



For More Information, Contact:

Laura Smith
Senior Planner
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 2026
LSmith@wintergarden-fl.gov

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 – May 6, 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 APRIL 1, 2013 MEETING**
VARIANCE (PUBLIC HEARING)
 4. 1275 Westside Drive - (Westside Townhomes)
Parcel ID # : 27-22-27-9233-00-002
SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)
 5. 730 S. Dillard Street - (Wild Hogs Scooters)
Parcel ID # 23-22-27-6504-06-050
ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT (PUBLIC HEARING)
 6. 13036 Roper Road - (Oaks of Winter Garden)
Rezoning
Parcel ID # 35-22-27-0000-00-024
 7. 17929 Marsh Road - (Cannon, Benjamin)
Annexation / FLU Map Amendment
Parcel ID # 06-23-27-4288-08-260
 8. 920 Vineland Road - (Concalves, Antonio)
Annexation / FLU Map Amendment / Rezoning
Parcel ID # 23-22-27-8199-00-080

CITY OF WINTER GARDEN CODE UPDATES

9. Sign Code
Ordinance 13-19

10. **ADJOURNMENT**

To the next regular Planning and Zoning Board meeting on Monday, June 3, 2013 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
APRIL 1, 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 6:29 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 6:29 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT/ARRIVED LATE:

Board Member – Rohan Ramlackhan (Absent) - Excused

STAFF PRESENT:

City Attorney(s) Kurt Ardaman, 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 March 4, 2013.

Motion by Eric Weiss to approve the March 4, 2013 minutes, seconded by Kent Horsley, the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT (Public Hearing)

4. 12520 Warrior Road – (Westside Church)

Senior Planner Laura Smith presented a request for a one year extension of Special Exception Permit granted April 2, 2012 allowing construction of a church in an R-1 zoning district at 12520 Warrior Road. The Planning and Zoning Board originally approved a Special

Exception Permit for the church on February 3, 2004. The Planning and Zoning Board approved another Special Exception Permit for the church 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. Staff is recommending 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.

Citizen, Krista Plaza, 12421 Westfield Lakes Circle, Winter Garden, FL 34787, made a request for additional information regarding the status of the project, number of times that extensions or Special Exception Permits have been granted to the subject property, and if additional roadway and traffic studies could be done before any new approvals on the property because the community has changed since the initial approvals for the property to be used for a church.

Board Chairman James Gentry stated that the citizen should contact the Planning and Zoning Department and City Staff with those questions as they have access to the records for the property and that the Planning and Zoning Board does not have that type of information available during the meeting.

Senior Planner Laura Smith clarified that the first Special Exception to allow a church on the subject property was granted in 2003, and that the additional dates of approval are listed in the summary on the cover memo in the meeting materials. Also, all other approvals including site plans and construction plans for the subject property have exhausted all extension options and are now expired.

Citizen, Krista Plaza, 12421 Westfield Lakes Circle, Winter Garden, FL 34787, stated that there is excessive activity on the site with students from West Orange High School parking on the property and using it as a cut-through which creates excessive noise and dust. Letters were presented to the Board from other citizens in the Westfield Lakes subdivision (Attached as Exhibit "A").

Board Chairman James Gentry inquired about who the citizen should contact about this concern.

City Attorney Kurt Ardaman responded that the citizen could contact the Police Department.

Senior Planner Laura Smith agreed with City Attorney Kurt Ardaman and stated that the citizen could also contact Code Enforcement.

General discussion by the Board with staff regarding the time frame for when the applicant may begin to develop the site.

Motion by Mac McKinney to approve the Special Exception extension for a period of one year with staff recommendations (Attached Exhibit "B"). Seconded by James Dunn the motion carried unanimously 5-0. Mark Maciel recused himself due to a conflict of interest.

ANNEXATION, FUTURE LAND USE MAP AMENDMENT (Public Hearing)

5. 16846; 17000; 17166 Marsh Road (Premer/Pangborn)

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 16846, 17000 and 17166 Marsh Road for approximately 127.42 +/- acres. The applicant has requested voluntary annexation and a land use designation of Urban Village. Zoning district will not be applied until the property becomes redeveloped at which time they would be required to submit for the Urban Village Planned Unit Development. The City Staff recommends approval of Ordinance 13-16 and Ordinance 13-17 to annex the property and assign the future land use designation Urban Village.

Motion by Kent Horsley to recommend the approval of annexation and future land use map amendment of 127.42 +/- acres located at 16846; 17000; 17166 Marsh Road – Annexation - Ordinance 13-16 – FLU – Ordinance 13-17, with staff recommendations (Attached Exhibit “C”). Seconded by James Dunn, the motion carried unanimously 6-0.

6. 1400 Siplin Road (Tilden Groves Holding Corp.)

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 1400 Siplin Road for approximately 10.47 +/- acres. The applicant has requested voluntary annexation and a land use designation of Suburban Residential. Zoning district will not be applied until the property develops. Staff clarified that through the review process it has been discovered that this is a land-locked parcel and all access will need to be provided through the properties to the north to SunRidge Blvd or through the properties to the east to Siplin Rd. The City Staff recommends approval of Ordinance 13-13 and Ordinance 13-15 to annex the property and assign the future land use designation Suburban Residential.

General discussion by the Board with staff regarding access to the property.

Motion by Eric Weiss to recommend the approval of annexation and future land use map amendment of 10.47 +/- acres located at 1400 Siplin Road – Annexation - Ordinance 13-13 – FLU – Ordinance 13-15, with staff recommendations (Attached Exhibit “D”). Seconded by James Dunn, the motion carried unanimously 6-0.

7. 14288; 14350; 14362 Siplin Road (Black Lake Preserve)

Senior Planner Laura Smith presented a request for future land use designation of Suburban Residential for the property located at 14288, 14350 and 14362 Siplin Road for approximately 35.2 +/- acres. The property was annexed last month and a rezoning application for PUD zoning is currently in review by staff for this property. The City Staff recommends approval of Ordinance 13-06 to assign the future land use designation Suburban Residential.

Motion by Eric Weiss to recommend approval of the future land use map amendment of 35.2 +/- acres located at 14288; 14350; 14362 Siplin Road– FLU – Ordinance 13-06, with staff recommendations (Attached Exhibit “E”). Seconded by Kent Horsley, the motion carried unanimously 6-0.

CITY OF WINTER GARDEN COMPREHENSIVE PLAN AMENDMENT (Public Hearing)

8. Planned Commercial Development (PCD) and Planned Unit Development (PUD)

Senior Planner Laura Smith presented a City initiated proposal for text amendment to the City's Comprehensive Plan Policy 1-1.2.13 pertaining to zoning classifications that are consistent with the Traditional Downtown Land Use Designation. In 2010 the City adopted a new Comprehensive Plan to readopt and amend the Plan, which included creation of a number of new Future Land Use Designations including the Traditional Downtown Land Use Designation. Planned Commercial Development (PCD) and Planned Unit Development (PUD) were not included in the list of zoning designations that are consistent with the Traditional Downtown Future Land Use Designation, however it is necessary that these zoning districts be permitted within the Traditional Downtown Land Use Designation to allow for the mix of uses that is encouraged within the Traditional Downtown Land Use Designation. Staff recommends approval of Ordinance 13-14.

Motion by Kent Horsley to recommend approval of amendment to Policy 1-1.2.13 of the Future Land Use Element of the City of Winter Garden Comprehensive Plan to include PUD and PCD as zoning classifications that are consistent with the Traditional Downtown Land Use Designation – Ordinance 13-14. Seconded by Eric Weiss, the motion carried unanimously 6-0.

CITY OF WINTER GARDEN CODE AMENDMENT (Public Hearing)

9. Sign Code

Senior Planner Laura Smith requested that Ordinance 13-19 amending the City of Winter Garden Sign Code be tabled to a date certain of May 6, 2013 at 6:30pm.

Motion by Eric Weiss to table Ordinance 13-19 to May 6, 2013 Planning and Zoning Board Meeting. Seconded by Kent Horsley, the motion carried unanimously 6-0.

10. Sidewalk Café

Senior Planner Laura Smith presented a request to amend 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. City Staff recommends approval of Ordinance 13-20.

City Attorney Kurt Ardaman clarified that the primary intent of the Ordinance is to keep the outside areas along the sidewalks from becoming a drinking atmosphere and keep it as a family oriented downtown area. The Ordinance would prevent the dispensers and mixing of drinks outside in the sidewalk café area, but still allowing alcohol to be served outside in the sidewalk café area.

General discussion between the board and staff regarding sale of alcoholic beverages and method of distribution of alcoholic beverages during and in conjunction with special events and City events.

Motion by Eric Weiss to approve Ordinance 13-20 with the recommendation that City Commission consider that when the City Commission approves events to take place downtown

with tents and tubs set up for alcoholic beverage sales, that it would automatically be assumed that within those sidewalk café defined boundaries those businesses would be able to use tubs and other dispensing mechanisms within their sidewalk cafes. Seconded by James Gentry, the motion carried unanimously 6-0.

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:16 p.m.

APPROVED:

ATTEST:

Chairman James Gentry

Senior Planner Laura Smith

EXHIBIT "A"

Roy M. Savidge
Barbara L. Savidge
12415 Westfield Lakes Circle
Winter Garden, FL 34787
407-905-9422

March 31, 2013

City of Winter Garden Planning Commission
300 West Plant St.
Winter Garden, FL 34787

To: Winter Garden Planning Commissioners

Re: Construction of a Church at 12520 Warrior Rd., Winter Garden, FL 34787

Unfortunately due to the one week notice of the April 1, 2013 meeting we are unable to attend.

This letter is to advise the Winter Garden Planning Commissioners that we (Roy M. & Barbara L. Savidge) are in total agreement with the position being presented by Krista Plaza and have requested her to present our support.

We also live directly behind the property and have been subjected to the speeding cars, late night antics and suspicious use of this lot. In addition, we also are very concerned about our property values and the decrease in the beautification of the neighborhood with the construction of a metal building in our backyard.

We are asking for the following:

- Conduct a study to determine if another Church is needed in this location and what impact it will have on the traffic patterns.
- Assess the ministry of this Church and what impact and/or safety it will have on the existing properties.
- Review the appropriateness of a metal type of building planned for the site.
- A traffic patterns study with emphasis on the increased traffic on the area's two lane roads.
- Install some type of barriers to stop speeding cars, late night antics and other suspicious use of this vacant lot.
- Ensure proper maintenance of the lot while vacant.

We ask that you give the above concerns and request your utmost attention.

Sincerely,

Roy M. Savidge

Barbara L. Savidge

EXHIBIT "A"
Continued

From: **Susan Pearl** susan@csukint.com
Subject: CHURCH CONSTRUCTION OPPOSITION
Date: April 1, 2013, 5:23 PM
To: **Krista Plaza** ksplaza@hotmail.com

To Whom It May Concern,

I strongly disagree with construction of a church behind my property at Westfield Lakes. I would respectfully ask for an extension and review on this proposed construction. Further, I request that the property owner(s) erect some sort of signage to prevent trespassing on this private property. The site is used as a dumping ground in addition to all manner of vehicles speeding through the area causing a massive amount of dirt to be blown into my patio.

I support any comments/complaints my neighbor Krista Plaza may address with you.

Thank you for your time and attention to our requests.

Sincerely,

Mrs. Susan Pearl
12427 Westfield Lakes Circle

EXHIBIT "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: ALEJANDRA FAZEKAS, PLANNER I
DATE: MARCH 26, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
12520 Warrior Rd (Westside Family Worship Center Church)
PARCEL ID # 25-22-27-0000-00-079

APPLICANT: Pastor Jean Ivory Payton

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, generally located on the south side of Warrior Road, north side of Cemetery Road, and east of Beulah Road is approximately 4.56± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting a Special Exception to allow for the subject property to be used for a church. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property is vacant unimproved land.

The Planning and Zoning Board originally approved a Special Exception Permit for the property on February 3, 2003, the permit approval expired on February 3, 2004. The Planning and Zoning Board approved a new Special Exception Permit on April 2, 2007 and a Special Exception Permit extension on March 3, 2008. That permit with extension prolonged the expiration date to April 2, 2009. The Special Exception Permit has now expired.

ADJACENT LAND USE AND ZONING

The property located to the north is the West Orange High School and is zoned R-1. The properties on the south include one zoned R-1 that is a nursery owned by the Hawthorne Grove Services, Inc. The other one is a single family residential home (A-1) located in Unincorporated Orange County. The property to the east is the Westfield Lakes Subdivision, zoned R-1. The property to the west is the Faith Family Community Church of the Nazarene, zoned R-1.

PROPOSED USE

The total site area is 4.56± acres, the applicant proposes to develop 3.57± acres. The future development consists of a church of approximately 8,000 square feet for 200 person capacity and 122 parking spaces. The site has several existing trees which will all remain.

The proposed use of a church is not a permitted use in the R-1 zoning district, however the R-1 zoning district does allow this use as a special exception.

PUBLIC FACILITY ANALYSIS

The subject property has an existing gravel entrance from Warrior Road on the east side of the property that will remain and will be paved in conjunction with the construction of the church.

The property is not developed; therefore, is not currently a water or sewer customer of the City of Winter Garden. Water and sewer are available along Warrior Road. Connection to City water and sewer are required at the time of development. The cost of connection shall be borne by the property owner.

The City will provide garbage collection, police protection, and all other services regularly

provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

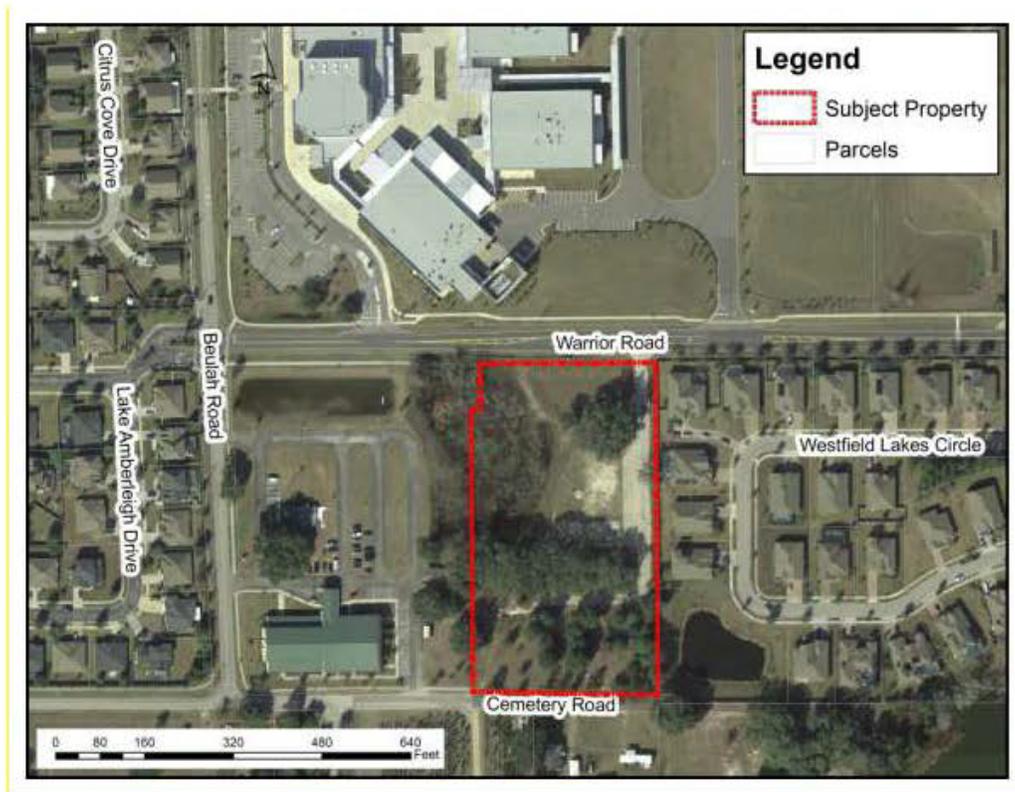
SUMMARY

City Staff recommends approval of the proposed use subject to the following conditions.

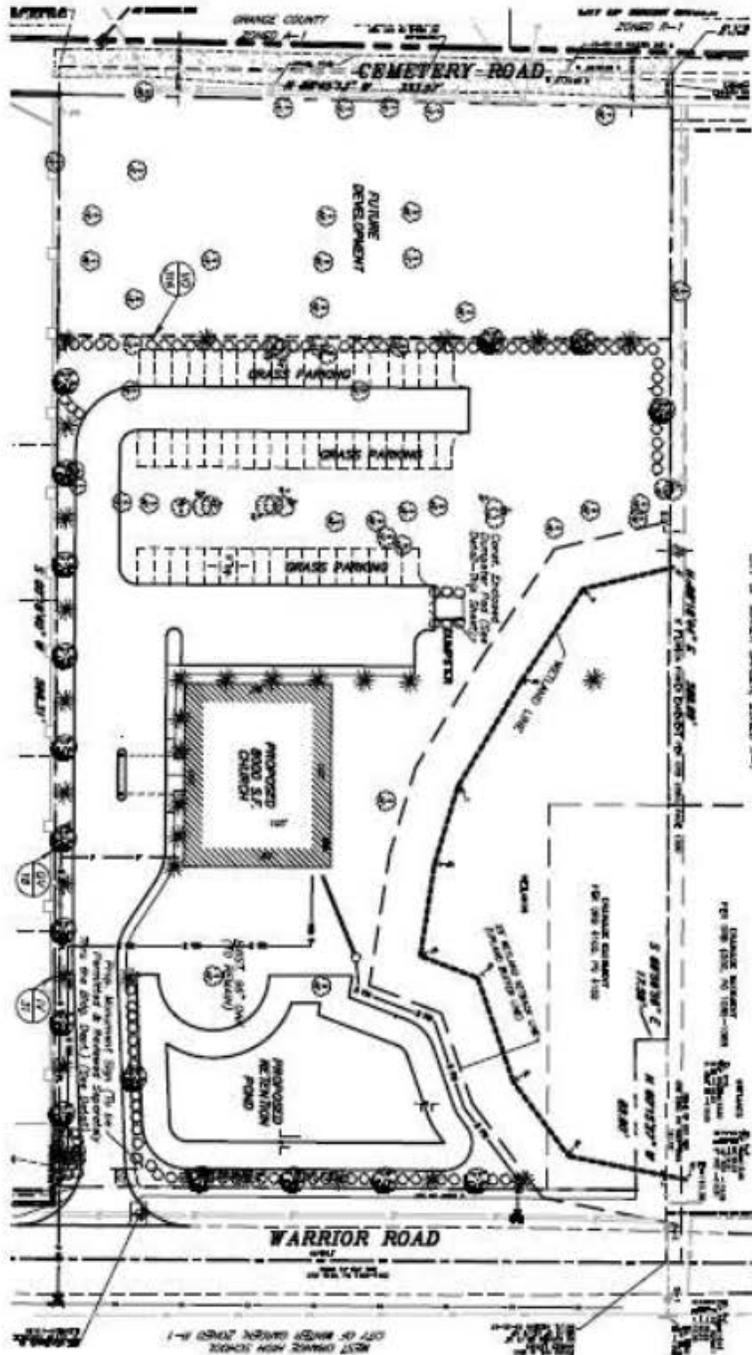
- The church must be designed to the standards and requirements of the new Florida Building Code 2010, and submitted with appropriate application and fees for review.
- The Site Lighting Plan shall be required to meet dark skies requirements as specified in Sections 118-1536, 118-1537, and 118-1538 of Article X, Division 4 of the City of Winter Garden Code of Ordinances.

MAPS/EXHIBITS

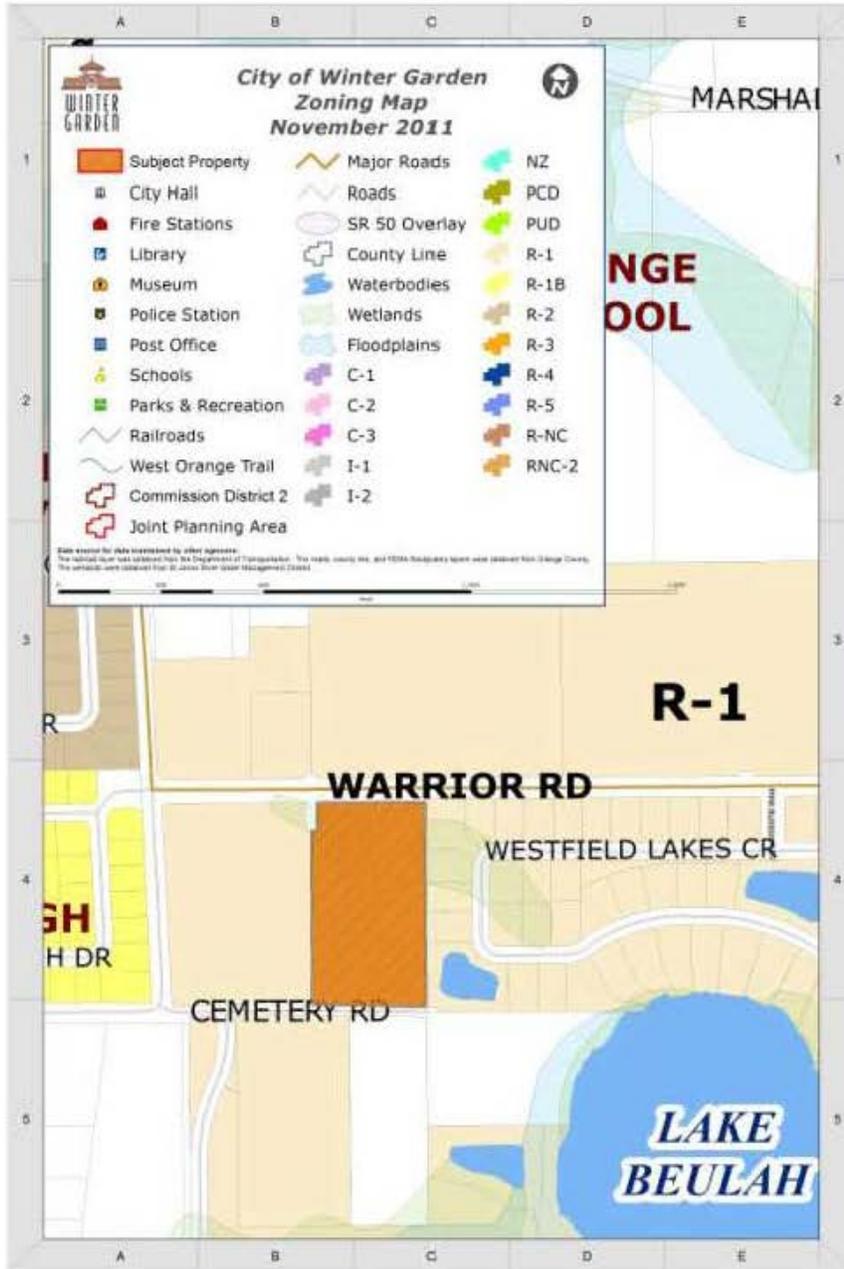
AERIAL PHOTO 12520 Warrior Road



SITE PLAN
12520 Warrior Road



ZONING MAP
12520 Warrior Road



SITE PHOTOS
12520 Warrior Road



END OF STAFF REPORT

EXHIBIT "C"

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

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

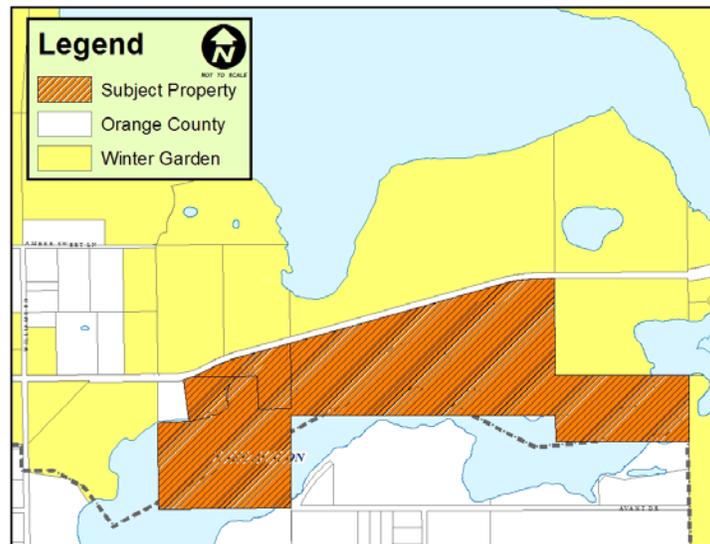
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 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.

