



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

**REGULAR MEETING**

**APRIL 25, 2013**

**6:30 P.M.**

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**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of April 11, 2013

2. **PRESENTATION**

**Proclamation 13-07** declaring May 5-11, 2013 as North American Occupational Safety and Health (NAOSH) week and May 8, 2013 as Occupational Safety and Health Professional Day (OSHP)

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

A. **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 - Community Development Director Williams

B. **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 - Community Development Director Williams

4. **REGULAR BUSINESS**

A. Recommendation to approve Winter Garden Harvest Fest on May 4, 2013 from 9:00 a.m. to 2:00 p.m. – Parks and Recreation Director Conn

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

6. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman
7. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a Regular Meeting on May 9, 2013 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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

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

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## CITY COMMISSION REGULAR MEETING MINUTES

April 11, 2013

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

**Present:** Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant to City Manager - Public Services Don Cochran, Assistant to City Manager – Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Network Specialist George Strobel, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Parks and Recreation Director Jay Conn, and West Orange Times Reporter Kelsey Tressler

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

**Motion by Commissioner Olszewski to approve regular meeting minutes of March 28, 2013 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.**

### 2. **OATHS OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS**

Police Chief Brennan introduced new police officers Jason Roebke and Peter Keane and then administered the Oath of Office.

### 3. **PRESENTATION**

Mayor Rees read **Proclamation 13-06** declaring the Month of April as Water Conservation Month in the City of Winter Garden.

### 4. **PUBLIC HEARING MATTER**

A. Appeal of Planning and Zoning Board's denial of a variance request to reduce the 10-foot side yard setback to 6.86 feet and to reduce the minimum 10-foot wide landscaping around the building to no more than 50 percent landscaping around the building at 1089 Walker Street; Applicants George L. and Maria P. Bori (AutoZone parts store CPH Engineers, Inc.) Community Development Director Williams requested that this item be postponed until May 23, 2013. He noted that they have submitted a site plan that has been reviewed once by the Development Review Committee (DRC). DRC has given them their comments to consider on their redesign that has not yet been resubmitted.

**Motion by Commissioner Olszewski to postpone this item until May 23, 2013 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**5. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. 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

City Attorney Ardaman read Ordinance 13-06 by title only. Community Development Director Williams stated that staff is recommending transmittal to the State Department of Economic Opportunity for their review of the Comprehensive Plan amendment. This will be a single family subdivision located south of the schools on Sunridge. This has been reviewed by staff and the Planning and Zoning Board whom both are recommending approval to transmit.

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

**Motion by Commissioner Buchanan to approve transmitting Ordinance 13-06 to the State Department of Economic Opportunity. Seconded by Commissioner Makin and carried unanimously 5-0.**

- B. 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
- C. 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

City Attorney Ardaman read Ordinances 13-13 and 13-15 by title only. Community Development Director Williams stated this is a small tract that this property is located due south of the prior public hearing item. It is a land locked parcel that will have access from the subdivision to the north. This has been reviewed by both staff and the Planning and Zoning Board both of whom recommend approval.

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

**Motion by Commission Makin to approve Ordinance 13-13 with the second reading and public hearing being scheduled for April 25, 2013 and transmittal of Ordinance 13-15 to the State Department of Economic Opportunity. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

- D. **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

City Attorney Ardaman read Ordinance 13-14 by title only. Community Development Director Williams stated that during the adoption of the Comprehensive Plan, planned developments were somehow excluded from the downtown area. Staff believes that action was an oversight. This will ordinance will allow PUD's as redevelopment comes in and staff recommends approval.

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

**Motion by Commissioner Sharman to approve transmitting Ordinance 13-14 to the State Department of Economic Opportunity. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

- E. **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
- F. **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

City Attorney Ardaman read Ordinances 13-16 and 13-17 by title only. Community Development Director Williams stated this is a voluntary annexation of a large tract of land on the south side of Marsh Road, across from the Centerline Waterside at John's Lake project. Staff recommends approval of both ordinances.

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

**Motion by Commission Olszewski to approve Ordinance 13-16 with the second reading and public hearing being scheduled for April 25, 2013 and transmittal of Ordinance 13-17 to the State Department of Economic Opportunity. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- G. **Ordinance 13-19**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE AMENDMENT OF CHAPTER 102 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "SIGNS", AND SECTION 98-195 OF ARTICLE VII OF CHAPTER 98 OF THE WINTER GARDEN CODE OF ORDINANCES WITHIN THE CITY OF WINTER GARDEN HISTORIC DOWNTOWN DISTRICT OVERLAY WHICH SECTION IS ENTITLED "SIGN STANDARDS FOR COMMERCIAL PROJECTS", AND SECTION 22-154 OF ARTICLE VI OF CHAPTER 22 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES UNDER INTERANT AUTOMOTIVE SALES WHICH SECTION IS ENTITLED "GENERAL; LIMITATIONS", AND SECTION 62-230 OF ARTICLE VII OF CHAPTER 62 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES UNDER SIDEWALK CAFÉ AND MERCHANDISE DISPLAY WHICH SECTION IS ENTITLED "STANDARDS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFÉ AREAS"; DELETING DIVISION 2 OF ARTICLE X OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "SIGN REGULATIONS" AND DIVISION 3 OF ARTICLE IX OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "SIGNAGE WITHIN THE COMMERCIAL CORRIDOR"; CREATING A COMPREHENSIVE SIGN CODE; PROVIDING DEFINITIONS, REGULATING SIGNAGE FOR THE CITY OF WINTER GARDEN HISTORIC DOWNTOWN DISTRICT OVERLAY AND RESIDENTIAL AND NON-RESIDENTIAL AND OTHER AREAS AND USES; REMOVING REDUNDANT AND INCONSISTENT LANGUAGE FOR SIGN STANDARDS AND REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 13-19 by title only. Community Development Director Williams stated that staff is requesting postponement of the ordinance until May 9, 2013.

**Motion by Commissioner Sharman to postpone Ordinance 13-19 until May 9, 2013 at 6:30 p.m. Seconded by Commissioner Makin and carried unanimously 5-0.**

- H. **Ordinance 13-20:** 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.

City Attorney Ardaman read Ordinance 13-20 by title only. Community Development Director Williams stated that staff is requesting postponement of this item until May 9, 2013.

**Motion by Commissioner Sharman to postpone Ordinance 13-20 until May 9, 2013 at 6:30 p.m. Seconded by Commissioner Makin and carried unanimously 5-0.**

6. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 13-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR CLARIFICATIONS AND OBJECTIVE GUIDELINES TO ENFORCE THE NOISE ORDINANCE VIA AN ALTERNATIVE OBJECTIVE STANDARD OF REASONABLENESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 13-18 by title only. City Manager Bollhoefer stated that this ordinance clarifies how it is determined someone is in violation of the noise ordinance. Generally, enforcement will be passive; we won't go looking for it unless someone complains. The possible exception perhaps is for automobiles witnessed by an officer as exceeding the noise limits.

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

**Motion by Commissioner Buchanan to adopt Ordinance 13-18. Seconded by Commissioner Sharman and carried unanimously 5-0.**

7. **REGULAR BUSINESS**

A. **Recommendation to approve entering into a Right-of-Way Maintenance Agreement with Hanover Avalon Reserve, LLC and Avalon Reserve Homeowners Association, Inc. for Avalon Reserve - Village 1**

Community Development Director Williams stated this is a right-of-way maintenance agreement for a new subdivision off 545. The developer and homeowners are supplementing the landscaping and plantings. This agreement protects and clarifies the rights and obligations of all parties. Staff recommends approval because typically it enhances the development.

B. **Motion by Commissioner Sharman to approve entering into a Right-of-Way Maintenance Agreement with Hanover Avalon Reserve, LLC and Avalon Reserve Homeowners Association, Inc. for Avalon Reserve - Village 1. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

C. **Recommendation to approve request for qualification rankings and contracts for continuing professional engineering services with Pegasus Engineering, Tetra Tech Engineering, and BFA Engineering**

Public Services Director Cochran stated this is an item brought to the Commission every two to three years. Staff ranks professional engineering firms to do continuing consulting contracts. This year staff is recommending Pegasus Engineering, Tetra Tech Engineering, and BFA Engineering. Services are mostly related to water, waste water, storm water, roadway, and traffic control projects. The work is performed on an as needed basis on an hourly fee schedule.

Commissioner Makin addressed the scoring method stating he has not had an answer back from the City Manager yet and would like to postpone this item and the next item until he knows how the ratings are arrived at.

Mr. Cochran shared that staff is following the City's purchasing manual. The scoring is done by Mr. Cochran, Mike Kelly, and Art Miller. Postponing will not hold up any projects. He offered copies of what was submitted by the engineering firms because that is all they have to work from.

City Manager Bollhoefer stated staff will put together a whole packet for the Commission's review.

**Motion by Commissioner Makin to postpone both the professional engineering services and professional surveying services contracts until the next meeting of April 25, 2013. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**D. Recommendation to approve request for qualification rankings and contracts for continuing professional surveying services with Southeastern Surveying, Atlantic Surveying, CPH Engineering and Surveying, and Allen & Company, Inc.**

*This item was acted upon under the previous matter (postponed until April 25, 2013).*

**E. Appointment to the Architectural Review and Historic Preservation Board to fill the unexpired term, until July 2, 2015, of resigning board member Chuck Simikian**

City Clerk Golden stated that the interest forms for the vacancy have been provided for the City Commission's consideration.

**Motion by Commissioner Makin to appoint Phillip Baker to the Architectural Review and Historic Preservation Board to fill the unexpired term of Mr. Simikian, until July 2, 2015. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

9. **MATTERS FROM CITY ATTORNEY** – There were no items.

