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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 – **September 12, 2015 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 AUGUST 1, 2016 MEETING**

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

4. 462 W Plant St & 19 S Park Ave – Park & Plant LLC (**PUD Zoning**)  
Parcel IDs #23-22-27-0737-00-010, -020, -030, and -040

**VARIANCE (PUBLIC HEARING)**

5. 450 W Story Road – Maria Rios  
Parcel ID #22-22-27-9188-01-031
6. 1929 Lake Roberts Landing Drive – Daniel Kolenda  
Parcel ID #36-22-27-4802-00-550

**CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)**

7. Ordinance 16-46 (Window Security Bars)

**ADJOURN** to the next regular Planning and Zoning Board meeting on Monday, **October 3, 2016 at 6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.



**PLANNING AND ZONING BOARD  
REGULAR MEETING MINUTES  
AUGUST 1, 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: Mark DeFuso, Gerald Jowers, Chris Lee, and Mark Maciel

**MEMBERS ABSENT:**

Heather Gantt (excused)

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Community Development Director Steve Pash, Planning Consultant Ed Williams, Urban Designer Kelly Carson, Planner I Jessica Frye, and recording secretary Kathleen Rathel

**3. APPROVAL OF MINUTES**

*Motion by Gerald Jowers to approve the regular meeting minutes of July 11, 2016 and seconded by David Kassander. Motion carried unanimously 6 - 0.*

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

**4. 917 Carter Road – Palm Coast Enterprise LLC (Annex/Zoning/FLU Amendment)**

Community Development Director Pash presented a voluntary annexation, zoning and future land use amendment request for the 1.7 +/- acre enclave at 917 Carter Road. The property is located on the east side of Carter Road, south of E. Story Road and north of W. Colonial Drive. The applicant has requested the annexation with an initial zoning of I-2 and an Amendment to the Future Land Use Map to designate the property as Multi Office Industrial. Staff has reviewed the request and recommends approval of Ordinances 16-50, 16-51 and 16-52.

*Motion by Mark Maciel to recommend approval [of Ordinances 16-50, 16-51 and 16-52] (as provided in the agenda package) and seconded by Gerald Jowers. Motion carried unanimously 6 - 0.*

**5. 310 E. Story Road – Nancy Bello (Annex/Zoning/FLU Amendment)**

Community Development Director Pash presented a voluntary annexation, zoning and future land use amendment request for the 0.15 +/- acre enclave at 310 E. Story Road. The property is located on the south side of E. Story Road, east of Summer Street and west of 9<sup>th</sup> Street. The applicant has requested the annexation with a zoning of R-2 and an Amendment to the Future Land Use Map to designate the property as Low-Density Residential. Staff has reviewed the request and recommends approval of Ordinances 16-47, 16-48 and 16-49.

*Motion by David Kassander to recommend approval of Ordinances 16-47, 16-48 and 16-49 (as provided in the agenda package) and seconded by Chris Lee. Motion carried unanimously 6 - 0.*

**6. 12451 Walker Pond Road – American Orange County Investments (PUD AZFA)**

Urban Designer Carson presented the Lake Roberts Reserve annexation, future land use amendment and PUD rezoning request. The applicant requested to be placed on the August 1, 2016 agenda; however, Staff recommends this item be tabled until the required documents are submitted, outstanding issues addressed, and allow sufficient time for Staff to conduct a more comprehensive review of the project.

Board discussed whether a specific date would be required or leave the date open so Staff could re-advertise when the project was ready.

*Motion by Chris Lee to recommend tabling the Annexation, FLU Amendment and PUD Rezoning [for 12451 Walker Pond Road] to a date uncertain and seconded by Mark Maciel. Motion carried unanimously 6 - 0*

**CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)**

**7. Ordinance 16-45 – Temporary Moratorium on Medical Cannabis Activities**

Community Development Director Pash presented Ordinance 16-45. This ordinance establishes a temporary moratorium on the growing, cultivation, processing, manufacture, dispensing, distribution, and sale of medical cannabis, low-THC cannabis, derivative products, and related activities. The moratorium is being requested beginning on the effective date of Ordinance 16-45 and continuing for a period of 270 days, or sooner, to allow City Staff to develop Land Development Regulations. Staff recommends approval of Ord. 16-45.

A General discussion ensued on the moratorium. City Attorney Ardaman explained the moratorium is imposed to the extent allowed under Florida Law. A recent provision adopted by the Legislature pre-empts to the State certain aspects of dispensing organizations relating to cultivation processing. The provision does allow for retail dispensing facilities to be controlled at a local level. The City Staff will evaluate what regulations, if any, are needed for proper regulation of every aspect not pre-empted to the State.

General discussion ensued on Knox Nursery and State licensing. No applications have been submitted to the City on their behalf.

*Motion by Gerald Jowers to recommend approval of Ordinance 16-45 (as provided in the agenda package) and seconded by Mark DeFuso. Motion carried unanimously 6 - 0.*

**8. Ordinance 16-46 – Window Security Bars**

Community Development Director Pash presented Ordinance 16-46 which prohibits the use or installation of security bars, grills, grates or other security device on windows, doors, breezeways or openings facing or visible from streets or public rights-of-way. This ordinance amends Article II, Division 3 of Chapter 18 of the Winter Garden City Code. The City is requesting the Ordinance to help prevent the negative effects associated with security bars. Staff recommends approval of Ordinance 16-46.

Chairman Hawthorne clarified this Ordinance is city-wide and not just for the downtown area.

Board Member Maciel questioned the liability aspects of prohibiting security devices.

Points of discussion:

- Liability for the City
- Grandfathering of existing approved security bars otherwise they would be required to be removed within one year
- Allow decorative metal work and better define security bars, grills and grates
- Change the Ordinance to read ‘openings facing *and* visible from rights-of-way’ so security features could be installed on the interior as long as they were not visible
- Limit the prohibited area to just the downtown shopping district
- Taking away an affordable way for homeowners to protect themselves
- Approve on a one-on-one basis

*Motion by Will Hawthorne to table Ordinance 16-46 to the September 12, 2016 P&Z meeting at 6:30 pm to further refine concerns and seconded by David Kassander. Motion carried unanimously 6 - 0.*

**9. Resolution 16-07 – Plant Street Moratorium (INFORMATION ONLY)**

Community Development Director Pash presented Resolution 16-07 which would extend by 180 days 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 E. Plant Street between Dillard Street and State Road 429. The City is currently working with the City of Ocoee and a consultant has been hired to help with a master plan for design guidelines, architectural guidelines, landscape requirements, and specific uses for the E. Plant Street corridor for Winter Garden and into Ocoee. The moratorium would be extended until February 27, 2017 for any new commercial or industrial projects or development.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:05 p.m.

**ATTEST:**

**APPROVED:**

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**Recording Secretary Kathleen Rathel**

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**Chairman Will Hawthorne**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 4 (Public Hearing)**

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**DATE:** September 9, 2016                      **MEETING DATE:** September 12, 2016

**SUBJECT:** Ordinance 16-58 - 462 W Plant St & 19 S Park Ave (REZONING)  
**PROJECT NAME** Park & Plant PUD  
**PARCEL ID#** 23-22-27-0737-00-020; 23-22-27-0737-00-010;  
23-22-27-0737-00-030; 23-22-27-0737-00-040

**ISSUE:** Applicant is requesting to rezone 1.15 +/- acres of land to Planned Unit Development.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Park & Plant, LLC. // Tri3 Civil Engineering Design Studio, Inc.

**CURRENT ZONING:** C-1 Central Commercial District

**PROPOSED ZONING:** PUD Planned Unit Development

**CURRENT FLU:** Traditional Downtown

**PROPOSED FLU:** N/A

**SUMMARY:**

City staff recommends approval of the proposed Ordinance. Rezoning the subject property from City C-1 to City PUD is consistent with the Code of Ordinances, the Future Land Use Map, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 16-58, rezoning 1.15 +/- acres located at 462 W Plant St & 19 S Park Ave from City C-1 to City PUD.

**NEXT STEP(S):**

First reading by City Commission is scheduled for September 21, 2016, with second reading and adoption anticipated to be on October 13, 2016.

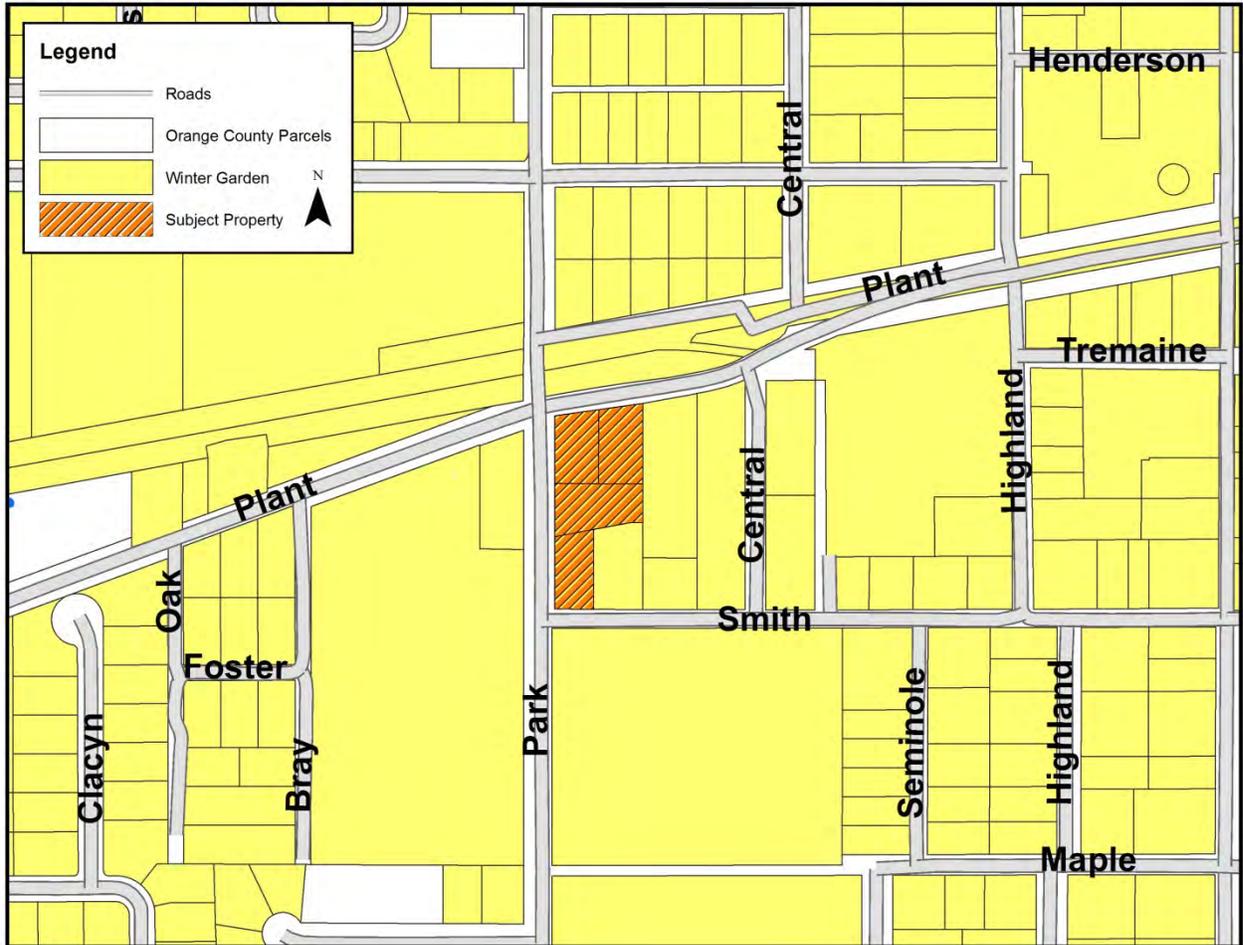
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 16-58

# LOCATION MAP

462 W Plant St & 19 S Park Ave

## PUD REZONING



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

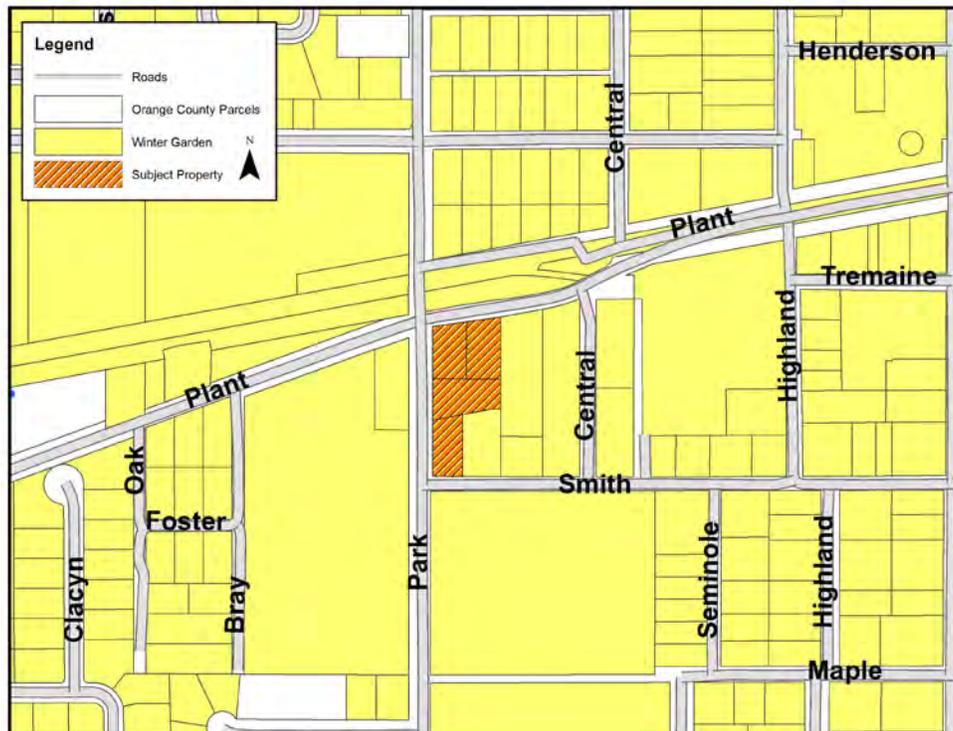
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, URBAN DESIGNER  
**DATE:** September 8, 2016  
**SUBJECT:** PLANNED UNIT DEVELOPMENT REZONING (ORDINANCE 16-58)  
**462 W Plant Street & 19 S Park Avenue (1.15 +/- ACRES)**  
**Parcel ID#** 23-22-27-0737-00-020; 23-22-27-0737-00-010;  
23-22-27-0737-00-030; 23-22-27-0737-00-040

**APPLICANT:** Park & Plant, LLC. // Tri3 Civil Engineering Design Studio, Inc.

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located on the southeast corner of West Plant Street and South Park Avenue is approximately 1.15 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden municipal limits and carries the zoning designation C-1 (Central Commercial District). The subject property is designated TD (Traditional Downtown) on the Future Land Use Map of the Comprehensive Plan. The applicant is requesting to rezone the 1.15 ± acre property to PUD (Planned Unit Development).

### **EXISTING USE**

The subject property currently features one frame vernacular style building. This non-contributing structure, which was built in 1910, was converted from residential to commercial and most recently housed professional offices. Besides this structure, the majority of the property is vacant, with a grass lawn and scattered trees throughout.

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

The adjacent properties include a parcel to the east of the subject property at 446 W Plant Street, which is zoned R-NC and contains two commercial buildings. The other property to the east at 277 W Smith Street is also zoned R-NC and contains a residential structure. To the north is a City-owned right-of-way property that contains no structures, but does feature a portion of the West Orange Trail. The property to the south of the subject property at 238 W Smith Street is another City-owned parcel. This property is zoned R-NC and contains a baseball field with several associated structures as well as a building that contains City-related offices and facilities. There are two properties to the west of the subject property, both of which are zoned R-2. One of these properties, located at 504 W Plant Street, contains a residential structure. The other property to the west at 48 S Park Avenue contains a series of two-story and three-story apartment buildings. All of the adjacent properties are located within the City of Winter Garden's jurisdictional limits.

### **PROPOSED USE**

The developer intends to purchase the subject property and construct five new two & three-story townhome buildings with 24 total housing units. The seven townhome units that front on W Plant Street are designed to be converted into live/work commercial units, if the future owners choose to pursue Planning & Zoning Board approvals to be allowed to do so. The project will include associated drive aisles, pedestrian walks, walls, a courtyard, and other site improvements.

