

ORDINANCE NO. 19-39

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-1653, ARTICLE XIV OF CHAPTER 118 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES TO CLARIFY THE PLANT STREET STREETSCAPING REQUIREMENTS; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida and chapters 163 and 166, Florida Statutes, the City of Winter Garden (the “City”) enjoys all home rule authority, police power, land development and zoning authority, governmental and proprietary powers necessary to conduct municipal government and perform municipal functions, and the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the City desires to amend Section 118-1653, City of Winter Garden Code of Ordinances to clarify the Plant Street streetscape requirements; 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.

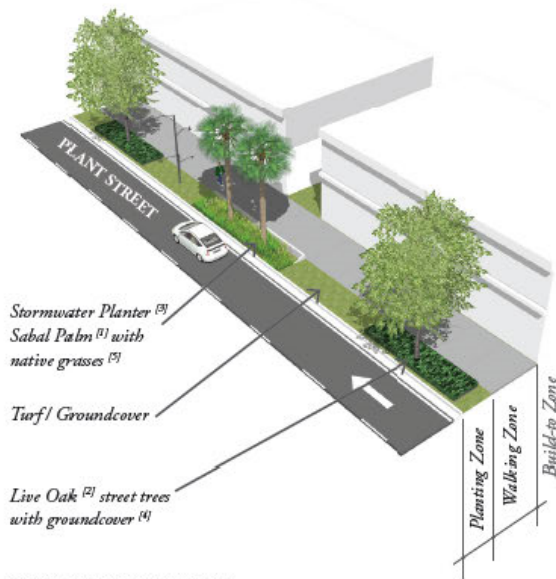
SECTION 2: Amendment. Section 118-1653 of the City of Winter Garden Code of Ordinances is hereby amended as follows (underlined language are additions and ~~stricken through~~ language are deletions):

Sec. 118-1653. - Plant street streetscape.

Throughout the character area, development fronting Plant Street is required to provide at the developer's/owner's expense streetscape treatments of landscape and hardscape consistent with the following plan.

Required Treatment

Typical Plant Street Streetscape: Standard Treatment



REQUIRED DIMENSIONS:
Planting Zone:
 7' minimum width
Walking Zone:
 6' minimum North side
 12' minimum South side
 Planter Length: 20'
 Planter Spacing: 50' center to center

NOTE: All overhead utilities to be placed underground prior to site development.

Optional Treatment

Typical Plant Street Streetscape: On-Street Parking Treatment



REQUIRED DIMENSIONS:
Parking Zone: Planter Length: 20'
 8' minimum width Planter Spacing: 50' center to center
Planting Zone:
 6' minimum width
Walking Zone:
 6' minimum North side
 12' minimum South side

NOTE: All overhead utilities to be placed underground prior to site development.

It is not the intent of this section to mandate the dedication or conveyance of additional public right-of-way along Plant Street from development in order to accomplish the required treatment or optional treatment. The planting zones and walking zones improvements described in this section may be made upon a mixture of public right-of-way and private land subject to non-exclusive public pedestrian and/or landscaping easements. Any on-street parking provided under the optional treatment will need to be located within existing or proposed public right-of-way. The Development Review Committee may grant waivers to the required dimensions set forth herein for development within the east plant overlay district in the event there is inadequate public right-of-way or building setback area upon the property proposed to be developed available to accommodate the required treatment or optional treatment. This section does not apply to properties that were previously developed prior to the adoption of this article unless and until such properties seek to redevelop.

SECTION 3: 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 4: Conflicts: In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls.

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

FIRST READING: July 11, 2019 .

SECOND READING AND PUBLIC HEARING: July 25, 2019 .

ADOPTED this 25th day of July, 2019 by the City Commission of the City of Winter Garden, Florida.

APPROVED:

/S/

JOHN REES, Mayor/Commissioner

ATTEST:

/S/

ANGELA GRIMMAGE, City Clerk