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PLANNING & ZONING BOARD AGENDA

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

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

RE: Agenda – June 3, 2013 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

-
1. **CALL TO ORDER**
 2. **ROLL CALL AND DETERMINATION OF QUORUM**
 3. **APPROVAL OF MINUTES FROM THE MAY 6, 2013 MEETING**

ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT (PUBLIC HEARING)

4. 315 E. Fullers Cross Road - (Highland Groves Subdivision)
Rezoning
Parcel ID # 11-22-27-0000-00-003
5. East Fullers Cross Road - (Maguire, Raymer)
Annexation / FLU Map Amendment
Parcel ID # 02-22-27-0000-00-002
6. 17925 Marsh Road - (Cannon, Benjamin)
Annexation / FLU Map Amendment
Parcel ID # 06-23-27-4288-08-261

CITY OF WINTER GARDEN CODE UPDATES

7. Code Amendment: Chapter 118 - Zoning
Ordinance 13-27
8. **ADJOURNMENT**

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



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
MAY 6, 2013**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman James Gentry called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

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

MEMBERS PRESENT:

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

MEMBERS ABSENT/ARRIVED LATE:

Board Member – Mark Maciel (Absent) - Excused

STAFF PRESENT:

City Attorney Kurt Ardaman, City Manager Mike Bollhoefer, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Economic Development Director Tanja Gerhartz and Customer Service Representative Maria Michaud.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on April 1, 2013.

Motion by James Gentry to approve the April 1, 2013 minutes, seconded by Kent Horsley, the motion carried unanimously 6-0.

VARIANCE (Public Hearing)

4. 1275 Westside Drive – (Westside Townhomes)

Senior Planner Stephen Pash presented a variance request for 12751 Westside Dr., Westside Townhomes' swimming pool. The applicant is requesting a variance to the maximum fence height to allow an 8-foot tall chain link fence around the swimming pool area as they have had people climbing the fence that don't live in the neighborhood. Staff is recommending approval of the variance request because staff believes it meets the criteria for variance approval.

Board Member Mac McKinney asked if we had other pools in the area with 8' tall fences. Senior Planner Steve Pash mentioned there are subdivisions that have perimeter walls at the same height, but there are no other swimming pools with fences at this height.

Motion by Jimmy Dunn to approve the variance for the 8-foot tall chain link fence around the swimming pool at 12751 Westside Drive. Seconded by Ken Horsley, the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT (Public Hearing)

5. 730 S. DILLARD STREET – (Wild Hogs Scooters)

Senior Planner Steve Pash presented a request for special exception for property located at 730 S. Dillard Street, to allow the property to be used for automobile sales and services to open a scooter sales facility that will also have a service in the back.

Staff recommends approval subject to the conditions that are in the staff report. Senior Planner Pash outlined the conditions: all vehicles for sale have to be stored inside; work on the vehicles shall be done inside; no outdoor displays are allowed; the special exception is for this business only. They have two stores operating already, one in Lake Mary and one in Winter Park; and staff supports this special exception.

Clarification by Board member Kent Horsley that the business is just scooters, but then the terminology used is "automobile sales" he wanted to know if both come under the same.

Senior Planner Steve Pash mentioned that the code doesn't define scooters, so we use the term "automobile sales and services" to define the sales of scooters. Board Member Kent Horsley asked if the language restricted this business to scooters or if they decide they want to sell cars, can they sell cars, jeeps, and limousines?

Senior Planner Steve Pash agreed that he makes a very good point, and recommended that condition be added.

Applicant John R. from "Wild Hog Scooters" took the stand and addressed the Board members saying that the state defines the DMV licenses they don't separate like it's a motorcycle, scooter or car shop. What some of the other cities have done is just put in their business license for the city "scooters only" and said that as a company, they have no

intention of ever wanting to sell a car. They accept whatever conditions the Board imposes to make sure that doesn't happen.

General discussion ensued among Board members about granting special permission for the store to display their scooters outside and how the beautification of Dillard Street would prevent outdoor displays on that area.

Board Chairman James Gentry asked the applicant if he wants to proceed with this as it is written, or if he would like to table it and have further discussion with the city, then come back to the board.

The applicant (Andrew Freeman) accepted the conditions as written.

Motion by James Gentry to approve the Special Exception permit at 730 S. Dillard Street with staff recommendations. Seconded by Mac McKinney the motion carried 5-1. Ken Horsley opposed.

ANNEXATION, FUTURE LAND USE MAP AMENDMENT (Public Hearing)

6. 13036 ROPER ROAD (Oaks of Winter Garden)

Senior Planner Stephen Pash presented a request to rezone from R-1 to R-1B for property located on the south side of Roper Road just East of Daniels Road and West of Beulah Road.

This property was previously zoned as R-1 and approved for a special exception to construct a church. The church no longer wants to build there and they've worked out a deal to sell the property to a developer. The developer also purchased two properties to the east, which were recently annexed into the City and plans to use the three lots to develop a new neighborhood with eighty-one 75 foot wide lots. The rezoning does not increase the density, just allows them for a slightly smaller lot size.

The applicant has been made aware of several items including the existing wetlands and trees and that the board and staff, through the previous special exception, want minimal to no impact on the wetlands and trees. As proposed, the development impacts 0.1 acres of the wetlands in the north east side where they have an island proposed. They were also made aware that they will be responsible for improvements on Roper Road and any fair share agreements for the stop light that will be going in at Roper Road and Daniels Road. All of those things will be reviewed at Pre Plat and Construction plans.

Staff recommends approval of the proposed rezoning (ordinance 13-04).

Board Chairman James Gentry asked if there is anyone that would like to speak for or against this project.

The board asked if this had been made public to the surrounding subdivisions. Senior Planner Steve Pash confirmed that it was advertised, notices were mailed out, and a community

meeting was held where 8 or 9 people came and their concerns were about the conservation of the wetlands and trees along Roper Road

General discussion ensued with the Board and staff regarding access to the property and the wetland area to be impacted.

Motion by Board Mac McKinney to approve the rezoning of Roper Road 13036 with staff recommendations. Seconded by Rohan Ramlackhan the motion carried unanimously 6-0.

7. 17929 MARSH ROAD (Cannon, Benjamin)

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 17929 Marsh Road. The property is currently developed with 2 modular homes and some out buildings. The applicant intends to keep this as their primary residence. If and when they decide to do any redevelopment they will be required to go through zoning to Urban Village Plan Unit Development.

Staff recommends approval of ordinance 13-24 to annex the property and ordinance 13-25 to assign the future land use designation of Urban Village.

Board Chairman James Gentry asked if anyone would like to speak for or against this project.

Board Member Mac McKinney asked about the current zoning (A-1) and if we annex it into the city it automatically becomes urban village? Senior Planner Pash explained that this area of the city is required to be zoned Urban Village Planned Unit Development and that there is an overall master plan of the entire area.

Motion by Jimmy Dunn to approve ordinance 13-25 and 13-24. Seconded by Eric Weiss the motion carried unanimously 6-0.