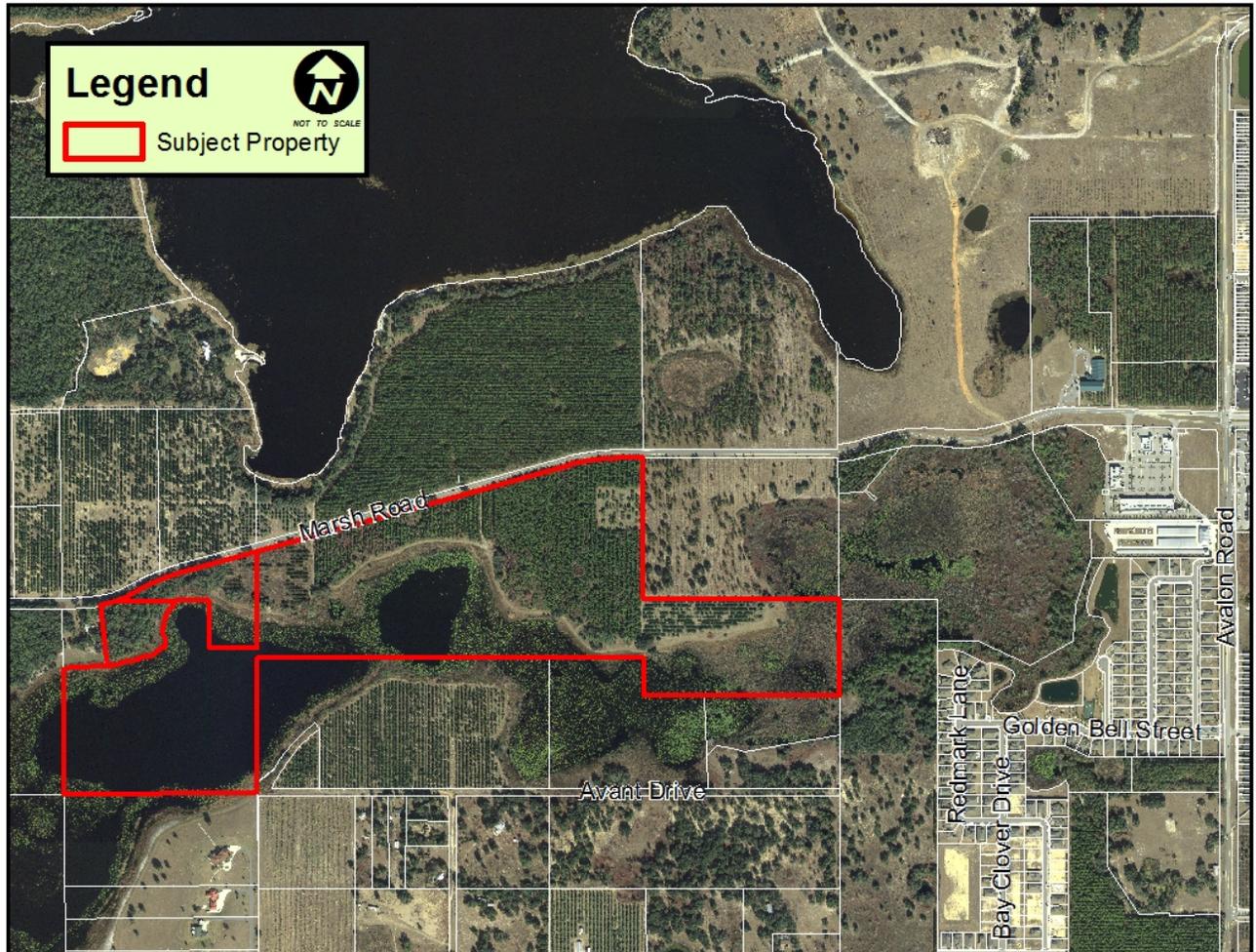
SUMMARY

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

MAPS

AERIAL PHOTO

16846, 17000, & 17166 Marsh Road



**ORANGE COUNTY
FUTURE LAND USE MAP**

EXISTING

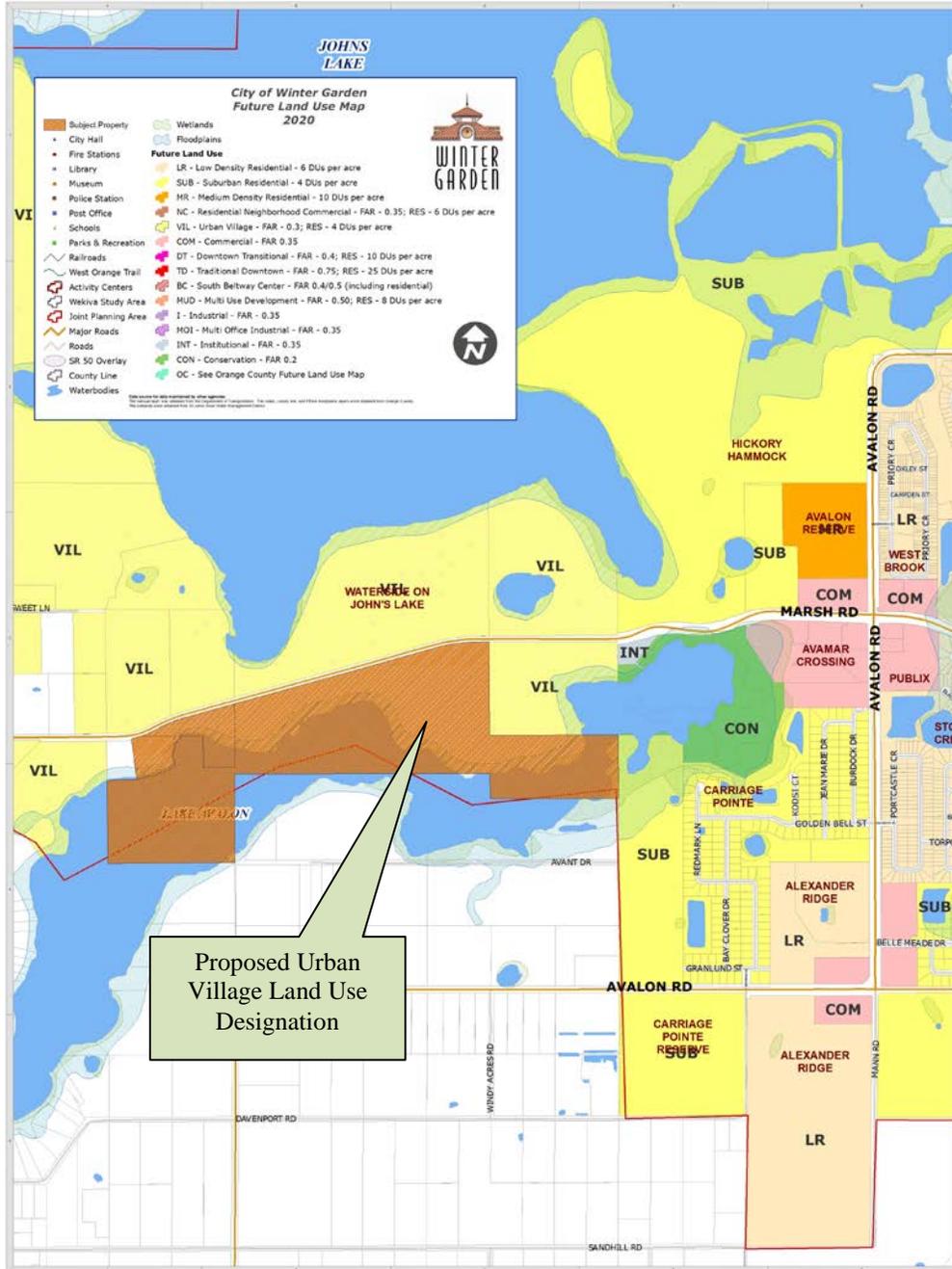
16846, 17000, & 17166 Marsh Road



WINTER GARDEN FUTURE LAND USE MAP

PROPOSED

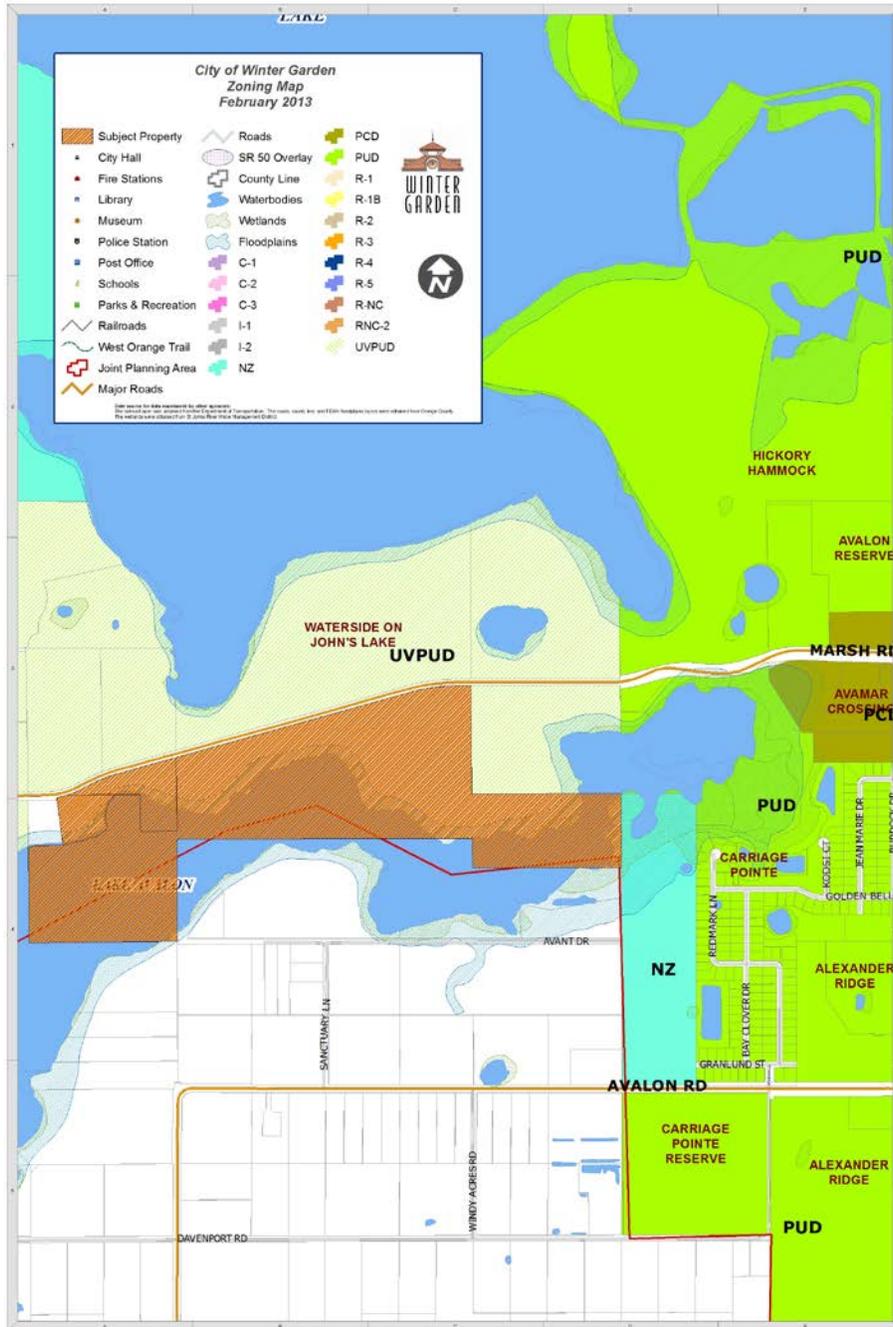
16846, 17000, & 17166 Marsh Road



WINTER GARDEN ZONING MAP

CURRENT

16846, 17000, & 17166 Marsh Road



END OF STAFF REPORT

EXHIBIT "D"

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

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

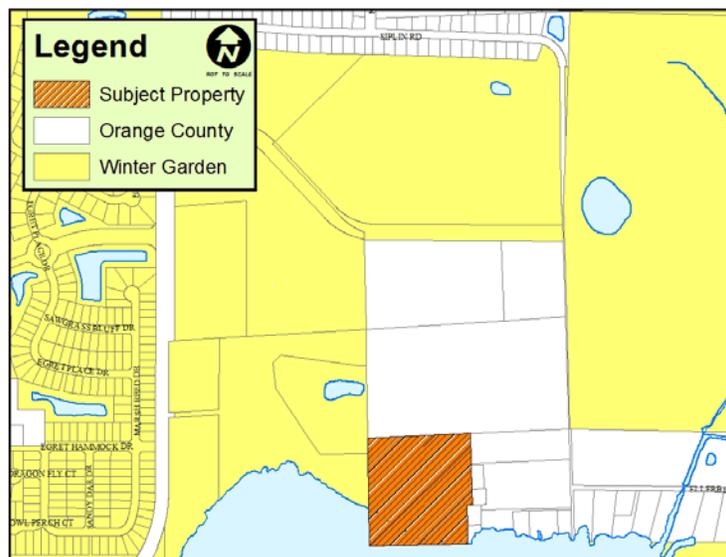
STAFF REPORT

TO: PLANNING AND ZONING 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

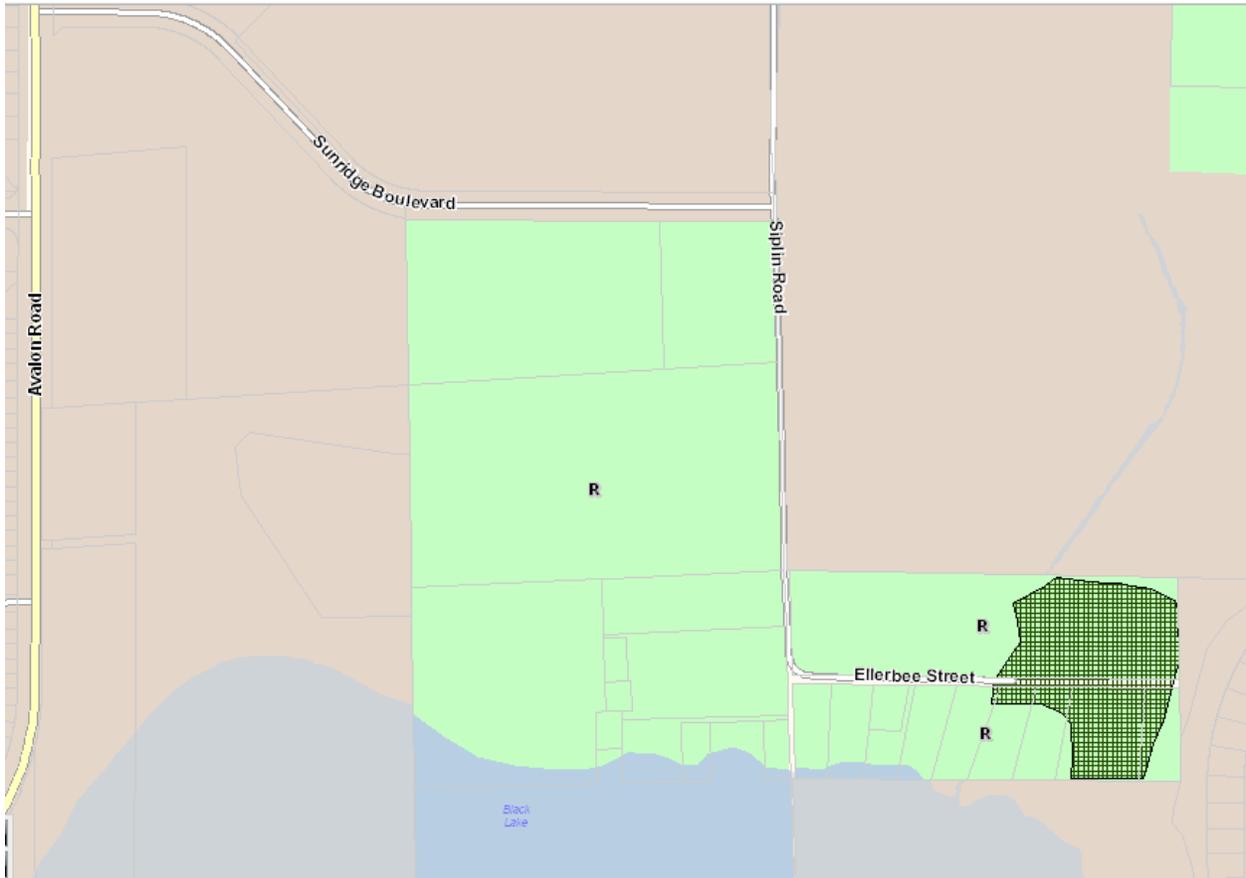
AERIAL PHOTO **Siplin Road**



**ORANGE COUNTY
FUTURE LAND USE MAP**

EXISTING

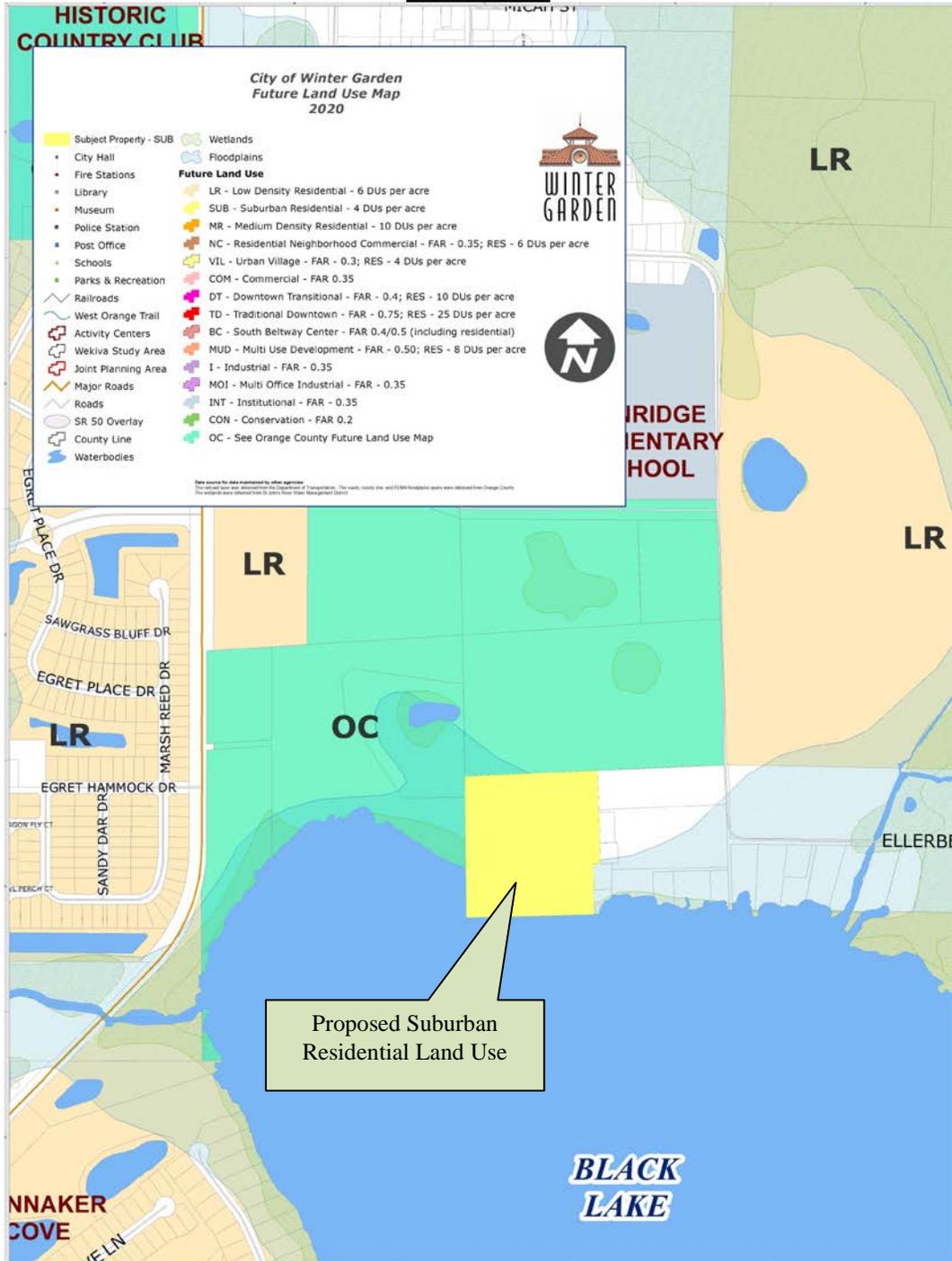
Siplin Road



WINTER GARDEN FUTURE LAND USE MAP

PROPOSED

Siplin Road



WINTER GARDEN ZONING MAP CURRENT

Siplin Road

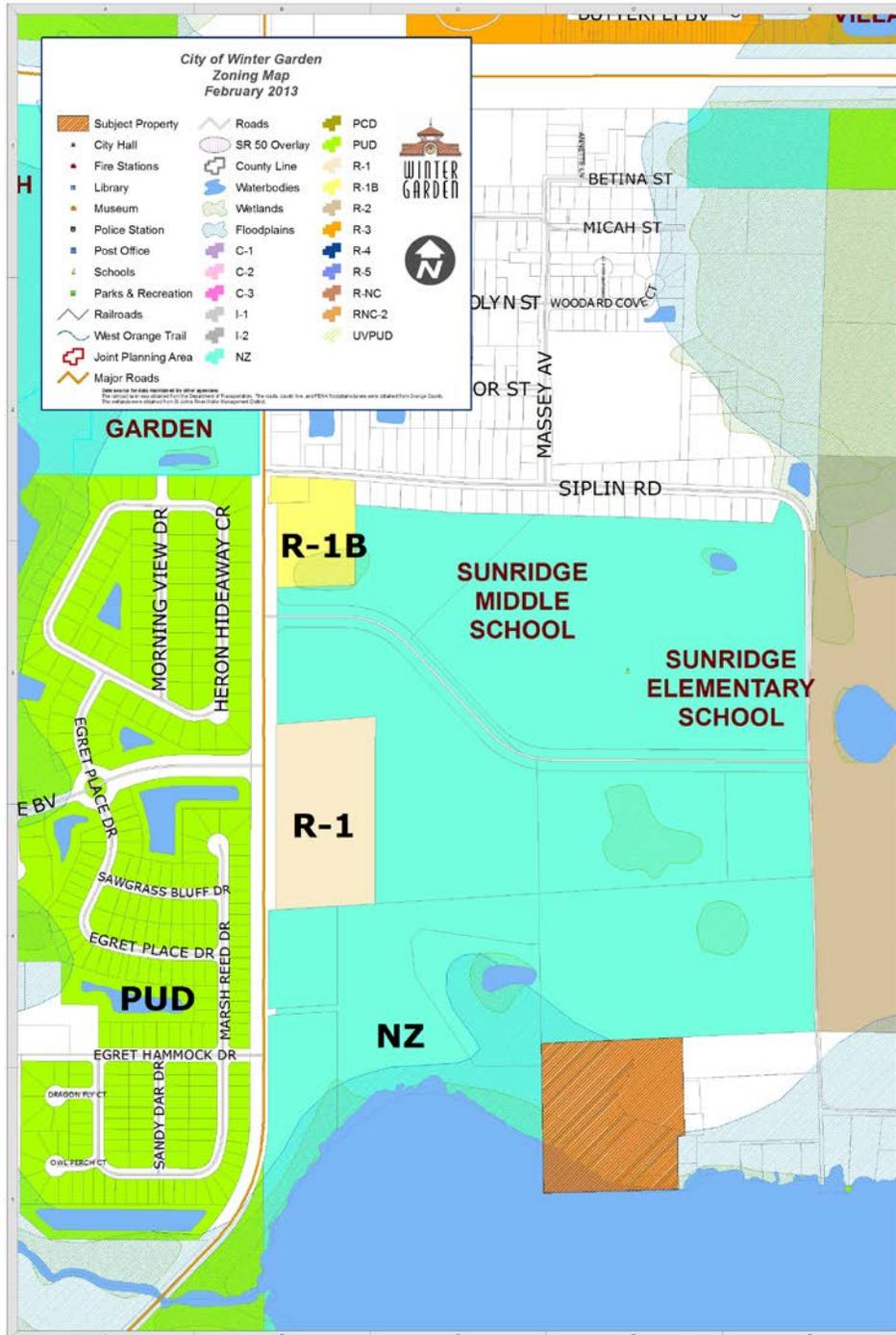


EXHIBIT "E"

**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

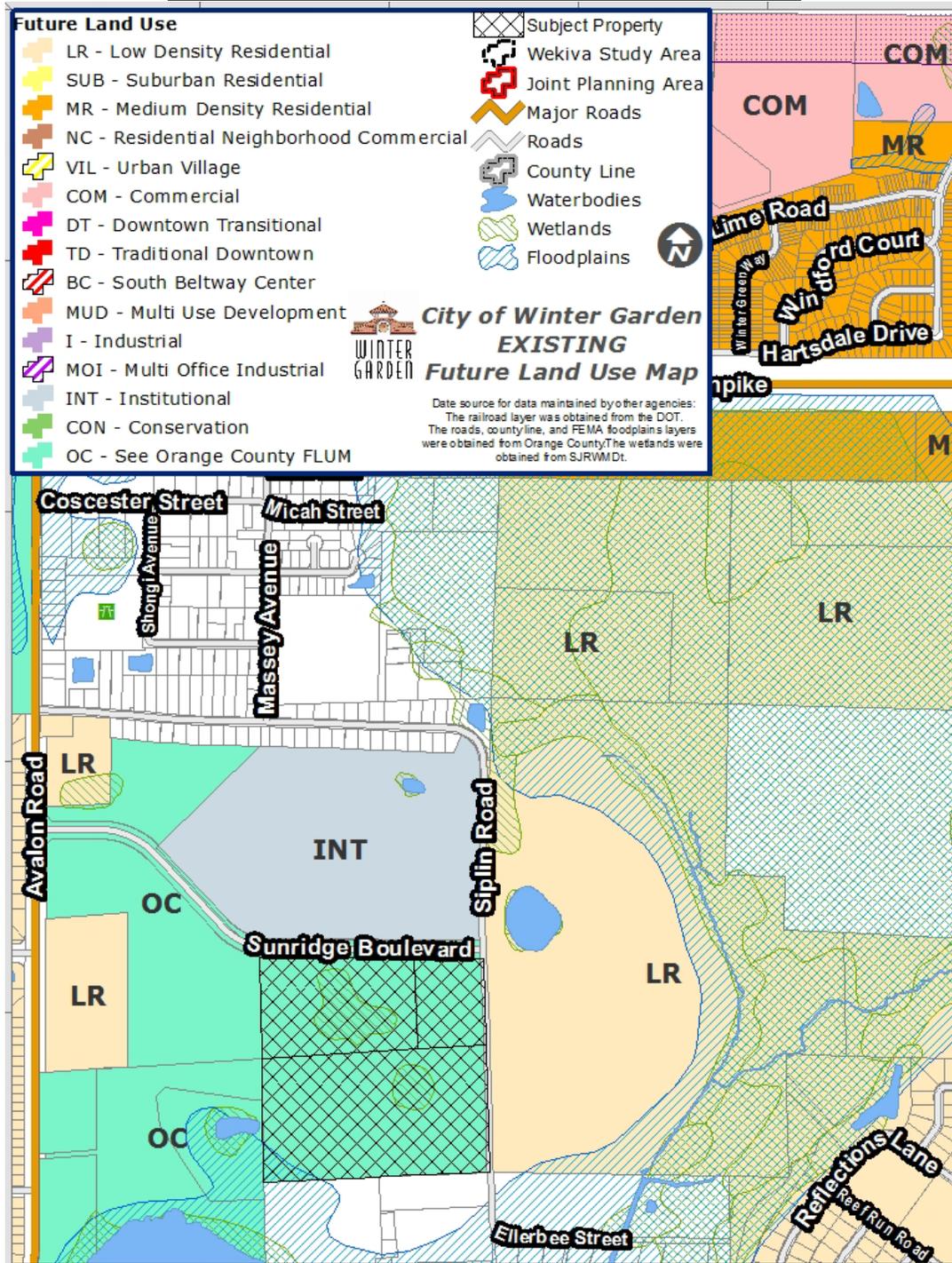
AERIAL PHOTO
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)



