



For More Information, Contact:

Kathy Rathel
Customer Service Technician
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 5149
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PLANNING & ZONING BOARD AGENDA

To: Will Hawthorne – Chairman
David Kassander – Vice Chairman
Mark DeFuso
Heather Gantt
Gerald Jowers
Chris Lee
Mark Maciel

Copy to: Mike Bollhoefer
Dan Langley
Kurt Ardaman
Ed Williams
Stephen Pash
Kelly Carson
Jessica Frye

RE: Agenda – **August 1, 2016 at 6:30 PM**
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

1. **CALL TO ORDER**
2. **ROLL CALL AND DETERMINATION OF QUORUM**
3. **APPROVAL OF MINUTES FROM THE JULY 11, 2016 MEETING**

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

4. 917 Carter Road – Palm Coast Enterprise LLC (**Annexation/Zoning/FLU Amendment**)
Parcel ID #24-22-27-0000-00-025
5. 310 E. Story Road – Nancy Bello (**Annexation/Zoning/FLU Amendment**)
Parcel ID #23-22-27-8140-00-020
6. 12451 Walker Pond Road – American Orange County Investments 40, LLC (**PUD AZFA**)
Parcel ID #36-22-27-0000-00-058, 01-23-27-0000-00-003, -009, -004, -058, -030, -066 & -050

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

7. Ordinance 16-45 (Temporary Moratorium on Medical Cannabis Activities) **REVISED**
8. Ordinance 16-46 (Window Security Bars)
9. Resolution 16-07 (Plant Street Moratorium - INFORMATION ONLY)

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, ***September 12, 2016 at 6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.

*(*The September meeting is changed from September 5, 2016 to September 12, 2016 due to the Holiday.)*



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**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
JULY 11, 2016**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Will Hawthorne called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Chairman Will Hawthorne, Vice-Chairman David Kassander, and Board Members: Heather Gantt, Gerald Jowers, and Chris Lee

MEMBERS ABSENT:

Mark DeFuso (excused) and Mark Maciel (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Steve Pash, Planner I Jessica Frye, and recording secretary Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by Gerald Jowers to approve the regular meeting minutes of June 6, 2016 and seconded by David Kassander. Motion carried unanimously 5 - 0.

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

4. 16 E. Vining Street – Mary Ann Davis (REZONING)

Planner Frye presented a rezoning request for the 0.34 +/- acre property located at 16 E. Vining Street. The property is currently zoned R-2 Residential with a future land use of R-NC Residential-Neighborhood Commercial. The property is improved with two residential dwellings with a PVC fence separating the two homes. The applicant is requesting a rezoning from R-2 to R-NC. The applicant currently has no plans to alter the residential uses and any proposed commercial uses would require a Special Exception permit with additional reviews and permitting to convert to commercial use. Staff has reviewed the Rezoning application and recommends approval subject to the conditions listed in the Staff Report.

General discussion ensued on the R-NC zoning area and Future Land Use plan.

Motion by Gerald Jowers to recommend approval [for 16 E. Vining Street] and seconded by Heather Gantt [with Staff Recommendations] (as provided in the agenda package). Motion carried unanimously 5 - 0.

5. 15304 Tilden Road – Foundation Academy (PUD REZONING)

Community Development Director Pash presented a PUD Rezoning request for the 67.66 +/- acre property located at 15304 Tilden Road. The project is currently operating as a school and has a maximum capacity of 1,200 students. The applicant is requesting to rezone the property from R-1 to Planned Unit Development. The PUD Ordinance outlines a 2.6 acre commercial area at the corner of Mann Road and Avalon Road which would allow uses such as a barber shop, small office, or small retail that fits to a neighborhood scale and is consistent with a commercial area located across the street. A communication tower site is proposed to be located at the southeast corner near State Road 429. The current sports facility has baseball and football fields but larger fields are planned. The proposed lighting on the new fields will meet Dark Sky requirements. The PUD will allow Foundation Academy to have student boarding and a Developer's Agreement recorded in 2007 is still in place regulating the maximum number of students to 1,200. Future submittals for Site Plans will require traffic studies which could require additional entrances and the possibility of limiting the traffic movement. Staff has reviewed the rezoning request, finds it meets all the criteria, and recommends approval of Ordinance 16-37.

Board Member Lee addressed the comments from surrounding residents concerned about traffic flow. Mr. Pash stated the Ordinance contains conditions about submitting traffic studies and with the new traffic lights being installed believes it will help with the traffic.

Board Member Kassander asked about neighborhood meetings and notifications. Mr. Pash stated a community meeting was held on May 4, 2016 with notifications sent to all property owners in Belle Meade, Alexander Ridge, and other surrounding neighborhoods.

Chairman Hawthorne asked if the football stadium was limited to any specific location on the site and height. Mr. Pash stated the height restriction is limited to 35 feet and the field is to be located by State Road 429.

David Buckles, President of Foundation Academy, stated two of the four softball fields in the athletic complex would be removed and replaced with the new football field.

Brian Denham of Denham Engineering, 5212 Timberview Terrace in Orlando Florida, addressed the football field issue. He stated it is currently located near the Alexander Ridge Subdivision but would be moved as close to the Expressway as possible and away from subdivisions. Current ballfield lighting would be replaced and updated.

Chairman Hawthorne questioned the R-1 zoning. Mr. Pash stated Foundation Academy applied for a Special Exception in 2006 to allow the school, a Developer's Agreement was recorded in 2007, and a Site Plan review was completed. The current PUD includes all the requirements for uses and for the Architectural guidelines for the commercial portion.

Char Sibiga, 2222 Romanum Drive in Alexander Ridge, voiced her concerns about the possibility of a gas station being installed. Mr. Pash stated a gas station would be prohibited.

Motion by Gerald Jowers to recommend approval [of the Rezoning for 15304 Tilden Road with Staff Recommendations] (as provided in the agenda package) and seconded by Chris Lee. Motion carried unanimously 5 - 0.

VARIANCE (PUBLIC HEARING)

6. 327 Bayside Avenue – Michael A. Craft

Planner Frye presented a side and rear yard setback Variance request for 0.23 +/- acre property located at 327 Bayside Avenue in the Kings Bay Subdivision. The applicant is requesting a variance to construct a 240 square foot shed at a 2 foot side yard setback in lieu of the minimum required 10 foot side yard setback and at a 5 foot rear yard setback in lieu of the minimum required 24 foot rear yard setback. The applicant has provided HOA approval. Staff has reviewed the variance request, believes it meets all the criteria, and recommends approval subject to the conditions listed in the Staff Report.

Motion by Heather Gantt to recommend approval of the Variance for 327 Bayside Avenue with Staff Recommendations (as provided in the agenda package) and seconded by David Kassander. Motion carried unanimously 5 - 0.

7. 816 E. Fullers Cross Road – Thomas Buchan

Community Development Director Pash presented a Variance request for the 1.28 +/- acre property located at 816 E. Fullers Cross Road. The applicant is requesting a variance to construct a 1,350 square foot accessory shed/shop at a 50 foot rear yard setback in lieu of the minimum required 71 foot rear yard setback. Staff has reviewed the variance request, believes it meets all the criteria, and recommends approval subject to the conditions listed in the Staff Report.