10. **MATTERS FROM CITY MANAGER**

**Reduction of Code Enforcement Fines – 13207 Foxglove Court**

Mr. Bollhoefer shared that a house in Stoneybrook at 13207 Foxglove Court has Code Enforcement fines accruing since 2010 for an unmaintained swimming pool. The fines in case number 10-1292 have accumulated to \$233,500. The potential purchaser of the property does not want to pay the fines. The property has been brought into compliance. In the past, the City has reduced fines down to only actual costs. In this case, it comes to \$2,500 needed so they can close on the property.

There was discussion that the City is looking to find ways to have banks provide better care for their bank owned properties. Commissioner Buchanan asked what amount the City allows before the City Attorney should go after a property. City Manager Bollhoefer noted any amount is allowed but questions whether it would be worth pursuing. Commissioner Buchanan voiced concerns about charging a fine and there being no consequences of actually having to pay them. Mr. Bollhoefer stated that this is why the City collects what has been actually paid in to recover its costs. Commissioner Sharman shared that it would be nice to keep the properties maintained.

**Motion by Commissioner Sharman to approve the reduction of Code Enforcement fines at 13207 Foxglove Court to \$2,500. Seconded by Commissioner Makin and carried unanimously 5-0.**

**Winter Garden Bike Fest Event**

City Manager Bollhoefer commended staff for their efforts in the Bike Fest Event noting that this is one of the most difficult events.

**11. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Makin** inquired of any resident complaints. Mr. Bollhoefer noted that he heard of a couple complaints but overall it was a very positive event. Commissioner Sharman stated there will always be one or two complaints and this is only a once-a-year event. Mr. Bollhoefer shared that each event affects each business differently.

**Mayor Rees** acknowledged the sacrifice of staff and voiced his appreciation for their efforts.

**Commissioner Sharman** shared that he was looking forward to the upcoming Bloom 'N Grow event. He hoped former City Mayor Jack Quesinberry enjoyed the Evening at the Pops event to whom he donated his tickets while he was out of town visiting New York and the ground zero site with his son.

**Commissioner Olszewski** reiterated and echoed the City Manager's comments concerning the City's great staff. He has attended many events and talked with many Orange County residents and other city leaders who envy what we have here in the City.

**Commissioner Buchanan** commended staff and noted that the City was again getting geared up to have another great event. He is still hearing feedback on how nice the Pops Concert was and stated that some commented that the additional parking was great.

**Commissioner Makin** expressed that the City Commission gives thanks to the staff and it is not said just to say it. The City staff does a great job from planning, organizing, and seeing the event all the way through to the clean-up at the end. Our City always looks so clean and staff does a really good job. He is looking forward to the Bloom 'N Grow event this weekend and stated that Sue Crabtree always does a great job.

The meeting adjourned at 7:16 p.m.

APPROVED:

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Mayor John Rees

ATTEST:

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City Clerk Kathy Golden, CMC



# Proclamation

13-07

**Whereas**, the majority of workplace injuries and fatalities are preventable, however more than 4,500 workers die each year from job related injuries, and millions more suffer occupational injuries and illnesses; and

**Whereas**, businesses spend \$170 billion a year on costs tied to occupational injuries, health care and illnesses and the intangible costs of losing a loved one, a friend and a co-worker; and

**Whereas**, safer organizations enjoy increased productivity, higher employee satisfaction and a better reputation, while recording less lost time, and lower workers' compensation and healthcare costs; and

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

**Whereas**, during the week of May 5-11, 2013, North American Occupational Safety and Health (NAOSH) Week, American Society of Safety Engineers members, the Occupational Safety and Health Administration (OSHA) and corporate/association partners will mobilize in an effort to increase employer, employee and public awareness of the importance of being safe at work; to raise awareness of the role and contribution of safety, health and environmental professionals; encourage safe practices; and on May 8, 2013, Occupational Safety and Health Professional (OSHP) Day will recognize safety professionals working to keep people safe, preserving a company's good reputation, building employee pride, and helping their communities.

**Now, therefore**, be it resolved that I, John Rees, Mayor of the City of Winter Garden do hereby proclaim May 5-11, 2013, to be

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

and Wednesday, May 8, 2013, to be

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

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



In witness whereof, I have hereunto set my hand and caused the City Seal to be affixed this 25th day of April, 2013.

*John Rees*  
Mayor John Rees

Attest:

*Kathy Golden*

Kathy Golden, City Clerk



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

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

**Via:** City Manager Mike Bollhoefer

**Date:** April 18, 2013

**Meeting Date:** April 25, 2013

**Subject:** **Ordinance 13-13** Annexation  
**Tilden Groves Property (10.475+/- Acres)**  
14400 Siplin Road  
Parcel ID# 34-22-27-0000-00-005

**Issue:** The applicant is requesting Annexation of property located at 14400 Siplin Road, Parcel I.D. # 34-22-27-0000-00-005.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 10.475 ± acre enclave generally located south of SunRidge Boulevard, north of Black Lake, east of Siplin Road, and west of Avalon Road. The applicant has requested Annexation into the City and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Suburban Residential. (See attached Staff Report).

**Recommended Action:**

Staff recommends adoption of Ordinance 13-13.

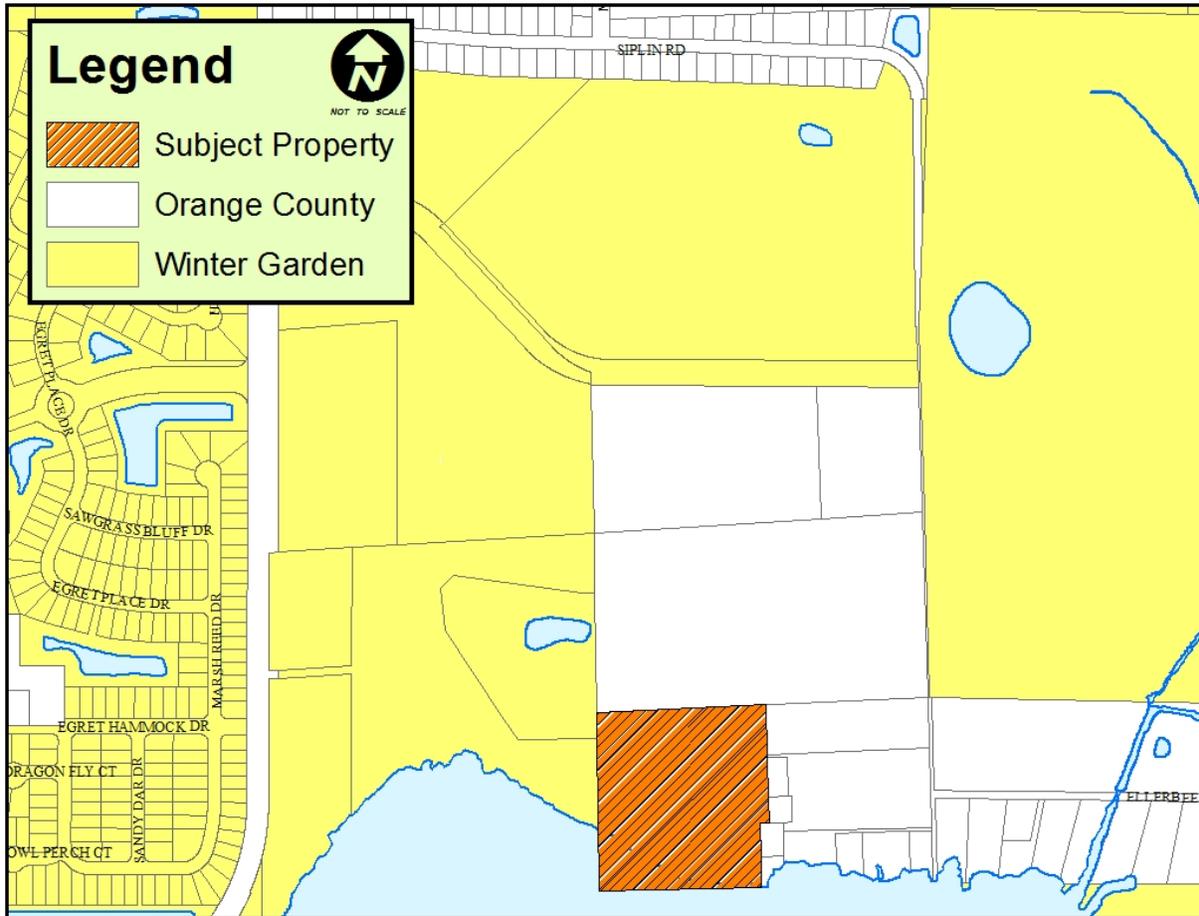
**Attachment(s)/References:**

Location Map  
Ordinance 13-13  
Staff Report

# LOCATION MAP

14400 Siplin Road  
Ordinance #: 13-13

Parcel ID # 34-22-27-0000-00-005



## 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

# 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

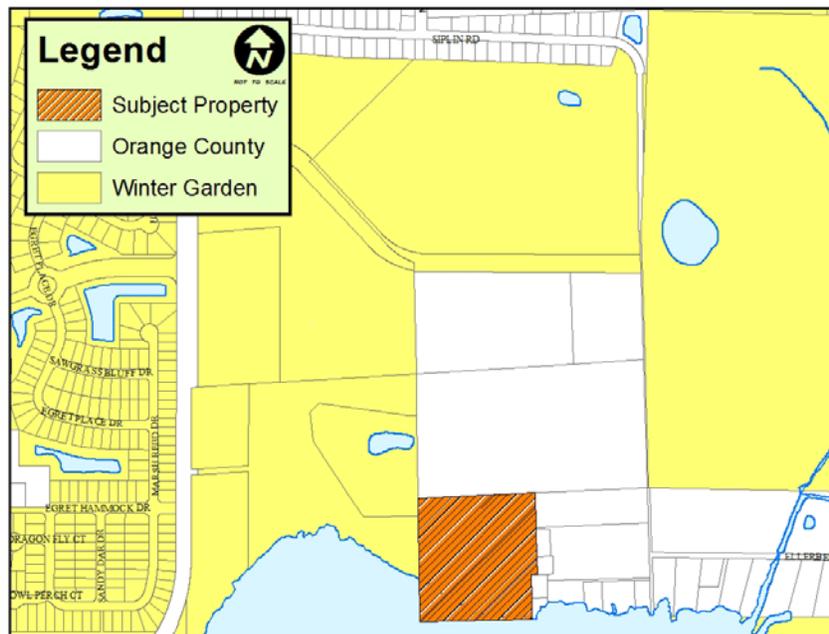
**SUBJECT:** ANNEXATION/FUTURE LAND USE MAP AMENDMENT  
**14400 SIPLIN ROAD (TILDEN GROVES PROPERTY) (10.475 +/- ACRES)**  
**Parcel ID # 34-22-27-0000-00-005**

**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. The applicant needs to be aware that Siplin Road may need substantial improvements and may also require additional right-of-way. Any 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.