WINTER GARDEN FUTURE LAND USE MAP

EXISTING

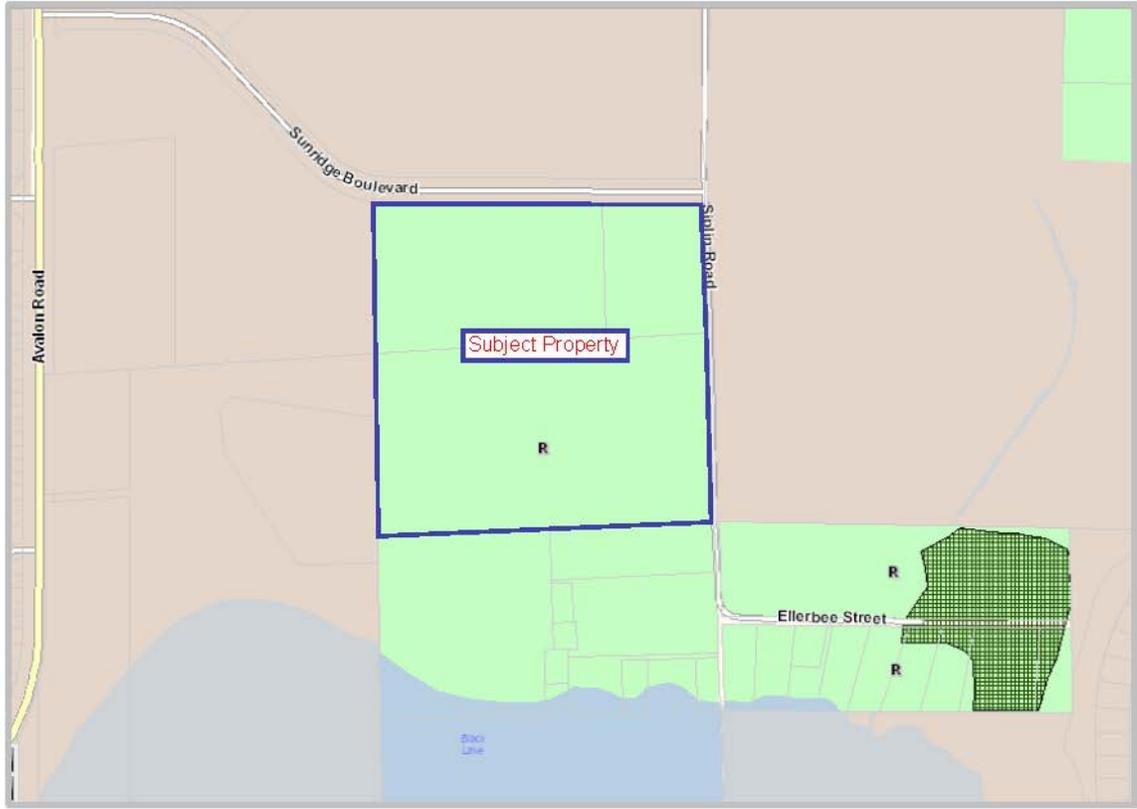
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)



**ORANGE COUNTY
FUTURE LAND USE MAP**

EXISTING

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

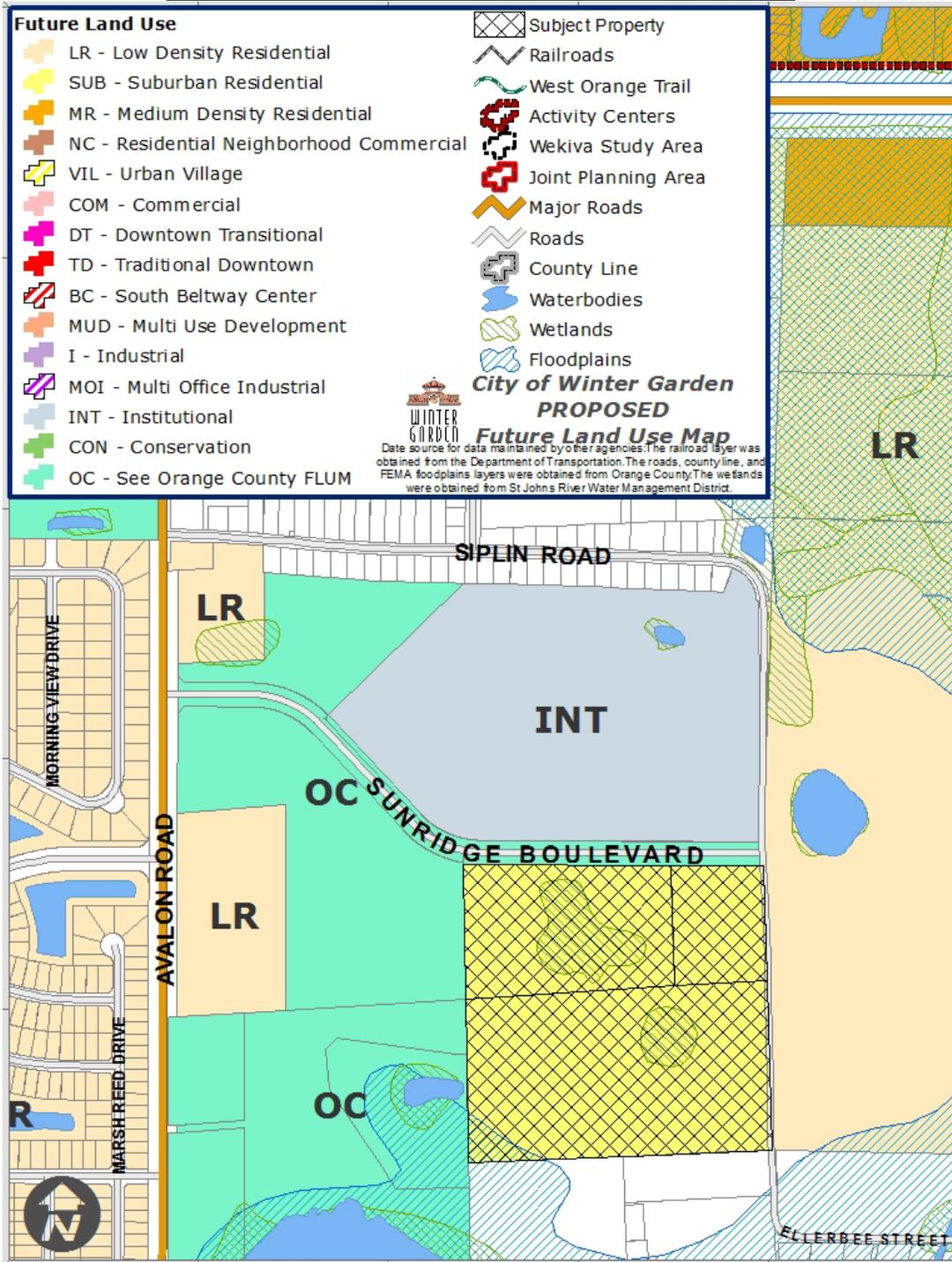


	Rural	Low-Medium Density	Neighborhood Center	Village	Education
Rural 1/1	Medium Density Residential	Neighborhood Residential	Office	Parks/Recreation	Parks/Recreation
Rural 1/2	High Density Residential	Activity Center Residential	Commercial	Preservation	Preservation
Rural 1/5	Traditional Neighborhood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

WINTER GARDEN FUTURE LAND USE MAP

PROPOSED

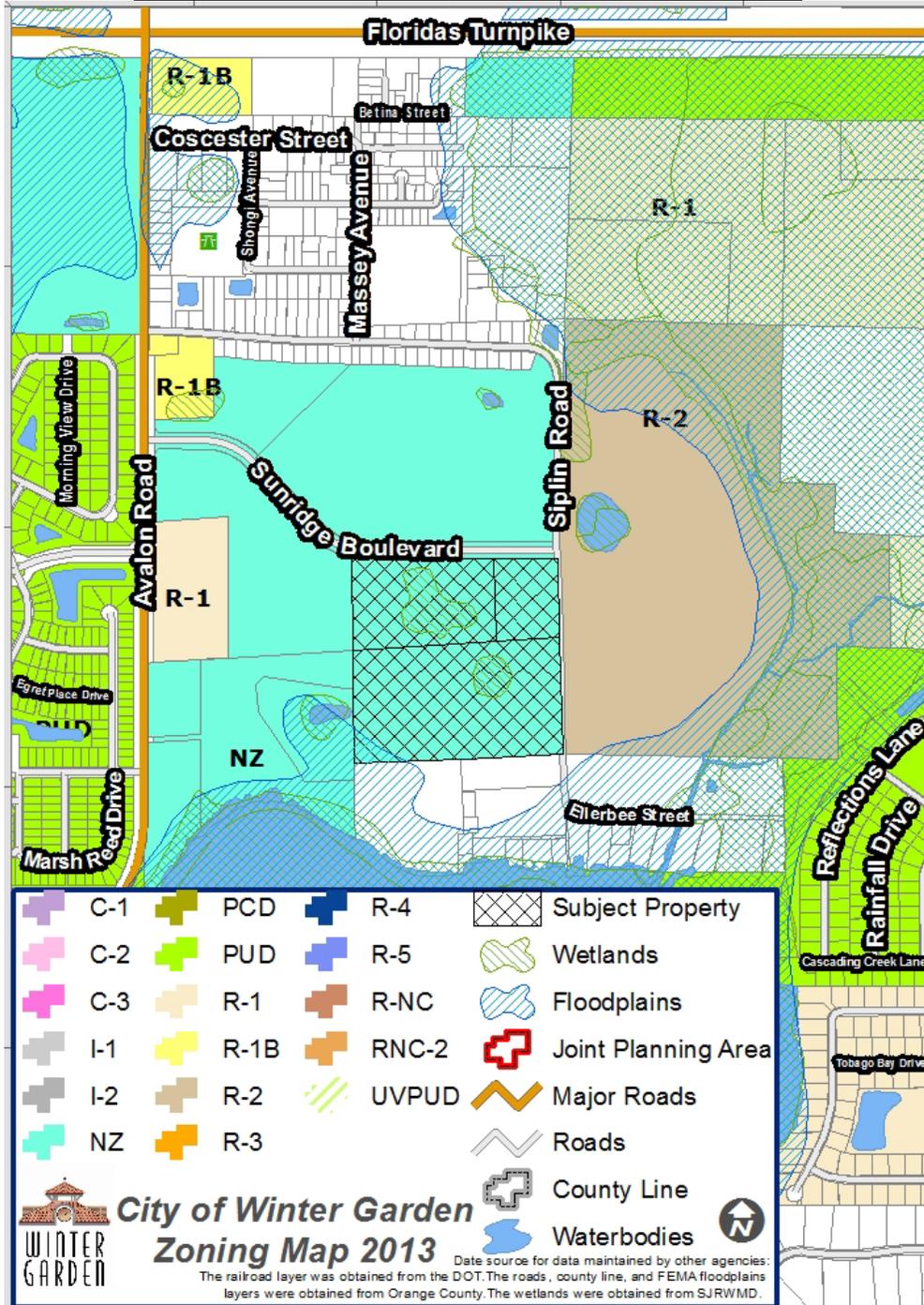
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)



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 # 4 (Public Hearing)

DATE: April 26, 2013 **MEETING DATE:** May 6, 2013

SUBJECT: 1275 Westside Drive (VARIANCE)
PROJECT NAME Westside Townhomes Pool
PARCEL ID# 27-22-27-9233-00-002

ISSUE: The applicant is requesting a Variance to allow for the property located at 1275 Westside Drive to install an 8 foot tall chain link fence around the swimming pool in lieu of the maximum allowed 6 foot tall fence.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Westside Townhomes Home Owners Association

CURRENT ZONING: R-3 Multi-Family Residential District

PROPOSED ZONING: N/A

CURRENT FLU: Medium Density Residential

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to construct an 8 foot tall chain link fence around the swimming pool and clubhouse at the Westside Townhomes recreation area in lieu of the maximum allowed 6 foot tall fence.

STAFF RECOMMENDATION(S):

Staff recommends approval of the requested variance to allow an 8 foot tall chain link fence around the swimming pool and clubhouse area.

NEXT STEP(S):

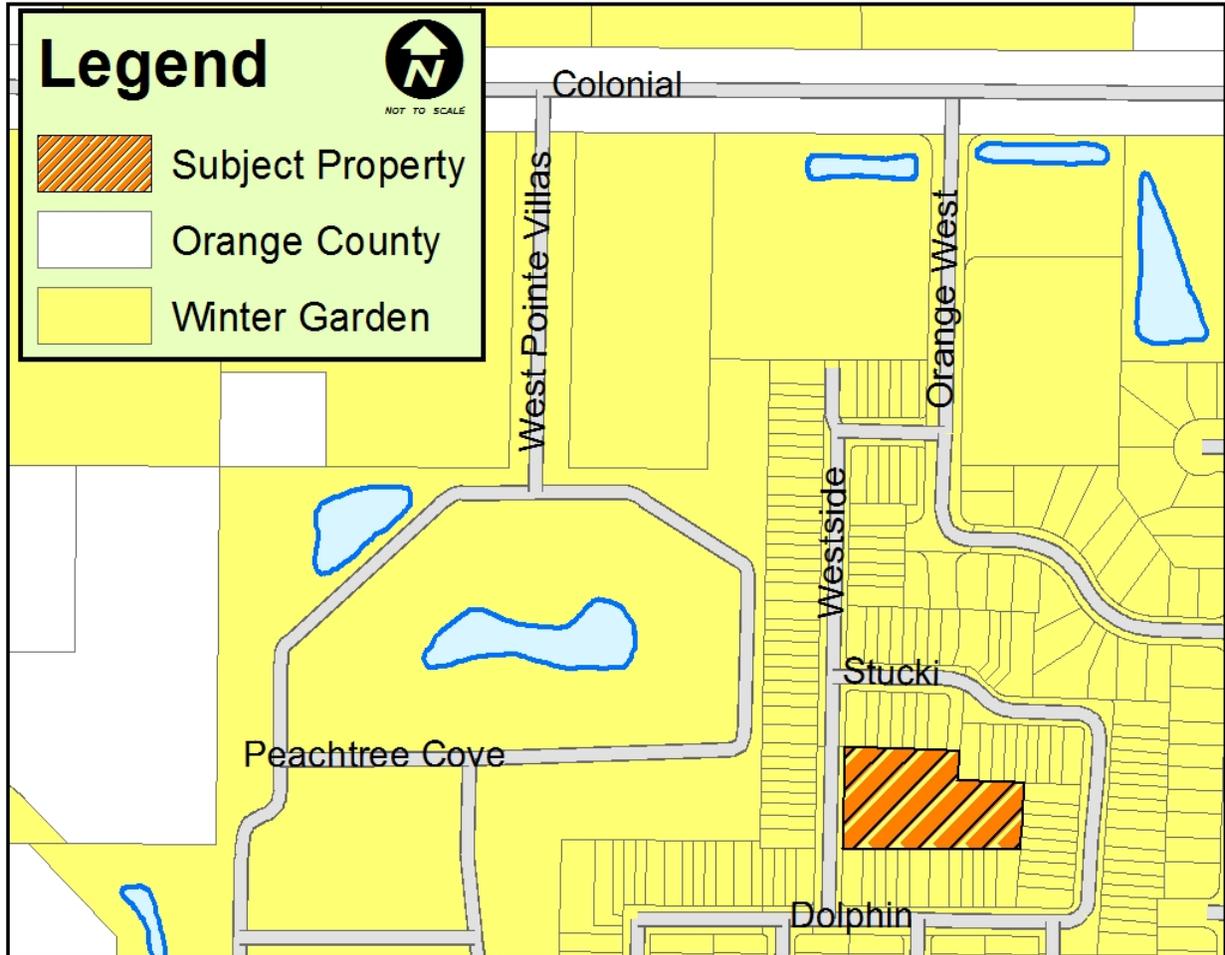
Apply for a building permit to construct the fence.

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

1275 Westside Drive - Variance



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PLANNING & ZONING DIVISION

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STAFF REPORT

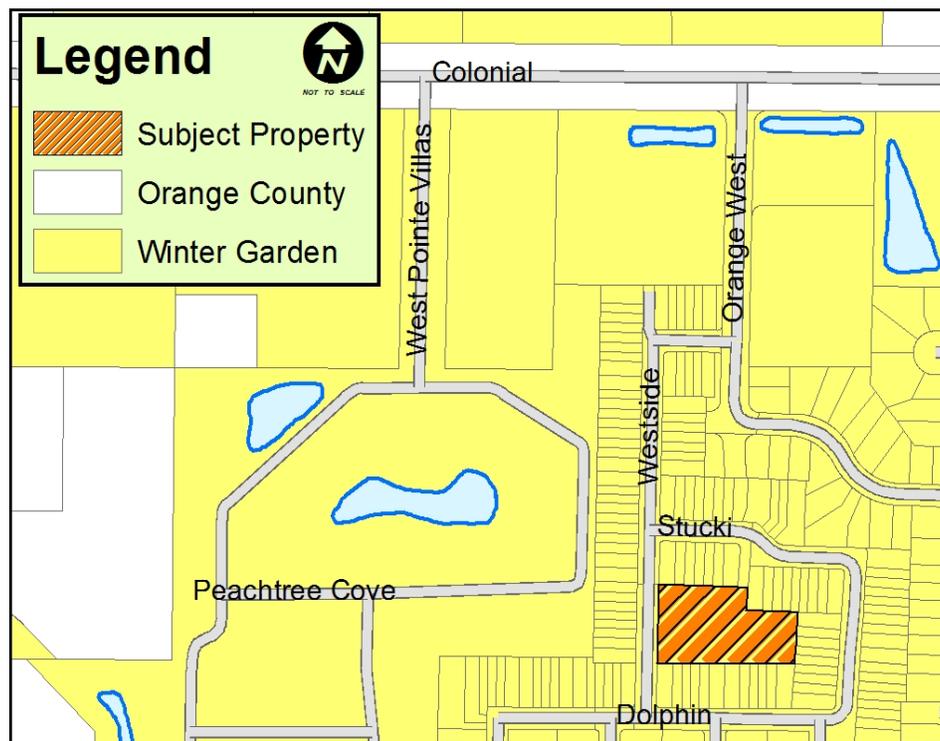
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: APRIL 26, 2013
SUBJECT: VARIANCE
1275 Westside Drive (1.17+/- ACRES)
PARCEL ID # 27-22-27-9233-00-002

APPLICANT: Westside Townhomes HOA

INTRODUCTION

The purpose of this report is to evaluate the request for a variance to the maximum allowed fence height for property located at 1275 Westside Drive in Winter Garden, Florida.

The subject property, located on Westside Drive is the recreation area for the Westside Townhomes. The recreation area consists of a 1.17± acre lot that has a swimming pool, clubhouse, play ground, and is located on the east side of Westside Drive between Stucki Terrace and Dolphin Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to install an 8 foot tall fence in lieu of the maximum allowed 6 foot tall fence, so they can install an 8 foot tall unclimbable fence around the swimming pool and clubhouse at the recreation area. The subject property carries the zoning designation R-3 (Multi-Family Residential District) and is designated MR (Medium Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently consists of a swimming pool, a 2,423 square foot structure, which is an 841 square foot room and the remaining area is a covered open air porch. The remainder of the 1.17 acre site has a basketball court, a shed, a play ground, and a grass play field.

ADJACENT LAND USE AND ZONING

The recreation area is surrounded by the Westside Townhome community. The properties located to the north of Westside Townhomes are vacant commercial land and a gas station, zoned C-2 and located in the City. To the south of Westside Townhomes is the Florida Turnpike. The property to the east of Westside Townhomes is Orange West Village Mobile Home Park, zoned R-3, and located in the City. The property to the west of Westside Townhomes is West Pointe Villas Apartments, zoned R-3, and located in the City.

PROPOSED USE

The recreation area will keep all of its existing buildings, play ground, and open area. The applicant is requesting to install an 8 foot tall unclimbable chain link fence which has very small openings and is stated to be unclimbable. The reason the HOA wants to install this fence is to prevent people from trespassing and to keep people from climbing the fence to get on top of the clubhouse building and jump from the roof into the swimming pool.

CODE REFERENCE

Section 118-1297(a)(1), Section 1297(a)(2), and Section 118-1297(a)(3) of the City Code of Ordinances addresses maximum fence height in the front, side, and rear yards. These sections state in part that the maximum fence height is 4 feet in the front yard and 6 feet in the side and rear yards.”

The applicant is seeking a variance to the maximum fence height to allow the existing 6 foot tall chain link fence to be replaced with an 8 foot tall unclimbable chain link fence. The application for variance does not include any removal of trees on the property or addition of any new impervious surfaces.

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 proposed fence is within the Westside Townhomes neighborhood and is not visible from any surrounding neighborhoods. The fence is around the pool and clubhouse to prevent people from entering if they do not live there and to protect people from injury. Due to the location of the fence, it should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. Additionally, there were no comments received from any of the surrounding property owners regarding the requested variance.

- (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 to allow an 8 foot tall fence in lieu of the maximum 6 foot tall fence is not out of character with other properties in the same zoning category. Allowing an 8 foot tall unclimbable chain link fence around a swimming pool within a multi-family development is common to help prevent outside people from entering the pool without permission.

- (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 and does not add any new impervious surfaces to the property.

- (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 multi-family residential neighborhoods.

- (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, as the Homeowners Association is requesting the variance to help protect their property and prevent people from trespassing and/or climbing the fence to get on the roof of the clubhouse building and jumping into the pool. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Section 118-1297(a)(1), Section 1297(a)(2), and Section 118-1297(a)(3) to allow an 8 foot tall unclimbable fence to be constructed around the swimming pool and clubhouse area.

NEXT STEP

Apply for a building permit to install the new fence.

ATTACHMENTS

- Aerial Photos
- Site Plan/Plat
- Site Photos

AERIAL PHOTO
1275 Westside Drive



Site Photos
1275 Westside Drive











END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: April 25, 2013 **MEETING DATE:** May 6, 2013

SUBJECT: 730 S Dillard Street (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Wild Hogs Scooters
PARCEL ID# 23-22-27-6504-06-050

ISSUE: The applicant is requesting a Special Exception Permit to allow for the property located at 730 S. Dillard Street to be used for Automobile Sales and Services.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: 730 Dillard Street, LLC/Wild Hogs Scooters/Andrew Freedman

CURRENT ZONING: C-2 Arterial Commercial District

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting special exception to allow a portion of the building to be used as an automobile sales facility to sell scooters and the remainder of the building to be used for automobile services to work on scooters. The C-2 Zoning district allows vehicle sales and services through special exception if it meets the special exception requirements.

STAFF RECOMMENDATION(S):

Staff recommends approval of the Special Exception with the conditions contained in the staff report.