Motion by David Kassander to recommend approval of the Variance for 816 E. Fullers Cross Road with Staff Recommendations (as provided in the agenda package) and seconded by Will Hawthorne. Motion carried unanimously 5 - 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:48 p.m.

ATTEST:

APPROVED:

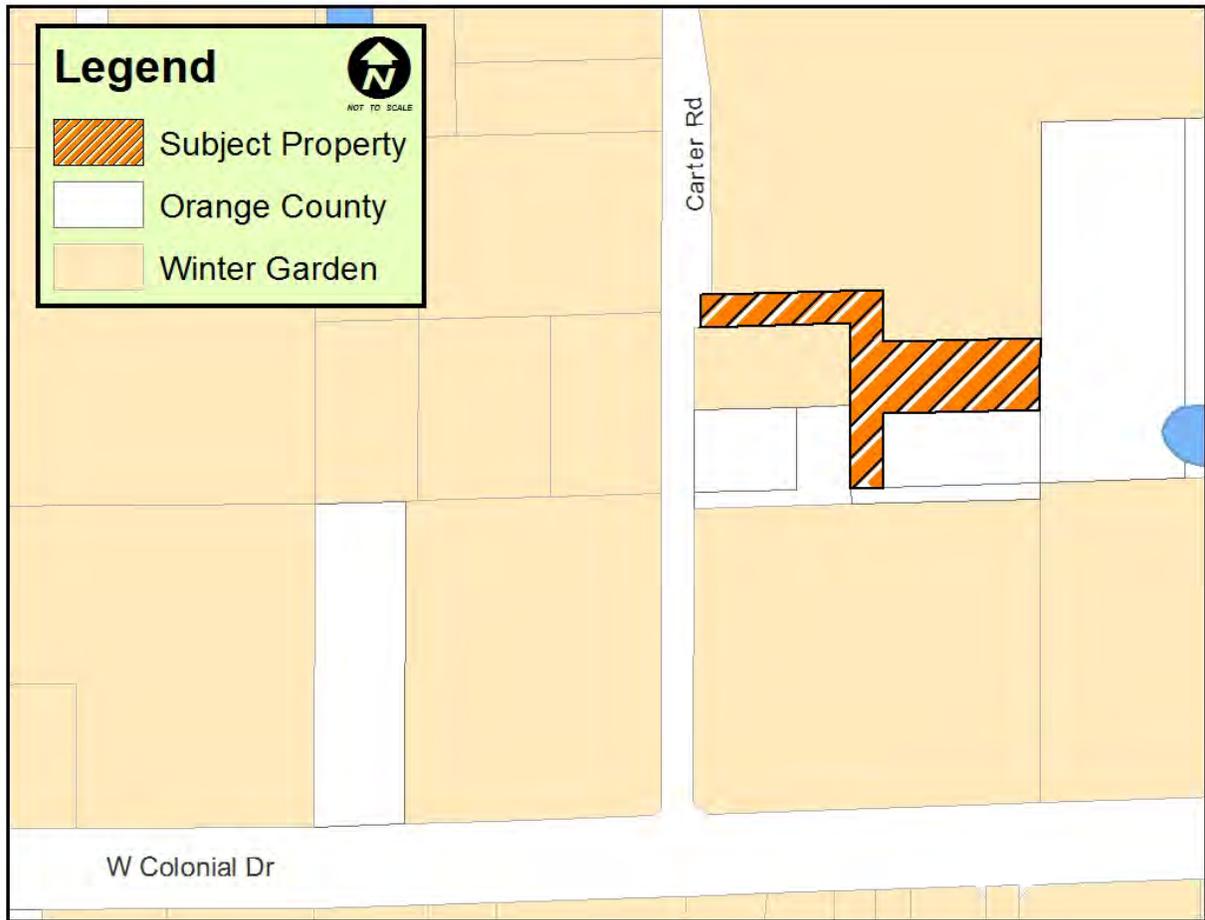
Recording Secretary Kathleen Rathel

Chairman Will Hawthorne

LOCATION MAP

917 Carter Road

ANNEXATION, REZONING, FLU MAP AMENDMENT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

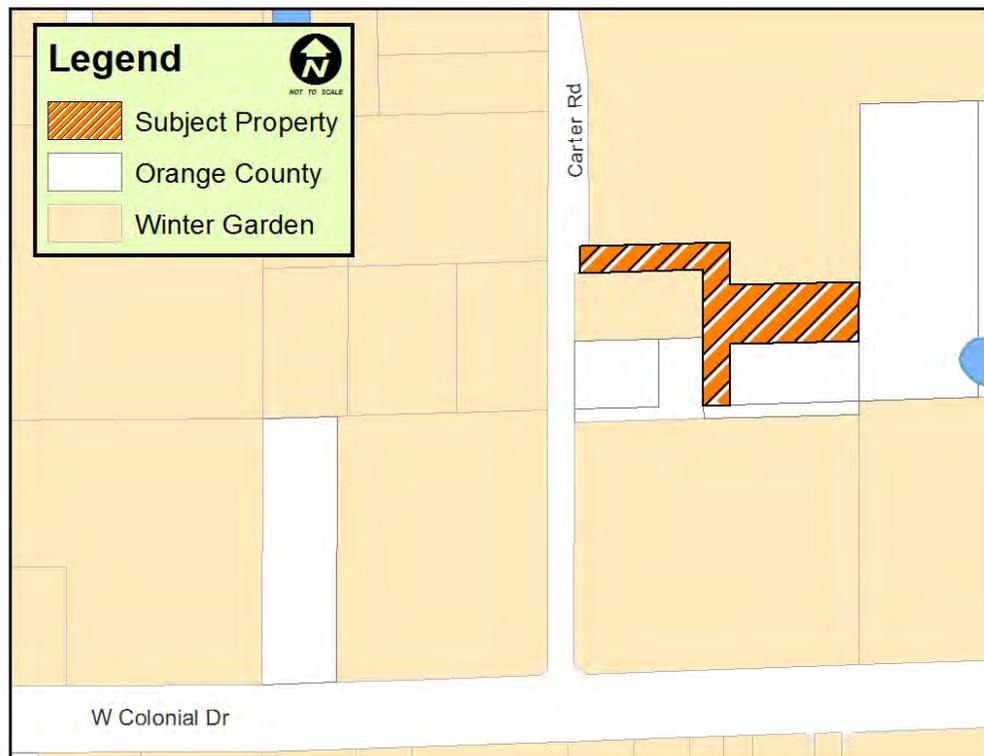
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JULY 22, 2016
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
917 CARTER ROAD (1.7 +/- ACRES)
PARCEL ID #: 24-22-27-0000-00-025
APPLICANT: PALM COAST ENTERPRISE, LLC

INTRODUCTION

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

The subject property is located at 917 Carter Road, on the east side of Carter Road south of East Story Road and north of West Colonial Drive and is approximately 1.7 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Multi Office Industrial, and rezoning the property to I-2 General Industrial District.

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

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

EXISTING USE

The subject property currently contains one single family house.