### **APPROVAL CRITERIA**

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

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

The proposed PUD is consistent with the City's land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations. Per Ordinance 13-14,

PUD Zoning is permitted with a Traditional Downtown (TD) Future Land Use Designation.

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

The proposed PUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city's land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing. However, the site is located within the City's Traditional Downtown, where higher densities are permitted and connectivity is emphasized.

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

The existing potable water flow pressure of the City's utility system within the surrounding area is sufficient to support the development of the subject property. The property is currently a water and sewer customer of the City of Winter Garden; utility lines are connected to the existing building. At such time that the property is developed, additional utility connections may need to be made to serve the new townhome buildings. All extension and connection costs shall be borne by the property owner.

Prior to any board approvals, a Developer's Agreement detailing the obligations of the developer associated with the proposed PUD may be required. The requirement for a Developer's Agreement will be determined during the Final Engineering review.

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

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Traditional Downtown future land use designation; the PUD zoning criteria; and the City's land development regulations. The proposed PUD project features a gross density of +/- 21 dwelling units per acre which is lower than the maximum density of 25 dwelling units per acre permitted within the Traditional Downtown future land use designation. Furthermore, the Traditional Downtown future land use designation allows for up to 50 dwelling units per acre through density bonus. The live/work units are limited to those townhomes that have Plant Street frontage, and the majority of the square footage will remain residential. This renders it impossible for the development to ever exceed the permitted 0.75 commercial floor area ratio.

The proposed PUD is not premature or presently out of character in relationship to the surrounding area. The subject property is located on the southeast corner of W Plant Street and S Park Avenue, which is a prominent gateway site to the Downtown District from the west. The Winter Garden downtown district features a range of uses-

commercial, residential, institutional, mixed-use, etc. – all of which are located within close proximity to each other. Furthermore, there are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed PUD project. The property to the west of the subject property features two and three story multi-family residential buildings. This is the same type of development proposed by the applicant. The introduction of live/work units is consistent with other commercial properties along W Plant Street, including the office development on the property directly east of the subject property. Townhomes with optional live/work units provide a natural transition from the more commercial-oriented areas to the east and the more residential-oriented areas to the west.

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

In accordance with the City's comprehensive plan and Ordinance 13-14, the zoning designations permitted within the Traditional Downtown future land use designation include Planned Unit Development. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing. The site is located within the City's Traditional Downtown, where higher densities are permitted and connectivity is emphasized; the new development should not interfere with the adjacent property owner's reasonable expectation of use or enjoyment.

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

The surrounding streets- W Plant Street, W Smith Street, and S Park Ave- have sufficient capacity to support the traffic generated by 24 new dwelling units. In order to minimize potential traffic conflicts, the property will only have one two-way access point on W Smith Street. In addition, there will be an exit only lane on S Park Ave. The developer will also provide a new sidewalk connection along W Smith Street and design internal sidewalks to accommodate increased pedestrian traffic. Furthermore, the location of the townhomes in proximity to the myriad activities and destinations downtown is anticipated to result in a comparatively lower number of vehicular trips.

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

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Traditional Downtown future land use designation, the PUD zoning criteria, and land development regulations. As stated above, the proposed PUD features a gross density of +/- 21 dwelling units per acre, which is lower than the maximum density of 25 dwelling units per acre permitted within the Traditional Downtown future land use designation. Furthermore, it is not possible for the commercial components of the optional live/work units to result in a floor area ratio greater than 0.75. This is all consistent with the Comprehensive Plan policy for the Traditional Downtown FLU.

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

The proposed PUD project integrates several elements that provide for cohesion between existing and proposed uses surrounding the property. The project includes construction of a 5 foot wide sidewalk extending the length of the property frontage on W Smith Street to enhance pedestrian circulation in the area. The project will also include the preservation of open space areas in accordance with City Code requirements for common open space. Overall, the PUD features residential and commercial uses that are consistent with the vibrant, mixed-use character of Winter Garden's downtown district. The project will share their City block with the Plant Street Market, Crooked Can Brewery, several professional office buildings, and a single-family residence.

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

The proposed PUD project will not erode or degrade the environmental quality of the surrounding area. To the greatest extent possible, stormwater management features will be designed as landscape amenities. Proper erosion and sedimentation control measures will be taken during the construction process.

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

The PUD must comply with the open space requirements of City Code as well as any recreation requirements for residential developments. The project currently complies with the City's open space requirements, but the developer will be required to pay into the City's recreation fund to compensate for the required recreation area that is unable to be located on site. The amount that the developer will have to contribute to the fund is based on the fair market value of the land that would have otherwise been dedicated to recreation uses. In addition, there is a City park located directly south of the property that is available to meet the recreation needs of the new residents.

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

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

The proposed PUD project will comply with the City's requirements for open space (20% per code section 118-923). The open spaces will be designated as platted tracts dedicated to the Park & Plant Homeowners Association, which will own and maintain them.

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

The PUD is anticipated to be built in one phase. However, if the developer decides to phase the project, each phase of development of the proposed PUD project must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

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

Reclaimed water capacity is not currently available to serve the property on which the PUD is proposed to be developed. The project must make provisions for connecting to reclaimed lines at a later time when they are available to serve the property. All utility lines that are presently available (water and sewer) will be connected to serve the development, and all connection costs shall be borne by the property owner.

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

The proposed PUD includes the requirement that the architecture meet a certain level of design and material quality, and also be consistent with the architectural traditions of downtown Winter Garden as well as exhibit aesthetic harmony with surrounding properties. The project will provide much-needed residential space to the downtown district, increasing the diversity of housing types. The townhomes will provide dwelling options that emphasize walkability and pedestrian activity, which will help create a more vibrant downtown. The option to convert certain units to live/work will aid in the City's economic development, encourage small local business enterprises, as well as provide convenient, walkable commercial options to downtown residents.

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

As stated previously, the proposed PUD project will comply with the City's requirements for open space (20% per code section 118-923). Both the residential and optional non-residential uses will exist harmoniously within the context of the Winter Garden downtown district.

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

A variety of architectural requirements have been incorporated into the townhome building standards in the proposed PUD project including requirements for architectural character, varying building massing, roof treatments, building projections and recesses, entryways and arcades, building articulation and theming, walls, and signage. In August of 2016, the proposed building elevations received approval from the City's Architectural Review and Historical Preservation Board, which deemed the architecture compatible with the building styles traditionally found in the Historic Downtown District.

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

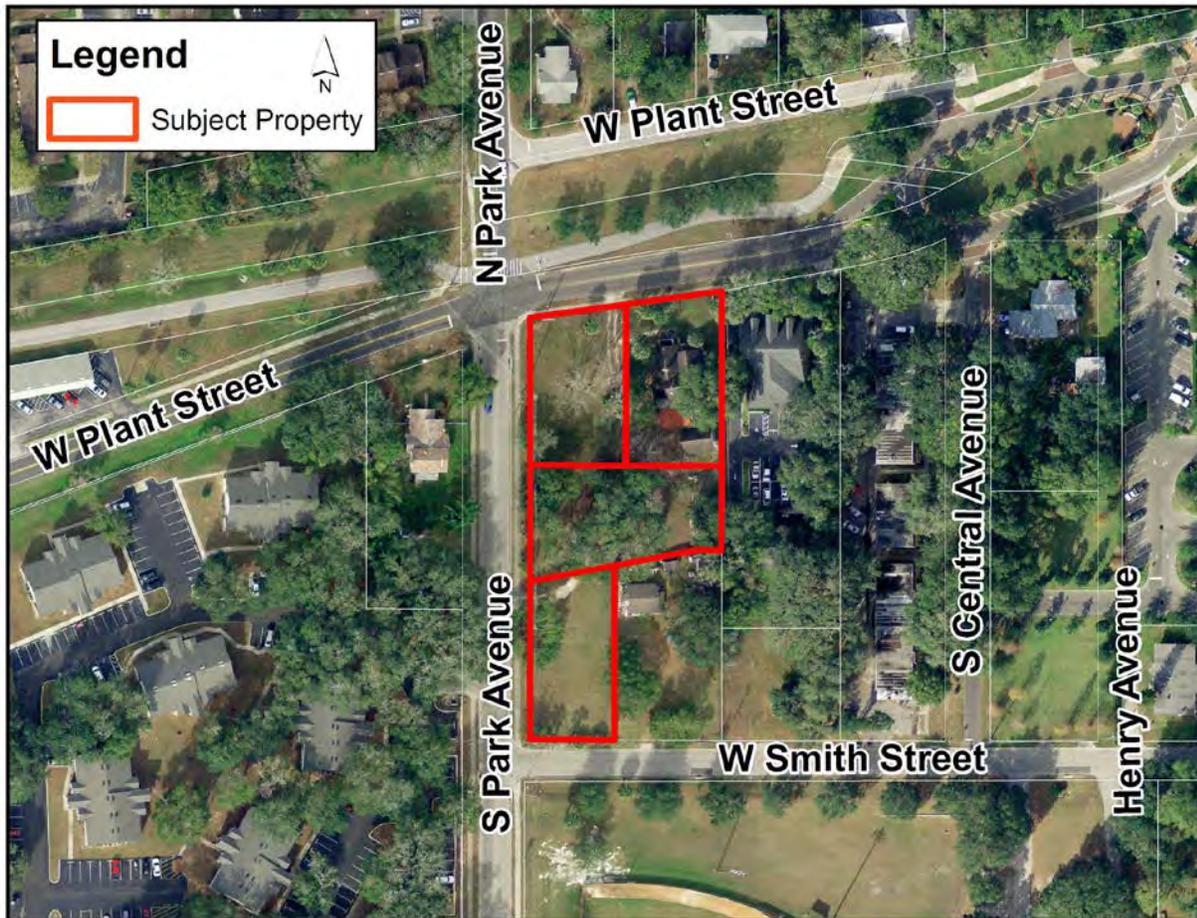
The proposed PUD includes primary residential uses with an option to convert seven of the dwellings along W Plant Street to live/work units if a Special Exception Permit is granted by the City's Planning & Zoning Board.

Special Exception uses for the business component of live/work units include accountants, architects, artists and artisans, attorneys, computer software and multimedia related professionals, consultants, engineers, graphic design, fashion and interior design, home-based office workers, insurance, real estate, travel agent, one-on-one instructors, photographers, and other business/office uses as are determined by the City of Winter Garden Planning & Zoning Board to be similar with the foregoing list of special exception uses and compatible with surrounding uses.

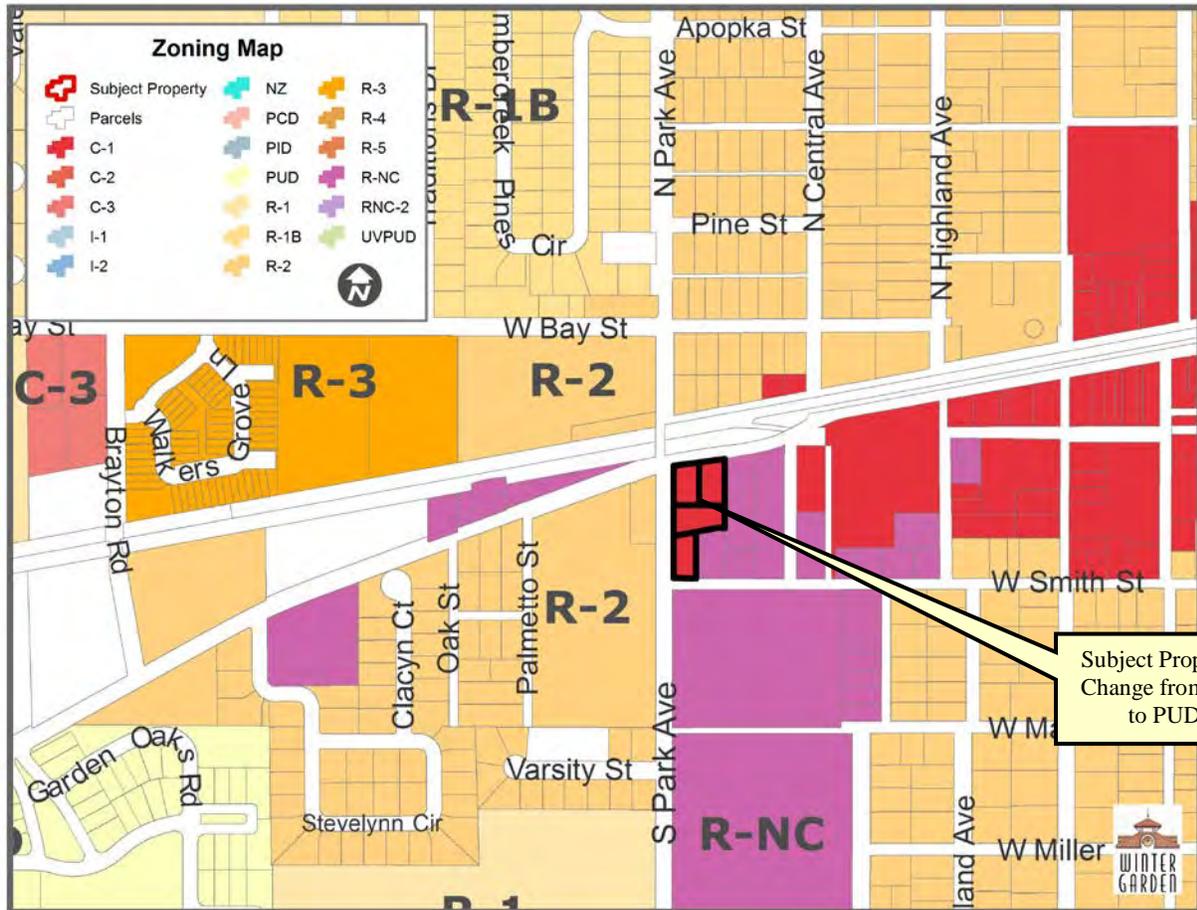
**SUMMARY**

City Staff recommend approval of the proposed Ordinance 16-58. Rezoning the subject property from City C-1 to City PUD is consistent with the City’s Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in the area.

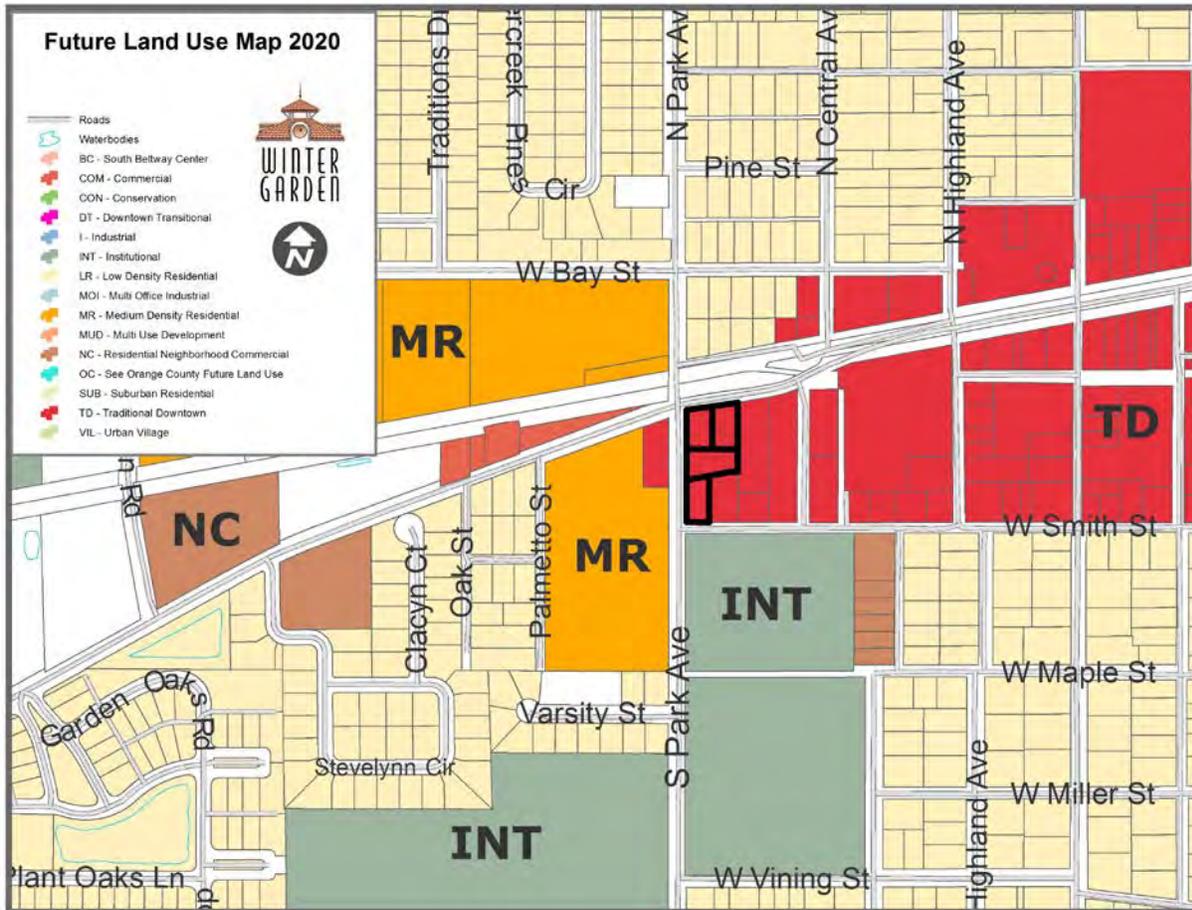
**AERIAL PHOTO**  
**462 W Plant St & 19 S Park Ave**



**ZONING MAP**  
**462 W Plant St & 19 S Park Ave**



**FUTURE LAND USE MAP**  
**462 W Plant St & 19 S Park Ave**



**END OF STAFF REPORT**

## ORDINANCE 16-58

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.15 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH PARK AVENUE, AT 462 WEST PLANT STREET AND 19 SOUTH PARK AVENUE, FROM C-1 (CENTRAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PARK & PLANT PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner(s) of real property generally described as approximately 1.15 ± acres of certain real property generally located on the southeast corner of West Plant Street and South Park Avenue in Winter Garden, Florida, being more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from C-1 (Central Commercial) to PUD (Planned Unit Development”), and

**WHEREAS**, the Planning and Zoning Board has considered this Ordinance and made a recommendation to the City Commission concerning its adoption; and

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the land development regulations set forth in the City of Winter Garden Code of Ordinances; and

**WHEREAS**, based on competent substantial evidence in the record, the requested rezoning set forth in this Ordinance meets all applicable criteria specified in the City of Winter Garden Comprehensive Plan and the Code of Ordinances; Now therefore;

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

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

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Park & Plant Planned Unit Development Plan attached hereto as Exhibit “B.” Should any conflict be

found between this Ordinance and the Park & Plant Planned Unit Development Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.

