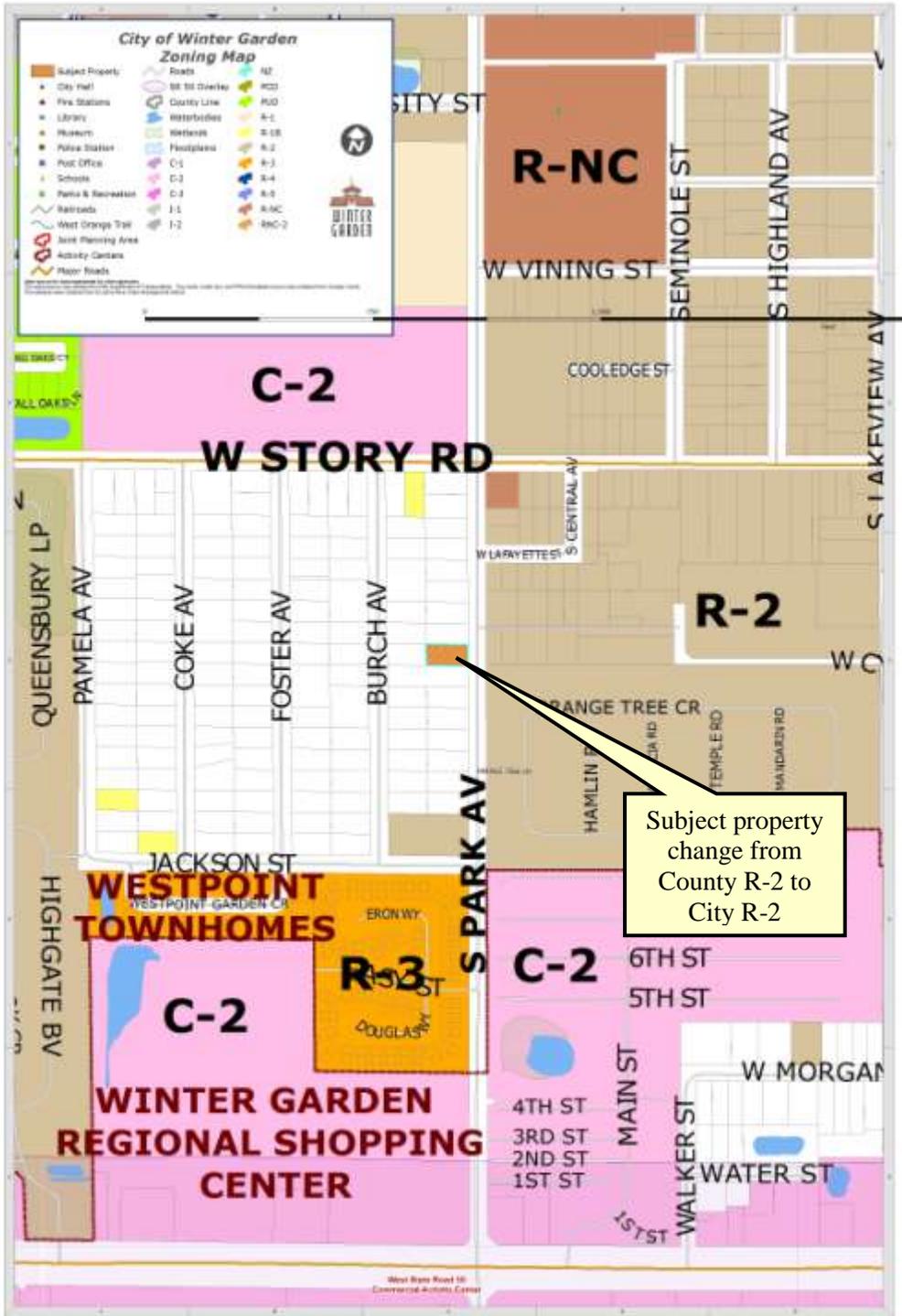
**710 South Park Avenue**



**FUTURE LAND USE MAP  
 710 South Park Avenue**



**ZONING MAP**  
**710 South Park Avenue**



**END OF STAFF REPORT**

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** **June 19, 2012**

**Meeting Date: June 28, 2012**

**Subject:** Ordinance 12-29 Repealing Ordinance 11-35 and Rezoning to UVPUD  
Marsh Road (75.94 +/- Acres)  
Parcel ID# 05-23-27-0000-00-001  
Parcel ID# 06-23-27-0000-00-003

**Issue:** Applicant is requesting to rezone 75.94 +/- Acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

**Discussion:**

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

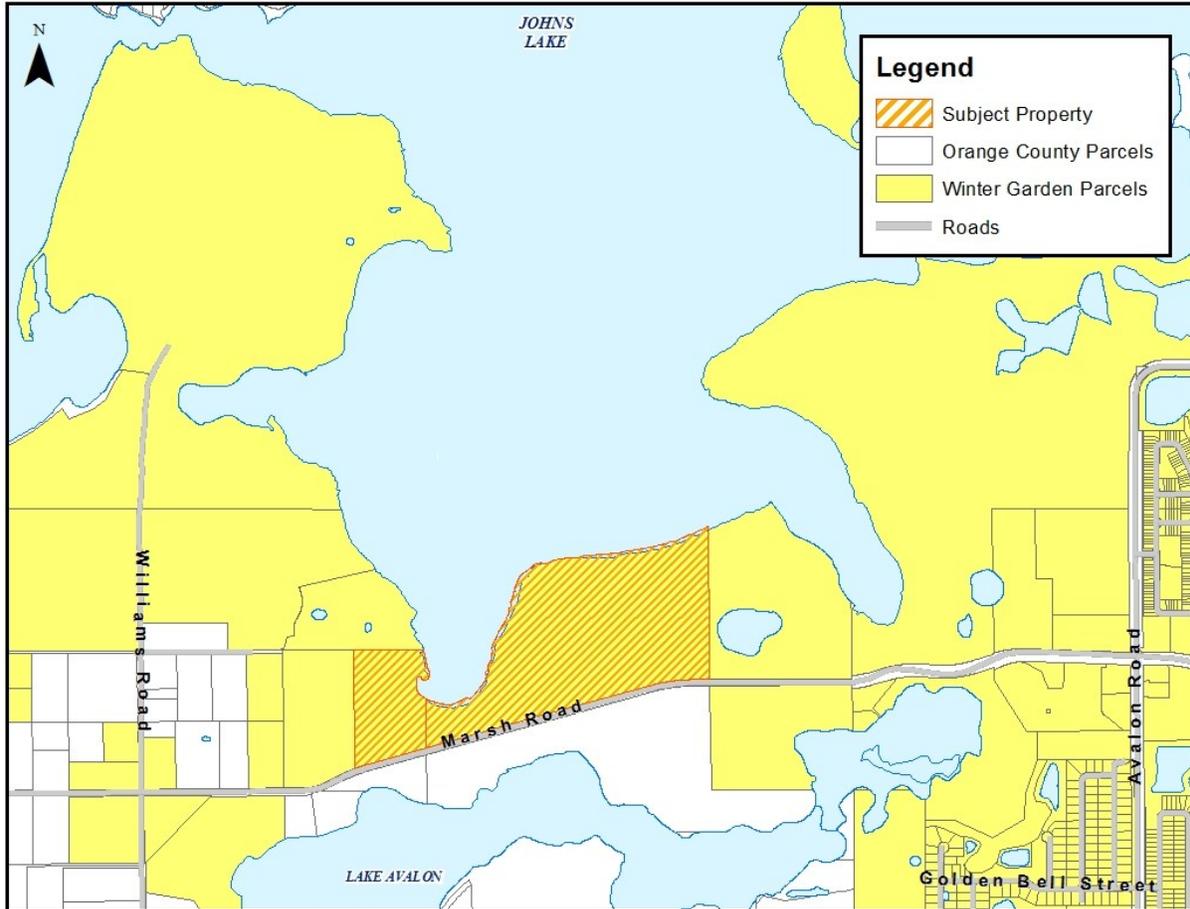
**Recommended Action:**

Staff recommends adoption of Ordinance 12-29, (Repealing Ordinance 11-35 and rezoning of 75.94± acres located on Marsh Road from City NZ to City UVPUD).

**Attachments/References:**

Location Map  
Ordinance 12-29  
Staff Report

**LOCATION MAP**  
**16851 and 17001 Marsh Road**  
**Ordinance 12-29**



ORDINANCE 12-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ORDINANCE 11-35 AND REPLACING IT WITH THE REZONING AND URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD) REQUIREMENTS CONTAINED WITHIN THIS ORDINANCE; PROVIDING FOR REZONING APPROXIMATELY 75.94 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) AT 16851 AND 17001 MARSH ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WATERSIDE ON JOHN'S LAKE URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on February 9, 2012, the City Commission of the City of Winter Garden adopted Ordinance 11-35 rezoning approximately 75.94 ± acres of certain real property generally located on the north side of Marsh Road, east of Williams Road and west of Avalon Road (CR 545) at 16851 and 17001 Marsh Road, from City NZ to City PUD; and

**WHEREAS**, since the adoption of Ordinance 11-35, there has been a claim asserted that the City's adoption of Ordinance 11-35, among other things, was not supported by competent, substantial evidence and departed from the essential requirements of the law and such claim is denied by the City; and

**WHEREAS**, the City Commission and the Owner/applicant desires to repeal Ordinance 11-35 and replace it with the rezoning and Urban Village PUD requirements adopted by this Ordinance in an effort to avoid litigation relating to such allegation and the costs associated with such litigation; 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 Owner(s) of real property generally described as approximately 75.94 ± acres of certain real property generally located on the north side of Marsh Road, east of Williams Road and west of Avalon Road (CR 545) at 16851 and 17001 Marsh Road in Winter Garden, Florida, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), desire to rezone their property from No Zoning (NZ) to Urban Village Planned Unit Development (UVPUD); and

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

**WHEREAS**, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to Urban Village Planned Unit Development (UVPUD) contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances; and

**WHEREAS**, on December 13, 2011, the School Board of Orange County, Florida approved the transfer of one hundred seventy (170) owner capacity credits from Capacity Enhancement Agreements (CEAs) owned by SSP1, LLC to the Edwards Property (Centerline Homes Enterprise Five, LLC), therefore;

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

**SECTION 1: Rezoning.** The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from No Zoning (NZ) to Urban Village Planned Unit Development (UVPUD) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Waterside on John’s Lake Planned Unit Development Preliminary Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Waterside on John’s Lake Urban Village Planned Unit Development Preliminary Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.
- b. **Zoning-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, all residential development on the Property must comply with the general zoning requirements of the R-1 Single Family Residential District for any structures, including but not limited to swimming pools, screen rooms, accessory structures and buildings, that are developed on the Property.
- c. **JPA-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, all development of the Property must conform to the requirements of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007.

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

1. **Lot Size-** Minimum lot width shall be 70 feet for internal lots and 90 feet for all lakefront lots.
2. **Building Height-** Maximum building height shall be 35 feet.
3. **Minimum Living Area-** Minimum living area for each residential unit shall be 2,000 square feet.
4. **Signage-** All signage shall be reviewed and permitted by the City of Winter Garden. All proposed signage, with the exception of street and traffic signs, shall be submitted for review and approval as part of the Development Agreement for the Property.

**5. Setbacks and Required Yards-**

- 90 foot wide lots: side yard setback shall be no less than 7.5 feet; rear yard setback shall be no less 30 feet for all lake front lots and no less than 20 feet with the exception of lakefront lots which shall maintain a 30 foot rear yard setback; and front yard setback shall be no less than 25 feet with the exception of homes with 5 foot recessed garage or side loaded garage which shall maintain a 20 foot front yard setback. Any landscaping or fencing installed within the 7.5 foot side yard setback shall be designed and constructed so as not to interfere with any easement function.
- 70 foot wide lots: side yard setbacks shall be no less than 5 feet and shall be unobstructed by any mechanical equipment including, but not limited to, AC units, pool equipment, water filtration systems, gas tanks, propane tanks, and any other utility or service equipment; rear yard setback shall be no less than 20 feet; and front yard setback shall be no less than 25 feet with the exception of homes with 5 foot recessed garage or side loaded garage which shall maintain a 20 foot front yard setback. Any landscaping or fencing installed within the 5 foot side yard setback shall be designed and constructed so as not to interfere with any easement function.

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

The Property is located within the Resource Protection Overlay, and in compliance with the City of Winter Garden Comprehensive Plan Future Land Use Element Policies 1-3.1.7 and 1-3.1.8 will provide no

less than 25% Wekiva Study Area Open Space.

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

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

1. The Property will be constructed in two (2) phases of development with approximately 86 lots in each phase. The main entrance will be constructed with the first phase of development; the second access point located on the east side of the Property shown on Exhibit "B" will be a gated exit-only point for resident use and will be used as temporary construction access. Roadway improvements for access to the Property from Marsh Road, including turn lanes and roundabout, are the responsibility of the Owner. The design requirements of the roundabout are subject to review and approval of the City Engineer.
2. Drainage easements shall be unobstructed by equipment of any kind including, but not limited to, AC units, pool equipment, water filtration systems, gas tanks, propane tanks, and any other utility or service equipment.
3. In accordance with Section 78-2, City of Winter Garden Code of Ordinances, extension of all potable water, reclaimed water and sanitary sewer utility lines from the proposed or existing stub-outs near the intersection of Marsh Road and Avalon Road will be at the developer's expense.
4. A master utilities analysis is required to be provided to the City for review prior to approval of preliminary plat and may include an upsizing agreement with the City.
5. All streets within the Property will be private and will be maintained by the Homeowner's Association.
6. Permits or exemptions are required from SJRWMD (stormwater) and FDEP (water, wastewater, NPDES) prior to construction.
7. Fifty (50) percent of all required water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of

building permits. Provide flow calculations for Utility Department verification of impact fees. Final plans will not be approved for construction until utility impact fees have been paid and FDEP permits have been issued.

- 8.** The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
- 9.** No fill or runoff will be allowed to discharge onto adjacent properties without the necessary easements; existing drainage patterns shall not be altered. Provide erosion control plan prior to issuance of building permit. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 – Stormwater of the City of Winter Garden Code of Ordinances.
- 10.** Once the plans are approved, a preconstruction meeting is required prior to any commencement of construction. The applicant shall pay all engineering review and inspection fees at the preconstruction meeting prior to construction. Provide certified engineer's cost estimate or executed construction contract as basis of inspection fees (2.25%).
- 11.** The City of Winter Garden is not authorizing or approving drainage discharges onto private property or property owned or controlled by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner. Maintenance of on-site or off-site drainage improvements will be the responsibility of the Owner, not the City.
- 12.** Providing positive drainage within the site is the responsibility of the Design Engineer. The City will not maintain any portion of the on-site drainage systems or parking lot(s).

13. If approval is granted by the City of Winter Garden, it does not grant authority to enter, construct or otherwise alter the property of others, nor does it waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
14. Boat docks, piers, and any other shoreline improvements are subject to the approval and permitting processes of the City of Winter Garden and the Florida Department of Environmental Protection. All lakefront lots are not guaranteed boat docks, piers, or any other shoreline improvements, each lakefront lot will be reviewed individually based on lot configuration and other physical characteristics.
15. Buffer area provided along eastern property boundary shall be consistent with the Wekiva Protection Act. Required setbacks from Karst feature located east of the Property shall not be encroached upon and shall be maintained in compliance with the Wekiva Protection Act and the City of Winter Garden Comprehensive Plan.

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

- a. **Development Agreement-** A Developer's Agreement shall be drafted, approval obtained and recorded prior to approval of Preliminary Plat of the Property. The Developer's Agreement shall address matters to include, but not limited to, project phasing, potable water, sewer and reclaimed water utilities extension and oversizing requirements, right-of-way improvements and conveyances, other off-site public infrastructure improvements, lift station, transportation/roadway system, and impact fees.
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, preliminary plat, final plat, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.

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

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

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

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

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

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

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

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

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

Exhibit "A"

# LEGAL DESCRIPTION

(PER TITLE COMMITMENT FILE)

PARCEL I:

THAT PORTION OF THE FRACTIONAL NORTHWEST 1/4 LYING NORTH OF MARSH ROAD, OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST, OF ORANGE COUNTY, FLORIDA.

PARCEL II:

THE SOUTH 1/2 OF THE FRACTIONAL EAST 1/2 OF THE NORTHEAST 1/4 (LESS WEST 1/2 OF SAME LYING NORTH OF ROAD AND ALSO, LESS THAT PORTION OF THE FRACTIONAL EAST 1/2 OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD), OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

CONTAINING: 127.71 ACRES MORE OR LESS AS DESCRIBED  
AND 76.25 ACRES MORE OR LESS LYING LANDWARD  
OF THE SAFE UPLAND LINE.

Exhibit "B"

# **COVER PAGE**

## **URBAN VILLAGE PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN**

### **WATERSIDE ON JOHNS LAKE**

**REVISED APRIL 2012**

**(7 PAGES - ATTACHED)**

# URBAN VILLAGE PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

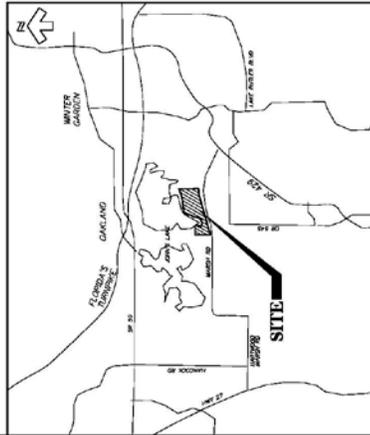
A URBAN VILLAGE PUD IN THE CITY OF WINTER GARDEN, FLORIDA

# ON WATERSIDE ON JOHNS LAKE

PARCEL ID. NUMBERS: 05-23-27-0000-00-001,  
06-23-27-0000-00-002,  
06-23-27-0000-00-003

REVISED APRIL 2012

**LEGAL DESCRIPTION PROJECT DESCRIPTION**  
A 172 UNIT SINGLE FAMILY URBAN VILLAGE PLANNED UNIT DEVELOPMENT,  
GATED ENTRANCE.



SITE LOCATION

PARCEL 1: THAT PORTION OF THE FRACTIONAL NORTHWEST 1/4, 1/4, 1/4, NORTH EAST, OF MARSH ROAD, OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST, OF ORANGE COUNTY, FLORIDA.

PARCEL 2: THE SOUTH 1/2 OF THE FRACTIONAL EAST 1/2 OF THE NORTHEAST 1/4 (LESS WEST 1/2 OF SAME LYING NORTH OF ROAD AND ALSO, 1/4 LESS THAT PORTION OF THE FRACTIONAL EAST 1/2 OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD) OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, CONTAINING 140.7 ACRES, MORE OR LESS UNO LANDWARD OF THE SAFE UPLAND LINE.

PREPARED FOR  
**CENTERLINE HOMES**  
1511 EAST STATE ROAD 434  
SUITE 1009  
WINTER SPRINGS, FLORIDA 32708  
CONTACT: ROBERT HUTSON  
PHONE: (407) 278-0303

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	URBAN VILLAGE PUD PRELIMINARY PLAN
3	EXISTING CONDITIONS PLAN
4	PROPOSED DEVELOPMENT PLAN
5	MAINTENANCE PLAN
6	MAIN ENTRANCE & PARK AREA CONCEPT
7	PROJECT IMAGING

THIS IS TO CERTIFY THAT THE ROADWAY CONSTRUCTION PLANS AND SPECIFICATIONS AS CONTAINED HEREIN WERE DESIGNED TO APPLICABLE STANDARDS AS SET FORTH IN THE FLORIDA ROADWAY DESIGN MANUAL FOR ARTERIAL, COLLECTOR AND LOCAL STREETS AND HIGHWAYS AS PREPARED BY FLORIDA DEPARTMENT OF TRANSPORTATION.

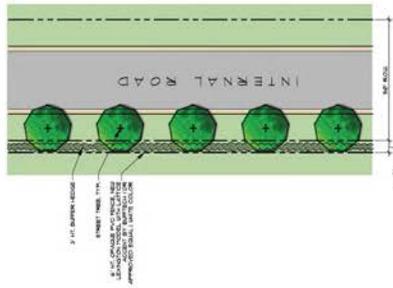
WATER GARDEN  
ON WATERSIDE  
ON JOHNS LAKE

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
SHEET NO.: \_\_\_\_\_  
TOTAL SHEETS: \_\_\_\_\_

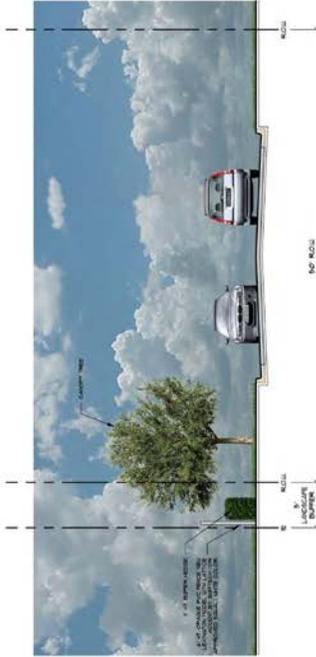
- OWNER/APPLICANT**  
WARREN MARION EDWARDS, II  
WINTER GARDEN, FLORIDA 34787  
PHONE: (407) 924-7070
- ENGINEER/SURVEY/ENVIRONMENTAL**  
BOWEN SINGLETON & ASSOCIATES, INC.  
1000 W. UNIVERSITY AVENUE, SUITE 100  
ORLANDO, FLORIDA 32801  
PHONE: (407) 843-5320  
CONTACT: SCOTT BURMAN, P.E.
- GEOTECHNICAL ENGINEER**  
GEOLOGICAL SERVICES, INC.  
1313 W. MAGNOLIA AVENUE  
ORLANDO, FLORIDA 32801  
PHONE: (407) 843-5320  
CONTACT: ARAYNO RAMOS/ARAY, M.S., P.E.
- TRAFFIC ENGINEER**  
LUCIC TRANSPORTATION ENGINEERING  
CONSULTANTS, INC.  
1000 W. UNIVERSITY AVENUE, SUITE 100  
ORLANDO, FLORIDA 32801  
PHONE: (407) 747-5050  
CONTACT: J. ANTHONY LUCIC, P.E.
- LANDSCAPE ARCHITECT**  
FARRER-SAMNETTE  
675 SOUTH U.S. HWY. ONE  
JACKSONVILLE, FLORIDA 32217  
PHONE: (904) 747-5050  
CONTACT: GREG TANNETTE



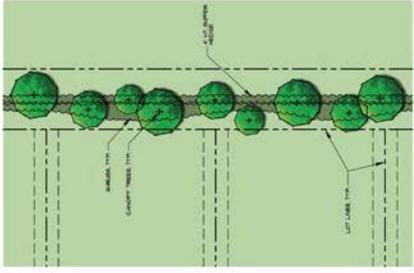




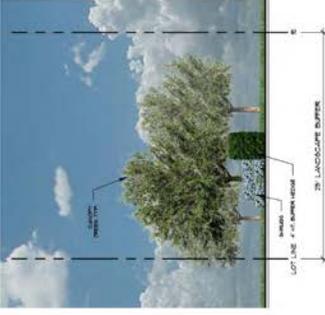
**A** WEST BUFFER PLAN VIEW  
SCALE: 1/8"=1'-0"



**B** TYPICAL WEST BUFFER SECTION  
SCALE: 3/8"=1'-0"



**C** EAST BUFFER PLAN VIEW  
SCALE: 1/8"=1'-0"



**D** TYPICAL EAST BUFFER SECTION  
SCALE: 3/8"=1'-0"

**Waterside on Johns Lake**  
Winter Garden, Florida

**Centerline Homes**

LANDSCAPE ARCHITECTURE  
PARKER-YANNETTE  
DESIGN GROUP, INC.  
11111 W. US HWY 19, SUITE 100  
WINTER GARDEN, FLORIDA 32787  
TEL: (407) 392-5869  
WWW.PARKERYANNETTE.COM  
July 2011  
rev. September 12, 2011  
Sheet 4





WATERSIDE ON JOHNS LAKE



LAKEFRONT HOMES



INTERIOR HOMES



CENTERLINE  
centerlinehomes.com

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

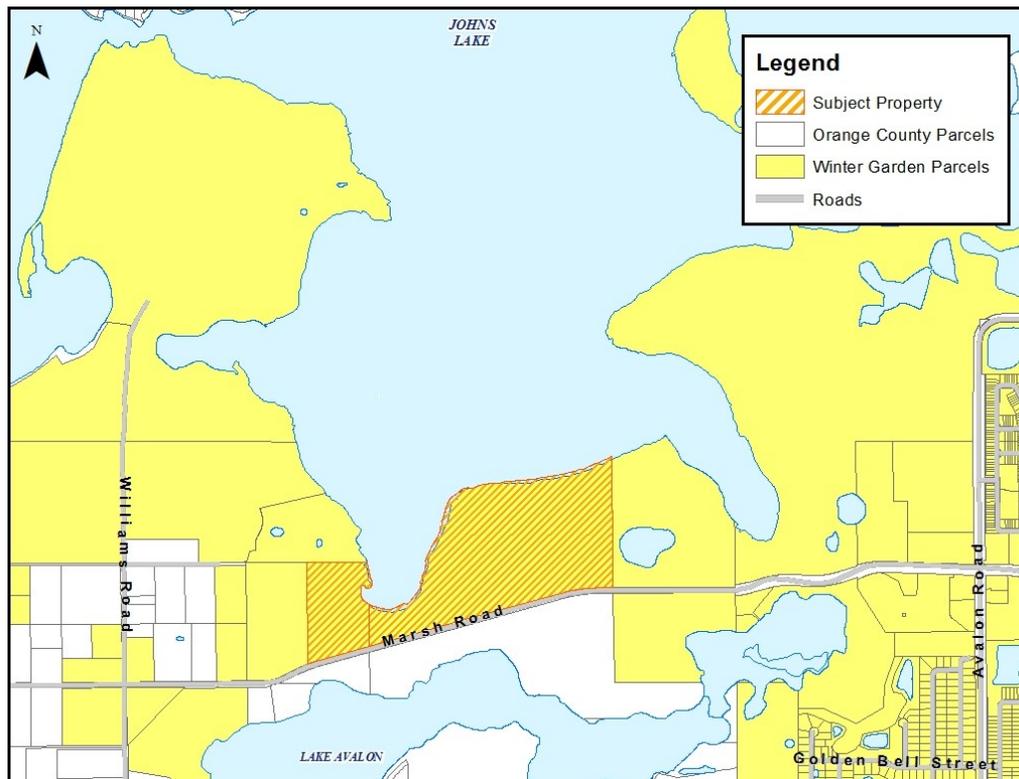
# STAFF REPORT

**TO:** PLANNING AND ZONING COMMITTEE  
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER  
**DATE:** MAY 31, 2012  
**SUBJECT:** REZONING  
**Marsh Road (75.94+/- ACRES)**  
**PARCEL ID # 05-23-27-0000-00-001**  
**PARCEL ID # 06-23-27-0000-00-003**

**APPLICANT:** WARREN HARDIN EDWARDS, III

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located on Marsh Road east of Williams Road and west of Avalon Road, is approximately 75.94± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone 75.94± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING USE**

The subject property presently consists of one Single-Family Residential home and the remainder of the property is agricultural use (Timberland & Orange Grove).

### **ADJACENT LAND USE AND ZONING**

The property located to the north is a Single Family residence zoned NZ in the City. The property located to the east is agricultural use (Timberland & Orange Grove) and is zoned NZ in the City. The property to the west is zoned NZ in the City, and is agricultural use (Timberland & Orange Grove). The properties to the south are agricultural use (Orange Grove & Timberland), one property is zoned NZ in the City and the other is located in unincorporated Orange County and is zoned A-1.

The surrounding properties are all located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the subject property as well as many of the surrounding properties (a total of 596 acres) were annexed into the City of Winter Garden by Ordinance 07-34. At the time the properties were annexed into the City they were not assigned zoning or future land use designation in the City of Winter Garden. Subsequently, as part of the EAR based amendments to the City's Comprehensive Plan which were adopted in 2010, the subject property and surrounding properties (a total of 642.73 acres) were assigned a future land use designation of Urban Village on the Future Land Use Map of the City's Comprehensive Plan.

### **PROPOSED USE**

The applicant proposes to develop the 75.94 ± acre site into an urban village planned unit development (UVPUD) of 172 single family homes.

### **APPROVAL CRITERIA**

In accordance with the City's Comprehensive Plan and Land Development Regulations, a proposed planned unit development and its associated preliminary development plan may be approved only after competent, substantial evidence has been presented which allows the following determinations to be made: (staff conclusions/findings are underlined)

- (1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;

The proposed UVPUD is consistent with the land development regulations, comprehensive plan, and the future land use map. See comprehensive plan analysis

attached hereto as Exhibit "A". See other portions of this report concerning consistency with the land development regulations.

- (2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

The proposed UVPUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city's land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, the proposed UVPUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing.

- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have been established that will provide these facilities, improvements and services in a reasonable time frame;

The proposed UVPUD site has a standard residential driveway point of transportation access at this time because it is used for a single family residence and agricultural uses. However, at such time as the property is developed as proposed by the applicant then additional transportation access would be provided in the form of a round-a-bout at the main entrance on Marsh Road, a secondary access point for resident exit only access, and cross access connections to the east and west adjoining properties which have also made application with the City for rezoning to UVPUD and are currently in the Development Review Committee review process. All roadway improvements will be constructed at the owner's expense and in compliance with city concurrency standards for transportation, and be supported by a traffic study/analysis of the impact the proposed development will have on the roadway network. Traffic studies/analyses submitted with any proposed development are reviewed for accuracy and consistency with the goals, objectives, and policies of the City's comprehensive plan in addition to the City's vision for future growth and expansion.

The property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for any new development of the property. At such time that the property is developed, all necessary utility lines (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, all extension and connection costs shall be borne by the property owner. At the present time there is capacity available within the City's water, wastewater and reclaimed water systems to support the proposed development.

Prior to any approvals for preliminary plat or construction plans, a Developer's Agreement detailing the obligations of the developer associated with the proposed UVPUD is required. The Developer's Agreement must address, but is not limited to the following: project phasing, potable water, sewer and reclaimed water utilities extensions and oversizing requirements, right-of-way improvements and conveyances, off-site public infrastructure improvements, lift station, transportation/roadway system, and impact fees.

- (4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD zoning criteria and land development regulations. The proposed UVPUD project features a gross density of 2.26 dwelling units per acre which is substantially lower than the maximum density of 4 dwelling units per acre permitted within the Urban Village future land use designation and in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

The proposed UVPUD is not premature or presently out of character in relationship to the surrounding area. Using the Orange County Public Schools Concurrency Service Areas as an identification of the surrounding area, there are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed UVPUD project. Some of the approved and/or constructed developments within the surrounding area which extends east beyond SR 429 include Hickory Hammock, Avalon Reserve, Stoneybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Ponte Reserve.

Recently applications have been received requesting rezoning to UVPUD and Preliminary Development Plan review from the property located immediately east and immediately west of the proposed UVPUD project. Additionally, numerous properties located to the west of the subject property, totaling over 150 acres are seeking annexation into the City of Winter Garden municipal limits.

- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and

With the exception of the property located to the south of the proposed UVPUD site (on the south side of Marsh Road, north of Lake Avalon), all adjoining property owners either participated in the annexation and future land use designation of Urban Village for their properties in 2007 or purchased their property after it had been annexed into the City of Winter Garden and designated Urban Village on the future land use map of the City's comprehensive plan. In accordance with the City's comprehensive plan, the only zoning permitted within the Urban Village future land use designation is Urban Village Planned Unit Development or Institutional. Further, in accordance with land development regulations and the comprehensive plan, the proposed UVPUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing.

- (6) 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.

At such time as the property is developed as proposed by the applicant then additional transportation access would be provided in the form of a round-a-bout at the main

entrance on Marsh Road, a secondary access point for resident exit only access, and cross access connections to the east and west adjoining properties which have also made application with the City for rezoning to UVPUD and are currently in the Development Review Committee review process. All roadway improvements will be constructed at the owner's expense and in compliance with city concurrency standards for transportation, and be supported by a traffic study/analysis of the impact the proposed development will have on the roadway network. Traffic studies/analyses submitted with any proposed development are reviewed for accuracy and consistency with the goals, objectives, and policies of the City's comprehensive plan in addition to the City's vision for future growth and expansion. The traffic analysis provided with the proposed UVPUD project indicates that the project will not lower the adopted level of service standard on Marsh Road.