ADJACENT LAND USE AND ZONING

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

PROPOSED USE

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

PUBLIC FACILITY ANALYSIS

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

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

SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

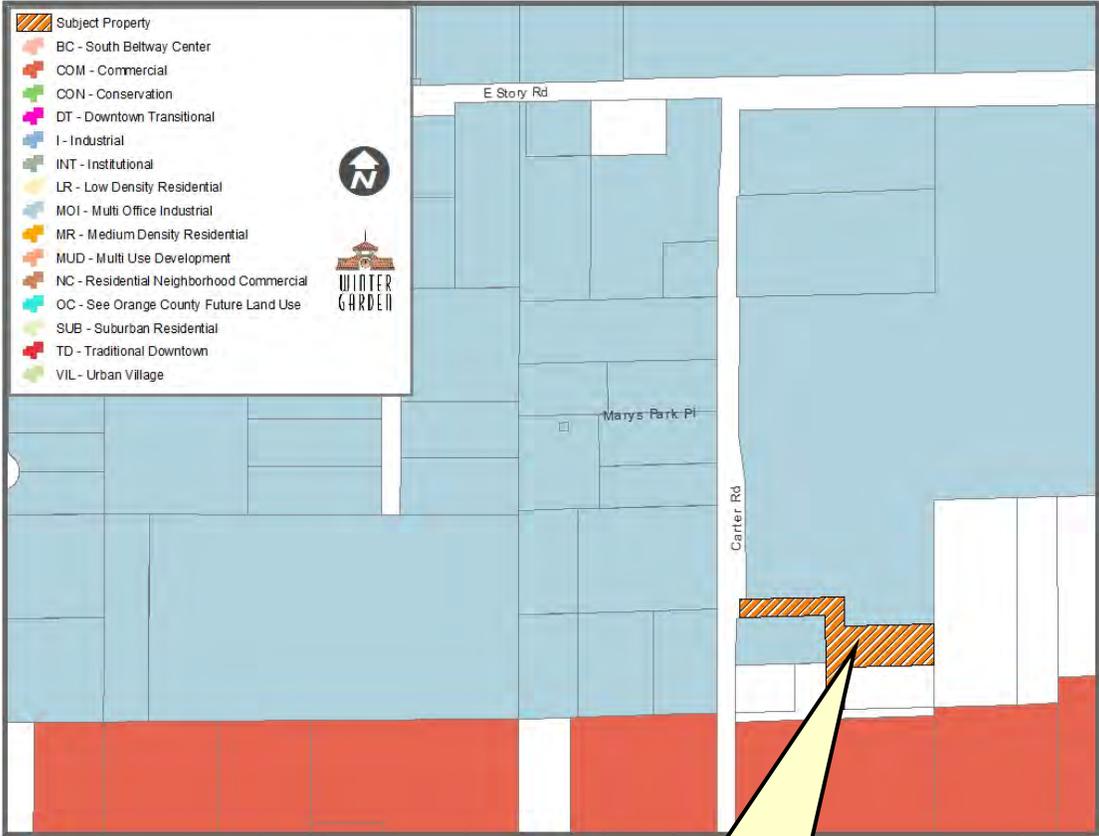
MAPS

AERIAL PHOTO

917 Carter Road

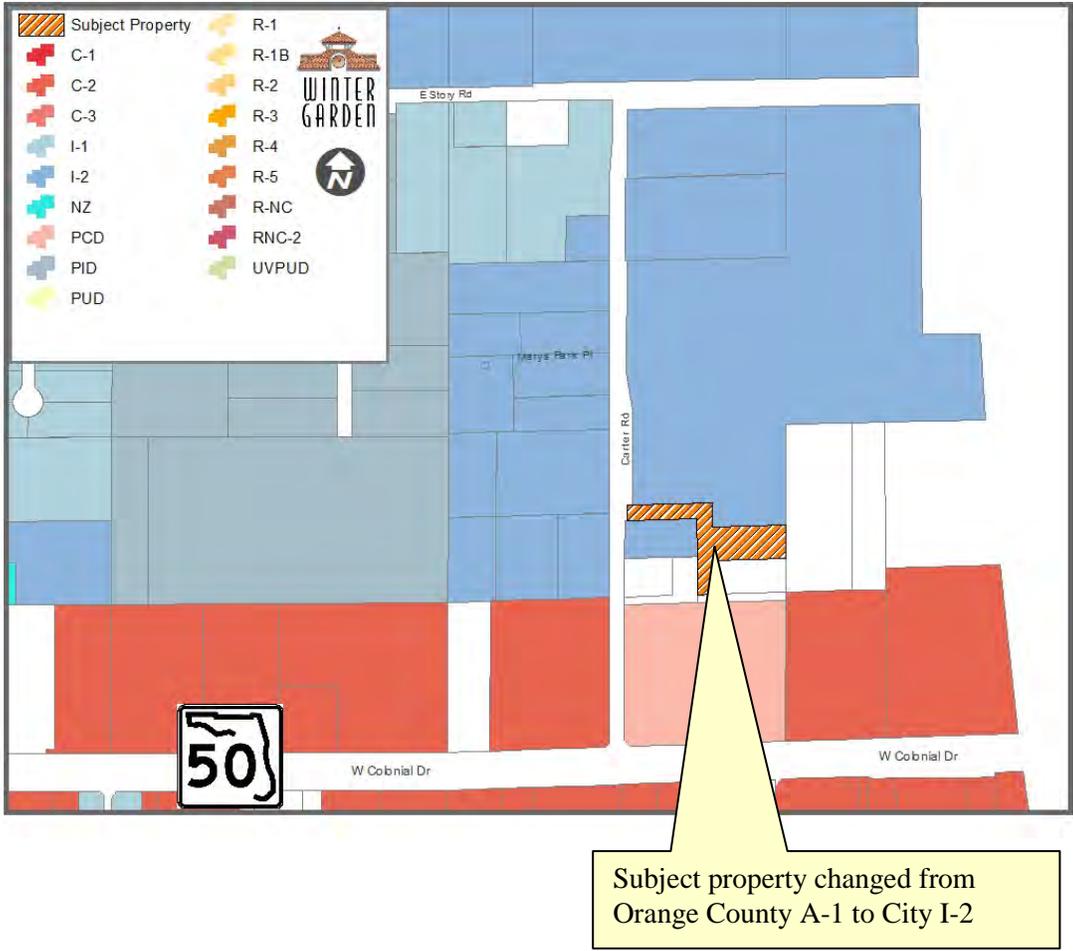


FUTURE LAND USE MAP
917 Carter Road



Subject property changed from Orange County Low Density Residential to City Multi Office Industrial

ZONING MAP
917 Carter Road



END OF STAFF REPORT

ORDINANCE 16-50

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.7 ± ACRES LOCATED AT 917 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 1.7 ± acres located at 917 Carter Road on the east side of Carter Road, south of East Story Road and north of West Colonial Drive and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have

over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 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#: 24-22-27-0000-00-025

DESCRIPTION:

BEGIN AT A POINT 134.32 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, RUN WEST 290 FEET, THENCE NORTH 73 FEET, EAST 290.06 FEET, SOUTH 73 FEET, TO THE POINT OF BEGINNING.

