



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

**REGULAR MEETING**

**January 8, 2015**

**6:30 p.m.**

**CALL TO ORDER**

Determination of a Quorum

Moment of Silence and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of December 11, 2014

2. **PRESENTATION** on local government revenue sources - City Manager Bollhoefer

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

A. **Ordinance 15-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISIONS 3, 4 AND 5 OF ARTICLE II, CHAPTER 42 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR INCREASED IMPACT FEES FOR POLICE PROTECTION, FIRE AND RESCUE AND RECREATION IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (*postponed 12/11/2014*) **with the second reading and public hearing being scheduled for January 22 , 2015** – City Manager Bollhoefer

B. **Ordinance 15-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.907 ± ACRES LOCATED AT 933 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE 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

**Ordinance 15-14:** 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 0.907 ± ACRES LOCATED AT 933 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY MULTI OFFICE INDUSTRIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

**Ordinance 15-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.907 ± ACRES LOCATED AT 933 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY I-2 GENERAL INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for January 22, 2015** – Community Development Director Williams

C. **Ordinance 15-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.16 ± ACRES LOCATED AT 120 EAST MAPLE STREET AT THE SOUTHWEST CORNER OF EAST MAPLE STREET AND CHARLES STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY C-3 PROFESSIONAL OFFICE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for January 22, 2015** – Community Development Director Williams

D. **Ordinance 15-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.49 ± ACRES LOCATED AT 360 WEST PLANT STREET AT THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH CENTRAL AVENUE FROM CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT TO CITY C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY;

PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for January 22, 2015** – Community Development Director Williams

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

- A. **Ordinance 15-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 23.64 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH, SOUTH, EAST, AND WEST CORNERS OF THE INTERSECTION OF MARSH ROAD AND WILLIAMS ROAD AT 17416, 17451, 17500, AND 17501 MARSH ROAD AND 2002 WILLIAMS ROAD, FROM CITY NO ZONING (NZ) TO CITY URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); DESCRIBING THE DEVELOPMENT AS THE FOUR CORNERS UVPUD; PROVIDING FOR CERTAIN UVPUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE subject to conditions in the staff report - Community Development Director Williams
- B. **Ordinance 15-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 15-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.22 ± ACRES OF LAND LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 15-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Williams
- E. **Ordinance 15-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 15-09:** 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 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 15-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Williams
- H. **Ordinance 15-12:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 74-106 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CLARIFY THE LANGUAGE IN

REGARDS TO THE REMOVAL AND IMPOUNDING OF ILLEGALLY PARKED, ABANDONED OR DISABLED VEHICLES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – Police Chief Brennan

5. **REGULAR BUSINESS**

- A. Recommendation to declare vehicles and equipment as surplus and authorize the City Manager to sell or dispose items listed – Assistant City Manager-Administrative Services Gilbert
- B. Request authorization to demolish City owned buildings at 1101 E. Plant Street for \$11,300.00 - Community Development Director Williams
- C. Recommendation to approve Oakland Park Phase 2A Right-of-Way Maintenance Agreement - Community Development Director Williams
- D. Recommendation to authorize the City Manager to enter into an election agreement with the Orange County Supervisor of Elections for the 2015 election(s) – City Clerk Golden

6. **MATTERS FROM PUBLIC** (*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**

- A. Discussion on the number of members on the Planning and Zoning Board and staggered terms (*postponed on 11/13/2014 and 12/11/2014*)

**ADJOURN** to a Regular Meeting on January 22, 2015 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.

Persons in attendance at the City Commission meeting are invited to stand during the moment of silence and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in or rise for any moment of silence that is offered or to rise for or recite the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the moment of silence or Pledge of Allegiance if you do not wish to participate in or witness same in accordance with Resolution 14-05.

	Those needing assistance to participate in any of these proceedings should contact the City Clerk's Office at least 48 hours in advance of the meeting (407) 656-4111 x2254.		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Department (407) 656-4111 x5455.
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# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

December 11, 2014

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. A Moment of Silence 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 City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, and Recreation Director Jay Conn

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

**Motion by Commissioner Olszewski to approve regular meeting minutes of November 13, 2014. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATION**

City Manager Bollhoefer shared that he is postponing his presentation on special events until January 2015. He stated staff is reviewing all policies and procedures as they pertain to special events. Special events do present a special challenge for staff as they do take a lot of staff's time and effort.

Commissioner Sharman noted that there are only so many weekends on our calendar. Mr. Bollhoefer expressed that this time of year is especially tough on staff with so many events.

*(At this time, Mayor Rees moved to item 9.A for discussion.)*

### 9. **MATTERS FROM CITY MANAGER**

#### A. **Discussion on Brandy Creek stormwater issues**

City Manager Bollhoefer stated that there are stormwater drainage issues in the Brandy Creek Subdivision, a massive failure of their stormwater system; and he described some of those issues. He noted that in the future, it may lead to the collapse of the road. He shared that it is believed that the type of pipe used is the cause and is why we are starting to see these types of problems. It was hoped that most stormwater pipes would last 30, 40, or 50 years. The issue for the homeowner's association (HOA) is that they do not have sufficient funds to pay for repairs. Staff is proposing, as we have done in the past, the City pays one-third, the homeowners association pays one-third and the property

owners pay one-third. The approximate total cost for repair would be a maximum of \$500,000.00.

Mr. Bollhoefer noted that the homeowners association would be asked to pay their portion upfront and the City would then pay cash for the second one-third. A special assessment would be done on the final one-third paid to the City over a 20 year period.

Mr. Bollhoefer stated that there is no paperwork to present tonight, but he wanted to present it to the City Commission because the neighborhood is very worried that their situation is becoming dire very fast. Staff was hoping to get direction from the City Commission tonight. Staff could then, over the next 30 days, negotiate and work out the details and then bring the issue back to the City Commission for a final vote in January.

Commissioner Makin asked if there was an engineering report. Mr. Bollhoefer replied that he has several engineering reports and would send the reports to the City Commissioners electronically.

Mr. Bollhoefer shared that there were two alternatives for the repair, one lasting only about 10 years and that would eventually bring us right back to the same situation. The other alternative would last at least 30 years and hopefully longer.

Mayor Rees stated that he has no problem with the concept and wants to look at the final numbers and review the reports. Commissioner Sharman noted that this is the same thing the City has done for a few other communities.

Mr. Bollhoefer stated that going forward the City may face this in other subdivisions and we would need to seek other solutions for funding as the City will not be able to continue to do this practice going forward as there is no funding source. Staff would like to bring a long-term proposal for dealing with this issue sometime early next year. He shared that there has been a full assessment made of the entire City's stormwater systems.

Commissioner Buchanan expressed the need to start doing something now is important in this subdivision. Because of the shape it is in, it cannot wait until the City studies all the other subdivisions. He shared that this particular community's problems will make even more of a mess during a rainy season.

Mr. Bollhoefer shared that it will not be every subdivision, but those built within a certain time period. The real problem is those built with high-density polyethylene pipe. He noted that the concrete pipes tend to last 30, 40, and 50 years, but the plastic pipes are becoming a big problem.

**Motion by Commissioner Buchanan to authorize the City Manager to move forward with the process as recommended by the City Manager to remedy the situation in Brandy Creek Subdivision as soon as possible. Seconded by Commissioner Sharman.**

Commissioner Olszewski asked for clarification of the motion; that there is a problem and the City Manager is authorized to come up with a solution that will be presented to the City Commission.

City Attorney Ardaman stated that this is just to move the process forward. All the legal requirements, with respect to the resolution to move forward with a special assessment would have to come back to the City Commission with public input, for review and approval. You cannot bind the City tonight to adopt a special assessment. The motion is to allow staff to craft documents that will be brought back to the City Commission.

Commissioner Olszewski expressed that it is his philosophical belief that we should not be taxing residents with a special assessment. He stated that he cannot vote for a tax increase and will be voting no.

Mayor Rees noted that he will not get into whether this is a tax or not, and does not think that it is.

**Motion carried 4-1; opposed Commissioner Olszewski.**

*(At this time, Mayor Rees resumed the regular order of business.)*

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 15-12:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 74-106 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CLARIFY THE LANGUAGE IN REGARDS TO THE REMOVAL AND IMPOUNDING OF ILLEGALLY PARKED, ABANDONED OR DISABLED VEHICLES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-12 by title only. Police Chief Brennan stated that the City's current ordinance (Code Section) 74-106 has some ambiguity and redundancy in it. These recommended revisions will clarify the language. He noted that there are only two minor errors.

**Motion by Commissioner Buchanan to approve Ordinance 15-12 with the second reading and public hearing being scheduled for January 8, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

A. **Ordinance 15-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 23.64 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH, SOUTH, EAST, AND WEST CORNERS OF THE INTERSECTION OF MARSH ROAD AND WILLIAMS ROAD AT

17416, 17451, 17500, AND 17501 MARSH ROAD AND 2002 WILLIAMS ROAD, FROM CITY NO ZONING (NZ) TO CITY URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); DESCRIBING THE DEVELOPMENT AS THE FOUR CORNERS UVPUD; PROVIDING FOR CERTAIN UVPUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE subject to conditions in the staff report

City Attorney Ardaman read Ordinance 15-04 by title only. Community Development Director Williams stated that this is a rezoning to planned development for mixed use; commercial, office, and possibly retail or residential property at all four corners of Williams Road and Marsh Road. There were community meetings for this issue and a hearing before the Planning and Zoning Board with several issues being raised. There was a concern expressed that area is being over-built and concern for the road's ability and center section to handle the traffic in the area. There was also a concern about one particular use that was placed as a special exception in the project, which was the ability to ask for a future gas station site within the project. This was addressed by staff who reminded everyone that this was a part of the Horizon's West development, which the county had at a substantially higher residential and commercial density. The road situation was discussed and noted that Marsh Road was carrying approximately 18,000 cars and today it is carrying less than 10,000. He noted that this is due to the roundabouts, lowering of the speed limit, enforcement, and various calming devices.

Mr. Williams shared that the neighboring community was concerned this particular intersection was not functioning very well and had some elevation issues. Staff was aware of these problems, but this particular applicant is donating additional right-of-way at no cost to the City to help solve those problems. They are also paying for their share of the intersection improvements. When they develop the property, they will have to install turn lanes to further accommodate traffic within that intersection.

Staff believes that all of those issues were addressed and were presented to the Planning and Zoning Board. The motion on the entire project was unanimously recommended for approval. Staff is also recommending approval subject to conditions in the packet.

Mayor Rees stated that in one of the community meetings there were concerns noted by staff as being addressed but they did not really discuss the outcome for the surrounding residents and the owners. Mr. Williams stated that was one of the items discussed at the Planning and Zoning Board that needs some clarification. The biggest objection, the night of the community meeting, was that they did not want apartments on the property. None were being proposed and it is a prohibited use. At the time of the community meeting, gas stations were listed as a prohibited use. From the time of the community meeting to the time of the Planning and Zoning Board hearing, there were additional Development Review Committee meetings and they requested that the gas station be moved from prohibited to a special exception. Realizing how gas stations are spaced and how they take traffic off of the adjoining network, made staff supportive of at least looking at a gas station as a special exception. The rural settlement area was opposed to a

gas station at this location. Staff was neither 100 percent for or against it but felt that if it were going to be considered, it should be considered as a special exception with a full review at the time it is proposed.

Commissioner Olszewski received clarification that the gas station was included as a special exception that would have to go through the review process and then come back to the City Commission for approval. Mr. Williams shared that the site size is very restrained and has several karst features. The site offers certain restrictions and is tied to certain architectural standards.

Commissioner Makin asked which exact corner is being discussed. Mr. Williams answered that it would have to be on the north side because the south side is too narrow. Commissioner Makin noted the hill that goes down and described how the in and out traffic would have blind spots. Mr. Williams indicated that is not exactly correct because we are controlling access onto the roads; there will not be direct access from the gas station. There is one entrance, much like the shopping centers, into the commercial areas for servicing all the buildings. There will have to be improvements made to straighten out the elevation problem on the two sides. He also noted some additional aids such as the speed limit, signalization, road-widening and other improvements. City Manager Bollhoefer shared that staff is currently in the process of reviewing all the options for that intersection.

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

Commissioner Olszewski shared that sometimes, in government, you have to look at what is the best solution. He thinks it is a very good compromise to work with the developer and Orange County in the rural settlement. He explained that the proposal is for a special exception which has a review process. If it truly does not fit and is not meant to be, he thinks the Orange County rural settlement residents should feel empowered that the City is looking out for their interest.

**Motion by Commissioner Sharman to approve Ordinance 15-04 with the second reading and public hearing being scheduled for January 8, 2015. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Ordinance 15-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- C. **Ordinance 15-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.22 ± ACRES OF LAND LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 15-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-05, 15-06, and 15-07 by title only. Community Development Director Williams stated that this is a request for voluntary annexation, comprehensive plan land use designation, and zoning designation on a piece of property located on South Park Avenue. The owner is a former City employee who knows the advantages of being in the City and is asking to be included into the City's boundaries. This has been reviewed by staff and the Planning and Zoning Board, and approval is recommended.

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

**Motion by Commissioner Makin to approve Ordinances 15-05, 15-06, and 15-07 with the second reading and public hearing being scheduled for January 8, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- E. **Ordinance 15-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 15-09:** 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 0.52 ±

ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- G. **Ordinance 15-10**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-08, 15-09, and 15-10 by title only. Community Development Director Williams stated that this is an out parcel within the Bradford Creek subdivision. The property owner has watched the development of that property and has decided that now is an appropriate time to annex into the City and get similar approvals. It has been reviewed by staff and approval is recommended for incorporation into the City.

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

**Motion by Commissioner Olszewski to approve Ordinance 15-08, 15-09, and 15-10 with the second reading and public hearing being scheduled for January 8, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- H. **Ordinance 15-11**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISIONS 3, 4 AND 5 OF ARTICLE II, CHAPTER 42 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR INCREASED IMPACT FEES FOR POLICE PROTECTION, FIRE AND RESCUE AND RECREATION IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-11 by title only. City Manager Bollhoefer requested postponement of this item until the January 8<sup>th</sup> meeting in order to give more time for review.

**Motion by Commissioner Olszewski to POSTPONE Ordinance 15-11 until January 8, 2015, at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

- A. **Ordinance 14-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-189, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-42 by title only. City Manager Bollhoefer stated that this is an ordinance required by the State. The City must pass this ordinance in order to keep the pension plan qualified. It changes how they do their investments and there are no issues with it.

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

**Motion by Commissioner Sharman to adopt Ordinance 14-42. Seconded by Commissioner Makin and carried unanimously 5-0.**

6. **REGULAR BUSINESS**

- A. **Recommendation to approve entering into Indemnity Agreements for lots 23 and 24 (The Ryland Group, Inc.) and lots 25 and 26 (M/I Homes of Orlando, LLC) within Hickory Hammock Phase 1A Subdivision**

Community Development Director Williams stated that this agreement is the result of the construction of some docks on John's Lake. There was a piece of property that had a deed lost back in the 1800's. Four of the properties are still actually owned and have been resolved. In order to protect the City from ever being sued by any of the former property owners or heirs that think they may have an interest in the property, staff is asking the developers to provide these indemnities to the City. Staff recommends that they be signed.

Commissioner Buchanan asked since these agreements are with the current developer, but what happens years later when the HOA takes over. Mr. Williams stated that the title insurance companies have actually taken over the risk on property. This is an extra level of protection for the City.

**Motion by Commissioner Sharman to approve entering into Indemnity Agreements for lots 23 and 24 (The Ryland Group, Inc.) and lots 25 and 26 (M/I Homes of Orlando, LLC) within Hickory Hammock Phase 1A Subdivision. Seconded by Commissioner Makin and carried unanimously 5-0.**

**B. HEARING regarding violation of City Code Section 114-64 for unpermitted removal of an oak tree at 130 N. Lakeview Avenue; owners of record are Charles and Katherine Yoder Trust**

Community Development Director Williams stated that staff is requesting that this item be removed from the agenda. He noted that Mr. Yoder met with the City Manager and staff today to resolve this issue and some other items on the property. Staff believes that this has been satisfied and they will meet our requirements in the future.

*(This item was removed from the agenda; no action required.)*

**C. Recommendation to approve entering into a developer's agreement with Levott Corporation and McKinnon Groves, LLP for property located at 17500 Marsh Road**

Community Development Director Williams stated that this is the developer agreement for the PD that came before the City Commission earlier in the meeting. This formalizes all their commitments for right-of-way donation, participation in improvements to the roadway, the site for the water storage tanks and reclaimed water in the area. Staff has reviewed the agreement, which is similar to other agreements in the area, and recommends approval.

**Motion by Commissioner Buchanan to approve entering into a developer's agreement with Leyott Corporation and McKinnon Groves, LLP for property located at 17500 Marsh Road. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**D. Recommendation to approve Final Plat for Oakland Park subdivision Phase 2A**

Community Development Director Williams stated that the plat has been reviewed by staff. The plat meets all the requirements and conditions placed on the project and staff recommends approval. Mayor Rees sought confirmation on the number of lots, which are 63 and 17.

**Motion by Commissioner Sharman to approve the final plat for Oakland Park subdivision Phase 2A. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**E. Recommendation to waive formal procurement procedures for master planning services, authorize the City Manager to execute a services contract with Real Estate Research Consultants, Inc. in an amount not to exceed \$100,000.00, and approve a Reimbursement Agreement with the City of Ocoee (Tri Cities Partnership)**

Economic Development Director Gerhartz stated that there are actually two items; the first has to do with the waiver to contract with the consultant. The second is the reimbursement agreement of payment of funds.

Ms. Gerhartz gave some background on the cities working together with a consultant to study the interchanges along State Road 429. Some months back, the City of Ocoee applied for a state grant that included the City of Winter Garden as a partner, and have

since been awarded \$100,000.00. The City of Ocoee approved this same item at their last meeting of December 2, 2014.

Ms. Gerhartz stated that the City of Winter Garden has been acting as the administrative staff of the Tri-Cities Partnership. We are also being asked to handle the consulting contract for this grant. She noted that in order to move quickly and meet the terms of the State grant, staff is asking the City Commission to approve the waiving of our purchasing requirements, which is allowed under our purchasing manual. This will allow the City to enter into a contract with a firm that the City vetted over a year ago, called Real Estate Research Consultants.

Ms. Gerhartz explained the reason for the request is that the State contract, recently entered into by the City of Ocoee, requires all the work to be done by June 2015. She stressed that in order to meet this deadline the work has to be started immediately. Ms. Gerhartz stated that staff is recommending the City Commission utilizes the waiver policy allowed in the purchasing manual and grant the City Manager the authority to enter into a contract.

Ms. Gerhartz stated that the second items deals with the flow of funds and explained that there is a reimbursement agreement drafted by our City Attorney. This agreement explains that the City of Ocoee will receive the funds from the State and reimburse the City of Winter Garden. In the event we cannot come to an agreement with the State, we have several options outlined in the reimbursement agreement. She noted that the Tri-City's Partnership account has the funds to pay for all of this; payments of \$50,000.00 each have been made by the City of Ocoee and the City of Winter Garden.

Mayor Rees inquired about the \$100,000.00 grant going into the account and \$50,000.00 each from the City of Winter Garden and City of Ocoee for a total of \$200,000.00. Ms. Gerhartz explained that if it is needed, the reimbursement agreement states that for whatever reason the \$100,000.00 does not flow from the State, we have the money to pay for it. If there should be some overage, then the cost would be split between each of the municipalities. Mayor Rees confirmed that State's \$100,000.00 would be utilized first.

Commissioner Olszewski asked if we are positive the money will be received from the State legislature. City Manager Bollhoefer shared that a State appropriation is never a sure thing until it is in your bank account. If for some reason the money did not come through, staff would immediately come back to the Commission to rethink the whole thing. He fully expects the funds will come through. He shared that the project cost is not known but if it is only \$100,000.00, then the State grant will pay the entire cost. Anything over \$100,000.00 will be split between the City of Ocoee and the City of Winter Garden, not to exceed a total amount for \$200,000.00 for the whole thing.

Commissioner Olszewski confirmed that this is the funding State Representative Randolph Bracy secured. Ms. Gerhartz responded that this is correct but it flows through the Department of Economic Opportunity and they treat it as a special grant. It is not like

they are just writing out a check to us, there are terms and conditions and a deadline. If the City does not hurry and get the work done, we will not get reimbursed.

Commissioner Sharman asked about the areas to be researched. Ms. Gerhartz responded there are three key interchanges: State Road 50, East Plant Street and Franklin, and West Road. In the study, they are also looking at the connections between our historic downtown and Ocoee's historic downtown along with that East Plant / Franklin corridor.

Mr. Bollhoefer added there is no infrastructure or roads within these communities so we will create design standards, layout the infrastructure, and where the roads would go. We will work with the City of Ocoee so we are all on the same page when developing this as a campus style development. He spoke of assurances for the developers that all the projects will match and have the right type of infrastructure system.

Commissioner Makin asked about what happened to the City of Apopka's involvement. Ms. Gerhartz responded that when it came time to do the master planning, the City of Apopka wanted to move very quickly because Florida Hospital had just announced they would be moving their hospital to a key interchange within their city. Therefore, Apopka opted out of this process in order to move forward.

**Motion by Commissioner Sharman to approve waiving the formal procurement procedures for master planning services, authorize the City Manager to execute a services contract with Real Estate Research Consultants, Inc. in an amount not to exceed \$100,000.00 without coming back to the City Commission, and approve a Reimbursement Agreement with the City of Ocoee (Tri Cities Partnership). Seconded by Commissioner Makin and carried unanimously 5-0.**

**F. Recommendation to authorize the purchase of a new solid waste front-end loading commercial truck using a state contract for \$236,835.50, as budgeted**

Assistant City Manager of Public Services Cochran stated staff is recommending the purchase of a 2016 solid waste front-end loading commercial truck. This purchase will piggyback the bid with the Florida Sheriff's Association State contract. This truck was intended to replace truck number 269, but staff recommends holding onto this truck for another year to be used as a spare truck.

**Motion by Commissioner Sharman to authorize the purchase of a new solid waste front-end loading commercial truck using a state contract for \$236,835.50, as budgeted. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

**G. Recommendation to authorize the purchase of a new side loading refuse truck using another municipality's contract for \$235,115.00, as budgeted**

Assistant City Manager of Public Services Cochran stated that this item is for another solid waste truck, which is an automated side loading residential truck. This is another piggyback purchase on a bid with the City of Venice, Florida, for a 2016 side loading trash truck with a total price of \$235,115.00. This truck was to replace truck number 270,

but staff is also asking to hold onto that truck for another year to be used as a spare truck when the other residential trucks are in the shop for service.

**Motion by Commissioner Sharman to authorize the purchase of a new side loading refuse truck using another municipality's contract for \$235,115.00, as budgeted. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**H. Recommendation to approve renewal of annual agreement with Quality Vault for opening and closing cemetery services for one year with no increase**

Assistant City Manager of Public Services Cochran stated that this is the annual renewal of the contract for opening and closing cemetery services. Staff recommends continuing the contract with Quality Vault, Inc. for another year. They have agreed to hold their rates the same as the previous year. Staff recommends going out to bid next year.

There was discussion on the availability of cemetery spaces.

**Motion by Commissioner Sharman to approve the annual renewal of the agreement with Quality Vault, Inc. for opening and closing cemetery services for one-year with no increase. Seconded by Commissioner Makin and carried unanimously 5-0.**

Mayor Rees asked when the City will get commercial businesses on the recycling program. Mr. Cochran stated that staff has tried it and we do have some businesses able to use the residential carts. The problem with using dumpsters is that we cannot dedicate a front-end load truck for just recycling. He explained that you can't mix and match recycling with waste that you get from a restaurant. He shared that if it is a bank or office building type of business, it can be accommodated.

**I. Appointment to the General Employee's Pension Board for expiring term of Mark Griffith for a two-year term ending December 2016**

City Clerk Golden stated that the General Employee's Pension Board of trustees recently met and confirmed their request for reappointment of trustee member Mark Griffith to another two-year term.

**Motion by Commissioner Buchanan to appoint Mark Griffith for a two-year term ending December 2016. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

7. **MATTERS FROM PUBLIC** - There were no items.

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

9. **MATTERS FROM CITY MANAGER**

A. **Discussion on Brandy Creek stormwater issues**  
(*This item was discussed earlier in the meeting.*)

- **Update on Demolition of Condemned Buildings**

City Manager Bollhoefer gave an update to the City Commission on the demolition of recently condemned buildings in East Winter Garden. In January, five homes and possibly the Masonic Lodge are scheduled to be demolished. He stated that there is one more that has had some legal issues to work out that will be brought to the City Commission.

**B. Plant Street Landscaping and Improvements**

City Manager Bollhoefer stated that he has distributed some information (*see attached Exhibit A*) on improving an area on Plant Street (to the west of Dillard Street). Some of the landscaping and maintenance has already been done and shared that some of the businesses feel they have been left out with what has been going on in the downtown area with regard to events and beautification. Staff has reviewed it and prepared an in-house design for consideration. He described the changes and that it would cost approximately \$25,000.00.

Commissioner Sharman asked how many parking spaces would be given up by adding the planters. Mr. Bollhoefer replied one or possible two.

There was discussion on negotiations with Dr. Khouzam for the use of his parking area. Mr. Bollhoefer indicated that there is a verbal agreement with the final details needing to be worked out. If this proposal is approved, staff can move forward and get this done over the next couple of months.

Commissioner Sharman shared that he likes the fact that this was done in-house and use the funds towards the actual work. **Motion by Commissioner Sharman to authorize the City Manager to move forward with his proposed improvements. Seconded by Commissioner Makin and carried unanimously 5-0.**

**10. MATTERS FROM MAYOR AND COMMISSIONERS**

**A. Discussion on the number of members on the Planning and Zoning Board and staggered terms (postponed on 11/13/2014) (No action was taken on this item.)**

**Commissioner Sharman** thanked everyone who attended the Light-Up Winter Garden. He shared that everyone missed Mayor Rees, but Mayor Pro-Tem Buchanan did a good job. Commissioner Sharman also noted that the Christmas Parade the next day was also good.

**Commissioner Olszewski** stated that he echoed Commissioner Sharman's statements in what a great job was done by City staff, businesses, and residents for the Light-Up Winter Garden and the Christmas Parade.

Commissioner Olszewski asked the City Manager for an update on what is being done for traffic due to the road construction on 9th Street near the Regal Point subdivision. He noted that he wanted to be sure that the concerns were being addressed publicly. City Manager Bollhoefer responded that staff actually had placed plastic type barricades out had to change

to the Jersey (concrete) barricades to try and prevent them from being moved so easily. He asked permission from the City Commission that if it becomes warranted, to approve overtime for Police Officers to issue tickets, as the truck drivers have not been cooperative at all.

Commissioner Makin shared that he went through the subdivision to see what the flow would be like and noted that it is a very tight roadway in the subdivision with a lot of people parking on the streets. This issue has caused a lot more congestion, especially with trucks going through and going around parked cars. It could lead to a safety problem.

Mr. Bollhoefer stated that unless someone can get out and move the barricade, a semi-truck cannot get in there. This should have alleviated that problem.

Commissioner Olszewski thanked the City staff and the City Manager. He expressed that he has gotten quite a few phone calls and emails on this issue. The City staff has been extremely responsive. He stated that we know how quickly we need to expedite this project, which is the permanent solution.

**Commissioner Buchanan** shared that Light-Up Winter Garden was especially special this year. He stated that Ray Spears is a good friend of his and he enjoyed being the one to allow him to turn on the lights for Light-Up Winter Garden. Mayor Rees was missed.

Commissioner Buchanan stated that the City Commission may need to take another look at the golf cart situation, which is getting out of hand with people driving at night without lights and with four or five people on them. He noted the ages of the drivers and also that some are parking in handicap spaces. Mr. Bollhoefer responded that has spoken with the Police Chief and would like to start doing some enforcement. If we do not start policing it, someone will get injured.

**Commissioner Makin** stated that he has had a couple of complaints about Division Street with some of the intersections having stop signs and not at others. Some of the complaints are because of the traffic that flows north and south which has a stop sign, then the traffic that flows east and west and there is no stop sign. A lot of people think those coming from the west are going to stop and they don't. He asked the City Manager to talk with the Police Chief about adding some stop signs on Division Street.

City Manager Bollhoefer responded that staff looked at this issue and the Police Chief shared that we should review getting rid of most of the four way stops, not the two way stops. The set-up of Division Street is to move traffic; if you do a four way stop at every intersection on Division Street, then you defeat the purpose of your collector road and now you would flood all the other neighborhoods with vehicles. There was discussion to review this issue.

Commissioner Makin also echoed everyone else's comments about the events and commended staff for all that they do.

The meeting adjourned at 7:42 p.m.

APPROVED:

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Mayor John Rees

ATTEST:

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City Clerk Kathy Golden, CMC

DRAFT

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

**From:** Michael Bollhoefer, City Manager

**Date:** December 4, 2014

**Meeting Date:** December 11, 2014 Postponed  
to January 8, 2015

**Subject:** **Ordinance 15-11**

**Issue:** Impact fees are put in place to ensure that the current tax payers will not be responsible for additional capital costs required as a result of new development. Impact fees are charged to new residential and commercial development in order to fund those costs necessitated by new growth.

The current impact fees for police protection, fire protection, and recreation were adopted in 2004 pursuant to Ordinance No 04-17. Since the implementation of these fees 10 years ago, several aspects of the City have changed, including the capital requirements needed to maintain excellent levels of service. The City's consultant, PRMG recently conducted a municipal services impact fee study. Based on their analysis and findings, PRMG recommends that the impact fees be adjusted in order to meet the City's capital requirement for the services to serve new development.

This ordinance amends the current municipal impact fees to ensure that the new development provides the adequate funding to purchase necessary capital and not put the burden on the current tax payers of the City.

**Recommended action:** Staff recommends approval of Ordinance 15-11 with the second reading scheduled for January 22, 2015.

**Attachments/References:** Ordinance 15-11  
Municipal Impact Fee Study

**ORDINANCE NO. 15-11**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISIONS 3, 4 AND 5 OF ARTICLE II, CHAPTER 42 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR INCREASED IMPACT FEES FOR POLICE PROTECTION, FIRE AND RESCUE AND RECREATION IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden (“City”) has established impact fees for police protection, fire and rescue and recreation as set forth in Chapter 42, Article II, Divisions 3, 4 and 5 of the City of Winter Garden Code of Ordinance; and

**WHEREAS**, the City’s consultant PRMG recently conducted a municipal services impact fee study and based on their analysis and findings recommended that the police protection, fire and rescue and recreation impact fees should be adjusted as set forth in this Ordinance; and

**WHEREAS**, the City accepts the findings and recommendations of said municipal services impact fee study and desires to adjust said impact fees accordingly; and

**WHEREAS**, the impact fees imposed herein are based upon the most recent and localized data available; and

**WHEREAS**, the original need, intent and purpose for the enactment of the police protection, fire and rescue and recreation impact fees still exists and are in the best interest of the health, safety and welfare of the citizens of the City.

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

**Section I. Recitals.** The above recitals are true and correct and constitute legislative findings of the City Commission.

**Section II. Recreation Impact Fee Amendment.** Section 42-100(a) of Chapter 42, Article II, Division 3, of the City of Winter Garden Code of Ordinances is hereby amended change the recreational impact fee schedule as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being amended):

(a) The recreation impact fee is hereby charged to each applicant by the city and shall be due and payable at the time of issuance of a building permit for the construction of any structure to be used for a residential use, and shall be determined in accordance with the following schedule:

	Structure	As of <u>3/1/2015</u> <del>8/1/2004</del>	As of <del>11/1/2004</del>
(1)	Single-family, per unit	<del>\$495.50</del> <u>\$1,300.00</u>	<del>\$671.00</del>
(2)	Multi-family, per unit	<del>441.50</del> <u>\$1,159.00</u>	<del>598.00</del>
(3)	Mobile home	<del>333.00</del> <u>\$874.00</u>	<del>451.00</del>

**Section III. Police Impact Fee Amendment.** Section 42-145(a) of Chapter 42, Article II, Division 4, of the City of Winter Garden Code of Ordinances is hereby amended change the police impact fee schedule as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being amended):

(a) The following police impact fees are hereby charged to each applicant by the city and shall be due and payable at the time of issuance of a building permit for the construction of any structure to be used for a residential or nonresidential use, and shall be determined in accordance with the following schedule:

	Structure	As of <u>3/1/2015</u> <del>8/1/2004</del>	As of <del>11/1/2004</del>
(1)	Residential, per residential dwelling unit	<del>\$195.00</del> <u>\$339.00</u>	<del>\$260.00</del>
(2)	Nonresidential, per square foot	<del>0.35</del> <u>\$0.65</u>	<del>0.50</del>

**Section IV. Fire Impact Fee Amendment.** Section 42-185(a) of Chapter 42, Article II, Division 5, of the City of Winter Garden Code of Ordinances is hereby amended change the fire impact fee schedule as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being amended):

(a) The following fire impact fees are hereby charged to the applicant by the city and shall be due and payable at the time of issuance of a building permit for the construction of any structure to be used for a residential or nonresidential use in each district and shall be determined in accordance with the following schedule:

	Structure	As of <u>3/1/2015</u> <del>8/1/2004</del>	<del>As of</del> <u>11/1/2004</u>
(1)	Residential, per residential dwelling unit	<del>\$252.50</del> <u>\$491.00</u>	<del>\$340.00</del>
(2)	Nonresidential, per square foot	<del>0.35</del> <u>\$0.85</u>	<del>0.64</del>

**Section V. Severability.** In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls to the extent of the conflict.

**Section VI. Codification.** Sections II, III and IV of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections and exhibits of this Ordinance may be renumbered or relettered to accomplish such intention, if adopted; the word "Ordinance" may be changed to "Section", "Article", or other appropriate word.

**Section VII. Effective Date.** After adoption this Ordinance shall become effective on **March 1, 2015.**

FIRST READING AND PUBLIC HEARING: DECEMBER 11, 2014.

SECOND READING, PUBLIC HEARING AND ADOPTION: JANUARY 8, 2015.

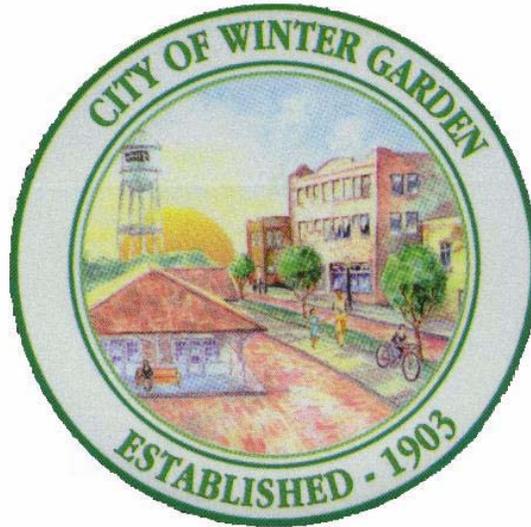
APPROVED: CITY OF WINTER GARDEN

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

ATTEST:

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

# CITY OF WINTER GARDEN, FLORIDA



## MUNICIPAL IMPACT FEE STUDY

**-DRAFT 1-**

**October 2014**



**Public Resources Management Group, Inc.**  
*Utility, Rate, Financial and Management Consultants*



October 24, 2014

PRMG #1075-16

Honorable Mayor and Members of the  
City Commission  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787

Subject: **Municipal Services Impact Fee Study**

Ladies and Gentlemen:

We have completed our study of Municipal Impact Fees for police services, fire and rescue services, and recreation services for the City of Winter Garden (the "City") and have summarized the results of our analysis, assumptions, and conclusions in this report, which is submitted for your consideration. This report summarizes the basis for the proposed impact fees for the municipal services in order to provide funds to meet the City's capital expenditure requirements for such services required to serve new development.

During the course of the study, it was determined that the proposed impact fees should meet a number of goals and objectives. These goals and objectives dealt primarily with fee sufficiency and level. Specifically, the major objectives considered in this study included:

- The Impact Fees should be sufficient to fund the projected capital requirements associated with providing service to new development;
- The Impact Fees should not be used to fund level of service deficiencies related to capital needs of the City, if any; and
- The Impact Fees should be based upon reasonable level of service standards established by the City and are similar to industry standards.

The proposed Municipal Services Impact Fees presented in this report should meet the above goals and objectives as identified by the City. As such, based on information provided by the City and the assumptions and considerations reflected in this report, Public Resources Management Group, Inc. considers the proposed fees to be cost-based, reasonable, and representative of the capital funding requirements necessary to provide capacity to serve new development.

Honorable Mayor and Members of the  
City Commission  
October 24, 2014  
Page 2

We appreciate the cooperation and assistance given to us by the City and its staff in the completion of the study.

Very truly yours,

**Public Resources Management Group, Inc.**

Henry L. Thomas  
Vice President

Shawn A. Ocasio  
Senior Rate Analyst

HLT/sao

**CITY OF WINTER GARDEN, FLORIDA**  
**MUNICIPAL SERVICES IMPACT FEE STUDY**

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**CITY OF WINTER GARDEN, FLORIDA**  
**MUNICIPAL SERVICES IMPACT FEE STUDY**

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**CITY OF WINTER GARDEN, FLORIDA**  
**MUNICIPAL SERVICES IMPACT FEE STUDY**

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**EXECUTIVE SUMMARY  
AND  
RECOMMENDATIONS**

**CITY OF WINTER GARDEN, FLORIDA  
MUNICIPAL SERVICES IMPACT FEE REPORT**

**EXECUTIVE SUMMARY AND RECOMMENDATIONS**

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**EXECUTIVE SUMMARY**

The purpose of an impact fee is to assign, to the extent practical, growth-related capital costs to new development responsible for such costs. To the extent population growth and associated development requires capital costs to provide municipal services, equity and modern capital funding practices suggest the assignment of such cost to those new residents or commercial development responsible for such costs. The City of Winter Garden (the "City") has recognized this capital funding strategy as being an appropriate method of funding the growth-related capital requirements of the City. The City has, in the past, adopted impact fees for the following municipal services:

- Police Protection Services;
- Fire Rescue Services; and
- Recreation Services.

This report addresses the municipal services associated with police protection, fire protection, and recreational services (collectively, the "Municipal Services Impact Fees"). The current impact fees for police protection, fire protection, and recreation were adopted pursuant to Ordinance No. 04-17 by the City Commission on August 12, 2004. Since the implementation of these fees, several aspects of the City have changed, including changes in capital needs required to maintain such levels of service. As a result of these changes and the fact that the fees have not been evaluated in several years, the City retained Public Resources Management Group, Inc. (PRMG) to review and develop proposed fees, as appropriate.

Based on the subsequent discussions in this section, the following table summarizes the City's existing and proposed impact fees for the single-family residential classification as follows:

<b>Proposed Residential Impact Fees</b>		
	<u>Existing</u>	<u>Proposed</u>
Police Protection	\$260	\$339
Fire and Rescue	340	491
Recreation	671	1,300
Total	<u>\$1,271</u>	<u>\$2,130</u>

The existing and proposed fees shown above for recreation services are only charged to residential properties, while fees for police and fire rescue services are also charged to non-residential properties. The non-residential fees are based on the estimated level of service requirements for each new property. A detailed discussion on impact fees for both residential and non-residential properties is provided for in subsequent sections of this study report.

The following is a summary of the findings and conclusions developed during our investigation, analyses, and preparation of the report.

1. The existing Municipal Services Impact Fees were made effective by the City approximately ten years ago. The police and fire fees are currently applied to two distinct customer classes: i) residential; and ii) non-residential (e.g., commercial and industrial). The following is a summary of the currently effective Municipal Services Impact Fees:

Municipal Service Impact Fee	Adopting Ordinance		Residential (per dwelling unit) [*]	Non-Residential (per sq. ft.)
	No.	Adoption Date		
Police Protection	04-17	8/12/04	\$260.00	\$0.50
Fire Protection/EMS Services	04-17	8/12/04	340.00	0.61
Recreation	04-17	8/12/04	<u>671.00</u>	<u>N/A</u>
Total			<u>\$1,271.00</u>	<u>\$1.11</u>

[\*] Amounts shown reflect single-family residential units only.  
N/A – Fees not applicable for this municipal service.

2. The police and fire impact fees are charged to both residential and non-residential properties. The current application methodology applies the fees per dwelling unit for the residential class and per square feet for the non-residential classes (referred to in this report as the Equivalent Impact Fee Units). The recreation impact fee is charged to residential properties only, because the benefit is generally ascribed only to residents. The current application of the recreation impact fee is based on the type of dwelling unit (single family, multi-family or mobile home) and the average number of persons per household for these housing types. The utilization of these units for the application of police, fire and recreation fees is common and is used to some degree by all local governments surveyed. No changes to this application method are proposed for the police, fire and recreation fees.
3. The permanent residential population of the City is based on estimates developed using Census data and growth estimates provided by City staff and is estimated at 37,172 in 2013 and projected to be approximately 48,000 by 2030 (or “Build-Out”), for an average annual growth rate of 1.52%. The estimated total number of households is expected to increase from 14,635 (based on 2.54 persons per household based on today’s population) to 18,898 for a net gain of 4,263 households during the forecast period from 2013 through 2030.
4. Based on discussions with the City it has been estimated that an additional 1,245,332 square feet of non-residential development will be constructed during the forecast period reflected in this study.
5. The level of service standard used for the development of the police services impact fee is the number of full-time officers per 1,000 of population. This standard is commonly used in the establishment of police services impact fees and, for the City, the target level is 2.00 full time officers per 1,000 residents. This standard is generally consistent with the standards referenced in published state and national guidelines (e.g., Florida Department of Law Enforcement), and is comparable to staffing level ratios for other Florida

communities. The actual level of service being provided today is 2.02 full-time officers per 1,000 population based on current population estimates and police department staffing. Based on the costs attributable to growth as outlined in Section 3, the proposed impact fees for this function are as follows:

	Police Protection Services Impact Fee [*]	
	Residential (unit)	Non-residential (sq. ft.)
Proposed Fee	<u>\$339.00</u>	<u>\$0.65</u>

[\*] Derived from Table 3-6 of report.

- The level of service standard used for the development of the fire protection services impact fee is the maintenance of first response time of six (6) minutes or less per fire and rescue alarm. The capital costs included in the fee were recognized in order to maintain this response standard and were predicated on discussions with the City and facilities required to maintain this standard. In staffing the required facilities and corresponding equipment the response standard can be calculated recognizing the number of full-time firefighters relative to the service population. Our analysis recognizes a standard of approximately 1.53 full-time firefighters per 1,000 people which is comparable to the service requirements delineated by the National Fire Protection Association. Based on the costs attributable to growth as outlined in Section 4, the proposed impact fees for this function are as follows:

	Fire Rescue Services Impact Fee [*]	
	Residential (unit)	Non-residential (sq. ft.)
Proposed Fee	<u>\$491.00</u>	<u>\$0.85</u>

[\*] Derived from Table 4-6 in this report.

- Municipalities typically adopt recreation facilities standards for recreation planning purposes as part of the comprehensive planning process. These standards deal with the types of recreation facilities the City provides for its residents. Typically such standards include a factor related to the land area established for parks and recreation. The City's adopted level of service related to land area is currently 5.0 acres per 1,000 population. The recreation services impact fee proposed herein was predicated on the cost of parkland, facilities, and activities (ball fields, basketball courts, picnic facilities, etc.) required to meet the recreational standards as adopted by the City. These standards and their costs are outlined in Section 5 of this report. Based on the expected costs of these facilities and activities, and the population of the City for which they serve, the following summarizes the proposed recreational impact fees for the recognized housing types:

Recreation Services Impact Fee [*]	
Residence Type	Proposed Fee
Single-Family	\$1,300.00
Multi-Family	\$1,159.00
Mobile Home	\$874.00

[\*] Derived from Table 5-7 in this report.

8. The change in impact fee levels from the existing rates to the proposed fees for the residential classification is shown below:

Municipal Services Impact Fee	Residential (per dwelling)			
	Existing	Proposed	Difference	Percent Increase
Police Protection	\$260.00	\$339.00	\$79.00	30.38%
Fire Rescue	340.00	491.00	151.00	44.41%
Recreation	<u>671.00</u>	<u>1,300.00</u>	<u>629.00</u>	<u>93.74%</u>
Total	<u>\$1,271.00</u>	<u>\$2,130.00</u>	<u>\$859.00</u>	<u>67.58%</u>

9. The change in impact fee levels from the existing fees to the proposed fees for the non-residential classification is shown below:

	Non-residential (per square foot)			
	Existing	Proposed	Difference	Percent
Police Protection	\$0.50	\$0.65	\$0.15	30.00%
Fire Rescue	0.61	0.85	0.24	39.34%
Recreation	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Total	<u>\$1.11</u>	<u>\$1.50</u>	<u>\$0.39</u>	<u>35.14%</u>

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# **INTRODUCTION**

**SECTION 1**  
**INTRODUCTION**

---

**1.1 INTRODUCTION**

The City of Winter Garden (the "City") is located in the western portion of Orange County (the "County") on the southern shores of Lake Apopka and encompasses approximately 17 square miles. The municipal services addressed in this impact fee study include police protection services and fire rescue services, and parks and recreational services. Based on the published Census in 2010, the City's permanent population was 34,568. Based on historical growth trends and discussions with the City, the current estimated population is 37,172 as of 2013. It is anticipated that the City will have additional growth over the next 15+ years with the City's population reaching 48,000 with approximately 18,898 housing units by 2030 (the "Forecast Period"). In addition to housing, the City anticipates commercial development to continue in order to support the additional residents. In order to meet this anticipated growth and development and to maintain current levels of service, the City will be required to fund capital improvements to serve such development.

**1.2 AUTHORIZATION**

PRMG was authorized by the City to evaluate and develop police protection services, fire rescue services, and recreational services impact fees pursuant to a letter agreement between the City and PRMG. The scope of work for this project, as defined in the letter agreement, was to:

1. For each service, review and analyze the capital requirements of the City that are needed to meet the level of service standards for the municipal function. This analysis includes a review of: i) the existing and future capital facility and equipment inventory of each specific municipal function; ii) service area population and development demographics and estimated future needs; and iii) the types of services provided by class of customers.
2. Where appropriate, develop a fee to be charged to new development in order to recover the capital costs associated with providing municipal services. This analysis includes the apportionment of costs among customer classifications, and the development of a fee per equivalent billing unit.
3. Develop a comparison of the impact fees and associated billing attributes for similar charges imposed by other neighboring jurisdictions.
4. Prepare a report that documents our analyses, assumptions, and conclusions for consideration by the City Manager and City Council.

### 1.3 CRITERIA FOR IMPACT FEES

The purpose of an impact fee is to assign, to the extent practical, growth-related capital costs to the new development that benefits from the capital facilities and related expenditures. To the extent new population growth and associated development imposes identifiable capital costs related to municipal services, equity and modern capital funding practices suggest the assignment of such costs to those new residents or commercial development responsible for such costs rather than the existing population base. Generally, this practice has been labeled as "growth paying its own way."

Within the State of Florida, a recently adopted statute authorizes the use of impact fees. The statute was generally developed based on case law before the Florida courts and broad grants of power including the home rule power of Florida counties and municipalities. Section 163.31801 of the Florida Statutes was created on June 14, 2006, and amended in 2009 and 2011. This section is referred to as the "Florida Impact Fee Act." Within this section, the Legislature finds that impact fees are an important source of revenue for local government to use in funding the infrastructure necessitated by new growth. Section 163.31801 of the Florida Statutes, as amended, further provides that an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at a minimum:

1. Require that the calculation of the impact fee be based on the most recent and localized data;
2. Provide for accounting and reporting of impact fee revenues and expenditures in a separate accounting fund;
3. Limit administrative charges for the collection of impact fees to actual costs;
4. Require that notice be provided no less than ninety (90) days before the effective date of an ordinance or resolution imposing a new or increased impact fee; and
5. Requires an affidavit addressed to the Auditor General that the utility has complied with this statute.

This section is further reinforced through existing Florida case law and the Municipal Home Rule Powers Act that grants Florida municipalities the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, as limited by legislation or as prohibited by state constitution or general law. Florida courts have ruled that the Municipal Home Rule Powers Act grants the requisite power and authority to establish valid impact fees. The authority for Florida governments to implement valid system impact fees is further granted in the Florida Growth Management Act of 1985<sup>[1]</sup>.

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[1] The Act allows for impact fees under land use regulation by stating:

"This section shall be construed to encourage the use of innovative land development regulations which include provisions such as the transfer of development right, incentive and inclusionary zoning, planned-unit development, impact fees, and performance zoning."—Florida Statutes, Sec. 163.3202(3).

The initial precedent for impact fees in Florida was set in the Florida Supreme Court decision, *Contractors and Builders Association of Pinellas Authority v. The City of Dunedin, Florida*. In this case, the Court's ruling found that an equitable cost recovery mechanism, such as impact fees, could be levied for a specific purpose by a Florida municipality as a capital charge for services. An impact fee should not be considered as a special assessment or an additional tax. A special assessment is predicated upon an estimated increase in property value as a result of an improvement being constructed in the vicinity of the property. Alternatively, impact fees are not related to the value of the improvement to the property, but rather to the property's use of the public facility and the capital cost thereof.

Until property is put to use and developed, there is no burden upon servicing facilities and the land use may be entirely unrelated to the value or assessment basis of the underlying land. Impact fees are distinguishable from taxes primarily in the direct relationship between the amount charged and the measurable quantity of public facilities or service capacity required. In the case of taxation, there is no requirement that the payment be in proportion to the quantity of public services consumed since tax revenue can be expended for any legitimate public purpose.

Based on Section 163.31801 of the Florida Statutes and existing Florida case law, certain conditions are required to develop a valid impact fee. Generally, it is our understanding that these conditions involve the following issues:

1. The impact fee must meet the "dual rational nexus" test. First, impact fees are valid when a reasonable impact or rationale exists between the anticipated need for additional capital facilities and the growth in population. Second, impact fees are valid when a reasonable association, or rational nexus, exists between the expenditure of the impact fee proceeds and the benefits accruing to the new development from those proceeds.
2. The system of fees and charges should be set up so that there is not an intentional windfall to existing users.
3. The impact fee should only cover the capital cost of construction and related costs thereto (engineering, legal, financing, administrative, etc.) for capacity expansions or other additional capital requirements that are required to serve growth. Therefore, expenses due to rehabilitation or replacement of a facility serving existing customers (e.g., replacement of a capital asset) or an increase in the level of service should be borne by all users of the facility (i.e., existing and future users). Likewise, increased expenses due to operation and maintenance of that facility should be borne by all users of the facility.
4. The City should maintain an impact fee resolution that explicitly restricts the use of impact fees collected. Therefore, impact fee revenue should be set aside in a separate account, and separate accounting must be made for those funds to ensure that they are used only for the lawful purposes described above.

Based on the criteria above, impact fees which will be developed in subsequent sections herein:  
i) will include only the cost of the capital facilities necessary to serve new customer growth;

ii) will not reflect renewal and replacement costs associated with capital assets that serve existing users; and iii) will not include any costs of operation and maintenance of the facilities.

#### **1.4 IMPACT FEE METHODS**

There are several different methods for the calculation of an impact fee. The calculation is dependent on the type of fee being calculated (e.g., water, police services, recreational services, transportation, etc.), cost and engineering data available, and the availability of other local data such as household and population projections, current levels of service, and other related items. The proposed Municipal Services Impact Fees reflected in this report are predominately based on two separate methods. These two methods are: i) the improvements-driven method; and ii) the standards-driven approach. Both methods have been utilized in the development of impact fees for local governments in Florida.

The improvements-driven method is an approach that utilizes a specific list of planned capital improvements over a period of time. For example, the fee may correspond to the level of capital improvements that have been identified in the capital improvements element of the Comprehensive Plan or capital improvement budget of the local government. The standards-driven method does not utilize the cost of improvements based on specific capital budget needs but rather on the theoretical cost of the improvements to the City's capital facilities for incremental development. For example, the standards-driven method for a transportation impact fee would consider the theoretical cost of a mile of a new road by the trip capacity of a mile of road to establish the cost per trip. The primary difference between the two methodologies is how the capital costs, which must be recovered from the application of the fee, are calculated.

Both methodologies have their advantages and disadvantages. The advantages associated with the improvements-driven method include the following:

- i. Based solely on budgeted capital improvements, thus providing a cost based relationship between the level of fee and need.
- ii. The use of fees can be shown to be attributable to growth based on the capital improvement plan utilized in the analysis as opposed to capital deficiencies in the system.

There are several disadvantages associated with the improvements-driven method. Some of the disadvantages include the following:

- i. Fee may be based on an intermediate range forecast of capital improvements (e.g., five years) which may not reflect the true level of needs since major capital improvements may be beyond the time frame of the capital forecast.
- ii. The fee does not take into account unused capacity at existing facilities which should be allocated to the new users of the facilities.

- iii. The forecast of capital improvements required for new development is still an estimate of cost and is subject to revisions and updates.
- iv. It may be difficult to apportion the cost of specific improvements among present deficiencies, growth, and excess capacity.

With respect to the standards-driven method of determining impact fees, there also exist certain advantages and disadvantages. The advantages include the following:

- i. Fee is based on a defined level of service and type of facility, and it may be easier to determine the standard cost of the capital facilities associated with such level.
- ii. Provides governments with more flexibility in the use of the collected fees in that they can identify future capital needs in advance of establishing the specific capital budget.
- iii. The development of the fee does not require a detailed projection of future capital improvements and associated costs.

There are also disadvantages associated with the standards-driven method. The disadvantages include:

- i. The capital costs for the impact fee are not associated with anticipated or current capital needs as identified by the City's capital budget, thus increasing the potential of not providing a clear relationship between the fee and its use.
- ii. The development of the standard cost for capital facilities is based primarily on engineering, planning, and financial judgment, although this may be somewhat mitigated by the level of service standards included in the Comprehensive Planning Process.

The proposed impact fees herein for the municipal services are primarily based on the application of the improvement-driven method based on the capital facilities required to provide services and meet the City's service level standards. A more complete discussion of the methods used for the determination of the impact fees is presented in Sections 3 through 5.

## **1.5 SUMMARY OF REPORT**

In addition to Section 1, this report has been subdivided into four (4) other sections. The following is a brief discussion of the remaining sections included in this report.

Section 2 - *Existing Impact Fees and Service Area.* This section of the report provides a general discussion of the residential and non-residential land use characteristics. Also presented in this section is the forecast of the residential dwelling units and non-residential development, which is necessary in the design of the impact fees for the municipal services.

- Section 3 - *Police Protection Services Impact Fee.* Included in this section is a discussion of the development of the proposed impact fee for police services. Included in this section is a discussion of the capital requirements associated with providing police services, the methodology for the determination of the proposed fees, assumptions utilized in the design of the fees, and other factors associated with the fee determination.
- Section 4 - *Fire Rescue Services Impact Fee.* This section provides a discussion of the development of the proposed impact fee for fire protection services. Included in this section is a discussion of the capital requirements associated with providing fire protection services, the methodology for the determination of the proposed fees, assumptions utilized in the design of the fees, and other factors associated with the fee determination.
- Section 5 - *Recreation Impact Fee.* Included in this section is a discussion of the development of the recreation impact fee. It includes a discussion on the capital requirements associated with providing parks and recreation facilities to the City's residents, the methodology for the determination of the proposed fees, assumptions utilized in the design of the fees, and other factors associated with the fee determination.

## **1.6 ACKNOWLEDGMENTS**

This report was prepared with the cooperation and assistance of the staff of the City of Winter Garden.



# **EXISTING IMPACT FEES AND SERVICE AREA**

**SECTION 2**  
**EXISTING IMPACT FEES AND SERVICE AREA**

---

**2.1 GENERAL**

This section provides a general discussion on the fees that are currently in effect and on the current service area, including population and housing statistics and other demographic information related to land use. Additionally, a discussion of the anticipated growth in population and associated growth in residential dwelling units and non-residential development is also contained in this section.

**2.2 EXISTING FEES**

The City adopted the Municipal Services Impact Fees that are currently in effect by ordinance. Each ordinance provides, among other things, for the intent and purpose of each fee, time of payment and fees to be charged, impact fee reductions for offsetting contributions, and certain other provisions. A brief discussion of the respective ordinances is presented below:

1. Police Protection Service: The City adopted the current police impact fees pursuant to the passage of Ordinance No. 04-17, Division 4, Sec. 42-141, (the "Police Impact Fee Ordinance") on August 12, 2004 which then became effective on November 1, 2004. The current police impact fees have been in effect for almost ten years. The Police Impact Fee Ordinance recognizes two classes of service (development or land use) which includes residential and non-residential. As defined in the Police Impact Fee Ordinance, a residential structure shall mean each single-family dwelling unit and each dwelling unit of a condominium, duplex, triplex, mobile home, modular housing, manufactured home, apartment or multiple dwelling structure designated as a separate housing unit for one or more persons, whether temporarily or permanently utilized or designed or intended to be utilized for human habitation.

With respect to non-residential structures, this includes any building which fully encloses space for the occupancy by persons or their activities other than residential dwellings including, but not limited to, professional buildings, commercial buildings, industrial buildings, warehouse, public assembly buildings or institutional buildings except for churches, public schools, and governmental buildings.

The current police impact fees for each class of service are summarized below:

	<u>Police Impact Fee</u>
Residential	\$260.00 per residential unit
Non-Residential	\$0.50 per square foot

The fees are uniformly applied to all new development occurring within the City (no separate fees by "service zone"). The fees are due prior to the issuance of a building permit or for the construction of any other structure to be used for a residential or non-residential use.

2. Fire Protection Service: The City adopted the current fire impact fees pursuant to the passage of Ordinance No. 04-17, Division 5, Sec. 42-181, (the "Fire Impact Fee Ordinance") on August 12, 2004 which then became effective on November 1, 2004. The current fire impact fees have been in effect for almost ten years. The existing Fire Impact Fee Ordinance is consistent with provisions of the Police Ordinance regarding: i) definition and associated classes of services for fee application; ii) rate structure (charge per equivalent unit); and iii) payment of impact fees. The fire impact fees for each class of service are summarized below:

	Fire Impact Fee
Residential	\$340.00 per residential dwelling unit
Non-Residential	\$0.61 per square foot

3. Recreation: The City adopted the current recreation impact fees pursuant to the passage of Ordinance No. 04-17, Division 3, Sec. 42-96, (the "Recreation Impact Fee Ordinance") on August 12, 2004 which then became effective on November 1, 2004. The recreation impact fees have also been in effect for almost ten years. Except for the applicability of the fee, all provisions regarding the payment of the fees, applicable rate structure, and use of the fees are consistent with the provisions contained in the Police and Fire Ordinances. Since recreational services typically only benefit the residential class, there is no fee charged to non-residential structures or development. Furthermore, this fee is further differentiated by type of residence since it directly relates to serving City residents and different types of dwelling units, on average, have a different number of persons per household (e.g. multi-family and mobile home dwelling units typically have smaller household sizes than single family dwelling units). The current fees for recreation services applied to new development are summarized below:

	Recreation Impact Fee
Single-Family	\$671.00 per residential dwelling unit
Multi-Family	\$598.00 per residential dwelling unit
Mobile Home	\$451.00 per residential dwelling unit

### 2.3 POPULATION AND DEVELOPMENT FORECAST

To develop the Municipal Services Impact Fees, a forecast of the population of the City was developed in order to: i) have an appropriate planning horizon to ensure that capital improvement needs and costs are apportioned over a suitable growth segment; ii) link level of service requirements to the capital facility plan; and iii) identify any deficiencies in existing capital facilities related to the level of service standards and current population served.

As shown on the following table, the estimated total population as of 2013 is 37,172. Based on information provided by the City, it is estimated that the total population will exceed 41,000 residents by the year 2020, growing to approximately 48,000 by Build-Out. Thus, the population growth anticipated by the City is expected to be approximately 1.52% on an average annual basis through Build-Out.

**Table 2-1  
Population and Residential Dwelling Unit Projections [1]**

Year	Total Population	Total Dwelling Units
2000	14,351	5,861
2010	34,568	13,260
2013	37,172	14,635
2015	38,307	15,081
2020	41,298	16,259
Build-Out	48,000	18,898

[1] Amounts based on the Census estimates and discussions with the City.

[2] Dwelling Units based upon an estimate of 2.54 persons per household provided by the City.

Based on the assumption of continued development and discussions with the City the following estimates of anticipated non-residential development were used for the purposes of this report:

**Table 2-2  
Estimated Commercial Development (sq. ft.) [1]**

Estimated Net Change in Building Space (sq. ft.)	
2013 – 2030 (Build-Out)	1,245,332

[1] Estimated of net change in building space based on discussions with the City.

To the extent the projections materially change in the future development of the City or in relation to the type of developments, or if the City is able to receive additional data regarding the non-residential development characteristics within the City, then it would be beneficial for the City to re-evaluate the impact fees developed in this report. This is one reason why it is prudent for the City to review the level of impact fees periodically.

**Section 2**  
**City of Winter Garden**  
**Municipal Impact Fee Study**

**List of Tables**

<b>Table</b>	<b>Description</b>
2-1	Population Detail and Housing Elements

**Table 2-1**  
**City of Winter Garden**  
**Municipal Impact Fee Study**

**Population Detail and Housing Elements [1]**

Line No.	Fiscal Year	Annual Average Rate	Total Population	Total Units	Avg. Pop. per Unit
1	2000		14,351	5,861	2.45
2	2010	9.19%	34,568	13,260	2.61
3	2013	2.45%	37,172	14,635	2.54
4	2015	1.52%	38,307	15,081	2.54
5	2020	1.52%	41,298	16,259	2.54
6	Build-Out	1.52%	48,000	18,898	2.54

Footnotes

- [1] Based on the 2000 and 2010 U.S. Censuses and estimates for 2013 as obtained from the Bureau of Economic and Business Research.



**POLICE PROTECTION  
SERVICES  
IMPACT FEE**

**SECTION 3**  
**POLICE PROTECTION SERVICES IMPACT FEE**

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**3.1 GENERAL**

This section provides a discussion of the development and design of the impact fee for police protection services. Included in this section is a discussion of the level of service requirements, capital costs included in the fee determination, and the design of the impact fee for police services to be applied to new development within the City.

**3.2 LEVEL OF SERVICE REQUIREMENTS**

In the evaluation of the capital facility needs for providing municipal services such as police protection, a level of service (LOS) standard should be developed. Pursuant to Section 163.3164, Florida Statutes, the "level of service" means an indicator of the extent or degrees of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility or service. Essentially, the level of service standards are established in order to ensure that adequate facility capacity will be provided for future development and for purposes of issuing development orders or permits, pursuant to Section 163.3202(2)(g) of the Florida Statutes. As further stated in the Administrative Code, each local government shall establish a LOS standard for each public facility located within the boundary for which such local government has authority to issue development orders or permits.

In developing the level of service standard for police protection services, the number of police officers and attendant equipment, base facilities and vehicle costs are typically predicated on a population standard. Specifically, the general standard used in the development of the capital costs for police protection services is the number of police officers required to service each population increment of 1,000 people. This standard is commonly used by such entities, as the Federal Bureau of Investigation, Department of Justice, the Florida Department of Law Enforcement and other public agencies in resource planning and development of staffing needs. Based on information provided by the City's Police Department, there currently are 75 full-time sworn officers to serve an estimated 2013 population of 37,172 permanent residents resulting in a current level of service 2.02 full-time sworn officers per 1,000 population served. Based on information provided by the Police Department, the targeted level of service is 2.00 officers per 1,000 population, and this standard is considered a reasonable LOS for police services when compared to similar sized cities in the southern United States. Therefore, based on current staffing levels, there is no deficiency relative to the target LOS. The City's targeted level of service is comparable with police staffing averages as follows:

- The Federal Bureau of Investigation, U.S. Department of Justice, Uniform Crime Report that indicated an average achieved standard of 2.4 police officers and 1 support personnel per 1,000 inhabitants for population areas in the Southern United States.

- The Florida Department of Law Enforcement recognizes a state average of 2.35 officers and 0.8 support personnel per 1,000 population.

Each full time sworn officer requires a complement of personnel equipment, vehicles and other capital equipment and base facilities, as follows:

*Personnel Equipment:*

- Each sworn officer must be equipped with uniforms, weapons, and other relevant personal equipment to perform his/her duties. A few of the basic issue items include:
  1. Service weapon;
  2. Ballistic (protective) vest;
  3. Handcuffs and baton;
  4. Taser; and
  5. Portable radio.

*Vehicles and Other Equipment:*

- The department maintains a fleet of patrol and administrative vehicles to provide police protection services to the City. Generally, each vehicle must be equipped with communications, detection/surveillance, and defense equipment. Other essential equipment includes radar units, crime prevention trailer, generators, and special weapons. The cost of vehicles and equipment needs have been included in the impact fee calculation.

*Base Facilities:*

- The City's existing police headquarters currently accommodates the City's 75 officers and 17 supporting civilian and administrative staff members. The existing facility will be rehabilitated and upgraded in order to accommodate new patrol officers over the forecast period. These upgrades will allow the expanded facility to be able to further service new future growth.

As discussed above, the City has made existing investments in police protection services, and plans to make future investments that will serve new development. Tables 3-2 and 3-3 at the end of this section provide a listing of the existing and planned equipment, vehicles, and facilities, respectively. Before consideration of grant revenues, the combined capital investment totals approximately \$7.9 million as shown in Table 3-5.

### **3.3 RESOURCE NEEDS ANALYSIS**

Currently, the Police Department's level of service standard requires seventy-four (74) full-time patrol officers. Based on the assumed level of service standard (2.0 officers per 1,000 population) and population projections for the City, it is anticipated that the City will need a police force of 96 sworn full-time patrol officers to provide police protection services by 2030. This represents an increase of twenty-two (22) patrol officers over the existing staffing level as shown below:

Personnel Description	Number of Employees	
	Current LOS	Anticipated [*]
Full-Time Patrol Officers	74	96

[\*] Derived from Table 3-5. Personnel assumed at a population of 48,000 based on a level of service of 2.0 full-time patrol officers per 1,000 population.

The proposed impact fees are based on the direct capital cost to equip and provide vehicles, headquarters, and other equipment costs for a full-time patrol officer. In the development of the capital cost required to serve new development, cost parameters were recognized as shown in Table 3-5. The parameters include the costs of directly equipping the next increment of police protection services (i.e., a full-time patrol officer). These capital costs would include personnel equipment, vehicles, communication equipment, and other support related equipment and machinery. A final parameter deals with the cost recovery of the headquarters required to house patrol officers and support staff and includes investment in the land, buildings, and furnishings allocable to the police service function.

Tables 3-2 and 3-3 provide a breakdown of the individual cost items. Table 3-4 summarizes the estimated capital costs to equip a full-time patrol officer for the City recognizing the parameters described above. In addition to the \$7.9 million in existing and planned equipment, vehicles, and facilities, this study further considered cost free capital, or grants received by the police department in consideration of the net costs allocable to the impact fees. As shown in Table 3-5, the City has received approximately \$85,269 in grant revenues for capital (operating grant revenues do not apply in this case) resulting in a lower projected cost per officer. The estimated capital cost including credit for cost free capital of an additional full-time patrol officer is \$102,458, including the cost of vehicles, other related equipment, and allocated headquarters costs. The following is a summary of the estimated capital cost required to equip and support a full-time patrol officer:

Summary of Capital Costs [1]		
	Average Cost per Officer	Total Projected Cost [2]
Machinery and Equipment	\$5,469	\$411,555
Major Vehicles	33,997	2,542,902
Other Capital Equipment & Facilities	63,880	4,979,231
Subtotal	\$103,346	\$7,933,688
Grant Adjustments	(\$888)	(\$85,269)
Total Allocated Costs	\$102,458	\$7,848,419

[1] Derived from Table 3-5.

[2] Total projected costs assuming 74 officers for recoupment of existing assets and 96 officers in total for future assets.

### 3.4 DESIGN OF POLICE SERVICES IMPACT FEE

The method used to determine the police services impact fee was based upon a four-step process. Tables 3-5 and 3-6 summarize the results of the approach. The following is a brief description of the method used in this study.

- Development of Total Capital Need - Based on population projections, level of service standards, and the capital costs per police officer. This amount is the total allocated capital cost to serve the projected population growth.
- Allocation of Costs to Customer Class - This step allocates capital costs incurred for equipping new police officers to the residential and non-residential customer classes. The allocation is based on the number of service calls made by the Police Department, a parameter used as the nexus or link between need and cost.
- Development of Equivalent Impact Fee Units - This step estimates the number of equivalent impact fee units that are projected to be added to the City. This is the number of units that the City must provide municipal services. For the residential class, the equivalent unit is a dwelling unit (residence) and for the non-residential class, the equivalent unit is the square footage of the development.
- Calculation of Cost per Equivalent Impact Fee Unit - Once the total capital costs allocated to future development are estimated, the per customer equivalent impact fee units were determined, and the cost per equivalent unit was calculated.

#### Police Services Impact Fee Assumptions

The development of the police services impact fees required a number of assumptions. The major assumptions used in the development of the proposed impact fees as shown on Tables 3-2 through 3-6 are as follows:

1. In the development of the capital costs required to equip a full-time police officer, the identifiable capital costs of providing police protection services through the year 2030 were allocated to establish the cost of serving the next incremental full-time police officer. The costs were allocated to the next increment of service (one full-time sworn officer) based on the following allocation parameters:
  - a. The direct cost of equipping one full-time patrol officer (e.g., personnel equipment) was allocated based on actual investments made by the City shown in Table 3-2. The new officers are not required to contribute to basic issue equipment, and it is the City's current policy to capitalize those costs greater than \$750.
  - b. Based on discussions with the City, the current service level of patrol and administrative vehicles to a full-time patrol officer is considered reasonable for the purpose of this study. Additionally, it is assumed that other mission-essential equipment, including radar units, generators, and special weapons, although not easily assignable per patrol officer, would be acquired in relation to the number of new patrol officers. The existing inventory levels for these items per patrol officer are therefore projected to remain constant. As illustrated in Table 3-5, the following represents the estimated costs for existing and future equipment needs as allocated per full-time patrol officer:

**Police Vehicle and Equipment Costs**

Machinery and Equipment per Officer	\$5,469
Major Vehicles per Officer	33,997
Grants	<u>(888)</u>
Total	<u><u>\$38,578</u></u>

- c. Based on discussions with City staff, the existing police headquarters facility will be rehabilitated and upgraded to accommodate existing and new patrol officers as shown in Table 3-3. The total existing and future facility costs per new patrol officer are presented in Table 3-5 and are summarized below as follows:

**Police Facilities Cost**

Existing Facilities Cost per Patrol Officer	\$52,422
Proposed Facilities Cost per Patrol Officer	<u>11,458</u>
Total Facilities Cost per Patrol Officer	<u><u>\$63,880</u></u>

- In the development of the capital costs per patrol officer, it was assumed that the targeted level of service will be maintained by the City over the forecast period. This level of service includes only the amount of full-time patrol officers to serve the general population of the City. As previously mentioned, the level of service assumed in this study is 2.0 full-time patrol officers per 1,000 of population.
- The estimated incremental cost of providing for a full-time police officer was allocated between the residential and non-residential customer classifications based on the number of service calls made by the Police Department during Fiscal Year 2013. The allocation is summarized below:

	Number of Service Calls			
	<u>Total</u>	<u>Residential</u>	<u>Non-Residential</u>	<u>Traffic/Other</u>
Fiscal Year 2013				
Number of Calls	33,233	19,224	10,771	3,238
Percent (%)	100.0%	57.85%	32.41%	9.74%

For the purposes of this study, all traffic and other calls were assigned to the customer classes based on the percent relationship of the specifically identified service calls for such classes.

Based on the average number of service calls for the Fiscal Year 2013 period as shown above, the number of calls allocated to each class of customer was assumed for the forecast period as follows:

Residential	64.09%
Non-Residential	35.91%

- The residential equivalent impact fee units represent the net change in the number of dwelling units to be constructed in the City during the planning period of this report (i.e., through the year 2030). The increase in total residential dwelling units for the period 2013

through 2030 was estimated to be 4,263 units. This forecast was based on the City's population projections and the estimated average number of persons per dwelling unit of 2.54 persons per household.

- The non-residential equivalent impact fee units represent the net change in the square footage of non-residential development assumed to be constructed during the planning period of this study (i.e., through the year 2030). Based on the existing the level of development for the non-residential class relative to the residential development, it was estimated that approximately 1,245,332 square feet additional non-residential development (including public uses) will occur which will be subject to the payment of impact fees.

### Impact Fee Calculation

Based on the above-referenced assumptions, the allocated cost of capital facilities, and the population and land use projections of the City, the police services impact fees for the residential and non-residential customer classifications were developed. As shown in Table 3-6 at the end of this section, the cost per equivalent impact fee unit by customer classification was determined as follows:

	<u>Total Department</u>	<u>Residential [1]</u>	<u>Non-Residential [1]</u>
Allocated Costs of Incremental Full-Time Police Officer	\$102,458		
Additional Full-Time Police Officers Required through 2030	22		
Incremental Capital Facilities Allocable to Growth through 2030 [2]	\$2,254,076	\$1,444,637	\$809,439
Incremental Equivalent Impact Fee Unit		4,263 dwelling units	1,245,332 sq. ft.
Cost per Equivalent Impact Fee Unit		<u>\$338.88</u>	<u>\$0.650</u>

[1] Derived from Table 3-3.

[2] Allocation of costs between Residential and Non-Residential based on percentage of calls for service as shown on Table 3-4.

As can be seen above, the police services impact fee per equivalent impact fee unit (by class of customer) was estimated to be as follows:

	<u>Fee per Equivalent Impact Fee Unit</u>
Residential	\$339.00 per Dwelling Unit
Non-residential	\$0.65 per Square Foot

Taking into account the methodology used for the determination of the fee and the estimates associated with determining the capital requirements, it appears that the proposed impact fee utilizing the City's LOS standard appears reasonable. It should be noted that in the development of the fee per equivalent impact fee unit, no credits associated with developer land dedication or other similar activities have been recognized.

In the development of the cost per equivalent impact fee unit, it was determined that the rate should continue to be applied on a "per dwelling unit" basis for the residential class and a "per square footage" of development for the non-residential class. These factors are used throughout the state as the equivalent impact fee unit for fee determination. The use of these equivalency factors was based on discussions with the City and the fact the City currently uses these parameters for the application of existing fees, comparisons of fee applicability provisions of neighboring jurisdictions, and promotion of administrative simplicity. For the residential class, the City directed PRMG to maintain the application of the fees based on the number of dwelling units served, without differentiation as to type of residence (single-family, multi-family, mobile home, etc.). For the non-residential class, it is proposed that the fee would continue to be predicated on the square footage of new commercial construction or development which generally equates to the link between size of facility and police protection services (based on number of employees, traffic, and general services). Many jurisdictions attempt to breakdown the non-residential sector into various categories based on a variety of parameters, including service calls, trip generation statistics that relate to specific land use, and other factors. The City does not maintain sufficient data relative to the types of land uses associated with non-residential development within the City that is required to allocate costs among the various types of development. Additionally, based on discussions with the City, a review of the rate methodology used by other neighboring jurisdictions and to maintain administrative simplicity dealing with the adoption of the new fees, the total non-residential square footage relationship was considered reasonable and appropriate.

### **3.5 IMPACT FEE COMPARISONS**

In order to provide the City additional information about the proposed impact fees, a comparison of the proposed fees for the City and those charged by other neighboring jurisdictions was prepared. Table 3-7 at the end of this section summarizes the impact fees for police protection services charged by other communities with the proposed rates of the City.

Also, as shown in Table 3-7 for other communities, the fees charged to the residential class are applied using a "per dwelling unit" basis, which is consistent with the recommended fee applicability provisions of the City's proposed fees. For the non-residential class and, as previously discussed, the fees are applied on the basis of the amount of square foot of facility development.

**Section 3  
City of Winter Garden  
Police Protection Services Impact Fee Analysis**

**List of Tables**

<u>Table</u>	<u>Description</u>
3-1	Summary of Existing Personnel
3-2	Inventory of Existing Capital Equipment, Vehicles and Facilities
3-3	Inventory of Proposed Capital Equipment, Vehicles and Facilities
3-4	Allocation of Service Calls Among Customer Classes
3-5	Summary of Capital Costs to Provide Police Protection Services
3-6	Design of Police Protection Services Impact Fee
3-7	Police Services Impact Fee Comparison

**Table 3-1**  
**City of Winter Garden**  
**Police Protection Services Impact Fee Analysis**

**Summary of Existing Personnel**

Line No.	Description	Budgeted Staff [1]	Actual Staff [2]	Difference to Actual	LOS Staff Level [3]
<b>Personnel</b>					
1	Administrative Officers	12.0	12.0	0.0	12.0
2	Patrol Officers	59.0	63.0	4.0	62.0
3	<b>Total Sworn Officers</b>	<u>71.0</u>	<u>75.0</u>	<u>4.0</u>	<u>74.0</u>
4	Civilian and Administrative [3]	23.0	17.0	(6.0)	17.0
5	<b>Total Personnel</b>	<u><u>94.0</u></u>	<u><u>92.0</u></u>	<u><u>(2.0)</u></u>	<u><u>91.0</u></u>

Footnotes:

- [1] Per Police Department organizational chart data as shown in the City in the Fiscal Year 2014 Budget.
- [2] Civilian and Administrative Personnel at a full-time equivalency as provided by the City.
- [3] Based on Police Department Level of Service of 2.00 officers per thousand of population

**Table 3-2**  
**City of Winter Garden**  
**Police Protection Services Impact Fee Analysis**

**Inventory of Existing Capital Equipment, Vehicles and Facilities**

Line No.	Description	Historical Cost [1]
1	<b>Machinery and Equipment</b>	\$381,555
2	<b>Major Vehicles</b> (83 Vehicles - Includes Laptops in Patrol Cars)	\$2,424,456
3	<b>Other Capital Equipment and Facilities</b>	
4	<u>Land, Buildings &amp; Furnishing</u>	<u>Historical Cost [1]</u>
5	Land, Building & Engineering	\$2,220,831
6	Office Equipment and Furniture	85,033
7	Computer Systems and Software	1,573,367
8	Total Other Police Department Equipment and Facilities	<u>\$3,879,231</u>
9	<b>Total Existing Capital Equipment, Vehicles and Facilities</b>	<u><u>\$6,685,242</u></u>

Footnotes:

[1] Amounts reflected as provided by the City as of April 30, 2014.

**Table 3-3**  
**City of Winter Garden**  
**Police Protection Services Impact Fee Analysis**

**Inventory of Proposed Capital Equipment, Vehicles and Facilities**

Line No.	Description	Current Cost [1]
1	<b>Machinery and Equipment - Laptops (12)</b>	\$30,000
2	<b>Major Vehicles - Marked Vehicles (6)</b>	\$199,860
3	Basis Adjustment for Replacement [2]	(81,413)
4	<b>Total Major Vehicles Basis Adjustment</b>	<u>\$118,447</u>
5	<b>Other Capital Equipment and Facilities</b>	
6	<b><u>Land, Buildings &amp; Furnishing</u></b>	<u>Current Cost [1]</u>
7	Station Rehabilitation and Upgrade	\$1,000,000
8	Building & Engineering - Roof Repair and HVAC	36,836
9	Repair Adjustment [3]	(36,836)
10	Office Equipment and Furniture	0
11	Computer Systems and Software - Dispatch Consoles	100,000
12	<b>Total Other Police Department Equipment and Facilities</b>	<u>\$1,100,000</u>
13	<b>Total Proposed Capital Equipment, Vehicles and Facilities</b>	<u><u>\$1,248,447</u></u>

Footnotes:

- [1] Amounts as provided by City staff.
- [2] Amount represents an adjustment to the City's assets that discounts 3 of the new vehicle purchase costs by an estimate of the original vehicle costs thereby reflecting the net adjustment to the total fixed assets.
- [3] Amount represents an adjustment to the City's assets that discounts the projected repair costs by an estimate of the original asset costs thereby reflecting the net adjustment to the total fixed assets.

**Table 3-4**  
**City of Winter Garden**  
**Police Protection Services Impact Fee Analysis**

**Allocation of Service Calls Among Customer Classes**

Line No.	Description	Number of Calls For Service		
		Total [1]	Residential	Commercial
<u>Fiscal Year 2013</u>				
1	Number of Calls	29,995	19,224	10,771
2	Percent (%)	100.00%	64.09%	35.91%
3	Allocated Traffic / Other	3,238	2,075	1,163
4	Percent (%)	100.00%	64.09%	35.91%
5	Total Allocated Calls	33,233	21,299	11,934
6	Percent (%)	100.00%	64.09%	35.91%

[1] Amounts based on information provided by the City of Winter Garden Police Department.

**Table 3-5**  
**City of Winter Garden**  
**Police Protection Services Impact Fee Analysis**

**Summary of Capital Costs to Provide Police Protection Services**

Line No.	Description	Total Cost [1]	Total Personnel Requirements [2]	Average Cost per Personnel
<u>Recoupment Costs [3]</u>				
1	Machinery & Equipment	\$381,555	74	\$5,156
2	Major Vehicles	2,424,456	74	32,763
3	Other Capital Equipment & Facilities	3,879,231	74	52,422
4	Total Recoupment Costs	<u>\$6,685,242</u>		<u>\$90,341</u>
<u>Proposed Capital Additions [4]</u>				
5	Machinery & Equipment	\$30,000	96	\$313
6	Major Vehicles	118,447	96	1,234
7	Other Capital Equipment & Facilities	1,100,000	96	11,458
8	Total Proposed Costs	<u>\$1,248,447</u>		<u>\$13,005</u>
<u>Additional Cost or Adjustments [5]</u>				
9	Borrowing Costs	\$0	96	\$0
10	Less Historical and Proposed Future Capital Grants [6]	(85,269)	96	(888)
11	Total Additional Costs or Adjustments	<u>(\$85,269)</u>		<u>(\$888)</u>
12	Total Capital Costs	<u><u>\$7,848,419</u></u>		<u><u>\$102,458</u></u>

Footnotes:

[1] Total estimated capital costs in Tables 3-2 and 3-3.

[2] Future needs are calculated as follows:

Projected Population at Buildout	48,000
Target LOS per 1,000 population	2.00
Total Rescue Personnel Required at Buildout (2030)	<u>96</u>
Total Existing Police Personnel (LOS)	<u>74</u>
Total Additional Personnel Required to Serve Growth	<u>22</u>

[3] Amounts derived from Table 3-2.

[4] Amounts derived from Table 3-3.

[5] Amounts reflect credit for historical grant projected grants for equipment needs.

[6] Amounts based on information provided by the City.

**Table 3-6**  
**City of Winter Garden**  
**Police Protection Services Impact Fee Analysis**

**Design of Police Protection Services Impact Fee**

Line No.	Description	Total System	Residential	Non-Residential
1	Total Allocated Cost Per Full Time Officer	\$102,458		
2	Additional Officers Required to Serve Population Needs through Buildout	22		
3	Total Capital Costs [1]	\$2,254,076		
4	Less: Funds From Other Sources	\$0		
5	Total Capital Costs Recovered From Impact Fees	\$2,254,076		
Allocation to Customer Classes				
6	Percent of Calls for Service [2]		64.09%	35.91%
7	Allocated Costs		\$1,444,637	\$809,439
Total Equivalent Impact Fee Units [3]				
8	Residential Dwelling Units		4,263	
9	Square Feet of Commercial Development			1,245,332
10	Cost per Equivalent Impact Fee Unit		\$338.88	\$0.650
11	Rounded Fee		\$339.00	\$0.65

**Footnotes:**

- [1] Derived from Table Table 3-4. Reflects projected LOS requirements for 22 additional police officers at a capital cost of \$102,458 per Officer.
- [2] Based on information provided by the City's Police Department and shown on Table 3-5.
- [3] Amounts shown represent net increase in total residential dwelling units and non-residential construction (square feet) anticipated to be constructed by Buildout consistent with the capital expenditure projections for police protection services.

	Residential	Non-residential [a]
Total Res. Units/Sq. Ft. of Develop - Buildout (2030)	18,898	N/A
Total Res. Units/Sq. Ft. of Develop - FY 2013	14,635	N/A
Difference (Anticipated Growth)	4,263	1,245,332

[a] Amount shown based on an estimate of approximately 300 sq. ft. of commercial development for every 1 unit of residential development.

**Table 3-7  
City of Winter Garden  
Police Protection Services Impact Fee Analysis**

**Police Services Impact Fee Comparison [1]**

Line No.	Description	Residential			Non-Residential (\$ per square foot)
		Single Family	Multi-Family	Mobile Home	
<b>City of Winter Garden</b>					
1	Existing	\$260.00	\$260.00	\$260.00	\$0.50 per sq. ft.
2	Proposed	339.00	339.00	339.00 [2]	
<b><u>Other Florida Government Agencies:</u></b>					
3	City of Apopka	N/A	N/A	N/A	N/A
4	City of Clermont	\$381.00	\$381.00	\$381.00 [2]	\$0.964 per sq. ft.
5	City of Edgewater	150.66	100.10	82.55	\$0.1197 - \$0.3354 per sq. ft. [3]
6	City of Eustis	137.98	98.64	90.03	\$0.01523 - \$1.53667 per sq. ft. [3]
7	City of Kissimmee	N/A	N/A	N/A	N/A
8	City of Lakeland	591.00	445.00	275.00	\$0.024 - \$0.832 per sq. ft. [3]
9	City of Lake Mary	165.00	N/A	N/A	\$0.082 per gross sq. ft.
10	City of Lake Wales	463.00	406.00	N/A	\$0.020 - \$0.190 per sq. ft. [3]
11	City of Leesburg	186.00	186.00	186.00	\$0.155 per sq. ft.
12	City of Minneola	N/A	N/A	N/A	N/A
13	City of Mount Dora	294.13	764.73	N/A	\$0.07059 - \$1.01769 per sq. ft. [3]
14	City of Ocoee [4]	501.04	N/A	N/A	\$0.33 per sq. ft.
15	City of St. Cloud	715.00	565.00	N/A	\$1.384 per sq. ft.
16	City of Tavares [5]	215.37	163.87	108.86	\$0.00819 - \$1.02419 per sq. ft. [3]
17	City of Winter Haven	300.97	N/A	N/A	\$0.3952 per sq. ft.
18	Other Florida Governmental Agencies' Average	\$341.76	\$345.59	\$187.24	

**Footnotes:**

- [1] Unless otherwise noted, amounts shown reflect impact fees in effect June 2014. This comparison is intended to show comparable charges for similar service for comparison purposes only and is not intended to be a complete listing of all rates and charges offered by each listed municipality.
- [2] Based upon the City's existing ordinance and procedures, one new mobile home is charged as one single family dwelling unit.
- [3] Reflects the lowest and highest rate per square feet.
- [4] Impact fees temporarily reduced to 50% of the amounts shown from January 3, 2013 until January 1, 2014.
- [5] Impact fees were waived until June 30, 2013. Beginning July 1, 2013, they are set to increase in six month increments until July 1, 2014, when the full impact fees will become effective again.



**FIRE RESCUE  
SERVICES IMPACT FEE**

**SECTION 4**  
**FIRE RESCUE SERVICES IMPACT FEE**

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**4.1 GENERAL**

This section provides a discussion of the development and design of the impact fee for fire rescue services. Included in this section is a discussion of the level of service requirements, capital costs, included as the basis for the determination of the fee, and the design of the fee to be applied to new growth within the City.

**4.2 LEVEL OF SERVICE REQUIREMENTS**

The City's fire department utilizes guidelines recommended by the National Fire Protection Association (NFPA) and the Insurance Service Organization (ISO) in assessing its level of service needs. It is the department's intent to maintain staffing levels that provide services to all developed areas within the City limits in and be able to respond to service calls for fire protection and Emergency Medical Support (EMS) services within the time specified by the NFPA. The NFPA has developed other guidelines for the evaluation of a Fire Department's response capability, which are summarized as follows:

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**Evaluation of Response Capability**

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**High Hazard Occupancies** (Schools, hospitals, nursing homes, explosive plants, refineries, high-rise buildings, and other high-life hazard or large fire potential occupancies)

At least 4 pumpers, 2 ladder trucks, 2 chief officers, and other specialized apparatus, as may be needed to cope with the combustibles involved; not less than 24 firefighters and 2 chief officers.

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**Medium Hazard Occupancies** (Apartments, offices, mercantile and industrial occupancies not normally requiring extensive rescue or firefighting forces)

At least 3 pumpers, 1 ladder truck, 1 chief officer, and other specialized apparatus, as may be needed or available; not less than 16 firefighters and 1 chief officer.

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**Low Hazard Occupancies** (One, two, or three family dwellings and scattered small businesses and industrial occupancies.)

At least 2 pumpers, 1 ladder truck, 1 chief officer, and other specialized apparatus, as may be needed or available; not less than 12 firefighters and 1 chief officer.

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*Continued on following page.*

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### Evaluation of Response Capability (cont'd.)

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#### **Rural Operations** (Scattered dwellings, small businesses, and farm buildings)

At least 1 pumper with a large water tank (500 or more gallons), one mobile water supply apparatus (1,000 gallons or larger) and such other specialized apparatus, as may be necessary to perform effective, initial firefighting operations; at least 6 firefighters and 1 chief officer.

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#### **Additional Alarms**

At least the equivalent of that required for Rural Operations for second alarms; equipment, as may be needed according to the type of emergency and capabilities of the Fire Department. This may involve the immediate use of mutual aid companies until local forces can be supplemented with additional off-duty personnel.

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Based on the occupancies described above, recognizing that the City has no significant number of multi-story buildings (e.g., condominiums) hospitals, or large fire potential occupancies located within the City, it appears that the City should plan its firefighting capabilities towards a medium hazard occupancy level. In order to meet the service standards required of the community for responding to fire and rescue alarms, the City and Orange County (through the Orange County Fire Rescue Services Division) entered into an Interlocal Agreement for Fire Rescue and Communication Services in 1994 (the "Interlocal Agreement"). The purpose of the Interlocal Agreement was to initiate action leading to a regional first response program for fire and rescue services in West Orange County. The City also maintains an automatic joint response services agreement with the City of Ocoee Fire Department in order to achieve acceptable response time standards. Based upon recent fire call data for Fiscal Years 2012 and 2013, the City's Fire Department been able to maintain a five-minute response time standard within its jurisdiction.

In determining the needed facilities and equipment to provide adequate fire protection and emergency medical services for the City's future population, PRMG conducted a general review of the City's fire protection/emergency medical service capital needs in order to identify existing and future needs. The City presently operates three fire service stations that are located strategically within the corporate limits of the City's service area. In addition, there are two other emergency management service stations located near and in close proximity to the City which are owned by Orange County, and provide assistance to Winter Garden. For the purposes of this report, it is anticipated that the contractual emergency response management program will be maintained by the City with Orange County in order to reduce overall costs to the City while still meeting required LOS response times.

Generally, the level of service standard for fire protection services and emergency medical services is based on response times in a first alarm situation. The City of Winter Garden is committed to maintaining standards in compliance with NFPA 1710 which requires a First-unit maximum response time of four minutes ninety percent of the time and a maximum Initial Full Assignment response time of eight minutes ninety percent of the time. Another method commonly used in the determination of needs deals with the number of firefighters per 1,000

population. Existing Fire Department resources are currently not considered adequate by the Fire Department to provide the LOS under current development conditions. The existing number of personnel and projected staffing needs are currently under evaluation. Currently, the City's fire department budget includes the following personnel:

	<u>Currently Budgeted Firefighter Personnel</u>
Fire Chief	1
Deputy Fire Chief	1
Fire Inspector	1
Administrative Support	1
Battalion Chief	3
Fire Lieutenant	9
Firefighter/EMT's	<u>30</u>
Subtotal	46
Est. Share of Dispatchers	<u>3</u>
Total Personnel	<u>49</u>

Based on discussion with staff, the staffing needs of future fire stations, intended to meet the fire protection needs of the City through build-out, will require an increase in the total number of firefighter/EMS personnel to seventy three full-time personnel.

For the purposes of the development of impact fees for fire protection service, the projected staffing levels required through build-out, which are consistent with planned capital facilities (e.g. fire stations) were recognized as the target level of service for fire protection services and the basis of fee calculation in this report. Essentially, the level of service that would result from these staffing levels was recognized in estimating the total costs applicable to growth. As previously discussed, the Fire Department has identified a need for additional facilities and firefighter/EMS personnel to stay in compliance with NFPA 1710 standards given the projected rate of growth of the City through build-out. Assuming the addition of sixteen firefighters to meet this concern, the LOS based on the projected build-out population of 48,000 residents is 1.53 firefighters per 1,000 population. Based on discussions with staff, this LOS is more appropriate than the existing LOS for the existing population, currently at 1.24 firefighters per 1,000 population.

### **4.3 RESOURCE NEEDS ANALYSIS**

The proposed impact fees are based on the costs associated with major capital facilities that service the City's first alarm service area. The capital cost parameters include allocations for personnel equipment, vehicles, other direct firefighting and emergency medical equipment, and fire station and headquarter facilities. Personnel protection equipment such as helmets and bunker coats and trousers are mission-essential, and these costs are included in fee determination since the City capitalizes equipment charges greater than \$750.

Table 4-2 reflects the existing facilities and equipment required to maintain the City's level of service and Table 4-3 provides the proposed facilities and equipment to maintain such standards through 2030. As shown on Table 4-5, this study recognizes \$12.2 million in existing and

planned equipment, vehicles, and facilities. This table goes on to summarize the net costs on a per rescue personnel basis. As can be seen below, approximately \$12,242,546 in total capital investments will have been made in order to provide fire services within the City's emergency management response area through 2030:

	Estimated Capital Costs Amount [*]
Capital Recoupment Costs – Existing Facilities	\$7,540,718
Capital Costs – Proposed Facilities	4,701,828
<b>Total Capital Costs Recognized</b>	<b>\$12,242,546</b>

[\*] Derived from Table 4-5.

#### 4.4 DESIGN OF FIRE RESCUE SERVICES IMPACT FEE

The method used to determine the fire protection services impact fee was based upon the same four step process as was described for the determination of the police impact fee. Tables 4-5 and 4-6 at the end of this section summarize the results of the approach. The following is a brief description of the method used in this study.

- Development of Total Capital Need - Based on population projections, level of service standards, and allocated capital costs per firefighter. This amount is the capital cost to serve the projected population growth.
- Allocation of Costs to Customer Class - This step allocates the identifiable capital costs incurred to maintain the recommended LOS requirements to the customer classes. The allocation was based on the number of service calls made by the Fire Department, which is the parameter used as the link between benefit and cost.
- Development of Equivalent Impact Fee Units - This step develops the estimated number of equivalent impact fee units, which are anticipated to be added to the City, and for which the City must provide additional municipal services. For the residential class, the equivalent unit is a dwelling unit (residence) and for the non-residential class, the equivalent unit is the square footage of the development.
- Calculation of Cost per Equivalent Impact Fee Unit - Once the total capital costs allocable to the future growth of the City and the per customer equivalent impact fee units were determined, the cost per equivalent unit was calculated.

