



**For More Information, Contact:**

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**PLANNING & ZONING BOARD AGENDA**

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

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

RE: Agenda – April 1, 2013 - 6:30 PM  
Commission Chambers, City Hall  
300 West Plant Street, Winter Garden

- 
1. **CALL TO ORDER**
  2. **ROLL CALL AND DETERMINATION OF QUORUM**
  3. **APPROVAL OF MINUTES FROM THE MARCH 4, 2013 MEETING**  
**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**
  4. 12520 Warrior Road - (Westside Church)  
Parcel ID # : 25-22-27-0000-00-079  
**ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT (PUBLIC HEARING)**
  5. 16846; 17000; 17166 Marsh Road (Premer/Pangborn)  
**Annexation / FLU Map Amendment**  
Parcel ID # : 05-23-27-0000-00-002  
Parcel ID # : 06-23-27-0000-00-006  
Parcel ID # : 06-23-27-4272-00-010
  6. 14400 Siplin Road (Tilden Groves Holding Corp)  
**Annexation / FLU Map Amendment**  
Parcel ID # : 34-22-27-0000-00-005
  7. 14288; 14350; 14362 Siplin Road (Black Lake Preserve)  
**FLU Map Amendment**  
Parcel ID # : 34-22-27-0000-00-007  
Parcel ID # : 34-22-27-0000-00-008  
Parcel ID # : 34-22-27-0000-00-029

**CITY OF WINTER GARDEN CODE UPDATES**

8. Planned Commercial Development (PCD) and Planned Unit Development (PUD)  
Ordinance 13-14
9. Sign Code  
Ordinance 13-19
10. Sidewalk Café  
Ordinance 13-20

11. **ADJOURNMENT**

To the next regular Planning and Zoning Board meeting on Monday, May 6, 2013 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
MARCH 4, 2013**

**1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE**

Chairman James Gentry called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:32 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

**2. ROLL CALL AND DETERMINATION OF QUORUM**

The roll was called and a quorum was declared present at 6:32 p.m.

**MEMBERS PRESENT:**

Chairman James Gentry, Board Members: Kent Horsley, Mark Maciel, Mac McKinney, Rohan Ramlackhan, and Eric Weiss.

**MEMBERS ABSENT/ARRIVED LATE:**

Board Member – James Dunn (Absent) - Excused

**STAFF PRESENT:**

City Attorney(s) Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, and Planning Technician Corrina Williams.

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held on February 4, 2013.

*Motion by Kent Horsley to approve the February 4, 2013 minutes, seconded by Mac McKinney, the motion carried unanimously 6-0.*

**VARIANCE(Public Hearing)**

**4. 332 Florida Avenue – (Rodriguez, Armando)**

Senior Planner Steve Pash presented a request to the minimum front yard setback for an existing attached front carport at 332 Florida Avenue to remain at a 10' setback. The

applicant pulled permits to re-roof the home and when the inspector was there doing the roofing inspections the inspector noticed that the carport structure had been completely rebuilt and in fact widened and lengthened. Staff is recommending approval of the variance in that it is consistent with the neighborhood. It does not interfere with neighboring properties and allows reasonable minimum use of the property, strict compliance with the code, does not further any city objectives and is consistent with the City comprehensive plan.

General discussion by the Board with staff clarifying that the carport was an existing carport but was rebuilt longer and wider than the original one and no permit was pulled for the carport rebuild. The applicant will be pulling an after the fact permit after the approval of the variance tonight.

*Motion by Eric Weiss to approve the front yard setback variance for the carport on the property at 332 Florida Avenue with staff recommendations (Attached Exhibit "A"). Seconded by Mark Maciel, the motion carried unanimously 6-0.*

### **SPECIAL EXCEPTION PERMIT (Public Hearing)**

#### **5. 13375 W. Colonial Drive (13245 W. Colonial Dr.)(Dream Big Preschool of Learning)**

Senior Planner Laura Smith presented a special exception permit request to allow for a child daycare center to be located at 13245 W. Colonial Drive in the Winter Garden Plaza also known as the "Kmart" center. The subject property is zoned C-2 and designated commercial on the future land use map. The applicant is proposing to open a daycare facility for 122 students and 23 employees in a 7,000 square foot space previously occupied by a "Blockbuster" video store. The applicant is proposing to construct a 1,160 square foot outdoor play area in the loading and parking area immediately behind the rear access door of their tenant space. Based on the number of students and the size of the playground the playground would be considered undersized by the standard of Florida Statute which says it needs to be 45 square feet of outdoor play space provided for each child enrolled. Staff would recommend denial of the special exception permit due to the proposed location of the playground which is in a commercial loading / unloading parking area. Staff has offered assistance to the applicant to locate an alternative location and would like to continue to offer that to the applicant today.

Rynette Upson, 2325 Anacostia Avenue, Ocoee, FL 34761, Applicant for the Dream Big Pre-School, provided a summary of her and her staff's credentials for the daycare and their considerations of the safety concerns with this tenant space with regard to the parking, the playground and the pawn shop facility adjacent to the space. Ms. Upson provided 15 photos of the site to present to the Board. Ms. Upson also advised the Board of a verbal approval from DCF for the tenant space for a maximum of 60 students.

Board Chairman James Gentry clarified with the applicant that the request for denial was due to a conflict with State Statute and this Board has no authority to support something that breaks Florida law. (FS 402.3056(b)).

Board requested clarification from City Staff on how a discrepancy lies between Ms. Upson's proposed approval by DCF and the City's capacity to playground space criteria. Senior Planner Smith advised the Board that DCF has discretionary abilities among its powers and we do not, and we must follow statute. (Attached as Exhibit "B").

Citizen, Stephen A. Franklin, Generation Design, (prepared the plans for the facility) 378 12<sup>th</sup> Street, Clermont, FL 34711, made a statement in favor of the special exception. Mr. Franklin provided a drawing to the Board for clarification of the playground location. (Attached as Exhibit "C").

Citizen, Michael Rivenbark, "Cash Stop Pawn", 13237 W. Colonial Drive, Winter Garden, FL 34787, tenant directly adjacent to the proposed tenant space. Made a statement neither in favor or in opposition of the daycare but advised the Board that his business conducts the purchase and sale of fire arms and had concerns for the safety of the children in the event of a firearm mishap.

Citizen Darrell Nunnelley, "Nunnelley Group", 11137 Lake Butler Blvd., Windermere, FL 34786, made a statement in favor of the special exception.

Citizen, Carolyn Smith, 2039 Spruce Ridge Drive, Orlando, FL 32808, made a statement in favor of the special exception.

Applicant Rynette Upson requested a continuance instead of a denial to make modifications to the playground to allow for the proposed student capacity. Board discussed with the application for clarification of the proposed number of students. Ms. Upson advised the Board that DCF has approved the space and the proposed playground for a 60 student capacity but they are seeking approval from this Board for 122 students.

Citizen, Michael Collier, (Did not provide address) made a statement in favor of the special exception.

Citizen, Donald Holley, P.O. Box 770115. Winter Garden, FL 34777, made a statement in favor of the special exception.

Citizen, Kimberly Bradwell, 7373 High Lake Drive, Orlando, FL 32818, made a statement in favor of the special exception.

Citizen, Patricia Winans, 614 Lost Grove Circle, Winter Garden, FL 34787, made a statement in favor of the special exception.

Citizen, Nadav Korem, 614 Lost Grove Circle, Winter Garden, FL 34787, made a statement in favor of the special exception.

Citizen, Carole Davis, 6598 Kreidt Drive, Orlando, FL 32818, made a statement in favor of the special exception.

General discussion by the Board with staff and applicant, that the commercial location, along with the adjacent business uses, is not suitable for a daycare facility.

*Motion by Kent Horsley to recommend the facility at 13245 W. Colonial Drive special exception permit be denied based on staff recommendations. In addition, City staff will work with the applicant to find a new facility and will refund the application fee paid or apply it to another site. Seconded by Rohan Ramlakhan, the motion carried unanimously 6-0.*

## **PRELIMINARY & FINAL PLAT(S)**

### **6. Bradford Creek Subdivision (East and West) – 39.19 +/- Acres (Bradford, Wade)**

Senior Planner Laura Smith presented a 118 single-family lot preliminary plat for the project known as Bradford Creek East and West. The developer's agreement was approved last year and the concurrency mitigation agreement was executed by the City Commission at their meeting last month. Staff asks for the conditional approval of the preliminary plat for 118 single family lots.

*Motion by Eric Weiss recommending approval of 420 and 42 Winter Garden Vineland Road (Bradford Creek Subdivision (East and West) preliminary plat of 118 lots) with Staff Recommendations (Attached Exhibit "D"). Seconded by Mark Maciel, the motion carried unanimously 6-0.*

### **7. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:56 p.m.

**APPROVED:**

**ATTEST:**

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Chairman James Gentry

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Planning Technician Corrina Williams

# EXHIBIT "A"

## CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, SENIOR PLANNER  
**DATE:** FEBRUARY 28, 2013  
**SUBJECT:** VARIANCE  
**332 Florida Avenue (0.24+/- ACRES)**  
**PARCEL ID # 23-22-27-2307-02-060**

**APPLICANT:** Armando Rodriguez

### INTRODUCTION

The purpose of this report is to evaluate the request for a front yard setback variance for property located at 332 Florida Avenue in Winter Garden, Florida. The request is for a 10 foot front yard setback in lieu of the required 30 foot front yard setback. If approved, this variance will allow a 320 square foot (16' x 20') attached open carport in front of the principal structure to remain.

The subject property, located on Florida Avenue is approximately a 0.24 ± acre lot near the intersection of Florida Avenue and Wilson Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



P&Z : PH13-012

The applicant is requesting a front yard setback of 10 feet in lieu of the required front yard setback of 30 feet. The subject property carries the zoning designation R-2 (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

#### **EXISTING USE**

The subject property presently consists of a 1,325 square foot single-family residential home with a 384 square foot detached concrete block garage in the back yard.

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

The adjacent properties to the north, south, east and west of the subject property are single-family residential homes. The adjacent properties have the zoning designation R-2 (Single-Family Residential District) and the future land use designation of LR (Low Density Residential).

#### **PROPOSED USE**

The applicant pulled a permit to reroof the house and during the inspections for the roof, the inspector discovered that the carport had been completely rebuilt and enlarged from 12' wide by 15' deep to 16' wide by 20' deep. No permit was issued to make alterations to the carport.

#### **CODE REFERENCE**

**Sec. 118-398 (1) a** of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements in the R-2 Single-Family Residential District are *"front: 30 feet, side: 10 feet each, rear: 20% of depth of lot."*

The applicant is seeking a variance to the minimum front yard requirement for the attached open carport to remain in front of the existing single family residence. The application for variance does not include any removal of trees on the property.

#### **CODE REQUIREMENTS /CRITERIA**

##### **Code Requirements/Criteria:**

Section 118-131 of the City Code that relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

(a) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The 320 square foot open carport is located 10 feet from the front property line and should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the carport does not interfere with line of sight and it does not encroach into side yard setback requirements.

P&Z : PH13-012

(b) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variance allowing a 10 foot front yard setback in lieu of the required 30 foot is a reasonable use of the property. The request is not out of character with other structures located in the surrounding area and other residential structures in the R-2 single-family residential zoning district. Specifically, there are three other open carports constructed in the surrounding area that do not comply with front yard setback requirements. All of them have been constructed attached to the principal structure and none are located closer than 10 feet from the front property line. All of these homes were built in 1970 and none of the properties have variances as these homes were built prior to current codes.

(c) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement.

(d) *The granting of the variance is consistent with the city's comprehensive plan; and*

The variance is consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character.

(e) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

The variance requested is the minimum variance that will make reasonable use of the land. While the property owner constructed the carport without a permit, it is attached to the principal structure with a 10 foot front yard setback and is consistent with the surrounding properties with a carport. Denying this variance does not benefit the property owner or the City.

#### **SUMMARY**

City Staff recommends approval of a variance to Sections 118-398(1)a to allow a 10 foot front yard setback in lieu of the required 30 foot front yard setback for the property to allow for the 320 square foot (16' x 20') open carport to remain.

#### **NEXT STEP**

Apply for appropriate Building Permits.