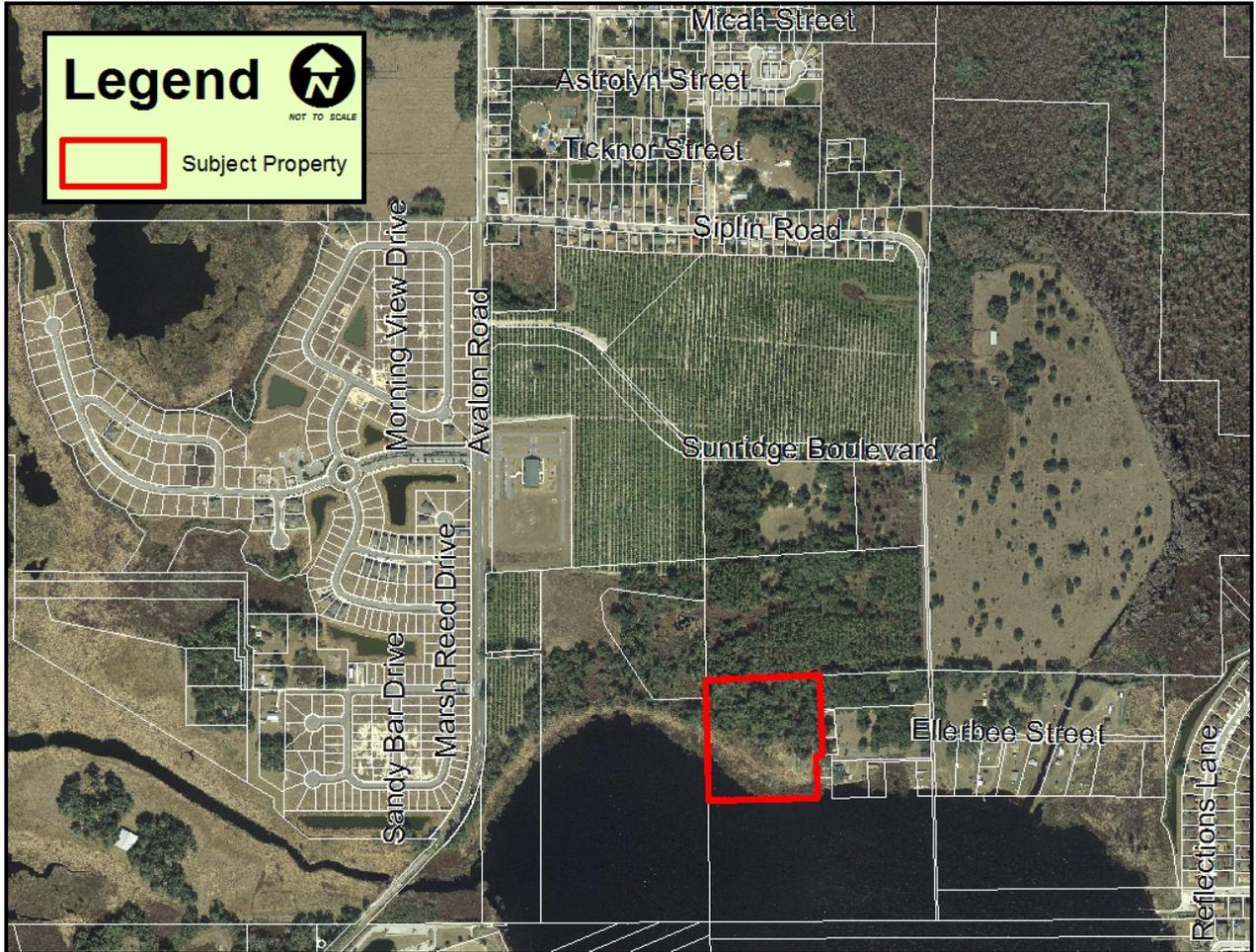
### **SUMMARY**

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

**MAPS**

**AERIAL PHOTO**

**Siplin Road**



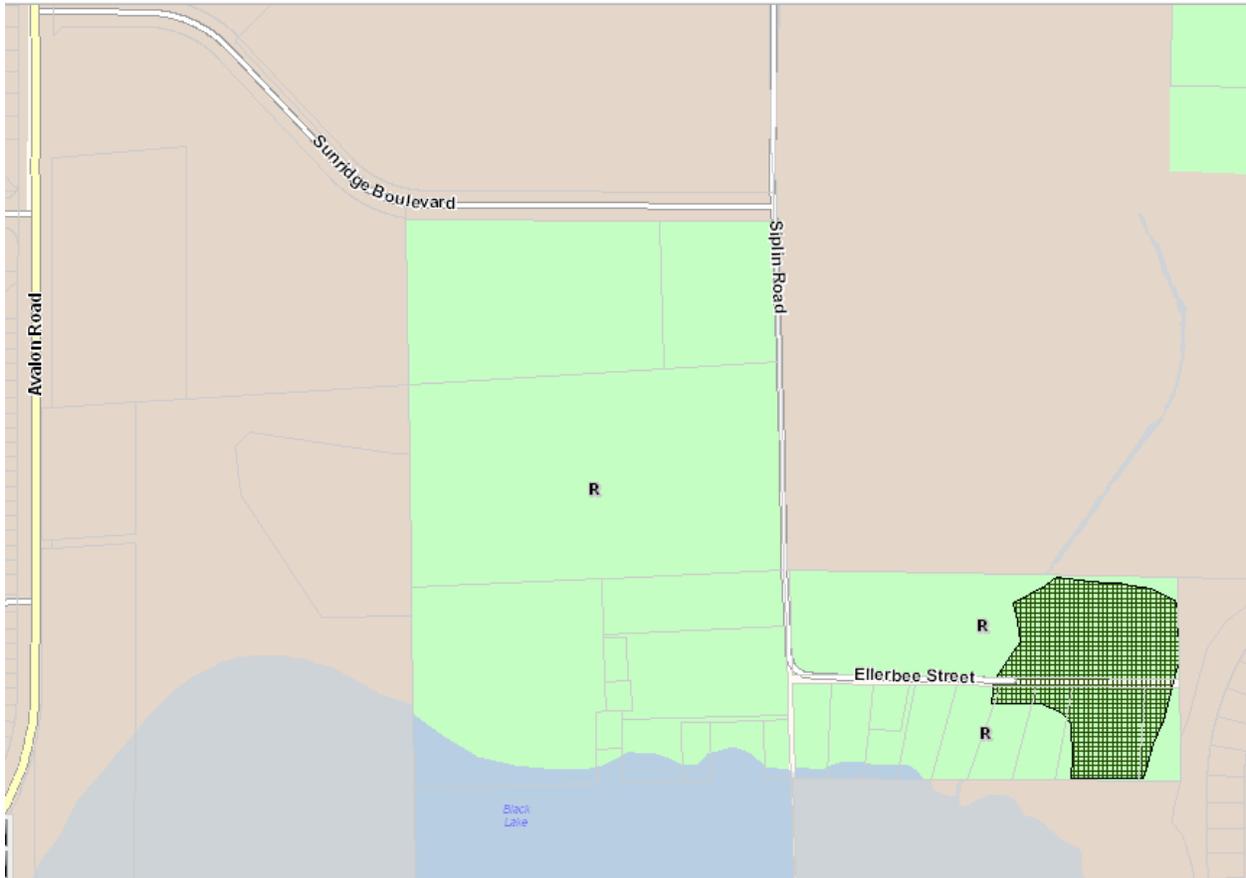
**WINTER GARDEN**



**FUTURE LAND USE MAP**

**EXISTING**

**Siplin Road**

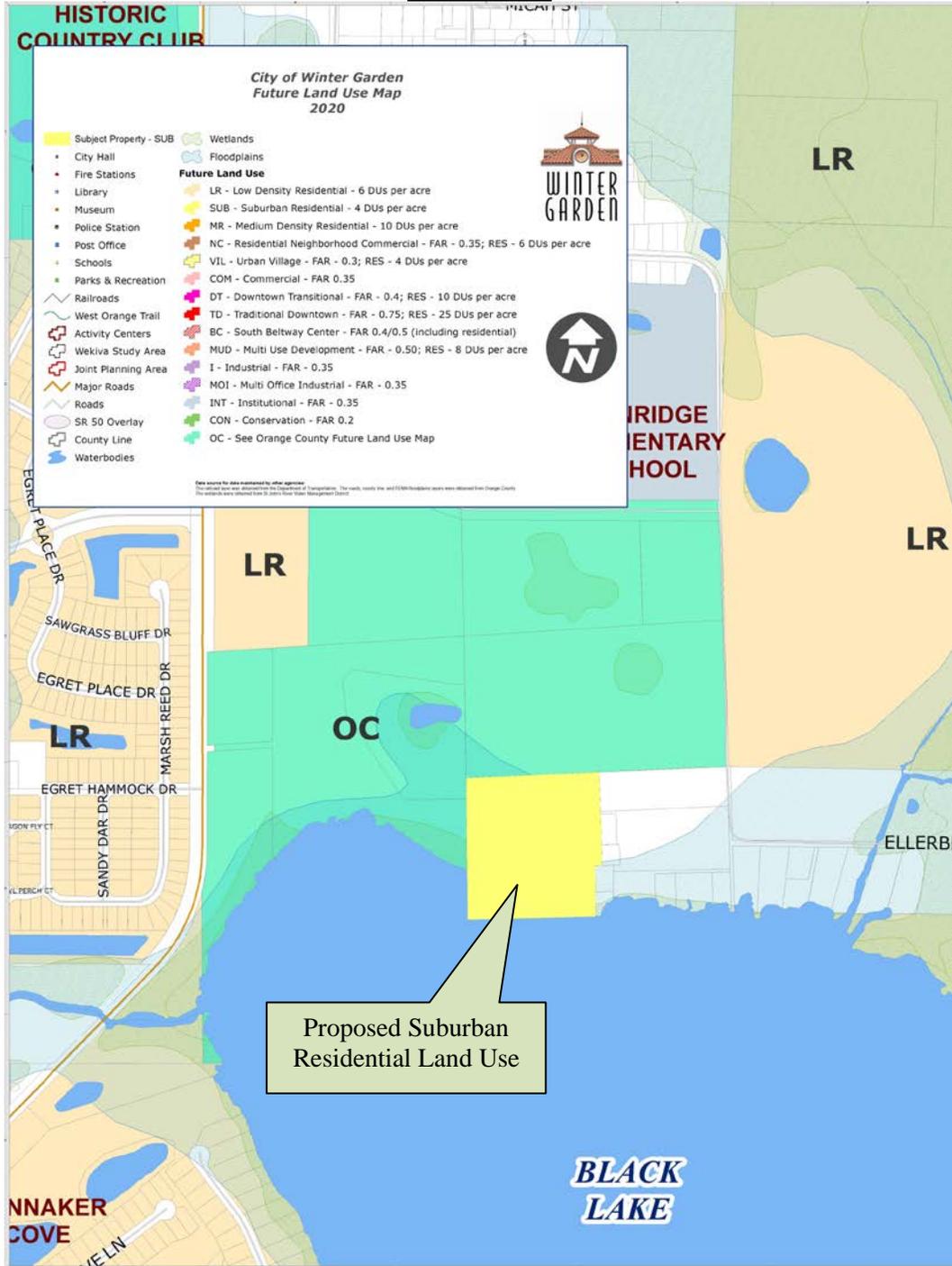


**WINTER GARDEN**

**FUTURE LAND USE MAP**

**PROPOSED**

**Siplin Road**



**WINTER GARDEN**



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

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

**Via:** City Manager Mike Bollhoefer

**Date:** April 18, 2013

**Meeting Date:** April 25, 2013

**Subject:** **Ordinance 13-16** Annexation  
**Premier Pangborn Property (127.42+/- Acres)**  
16486, 17000 & 17166 Marsh Road  
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

**Issue:** The applicant is requesting Annexation of property located at 16846, 17000, and 17166 Marsh Road.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject properties make up a 127.42 ± acre enclave located on the south side of Marsh Road east of Williams Road and west of Avalon Road. The applicant has requested Annexation into the City and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Urban Village. (See attached Staff Report).

**Recommended Action:**

Staff recommends adoption of Ordinance 13-16.

**Attachment(s)/References:**

Location Map  
Ordinance 13-16  
Staff Report

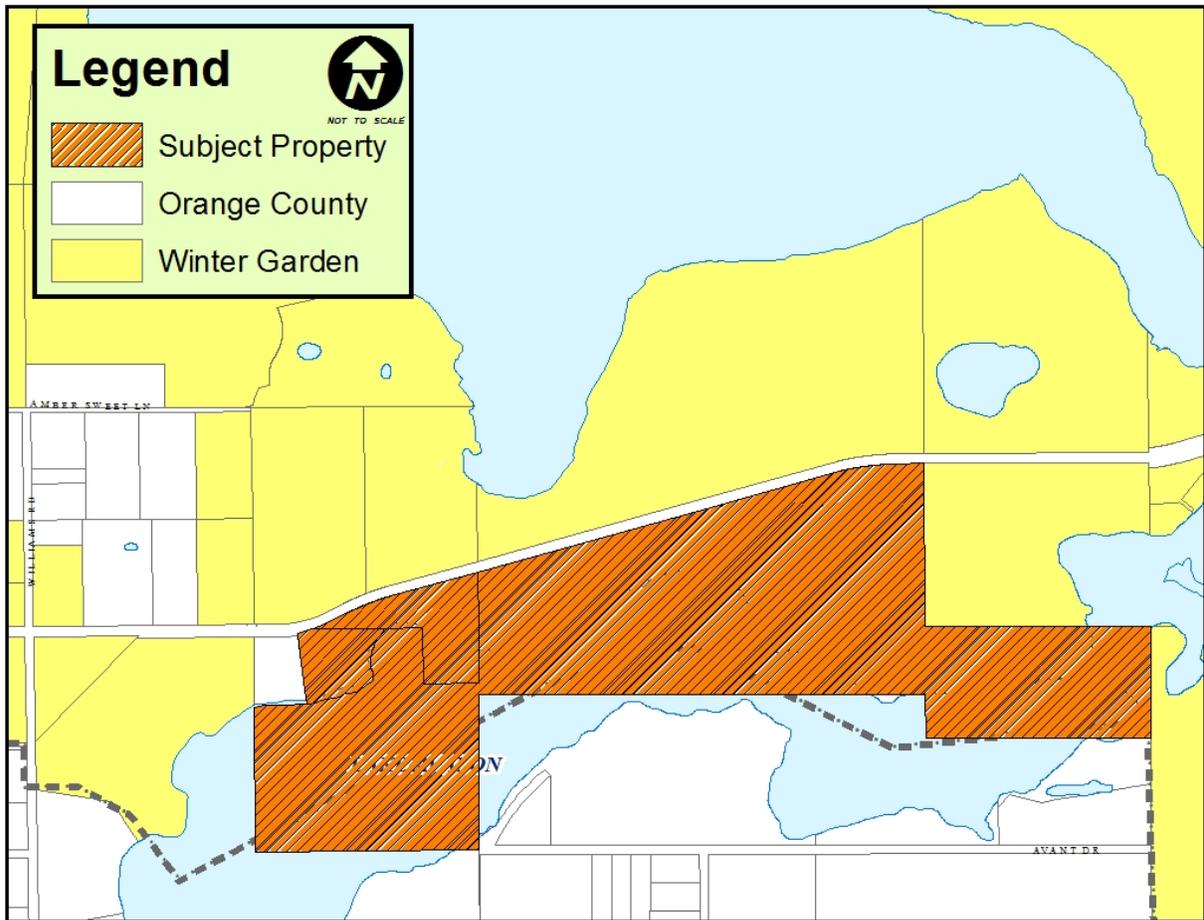
# LOCATION MAP

16846; 17000; and 17166 Marsh Road  
Ordinance #: 13-16

Parcel ID # 05-23-27-0000-00-002

Parcel ID # 05-23-27-0000-00-006

Parcel ID # 05-23-27-4272-00-010



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

SOUTH LINE A DISTANCE OF 2633.73 FEET TO THE E LINE OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 6; THENCE RUN S00°11'38"E A DISTANCE OF 912.21 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE RUN S89°26'11"W A DISTANCE OF 1319.00 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE RUN N00°28'13"W ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 884 FEET MORE OR LESS TO THE SHORELINE OF LAKE AVALON; THENCE RUN EASTERLY AND NORTHERLY ALONG SAID SHORELINE A DISTANCE OF 1034 MORE OR LESS TO A POINT ON THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6; THENCE RUN N89°28'15"E ALONG THE SAID NORTH LINE A DISTANCE OF 219.59 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE RUN S00°15'47"E A DISTANCE OF 328.10 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN N89°27'44"E A DISTANCE OF 330.94 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN N00°11'38"W A DISTANCE OF 328.05 FEET TO THE POINT OF BEGINNING.

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:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN S00°11'38"E ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 328.05 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE RUN S89°27'44"W A DISTANCE OF 330.94 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN N00°15'47"W A DISTANCE OF 328.10 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE

SOUTHEAST 1/4; THENCE RUN S89°28'15"W A DISTANCE OF 651.04 FEET TO THE SOUTHERLY LINE OF MARSH ROAD; THENCE RUN ALONG SAID SOUTHERLY LINE N63°13'14"E A DISTANCE OF 248.80 FEET; THENCE RUN N68°27'19"E A DISTANCE OF 149.90 FEET; THENCE RUN N74°25'18"E A DISTANCE OF 637.93 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 6; THENCE RUN S01°05'41"E A DISTANCE OF 329.45 FEET TO THE POINT OF BEGINNING.

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.