NEXT STEP(S):

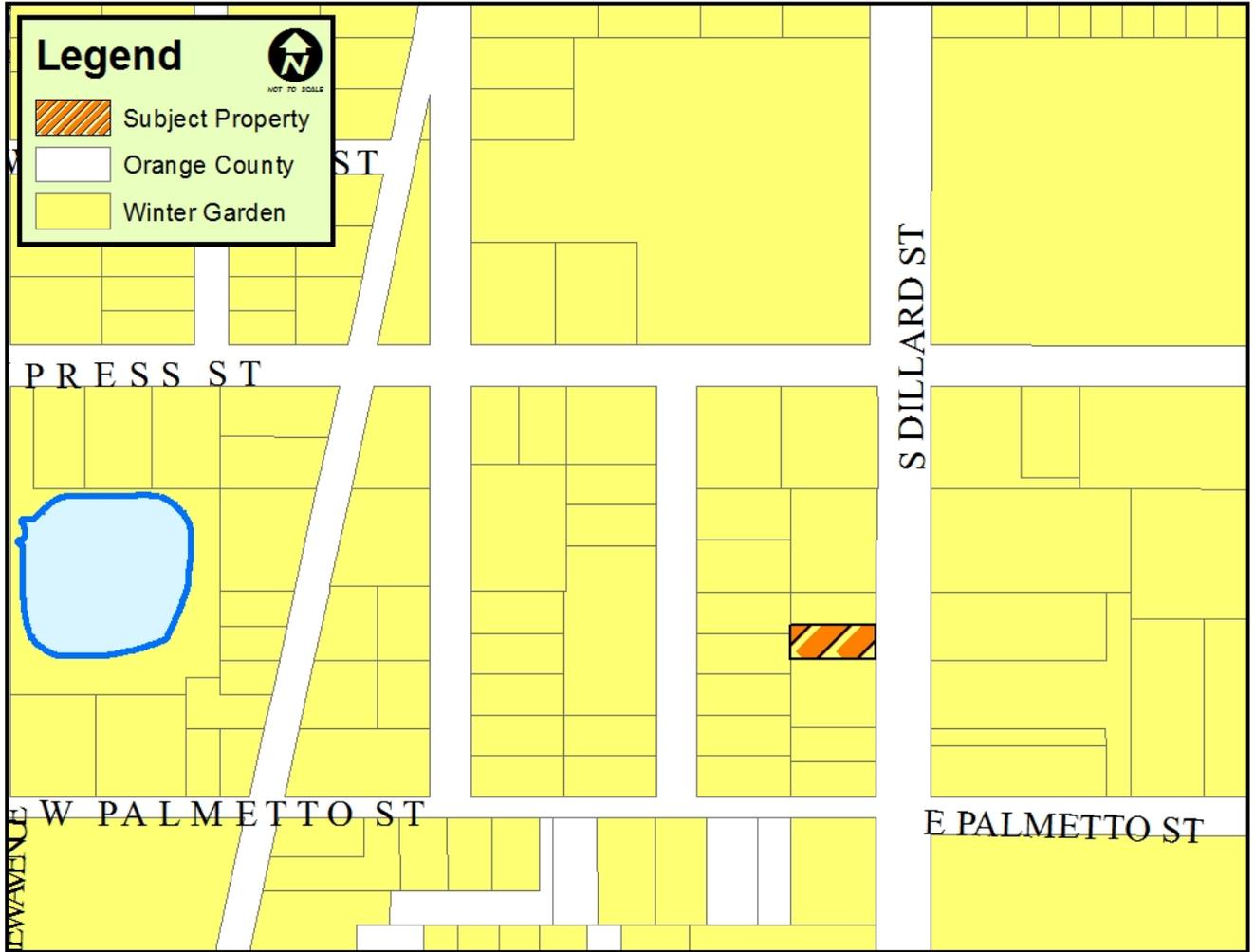
N/A

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

730 S Dillard Street – Special Exception Permit



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PLANNING & ZONING DIVISION

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

STAFF REPORT

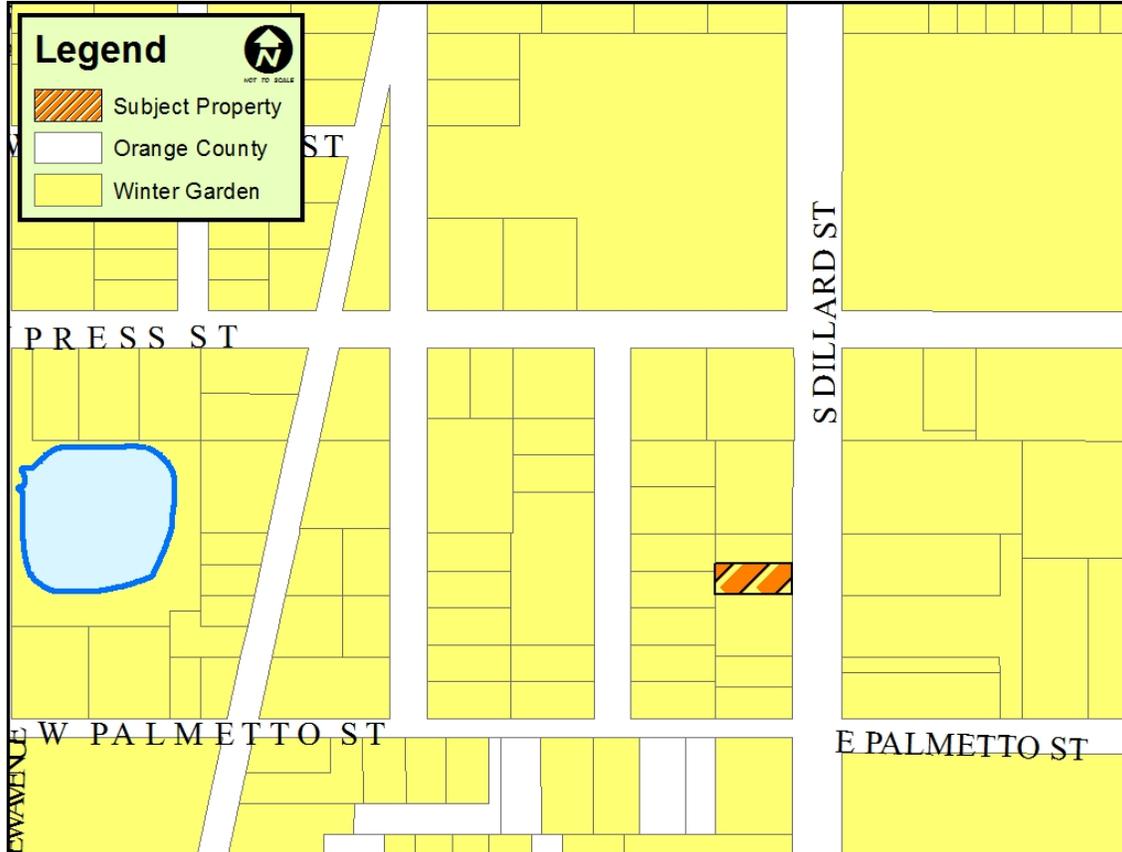
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: APRIL 25, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
730 S. Dillard Street (Auto Sales & Service Facility)
PARCEL ID # 23-22-27-6504-06-050

APPLICANT: Wild Hogs Scooters./Andrew Freedman

INTRODUCTION

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

The subject property is located at 730 South Dillard Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a portion of the building to be used for an automobile sales facility to sell scooters and the remainder of the building to be used for automobile service to do mechanical work on scooters. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2 and is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The property contains a 2,255 square foot building that is currently vacant. The building has been used in the past as a dental office and a retail shop.

The applicant is proposing to rent the building and open a retail shop to sell scooters and have a repair shop to work on the scooters.

ADJACENT LAND USE AND ZONING

The property located to the north is a vacant building (no current business tax receipt), zoned C-2, and in the City of Winter Garden. The property to the east is developed with multiple commercial uses including a furniture store and other retail shops, zoned C-2, and in the City of Winter Garden. The property to the south is a vacant commercial building which was previously used as an automobile parts store, zoned C-2, and in the City. The properties to the west are developed with single-family homes, zoned C-2, and in the City.

SUMMARY

City Staff recommends approval of the proposed special exception permit to operate the automobile sales and service facility at 730 South Dillard Street with the following conditions:

1. All vehicles associated to the Automobile Sales and Service Facility shall be stored inside the building.
2. All work on vehicles shall be done inside.
3. No outdoor displays of any kind are allowed.
4. No displays of any kind are allowed on any vehicles in the parking lot (ie. for sale signs, advertisements).
5. No storage of parts, garbage, gasoline, or oil is allowed outside.
6. This Special Exception is approved for this business (Wild Hogs Scooters) only and shall expire if the business relocates or closes.
7. None of the existing landscaping can be removed.
8. The building shall be painted an earth tone color with complimentary trim. The use of day-glow or fluorescent colors shall be prohibited
9. Permitted Signs:
 - a. One 36 square foot free standing sign can be installed on the property. One building sign may be installed on the building (maximum size shall not to exceed

5% of the building elevation façade).

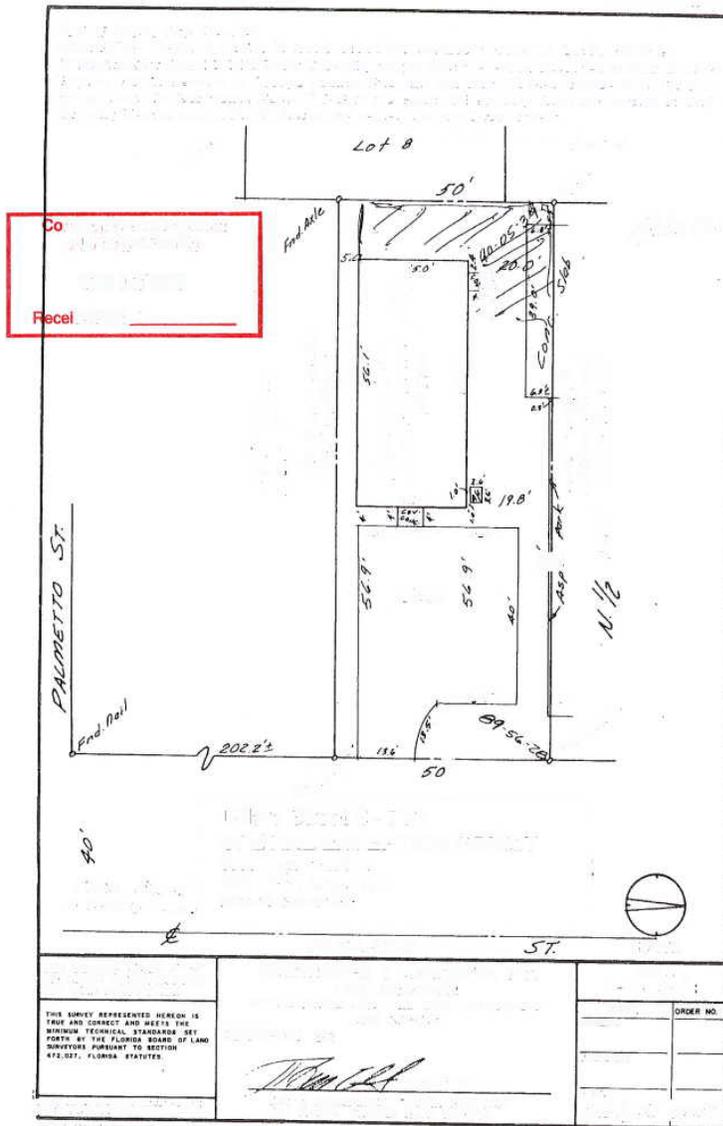
10. Prohibited Signs:

- a. No sign, permanent or temporary, shall be erected or placed so that it interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
- b. Portable signs.
- c. A-frame, T-framed signs.
- d. Signs on trailer frames with or without mounted wheels.
- e. Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, or for the purpose of advertising.
- f. Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of this chapter.
- g. Signage used on bus transit shelters within the right-of-way.
- h. Bench signs.
- i. Roof sign.
- j. Traffic sign replica.
- k. Pole signs.
- l. Pylon signs.
- m. Changing sign (automatic).
- n. "Stick-in" signs.

AERIAL PHOTO
730 South Dillard Street



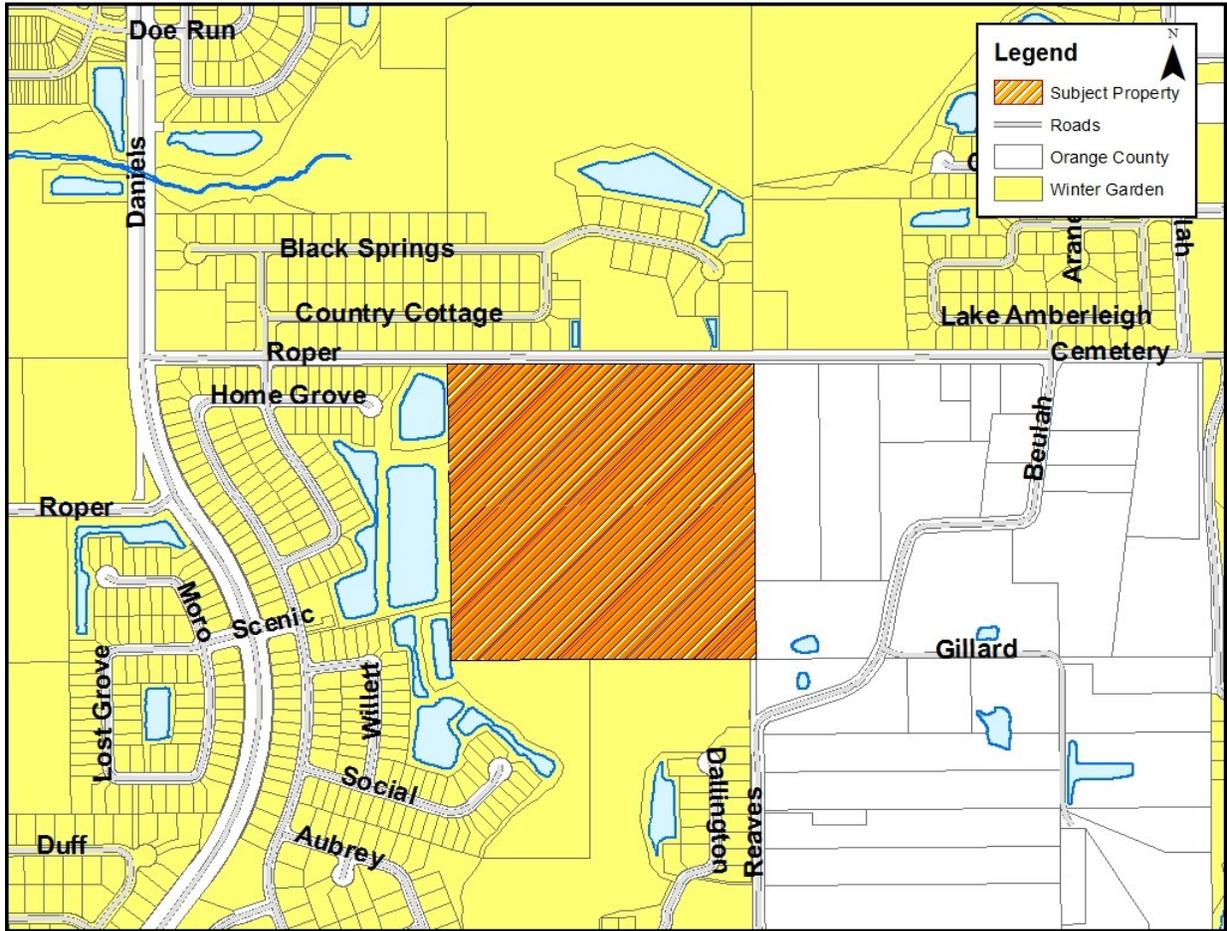
EXISTING SITE PLAN
730 South Dillard Street



END OF STAFF REPORT

LOCATION MAP

13036 Roper Road – Rezoning



ORDINANCE 13-04

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 40.29 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF ROPER ROAD EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM CITY R-1 TO CITY R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 40.29 ± acres of land located on the south side of Roper Road, east of Daniels Road and west of Beulah Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from City R-1 Single-Family Residential District to City R-1B Single-Family Residential District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-1B Single-Family Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from City R-1 Single-Family Residential District to City R-1B Single-Family Residential District in the City of Winter Garden, Florida.

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

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

SECTION 4: Effective Date. This Ordinance shall become effective 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 # 35-22-27-0000-00-024

The Northeast 1/4 of the Northeast 1/4 of Section 35, Township 22 South, Range 27 East, Orange County, Florida. Less the following:

Begin at the Northwest corner of Section 36, Township 22 South, Range 27 East, Orange County, Florida, thence run South $00^{\circ} 23'14''$ East along the West line of the Northwest 1/4 of said Section 36, a distance of 30.00 feet; thence run North $89^{\circ} 57'38''$ West, a distance of 1344.33 feet to the West line of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 22 South, Range 27 East, Orange County, Florida; thence run North $00^{\circ} 32'11''$ West along said Northeast 1/4 of the Northeast 1/4 of Section 35, a distance of 30.00 feet to the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 35; thence run South $89^{\circ} 57'38''$ East along the North line of aforesaid Northeast 1/4 of the Northeast 1/4 of Section 35, a distance of 1344.41 feet to the Point of Beginning.

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STAFF REPORT

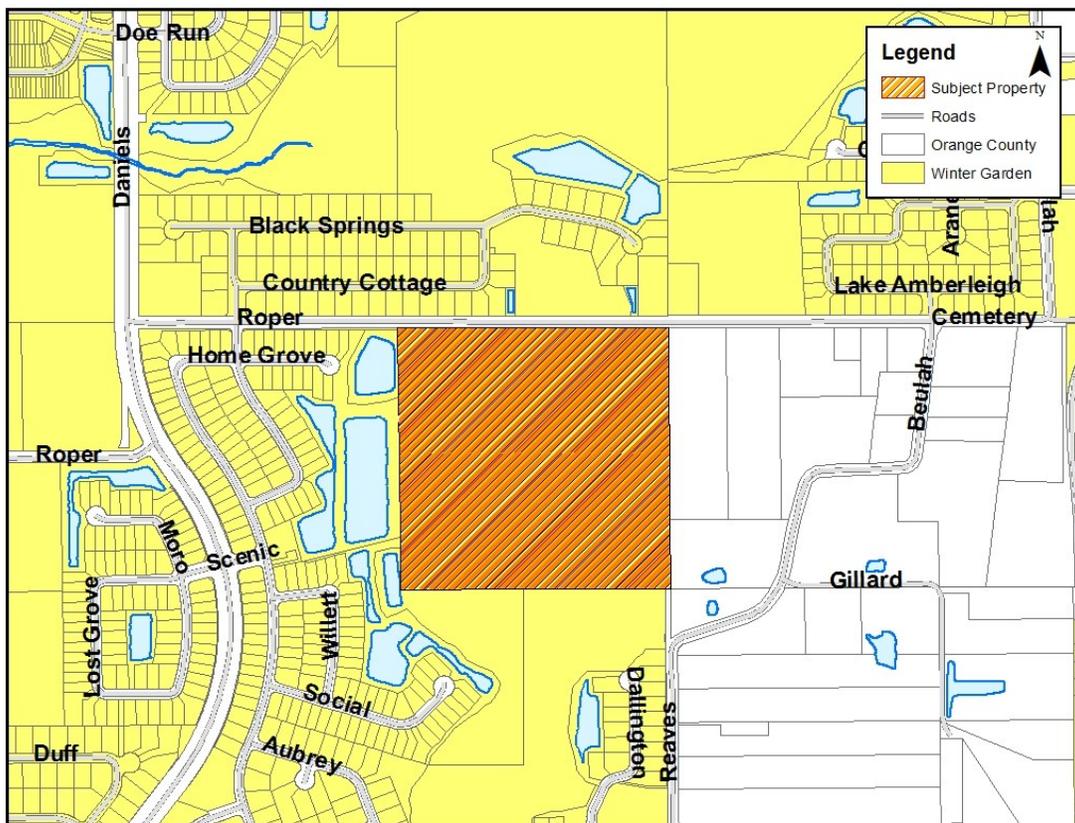
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: APRIL 25, 2013
SUBJECT: REZONING
13036 Roper Road (WINDERMERE DEVELOPMENT)
PARCEL ID # 35-22-27-0000-00-024

APPLICANT: WINDERMERE DEVELOPMENT CO.

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, generally located on the south side of Roper Road, east of Daniels Road and west of Beulah Road at 13036 Roper Road, is approximately 40.29± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone 40.29± acres of unimproved vacant land which was annexed into the City of Winter Garden in October 2009 and assigned a Future Land Use Designation of LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan in June 2010.

The subject property is made up of approximately 24.91 +/- acres of jurisdictional wetlands and contains several upland areas which encompass approximately 15.38 +/- acres.

The subject property is located within the City of Winter Garden municipal limits, and was assigned the R-1 zoning designation in January 2012.

EXISTING USE

The subject property is unimproved vacant land at this time.

ADJACENT LAND USE AND ZONING

The properties located to the north, south, and west of the subject property are developed residential subdivisions zoned PUD and R-1 within the City of Winter Garden. The property located to the east of the subject property consists of a single family residence, was approved for annexation and initial zoning of R-1B at the November 26, 2012 Planning and Zoning meeting, and will be part of this proposed neighborhood.

PROPOSED USE

The applicant is proposing to develop this property and the two properties to the east with a new subdivision containing 81 single-family lots. This property contains a lot of wetlands and during previous reviews, the board as well as staff have expressed concerns for these wetlands and required that future development have minimal impact to the wetlands. The proposed subdivision impacts +/- 0.1 acres of the wetlands to access the west side of the proposed neighborhood. Development of the neighborhood will require the applicant to submit for a preliminary plat, which will be reviewed by staff and the Planning and Zoning Board. After the plat has been reviewed, they will be able to submit construction plans for review by staff.

During the future reviews, staff will analyze the impact on Roper Road and determine what improvements will be needed, including possible widening of the road, turn lanes, and a fair share contribution to the traffic light that will be installed at the corner of Daniels Road and Roper Road.

PUBLIC FACILITY ANALYSIS

The property does not have vehicular access at this time because it is unimproved vacant land. However, if the property is developed as a subdivision then access would be from Roper Road.

The property is not currently a water or sewer customer of the City of Winter Garden; however water and sewer are available along Roper Road. At such time that the property is developed and connection to City water and/or sewer is necessary the cost shall be borne by the property owner.

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be

served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

Staff recommends approval of the proposed Ordinance. Rezoning the subject property from R-1 to R-1B is consistent with the City's Comprehensive Plan and surrounding property uses, and the adjacent property owners should not be negatively impacted. The south and west side of the property are bordered by retention areas for the surrounding residential subdivisions, the wetlands act as a buffer, and the east side of the property is bordered by land owned and used by Orange County Public works.

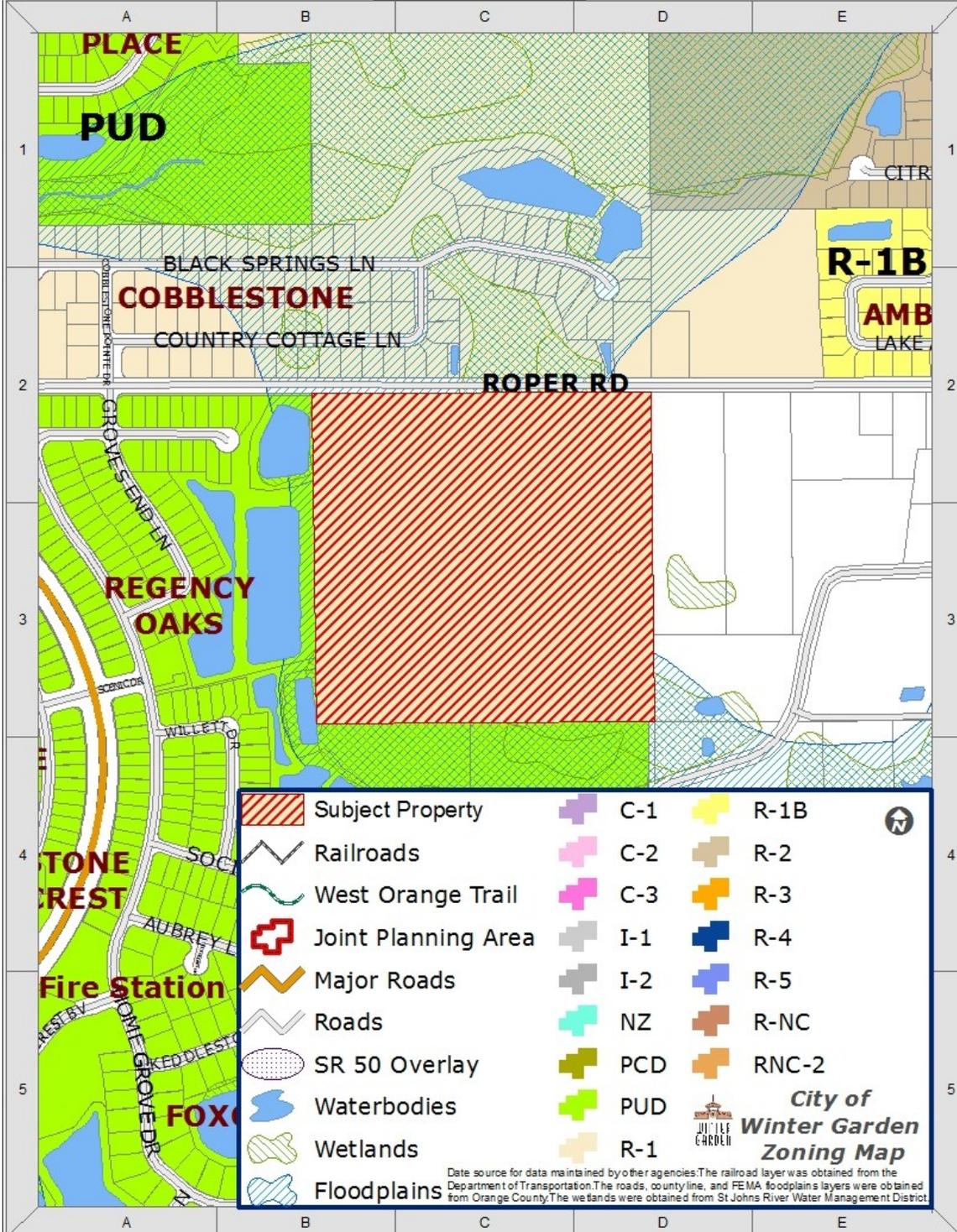
City Staff has coordinated with the applicant to ensure preservation of the jurisdictional wetland areas located on the subject property, and specified that any development will be restricted to the greatest extent possible to preserve the wetlands.