- b. **Zoning-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Planned Unit Development zoning district as they pertain to properties that have primary residential uses. These requirements include any approval procedures of the Planned Unit Development zoning district.
  
- c. **Permitted Uses-** The permitted uses for the subject property are as follows:
  - 1. Permitted primary structures and uses:
    - a) Townhomes.
  - 2. Permitted accessory structures and uses:
    - a) Customary accessory uses and structures clearly incidental and subordinate to a principal use.
  
- d. **Special Exception Uses-** The special exception uses for the subject property are as follows.
  - 1. Live/Work Units in accordance with Section 1.f.7 below.
  
- e. **Prohibited Uses-** The prohibited uses for all areas of the subject property are as follows:
  - 1. All uses prohibited by Sec. 118-858(5), City of Winter Garden Code of Ordinances.
  - 2. All uses not specifically permitted in this Ordinance; any use not in keeping with a traditional downtown neighborhood character.
  
- f. **Design Criteria/Architectural Standards-**
  - 1. **Architectural Standards-** All development on the Property must maintain the same general design criteria and architectural characteristics as the Building Elevations attached hereto as Exhibit “C”.
  - 2. **Maximum Building Height-** The maximum building height shall not exceed 40 feet.
  - 3. **Minimum Living Area-** Minimum living area for each residential unit shall be 1,000 square feet.
  - 4. **Signage-** All signage shall be reviewed and permitted by the City of

Winter Garden.

5. **Setbacks and Required Yards-** The distance between townhome buildings shall be no less than 15 feet. All buildings that front on Plant Street shall be set back no less than 8 feet from the front property line. Buildings that front on Park Avenue are permitted to be built with no front setbacks, but must maintain a minimum 7 foot side setback from all adjacent rights-of-way. Unless otherwise noted herein, buildings and accessory structures shall be set back no less than 5 feet from all other PUD-adjacent residential properties and public rights-of-way, and 10 feet from all other PUD-adjacent commercial properties. For the purposes of this section, vehicular drives internal to the PUD are not considered rights-of-way.
6. **Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property shall be consistent with the overall maximum impervious surface area ratio that the Planned Unit Development is permitted by Saint John's River Water Management District.
7. **Live/Work Units-** A live/work unit shall be defined as a dwelling unit that fronts on West Plant Street consisting of both a residential and business/office component that is occupied by the same resident. A live/work unit shall be the primary dwelling of the occupant.
  - The following are the special exception uses for the business component of live/work units: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professionals, consultants, engineers, graphic design, fashion and interior design, home-based office workers, insurance, real estate, travel agent, one-on-one instructors, photographers, and other business/office uses as are determined by the City of Winter Garden Planning & Zoning Board to be similar with the foregoing list of special exception uses and compatible with surrounding uses.
  - Residential and business component of a live/work unit must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
  - The external access for the business component shall be oriented to West Plant Street. The external access may not be oriented to any other streets or to internal drives or courtyards.
  - Signage for the business component of the live/work unit shall be limited to one (1) sign permanently affixed to the door or wall of the business component and shall not exceed 2

square feet of copy area.

- The live/work units shall be required to provide parking and/or pay the downtown parking fee in accordance with Chapter 118, Article VIII of the City of Winter Garden Code of Ordinances.
- The business component of the live/work unit shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors; and shall be prohibited from storing explosive, toxic, combustible or flammable materials in excess of that permitted as incidental to normal residential use on the premises.
- The following are the prohibited uses for the business component of live/work units: retail sale of food and/or beverages with customers arriving on-site; veterinary services including grooming, boarding and/or the breeding or care of animals for hire and/or for sale; any business which involves the use of prescription drugs; adult-oriented businesses, astrology, palmistry, massage, head shops and similar uses; sales, repair and/or maintenance of vehicles including automobiles, boats, motorcycles, aircraft, trucks and/or recreational vehicles; private and/or trade schools; any use not in keeping with a traditional downtown neighborhood character.

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

1. A permit modification with St. Johns River Water Management District will be required as well as payment into the City's downtown stormwater fund, and will be checked with the final construction plan review.
2. Based on the layout shown in the Park & Plant Preliminary Plan (Exhibit 'B'), guest/overflow parking that is not able to be accommodated within an enclosed garage will not be permitted.
3. Tree removal shall adhere to the City's Tree Protection Ordinance – separate review, approval and permit is required. Additional landscaping and tree replacement may be required with final plan.
4. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA.

5. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. Final plans shall detail all connections including fire protection, reuse water and domestic water supply. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time.
6. There are numerous drainage and utility easements from the previous plat that must be vacated before development. "No objection" letters from all utility companies shall be obtained by the Applicant and the City Attorney will need to give an opinion on whether they can be vacated by the re-plat or by separate instrument. The City will not grant easements within its right-of-way.
7. 5' wide (minimum) concrete sidewalks shall be constructed along all street frontages pursuant to City Code, and will be checked at final inspection. Any damaged, broken or incomplete sidewalks shall be replaced by the Owner/Contractor at the Owner/Contractor's expense.
8. Internal sidewalks shall connect to the public sidewalks in the right-of-way per ADA.
9. Streetlighting both internally and on all street frontages is required pursuant to City Code – dark skies lighting is required.
10. Recreation mitigation fees will be required for any required recreation areas that are not able to be located on site. This fee is based on the fair market price of the land that would otherwise be dedicated to recreation.
11. Garbage and Recycling containers must be marked (stenciled) with each individual address for the purposes of identifying the owners in the event the containers are not stored by 7 PM. All garbage and recycling containers must be stored in the garage; they are not permitted to be stored outdoors.
12. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
13. All work shall conform to City of Winter Garden standards and specifications.
14. The Contractor is responsible for the notification, location and

protection of all utilities that may exist within the project limits.

15. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. 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 shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. 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.
  
16. 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.

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

- a. **Development Agreement-** If deemed necessary by City Staff, a Development Agreement shall be drafted, approval obtained and recorded prior to approval of any site or building permits for the Property.
  
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
  
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.

- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. **Expiration/Extension-** Expiration of this PUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

**SECTION 3: Zoning Map.** The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

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

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

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

**Exhibit "A"**

**PARCEL ID(s): 23-22-27-0737-00-020; 23-22-27-0737-00-010; 23-22-27-0737-00-030;  
23-22-27-0737-00-040**

**DESCRIPTION**

**THAT PART OF LOTS 1 THROUGH 4, BIVENS SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 33, PAGE 59, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:**

**BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 4, THENCE RUN N00°21'56"W, ALONG THE WEST LINES OF SAID LOTS 1, 3, AND 4, 373.48 FEET, TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN N81°43'32"E, ALONG THE NORTH LINE OF SAID LOTS 1 AND 2, 171.40 FEET, TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE RUN S00°22'31"E, ALONG THE EAST LINE OF SAID LOTS 2 AND 3, 230.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE RUN S89°46'29"W, ALONG THE SOUTH LINE OF SAID LOT 3, 22.00 FEET; THENCE RUN S79°02'33"W, ALONG THE SOUTH LINE OF SAID LOT 3, 74.07 FEET, TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE RUN S00°21'56"E, ALONG THE EAST LINE OF SAID LOT 4, 153.98 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE RUN N90°00'00"W, ALONG THE SOUTH LINE OF SAID LOT 4, 75.00 FEET TO THE POINT OF BEGINNING.**

**THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 1.150 ACRES MORE OR LESS.**

Exhibit "B"

# **COVER PAGE**

## **PARK & PLANT PUD PLAN**

**(5 PAGES - ATTACHED)**

# PARK & PLANT PD

PARCELS:

23-22-27-0737-00-010; 23-22-27-0737-00-020;  
23-22-27-0737-00-030; 23-22-27-0737-00-040

WINTER GARDEN FL 34787

## INDEX OF SHEETS

C-000	COVER SHEET
C-100	BOUNDARY/TOPOGRAPHIC SURVEY
C-200	PRELIMINARY SITE PLAN
C-300	PRELIMINARY DRAINAGE
C-400	PRELIMINARY UTILITY PLAN & LOT LAYOUT PLAN
A-200	BUILDING ELEVATIONS - PLANT STREET
A-202	BUILDING ELEVATIONS - COURTYARD
A-203	BUILDING ELEVATIONS - PARK AVENUE SCHEME "B"



VICINITY MAP

JANUARY 4, 2016  
REVISED FEBRUARY 22, 2016  
REVISED JULY 21, 2016

REVISED AUGUST 25, 2016

PREPARED FOR:

**F&J DEVELOPERS, LLC**  
124 TERRA MANGO LOOP, STE. A  
ORLANDO, FLORIDA 32835

**Civil Engineer:**  
**TRI: CIVIL ENGINEERING**  
**DESIGN STUDIO, INC.**  
P.O. BOX 52062  
LONGWOOD, FL 32752-0062  
PHO: 407-488-9456  
FAX: 407-488-9456  
ATTN: CONSTANCE A. OWENS, PE, LEED AP  
COWENS@TRI3-ENG.COM

**Architect:**  
**ELITE UNIVERSAL**  
1385 HAWTHORNE COVE DRIVE  
OCFEE, FL 34761  
PHO: 407-325-9550  
ATTN: ANDREW SECHER, PA  
ANDREW@ELITEUNIVERSAL.NET

**Surveyor:**  
**BISHMAN SURVEYING**  
**AND MAPPING, INC.**  
232 S. DILLARD STREET, SUITE 201  
WINTER GARDEN, FL 34787  
PHO: 407-488-9456  
FAX: 407-905-6232  
ATTN: DONALD W. BISHMAN, P.S.M.  
BSMINC@EARTHINK.NET

**Utility Companies:**

POWER:	DUKE ENERGY
WATER:	CITY OF WINTER GARDEN
SEWER:	CITY OF WINTER GARDEN
CABLE:	BROADHOUSE NETWORKS
FIRE:	CITY OF WINTER GARDEN
PHONE:	SPRINT
STORMWATER:	CITY OF WINTER GARDEN

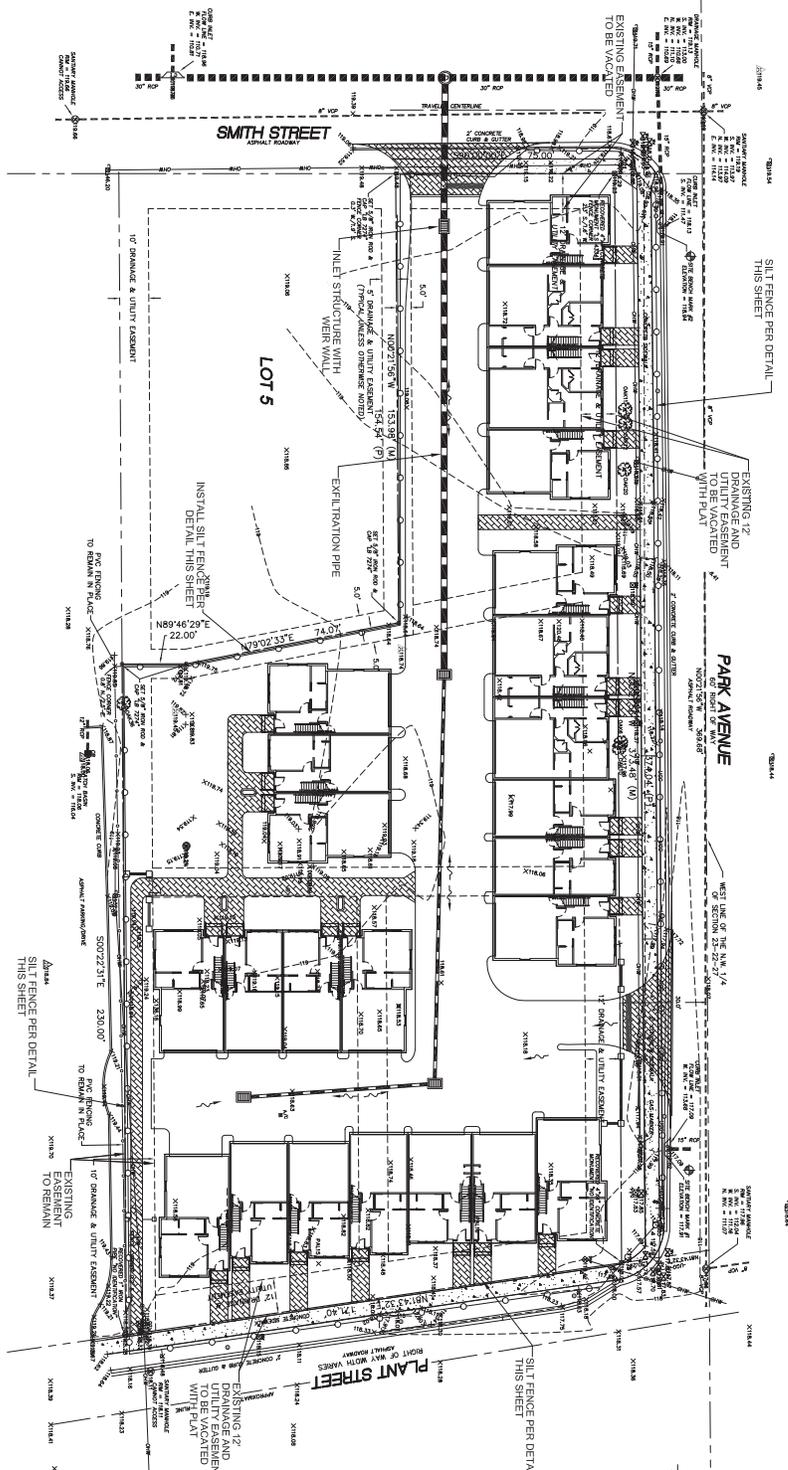


**Civil Engineering**  
**Design Studio, Inc.**  
P.O. Box 52062  
Longwood, Florida 32752-0062  
Ph: 407-488-9456 Fax: 407-641-9993  
CERTIFICATE OF AUTHORIZATION #28312

