



AGENDA
CITY COMMISSION
***REVISED 4/12/2016**
CITY HALL COMMISSION CHAMBERS
300 W. Plant Street
Winter Garden, Florida

REGULAR MEETING

April 14, 2016

6:30 p.m.

CALL TO ORDER

Determination of a Quorum

Opening Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of March 24, 2016

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

- A. **Ordinance 16-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRLTE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Pash
- B. **Ordinance 16-30:** 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 APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRLTE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Pash
- C. **Ordinance 16-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRLTE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY R-1 SINGLE FAMILY DWELLING DISTRICT TO CITY R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 28, 2016** - Community Development Director Pash
- D. **Ordinance 16-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING A TEMPORARY BACKYARD CHICKEN PILOT PROGRAM TO ALLOW THE KEEPING OF CHICKENS ON PROPERTIES DEVELOPED WITH DETACHED SINGLE-

FAMILY RESIDENTIAL STRUCTURES WITHIN CERTAIN ZONING DISTRICTS AND CREATING TERMS AND CONDITIONS CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND SUNSET DATE **with the second reading and public hearing being scheduled for April 28, 2016** - Community Development Director Pash

3. **REGULAR BUSINESS**

- A. Recommendation to approve Final Plat for Waterside on Johns Lake Phase 2A due to a scrivener's error on previously approved plat - Community Development Director Pash
- B. Recommendation to approve Site Plan for single-story office building in Windward Cay Office Park located at 3732 and 3736 Winter Garden Vineland Road, subject to Development Review Committee conditions (Sharma) - Community Development Director Pash
- C. Recommendation to approve contract with Shelley's Septic Tank, Inc., for a ten year period with the per-wet-ton price ranging from \$45.00 to \$57.27 – Assistant City Manager of Public Services – Cochran
- D. *Recommendation to approve extending Rural Metro ambulance service for another year – City Manager Bollhoefer

4. **MATTERS FROM PUBLIC** (*Limited to 3 minutes per speaker*)

5. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman

6. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on April 28, 2016 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

NOTICES:

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.

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the 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 any opening invocation that is offered or to participate in 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 opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance. (Reference Resolutions 15-04 and 16-02)

	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

CITY COMMISSION REGULAR MEETING MINUTES

March 24, 2016

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. An Opening Invocation and Pledge of Allegiance were given.

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

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Administrative Services Frank Gilbert, Community Development Director Steve Pash, Finance Director Laura Zielonka, Fire Chief Matt McGrew, IT Director Chad Morrill, Police Chief George Brennan, and Assistant City Manager of Public Services Don Cochran

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of March 10, 2016 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATION**

A. **Proclamation 16-03** declaring April as Water Conservation Month was read by Mayor Rees and presented, along with the Commissioners, to the City's Water Conservation and Recycling Coordinator Alyssa Hofelt.

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

A. **Ordinance 16-19:** 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 00.13 ± ACRES LOCATED AT 429 WEST PLANT STREET GENERALLY AT THE SOUTHEAST CORNER OF WEST PLANT STREET AND NORTH CENTRAL AVENUE FROM LOW DENSITY RESIDENTIAL TO TRADITIONAL DOWNTOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-19 by title only. Community Development Director Pash described the location of the property and stated that the owners have requested to amend the future land use designation from low density residential to traditional downtown. Staff feels that this is an appropriate use of that property and recommends approval of Ordinance 16-19.

Mayor Rees opened the public hearing.

Mary Weissbrodt, 309 W. Bay Street, Winter Garden, Florida, sought clarification on the location and use of this property. Mr. Pash advised her that nothing has been submitted and would most likely be office/retail. She informed the Commission that she has already had trees removed directly across the street from her. Her concern is the changes in her area that are affecting the view out her front door, which may become the back of whatever goes into this location.

City Manager Bollhoefer shared with Ms. Weissbrodt the approval processes if and when something is submitted.

Ms. Weissbrodt expressed how distraught she was over the recent removal of trees at the Old Tanner home during its demolition. Mr. Bollhoefer assured her that the oak trees were saved. He shared that it will be used as a temporary parking lot as the City builds the new parking garage. The site will be redeveloped after the parking garage is complete.

Mayor Rees closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 16-19. Seconded by Commissioner Makin and carried unanimously 5-0.

- B. **Ordinance 16-20**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 419 AND 429 WEST PLANT STREET ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND NORTH CENTRAL AVENUE FROM R-2 RESIDENTIAL DISTRICT TO C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-20 by title only. Community Development Director Pash noted that this item relates to the previous property as well as the property to its east. The owner has requested rezoning from R-2 to C-1. Staff has reviewed this matter and supports this change.

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

Motion by Commissioner Makin to adopt Ordinance 16-20. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- C. **Ordinance 16-22**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.26 ± ACRES LOCATED AT 14990 WEST COLONIAL DRIVE ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND AVALON ROAD INTO THE CITY OF WINTER

GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- D. **Ordinance 16-23**: 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 1.26 ± ACRES LOCATED AT 14990 WEST COLONIAL DRIVE ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND AVALON ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 16-24**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.26 ± ACRES LOCATED AT 14990 WEST COLONIAL DRIVE ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND AVALON ROAD FROM ORANGE COUNTY C-1 RETAIL COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-22, 16-23, and 16-24 by title only. Community Development Director Pash stated that this is the Circle K store on West Colonial Drive. The owners have requested voluntary annexation, a future land use designation of commercial and C-2 zoning. Staff recommends approval of Ordinances 16-22, 16-23, and 16-24.

Commissioner Sharman asked if the applicants will be required to bring anything up to the State Road 50 Overlay requirements or be grandfathered in. Mr. Pash responded that they are grandfathered in.

Commissioner Makin inquired about utilities. Mr. Pash responded that this is actually the reason that they annexed in order to connect to the City's sewer lines because their septic failed.

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

Motion by Commissioner Olszewski to adopt Ordinances 16-22, 16-23, and 16-24. Seconded by Commissioner Sharman and carried unanimously 5-0.

- F. **Ordinance 16-25**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE V, DIVISION 2 OF CHAPTER 118 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES GOVERNING RESIDENTIAL PLANNED UNIT DEVELOPMENTS; MODIFYING REGULATIONS GOVERNING PLANNED UNIT DEVELOPMENTS WITH PRIMARY RESIDENTIAL USES; PROVIDING FOR AND CREATING PLANNED UNIT DEVELOPMENTS WITH PRIMARY INSTITUTIONAL USES; PROVIDING FOR SECONDARY USES AND PROHIBITED USES WITHIN PLANNED UNIT

DEVELOPMENTS WITH PRIMARY RESIDENTIAL AND PRIMARY INSTITUTIONAL USES; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-25 by title only. Community Development Director Pash stated that this an amendment to the City Code section on planned unit developments. The amendment adds a section to allow primary institutional uses as well as establish guidelines for secondary uses such as small portions being allowed to develop to commercial uses. He noted that it also includes an amendment that addresses an issue seen in the past of screen rooms built right next to public right-of-ways on the back side of subdivisions. Screen rooms and accessory structures will no longer be allowed within 25 feet of those walls. Staff recommends approval of Ordinance 16-25.

Mayor Rees shared that what got his attention was that this item allows for public or private schools after going through the Planning and Zoning Board and the City Commission for approval. Mr. Pash responded that is correct.

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

Motion by Commissioner Buchanan to adopt Ordinance 16-25. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. REGULAR BUSINESS

A. Recommendation to approve Right-of-Way Maintenance Agreement for Waterside on Johns Lake Phase 2A Subdivision

Community Development Director Pash stated that this right-of-way maintenance agreement for Waterside on Johns Lake Phase 2A will allow them to add landscaping, irrigation, and some signage. They will be responsible for all maintenance and upkeep. Staff recommends approval.

Mayor Rees asked if the City has had any issues with the Homeowners Associations (HOA) not keeping it [landscaping] up, causing the City to have to perform the maintenance or draw against their bond. Mr. Pash responded no; staff would contact the HOA and encourage them to fix it.

Motion by Commissioner Sharman to approve the Right-of-Way Maintenance Agreement for Waterside Johns Lake Phase 2A subdivision as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

B. Recommendation to approve Final Plat for Waterside on Johns Lake Phase 2A

Community Development Director Pash stated that this is the final plat for Waterside on Johns Lake Phase 2A, which has 103 single family lots that range in width from 40 to 55 feet and depth from 115 to 125 feet. The plat is consistent with the pre-plat as well as the approved PUD. It has been approved by the Development Review Committee (DRC) and staff recommends approval.

Motion by Commissioner Olszewski to approve final plat submitted for Waterside on Johns Lake Phase 2A. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. Recommendation to approve purchasing two 2016 solid waste automated side load trucks from Nextran Truck Center under the Florida Sheriff Association state contract bid number 15-13-0904 for a total purchase price of \$533,937.80

Assistant City Manager of Public Services Cochran stated that due to the increase in the new housing developments of the past three years, the City has added approximately 3,500 new households. As a result, there are additional solid waste routes to accommodate these new customers. The purchase of these new trucks will be used for servicing these new customers. The purchase cost per truck is \$266,968.90 for a total purchase for both trucks, \$533,937.80. He noted that the purchase will be made using the Florida Sheriff's contract number 15-13-0904. Staff requests approval of the purchase of these two new solid waste trucks.

Mayor Rees asked the current number of City solid waste trucks. Mr. Cochran responded 19, which includes the commercial trucks.

Motion by Commissioner Buchanan to approve purchasing two 2016 solid waste automated side load trucks from Nextran Truck Center under the Florida Sheriff Association state contract bid number 15-13-0904 for a total purchase price of \$533,937.80. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC** –There were no items.

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that he sent out **Resolution 16-04** yesterday and read the title as follows: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN CONFIRMING THE CITY'S PROHIBITION OF BILLBOARDS AND DIGITAL BILLBOARDS; EXPRESSING THE CITY'S POSITION AS TO WHETHER ANY SUCH PROHIBITION HAS BEEN REPEALED; AND PROVIDING FOR AN EFFECTIVE DATE.

He shared that the company Cyber Outdoor, located just outside the City in an enclave, applied for a permit from the County to put up a billboard. The County staff reviewed the application and saw that it was within the County's State Road 50 Overlay District, which covers Oakland, Winter Garden and Ocoee. The district prohibits billboards so long as the three cities do not eliminate the prohibition on billboards. Winter Garden has adopted an amended sign code that further restricts billboards.

Cyber Outdoor's request was denied by County staff and they appealed the decision to the County Board of Zoning Adjustment, who upheld the denial. Cyber Outdoor has taken this future and are appealing the decision to the Board of County Commissioners, who will hear this issue on April 4th. Mr. Ardaman advised that it would be helpful to the City's position to

pass this resolution, which upholds the City Manager's authorized determination that the City's amendment to the Code continues the prohibition on billboards.

Motion by Commissioner Sharman to approve Resolution 16-04 as submitted.

Mayor Rees opened the matter for public comments; hearing and seeing none, he closed the public comment period.

There was discussion and clarification on the purpose of enacting this resolution.

Motion seconded by Commissioner Makin and carried unanimously 5-0.

7. MATTERS FROM CITY MANAGER

A. Discussion on allowing chickens in residential areas

City Manager Bollhoefer stated that the Attorney's draft ordinance has been distributed regarding a pilot program for chickens, which is almost identical to that of the City of Maitland with a few adjustments to match our code and zoning. Mr. Bollhoefer expressed that he thinks this ordinance does a good job of protecting those obtaining chickens as well as the adjoining neighbors. He asked that the City Commission to review the draft ordinance and bring him any questions before the next meeting. He will place it on the next agenda for a first reading.

B. Discussion on golf carts

City Manager Bollhoefer stated that the more he has worked on the golf cart issue, the more information he has found. The whole golf cart issue is going to be a larger issue that will be debated in the State of Florida as the laws are changed to match what people are actually doing with golf carts. He noted that he has reviewed potential golf paths with the Commissioners. Many of the suggested paths violate what the City has already established as our safety rules regarding road types and speed limits. He shared that the legislature has put all liability on municipalities. The legislature did not give the cities the right to say that golf carts are allowed, but made the vote actually say our streets are safe for golf carts. He explained that it is possible the City is assuming the liability should something happen on those streets with golf carts.

Mr. Bollhoefer stated that he would like to meet with all of the City Commissioners and go over some of the new laws and case law.

Mr. Bollhoefer shared that Mount Dora has rethought their golf cart issue and have now gone to a system where they allow low speed vehicles, which makes it much easier to enforce. He shared that during the last meeting he did not give out all the information; in the State of Florida low speed vehicles are now allowed by law on all roads 35 mph and less. He originally thought that this meant that there is nothing the City could do about it but there is a provision in the Florida Statutes that allows a City to take an action to say they are not allowed on certain streets.

There was discussion on how this issue came about and it was noted that there were neighborhoods, groups, businesses, residents and golf cart associations. Commissioner Buchanan shared that the maps provided to the Commissioners did not specify which roads were arterial, collector, etc. Mr. Bollhoefer stated he will have the roads identified as such on a new map.

- **Stormwater Fund withdrawal for Lake View Reserve**

City Manager Bollhoefer stated that staff would like to take \$20,000 from the stormwater fund to use for assessing the underground pipes in Lake View Reserve. He shared that this is the community involved in a famous lawsuit involving the Supreme Court where a settlement was finally reached. He noted that they want to work with the City to see what the City can do to help with correcting the problems there.

There were no noted objections.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan thanked all City staff for all their efforts with the Evening at the Pops event that was a really good event.

Mayor Rees requested that the ordinance addressing bars on windows be revisited. City Manager Bollhoefer noted that the City Attorney will draft it and bring something back to the next meeting.

The meeting adjourned at 7:12 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: April 7, 2016 **Meeting Date:** April 14, 2016

Subject: 856 Myrtle Avenue
Bello-Flores Property
Ordinance 16-29
Ordinance 16-30
Ordinance 16-31
PARCEL ID # 25-22-27-9386-05-080

Issue: The applicant is requesting Annexation, Future Lands Use designation, and Zoning on property located at 856 Myrtle Avenue.

Discussion:
The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.23 ± acre parcel located at 856 Myrtle Avenue. 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 Zoning of R-1. (See attached Staff Report).

Recommended Action:
Staff recommends approval of Ordinance 16-29, Ordinance 16-30, and Ordinance 16-31 with the second reading and public hearing being scheduled for April 28, 2016.

Attachment(s)/References:

Location Map
Ordinance 16-29
Ordinance 16-30
Ordinance 16-31
Staff Report

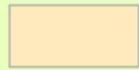
Legend



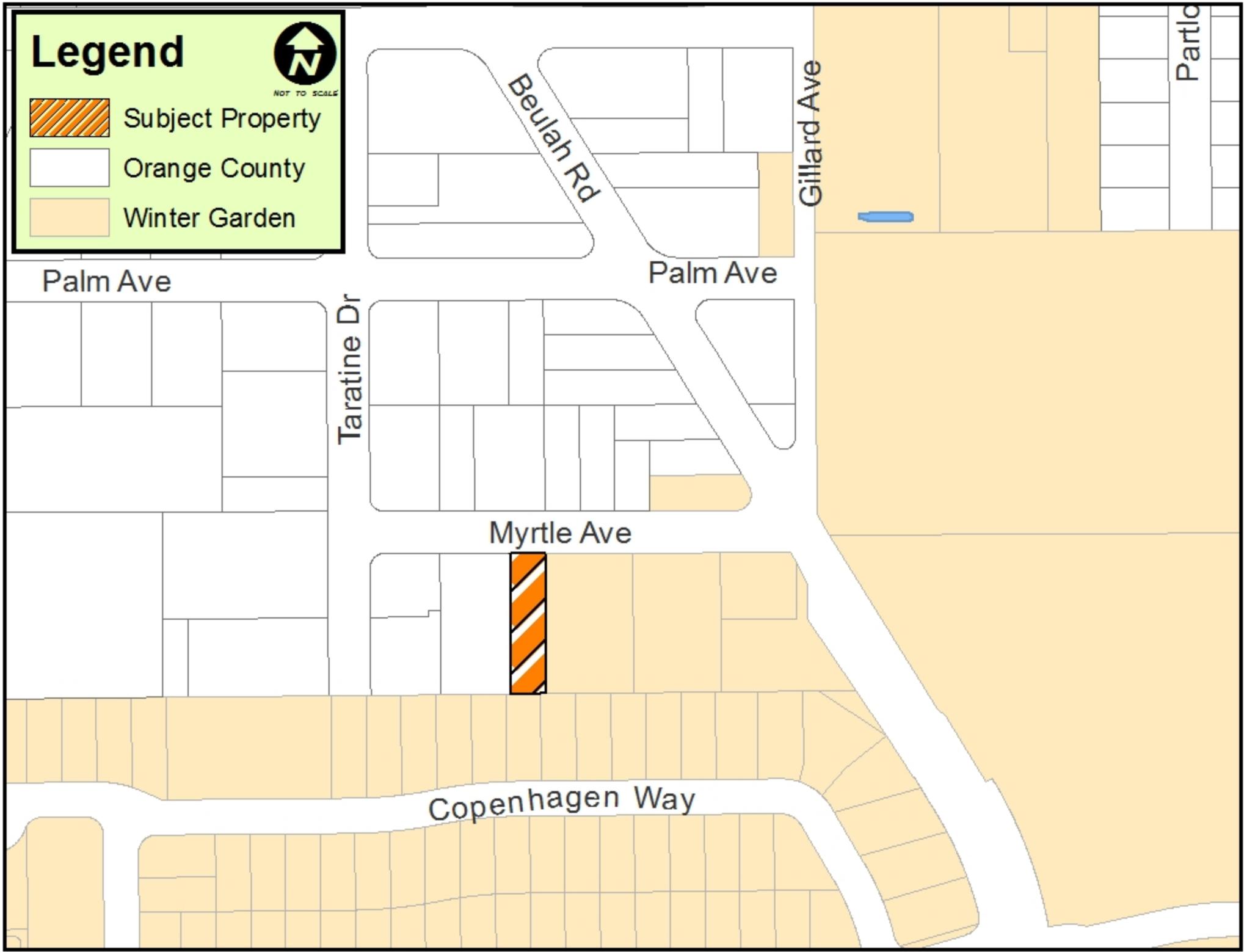
Subject Property



Orange County



Winter Garden



ORDINANCE 16-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRLTE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH 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 0.23 ± acres of land located at 856 Myrtle Avenue on the south side of Myrtle Avenue, east of Taratine Drive and west of Beulah 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 in ATTACHMENT “B” 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: _____, 2016.

SECOND READING AND PUBLIC HEARING: _____, 2016.

ADOPTED this _____ day of _____, 2016, 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#: 25-22-27-9384-05-080

Lot 8, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, together with that portion of a 20 foot strip of land formerly known as Gillard Avenue, abutting said Lot 8, Block E, vacated in Book 6821, Page 985 being more particularly described as follows:

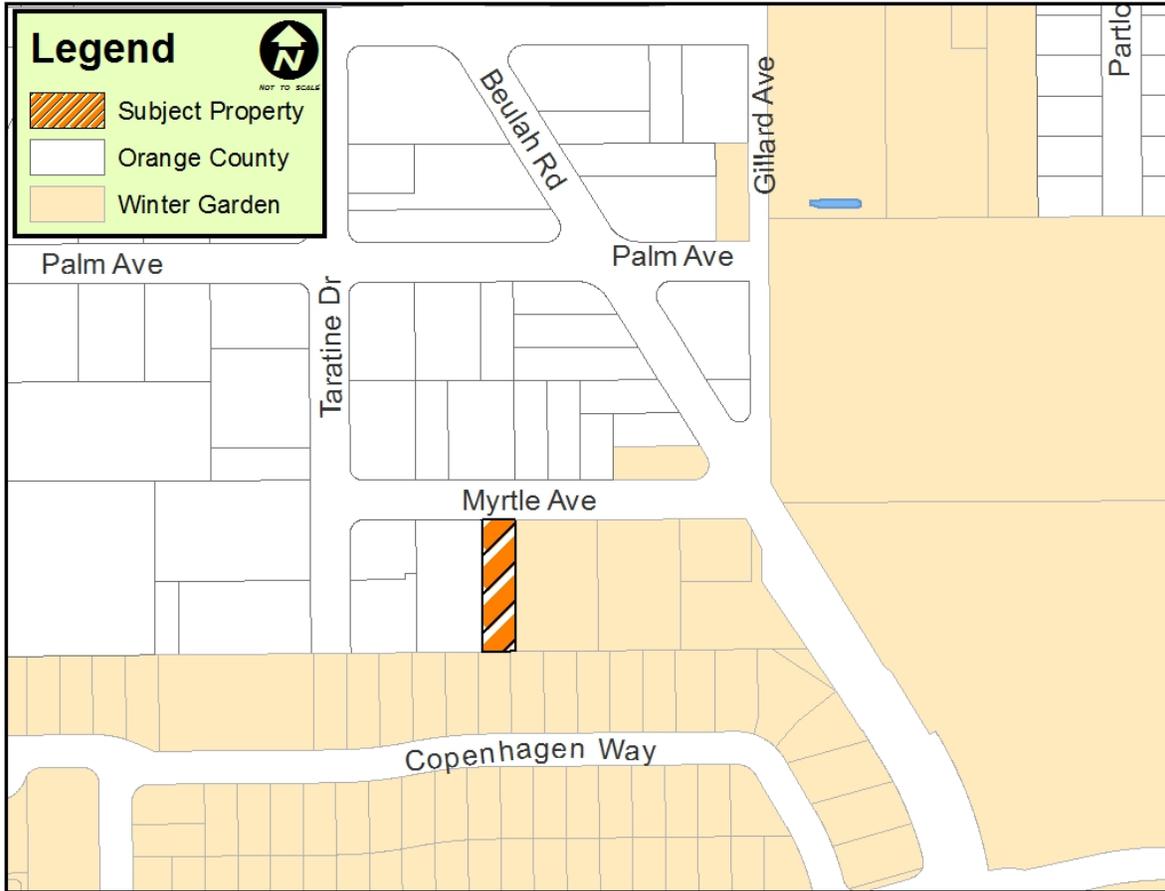
Commence at the point of curve of Lot 12, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°30'26" East along the South right-of-way line of Myrtle Avenue, 180.00 feet to the Northwest corner of Lot 8, Block E, of said WINTER GARDEN MANOR for the Point of Beginning; thence continue South 89°30'26" East 50.00 feet to the Northeast corner of said Lot 8; thence South 00°00'31" West 180.48 feet to the Southeast corner of said Lot 8; thence South 00°00'00" East 20.00 feet to the South line of vacated Gillard Avenue; thence North 90°00'00" West along said South line 50.00 feet; thence North 00°00'00" East 20.00 feet to the Southwest corner of said Lot 8; thence North 00°00'31" East 180.91 feet to the POINT OF BEGINNING.

Containing 0.230 acres, more or less.

ATTACHMENT "B"

LOCATION MAP

856 Myrtle Avenue



ORDINANCE 16-30

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 APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRLTE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 0.23 ± acres of land located at 856 Myrtle Avenue on the south side of Myrtle Avenue, east of Taratine Drive and west of Beulah 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 Commercial as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-29, 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: _____, 2016.

SECOND READING AND PUBLIC HEARING: _____, 2016.