MAPS

AERIAL PHOTO 13036 Roper Road

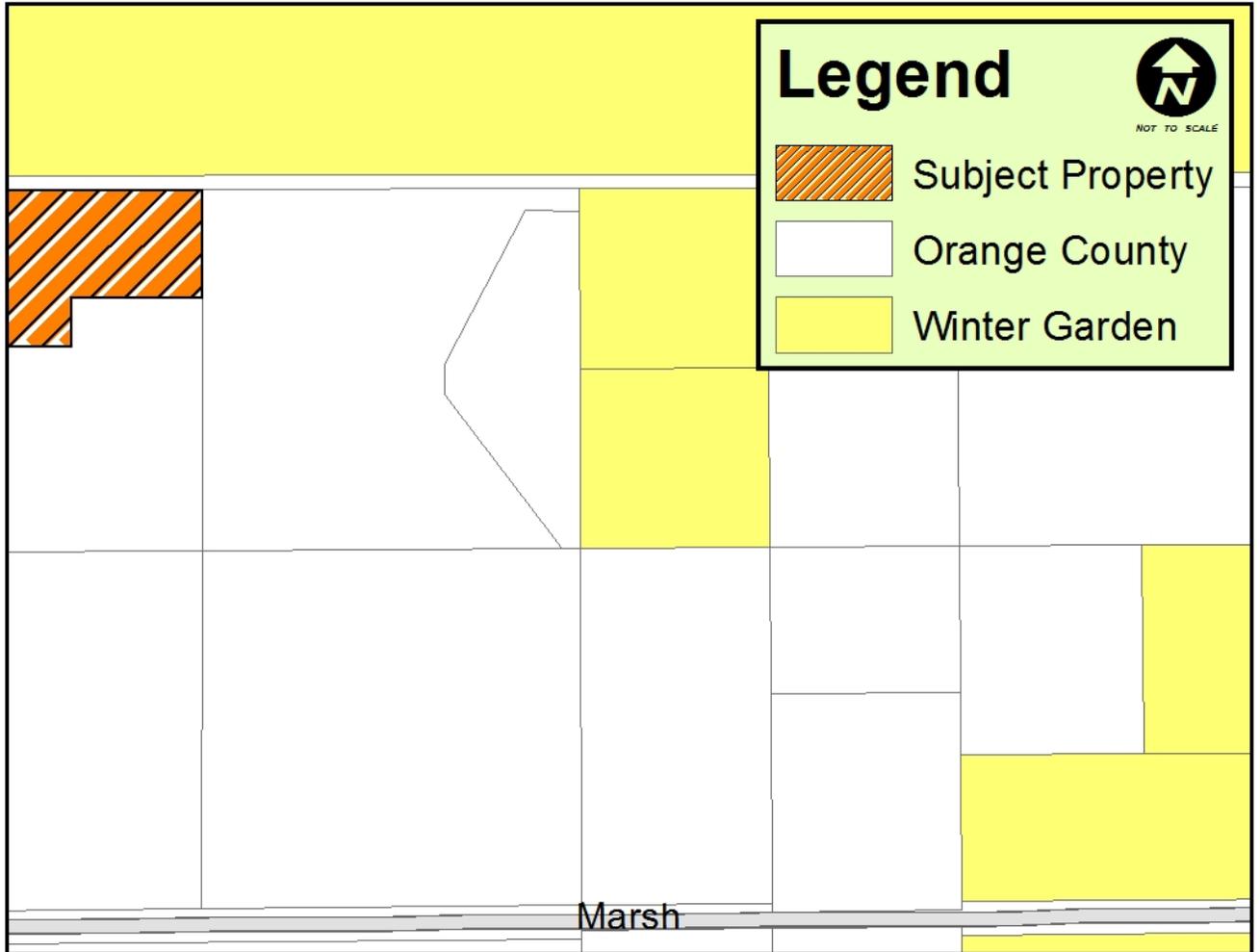


ZONING MAP
13036 Roper Road



LOCATION MAP

17929 Marsh Road - Annexation / FLU Map Amendment



ORDINANCE 13-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.689 ± ACRES LOCATED AT 17929 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD, WEST OF WILLIAMS ROAD AT THE WEST BOUNDARY OF ORANGE COUNTY 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 3.689 ± acres located at 17929 Marsh Road on the north side of Marsh Road, west of Williams Road at the west boundary of Orange County 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#: 06-23-27-4288-08-260

DESCRIPTION:

THAT PART OF LOT 26-H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 81 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN S00°17'15"W ALONG THE WEST LINE OF SAID SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$, 25.00 FEET; THENCE RUN N89°50'58"E, 25.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 26-H AND THE POINT OF BEGINNING; THENCE CONTINUE N89°50'58"E, 643.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 26-H; THENCE RUN S00°01'45" W ALONG THE EAST LINE OF SAID LOT 26-H, 195.00 FEET; THENCE RUN S89°50'58"W, 232.00 FEET; THENCE RUN S00°01'54"W, 85.00 FEET; THENCE RUN S89°50'58"W, 412.88 FEET TO THE WEST LINE OF LOT 26-H; THENCE RUN N00°17'15"E, 280.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.689 ACRES, MORE OR LESS.

ORDINANCE 13-25

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 3.689 ± ACRES LOCATED AT 17929 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD, WEST OF WILLIAMS ROAD AT THE WEST BOUNDARY OF ORANGE COUNTY FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th 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 24th 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 3.689 ± acres of land located at 17929 Marsh Road on the north side of Marsh Road, west of Williams Road at the west boundary of Orange County, 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 13-24, 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#: 06-23-27-4288-08-260

DESCRIPTION:

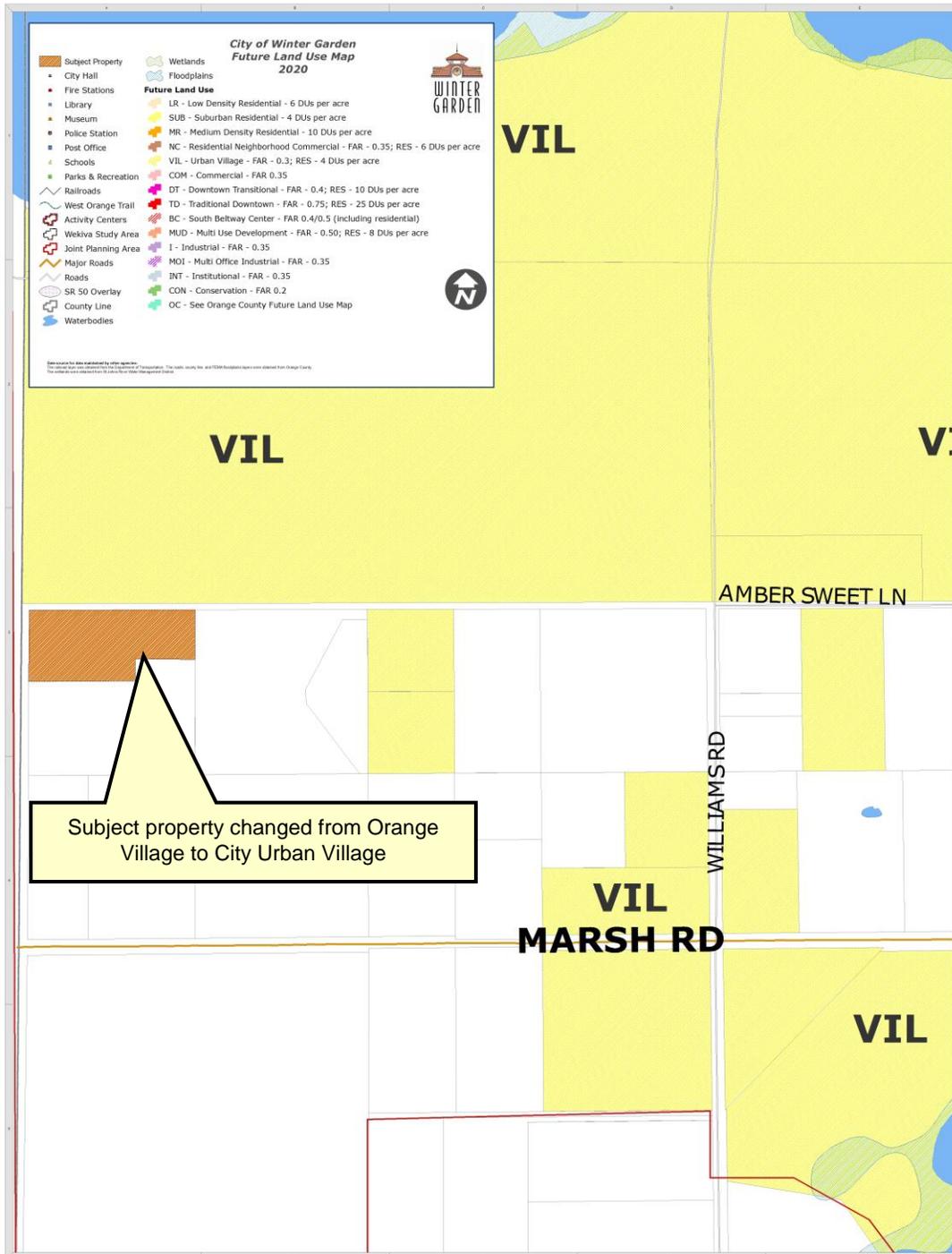
THAT PART OF LOT 26-H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 81 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN $S00^{\circ}17'15''W$ ALONG THE WEST LINE OF SAID SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$, 25.00 FEET; THENCE RUN $N89^{\circ}50'58''E$, 25.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 26-H AND THE POINT OF BEGINNING; THENCE CONTINUE $N89^{\circ}50'58''E$, 643.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 26-H; THENCE RUN $S00^{\circ}01'45''W$ ALONG THE EAST LINE OF SAID LOT 26-H, 195.00 FEET; THENCE RUN $S89^{\circ}50'58''W$, 232.00 FEET; THENCE RUN $S00^{\circ}01'54''W$, 85.00 FEET; THENCE RUN $S89^{\circ}50'58''W$, 412.88 FEET TO THE WEST LINE OF LOT 26-H; THENCE RUN $N00^{\circ}17'15''E$, 280.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.689 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

17929 Marsh Road



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

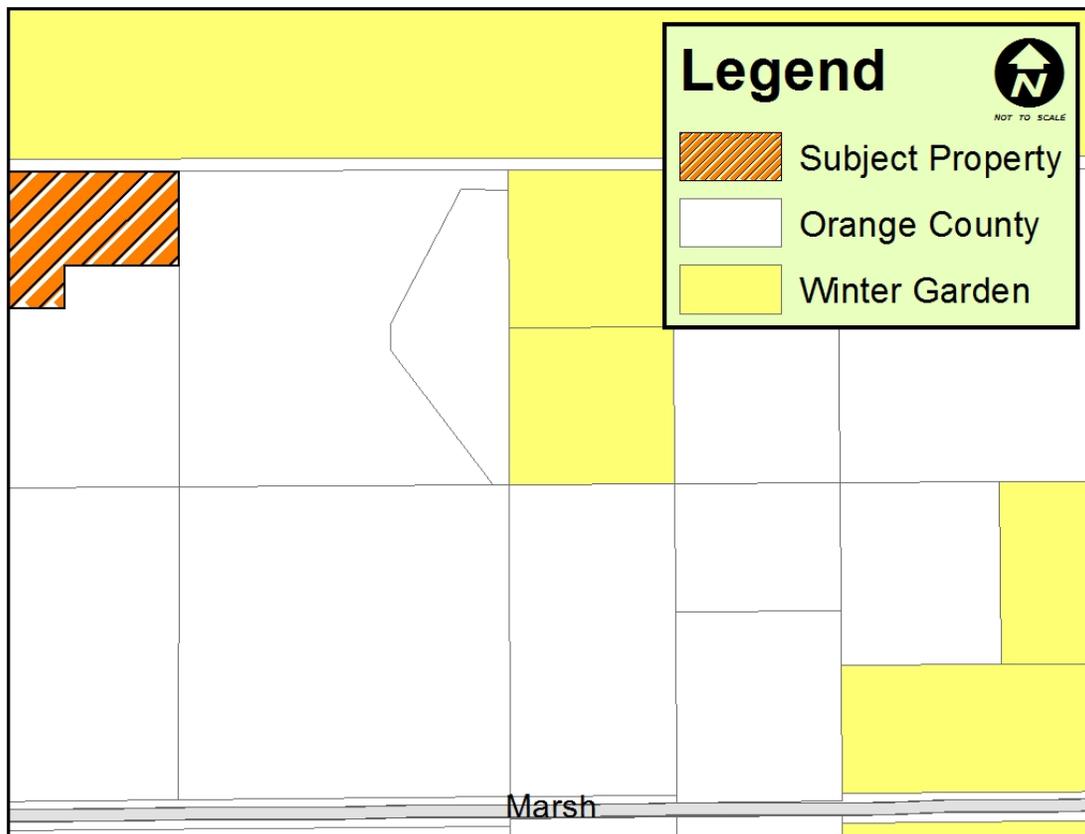
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JANUARY 31, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
17929 MARSH ROAD (3.689 +/- ACRES)
PARCEL ID #: 06-23-27-4288-08-260
APPLICANT: BENJAMIN & JUDY CANNON

INTRODUCTION

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

The subject property is located at 17929 Marsh Road and is approximately 3.689 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property is the last property on the western boundary of Orange County and is located within the Joint Planning Area with the City of Winter Garden and Orange County.

The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Urban Village. At this time, no zoning designation will be applied to the property as they will be required to submit for an Urban Village Planned Unit Development when they redevelop the property.

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include residential, commercial, and natural land. The zoning classifications that are consistent with the Urban Village land use designation include UVPUD and INT.

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

EXISTING USE

The subject property is currently developed with two manufactured homes and several out buildings. The property has been used as a primary residence.

ADJACENT LAND USE AND ZONING

The property located to the north is an orange grove (agricultural use) and located in the City. The property located to the east is undeveloped, zoned A-1 and located in Orange County. The property to the south is an orange grove, zoned A-1 and located in Orange County. The property to the west is developed with a single-family house and located in Lake County.

PROPOSED USE

The applicant intends to annex the property and continue using it for their primary residence. Any additional development or redevelopment of the property will require the property owner to submit for an Urban Village Planned Unit Development.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

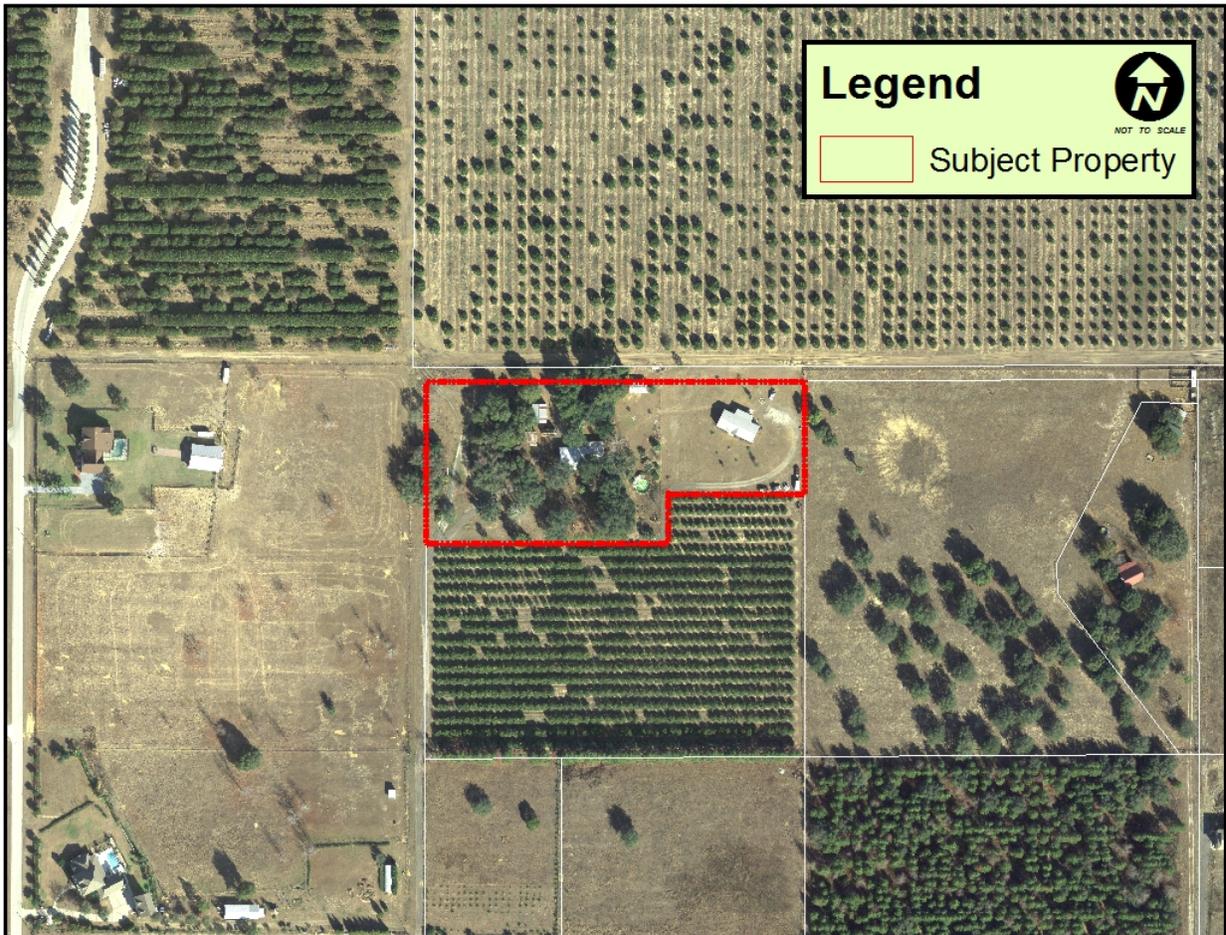
Annexation will provide a more efficient delivery of services to the property and further the

goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

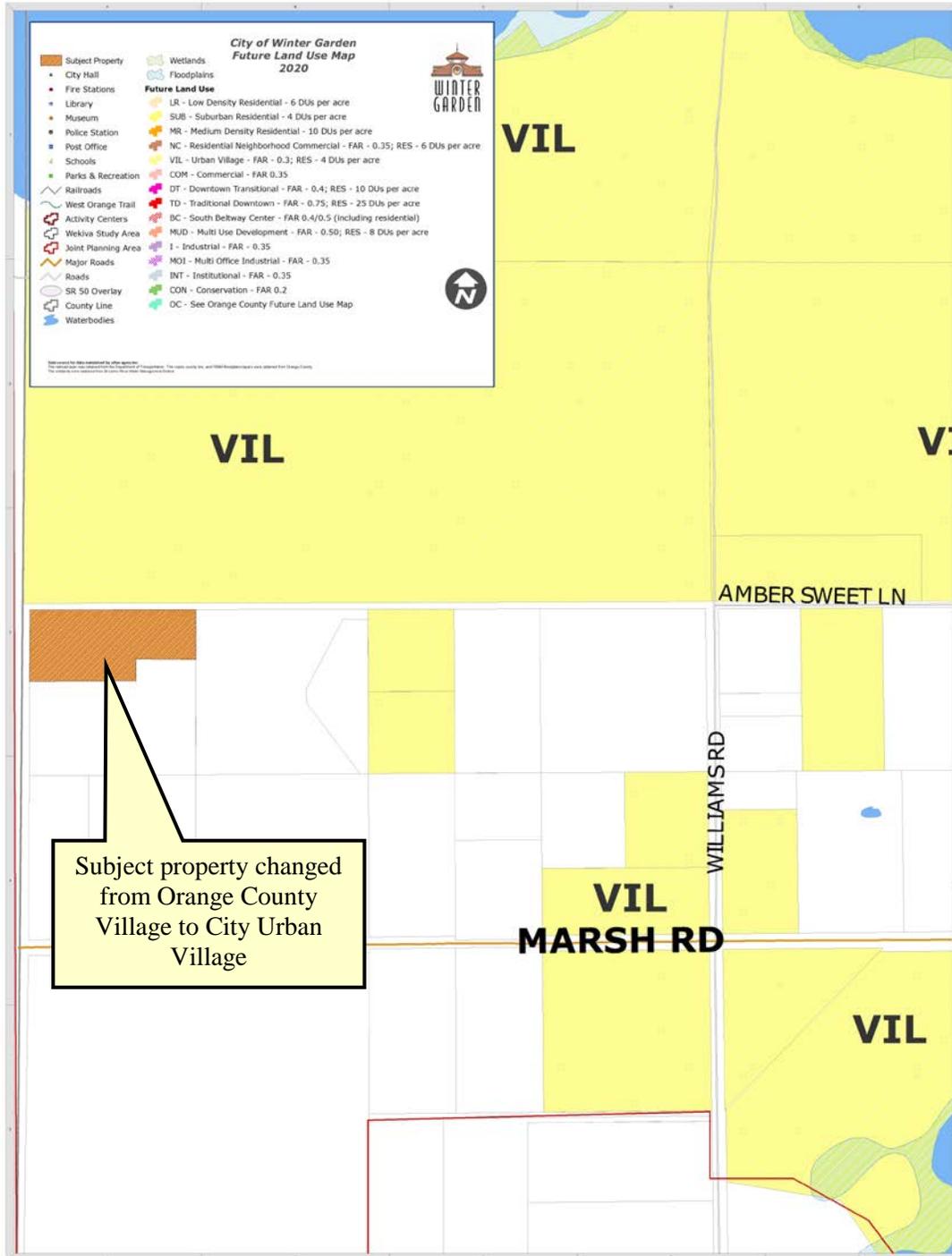
MAPS

AERIAL PHOTO

17929 Marsh Road



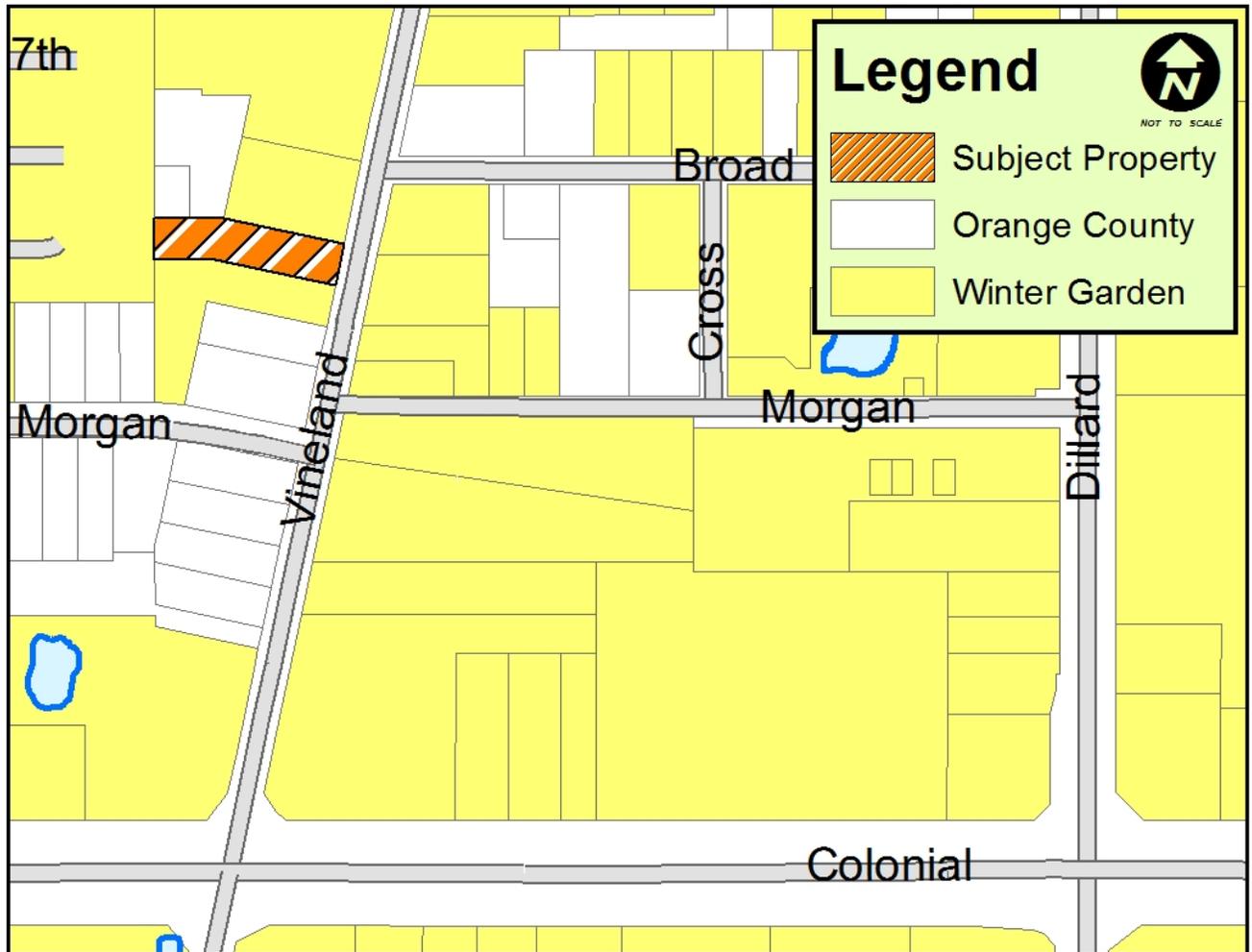
FUTURE LAND USE MAP 17929 Marsh Road



END OF STAFF REPORT

LOCATION MAP

920 Vineland Road - Annexation / FLU Map Amendment / Rezoning



ORDINANCE 13-21

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.37 ± ACRES LOCATED AT 920 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.37 ± acres located on the west side of Vineland Road, north of West Morgan Street and South of Broad Street 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#: 23-22-27-8199-00-080

DESCRIPTION:

LOT 8 AND PART OF LOT 22, SOUTHERN BOULEVARD SUBDIVISION TO THE CITY OF WINTER GARDEN, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK J, PAGE 13, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8, SOUTHERN BOULEVARD SUBDIVISION, RUN N 12°01'16" E, 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE RUN N 78°05'56" W, 175.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE RUN N 90°00'00" W 99.03 FEET TO THE WEST LINE OF SAID LOT 22, SOUTHERN BOULEVARD SUBDIVISION; THENCE RUN S 00°00'00" E ALONG THE WEST LINE OF SAID LOT 22, 58.68 FEET; THENCE RUN N 90°00'00" E, 86.54 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE RUN S 78°05'56" E, 175.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.366 ACRES, MORE OR LESS.