AND

BEGIN 304 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, RUN EAST 304 FEET, SOUTH 304 FEET, EAST 76.29 FEET, NORTH 208.51 FEET, EAST 290.06 FEET, NORTH 60 FEET, WEST 290.06 FEET, NORTH 95 FEET, WEST 350 FEET SOUTH TO POINT OF BEGINNING, BEING IN SECTION 24, TOWNSHIP 22, RANGE 27, PUBLIC RECORDS OF ORANGE COUNTY

ORDINANCE 16-51

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 1.7 ± ACRES LOCATED AT 917 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY MULTI OFFICE INDUSTRIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 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 approximately 1.7 ± acres located at 917 Carter Road on the east side of Carter Road, south of East Story Road and north of West Colonial Drive, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Multi Office Industrial; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-50, 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#: 24-22-27-0000-00-025

DESCRIPTION:

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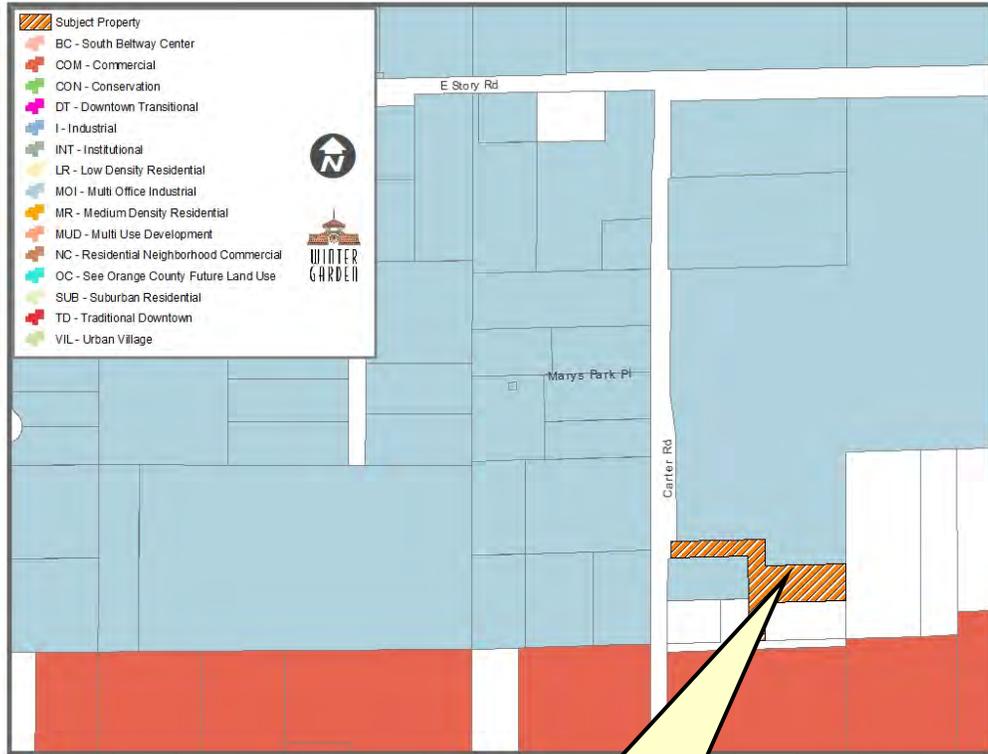
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ATTACHMENT "B"

FUTURE LAND USE MAP

917 Carter Road



Subject property changed from Orange County Low Density Residential to City Multi Office Industrial

ORDINANCE 16-52

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.7 ± ACRES LOCATED AT 917 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY I-2 GENERAL INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 1.7 ± acres located at 917 Carter Road on the east side of Carter Road, south of East Story Road and north of West Colonial Drive, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Rural District to the City’s I-2 General Industrial District zoning classification, therefore; and

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

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to I-2 General Industrial District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

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

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

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

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 16-51 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#: 24-22-27-0000-00-025

DESCRIPTION:

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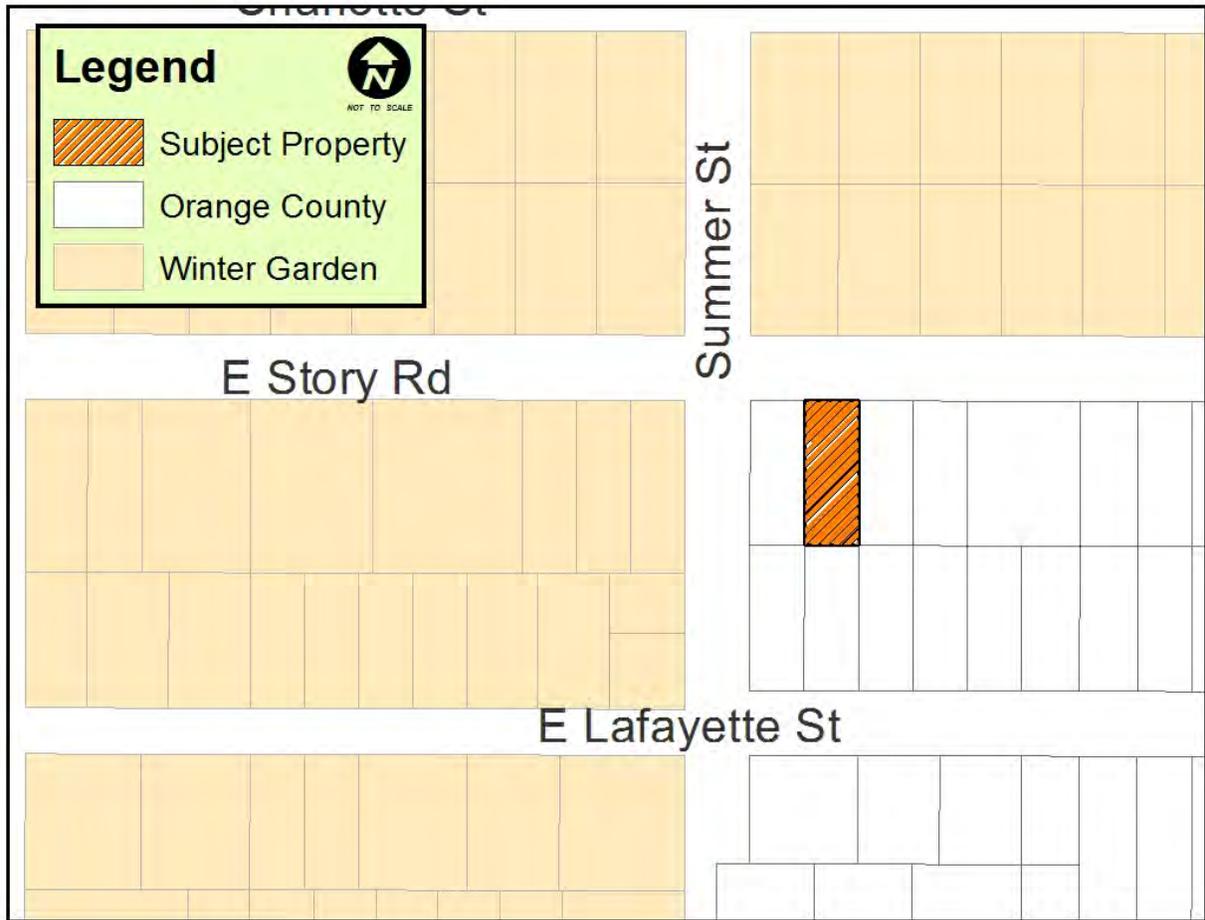
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LOCATION MAP

