



**CITY COMMISSION &  
COMMUNITY REDEVELOPMENT AGENCY AGENDA  
CITY HALL COMMISSION CHAMBERS  
300 W. Plant Street**

**REGULAR MEETING**

**MAY 23, 2013**

**6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Executive Session Meeting and Regular Meeting of May 9, 2013

2. **PRESENTATION**

Recognition of the annual Drop Savers poster contest winners

3. **PUBLIC HEARING MATTER**

A. Appeal of Planning and Zoning Board's denial of a variance request to reduce the 10-foot side yard setback to 6.86 feet and to reduce the minimum 10-foot wide landscaping around the building to no more than 50 percent landscaping around the building at 1089 Walker Street; Applicants George L. and Maria P. Bori (AutoZone parts store CPH Engineers, Inc.) (*postponed April 11, 2013*) ***Staff is requesting postponement until June 13, 2013*** – Community Development Director Williams

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

A. **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 – Community Development Director Williams

B. **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 - Community Development Director Williams

C. **Ordinance 13-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 62 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR DEFINITIONS AND REVISED DEFINITIONS; PROVIDING FOR

REVISED STANDARDS, REQUIREMENTS, CRITERIA AND CONDITIONS FOR  
SIDEWALK CAFES; PROVIDING FOR CODIFICATION; PROVIDING FOR  
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE - Community  
Development Director Williams

- D. **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
- E. **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
- F. **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 – Community Development Director Williams
- G. **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
- H. **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 – Community Development Director Williams
- I. **Ordinance 13-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2012-2013 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE – Finance Director Zielonka

5. **REGULAR BUSINESS**

- A. Recommendation to award bid and contract for the 9<sup>th</sup> Street Gravity Sewer Line Replacement and Lift Station #23 Rehab to T. D. Thomson for a total contract amount of \$959,519.00 that includes a 10 percent contingency – Assistant City Manager/Public Services Cochran
- B. Recommendation to award bid and contract for the North Dillard Street Phase 3 Improvements Project to Ranger Construction Industries, Inc. for a total contract amount of \$485,098.90 that includes a 10 percent contingency - Assistant City Manager/Public Services Cochran

***Dispense as the City Commission and convene as the Community Redevelopment Agency***

- C. Recommendation to approve application for a façade matching grant for 27 N. Dillard Street not to exceed \$4,100; Applicant: Lakeview Investments LLC/Cambridge Homes IDEAS-Home Design and Furnishings – Economic Development Director Gerhartz

***Adjourn as the Community Redevelopment Agency and reconvene as the City Commission***

- D. Recommendation to approve the Winter Garden Art Festival on November 23 and 24, 2013 with staff recommendations and waive event fees – Parks and Recreation Director Conn
- E. Recommendation to approve request to block Plant Street between Central Avenue and Main Street downtown for the 4<sup>th</sup> of July Kids Parade on July 4, 2013 - Parks and Recreation Director Conn

- 6. **MATTERS FROM CITIZENS** (*Limited to 3 minutes per speaker*)
- 7. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman
- 8. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
- 9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a Regular Meeting on June 13, 2013 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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

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

## CITY COMMISSION EXECUTIVE SESSION MINUTES

May 9, 2012

Mayor Rees called the noticed Executive Session to order at 5:51 p.m. in Commission Chambers.

### Mayor and Commissioners Present:

John Rees	District 5 Mayor/Commissioner
Kent Makin	District 1 Commissioner (arrived at 5:52 p.m.)
Bob Buchanan	District 2 Commissioner
Robert "Bobby" Olszewski	District 3 Commissioner

### Absent:

Colin Sharman	District 4 Commissioner
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### Also Present:

Mike Bollhoefer	City Manager
A. Kurt Ardaman	City Attorney
Daniel W. Langley	City Attorney
Kathy Golden	City Clerk
Beth Breese	Court Reporter

City Attorney, A. Kurt Ardaman, advised this meeting has been duly noticed. Mr. Ardaman requested advice from the City Commission concerning litigation and to discuss settlement negotiations and strategies relating to litigation expenditures in the following cases:

Case No.: 2012-CA-002643-O, Ivan & Mala **Lindsay** v. City of Winter Garden and Waterside at Johns Lake, LLC, Intervenor

Case No.: 2012-CA-12164, Ivan & Mala **Lindsay** v. City of Winter Garden and Waterside at Johns Lake, LLC, Intervenor (Writ)

Case No.: 12-3861GM, Ivan & Mala **Lindsay** v. City of Winter Garden and Department of Economic Opportunity (administrative hearing)

Case No.: 5D13-1368, Ivan & Mala **Lindsay** v. City of Winter Garden (Appeal)

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Case No.: 2012-CA-006478-O, City of Winter Garden v. **Prince Contracting, LLC** (Public Records)

Case No.: 2012-CA-012372-O, **Prince Contracting, LLC** v. City of Winter Garden

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Case No.: 2012-CA-13297, Alvin & Lydia **Cummings** v. First United Methodist Church of Winter Garden, Inc. (Writ)

Case No.: 2012-CA-13322-O, Alvin & Lydia **Cummings** v. City of Winter Garden and First United Methodist Church of Winter Garden, Inc.

Mr. Ardaman announced that an attorney-client closed executive session regarding the following eight cases he anticipates will last 45 minutes.

Mr. Ardaman announced that those attending the Executive Session will include those City Commission members indicated as present, City Manager Mike Bollhoefer, City Attorneys A. Kurt Ardaman and Daniel W. Langley of the law firm Fishback, Dominick, Bennett, Stepter, Ardaman, Ahlers & Langley LLP, and Court Reporter Beth Breese.

The public meeting was recessed at 5:53 p.m. with all other persons, not otherwise stated, leaving the meeting and the Executive Attorney-Client Session commenced.

At 6:20 p.m. Mayor Rees reconvened the public portion of the meeting and adjourned to the regular City Commission meeting scheduled to begin at 6:30 p.m.

APPROVED:

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Mayor John Rees

ATTEST:

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



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

May 9, 2013

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

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

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

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

**Motion by Commissioner Olszewski to approve regular meeting minutes of April 25, 2013 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.**

### 2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **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

City Attorney Ardaman read Ordinance 13-04 by title only. Community Development Director Williams stated that adjoining this property is a mixture of zoning categories. This applicant has requested the R1-B zoning, which are 75 foot lots. He noted that directly to the west of this property is a planned development with a series of 50 foot lots. Mr. Williams stated that staff is supporting the R1-B with the 75 foot lots and felt that they were in the area with other projects that is appropriate. Mr. Williams noted that the majority of the property is jurisdictional wetlands so only a portion of the property is subject to development. Mr. Williams shared that community meetings were held and there were no objections to the lot size from the surrounding property owners. Staff and the Planning and Zoning Board recommend approval.

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

**Motion by Commissioner Buchanan to approve Ordinance 13-04 with the second reading and public hearing being scheduled for May 23, 2013. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

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

City Attorney Ardaman read Ordinance 13-19 by title only. Community Development Director Williams shared that staff, Economic Development Director Gerhartz and Senior Planners Steve Pash and Laura Smith, have worked very hard on this ordinance under the direction of the City Manager. Mr. Williams stated that Ms. Smith would be giving the presentation on this item. He noted that every time he has been involved in a hearing on a sign ordinance the room has been packed with people in opposition. He noted that by taking the model ordinance and addressing it to the City's needs we do not have opposition.

City Manager Bollhoefer began a PowerPoint presentation that shared the primary reason for changing the sign code is because during hard economic times and road construction, staff gave businesses a lot of leeway with their signage. He indicated we have reached a point where we need to enforce the sign code but the current code is very restrictive. He

gave an overview of the proposed sign code that is much more liberal and more business friendly. He talked about adding a grandfather clause to the ordinance before the next reading. Implementation would be to select target areas and work with businesses to get into compliance. Grandfathering would be for legal non-conforming signs going forward, not illegal non-conforming signs without permits or permission. This ordinance does not address political signs or billboards. These will be coming back separately. The City Attorney will be drafting the political sign ordinance, which is in a different section of the code. He noted that there will be corrections to the signage ordinance as we go along.

Senior Planner Laura Smith continued the PowerPoint presentation on the proposed sign code utilizing current business signs as examples. Ms. Smith stated that effective signage is going to be visible to those driving by and will still function for pedestrians. She noted that the technical side of the new sign code is not very difficult and is probably why it is so widely accepted by businesses. This proposed sign code consolidates all chapters of the code containing signage and places them into one location.

There was discussion on the poll signs and uniform requirements for signs throughout the City. Staff is proposing change to exposed pole signs to clad pole signs. Mayor Rees indicated his concern with spending a lot of money making improvements on Dillard Street and ending up with several pole signs.

Commissioner Buchanan asked if there is a separate sign ordinance for the Historic District. Mr. Bollhoefer responded no and that was on purpose. This proposed ordinance is based on the speed limits and distance from the road. Therefore, you really do have a difference for the downtown area.

Ms. Smith addressed window signs and the proposed code allowing 20 percent coverage with flexibility. Commissioner Olszewski, as representative for most of Highway 50, stated he did attend the West Orange Chamber of Commerce sign workshop at city hall. He addressed fast food restaurants that as part of their national marketing are to have window signs and asked Ms. Smith to speak to this concern. Ms. Smith indicated a lot of the national chains don't require them to put up all the windows signs but they have chosen to do so. This ordinance allows them to have 20 percent of all their windows covered, not each.

Ms. Smith shared that banner signs (temporary signs) would be allowed up to three times a year for 30 days at a time. Snipe signs will continue to be prohibited. Mr. Bollhoefer shared that to help resolve the temporary sign issue we currently have message boards, like the one at Plant and Dillard, that could be strategically placed banner stations in key areas for non-profit advertising their events.

Commissioner Sharman addressed pole signs and the height of them. Ms. Smith responded that the height is also based on the speed limit of the road the pole is located on. For example, on a 35 to 50 mph road a pole sign could be up to 20 feet high and a 45

plus mph speed limit road would be allowed 23 feet high. Commissioner Sharman stated he may be concerned because he would like the signs as low as they can be, but keep them above landscaping so they can be seen without making it too tall. He will discuss this with the City Manager.

Mayor Rees opened the public hearing.

David Kassander, 15155 Ovation Drive, Winter Garden, Florida, stated that this sounds like it will be a great ordinance and will be a real boon to the City. He asked what constitutes windows for the computation for window signs. City Manager Bollhoefer responded that it would be the actual exterior windows in the front or side of the building. Mr. Kassander asked if the definition includes the rear of a building. Mr. Bollhoefer confirmed it includes rear windows.

Mayor Rees closed the public hearing.

**Motion by Commissioner Buchanan to approve Ordinance 13-19 with the second reading and public hearing being scheduled for May 23, 2013. Seconded by Commissioner Sharman. Motion carried unanimously 5-0.**

- C. **Ordinance 13-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 62 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR DEFINITIONS AND REVISED DEFINITIONS; PROVIDING FOR REVISED STANDARDS, REQUIREMENTS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 13-20 by title only. Community Development Director Williams stated that this ordinance incorporates procedures that the City is currently following in regards to sidewalk cafes and outdoor displays. There are three main components that are different in the historic downtown versus the outlying areas and shopping malls. The downtown area will not allow outside bars that serve alcohol outside, it requires fencing of the area and serving of alcohol behind the fences in front of the particular business where that license is issued, and requires sufficient seating for the area.

Mr. Williams stated that the ordinance in the other areas of the City does allow for more outside bars and restaurants. He noted that the differences between downtown and other areas will be made clearer by the second reading of this ordinance. He noted that special events in outdoor areas will require special review by the City Commission.

Commissioner Olszewski asked City Attorney Ardaman if the City could differentiate the downtown area from other areas. Mr. Ardaman responded absolutely. Commissioner Olszewski asked if this ordinance only applies to the historic downtown district. Mr.

Williams responded that the three key provisions he has mentioned only apply to the historic downtown area. The rest of the ordinance applies throughout the City.

Mayor Rees opened the public hearing.

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, stated he did some research and in South Florida they require that a customer in a sidewalk café must order food to be able to order and drink alcohol at the restaurant. He also noted that gross receipts should show proof of 51 percent of sales being for food versus alcohol in order to be a restaurant; he understands there have been no complaints or anyone checking on it. Mr. Graham addressed the requirement that the establishment must be at least 1200 feet from a church. He would like it clearly stated they have to order food in order to drink alcohol and if they only want to drink alcohol, they have to go inside.

Pat Primrose, 117 Steinbeck Street, Winter Garden, Florida, shared that sometimes people eat first and then have a drink after.

Mayor Rees closed the public hearing.

**Motion by Commissioner Buchanan to approve Ordinance 13-20 with the second reading and public hearing being scheduled for May 23, 2013. Seconded by Commissioner Makin and carried unanimously 5-0.**

- D. **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
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COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 13-21, 13-22, and 13-23 by title only. Community Development Director Williams stated that this is a voluntary annexation, a request for comprehensive plan designation, and rezoning. This has been reviewed by staff and the Planning and Zoning Board and approval is recommended by both.

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

**Motion by Commissioner Olszewski to approve Ordinances 13-21, 13-22, and 13-23 with the second readings and public hearings being scheduled for May 23, 2013. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- G. **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
- H. **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

City Attorney Ardaman read Ordinance 13-24 and 13-25 by title only. Community Development Director Williams stated that this is a voluntary request by the owner to be annexed into the City and obtain a future land use designation. This area is designated for urban village and will have to come back to the City Commission for PUD zoning at a later date. The Planning and Zoning Board and staff have reviewed this and recommend approval.

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

**Motion by Commissioner Makin to approve Ordinances 13-24 and 13-25 with the second readings and public hearings being scheduled for May 23, 2013. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

I. **Ordinance 13-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2012-2013 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 13-26 by title and the following excerpt from Ordinance 13-26 as follows:

<b><u>REVENUES</u></b>	
General Fund	\$730,172
Downtown Parking District Fund	5,305
Law Enforcement Trust Fund	77,650
Local Option Gas Tax Fund	185,140
Transportation Impact Fee-CR545	
Special Benefit Area Fund	(136,641)
Transportation Impact Fee-General Fund	1,680,298
Utility Operating Fund	1,278,738
Utility Impact Fee Fund	1,528,409
Utility Renewal and Replacement Fund	366,420
Stormwater Fund	257,736
Trailer City Fund	20,575
	<u>\$5,993,801</u>

Mr. Ardaman noted that the expenditures being itemized identically to those of revenues in the same amount.

Finance Director Zielonka stated that this is for the budget mid-year adjustments used to account for the changes since the original budget.

City Manager Bollhoefer noted that fund balance will be used. It will be a small amount of the fund balance especially considering some of the items that have been added to the general fund. One item is \$55,000 that will be used for replacing bleachers at one of the City's fields (Walker) as they have become unsafe. Another item is \$180,000 for expanding the City Hall parking lot, which may be taken out at a later date. He shared that the nearby apartment complex has been sold and Economic Development Director Gerhartz has been working with the new owner in hopes of turning the apartments into business units in order to clean up the eyesore. If there is an upgrade, the funds would be used for adding 55 parking spaces for the business units. In addition, the spaces would add more parking for the Farmer's Market.

Commissioner Makin asked if there were any plans to go across the street towards the maintenance building. Mr. Bollhoefer replied that staff is in the process of preparing a master plan of the entire downtown area for the City Commission. Commissioner Sharman agreed that we need to be looking to the next 20 to 30 years. Mayor Rees stated his agreement that we need to have a long-term plan.

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

**Motion by Commissioner Makin to approve Ordinance 13-26 with the second reading and public hearing being scheduled for May 23, 2013. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 3. **REGULAR BUSINESS**

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

Public Services Director Cochran stated that staff has completed the request for qualifications process for engineering services. He stated that it has been approximately five years since the City has been through this process. Staff is recommending Pegasus Engineering, Tetra Tech Engineering, and BFA Engineering. These engineering services will include utility services, roadway, stormwater, traffic control, etc. and staff recommends approval of the rankings and contracts with these engineers.

Commissioner Sharman asked if any of these top recommended businesses are located in the City of Winter Garden. City Manager Bollhoefer responded that he has been working on this issue and there is one business in the City between the two agenda items (3.A & 3.B). Staff will be bringing back one company currently doing work for the City that is located in the City.

**Motion by Commissioner Olszewski to approve qualification rankings and contracts for continuing professional engineering services with Pegasus Engineering, Tetra Tech Engineering, and BFA Engineering. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

Public Services Director Cochran stated that staff is recommending four firms for professional surveying services; Southeastern Surveying, Atlantic Surveying, CPH Engineering and Surveying, and Allen & Company, Inc. Mr. Cochran noted that at least two of these firms are located in the City of Winter Garden. These firms will be mostly utility, roadway, and survey services for the engineering groups. Mr. Cochran explained the rotation process of who will be called for the services based on who can get to us the quickest.

**Motion by Commissioner Sharman to approve qualification rankings and contracts for continuing professional surveying services with Southeastern Surveying, Atlantic Surveying, CPH Engineering and Surveying, and Allen & Company, Inc. Seconded by Commissioner Makin and carried unanimously 5-0.**

4. **MATTERS FROM CITIZENS** - There were no items.

5. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that he has two cases he is bringing to the City Commission for approval consideration of a settlement agreement and general release; Case No. 2012-CA-006478-O Prince Contracting LLC, a public records lawsuit and Case No. 2012-CA-012372-O Prince Contracting LLC vs. City of Winter Garden. Settlement of these cases is being recommended in order to conserve tax payer dollars. He stated that they think at the end of the game it will be a substantial savings to the City. He recommends that if the City Commission approves the settlement agreement and general release, they also authorize the Mayor to execute it on behalf of the City making the settlement and delivery of the settlement agreement conditioned upon PRM (Public Risk Management) paying \$50,000.00 towards the settlement.

**Motion by Commissioner Olszewski to authorize Mayor John Rees to execute the settlement agreement with the condition that PRM contribute \$50,000 to the settlement. Seconded by Commissioner Sharman and carried unanimously 5-0.**

6. **MATTERS FROM CITY MANAGER**

**City Manager Bollhoefer** stated that he was at a meeting recently with other government officials who ribbed him about the City Commission's decision to write a letter to Orange County to see what could be done to save the dog Rufus. He was questioned whether it was City business to get involved with saving the dog. He shared about a recent rescue of a local 15-year-old pug that was half blind and deaf who escaped and got stuck in the mud in Lake Apopka. In a combined effort by staff, they rescued the dog and returned the dog to his home. He gave several examples of how staff has gone above and beyond when it comes to rescuing animals.

Mr. Bollhoefer stated he was asked why the City of Winter Garden is getting involved in Orange County Animal Services business. He has concluded that we are all residents and taxpayers of Orange County and are customers of that service. We are really owners of that organization and not only have a right, but an obligation to comment on what they do when it comes to taking care of animals. When people ask what separates the City of Winter Garden from other cities is not mortar and bricks, fountains, theatres, and brick roads, but we are a community of people who care about other people.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** was curious to know if Rufus has a home yet. Mr. Bollhoefer shared that Rufus was back home. Commissioner Sharman hopes that out of all this, people are more aware of adopting pets from the animal shelters and saving pets that aren't in the news. Thousands are put down each year that could be saved by being rescued.

**Commissioner Olszewski** complimented Orlando Sentinel Reporter Stephen Hudak for his being one of three national finalists for the Pulitzer Prize in the local reporting category.

Commissioner Olszewski announced and invited everyone to attend a Mother's Day event at the Maxey Center tomorrow at 1:00 p.m.

Commissioner Olszewski gave a special thank you to Pastor Bill Barnes of the St. Luke's United Methodist Church and Dr. Phillips, along with their Executive Director of Ministry Lynette Fields. He stated that an east Winter Garden community was selected to be their first community transformation project.

Commissioner Olszewski stated that it was an honor to be with Police Chief Brennan and Winter Garden Police Officers last week at the Orange County Law Enforcement Memorial. He acknowledged two of the City of Winter Garden fallen officers represented on the memorial, William Benton in 1942 and Dalton Fleming in 1959 in the protection and service to Winter Garden.