ORDINANCE 13-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.37 ± ACRES LOCATED AT 920 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th 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 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 0.37 ± acres of land located at 920 Vineland Road on the west side of Vineland Road north of West Morgan Street and south of Broad Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Medium Density to City Residential Neighborhood Commercial; and

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

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Residential Neighborhood Commercial 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 13-21, 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#: 23-22-27-8199-00-080

DESCRIPTION:

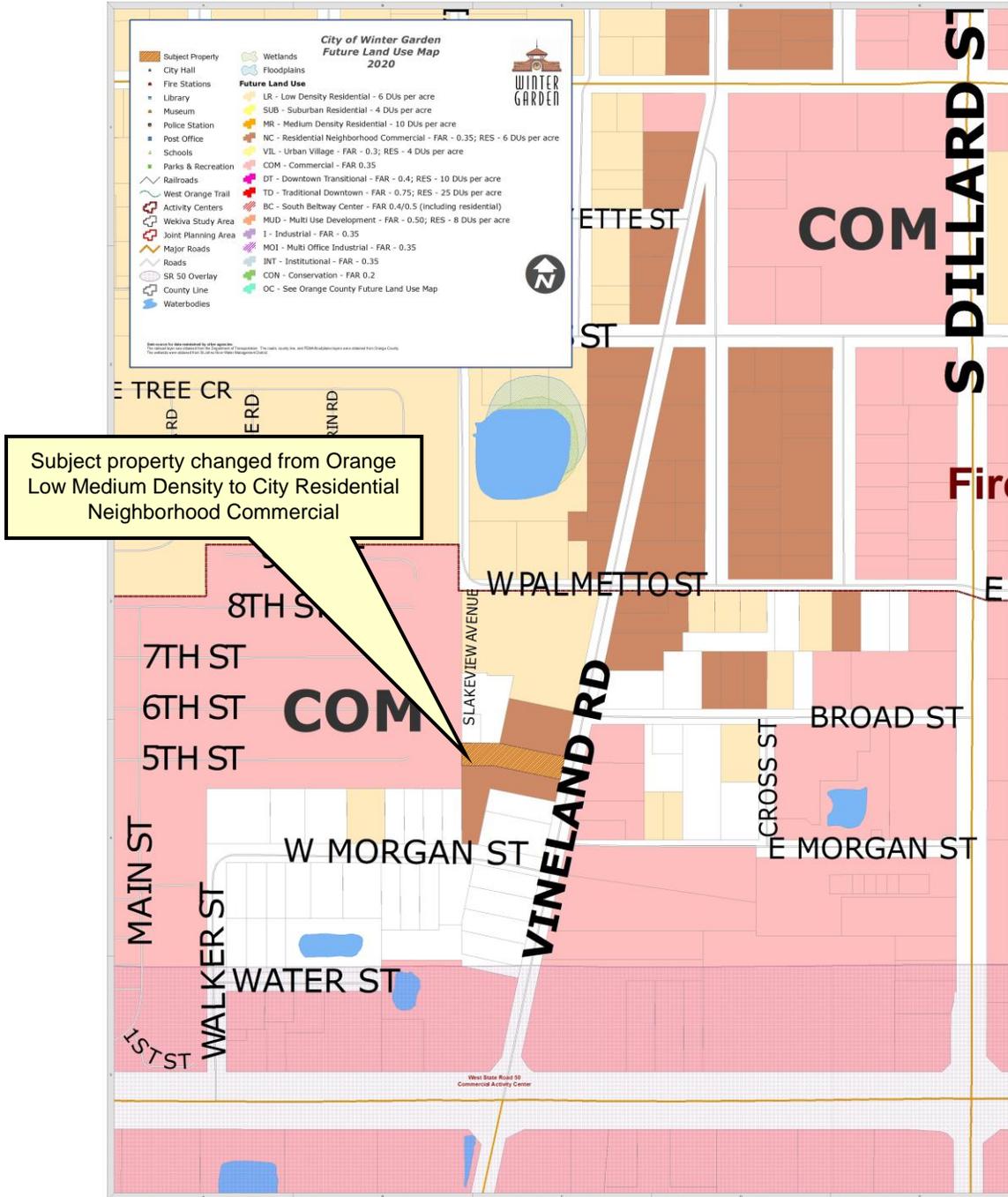
LOT 8 AND PART OF LOT 22, SOUTHERN BOULEVARD SUBDIVISION TO THE CITY OF WINTER GARDEN, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK J, PAGE 13, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8, SOUTHERN BOULEVARD SUBDIVISION, RUN N 12°01'16" E, 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE RUN N 78°05'56" W, 175.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE RUN N 90°00'00" W 99.03 FEET TO THE WEST LINE OF SAID LOT 22, SOUTHERN BOULEVARD SUBDIVISION; THENCE RUN S 00°00'00" E ALONG THE WEST LINE OF SAID LOT 22, 58.68 FEET; THENCE RUN N 90°00'00" E, 86.54 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE RUN S 78°05'56" E, 175.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.366 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

920 Vineland Road



ORDINANCE 13-23

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.37 ± ACRES LOCATED AT 920 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.37 ± acres of land located at 920 Vineland Road on the west side of Vineland Road north of West Morgan Street and south of Broad Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s RN-C Residential Neighborhood Commercial District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to RN-C Residential Neighborhood Commercial District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County R-2 Residential District to City RN-C Residential Neighborhood Commercial District in the City of Winter Garden, Florida.

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

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

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 13-22 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 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#: 23-22-27-8199-00-080

DESCRIPTION:

LOT 8 AND PART OF LOT 22, SOUTHERN BOULEVARD SUBDIVISION TO THE CITY OF WINTER GARDEN, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK J, PAGE 13, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8, SOUTHERN BOULEVARD SUBDIVISION, RUN N 12°01'16" E, 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE RUN N 78°05'56" W, 175.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE RUN N 90°00'00" W 99.03 FEET TO THE WEST LINE OF SAID LOT 22, SOUTHERN BOULEVARD SUBDIVISION; THENCE RUN S 00°00'00" E ALONG THE WEST LINE OF SAID LOT 22, 58.68 FEET; THENCE RUN N 90°00'00" E, 86.54 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE RUN S 78°05'56" E, 175.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.366 ACRES, MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

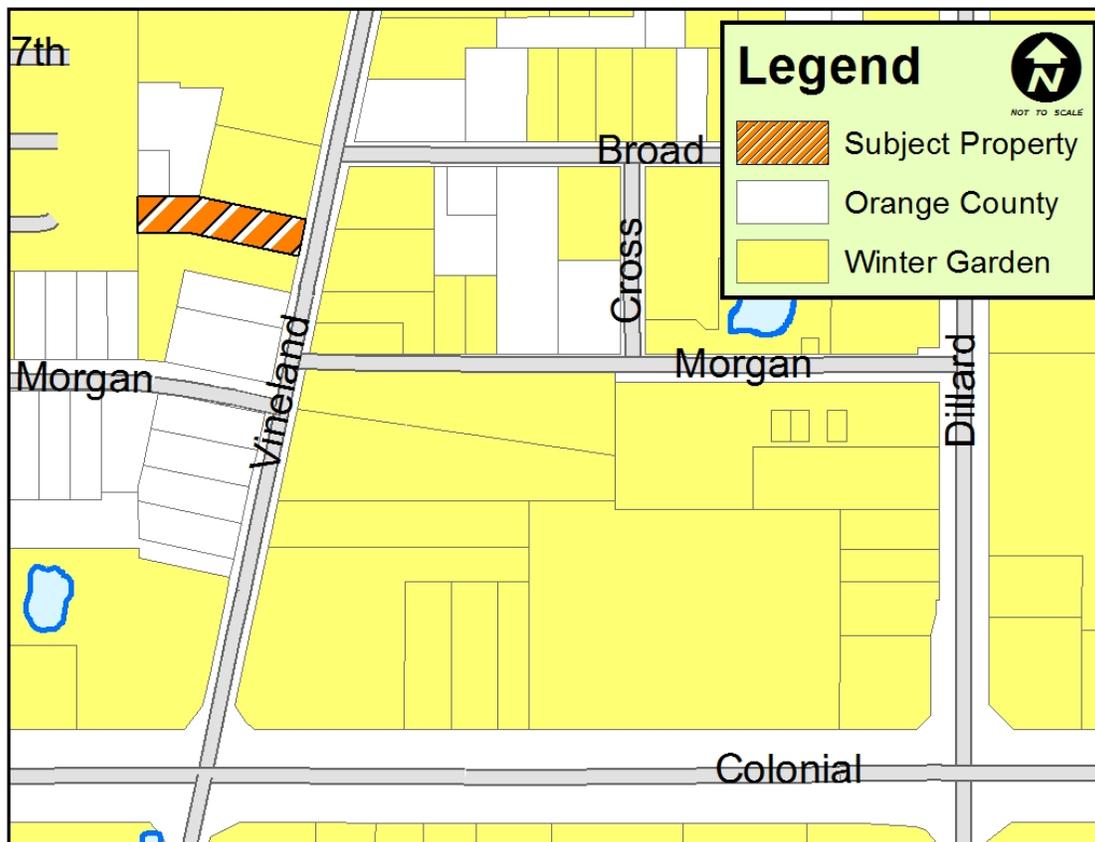
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: APRIL 25, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
920 VINELAND ROAD (0.37 +/- ACRES)
PARCEL ID #: 23-22-27-8199-00-080
APPLICANT: ANTONIO CONCALVES

INTRODUCTION

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

The subject property is located at 920 Vineland Road and is approximately 0.37 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Residential Neighborhood Commercial, and initial zoning of R-NC.

Properties designated with the Residential-Neighborhood Commercial land use category are required to be developed at a floor area ratio not greater than 0.35. Gross residential density shall be not greater than 6 dwelling units per acre. All uses shall have a maximum height of 35 feet. This designation shall provide for permitted low density residential uses and neighborhood commercial and professional uses. The mix should have a minimum of 80% residential uses. Uses should be located on collector and minor arterial streets close to low density residential areas. The zoning classifications that are consistent with the Residential Neighborhood Commercial classification is RNC and INT.

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

EXISTING USE

The subject property is currently developed and used as a single-family house.

ADJACENT LAND USE AND ZONING

The property located to the north is developed as a janitorial supply store, located in the City, and zoned R-NC. The property located to the east is developed with a pool construction company, zoned C-2 and located in the City. The property to the south is developed with a duplex, zoned R-2 and located in the City. The property to the west is developed with Winter Garden RV Resort, zoned C-2 and located in the City.

PROPOSED USE

The applicant intends to annex the property and convert it into an office. Converting the house into an office can be done through Special Exception review.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves.

City Staff recommends approval of the proposed Ordinances.

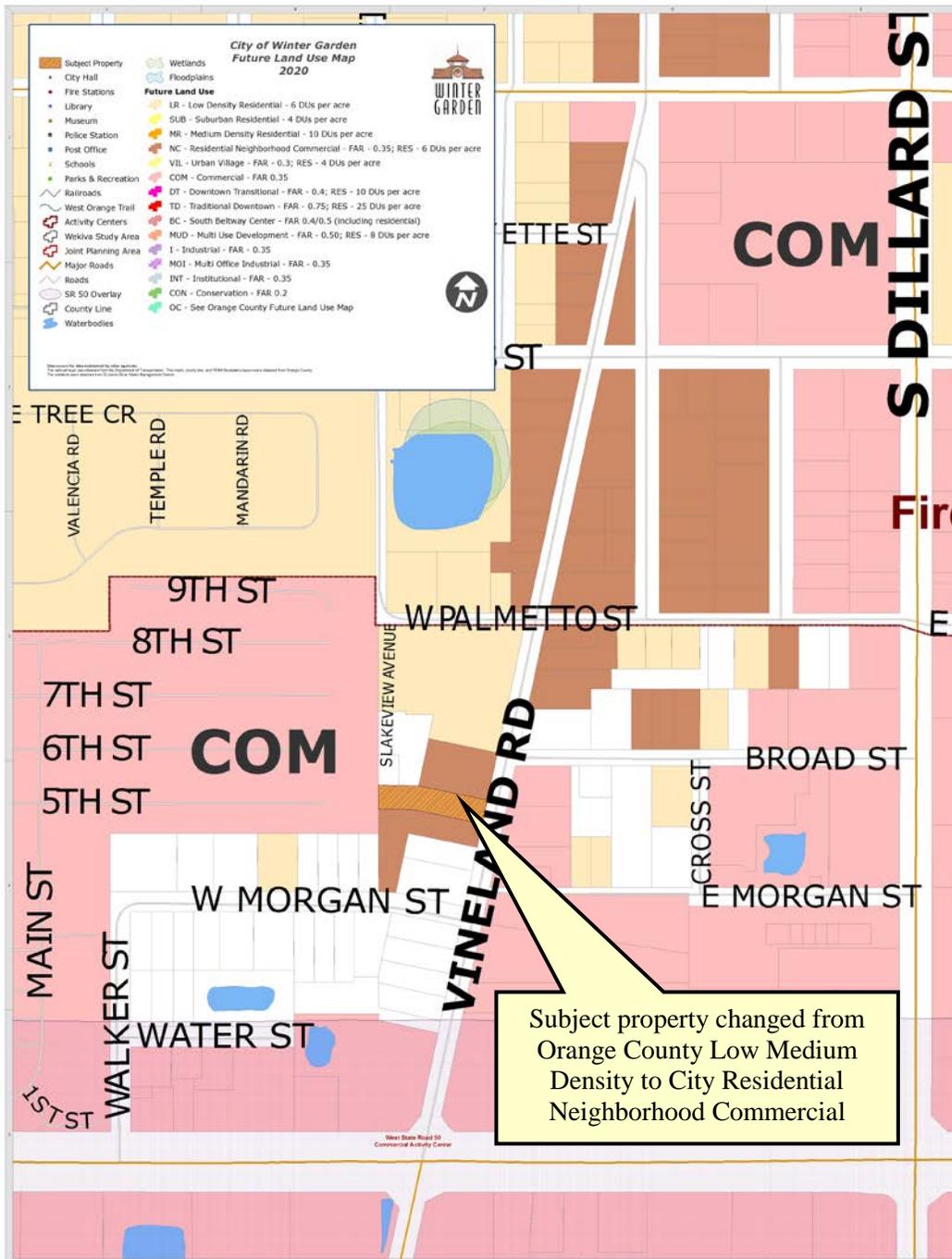
MAPS

AERIAL PHOTO

920 Vineland Road



FUTURE LAND USE MAP 920 Vineland Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 9 (Public Hearing)

Date: May 2, 2013 **Meeting date:** May 6, 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 recommends approval of ordinance 13-19 amending Chapter 22, Chapter 67, Chapter 98, and Chapter 102 of the Code of Ordinances of the City of Winter Garden relating to signage.

Next step(s):

A public hearing for the second reading of Ordinance 13-19 is scheduled for the City Commission on Thursday, May 9, 2013, and third reading of Ordinance 13-19 is scheduled for Thursday, May 23, 2013.

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.

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

WHEREAS, the City Commission of the City of Winter Garden finds it necessary to provide the minimum control of signs necessary to promote the health, safety, and general welfare of the citizens of Winter Garden, Florida by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental signs that would detract from the aesthetic appeal of the city and lead to economic decline and blight, by preventing signs

from reaching such excessive size or numbers that they obscure one another to the detriment of the city, its citizens, businesses, and property owners, by ensuring the good and attractive design that will strengthen the City's appearance and economic base, and by preserving the right of free speech and expression in the display of signs;

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

SECTION 1. That Chapter 102, Articles I & III of the City of Winter Garden Code of Ordinances is hereby amended to read as follows (words that are ~~stricken-out~~ are deletions; words that are underlined are additions):

ARTICLE I. IN GENERAL

Sec. 102-1. Definitions.

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

A-frame sign means any impermanent or manually movable sign placed on the ground.

Anchor tenant means a retail store(s) in a shopping center that is/are in excess of 15,000 square feet of gross floor area and possess at least 100 feet of building frontage.

Animated sign means a sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means.~~any sign which includes action or motion other than flashing or changing signs which are separately defined. Animated signs include but are not limited to pictures, outlines, forms, designs, pictorials, colors and other graphic illustrations which contain or give the illusion of motion.~~

Architectural feature means any construction attending to, but not an integral part of the sign, such as, by way of example not limitation, landscape, building, or structural forms that enhance the site in general; it also includes, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures.

Awning is an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a permanent supporting framework.

Awning sign means a sign displayed on or attached flat against the surface or surfaces of an awning. ~~See Marquee sign.~~

Background structure means the parts of a sign, exclusive of the copy area, such as beams, buttresses, poles, cables, and stringers, which support the sign face.

Banner sign means those signs having the characters, letters, illustrations, or ornamentation applied to or impregnated into cloth, paper or fabric of any kind.

Billboard or billboard sign means any sign in excess of 64 square feet of copy area on its own structure or on a building which provides to the observer information of any kind concerning any activity that takes place on property other than that where the sign is located.

Building frontage means the horizontal length of a wall of a building where such wall faces a street. The measurement of such length is along a line parallel to the street. Where a building is arranged to include establishments with exterior public entrances but no wall space facing a street, the horizontal dimension of one wall of each such establishment which faces a mall or other private way may be considered to be building frontage.

Building signs means any sign attached to any part of a building, including but not limited to, awning, wall, roof and/or projecting signage.

Bulletin board means any device that accommodates temporary notices of personal or public nature affixed to a board by tape, tacks or other temporary means and where such board is designed with doors or other means of closure, and is permanently affixed to a permanent structure.

Canopy sign. See *Marquee sign*.

Changeable sign means a sign with the capability of content change by means of manual or remote input, including the following types:

Manually activated means a changeable sign whose message copy or content can be changed manually on a display surface.

Electronically activated means a changeable sign whose message copy or content can be changed by means of remote electronically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. See Electronic Message Center.

~~— Changing sign (automatic) means any sign which is electronically or electrically controlled and which has a display providing for commercial advertising or service information in printed form, such as but not limited to temperature, time, and date, and specifically to exclude any actual or apparent continuous horizontal, vertical, diagonal, or circular motion of the display, and any display such as defined under animated signs. Changing signs are commonly referred to as centers or readerboards where different copy changes are shown on the same lampbank. Changing signs are permitted only in a commercial or business zoned area.~~

Circular sign means a sign that is generally round or cylindrical where the contents of the sign covers all or part of the surface.

Cladding is a non-structural covering designed to conceal pole(s) and/or the actual structural support(s) of a sign.

Commemorative sign means a sign placed on or imbedded in the external surface of a wall for purposes of commemoration, identification, or such other purpose as relates to the structure and not the activities housed by the structure.

Commercial sign means any sign related primarily to the economic interests of the owner or lessee of such sign and its readers.

Copy area means the actual area of the letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only, as applied to any background ~~the advertising display surface area encompassed within any sign.~~

Directional sign means any of the following:

- (1) Signs permanently erected or permitted by the city, the county, or the state to denote the name of any thoroughfare; to denote the route to any city, town, village, educational institution, public building, historic place, shrine or hospital; to direct and regulate traffic; to denote any railroad crossing, bridge, or other transportation or transmission company information for the direction or safety of the public.
- (2) Signs, notices or symbols of the Federal Aviation Administration for information as to locations, directions, landings and conditions affecting safety in aviation.
- (3) Signs, notices or symbols as to the time and place of regular civic meetings and religious activities and services.
- (4) Signs erected or maintained upon private property giving the name of the owner, lessee, or occupant of the premises and the street address of the premises.

Discontinued signs means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity and/or for which no legal owner can be found within a specified period of time.

Dissolve means a mode of message transition on an Electronic Message Center accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Double-faced sign means a sign with two parallel or dihedral faces consisting of one or two sheets of sign material, of the same size, affixed to a single support device or structure, where the base of the sign sheets, if more than one, are equidistant from the ground, and where the sign sheets, if more than one, are not more than three feet from each other and where any such separation results from the intrusion of the supporting device. These types of signs are considered single signs.

Dynamic Frame Effect means an Electronic Message Center sign frame effect in which the illusion of motion and/or animation is used.

Electrical sign. See *Illuminated sign*.

Electronic Message Center means any sign which has the capability of changing message content through the use of an electronically controlled device.

Facade sign means a sign serving also as a front of a building and presenting a false, superficial or artificial appearance or effect.

Fade means a mode of message transition on an Electronic Message Center sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Flashing sign means any sign which attains an intermittent, flashing or varying intensity light source, or which includes or gives the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. ~~Changing signs, as defined in this section, are not classified as flashing signs.~~

~~—For sale sign.— See Real estate sign.— Also, for condominiums, appropriate signs may be affixed to an existing pole or other sign that is used primarily for the condominium identification.~~

Frame means a complete, static display screen on an Electronic Message Center sign.

Frame Effect means a visual effect on an Electronic Message Center sign applied to a single frame.

Freestanding signs means a sign principally supported by one or more columns, poles or braces placed in or upon the ground and not attached to any building. Types of Freestanding signs include but are not limited to *Monument signs* and *Pole signs*.

Foot Candle means an English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

Gasoline station signs means signs for buildings and premises in which the primary source of revenue is the retail dispensing of motor fuels. That the primary source of revenue is the retail dispensing of motor fuels for such buildings and premises must be verified to the city by the applicant prior to the issuance of sign permits.

~~Ground sign means a sign supported by uprights, braces or poles or itself permanently placed in the ground and wholly independent of any building for support and which the subject of the sign relates to either the identifying of the business name or the activity carried on in the structure on the same property as the sign.~~

Gross floor area means the sum of the fully enclosed covered floor area and the unenclosed covered floor area of a building at all floor levels.

Illuminance means the amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot candles (lumens per square foot) in the English System.

Illuminated sign means a sign where electrical current, connections, or fixtures are used as part of the sign or where electrical means are not integral to the sign.

Improved property means property upon which a structure or building is located.

Incidental sign means a sign restricted to incidental information, such as: credit cards accepted, services offered or trade affiliations; offers of trading stamps or coupons accepted.

Marquee sign means a sign affixed or inherent with the structure of metal, glass, canvas or other appropriate material projecting over and from points of ingress or egress of a building or other structure.

Monument sign means a sign which has the vertical structure supports concealed in an enclosed base. The width of such enclosed base shall be equal to at least two-thirds the horizontal width of the sign surface.

Multiple-faced sign means a sign consisting of more than two faces not more than one foot from each other at their closest point, affixed to a single-support device or structure, and where the base sign sheets are equidistant from the ground. These types of signs are considered single signs.

Multi-tenant parcel means a parcel of property, or parcels of contiguous property, existing as a unified or coordinated project, with a multi-tenant structure.

Multi-tenant structure means a building used, designed or constructed for occupation by more than one tenant.

Noncommercial sign means any sign relating primarily to interests other than to economic interest of the speaker and its audience.

Off-premises sign means any sign relating to commodities, accommodations, services, or any other activities on premises other than the premises upon which the sign is located.

Outdoors, out-of-doors means any area external to the walls, roof or windows of a structure and includes on the surface of the walls, roof or windows.

Owner means legal owner, lessee, or anyone in control of the property with authority, explicit or implicit, to emplace signs thereon.

Parapet means the extension of a false front or wall above a roof line.

Permanent signage means any sign that is displayed longer than thirty (30) days.

~~*Pole sign means a sign affixed to a pole or standard in the ground. See Ground sign.*~~

Pole sign means a sign supported by at least one upright pole or post in which the vertical support(s) are not concealed within an enclosed base and the sign-face exceeds two feet above the finished grade level. Pole signs are required to be wrapped with cladding.

~~*Political sign. See Snipe sign.*~~

Portable sign means a sign affixed to any object that because of integral wheels or tracks has the capability of moving or being moved and a sign that is designed or constructed such that the sign has the capability of moving or being moved for freestanding display.

~~*Projection sign means a sign projecting over public or private property either from a building, pole or by any other means. See Wall sign.*~~

Projecting sign means a sign mounted on a building wall or fascia in such a manner that one or more copy areas are not parallel to the building wall.

~~*Real estate sign means any ground sign placed on real property that reflects the intended disposition or use of the property. If the immediate environment of the property does not permit the use of ground signs with the facility, a window or wall sign may be substituted therefor.*~~

~~*Rental sign. See Real estate sign. Also, for apartment complexes, appropriate signs may be affixed to existing poles or other signs that are used primarily for the apartment complex identification.*~~

~~*Roof sign means a sign supported by uprights, braces or itself permanently placed on or into the roof structure wherein the sign is dependent on the roof structure for support and which the subject of the sign advises of any activity carried on within the structure.*~~

Safety sign means a sign intended to prevent danger or harm.

Scroll means a mode of message transition on an Electronic Message Center sign in which the message appears to move vertically across the display surface.

Shingle sign. See Wall sign.

Shopping center means any complex of three or more commercial establishments located proximately.

Shopping center sign means a sign of any type that pertains to the shopping center as a whole. Signs for individual shops within the center are covered in the specific categories of this chapter.

Sidewalk sign. See *A-frame sign*.

Sign means every media or device used around, about or affixed to a structure or isolated from a structure that in any manner or means, whether by intent or by inadvertence, presents information to others through the media of human perception.

Single-tenant parcel means a parcel of land with a structure located thereon that is occupied by only a single establishment or entity.

Single-tenant structure means a structure that is occupied by only a single establishment or entity.

Snipe sign means a sign made of any material when such sign is tacked, nailed, stapled, pasted, glued or otherwise attached to a tree, pole, stake, fence or to other object, ~~and the matter contained thereon is not applicable to the present use of the premises upon which such sign is located~~ and/or is capable of being manually inserted into the ground by a single individual and which is capable of being viewed from the public right-of-way.

Sound sign means a sign designed to transmit information to the public or to attract the attention of the public or any portion thereof primarily and essentially through auditory means and for commercial purposes.

Suspended or suspension sign. See *Swinging sign*. Also, supported by vertical means of a flexible nature.

Swinging sign means a sign suspended in such a way that it is free to swing on a relatively fixed axis.

T-frame sign means a portable sign utilizing an inverted "T" style of framing to support the sign.

Temporary sign means a sign with an intended duration of thirty (30) days or less ~~than three months~~ and which does not in fact exceed a duration of thirty (30) days ~~three months~~.

Transition means a visual effect used on an Electronic Message Center sign to change from one message to another.

Travel means a mode of message transition on an Electronic Message Center sign in which the message appears to move horizontally across the display surface.

Wall sign means a sign affixed to or painted upon the wall ~~or window~~ of a structure ~~and the subject of which advises of an activity carried on within the structure.~~

Window sign means a sign which may or may not be affixed directly to the surface of a window with its message intended to be visible to the exterior environment. ~~See *Wall sign*.~~

Sec. 102-2. Purpose, intent and scope.