#### **ATTACHMENTS**

- Aerial Photos
- Survey
- Site Photos

**AERIAL PHOTO**  
**332 Florida Avenue**

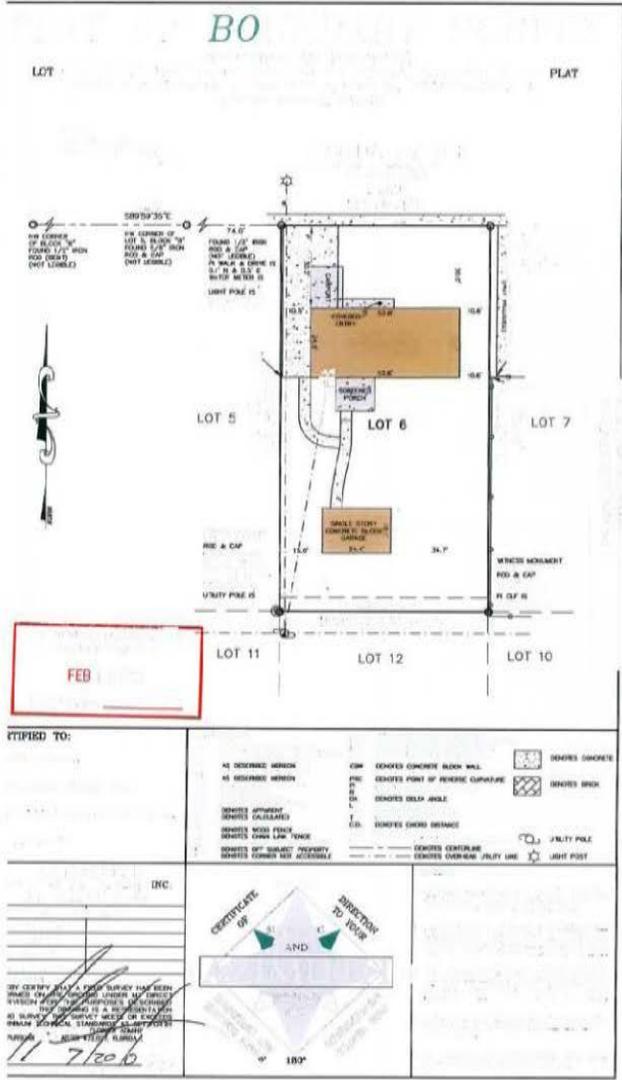


**SIMILAR CARPORTS**  
**FLORIDA AVENUE**



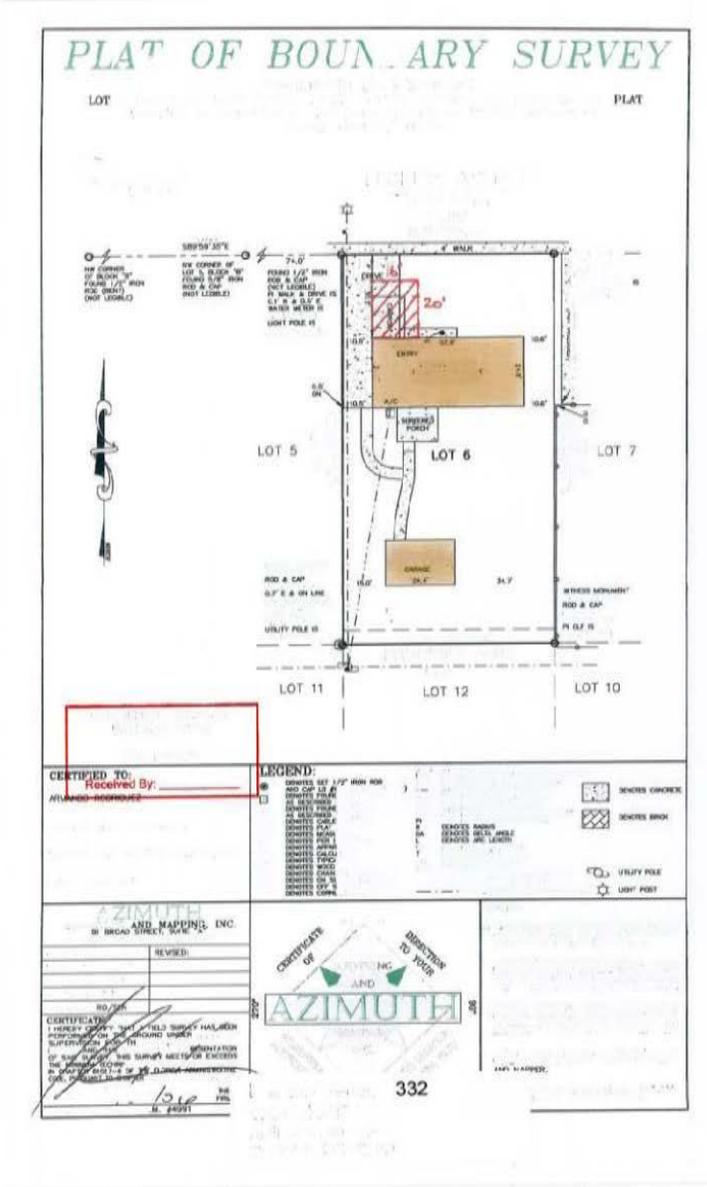
P&Z : PH13-012

**SURVEY**  
**332 Florida Avenue**



P&Z : PH13-012

**PROPOSED DEVELOPMENT**  
**332 Florida Avenue**



P&Z : PH13-012

**Site Photos**  
**332 Florida Avenue**



P&Z : PH13-012



P&Z : PH13-012



P&Z : PH13-012



**END OF STAFF REPORT**

P&Z : PH13-012

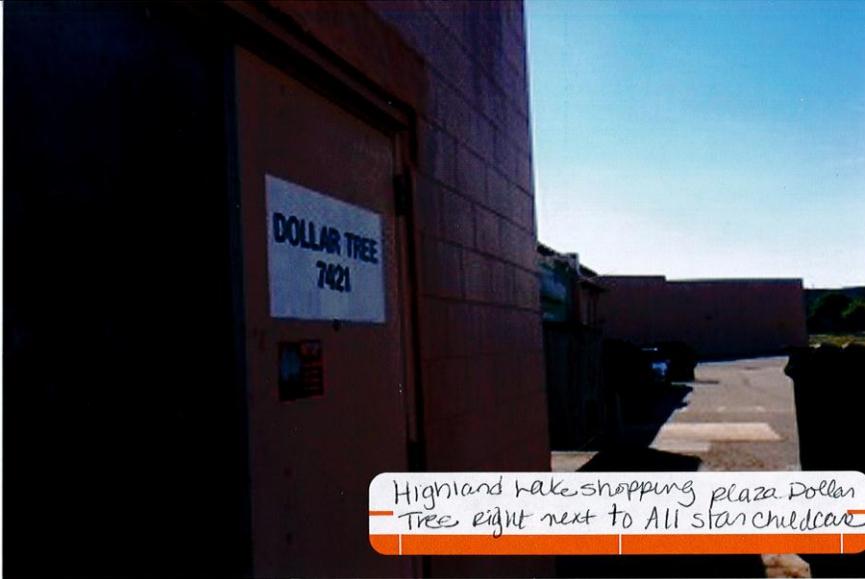
**EXHIBIT "B"**

**Applicant Presentation – Photos**









Highland Lake shopping plaza Dollar Tree right next to All stars childcare



Beatrice Gaurdian Angels Oakridge, Pa



All stars childcare  
Highland Lakes Shopping Center



All stars Preschool

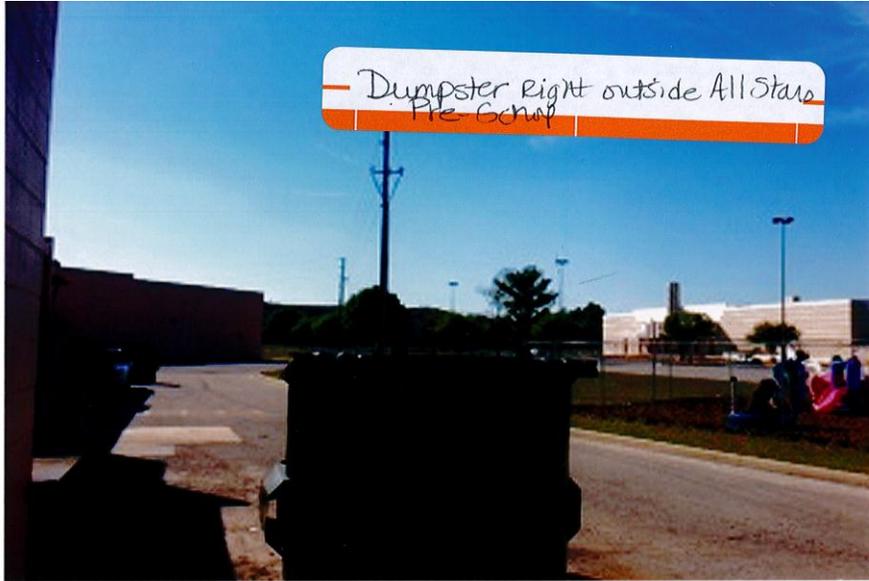
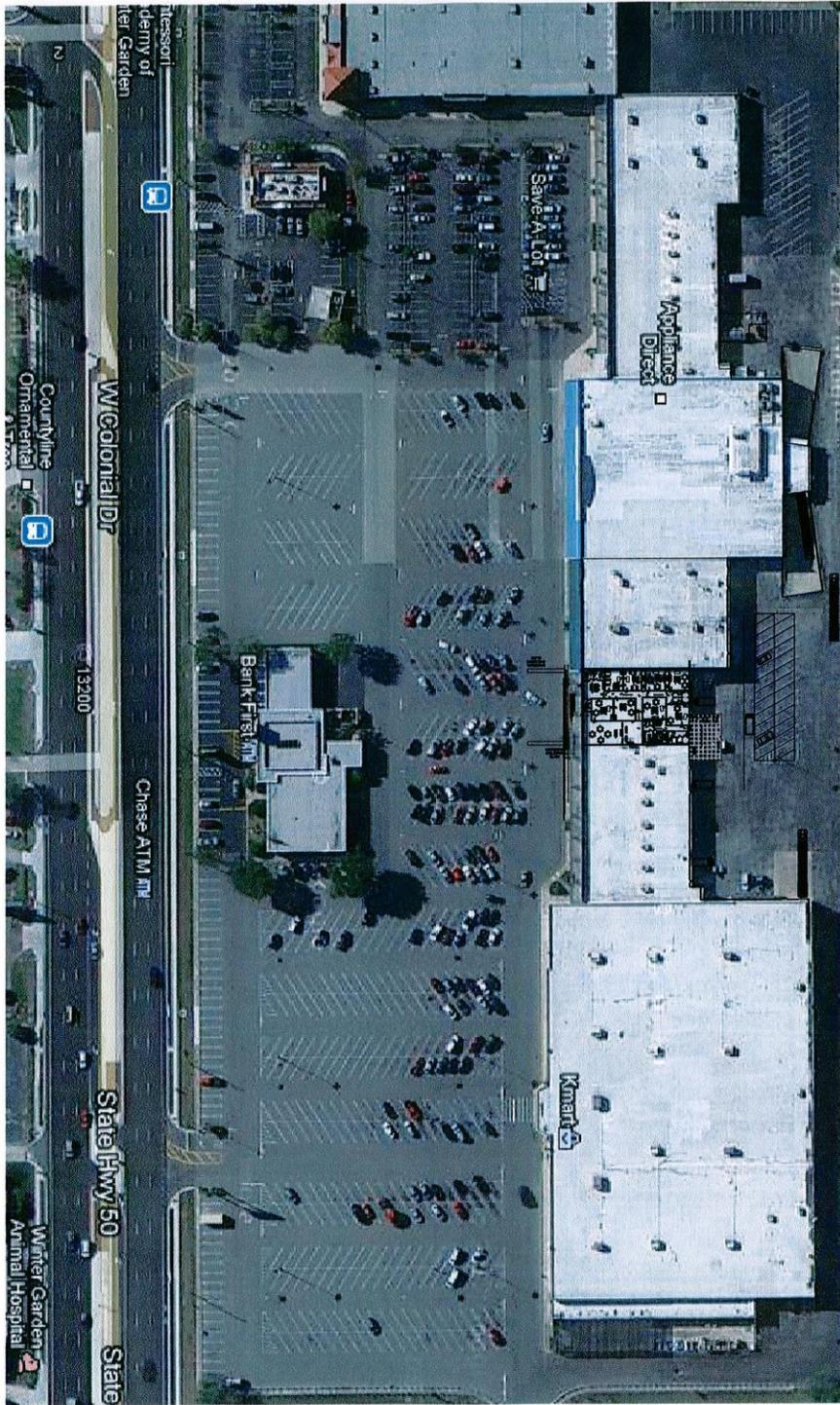






EXHIBIT "C"

Applicant Representative Presentation – Site Plan



## EXHIBIT “D”

# CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

# STAFF REPORT

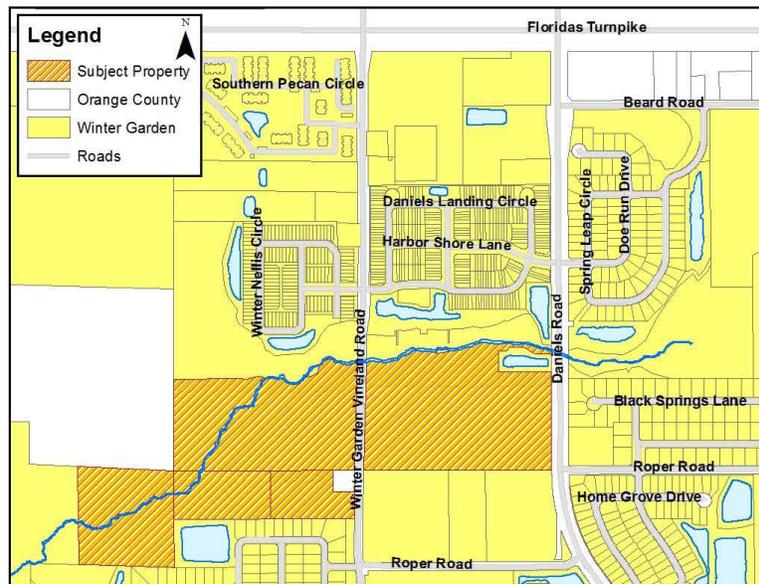
**TO:** PLANNING AND ZONING COMMITTEE  
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER  
**DATE:** FEBRUARY 28, 2013  
**SUBJECT:** PRELIMINARY PLAT  
420 & 421 Winter Garden Vineland Road (63.06+/- ACRES)  
**PARCEL ID#** 26-22-27-0000-00-019 34-22-27-0000-00-014  
26-22-27-0000-00-018 35-22-27-0000-00-004  
35-22-27-0000-00-002

**APPLICANT:** J & WB, Inc, Ed. Bradford Family Trust, & Ann Reaves McFadden Trust

### INTRODUCTION

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

The subject property, located north of Roper Road on the east and west side of Winter Garden Vineland Road and on the west side of Daniels Road, is approximately 63.06± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



**EXISTING USE**

The parcel of the subject property located on the east side of Winter Garden Vineland Road is presently vacant and does not contain any structures. The parcels of the subject property located on the west side of Winter Garden Vineland Road contains 5 total structures: 1, 232 square foot commercial office building, 3,714 square foot warehouse building, 2,596 square foot warehouse building, 875 square foot shed, and a 1,216 square foot single family residential structure.

**ADJACENT LAND USE AND ZONING**

The properties located to the north are The Orchards a townhome community zoned PUD, and Daniels Landing a townhome community zoned R-3. The properties located to the south are Black Lake Park a single family residential community zoned PUD, 2 vacant unimproved parcels zoned R-1, and Serenades by Sonata a memory care/assisted living facility zoned PUD which is currently under construction. The property to the east is Cobblestone a single family residential community zoned R-1. The property to the west is a 36.1 acre vacant unimproved parcel located in unincorporated Orange County zoned A-1.

**PROPOSED USE**

The applicant is requesting preliminary plat approval to move forward with development plans and the final plat. The preliminary plat will subdivide Bradford Creek PUD, a 63.06 ± acre PUD into 118 lots, 2 community parks, common open space, roadway and stormwater tracts.

**SUMMARY**

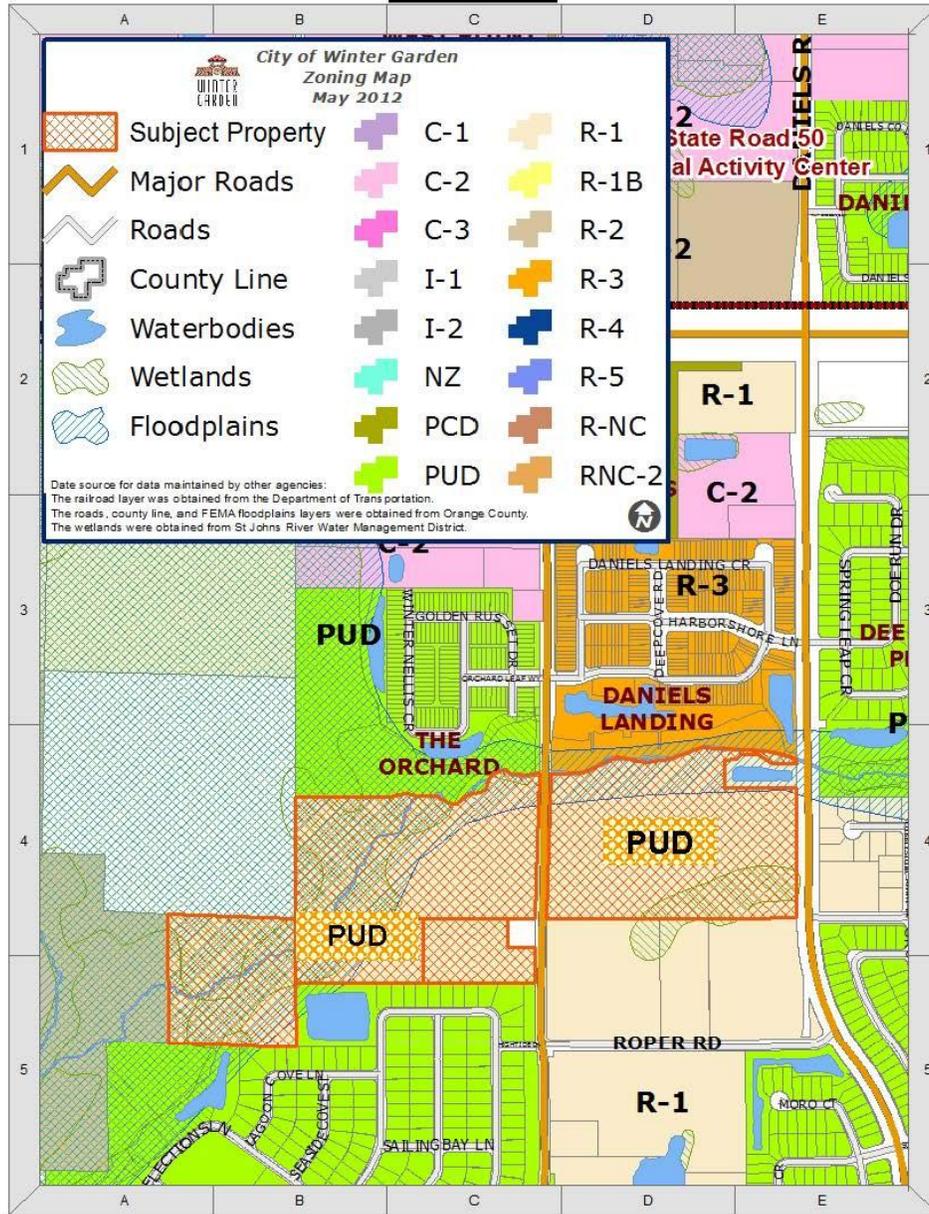
City Staff recommends conditional approval of the proposed Preliminary Plat. Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat.

**MAPS**

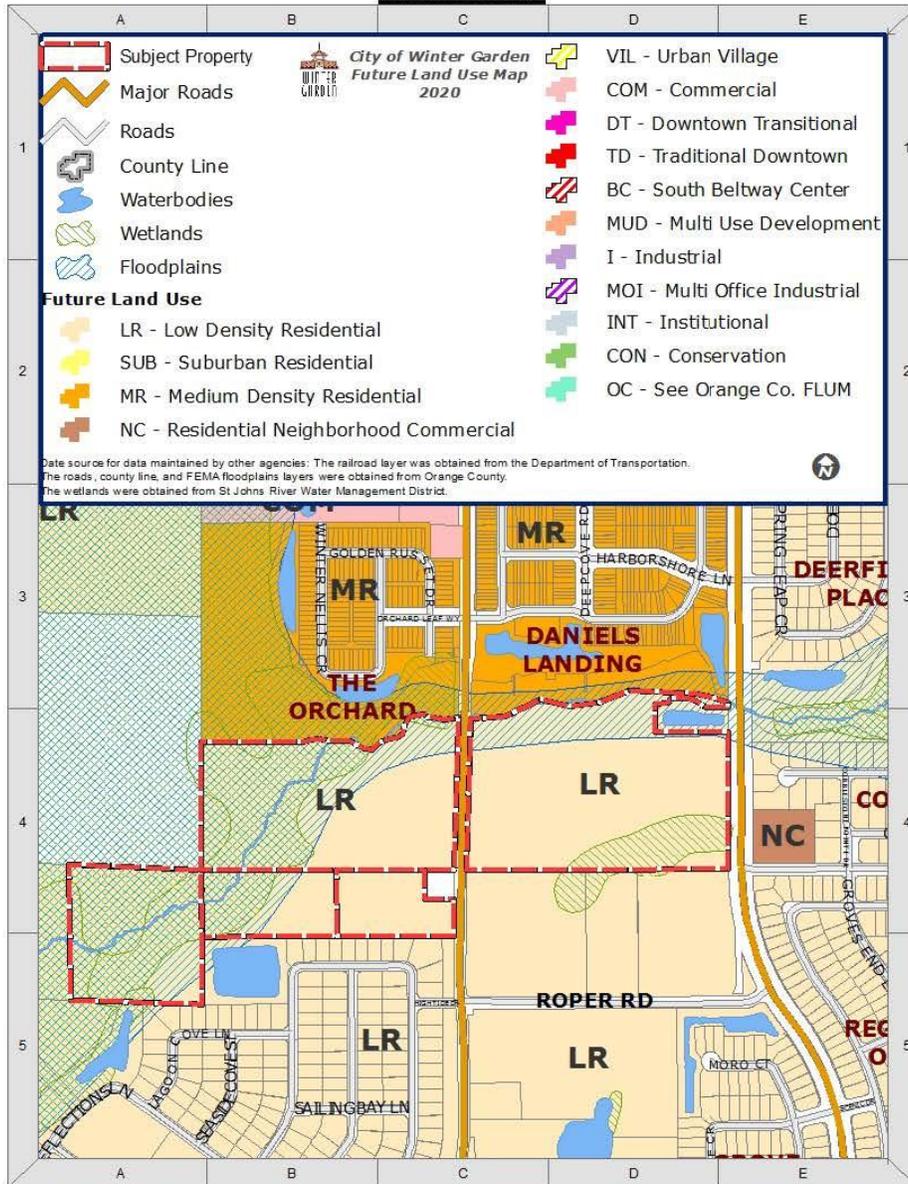
**AERIAL PHOTO  
BRADFORD CREEK SUBDIVISION**



**ZONING MAP**  
**Bradford Creek**



**FUTURE LAND USE MAP**  
**Bradford Creek**



END OF STAFF REPORT

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 4 (Public Hearing)**

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**DATE:** March 27, 2013

**MEETING DATE:** April 1, 2013

**SUBJECT:** Special Exception Extension– 12520 Warrior Road  
**Project Name** Westside Family Worship Center Church  
**Parcel ID#** 25-22-27-0000-00-079

**ISSUE:** Applicant requests one year extension of Special Exception Permit granted April 2, 2012 allowing construction of a church in an R-1 zoning district.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Westside Family Worship Center Church/ Pastor Jean Ivory Payton

**CURRENT ZONING:** R - 1 (Single-Family Residential District)

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

The Planning and Zoning Board originally approved a Special Exception Permit for the Church on the property zoned R-1 on February 3, 2003; the permit approval expired on February 3, 2004. The Planning and Zoning Board approved another Special Exception Permit for the Church on the property zoned R-1 on April 2, 2007 and a Special Exception Permit extension on March 3, 2008. The Planning and Zoning Board approved a new Special Exception Permit on April 2, 2012, which is scheduled to expire on April 2, 2013.