Commissioner Olszewski thanked the City Commission and Mike Bollhoefer for their leadership and Mike Bollhoefer for his kind words.

**Commissioner Buchanan** recognized City Manager Bollhoefer and staff for their hard work on the new sign code. He commended Mr. Bollhoefer on his efforts in meeting the communities need for information on issues so that there is not the crowd of complaints when decisions come to the City Commission for review.

**Mayor Rees** stated that the City Manager said it all when he said the people make this town and our staff is service oriented and do a great job.

The meeting adjourned at 7:53 p.m.

APPROVED:

\_\_\_\_\_  
Mayor John Rees

ATTEST:

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

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

**From:** Don Cochran, Assistant City Manager – Public Services

**Via:** Mike Bollhoefer, City Manager

**Date:** May 16, 2013                      **Meeting Date:** May 23, 2013

**Subject:** Presentation of Drop Savers poster contest winners

**Issue:** To promote public education of the importance of water conservation, the City's Water Conservation program participated in the Florida Section of the American Water Works Association (FSAWWA) Annual Drop Savers poster contest. The contest invites students to design and create a water conservation poster. Students from Dillard Street Elementary, Whispering Oak Elementary, and Tildenville Elementary schools participated.

**Recommended Action:**

Staff recognition of the following winners:

Dillard Street Elementary School:

Kelsi-Ann Bailey (Division 2) – school winner and City winner  
Haley Keyes (Division 3) – school winner

Whispering Oak Elementary School:

Gabiella Toban (Division 3) – school winner and City winner

Tildenville Elementary School:

Yarisma Gutierrez (Division 3) – school winner

**Attachments/References:**

N/A

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** May 16, 2013

**Meeting Date:** May 23, 2013

**Subject:** **Ordinance 13-04** Rezoning  
**Oaks of Winter Garden (40.29+/- Acres)**  
13036 Roper Road  
Parcel ID# 35-22-27-0000-00-024

**Issue:** The applicant is requesting Rezoning on property located at 13036 Roper Road.

**Discussion:**

The applicant is requesting rezoning the property from R-1 to R-1B. The subject property consists of 40.29 ± acres and will be included with the two properties to the east which together are 12.3 ± acres to develop a new subdivision. The subject property contains 24.91 ± acres of jurisdictional wetlands that the applicant will need to have minimal impact on when developing the proposed subdivision. The proposed zoning is consistent with the City's Comprehensive Plan and the surrounding area (See attached Staff Report).

**Recommended Action:**

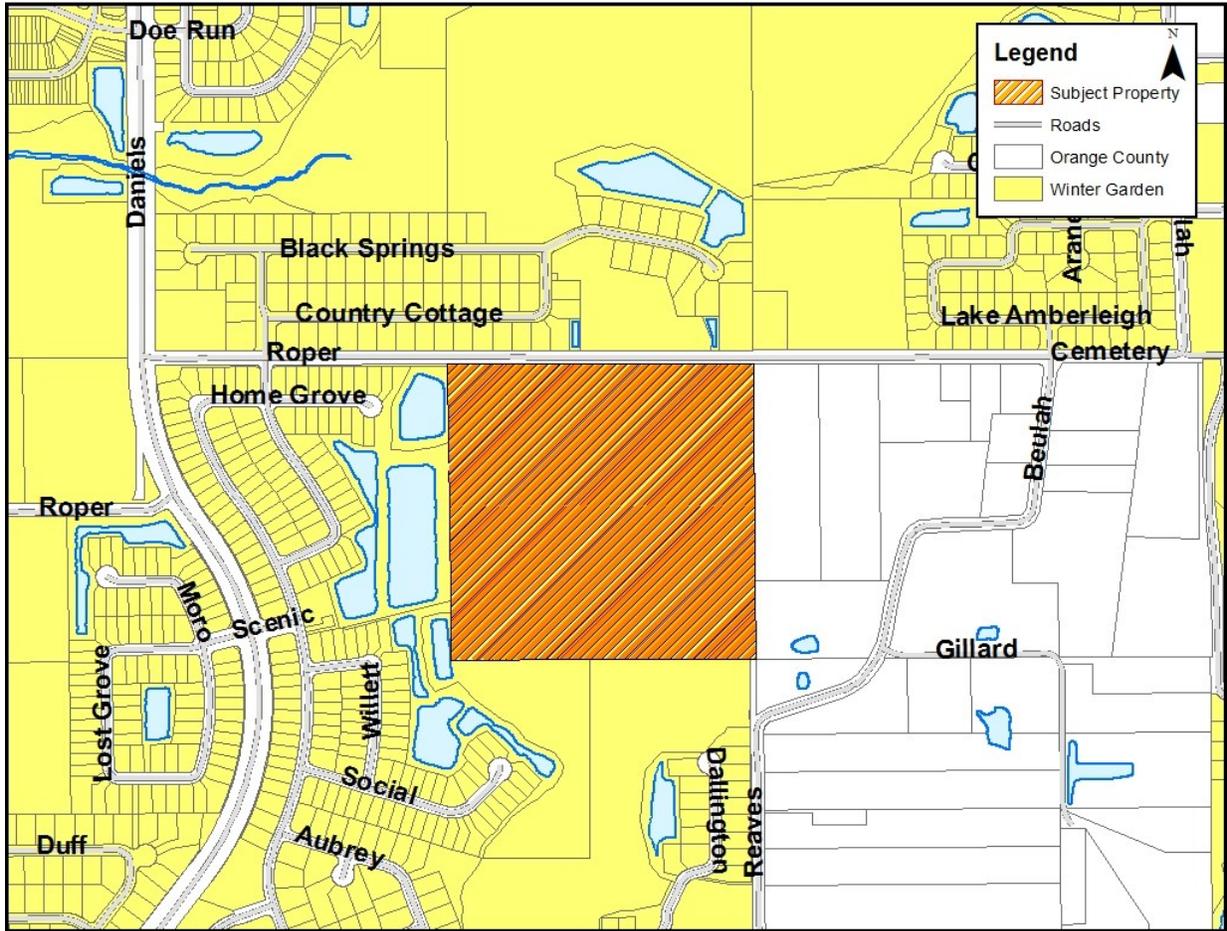
Staff recommends approval of Ordinance 13-04.

**Attachment(s)/References:**

Location Map  
Ordinance 13-04  
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:**

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JOHN REES, Mayor/Commissioner

**ATTEST:**

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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.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

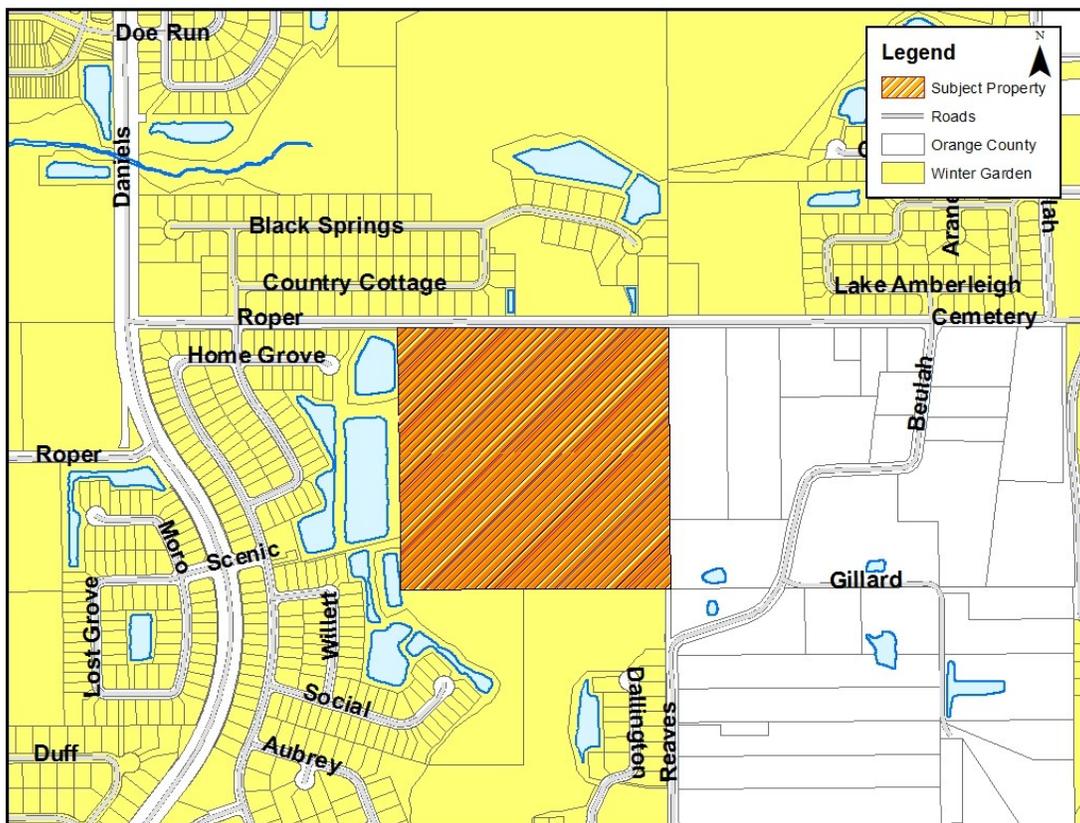
**TO:** PLANNING AND ZONING COMMITTEE  
**PREPARED BY:** STEVE PASH, SENIOR PLANNER  
**DATE:** APRIL 25, 2013  
**SUBJECT:** REZONING  
**13036 Roper Road (WINDERMERE DEVELOPMENT)**  
**PARCEL ID # 35-22-27-0000-00-024**

**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.

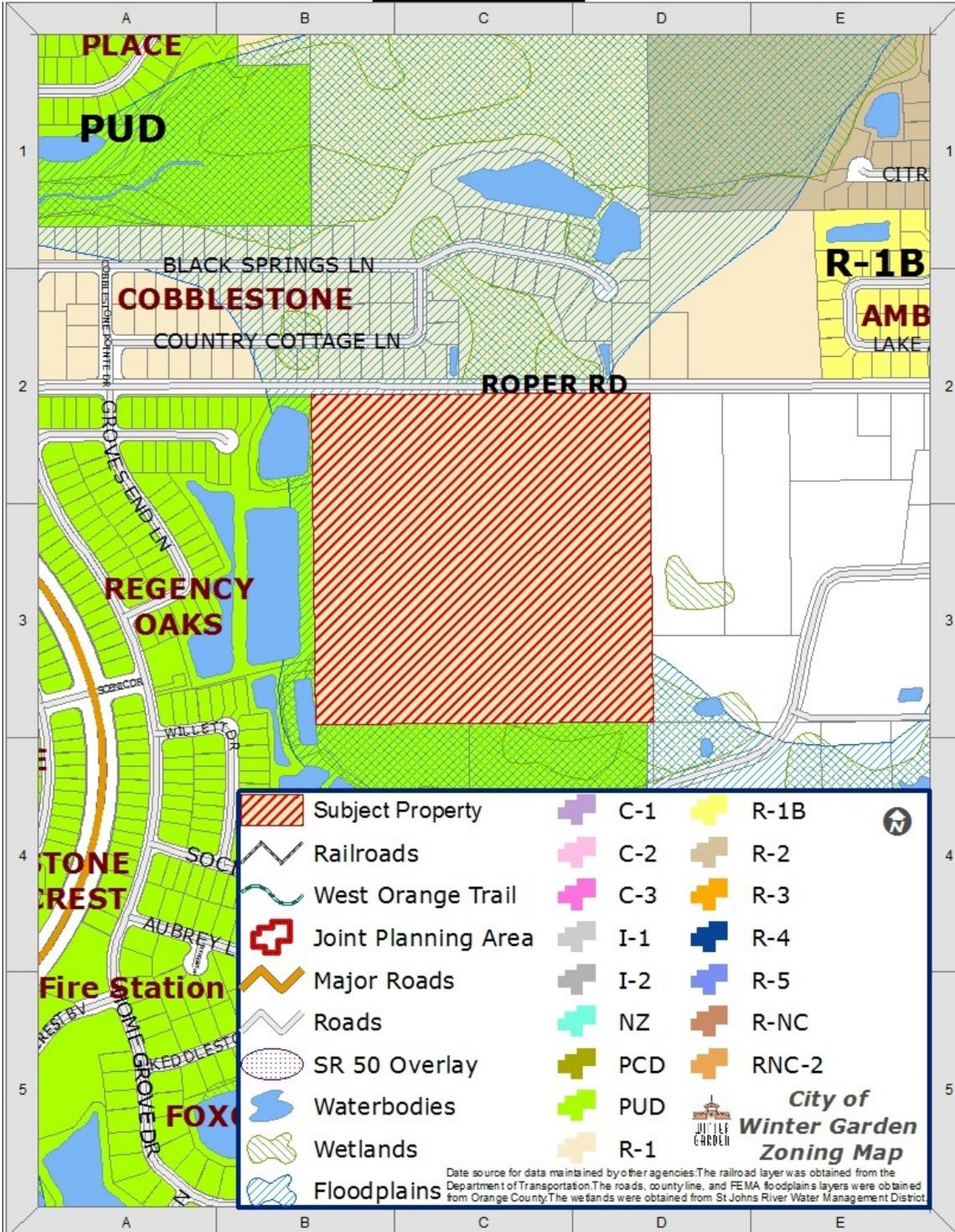
City Staff has coordinated with the applicant to ensure preservation of the jurisdictional wetland areas located on the subject property, and specified that any development will be restricted to the greatest extent possible to preserve the wetlands.

### **MAPS**

#### **AERIAL PHOTO** **13036 Roper Road**



**ZONING MAP**  
**13036 Roper Road**





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

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

**Via:** City Manager Mike Bollhoefer

**Date:** **May 16, 2013**

**Meeting Date: May 23, 2013**

**Subject:** **Ordinance 13-19**

**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.

**Recommended Action:**

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.

## 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.

<b>TABLE 1: SIGNS IN RESIDENTIAL DISTRICTS</b>				
	<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:~~

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

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

<del>Parcel Size (acres)</del>	<del>Maximum Size Area (square feet)</del>	<del>Maximum Height (feet)</del>
--------------------------------	--	----------------------------------

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

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** **May 16, 2013**

**Meeting Date: May 23, 2013**

**Subject: Ordinance 13-20**

**Issue:** Amending Article VII of Chapter 62 of the Winter Garden City Code; providing for definitions and revised definitions; providing for revised standards, requirements, criteria and conditions for sidewalk cafes.

**Discussion:** An Ordinance of the City of Winter Garden, Florida amending Article VII of Chapter 62 of the Winter Garden City Code; providing for definitions and revised definitions; providing for revised standards, requirements, criteria and conditions for sidewalk cafes.

**Recommended Action:**

Staff recommends approval of Ordinance 13-20 amending Chapter 62 of the Winter Garden City Code.

**Attachments/References:**

Ordinance 13-20

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

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

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

**WHEREAS**, the Historic Downtown District has churches, schools, museums, a theater and other uses and improvements in close proximity to and which are interconnected with pedestrian, bicycle and golf cart compatible improvements and paths, and all of which is proximate to residential areas, making the Historic Downtown District distinct from other areas of the City and in need of certain specific regulations; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

affixed to any tree, post, sign or other fixture, curb or sidewalk in or near the permitted area.

- (18) The permit covers all seating with the ~~public way~~ sidewalk cafe area. No additional outdoor seating authorized pursuant to this division shall be used for calculating seating requirements pertaining to applications for or issuance of an alcoholic beverage license for any establishment; nor shall the outdoor seating be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any city ordinance or state law. However, additional outdoor seating authorized pursuant to this division shall be included in determining required plumbing or accessibility fixtures or other fire and building code requirements.
- (23) The serving and consumption of alcoholic beverages within a sidewalk cafe is expressly conditioned upon the permittee obtaining the necessary state alcoholic beverage license and meeting all local and state alcoholic beverage requirements. Further, the service and consumption of alcoholic beverages within a sidewalk cafe shall only be permitted where the service and consumption of alcoholic beverages has been properly licensed ~~for that portion of the restaurant which is in the building~~. Nothing herein shall be construed to permit the service or consumption of alcoholic beverages wherein such service or consumption is prohibited by City Code or Charter.
- (26) No bar or bars are allowed in sidewalk café areas in the Historic Downtown District.
- (27) Vats, tubs, coolers, and other beverage storage devices within sidewalk cafe areas in the Historic Downtown District shall not be used to store or accommodate, nor used in conjunction with the sales, service or dispensation of, alcoholic beverages, except during special events with the prior approval of the City Commission.
- (28) Sidewalk cafe areas shall not be used or available for food or beverage sale or service unless tables, chairs and other furniture and fixtures sufficient to accommodate all of the patrons allowed within the sidewalk cafe areas are first permitted, placed and remain within the sidewalk cafe area.
- (29) Fences relating to sidewalk cafe areas shall comply with the criteria set forth in this Article.
- (30) Alcohol beverages sales and service in sidewalk cafe areas in the Historic Downtown District is limited to that portion of the sidewalk cafe area adjacent to and directly in front of that portion of the building where alcohol sales and service is permitted.

(~~struck out text~~ indicates deletions while underlined text indicates additions):

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

DIVISION 4. - FENCING CRITERIA

Section 62-300 - Applicability

Section 62-301 - Height

Section 62-302 - Openings/Entranceways

Section 62-303 – Materials and Colors

Section 62-304 - Architecture

Section 62-305 - 62-310. - Reserved

**Section 62-300. – Applicability.**

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

**Section 62-301. – Height.**

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

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

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

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

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

**Section 62-304 – Architecture.**

The architectural details of fencing shall be approved by the Community Development Department in order to ensure compatibility with the surrounding architecture and buildings. All portions of fencing facade shall be constructed in such a way or of a material that allows the free flow of air and open view through the fencing when viewed from either side of the fencing, and in no event shall the façade of each fence segment consist of more than 50 percent solid and opaque material.

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

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

**SECTION VI: APPLICABILITY.** This Ordinance is applicable City-wide except for Subsections 62-230(26), (27) and (30), which subsections are expressly made applicable only to the Historic Downtown District.

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

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

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

**SECTION X:** This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: \_\_\_\_\_, 2013.

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

APPROVED:

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

ATTESTED:

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

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** May 16, 2013

**Meeting Date:** May 23, 2013

**Subject:** **Ordinance 13-21** Annexation  
**Ordinance 13-22** FLU Map Amendment  
**Ordinance 13-23** Rezoning  
**Concalves Property (0.37+/- Acres)**  
920 Vineland Road  
Parcel ID# 23-22-27-8199-00-080

**Issue:** The applicant is requesting Annexation, Future Land Use designation, and Zoning on property located at 920 Vineland Road.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.37 ± acre enclave located on the west side of Vineland Road, north of West Morgan Street and south of Broad Street. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Residential Neighborhood Commercial, and initial Zoning of R-NC. The property owner is planning to submit for Special Exception to use the building for an office. (See attached Staff Report).