Prior to any approvals for preliminary plat or construction plans, a Developer's Agreement is required detailing the obligations of the developer associated with the proposed UVPUD. The Developer's Agreement will address, but is not limited to the following: right-of-way improvements and conveyances, round-a-bout construction, pedestrian facilities, transportation/roadway system, and impact fees.

- (7) The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD zoning criteria and land development regulations. The proposed UVPUD project features a gross density of 2.26 dwelling units per acre which is substantially lower than the maximum density of 4 dwelling units per acre permitted within the Urban Village future land use designation and in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

The proposed UVPUD is not premature or presently out of character in relationship to the surrounding area. There are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed UVPUD project. Some of the approved and/or constructed developments within the surrounding area which extends east beyond SR 429 include Hickory Hammock, Avalon Reserve, Stonybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Ponte Reserve.

Recently applications have been received requesting rezoning to UVPUD and Preliminary Development Plan review from the property located immediately east and immediately west of the proposed UVPUD project, in addition numerous properties located to the west of the subject property, totaling over 150 acres are seeking annexation into the City of Winter Garden municipal limits.

- (8) Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.

The proposed UVPUD project integrates several elements that provide for cohesion

between existing natural features/resources and the existing and proposed uses surrounding the property. The project includes construction of a 10 foot wide multi-purpose trail extending the length of the property frontage on Marsh Road to enhance pedestrian circulation as identified in the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. The project includes an open space/recreational park to be located on John's Lake which incorporates the natural features/resources of the area into the design and functionality of the project. Cross access connection points are being provided to the proposed developments located on the east and west side of the property which are currently in review.

- (9) Prevention of erosion and degrading or enhancement of the surrounding areas.

The proposed UVPUD project, which borders John's Lake on the north side of the property, will provide a 25 foot wetland buffer from the Normal High Water Line of John's Lake in addition to an open space/tree preservation tract to extend inland from the wetland buffer line. Proposed UVPUD project also provides for a 100 foot buffer from the confining layer of the karst feature located on the property to the east the subject property, meets the environmental standards of the Wekiva Study Area, and complies with the City's lake protection Ordinance provisions.

- (10) Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Recreational facilities are identified within the proposed UVPUD project to include a 10 foot wide multi-purpose trail along Marsh Road, and a waterfront community park with a gazebo and park benches. The recreational facilities proposed comply with the Wekiva Study Area Resource Protection Overlay requirements for passive recreation. Requirements for recreation areas stipulated by the City of Winter Garden subdivision standards are proposed to be met to the greatest extent possible, and payment by the developer into the city recreational fund will make up for any shortfall.

Stormwater management for the proposed UVPUD project will be provided in on-site master stormwater management areas to satisfy the City of Winter Garden, St. John's Water Management District and strict requirements of the Wekiva Study Area criteria.

- (11) The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.

The property on which the UVPUD project is proposed to be developed is located within the Wekiva Study Area Resource Protection Overlay as defined by the City's Comprehensive Plan, and therefore must comply with the Wekiva Study Area Open Space requirements as defined by the City's Comprehensive Plan Policies 1-3.1.7 & 1-3.1.8, which requires that a minimum of 25% of the developable area be Wekiva Study Area Open Space. Wekiva Study Area (WSA) Open Space is land area that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and includes land preserved for Conservation purposes. WSA Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to 50% of the WSA 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. WSA Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas. The proposed UVPUD project complies with the Wekiva Study Area Open Space requirements; the gross developable area of the property is 75.94 acres, the required Wekiva Study Area Open Space which will be provided on the property is 18.99 acres. All open space and recreational facilities will be owned and maintained by mandatory Home Owner's Association.

- (12) The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.

The proposed UVPUD project is designed to be developed in two phases, the first phase will incorporate the recreational facilities, roadway improvements, and utility infrastructure extension to ensure that all facilities intended to support the proposed development are constructed and installed in conjunction with the development of the first phase. Each phase of development of the proposed UVPUD project must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

- (13) The availability of existing or planned reclaimed water service to support the proposed PUD.

Reclaimed water capacity is available to serve the property on which the UVPUD is proposed to be developed from the City's existing reclaimed water lines which are located near the intersection of Avalon Road and Marsh Road. At such time that the property is developed, all necessary utility lines (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, all extension and connection costs shall be borne by the property owner. Additionally, there is an existing reclaimed water service line located west of the subject property near the Lake county line through Conserv II.

- (14) 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.

The proposed UVPUD project has requested two waivers from the following guidelines contained within the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden: front porches provided on 50% of all single family residential units; garages located in the rear or at least 5 feet behind the primary façade or side entry garages may be located in front of the primary façade. The waivers requested are as follows: a maximum of 40% of all residential units shall have the garage door setback 5 feet from the principle front building façade or side-loaded garages, garages with the five foot garage recess or side-loaded garages shall have a 20 foot front yard building setback line; front porches shall be provided on 50% of the lots and to define a front porch as a covered outdoor area at/or adjacent to the front door of the residential unit that extends a minimum of 3 feet on either side of the front door and has a minimum depth of 6 feet. Due to the size and architectural style of homes, staff would recommend approval of the proposal.

The proposed UVPUD project has also requested reduced side yard setbacks, reducing the side yard setback on 70 foot wide lots from 7 ½ feet to 5 feet and reducing the side setback on 90 foot wide lots from 10 feet to 7 ½ feet. The side yards on the 70 foot lots will be unobstructed by equipment of any kind and the drainage easements on the side yards of the 90 foot wide lots will also be unobstructed by equipment of any kind.

The proposed UVPUD project incorporates the following features which are of benefit to the general public and support the waivers and reductions requested above: construction of 10 foot wide multi-purpose trail along the site frontage on Marsh Road which provides for pedestrian circulation and access on Marsh Road, roadway improvements in the form of a round-a-bout at the main entrance to the proposed project which will slow and calm traffic on Marsh Road which has been a primary concern of the city and property owners adjacent to the subject property, and protection and conservation of trees and wetlands along the John's Lake shoreline to ensure preservation of natural resource/features. Additionally, the project as proposed provides open space in excess of the standard subdivision requirements, provides protection and substantial buffering from the neighboring karst feature as well as preservation and conservation of the John's Lake shoreline.

- (15) The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.

Nonresidential uses are not proposed within the UVPUD proposal for the project. The UVPUD proposal includes 172 single family residential dwelling units with 18.99 acres of open space area including 1.70 acres of recreation area. The recreation and open space areas are complementary and supportive to the residential component of the proposed UVPUD project. The project is a pedestrian friendly design and provides internal access to the future commercial core.

- (16) Architectural characteristics of proposed residential and/or nonresidential development.

A variety of main entrance treatments have been incorporated into the residential units in the proposed UVPUD project including front porches, 2-story covered porticos/entry ways, side entry/courtyard garages and recessed garage doors. Building elevations are provided within the Waterside on John's Lake Urban Village Planned Unit Development Preliminary Development Plan.

- (17) A listing of the specific types of nonresidential uses to be allowed.

N/A; Nonresidential uses are not proposed within the UVPUD proposal for the project.

### **URBAN VILLAGE PLANNED UNIT DEVELOPMENT INTENT AND REQUIREMENTS**

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. 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. Determining 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 will be based on anticipated development patterns and size of property ownerships. Each individual urban village planned unit development will not be required to incorporate all uses permitted in the urban village planned unit development land use regulations.

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: (staff conclusions/findings are underlined)

- (1) creating a series of walkable residential neighborhoods;

proposed UVPUD includes cross access connection to the properties located to the east and west of the subject property for vehicular and pedestrian access, additionally the proposed UVPUD features a multi-purpose trail along the property frontage on Marsh Road.

- (2) developing an integrated park and trail system to facilitate pedestrian travel and recreation;

proposed UVPUD includes a waterside community park accessible through sidewalks which connect to properties located to the east and the west and the multi-purpose trail located along the property frontage on Marsh Road.

- (3) developing a comprehensive network of roads and traffic calming solutions to complement and support the existing Marsh Road infrastructure;

proposed UVPUD provides for cross access connection to properties located to the east and west of the subject property and includes construction of a round-a-bout on Marsh Road at the main entrance.

- (4) establishing connectivity to natural systems while preserving wetlands and other natural resources and protecting water quality and quantity;

proposed UVPUD incorporates tree preservation and wetland buffering along John's Lake to preserve and protect water quality in John's Lake.

- (5) creating a mixed-use character through the integration of a diversity of uses;

N/A; the proposed UVPUD does not provide for non-residential uses.

- (6) creating a focus center within the urban village

N/A; the proposed UVPUD will be part of the residential community surrounding a future commercial village center which will be located west of the subject property.

- (7) 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.

the proposed UVPUD includes a waterfront community park which is centrally located within the UVPUD site.

- (8) 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.

the proposed UVPUD will contain only single family detached residential units and does not include any live work units.

- (9) 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.

the proposed UVPUD will provide cross access connections to properties located to the east and west, a round-a-bout at the main entrance on Marsh Road, and internal streets are all interconnected with no cul-de-sacs or dead ends.

- (10) Emphasis shall be placed on pedestrian and bike paths and shall be incorporated in street cross sections and open spaces.

the proposed UVPUD includes a multi-purpose trail along Marsh Road and a fully integrated network of sidewalks which will connect and provide cross access between properties located to the east and west.

- (11) 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.

the proposed UVPUD is consistent with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

- (12) 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.

the proposed UVPUD complies with the Wekiva Study Area Resource Protection Overlay requirements as stipulated in the City's Comprehensive Plan. The proposed UVPUD meets the Wekiva Open Space requirements, stricter Wekiva drainage requirements and karst feature setbacks and buffering.

- (13) 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.

the proposed UVPUD development plan will have a gross developable density of 2.26 dwelling units per acre.

- (14) 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.

the proposed UVPUD incorporates stormwater facilities and ponds into the design of the community through placement of the facilities where they function as both visual features and buffers, while also meeting the stricter Wekiva Study Area requirements.

- (15) New development shall connect to City utilities, potable water, sanitary sewer, and reclaimed water when available.

the proposed UVPUD will extend lines for and make connection to city utilities, water, wastewater, and reclaimed water at the developer's expense.

- (16) 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.

N/A; the proposed UVPUD is not located in the area that will be developed as the village and therefore will not have non-residential uses.

- (17) 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.

the proposed UVPUD does not reference or include plans for accessory dwelling units.

Consistent with the goal of ensuring the entirety of lands designated with the urban village future land use designation develop 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.

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.

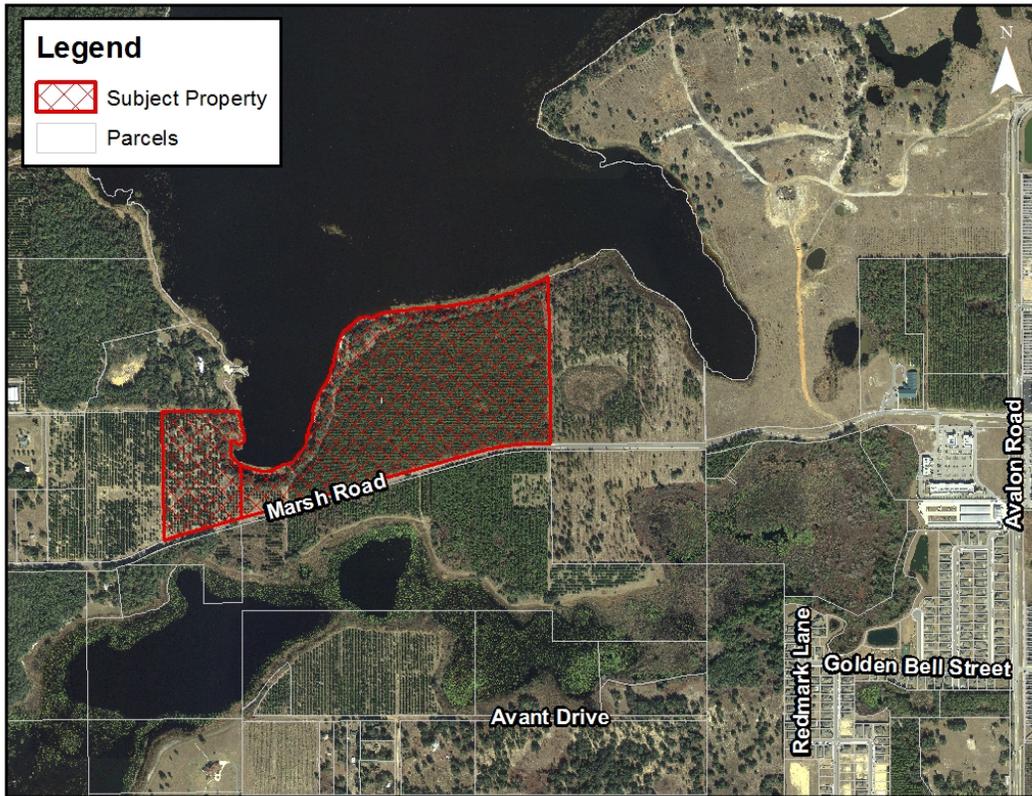
### **SUMMARY**

City Staff recommend approval of the proposed Ordinance 12-29. Rezoning the subject property from City NZ to City UVPUD is consistent with the City's Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in the area.

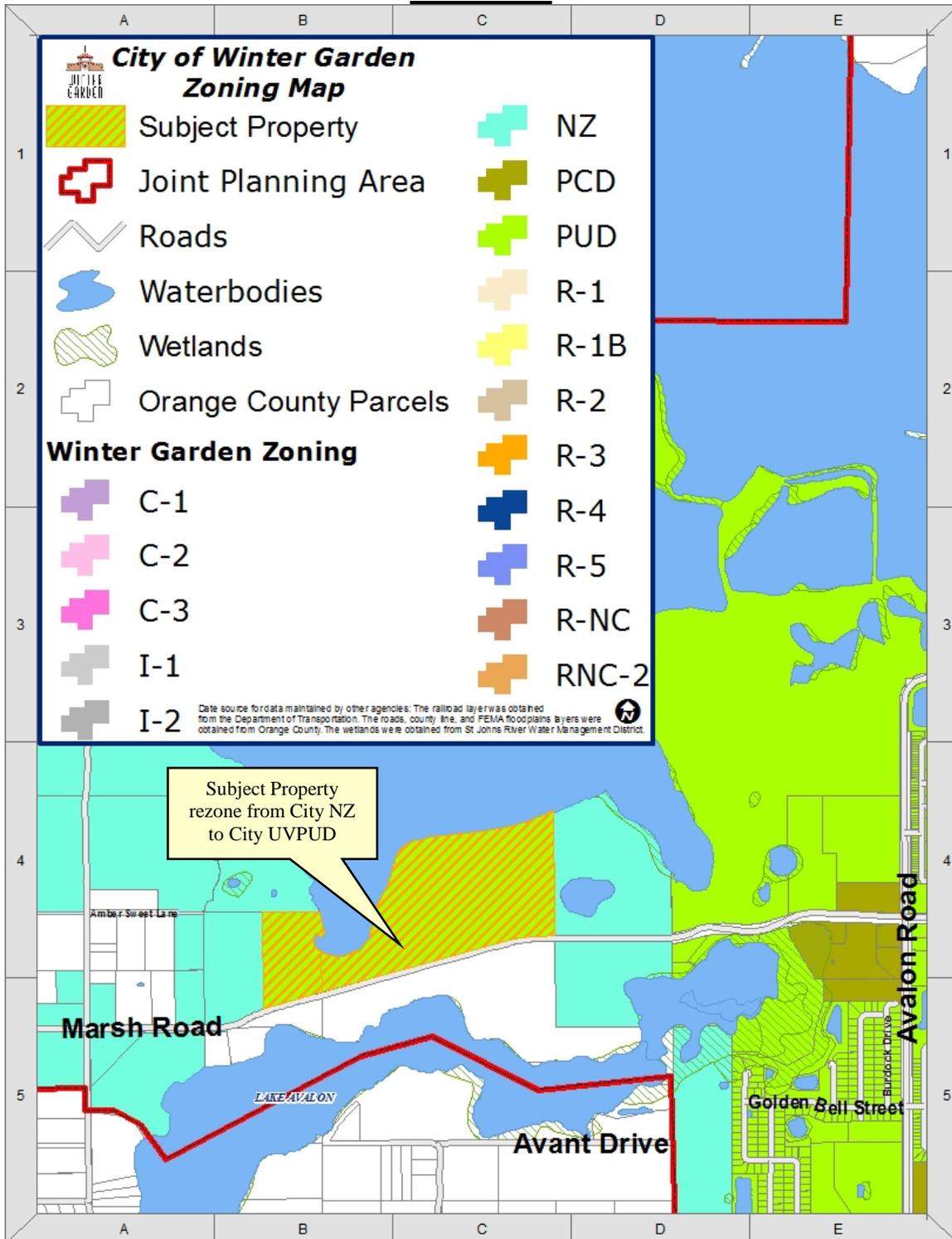
The proposed development of the subject property is consistent with the stipulations and guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden which requires that rezoning applications or development plans for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

**MAPS**

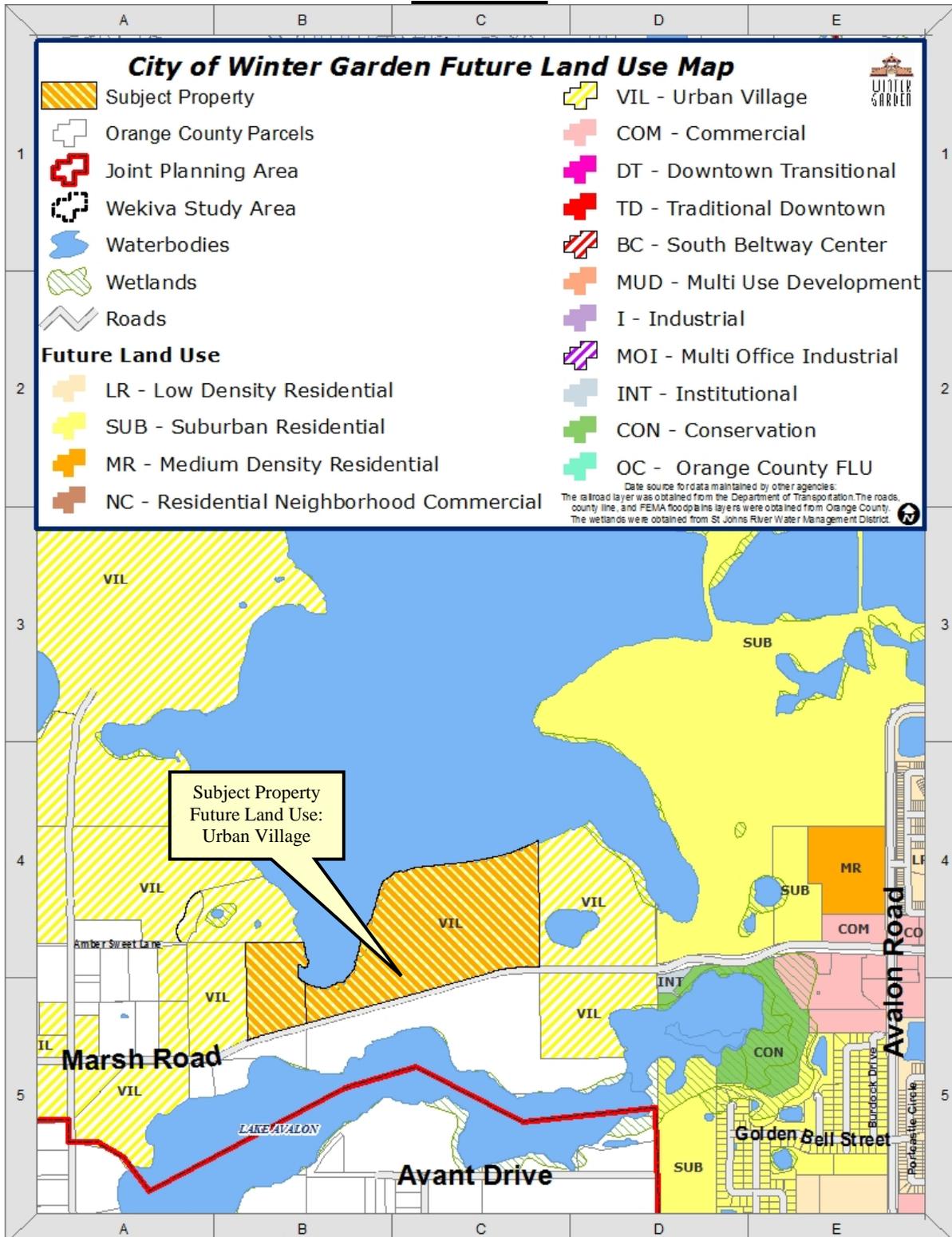
**AERIAL PHOTO  
Marsh Road**



**ZONING MAP**  
**Marsh Road**



**FUTURE LAND USE MAP**  
**Marsh Road**



# EXHIBIT “A”

The following is a staff analysis, of the goals, objectives, and policies of the City’s adopted Comprehensive Plan, to determine consistency of the Waterside at Johns Lake Urban Village PUD. The analysis compares the plans to the applicable goals, objectives and policies of the Comprehensive Plan. Some goals objectives and policies do not apply to development proposals or direct the City’s actions in other areas of concern.

Although this analysis is detailed, it is not intended as an all-inclusive statement of all the reasons the development is consistent with the applicable goals, objectives and policies of the Comprehensive Plan.

## CHAPTER 1: FUTURE LAND USE ELEMENT

### *Dense Urban Land Area*

**Goal 1-1: Maintain the City’s Character.** Ensure the City of Winter Garden maintains its low density residential character while at the same time providing for the most effective provision of services, to promote sustainable community development, to promote conscientious economic development in the appropriate locations, to promote a concentration of mixed land uses in specific areas, to promote quality infill and redevelopment which strengthens the character of the City, to protect sensitive natural areas by directing growth to environmentally appropriate areas, and prohibit those uses which are incompatible. In short, to be the best small City in the State of Florida. (9J-5.006(3)(A))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 1-1.1: Land Development Regulations.** The City will continue to apply the land development regulations that implement the comprehensive plan to guide future growth and development and discourage urban sprawl. (9J-5.006(3)(b)8.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.1.1: The Land Development Regulations Implementation.** The City shall continue to enforce the adopted land development regulations which contain specific and detailed provisions required to implement the Comprehensive Plan and which:

- (1) Regulate the subdivision of land. (9J-5.006(3)(c)1.)
- (2) Regulate the uses of land and water consistent with this Element and ensure the compatibility of adjacent land uses in Orange County, Ocoee, and Oakland. (9J-5.006(3)(c)2.)
- (3) Provide for open space. (9J-5.006(3)(c)4.)
- (4) Protect environmentally sensitive lands including wetlands designated on the Future Land Use Map Series by requiring the use of buffering, minimum building setbacks, preservation of natural vegetation, and by prohibiting any activity which impairs the natural function of these lands. (9J-5.006(3)(c)6.)
- (5) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management by adopting Flood Hazard Boundary Maps, by establishing flood proofing measures, by adopting a stormwater management ordinance which establishes retention requirements and storm

events and by requiring a St. Johns River Water Management District permit or exemption letter. (9J-5.006(3)(c)1.) (9J-5.006(3)(c)4.)

- (6) Protect potable water wellfields and aquifer recharge areas by establishing a cone of influence, by prohibiting the storage of hazardous waste within this cone, and by requiring porous surfaces for any developed land area. (9J-5.006(3)(c)6.)
- (7) Regulate signage. (9J-5.006(3)(c)1.)
- (8) Ensure safe and convenient on-site traffic flow and vehicle parking needs. (9J-5.006(3)(c)4.)
- (9) Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan, and that these facilities and services shall be available concurrent with the impacts of development. (9J-5.006(3)(c)3.)
- (10) Require data and analysis for future land use map amendments demonstrating that adequate water supplies and associated public facilities are available to meet projected growth demands.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 09-59, 01/28/2010

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- Subsection 1: Does not apply at the UVPUD stage of approval, subdivision is submitted later in the process.
- Subsection 2: The waterside UVPUD is consistent with this element and is Compatible with adjacent land use. The adjacent land use has the same Urban Village designation at the subject property.
- Section 3: The Waterside UVPUD plan is consistent with sub 3 by exceeding the UVPUD open space requirement and the Wekiva Protection Act open space requirements
- Section 4: The project provide exceptional protection of the environment by implementing procedures for the protection of Johns Lake, specimen trees, recharge capability of the site and buffers and restrictions near the karst feature
- Section 5: Tthe project plans demonstrate compliance with the 100 Year Flood regulations and the stricter Wekiva Protection Act stormwater requirements.
- Section 6: The project meets the recharge requirements of the city codes and establishes the required setback from Karst features
- Section 7: The project meets the city sign regulations
- Section 8: The project has internal traffic flow that will not create any safety problems and exceeds the city parking requirements.
- Section 9: The staff have determined that the impacts of the project will not cause any level of service standard to go below the level of service standards adopted in the Comprehensive Plan.
  - Section 10: The city has sufficient water supplies and public facilities available to accommodate the projected growth.

**Objective 1-1.2: Future Land Use Map Series and Land Use Categories.** The City of Winter Garden shall implement all land use categories, ordinances, regulations and policies pertaining to development necessary to ensure consistency with all elements of the comprehensive plan. The City shall continue to maintain and manage the Future Land Use Map as shown in Figure 1.1. The Future Land Use Map series represents City

policy for managing the allocation of future land uses. Land use designations on the future land use map have been allocated pursuant to goals, objectives, and policies stipulated in the comprehensive plan, together with analysis of population, housing, land, and multi-modal transportation resources. The process of allocating the land use designations has considered the need to conserve open space and natural resources including wetlands, floodplains, water recharge areas, fish and wildlife, maximize utility of existing infrastructure, recognize infrastructure limitations, allocate land to reduce energy use, consideration of capital improvements needs, and conservation of fiscal resources. This objective shall be measured through the implementation of the policies below and the Future Land Use Map Series.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.11:** Conservation. Properties designated with the Conservation land use category are required to be developed at a floor area ratio not greater than 0.2. Property assigned the Conservation land use designation shall be lands that are natural resources. It is the intent of this land use designation to provide for the long term protection and preservation of environmentally sensitive natural resources systems. Development shall be limited to passive recreation facilities such as boardwalk or conservation related facilities such monitoring facilities or educational trails. The developer of land adjacent to areas designated with the Conservation land use shall bear the burden of proof in determining that proposed development will not adversely impact conservation resources. The zoning classifications that is consistent with the Conservation classification is CON and INT.

Jurisdictional Wetland Determination – If a Jurisdictional Wetland Determination, that has been accepted by St. Johns River Water Management District, determines that a parcel of property previously identified on the Future Land Use Map as Conservation is not a wetland, then the underlining Future Land Use Category shall govern the development of said parcel.

If a Jurisdictional Wetland Determination, that has been accepted by St. Johns River Water Management District, determines that a parcel of property is a wetland (regardless of the land use assigned by the Future Land Use Map), then only the following land uses may be allowed on the parcel:

- Recreation
- Setbacks and buffers (if the wetlands are undisturbed)
- Small road connections (only in no other reasonable connections can be made outside of wetland areas.

No dredging or filling will be allowed in wetlands except for utility poles.

No exception to the above restrictions will be allowed without a permit from the St. Johns River Water Management District.

Transfer of Development Rights – The density allocation for areas determined to be true wetlands will be 1 dwelling unit per 10 acres. This allotment shall not be used in the wetland areas but shall be allocated to an adjacent developable area.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The only wetlands on site would be considered the wetland vegetation below the normal high water mark of the lake, development will not encroach into that area and appropriate buffers have been established on the plans from the normal high water elevation. Boat docks, if approved will have to be permitted on an individual basis.

**Policy 1-1.2.12:** Urban Village. Properties designated with the Urban Village land use category are required to be developed at a floor area ratio not greater than 0.3, and a residential density not greater than 4 dwelling units per acre, except in the Village Center where the residential density shall be not greater than 12 units per acre. This land use designation is limited to those 658 ± acres identified on Figure 1.2. These parcels are located within the JPA-6 area as shown on Exhibit “B” 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 and were formally part of the Horizon West development in unincorporated Orange County that proposed the same type of development. Development in this area shall be characterized by a community Village structure that includes a Village, Village Center, and neighborhoods that may vary in size to facilitate recreation and pedestrian traffic while preserving natural systems and shall follow the development program below:

Use	Acres	Amount
Residential	531 ±	2,140
Commercial	20 ±	115,000 Sq Ft
Natural	107 ±	N/A

Notes: All parcel acreages and natural delineations are estimated.  
Actual determination of acreage shall be made at time of the PUD rezoning.

Development in this land use shall also be subject to the regulations found in the Urban Village PUD zoning designation. The zoning classifications that is consistent with the Urban Village land use designation is the Urban Village PUD and INT.  
Added by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The waterside UVPUD is shown on the future land use map as Urban Village and the proposed project is consistent with that designation. The waterside UVPUD is consistent with the requirements of the Urban Village Planned Unit Development zoning district. The density of the project is less than the permitted 4 dwelling units per acre. Orange County has not objected to any of the development provisions as being in violation of the Interlocal Agreement JPA-6.

**Objective 1-2.1:** Integrate Land Uses and Multimodal Transportation within Activity Centers. Higher intensity development shall be directed to Activity Centers designed to accommodate land use diversity, to support multi-modal transportation alternatives, reduce vehicle miles traveled by offering mixed land uses, efficient delivery of public services, and to promote revitalization of underutilized property through redevelopment and reinvestment. Six Activity Centers are created to serve these purposes; Traditional Downtown, Downtown Transitional, Crown Point Hi-Tech, Story Road Employment, West State Road 50 Commercial, and the Fowler Grove Regional Activity Centers. Boundaries of these Activity Centers are delineated on Figure 1.3, Activity Center Map.  
Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.1:** Purpose of Activity Centers. The City will maintain its low density residential character by utilizing the Activity Centers. The Activity Centers will allow the City to encourage compact development, infill and redevelopment at higher intensities, and avoid large single uses of land. Integrate complementary land uses to live, work, and shop in close proximity. Encourage walkable and bikeable community design and encourage transit oriented development. By providing a mix of uses and an alternative to the single occupant automobile a reduction in both

vehicle miles traveled and green house gas emissions should be realized.  
Added by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The purpose of the Urban Village is to allow for integrated complimentary land uses to live, work and shop in close proximity. Waterside UVPUD is one component of this overall urban village.

**Policy 1-2.1.3:** Energy Efficient Land Use Patterns. Activity Centers will encourage a compact arrangement of higher density and intensity complementary land uses within these areas planned for urban development, infill, and redevelopment that will support a multimodal transportation system with accessibility to live, shop, play, and work opportunities.

Added by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- Waterside UVPUD is one part of the overall Urban Village and is consistent with this policy.

**Policy 1-2.1.8:** Development Supporting Transit and Pedestrian Oriented Design. Development and redevelopment occurring within Activity Centers shall give priority to site design needs for transit use and pedestrian activity above design needs for automobile facilities. The Land Development Code shall include incentives or bonuses to encourage transit and pedestrian friendly site design.

Added by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project is provided pedestrian facilities on the exterior of the project (marsh Road) as well as interior to the project and has provided for strong interconnection between the project and adjacent development.

**Objective 1-2.5:** Natural Resources. Ensure that natural resources are protected from development activities by the adoption and implementation of land development regulations as stated in Policy 1-1.1.1, of this Future Land Use Element. (9J-5.006(3)(b)4.) (9J-5.006(3)(c)8.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.5.3:** Tree Protection. All new development will make all reasonable efforts to save existing specimen trees.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

### **Staff Analysis:**

- The specimen trees on the property are located along the shoreline of Johns Lake and the developer has provided unique protection for these trees. The plans protect the trees by use of easements and restrictions on the lot owners.

**Objective 1-2.7:** Utility and Infrastructure Planning. To continue to insure the availability of utilities and infrastructure to support proposed development (95J-5.006(3)(b)9.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.7.1:** Concurrency. Effective upon a date consistent with the requirements of Section 163.3202, Florida Statutes, the City will condition development permits/orders, including but not limited to building permits, upon the

availability of the public facilities and services necessary to serve the proposed development at the adopted levels of service contained in the Comprehensive Plan of the City, and the City shall require that these facilities and services are available concurrent with the impacts of development and in accordance with the policies of this comprehensive plan.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The property has been determined by staff to meet all of the concurrency requirements of the city for all services. All services and facilities will be at the site with sufficient capacity prior to permitting development to proceed. The Orange County School Board has determined the project meets school concurrency.