##### Fire Protection Services Impact Fee Assumptions

The development of the fire protection services impact fees required several assumptions. The major assumptions used in the development of the proposed impact fees as shown on Tables 4-2 through 4-6 are as follows:

1. In the development of the capital costs required to equip a full-time firefighter, the identifiable capital costs of providing fire rescue services through the year 2030 were allocated to establish the average cost of serving each full-time firefighter. The costs were

allocated to the increment of service (one full-time firefighter) based on the following allocation parameters:

- a. The direct cost of equipping one full-time firefighter (e.g., personnel equipment) was allocated based on actual investments made by the City shown in Table 4-2. The new firefighters are not required to contribute to basic issue equipment, and it is the City's current policy to capitalize those costs greater than \$750.
- b. Based on discussions with the City, the service level of fire rescue vehicles allocated to the number of full-time firefighters is considered reasonable for the purpose of this study. Additionally, it is assumed that other mission-essential equipment, not easily assignable per firefighter, would be acquired in relation to the number of new firefighters. The existing inventory levels for these items per patrol officer are therefore projected to remain constant. As illustrated in Table 4-5, the following represents the estimated costs for equipment needs as allocated per full-time firefighter:

<b>Fire Vehicle and Equipment Costs</b>	
Machinery and Equipment per Officer	\$10,795
Major Vehicles per Officer	58,497
Total	\$69,292

- c. Based on discussions with City staff, certain existing facilities will be expanded and other additional facilities will be constructed for new firefighters as shown in Table 4-3. The total existing and future facility costs per new firefighter are presented in Table 4-5 and are summarized below as follows:

<b>Fire Facilities Cost</b>	
Existing Facilities Cost per Firefighter	\$76,724
Proposed Facilities Cost per Firefighter	50,685
Total Facilities Cost per Patrol Officer	\$127,409

2. In the development of the capital costs per firefighter, it was assumed that the targeted level of service will be maintained by the City over the forecast period. This level of service includes the amount of full-time patrol officers to serve the general population of the City. As previously mentioned, the level of service estimated in this study is 1.53 full-time firefighters per 1,000 of population.
3. The estimated incremental cost of providing for a full-time firefighter was allocated between the residential and non-residential customer classifications based on the number of service calls made by the Fire Department during Fiscal Years 2012 and 2013. The allocation is summarized below:

Fiscal Year 2012-2013	Number of Calls for Service		
	Total	Residential	Non-Residential
Number of Calls	8,386	5,578	2,808
Percent (%)	100.0%	66.52%	33.48%

4. The residential equivalent impact fee units represent the net change in the number of dwelling units to be constructed in the City during the planning period of this report (i.e., through the year 2030). The increase in total residential dwelling units for the period 2013 through 2030 was estimated to be 4,263 units. This forecast was based on the City's population projections and the estimated average number of persons per dwelling unit of 2.54 persons per household.
5. The non-residential equivalent impact fee units represent the net change in the square footage of non-residential development assumed to be constructed during the planning period of this study (i.e., through the year 2030). Based on the existing the level of development for the non-residential class relative to the residential class, it was estimated that approximately 1,245,332 square feet additional non-residential development (including public uses) will occur which will be subject to the payment of impact fees.

### **Impact Fee Calculation**

Based on the above-referenced assumptions, the cost capital facilities considered necessary to maintain the level of service requirements, and the population and land use projections of the City, the fire rescue services impact fees for the residential and non-residential customer classifications were determined. As shown in Table 4-6 at the end of this section, the cost per equivalent impact fee unit by customer classification was determined as follows:

	Residential [*]	Non-Residential [*]
Total Allocated Capital Costs	\$2,093,390	\$1,053,826
Total Equivalent Impact Fee Units	4,263 dwelling units	1,245,332 sq. ft.
Cost per Equivalent Impact Fee Unit	\$491.06	\$.846

[\*] Derived from Table 4-6.

As can be seen above, the fire rescue services impact fee unit (by class of customer) was estimated to be as follows:

	Fee (Rounded) per Equivalent Impact Fee Unit
Residential	\$491.00 per Dwelling Unit
Non-Residential	\$0.85 per Square Foot

Taking into account the methodology used for the determination of the fee and the estimates associated with determining the capital requirements, the proposed impact fees utilizing the City's LOS standard are reasonable. It should be noted that in the development of the fee per

equivalent impact fee unit, no credits associated with developer land dedication or other similar activities have been recognized.

In the development of the cost per equivalent impact fee unit, it was determined that the rate should continue to be applied on a "per dwelling unit" basis for the residential class and a "per square footage" of development for the non-residential class. These factors are used throughout the state as the equivalent impact fee unit for fee determination. The use of these equivalency factors was based on discussions with the City and the fact the City currently uses these parameters for the application of existing fees, comparisons of fee applicability provisions of neighboring jurisdictions, and promotion of administrative simplicity. For the residential class, the City directed PRMG to maintain the application of the fees based on the number of dwelling units served, without differentiation as to type of residence (single-family, multi-family, mobile home, etc.). For the non-residential class, it is proposed that the fee would continue to be predicated on the square footage of new commercial construction or development which generally equates to the link between size of facility and police protection services (based on number of employees, traffic, and general services). Many jurisdictions attempt to breakdown the non-residential sector into various categories based on a variety of parameters, including service calls, trip generation statistics that relate to specific land use, and other factors. The City does not maintain sufficient data relative to the types of land uses associated with non-residential development within the City that is required to allocate costs among the various types of development. Additionally, based on discussions with the City, a review of the rate methodology used by other neighboring jurisdictions and to maintain administrative simplicity dealing with the adoption of the new fees, the total non-residential square footage relationship was considered reasonable and appropriate.

#### **4.5 IMPACT FEE COMPARISONS**

In order to provide the City additional information about the proposed impact fees, a comparison of the proposed fees for the City and those charged by other neighboring jurisdictions was prepared. Table 4-7 at the end of this section summarizes the impact fees for fire rescue services charged by other communities with the proposed rates of the City. As can be seen in the comparison, the proposed fees of the City are generally higher on average when compared with similar fees charged by other communities. Reasons for this difference may be due to: i) the general characteristics of the City relative to residential and commercial development; ii) density of the area; and iii) the need of the City to construct new future facilities to meet growth where other cities may be recovery embedded (historical) costs of such facilities. iv) policy decisions to fund less than the fully allocated cost of serving new growth. No analysis of the derivation of the fees charged by the other communities was performed in this study due to the limitation of the study's scope.

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Also, as shown in Table 4-7 for other communities, the fees charged to the residential class are applied using a "per dwelling unit" basis, which is consistent with the recommended fee applicability provisions of the City's proposed fees. For the non-residential class and, as previously discussed, the fees are applied on the basis of the amount of square foot of facility development.

**Section 4**  
**City of Winter Garden**  
**Fire Rescue Services Impact Fee Analysis**

**List of Tables**

<u>Table</u>	<u>Description</u>
4-1	Summary of Existing Personnel
4-2	Inventory of Existing Capital Equipment, Vehicles & Facilities
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4-4	Allocation of Service Calls Among Customer Classes
4-5	Summary of Capital Costs to Provide Fire Rescue Services
4-6	Design of Fire Rescue Services Impact Fee
4-7	Fire Rescue Services Impact Fee Comparison

**Table 4-1**  
**City of Winter Garden**  
**Fire Rescue Services Impact Fee Analysis**

**Summary of Existing Personnel**

Line No.	Description	Current Staff [1]	Total Staff Planned [2]	Allocation to Future Officers	
				Allocation Basis	Achieved LOS [3]
<b>Personnel</b>					
1	Fire Chief	1.00	1.00		
2	Deputy Fire Chief	0.00	1.00		
3	Fire Inspector	1.00	1.00		
4	Administrative Assistant & Staff Assistant	1.00	1.00		
5	Battalion Chief	3.00	3.00		
6	Fire Lieutenant	9.00	9.00		
7	Firefighter / Paramedic or EMT	29.00	30.00		
8	<b>Total Personnel</b>	<u>44.00</u>	<u>46.00</u>	Per 1,000 Population	1.24
<b>Support</b>					
9	Estimated Share of Orange County Dispatchers [4]	3.00	3.00		
10	Volunteers	0.00	0.00		
11	<b>Total Support</b>	<u>3.00</u>	<u>3.00</u>		
<b><u>Total</u></b>					
12	Firefighter/Rescue Division	<u>47.00</u>	<u>49.00</u>		

Footnotes:

- [1] Per personnel listing as obtained from City Staff.
- [2] As obtained from the City's preliminary FY 2014 Budget.
- [3] Target Level of Service of 1.53 Officers per 1,000 people per the NFPA Fire Survey as of 2012 for a Southern City with a population between 25,000 and 49,999.
- [4] As dispatching services are provided under contract by Orange County (O.C.) to various municipalities, the City's share of dispatcher costs are a function of the proportion of calls that relate to Winter Garden. An estimate of such allocation is provided below:

Description	Amount
Total Orange County Dispatchers	8
Annual Dispatcher Salary and Benefit Costs	\$53,475
Total Annual Orange County Dispatcher Costs	\$427,802
Winter Garden Share of Annual Dispatcher Costs	\$156,464
Total Annual Orange County Dispatcher Costs	\$427,802
Winter Garden % of Total Orange County Dispatcher Costs	36.57%
Estimated Allocation of Orange County Dispatchers (Rounded)	<u>3.00</u>

**Table 4-2**  
**City of Winter Garden**  
**Fire Rescue Services Impact Fee Analysis**

**Inventory of Existing Capital Equipment, Vehicles & Facilities**

Line No.	Description	Historical Cost [1]
1	<b>Machinery and Equipment</b>	\$596,329
2	<b>Major Vehicles and Firefighting Equipment</b>	
3	98 Fire Truck Pumper Body	\$199,987
4	99 Chassis New Fire Truck	29,470
5	99 F550 Rescue Vehicle	58,986
6	Ford Explorer 2000	21,492
7	Ford '02 F550 Brush Truck	59,000
8	2002 Crown Vic [Red]	21,163
9	Pumper Fire Truck	251,900
10	2001 Ford Expedition-Cmnd	23,043
11	2006 Ford Expedition-Chf	27,950
12	2006 Ford Expedition-Bc	31,743
13	Alumacraft Boat & Trailer	5,000
14	2006 Ferrara Fire Engine	304,789
15	1999 Freightliner Ambulance	20,000
16	Inferno Ladder Truck 07 V68	868,258
17	2008 GMC Ambulance	199,959
18	Ember Fire Engine FY14	448,355
19	Total Vehicles and Firefighting Equipment	<u>\$2,571,096</u>
20	<b>Other Capital Equipment and Required Facilities</b>	
21	<u>Land, Buildings &amp; Furnishing</u>	<u>Historical Cost [1]</u>
22	Land	\$154,597
23	Buildings	3,936,165
24	Office Equipment and Furniture	28,686
25	Computer Systems and Software	253,845
26	Total Other Fire Department Equipment and Required Facilities	<u>\$4,373,293</u>
27	<b>Total Existing Capital Equipment, Vehicles &amp; Facilities</b>	<u><u>\$7,540,718</u></u>

## Footnotes:

[1] Amounts reflected as provided by the City as of April 30, 2014.

**Table 4-3**  
**City of Winter Garden**  
**Fire Rescue Services Impact Fee Analysis**

**Inventory of Proposed Capital Equipment, Vehicles & Facilities**

Line No.	Description	Current Cost [1]
<b>Machinery and Equipment</b>		
1	SCBA 45 min.	\$950
2	RIT Cylinder	1,050
3	Ventilation Saw	1,200
4	Light Conversion Brush Truck	1,300
5	Roll Rack Hose Cart	1,800
6	Hose Tester	2,100
7	RIT Pak II	3,100
8	Hose Storage Racks (2)	4,828
9	Extractor / Washer	8,000
10	Total Machinery and Equipment	\$24,328
<b>11 Major Vehicles and Firefighting Equipment</b>		
12	Fire Engine - Station #24 (Palmetto)	\$517,500
13	Fire Engine - Southwest Station	460,000
14	Total Major Vehicles and Firefighting Equipment	\$977,500
<b>15 Other Capital Equipment and Required Facilities</b>		
16	<u>Land, Buildings &amp; Furnishing</u>	
17	Fire Station - #23 Hennis Road	\$1,200,000
18	Fire Station - Southwest Station	2,500,000
19	Bay Lighting Upgrade	4,500
20	Concrete Apron Repair - Stations 22 & 23	17,643
21	Repair Adjustment [2]	(22,143)
22	Total Other Fire Department Equipment and Required Facilities	\$3,700,000
23	<b>Total Proposed Capital Equipment, Vehicles &amp; Facilities</b>	\$4,701,828

## Footnotes:

[1] Amounts reflected as provided by the City.

[2] Amount represents an adjustment to the City's assets that discounts the projected repair costs by an estimate of the original station costs thereby reflecting the net adjustment to the total fixed assets.

**Table 4-4**  
**City of Winter Garden**  
**Fire Rescue Services Impact Fee Analysis**

**Allocation of Service Calls Among Customer Classes**

Line No.	Description	Number of Calls For Service		
		Total	Residential	Commercial
<u>Fiscal Years 2012 &amp; 2013</u>				
1	Number of Calls [1]	8,386	5,578	2,808
2	Percent (%)	100.00%	66.52%	33.48%

Footnotes:

[1] Amounts based on information provided by the City of Winter Garden Fire Department.

**Table 4-5**  
**City of Winter Garden**  
**Fire Rescue Services Impact Fee Analysis**

**Summary of Capital Costs to Provide Fire Rescue Services**

Line No.	Description	Total Cost [1]	Total Personnel Requirements [2]	Average Cost per Personnel
<u>Recoupment Costs [3]</u>				
1	Machinery & Equipment	\$596,329	57	\$10,462
2	Major Vehicles & Fire Fighting Equipment	2,571,096	57	45,107
3	Other Capital Equipment & Facilities	4,373,293	57	76,724
4	Total Recoupment Costs	<u>\$7,540,718</u>		<u>\$132,293</u>
<u>Proposed Capital Additions [4]</u>				
5	Machinery & Equipment	\$24,328	73	\$333
6	Major Vehicles & Fire Fighting Equipment	977,500	73	13,390
7	Other Capital Equipment & Facilities	3,700,000	73	50,685
8	Total Proposed Costs	<u>\$4,701,828</u>		<u>\$64,408</u>
<u>Additional Cost or Adjustments</u>				
9	Miscellaneous Adjustments	\$0	73	\$0
10	Total Additional Costs or Adjustments	<u>\$0</u>		<u>\$0</u>
11	Total Capital Costs	<u><u>\$12,242,546</u></u>		<u><u>\$196,701</u></u>

Footnotes:

[1] Total estimated capital costs in Tables 4-2 and 4-3.

[2] Future needs are calculated as follows:

Projected Population at Buildout	48,000
Target LOS per 1,000 population	1.53
Total Rescue Personnel Required in Buildout	<u>73</u>
Total Existing Rescue Personnel (LOS)	<u>57</u>
Total Additional Personnel Required to Serve Growth	<u>16</u>

[3] Amounts derived from Table 4-2.

[4] Amounts derived from Table 4-3.

**Table 4-6**  
**City of Winter Garden**  
**Fire Rescue Services Impact Fee Analysis**

**Design of Fire Protection Services Impact Fee**

Line No.	Description	Total System	Residential	Non-Residential
1	Total Allocated Cost Per Full Time Firefighter [1]	\$196,701		
2	Additional Firefighters Required to Serve Population Needs through Buildout	16		
3	Total Capital Costs	\$3,147,216		
4	Less: Funds From Other Sources	\$0		
5	Total Capital Costs Recovered From Impact Fees	\$3,147,216		
Allocation to Customer Classes				
6	Percent of Calls for Service [2]		66.52%	33.48%
7	Allocated Costs		\$2,093,390	\$1,053,826
Total Equivalent Impact Fee Units [3]				
8	Residential Dwelling Units		4,263	
9	Square Feet of Commercial Development			1,245,332
10	Cost per Equivalent Impact Fee Unit		\$491.06	\$0.846
11	Rounded Fee		\$491.00	\$0.85

## Footnotes:

- [1] Derived from Table 4-5. Reflects projected LOS requirements for 16 additional Firefighters/EMS personnel at a capital cost of \$196,701 per Firefighter.
- [2] Based on information provided by the City's Fire Department.
- [3] Amounts shown represent net increase in total residential dwelling units and non-residential construction (square feet) anticipated to be constructed by buildout consistent with the capital expenditure projections for fire protection services.

	Residential	Non-residential [a]
Total Res. Units/Sq. Ft. of Develop - Buildout	18,898	N/A
Total Res. Units/Sq. Ft. of Develop - FY 2013	14,635	N/A
Difference (Anticipated Growth)	4,263	1,245,332

[a] Amount shown based on an estimate of approximately 300 sq. ft. of commercial development for every 1 unit of residential development.

**Table 4-7**  
**City of Winter Garden**  
**Fire Rescue Services Impact Fee Analysis**

**Fire Rescue Services Impact Fee Comparison [1]**

Line No.	Description	Residential			Non-Residential (\$ per square foot)
		Single Family	Multi-Family	Mobile Home	
<b>City of Winter Garden</b>					
1	Existing	\$340.00	\$340.00	\$340.00	\$0.61 per sq. ft.
2	Proposed	491.00	491.00	491.00 [2]	
<b><u>Other Florida Government Agencies:</u></b>					
	City of Apopka	N/A	N/A	N/A	N/A
3	City of Clermont	\$462.00	\$462.00	\$462.00 [2]	\$0.781 per sq. ft.
4	City of Edgewater	330.51	143.77	330.51	\$0.0116 - \$0.241 per sq. ft. [3]
5	City of Eustis	146.72	104.88	95.73	\$0.01619 - \$1.634 per sq. ft. [3]
6	City of Kissimmee	N/A	N/A	N/A	N/A
7	City of Lakeland	349.00	263.00	163.00	\$0.014 - \$0.491 per sq. ft. [3]
8	City of Lake Mary	175.00	N/A	N/A	\$0.129 per gross sq. ft.
9	City of Lake Wales	593.00	520.00	N/A	\$0.010 - 1.01 per sq. ft. [3]
10	City of Leesburg	207.00	207.00	207.00	\$0.1174 per sq. ft.
11	City of Minneola	390.00	244.00	152.00	\$0.023 - \$0.025 per sq. ft. [3]
12	City of Mount Dora	437.29	225.27	N/A	\$0.0265 - \$2.23943 per sq. ft. [3]
13	City of Ocoee [4]	636.00	N/A	N/A	\$0.47 per sq. ft.
14	City of St. Cloud	549.00	359.00	N/A	\$0.719 per sq. ft.
15	City of Tavares [5]	402.78	306.46	203.58	\$0.01532 - \$1.91538 per sq. ft. [3]
16	City of Winter Haven	483.90	N/A	N/A	\$0.1614 per sq. ft.
17	Other Florida Governmental Agencies' Average	\$397.09	\$283.54	\$230.55	

**Footnotes:**

- [1] Unless otherwise noted, amounts shown reflect impact fees in effect June 2014. This comparison is intended to show comparable charges for similar service for comparison purposes only and is not intended to be a complete listing of all rates and charges offered by each listed municipality.
- [2] Based upon the City's existing ordinance and procedures, one new mobile home is charged as one single family dwelling unit.
- [3] Reflects the lowest and highest rate per square feet.
- [4] Impact fees temporarily reduced to 50% of the amounts shown from January 3, 2013 until January 1, 2014.
- [5] Impact fees were waived until June 30, 2013. Beginning July 1, 2013, they are set to increase in six month increments until July 1, 2014, when the full impact fees will become effective again.



# **RECREATION IMPACT FEE**

**SECTION 5**  
**RECREATION IMPACT FEE**

---

**5.1 GENERAL**

This section provides a discussion of the development and design of the impact fee for recreation services. Included in this section is a discussion of adopted level of service (LOS) standards, facility requirements and related capital costs included as the basis for the fee determination, and the design of the fee to be applied to new growth within the City.

**5.2 DEFINITION OF RECREATIONAL FACILITIES**

The Department of Natural Resources ("DNR") has identified seven classifications or categories of parks. The seven classifications are: i) Equipped Play Area and Tot Lot; ii) Neighborhood Park; iii) Community Park; iv) Urban Open Space; v) Urban-District Park; vi) Regional Park; and vii) Beach Access Site. Based on the summary of existing City owned and operated parks, as shown on Table 5-1, Urban-District parks, Regional Parks, and Beach Access Sites are not applicable to the City. There are specific site guidelines for the recreational classifications which are basically directed towards size, accessibility, and population requirements. The following is a discussion of the site guidelines, as identified by the DNR:

- Equipped Play Area and Tot Lot - These recreational areas generally consist of open areas with play apparatus for school age or pre-school children. Usually, these areas range in size from 1/4 to one acre and serve neighborhoods of between 500 and 2,500 people. Recommended facilities include playground equipment, benches and picnic tables, landscaping and open space.
- Neighborhood Park - These recreational areas generally consist of a variety of facilities designed for the specific needs of the neighborhood. This park is usually considered as a "walk-to" park, where access is directed towards the local residents of the neighborhood. The park is usually designed to serve a radius of up to 1/2 mile and has a size ranging from five to ten acres (i.e., approximately two acres per 1,000 people). Recommended facilities include playground equipment, recreational buildings, multi-purpose courts, sports fields, picnic areas, and open space.
- Community Park - These recreational areas are considered "ride-to" parks and are located on major collector or arterial streets. This type of park is designed to serve the needs of four to six neighborhoods or, generally, a radius of up to three miles. It is recommended that this type of park be a minimum of twenty acres based on a standard of two acres per 1,000 population. Just as the Neighborhood Park is designed to serve the needs of the neighborhood, a Community Park is designed to meet the needs of the surrounding community. Recommended facilities may include swimming pools, ball fields, tennis courts, playground equipment, multi-purpose courts, recreational buildings, sports fields, and other associated equipment. Also, the park should include allowances for open space,

adequate parking, and landscaping. The facilities included in the Neighborhood Park may also be included in a Community Park.

- Urban Open Space - These areas are landscaped or natural open areas usually located within built-up areas and may serve a variety of population sizes based on the size of the open space. The principal function of these areas is to provide a buffer to congested environments. Facilities for this type of park may include benches, commemorative structures, trails, and paths.

The foregoing recreational facilities may also be classified into two categories: resource-based and activity-based. Resource-based sites and facilities are defined as those centered around particular natural resources. These sites provide opportunities for activities such as picnics, hiking, water sports, fishing or just exploring nature. Activity-based recreational sites and facilities are defined as those developed for the enjoyment of particular commercial or non-commercial activities. These sites include facilities for basketball, baseball, football, soccer, golf, tennis, amusement parks, arcades, water parks, and community or senior citizen centers.

As can be seen above, the two types of recreational areas that best meet the needs of the City are the Neighborhood Park and Community Park. Due to the size of the City of Winter Garden, these recreational areas appear to adequately meet the recreational requirements of the population. Additionally, these parks are designed for user groups of all ages and not just a specific age group.

### **5.3 LEVEL OF SERVICE STANDARDS**

Since the adoption of the Comprehensive Plan in 1991, and as further evidenced by the 2010 re-adoption and amendment, the City has had an adopted specific level of service standard for recreational facilities. The standard only addresses the open space or park land component of providing recreational service. As referenced in the in the City's Comprehensive Plan, the City has adopted a level of service standard for recreational space of five (5) acres per 1,000 residents. The City currently owns and maintains an extensive inventory of parks. Additionally, the residents of the City have access to a number of recreational facilities and open-space acres that are not entirely owned by the City but are being considered in determining the current LOS for recreation. A summary of the City owned and operated parks is shown on Table 5-1 at the end of this section. Based on the City's population estimate for 2013 and the recreational open space LOS, the City has a current surplus in the amount of open space of approximately 142 acres, as shown below:

**(Remainder of page intentionally left blank)**

Description	Amounts
2013 Population	37,172
Open Space LOS	5 acres per 1,000 population
Required Acres	185.86 acres
Current Open Space [*]	<u>327.96 acres</u>
Current Surplus	<u>142.10 acres</u>

[\*] Provided by the City and shown on Table 5-1.

Based on the type of parks located within the City, the majority of the recreational open space of the City's parks are considered community parks. As shown below, this classification accounts for approximately 91% of the total City owned acreage that is dedicated to parks within the City:

Classification [*]	Acres	Percent
Community	298.50	91.0%
Neighborhood	20.36	6.2%
Other Open Space	<u>9.10</u>	<u>2.8%</u>
Total	<u>327.96</u>	<u>100.0%</u>

[\*] Provided by the City and shown on Table 5-1.

The higher percentage for the Community Park classification is reasonable, since these parks are usually larger in order to provide complete recreational facilities to all age groups of the City and include such facilities as baseball, soccer, basketball, tennis, and football facilities, which require a large land area. Also, these parks usually have on-site parking, which further contributes to the required land area for a Community Park.

With respect to the recreational facilities, the City has not adopted LOS standards for specific parks and recreational facility improvements. However, based on discussions with the City, the City has acknowledged the general facilities standards for user oriented outdoor recreational facilities that are linked to population consistent with the City's LOS standard for recreational open space. These standards are based on guidelines for resource based outdoor recreation as developed by the Florida Department of Environmental Protection (FDEP), Division of Recreation and Parks, as published in Outdoors Recreation in Florida – 2000. This document was formally adopted by the FDEP on February 5, 2002 as the official outdoor recreation plan for the state of Florida (the "FDEP Plan"). These standards appear to be primarily applicable to the community park classification. A summary of the general standards identified in the FDEP Plan, which is typically relied upon in the City's planning efforts for providing recreational services, and the current surpluses or deficiencies in such facilities is summarized on Table 5-4 at the end of this section. As shown on Table 5-4, the standard for the various recreational facilities varies a great deal depending on the type of facility, the cost of the facility, and the availability for use by the City's residents (e.g., a pool can accommodate a greater number of residents than a tennis court at any particular time). As can be seen on Table 5-2 and based on the inventory of facilities compiled by the City, generally the City has in place sufficient recreational facilities to meet the existing population needs (there is no significant deficiency or

surplus in facilities with the exception of tennis and volleyball courts where moderate deficiencies exist). It appears, based on the comparison of the required facilities using the general level of service standards identified in the FDEP Plan that the City has adequately met the recreational needs for the existing population of the City, and that it relies on the FDEP Plan for general recreational facility planning. As such, the use of the existing facilities, which essentially match the population needs, (per the various LOS standards) will serve as a good proxy for the identification of the cost to service the future residents of the City.

#### **5.4 DESIGN OF RECREATION IMPACT FEE**

The method used to determine the impact fee is based on the capital cost of recreation services. This method which was used to determine the recreational facilities component of the recreation impact fee was based upon an allocation process to assign costs between existing and future residents. Table 5-6 at the end of this section summarizes the results of the approach. The following is a brief description of the method used in this study:

- Development of Total Capital Need – Based on the City's estimated capital costs of developing existing and future park facilities, population projections, and recommended LOS requirements, the total estimated cost to serve existing residents is developed which needs to be recovered from future growth (a "Buy-in Approach").
- Development of Equivalent Impact Fee Units – This step develops the estimated number of equivalent impact fee units, to calculate a rate per equivalent unit. This municipal service is applicable only to the residential class and the equivalent unit is considered to be one (1) resident (per resident application).
- Calculation of Cost per Development – Once the total capital costs allocable to each future resident are determined, the cost per development unit was calculated, or the impact fee unit per dwelling (residence).

#### Recreation Impact Fee Assumptions

In the development of the recreation impact fees, several assumptions were required. The major assumptions used in the development of the impact fees are as follows:

1. The development of the cost for the recreation facilities impact fees was based on the City's current inventory of parks and recreational activities, the current service standards for recreational facilities and activities, and the City's estimated capital costs to develop future facilities and activities.
2. As indicated in Table 5-6, the City has identified existing needs totaling \$19,024,622 which includes a credit for grants and other sources of cost free capital which reduced the burden by \$2,261,167. The total needs were primarily based primarily on actual investments made by the City, which should be recouped from future residential growth.

Impact Fee Calculation

Based on the above-referenced assumptions, the recreation impact fee was determined as follows:

Net Investment – Open Space [1]	\$3,229,639
Existing Open Space	<u>327.96</u>
Existing Cost Per Acre	\$9,848
Open Space Requirement for Existing Residents (Acres)	<u>185.86</u>
Total Capital Cost to Provide Open Spaces	\$1,830,349
Total Capital to Provide Recreation Facilities [2]	11,460,412
Total Capital Costs to Provide Recreation Activities and Equipment	<u>5,733,861</u>
Total Capital Costs Allocable to Existing Residents	\$19,024,622
Total Cost Allocated to Fee	\$19,024,622
Existing Housing Units	<u>14,635</u>
Proposed Rate per Housing Unit	<u><u>\$1,300.00</u></u>

[1] Amount was reduced by approximately \$1.0 million in grant revenues for land.  
[2] Amount was reduced by approximately \$1.2 million in grant revenues for facilities.

In the development of the cost per equivalent impact fee unit, it was determined that the rate should be applied on a "per dwelling unit" basis for the residential class. This factor is used throughout the state as the equivalent impact fee unit for fee determination, as shown in Table 5-6. The use of these equivalency factors was based on discussions with the City and the fact the City currently uses these application parameters for the existing fees, comparisons of fee applicability provisions of neighboring jurisdictions, and promotion of administrative simplicity. For the residential class, it is proposed that the rates continue to be based on the number of dwelling units served, recognizing differences as to type of residence (single-family, multi-family, mobile home, etc.) and the average persons per household for these types of dwelling units in the City. Pursuant to the Recreation Impact Fee Ordinance, the City has quantified differences in household occupancy characteristics. It is recommended that the current application of the City's existing recreational fees, which differentiate by the type of dwelling unit, be continued. Based on the existing per dwelling unit demographics, as reflected in the Recreation Impact Fee Ordinance, the proposed fees would be as follows:

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	<u>Estimated Household Size</u>	<u>Impact Fee</u>
Net Average Impact Fee		\$1,300.00
Net Average Impact Fee		\$1,300.00
Average Persons Per Household		2.54
Rate Per Person		511.81
Rates Per Dwelling Unit (rounded)		
Single-Family	2.54 [*]	\$1,300.00
Multi-Family	2.26 [*]	\$1,159.00
Mobile Home	1.71 [*]	\$874.00

[\*] Based on relationships contained in the Recreation Impact Fee Ordinance.

Based on the estimated occupancy relationships per dwelling unit as shown above, the recommended fees would be as follows:

<u>Residence Type</u>	<u>Fee Amounts</u>
Single-Family	\$1,300.00
Multi-Family	\$1,159.00
Mobile Home	\$874.00

## 5.5 IMPACT FEE COMPARISONS

In order to provide the City additional information about the proposed impact fees, a comparison of the proposed fees for the City and those charged by other neighboring jurisdictions was prepared. Table 5-8 at the end of this section summarizes the impact fees for recreational services charged by other communities with the proposed rates of the City. As can be seen in the comparison, the proposed fees of the City are somewhat higher than the average of those charged by other communities.

Also, as shown in Table 5-8 for other communities, the fees charged to the residential class are applied using a "per dwelling unit" basis, which is consistent with the recommended fee applicability provisions of the City's proposed fees. Additionally, many cities have adjusted the fees for the residential class to recognize differences in the number of persons per household, which would be consistent with the LOS standards for recreational services (i.e., facilities per 1,000 population).

**Section 5**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**List of Tables**

<u>Table</u>	<u>Description</u>
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5-2	Summary of Existing City Investments in Parks and Recreation
5-3	Existing Open-Space Needs
5-4	Existing Activity Facility Needs
5-5	Summary of Capital Projects to Improve & Expand Recreation Services
5-6	Design of Recreation Impact Fee
5-7	Impact Fee Allocation
5-8	Parks and Recreation Impact Fee Comparison

**Table 5-1**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Inventory of City Parks and Recreational Facilities [1]**

Line No.	Facility Classification	Acres	Facilities
1	<b>Community Parks:</b>	<b>298.50</b>	
2	Downtown Pavilion and Interactive Fountain	1.94	Picnic Pavilions Swimming Pool / Fountain Restrooms
3	Newton Park	8.52	General Play Ground Picnic Pavilions Swimming Pool Restrooms
4	Braddock Park	22.00	General Play Ground Baseball / Softball Field Soccer Field Concession Stand Restrooms
5	Little League Complex and Walker Football Field	14.98	Baseball / Softball Field Football Field Concession Stand Restrooms
6	Veteran Park (City and Radio Portion)	26.03	General Play Ground Tennis Courts Basketball Courts Picnic Pavilions Baseball / Softball Field Soccer Field Volleyball Courts Restrooms
7	Chapin Station and Neighborhood Park	8.08	Tennis Courts Basketball Courts Picnic Pavilions
8	Tucker Ranch Park	208.60	General Play Ground Baseball / Softball Field Restrooms
9	Jessie Brock Community Center Park	8.35	Community Center Exercise Trail Restrooms
10	<b>Neighborhood Parks:</b>	<b>20.36</b>	
11	Bradford Park	11.97	Picnic Pavilions Restrooms
12	Maple St. Park	1.59	General Play Ground Picnic Pavilions Racquetball Wall Soccer Field

**Table 5-1**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Inventory of City Parks and Recreational Facilities [1]**

Line No.	Facility Classification	Acres	Facilities
			Skate Ramp Restrooms
13	Zanders Park & Boulder Pool	1.30	General Play Ground Basketball Courts Picnic Pavilions Swimming Pool Restrooms
14	Warrior Park	5.19	Open Space
15	Main St. Triangle	0.31	Open Space Benches
16	<b>Open Space:</b>	<b>9.10</b>	
17	Lulu Creek Trail	6.61	Open Space / Trails
18	West Orange Trail (Plant St. Segment)	2.49	Open Space / Trails
<b><u>Summary of Acreage</u></b>			
19	Community Parks	298.50	
20	Neighborhood Parks	20.36	
21	Open Space	9.10	
22	<b>Total Acres Owned by City</b>	<b><u><u>327.96</u></u></b>	

Footnotes

[1] Inventory as provided by the City.

**Table 5-2**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Summary of Existing City Investments in Parks and Recreation**

Line No.	Description	Acquisition Cost	Asset Category	Asset Category Allocated Amounts					Total
				Land	Building	Activity	Equipment	Excluded	
<b>Fixed Assets</b>									
<b>Land</b>									
1	Garden AV Pool	\$125,000	Land	\$125,000	\$0	\$0	\$0	\$0	\$125,000
2	City Dock	7,000	Land	7,000	0	0	0	0	7,000
3	Klondike-B-Ball CT-P	12,626	Land	12,626	0	0	0	0	12,626
4	W O Jaycees Park-Playground	23,270	Land	23,270	0	0	0	0	23,270
5	Little League Field & Building	76,577	Land	76,577	0	0	0	0	76,577
6	Land	149,690	Land	149,690	0	0	0	0	149,690
7	Survey	500	Land	500	0	0	0	0	500
8	Appraisal	1,250	Land	1,250	0	0	0	0	1,250
9	Land	140,205	Land	140,205	0	0	0	0	140,205
10	Right Of Way ( W. Orange )	212,464	Land	212,464	0	0	0	0	212,464
11	Singh Property - 2/3	194,070	Land	194,070	0	0	0	0	194,070
12	907 Klondike	462	Land	462	0	0	0	0	462
13	208 Center Street	6,534	Land	6,534	0	0	0	0	6,534
14	637 Vineland /Senior Center	152,755	Land	152,755	0	0	0	0	152,755
15	Warrior Park [Ocoee]	535,113	Land	535,113	0	0	0	0	535,113
16	Dillard Elem School-Purch	512,315	Land	512,315	0	0	0	0	512,315
17	Warrior Park @ Windermere Rd	438	Land	438	0	0	0	0	438
18	Tucker Ranch Property	2,117,744	Land	2,117,744	0	0	0	0	2,117,744
19	<b>Land Total</b>	<b>\$4,268,012</b>		<b>\$4,268,012</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,268,012</b>
<b>Buildings</b>									
20	Little League Field/Walke	\$10,000	Building	\$0	\$10,000	\$0	\$0	\$0	\$10,000
21	Old Fire Station	47,286	Building	0	47,286	0	0	0	47,286
22	Playground, Tennis & Handball	3,000	Activity	0	0	3,000	0	0	3,000
23	Pool	5,400	Activity	0	0	5,400	0	0	5,400
24	Walker Field	16,285	Activity	0	0	16,285	0	0	16,285
25	Garden Ave/ Pool	82,652	Activity	0	0	82,652	0	0	82,652
26	Boat Ramp / Restrooms	16,557	Building	0	16,557	0	0	0	16,557
27	Pool Restoration/Klondike	10,634	Building	0	10,634	0	0	0	10,634
28	Pool Restoration	6,000	Building	0	6,000	0	0	0	6,000
29	Pool Restoration/Klondike	2,542	Building	0	2,542	0	0	0	2,542
30	Pool Restoration	10,894	Building	0	10,894	0	0	0	10,894
31	B-Ball Court/Klondike	25,829	Activity	0	0	25,829	0	0	25,829
32	Fence	960	Building	0	960	0	0	0	960
33	Softball Field	22,023	Activity	0	0	22,023	0	0	22,023
34	Varsity Court Softball Fi	39,730	Activity	0	0	39,730	0	0	39,730
35	Christmas Decorations	7,369	Building	0	7,369	0	0	0	7,369
36	Office Building	62,987	Building	0	62,987	0	0	0	62,987
37	Storage Shed	6,663	Building	0	6,663	0	0	0	6,663
38	2 Elevated Aluminum Bleacher	8,300	Building	0	8,300	0	0	0	8,300
39	4 Dugout Roofs	1,200	Building	0	1,200	0	0	0	1,200
40	Batting Cages	1,200	Building	0	1,200	0	0	0	1,200
41	Dugouts	1,200	Activity	0	0	1,200	0	0	1,200
42	Boat Dock Design	2,110	Building	0	2,110	0	0	0	2,110
43	2 Aluminum Bleachers	1,853	Building	0	1,853	0	0	0	1,853
44	2 Shelters - Shuffleboard	3,050	Activity	0	0	3,050	0	0	3,050
45	Boat Dock & Ramp	32,921	Building	0	32,921	0	0	0	32,921
46	Fence-Football Field	4,600	Building	0	4,600	0	0	0	4,600
47	Park Ave Landscape	62,153	Building	0	62,153	0	0	0	62,153
48	Recreation Equip./Klondike	15,077	Activity	0	0	15,077	0	0	15,077
49	Planning/Design/Bradford	5,598	Building	0	5,598	0	0	0	5,598
50	Klondike Pool Project	10,000	Activity	0	0	10,000	0	0	10,000
51	Chain-link Fence Replacement	2,546	Building	0	2,546	0	0	0	2,546
52	Fence & Gate/Klondike	2,200	Building	0	2,200	0	0	0	2,200
53	Life Guard Stand/Klondike	506	Building	0	506	0	0	0	506
54	Basketball/Maple Street	1,860	Activity	0	0	1,860	0	0	1,860
55	Boat Dock & Ramp Complete	11,125	Building	0	11,125	0	0	0	11,125
56	4 Dugout Roofs	2,280	Building	0	2,280	0	0	0	2,280
57	Poles & Lights - Pop Warn	27,618	Building	0	27,618	0	0	0	27,618
58	Field - Walker	66,598	Activity	0	0	66,598	0	0	66,598
59	Planning & Paving/Bradford	60,347	Building	0	60,347	0	0	0	60,347
60	Fence/Bradford Park	1,900	Building	0	1,900	0	0	0	1,900
61	Fence/Walker	1,350	Building	0	1,350	0	0	0	1,350
62	Storage Building/Walker	771	Building	0	771	0	0	0	771
63	Improvements-Bradford Par	59,346	Building	0	59,346	0	0	0	59,346
64	Building Transferred From	6,355	Building	0	6,355	0	0	0	6,355
65	Fencing	2,190	Building	0	2,190	0	0	0	2,190
66	Concession Stand	32,840	Building	0	32,840	0	0	0	32,840
67	Resurface 4 Tennis Courts	3,985	Building	0	3,985	0	0	0	3,985
68	Concrete Slab/Bradford Pa	2,295	Building	0	2,295	0	0	0	2,295
69	Pavilion	1,378	Building	0	1,378	0	0	0	1,378
70	Resurface Shuffleboard Ct	2,425	Building	0	2,425	0	0	0	2,425
71	Crushed Shell Walkway	891	Building	0	891	0	0	0	891
72	Picnic Tables/Benches	3,910	Building	0	3,910	0	0	0	3,910
73	Cypress Mulch	1,300	Building	0	1,300	0	0	0	1,300

**Table 5-2**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Summary of Existing City Investments in Parks and Recreation**

Line No.	Description	Acquisition Cost	Asset Category	Asset Category Allocated Amounts					Total
				Land	Building	Activity	Equipment	Excluded	
74	Recreation Office Surprise	24,570	Building	0	24,570	0	0	0	24,570
75	5 Lights Tennis/Basketball	3,050	Activity	0	0	3,050	0	0	3,050
76	Klondike Lights	614	Building	0	614	0	0	0	614
77	Title Search/Pier	770	Building	0	770	0	0	0	770
78	Mulch	2,218	Building	0	2,218	0	0	0	2,218
79	Exterior Wood & Interior	17,747	Building	0	17,747	0	0	0	17,747
80	Reroof Maint Bldg./Baseball	2,455	Building	0	2,455	0	0	0	2,455
81	Resurface Basketball Ct	3,077	Building	0	3,077	0	0	0	3,077
82	Bathroom Stalls & Urinals	4,049	Building	0	4,049	0	0	0	4,049
83	Electrical/Klondike	1,489	Building	0	1,489	0	0	0	1,489
84	Farnsworth Pool Deck	1,810	Building	0	1,810	0	0	0	1,810
85	Resurface Pool/Klondike	19,240	Building	0	19,240	0	0	0	19,240
86	Grant-Pier	64,251	Building	0	64,251	0	0	0	64,251
87	Light Practice Area	5,792	Activity	0	0	5,792	0	0	5,792
88	Landscape Walker Complex	16,018	Building	0	16,018	0	0	0	16,018
89	Klondike Pool Roof	1,024	Building	0	1,024	0	0	0	1,024
90	Pool Restoration	43,881	Building	0	43,881	0	0	0	43,881
91	Hobo Room Roof	6,964	Building	0	6,964	0	0	0	6,964
92	Sidewalk	132,413	Building	0	132,413	0	0	0	132,413
93	12 X 12 Shelter W Crown P	4,680	Building	0	4,680	0	0	0	4,680
94	12 X 12 Shelter W Crown P	4,680	Building	0	4,680	0	0	0	4,680
95	24 X 44 Shelter W Crown P	4,680	Building	0	4,680	0	0	0	4,680
96	Shuffleboard Lights	2,482	Building	0	2,482	0	0	0	2,482
97	Renovations/Klondike	132,501	Building	0	132,501	0	0	0	132,501
98	Tennis Court/Wcrown Pt	30,741	Activity	0	0	30,741	0	0	30,741
99	Large Pavilion - Jj Tayl	2,700	Building	0	2,700	0	0	0	2,700
100	Small Pavilion	750	Building	0	750	0	0	0	750
101	Bridges/W. Crown Pt	8,695	Building	0	8,695	0	0	0	8,695
102	Basketball Court/W Crown	13,141	Activity	0	0	13,141	0	0	13,141
103	Restroom Renovations	22,455	Building	0	22,455	0	0	0	22,455
104	Grading/W Crown Pt	2,320	Building	0	2,320	0	0	0	2,320
105	Solar Lights/W Crown Pt	4,876	Building	0	4,876	0	0	0	4,876
106	Sidewalk & Curb	13,716	Building	0	13,716	0	0	0	13,716
107	12 X 12 Shelter	3,257	Building	0	3,257	0	0	0	3,257
108	12 X 12 Shelter	3,257	Building	0	3,257	0	0	0	3,257
109	12 X 12 Shelter	3,257	Building	0	3,257	0	0	0	3,257
110	12 X 12 Shelter	3,257	Building	0	3,257	0	0	0	3,257
111	12 X 12 Shelter Veterans	3,253	Building	0	3,253	0	0	0	3,253
112	12 X 12 Shelter Veterans	3,253	Building	0	3,253	0	0	0	3,253
113	12 X 12 Shelter Veterans	3,253	Building	0	3,253	0	0	0	3,253
114	24 X 44 Shelter Newton Pa	13,177	Building	0	13,177	0	0	0	13,177
115	24 X 44 Shelter Veterans	13,000	Building	0	13,000	0	0	0	13,000
116	Concession Stand	5,000	Building	0	5,000	0	0	0	5,000
117	Fence	694	Building	0	694	0	0	0	694
118	Gazebo	18,300	Building	0	18,300	0	0	0	18,300
119	Irrigation System	9,805	Building	0	9,805	0	0	0	9,805
120	Pool Pump	11,305	Building	0	11,305	0	0	0	11,305
121	Lighting + Mulch	867	Building	0	867	0	0	0	867
122	Sidewalk	16,420	Building	0	16,420	0	0	0	16,420
123	Basketball Ct Lighting	3,820	Building	0	3,820	0	0	0	3,820
124	Little League Fence	1,063	Building	0	1,063	0	0	0	1,063
125	Sidewalk Newton Park	8,234	Building	0	8,234	0	0	0	8,234
126	Irrigation System	1,225	Building	0	1,225	0	0	0	1,225
127	Electrical Work	5,241	Building	0	5,241	0	0	0	5,241
128	Parking Lot Veterans	20,084	Building	0	20,084	0	0	0	20,084
129	Boat Landing	19,890	Building	0	19,890	0	0	0	19,890
130	Shuffleboard Courts	19,373	Activity	0	0	19,373	0	0	19,373
131	Senior League Irrigation	5,800	Building	0	5,800	0	0	0	5,800
132	Nets And Fences	10,366	Building	0	10,366	0	0	0	10,366
133	Newton Park Boat Basin Re	80,595	Building	0	80,595	0	0	0	80,595
134	Jaycee Park Playground	5,523	Building	0	5,523	0	0	0	5,523
135	Fountain - Maple St. Park	1,992	Building	0	1,992	0	0	0	1,992
136	Fountain - Veterans Park	1,992	Building	0	1,992	0	0	0	1,992
137	Fountain - Zanders Park	1,992	Building	0	1,992	0	0	0	1,992
138	Shed-Aluminum, 8X10	1,280	Building	0	1,280	0	0	0	1,280
139	Practice Field Lights	6,353	Building	0	6,353	0	0	0	6,353
140	Newton Park Drainage	11,493	Building	0	11,493	0	0	0	11,493
141	Park Lighting	5,990	Building	0	5,990	0	0	0	5,990
142	Drinking Fountains	4,686	Building	0	4,686	0	0	0	4,686
143	Ada Improvements	2,831	Building	0	2,831	0	0	0	2,831
144	Public Works Entrance	30,588	Building	0	30,588	0	0	0	30,588
145	Chain-link Fence-Klondike	1,380	Building	0	1,380	0	0	0	1,380
146	Chain-link Fence-Veteran's	3,876	Building	0	3,876	0	0	0	3,876
147	Resurface Tennis/Bball Ct	33,286	Building	0	33,286	0	0	0	33,286
148	Park Restroom Partitions	5,101	Building	0	5,101	0	0	0	5,101
149	Slide - Insurance Pmt	(1,796)	Building	0	(1,796)	0	0	0	(1,796)
150	Fence - Maple Skate Park	3,830	Building	0	3,830	0	0	0	3,830
151	Resurface Tennis/Bball Ct	8,204	Building	0	8,204	0	0	0	8,204
152	Paint Restrooms-Parks	1,285	Building	0	1,285	0	0	0	1,285
153	Downtown Hardscape	4,800	Building	0	4,800	0	0	0	4,800