8. 920 VINELAND ROAD (Concalves, Antonio)

Senior Planner Steve Pash presented a voluntary annexation of property located at 920 Vineland Road. The property owner has requested annexation, future land use designation of Residential Neighborhood Commercial, and an initial zoning of R-NC. This property is currently developed with a single family home; it is next door to some offices, and across the street from some offices. The proposed zoning is consistent with the surrounding area.

The applicant intends to convert this home into an office and staff has explained that they will need to apply for a special exception to convert this building into an office once the annexation is completed and everything is approved.

Staff recommends approval of ordinance 13-21, 13-22 and 13-23 to annex the property, assign land use, and zoning.

Chairman James Gentry asked if there is anyone in the public to speak for or against this project.

No questions.

Motion to approve the annexation and future land use of 920 Vineland Road with staff recommendations by Eric Weiss. Seconded by Jimmy Dunn the motion carried unanimously 6-0.

Board Member Mac McKinney made a motion to include the ordinance number back for item # 6 which is Ordinance number 13-04

CITY OF WINTER GARDEN CODE AMENDMENT (Public Hearing)

9. Sign Code

City Manager Mike Bollhoefer provided information on signage history during the down turn of the economy and how this lead to the creation of a new sign code for the city.

This new sign code is more liberal than the previous sign code, and a good balanced between the city's requirements for signage aesthetics and also helps the businesses advertise and allow patrons to find them.

The new sign code is based on a model sign code that was done with the help from sign makers, attorneys, and business owners and the idea of this new sign code is based on a logical idea of who would determine the signs based on the vehicle speed, and the proportionate size to the building.

Senior Planner Laura Smith presented the new sign code and pointed out the technical side that regulates signage now.

General discussion by the Board with staff regarding what is acceptable, and who decides if a sign is complementary.

Board believes this signage code is a great improvement to the old one.

Board Chairman James Gentry asked if anyone in the public would like to speak for or against the project.

No questions

Motion by Jimmy Dunn to approve Ordinance 13-19 with the recommendation of City Commission. Seconded by Eric Weiss, the motion carried unanimously 6-0.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:46 p.m.

APPROVED:

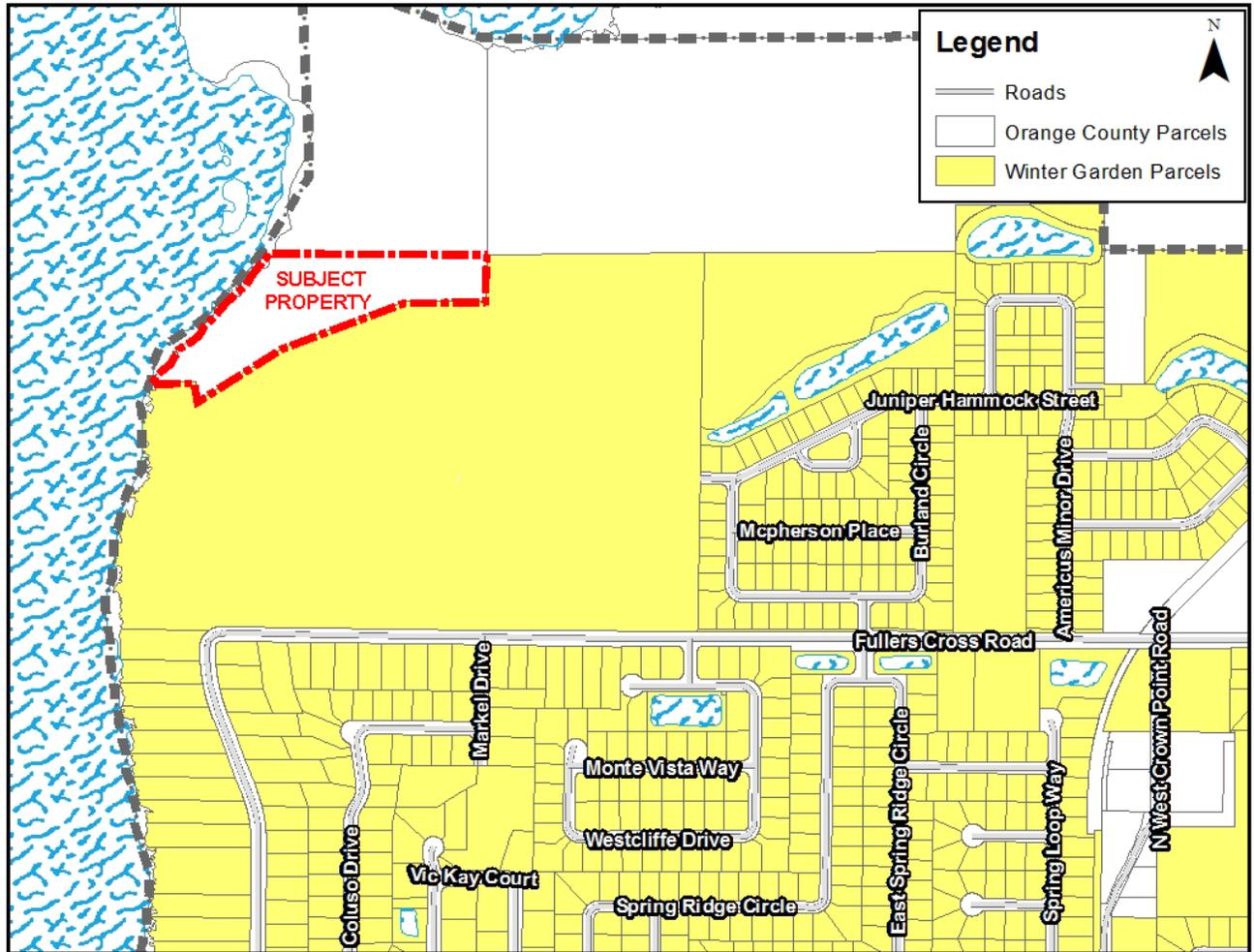
ATTEST:

