

THE CITY OF WINTER GARDEN  
ORANGE COUNTY, FLORIDA

# COMPREHENSIVE PLAN 2010-2020

## PART I: Goals, Objectives, and Policies



# WINTER GARDEN

## HORIZON YEAR 2020





# CITY OF WINTER GARDEN COMPREHENSIVE PLAN 2020

## Part I

### GOALS, OBJECTIVES, AND POLICIES

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# Future Land Use Element





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## **CHAPTER 1: FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES**

**Goal 1-1: Maintain the City's Character.** Ensure the City of Winter Garden maintains its low density residential character while at the same time providing for the most effective provision of services, to promote sustainable community development, to promote conscientious economic development in the appropriate locations, to promote a concentration of mixed land uses in specific areas, to promote quality infill and redevelopment which strengthens the character of the City, to protect sensitive natural areas by directing growth to environmentally appropriate areas, and prohibit those uses which are incompatible. In short, to be the best small City in the State of Florida. (9J-5.006(3)(A))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 1-1.1: Land Development Regulations.** The City will continue to apply the land development regulations that implement the comprehensive plan to guide future growth and development and discourage urban sprawl. (9J-5.006(3)(b)8.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.1.1: The Land Development Regulations Implementation.** The City shall continue to enforce the adopted land development regulations which contain specific and detailed provisions required to implement the Comprehensive Plan and which:

- (1) Regulate the subdivision of land. (9J-5.006(3)(c)1.)
- (2) Regulate the uses of land and water consistent with this Element and ensure the compatibility of adjacent land uses in Orange County, Ocoee, and Oakland. (9J-5.006(3)(c)2.)
- (3) Provide for open space. (9J-5.006(3)(c)4.)
- (4) Protect environmentally sensitive lands including wetlands designated on the Future Land Use Map Series by requiring the use of buffering, minimum building setbacks, preservation of natural vegetation, and by prohibiting any activity which impairs the natural function of these lands. (9J-5.006(3)(c)6.)
- (5) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management by adopting Flood Hazard Boundary Maps, by establishing floodproofing measures, by adopting a stormwater management ordinance which establishes retention requirements and storm events and by requiring a St. Johns River Water Management District permit or exemption letter. (9J-5.006(3)(c)1.) (9J-5.006(3)(c)4.)
- (6) Protect potable water wellfields and aquifer recharge areas by establishing a cone of influence, by prohibiting the storage of hazardous waste within this cone, and by requiring porous surfaces for any developed land area. (9J-5.006(3)(c)6.)
- (7) Regulate signage. (9J-5.006(3)(c)1.)
- (8) Ensure safe and convenient on-site traffic flow and vehicle parking needs. (9J-5.006(3)(c)4.)



- (9) Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan, and that these facilities and services shall be available concurrent with the impacts of development. (9J-5.006(3)(c)3.)
- (10) Require data and analysis for future land use map amendments demonstrating that adequate water supplies and associated public facilities are available to meet projected growth demands.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 09-59, 01/28/2010

Amended by Ordinance 10-19, 06/24/2010

**Objective 1-1.2: Future Land Use Map Series and Land Use Categories.** The City of Winter Garden shall implement all land use categories, ordinances, regulations and policies pertaining to development necessary to ensure consistency with all elements of the comprehensive plan. The City shall continue to maintain and manage the Future Land Use Map as shown in Figure 1.1. The Future Land Use Map series represents City policy for managing the allocation of future land uses. Land use designations on the future land use map have been allocated pursuant to goals, objectives, and policies stipulated in the comprehensive plan, together with analysis of population, housing, land, and multi-modal transportation resources. The process of allocating the land use designations has considered the need to conserve open space and natural resources including wetlands, floodplains, water recharge areas, fish and wildlife, maximize utility of existing infrastructure, recognize infrastructure limitations, allocate land to reduce energy use, consideration of capital improvements needs, and conservation of fiscal resources. This objective shall be measured through the implementation of the policies below and the Future Land Use Map Series.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.1: Establishment of Intensities and Densities.** It shall be the policy of the City to establish intensities and densities for development and redevelopment projects with the final site plan. It is the City's intent that for other types of development applications, a range of intensities and densities will be established consistent with the ranges of the specific land use category as stated in this element and on the Future Land Use Map.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.2: Suburban Residential.** Properties designated with the Suburban Residential land use category are required to be developed at a gross residential density no greater than 4 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require low residential densities. Factors in determining this land use category included proximity to natural resources and urban services, availability of public facilities, and the characteristics of nearby existing and future neighborhoods. Churches and schools may be allowed via a Special Exception Permit. The zoning classifications that are consistent with the Suburban Density classification are PUD, R-1A, R-1, and INT. (FS 163.3177(6)(a))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010



**Policy 1-1.2.3:** Low Density Residential. Properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT. (FS 163.3177(6)(a))

Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 99-18, 08/09/1999  
Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.4:** Medium Density Residential. Properties designated with the Medium Density Residential land use category are required to be developed at a gross residential density between 3 to 10 dwelling units per gross acre. Medium Density Residential areas shall have access to a major collector, or higher functional classification, street. Development should provide amenities including recreation, open space, and buffering to provide additional protection if there are adjacent low density residential areas. The zoning classifications that are consistent with the Medium Density Residential Classification are PUD, R-2, R-3, and INT. Churches and schools are allowable uses in the Medium Density areas that are zoned R-2 and R-3. FS 163.3177(6)(a))

Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 99-18, 08/09/1999  
Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.5:** Medium / High (M/H) Density Residential. The intent of this Future Land Use Classification is to provide a slightly higher density than the Medium Density Residential Classification for multifamily complexes that provide a high degree of amenities such as gated entranceways, pools, passive and active recreational areas for both adults and for children, fitness centers, indoor basketball and/or racquetball courts, covered parking, and have heavily landscaped grounds with semi-mature canopy trees. A maximum of 13 units per acre can be achieved in this future land use. The two zoning classifications that are consistent with the Medium / High Density Residential classification is the PUD and INT zoning districts. Churches and schools are allowable uses in the Medium / High Density Residential classification if clearly identified in the PUD zoning ordinance.

Added by Ordinance 03-18, 12/11/2003  
Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.6:** Residential-Neighborhood Commercial. Properties designated with the Residential-Neighborhood Commercial land use category are required to be developed at a floor area ratio not greater than 0.35. Gross residential density shall be not greater than 6 dwelling units per acre. All uses shall have a maximum height of 35 feet. This designation shall provide for permitted low density residential uses and neighborhood commercial and professional uses. The mix should have a minimum of 80% residential uses. Uses should be located on collector and minor arterial streets close to low density residential areas. The zoning classifications that



are consistent with the Residential Neighborhood Commercial classification is RNC and INT.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.7:** Commercial. Properties designated with the Commercial land use category are required to be developed at a floor area ratio not greater than 0.35 and a floor area ratio not greater than 0.5 by development bonus inside Activity Centers. Maximum building height is three stories and up to five stories by development bonus in activity centers. The Commercial land use category shall include retail, service, and professional activities. Uses shall be developed in a manner which is harmonious to nearby noncommercial use and which minimize traffic congestion. All commercial activity in this commercial land use category shall be adjacent to arterials or major collectors. The City shall identify different zoning districts for highway commercial, general commercial, professional / medical districts, and downtown commercial districts in the commercial land use category. Development may exceed the stated 0.35 floor area ratio only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. Additional zoning restrictions per each zoning district may apply. The zoning Classifications what are consistent with the Commercial classification are C-1, C-2, C-3, C-4, PCD, and INT.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.8:** Downtown Transitional. Properties designated with the Downtown Transitional land use category are required to be developed at a floor area ratio not greater than 0.35. Gross residential density shall not be greater than 10 dwelling units per acre. This designation shall provide for a mixture of residential and commercial uses on the border of the area identified as the Traditional Downtown future land use. The mixture of uses shall require a combination of low density residential, medium density residential and commercial land uses to allow for development in a traditional downtown form. This includes a mixture which has a minimum of 35% residential uses. The mixture may occur either vertically as multi-story buildings or horizontally as a combination of uses. Development shall be limited to a maximum of three (3) floors (35 feet plus with roof line) with each floor not to exceed 13 feet from floor to ceiling. The intensity of use shall be as regulated by design standards which are developed as a part of the approved site plan specific to each site. Any proposed development within the downtown transitional designation shall provide for a transition to adjacent existing land uses through appropriate site design.

Design standards shall incorporate features similar to the attributes and characteristics in the historic downtown area including a traditional "Main Street" theme. Use should be oriented to Plant Street and, if appropriate, be designed to incorporate the West Orange Trail, on street parking, pedestrian-oriented retail, brick pavers, and transit use to create a multi-use and multi-modal development. The zoning classifications that are consistent with the Downtown Transitional land use category is RNC, PUD, PCD, C-1, C-2, and C-3 and INT.

Amended by Ordinance 01-39, 02/28/2002

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.9:** South Beltway Center. Properties designated with the South Beltway Center land use category are required to be developed at a floor area ratio not greater than 0.4 and up to a total floor area ratio of 0.5 including residential



development. This designation shall provide for a mix of commercial, office, and residential uses at the northeast quadrant of the interchange at CR 535 and the Beltway (SR 429), known as the Winter Garden Village at Fowler Groves and contains a DRI under the same name. The intent is to provide for a commercial center with a variety of regional, community and neighborhood shopping, dining and entertainment uses. Office and residential uses are also allowed and may occur as separate parcels and buildings from the commercial uses or within mixed use buildings. The uses must be integrated by road connections, pedestrian connections and architectural features. This land use classification is intended to provide for a combination of commercial land uses for a regional market that could not be accommodated collectively by the downtown commercial district. The mix and distribution of uses as a percentage of the square footage of the entire development at build-out of the referenced phase shall be as follows:

Land Use <sup>1</sup>	% Distribution	
	Phase 1	Phase 1 and 2
Commercial <sup>2</sup>	73%	66%
Office <sup>2</sup>	0%	3%
Residential <sup>3</sup>	27%	31%

Notes:

- 1— Land use distributions are measured in square feet (s.f.) for each use.
- 2— These uses are measured in Gross Leasable Area s.f. (GLA).
- 3— Residential uses are measured using the minimum square footage of the dwelling units (1,200 s.f./DU) multiplied times the number of dwelling units.

This 174.8-acre development shall be processed as a Planned Commercial Development. Development shall consist of no more than 1,150,000 s.f. of retail/service space and 350 multi-family residential units in Phase 1; and no more than 60,000 s.f. of office space and 100 multi-family residential units in Phase 2, or as otherwise approved through the Development of Regional Impact process and the PCD zoning process. Commercial Buildings will have a maximum height of 50 feet, but may not exceed 35 feet within 300 feet of existing adjacent residential uses outside of the project (Stonecrest west of Daniels Road) and may not exceed 35 feet within 125 feet of adjacent residential uses which are proposed, but not built (Stonecrest east of Daniels Road). Clock towers and other similar architectural features may have a maximum height of 50 feet, but may not be closer than 400 feet to adjacent residences existing as of October 1, 2004. Residential buildings shall have a maximum height of 38'. Non-residential uses may not exceed a Floor Area Ratio (FAR) of 0.40, the overall FAR for residential and non-residential uses combined may not exceed 0.50. The intensity of use shall be further regulated through the PCD zoning and site plan approvals based on design standards to be developed as part of those approvals.

Residential uses adjacent to a South Beltway Center site shall be properly buffered from non-residential uses through the provision of land use transitions, such as, barriers, screening materials and/or building setbacks to be established with the zoning of the site.

The zoning classifications that is consistent with the Beltway Center classification is Planned Commercial Development (PCD) and INT.  
Amended by Ordinance 05-02, 09/07/2005 (Fowler Groves and Beltway Center)



Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.10:** Industrial. Properties designated with the Industrial land use category are required to be developed at a floor area ratio not greater than 0.35 and a floor area ratio not greater than 0.5 by development bonus inside Activity Centers. Uses permitted in this designation include light manufacturing, warehousing, wholesaling, research and development facilities and heavy industrial uses. The zoning code may establish different levels of allowable intensity and uses. These uses shall be permitted only on arterial or heavily traveled collector streets adjacent to commercial areas. These uses may be located adjacent to residential areas as long as strict buffering requirements are met. There shall be a 40 foot height limitation on all buildings. Development may exceed the stated 0.35 floor area ratio only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with the Industrial classification are I-1, I-2, Industrial PUD and INT.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.11:** Conservation. Properties designated with the Conservation land use category are required to be developed at a floor area ratio not greater than 0.2. Property assigned the Conservation land use designation shall be lands that are natural resources. It is the intent of this land use designation to provide for the long term protection and preservation of environmentally sensitive natural resources systems. Development shall be limited to passive recreation facilities such as boardwalk or conservation related facilities such monitoring facilities or educational trails. The developer of land adjacent to areas designated with the Conservation land use shall bear the burden of proof in determining that proposed development will not adversely impact conservation resources. The zoning classifications that is consistent with the Conservation classification is CON and INT.

Jurisdictional Wetland Determination – If a Jurisdictional Wetland Determination, that has been accepted by St. Johns River Water Management District, determines that a parcel of property previously identified on the Future Land Use Map as Conservation is not a wetland, then the underlining Future Land Use Category shall govern the development of said parcel.

If a Jurisdictional Wetland Determination, that has been accepted by St. Johns River Water Management District, determines that a parcel of property is a wetland (regardless of the land use assigned by the Future Land Use Map), then only the following land uses may be allowed on the parcel:

- Recreation
- Setbacks and buffers (if the wetlands are undisturbed)
- Small road connections (only in no other reasonable connections can be made outside of wetland areas.

No dredging or filling will be allowed in wetlands except for utility poles.

No exception to the above restrictions will be allowed without a permit from the St. Johns River Water Management District.



Transfer of Development Rights – The density allocation for areas determined to be true wetlands will be 1 dwelling unit per 10 acres. This allotment shall not be used in the wetland areas but shall be allocated to an adjacent developable area.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.12:** Urban Village. Properties designated with the Urban Village land use category are required to be developed at a floor area ratio not greater than 0.3, and a residential density not greater than 4 dwelling units per acre, except in the Village Center where the residential density shall be not greater than 12 units per acre. This land use designation is limited to those 658 ± acres identified on Figure 1.2. These parcels are located within the JPA-6 area as shown on Exhibit “B” of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area Between Orange County and the City of Winter Garden, Dated January 24, 2007 and were formally part of the Horizon West development in unincorporated Orange County that proposed the same type of development. Development in this area shall be characterized by a community Village structure that includes a Village, Village Center, and neighborhoods that may vary in size to facilitate recreation and pedestrian traffic while preserving natural systems and shall follow the development program below:

<b>Use</b>	<b>Acres</b>	<b>Amount</b>
Residential	531 ±	2,140
Commercial	20 ±	115,000 Sq Ft
Natural	107 ±	N/A

Notes: All parcel acreages and natural delineations are estimated.

Actual determination of acreage shall be made at time of the PUD rezoning.

Development in this land use shall also be subject to the regulations found in the Urban Village PUD zoning designation. The zoning classifications that is consistent with the Urban Village land use designation is the Urban Village PUD and INT.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.13:** Traditional Downtown. Properties designated with the Traditional Downtown land use category are required to be developed at a floor area ratio not greater than 0.75 and up to a floor area ratio of 4.0 by development bonuses. Gross residential density shall be not greater than 25 dwelling units per acre and up to 50 dwelling units per acre by development bonus. Maximum building height is three stories and up to five stories by development bonus in activity centers. This land use is to include a variety of housing types and land uses in the defined downtown area. Any proposed residential development shall only be allowed as part of a mixed-use development with non-residential uses. Developments designed without adequate parking facilities will be required to participate in the downtown parking program. The variety of uses permits educational facilities, civic buildings and commercial establishments to be located within walking distance of private homes. The area is to be served by a network of paths, streets and lanes suitable for pedestrians as well as multimodal transportation alternatives. This provides residents the options of walking, biking or driving to places within the downtown area. Present and future modes of transit are also considered during the planning stages. The Traditional Downtown land use designation shall be allowed only within the Traditional Downtown Activity Center. Development may exceed the stated 0.75 floor area ratio or 25 dwelling units per acre only by development bonus, no development rights are



guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with the Traditional Downtown land use designation include R-NC, RNC-2, C-1, C-2, C-3, C-4, and INT.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.14:** Multi Use Development. Properties designated with the Multi Use Development land use category are required to be developed at a floor area ratio not greater than 0.5 and up to a floor area ratio of 1.0 by development bonus in Activity Centers. Gross residential density shall be not greater than 8 dwelling units per acre and up to 15 dwelling units per acre by development bonus in Activity Centers. Maximum building height is three stories and up to five stories by development bonus in activity centers. Mixed-use development will be encouraged in this land use where mixed uses may occupy the same building or same parcel. The Multi Use Development land use may be located along major collectors or roadways with a higher classification. Permitted uses shall include office, research and development, high technology, support retail, hotel/motel, restaurants, personal services, professional services, business and financial institutions, office showrooms, and multifamily residential uses. Development shall provide transit and pedestrian-friendly design. Development may exceed the stated 0.5 floor area ratio or 8 dwelling units per acre only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with the Multi Use Development land use designation include R-3, RNC-2, C-2, C-3, C-4, I-1, PCD, PUD and INT.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.15:** Multi Office Industrial. Properties designated with the Multi Office Industrial land use category are required to be developed at a floor area ratio not greater than 0.35 and up to a floor area ratio of 0.75 by development bonus in Activity Centers. Maximum building height is three stories and up to five stories by development bonus in activity centers. The Multi Office Industrial land use shall be located in the northeast area of the City. The Multi Office Industrial land use areas should be developed as planned office and industrial parks with extensive landscaping, coordinated parking, roadway connectors, and cross access. Permitted uses shall include office, research and development, distribution facilities, industrial, support office uses, warehousing, office showroom, support manufacturing, assembly uses, industrial, and support retail. Mixed-use development will be encouraged in this land use where mixed uses may occupy the same building or same parcel. Development shall provide transit and pedestrian-friendly design. Development may exceed the stated 0.5 floor area ratio only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with Multi Office Industrial land use designation include C-2, C-3, C-4, I-1, I-2, PID, PUD, and INT.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.16:** Institutional. Properties designated with the Institutional land use category are required to be developed at a floor area ratio not greater than 0.35. This land use may be located city-wide and consist primarily of existing public and semi-public facilities including: government administration buildings, public schools, not for profit educational institutions, hospital facilities, arts and cultural or civic facilities, essential public services and facilities, cemeteries, police, fire and emergency operation facilities, utilities, and other similar activities. The zoning classifications that are consistent with the Institutional land use designation include Institutional and Parks and Recreation.