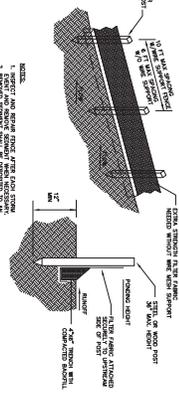
CONSTANCE A. OWENS, P.E., LEED AP  
FLORIDA LICENSE # 58422



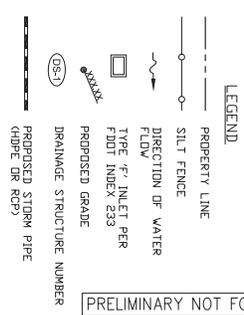




**SILT FENCE DETAIL**  
N.T.S.



- NOTES:
1. ALL EASEMENTS ON THE INTERIOR OF THE LOT TO BE VACATED
  2. UNDERGROUND INTO THE SECONDARY STORM SYSTEM



PRELIMINARY NOT FOR CONSTRUCTION

Sheet Title

JOB NO.	2015060
SCALE	AS SHOWN
DATE	11/17/15
DESIGN	TM
DRAWN	TM
CHECKED	CM

**PRELIMINARY DRAINAGE PLAN**

REV.	DATE	DESCRIPTION
1	03-25-14	CITY OF WINTER GARDEN
2	07-21-14	CITY OF WINTER GARDEN
3	06-25-14	CITY OF WINTER GARDEN

**PARK & PLANT PD**

Winter Garden, Florida  
ENGINEERS SEAL

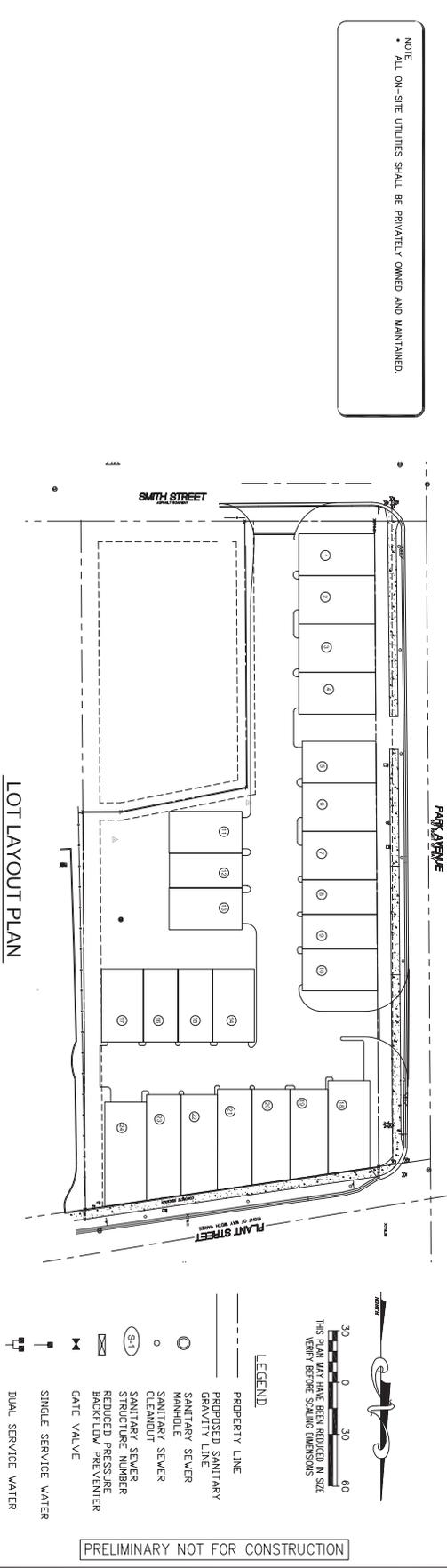
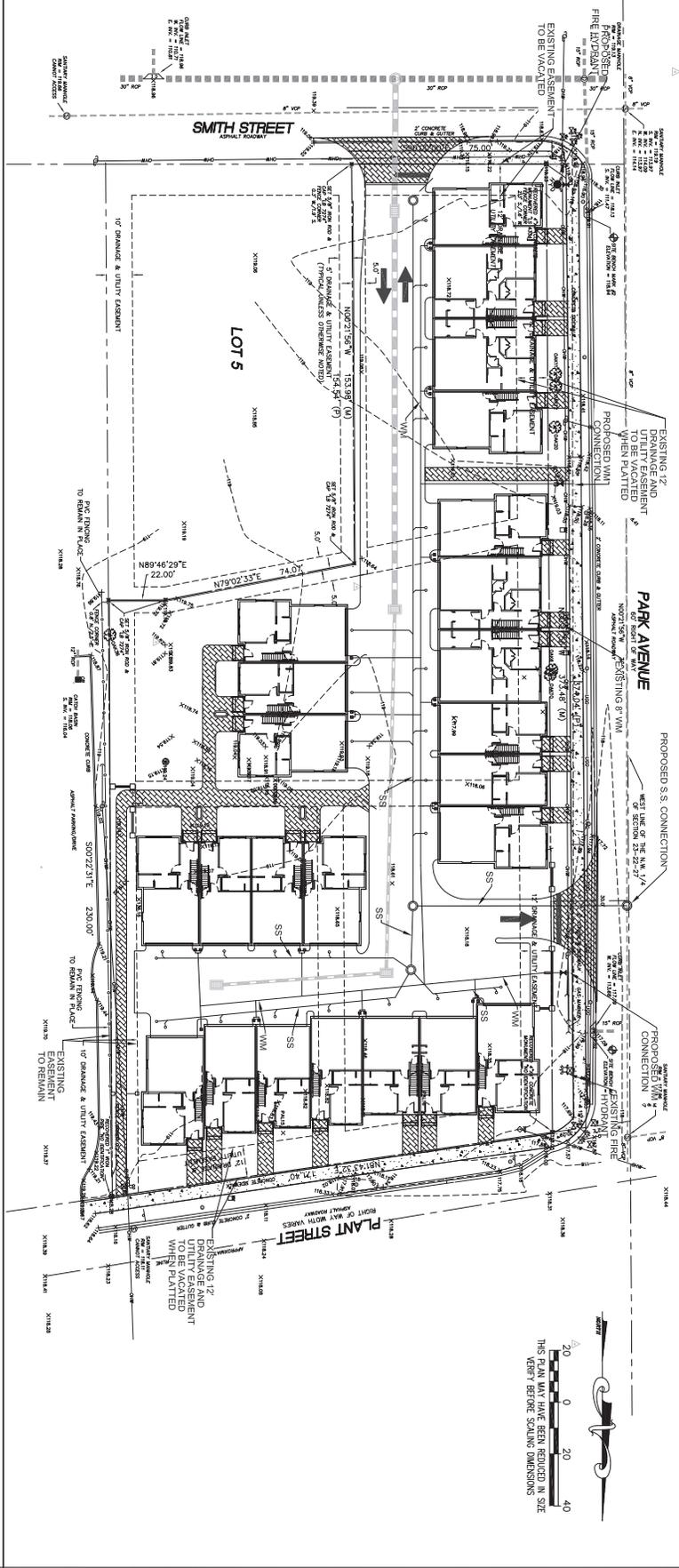
CONSTANCE A. OWENS, P.E., LEED AP  
FLORIDA LICENSE #2642  
WINTER GARDEN 07/04/16



Civil Engineering Design Studio, Inc.  
Longwood, Florida 32732-2602  
P.O. Box 2688-8950, Fax: 407-564-2993  
Central & Administrative # 2015

C-300

NOTE  
• ALL ON-SITE UTILITIES SHALL BE PRIVATELY OWNED AND MAINTAINED.



**LEGEND**

- PROPERTY LINE
- PROPOSED SANITARY GRAVITY LINE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER STRUCTURE NUMBER
- REDUCED PRESSURE BACKFLOW PREVENTER
- GATE VALVE
- SINGLE SERVICE WATER
- DUAL SERVICE WATER

PRELIMINARY NOT FOR CONSTRUCTION



**Civil Engineering**  
Design Studio, Inc.  
Longwood, Florida 32732-2602  
P.O. Box 2688-8950, Fax: 407-564-1993  
Central & Administrative Offices

**PARK & PLANT**  
PD

Winter Garden, Florida  
ENGINEER'S SEAL

CONSTANCE A. OWENS, P.E., LEED AP  
FLORIDA LICENSE #3842

NO.	DATE	DESCRIPTION
1	03-22-14	CITY OF WINTER GARDEN
2	07-21-14	CITY OF WINTER GARDEN
3	06-25-14	CITY OF WINTER GARDEN

DATE: 07/04/16  
DRAWN: TM  
CHECKED: CMO

**PRELIMINARY UTILITY PLAN & LOT LAYOUT PLAN**

JOB NO.	2015-060
DATE:	AS SHOWN
SCALE:	11/8" = 1'
DESIGN:	TM
DRAWN:	TM
CHECKED:	CMO

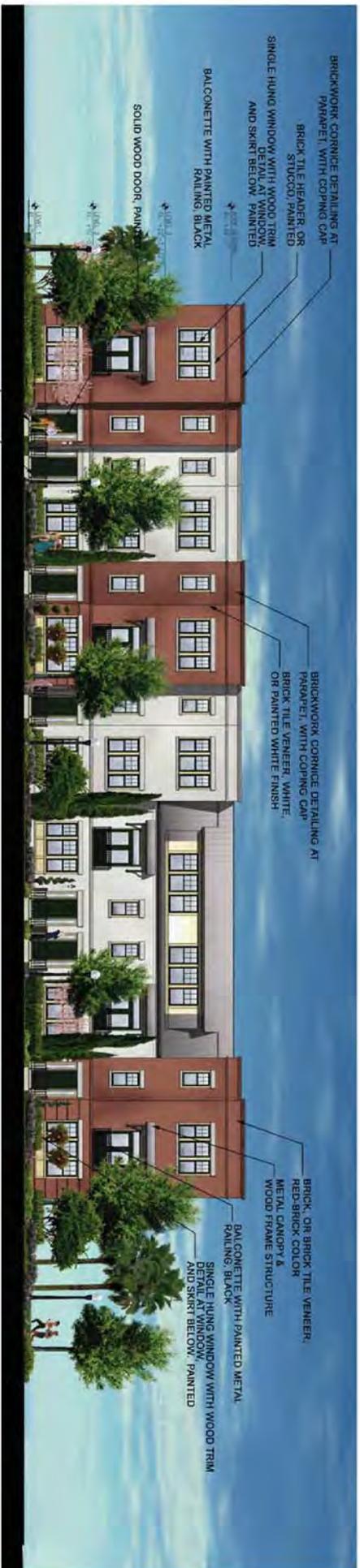
C-400

Exhibit "C"

# **COVER PAGE**

## **PARK & PLANT PUD** **Architectural Design Standards**

**(3 PAGES - ATTACHED)**



BRICKWORK CORNICE DETAILING AT PARAPET, WITH COPING CAP

BRICK TILE HEADER, OR STUCCO, PAINTED  
SINGLE HUNG WINDOW WITH WOOD TRIM DETAIL AT WINDOW, AND SKIRT BELOW, PAINTED

BALCONETTE WITH PAINTED METAL RAILING, BLACK

SOLID WOOD DOOR, PAINTED

BRICKWORK CORNICE DETAILING AT PARAPET, WITH COPING CAP  
BRICK TILE VENEER, WHITE, OR PAINTED WHITE FINISH

BRICK, OR BRICK TILE VENEER, RED-BRICK COLOR  
METAL CANOPY & WOOD FRAME STRUCTURE

BALCONETTE WITH PAINTED METAL RAILING, BLACK

SINGLE HUNG WINDOW WITH WOOD TRIM AND SKIRT BELOW, PAINTED

PLANT STREET FRONT ELEVATION

CONCRETE PORCH LANDING AND STEPS WITH BULLNOSE DETAILING, METAL RAIL AND GATE, PAINTED BLACK

CORBEL, BASE/WATERTABLE DETAILING AT BASE

BRICKWORK CORNICE DETAILING AT PARAPET WITH COPING CAP

BRICK, OR BRICK TILE VENEER, RED-BRICK COLOR

BRICKWORK DETAILING AT CORNERS, AND BETWEEN LEVEL 1 & 2

PRECAST CONCRETE, BRICK, OR STUCCO HEADER

SINGLE HUNG ALUMINUM WINDOWS, PAINTED WITH STUCCO SILL, BRICK TILE VENEER OR STUCCO HEADER

STUCCO FINISH, PAINTED, SAND FINISH

BRICK TILE HEADER, OR STUCCO, PAINTED  
SINGLE HUNG WINDOW WITH WOOD TRIM DETAIL AT WINDOW, AND SKIRT BELOW, PAINTED

PLANT STREET SIDE ELEVATION

BALCONY WITH PAINTED METAL RAILING, BLACK

BRICK DETAILING AT LEVEL 1 & 2 TRANSITION, CORBEL

BRICKWORK CORNICE DETAILING AT PARAPET, WITH COPING CAP  
STUCCO FINISH, PAINTED, SAND FINISH  
AL GARAGE DOORS, GLIDPLAY OR SIM, CUSTOM DESIGN MANUFACTURER

PLANT STREET REAR ELEVATION

# PARK PLACE

## PARK PLACE WINTER GARDEN





BRICK TILE HEADER, OR STUCCO, PAINTED  
METAL CANOPY & WOOD FRAME STRUCTURE

WOOD OR CEMENTITIOUS LAP SIDING, 6" LAP EXPOSURE, PAINTED  
BRICK, OR BRICK TILE VENEER, RED BRICK COLOR  
BRICKWORK CORNICE DETAILING AT PARAPET, WITH COPPING CAP

WOOD OR CEMENTITIOUS LAP SIDING, 6" LAP EXPOSURE, PAINTED  
SINGLE HUNG ALUMINUM WINDOWS, PAINTED WITH WOOD TRIM & REVEAL

STANDING SEAM METAL ROOF, GAMBRIL, ROOF WITH DORMER  
BRICK TILE VENEER, WHITE OR PAINTED WHITE FINISH  
METAL CANOPY & WOOD FRAME STRUCTURE

PARK AVENUE ELEVATION

SOLID WOOD DOOR, PAINTED  
BRICKWORK DETAILING AT PARAPET, WITH COPPING CAP

METAL CANOPY & WOOD FRAME STRUCTURE

STUCCO FINISH, PAINTED, SAND FINISH  
SINGLE HUNG ALUMINUM WINDOWS, PAINTED WITH STUCCO SILL & BRICK TILE VENEER OR STUCCO HEADER

BRICKWORK DETAILING AT CORNERS, AND BETWEEN LEVEL 1 & 2  
SINGLE HUNG WINDOW WITH WOOD TRIM DETAIL AT WINDOW, AND SKIRT BELOW, PAINTED  
STANDING SEAM METAL ROOF, GAMBRIL, ROOF WITH DORMER



PARK AVENUE SIDE ELEVATION

BALCONETTE WITH PAINTED METAL RAILING, BLACK  
SINGLE HUNG WINDOW WITH WOOD TRIM DETAIL AT WINDOW, AND SKIRT BELOW, PAINTED  
CORBEL, BASEWATERTABLE DETAILING AT BASE  
CONCRETE PORCH LANDING AND STEPS WITH BULL NOSE DETAILING, METAL RAIL AND GATE, PAINTED BLACK

BRICK DETAILING AT CORNICE, ALUMINUM COPING CAP PAINTED  
PRECAST CONCRETE OR STUCCO HEADER  
BALCONY WITH PAINTED METAL RAILING, BLACK

BRICK DETAILING AT LEVEL 1 & 2 TRANSITION, CORBEL ARCHITECTURAL GARAGE DOORS, CLOUPAY OR SIM CUSTOM DESIGN MANUFACTURER



PARK AVENUE SIDE ELEVATION

# PARK PLACE

## PARK PLACE WINTER GARDEN





COURTYARD FRONT ELEVATION

BRICK OR  
BRICK TILE VENEER  
OR RED-BRICK COLOR

SOLID WOOD DOOR  
PAINTED



COURTYARD FRONT ELEVATION

BRICKWORK CORNICE  
DETAILING AT PARAPET  
WITH COPING CAP

BRICK OR BRICK TILE VENEER  
OR RED-BRICK COLOR

BRICK OR STUCCO HEADER

BALCONY WITH  
CONCRETE, BRICK  
OR STUCCO RAILING, BLACK

SOLID WOOD DOOR,  
PAINTED

BRICK TILE HEADER, OR  
STUCCO, PAINTED

METAL CANOPY &  
WOOD FRAME STRUCTURE

SINGLE HUNG WINDOW WITH  
WOOD TRIM DETAIL AT WINDOW,  
AND SKIRT BELOW, PAINTED



COURTYARD  
SIDE ELEVATION

BRICK OR STUCCO HEADER

METAL CANOPY &  
WOOD FRAME STRUCTURE

BRICKWORK DETAILING  
AT CORNERS, AND  
STUCCO SILL, & 2  
SINGLE HUNG WINDOWS WITH  
WOOD TRIM DETAIL AT WINDOW,  
AND SKIRT BELOW, PAINTED