The owner/applicant is requesting a one year extension of the Special Exception Permit granted April 2, 2012 allowing the construction of church in an R-1 Zoning District.

**STAFF RECOMMENDATION(S):**

City staff recommends approval of the one year extension of the Special Exception Permit granted on April 2, 2012 with all conditions identified in the Staff Report of April 2, 2012 remaining in effect.

**NEXT STEP(S):**

Submit for site plan review

**ATTACHMENT(S):**

Letter of Request for Extension



*"But the hour cometh, and now is when the true worshippers shall worship the Father in spirit and in truth for the Father seeketh such to worship him. God is a spirit and they that worship him must worship him in spirit and in truth." John 4:23-24*

February 19, 2013

**TO:** Laura Smith  
Senior Planner  
Community Development Department  
Planning & Zoning  
City of Winter Garden  
300 West Plant Street  
Winter Garden, Florida 34787

**RE:** 12520 Warrior Road—Westside Church Special Exception Extension Request

Dear Ms. Smith:

We are requesting a time extension of one (1) year (365 days) to the Special Exception that was granted to Westside Family Worship Center Church by your department on April 2, 2012.

The current economy downturn has had a great impact on our ministry financially and the situation that arose with the previous contractor. These situations have contributed to the Westside Family Worship Center Church having to put the continuation/completion of our building project on hold.

Thank you for your consideration.

Sincerely,

Pastor Jean Ivory Payton  
Senior Pastor  
Westside Family Worship Center Church

**Warrior Road - 12520  
SEP (EXTENSION)**

Westside Family Worship Center Ministries, Inc.  
Pastor Jean Ivory Payton

25-22-27-0000-00-079

**Community Development  
Planning & Zoning**

**FEB 25 2013**

**Received By: \_\_\_\_\_**



ORDINANCE 13-16

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 127.42 ± ACRES LOCATED AT 16846, 17000, AND 17166 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON 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 127.42 ± acres located on the south side of Marsh Road, east of Williams Road and west of Avalon 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:** \_\_\_\_\_, 2013.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, 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**

DESCRIPTION: (16846 MARSH ROAD - PARCEL ID#05-23-27-0000-00-002)

THAT PORTION OF THE FRACTIONAL NW 1/4 LYING SOUTH OF MARSH ROAD, AND THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, AND THE NORTH 400 FEET OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST, AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST LYING SOUTH OF MARSH ROAD; LESS THAT PORTION OF THE FRACTIONAL EAST ONE-HALF OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD, AND LESS THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST; AND LESS THAT PORTION LYING WITHIN THE PLAT OF LAKE AVALON ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 52, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN N01°05'41"W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 329.45 FEET TO THE SOUTHERLY LINE OF MARSH ROAD; THENCE RUN N74°25'18"E ALONG THE SOUTHERLY LINE OF MARSH ROAD, A DISTANCE OF 2160.03 FEET TO A POINT OF CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 1570.00 FEET, AND A CENTRAL ANGLE OF 15°28'12"; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 423.90 FEET TO THE POINT OF TANGENCY; THENCE RUN N89°53'30"E A DISTANCE OF 132.46 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE RUN S00°24'08"E ALONG SAID EAST LINE A DISTANCE OF 963.88 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 5; THENCE RUN N89°55'22"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5, A DISTANCE OF 1330.79 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5; THENCE RUN S00°12'06"E A DISTANCE OF 658.01 FEET TO THE SOUTHEAST CORNER OF NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5; THENCE RUN S89°57'02"W A DISTANCE OF 1328.49 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5; THENCE RUN N00°24'08"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 5, A DISTANCE OF 257.37 FEET TO THE SOUTH LINE OF THE NORTH 400.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE RUN S89°55'22"W ALONG SAID

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CONTAINING 117.14 ACRES, MORE OR LESS.

DESCRIPTION: (17000 MARSH ROAD - PARCEL ID#06-23-27-0000-00-006)

THAT PORTION OF THE FRACTIONAL EAST ONE -HALF OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD, AND THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

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CONTAINING 6.72 ACRES, MORE OR LESS.

DESCRIPTION: (17166 MARSH ROAD - PARCEL ID#06-23-27-4272-00-01 0)

LOT 1, LAKE AVALON ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 52, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1, LAKE AVALON ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 52, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT LYING 982.37' WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN N89°28'15"E ALONG THE NORTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 431 FEET MORE OR LESS TO THE SHORELINE OF LAKE AVALON; THENCE RUN SOUTHERLY AND WESTERLY ALONG SAID SHORELINE A DISTANCE OF 722 FEET MORE OR LESS TO THE WESTERLY LINE OF SAID LOT 1; THENCE RUN N07°19'45"W ALONG SAID WESTERLY LINE A DISTANCE OF 372.77 FEET; THENCE RUN N74°35'15"E A DISTANCE OF 91.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.56 ACRES, MORE OR LESS.

ORDINANCE 13-17

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 127.42 ± ACRES LOCATED AT 16846, 17000, AND 17166 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; 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 127.42 ± acres located on the south side of Marsh Road, east of Williams Road and west of Avalon 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 Village to City Urban Village; 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 Urban Village 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 13-16, 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:** \_\_\_\_\_, 2013.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, 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**

DESCRIPTION: (16846 MARSH ROAD - PARCEL ID#05-23-27-0000-00-002)

THAT PORTION OF THE FRACTIONAL NW 1/4 LYING SOUTH OF MARSH ROAD, AND THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, AND THE NORTH 400 FEET OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST, AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST LYING SOUTH OF MARSH ROAD; LESS THAT PORTION OF THE FRACTIONAL EAST ONE-HALF OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD, AND LESS THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST; AND LESS THAT PORTION LYING WITHIN THE PLAT OF LAKE AVALON ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 52, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

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CONTAINING 117.14 ACRES, MORE OR LESS.

DESCRIPTION: (17000 MARSH ROAD - PARCEL ID#06-23-27-0000-00-006)

THAT PORTION OF THE FRACTIONAL EAST ONE -HALF OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD, AND THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

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CONTAINING 6.72 ACRES, MORE OR LESS.

DESCRIPTION: (17166 MARSH ROAD - PARCEL ID#06-23-27-4272-00-01 0)

LOT 1, LAKE AVALON ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 52, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

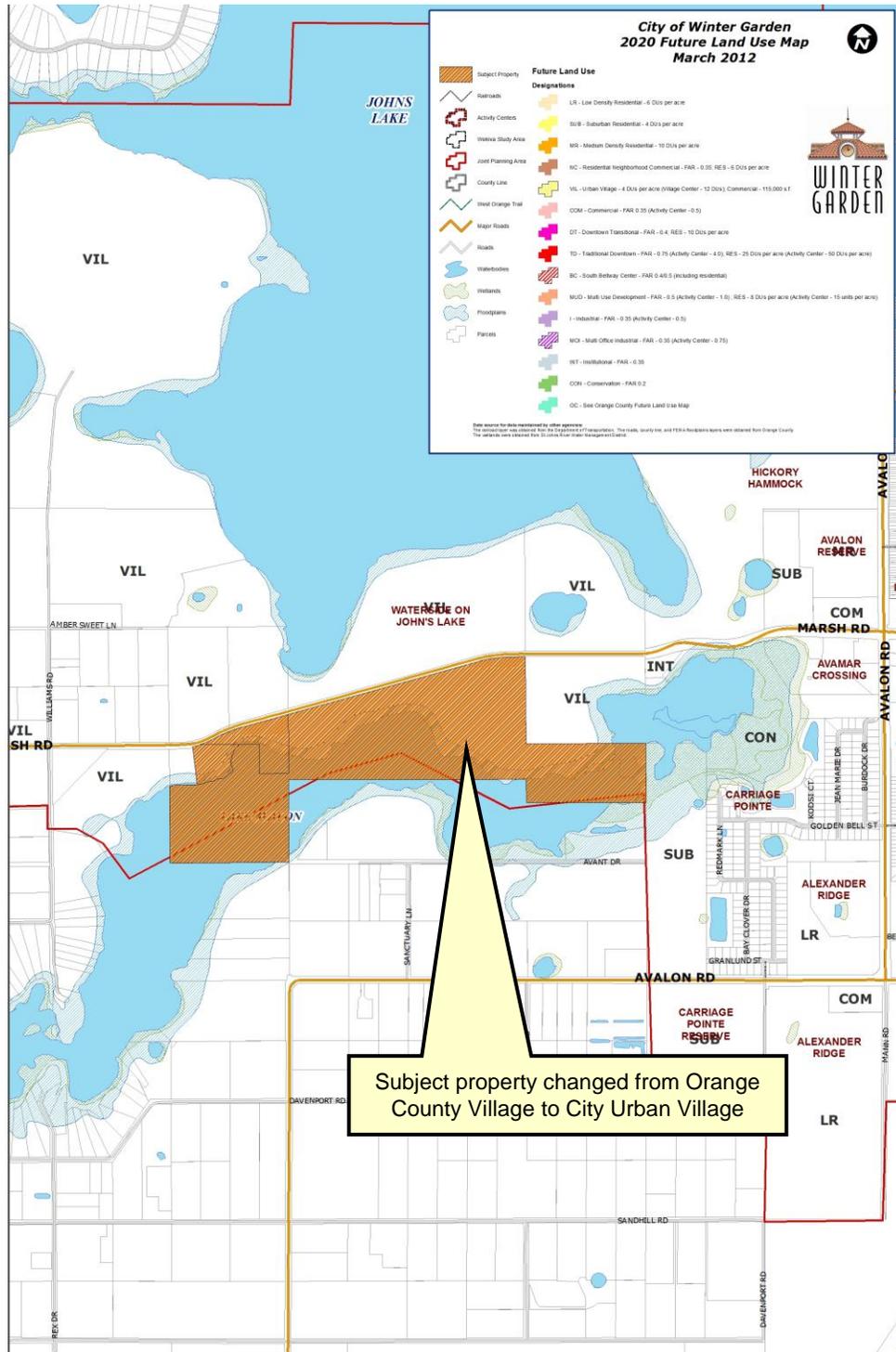
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CONTAINING 3.56 ACRES, MORE OR LESS.

# ATTACHMENT "B"

## FUTURE LAND USE MAP

**16846, 17000, 17166 Marsh Road**



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD

**PREPARED BY:** STEVE PASH, SENIOR PLANNER

**DATE:** MARCH 28, 2012

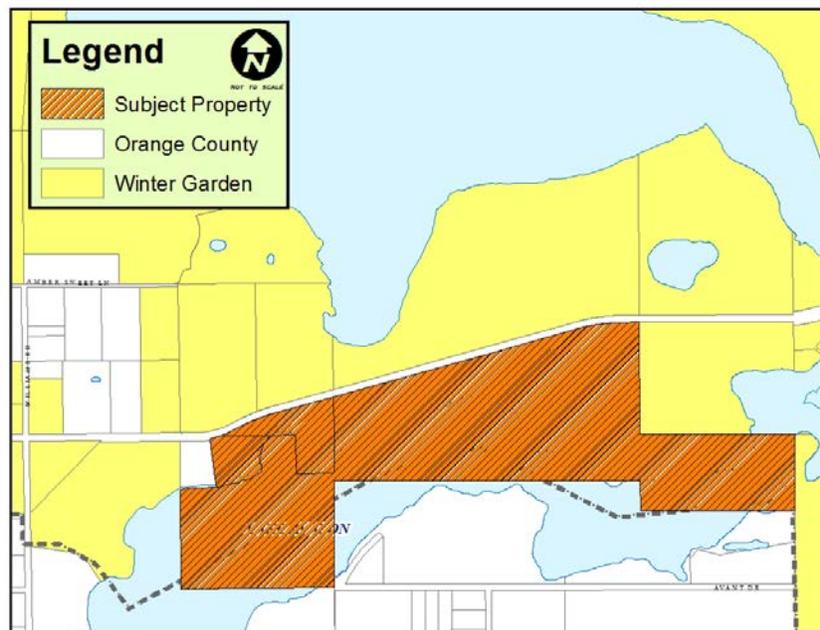
**SUBJECT:** ANNEXATION/FUTURE LAND USE MAP AMENDMENT  
**PREMER PANGBORN PROPERTY (127.42 +/- ACRES)**  
**Parcel ID # 05-23-27-0000-00-002** – 16846 Marsh Road  
**Parcel ID # 05-23-27-0000-00-006** – 17000 Marsh Road  
**Parcel ID # 05-23-27-4272-00-010** – 17166 Marsh Road

**APPLICANT:** MELISA L. PREMER & CAROLYN P. PANGBORN

### INTRODUCTION

The purpose of this report is to evaluate the proposed annexation and future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located on the south side of Marsh Road and east of Williams Road and west of Avalon Road and is approximately 127.42 +/- acres. The map below depicts the location of the property within the City's jurisdictional limits:



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

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include single family homes and churches and schools. The zoning classifications that are consistent with the Urban Village land use designation include Urban Village PUD 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..

The City's Comprehensive Plan policy for the future land use designation of Urban Village states:

**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.

### **EXISTING USE**

The property is mainly orange groves, planted pines, and water except for one abandoned building that is located on the northeast section of 16846 Marsh Road (Parcel I.D. #05-23-27-0000-00-002). The property has always been used for agricultural uses.

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

To the north of the property is another property that was orange groves and recently was approved for an Urban Village Planned Unit Development (UVPUD) zoning to construct a new subdivision with 172 single-family homes. To the south is Lake Avalon and agricultural land in unincorporated Orange County with A-1 zoning. To the east is vacant land with no zoning, located in the City of Winter Garden. To the west of the property is a single family house and a vacant property, both with agricultural uses.

### **PROPOSED USE**

There is no current proposal to develop the property and the agricultural use will remain. When the owner decides to develop the property, they will be required to submit an application for Urban Village Planned Unit Development.

### **PUBLIC FACILITY ANALYSIS**

The property's primary point of transportation access is from Marsh Road. The existing property access is in several locations along Marsh Road, and any future connections will be analyzed when they submit for the UVPUD.

The City will provide potable water, reclaimed water, and sewer service to the property. The facilities are currently being installed adjacent to the property on the north side along Marsh Road. The City will provide utilities for the future development of this property.

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 Fire Department under the First Response system.