Added by Ordinance 10-19, 06/24/2010



**Policy 1-1.2.17:** The land development code shall contain standards to address minimum lot size, buffers, aggregation of lots, and design standards for conversion of single family homes to office or commercial for lots in the Residential-Neighborhood Commercial, Downtown Transitional, and Traditional Downtown land uses.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-1.2.18:** The City will continue to update the Land Development Regulations as warranted to ensure consistency with amendments to the comprehensive plan.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Goal 1-2:** Quality Community Development. The City shall strive to achieve a quality community in which to work, play, and live. Development and redevelopment will be directed to areas where a full range of public services and facilities are provided to effectively and efficiently meet the economic and social needs of the City. The City will minimize incompatible land uses and protect natural resources. The City will use Activity Centers to promote development and redevelopment, concentrate multi/mixed uses, and promote transit and alternative means of transportation and the reduction of greenhouse gas emissions by the reduction in vehicle miles traveled. The City will incorporate energy efficient design in private and public facilities.

Added by Ordinance 10-19, 06/24/2010

**Objective 1-2.1:** Integrate Land Uses and Multimodal Transportation within Activity Centers. Higher intensity development shall be directed to Activity Centers designed to accommodate land use diversity, to support multi-modal transportation alternatives, reduce vehicle miles traveled by offering mixed land uses, efficient delivery of public services, and to promote revitalization of underutilized property through redevelopment and reinvestment. Six Activity Centers are created to serve these purposes; Traditional Downtown, Downtown Transitional, Crown Point Hi-Tech, Story Road Employment, West State Road 50 Commercial, and the Fowler Grove Regional Activity Centers. Boundaries of these Activity Centers are delineated on Figure 1.3, Activity Center Map.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.1:** Purpose of Activity Centers. The City will maintain its low density residential character by utilizing the Activity Centers. The Activity Centers will allow the City to encourage compact development, infill and redevelopment at higher intensities, and avoid large single uses of land. Integrate complementary land uses to live, work, and shop in close proximity. Encourage walkable and bikeable community design and encourage transit oriented development. By providing a mix of uses and an alternative to the single occupant automobile a reduction in both vehicle miles traveled and green house gas emissions should be realized.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.2:** Use of Activity Centers. Activity Centers shall be regarded as areas where complementary non-residential and residential uses occur in a medium intensity urban environment. Land uses can occur together or on their own within the same building or parcel of land. While the intent of the Activity Centers is to promote a diversity of land use types, a greater priority is given to the concentration of business activity, employment and residential densities capable of successfully supporting pedestrian activity and transit patronage, and promote the reduction of the use of single occupancy vehicle and reduced trip lengths. Activity Centers also



function as transportation hubs for car/van pool programs (transportation demand management programs) and transit services. Incentives can be used to encourage development in the Activity Centers. Currently the possibility of increased density/intensity above the permitted levels will be used, however, additional incentives can be instituted in the future that may include, but be limited to, some form of economic incentives.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.3:** Energy Efficient Land Use Patterns. Activity Centers will encourage a compact arrangement of higher density and intensity complementary land uses within these areas planned for urban development, infill, and redevelopment that will support a multimodal transportation system with accessibility to live, shop, play, and work opportunities.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.4:** Supporting Multimodal Transportation. Development occurring within Activity Centers shall occur at densities and intensities that lend support to multi-modal transportation services that may include bus transit (such as LYNX and/or a local transit circulator), connected pedestrian systems, ride-sharing and other transportation demand management programs.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.5:** Growth Priorities Directed to Activity Centers. The City shall use the Activity Centers as a growth management tool where priority is given to new public services and facilities and where new development/redevelopment will be given priority over other areas of the City with the opportunity to develop at a higher intensity/density, by development bonus, than allowed by the base zoning. Award of any development bonus will be at the discretion of the City and based on additional development standards provided by the developer that offer project design above and beyond the minimum requirements that may include pedestrian plazas, enhanced pedestrian/bicycle circulation, greenhouse reduction strategies, enhanced architectural design, and offsite improvements.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.6:** Activity Center Design. Within each Activity Center, the City will encourage architectural and development designs for landscaping, public amenities, signage, median beautification, parking garages or alternative parking systems, and pedestrian and transit areas. These designs will further improve multi-modal opportunities by creating continuous, direct and convenient pedestrian linkages between buildings and public pedestrian systems and transit stops; establish standards for the provision of transit facilities, pedestrian system amenities, and bicycle parking; and give higher priority in site design for the accommodation of multi-modal transportation over facilities exclusively for automobiles, particularly single-occupant automobile trips.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.7:** Integrate Multimodal Transportation with the Future Land Use Map. The Future Land Use Map shall provide a land use designations emphasizing development intensities and urban designs that promote the use of multi-modal transportation alternatives. Land use planning activities within these land use designations shall integrate those urban components necessary for mixed/multi use and multi-modal transportation alternatives to succeed over the long-term with the City's land use planning activities.

Added by Ordinance 10-19, 06/24/2010



**Policy 1-2.1.8:** Development Supporting Transit and Pedestrian Oriented Design. Development and redevelopment occurring within Activity Centers shall give priority to site design needs for transit use and pedestrian activity above design needs for automobile facilities. The Land Development Code shall include incentives or bonuses to encourage transit and pedestrian friendly site design.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.9:** Transit and Pedestrian Supportive Land Development Regulations. The City shall continue to monitor its Land Development Code and design guidelines to ensure design and development standards support pedestrian movement and use of transit. These standards shall address building orientation and setbacks; direct pedestrian pathways between public sidewalk systems and building entrances; elimination of pedestrian and transit impediments such as landscaping, drainage swales, and buffer walls; location of transit stops; transit easements and aisles; transit shelters, waiting areas, and seating; parking location and internal pedestrian circulation; building architecture and pedestrian-oriented facades; bicycle parking facilities; and guidelines for the location, design, accessibility, and appearance of parking garages.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.10:** Annexation of Enclaves. As enclaves located within the designated activity centers are annexed into the City these properties will be accorded all benefits of the activity center. Any expansion of the activity centers as shown on Figure 1.3 shall require a comprehensive plan amendment.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.11:** Residential Access to Activity Centers. Access to activity centers from surrounding residential areas by alternative means of transportation will be encouraged such as the use of golf carts, EVs (electric vehicles), and bicycles to access the downtown activity centers and the use of the West Orange Trail to access the downtown area as well as the Crown Point Hi-Tech Activity Center.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.12:** Planning Approach. The comprehensive plan places a focus on the promotion of land use planning, site design, and development densities necessary to support efficient transit operation and service over the long term. It also promotes pedestrian-oriented planning and development to encourage walking over the use of the automobile for short trips. Activity Centers are placed at strategic transportation corridor crossroads to effectively function as urban nodes for higher intensity employment, commerce and residential activities. These Activity Centers will support internal multi-modal transportation options and also can be linked together by local transit systems, which in turn can be connected to regional transit systems serving the Orlando metropolitan area.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.13:** Traditional Downtown Activity Center. The Traditional Downtown Activity Center is where the City will encourage medium intensity office, commercial, institutional, and residential land uses designed to be compatible with traditional downtown standards of development and design to blend in to the existing downtown area. This activity center is within the Historic Downtown District overlay that incorporates design standards. Maximum building height is five stories. The following land use categories will be allowed in this activity center: Residential Neighborhood Commercial, Commercial, and Traditional Downtown.



Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.14:** Crown Point Hi-Tech Activity Center. The Crown Point Hi-Tech Activity Center is located on the east side of the City in the area of Plant Street and West Crown Point Road. The Crown Point Activity Center is intended to draw high-tech, research and development companies, and corporate offices. Other uses may include general office, office showroom, light industrial, and supporting retail. Properties may be included in the activity center as they are annexed into the City. The following land use categories will be allowed in this activity center: Industrial, Commercial, Multi Use Development, and Multi Office Industrial. Development design is expected to serve pedestrian/trail systems, car/van pool programs, bus transit, or local bus circulator systems. Maximum building height is five stories. Joint planning agreements with the City of Ocoee will be developed to coordinate development in this activity center.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.15:** Story Road Industrial Activity Center. The Story Road Industrial Activity Center is where the City will encourage concentrations of industrial, manufacturing, wholesale, technical training centers, and office employment. The activity center consists of those properties within the City north and south of Story Road and east of 9<sup>th</sup> Street. Properties meeting the requirements above may be included in the activity center as they are annexed into the City. Maximum building height is five stories. The following land use categories will be allowed in this activity center: Industrial, Mixed Use Development, Multi Office Industrial, and Commercial.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.16:** West State Road 50 Commercial Activity Center. State Road 50 is the main east-west gateway into, and through, the City and will be improved to a six-lane cross section throughout the City in 2010-2011. As such the automobile will continue to be the primary transportation source. However, pedestrian circulation and connection will still be an important component of development in the activity center as well as regional and local transit. Design standards are included in the West State Road 50 Overlay Commercial Development Standards that cover this same area. West SR 50 is a designated Activity Center where a mixture of office, retail, service, institutional and residential uses will be permitted. Properties may be included in the activity center as they are annexed into the City, or as they may be aggregated by qualifying properties and under a common development program. Maximum building height is five stories. The following land use categories will be allowed in this activity center: Commercial, Medium Density Residential, Industrial, and Multi Use Development.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.1.17:** Fowler Grove Regional Activity Center. The Fowler Grove Regional Activity Center is located on the northeast quadrant of SR 429 (the Beltway) and CR 535, and is known as the Winter Garden Village at Fowler Groves, and contains the DRI under same name. This activity center shall provide for a mix of commercial, office, and residential uses with shopping, dining and entertainment uses. Office and residential uses are also allowed and may occur as separate parcels and buildings from the commercial uses or within mixed use buildings. Maximum building height is five stories. The South Beltway Center is the land use category allowed in this activity center.

Added by Ordinance 10-19, 06/24/2010



**Objective 1-2.2:** Future Development. Future development in the City will be directed into those areas where utility service and public facilities are available. (9J-5.006(3)(b)9.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.2.1:** Full Cost. Development which requires the extension of utility service shall pay the full cost for the extension of said service.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.2.2:** Connection Requirements. Existing development shall be required to connect to City water, reclaimed water, and sewer service when such service becomes available.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 09-59, 01/28/2010

**Policy 1-2.2.3:** Joint Planning Area (JPA). The City shall continue to coordinate with Orange County in implementing the Restated Interlocal Agreement for Joint Planning Area Between Orange County and Winter Garden (1997) and the subsequent amendments which includes a delineation of the JPA; participation and agreement on a joint plan; agreement on the administration of land development regulations; consistency determination prior to the issuance of a development permit; and agreement on the provision of essential facilities and services.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.2.4:** Annexation Requirements of Service. The City shall require annexation, when legally possible, of those properties within the JPA when said properties request water and/or sewer service.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.2.5:** Location Standards. Public facilities and utilities shall be located to maximize the efficiency of service provided; minimize cost; minimize the impact on the natural environment; and conform to land development regulations.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.2.6:** Enclave Annexations. The City shall, within the limits of the law and in coordination with property owners, annex enclave property within the City of Winter Garden jurisdictional limits.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.2.7:** School Siting. The City shall seek to co-locate public facilities, such as parks, libraries, and community centers, with schools to the greatest extent possible. FS 163.3177(6)(a)

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.2.8:** No future land use amendments or changes shall be approved unless adequate water supplies and associated public facilities are available or will be available to meet projected needs.

Added by Ordinance 09-59, 01/28/2010

**Objective 1-2.3:** Targeted Development Areas. Future development and redevelopment activities shall be directed into appropriate areas as depicted on the



Future Land Use Map; to provide compact areas of mixed use development to help in reduction in vehicle miles traveled; consistent with sound planning principles; the low density residential character of the City; natural limitations including topography and soil conditions; and the goals, objectives, and policies contained in this Plan. (9J-5.006(3)(b)1.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.3.1:** Mixed/Multi Uses. Mixed/Multi use land development patterns shall be shown on the Future Land Use Map to allow flexibility for zoning and development, and to allow for a concentrated mix of complementary uses to help reduce vehicle miles traveled. (9J-5.006(4)(c))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.3.2:** Encroachment. Single family residential areas shall be protected from the encroachment of incompatible uses including industrial and high intensity commercial uses.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.3.3:** State Road 50/Colonial Drive. Commercial development shall be encouraged along S.R. 50 generally to a depth of 350 - 400 feet unless larger areas can be justified. Multi-family use may be considered to the rear of this development. Access points and median cuts on S.R. 50 shall be limited through the use of parallel access roads, sharing of access points, cross access between properties, and the use of local roads that provide alternate routes to S.R. 50.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.3.4:** Commercial Compatibility. Commercial development shall be designed so that it does not have a negative impact on surrounding land uses through the use of buffer areas, landscaping, professional uses, and multi-family uses.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.3.5:** Professional Uses. Professional uses may be considered along Dillard Street and south of Division Street.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.3.6:** Industrial Uses. Industrial uses may be considered in existing industrial areas and along Story Road east of Ninth Street, Carter Road, and along East Crown Point Road where access to railroad spurs are available.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.3.7:** Buffers. New industrial or heavy commercial development adjacent to residential property must provide adequate buffering along common property lines or common road frontages.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.3.8:** Dredge Spoil Disposal Sites. The disposal of dredge spoils is prohibited within the City limits. (9J-5.006(3)(c)9.)

Amended by Ordinance 97-02, 10/23/1997



**Policy 1-2.3.9:** Sprawl. The City shall review and consider the identifiers of urban sprawl as described in FAC 9-J5.006(5) prior to approving any plan amendment. If the City determines the requested amendment will proliferate urban sprawl, the City will deny the amendment. (FAC 9-J5.006(5))

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.3.10:** Rezoning Criteria. No petition for a rezoning may be approved unless evidence is presented to the City Commission's satisfaction that determines that:

- (1) The request is consistent with the Comprehensive Plan and the Future Land Use Map, and
- (2) The proposed rezoning will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties, and
- (3) Adequate facilities are available or a development agreement has been established that will provide these improvements in a reasonable time frame, and
- (4) The proposed rezoning will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area, and
- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment.
- (6) The rezoning will not significantly increase the vehicular traffic in adjacent residential neighborhoods.

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.3.11:** West Orange Trail. All new developments adjacent to the West Orange Trail shall provide adequate buffers for the Trail as well as access to the Trail. These buffers shall block any negative effect of the proposed land use on the users of the Trail and may vary in size and/or intensity depending on the magnitude of the impacts of the proposed development. All new adjacent residential developments must provide a direct connection to the trail.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.3.12:** Optional Elements. the City shall continue to consider the need and opportunity to add optional elements to the comprehensive plan such as a Vision Element, a Neighborhood Preservation Element and an Economic Development Element.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Objective 1-2.4:** Redevelopment. The City shall continue to encourage the redevelopment and renewal of blighted areas through developing new redevelopment programs, supporting existing redevelopment programs, the City of Winter Garden Community Redevelopment Agency, and through the enforcement of its codes and the utilization of its Code Enforcement Board and through rehabilitation by obtaining grants or other funds. (9J-5.006(3)(b)2.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010



**Policy 1-2.4.1:** Orange County Community Development Program. The City shall continue to coordinate its redevelopment activities with the Orange County Community Development Program.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.4.2:** Code Enforcement. The City shall strictly enforce its housing and building codes in order to help prevent the spread of blight. This shall include the Standard Building, Housing, Mechanical, Plumbing, Gas, and Fire Prevention Codes and the National Electrical Code along with the most recent amendments.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.4.3:** Code Enforcement Board. Code violators will be processed through the Code Enforcement Board in an expeditious manner.

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.4.4:** Main Street Program. The City shall continue to support the Main Street Program.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.4.5:** CRA. The City will continue to support the efforts of the Community Redevelopment Agency. The City hereby adopts the Community Redevelopment Plan as amended.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.4.6:** TCI. The City will continue to support the efforts of Orange County's Targeted Community Initiative (TCI) Program.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.4.7:** Dillard Street. The City shall consider applying for beautification grants for South Dillard Street.

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.4.8:** Community Redevelopment Agency. The City shall support the Community Redevelopment Agency in its role as the Winter Garden Downtown Brownfield Area Advisory Committee and its efforts in the remediation, rehabilitation, and economic development of the Brownfield Area as set forth in sections 376.77-376.84 of the Florida Statutes and the historic downtown area and surrounding residential area.

Added by Ordinance 10-19, 06/24/2010

**Objective 1-2.5:** Natural Resources. Ensure that natural resources are protected from development activities by the adoption and implementation of land development regulations as stated in Policy 1-1.1.1, of this Future Land Use Element. (9J-5.006(3)(b)4.) (9J-5.006(3)(c)8.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.5.1:** Lake Apopka. The City shall maintain its low density residential zoning along Lake Apopka and will utilize drainage controls and building setbacks to prevent further degradation of the Lake. These controls shall require the preservation of natural vegetation; prohibit direct runoff into the Lake; and require a 30 foot minimum building setback.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999



**Policy 1-2.5.2:** Lake Apopka. The City will work with other governmental agencies to implement the cleanup of Lake Apopka. These agencies shall include Orange County, the Florida Department of Environmental Regulation, the St. Johns River Water Management District, and those involved in the Lake Apopka SWIM Program.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.5.3:** Tree Protection. All new development will make all reasonable efforts to save existing specimen trees.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.5.4:** Land Clearing. The City shall continue to use the Site Work Permit to control land-clearing activities in the City.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.5.5:** Wellfields. Potable water wellfields and prime aquifer recharge areas shall be mapped and protected from adverse impacts of development.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

**Objective 1-2.6:** Resource Planning & Management Plans. The City shall coordinate its plans with any appropriate and applicable resource planning and management plan prepared pursuant to Chapter 380, Florida Statutes, and approved by the Governor and Cabinet. (9J-5.006(3)(b)7.)

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.6.1:** Resource Planning & Management Plans. The City shall review any applicable resource planning and management plan (Chapter 380, F.S.) and adopt necessary measures for coordination.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.6.2:** The City of Winter Garden supports the Vision, Goals, Objectives and Strategies of the Green Mountain Scenic Byway Corridor Management Committee, as stated in the Green Mountain Scenic Byway Application for Additional Corridor in the City of Winter Garden and within the area delineated by the Corridor Map as shown on Figure 1.4, also found in the Application for Additional Corridor.

Amended by Ordinance 10-19, 06/24/2010

**Objective 1-2.7:** Utility and Infrastructure Planning. To continue to insure the availability of utilities and infrastructure to support proposed development (95J-5.006(3)(b)9.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.7.1:** Concurrency. Effective upon a date consistent with the requirements of Section 163.3202, Florida Statutes, the City will condition development permits/orders, including but not limited to building permits, upon the availability of the public facilities and services necessary to serve the proposed development at the adopted levels of service contained in the Comprehensive Plan of the City, and the City shall require that these facilities and services are available concurrent with the impacts of development and in accordance with the policies of this comprehensive plan.



Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.7.2:** Utility Location. Location of utility facilities is allowed in all zoning districts either as permitted uses or special exceptions, with the exception of the R-1 Single Family zoning designation. This includes necessary criteria or standards needed to provide for compatibility of surrounding uses.

Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.7.3:** Impact Fees. The City shall periodically review its Impact Fee Ordinance to ascertain that fees are being collected for roads, water, wastewater, recreation, and public safety in an equitable manner.

Amended by Ordinance 97-02, 10/23/1997

**Policy 1-2.7.4:** Essential Services. No final development permits shall be issued unless evidence is provided that assures that adequate essential services will be available at the time the impacts of the development will occur. This will include adjacent roads complying with the City's road specifications, adequate water pressure, and adequate wastewater piping and lift stations (i.e. avoid double pumping).

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.7.5:** Drainage. No final development permits shall be issued unless evidence is provided that assures adequate access and maintenance will be provided for stormwater drainage and storage facilities in perpetuity.

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.7.6:** ROW. No final development permits shall be issued unless evidence is provided that assures that right of way for adjacent roads will be in conformance with the Winter Garden Area Transportation Study (WGATS) prepared by Transportation Consulting Group and adopted by the City Commission on March 28, 1996 (and as periodically amended) and the Future Traffic Circulation Map.

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.7.7:** Stand Alone Requirements. No development or phase of a development may occur unless that development will properly function on its own as if no other development will occur and not rely on the improvements of any other proposed development or phase of development.

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.7.8:** Water, Wastewater, and Reclaimed Water Master Plans. The City shall continue to implement the findings and recommendations of the City of Winter Garden's Water, Wastewater, and Reclaimed Water Master Plans as amended.

Amended by Ordinance 99-18, 08/09/1999  
Amended by Ordinance 10-19, 06/24/2010

**Objective 1-2.8:** Innovated Regulation. To ensure the City's Land Development regulations provide up to date regulations with the changing trends in land development by the time frames set forth in the policies below. (9J-5.006(3)(b)10.)

Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.8.1:** Interlocal Agreements. The City shall review its existing interlocal agreements in order to ascertain if any changes need to be made.

Amended by Ordinance 97-02, 10/23/1997



Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.8.2:** PUD Ordinance. The City shall review its existing Planned Unit Development Ordinance and shall make changes if necessary.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.8.3:** Best Development Practices. The City hereby adopts and endorses the general principals of Reid Ewing's April 1996 "Best Development Practices." The City will specifically require the following principles for residential subdivisions:

- (1) The development shall contribute to the area's job-housing balance
- (2) Large developments (or clusters of small developments) shall provide a mix of land uses to include civic uses.
- (3) Larger developments shall be developed in clusters
- (4) PUDs shall place higher density near parks and commercial areas
- (5) PUDs shall time commercial development and recreational opportunities in phase with residential development
- (6) Residential developments shall make subdivisions into neighborhoods with well defined centers and edges
- (7) Large residential developments and clusters of small developments must provide for schools sites
- (8) PUDs shall concentrate commercial developments and shall not strip commercial developments along road frontages
- (9) PUDs shall develop commercial centers into all purpose activity centers
- (10) All developments shall reduce auto activity when possible and provide for pedestrian friendly environments to include at a minimum tree buffers between sidewalks and high speed roads.

(FS 163.3177(11) (a & (b)) and (FAC 9J-5.006(5)(j))

Amended by Ordinance 98-23, 06/25/1998

Amended by Ordinance 99-18, 08/09/1999

**Objective 1-2.9:** Non-Conforming Uses. To reduce the number of uses that are non-conforming with the Future Land Use Map by ½ and to reduce the number of uses identified as inconsistent with any interagency hazard mitigation report by ½ by the year 2007. (9J-5.006(3)(b)3.) (9J-5.006(3)(b)6.)

**Policy 1-2.9.1:** Non-Conforming Use List. The City shall identify through the EAR process the number and location of all non-conforming uses.

**Policy 1-2.9.2:** Expansion of Non-Conforming Uses. The City shall continue to discourage the existence of non-conforming uses by maintaining the land development regulations preventing the expansions of these uses.

**Policy 1-2.9.3:** Amortization Schedule. The City shall continue to maintain an amortization schedule identified in the land development regulations requiring the termination of these uses after an equitable period of time.

**Policy 1-2.9.4:** Interagency Hazard Mitigation Report. When deemed appropriate by the City Commission, the City shall cooperate with any agency of the State to



encourage the elimination or reduction of any use identified as inconsistent with the recommendations of a State hazard mitigation report.

Amended by Ordinance 97-02, 10/23/1997

**Objective 1-2.10:** West State Road 50 Commercial Corridor. To implement the West State Road 50 Commercial Corridor overlay district to provide for comprehensive guidance in the design and development of the commercial corridor.

Added by Ordinance 99-18, 09/19/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.10.1:** Implementation of the West SR 50 Commercial Corridor overlay district shall be in accordance with the rules and regulations found in Article IX West State Road 50 Overlay Commercial Development, and Article X Supplemental Design Standards, Requirements and Regulations Pertaining to Specified Commercial Corridors Within the City of Winter Garden of the City's Land Development Code.

Added by Ordinance 99-18, 09/19/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.10.2:** The City shall use the West SR 50 overlay regulations to control and enhance landscaping, signage, architectural design, buffers, setbacks, pedestrian connection, vehicle access and parking, and site design.

Added by Ordinance 99-18, 09/19/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.10.3:** When implementing the West SR 50 overlay regulations the City shall take into consideration the SR 50 widening project scheduled for 2010.

Added by Ordinance 99-18, 09/19/1999

Amended by Ordinance 10-19, 06/24/2010

**Objective 1-2.11:** East Plant Street. To put into place mechanisms to encourage enhancement of the appearance of development adjacent to East Plant Street by December 2011.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.11.1** By December 2011, the City shall evaluate, and if deemed appropriate, develop design standards for the Crown Point Hi-Tech Activity Center to include the East Plant Street corridor.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.11.2:** Any resulting Crown Point Hi-Tech Activity Center design standards will include, but not be limited to, landscaping, hardscaping, signage, vehicle and pedestrian circulation, cross access, transit oriented design, and architectural standards.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.11.3:** Funding. By December 2011, the City shall identify alternative means of funding landscaping and hardscaping improvements along East Plant Street. At a minimum, these alternative forms of funding include an evaluation of potential grant funding, Orange County CDBG participation, or a façade / landscaping improvement grant funded through the City's Community Redevelopment Agency.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010



**Policy 1-2.11.4:** Landscaping and hardscaping of East Plant Street within the right-of-way will be included in the roadway improvements scheduled for 2010.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Objective 1-2.12:** Historic Downtown District. To implement Ordinance 10-05, the Historic Downtown District Overlay adopted by the City Commission on January 14, 2010 to encourage the protection of historical resources.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.12.1:** Maintain Historical List. The City shall maintain a list of historical sites, which shall be evaluated before the issuance of a development order.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.12.2:** Protection of Historical Resources. The City shall use the Design & Standards Guidelines Manual developed to implements the Historic Downtown District Overlay that incorporate preservation measures for historical structures and shall evaluate developing design criteria for new buildings in any historical districts.

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Objective 1-2.13:** Neighborhood Creation and Preservation. To continue to define and preserve existing neighborhoods by enforcing regulations, policies, and programs to implement the following policies:

Amended by Ordinance 99-18, 08/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-2.13.1:** Having a Center. Each Neighborhood shall have a discernible center. This center may be a square or green, a park, a school, or a commercial area. A transit stop may be considered at this center. FS 163.3177(6)(a)

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.13.2:** Pedestrian Friendly. Most of the dwellings within a neighborhood are within a five-minute walk of the center. This distance averages one-quarter of a mile.

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.13.3:** Range of Housing Types. There is a variety of dwelling types within the Neighborhood. These usually take form in a variety of lot sizes for houses and perhaps some apartments. This variety provides housing for younger and older people, singles and families, the poor and the wealthy.

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.13.4:** Convenient Commercial. There are shops and offices at the edge of the Neighborhood. The shops should be sufficiently varied to supply the weekly needs of a household.

Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.13.5** Walkable Schools. There is an elementary school close enough so that most children can walk from their dwelling. This distance should not be more than one mile. FS 163.3177(6)(a)

Amended by Ordinance 99-18, 08/09/1999



**Policy 1-2.13.6:** Recreation. There are small playgrounds quite near every dwelling. This distance should not be more than one-eighth of a mile.  
Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.13.7:** Disburse Traffic. The streets within the Neighborhood are a connected network. This provides a variety of itineraries and disperses traffic congestion.  
Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.13.8:** Shade. The streets have sidewalks which are shaded by rows of trees.  
Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.13.9:** Civic Centers. Certain prominent sites are reserved for civic buildings. Buildings for meetings, education, religion or culture are located at the termination of street vistas or at the Neighborhood center.  
Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.13.10:** Self-Governing. The Neighborhood is organized to be self-governing. This requires a formal association to debate and decide on matters of maintenance, security and physical change (but not on taxation which should be the responsibility of the City).  
Amended by Ordinance 99-18, 08/09/1999

**Policy 1-2.13.11:** Undesirable Land Uses. All undesirable land uses within or adjacent to neighborhoods shall be identified and a strategic plan shall be developed to either eliminate said land uses or mitigate the undesirable effects of the land use. Regulations shall be developed or evaluated to prevent potential undesirable land uses from establishing in or adjacent to established neighborhoods.  
Amended by Ordinance 99-18, 08/09/1999

**Objective 1-2.14:** Reduction of Greenhouse Gas Emissions. The City shall strive to reduce greenhouse gas emissions by enacting the following land use policies aimed at reducing vehicle trips, vehicle trip lengths, and promote alternative modes of transportation to include transit, walking, biking, and golf carts (in specific areas of the City).  
Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.14.1:** The City shall allow increased density and intensity in the Activity Centers to support public transit.  
Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.14.2:** Mixed and multi uses shall be encouraged in the Activity Centers to promote a reduction in vehicle trips, vehicle trip lengths, and promote alternative modes of transportation.  
Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.14.3:** The City will identify and facilitate the inclusion of complementary land uses not already present in the zoning districts such as supermarkets, parks and recreational fields, schools in neighborhoods, and residential uses in business districts, to reduce the vehicle miles traveled and promote bicycling and walking to these uses.  
Added by Ordinance 10-19, 06/24/2010



**Policy 1-2.14.4:** The City will review and revise zoning classifications as necessary to allow local-serving businesses such as childcare centers, restaurants, banks, family medical offices, drugstores, and other similar services near employment centers to minimize midday vehicle use.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.14.5:** The City shall promote transit oriented development along with mixed and multi use development in the Activity Centers.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.14.6:** Public Transit Development Focus. The City will ensure new development is designed to make public transit a viable choice for residents by:

1. Locating medium-high density development in Activity Centers that can be served efficiently by public transit and alternative transportation modes.
2. Require new development in Activity Centers to provide easy access to roadways served, or potentially to be served by transit.
3. Linking neighborhoods to roadways served, or potentially to be served by transit with continuous sidewalks or pedestrian paths.

Added by Ordinance 10-19, 06/24/2010

**Objective 1-2.15:** Private Energy Efficiency Plan. The City will establish green building requirements and standards for new development and redevelopment projects and will work to provide incentives for green building practices and remove barriers that may impede their use.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.15.1:** Green Building Ordinance. The City will adopt a Green Building Ordinance that requires new development and redevelopment projects for both residential and commercial buildings to incorporate sufficient green building methods and techniques to qualify for the equivalent of a current LEED Certified rating, GreenPoints, or equivalent rating system.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.15.2:** Green Building Flexibility. The City will allow increased height, density, and/or intensity, or flexibility in other standards for projects in the Activity Centers that incorporate energy efficient green building practices.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.15.3:** Green Building Barriers. The City will identify and remove any regulatory or procedural barriers to implementing green building practices, such as codes, guidelines, and zoning, and will ensure all plan review and building inspection staffs are trained in green building materials, practices, and techniques.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.15.4:** Green Building Incentives. The City shall support the use of green building practices by exploring the use of:

- (1) Providing information, marketing, and technical assistance about green building practices.
- (2) Establishing guidelines for green building practices for residential and commercial development.



- (3) Providing financial incentives, including reduction in development and administrative fees for projects that use green building practices.

Added by Ordinance 10-19, 06/24/2010

**Objective 1-2.16:** Public Energy Efficiency Plan. The City will prepare and implement a plan to improve energy efficiency of municipal facilities and systems.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-2.16.1:** Green Building Incentives. The City shall incorporate the use of green building practices by implementing the following policies for public facilities.

- (1) Conduct energy audits on municipal facilities.
- (2) Employ green energy practices in new construction and any remodeling / redevelopment.
- (3) Improve efficiency of pumping stations (potable and waste water) and associated facilities including replacement or retrofitting system components with high-efficiency units.
- (4) Explore the incorporation of solar design features in new buildings including daylighting and solar heating.
- (5) Provide energy efficiency training to design, engineering, building operations, and maintenance staff.
- (6) Replacement of fleet vehicles and equipment with fuel-efficient models including gasoline hybrid and alternative fuel or electric models.
- (7) Reduce vehicle trips by City employees by encouraging van/car pooling and coordination of off-site meetings.

Added by Ordinance 10-19, 06/24/2010

**Goal 1-3:** Wekiva Parkway & Protection Act. Support and implement the recommendations of the Wekiva River Basin Committee to protect the surface water and ground water resources of the Wekiva Study Area, as fragile resources necessary for sustaining the community quality of life, drinking water, and health of the Wekiva River System.

Added by Ordinance 05-56, 06/14/2007

**Objective 1-3.1:** Protection of Recharge and Natural Habitat. Winter Garden shall protect the most effective recharge areas (Figure 1.5), karsts features(Figure 1.6) and sensitive natural habitat including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub(Figure 1.7), within the Wekiva Study Area through the delineation and adoption of the Wekiva Study Area Resource Protection Overlay(Figure 1.8).

Added by Ordinance 05-56, 06/14/2007

Amended by Ordinance 10-19, 06/24/2010

**Policy 1-3.1.1:** he entire municipal limits of the City of Winter Garden and its Joint Planning Area with Orange County are within the boundaries of the Wekiva Study Area but not within the boundaries of the Wekiva River Protection Area.

**Policy 1-3.1.2:** The Future Land Use Map of the City of Winter Garden is hereby amended and shall include the delineation of the Wekiva Study Area, and Resource Protection Overlay (WSA-5) which is the overlay consisting of the Most Effective Recharge Soils (WSA-4), Karst Features (WSA-2) and Sensitive natural Habitat (WSA-3). The city shall protect the Wekiva Study Area by establishing the Resource Protection Overlay land use and Resource Protection Overlay Zoning.

Added by Ordinance 05-56, 06/14/2007



**Policy 1-3.1.3:** All new development and all redevelopment within the city, which is located within the Resource Protection Overlay shall comply with the Wekiva Land Development Code provisions and the policies of this plan.

Added by Ordinance 05-56, 06/14/2007

**Policy 1-3.1.4:** The Heavy Commercial and Industrial land uses are prohibited within the Resource Protection Overlay. Prohibited uses shall include but not be limited to uses that involve hazardous chemicals or materials that have the potential to contaminate surface or groundwater; including but not limited to petroleum and chemical tank farms, landfills, septic tank, heavy industry, fertilizer manufacturing, chemical storage and other similar uses

Added by Ordinance 05-56, 06/14/2007

**Policy 1-3.1.5:** Implement Best Management Practices and development standards such as increased buffers, setbacks, and open space to minimize the adverse impacts of development on the Resource Protection Overlay.

Added by Ordinance 05-56, 06/14/2007

**Policy 1-3.1.6:** Prior to the issuance of any development permit within the Resource Protection Overlay, the applicant shall provide the following;

- (1) Soils report by a qualified professional to determine the location of all Type "A" Hydrologic soils, to identify the most effective recharge areas. If the soils analysis conclusively proves that the soils cannot provide recharge due to subsurface confining layers, then the presence of Type "A" soils will not, in and of themselves, require compliance with the Wekiva Provisions of the code.
- (2) Analysis by a qualified professional geologist to determine the location and nature of all Karst features on the property. If Karst features are determined to exist on the site further analysis shall be required to evaluate surface and subsurface characteristics in order to determine:
  - a. Assessment of the potential for contamination
  - b. Identify protective solution to be incorporated into the site design
- (3) An analysis of the site by a qualified biologist to identify flora and fauna, state and federal listed species and vegetative habitat types including but not limited to Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.

The presence of one or more of the factors will require compliance with the Wekiva Study Area provisions of the codes.

Added by Ordinance 05-56, 06/14/2007

**Policy 1-3.1.7:** All new development and redevelopment within the Resource Protection Overlay shall be required to meet the following standards:

- (1) All rezoning shall be to the appropriate Planned Development Zoning District.
- (2) Minimum open space shall be 25% for both residential and non residential development consisting of WSA Open Space. WSA Open space will be preserved through the use of conservation easements, deed restriction, plats and/or dedication to the appropriate governmental agency, environmental association or homeowners association. Open space shall be



connected to the greatest extent possible on-site and to natural areas and open space within adjacent property or corridors.

- (3) Stormwater management systems in the Resource Protection Overlay shall provide retention of the total runoff generated by a twenty five year frequency, twenty four hour duration storm event from the developed site. Sites with no positive outfall, as determined by the City Engineer, shall be required to retain the total runoff of the 100 Year storm.
- (4) To discourage development of the Resource Protection Overlay areas development may be clustered on or transferred to others areas of a development site outside the Resource Protection Overlay areas. The land development code shall provide for reduced lot size and increased ISR in Resource Protection Overlay areas to maximize WSA open space.
- (5) The City of Winter Garden does not contain any identified sensitive natural habitat. A development that creates sensitive natural habitat of five acres or greater will receive density and intensity bonuses or other development incentives.

Added by Ordinance 05-56, 06/14/2007  
 Amended by Ordinance 08-31, 04/24/2008

**Policy 1-3.1.8:** Wekiva Study Area (WSA) Open space shall be defined as land area within the Resource Protection Overlay that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for Conservation purposes. WSA Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to fifty percent (50%) of the WSA Open Space requirement may be met with dry stormwater retention areas. None of the 25% WSA Open Space may be chemically treated with pesticides or fertilizers; provided, however, a development that creates sensitive natural habitat may be allowed limited use of pesticides and fertilizers to establish sensitive natural habitat. Restrictions concerning WSA Open Space shall be included in the City’s Wekiva Land Development Code requirements. WSA Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas.

Added by Ordinance 05-56, 06/14/2007  
 Amended by Ordinance 08-31, 04/24/2008

**Policy 1-3.1.9:** The City of Winter priorities for open space protection are most effective recharge, karst features, and sensitive natural habitat including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. The city will continue to use land acquisition and the land development code to protect WSA open space.

Added by Ordinance 05-56, 06/14/2007

**Policy 1-3.1.10:** The City of Winter Garden does not contain any identified springs or spring runs. All development shall be setback from any springs, spring runs, sinkholes and other karst features. All setback areas shall remain in its natural state.

<b>DEVELOPMENT SETBACKS</b>	
<b>Feature</b>	<b>Minimum Setback (Feet)</b>
Spring	300
Spring Run	100
Sinkhole with direct connection to aquifer	200



Sinkhole no direct connection to aquifer	100
Other Karst Features	200

Added by Ordinance 05-56, 06/14/2007

**Goal 1-4:** Transportation Concurrency Exception Area (TCEA). Pursuant to subsection 163.3164 (34) of the Florida Statutes (FS) the City of Winter Garden qualifies as a dense urban land area as determined by the Office of Economic and Demographic Research. As such, pursuant to subsection 163.3180 (5)(b)1.a., FS the City is designated a Transportation Concurrency Exception Area. The City shall utilize this designation to responsibly encourage growth in specific areas within the City.

