

**ORDINANCE 17-56**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-1389 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES TO PROVIDE FOR CITY APPROVAL OF PAYMENT OF PARKING USER FEE FOR THE DOWNTOWN CORE IN LIEU OF PROVIDING PARKING SPACES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on May 10, 2007, the City adopted Ordinance 07-20 creating an alternative mechanism for Downtown Core properties to meet parking space requirements by giving Downtown Core property owners the option of paying a user fee into the City's Downtown Parking District Trust Fund in lieu of providing on-site parking spaces; and

**WHEREAS**, the City adopted Ordinance 09-04 amending certain provisions of Ordinance 07-20; and

**WHEREAS**, the City desires to continue to provide a positive environment for new businesses, expanding businesses, and development in the Downtown Core of the City of Winter Garden and desires to provide a mechanism for the City to not allow for parking payments in lieu of providing physical parking spaces in circumstances where such is not beneficial in achieving such goals and objectives.

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

**Section I. Adoption.** Section 118-1389, City of Winter Garden Code of Ordinances is hereby amended to read as follows (underlined provisions are additions; ~~stricken through~~ provisions are deletions):

Sec. 118-1389. - Parking user fee for the downtown core.

(a) Purpose and intent. The intent and purpose of this section is as follows:

(1) To protect the health, safety and general welfare of the citizens and visitors of Winter Garden.

(2) To facilitate orderly development within the downtown core.

(3) To enhance parking level of service within the downtown core and to promote economic well-being within the downtown core and the city as a whole.

(4) To provide adequate parking for the downtown core.

(5) To ensure that new and expanding developments that cannot provide adequate on-site parking shall bear a share of the cost for the provision of new or expanded parking facilities.

(6) To establish a parking trust fund that will be used to maintain existing and future parking spaces as well as to construct new parking spaces.

(7) To establish a downtown parking fee option for new and expanding developments within the downtown core.

(b) Generally. As required by section 118-1386, all new and expanding developments and all changes of use of existing buildings and properties within the downtown core must provide adequate parking. At the option of request of the property owner or business owner, the city manager shall recommend to the city commission whether to permit the property owner or business owner pay the below parking user fee may be paid in lieu of providing all or some of the required parking based on whether the parking user fee in lieu of providing parking provides the best opportunity for economic development of downtown and adequate proximate parking is available or will be provided to serve the project. The City Commission shall make its determination after reviewing the city manager's recommendation and any other information and evidence presented by the owner(s) and any others interested in the matter.

(c) Parking calculations. The number of paved parking spaces for new and expanding developments in the downtown core will be as follows:

- Restaurants - One parking space for each four patron seats.
- Residential - Two parking spaces for each residential unit.
- All other allowable uses - Three parking spaces for each 1,000 square feet of gross space.

(d) Vesting. The current number of parking spaces provided by all existing improved properties are vested for their current use, square footage and parking as of the effective date of this section. Any change of use, modification of square footage of structures or increased use such as outdoor cafes or seating will require a determination or assessment of parking need. If the assessment determines additional parking is needed, that parking shall comply with provisions of this section.

(e) ~~{Requirements.}~~ Property owner must either provide the required parking on-site, off-site within four hundred feet of the entrance, pay the appropriate amount of the downtown core parking fee or some combination of the three. Use of the downtown core parking fee in whole or part is subject to city commission approval as set forth in subsection (b).

(f) Fee amount. The downtown core parking fee shall be \$5,000.00 per space. The fee is based on one-third cost of land and parking to provide a typical space. The downtown core parking fee may be increased at any time by Resolution of the Winter Garden City Commission. The downtown core as identified on Exhibit "A" of Ordinance No. 07-20 may be amended by Resolution by the Winter Garden City Commission.

(g) Downtown parking district trust fund. The downtown parking district trust fund shall be established at the time of the payment of the first parking user fee. The payment to the trust fund shall be used for the following purposes:

(1) Acquire, construct, or develop on-street and off-street parking and related facilities on interim or long-term basis.

(2) Fund the capital costs associated with new, upgraded, and/or expanded on-street and off-street parking areas serving land uses within the downtown core.

(3) Acquisition of land for future surface parking lots or garage construction.

(4) Maintenance, including but not limited to lighting, landscaping, striping, signage, and resurfacing, of present and future city-owned parking spaces.

(h) Reserved parking. Payment into the parking trust fund does not in any way entitle any property or business owner to ownership, use, occupancy or claim to any parking spaces owned by the city. No parking spaces will be reserved for any person or entity and all will remain available for public parking subject to the rules and ordinances of the City of Winter Garden and provided that the city manager may reserve any or all of the parking spaces for emergency, law enforcement, and municipal service purposes, as well as special events and activities.

(i) Payment. The downtown core parking fee is due prior to the occupancy of applicable buildings and structures. The city manager shall have the authority to negotiate and enter into agreements with downtown core owners allowing the downtown core parking fee to be made in installment payments; provided that at least 25 percent of the parking fee is paid prior to occupancy and the remaining amount due shall be paid in no more than 36 months from occupancy of the applicable buildings and structures.

(j) Administration. The city manager is authorized to develop any required forms and/or contracts to implement this section. Appeal of staff determination or request for waiver or variance shall be to city manager.

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

**Section III.** Codification. Section I of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances and the provisions of this Ordinance may be renumbered or relettered to accomplish such intention.

**Section IV.** Severability. If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section V.** Effective Date. This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING AND PUBLIC HEARING: OCTOBER 12 2017.

SECOND READING AND PUBLIC HEARING: OCTOBER 26 2017.

APPROVED:

/S/  
John Rees, Mayor/Commissioner

ATTESTED:

/S/  
Kathy Golden, City Clerk