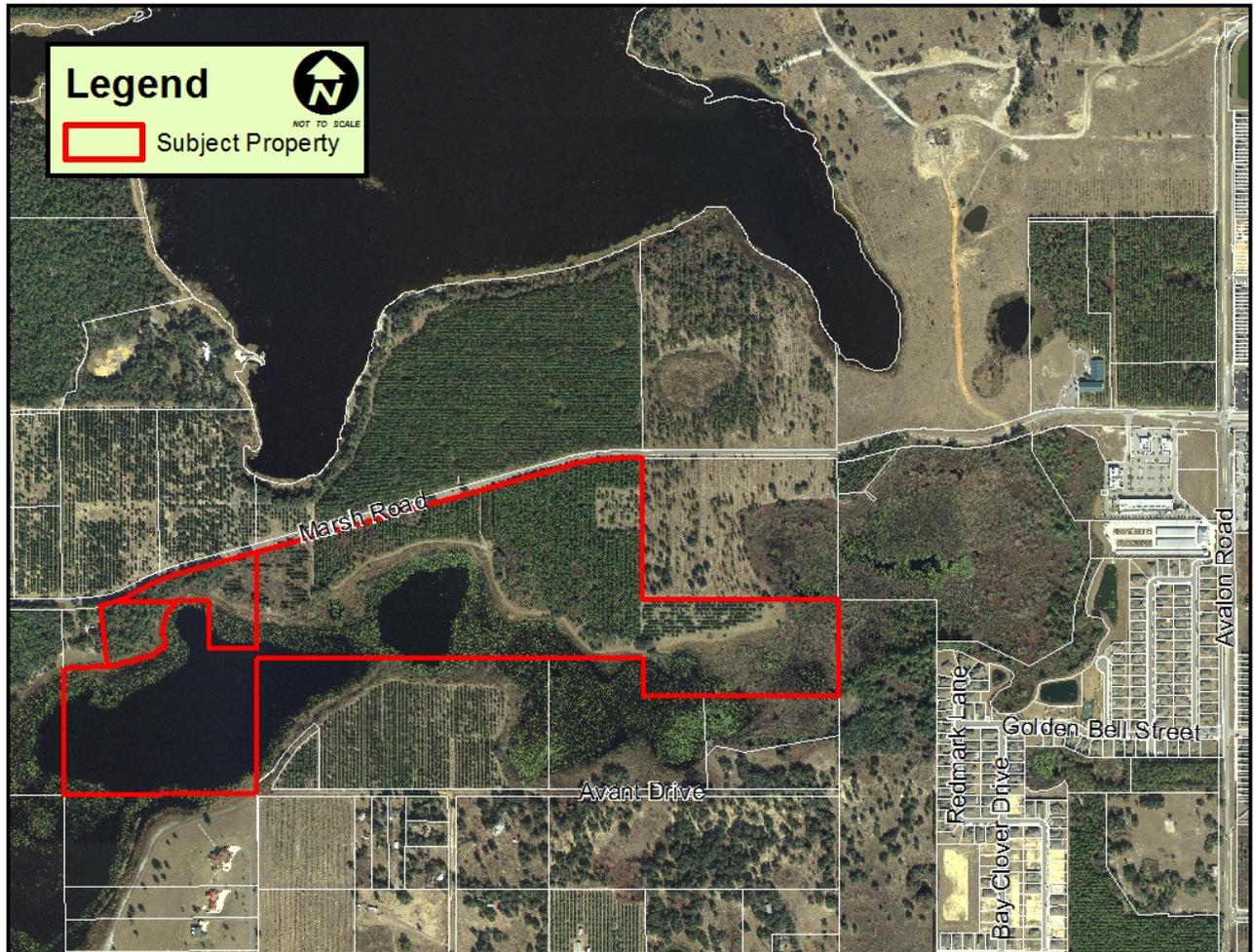
### **SUMMARY**

The City Planning Department has reviewed the proposed ordinances and recommends approval.

**MAPS**

**AERIAL PHOTO**

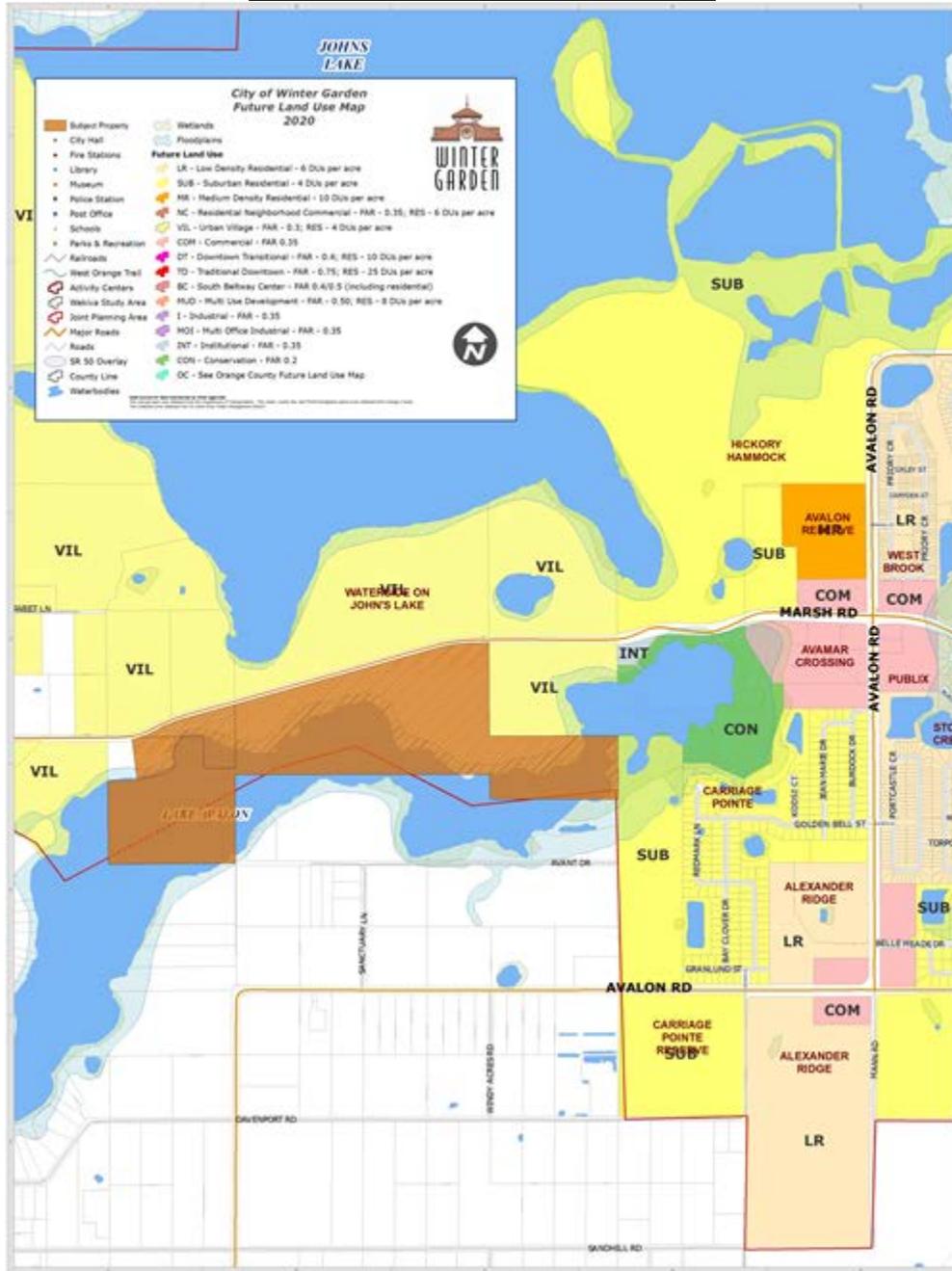
**16846, 17000, & 17166 Marsh Road**



# WINTER GARDEN FUTURE LAND USE MAP

## EXISTING

### 16846, 17000, & 17166 Marsh Road



**ORANGE COUNTY  
FUTURE LAND USE MAP**

**EXISTING**

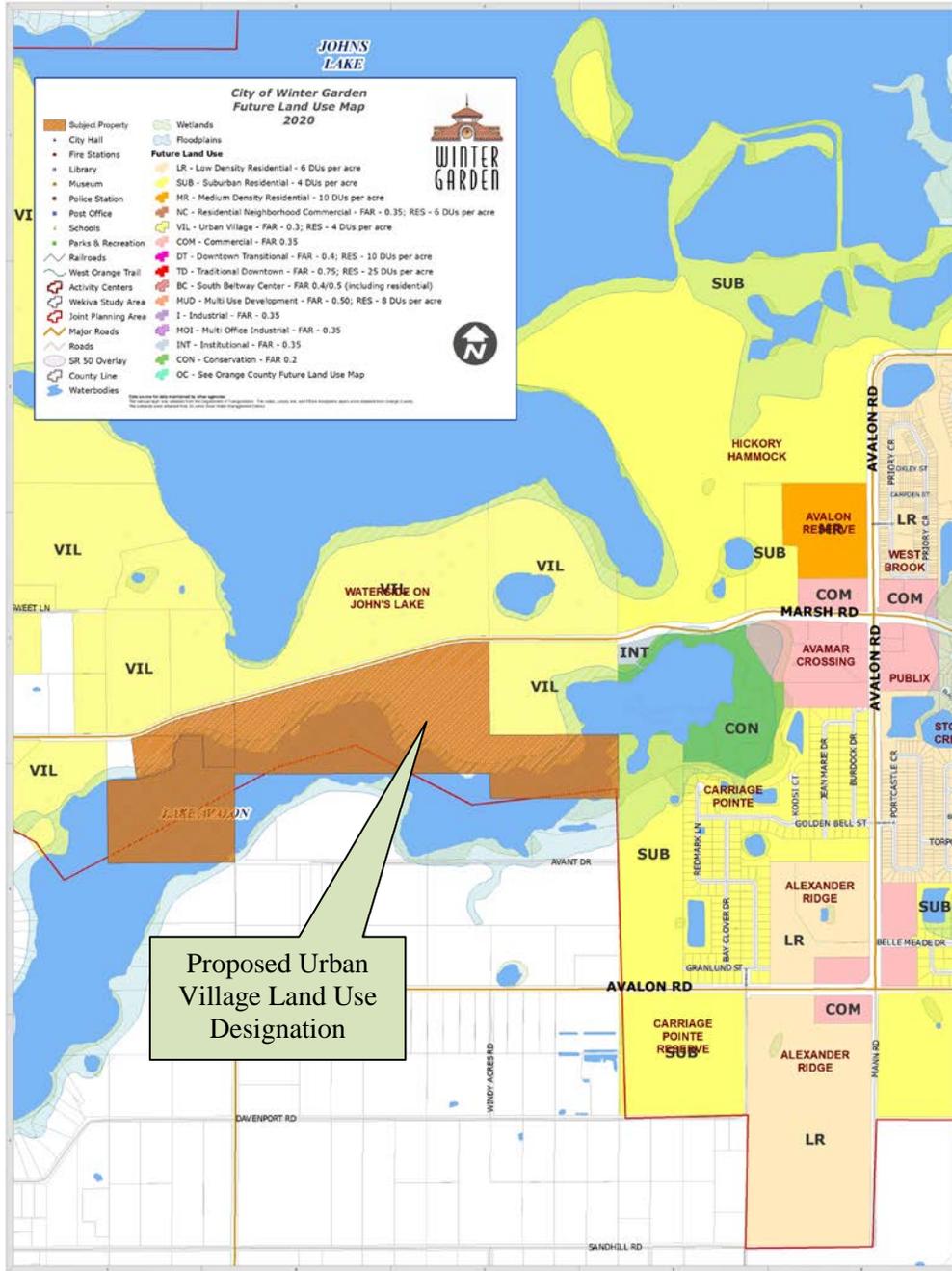
**16846, 17000, & 17166 Marsh Road**



## WINTER GARDEN FUTURE LAND USE MAP

### PROPOSED

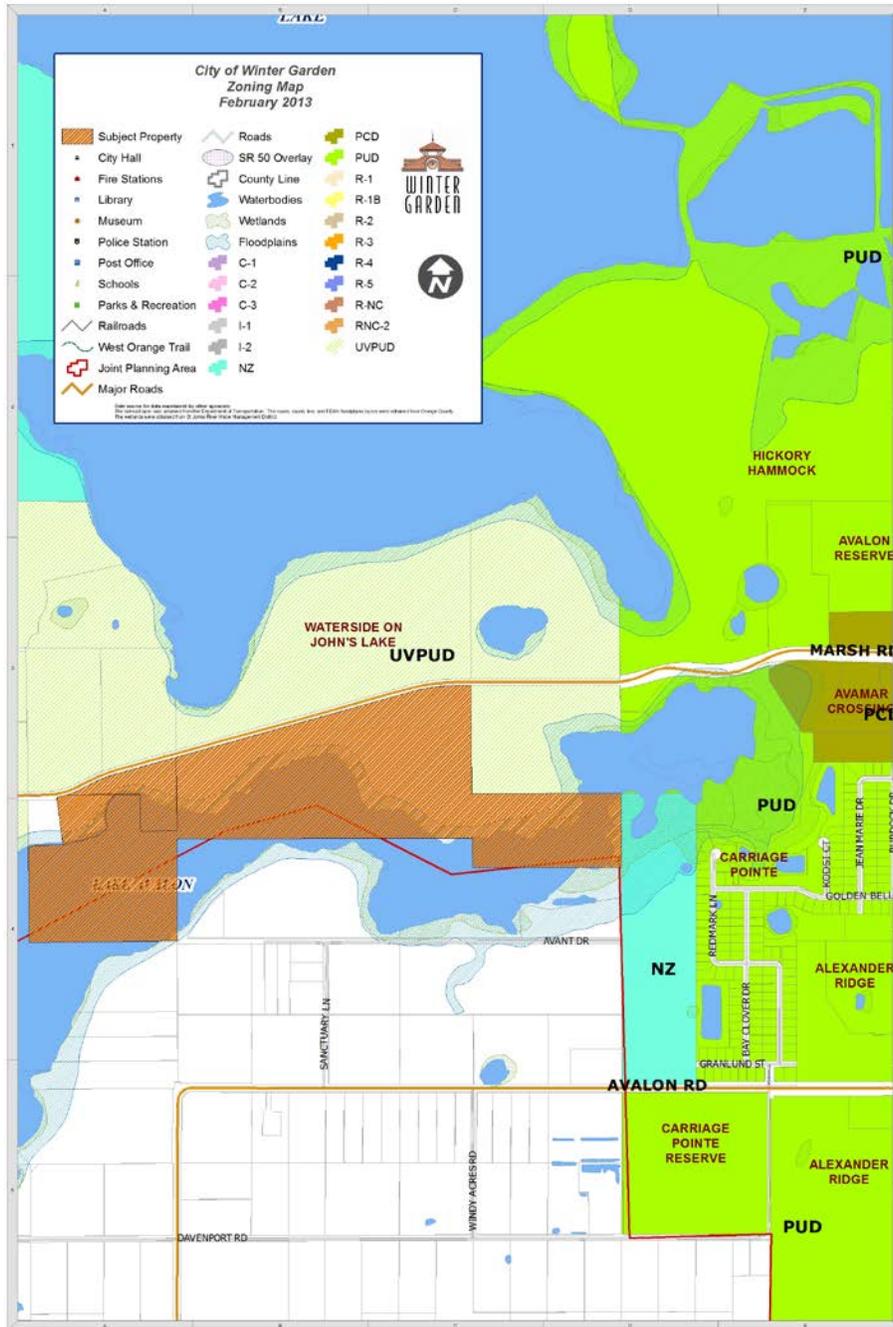
#### 16846, 17000, & 17166 Marsh Road



# WINTER GARDEN ZONING MAP

CURRENT

## 16846, 17000, & 17166 Marsh Road



END OF STAFF REPORT



## ORDINANCE 13-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 10.475 ± ACRES GENERALLY LOCATED SOUTH OF SUNRIDGE BOULEVARD, NORTH OF BLACK LAKE, EAST OF AVALON ROAD, AND WEST OF SIPLIN 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 10.475 ± acres located west of the south of Sunridge Boulevard, north of Black Lake, east of Avalon Road and west of Siplin 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:** \_\_\_\_\_, 2013.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, 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#: 34-22-27-0000-00-005**



TILDEN GROVES  
BLACK LAKE PARCEL

**DESCRIPTION:**

That part of the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the North 1/4 corner of Section 34, Township 22 South, Range 27 East, Orange County, Florida, and run S01°18'30"E, along the East line of the Northwest 1/4 of said Section 34 for a distance of 1419.17 feet to the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S87°28'23"W along the North line of said Southeast 1/4 of the Northwest 1/4 for a distance of 635.38 feet to the POINT OF BEGINNING; thence, departing said North line, run S01°01'05"E, along the East line of the West 33.00 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34, for a distance of 453.00 feet; thence S87°28'23"W along the South line of the North 453.00 feet of said Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4, for a distance of 33.00 feet to the East line of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S01°01'05"E along said East line 245.83 feet; thence S88°32'13"W along the South line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 638.78 feet; thence N00°43'04"W along the West line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 687.04 feet; thence N87°28'23"E along the North line of the aforesaid Southeast 1/4 of the Northwest 1/4 for a distance of 688.38 feet to the POINT OF BEGINNING.

Containing 10.475 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

Description prepared by Donald W. McIntosh Associates, Inc. (DWMA) based on Official Records Book 2915 Page 391 and on a Boundary Survey by DWMA dated 9/21/2012.

**DONALD W. McINTOSH ASSOCIATES, INC.**  
**2200 Park Avenue North, Winter Park, FL 32789**  
(Certificate of Authorization No. LB68)

  
\_\_\_\_\_  
KEITH RUDDICK  
Florida Registered Surveyor and Mapper  
Certificate No. 2617

NOT VALID WITHOUT THE  
SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND  
MAPPER.