310 E. Story Road

ANNEXATION, REZONING, FLU MAP AMENDMENT



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

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

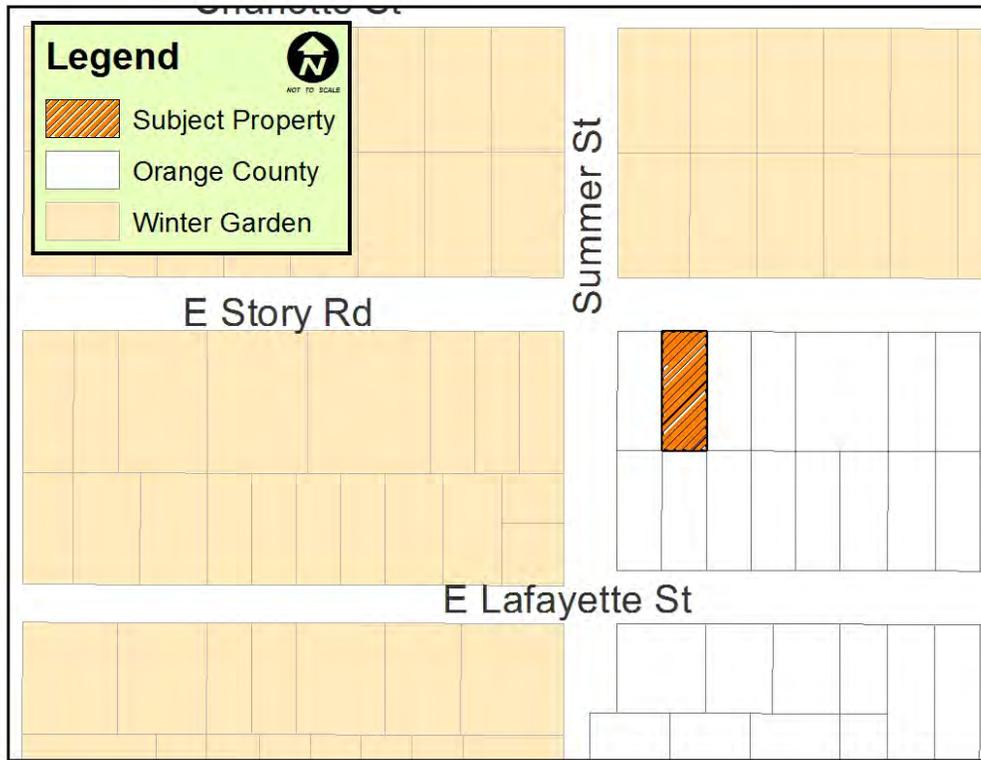
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JULY 22, 2016
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
310 EAST STORY ROAD (0.15 +/- ACRES)
PARCEL ID #: 23-22-27-8140-00-020
APPLICANT: NANCY 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 is located at 310 East Story Road, on the south side of East Story Road east of Summer Street and west of 9th Street and is approximately 0.15 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 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 currently contains one single family house.

ADJACENT LAND USE AND ZONING

The properties located to the north are single-family homes, located in the City of Winter Garden, and zoned R-2. The properties located to the east, west, and south are developed with single-family homes, located in unincorporated Orange County, and zoned R-2.

PROPOSED USE

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

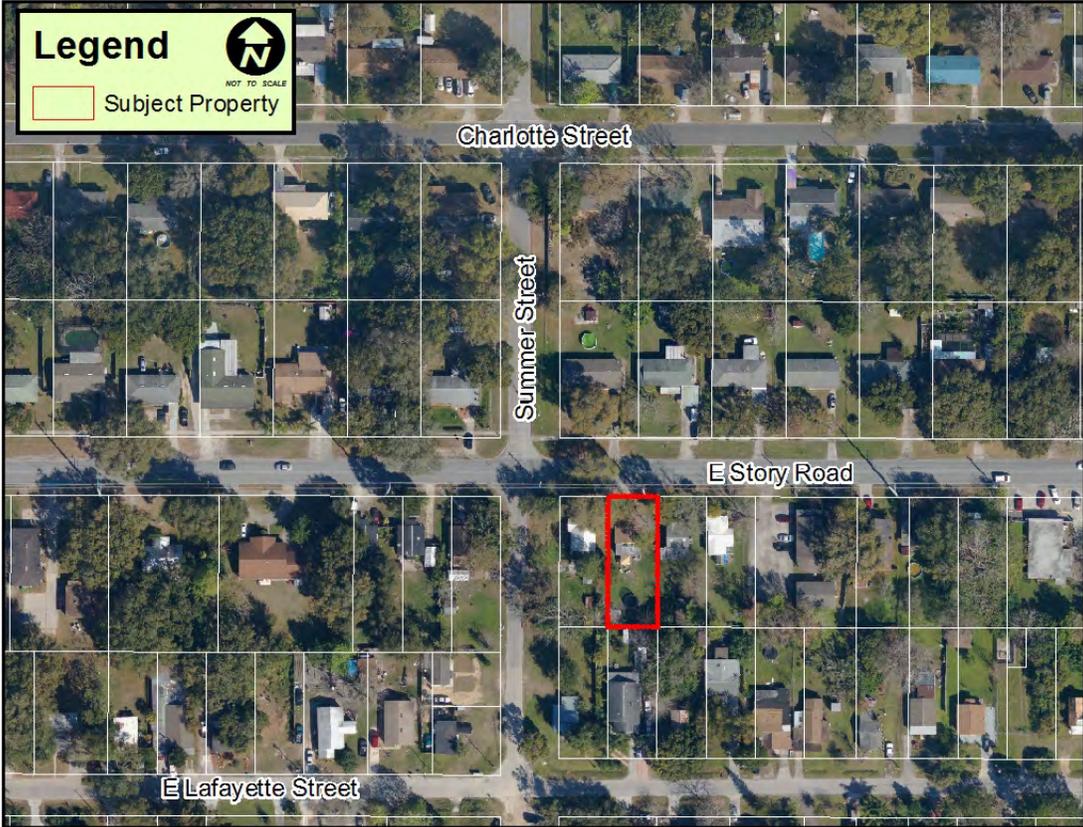
SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