Chairman James Gentry

Customer Service Representative Maria Michaud

LOCATION MAP

East Fullers Cross Road –Annexation / FLU Amendment



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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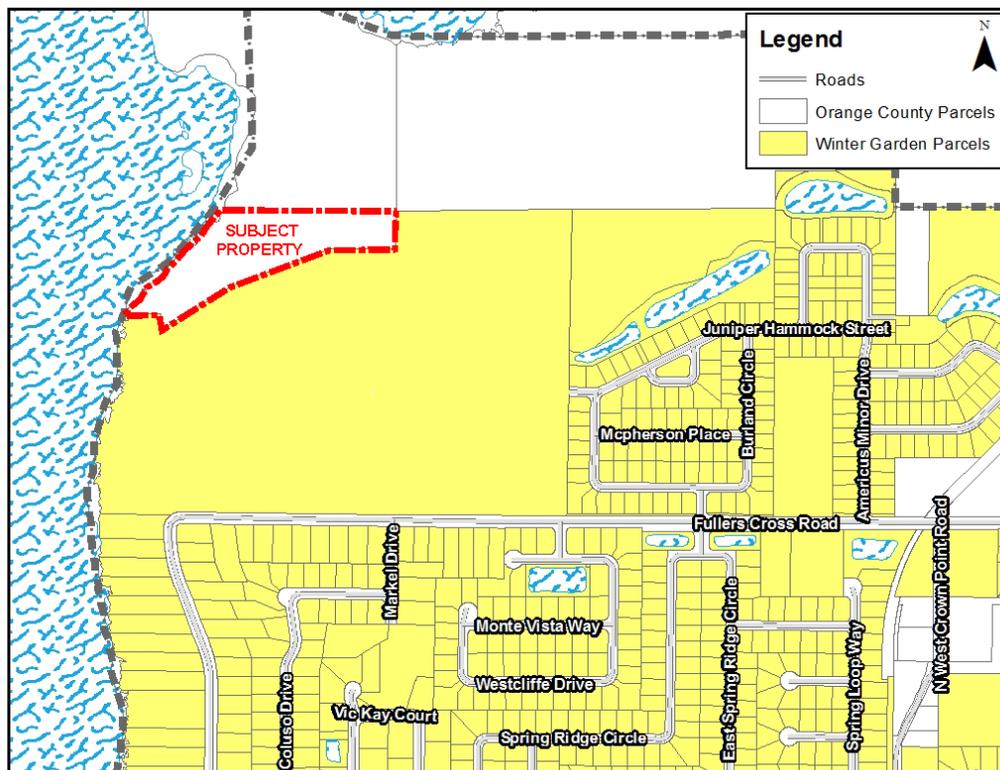
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MAY 31, 2013
SUBJECT: ANNEXATION – FLU AMENDMENT
EAST FULLERS CROSS ROAD (5.9 +/- ACRES)
PORTION OF PARCEL ID #: 02-22-27-0000-00-002
APPLICANT: RAYMER MAQUIRE III

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 north of the intersection of North Fullers Cross Road and East Fullers Cross Road and is approximately 5.9 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential. The property will be included in a Planned Unit Development (PUD) zoning application to develop with a new single family neighborhood.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes and churches and schools. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

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

EXISTING USE

The subject property is wooded vacant land.

ADJACENT LAND USE AND ZONING

The property located to the north is wooded wetland and Lake Apopka, zoned A-2, and located in Orange County. The property located to the east is undeveloped wooded wetland, zoned A-2 and located in Orange County. The property to the south is an orange grove, zoned R-1 (currently being rezoned to PUD), and located in Winter Garden. The property to the west is Lake Apopka.

PROPOSED USE

The applicant intends to annex the property and add it to their application for a Planned Unit Development to develop a new single family neighborhood with 186 new homes.

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.

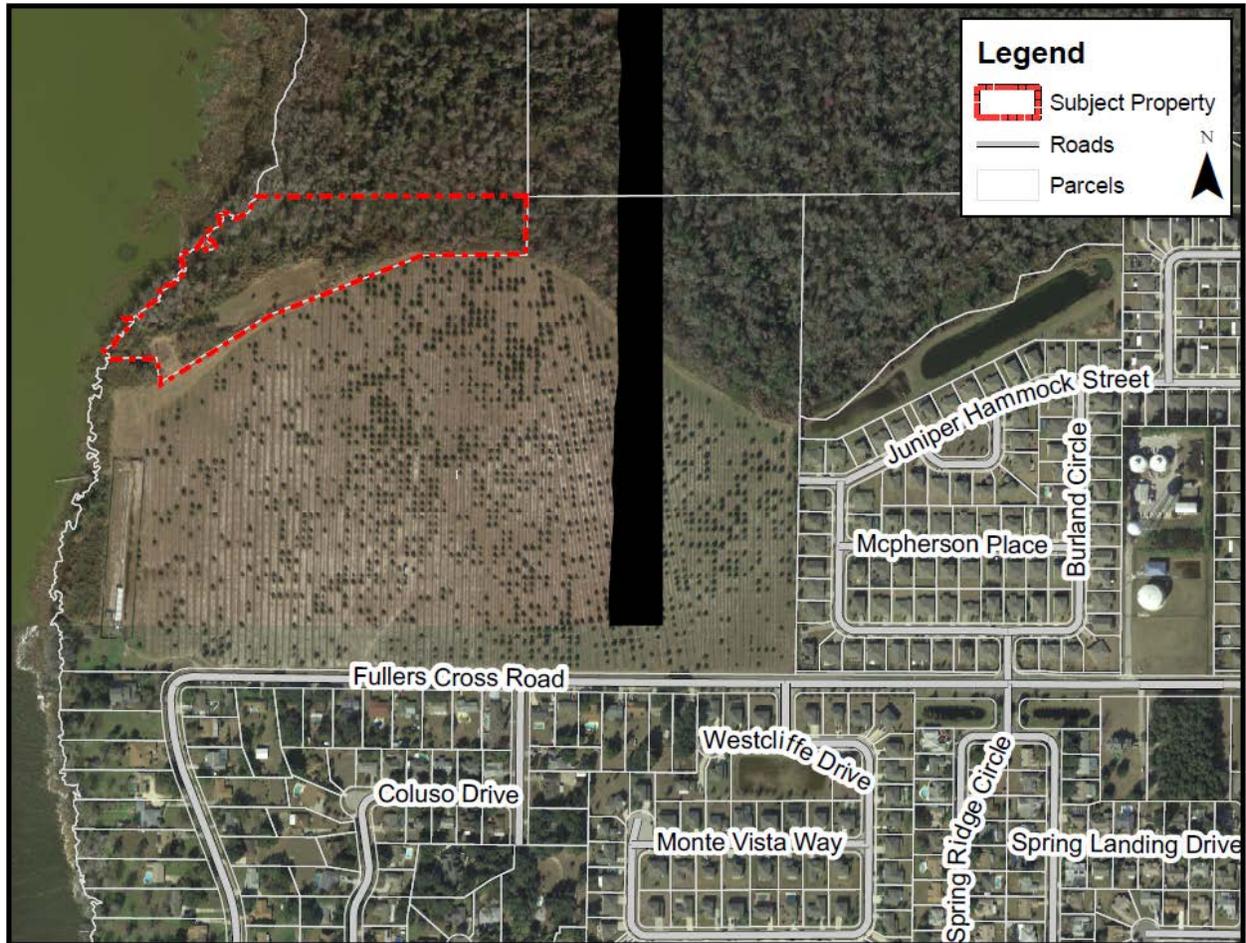
SUMMARY

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.