Siplin Road (Tilden Property)  
**ANNEXATION**  
Tilden Groves Holding Corp.  
34-22-27-0000-00-005

ORDINANCE 13-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY SUBURBAN RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 10.475 ± ACRES GENERALLY LOCATED SOUTH OF SUNRIDGE BOULEVARD, NORTH OF BLACK LAKE, EAST OF AVALON ROAD, AND WEST OF SIPLIN ROAD; 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 10.475 ± acres of land generally located south of Sunridge Boulevard, north of Black Lake, east of Avalon Road, and west of Siplin 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 Rural/Agricultural to City Suburban 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 Suburban 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 13-13, 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:** \_\_\_\_\_, 2013.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**ATTACHMENT "A"**

**PARCEL ID#: 34-22-27-0000-00-005**



**TILDEN GROVES  
BLACK LAKE PARCEL**

**DESCRIPTION:**

That part of the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the North 1/4 corner of Section 34, Township 22 South, Range 27 East, Orange County, Florida, and run S01°18'30"E, along the East line of the Northwest 1/4 of said Section 34 for a distance of 1419.17 feet to the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S87°28'23"W along the North line of said Southeast 1/4 of the Northwest 1/4 for a distance of 635.38 feet to the POINT OF BEGINNING; thence, departing said North line, run S01°01'05"E, along the East line of the West 33.00 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34, for a distance of 453.00 feet; thence S87°28'23"W along the South line of the North 453.00 feet of said Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4, for a distance of 33.00 feet to the East line of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S01°01'05"E along said East line 245.83 feet; thence S88°32'13"W along the South line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 638.78 feet; thence N00°43'04"W along the West line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 687.04 feet; thence N87°28'23"E along the North line of the aforesaid Southeast 1/4 of the Northwest 1/4 for a distance of 688.38 feet to the POINT OF BEGINNING.

Containing 10.475 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

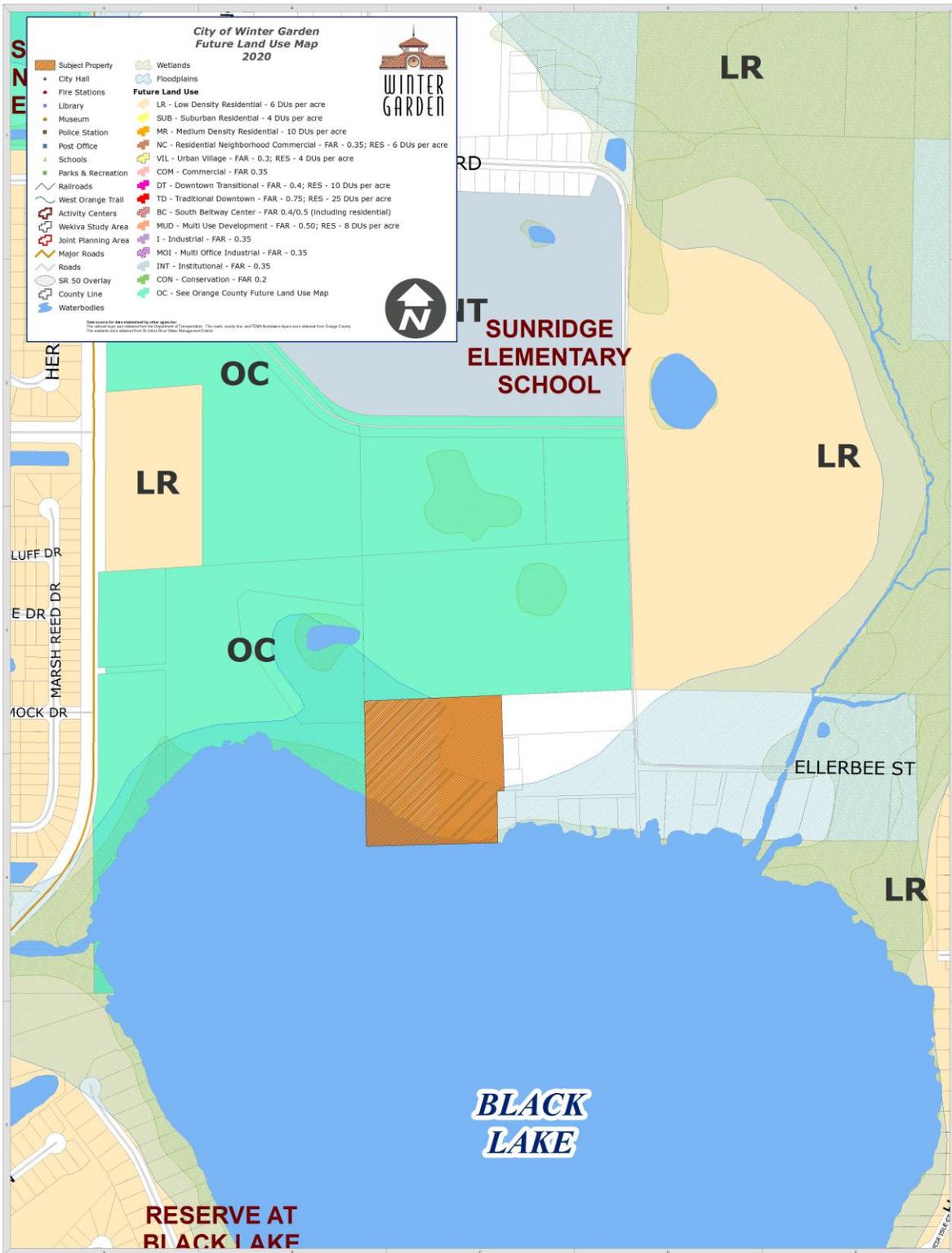
Description prepared by Donald W. McIntosh Associates, Inc. (DWMA) based on Official Records Book 2915 Page 391 and on a Boundary Survey by DWMA dated 9/21/2012.

**DONALD W. McINTOSH ASSOCIATES, INC.**  
2200 Park Avenue North, Winter Park, FL 32789  
(Certificate of Authorization No. LB68)

  
\_\_\_\_\_  
KEITH RUDDICK  
Florida Registered Surveyor and Mapper  
Certificate No. 2617

NOT VALID WITHOUT THE  
SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND  
MAPPER.

**Siplin Road (Tilden Property)  
ANNEXATION**  
Tilden Groves Holding Corp.  
34-22-27-0000-00-005



# 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 28, 2012

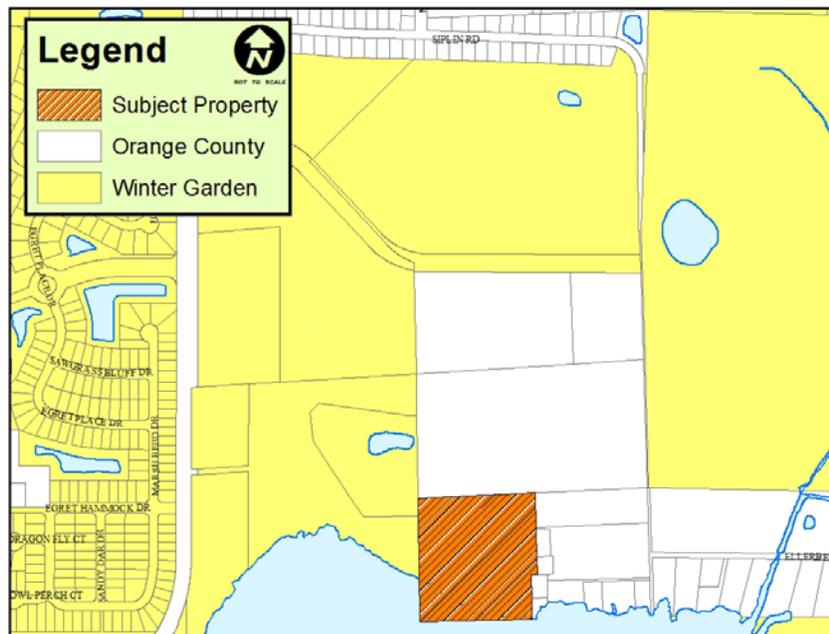
**SUBJECT:** ANNEXATION/FUTURE LAND USE MAP AMENDMENT  
**14400 SIPLIN ROAD (TILDEN GROVES PROPERTY) (10.475 +/- ACRES)**  
**Parcel ID # 34-22-27-0000-00-005**

**APPLICANT:** DONALD W. MCINTOSH ASSOCIATES, INC.

### INTRODUCTION

The purpose of this report is to evaluate the proposed annexation and future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located south of Sunridge Boulevard, north of Black Lake, east of Siplin Road, and west of Avalon Road and is approximately 10.475 +/- acres. The map below depicts the location of the property within the City's jurisdictional limits:



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

In accordance with the City's Comprehensive Plan, permitted uses within the Suburban Residential land use include single family homes, and churches and schools are allowed through Special Exception Permit. The zoning classifications that are consistent with the Suburban Residential land use designation include PUD, R-1A, R-1, 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.

The City's Comprehensive Plan policy for the future land use designation of Suburban Residential states:

**Policy 1-1.2.2: Suburban Residential.** Properties designated with the Suburban Residential land use category are required to be developed at a gross residential density no greater than 4 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require low residential densities. Factors in determining this land use category included proximity to natural resources and urban services, availability of public facilities, and the characteristics of nearby existing and future neighborhoods. Churches and schools may be allowed via a Special Exception Permit. The zoning classifications that are consistent with the Suburban Density classification are PUD, R-1A, R-1, and INT.

### **EXISTING USE**

The property is currently vacant and covered with hard woods, water, and wetlands. The property has always been used for agricultural uses.

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

To the north of the property is a property that has been used for agricultural purposes, was recently annexed into the City of Winter Garden and has submitted for a Planned Unit Development (PUD) zoning to construct a new subdivision. To the south is Black Lake. To the east are several properties with single-family homes, located in unincorporated Orange County with A-1 zoning. The property to the west consists of orange groves, is in the City and proposals have been submitted for a PUD to develop a single-family neighborhood, but nothing has been approved.

### **PROPOSED USE**

There is no current proposal to develop the property and the agricultural use will remain. When the owner decides to develop the property, they will be required to submit an application for zoning.

### **PUBLIC FACILITY ANALYSIS**

The property currently does not front on any street; however the primary point of transportation access would most likely be from Siplin Road through one of the properties to the east or from the property to the north. In order to develop the property, access is required and any future connections will be analyzed when they submit for zoning.

The City will provide potable water, reclaimed water, and sewer service to the property. The City will provide utilities for the future development of this property.

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 Fire Department under the First Response system.

### **SUMMARY**

The City Planning Department has reviewed the proposed ordinances and recommends approval.