# 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

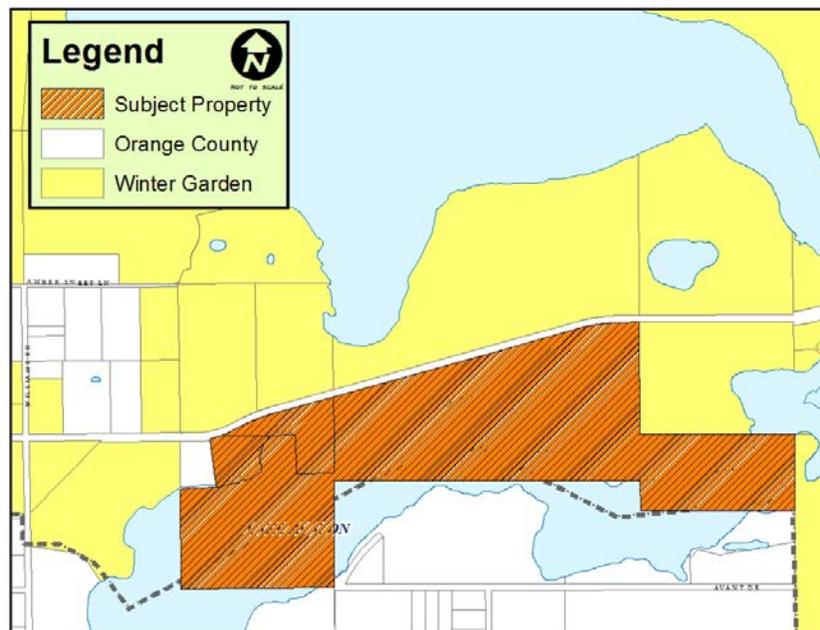
**SUBJECT:** ANNEXATION/FUTURE LAND USE MAP AMENDMENT  
**PREMER PANGBORN PROPERTY (127.42 +/- ACRES)**  
**Parcel ID # 05-23-27-0000-00-002** – 16846 Marsh Road  
**Parcel ID # 05-23-27-0000-00-006** – 17000 Marsh Road  
**Parcel ID # 05-23-27-4272-00-010** – 17166 Marsh Road

