

**ORDINANCE 19-31**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 114, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING LANDSCAPING TO ADD A NEW SECTION 114-40 TO CREATE ADDITIONAL AND SUPPLEMENTAL REGULATIONS FOR GOLF COURSE MAINTENANCE REQUIREMENTS; PROVIDING FOR STANDARDIZED UPKEEP AND MOWING PRACTICES FOR GOLF COURSES LOCATED WITHIN THE JURISDICTION OF THE CITY OF WINTER GARDEN; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS,** the City Commission of the City of Winter Garden (“City”) recognizes that golf courses and tracts of land designated as golf courses are susceptible to harboring or becoming nuisances due to the failure to adequately or properly maintain such facilities in a manner that does not endanger or threaten the public health, safety, and welfare; and

**WHEREAS,** the City acknowledges that heightened and additional standards should apply to golf courses and tracts of land designated as golf courses located within the City given the expansive scope of such facilities and their potential impact upon property values, aesthetics, and human health and safety.

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

**Section 1:** **Recitals.** The above recitals are hereby incorporated by reference and shall constitute the legislative findings of the City Commission of the City of Winter Garden.

**Section 2:** **Adoption:** Chapter 114, Article II of the Code of Ordinances of the City of Winter Garden relating to Landscaping is hereby amended to add a new Section 114-40 as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions; and all other provisions of Chapter 114 shall remain unchanged):

**Chapter 114 – VEGETATION**

\* \* \*

**ARTICLE II. – LANDSCAPING**

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**Secs. 114-40. – Landscaping standards for golf courses.**

(a) Golf courses. For purposes of this section, the term “golf course” shall mean a parcel or parcels of land of at least five (5) acres that: (i) has in the previous ten (10) year period been devoted to the playing of the game of golf, or (ii) has been designated on a recorded plat as a golf course. A golf course does not include miniature golf facilities or standalone driving ranges. Once a golf course meets the above definition, a golf course does not cease being a golf course for the purposes of this section merely because the golf course discontinues operations. Maintenance of a golf course that ceases operations shall continue to be maintained in accordance with the requirements of this section and other applicable code provisions unless and until such land is approved for redevelopment of an alternative use by the city by way of any and all necessary comprehensive plan amendments and development orders to allow redevelopment of an alternative use. Nothing herein is intend to nor shall grant any right to redevelop a golf course for an alternative use or any entitlement to any comprehensive plan amendment or development orders needed for such redevelopment.

(b) Golf course mowing heights. Golf courses shall be maintained in accordance with the policies and standards set forth in the Florida Department of Environmental Protection’s Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses as set forth in the September 2012 edition. Pursuant to such standards, the following table provides golf course mowing heights by area which shall constitute the regular maintenance minimum standards for golf courses located in the city:

	<u>Greens Regular Maintenance</u>	<u>Greens Tournament Play</u>	<u>Collars and Approaches</u>	<u>Tees</u>	<u>Fairways</u>	<u>Roughs</u>
<u>Bermuda grass</u>	<u>0.110”- 0.250”</u>	<u>0.090”- 0.125”</u>	<u>0.375”- 0.500”</u>	<u>0.250”- 0.500”</u>	<u>0.375”- 0.600”</u>	<u>0.750”-2.00”</u>
<u>Seashore paspalum</u>	<u>0.110”- 0.125”</u>	<u>0.090”- 0.125”</u>	<u>0.375”- 0.500”</u>	<u>0.375”- 0.500”</u>	<u>0.375”- 0.500”</u>	<u>1.00”-1.500”</u>

In the event such areas do not utilize the types of grasses listed above, then all such areas shall be regularly mowed and maintained at the maximum amounts for the particular grass types listed in the following table set forth in this subsection. Failure to regularly mow and maintain the above listed areas in accordance with the standards cited herein shall constitute a violation of this subsection.

Additionally, golf courses utilizing the following grass types shall abide by the following minimum standards for regular maintenance of golf courses located in the city:

<u>Zoysia</u>	<u>St. Augustine</u>	<u>Bahia</u>	<u>Centipede</u>	<u>Carpet</u>
<u>0.5”-2.5”</u>	<u>2.5”-4”</u>	<u>2.5”-4”</u>	<u>1.5”-3”</u>	<u>2”-3”</u>

Failure to regularly mow and maintains the above listed grass types at the standards cited herein shall constitute a violation of this subsection.

(c) Golf course weeds or brush. All weeds or brush, which shall exclude bushes, shrubs, trees, vines, flowering plants, or any other living plant life typically used and actually being used

for landscaping purposes, located on golf courses shall be regularly maintained so as not to reach a height of more than six (6) inches in height. Notwithstanding the preceding, any such weeds or brush located on golf courses shall not be allowed at any time to grow in a wild and unkempt manner as apparent to a person of ordinary and reasonable sensibilities.

**Secs. 114-41—114-60. – Reserved.**

**SECTION 3: Codification:** Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

**SECTION 4: 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 5: 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 6: Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING:** June 13 \_\_\_\_\_, 2019.

**SECOND READING AND PUBLIC HEARING:** June 27, 2019.

**ADOPTED** this 27th day of June , 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

/S/  
John Rees, Mayor/Commissioner

ATTEST:

/S/  
Angela Grimmage, City Clerk