**MAPS**

**AERIAL PHOTO**

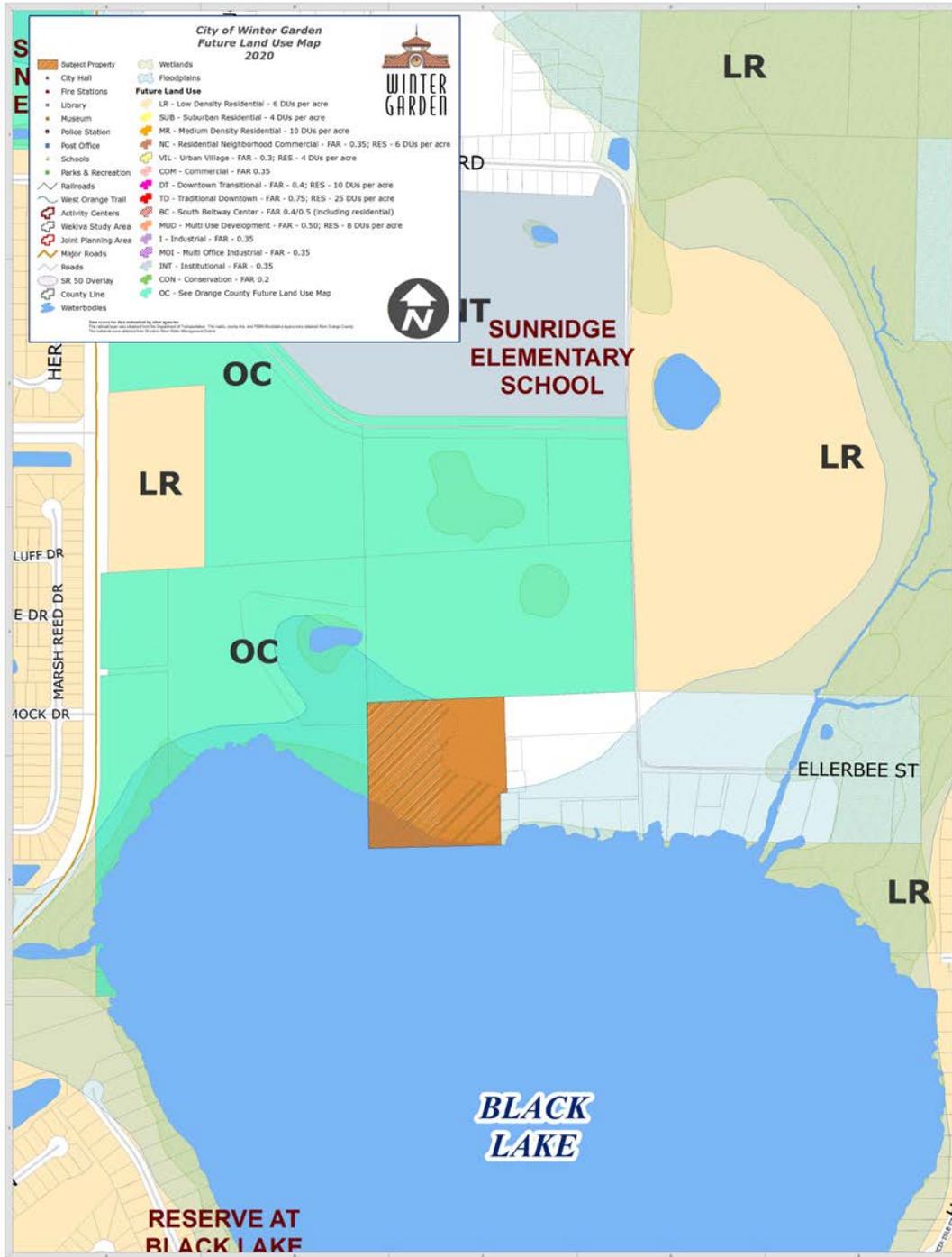
**Siplin Road**



**WINTER GARDEN  
 FUTURE LAND USE MAP**

**EXISTING**

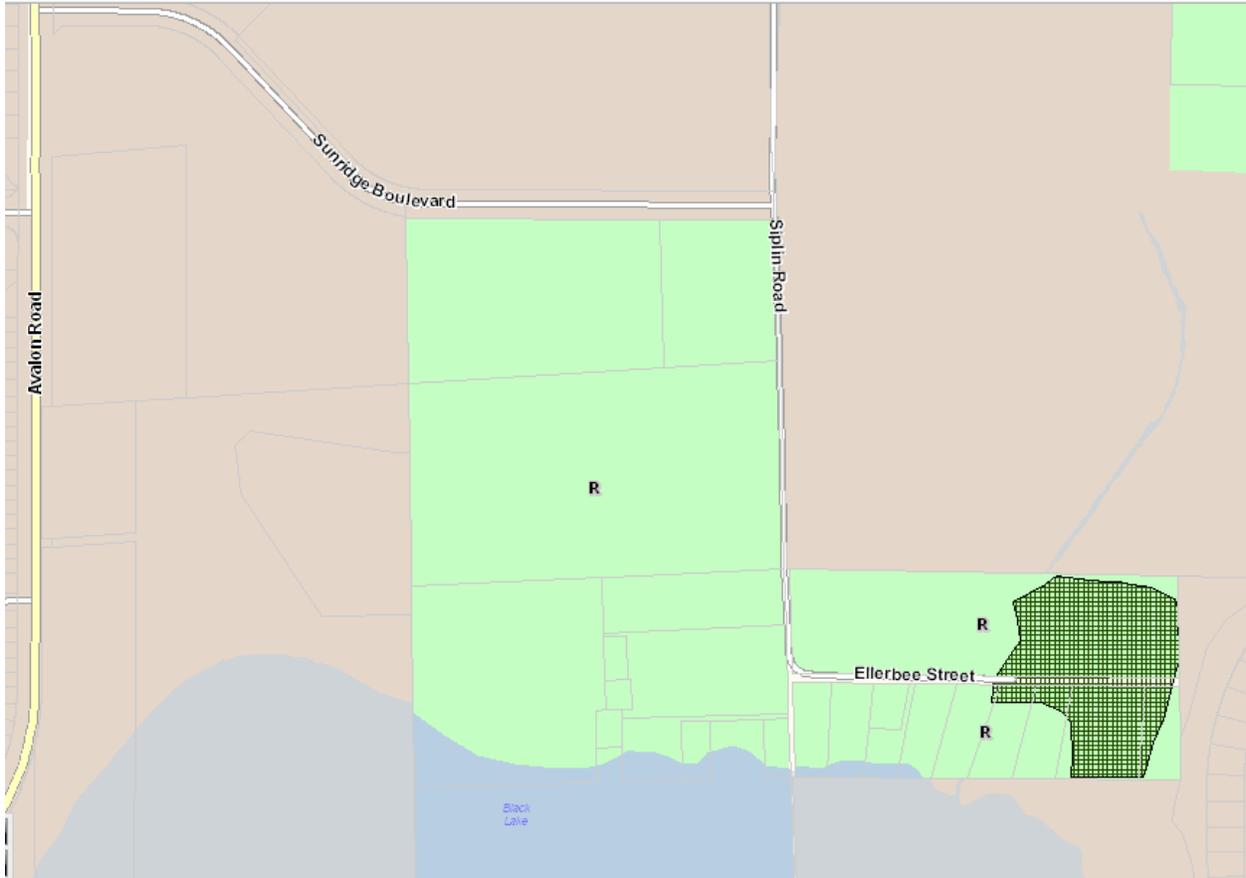
**Siplin Road**



**ORANGE COUNTY  
FUTURE LAND USE MAP**

**EXISTING**

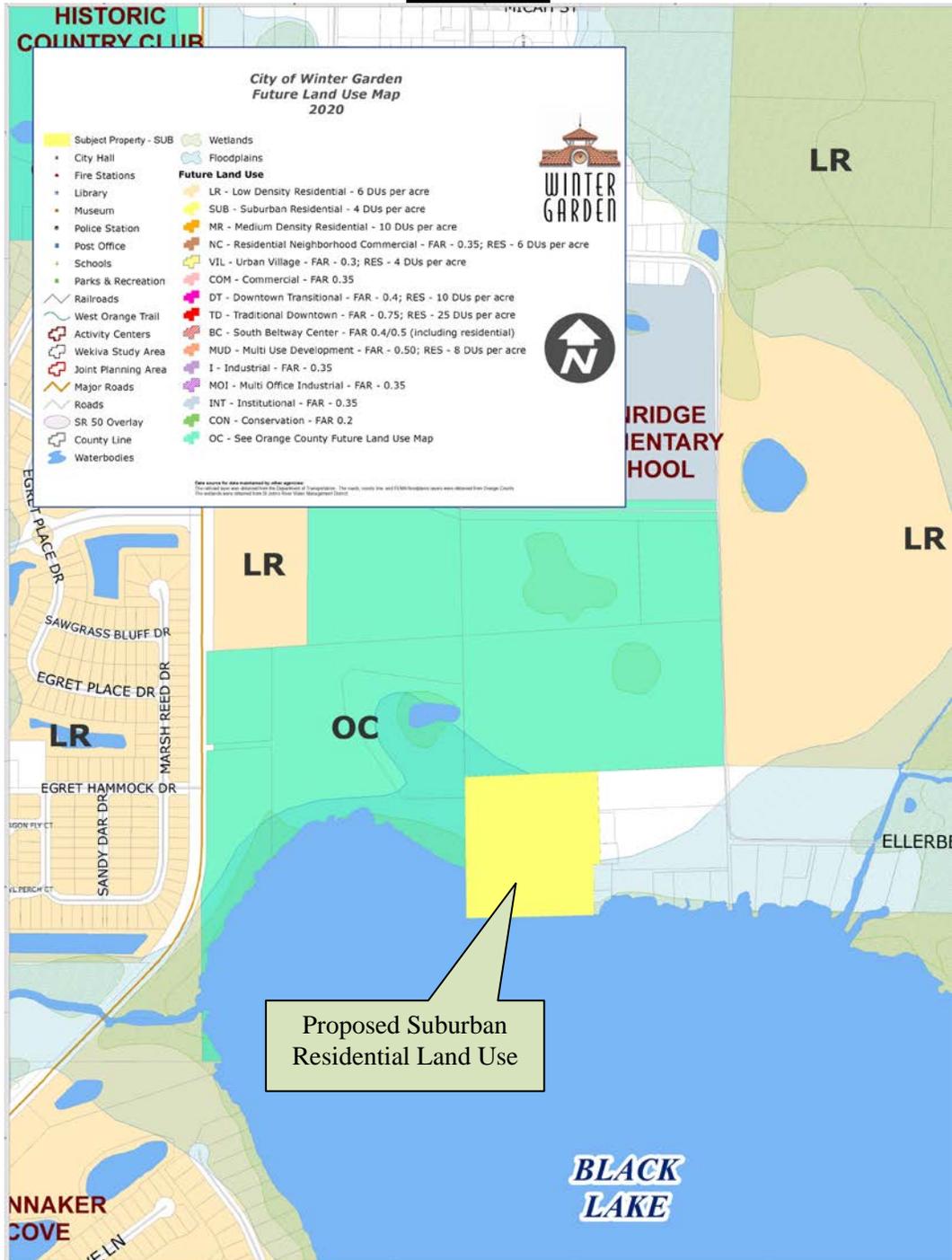
**Siplin Road**



## WINTER GARDEN FUTURE LAND USE MAP

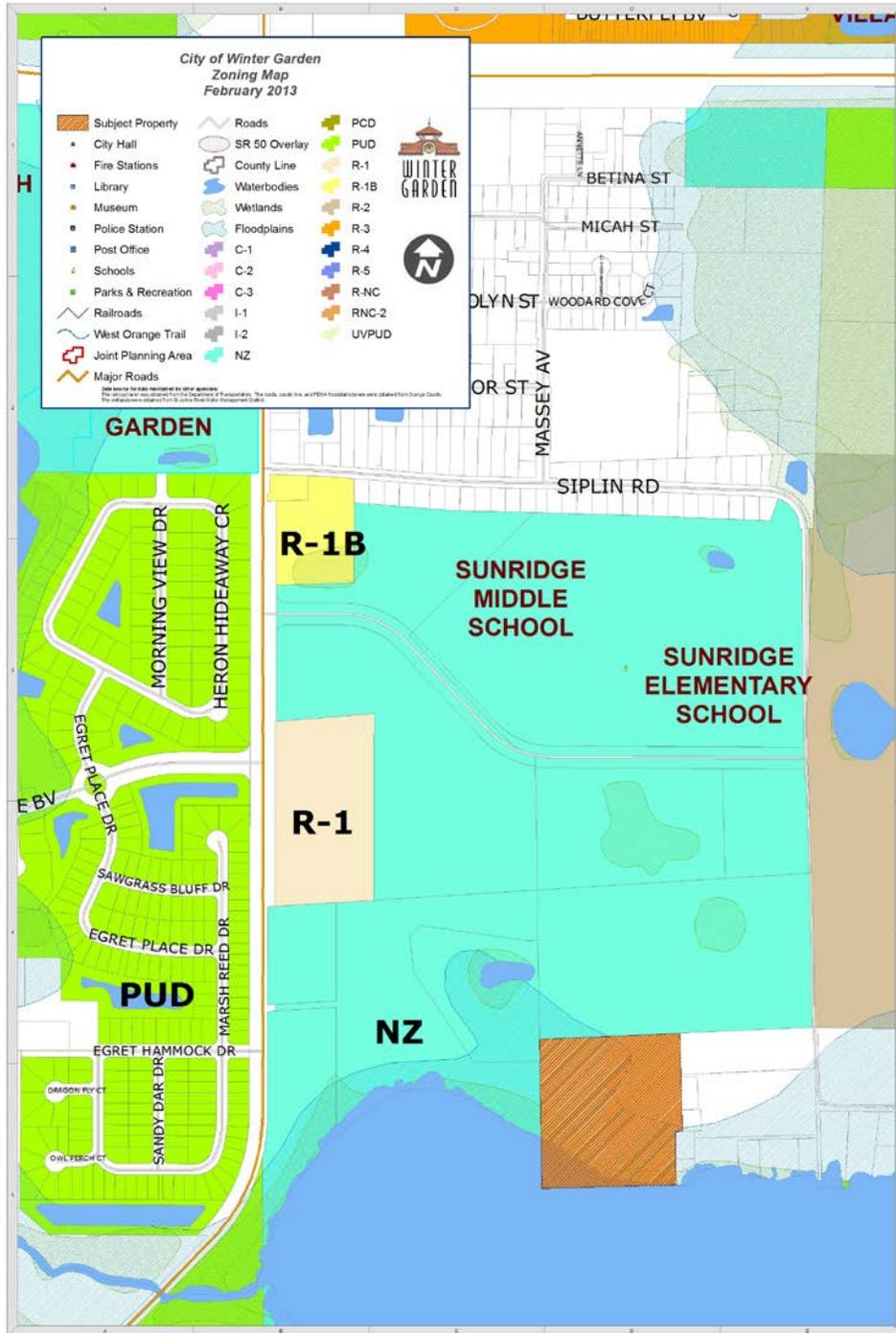
### PROPOSED

#### Siplin Road



**WINTER GARDEN  
 ZONING MAP  
 CURRENT**

**Siplin Road**



**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 7 (Public Hearing)**

---

**DATE:** March 27, 2013 **MEETING DATE:** April 1, 2013

**SUBJECT:** Future Land Use Map Amendment (Ordinance 13-06)  
14288, 14350, 14362 Siplin Road  
**PROJECT NAME** Black Lake Preserve (35.2 +/- Acres)  
**PARCEL ID#** 34-22-27-0000-00-007  
**PARCEL ID#** 34-22-27-0000-00-008  
**PARCEL ID#** 34-22-27-0000-00-029

**ISSUE:** Request for approval of Ordinance 13-06 to recommend that staff be allowed to transmit a Large Scale Comprehensive Plan Amendment to the Florida Department of Economic Opportunity, amending the Future Land Use Map of the Comprehensive Plan by changing the future land use designation of the 35.2 +/- acre Black Lake Preserve property from Orange County Rural/Agricultural to City Suburban Residential.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Hanover Black Lake, LLC, George H. & Muriel Gremeriner 50%  
Soloman Family Irrevocable Trust 50%

**CURRENT ZONING:** NZ – No Zoning

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Orange County Rural/Agricultural

**PROPOSED FLU:** City Suburban Residential

**SUMMARY:**

At the request of the property owner, the City has annexed the subject property into the City and the owner now requests to amend the future land use designation of the property from Orange County Rural/Agricultural to City Suburban Residential. The property owner has submitted application for a rezoning of the subject property to Planned Unit Development (PUD); upon completion of the future land use map amendment for the subject property City staff will proceed with review of the application for rezoning to ensure compliance with the City's Comprehensive Plan and Code of Ordinances.

**STAFF RECOMMENDATION(S):**

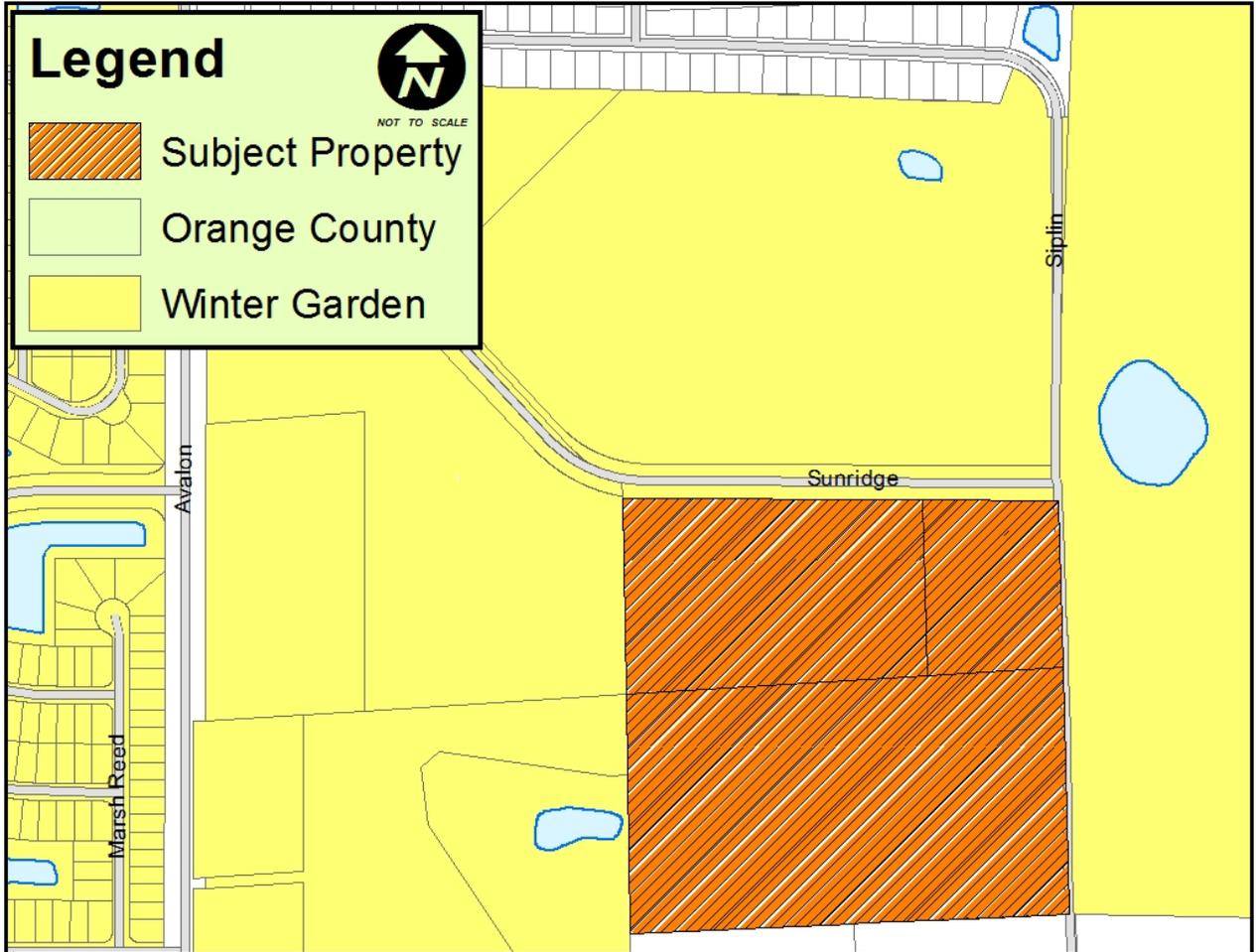
Staff recommends approval of Ordinance 13-06, recommending that staff be allowed to transmit a Large Scale Comprehensive Plan Amendment to the Florida Department of Economic Opportunity, amending the Future Land Use Map of the Comprehensive Plan by changing the future land use designation of the 35.2 +/- acre property from Orange County Rural/Agricultural to City Suburban Residential.

**ATTACHMENT(S):**

Location Map  
Ordinance 13-06  
Staff Report

# LOCATION MAP

14288, 14350 & 14362 SIPLIN ROAD  
Poole, Gemeiner, Solomon Annexation



ORDINANCE 13-06

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY SUBURBAN RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 35.176 ± ACRES LOCATED AT 14288, 14350, AND 14362 SIPLIN ROAD AT THE SOUTHWEST CORNER OF SUNRIDGE BOULEVARD AND SIPLIN ROAD; 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 35.176 ± acres of land located at 14288, 14350, and 14362 Siplin Road, at the southwest corner of SunRidge Boulevard and Siplin 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 Rural/Agricultural to City Suburban 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 Suburban Residential as set forth in ATTACHMENT "B".

**SECTION II.** *Effective Date.* 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:** \_\_\_\_\_, 2013.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, 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#: 34-22-27-0000-00-029 & 34-22-27-0000-00-008**

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LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 01°18'35" EAST, ALONG THE EAST LINE OF THE NORTHWEST CORNER OF SAID SECTION 34, A DISTANCE OF 231.90 FEET; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89°42'54" EAST, 8.00 FEET TO THE WEST LINE OF THAT CERTAIN RIGHT-OF-WAY AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1753, PAGE 564 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE RUN SOUTH 01°18'35" EAST, ALONG SAID WEST LINE, 478.23 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 86°25'20" WEST, ALONG SAID SOUTH LINE, 1256.43 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00°43'13" WEST, ALONG SAID WEST LINE, 562.75 FEET TO A POINT ON SAID WEST LINE, BEING 123.77 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°42'58" EAST, 1250.14 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 14.966 ACRES MORE OR LESS.