BRICKWORK CORNICE  
DETAILING AT PARAPET  
WITH COPING CAP

SINGLE HUNG ALUMINUM  
WINDOWS, PAINTED WITH  
STUCCO SILL & BRICK TILE  
VENEER OR STUCCO HEADER

BRICK, OR  
BRICK TILE VENEER,  
OR RED-BRICK COLOR

BRICKWORK DETAILING  
AT CORNERS, AND  
STUCCO SILL, & 2  
SINGLE HUNG WINDOWS WITH  
WOOD TRIM DETAIL AT WINDOW,  
AND SKIRT BELOW, PAINTED

COURTYARD  
SIDE ELEVATION



COURTYARD REAR ELEVATION

SINGLE HUNG ALUMINUM  
WINDOWS, PAINTED WITH  
STUCCO SILL, & BRICK TILE  
VENEER OR STUCCO HEADER

BALCONY WITH PAINTED METAL  
RAILING, BLACK

BRICK TILE VENEER, OR  
STUCCO, PAINTED

ARCHITECTURAL GARAGE  
DOORS, CLOSET, OR S.M.  
CUSTOM DESIGN MANUFACTURER



COURTYARD REAR ELEVATION

PRECAST  
CONCRETE, BRICK  
OR STUCCO HEADER

BRICK TILE HEADER, OR  
STUCCO, PAINTED

STUCCO FINISH, PAINTED,  
SAND FINISH

BALCONY WITH PAINTED METAL  
RAILING, BLACK

ARCHITECTURAL GARAGE  
DOORS, CLOSET, OR S.M.  
CUSTOM DESIGN MANUFACTURER

# PARK PLACE

# PARK PLACE WINTER GARDEN



**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 5 (Public Hearing)**

---

**DATE:** September 9, 2016                      **MEETING DATE:** September 12, 2016

**SUBJECT:** 450 W Story Road (VARIANCE)  
**PROJECT NAME** Rios Carport  
**PARCEL ID#** 22-22-27-9188-01-031

**ISSUE:** The applicant is requesting a variance to the side yard setback and a variance to the rear yard setback to allow for the construction of a carport at 450 W Story Road.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Maria Rios

**CURRENT ZONING:** R-2 Residential District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential (LR)

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is proposing to build a carport to the side of their home located at 450 W Story Road. Due to the address of the property being on W Story Road, the side yard is determined to be on Foster Avenue. The applicant is proposing two variances to the R-2 zoning setbacks to allow the development of the carport. The requests are for a 3 foot side yard setback in lieu of the minimum 10 foot side yard setback along Foster Avenue and a 9.5 foot rear yard setback in lieu of the minimum 14.8 foot rear yard setback or 20% of the lot depth.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the two variances with staff conditions outlined in the staff report.

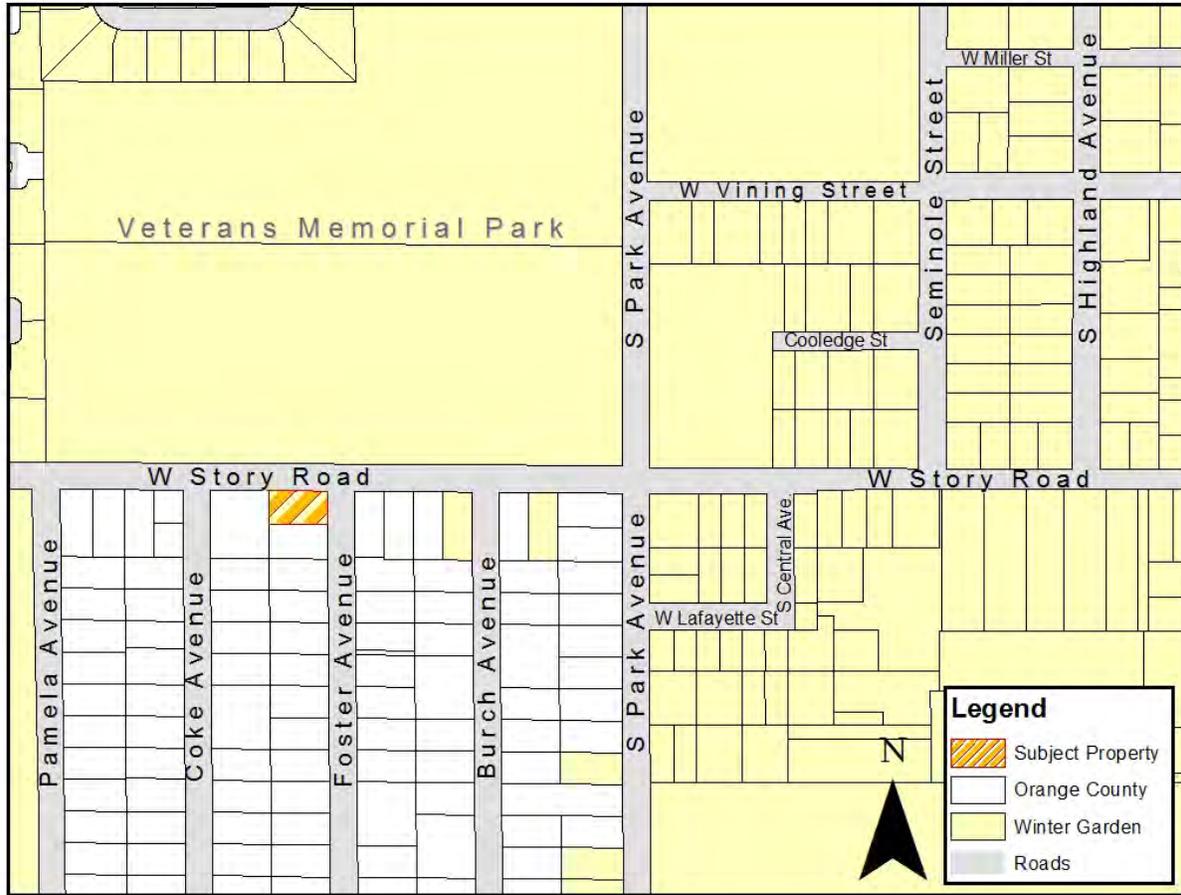
**NEXT STEP(S):**

Obtain Building Permits

**ATTACHMENT(S):**

Location Map  
Staff Report

Location Map



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

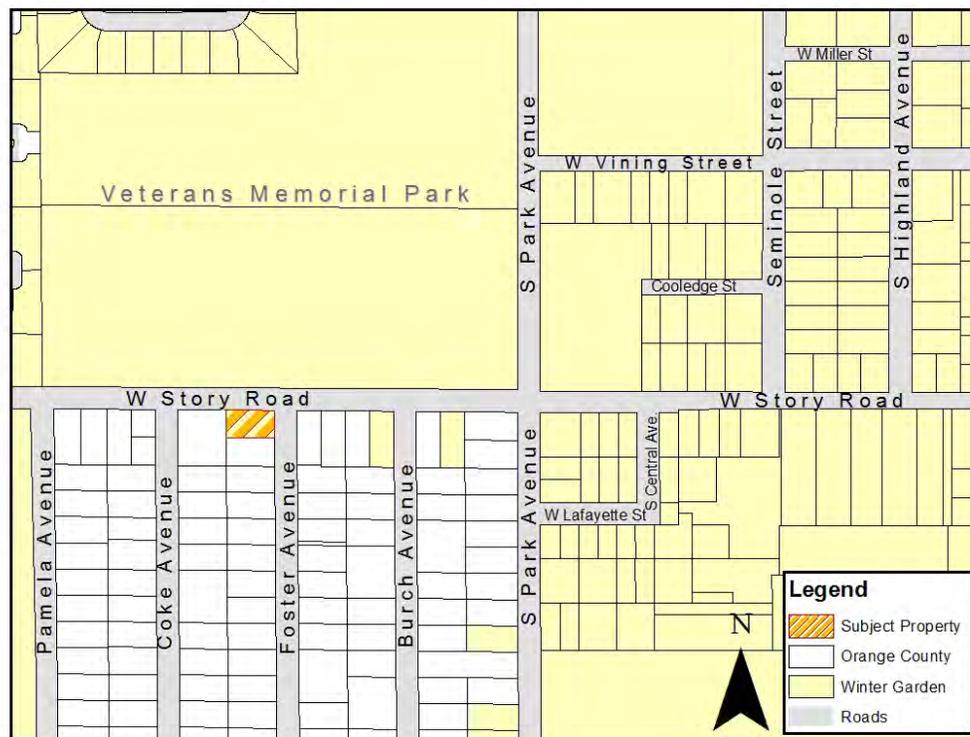
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** JESSICA FRYE, PLANNER I  
**DATE:** September 9, 2016  
**SUBJECT:** VARIANCE  
**450 W Story Road (0.218 ± ACRES)**  
**PARCEL ID # 22-22-27-9188-01-031**

**APPLICANT:** Maria Rios

### INTRODUCTION

The purpose of this report is to evaluate the request for a side and rear yard setback variance for the property located at 450 W Story Road in Winter Garden, Florida. The requests are for a 3 foot side yard setback in lieu of the minimum required 10 foot side yard setback and a 9.5 foot rear yard setback in lieu of the minimum required 14.8 foot rear yard setback (20 percent of the lot depth). If approved, these variances will allow a new carport to be built.

The subject property, located on the corner of West Story Road and Foster Avenue, is approximately 0.218 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property is located in the Westchester Place Subdivision and carries the zoning designation R-2 Residential and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The subject property is improved with a single family residence.

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

The adjacent property to the north is Veterans Memorial Park zoned Commercial (C-2) with a future land use of Low Density Residential (LR). The properties to the south, east, and west are located in the Westchester Place Subdivision and are zoned Orange County R-2 Residential District with a Future Land Use Designation of Low Density Residential and are improved with single-family residential homes.

### **PROPOSED USE**

The applicant is proposing to construct a 24' by 24' carport (576 square feet) next to the existing primary structure on the Foster Avenue side of the property (the address of the property determines the front and side yard setbacks for properties located on corners), the proposed building requires a variance to the side and rear setbacks.

### **CODE REFERENCE**

**Section 118-398 (1) b** of the code states that in the R-2 residential district the minimum side yard setback requirement is ten feet.

**Section 118-398 (1) c** of the code states that in the R-2 residential district the minimum rear yard setback is 20 percent of depth of lot (74 feet), or 14.8 feet.

The applicant is seeking a 7 foot variance to the side yard setback and a 5.3 foot variance to the rear yard setback.

### **CODE REQUIREMENTS / CRITERIA**

#### **Code Requirements/Criteria:**

Section 118-131 of the City Code that relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

*(1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The proposed carport built 3 feet in lieu of 10 feet from the side property line and 9.5 feet in lieu of 14.8 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The carport is aligned with the primary structure, and does not encroach any further toward Foster Avenue than what is

existing.

- (2) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variances allowing a 3 foot side yard setback in lieu of the required 10 foot setback and the 9.5 foot rear yard setback in lieu of the required 14.8 foot rear yard setback will allow reasonable use of the property. Other properties in the neighborhood have similar structures are at similar setbacks, many of the properties are located in Unincorporated Orange County.

- (3) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements, does not exceed the maximum impervious surface ratio allowed in the R-2 zoning district, and is in compliance with all other setbacks and development regulations for the Winter Garden Code of Ordinances.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*  
The variances are consistent with the provisions of the City's Comprehensive Plan relating to low density residential neighborhood character.

- (5) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

The variances requested is the minimum variance that will make reasonable use of the land. The proposed carport should not negatively impact the neighbors and is consistent with the surrounding neighborhood. Denying this variance does not benefit the property owner or the City.

## **SUMMARY**

City Staff recommends approval of the variances to sections 118-398 (1)b and 118-398 (1)c allowing for a 7 foot variance to the side yard setback and a 5.3 foot variance to the rear yard setback to allow construction of a new carport with the following condition:

1. The carport cannot become fully enclosed air conditioned space.

## **NEXT STEP**

Apply for the appropriate Building Permits.

## **ATTACHMENTS**

- Aerial Photo
- Survey (Site Plan)
- Elevations of Proposed Structure
- Site Photos

**AERIAL PHOTO**  
**450 W Story Road**



**SURVEY (SITE PLAN)**  
**450 W Story Road**

**BOUNDARY SURVEY**

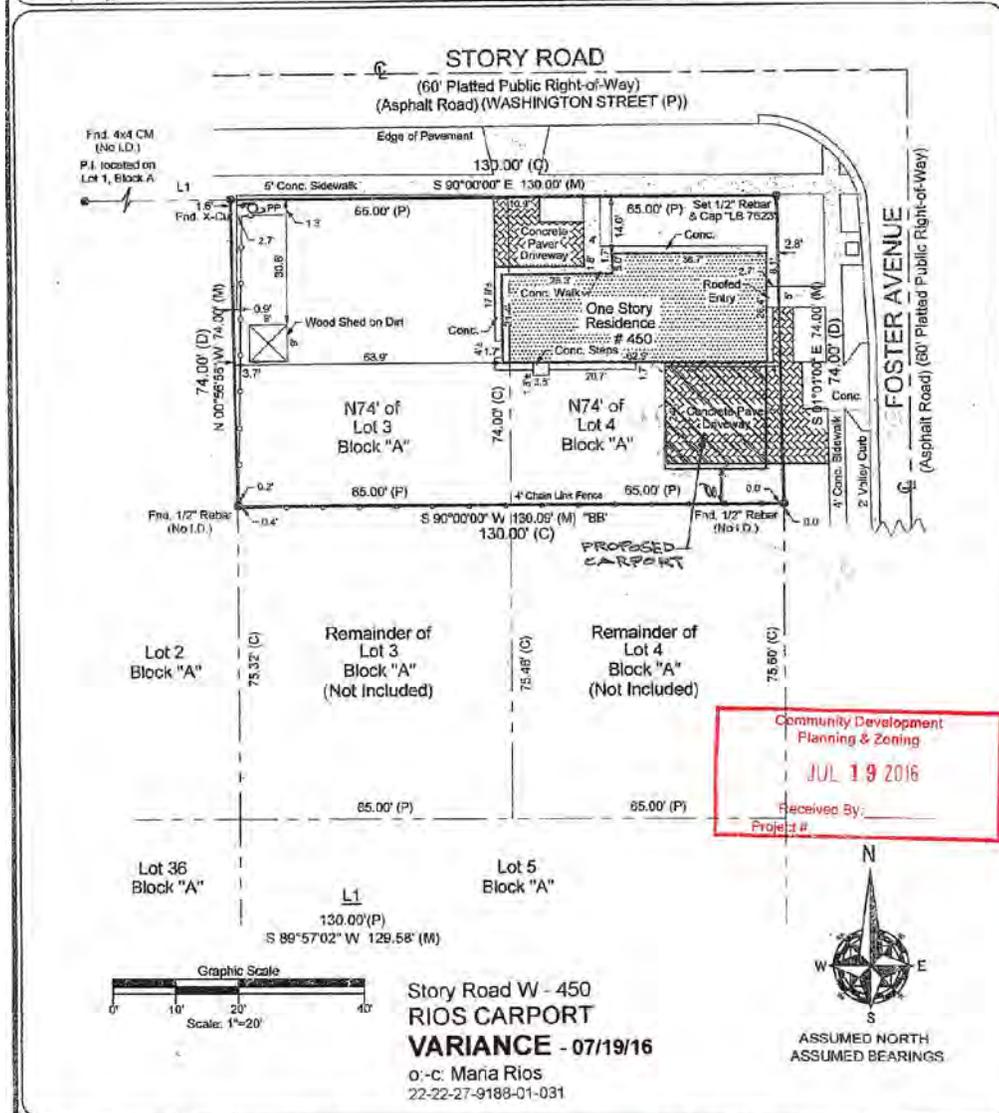
**LEGAL DESCRIPTION:**  
 THE NORTH 74 FEET OF LOTS 3 AND 4, BLOCK A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 141, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**FLOOD INFORMATION:**  
 BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN ORANGE COUNTY, COMMUNITY NUMBER 120179, DATED 9/25/2009.

**CERTIFIED TO:**  
 MARIA RIOS

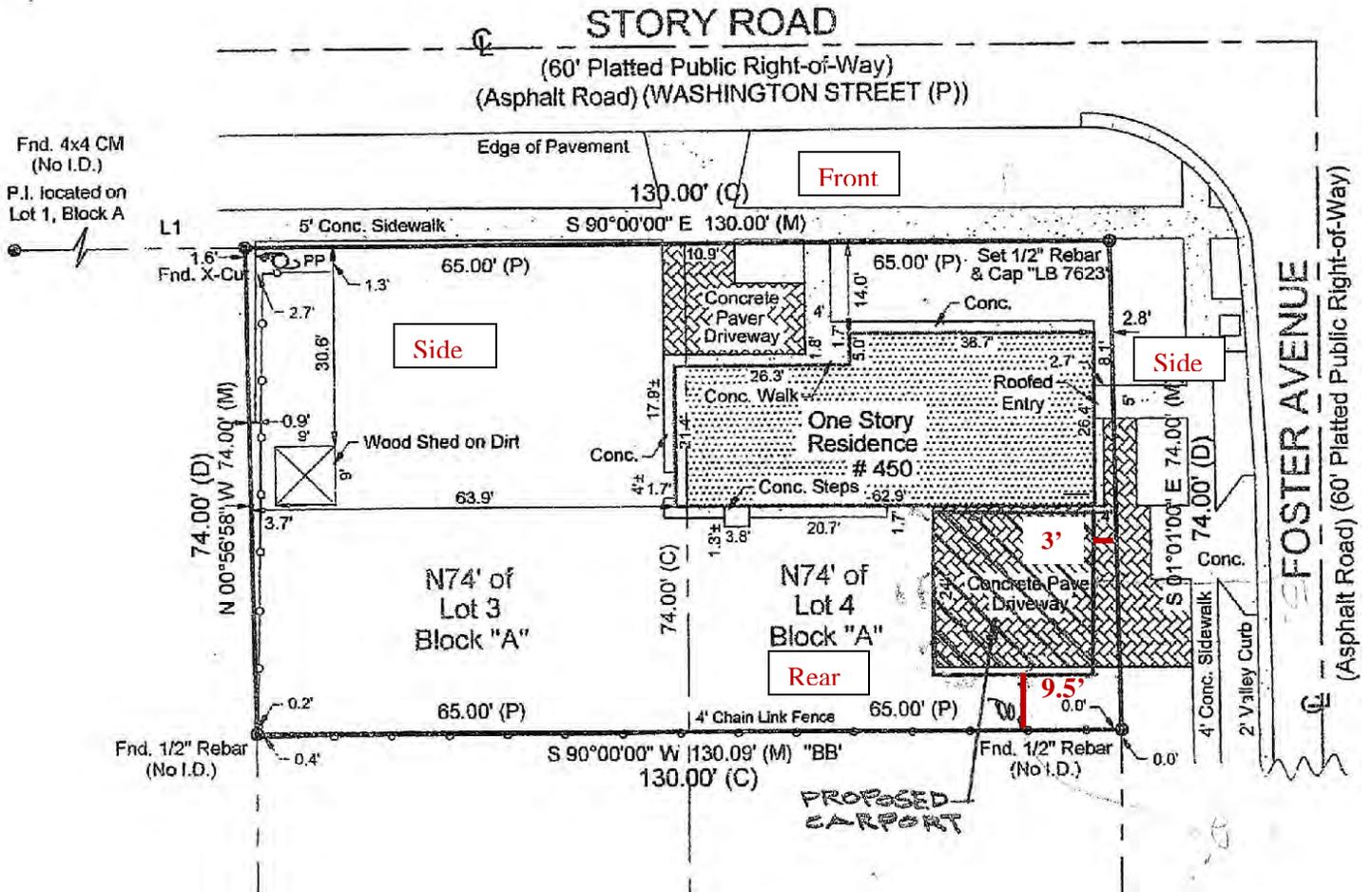


450 W STORY ROAD WINTER GARDEN, FLORIDA 34787

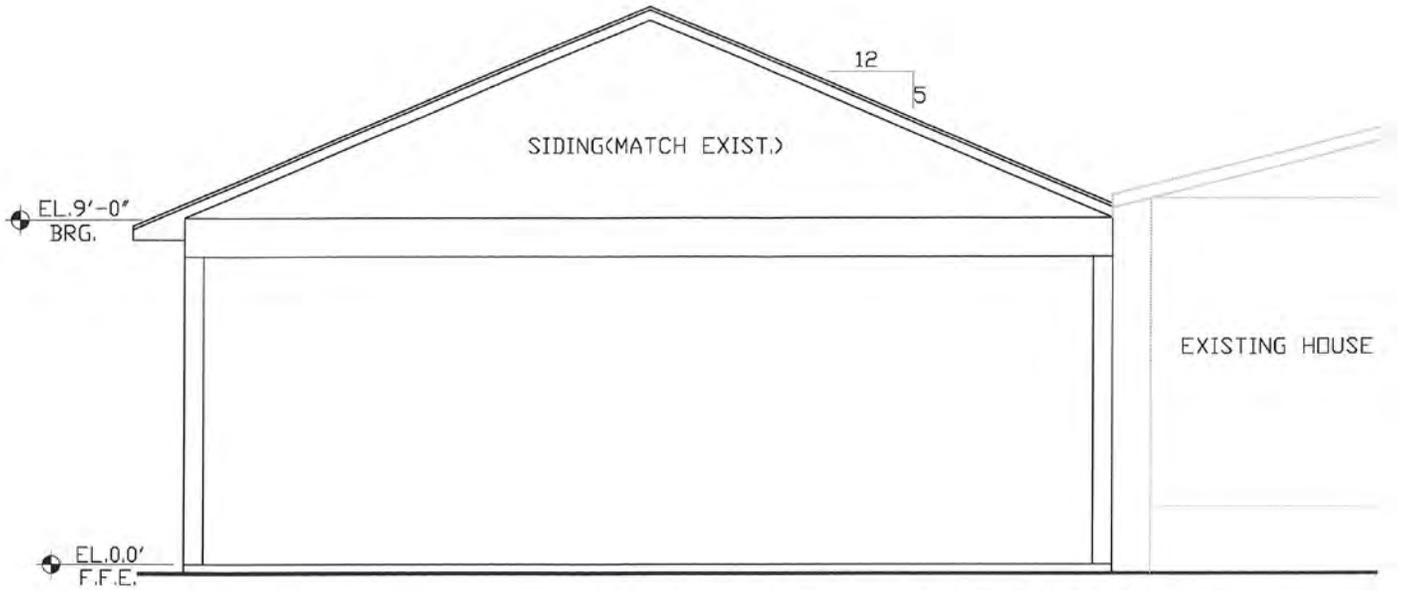


Field Date: 5/12/2016	Date Completed: 5/17/2016	<b>Notes</b>	
Drawn By: M.C.	File Number: S-28354	1. Survey is based upon the legal description stipulated by client. 2. Adjoining Properties Deeds have NOT been researched for gaps, overlaps and/or errors. 3. Subject to any easements and/or restrictions of record. 4. Building lines shown hereon, is assumed and listed upon the lines denoted with a "DB". 5. Building lines are NOT to be used to reconstruct property lines. 6. Fence ownership is NOT determined. 7. Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted. 8. Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies. 9. Use of this Survey for purposes other than intended, without written verification, will be at the user's sole risk and without liability to the Surveyor. Marking hereon shall be construed to give ANY rights or benefits to anyone other than those certified. 10. Signs from Determination Survey hereon is given as a courtesy, and is subject to First Approval by F.E.A.A. This Determination may be affected by Flood Factors and/or other information NEITHER herein or NOR given to this Surveying Company at the date of this Endorsement. Ireland & Associates Surveying Inc. and the signing surveyor assume NO liability for the accuracy of this Determination.	
<b>Legend</b> C - Calculator CA - Contour CB - Concrete Block CM - Concrete Foundation CO - Concrete CL - Chain Link DL - Drainage EM - Elevation F.E.M.A. - Federal Emergency Management Agency FFE - Finished Floor Elevation HFL - Iron Pipe L - Length (Arch) M - Measure NSD - Nail & Deck NB - Non-Build O - Official Record Book P - Plate P.M. - Hill Block W - Wood Fence POI - Point of Intersection P.O.B. - Point of Beginning P.O.L. - Point on Line PP - Point of Beginning PRM - Permanent Reference Monument PT - Pole of Tangency R - Radius Rad - Radial R&C - Rebar & Cap R&C - Recovered R/S - Roofed S&L - Set "L" Block & Framer S&L - Cap "LB 7523" TYP - Typical UE - Utility Easement WM - Wall Meter Δ - Delta (Central Angle) CL - Chain Link Fence		I hereby certify that the Boundary Survey of the above described property is true and correct to the best of my knowledge and belief as recently surveyed under my direction on the date shown, based on information furnished to me as noted and conforms to the standards or practice for Land Surveying in the State of Florida in accordance with Chapter 62-17.002 Florida Administrative Code, pursuant to Section 477.027 Florida Statute. Patrick K. Ireland License No. P-506637 LB 7523 This Survey is intended ONLY for the use of said Certified Parties. This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal. FOR THE FIRM Patrick K. Ireland License No. P-506637 LB 7523 <b>Ireland &amp; Associates Surveying, Inc.</b> 1301 S. International Parkway Suite 2004 Lake Mary, Florida 32746 www.irasurveying.com Office-407.678.3366 Fax-407.320.8165	

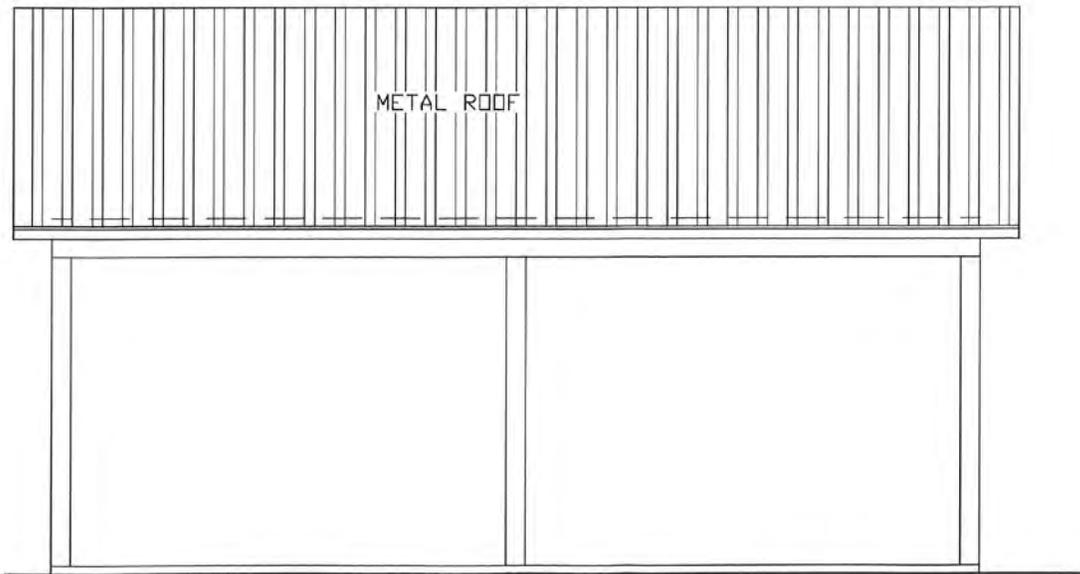
**SURVEY ENLARGED (SITE PLAN)**  
**450 W Story Road**



**ELEVATIONS**  
**450 W Story Road**



**FRONT/REAR ELEVATION**



**RIGHT/LEFT ELEVATION**

**SITE PHOTOS**  
**450 W Story Road**







**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 6 (Public Hearing)**

---

**DATE:** September 9, 2016                      **MEETING DATE:** September 12, 2016

**SUBJECT:** 1929 Lake Roberts Landing Drive (Variance)  
**PROJECT NAME** Kolenda Dock  
**PARCEL ID#** 36-22-27-4802-00-550

**ISSUE:** The applicant is requesting four variances to allow the construction of at 1929 Lake Roberts Landing Drive.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Daniel & Rebekah Kolenda/ ACT Construction, LLC.

**CURRENT ZONING:** PUD (Planned Unit Development)

**PROPOSED ZONING:** N/A

**CURRENT FLU:** SUB (Suburban Residential)

**PROPOSED FLU:** N/A

**SUMMARY:**

Due to constraints found on the property the applicant is requesting four variances to build a dock at 1929 Lake Roberts Landing. The applicant is requesting two side setback variances, an 11 foot side yard setback on the east side property line and a 12.5 foot side yard setback to the west property line. To meet an appropriate water depth the applicant is requesting to extend the dock walkway 200 feet in lieu of the maximum allowed 100 feet from the normal high water line. The applicant is also requesting to increase the square footage of the dock to 1,496 square feet from the normal high water line in lieu of the maximum allowed 1,000 square feet.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variances to the side setbacks and the extended length of the walkway with the conditions outline in the staff report.

Staff recommends denial for the proposed square footage.

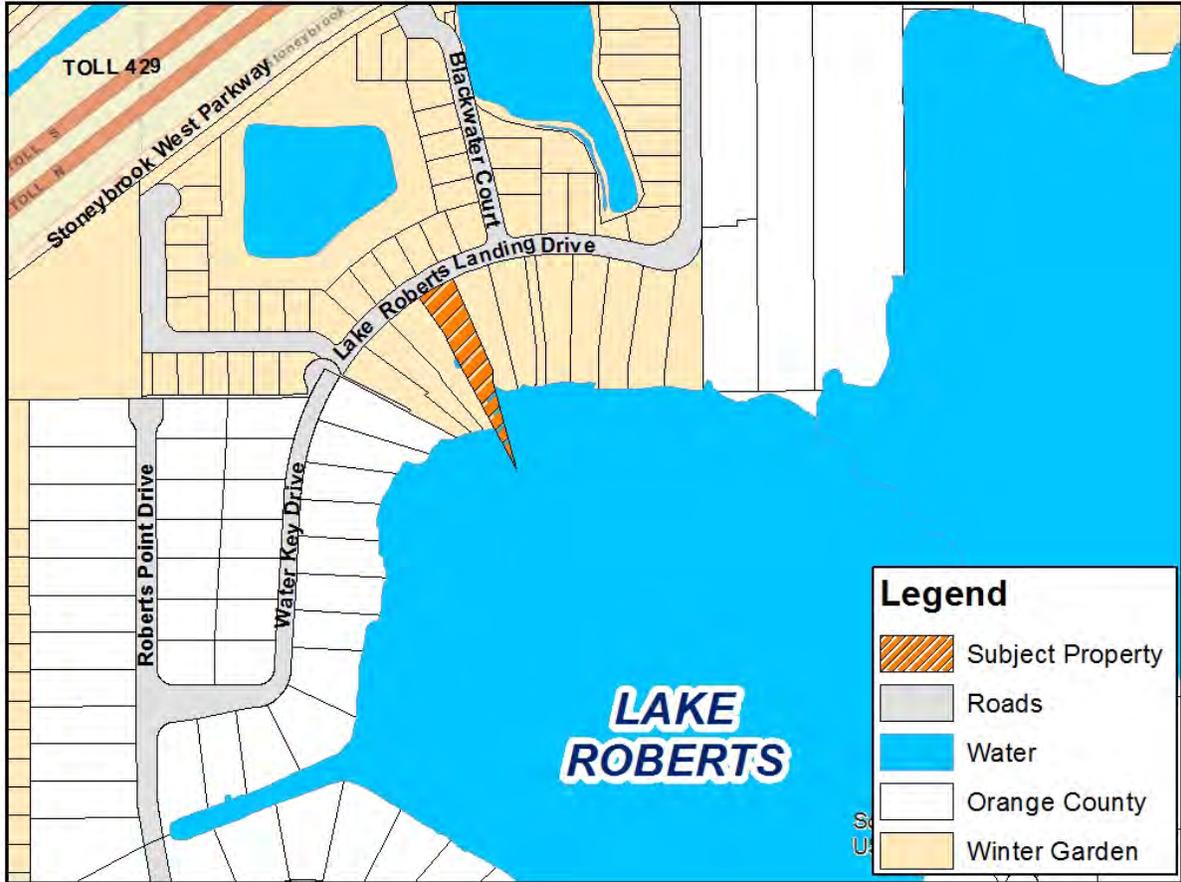
**NEXT STEP(S):**

Revise dock plans and obtain building permits

**ATTACHMENT(S):**

Location Map  
Staff Report

Location Map



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

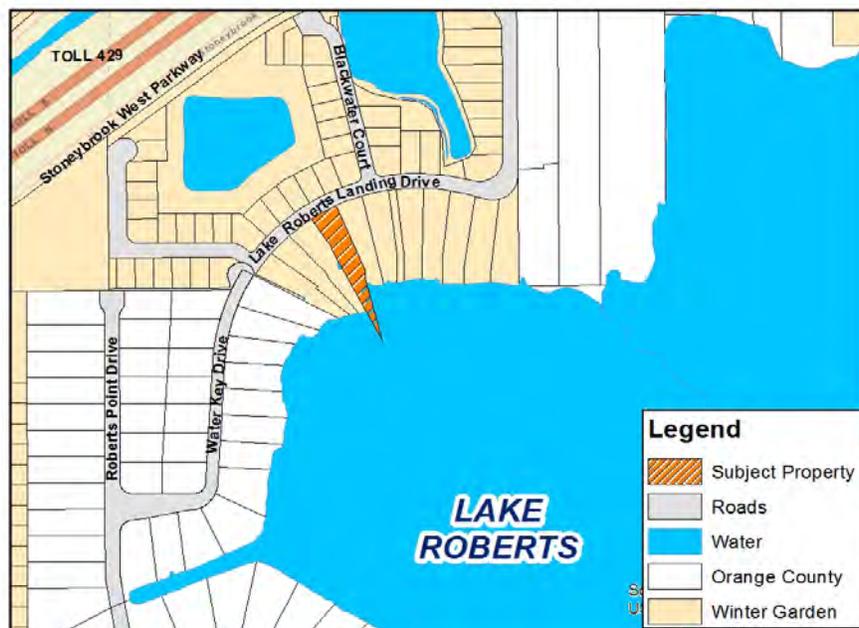
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** JESSICA FRYE, PLANNER I  
**DATE:** SEPTEMBER 9, 2016  
**SUBJECT:** VARIANCE  
**1929 Lake Roberts Landing Drive (0.85 +/- ACRES)**  
**PARCEL ID # 36-22-27-4802-00-550**

**APPLICANT:** ACT Construction, LLC. / Daniel Kolenda

### INTRODUCTION

The purpose of this report is to evaluate the request for four variances to allow the construction of a dock at 1929 Lake Roberts Landing Drive. The applicant is requesting to exceed the minimum side setback of 15 feet to allow an 11 foot side setback on the east side and 12.5 feet on the west side, increase the maximum length of the dock from 100 feet to 200 feet as measured from the normal high water line, and increase the maximum allowed square footage of the dock from 1,000 square feet to 1,496 square feet from the normal high water line.