- (a) The requirements of this chapter are the minimum requirements to promote the public health, safety, aesthetics and welfare and to maintain, enhance, improve and protect the appearance and character of agricultural, residential, professional office, commercial, and industrial areas of the city. Additionally, this chapter will improve traffic safety and control the number, location, size and type of signs while still permitting reasonable identification and advertising by professional, commercial and industrial establishments.
- (b) This chapter includes provisions for on-site signs placed on land or on a building ~~for identification or for advertising a use conducted thereon or therein and shall be deemed to be accessory and incidental to the subject land, building or use~~. The regulation of on-site signs is intended to prevent excessive competition and clutter among signs and to improve and preserve traffic safety and aesthetics. The control and regulation of off-site signs or billboards, outdoor advertising not related to the site on which the sign is located, is deemed to be necessary to protect the character and development of the city as well as preserving traffic safety and aesthetics. Such off-site signage shall constitute a separate use confined to commercial and industrial properties.
- (c) This chapter shall not relate to building design. This chapter shall not regulate official traffic or government signs, the content and message of signs, gravestones and religious symbols or commemorative plaques.
- (d) It is the intent of the City Commission of the City of Winter Garden that protection of First Amendment rights shall be afforded by these sign regulations.

Sec. 102-3. Nonconforming signs.

- (a) Whenever the occupancy of a premises with nonconforming signs changes, the new occupant shall be required to remove, change or alter such signs to conform to this chapter. This requirement is not intended to apply to changes in ownership where the same business, operating under the same name, continues to occupy the premises.
- (b) Any sign which is in violation of this chapter and which does not qualify as a nonconforming sign may be removed by the city, its agents and authorized representatives. In carrying out the task of removing such signs, the city, its agents and authorized representatives may enter upon private property without subjecting the city to any liability for entry and removal. Any fees and costs incurred by the city under this section shall be borne by the sign owner.

Sec. 102-4. Compliance.

It shall be unlawful for any person to erect, place or maintain a sign unless it complies with this chapter.

Sec. 102-5. Substitution of noncommercial speech for commercial speech.

Notwithstanding anything contained in this chapter or Code to the contrary, any sign erected pursuant to the provisions of this chapter or Code with a commercial message may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner

of the sign, provided that the sign is not a prohibited sign or sign type and provided that the size, height, setback, and other dimensional criteria contained in this chapter and Code have been satisfied.

Sec. 102-6. Severability.

- (a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.
- (b) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a) above, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (c) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a), above, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 102-92 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 102-92 is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 102-92, thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.
- (d) Severability of prohibition on billboards. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect the prohibition on billboards as contained in this chapter or Code.

ARTICLE III. REGULATIONS

DIVISION 1. GENERALLY

Sec. 102-91. Permitted signs.

Signs will be permitted in all zoning districts subject to the requirements of this article.

Sec. 102-92. Prohibited signs.

The following types of signs are prohibited in all districts:

- (1) Any sign placed on public property, including the right-of-way, unless authorized by the city commission.
- (2) Any sign which obstructs a fire escape or window, door or opening used as a means of ingress or egress or which prevents free passage across a roof; and no sign shall be attached in any manner to a fire escape nor shall any sign be placed in a manner that will interfere with any opening required for ventilation.
- (3) Signs which simulate emergency vehicles, traffic control signals or devices, or which simulate directional, informational and warning signs erected by government or a governmental agency, or by any railroad, public utility or similar agency.
- (4) Billboard signs, regardless of zoning district. Those billboard signs legally erected in the city prior to June 11, 1987, or legally erected within the unincorporated county prior to annexation into the city will be allowed to remain as nonconforming signs which cannot be rebuilt or replaced if greater than 50 percent of the sign structure or value is destroyed. When the cost of materials to repair or replace the sign exceed 50 percent of the physically depreciated value of the structural materials in the sign immediately prior to the destruction, the criteria of this subsection will be deemed to have been met, and the sign may not be replaced or repaired. For billboard signs not legally in place prior to June 11, 1987, an amortization period ending December 31, 1994, is provided within which period the sign must be removed. Failure to comply with this subsection will result in a violation of this chapter for the property owner and the sign owner. This subsection shall not apply to billboard signs and structures preexisting along federal aid primary highways in the city. However, if a federal aid primary highway is later converted to a nonfederal aid highway, this subsection shall apply to billboards along such highway, becoming effective the first day upon which the highway becomes a nonfederal aid primary highway. No new billboard signs or structures shall be erected in the city. The city commission shall have the authority to grant a variance to this subsection in those instances where an existing legally non-conforming billboard sign is being eliminated and being replaced with another billboard sign that the city commission finds less obtrusive, improves the aesthetic character of the city and placed in a more desirable location.
- (5) The use of Scroll, Travel and/or Dynamic Frame Effect in Changeable and/or Electronic Message Center Signs ~~that involve motion or rotation of any part except a time and temperature unit or an automatic changing sign,~~ as defined in section 102-1, in an area zoned commercial or business industrial.
- (6) Animated signs and flashing signs, ~~and~~ this is not intended to prohibit changeable~~changing~~ signs, as defined in section 102-1.

- (7) Signs affixed to unlicensed motor vehicles ~~where such signs are promotional in nature and~~ where the vehicle is parked in a location visible from a public right-of-way, ~~which vehicle has attached thereto or located thereon any sign which advertises products or services available on the same or adjacent property that the vehicle is parked.~~
- (8) Signs of any type wherein such signs obstruct in any way ingress or egress to or from a structure.
- (9) Signs projecting over a street or road, except for special events when approved by the city commission.
- (10) Additional signs on any property containing a sign that does not conform to this article.
- (11) All other signs not identified in this chapter.
- (12) The tacking, pasting or otherwise affixing of signs of a miscellaneous character to the walls of buildings, on trees, poles, posts, fences or other structures.
- (13) No sign, permanent or temporary, shall be erected or placed so that it interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
- (14) Portable signs.
- (15) Signs on trailer frames with or without mounted wheels.
- (16) Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not regularly used in the conduct of the business and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, or for the purpose of advertising.
- (17) Flashing, animated, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable signs when in compliance with the applicable regulations of this chapter.
- (18) Signage used on bus transit shelters within the right-of-way.
- (19) Any sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.
- (20) Traffic sign replica.
- (21) Snipe signs.
- (22) Banner signs used as permanent signage.
- (23) Commercial off-premises signs.
- (24) Neon signs, luminous tube lights, light-emitting tubes and/or neon type signs. The Planning Director may review and approve the use of neon signs, luminous tube

lights, light-emitting tubes and/or neon type signs for properties or buildings located within a Commercial District on a case by case basis where substantial historical evidence of the application of neon signs, luminous tube lights, light-emitting tubes and/or neon type signs has been provided.

~~Sec. 102-93. Maximum allowable copy area:~~

~~The copy area of signage permitted for any given site shall be determined by the following formula:~~

- ~~(1) Single tenant property. Unless otherwise specified, a total of 1 1/2 square feet of sign copy area for each linear foot of principal right of way frontage with the copy area not to exceed 100 square feet. If the property has multiple right-of-way frontages, an additional sign copy area of one square foot for each additional foot of secondary right of way frontage. In computing sign copy area, standard mathematical formulas for known common shapes will be used. Common shapes shall include squares, rectangles, cones, spheres, ovals, triangles, trapezoids, circles and cylinders. On any sign with more than one face, the square footage of the maximum number of faces visible from any one location at one time will be counted, provided that all faces are equal in size and contained within a common perimeter. Where words, letters, numbers, symbols or other components comprise the copy but are not contained within a sign face, such as independent letters on a wall forming the name of an establishment, the square footage of the copy area shall be determined by drawing an imaginary standard geometric form around and about the words, letters, numbers, symbols or other components comprising the copy, and the copy area shall be the entire area within the perimeter of such imaginary, standard form. All the words, letters, numbers, symbols or other components which comprise the copy shall be included within the perimeter of the imaginary, standard form in determining copy area.~~
- ~~(2) Multitenant property. A total of one half square foot of sign copy area for each linear foot of right of way frontage.~~

~~Sec. 102-94. General criteria~~

- ~~(a) Flagpoles. Flagpoles in residential districts shall not exceed 35 feet in height. Flagpoles in all other districts shall not exceed 50 feet in height. All flagpoles shall be located so that the flag will not extend over a right of way. No flagpole may be erected without a building permit for the pole itself.~~
- ~~(b) Visibility triangle. On corner lots, signs within the triangular area formed by the street right-of-way lines shall not obstruct the vision of traffic.~~
- ~~(c) Maintenance of ground signs. Ground signs and their supporting structures shall be kept clear of all debris.~~
- ~~(d) Illumination. All illumination of signs shall be directed in a manner that avoids undue glare and direct illumination or reflection on abutting properties. The intensity or brightness of the light shall not adversely affect the safe vision of operators of vehicles moving on public or private roads, highways or parking areas.~~

- ~~(e) Setbacks. In all zoning districts, there shall be a minimum ten-foot setback of signs from all road rights-of-way.~~

~~Sec. 102-95. Organization signs.~~

- ~~(a) One permanent sign shall be permitted identifying any commercial business or noncommercial organization.~~
- ~~(b) The requirements and restrictions for organization signs are as follows:~~
- ~~(1) Minimum setback: ten feet.~~
 - ~~(2) Maximum copy area: 64 square feet.~~
 - ~~(3) Maximum height, if ground mounted: 18 feet, measured from the ground to the top of the sign.~~

~~Sec. 102-96. Multitenant signs.~~

- ~~(a) Multitenant structure identification/directory signs may be located on the site and shall be limited to the name of the structure and its occupants. The identification/directory sign may be incorporated into a pylon/pole sign permitted under section 102-127.~~
- ~~(b) The maximum copy area for each individual sign on a multitenant sign shall be 16 square feet. Total copy area for the multitenant sign shall be 500 square feet and subject to the copy area formula in section 102-92.~~
- ~~(c) These signs shall be located a minimum of ten feet from the road right-of-way, ten feet from adjoining property lines and 25 feet from a road intersection.~~
- ~~(d) Fascia signs will be permitted for each tenant with a maximum length not to exceed 50 percent of the individual tenant lease space. Fascia signs shall not extend above the parapet wall. Maximum copy area for a fascia sign shall not exceed two square feet for each linear front foot of building frontage.~~
- ~~(e) Multitenant fascia signs shall not be included when calculating the total copy area of a parcel.~~
- ~~(f) All other permitted signs shall be included when calculating the total copy area of a parcel.~~
- ~~(g) These signs are permitted in the professional office, all commercial and industrial districts only.~~

~~Sec. 102-97. Special situations, multiple frontages.~~

~~—If a building has frontage on two or more streets, each frontage shall be separately considered for the purposes of determining compliance with this chapter. However, the permitted sign area for one frontage shall not be combined with another frontage to place the combined sign area on one frontage.~~

~~Sec. 102-98. Illumination.~~

~~—Illumination of signs shall be in accordance with the following:~~

- ~~—(1) White is the only color of light which is permitted in residential or office~~

~~zones, or within 500 feet of such zones.~~

~~(2) Flashing signs shall be prohibited.~~

~~(3) Floodlight illumination is permissible, provided that the floodlight or spotlight is positioned so that none of the light shines onto any adjoining property or onto any public road, right-of-way or interstate.~~

~~(4) Bare bulb illumination shall not be used in residential or professional office zones, or within 500 feet of such zones.~~

~~Sec. 102-99 Political campaign signs.~~

~~(a) Residential district. Political signs shall be permitted in all residential districts under the following conditions: On each residential site, nonilluminated signs not more than 32 square feet in copy area each shall be permitted. Any such sign may only be erected by or with the express consent of the occupant of the premises or the owner of the property.~~

~~(b) All other districts. Campaign signs shall be permitted in all nonresidential zoning districts under the following conditions: on each property, nonilluminated signs, not to exceed 32 square feet in copy area. Any such sign may only be erected by or with the express consent of the lessee or owner of the property.~~

~~(c) Removal. All signs posted, erected, or displayed pursuant to this section shall be removed within 15 days after the election or campaign issue has been decided, unless the sign is permitted as a portion of the maximum allowable signage allocated to the property for permanent signage pursuant to section 102-93.~~

~~(d) Placement on public property. Campaign signs shall not be permitted on public property, and any sign so located shall be removed immediately.~~

~~(e) Removal by city. Any campaign sign not removed in the time prescribed by this section may be removed by the city. For each sign removed by the city or its agents, \$5.00 per sign or the cost of removal, including but not limited to administrative costs, if the cost is greater than \$5.00, may be assessed against the owner and tenant of the property.~~

Sec. 102-93. Illuminance.

Illuminance of signs shall be in accordance with the following:

(1) White is the only color of light which is permitted in residential or office zones, or within 500 feet of such zones.

(2) Floodlight illuminance is permissible, provided that the floodlight or spotlight is positioned so that there is a maximum illuminance of 0.3 foot candles at a

- distance of 25 feet from the face of the sign. All Floodlighting shall comply with Dark Sky lighting standards.
- (3) Bare bulb illumination shall not be used in residential or professional office zones, or within 500 feet of such zones.
 - (4) Electronic Message Centers shall be equipped with technology that automatically dims the Electronic Message Center according to the ambient light conditions.
 - (5) Electronic Message Centers shall be limited to a maximum illuminance of 0.3 foot candles at a distance of 25 feet from the face of the sign.
 - (6) Transitions from one frame to another frame on an Electronic Message Center shall be achieved by one of the following modes of message transition: Fade or Dissolve.
 - (7) Each frame on an Electronic Message Center shall be displayed for not less than 10 seconds before beginning transition to another frame.

~~Secs. 102-100--102-125. Reserved.~~

~~Secs. 102-94--102-125. Reserved.~~

~~DIVISION 2. PERMANENT ON-SITE SIGNS~~ RESIDENTIAL AND PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

~~Sec. 102-126. Ground signs.~~

- ~~(a) The maximum height of ground signs shall be 12 feet measured from the crown of the road to the top of the sign in the commercial, industrial and agricultural districts and eight feet for professional office districts when a parcel is located within 100 feet of a residential district, otherwise a maximum of ten feet will be permitted.~~
- ~~(b) There shall be a maximum of one sign per parcel. One additional sign will be permitted for parcels with right-of-way frontage in excess of 200 feet, provided that the signs are separated by a minimum of 100 feet.~~
- ~~(c) The minimum setbacks are ten feet from the right of way line, ten feet from side of rear property lines, and 20 feet from any residential district.~~
- ~~(d) The maximum copy area shall be 120 square feet per sign face in the commercial industrial and agricultural districts and 32 square feet in the professional office district when a parcel is located within 100 feet of a residential district, otherwise a maximum of 100 square feet will be permitted.~~
- ~~(e) The maximum ground clearance shall be two feet from the finished grade level.~~
- ~~(f) These signs are permitted in all districts, except residential districts.~~

~~Sec. 102-127. Pylon/pole signs.~~

- ~~(a) The maximum height of pylon/pole signs shall be 40 feet measured from the crown of the road to the top of the sign in the commercial, industrial and agricultural districts and~~

~~eight feet for professional office districts when a parcel is located within 100 feet of a residential district, otherwise a maximum of 20 feet will be permitted.~~

- ~~(b) — There shall be a maximum of one sign per parcel. One additional sign will be permitted for parcels with right of way frontage in excess of 400 feet, provided that the signs are separated by a minimum of 150 feet.~~
- ~~(c) — The minimum setbacks are ten feet from the right of way line, ten feet from side and rear property lines and 20 feet from any residential district. On corner lots, no signs shall be located within the 25 foot triangular area formed by measuring from the point of the intersection along the right of way lines and connecting the points by a line.~~
- ~~(d) — The maximum copy area shall be 500 square feet per sign face in the commercial and industrial districts; 32 square feet in the professional office district when a parcel is located within 100 feet of a residential district, otherwise a maximum of 128 square feet will be permitted; 128 square feet in the agricultural districts.~~
- ~~(e) — The minimum ground clearance shall be nine feet from the finished grade level and 13.5 feet if extending over a vehicular travelway.~~
- ~~(f) — These signs are permitted in all districts, except residential districts.~~

~~Sec. 102-128. Marquee signs.~~

- ~~(a) — No marquee sign may extend above the eave line of the roof perimeter. Marquee signs may be placed on the vertical faces or on top of a marquee, but shall not project more than 24 inches above the marquee's upper edge or extend beyond marquee's perimeter. Marquee signs may project below the bottom of the vertical face only on any awning.~~
- ~~(b) — The maximum copy area shall be six square feet for signs attached to the bottom of a marquee.~~
- ~~(c) — These signs are permitted in all districts, except residential districts.~~

~~Sec. 102-129. Projecting signs.~~

- ~~(a) — No sign shall project more than four feet from a building wall. The sign or its supporting structure shall not extend above the top of a parapet wall.~~
- ~~(b) — The minimum ground clearance shall be nine feet from the finished grade level and 13.5 feet extending over any vehicular travelway.~~
- ~~(c) — Maximum copy area shall be 200 square feet or 50 percent of the total copy area, whichever is less.~~
- ~~(d) — These signs are permitted in all districts, except residential districts.~~

~~Sec. 102-130. Wall signs, fascia signs.~~

- ~~(a) — A wall sign, fascia sign may be placed on a mansard roof of less than 45 degrees from the horizontal plane. No sign shall extend above the roofline, building face or parapet wall. There shall be a maximum of one sign per building face. No sign may extend more than 18 inches from the building face.~~

~~(b) The maximum copy area shall be 60 square feet for a building zero to 30 feet in height, up to 100 square feet for a building 31 to 50 feet in height and 196 square feet for a building over 50 feet in height.~~

~~(c) These signs are permitted in all districts, except residential districts.~~

~~Sec. 102-131. Directional signs.~~

~~(a) The maximum copy area of directional signs shall be nine square feet.~~

~~(b) The maximum height shall be six feet.~~

~~(c) The minimum setback shall be three feet from the right-of-way line.~~

~~(d) The directional sign may contain a logo, provided a minimum of 50 percent of the sign shall contain directional information.~~

~~(e) The directional sign copy area will not be included in the total copy area of the site.~~

~~(f) Directional signs are permitted in all districts, except residential districts.~~

~~Sec. 102-132. Awning signs.~~

~~(a) The maximum copy area per awning for an awning sign shall be 50 square feet.~~

~~(b) Awning signs are permitted in all districts, except the residential districts.~~

~~Sec. 102-133. Incidental signs.~~

~~(a) A maximum of four signs may be attached to a ground sign, building, door or window. These signs may not project from a building wall. These signs are restricted to incidental information, including offers of trading stamps, credit cards accepted, notices of services offered or trade affiliations.~~

~~(b) The maximum copy area per sign shall be two square feet.~~

~~(c) The maximum total copy area shall be eight square feet.~~

~~(d) The copy area will not be included in computing the total copy area of the site.~~

~~(e) Incidental signs are permitted in all districts, except the residential districts.~~

~~Sec. 102-134. Window signs.~~

~~(a) Window signs may not exceed 25 percent of the window area of any side of the building. Window signs shall not be included in computing the total copy area of the site.~~

~~(b) Window signs are permitted in all districts, except the residential districts.~~

Sec. 102-126. Signs permitted in Residential and Planned Unit Development (PUD) Districts.

(a) General standards: standards for permanent on-premise signs in the Residential and Planned Unit Development Districts are described below and in Table 1 below.

(b) Residential properties – all residential properties that are located in Residential and Planned Unit Development Zoning Districts are permitted signs not to exceed eight (8) square feet in total sign area. Signs must be temporary and may be either freestanding

- or displayed in a window. Trees, rocks or other naturally occurring landscape features may not be used to support a residential sign.
- (c) Subdivisions, apartment, multi-family dwellings and condominium complexes are permitted either a freestanding sign or wall signs. Freestanding signs may not exceed thirty-two (32) square feet provided that one (1) such sign shall be permitted for each separate means of entrance to or exit from the subdivision, apartment, or condominium complex. Wall signs may not exceed thirty-two (32) square feet provided that two (2) such signs shall be permitted for each separate means of entrance to or exit from the subdivision, apartment, or condominium complex.
- (d) For properties located in a Residential District as described in subsection (c) above, other directional, incidental and/or accessory signs are also permitted, to be located within the subdivision, complex or multi-family residential development. Such directional, incidental and/or accessory signs shall not exceed six (4) square feet in sign area and six (6) feet in height (if freestanding).
- (e) Other permitted non-residential uses in a Residential District are permitted a freestanding sign not to exceed thirty-two (32) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use. Wall signs are also permitted not to exceed five (5) percent of the area of the façade in elevation view upon which they are placed.
- (f) Electronic Message Centers: EMC's are allowed, by Special Exception only, on properties with permitted non-residential uses in a Residential District. They are prohibited on single family residential properties and on subdivision, apartment, multi-family dwellings and condominium properties.
- (1). All Electronic Message Centers shall be equipped with technology that automatically dims the Electronic Message Center according to the ambient light conditions.
 - (2). All Electronic Message Centers shall be limited to a maximum illuminance of 0.3 foot candles at a distance of 25 feet from the face of the sign.
 - (3). All transitions from one frame to another frame on an Electronic Message Center shall be achieved by one of the following modes of message transition: Fade or Dissolve.
 - (4). Each frame on an Electronic Message Center shall be displayed for not less than 10 seconds before beginning transition to another frame.
- (g) Animated signs: as defined by this Code, animated signs are prohibited in Residential Districts.
- (h) Roof Signs: as defined by this Code, Roof signs are prohibited in Residential Districts.
- (i) Flagpoles in residential districts shall not exceed thirty-five (35) feet in height and shall be limited to one per property. Flagpoles shall be located so that the flag will not extend over a right-of-way. No flagpole may be erected without obtaining appropriate building permits.

- (j) Visibility triangle. On corner lots, signs within the triangular area formed by the street right-of-way lines shall not obstruct the vision of traffic.

TABLE 1: SIGNS IN RESIDENTIAL DISTRICTS				
	<u>TYPES OF SIGNS ALLOWED</u>	<u>NUMBER OF SIGNS ALLOWED</u>	<u>PERMITTED SIGN AREA</u>	<u>MAXIMUM HEIGHT</u> <i>(IF APPLICABLE)</i>
<u>RESIDENTIAL PROPERTIES INCLUDING SINGLE FAMILY DETACHED, DUPLEX AND TOWNHOMES</u>	<u>TEMPORARY FREESTANDING OR WINDOW</u>	<u>ANY NUMBER SO LONG AS THE TOTAL SQUARE FOOTAGE OF ALL SIGNS DOES NOT EXCEED 8 SQUARE FEET</u>	<u>8 SQUARE FEET</u>	<u>4'0"</u>
<u>RESIDENTIAL AND PUD SUBDIVISIONS, APARTMENTS AND CONDOMINIUM COMPLEXES, MULTI-FAMILY DWELLINGS</u>	<u>FREESTANDING</u>	<u>ONE PER ENTRANCE/EXIT</u>	<u>32 SQUARE FEET</u>	<u>6'0"</u>
	<u>WALL</u>	<u>TWO PER ENTRANCE/EXIT</u>	<u>32 SQUARE FEET PER SIGN</u>	<u>6'0"</u>
	<u>INCIDENTAL OR DIRECTIONAL</u>	<u>UNLIMITED</u>	<u>6 SQUARE FEET</u>	<u>6'0"</u>
<u>PERMITTED NON-RESIDENTIAL USES IN RESIDENTIAL DISTRICTS</u>	<u>FREESTANDING SIGNS</u>	<u>ONE PER FRONTAGE</u>	<u>32 SQUARE FEET</u>	<u>6'0"</u>
	<u>WALL</u>	<u>ONE PER FRONTAGE</u>	<u>5% OF FACADE</u>	<u>N/A</u>
	<u>INCIDENTAL OR DIRECTIONAL</u>	<u>UNLIMITED</u>	<u>4 SQUARE FEET</u>	<u>6'0"</u>
	<u>ELECTRONIC MESSAGE CENTERS ARE ALLOWED BY SPECIAL EXCEPTION ON PROPERTIES WHERE PERMITTED NON-RESIDENTIAL USES IN A RESIDENTIAL DISTRICT ARE LOCATED.</u>			

~~Secs. 102-135-102-160. Reserved.~~

~~Secs. 102-127--102-160. Reserved.~~

DIVISION 3. ~~TEMPORARY ON SITE SIGNS~~ SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

~~Sec. 102-161. General requirements.~~

- ~~(a) Obstruction of on-site permanent signs. No temporary sign shall be located in a manner that obstructs the visibility of other on-site permanent signs.~~
- ~~(b) Copy area. The copy area of any permitted temporary sign will not be included as part of the maximum allowable copy area for any type of permanent signage or for the site upon which the temporary sign is placed.~~

- ~~(c) Permit. Unless specifically exempted each temporary sign must be issued a permit in accordance with section 102-57 before it is placed in service. The permit or a substitute for it issued by the city shall be displayed upon the temporary sign at all times while it is in use.~~
- ~~(d) Setbacks. Temporary signs shall be set back ten feet from the nearest property line, except as otherwise specified.~~
- ~~(e) Limitations. Any sign placed in service as a temporary sign that exceeds the limitations specified in this division, including those upon duration and size, shall be subject to all sections applicable to on-site permanent signs.~~

~~Sec. 102-162. Special event signs:~~

~~Temporary signs will be permitted in all zoning districts to announce special events. Temporary signs shall not exceed 75 square feet in area per side in the commercial, industrial and agricultural districts and in other districts when used in connection with a use previously receiving a special exception for which signage would be permitted. Temporary signs shall not exceed 48 square feet in area per side in all other zoning districts. If ground mounted, they shall be no more than eight feet in height and shall not be illuminated. A temporary sign may be erected no more than 14 days prior to the event to which it relates and shall be removed no more than three days after the event terminates, with a maximum 30 days' usage. Searchlights may be used for a maximum of 30 days in conjunction with a grand opening and for a maximum ten days in conjunction with a special event. No more than one permit will be allowed for any one site within any six-month period.~~

~~Sec. 102-163. Real estate signs:~~

- ~~(a) Real estate signs up to four square feet in size in residential districts, eight square feet in professional office and 32 square feet in the agricultural and commercial districts shall not require a permit.~~

~~(1) Real estate signs in residential and professional office districts will be permitted according to the following table:~~

Parcel Size (acres)	Maximum Size Area (square feet)	Maximum Height (feet)
Up to 1	8	8
1-5	16	8
5-10	32	12
10-20	64	12
20+	128	12