**Recommended Action:**

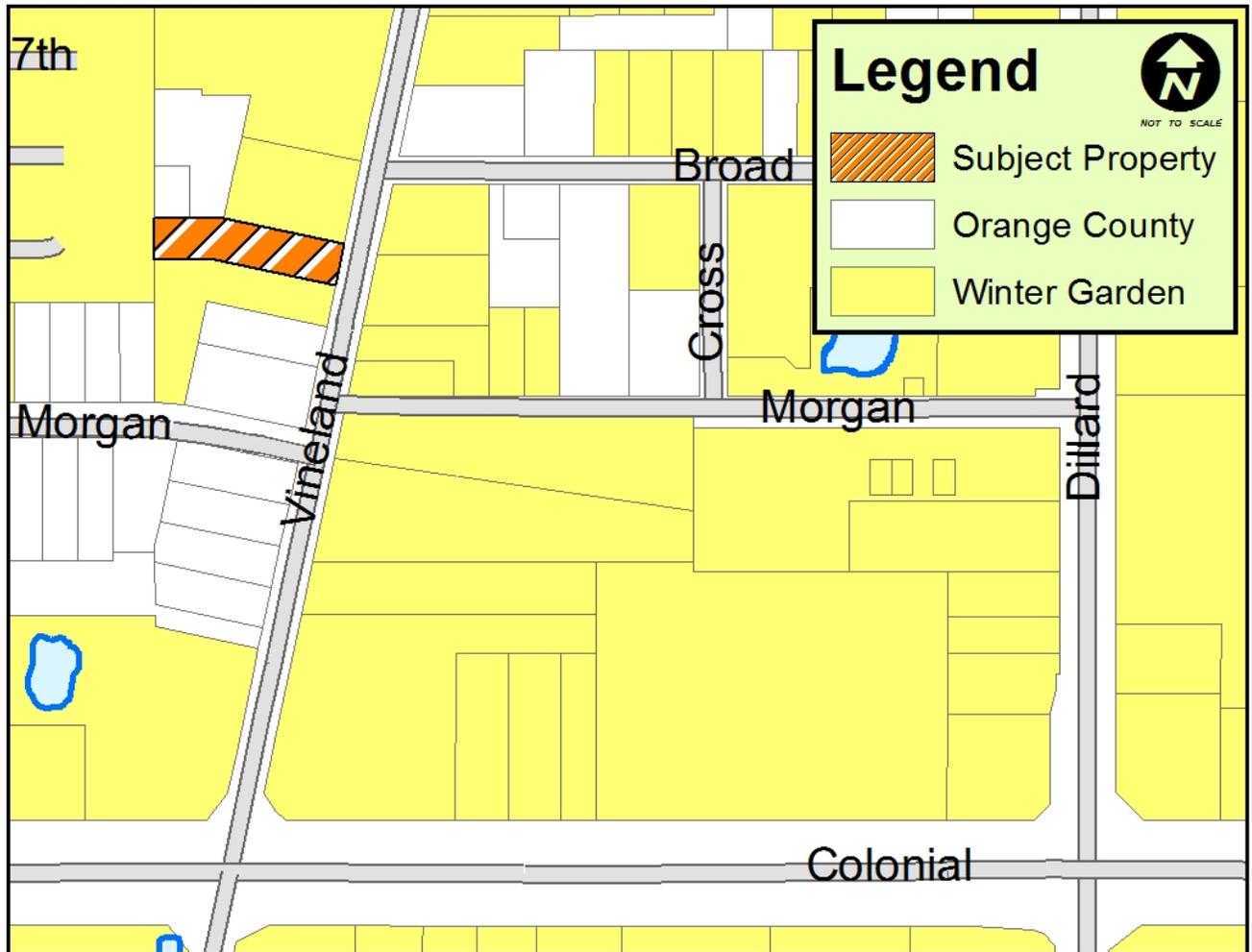
Staff recommends approval of Ordinance 13-21, Ordinance 13-22, and Ordinance 13-23.

**Attachment(s)/References:**

Location Map  
Ordinance 13-21  
Ordinance 13-22  
Ordinance 13-23  
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 13<sup>th</sup> of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24<sup>th</sup> of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

**WHEREAS**, the owner of that certain real property generally described as 0.37 ± 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:

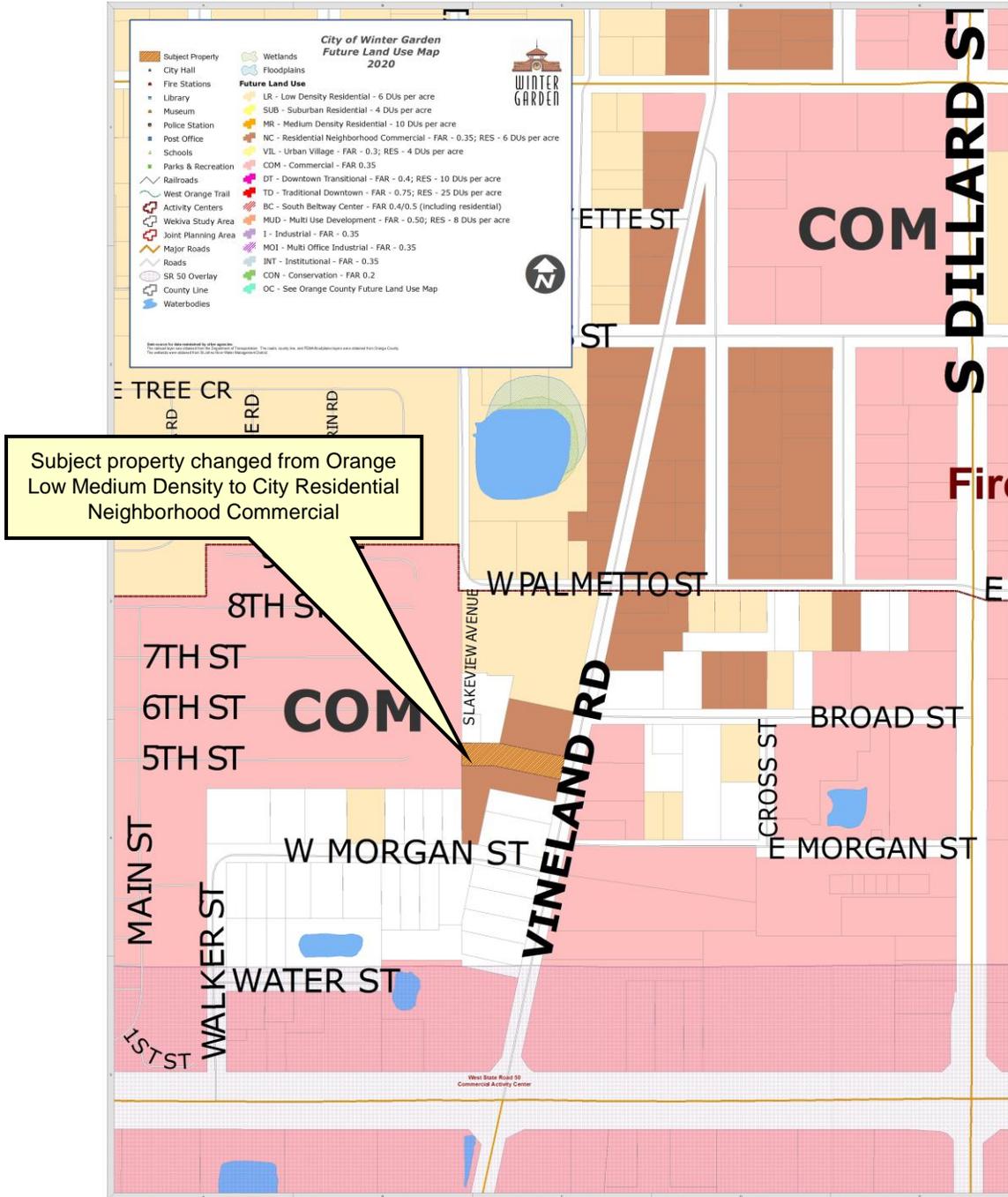
LOT 8 AND PART OF LOT 22, SOUTHERN BOULEVARD SUBDIVISION TO THE CITY OF WINTER GARDEN, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK J, PAGE 13, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8, SOUTHERN 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

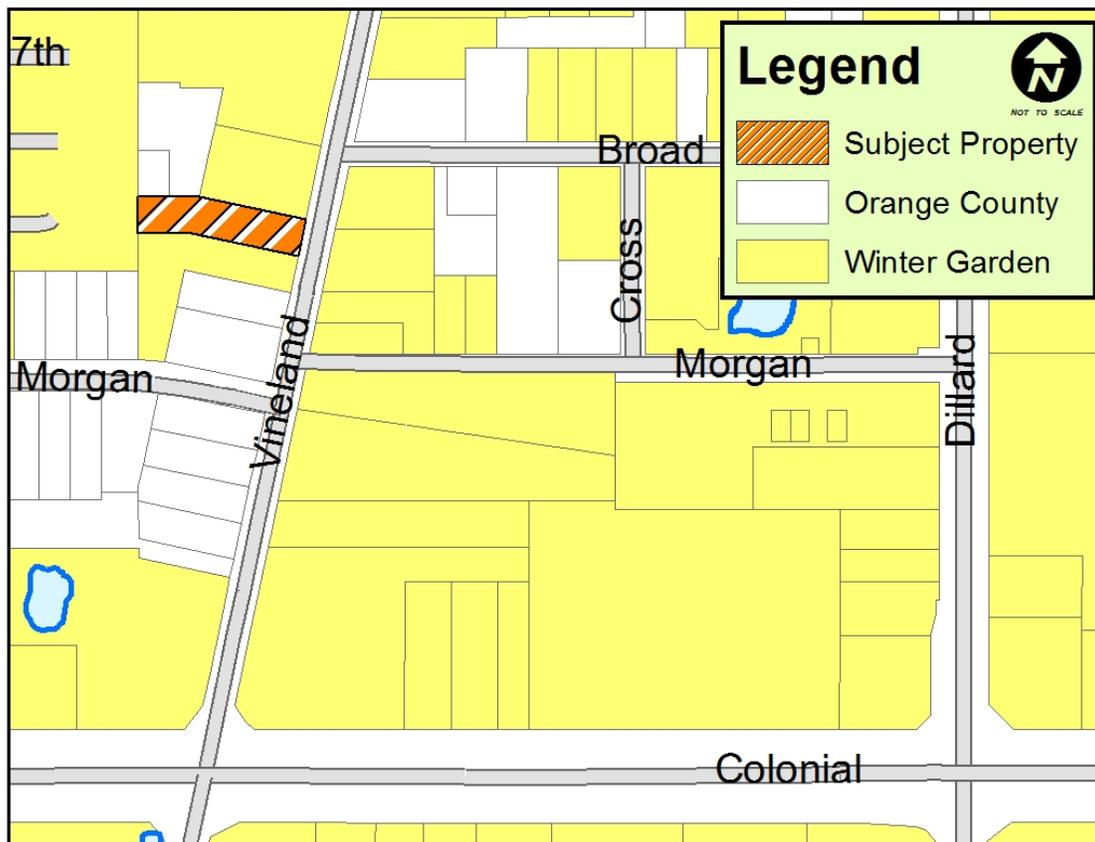
# STAFF REPORT

**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.

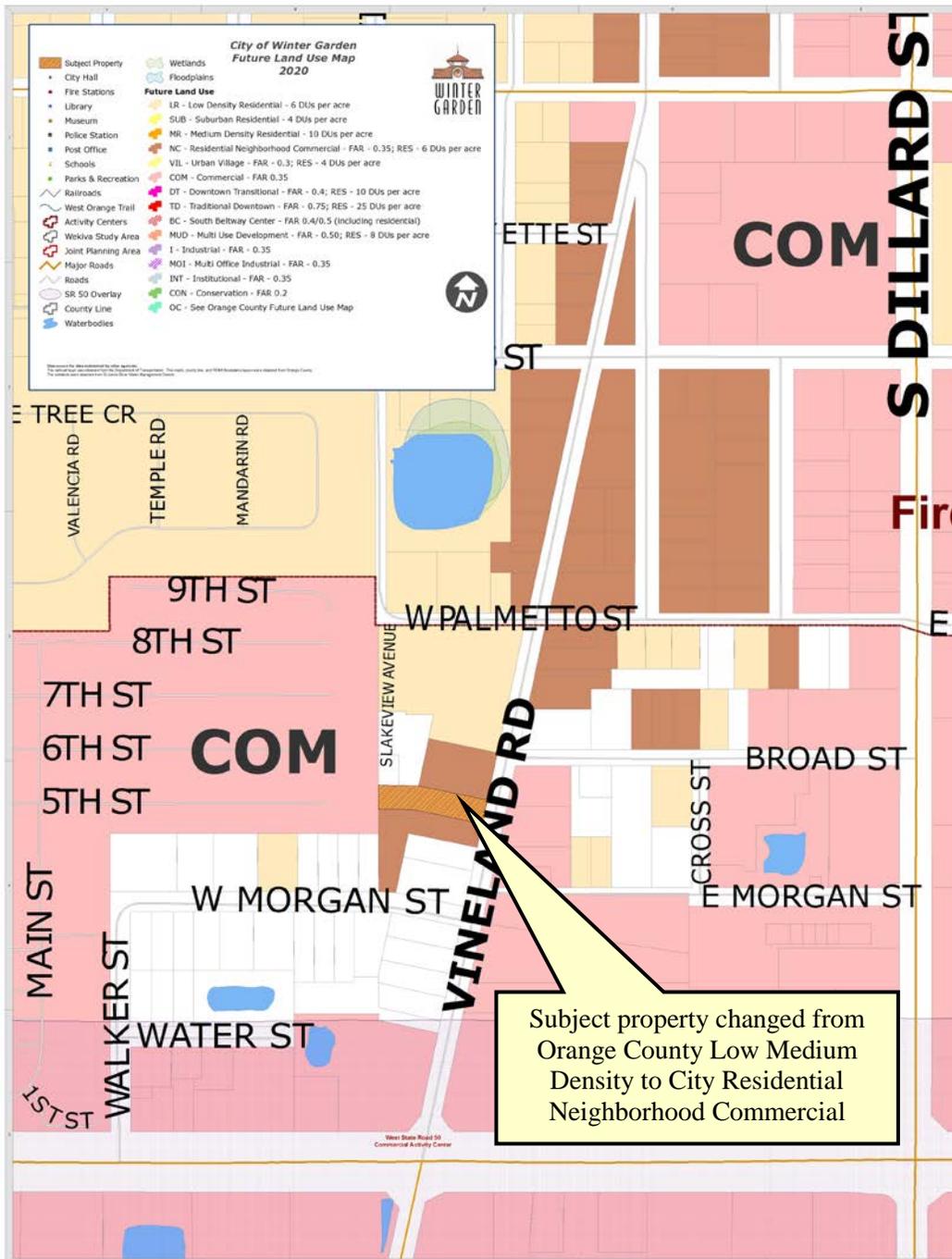
MAPS

**AERIAL PHOTO**

**920 Vineland Road**



### FUTURE LAND USE MAP 920 Vineland Road



**END OF STAFF REPORT**

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** May 16, 2013

**Meeting Date:** May 23, 2013

**Subject:** **Ordinance 13-24** Annexation  
**Ordinance 13-25** Future Land Use Map Amendment  
**Cannon Property (3.689+/- Acres)**  
17929 Marsh Road  
Parcel ID# 06-23-27-4288-08-260

**Issue:** The applicant is requesting Annexation and Future Lands Use designation on property located at 17929 Marsh Road.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 3.689 ± acre enclave located on the north side of Marsh Road, west of Williams Road at the west boundary of Orange County. The applicant has requested Annexation into the City and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Urban Village. The property will not have a zoning designation until they redevelop, at which time they will be required to submit for an Urban Village Planned Unit Development. (See attached Staff Report).

**Recommended Action:**

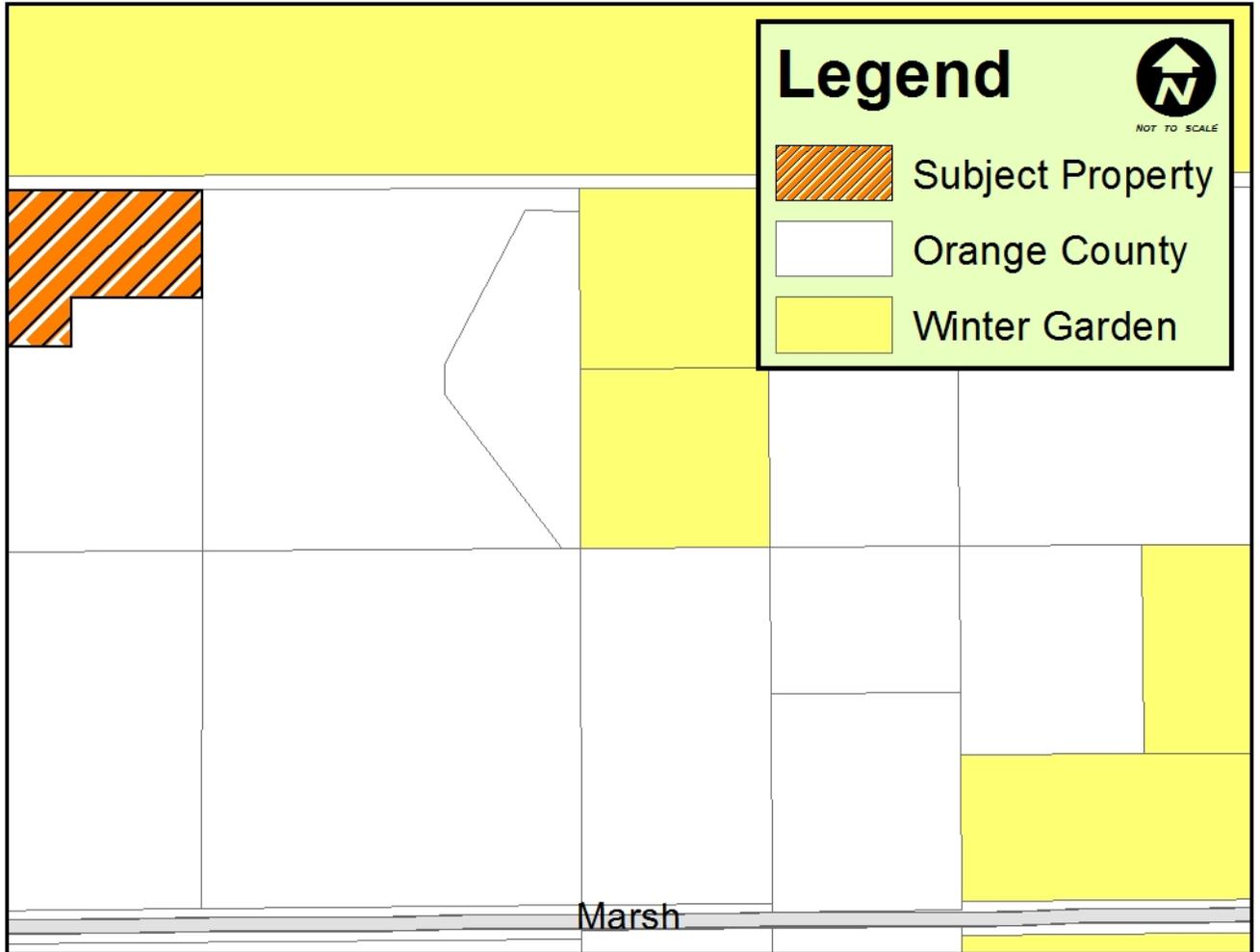
Staff recommends approval of Ordinance 13-24 and 13-25.