The subject property, located at 1929 Lake Roberts Landing Drive is approximately  $\pm$  0.85 acre lot located on the south side of Lake Roberts Landing Drive in the Lake Roberts Landing subdivision. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting variances to Sections 118-1323(d)(2)i, 118-1323(d)(2)ii, and Section 118-1323(d)(2)v for the property located at 1929 Lake Roberts Landing Drive. If approved, these variances will allow a dock to be built at an 11 foot side setback on the east side of the property and 12.5 feet on the west side of the property in lieu of the minimum required 15 foot side setback, extend the dock to 200 feet from the normal high water line in lieu of the maximum 100 feet and have a square footage of 1,496 square feet from the normal high water line in lieu of the maximum allowed size of 1,000 square feet.

The subject property carries the zoning designation PUD (Planned Unit Development) and is designated SUB (Suburban Residential) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The subject property presently consists of a 5,174 square foot single-family home with pool.

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

The surrounding properties to the north, west, and east are all located within the Lake Roberts Landing Subdivision, developed with single-family homes, located in the City of Winter Garden and zoned PUD. The property to the south is Lake Roberts.

### **PROPOSED USE**

The applicant is proposing to build a dock with second level observation deck, 13 feet tall from the normal high water elevation, meeting the same water elevations as the neighboring docks. Please see table below for the breakdown of the square footage:

<u>Landward from the NHWL</u>	<u>Waterward from the NHWL</u>	<b>Total of Entire Dock/ walkway: 1,688 sf</b>
Walkway = 48 x 4 = 192 sf	Walkway: 200 x 4 = 800 sf	
<b>Total: 192 sf</b>	Stairs: 13 x 4 = 52 sf	
	Bottom level/Boat Area:	
	28 x 12 = 336 sf	
	Top Level/ Observation Deck	
	11 x 28 = 308 sf	
	<b>Total from NHWL: 1,496 sf</b>	

### **CODE REFERENCE**

**Section 118-1323(d)(2)i** of the City Code of Ordinances addresses boat docks and states that - No dock, walk, deck, or other similar shoreline improvement shall have a surface area exceeding 1,000 square feet.

**Section 118-1323(d)(2)ii** of the City Code of Ordinances addresses boat docks and states that - The length and configuration of docks or seawalls and other shoreline improvements shall be designed to assure that the applicant's reasonable use of such improvements will not unreasonably interfere with the riparian or littoral rights of other persons and property owners to use and access the lake. The length of a boat dock, seawall, or other shoreline improvement must be measured from the normal high water elevation on the shoreline as established in relation to a fixed landmark, object or permanent structure on the lot. Consideration will be given to the

length and configuration of other existing docks, seawalls, and improvements abutting the lake or waterway and any other applicable policies or restrictions established by the city or state. No work shall be performed in easement areas established to provide for ingress, egress, drainage, or utilities. Under no circumstances shall a permit for the construction of a dock or seawall be utilized to construct any structures or facilities intended for residential habitation. No dock, seawall, or other shoreline improvement may exceed a length of 100 feet when measured waterward from the normal high water elevation.

**Section 118-1323(d)(2)v** of the City Code of Ordinances addresses boat docks and states that - No dock, walk, deck, or other similar shoreline improvement shall have a surface area exceeding 1,000 square feet.

The applicant is requesting the four variances in order to meet an appropriate water depth for recreational boats. The variances are to the minimum side yard setback, the maximum dock length and to the maximum allowed dock square footage. This will allow the construction of a dock to be built 11 feet from the extended property line (out into the water) on the east side and 12.5' on the west side. The dock length from the normal high water line will be 200 feet and will reach a total square footage of 1,496 square feet. Due to the shape of the lot, where the recorded normal high water line is and the extension of the lot lines into Lake Roberts, the applicant requested the necessary variances to meet an appropriate water elevation (depth), and maintain a large enough dock to house a boat, and build a second floor with observation deck.

## **CODE REQUIREMENTS /CRITERIA**

### **Code Requirements/Criteria:**

Section 118-131 of the City Code relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

*(a) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

Allowing the dock to be built at an 11 foot and 12.5 foot side setback, should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The applicant is requesting these variances to allow the dock to be built on the property, due to the lot tapering; the end of the dock becomes closer to the neighboring properties the further it moves out. At the shore the dock is 12.5 feet from the western property line and when the dock moves further into the water, the closest the dock becomes is 11 feet to the eastern property line.

Allowing the dock to be extended to 200 feet should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The normal high water line

changes substantially on the applicant's property (see page 9). The expansion further into the water is to meet an appropriate water depth for navigating and docking a boat.

Allowing the dock to increase the maximum allowed square footage from the normal high waterline should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. Expanding the walkway to meet the appropriate water depth of 4 to 5 feet creates an increase in square footage. Due to the tapering angle of the lot lines as it projects out into Lake Roberts, the dock was required to narrow, and to accommodate the lack of space, the dock provided a second floor observation deck. The top deck acts as a roof for the boat and allows for the observation deck. This makes the dock 1,496 square feet from the normal high water line, which is approximately 500 square feet larger than adjacent docks within Winter Garden.

*(b) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variances allowing the dock to be built at an 11 foot and 12.5 foot side setback, 200 feet from the normal high water line and exceeding the permissible square footage is a reasonable use of the property and is not out of character with other structures located in the surrounding area. The dock will be similar in location as the other docks on the neighboring lots and is consistent with the neighborhood. The dock meets all other code requirements.

*(c) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations will not further any legitimate City objective.

*(d) The granting of the variance is consistent with the city's comprehensive plan; and*

The variances are consistent with the provisions of the City's Comprehensive Plan relating to single-family residential neighborhood character.

*(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

Due to the shape of the lot the variances to allow the dock to be built at an 11 foot and 12.5 foot side setback is the minimum required to make the dock wide enough to house and access the boat.

The variance to allow the dock to be built 200 feet from the normal high water line is the minimum required to meet an appropriate water depth for the dock and boat navigation.

The variance to allow the dock to be built at 1,496 square feet from the normal high water line is not the minimum variance. The second story adds an additional 308 square feet to the dock.

In addition to the criteria for variances established under section 180-131 of this Code, the planning and zoning board and city commission shall further consider the following as they specifically apply to variances issued for shoreline improvements, boat ramps, and shoreline alterations:

- (1) *The average length and configuration of other docks or seawalls in the area;*  
The proposed dock will be a similar distance into the water as the other docks seen in the neighborhood (see attached aerial photograph).
- (2) *The owner's right to enjoy reasonable use of his/her/its property;*  
Allowing a dock provides reasonable use of the owner's property.
- (3) *The effects the improvements will have on navigability, safety, and the rights of adjoining property owners to enjoy the reasonable use of their properties;*  
The proposed dock is similar in length to other docks in the area and should not have any negative impact on the navigability, safety, and rights of adjoining property owners.
- (4) *The impact, if any, on the neighborhood and nearby properties;*  
There should not be any impact on nearby properties. The dock will meet all other code restrictions including height restrictions.
- (5) *Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;*  
Strict compliance with the provisions of this article will impose an unnecessary hardship on the applicant.
- (6) *The effect of the proposed variance on abutting shoreline property owners;*  
The proposed variances should not have any effect on abutting shoreline property owners.
- (7) *Whether the granting of the variance would be contrary to the intent and purpose of this article; and*  
Approval of the variances is consistent with the purpose and intent of this article.
- (8) *Whether a variance is necessary to reach a water depth suitable for boating (i.e., usually five feet or more).*  
The variance is necessary to reach an appropriate water depth of 4 to 5 feet.

## **SUMMARY**

City Staff recommends approval of the variance to sections 118-1323(d)(2) i, ii and v to allow a new dock to be built at an 11 foot side setback in lieu of a 15 foot side setback, be 200 feet in length from the normal high water line in lieu of 100 feet with the following condition:

- No additions can be made to the boat dock.
- The shoreline must be replanted with native species; a shoreline alteration permit must be submitted with a replanting plan.

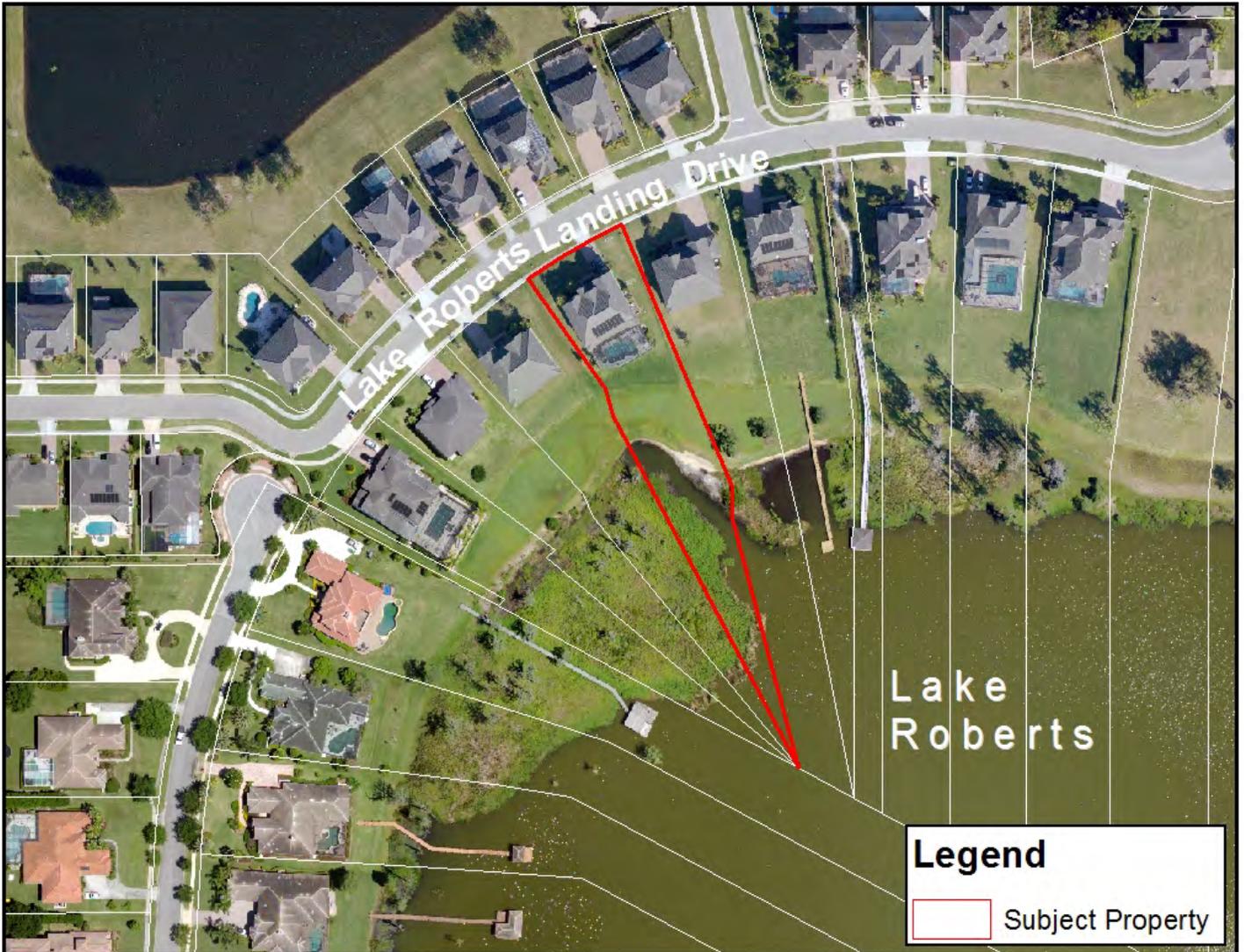
Staff recommends denial to allow the dock to be built at 1,496 square feet in lieu of the

maximum 1,000 square feet. The second floor of the dock adds an unnecessary amount of square footage.

**ATTACHMENTS**

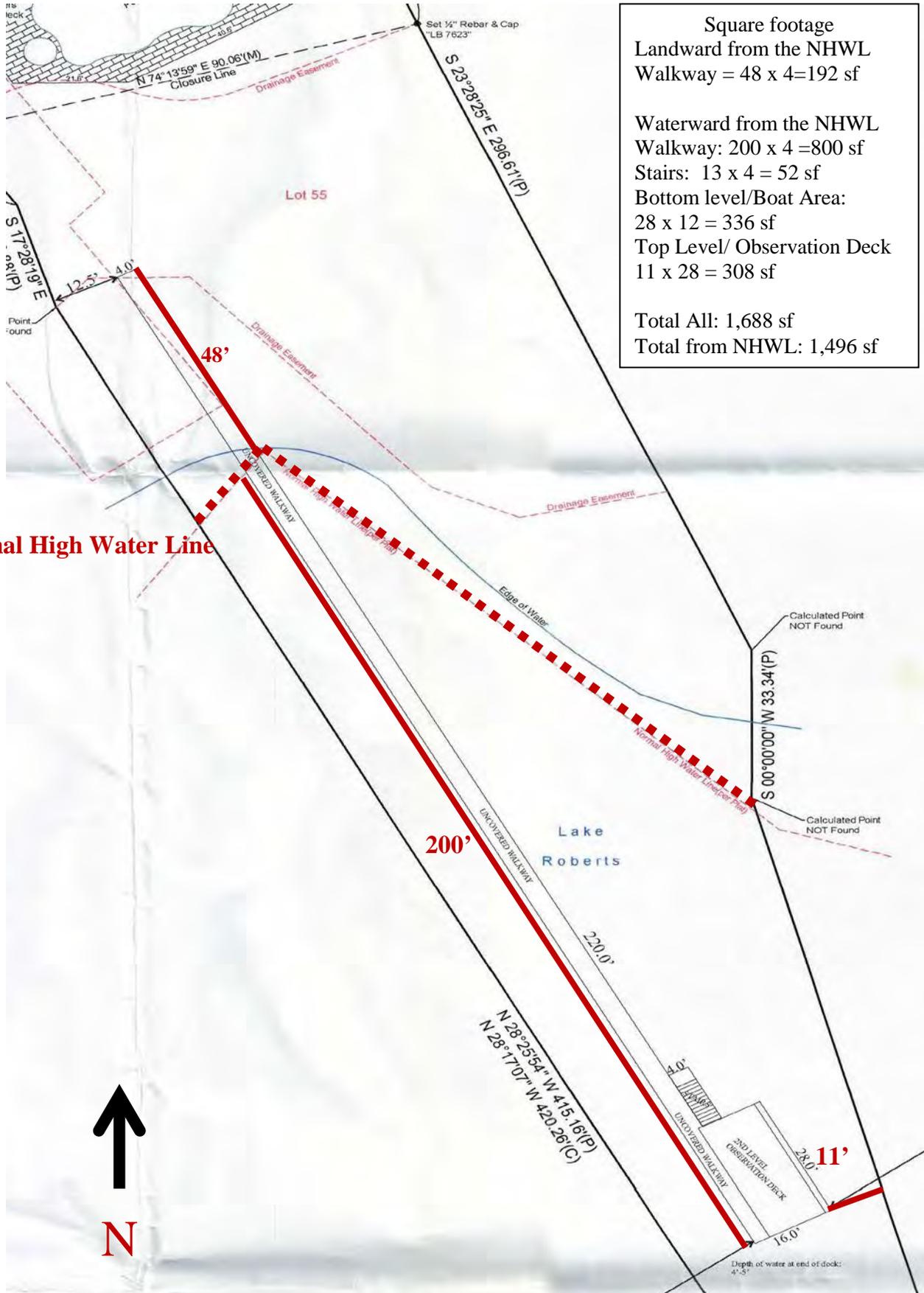
- Aerial Photos
- Site Plan
- Construction Plans
- Site Photos