**Table 5-2  
City of Winter Garden  
Parks and Recreation Impact Fee Analysis**

**Summary of Existing City Investments in Parks and Recreation**

Line No.	Description	Acquisition Cost	Asset Category	Asset Category Allocated Amounts					Total
				Land	Building	Activity	Equipment	Excluded	
154	Senior Field Lights	97,663	Building	0	97,663	0	0	0	97,663
155	Softball Field Fence	12,225	Building	0	12,225	0	0	0	12,225
156	Veterans Park Tennis Crts	20,715	Building	0	20,715	0	0	0	20,715
157	Maple Street Park Restroom	43,541	Building	0	43,541	0	0	0	43,541
158	Park Material Storage Bin	11,000	Building	0	11,000	0	0	0	11,000
159	Klondike Park Restrooms	330	Building	0	330	0	0	0	330
160	Parks Equipment Complex	118,113	Building	0	118,113	0	0	0	118,113
161	Parks Office Roof Repair	13,070	Building	0	13,070	0	0	0	13,070
162	Downtown Hardscape	6,056	Building	0	6,056	0	0	0	6,056
163	Bouler Pool Improvements	236,589	Building	0	236,589	0	0	0	236,589
164	Shuffleboard Court Roof	4,058	Building	0	4,058	0	0	0	4,058
165	Air Conditioner Unit	3,200	Building	0	3,200	0	0	0	3,200
166	637 Vineland /Senior Ctr	34,592	Building	0	34,592	0	0	0	34,592
167	Warrior Park @ Windermere Rd	24,631	Building	0	24,631	0	0	0	24,631
168	Maple St Park Fence	21,785	Building	0	21,785	0	0	0	21,785
169	Walker Field Restrooms	139,765	Building	0	139,765	0	0	0	139,765
170	Farnsworth Pool Refinish	113,595	Building	0	113,595	0	0	0	113,595
171	Athletic Field Windscreen	1,866	Building	0	1,866	0	0	0	1,866
172	Klondike St/Zanders Park	567,404	Building	0	567,404	0	0	0	567,404
173	Gates-Outgoing Card Read	235	Building	0	235	0	0	0	235
174	Braddock Park Ss @ Cem	3,492,590	Building	0	3,492,590	0	0	0	3,492,590
175	Jessie Brock Cmnty Ctr	2,516,354	Building	0	2,516,354	0	0	0	2,516,354
176	Braddock Park Underdrains	34,690	Building	0	34,690	0	0	0	34,690
177	Gdn Theater 160 W Plant	1,452,791	Building	0	1,452,791	0	0	0	1,452,791
178	Farmers' Mkt Park/Fountn	2,015,419	Building	0	2,015,419	0	0	0	2,015,419
179	Lulu Creek Trail	357,172	Activity	0	0	357,172	0	0	357,172
180	Softball Nets-Braddock	8,972	Building	0	8,972	0	0	0	8,972
181	Scorekp Shelter-Braddock	10,900	Building	0	10,900	0	0	0	10,900
182	Lighting-J Brock Com Ctr	48,744	Building	0	48,744	0	0	0	48,744
183	Splash Pad Shade Cover	30,558	Building	0	30,558	0	0	0	30,558
184	Tucker Ranch House Rehab	34,906	Building	0	34,906	0	0	0	34,906
185	Zanders Park Fence	2,180	Building	0	2,180	0	0	0	2,180
186	Goal Net	2,485	Building	0	2,485	0	0	0	2,485
187	Chapin Station Park	6,490	Building	0	6,490	0	0	0	6,490
188	Athletic Ct Resurface	23,245	Building	0	23,245	0	0	0	23,245
189	Park Signage	20,850	Building	0	20,850	0	0	0	20,850
190	Farnsworth Pool Shade	14,935	Building	0	14,935	0	0	0	14,935
191	Concrete Pole 70Ft	17,795	Building	0	17,795	0	0	0	17,795
192	<b>Building Total</b>	<b>\$13,405,174</b>		<b>\$0</b>	<b>\$12,683,202</b>	<b>\$721,972</b>	<b>\$0</b>	<b>\$0</b>	<b>\$13,405,174</b>
<b>Machinery and Equipment</b>									
193	11 Picnic Tables W/6 Bench	\$3,552	Activity	\$0	\$0	\$3,552	\$0	\$0	\$3,552
194	1000 Watt Sportslighter	3,748	Equipment	0	0	0	3,748	0	3,748
195	Wee Dump Trailer 1632	2,175	Equipment	0	0	0	2,175	0	2,175
196	4 X 2 Gator	4,255	Equipment	0	0	0	4,255	0	4,255
197	Bleachers	1,666	Activity	0	0	1,666	0	0	1,666
198	Gooseneck Basketball Pole	762	Activity	0	0	762	0	0	762
199	Kubota Front Mower	11,435	Equipment	0	0	0	11,435	0	11,435
200	Sign	1,961	Equipment	0	0	0	1,961	0	1,961
201	Swing Set	900	Activity	0	0	900	0	0	900
202	Bleachers	3,254	Activity	0	0	3,254	0	0	3,254
203	Burglary Protection Safe	0	Equipment	0	0	0	0	0	0
204	Imfkid Builder	4,248	Activity	0	0	4,248	0	0	4,248
205	Imfbehive Climber	1,339	Activity	0	0	1,339	0	0	1,339
206	Imf Kid Builder	16,939	Activity	0	0	16,939	0	0	16,939
207	1996 Chevy 3500 Quad	22,176	Equipment	0	0	0	22,176	0	22,176
208	Bleachers	4,616	Activity	0	0	4,616	0	0	4,616
209	Post/Hanger 1 Trash Can	960	Equipment	0	0	0	960	0	960
210	Signs/Sport Complex	944	Activity	0	0	944	0	0	944
211	97 Fleetside Chevy 1500Pu	15,925	Equipment	0	0	0	15,925	0	15,925
212	Golf Cart(Gator 4X2)	5,473	Equipment	0	0	0	5,473	0	5,473
213	All Star Bleacher	1,505	Activity	0	0	1,505	0	0	1,505
214	1998 Chevy Truck #81	0	Equipment	0	0	0	0	0	0
215	Bleachers	4,000	Activity	0	0	4,000	0	0	4,000
216	Play Ground	31,959	Activity	0	0	31,959	0	0	31,959
217	Gator 4X2	4,449	Equipment	0	0	0	4,449	0	4,449
218	Generator	993	Equipment	0	0	0	993	0	993
219	Chevy Silverado 00 V202	16,338	Equipment	0	0	0	16,338	0	16,338
220	Chevy Silverado 2000 #98	0	Equipment	0	0	0	0	0	0
221	Veteran's Park Sign	2,600	Equipment	0	0	0	2,600	0	2,600
222	Chevy Silverado 2000	16,254	Equipment	0	0	0	16,254	0	16,254
223	Jaycee Park Playground	47,294	Activity	0	0	47,294	0	0	47,294
224	Water Trailer	2,169	Equipment	0	0	0	2,169	0	2,169
225	Gator Util Vehicle	4,463	Equipment	0	0	0	4,463	0	4,463
226	2002 Dodge Ram P/U	20,450	Equipment	0	0	0	20,450	0	20,450
227	Flag Pole-Satin Finish	1,038	Equipment	0	0	0	1,038	0	1,038
228	Tractor - John Deere 4600	17,477	Equipment	0	0	0	17,477	0	17,477
229	Loader Attachment	2,899	Equipment	0	0	0	2,899	0	2,899

**Table 5-2**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Summary of Existing City Investments in Parks and Recreation**

Line No.	Description	Acquisition Cost	Asset Category	Asset Category Allocated Amounts					Total
				Land	Building	Activity	Equipment	Excluded	
230	Mower Attachment	2,930	Equipment	0	0	0	2,930	0	2,930
231	Tiller Attachment	2,426	Equipment	0	0	0	2,426	0	2,426
232	93 Club Car Carryall	3,250	Equipment	0	0	0	3,250	0	3,250
233	Chevrolet Truck	16,666	Equipment	0	0	0	16,666	0	16,666
234	Kubota 21 Hp Mower	9,000	Equipment	0	0	0	9,000	0	9,000
235	Utility Lift Vehicle	18,591	Equipment	0	0	0	18,591	0	18,591
236	2004 Chevy Silverado 4Wd	15,320	Equipment	0	0	0	15,320	0	15,320
237	Skateboard Ramps	7,000	Activity	0	0	7,000	0	0	7,000
238	2005 Chevy Passenger Van	22,755	Equipment	0	0	0	22,755	0	22,755
239	Toro Workman 2100	7,259	Equipment	0	0	0	7,259	0	7,259
240	Toro Rahn Groomer For Wor	2,403	Equipment	0	0	0	2,403	0	2,403
241	Skateboard Ramps	8,602	Activity	0	0	8,602	0	0	8,602
242	2005 Ford Taurus	12,802	Equipment	0	0	0	12,802	0	12,802
243	Lifeguard Chair 1	917	Activity	0	0	917	0	0	917
244	Lifeguard Chair 2	917	Activity	0	0	917	0	0	917
245	Lifeguard Chair 3	917	Activity	0	0	917	0	0	917
246	Lifeguard Chair 4	925	Activity	0	0	925	0	0	925
247	Portable Stage	73,318	Activity	0	0	73,318	0	0	73,318
248	Lifeguard Chair 5	1,664	Activity	0	0	1,664	0	0	1,664
249	Lifeguard Chair 6	1,664	Activity	0	0	1,664	0	0	1,664
250	2006 Chevy Express Van	25,151	Equipment	0	0	0	25,151	0	25,151
251	2006 Chevy Van	18,404	Equipment	0	0	0	18,404	0	18,404
252	Shuffleboard Courts	22,699	Activity	0	0	22,699	0	0	22,699
253	Lifeguard Chair - Tall	1,610	Activity	0	0	1,610	0	0	1,610
254	Bleacher-Tipn Roll 1 Of 3	1,429	Activity	0	0	1,429	0	0	1,429
255	Bleacher-Tipn Roll 2 Of 3	1,429	Activity	0	0	1,429	0	0	1,429
256	Bleacher-Tipn Roll 3 Of 3	1,429	Activity	0	0	1,429	0	0	1,429
257	Lightning Protect System	25,744	Equipment	0	0	0	25,744	0	25,744
258	Environmental Sign	2,835	Equipment	0	0	0	2,835	0	2,835
259	Slide - Spiral Dark Blue	1,686	Activity	0	0	1,686	0	0	1,686
260	4Hp Sprayer - 50 Gallon	2,171	Equipment	0	0	0	2,171	0	2,171
261	Aerator	4,837	Equipment	0	0	0	4,837	0	4,837
262	Groundmstr Mower W/Shade	23,909	Equipment	0	0	0	23,909	0	23,909
263	Rahn Groomer (Workman)	1,750	Equipment	0	0	0	1,750	0	1,750
264	Workman Util Vehicle	9,192	Equipment	0	0	0	9,192	0	9,192
265	Vm Ware	6,472	Equipment	0	0	0	6,472	0	6,472
266	Hp Proliant DL380	10,535	Equipment	0	0	0	10,535	0	10,535
267	Windows Ent Srvr Trueup	2,129	Equipment	0	0	0	2,129	0	2,129
268	Triple Crown Trailer-16'	1,682	Equipment	0	0	0	1,682	0	1,682
269	Honda Push Vacuum	879	Equipment	0	0	0	879	0	879
270	Spray Unit-50 Gallon	2,800	Equipment	0	0	0	2,800	0	2,800
271	Desk L Mahogany R Rtn	2,427	Equipment	0	0	0	2,427	0	2,427
272	J Deere Tractor W/ Loader	21,880	Equipment	0	0	0	21,880	0	21,880
273	Aerator 686 [Red]	6,720	Equipment	0	0	0	6,720	0	6,720
274	Ice Machine	1,370	Equipment	0	0	0	1,370	0	1,370
275	Mondovap 2400 Steamer	3,227	Equipment	0	0	0	3,227	0	3,227
276	Edge-R Rite li	1,482	Equipment	0	0	0	1,482	0	1,482
277	Bench-6' Cast/Steel	1,029	Activity	0	0	1,029	0	0	1,029
278	Bench-6' Cast/Steel	1,029	Activity	0	0	1,029	0	0	1,029
279	Baseball Foul Pole	1,165	Activity	0	0	1,165	0	0	1,165
280	Equipment Shed	3,788	Equipment	0	0	0	3,788	0	3,788
281	Christmas Tree	22,426	Equipment	0	0	0	22,426	0	22,426
282	Score Board-Little League Park	3,000	Activity	0	0	3,000	0	0	3,000
283	Jd Gator Motorized Cart	7,996	Equipment	0	0	0	7,996	0	7,996
284	Spreader Motorized	2,705	Equipment	0	0	0	2,705	0	2,705
285	Swing Set	7,221	Activity	0	0	7,221	0	0	7,221
286	Slides For Playground	8,380	Activity	0	0	8,380	0	0	8,380
287	Scoreboard 1 Wireless-Vet Park	3,516	Activity	0	0	3,516	0	0	3,516
288	Scoreboard 2 Wireless-Vet Park	3,516	Activity	0	0	3,516	0	0	3,516
289	Bleachers-Football Field	50,993	Activity	0	0	50,993	0	0	50,993
290	J D Gator Util Vehicle	7,571	Equipment	0	0	0	7,571	0	7,571
291	Turf Vacuum	9,900	Equipment	0	0	0	9,900	0	9,900
292	<b>Infrastructure Total</b>	<b>\$829,647</b>		<b>\$0</b>	<b>\$0</b>	<b>\$329,028</b>	<b>\$500,619</b>	<b>\$0</b>	<b>\$829,647</b>
293	<b>PARKS AND RECREATION TOTAL</b>	<b>\$18,502,834</b>		<b>\$4,268,012</b>	<b>\$12,683,202</b>	<b>\$1,051,001</b>	<b>\$500,619</b>	<b>\$0</b>	<b>\$18,502,834</b>

## Footnotes

[1] Inventory as provided by the City and in service as of April 30, 2014.

**Table 5-3**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Existing Open-Space Needs**

Line No.	Facility Classification	City Open Space Standards [1]			Existing City Facilities [2]			To City Standards	
		Acres	Per	Population	Total Acres	Per	2013 Population	Required	Surplus / (Deficiency)
1	Overall Open-space - Parkland Requirements	5.00	[3]	1,000	119.36		37,172	185.86	(66.50)
2	Tucker Ranch Park	5.00	[3]	1,000	208.60		37,172	185.86	22.74
3	Total	5.00	[3]	1,000	327.96		37,172	185.86	142.10

Footnotes

- [1] As provided in the City's Parks and Recreation Master Plan.
- [2] Inventory and Classification as provided by the City and as provided in detail in Table 5-1.
- [3] The City's standard is to provide approximately 5 Acres per 1,000 residents.

**Table 5-4**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Existing Activity Facility Needs**

Line No.	Facility Classification	City Activity Guidelines [1]			Existing City Activities [2]			To City Standards	
		Standard	Per	Population	Standard	Per	2013 Population	Required	Surplus / (Deficiency)
1	Baseball/Softball	1.0		5,000	8.0		37,172	7.4	0.6
		Field							
2	Tennis	1.0		2,000	6.0		37,172	18.6	(12.6)
		Court							
3	Basketball	1.0		5,000	8.0		37,172	7.4	0.6
		Court							
4	Volleyball	1.0		6,000	2.0		37,172	6.2	(4.2)
		Court							
5	Exercise / Parcourse Trails	1.0		15,000	12.0		37,172	2.5	9.5
		Area							
6	Playground	1.0		10,000	6.0		37,172	3.7	2.3
		Area							
7	Football / Soccer	1.0		6,000	5.0		37,172	6.2	(1.2)
		Field							
8	Swimming Pool	1.0		25,000	2.0		37,172	1.5	0.5
		Pool							

**Footnotes**

[1] User and resource based facility guidelines from 2006 Parks and Recreation Master Plan.

[2] As provided by the City.

**Table 5-5**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Summary of Capital Projects to Improve & Expand Recreation Services**

Line No.	Description	Project Cost [1]	Total Service Population [2]	2013 Population	Total Amount Allocated to Existing
<b><u>5 Year Parks and Recreation CIP</u></b>					
1	Newton Park Pier Replacement	\$180,000	48,000	37,172	\$139,395
2	Adjustment for Newton Park Pier Replcmt. [3]	(\$80,595)	48,000	37,172	(62,414)
2	Tucker Ranch Heritage Park	450,000	48,000	37,172	348,488
3	Lulu Creek Trail Extension	260,000	48,000	37,172	201,348
4	Utility Vehicle	7,400	48,000	37,172	5,731
5	Toro Sand Pro	9,000	48,000	37,172	6,970
6	New Ball Fields - Land	2,000,000	48,000	37,172	1,548,833
7	New Ball Fields - Fields	500,000	48,000	37,172	387,208
8	Sub-total	<u>\$3,325,805</u>			<u>\$2,575,559</u>
9	Additional CIP Needs	\$2,074,700	48,000	37,172	\$1,606,682
10	Total Capital Improvements	<u><u>\$5,400,505</u></u>			<u><u>\$4,182,241</u></u>

Footnotes:

- [1] Amounts provided by City staff, which represent improvements and upgrades to existing facilities and construction of new facilities which will serve existing and future residents of the City.
- [2] Amount based on the City's estimated build-out population as discussed in Section 2 of this report.
- [3] Amount represents an adjustment to the City's assets that discounts the new pier purchase costs by an estimate of the original pier cost thereby reflecting the net adjustment to the total fixed assets.

**Table 5-6**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Design of Recreation Impact Fee**

Line No.	Description	Basis	Amount
<u>Capital Costs to Provide Open-Space</u>			
1	Existing City Investment in Open Space [1]	\$4,268,012	
2	Less Grant Funded Assets [2]	(1,038,377)	
3	Net City Investment in Open Space	\$3,229,635	
4	Existing Open Space (Acres) [3]	327.96	
5	Existing Average Cost per Acre	\$9,848	
6	Open Space Requirement for Existing Residents (Acres) [3]	185.86	
7	Total Capital Cost to Provide Open Spaces		\$1,830,349
<u>Capital Costs to Provide Recreation Facilities</u>			
8	Existing City Investment in Recreation Facilities [1]	\$12,683,202	
9	Miscellaneous Credits	(1,222,790)	
10	Total Capital Cost to Provide Recreation Facilities		\$11,460,412
<u>Capital Costs to Provide Recreation Activities &amp; Equipment</u>			
12	Existing City Investment in Recreation Activities [1]	\$1,551,620	
13	Required Adjustments by City to Cure Deficiencies [4]	0	
14	Proposed Facilities to Serve Existing Residents [5]	4,182,241	
15	Total Capital Cost to Provide Recreation Activities & Equipment		\$5,733,861
16	Total Capital Costs Allocable to Existing Residents		\$19,024,622
17	Less Other Funding Sources [6]		\$0
18	Total Cost Allocated to Existing Residents		\$19,024,622
19	Existing Housing Units [7]		14,635
20	Proposed - Rounded Rate per Unit		<u>\$1,300.00</u>

Footnotes

- [1] Amount derived from Table 5-2.
- [2] Amount reflects grants received by the City.
- [3] Amount derived from Table 5-3.
- [4] Amount derived from Table 5-5.
- [5] Planned projects as provided by City staff, which are derived from Table 5-6.
- [6] Amount reflects all other funding sources & grants as reported by the City.
- [7] Amount based on the existing population and Housing unit detail from 2013 as shown on Table 2-1.

**Table 5-7**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Impact Fee Allocation**

Line No.	Housing Type	Proposed Impact Fee	Weighting Factor [2]	Existing Impact Fee (SF)	Increase / (Decrease)
1	Single Family	\$1,300.00	1.00	\$671.00	\$629.00
2	Multi Family	1,159.00	0.89	598.00	561.00
3	Mobile Home	874.00	0.67	451.00	423.00

Footnotes

[1] Derived from Table 5-7.

**Table 5-8**  
**City of Winter Garden**  
**Parks and Recreation Impact Fee Analysis**

**Parks and Recreational Services Impact Fee Comparison [1]**

Line No.	Description	Residential			Effective Date
		Single Family	Multi-Family	Mobile Home	
<b>City of Winter Garden [2]</b>					
1	Existing	\$671.00	\$598.00	\$451.00	2004
2	Proposed	1,300.00	1,159.00	874.00	
<b><u>Other Florida Government Agencies:</u></b>					
3	City of Apopka	\$241.05	\$241.05	\$241.05	2013
4	City of Clermont [2]	1,988	1,487	1,487	2014
5	City of Edgewater	612.11	434.92	451.03	2009
6	City of Eustis	599.27	428.38	390.93	2004
7	City of Kissimmee	1,200.00	985.29	867.06	2005
8	City of Lakeland	2,707.00	2,123.00	1,317.00	2010
9	City of Lake Mary	335.00	N/A	N/A	2008
10	City of Lake Wales	948.00	832.00	N/A	2013
11	City of Leesburg	358.00	358.00	358.00	2008
12	City of Minneola	222.00	171.00	177.00	2014
13	City of Mount Dora	2,773.28	1,391.69	N/A	2013
14	City of Ocoee [3]	1,560.00	N/A	N/A	2012
15	City of St. Cloud	1,362.00	1,093.00	N/A	2008
16	City of Tavares [4]	439.99	335.68	221.89	2007
17	City of Winter Haven	980.23	N/A	N/A	2014
18	Other Florida Governmental Agencies' Average	\$1,088.40	\$823.42	\$612.33	

**Footnotes:**

- [1] Unless otherwise noted, amounts shown reflect impact fees in effect June 2014. This comparison is intended to show comparable charges for similar service for comparison purposes only and is not intended to be a complete listing of all rates and charges offered by each listed municipality.
- [2] Amounts shown assume single family homes with three bedrooms, multi-family dwelling with two bedrooms, and mobile homes with two bedrooms.
- [3] Impact fees temporarily reduced to 50% of the amounts shown from January 3, 2013 until January 1, 2014.
- [4] Impact fees were waived until June 30, 2013. Beginning July 1, 2013, they are set to increase in six month increments until July 1, 2014, when the full impact fees will become effective again.

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** December 29, 2014

**Meeting Date:** January 8, 2015

**Subject:** 933 Carter Road  
**Adrian Galvan**  
**Ordinance 15-13**  
**Ordinance 15-14**  
**Ordinance 15-15**  
**PARCEL ID # 24-22-27-0000-00-015**

**Issue:** The applicant is requesting Annexation, Future Lands Use designation, and Zoning on property located at 933 Carter Road.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.907 ± acre enclave located on the east side of Carter Road, south of East Story Road and north of West Colonial Drive. The applicant has requested Annexation into the City, Initial Zoning of I-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Multi Office Industrial (See attached Staff Report).

**Recommended Action:**

Staff recommends approval of Ordinance 15-13, Ordinance 15-14, and Ordinance 15-15 with the second reading scheduled for January 22, 2015.

**Attachment(s)/References:**

Location Map  
Ordinance 15-13  
Ordinance 15-14  
Ordinance 15-15  
Staff Report

Marys Park Pl

Carter Rd

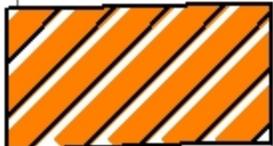
**Legend**



 Subject Property

 Orange County

 Winter Garden



W Colonial Dr

ORDINANCE 15-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.907 ± ACRES LOCATED AT 933 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE 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 0.907 ± acres located at 933 Carter Road on the east side of Carter Road, south of East Story Road and north of West Colonial Drive 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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#: 24-22-27-0000-00-015

**DESCRIPTION:**

BEGIN AT A POINT S88°35'30"W 350.23 FEET AND S00°01'30"E 364.00 FEET FROM THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, RUN THENCE S88°35'30"W 290.00 FEET, THENCE S00°01'30"E 152.00 FEET, THENCE N88°35'30"E 290.00 FEET, THENCE N00°01'30"W 152.00 FEET TO THE POINT OF BEGINNING. (LESS THE WEST 30 FEET FOR ROAD RIGHT OF WAY)

CONTAINS 39,508 SQUARE FEET OR 0.907 ACRES MORE OR LESS

ORDINANCE 15-14

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 0.907 ± ACRES LOCATED AT 933 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY MULTI OFFICE INDUSTRIAL; 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 approximately 0.907 ± acres located at 933 Carter Road on the east side of Carter Road, south of East Story Road and north of West Colonial Drive, 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 Density Residential to City Multi Office Industrial; 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 Multi Office Industrial 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 15-13, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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#: 24-22-27-0000-00-015

**DESCRIPTION:**

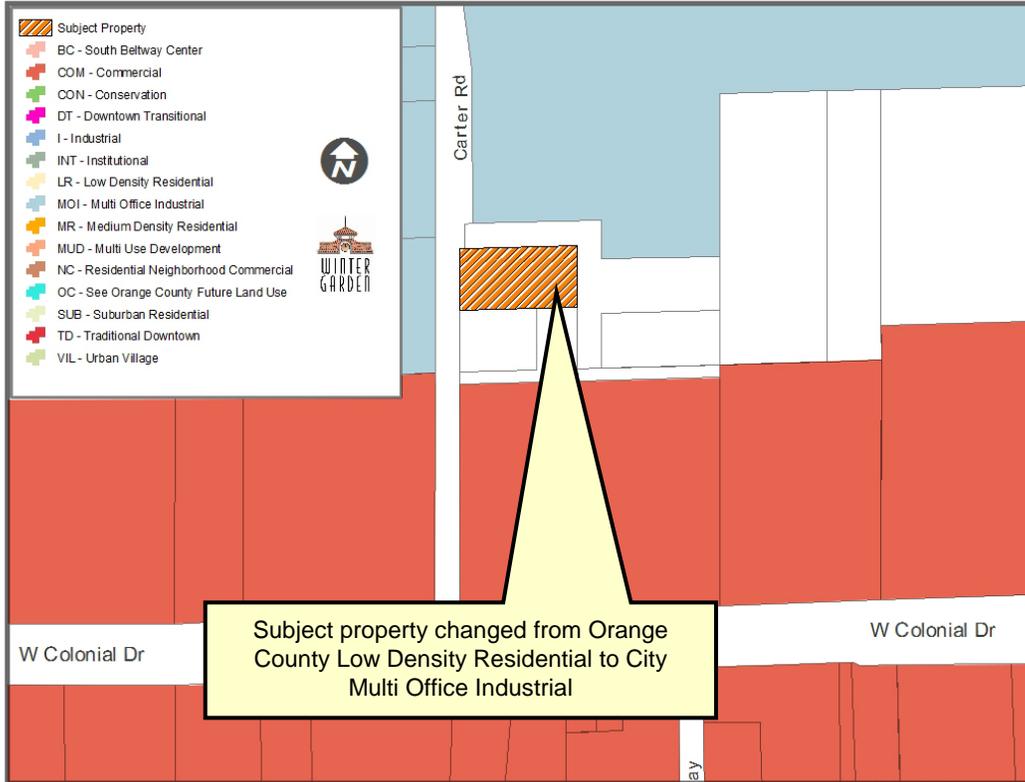
BEGIN AT A POINT S88'35'30"W 350.23 FEET AND S00'01'30"E 364.00 FEET FROM THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, RUN THENCE S88'35'30"W 290.00 FEET, THENCE S00'01'30"E 152.00 FEET, THENCE N88'35'30"E 290.00 FEET, THENCE N00'01'30"W 152.00 FEET TO THE POINT OF BEGINNING. (LESS THE WEST 30 FEET FOR ROAD RIGHT OF WAY)

CONTAINS 39,508 SQUARE FEET OR 0.907 ACRES MORE OR LESS

# ATTACHMENT "B"

## FUTURE LAND USE MAP

### 955 Carter Road



ORDINANCE 15-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.907 ± ACRES LOCATED AT 933 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY I-2 GENERAL INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.907 ± acres located at 933 Carter Road on the east side of Carter Road, south of East Story Road and north of West Colonial Drive, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Rural District to the City’s I-2 General Industrial 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 I-2 General Industrial 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 A-1 Rural District to City I-2 General Industrial 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 15-14 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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#: 24-22-27-0000-00-015

**DESCRIPTION:**

BEGIN AT A POINT S88°35'30"W 350.23 FEET AND S00°01'30"E 364.00 FEET FROM THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, RUN THENCE S88°35'30"W 290.00 FEET, THENCE S00°01'30"E 152.00 FEET, THENCE N88°35'30"E 290.00 FEET, THENCE N00°01'30"W 152.00 FEET TO THE POINT OF BEGINNING. (LESS THE WEST 30 FEET FOR ROAD RIGHT OF WAY)

CONTAINS 39,508 SQUARE FEET OR 0.907 ACRES MORE OR LESS

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

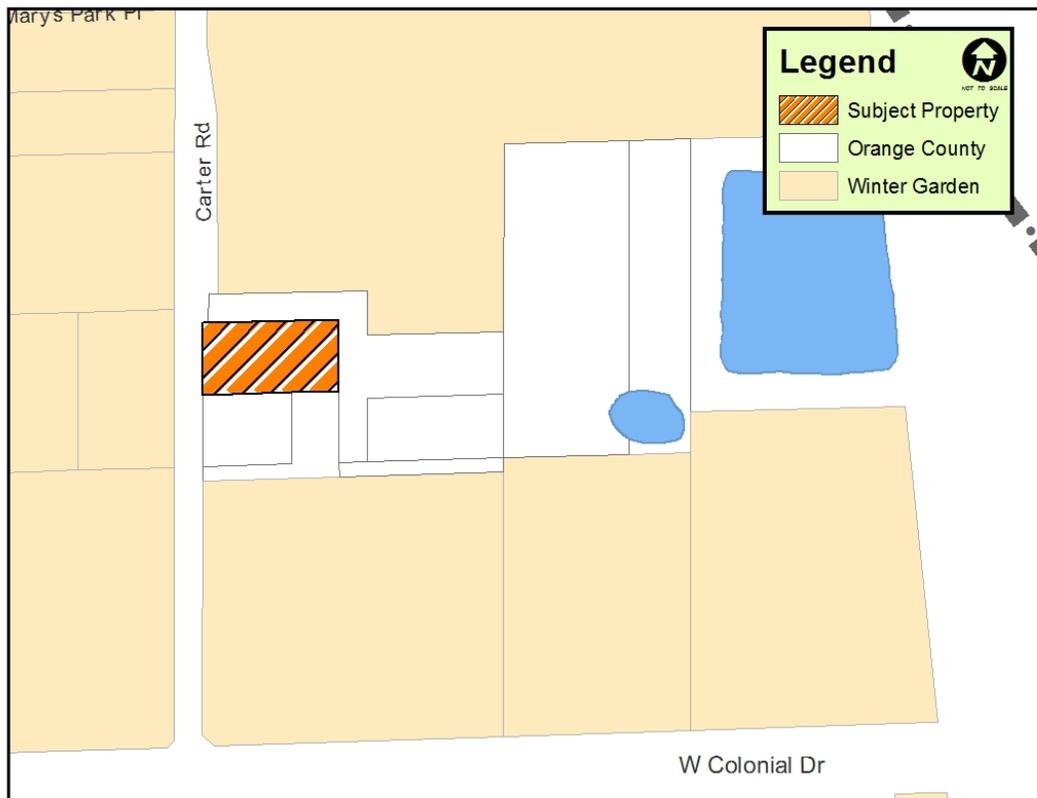
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** DECEMBER 29, 2015  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**933 CARTER ROAD (0.907 +/- ACRES)**  
**PARCEL ID #:** 24-22-27-0000-00-015  
**APPLICANT:** DUSTIN PROPERTIES II, LLC

### 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 933 Carter Road, on the east side of Carter Road south of East Story Road and north of West Colonial Drive and is approximately 0.907 ± 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 Multi Office Industrial, and rezoning the property to I-2 General Industrial District.

In accordance with the City’s Comprehensive Plan, properties designated with the Multi Office Industrial land use category are required to be developed at a floor area ratio not greater than 0.35 and up to a floor area ratio of 0.75 by development bonus in Activity Centers. Maximum building height is three stories and up to five stories by development bonus in activity centers. The Multi Office Industrial land use shall be located in the northeast area of the City. The Multi Office Industrial land use areas should be developed as planned office and industrial parks with extensive landscaping, coordinated parking, roadway connectors, and cross access. Permitted uses shall include office, research and development, distribution facilities, industrial, support office uses, warehousing, office showroom, support manufacturing, assembly uses, industrial, and support retail. Mixed-use development will be encouraged in this land use where mixed uses may occupy the same building or same parcel. Development shall provide transit and pedestrian-friendly design. Development may exceed the stated 0.5 floor area ratio only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with Multi Office Industrial land use designation include C-2, C-3, C-4, I-1, I-2, PID, PUD, and INT.

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

### **EXISTING USE**

The subject property currently contains one single family house.

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

The property located to the north is vacant on the southern end, but the northern portion is a paved parking lot of Manheim Auto Auctions, zoned I-2, and located in Winter Garden. The property located to the east is developed with a single family house, zoned A-1, and located in Orange County. The property to the south is developed with a single family house, zoned A-1, and located in Orange County. The property to the west is developed with a recreational vehicle storage parking lot, zoned I-2, and located in Winter Garden.

### **PROPOSED USE**

The applicant intends to annex the property and sometime in the future construct a building to be used for an auto service business.

### **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.

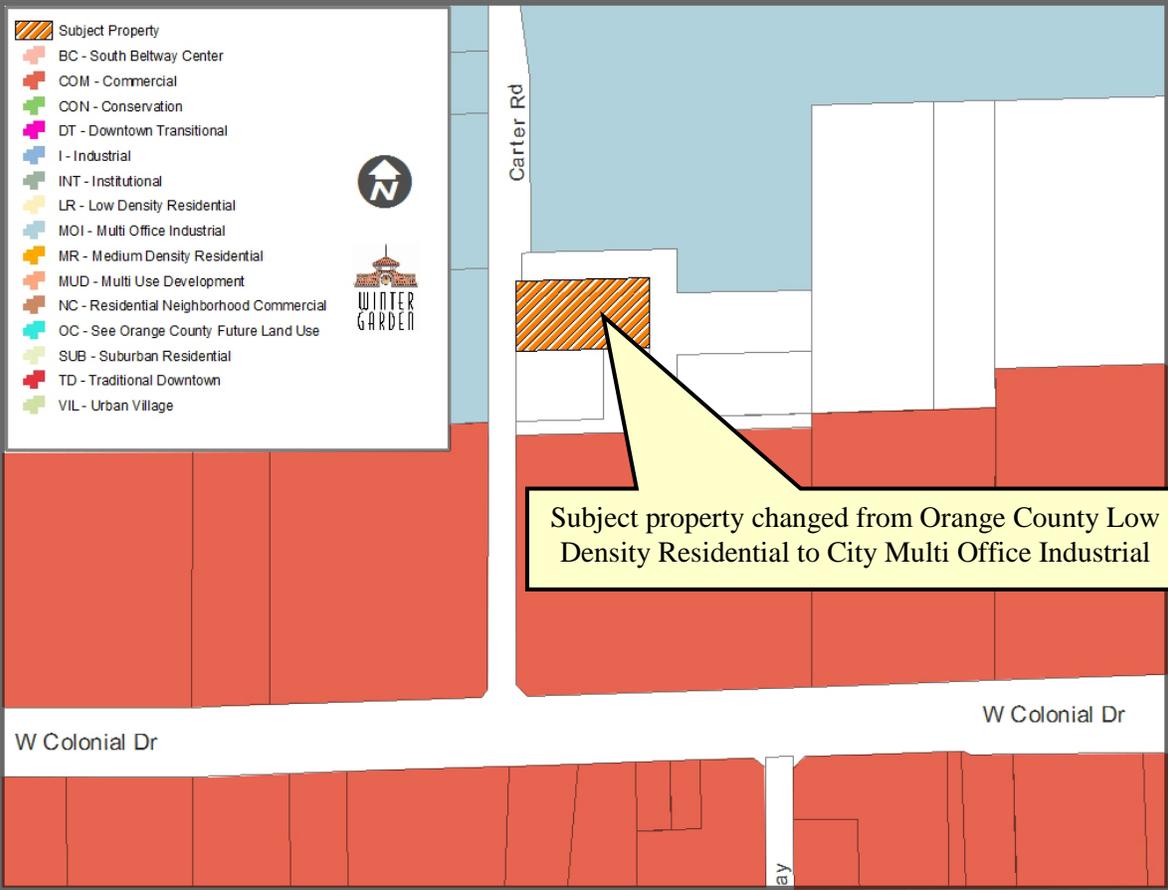
MAPS

**AERIAL PHOTO**

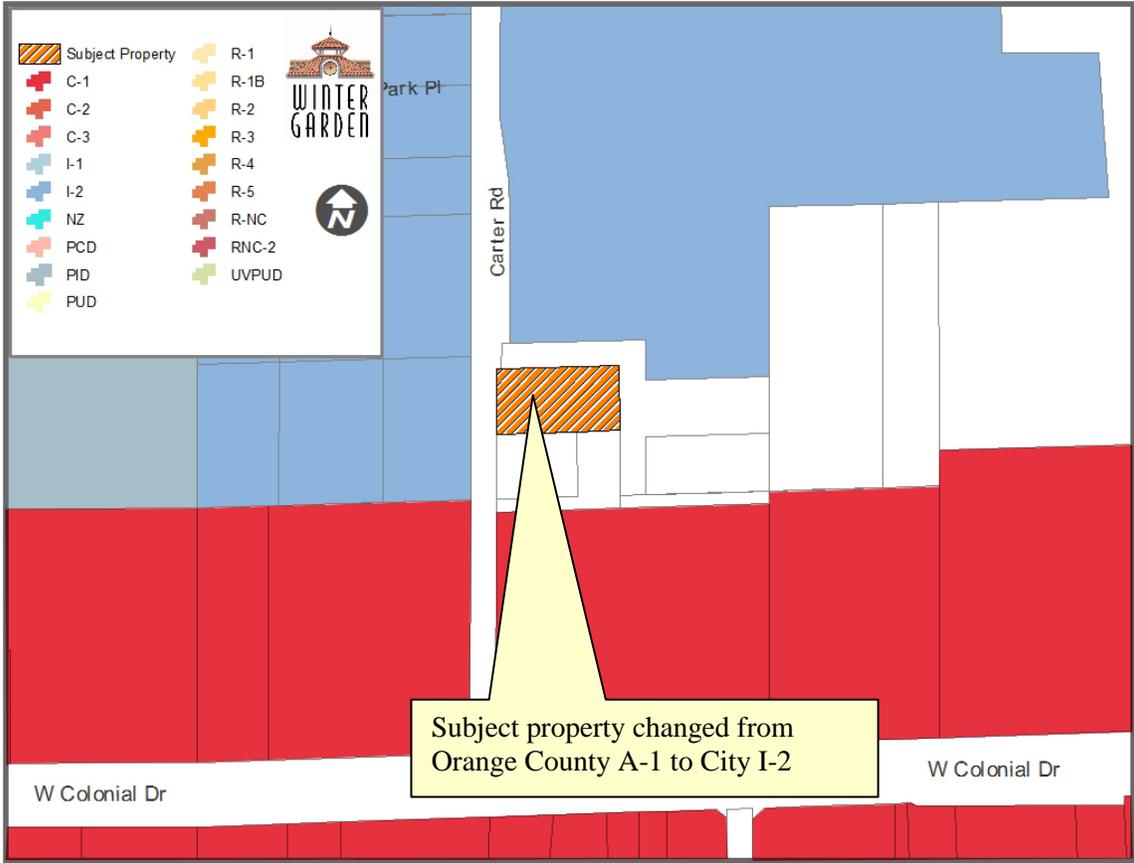
**933 Carter Road**



**FUTURE LAND USE MAP**  
**933 Carter Road**



**ZONING MAP**  
**933 Carter 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:** December 29, 2014

**Meeting Date:** January 8, 2015

**Subject:** 120 East Maple Street  
**J & S Production**  
**Ordinance 15-17**  
**PARCEL ID # 23-22-27-7948-02-010**

**Issue:** The applicant is requesting Annexation, Future Lands Use designation, and Zoning on property located at 120 East Maple Street.

**Discussion:**

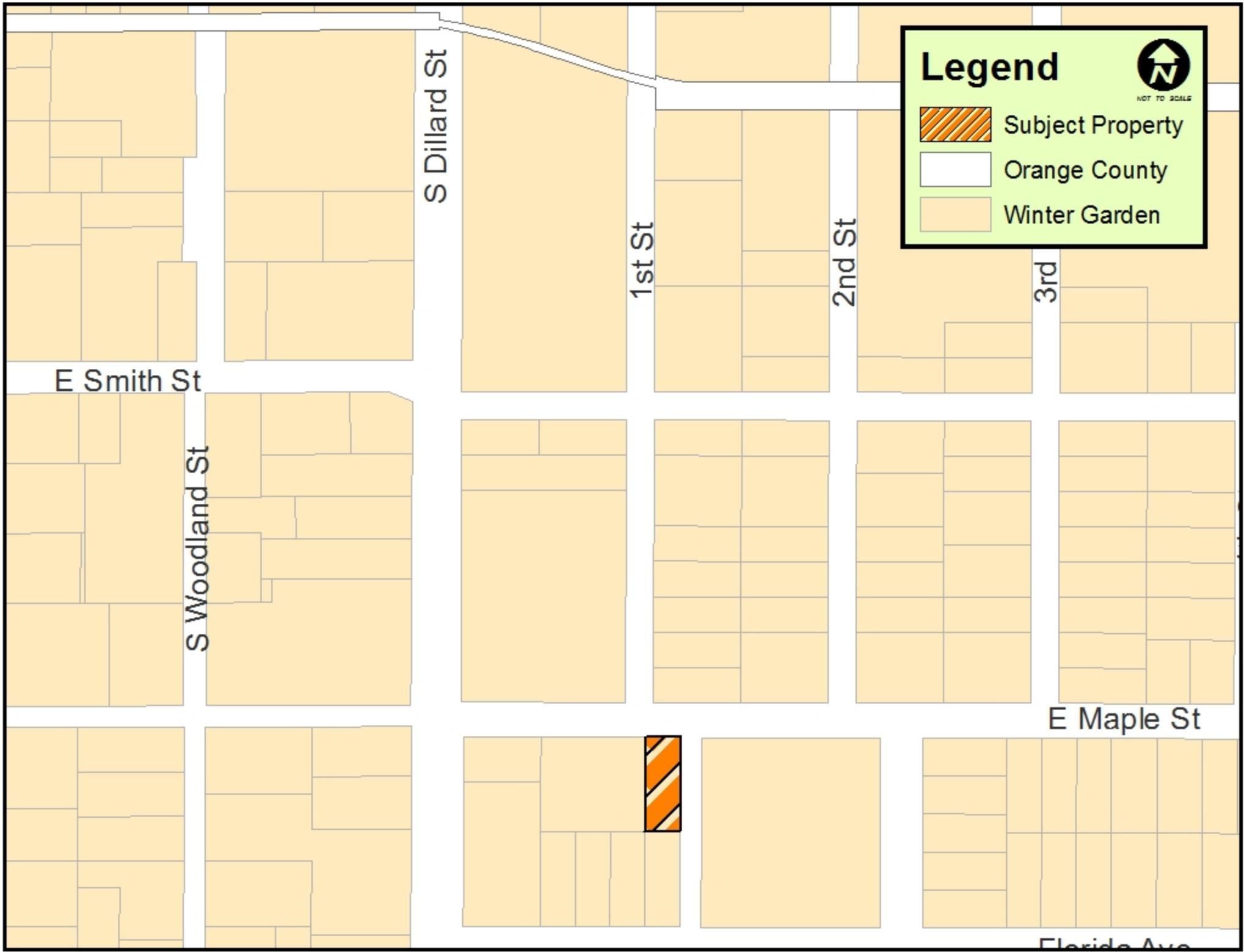
The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property consists of a 0.16 ± acre lot located at 120 East Maple Street at the southwest corner of East Maple Street and Charles Street. The R-2 zoned property currently contains an office building. The applicant is requesting to rezone the property to C-3 Professional Office District to be consistent with the existing Commercial FLU designation as well as the character of the surrounding area and the existing development. (See attached Staff Report).

**Recommended Action:**

Staff recommends approval of Ordinance 15-17 with the second reading scheduled for January 22, 2015.

**Attachment(s)/References:**

Location Map  
Ordinance 15-17  
Staff Report



# Legend



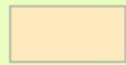
NOT TO SCALE



Subject Property



Orange County



Winter Garden

E Smith St

S Woodland St

S Dillard St

1st St

2nd St

3rd St

E Maple St

Florida Ave



ORDINANCE 15-17

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.16 ± ACRES LOCATED AT 120 EAST MAPLE STREET AT THE SOUTHWEST CORNER OF EAST MAPLE STREET AND CHARLES STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY C-3 PROFESSIONAL OFFICE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.16 ± acres located at 120 East Maple Street at the southwest corner of East Maple street and Charles Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from R-2 Residential District to C-3 Professional Office 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 C-3 Professional Office 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 R-2 Residential District to C-3 Professional Office 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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#: 23-22-27-7948-02-010

**DESCRIPTION:**

Lot 1, Block B, SHADOW LAWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book L, Page 125, Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Northeast corner of Lot 1, Block B, SHADOW LAWN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book L, Page 125, Public Records of Orange County, Florida; thence run South 00°00'00" East 135.00 feet to the Southeast corner of said Lot 1; thence South 90°00'00" West 50.00 feet to the Southwest corner of said Lot 1; thence North 00°00'00" East 135.00 feet to the Northwest corner of said Lot 1; thence North 90°00'00" East 50.00 feet to the POINT OF BEGINNING.

Containing 0.155 acres, more or less.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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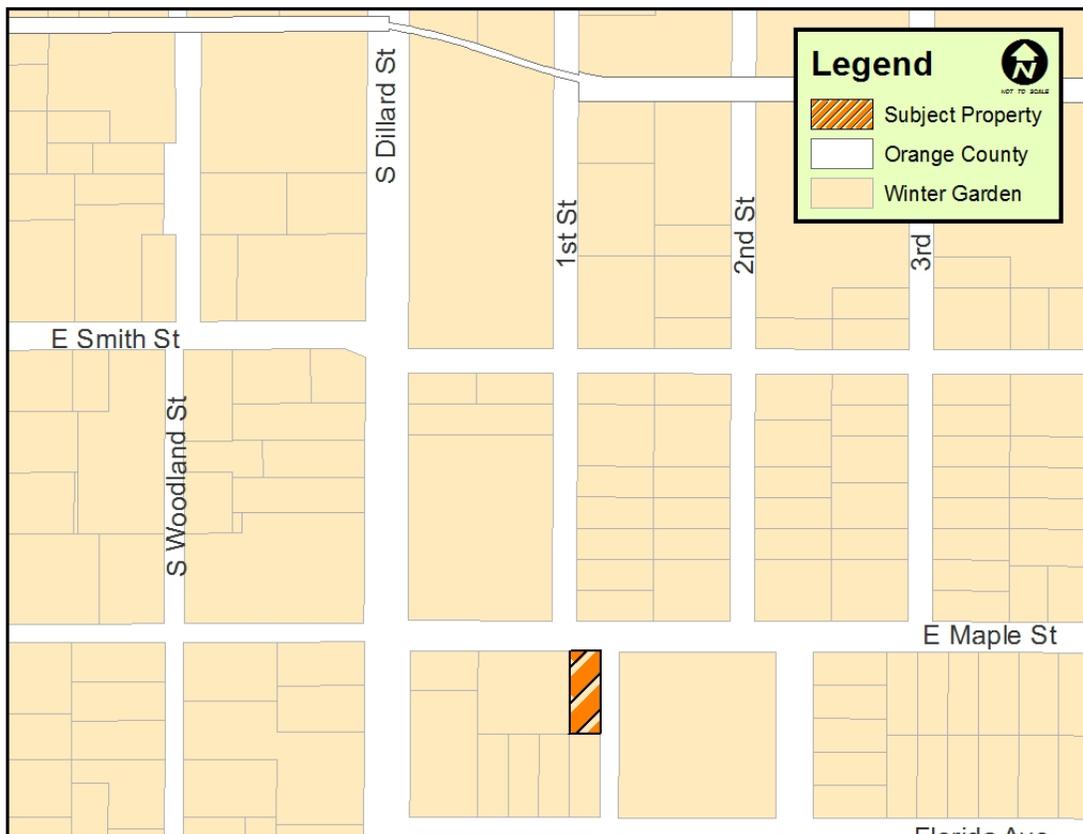
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** DECEMBER 29, 2014  
**SUBJECT:** REZONING (R-2 to C-3)  
**120 E MAPLE STREET (0.16 +/- ACRES)**  
**PARCEL ID #:** 23-22-27-7948-02-010  
**APPLICANT:** City of Winter Garden

### 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 120 East Maples Street and is approximately 0.16 ± acres. The map below depicts the subject property within the City's jurisdictional limits:



The property is located within the City of Winter Garden jurisdictional limits, is zoned R-2 Residential District, and has a Future Land Use Designation of Commercial. The applicant is now requesting to rezone the property to C-3 Professional Office District, which is consistent with the existing Commercial FLU designation.