~~(2) Real estate signs in agricultural, commercial and industrial districts will be permitted according to the following table:~~

Parcel Size (acres)	Maximum Size Area (square feet)	Maximum Height (feet)
--------------------------------	--	----------------------------------

Up to 1	32	20
1-20	64	20
20+	128	20

~~(b) — There shall be a maximum of one sign per right of way frontage.~~

~~(c) — Temporary real estate signs shall be removed within seven days of the sale, rental or lease transaction.~~

~~(d) — Permits for real estate signs will be issued for up to 365 days and may be renewed.~~

~~Sec. 102-164. Construction signs.~~

~~(a) — The maximum copy area of construction signs shall be 64 square feet in residential districts; 128 square feet in all other districts.~~

~~(b) — The maximum height shall be 15 feet.~~

~~(c) — There shall be a maximum of one sign per right of way frontage.~~

~~(d) — Construction signs shall be removed upon issuance of the certificate of occupancy.~~

~~Sec. 102-165. Banner signs.~~

~~(a) — Banner signs are permitted in commercial and industrial districts only.~~

~~(b) — No banner shall be permitted in a location which creates a traffic hazard or which creates a threat to the public health, safety and welfare.~~

~~(c) — Banners may be permitted up to 30 days prior to and three days following an event. No more than one permit will be allowed within any six month period.~~

~~(d) — No more than one banner may be permitted on any right of way frontage of the property. The banner may be mounted on a building or other support structure. If not mounted on a building, the banner shall be set back at least 15 feet from the property lines.~~

~~(e) — Banner signs shall not exceed a height of 20 feet above the ground.~~

~~(f) — The maximum sign area shall be 40 square feet.~~

~~(g) — No streamers, pennants, flags, ribbons, spinners, or other prohibited devices shall be included or incorporated with the display of a banner.~~

~~Sec. 102-166. Subdivision model home signs.~~

~~(a) — Temporary signs. Temporary signs shall be permitted in new residential subdivisions to announce the availability of lots or living units.~~

~~(b) — Entrance signs. One sign shall be permitted at the primary entrance of the subdivision. The sign shall have a maximum copy area of 32 square feet, shall not exceed eight feet in height, shall be ground mounted, shall be at least ten feet from the right of way line, and shall not be illuminated.~~

- ~~(c) Model unit signs. Each designated model unit within the subdivision shall be permitted one sign. The sign shall have a maximum copy area of six square feet, shall not exceed four feet in height, shall be at least ten feet from the right-of-way line, and shall not be illuminated.~~
- ~~(d) Temporary directional signs. Temporary directional signs shall be permitted on the interior of the subdivision to direct people to the model units. Such signs shall not exceed four square feet, shall not exceed three feet in height as measured from the grade to the top of the sign and shall not be placed in the public right of way. No permit is required for these temporary directional signs.~~
- ~~(e) Removal. Model unit signs shall be removed within 30 days of the sale of the unit. Entrance signs and directional signs shall be removed at the completion or sale of units in the subdivision. Two pennants or flags, not exceeding six square feet, may be incorporated with the entrance sign.~~

~~Sec. 102-167. Portable signs.~~

- ~~(a) All portable signs placed on any property in the city shall require a permit, which shall not be valid for longer than a period of 30 days, after which time the portable sign shall be removed from the property. A permit shall not be renewed nor shall a permit be obtained for the same parcel of property within a period of 30 days after the removal of a portable sign from the property. Signs which remain on the property after the permit has expired will be subject to removal by the city, and a penalty fee of \$25.00, in addition to actual costs incurred by the city for the removal, shall be assessed.~~
- ~~(b) There shall be no minimum spacing between portable signs except to the extent that spacing and orientation of portable signs shall not interfere with traffic flow or safety nor shall portable signs in any way be arranged either individually or in combinations such that the health, safety or welfare of the citizens of the city, the motoring public and any pedestrians or businesses in the city is damaged or jeopardized.~~
- ~~(c) Portable signs may be placed at the property line, but if the property line is located at the curb or sidewalk, the sign must set back a minimum of five feet.~~
- ~~(d) Portable signs, exclusive of the transportation mechanism, shall not exceed the exterior measurements of four feet in height or eight feet in length.~~
- ~~(e) For multitenant properties, one parking space shall be designated for each portable sign placement. For multitenant properties, one portable sign per tenant that physically occupies a tenancy space shall be allowed.~~
- ~~(f) All portable signs shall be limited to commercial and industrial districts.~~
- ~~(g) All incandescent bulbs in, on, or attached to any portable sign shall be rated at not more than 75 watts. Flashing or distracting lights, including spotlights, shall be prohibited.~~
- ~~(h) Portable signs are specifically prohibited from being used or constructed as permanent-type signs.~~
- ~~(i) Each portable sign shall have permanently displayed the name, business address or phone number of the owner of the sign.~~

- ~~(j) Shopping center signs shall meet all requirements spelled out in subsections (a) through (i) of this section.~~
- ~~(k) If any portable sign becomes unsafe, unsecured, dilapidated or in danger of falling pursuant to section 102-61, such sign is subject to removal and section 102-3 shall apply.~~
- ~~(l) If a portable sign is found to be in violation of this chapter twice within a two-year period, such violations occurring more than five days apart, the city manager shall revoke the portable sign permit and order owner and applicant to remove the portable sign. Furthermore, no portable sign shall be used on and no portable sign permit shall be issued for the property on which the violations occurred for one year after the revocation of the permit. The city commission may approve an exception to this subsection upon proof and assurances satisfactory to the city commission that further violations will not occur.~~
- ~~(m) Any party aggrieved by any action of the city under this section may appeal to the city commission within 30 days of the date of the action to be grieved. The filing of any appeal shall not stay any administrative action of the city pursuant to this chapter.~~

Sec. 102-161. Signs permitted in Commercial and Industrial Districts.

(a) Any signs permitted in a Residential and Planned Unit Development Districts are permitted in Commercial and Industrial Districts.

(b) Signs in Commercial and Industrial Districts as regulated by reference to types noted below.

(1) Freestanding Signs are permitted in Commercial and Industrial Districts subject to the following provisions:

i. Types of signs: Freestanding signs located on a single-tenant parcel may be monument signs or pole signs; Freestanding signs shall be limited to monument signs for multi-tenant parcels. Pole signs are prohibited on all parcels whose right-of-way frontage is a street or streets of less than thirty-five (35) mile per hour (mph) speed limits

ii. Maximum number of signs: The number of Freestanding signs shall be limited as follows:

a. Basic allowance: one (1) Freestanding sign shall be permitted per property held in single and separate ownership

b. Additional allowance: property that has frontage on more than one (1) public right-of-way shall be permitted one (1) sign for each separate right-of-way frontage. If a property has frontage that exceeds five hundred (500) lineal feet on any given public right-of-way, one (1) additional such sign on such frontage shall be permitted; and for each multiple of five hundred (500) lineal feet of frontage thereafter, one (1) additional such sign shall be permitted for each separate right-of-way frontage. Unless otherwise regulated by specific reference herein, the

copy area and height above grade of any freestanding sign shall not exceed the amounts specified in Table 2 below.

- iii. Location of signs: Sign(s) shall be located no closer than ten feet from right-of-way, side or rear property lines. However, in cases of right-of-way acquisition that caused a sign(s) to be relocated, removed and/or rebuilt, the minimum setback may be reduced to five feet from the right-of-way and/or side property lines.
- iv. Additional standards:
 - a. Signs must contain the street address number (the address will not count towards the copy area) of the property:
 - 1. Be displayed in a contrasting color on any business identification sign; and
 - 2. The minimum height of the address must be six inches and the maximum height of the address must be 12 inches.
 - b. The maximum size of the background structure of a sign shall not exceed 110 percent of the total square footage of copy area. For example, 50-square-foot of copy area can have 55 square feet of background structure area.
 - c. Pole signs are required to be wrapped with cladding. At a minimum, cladding shall be applied which covers the pole(s) and/or actual structural support(s) of the pole sign.
 - d. On corner lots, signs located within the triangular area formed by the street right-of-way lines shall not obstruct the vision of traffic.
 - e. One (1) Electronic Message Center is permitted for each Freestanding sign located within a Commercial or Industrial District. Electronic Message Centers may not account for more than 30 percent of the sign copy area amounts specified in Table 2 below.
 - 1. All Electronic Message Centers shall be equipped with technology that automatically dims the Electronic Message Center according to the ambient light conditions.
 - 2. All Electronic Message Centers shall be limited to a maximum illuminance of 0.3 foot candles at a distance of 25 feet from the face of the sign.
 - 3. All transitions from one frame to another frame on an Electronic Message Center shall be achieved by one of the following modes of message transition: Fade or Dissolve.

4. Each frame on an Electronic Message Center shall be displayed for not less than 10 seconds before beginning transition to another frame.

TABLE 2: FREESTANDING SIGNS IN COMMERCIAL & INDUSTRIAL DISTRICTS

VALUES INDICATED ARE MAXIMUM LIMITS ON SIGN SIZE AND HEIGHT

Δ = SIGN COPY AREA IN SQUARE FEET

HP = POLE SIGN HEIGHT IN LINEAL FEET / HM = MONUMENT SIGN HEIGHT IN LINEAL FEET

<u>ZONING DISTRICT ▶</u>	<u>COMMERCIAL</u>			<u>INDUSTRIAL</u>		
<u>SPEED LIMIT ▼</u>	<u>Δ</u>	<u>HP</u>	<u>HM</u>	<u>Δ</u>	<u>HP</u>	<u>HM</u>
<u>UP TO 20 MPH</u>	<u>18</u>	<u>n/a</u>	<u>12</u>	<u>18</u>	<u>n/a</u>	<u>12</u>
<u>25 MPH</u>	<u>18</u>	<u>n/a</u>	<u>12</u>	<u>18</u>	<u>n/a</u>	<u>12</u>
<u>30 MPH</u>	<u>36</u>	<u>n/a</u>	<u>12</u>	<u>36</u>	<u>n/a</u>	<u>12</u>
<u>35 MPH</u>	<u>36</u>	<u>20</u>	<u>15</u>	<u>36</u>	<u>20</u>	<u>15</u>
<u>40 MPH</u>	<u>64</u>	<u>20</u>	<u>15</u>	<u>64</u>	<u>20</u>	<u>15</u>
<u>45 MPH</u>	<u>72</u>	<u>23</u>	<u>18</u>	<u>72</u>	<u>23</u>	<u>18</u>
<u>OVER 45 MPH</u>	<u>72</u>	<u>23</u>	<u>18</u>	<u>72</u>	<u>23</u>	<u>18</u>

*Sign height shall be determined as measured from the crown of the road of the adjacent right-of-way.

(2) Building Signs:

- i. Building Signs include wall, roof, awning and projecting signs and signs otherwise permanently applied to walls or other building surfaces.
- ii. Electronic Message Centers are prohibited on all types of Building Signs.
- iii. The total area of all Building Signs applied to any given façade shall not exceed the area computed as a percentage of the building facade in elevation view to which they are affixed or applied in accordance with Table 3 below for Building Signs in Commercial and Industrial Districts.

(3) Roof Signs: Permitted by Special Exception in Commercial and Industrial Districts.

- i. Roof signs are permitted only by Special Exception in the Commercial and Industrial Districts and are in lieu of a building. For permitted roof sign area, see Table 3 above for Building Signs in Commercial and Industrial Districts.
 - a. For structures that have a flat roof, the height of any roof sign above the highest architectural point of the building to which it is mounted shall not exceed twenty-five (25) percent of the vertical dimension of the building facade parallel to the sign.

Measurements shall be computed from the highest building point to the top of the sign.

- b. For structures that have a pitched roof, the height of any roof sign may not extend above the roofline of the building to which it is mounted.
- c. Electronic Message Centers are prohibited on roof signs.
- ii. The area calculation for any roof sign whose orientation on a roof may be other than parallel to an individual building facade shall be computed with reference to the building facade that most closely parallels the orientation of such sign.

(4) Awning Signs:

- i. Graphics affixed or applied to the face or side surfaces of an awning are permitted provided that the copy area of any such sign or graphic does not exceed an area in accordance with Table 3 for Building Signs to which the awning is attached.
- ii. Graphic treatment and/or embellishments in the form of striping and patterns shall be permitted on the face or side surfaces of any awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted copy area.
- iii. Electronic Message Centers are prohibited on awning signs.

(5) Projecting Signs: Permitted in Commercial Districts only.

- i. Projecting signs shall be limited to structures located within Commercial Districts that have a minimum of 20 feet of occupied building frontage provided that:
 - a. All projecting signs shall not exceed 14 feet in height and shall have a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath said sign
 - b. The projecting sign shall be placed on the building so that said signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way
 - c. The projecting sign shall not extend more than four feet from the wall of the building on which it is erected and shall not extend above the roofline or the parapet of the wall of the building on which it is erected
 - d. Copy area of projecting sign(s) shall not exceed an area in accordance with Table 3 for Building Signs to which the projecting sign is attached, however the maximum allowable

copy area for each projecting sign shall not exceed four square feet.

e. Projecting signs shall not contain Electronic Message Centers.

TABLE 3: BUILDING SIGNS

<u>Distance of sign from public right-of-way</u>	<u>Percentage of building elevation façade permitted for sign area</u>
<u>0-100 Feet</u>	<u>Five (5%)</u>
<u>101-300 Feet</u>	<u>Eight (8%)</u>
<u>Over 301 Feet</u>	<u>Ten (10%)</u>

(6) Marquee Signs: Permitted by Special Exception in Commercial Districts only.

i. Marquee signs are permitted only by Special Exception in the Commercial District and are in lieu of a building or wall sign.

ii. The maximum copy area of signs affixed or applied in an essentially flat plane to the face of a marquee or similar architectural projection shall not exceed an area equal to forty (40) percent of the product of the height and length of the face area of the marquee or similar architectural projection to which such sign is affixed or applied, or fifteen (15) percent of the building façade to which it is attached, whichever is greater.

iii. Graphic treatment in the form of striping or patterns shall be permitted on the face of the marquee or similar architectural projection without restriction and the area of such graphic treatment shall not be calculated as a component of the permitted copy area.

(7) Temporary Signs:

i. A-frame Sign: Permitted in Commercial Districts only.

a. One (1) A-frame sign not to exceed four (4) feet in height and ten (10) square feet of copy area shall be permitted for each occupied building frontage located within a Commercial District.

b. A-frame signs shall be located entirely outside of the street, roadway and/or right-of-way.

c. A-frame signs shall not be located so as to obstruct a continuous pedestrian through zone of at least 6 feet in width, and shall not obstruct pedestrian and handicapped access from the sidewalk to any of the following: transit stop areas, designated handicapped parking spaces, designated

handicapped access ramps, building entry/exit points, emergency/fire lanes and/or escapes.

- d. A-frame signs shall be displayed only during the operating hours of the occupant of the building frontage for which they are permitted which may not exceed a time period in excess of twelve (12) hours within any one twenty-four (24) hour period.
- e. On corner lots, signs located within the triangular area formed by the street right-of-way lines shall not obstruct the vision of traffic.
- f. Electronic Message Centers are prohibited on A-frame signs.
- g. A-frame sign design shall compliment the design of the building frontage for which they are permitted and the surrounding environment. All A-frame signs shall be administratively reviewed by the Planning Director prior to use at any location.

ii. Banner Signs:

- a. No banner sign shall be permitted in a location which creates a traffic and/or pedestrian hazard or which creates a threat to the public health, safety and welfare.
- b. Banner signs may be permitted for display for a period of up to thirty (30) days no more than three (3) times per calendar year; and no more than one (1) permit for display of a banner sign will be allowed within any three (3) month period.
- c. No more than one banner sign may be permitted on any right-of-way frontage of an occupied building frontage. The banner may be mounted on a building or other support structure. If not mounted on a building, the banner shall be set back at least 15 feet from all property lines.
- d. Banner signs shall not exceed a height of 20 feet above the ground.
- e. The maximum banner sign area shall be 40 square feet.
- f. No streamers, pennants, flags, ribbons, spinners, or other prohibited devices shall be included or incorporated with the display of a banner sign.
- g. On corner lots, signs located within the triangular area formed by the street right-of-way lines shall not obstruct the vision of traffic.

(8) Window Signs:

- a. Window signs may not exceed 20 percent of the window area of any side of occupied building frontage.
- b. (1) one electronic message center sign, neon sign, luminous tube light, light-emitting tube and/or neon type sign shall be permitted to be displayed within (1) one window of each occupied building frontage, however such sign shall not exceed 3 square feet in size and shall not flash, scroll, travel, rotate and/or involve any movement visually or physically.

~~Secs. 102-168--102-195. Reserved.~~

Secs. 102-162--102-196. Reserved.

~~DIVISION 4. OFF-PREMISES SIGNS~~

~~Sec. 102-196. Off-premises directional signs.~~

- ~~(a) The maximum copy area of off-premises directional signs shall be 16 square feet.~~
- ~~(b) The maximum height shall be ten feet.~~
- ~~(c) Off-premises directional signs shall be located within 1,000 feet of the advertised business.~~
- ~~(d) The minimum setback shall be five feet from the right-of-way line.~~
- ~~(e) There shall be a maximum of one sign per parcel.~~
- ~~(f) Off-premises directional signs are permitted in all commercial, industrial and professional office districts and are a special exception in the residential and agricultural districts.~~

SECTION 2. That Chapter 98, Article VII, Section 98-195 of the City of Winter Garden Code of Ordinances is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 98-195. -Sign Standards for Commercial Projects.

Properties within the historic district shall comply with the city's adopted sign regulations contained in the city's land development regulations, chapter ~~118102~~ article X, division 2, as well as the design standards set forth for commercial structures in this article

In addition, any commercial project that is proposing new construction or a remodel/renovation that will affect exterior sign graphics will be required to submit a conceptual sign plan for the location of all anticipated signs on the building exterior, awnings, or signs that may be an integral part of the building structure.

Any signs that will be installed shall be consistent with the city's sign guidelines and requirements for the historic downtown area. Any variances or deviations will need to be reviewed and approved by the city's planning and zoning board. Any signs, such as; building names or building plaques, will be made part of the building elevation and/or conceptual sign plan that will be reviewed by the ARHP board. Any special style signs, such as; marquee signs that are an integral part of the building, will also be included with any building elevations to

ensure that the scale and size of these elements complements the building elevation that is proposed. The style lettering included will be consistent with the sign regulations. No sign shall cover existing architectural detailing on a building. New signs should be capable of being removed without causing damage to the building. Fasteners shall go in mortar joints to avoid damaging bricks.

SECTION 3. That Chapter 22, Article VI, Section 22-154 of the City of Winter Garden Code of Ordinances is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 22-154. General; limitations

- (a) It shall be unlawful for any person to operate, engage in, organize or otherwise hold an itinerant automotive sale within the city limits without first obtaining an itinerant automotive sales permit as required by this article.
- (b) No itinerant automotive sale permit issued under this article shall be for a period of more than 12:00 noon the day prior to the itinerant automotive sale for set up, three consecutive days for sales and from midnight until 12:00 noon following the sale days for take down and restoration. The sale area shall not be open to the public nor sales made during set up and take down. The sales area shall be available to the public and hours of sale shall not exceed the hours of 6:00 a.m. to 11:00 p.m. during the sale days. Any break in the event shall require the issuance of a separate itinerant automotive sale permit.
- (c) An event organizer shall be limited to two itinerant automotive sales permits during any calendar year; however, no more than one itinerant automotive sales permit may be issued in any one calendar quarter per event organizer.
- (d) No lot or parcel within the city shall be used to host an itinerant automotive sale more than three times during any calendar year, and no more than one itinerant automotive sale may be held on a particular lot or parcel during any one calendar quarter.
- (e) Itinerant automotive sale permits are neither transferable nor assignable.
- (f) No itinerant automotive sales permit shall be issued if it results in a parking reduction of greater than 25 percent for the primary use of the property.
- (g) Itinerant automotive sales shall only be permitted on property that is directly accessible from and adjacent to State Road 50.
- (h) All itinerant automotive sales shall be conducted only on paved parking lots.
- (i) Should any temporary structures be required for the itinerant automotive sale, the event organizer will be responsible for obtaining all necessary building permits and meeting all requirements of the applicable building codes at least 48 hours prior to the itinerant automotive sale.
- (j) All itinerant automotive sales shall provide lighting to permit the safe viewing of vehicles for sale, however, such lighting shall not be positioned so as to negatively impact surrounding neighborhoods.
- (k) The underlying zoning of the property must allow automotive sales as a permitted use or as a special exception.

~~(l) Advertising signs or business identification signs within the permitted area shall be limited to one banner and such banner shall not be more than 100 square feet in size.~~

~~(m)~~(l) No live entertainment or speakers shall be placed within the permitted area unless permitted as a special event under a separate application. Conditions such as hours and days of operation and audio levels will be regulated by the city, and these may vary during the year.

SECTION 4. That Chapter 62, Article VII, Division 22, Section 62-230 of the City of Winter Garden Code of Ordinances is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 62-230. Standards, Criteria and Conditions for Sidewalk Cafes.

All permit holders for sidewalk cafes shall meet the following standards, criteria, and conditions:

- (1) Sidewalk cafes are restricted to the sidewalk cafe area.
- (2) Tables and chairs shall not be placed within five feet of bus stops, taxistands, fire hydrants or alleys.
- (3) Tables, chairs, umbrellas or other personal property may not be permitted within five feet of a pedestrian crosswalk or handicap corner curb cut.
- (4) Sidewalk cafes shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear unobstructed pedestrian pathway around the sidewalk cafe.
- (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 as the city may permit by variance.
- (6) Tables, chairs, umbrellas and other permissible objects related to the sidewalk cafe shall be of quality, design, materials, size, elevation and workmanship both to ensure the safety and convenience of users and to enhance the visual quality of the urban environment. Design, materials, and colors shall be approved by the planning and zoning director or his designee prior to the issuance of the sidewalk cafe permit.
- (7) Umbrellas and other decorative material shall be fire-retardant, or manufactured of fire-resistive 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.~~
- ~~(8) Only one menu board bolted or otherwise firmly affixed to the building facade and one specials board shall be permitted per sidewalk cafe. The location, size, design, materials and color of the menu board and specials board shall be approved by the planning and zoning director or his designee, prior to the~~

~~issuance of a sidewalk cafe permit, and the menu board and specials board location shall be shown on the permit exhibit. The menu board and specials board shall not be a sandwich board or an A frame sign.~~

- (9)(8) The public works department may require the temporary removal of a sidewalk cafe when street, sidewalk or utility repairs necessitate such action. If such temporary removal is required, the permittee shall immediately comply with all requirements of the public works department, including the removal or relocation of all tables, chairs or other items within the public way.
- (10)(9) The city may cause the immediate removal or relocation of all or parts of the sidewalk cafe in emergency situations or for safety considerations.
- (11)(10) The city and its officers and employees shall not be responsible for sidewalk cafe personal property and fixtures relocated during emergencies.
- (12)(11) All sales transactions shall occur in the building.
- (13)(12) 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. A pedestrian pathway must be maintained and remain unobstructed at all times.
- (14)(13) Tables, chairs, umbrellas and other permissible objects provided with a sidewalk cafe shall be maintained in a clean and attractive appearance and shall be in good repair at all times. Umbrellas or similar fixtures that are sensitive to windy conditions must be sufficiently weighted to prevent movement, and the city may require removal of these umbrellas or similar fixtures on windy days to prevent injury to pedestrians.
- (15)(14) The area covered by the permit, including the pedestrian pathway, shall be maintained in a neat, clean and orderly appearance at all times by the permittee, and the area shall be cleared of all debris as needed during the day, and again at the close of each business day.
- ~~(16) No advertising signs or business identification signs shall be permitted in the public ways except as permitted in subsection (7) of this section.~~
- (17)(15) No tables, chairs or any 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)(16) The permit covers all seating within the public way. 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.

- ~~(19)~~(17) No food preparation, fire or fire apparatus shall be allowed within the public ways.
- ~~(20)~~(18) Upon the issuance of a hurricane or high wind hazard by the weather bureau or the city, the permittee shall immediately remove all tables, chairs and other equipment located within the public ways. The issuance of such a warning shall constitute an emergency situation.
- ~~(21)~~(19) Only the sidewalk cafe equipment specifically disclosed on the approved application and not otherwise prohibited shall be allowed within the sidewalk cafe area. The estimated chair count per table may vary within the prescribed area, provided that the chairs remain within the approved sidewalk cafe area. No storage of chairs, tables, dishes, silverware or other sidewalk cafe equipment shall be allowed in the sidewalk cafe area or within the public way.
- ~~(22)~~(20) No live entertainment or speakers shall be placed within the sidewalk cafe area unless permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the city, and these may vary during the year.
- ~~(23)~~(21) 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.
- ~~(24)~~(22) The hours of operation of the sidewalk cafe are limited to the legal hours of operation of the business holding the sidewalk cafe permit.
- ~~(25)~~(23) Any damage to the public sidewalk or public fixtures within the public ways, including, but not limited to, chipped or cracked concrete, painted concrete, bent signs, etcetera, resulting from operation of the restaurant shall be the responsibility of the permittee and said permittee shall be liable to city for all cost of repair.

SECTION 5. That Chapter 118, Article IX, Division 3 of the City of Winter Garden Code of Ordinances is hereby deleted in its entirety.

SECTION 6. That Chapter 118, Article X, Division 2 of the City of Winter Garden Code of Ordinances is hereby deleted in its entirety.

SECTION 7. CONTROL. In the event of a conflict or conflicts between this Ordinance and other Ordinances, this Ordinance shall control to the extent such conflict exists.

SECTION 8. SEVERABILITY. If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 9. CODIFICATION. That this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; and the word “*Ordinance*” may be changed to “*Section*”, “*Article*”, or other appropriate word.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective upon approval of the City Commission at its second reading.

READ FIRST TIME AND PUBLIC HEARING HELD: _____, 2013.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2013.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk