



PETITION FOR ANNEXATION, ZONING, AND/OR FUTURE LAND USE MAP AMENDMENT

IF YOU ARE PROPOSING TO DEVELOP PROPERTY AS A PLANNED DEVELOPMENT EITHER RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD); URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PLANNED COMMERCIAL DEVELOPMENT (PCD); OR PLANNED INDUSTRIAL DEVELOPMENT (PID) DO NOT USE THIS PETITION.

**** USE THE PETITION FOR "PLANNED DEVELOPMENT ANNEXATION, ZONING, AND/OR FUTURE LAND USE MAP AMENDMENT".****

SUBMITTAL REQUIREMENTS

PLEASE BRING ALL OF THE FOLLOWING ITEMS THAT APPLY WHEN SUBMITTING YOUR REQUEST

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|-----------|--|--------------------------|
| PETITION | INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. | <input type="checkbox"/> |
| CD | A CD COPY OF ALL THE APPLICATION DOCUMENTS AND SUBMITTAL DOCUMENTS IN PDF FORMAT | <input type="checkbox"/> |
| SURVEY | 2 COPIES (IF LARGER THAN 11" X 17" FOLDED NOT ROLLED) WITH COMPLETE LEGAL DESCRIPTION WRITTEN IN "MEETS AND BOUNDS" | <input type="checkbox"/> |
| SITE PLAN | 6 COPIES (IF LARGER THAN 11" X 17" FOLDED NOT ROLLED) | <input type="checkbox"/> |
| OWNERSHIP | PROOF OF OWNERSHIP (I.E., A COPY OF THE DEED) | <input type="checkbox"/> |
| FEE(S) | <p>PETITION FEES ARE NON-REFUNDABLE (PLEASE CHECK APPROPRIATE BOX OR BOXES):</p> <p>ANNEXATION:</p> <p style="padding-left: 40px;">A. GREATER THAN 5 ACRES <input type="checkbox"/> \$1,000.00</p> <p style="padding-left: 40px;">B. LESS THAN 5 ACRES <input type="checkbox"/> \$ 0.00</p> <p>REZONING: <input type="checkbox"/> \$ 500.00</p> <p>COMPREHENSIVE PLAN AMENDMENT:</p> <p style="padding-left: 40px;">A. LESS THAN 10 ACRES <input type="checkbox"/> \$ 700.00</p> <p style="padding-left: 40px;">B. GREATER THAN 10 ACRES <input type="checkbox"/> \$ 2,500.00</p> <p>NOTE: THE FEE FOR THE INFILL ANNEXATION PROCESS (THE COMBINATION OF ANNEXATION, REZONING, AND A FUTURE LAND USE MAP AMENDMENT OF PROPERTY LESS THAN FIVE ACRES) IS FREE.</p> | <input type="checkbox"/> |
| POA | LIMITED POWER OF ATTORNEY (IF PETITION IS SIGNED BY AGENT OF THE OWNER) | <input type="checkbox"/> |

** ADVISEMENTS **

PROCEDURE:

THE PROCEDURE FOR ANNEXATION IS DEFINED IN CHAPTER 171 OF THE FLORIDA STATUTES. THE PROCEDURE FOR REZONING IS DEFINED IN CHAPTER 166.041 OF THE FLORIDA STATUTES. THE PROCEDURE FOR ANNEXATION AND REZONING IS DEFINED IN ARTICLE V CHAPTER 118 SECTIONS 118-2 THROUGH 118-7 OF THE CITY'S CODE OF ORDINANCES. IN GENERAL, THE PETITION SHALL BE HEARD AND RECOMMEND BY THE PLANNING AND ZONING BOARD AND WILL BE FINALLY APPROVED, DENIED OR APPROVED WITH CONDITIONS BY THE CITY COMMISSION AT AN ADVERTISED PUBLIC HEARING. A REZONING REQUIRES AN ORDINANCE AND TWO READINGS BEFORE THE CITY COMMISSION.

CODE OF ORDINANCES:

THE CITY OF WINTER GARDEN'S CODE OF ORDINANCE CAN BE FOUND ON THE INTERNET AT WWW.MUNICODE.COM. ACCESS TO THE INTERNET CAN BE OBTAINED AT ANY BRANCH OF THE ORANGE COUNTY LIBRARY.

APPLICATION SUBMITTAL:

APPLICATION SUBMITTAL DEADLINE IS THE FIRST DAY OF THE MONTH. THE APPLICATION SHALL BE PRESENTED TO THE PLANNING & ZONING BOARD ON THE FIRST MONDAY OF THE FOLLOWING MONTH (I.E.; APPLICATION IS SUBMITTED ON THE 1ST DAY OF JANUARY, IT WILL BE SCHEDULED BEFORE THE P & Z BOARD ON THE FIRST MONDAY OF FEBRUARY.)