**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.

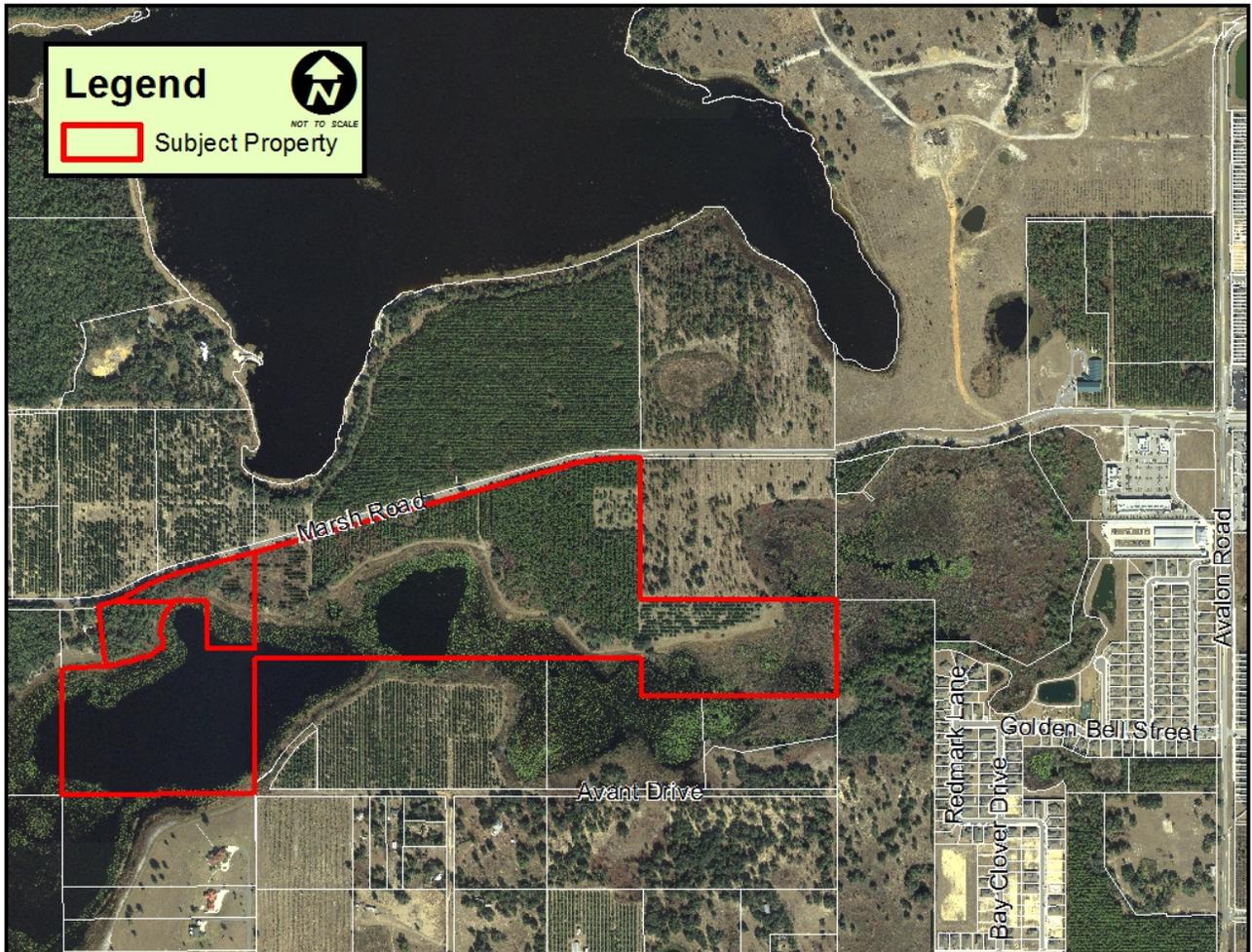
### **SUMMARY**

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

**MAPS**

**AERIAL PHOTO**

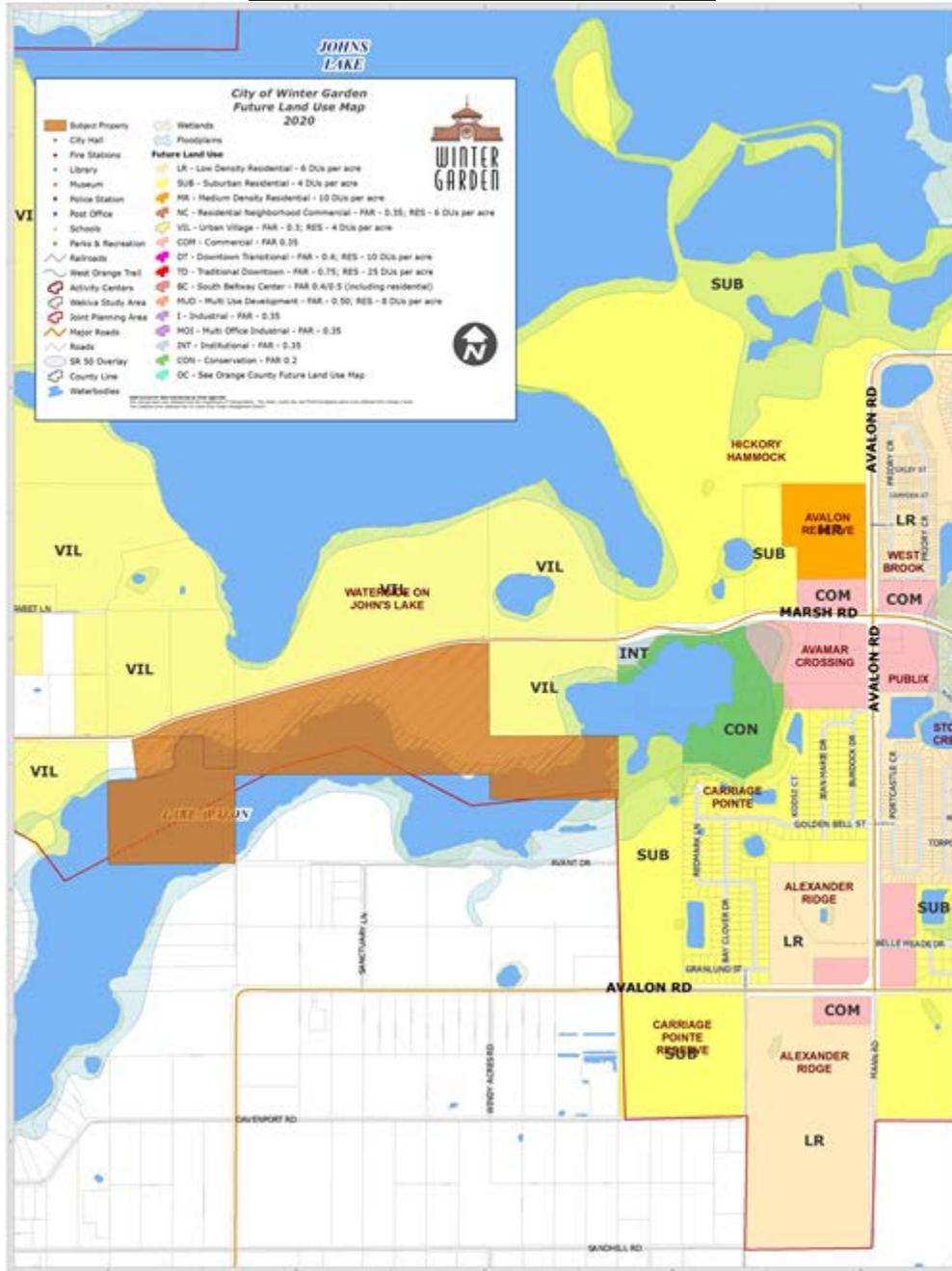
**16846, 17000, & 17166 Marsh Road**



## WINTER GARDEN FUTURE LAND USE MAP

### EXISTING

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



**ORANGE COUNTY  
FUTURE LAND USE MAP**

**EXISTING**

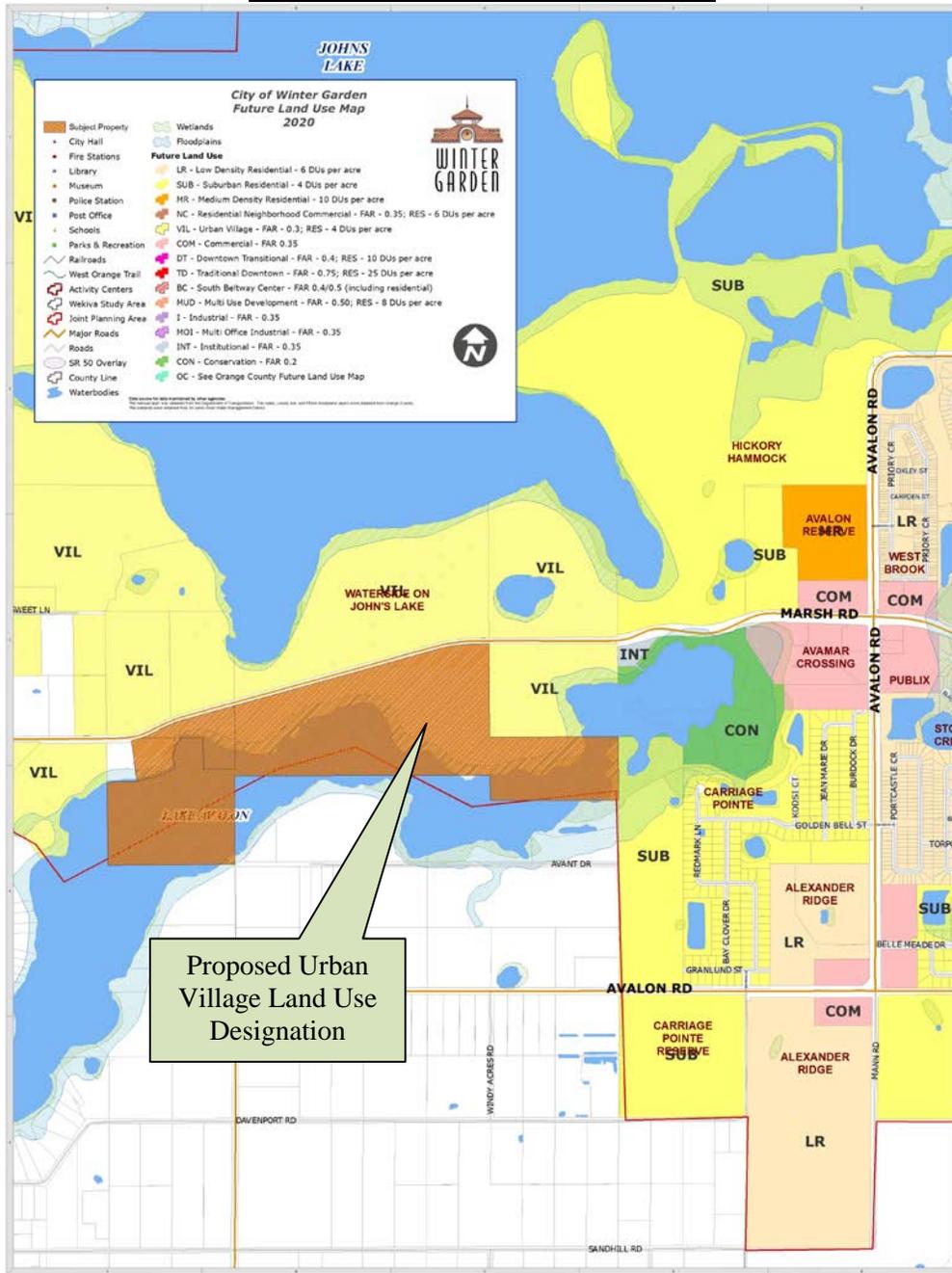
**16846, 17000, & 17166 Marsh Road**



# WINTER GARDEN FUTURE LAND USE MAP

## PROPOSED

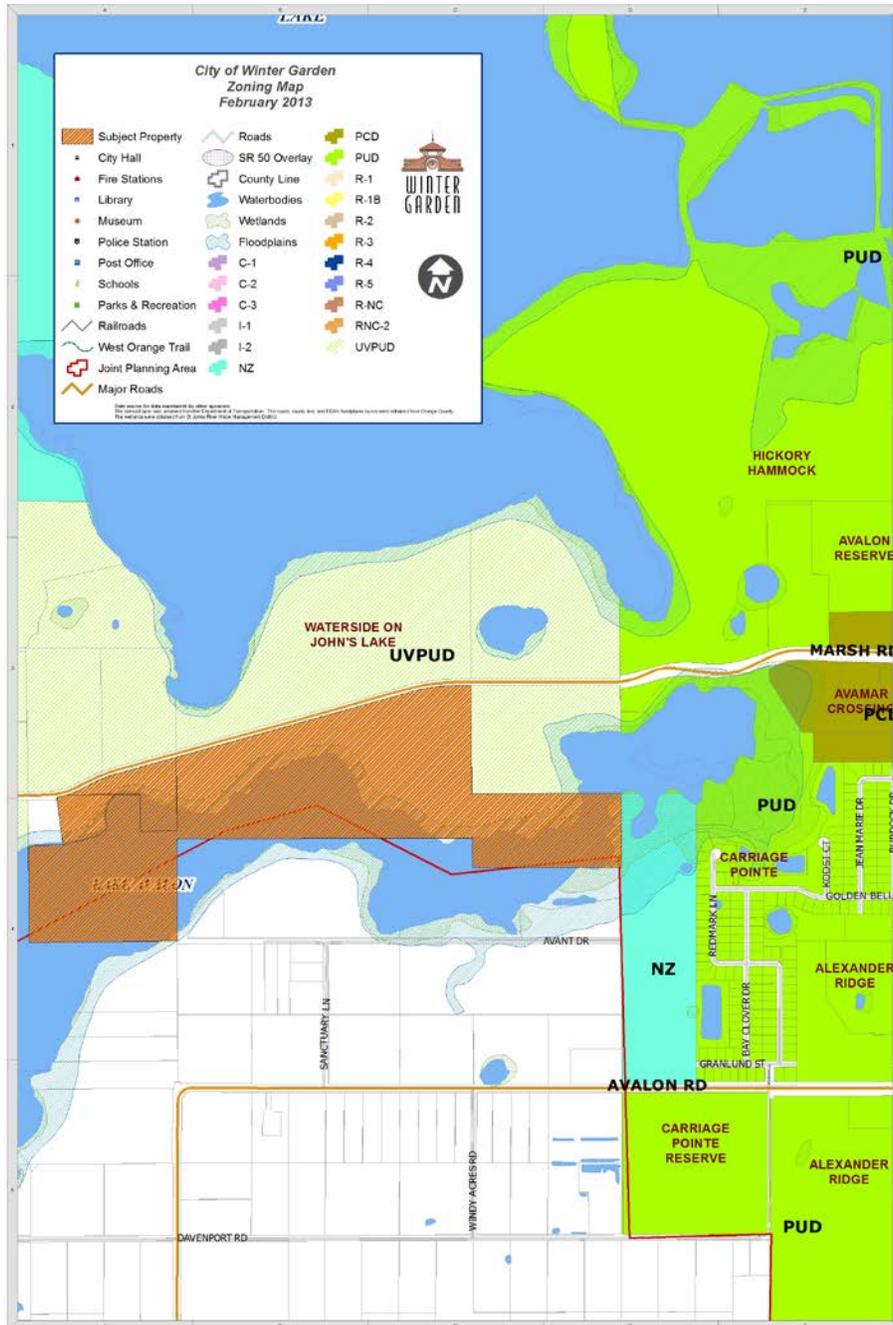
### 16846, 17000, & 17166 Marsh Road



## WINTER GARDEN ZONING MAP

CURRENT

### 16846, 17000, & 17166 Marsh Road



END OF STAFF REPORT

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** April 17, 2013

**Meeting Date:** April 25, 2013

**Subject:** Recommendation for approval of the Winter Garden Harvest Fest on May 4, 2013 with from 9am to 2pm.

**Issue:**

A request has been presented by the group "A Local Folkus" to hold the 2<sup>nd</sup> annual Winter Garden Harvest Fest on May 4, 2013 in conjunction with the Winter Garden Farmers Market. Their event has the theme of promoting local farming and gardeners and will have cooking demonstrations, live music and children's activities. The harvest festival brings additional local vendors that will be set up on S. Lakeview Ave. and Tremaine St. in areas that are already blocked off for normal farmer's market activities.