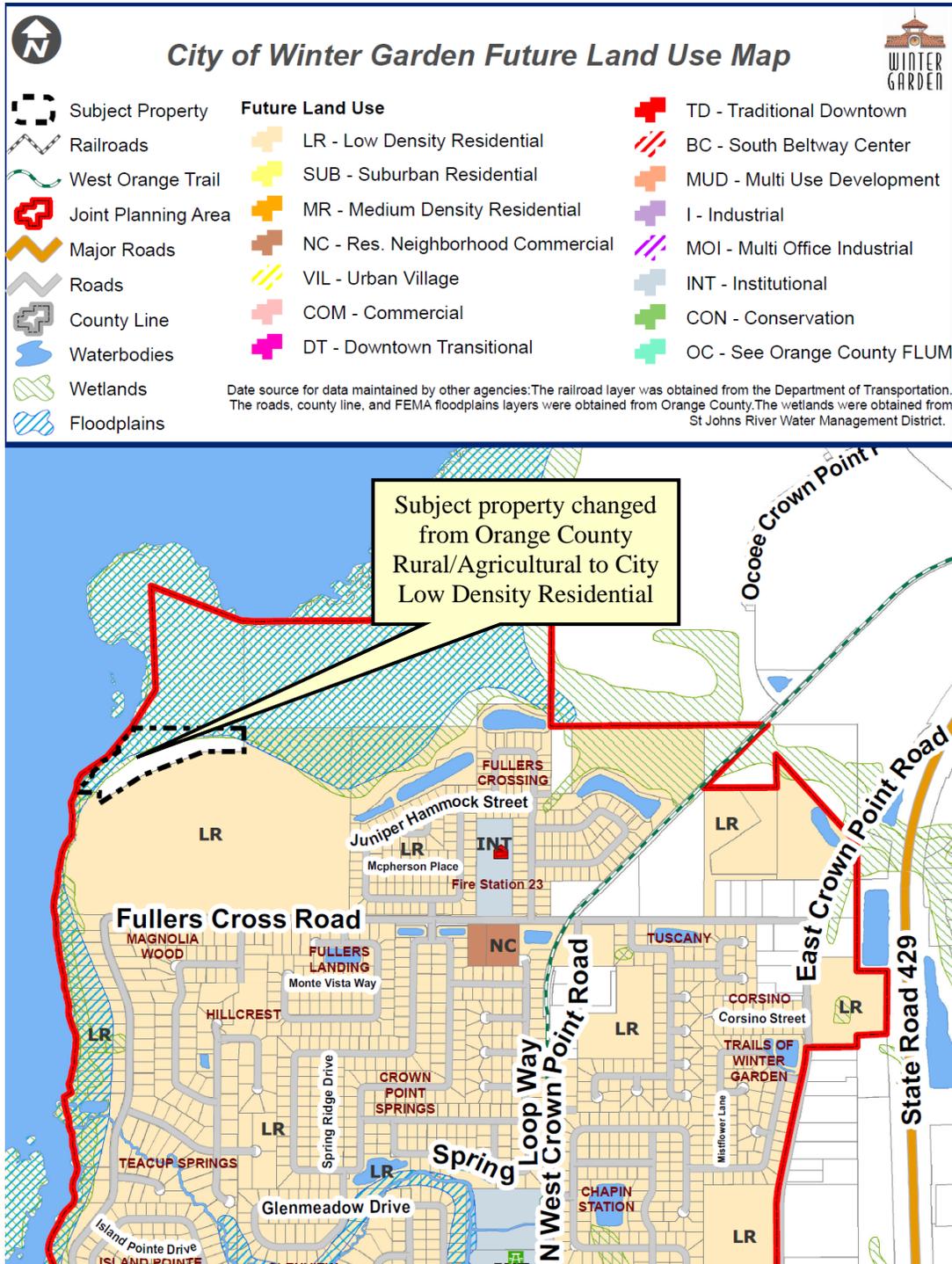
MAPS

AERIAL PHOTO

East Fullers Cross Road (Highland Groves)



FUTURE LAND USE MAP
East Fullers Cross Road (Highland Groves)



END OF STAFF REPORT

ORDINANCE 13-30

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 5.9 ± ACRES LOCATED NORTH OF THE INTERSECTION OF NORTH FULLERS CROSS ROAD AND EAST FULLERS CROSS ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 5.9 ± acres located on the north of the intersection of North Fullers Cross Road and East Fullers Cross Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

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

the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

DESCRIPTION: (A PORTION OF PARCEL ID#02-22-27-0000-00-002)

The North 5.90 acres of Government Lot 1 of Section 11, Township 22 South, Range 27 East, Orange County, Florida described as follows:

Begin at the Northeast corner of Government Lot 1 of Section 11, Township 22 South, Range 27 East; thence run S89°33'43"W along the North line of said Government Lot 1 as shown on the Original Government Township Plat, dated May 18, 1882 a distance of 677.01 feet; thence run S44°50'29"W along the Northwesterly Meander Line of said Government Lot 1 a distance of 765.58 feet; thence run S07°12'58"E along the West Meander Line of said Government Lot 1 a distance of 76.98 feet; thence run N57°32'39"E a distance of 403.76 feet; thence run N68°14'16"E a distance of 558.00 feet; thence run N89°32'49"E a distance of 344.90 feet; thence run N00°58'03"E along the East line of Government Lot 1 of said Section 11, Township 22 South, Range 27 East a distance of 198.13 feet to the Point of Beginning.

Containing 257,219 square feet or 5.900 acres more or less.

ORDINANCE 13-31

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 5.9 ± ACRES LOCATED NORTH OF THE INTERSECTION OF NORTH FULLERS CROSS ROAD AND EAST FULLERS CROSS ROAD FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 5.9 ± acres located north of the intersection of North Fullers Cross Road and East Fullers Cross Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Rural/Agricultural to City Low Density Residential; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 13-30, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

DESCRIPTION: (A PORTION OF PARCEL ID#02-22-27-0000-00-002)

The North 5.90 acres of Government Lot 1 of Section 11, Township 22 South, Range 27 East, Orange County, Florida described as follows:

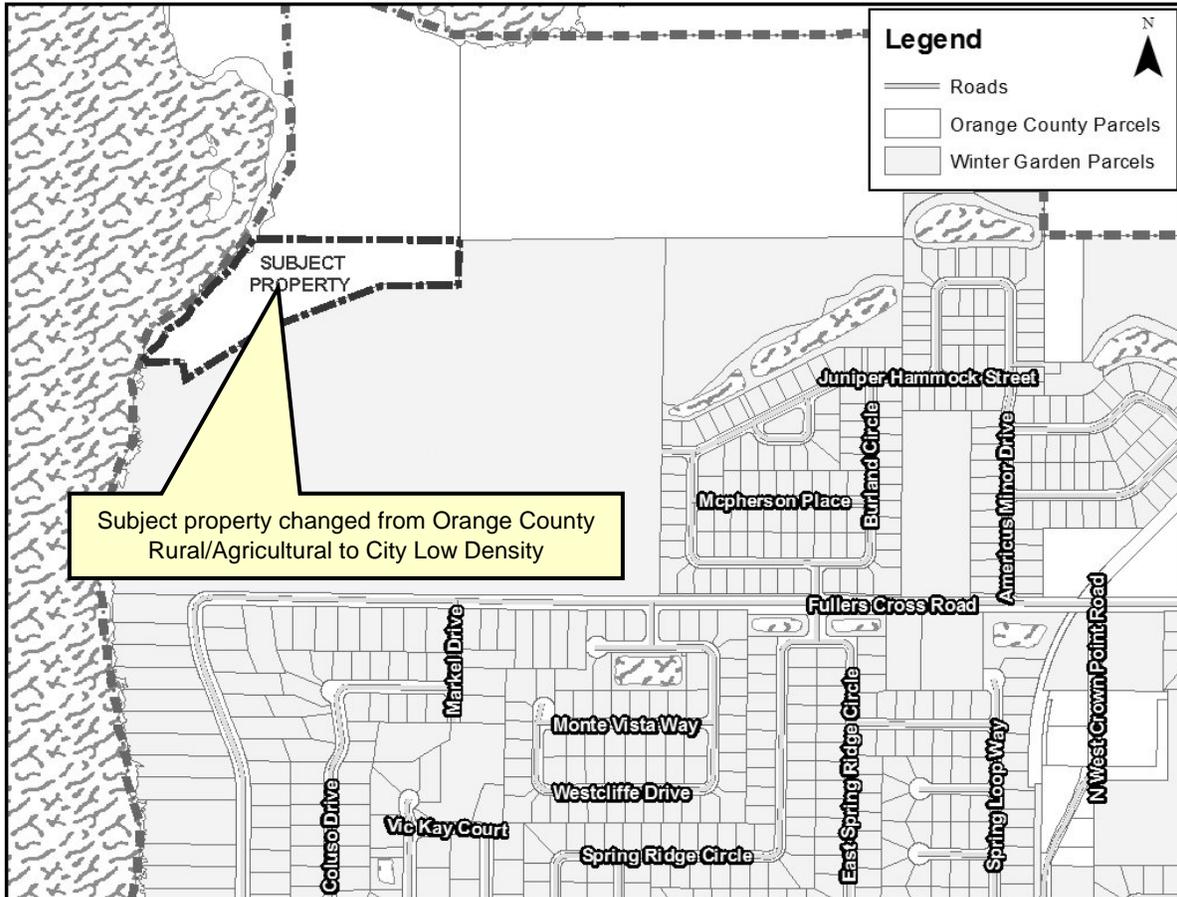
Begin at the Northeast corner of Government Lot 1 of Section 11, Township 22 South, Range 27 East; thence run S89°33'43"W along the North line of said Government Lot 1 as shown on the Original Government Township Plat, dated May 18, 1882 a distance of 677.01 feet; thence run S44°50'29"W along the Northwesterly Meander Line of said Government Lot 1 a distance of 765.58 feet; thence run S07°12'58"E along the West Meander Line of said Government Lot 1 a distance of 76.98 feet; thence run N57°32'39"E a distance of 403.76 feet; thence run N68°14'16"E a distance of 558.00 feet; thence run N89°32'49"E a distance of 344.90 feet; thence run N00°58'03"E along the East line of Government Lot 1 of said Section 11, Township 22 South, Range 27 East a distance of 198.13 feet to the Point of Beginning.

Containing 257,219 square feet or 5.900 acres more or less.

ATTACHMENT "B"