### **EXISTING USE**

The subject property contains a 1,760 square foot office building used as a book keeping, immigration, and notary service business. The property was recently reviewed and approved for a small scale site plan to install a parking lot and landscaping.

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

The properties located to the north of the subject property are zoned C-3 (Professional Office District) and R-2 (Residential District), located within the City of Winter Garden municipal limits, and have a three story office building on the C-3 property and a single family home on the R-2 property. The property located to the east of the subject site is zoned R-2, located in the City, and contains a City Park. The properties to the south of the subject property are zoned C-3, located in the City, and contain a child care facility. The property to the west of the subject property is zoned C-3, located in the City, and contains an office.

### **PROPOSED USE**

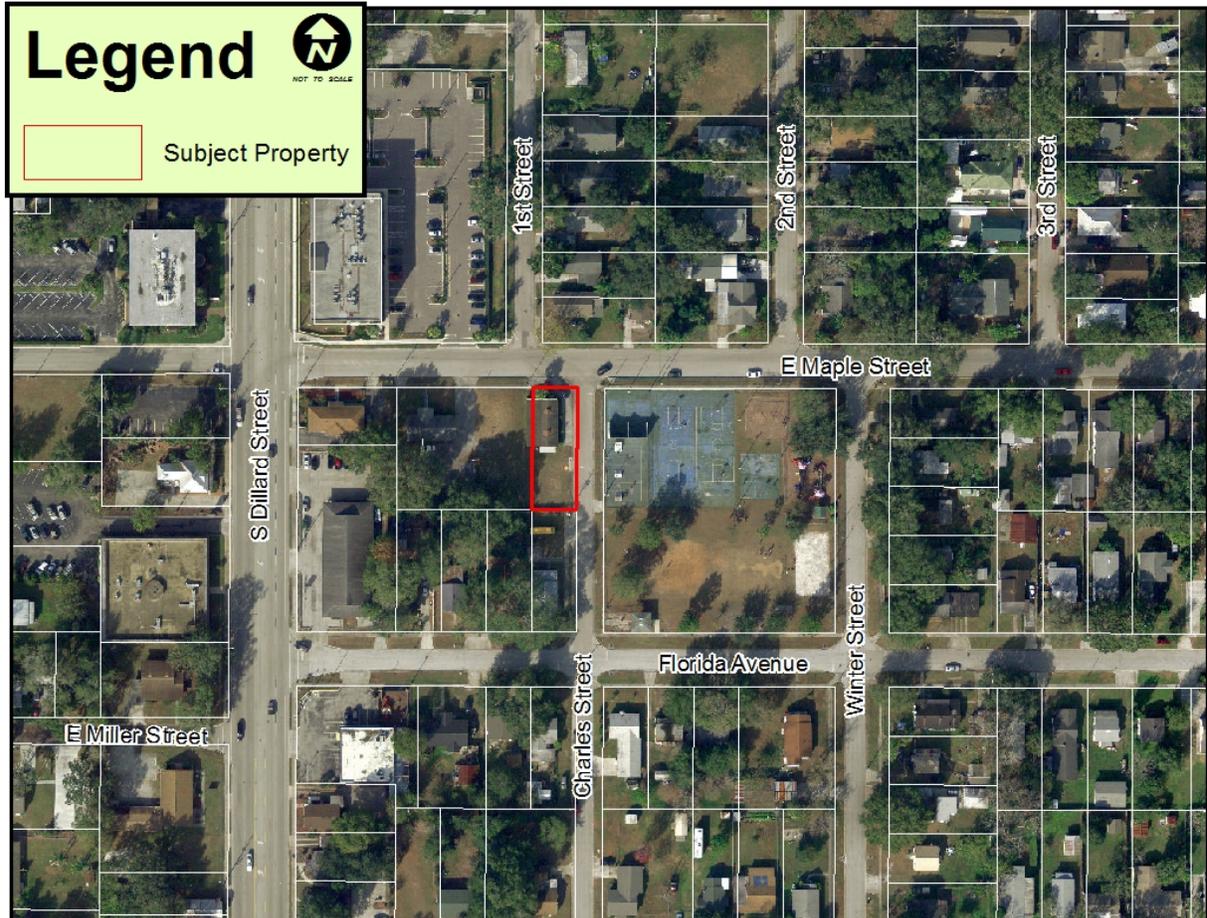
The subject site was previously approved for a Site Plan to construct a parking lot and add landscaping to an existing office building. After the work was completed and the owners applied for a building permit to install a sign, staff found that the property did not have the correct zoning designation. Upon further review, staff found that an error occurred when the Comprehensive Plan was amended in 2010 and the property was not rezoned. This rezoning is being done by the City of Winter Garden to correct an error on the official Zoning Map.

### **SUMMARY**

City Staff recommends approval of the proposed Ordinance.

## AERIAL PHOTO

### 120 EAST MAPLE STREET



# ZONING MAP

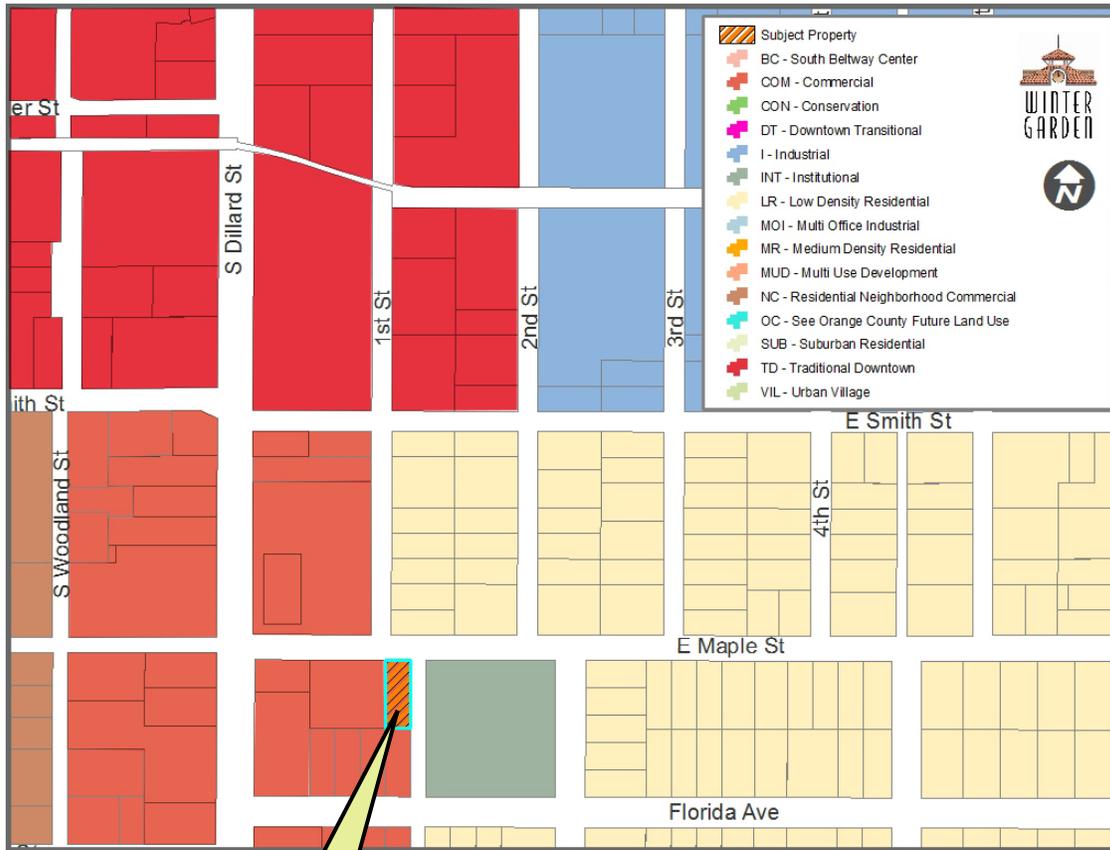
## 120 EAST MAPLE STREET



**Subject property change  
from City R-2 to C-3**

## FUTURE LAND USE MAP

### 120 EAST MAPLE STREET



**Subject property existing  
Commercial FLU**

**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:** December 29, 2014

**Meeting Date:** January 8, 2015

**Subject:** 360 West Plant Street  
**Blue House Development, LLC**  
**Ordinance 15-18**  
**PARCEL ID # 23-22-27-2888-05-011**

**Issue:** The applicant is requesting to rezone a 0.49 ± acre property which is located within the City of Winter Garden and carries a Future Land Use Designation of TD (Traditional Downtown) on the Future Land Use Map of the City's Comprehensive Plan from R-NC (Residential Neighborhood Commercial District) to C-1 (Central Commercial District).

**Discussion:**

The proposed rezoning is consistent with the existing Future Land Use designation and the development on the surrounding properties (See attached Staff Report).

**Recommended Action:**

Staff recommends approval of Ordinance 15-18 with the second reading scheduled for January 22, 2015.

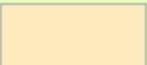
**Attachment(s)/References:**

Location Map  
Ordinance 15-18  
Staff Report



# Legend

NOT TO SCALE

-  Subject Property
-  Orange County
-  Winter Garden

ORDINANCE 15-18

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.49 ± ACRES LOCATED AT 360 WEST PLANT STREET AT THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH CENTRAL AVENUE FROM CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT TO CITY C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.49 ± acres located at 360 West Plant Street at the southeast corner of West Plant Street and South Central Avenue, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from R-NC Residential Neighborhood Commercial to C-1 Central 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 C-1 Central 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 R-NC Residential Neighborhood Commercial District to C-1 Central 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 upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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#: 23-22-27-2888-05-011

DESCRIPTION: THE NORTH ½ OF THE FOLLOWING DESCRIBED PROPERTY: COMMENCING AT A POINT 13 CHAINS AND 35 LINKS WEST OF THE EAST BOUNDARY OF THE NW ¼ OF THE NW ¼ OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AND 7 CHAINS AND 7 LINKS NORTH OF THE SOUTH BOUNDARY OF SAME DESCRIBED FORTY ACRES, THENCE RUN EAST 7 RODS, THENCE NORTH TO THE RIGHT OF WAY OF TAVARES AND GULF R. R., THENCE WEST 7 RODS, THENCE SOUTH TO THE BEGINNING POINT, LESS THE EAST 15 FEET OF THE ABOVE DESCRIBED PROPERTY.

A/K/A

THE NORTH ½ LOT 1, BLOCK E, LESS THE EAST 15 FEET, MAP OR PLAT ENTITLED "FRIES PLAT OF WINTER GARDEN", AS RECORDED IN PLAT BOOK E, PAGE(S) 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

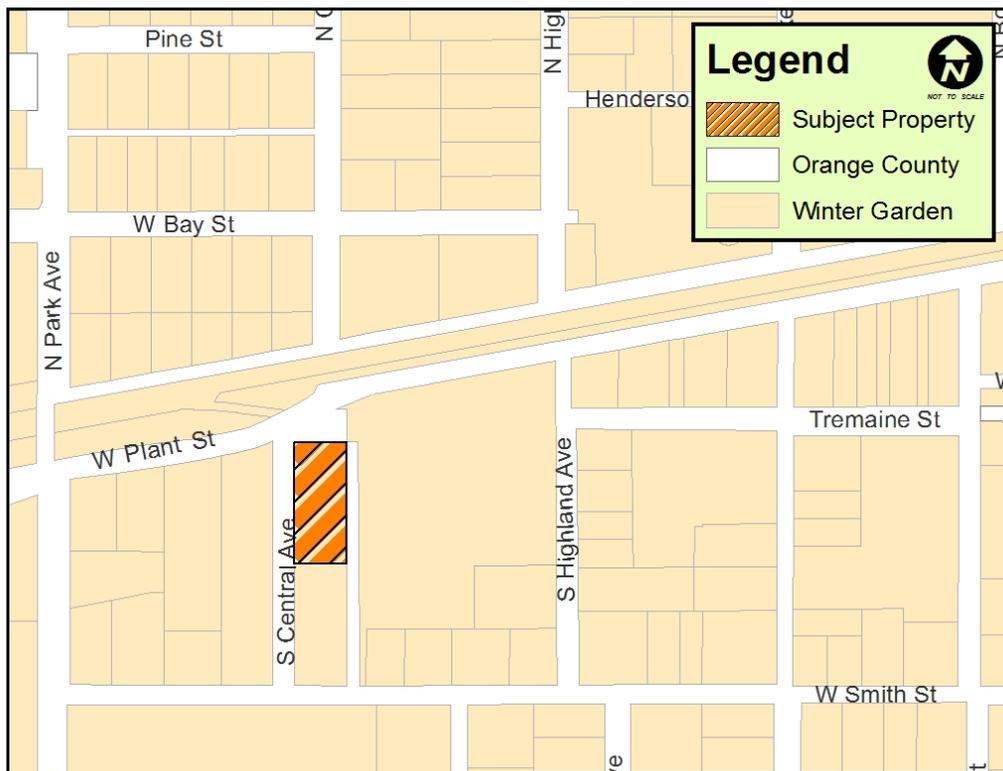
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** DECEMBER 29, 2014  
**SUBJECT:** REZONING  
**360 W. Plant Street (BLUE HOUSE DEVELOPMENT)**  
**PARCEL ID # 23-22-27-2888-05-011**

**APPLICANT:** Blue House Development, LLC

### 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 at the southeast corner of South Central Avenue and W. Plant Street at 360 W. Plant Street, is approximately 0.49 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant recently purchased the property and is requesting to rezone the 0.49 ± acre property which is located within the City of Winter Garden and carries a Future Land Use Designation of TD (Traditional Downtown) on the Future Land Use Map of the City's Comprehensive Plan from R-NC (Residential Neighborhood Commercial District) to C-1 (Central Commercial District).

### **EXISTING USE**

The subject property contains a 1,184 square foot single family house built in 1941 and a 200 square foot accessory structure.

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

The properties located to the north of the subject property are single family residences, zoned R-2, and located in the City of Winter Garden. The property located to the east of the subject property is Winter Garden City Hall and zoned C-1. The property to the west of the subject property is zoned C-1 and is currently under construction building the Plant Street Market, which contains +/- 11,500 square foot retail building with a micro brewery and multiple shops. The property located to the south of the subject property is a city parking lot zoned R-NC.

### **PROPOSED USE**

The new owners recently purchased the property and intend to demolish the existing house and develop a +/- 18,000 square foot retail/office building with a parking lot. The Building Official has inspected the house and determined that due to the amount of damage the house is in a state of disrepair and should be demolished to protect the public safety. The owners have submitted an application to the Architectural Review Historic Preservation Board to get approval to demolish the buildings and get approval of the proposed elevations for the new development. Once they have received approval from the ARHPB, they will need to submit for Site Plan Review and the proposed project will be reviewed by the Development Review Committee.

### **SUMMARY**

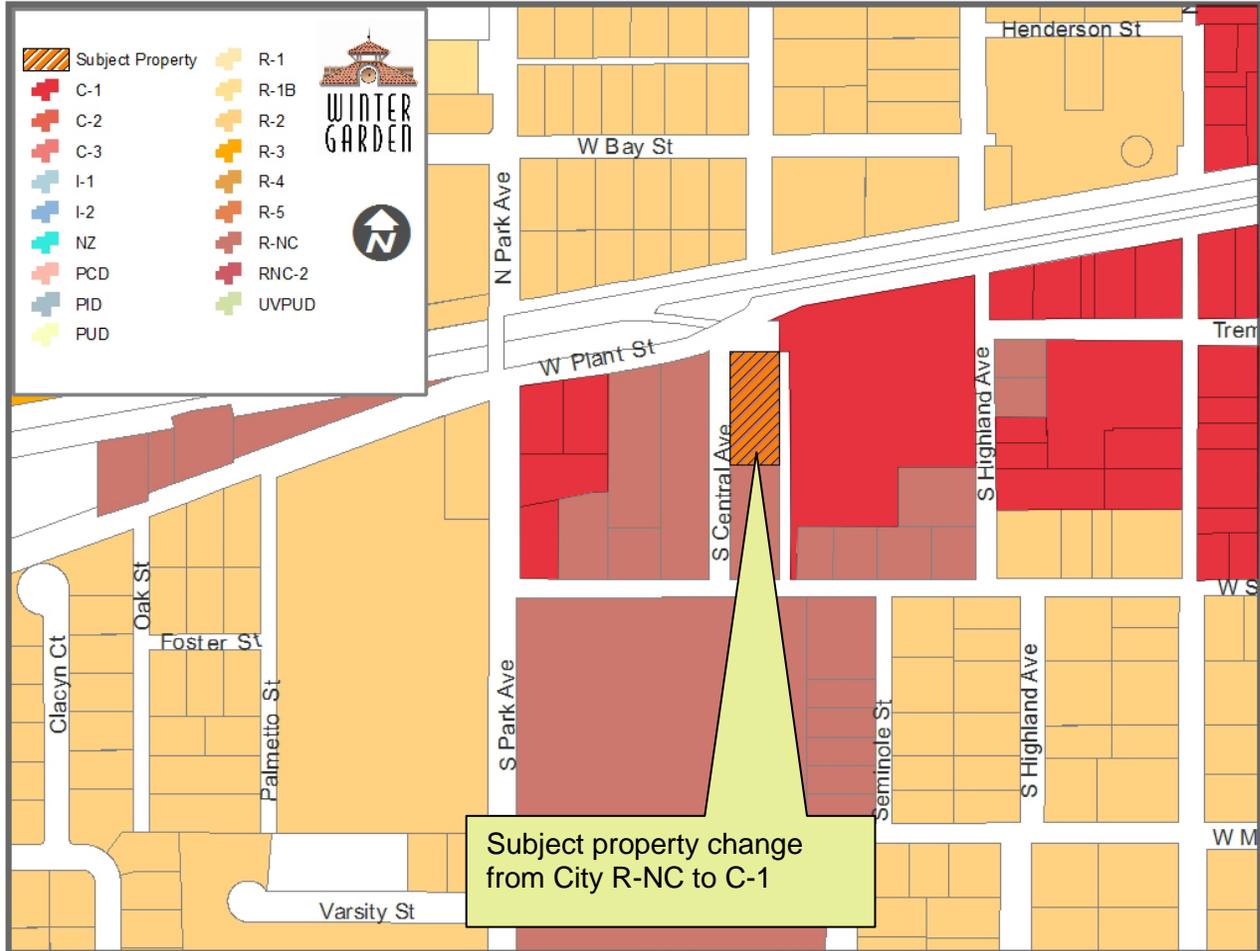
Staff recommends approval of Ordinance 15-18 to rezone the subject property from R-NC to C-1, which is consistent with the City's Comprehensive Plan and surrounding properties.

MAPS

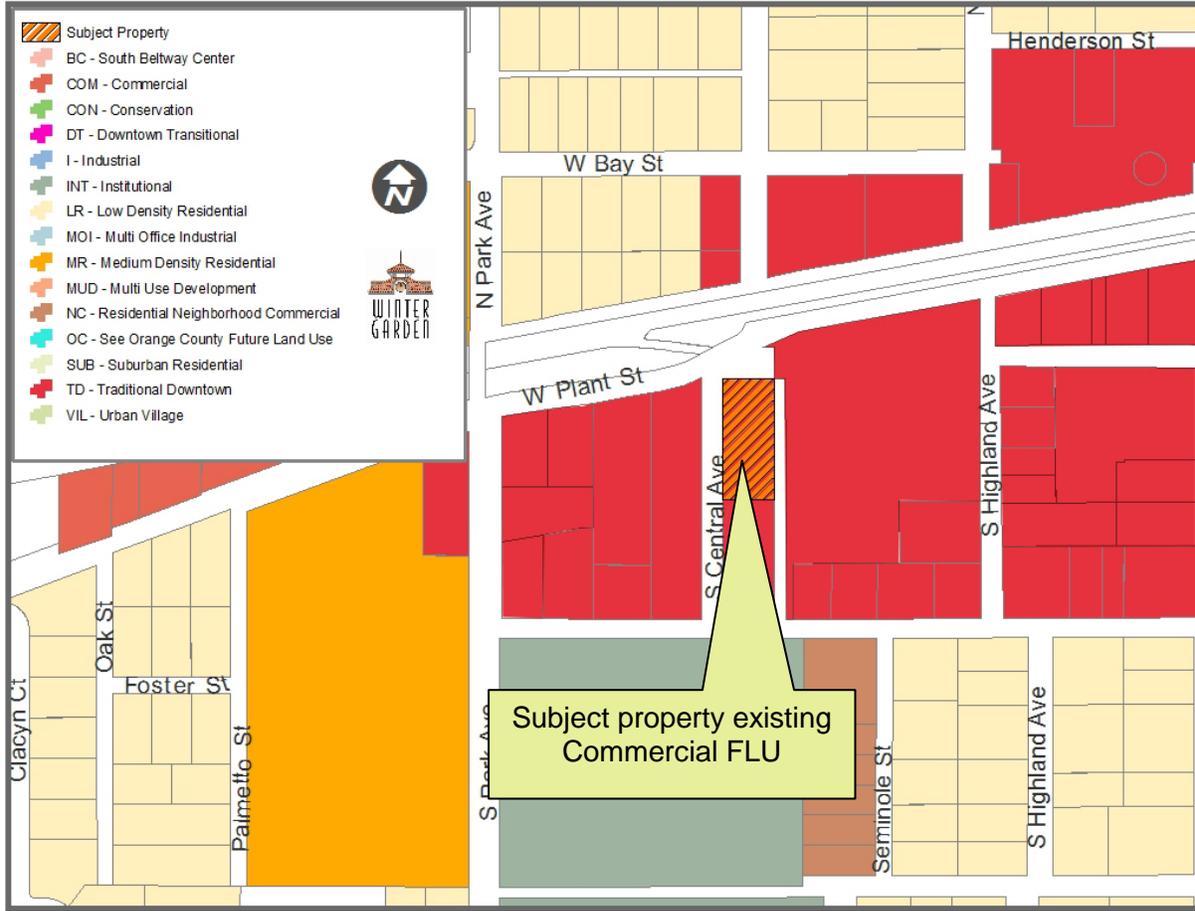
**AERIAL PHOTO**  
**360 W. Plant Street**



**ZONING MAP**  
**360 W. Plant Street**



### FUTURE LAND USE MAP 360 W. Plant Street





**PROPOSED SITE LAYOUT**  
**360 W. Plant Street**



**RENDERING SUBMITTED TO ARHPB FOR REVIEW**  
**360 W. Plant Street**



**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:** December 30, 2014                      **Meeting Date:** January 8, 2015

**Subject:** 17500, 17501, 17416, & 17451 Marsh Road & 2002 Williams Road  
**Four Corners**  
**Urban Village Planned Unit Development Rezoning**  
PARCEL ID# 06-23-27-4284-08-410  
PARCEL ID# 06-23-27-4288-08-330  
PARCEL ID# 06-23-27-4288-08-302  
PARCEL ID# 06-23-27-4288-08-304  
PARCEL ID# 06-23-27-4288-08-310

**Issue:** The applicant is requesting to rezone 23.64± acres of land from No Zoning to Urban Village Planned Unit Development (UVPUD).

**Discussion:** The applicant proposes to rezone the 23.64± acre site to allow residential, commercial, and mixed-use development. The property is considered part of the Village Center within the Comprehensive Plan's Urban Village Future Land Use designation and the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. According to the aforementioned documents, commercial and mixed uses are permitted within the Village Center subject to certain buffer restrictions- please see attached Staff Report. This rezoning request is being considered in conjunction with a request to approve the Four Corners UVPUD Developer's Agreement.

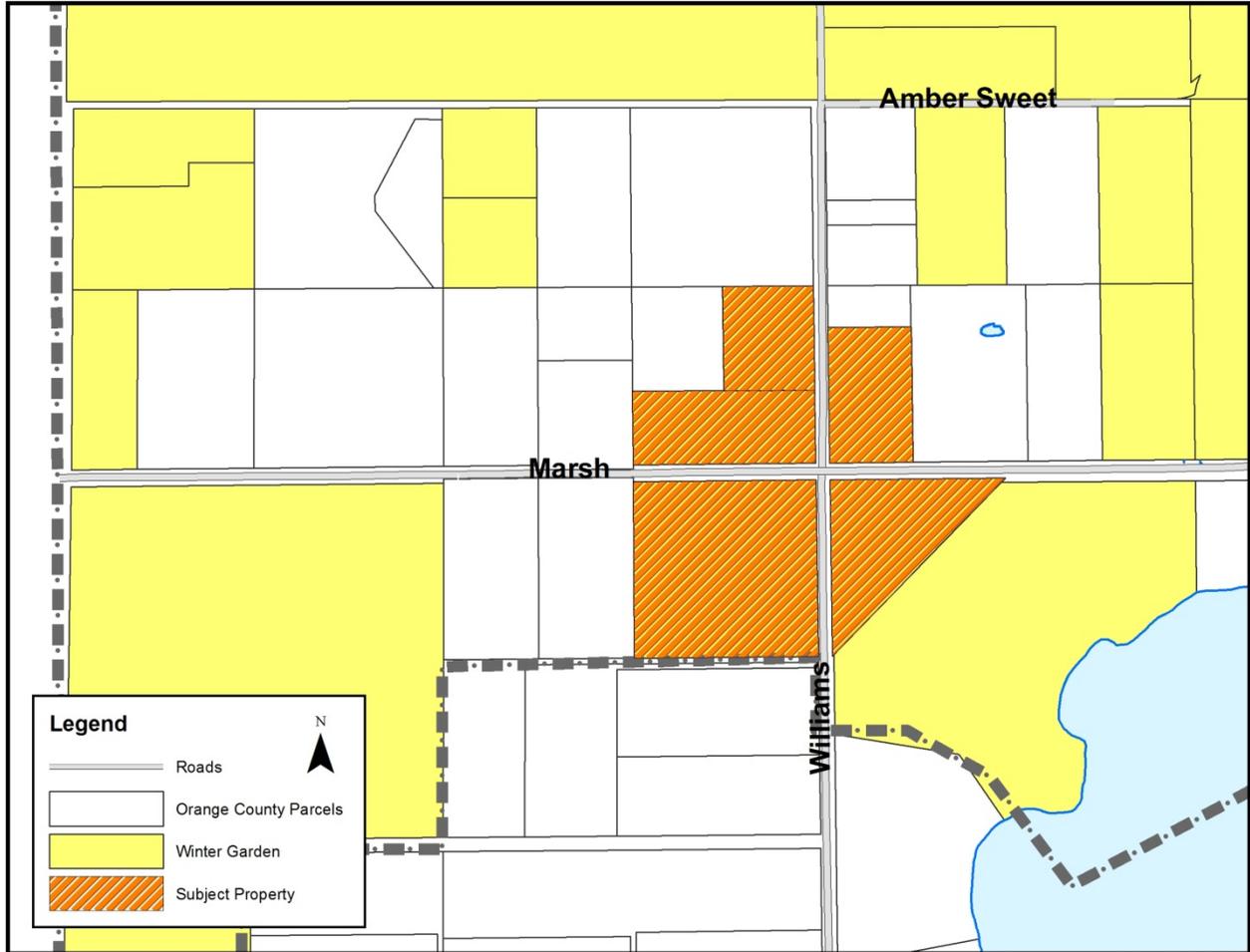
**Recommended Action:** Staff recommends approval and adoption of Ordinance 15-04, subject to the Conditions of the attached Staff Report.

**Attachment(s)/References:**  
  
Location Map  
Ordinance 15-04  
Staff Report

# LOCATION MAP

Ordinance 15-04

Four Corners UVPUD



ORDINANCE 15-04

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 23.64 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH, SOUTH, EAST, AND WEST CORNERS OF THE INTERSECTION OF MARSH ROAD AND WILLIAMS ROAD AT 17416, 17451, 17500, AND 17501 MARSH ROAD AND 2002 WILLIAMS ROAD, FROM CITY NO ZONING (NZ) TO CITY URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); DESCRIBING THE DEVELOPMENT AS THE FOUR CORNERS UVPUD; PROVIDING FOR CERTAIN UVPUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the Owner(s) of real property generally described as approximately 23.64 ± acres of certain real property generally located on the north, south, east, and west corners of the intersection of Marsh Road and Williams Road at 17416, 17451, 17500, and 17501 Marsh Road and 2002 Williams Road in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from City NZ to City UVPUD, 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 adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden, and the City of Winter Garden Code of Ordinances, and

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

**SECTION 1: Rezoning.** After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from City NZ to City UVPUD in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Preliminary Plan-** All development on the Property must substantially conform to the requirements identified in the Four Corners Urban Village Planned Unit Development Preliminary Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Four Corners Urban Village Planned Unit Development Preliminary Plan attached hereto as Exhibit “B”, then the standards and conditions established by this

Ordinance shall control.

- b. **Zoning-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, all development on the Property must comply with the general zoning requirements of the Urban Village Planned Unit Development Zoning District.
- c. **JPA-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, all development of the Property must conform to the requirements of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007.
- d. **Permitted, Special Exception, and Prohibited Uses**

**1. Low Density Residential Zone**

- a. **Permitted Uses** – The Permitted Uses allowed in this zone within the subject property are as follows:
  - Residential Dwelling Units including single-family and multi-family housing in accordance with the density requirements of this zone.
  - Public Parks and Recreation Facilities
  - Retention Areas
- b. **Prohibited Uses and Structures**– The Prohibited Uses and Structures in this zone within the subject property are as follows:
  - Commercial Uses
  - Apartment Complexes
  - Communication Towers
  - House trailers in vacant lots or residential yards
  - Any structure or use of a nature not specifically or provisionally permitted in this division.

**2. Mixed Use Zone**

- a. **Permitted Uses** - The Permitted Uses allowed in this zone within the subject property are as follows:
  - All uses permitted in the Low Density Residential Zone.
  - Retail Stores and shops of a neighborhood convenience.
  - Dry Cleaning and Laundry Facilities
  - Bakeries and neighborhood food service

- establishments
- Drug Stores and Sundries
- Professional Offices and Studios
- Personal Services
- Laboratories and Clinics
- Live / Work Units
- Upper-Story Residential Dwelling Units
- Nursing Homes
- Civic Facilities

**b. Special Exception Uses and Structures** – The Special Exception Uses and Structures in this zone within the subject property are as follows:

- Outdoor Sales Displays
- Fuel sales (only one location is permitted within this UVPUD)
- Buildings with drive thru lanes with a maximum one such building per quadrant. Lanes may not face Marsh Road or Williams Road and there may be no direct access to either road.
- All types of businesses in buildings not of standard construction or without restroom facilities

**c. Prohibited Uses and Structures** – The Prohibited Uses and Structures in this zone within the subject property are as follows:

- Manufacturing and industrial activities, transportation terminals, storage warehousing and other activities of a similar nature.
- Apartment Complexes
- All uses not specifically or provisionally permitted in this division; any use not in keeping with a low-density commercial character.
- Communication Towers
- Schools / Daycares

**e. Design Criteria/Architectural Standards-**

**1. Low Density Residential Zone:**

**a. Architectural Review** - Elevations of the front and rear building exposures and any side building exposures visible from a public right-of-way must be provided and approved as part of the site plan approval process.

**b. Lot Size-** Minimum lot width shall be 75 feet for detached housing units and 24 feet for attached housing units.

**c. Density-** Maximum residential density permitted in this zone shall be 3 dwelling units per acre.

**d. Building Height-** Maximum building height shall be 35 feet.

**e. Minimum Living Area-** Minimum living area for each residential unit shall be 1,500 square feet for detached housing units and 1,300 square feet for attached housing units.

**f. Signage-** All signage shall be reviewed and permitted by the City of Winter Garden. Electronic message centers are prohibited.

**g. Setbacks and Required Yards-**

i. All residential development shall be set back no less than 100 feet from the limits of Unincorporated Orange County parcels located outside the JPA 6 Expansion Area.

ii. Side yard setbacks shall be no less than 7.5 feet and shall be unobstructed by any mechanical equipment including, but not limited to, AC units, pool equipment, water filtration systems, gas tanks, propane tanks, and any other utility or service equipment; rear yard setback shall be no less than 25 feet; and front yard setback shall be no less than 25 feet with the exception of homes with 5 foot recessed garage or side loaded garage which shall maintain a 20 foot front yard setback. Any landscaping or fencing installed within the setback areas shall be designed and constructed so as not to interfere with any easement function.

## **2. Mixed Use Zone:**

**a. Architectural Standards-** All commercial buildings and sites shall adhere to the Four Corners Urban Village Planned Unit Development Commercial Design Guidelines, attached hereto as Exhibit "C".

**b. Architectural Review-** Elevations of all four building exposures must be provided and approved as part of the site plan

approval process. The elevations must be compliant with the general architectural design criteria identified in Exhibit "C".

**c. Landscape Design** - Unless specifically identified or allowed in Exhibit "C", all commercial sites shall be required to adhere to the landscape design standards for specified commercial corridors in accordance with Chapter 118, Article X, Division 3 of the City of Winter Garden Code of Ordinances.

**d. Density-** Maximum residential density permitted in this zone shall be 12 dwelling units per acre.

**e. Commercial Floor Area Ratio (FAR) & Maximum Area-** Non-residential uses may not exceed a FAR of 0.30. The maximum area of commercial space permitted within this UVPUD shall be 90,000 square feet for retail uses and 80,000 for professional office uses not to exceed a combined total of 115,000 square feet.

**f. Building Height-** Maximum building height shall be 40 feet, not to exceed two stories.

**g. Signage-** All signage shall be reviewed and permitted by the City of Winter Garden. Unless specifically identified or allowed in Exhibit "C", all signs for commercial uses shall comply with the City of Winter Garden's commercial sign standards in accordance with Chapter 102, Article III, Division 3 of the City of Winter Garden Code of Ordinances. Electronic message centers are prohibited.

**h. Cross Access Corridors-** Use of cross-access corridors and driveways is required for commercial properties located adjacent to Marsh Road and Williams Road.

**i. Setbacks and Lot Standards-**

i. All commercial development shall be set back no less than 500 feet from the limits of Unincorporated Orange County parcels located outside the JPA 6 Expansion Area.

ii. All commercial and mixed-use buildings shall be set back no less than 50 feet adjacent to Marsh Road and 25 feet adjacent to Williams Road. All residential buildings shall be set back no less than 50 feet adjacent to Marsh Road and 25 feet adjacent to Williams Road.

- iii. One story commercial buildings shall be set back no less than 50 feet when located adjacent to a residential parcel. Two story commercial buildings shall be set back no less than 100 feet when located adjacent to a residential parcel. Within this UVPUD boundary, the buffers between single family residential lots and commercial buildings shall be as described above.
- iv. Distances between structures in this zone shall comply with the Urban Village Planned Unit Development requirements in accordance with Chapter 118, Article V, Division 2, Subdivision II.
- v. Setbacks:
  - a. Commercial structures, Mixed-Use structures, and Multi-Family Residential units: Internal side yard setbacks shall be no less than 10 feet; Corner side yard setbacks shall be no less than 20 feet; rear yard setbacks shall be no less than 15 feet; and front yard setback shall be no less than 20 feet.
  - b. Single Family Residential Uses: All single-family residential uses shall comply with the setback requirements of the Low Density Residential Zone.

**f. Common Recreation and Open Space-**

The Property is located within the Resource Protection Overlay, and in compliance with the City of Winter Garden Comprehensive Plan Future Land Use Element Policies 1-3.1.7 and 1-3.1.8 will provide no less than 25% Wekiva Study Area Open Space.

To the greatest extent possible, 5% of the developable area of the Property (which may be within the 25% Wekiva Study Area Open Space) shall be set aside for active, dry-land recreational use. In the event that this requirement cannot be met wholly or in part, then a financial contribution in accordance with Chapter 110, Article V, Division 2 of the City Code of Ordinances shall be made to the City Recreation Fund to fulfill the requirement.

**g. Setback and Buffer Areas**

Permitted uses within all setback and buffer areas include retention, passive recreation, and landscape areas.

**h. Lighting**

**a. Site Lighting**

Unless specifically identified or allowed in Exhibit “C”, all external site lighting for buildings, parking areas and pedestrian walkways shall comply with the lighting design standards, requirements, and regulations pertaining to specified commercial corridors within the City of Winter Garden in accordance with Chapter 118, Article X, Division 4.

**b. Street Lighting**

All lighting provided along public and private streets shall comply with the requirements pertaining to construction and installation of public improvements in accordance with Appendix A, Article II, Section 2.09.

**c. Dark-Sky Requirement**

All light fixtures shall adhere to dark-sky requirements. Fixtures shall be full cutoff casting zero light above 90 degrees.

**i. Staff Conditions-** All development on the Property must comply with the following conditions:

1. Extension of utility lines, sized to accommodate the Project, to proposed development will be at the developer’s expense in accordance with Chapter 78, Article VI of the City of Winter Garden Code of Ordinances.
2. A master utilities analysis is required to be provided to the City for review prior to approval of preliminary plat and may include an upsizing agreement with the City.
3. Permits or exemptions are required from SJRWMD (stormwater) and FDEP (water, wastewater, NPDES) prior to construction.
4. Provide flow calculations for Utility Department verification of water and sewer impact fees. Final plans will not be approved for construction until utility impact fees have been paid and FDEP permits have been issued.
5. No fill or runoff will be allowed to discharge onto adjacent properties without the necessary easements; existing drainage patterns shall not be altered. Provide erosion control plan prior to issuance of building permit. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 – Stormwater of the City of Winter Garden Code of Ordinances.

6. Once the plans are approved, a preconstruction meeting is required prior to any commencement of construction. The applicant shall pay all engineering review and inspection fees at the preconstruction meeting prior to construction. Provide certified engineer's cost estimate or executed construction contract as basis of inspection fees (2.25%).
7. The City of Winter Garden is not authorizing or approving drainage discharges onto private property or property owned or controlled by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner. Maintenance of project-related on-site or off-site drainage improvements will be the responsibility of the Owner, not the City.
8. Providing positive drainage within the site is the responsibility of the Design Engineer. The City will not maintain any portion of the on-site drainage systems or parking lot(s).
9. If approval is granted by the City of Winter Garden, it does not grant authority to enter, construct or otherwise alter the property of others, nor does it waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
10. Required buffer areas and setbacks from currently-mapped Karst features are shown on Exhibit "B". These areas shall be maintained in compliance with the Wekiva Protection Act and the City of Winter Garden Comprehensive Plan. One access on Williams Road through the north part of the Karst buffer is permitted to be constructed for access to the northeastern parcel.

**SECTION 2:** *General Requirements.*

- a. **Development Agreement-** A Development Agreement must be approved and recorded prior to adoption of this rezoning ordinance. The Development Agreement shall include, but is not limited to, fair-share costs for intersection improvements, utilities, right-of-way dedication, water tank site dedication, transportation/roadway system, design standards, impact fees, stormwater, signage, and schools.
- b. **Stand Alone Clause-** If the development is phased, each phase of

development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, preliminary plat, final plat, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.

d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.

**SECTION 3: 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 4: Non-Severability.** Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

**SECTION 5: Effective Date.** This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

## Exhibit "A"

### LEGAL DESCRIPTION

*PARCEL A (ORB 4452, PG 4660)*

*THE N 395 FEET OF THE E 1/2 OF LOT 30H AND THE N 395 FEET OF THE W 1/2 OF LOT 30H, LAKE AVALON GROVES REPLAT, PLAT BOOK H, PAGE 81, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. ALL IN SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST.*

*PARCEL B (PER PROPERTY APPRAISER WEBSITE)*

*LAKE AVALON GROVES REPLAT H/81 W1/2 OF LOT 30-H (LESS N 371 FT) & E1/2 OF LOT 30-H (LESS 371 FT).*

*PARCEL C*

*LOT 33H, LAKE AVALON GROVES, AS RECORDED IN PLAT BOOK H, PAGE 81 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA*

*PARCEL D (ORB 3308, PG 1285)*

*THE SOUTH ONE QUARTER OF TRACT 17-D, AND THE SOUTH ONE-HALF OF TRACT 18-D, AND ALL OF TRACT 41-H, OF LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 24, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.*

*PARCEL E (ORB 2937, PG 479)*

*THE WEST 4.37 ACRES OF LOT 31, BLOCK H, LAKE AVALON GROVES, AS RECORDED ON PLAT BOOK H, PAGE 81, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS: BEGIN AT THE NORTHWEST CORNER OF LOT 31-H, LAKE AVALON GROVES, AS RECORDED IN PLAT BOOK H, PAGE 81, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THEN RUN SOUTH ALONG THE WESTERN BOUNDARY OF SAID LOT 31-H, A DISTANCE OF 148 FEET, THEN RUN EAST PARALLEL TO THE NORTHERN BOUNDARY OF SAID LOT 31-H, A DISTANCE OF 295 FEET, THEN RUN NORTH AND PARALLEL WITH THE WESTERN BOUNDARY OF SAID LOT A DISTANCE OF 148 FEET TO THE NORTH LINE OF SAID LOT THEN RUN WEST ALONG SAID NORTH LINE 295 FEET, MORE OR LESS TO THE POINT OF BEGINNING.*

# URBAN VILLAGE PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

A URBAN VILLAGE PUD IN THE CITY OF WINTER GARDEN, FLORIDA

# FOUR CORNERS

PARCEL ID. NUMBERS: 06-23-27-4288-08-302,  
06-23-27-4288-08-304, 06-23-27-4288-08-310,  
06-23-27-4288-08-330, 06-23-27-4288-08-410

NOVEMBER 2014

## PROJECT DESCRIPTION

A NEIGHBORHOOD CENTER WITH COMMERCIAL, OFFICE, CIVIC AND MUNICIPAL USES.

## LEGAL DESCRIPTION

PARCEL A (ORB 4452, PG 4660)

THE N 395 FEET OF THE E 1/2 OF LOT 30H AND THE N 395 FEET OF THE W 1/2 OF LOT 30H, LAKE AVALON GROVES REPLAT, PLAT BOOK H, PAGE 81, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. ALL IN SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST.

PARCEL B (PER PROPERTY APPRAISER WEBSITE)

LAKE AVALON GROVES REPLAT H/81 W1/2 OF LOT 30-H (LESS N 371 FT) & E1/2 OF LOT 30-H (LESS 371 FT).

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### OWNER/APPLICANT

MAURICE M. BOYD  
P.O. BOX 979  
WINTER GARDEN, FLORIDA 34760  
PHONE: (407) 656-1333

### ENGINEER/SURVEY/ENVIRONMENTAL

DEWBERRY-BOWYER-SINGLETON  
520 SOUTH MAGNOLIA AVE.  
ORLANDO, FLORIDA 32801  
PHONE: (407) 843-5120  
CONTACT: SCOTT STEARNS, P.E.

### GEOTECHNICAL ENGINEER

UNIVERSAL ENGINEERING SCIENCES, INC.  
3532 MAGGIE BOULEVARD  
ORLANDO, FLORIDA 32811  
PHONE: (407) 423-0504  
CONTACT: ARAVIND RANGASWAMY, M.S., P.E.

### TRAFFIC ENGINEER

LUKE TRANSPORTATION ENGINEERING CONSULTANTS, INC.  
29 EAST PINE STREET  
ORLANDO, FLORIDA 32828  
PHONE: (407) 423-8055  
CONTACT: J. ANTHONY LUKE, P.E.

### LANDSCAPE ARCHITECT

DEWBERRY-BOWYER-SINGLETON  
520 SOUTH MAGNOLIA AVE.  
ORLANDO, FLORIDA 32801  
PHONE: (407) 843-5120  
CONTACT: MICHAEL C. HOLBROOK, L.A.

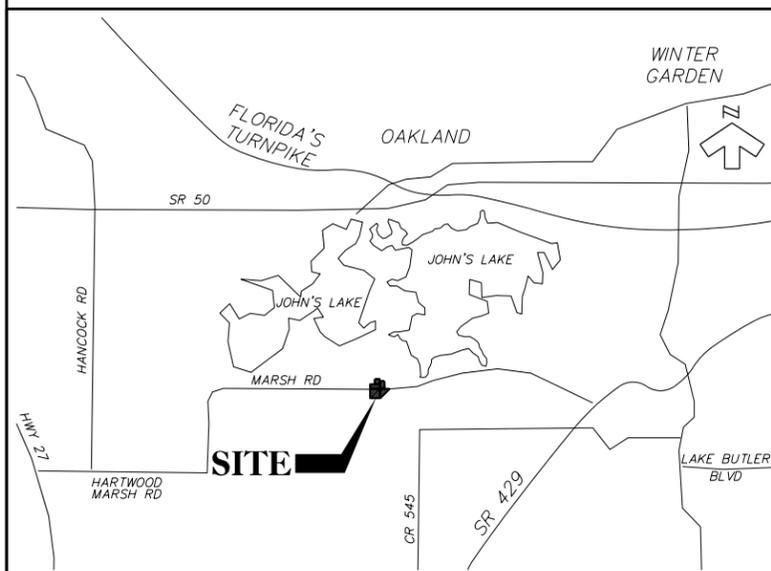
## TABLE OF CONTENTS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	URBAN VILLAGE PUD PRELIMINARY PLAN
3	URBAN VILLAGE TYPICAL SECTIONS
4	BOUNDARY SURVEY & EXISTING CONDITIONS PLAN

THIS IS TO CERTIFY THAT THE ROADWAY CONSTRUCTION PLANS AND SPECIFICATIONS AS CONTAINED HEREIN WERE DESIGNED TO APPLICABLE STANDARDS AS SET FORTH IN THE "MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS" AS PREPARED BY FLORIDA DEPARTMENT OF TRANSPORTATION.

## PREPARED FOR STANDARD PACIFIC OF FLORIDA

44 WEST NEW ENGLAND AVENUE  
SUITE 200  
WINTER PARK, FLORIDA 32789  
CONTACT: STEPHEN POLACHEK  
PHONE: (407) 645-6542



SITE LOCATION



FLORIDA  
WINTER GARDEN  
FOUR CORNERS PUD  
CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801  
407-843-5120 - ENGINEERING BUSINESS - 1221  
halfsize.tbl

REVISIONS	DATE	BY	DESCRIPTION

CONTRACTOR "AS-BUILT'S" hereby state that these "As-Built's" were furnished to the Engineer under my direct supervision and have been reviewed and believe them to be in compliance with my knowledge of what was actually observed upon site observations of the construction.  
Contractor's Name: \_\_\_\_\_  
Engineer: \_\_\_\_\_  
Not valid without the signature and the original raised seal of a Florida Registered Engineer.