Their event proposes to have a beer garden that will serve samples of craft beers from 12:00pm to 2:00pm. This area will be designated with fencing and alcohol sales and consumption will only be permitted in this area.

Also incorporated into this event will be a farm-to-table dinner that will be a ticketed only event from 6 to 8pm at the farmer's market pavilion. Alcoholic beverages will be served to ticketed guests as part of this dinner but there will be no sales or serving to members of the general public.

The first annual event in 2012 was very well received and enjoyed by the public. The City Stage will be utilized for this event, but no other extra city services are required.

**Recommended action:**

**Motion to approve the second annual Harvest Festival as proposed.**

**Attachments/References:**

**Event Application**



CITY OF WINTER GARDEN  
 PARKS & RECREATION DEPARTMENT  
 310 NORTH DILLARD STREET  
 WINTER GARDEN, FL 34787

PHONE: (407) 656-4155  
 WWW.WINTERGARDEN-FL.GOV

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

Official Use Only  
 Date Received: \_\_\_\_\_  
 Permit Fee Pd. on: \_\_\_\_\_ Init. \_\_\_\_\_

**CITY OF WINTER GARDEN  
 SPECIAL EVENT APPLICATION – PUBLIC PROPERTY**

Per City Code Ch. 27, Art 1, Sec.3 "Special Events" are defined as any public assembly of 100 or more people in any park, sidewalk, alley, lake or other publically owned area. Completed applications should be submitted no less than 30 days prior to the first date of the proposed event. Events that require closure of any city street or are anticipated to have more than 500 people in attendance will require approval of the City Commission.