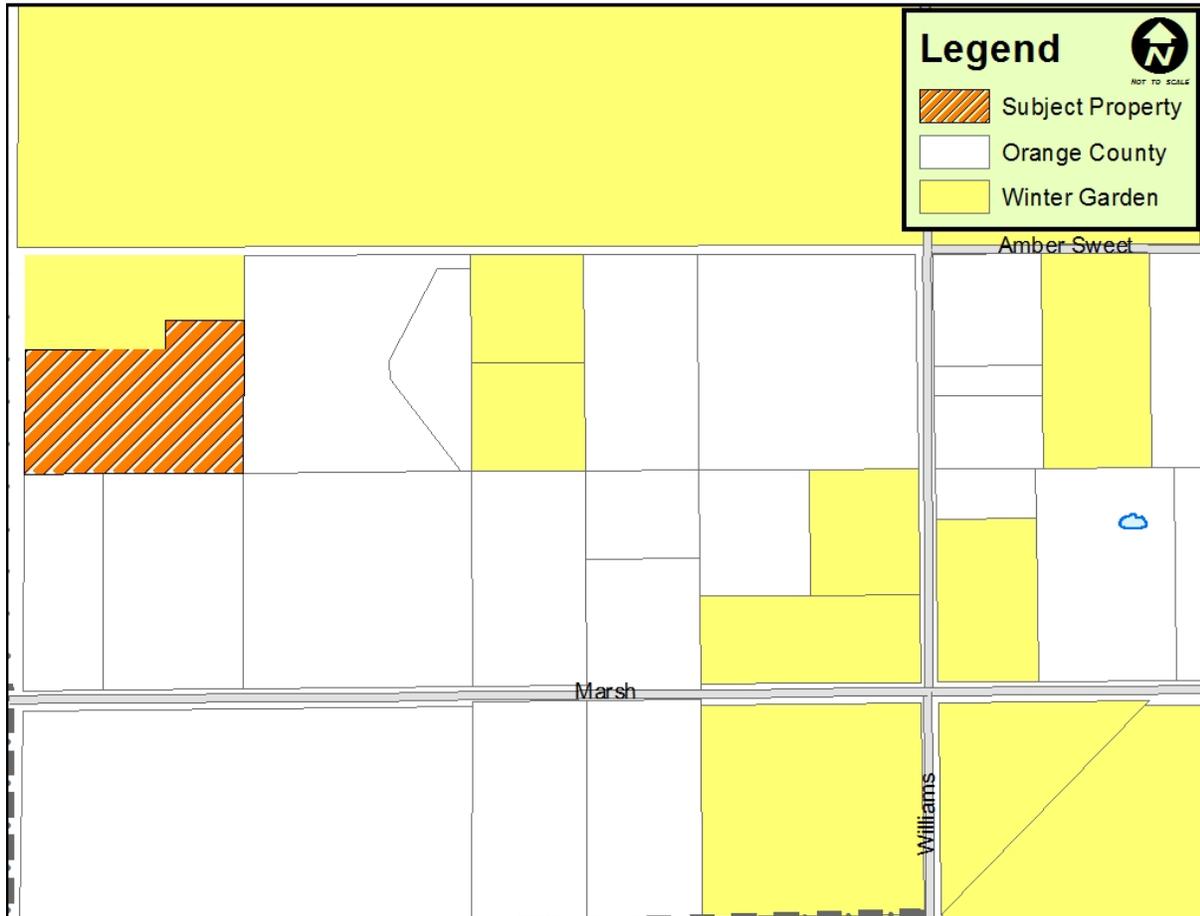
FUTURE LAND USE MAP

PARCEL ID#02-22-27-0000-00-002



LOCATION MAP

17925 Marsh Road –Annexation / FLU Amendment



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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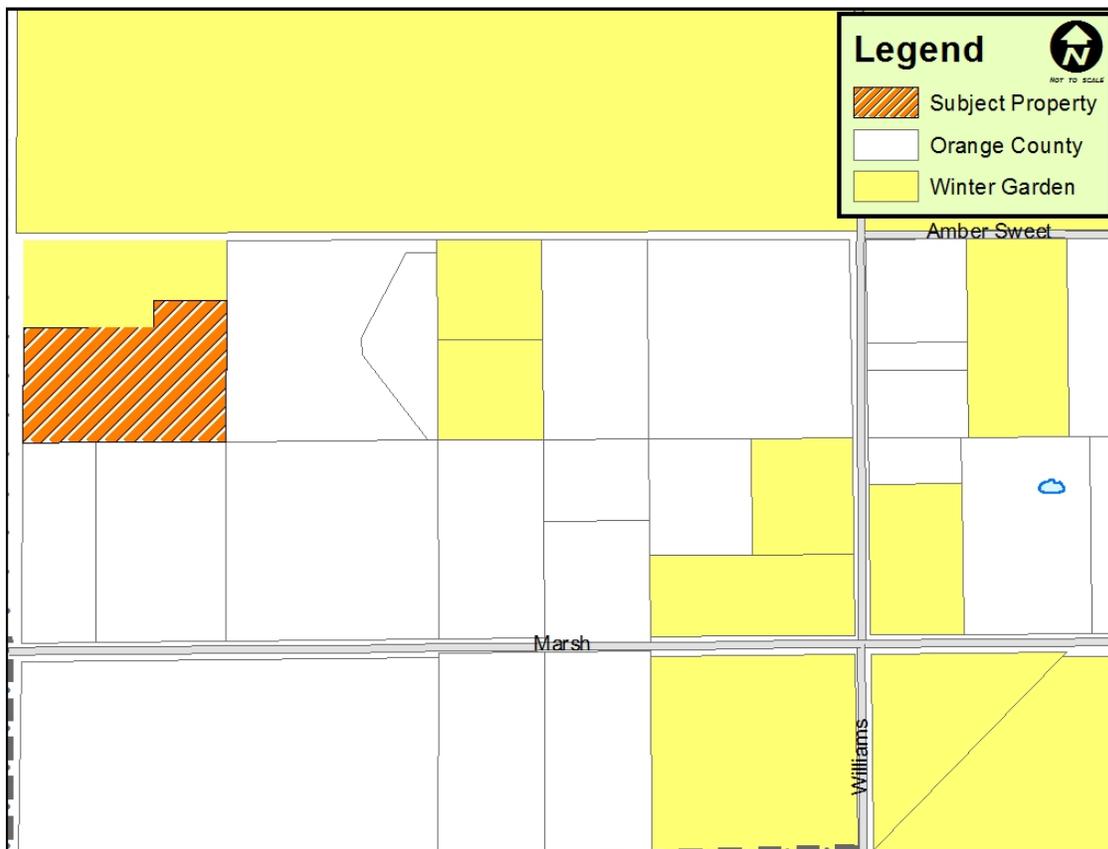
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MAY31, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
17925 MARSH ROAD (5.826 +/- ACRES)
PARCEL ID #: 06-23-27-4288-08-261
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 17925 Marsh Road and is approximately 5.826 ± 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 an orange grove and contains no houses or buildings.

ADJACENT LAND USE AND ZONING

The property located to the north is a single-family home and located in the City. The property located to the east is undeveloped, zoned A-1 and located in Orange County. The properties to the south are single-family homes, 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 as an orange grove. 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.

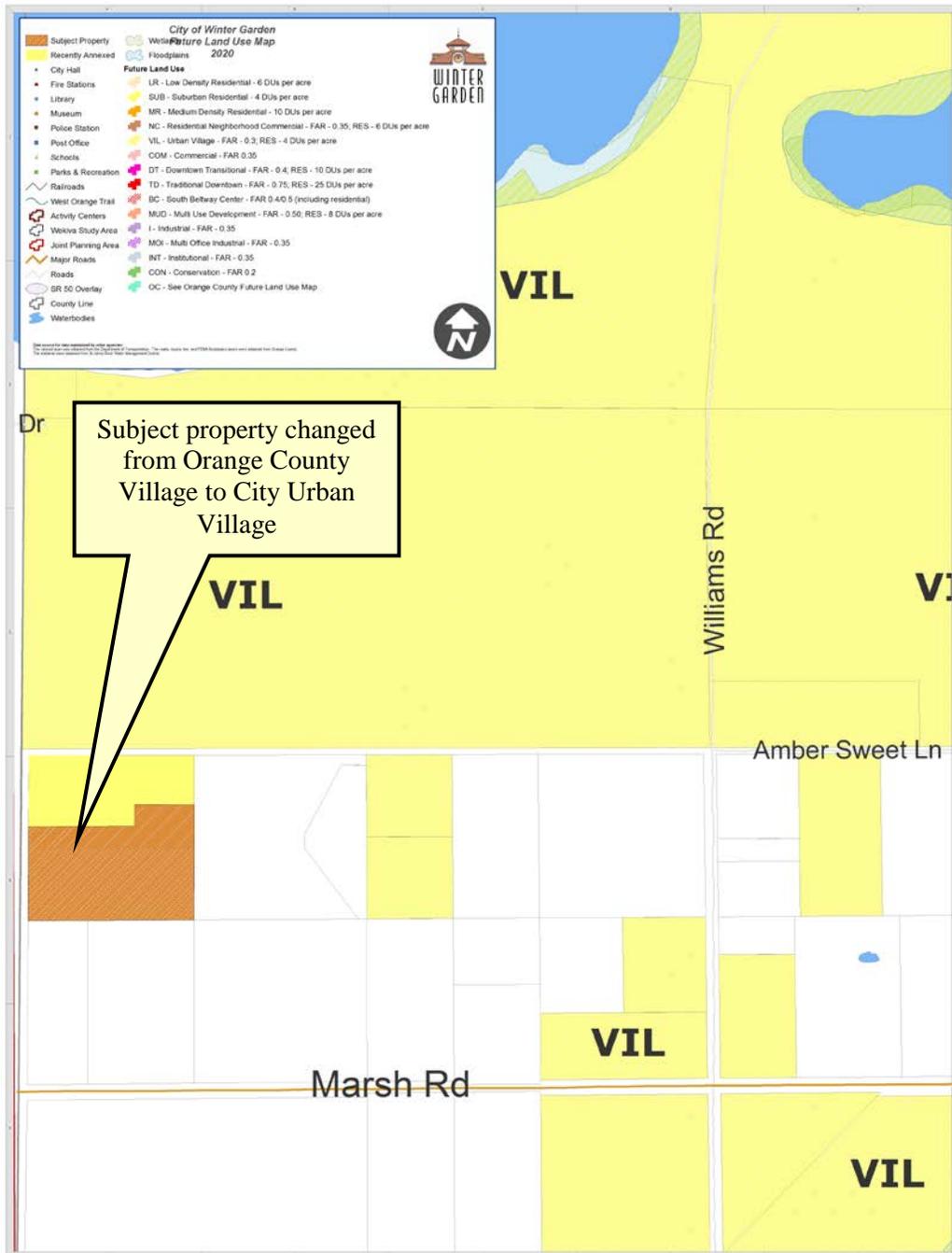
MAPS

AERIAL PHOTO

17925 Marsh Road



FUTURE LAND USE MAP 17925 Marsh Road



END OF STAFF REPORT

ORDINANCE 13-28

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 5.826 ± ACRES LOCATED AT 17925 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 5.87 ± acres located at 17925 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#: 06-23-27-4288-08-261

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 ¼ OF THE NORTHWEST ¼ 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 ¼ OF THE NORTHWEST ¼, 25.00 FEET; THENCE RUN N89°50'58"E, 25.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 26-H; THENCE RUN S00°17'15"W, ALONG THE WEST LINE OF SAID LOT 26-H 280.01 FEET TO THE POINT OF BEGINNING; THENCE RUN N89°50'58"E, 412.88 FEET; THENCE RUN N00°01'54"E, 85.00 FEET; THENCE RUN N89°50'58"E, 232.00 FEET TO THE EAST LINE OF SAID LOT 26-H; THENCE RUN S00°01'45" W ALONG THE EAST LINE OF SAID LOT 26-H, 446.43 TO THE SOUTHEAST CORNER OF SAID LOT 26-H; THENCE RUN S89°39'34"W, 646.52 FEET TO THE SOUTHWEST CORNER OF SAID LOT 26-H; THENCE RUN N00°17'15"E, 363.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.826 ACRES, MORE OR LESS.