**Attachment(s)/References:**

Location Map  
Ordinance 13-24  
Ordinance 13-25  
Staff Report

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

**WHEREAS**, the owner of that certain real property generally described as 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:

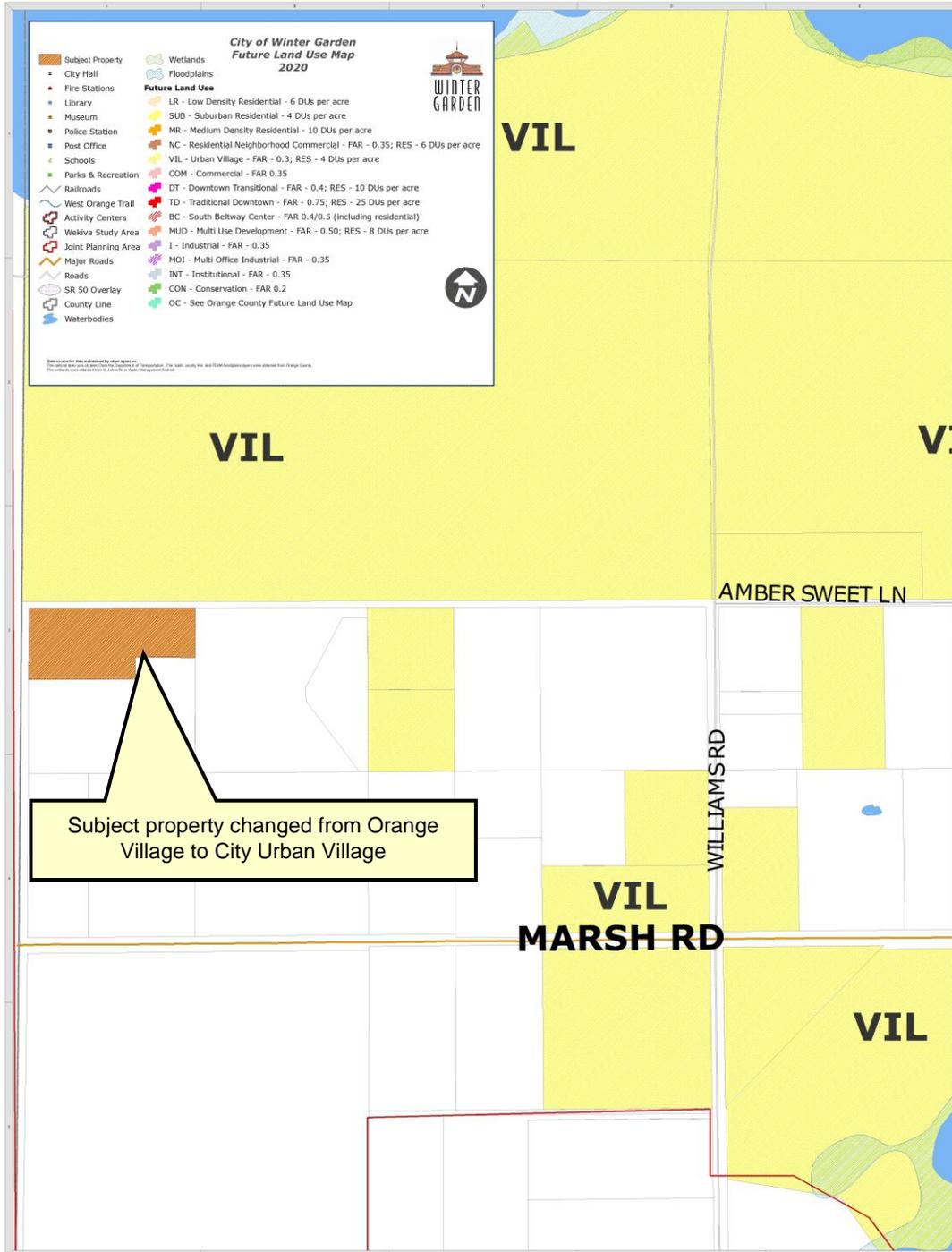
THAT PART OF LOT 26-H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 81 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN S00°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.

# 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

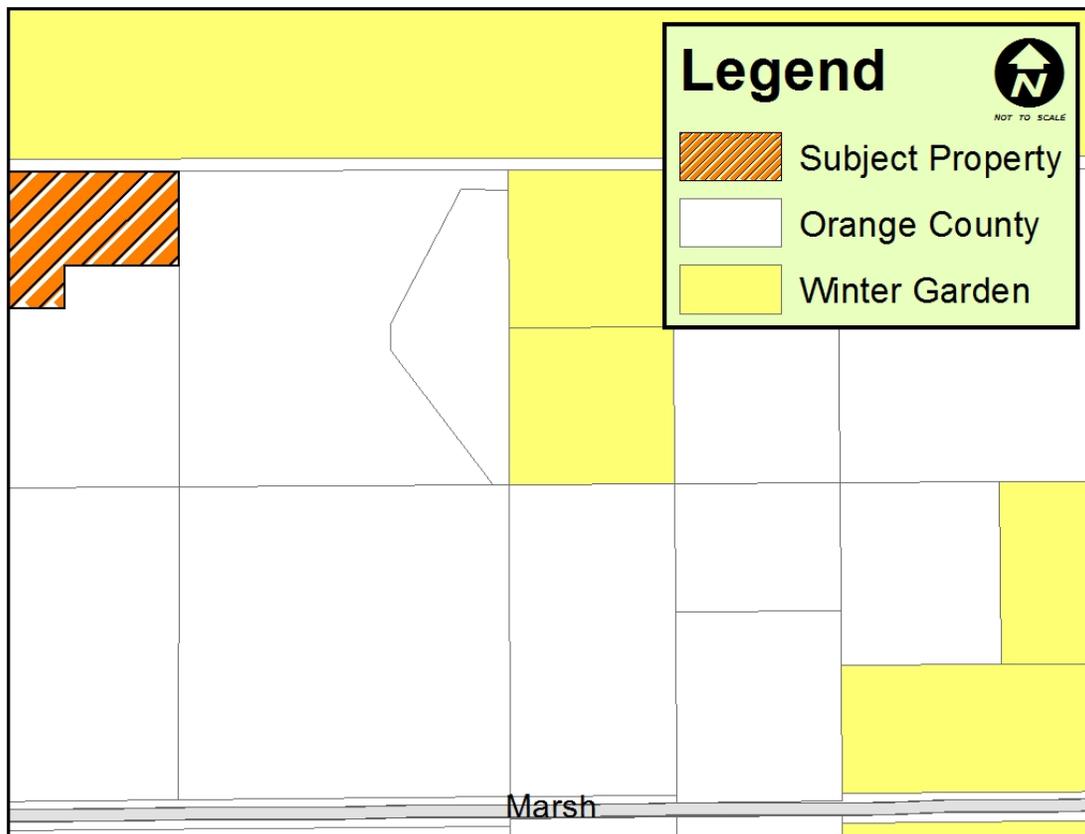
# STAFF REPORT

**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.

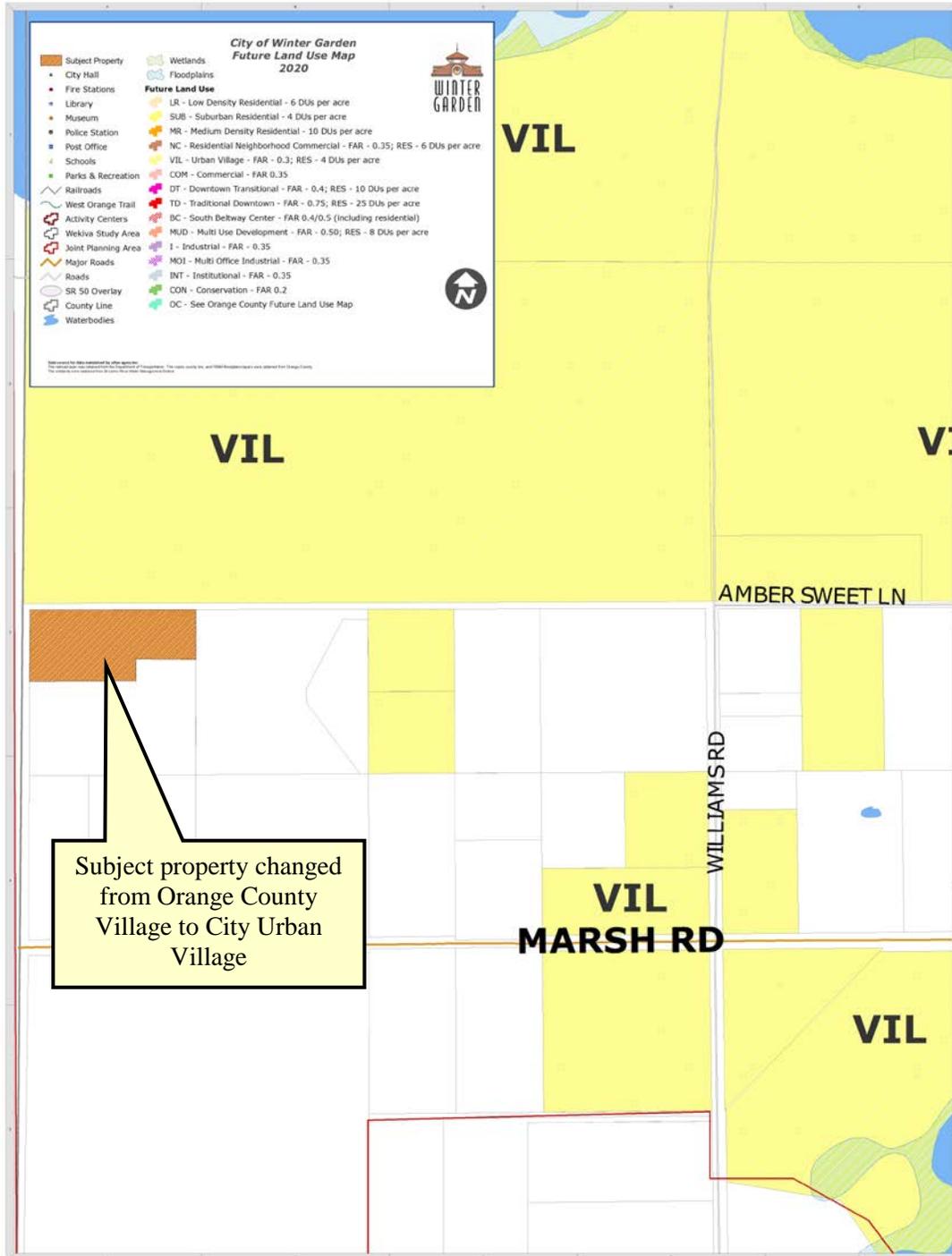
**MAPS**

**AERIAL PHOTO**

**17929 Marsh Road**



### FUTURE LAND USE MAP 17929 Marsh Road



**END OF STAFF REPORT**

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

**From:** Michael Bollhoefer, City Manager

**Date:** May 17, 2013

**Meeting Date:** May 23, 2013

**Subject:** Interim Budget Ordinance 13-26

**Issue:** Amending the budget for mid-year adjustments. The interim budget is used as part of the budget process to account for changes that have occurred since the original budget was passed and to adjust for corrections in estimates used in the original budget.

**Recommended action:**

Motion to approve Ordinance 13-26, amending the fiscal year 2012-2013 budget for mid-year.

**ORDINANCE 13-26**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2012-2013 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 27, 2012, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 12-48 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2012 and ending September 30, 2013;

**WHEREAS**, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2012 and ending September 30, 2013 to provide for interim adjustments;

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

**SECTION 1:** That the sum of \$5,993,801 to be appropriated as follows:

**REVENUES**

General Fund	\$730,172
Downtown Parking District Fund	5,305
Law Enforcement Trust Fund	77,650
Local Option Gas Tax Fund	185,140
Transportation Impact Fee-CR545	
Special Benefit Area Fund	(136,641)
Transportation Impact Fee-General Fund	1,680,298
Utility Operating Fund	1,278,738
Utility Impact Fee Fund	1,528,409
Utility Renewal and Replacement Fund	366,420
Stormwater Fund	257,736
Trailer City Fund	<u>20,575</u>
	\$5,993,801

**EXPENDITURES**

General Fund	\$730,172
Downtown Parking District Fund	5,305
Law Enforcement Trust Fund	77,650
Local Option Gas Tax Fund	185,140
Transportation Impact Fee-CR545	
Special Benefit Area Fund	(136,641)
Transportation Impact Fee-General Fund	1,680,298
Utility Operating Fund	1,278,738
Utility Impact Fee Fund	1,528,409
Utility Renewal and Replacement Fund	366,420
Stormwater Fund	257,736
Trailer City Fund	<u>20,575</u>
	\$5,993,801

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

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

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

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

APPROVED:

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

ATTEST:

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

**EXHIBIT #1**  
ORDINANCE 13-26

**City of Winter Garden  
Interim Budget  
FYE 2013**

**City of Winter Garden  
Interim Budget  
FYE 2013**

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City of Winter Garden  
Interim Budget  
General Fund

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Executive</b>					
001-0213-399.99-99	Use of Fund Balance	-	525,952	81,435	607,387
<i>To balance increase in budgeted revenues</i>					
<b>Planning Division</b>					
001-0315-329.02-00	Plan Review Fees	11,214	9,500	1,102	10,602
001-0315-329.05-00	Plan Review Fees	5,790	1,000	6,180	7,180
001-0315-369.90-00	Other Miscellaneous	19,589	10,000	14,512	24,512
<i>Items underbudgeted</i>					
<b>Police Department</b>					
001-0521-351.50-01	Court Fines	74,657	65,422	19,062	84,484
<i>Items underbudgeted</i>					
001-0530-342.10-06	Law Enforcement Dispatch Services	-	-	18,000	18,000
<i>Oakland PD Dispatch Agreement</i>					
<b>Fire Department</b>					
001-0622-335.21-00	Firefighter Supplemental Comp	8,940	9,320	1,980	11,300
001-0622-342.20-02	Plan Review	42,009	31,721	13,417	45,138
<i>Items underbudgeted</i>					
<b>Public Services-Cemetery</b>					
001-0739-343.80-01	Service Fees	77,040	75,000	10,530	85,530
001-0739-343.80-05	Cemetery Lots	118,200	80,000	25,240	105,240
<i>Items underbudgeted</i>					
001-0739-369.90-00	Other Misc Revenues	-	-	62,884	62,884
<i>Orange County Agreement for Widening CR535</i>					
<b>Public Services-Streets</b>					
001-0741-369.90-00	Other Misc Revenues	18,265	8,977	101,206	110,183
<i>Orange County Agreement for Widening CR535</i>					
<b>Public Services-Parks</b>					
001-0775-366.00-00	Contributions	-	-	20,000	20,000
<i>Donation for Park Project America in Bloom</i>					
001-0775-369.90-00	Other Misc Revenues	-	-	10,141	10,141
<i>Item underbudgeted</i>					
<b>Recreation</b>					
001-0872-347.21-06	Softball League	56,813	40,000	21,212	61,212
001-0872-347.21-07	Other Programs	52,178	42,290	11,785	54,075
001-0872-347.21-10	Tennis	26,456	16,000	11,126	27,126
001-0872-347.21-14	Soccer Program	63,084	48,000	14,786	62,786
<i>Items underbudgeted</i>					
<b>Engineering</b>					
001-1016-329.03-00	Engineer Inspection Fees	130,014	47,426	209,353	256,779
001-1016-329.04-00	Review Fees	44,504	46,011	8,762	54,773
<i>Items underbudgeted</i>					
<b>Facilities</b>					
001-3658-362.01-00	Little Hall Rental Revenue	10,360	8,000	6,217	14,217
<i>Item underbudgeted</i>					
001-3658-362.02-00	Tanner Hall Rental Revenue	124,951	110,000	61,242	171,242
<i>Item underbudgeted</i>					
<b>Total Revenues</b>				<b>\$ 730,172</b>	

**City of Winter Garden  
Interim Budget  
General Fund**

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Expenditures</b>					
<b>Legislative</b>					
001-0111-511.23-00	Employee Group Insurance <i>Item underbudgeted, increase in insurance premiums</i>	36,222	32,859	5,265	38,124
001-0111-511.82-00	Aids to Private Organizations <i>Donation to pilot Garden Project for Winter Garden schools</i>	10,600	1,900	5,000	6,900
<b>Executive</b>					
001-0213-512.31-01	Misc Professional Services <i>Item underbudgeted</i>	34,800	18,800	9,900	28,700
001-0213-512.61-00	Land <i>Centurylink land purchase for downtown parking</i>	57,911	120,000	177,031	297,031
001-0213-512.63-00	Improvements Other Than Buildings <i>Expansion of City Hall Parking Lot</i>	-	-	183,000	183,000
<b>Utility Billing</b>					
001-0223-513.12-00	Regular Salaries and Wages <i>Item overbudgeted</i>	250,424	284,683	(23,891)	260,792
<b>Non-Sworn-Miscellaneous</b>					
001-0520-521.23-00	Life and Health Insurance <i>Item underbudgeted, increase in insurance premiums</i>	42,454	45,382	5,030	50,412
001-0520-521.24-00	Workers Compensation <i>Item underbudgeted</i>	1,293	1,234	2,066	3,300
<b>Non-Sworn-Communications Division</b>					
001-0530-521.46-05	Repair and Maint - Software <i>Voiceprint upgrade to allow recording of 4 additional phone lines (Funded w/Oakland PD Dispatch revenue)</i>	10,000	12,176	2,054	14,230
001-0530-521.52-01	Miscellaneous Operating <i>Equipment supplies for new vehicles incl. totaled vehicle (Funded w/Oakland PD Dispatch revenue)</i>	709	656	15,946	16,602
<b>Fire Department</b>					
001-062X-522.23-00	Life and Health Insurance <i>Item underbudgeted, increase in insurance premiums</i>	329,968	343,915	52,271	396,186
001062X-522.52-04	Uniforms <i>3 FF Resigned - Need new bunker gear for new hires</i>	34,401	45,960	9,000	54,960
<b>Public Services Admin</b>					
001-0701-539.43-00	Utility Services <i>Item underbudgeted, adjustment for electricity costs</i>	34,687	25,500	8,000	33,500
<b>Public Services Cemetery</b>					
001-0739-539.14-00	Overtime <i>Item underbudgeted, needed for Saturday funeral services</i>	2,076	1,500	1,500	3,000
001-0739-539.44-00	Rentals and Leases <i>Equipment rental for cutting trees at the Cemetery</i>	-	300	1,460	1,760
001-0739-539.63-00	Improvements Other Than Buildings <i>Cemetery Fence &amp; Wall w/sign, columns Paid for with OC CR535 widening agreement</i>	-	-	126,384	126,384
<b>Streets Division</b>					
001-0741-541.63-00	Improvements Other Than Buildings <i>Wintermere Subdivision North Wall Rainbow Parking Lot Expansion</i>	31,246	150,000	116,665	266,665
		90,000			
		26,665			
<b>Human Resources Division</b>					
001-0745-513.23-00	Life and Health Insurance <i>Item underbudgeted, increase in insurance premiums</i>	15,110	14,493	5,603	20,096

City of Winter Garden  
Interim Budget  
General Fund

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Parks Division</b>					
001-0775-572.1X 2X	Salaries & Benefits	261,618	301,460	(31,629)	269,831
	<i>Items overbudgeted, turnover</i>				
001-0775-572.52-01	Miscellaneous Operating Supplies	152,914	129,000	20,000	149,000
	<i>Donation for Park Project America in Bloom</i>				
001-0775-572.64-00	Machinery and Equipment	22,426	37,400	55,500	92,900
	<i>Aluminum bleacher set for Walker Football Field</i>				
<b>Recreation Division</b>					
001-0872-572.1X 2X	Salaries & Benefits	299,855	421,176	(80,792)	340,384
	<i>Items overbudgeted, turnover</i>				
<b>Public Services Engineering</b>					
001-1016-541.1X 2X	Salaries & Benefits	156,348	199,031	22,937	221,968
	<i>Items underbudgeted</i>				
001-1016-541.31-04	Engineering Services	81,461	50,000	39,770	89,770
	<i>Item underbudgeted</i>				
<b>Newton Park Facilities</b>					
001-3658-575.23-00	Life and Health Insurance	11,805	11,616	<u>2,102</u>	13,718
	<i>Item underbudgeted, increase in insurance premiums</i>				
<b>Total Expenditures</b>				<b><u>\$ 730,172</u></b>	

City of Winter Garden  
Interim Budget  
Downtown Parking District Fund

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
110-0741-399.99-99	Use of Fund Balance	-	28,648	<u>5,305</u>	33,953
<i>To balance increase in budgeted revenues</i>					
<b>Total Revenues</b>				<b><u>\$ 5,305</u></b>	
<b>Expenditures</b>					
110-0741-545.43-00	Utility Services	\$ 5,287	\$ 72	<u>\$ 5,305</u>	\$ 5,377
<i>S Boyd St Parking Lot Irrigation and Stormwater underbudgeted</i>					
<b>Total Expenditures</b>				<b><u>\$ 5,305</u></b>	