ADOPTED this _____ day of _____, 2016, 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#: 25-22-27-9384-05-080

Lot 8, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, together with that portion of a 20 foot strip of land formerly known as Gillard Avenue, abutting said Lot 8, Block E, vacated in Book 6821, Page 985 being more particularly described as follows:

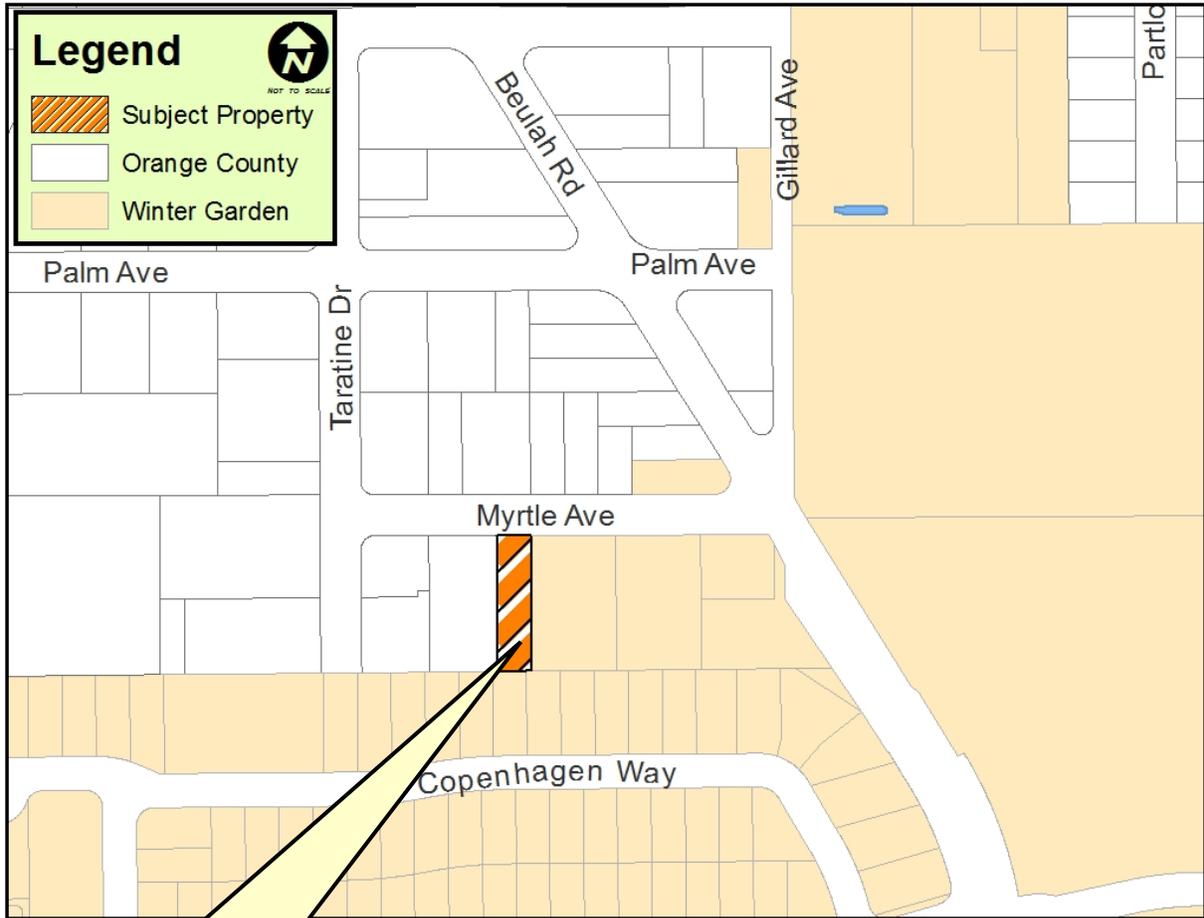
Commence at the point of curve of Lot 12, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°30'26" East along the South right-of-way line of Myrtle Avenue, 180.00 feet to the Northwest corner of Lot 8, Block E, of said WINTER GARDEN MANOR for the Point of Beginning; thence continue South 89°30'26" East 50.00 feet to the Northeast corner of said Lot 8; thence South 00°00'31" West 180.48 feet to the Southeast corner of said Lot 8; thence South 00°00'00" East 20.00 feet to the South line of vacated Gillard Avenue; thence North 90°00'00" West along said South line 50.00 feet; thence North 00°00'00" East 20.00 feet to the Southwest corner of said Lot 8; thence North 00°00'31" East 180.91 feet to the POINT OF BEGINNING.

Containing 0.230 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

856 Myrtle Avenue



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ORDINANCE 16-31

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRLTE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY R-1 SINGLE FAMILY DWELLING 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 approximately 0.23 ± acres of land located at 856 Myrtle Avenue on the south side of Myrtle Avenue, east of Taratine Drive and west of Beulah Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-1 Single Family Dwelling District to the City's R-1 Single Family Residential District zoning classification, therefore; and

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

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

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County R-1 Single Family Dwelling 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 16-30 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: _____, 2016.

SECOND READING AND PUBLIC HEARING: _____, 2016.

ADOPTED this _____ day of _____, 2016, 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#: 25-22-27-9384-05-080

Lot 8, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, together with that portion of a 20 foot strip of land formerly known as Gillard Avenue, abutting said Lot 8, Block E, vacated in Book 6821, Page 985 being more particularly described as follows:

Commence at the point of curve of Lot 12, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°30'26" East along the South right-of-way line of Myrtle Avenue, 180.00 feet to the Northwest corner of Lot 8, Block E, of said WINTER GARDEN MANOR for the Point of Beginning; thence continue South 89°30'26" East 50.00 feet to the Northeast corner of said Lot 8; thence South 00°00'31" West 180.48 feet to the Southeast corner of said Lot 8; thence South 00°00'00" East 20.00 feet to the South line of vacated Gillard Avenue; thence North 90°00'00" West along said South line 50.00 feet; thence North 00°00'00" East 20.00 feet to the Southwest corner of said Lot 8; thence North 00°00'31" East 180.91 feet to the POINT OF BEGINNING.

Containing 0.230 acres, more or less.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

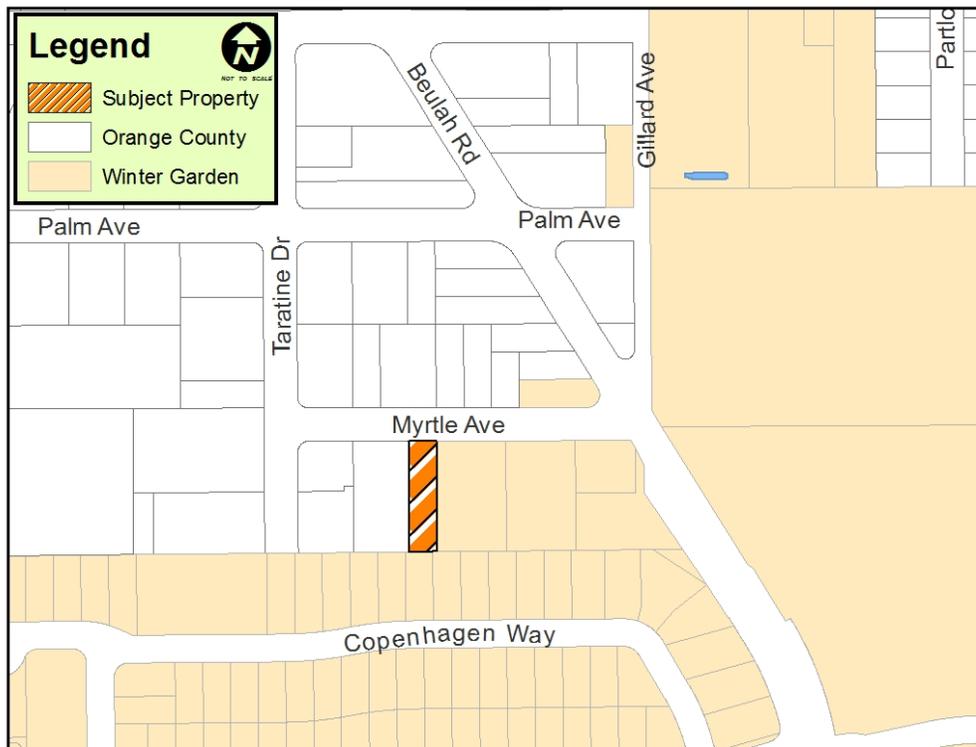
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: MARCH 21, 2016
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
856 MYRTLE AVENUE (0.23 +/- ACRES)
PARCEL IDS #: 25-22-27-9384-05-080
APPLICANT: ANGEL BELLO

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 consists of a parcel located at 856 Myrtle Avenue, on the south side of Myrtle Avenue, east of Taratine Drive and west of Beulah Road and is approximately 0.23 ± acres in size. 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, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are 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 with a one-story single-family residence.

ADJACENT LAND USE AND ZONING

The properties to the north of the subject property are developed with single-family houses, zoned R-1, and located in Unincorporated Orange County. The properties to the south of the subject property are in the Sterling Pointe Subdivision and developed with single-family houses, zoned PUD, and located in Winter Garden. The property to the west of the subject property is developed with a single-family house, zoned R-1, and located in Unincorporated Orange County. The property to the east of the subject property is developed with a single-family house, zoned R-1, and located in Winter Garden.

PROPOSED USE

The applicant intends to annex the subject property in order to provide the lot with City services.

PUBLIC FACILITY ANALYSIS

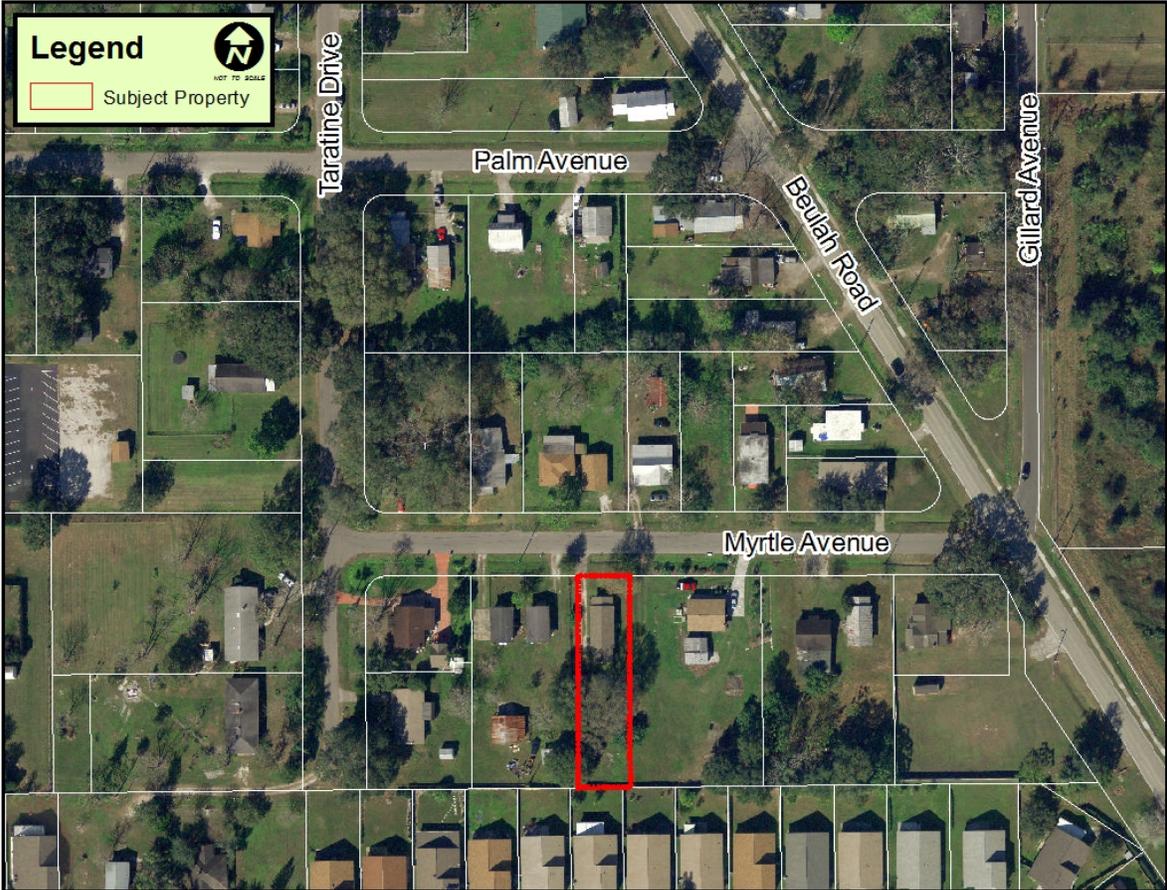
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

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.

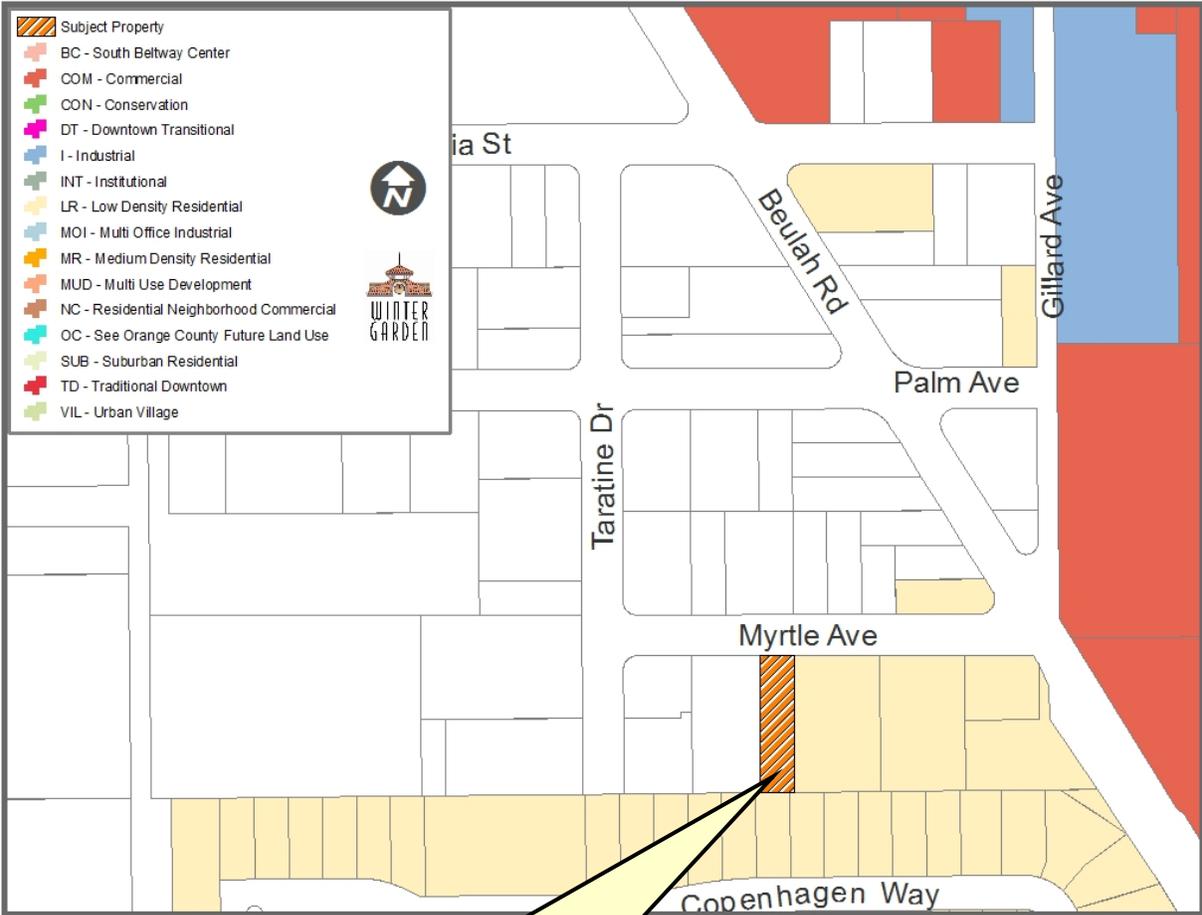
AERIAL PHOTO

856 Myrtle Avenue



FUTURE LAND USE MAP

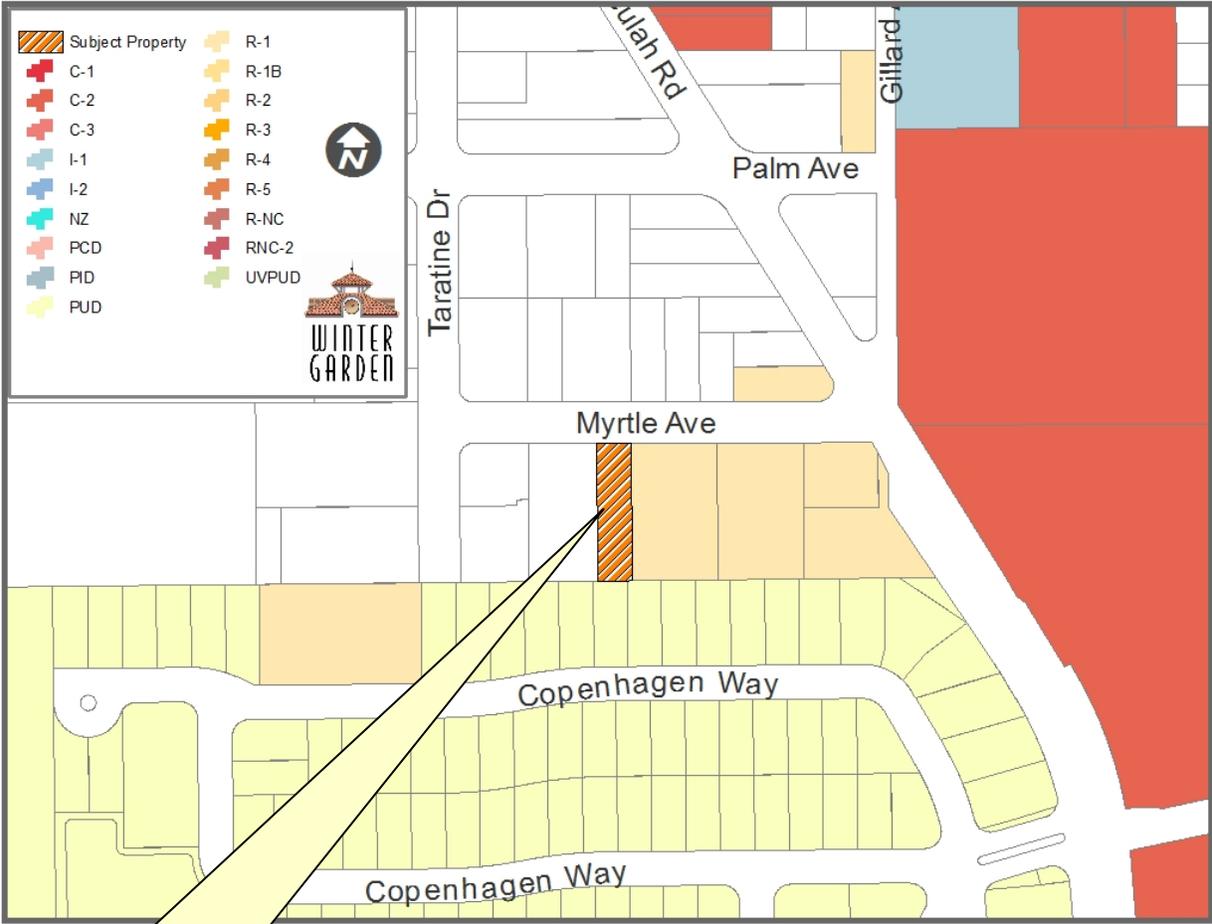
856 Myrtle Avenue



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ZONING MAP

856 Myrtle Avenue



Subject property changed from Orange County R-1 to City R-1

END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: April 7, 2016 **Meeting Date:** April 14, 2016

Subject: Ordinance 16-33

Issue: The City Commission recognizes the general trend in society to pursue a green lifestyle and to incorporate fresher products into diets, a lifestyle which can be supported by allowing residents to keep and raise a limited number of chickens on their single-family property for the purposes of producing their own eggs for consumption..

Discussion: An Ordinance creating a temporary backyard chicken pilot program to allow the keeping of chickens on properties developed with detached single-family residential structures within certain zoning districts and creating terms and conditions concerning the keeping of chickens.

Recommended Action: Staff recommends approval of Ordinance 16-33 to allow a temporary pilot program to allow up to 25 permits to allow keeping chickens in residential zoning districts, with the second reading and adoption hearing scheduled for the April 28, 2016 Commission Meeting.

Attachment(s)/References:

Ordinance 16-33

ORDINANCE NO. 16-33

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING A TEMPORARY BACKYARD CHICKEN PILOT PROGRAM TO ALLOW THE KEEPING OF CHICKENS ON PROPERTIES DEVELOPED WITH DETACHED SINGLE-FAMILY RESIDENTIAL STRUCTURES WITHIN CERTAIN ZONING DISTRICTS AND CREATING TERMS AND CONDITIONS CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND SUNSET DATE.

WHEREAS, the concept of local sustainability and a desire for fresher food products has inspired an interest in backyard food production; and

WHEREAS, the City Commission recognizes the general trend in society to pursue a green lifestyle and to incorporate fresher products into diets, a lifestyle which can be supported by allowing residents to keep and raise a limited number of chickens on their single-family property for the purposes of producing their own eggs for consumption; and

WHEREAS, the City Commission also recognizes the desire of all residents to live in a clean and pleasant environment free of excessive odor, noise, vermin, and disease; and

WHEREAS, to ensure the long-term viability of residential neighborhoods and conformity and compatibility with surrounding uses, the amendment provides that the accommodation of chickens in residential areas shall not cause undue noise, odor, and unsanitary conditions within the community; and

WHEREAS, many communities around the country have been exploring how to compatibly integrate backyard chickens into the urban residential setting; and

WHEREAS, other local governments have found in passing ordinances allowing the keeping of chickens in residential areas that three (3) to four (4) chickens are sufficient to meet the needs of the average family's egg consumption; and

WHEREAS, the City Commission desires to implement a temporary pilot program to permit the keeping of up to four (4) chickens on an occupied detached single-family property within the R-1A, R-1, R-1B, R-2, R-4, R-5 and PUDs (in areas where detached single-family residential is permitted) zoning districts as an accessory use, subject to the terms and conditions of this Ordinance; and

WHEREAS, after evaluating all relevant data and feedback on the success or failures of the pilot program, the City will determine if the keeping of chickens as an accessory use shall continue for a further determined amount of time, enacted permanently into the City of Winter Garden Code of Ordinance, or if it shall be discontinued.

WHEREAS, the City Commission finds that this Ordinance will be in the best interest of the residents of the City of Winter Garden, and that this Ordinance is consistent with the Comprehensive Plan.

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

SECTION 1. Authority/Findings. The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, the City of Winter Garden Charter, and Chapters 163 and 166, Florida Statutes. The “Whereas” clauses set forth above shall constitute the legislative findings of the City Commission of the City of Winter Garden.

SECTION 2. Adoption. The following provisions are hereby adopted by the City of Winter Garden:

A. Backyard Chicken Pilot Program.

(1) The intent of this Ordinance is to create and implement a temporary Backyard Chicken Pilot Program to permit the keeping of up to four (4) chickens on an occupied detached single-family property within the R-1A, R-1, R-1B, R-2, R-4, R-5 and PUDs (in areas where detached single-family residential is permitted) zoning districts, subject to the terms and conditions of this Ordinance.

(2) For the purposes of this Ordinance, the term "chicken" refers to female chickens only (i.e., hens).

(3) This Ordinance does not authorize persons to violate applicable restrictive covenants and homeowners’ association rules and regulations. The City does not police or enforce private restrictive covenants and homeowners’ association rules and regulations. Persons applying for and receiving temporary permits under this Ordinance are solely responsible for compliance with all applicable restrictive covenants and homeowners’ association rules and regulations.

B. Temporary permit and general conditions for the keeping of chickens in the certain residential zoning districts.

(1) Persons desiring to participate in the temporary chicken keeping program under this Ordinance shall apply for and obtain a temporary permit from the Community Development Director or his/her designee prior to keeping chickens. The Community Development Director or his/her designee shall charge a fee of \$50.00 to persons applying for a temporary permit under

this Ordinance to cover processing costs. If the person applying for a temporary permit is not the fee simple owner of the subject property, the fee simple owner must join in and consent to the application. No more than twenty-five (25) temporary permits will be issued under this Ordinance. Temporary permits shall be awarded by the City on a first-come, first-served basis. If a person holding a temporary permit chooses to leave the pilot program, they must provide notice to the City of the same. The City is then authorized to re-issue the temporary permit to another qualified applicant.

(2) In order to obtain a temporary permit under this Ordinance, persons applying for a temporary permit for the keeping of chickens must show that they can meet the requirements of this Ordinance. The City may conduct site inspections of the subject property to make compliance determinations under this Ordinance prior and after issuance of a permit. The Community Development Director may deny a temporary permit application if he/she determines that the person(s) applying for a temporary permit cannot meet the requirements of this Ordinance. The issuance of a temporary permit for the keeping of chickens is conditioned upon and subject to the terms and conditions of this Ordinance. Regardless of the date a temporary permit is issued for the keeping of chickens, such temporary permit shall terminate and expire on December 31, 2017, unless terminated earlier or extended by City Commission action extending the sunset and termination date set forth in Section 7 of this Ordinance. The City Commission shall have the right to terminate this temporary pilot program early and upon thirty (30) days notice to the permit holders to revoke all outstanding temporary permits issued under this Ordinance.

(3) By applying for a temporary permit under this Ordinance, persons applying for such permit thereby (a) agree to the terms and conditions of this Ordinance, (b) grant the City and its officers, employees and agents a right-of-entry upon the Subject Property (including the rear yard) for inspection purposes to ensure compliance with this Ordinance prior to and after the issuance of a temporary permit, (c) agree to remove chickens and chicken coops and enclosures upon the termination or expiration of a temporary permit and/or this Ordinance, and (d) hold the City and its officials, officers, employees and agents harmless concerning matters relating to or concerning the temporary permit and this Ordinance. As a condition of obtaining a temporary permit, the Community Development Director may require persons applying for a temporary permit to sign an agreement, in a form acceptable to the Community Development Director, incorporating the agreements of this subsection (3).

(4) Up to four (4) chickens may be kept on an occupied detached single-family property located in the R-1A, R-1, R-1B, R-2, R-4, R-5 and PUDs (in areas where detached single-family residential is permitted) zoning districts upon receiving a temporary permit from the Community Development Director or his designee. Regardless of the underlying zoning district, chickens shall not be kept on properties developed with commercial uses, mobile home/manufactured home parks, duplexes, triplexes, and apartments or other multifamily properties.