Added by Ordinance 10-19, 06/24/2010

**Objective 1-4.1:** TCEA Creation. To establish a City wide transportation concurrency exception area to provide exemptions to transportation concurrency to support urban infill development, redevelopment, and the achievement of the City’s redevelopment goals by addressing mobility, urban design, land use mix, network connectivity and reduction in the reliance of the single occupant automobile and reduction in vehicle miles traveled.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-4.1.1:** TCEA Interim Mobility Strategies. The City recognizes the need for concurrency exceptions to stimulate development within the City. Notwithstanding policies in the comprehensive plan that establishes roadway level-of-service and transportation concurrency standards, development within the TCEA shall be exempt from those standards except as outlined in policies for mobility found in the Multi Modal Transportation Element. Mobility within the City shall be maintained by the implementation of the strategies and programs in the Multi Modal Transportation Element and through complementary policies in other elements of the comprehensive plan. TCEA mobility strategies may include, but not be limited to:

- (1) Transportation demand management program
- (2) Transportation system management program
- (3) Revised parking standards and regulations
- (4) Local and regional transit service
- (5) Enhanced pedestrian and bicycle facilities
- (6) Transit facility improvements
- (7) Complete streets policy implementation
- (8) Neighborhood traffic management programs
- (9) Transit and pedestrian oriented site design standards

Added by Ordinance 10-19, 06/24/2010

**Policy 1-4.1.2:** SIS and FIHS Facilities. The Florida Turnpike (SR 91) and the Daniel Webster Western Beltway (SR 429) are the only two SIS/FIHS facilities within the City. The City will monitor both roadways and entrance/exit ramps and make all efforts to minimize any potential negative impacts to these facilities.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-4.1.3:** State Road 50 serves Orange County as a major east-west arterial that literally traverses the state from the east coast to the west coast. SR 50 carries



traffic into and through the City. A significant amount of traffic on SR 50 does not start or stop in Winter Garden. During the morning PM peak hour the peak direction of traffic on SR 50 is eastbound (towards Orlando) and the reverse is measured in the PM peak hour. While this non-Winter Garden regional traffic places a burden on the City (by creating congestion and a challenging pedestrian environment) the City recognizes this regional demand is expected within a growing urban area and the importance of providing adequate regional access to and through Winter Garden and will continue to monitor conditions on SR 50.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-4.1.4:** TCEA Boundary and Annexation. At such time unincorporated land adjacent to the TCEA is annexed into the City and is assigned a future land use and zoning designation the TCEA boundary shall be extended to include such land.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-4.1.5:** Complete Streets. Implement the "complete streets" policy to ensure that all modes of transportation are incorporated into proposed plans for roadway modifications within the TCEA. The intent of this policy is to develop a comprehensive, integrated, multimodal street network by coordinating transportation planning strategies and private development activities as follows:

- (1) Provide safe and convenient on-site pedestrian circulation such as sidewalks and crosswalks connecting buildings, parking areas, and existing or planned public sidewalks
- (2) Provide cross-access connections/easements or joint driveways where available and cost effective.
- (3) Deed land or convey required easements, as requested by the City, for the construction of public sidewalks, bus turn-out facilities, and/or bus shelters with appropriate credits toward developer contribution requirements.
- (4) Where appropriate, developers shall provide for the following improvements with credits toward contribution requirements:
  - Project turn lanes
  - Bus shelters
  - Adjacent sidewalks
  - Streetscaping/landscaping within the public right-of-way
  - Additional bicycle parking.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-4.1.6:** City adopts these standards as interim mobility standards and shall develop land use and transportation strategies to support and fund mobility by July 9, 2011 consistent with Section 163.3180(5)(b)4., F.S.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-4.1.7: TCEA Monitoring.** The City of Winter Garden shall monitor the development activity and implementation of mobility strategies within the TCEA to ensure that the exception area is supporting redevelopment. The baseline condition for the performance measures and respective targets will be identified/defined in 2010/2011 and shall be the baseline data available for comparison against the data collected for the subsequent Evaluation and Appraisal Reports. The monitoring will include analysis, data collection and/or information for the following:



- (1) The amount of development/redevelopment by land use in the TCEA as a function of density, FAR, and percentage of mixed use. Other site planning performance criteria may be used as part of the evaluation such as building placement, parking location and number of spaces, connection to adjacent properties, proximity to transit stops/shelters, connection to adjacent sidewalk network, and provision of pedestrian, bicycle, and transit amenities.
- (2) The implementation of mobility strategies, programs, and policies in support of the TCEA and the City's redevelopment objectives, along with associated targets, include but are not limited to the following:

<b>Mobility Strategy</b>	<b>Performance Measure*</b>	<b>Target*</b>
Transportation Demand Management	Persons participating in ridesharing or vanpooling programs	3% annual increase of participants
	Number of businesses/ employers offering flexible work schedules	5% annual increase of participants
	Implementation of transit pass programs and number of participants (businesses and individual)	Implementation by 2009 with 5% annual increase after implementation
	Number of bus turn out facilities (at locations desired by LYNX)	1 per year as coordinated with LYNX
	Number of improved and/or new bus shelters on LYNX routes within the TCEA	1 improved and/or new shelter each year
Transportation System Management	Number of intersection and/or signal improvements	1 per project generating > 5,000 net new daily trips
	Optimize signal synchronization	By 2013
	Number of joint driveways and/or cross-accesses or combined driveways	1 per redevelopment/ development project
Pedestrian Environment (Sidewalk)	Amount of sidewalks added and/or expanded to the network in the TCEA	500 linear feet of sidewalk per year



<b>Mobility Strategy</b>	<b>Performance Measure*</b>	<b>Target*</b>
Enhancements	Linear feet of streetscaping/ landscaping which enhances the pedestrian environment	500 feet per year
	Number of pedestrian enhanced crosswalks in TCEA	1 intersection per year
Bicycle Facilities Enhancement	Number of bicycle racks/lockers and related amenities for projects within the TCEA	Increase in bicycle rack/locker for redevelopment and new development over existing conditions
	Linear feet of bicycle lanes and related facilities in TCEA	Bicycle lanes and related facilities as part of programmed street improvements, resurfacing or rehabilitation

\* Performance Measures and Targets may be subject to further consideration (i.e., if these performance measures and targets cannot be supported by reasonably available data or additional measures are identified that may also be appropriate).

- (3) The effects of the TCEA strategies, programs, and policies in accomplishing the objective of improved mobility for the multi-modal transportation system within the TCEA shall be monitored by the following performance measures, including, but not limited to:

<b>Performance Measure</b>	<b>Target*</b>
Change in ridership, including boardings/alightings for LYNX routes within the TCEA	1% annual increase
Change in headways for LYNX routes within the TCEA	10-minute headway decrease every 5 years
Local Transit ridership (change in ridership will be reported in subsequent years after the implementation of the service)	Achieve 1st year ridership projections with a 3% annual increase



<b>Performance Measure</b>	<b>Target*</b>
Land use and Density and Intensity	Density and intensity of new development
Support Alternative Modes of Transportation	Transit shelters
SIS and FIHS Facilities	Traffic counts and queue length at ramps located in the City
Proposed trip generation from redevelopment/new developments (based on CMS Applications and TIAs) versus actual traffic counts on adjacent roadways	Achieve a 5% reduction in actual traffic counts versus trip generation projections
Change in daily and peak hour traffic volumes on SR 50	Achieve less than 1% annual increase
Change in traffic counts and queue lengths at the SR 429 ramps	Achieve less than 1% annual increase in traffic counts and queue lengths

\*Performance measures and the associated targets will be coordinated with the respective agencies such as LYNX, Orange County, and FDOT. The facilities and infrastructure for several of the targets, such as bus shelters, are contingent upon development/redevelopment activity and associated developer contributions. Performance measures and targets may be subject to further consideration (i.e., if these performance measures and targets cannot be supported by reasonably available data or additional measures are identified that may also be appropriate).

- (4) The City, with consultation of FDOT, will present the evaluation and information for the implemented mobility strategies and the effects on multi-modal mobility, as referenced above, and the extent to which the strategy has achieved the purpose of the TCEA since the adoption of the TCEA and/or the last Evaluation and Appraisal Report. The TCEA monitoring and evaluation for the EAR shall rely on secondary data sources to the fullest extent possible.
- (5) In addition, the City will evaluate the strategies to determine whether modifications to the TCEA and/or the strategies are necessary. This evaluation will be conducted every seven years and the results will be included in the Evaluation and Appraisal Report along with any recommendations to refine the TCEA polices and mobility strategies through EAR-based amendments.

Added by Ordinance 10-19, 06/24/2010

**Policy 1-4.1.8:** Architectural Design Standards. The City will provide a coordinated set of architectural and development design guidelines for landscaping, public amenities, signage, median beautification, parking garages and pedestrian and transit areas. These design guidelines will further improve multi-modal opportunities



by creating continuous, direct and convenient pedestrian linkages between buildings and public pedestrian systems and transit stops; establish standards for the provision of transit facilities, pedestrian system amenities, and bicycle parking; and give higher priority in site design for the accommodation of multi-modal transportation over facilities exclusively for automobiles, particularly single-occupant automobile trips. The Land Development Code shall include incentives or bonuses to encourage the preferred development design standards.

Added by Ordinance 10-19, 06/24/2010

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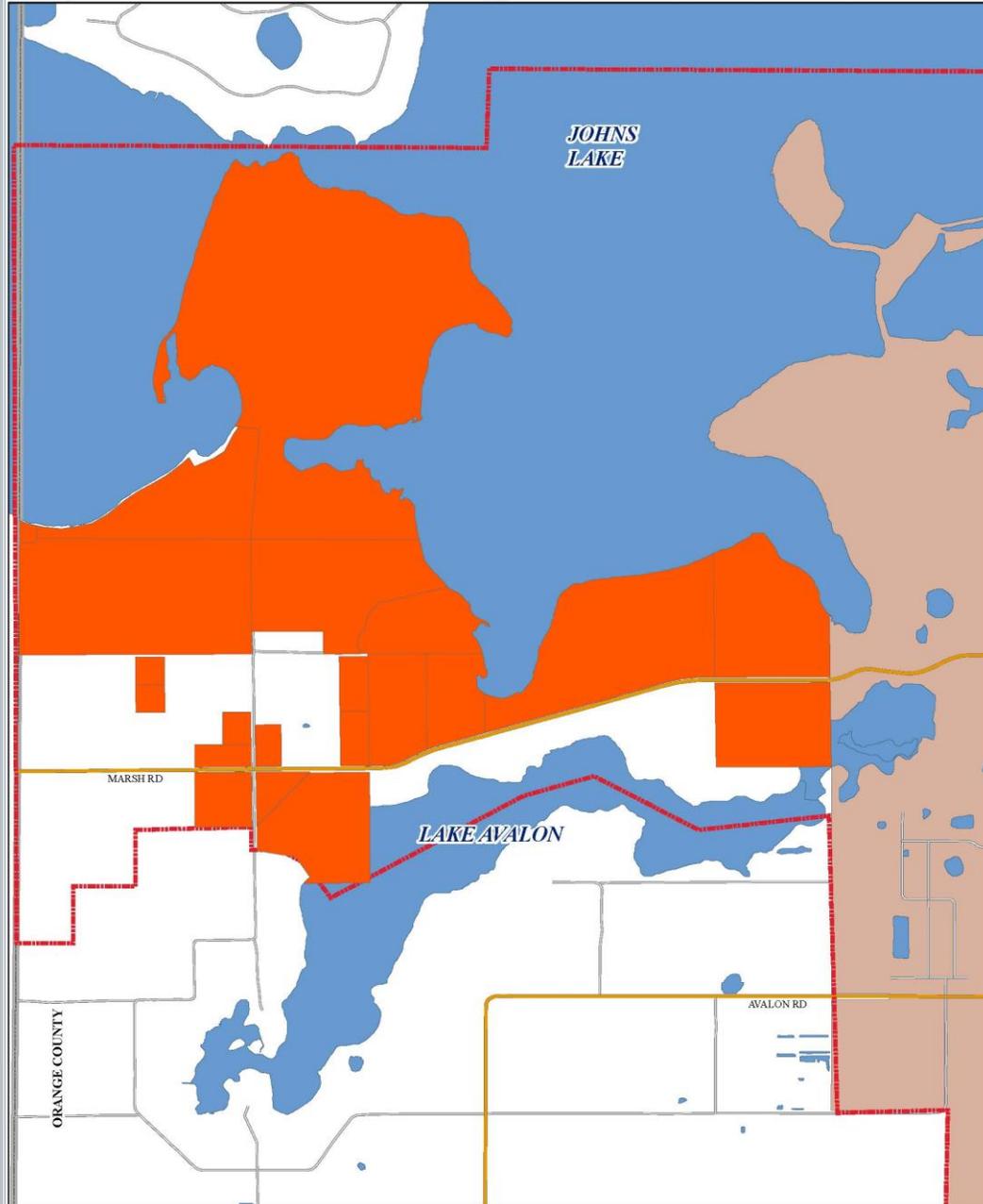
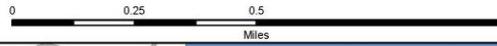


**Figure 1.2**  
**Urban Village Future Land Use Properties**



-  Railroads
-  West Orange Trail
-  Urban Village
-  Winter Garden/Orange County JPA
-  Major Roads
-  Roads
-  County Line
-  Water Bodies
-  City Limits

Data Source: City of Winter Garden  
 February 2010



FLU Goals, Objectives & Policies



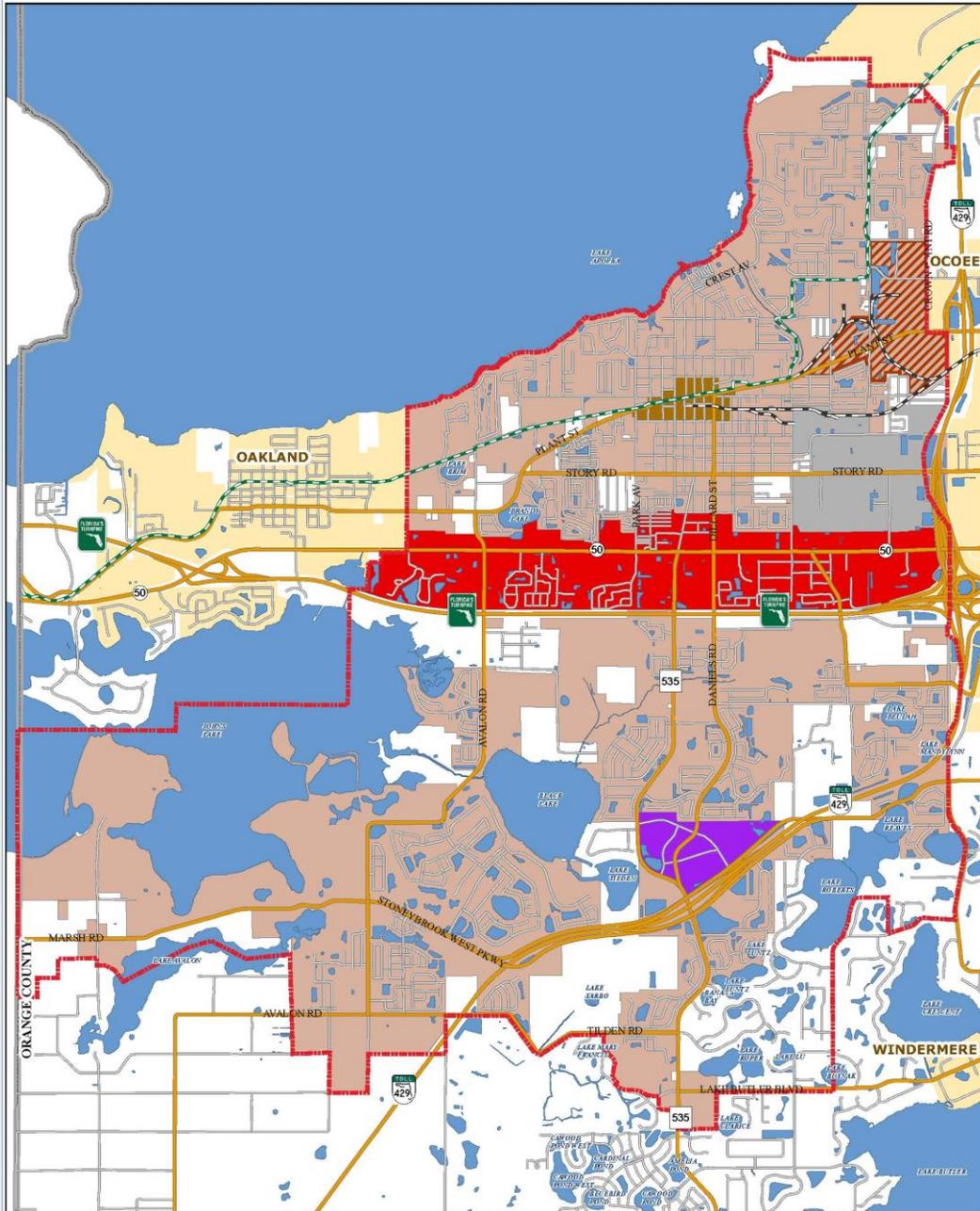
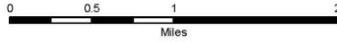
**Figure 1.3  
Activity Centers**

-  Railroads
-  West Orange Trail
-  Winter Garden/Orange County JPA
-  Major Roads
-  Roads
-  County Line
-  Water Bodies

-  Crown Point Hi-Tech
-  Fowler Grove Regional
-  Story Road Industrial
-  Traditional Downtown
-  West State Road 50 Commercial
-  City Limits



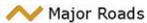
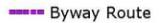
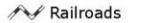
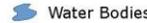
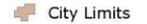
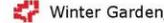
February 2010