**Policy 1-2.7.3:** Impact Fees. The City shall periodically review its Impact Fee Ordinance to ascertain that fees are being collected for roads, water, wastewater, recreation, and public safety in an equitable manner.

Amended by Ordinance 97-02, 10/23/1997

### **Staff Analysis:**

- The city has adopted impact fees for all of the above named services and the development will pay those fees at the time of building permit issuance.

**Policy 1-2.7.4:** Essential Services. No final development permits shall be issued unless evidence is provided that assures that adequate essential services will be available at the time the impacts of the development will occur. This will include adjacent roads complying with the City's road specifications, adequate water pressure, and adequate wastewater piping and lift stations (i.e. avoid double pumping).

Amended by Ordinance 99-18, 08/09/1999

### **Staff Analysis:**

- The documentation submitted by the developer and reviewed by staff as well as staff independent analysis indicates that sufficient capability of all services will be available to service the entire development. The adopted level of service standards will not be lowered as a result of this project.

**Policy 1-2.7.5:** Drainage. No final development permits shall be issued unless evidence is provided that assures adequate access and maintenance will be provided for stormwater drainage and storage facilities in perpetuity.

Amended by Ordinance 99-18, 08/09/1999

### **Staff Analysis:**

- The drainage system proposed by the developer will meet or exceed the city requirements and the stricter requirement of the Wekiva Protection Act.

**Policy 1-2.7.6:** ROW. No final development permits shall be issued unless evidence is provided that assures that right of way for adjacent roads will be in conformance with the Winter Garden Area Transportation Study (WGATS) prepared by Transportation Consulting Group and adopted by the City Commission on March 28, 1996 (and as periodically amended) and the Future Traffic Circulation Map.

Amended by Ordinance 99-18, 08/09/1999

### **Staff Analysis:**

- The plans provide for the necessary right of way for Marsh Road, necessary turn lanes and the roundabout at the main entrance.

**Policy 1-2.7.7:** Stand Alone Requirements. No development or phase of a development may occur unless that development will properly function on its own as if no other development will occur and not rely on the improvements of any other proposed development or phase of development.  
Amended by Ordinance 99-18, 08/09/1999

**Staff Analysis:**

- The property size is sufficient that it can be developed as one or two phases. In either scenario the services and facilities will be sufficient to allow the phase or phases to stand on its own.

**Objective 1-2.8:** Innovated Regulation. To ensure the City's Land Development regulations provide up to date regulations with the changing trends in land development by the time frames set forth in the policies below. (9J-5.006(3)(b)10.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.8.3:** Best Development Practices. The City hereby adopts and endorses the general principals of Reid Ewing's April 1996 "Best Development Practices." The City will specifically require the following principles for residential subdivisions:

- (1) The development shall contribute to the area's job-housing balance
- (2) Large developments (or clusters of small developments) shall provide a mix of land uses to include civic uses.
- (3) Larger developments shall be developed in clusters
- (4) PUDs shall place higher density near parks and commercial areas
- (5) PUDs shall time commercial development and recreational opportunities in phase with residential development
- (6) Residential developments shall make subdivisions into neighborhoods with well defined centers and edges
- (7) Large residential developments and clusters of small developments must provide for schools sites
- (8) PUDs shall concentrate commercial developments and shall not strip commercial developments along road frontages
- (9) PUDs shall develop commercial centers into all purpose activity centers
- (10) All developments shall reduce auto activity when possible and provide for pedestrian friendly environments to include at a minimum tree buffers between sidewalks and high speed roads.

(FS 163.3177(11) (a & (b)) and (FAC 9J-5.006(5)(j))

Amended by Ordinance 98-23, 06/25/1998

Amended by Ordinance 99-18, 08/09/1999

**Staff Analysis:**

- The project is one component of an overall urban village that seeks to provide jobs in close proximity to housing, a mix of commercial and civic uses, higher density near parks and commercial centers, and strives to make neighborhoods not subdivisions in a pedestrian friendly manner. The project has taken the necessary steps to connect both vehicles and pedestrians to the other portions of the urban village. By following the requirements of the UVPUD zoning district the project has supported the Urban Village concept and will be integrated with the overall Urban Village.

**Objective 1-2.13:** Neighborhood Creation and Preservation. To continue to define and preserve existing neighborhoods by enforcing regulations, policies, and programs to implement the following policies:

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.13.1:** Having a Center. Each Neighborhood shall have a discernible center. This center may be a square or green, a park, a school, or a commercial area. A transit stop may be considered at this center. FS 163.3177(6)(a)

Amended by Ordinance 99-18, 08/09/1999

### Staff Analysis:

- The project has provided a park at the entrance road on the lake to meet this requirement.

**Policy 1-2.13.2:** Pedestrian Friendly. Most of the dwellings within a neighborhood are within a five-minute walk of the center. This distance averages one-quarter of a mile.

Amended by Ordinance 99-18, 08/09/1999

### Staff Analysis:

- The project meets the requirement.

**Policy 1-2.13.3:** Range of Housing Types. There is a variety of dwelling types within the Neighborhood. These usually take form in a variety of lot sizes for houses and perhaps some apartments. This variety provides housing for younger and older people, singles and families, the poor and the wealthy.

Amended by Ordinance 99-18, 08/09/1999

### Staff Analysis:

- The waterside project has a variety of dwelling types but no apartments, apartments were not anticipated in the Urban Village Land use category.

**Policy 1-2.13.4:** Convenient Commercial. There are shops and offices at the edge of the Neighborhood. The shops should be sufficiently varied to supply the weekly needs of a household.

Amended by Ordinance 99-18, 08/09/1999

### Staff Analysis:

- The waterside UVPUD is not of a size and not the right location for the commercial component of the Urban Village. Care was taken in the design to allow for pedestrian and vehicular access to the commercial core of the Urban Village.

**Policy 1-2.13.5:** Walkable Schools. There is an elementary school close enough so that most children can walk from their dwelling. This distance should not be more than one mile. FS 163.3177(6)(a)

Amended by Ordinance 99-18, 08/09/1999

### Staff Analysis:

- The school board has not chosen to locate an elementary school in close proximity to this area to allow for this.

**Policy 1-2.13.6:** Recreation. There are small playgrounds quite near every dwelling. This distance should not be more than one-eighth of a mile.

Amended by Ordinance 99-18, 08/09/1999

### Staff Analysis:

- The project is providing a water front park to comply with the need for recreation.

**Policy 1-2.13.7:** Disburse Traffic. The streets within the Neighborhood are a connected network. This provides a variety of itineraries and disperses traffic congestion.

Amended by Ordinance 99-18, 08/09/1999

### Staff Analysis:

- All of the interior roads are connected, there are no cul de sacs provided. In addition the project has provided interconnection to all adjoining properties.

**Policy 1-2.13.8:** Shade. The streets have sidewalks which are shaded by rows of trees.

Amended by Ordinance 99-18, 08/09/1999

### Staff Analysis:

- Developer will take care that all street trees are located in a manner that does not interfere with utilities service. Developer is utilizing trees and landscaping as a buffer to Marsh road rather than an imposing wall.

**Policy 1-2.13.9:** Civic Centers. Certain prominent sites are reserved for civic buildings. Buildings for meetings, education, religion or culture are located at the termination of street vistas or at the Neighborhood center.

Amended by Ordinance 99-18, 08/09/1999

### Staff Analysis:

- The overall Urban Village is the more appropriate location for the civic centers and public meeting spaces though the waterside park will be a public meeting space.

**Objective 1-3.1:** Protection of Recharge and Natural Habitat. Winter Garden shall protect the most effective recharge areas (Figure 1.5), karsts features(Figure 1.6) and sensitive natural habitat including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub(Figure 1.7), within the Wekiva Study Area through the delineation and adoption of the Wekiva Study Area Resource Protection Overlay(Figure 1.8).

Added by Ordinance 05-56, 06/14/2007

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-3.1.1:** The entire municipal limits of the City of Winter Garden and its Joint Planning Area with Orange County are within the boundaries of the Wekiva Study Area but not within the boundaries of the Wekiva River Protection Area.

### Staff Analysis:

- The Waterside UVPUD is in the Wekiva Study Area and is consistent with the requirements of the study area.

**Policy 1-3.1.2:** The Future Land Use Map of the City of Winter Garden is hereby amended and shall include the delineation of the Wekiva Study Area, and Resource Protection Overlay (WSA-5) which is the overlay consisting of the Most Effective Recharge Soils (WSA-4), Karst Features (WSA-2) and Sensitive natural Habitat (WSA-3). The city shall protect the Wekiva Study Area by establishing the Resource Protection Overlay land use and Resource Protection Overlay Zoning.

Added by Ordinance 05-56, 06/14/2007

### Staff Analysis:

- The project has correctly identified the features of the Resource Protection Overlay that occurs on site. The development has taken into account the constraints posed by that designation and meet all the requirements and restrictions associated with it including substantial open space and buffers from Karst features and more stringent drainage requirements.

**Policy 1-3.1.3:** All new development and all redevelopment within the city, which is located within the Resource Protection Overlay shall comply with the Wekiva Land Development Code provisions and the policies of this plan.

Added by Ordinance 05-56, 06/14/2007

### Staff Analysis:

- The project complies with the Wekiva Land Development code provisions and the policies of this plan.

**Policy 1-3.1.4:** The Heavy Commercial and Industrial land uses are prohibited within the Resource Protection Overlay. Prohibited uses shall include but not be limited to uses that involve hazardous chemicals or materials that have the potential to contaminate surface or groundwater; including but not limited to petroleum and chemical tank farms, landfills, septic tank, heavy industry, fertilizer manufacturing, chemical storage and other similar uses

Added by Ordinance 05-56, 06/14/2007

### Staff Analysis:

- The project complies does not have heavy commercial or industrial use.

**Policy 1-3.1.5:** Implement Best Management Practices and development standards such as increased buffers, setbacks, and open space to minimize the adverse impacts of development on the Resource Protection Overlay.

Added by Ordinance 05-56, 06/14/2007

### Staff Analysis:

- The project meets the buffers, setbacks and open space requirement.

**Policy 1-3.1.6:** Prior to the issuance of any development permit within the Resource Protection Overlay, the applicant shall provide the following;

- (1) Soils report by a qualified professional to determine the location of all Type "A" Hydrologic soils, to identify the most effective recharge areas. If the soils analysis conclusively proves that the soils cannot provide recharge due to subsurface confining layers, then the presence of Type "A" soils will not, in and of themselves, require compliance with the Wekiva Provisions of the code.
- (2) Analysis by a qualified professional geologist to determine the location and nature of all Karst features on the property. If Karst features are determined to exist on the site further analysis shall be required to evaluate surface and subsurface characteristics in order to determine:
  - a. Assessment of the potential for contamination
  - b. Identify protective solution to be incorporated into the site design

- (3) An analysis of the site by a qualified biologist to identify flora and fauna, state and federal listed species and vegetative habitat types including but not limited to Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.

The presence of one or more of the factors will require compliance with the Wekiva Study Area provisions of the codes.

Added by Ordinance 05-56, 06/14/2007

### **Staff Analysis:**

- The development included all of the required information and the project is in compliance with the Wekiva Study area provisions of the city codes.

**Policy 1-3.1.7:** All new development and redevelopment within the Resource Protection Overlay shall be required to meet the following standards:

- (1) All rezoning shall be to the appropriate Planned Development Zoning District.
- (2) Minimum open space shall be 25% for both residential and non residential development consisting of WSA Open Space. WSA Open space will be preserved through the use of conservation easements, deed restriction, plats and/or dedication to the appropriate governmental agency, environmental association or homeowners association. Open space shall be connected to the greatest extent possible on-site and to natural areas and open space within adjacent property or corridors.
- (3) Stormwater management systems in the Resource Protection Overlay shall provide retention of the total runoff generated by a twenty five year frequency, twenty four hour duration storm event from the developed site. Sites with no positive outfall, as determined by the City Engineer, shall be required to retain the total runoff of the 100 Year storm.
- (4) To discourage development of the Resource Protection Overlay areas development may be clustered on or transferred to others areas of a development site outside the Resource Protection Overlay areas. The land development code shall provide for reduced lot size and increased ISR in Resource Protection Overlay areas to maximize WSA open space.
- (5) The City of Winter Garden does not contain any identified sensitive natural habitat. A development that creates sensitive natural habitat of five acres or greater will receive density and intensity bonuses or other development incentives.

Added by Ordinance 05-56, 06/14/2007

Amended by Ordinance 08-31, 04/24/2008

### **Staff Analysis:**

- The project complies with the requirements of this policy.

**Policy 1-3.1.8:** Wekiva Study Area (WSA) 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. WSA Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to fifty percent (50%) of the WSA 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. Restrictions concerning WSA Open Space shall be included in the City's Wekiva Land

Development Code requirements. WSA Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas.

Added by Ordinance 05-56, 06/14/2007

Amended by Ordinance 08-31, 04/24/2008

### Staff Analysis:

- The project complies with the requirements of this policy.

**Policy 1-3.1.9:** The City of Winter priorities for open space protection are most effective recharge, karst features, and sensitive natural habitat including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. The city will continue to use land acquisition and the land development code to protect WSA open space.

Added by Ordinance 05-56, 06/14/2007

**Policy 1-3.1.10:** The City of Winter Garden does not contain any identified springs or spring runs. All development shall be setback from any springs, spring runs, sinkholes and other karst features. All setback areas shall remain in its natural state.

DEVELOPMENT SETBACKS	
Feature	Minimum Setback (Feet)
Spring	300
Spring Run	100
Sinkhole with direct connection to aquifer	200
Sinkhole no direct connection to aquifer	100
Other Karst Features	200

Added by Ordinance 05-56, 06/14/2007

### Staff Analysis:

- The project meets the setback requirement for a sinkhole with direct connection to the aquifer.

**Goal 1-4:** Transportation Concurrency Exception Area (TCEA). Pursuant to subsection 163.3164 (34) of the Florida Statutes (FS) the City of Winter Garden qualifies as a dense urban land area as determined by the Office of Economic and Demographic Research. As such, pursuant to subsection 163.3180 (5)(b)1.a., FS the City is designated a Transportation Concurrency Exception Area. The City shall utilize this designation to responsibly encourage growth in specific areas within the City.

Added by Ordinance 10-19, 06/24/2010

**Objective 1-4.1:** TCEA Creation. To establish a City wide transportation concurrency exception area to provide exemptions to transportation concurrency to support urban infill development, redevelopment, and the achievement of the City's redevelopment goals by addressing mobility, urban design, land use mix, network connectivity and reduction in the reliance of the single occupant automobile and reduction in vehicle miles traveled.

Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project does not lower the adopted level of service standard and does not require creation of a Transportation Concurrency Exception Area. The project meets the transportation concurrency requirements.

**Policy 1-4.1.1:** TCEA Interim Mobility Strategies. The City recognizes the need for concurrency exceptions to stimulate development within the City. Notwithstanding

policies in the comprehensive plan that establishes roadway level-of-service and transportation concurrency standards, development within the TCEA shall be exempt from those standards except as outlined in policies for mobility found in the Multi Modal Transportation Element. Mobility within the City shall be maintained by the implementation of the strategies and programs in the Multi Modal Transportation Element and through complementary policies in other elements of the comprehensive plan. TCEA mobility strategies may include, but not be limited to:

- (1) Transportation demand management program
- (2) Transportation system management program
- (3) Revised parking standards and regulations
- (4) Local and regional transit service
- (5) Enhanced pedestrian and bicycle facilities
- (6) Transit facility improvements
- (7) Complete streets policy implementation
- (8) Neighborhood traffic management programs
- (9) Transit and pedestrian oriented site design standards

Added by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project does not lower the adopted level of service standard and does not require creation of a Transportation Concurrency Exception Area. The project meets the transportation concurrency requirements.

**Policy 1-4.1.5:** Complete Streets. Implement the “complete streets” policy to ensure that all modes of transportation are incorporated into proposed plans for roadway modifications within the TCEA. The intent of this policy is to develop a comprehensive, integrated, multimodal street network by coordinating transportation planning strategies and private development activities as follows:

- (1) Provide safe and convenient on-site pedestrian circulation such as sidewalks and crosswalks connecting buildings, parking areas, and existing or planned public sidewalks
- (2) Provide cross-access connections/easements or joint driveways where available and cost effective.
- (3) Deed land or convey required easements, as requested by the City, for the construction of public sidewalks, bus turn-out facilities, and/or bus shelters with appropriate credits toward developer contribution requirements.
- (4) Where appropriate, developers shall provide for the following improvements with credits toward contribution requirements:
  - Project turn lanes
  - Bus shelters
  - Adjacent sidewalks
  - Streetscaping/landscaping within the public right-of-way
  - Additional bicycle parking.

Added by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project does not lower the adopted level of service standard and does not require creation of a Transportation Concurrency Exception Area. The project meets the transportation concurrency requirements.

**Policy 1-4.1.6:** City adopts these standards as interim mobility standards and shall develop land use and transportation strategies to support and fund mobility by July 9, 2011 consistent with Section 163.3180(5)(b)4., F.S.

Added by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project does not lower the adopted level of service standard and does not require creation of a Transportation Concurrency Exception Area. The project meets the transportation concurrency requirements.

## CHAPTER 2: MULTIMODAL TRANSPORTATION ELEMENT

**Goal 2-1:** Multimodal Transportation System. To provide the development of an overall multimodal transportation system which provides for the needs of the City by providing alternative travel choices and integrating with land use to work towards reduced vehicle trips and/or shorter trip lengths while protecting established residential areas, environmentally sensitive areas, and historically significant sites. (9J-5.007(3)(a))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 2-1.1:** Multimodal Transportation System Implementation. The City shall, in cooperation with area wide and State agencies, provide for a safe, convenient, multimodal and energy efficient motorized and non-motorized transportation system. The measurement of this objective shall be determined by the degree to which the following policies are implemented. (9J-007(3)(b)1.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-10, 07/27/2000

**Policy 2-1.1.1:** The City adopts the following acceptable peak hour Level of Service (LOS) standards for all roads within the city for planning purposes:

Study Roadways			
Roadway	From	To	Adopted LOS
9th Street	Plant Street	SR 50 (West Colonial Drive)	E
Beard Road	Daniels Road	Beulah Road	E
Beulah Road	Roper Road	SR 50 (West Colonial Drive)	E
Carter Road	SR 50 (West Colonial Drive)	Story Road	E
CR 535/Winter Garden-Vineland Road	Lake Butler Boulevard	Stoneybrook Parkway/Daniels Road	E
CR 535/Winter Garden-Vineland Road	Stoneybrook Parkway/Daniels Road	SR 50 (West Colonial Drive)	E
CR 545/Avalon Road	SR 50 (West Colonial Drive)	Davenport Road	E
Crest Avenue	Division Street	Fullers Cross Road	E
Crown Point Cross Road	Hennis Road	East Crown Point Road	E
Daniels Road	Stoneybrook Parkway	SR 50 (West Colonial Drive)	E
Dillard Street	SR 50 (West Colonial Drive)	Plant Street	E
Division Street	Hennis Road	Lakeview Avenue	E
East Crown Point Road	Plant Street	Northeast City Limits	E
Florida Turnpike (SR 91)	Eastern City Limits	Western City Limits	D
Fullers Cross Road	Crest Avenue	East Crown Point Road	E
Hennis Road	Plant Street	Crown Point Road	E
Lake Butler Boulevard	CR 535/Winter Garden-Vineland Road	Clarice Court	E
Lake Butler Boulevard	Clarice Court	McKinnon Road	E
Lakeview Avenue	Tilden Street	Division Street	E
Marsh Road	Avalon Road	Western City Limits	E
Park Ave	Tilden Street	SR 50 (West Colonial Drive)	E
Plant Street	Eastern City Limits	Western City Limits	E
Roper Road	CR 535/Winter Garden-Vineland Road	Beulah Road	E
SR 50 (West Colonial Drive)	Western City Limits	Western Beltway (SR 429)	D
Stoneybrook Parkway	Avalon Road	Windermere Road	E
Story Road	Eastern City Limits	Western City Limits	E
Tilden Road	Avalon Road	CR 535/Winter Garden-Vineland Road	E
Tilden Street	Park Avenue	Lakeview Avenue	E
Tildenville School Road/(CR 545)	SR 50 (West Colonial Drive)	Plant Street	E
Warrior Road	Windermere Road	Beulah Road	E
West Crown Point Road	Plant Street	Crown Point Cross Road	E
Western Beltway (SR 429)	Southern City Limits	Clarcona-Ocoee Road	D
Windermere Road	Stoneybrook Parkway	Warrior Road	E
Public Transit		30 Minute Headways	

*Luke Transportation Engineering Consultants, 2009*

Amended by Ordinance 96-13, 06/27/1996

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project does not lower the adopted level of service standard for Marsh Road.

**Policy 2-1.1.5:** Pedestrian and Bicycle. The City shall continue to implement the Bicycle and Pedestrian Master Plan developed in conjunction with FDOT in 2002 as an alternative means of transportation around the City and to further reduce greenhouse gas emissions. (9J-5.019(4)(c)5.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project has internal and external pedestrian and bicycle facilities that will eventually tie into the overall system at Stoneybrooke Parkway and Avalon Road.

**Policy 2-1.1.7:** Sidewalks. The City will install sidewalks with the roadway improvements to Plant Street and CR 545/Avalon Road projects. The City will work to insure installation of adequate sidewalks with the FDOT SR 50 widening project and with Orange County for the CR 535 road widening project to provide alternative transportation modes for circulation throughout the City.

Added by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project has internal and external pedestrian and bicycle facilities that will eventually tie into the overall system at Stoneybrooke Parkway and Avalon Road.

**Policy 2-1.1.8: Reserved.**

Deleted by Ordinance 10-19, 06/24/2010

**Policy 2-1.1.12:** Engineering Standards. No final development permit shall be issued that will construct a road improvement that is significantly inconsistent with the standards and specifications approved by the American Association of State Highway and Transportation Officials (AASHTO) or the Florida Department of Transportation.

Added by Ordinance 99-19, 09/09/1999

### **Staff Analysis:**

- The project is designed to those standards and no waiver of those standards has been requested.

**Objective 2-1.2:** Transportation System and Land Use Coordination. To coordinate the transportation system with the future Land Use Map and to ensure that existing and proposed populations densities, housing and employment patterns and land uses are consistent with the transportation modes and services proposed to serve these areas. The measurement of this objective is the degree to which the following policies are implemented. ((9J-007(3)(b)2.) & (9J-5.019(4)(b)2.))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.2.1:** Traffic Circulation. The City shall require all new development and redevelopment to provide a traffic circulation plan which illustrates safe access to the system and coordinates projected traffic flow with the existing street pattern. The traffic circulation plan shall address median cuts, acceleration and deceleration lanes, storage turn lanes, signage and signalization. Standards for the preceding shall be adopted in the City's land development regulations.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project has been designed with safe access to the road network with appropriate turn lanes and a roundabout to control traffic flow.

**Policy 2-1.2.2:** Access Management. In its review of development plans, the City will carefully review proposed access points and limit them to provide reasonable access to the site and address safety issues. It will require frontage roads, shared access points, cross access and restricted turning movements where necessary. It will ensure that all development on State roads is consistent with Chapters 14-96 and 14-97, F.A.C. (9J-5.019(4)(c)2.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project has been limited to two access points and required to have interconnection to the adjoining properties to insure safe access for all the projects in the area.

**Policy 2-1.2.4:** Best Development Practices. The City hereby adopts and endorses the general principals of Reid Ewing's April 1996 "Best Development Practices." The City will specifically require the following principles for residential subdivisions:

- (1) Development shall allow for through streets spaced no more than ½ mile apart.
- (2) Residential subdivisions shall use traffic calming devices liberally.
- (3) Residential subdivisions shall be designed to keep speeds on local streets below 20 mph.
- (4) Developments shall be designed to keep speeds on collectors within the development to no more than 35 mph.
- (5) Residential subdivisions shall keep all streets as narrow as permissible by the LDRs.
- (6) PUDs shall be designed to avoid using traffic signals wherever possible.
- (7) All developments shall provide for pedestrian friendly environments to include shortcuts whenever possible and shall develop pedestrian routes away from high speed roads or provide buffering.
- (8) PUDs shall incorporate transit orientated design features where applicable.

Amended by Ordinance 98-23, 06/25/1998

### Staff Analysis:

- The project meets criteria 1-8.

**Policy 2-1.2.5:** Intersection Alignments. All new development must conform with the new intersection alignments as identified in the Future Traffic Circulation Map if it is determined that said alignment will not present any undue economical hardship.

Amended by Ordinance 00-10, 07/27/2000

### Staff Analysis:

- The intersection of the project with Marsh Road at a roundabout is located at the most appropriate location for an intersection.

**Objective 2-1.4:** Right-of-Way Protection. The City shall protect both existing and future rights-of-way from building encroachment. The measurement of this objective

shall be the lack of encroachment on these rights-of-way and the degree to which the following policies are implemented. (9J-5.019(4)(b)5.))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project has provided for the necessary right of way for Marsh Road, the roundabout and for necessary turn lanes.

**Policy 2-1.4.1:** Development Plans - The City shall pursue needed rights-of-way, for both existing and future roads, through dedication when development plans are presented. If condemnation is necessary, the City will work with the entity responsible for the roadway with respect to obtaining data regarding the condemnation proceedings. By December 2011, the City will develop a right of way map indicating where right of way exists and areas where right of way is needed. (9J.007(3)(c)5.) & (9J-5.019(4)(c)4.))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The development has provided the necessary right of way at no cost to City.

**Policy 2-1.4.4:** ROW Preservation – By December 2011, the City shall establish a right of way preservation policy. Until that time, no new development may receive building permits that significantly vary from the Winter Garden Area Transportation Study (WGATS) or the Future Traffic Circulation Map.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The development has provided the necessary right of way at no cost to City.

**Objective 2-1.5:** Subdivision Circulation. The city shall ensure that new residential subdivisions will be designed to allow for dispersal of residential traffic, and to minimize the impact of residential traffic at connections to the surrounding street systems, by providing for interconnection between developments that accommodates travel demands between adjacent neighborhoods, by connectivity and providing networks for pedestrian and bicycle transportation.

**Policy 2-1.5.1:** Multiple Connection. New residential subdivisions shall include an internal street layout which shall continuously connect to the streets of surrounding developments to accommodate travel demand between adjacent neighborhoods without the necessity of using the major thoroughfare system.

### **Staff Analysis:**

- The design of the project is consistent with this requirement.

**Policy 2-1.5.2:** Pedestrian Connections. Subdivision design standards shall require residential subdivisions be interconnected with safe and adequate pedestrian and bicycle routes. These routes shall provide access to surrounding areas, including schools, parks, commercial areas and other destinations. Connections to adjacent existing or planned sidewalks and bicycle paths shall be required. (9J-5.019(4)(c)5.)

Amended by Ordinance 00-10, 07/27/2000

### **Staff Analysis:**

- The project complies with this requirement.

**Policy 2-1.5.3:** Stubout Requirements. Subdivisions shall be designed to include stubouts to connect to abutting undeveloped lands and/or land with redevelopment potential. Provisions for future connections shall be provided in all directions whether the streets are public or private, except where abutting land is undevelopable. New subdivisions shall align their roadways to connect with the stubouts provided by the adjacent developments.

### **Staff Analysis:**

- The project complies with the stub out requirements.

**Policy 2-1.5.4:** Gated Community Restrictions. New subdivisions requesting to become a gated community will only be permitted if they are isolated by environmental or infrastructure constraints that limit access to a single point. Constraints or isolation by design shall not be considered sufficient to allow gating.  
Added by Ordinance 98-23, 06/25/1998

### **Staff Analysis:**

- The project is proposing that a portion of the site be gated.

## CHAPTER 3: HOUSING ELEMENT

**Goal 3-1:** Housing Supply. To Ensure that a variety of safe, decent, attractive and affordable housing is provided to meet the needs of present and future residents of Winter Garden and takes into account energy efficiency and conservation. (9J-5.010(3)(a))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

Amended by Ordinance 10-19, 06/24/2010

**Policy 3-1.1.5:** Development Criteria. The City will continue to apply development regulations that provide minimal design criteria such as minimum square footage, minimal impervious surface, requirements for placement of HAVC units, and aesthetic controls.

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project meets the city requirements.

**Policy 3-1.1.6:** Land Development Regulations. the City will annually review the need to change the existing Land Development Regulations to include any recent changes in land use and land development such as neo-traditional neighborhood design, small lot zoning, etc. The City shall also review the LDRs to eliminate any requirements that are no longer needed or appropriate.

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The Urban village PUD zoning is an innovative land development regulation that addresses design criteria and smaller lot sizes in exchange for better open space, environmental protection and higher quality development.

## CHAPTER 4: PUBLIC FACILITIES ELEMENT

### SECTION I: GENERAL

**Goal 4-1:** Adequate Public Facilities. Public facilities including sanitary sewer, solid waste, drainage, potable water, lower quality water sources (such as reclaimed water and surface/stormwater) and natural groundwater aquifer recharge shall be provided in a manner which protects City investment in existing facilities and promotes orderly compact urban growth. (9J-5.011(2)(a))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 09-59, 01/28/2010

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-1.1:** Concurrency. On an ongoing basis the City shall continue to enforce the Concurrency Requirements adopted in the Land Development Regulations that ensures that at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-1.1.1:** LOS Standards. The following level of service (LOS) standards are adopted by the City and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development or redevelopment:

FACILITY	LOS STANDARD
SANITARY SEWER	
Residential	250 gal./day/unit
All other uses	250 gal./day/ERU
POTABLE WATER	
Residential	350 gal./day/unit
All other uses	350 gal./day/ERU
SOLID WASTE	5.6 pounds/day/person
DRAINAGE	Onsite retention: Retain the first 1/2 inch of run off
	Storm event: 25 year 24 hour
	Quantity: Post development stormwater runoff flow rates, quantities, peaks, and velocities shall be equal to or less than predevelopment runoff (9J-5.011(2)(c)2.1))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 98-32, 12/10/1998

Amended by Ordinance 10-19, 06/24/2010

#### Staff Analysis:

- The project meets the concurrency standards and level of services standards for the above facilities.

**Policy 4-1.1.2:** Concurrency. All proposed improvements or expansion shall meet the adopted LOS standards for the facility being improved.

Amended by Ordinance 97-02, 10/23/1997

#### Staff Analysis:

- The project meets the concurrency standards and level of service standards adopted by the City.

**Policy 4-1.1.4:** The City shall issue no development orders or development permits without first consulting with the utility service provider (City of Winter Garden Public Services Department or Orange County) to determine whether adequate water supplies to serve the development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent. The City will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.

Added by Ordinance 09-59, 01/28/2010

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The City utility department has determined that there is sufficient capacity in all the services to accommodate the entire project.

**Policy 4-1.1.5:** To ensure that adequate water supply and capacity allocations for all developments, the City may require any development to use developer's agreements and/or develop in more than one phase.

Added by Ordinance 09-59, 01/28/2010

### **Staff Analysis:**

- The City and developer are entering a developers agreement for the extension of services to the site.

**Objective 4-1.2:** Discourage Sprawl. To discourage sprawl, encourage infill development, and reduce the impacts caused by septic tanks and package plants by providing water and wastewater facilities to the portions of the City that these facilities are presently unavailable or are presently not connected; as per the City's Water and Wastewater Master Plan as amended.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-1.5:** Reclaimed Water. To ensure efficient operation of the reclaimed water system.

Amended by Ordinance 09-59, 01/28/2010

**Policy 4-1.5.1:** The City shall adopt regulations to ensure for the efficient operation of the reclaimed water system for the health or safety of the general public or the customer, regarding the following matters:

- (1) The times of day or night during which the reuse may be used by its customers.
- (2) The maximum rate of use of the reuse water by its customers.
- (3) The right to inspect reclaimed water devices, facilities, and terminate service to reclaimed water system found to be in violation of any City ordinance, regulation or procedure.
- (4) Upon being connected to the City's reclaimed water system, the use of water for landscape irrigation from a well is prohibited, unless the reclaimed water from the well is otherwise authorized by the St. Johns River Water Management District pursuant to Part II, Chapter 373, F.S.
- (5) The right to impose the mandatory payment of fees for the installation and usage of reclaimed water systems. Once service is connected, the user shall pay a minimum monthly charge set by resolution of the City Commission.

- (6) The right to temporarily discontinue service to any portion of, or the entire, reclaimed water system as deemed necessary by the City.

Amended by Ordinance 09-59, 01/28/2010

Amended by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project will connect to the reclaimed system and comply with the requirements of the policy.