(5) Chickens must be kept within a coop or enclosure at all times, unless the Community Development Directors grants a reasonable accommodation in regards to a claimed disability to allow a person to interact with and supervise the chickens within the confines of a fenced rear yard on the permitted premises. After a person has completed personal interaction and

supervision of chickens within the confines of a fenced rear yard on the permitted premises, chickens shall be placed back into a coop or enclosure.

(6) Ducks, geese, turkeys, peafowl, male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this Ordinance.

(7) Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.

(8) Chickens shall not be slaughtered on premises.

(9) The coop and enclosure must be screened from the neighbor's view, using an opaque fence and/or a landscape screen.

(10) All applicable building permits shall be obtained prior to constructing enclosures to house chickens.

C. Location and requirements for chicken coops and enclosures.

(1) The maximum size of the coop and pen area shall be one hundred (100) square feet. A building permit from the building division will be required. The application submittal shall show construction materials and methods as well as anchoring methods, such as tie-downs. Mobile coops shall be prohibited unless properly anchored to the satisfaction of the building department.

(2) The maximum height of a coop and the pen fence around the coop shall be ~~sixseven (67)~~ feet, as measured from the existing grade to the highest part of the coop or fence. ~~However, the maximum height of a coop and pen may be eight (8) feet if the structure meets the 7½ foot and 25-foot setbacks as described in subsection c., below, as well as the 20-foot setback, if applicable.~~

(3) The coop and pen area shall be located in the rear yard of the single-family detached residence and be set back a minimum of seven and one-half (7½) feet from the side and rear lot lines and a minimum of twenty (20) feet from any side street, so long as the coop and pen area shall be at least twenty-five (25) feet from any residential structure on an adjoining lot.

(4) ~~A coop or pen must be built within a rear yard that is surrounded by an opaque wall or fence that is at least six (6) feet in height. If a coop and pen are built to abut an opaque wall or fence which is at least six (6) feet high and which is erected on the property line or between the property line and the 7½ foot setback, then the 7½ foot and 25-foot setback requirements described in subsection c. shall not apply.~~ A chain-link fence, chain-link fence with slats, or similar fence shall not constitute an opaque wall or fence. Nothing in this section shall prevent construction of a coop and pen to abut the side of an applicant's house, so long as it otherwise meets the requirements of the Code of Ordinances.

(5) Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean, safe and pleasant environment free of odor, vermin, noise, and disease.

(6) All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure.

(7) Chicken coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors and gates. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so as to not create an odor.

(8) The space per chicken in the coop shall not be less than three (3) square feet.

(9) All chicken feed shall be kept in a secured and covered metal or plastic container, or otherwise protected so as to prevent rodents and other pests from gaining access to it.

(10) Chicken coops and pens shall be completely screened from adjacent roadways and parcels by a six-foot tall opaque fence, wall, or equivalent landscape vegetative material.

(11) A signed affidavit is required to be submitted with all chicken-keeping permit petitions. The affidavit shall state that the chicken coop and pen will be designed, constructed and operated to the standards outlined in this Ordinance. The affidavit shall also state that the drawings submitted as part of the petition are a reasonably accurate representation of the subject site features and adjacent properties.

D. Health, sanitation and nuisance as applied to the keeping of chickens.

(1) Chickens shall be kept within a coop and enclosure. No person shall release or set any chicken free from such coop or enclosure except as set forth in section B (5), above. Chickens shall not be permitted to trespass on neighboring properties.

(2) Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

(3) In a public health emergency declared by the Orange County Health Department, including but not limited to an outbreak of Avian Flu or West Nile virus, immediate corrective action may be required, in accordance with applicable public health regulations and procedures and in conjunction with Animal Services.

E. Violations. In the event that a violation of this Ordinance occurs, the City shall have the right to one or more of the following remedies or actions:

- (1) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property where the violation occurs;
- (2) Prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court;
- (3) Issue a civil citation as a Class III violation to the violator for each violation in accordance with Section 2-92 City of Winter Garden Code of Ordinances, including graduated fines as permitted for repeat violations;
- (4) Take any other action or remedy authorized by law or in equity, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to the City for reimbursement of the City's attorneys' fees and costs concerning such action; and
- (5) Revoke the temporary permit for the keeping of chickens.

No person convicted as a repeat violator of subsections A. through E. of Section 2 of this Ordinance may be permitted to, or continue to, keep chickens on their premises.

SECTION 3. Conflicts. This Ordinance shall control over any ordinances or parts of ordinances in conflict herewith.

SECTION 4. Severability. The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.

SECTION 5. No Codification. Given the temporary nature of this Ordinance as a pilot program, it is the intention of the City Commission of the City of Winter Garden, Florida, that the provisions of this Ordinance not be codified.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon the second reading and final adoption of this Ordinance.

SECTION 7. Sunset Date. This Ordinance and the provisions hereof shall sunset and expire on December 31, 2017; provided however, such shall not affect the City's ability to prosecute violations of this Ordinance for violations occurring prior to such sunset and expiration date. The City Commission may, by resolution or ordinance, extend the December 31, 2017, sunset and expiration date of this Ordinance.

First reading and public hearing was held on the ___ day of _____, 2016.

Second reading, public hearing and adoption was held on the ____ **day of** _____,
2016.

**CITY COMMISSION
CITY OF WINTER GARDEN, FLORIDA**

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: Mike Bollhoefer, City Manager

Date: April 7, 2016 **Meeting Date:** April 14, 2016

Subject: Final Plat
Waterside on Johns Lake Phase 2A Final Plat
Marsh Road- 17001(37.73 ±Acres)

Issue: Applicant is requesting to correct a scrivener's error on the previously approved plat and record the Final Plat of 103 single-family lots in the Waterside on Johns Lake subdivision.

Discussion:

The applicant is developing a new phase of the Waterside on Johns Lake subdivision with 103 single-family lots. The plat is consistent with the preliminary plat and the approved PUD.

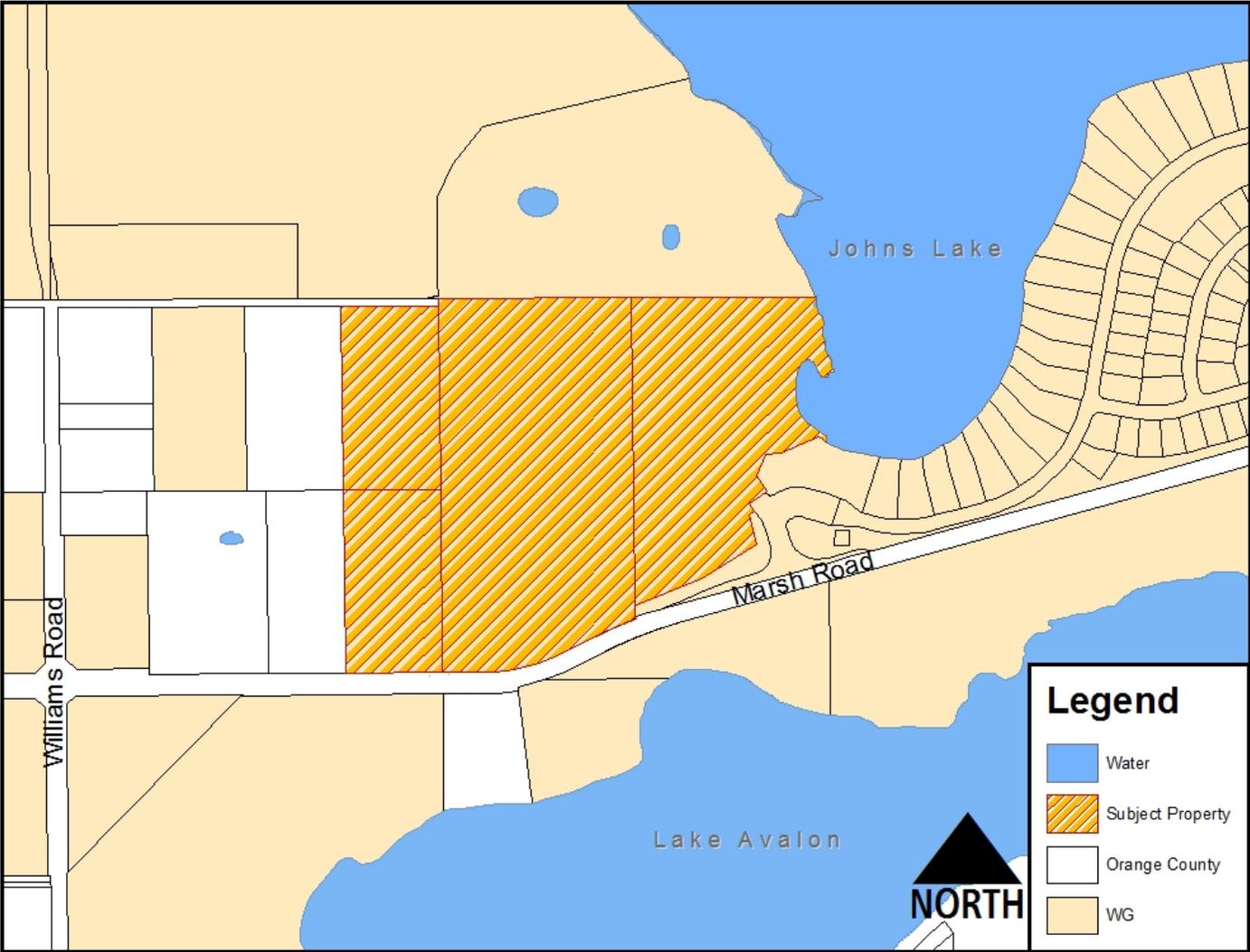
Recommended action:

Staff recommends approval of the final plat.

Attachments/References:

Location Map
Final Plat
DRC Staff Report

Location Map
Waterside on Johns Lake Phase 2A



WATERSIDE ON JOHNS LAKE - PHASE 2A

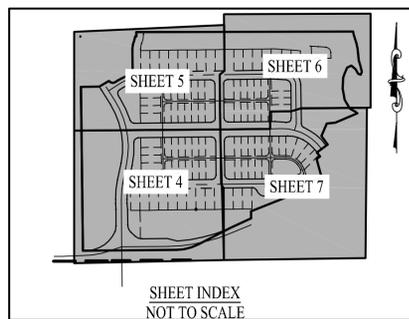
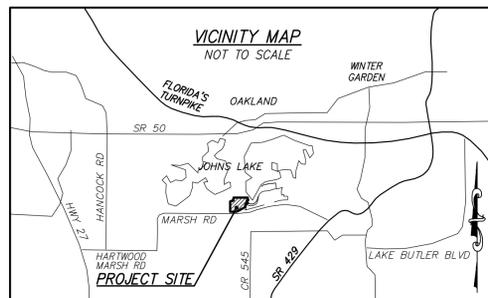
BEING A REPLAT OF THE EAST 1/2 OF LOT 32H AND A PORTION OF THE EAST 1/2 OF LOT 21H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 81 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA

LEGAL DESCRIPTION:

THE EAST 1/2 OF LOT 32H AND A PORTION OF THE EAST 1/2 OF LOT 21H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 81, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LYING IN THE CITY OF WINTER GARDEN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 6; THENCE RUN N89°28'17" E ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 6, A DISTANCE OF 1325.30 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6; THENCE RUN N00°43'21" W, ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 A DISTANCE OF 31.13 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF MARSH ROAD (A 60 FOOT WIDE PUBLIC RIGHT OF WAY) PER ORANGE COUNTY ENGINEERING DEPARTMENT RIGHT OF WAY MAPS AND THE POINT OF BEGINNING; THENCE RUN S89°27'19" W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 331.33 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN N00°43'43" W, A DISTANCE OF 963.02 FEET; THENCE RUN N89°16'17" E, A DISTANCE OF 107.99 FEET; THENCE RUN N59°59'23" E, A DISTANCE OF 67.00 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 92°26'59", A CHORD BEARING OF 57°14'07", AND A CHORD DISTANCE OF 36.10 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 40.34 FEET TO A POINT OF TANGENCY; THENCE RUN N57°32'24" E, A DISTANCE OF 21.23 FEET TO A POINT OF CURVATURE OF CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 322.00 FEET, A CENTRAL ANGLE OF 16°54'46", A CHORD BEARING OF N65°59'47" E, AND A CHORD DISTANCE OF 94.70 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 95.05 FEET TO THE END OF SAID CURVE; THENCE RUN N00°43'21" W, A DISTANCE OF 145.53 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 85.00 FEET, A CENTRAL ANGLE OF 37°39'30", A CHORD BEARING OF N18°06'24" E, AND A CHORD DISTANCE OF 54.87 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 55.87 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 37°39'30", A CHORD BEARING OF N18°06'24" E, AND A CHORD DISTANCE OF 22.59 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 23.00 FEET TO A POINT OF TANGENCY AND A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 6; THENCE RUN N00°43'21" W ALONG SAID WEST LINE A DISTANCE OF 25.00 FEET; THENCE DEPARTING SAID WEST LINE, RUN N89°49'28" E, ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 1277.16 FEET TO A POINT ON THE SAFE UPLAND LINE OF JOHNS LAKE (SAID LINE HAVING AN ELEVATION OF 98.00 FEET, ACCORDING TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, OR 97.12 FEET ACCORDING TO THE NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN ALONG SAID SAFE UPLAND LINE THE FOLLOWING TWENTY-TWO (22) COURSES: THENCE S13°30'03" E, A DISTANCE OF 37.95 FEET; THENCE RUN S18°25'11" E, A DISTANCE OF 55.06 FEET; THENCE RUN S09°07'14" E, A DISTANCE OF 33.49 FEET; THENCE RUN S06°01'59" E, A DISTANCE OF 31.28 FEET; THENCE RUN S07°54'37" E, A DISTANCE OF 34.96 FEET; THENCE RUN S15°10'49" E, A DISTANCE OF 34.51 FEET; THENCE RUN S14°40'30" E, A DISTANCE OF 35.91 FEET; THENCE RUN S20°43'49" W, A DISTANCE OF 18.24 FEET; THENCE RUN N74°38'34" W, A DISTANCE OF 16.55 FEET; THENCE RUN N28°12'56" W, A DISTANCE OF 31.12 FEET; THENCE RUN N49°41'33" W, A DISTANCE OF 33.26 FEET; THENCE RUN S62°54'44" W, A DISTANCE OF 26.82 FEET; THENCE RUN S24°58'20" W, A DISTANCE OF 37.90 FEET; THENCE RUN S20°11'24" W, A DISTANCE OF 25.05 FEET; THENCE RUN S01°56'46" W, A DISTANCE OF 32.56 FEET; THENCE RUN S02°02'34" W, A DISTANCE OF 32.18 FEET; THENCE RUN S09°01'50" E, A DISTANCE OF 35.06 FEET; THENCE RUN S10°08'17" E, A DISTANCE OF 31.73 FEET; THENCE RUN S31°57'41" E, A DISTANCE OF 31.99 FEET; THENCE RUN S29°17'38" E, A DISTANCE OF 29.98 FEET; THENCE RUN S50°28'33" E, A DISTANCE OF 37.50 FEET; THENCE RUN S54°50'42" E, A DISTANCE OF 12.52 FEET TO A POINT ON THE NORTHERLY LINE OF TRACT E, ACCORDING TO THE PLAT OF WATERSIDE ON JOHNS LAKE - PHASE 1 REPLAT, PLAT BOOK 84, PAGES 122-128, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FOUR (4) COURSES ALONG THE NORTHERLY AND WESTERLY LINES OF SAID TRACT: S67°03'57" W, A DISTANCE OF 140.17 FEET; THENCE RUN S84°17'21" W, A DISTANCE OF 51.02 FEET; THENCE RUN S23°25'09" W, A DISTANCE OF 80.61 FEET; THENCE RUN S36°09'41" E, A DISTANCE OF 62.65 FEET; THENCE DEPARTING SAID WESTERLY LINE, RUN S53°50'19" W, A DISTANCE OF 77.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HARBOR OAK PARKWAY ACCORDING TO THE PLAT OF WATERSIDE ON JOHNS LAKE - PHASE 1, PLAT BOOK 82, PAGES 74-80 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S36°09'41" E ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF TRACT D PER SAID PLAT OF WATERSIDE ON JOHNS LAKE - PHASE 1; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE, RUN ALONG SAID NORTHWESTERLY LINE OF TRACT D THE FOLLOWING FIVE (5) COURSES: S53°50'19" W, A DISTANCE OF 25.06 FEET; THENCE RUN S15°23'41" E, A DISTANCE OF 102.26 FEET; THENCE RUN S57°12'48" W, A DISTANCE OF 219.77 FEET; THENCE RUN S68°52'59" W, A DISTANCE OF 245.66 FEET; THENCE RUN S00°42'39" E, A DISTANCE OF 42.99 FEET TO THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED MARSH ROAD AND A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1175.91 FEET, A CENTRAL ANGLE OF 06°24'59", A CHORD BEARING OF S65°52'48" W, AND A CHORD DISTANCE OF 131.61 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 131.68 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY THE FOLLOWING THREE COURSES: S62°40'19" W, A DISTANCE OF 215.13 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 288.31 FEET, A CENTRAL ANGLE OF 26°47'00", A CHORD BEARING OF S76°03'49" W, AND A CHORD DISTANCE OF 133.55 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 134.77 FEET TO A POINT OF TANGENCY; THENCE RUN S89°27'19" W, A DISTANCE OF 219.54 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,643,048 SQUARE FEET / 37.72 ACRES, MORE OR LESS.



NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SHEET 1 OF 7



Dewberry

131 WEST KALEY STREET
ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION NO. LB 8011

SHEET INDEX

SHEET 1 & 2 - COVER SHEET/NOTES
SHEET 3 - OVERALL MAP
SHEETS 3 TO 7 - DETAIL SHEETS

CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY THAT THE FOREGOING PLAT WAS RECORDED IN THE ORANGE COUNTY OFFICIAL RECORDS ON _____, 2016 AS FILE NO. _____, COUNTY COMPTROLLER IN AND FOR ORANGE COUNTY, FLORIDA.

BY: _____ (SEAL)

PLAT BOOK: _____ PAGE: _____

WATERSIDE ON JOHNS LAKE - PHASE 2A DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE ENTITY NAMED BELOW, BEING THE OWNER ("OWNER") IN FEE SIMPLE OF THE LAND DESCRIBED IN THE FOREGOING CAPTION TO THIS PLAT, HEREBY DEDICATES SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED, INCLUDING THE PLAT NOTES, UNLESS OTHERWISE INDICATED IN THE PLAT NOTES, ALL UTILITY EASEMENTS (U.E.) AND DRAINAGE EASEMENTS (D.E.) CREATED BY THIS PLAT ARE DEDICATED TO THE CITY OF WINTER GARDEN. NO EASEMENT DEPICTED ON THE PLAT, OR DESCRIBED IN THE PLAT NOTES, IS DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY STATED OTHERWISE IN THE PLAT NOTES.

IN WITNESS WHEREOF, THE OWNER HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO BY THE OFFICER NAMED BELOW AND ITS CORPORATE SEAL TO BE AFFIXED HERETO ON _____, A.D. 2016.

WITNESSES: STANDARD PACIFIC OF FLORIDA, A FLORIDA GENERAL PARTNERSHIP

BY: STANDARD PACIFIC OF FLORIDA GP, INC., A DELAWARE CORPORATION, ITS MANAGING GENERAL PARTNER

PRINT NAME: _____

BY: _____

PRINT NAME: _____ ITS: _____

STATE OF FLORIDA
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2016, BY _____ AS _____

OF STANDARD PACIFIC OF FLORIDA, GP, INC., A DELAWARE CORPORATION, THE MANAGING GENERAL PARTNER OF STANDARD PACIFIC OF FLORIDA, A FLORIDA GENERAL PARTNERSHIP, ON BEHALF OF THE CORPORATION AND GENERAL PARTNERSHIP. HE IS PERSONALLY KNOWN TO ME AS THE INDIVIDUAL AND OFFICER DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER FREE ACT AND DEED AS SUCH OFFICER THEREUNTO DULY AUTHORIZED; THAT THE OFFICIAL SEAL OF SAID CORPORATION IS DULY AFFIXED THERETO; AND THAT THE SAID DEDICATION IS THE ACT AND DEED OF SAID CORPORATION WHO DID NOT TAKE AN OATH.

(NOTARY SEAL)

NOTARY PUBLIC

NAME: _____

COMMISSION NO: _____

COMMISSION EXPIRES: _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING A LICENSED AND REGISTERED LAND SURVEYOR, DOES HEREBY CERTIFY THAT ON APRIL 5, 2016 HE COMPLETED THE SURVEY OF THE LANDS AS SHOWN IN THE FOREGOING PLAT OR PLAN; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS THEREIN DESCRIBED AND PLATTED OR SUBDIVIDED; THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED OR SHOWN THEREON AS REQUIRED BY CHAPTER 177, FLORIDA STATUTES; AND THAT SAID LAND IS LOCATED IN THE CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA.

(SIGNATURE) _____ DATE: _____ (SEAL)
WILLIAM D. DONLEY, (PSM) PROFESSIONAL SURVEYOR AND MAPPER
CERTIFICATE NO. 5381

DEWBERRY
131 WEST KALEY STREET
ORLANDO, FLORIDA 32806
CERTIFICATE OF AUTHORIZATION NO. (LB) LICENSED BUSINESS 8011

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY THAT ON _____, 2016, THE FOREGOING PLAT WAS APPROVED BY THE CITY COMMISSIONERS OF WINTER GARDEN, FLORIDA.

CITY CLERK _____ MAYOR OF WINTER GARDEN
JOHN REES

(SEAL)

CERTIFICATE OF REVIEW BY CITY SURVEYOR

I HEREBY CERTIFY THAT I HAVE REVIEWED THE FOREGOING PLAT AND FIND THAT IT IS IN CONFORMITY WITH CHAPTER 177, FLORIDA STATUTES.