FLU Goals, Objectives & Policies



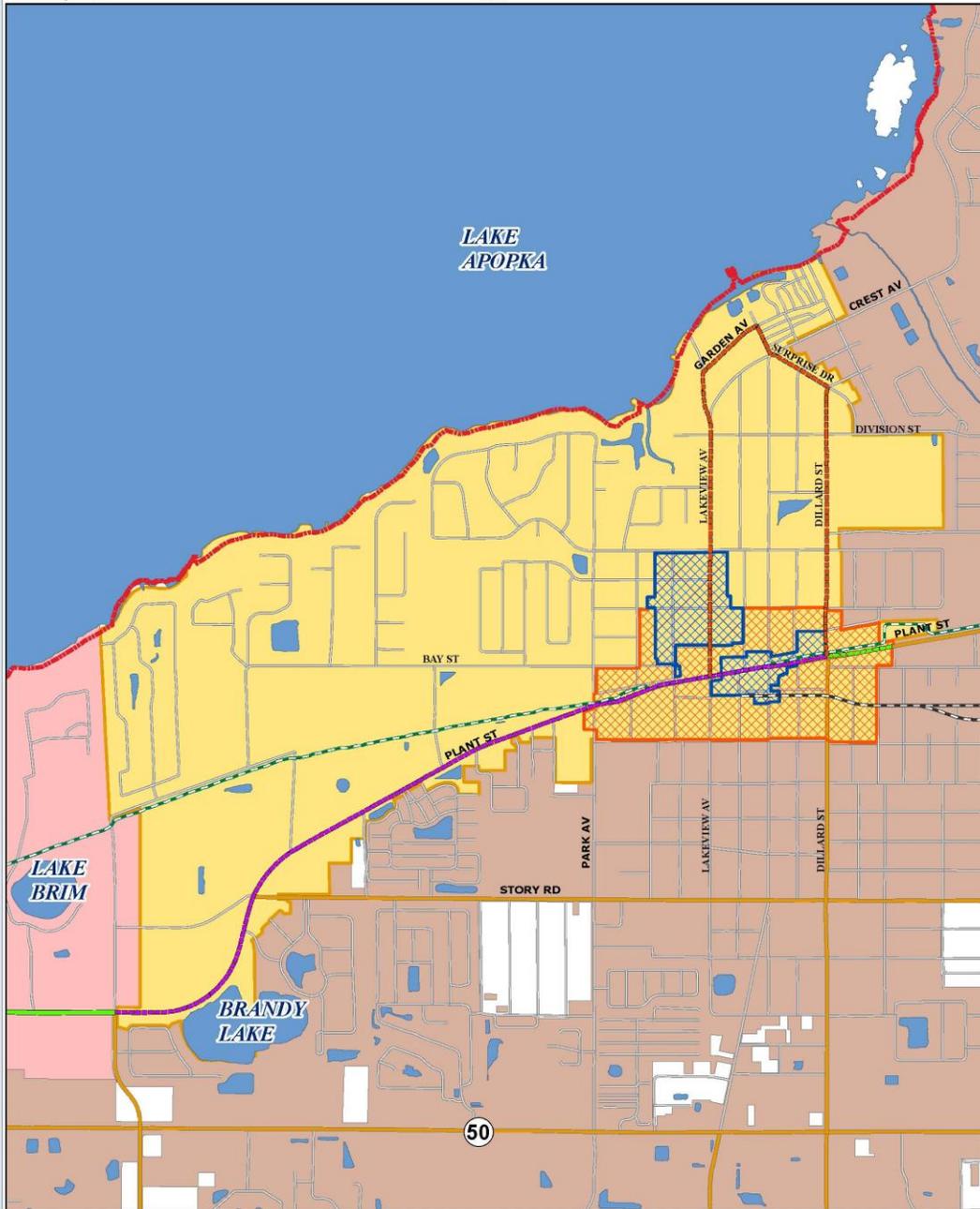
**Figure 1.4**  
**Green Mountain Scenic Byway Proposed Corridor**

- |   |  |
|---|--|
|  Proposed Loop                   |  Major Roads                |
|  Proposed Spur                   |  Roads                      |
|  Byway Route                     |  County Line                |
|  Railroads                       |  Water Bodies               |
|  West Orange Trail               |  Proposed corridor addition |
|  Historic District               |  Existing corridor          |
|  Historic Overlay                |  City Limits                |
|  Winter Garden/Orange County JPA |  |



Data Source: City of Winter Garden & Scenic Byway

February 2010



FLU Goals, Objectives & Policies



**Figure 1.5**  
**Most Effective Recharge Areas**

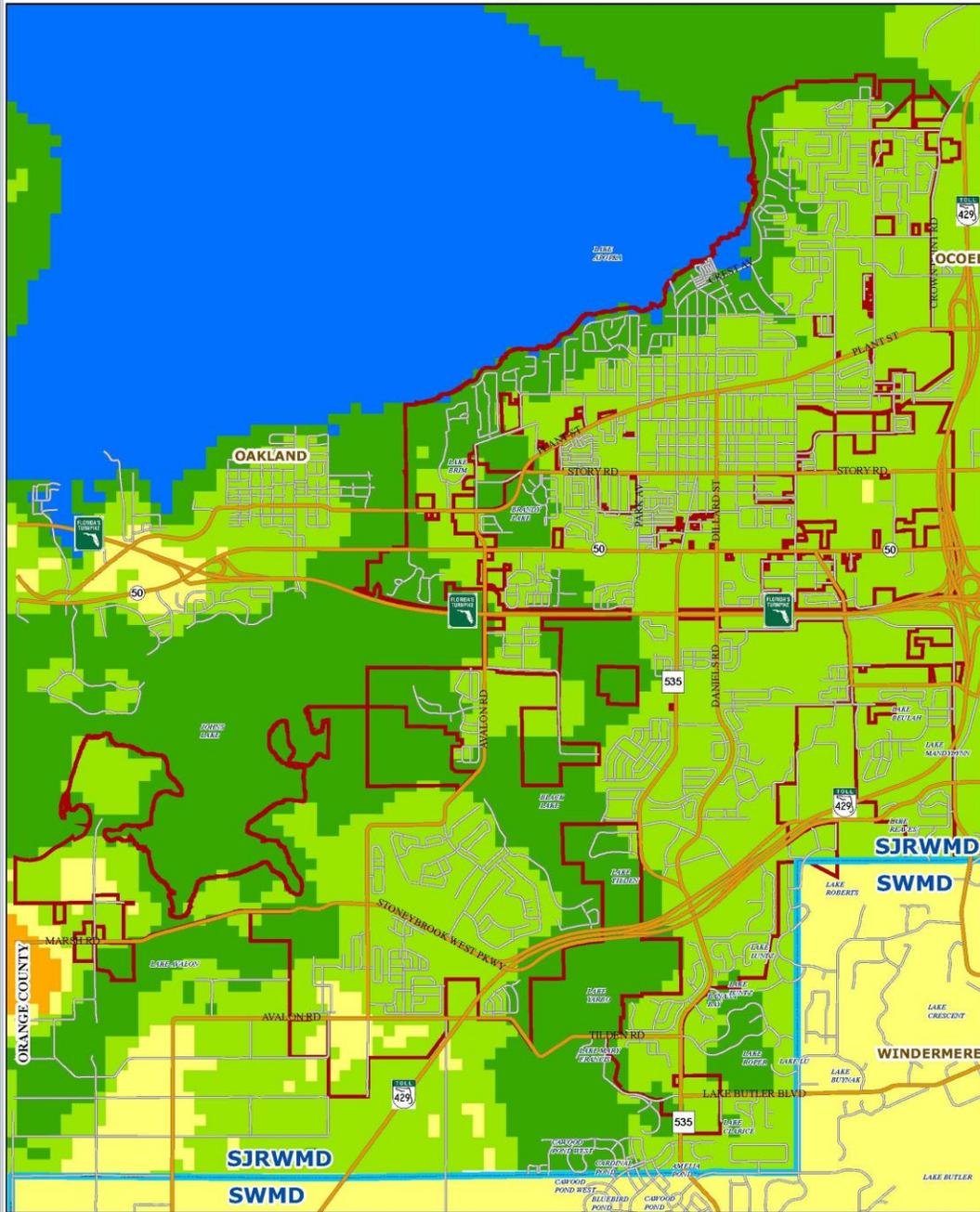
-  Major Roads
-  Roads
-  Water Management Districts
-  City Limits

**Aquifer Recharge Areas**

-  Discharge Area
-  0 - 4 In/Yr
-  4.001 - 8 In/Yr
-  8.001 - 12 In/Yr
-  12.001 - 20 In/Yr
-  More than 20 In/Yr



Source: The aquifer recharge areas was obtain from St Johns River Water Management District and South Florida Water Management District  
 February 2010



FLU Goals, Objectives & Policies



**Figure 1.6  
Karst Features**

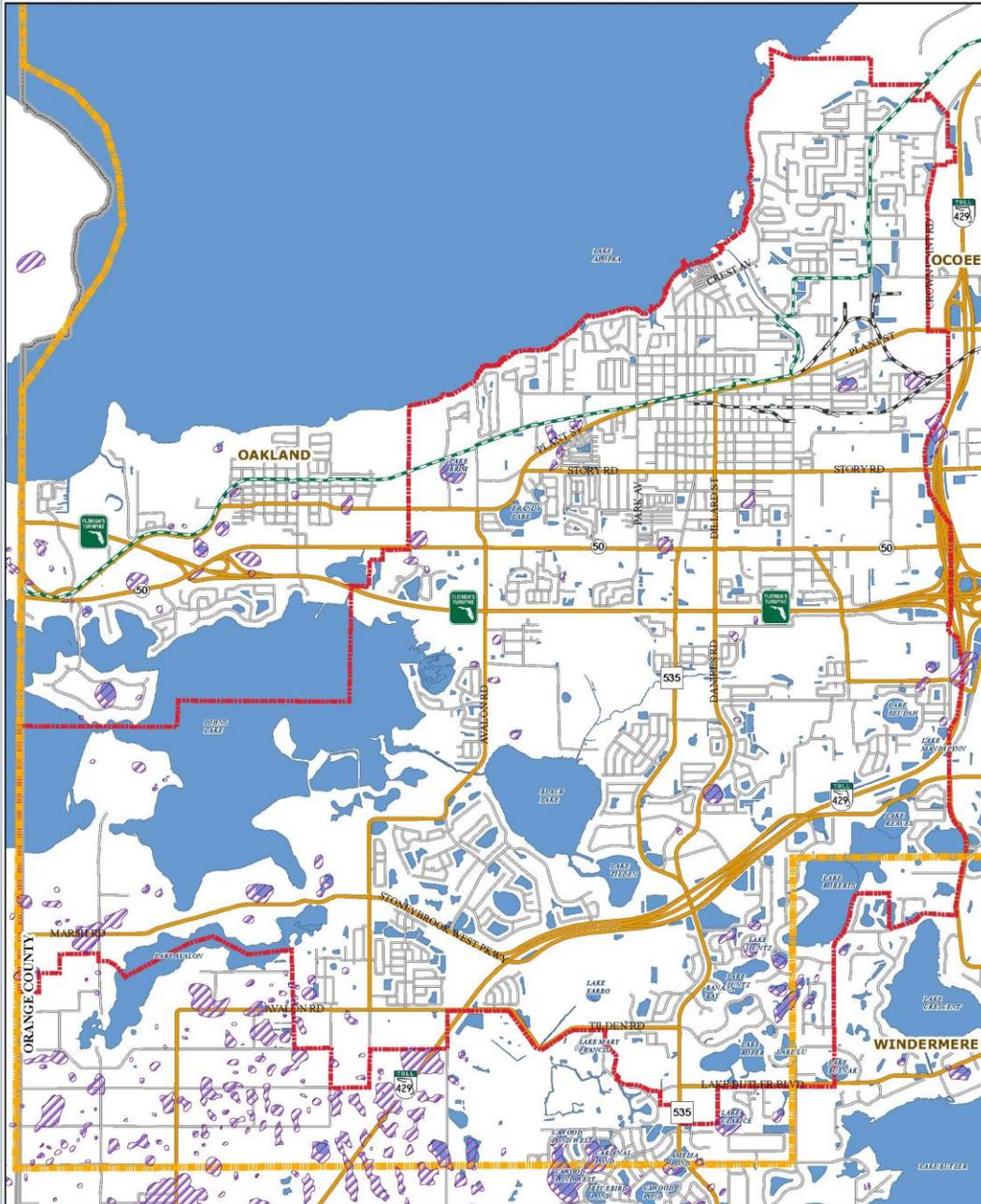
-  Railroads
-  West Orange Trail
-  Karst Features
-  Wekiva Study Area
-  Winter Garden/Orange County JPA
-  Major Roads
-  Roads
-  County Line
-  Water Bodies



Data Source: Karst feature layer and the Wekiva Study Area was obtained from the Department of Community Affairs. The Parcels, Joint planning agreement boundary, and Water bodies were obtained from Orange County Property Appraiser.



February 2010

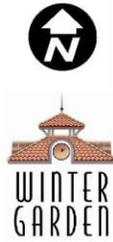


FLU Goals, Objectives & Policies



**Figure 1.7**  
**Sensitive Upland Habitat**

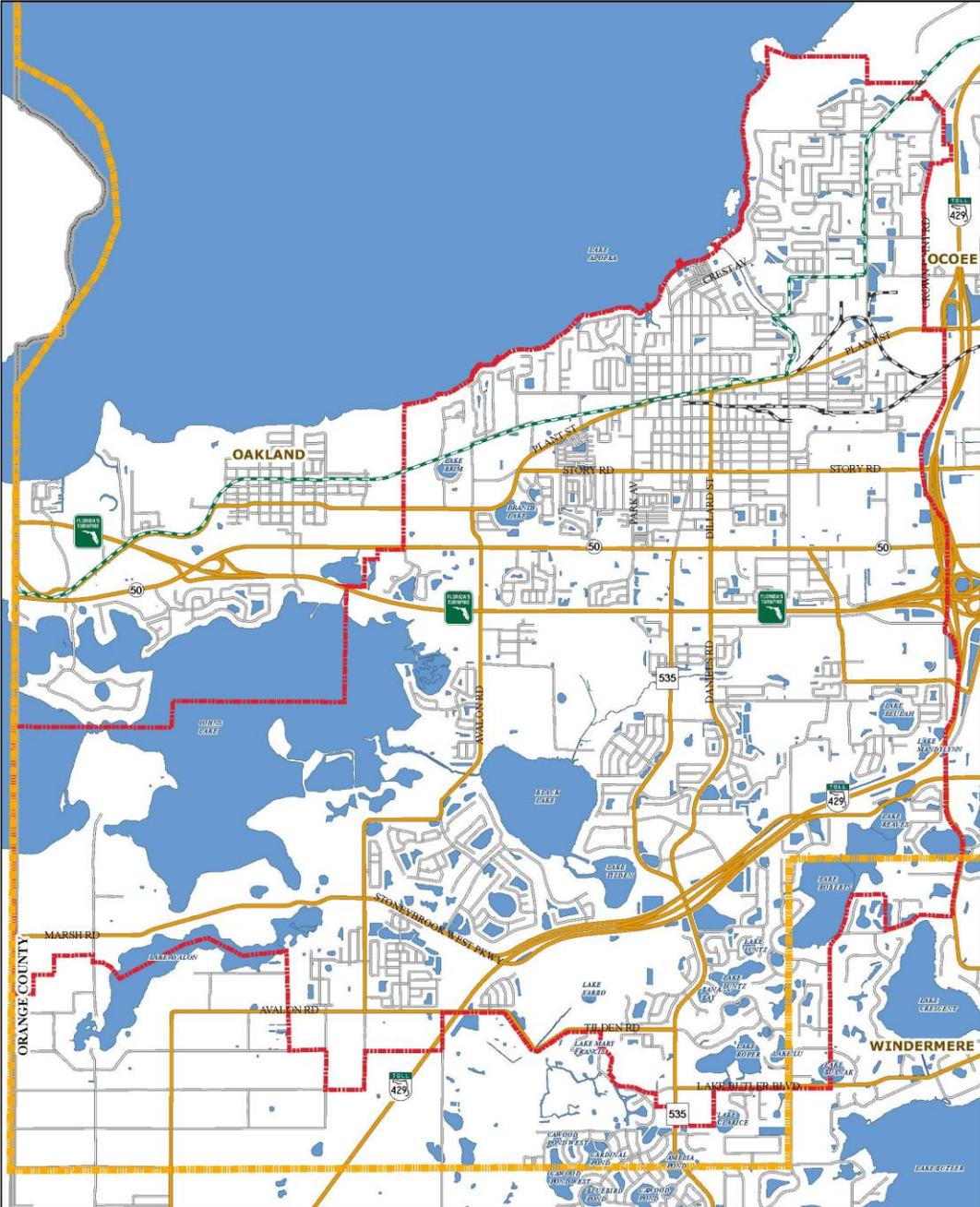
-  Railroads
-  West Orange Trail
-  Wekiva Study Area
-  Winter Garden/Orange County JPA
-  Major Roads
-  Roads
-  County Line
-  Water Bodies
- CLASS**
-  Sand Pine Scrub
-  Sandhill
-  Xeric Oak Scrub



Data Source: The Vegetation raster was obtained from The Florida Fish and Wildlife.  
The Wekiva Study Area was obtained from the Department of Community Affairs.  
The Parcels, Joint planning agreement boundary, and Water bodies were obtained from Orange County Property Appraiser.



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**Figure 1.9  
Wetlands**

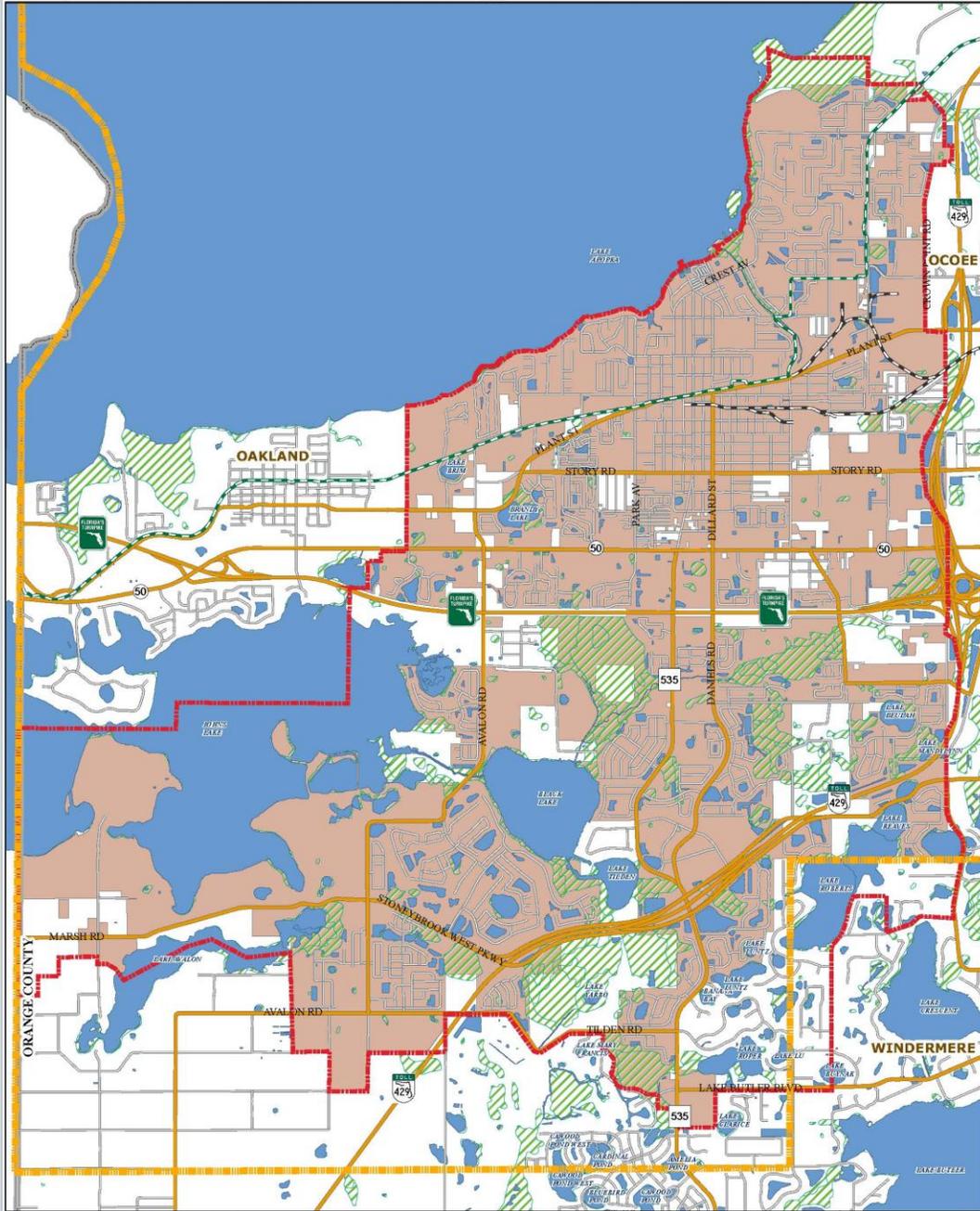
-  Railroads
-  West Orange Trail
-  Wekiva Study Area
-  Winter Garden/Orange County JPA
-  Major Roads
-  Roads
-  County Line
-  Water Bodies
-  Wetlands
-  City Limits



Data Source: The wetlands feature was obtained from the Florida Fish and Wildlife.  
 The Wekiva Study Area was obtained from the Department of community Affairs.  
 The Parcels, Joint planning agreement boundary, and Water bodies were obtained from  
 Orange County Property Appraiser.