**City of Winter Garden  
Interim Budget  
Law Enforcement Trust Fund**

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
121-1121-359.00-00	Forfeitures	\$ 4,764	\$ 8,867	\$ 72,652	\$ 81,519
<i>Item underbudgeted</i>					
121-1121-399.99-99	Use of Fund Balance	-	1,483	<u>4,998</u>	6,481
<i>To balance increase in budgeted revenues</i>					
<b>Total Revenues</b>				<b><u>\$ 77,650</u></b>	
<b>Expenditures</b>					
121-1221-521.31-01	Misc Professional Services	-	-	4,853	4,853
<i>Veterinarian services for canine</i>		<i>4,853</i>			
121-1221-521.46-05	Repair/Maint Svcs - Software	-	-	3,500	3,500
<i>Citation Export Software</i>		<i>3,500</i>			
121-1221-521.52-01	Misc Operating Supplies	1,611	1,500	37,471	38,971
<i>Equipment for canine services</i>		<i>13,521</i>			
<i>Forfeiture settlement fees</i>		<i>3,400</i>			
<i>LED flashlight conversion kits</i>		<i>2,750</i>			
<i>Travel chargers for portable radios</i>		<i>4,800</i>			
<i>Field Force equipment/supplies</i>		<i>13,000</i>			
121-1221-521.62-00	Building	-	-	1,900	1,900
<i>Convert stairwell into a dog kennel</i>		<i>1,900</i>			
121-1221-521.64-00	Machinery and Equipment	-	-	<u>29,926</u>	29,926
<i>Capital equipment for canine services</i>		<i>14,726</i>			
<i>Two (2) APX7500 mobile radios @ \$6700 each</i>		<i>13,400</i>			
<i>Law enforcement memorial marker</i>		<i>1,800</i>			
<b>Total Expenditures</b>				<b><u>\$ 77,650</u></b>	

**City of Winter Garden  
Interim Budget  
Local Option Gas Tax Fund**

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
160-0741-312.41-00	Local Option Gas Tax	\$ 1,012,446	\$ 980,452	\$ 120,387	\$ 1,100,839
<i>Item underbudgeted</i>					
160-0741-399.99-99	Use of Fund Balance	-	1,582,456	<u>64,753</u>	1,647,209
<i>To balance increase in budgeted revenues</i>					
<b>Total Revenues</b>				<u><b>185,140</b></u>	
<b>Expenditures</b>					
160-0741-541.49-04	Traffic Light Maintenance	\$ 65,701	\$ 12,000	\$ 52,210	\$ 64,210
160-0741-541.49-08	Street Light Maintenance	384,372	97,500	132,930	230,430
<i>Items underbudgeted</i>					
160-0741-541.63-00	Improvements Other than Building	482,048	2,452,497	<u>-</u>	2,452,497
<i>Street Resurfacing 2013</i>		<b>381,405</b>			
<i>S Highland (Smith to R/R tracks)</i>		<b>(142,100)</b>			
<i>Palm Dr (Regal to Division)</i>		<b>(231,200)</b>			
<i>N Dillard - Surprise&gt; Division</i>		<b>(8,105)</b>			
<b>Total Expenditures</b>				<u><b>185,140</b></u>	

City of Winter Garden  
Interim Budget  
Transportation Impact Fees-CR545 Special Benefit Area

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Streets</b>					
173-0213-361.10-11	Interest	27,800	25,294	(14,823)	10,471
173-0741-324.31-00	Impact Fees-Residential	82,047	54,789	(1,646,615)	(1,591,826)
173-0741-324.32-00	Impact Fees-Commercial	-	56,558	(1,011,831)	(955,273)
173-0741-366.00-00	Contributions	-	-	(392,030)	(392,030)
173-0741-399.99-99	Use of Fund Balance			<u>2,928,658</u>	
<i>Items underbudgeted, reimbursement of impact fees</i>					
<b>Total Revenues</b>				<b><u>\$ (136,641)</u></b>	
<b>Expenditures</b>					
<b>Streets</b>					
173-0741-599.99-99	Transfer to Fund Balance	\$ -	\$ 136,641	<u>\$ (136,641)</u>	\$ -
<i>To balance decrease in budgeted revenues</i>					
<b>Total Expenditures</b>				<b><u>\$ (136,641)</u></b>	

City of Winter Garden  
Interim Budget  
Transportation Impact Fees-General

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Streets</b>					
174-0741-324.31-00	Impact Fees-Residential	828,364	530,373	20,178	550,551
174-0741-324.32-00	Impact Fees-Commercial	119,737	108,878	29,085	137,963
<i>Items underbudgeted</i>					
174-0741-399.99-99	Use of Fund Balance	-	1,882,509	<u>1,631,035</u>	3,513,544
<i>To balance increase in budgeted revenues/expenditures</i>					
<b>Total Revenues</b>				<b><u>\$ 1,680,298</u></b>	
<b>Expenditures</b>					
174-0741-541.61-00	Land	\$ 902,911	\$ -	15,323	15,323
<i>Plant Street Row-9th to SR429</i>					
174-0741-541.63-00	Improvements Other Than Bldg	\$1,647,736	\$6,130,000	<u>1,664,975</u>	7,794,975
<i>Landscape Hwy 50</i>		<i>120,643</i>			
<i>Landscape around stormwater pond and Lulu Creek</i>		<i>1,394,332</i>			
<i>E Plant St Segment 2</i>		<i>150,000</i>			
<b>Total Expenditures</b>				<b><u>\$ 1,680,298</u></b>	

**City of Winter Garden  
Interim Budget  
Utility Operating Fund**

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
410-2116-343.50-00	Sewer Service	\$4,721,068	\$4,692,408	\$ 55,077	\$4,747,485
<i>Items underbudgeted</i>					
410-2116-361.10-00	Interest	153,717	140,087	(71,447)	68,640
<i>Items underbudgeted</i>					
410-2116-399.99-99	Use of Fund Balance	-	5,574,226	<u>1,295,108</u>	6,869,334
<i>To balance increase in budgeted expenditures</i>					
<b>Total Revenues</b>				<b><u>\$ 1,278,738</u></b>	
<b>Expenditures</b>					
<b>Administration</b>					
410-2113-536.31-01	Professional Service Miscellaneous	\$ 12,363	\$ 5,800	\$ 20,000	\$ 25,800
<i>Utility Rate Study</i>					
410-2113-536.62-00	Building	3,880	1,000	9,793	10,793
<i>Rehab on 8 N Highland Street</i>					
410-2113-536.63-00	Improvements Other than Building	-	-	322,000	322,000
<i>Carriage Pointe Reserve Water Main</i> <span style="float: right;">22,000</span>					
<i>Waterside at John's Lake Utility Upsizing Reimbursement</i> <span style="float: right;">300,000</span>					
410-2113-536.64-00	Machinery & Equipment	127,040	17,847	33,253	51,100
<i>Maintenance Fee for Maintstar</i>					
410-2113-581.91-00	Intra-Fund Transfer Out	800,000	7,692,907	366,420	8,059,327
<i>To fund Renewal and Replacement Projects</i>					
<b>Wastewater Division</b>					
410-2117-535.34-01	Contractual Services Misc.	\$ 310,162	\$ 262,434	\$ 190,000	\$ 452,434
<i>Water Conserv II</i> <span style="float: right;">150,000</span>					
<i>Sludge hauling and additional lab testing for new</i>					
<i>WWTP Permit requirements</i> <span style="float: right;">40,000</span>					
410-2117-535.43-00	Utility Services	490,386	339,633	71,847	411,480
<i>Electricity cost for the WWTP, Reclaimed Water and the Dreyfus WWTP</i>					
410-2117-535.46-01	Repairs & Maintenance Misc.	48,602	33,238	17,762	51,000
<i>Misc repairs for pumps and blowers</i>					
410-2117-535.46-03	Repairs & Maintenance Vehicles	4,904	2,270	1,530	3,800
<i>Vehicle Repairs</i>					
<b>Collection</b>					
410-2127-535.63-00	Machinery & Equipment	-	250,500	203,578	454,078
<i>Manhole Rehab</i> <span style="float: right;">12,315</span>					
<i>Lift Station #23 Rehab</i> <span style="float: right;">191,263</span>					
410-2127-535.64-00	Machinery & Equipment	99,110	130,588	<u>42,555</u>	173,143
<i>Upgrades to existing SCADA System</i>					
<b>Total Expenditures</b>				<b><u>\$ 1,278,738</u></b>	

**City of Winter Garden  
Interim Budget  
Utility Impact Fee Fund**

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Water</b>					
411-2116-324.21-00	Impact Fees- Residential	\$ 404,890	\$ 321,878	\$ 745,475	\$ 1,067,353
<i>Item underbudgeted</i>					
411-2116-389.40-00	Other Grants & Donations	556,580	-	263,575	263,575
<i>St. Johns River WMD Cost Share Agreement</i>					
<b>Wastewater</b>					
411-2117-324.21-00	Impact Fees- Residential	358,738	178,822	<u>519,359</u>	698,181
<i>Item underbudgeted</i>					
<b>Total Revenues</b>				<b><u>\$ 1,528,409</u></b>	
<b>Expenditures</b>					
<b>Water</b>					
411-2116-599.99-99	Transfer to Fund Balance	-	-	782,934	782,934
<i>To balance increase in budgeted revenues</i>					
<b>Wastewater</b>					
411-2117-535.63-00	Improv Other Than Building	\$ 183,813	\$ 2,717,500	\$ (775,000)	\$ 1,942,500
<i>Odor Control/Headworks Imp WWTP</i>					
<i>700,000</i>					
<i>Incorrect code for E Plant Segment 2 in budget, shb 411-2127-53:</i>					
<i>(275,000)</i>					
<i>Reschedule the Dreyfus/9th WWTP Improvements</i>					
<i>(1,200,000)</i>					
<b>Distribution</b>					
411-2126-533.63-00	Improv Other Than Building	3,475,395	3,758,805	766,100	4,524,905
<i>E Plant St Segment 2</i>					
<i>51,100</i>					
<i>Trunkline C Phase 6</i>					
<i>215,000</i>					
<i>Relocation of Conserv II Water Main for Tilden-Avalon Intersectic</i>					
<i>500,000</i>					
411-2126-599.99-99	Transfer to Fund Balance				
<i>To balance increase in budgeted revenues</i>					
<b>Collection</b>					
411-2127-535.63-00	Improv Other Than Building	435,307	2,039,950	<u>754,375</u>	2,794,325
<i>E Plant St Segment 2</i>					
<b>Total Expenditures</b>				<b><u>\$ 1,528,409</u></b>	

City of Winter Garden  
Interim Budget  
Utility Renewal and Replacement Fund

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
412-2116-381.41-00	Interfund Transfer <i>Transfer from Operating Fund</i>	800,000	7,692,907	366,420	8,059,327
<b>Total Revenues</b>				<b><u>\$ 366,420</u></b>	
<b>Expenditures</b>					
<b>Collection</b>					
412-2127-535.63-00	Improv Other Than Building <i>9th St Gravity Sewer Main Replacement</i>	143,356	2,399,145	<u>366,420</u>	2,765,565
<b>Total Expenditures</b>				<b><u>\$ 366,420</u></b>	

**City of Winter Garden  
Interim Budget  
Stormwater Fund**

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Storm Water</b>					
420-2618-329.00-00	Storm Water	\$1,353,998	\$1,359,824	\$ 11,699	\$1,371,523
<i>Item underbudgeted</i>					
420-2618-399.99-99	Use of Fund Balance	-	-	<u>246,037</u>	246,037
<i>To balance increase in budgeted revenues/expenditures</i>					
<b>Total Revenues</b>				<b><u>\$ 257,736</u></b>	
<b>Expenditures</b>					
420-2618-538.31-04	Engineering	\$ 6,029	\$ 2,000	\$ 10,000	\$ 12,000
<i>NPDES Stormwater Permit</i>					
420-2618-538.34-01	Contractual Services Misc	2,344	22,500	\$ 23,500	46,000
<i>Storm sewer pipe installed on Carter Road; video of stormsewer system in Lakeview Reserve</i>					
420-2618-538.46-02	Repairs/Maint - Equipment	4,673	4,000	\$ 3,191	7,191
<i>Replacement parts for the Tymco Sweeper</i>					
420-2618-538.52-01	Operating Supplies	3,637	3,514	\$ 2,436	5,950
<i>Replacement parts for the Tymco Sweeper</i>					
420-2618-538.52-03	Gasoline & Oil	16,067	18,000	\$ 2,772	20,772
<i>Item underbudgeted</i>					
420-2618-538.63-00	Capital Improvements	578,526	804,540	\$ 308,388	1,112,928
<i>Lake Cove Point Underdrains</i>					
		258,388			
<i>Downtown Master Stormwater</i>					
		50,000			
420-2618-599.99-99	Transfer to Fund Balance	-	92,551	<u>(92,551)</u>	-
<i>To balance decrease in budgeted revenues</i>					
<b>Total Expenditures</b>				<b><u>\$ 257,736</u></b>	

City of Winter Garden  
Interim Budget  
Trailer City Fund

<u>Account Number</u>	<u>Description</u>	<u>2012 Actual</u>	<u>2013 Current Budget</u>	<u>Budget Adjustments</u>	<u>2013 Proposed Amended Budget</u>
<b>Revenues</b>					
450-3657-399.99-99	Use of Fund Balance	\$ -	\$ 5,555	\$ <u>20,575</u>	\$ 26,130
<i>To balance increase in budgeted expenditures</i>					
<b>Total Revenues</b>				<b>\$ <u>20,575</u></b>	
<b>Expenditures</b>					
450-3657-539.23-00	Life & Health Insurance	\$ 12,614	\$ 14,752	\$ 2,026	\$ 16,778
<i>Underbudgeted</i>					
<i>Increase in Premiums</i>					
450-3657-539.31-02	Legal	44,464	4,000	16,049	20,049
<i>Court/Legal Costs</i>					
450-3657-539.62-00	Buildings	5,233	-	<u>2,500</u>	2,500
<i>Purchase of Trailer</i>					
<b>Total Expenditures</b>				<b>\$ <u>20,575</u></b>	

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

**From:** Don Cochran, Assistant City Manager – Public Services  
**Via:** Mike Bollhoefer, City Manager  
**Date:** May 16, 2013      **Meeting Date:** May 23, 2013  
**Subject:** Approve Bids and Award Contract for the 9th Street Gravity Sewer Main Replacement and the Lift Station #23 Rehab Project  
**Issue:** Corrosive gases from the sewer system have eroded the gravity sewer main delivering sewage to Lift Station #23 (located on 9th Street approximately 2,000 ft. south of SR 50). These gases have also eroded the walls of the wet well and piping inside the lift station. Both are in need of replacement this summer.

Bids were received for this project on March 19, 2013, and it was determined that TD Thomson is the lowest qualified bidder for both phases of the project. The bids are as follows:

**GRAVITY SEWER REPLACEMENT:**

TD Thomson	\$487,690.00
CE James	\$645,185.00
Schuller Contractors	\$939,663.00

**LIFT STATION #23:**

TD Thomson	\$309,600.00
CE James	\$466,350.00
Schuller Contractors	\$422,800.00

**ADDITIVE ALTERNATIVES:**

Odor Control and Associated Electrical at LS	\$15,000
316 SST Discharge Piping and Fittings at LS	\$60,000

TD Thomson's total bids for the pipe line and lift station, including the additive alternatives to reduce corrosion in the wet well, equal \$872,290.00. Staff recommends adding a 10% contingency, bringing the total contract amount to \$959,519.00.

**Recommended Action:**

Recommend awarding the bid and contract for the 9th Street Gravity Sewer Line Replacement and the Lift Station #23 Rehab to TD Thomson with a total bid of \$872,290.00 and a 10% contingency, making the total contract amount \$959,519.00.

**Attachments / References:**

- Engineer's recommendation letter
- Bid tabulation



April 1, 2013

Mr. Donald Cochran  
Assistant City Manager – Public Services  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787

**Subject: 9<sup>th</sup> Street Gravity Sewer and Lift Station No. 23 Improvements  
Recommendation of Award**

**Tt #: 200-8490-12004/05**

Dear Mr. Cochran:

We have reviewed the three (3) bids received for the above-referenced project submitted to the City of Winter Garden on March 19, 2013. The bid prices received have been entered into the bid tabulation attached hereto. T.D. Thomson Construction Co. Inc. was the apparent low bidder with a total base bid (includes the 9<sup>th</sup> Street Gravity Sewer Replacement and Lift Station No. 23 Improvements) of \$797,290.00, with C.E. James, Inc. and Schuller Contractors being the second and third apparent lowest bidders at \$1,111,535.00 and \$1,362,463.00, respectively.

The bid documents submitted by each of these bidders were found to be complete; however, there were addition errors on the bid form submitted by C.E. James, Inc. that increased their total base bid from \$1,001,035.00 to \$1,111,535.00.

References provided by T.D. Thomson Construction Co. Inc. included a mixture of civil storm water, utility water/wastewater pipeline type projects, and roadway reconstruction, with more emphasis on the utility water/wastewater pipeline type. Based upon review and discussions with references for representative utility type projects, all of which are City of Winter Garden projects, T.D. Thomson Construction Co. Inc. has completed all the projects successfully and to the satisfaction of the City. In view of these findings it appears that T.D. Thomson Construction Co. Inc. is qualified to complete the subject project.

When considering either or both Additive Alternatives, T.D. Thomson Construction Co. Inc. remained the apparent low bidder. Due to the variation in Additive Alternatives unit prices between T.D. Thomson and the other bidders, Tetra Tech contacted and verified the unit prices provided with Mr. Thomson. The verified total prices for Additive Alternates A and B are \$15,000.00 and \$60,000.00.

Based on this evaluation, our recommendation is that the project be awarded to T.D. Thomson Construction Co. Inc. in the amount of \$797,290.00 plus either or both Additive Alternates based on the City's preference and budgetary constraints.

**Tetra Tech, Inc.**

201 E. Pine Street, Suite 1000, Orlando, FL 32801  
Tel 407.839.3955 Fax 407.839.3790 [www.tetrattech.com](http://www.tetrattech.com)



Mr. Donald Cochran  
April 1, 2013  
Page 2

If you have any questions or comments, please do not hesitate to call.

Very truly yours,

**Tetra Tech**

A handwritten signature in black ink, appearing to read 'Brian A. Foulkes'.