ORDINANCE 13-29

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 5.826 ± ACRES LOCATED AT 17925 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD, WEST OF WILLIAMS ROAD AT THE WEST BOUNDARY OF ORANGE COUNTY FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 5.87 ± acres of land located at 17925 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 13-28, 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

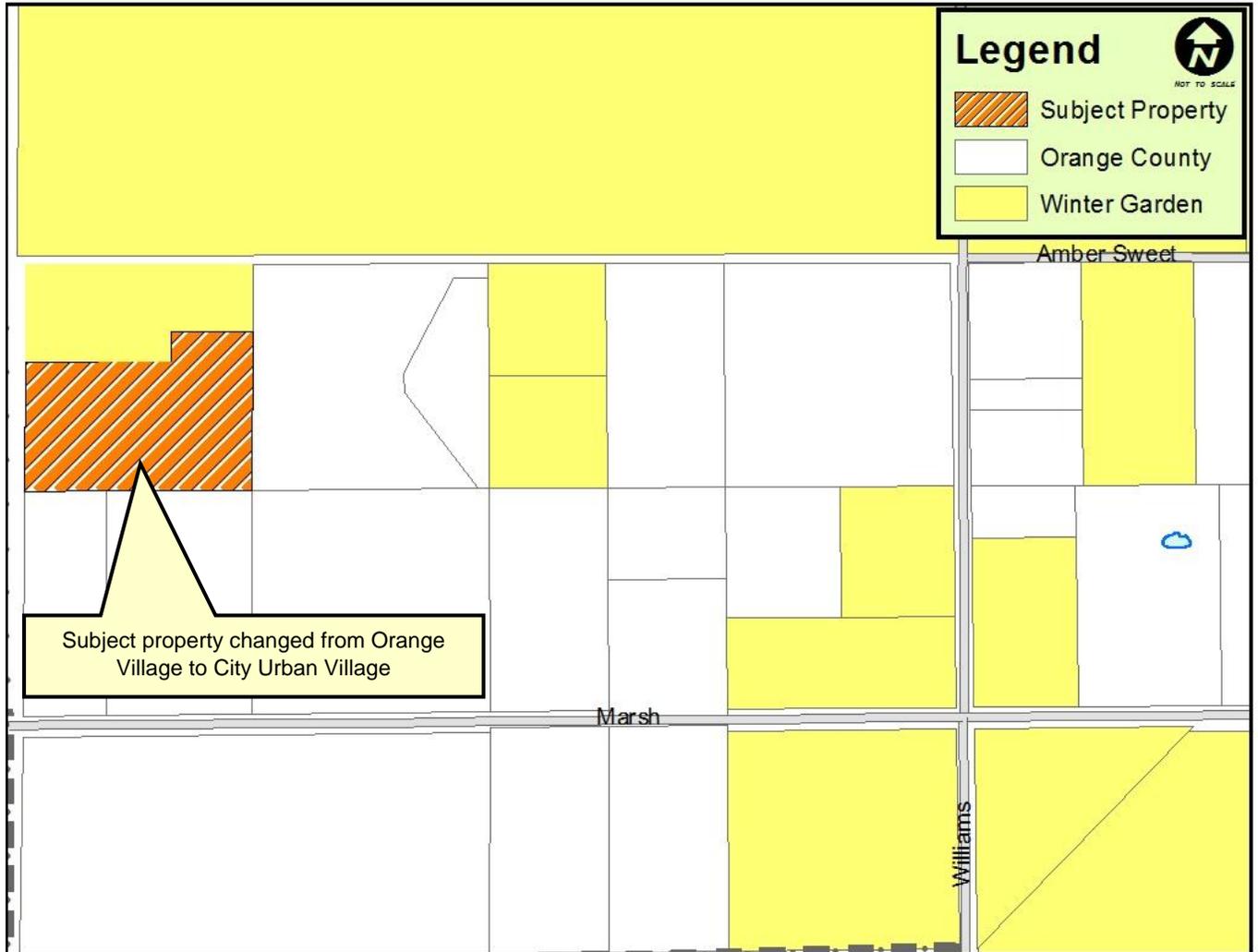
PARCEL ID#: 06-23-27-4288-08-261

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 ¼ OF THE NORTHWEST ¼ 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 ¼ OF THE NORTHWEST ¼, 25.00 FEET; THENCE RUN N89°50'58"E, 25.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 26-H; THENCE RUN S00°17'15"W, ALONG THE WEST LINE OF SAID LOT 26-H 280.01 FEET TO THE POINT OF BEGINNING; THENCE RUN N89°50'58"E, 412.88 FEET; THENCE RUN N00°01'54"E, 85.00 FEET; THENCE RUN N89°50'58"E, 232.00 FEET TO THE EAST LINE OF SAID LOT 26-H; THENCE RUN S00°01'45" W ALONG THE EAST LINE OF SAID LOT 26-H, 446.43 TO THE SOUTHEAST CORNER OF SAID LOT 26-H; THENCE RUN S89°39'34"W, 646.52 FEET TO THE SOUTHWEST CORNER OF SAID LOT 26-H; THENCE RUN N00°17'15"E, 363.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.826 ACRES, MORE OR LESS.

ATTACHMENT "B"
FUTURE LAND USE MAP
17925 Marsh Road



THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

Date: May 29, 2013 **Meeting date:** June 3, 2013
Subject: Ordinance 13-27
Issue: Amending sections 118-532, 118-533, 118-534, 118-579, and 118-629 of Chapter 118 of the Winter Garden Code of Ordinances concerning permitted uses and structures and special exceptions within the C-1 (Central Commercial District) Zoning District, special exception uses in the C-2 (Arterial Commercial District) and C-3 (Professional Office District) and amending Section 118-7 of Chapter 118 regarding the notice requirements for amending Chapter 118.

Summary:

An Ordinance of the City of Winter Garden, Florida amending Chapter 118 of the Winter Garden City Code; concerning permitted uses and structures and special exceptions within the C-1 (Central Commercial District) Zoning District, special exception uses in the C-2 (Arterial Commercial District) and C-3 (Professional Office District) and regarding the notice requirements for amending Chapter 118

Staff recommendation(s):

Staff recommends approval of ordinance 13-27 amending Chapter 118 of the Winter Garden City Code.