ORGANIZATION/GROUP: A Local Folkus LLC NON PROFIT \_\_\_\_\_ CORP. X INDIV. \_\_\_\_\_  
 NAME OF EVENT: Winter Garden Harvest Festival  
 CONTACT/REPRESENTATIVE: Gabby Othon Lothrop PHONE # 407-590-5499  
 ALT. PHONE: \_\_\_\_\_ EMAIL: gabby@eastendmkt.com  
 EVENT LOCATION: Tremaine, Lakeview Pavilion PROPOSED DATES: May 4, 2013  
 HOURS: 9-2 Street Market, 7-10 Dinner in Pavilion ESTIMATED DAILY ATTENDANCE: 2,000

PLEASE CHECK ALL OF THE FOLLOWING THAT APPLY:

TYPE OF EVENT	EVENT DETAILS	EQUIPMENT AT EVENT
<input checked="" type="checkbox"/> FESTIVAL	<input type="checkbox"/> ADMISSION CHARGE/TICKET SALES	<input checked="" type="checkbox"/> AMPLIFIED SPEAKING/MUSIC
<input type="checkbox"/> EXHIBIT(S)	<input checked="" type="checkbox"/> ALCOHOL SERVED <sup>1</sup>	HOURS OF: <u>10-2</u>
<input type="checkbox"/> CARNIVAL/CIRCUS/FAIR	<input checked="" type="checkbox"/> ALCOHOL SALES <sup>2</sup>	<input type="checkbox"/> PORTABLE RESTROOMS
<input type="checkbox"/> GENERAL MEETING	<input type="checkbox"/> FIREWORKS/PYROTECHNICS	<input type="checkbox"/> SPORTS EQUIPMENT
<input type="checkbox"/> PARADE	<input checked="" type="checkbox"/> FOOD VENDORS: # OF <u>4-6</u>	<input checked="" type="checkbox"/> STAGE/PROPS/PRODUCTION
<input type="checkbox"/> BLOCK PARTY OR PICNIC	<input checked="" type="checkbox"/> MERCHANDISE VENDORS: # OF <u>50-80</u>	<input checked="" type="checkbox"/> TENTS: # OF & SIZE <u>85(10x10)</u>
<input type="checkbox"/> SPORTING EVENT/COMPETITION	<input checked="" type="checkbox"/> OPEN TO PUBLIC	<input checked="" type="checkbox"/> TEMPORARY EVENT SIGNAGE
<input type="checkbox"/> WEDDING/RECEPTION	<input checked="" type="checkbox"/> STREET/SIDEWALK CLOSURE- HOURS OF: <u>7am-4pm</u>	<input type="checkbox"/> DUMPSTERS/RECEPTACLES
<input type="checkbox"/> REVIVAL	<input checked="" type="checkbox"/> CITY WATER USED	<input type="checkbox"/> INFLATABLE DEVICES
<input type="checkbox"/> OTHER: (EXPLAIN) _____	<input checked="" type="checkbox"/> EVENT HELD PREVIOUSLY	<input checked="" type="checkbox"/> COOKING EQUIP. USED. GAS <input checked="" type="checkbox"/> OPEN FLAME <input checked="" type="checkbox"/>
_____	<input checked="" type="checkbox"/> CITY ELECTRIC USED	OTHER: _____

<sup>1</sup> PLEASE NOTE THAT BEIRGARTENS OR ZONES WHERE ALCOHOL IS REQUESTED TO BE PERMITTED MUST BE CLEARLY IDENTIFIED ON THE EVENT SITE MAP.  
<sup>2</sup> EVIDENCE OF PROOF OF PERMITTING THROUGH THE STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION MUST BE PROVIDED TO CITY STAFF NO LATER THAN 30 DAYS PRIOR TO THE FIRST DAY OF THE PROPOSED EVENT.

**PLEASE CAREFULLY REVIEW ALL OTHER POLICIES AND PROCEDURES ON PAGE 2 OF THIS APPLICATION**



CITY OF WINTER GARDEN  
PARKS & RECREATION DEPARTMENT  
310 NORTH DILLARD STREET  
WINTER GARDEN, FL 34787

PHONE: (407) 656-4155  
WWW.WINTERGARDEN-FL.GOV

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

## CITY OF WINTER GARDEN SPECIAL EVENT POLICIES AND PROCEDURES

### FOOD VENDING

THE DEPT. OF BUSINESS AND PROFESSIONAL REGULATION OF THE STATE OF FLORIDA REQUIRES THAT YOU NOTIFY THEIR DIVISION OF HOTELS AND RESTAURANTS NO LATER THAN THREE DAYS PRIOR TO ANY TEMPORARY EVENT WHERE FOOD WILL BE SOLD. ALL FOOD VENDORS MUST MEET MINIMUM SAFETY AND SANITATION REQUIREMENTS AND PAY A TEMPORARY EVENT LICENSING FEE IF THEY DO NOT ALREADY HOLD AN ANNUAL LICENSE WITH THE STATE OF FLORIDA. THE DIVISION OF HOTELS AND RESTAURANTS CAN BE REACHED AT 850-487-1395 OR VISIT [http://www.myfloridalicense.com/dbpr/hr/licensing/GT\\_tempevents.html](http://www.myfloridalicense.com/dbpr/hr/licensing/GT_tempevents.html) FOR MORE INFORMATION.

### EVENT INSURANCE

IN MOST INSTANCES EVENT INSURANCE WILL BE REQUIRED WITH GENERAL LIABILITY COVERAGE OF AT LEAST 1,000,000. CITY STAFF RESERVES THE RIGHT TO REQUEST INCREASED LIMITS DEEMED NECESSARY FOR CERTAIN HIGH-RISK ACTIVITIES. INDIVIDUALS, GROUPS WITHOUT INSURANCE, OR GROUPS THAT DO NOT PRODUCE AN APPROPRIATE CERTIFICATE OF INSURANCE TWO WEEKS PRIOR TO THE EVENT DATE WILL BE REQUIRED TO PURCHASE INDIVIDUAL EVENT POLICIES THROUGH THE CITY INSURANCE CARRIER AT LIMITS DEEMED NECESSARY BY CITY STAFF. PRICES FOR APPROPRIATE POLICIES ARE ESTABLISHED BY THE INSURANCE BROKER AND ARE NON-NEGOTIABLE. IF PROPER INSURANCE IS NOT OBTAINED OR PAID FOR AT LEAST TWO WEEKS PRIOR TO THE SCHEDULED EVENT, THE CITY RESERVES THE RIGHT TO CANCEL THE EVENT REQUEST.

### PERMIT FEES

EVENTS WITH 100-249 PEOPLE IN ATTENDANCE: \$250.00

EVENTS WITH OVER 250 PEOPLE IN ATTENDANCE: \$1,000.00

### ADDITIONAL FEES

OTHER FEES WILL BE ASSESSED IF DEEMED NECESSARY BY CERTAIN APPLICABLE DEPARTMENTS. ALTHOUGH NOT AN EXHAUSTIVE LIST, FEES MAY BE ASSESSED FOR POLICE OFFICERS, POLICE SUPERVISORS, FIRE PROTECTION, EMT PERSONNEL, STREET BARRICADING, ELECTRIC USAGE, MAINTENANCE STAFF, TRASH RECEPTACLES & COLLECTION, OR ANY OTHER STAFF DEEMED NECESSARY TO BE ON-SITE DURING EVENT HOURS, ETC. BONDS OF UP TO \$5,000,000 MAY BE REQUIRED AT THE DISCRETION OF CITY STAFF FOR EVENTS WITH ATTENDANCE OVER 500 PEOPLE AND EVENTS HOSTING CERTAIN HIGH-RISK ACTIVITIES. ALL FEES MUST BE PAID IN FULL IN AT LEAST TWO WEEKS PRIOR TO THE EVENT DATE TO AVOID CANCELLATION.

### MISCELLANEOUS POLICIES

- EVENT ADVERTISING SHOULD NOT INCLUDE ANY REFERENCE OF ENDORSEMENT BY THE CITY OF WINTER GARDEN.
- ADMISSION FEES MAY NOT BE CHARGED FOR EVENTS TAKING PLACE ON PUBLIC PROPERTY.
- TEMPORARY EVENT SIGNAGE MUST MEET CITY CODE REQUIREMENTS. CONTACT W.G. CODE ENFORCEMENT FOR INFO.
- THERE ARE OTHER SPECIAL REQUIREMENTS FOR MOTION PHOTOGRAPHY PRODUCTION.
- THERE ARE SPECIAL REQUIREMENTS FOR FIREWORKS.
- ANY EVENT UTILIZING PLANT ST. AND EFFECTIVELY CLOSING THE WEST ORANGE TRAIL MUST NOTIFY ORANGE COUNTY PARKS AND RECREATION AT 407-654-1108.
- IF ANY PORTION OF A STATE ROAD IS TO BE CLOSED, A STATE D.O.T. REQUEST FORM MUST BE OBTAINED FROM THE WINTER GARDEN POLICE DEPT., COMPLETED AND RETURNED TO THE WGPD TO BE FILED WITH THE STATE OF FLORIDA. SUCH REQUESTS SHOULD BE SUBMITTED AT LEAST SIX WEEKS PRIOR TO THE EVENT DATE.

### APPROVAL PROCESS

THE RECREATION, FIRE & POLICE DEPARTMENTS WILL REVIEW ALL REQUESTS AND FORWARD TO ADDITIONAL DEPARTMENTS AS NEEDED. YOU MAY BE CONTACTED TO PROVIDE FURTHER INFORMATION. YOU WILL BE NOTIFIED OF INITIAL APPROVAL, ADDITIONAL FEE REQUIREMENTS AND IF FURTHER COMMISSION APPROVAL WILL BE REQUIRED IN 2 TO 4 WEEKS.