MAPS

AERIAL PHOTO

310 East Story Road

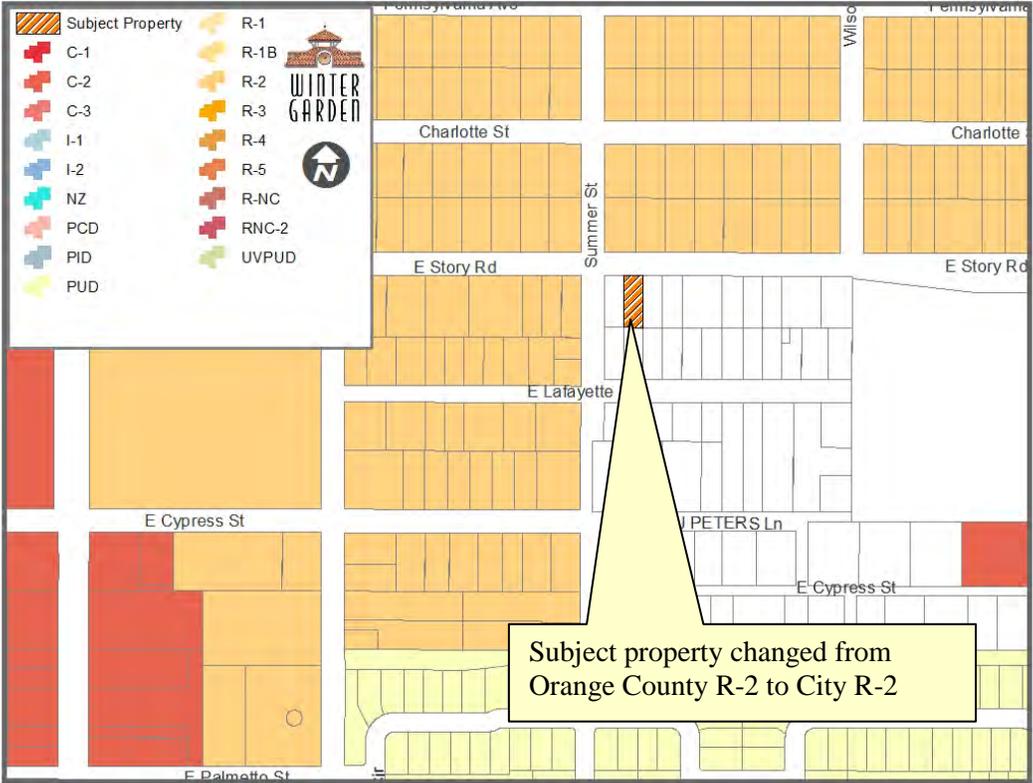


FUTURE LAND USE MAP
310 East Story Road



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

ZONING MAP
310 East Story Road



END OF STAFF REPORT

ORDINANCE 16-47

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.15 ± ACRES LOCATED AT 310 EAST STORY ROAD ON THE SOUTH SIDE OF EAST STORY ROAD, EAST OF SUMMER STREET AND WEST OF 9th STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.15 ± acres located at 310 East Story Road on the south side of East Story Road, east of Summer Street and west of 9th Street and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have

over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 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#: 23-22-27-8140-00-020

Lot 2, SOLOMON SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book Q, Page 169, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northwest corner of Lot 1, SOLOMON SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book Q, Page 169, Public Records of Orange County, Florida; thence run South 89°54'00" East 50.00 feet to the Northwest corner of Lot 2, of said SOLOMON SUBDIVISION and the POINT OF BEGINNING; thence continue South 89°54'00" East 50.00 feet to the Northeast corner of said Lot 2; thence South 00°00'00" East 133.50 feet to the Southeast corner of said Lot 2; thence North 89°54'00" West 50.00 feet to the Southwest corner of said Lot 2; thence North 00°00'00" East 133.50 feet to the POINT OF BEGINNING.

Containing 0.153 acres, more or less

ORDINANCE 16-48

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 0.15 ± ACRES LOCATED AT 310 EAST STORY ROAD ON THE SOUTH SIDE OF EAST STORY ROAD, EAST OF SUMMER STREET AND WEST OF 9th STREET FROM ORANGE COUNTY LOW MEDIUM 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 approximately 0.15 ± acres located at 310 East Story Road on the south side of East Story Road, east of Summer Street and west of 9th Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Medium Density 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 Multi Office Industrial as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-47, 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#: 23-22-27-8140-00-020

Lot 2, SOLOMON SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book Q, Page 169, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northwest corner of Lot 1, SOLOMON SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book Q, Page 169, Public Records of Orange County, Florida; thence run South 89°54'00" East 50.00 feet to the Northwest corner of Lot 2, of said SOLOMON SUBDIVISION and the POINT OF BEGINNING; thence continue South 89°54'00" East 50.00 feet to the Northeast corner of said Lot 2; thence South 00°00'00" East 133.50 feet to the Southeast corner of said Lot 2; thence North 89°54'00" West 50.00 feet to the Southwest corner of said Lot 2; thence North 00°00'00" East 133.50 feet to the POINT OF BEGINNING.

Containing 0.153 acres, more or less

ATTACHMENT "B"

FUTURE LAND USE MAP

310 E. Story Road



Subject property changed from Orange County Low Medium Density Residential to City Multi Office Industrial

ORDINANCE 16-49

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.15 ± ACRES LOCATED AT 310 EAST STORY ROAD ON THE SOUTH SIDE OF EAST STORY ROAD, EAST OF SUMMER STREET AND WEST OF 9th STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as approximately 0.15 ± acres located at 310 East Story Road on the south side of East Story Road, east of Summer Street and west of 9th Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 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-2 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-2 Residential District to City R-2 Residential District in the City of Winter Garden, Florida.

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

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

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 16-48 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#: 23-22-27-8140-00-020

Lot 2, SOLOMON SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book Q, Page 169, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northwest corner of Lot 1, SOLOMON SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book Q, Page 169, Public Records of Orange County, Florida; thence run South 89°54'00" East 50.00 feet to the Northwest corner of Lot 2, of said SOLOMON SUBDIVISION and the POINT OF BEGINNING; thence continue South 89°54'00" East 50.00 feet to the Northeast corner of said Lot 2; thence South 00°00'00" East 133.50 feet to the Southeast corner of said Lot 2; thence North 89°54'00" West 50.00 feet to the Southwest corner of said Lot 2; thence North 00°00'00" East 133.50 feet to the POINT OF BEGINNING.

Containing 0.153 acres, more or less

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: July 29, 2016 **MEETING DATE:** August 1, 2016

SUBJECT: Ordinances 16-42, 16-43, & 16-44
12564 Stoneybrook West Pkwy; 12451, 12304, 12174 Walker Pond Rd
(ANNEXATION, FLU AMENDMENT, REZONING PUD)

PROJECT NAME Lake Roberts Reserve PUD

PARCEL ID# 36-22-27-0000-00-058, 01-23-27-0000-00-009,
01-23-27-0000-00-004, 01-23-27-0000-00-058,
01-23-27-0000-00-030, 01-23-27-0000-00-003,
01-23-27-0000-00-066, 01-23-27-0000-00-050

ISSUE: Applicant is requesting annexation, FLU amendment, and PUD rezoning of 108.53 +/- acres of land.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: American Orange County Investments 40, LLC

CURRENT ZONING: County A-1 Citrus Rural District

PROPOSED ZONING: City PUD Planned Unit Development

CURRENT FLU: County Rural & Rural 1/1

PROPOSED FLU: City Low Density Residential

SUMMARY:

The applicant requested this item be scheduled to be heard at the August 1, 2016 Planning & Zoning Board. However, Staff does not have the information necessary to conduct a thorough review and therefore cannot make a recommendation at this time.

STAFF RECOMMENDATION(S):

Staff recommends this item be tabled until the required documents are submitted, the outstanding issues are addressed, and Staff has had sufficient time to review before a board hearing.

NEXT STEP(S):

ATTACHMENT(S):

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: July 22, 2016 **MEETING DATE:** August 1, 2016

SUBJECT: Ordinance 16-45 **REVISED**
PROJECT NAME Medical Marijuana

ISSUE: The City is proposing a temporary moratorium on the growing, cultivation, processing, manufacture, dispensing, distribution, and sale of medical cannabis, low-THC cannabis, derivative products, and related activities; directing City staff to develop proposed Land Development Regulations and other recommendations regarding such cannabis-related activities; providing for penalties, severability, conflict with other ordinances, noncodification, correction of scrivener's errors, and an effective date.