Next step(s):

A public hearing for the first reading of Ordinance 13-27 is scheduled for the City Commission on Thursday, June 13, 2013.

Attachment(s):

Ordinance 13-27

ORDINANCE 13-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 118, ARTICLE IV, DIVISION 8, SECTIONS 118-532, 118-533 AND 118-534 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING PERMITTED USES AND STRUCTURES, PERMITTED ACCESSORY USES AND STRUCTURES AND SPECIAL EXCEPTIONS WITHIN THE C-1 (CENTRAL COMMERCIAL DISTRICT) ZONING DISTRICT; AMENDING CHAPTER 118, ARTICLE IV, DIVISIONS 9 & 10, SECTIONS 118-579 & 118-629 OF THE CODE OF ORDINANCES CONCERNING THE SPECIAL EXCEPTION USES IN THE C-2 (ARTERIAL COMMERCIAL DISTRICT) AND C-3 (PROFESSIONAL OFFICE DISTRICT) ZONING DISTRICTS; AMENDING CHAPTER 118, ARTICLE I, SECTION 118-7 OF THE CODE OF ORDINANCES REGARDING THE NOTICE REQUIREMENTS FOR AMENDING CHAPTER 118, APPEALS AND PUBLIC HEARINGS; PROVIDING FOR CODIFICATION, CONTROL IN EVENT OF CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has the authority to regulate uses and zoning within its jurisdictional boundaries pursuant to Article VIII, § 2(b) of the Florida Constitution and Chapter 163 and 166, Florida Statutes;

WHEREAS, the City Commission desires to amend the permitted use, accessory use and special exception use provisions under the C-1 (central commercial district) to remove communication towers and communication antennas from the list of permitted uses, add upper story residential to the list of permitted uses and to clarify permitted accessory uses and structures for churches;

WHEREAS, the City Commission desires to amend the special exception use provisions of the C-1, C-2 and C-3 zoning districts to clarify that the provision relating to Planning and Zoning Board approval of other uses not specifically listed as special exceptions is to allow other uses that are similar and compatible with permitted uses under those respective districts;

WHEREAS, the City Commission desires to amend Chapter 118 of the Code of Ordinances to revise the notice requirements for amendments to Chapter 118, appeals before the Planning and Zoning Board and public hearings to be consistent with the notice requirements under state statutes; and

WHEREAS, the City Commission finds that the provisions of this Ordinance are consistent with the Comprehensive Plan of the City of Winter Garden and in the best interests of the public health, safety and welfare.

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

SECTION 1: Authority. The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII, § 2(b) of the Constitution of the State of Florida and Chapter 163 and 166, Florida Statutes.

SECTION 2: Adoption. Chapter 118, Article IV, Division 8, Sections 118-532, 118-533 and 118-534 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE II ADMINISTRATION

Division 8. C-1 Central Commercial District

Sec. 118-532. - Principal permitted uses and structures.

Permitted principal uses and structures in the C-1 central commercial district are as follows:

- (1) Retail establishments.
- (2) Eating and drinking establishments.
- (3) Offices, studios.
- (4) Financial institutions.
- (5) Hotels.
- (6) Private clubs and lodges.
- (7) Personal services.
- (8) Recreational and entertainment uses.
- (9) Public buildings.
- (10) Churches.
- ~~(11) Communication towers and communication antennas.~~
- (11) Upper story residential

Sec. 118-533. - Permitted accessory uses and structures.

Permitted accessory uses and structures in the C-1 central commercial district are the customary accessory uses and structures, except that no such accessory use shall be of a nature prohibited as a principal use. The permitted accessory uses and structures for churches in the C-1 central commercial district include a meeting hall, parsonage, baptismal fountains, and columbarium.

Sec. 118-534. - Special exceptions.

In the C-1 central commercial district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

(1) All types of businesses in buildings not of standard construction or without restroom facilities.

(2) Planned shopping centers.

(3) Service stations.

~~(4) Upper story residential.~~

(4) Educational facilities as an accessory use to a church.

(5) Other uses which the planning and zoning board determines as the type and intensity of activity similar to and compatible with the permitted uses ~~desired~~ in the C-1 district.

SECTION 3: Adoption. Chapter 118, Article IV, Division 9, Section 118-579 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

DIVISION 9. - C-2 ARTERIAL COMMERCIAL DISTRICT

Sec. 118-579. - Special exceptions.

In the C-2 arterial commercial district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

(1) Campgrounds.

(2) Planned shopping centers.

(3) Automobile sales and service.

(4) All types of businesses in buildings not of standard construction or without restroom facilities.

(5) Miniwarehouse facilities.

(6) Truck parking facilities, and other activities of similar nature without adequate buffering from view from a public road and/or adjacent property

(7) Other uses which the planning and zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses ~~desired~~ in the C-2 district.

(8) Children day care centers.

SECTION 4: Adoption. Chapter 118, Article IV, Division 10, Section 118-629 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

DIVISION 10. - C-3 PROFESSIONAL OFFICE DISTRICT

Sec. 118-629. - Special exceptions.

In the C-3 professional office district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

(1) Recreation facilities.

(2) All types of businesses in buildings not of standard construction or without restroom facilities.

(3) Other commercial uses which the planning and zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses ~~desired~~ in the C-3 district.

(4) Permitted structures over 40 feet in height.

(5) Apartments subject to division 4 of article VI of this chapter.

(6) Children day care centers.

SECTION 5: Adoption. Chapter 118, Article I, Section 118-7 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE I. - IN GENERAL

Sec. 118-7. - Amendment procedure.

(a) The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed in accordance with the procedures set forth in applicable state statutes, ~~provided that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city.~~

(b) If, however, a protest against such change is signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending 500 feet therefrom or those directly opposite thereto extending 500 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of the city commission.

(c) Unless specifically permitted otherwise by the city commission, no application for amendment rezoning, special exception or variance shall be considered within six months from the time the property described in such application has been decisively acted upon as a result of a previous similar application.

(d) ~~Fifteen days' notice of the time and place of public hearings relating to amendments, supplements, or changes in this chapter and~~ At least ten days' public notice of the time and place of any public hearings in connection with appeals procedures proceedings under this chapter before the planning and zoning board or the city commission shall be published in a newspaper of general circulation in the city, as a public notice. ~~In addition to the published notice required in this subsection, when premises are involved in any hearing under this chapter, notice shall be posted conspicuously on the premises for the period of the time between publication of notice in the newspaper and the time of the hearing.~~

(e) ~~In addition to public notice requirements in subsection (d) of this section, all public notice requirements required by the state statutes applying to zoning ordinances shall be complied with.~~

SECTION 6: Codification. Section 2, 3, 4 and 5 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

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. It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause,

phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall survive and remain effective despite such invalidity or unconstitutionality.

SECTION 9: Effective Date. This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____

SECOND READING AND PUBLIC HEARING: _____

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