CITY OF WINTER GARDEN  
 PARKS & RECREATION DEPARTMENT  
 310 NORTH DILLARD STREET  
 WINTER GARDEN, FL 34787  
 PHONE: (407) 656-4155  
 WWW.WINTERGARDEN-FL.GOV

PLEASE PROVIDE A GENERAL DESCRIPTION OF THE EVENT THAT INCLUDES ALL FEATURES BEING PROPOSED TO TAKE PLACE. ELABORATE ON ANY OF THE ABOVE CHECKED ITEMS IF NECESSARY: (USE BACK IF NECESSARY)

A day-long festival aiming to celebrate the city's unique agricultural heritage. Will feature an outdoor festival from 9 a.m to 2 p.m. with local farmers, gardeners, and food artisans; cooking demos; gardening workshops; live music; a beer garden & kids activities. Dinner will be a farm-to-table event with live bluegrass/folk music and catered dinner in the pavilion.

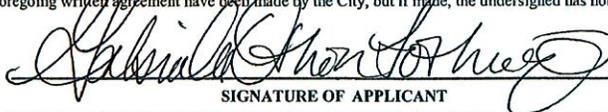
THE FOLLOWING SHOULD ACCOMPANY YOUR APPLICATION: (APPROVAL PROCESS WILL NOT BEGIN UNTIL THESE ARE SUBMITTED)

- COPY OF 501C-3 OR OTHER TAX EXEMPT STATUS CERTIFICATE (IF APPLICABLE)
- SITE PLAN INDICATING ALL AFFECTED AREAS, STREETS PROPOSING TO BE CLOSED, TEMPORARY POWER SOURCES TO BE INSTALLED, PORTABLE RESTROOM LOCATIONS, VENDOR PLACEMENT, PARADE ROUTE, ALCOHOL SERVING ZONES, OR ANY OTHER SIGNIFICANT FEATURES
- COPY OF APPLICANT'S INSURANCE CERTIFICATE NAMING THE CITY OF WINTER GARDEN AS ADDITIONALLY INSURED. (SEE NEXT PAGE FOR INDIVIDUALS AND GROUPS WITHOUT INSURANCE)  
*Copy from last year attached, New policy in progress*
- SANITATION PLAN - PORTABLE RESTROOMS, TRASH COLLECTION AND RECEPTACLE PLAN, ETC.
- PARKING AND TRAFFIC PLAN - REROUTING TRAFFIC AROUND BLOCKED STREETS, PARKING FOR EVENT PATRONS, ETC.
- MEDICAL CARE - FIRST AID STATIONS, EMS SERVICES, AMBULANCE ON SITE, ETC.
- SECURITY - OFF-DUTY OFFICERS SCHEDULED, SECURITY SERVICE UTILIZED, # OF EVENT STAFF IN ATTENDANCE, ETC.

In consideration of permission to use, today and on all future dates, the property, facilities, staff, equipment and services of any facility owned, leased, rented, and/or used by the City, the applicant does hereby release, waive, covenant not to sue, and discharge the City from all liability, responsibility and claims for personal injury, accidents, loss, illness, death, and property damage or loss arising from, related to, or in any way connected to participation in any of the listed Activities, including use of the City's facilities, premises, and equipment.

The applicant also agrees to INDEMNIFY AND HOLD the City HARMLESS from any and all claims, disputes, actions, suits, procedures, costs, expenses, damages, injuries, and liabilities, including attorney's fees (both at the litigation and appellate levels), relating to or arising from applicant's involvement in any of the Activities, and to reimburse the City for any such fees, costs and expenses incurred by the City. Participant further expressly agrees that the foregoing waiver, assumption of risks, indemnification and hold harmless provisions of this document are intended to be as broad and inclusive as is permitted by the laws of the State of Florida, and that if any portion thereof is held invalid or unenforceable, it is agreed that the balance shall remain and continue in full legal force and effect.

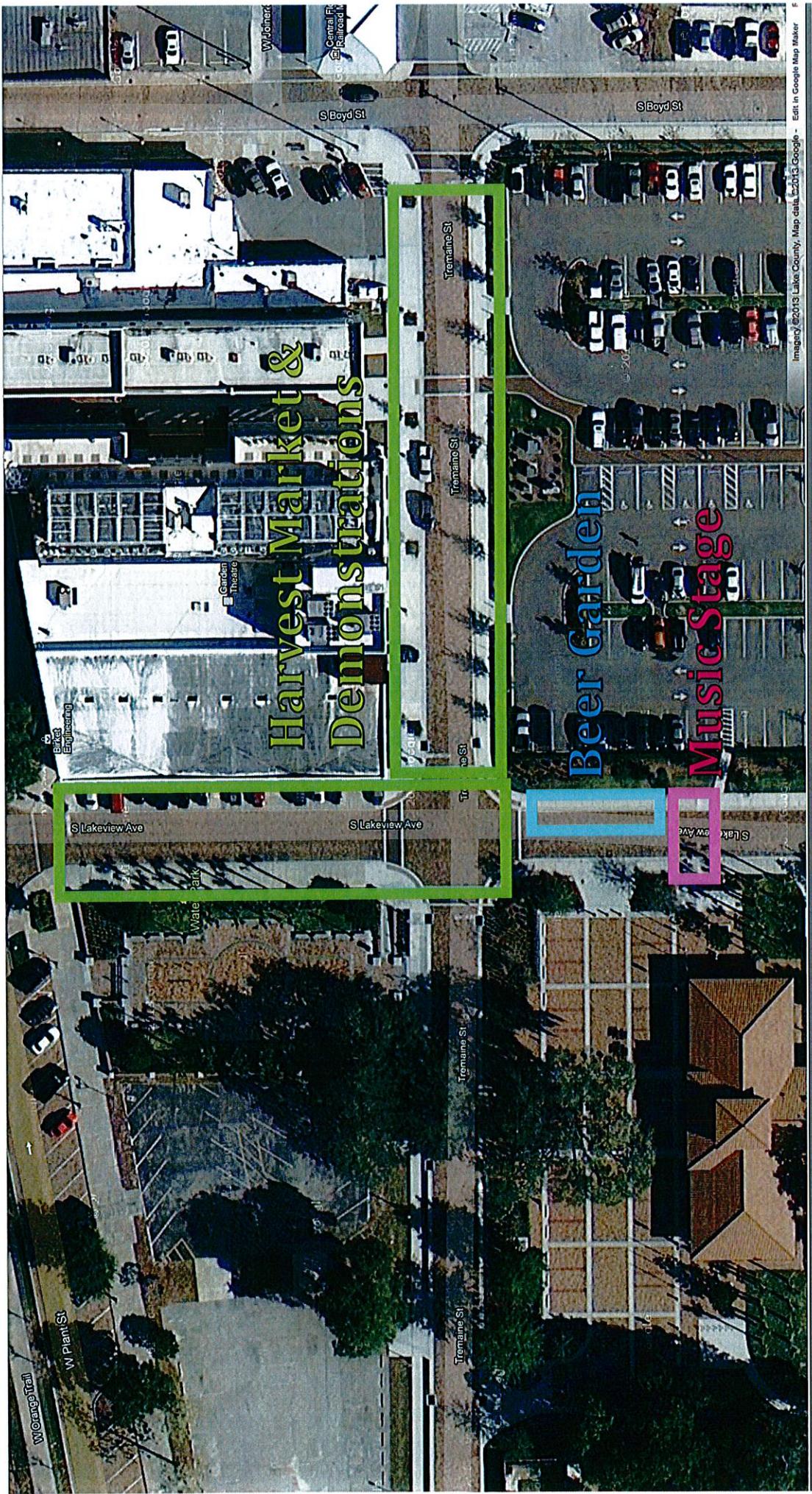
The undersigned has read these special event policies and procedures, waivers of liability, assumption of risks, and indemnity and hold harmless provisions, fully understands them, and understands that applicant is giving up substantial rights, including applicant's right to sue. The undersigned acknowledges that the undersigned is signing this document on behalf of the applicant freely and voluntarily, and intends this, by the undersigned's signature, to be a complete and unconditional release of all liability and responsibility on the part of the City to the greatest extent allowed by law. The undersigned further agree that no oral representations, statements or inducements apart from the foregoing written agreement have been made by the City, but if made, the undersigned has not, and will not, rely on such.

  
 SIGNATURE OF APPLICANT

3/7/13  
 DATE

FOR OFFICE USE ONLY	
REC.: _____	SCHEDULED FOR MEETING OF: _____
PD: _____	
FIRE: _____	
PS: _____	OTHER: _____

# Winter Garden Harvest Festival 2013





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
5/3/2012PRODUCER (407) 838-3445 FAX: (407) 838-3460  
LRA Insurance  
198 S Lake Destiny Rd

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

Orlando FL 32810

## INSURERS AFFORDING COVERAGE

NAIC #

INSURED A Local Folkus LLC  
DBA Winter Garden Harvest Festival  
427 S New York Ave

INSURER A: Montpelier US Insurance Co

36838

INSURER B:

INSURER C:

INSURER D:

INSURER E:

Winter Park FL 32789

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR	B125304047	5/4/2012	5/6/2012	EACH OCCURRENCE	\$ 1,000,000
		DAMAGE TO RENTED PREMISES (Ea occurrence)				\$ 100,000	
		GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ Included
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN EA ACC AUTO ONLY:	\$
						AGG	\$
		EXCESS / UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  <input type="checkbox"/> DEDUCTIBLE RETENTION \$				EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS	OTH-ER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
A		OTHER Liquor Liability				Each Common Cause	300,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS  
City of Winter Garden is named as Additional Insured

## CERTIFICATE HOLDER

## CANCELLATION

City Of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Debra Lampe/KERRIE

## **IMPORTANT**

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## **DISCLAIMER**

This Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.