

**ORDINANCE 17-57**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118, "ZONING" OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; AMENDING SECTION 118-577 AND 118-579 GOVERNING PERMITTED USES AND SPECIAL EXCEPTION USES WITHIN THE C-2 (ARTERIAL COMMERCIAL DISTRICT) ZONING DISTRICT; PROVIDING FOR GASOLINE STATIONS AND USES WITH DRIVE-INS OR DRIVE-THROUGHS AS SPECIAL EXCEPTION USES IN THE C-2 ZONING DISTRICT; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 163 & 166, Florida Statutes; and

**WHEREAS**, the City desires to clarify the permitted uses and special exception uses for properties within the C-2 zoning district; and

**WHEREAS**, this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

**WHEREAS**, this Ordinance has received a recommendation from the City's local planning agency, has been properly read and advertised as provided by Florida law and the required meetings and hearings have been conducted on its adoption; and

**WHEREAS**, the City Commission finds that this Ordinance is in the best interest and welfare of the citizens of the City of Winter Garden.

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

**SECTION 1: Recitals.** The above referenced “Whereas” clauses are true and correct and constitute legislative findings of the City Commission.

**SECTION 2: Adoption.** Section 118-577 and 118-579 and of Chapter 118, Article IV, Division 9 of the City of Winter Garden Code is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being modified):

DIVISION 9. – C-2 ARTERIAL COMMERCIAL DISTRICT

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Sec. 118-577. – Principal permitted uses and structures.

Permitted principal uses and structures in the C-2 arterial commercial district are as follows:

(1) All uses permitted in the C-1 district.

~~(2) Gasoline stations.~~

(2) ~~(3)~~ Motels, with a minimum of 300 square feet per unit exclusive of lobbies and accessory floor areas.

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Sec. 118-579. - Special exceptions.

In the C-2 arterial commercial district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

(1) Campgrounds.

(2) Planned shopping centers.

(3) Automobile sales and service.

(4) All types of businesses in buildings not of standard construction or without restroom facilities.

(5) Miniwarehouse facilities.

(6) Truck parking facilities, and other activities of similar nature without adequate buffering from view from a public road and/or adjacent property

(7) Other uses which the planning and zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses in the C-2 district.

(8) Children day care centers.

(9) Urban farm.

(10) Gasoline station or a convenient store with gasoline sales.

(11) Any permitted use with a drive-in or drive-through window, aisle or lane which permits or encourages service directly to patrons or occupants within their vehicles without the need to leave their vehicles.

**SECTION 3. Intent.** Any lawfully existing use as of the effective date of this Ordinance that was previously permitted by the C-2 zoning district and is now becoming a special exception use pursuant to this Ordinance may continue to exist without receiving a special exception approval from the City except if it is abandoned or discontinued in accordance with Chapter 118, Article III, City of Winter Garden Code of Ordinances.

**SECTION 4: Codification:** Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances. Sections of this Ordinance may be renumbered or re-lettered to accomplish the intent of this Ordinance; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to correct scribes’ errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

**SECTION 5: Control:** In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls.

**SECTION 6: Severability:** It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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

**FIRST READING AND PUBLIC HEARING:** OCTOBER 12, 2017

**SECOND READING AND PUBLIC HEARING:** OCTOBER 26, 2017

**ADOPTED** this \_\_26TH\_ day of \_\_OCTOBER\_, 2017 by the City Commission of the City of Winter Garden, Florida.

APPROVED:

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

ATTEST:

\_\_\_\_/S/\_\_\_\_\_  
KATHY GOLDEN, City Clerk