**PARCEL ID#: 34-22-27-0000-00-007**

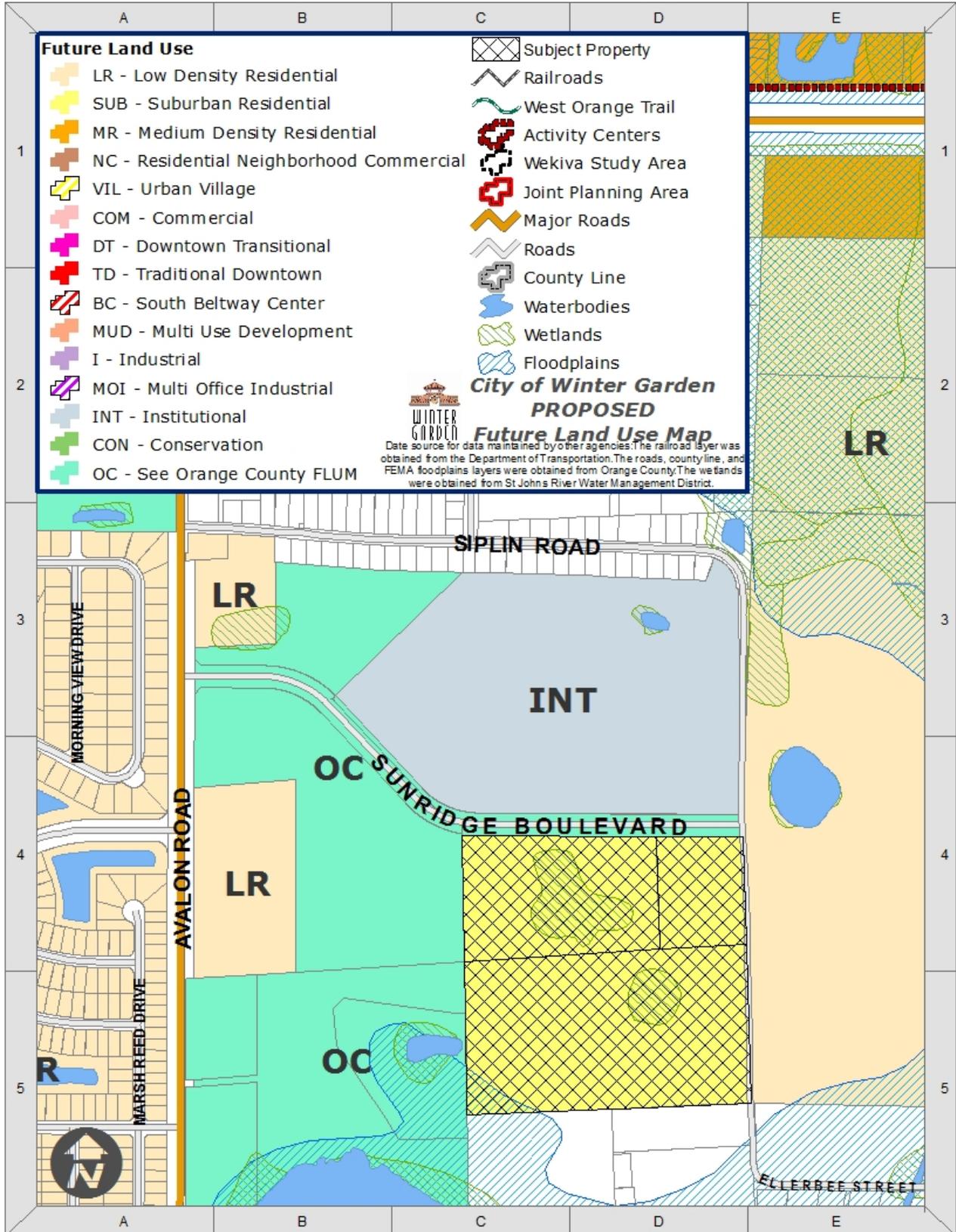
LEGAL DESCRIPTION:

A PARCEL OF LAND BEING THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 01°18'35" EAST, ALONG THE EAST LINE OF THE NORTHWEST CORNER OF SAID SECTION 34, A DISTANCE OF 709.57 FEET; TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°18'35" EAST, ALONG SAID EAST LINE, 709.57 FEET TO THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 87°28'30" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 1270.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00°43'13" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 686.52 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 86°25'20" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1264.44 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 20.299 ACRES MORE OR LESS.

# ATTACHMENT "B"



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD

**PREPARED BY:** LAURA SMITH, SENIOR PLANNER

**DATE:** MARCH 27, 2013

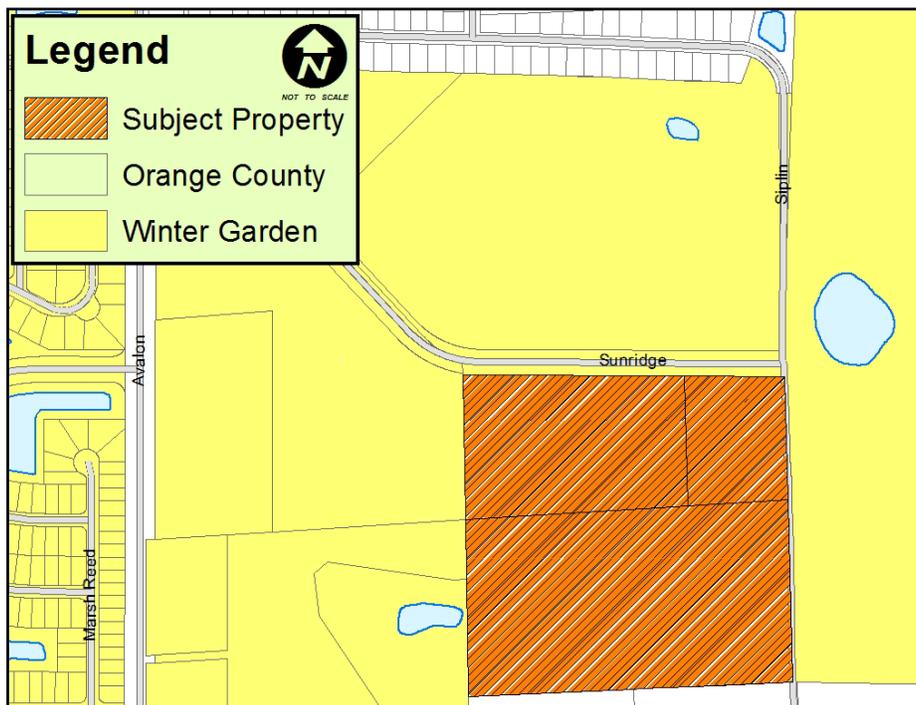
**SUBJECT:** FUTURE LAND USE MAP AMENDMENT  
**BLACK LAKE PRESERVE PROPERTY**  
**14288, 14350 & 14362 SIPLIN ROAD (35.2 +/- ACRES)**  
**PARCEL ID #:** 34-22-27-0000-00-007, 34-22-27-0000-00-008  
& 34-22-27-0000-00-029

**APPLICANT:** HANOVER CAPITAL PARTNERS, LLC

### INTRODUCTION

The purpose of this report is to evaluate the proposed future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 14288, 14350 & 14362 Siplin Road and is approximately 35.2± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



At the request of the property owner, the City has annexed the subject property into the City and the owner now requests to amend the future land use designation of the property from Orange County Rural/Agricultural to City Suburban Residential. The property owner has submitted application for a rezoning of the subject property to Planned Unit Development (PUD); upon completion of the future land use map amendment for the subject property City staff will proceed with review of the application for rezoning to ensure compliance with the City's Comprehensive Plan and Code of Ordinances.

The City's Comprehensive Plan policy for the future land use designation of Suburban Residential states:

**Policy 1-1.2.2: Suburban Residential.** Properties designated with the Suburban Residential land use category are required to be developed at a gross residential density no greater than 4 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require low residential densities. Factors in determining this land use category included proximity to natural resources and urban services, availability of public facilities, and the characteristics of nearby existing and future neighborhoods. Churches and schools may be allowed via a Special Exception Permit. The zoning classifications that are consistent with the Suburban Density classification are PUD, R-1A, R-1, and INT.

### **EXISTING USE**

The subject property is primarily vacant unimproved land; however there is one existing single family residential structure located on the portion of the property addressed at 14362 Siplin Road. Additionally, the properties addressed at 14288 & 14362 contain wetlands which total approximately 3.63 acres.

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

The property located to the north of the subject property is the new school site of SunRidge Middle School and SunRidge Elementary School which opened last year in the City of Winter Garden, the Future Land Use Designation of the property is Institutional. The properties located to the west are vacant properties located within the City of Winter Garden, one containing an Orange Grove and the other is owned by the City of Winter Garden, since their annexation these properties have not been assigned Zoning or Future Land Use Designation on the Future Land Use Map of the City's Comprehensive Plan. The properties located to the south include vacant unimproved land located in Unincorporated Orange County and a Single Family Residential structure also located in Unincorporated Orange County. The property to the east is primarily vacant land, the Future Land Use Designation of the property is Low Density Residential and the Zoning is R-2 in the City of Winter Garden.

### **PROPOSED USE**

The owner proposes to a single family residential development plan for the property to include approximately 97 single family residential dwelling units, parks and recreation areas and stormwater retention ponds.

### **PUBLIC FACILITY ANALYSIS**

The property's primary point of transportation access is currently from SunRidge Boulevard. The existing property access is along the north side of the property. Through the review of the proposed rezoning of the property to PUD, access points will be analyzed to determine the exact location of the future primary access point.

The City will provide potable water, reclaimed water and sewer service to the property. The City has facilities adjacent to the property on SunRidge Boulevard. The City will provide utilities for the future development of this property.

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 Fire Department under the First Response system.

### **SUMMARY**

The City Planning Department has reviewed the proposed ordinance and recommends approval.

**MAPS**

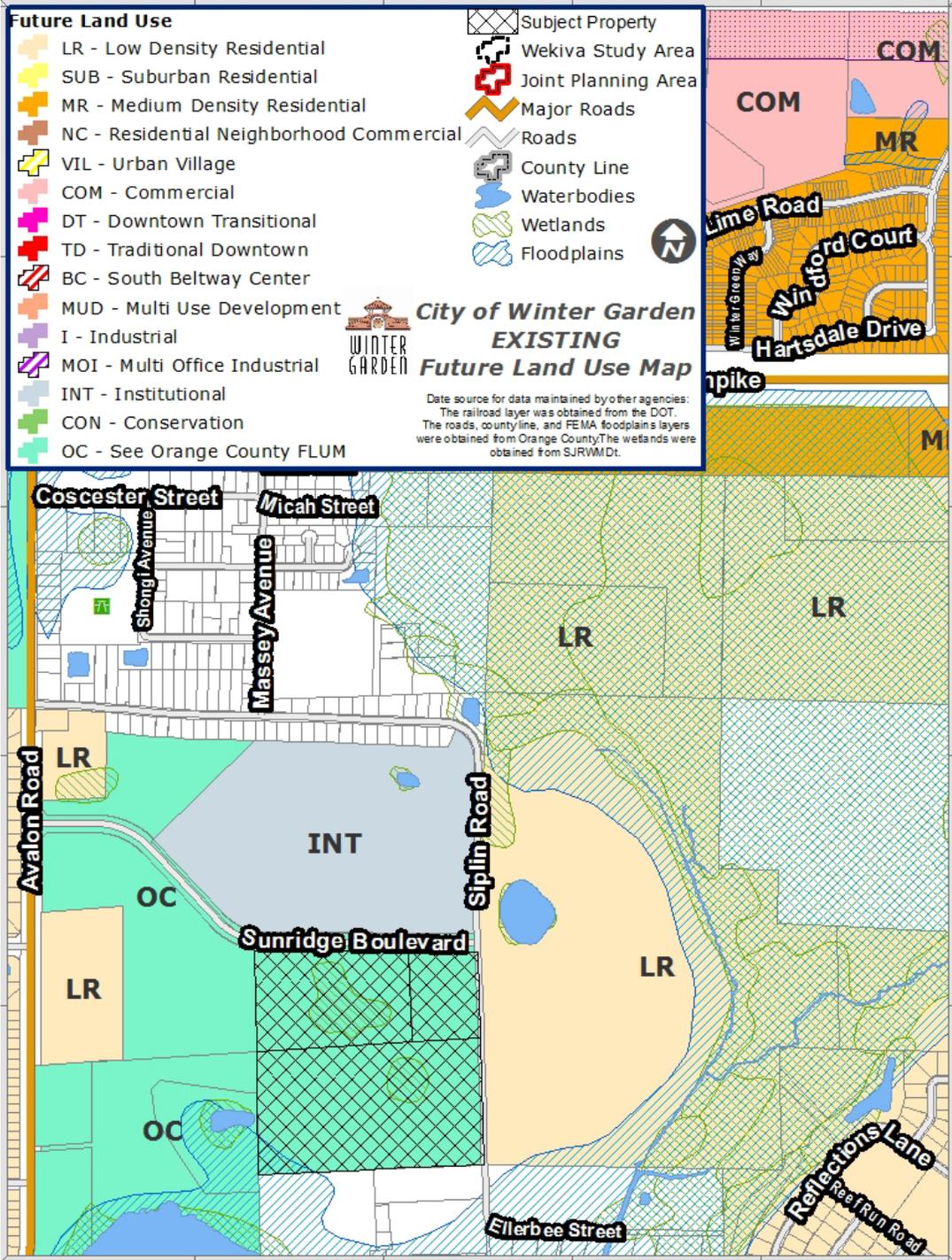
**AERIAL PHOTO**  
**14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)**



**WINTER GARDEN  
 FUTURE LAND USE MAP**

**EXISTING**

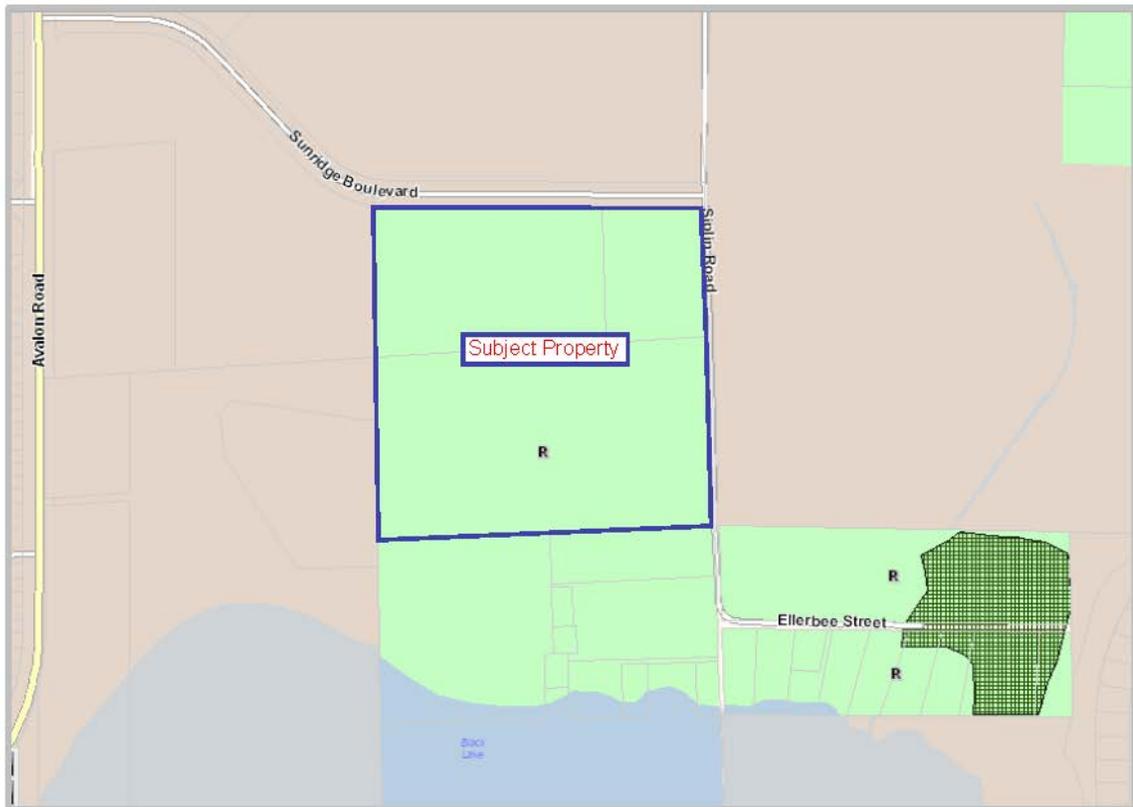
**14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)**



**ORANGE COUNTY  
 FUTURE LAND USE MAP**

**EXISTING**

**14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)**

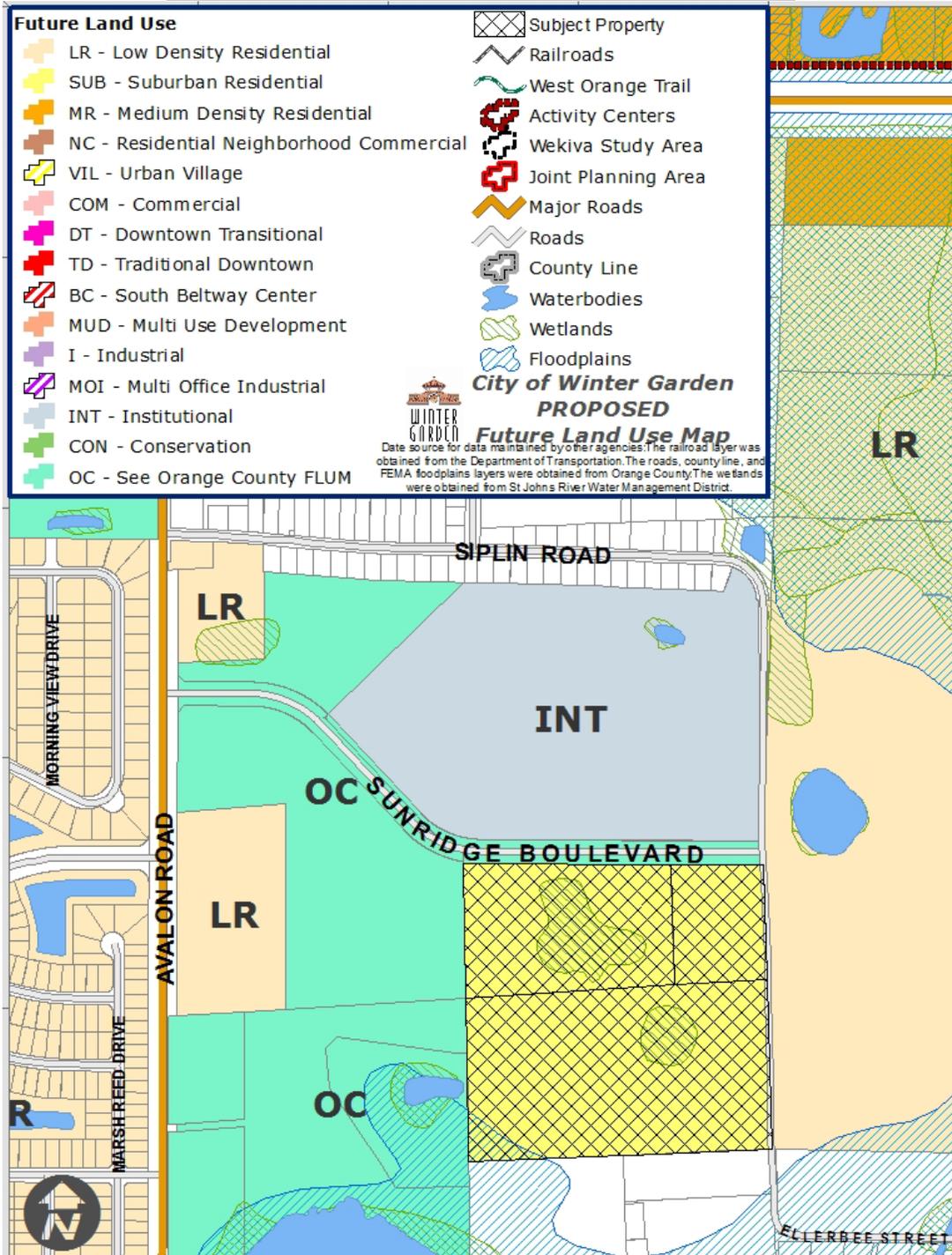


Rural	Low-Medium Density	Neighborhood Center	Village	Education
Rural 1/1	Medium Density Residential	Neighborhood Residential	Office	Parks/Recreation
Rural 1/2	High Density Residential	Activity Center Residential	Commercial	Preservation
Rural 1/5	Traditional Neighborhood	Activity Center Mixed Use	Industrial	Planned Development
Low Density Residential	Neighborhood Activity Corridor	Community Village Center	Institutional	Water Body