Brian A. Foulkes, P.E.  
Project Manager

MBS/slh/200-08490-12004/construction/bidsupport/Rec of Award.pdf

C: Mike Kelly, P.E., City of Winter Garden

**City of Winter Garden  
9th Street Gravity Sewer and Lift Station No. 23 Improvements**

**Bid Tabulation**

Item No.	Description	Est. Qty.	Unit	T.D. Thomson Construction		C.E. James, Inc.		Schuller Contractors	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>9th Street Gravity Sewer Replacement</b>									
1	Mobilization/Demobilization	1	LS	\$ 35,000.00	\$ 35,000.00	\$ 10,000.00	\$ 10,000.00	\$ 60,000.00	\$ 60,000.00
2	General Requirements	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00
3	Indemnification	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
4	Maintenance of Traffic	1	LS	\$ 45,000.00	\$ 45,000.00	\$ 20,000.00	\$ 20,000.00	\$ 90,000.00	\$ 90,000.00
5	Locate Utilities in Advance of Construction	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 1,500.00	\$ 1,500.00	\$ 6,000.00	\$ 6,000.00
6	Bypass Pumping	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 25,000.00	\$ 25,000.00	\$ 36,000.00	\$ 36,000.00
7	Grout and Abandon Existing 8-inch SS	36	LF	\$ 15.00	\$ 540.00	\$ 20.00	\$ 720.00	\$ 12.00	\$ 432.00
8	Grout and Abandon Existing 24-inch SS	967	LF	\$ 25.00	\$ 24,175.00	\$ 35.00	\$ 33,845.00	\$ 25.00	\$ 24,175.00
9	Grout and Abandon Existing 30-inch SS	10	LF	\$ 30.00	\$ 300.00	\$ 50.00	\$ 500.00	\$ 240.00	\$ 2,400.00
10	Remove Existing 8-inch PVC	37	LF	\$ 15.00	\$ 555.00	\$ 20.00	\$ 740.00	\$ 32.00	\$ 1,184.00
11	Remove Existing 10-inch PVC	10	LF	\$ 15.00	\$ 150.00	\$ 25.00	\$ 250.00	\$ 60.00	\$ 600.00
12	Decommission and Remove Existing Manhole	1	EA	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 2,400.00	\$ 2,400.00
13	Core and Reform Bench Existing Manhole	3	EA	\$ 1,100.00	\$ 3,300.00	\$ 2,500.00	\$ 7,500.00	\$ 3,600.00	\$ 10,800.00
14	FRP Manhole	4	EA	\$ 16,000.00	\$ 64,000.00	\$ 10,000.00	\$ 40,000.00	\$ 19,200.00	\$ 76,800.00
15	8-inch PVC SS Pipe	58	LF	\$ 30.00	\$ 1,740.00	\$ 50.00	\$ 2,900.00	\$ 52.00	\$ 3,016.00
16	24-inch PVC SS Pipe	957	LF	\$ 140.00	\$ 133,980.00	\$ 390.00	\$ 373,230.00	\$ 308.00	\$ 294,756.00
17	Mill and Resurface Pavement	1900	SY	\$ 5.50	\$ 10,450.00	\$ 15.00	\$ 28,500.00	\$ 19.00	\$ 36,100.00
18	Jack and Bore 42-inch Steel Casing with Carrier Pipe	60	LF	\$ 1,200.00	\$ 72,000.00	\$ 1,400.00	\$ 84,000.00	\$ 2,200.00	\$ 132,000.00
19	All Other Work Not Included in Items 1 through 18	1	LS	\$ 45,000.00	\$ 45,000.00	\$ 5,000.00	\$ 5,000.00	\$ 150,000.00	\$ 150,000.00
<b>Total Bid (9th Street Gravity Sewer Replacement)</b>					<b>\$ 487,690.00</b>		<b>\$ 645,185.00</b>		<b>\$ 939,663.00</b>
<b>Lift Station No. 23 Improvements</b>									
1	Mobilization/Demobilization	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 3,000.00	\$ 3,000.00	\$ 12,000.00	\$ 12,000.00
2	General Requirements	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 65,000.00	\$ 65,000.00	\$ 9,000.00	\$ 9,000.00
3	Indemnification	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
4	Demolition	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 30,000.00	\$ 30,000.00	\$ 12,000.00	\$ 12,000.00
5	Bypass Pumping	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 24,000.00	\$ 24,000.00
6	Piping and Fittings	1	LS	\$ 45,000.00	\$ 45,000.00	\$ 40,000.00	\$ 40,000.00	\$ 50,400.00	\$ 50,400.00
7	8-inch Check Valve	5	EA	\$ 4,000.00	\$ 20,000.00	\$ 10,000.00	\$ 50,000.00	\$ 6,240.00	\$ 31,200.00
8	8-inch Plug Valve	4	EA	\$ 2,800.00	\$ 11,200.00	\$ 7,500.00	\$ 30,000.00	\$ 3,000.00	\$ 12,000.00
9	20-inch Plug Valve	1	EA	\$ 14,000.00	\$ 14,000.00	\$ 10,000.00	\$ 10,000.00	\$ 13,200.00	\$ 13,200.00
10	316 SST Slide Gates	2	EA	\$ 10,000.00	\$ 20,000.00	\$ 50,000.00	\$ 100,000.00	\$ 25,800.00	\$ 51,600.00
11	Site and Asphalt Restoration	1	LF	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 12,000.00	\$ 12,000.00
12	Rehabilitate and Coat Wetwell and Structure	3050	SF	\$ 28.00	\$ 85,400.00	\$ 27.00	\$ 82,350.00	\$ 48.00	\$ 146,400.00
13	Miscellaneous Improvements	1	EA	\$ 28,000.00	\$ 28,000.00	\$ 15,000.00	\$ 15,000.00	\$ 18,000.00	\$ 18,000.00
14	All Other Work Not Included in Items 20 through 32	1	EA	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 30,000.00	\$ 30,000.00
<b>Total Bid (Lift Station No. 23 Improvements)</b>					<b>\$ 309,600.00</b>		<b>\$ 466,350.00</b>		<b>\$ 422,800.00</b>
<b>TOTAL BASE BID</b>					<b>\$ 797,290.00</b>		<b>\$ 1,111,535.00</b>		<b>\$ 1,362,463.00</b>
<b>Additive Alternatives</b>				<b>Unit Price / Total</b>		<b>Unit Price / Total</b>		<b>Unit Price / Total</b>	
A	Odor Control System and Associated Electrical	1	LS	\$15,000.00		\$100,000		\$174,000	
B	316 SST Discharge Piping and Fittings at LS	1	LS	\$60,000.00		\$50,000		\$48,000	
<b>TOTAL BASE BID PLUS ADDITIVE ALTERNATES</b>					<b>\$ 872,290.00</b>		<b>\$ 1,261,535.00</b>		<b>\$ 1,584,463.00</b>

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

**From:** Don Cochran, Assistant City Manager – Public Services

**Via:** Mike Bollhoefer, City Manager

**Date:** May 14, 2013                      **Meeting Date:** May 23, 2013

**Subject:** Approve bids and award contract for the North Dillard Street Phase 3 Improvements Project (PN 10-007)

**Issue:** The City received three bids on May 7, 2013, for the North Dillard Street Phase 3 Improvements Project. They are as follows:

Ranger Construction Industries, Inc.	\$440,999.00
T.D. Thomson Construction Co., Inc.	\$492,606.92
Schuller Contractors, Inc.	\$512,000.00

Ranger Construction Industries, Inc., is recommended as the lowest responsive bidder with a bid of \$440,999.00.

**Recommended Action:**

Approve Ranger's bid and award them the contract for the North Dillard Street Phase 3 Project, including a 10% contingency, bringing the total amount approved for the project to \$485,098.90.

**Attachments/References:**

- Engineer's letter of recommendation
- Bid tabulation form

# CITY OF WINTER GARDEN

## Engineering Department

300 West Plant Street - Winter Garden, Florida 34787-3011

(407) 656-4111 - FAX (407) 877-2363

### MEMORANDUM

**TO:** CITY COMMISSION VIA MICHAEL BOLLHOEFER, CITY MANAGER  
**FROM:** DON COCHRAN, ASSISTANT CITY MANAGER FOR PUBLIC SERVICES  
 ARTHUR R. MILLER, III, PE, PLS – CITY ENGINEER  
**DATE:** MAY 7, 2013  
**SUBJECT:** REVIEW OF BIDS – RECOMMENDATION OF AWARD  
 NORTH DILLARD STREET PHASE 3 PROJECT (TILDEN-VERNA) - CITY PN 10-007

As you know, the City received bids for this project today. Bids were received from three (3) of the five (5) contractors that had purchased bid packages and attended the mandatory pre-bid meeting. Based on our recommendation, we are asking the Commission to award the bid at this time so construction can commence as soon as possible. The tabulated bid amounts for the lowest three bids are summarized below:

<u>Company</u>	<u>Unit Price Base Bid</u>
Engineer's Estimate (including Addendum #1)	\$460,000.00
<b>Ranger Construction Industries, Inc.</b>	<b>\$440,999.00</b>
T.D. Thomson Construction Co., Inc.	\$492,606.92
Schuller Contractors, Inc.	\$512,000.00

We feel that the bids were competitive, and were less than the budgeted amount and Engineer's estimated cost for the project. We have attached the bid tabulation for the three bidders for your review. After reviewing the proposal submitted by Ranger Construction Industries, Inc., we have found all documentation to be in order (bid form signed, bid guarantee, etc.) and that their qualifications indicate that they can perform the project within the time frames specified.

We also recommend that a contingency amount of 10% be approved in addition to the Contractor's Unit Price bid. This will allow construction to continue without delays if Staff approves additional work within the contingency amount that exceeds the original scope. This is a Unit Price contract. Payment will be based on the actual quantity of materials installed according to the unit price bid.

In summary, we recommend that the project be awarded to Ranger Construction Industries, Inc., at a price not to exceed \$485,098.90 (Base bid + 10% contingency), and ask the Commission's approval for the City to enter into a contract with them. Execution of the contract will be contingent upon all requirements being met (i.e. insurance, bond, etc.).

Please review this information and contact our office if you have any questions. Thank you.

**END OF MEMORANDUM**

Attachments (Bid Tabulations)

File: W\ARM\WG169

**BID TABULATION  
CITY OF WINTER GARDEN  
NORTH DILLARD STREET - PHASE 3 - MAY 7, 2013**

ITEM NO.	ITEM	QUANT.	UNIT	RANGER		TD THOMSON		SCHULLER	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	MOBILIZATION	1	LS	\$105,984.10	\$105,984.10	\$72,312.82	\$72,312.82	\$45,431.00	\$45,431.00
2	MAINTENANCE OF TRAFFIC	1	LS	\$4,167.60	\$4,167.60	\$14,000.00	\$14,000.00	\$17,400.00	\$17,400.00
3	TEMP EROSION & SEDIMENT CONTROL (INCLUDING POLLUTION PREVENTION PLAN &	1	LS	\$2,881.52	\$2,881.52	\$4,500.00	\$4,500.00	\$4,060.00	\$4,060.00
4	TEMPORARY DEWATERING (INCLUDING FDEP PERMIT)	1	LS	\$1.00	\$1.00	\$3,500.00	\$3,500.00	\$17,400.00	\$17,400.00
5	REMOVE, SALVAGE AND TRANSPORT BRICKS TO CITY PUBLIC WORKS YARD & STACK	1,872	SY	\$3.47	\$6,495.84	\$13.50	\$25,272.00	\$12.00	\$22,464.00
6	CLEARING & GRUBBING (INCLUDING ALL DEMOLITION AND PAVEMENT REMOVAL)	4,522	SY	\$3.53	\$15,962.66	\$8.00	\$36,176.00	\$3.00	\$13,566.00
7	EXCAVATE/REMOVE/DISPOSE SOIL	750	CY	\$3.82	\$2,865.00	\$12.00	\$9,000.00	\$31.00	\$23,250.00
8	SELECT IMPORT BACKFILL MATERIAL (INCLUDING 18" LAYER UNDER SUBBASE)	750	CY	\$7.86	\$5,895.00	\$11.00	\$8,250.00	\$23.00	\$17,250.00
9	GRADING	4,522	SY	\$0.67	\$3,029.74	\$1.00	\$4,522.00	\$6.00	\$27,132.00
10	6" COMPACTED SUBGRADE (UNDER SIDEWALKS)	420	SY	\$2.62	\$1,100.40	\$2.00	\$840.00	\$6.00	\$2,520.00
11	10" BASE (SOIL CEMENT)	2,740	SY	\$14.66	\$40,168.40	\$18.00	\$49,320.00	\$21.00	\$57,540.00
12	12" COMPACTED SUBGRADE	2,740	SY	\$1.61	\$4,411.40	\$1.00	\$2,740.00	\$5.00	\$13,700.00
13	2" S-1 ASPHALTIC CONCRETE PAVEMENT	2,086	SY	\$9.44	\$19,691.84	\$11.85	\$24,719.10	\$14.00	\$29,204.00
14	4" THICK CONCRETE SIDEWALK	420	SY	\$27.26	\$11,449.20	\$24.00	\$10,080.00	\$25.00	\$10,500.00
15	6" THICK CONCRETE DRIVEWAY	188	SY	\$42.54	\$7,997.52	\$35.00	\$6,580.00	\$31.00	\$5,828.00
16	HANDICAP RAMP (COMPLETE)	9	EA	\$543.68	\$4,893.12	\$600.00	\$5,400.00	\$580.00	\$5,220.00
17	PAVEMENT MARKINGS & SIGNAGE	1	LS	\$5,034.50	\$5,034.50	\$5,000.00	\$5,000.00	\$5,800.00	\$5,800.00
18	DROP CURB (MIAMI CURB)	369	LF	\$13.59	\$5,014.71	\$19.00	\$7,011.00	\$19.00	\$7,011.00
19	FDOT TYPE 'F' CURB	1,095	LF	\$17.61	\$19,282.95	\$19.00	\$20,805.00	\$19.00	\$20,805.00
20	SOD RESTORATION	1,338	SY	\$6.09	\$8,148.42	\$4.50	\$6,021.00	\$3.00	\$4,014.00
	<b><u>SANITARY</u></b>								
21	DEMO EXISTING SANITARY SEWER MAIN	656	LF	\$10.76	\$7,058.56	\$7.00	\$4,592.00	\$7.00	\$4,592.00
22	DEMO EXISTING SANITARY SEWER MANHOLE	1	EA	\$1,084.10	\$1,084.10	\$1,000.00	\$1,000.00	\$464.00	\$464.00
23	10" PVC GRAVITY SANITARY (SDR 26)	656	LF	\$25.55	\$16,760.80	\$29.00	\$19,024.00	\$21.00	\$13,776.00
24	6" PVC SERVICE LATERAL (SDR 26)	315	LF	\$32.73	\$10,309.95	\$15.00	\$4,725.00	\$24.00	\$7,560.00
25	SANITARY MANHOLE (4' DIA.)	1	EA	\$2,361.76	\$2,361.76	\$2,900.00	\$2,900.00	\$2,320.00	\$2,320.00
26	CONNECT TO EXIST. GRAVITY MAIN (1 - 10"; 1 - 8")	2	EA	\$1,532.10	\$3,064.20	\$500.00	\$1,000.00	\$696.00	\$1,392.00
	<b><u>WATER MAIN</u></b>								
27	DEMO EXISTING WATER MAIN (6")	698	LF	\$6.52	\$4,550.96	\$8.00	\$5,584.00	\$6.00	\$4,188.00
28	DEMO EXISTING WATER MAIN (8")	15	LF	\$18.16	\$272.40	\$10.00	\$150.00	\$6.00	\$90.00
29	8" PVC WATER MAIN (C-900, DR 18) (INCLUDING ALL FITTINGS)	663	LF	\$27.73	\$18,384.99	\$35.00	\$23,205.00	\$26.00	\$17,238.00
30	6" PVC WATER MAIN (C-900, DR 18)	44	LF	\$34.58	\$1,521.52	\$40.00	\$1,760.00	\$35.00	\$1,540.00
31	1" PVC WATER SERVICE	39	LF	\$17.83	\$695.37	\$10.00	\$390.00	\$30.00	\$1,170.00

32	8" GATE VALVE	7	EA	\$1,276.57	\$8,935.99	\$900.00	\$6,300.00	\$1,657.00	\$11,599.00
33	6" GATE VALVE	4	EA	\$956.88	\$3,827.52	\$800.00	\$3,200.00	\$1,218.00	\$4,872.00
34	FIRE HYDRANT ASSEMBLY	1	EA	\$3,395.84	\$3,395.84	\$2,800.00	\$2,800.00	\$3,654.00	\$3,654.00
35	CONNECT TO EXIST. 8" WATER MAIN (WET TAP)	1	EA	\$3,861.24	\$3,861.24	\$3,500.00	\$3,500.00	\$3,422.00	\$3,422.00
36	CONNECT TO EXIST. 8" WATER MAIN	1	EA	\$783.99	\$783.99	\$2,000.00	\$2,000.00	\$360.00	\$360.00
37	CONNECT TO EXIST. 6" WATER MAIN (WET TAP)	2	EA	\$2,784.75	\$5,569.50	\$3,500.00	\$7,000.00	\$2,190.00	\$4,380.00
38	CONNECT TO EXIST. 6" WATER SERVICE (SCHOOL)	1	EA	\$719.84	\$719.84	\$3,500.00	\$3,500.00	\$870.00	\$870.00
39	CONNECT TO EXIST. 6" FIRE SERVICE (SCHOOL)	1	EA	\$893.81	\$893.81	\$3,500.00	\$3,500.00	\$870.00	\$870.00
	<b>STORMWATER</b>								
40	DEMO EXISTING 18" VCP	654	LF	\$13.92	\$9,103.68	\$12.00	\$7,848.00	\$14.00	\$9,156.00
41	18" RCP	670	LF	\$25.77	\$17,265.90	\$32.00	\$21,440.00	\$30.00	\$20,100.00
42	FDOT TYPE '5' INLET W/ P BOTTOM	6	EA	\$3,774.25	\$22,645.50	\$3,500.00	\$21,000.00	\$4,060.00	\$24,360.00
43	CONNECT TO EXISTING STORM CONVEYANCE SYSTEM	2	EA	\$1,851.79	\$3,703.58	\$900.00	\$1,800.00	\$580.00	\$1,160.00
44	STORM MANHOLE (6' DIA.)	1	EA	\$3,010.92	\$3,010.92	\$3,500.00	\$3,500.00	\$2,900.00	\$2,900.00
45	6" UNDERDRAIN, INCLUDING 6 CLEANOUTS AND 6 CONNECTIONS TO STORM INLETS	1242	LF	13.48	\$16,742.16	\$20.00	\$24,840.00	\$16.00	\$19,872.00
	<b>TOTAL UNIT PRICE BID</b>				<b>\$440,999.00</b>		<b>\$492,606.92</b>		<b>\$512,000.00</b>

THE CITY OF WINTER GARDEN

CRA AGENDA ITEM

**From:** Tanja Gerhartz, Economic Development Director  
**Via:** Mike Bollhoefer, City Manager  
**Date:** May 16, 2013      **Meeting Date:** May 23, 2013  
**Subject:** Facade Matching Grant Application for 27 N Dillard Street  
**Applicant:** Lakeview Investments LLC/Cambridge Home IDEAS – Home Design & Furnishings

**Discussion:** The CRA Advisory Board recommended approval of the attached Facade Matching Grant application on May 14, 2013, which is before you for final approval on May 23, 2013. The application will be reviewed by the Architectural Review and Historic Preservation Board on May 21, 2013. The following matching grant is being recommended for approval:

Lakeview Investments LLC/Cambridge Home IDEAS      \$4,100

**Recommended Action:**

Move to approve the application and authorize the City Manager to execute agreement with the applicants.

**Attachments/References:**

Facade Matching Grant Application and Supporting Materials



## BUSINESS FACADE MATCHING GRANT PROGRAM COMMUNITY REDEVELOPMENT AGENCY (CRA)

PLEASE SUBMIT THIS COMPLETED APPLICATION ALONG WITH ANY SUPPORTING DOCUMENTATION TO THE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. (AN INCOMPLETE FORM WILL CAUSE A DELAY IN PROCESSING.)

### APPLICANT / BUSINESS INFORMATION:

NAME OF BUSINESS: CAMBRIDGE HOME I.D.E.A.'S

ADDRESS: 27 N. DILLARD ST

CITY: WINTER GARDEN STATE: FL ZIP: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FACSIMILE: \_\_\_\_\_ EMAIL: JULIE SCOTT 0902@GMAIL.COM

CONTACT NAME: JULIE SCOTT

FEDERAL IDENTIFICATION # \_\_\_\_\_  
OR  
SOCIAL SECURITY # \_\_\_\_\_ (REQUIRED TO PERFORM DUE DILIGENCE)

CORPORATION  NON-PROFIT  
 SOLE PROPRIETORSHIP  FOR-PROFIT  
 PARTNERSHIP STATE OF INCORPORATION \_\_\_\_\_  
 OTHER \_\_\_\_\_

### PROJECT/SITE INFORMATION:

PROJECT NAME: 27 N. DILLARD/CAMBRIDGE HOME, I.D.E.A.'S

PROJECT ADDRESS: 27 N. DILLARD WINTER GARDEN FL

PROPERTY LOCATED IN HISTORIC DOWNTOWN DISTRICT OVERLAY:  Yes  No CONTRIBUTING STRUCTURE:  Yes  No

COUNTY PROPERTY APPRAISER TAX PARCEL ID NUMBER(S): 14 - 22 - 27 - 2080 - 00 - 010

LEGAL DESCRIPTION: JL DILLARD SUB SECTION A K/37 LOTS 1 TO 6 & 9 & 10 (LESS BEG SE COR LOT 10 RUN NWLY TO A PT 4 FT W OF NE COR

### DESCRIPTION OF PROPOSED EXTERIOR IMPROVEMENT (ATTACH PLANS IF AVAILABLE):

EXTERIOR IMPROVEMENTS (IN DETAIL EXPLAIN SCOPE OF WORK): CONSTRUCTION OF STAIRS, DECK, RAILINGS & ADA RAMP. REPLACE SOLID DOOR WITH FRENCH DOOR + SIDE LIGHTS. INSTALL AWNING OVER DOOR/ SIDE LIGHTS AND PORCH LIGHTS ON EITHER SIDE OF ENTRANCE. TOUCH UP PAINT ON HOUSE FACADE & GARAGE FACADE.