## SECTION II: SANITARY SEWER SUB-ELEMENT

**Goal 4-2:** Sanitary Wastewater Management. To provide a long term environmentally safe and efficient means of collection and treatment of sanitary wastewater. (9J-5.011(2)(a))

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-2.1:** Improvement to Wastewater System. To correct any existing facility deficiencies, to coordinate the expansion or increase in capacity, to maximize the existing wastewater collection and treatment facilities, and to discourage urban sprawl by the implementation of the City's wastewater system. (9J-5.011(2)(b))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-2.1.2:** Service Area. The service area will include the City and that portion of unincorporated area agreed upon by Orange County and the City.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project is in the city service area and will obtain service from Winter Garden.

**Policy 4-2.1.4:** Capacity Expansions. The City will continue to plan for treatment plant capacity, the extension of the collection system and lift stations for the developing areas of the City and service area.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The City will allow the developer to extend service to this area.

**Policy 4-2.1.5:** Mandatory Connection. The City shall continue to require connection of developed properties when service is within 200 feet of the sanitary sewer system.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project will connect to the city services.

**Policy 4-2.1.8:** Package Plants. The City will maintain measures which control or prohibit the use of package treatment plants where City service is available.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 09-59, 01/28/2010

### Staff Analysis:

- The project will not have a temporary package plant.

**Policy 4-2.1.16:** All new development and redevelopment shall connect to central wastewater systems.

Added by Ordinance 00-66, 12/09/1999

### Staff Analysis:

- This project is a new development and will be required to connect to central wastewater.

**Policy 4-2.1.17:** The City shall require the installation of dual-lined distribution systems and individually metered connections for all new developments. All new development and redevelopment shall connect to reuse systems. City will identify

potential users from existing developed properties and will implement reuse where practicable and financially feasible.

Added by Ordinance 00-66, 12/09/1999

Amended by Ordinance 09-59, 01/28/2010

**Staff Analysis:**

- The project will connect to the city reuse system.

## SECTION IV: STORMWATER DRAINAGE SUB-ELEMENT

**Goal 4-4:** Stormwater Management. To provide a long term environmentally safe and efficient means of collection and retaining stormwater runoff. (9J-5.011(2)(a))

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-4.1:** Improvement to Stormwater System. To correct any existing stormwater deficiencies, to coordinate the establishment of new stormwater retention facilities, to protect the function of natural drainage systems, and to maximize the existing stormwater retention facilities. (9J-5.011(2)(b))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-4.1.1:** Stormwater Management Ordinance. The City shall continue to enforce stormwater management ordinance.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project will comply with the city stormwater requirements and the stricter Wekiva Protection Act requirements.

**Policy 4-4.1.3:** Site Plan Review. As a part of its site plan review process, the applicant will be required to show natural drainage features and the proposed method of protection.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project will comply with the city stormwater requirements and the stricter Wekiva Protection Act requirements.

**Policy 4-4.1.4:** St. Johns. The City will continue to require a permit from the St. Johns River Water Management District prior to the issuance of a development order.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project will comply with the city stormwater requirements and the stricter Wekiva Protection Act requirements.

**Policy 4-4.1.7:** HOA. When drainage systems are to be maintained by homeowners associations, the City shall review the documents to insure that maintenance will occur.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project will comply with the city stormwater requirements and the stricter Wekiva Protection Act requirements.

**Policy 4-4.1.10:** Wetlands. The City will review its zoning code to ascertain and remove any wording which would encourage the development of wetland areas.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The only wetlands on site are below the normal high water elevation of Johns Lake and are not being developed.

**Policy 4-4.1.11:** Water Quality. The City hereby requires the water quality for all new stormwater retention systems to conform to State water quality standards as set forth in the State Water Policy, Chapter 17-40, and Chapter 17-25 of the F.A.C. (9J-5.011(2)(c)5.a.)

Added by Ordinance 97-02, 10/23/1997

**Staff Analysis:**

- The project will comply.

## SECTION V: POTABLE WATER SUB-ELEMENT

**Goal 4-5:** Potable Water Management. To provide a long term safe and efficient means of collection and distribution of potable water throughout the City. (9J-5.011(2)(a))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-5.1:** Improvement to Potable Water System. To correct any existing facility deficiencies, to coordinate the extension or increase capacity, to maximize the existing facilities of the City's potable water transmission and distribution system, and to discourage urban sprawl by the planning and implementation of the City's Water system. (9J-5.011(2)(b))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-5.1.3:** Service Area. The service area will include the City and that portion of unincorporated area agreed upon by the City and Orange County.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project is in the city service area and will connect to city system.

**Policy 4-5.1.5:** Capacity Needs. The City shall continue to plan for treatment plant capacity, storage facilities, and the distribution system for the developing areas of the City and the service area.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The development will extend distribution lines to the area.

**Policy 4-5.1.6:** Mandatory Connection. The City shall continue to require development, redevelopment, and existing development to connect to the City's potable water system when financially feasible.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project will connect to the city system.

**Policy 4-5.1.7:** Irrigation. The City shall continue its policy to meter all irrigation water uses, regardless of source.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

Amended by Ordinance 09-59, 01/28/2010

### Staff Analysis:

- The project will connect to the city reuse system.

**Policy 4-5.1.8:** Package Plants. The City will control or prohibit the use of package treatment plants.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

### Staff Analysis:

- The project will not have a package plant.

**Policy 4-5.1.9:** New Development. Approval of new development will be based, in part, on the evaluation of the impact on the Water System.  
Amended by Ordinance 97-02, 10/23/1997

**Staff Analysis:**

- Utilities department has determined that there is sufficient capacity to accommodate this development.

**Policy 4-5.1.10:** Funding. The City shall require that the total cost of new service be funded by the user of that service.  
Amended by Ordinance 97-02, 10/23/1997

**Staff Analysis:**

- The project will extend the service to the property at their cost.

**Policy 4-5.1.11:** Design Capacity. The City shall track the potential impacts of all approved but not built development. No additional development permits shall be issued when potential impacts will be greater than the design capacity of the total water treatment system or will exceed the City's Consumptive Use Permit. (9J-5.011(2)(c)4.)  
Added by Ordinance 97-02, 10/23/1997

**Staff Analysis:**

- The City system has sufficient capacity to accommodate this development proposal.

## SECTION VI: AQUIFER RECHARGE SUB-ELEMENT

**Goal 4-6:** Aquifer Recharge Management. To provide a long term means of protecting the aquifer. (9J-5.011(2)(a))

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-6.1:** Quality and Quantity Preservation. The City shall continue to implement the land development regulations which will preserve and protect the quality and quantity of groundwater through the establishment of impervious surface ratios in recharge areas; the limitation of incompatible uses permitted adjacent to wellfields and aquifer recharge areas; and the control of stormwater runoff that discharges into such areas. (9J-5.011(2)(b)5.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-6.1.1:** St. Johns - The City shall require all development requests to meet its Stormwater Management Ordinance requirements; meet its level of service standards for drainage; and have a valid St. Johns River Water Management District permit or exemption letter.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project will meet or exceed the drainage requirements.

**Policy 4-6.1.2:** Landscaping - The City shall continue to enforce a landscape ordinance.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

### Staff Analysis:

- The project exceeds the requirements of the landscape ordinance.

**Policy 4-6.1.3:** Site Plans - Applicants for site plan approval will be asked to define existing natural drainage features as well as means for their protection.

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project will accommodate the natural drainage occurring onsite and will not direct drainage on other properties.

**Policy 4-6.1.6:** Recharge Areas - Any identified prime recharge areas which are undeveloped will be protected by the City. (9J-5.011(2)(c)4.)

Amended by Ordinance 97-02, 10/23/1997

### Staff Analysis:

- The project is complying with the Wekiva Study Area requirements for protection of the recharge areas.

## CHAPTER 5: CONSERVATION ELEMENT

**Goal 5-1:** Natural Resource Protection. The City of Winter Garden strives to be the best steward of our natural resources. The City will strive to conserve, protect and enhance our natural resources including, air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered or species of special concern, soils, flood plain, recharge area, aquifer, wetlands and energy resources. (9J-5.013(2)(a))

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Objective 5-1.2:** Surface Water Quality. The City shall maintain or improve the quality of all surface waters in the City, implementing the land development regulations which implement the applicable objectives of the Lake Apopka SWIM Program. (9J-5.013(2)(b)2)

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.1:** The City shall continue tertiary treatment of wastewater.

**Policy 5-1.2.2:** The City shall continue to implement the land development regulations and require all development and redevelopment provide for drainage and stormwater management, water quality enhancement and stormwater attenuation.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project meets or exceeds the city requirements and the requirements of the Wekiva Protection Act.

**Policy 5-1.2.3:** Winter Garden shall continue to improve design standards, monitoring, construction and maintenance requirements for stormwater retention/detention systems, and shall ensure compliance of these requirements to prevent degradation of the receiving surface water bodies. These requirements shall be included in the Land Development Code.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project meets or exceeds the city requirements and the requirements of the Wekiva Protection Act.

**Policy 5-1.2.7:** Wetland Buffers. The City shall continue to enforce the wetland buffer requirements, as required by the Land Development Code, to help protect wetlands.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project has provided the appropriate wetland buffer requirement.

**Policy 5-1.2.8:** Winter Garden shall maintain acceptable water quality standards for surface water bodies, ensuring an aquatic environment that meets or exceeds State and Federal standards.

Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project meets or exceeds the city requirements and the requirements of the Wekiva Protection Act. The design of the project incorporates additional protection for the lake.

**Policy 5-1.2.9:** Winter Garden shall continue to enforce water quality standards by identifying all point and significant non-point sources of water pollution, and expand programs to reduce the harmful impacts of these pollutants on the natural environment.

Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The design of the project will insure that fertilizers and pollutants do not discharge to the lake.

**Policy 5-1.2.10:** Winter Garden shall prohibit the discharge of hazardous, toxic, chemical, petroleum, nuclear waste or liquid sludge into surface waters or wetlands.

Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The design of the project will insure that pollutants do not discharge to the lake.

**Policy 5-1.2.11:** Winter Garden shall prohibit the location of petroleum businesses where they will negatively affect the quality of surface waters and the surficial and Florida Aquifers.

Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project has no petroleum business located on site.

**Objective 5-1.3:** Ground Water Quality. Maintain or improve the quality and quantity of groundwater in Winter Garden by adopting land development regulations through the implementation of the following policies:

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.3.1:** The City will continue to enforce adopted land development regulations which protect potable water wellfields and aquifer recharge areas, consistent with the Wekiva Protection Act.

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project is complying with the Wekiva Study Area requirements for protection of the recharge areas.

**Policy 5-1.3.2:** The City shall map and protect potable water wellfields and prime aquifer recharge areas from adverse impacts of development in conformance with the criteria listed in Objective 5-1.3.

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project is complying with the Wekiva Study Area requirements for protection of the recharge areas.

**Policy 5-1.3.5:** The City shall continue to maximize protection and recharging of aquifer through implementation of Wekiva Parkway and Protection Act requirements.

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project is complying with the Wekiva Study Area requirements for protection of the recharge areas.

**Policy 5-1.3.9:** The City shall continue to implement the Wekiva Parkway and Protection Act by requiring land located within the Resource Protection Overlay (see Future Land Use Figure 1.8) to have a minimum open space requirement of 25% with 20% consisting of Wekiva Study Area open space and 5% useable recreation/open space.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project is complying with the Wekiva Study Area requirements.

**Policy 5-1.3.10:** Florida-friendly landscaping - By December 2011, the City shall revise the water conservation ordinance and the landscape ordinance to require the use of Florida Friendly Design Standards to promote the efficient use of water for all new developments and redevelopment.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 09-59, 01/28/2010

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project will use Florida-friendly landscaping.

**Objective 5-1.4:** Wetland Protection. The City shall continue to implement the land development regulations which require the protection of all wetlands shown on Figure 1.1 of the Future Land Use Map series. These regulations include the use of buffering or building setbacks; preservation of natural vegetation; provisions for stormwater management; and the prohibition of any activity which impairs the natural function of these lands. The City of Winter Garden shall protect identified wetland areas and existing wildlife habitats by implementing the following policies.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.1:** It is the City's policy that no development is allowed in a wetland area. However, encroachment into a wetland may be allowed in cases where no other feasible or practical alternatives exist that would permit the reasonable use of the land or where there is an overriding public benefit based upon review by the appropriate regulatory agency and subject to the regulatory agency's policies and rules.

### Staff Analysis:

- The project has been designed to maintain wetlands and does not propose to develop the wetlands.

**Policy 5-1.4.2:** The City shall, continue to implement the wetland protection policies as identified in the City's comprehensive plan and require all proposed development within or adjacent to wetlands be permitted through the appropriate water management district, Army Corp of Engineers, and/or the Department of Environmental Protection. (9J-5.013(3)(b))

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project will comply.

**Policy 5-1.4. 5:** The City shall continue to utilize the flexibility allowed in the Planned Unit Development classification help to protect and conserve identified wetlands such as clustering of development and the transfer of development rights out of wetlands to uplands. (9J-5.013(3)(a))  
Amended by Ordinance 00-68, 04/26/2001

### Staff Analysis:

- The project is using the Planned Unit Development classification.

**Policy 5-1.4. 6:** The City shall coordinate with the Army Corp of Engineers, the Florida Department of Environmental Protection, the St. Johns River and South Florida water management districts to regulate and mitigate wetland areas for minimal avoidance under each respective agency's jurisdiction and when encroachment into a wetland area and mitigation is allowed by one of the agencies the City will not approve a development permit unless and until all permits from the regulating agencies are provided to the City.  
Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The City will not issue permits unless appropriate agency permits are obtained.

**Policy 5-1.4. 8:** The Conservation/Wetlands designation as shown on Figure 1.1 of the Future Land Use Map series shall serve as a conceptual indicator of conservation and wetland areas. The precise delineation of these areas shall be determined through site-specific studies and field determinations to assess the extent of the wetland areas.  
Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

**Policy 5-1.4.9:** The City shall protect and conserve wetlands in accordance with these policies. Such regulations shall include criteria for wetland protection and mitigation involving the appropriate regulatory agencies.  
Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

**Policy 5-1.4.10:** The City prohibits development in wetland areas and shall only issue development permits after the owner/developer secures and provides to the City final permits from the appropriate regulatory agency (Army Corp of Engineers, the Florida Department of Environmental Protection, the St. Johns and/or South Florida water management districts).  
Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

**Policy 5-1.4.11:** The City's land development code shall be amended by July 2011 to include lake protection regulations for dock and seawall construction and regulations to protect the shore line and lake littoral zones.

Added by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project will comply with the city regulations.

**Policy 5-1.4.12:** For all proposed wetland encroachments the owner/developer shall engage a qualified environmental consultant to estimate the limits and class of onsite wetlands and then apply to the appropriate regulatory agency (Army Corp of Engineers, the Florida Department of Environmental Protection, the St. Johns and/or South Florida water management districts) for confirmation of findings and the applicable permit(s), and if necessary to mitigate the proposed wetland encroachment in accordance with that agency's rules and regulations to include the Uniform Mitigation Assessment Methodology (Chapter 62-345, Florida Administrative Code).

Added by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

**Policy 5-1.4.13:** The City shall require a wetland buffer of an average of at least 25 feet with a minimum of 15 feet at any one point between wetlands and new development in order to protect water quality, preserve natural wetland functions, and preserve natural habitat. The buffer, as measured landward from the approved jurisdictional line, shall be maintained in a natural vegetative state and be free of exotic and nuisance species.

Added by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project is providing a 25' buffer with a 30' setback exceeding the City requirement.

**Policy 5-1.4.14:** Should agency determination show that wetlands do not exist, or that the limit of the wetland is less than depicted, then the underlying future land use for the property shall prevail. Should agency determination show that wetlands cover an area larger than depicted then the future land use map series shall be amended to reflect said boundaries of the wetland.

Added by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

**Policy 5-1.4.15:** The City shall direct incompatible land uses away from wetlands. Incompatible land uses include, but not be limited to, industrial uses, non-hazardous and hazardous waste disposal sites, refuse transfer stations, septic tank dependent business and residences, junk yards, and heavy manufacturing activities.

Added by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project does not include any of the prohibited uses.

**Objective 5-1.5:** 100-Year Flood Plain Protection. The City shall continue to conserve and protect the natural functions of the 100-year floodplain by implementing the flood protection regulations which regulate land use in and development of floodprone areas consistent with the National Flood Insurance Program and the policies set out in this Element and in Article II of Chapter 90 of the City's Code of Ordinances that addresses flood damage prevention. These policies may include clustering, or compensating storage or directing development away from floodplains.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.5.1:** The City shall, continue to implement the land development regulations which regulate areas subject to periodic or seasonal flooding consistent with the policies contained in this Element and in Article II of Chapter 90 of the City's Code of Ordinances that addresses flood damage prevention.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project complies with the flood protection ordinance.

**Policy 5-1.5.2:** Development in the 100-year floodplain shall be consistent with the guidelines of the National Flood Insurance Program and the requirements found in the City's land development regulations relating to flood damage prevention.

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project complies with the flood protection ordinance.

**Policy 5-1.5.3:** The City shall utilize the Planned Unit Development designation to protect and conserve critical areas of the 100-year floodplain.

### **Staff Analysis:**

- The project complies with the flood protection ordinance.

**Policy 5-1.5.4:** Winter Garden shall strengthen floodplain protection requirements for riverine systems by enforcing regulations prohibiting floodplain encroachment without compensating storage.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project complies with the flood protection ordinance.

**Objective 5-1.6:** Minerals and Soil Use. The City shall conserve, protect, and appropriately utilize the minerals and soils in Winter Garden.

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.6.1:** The City's land development regulations shall continue to prohibit mining in the City.

### **Staff Analysis:**

- The project does not include mining.

**Policy 5-1.6.2:** The City shall utilize the detailed soil survey prepared by the Soil Conservation Service to determine suitability of soils for a requested use prior to issuance of a final development order.

### **Staff Analysis:**

- The developer has provided detailed soils reports on the suitability of soils.

**Policy 5-1.6.4:** The City shall implement the Erosion Control Ordinance which provides a procedure for the issuance of land-clearing permits which implements erosion control methods and controls the removal of minerals and soil from a site.

Amended by Ordinance 00-68, 04/26/2001

### **Staff Analysis:**

- The project will comply with erosion control requirements.

**Policy 5-1.6.5:** The City shall implement the land development regulations which provide for drainage and stormwater management in order to decrease the rate of soil erosion.

Amended by Ordinance 00-68, 04/26/2001

### **Staff Analysis:**

- The project will meet or exceed the drainage requirement and the stricter Wekiva Study area drainage requirements.

**Policy 5-1.6.7:** Winter Garden shall incorporate regulations into the Land Development Code concerning soils and their suitability for future development. These regulations shall include restricting development in hydric soils, preservation of groundwater recharge areas, and controlling the use of and individual on-site sewage disposal facilities.

Added by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project is consistent with these requirements, no on site septic systems are proposed.

**Policy 5-1.6.8:** Winter Garden shall continue to require and enforce State recommended Best Management Practices to protect soils during development activities.

Added by Ordinance 10-19, 06/24/2010

### **Staff Analysis:**

- The project shall comply with those standards.

**Objective 5-1.7:** Native Vegetative Protection. The City shall continue to implement the land development regulations which provide for the conservation, protection, and appropriate use of the City's native vegetative communities as specified in the Wekiva Parkway and Protection Act.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.7.1:** The City shall continue to implement the land development regulations which provide for open space for PUDs.

Amended by Ordinance 00-68, 04/26/2001

### **Staff Analysis:**

- The project exceeds the open space requirements of the PUD.

**Policy 5-1.7.2:** The City shall continue to implement the land clearing permit section of the City Code. This procedure shall establish penalties for the

unauthorized removal of native vegetation and require the restoration of any illegally cleared areas. (9J-5.013(2)(c)3)  
Amended by Ordinance 00-68, 04/26/2001

**Staff Analysis:**

- The project will comply with the land clearing requirements.

**Policy 5-1.7.3:** The City shall revise and supplement the tree protection and landscaping ordinance by October 2010. The City shall amend the tree ordinance and associated land development regulations, in order to require preservation of valuable tree species, prohibit indiscriminate clearing, and require replacement and maintenance measures. These regulations shall be included in the Land Development Code.

Amended by Ordinance 00-68, 04/26/2001  
Amended by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project is protecting all specimen trees.

**Policy 5-1.7.4:** The City shall continue to implement land development regulations to provide incentives for preserving or planting native vegetation including credits toward meeting landscaping requirements; requiring restoration of unpermitted cleared areas with natural vegetation; and the requiring of clustering to protect existing areas of native vegetation.

Amended by Ordinance 00-68, 04/26/2001  
Amended by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project is protecting all specimen trees.

**Policy 5-1.7.5:** The City shall continue to utilize the Planned Unit Development process to preserve native vegetative communities from destruction by development.

**Staff Analysis:**

- The project is a Urban Village Planned Unit development.

**Policy 5-1.7.7:** The City shall comply with all State and Federal regulations regarding any rare, endangered, or threatened plant species found in Winter Garden.

**Staff Analysis:**

- The applicant has submitted studies verified by staff that indicate there are no rare, endangered or threatened plant species on the site.

**Policy 5-1.7.8:** The City shall continue to implement the criteria for the designation and protection of environmentally sensitive lands to further the goals and objectives of this Element. These criteria shall be consistent with all policies contained in this Element. (9J-5.013(2)(c)9)

Amended by Ordinance 00-68, 04/26/2001

**Staff Analysis:**

- The project is consistent with the city requirements.

**Objective 5-1.8:** Wildlife Protection. The City shall continue to enforce land development regulations to conserve, protect, and utilize its wildlife and wildlife habitats based upon the policies contained in this Element. (9J-5.013(2)(b)4)

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.8.1:** The City shall comply with all State and Federal regulations regarding any rare, endangered, or threatened wildlife found in the City.

**Staff Analysis:**

- The project has complied.

**Policy 5-1.8.2:** Critical wildlife habitats for rare, endangered or threatened animals will be protected by the adoption of specific land development regulations to conserve such areas in conformance with State and Federal Laws.

**Staff Analysis:**

- The site does not contain critical habitat.

**Policy 5-1.8.3:** The City shall utilize the Planned Unit Development process and other land development regulations to conserve and protect identified wildlife habitats.

**Staff Analysis:**

- The project is a PUD.

**Policy 5-1.8.4:** The City shall support all programs that identify and protect critical habitats for rare, endangered, or threatened species of wildlife (types and specific locations designated by the U.S. Fish and Wildlife Service, the Florida Game and Freshwater Fish Commission, the Florida Department of Natural Resources, the Florida Department of Environmental Regulation, or the East Central Florida Regional Planning Council) by providing local data when requested and through the adoption of specific regulations to protect such areas once they are designated by one of the above agencies.

**Staff Analysis:**

- The site has not been designated critical habitat for rare endangered or threatened species.

**Policy 5-1.8.5:** The City shall not approve any development or activity known to adversely affect the survival of endangered or threatened wildlife.

**Staff Analysis:**

- The site has not been designated critical habitat for rare endangered or threatened species.

## CHAPTER 6: RECREATION AND OPEN SPACE ELEMENT

**Goal 6-1:** Open Space and Recreation. The provision and maintenance of sufficient open space and recreation sites to meet the needs of current and future residents of Winter Garden.

Amended by Ordinance 10-19, 06/24/2010

**Objective 6-1.3:** Level of Service Standards. The City shall maintain and upgrade existing recreation sites and provide sufficient park acreage to meet adopted level of service standards at all times.

Amended by Ordinance 10-19, 06/24/2010

**Policy 6-1.3.7:** The City shall continue to require through the land development regulations either land to be dedicated or an impact fee to be paid for all public and private residential development.

### Staff Analysis:

- The project will dedicate land or pay the recreation impact fees.

**Policy 6-1.3.8:** The City shall amend existing land development regulations to include specific open space definitions and standards no later than the time-frame established by the State.

### Staff Analysis:

- The project exceeds the open space requirements of the PUD zoning and Wekiva Protection Act.

**Objective 6-1.4:** Preservation and Acquisition. The City of Winter Garden will actively promote, protect, and where possible acquire environmental sensitive lands and encourage all forms of resource-based recreation opportunities.

Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.4.1:** The City shall continue to require through the land development regulations either land to be dedicated or an impact fee to be paid for all public and private residential development.

Amended by Ordinance 00-64, 04/26/2001

### Staff Analysis:

- The project will dedicate land or pay the recreation impact fees.

**Policy 6-1.4.2:** The Zoning Ordinance shall continue to require open space in the form of building setback regulations.

### Staff Analysis:

- The project complies.

**Policy 6-1.4.4:** The City shall, through its Subdivision Ordinance, continue to require mandatory dedication of recreation/open space lands and/or fees.

Amended by Ordinance 00-64, 04/26/2001

### Staff Analysis:

- The project will dedicate land or pay the recreation impact fees.

**Policy 6-1.4.6:** The City shall continue to implement the Wekiva Parkway and Protection Act by requiring land located within the Resource Protection Overlay to have a minimum open space requirement of 25% with 20% consisting of Wekiva Study Area open space and 5% useable recreation/open space.  
Added by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project meets and exceeds the Wekiva Study Area requirements.

**Policy 6-1.4.7:** The City shall continue to promote access to water bodies and natural resources through the development and maintenance of public access points, swimming areas, boat ramps, and canoe/kayak launches.  
Added by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project has provided a waterfront park On Johns Lake.

## CHAPTER 7: INTERGOVERNMENTAL COORDINATION ELEMENT

**Policy 7-1.2.8:** JPA – The City will continue to implement the Restated Interlocal Agreement for Joint Planning Area Between Orange County and the City of Winter Garden (June 1997), as amended, addressing annexation, land use decisions, and utilities.

Added by Ordinance 10-19, 06/24/2010

### Staff Analysis:

- The project is consistent with the requirements and the guidelines of the JPA-6.

## CHAPTER 9: PUBLIC SCHOOLS FACILITIES ELEMENT

**Objective 9-1.1:** Level of Service Standards. The City of Winter Garden (the “City”) shall coordinate with OCPS to implement a Concurrency Management System that ensures adequate classroom capacity to accommodate the impacts of new residential development throughout the planning period.

**Policy 9-1.1.5:** The City shall support OCPS’s reasonable efforts to initiate and implement any of the following strategies to ensure compliance with adopted LOS standard.

- (1) Building new schools to relieve over-capacity schools in CSAs that exceed the adopted LOS,
- (2) Renovating over-capacity schools to add permanent capacity and replace on-campus portables,
- (3) Rezoning students from over-capacity schools to under-capacity schools,
- (4) Moving special programs from over-capacity schools to under-capacity schools to utilize excess permanent capacity where such permanent capacity exists.

### **Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Policy 9-1.1.6:** Concurrency shall be evaluated and determined within the geographical boundaries of the established Concurrency Service Areas (CSAs).

### **Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Policy 9-1.1.8:** The number of elementary, middle and high school students generated by a residential development shall be calculated utilizing OCPS student generation rates for the applicable school types as set forth in Table 12 of the Appendix to the Public School Facilities Element.

### **Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Policy 9-1.1.10:** Where adequate school facilities will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, or the functional equivalent thereof, the City shall not deny an application for site plan approval, final subdivision approval, or the functional equivalent thereof, for any development or phase of a development that includes residential uses, based solely on failure to achieve and maintain the adopted LOS in a CSA.

### **Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Objective 9-1.3:** Interlocal Agreement. The City and OCPS shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the Interlocal Agreement.

Amended by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Policy 9-1.3.1:** The City shall not adopt a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density on property that is not otherwise vested or determined exempt from school concurrency requirements until such time as OCPS has determined whether sufficient capacity will exist concurrent with the development, or a capacity enhancement agreement is executed that provides for the needed capacity to accommodate the proposed development, or OCPS fails to timely make a recommendation, in which case the City may thereafter determine, utilizing the best available data and analyses, whether sufficient capacity exists.

**Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Policy 9-1.3.2:** The City shall determine if a development is vested or otherwise exempt from school concurrency. Unless the development is determined to be vested or exempt from concurrency, the City shall not approve a residential site plan, plat, or its functional equivalent, until a concurrency review has been conducted by OCPS, and a Concurrency Certificate or its functional equivalent has been issued for the development consistent with the provisions of the ILA. However, if OCPS fails to timely issue such Concurrency Certificate or its functional equivalent, the City may perform such concurrency review, utilizing the best available data and analyses, to determine whether a development meets concurrency requirements.

**Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Objective 9-1.4:** Preliminary Concurrency Review. Upon completion of a Preliminary Concurrency Review, a development that fails to meet school concurrency requirements may be postponed until adequate public school capacity is created through the construction of new schools or any combination of those methods specified in Policies 9-1.4.1, 9-1.4.2, 9-1.4.3 and 9-1.4.4.

Amended by Ordinance 10-19, 06/24/2010

**Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Policy 9-1.4.1:** A development shall be deemed to meet concurrency if there is available capacity in the CSA where the development is located or where available capacity exists in one or more contiguous CSAs, so long as the LOS in the adjacent zone does not exceed 95% of the adopted LOS for the applicable school type, or when the LOS for the specific school type, when considered district wide, does not

exceed 100% of the adopted LOS for such type, and approval of the development does not result in a violation of a court ordered desegregation order.

**Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Policy 9-1.4.2:** Proportionate share, when used for mitigation, shall be calculated based on the number of elementary, middle and high school students generated by the development at build out. As provided for in the ILA, proportionate share shall be calculated based on reasonable methods of estimating cost of school construction. Any Proportionate Share Mitigation must be directed by OCPS to a school capacity improvement identified in the capital improvement schedule in the financially feasible five (5) year district work plan of the District Facilities Work Program and in the Capital Improvements Elements of the Comprehensive Plans for OCPS, the County and the Municipalities, to maintain financial feasibility based upon the adopted LOS standards. If a school capacity improvement does not exist in the District Facilities Work Program, OCPS may, in its sole discretion, add a school capacity improvement to mitigate the impacts from a proposed residential development, so long as the financial feasibility of the District Facilities Work Program can be maintained and so long as the City agrees to amend its Capital Improvements Element to include the new School Capacity improvement.

**Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Policy 9-1.4.3:** Proportionate Share Mitigation may include but is not limited to payments of money, the construction of schools, donations of land, expansion of permanent capacity of existing school campuses, payment of funds necessary to advance schools contained in the ten (10) year School Board District Capital Outlay Plan (DCOP), the establishment of charter schools meeting State Requirements for Educational Facilities (SREF) standards, payments into mitigation banks, establishment of an Educational Facilities Benefit District, Community Development District, or any other method or contribution identified in section 17.6 (b) of the school ILA. Such mitigation may be negotiated between the developer and OCPS and, as appropriate, the City.

**Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**Policy 9-1.4.4:** Proportionate Share Mitigation shall be credited against the School Impact Fee otherwise due for the residential units within a residential development as provided for by statute.

**Staff Analysis:**

- The project has met the school concurrency requirements according to the Orange County School Board.

**END OF STAFF REPORT**

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** **June 19, 2012** **Meeting Date: June 28, 2012**

**Subject:** Ordinance 12-31 Request for Easement Vacation  
256 Daniels Pointe Drive  
PARCEL ID # 26-22-27-1986-00-150

**Issue:** Applicant requests vacating 10 foot utility, drainage and landscaping easement along the south boundary of lot 15, Daniels Crossing subdivision located at 256 Daniels Pointe Drive.

**Discussion:**

Daniels Crossing subdivision was platted with a 10 foot utility, drainage, and landscaping easement located across the rear of perimeter lots. The current property owner would like to construct a pool in the future complying with city codes for setbacks and impervious surface coverage. The applicant requests the 10 foot easement be vacated to allow for encroachment into the existing easement. Engineering staff has reviewed the application and have no objection to vacating the easement as requested. In addition, the applicant has presented letters of "no objection" from all relevant utility companies stating that the vacation will not interfere with their network.