CITY SURVEYOR _____ DATE _____

PRINTED NAME: _____

COMPANY: _____ (SEAL)

ADDRESS: _____

REGISTRATION NO.: _____

WATERSIDE ON JOHNS LAKE - PHASE 2A
 BEING A REPLAT OF THE EAST 1/2 OF LOT 32H AND A PORTION OF THE EAST 1/2 OF LOT 21H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 81 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA

PLAT BOOK:

PAGE:

PLAT NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 WITH A 1990 ADJUSTMENT AS DERIVED ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, BEING N00°43'21"W.
- UNLESS OTHERWISE INDICATED, A PRIVATE NON-EXCLUSIVE UTILITY EASEMENT BEING 10.00 FEET WIDE ADJACENT TO ROAD RIGHTS-OF-WAY (PUBLIC OR PRIVATE), IS HEREBY DEDICATED AND RESERVED IN FAVOR OF THE CITY OF WINTER GARDEN. NO UTILITIES OR OTHER IMPROVEMENTS SHALL BE PERMITTED TO CONFLICT OR INTERFERE WITH THE CITY OF WINTER GARDEN'S UTILITY IMPROVEMENTS WITHIN SAID UTILITY EASEMENT AREAS. THE CITY OF WINTER GARDEN IS RESPONSIBLE ONLY FOR THE MAINTENANCE OF THEIR RESPECTIVE UTILITIES PLACED WITHIN THE AFORESAID EASEMENTS. THE FEE SIMPLE OWNER OF SAID LOTS AND OR TRACTS SHALL BE RESPONSIBLE FOR THE GRASS AND LANDSCAPING WITHIN THE UTILITY EASEMENT LOCATED UPON INDIVIDUAL LOTS AND OR TRACTS.
- UNLESS OTHERWISE INDICATED, A PRIVATE NON-EXCLUSIVE UTILITY EASEMENT BEING 5.00 FEET WIDE ALONG THE SIDES OF ALL LOTS AND TRACTS, IS HEREBY DEDICATED AND RESERVED IN FAVOR OF THE CITY OF WINTER GARDEN. THE CITY OF WINTER GARDEN IS RESPONSIBLE ONLY FOR THE MAINTENANCE OF THEIR RESPECTIVE UTILITIES PLACED WITHIN THE UTILITY EASEMENT. THE FEE SIMPLE OWNER OF SAID LOTS AND OR TRACTS SHALL BE RESPONSIBLE FOR THE GRASS AND LANDSCAPING WITHIN ALL UTILITY EASEMENTS LOCATED UPON INDIVIDUAL LOTS AND OR TRACTS.
- UNLESS OTHERWISE INDICATED, A PRIVATE NON-EXCLUSIVE DRAINAGE EASEMENT BEING 5.00 FEET WIDE ALONG THE SIDES OF ALL LOTS AND TRACTS, IS HEREBY DEDICATED AND RESERVED IN FAVOR OF THE CITY OF WINTER GARDEN AND THE WATERSIDE ON JOHNS LAKE PHASE 2A/2B COMMUNITY ASSOCIATION, INC ("PHASE 2 HOA"), AND WATERSIDE ON JOHNS LAKE COMMUNITY ASSOCIATION, INC. ("MASTER HOA") (PHASE 2 HOA AND MASTER HOA ARE COLLECTIVELY REFERRED TO AS THE "HOA"). THE CITY OF WINTER GARDEN IS RESPONSIBLE ONLY FOR THE MAINTENANCE OF THEIR RESPECTIVE UTILITIES PLACED WITHIN THE DRAINAGE EASEMENT. THE MASTER HOA OR PHASE 2 HOA, AS APPLICABLE, SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ANY AND ALL DRAINAGE IMPROVEMENTS AND SWALES WITHIN THE DRAINAGE EASEMENT. THE FEE SIMPLE OWNER OF SAID LOTS AND OR TRACTS SHALL BE RESPONSIBLE FOR THE GRASS AND LANDSCAPING WITHIN ALL DRAINAGE EASEMENTS LOCATED UPON INDIVIDUAL LOTS AND OR TRACTS.
- THE FOLLOWING TRACTS ARE INTENDED FOR THE PURPOSES AS SET FORTH BELOW AND ARE TO BE CONVEYED IN FEE SIMPLE TO THE MASTER HOA PURSUANT TO A SEPARATE DEED AS REQUIRED BY CHAPTER 720 OF THE FLORIDA STATUTES.
 TRACTS "E", "F", AND "G" (RETENTION/OPEN SPACE)
 TRACT "I" (PARK)
 TRACT "N" (OPEN SPACE)
- THE FOLLOWING TRACTS ARE INTENDED FOR THE PURPOSES AS SET FORTH BELOW AND ARE TO BE CONVEYED IN FEE SIMPLE TO THE PHASE 2 HOA PURSUANT TO A SEPARATE DEED AS REQUIRED BY CHAPTER 720 OF THE FLORIDA STATUTES.
 TRACTS "H" (RETENTION/OPEN SPACE)
 TRACTS "J", "K", AND "L" (OPEN SPACE)
 TRACTS "AA", "BB", "CC", & "DD" (ALLEY ACCESS/UTILITY TRACT)
- EACH OF THE OWNERS OF LOTS AS SHOWN IN THIS PLAT, "WATERSIDE ON JOHNS LAKE PHASE 2A", IS A MEMBER OF THE HOA. THE MASTER HOA OR PHASE 2 HOA, AS APPLICABLE, IS REQUIRED TO MAINTAIN TRACTS E, F, G, H, I, J, K, L, M, AA, BB, CC & DD. THE MEMBERS OF THE HOA ARE ULTIMATELY RESPONSIBLE FOR PAYMENT OF THE COST OF MAINTAINING SAID TRACTS AND ALL LOTS ARE SUBJECT TO ASSESSMENTS, LIENS AND FORECLOSURES FOR NON-PAYMENT.
- PURSUANT TO SECTION 177.091 (28), FLORIDA STATUTES, AS AMENDED; ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS PARAGRAPH SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN DECLARATION FOR WATERSIDE ON JOHNS LAKE, THE ARTICLES OF INCORPORATION FOR WATERSIDE ON JOHNS LAKE COMMUNITY ASSOCIATION, THE DECLARATION FOR WATERSIDE ON JOHNS LAKE PHASE 2A/2B, AND THE ARTICLES OF INCORPORATION FOR WATERSIDE ON JOHNS LAKE PHASE 2A/2B, ALL OF THE FOREGOING OF WHICH ARE TO BE RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
- THE LOTS WITHIN THIS SUBDIVISION ARE GOVERNED BY A MANDATORY HOMEOWNERS ASSOCIATION (I.E. THE PHASE 2 HOA AND THE MASTER HOA) REQUIRING THE PAYMENT OF FEES AND WITH THE POWER TO ASSESS THE LOTS. THE MASTER HOA AND THE PHASE 2 HOA, AS APPLICABLE, IS THE OWNER OF AND/OR RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF ALL PRIVATE AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING, WITHOUT LIMITATION, TRACTS E, F, G, H, I, J, K, L, M, AA, BB, CC & DD AND THE IMPROVEMENTS THEREON. EVERY LOT OWNER WITHIN THIS SUBDIVISION IS REQUIRED TO BE A MEMBER OF THE HOA, AND IS SUBJECT TO ITS RULES AND REGULATIONS, INCLUDING, BUT NOT LIMITED TO THE CONDITIONS, COVENANTS, AND RESTRICTIONS PROVIDED FOR IN ITS DECLARATIONS, AND THE DEDICATIONS, RESTRICTIONS, AND RESERVATIONS, AS SET FORTH ON THIS PLAT. FAILURE TO PAY SUCH FEES OR ASSESSMENTS SHALL RESULT IN THE ATTACHMENT OF A LIEN ON THE PROPERTY OF THE OWNER WHICH FAILS TO PAY SUCH FEES OR ASSESSMENTS BY THE HOA, WHICH MAY RESULT IN THE FORECLOSURE OF SAID PROPERTY.
- THE CITY OF WINTER GARDEN SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ACCESS, MAINTAIN, REPAIR, REPLACE AND OTHERWISE CARE FOR OR CAUSE TO BE CARED FOR, ANY AND ALL PORTIONS OF THE PROPERTY, INCLUDING WITHOUT LIMITATION, ANY AND ALL PRIVATE AREAS, COMMON AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, SCREENING WALLS, TRACTS E, F, G, H, I, J, K, L, M, AA, BB, CC & DD AND THE IMPROVEMENTS THEREON, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN (COLLECTIVELY, THE "FACILITIES AND LAND"). FURTHER, THE CITY OF WINTER GARDEN HAS THE RIGHT, BUT NOT THE OBLIGATION, TO CAUSE TO BE PREPARED ANY REPORT, STUDY, OR INSPECTION REQUIRED BY THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN (THE "CODE") IF THE HOA FAILS TO OBTAIN SUCH REPORTS, STUDIES, OR INSPECTIONS REQUIRED BY THE CODE IN THE TIME PROVIDED. IN THE EVENT THE "FACILITIES AND LAND" (OR ANY PORTION THEREOF) ARE NOT MAINTAINED, REPAIRED, OR REPLACED IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES, GOOD ENGINEERING PRACTICES, OR BECOME A NUISANCE, OR THE REQUIRED REPORTS, STUDIES, OR INSPECTIONS ARE NOT OBTAINED IN THE TIME PROVIDED, OR IN THE EVENT THE CITY OF WINTER GARDEN EXERCISES THE AFOREMENTIONED RIGHT, EACH OF THE LOT OWNERS ON A PRO-RATA BASIS (I.E., PER LOT) SHALL BE RESPONSIBLE FOR PAYMENT OF THE COST OF SUCH MAINTENANCE, REPAIR, REPLACEMENT AND CARE PROVIDED BY THE CITY OF WINTER GARDEN OR THE CONTRACTORS AND AGENTS AND THE COST OF PREPARING SAID REPORTS, STUDIES, OR INSPECTIONS, PLUS ADMINISTRATIVE COSTS AND ATTORNEY'S FEES INCURRED BY OR FOR THE CITY OF WINTER GARDEN. THE CITY OF WINTER GARDEN SHALL HAVE A LIEN UPON EACH LOT TO SECURE THE PERSONAL OBLIGATION OF EACH LOT OWNER THEREOF FOR ANY UNPAID FEES AND COSTS RESULTING FROM THE FOREGOING. SUCH LIEN SHALL ALSO SECURE REASONABLE ATTORNEY'S FEES AND OTHER COSTS INCURRED BY THE CITY OF WINTER GARDEN INCIDENT TO THE COLLECTION OF SUCH FEES AND COSTS OF ENFORCEMENT OF SUCH LIEN. THE LIEN SHALL BE EVIDENCED BY A CLAIM RECORDED AMONG THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND SHALL BE EFFECTIVE FROM AND AS OF THE TIME OF SUCH RECORDING. THE CITY OF WINTER GARDEN MAY TAKE SUCH ACTION OR ACTIONS IT DEEMS NECESSARY TO COLLECT SAID FEES AND COSTS AS MAY BE PERMITTED BY LAW, INCLUDING, BUT NOT LIMITED TO, AN IN PERSONAL ACTION, LIEN, FORECLOSURE, OR SPECIAL ASSESSMENT. NEITHER THE RIGHTS PROVIDED FOR HEREIN NOR THE CITY'S EXERCISE OF SAID RIGHTS, SHALL IMPOSE ANY OBLIGATION ON THE CITY OF WINTER GARDEN TO MAINTAIN, REPAIR, REPLACE OR OTHERWISE CARE FOR THE FACILITIES AND LAND, OR ANY PORTION THEREOF, OR CAUSE TO BE PREPARED ANY STUDIES, REPORTS OR INSPECTIONS.
- THE MASTER HOA AND PHASE 2 HOA, AS OWNER OF THE SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, COMMON PROPERTIES, AND AMENITIES, AND THE INDIVIDUAL LOT OWNERS TO EXTENT OF THEIR INTEREST IN THE FOREGOING, SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD THE CITY OF WINTER GARDEN, OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES HARMLESS FROM ANY AND ALL COSTS, EXPENSES, SUITS, DEMANDS, LIABILITIES, DAMAGES, INJURIES (INCLUDING DEATH), OR OTHERWISE INCLUDING ATTORNEY'S FEES AND COSTS OF SUIT, IN CONNECTION WITH THE REASONABLE USE OF SAID SUBDIVISION INFRASTRUCTURE, COMMON AREAS, OR AMENITIES, OR SAID PARTIES' MAINTENANCE THEREOF, OR SAID PARTIES' EXERCISE OF RIGHTS PERMITTED IN THE DECLARATION OF THE HOMEOWNERS' ASSOCIATION, THIS PLAT, OR AS OTHERWISE PERMITTED BY LAW.
- ACCORDING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION THE SAFE UPLAND LINE FOR JOHN'S LAKE IS 98.0 FEET (NATIONAL GEODETIC

- DATUM OF 1929) OR ELEVATION 97.12 FEET AS CONVERTED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988. THIS LINE AS ESTABLISHED IN THE FIELD IS DEPICTED AS THE BOUNDARY OF TRACTS "H" AND "I" AS THEY ABUT THE WATERS OF JOHN'S LAKE. THE SAFE UPLAND LINE MAY BE DIFFERENT FROM THE ORDINARY HIGH WATER LINE.
- VEHICULAR ACCESS LOCATIONS FROM TRACTS E AND F TO MARSH ROAD ARE HEREBY DEDICATED TO AND CONTROLLED BY THE CITY OF WINTER GARDEN THROUGH THE CITY'S PERMITTING PROCESS.
 - THERE IS HEREBY GRANTED AND DEDICATED TO THE CITY OF WINTER GARDEN AND OTHER PUBLIC SERVICE AND EMERGENCY SERVICE PROVIDERS, A NON-EXCLUSIVE EASEMENT OVER AND THROUGH TRACTS AA (ALLEY TRACT), BB (ALLEY TRACT), CC (ALLEY TRACT), AND DD (ALLEY TRACT) AND ANY OTHER PRIVATELY OWNED INTERNAL ROADS, ALLEYS, PAVED AREAS AND SIDEWALKS FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS ACCESS FOR THE PURPOSE OF PROVIDING PUBLIC AND EMERGENCY SERVICES TO THE SUBDIVISION, INCLUDING BUT NOT LIMITED TO, POSTAL, FIRE PROTECTION, POLICE PROTECTION, EMERGENCY MEDICAL TRANSPORTATION, CODE ENFORCEMENT, GARBAGE, UTILITIES AND OTHER PUBLIC AND EMERGENCY SERVICES.
 - THE CITY OF WINTER GARDEN IS DEDICATED A NON-EXCLUSIVE EASEMENT FOR UTILITIES OVER TRACT E & F IN THE LOCATION AS NOTED ON THE PLAT AS "UTILITY EASEMENT". FURTHER, THE CITY OF WINTER GARDEN IS DEDICATED A NON-EXCLUSIVE EASEMENT FOR DRAINAGE OVER TRACTS E, F, G & H TO ACCOMMODATE THE STORMWATER DRAINAGE FROM THE PUBLIC ROAD TRACTS BEING CONVEYED TO THE CITY; HOWEVER, THE HOA SHALL REMAIN RESPONSIBLE FOR OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF SUCH TRACTS AND THE STORMWATER IMPROVEMENTS THEREON.
 - ALL LOT LINES ALONG CURVES ARE RADIAL UNLESS NOTED OTHERWISE. NON-RADIAL LINES ARE NOTED BY (NR).
 - EXISTING LINDSAY INGRESS EGRESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 9979, PAGE 3616, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA TO BE VACATED UPON RECORDING OF PLAT AND IS NOT SHOWN HEREON.
 - TRACT Z IS A PRIVATE ACCESS TRACT TO BE CONVEYED BY SEPARATE DEED TO THE OWNER OF THE PROPERTY LOCATED TO THE NORTH OF TRACT H (PARCEL ID # 06-23-27-0000-00-005) UPON THE RECORDING OF THIS PLAT. TRACT Z IS NOT PART OF THE HOA AND IS NOT SUBJECT TO THE TERMS, CONDITION AND OBLIGATIONS OF THE DECLARATION FOR WATERSIDE ON JOHNS LAKE RECORDED IN BOOK 10765, PAGE 7408, AS AMENDED (MASTER HOA DECLARATION) OR THE DECLARATION FOR WATERSIDE ON JOHNS LAKE PHASE 2A/2B (PHASE 2 HOA DECLARATION) TO BE RECORDED SIMULTANEOUSLY HEREWITH.
 - AN EASEMENT IS RESERVED AND DEDICATED IN FAVOR OF THE OWNER AND MEMBERS OF THE MASTER HOA OVER TRACT BB FOR PURPOSES OF INGRESS AND EGRESS TO TRACT N.
 - AN ORDINARY HIGH WATER LINE (OHWL) ELEVATION HAS NOT BEEN DETERMINED FOR JOHN'S LAKE AS OF THE DATE OF THIS PLAT. THE APPROXIMATE EDGE OF WATER DEPICTED ON THIS PLAT IS NOT THE ORDINARY HIGH WATER LINE. THE STATE OF FLORIDA OWNS TITLE, AS SOVEREIGN LANDS, TO THOSE LANDS LYING WATERWARD OF THE OHWL FOR JOHN'S LAKE, WHICH AFFECTS THE LOCATION OF THE BOUNDARY LINES FOR LAKEFRONT LOTS AND TRACTS. THE EXACT LOCATION OF LAKE FRONT LOTS AND TRACTS LAKESIDE LOT LINE ARE NOT DEPICTED ON THE PLAT. IN ORDER TO ENSURE THAT THERE IS NO GAP BETWEEN SOVEREIGN LANDS AND LAKE FRONT LOTS AND TRACTS AND THAT NO LAKE FRONT LOTS AND TRACTS INCLUDE SOVEREIGN LANDS, ALL LAKEFRONT LOTS AND TRACTS SHALL EXTEND OR DETRACT TO THE OHWL OF JOHN'S LAKE NOTWITHSTANDING THE GRAPHICAL DEPICTION OF LOTS AND TRACTS ABUTTING A WITNESS LINE, NORMAL HIGH WATER LINE OR SAFE UPLAND LINE.
 - THE NORMAL HIGH WATER LINE (NHWL) ELEVATION OF 98.4 FEET (NGVD 29 DATUM) WAS ESTABLISHED BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS IN APRIL 1984 PER ORANGE COUNTY LAKE INDEX (DATED JUNE 2009). THE NORMAL HIGH WATER LINE IS NOT THE SAME AS THE ORDINARY HIGH WATER LINE AND IS USED BY LOCAL JURISDICTIONS TO DETERMINE BUILDING SETBACKS AND OTHER LOCAL GOVERNMENTAL REQUIREMENTS.
 - NO EASEMENT DEDICATED BY THIS PLAT, INCLUDING WITHOUT LIMITATION, TO THE CITY OF WINTER GARDEN, THE PUBLIC (IF APPLICABLE), OR TO ANY HOMEOWNERS' ASSOCIATION, SHALL BE TERMINATED OR MODIFIED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY OF WINTER GARDEN.
 - ALL UTILITY EASEMENTS CREATED BY THIS PLAT (INCLUDING THOSE UTILITY EASEMENTS WITHIN THE EASEMENTS REFERENCED ABOVE) ARE DEDICATED TO THE CITY OF WINTER GARDEN. THE CITY OF WINTER GARDEN'S RIGHTS IN UTILITY EASEMENTS DEDICATED BY THIS PLAT SHALL BE SUPERIOR TO ALL OTHERS AND NO UTILITIES OR OTHER IMPROVEMENTS SHALL BE PERMITTED TO CONFLICT OR INTERFERE WITH THE CITY'S UTILITY IMPROVEMENTS WITHIN SUCH UTILITY EASEMENT AREAS. THE CITY OF WINTER GARDEN SHALL ONLY BE RESPONSIBLE FOR THE MAINTENANCE OF UTILITIES IT ACCEPTS AND/OR INSTALLS WITHIN THE UTILITY EASEMENT AREAS.
 - SUBJECT TO THE TERMS AND CONDITIONS CONTAINED IN THAT CERTAIN CONSERVATION EASEMENT WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO BE RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, NO CONSTRUCTION, CLEARING, GRADING, ALTERATIONS OR IMPERVIOUS SURFACES IN THE UPLAND BUFFER & OPEN SPACE PRESERVATION TRACT BUFFER AREA IS PERMITTED OTHER THAN BOAT DOCKS AND BOARDWALKS.
 - TRACTS MM, NN, OO, PP AND QQ ARE TO BE CONVEYED VIA SPECIAL WARRANTY DEED TO THE CITY OF WINTER GARDEN.

SHEET 2 OF 7



Dewberry

131 WEST KALEY STREET
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 PHONE: 321.354.9826 FAX: 407.648.9104
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 CERTIFICATE OF AUTHORIZATION NO. LB 8011

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WATERSIDE ON JOHNS LAKE - PHASE 2A

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PLAT BOOK:

PAGE:

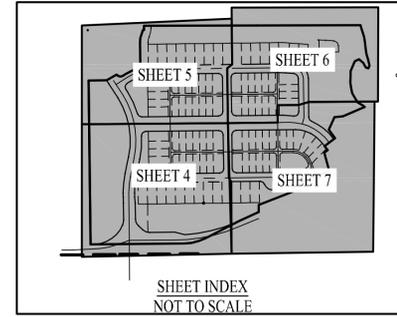


SHEET 3 OF 7

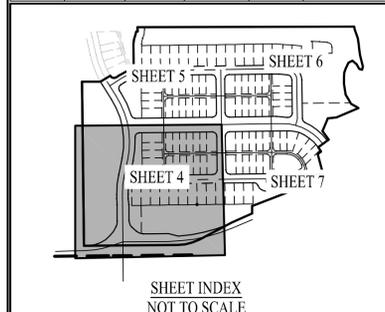
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 131 West Kaley Street
 Orlando, Florida 32806
 Phone: 321.354.9826 Fax: 407.648.9104
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CURVE TABLE (THIS SHEET ONLY)					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	9.26'	57.00	09°18'16"	9.25'	S85°53'33"E
C2	33.38'	57.00	33°33'32"	32.91'	S64°27'38"E
C3	38.40'	466.50	04°42'59"	38.39'	S01°48'49"W
C4	40.17'	25.00	92°03'26"	35.98'	S50°12'02"W
C5	31.59'	25.00	72°23'36"	29.53'	S40°22'06"W
C6	8.58'	25.00	19°39'50"	8.54'	S86°23'50"W
C7	39.07'	322.00	06°57'06"	39.04'	S87°14'48"E
C16	39.27'	25.00	90°00'00"	35.36'	N44°16'39"E
C17	26.35'	271.00	05°34'14"	26.34'	S87°56'14"E
C18	42.30'	25.00	96°56'53"	37.43'	S36°40'41"E
C19	57.06'	300.00	10°53'53"	56.98'	S85°16'25"E
C20	136.77'	533.50	14°41'20"	136.40'	N04°27'06"E
C21	360.33'	466.50	44°15'22"	351.44'	N10°19'55"W
C22	24.35'	15.50	90°00'00"	21.92'	S44°16'39"W
C23	24.35'	15.50	90°00'00"	21.92'	S45°43'21"E
C54	39.27'	25.00	90°00'00"	35.36'	N45°43'21"W
C55	40.22'	25.00	92°10'13"	36.02'	S43°11'32"W
C86	386.21'	500.00	44°15'22"	376.68'	N10°19'55"W
C107	198.88'	500.00	22°47'22"	197.57'	N00°24°05"E
C108	93.55'	500.00	10°43'12"	93.41'	S04°48'55"W
C109	14.14'	500.00	01°37'14"	14.14'	S10°59'09"W
C110	107.69'	500.00	12°20'26"	107.49'	S05°37'33"W



PLAT LEGEND

± MORE OR LESS	RP RADIAL POINT
ID IDENTIFICATION	(TYP.) TYPICAL
ORB OFFICIAL RECORD BOOK	L LENGTH
DB DEED BOOK	R RADIUS
PB PLAT BOOK	Δ DELTA
PC PAGE	CB CHORD BEARING
CCR CERTIFIED CORNER RECORD	CH CHORD DISTANCE
RHPZ RIPARIAN HABITAT PROTECTION ZONE	PC POINT OF CURVATURE
Q CENTERLINE	PT POINT OF TANGENCY
■ FOUND CONCRETE MONUMENT AS NOTED	PRC POINT OF REVERSE CURVATURE
■ SET 4"x4" CONCRETE MONUMENT (PRM LB 8011)	R/W RIGHT OF WAY
PRM PERMANENT REFERENCE MONUMENT	(R) RADIAL
■ SET NAIL & DISK (POP LB 8011)	(NR) NON RADIAL
PCP PERMANENT CONTROL POINT	CM CONCRETE MONUMENT
○ SET 5/8" IRON ROD & CAP (LB 1221)	LB LICENSED BUSINESS
→ CHANGE IN DIRECTION (R/W LINE)	LS LAND SURVEYOR
▲ CHANGE IN DIRECTION (UPLAND BUFFER)	FDPE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
D.E. DRAINAGE EASEMENT	EL ELEVATION
U.E. UTILITY EASEMENT	FEMA FEDERAL EMERGENCY MANAGEMENT ASSOCIATION
IP IRON PIPE	PI POINT OF INTERSECTION
NAVD NORTH AMERICAN VERTICAL DATUM	D.W.E. DRAINAGE & WALL EASEMENT
NGVD NATIONAL GEODETIC VERTICAL DATUM	D.U.&S.E. DRAINAGE, UTILITY & SIDEWALK ENCROACHMENT EASEMENT
D.U.E. DRAINAGE & UTILITY EASEMENT	
PNT POINT OF NON TANGENCY	

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SHEET 4 OF 7



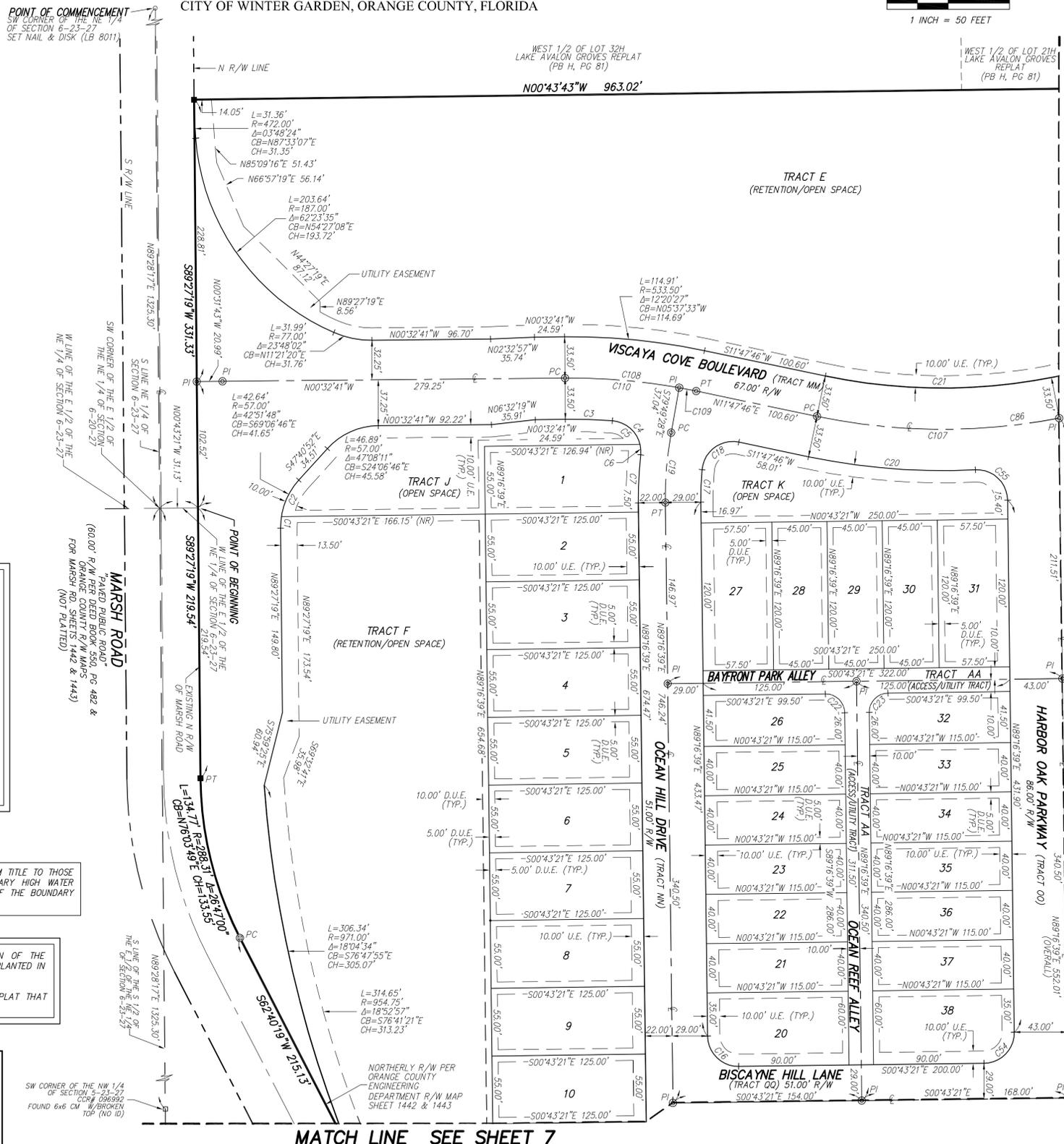
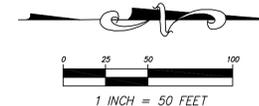
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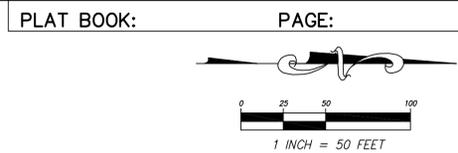
MATCH LINE