NOTE:

IF THE PETITIONER WISHES TO BE REPRESENTED BY AN AGENT, A LIMITED POWER OF ATTORNEY MUST BE PROPERLY EXECUTED AND PROVIDED TO THE CITY ALONG WITH THIS APPLICATION.



PETITION FOR ANNEXATION, ZONING, AND/OR FUTURE LAND USE MAP AMENDMENT

SELECT ALL THAT APPLY IN THIS PETITION: [] ANNEXATION [] REZONING [] FLU MAP AMENDMENT

Form with four checkboxes and text boxes for petition details: 'THE PETITION OF THE UNDERSIGNED SHOWS THAT I/WE ARE THE OWNER(S) OF CERTAIN REAL PROPERTY...', 'IS THE CURRENT USE OF THE PROPERTY A PERMITTED USE...', 'ARE THERE ANY CODE ENFORCEMENT VIOLATIONS...'

NAME AND ADDRESS OF PETITIONER OR OWNER OF RECORD INFORMATION:

Form for petitioner information: BUSINESS NAME, CONTACT NAME, MAILING ADDRESS, CITY, STATE, ZIP, PHONE, FACSIMILE, CELLULAR, EMAIL

CONTACT PERSON (IF DIFFERENT THAN OWNER OF RECORD):

Form for contact person information: BUSINESS NAME, CONTACT NAME, MAILING ADDRESS, CITY, STATE, ZIP, PHONE, FACSIMILE, CELLULAR, EMAIL

ONLY THE PRIMARY CONTACT AS INDICATED BY THE APPLICANT/CONTACT PERSON WILL RECEIVE ALL CORRESPONDENCE FROM THE CITY.

PROPERTY/SITE INFORMATION:

Form for property information: PROJECT NAME, SITE ADDRESS, COUNTY PROPERTY APPRAISER TAX PARCEL ID NUMBER(S), CURRENT ZONING, ACRES, EXISTING LAND USE, DU OR SQFT, PROPOSED ZONING, PROPOSED LAND USE(S)



DETAILED DESCRIPTION OF YOUR REQUEST: (MAY ATTACH SEPARATE SHEET IF NEEDED)

RESPONSIBLE PARTY:

I UNDERSTAND THAT THE CITY OF WINTER GARDEN REQUIRES THAT THE PETITIONER BE RESPONSIBLE FOR REIMBURSING THE CITY FOR ALL ADVERTISING COSTS ASSOCIATED WITH THIS PETITION, INCLUDING POSTAGE FOR NOTICES TO ADJACENT PROPERTY OWNERS, AND FOR NEWSPAPER ADVERTISING AS REQUIRED BY THE FLORIDA STATUTES AND THE CITY CODE. I UNDERSTAND THAT I WILL BE BILLED FOR THESE COSTS AND WILL BE RESPONSIBLE FOR PAYING THEM, WHETHER OR NOT MY PETITION FOR ANNEXATION, ZONING AND/OR FUTURE LAND USE MAP AMENDMENT IS SUCCESSFUL.

IN ADDITION, IF THIS PETITION IS DEEMED TO REQUIRE REVIEW BY THE CITY ENGINEER, CITY SURVEYOR AND/OR CITY ATTORNEY, I UNDERSTAND THAT I OR MY COMPANY WILL BE RESPONSIBLE TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THE ABOVE PROJECT. I ALSO UNDERSTAND THAT IF THIS PROJECT PROPERTY IS SOLD, I OR MY COMPANY WILL BE RESPONSIBLE TO ENSURE THAT THE NEW OWNER WRITES A SIMILAR LETTER ACCEPTING ALL THE RESPONSIBILITY TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THIS PROJECT FROM THE DATE THE PROPERTY IS SOLD.

A PETITIONER SHALL PROVIDE PROMPT WRITTEN NOTICE TO THE CITY MANAGER IN THE EVENT OF A CHANGE IN OWNERSHIP OF ALL OR A PORTION OF A LOT, TRACT, OR PARCEL OF REAL PROPERTY WITH THE RESPECT TO WHICH A PETITION, OR PROJECT IS PENDING BEFORE THE CITY.

PLEASE INITIAL RECOGNIZING YOUR AGREEMENT OF THE ABOVE REQUIREMENT: **INITIALS:** _____

ALL INVOICES FOR THE COSTS ASSOCIATED WITH THIS PROJECT SHOULD BE SENT TO:

PROJECT NAME OR ADDRESS: _____

NAME: _____

COMPANY: _____

MAILING ADDRESS: _____

_____ **CITY** _____ **STATE** _____ **ZIP** _____

TELEPHONE: _____ **EXT.:** _____

FACSIMILE: _____

EMAIL: _____

PROPERTY OWNER AUTHORIZATION / SIGNATURE OF APPLICANT:

I/WE HEREBY CERTIFY THAT I/WE ARE THE OWNER(S) OF THE REAL PROPERTY WHICH IS THE SUBJECT FOR THIS PETITION AND THAT THE FOREGOING INFORMATION ON THIS PETITION IS TRUE AND COMPLETE.