### BID ESTIMATES FOR PROPOSED SCOPE OF WORK (Exterior Work Only):

APPLICANT MAY MAKE MULTIPLE COPIES OF THIS PAGE IF THE APPLICANT IS ACTING AS THEIR OWN GENERAL CONTRACTOR AND MORE THAN ONE TYPE OF WORK IS BEING PERFORMED. LIST EACH TYPE OF WORK SEPARATELY UNDER A BID ESTIMATE.

<b>BID ESTIMATE #1</b>	<b>BID ESTIMATE #2</b>
COMPANY NAME: <u>RDW CONTRACTING</u>	COMPANY NAME: _____
CONTACT NAME: <u>RON WOOD</u>	CONTACT NAME: _____
CONTACT PHONE NUMBER: <u>407-864-2650</u>	CONTACT PHONE NUMBER: _____
CONTACT EMAIL: <u>RON@RDWContracting.com</u>	CONTACT EMAIL: _____
BID AMOUNT FOR TOTAL WORK: <u>approx \$6,000</u>	BID AMOUNT FOR TOTAL WORK: _____

INVESTMENT VALUE OF WORK BEING PERFORMED BY APPLICANT: \_\_\_\_\_

VALUE OF INTERIOR IMPROVEMENTS: \_\_\_\_\_

VALUE OF EXTERIOR IMPROVEMENTS: \_\_\_\_\_

VALUE OF TOTAL IMPROVEMENTS: \_\_\_\_\_

SOURCE OF MATCHING FUNDS: SHARED EQUALLY BETWEEN OWNER AND TENANT

**PROPERTY OWNER INFORMATION / AUTHORIZATION:**

OWNER NAME: LAKEVIEW INVESTMENTS, LLC  
ADDRESS: 804 S. DILLARD ST  
CITY: WINTER GARDEN STATE: FL ZIP: 34787  
TELEPHONE: 407 656 5750 FACSIMILE: 407 656 0486 EMAIL: NICK.ASMA@ASMAPA.COM

I, NICK ASMA, MANAGING MEMBER LAKEVIEW INVESTMENTS, LLC AS OWNER OF THE PROJECT PROPERTY I HEREBY PROVIDE AUTHORIZATION TO THE APPLICANT TO REHABILITATE THE SAID PROPERTY AND THAT THE APPLICANT HAS THE AUTHORITY TO SIGN AND ENTER INTO AN AGREEMENT TO PERFORM THE REHABILITATION WORK ON THE PROPERTY.

OWNER ALSO HEREBY ACKNOWLEDGES THE FOLLOWING:

- OWNER HAS BEEN PROVIDED A COPY OF THE PROGRAM GUIDELINES, AND HAVE READ AND UNDERSTANDS THEM.
- OWNER AGREES TO THE CONDITIONS AND RESTRICTIONS OF THE CRA BUSINESS FAÇADE MATCHING GRANT PROGRAM.

[Signature]  
OWNER'S SIGNATURE

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 28 DAY OF MARCH, 2013 BY Charles N. ASMA WHO DID NOT TAKE AN OATH.

- PERSONALLY KNOWN OR;
- PRODUCED IDENTIFICATION / TYPE OF ID PRODUCED \_\_\_\_\_

Notary Seal



[Signature]  
SIGNATURE OF NOTARY

**CERTIFICATION / SIGNATURE OF APPLICANT:**

I, CHARLES NICHOLAS ASMA CERTIFY THAT ALL INFORMATION IN THIS APPLICATION, AND ALL INFORMATION FURNISHED IN SUPPORT OF THIS APPLICATION, IS GIVEN FOR THE PURPOSE OF OBTAINING A 50/50 GRANT AND IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IF THE APPLICANT IS NOT THE OWNER OF THE PROPERTY TO BE REHABILITATED OR, IF THE APPLICANT IS NOT THE SOLE OWNER OF THE PROPERTY, THE APPLICANT CERTIFIES THAT HE/SHE HAS THE AUTHORITY TO SIGN AND ENTER INTO AN AGREEMENT TO PERFORM THE REHABILITATION WORK ON THE PROPERTY.

SUCCESSFUL APPLICANTS IN THE CRA BUSINESS FAÇADE MATCHING GRANT PROGRAM ARE ENCOURAGED TO CONTRACT WITH LOCALLY OWNED BUSINESSES WHEN AVAILABLE FOR THE PURPOSES OF FULFILLING THIS GRANT.

VERIFICATION OF ANY INFORMATION CONTAINED IN THIS APPLICATION MAY BE OBTAINED ON BEHALF OF THE CRA FROM ANY AVAILABLE SOURCE.

APPLICANT ALSO HEREBY ACKNOWLEDGES THE FOLLOWING:

- APPLICANT HAS READ AND UNDERSTANDS THE PROGRAM GUIDELINES AND CRITERIA.
- APPLICANT MUST MEET ALL CITY REQUIREMENTS AND CODES.
- APPLICANT UNDERSTANDS THAT FINAL APPROVAL MUST COME FROM ALL CITY DEPARTMENTS AND BOARDS CONCERNED WITH ANY IMPROVEMENT.

[Signature]  
APPLICANT'S SIGNATURE

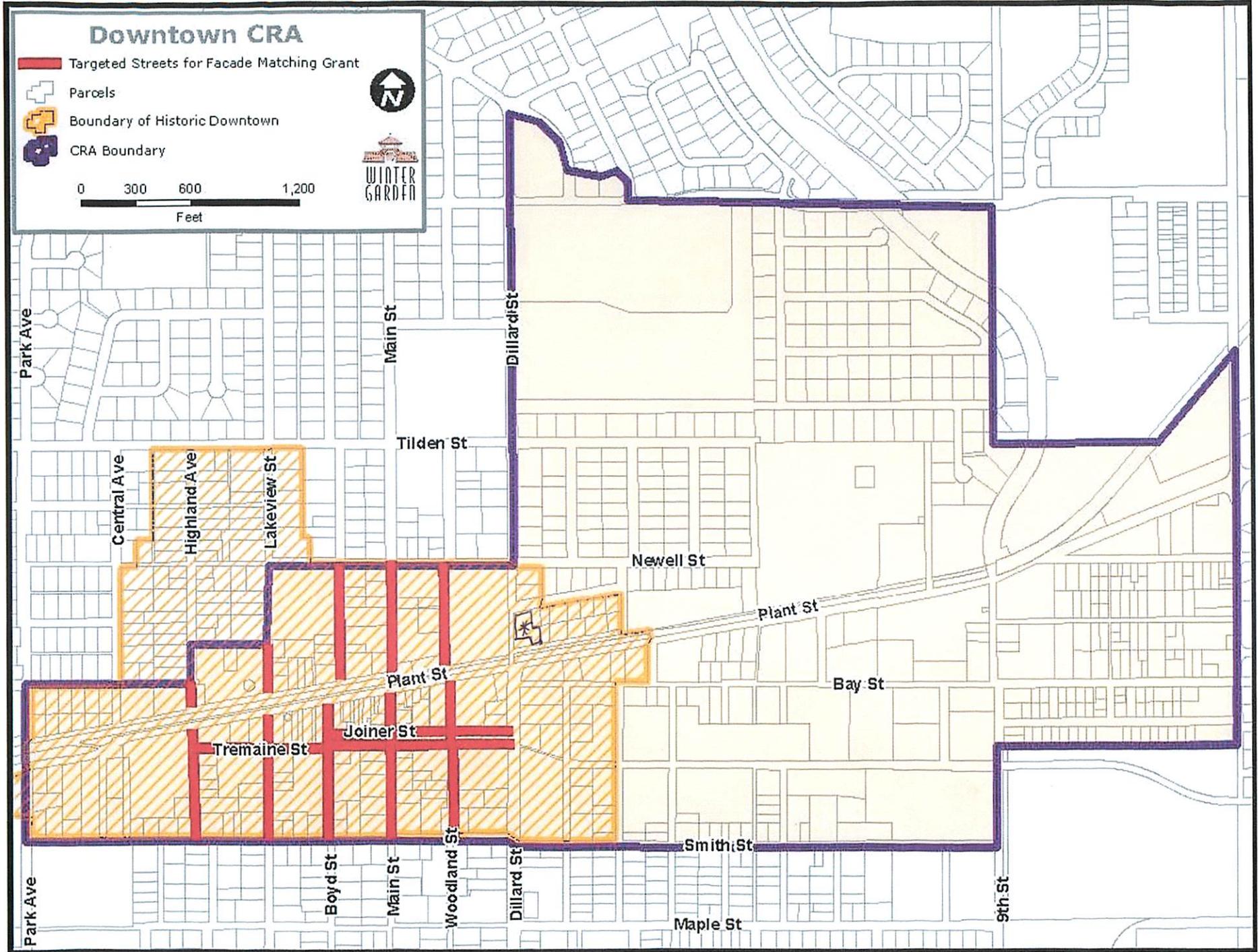
SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_ WHO DID NOT TAKE AN OATH.

- PERSONALLY KNOWN OR;
- PRODUCED IDENTIFICATION / TYPE OF ID PRODUCED \_\_\_\_\_

Notary Seal

\_\_\_\_\_  
SIGNATURE OF NOTARY

FOR OFFICE USE ONLY		DATE STAMP
CRA SUBMISSION _____	CRA BFMGP- APPLICATION NUMBER _____	
DATE _____		





## BUSINESS FACADE MATCHING GRANT PROGRAM COMMUNITY REDEVELOPMENT AGENCY (CRA)

### PROGRAM OBJECTIVES:

THE PRIMARY OBJECTIVE OF THE PROGRAM IS TO ENCOURAGE REHABILITATION AND PRESERVATION OF COMMERCIAL BUILDINGS BY OFFERING FINANCIAL AND TECHNICAL ASSISTANCE FOR FACADE REHABILITATION AND IMPROVEMENTS. THIS, IN TURN, IMPROVES THE AESTHETICS OF THE ENTIRE DOWNTOWN DISTRICT AND ENCOURAGES PRIVATE INVESTMENT THAT LEADS TO INCREASED PROPERTY VALUES. THIS PROGRAM SUPPORTS THE CRA PLAN AS ENVISIONED UNDER 7.4 ECONOMIC PROGRAMS.

### APPLICATION PROCESS:

YOU MUST SUBMIT A WRITTEN APPLICATION. STAFF WILL WORK WITH YOU TO MEET PROGRAM CONDITIONS THAT ARE REQUIRED FOR A COMMITMENT OF FUNDS. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

### CRITERIA:

- MUST BE A SMALL BUSINESS AS DEFINED BY THE U.S. SMALL BUSINESS ADMINISTRATION. (FOR MORE INFORMATION, VISIT [WWW.SBA.GOV/SIZE](http://WWW.SBA.GOV/SIZE)).
- MUST BE A BUSINESS AND/OR PROPERTY OWNER IN GOOD STANDING. (CURRENT BUSINESS TAX RECEIPT, PROPERTY TAXES, NO FINES, ETC.)
- APPLICANT MUST SHARE 50% OF THE COST. THE MAXIMUM GRANT THE CITY WILL PROVIDE IS \$20,000. BUT, ANY GRANTS OVER \$10,000 SHALL BE FOR HIGH IMPACT PROJECTS REPRESENTING PRIVATE INVESTMENTS AT OR ABOVE \$500,000.
- THE BUSINESS MUST BE LOCATED WITHIN THE BOUNDARIES OF CRA (SEE MAP) AND ALONG DESIGNATED STREETS.
- THE BUSINESS OWNER AND PROPERTY OWNER MUST JOINTLY APPLY.
- THE IMPROVEMENTS MUST MEET WITH THE CITY'S APPROVAL AND WILL REQUIRE BOARD APPROVAL.

### ELIGIBILITY:

ELIGIBLE APPLICANTS INCLUDE BOTH COMMERCIAL PROPERTY OWNERS AND BUSINESS LESSEES WITH WRITTEN AUTHORIZATION OF THE PROPERTY OWNER.

**ELIGIBLE WORK:** REHABILITATION AND IMPROVEMENTS OF EXISTING BUILDING FACADES VISIBLE TO THE STREET OR PUBLIC RIGHT-OF-WAY, INCLUDING STOREFRONTS; CORNICES; GUTTERS AND DOWNSPOUTS; SIGNS (SIGN STRUCTURE ONLY-EXCLUDES BUSINESS COPY); EXTERIOR LIGHTING; CANOPIES AND AWNINGS; PAINTING AND MASONRY CLEANING. PERMIT AND DESIGN REVIEW FEES CAN BE REIMBURSED THROUGH THE PROGRAM.

**INELIGIBLE WORK:** ANY ROOFS; STRUCTURAL FOUNDATIONS; BILLBOARDS; SECURITY SYSTEMS; NON-PERMANENT FIXTURES; INTERIOR WINDOW COVERINGS; PERSONAL PROPERTY AND EQUIPMENT; SECURITY BARS; RAZOR/BARBED WIRE FENCING; STREETScape, LANDSCAPING, SIDEWALKS AND PAVING.

### THE FOLLOWING ARE INELIGIBLE FOR GRANT FUNDS:

- NATIONAL CORPORATE FRANCHISES
- GOVERNMENT OFFICES AND AGENCIES (NON-GOVERNMENTAL, FOR-PROFIT, TENANTS ARE ELIGIBLE) PROPERTIES PRIMARILY SUPPORTING A RESIDENTIAL USE
- PROPERTIES EXEMPT FROM PROPERTY TAXES

### CONTRACTUAL AGREEMENT

Accepted applicants will have to enter a contractual grant agreement with the CRA prior to disbursement of grant funds.

### DESIGN

Design and planning costs directly related to the application for grant funds under the facade program may be reimbursed from grant monies once improvements are completed.

### APPROVALS

The City and CRA have the sole authority to determine eligibility of proposed work and confirmation of completed work. Certain work may be required or precluded as a condition of funding. Applicants will be responsible for obtaining necessary regulatory approvals, including any needed by City departments or boards and including, but not limited to building permits and any other necessary permits. All work must comply with city, state and federal regulations.

The City has adopted a historic architectural overlay district for the downtown core area. A separate application will be needed for exterior facade improvements. A determination will need to be made by City staff for compliance to the standards and guidelines of the overlay. Projects that meet the standards and guidelines will be able to proceed for building permits if necessary. Projects that do not meet the guidelines will need to be reviewed by the Architectural Review & Historic Preservation Board.



**COMPETITIVE BIDDING**

Applicants are required to obtain two (2) competitive bids. If the lowest bid is not chosen, the applicant will have to match the cost to the lowest bid or provide justification why they want to use the higher bid and the City will consider waiving the requirement if it is justified. For every type of proposed work, the CRA will match half of the cost of the lowest bid up to twenty thousand dollars (\$20,000) inclusive of any design or planning costs being reimbursed. All contractors must be insured and licensed by the State of Florida. All construction contracts will be between the applicant and contractor.



**BUY LOCAL AND COMMUNITY SUPPORT**

Applicants are encouraged to hire locally-owned businesses and contractors for the work outlined in the grant agreement.

**COMMITMENT OF FUNDS**

The grant available for each property is 50 percent of the cost of eligible improvements and associated design fees, up to \$20,000. Accepted applicants may draw on up to 50% of the estimated grant monies to be awarded, as determined by the lowest bid on the application, with proof of invoices paid. The remaining grant payment will be paid once the project is complete (This requirement can be waived by the Community Redevelopment Agency Advisory Board (CRAAB) with special conditions). Grants are awarded as long as funding remains available in the program. Once program funds have been allocated, the program will accept applications and create a waiting list, until additional funds are approved.

**PROGRAM REUSE RESTRICTION**

A grant recipient's business location may not be the beneficiary of another Business Facade Matching grant until after a 5-year time frame. If a business is sold and the new owner wishes to apply for the grant, the five-year time frame still applies. The five-year time frame begins at the date the improvements are completed.

**GENERAL CONDITIONS**

*The following general conditions will apply to all projects:*

- Based on the discretion of the advisory Board and the CRA.
- Improvements funded by the grant must be approved by the City and properly maintained.
- Property taxes must be current, have a business license and applicants may have no debts in arrears to the City when a contract is signed.
- Applicants must show proof of current property insurance.
- No work shall commence until authorized by the CRA. The application process will consist of being first reviewed by the CRAAB and recommended to the CRA and upon approval enter into an agreement.
- All projects shall obtain a building permit and will display signage indicating the CRA's involvement in the improvement work. Signs will be provided by the CRA.

QUESTIONS OR INQUIRES MAY BE DIRECTED TO THE ECONOMIC DEVELOPMENT DIRECTOR AT 407.656.4111 EXTENSION 2308.

<b>SUBMITTAL REQUIREMENTS</b>		
<i>PLEASE BRING ALL OF THE FOLLOWING ITEMS THAT APPLY WHEN SUBMITTING YOUR REQUEST</i>		STAFF
APPLICATION	INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.	<input type="checkbox"/>
BUSINESS TAX RECEIPT	PROVIDE A COPY OF THE CURRENT BUSINESS TAX RECEIPT.	<input type="checkbox"/>
INSURANCE CERTIFICATE	PROVIDE A COPY OF THE CURRENT PROPERTY INSURANCE.	<input type="checkbox"/>
PROPERTY TAX VERIFICATION	PROVIDE A COPY OF THE PROPERTY'S PROPERTY TAX PAYMENTS CURRENT.	<input type="checkbox"/>
DRAWINGS, RENDERINGS, SKETCHES	PROVIDE A DRAWING, RENDERING OR SKETCH FOR ENCOMPASSING SCOPE OF WORK.	<input type="checkbox"/>
FEE	<b>NO FEE REQUIRED</b>	



**CRA Advisory Board  
Facade Matching Grant Application**

**Subject Property:**

27 N. Dillard Street

**Project Owner:** Lakeview Investments LLC – Nick Asma

Tenant/Business Owner: Cambridge Home IDEA's

**Project Description:**

The subject property was recently purchased and due to the demand for office and commercial space signed a lease with a commercial tenant which is allowable since the building has commercial zoning (C-1). The tenant is Cambridge Home Ideas and their business is design services and home furniture and accents.

Since the building has previously been used as a residence, the owner and tenant need to make improvements to the building to meet Code and to modernize the building. They will remove the outdoor carport, add a deck on the front of the house, an awning and shutters, landscaping, add parking, and install a glass front door.

**Project Budget:**

	<u>Estimate 1</u>	<u>Estimate 2</u>
Deck	\$2,700	\$3,800
Awning/Shutters	\$600	\$750
New Door w/windows	\$1,800	\$2,100
Painting	\$1,200	\$1,400
Lighting	\$300	\$1,000
Permits	\$360	\$400
GC	\$1,195	\$2,100
<b>Total</b>	<b>\$8,155</b>	<b>\$11,550</b>

**City Approvals:**

The Architectural Review Board will review this item on May 21<sup>st</sup>. City staff has also reviewed the project and provided comments.

**Recommendation:**

Recommend approving a not to exceed Facade Matching Grant of \$4,100 for eligible improvements which qualifies as a 50% match. Two estimates for each eligible item were submitted with the application.