SEE SHEET 5

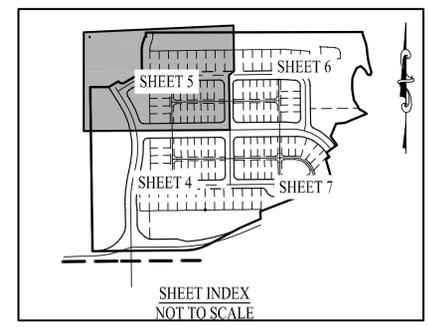
MATCH LINE SEE SHEET 7

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CURVE TABLE (THIS SHEET ONLY)					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C21	360.33'	466.50	44°15'22"	351.44'	N10°19'35"W
C81	39.27'	25.00	90°00'00"	35.36'	N45°43'21"W
C82	39.27'	25.00	90°00'00"	35.36'	N44°16'39"E
C83	24.35'	15.50	90°00'00"	21.92'	S44°16'39"W
C84	24.35'	15.50	90°00'00"	21.92'	S45°43'21"E
C85	32.14'	25.00	73°39'27"	29.97'	S53°53'38"E
C86	386.21'	500.00	44°15'22"	376.68'	N10°19'55"W
C87	143.35'	533.50	15°23'42"	142.92'	N24°45'45"W
C88	39.27'	25.00	90°00'00"	35.36'	S12°32'24"W
C89	150.11'	271.00	31°44'15"	148.20'	S73°24'31"W
C90	110.08'	271.00	23°16'25"	109.32'	S69°10'36"W
C91	40.03'	271.00	08°27'50"	40.00'	S85°02'44"W
C94	166.18'	300.00	31°44'15"	164.06'	N73°24'31"E
C95	74.99'	322.00	13°20'36"	74.82'	S64°12'42"W
C96	103.37'	322.00	18°23'39"	102.93'	S80°04'49"W
C97	48.36'	322.00	08°36'17"	48.31'	S78°45'18"W
C98	34.96'	322.00	06°13'12"	34.94'	S86°10'03"W
C101	24.65'	37.50	37°39'30"	24.21'	S18°06'24"W
C102	54.22'	82.50	37°39'30"	53.25'	S18°06'24"W
C104	21.38'	500.00	02°26'59"	21.38'	N31°14'07"W
C105	22.81'	533.50	02°26'59"	22.81'	S31°14'07"E
C106	187.33'	500.00	21°28'00"	186.24'	N21°43'36"W



PLAT LEGEND	
± MORE OR LESS	RP RADIAL POINT
ID IDENTIFICATION	(T.Y.P.) TYPICAL
ORB OFFICIAL RECORD BOOK	LENGTH
DB DEED BOOK	R RADIUS
PB PLAT BOOK	Δ DELTA
PG PAGE	CB CHORD BEARING
PCR CERTIFIED CORNER RECORD	CH CHORD DISTANCE
RHPZ RIPARIAN HABITAT PROTECTION ZONE	PC POINT OF CURVATURE
CL CENTERLINE	PT POINT OF TANGENCY
□ FOUND CONCRETE MONUMENT AS NOTED	PRC POINT OF REVERSE CURVATURE
■ SET 4"x4" CONCRETE MONUMENT (PRM LB 8011)	R/W RIGHT OF WAY
PRM PERMANENT REFERENCE MONUMENT	PI POINT OF INTERSECTION
⊙ SET NAIL & DISK (PCP LB 8011)	D.W.E. DRAINAGE & WALL EASEMENT
PCP PERMANENT CONTROL POINT	D.U.E. DRAINAGE & UTILITY EASEMENT
○ SET 5/8" IRON ROD & CAP (LB 1221)	PNT POINT OF NON TANGENCY
⊕ CHANGE IN DIRECTION (R/W LINE)	
▲ CHANGE IN DIRECTION (UPLAND BUFFER)	
D.E. DRAINAGE EASEMENT	
U.E. UTILITY EASEMENT	
IP IRON PIPE	
NAD83 NORTH AMERICAN VERTICAL DATUM	
NAD83 NORTH AMERICAN VERTICAL DATUM	
D.U.E. DRAINAGE & UTILITY EASEMENT	
PNT POINT OF NON TANGENCY	

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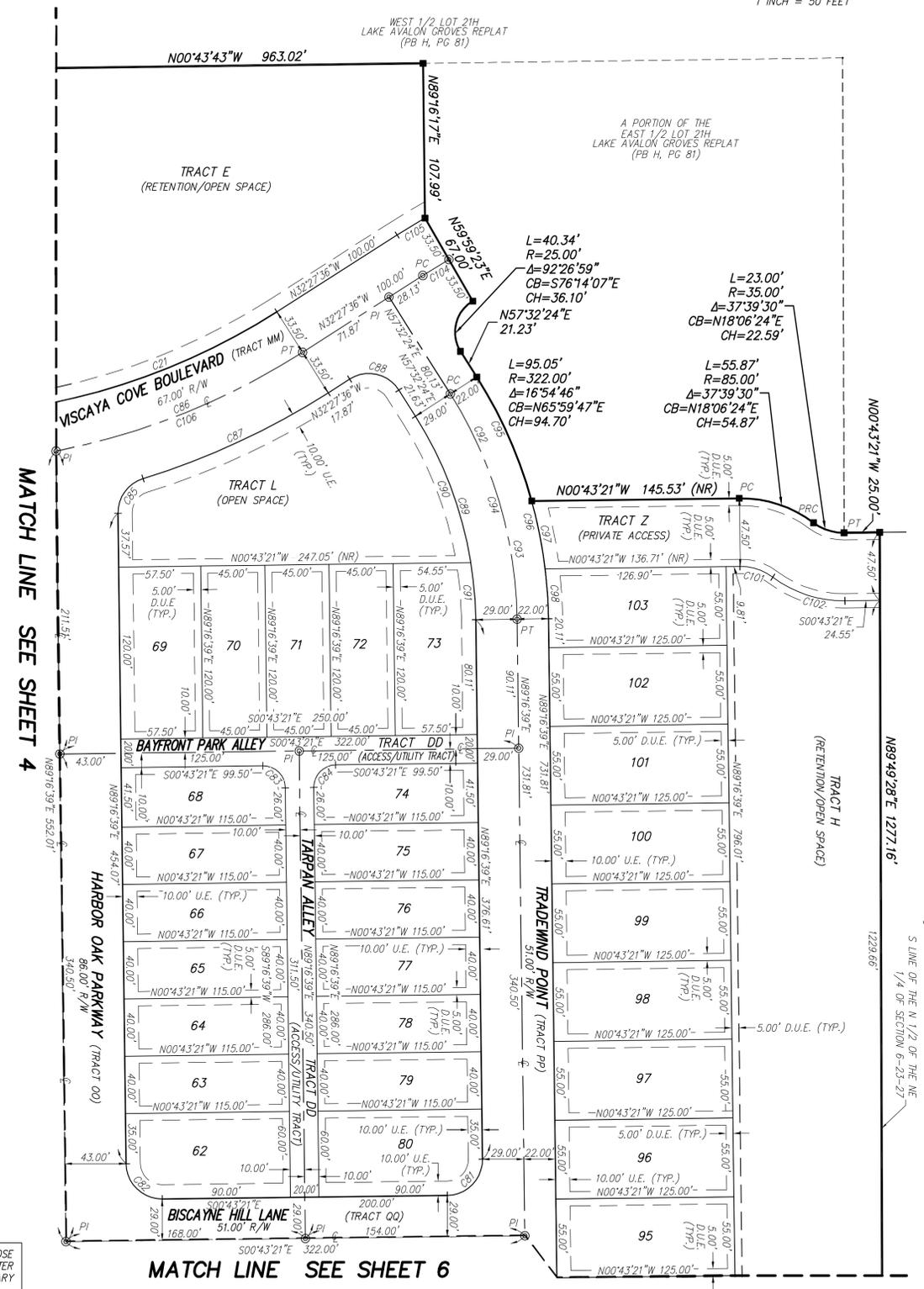
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SHEET 5 OF 7

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MATCH LINE SEE SHEET 4

MATCH LINE SEE SHEET 6

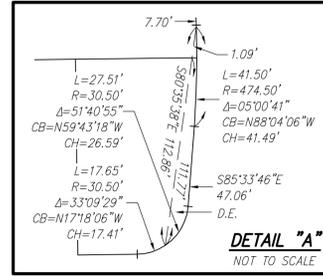
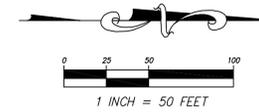
S LINE OF THE N 1/2 OF THE NE 1/4 OF SECTION 6-23-27

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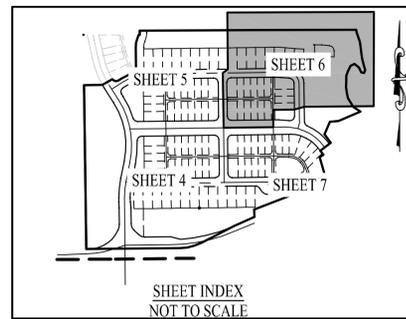


CURVE TABLE (THIS SHEET ONLY)					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C62	39.27'	25.00	90°00'00"	35.36'	S45°43'21"E
C63	7.83'	15.50	28°56'19"	7.75'	S74°48'29"W
C64	7.83'	15.50	28°56'19"	7.75'	S76°15'12"E
C65	39.27'	25.00	90°00'00"	35.36'	S44°16'39"W
C66	24.35'	15.50	90°00'00"	21.92'	N44°16'39"E
C67	24.35'	15.50	90°00'00"	21.92'	N45°43'21"W
C68	2.30'	474.50	00°16'40"	2.30'	S89°24'58"W
C69	40.43'	474.50	04°52'56"	40.42'	N88°00'14"W
C70	45.16'	30.50	84°50'25"	41.15'	N43°08'34"W
C71	45.34'	503.50	05°09'35"	45.33'	N88°08'34"W
C72	88.84'	60.00	84°50'25"	80.95'	N43°08'34"W
C73	46.94'	81.50	32°59'46"	46.29'	N171°31'4"W
C74	64.64'	81.50	45°26'35"	62.96'	N56°26'25"W
C75	9.10'	81.50	06°24'03"	9.10'	N82°21'44"W
C76	120.68'	81.50	84°50'25"	109.95'	N43°08'34"W
C77	44.03'	525.50	04°48'00"	44.01'	N87°57'46"W
C78	3.30'	525.50	00°21'35"	3.30'	S89°27'26"W
C79	47.32'	525.50	05°09'35"	47.31'	N88°08'34"W
C80	42.73'	474.50	05°09'35"	42.72'	N88°08'34"W

LINE TABLE NORMAL HIGH WATER LINE		
LINE	BEARING	LENGTH
L30	S13°30'03"E	17.81'
L31	S17°30'19"E	55.08'
L32	S10°08'59"E	33.24'
L33	S4°11'22"E	30.98'
L34	S9°44'35"E	37.80'
L35	S10°59'13"E	32.85'
L36	S13°09'30"E	35.18'
L37	S23°28'00"W	10.08'
L38	S88°03'49"W	10.04'
L39	N30°58'06"W	31.41'
L40	N46°03'41"W	35.61'
L41	S66°11'37"W	31.47'
L42	S22°35'43"W	40.87'
L43	S20°24'44"W	25.37'
L44	S6°10'41"W	32.11'
L45	S0°12'27"E	33.30'
L46	S10°36'48"E	35.14'
L47	S7°34'38"E	32.87'
L48	S31°30'48"E	33.48'
L49	S31°48'56"E	29.31'

PLAT LEGEND

- ± MORE OR LESS
- ID IDENTIFICATION
- ORB OFFICIAL RECORD BOOK
- DB DEED BOOK
- PB PLAT BOOK
- PC PAGE
- CCR CERTIFIED CORNER RECORD
- RHPZ RIPARIAN HABITAT PROTECTION ZONE
- CL CENTERLINE
- FOUND CONCRETE MONUMENT AS NOTED
- SET 4"x4" CONCRETE MONUMENT (PRM LB 8011)
- PRM PERMANENT REFERENCE MONUMENT
- SET NAIL & DISK (PCP LB 8011)
- PCP PERMANENT CONTROL POINT
- SET 5/8" IRON ROD & CAP (LB 1221)
- CHANGE IN DIRECTION (R/W LINE)
- ▲ CHANGE IN DIRECTION (UPLAND BUFFER)
- D.E. DRAINAGE EASEMENT
- U.E. UTILITY EASEMENT
- IP IRON PIPE
- NAVD NORTH AMERICAN VERTICAL DATUM
- NGVD NATIONAL GEODETIC VERTICAL DATUM
- D.U.E. DRAINAGE & UTILITY EASEMENT
- PNT POINT OF NON TANGENCY
- RP RADIAL POINT
- (TYP.) TYPICAL
- L LENGTH
- R RADIUS
- Δ DELTA
- CB CHORD BEARING
- CH CHORD DISTANCE
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- PRC POINT OF REVERSE CURVATURE
- R/W RIGHT OF WAY
- (R) RADIAL
- (NR) NON RADIAL
- CM CONCRETE MONUMENT
- LB LICENSED BUSINESS
- LS LAND SURVEYOR
- FDEP FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
- EL ELEVATION
- FEMA FEDERAL EMERGENCY MANAGEMENT ASSOCIATION
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- D.W.E. DRAINAGE & WALL EASEMENT
- D.U.S.E.E. DRAINAGE, UTILITY & SIDEWALK ENCROACHMENT EASEMENT



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SHEET 3 - OVERALL MAP
SHEETS 3 TO 7 - DETAIL SHEETS

NOTICE

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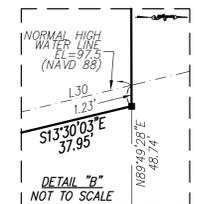
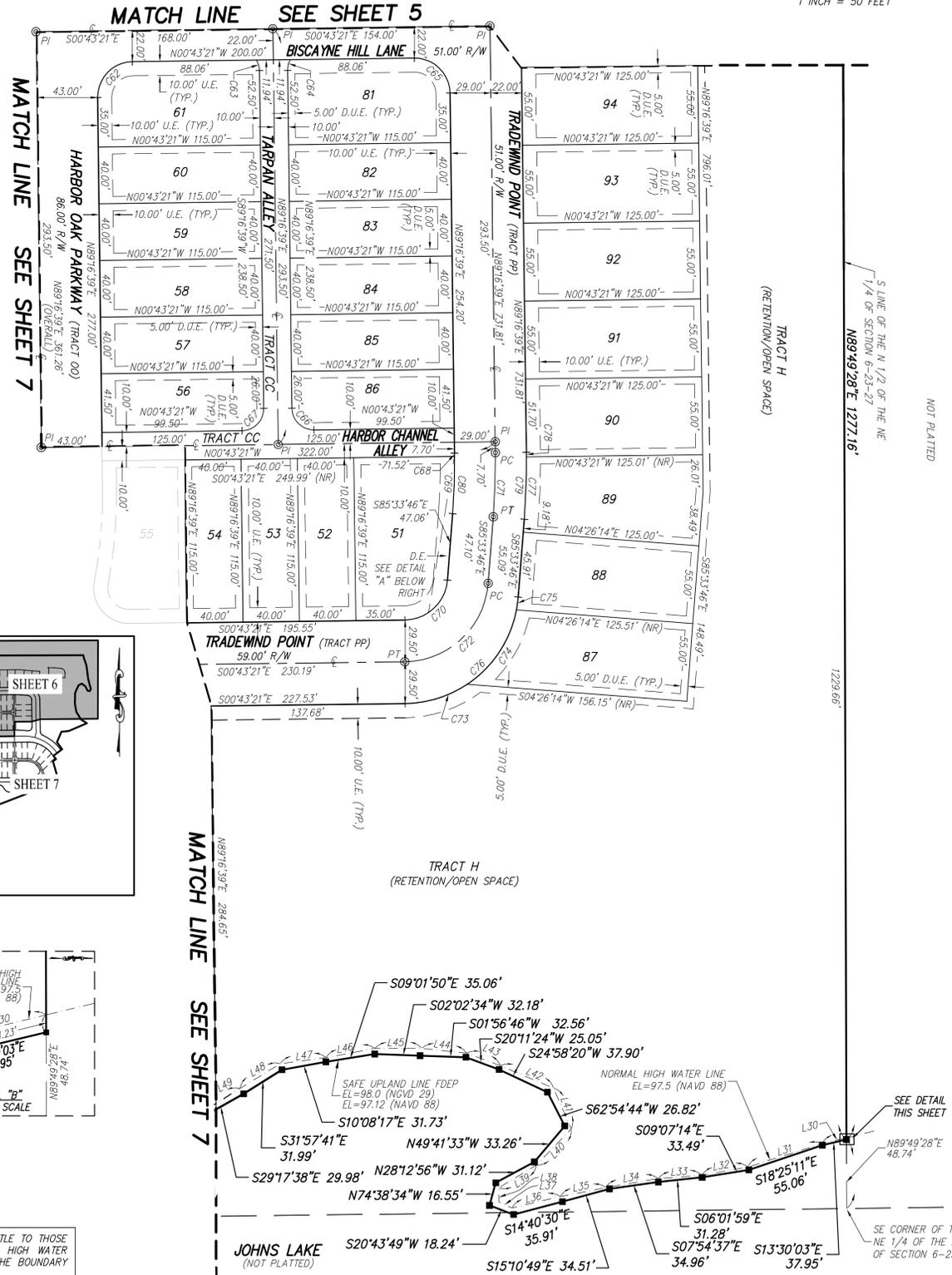
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SHEET 6 OF 7



131 WEST KALEY STREET
ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION NO. LB 8011

THE STATE OF FLORIDA MAY OWN OR CLAIM TITLE TO THOSE LANDS LYING WATERWARD OF THE ORDINARY HIGH WATER LINE WHICH MAY AFFECT THE LOCATION OF THE BOUNDARY LINE OF THE PROPERTY FRONTING THE LAKE.



SEE DETAIL "B" THIS SHEET

SE CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 6-23-27

CURVE TABLE (THIS SHEET ONLY)					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C8	30.89'	25.00	70°47'42"	28.96'	N55°19'30"W
C9	223.24'	51.00	250°47'42"	83.15'	N34°40'30"E
C10	148.80'	51.00	167°10'15"	101.36'	N76°29'13"E
C11	10.07'	51.00	11°18'28"	10.05'	N12°45'08"W
C12	33.69'	51.00	37°50'49"	33.08'	N37°19'47"W
C13	10.48'	51.00	11°46'25"	10.46'	N62°08'24"W
C14	20.20'	51.00	22°41'45"	20.07'	N79°22'29"W
C15	39.27'	25.00	90°00'00"	35.36'	S45°43'21"E
C24	7.83'	15.50	28°56'19"	7.75'	S74°48'29"W
C25	7.83'	15.50	28°56'19"	7.75'	S76°15'12"E
C26	24.35'	15.50	90°00'00"	21.92'	N45°43'21"W
C27	24.35'	15.50	90°00'00"	21.92'	N44°16'39"E
C28	24.35'	15.50	90°00'00"	21.92'	S45°43'21"E
C29	24.35'	15.50	90°00'00"	21.92'	S44°16'39"W
C30	29.13'	15.50	107°41'01"	25.03'	S54°33'52"E
C31	12.88'	15.50	47°37'01"	12.51'	N23°05'09"E
C32	15.34'	25.50	34°28'10"	15.11'	N16°30'44"E
C33	33.55'	20.50	93°46'01"	29.93'	N24°42'37"E
C34	39.86'	117.50	19°26'05"	39.66'	N31°53'26"W
C35	11.91'	137.50	04°57'54"	11.91'	S39°07'31"W
C36	25.64'	110.00	13°21'10"	25.58'	N48°17'03"W
C37	32.69'	110.00	17°01'40"	32.57'	N63°28'28"W
C38	33.02'	110.00	17°11'52"	32.89'	N80°35'14"W
C39	2.95'	110.00	01°32'11"	2.95'	N89°57'16"W
C40	42.02'	137.50	17°30'31"	41.85'	N27°53'19"W
C41	1.75'	137.50	00°43'42"	1.75'	N18°46'13"W
C42	55.68'	137.50	23°12'06"	55.30'	N30°00'25"W
C43	94.29'	110.00	49°06'53"	91.43'	N66°09'55"W
C44	51.63'	127.50	23°12'06"	51.28'	N30°00'25"W
C45	85.72'	100.00	49°06'53"	83.12'	N66°09'55"W
C46	18.96'	252.50	04°18'08"	18.95'	N38°18'45"W
C47	52.17'	252.50	11°50'17"	52.08'	N46°22'57"W
C48	38.14'	252.50	08°39'16"	38.10'	N56°37'44"W
C49	109.27'	252.50	24°47'41"	108.42'	N48°33'31"W
C50	34.38'	180.50	10°54'51"	34.33'	N66°24'48"W
C51	59.39'	180.50	18°51'08"	59.12'	N81°17'47"W
C52	93.77'	180.50	29°46'00"	92.72'	N75°50'22"W
C53	39.27'	25.00	90°00'00"	35.36'	S44°16'39"W
C55	272.35'	286.00	54°33'41"	262.18'	N63°26'31"W
C56	194.74'	286.00	39°00'50"	191.00'	N55°40'06"W
C57	77.61'	286.00	15°32'51"	77.37'	N82°56'56"W
C58	169.28'	319.50	30°21'26"	167.31'	N51°20'24"W
C59	28.71'	25.00	65°47'46"	27.16'	N33°37'14"E
C60	44.35'	25.00	101°38'20"	38.76'	N50°05'49"E
C61	64.90'	319.50	11°38'20"	64.79'	N84°54'11"W
C111	15.71'	1045.25	00°51'39"	15.71'	S67°40'42"W
C112	5.72'	1192.16	00°16'30"	5.72'	S68°58'55"W
C113	314.65'	954.75	18°52'57"	313.23'	S76°41'21"E
C114	306.34'	971.00	18°04'34"	305.07'	S76°47'55"E

PLAT LEGEND	
± MORE OR LESS	RP RADIAL POINT
ID IDENTIFICATION	(T.Y.P.) TYPICAL
ORB OFFICIAL RECORD BOOK	L LENGTH
DB DEED BOOK	R RADIUS
PB PLAT BOOK	Δ DELTA
PC PAGE	CB CHORD BEARING
CCR CERTIFIED CORNER RECORD	CH CHORD DISTANCE
RHPZ RIPARIAN HABITAT PROTECTION ZONE	PC POINT OF CURVATURE
□ CENTERLINE	PT POINT OF TANGENCY
□ FOUND CONCRETE MONUMENT AS NOTED	PRC POINT OF REVERSE CURVATURE
■ SET 4"x4" CONCRETE MONUMENT (PRM LB 8011)	R/W RIGHT OF WAY
■ PERMANENT REFERENCE MONUMENT	(R) RADIAL
○ SET MAIL & DISK (PPC LB 8011)	(NR) NON RADIAL
□ PERMANENT CONTROL POINT	CM CONCRETE MONUMENT
○ SET 5/8" IRON ROD & CAP (LB 1221)	LB LICENSED BUSINESS
▲ CHANGE IN DIRECTION (R/W LINE)	LS LAND SURVEYOR
▲ CHANGE IN DIRECTION (UPLAND BUFFER)	FDEP FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
D.E. DRAINAGE EASEMENT	EL ELEVATION
U.E. UTILITY EASEMENT	FEMA FEDERAL EMERGENCY MANAGEMENT ASSOCIATION
IP IRON PIPE	PI POINT OF INTERSECTION
NAVD NORTH AMERICAN VERTICAL DATUM	D.W.E. DRAINAGE & WALL EASEMENT
NGVD NATIONAL GEODETIC VERTICAL DATUM	D.U.&S.E.E. DRAINAGE, UTILITY & SIDEWALK ENCROACHMENT EASEMENT
D.U.E. DRAINAGE & UTILITY EASEMENT	
PNT POINT OF NON TANGENCY	