**AERIAL PHOTO**  
**1929 Lake Roberts Landing (2015)**



## SITE PLAN 1929 Lake Roberts Landing



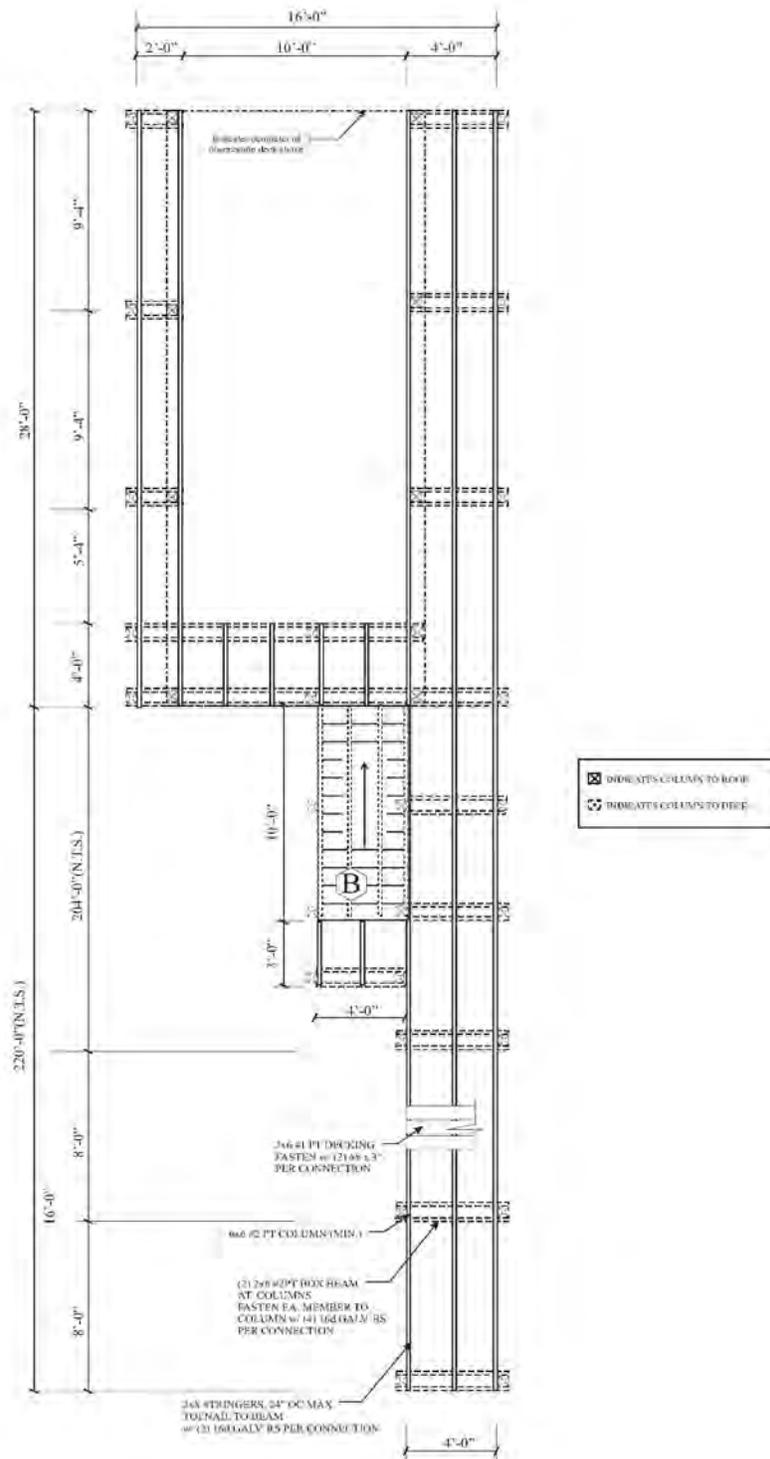


Square footage	
Landward from the NHWL	Walkway = 48 x 4=192 sf
Waterward from the NHWL	Walkway: 200 x 4 =800 sf
	Stairs: 13 x 4 = 52 sf
	Bottom level/Boat Area:
	28 x 12 = 336 sf
	Top Level/ Observation Deck
	11 x 28 = 308 sf
Total All: 1,688 sf	
Total from NHWL: 1,496 sf	

Normal High Water Line



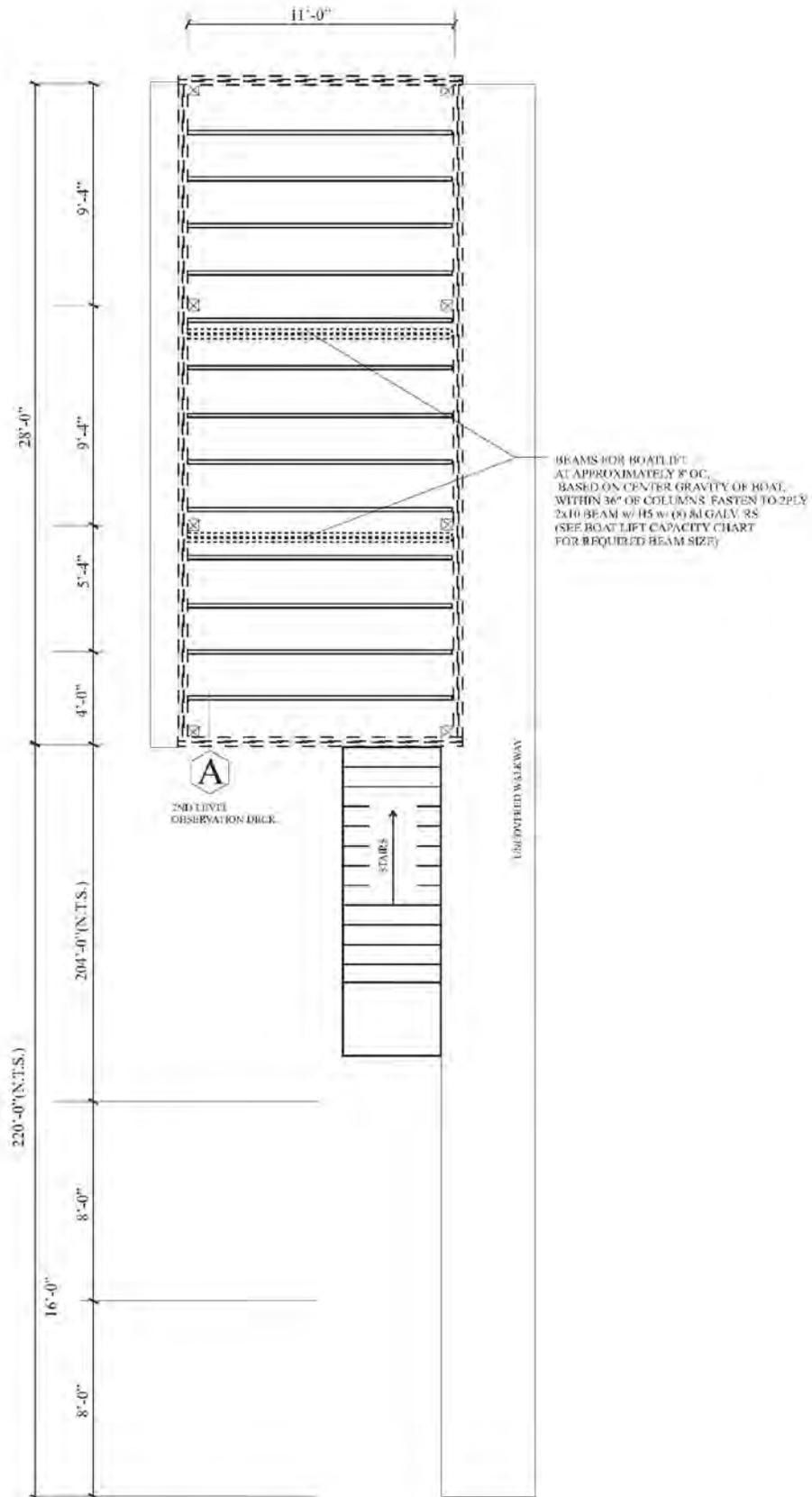


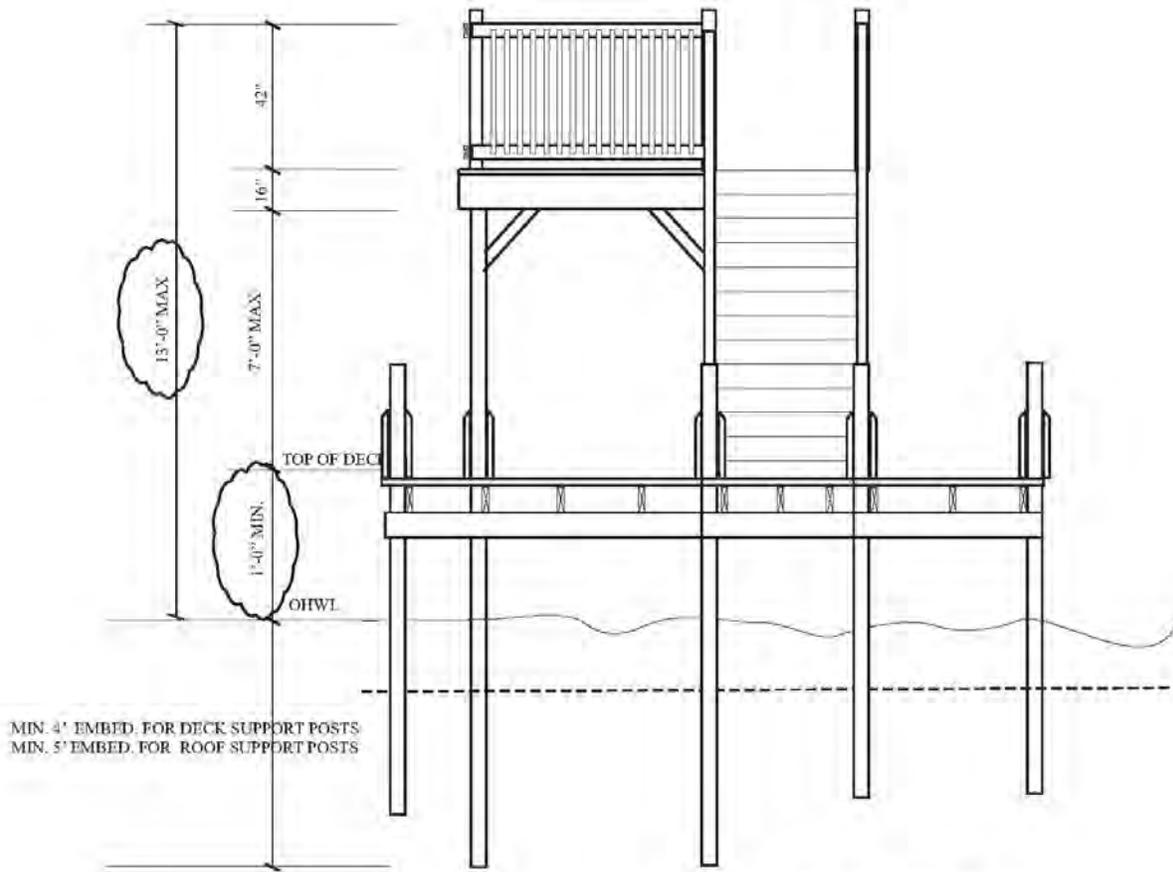


**1ST LEVEL DECK FRAMING LAYOUT**

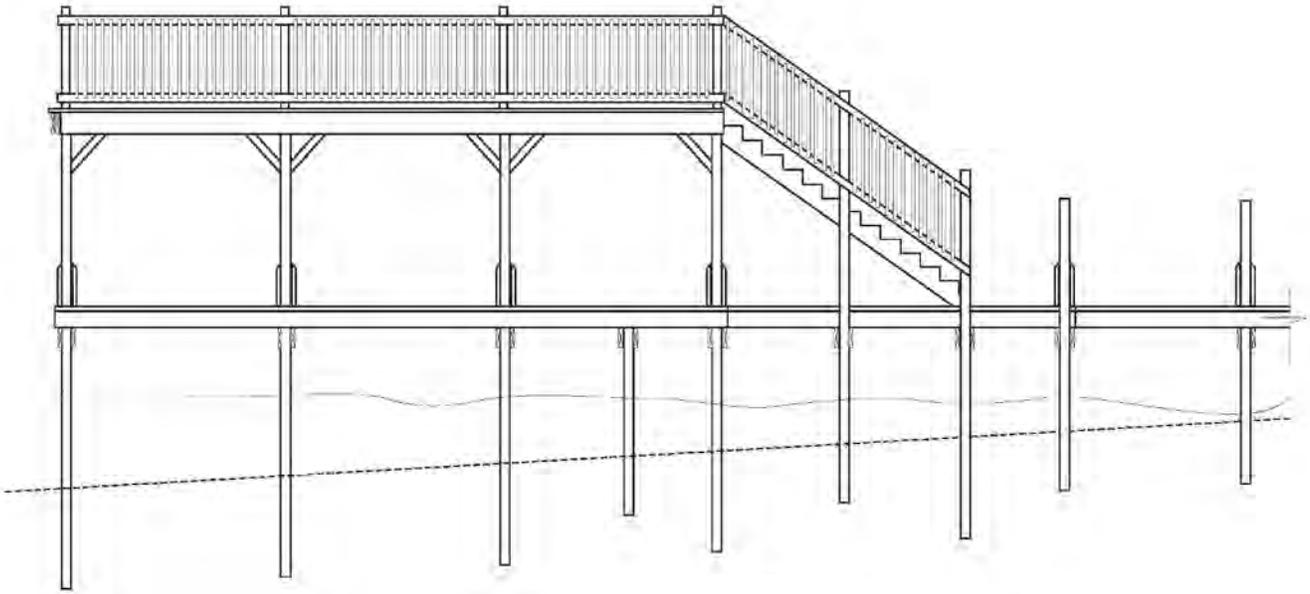
SCALE: 1/8" = 1'-0"

AREA CALCULATIONS	
Boat Dock	308 S.F.
Observation Deck	308 S.F.
Obs. Deck Stairs	52 S.F.
Uncovered Walkways	1,020 S.F.
<b>Total</b>	<b>1,688 S.F.</b>





**FRONT ELEVATION**  
N.T.S.



**SITE PHOTOS**  
**1929 Lake Roberts Landing**

**Shoreline of Lake Roberts in rear of the property and the general location of the dock.**



**Drainage Swale in front of Lake Roberts in the rear of the property**



**Site photo facing east from the rear of the property**



**Site photo facing west from the rear of the property**



**Neighboring dock east of the property**



**Neighboring dock west of the property**



**Rear of the property from the east side of the property**



**Rear of the property from the west side of the property**



**General Location of the dock, behind the home**



**Lake Roberts**



**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 7 (Public Hearing)**

---

**DATE:** September 9, 2016                      **MEETING DATE:** September 12, 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 on commercial and industrial properties; 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 on any commercial or industrial property.

**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 Wednesday, September 21, 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 ON COMMERCIAL AND INDUSTRIAL PROPERTIES; 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 on commercial and industrial properties; 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 on commercial or industrial properties.

(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