**Recommended Action:**

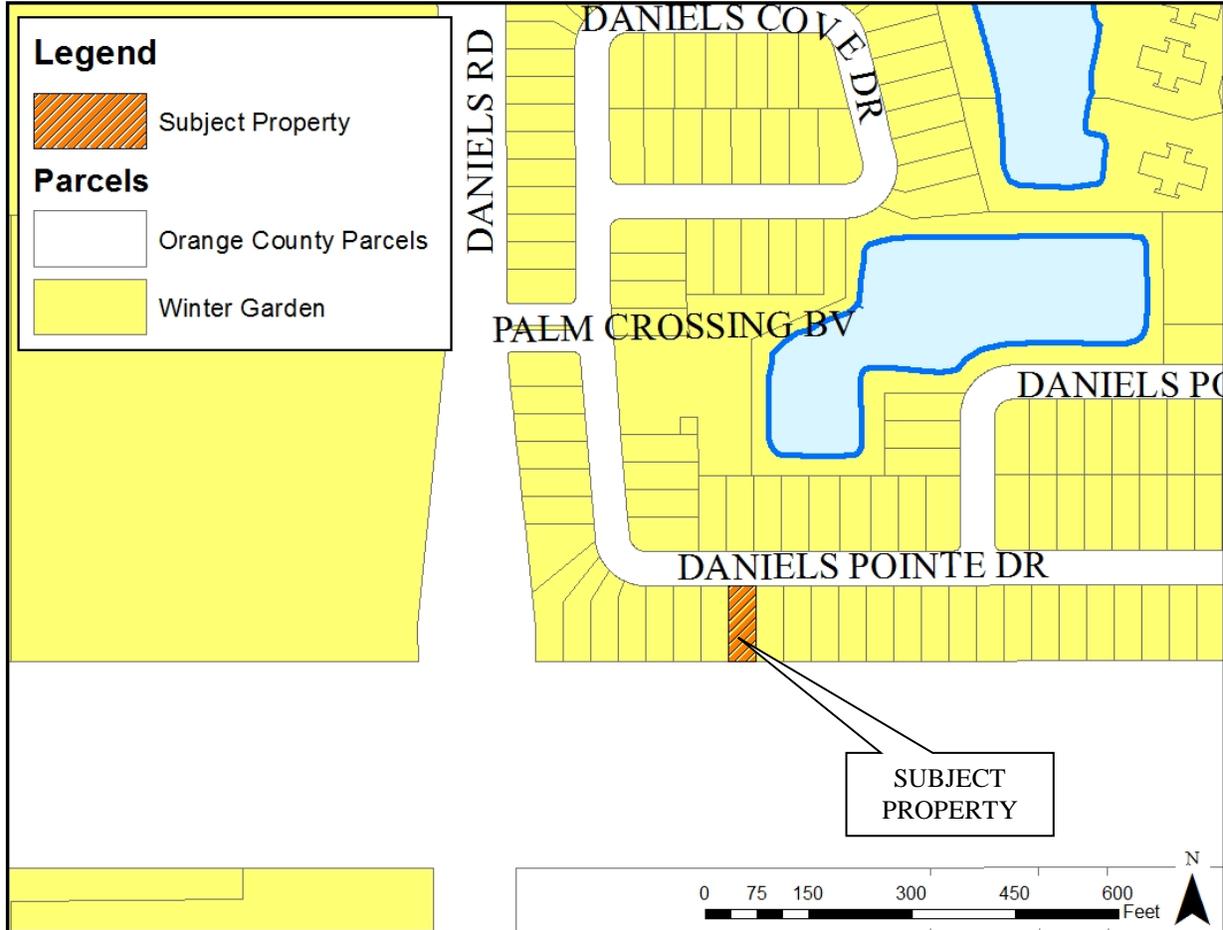
Staff recommends adoption of Ordinance 12-31.

**Attachments/References:**

Location Map  
Ordinance 12-31  
Letters of "No Objection" from Utility Companies

# LOCATION MAP

ORDINANCE 12-31  
256 Daniels Pointe Drive



**ORDINANCE NO. 12-31**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING UTILITY, DRAINAGE AND LANDSCAPING EASEMENTS OVER THE SOUTHERN TEN FEET OF LOT 15, DANIELS CROSSING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 23 AND 24 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 256 DANIELS POINTE DRIVE, WINTER GARDEN, FLORIDA) OWNED BY DUANE BRUCE WOLFE, JR. AND DANIEL JAMES DUNHAM; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING.**

**WHEREAS**, Duane Bruce Wolfe, Jr. and Daniel J. Dunham (the “Owners”) are the fee simple owners of a residential lot located at 256 Daniels Pointe Drive, Winter Garden, Florida, which is legally described as Lot 15, Daniels Crossing, according to the plat thereof, as recorded in Plat Book 37, Pages 23 and 24, of the Public Records of Orange County, Florida; a copy of the survey of said lot is attached hereto as **Exhibit “A”** for reference (the “Lot”); and

**WHEREAS**, the Owners filed a petition requesting that the City of Winter Garden City Commission vacate the utility, drainage and landscaping easements over the southern ten feet of the Lot, which was created by plat dedication;

**WHEREAS**, the petition to vacate the utility, drainage and landscaping easements over the southern ten feet of the Lot was duly presented to the City Commission at a regular meeting; and

**WHEREAS**, it appears that the Owners are the fee simple owners of all of the above described residential lot and the vacation of the utility, drainage and landscaping easements over the southern ten feet of the Lot will not affect the distribution of utility services to the public and public drainage needs; and

**WHEREAS**, the Daniels Crossing Homeowners, Inc. has consented to the vacation of the utility, drainage and landscaping easements over the southern ten feet of the Lot

**WHEREAS**, the City has received letters of no objection to the vacation of the utility, drainage and landscaping easements over the southern ten feet of the Lot from Florida Power and Light, Progress Energy, Bright House Networks, Century Link, Lake Apopka Natural Gas and the City of Winter Garden staff; and

**WHEREAS**, it appears that all ad valorem taxes due and owing on said Lot have been paid, that due and proper notice of the Owners' partial easement vacation request has been given as required by law, and proof of publication of said notice has been received by the City; and

**WHEREAS**, the City of Winter Garden is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, as well as the provisions of the City Charter and other law and therefore the City has the authority to vacate easements dedicated to the City and public.

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

**SECTION 1. Recitals.** The above recitals are true and accurate and are incorporated herein.

**SECTION 2. Partial Vacation - Utility, Drainage and Landscaping Easements.** The utility, drainage and landscaping easements over the southern 10 feet of the Lot located at 256 Daniels Pointe Drive, Winter Garden, Florida, which is legally described as Lot 15, Daniels Crossing, according to the plat thereof, as recorded in Plat Book 37, Pages 23 and 24, of the Public Records of Orange County, Florida, is hereby vacated and annulled. The other easements dedicated on the plat over, under and through the Lot shall continue to exist.

**SECTION 3. Effective Date.** This Ordinance shall take effect immediately.

**SECTION 4. Recording.** A certified copy of this Ordinance shall be recorded in the public records of Orange County, Florida by the City Clerk.

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

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

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

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

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



From: Duane Bruce Wolfe Jr  
Daniel James Dunham  
256 Daniels Pointe Drive  
Winter Garden, Florida 34787  
407/353-4746

Community Development  
Planning & Zoning

MAY 19 2011

Received By: *William*

To: City of Winter Garden

RE: Vacate the Easement

Please find in the enclosed packet the required information regarding our request to VACATE the EASEMENT at the back of our real estate property for your consideration. The 10 foot easement at the rear of our property is the subject of our request, please see all of the enclosed supporting documents, as per the city's requirements.

If you should need additional information, please contact us at the above address.

Thank you,

*Duane B Wolfe Jr*  
Duane B Wolfe Jr

*May 18, 2011*

April 8, 2011

Mr. Duane B. Wolfe, Jr.  
256 Daniels Pointe Drive  
Winter Garden, FL 34787

RE: Petition to Vacate – City of Winter Garden  
256 Daniels Pointe Drive

Dear Mr. Wolfe:

As you requested, we have reviewed your request for encroachment and/or vacation of the utility easement(s) on your property at the above-referenced address. The Gas District has no facilities within the right-of-way or any of the easements at this location, and therefore, no objection to the proposed encroachment or vacation of the easements.

Please feel free to contact us if we can be of further assistance.

Sincerely,

LAKE APOPKA NATURAL GAS DISTRICT



Richard W. Gullett  
Manager of Engineering & Field Services



From: FPL\_Customer\_Correspondence@fpl.com  
Subject: **FPL Correspondence**  
Date: April 12, 2011 6:24:34 PM EDT  
To: bwolfe4@cfl.rr.com  
Reply-To: FPL\_Customer\_Correspondence@fpl.com

April 12, 2011

DUANE B WOLF JR  
256 DANIELS POINTE DR # 15  
WINTER GARDEN FL 34787

Re: Correspondence from FPL

Dear Duane Wolfe, Jr.:

Unfortunately, the location your note refers to does not appear to be in Florida Power & Light (FPL) service area.

Is it possible that you were trying to contact Progress Energy (formerly Florida Power Corp)? If so, they can be contacted at: 1-800-700-8744

All of us at FPL are working harder and smarter every day to provide our customers with the best value and convenience.

If you are an FPL customer, and have questions, please

- visit our Web site at <http://www.fpl.com/>

- call us at 1-800-226-3545 or

- copy this into the Address field of your Web browser <http://www.fpl.com/email> to send us an e-mail. (If you do have questions about an FPL account, please include the FPL account number.)

Sincerely,

FPL Customer Care Center

Community Development  
Planning & Zoning

MAY 19 2011

Received By: *Adrian*

Construction Department  
3767 All American Boulevard  
Orlando, FL 32810



April 12, 2011

Mr. Duane B. Wolfe, Jr.  
256 Daniels Pointe Drive  
Winter Garden, FL 34787

RE: Vacation of an Easement – 256 Daniels Pointe Drive  
Section 26, Township 22, Range 27

Dear Mr. Wolfe:

Bright House Networks has reviewed your request regarding the vacation of an easement. Please be advised that we have no objection to the vacation of the 10' rear utility, drainage & landscape easement lying within the property of 256 Daniels Pointe Drive.

If you should have any additional questions regarding this matter, please do not hesitate to contact me at (407) 532-8508.

Sincerely,

P.J. King  
Sr. Const. Mgr.  
Bright House Networks

cc: Marvin L. Usry, Jr., Bright House Networks



**"Highest in Residential All-Distance Telephone Customer Satisfaction in the Southeast Region"**



**"Highest in Customer Satisfaction in Cable/Satellite Television Service in the South Region"**



April 20, 2011

Mr. Duane B. Wolfe, Jr.  
256 Daniels Pointe Drive  
Winter Garden, FL 34787-4345

**RE: Vacation and Abandonment: Lot 15, DANIELS CROSSING, recorded in Plat Book 37,  
at Page 23, of the Public Records of Orange County, Florida.**

Dear Mr. Wolfe:

Please be advised that Florida Power Corporation d/b/a Progress Energy Florida, Inc. Distribution Engineering has "no objection" to the vacation and abandonment of that certain 10' Drainage, Utility & Landscape Easement along the South boundary of Lot 15, DANIELS CROSSING, according to the Plat thereof as recorded in Plat Book 37, at Page 23, of the Public Records of Orange County, Florida.

This vacation and abandonment "**is contingent**" upon receipt of an approval letter, under separate cover, from our Transmission Department. Should you need to contact transmission, please contact Todd Boyer at (407) 942-9374.

If I can be of further assistance, please call.

Sincerely,

A handwritten signature in cursive script that reads 'Erin L. Toth'.

Erin L. Toth  
Land Agent  
Distribution Right of Way - Florida





Duane Bruce Wolfe Jr.  
256 Daniels Pointe Drive  
Winter Garden, Florida 34787

RE:

Dear Mr. Wolfe:

Please be advised that Florida Power Corporation d/b/a Progress Energy Florida Inc. (PEF) DOES NOT have Transmission Facilities within the specified areas. Transmission Engineering has NO OBJECTION to the vacation and abandonment of the easements, more particularly described as;

A 10-foot easement located at the rear (south) of the property located at 256 Daniels Pointe Drive, Winter Garden, Florida 34787.

This vacation and abandonment is contingent upon receipt of a separate letter of approval from PEF's Distribution Department. Should you have any questions concerning the letter from the Distribution Department, please contact Erin Toth at (407) 905-3380.

If further assistance is needed from Transmission Line Engineering, please call me at (407) 942-9374.

Sincerely,

PROGRESS ENERGY FLORIDA, INC.

A handwritten signature in black ink, appearing to read "B.T.B.", with a long horizontal line extending to the right.

Todd Boyer  
Sr. Acquisition Agent  
Transmission Line Engineering

Date: 5-6-11

c. Erin Toth





**CenturyLink™**  
Stronger Connected™

Mailstop: FLAPKA 0318  
P.O. Box 165000  
Altamonte Springs, FL 32716-  
5000  
CenturyLink.com

May 9, 2011

Duane Wolfe  
256 Daniels Point Dr.  
Winter Garden, FL 34787

RE: Request for Vacation of Rear 10' Utility Easement, Lt 15, Daniel's Crossing per PB 37, pg 23, Orange County Public Records, Florida

Dear Mr. Wolfe:

Embarq Florida, Inc. a/b/a CenturyLink does not object to the vacation of the above referenced area which is depicted on the attached survey.

If I can be of any further assistance, please contact me at the numbers below.

Sincerely,

Ginny Bolling  
Network Services Negotiator

Ginny Graf Bolling  
NETWORK  
REAL ESTATE TRANSACTIONS AND ANALYSIS  
Voice: (407) 889-1627  
Wireless: (321) 303-3258  
Fax: (407) 886-6928

Community Development  
Planning & Zoning

MAY 19 2011

Received By



**june engineering**  
consultants, inc.

July 13, 2011

Mr. Arthur R. Miller, P.E., City Engineer  
City of Winter Garden – Engineering Dept.  
270 W. Plant Street  
Winter Garden, FL 34787

**RE: DANIELS CROSSING SUBDIVISION – LOT 15**

Dear Mr. Miller:

As the original Engineer of Record for Daniels Crossing Subdivision, this letter is written to indicate that we have no objection to the vacation of the rear 10' Drainage, Utility and Landscape Easement for the above referenced lot. The rear 10' was previously set aside as a landscape easement to provide a buffer to the Floridas Turnpike. Since that time FDOT has constructed a barrier wall and this easement is no longer necessary. There is also no need for any drainage nor utilities to be used at the rear of the lot. All stormwater runoff drains to the front of the lot, and there are no proposed nor existing utilities along the rear of the lot.

If you have any comments or questions please contact our office at your earliest convenience. Thank you.

Sincerely,

JUNE ENGINEERING CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read 'Jeffrey A. Sedloff', is written over a light gray rectangular background.

Jeffrey A. Sedloff, P.E.

P.O. Box 770609  
Winter Garden, FL. 34777-0609  
Ph: (407) 905-8180 Fax (407) 905-6232

July 14, 2011

To: City of Winter Garden  
Engineering Dept  
270 W. Plant Street  
Winter Garden, FL 34787

FROM: Duane Bruce Wolfe Jr  
Daniel James Dunham  
256 Daniels Pointe Drive  
Winter Garden, FL 34787  
407-353-4746

RE: Lot 15, Daniels Crossing Sub-Division  
Request to vacate easement at rear of residential property (UE, DE, LE)

Dear Arthur Miller:

We have been in the process of requesting to VACATE THE EASEMENT at the rear of our property. We have completed the necessary paperwork including contacting the appropriate utility companies and adjacent property owners and neighbors, all of whom have not objected to our intent to vacate this easement. We submitted all the information and have been in contact with Bill Wertin from the city.

In speaking with Bill, he advised me that the city would not be able to grant our request to vacate the easement with the way that the original engineering firm had set up the drain easement. He suggested that we speak to them for assistance, June Engineering Consultants, Inc.

Attached please find a letter of support from June Engineering indicating NO OBJECTIONS to vacating this easement at the rear of our property. As stated, "there is also no need for any drainage nor utilities to be used at the rear of the lot."

Please proceed with our request to vacate the easement at the rear of our property. Please let us know if there is any additional information that you need as well as what the total fee or cost will be. We sent a check for \$250 as requested along with the application, however since the application was held up temporarily, as suggested, a stop payment was issued on that check, so another check payment will be reissued when the project resumes.

Thank you in advance for your assistance.

Duane B Wolfe Jr  


*Daniel J Dunham & Duane B Wolfe, Jr*

256 Daniels Pointe Drive  
Winter Garden, Florida 34787  
Phone (407) 353-4746  
Phone (407) 353-4725  
Bwolfe4@a.cfl.rr.com

April 6, 2011

To Whom It May Concern:

I hereby give this **letter of support** for Daniel J Dunham and Duane Wolfe in their endeavor to vacate the easement at the rear of their real property on LOT 15, DANIELS CROSSING, according to the plat thereof recorded in Plat Book 37, Pages 23 and 24, Public Records of Orange County, Florida. Thank you.

Sincerely,

*Willie Johnson*

Signature

Willie Johnson

Print Name Clearly

260 Daniel pt Drive

Address

Winter Garden Fla 34787

City, State & Zip Code

Community Development  
Planning & Zoning

MAY 19 2011

Received By *Williams*

*Daniel J Dunham & Duane B Wolfe, Jr*

256 Daniels Pointe Drive  
Winter Garden, Florida 34787  
Phone (407) 353-4746  
Phone (407) 353-4725  
Bwolfe4@aflrr.com

April 6, 2011

To Whom It May Concern:

I hereby give this **letter of support** for Daniel J Dunham and Duane Wolfe in their endeavor to vacate the easement at the rear of the their real property on LOT 15, DANIELS CROSSING, according to the plat thereof recorded in Plat Book 37, Pages 23 and 24, Public Records of Orange County, Florida. Thank you.

Sincerely,

*Patricia Adams*

Signature

PATRICIA ADAMS

Print Name Clearly

248 Daniels' Pointe Dr

Address

Winter Garden Fl. 34787

City, State & Zip Code

Community Development  
Planning & Zoning  
MAY 19 2011  
Received By: *CE Williams*

*Daniel J Dunham & Duane B Wolfe, Jr*

256 Daniels Pointe Drive  
Winter Garden, Florida 34787  
Phone (407) 353-4746  
Phone (407) 353-4725  
Bwolfe4@a.cfl.rr.com

April 6, 2011

To Whom It May Concern:

I hereby give this **letter of support** for Daniel J Dunham and Duane Wolfe in their endeavor to vacate the easement at the rear of the their real property on LOT 15, DANIELS CROSSING, according to the plat thereof recorded in Plat Book 37, Pages 23 and 24, Public Records of Orange County, Florida. Thank you.

Sincerely,

*Michael Perez*

Signature

*Michael Perez*

Print Name Clearly

*244 Daniels Pointe Dr*

Address

*Winter Garden, FL 34787*

City, State & Zip Code

Community Development  
Planning & Zoning

MAY 19 2011

Received By: *C. Williams*

## Bruce Wolfe

---

**From:** Stueven, David J [CB Richard Ellis Contractor for Sprint] <David.J.Stueven@sprint.com>  
**Sent:** Wednesday, May 04, 2011 2:05 PM  
**To:** bwolfe4@cfl.rr.com  
**Cc:** ginny.bolling@centurylink.com  
**Subject:** RE: Easement Release

Mr. Wolfe.

It was good speaking to you just now. Ginny Bolling should be able to get you on the right track with Embark/Century Link in getting your issue resolved. Sprint does not have any cable (fiber or copper) facilities in the city of Winter Garden, FL. I believe the local phone provider there is Embarq, which used to part of Sprint before it was spun off in 2006. Which may be why the city is asking for something from Sprint.

Ginny,

Mr. Wolfe can be reached at 407-353-4746.

David J. Stueven  
Transactions Manager  
CB Richard Ellis | Global Corporate Services  
Sprint Account  
6450 Sprint Parkway | Mailstop KSOPHN0212-2A318  
Overland Park, KS 66251  
T (913) 794-8276 | F (913) 523-7721 | C (816) 309-2688  
[david.j.stueven@sprint.com](mailto:david.j.stueven@sprint.com)

This email may contain information that is confidential or attorney-client privileged and may constitute inside information. The contents of this email are intended only for the recipient(s) listed above. If you are not the intended recipient, you are directed not to read, disclose, distribute or otherwise use this transmission. If you have received this email in error, please notify the sender immediately and delete the transmission. Delivery of this message is not intended to waive any applicable privileges

---

**From:** Stueven, David J [CB Richard Ellis Contractor for Sprint]  
**Sent:** Wednesday, May 04, 2011 10:52 AM  
**To:** 'bwolfe4@cfl.rr.com'  
**Subject:** Easement Release

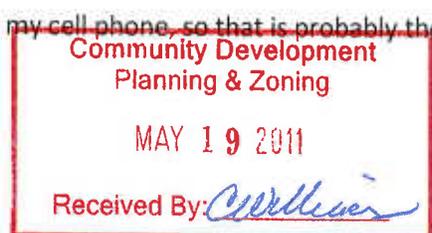
Mr. Wolfe,

My name is David Stueven and I am the transaction manager responsible for Sprint Right of Way agreements. If you can provide me a phone number, I can call and discuss your issue with you and see if we can get it resolved. You can also call me at the numbers below. I am available the rest of this morning, but will be hit and miss this afternoon as I have a number prior commitments. I will also be available most of tomorrow and Friday as well.

Just let me know when you are available and I will give you a call.

If you want to call me, my desk phone is 913-794-8276. That number also rings my cell phone, so that is probably the best one to call.

David



## Bruce Wolfe

---

**From:** Stueven, David J [CB Richard Ellis Contractor for Sprint] <David.J.Stueven@sprint.com>  
**Sent:** Wednesday, May 04, 2011 11:52 AM  
**To:** bwolfe4@cfl.rr.com  
**Subject:** Easement Release

Mr. Wolfe,

My name is David Stueven and I am the transaction manager responsible for Sprint Right of Way agreements. If you can provide me a phone number, I can call and discuss your issue with you and see if we can get it resolved. You can also call me at the numbers below. I am available the rest of this morning, but will be hit and miss this afternoon as I have a number prior commitments. I will also be available most of tomorrow and Friday as well.

Just let me know when you are available and I will give you a call.

If you want to call me, my desk phone is 913-794-8276. That number also rings my cell phone, so that is probably the best one to call.

David

David J. Stueven  
Transactions Manager  
CB Richard Ellis | Global Corporate Services  
Sprint Account  
6450 Sprint Parkway | Mailstop KSOPHN0212-2A318  
Overland Park, KS 66251  
T (913) 794-8276 | F (913) 523-7721 | C (816) 309-2688  
[david.j.stueven@sprint.com](mailto:david.j.stueven@sprint.com)

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This e-mail may contain Sprint Nextel proprietary information intended for the sole use of the recipient(s). Any use by others is prohibited. If you are not the intended recipient, please contact the sender and delete all copies of the message.



## Bruce Wolfe

---

**From:** Sprint Customer Solutions [ecare3@cc.sprintpcs.com](mailto:ecare3@cc.sprintpcs.com) <[ecare3@cc.sprintpcs.com](mailto:ecare3@cc.sprintpcs.com)>  
**Sent:** Thursday, April 28, 2011 8:56 PM  
**To:** [bwolfe4@cfl.rr.com](mailto:bwolfe4@cfl.rr.com)  
**Subject:** Re: Care #20110428140446990 (General Inquiry - General Inquiry)  
(KMM85534069V26162L0KM)

Dear Duane Wolfe:

Thank you for contacting Sprint Nextel. It was my pleasure to serve you.  
I am sorry I was not able to speak with you by phone as there was no phone number provided.

Your e-mail was forwarded to this escalations department and I have reviewed your request. I believe there is a misunderstanding about who you should be contacting regarding those underground phone cables. Sprint does not operate a hardwired in-home or business phone service. Only your local phone company has that ownership. Sprint provides long distance services for land lines and wireless phone and Internet services. I am sorry for the earlier confusion. There is in fact no phone number I can provide you that will help in this issue.

Sincerely,  
Alice C., Sprint

Get the best value for your money & exercise your freedom to change plans anytime without penalties - we promise!  
[www.sprint.com/planpromise](http://www.sprint.com/planpromise)

Sprint.com is all about you! My Sprint puts what you want to know, right at your fingertips -- take a tour and sign up today!  
[www.sprint.com/mysprint](http://www.sprint.com/mysprint)

Original Message Follows:

-----  
=====

Name: Duane Bruce Wolfe Jr  
Form: Ask A Question Learn OR Feedback and Suggestions - Learn  
Topic: General Inquiry  
Contact Number:

=====

Original Question:  
Question:  
I am contacting you for assistance. The coorespondence that you have been providing has been of no help, hence why Ive continued to write. I followed your instruction per your last email, butt the phone number

Community Development  
Planning & Zoning

MAY 19 2011

Received By: *C. Williams*

provided yeilds a recording saying its no longer in service. Contacting the alternate number customer service is for sales and knows nothing about what an easement is.

I would appreciate it if someone could assist me with vacating this old easement from my property. All of the other utility companies I have contacted regarding this matter have been most helpful and have already addressed my endeavor.

Here is the last email I got from SPRINT:

Dear Duane Bruce Wolfe Jr,

Thank you for contacting Sprint. I understand that you want a supporting letter to vacate the unused ease at the back of your back yard.

Your email history shows that you were provided Sprint Partner Program phone number 1-866-827-8475. If your issue is not resolved by contacting this number, please contact us at 1-888-211-4727. We will assist you further.

Thank you again for emailing us.

Sincerely,

Francine A.

Please have someone who can speak with some knowledge about this as soon as possible

Thanks



\*\*\*\*\*

Additional Data

\*\*\*\*\*

SUB Topic : General Inquiry

Current Customer ? : No

Email Address: [bwolfe4@cfl.rr.com](mailto:bwolfe4@cfl.rr.com)

Zip: 34787

# DON ASHER

TELEPHONE (407) 425-4561  
FAX (407) 843-5169

## AND ASSOCIATES INC. • COMMUNITY ASSOCIATION MANAGEMENT

1801 COOK AVENUE • ORLANDO, FLORIDA 32806-2913  
121 WEBB DRIVE, SUITE 211 • DAVENPORT, FLORIDA 33837

January 23, 2012

Bruce Wolfe  
256 Daniels Pointe Drive  
Winter Garden, FL 34787

Dear Mr. Wolfe,

This letter is being written at the direction and on behalf of the Board of Directors for Daniels Homeowners Association, Inc.

To follow up your request and after a bit of research, the Board of Directors has no objection or interest in the easement vacation along the back of your property or any other lots that back along the turnpike. The drainage, landscape easement on lots 8 through 36 have no bearing on the association as we do not maintain them.

If you have any questions at all, please feel free in contacting me at: Daniels Crossing Homeowners Association, Inc., c/o Don Asher and Associates, 1801 Cook Ave, Orlando, FL, 32806.

Sincerely,



Tasha Torres, CMCA, LCAM  
Community Association Manager

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** **June 19, 2012**

**Meeting Date: June 28, 2012**

**Subject:** Ordinance 12-32 Request for Easement Vacation  
15508 Firelight Drive  
PARCEL ID # 04-23-27-0550-00-320

**Issue:** Applicant requests partially vacating the north 3' of wall, landscape, and utility easement along the south boundary of lot 32, Belle Meade subdivision located at 15508 Firelight Drive.

**Discussion:**

Belle Meade subdivision was platted with a 10 foot wall, landscape, and utility easement located across the rear of certain types of lots. The current property owner would like to construct a pool to within approximately 7 feet of the property line, but cannot construct in the existing easement. The applicant requests 3 feet of the easement be vacated to allow for a pool to encroachment into the existing easement. Engineering staff has reviewed the application and has no objection to vacating the easement as requested. In addition, the applicant has presented letters of "no objection" from all relevant utility companies stating that the vacation will not interfere with their network.

**Recommended Action:**

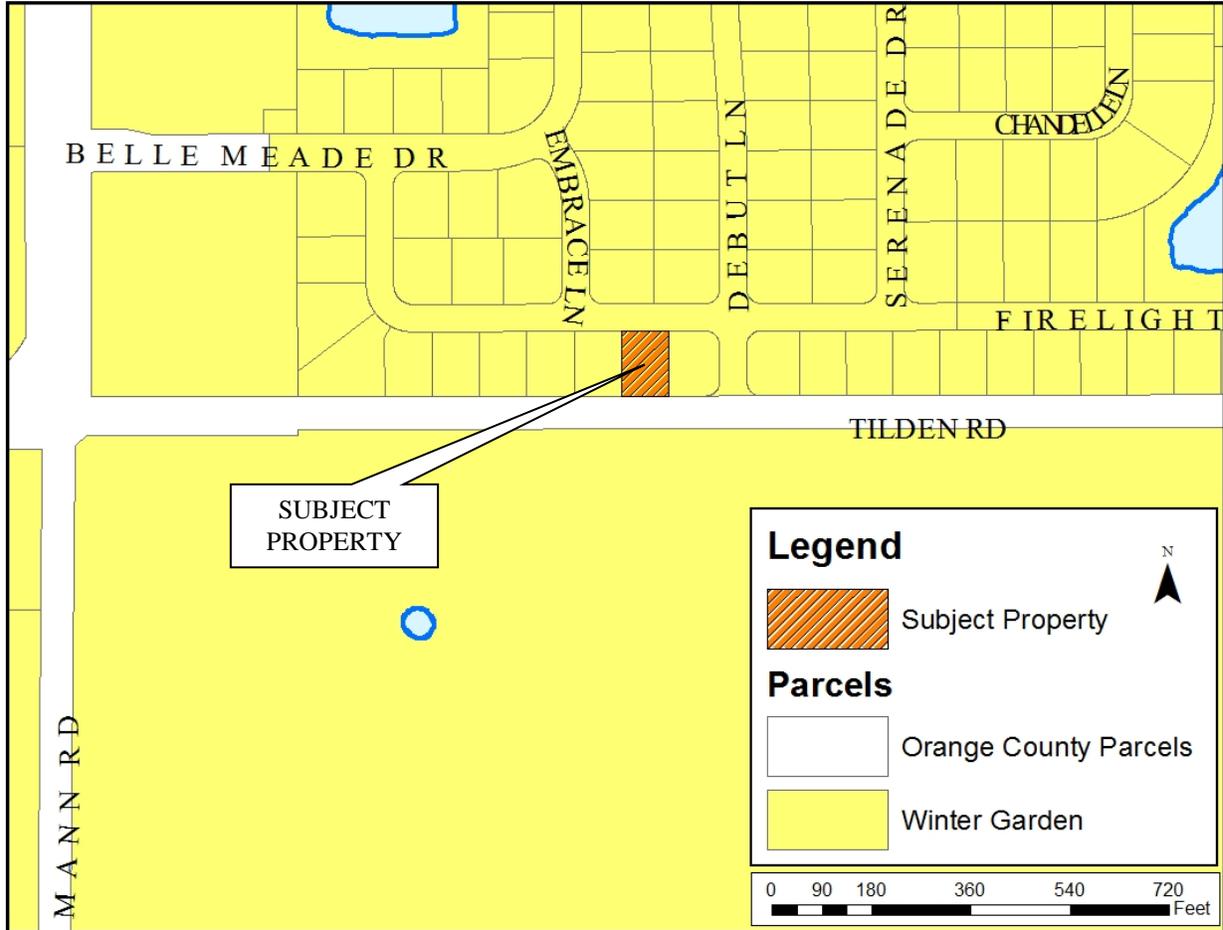
Staff recommends adoption of Ordinance 12-32.

**Attachments/References:**

Location Map  
Ordinance 12-32  
Letters of "No Objection" from Utility Companies

# LOCATION MAP

ORDINANCE 12-32  
15508 Firelight Drive



**ORDINANCE NO. 12-32**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA PARTIALLY VACATING THE NORTH THREE FEET OF WALL, LANDSCAPE AND UTILITY EASEMENTS OVER THE SOUTHERN TEN FEET OF LOT 32, BELLE MEADE, PHASE 1 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 62, PAGES 21 THROUGH 23 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 15508 FIRELIGHT DRIVE, WINTER GARDEN, FLORIDA) OWNED BY BRIAN BERNATE AND DANIELLE L. BURNARD; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING.**

**WHEREAS**, Brian Bernate and Danielle L. Burnard (the “Owners”) are the fee simple owners of a residential lot located at 15508 Firelight Drive, Winter Garden, Florida, which is legally described as Lot 32, Belle Meade, Phase 1 according to the plat thereof, as recorded in Plat Book 62, Pages 21 through 23, of the Public Records of Orange County, Florida; a copy of the survey of said lot is attached hereto as **Exhibit “A”** for reference (the “Lot”); and

**WHEREAS**, the Owners filed a petition requesting that the City of Winter Garden City Commission vacate the north three feet of wall, landscape and utility easements over the southern ten feet of the Lot, which was created by plat dedication;

**WHEREAS**, the petition to vacate the north three feet of wall, landscape and utility easements over the southern ten feet of the Lot was duly presented to the City Commission at a regular meeting; and

**WHEREAS**, it appears that the Owners are the fee simple owners of all of the above described residential lot and the three feet partial vacation of the wall, landscape and utility easements over the southern ten feet of the Lot will not affect the distribution of utility services to the public and public drainage needs; and

**WHEREAS**, the Belle Meade Residents Association, Inc. has consented to the partial vacation of the wall, landscape and utility easements as described herein; and

**WHEREAS**, the City has received letters of no objection to the partial vacation of the wall, landscape and utility easements as described herein from Bright House Networks, Progress Energy, Century Link, Lake Apopka Natural Gas and the City of Winter Garden staff; and

**WHEREAS**, it appears that all ad valorem taxes due and owing on said Lot have been paid, that due and proper notice of the Owners’ partial easement vacation request has been given as required by law, and proof of publication of said notice has been received by the City; and

**WHEREAS**, the City of Winter Garden is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, as well as the provisions of the City Charter and other law and therefore the City has the authority to vacate easements dedicated to the City and public.