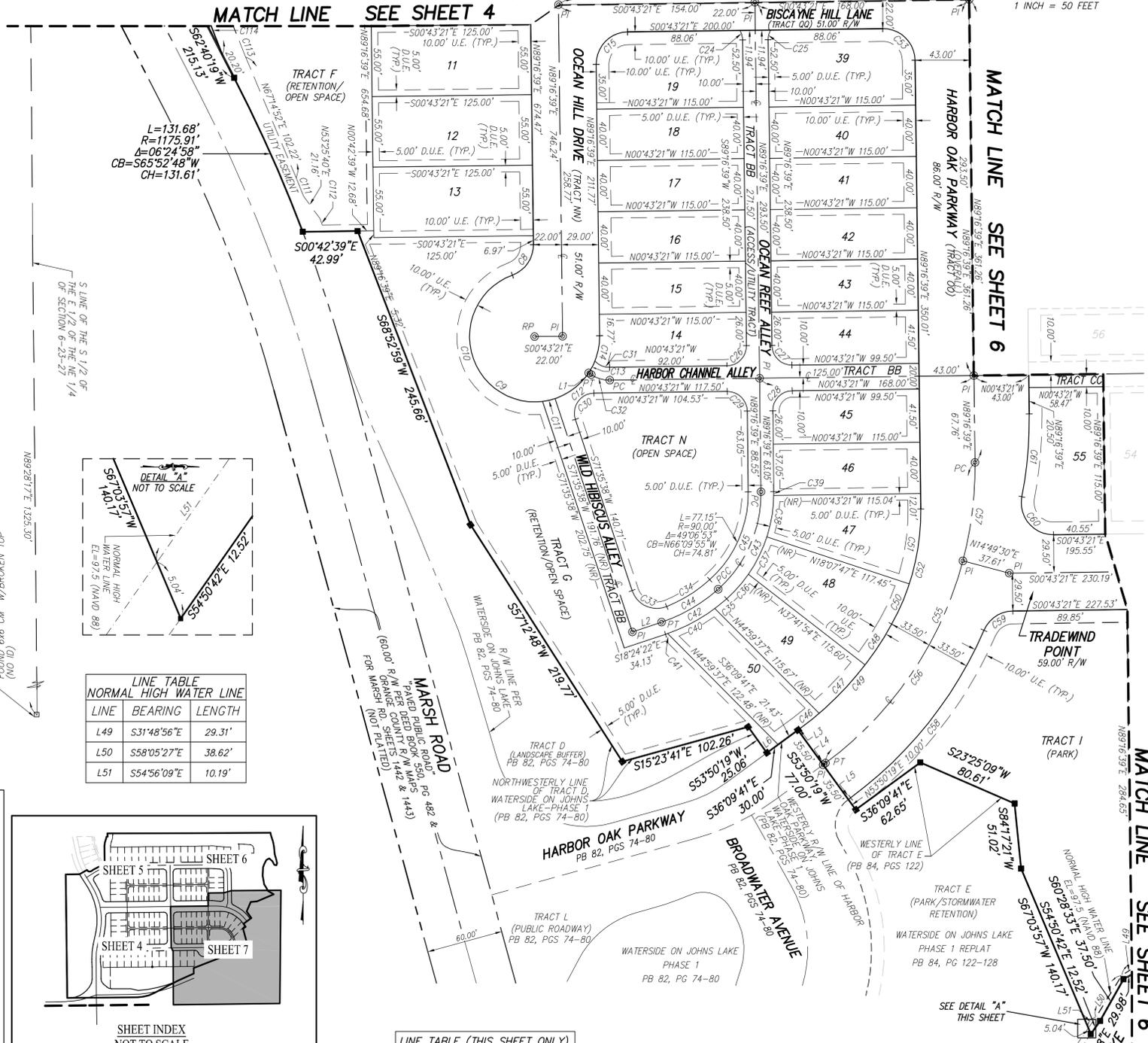
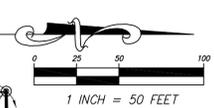
SHEET 7 OF 7

Dewberry
 131 WEST KALEY STREET
 ORLANDO, FLORIDA 32806
 PHONE: 321.354.9828 FAX: 407.648.9104
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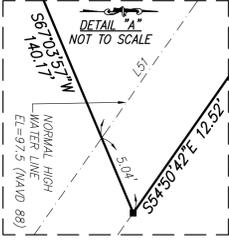
WATERSIDE ON JOHNS LAKE - PHASE 2A

BEING A REPLAT OF THE EAST 1/2 OF LOT 32H AND A PORTION OF THE EAST 1/2 OF LOT 21H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 81 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA

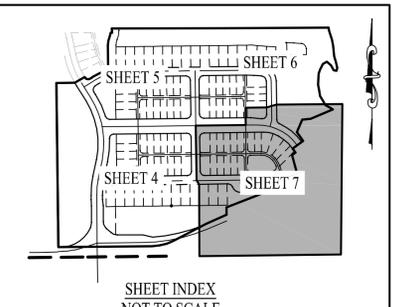
PLAT BOOK: PAGE:



L=131.68'
 R=1175.91'
 Δ=06°24'58"
 CB=S65°52'48"W
 CH=131.61'



LINE TABLE NORMAL HIGH WATER LINE		
LINE	BEARING	LENGTH
L49	S31°48'56"E	29.31'
L50	S58°05'27"E	38.62'
L51	S54°56'09"E	10.19'



THE STATE OF FLORIDA MAY OWN OR CLAIM TITLE TO THOSE LANDS LYING WATERWARD OF THE ORDINARY HIGH WATER LINE WHICH MAY AFFECT THE LOCATION OF THE BOUNDARY LINE OF THE PROPERTY FRONTING THE LAKE.

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LINE TABLE (THIS SHEET ONLY)		
LINE	BEARING	LENGTH
L1	N33°44'49"E	2.45'
L2	S18°24'22"E	24.13'
L3	S36°09'41"E	2.34'
L4	S36°09'41"E	2.34'
L5	S36°09'41"E	2.34'
L6	S36°09'41"E	10.91'

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 THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

CITY OF WINTER GARDEN

Development Review Committee

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

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

MEMORANDUM

TO: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
FROM: DEVELOPMENT REVIEW COMMITTEE
DATE: MARCH 6, 2016
SUBJECT: WATERSIDE ON JOHNS LAKE PH 2A - REVIEW OF REVISED FINAL PLAT
 McKINNON CORP/STANDARD PACIFIC HOMES

Pursuant to your request, we have reviewed the final plat information received 2/29/16 for compliance with the City's subdivision requirements. Our review has been limited to the overall engineering issues and does not include review for compliance with F.S. Chapter 177 that is being performed by the City's Reviewing Surveyor and City Attorney. These plans were submitted in response to our PUD comments dated 8/14/12, preliminary plat comments of 8/20/13, latest final construction plan comments of 6/05/15 and 8/04/15, final plat review of 2/16/16 and DRC meeting of 1/20/16 where it was returned for "staff review only".

ENGINEERING COMMENTS

We recommend approval subject to approval by all other departments, and the following conditions and comments:

1. Final signed mylar, along with all other original executed documents, will be required prior to scheduling for the City Commission meeting, after Staff approval.
2. Lot numbering shall meet the requirements of Chapter 177 F.S. Lot numbers on final construction plan as-builts shall match the recorded plat lot numbering.
3. All recording information needs to be inserted where appropriate once available.
4. Transfer of all common areas, tracts, and rights-of-way to the HOA and the City shall take place prior to or with final plat recording (via deed). Draft quit claim deeds have been provided to the City Attorney and City's Reviewing Surveyor for review.
5. Performance Bond: The improvements are not completed. A Performance bond or letter of credit in the amount of **120%** of the cost of all incomplete improvements shall be provided to the City, based on the Design Engineer's certification and executed construction contract (final pay application). Performance Bond/LOC amount **shall include cost of street lighting from Duke Energy** (if not already installed); **street and regulatory signs, required landscaping, walls, amenities, etc.** City Attorney shall approve the form of the bond or letter of credit prior to final plat recording. **Final plat will not be forwarded to the City Commission for approval without performance bond (unless C of C has been issued).**

The Design Engineer has provided a certified breakdown of construction cost for this phase. Based on that certification of \$2,487,973.29, a performance bond (rider) has been submitted in the amount of **\$2,985,567.95**, representing 120% of the cost of incomplete items (with a completion date of **June 30, 2016** - which may need to be revised - Bond #0193321).

6. Maintenance Bond: A maintenance bond or letter of credit is required in the amount of **20%** of the cost of the improvements and shall comply with the City's ordinance concerning duration. This item can be delayed until the improvements have been installed as a condition of issuing the Certificate of Completion. **Design Engineer shall provide total cost of this phase, including Contractor's final pay application, for determination of Maintenance Bond amount.**

7. The Certificate of Completion has not been issued for this phase. Upon completion of all improvements, the Design Engineer shall provide signed and sealed as-built record drawings (2 sets), electronic copies of record drawings (pdf and CAD), all permitting clearances, and a certification letter stating that all improvements have been completed in substantial compliance with the approved plans and specifications. Copies of all clearances, certifications, etc. from other permitting agencies shall be provided to the City.
8. Approval of Certificate of Completion will be contingent upon having all improvements, fire protection, street lighting, street signs and regulatory signage and striping installed, approved and accepted by the City of Winter Garden. Other than for model homes as specified in Code, no additional building permits and no certificates of occupancy will be issued for any structure until the Certificate of Completion for the infrastructure has been issued.
9. Sidewalks internal to the development shall be constructed adjacent to all lands not containing building lots prior to final acceptance. This shall include all stormwater, conservation, lift station, or recreation tracts, abutting roadways, pedestrian walkways, etc. Sidewalks external to the development shall be constructed upon final completion.
10. Streetlighting must be installed and operating as a condition of issuing the Certificate of Completion. Other than for model homes as specified in Code, no building permits or certificates of occupancy will be granted on any house until all of the above have been completed and accepted by the City and the Certificate of Completion has been issued.
11. Documentation that all outstanding fees owed the City for review by legal, surveying and engineering consultants shall be provided prior to final plat recording by the City's Finance Department.
12. Design Engineer has provided certification that he has reviewed the plat and that it provides all necessary easements for drainage, access and utilities. Easement widths shall comply with City Code and approved construction plans (30' minimum).
13. Additional comments may be generated at subsequent reviews.

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

END OF MEMORANDUM

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: Mike Bollhoefer, City Manager

Date: April 8, 2016

Meeting Date: April 14, 2016

Subject: Site Plan

Sharma Office Building

3732 & 3736 Winter Garden Vineland Road (0.875±Acres)

Parcel ID #11-23-27-9172-01-010 & Parcel ID #11-23-27-9172-01-020

Issue: Applicant is requesting Site Plan Approval to construct a single story office building in the Windward Cay Office Park.

Discussion:

The applicant is proposing to develop the 0.18+/- acre site with a 5,833 square foot office building with landscaping improvements. The site is already developed and parking is existing.

Recommended action:

Staff recommends approval of the Site Plan subject to the conditions of the DRC staff report.

Attachments/References:

Location Map
Construction Plans
DRC Staff Report

Legend



NOT TO SCALE



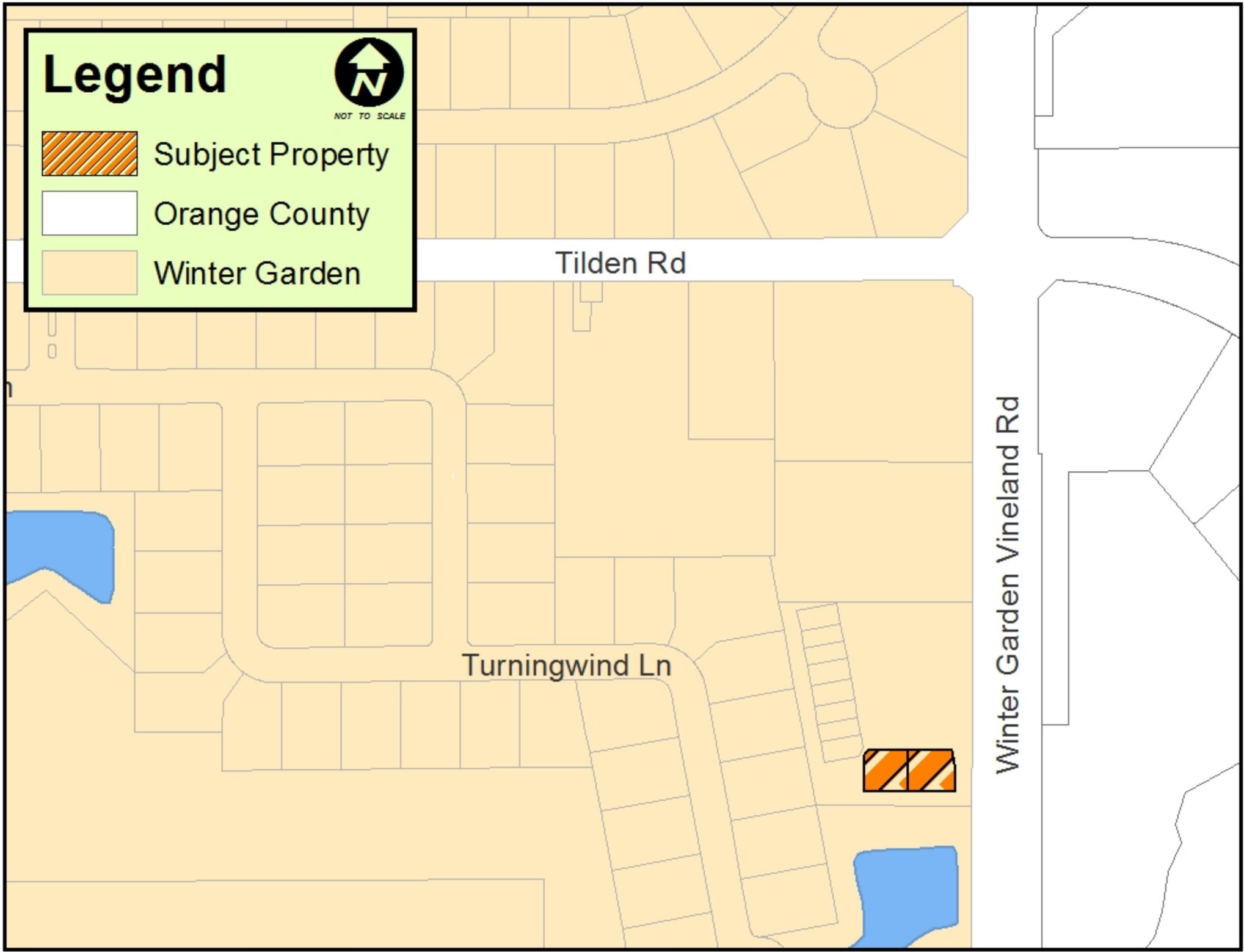
Subject Property



Orange County



Winter Garden



Tilden Rd

Turningwind Ln

Winter Garden Vineland Rd







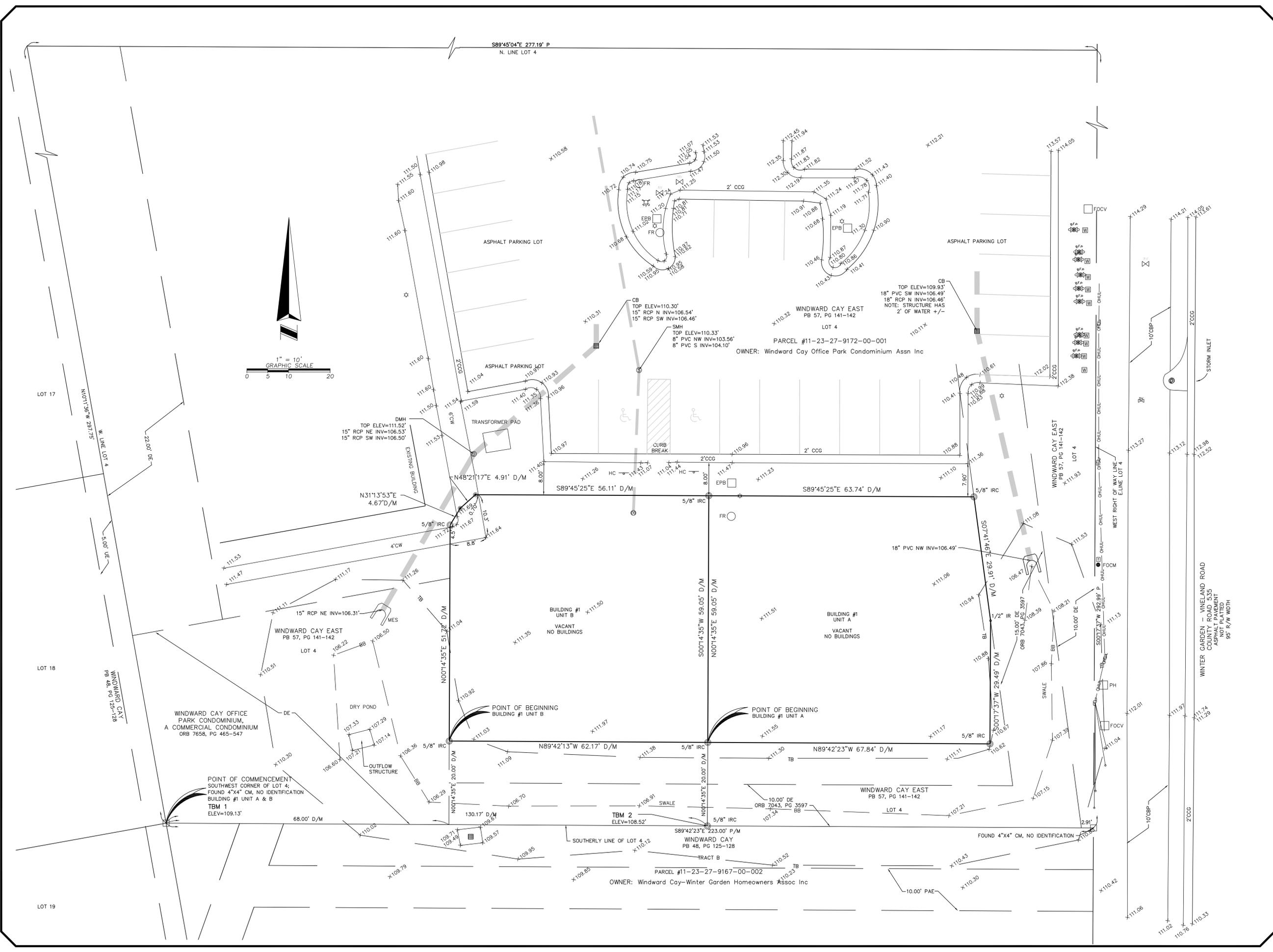
213 SOUTH DILLARD STREET
 WINTER GARDEN, FLORIDA • 34787
 (407) 654-5355/(407)654-5356 FAX

BOUNDARY AND TOPOGRAPHIC SURVEY
 OF
WINDWARD CAY OFFICE PARK, A
COMMERCIAL CONDOMINIUM
 SECTION 11, TOWNSHIP 23 SOUTH, RANGE 27 EAST
 CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA

FOR:
 INTERSTRUCT, INC.

NO.	DATE	REVISIONS

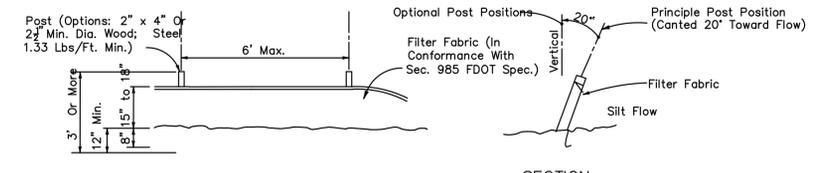
JOB # 20150552
 DATE: 8-7-2015
 SCALE: 1"=10'
 CALC BY: JLR
 FIELD BY: JLS/JDS/TT
 DRAWN BY: DH/MR
 CHECKED BY: SEJ/JLR



LOT 17

LOT 18

LOT 19



ELEVATION SECTION
 Note: Silt Fence to be paid for under the contract unit price for Staked Silt Fence (LF).

TYPE III SILT FENCE
 EROSION CONTROL DETAILS
 NTS

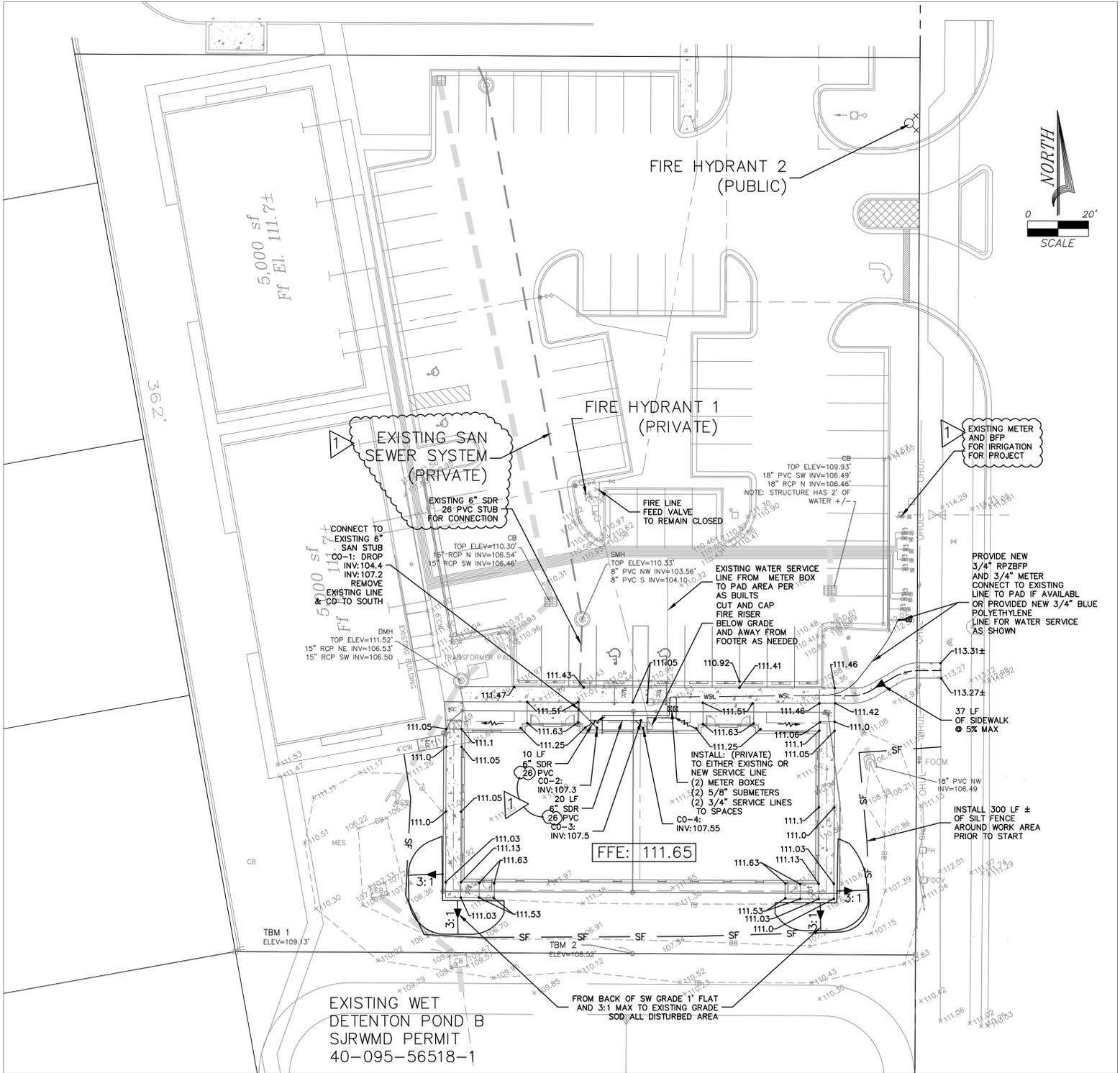
NO.	DATE	REVISIONS DESCRIPTION
1	3-30-2016	CITY USE REVIEW COMMENTS

Hudson Engineering Associates, Inc.
 SITE ENGINEERING/LAND PLANNING
 P.O. Box 677742 Orlando, FL 32867-7742
 PH(407) 342 8813 FAX: (407) 381 9855
 COA # 9510
 THESE DOCUMENTS ARE THE PROPERTY OF HUDSON ENGINEERING ASSOCIATES, INC. NO REUSE, REPRODUCTION, OR DISSEMINATION OF ANY PART OF THESE DOCUMENTS WITHOUT THE EXPRESSED WRITTEN CONSENT OF HUDSON ENGINEERING ASSOCIATES, INC. IS PERMITTED BY LAW.