_____ **PETITIONER/OWNER SIGNATURE** _____ **DATE** _____

_____ **PRINT NAME** _____

NOTARIZATION:

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____,

20 _____, BY _____, AS _____

OF _____, WHO IS PERSONALLY KNOWN TO ME OR WHO PRODUCED _____ AS IDENTIFICATION.

_____ MY COMMISSION EXPIRES: _____

NOTARY PUBLIC SIGNATURE

_____ **PRINT NAME** _____



Development Review Costs

By signing this Application, the Applicant acknowledges and agrees that Applicant has read Chapter 88, City of Winter Garden Code Ordinances ("Chapter 88") and understands and agrees to accept Applicant's responsibilities and obligations to pay the City for all fees, costs, and expenses incurred by the City in the review, processing, inspection, and regulation of this Application, including but not limited to: (i) those charges associated with the time City staff and City consultants (including, without limitation engineers, architects, planners, attorneys, paralegals, surveyors, construction inspection professionals and any other professional or technical consultants) spend on the review, processing, inspection, and regulation of the Application or development; (ii) any expenses directly related thereto, including but not limited to notices, advertising, postage, surveying, inspection, legal and engineering costs; and (iii) those charges associated with the time City staff and City consultants spend concerning administrative proceedings, quasi-judicial proceedings, trial court proceedings and appellate court proceedings relating to the consideration, review or challenge of all or part of the Application or any development order or permit issued as the product of the Application or a similar application by the Applicant. However, Chapter 88 does not require the Applicant to pay the City's attorneys' fees and litigation expenses in proceedings or litigation where the City and Applicant are direct adverse parties, except in matters where the City is enforcing the requirements of Chapter 88 against Applicant as specified in § 88-10, City of Winter Garden Code of Ordinances. Applicant understands and agrees that the aforesaid fees, costs and expenses will be invoiced and shall be paid by the Applicant whether or not the Application is successful.

Applicant shall provide prompt written notice to the City's City Manager and Community Development Director within ten (10) calendar days of the occurrence of a change in ownership of all or a portion of a lot, tract, or parcel of real property that is the subject of the Application. Such written notice shall comply with the provisions of § 88-11, City of Winter Garden Code of Ordinances.

Invoices from the City shall be paid within ten (10) calendar days of the date appearing on the invoice. Full payment is a requirement for City's final approval of the Application or any similar application by the Applicant, and as such, the failure to pay such amount jeopardizes the effectiveness of any development order or permit issued prior to full payment of such amounts by Applicant. If nonpayment occurs, the City shall have all remedies at law and in equity against the Applicant and the property owner(s) of the Property subject to this Application, including without limitation, the right to cease development review and processing of the Application, revoke, rescind or place a stop work order on development orders and permits issued at the request of the Applicant, and those other remedies specified in Chapter 88. The provisions of Chapter 88 are incorporated herein by this reference, and the agreements contained herein are supplemental to the Applicant's and the property owner(s)' requirements and obligations under Chapter 88.

No Reliance

Applicant acknowledges and agrees that it is spending funds at its own risk in an attempt to obtain development orders, permits and/or approvals from the City or to otherwise develop the Property, and the City is not liable for reimbursing Applicant for such costs and expenses. Individual City employees, City consultants, City appointed officials and elected officials (including city commissioners) have no actual or apparent authority to bind the City on Application approvals and development matters, except for certain very limited matters that are expressly authorized by the City of Winter Garden Code of Ordinances to be determined by the City's Community Development Director or the City's City Manager. Applicant shall not rely on and has no basis to rely on, any written or oral statements of the City's employees, consultants, or elected or appointed officials, except for the actual development order(s) or permit(s) issued after final action is taken by the City on the Application pursuant to the standard applicable review and approval process. Often for development matters, prior to final action being taken by the City, the City must conduct quasi-judicial public hearing(s) where decisions on development applications must be based on the evidence presented in the record at such hearing(s), including testimony and evidence presented by the Applicant, City staff and consultants, and other interested parties. Moreover, often it is the case that multiple types of development orders and permits must be issued before a development can proceed, so the issuance of one or more development orders and permits, should not be relied upon by the Applicant for the likelihood that other required development orders, permits and approvals will be issued. Further, the final actions and/or development orders or permits of the City on development matters can often be challenged; thus, the Applicant should consult with its own legal counsel as to the reliability of final actions of the City and development orders and permits issued by the City.