SUMMARY:

Beginning on the effective date of this ordinance and continuing for a period of 270 days, or sooner if provided by an ordinance by the Winter Garden City Commission, a moratorium is hereby imposed upon Medical Cannabis Activities, except for activities that have previously received final approval by the City, and except where City regulation is pre-empted or otherwise inconsistent with Florida law. To the extent that a person or entity is authorized to carry out any Medical Cannabis Activities within the City by previous final approval by the City, this moratorium shall prohibit the expansion or relocation of any such authorized activity or facility and the opening of any new facility

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 16-45.

NEXT STEP(S):

A public meeting for the adoption of the ordinance is scheduled for the City Commission on Thursday, August 11, 2016.

ATTACHMENT(S):

Ordinance 16-45

ORDINANCE 16-45

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO MEDICAL CANNABIS ACTIVITIES; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; IMPOSING A TEMPORARY MORATORIUM ON THE GROWING, CULTIVATION, PROCESSING, MANUFACTURE, DISPENSING, DISTRIBUTION, AND SALE OF MEDICAL CANNABIS, LOW-THC CANNABIS, DERIVATIVE PRODUCTS, AND RELATED ACTIVITIES; DIRECTING CITY STAFF TO DEVELOP PROPOSED LAND DEVELOPMENT REGULATIONS AND OTHER RECOMMENDATIONS REGARDING SUCH CANNABIS-RELATED ACTIVITIES; PROVIDING FOR PENALTIES, SEVERABILITY, CONFLICT WITH OTHER ORDINANCES, NONCODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Winter Garden, Florida (the "City"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, in 2014, the Florida Legislature passed the Compassionate Medical Cannabis Act, codified at Section 381.986, Florida Statutes (the "Compassionate Use Act"), which authorizes a licensed dispensing organization to cultivate, process, transport, and dispense "Low-THC Cannabis," as defined by Section 381.986(1)(e), Florida Statutes, and derivative products for use by certain "qualified patients," as defined by Section 381.986(1)(h); and

WHEREAS, in 2015 the Florida Legislature passed the Right to Try Act, codified at Section 499.0295, Florida Statutes, which amended the Compassionate Use Act and authorizes a licensed dispensing organization to cultivate, process, transport, and dispense "Medical Cannabis," as defined by Section 381.986(1)(f), Florida Statutes, and derivative products for use by certain "eligible patients," as defined by Section 499.0295, Florida Statutes; and

WHEREAS, to date, the Florida Department of Health has approved six (6) dispensing organizations throughout the State of Florida, which are authorized to cultivate, process, transport, and dispense Medical Cannabis, Low-THC Cannabis, and derivative products; and

WHEREAS, the Compassionate Use Act, Section 381.986(8), Florida Statutes,

addresses preemption of local government regulation by state law and provides, in relevant part, "All matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the state," and, "A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries."

WHEREAS, on November 8, 2016, Florida voters will vote on the Florida Right to Medical Marijuana Initiative, passage of which would amend the Florida Constitution to authorize "Medical Marijuana Treatment Centers," defined therein as "an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department"; and

WHEREAS, the passage of the Florida Right to Medical Marijuana Initiative would expand the medical use of cannabis and related products to patients suffering from certain "Debilitating Medical Conditions," as defined therein, which represents a broader population of patients than those eligible under the Compassionate Use Act and the Right to Try Act; and

WHEREAS, the recent legalization of Low-THC Cannabis and Medical Cannabis by the Compassionate Use Act and the Right to Try Act, respectively, and potential future changes in the law including but not limited to passage of the Florida Right to Try Medical Marijuana Initiative, raise substantial questions regarding the impact of Dispensing Facilities and Medical Cannabis Activities, as defined herein, upon the public health, safety, and welfare within the City of Winter Garden; and

WHEREAS, the purpose of this ordinance is to place a temporary moratorium on Dispensing Facilities and Medical Cannabis Activities, as defined herein, except where regulation of such activities is preempted to the state, for a period of time reasonably necessary for the City to investigate the impacts of Dispensing Facilities and Medical Cannabis Activities upon the public health, safety, and welfare, and to promulgate reasonable regulations relating to such activities if deemed advisable by the City; and

WHEREAS, the Winter Garden City Commission finds that this ordinance advances important government purposes, including but not limited to reducing the likelihood of potentially negative effects of unregulated Dispensing Facilities and Medical Cannabis Activities, as defined herein, upon residents and businesses located within the City, and the Winter Garden City Commission finds that this ordinance is in the best interest of the public health, safety, and welfare.

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

SECTION 1. FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2. DEFINITIONS. For the purposes of this ordinance, the following words, terms, and phrases, including their respective derivatives, have the following meanings:

- a. *Derivative Product* means any form of cannabis suitable for routes of administration.
- b. *Dispensing Facility* means any facility where Derivative Product is dispensed at retail.
- c. *Low-THC Cannabis* has the meaning established in Section 381.986(1)(e), Florida Statutes, and means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seed or resin.
- d. *Medical Cannabis* has the meaning established in Section 381.986(1)(f), Florida Statutes, and means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.
- e. *Medical Cannabis Activities* means, without limitation, the growing, cultivation, processing, manufacture, dispensing, distribution, storage, and wholesale and retail sale of Medical Cannabis, Low-THC Cannabis, and Derivative Products, and other related activities. The term *Medical Cannabis Activities* shall include any single activity or combination of activities described in this definition.

SECTION 3. TEMPORARY MORATORIUM. Beginning on the effective date of this ordinance and continuing for a period of 270 days, or less if provided by an ordinance by the Winter Garden City Commission, a moratorium is hereby imposed upon Dispensing Facilities, including but not limited to Dispensing Facilities owned or operated by an approved dispensing organization under Section 381.986, Florida Statutes. In addition, the moratorium is hereby imposed upon all Medical Cannabis Activities by any person or entity that is not an approved dispensing organization under Section 381.986, Florida Statutes, except where inconsistent with Florida law.

SECTION 4. EXPIRATION OF THE TEMPORARY MORATORIUM. The temporary moratorium imposed by Section 3 of this ordinance expires 270 days from the effective date of this ordinance, or at an earlier date if provided by ordinance of the Winter Garden City Commission.

SECTION 5. RECOMMENDATIONS FOR LAND DEVELOPMENT REGULATIONS. City Staff, at the City Manager's Direction, is hereby directed to study Medical Cannabis Activities and Dispensing Facilities and their impact on the health, safety, and welfare of residents and businesses located within the City, and to develop and recommend, as deemed advisable by the City Manager, land development regulations for Medical Cannabis Activities and/or Dispensing Facilities in the City, and any other relevant and appropriate regulations and recommendations, with such recommendations and proposed regulations being delivered to the Winter Garden City Commission within a reasonable time before the expiration of this moratorium.

SECTION 6. PENALTIES. Violations of this ordinance are punishable as provided by Section 118-12, Code of the City of Winter Garden, Florida, or other applicable Code provisions.

SECTION 7. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 8. CONTROL. In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls.

SECTION 9. NONCODIFICATION. This Ordinance shall not be codified.

SECTION 10. SCRIVENER'S ERROR. Scrivener's errors found in this ordinance may be corrected by the City Manager or by the City Attorney by filing a corrected copy of this ordinance with the City Clerk.