DRAINAGE, UTILITY & EROSION CONTROL PLAN
 SHARMA OFFICE BUILDING @ WINDWARD CAY OFFICE PARK CONDOMINIUM
 OWNER: TEAKO ENTERPRISES, LLC 3736 WINTER GARDEN VINELAND RD UNIT A & B
 PARCEL ID: #11-23-27-017201-010, & 020 3732 WINTER GARDEN VINELAND RD UNIT B
 COMMON AREA PARCEL ID: #11-23-27-0172-000-001 WINTER GARDEN, FL 34787

APPROVED BY
 BRUCE T. HUDSON, P.E.
 NO. 54033
 DATE: 3-30-2016

PROJECT #	DSGN
15-082	BTH
DATE	DRWN
1-10-2016	BTH
SCALE	CHD
SEE SCALE	BTH
SHEET NO.	4.0



STORMWATER:
 STORMWATER MANAGEMENT (QUANTITY & QUALITY) IS PROVIDED VIA EXISTING WET DETENTION POND B PER SJRWMD PERMIT#40-095-56518-1 AT 90% IMPERVIOUS OVER THE COMMERCIAL AREAS.
 A 6000 GSF BUILDING WAS PERMITTED WITH SJRWMD PERMIT#40-095-56518-4 AT THIS LOCATION.

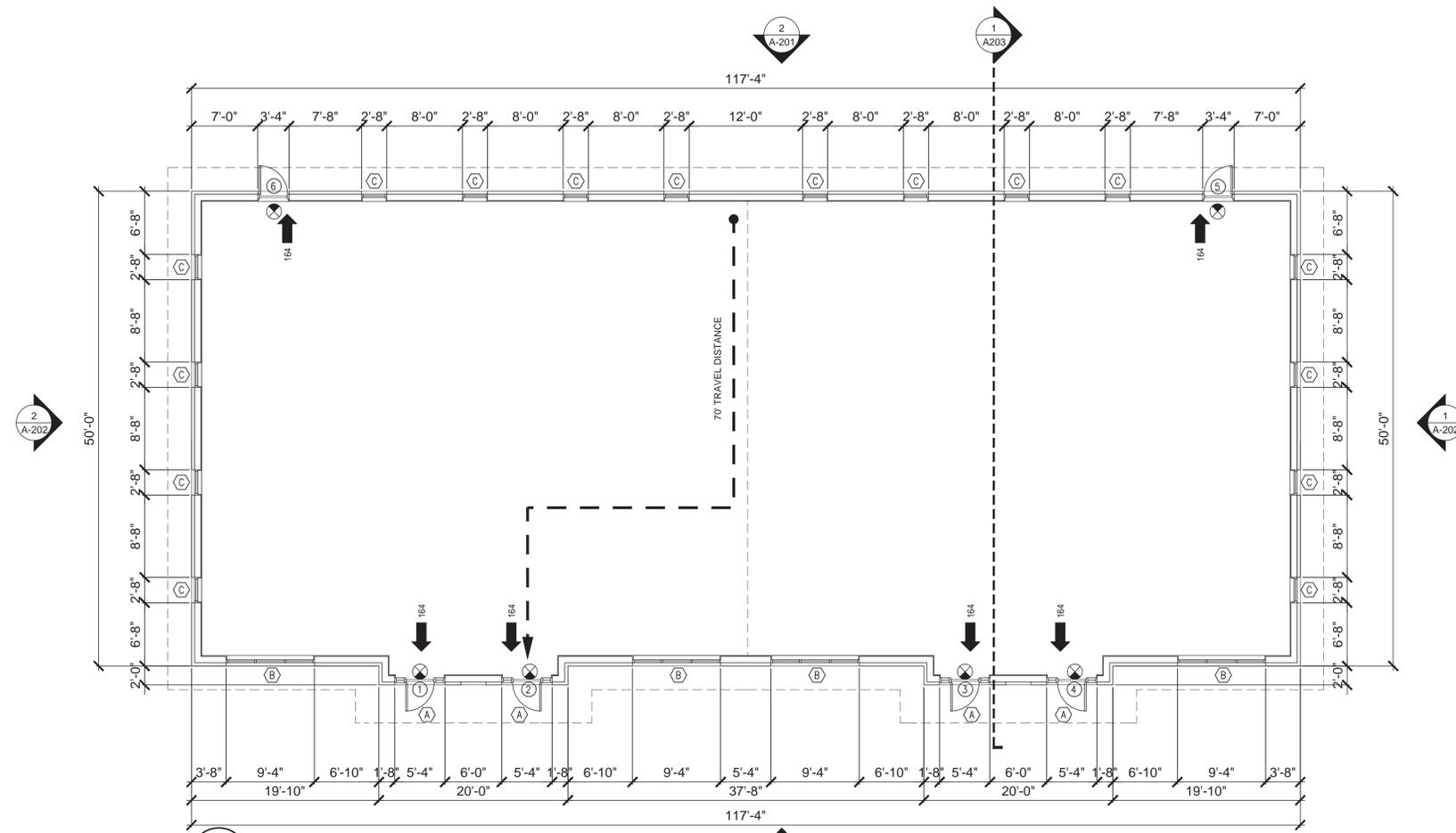
ELEVATIONS:
 EXISTING ELEVATIONS ARE NAVD88 BASED ON TOPOGRAPHIC SURVEY PROVIDED AS SHEET 2.0 & 2.1

- GENERAL UTILITY NOTES:**
 ALL UTILITY CONSTRUCTION SHALL BE PER CITY OF WINTER GARDEN STANDARDS
- ALL GRAVITY SANITARY SEWER PIPE TO BE SDR 26 PVC.
 - ALL METERS TO BE PROVIDED AND INSTALLED BY CONTRACTOR WITH INSTALLATION WITNESSED BY CITY OF WINTER GARDEN UTILITIES.
 - THE RPZ SHALL BE INSTALLED WITHIN 3- FEET OF THE METER FOR DOMESTIC AND IRRIGATION SERVICES.
 - FIRE HYDRANTS SHALL HAVE A FRONT CLEARANCE OF 7'6" MIN. & SIDE CLEARANCE OF 4' MIN.
 - CITY OF WINTER GARDEN WILL NOT OWN, OPERATE OR MAINTAIN THE ON-SITE PRIVATE WATER AND WASTEWATER SYSTEMS. ALL UTILITIES ON-SITE SHALL BE PRIVATELY OWNED AND MAINTAINED.
 - WATER METER SERVICE LINES TO BE ENDOT ENDOPURE DR11 POLYETHYLENE TUBING, BLUE IN COLOR PER CITY OF WINTER GARDEN STDS.
 - THE PIPE LENGTHS NOTED ON PLANS ARE APPROXIMATE AND PROVIDED TO AID THE CONTRACTOR IN BIDDING. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING THE CONSTRUCTION QUANTITY REQUIRED TO MEET THE INTENT OF PLANS.
 - ALL EXISTING UTILITIES HAVE BEEN FIELD VERIFIED AT ALL POINTS OF CONNECTION TO, AND AT ALL AREAS OF CONFLICT WITH COWG MAINS.
 - MAINTAIN A MINIMUM OF 3 FEET OF COVER OVER ALL PROPOSED WATER, FIRE AND WASTEWATER LINES.

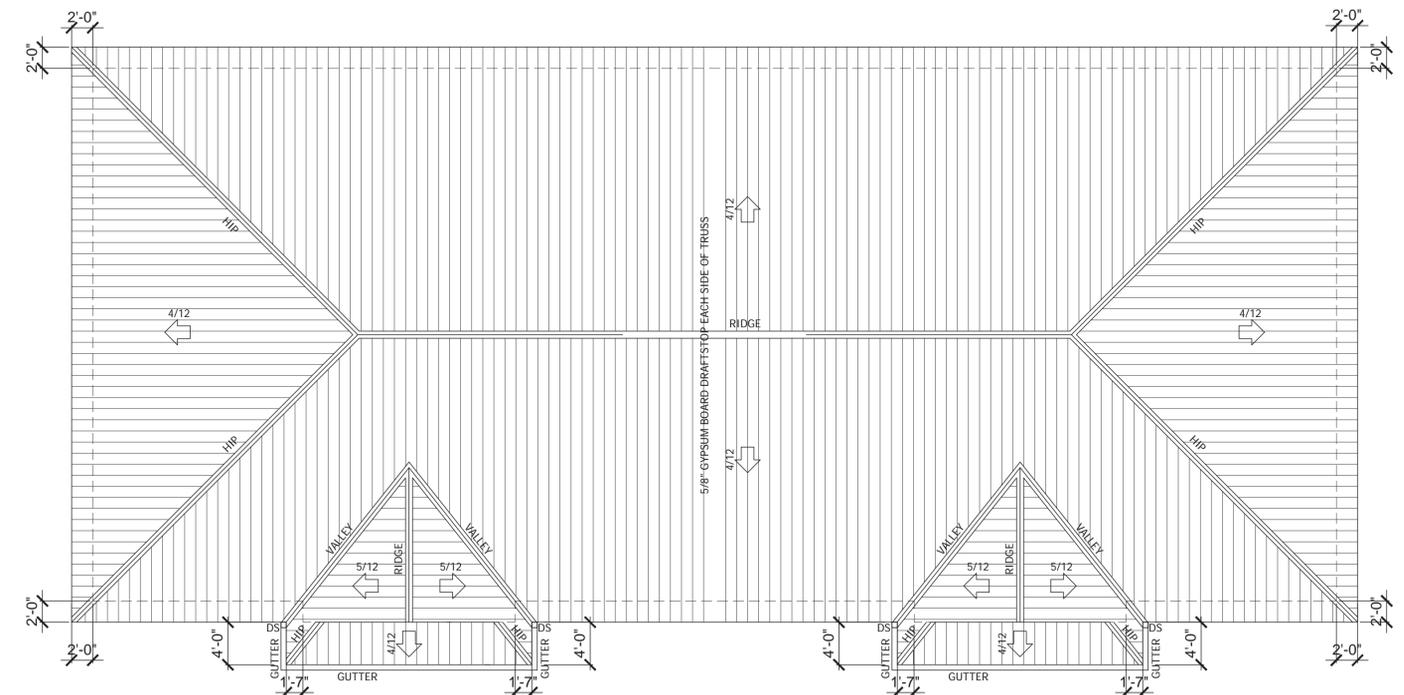
REQUIRED FIRE FLOW PROPOSED BUILDING SHOWN BELOW

BLDG #	STORIES	SF ALL FLOORS	CONST. TYPE FBC / NFPA	NFF (GPM) NFPA ANNEX H	HYDRANT NO'S USED	HYDRANT MAX DIST. (FT)	BUILDING PPF (GPM)
	1	5855	III-B / III(200)	1,500	FH1 AND FH2	(2) @ <225'	2,000

NOTES:
 1. FIRE FLOW PROVIDED BY HYDRANTS WITHIN 250' OF BUILDING IS CALCULATED TO PROVIDE 1,000 GPM.



PROPOSED FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 NORTH



PROPOSED ROOF PLAN
 SCALE: 1/8" = 1'-0"
 NORTH

GENERAL NOTES

1. THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO SUBMITTING A BID AND PRIOR TO THE START OF ANY WORK. ALL INCONSISTENCIES SHALL BE REPORTED TO THE ARCHITECT PRIOR TO BIDDING AND CONSTRUCTION.
2. THE CONTRACTOR SHALL INFORM HIMSELF OF ALL EXISTING CONDITIONS AND LIMITATIONS OF THE SITE.
3. ALL DIMENSIONS ARE NOMINAL, (UNLESS NOTES OTHERWISE)
4. IN THE ABSENCE OF DETAILED SPECIFICATIONS, IT IS THE INTENT THAT THE WORK INDICATED ON THESE DRAWINGS BE PERFORMED IN A WORKMANLIKE MANNER AND BE COMPLETE IN EVERY RESPECT FOR OCCUPANCY BY THE OWNER. TOLERANCES ARE TYPICALLY 1/8" IN 10'-0".
5. ALL WORK OR MATERIALS NOT SHOWN ON THE DRAWINGS, BUT NORMALLY REQUIRED TO COMPLETE THE WORK, SHALL BE FURNISHED, PERFORMED, AND DONE BY THE GENERAL CONTRACTOR AS IF THE SAME WERE SHOWN ON THE DRAWINGS.
6. FLASH ALL ROOF PENETRATIONS WATER TIGHT WITH MATERIALS WHICH ARE COMPATIBLE WITH ROOFING MATERIALS. COMPLY WITH "SMACNA" RECOMMENDATIONS AND STANDARDS FOR INSTALLATION.
7. INSTALL ALL MATERIALS PER MANUFACTURER'S RECOMMENDATIONS.
8. FIELD VERIFY ALL DIMENSIONS AND ROUGH-IN DIMENSIONS WITH ACTUAL CONDITIONS.
9. ALL SYSTEMS AND CONSTRUCTIONS TO BE COMPLETE IN EVERY RESPECT AND OPERATIONAL FOR THE PURPOSE FOR WHICH THEY WERE INTENDED, PROVIDE OWNER WITH ALL WARRANTIES FOR MATERIALS, SYSTEMS, ETC. UNLESS OTHERWISE INDICATED, ALL EQUIPMENT, MATERIALS, FINISHES, COLORS, ETC. SHALL BE SELECTED BY OWNER.
10. ARCHITECT ASSUMES NO LIABILITY FOR CHANGES MADE IN THE FIELD OR EXISTING CONDITIONS.
11. WHERE INCONSISTENCIES OR CONFLICTS OCCUR WITHIN THE DRAWING, THE MORE STRINGENT SHALL GOVERN. REPORT THESE IN WRITING TO THE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION.
12. PAINTING / STAINING SHALL BE AS DIRECTED BY OWNER. FOLLOW MANUFACTURE'S RECOMMENDATIONS FOR ALL APPLICATIONS. ALL PAINTS TO RECEIVE PRIMER PLUS (2) FINISH COATS AND STAIRS TO RECEIVE MINIMUM (2) COATS.
13. COMPLY WITH "BIA" STANDARDS FOR ALL MASONRY CONSTRUCTIONS
14. WHEN EXISTING SLABS, WALLS, ETC. ARE REMOVED OR OPENED TO ACCOMMODATE NEW CONSTRUCTION, SUCH AREAS ARE TO BE REPAIRED TO MATCH ADJOINING SURFACES
15. COMPLY WITH "AWI" STANDARDS FOR ALL CABINETS AND COUNTERTOPS AND/OR BUILT - IN WORKSTATIONS. %U ARCHITECTURAL WOODWORK INSTITUTE %U ARCHITECTURAL WOODWORK QUALITY STANDARDS PUBLICATION.
16. COMPLY WITH "TCA" STANDARDS FOR ALL CERAMIC TILE INSTALLATION. %U TILE COUNCIL OF AMERICA %U HANDBOOK FOR CERAMIC TILE INSTALLATION.
17. DISPOSE OF ALL DEBRIS & RUBBISH IN AN ENVIRONMENTALLY SAFE MANNER ACCEPTABLE TO LOCAL JURISDICTIONS.

SYMBOL LEGEND

- 164 → EXIT DISCHARGE POINT AND NUMBER OF OCCUPANTS SERVED
- 60' TRAVEL → EXIT PATHS AND TRAVEL DISTANCES
- ⊗ EXIT LIGHTS

DATE:	01.07.2016
REVISION LOG:	



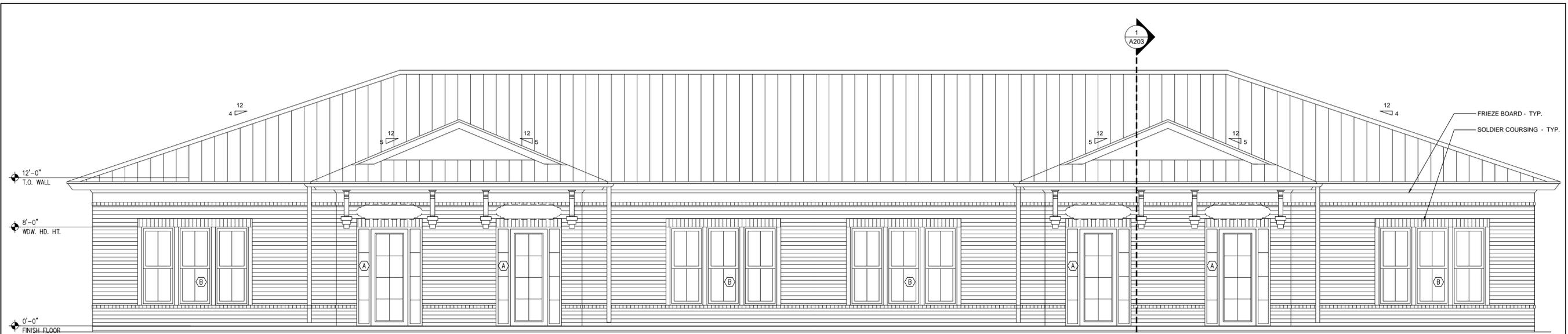
Ryan K Young,
 AIA, PL AA#26001813

PROJECT:
 SHARMA OFFICE BUILDING
 3756 WINTER GARDEN WINELAND ROAD
 34787 WINTER GARDEN, FL

DRAWING SCALE: 1/8" = 1'-0"
 DRAWING TITLE:
FIRST FLOOR & ROOF PLAN

PROJ NO: 15112
 CAD FILE:
 SHEET NO:

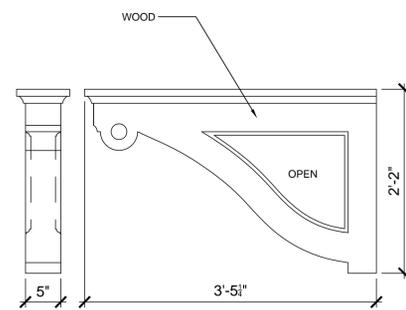
A-101



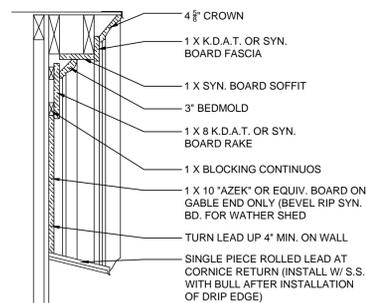
1 FRONT ELEVATION
SCALE: 1/4"=1'-0"



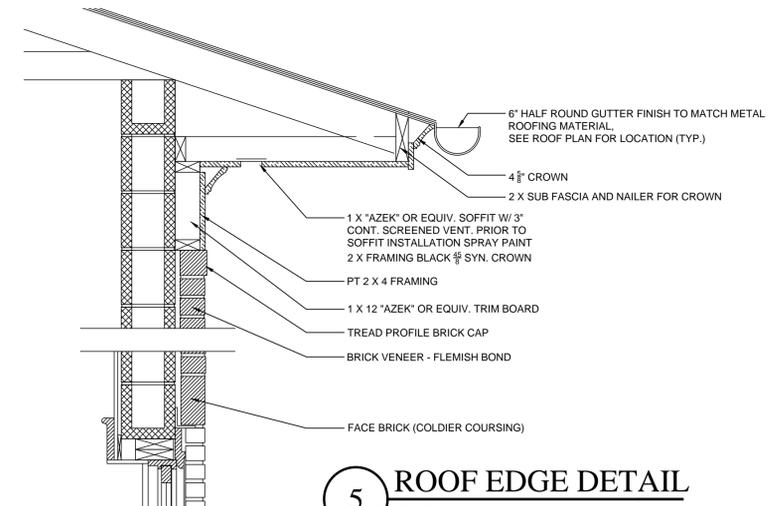
2 REAR ELEVATION
SCALE: 1/4"=1'-0"



3 BRACKET DETAIL
SCALE: 1"=1'-0"



4 GABLE END DETAIL
SCALE: 1"=1'-0"



5 ROOF EDGE DETAIL
SCALE: 1"=1'-0"

DATE:	01.07.2016
REVISION LOG:	



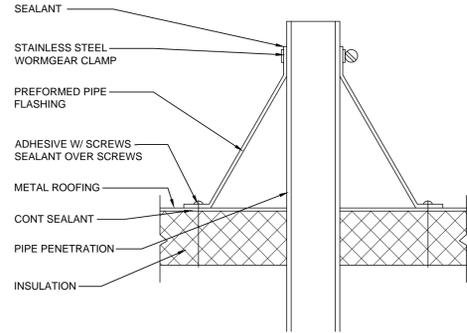
Ryan K Young,
AIA, PL AA#26001813

PROJECT:
SHARMA OFFICE BUILDING
3756 WINTER GARDEN WINELAND ROAD
34787 WINTER GARDEN, FL

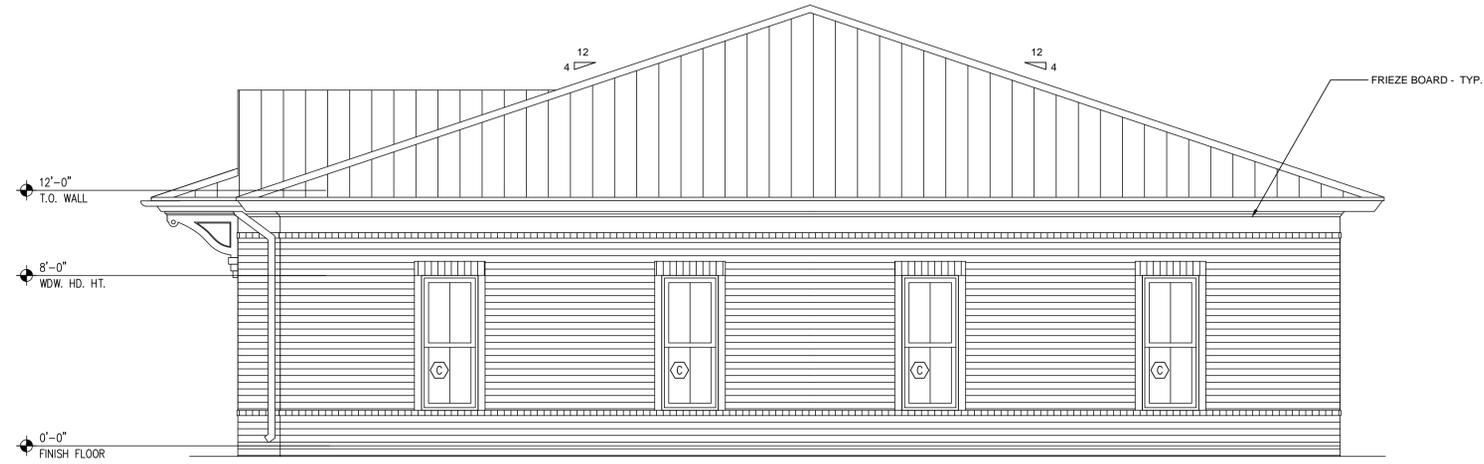
DRAWING SCALE: 1/4" = 1'-0"
DRAWING TITLE:
FRONT & REAR ELEVATIONS

PROJ NO: 15112
CAD FILE:
SHEET NO:

A-201

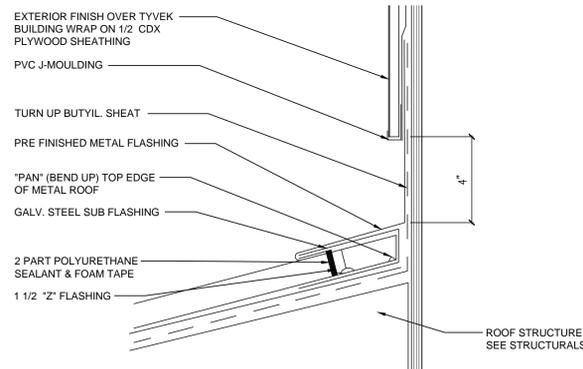


3 PIPE FLASHING DETAIL
SCALE: 1/2"=1'-0"

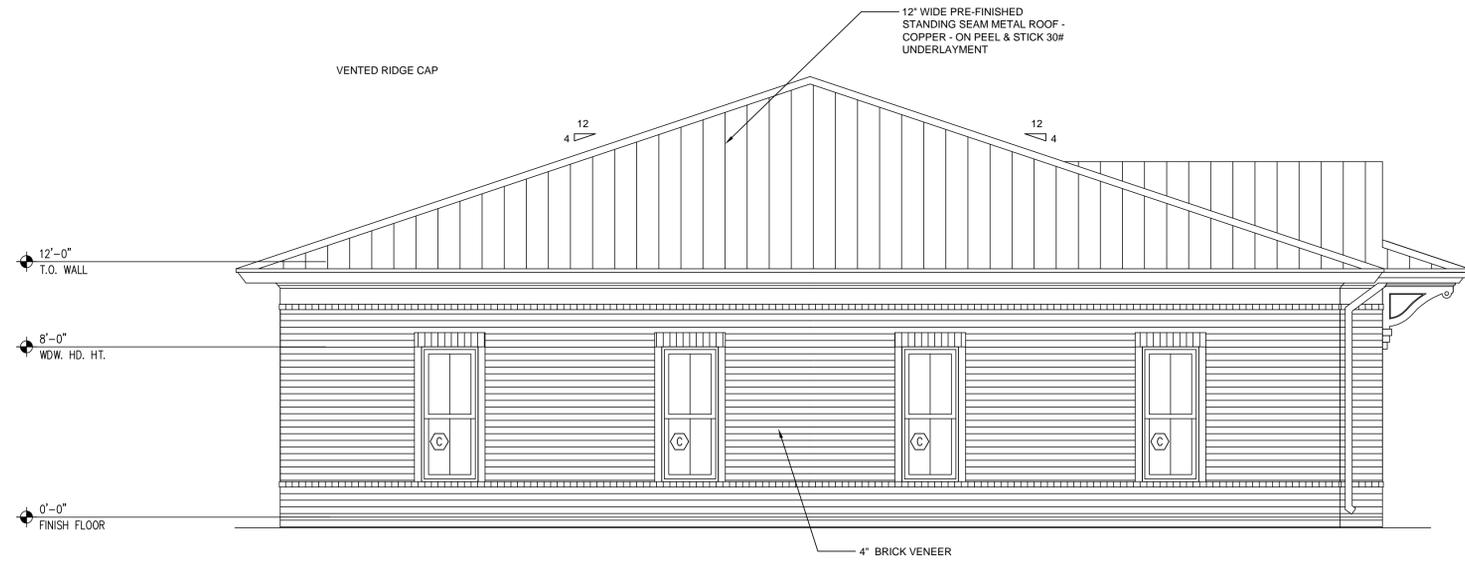


1 SIDE ELEVATION
SCALE: 1/4"=1'-0"

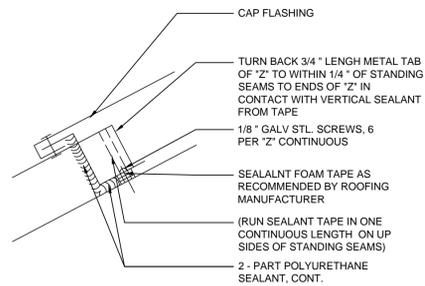
- NOTES**
1. ARCHITECTURAL FINISH FLOOR ELEVATION 0'-0" = _____' CIVIL.
 2. FLOOR PANEL COLOR TO BE FACTORY FINISHED CUSTOM COLOR. ALL FLASHING GUTTER, DOWNSPOUTS MISCELLANEOUS TRIM SHALL MATCH. SUBMIT SAMPLES FOR APPROVAL.
 3. DOORS, FRAMES AND STOREFRONT COLOR SHALL BE CUSTOM FACTORY FINISHED COLOR AND SHALL MATCH ROOFING. SUBMIT SAMPLES FOR APPROVAL.
 4. BRICK COLOR TO BE SELECTED BY OWNER.
 5. SIGNAGE BY OWNER. G.C. COORDINATE INSTALLATION OF SIGNAGE WITH OWNER.
 6. SEE ELECTRICAL FOR COORDINATION LIGHTING AND POWER REQUIREMENTS.