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FLU Goals, Objectives & Policies



**Figure 1.10**  
**Soils by Hydrologic Group A**

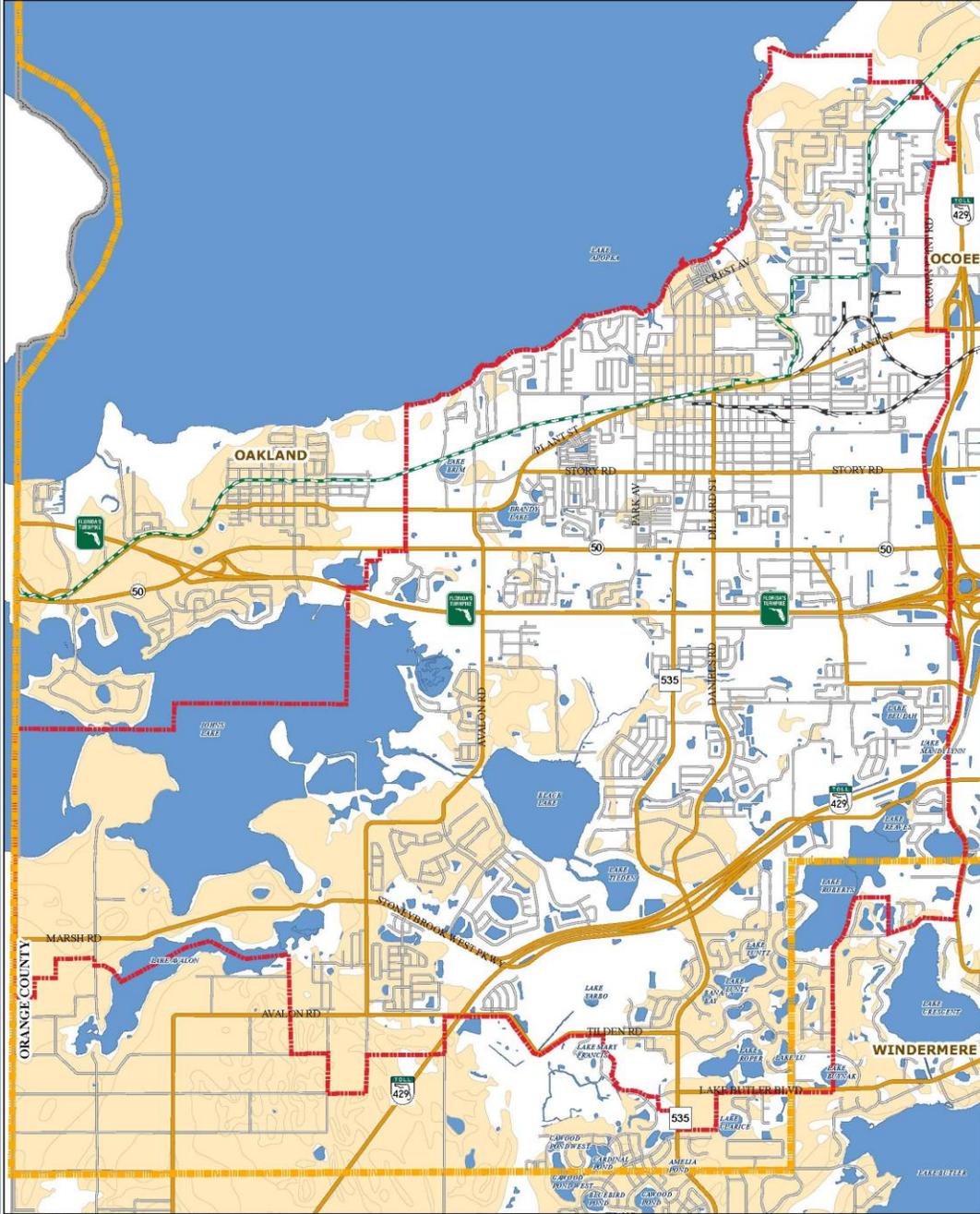
-  Railroads
-  West Orange Trail
-  Wekiva Study Area
-  Winter Garden/Orange County JPA
-  Major Roads
-  Roads
-  County Line
-  Water Bodies
-  Soils by Hydrologic Group A



Data Source: The Soils layer was obtained from St John River Water Management District.  
 The Wekiva Study Area was obtained from the Department of Community Affairs.  
 The Parcels, Joint planning agreement boundary, and Water bodies were obtained from  
 Orange County Property Appraiser.



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FLU Goals, Objectives & Policies



# Multimodal Transportation Element

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# Chapter 2: Multimodal Transportation Element

## **Goal 2-1: Multimodal Transportation System..... MTE5**

Objective 2-1.1: Multimodal Transportation System Implementation.....	MTE5
Policy 2-1.1.1 to Policy 2-1.1.14.....	MTE5
Objective 2-1.2: Transportation System and Land Use Coordination .....	MTE7
Policy 2-1.2.1 to Policy 2-1.2.5.....	MTE7
Objective 2-1.3: Transportation Planning Coordination.....	MTE8
Policy 2-1.3.1 to Policy 2-1.3.3.....	MTE8
Objective 2-1.4: Right-of-Way Protection.....	MTE9
Policy 2-1.4.1 to Policy 2-1.4.4.....	MTE9
Objective 2-1.5: Subdivision Circulation .....	MTE10
Policy 2-1.5.1 to Policy 2-1.5.4.....	MTE10
Objective 2-1.6: State Road 50 Management.....	MTE10
Policy 2-1.6.1 to Policy 2-1.6.4.....	MTE10
Objective 2-1.7: East Plant Street Management.....	MTE11
Policy 2-1.7.1.....	MTE11
Objective 2-1.8: Efficient Public Transit.....	MTE11
Policy 2-1.8.1 to Policy 2-1.8.4.....	MTE11

## **Goal 2-2: Creation of a Transportation Concurrency Exception Area (TCEA) ..... MTE12**

Objective 2-2.1: TCEA Provisions. ....	MTE12
Policy 2-2.1.1 to Policy 2-2.1.9.....	MTE12
Objective 2-2.2: TCEA Mobility. ....	MTE13
Policy 2-2.2.1 to Policy 2-2.2.8.....	MTE14

## **Multimodal Transportation Element Map Series**

Figure 2.1: Future Multimodal Transportation Map





## CHAPTER 2: MULTIMODAL TRANSPORTATION ELEMENT GOALS, OBJECTIVES AND POLICES

**Goal 2-1:** Multimodal Transportation System. To provide the development of an overall multimodal transportation system which provides for the needs of the City by providing alternative travel choices and integrating with land use to work towards reduced vehicle trips and/or shorter trip lengths while protecting established residential areas, environmentally sensitive areas, and historically significant sites. (9J-5.007(3)(a))

Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 10-19, 06/24/2010

**Objective 2-1.1:** Multimodal Transportation System Implementation. The City shall, in cooperation with area wide and State agencies, provide for a safe, convenient, multimodal and energy efficient motorized and non-motorized transportation system. The measurement of this objective shall be determined by the degree to which the following policies are implemented. (9J-007(3)(b)1.)

Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 00-10, 07/27/2000

**Policy 2-1.1.1:** The City adopts the following acceptable peak hour Level of Service (LOS) standards for all roads within the city for planning purposes:

Study Roadways			
Roadway	From	To	Adopted LOS
9th Street	Plant Street	SR 50 (West Colonial Drive)	E
Beard Road	Daniels Road	Beulah Road	E
Beulah Road	Roper Road	SR 50 (West Colonial Drive)	E
Carter Road	SR 50 (West Colonial Drive)	Story Road	E
CR 535/Winter Garden-Vineland Road	Lake Butler Boulevard	Stoneybrook Parkway/Daniels Road	E
CR 535/Winter Garden-Vineland Road	Stoneybrook Parkway/Daniels Road	SR 50 (West Colonial Drive)	E
CR 545/Avalon Road	SR 50 (West Colonial Drive)	Davenport Road	E
Crest Avenue	Division Street	Fullers Cross Road	E
Crown Point Cross Road	Hennis Road	East Crown Point Road	E
Daniels Road	Stoneybrook Parkway	SR 50 (West Colonial Drive)	E
Dillard Street	SR 50 (West Colonial Drive)	Plant Street	E
Division Street	Hennis Road	Lakeview Avenue	E
East Crown Point Road	Plant Street	Northeast City Limits	E
Florida Turnpike (SR 91)	Eastern City Limits	Western City Limits	D
Fullers Cross Road	Crest Avenue	East Crown Point Road	E
Hennis Road	Plant Street	Crown Point Road	E
Lake Butler Boulevard	CR 535/Winter Garden-Vineland Road	Clarice Court	E
Lake Butler Boulevard	Clarice Court	McKinnon Road	E
Lakeview Avenue	Tilden Street	Division Street	E
Marsh Road	Avalon Road	Western City Limits	E
Park Ave	Tilden Street	SR 50 (West Colonial Drive)	E
Plant Street	Eastern City Limits	Western City Limits	E
Roper Road	CR 535/Winter Garden-Vineland Road	Beulah Road	E
SR 50 (West Colonial Drive)	Western City Limits	Western Beltway (SR 429)	D
Stoneybrook Parkway	Avalon Road	Windermere Road	E
Story Road	Eastern City Limits	Western City Limits	E
Tilden Road	Avalon Road	CR 535/Winter Garden-Vineland Road	E
Tilden Street	Park Avenue	Lakeview Avenue	E
Tildenville School Road/(CR 545)	SR 50 (West Colonial Drive)	Plant Street	E
Warrior Road	Windermere Road	Beulah Road	E
West Crown Point Road	Plant Street	Crown Point Cross Road	E
Western Beltway (SR 429)	Southern City Limits	Clarcona-Ocoee Road	D
Windermere Road	Stoneybrook Parkway	Warrior Road	E
Public Transit		30 Minute Headways	

*Luke Transportation Engineering Consultants, 2009*

Amended by Ordinance 96-13, 06/27/1996  
Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 99-19, 09/09/1999  
Amended by Ordinance 00-10, 07/27/2000  
Amended by Ordinance 10-19, 06/24/2010



**Policy 2-1.1.2:** Paving Program. The City shall continue to improve and maintain its local street system by continuing its systematic paving and resurfacing program in order to develop the local roadways into a multimodal system where possible and provide for the safety and convenience of its residents.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.1.3:** Parking Regulations. The City shall continue to review all proposed development and redevelopment as to circulation and parking in order to assure safe and convenient on-site traffic flow considering necessary motorized and non-motorized vehicle parking. This shall include the adoption of regulations which require access limitation, parking lot design criteria, sidewalks and bike paths, signage and acceleration and deceleration lanes. (9J-5.019(4)(c)3.1) (9J-5.019(4)(c)3 & 15)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

**Policy 2-1.1.4:** Golf Cart Use. The City will continue to allow and will continuously evaluate policies allowing golf cart and EV (electric vehicle) access to the downtown area from the surrounding residential neighborhoods as a means of easing use of traditional motorized vehicles and available parking to reduce greenhouse gases.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-1.1.5:** Pedestrian and Bicycle. The City shall continue to implement the Bicycle and Pedestrian Master Plan developed in conjunction with FDOT in 2002 as an alternative means of transportation around the City and to further reduce greenhouse gas emissions. (9J-5.019(4)(c)5.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.1.6:** Railroads. The City will coordinate with the appropriate entities to ensure continued operational access for the railroad lines in the northeast section of the City to serve development and redevelopment in the industrial areas.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-1.1.7:** Sidewalks. The City will install sidewalks with the roadway improvements to Plant Street and CR 545/Avalon Road projects. The City will work to insure installation of adequate sidewalks with the FDOT SR 50 widening project and with Orange County for the CR 535 road widening project to provide alternative transportation modes for circulation throughout the City.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-1.1.8: Reserved.**

Deleted by Ordinance 10-19, 06/24/2010

**Policy 2-1.1.9:** WGATS. The City shall use the Winter Garden Area Transportation Study (WGATS) prepared by Transportation Consulting Group as adopted by the City Commission on March 28, 1996 (and as amended from time to time) to help determine deficient roadways (including right-of-way deficiencies), new roadway requirements and needed capacity improvements within the City.

Added by Ordinance 96-13, 06/27/1996

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-10, 07/27/2000



**Policy 2-1.1.10:** Impacts to Unimproved Roads. No final development permit shall be issued to construct a development that will have an adverse impact to an unimproved road or a road that is significantly inconsistent with the City's Road Specifications.

Added by Ordinance 99-19, 09/09/1999

**Policy 2-1.1.11:** Dangerous Situations. No final development permit shall be issued to construct a development that will create a dangerous traffic/pedestrian situation.

Added by Ordinance 99-19, 09/09/1999

**Policy 2-1.1.12:** Engineering Standards. No final development permit shall be issued that will construct a road improvement that is significantly inconsistent with the standards and specifications approved by the American Association of State Highway and Transportation Officials (AASHTO) or the Florida Department of Transportation.

Added by Ordinance 99-19, 09/09/1999

**Policy 2-1.1.13:** The City hereby adopts the Future Multimodal Transportation Map as shown in Figure 2.1. All new developments must be consistent with this map.

Added by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.1.14:** CR 545. The City shall continue to implement the CR 545 Special Benefit Overlay District intended to fund improvements to CR 545 along with Orange County and voluntary contributions by developers. The City will continue to work with the County to implement this improvement.

Amended by Ordinance 02-19, 10/10/2002

Amended by Ordinance 10-19, 06/24/2010

**Objective 2-1.2:** Transportation System and Land Use Coordination. To coordinate the transportation system with the future Land Use Map and to ensure that existing and proposed populations densities, housing and employment patterns and land uses are consistent with the transportation modes and services proposed to serve these areas. The measurement of this objective is the degree to which the following policies are implemented. ((9J-007(3)(b)2.) & (9J-5.019(4)(b)2.))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.2.1:** Traffic Circulation. The City shall require all new development and redevelopment to provide a traffic circulation plan which illustrates safe access to the system and coordinates projected traffic flow with the existing street pattern. The traffic circulation plan shall address median cuts, acceleration and deceleration lanes, storage turn lanes, signage and signalization. Standards for the preceding shall be adopted in the City's land development regulations.

Amended by Ordinance 97-02, 10/23/1997

**Policy 2-1.2.2:** Access Management. In its review of development plans, the City will carefully review proposed access points and limit them to provide reasonable access to the site and address safety issues. It will require frontage roads, shared access points, cross access and restricted turning movements where necessary. It will ensure that all development on State roads is consistent with Chapters 14-96 and 14-97, F.A.C. (9J-5.019(4)(c)2.))



Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 99-19, 09/09/1999  
Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.2.3:** Plant Street. In support of the City's redevelopment efforts, Plant Street (S.R. 438), West of Dillard Street, is hereby designated as a policy constrained facility. The City opposes the construction of additional through lanes on this section of roadway.

Added by Ordinance 96-13, 06/27/1996  
Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 00-10, 07/27/2000

**Policy 2-1.2.4:** Best Development Practices. The City hereby adopts and endorses the general principals of Reid Ewing's April 1996 "Best Development Practices." The City will specifically require the following principles for residential subdivisions:

- (1) Development shall allow for through streets spaced no more than ½ mile apart.
- (2) Residential subdivisions shall use traffic calming devices liberally.
- (3) Residential subdivisions shall be designed to keep speeds on local streets below 20 mph.
- (4) Developments shall be designed to keep speeds on collectors within the development to no more than 35 mph.
- (5) Residential subdivisions shall keep all streets as narrow as permissible by the LDRs.
- (6) PUDs shall be designed to avoid using traffic signals wherever possible.
- (7) All developments shall provide for pedestrian friendly environments to include shortcuts whenever possible and shall develop pedestrian routes away from high speed roads or provide buffering.
- (8) PUDs shall incorporate transit orientated design features where applicable.

Amended by Ordinance 98-23, 06/25/1998

**Policy 2-1.2.5:** Intersection Alignments. All new development must conform with the new intersection alignments as identified in the Future Traffic Circulation Map if it is determined that said alignment will not present any undue economical hardship.

Amended by Ordinance 00-10, 07/27/2000

**Objective 2-1.3:** Transportation Planning Coordination. The City will coordinate its plans with all transportation planning bodies including but not limited to FDOT, Orange County, East Central Florida Regional Planning Council, the Metropolitan Planning Organization (MPO), and the Orlando-Orange County Expressway Authority. The measurement of this objective shall be the degree to which the following policies are implemented. ((9J.007(3)(b)3.) & (9J-5.019(1) & (9J-5.019(4)(b)3.))

Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 99-19, 09/09/1999  
Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.3.1:** The FDOT 5 Year Work Program. Through the MPO, the City will annually review the FDOT 5-Year Plan and all of its updates to insure that its plans are consistent with that document and the plans of the City. This shall include right-of-way needs, access management, and level of service standards.

Amended by Ordinance 97-02, 10/23/1997



**Policy 2-1.3.2:** Orange County Traffic Circulation Element. The City will review on an annual basis the Traffic Circulation Element for Orange County in order to insure compatibility with that Plan and the plans of the City. This shall include right-of-way needs, access management, and level of service standards.

Amended by Ordinance 97-02, 10/23/1997

**Policy 2-1.3.3:** City of Ocoee and Town of Oakland. The City will review on an annual basis the Traffic Circulation Element for of Ocoee and Town of Oakland in order to insure compatibility with those respective plans and the plans of the City. This shall include right-of-way needs, access management, and level of service standards.