DATE	AUGUST 2014
DESIGNED	SKH
CHECKED	MSS
SCALE	N/A
PROJECT NO.	EDW03/FOUR CORNERS/PUD
FILE NAME	EDW03-FCover
SHEET	1 OF 4

11/25/2014

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**BOWYER  
SINGLETON**

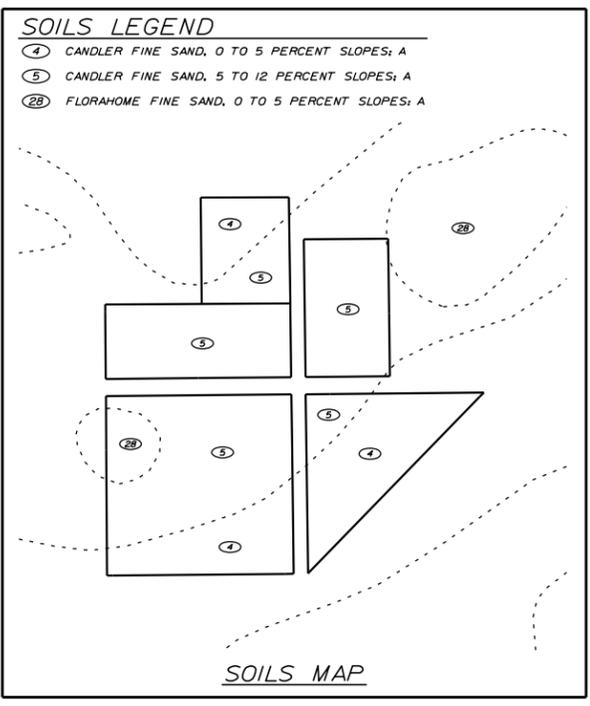
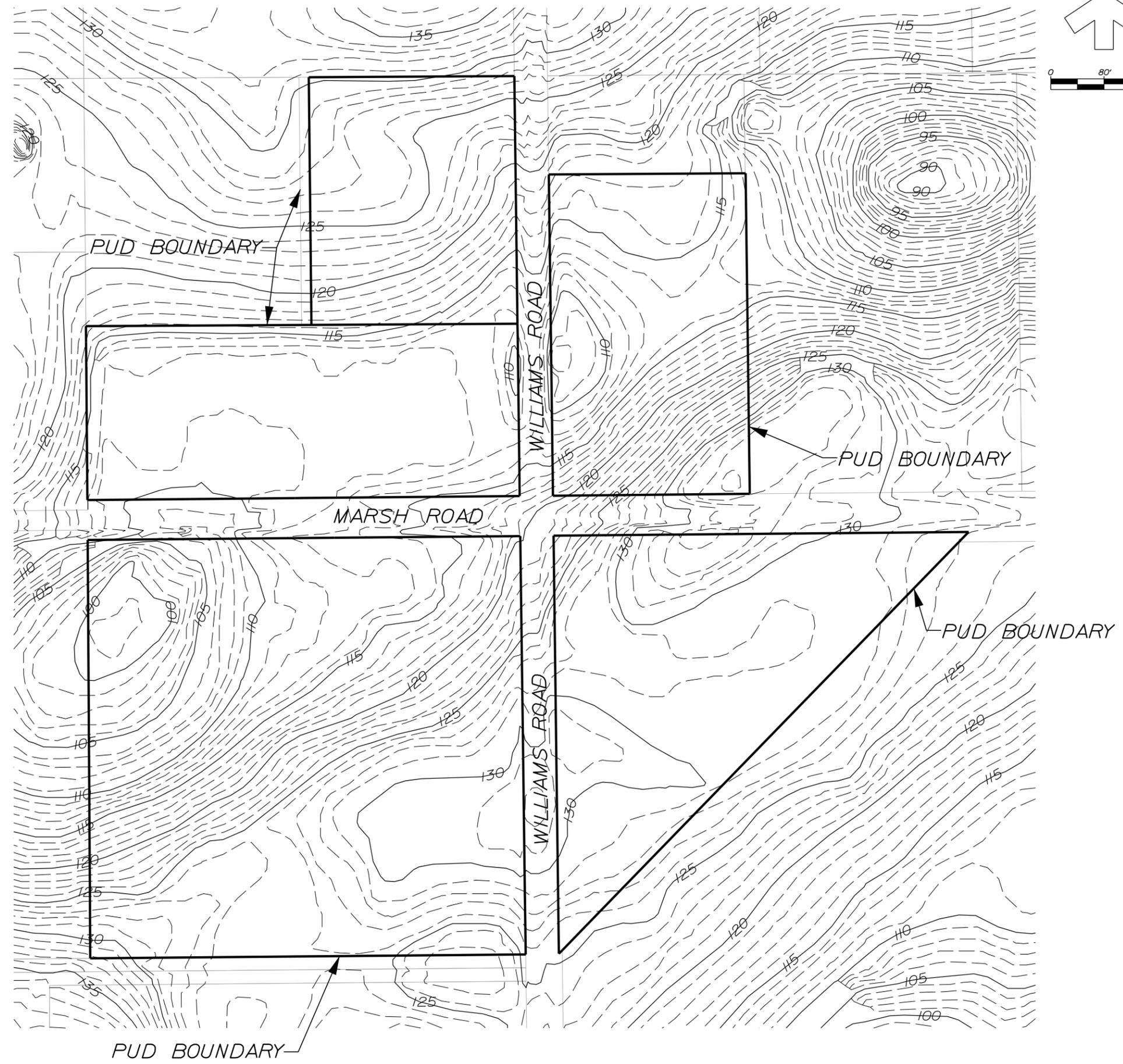
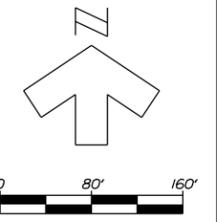
FLORIDA  
**BOUNDARY SURVEY & EXISTING  
 CONDITIONS PLAN**  
 FOUR CORNERS PUD

CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801  
 407-545-5120 - ENGINEERING BUSINESS - 1221

DATE	BY	DESCRIPTION

CONTRACTOR "AS-BUILT'S" were furnished hereby state that these "As-Built's" were furnished under my direct supervision have reviewed these "As-Built's" and believe them to be in compliance with my knowledge of what was actually observed upon site observations of the construction.  
 Contractor's Name \_\_\_\_\_  
 Engineer \_\_\_\_\_  
 Not valid without the signature and the original raised seal of a Florida Registered Engineer.

DATE	AUGUST 2014
DESIGNED	SKH
CHECKED	MSS
SCALE	1" = 80'
PROJECT NO.	EDWD3/FOUR CORNERS/PD
FILE NAME	EDWD3-F Existing
SHEET	4 OF 4



11/25/2014

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**Exhibit C to Ordinance 15-04**  
**Four Corners Urban Village Planned Unit Development (UVPUD) -UV PUD Commercial Design**  
**Standards (revised October 2014)**

**1. Project Overview**

Located at the intersection of Marsh Road and Williams Road, the “Four Corners” urban development plan is intended to provide a mixture of neighborhood commercial and residential uses. The project objective of the development is to develop a variety of buildings with similar architectural style, a maximum of two stories, with ample open space providing a neighborhood pedestrian friendly environment. Potential development is divided in to two zones as depicted in the attached Preliminary Plan (Exhibit 1). All four parcels include at least a portion of the Mixed Use Zone with allowance of commercial and residential uses. The commercial uses are intended to support the project’s residential development as well as those located in nearby projects. A Low Density zone on the southern parcels is intended to act as a transitional use closer to adjacent residential areas. Site standards are located with City Ordinance 15-04. Access to the development will be from both Marsh Road and Williams Road.

**Development Program** - All development within the “Four Corners” properties must substantially comply with the Preliminary Plan including buffering and building setbacks (Exhibit 1) and comply with City Ordinance 15-04.

**Site Plan Requirements** – Site plan is conceptual and is for zoning purposes only. Any new development on the subject properties must submit a detailed site plan and concurrency study.

**2. Architectural Character**

**Design Criteria** – The overall commercial architectural design of the “Four Corners” development will have to substantially comply with the following set of design principals and as depicted within artist rendition of “Florida Vernacular” shown in the architectural study sheet (Exhibit 2). Final elevations associated with specific site plans will be subject to change by the end user provided the architectural theme is consistent, standard of quality is maintained and architectural standards are achieved and approved by the City.

A consistent and compatible standard will be applied to all buildings. The purpose of these standards is to plan for a variety of building type compatible and similar to but not identical. The following outline of massing, finishes, treatments, colors and use of materials are representative of a theme and a level of “quality” to be maintained throughout the development.

Although these architectural standards do not specifically address residential design standards, residential development should be stylistically harmonious with the commercial standards. Residential standards will be assessed separately during the subdivision review process.

**Varying Building Massing -**

- A. Vary massing of all building façades visible to pedestrians and/or vehicles along major internal and external circulation routes.
- B. Special architectural features such as cupolas, clock towers or ornamental portions of parapet walls may exceed the building height limit by 20' provided they comprise no more than 1/3 the length of the building.
- C. Landscaping and planting beds along the building frontage are to be incorporated to enhance varying massing.

**Roof Treatments**

- A. Roof shapes and building accents shall be consistent and meet all code requirements for the City's Urban Village PUD.
- B. A recognizable "top" should include one or more of the following: cornice treatments, roof overhangs with brackets, stepped parapets, richly textured materials (tile or masonry treatment), and different colored but complimentary materials.

**Building Projections and Recesses**

- A. Special architectural features, such as bay windows, awnings and canopies are, required. Projection should not obstruct walkways, but may project up to 3' into the front setback.
- B. Building exteriors should provide shelter from sun and rain. Porticos, awnings, arcades and overhangs are particularly appropriate at pedestrian walkways.
- C. Garden structures such as trellises and arbors should be provided between buildings to provide pedestrian connections, seating, and gathering spaces.

**Entryways and Arcades**

- A. Primary pedestrian entries should be clearly expressed and be recessed or framed by a sheltering element, such as an awning, arcade, porch or portico.
- B. The building's first floor may be recessed from the front setback for the purpose of an arcade. Minimum height of the arcade space should be 10' and the minimum width of the arcade space should be 8'.
  - Each Commercial Building will provide a consistent architectural style, color, façade treatment.
  - All exterior walls of a building should be articulated with a consistent style and complimentary materials. Buildings should use consistent materials and details on all sides that front public streets and major internal circulation routes.

### **Building Articulation and Theming**

- A. A consistent architectural theme (as depicted in Exhibit 2) should be utilized to unify the development, including complimentary colors, finished materials and textures.
- B. Buildings shall be designed to avoid large, uninterrupted façades. No wall facing a street or connecting walkway shall have a blank, uninterrupted façade that exceeds 10' in length.
- C. Ornamental architectural details are required to enhance the overall theme of the development. A minimum of two of the following design details are to be applied for each building frontage using some combination of the following for each building:
  - Planters along public walkways
  - Balconies on the second or third floors
  - Decorative bulkheads
  - Shutters
  - Awnings for windows or balconies
  - Decorative cornice
- D. Store fronts: Display windows should encompass a minimum of 40% and a maximum of 80% of a storefront's lineal frontage.
- E. The non-fronting side of building should carry over a consistent architectural treatment from the storefront.
- F. Ornamental architectural details and window treatments should be utilized to unify the front and non-fronting sides of the buildings.

### **Retail Lighting**

- A. Lighting shall comply with the design standards, requirements, and regulations pertaining to specified commercial corridors within the City of Winter Garden in accordance with Chapter 118, Article X, Division 4.
- B. Free standing light poles may have a light color consistent with themed architecture.
- C. Decorative poles, globes, and other light fixtures that are of a high design quality are encouraged when consistent with the overall building architecture.
- D. Parking lot lighting shall follow City code standards with a maximum of 30 feet pole height including base.
- E. All lighting shall follow "dark-sky" requirements.

### **Signage and Monuments**

- A. Signage will be consistent for each project.
- B. Provide opportunity for community monuments signage/Arrival Signage.
- C. Retail and Office Signage shall utilize ground mounted monuments, with multi-tenant graphics and be ground-lit or have internal lighting.
- D. Community Signage Standards – to meet and exceed the City's requirements and to create a sense of entry into the City of Winter Garden (from the West).

- E. All signage shall be consistent with the established architectural standards and themes.

**Landscaping**

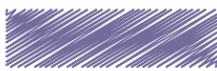
Unless otherwise stated the development shall follow the City's Landscape Code, Article X, division 3, Landscape Design Standards , **(Sec. 118-1421)** requiring all landscaping be designed and located to provide a logical, consistent, and attractive pattern of landscaping that softens the as-built environment, provides visual relief, separates different land uses, eliminates or minimizes potential nuisances or adverse impacts such as dirt, litter, or noise and assists in reducing air pollution hazards.

- A. Incorporate "Florida Friendly" Landscape material into the Commercial and Office Development, to minimize irrigation needs.
- B. All stormwater facilities should be generally designed as landscape amenities utilizing "Low Impact Development" techniques where practical.

**Development Zones**

-  Low Density Residential Zone
-  Mixed Use Zone

**Buffer Zones**

-  Karst Feature / Buffer
-  Rural Settlement Buffer

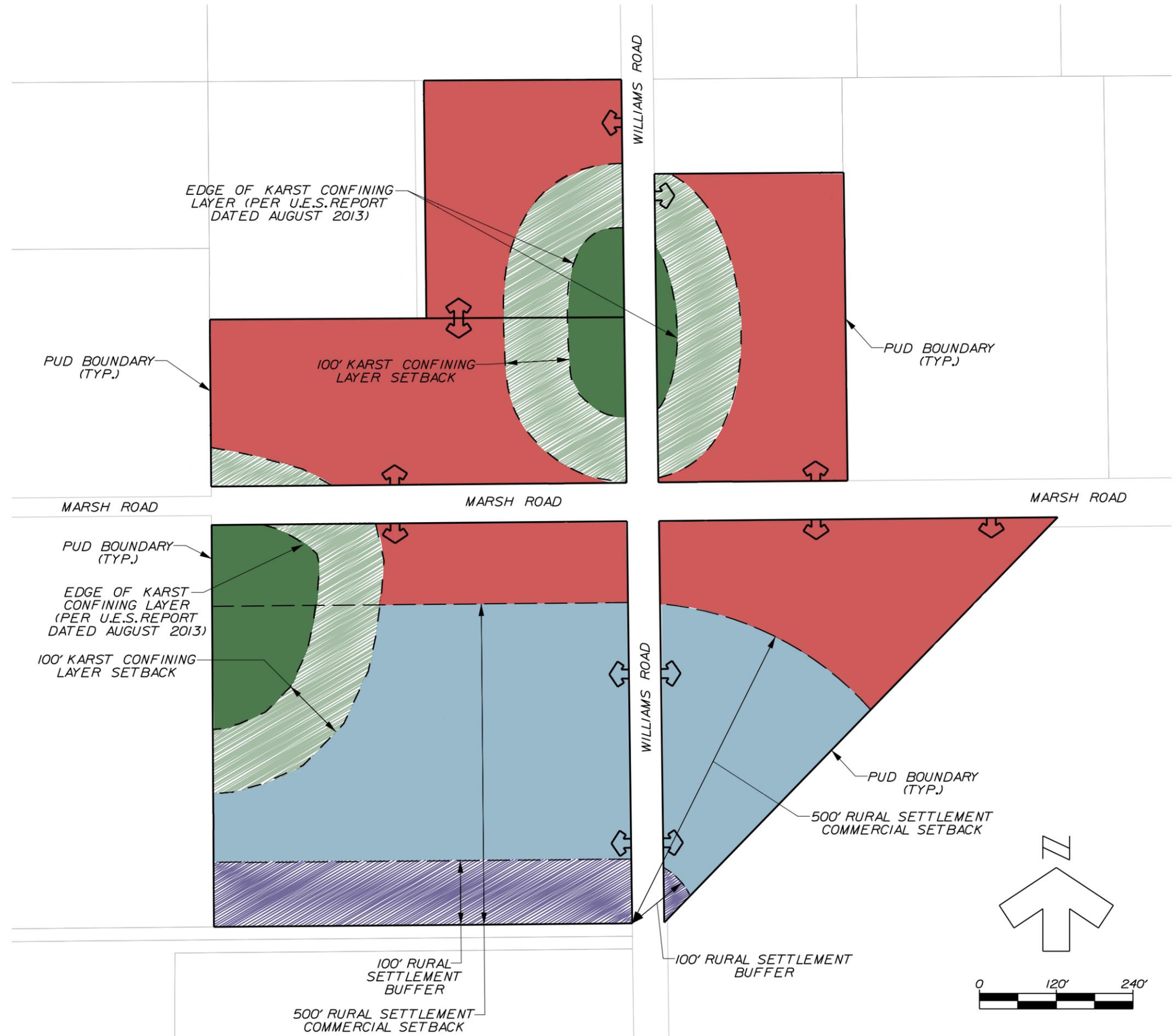


Exhibit 1  
Preliminary Plan  
Four Corners UVPUD



TYPICAL 1 STORY RETAIL BUILDING CHARACTER



TYPICAL 2 STORY MEDIUM SIZE RETAIL BUILDING CHARACTER



TYPICAL 2 STORY LARGE SIZE RETAIL/COMMERCIAL BUILDING CHARACTER

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

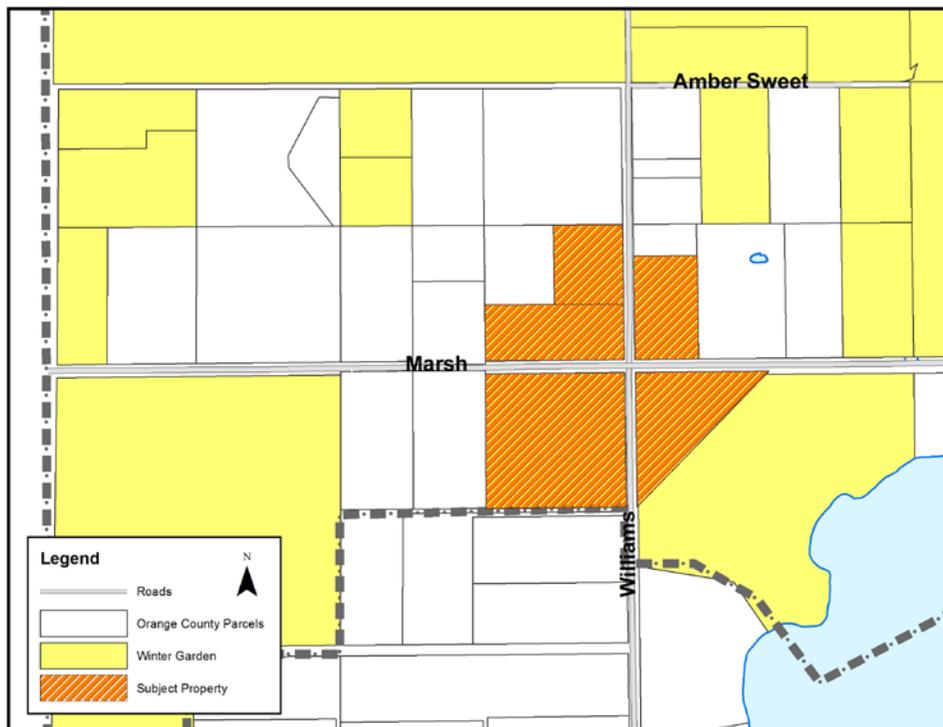
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** NOVEMBER 26, 2014  
**SUBJECT:** REZONING (ORDINANCE 15-04)  
**Marsh Road (23.64+/- ACRES)**  
**Parcel ID# 06-23-27-4284-08-410**      **Parcel ID# 06-23-27-4288-08-304**  
**Parcel ID# 06-23-27-4288-08-330**      **Parcel ID# 06-23-27-4288-08-310**  
**Parcel ID# 06-23-27-4288-08-302**

**APPLICANT:** STANDARD PACIFIC OF FLORIDA  
MAURICE M. BOYD, MCKINNON CORP & MCKINNON GROVES, LLLP

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located at the north, south, east, and west corners of Marsh Road and Williams Road, is approximately 23.64 ± 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 23.64± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007 (Ord. 07-34). The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING USE**

A portion of the subject property is currently being used for agricultural purposes including orange groves. The parcel on the northwest quadrant of Marsh Road and Williams Road currently contains two warehouse structures that are used for agricultural support. The balance of the subject property, the majority of which is on the northeast side of Marsh Road and Williams Road, consists of vacant unimproved land which is not used for a specific agricultural purpose and does not contain any structures.

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

The three properties located to the north of the subject property are all located in Unincorporated Orange County and zoned A-1. One property contains a Single Family residence, another is unimproved vacant land, and the third has been used for a landscaping business. There are two properties to the east of the subject property. One contains a single family residence, is zoned A-1, and is located in Unincorporated Orange County. The other property is located within the City of Winter Garden municipal limits, is zoned UVPUD, and consists of vacant land that is slated to be developed with single family homes as part of the Waterside on Johns Lake subdivision. The property to the south is zoned A-1 in unincorporated Orange County and contains a single-family residential structure. The two properties to the west of the subject property both contain single family residential structures, are zoned A-1, and are located in Unincorporated Orange County.

The surrounding properties to the north, east, and west are all located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the subject property as well as many of the surrounding properties (a total of 596 acres) were annexed into the City of Winter Garden by Ordinance 07-34. At the time the properties were annexed into the City they were not assigned zoning or future land use designation in the City of Winter Garden. Subsequently, as part of the EAR based amendments to the City's Comprehensive Plan which were adopted in 2010, the subject property and surrounding properties (a total of 642.73 acres) were assigned a future land use designation of Urban Village on the Future Land Use Map of the City's Comprehensive Plan.

The surrounding properties to the south are not within the JPA expansion area, but are located within the Avalon Rural Settlement Area in unincorporated Orange County. As stipulated by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden, buffering and density limitations must be exercised where properties located within the JPA expansion area adjoin properties that are located in the Avalon rural settlement.

### **PROPOSED USE**

The applicant proposes to develop the 23.64 ± acre site into an urban village planned unit

development (UVPUD). Currently, no development has been proposed for the subject property, but the rezoning will permit both residential and commercial uses in specified zones. Residential development will be permitted within 100 feet of the rural settlement boundary to the south, while commercial, residential, and mixed uses will be permitted within 500 feet of the rural settlement boundary, subject to the limitations of the Comprehensive Plan and the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Development is also limited by two on-site karst features and their respective buffers.

### **COMMUNITY MEETING**

On November 20, 2014, a community meeting was held in the City Commission Chambers to discuss the proposed UVPUD rezoning with surrounding property owners. Many attendees were supportive of the project, but there were a number of concerns. The major concerns voiced by attendees included the potential for increased traffic on Marsh and Williams Road, the potential for increased traffic on roads within the rural settlement, the addition of street and site lighting affecting evening light levels, the potential for increased trespassing onto adjacent landowners' properties, and the character of commercial signage. There were also concerns about specific permitted uses including apartment complexes. City staff addressed these concerns by explaining the current plans for nearby road improvements that will ultimately drive traffic away from the rural settlement, by amending the Ordinance to prohibit apartment complexes and electronic message signs, and by requiring a 6' masonry wall along the southern boundary of the UVPUD to block access to the adjacent rural settlement properties.

### **APPROVAL CRITERIA**

In accordance with the City's Comprehensive Plan and Land Development Regulations, a proposed planned unit development and its associated preliminary development plan may be approved only after competent, substantial evidence has been presented which allows the following determinations to be made: (staff conclusions/findings are underlined)

- (1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;

The proposed UVPUD is consistent with the land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations.

- (2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

The proposed UVPUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city's land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, the proposed UVPUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing.

- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have been established that will provide these facilities, improvements and services in a reasonable time frame;

The existing potable water and reclaimed water flow pressure of the City's utility system within the Urban Village Area is insufficient to support the development of the subject property. Design, permitting and construction of reuse and potable water pumping stations/storage tanks is vital to support the development of the Urban Village Area, including the subject property. A site has been identified as an appropriate location for the tanks and its access point. The Developer will convey the tanks site to the City within 30 days from the effective date of Ordinance 15-04.

The property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for any new development of the property. At such time that the property is developed, all necessary utility lines (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, all extension and connection costs shall be borne by the property owner.

Prior to any board approvals, a Developer's Agreement detailing the obligations of the developer associated with the proposed UVPUD is required. The Developer's Agreement must address, but is not limited to the following: potable water, sewer and reclaimed water utilities extension and oversizing requirements, proportionate fair share contribution for intersection improvements, conveyance of right-of-way, conveyance of water tank site, other off-site public infrastructure improvements, lift station, and impact fees.

- (4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD zoning criteria and land development regulations. The proposed UVPUD project will be limited to a gross residential density of 3 dwelling units per acre within the Low Density Residential Zone within 500 feet of the rural settlement boundary to the south and 12 residential dwelling units within the Mixed Use Zone north of the 500 foot buffer, which is in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the Mixed Use Zone, which allows both residential and commercial uses, will be limited to a floor area ratio of 0.3 and a maximum 90,000 square feet for retail uses and 80,000 for professional office uses not to exceed a combined total of 115,000 square feet of commercial space. This is consistent with both JPA 6 and the Comprehensive Plan policy for the Urban Village FLU.

The proposed UVPUD is not premature or presently out of character in relationship to the surrounding area. Using the Orange County Public Schools Concurrency Service Areas as an identification of the surrounding area, there are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed UVPUD project. Some of the approved and/or constructed

developments within the surrounding area which extends east beyond SR 429 include Waterside on John's Lake, Hickory Hammock, Avalon Reserve, Stoneybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Ponte Reserve.

- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and

In accordance with the City's comprehensive plan, the only zoning permitted within the Urban Village future land use designation is Urban Village Planned Unit Development or Institutional. Further, in accordance with land development regulations and the comprehensive plan, the proposed UVPUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing.

- (6) There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame.

In order to support the development of the Four Corners UVPUD and other properties in the Urban Village Area and to accommodate the background traffic, it is necessary to widen and improve the intersection of Marsh Road and Williams Road. The Developer will convey the approximately 1.37 +/- acres of land from the Subject Property needed for the widening and extension of North Williams Road which is necessary to accommodate the intersection improvements and utilities serving the UVPUD development. A study by the City was conducted to identify the proposed developments' traffic impact on the Marsh Road and Williams Road intersection and such study has determined that the Subject Property and the adjacent developments will have a significant traffic impact said intersection. A portion of the costs of the design, engineering, permitting, installation, construction, provision and completion of the intersection improvements shall be borne by the Developer. Based on the cost estimate, the proportionate share payment for the project and subject property is agreed to be \$240,000.00. These fair share costs will be paid as each project develops as a percentage of the project's proposed building square footage of the total development potential of the property. The traffic analysis provided with the proposed UVPUD project indicates that the project will not lower the adopted level of service standard on Marsh Road or Williams Road. With the development of the adjacent properties and construction of the roundabout, traffic counts on Marsh Road have decreased.

- (7) The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD zoning criteria and land development regulations. As stated above, the proposed UVPUD project will be limited to a gross residential density of 3 dwelling units per acre within the Low Density Residential Zone within 500 feet of the rural settlement boundary to the south and 12 residential dwelling units within the Mixed Use Zone north of the 500 foot

buffer, which is in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the Mixed Use Zone, which allows both residential and commercial uses, will be limited to a floor area ratio of 0.3 and a maximum 90,000 square feet for retail uses and 80,000 for professional office uses not to exceed a combined total of 115,000 square feet of commercial space. This is consistent with both JPA 6 and the Comprehensive Plan policy for the Urban Village FLU.

The proposed UVPUD is not premature or presently out of character in relationship to the surrounding area. There are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed UVPUD project. Some of the approved and/or constructed developments within the surrounding area which extends east beyond SR 429 include Waterside on John's Lake Hickory Hammock, Avalon Reserve, Stoneybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Ponte Reserve.

- (8) Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.

The proposed UVPUD project integrates several elements that provide for cohesion between existing natural features/resources and the existing and proposed uses surrounding the property. The project includes construction of a 10 foot wide multi-purpose trail extending the length of the property frontage on Marsh Road to enhance pedestrian circulation as identified in the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. The project will include open space/recreational areas in accordance with City Code requirements for common recreation and open space. The property will also comply with the open space and recreation requirements of the Wekiva Resource Protection Overlay, providing no less than 25% Wekiva Study Area Open Space. The karst features, rural settlement buffers, and the vast majority of the 100' karst feature confining layer setbacks will be preserved in a natural, vegetated state. Two cross access connection points are being provided on Williams Road and two are being provided on Marsh Road to ensure multiple points of entry/exit to the subject property.

- (9) Prevention of erosion and degrading or enhancement of the surrounding areas.

The proposed UVPUD project provides for a 100 foot buffer from the confining layer of the karst feature located on the property and meets the environmental standards of the Wekiva Study Area. To the greatest extent possible, stormwater management features will be designed as landscape amenities.

- (10) Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Recreational facilities are identified within the proposed UVPUD project to include a 10 foot wide multi-purpose trail along Marsh Road. As specific development projects are proposed, they must comply with the recreation and open space requirements of City Code. The recreational facilities proposed comply with the Wekiva Study Area Resource Protection Overlay requirements for passive recreation. Requirements for recreation areas

stipulated by the City of Winter Garden subdivision standards are proposed to be met to the greatest extent possible, and payment by the developer into the city recreational fund will make up for any shortfall.

Stormwater management for the proposed UVPUD project will be provided in on-site stormwater management areas to satisfy the City of Winter Garden, St. John's Water Management District and strict requirements of the Wekiva Study Area criteria.

- (11) The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.

The property on which the UVPUD project is proposed to be developed is located within the Wekiva Study Area Resource Protection Overlay as defined by the City's Comprehensive Plan, and therefore must comply with the Wekiva Study Area Open Space requirements as defined by the City's Comprehensive Plan Policies 1-3.1.7 & 1-3.1.8, which requires that a minimum of 25% of the developable area be Wekiva Study Area Open Space. Wekiva Study Area (WSA) Open Space is land area that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and includes land preserved for Conservation purposes. WSA Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to 50% of the WSA Open Space requirement may be met with dry stormwater retention areas. None of the 25% WSA Open Space may be chemically treated with pesticides or fertilizers. WSA Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas. The proposed UVPUD project must comply with the Wekiva Study Area Open Space requirements.

- (12) The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.

Each phase of development of the proposed UVPUD project must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

- (13) The availability of existing or planned reclaimed water service to support the proposed PUD.

The Developer will, prior to development of any portion of the Subject Property, pursue the design, permitting, installation and construction of a reclaimed water main from the existing point of connection on Marsh Road and extend west to the Subject Property consistent with the City Code requirements.

- (14) The benefits within the proposed PUD development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.

The proposed UVPUD includes minimum 75' wide lots for detached residential structures and 24' wide lots for attached residential structures. Architectural elevations will be reviewed at that time ensuring there is an adequate mix of housing products with features including enhanced architectural treatments, front porches, and recessed garages. Commercial structures within the mixed-use zone must comply with specific

development and architectural requirements, as outlined in an exhibit as part of the UVPUD ordinance.

The proposed UVPUD project incorporates the following features which are of benefit to the general public: construction of 10 foot wide multi-purpose trail along the site frontage on Marsh Road which provides for pedestrian circulation and access on Marsh Road and the widening and improving of the intersection of Marsh Road and Williams Road. Additionally, the project as proposed provides protection and substantial buffering from the neighboring karst feature as well as buffering from the rural settlement properties to the south.

- (15) The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.

As development is proposed, plans will be reviewed to ensure the proposals include a variety of open spaces that are inclusive, pedestrian friendly, and meet all requirements of City Code, the Comprehensive Plan, and of JPA 6.

- (16) Architectural characteristics of proposed residential and/or nonresidential development.

A variety of architectural requirements have been incorporated into the commercial building standards in the proposed UVPUD project including requirements for architectural character, varying building massing, roof treatments, building projections and recesses, entryways and arcades, building articulation and theming, retail lighting, signage and monuments, and landscaping.

- (17) A listing of the specific types of nonresidential uses to be allowed.

The UVPUD proposal is part of the village center, which is permitted by the Comprehensive Plan and JPA 6 to have a maximum of 115,000 square feet of commercial uses outside the 500' rural settlement buffer. Permitted non-residential uses within this mixed-use zone are retail stores and shops of a neighborhood convenience, dry cleaning and laundry facilities, bakeries and neighborhood food service establishments, drug stores and sundries, professional office & studios, professional services, laboratories and clinics, live/work units, and civic facilities. One fuel sales establishment is permitted in this UVPUD by Special Exception. Buildings with drive-thru lanes are permitted by Special Exception provided there is a maximum one such building per quadrant and lanes may not face Marsh Road or Williams Road and there may be no direct access to either road.

## **URBAN VILLAGE PLANNED UNIT DEVELOPMENT INTENT & REQUIREMENTS**

Development within the urban village future land use classification shall be designed based on an urban development pattern which encourages the formation of a suburban village. The standards and procedures of the urban village planned unit development are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while retaining in the city commission the absolute authority to establish such limitations and regulations as it deems necessary to protect and promote the public health, safety and general welfare. Determining whether to require a mixture of residential and non-residential uses and a

variety of housing types and lot sizes within individual urban village planned unit developments will be based on anticipated development patterns and size of property ownerships. Each individual urban village planned unit development will not be required to incorporate all uses permitted in the urban village planned unit development land use regulations.

Through the urban village planned unit development process, which may involve the approval of multiple UVPUDs, all development within the urban village future land use classification shall follow the general design principles of: (staff conclusions/findings are underlined)

- (1) creating a series of walkable residential neighborhoods;

Proposed UVPUD will include cross access connections to the parcels within the subject property for vehicular and pedestrian access, additionally the proposed UVPUD features a multi-purpose trail along the property frontage on Marsh Road.

- (2) developing an integrated park and trail system to facilitate pedestrian travel and recreation;

The proposed UVPUD features a multi-purpose trail along the property frontage on Marsh Road. Proposed UVPUD will include recreation amenities that meet the requirements of the City's Code of Ordinances for open space & recreational facilities.

- (3) developing a comprehensive network of roads and traffic calming solutions to complement and support the existing Marsh Road infrastructure;

Right-of-way will be dedicated to the City to facilitate roadway improvements at the intersection of Marsh Road and Williams Road.

- (4) establishing connectivity to natural systems while preserving wetlands and other natural resources and protecting water quality and quantity;

The proposed UVPUD preserves all karst features, the 100' rural settlement buffer, and the vast majority of the 100' karst feature confining layer buffer. Because of this, much of the site will remain in a natural state.

- (5) creating a mixed-use character through the integration of a diversity of uses;

The proposed UVPUD allows for a mix of uses within the mixed-use zone. Permitted uses within this zone include detached and attached residential units, retail stores and shops of a neighborhood convenience, dry cleaning and laundry facilities, bakeries and neighborhood food service establishments, drug stores and sundries, professional office & studios, professional services, laboratories and clinics, live/work units, upper-story residential dwelling units, nursing homes, and civic facilities.

- (6) creating a focus center within the urban village

The subject property is located within the urban village. The commercial component of the development will be reviewed in light of this requirement, ensuring there will be a focus center.

- (7) The urban village planned unit development shall provide a compact integrated development pattern with a park or central feature located within a ¼ mile walking distance of the majority of residences in each neighborhood.

Community open space/recreation areas will be required to be provided in the form of a park or central feature within ¼ mile walking distance of any proposed residential units.

- (8) To ensure adequate housing diversity, urban village planned unit development should generally contain a variety of housing types which may include both attached and detached housing product with ownership and rental opportunities, as well as live/work housing.

The UVPUD allows for a wide variety of residential and mixed uses within the mixed-use zone including attached and detached housing units, live/work units, and upper story residential units. The low density residential zone allows for both attached and detached housing units.

- (9) The street network shall be designed to create a hierarchy of interconnected streets and traffic calming solutions to allow travel through and between neighborhoods and beyond the urban village planned unit development. Roadway cross sections shall be designed to accommodate multiple modes of transportation.

The proposed UVPUD will provide cross access connections to parcels within the subject property.

- (10) Emphasis shall be placed on pedestrian and bike paths and shall be incorporated in street cross sections and open spaces.

The proposed UVPUD includes a multi-purpose trail along Marsh Road and a fully integrated network of sidewalks which will connect and provide cross access between parcels within the subject property.

- (11) All development proposals within an urban village planned unit development shall, as determined by the city commission, be consistent with the requirements and/or guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden (Dated January 24, 2007) as approved by the city commission, as such may be amended from time to time.

The proposed UVPUD is consistent with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

- (12) All development within the urban village planned unit development shall comply with the Wekiva Parkway and Protection Act, and shall meet or exceed the standards of the Resource Protection Overlay as established by the City's Comprehensive Plan. In the event of a conflict or conflicts between the Urban Village Planned Unit Development zoning district and the Resource Protection Overlay, the Resource Protection Overlay shall control to the extent such conflict exists.

The proposed UVPUD will comply with the Wekiva Study Area Resource Protection Overlay requirements as stipulated in the City's Comprehensive Plan. The proposed UVPUD will meet the Wekiva Open Space requirements, stricter Wekiva drainage requirements and karst feature setbacks and buffering.

- (13) Maximum density in the urban village planned unit development for any neighborhood shall be four dwelling units per gross acre except in the village center where the density may be up to 12 dwelling units per gross acre. However, certain neighborhoods may use residential

clustering while maintaining the overall maximum density for the neighborhood. Maximum intensity for non residential development is 0.3 floor area ratio.

The proposed UVPUD development plan will have a gross developable density of 3 dwelling units per acre within the low density residential zone and 12 dwelling units per acre within the mixed-use zone. The maximum FAR for commercial development within the mixed-use zone will be 0.3.

- (14) Stormwater facilities within the urban village residential planned unit development shall generally be designed as amenities and low impact design (LID) techniques will be used where practical.

The proposed UVPUD will incorporate stormwater facilities and ponds into the design of the community through placement of the facilities where they function as both visual features and buffers, while also meeting the stricter Wekiva Study Area requirements.

- (15) New development shall connect to City utilities, potable water, sanitary sewer, and reclaimed water when available.

The proposed UVPUD will extend lines for and make connection to city utilities, water, wastewater, and reclaimed water at the developer's expense.

- (16) Residential and nonresidential uses are allowed in the village center and may occupy the same building where nonresidential occupies the first floor with residential on the upper floors.

The proposed UVPUD, which is located within the village center, allows for mixed uses including live/work units and upper story residential units, which will be permitted in compliance with the requirements stipulated within the UVPUD zoning district.

- (17) Accessory dwelling units, not to exceed 850 square feet, above garages shall be allowed for a maximum of 50% of the residential units in the urban village planned unit development. These additional accessory units shall not be counted towards the density.

The proposed UVPUD does not preclude the development of "granny flats", which will be permitted in compliance with the requirements stipulated within the UVPUD zoning district.

Consistent with the goal of ensuring the entirety of lands designated with the urban village future land use designation develop in such a way as to meet the goals and policies of the comprehensive plan, the city commission shall have the flexibility in deciding whether to require a mixture of residential and non-residential uses and a variety of housing types and lot sizes within individual urban village planned unit developments based on anticipated development patterns.

The urban village planned unit development shall be located in the urban village future land use designation as defined in the city's comprehensive plan, or in such other areas as determined by city commission.

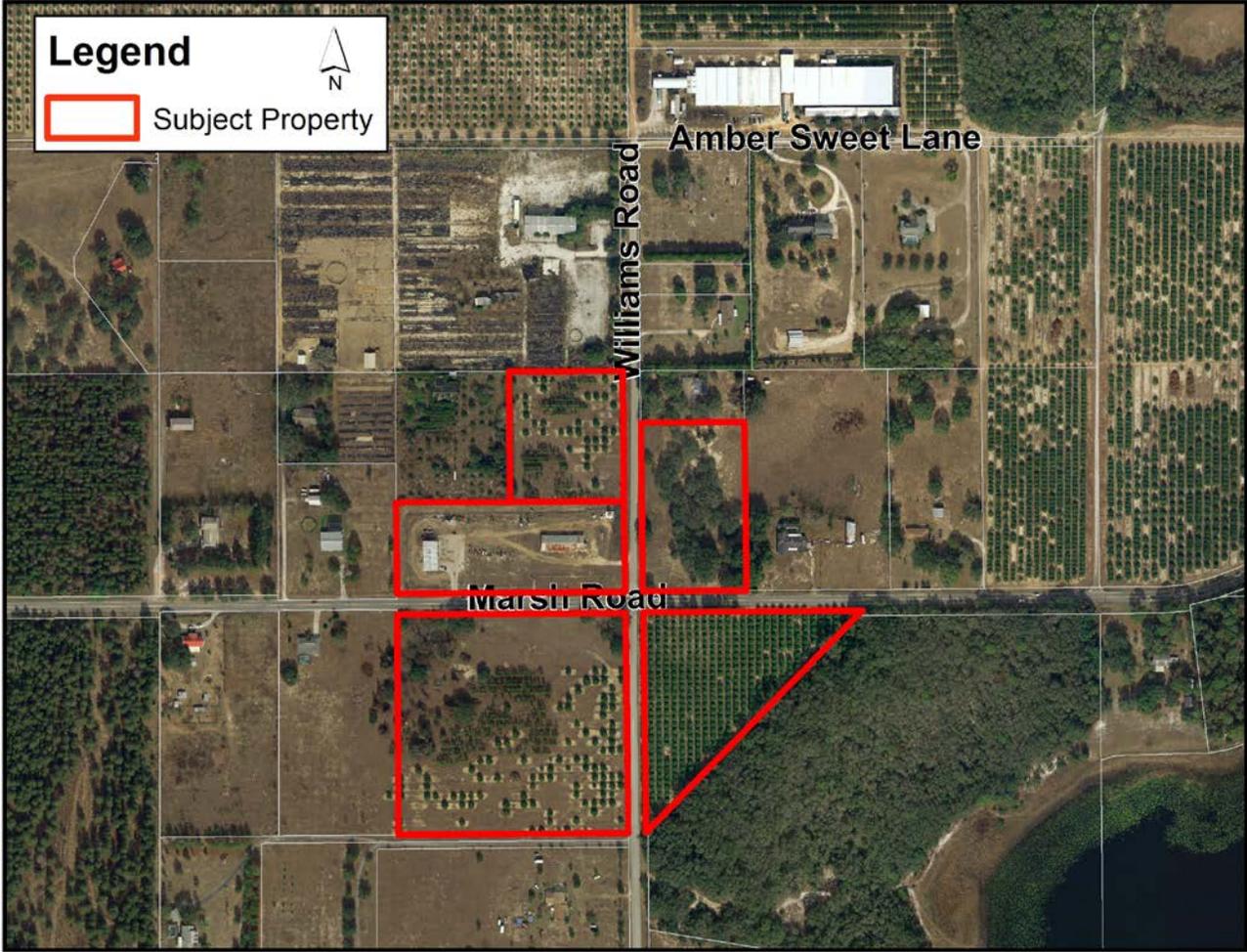
## **SUMMARY**

City Staff recommend approval of the proposed Ordinance 15-04. Rezoning the subject property from City NZ to City UVPUD is consistent with the City's Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in

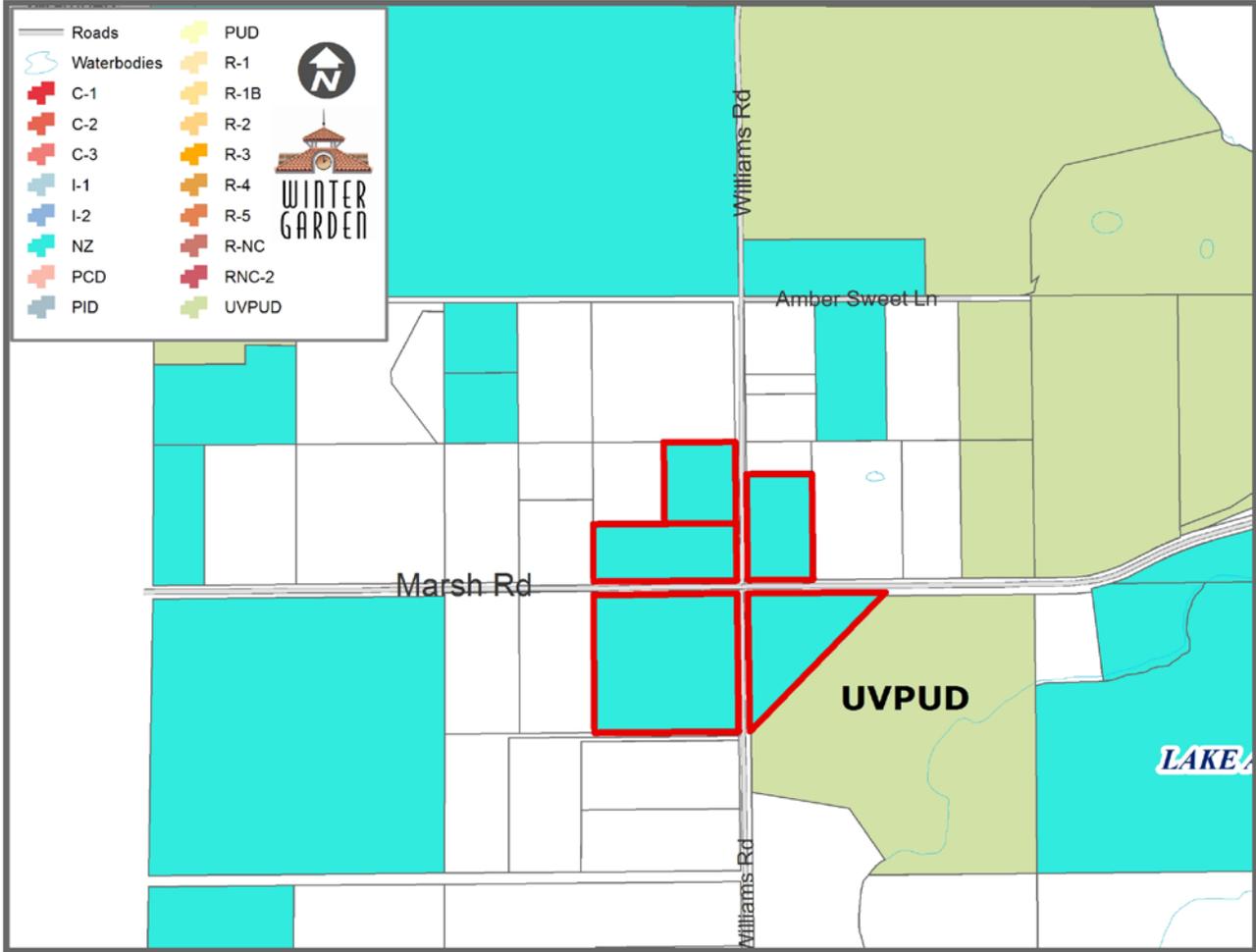
the area.

The proposed development of the subject property is consistent with the stipulations and guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden which requires that rezoning applications or development plans for properties located within the JPA expansion area must be processed as Planned Unit Developments.