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

**SECTION 1. Recitals.** The above recitals are true and accurate and are incorporated herein.

**SECTION 2. Partial Vacation – Three feet of Wall, Landscape and Utility Easements.** The north three feet of the wall, landscape and utility easements over the southern 10 feet of the Lot located at 15508 Firelight Drive, Winter Garden, Florida, which is legally described as Lot 32, Belle Meade, Phase 1 according to the plat thereof, as recorded in Plat Book 62, Pages 21 through 23, of the Public Records of Orange County, Florida, is hereby partially vacated and annulled. The other easements dedicated on the plat over, under and through the Lot shall continue to exist, including the wall, landscape and utility easements over, under and through the southern 7 feet of the Lot.

**SECTION 3. Effective Date.** This Ordinance shall take effect immediately.

**SECTION 4. Recording.** A certified copy of this Ordinance shall be recorded in the public records of Orange County, Florida by the City Clerk.

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

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

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

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

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





# SUNSHINE STATE ONE CALL OF FLORIDA

Positive Response

Ticket ID: 038202223

Phone Number: (407) 905 - 2704 x

[Find Ticket](#)

### Dig Site Information

Ticket ID: **038202223**  
Street Name: FIRELIGHT  
Place: WINTER GARDEN  
County: ORANGE  
State: FL

Ticket Status: **OPEN**

### Excavator Information

Company Name: **BLUE DREAM POOLS**  
Contact: DAN LEWIS  
Phone Number: (407) 905 - 2704  
Street: PO BOX 783844  
City,State: WINTER GARDEN,FL  
Zip: 34778

[View Ticket Text](#)

### Service Area

BH1956 - BRIGHT HOUSE NETWORKS

CWG508 - CITY OF WINTER GARDEN

FPC322 - PROGRESS ENERGY

OC1332 - ORANGE COUNTY UTILITIES - WASTE WATER

OCU596 - ORANGE COUNTY UTILITIES

### Current Reponse

**4: Clear No Facilities**

**5: No Conflict**

**1: Marked**

**5: No Conflict**

**5: No Conflict**

### Available Responses

- **1** : Marked
- **2A** : Marked with Exceptions- High profile utility in conflict, utility owner will attempt to contact you to schedule site surveillance
- **2B** : Marked with Exceptions - Privately owned

5A

5B

5C

5D

HOA APPROVAL

Community Development  
Planning & Zoning

APR 26 2012

Received By: \_\_\_\_\_

Firelight Drive - 15508  
**EASEMENT VACATION**  
Burnards, Danielle & Bernate, Brian  
04-23-27-0550-00-320

5A

Construction Department  
3767 All American Boulevard  
Orlando, FL 32810

Community Development  
Planning & Zoning  
APR 26 2012  
Received By: \_\_\_\_\_

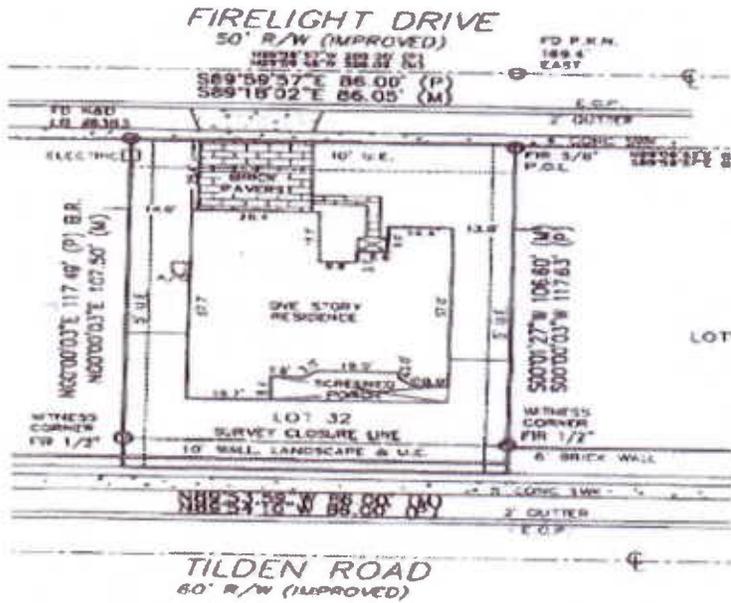


Brian Bernate  
15508 Firelight Drive  
Winter Garden, Fl. 34787

Re: Request for an Encroachment  
Property ID 04-23-27-0550-00-320

Dear Mr. Bernate:

Bright House Networks has reviewed your request and has **no objections** to the 3 ft encroachment to the Rear 10Ft Utility easement on lot 36, in plat book 62 page 22 located in Orange County Florida. Please note drawing below.



If you need and additional information, please contact me at my office 407-532-8511.

Sincerely,

Tracey Domostoy  
Construction Supervisor  
Bright House Network

Cc: PJ King

Firelight Drive - 15508  
**EASEMENT VACATION**  
Burnards, Danielle & Bernate, Brian  
04-23-27-0550-00-320

5B



Community Development  
Planning & Zoning  
APR 26 2012  
Received By: \_\_\_\_\_

March 29, 2012

Mr. Dan Lewis  
Blue Dream Pools  
P.O. Box 783844  
Winter Garden, FL 34778

**RE: Vacate and Abandonment: Lot 32, Belle Meade Phase 1, according to the Plat thereof as recorded in Plat Book 62, at Page 21, of the Public Records of Orange County, FL. Also known as 15508 Firelight Drive, Winter Garden, FL 34787**

Dear Mr. Lewis:

It is my understanding Ms. Sherry Fogarty met you in the field and conducted additional measurements to review the request of the vacate and abandonment that was denied on February 27, 2012.

After further review and field measurements conducted by our Engineering Representative. Sherry Fogarty, Progress Energy Florida, Inc. has **"no objection"** to the vacation and abandonment of the North 3 feet of the 10 foot Wall, Landscape and Utility Easement along the South boundary of Lot 32. Belle Meade Phase 1, according to the Plat thereof as recorded in Plat Book 62. at Page 21. of the Public Records of Orange County, FL.

If I can be of further assistance, please call.

Sincerely,

Erin L. Toth  
Land Agent  
Distribution Right of Way - Florida

Firelight Drive - 15508  
**EASEMENT VACATION**  
Burnards, Danielle & Bernate, Brian  
04-23-27-0550-00-320

Blue Dream Pools, Inc.  
P.O. Box 783844  
Winter Garden, FL 34778



Office Ph. (407) 905-2704  
Fax Ph. (407) 905-2709  
CPC 1456923

Letters of Support  
5C

Community Development  
Planning & Zoning

APR 26 2012

Received By: \_\_\_\_\_

In reference to Orange County Utilities and Orange County Utilities – Waste Water, when contacted by the homeowner regarding a partial easement vacation at this address, Mr. Francisco Villar of Orange County Utilities indicated that they defer to the City of Winter Garden for all properties within the city limits. His direct telephone number is (407)836-7921.

Firelight Drive - 15508  
**EASEMENT VACATION**  
Burnards, Danielle & Bernate, Brian  
04-23-27-0550-00-320

5D

Community Development  
Planning & Zoning  
APR 26 2012  
Received By: \_\_\_\_\_

**BELLE MEADE RESIDENTS ASSOCIATION, INC.**  
Request for Architectural Change

This form and any accompanying documentation **MUST** be delivered or mailed to the ARB for approval at the following address **PRIOR** to commencement of any work:

Belle Meade Residents Association, Inc., c/o Sentry Management Inc., 2180 West State Road 434, Suite 5000, Longwood, Florida 32779-5044 Fax: 407-788-7488

**\*NOTE:** All requests must conform to the local zoning and building regulations, and you must obtain all necessary permits if your request is approved by the ARB. If you have any questions regarding this form, please refer to the Belle Meade Residents Association ARB Request Form Instructions (attached), or your copy of the Declaration of Covenants, Conditions, Easements and Restrictions for Belle Meade; or contact Sentry Management, Mike Marchell, Community Manager at (407) 788-6700 ext 247 or by email [mmarchell@sentrymgt.com](mailto:mmarchell@sentrymgt.com).

**TO BE COMPLETED BY PROPERTY OWNER:**

Name: Brian Bernate Lot # 32

Property Address: 15508 Firelight Drive

Mailing Address (if different): \_\_\_\_\_

Home #: 407-347-7905 Work #: 407-566-6757 Cell #: 407-252-8844 Fax #: \_\_\_\_\_

E-mail Address: bbermate1@aol.com

**DETAILED DESCRIPTION OF CHANGE(S), INSTALLATION(S) OR ADDITION(S):**

Permission to encroach 3 feet onto the 10 foot Wall, Utility and Landscape easement behind my residence. The 3 foot encroachment will be used for a pool decking leaving 7 feet remaining for the easement.

Estimated Duration: Start Date to be pending approval Completion Date to be pending approval

**SPECIFICATION(S):**

Dimensions: Pool and Deck total = 58ft x 17ft 58' 17'

Color(s) (MUST attach sample chips): ---

Material(s): ---

**Attach property survey or plot plan that indicates location(s) of change(s), additions(s) or installation(s) along with copies of plans, estimates, pictures, etc. (as applicable).**

**LIABILITY:** I take full responsibility and am personally liable for any damage that might occur to any property as a result of, and during the completion of, this project.

SIGNATURE: [Signature] DATE: 2/24/11

**TO BE COMPLETED BY THE HOA AND ARB:**

Received by HOA on: \_\_\_\_\_ Forwarded to: \_\_\_\_\_ On: \_\_\_\_\_

APPROVED [ ] CONDITIONAL [ ] DENIED By: [Signature] Date: 4/16/12

[ ] APPROVED [ ] CONDITIONAL [ ] DENIED By: \_\_\_\_\_ Date: \_\_\_\_\_

ARB Comments: Need detailed drawing on your plot plan

showing where improvements are going including dimensions

Firelight Drive - 15508  
**EASEMENT VACATION**  
Burnards, Danielle & Bernate, Brian  
04-23-27-0550-00-320

32



Mailstop: D7569L0110-C194  
P.O. Box 165000  
Altamonte Springs, FL 32716-5000  
Centurylink.com

May 14, 2012

Mr. Brian Bernate  
15508 Firelight Dr.  
Winter Garden, FL 34787

RE: Request to Encroach 3' on 10' Wall, Utility and Landscape Easement at 15508 Firelight Dr.,  
Winter Garden, FL: Lot 32, Belle Meade Phase 1 PB 62, pg 21, Orange County, FL

Dear Mr. Bernate:

Embarq Florida, Inc. a/b/a CenturyLink does not object to the proposed encroachment of the above  
referenced easement, which is shown on the attached.

If we can be of any further assistance, please contact me at the number below.

Sincerely,

Ginny Bolling  
Network Real Estate Negotiator

Ginny Graf Bolling  
NETWORK REAL ESTATE NEGOTIATOR  
REAL ESTATE TRANSACTIONS AND ANALYSIS  
Voice: (407) 889-1627  
Wireless: (321) 303-3258  
Fax: (407) 886-6928  
Email: ginny.bolling@centurylink.com

Firelight Drive - 15508  
**EASEMENT VACATION**  
Burnards, Danielle & Bernate, Brian  
04-23-27-0550-00-320

**Community Development  
Planning & Zoning**  
**MAY 14 2012**  
Received By: \_\_\_\_\_

Brian Bernate  
15508 Firelight Drive  
Winter Garden, FL 34787

Hello Neighbor,

I wanted to let you know that we are in the application process with The City of Winter Garden for attaining Easement Vacation permission for constructing our swimming pool.

We have already received permission from the Belle Meade Architecture Review Board (ARB) to encroach 3 feet within the 10 foot Wall, Utility and Landscape easement behind my home.

The City of Winter Garden is requesting support of all property owners directly adjacent to the proposed vacation.

With your permission, please sign below to support the Easement Vacation behind my residence at 15508 Firelight Drive Winter Garden, FL 34787 and have "no objection" to the vacation of the easement.

X   
(LOT #31)  
15502 Firelight Drive  
Winter Garden, FL 34787

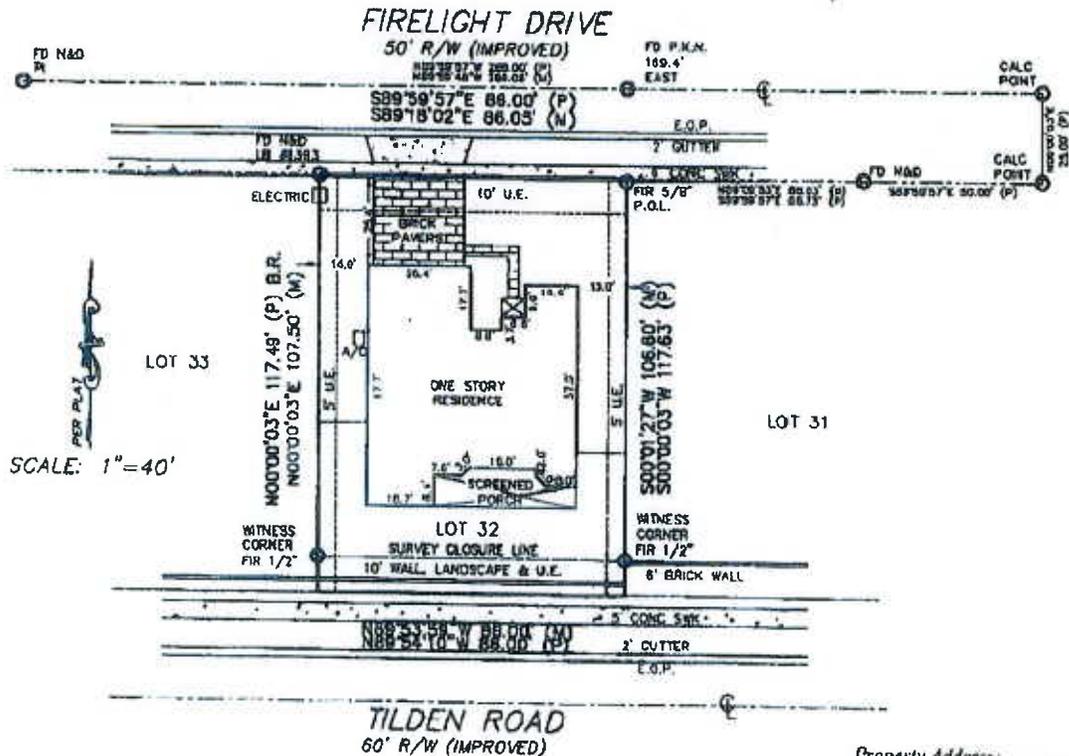
Diego Mira V  
Print Name

05-09-12  
Date

X   
(LOT #33)  
15514 Firelight Drive  
Winter Garden, FL 34787

Miriam Torres  
Print Name

05-13-12  
Date



SCALE: 1"=40'

Firelight Drive - 15508  
**EASEMENT VACATION**  
Burnards, Danielle & Bernate, Brian  
04-23-27-0550-00-320

Property Address:  
15508 Firelight Drive  
Winter Garden, FL 34787

Community Development  
Planning & Zoning

MAY 14 2012

Received By: \_\_\_\_\_



May 11, 2012

Mr. Brian Bernate  
15508 Firelight Drive  
Winter Garden, FL 34787

RE: Petition to Vacate – City of Winter Garden  
15508 Firelight Drive

Dear Mr. Bernate:

As you requested, we have reviewed your request for encroachment and/or vacation of the utility easement(s) on your property at the above-referenced address. The Gas District has no facilities within the right-of-way or any of the easements at this location, and therefore, no objection to the proposed encroachment or vacation of the easements.

Please feel free to contact us if we can be of further assistance.

Sincerely,

LAKE APOPKA NATURAL GAS DISTRICT

A handwritten signature in black ink, appearing to read "R. W. Gullett", is written over the typed name.

Richard W. Gullett  
Manager of Engineering & Field Services

Firelight Drive - 15508  
**EASEMENT VACATION**  
Burnards, Danielle & Bernate, Brian  
04-23-27-0550-00-320



ORANGE COUNTY NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER 0027229-4	ESCROW CODE 326	MILLAGE CODE 65 WG
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ZCORA XPT	NOV DISCOUNT 4%	2,771.01	FEB DISCOUNT 1%	2,857.61
	DEC DISCOUNT 3%	2,799.88	MARCH GROSS TAX	2,886.47
	JAN DISCOUNT 2%	2,828.74	INTEREST/ADVT	3,004.06
	SITUS ADDRESS 15508 FIRELIGHT DR WINTER GARDEN 34787			

04-23-27-0550-00320  
BELLE MEADE PHASE 1 62/21 L  
OT 32



Community Development  
 Planning & Zoning  
  
 MAY 14 2012  
  
 Received By: \_\_\_\_\_

6 - 164965

R  
BERNATE BRIAN  
BURNARD DANIELLE L  
15508 FIRELIGHT DR  
WINTER GARDEN FL 34787-5544

**DO NOT PAY  
THIS IS NOT A BILL**

**YOUR BILL HAS BEEN FORWARDED TO WELLS FARGO HOME MORTGAGE INC**

Earl K. Wood, Tax Collector

RETAIN FOR YOUR RECORDS

2011 REAL ESTATE

BERNATE BRIAN  
BURNARD DANIELLE L  
15508 FIRELIGHT DR  
WINTER GARDEN, FL 34787-5544

04-23-27-0550-00320  
BELLE MEADE PHASE 1 62/21 L  
OT 32

LOAN NO. 40943927

SITUS ADDRESS: 15508 FIRELIGHT DR WINTER GARDEN 34787

Receipt will be mailed upon request.

**AD VALOREM TAXES**

TAX AUTHORITY	ASSESSED VALUE	EXEMPT VALUE	TAXABLE VALUE	MILLAGE*	TAX LEVIED
WINTER GDN	199,023	50,000	149,023	4.2500	633.35
GEN COUNTY	199,023	50,000	149,023	4.4347	660.87
STATE SCHOOL	199,023	25,000	174,023	5.2970	921.80
LOCAL SCHOOL	199,023	25,000	174,023	3.2480	565.23
LIBRARY	199,023	50,000	149,023	0.3748	55.85
SJWM	199,023	50,000	149,023	0.3313	49.37

See reverse for important information

TOTAL MILLAGE\*: 17.9358

\*DOLLARS PER \$1,000 OF TAXABLE VALUE

**AD VALOREM TOTAL:**

2,886.47

**NON-AD VALOREM ASSESSMENTS**

LEVYING AUTHORITY

AMOUNT

To pay by credit card, call 1-888-255-0359, (The jurisdiction code is 1909.) or visit [www.octaxcol.com](http://www.octaxcol.com).

A fee will be charged by Official Payments for this service.

**EASEMENT VACATION**

Burnards, Danielle & Bernate, Brian  
04-23-27-0550-00-320

**NON-AD VALOREM TOTAL:**

0.00

**COMBINED TAXES AND ASSESSMENTS:**

2,886.47

**ORANGE COUNTY NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

ACCOUNT NUMBER 0027229-4	MILLAGE CODE 65 WG	ASSESSED VALUE 199,023	EXEMPTIONS 25,000	L.I.S. EXEMPTIONS	TAXABLE VALUE 174,023
NOV DISCOUNT 4% 2,771.01	DEC DISCOUNT 3% 2,799.88	JAN DISCOUNT 2% 2,828.74	FEB DISCOUNT 1% 2,857.61	MARCH GROSS TAX 2,886.47	INTEREST/ADVT 3,004.06
					ESCROW CODE 326

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

**From:** Michael Bollhoefer, City Manager

**Date:** June 8, 2012

**Meeting Date:** June 28, 2012

**Subject:** Ordinance 12-33 amending the City Article IV Chapter 38 of the Code of Ordinances

**Issue:** The City's current noise ordinance is insufficient to address resident's concerns regarding excessive and inappropriate noise; furthermore, the current ordinance is difficult to enforce. This ordinance will better define excessive and inappropriate noise, make it easier to site the appropriate party and eliminate deficiencies in the current code.

**Recommended action:** Approve Ordinance 12-33.

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR EXTENDED HOURS FOR CONSTRUCTION OPERATIONS; PROVIDING FOR ADDITIONAL ABATEMENT OF NOISE IN RESIDENTIAL AND OTHER AREAS; PROVIDING FOR ENFORCEMENT OF NOISE ORDINANCE VIA AN ALTERNATIVE OBJECTIVE STANDARD OF REASONABLENESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden ("City") desires to amend Article IV of Chapter 38 of its Code of Ordinances relating to the abatement of noise levels within the City to add restrictions on noise affecting residential and other areas and an alternative enforcement mechanism whereby noise may be evaluated by a standard of objective reasonableness; and

**WHEREAS**, the City recognizes recent increases in complaints within residential areas of loud, raucous, or otherwise unduly jarring noise occurring at night during customary periods of slumber and of other times, and the City also recognizes recent increases in disturbances relating to noise in other parts of the City; and

**WHEREAS**, the City acknowledges that modern methods of measuring and evaluating sound levels for the purpose of enforcing its noise ordinance require the use of expensive and delicate equipment, inefficient sharing of measurement devices with other jurisdictions, dependency on the availability of such measurement devices, and required calibration procedures; and

**WHEREAS**, the City has determined that objectively unreasonable, harmful, or environmentally damaging noise often occurs intermittently and at such times that make it impractical to implement or conduct technical measurement or monitoring of such noise; and

**WHEREAS**, it has been held by courts within this state that both the U.S. and Florida Constitutions permit the enforcement of noise ordinances by and through the evaluation of noise in light of an objectively determined reasonable person standard,

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

**SECTION I: SECTION 38-153(b). DEFINITIONS**, Section 38-153(b) is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

Amplified sound equipment means electronic or other equipment that projects or transmits music, sound waves, vibration or speech, including but not limited to, a loudspeaker, megaphone, amplifier or public address system.

Noise means any sound produced in such quantity and for such duration that it annoys, disturbs, ~~endangers or may injures~~ the comfort, repose, health, peace, or safety of a reasonably prudent man or woman person of normal ordinary sensitivities, ~~including any~~ and also includes sounds or sound at or above decibel levels as specifically prohibited by this article.

All other definitions remain the same.

**SECTION II: SECTION 38-155. PROHIBITED ACTS.** Section 38-155 is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

(a) It shall be unlawful for any person to produce, cause to be produced, allow to be produced or project, by any means, any sound or noise across a property line in such manner as to create a sound level which exceeds the limits set forth for the receiving land use listed in section 38-156 when measured at or within the property line of the receiving property. For any activity or use of land or buildings not expressly listed in the zoning districts in the city, the city commission, upon notice to the owner or occupant of the property producing sound, may determine the category of use under this article for which the activity or use is to be considered. Notwithstanding the foregoing, the existence of a noise which relates to the receiving land use listed in 38-156 may be determined by the City's law enforcement officers, code enforcement officers, code inspectors, and/or their agents pursuant to section 38-160(a)(1).

(b) ~~In addition to any sound or noise prohibited pursuant to~~ Notwithstanding any violation of subsection (a) above, the following specific uses, and activities and circumstances within the city are declared to be loud, disturbing and excessive noise in violation of this article:

- (1) *Radios, television sets, exterior loudspeakers, musical instruments, and similar devices.* Operating or permitting the use or operation of any radio receiving set, exterior loudspeaker, amplified sound equipment, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound ~~between the hours of 9:00 p.m. and 7:00 a.m.~~ in such a manner as to create a noise across a the boundary of the property, line including, without limitation, public and private rights of way from which the noise originates. In addition to the preceding, Rradios, cassette players, disk players and similar devices associated with motor vehicles or motorboats, shall not be operated or amplified in such a

manner as to be felt or heard at ~~50-25~~ feet or more from such device, when operated or parked on a public or private right-of-way or public or private space. To the extent that the Florida Uniform Traffic Control Law provisions regulate noise originating from within public or private rights of way, those provisions shall apply where currently existing or as amended.

- (2) *Construction equipment and activity.* Operating or causing to be operated any equipment or performing any outside activity in furtherance of construction, repair, alteration or demolition work on buildings, structures, roads, or projects within the city except between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 9:00 p.m. on Saturday and Sunday, excluding all legal, state, and nationally recognized holidays. A variance may be obtained as set forth in this article from the city for such construction or repair work outside of such hours.
- (3) *Engine mufflers.* ~~Operating~~ Operation of any internal combustion engine, including but not limited to such an engine associated with a motor boat, or motor vehicle without a muffler or other effective sound-dampening device which functions as designed by the manufacturer muffler or other effective sound-dampening device, at least as effective as that installed as original equipment by the manufacturer, which will effectively prevents loud or explosive noises therefrom.
- (4) *Motor vehicle, motorcycle or motorboat repair in residential areas.* Repairing, rebuilding, modifying or testing any motor vehicle, off-road vehicle, or motorboat within or abutting any residential land use designation in such a manner as to create noise across a property line the boundary of the property, including without limitation, public and private rights of way from which the noise originated between the hours of 9:00 p.m. and 7:00 a.m.
- (5) *Activities in the vicinity of schools, courts, churches, and hospitals.* ~~Creating any excessive noise sound on any street adjacent to any school, court, church, or hospital which unreasonably interferes with the workings of such institutions~~ sound constitutes a noise as perceived from the interior of such institution, or which disturbs or unduly annoys patients in a hospital.
- (6) *Peddlers, hawkers, or vendors.* It shall be unlawful for peddlers, hawkers, or vendors to shout or cry along or on a roadway ~~to the disturbance of the peace or quiet of a neighborhood~~ in such a manner as to create noise on property outside the right of way.

- (7) *Drums, cymbals, and amplified sound equipment~~loudspeakers~~.* Creating, making, or maintaining any ~~noise sound~~ by the use of any drum, cymbals, amplified sound equipment~~loudspeaker~~, or other similar instruments in the city for the purpose of attracting attention to any performance, show, sale, or display of merchandise, or place of business so that a noise is projected across the boundary of the property from which the noise originates. ~~This provision shall not apply to ice cream trucks or approved public events.~~
- (8) *Bells or sirens on vehicles.* Using, in connection with an unauthorized vehicle, any bell or siren similar to that used on ambulances or vehicles of the police, fire departments, and other public safety agencies.
- (9) *Skateboard ramps.* Using any skateboard ramp or similar configuration for skateboarding or rollerblading between 9:00 p.m. and 7:00 a.m. in a residential land use designation in such a manner that would results in noise across the boundary of the property from which the noise originates~~a property line~~.
- (10) *Air blow or vacuum cleaners.* Operating any air-blow or vacuum cleaning equipment or similar devices for the cleaning of parking lots, walkways, driveways, or similar areas between the hours of 9:00 p.m. and 7:00 a.m. that would results in noise across the boundary of the property from which the noise originates~~a property line~~.
- (11) *Places of public entertainment.* It shall be unlawful for any public entertainment establishment or person associated with or working for said establishment to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device between the hours of ~~4:00~~11:00 p.m. and 7:00 a.m. in such a manner as to create a noise across the boundary of the property from which the noise originates~~a property line~~.
- (12) *Landscape maintenance.* Undertaking landscape maintenance activities in such a manner as to create noise across the boundary of the property from which the noise originates~~a property line~~ between the hours of 9:00 p.m. and 7:00 a.m. Golf courses engaged in the regular maintenance of greens, fairways, practice areas, etc. are exempt from this provision.
- (13) *Powered model vehicles.* Operating or permitting the operation of powered model vehicles in such a manner as to create noise across the boundary of the property from which the noise originates~~a property line~~ between the hours of 9:00 p.m. and 7:00 a.m.
- (14) *Animal noises.* It shall be unlawful for the owner or custodian of any animal to permit such animal to habitually bark, whine, howl, squawk,

screech, bray, crow or cause any other noise which is objectionable constitutes a noise experienced across the boundary of the property from which the noise originates due to pitch, frequency, timing, or any combination thereof.

- (15) *Loading docks.* It shall be unlawful for any commercial or industrial establishment to engage in any loading or unloading of equipment or merchandise from a vehicle between the hours of ~~4:00~~9:00 p.m. and 7:00 a.m. ~~which where such activity results in any sound or a~~ noise being generated across ~~a residential~~ the boundary of the property from which the noise originates onto property occupied for residential purposes ~~property line.~~
- (16) *Activities within the vicinity of sleeping quarters.* Actions or activities between the hours of 11:00 p.m. and 7:00 a.m., resulting in transmission of a sound across the boundary line of the property where the actions or activities occurs such that the sound constitutes a noise as perceived from within the interior of a building used for residential or lodging purposes.

**SECTION III: MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS,** Section 38-156 is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

- (a) The following applicable sound level limits are established for the following applicable times when measured at or within the property lines of the following applicable receiving land use categories:

Receiving Land Use Designation	Time	Sound Level Limit (dBA)
Single-family residential dwelling lot, parcel, or area; any other lot, parcel or area zoned for residential use except a multifamily residential dwelling unit; any noise-sensitive zone	7:00 a.m. – <del>4:00</del> <u>9:00</u> p.m.	60
	<del>4:00</del> <u>9:00</u> p.m. – 7:00 a.m.	55
Multifamily residential dwelling unit	7:00 a.m. – <del>4:00</del> <u>9:00</u> p.m.	55
	<del>4:00</del> <u>9:00</u> p.m. – 7:00 a.m.	45
Lot, parcel or area zoned for office use	<del>9:00</del> <u>7:00</u> a.m. – <del>6:00</del> <u>9:00</u> p.m.	75
	<del>6:00</del> <u>9:00</u> p.m. – <del>9:00</del> <u>7:00</u> a.m.	70
Commercial other than office use	7:00 a.m. – <del>4:00</del> <u>9:00</u> p.m.	75
	<del>4:00</del> <u>9:00</u> p.m. – 7:00 a.m.	70
Industrial,	7:00 a.m. – <del>4:00</del> <u>9:00</u> p.m.	75
	<del>4:00</del> <u>9:00</u> p.m. – 7:00 a.m.	70
Agricultural	7:00 a.m. – <del>4:00</del> <u>9:00</u> p.m.	75
	<del>4:00</del> <u>9:00</u> p.m. – 7:00 a.m.	70

- (c) To the extent other sections of this article allow sounds at levels that exceed the sound level limits and times specified in the above chart, the other sections of this article control.