Added by Ordinance 10-19, 06/24/2010

**Objective 2-1.4:** Right-of-Way Protection. The City shall protect both existing and future rights-of-way from building encroachment. The measurement of this objective shall be the lack of encroachment on these rights-of-way and the degree to which the following policies are implemented. (9J-5.019(4)(b)5.))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.4.1:** Development Plans - The City shall pursue needed rights-of-way, for both existing and future roads, through dedication when development plans are presented. If condemnation is necessary, the City will work with the entity responsible for the roadway with respect to obtaining data regarding the condemnation proceedings. By December 2011, the City will develop a right of way map indicating where right of way exists and areas where right of way is needed. (9J.007(3)(c)5.) & (9J-5.019(4)(c)4.))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-19, 09/09/1999

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.4.2:** Subdivision Plans - The City shall use its Subdivision Regulations and other development regulations along with the Winter Garden Area Transportation Study (WGATS) to determine the right-of-way requirements for arterial, collector, and local streets and shall coordinate with FDOT and Orange County to ensure that State and County needs are met. (9J-5.019(4)(c)4.)

Amended by Ordinance 96-13, 06/27/1996

Amended by Ordinance 97-02, 10/23/1997

**Policy 2-1.4.3:** Building Setbacks - The City shall use building setback regulations contained in its zoning ordinance to insure that proposed buildings do not encroach on needed rights-of-way and shall coordinate with FDOT and Orange County to ensure that State and County needs are met. (9J-5.019(4)(c)4.)

Amended by Ordinance 97-02, 10/23/1997

**Policy 2-1.4.4:** ROW Preservation - By December 2011, the City shall establish a right of way preservation policy. Until that time, no new development may receive building permits that significantly vary from the Winter Garden Area Transportation Study (WGATS) or the Future Traffic Circulation Map.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010



**Objective 2-1.5:** Subdivision Circulation. The city shall ensure that new residential subdivisions will be designed to allow for dispersal of residential traffic, and to minimize the impact of residential traffic at connections to the surrounding street systems, by providing for interconnection between developments that accommodates travel demands between adjacent neighborhoods, by connectivity and providing networks for pedestrian and bicycle transportation.

**Policy 2-1.5.1:** Multiple Connection. New residential subdivisions shall include an internal street layout which shall continuously connect to the streets of surrounding developments to accommodate travel demand between adjacent neighborhoods without the necessity of using the major thoroughfare system.

**Policy 2-1.5.2:** Pedestrian Connections. Subdivision design standards shall require residential subdivisions be interconnected with safe and adequate pedestrian and bicycle routes. These routes shall provide access to surrounding areas, including schools, parks, commercial areas and other destinations. Connections to adjacent existing or planned sidewalks and bicycle paths shall be required. (9J-5.019(4)(c)5.)

Amended by Ordinance 00-10, 07/27/2000

**Policy 2-1.5.3:** Stubout Requirements. Subdivisions shall be designed to include stubouts to connect to abutting undeveloped lands and/or land with redevelopment potential. Provisions for future connections shall be provided in all directions whether the streets are public or private, except where abutting land is undevelopable. New subdivisions shall align their roadways to connect with the stubouts provided by the adjacent developments.

**Policy 2-1.5.4:** Gated Community Restrictions. New subdivisions requesting to become a gated community will only be permitted if they are isolated by environmental or infrastructure constraints that limit access to a single point. Constraints or isolation by design shall not be considered sufficient to allow gating.

Added by Ordinance 98-23, 06/25/1998

**Objective 2-1.6:** State Road 50 Management. To manage the traffic flow on SR50 by applying the following policies.

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.6.1:** Access Management. The City shall continue to implement the requirements of the West SR 50 Commercial Corridor overlay plan that identifies access management requirements for new developments along SR50 and possible access management improvements for existing development.

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.6.2:** Congestion Management. The City shall continue to implement the requirements of the West SR 50 Commercial Corridor overlay plan that identifies congestion management improvements along SR 50. This plan will require reasonable efforts for new development to provide accessibility to future transit, and will consider new regulations to require bicycle parking. (9J5.019(4)(c)9, 12, and 15)

Amended by Ordinance 00-10, 07/27/2000

Amended by Ordinance 10-19, 06/24/2010



**Policy 2-1.6.3:** Funding. The “stimulus money” provided through the American Recovery and Reinvestment Act of 2009 is providing the funding to widen SR 50 to 6-lanes throughout the City. The City will coordinate with FDOT in implementing the West SR 50 Commercial Corridor overlay plan.

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.6.4:** Beulah & 9<sup>th</sup>. The City hereby acknowledges the need to extend Beulah Road across SR 50 to 9<sup>th</sup> Street and to eliminate the signal at 9<sup>th</sup> and SR50 once the Beulah Road Connector is completed. This project is not financially feasible at this time but the City shall continue to plan for this improvement through possible redevelopment projects in the area.

Amended by Ordinance 01-47, 02/28/2002

Amended by Ordinance 10-19, 06/24/2010

**Objective 2-1.7:** East Plant Street Management. To manage the traffic flow on East Plant Street by the implementation of the following policies.

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.7.1:** Access Management. The City shall implement access management requirements during the East Plant Street widening improvements scheduled in the City’s 2009/2010 5-year Capital Improvement Schedule.

Amended by Ordinance 10-19, 06/24/2010

**Objective 2-1.8:** Efficient Public Transit. To assist LYNX in providing an efficient public transit system where feasible by coordinating transit connections between major trip generators and attractors, providing safe and convenient public transit terminals, providing adequate land use / transit connections, and accommodations of the special needs of the transportation disadvantaged. (9J-5.019(4)4.)

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.8.1:** Pedestrian and Bicycle Facilities. The City shall continue to implement the Bicycle and Pedestrian Master Plan developed in conjunction with FDOT in 2002 to help connect residential neighborhoods and commercial areas to the transit routes.

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.8.2:** Transit Facilities. The City will continue to coordinate with the the local public transit agency (LYNX) to add additional bus service to west Orange County with ideally, a direct route between the City's bedroom communities and downtown Orlando.

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.8.3:** Transit Study. The City commissioned a transit analysis by Planning Innovations, Inc. This *Citywide Transit Plan* report is in the final draft stages and is intended to evaluate regional and local transit service options within the City. Any local service may be coordinated with LYNX or can be an independent program operated and maintained by the City. The local transit service can act as a feeder system to the regional system. The City shall continue to pursue alternative modes of travel, including carpooling, to reduce trips and to reduce travel distances.

Amended by Ordinance 10-19, 06/24/2010

**Policy 2-1.8.4:** Mobility Goal - Through the implementation of this Multimodal Transportation Element, the City hereby sets a goal of increasing the bus ridership to 5,000 monthly trips by January, 2015. (9J5.019(4)(c )10)

Added by Ordinance 00-10, 07/27/2000



**Goal 2-2:** Creation of a Transportation Concurrency Exception Area (TCEA). Pursuant to subsection 163.3164 (34) of the Florida Statutes (FS) the City of Winter Garden qualifies as a dense urban land area as determined by the Office of Economic and Demographic Research. As such, pursuant to subsection 163.3180 (5)(b)1.a., FS the City is designated a Transportation Concurrency Exception Area. The City shall utilize this designation imposed by Florida Statutes to responsibly encourage growth in specific areas within the City to reduce the negative impacts of transportation concurrency and to maximize the use of existing public infrastructure in the City.

Added by Ordinance 10-19, 06/24/2010

**Objective 2-2.1:** TCEA Provisions. The City establishes a Transportation Concurrency Exception Area consistent with subsection 163.3180(5)(b)1.a., Florida Statutes, that covers the jurisdictional limits of the City to provide exemptions to transportation concurrency to support urban infill development, redevelopment, and the achievement of the City's redevelopment goals by addressing mobility, urban design, land use mix, network connectivity and reduction in the reliance of the single occupant automobile, reduction in vehicle miles traveled, and encourage alternative modes of transportation. The City will address its multimodal transportation needs through the strategic framework outlined in the following policies.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.1.1:** Traditional Downtown Activity Center Framework. The Traditional Downtown Activity Center is exempt from standard transportation concurrency, traffic studies, and road impact fees. Development will be responsible for any proposed Mobility Fee, as it may be enacted, as it may pertain to capital cost for transit and bike and pedestrian improvements. Emphasis will be placed on pedestrian/bike/golf cart mobility and accommodations. If needed, these developments shall participate in the downtown parking program. Emphasis will be placed on mixed/multi use development.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.1.2:** Activity Center Framework (excluding the Downtown Area). Development in the remaining activity centers, as identified on Future Land Use Map 1.3, shall be exempt from standard transportation concurrency, however a traffic study will be required if the project's PM peak hour trip generation (based on the latest edition of the ITE Trip Generation Manual) exceeds 100 net new trips to determine any adverse impacts and resulting mitigation including improvements to ingress/egress, intersection improvements, public safety improvements, etc. Development within the remaining activity centers shall also be responsible for road impact fees, and at a reduced rate for multi/mixed-use projects, or payment of any proposed Mobility Fee as it may be enacted. Emphasis will be placed on pedestrian and bike mobility and transit oriented design and on mixed/multi use development.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.1.3:** Outside of Activity Center Framework. Development outside of the activity centers is exempt from standard transportation concurrency but shall be required to conduct a traffic study if the project's PM peak hour trip generation (based on the latest edition of the ITE Trip Generation Manual) exceeds 50 net new trips to determine any adverse impacts and resulting mitigation including improvements to ingress/egress, intersection improvements, public safety improvements, etc. Development outside the activity centers shall also be responsible for road impact fees or payment of any proposed Mobility Fee as it may



be enacted. Emphasis will be placed on pedestrian and bike mobility and other alternative modes of transportation.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.1.4:** Level of Service (LOS) Tables. The City shall continue to maintain the roadway LOS tables and track proposed development trips on area roadways.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.1.5:** Land Development Regulations. The City's land development regulations will be amended to reflect these policies and any mobility fee within 12 months of the adoption of the enacting ordinance.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.1.6:** SIS and FIHS Facilities. The Florida Turnpike (SR 91) and the Daniel Webster Western Beltway (SR 429) are the two SIS/FIHS facilities within the City. The City will monitor both roadways and coordinate with the FDOT to make all efforts to minimize any potential negative impacts to these facilities.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.1.7:** State Road 50. State Road 50 serves Orange County as a major east-west arterial that literally traverses the state from the east coast to the west coast. SR 50 carries traffic into and through the City. A significant amount of traffic on SR 50 does not start or stop in Winter Garden. During the morning PM peak hour the peak direction of traffic on SR 50 is eastbound (towards Orlando) and the reverse is measured in the PM peak hour. While this non-Winter Garden regional traffic places a burden on the City (by creating congestion and a challenging pedestrian environment) the City recognizes this regional demand is expected within a growing urban area and the importance of providing adequate regional access to and through Winter Garden and will continue to monitor conditions on SR 50.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.1.8:** TCEA Evaluation. Consistent with Policy 1-4.1.7~~6~~ the City shall evaluate the effectiveness of the Transportation Concurrency Exception Area (TCEA) every seven years and report as part of the EAR the impacts of the following:

- (1) Amount and type of development/redevelopment activity within the TCEA;
- (2) Amount and type of improvements to transit infrastructure and service in the TCEA;
- (3) Change in transit ridership within the TCEA as a function of the amount and type of development/redevelopment activity;
- (4) Adoption and implementation of programs which promote pedestrian and non-automobile travel in the TCEA including improvements to pedestrian and bicycle facilities.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.1.9:** Detail Traffic Analysis. A detailed traffic analysis will be conducted every seven years in conjunction with the TCEA Monitoring Report as part of the City's EAR to provide information to the City and FDOT to evaluate the effectiveness of the TCEA mobility strategies.

Added by Ordinance 10-19, 06/24/2010

**Objective 2-2.2:** TCEA Mobility. The City shall support mobility within the City through the following interim mobility policies and shall develop land use and transportation



strategies to support and fund mobility by July 9, 2011 consistent with Section 163.3180(5)(b)4., F.S.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.2.1:** Funding. Funding for mobility needs shall be provided through developer contribution, by the City, county, state and federal government, and other outside sources such as grant funds.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.2.2:** Regional cooperation. The City shall continue to work with its partners at MetroPlan Orlando to ensure equitable distribution of funds for multimodal transportation improvements throughout the region.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.2.3:** Design standards. The City shall require development and redevelopment to support alternative modes of transportation by providing context-appropriate design including sidewalks, bikeways, transit facilities, and parking management that will contribute to specific and identified mobility needs.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.2.4:** Road Impact Fees. Development shall be responsible for all existing road impact fees except as provided for in the policies above, or as it may be replaced by any proposed Mobility Fee.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.2.5:** Existing Developer's Agreements. All existing Developer's Agreements that contain transportation improvement commitments shall remain in full force and effect.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.2.6:** Development of Regional Impacts (DRI). Transportation improvement commitment requirements of DRIs remain unchanged.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.2.7:** Adequate Public Facilities and Services Ordinance (APFSO). Within 12 months of the enacting ordinance the City shall adopt an APFSO addressing all concurrency facilities that may include any proposed Mobility Fee.

Added by Ordinance 10-19, 06/24/2010

**Policy 2-2.2.8:** By July 2011 the City shall adopt into this comprehensive plan any state mandated Mobility Fee program as may be enacted by the state legislature as a result of mandates in subsection 380.06 of the Florida Statutes.

Added by Ordinance 10-19, 06/24/2010







# Housing Element

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# Chapter 3: Housing Element

- Goal 3-1: Housing Supply. .... HSG5**
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## CHAPTER 3: HOUSING ELEMENT GOALS, OBJECTIVES, AND POLICIES

**Goal 3-1:** Housing Supply. To Ensure that a variety of safe, decent, attractive and affordable housing is provided to meet the needs of present and future residents of Winter Garden and takes into account energy efficiency and conservation. (9J-5.010(3)(a))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

Amended by Ordinance 10-19, 06/24/2010

**Objective 3-1.1:** Adequate and Affordable Housing. To provide adequate and affordable housing for the existing population and future population growth to the year 2020. (9J-5.010(3)(b)1.)

Amended by Ordinance 97-02, 10/23/1997

**Policy 3-1.1.1:** Technical Assistance. The City shall assist the private sector in meeting local housing needs by providing, on an on-going basis, information and technical assistance in the form of data reports, pamphlets, and similar assistance from the Winter Garden Building Department. (9J-5.010(3)(c)1.)

Amended by Ordinance 97-02, 10/23/1997

**Policy 3-1.1.2:** Permitting Process. The City shall continue to review all local regulatory and permitting processes to identify possible improvements to the housing permitting system and shall implement changes to the system deemed necessary by the City Commission. (9J-5.010(3)(c)2.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.1.3:** Housing Types. The City of Winter Garden Zoning Ordinance shall continue to provide for a variety of housing types including specific districts for single family dwellings, multiple family dwellings, mobile homes, and planned unit developments. At a minimum, all large PUDs shall:

- (1) provide "life cycle" housing, and
- (2) shall provide a mix of housing types.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 98-23, 06/25/1998

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.1.4:** New Units - The City shall provide sufficient land for the construction of the following housing needs:

<b>PROJECTED HOUSING NEED BY UNIT TYPE</b>					
<b>UNIT TYPE</b>	<b>2000</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>
<b>Single Family</b>	3,618	4,759	5,109	5,544	5,734
<b>Multi-Family</b>	1,521	1,807	1,952	2,097	2,242
<b>Mobile Homes</b>	656	802	980	1,199	1,467
<b>TOTALS</b>	<b>5,795</b>	<b>7,368</b>	<b>8,041</b>	<b>8,840</b>	<b>9,443</b>

Source: 2000 US Census of Population and Housing Data;

City of Winter Garden Planning Department

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999 (Renumbered 99-48 by Resolution 00-01)

Amended by Ordinance 10-19, 06/24/2010



**Policy 3-1.1.5:** Development Criteria. The City will continue to apply development regulations that provide minimal design criteria such as minimum square footage, minimal impervious surface, requirements for placement of HAVC units, and aesthetic controls.

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

Amended by Ordinance 10-19, 06/24/2010

**Policy 3-1.1.6:** Land Development Regulations. the City will annually review the need to change the existing Land Development Regulations to include any recent changes in land use and land development such as neo-traditional neighborhood design, small lot zoning, etc. The City shall also review the LDRs to eliminate any requirements that are no longer needed or appropriate.

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

Amended by Ordinance 10-19, 06/24/2010

**Objective 3-1.2:** Substandard Housing Elimination. the City (through code enforcement procedures) shall continue to investigate and pursue corrective measures for deteriorated and dilapidated housing units. The City shall also prevent existing and future housing from deteriorating to a substandard level. (9J-5.010(3)(b)2.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

Amended by Ordinance 10-19, 06/24/2010

**Policy 3-1.2.1:** Dilapidated Housing Demolition. Through the Code Enforcement process, the City and/or the private sector shall demolish an average of two (2) dilapidated housing units per year during the planning period.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.2.2:** Dilapidated Housing List . From time to time, the City shall submit a list of all dilapidated housing units located in Winter Garden for inclusion in the Orange County Community Development Housing Assistance Program.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.2.3:** Dilapidated Housing Repair. The City and/or the CRA, and/or the private sector shall repair an average of two (2) dilapidated housing units per year during the planning period.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.2.4:** Windshield Survey. From time to time, the City Code Enforcement Officer and the City Building Official shall conduct a survey, of housing conditions in areas where deterioration is known or suspected.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.2.5:** Housing Codes. The City shall continue to enforce all housing and building codes as set forth in city, state, and federal regulations to ensure that all existing and future housing is structurally safe and sanitary and that existing neighborhoods are stabilized. (9J-5.010(3)(c)3.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010



**Policy 3-1.2.6:** Conservation. All conservation, rehabilitation, and demolition activities shall be carried out in conformance with the provisions of city, state, and federal regulations. (9J-5.010(3)(c)4.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 3-1.2.7:** Neighborhood Stabilization. The City will support efforts to encourage owner occupied housing. (9J-5.010(3)(c)3.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.2.8:** Condemnation. All residential property acquired by the City through code enforcement procedures shall be transferred to Habitat for Humanities (or a similar non-profit organization) for the purpose of providing owner occupied residential housing for low or moderate income families.

Added by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.2.9:** Enclaves. The City will continue to strive to annex residential enclaves and shall investigate the possibility of developing an interlocal agreement with the County to expedite these annexations and pursue the development of substandard house in these enclaves with either code enforcement action or rehab grants, or both.