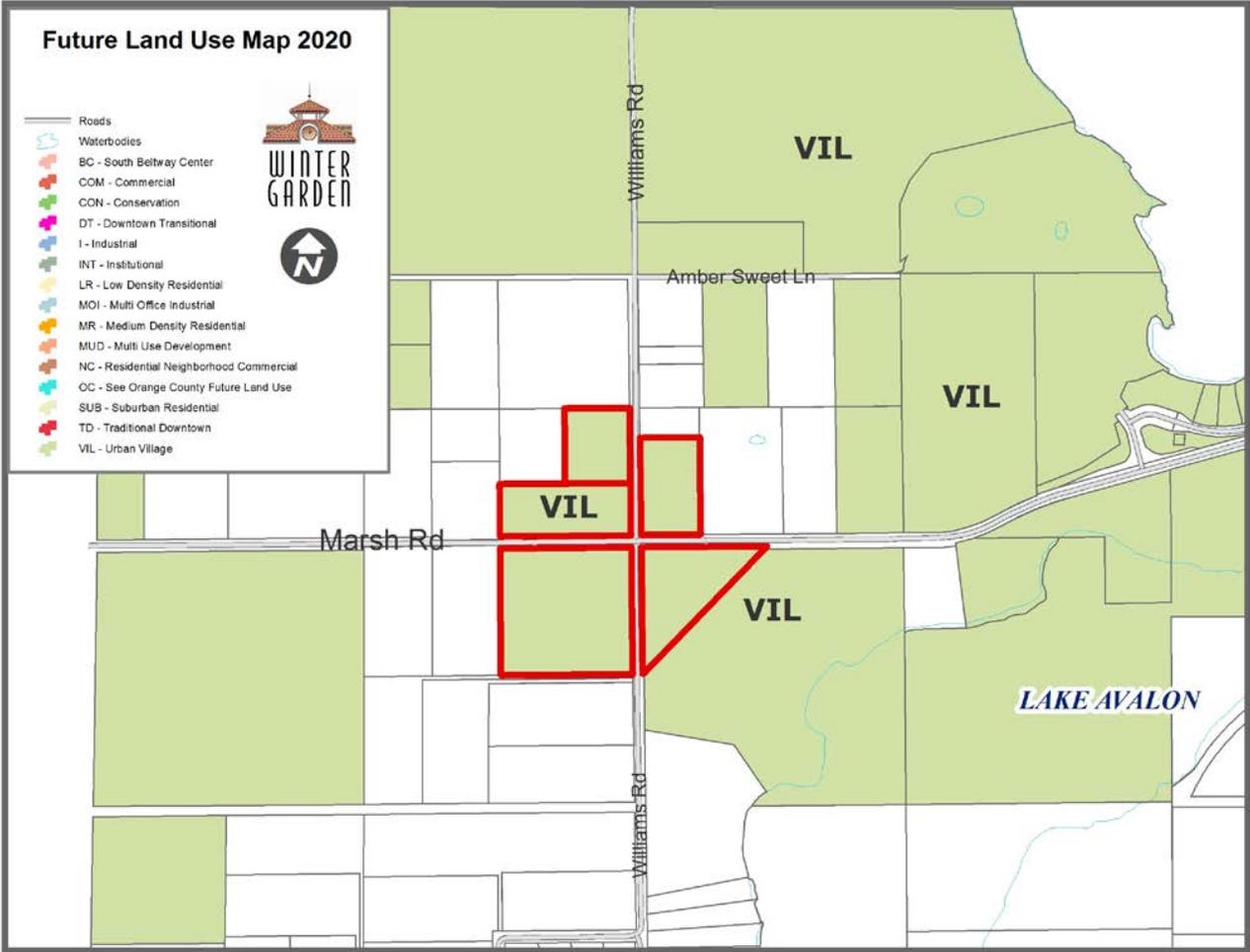
**AERIAL PHOTO**  
**17500 Marsh Road**



**ZONING MAP**  
**17500 Marsh Road**



**FUTURE LAND USE MAP**  
**17500 Marsh 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:** December 29, 2014

**Meeting Date:** January 8, 2015

**Subject:** 740 South Park Avenue  
**Adrian Galvan**  
**Ordinance 15-05**  
**Ordinance 15-06**  
**Ordinance 15-07**  
**PARCEL ID # 22-22-27-1084-01-140**

**Issue:** The applicant is requesting Annexation, Future Lands Use designation, and Zoning on property located at 740 South Park Avenue.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.22 ± acre enclave located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road. 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 Low Density Residential, and initial Zoning of R-2. (See attached Staff Report).

**Recommended Action:**

Staff recommends approval of Ordinance 15-05, Ordinance 15-06, and Ordinance 15-07.

**Attachment(s)/References:**

Location Map  
Ordinance 15-05  
Ordinance 15-06  
Ordinance 15-07  
Staff Report

# Legend



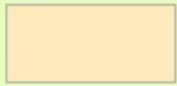
NOT TO SCALE



Subject Property



Orange County



Winter Garden

Coke Ave

Foster Ave

Burch Ave

S Park Ave

W Cypress St

Orang

Hamlin Rd

Jackson St



ORDINANCE 15-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY 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 0.22 ± acres located at 740 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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#: 22-22-27-1084-01-140

Lot 14, Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Southeast corner of Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence run North 00°00'00" East 420.00 feet to the Southeast corner of Lot 14 of said Block A; thence North 89°18'00" West 136.46 feet to the Southwest corner of said Lot 14; thence North 00°26'43" West 70.01 feet to the Northwest corner of said Lot 14; thence South 89°18'00" East 137.01 feet to the Northeast corner of said Lot 14; thence South 00°00'00" East 70.00 feet to the POINT OF BEGINNING.

Containing 0.220 acres, more or less.

ORDINANCE 15-06

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.22 ± ACRES OF LAND LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVEUNE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; 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 0.22 ± acres of land located at 740 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story 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 Low Density Residential 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 15-05, 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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#: 22-22-27-1084-01-140

Lot 14, Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Southeast corner of Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence run North 00°00'00" East 420.00 feet to the Southeast corner of Lot 14 of said Block A; thence North 89°18'00" West 136.46 feet to the Southwest corner of said Lot 14; thence North 00°26'43" West 70.01 feet to the Northwest corner of said Lot 14; thence South 89°18'00" East 137.01 feet to the Northeast corner of said Lot 14; thence South 00°00'00" East 70.00 feet to the POINT OF BEGINNING.

Containing 0.220 acres, more or less.

# ATTACHMENT "B"

## FUTURE LAND USE MAP

### 740 South Park Avenue



ORDINANCE 15-07

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.22 ± acres of land located at 740 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, 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 R-2 Residential District zoning classification, therefore;

**WHEREAS**, 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 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.*** 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 R-2 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 simultaneously upon the effective date of Ordinance 15-06 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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#: 22-22-27-1084-01-140

Lot 14, Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Southeast corner of Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence run North 00°00'00" East 420.00 feet to the Southeast corner of Lot 14 of said Block A; thence North 89°18'00" West 136.46 feet to the Southwest corner of said Lot 14; thence North 00°26'43" West 70.01 feet to the Northwest corner of said Lot 14; thence South 89°18'00" East 137.01 feet to the Northeast corner of said Lot 14; thence South 00°00'00" East 70.00 feet to the POINT OF BEGINNING.

Containing 0.220 acres, more or less.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

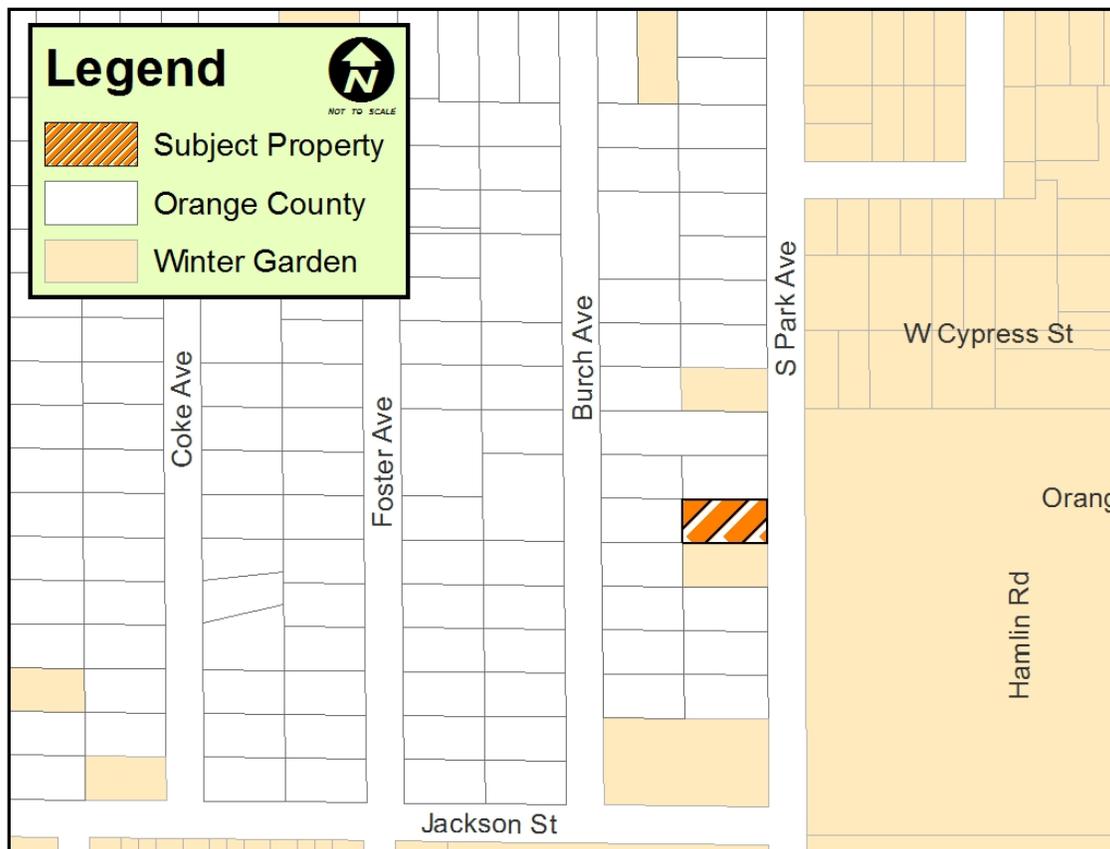
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** NOVEMBER 20, 2014  
**SUBJECT:** ANNEXATION – ZONING – FLU AMENDMENT  
**740 SOUTH PARK AVENUE (0.22 +/- ACRES)**  
**PARCEL ID #:** 22-22-27-1084-01-140  
**APPLICANT:** ADRIAN GALVAN

### 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 740 South Park Avenue and is approximately 0.22 ± 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, and initial zoning of R-2.

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 currently developed and used as a single-family house.

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

The property located to the north is a single family house, zoned R-2 and located in Orange County. The properties located to the east are developed with the Orange Tree Mobile Home Park, zoned R-2 and located in the City. The property to the south is a single family house, zoned R-2 and located in Winter Garden. The properties to the west are developed as single family homes, zoned R-2 and located in Orange County.

### **PROPOSED USE**

The applicant intends to annex the property and continue using it as a single-family house.

### **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**

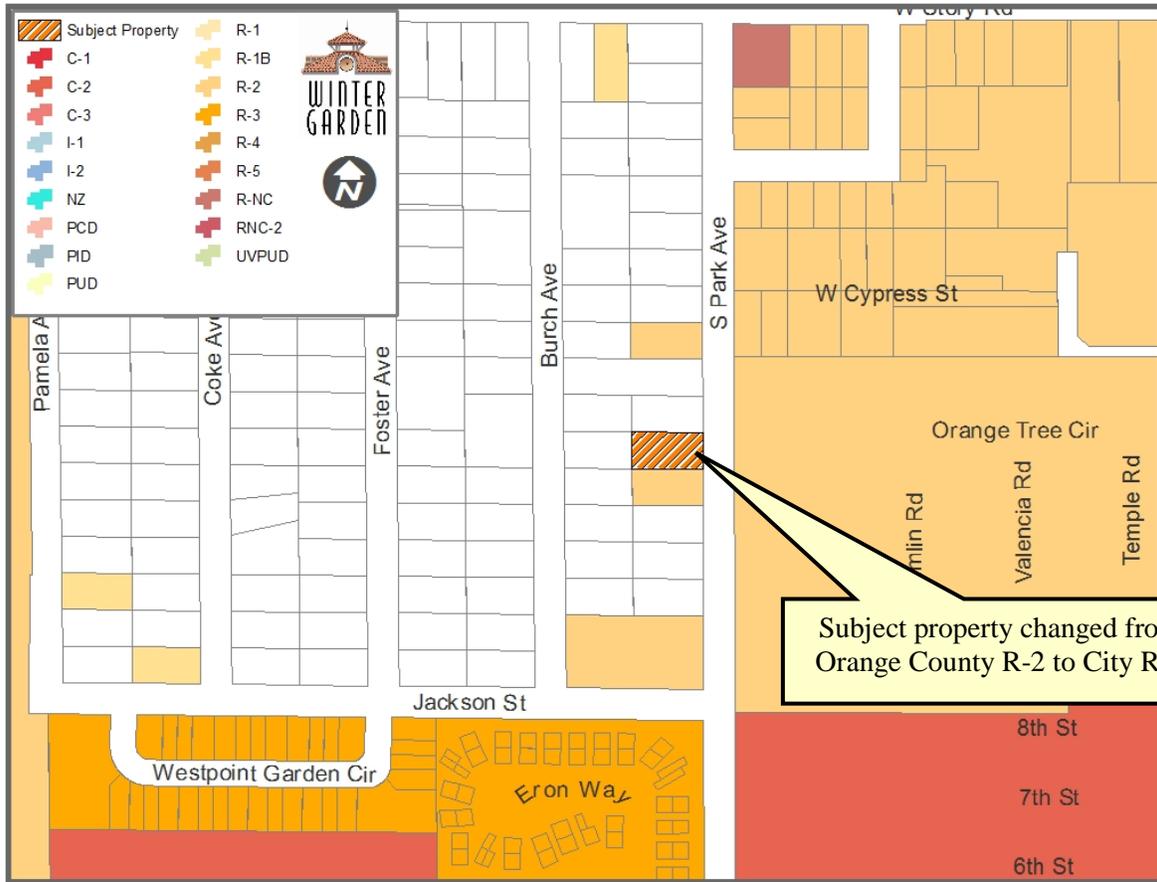
**740 South Park Avenue**



### **FUTURE LAND USE MAP** **740 South Park Avenue**



### ZONING 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:** December 29, 2014

**Meeting Date:** January 8, 2015

**Subject:** 502 Winter Garden Vineland Road  
**Joseph P. Nuria**  
**Ordinance 15-08**  
**Ordinance 15-09**  
**Ordinance 15010**  
**PARCEL ID # 35-22-27-0000-00-005**

**Issue:** The applicant is requesting Annexation, Future Lands Use designation, and Zoning on property located at 502 Winter Garden Vineland Road.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.52 ± acre enclave located on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard. 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 Low Density Residential, and initial Zoning of R-1. (See attached Staff Report).

**Recommended Action:**

Staff recommends approval of Ordinance 15-08, Ordinance 15-09, and Ordinance 15-10.

**Attachment(s)/References:**

Location Map  
Ordinance 15-08  
Ordinance 15-09  
Ordinance 15-10  
Staff Report

# Legend



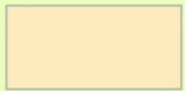
NOT TO SCALE



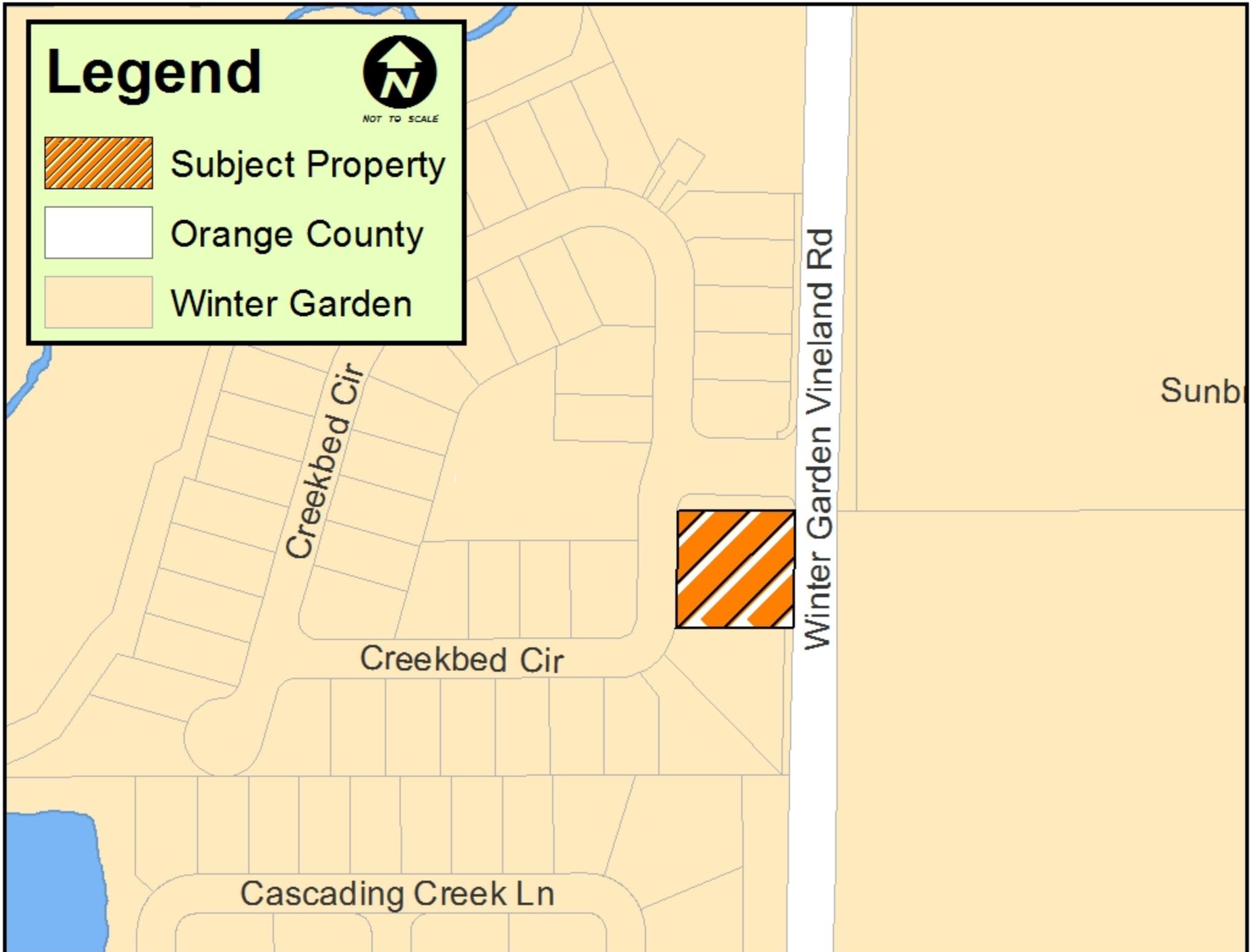
Subject Property



Orange County



Winter Garden



ORDINANCE 15-08

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD 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 0.52 ± acres located at 502 Winter Garden Vineland Road on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 35-22-27-0000-00-005

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD), RUN WEST 150 FEET, THENCE SOUTH 150 FEET, THENCE EAST TO THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD) THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

ORDINANCE 15-09

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 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; 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 0.52 ± acres located at 502 Winter Garden Vineland Road on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard, 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 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 15-08, 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

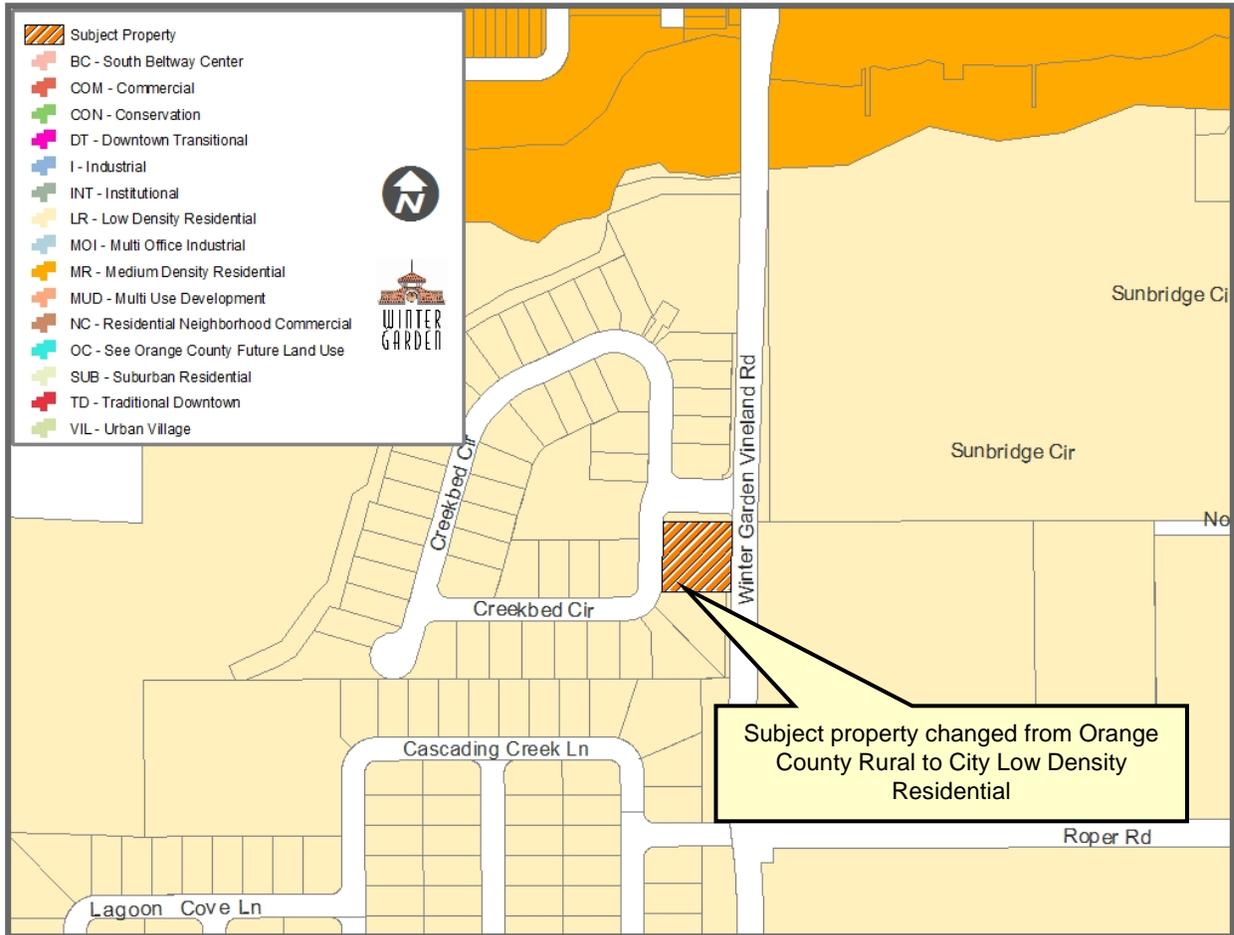
PARCEL ID#: 35-22-27-0000-00-005

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD), RUN WEST 150 FEET, THENCE SOUTH 150 FEET, THENCE EAST TO THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD) THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

# ATTACHMENT "B"

## FUTURE LAND USE MAP

### 502 Winter Garden Vineland Road



ORDINANCE 15-10

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.52 ± acres located at 502 Winter Garden Vineland Road on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Agricultural District to the City’s R-1 Single-Family Residential District zoning classification, therefore;

**WHEREAS**, 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 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.** After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County A-1 Agricultural District to City R-1 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 simultaneously upon the effective date of Ordinance 15-09 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_

JOHN REES, Mayor/Commissioner

**ATTEST:**

---

KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 35-22-27-0000-00-005

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD), RUN WEST 150 FEET, THENCE SOUTH 150 FEET, THENCE EAST TO THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD) THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

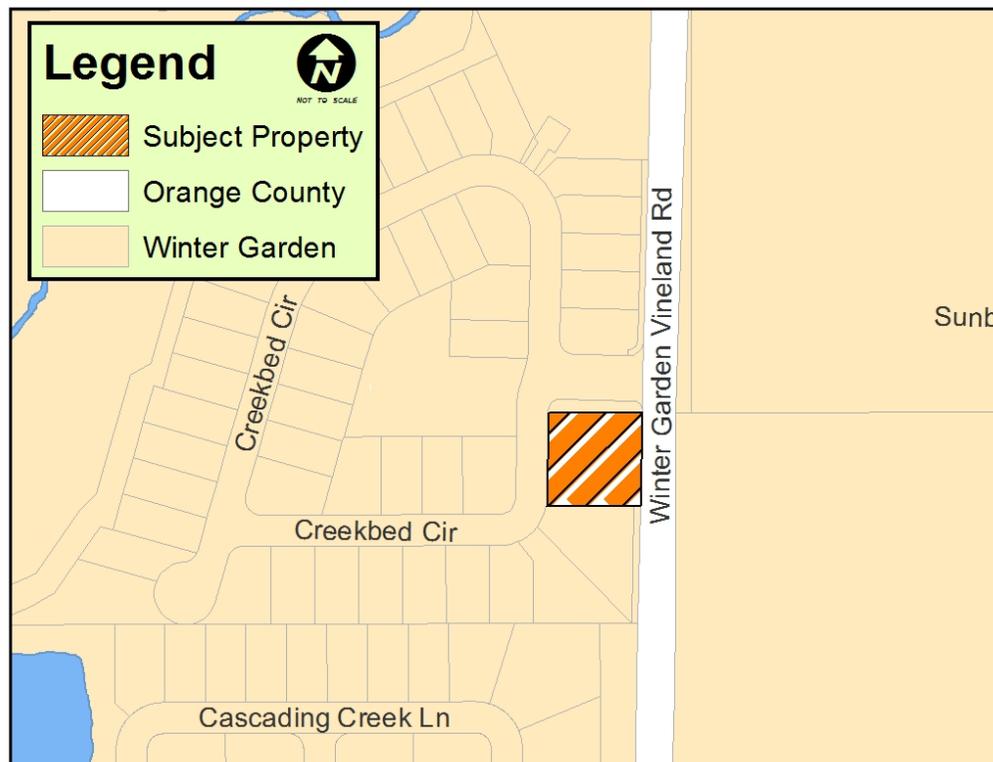
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** NOVEMBER 21, 2014  
**SUBJECT:** ANNEXATION – ZONING – FLU AMENDMENT  
**502 WINTER GARDEN VINELAND ROAD (0.52 +/- ACRES)**  
**PARCEL ID #:** 35-22-27-0000-00-005  
**APPLICANT:** JOSEPH P. NURIA

### 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 502 Winter Garden Vineland Road and is approximately 0.52 ± 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, and rezoning the property to R-1 Single-Family Residential District.

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 currently vacant and the owner intends to build a home in the future.

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

The properties located to the north, south, east, and west have recently been developed as a single-family neighborhood (Bradford Creek) and homes are just starting to be built.

### **PROPOSED USE**

The applicant intends to annex the property and build a new home sometime in the future.

### **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**

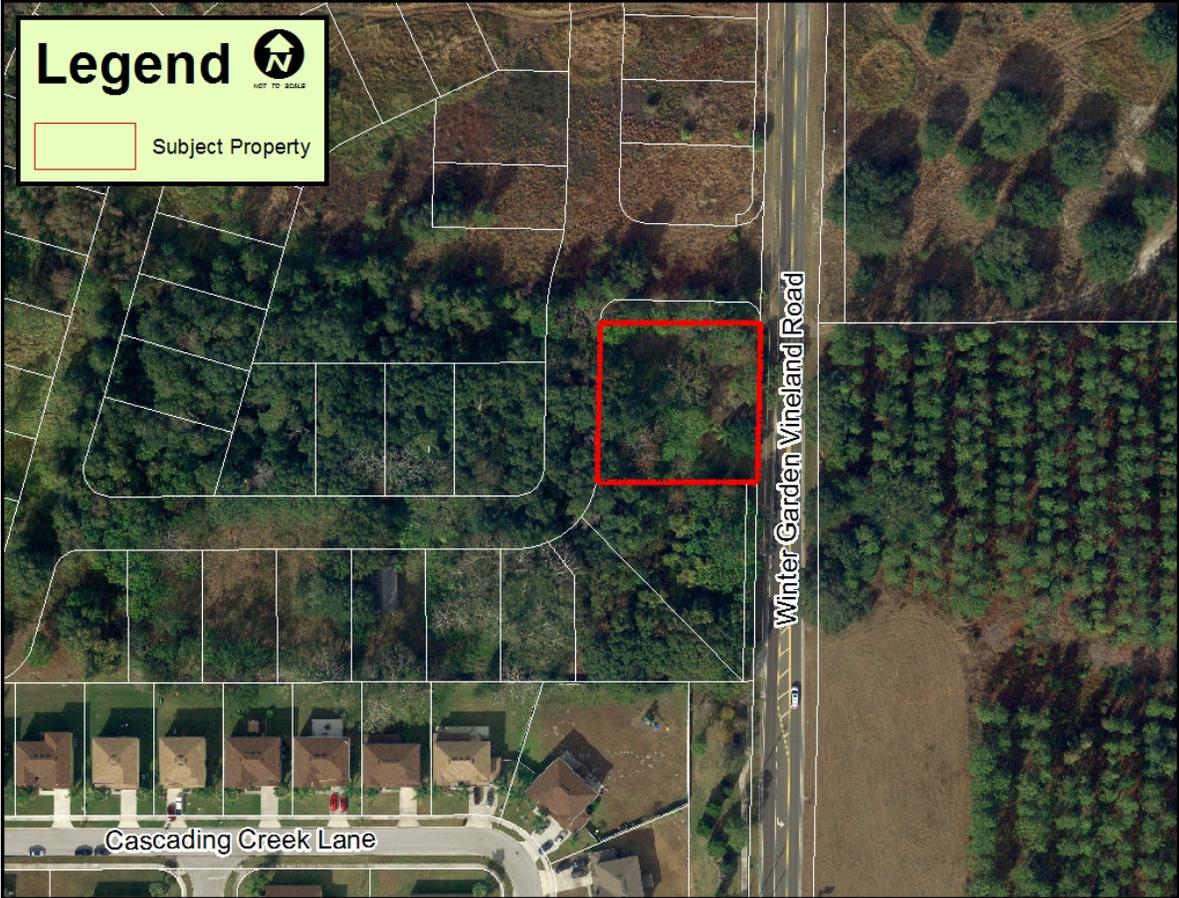
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. Staff recommends approval of the Annexation, Future Land Use Amendment, and initial Zoning, subject to the following condition:

1. All access to the property shall be from within the Bradford Creek subdivision. No driveways will be allowed on Winter Garden Vineland Road.

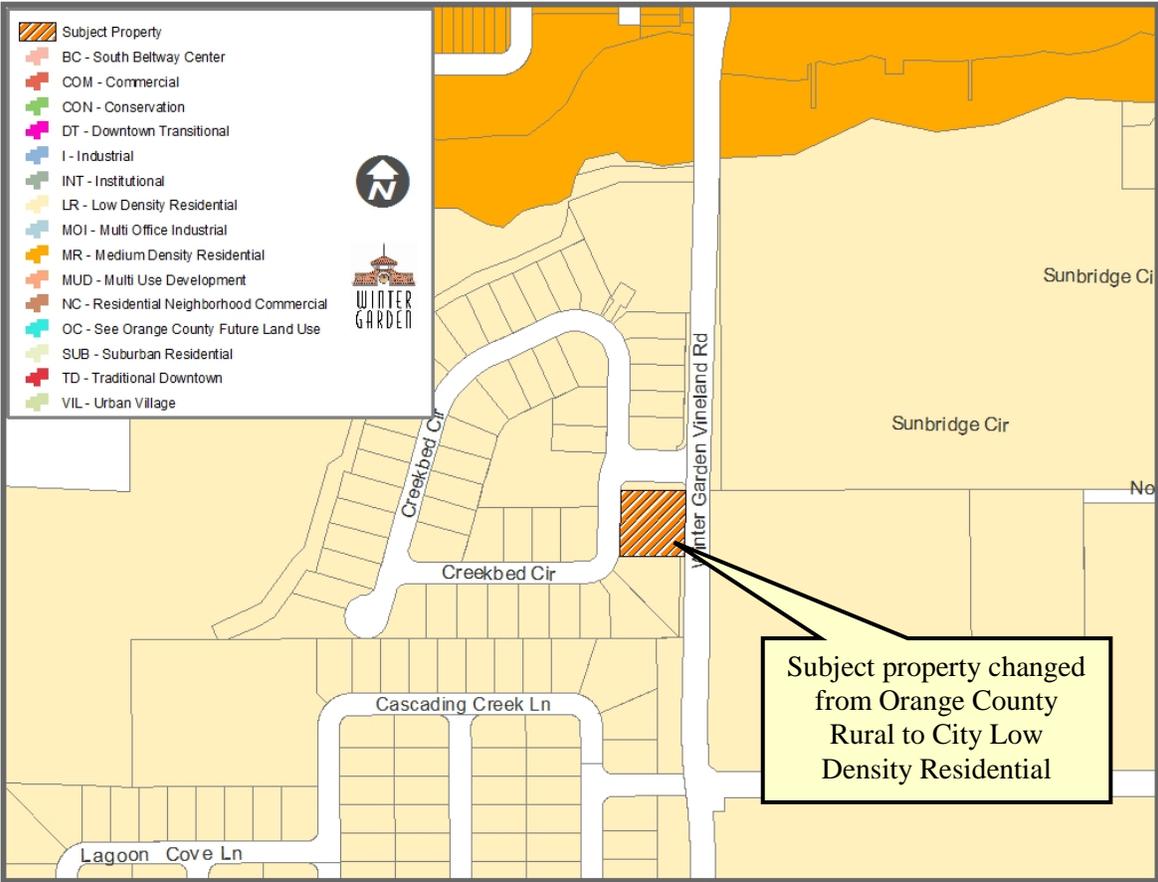
MAPS

**AERIAL PHOTO**

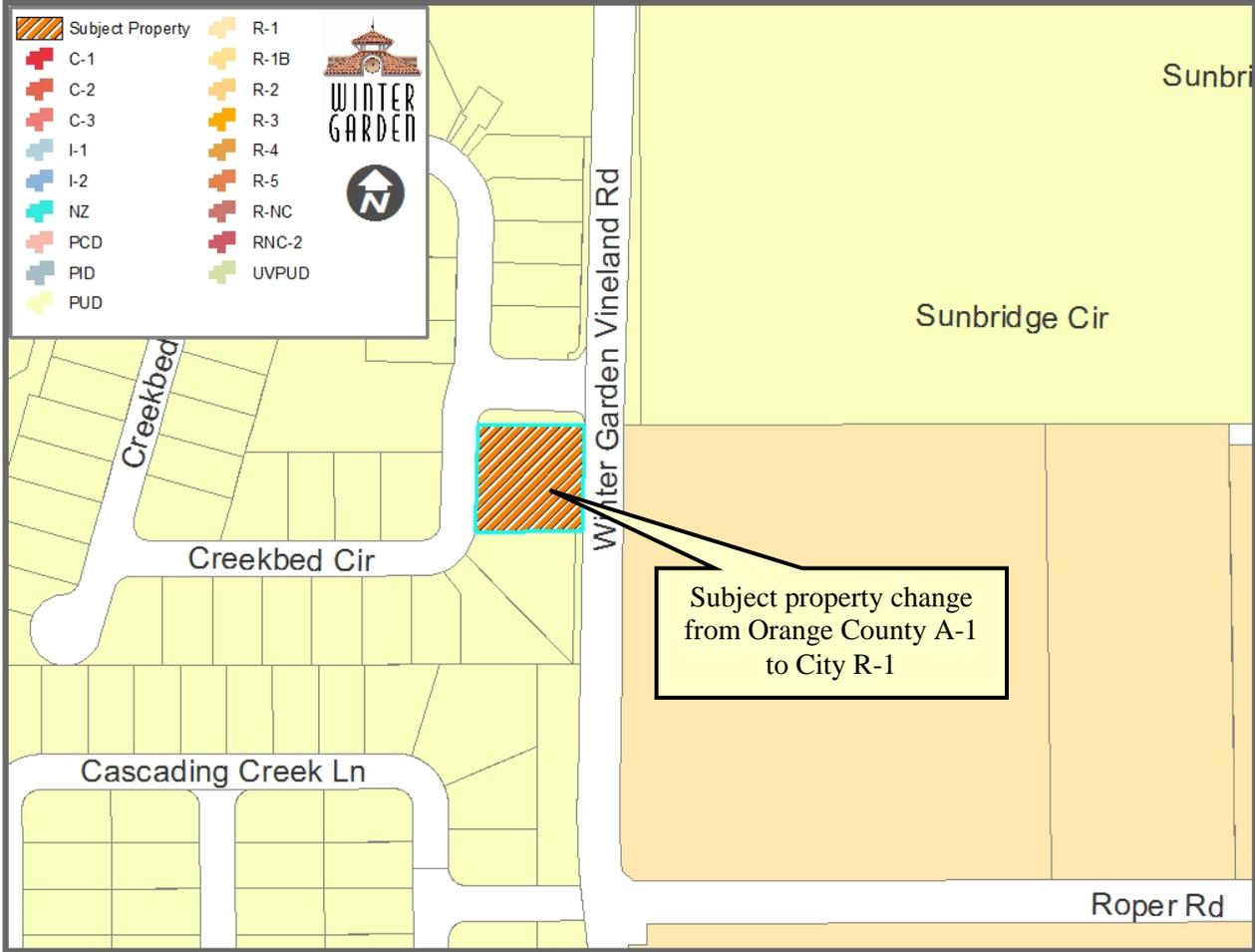
**502 Winter Garden Vineland Road**



**FUTURE LAND USE MAP**  
**502 Winter Garden Vineland Road**



**ZONING MAP**  
**13100 West Colonial Drive**



**END OF STAFF REPORT**

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

**From:** George Brennan, Police Chief

**Via:** City Manager Mike Bollhoefer

**Date:** December 12, 2014

**Meeting Date:** January 8, 2015

**Subject:** Chapter 74 Amendment  
**Ordinance 15-12**

**Issue:** Amend Section 74-106 of Article III, of Chapter 74 of the Code of Ordinances of the City of Winter Garden.

The current ordinance language has some ambiguity and redundancy in regards to the removal and impounding of illegally parked, abandoned or disabled vehicles.

**Recommended action:** Adopt Ordinance 15-12

**Attachment(s)/References:**

Ordinance 15-12

## ORDINANCE 15-12

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 74-106 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CLARIFY THE LANGUAGE IN REGARDS TO THE REMOVAL AND IMPOUNDING OF ILLEGALLY PARKED, ABANDONED OR DISABLED VEHICLES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission has the authority to regulate and enforce the stopping, standing, or parking of vehicles upon any street or alley within the city pursuant to Article VIII, § 2(b) of the Florida Constitution and §§ 166.~~224~~021; 316.008, Florida Statutes; and

**WHEREAS**, the City of Winter Garden desires to amend the language of ordinance 74-106 to clarify the removal and impounding of vehicles from any street or alley within the city.

**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 of the Constitution of the State of Florida, and Chapter 166 and § 316.008, Florida Statutes.

**Section 2: Adoption.** Article III of Chapter 74 of the City of Winter Garden Code is hereby amended to revise the language of Section 74-106 (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 74-106. – Removal and impounding of illegally parked, abandoned or disabled vehicles.**

Police officers are authorized to remove any vehicle from any street or alley within the city to an authorized towing vendor's vehicle storage facility ~~a public garage~~ or other place of safety at the owner's expense, under the following circumstances:

- (1) When any vehicle is left unattended:
  - a. On a sidewalk;

- b. In front of a public or private driveway;
  - c. Within 15 feet of a fire hydrant or in a fire lane;
  - d. Within an intersection;
  - e. On a crosswalk;
  - f. Between a safety zone and the nearest curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the city has indicated a different length;
  - g. In a space designated for emergency vehicles only;
  - h. Within 20 feet of a driveway entrance to a fire station and, if prohibited by a sign, on the side of a street opposite such station;
  - i. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic and is prohibited by sign;
  - j. At any place where official signs prohibit parking, stopping or standing ~~and the vehicle is obstructing traffic or otherwise creating a safety hazard;~~
  - k. In a city off-street parking facility for any period of time longer than 24 hours or upon any street longer than 72 hours;
  - l. Upon any bridge, elevated structure, viaduct, causeway, tube or tunnel where such vehicle is obstructing traffic or otherwise creating a safety hazard;
  - m. For more than two hours in a painted safety zone on roadways within the city; and
  - n. For more than 24 hours on the shoulder or median of state roadways within the city limits.
- (2) When a vehicle is obstructing traffic or otherwise creating a safety hazard and the person in charge of the vehicle is absent or because of physical injury or condition is incapacitated to such an extent as to be unable to provide for its custody or removal.
- (3) When any vehicle is parked on any parking facility or area designated or used in connection with city hall, the police station, or other facilities of the city in violation of the posted signs and the permitted uses.

- (4) When any motor vehicle remains stopped or parked on any property owned or controlled by the city not designated for parking for a period longer than 12 hours.

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

**SECTION 4: Control:** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

**SECTION 5: 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, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**SECTION 6: Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING:** December 11, 2014.

**SECOND READING AND PUBLIC HEARING:** January 8, 2015.

**ADOPTED** this 8th day of January, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

~~/S/~~  
JOHN REES, Mayor/Commissioner

ATTEST:

~~/S/~~  
KATHY GOLDEN, City Clerk

## ORDINANCE 15-12

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APPROVED:

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

ATTEST:

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

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

**From:** Frank Gilbert  
Assistant City Manager – Administrative Services

Michael Caines  
Fleet Division Manager

**Via:** Mike Bollhoefer  
City Manager

**Date:** December 22, 2014      **Meeting Date:** January 8, 2015

**Subject:** Authorization to Dispose of Surplus Vehicles and Equipment

**Issue:** Disposal of vehicles and equipment that have reached or exceeded usable service life as of December 22, 2014

**Recommended Action:** Motion to declare the attached vehicles and equipment as surplus and authorize their sale or disposal in a manner determined by the City Manager.

**Attachments/References:** 2014 Surplus Items

**2014 Surplus Vehicle and Equipment**

Asset Veh #	Fixed Asset #	Vehicle Year	Asset Description	Manufacturer Serial # (Includes VIN #s)	Engine	Date Acquired	Condition
84	2282	2002	2002 Crown Victoria V108	2FAFP71W42X137759	4.6L, V8, VIN (W)	2/9/2002	Poor
95	3216	2005	2005 Ford Crown Vic-136	2FAFP71W85X158540	4.6L, V8, VIN (W)	6/7/2005	Poor
3	3912	2007	2007 Crown Victoria #161	2FAFP71WX7X131181	4.6L, V8, VIN (W)	1/29/2007	Poor
110	3215	2005	2005 Ford Crown Vic-137	2FAFP71W15X158542	4.6L, V8, VIN (W)	6/7/2005	Poor
112	3707	2007	2007 Crown Victoria #148	2FAFP71W97X110306	4.6L, V8, VIN (W)	9/20/2006	Poor
121	4236	2008	2008 Crown Victoria V176	2FAFP71VX8X141072	4.6L, V8, VIN (V)	12/1/2007	Poor
128	447	1987	87 FORD L8000-PUMPER 8104	1FDYD80UXHVA58104	3208 cat	4/30/1988	Poor
133	2313	2002	2002 Chevy Silverado V212 2500	1GBHC24U62E215170	6L, V8, VIN (U)	2/27/2002	Poor/Engine Prob
234	2671	2003	Evo Mag 20 C230 SL	1L9AF59B03K006730	Cat 3126 HEP30848	8/6/2003	Poor
	**		Smithco Spray Star				Poor / Inop
	536		Alamo Mower Head			1995	Poor / Inop
	2018		Alamo Mower Head				Poor / Inop
	3358		Alamo Mower Head				Poor / Inop
	531		Alamo Mower Head			1994	Poor / Inop
	3334		Alamo Mower Head				Poor / Inop
	Missing		Alamo Bush Hog				Poor / Inop
	Missing		Portable Pump				Poor / Inop
	2154		Winco Generator				Poor / Inop
	1096		Tamper				Poor / Inop
	Missing		Generator				Poor / Inop
	Missing		Kabota Mower (missing engine)				Poor / Inop
	1150		Portable Gas Air Compressor			1997	Poor / Inop
	Missing		Portable Gas Air Compressor				Poor / Inop
	**		Troy Built Side Bar Mower				Poor / Inop
	**		Gravelly Mower				Poor / Inop
	Missing		Generator				Poor / Inop
	Missing		Homelite Generator				Poor / Inop
	3821		Concrete Saw				Poor / Inop
	Missing		Concrete Saw				Poor / Inop
	Missing		Concrete Saw				Poor / Inop
	Missing		Concrete Saw				Poor / Inop
	1823		8 ft Fiberglass Truck Top				Poor
	Missing		Chain saw				Poor / Inop
	1091		Gas Powered Blower			1990	Poor / Inop
	2662		Generac Generator			8/13/2003	Unknown
	Missing		Lot of 4 Mule Tires (Foam Filled)				Good
	Missing		Loader Fork				Scrap
	2486		Northern Drill				Inop

\*\* Aquired from West Side Tech

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** December 29, 2014

**Meeting Date:** January 8, 2015

**Subject:** 1101 East Plant Street  
**CITY OF WINTER GARDEN**  
**PARCEL ID # 13-22-27-0000-00-009**

**Issue:** The buildings located at 1101 East Plant Street are in a state of disrepair and need to be demolished.

**Discussion:**

The property located at 1101 East Plant Street was purchased by the City as part of the East Plant Street widening project. The buildings are in a state of disrepair and need to be demolished to protect the public safety. Once the buildings are demolished, the property can be redeveloped.

**Recommended Action:**

Staff recommends City Commission authorize the demolition of the buildings at 1101 East Plant Street.

**Attachment(s)/References:**

Location Map  
Demolition Price Quote

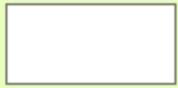
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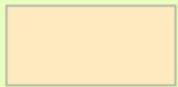
NOT TO SCALE



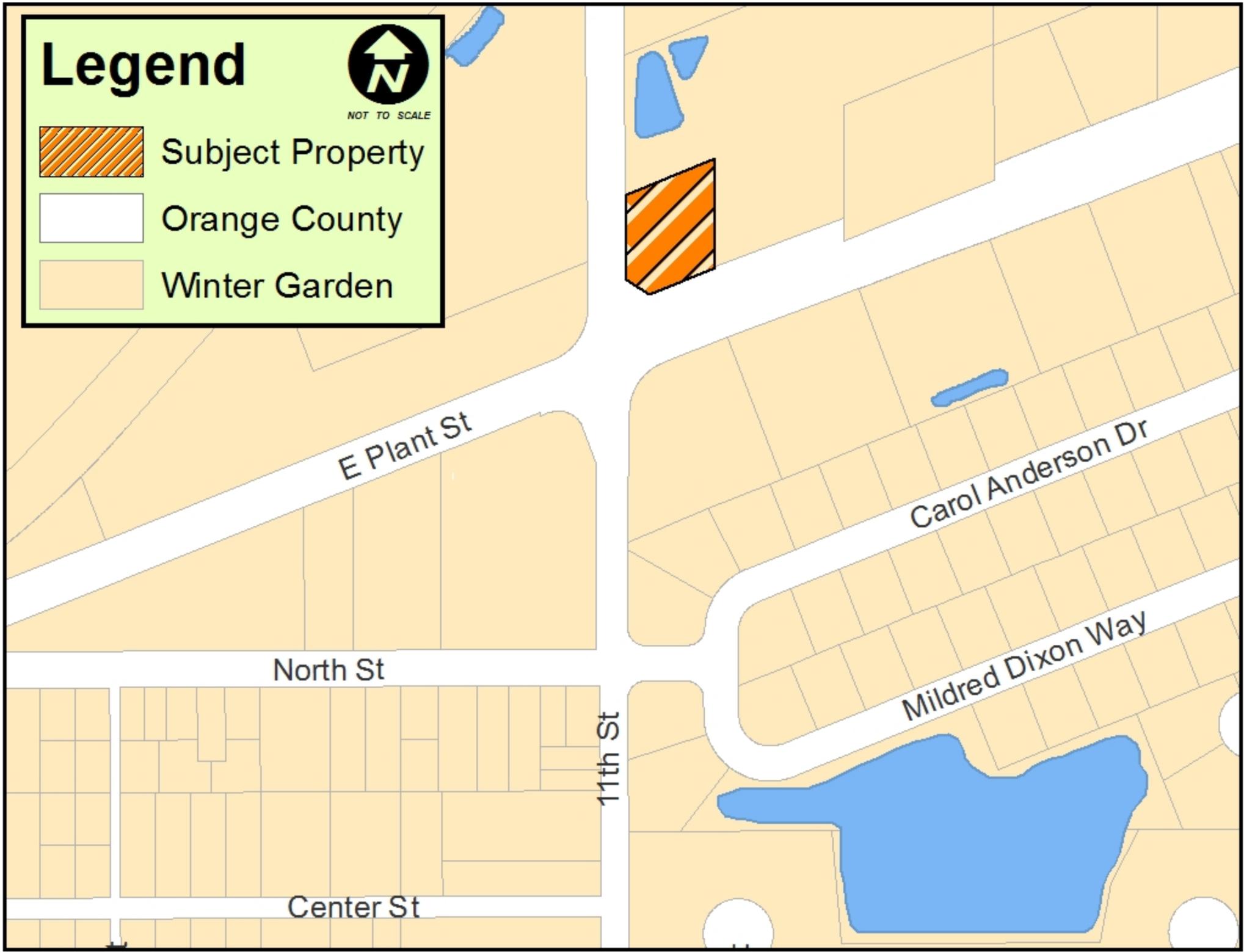
Subject Property



Orange County



Winter Garden





## Price Quote

5036 Dr. Phillips Blvd. Suite 377  
Orlando, FL 32819  
Tel: 407-383-9739  
Email: info@prodemolition.com  
Fax: 1-888-505-1852

December 15, 2014

Attention: Steve Pash  
Company: Winter Garden Community Development  
Address: 300 West Plant Street Winter Garden, FL 34787  
Contact: spash@wintergarden-fl.gov / 407.656.4111 x2292

**PROPERTY: 1101 E Plant St - Winter Garden**  
**PARCEL ID#: 13-22-27-0000-00-009**

Thank you for the opportunity to provide you with our price quote for the upcoming demolition at the above property address. Pro Demolition proposes to supply all of the labor, tools, equipment, and insurance necessary to accomplish the following project: DEMOLITION TO COMMERCIAL STRUCTURE.