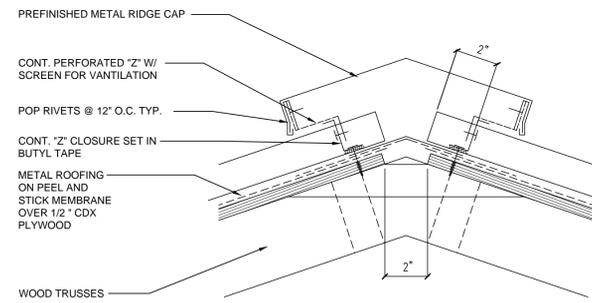
4 FLASHING DETAIL
SCALE: 3"=1'-0"



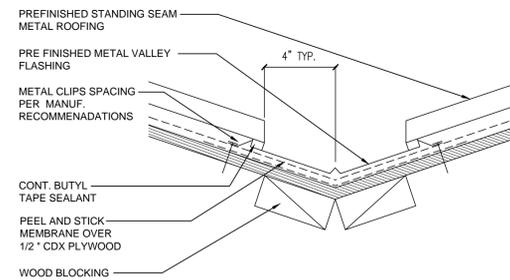
2 SIDE ELEVATION
SCALE: 1/4"=1'-0"



5 METAL ROOFING 2" CLIP DETAIL
SCALE: 3"=1'-0"



6 RIDGE DETAIL
SCALE: 3"=1'-0"



7 VALLEY FLASHING DETAIL
SCALE: 3"=1'-0"

DATE:	01.07.2016
REVISION LOG:	



Ryan K Young,
AIA, PL AA#26001813

PROJECT: SHARMA OFFICE BUILDING

3756 WINTER GARDEN WINELAND ROAD
34787 WINTER GARDEN, FL

DRAWING SCALE: 1/4" = 1'-0"
DRAWING TITLE: SIDE ELEVATIONS

PROJ NO: 15112
CAD FILE:
SHEET NO:

A-202

CITY OF WINTER GARDEN

DEVELOPMENT REVIEW COMMITTEE

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

MEMORANDUM

TO: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
FROM: DEVELOPMENT REVIEW COMMITTEE
DATE: MARCH 2, 2016
SUBJECT: REVIEW FOR SITE PLAN APPROVAL
SHARMA OFFICES AT WINDWARD CAY
1ST REVIEW

Pursuant to your request, we have reviewed the site plan dated 1/22/16 for compliance with the City's stormwater and site requirements. This plan proposes a single story office buildings of 5,833 s.f. with associated parking, stormwater and utility improvements that are existing. This is the first review of this project.

ENGINEERING

1. All on-site utilities shall be privately owned and maintained. 100% of all required water and sewer impact fees shall be paid prior to City execution of FDEP permits or issuance of site or building permits. Final plans will not be approved for construction until utility impact fees have been paid and FDEP permits or exemptions have been issued.
2. The impact fees for the new ¾" potable meter will be as follows:

¾" Potable meter	\$1,086.00
Wastewater	\$1,767.00
Total	\$2,853.00

An irrigation meter will be required. Assuming a ¾" meter, an additional \$1,086.00 (\$2,715.00 for 1" meter) shall be added to the above. Show irrigation meter and size.

3. All PVC gravity sanitary pipe and fittings shall be SDR 26 per Code.
4. All existing public or private improvements, including adjacent sidewalks, pavement, or curbs, will be checked at final inspection. Any damaged, broken or cracked sections shall be replaced by the developer prior to issuance of certificate of occupancy.
5. Handicap parking spaces, handicap ramps, and accessible route from street or h.c. parking spaces to building entrances shall meet all provisions of ADA and Florida Accessibility Code.
6. All irrigation shall be designed to be connected to reclaimed water mains. Any irrigation lines within City R/W shall be purple in color. All points of connection to reclaimed water mains shall have appropriate meters, backflow preventors, etc. All irrigation mains within the City's R/W under the pavement shall be encased within a sleeve.
7. No trees may be planted over or within 5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.
8. All dumpsters shall be enclosed and shall provide 10' minimum inside clearance (each way inclusive of bollards).
9. Permit modification from SJRWMD is required as well as permits or exemptions from FDEP for

water, wastewater and NPDES.

10. Existing on-site lighting shall meet City Code requirements for dark skies lighting. Provide photometrics plan.

PLANNING

11. A minimum 10 foot wide landscape buffer shall be provided on the south property line. The landscape buffer shall provide the following:
 - a. A hedge containing 24 inch tall plants planted 36 inches on center.
 - b. One canopy tree planted every 50 linear feet (minimum 60 gallon, 3.5 inch caliper, and 12 – 15 feet tall).
 - c. Three understory trees shall be planted every 100
12. Provide 4-sided color elevations of proposed building.

PUBLIC SERVICES

13. What is the two meters 5/8”s and two meters 3/4” being used for?
14. Is sewer connection connected to an existing private system? I don't find where it is noted on the plan.
15. Are they going to need a dumpster? If so where is the pad located

BUILDING DEPARTMENT

16. Sheet A-101 Roofing Notes call out Basic Wind Speed as 110MPH, They are 130 MPH (FBC1609).

FIRE DEPARTMENT

17. No comments at this time.

STANDARD GENERAL CONDITIONS

18. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
19. All work shall conform to City of Winter Garden standards and specifications.
20. Fencing, if proposed, shall meet all City requirements for height, type, etc. Chain link fencing shall be vinyl coated per Code. All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances.
21. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
22. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
23. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned 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. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 -

Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.

24. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.

Additional Comments will be generated at subsequent reviews.

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

END OF MEMORANDUM

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Don Cochran, Assistant City Manager – Public Services

Via: Mike Bollhoefer, City Manager

Date: March 28, 2016 **Meeting Date:** April 14, 2016

Subject: Approve Bids and Award Contract for the Wastewater Treatment Plant Biosolids Management Services Contract

Issue: On January 12, 2016, the City received three (3) bids for the Wastewater Treatment Plant Biosolids Management Services Contract. Their prices, covering a ten (10) year contract term, are as follows:

Shelley’s Septic Tank, Inc.	\$45.00 to \$57.27 (\$ per wet ton)
Nu Terra Management, LLC	\$75.00 to \$82.03 (\$ per wet ton)
Biosolids Distribution Services, LLC	\$68.32 to \$73.22 (\$ per wet ton)

The engineer of record has recommended Shelley’s Septic Tank, Inc., as the most qualified, responsible, and responsive lowest bidder and recommends their approval. Following is a breakdown of Shelley’s pricing over the ten (10) year term of the contract:

Shelley’s Septic Tank, Inc.	
Contract Year	Unit Biosolids Management Price
Year 1	\$45.00
Year 2	\$45.00
Year 3	\$46.01
Year 4	\$47.05
Year 5	\$48.22
Year 6	\$49.43
Year 7	\$51.16
Year 8	\$52.95
Year 9	\$55.07
Year 10	\$57.27

Recommended Action:

Recommend approving a contract with Shelley's Septic Tank, Inc., for a ten (10) year period with the per-wet-ton price ranging from \$45.00 to \$57.27.

Attachments/References:

Engineer's letter of recommendation, including an evaluation of the bids.



January 19, 2016

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

Subject: Crest Avenue Wastewater Treatment Plant Biosolids Management Recommendation of Award

Tt #: 200-08490-15007

Dear Mr. Cochran:

On January 12, 2016, three (3) bids were submitted for the Crest Avenue Wastewater Treatment Plant Biosolids Management Contract that includes stabilization, offsite hauling and offsite disposal of the biosolids produced. The bid prices received have been entered into the bid tabulation attached hereto.

The “Total Present Worth” amount served as the basis for comparison over the 10-year contract period. Shelley’s Septic Tank, Inc. was the apparent low bidder with a 10-year Total Present Worth of \$3,717,613.89, with NuTerra Management, LLC and Biosolids Distribution Services, LLC being the second and third apparent lowest bidders at \$4,252,748.00 and \$5,348,649.15, respectively. The Total Present Worth bid and unit price range (dollars per wet ton) for biosolids management services of the three (3) bidders are shown below:

Contractor	Shelley’s Septic Tank, Inc.	NuTerra Management, LLC	Biosolids Distribution Services, LLC
10 YEAR TOTAL PRESENT WORTH	\$3,717,613.89	\$4,252,748.00	\$5,348,649.15
PRICE PER WET TON (\$ per Wet Ton)	\$45.00 to \$57.27	\$75.00 to \$82.03	\$68.32 to \$73.22

Note 1: Total Present Worth bids and unit price ranges represent corrected values.

Note 2: The unit price per wet ton is expressed as a range to allow for cost escalation over the contract period.

Tetra Tech has performed an evaluation of these bids by reviewing each Contractor’s submitted bid documents, qualifications, and “Total Present Worth Determination” over a ten (10) year contract period. The bid documents submitted by each of the Contractors were found to be complete. We reviewed the qualifications and noted the following omissions by NuTerra Management, LLC and Biosolids Distribution Services, LLC that did not warrant these bids to be disqualified but would require submission of the documents to the satisfaction of the City prior to contract award:

Tetra Tech, Inc.

201 E. Pine Street, Suite 1000, Orlando, FL 32801
Tel 407.839.3955 Fax 407.839.3790 www.tetrattech.com

- NuTerra Management, LLC included a list of permitted disposal facilities but did not provide corresponding letters of commitment.
- Biosolids Distribution Services, LLC provided documentation of three service projects that demonstrate access to permitted disposal sites but did not provide corresponding letters of commitment.

In addition to the above, the “Total Present Worth Determination” Bid Form Attachment 1 of all three (3) bids contained computational errors. Additionally, NuTerra Management, LLC did not provide the required power usage quantity for the additional on-site stabilization process, as was clearly specified on page 7 of the Invitation to Bid. Instead, NuTerra Management, LLC provided a power savings or discount quantity, which resulted in a self-discounted “Total Present Worth” amount. We have corrected the “Total Present Worth Determination” amounts of the three (3) bids which are reflected in the totals above and the bid tabulation attached. The computational and power usage errors do not affect the apparent low bidder.

In summary, Tetra Tech has reviewed the bids and has determined the apparent low bidder that meets the qualifications of this project. Based on this evaluation, our recommendation is that the Crest Avenue Wastewater Treatment Plant Biosolids Management Contract be awarded to Shelley’s Septic Tank, Inc. in the yearly unit price amounts specified in the following table over the ten year contract period. The starting unit price will reduce the City’s biosolids disposal costs by approximately 25% as compared to current contract price of \$60.00 per wet ton.

Contract Year	Unit Biosolids Management Price
Year 1	\$45.00
Year 2	\$45.00
Year 3	\$46.01
Year 4	\$47.05
Year 5	\$48.22
Year 6	\$49.43
Year 7	\$51.16
Year 8	\$52.95
Year 9	\$55.07
Year 10	\$57.27



Mr. Donald Cochran
January 19, 2016
Page 3

Tetra Tech appreciates the opportunity to serve the City for this biosolids services project. Should you require further information or have any questions, please do not hesitate to contact us at your earliest convenience.

Very truly yours,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jon D. Fox'.

Jon D. Fox, P.E.
Vice President

Attachments

JDF/ab/200-08490-15007/Constr/BidSupport/BiosolidsMgmtRec_Awd

C: John Toomey, PE, Tetra Tech
Andrea Netcher, PhD, Tetra Tech
Susan Hayse, Tetra Tech

CITY OF WINTER GARDEN
 CREST AVENUE WASTEWATER TREATMENT PLANT BIOSOLIDS MANAGEMENT

Bid Opening: January 12, 2016

Contractor	Year	Average Biosolids Quantity @ 13% Solids (wet tons) (1)	Adjusted Average Biosolids Quantity (2)	Unit Hauling, Stabilization, and Disposal Cost (3)	Hauling, Stabilization, and Disposal Cost (\$) (4) = (1) or (2) x (3)	WAS Pumping Rate @ 1.3% Solids (gallons) (5)	Power Usage (kWh) (6)	Power Cost @ \$0.10/kWh (7) = (6) x 0.10	Unit Chemical Cost (8)	Chemical Cost (\$) (9) = (5) x (8)	Total Annual Cost (\$/yr) (10) = (4) + (7) + (9)	Present Worth Multiplier @ 4.5% Interest (11)	Present Worth of Annual Cost (12) = (10) x (11)
Shelley's Septic Tank, Inc. CORRECTED	2016	8,740	8,740	\$45.00	\$393,300.00	20,070,000	\$0	\$0	\$0	\$0	\$393,300.00	0.957	\$376,388.10
	2017	8,920	8,920	\$45.00	\$401,400.00	20,470,000	\$0	\$0	\$0	\$0	\$401,400.00	0.916	\$367,682.40
	2018	9,090	9,090	\$46.01	\$418,230.90	20,880,000	\$0	\$0	\$0	\$0	\$418,230.90	0.876	\$366,370.27
	2019	9,280	9,280	\$47.05	\$436,624.00	21,300,000	\$0	\$0	\$0	\$0	\$436,624.00	0.839	\$366,327.54
	2020	9,460	9,460	\$48.22	\$456,161.20	21,730,000	\$0	\$0	\$0	\$0	\$456,161.20	0.802	\$365,841.28
	2021	9,650	9,650	\$49.43	\$476,999.50	22,160,000	\$0	\$0	\$0	\$0	\$476,999.50	0.768	\$366,335.62
	2022	9,840	9,840	\$51.16	\$503,414.40	22,600,000	\$0	\$0	\$0	\$0	\$503,414.40	0.735	\$370,009.58
	2023	10,040	10,040	\$52.95	\$531,618.00	23,060,000	\$0	\$0	\$0	\$0	\$531,618.00	0.703	\$373,727.45
	2024	10,240	10,240	\$55.07	\$563,916.80	23,520,000	\$0	\$0	\$0	\$0	\$563,916.80	0.673	\$379,516.01
	2025	10,450	10,450	\$57.27	\$598,471.50	23,990,000	\$0	\$0	\$0	\$0	\$598,471.50	0.644	\$385,415.65
TOTAL PRESENT WORTH (\$)													\$3,717,613.89
NuTerra AS SUBMITTED	2016	8,740	6,312	\$75.00	\$473,400.00	20,070,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$424,414.20	0.957	\$406,164.39
	2017	8,920	6,442	\$75.75	\$487,981.50	20,470,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$438,995.70	0.916	\$402,120.06
	2018	9,090	6,565	\$76.51	\$502,288.15	20,880,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$453,302.35	0.876	\$397,092.86
	2019	9,280	6,702	\$77.27	\$517,863.54	21,300,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$468,877.74	0.839	\$393,388.42
	2020	9,460	6,832	\$78.05	\$533,237.60	21,730,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$484,251.80	0.802	\$388,369.94
	2021	9,650	6,969	\$78.83	\$549,366.27	22,160,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$500,380.47	0.768	\$384,292.20
	2022	9,840	7,107	\$79.61	\$565,788.27	22,600,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$516,802.47	0.735	\$379,849.82
	2023	10,040	7,251	\$80.41	\$583,052.91	23,060,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$534,067.11	0.703	\$375,449.18
	2024	10,240	7,396	\$81.21	\$600,629.16	23,520,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$551,643.36	0.673	\$371,255.98
	2025	10,450	7,547	\$82.03	\$619,080.41	23,990,000	(\$489,858.00)	(\$48,985.80)	\$0.00	\$0.00	\$570,094.61	0.644	\$367,140.93
TOTAL PRESENT WORTH (\$)													\$3,865,123.78
NuTerra CORRECTED	2016	8,740	6,312	\$75.00	\$473,400.00	20,070,000	\$0	\$0	\$0	\$0	\$473,400.00	0.957	\$453,043.80
	2017	8,920	6,442	\$75.75	\$487,981.50	20,470,000	\$0	\$0	\$0	\$0	\$487,981.50	0.916	\$446,991.05
	2018	9,090	6,565	\$76.51	\$502,288.15	20,880,000	\$0	\$0	\$0	\$0	\$502,288.15	0.876	\$440,004.42
	2019	9,280	6,702	\$77.27	\$517,863.54	21,300,000	\$0	\$0	\$0	\$0	\$517,863.54	0.839	\$434,487.51
	2020	9,460	6,832	\$78.05	\$533,237.60	21,730,000	\$0	\$0	\$0	\$0	\$533,237.60	0.802	\$427,656.56
	2021	9,650	6,969	\$78.83	\$549,366.27	22,160,000	\$0	\$0	\$0	\$0	\$549,366.27	0.768	\$421,913.30
	2022	9,840	7,107	\$79.61	\$565,788.27	22,600,000	\$0	\$0	\$0	\$0	\$565,788.27	0.735	\$415,854.38
	2023	10,040	7,251	\$80.41	\$583,052.91	23,060,000	\$0	\$0	\$0	\$0	\$583,052.91	0.703	\$409,886.20
	2024	10,240	7,396	\$81.21	\$600,629.16	23,520,000	\$0	\$0	\$0	\$0	\$600,629.16	0.673	\$404,223.42
	2025	10,450	7,547	\$82.03	\$619,080.41	23,990,000	\$0	\$0	\$0	\$0	\$619,080.41	0.644	\$398,687.78
TOTAL PRESENT WORTH (\$)													\$4,252,748
Biosolids Distribution CORRECTED	2016	8,740	8,740	\$68.32	\$597,116.80	20,070,000	\$0	\$0	\$0	\$0	\$597,116.80	0.957	\$571,440.78
	2017	8,920	8,920	\$68.32	\$609,414.40	20,470,000	\$0	\$0	\$0	\$0	\$609,414.40	0.916	\$568,223.59
	2018	9,090	9,090	\$70.37	\$639,663.30	20,880,000	\$0	\$0	\$0	\$0	\$639,663.30	0.876	\$568,345.05
	2019	9,280	9,280	\$70.37	\$653,033.60	21,300,000	\$0	\$0	\$0	\$0	\$653,033.60	0.839	\$547,895.19
	2020	9,460	9,460	\$71.82	\$679,417.20	21,730,000	\$0	\$0	\$0	\$0	\$679,417.20	0.802	\$544,892.59
	2021	9,650	9,650	\$71.82	\$693,063.00	22,160,000	\$0	\$0	\$0	\$0	\$693,063.00	0.768	\$532,272.38
	2022	9,840	9,840	\$71.82	\$706,708.80	22,600,000	\$0	\$0	\$0	\$0	\$706,708.80	0.735	\$519,430.97
	2023	10,040	10,040	\$73.22	\$735,128.80	23,060,000	\$0	\$0	\$0	\$0	\$735,128.80	0.703	\$516,795.55
	2024	10,240	10,240	\$73.22	\$749,772.80	23,520,000	\$0	\$0	\$0	\$0	\$749,772.80	0.673	\$504,597.09
	2025	10,450	10,450	\$73.22	\$765,149.00	23,990,000	\$0	\$0	\$0	\$0	\$765,149.00	0.644	\$492,755.96
TOTAL PRESENT WORTH (\$)													\$5,348,649.15

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: City Manager, Mike Bollhoefer

Date: 04/12/16 **Meeting Date:** 04/14/16

Subject: Emergency Ambulance Transportation Agreement with Rural Metro

Issue: The consultant has provided us with the analysis of the original Emergency Ambulance Transportation Study. To ensure sufficient time to review the analysis and purchase equipment—if the decision is made for the City to provide ambulance service—staff is recommending extending the contract with Rural Metro for another year.

Recommended action: Approve contract with Rural Metro to provide ambulance service for one year.

**FIFTH AMENDMENT TO
EMERGENCY AMBULANCE TRANSPORTATION
SERVICES AGREEMENT**

THIS FIFTH AMENDMENT to the EMERGENCY AMBULANCE TRANSPORTATION SERVICES AGREEMENT is entered into on the __ day of March, 2016, by and between the CITY OF WINTER GARDEN, a Florida municipal corporation, hereinafter called "Winter Garden", and RURAL/METRO CORPORATION OF FLORIDA, a Florida corporation d/b/a Rural/Metro Ambulance, hereinafter called "Rural/Metro".

RECITALS

- A. Whereas, Winter Garden and Rural/Metro entered into an EMERGENCY AMBULANCE TRANSPORTATION SERVICES AGREEMENT (the "Agreement") dated September 1, 2011, for emergency ambulance transportation services. The Agreement was amended by that certain First Amendment dated September 1, 2012, Second Amendment dated September 1, 2013 and Third Amendment dated September 1, 2014; Fourth Amendment dated September 1, 2015. For purposes of this Fifth Amendment, references to the Agreement including the Agreement, as amended.
- B. Whereas, Winter Garden and Rural/Metro desire to amend the Agreement subject to the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing, the mutual promises, covenants, and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Term of Agreement and Renewal Provisions. Section 24, Term of Agreement and Renewal Provisions, is hereby amended to provide that the term of the Agreement shall be extended from March 31, 2016 through March 31, 2017 unless terminated sooner as provided in Sections 25 and 26.
2. Effect of Fifth Amendment. This Fifth Amendment shall become effective on March 1, 2016. All of the terms, covenants, conditions and provisions of the Agreement are hereby reinstated and remain in full force and effect, as modified by this Fifth Amendment.

IN WITNESS WHEREOF the parties hereto have caused this Fifth Amendment to be executed by their authorized representatives on the day and year first above written.

**RURAL/METRO CORPORATION
OF FLORIDA**

CITY OF WINTER GARDEN

By: Thomas M Eutee

By: _____

Title: RCEO

Title: _____

Signature: 

Signature: _____

Date: 3/22/16

Date: _____