**“EXHIBIT A”  
SUBJECT PROPERTY**

**27 N. Dillard Street**



**Existing Conditions**

**“EXHIBIT B”  
Existing Conditions  
27 N. Dillard Street  
2013**



**27 N. Dillard Street**

**2006**



**“EXHIBIT C”  
PROPOSED FACADE IMPROVEMENTS**

**27 N. Dillard Street**



**Proposed Facade Improvements:**

Since the building has previously been used as a residence, the owner and tenant will make improvements to the building to meet Code and to modernize the building. They will remove the outdoor carport, add a deck, an awning and shutters, landscaping, add parking, and install a glass front door with glass panels.

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** May 15, 2013

**Meeting Date:** May 23, 2013

**Subject:** *Recommendation to approve the request to accommodate the Winter Garden Art Festival on Nov. 23 & 24, 2013.*

**Issue:**

The Historic Winter Garden Merchants Association is requesting to once again hold their annual Winter Garden Art Festival in the downtown area on Nov. 23 & 24, 2013. Exact event hours are still being determined at this time but it is preliminarily proposed to take place during daylight hours each day.

The event will be held on Plant St. between Lakeview and Woodland and will also incorporate areas of S. Boyd St. and S. Main St. A children's art area will be included amongst the individual artist entries in the downtown area. To produce the show, the association has contracted with Red Top Productions who also manage the weekly farmers market.

The merchant's group has also inquired about selling and serving beer and wine during festival hours. It is the recommendation of city staff that a designated enclosed area be identified and utilized as a beer garden for this purpose on Saturday only.

This event will necessitate that city staff is utilized for blocking and unblocking the streets, providing trash service, policing festival areas, and providing medical services through the fire department. The merchant's guild has requested that all staff and permit fees associated with this event are waived in order to assist in raising funds at the event to benefit the promotion and advertising of the downtown area. The guild has applied for and is awaiting their official 501c-6 tax-exempt status.

**Recommended action:**

**Motion to approve the Winter Garden Art Festival on November 23 & 24 with staff recommendations and to waive event fees.**

**Attachments/References:**

**Event Application**



310 NORTH DILLARD STREET  
WINTER GARDEN, FL 34787

PHONE: (407) 656-4155  
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Official Use Only  
Date Received: \_\_\_\_\_  
Permit Fee Pd. on: \_\_\_\_\_ Init. \_\_\_\_\_

### CITY OF WINTER GARDEN SPECIAL EVENT APPLICATION

SPECIAL EVENTS ON CITY PROPERTY WHERE 500 OR MORE PEOPLE ARE REASONABLY ANTICIPATED TO BE IN ATTENDANCE OR WHERE THERE ARE REQUESTS FOR STREET CLOSURE WILL REQUIRE PRIOR APPROVAL BY THE CITY COMMISSION, AT LEAST FOUR WEEKS PRIOR TO THE SCHEDULED EVENT. THE APPLICANT MUST COMPLETE ALL OF THE FOLLOWING INFORMATION.

HISTORIC WINTER GARDEN MERCHANTS ASSOC  
ORGANIZATION/GROUP: \_\_\_\_\_ NON PROFIT X CORP. \_\_\_\_\_ INDIV. \_\_\_\_\_

NAME OF EVENT WINTER GARDEN ART SHOW

CONTACT/REPRESENTATIVE: BERT VALDEZ DANA BROWN PHONE # 321-689-2466 321-202-5855  
BVALDES@CFL.RR.COM

ALT. PHONE: \_\_\_\_\_ EMAIL: DANA@RTPFLORIDA.COM

EVENT LOCATION: PLANT ST (LAKEVIEW TO S WOODLAND) PROPOSED DATES: NOV 23 & 24, 2013

HOURS: TBD 10 to 7 ESTIMATED DAILY ATTENDANCE: 2000

PLEASE CHECK ALL OF THE FOLLOWING THAT APPLY:

TYPE OF EVENT	EVENT DETAILS	EQUIPMENT AT EVENT
<input type="checkbox"/> FESTIVAL	<input type="checkbox"/> ADMISSION CHARGE/TICKET SALES	<input checked="" type="checkbox"/> AMPLIFIED SPEAKING/MUSIC
<input checked="" type="checkbox"/> EXHIBIT(S)	<input checked="" type="checkbox"/> ALCOHOL SERVED	HOURS OF: <u>10am-7pm daily</u>
<input type="checkbox"/> CARNIVAL/CIRCUS/FAIR	<input checked="" type="checkbox"/> ALCOHOL SALES	<input type="checkbox"/> PORTABLE RESTROOMS
<input type="checkbox"/> GENERAL MEETING	<input type="checkbox"/> FIREWORKS/PYROTECHNICS	<input type="checkbox"/> SPORTS EQUIPMENT
<input type="checkbox"/> PARADE	<input checked="" type="checkbox"/> FOOD VENDORS: # OF <u>up to 10</u>	<input checked="" type="checkbox"/> STAGE/PROPS/PRODUCTION
<input type="checkbox"/> BLOCK PARTY OR PICNIC	<input type="checkbox"/> MERCHANDISE VENDORS: # OF _____	<input checked="" type="checkbox"/> TENTS: #OF & SIZE <u>150-10x10</u>
<input type="checkbox"/> SPORTING EVENT/COMPETITION	<input checked="" type="checkbox"/> OPEN TO PUBLIC	<input checked="" type="checkbox"/> TEMPORARY EVENT SIGNAGE
<input type="checkbox"/> WEDDING/RECEPTION	<input checked="" type="checkbox"/> STREET/SIDEWALK CLOSURE- HOURS OF: <u>11/22-12AM THRU</u>	<input checked="" type="checkbox"/> DUMPSTERS/RECEPTACLES
<input type="checkbox"/> REVIVAL	<input type="checkbox"/> CITY WATER USED <u>9 PM 24th</u>	<input type="checkbox"/> INFLATABLE DEVICES
<input type="checkbox"/> OTHER: (EXPLAIN) _____	<input checked="" type="checkbox"/> EVENT HELD PREVIOUSLY	<input type="checkbox"/> COOKING EQUIP. USED.
_____	<input checked="" type="checkbox"/> CITY ELECTRIC USED	GAS _____ OPEN FLAME _____
_____		OTHER: _____

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

12<sup>th</sup> Annual Winter Garden Art Festival - on Plant Street between S. Lakeview and Dillard, also programming S. Boyd and S. Main St. Artists - 10x10 tents, food vendors, children's art area, wine & beer stations.

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

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

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

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

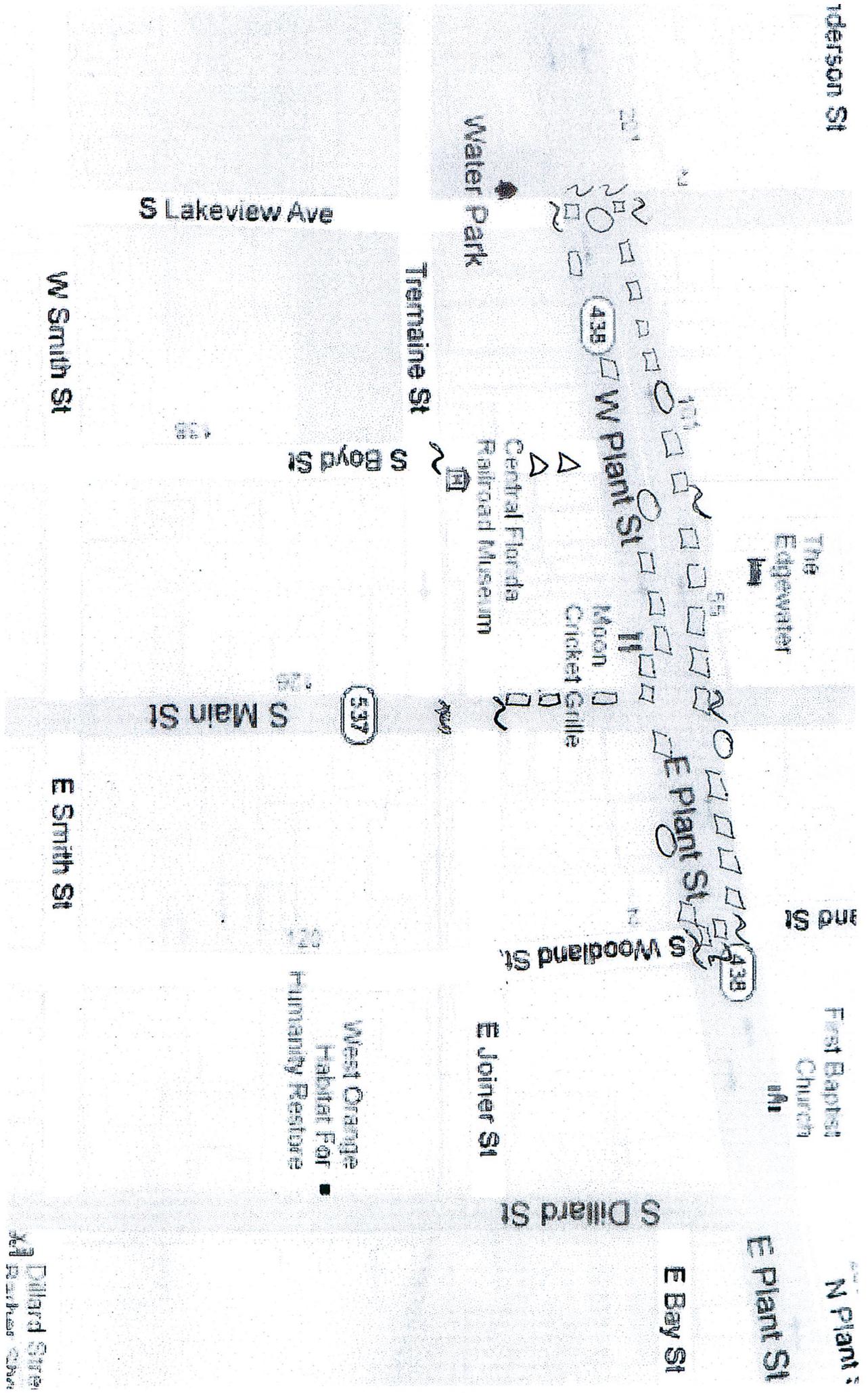
The undersigned has read these special event policies and procedures, waivers of liability, assumption of risks, and indemnity and hold harmless provisions, fully understands them, and understands that applicant is giving up substantial rights, including applicant's right to sue. The undersigned acknowledges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

[Handwritten Signature: Lana Brown]
SIGNATURE OF APPLICANT

April 25/2013
DATE

FOR OFFICE USE ONLY
REC.: \_\_\_\_\_ SCHEDULED FOR MEETING OF: \_\_\_\_\_
PD: \_\_\_\_\_

- ~ Street Closure
- △ Part-a-lets
- Wine/Beer Stations



- Security - SecureAmerica (1)
- Event Staff (4-6)
- Parking - At baseball fields

Dillard St  
E Bay St

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** May 16, 2013

**Meeting Date:** May 23, 2013

**Subject:** Request to hold the Kids All-American 4<sup>th</sup> of July Bicycle Parade in downtown Winter Garden on July 4, 2013.

**Issue:**

The Winter Garden Masonic Lodge is again partnering with the Winter Garden Heritage Foundation to hold their Kids All-American 4<sup>th</sup> of July Bicycle Parade on July 4<sup>th</sup>, 2013 at 10:00am. The groups have requested permission to block Plant St. and hold the parade between Central Ave. and Main Street in downtown Winter Garden.

The Masonic Lodge begins the morning by holding a pancake breakfast in the lodge for the public which is free to all children. Families and children are then welcome to bring bicycles, scooters, wagons, or simply walk in the short parade to celebrate this national holiday. It is free for anyone to attend. The event has been held for several years and has been free of any incidents to speak of.

The event would necessitate the blocking of Plant St. from approximately 9:30 to 10:30am. The groups have obtained permission of the Historic Downtown Merchants Guild to hold the event as proposed.

**Recommended action:**

***Move to approve the request to block Plant St. for the 4<sup>th</sup> of July Kids Parade on July 4<sup>th</sup>, 2013.***

**Attachments/References:**

**Event Application**  
**Event Map**



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

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

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

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

Per City Code Ch. 27, Art 1, Sec.3 "Special Events" are defined as any public assembly of 100 or more people in any park, sidewalk, alley, lake or other publically owned area. Completed applications should be submitted no less than 90 days prior to the first date of the proposed event. Events that require closure of any city street or are anticipated to have more than 500 people in attendance will require approval of the City Commission.

ORGANIZATION/GROUP: W.G. Masonic Lodge #165 NON PROFIT  CORP. \_\_\_\_\_ INDIV. \_\_\_\_\_  
 NAME OF EVENT: 4th of July Parade + Breakfast  
 CONTACT/REPRESENTATIVE: Sly Cantley PHONE # 407 509-5255  
 ALT. PHONE: 407 656-1996 EMAIL: SLYSTOWNG@AOL.COM  
 EVENT LOCATION: 230 W. BAY ST. W.G. PROPOSED DATES: 07-04-13  
 HOURS: 9 TO 11 AM ESTIMATED DAILY ATTENDANCE: 350

PLEASE CHECK ALL OF THE FOLLOWING THAT APPLY:

TYPE OF EVENT	EVENT DETAILS	EQUIPMENT AT EVENT
<input type="checkbox"/> FESTIVAL	<input type="checkbox"/> ADMISSION CHARGE/TICKET SALES	<input type="checkbox"/> AMPLIFIED SPEAKING/MUSIC
<input type="checkbox"/> EXHIBIT(S)	<input type="checkbox"/> ALCOHOL SERVED <sup>1</sup>	HOURS OF: _____
<input type="checkbox"/> CARNIVAL/CIRCUS/FAIR	<input type="checkbox"/> ALCOHOL SALES <sup>2</sup>	<input type="checkbox"/> PORTABLE RESTROOMS
<input type="checkbox"/> GENERAL MEETING	<input type="checkbox"/> FIREWORKS/PYROTECHNICS	<input type="checkbox"/> SPORTS EQUIPMENT
<input checked="" type="checkbox"/> PARADE	<input type="checkbox"/> FOOD VENDORS: # OF _____	<input type="checkbox"/> STAGE/PROPS/PRODUCTION
<input type="checkbox"/> BLOCK PARTY OR PICNIC	<input type="checkbox"/> MERCHANDISE VENDORS: # OF _____	<input type="checkbox"/> TENTS: #OF & SIZE _____
<input type="checkbox"/> SPORTING EVENT/COMPETITION	<input checked="" type="checkbox"/> OPEN TO PUBLIC	<input type="checkbox"/> TEMPORARY EVENT SIGNAGE
<input type="checkbox"/> WEDDING/RECEPTION	<input checked="" type="checkbox"/> STREET/SIDEWALK CLOSURE- HOURS OF: <u>9-11</u>	<input type="checkbox"/> DUMPSTERS/RECEPTACLES
<input type="checkbox"/> REVIVAL	<input type="checkbox"/> CITY WATER USED	<input type="checkbox"/> INFLATABLE DEVICES
<input type="checkbox"/> OTHER: (EXPLAIN) _____	<input type="checkbox"/> EVENT HELD PREVIOUSLY	<input type="checkbox"/> COOKING EQUIP. USED. GAS _____ OPEN FLAME _____
_____	<input type="checkbox"/> CITY ELECTRIC USED	<input type="checkbox"/> OTHER: _____

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

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



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

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## CITY OF WINTER GARDEN SPECIAL EVENT POLICIES AND PROCEDURES

### **FOOD VENDING**

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

### **EVENT INSURANCE**

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

### **PERMIT FEES**

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

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

### **ADDITIONAL FEES**

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

### **MISCELLANEOUS POLICIES**

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

### **APPROVAL PROCESS**

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



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

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

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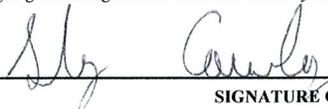
THE FOLLOWING SHOULD ACCOMPANY YOUR APPLICATION: (APPROVAL PROCESS WILL NOT BEGIN UNTIL THESE ARE SUBMITTED)

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

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

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

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

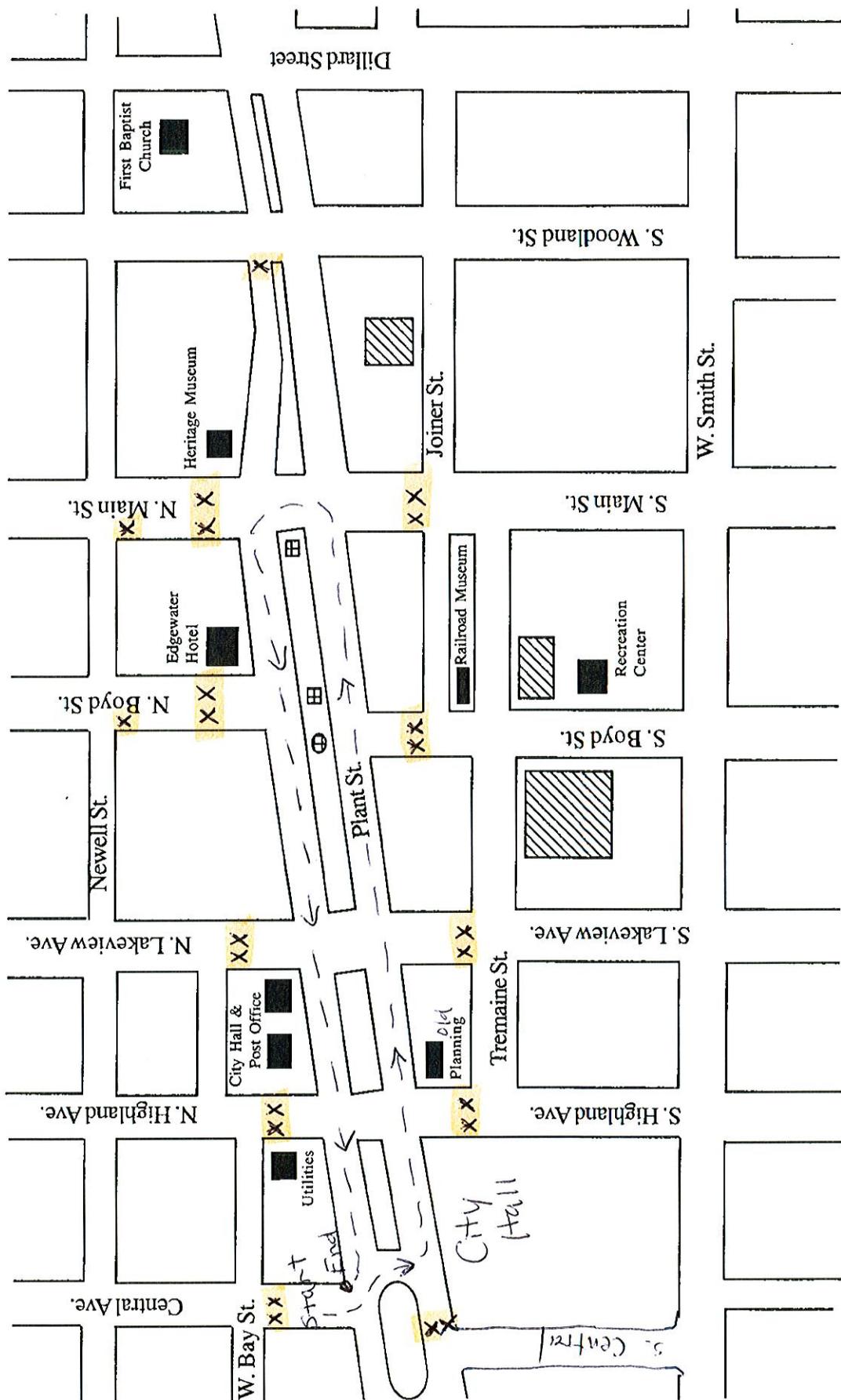
  
 \_\_\_\_\_  
 SIGNATURE OF APPLICANT

05-02-13  
 \_\_\_\_\_  
 DATE

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

4th of July Kias Parade • July 3, 2010 Saturday  
 March off 10:00am • Streets Blocked 9:45am to 10:15am

### Downtown Plant St. Corridor Winter Garden, FL



-  Public Parking
-  Centennial Plaza - Fountain, Gazebo & Clock Tower