**WINTER GARDEN  
 FUTURE LAND USE MAP**

**PROPOSED**

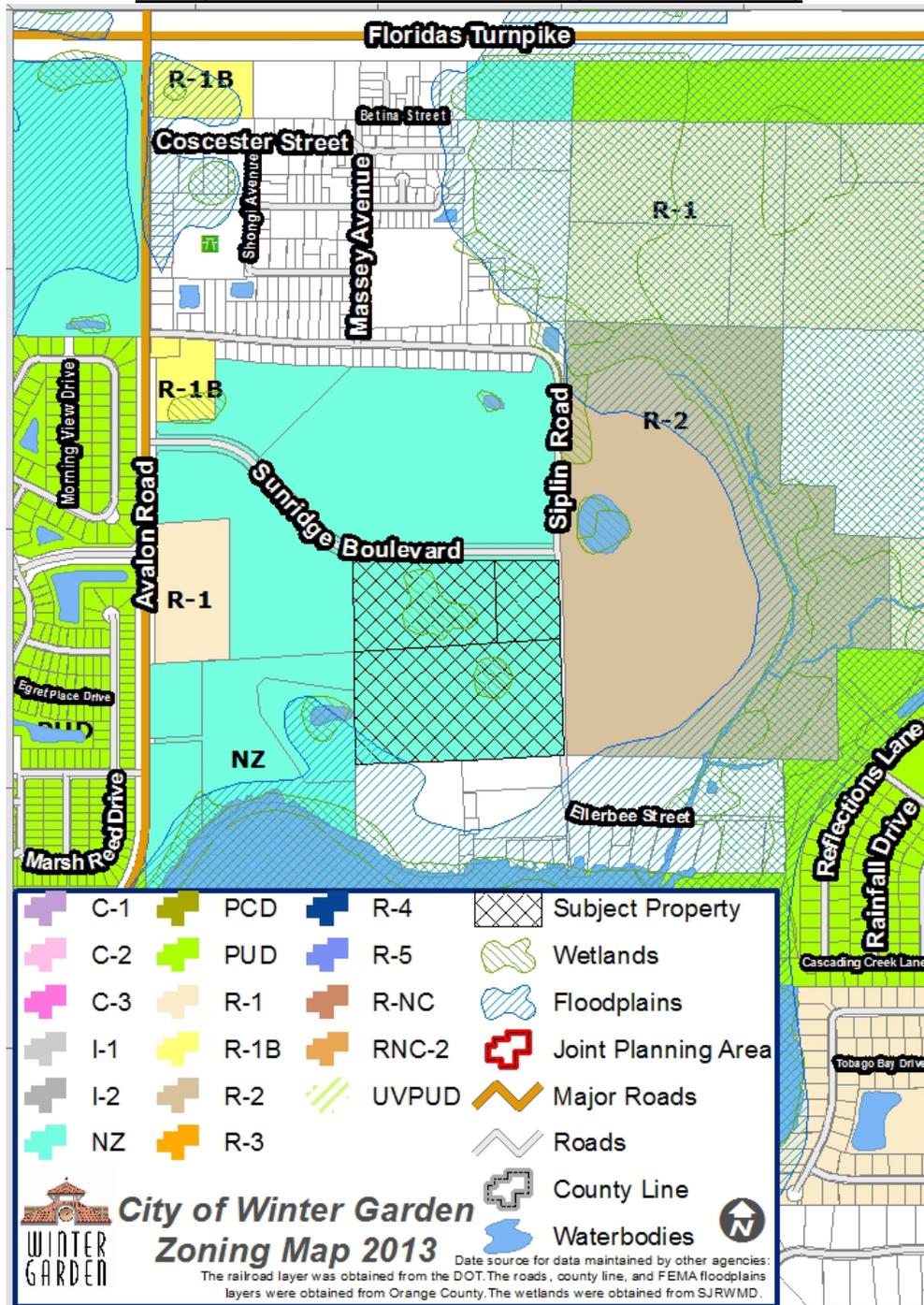
**14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)**



**WINTER GARDEN  
 ZONING MAP**

**CURRENT**

**14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)**



**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 8 (Public Hearing)**

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**DATE:** March 27, 2013 **MEETING DATE:** April 1, 2013

**SUBJECT:** **Future Land Use Element Text Amendment (Ordinance 13-14)**

**ISSUE:** Amending Policy 1-1.2.13 of the Future Land Use Element of the Winter Garden Comprehensive Plan to include PUD and PCD as zoning classifications that are consistent with the Traditional Downtown Land Use Designation.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**SUMMARY:**

The City of Winter Garden readopted and amended the Comprehensive Plan on June 24, 2010. The readopted and amended Comprehensive Plan involved substantial changes to all Elements of the City's Comprehensive Plan, one of which was the creation of five new Future Land Use Designations in the Future Land Use Element: Traditional Downtown, Multi Use Development, Multi Office Industrial, Institutional, and Urban Village. The Traditional Downtown Future Land Use Designation failed to include PUD (Planned Unit Development) and PCD (Planned Commercial Development) in the list of zoning classifications which are consistent with the Traditional Downtown Land Use Designation.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 13-14, recommending that staff be allowed to transmit a text amendment to the Comprehensive Plan to the Florida Department of Economic Opportunity, amending the Future Land Use Element Policy 1-1.2.13 to include PUD and PCD as zoning classifications that are consistent with the Traditional Downtown Land Use Designation.

**ATTACHMENT(S):**

Ordinance 13-14

ORDINANCE 13-14

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.13 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCLUDE PUD AND PCD AS ZONING CLASSIFICATIONS THAT ARE CONSISTENT WITH THE TRADITIONAL DOWNTOWN LAND USE DESIGNATION; 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; and

**WHEREAS**, the City of Winter Garden desires to update the Future Land Use Element of said plan to provide for additional zoning classifications to be identified as consistent with the Traditional Downtown land use designation; 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.** *Future Land Use Element Amendment.* Policy 1-1.2.13 of the Future Land Use Element of the Winter Garden Comprehensive Plan is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Policy 1-1.2.13:** Traditional Downtown. Properties designated with the Traditional Downtown land use category are required to be developed at a floor area ratio not greater than 0.75 and up to a floor area ratio of 4.0 by development bonuses. Gross residential density shall be not greater than 25 dwelling units per acre and up to 50 dwelling units per acre by development bonus. Maximum building height is three stories and up to five stories by development bonus in activity centers. This land use is to include a variety of housing types and land uses in the defined downtown area. Any proposed residential development shall only be allowed as part of a mixed-use development with non-residential uses. Developments designed without

adequate parking facilities will be required to participate in the downtown parking program. The variety of uses permits educational facilities, civic buildings and commercial establishments to be located within walking distance of private homes. The area is to be served by a network of paths, streets and lanes suitable for pedestrians as well as multimodal transportation alternatives. This provides residents the options of walking, biking or driving to places within the downtown area. Present and future modes of transit are also considered during the planning stages. The Traditional Downtown land use designation shall be allowed only within the Traditional Downtown Activity Center. Development may exceed the stated 0.75 floor area ratio or 25 dwelling units per acre only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with the Traditional Downtown land use designation include PUD, PCD, R-NC, RNC-2, C-1, C-2, C-3, C-4, and INT.

**SECTION II.** *Effective Date.* 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:** \_\_\_\_\_, 2013.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 9 (Public Hearing)**

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**Date:** March 27, 2013 **Meeting date:** April 1, 2013

**Subject:** Ordinance 13-19 (Sign Code Amendment)

**Issue:** Amending Chapter 22, Chapter 67, Chapter 98, and Chapter 102 of the Code of Ordinances of the City of Winter Garden relating to signage. Creating a Comprehensive Sign Code; providing definitions, regulating signage for the Historic Downtown District Overlay, Residential, Non-Residential and other areas and uses, removing redundant and inconsistent language for sign standards and regulations.

**Staff recommendation(s):**

Staff request that ordinance 13-19 be tabled to the May 6, 2013 meeting of the Planning and Zoning Board.

**Next step(s):**

A public hearing for the first reading of Ordinance 13-19 was scheduled for the City Commission on Thursday, April 11, 2013. Staff will request that the City Commission table their first reading of Ordinance 13-19 to Thursday, May 9, 2013



**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 62 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR DEFINITIONS AND REVISED DEFINITIONS; PROVIDING FOR REVISED STANDARDS, REQUIREMENTS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden (“City”) desires to amend Article VII of Chapter 62 of its Code of Ordinances relating to sidewalk cafes to provide revised standards, criteria and conditions for sidewalk cafes; and

**WHEREAS**, the City intends for sidewalk cafes and sidewalk cafe areas to continue to be utilized primarily for dining and entertainment purposes as opposed to venues primarily for the consumption of alcoholic beverages or the creation of a bar-like atmosphere; and

**WHEREAS**, the City intends to ensure that the continued operation of sidewalk cafes does not create a public health or safety hazard or constitute a public nuisance.

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

**SECTION I:** That SECTION 62-201. Definitions, Section 62-201 is hereby amended to read as follows:

Bar means any counter, table, surface or device from which alcoholic beverages are dispensed, or on which alcoholic beverages are mixed. A device does not include any bottle or pitcher provided to patrons within the sidewalk café area.

Historic Downtown District means that area as defined in Section 98-188(1).

Outside private property means that portion of privately owned parcels of real estate located outside of the building(s) located on such parcels.

*Sidewalk cafe* means a use for the dispensing and/or serving of food or beverage located within the public way or outside private property, and associated with a restaurant. It may be characterized by tables and chairs and may be shaded by awnings, canopies or umbrellas.

*Sidewalk cafe area* means the area within the public way or outside private property, where the permitted sidewalk cafe is located for dispensing and/or serving of food or beverage.

(~~struckout text~~ indicates deletions while underlined text indicates additions):

**SECTION II:** That SECTION 62.202. Purpose, Section 62.202 is hereby amended to read as follows:

The purpose of this article is to regulate the public ways and provide reasonable limits on the use of the sidewalk cafes and the outdoor display of merchandise in conjunction with a legally operating restaurant or business and to ensure that sidewalk cafes and sidewalk café areas are used primarily for dining and entertainment and not primarily for the consumption of alcohol. The criteria herein are intended to ensure that said uses may be permitted while not creating a public health or safety hazard or a public nuisance.

(~~struckout text~~ indicates deletions while underlined text indicates additions):

**SECTION III:** That SECTION 62-230. Standards, Criteria and Conditions for Sidewalk Cafes, Section 62-230 is hereby amended to read as follows:

- (5) No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the general public or which would have the effect of obstructing the pedestrian pathway, except where fences are approved by the City and otherwise as the City may permit by variance.
- (7) Umbrellas and other decorative material shall be for outdoor commercial use, be fire-retardant, or manufactured of fire-resistant material and shall comply with applicable building and fire codes. Signs are prohibited on umbrellas, chairs, tables and other permissible personal property and fixtures which are located within the public ways, except that the establishment name and/or its logo is permitted on umbrellas. Lettering and/or logos may not exceed six inches in height and there shall not be more than two (2) of the same logos or names on each umbrella.
- (13) The permittee shall assure that its use of the public ways in no way interferes with pedestrians or limits their free, unobstructed passage throughout the operation of the sidewalk cafe during all business hours. All tables, chairs, planters or other public ways obstructions shall be removed after business hours except for such matters located within sidewalk cafe areas which matters have been properly approved by the City pursuant to this Article.
- (17) Other than fences approved by the City ~~n~~No tables, chairs or other parts of sidewalk cafes shall be attached, chained, bolted or in any manner affixed to any tree, post, sign or other fixture, curb or sidewalk in or near the permitted area.

- (18) The permit covers all seating with the ~~public way~~ sidewalk cafe area. No additional outdoor seating authorized pursuant to this division shall be used for calculating seating requirements pertaining to applications for or issuance of an alcoholic beverage license for any establishment; nor shall the outdoor seating be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any city ordinance or state law. However, additional outdoor seating authorized pursuant to this division shall be included in determining required plumbing or accessibility fixtures or other fire and building code requirements.
- (23) The serving and consumption of alcoholic beverages within a sidewalk cafe is expressly conditioned upon the permittee obtaining the necessary state alcoholic beverage license and meeting all local and state alcoholic beverage requirements. Further, the service and consumption of alcoholic beverages within a sidewalk cafe shall only be permitted where the service and consumption of alcoholic beverages has been properly licensed ~~for that portion of the restaurant which is in the building~~. Nothing herein shall be construed to permit the service or consumption of alcoholic beverages wherein such service or consumption is prohibited by City Code or Charter.
- (26) No bar or bars are allowed in sidewalk café areas in the Historic Downtown District.
- (27) Vats, tubs, coolers, and other beverage storage devices within sidewalk cafe areas in the Historic Downtown District shall not be used to store or accommodate, nor used in conjunction with the sales, service or dispensation of, alcoholic beverages, without the prior approval of the City Commission.
- (28) Sidewalk cafe areas shall not be used or available for food or beverage sale or service unless tables, chairs and other furniture and fixtures sufficient to accommodate all of the patrons allowed within the sidewalk cafe areas are first permitted, placed and remain within the sidewalk cafe area.
- (29) Fences relating to sidewalk cafe areas shall comply with the criteria set forth in this Article.
- (30) Alcohol beverages sales and service in sidewalk cafe areas in the Historic Downtown District is limited to that portion of the sidewalk cafe area adjacent to and directly in front of that portion of the building where alcohol sales and service is permitted.

(~~struckout text~~ indicates deletions while underlined text indicates additions):

**SECTION IV:** That a new Division 4 of Article VII is hereby by added to Article VII to read as follows:

**DIVISION 4. - FENCING CRITERIA**

Section 62-300 - Applicability

Section 62-301 - Height

Section 62-302 - Openings/Entranceways

Section 62-303 – Materials and Colors

Section 62-304 - Architecture

Section 62-305 - 62-310. - Reserved

**Section 62-300. – Applicability.**

This Division 4 is applicable to fencing contemplated or allowed under Article VII of Chapter 62.

**Section 62-301. – Height.**

Fencing shall be a minimum of 36 inches and a maximum of 41 inches in height.

**Section 62.302. – Openings/Entranceways.**

If there is any pedestrian opening or entranceway in the fencing, the minimum width of the opening or entranceway shall be 44 inches and the maximum shall be 60 inches. The Community Development Department may approve a larger opening or entranceway for architectural compatibility with the building and fencing, or for functional efficiency, but the width shall not exceed 72 inches. No gates shall be installed or used in pedestrian openings or entranceways.

**Section 62-303. – Materials and Colors.**

Fencing must be made of metal (aluminum, steel, iron, or similar material) and must be of a dark or neutral color. Black or brown is preferred.

**Section 62-304 – Architecture.**

The architectural details of fencing shall be approved by the Community Development Department in order to ensure compatibility with the surrounding architecture and buildings. All portions of fencing facade shall be constructed in such a way or of a material that allows the free flow of air and open view through the fencing when viewed from either side of the fencing, and in no event shall the

façade of each fence segment consist of more than 50 percent solid and opaque material.

(~~struckout text~~ indicates deletions while underlined text indicates additions):

**SECTION V: NONCONFORMITIES.** Structures and improvements to real property existing prior to the effectiveness of this Ordinance that are inconsistent with all or any of the provisions of this Ordinance constitute nonconformities to the extent of the inconsistency.

**SECTION VI: INCONSISTENCY.** If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

**SECTION VII: 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 VIII: CODIFICATION.** That Sections I through IV 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 IX:** This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: \_\_\_\_\_, 2012.

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

APPROVED:

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

ATTESTED:

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