**SECTION IV. ENFORCEMENT.** Section 38-160 is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

(a) Determination of Violations. ~~The police department~~City's law enforcement officers, the city manager, code enforcement officers, code inspectors, and their agents are empowered to investigate any situation where a person is alleged to be violating section 38-155, section 38-156 or the terms of any variance. ~~Code enforcement officers are hereby expressly designated as agents of the city manager for purposes of investigating alleged violations and issuing warning notices and~~ These individuals shall have authority to issue citations for all violations of this article. If the police department, city manager or any of their authorized agents ~~If any of these individuals encounters a circumstance which reasonably indicates that a person is violating a provision of section 38-155 or 38-156, the following standards shall apply depending upon the provision alleged to have been violated:~~

(1) Violations of Section 38-155(a) – ~~If a violation of § 38-155(a) is alleged, which requires a sound level pressure test may be utilized to establish the violation, a sound level pressure test with a sound level meter may be performed. If the results of the test indicate that a violation of section 38-155 or 38-156 is occurring or has occurred in the presence of the police department, the city manager or their designated agents, the office present may issue a citation. Additionally, the police department is thereupon authorized to issue a notice to appear or to arrest the person producing the sound, causing the sound to be produced, or allowing the sound to be produced. The city may, through agreement with other local governments or other entities, provide for the measurement of sound and noise and for the performance of sound level pressure tests and other matters as such may be used in the enforcement of this article and the enforcement of section 118-1339. Additionally, the City's law enforcement officers, the city manager, code enforcement officers, code inspectors, and/or their agents, may assess whether a particular sound constitutes a noise as to the receiving land use listed in section 38-156. In assessing whether a noise has been or is continuing to be created, the investigating agent shall investigate the matter and be entitled to rely on his or her observations, witness statements, and any other evidence available. In determining whether a sound constitutes a noise, the investigating agent shall objectively evaluate the alleged noise by considering several environmental and contextual factors, including, but not limited to, the criteria set forth in section 38-160(a)(2)(i)-(ix), inclusive.~~

(2) Violations of section 38-155(b) – ~~If a violation of section 38-155(b) is alleged, then the City's law enforcement officers, the city manager, code enforcement officers, code inspectors, and/or their agents, in assessing whether a noise has been or is continuing to be created shall investigate the matter and be entitled to rely on their observations, witness statements, and any other evidence available. In determining whether a sound constitutes a noise, the investigating agent shall~~

objectively evaluate the alleged noise by considering several environmental and contextual factors, including, but not limited to, the following:

- (i) The intensity of the alleged noise.
- (ii) The duration of the alleged noise.
- (iii) The relationship of the alleged noise to the intensity of background or ambient sounds, if any.
- (iv) The uses permitted within the zoning district in which the alleged noise emanates or emanated and the uses permitted within zoning districts that lie within 500 feet of the source of the alleged noise.
- (v) The time of the day or night at which the alleged noise occurs.
- (vi) The proximity of the alleged noise to facilities customarily utilized for sleeping purposes.
- (vii) Whether the alleged noise is continuous or impulsive.
- (viii) The existence of additional complaints concerning the alleged noise from additional persons who claim to be affected by the alleged noise.
- (ix) Whether the alleged noise is due to natural occurrences or human-made activities.

(b) *Enforcement.* In the event that a violation of this article has occurred or is occurring, the City shall have the right to one or more of the following remedies or actions:

(1) *Code Enforcement Proceedings* – The City may initiate a code enforcement proceeding against the person(s) or entities in violation and/or the property owner of the real property where the violation occurs. A violation of this article may be prosecuted as a violation of an itinerant or transient nature and one that is irreparable and irreversible.

(2) *Civil Citation* – A civil citation may be issued against the person(s) or entities in violation as set forth in chapter 2 of the Winter Garden Code of Ordinances. The City's law enforcement officers or code enforcement officers are authorized to issue notices to appear to the violator(s).

(3) *Criminal Penalty* – The City may prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a

term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court.

(4) Other Remedies – The City may institute any appropriate action at law or in equity to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person(s) or entity shall be liable to the City for reimbursement of the City's attorneys' fees and costs concerning such action.

SECTION V. Sec. 38-161. Penalty. Section 38-161 is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

A violation of section 38-155 or 38-156, or the terms of any variance granted pursuant to section 38-165 shall be classified as class 2 violations under division III, article II, chapter 2, part II of this Code. Otherwise, penalties for a violation of section 38-155 or 38-156 are as set forth in section 38-160. A violation of the terms of any variance granted pursuant to section 38-165 shall be subject to the enforcement procedures provided set forth in chapter 2 of the Winter Garden Code of Ordinances pertaining to code violations. ~~and shall be subject to the enforcement procedures provided set forth in chapter 2 of the Winter Garden Code of Ordinances dealing with code violations, including by use of the city's code enforcement citation program or code enforcement board.~~

SECTION VI. Sec. 38-165. Variances. Section 38-165 is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

A. Planning and Zoning Board ~~Administrative~~ Variances:

- (a) The ~~planning and zoning board~~ Community Development Director may grant a variance from section 38-155 or 38-156.
- (b) Any person seeking a variance shall submit an application to the Community Development Director ~~director of planning and zoning~~ for the city containing information which demonstrates that bringing the sound for which the variance is sought into compliance with this article would constitute an unreasonable hardship on the applicant, the community, or on other persons. At a minimum, the applicant shall provide the following information:
  - (1) Identification of the applicant;
  - (2) The applicant's mailing address;

- (3) A legal description of the property from which the sound will emanate;
  - (4) A description of the source of the sound;
  - (5) A description of the sound;
  - (6) The names and addresses of all property owners within 300 feet of the property for which the variance is requested;
  - (7) The facts and reasons justifying a variance; and
  - (8) Any other relevant information necessary to make a determination.
- (c) The applicant for a variance shall pay an application fee of \$75.00.
- (d) The Community Development Director ~~director of planning and zoning~~ for the city shall schedule a public hearing on the variance application ~~with the planning and zoning board~~ in accordance with the procedures set forth in section 118-133.
- (e) At the hearing, the applicant for a variance, ~~the director of planning and zoning~~ any department of for the city and persons objecting to the variance application may submit any relevant evidence or testimony. In deciding whether to grant, grant with conditions, or deny the application, the Community Development Director ~~planning and zoning board~~ shall balance the hardship which will result to the applicant, the community, and other persons if the variance is not granted. If the Community Development Director ~~planning and zoning board~~ determines that the granting of the variance, with or without conditions, will be in harmony with the general intent, purposes and goals of chapter 118 and that the variance will not be unduly injurious to the area involved or otherwise unduly detrimental to the public, the variance shall be granted. Additionally, if the reasonable use of property is not feasible without the granting of a variance, the minimum variance to make the property reasonably useable shall be granted. The Community Development Director ~~planning and zoning board~~ shall grant, deny or grant with conditions the variance application no later than ten days after the date of the hearing. In granting, granting with conditions or denying a variance application, the Community Development Director ~~planning and zoning board~~ shall state in writing the reasons for the decision. If the decision is to grant or grant with conditions the application, the Community Development Director ~~planning and zoning board~~ shall set forth in writing the terms and conditions of the variance, including the effective date of the variance, the period of the variance, the time of day the variance may be used, the location where the sound

may be created or caused, and the sound level limits. The reasons for a denial shall be set forth in writing.

- (f) If the Community Development Director~~planning and zoning board~~ grants the variance application, a written variance shall be issued to the applicant and a copy of the variance shall be provided to the those persons and entities requiring a copy~~director of planning and zoning~~. However, the variance shall not be issued until the time for filing a notice of appeal pursuant to subsection (i) of this section has expired. If a notice of appeal is filed, the variance shall not be issued unless the city commission approves a variance.
- (g) The variance shall contain all the terms and conditions of the variance. A copy of the variance shall be retained by the Community Development Director~~director of planning and zoning~~. This copy shall be available for inspection upon request by the general public.
- (h) The failure to comply with any term or condition of the variance constitutes a violation of this article and is punishable in the manner provided in sections 38-161 and 38-162 of this article.
- (i) Any variance applicant, abutting property owner, or adversely affected property owner or occupant may appeal a decision of the Community Development Director~~planning and zoning board~~ in the manner proscribed in section 98-31. The city commission shall conduct a de novo review in deciding whether to approve or disapprove the Community Development Director~~planning and zoning board's~~ decision and in granting, denying or granting with conditions a variance.

B. Administrative Variances For Construction Activity:

- (a) Notwithstanding the provisions set forth in Section 38-155(b)(2) above, any person may apply to the City on form(s) approved by the City to allow for construction activities to occur outside of the days and times referenced in Section 38-155(b)(2) above provided that each of the following conditions have been met:
  - (1) Applicant provides City with 72-hour written notice prior to commencement of construction activity;
  - (2) City staff is available to inspect and review construction activity on the days and at the times requested for construction; and
  - (3) Applicant pays all fees, costs and expenses incurred or to be incurred by City as well as any overtime incurred by City staff for such inspections and review of construction activity.

(b) If the conditions enumerated under Section 38-165(B)(a) have been met, the City may permit the applicant to perform the following construction activities on the specified days and at the specified times:

(1) Horizontal Construction may be permitted to occur no later than 9:00 p.m. Horizontal Construction includes site work such as clearing, grading, paving, drainage, utilities, sidewalks, curbs, gutters, base work, street lighting, electrical, landscaping and other subdivision and non-residential site improvements or work.

(2) Vertical Construction may be permitted to occur 24 hours a day any day of the week subject to prohibition by the City, in the City's sole discretion, if any part of the Vertical Construction causes, or is likely to cause noise. Vertical Construction includes footings, forms, steel, electrical, plumbing, roofing, HVAC, concrete, painting, sheetrock, and other activities that are not Horizontal Construction.

C. Exemptions for Pre-approved City Events or Activities:

(a) It shall not be a violation of section 38-155(a) or section 38-155(b) if the noise at issue relates to or is produced as a result of pre-approved City events or activities. Such exemptions include, but are not limited to, activities and events sponsored by, conducted by, or permitted by the City.

**SECTION VII.** Sec. 38-166. Permit required for sound trucks and sound amplifying devices. Section 38-166 is hereby deleted in its entirety.

**SECTION VIII.** INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

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

**SECTION X.** CODIFICATION. That Sections I through VI of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word "Ordinance" may be changed to "Section", "Article", or other appropriate word.

**SECTION XI.** This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: \_\_\_\_\_, 2012.

SECOND READING: \_\_\_\_\_, 2012.

APPROVED:

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

ATTESTED:

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

S:\AKA\CLIENTS\Winter Garden\General W500-20501\Noise Ordinance\Noise Ordinance 06-22-12.doc

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** June 20, 2012

**Meeting Date:** June 28, 2012

**Subject:** **Wayfinding Signs**  
Resolution 12-11

**Issue:** Request approval of Resolution 12-11 (Wayfinding Signs).

**Discussion:**

Staff is proposing to replace the existing vehicular, pedestrian, and parking wayfinding signs throughout the city with newly designed signs that will provide better direction and better fit into the surrounding area. The Wayfinding Resolution will also be used to show the Commissions support for the proposed signs and be submitted to the Florida Department of Transportation to request permission to install new welcome signs at the main entry points into the City limits.

**Recommended Action:**

Staff recommends adoption of Resolution 12-11.

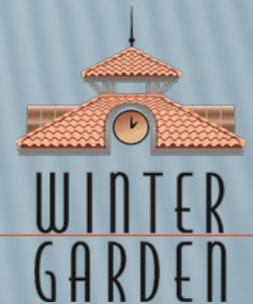
**Attachment(s)/References:**

Resolution 12-11

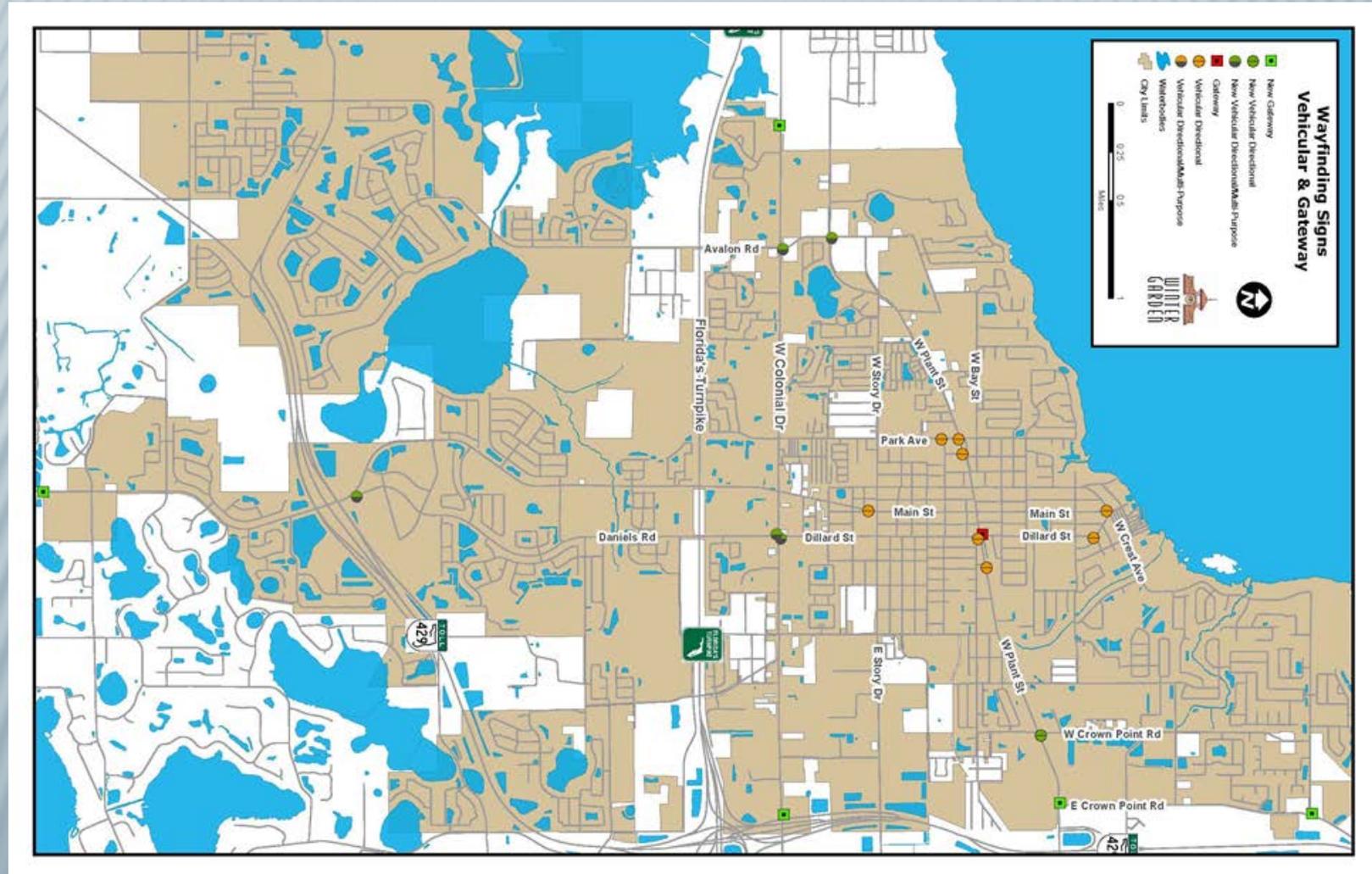


City of Winter Garden

# WAYFINDING SIGN RESOLUTION



# VEHICULAR AND GATEWAY SIGNS



# VEHICULAR SIGNS

Replace existing  
vehicular signs  
with a new design.



# GATEWAY SIGNS



1 Front Elevation - Post Mounted Sign  
Scale: 1/2" = 1'-0"

2 End View  
Scale: 1/2" = 1'-0"

COLORS:	
<span style="color: yellow;">●</span>	Pantone 7407-C
<span style="color: orange;">●</span>	Pantone 7414-C
<span style="color: green;">●</span>	Pantone 5757-C
<span style="color: black;">●</span>	Pantone 419-C
<span style="color: white;">●</span>	
TYPEFACES:	
	OptiJuke
	Bodega Sans

**MC**  
MILLER CLARK DESIGN  
7716 High Pine Road  
Orlando, FL 32819  
millerclark@mac.com

PHOENIX RISING

**WINTER GARDEN**  
City of Winter Garden  
CLIENT

Vehicular Wayfinding  
Signage Package  
PROJECT

G-302  
TITLE

Design Intent  
DESIGN PHASE

08/11/09  
DATE

APPROVED BY

APPROVAL DATE

REVISIONS

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**G-301.0**  
SHEET NUMBER

# PARKING AND PEDESTRIAN SIGNS

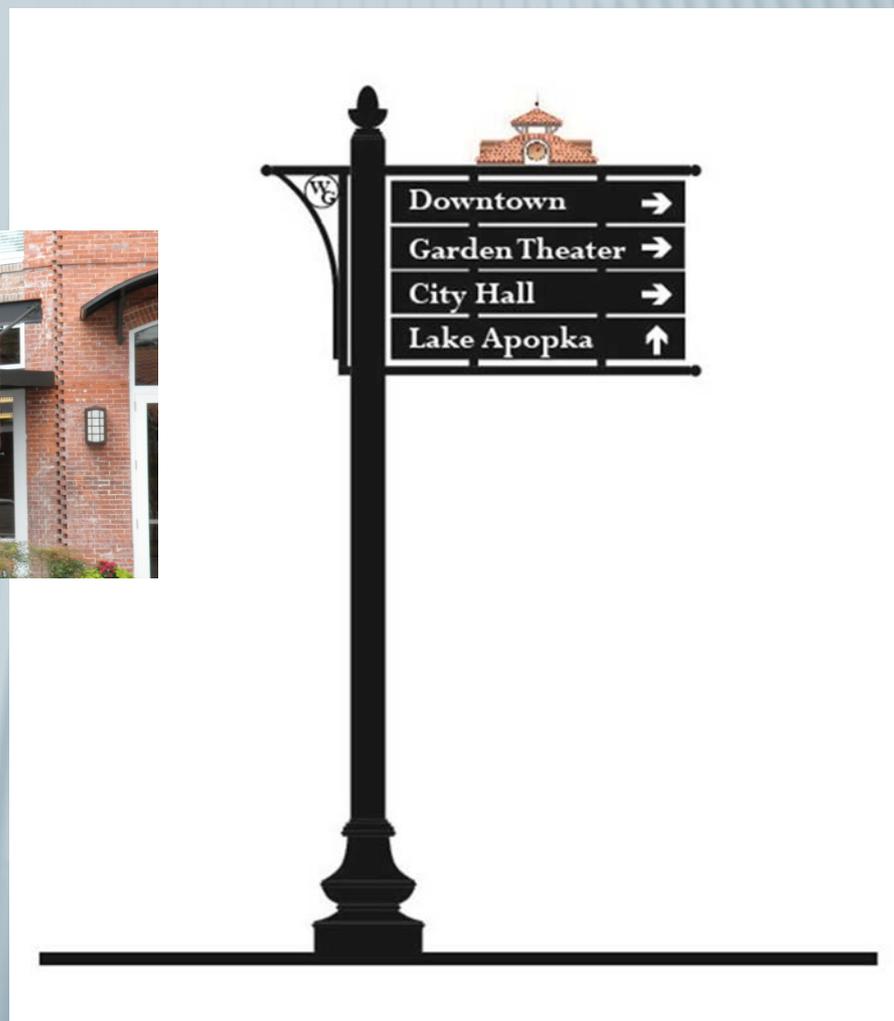


# PARKING SIGNS



# DOWNTOWN PEDESTRIAN SIGNS

Replace existing pedestrian signs with a new design.



RESOLUTION 12-11

A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA SUPPORTING THE WAYFINDING SIGN SYSTEM PLAN TO EFFICIENTLY AND SAFELY GUIDE MOTORISTS AND PEDESTRIANS TO KEY PUBLIC FACILITIES SUCH AS CIVIC, CULTURAL, VISITOR, AND RECREATIONAL DESTINATIONS WITHIN THE CITY OF WINTER GARDEN.

**WHEREAS**, the revitalization of the Downtown of the City of Winter Garden has been a major focus and objective of the City Commission of the City of Winter Garden; and

**WHEREAS**, City staff have prepared city wide wayfinding sign criteria to evaluate and process future wayfinding and destination sign requests; and

**WHEREAS**, these factors and criteria have been utilized to develop a preliminary location master plan (Attachments "A" & "B") and designs (Attachments "C" & "D") for wayfinding signs within the City of Winter Garden; and

**WHEREAS**, other requirements will be further developed by City staff after approval by the Florida Department of Transportation (FDOT); and

**WHEREAS**, City staff will continue to support the activities to revitalize the Historic Downtown of the City of Winter Garden through activities and programs such as the development and implementation of the Wayfinding Sign System Plan,

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

**SECTION I.** *Approval.* The City of Winter Garden City Commission hereby approves the Wayfinding Sign System Plan, which includes the wayfinding sign criteria; preliminary sign location master plan, and the signage designs as developed by City staff. The City Commission finds that the actions taken by this Resolution will efficiently and safely guide motorists and pedestrians to key City facilities and locations including, but not limited to, civic, cultural, visitor, and recreational destinations within the City of Winter Garden.

**SECTION II.** *Support.* The City Commission also supports the wayfinding sign criteria and the signage design to be utilized in determining the sign location and design within the City of Winter Garden.

**SECTION III.** *Severability.* Should any portion or section of this Resolution prove to be

invalid, unlawful, or unconstitutional, then such portions as are not declared invalid shall remain in full force and effect.

**SECTION IV. *Effective Date.*** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED:** \_\_\_\_\_, 2012.  
\_\_\_\_\_

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

**APPROVED:**

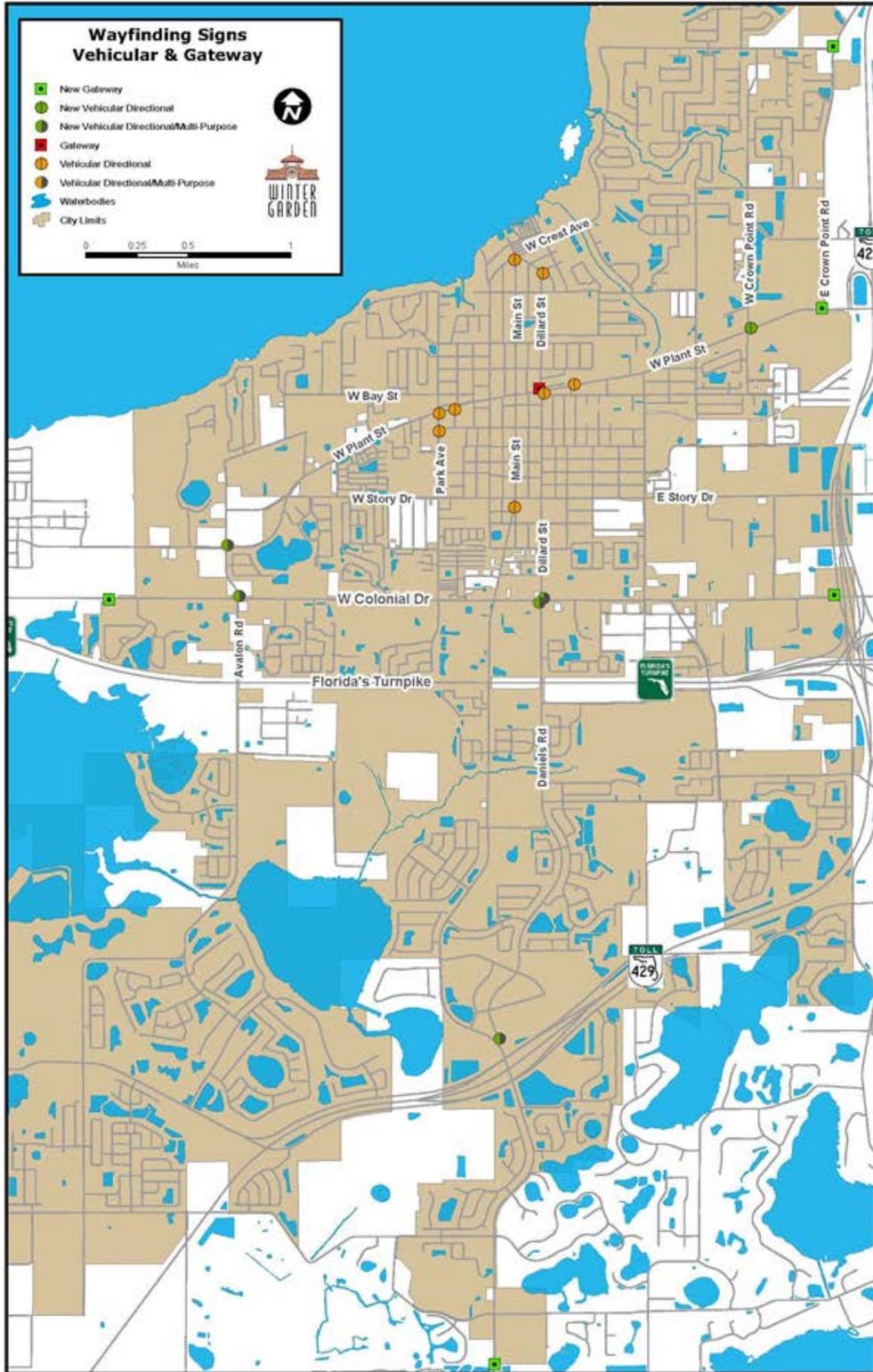
\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

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

# ATTACHMENT "A"

## WAYFINDING VEHICULAR AND GATEWAY LOCATION MAP



# ATTACHMENT "B"

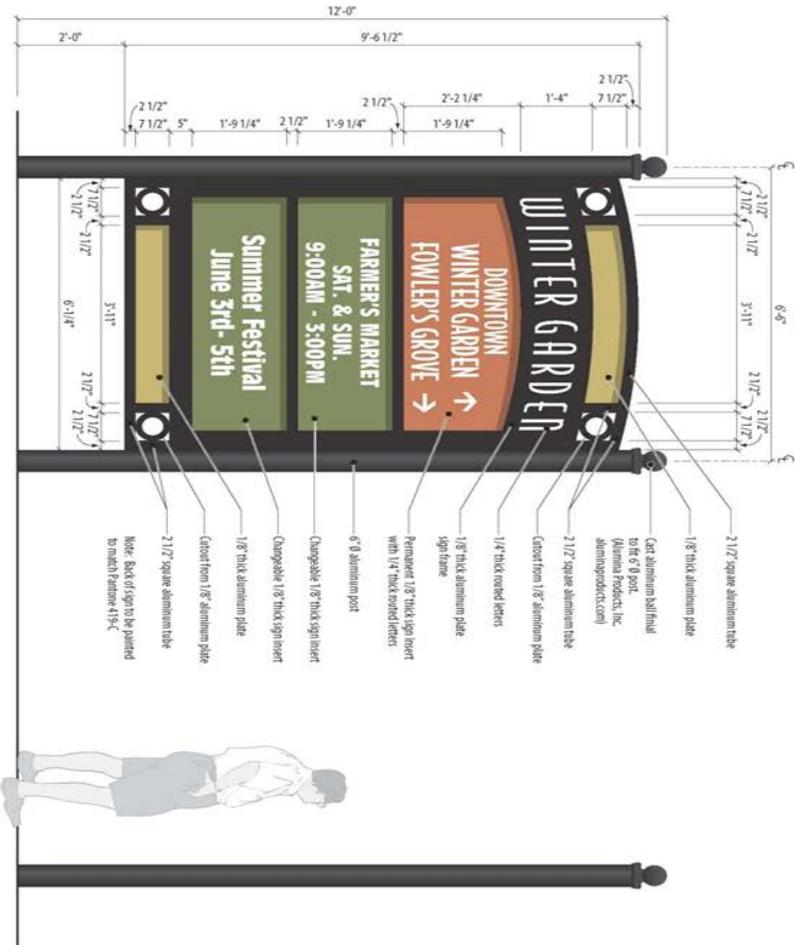
## WAYFINDING DOWNTOWN LOCATION MAP



ATTACHMENT "C"

WAYFINDING VEHICULAR AND GATEWAY SIGN DESIGNS





1 Front Elevation - Post Mounted Sign  
Scale: 1/2" = 1'-0"

2 End View  
Scale: 1/2" = 1'-0"

COLORS:	
<span style="color: yellow;">●</span>	Pantone 7407-C
<span style="color: orange;">●</span>	Pantone 7414-C
<span style="color: green;">●</span>	Pantone 5757-C
<span style="color: black;">●</span>	Pantone 419-C
<span style="color: white;">○</span>	Opflake
	Bodega Sans
TYPEFACES:	



MILLER CLARK DESIGN  
7716 High Pine Road  
Orlando, FL 32819  
millerclark@mc.com

**PHOENIX RISING**



City of Winter Garden  
CLIENT  
Vehicular Wayfinding  
Signage Package  
PROJECT

G-302  
TITLE

Design Intent  
DESIGN PHASE

08/11/09  
DATE

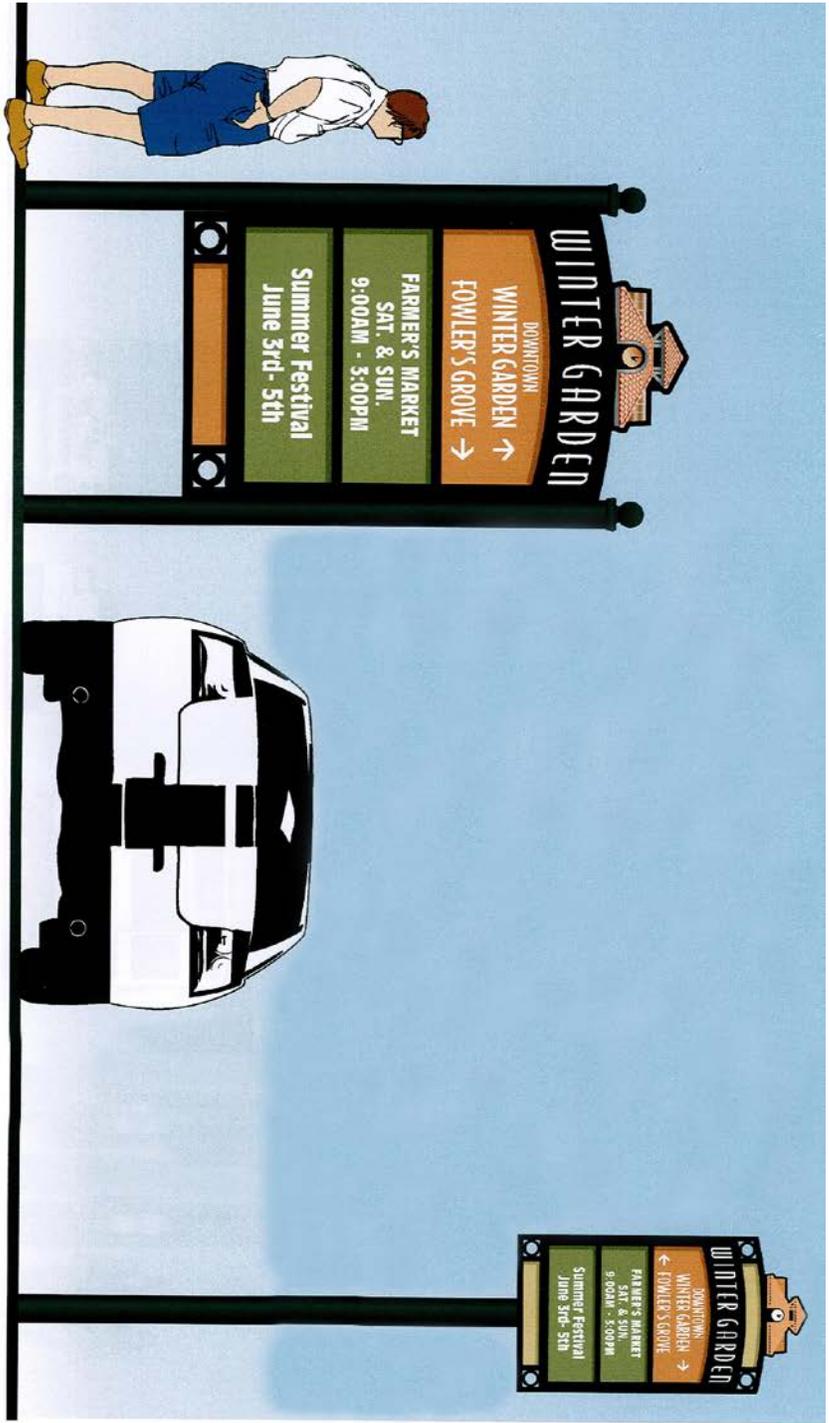
APPROVED BY

APPROVAL DATE

REVISIONS

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**G-301.0**  
SHEET NUMBER



**A** Concept Elevations - Freestanding Post Mounted Signs  
Scale: None

mlillerclark@mac.com

**PHOENIX RISING**



City of Winter Garden

CLIENT

Vehicle Wayfinding  
Signage Package

PROJECT

**G-03**

TITLE

Conceptual

DESIGN PHASE

05/19/09

DATE

APPROVED BY

APPROVAL DATE

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**G-03.1**

SHEET NUMBER

# ATTACHMENT "D"

## WAYFINDING PARKING AND PEDESTRIAN SIGN DESIGNS





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

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

**Via:** City Manager Mike Bollhoefer

**Date:** **June 19, 2012**

**Meeting Date: June 28, 2012**

**Subject:** Villas at Tucker Oaks (f/k/a Tucker Oaks and Tucker Ranch)  
Final Plat - REVISION

**Issue:** Applicant requests to revise Final Plat which was approved by City Commission on January 12, 2012.

**Discussion:**

Villas at Tucker Oaks Final Plat was approved by City Commission on January 12, 2012, however at the applicant's request the Final Plat was not recorded due to their concerns regarding the language in the plat documents pertaining to maintenance of the common areas. The applicant submitted a revised Final Plat and revised plat documents which were reviewed by the Development Review Committee at their May 9, 2012 meeting.