### **SCOPE OF WORK:**

- 1) Demolition to grade of commercial structures, approx. 4706 SF total.
- 2) Asbestos Survey.
- 3) Removal & haul-out of all debris offsite to a legal landfill.

**COST OF PROPOSED SCOPE OF WORK:** **\$9,800 Demolition**  
**\$1,500 Asbestos Survey**  
**\$11,300 Total**

**TERMS OF BILLING:** C.O.D. – progress billing

**NOTE:** All demolition permit fees required by the city and/or county and any other specific permitting requirement costs are the responsibility of the Owner/GC. Owner/GC to reimburse PRO-DEMO for all demolition permit costs such as permit fees, rodent inspection, silt fencing, and any other general or specific demolition permit requirements.

**NOTE:** It is the Owner's/GC's responsibility to provide a source of power and water for the demolition work.

**NOTE:** It is the Owner's/GC's responsibility to provide a document of evidence that a structure's asbestos survey and inspection have been conducted and also to contact the Orange County Environmental Protection division for demolition and/or asbestos removal notification that is required prior to beginning of demolition work.

**NOTE:** In the event that the building surveyors find asbestos and/or mold substances in the building structure, it is the Owner's/GC's responsibility to remove and clear the building from such substance prior to the beginning of the demolition.

**NOTE:** This price quote is calculated based on PRO-DEMO salvaging any structural materials, and/or other above ground, underground, electrical cables, copper, A/C units, etc., as present on the site during the site visit performed in preparation of this price quote. In the event that some of the materials are removed or given away to others prior to PRO-DEMO's commencement of the work, the provided price may be increased relative to the value of the missing salvageable materials.

*This price quote is subject to acceptance within 30 days and void thereafter at the option of the undersigned.*

**Proposal Prepared by:** Rachel Perez

**Date Prepared:** 12/15/2014

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** December 30, 2014                      **Meeting Date:** January 8, 2015

**Subject:** Right-of-Way Maintenance Agreement  
**Oakland Park Phase 2A (19.68 +/- Acres)**

**Issue:** Right-of-Way Maintenance Agreement

**Recommended Action:**

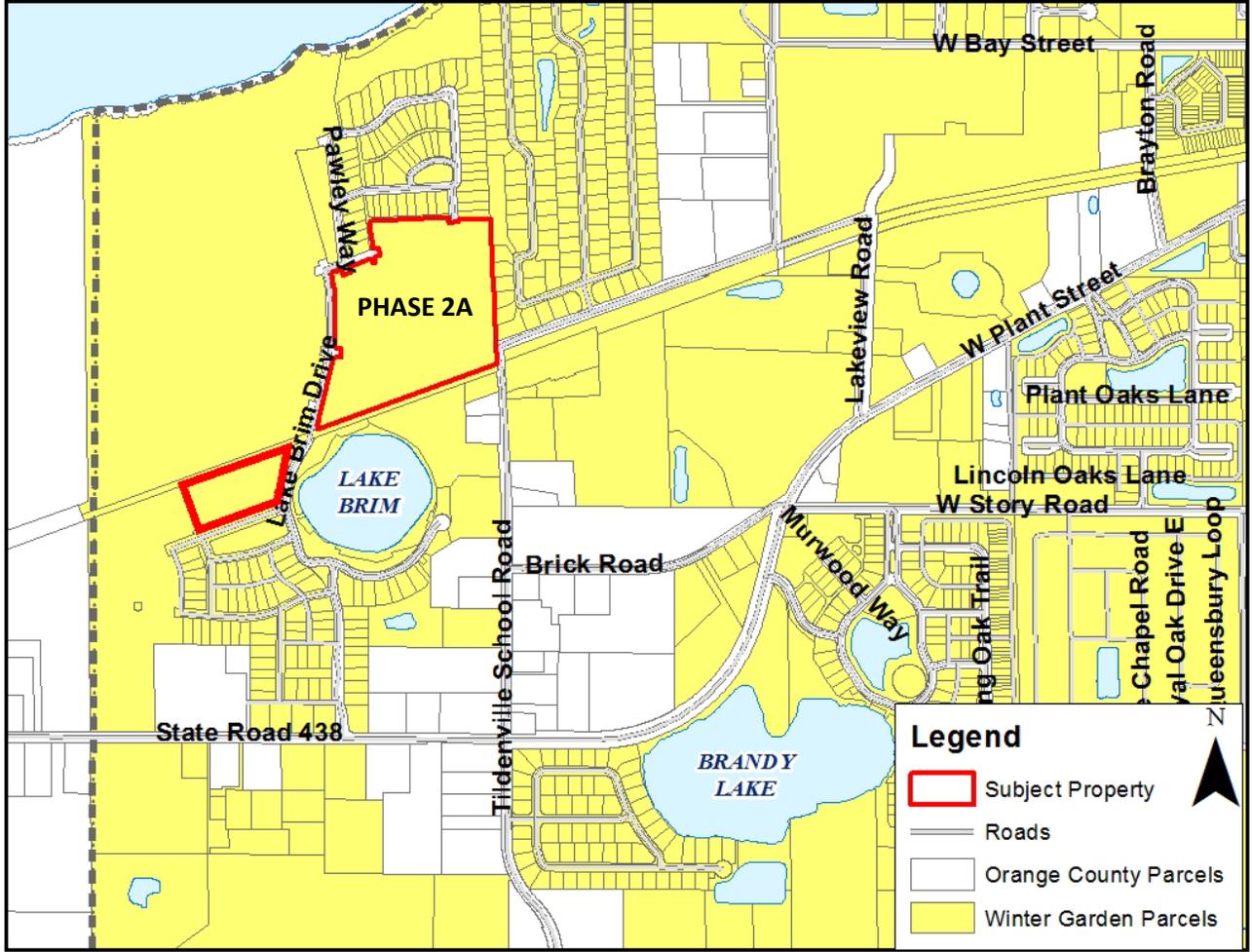
Staff recommends approval of the Right-of-Way Maintenance Agreement for the Oakland Park Phase 2A Subdivision.

**Attachment(s)/References:**

Location Map  
Right-of-Way Maintenance Agreement

# LOCATION MAP

## OAKLAND PARK PHASE 2



This instrument was prepared  
by and should be returned to:

Daniel W. Langley, Esq.  
Fishback, Dominick, et. al.  
1947 Lee Road  
Winter Park, Florida 32789

**RIGHT-OF-WAY MAINTENANCE AGREEMENT  
(OAKLAND PARK UNIT 2A)**

**THIS RIGHT-OF-WAY MAINTENANCE AGREEMENT** (the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and among the **CITY OF WINTER GARDEN, FLORIDA**, a Florida municipality (the "City"), and **OAKLAND PARK ASSOCIATION, INC.**, a Florida not-for-profit corporation (the "HOA").

**WITNESSETH:**

**WHEREAS**, Lake Apopka 2012, LLC, a Delaware limited liability company, as the successor-in-interest to Castle & Cooke Florida, Ltd., a Florida limited partnership (the "Developer") is the owner of the fee simple title to that certain real property located within the City, which is more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference (the "Subject Property"); and

**WHEREAS**, Developer is in the process of developing the Subject Property as a residential project known as Oakland Park Unit 2A (the "Project") and will convey public right-of-way to the City running through the Project; and

**WHEREAS**, the HOA is the homeowners' association for the Project; and

**WHEREAS**, the HOA desires to obtain a non-exclusive right to maintain certain landscaping, irrigation, pavement, signage and other improvements, as more particularly described on (i) **Exhibit "B"** attached hereto and incorporated herein by this reference and (ii) the Landscape Plans (as defined below) (hereinafter collectively referred to as the "Landscaping and Improvements"), to be located along and within certain rights-of-way which are within or adjacent to the Project, which rights-of-way are more particularly identified on **Exhibit "C"** attached hereto and incorporated herein by this reference (hereafter collectively referred to as the "Roads"); and

**WHEREAS**, this Agreement does not require the HOA to maintain the subsurface (subgrade and stabilization) and surface of the Roads, including, but not limited to curbs, gutters, stormwater drains and related road bed improvements; and

**WHEREAS**, the Landscaping and Improvements require substantially more extensive maintenance than is typical for the City to perform within and along public rights-of-way; and

**WHEREAS**, the City has raised certain concerns regarding the responsibility for and

future maintenance of the Landscaping and Improvements; and

**WHEREAS**, the HOA, in order to satisfy the concerns of the City, so as to receive permission to maintain the Landscaping and Improvements in the public right-of-way, has agreed to the terms, conditions and requirements set forth in this Agreement; and

**WHEREAS**, the Landscaping and Improvements to be maintained by the HOA shall be as set forth in this Agreement and those certain Oakland Park Phase 2 Street Tree and Lighting Plans prepared by Dix Lathrop and Associates, Inc., dated February 18, 2014 (the "Landscape Plans"), a copy of which is retained by the City in the offices of the Public Works Director and incorporated herein by this reference; and

**WHEREAS**, the HOA acknowledges that the primary beneficiary of said Landscaping and Improvements will be the Developer in marketing the Project and the HOA and the residents of the Project in beautifying the Roads; and

**WHEREAS**, in light of the foregoing, the HOA is willing to maintain the Landscaping and Improvements pursuant to this Agreement; and

**WHEREAS**, the City requires that the HOA undertake certain commitments and covenants to assure the continuous maintenance of the Landscaping and Improvements within or along the Roads during the term of this Agreement.

**NOW, THEREFORE**, for and in consideration of the above premises, the promises and provisions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged by the parties, the HOA and the City agree as set forth herein.

1. **Recitals.** The above premises are true and correct and are incorporated herein as material provisions of this Agreement.
2. **License.** Subject to the terms and conditions provided in this Agreement, the City hereby grants the HOA the non-exclusive right, privilege and license to use the Roads for the purposes described hereinafter. The license granted herein by the City is terminable by the City as provided for in this Agreement. Termination of the Agreement shall constitute termination of the license granted herein.
3. **Construction and Maintenance of Landscaping and Improvements.**
  - A. **Maintenance.** Any and all Landscaping and Improvements installed or constructed within the Roads by the Developer shall be operated and maintained by the HOA in good, clean, attractive, sanitary, safe and serviceable condition, order and repair in accordance with the Landscape Plan and this Agreement. No portion of the Landscaping and Improvements shall be maintained in such a manner as may interfere with the use of the Roads by the public or create a safety hazard, as determined by the City in the City's sole discretion.

- B. Compliance with the Law. Unless otherwise provided for herein, in maintaining the Landscaping and Improvements, the HOA shall comply with any and all laws, ordinances, and regulations of the City, county, state and federal governments, related to its activities, including but not limited to laws and regulations concerning landscaping, trees, planting, maintenance, and signage within and along public and private rights-of-way. Said laws and ordinances include, but are not limited to, Chapter 62 and Chapter 114 of the City Code, as such may be amended from time to time.
- C. Additional Requirements. In addition to the requirements of Subsection B above, all plantings must comply with the following conditions:
1. No tree or vegetation may be planted or allowed to grow in such manner as to interfere with the “triangle of visibility” as defined in FDOT Road Design Index #546.
  2. All trees and other vegetation as planted or maintained must not pose a safety hazard.
  3. A permit must be issued by the City’s Public Works Director before any tree is planted within the right of way.

To the extent of any conflict between the additional requirements set forth above and any current or future City, county, state or federal law or regulation, the more stringent requirement shall control unless preempted by law.

- D. Road Work. The HOA or its agents shall not, while maintaining, replacing or installing the Landscaping and Improvements, damage or disturb any portion of the Roads without the prior written approval of the City and the City’s prior written approval of a plan to restore the Roads, which approval shall not be unreasonably withheld, conditioned or delayed. The HOA or its agents shall take all reasonable safety measures required by law for maintenance work in and along public rights-of-way, including the placing and display of caution signs and signals, when working in the Roads, and shall prevent any obstructions to the Roads which are or may become dangerous to the traveling public. In the event that any work to be conducted by the HOA requires streets or traffic lanes to be closed or obstructed, the HOA shall, pursuant to the requirements of existing or subsequently enacted City ordinances, obtain all permits from and pay all applicable fees to the City, and shall obtain approval of its maintenance of traffic plan from the City’s Police and Public Works Departments prior to commencing such work. In the event that the HOA or its agents damage any portion of the Roads while maintaining, replacing, or installing the Landscaping and Improvements, the HOA, at its sole expense, shall restore such portion of the Roads to substantially the same condition said portion of the Roads was in prior to the occurrence of such damage.

- E. Changes to the Landscape Plan. Material variations from the Landscape Plan must be reviewed and approved by the City in writing prior to any work commencing.
- F. Irrigation. All irrigation arising from matters contained in the Landscaping Plan for the Project shall be compatible with future connection to the City's reclaimed water system.
- G. Water Conservation. The HOA shall encourage water conservation in the maintenance of the Landscaping and Improvements, including but not limited to, water conserving techniques, water efficient landscaping, proper soil preparation, irrigation systems and equipment and the use of reclaimed water, upon its availability.
- H. Impact Fees. The HOA shall not receive any compensation, impact fee or tax credits for any landscaping or improvements described herein.
- I. Non-Interference with Other Interests. The HOA, in the performance and exercise of its rights and obligations under this Agreement, shall not interfere in any manner with the existence and operation of any public or private rights-of-way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telephone wires, electroliers, cable television, rights of adjoining property owners, and other telecommunications, utility, or municipal property, without the express written approval of the owner or owners of the affected property or properties, except as expressly permitted by applicable laws. The HOA shall be liable to the City or to the third party owner, as the case may be, for the cost of any repairs made necessary by any displacement, damage, or destruction of City or third party property caused by the exercise by the HOA of its rights hereunder and shall pay the cost of such repairs upon written demand within thirty (30) days of receipt of such demand, which written demand shall include copies of all supporting invoices for such repair work. In addition, the HOA shall be responsible for any and all damage to street pavements, curbs, gutters, sidewalks and other improvements on, above, below or adjacent to the Roads arising from the installation, maintenance, repair, replacement, or removal of the Landscaping and Improvements, and shall repair, replace and restore in kind, the said damaged property at its expense.

**4. Removal/Relocation.** If, in the reasonable discretion of the City, all or any portion of the Landscaping and Improvements, or maintenance thereof: (a) interferes with any construction, widening, reconstruction, alteration or improvement which the City desires to perform on, around, over, through or under the Roads or Project; or (b) said Landscaping and Improvements, or maintenance thereof, unreasonably interferes in any way with the convenient, safe, or continuous use of the Roads; or (c) the non-emergency removal of any or all Landscaping and Improvements is necessary to serve the health, safety or general welfare of the citizens of Winter Garden, the HOA, upon receipt of written notice from the City, shall remove or relocate that portion of the Landscaping and Improvements as requested by the City within thirty (30) days of receipt of said notice. Any such relocation or removal of any or all Landscaping and

Improvements shall be at the sole expense of the HOA and the HOA shall restore such portion of the Roads to substantially the same condition said portion of the Roads was in prior to the installation of the Landscaping and Improvements. Notwithstanding anything to the contrary, no Landscaping and Improvements may be removed without the prior written consent of the City (which consent shall not be unreasonably withheld, conditioned or delayed), except that fallen vegetation and signage may be removed without prior written consent when reasonably necessary to remedy a threat to public safety.

**5. Inspection; Defaults; Remedies.**

- A. Inspection. At all times, the City shall have the right to inspect the maintenance, replacement and installation of the Landscaping and Improvements to ensure compliance with the terms of this Agreement.
  
- B. Breach. In the event any of the parties violate any material provision of this Agreement, the violating party shall be given thirty (30) days to cure such default upon receipt of written notice of the default from a non-violating party; provided, however, in the event the cure is of such a nature that it cannot be cured within thirty (30) days despite the violating parties diligent efforts and the violating party is diligently and continuously pursuing the cure of such default, the cure period shall be extend for such reasonable period of time as is necessary for the violating party to effectuate such cure, provided such reasonable period of time shall not to exceed one hundred twenty (120) days. Notwithstanding the preceding, no cure period need be given for a default by the HOA which results in a threat or danger to the public health or safety. In the event a default is not cured within the applicable cure period or the City is required to act without a cure period to remedy a threat to the public health or safety, the non-violating party shall have the right to pursue any and all legal and equitable remedies available to it, including the right to seek specific performance of this Agreement.
  
- C. City's Right to Take Remedial Action. In addition to the provisions and remedies set forth above, in the event that the HOA fails to take any action as required by the City to cure a default under this Agreement within any applicable cure period, in addition to any and all other rights available to the City, the City, after the expiration of the applicable cure period, shall have the right, but not the obligation to take the required action on behalf of the HOA. Notwithstanding the preceding, in the event that the City determines in its sole discretion that for reasons of public health or safety, immediate action is required to remedy a default under this Agreement by the HOA, the City shall have the right, but not the obligation, to repair, replace, maintain or otherwise take such action as may be necessary to remedy the threat to public health or safety without prior written notice to the HOA. In the event the City takes action to remedy a default under this Agreement after expiration of all applicable cure periods, the HOA, shall be responsible for the payment of all costs incurred by the City and its agents in taking such action. Said payment by the HOA shall be made within thirty (30) days of written demand by the City, which written demand shall include copies of all supporting invoices. The City's exercise of its right to remedy a default under this

Agreement shall not limit the City from exercising any other rights or remedies available to it arising from such default or impose any future or ongoing obligation on the City to continue to maintain, repair, replace or otherwise care for the Landscaping and Improvements thereafter.

**6. Indemnification.** The HOA shall save, defend, indemnify, release, and hold harmless City and City's employees, agents, contractors, and commission members against and from all disputes, lawsuits, injuries, losses, liabilities, obligations, damages, penalties, claims, costs, charges and expenses, including reasonable consultants' and attorneys' fees which may be imposed upon, incurred by or asserted or claimed against them, resulting or arising from any or all of the following (i) the performance by HOA or its agents of any action under this Agreement or otherwise related to the Landscaping and Improvements or the Roads, (ii) HOA's failure to perform, or cause to be performed, any required action or obligation of HOA pursuant to this Agreement; (iii) the exercise or attempted exercise by HOA of any rights, privileges, or obligations under this Agreement, (iv) the City's or an agent of the City's performance of any obligation of the HOA pursuant to paragraph 5.C. of this Agreement, or (v) any damage to the Landscaping and Improvements which may result from the use of the Roads by the City or other governmental authority or their agents due to maintenance, construction, widening, installation or other proper use within the Roads unless such disputes, lawsuits, injuries, losses, liabilities, obligations, damages, penalties, claims, costs, charges and expenses are caused by or arise out of the gross negligence or willful misconduct of the City, its employees, agents, contractors and commission members.

**7. Non-Approval.** Unless expressly authorized or granted herein, nothing in this Agreement shall constitute or be deemed to constitute any approval by the City of any rezoning, Comprehensive Plan amendment, variance, special exception, site plan, preliminary subdivision plan, final subdivision plan, or any other land use or development approval. Further, nothing in this Agreement shall be deemed to reduce, eliminate, derogate from or otherwise adversely affect or modify the approved Landscape Plans. The HOA shall be solely responsible for obtaining all governmental and private approvals which may be necessary or desirable for the performance of the HOA's obligations under this Agreement and it is expressly understood and agreed upon that the City does not assume any responsibility for the securing of any such approvals, permits, licenses, easements or other interests, including but not limited to any necessary agreement with utility providers.

**8. Termination.** This Agreement may be terminated by the HOA or the City at any time with or without cause upon thirty (30) days advance written notice (the "Termination Notice") to the other party. Unless otherwise agreed to in writing by the City, in the event of termination of this Agreement, whether at the election of the HOA or the City, the HOA at its sole cost and expense shall remove any and all Landscaping and Improvements from the Roads, other than trees, and replace such Landscaping and Improvements with sod of a type approved by the City within sixty (60) days after receipt of the Termination Notice by the other party.

**9. Rights in Roads.** It is expressly stipulated that this Agreement shall not operate to create or vest any property rights to any portion of the Roads in the HOA. Further, it is expressly understood by the HOA that the City shall be under no obligation to acquire or condemn any rights-of-way, easement or other property right as part of this Agreement.

**10. Other Provisions.**

- A. Warranty of Authority and Ownership. The HOA represents and warrants that it has all necessary power and authority to enter into and consummate the terms and conditions of this Agreement, that all acts, approvals, procedures, and similar matters required in order to authorize this Agreement have been taken, obtained, or followed, as the case may be, and that, upon the execution of this Agreement by all parties, this Agreement shall be valid and binding upon the parties hereto and their successors in interest and assigns.
- B. Notice. All notices required or permitted to be given under this Development Agreement must be in writing and must be delivered to the City or the HOA at its address set forth below (or such other address as may hereafter be designated by such party in writing). The parties' addresses for the delivery of all such notices are as follows:

City: City Manager  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787  
Facsimile: (407) 656-4952

With a copy to: City Attorney  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787  
Facsimile: (407) 656-4952

HOA: Oakland Park Association, Inc.  
c/o CCMC  
8360 East Via de Ventura Boulevard  
Suite L-100  
Scottsdale, AZ 85258  
Facsimile: *(407) 566 8608*

With a copy to: Lake Apopka 2012, LLC  
Attention: John H. Classe, Jr.  
15241 East Oakland Avenue  
Winter Garden, FL 34787  
Facsimile (407) 656-9120

With a copy to: Shutts & Bowen LLP  
Attention: Daniel T. O'Keefe, Esquire  
Juli S. James, Esquire  
300 South Orange Avenue, Suite 1000  
Orlando, FL 32801  
Facsimile (407) 425-8316

Notices shall be either: (1) personally delivered (including delivery by Federal Express or other courier service) to the addresses set forth above, in which case they shall be deemed delivered on the date of delivery; (2) sent by certified mail, return receipt requested, in which case they shall be deemed delivered on the date shown on the receipt unless delivery is refused or intentionally delayed by the addressee, in which event they shall be deemed delivered on the date of deposit in the U.S. Mail; or (3) transmitted via telecopier using a telecopier number provided above, if any (or such other number as receiving party may have designated in writing), in which case the delivery shall be deemed to have occurred on the day of the transmission, provided that the day of transmission is a normal business day or, if not, the first normal business day after the transmission. Notices or communications to or from parties' attorneys will be deemed to be to or from that party.

- C. Amendment. This Agreement constitutes the entire agreement of the parties, and there are no understandings or dealing with the subject matter of this Agreement other than those contained herein. This Agreement may not be modified, changed or amended, except by writing signed by the parties hereto or their authorized assignees.
- D. Severability. If any portion of this Agreement is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Agreement shall continue in full force and effect.
- E. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Exclusive venue in any action to construe or enforce the provisions of this Agreement shall be in the circuit court of and for Orange County, Florida.
- F. Effective Date. The effective date of this Agreement, for purposes of the performance of obligations by the parties under this Agreement, shall be the date the last of the parties hereto executes the Agreement.
- G. Binding Effect and Successors. The obligations under this Agreement shall benefit, burden, and bind the successors, heirs and assigns of all parties to this Agreement.
- H. Reimbursement. On or before ten (10) days after HOA's receipt of detailed invoices from the City, HOA shall reimburse the City for the City's inspections relating to this Agreement.
- I. Time is of the Essence. Time is hereby declared to be of the essence in the performance of the duties and obligations of the respective parties to this Agreement.

- J. Captions. The captions or paragraph headings of this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, or meaning of this Agreement.
- K. Counterparts. This Agreement may be executed in any number of counterparts; each of which when executed and delivered, shall be an original, but all counterparts shall together constitute one and the same Agreement.
- L. Independent Parties. The parties are not partners and this Agreement is not a joint venture and nothing in this Agreement shall be construed to authorize any of the parties hereto to represent or bind any other party to matters not expressly authorized or provided in this Agreement.
- M. Informed Execution. This Agreement is entered into voluntarily by the HOA without duress and after full review, evaluation and consideration by the HOA. The HOA is represented by counsel, or alternatively, have been afforded an opportunity to retain counsel for review of this Agreement.
- N. Recording. At any time during the term of this Agreement, the City may record this Agreement with the cost thereof to be borne by the HOA.
- O. Interpretation. None of the parties shall be considered the drafter of this Agreement for purposes of interpreting this Agreement, it being recognized that all parties have contributed substantially and materially to the preparation of this Agreement.
- P. Non-Waiver of Sovereign Immunity. Nothing contained in this Agreement or in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the Grantee of its sovereign immunity under the Constitution and laws of the State of Florida.
- Q. Police Power; City Ordinances. The HOA acknowledges that at all times during the term of this Agreement, its rights shall be subject to all lawful exercise of the police power of the City, and to such reasonable regulation of the Public Rights-of-Way as the City shall hereafter by resolution or ordinance provide in the interests of health, safety and welfare of the public. Any inconsistency or ambiguity between the provisions of this Agreement and the lawful exercise of the City's police power shall be resolved in favor of the latter. Additionally, this Agreement and the privileges granted hereunder to HOA are subject to the general ordinance provisions now in effect and hereinafter made effective by the City.

**[SIGNATURES APPEAR ON FOLLOWING PAGES]**

**IN WITNESS WHEREOF**, the HOA and the City have executed this Agreement as of the day and year approved and accepted by the City.

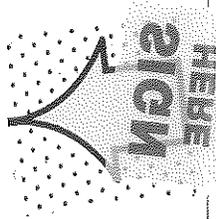
**“CITY”**

**CITY OF WINTER GARDEN, FLORIDA**

By: \_\_\_\_\_  
JOHN REES, Mayor

**ATTEST:**

By: \_\_\_\_\_  
KATHY GOLDEN, City Clerk



Signed, sealed and delivered in the presence of:

“HOA”

OAKLAND PARK ASSOCIATION, INC.,  
a Florida not-for-profit corporation

*Alistair Penny*

Print Name: Alistair Penny  
Witness

*[Signature]*

By: \_\_\_\_\_  
Print Name: John H. Classe, Jr  
Its: President

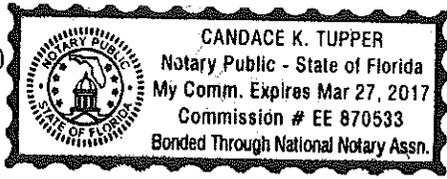
*Candace K Tupper*  
Print Name: Candace K Tupper  
Witness

STATE OF FLORIDA  
COUNTY OF FLORIDA

The foregoing instrument was executed, sworn to and acknowledged before me this 11<sup>th</sup> day of December, 2014 by John H. Classe, Jr as President of Oakland Park Association, Inc., a Florida not-for-profit corporation, on its behalf. He ~~she~~ (check one)  is personally known to me, or  has produced a valid driver's license as identification.

*Candace K Tupper*  
Notary Public, State of Florida

(Notary Seal)



Print Name: Candace K Tupper

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF THE SUBJECT PROPERTY**

OAKLAND PARK UNIT 2A, according to the plat thereof, as recorded in Plat Book \_\_\_\_\_,  
Page \_\_\_\_\_ through \_\_\_\_\_, of the Public Records of Orange County, Florida.

**EXHIBIT "B"**

**DESCRIPTION OF LANDSCAPING AND IMPROVEMENTS**

All landscape, hardscape and irrigation improvements described in those certain Oakland Park Phase 2 Street Tree and Lighting Plans prepared by Dix Lathrop and Associates, Inc., dated February 18, 2014 (the "Landscape Plans"), including, but not limited to the installation of landscaping, irrigation, pavement and signage.

A copy of the Landscape Plans is on file with the City of Winter Garden in the offices of the Public Works Director.

**EXHIBIT "C"**

**DESCRIPTION OF THE ROADS**





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

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**From:** Kathy Golden, City Clerk/Election Official

**Date:** December 22, 2014                      **Meeting Date:** January 8, 2015

**Subject:** Election agreement for the 2015 General Election and any Run-off Election

**Issue:** The City's next General Election is scheduled for March 10, 2015 for Districts 2, 3, and 4.

Attached for your consideration is an agreement with the Orange County Supervisor of Elections for the use of their voting equipment, opening voter registration books, and staff assistance throughout the election cycle.

**Recommendation:**

Authorize the City Manager to execute, on behalf of the City, the election contract for the 2015 General Election and any Run-off Election.

**Attachments:** Agreement



2015  
**VOTE PROCESSING EQUIPMENT  
USE AGREEMENT AND  
ELECTIONS SERVICES CONTRACT  
FOR MUNICIPAL ELECTIONS**

This Vote Processing Equipment Use Agreement and Elections Services Contract (hereinafter referred to as the "Agreement") is hereby entered into by and between the **Orange County Supervisor of Elections Office**, (hereinafter referred to as "SOE") and the **City of Winter Garden, Orange County, Florida**, (hereinafter referred to as "MUNICIPALITY").

**RECITALS:**

**WHEREAS**, pursuant to Section 101.34, Florida Statutes, SOE is the legal custodian of certified vote processing equipment owned by Orange County, Florida and is hereby charged with the responsibility for custody and maintenance of said equipment; and,

**WHEREAS**, MUNICIPALITY desires, or is otherwise statutorily obligated, to conduct an election that requires the use of vote processing equipment to count ballots; and,

**WHEREAS**, All vote processing equipment requires specially trained and knowledgeable individuals to program, operate and maintain said equipment; and,

**WHEREAS**, The Orange County Board of County Commissioners has authorized SOE to provide any necessary terms and conditions for the use of such voting equipment; and,

**WHEREAS**, SOE can provide the necessary personnel to program, operate and maintain said equipment; and,

**WHEREAS**, MUNICIPALITY hereby acknowledges full responsibility for any and all applicable requirements under the Florida Election Code and any provisions of the city charter or municipal ordinances which may not be addressed or included in this agreement.

**NOW, THEREFORE**, in consideration of the premises and of the mutual promises, terms and conditions stated herein SOE and MUNICIPALITY agree as follows:

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein.

SECTION 2. Agreement. SOE shall provide to MUNICIPALITY such necessary vote processing equipment and services according to the terms and conditions stated in this Agreement, for the purposes of conducting a General Election to be held on Tuesday, March 10, 2015 and, if necessary, a Run-off Election to be held on Tuesday, April 7, 2015, along with the necessary equipment and services to facilitate any early voting sites and polling places as may be necessary and agreed upon by the parties.

SECTION 3. Operation and Programming Services.

DS200 For each election, MUNICIPALITY shall pay SOE One Hundred Fifty Dollars (\$150.00) for the program and maintenance of any DS200 tabulator and Seventy-five Dollars (\$75.00) for each additional tabulator that is identically programmed. For early voting, MUNICIPALITY shall pay SOE Seventy-five Dollars (\$75.00) for the program, maintenance and operation of each DS200 tabulator that is identically programmed and operated as the DS200 tabulators that are programmed for Election Day.

M650 For each election, MUNICIPALITY shall pay SOE Two Hundred Dollars (\$200.00) for the program, maintenance and operation of any M650 Absentee Ballot Counting equipment. Such fee shall include up to four (4) hours of processing time, election set-up and coordination, programming of high speed ballot counting equipment and processing of envelopes through the automatic envelope openers. For each additional hour needed to provide the services described in this paragraph, MUNICIPALITY shall pay SOE Fifty Dollars (\$50.00) per hour.

Epoll Books For each election, MUNICIPALITY shall pay SOE Twenty-five Dollars (\$25.00) for data base set-up and maintenance of each Epoll Book (minimum three per polling place).

Repairs For any election, all maintenance, repairs or other troubleshooting services for vote processing equipment, including any processors or tablets, will be performed exclusively by SOE and such services are included in all stated charges. However, SOE does reserve the right to seek reimbursement from MUNICIPALITY for any repairs or maintenance caused by any negligent or unauthorized acts by any employee or representative of MUNICIPALITY.

SECTION 4. Additional Early Voting Services for Off-Site Locations For Non-Ballot-on-Demand Method

Tablets For each early voting site other than the Office of the SOE, MUNICIPALITY shall pay SOE Three Hundred and Seventy-Five Dollars (\$375.00) for the program and operation of each ePoll Book tablet employed per site. Such service fee includes the downloading or uploading of any necessary data. These charges are per election.

Printers For each early voting site other than the Office of the SOE, MUNICIPALITY shall pay SOE One Hundred and Seventy-Five Dollars (\$175.00) for the programming, configuration and set-up of any connected printer. These charges are per election.

Delivery For each early voting site other than the Office of the SOE, MUNICIPALITY shall pay SOE Two Hundred Dollars (\$200.00) for the delivery, set-up and/or pick-up of any early voting equipment. These charges are per election.

SECTION 5. Other Election Charges.

Supplies For each election, MUNICIPALITY shall pay SOE for consumable precinct supplies at a rate of One Hundred Fifty Dollars (\$150.00) for each precinct and each Early Voting site. MUNICIPALITY shall return precinct supplies to Office of SOE no later than the day after the election. MUNICIPALITY shall also identify and provide a secure place for precinct clerk(s) to return supplies and voted and unvoted ballots on election night.

PAPER PL/PR For each election, MUNICIPALITY shall pay SOE the actual costs incurred to produce, print and bind Poll Lists/Precinct Registers ("PL/PR"), including any paper or delivery costs. SOE shall have sole discretion in selecting a third party vendor to perform the requisite printing and binding services.

Telephone For each election, MUNICIPALITY shall pay SOE for any actual costs incurred by SOE from a third party telecommunications provider for the set-up, activation, use and deactivation of any telephone lines which in the SOE's sole discretion are necessitated at any voting site. Selection of the third party telecommunications provider shall be at the sole discretion of SOE.

Indexes For any Street Indexes ordered or required, MUNICIPALITY shall pay SOE Nine Dollars (\$9.00) as a set-up services fee plus Twenty-five Cents (\$.25) for each printed page.

Absentees For each election, MUNICIPALITY shall pay SOE One Dollar with Seventy-five Cents (\$1.75) for each absentee ballot request processed plus actual postage costs. MUNICIPALITY shall also pay SOE Ten Cents (\$.10) for each absentee ballot signature verified.

Early Voting MUNICIPALITY shall reimburse SOE for any overtime hours by SOE staff due to weekend hours for Early Voting locations including any hours accrued by SOE staff at the Offices of SOE. SOE may elect to evenly apportion the costs for early voting overtime hours among various municipalities, if appropriate, but in no event shall SOE be obligated to apportion such costs. SOE shall insure that experienced SOE personnel staff each Early Voting site, in accordance with Florida law.

Notices For each election, MUNICIPALITY shall pay SOE Twenty-five Cents (\$.25) for each Notice of Election that is mailed to each eligible voter plus actual postage costs.

Fee Schedule For each election, MUNICIPALITY shall pay SOE for any other goods or services not specifically provided for in this Agreement but that may be described or listed in the latest Municipal Fee Schedule as distributed to MUNICIPALITY. MUNICIPALITY agrees that the Municipal Fee Schedule and the prices contained therein are subject to change.

Other For each election and upon proper notice to MUNICIPALITY, MUNICIPALITY shall pay SOE for any other election services not contemplated herein which may be needed to conduct an orderly election.

SECTION 6. Term. For each election, the terms of this Agreement begins with ballot layout and concludes when ballots have been processed, election results have been certified, all vote processing equipment has been returned to the SOE's warehouse and an audit, if applicable, has been completed. In the event of an election contest or challenge, SOE agrees to cooperate in providing any public records which the SOE maintains or otherwise controls.

SECTION 7. Applicable Requirements of Florida's Election Code. MUNICIPALITY shall properly call the election in accordance with any Florida Statutes, applicable charter provisions or city ordinances. MUNICIPALITY agrees that the Municipal Clerk is responsible for the conduct of the city's elections and for insuring compliance with all applicable Florida Statutes, including the Florida Election Code and any municipal charter provisions and ordinances. Any obligations or duties not set forth in this Agreement shall be the sole responsibility of MUNICIPALITY.

SECTION 8. Notice and Advertisement of Elections. MUNICIPALITY shall prepare and arrange for publication of all legal advertising required by state and federal statutes, city charter & city ordinances. MUNICIPALITY agrees that all advertisements of elections conducted in Orange County shall be published in both English and Spanish and that MUNICIPALITY shall be responsible for the accurate and complete translation of any such notices. SOE shall, if available, provide samples of required advertising upon request.

SECTION 9. Qualifying of Candidates. MUNICIPALITY may provide qualifying packets to candidates. MUNICIPALITY shall accept and process all qualifying papers and fees. For audio ballots, MUNICIPALITY shall collect pronunciation guides from candidates at the time of qualifying and shall submit them to SOE at the close of qualifying.

If petitions are part of qualifying process, MUNICIPALITY shall pay to SOE ten (10) cents per name checked to verify any signatures on qualifying petitions. SOE agrees to verify any signatures for any qualifying petitions submitted by MUNICIPALITY.

In no event shall SOE issue any recommendations or make any legal determinations as to the qualifications or eligibility of any candidate for municipal office.

SECTION 10. Printing of Ballots and Ballot Services. MUNICIPALITY shall place an order for a sufficient quantity of ballots to include early voting, absentees, provisional ballots and precincts, with a third party printer as selected exclusively by SOE. MUNICIPALITY shall provide prompt payment to the third party printer for the cost of any printed ballots or election materials.

MUNICIPALITY shall furnish, immediately upon the conclusion of the qualifying period, all ballot information in English and Spanish including the name the name of the candidates as they are to appear on the ballot; the name of the Municipality; the name of the election; the title of office and/or referendum title; explanation; and questions.

SOE agrees to provide the layout of the ballot(s) based on the information furnished by MUNICIPALITY and deliver ballot layout to the approved printer. MUNICIPALITY will place ballot order with printer. Both SOE and MUNICIPALITY must sign off on ballot proof(s) and replication of screen displays for the iVotronic Touchscreens. SOE shall contract to have ADA required audio files produced for audio portion of the Touchscreen ballots and MUNICIPALITY shall reimburse SOE for any costs incurred to produce such audio files.

Once test ballots are received from the printer, SOE will test all vote processing equipment in accordance with the standards established by the Florida Division of Elections and any applicable Florida Statutes. Upon receipt of the printed ballots from the printer SOE shall receive, securely store and account for all ballots until disbursed to Early Voting locations or to poll clerks. SOE shall also control and limit all access to unvoted ballots while in the possession of SOE.

SECTION 11. Poll Workers. SOE will select poll workers from a group of experienced poll workers. SOE will assign back-up poll workers to be available on Election morning. SOE will train all poll workers in accordance with the Florida Election Code and other guidelines, procedures or regulations as followed or adopted for the conduct of elections in Orange County. Clerk for MUNICIPALITY, or a representative, shall be in attendance for poll worker training sessions. SOE shall distribute all necessary supplies and ballots at poll worker training sessions. MUNICIPALITY shall pay poll workers directly for their services at pay rates previously established by SOE.

SOE will select and train early voting staff. SOE will pay early voting staff directly for their services. MUNICIPALITY will be billed for any overtime charges incurred due to Early Voting.

SECTION 12. Selection of Polling Places and Early Voting Sites. SOE shall approve any Polling Place(s) and Early Voting site(s) intended for use of as a voting location. Each location shall meet necessary ADA requirements. MUNICIPALITY shall conduct an onsite inspection of all polling places, including any early voting locations used other than the Office of SOE, and confirm that such locations are accessible to disabled and elderly voters. SOE reserves the right to select a suitable alternative if any proposed site fails to meet with SOE approval. MUNICIPALITY shall provide a list of proposed polling places and early voting sites no later than thirty-five (35) days prior to the date of the election. MUNICIPALITY shall pay any rental fees or usage fees directly to the polling place.

MUNICIPALITY shall notify SOE in writing if any tables or chairs will be required. Note that each polling place must, as determined by SOE, provide a minimum number of tables and chairs. MUNICIPALITY shall pay any rental fees incurred by SOE for tables and chairs.

SECTION 13. Sample Ballots. SOE shall layout, check and deliver sample ballot layout to a third party vendor for distribution to registered voters. MUNICIPALITY shall review the sample ballots and confirm the accuracy of the election date, office, candidate names, polling place and all other information contained therein. SOE shall coordinate the mailing of the sample ballots to all registered voters in the municipality prior to the election including accurate polling place information. MUNICIPALITY shall reimburse SOE for all costs incurred in producing and mailing sample ballots.

SECTION 14. Absentee Ballots. MUNICIPALITY shall refer all requests for absentee ballots to SOE. Unless MUNICIPALITY or the Clerk for MUNICIPALITY provides written directions to the contrary, SOE agrees to accept all requests for absentee ballots by telephone, mail, or in person. SOE also agrees to mail absentee & overseas ballots as requested by registered voters, receive and securely store any voted absentee ballots, verify the signatures on any returned voted absentee ballot certificates and to account for all absentee ballots.

MUNICIPALITY shall provide adequate staff assistance for the opening and handling of absentee ballots during the counting process and shall coordinate a date for the opening and counting of such absentee ballots with SOE.

- SECTION 15. Transportation of Elections Equipment and Supplies. SOE will be responsible for delivery and pick up of any voting equipment. One day prior to Election Day, voting equipment will be delivered by SOE, or a third party representative of SOE. One day after Election Day, voting equipment will be picked up by SOE, or a third party representative of SOE. MUNICIPALITY shall reimburse SOE, for any and all costs incurred for equipment delivery and pickup. SOE shall have full discretion and authority to hire and employ any outside third parties to assist with or perform delivery and pick-up of voting equipment. **MUNICIPALITY IS NOT PERMITTED TO DELIVER ANY ELECTIONS EQUIPMENT.**
- SECTION 16. Location and Storage of Voting Equipment. All voting equipment shall be stored, maintained and located in a well-protected, secure, temperature-controlled and indoor room or facility. Once the voting equipment is delivered to a voting site or early voting site, no equipment shall be relocated without the prior written approval of SOE.
- SECTION 17. Canvassing of Election Results. MUNICIPALITY shall schedule and coordinate the date on which the municipal canvassing board is to assemble to canvass the results of the election. If applicable, MUNICIPALITY shall coordinate for the use of SOE facilities to conduct the canvassing board activities. MUNICIPALITY shall notice and advertise, as needed, the dates of any canvassing board meetings. MUNICIPALITY shall convene the canvassing board to determine which voted absentee ballots are to be tabulated. MUNICIPALITY shall provide for collection of results from each precinct(s).
- SECTION 18. Audits. MUNICIPALITY shall provide necessary personnel to conduct the audit as prescribed by law. MUNICIPALITY agrees to pay SOE for any additional costs as may be necessary, including overtime expenses, for conducting the audit.
- SECTION 19. Post-Election Records Retention. SOE shall process affirmation forms and sort, inventory and pack all election materials for pick up by the Municipal Clerk for retention and disposition. MUNICIPALITY shall store or cause to be stored all necessary election records and ballots until expiration of retention period as prescribed by applicable Florida Statutes and rules.
- SECTION 20. Voter History. MUNICIPALITY and SOE will make mutually acceptable arrangements for recording voter history. The date selected for undertaking this activity may occur subsequent to the conclusion of all election dates and outside of the terms of this agreement but both parties agree to work toward recording voter history in a timely manner.

SECTION 21. Other Necessary Costs. Any additional costs or fees that may be incurred by SOE in compliance with the Florida Election Code and as a direct result of either any Election, if necessary, that are not specified in this contract shall be paid for by MUNICIPALITY at rates and fees as established by SOE. Examples of such additional costs or reimbursements include, but are not limited to, the following:

A. Recounts – Any expenditure for conducting a recount, including any overtime expenses for reprogramming voting equipment, and other expenses as may be necessary to conduct a recount; and,

B. Attorney’s Fees and Costs - Actual attorney’s fees and costs incurred by SOE for research on any election related matter shall be invoiced by SOE for reimbursement by MUNICIPALITY.

SECTION 22. Hold Harmless Covenant. MUNICIPALITY shall at all times hereafter indemnify, hold harmless and, at SOE’s option, defend or pay for an attorney selected by SOE to defend SOE, its officers, agents, and employees against any and all claims, damages, injuries, losses, liabilities, and expenditures of any kind, including attorney fees, court costs, and expenses, arising out of or resulting from any or all acts of omission or commission of or by the MUNICIPALITY, its officers, agents, or employees, with respect to any election conducted pursuant to this Agreement. MUNICIPALITY also agrees to indemnify SOE against any administrative challenges, civil suits, or other legal challenges or appeals that may arise, including all attorney’s fees and costs, from the contest of election results or the validation of any candidate qualifications.

Parties recognize that SOE is a state agency or subdivision as defined in Section 768.28, Florida Statutes and that nothing herein is intended to serve as a waiver of sovereign immunity by SOE for acts or omissions to which sovereign immunity applies. Furthermore, nothing herein shall be construed as consent by SOE, as a state agency or subdivision of the State of Florida, to be sued by third parties in any matter arising out of any contract.

SECTION 23. Entirety and Amendments. The Agreement embodies the entire agreement between SOE and MUNICIPALITY and supersedes all prior agreements and understandings relating to the conduct of elections. No modification, amendment or alteration to this Agreement shall be effective or binding unless submitted in writing and executed by duly authorized representatives of both SOE and MUNICIPALITY.

SECTION 24. Effective Date. The Effective Date of this Agreement shall be the latest date of execution by duly authorized representatives of SOE and MUNICIPALITY as shown on the signature page hereto.

**IN WITNESS WHEREOF**, we, the undersigned, do hereby state that we have the authority to bind and obligate as promised herein, SOE and MUNICIPALITY for purposes of executing this Agreement on the dates set forth below.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Bill Cowles  
Name (Printed or Typed)

\_\_\_\_\_  
Name (Printed or Typed)

Orange County Supervisor of Elections  
Title

\_\_\_\_\_  
Title

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Date

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