SECTION 11. EFFECTIVE DATE. This ordinance takes effect immediately upon adoption.

FIRST READING this _____ day of _____, 2016.

SECOND READING AND ADOPTION this _____ day of _____, 2016.

CITY OF WINTER GARDEN, FLORIDA

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: July 22, 2016 **MEETING DATE:** August 1, 2016

SUBJECT: Ordinance 16-46
PROJECT NAME Window Security Bars

ISSUE: An Ordinance of the City of Winter Garden, Florida, amending Article II, Division 3 of Chapter 18 of the Winter Garden City Code; providing for prohibition of security bars grilles and grates on doors, windows, breezeways and openings facing or visible from streets or public rights of way; providing for penalties and enforcement; providing for codification; providing for severability; and providing for an effective date.

SUMMARY:

Beginning on the effective date of this ordinance, security bars grilles and grates on doors, windows, breezeways and openings facing or visible from streets or public rights of way will not be allowed

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 16-46.

NEXT STEP(S):

A public meeting for the adoption of the ordinance is scheduled for the City Commission on Thursday, August 11, 2016.

ATTACHMENT(S):

Ordinance 16-46

Ordinance 16-46

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE II, DIVISION 3 OF CHAPTER 18 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR PROHIBITION OF SECURITY BARS GRILLES AND GRATES ON DOORS, WINDOWS, BREEZEWAYS AND OPENINGS FACING OR VISIBLE FROM STREETS OR PUBLIC RIGHTS OF WAY; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (“City”) desires to amend Article II, Division 3 of Chapter 18 of its Code of Ordinances to prohibit security bars, security grilles and security grates on doors, windows, breezeways and openings facing or visible from streets and public rights-of-way; and

WHEREAS, security bars, security grilles and security grates on doors, windows, breezeways and openings create an unfavorable and negative environment and indicate criminal activity and unsafe conditions where such does not exist; and

WHEREAS, the City is a safe and aesthetically pleasing community and the City Commission wishes to ensure that the public and its citizens have a safe place to work and live and prevent the negative effects and reduction in property values associated with such security bars, grilles and grates.

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

SECTION I: SECTION 18-99. Section 18-99 is hereby created as follows (underlined text indicates additions):

Security Bars / Security Grates:

(a) Definitions: The term *security bars, security grilles and security grates* mean bars, rods, and grates placed on or within the exterior or interior, or over all or a portion of, a building’s or structure’s doors, windows, breezeways or openings.

(b) No security bars, security grilles or security grates may be installed, constructed, placed or used to cover any door, window, breezeway or opening which faces any street or public right-of-way or which would be visible from any street or public right-of-way.

(c) Removal of non-conforming security bars, security grilles and security grates. Any non-conforming security bars, security grilles or security grates which exists as of

the effective date of this Ordinance may be maintained and continued as a legal non-conforming fixture so long as such security bars, security grilles or security grates was in compliance with this Code and the Florida Building Code at the time of installation. If any security bars, security grilles or security grates was not in compliance with this Code and the Florida Building Code as of the effective date of this Ordinance, then such shall be removed by the owner within twelve (12) months of the effective date of this Ordinance. No non-conforming security bars, security grilles or security grates may be enlarged, repaired or replaced by another non-conforming fixture.

(d) Any violation of this section shall be prosecuted in accordance with section 18-4.

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

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

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

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

FIRST READING: _____, 2016

SECOND READING AND PUBLIC HEARING: _____, 2016.

APPROVED:

John Rees, Mayor/Commissioner

ATTESTED:

Kathy Golden, City Clerk

RESOLUTION 16-07

**AN RESOLUTION OF THE CITY OF WINTER GARDEN,
FLORIDA, EXTENDING BY 180 DAYS (UNTIL FEBRUARY 27,
2017) THE TEMPORARY MORATORIUM ESTABLISHED IN
ORDINANCE 16-21 ON THE ACCEPTANCE PROCESSING AND
CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT
ORDERS AND BUILDING PERMITS FOR PROPERTIES
ADJACENT TO EAST PLANT STREET BETWEEN DILLARD
STREET AND STATE ROAD 429 (WESTERN BELTWAY);
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida and chapters 163 and 166, Florida Statutes, the City of Winter Garden (the “City”) enjoys all home rule authority, police power, land development and zoning authority, governmental and proprietary powers necessary to conduct municipal government and perform municipal functions, and the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the City has retained Real Estate Research Consultants, Inc. to perform a master planning study for the SR 429 corridor, which study is still underway and such study should be completed within the next several months; and

WHEREAS, there is a need to create a global vision for the development and redevelopment of properties located adjacent to East Plant Street between Dillard Street and SR 429 (Western Beltway) and depicted in the map attached hereto as **Exhibit “A”** (the “Study Area”) and incorporated herein; and

WHEREAS, the City staff is still evaluating the Study Area to create a global vision for development and redevelopment, and is preparing and will process a proposed ordinance(s) amending the Comprehensive Plan and City zoning and land development regulations affecting the permitted uses, conditional uses, prohibited uses, supplemental standards, design standards and other development regulations governing properties within the Study Area; and

WHEREAS, by 16-21 the City established a temporary moratorium on the acceptance, processing and consideration of applications for development orders and building permits concerning properties located within the Study Area; and

WHEREAS, the City wishes to place the public and all parties on notice that it is considering such land development regulation amendments and creating a temporary moratorium on the acceptance, processing and consideration of applications for development orders, development permits and building permits concerning properties located within the Study Area; and

WHEREAS, pursuant to the pending legislation doctrine set forth in *Smith v. City of Clearwater*, 383 So. 2d 681 (Fla. 2d DCA 1980), the City declares and implements the pending ordinance doctrine concerning the zoning and land development regulations governing properties located within the Study Area; and

WHEREAS, the moratorium expires on August 31, 2016 unless extended, and the work by Real Estate Research Consultants, Inc. and the City staff should be completed in the next several months, allowing the City Commission to consider and adopt appropriate ordinances supported by the work and studies of Real Estate Research Consultants, Inc. and City staff; and

WHEREAS, the City Commission in good faith determines that this Resolution is in the best interest of the City and its residents and promotes the health, safety and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Winter Garden, Florida, that:

Section 1. Intent. The above recitals are hereby adopted as the legislative purpose of this Resolution and as the City Commission's legislative findings.

Section 2. Moratorium. The temporary moratorium (suspension) on the acceptance, processing and consideration of all applications for development orders, development permits and building permits for all properties within the Study Area and effect of Ordinance 16-21 is extended through and including February 27, 2017, unless terminated earlier by the City Commission. Provided however, building permit applications for the interior modification of existing structures that do not affect or alter the current use, intensity or density of property or change the total square footage of the structures on such property are excepted from such temporary moratorium. For the purposes of this Resolution, the terms "development order" and "development permit" mean the same as defined by Section 163.3164, Florida Statutes. The moratorium may be extended or terminated early by adoption of an ordinance or resolution of the City Commission.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, determined invalid, void, voidable, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereto.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED at a Regular Meeting this _____ day of _____, 2016.

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

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk

Plant St Commercial & Industrial Moratorium

-  Parks & Recreation
-  Waterbodies
-  Railroads
-  Moratorium Area
-  West Orange Trail
-  Major Roads
-  Roads