The revised Final Plat of the 13.29+/- acre property to be platted as the Villas at Tucker Oaks is for 90 two-unit fee simple townhomes. The subject property is located within the City of Winter Garden municipal limits, and carries a zoning designation of PUD (Planned Unit Development).

**Recommended Action:**

Staff recommends approval of the Revised Final Plat C 90 two-unit fee simple townhomes for the Villas at Tucker Oaks.

**Attachments/References:**

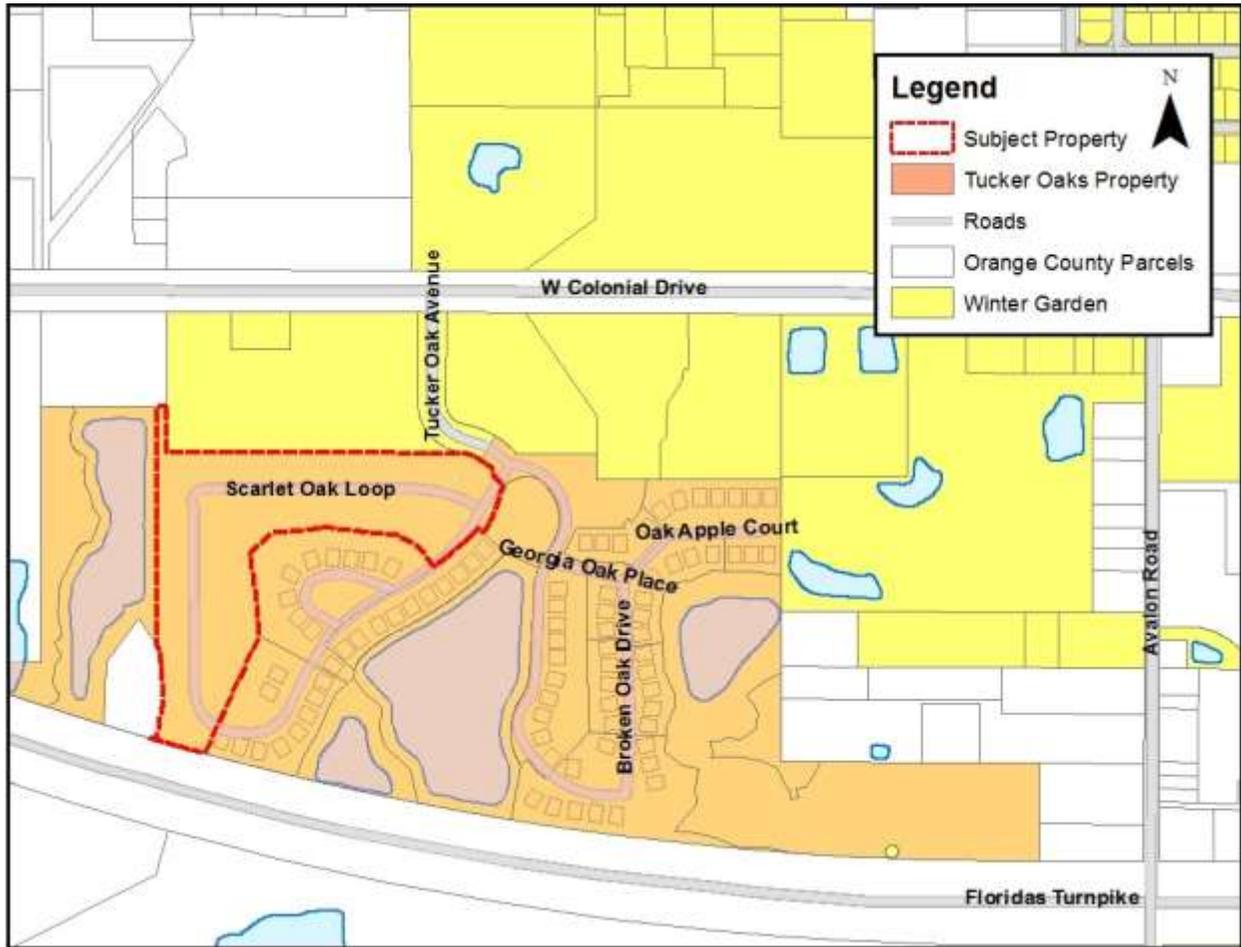
Location Map  
Final Plat

# LOCATION MAP

Ordinance 12-01

78.5 Acres

Tucker Oaks – PUD Amendment









# VILLAS AT TUCKER OAKS

A REPLAT OF PORTION LOT 2, TUCKER OAKS  
 PLAT BOOK 68, PAGES 27 THRU 30  
 SECTION 28, TOWNSHIP 22 SOUTH, RANGE 27 EAST  
 CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA.

PLAT BOOK PAGE  
 SHEET 4 OF 5

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S89°51'21"E	30.00'	L28	S61°39'32"E	35.03'
L2	S49°05'48"E	50.59'	L29	S77°39'03"E	95.18'
L3	S17°19'16"W	67.83'	L30	S45°44'16"W	12.03'
L4	N44°28'11"W	25.21'	L31	N48°55'58"E	75.50'
L5	N63°52'28"W	71.28'	L32	N44°42'44"W	11.44'
L6	N63°56'19"W	101.55'	L33	S49°05'48"E	3.44'
L7	S33°36'19"W	60.95'	L34	S49°05'48"E	3.44'
L8	N62°56'53"W	60.95'	L35	S14°07'58"W	80.75'
L9	S47°44'44"W	105.17'	L36	S26°03'57"W	119.66'
L10	S02°10'32"E	103.17'	L37	S48°55'58"W	78.97'
L11	N83°50'38"E	28.53'	L38	S49°05'48"E	29.14'
L12	N82°42'48"E	13.63'	L39	N44°42'44"W	38.88'
L13	N82°42'44"W	12.04'	L40	N68°07'17"E	38.88'
L14	S22°36'44"W	12.04'	L41	S08°35'50"W	32.14'
L15	S67°31'16"E	37.88'	L42	S08°34'35"W	34.49'
L16	N22°36'44"E	10.00'	L43	S47°07'15"W	36.68'
L17	S17°19'16"W	67.83'	L44	S47°07'15"W	27.68'
L18	S81°39'32"E	94.22'	L45	S77°10'52"W	17.75'
L19	S77°39'03"E	82.69'	L46	S77°39'03"E	80.12'
L20	S77°39'03"E	12.48'	L47	S89°54'02"E	12.68'
L21	S42°42'28"E	71.54'	L48	S77°39'03"E	80.12'
L22	S42°42'28"E	71.54'	L49	S63°39'13"E	63.14'
L23	S26°21'13"W	56.20'	L50	S63°39'13"E	79.18'
L24	N00°08'39"E	10.02'	L51	S35°23'02"W	7.96'
L25	N13°02'49"W	10.28'	L52	N17°43'26"W	95.12'
L26	N44°42'44"W	31.59'	L53	N44°42'44"W	31.59'
L27	N17°19'16"E	31.59'	L54	N89°12'48"W	30.30'

CURVE TABLE

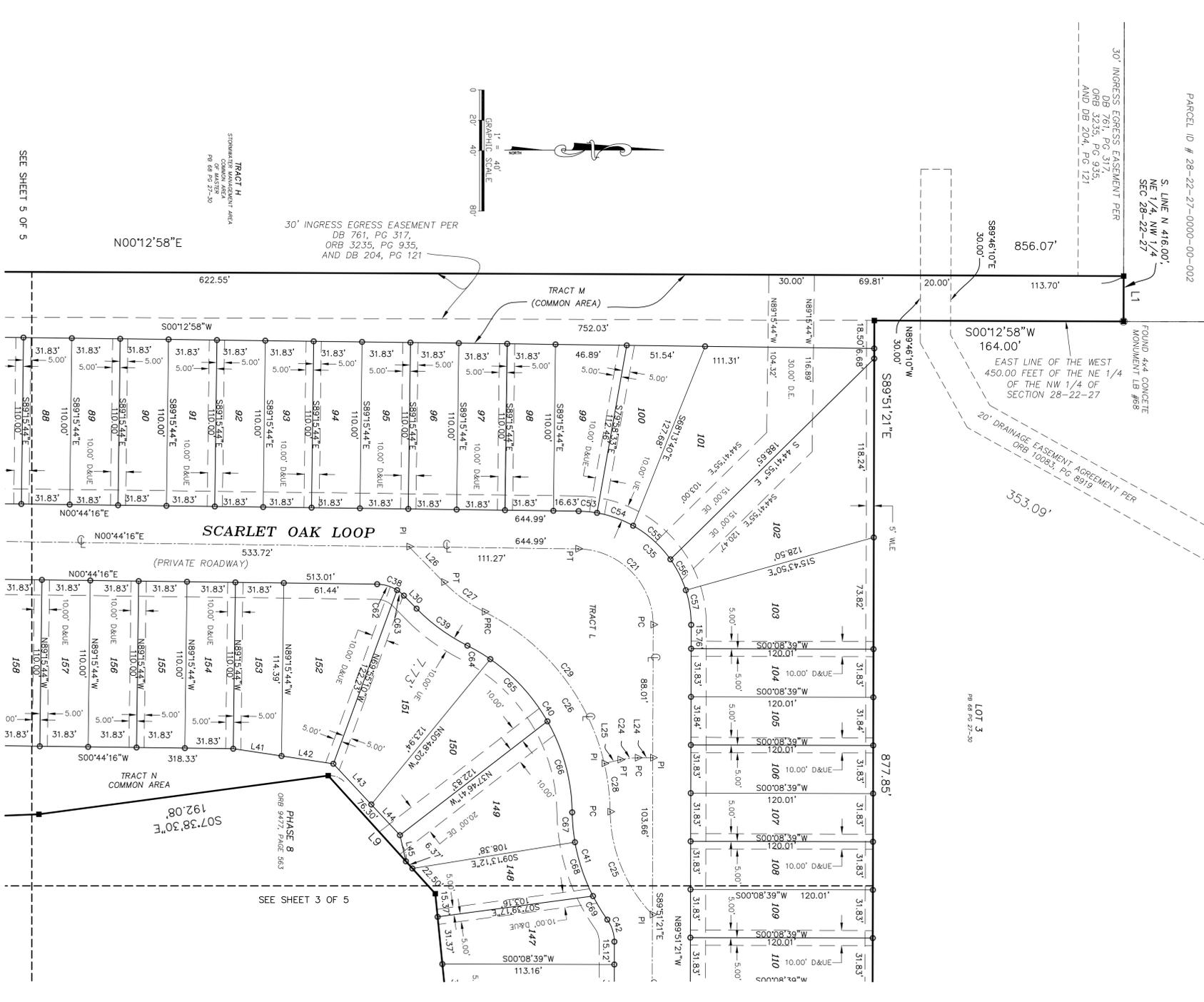
CURVE	RADIUS	LENGTH	CENTRAL ANGLE (CHORD BEARING CHORD)
C1	250.00'	107.25'	243.44°
C2	250.00'	107.25'	243.44°
C3	75.00'	30.80'	233.43°
C4	225.00'	83.07'	2109.14°
C5	200.00'	26.27'	731.72°
C6	1199.76'	70.66'	322.28°
C7	175.00'	63.95'	205.61°
C8	1199.16'	203.19'	101.46°
C9	250.00'	37.87'	842.06°
C10	250.00'	37.87'	119.24°
C11	250.00'	49.41'	109.24°
C12	250.00'	5.05'	210.50°
C13	1199.76'	45.66'	210.50°
C14	1199.76'	25.00'	111.38°
C15	100.00'	40.12'	233.21°
C16	200.00'	24.21'	63.65°
C17	200.00'	46.52'	131.94°
C18	200.00'	46.52'	15.98°
C19	200.00'	42.60'	121.21°
C20	200.00'	42.60'	121.21°
C21	50.00'	74.81'	89.24°
C22	100.00'	71.81'	89.24°
C23	100.00'	71.81'	89.24°
C24	50.00'	11.50'	131.04°
C25	100.00'	75.20'	43.05°
C26	150.00'	164.01'	62.38°
C27	100.00'	33.32'	19.05°
C28	150.00'	32.28'	12.19°
C29	250.00'	4.98'	50.25°
C30	250.00'	4.98'	50.25°
C31	125.00'	46.53'	21.94°
C32	25.00'	44.08'	10.01°
C33	125.00'	34.33'	15.98°
C34	225.00'	47.93'	121.21°
C35	75.00'	117.03'	89.24°
C36	25.00'	18.63'	45.00°
C37	75.00'	18.63'	45.00°
C38	25.00'	41.65'	19.05°
C39	125.00'	41.65'	19.05°
C40	125.00'	136.67'	62.38°
C41	225.00'	47.93'	121.21°
C42	25.00'	15.52'	35.34°
C43	75.00'	18.63'	45.00°
C44	1199.16'	60.74'	61.82°
C45	1199.16'	60.74'	61.82°
C46	1199.16'	69.73'	02.11°
C47	125.00'	27.07'	12.24°
C48	125.00'	27.07'	12.24°
C49	125.00'	26.86'	12.81°
C50	125.00'	25.51'	11.41°
C51	125.00'	25.51'	11.41°
C52	125.00'	6.90'	3.09°
C53	75.00'	12.16'	9.17°
C54	75.00'	25.35'	19.21°
C55	75.00'	33.39'	25.30°
C56	75.00'	22.85'	17.21°
C57	75.00'	22.85'	17.21°
C58	225.00'	18.21'	4.51°
C59	225.00'	28.27'	7.19°
C60	125.00'	28.27'	13.30°
C61	125.00'	5.34'	2.29°
C62	25.00'	13.91'	3.15°
C63	25.00'	17.26'	4.01°
C64	125.00'	5.00'	8.00°
C65	125.00'	5.00'	28.52°
C66	125.00'	5.00'	57.45°
C67	125.00'	19.84'	9.05°
C68	125.00'	37.68'	17.16°
C69	125.00'	18.23'	8.21°
C70	50.00'	17.85'	6.01°
C71	50.00'	17.85'	6.01°

LEGEND

- C55 = CURVE NUMBER (SEE CURVE TABLE)
- A = CENTRAL ANGLE (SEE CURVE TABLE)
- R = RADIUS
- L = ARC LENGTH
- G = CENTRELINE
- PT = POINT OF TANGENCY
- PI = POINT OF INTERSECTION
- PC = POINT OF CURVATURE
- PCC = POINT OF COMPOUND CURVATURE
- ORB = OFFICIAL RECORD BOOK
- PR = PLAT BOOK
- DE = DRAINAGE EASEMENT
- DR = DRAINAGE AND UTILITY EASEMENT
- WE = WETLAND EASEMENT
- SEC. 28-22-27 = SECTION 28, TOWNSHIP 22 SOUTH, RANGE 27 EAST
- LB = LICENSED BUSINESS SURVEYOR
- CS = CERTIFIED CORNER RECORD
- CR = CRIMINAL RECORD
- PR = PERMANENT REFERENCE MONUMENT
- PRM = PERMANENT REFERENCE MONUMENT PER CHAPTER 177, FLORIDA STATUTES
- 4"x4" CONCRETE MONUMENT (#8933 LB PER #8933 PLAIN UNLESS OTHERWISE NOTED) PER CHAPTER 177, FLORIDA STATUTES
- #8933 PLAIN UNLESS OTHERWISE NOTED PER CHAPTER 177, FLORIDA STATUTES
- PERMANENT REFERENCE MONUMENT (PER NAIL AND DISK #8933 PER) PER CHAPTER 177, FLORIDA STATUTES
- O = SET 1/2" IRON ROD & CAP LB #8933
- FO = FOUND
- FR = FLOOD POWER CORPORATION
- DR = DEED BOOK
- NR = NAIL AND DISC
- IP = IRON PIPE
- CM = CONCRETE MONUMENT

**NOTICE**

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR RECORD THAT HEREIN MAY BE SHOWN. ANY OTHER RECORDS THAT ARE NOT RECORDED ON THIS PLAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.



SEE SHEET 5 OF 5



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

**From:** George Brennan, Police Chief

**Via:** City Manager Mike Bollhoefer

**Date:** June 18, 2012

**Meeting Date:** June 28, 2012

**Subject:** The Federal Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Grant Program has earmarked \$362,932 for Orange County, with \$10,947 specifically earmarked for the Winter Garden Police Department.

**Issue:** As a requirement of the Grant Program, Orange County must show that 51% of the municipalities, representing at least 51% of the population of Orange County, agree with the distribution of the awarded amount of \$362,932.

**Recommended action:** Approve the distribution of the \$10,947 awarded Justice Assistance Grant (JAG) to fund the Police Department's purchase of riot response equipment.

**Attachments/References:**

1. Letter of approval to be sent with grant application
2. Application for Funding Assistance summary
3. List of equipment to be purchased



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

P: 407.656.4111  
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*WINTER GARDEN • A charming little city with a juicy past.*

June 15, 2012

Mr. Clayton H. Wilder  
 Community Program Administrator  
 Office of Criminal Justice Grants  
 Department of Law Enforcement  
 2331 Phillips Road  
 Tallahassee, Florida 32302

Dear Mr. Wilder:

In compliance with State of Florida *Rule 11D-9, F.A.C.*, the City of Winter Garden approves the distribution of **\$362,932** (allocation available) of Federal Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Grant Program regular funds for the following projects within Orange County:

<u>Subgrantee/Implementing</u>	<u>Title of Project</u>	<u>Federal Dollar Amount</u>
Apopka Police Dept.	Covert Operations Equipment	13,156
Belle Isle Police Dept.	Marine Safety Patrol Initiative	2,500
Eatonville Police Dept.	Evidence Manager System	2,500
Edgewood Police Dept.	Laptop Upgrades Project	2,500
Maitland Police Dept.	MPD Security Enhancement	4,988
Oakland Police Dept.	Law Enforcement Development Initiative	2,500
Ocoee Police Dept.	Interoperable Digital Radio Upgrade Plan	11,268
Orange County Sheriff's Office	In-Car Radios	55,593
" " " "	SRO Ballistic Shields	54,700
" " " "	Residential Burglary Reduction	75,000
" " " "	Convention Center Segways	40,489
Orlando Police Dept	In-Car Camera Systems	75,471
Windermere Police Dept	Traffic Wands Project	2,500
Winter Garden Police Dept.	Riot Response Equipment	10,947
Winter Park Police Dept.	Mobile Data Terminals	<u>8,820</u>
<b>TOTAL</b>		<b>\$ 362,932</b>

Sincerely,

John Rees, Mayor

# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - County-wide

## Section 2: Project Overview

### General Project Information

**Project Title:** RIOT RESPONSE EQUIPMENT  
**Subgrant Recipient:** City of Winter Garden  
**Implementing Agency:** Winter Garden Police Department  
**Project Start Date:** 10/1/2012      **End Date:** 9/30/2013

### Problem Identification

The Winter Garden Police Department is not equipped to respond to riots. In the event a riot occurs in our jurisdiction we would be unable to respond safely. Further in the Central Florida area police agencies rely on one another for mutual aid in such emergencies. Recent events have brought the potential for multi-agency response to a riot or other civil disturbance. Winter Garden police officers would be unable to safely assist regional law-enforcement agencies and may add to the problem due to our lack of appropriate riot equipment.

### Project Summary (Scope of Work)

We request to use grant funding to purchase 21 sets of riot equipment. This equipment would be distributed to officer in each of our four patrol squads and our community unit. Each patrol squad would have five officers and our community unit would have one officer equipped to respond to a riot or civil disturbance in our city or within the Central Florida area safely. The equipment costs for each officer are: \$130 Helmet w/face shield, \$160 Clear riot shield, \$175 Gas mask, \$55 Gas mask canister. To mark the equipment with the issued officer's identification a \$27 label maker would be purchased. Total cost of project: \$10,947



Remit To:  
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 F 541.485.0927  
[www.chiefsupply.com](http://www.chiefsupply.com)

Order Quote

Your Quote# 766312  
 Quote Date 05/15/12  
 Your account rep is : RAY STRICKLAND  
 Order taken by : Cindy Campbell

Time

Account# 300062  
 WINTER GARDEN POLICE DEPARTMENT  
 ACCTS PYBL/FINANCE DEPT  
 251 W PLANT ST  
 WINTER GARDEN, FL 34787-3011

Ship-to 0  
 WINTER GARDEN POLICE DEPARTMENT  
 J.PEAARSON  
 251 W PLANT ST  
 WINTER GARDEN, FL 347873011

Contract: None  
 Ship via PREPAID & ADD-UPS GROUND from CHARLOTTE, NC warehouse.

PartNo	Description	UM	QtyOrd	UnitPre	Extension
BS1POL	SHIELD 20 X 36 X .125 PO	EA	35	95.690	3,349.15
RD1002XLGXL	HELMET RIOT L/XL 7 3/8 -	EA	36	83.270	2,997.72
SP763000	SURVIVAIR OPTI-FIT GAS M	EA	35	87.190	3,051.65
SP169000	~FILTER CBRN	EA	35	43.400	1,519.00
				Sub Total	10,917.52
				Freight	327.53
				Handling	
				Tax	
				Total	11245.05

PRICES QUOTED ARE BASED ON QUANTITIES LISTED ONLY. THANK YOU. CINDY CAMPBELL. EXT. 4616

WE ARE AN EQUAL OPPORTUNITY EMPLOYER.  
 THANK YOU FOR YOUR CONTINUED BUSINESS.  
 THIS QUOTE IS AUTHORIZED BY RAY STRICKLAND

**Quote good for 30 days from issuance. After 30 days please call your representative to confirm pricing and re-issue the quote. Standard freight charges apply unless otherwise specified.**

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** June 20, 2012

**Meeting Date:** June 28, 2012

**Subject:** *Recommendation to close Plant St. between 7-8:30am on November 10, 2012 to accommodate the "Winter Garden" 5K road race.*

**Issue:**

The owner of the Tri-n-Run running shop in Winter Garden, Mr. Jerry Pegram, has requested to again hold the "Winter Garden" 5K road race on Saturday Nov. 10, 2012 at 7:30am. His request is that portions of Plant St. and Lakeview Ave. are closed between 7:00-8:30am to accommodate the start and finish of the race.

He has gained the approval of the Historic Downtown Merchants Guild to hold this race and has agreed to reimburse the city for staff costs incurred during this event. His races are now getting between 500-600 participants and the crowd is beneficial for the farmers market as well as well as the restaurants that are serving breakfast at this time in the morning. The farmers market officially opens at 9:00am and the early timing of the race has minimal effect on disrupting other downtown businesses. Although Mr. Pegram runs a commercial entity, 100% of proceeds from the race are donated to local charities.

**Recommended action:**

**Move to approve the closure of Plant St. to accommodate the Winter Garden 5k road race between 7-8:30am on November 10, 2012.**

**Attachments/References:**

**Event Application**  
**Race Map**



CITY OF WINTER GARDEN  
PARKS & RECREATION DEPARTMENT  
310 NORTH DILLARD STREET  
WINTER GARDEN, FL 34787  
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### CITY OF WINTER GARDEN SPECIAL EVENT APPLICATION

SPECIAL EVENTS ON CITY PROPERTY WHERE 500 OR MORE PEOPLE ARE REASONABLY ANTICIPATED TO BE IN ATTENDANCE OR WHERE THERE ARE REQUESTS FOR STREET CLOSURE WILL REQUIRE PRIOR APPROVAL BY THE CITY COMMISSION, AT LEAST FOUR WEEKS PRIOR TO THE SCHEDULED EVENT. THE APPLICANT MUST COMPLETE ALL OF THE FOLLOWING INFORMATION.

ORGANIZATION/GROUP: Tri Run of West Orange NON PROFIT  CORP  INDIV.

NAME OF EVENT: City of Winter Garden 5K

CONTACT/REPRESENTATIVE: Jerry Pegram PHONE # 407-905-786

ALT. PHONE: 407-435-5536 EMAIL: jerry@trirun.com

EVENT LOCATION: Downtown W.G. PROPOSED DATES: November, 10 2012

HOURS: 6:30am - 9:30am ESTIMATED DAILY ATTENDANCE: 1000

PLEASE CHECK ALL OF THE FOLLOWING THAT APPLY:

TYPE OF EVENT	EVENT DETAILS	EQUIPMENT AT EVENT
<input type="checkbox"/> FESTIVAL	<input type="checkbox"/> ADMISSION CHARGE/TICKET SALES	<input type="checkbox"/> AMPLIFIED SPEAKING/MUSIC
<input type="checkbox"/> EXHIBIT(S)	<input type="checkbox"/> ALCOHOL SERVED	<input type="checkbox"/> HOURS OF: _____
<input type="checkbox"/> CARNIVAL/CIRCUS/FAIR	<input type="checkbox"/> ALCOHOL SALES	<input type="checkbox"/> PORTABLE RESTROOMS
<input type="checkbox"/> GENERAL MEETING	<input type="checkbox"/> FIREWORKS/PYROTECHNICS	<input checked="" type="checkbox"/> SPORTS EQUIPMENT
<input type="checkbox"/> PARADE	<input type="checkbox"/> FOOD VENDORS: # OF _____	<input type="checkbox"/> STAGE/PROPS/PRODUCTION
<input type="checkbox"/> BLOCK PARTY OR PICNIC	<input type="checkbox"/> MERCHANDISE VENDORS: # OF _____	<input checked="" type="checkbox"/> TABLES: #OF & SIZE _____
<input checked="" type="checkbox"/> SPORTING EVENT/COMPETITION	<input checked="" type="checkbox"/> OPEN TO PUBLIC	<input checked="" type="checkbox"/> TEMPORARY EVENT SIGNAGE
<input type="checkbox"/> WEDDING/RECEPTION	<input checked="" type="checkbox"/> STREET/SIDEWALK CLOSURE- HOURS OF: <u>6:30-9:30</u>	<input type="checkbox"/> DUMPSTERS/RECEPTACLES
<input type="checkbox"/> REVIVAL	<input type="checkbox"/> CITY WATER USED	<input checked="" type="checkbox"/> PORTABLE TOILET DEVICES
<input type="checkbox"/> OTHER: (EXPLAIN) _____	<input checked="" type="checkbox"/> EVENT HELD PREVIOUSLY	<input type="checkbox"/> COOLING EQUIP. USED.
	<input checked="" type="checkbox"/> CITY ELECTRIC USED	<input type="checkbox"/> GAS OPEN FLAME
		<input type="checkbox"/> OTHER: _____



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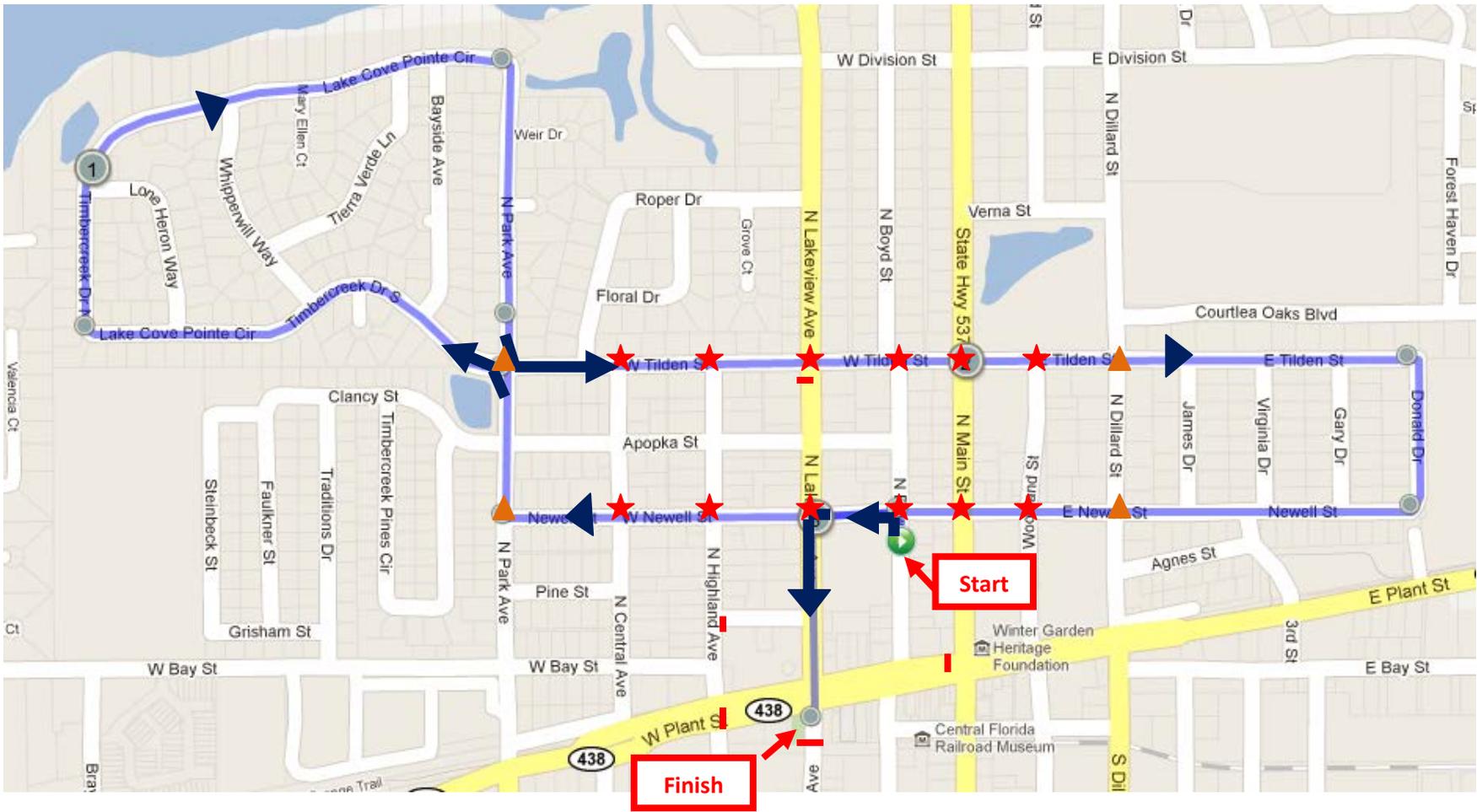
PLEASE PROVIDE A GENERAL DESCRIPTION OF THE EVENT THAT INCLUDES ALL FEATURES BEING PROPOSED TO TAKE PLACE. ELABORATE ON ANY OF THE ABOVE CHECKED ITEMS IF NECESSARY: (USE BACK IF NECESSARY)

*Annual event. I coordinate with police and volunteers. Road closures same as April race.*

THE FOLLOWING SHOULD ACCOMPANY YOUR APPLICATION: (APPROVAL PROCESS WILL NOT BEGIN UNTIL THESE ARE SUBMITTED)

- COPY OF 501C-3 FORM SIGNIFYING NON-PROFIT STATUS (IF APPLICABLE)
- SITE PLAN INDICATING ALL AFFECTED AREAS, STREETS PROPOSING TO BE CLOSED, TEMPORARY POWER SOURCES TO BE INSTALLED, PORTABLE RESTROOM LOCATIONS, VENDOR PLACEMENT, PARADE ROUTE OR ANY OTHER SIGNIFICANT FEATURES
- COPY OF APPLICANT'S INSURANCE CERTIFICATE NAMING THE CITY OF WINTER GARDEN AS ADDITIONALY INSURED. (SEE NEXT PAGE FOR INDIVIDUALS AND GROUPS WITHOUT INSURANCE)
- IF ATTENDANCE IS REASONABLY ANTICIPATED TO BE GREATER THAN 100 PEOPLE YOU SHOULD ALSO INCLUDE A PLAN FOR:
- SANITATION - RESTROOMS, PORT-O-LET PLACEMENT, POTABLE WATER, TRASH RECEPTACLES & COLLECTION PLAN, ETC.
- PARKING AND TRAFFIC - REROUTING TRAFFIC AROUND BLOCKED STREETS, PARKING FOR EVENT PATRO, ETC.
- MEDICAL CARE - FIRST AID STATIONS, EMS SERVICES, AMBULANCE ON SITE, ETC.
- SECURITY - OFF-DUTY OFFICERS SCHEDULED, SECURITY SERVICE UTILIZED, # OF EVENT STAFF IN ATTENDANCE, ETC.

FOR OFFICE USE ONLY	
REC.:	SCHEDULED FOR MEETING OF:
PD:	
FIRE:	
PW:	OTHER:



- ▲ - Police officer
- ★ - Volunteer to monitor/temporarily hold vehicular traffic
- - barricade