Added by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Objective 3-1.3:** Low Income Housing. The City shall continue to provide assistance to provide and rehabilitate low and moderate income housing to include special housing needs and farm worker housing. (9J-5.010(3)(b)3.) (9J-5.010(3)(b)1.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.3.1:** Housing Variety. The Winter Garden Zoning Ordinance shall continue to provide for a variety of affordable housing types including single family dwellings, multiple family dwellings, mobile homes, and planned unit developments. Of the above, the highest priority will be for owner occupied housing. (9J-5.010(3)(c)11.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.3.2:** Location Criteria. Water & Sewer - Low and moderate income housing (to include households with special needs) and mobile homes shall only be located in areas where water and sewer service is available and where employment and/or shopping centers are accessible. Mobile homes shall be permitted to locate in residential areas consistent with the requirements of Chapter 320.8285(5), F.S. (9J-5.010(3)(c)5.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.3.3:** Orange County. The City shall continue to assist the Orange County Community Development Program and Habitat for Humanity in identifying sites in the City for low and moderate income housing. (9J-5.010(3)(c)1.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.3.4:** Listing. The City shall maintain, and make available to the public, a listing of contact agencies providing assistance for low and moderate income households.



Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.3.5:** Alternative Funding Sources. The City shall continue to investigate alternative funding sources to provide or rehabilitate low and moderate income housing.

Added by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.3.6:** Affordable Housing Guidelines. The City shall support, evaluate, and implement the suggestions identified in "Affordable Housing Guidelines for State and Local Governments" (US Dept. of Housing and Urban Development, 1991) as appropriate on a case by case basis throughout the City. (9J-5.010(3)(c)2.)

Added by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

Amended by Ordinance 10-19, 06/24/2010

**Objective 3-1.4:** Group Homes. Provide adequate sites in residential areas for group homes and foster care facilities licensed or funded by the Florida Department of Health and Rehabilitative Services. (9J-5.010(3)(b)4.)

Amended by Ordinance 97-02, 10/23/1997

**Policy 3-1.4.1:** Zoning Restrictions. The Winter Garden Zoning Ordinance shall continue to permit group homes and foster care facilities in appropriate zoning districts, in conformance with the criteria established by Chapter 419, F.S. (9J-5.010(3)(c)6.)

Amended by Ordinance 97-02, 10/23/1997

**Policy 3-1.4.2:** Siting. Group homes and foster care facilities shall be located adjacent to necessary infrastructure and near other public facilities. (9J-5.010(3)(c)6.)

Amended by Ordinance 97-02, 10/23/1997

**Objective 3-1.5:** Historical Preservation. The City shall, strive to ensure that historic structures are protected from development activities by providing educational programs and/or the adoption of any necessary ordinances. (9J-5.010(3)(b)5.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.5.1:** Definition. Historic structures shall be considered to be any structure specifically identified by the National Register of Historic Places or the Florida Department of State as having historic significance.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.5.2:** Historical List. The City shall maintain a list of historic structures within the City which shall be evaluated for possible means to provide preservation of the historical significance prior to the issuance of a development order.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

Amended by Ordinance 10-19, 06/24/2010

**Policy 3-1.5.3:** Protection. The City shall protect all identified historic structures by adoption of specific ordinances to designate and protect such structures.

Amended by Ordinance 97-02, 10/23/1997



**Objective 3-1.6:** Displaced Persons. The City shall develop and adopt a program to provide uniform and equitable treatment for persons displaced by actions of the City. (9J-5.010(3)(b)6.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.6.1:** Report. The City shall take no action to displace persons until a report is submitted to and approved by the City Commission identifying standard and affordable housing available to those individuals to be displaced. (9J-5.010(3)(c)9.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Policy 3-1.6.2:** Relocation Plan. The City hereby adopts Orange County's Relocation Plan.

Added by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01

**Objective 3-1.7:** Implementation Plan. Maintain and implement a housing implementation plan delineating programs and policies for meeting the housing needs of the City. (9J-5.010(3)(b)7.)

Amended by Ordinance 97-02, 10/23/1997

**Policy 3-1.7.1:** Policy Guild. The Winter Garden Housing Element shall serve as the policy guide for meeting housing needs in the City.

Amended by Ordinance 97-02, 10/23/1997

**Policy 3-1.7.2:** Housing Program. Housing programs shall continue to be administered by Orange County, and the City will coordinate its activities with this effort.

Amended by Ordinance 97-02, 10/23/1997

**Policy 3-1.7.3:** State/Federal Housing Programs. Annually, in conjunction with the required public hearings held by the Orange County Housing Assistance Office, the City shall request that office to review and consider the use of federal, state and local affordable housing programs to meet needs identified for Winter Garden. (9J-5.010(3)(c)7.)

Amended by Ordinance 97-02, 10/23/1997

**Policy 3-1.7.4:** The City shall continue to encourage the redevelopment and renewal of blighted areas, including residential areas, through the Community Redevelopment Agency, by developing new redevelopment programs, supporting existing redevelopment programs, and through the enforcement of its codes and the utilization of its Code Enforcement Board and through rehabilitation by obtaining grants or other funds.

Added by Ordinance 10-19, 06/24/2010

**Policy 3-1.7.5:** The City will continue to support the efforts of the Community Redevelopment Agency in the efforts to supply and rehabilitate housing stock.

Added by Ordinance 10-19, 06/24/2010

**Policy 3-1.7.6:** The City will consider the adoption of a Linkage Fee to be used as a revenue source for workforce/affordable housing related activities. A Linkage Fee Study will be conducted to determine the following:



- Demonstrate the relationship between non residential development and the need for workforce/affordable housing.
- Estimate appropriate fees.

Added by Ordinance 10-19, 06/24/2010

**Objective 3-1.8:** Energy Efficiency in Residential Building. The City shall encourage energy efficiency in existing residences and promote energy efficient new home construction.

Added by Ordinance 10-19, 06/24/2010

**Policy 3-1.8.1:** The City will encourage housing construction that uses the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) principals or the Florida Green Building Coalition's Green land development and building standards.

Added by Ordinance 10-19, 06/24/2010

**Policy 3-1.8.2:** The City will continue to implement the requirements of the latest Florida Energy Efficiency Code for Building Construction that assures a conscious effort toward energy efficiency so that proper equipment, building orientation on site, adequate insulation, and appliance selection will be considered by developer.

Added by Ordinance 10-19, 06/24/2010

**Policy 3-1.8.3:** The City will promote the use of renewable energy sources, such as solar power, in all new home construction.

Added by Ordinance 10-19, 06/24/2010



# Public Facilities Element





# Chapter 4: Public Facilities Element

## Section I. General

**Goal 4-1: Adequate Public Facilities..... PFE5**

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  - Policy 4-1.1.1 to Policy 4-1.1.5..... PFE5
- Objective 4-1.2: Discourage Sprawl ..... PFE6
  - Policy 4-1.2.1 to Policy 4-1.2.3..... PFE6
- Objective 4-1.3: Existing Deficiencies ..... PFE6
  - Policy 4-1.3.1..... PFE6
- Objective 4-1.4: Coordination..... PFE6
  - Policy 4-1.4.1..... PFE6
- Objective 4-1.5: Reclaimed Water ..... PFE7
  - Policy 4-1.5.1..... PFE7

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- Objective 4-3.1: Improvement to Solid Waste Collection System..... PFE10
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Objective 4-4.1: Improvement to Stormwater System..... PFE11  
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**Goal 4-5: Potable Water Management ..... PFE14**

Objective 4-5.1: Improvement to Potable Water System..... PFE14  
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**Goal 4-6: Aquifer Recharge Management..... PFE17**

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**Public Facilities Element Map Series**

- Figure 4.1: Wastewater Service Area
- Figure 4.2: Main Wastewater Collection System and WWTP Location
- Figure 4.3: Areas Served by Septic Tanks
- Figure 4.4: Drainage Sub-basins
- Figure 4.5: Potable Water Service Area Distribution System and Water Treatment Plants
- Figure 4.6: Aquifer Recharge Areas



## CHAPTER 4: PUBLIC FACILITIES ELEMENT GOALS, OBJECTIVES, AND POLICIES

### SECTION I: GENERAL

**Goal 4-1:** Adequate Public Facilities. Public facilities including sanitary sewer, solid waste, drainage, potable water, lower quality water sources (such as reclaimed water and surface/stormwater) and natural groundwater aquifer recharge shall be provided in a manner which protects City investment in existing facilities and promotes orderly compact urban growth. (9J-5.011(2)(a))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 09-59, 01/28/2010

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-1.1:** Concurrency. On an ongoing basis the City shall continue to enforce the Concurrency Requirements adopted in the Land Development Regulations that ensures that at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-1.1.1:** LOS Standards. The following level of service (LOS) standards are adopted by the City and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development or redevelopment:

FACILITY	LOS STANDARD
SANITARY SEWER	
Residential	250 gal./day/unit
All other uses	250 gal./day/ERU
POTABLE WATER	
Residential	350 gal./day/unit
All other uses	350 gal./day/ERU
SOLID WASTE	5.6 pounds/day/person
DRAINAGE	Onsite retention: Retain the first 1/2 inch of run off
	Storm event: 25 year 24 hour
	Quantity: Post development stormwater runoff flow rates, quantities, peaks, and velocities shall be equal to or less than predevelopment runoff (9J-5.011(2)(c)2.1))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 98-32, 12/10/1998

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-1.1.2:** Concurrency. All proposed improvements or expansion shall meet the adopted LOS standards for the facility being improved.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-1.1.3:** Tracking. The City shall continue to keep a monthly report which summarizes the demand on the water and sewer systems as it relates to proposed projects.

Amended by Ordinance 97-02, 10/23/1997



**Policy 4-1.1.4:** The City shall issue no development orders or development permits without first consulting with the utility service provider (City of Winter Garden Public Services Department or Orange County) to determine whether adequate water supplies to serve the development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent. The City will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.

Added by Ordinance 09-59, 01/28/2010  
Amended by Ordinance 10-19, 06/24/2010

**Policy 4-1.1.5:** To ensure that adequate water supply and capacity allocations for all developments, the City may require any development to use developer's agreements and/or develop in more than one phase.

Added by Ordinance 09-59, 01/28/2010

**Objective 4-1.2:** Discourage Sprawl. To discourage sprawl, encourage infill development, and reduce the impacts caused by septic tanks and package plants by providing water and wastewater facilities to the portions of the City that these facilities are presently unavailable or are presently not connected; as per the City's Water and Wastewater Master Plan as amended.

Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 00-66, 12/09/1999  
Amended by Ordinance 10-19, 06/24/2010

**Policy 4-1.2.1:** Yearly Evaluation. The City shall evaluate all projects on a yearly basis for inclusion in the Capital Improvements Program (CIP).

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-1.2.2:** Project List. The City Manager shall prepare the project needs list for presentation to the City Commission at its yearly budget meetings.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-1.2.3:** Connection Plan. The City shall maintain a map identifying the location of parcels not presently served with water and/or waste water and/or reclaimed water. The City shall maintain a strategic plan to connect the properties that are considered feasible for connection.

Added by Ordinance 00-66, 12/09/1999  
Amended by Ordinance 09-59, 01/28/2010

**Objective 4-1.3:** Existing Deficiencies. To identify existing facility deficiencies in essential services and to develop a means to correct these deficiencies. (9J-5.011(2)(b)1.)

Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 00-66, 12/09/1999

**Policy 4-1.3.1:** Priority. Deficiency needs or replacement needs shall be given top priority with respect to CIP scheduling. (9J-5.011(2)(c)1.)

Amended by Ordinance 97-02, 10/23/1997

**Objective 4-1.4:** Coordination. The extension of or increase in the capacity of public facilities to meet future needs as identified by the City Manager and the CIP shall be coordinated with the Future Land Use Element and other governmental bodies when necessary. (9J-5.011(2)(b)2.)

Amended by Ordinance 97-02, 10/23/1997



**Policy 4-1.4.1:** Priorities. Projects which will involve meeting the future needs of the City shall be given second priority to those projects defined as existing deficiency needs. (9J-5.011(2)c)

Amended by Ordinance 97-02, 10/23/1997

**Objective 4-1.5:** Reclaimed Water. To ensure efficient operation of the reclaimed water system.

Amended by Ordinance 09-59, 01/28/2010

**Policy 4-1.5.1:** The City shall adopt regulations to ensure for the efficient operation of the reclaimed water system for the health or safety of the general public or the customer, regarding the following matters:

- (1) The times of day or night during which the reuse may be used by its customers.
- (2) The maximum rate of use of the reuse water by its customers.
- (3) The right to inspect reclaimed water devices, facilities, and terminate service to reclaimed water system found to be in violation of any City ordinance, regulation or procedure.
- (4) Upon being connected to the City's reclaimed water system, the use of water for landscape irrigation from a well is prohibited, unless the reclaimed water from the well is otherwise authorized by the St. Johns River Water Management District pursuant to Part II, Chapter 373, F.S.
- (5) The right to impose the mandatory payment of fees for the installation and usage of reclaimed water systems. Once service is connected, the user shall pay a minimum monthly charge set by resolution of the City Commission.
- (6) The right to temporarily discontinue service to any portion of, or the entire, reclaimed water system as deemed necessary by the City.

Amended by Ordinance 09-59, 01/28/2010

Amended by Ordinance 10-19, 06/24/2010



## SECTION II: SANITARY SEWER SUB-ELEMENT

**Goal 4-2:** Sanitary Wastewater Management. To provide a long term environmentally safe and efficient means of collection and treatment of sanitary wastewater. (9J-5.011(2)(a))

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-2.1:** Improvement to Wastewater System. To correct any existing facility deficiencies, to coordinate the expansion or increase in capacity, to maximize the existing wastewater collection and treatment facilities, and to discourage urban sprawl by the implementation of the City's wastewater system. (9J-5.011(2)(b))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-2.1.1:** Flow Rates. Projected flow rates will be updated quarterly based upon the best data available.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.2:** Service Area. The service area will include the City and that portion of unincorporated area agreed upon by Orange County and the City.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.3:** Annexation Requirements. Connection of unincorporated area development to the sewer system shall require annexation as a prerequisite.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.4:** Capacity Expansions. The City will continue to plan for treatment plant capacity, the extension of the collection system and lift stations for the developing areas of the City and service area.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.5:** Mandatory Connection. The City shall continue to require connection of developed properties when service is within 200 feet of the sanitary sewer system.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.6:** Extreme Waste. The City shall continue to require any producer of extreme waste to install necessary pretreatment at the producer's expense prior to connecting to the City sewer facilities.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.7:** Dangerous Discharges. The City shall continue to enforce its policy that no substance which is injurious or potentially dangerous will be allowed to be discharged into the sanitary sewer system.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.8:** Package Plants. The City will maintain measures which control or prohibit the use of package treatment plants where City service is available.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 09-59, 01/28/2010

**Policy 4-2.1.9:** New Development. Approval of new development will be based, in part, on the evaluation of the impact on the sewage treatment system.

Amended by Ordinance 97-02, 10/23/1997



**Policy 4-2.1.10:** Funding. The City will require that the total cost of new service be funded by the user of that service.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.11:** Infiltration. The City shall continue to reduce the infiltration problems in the collection system by implementing the repair and replacement program of wastewater lines identified in the City's Water and Wastewater Master Plan.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.12:** Design Capacity. The City shall track the potential impacts of all approved but not built development. No additional development permits shall be issued when the potential impacts will be greater than the design capacities of the wastewater treatment facilities of 2 MGD. (9J-5.011(2)(c)2.)

Added by Ordinance 97-02, 10/23/1997

**Policy 4-2.1.13:** Water, Wastewater, and Reclaimed Water Master Plans. The City shall continue to implement the findings and recommendations of the City of Winter Garden's Water, Wastewater, and Reclaimed Water Master Plans as amended by the City Commission.

Amended by Ordinance 00-66, 12/09/1999

Amended by Ordinance 09-59, 01/28/2010

**Policy 4-2.1.14:** The City of Winter Garden Wastewater Facility Plan, as it may be amended, prepared for the Wekiva Parkway and Protection Act is hereby adopted and incorporated into the Comprehensive Plan and is on file in the planning department.

Added by Ordinance 00-66, 12/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-2.1.15:** The City will utilize the plan as the basis for prioritizing the Capital Improvement Program to provide central wastewater service to properties within the city wastewater service area that are currently served by on-site wastewater treatment and disposal systems.

Added by Ordinance 00-66, 12/09/1999

**Policy 4-2.1.16:** All new development and redevelopment shall connect to central wastewater systems.

Added by Ordinance 00-66, 12/09/1999

**Policy 4-2.1.17:** The City shall require the installation of dual-lined distribution systems and individually metered connections for all new developments. All new development and redevelopment shall connect to reuse systems. City will identify potential users from existing developed properties and will implement reuse where practicable and financially feasible.

Added by Ordinance 00-66, 12/09/1999

Amended by Ordinance 09-59, 01/28/2010

**Policy 4-2.1.18:** The City shall continue to implement the has adopted a Territorial Wastewater Agreement with Orange County and reuse agreements with Orange County, OUC and City of Orlando.

Added by Ordinance 00-66, 12/09/1999

Amended by Ordinance 10-19, 06/24/2010



### **SECTION III: SOLID WASTE SUB-ELEMENT**

**Goal 4-3:** Stormwater Management. To provide a long term environmentally safe and efficient means of collection and disposal of solid waste. (9J-5.011(2)(a)).

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-3.1:** Improvement to Stormwater System. To correct any existing facility deficiencies, to coordinate the expansion or increase in capacity, and to maximize the existing solid waste collection facilities. (9J-5.011(2)(b))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-3.1.1:** Collection. The City will continue to operate the collection service with revenues derived from monthly service fees.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-3.1.2:** Littering. The City will continue to enforce the littering section of its solid waste ordinance which includes the prohibition of placing debris so that it endangers the proper operation of the sanitary sewer or drainage system.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-3.1.3:** Orange County Agreement. The City will continue to support the agreement with Orange County for the processing and disposal of solid waste at the County facilities.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-3.1.4:** Recycling. The City will continue to work with the County to improve the recycling program.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-3.1.5:** Commercial Recycling. The City shall continue to encourage recycling for non-residential land uses.

Added by Ordinance 00-66, 12/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-3.2:** Recycling and Yard Waste. To continue to increase the amount of recycling and yard waste that is diverted from the county landfill.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-3.2.1:** Yard Waste - The City shall continue to cooperate with the County to restrict yard waste from the landfill.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-3.2.2:** Recycling - The City shall continue to work with the County in the implementation of the recycling program.

Amended by Ordinance 97-02, 10/23/1997



## SECTION IV: STORMWATER DRAINAGE SUB-ELEMENT

**Goal 4-4:** Stormwater Management. To provide a long term environmentally safe and efficient means of collection and retaining stormwater runoff. (9J-5.011(2)(a))

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-4.1:** Improvement to Stormwater System. To correct any existing stormwater deficiencies, to coordinate the establishment of new stormwater retention facilities, to protect the function of natural drainage systems, and to maximize the existing stormwater retention facilities. (9J-5.011(2)(b))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-4.1.1:** Stormwater Management Ordinance. The City shall continue to enforce stormwater management ordinance.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-4.1.2:** The City of Winter Garden has participated in the Regional Master Storm Water Plan and will support its recommendations. Of the 589 projects identified in the plan, three projects along Lulu Creek were in Winter Garden and will be prioritized in the CIP. The City shall evaluate Surface Water Conservation, Treatment and Flood Control Management Strategies, Groundwater Protection and Reuses Management Strategies, Capital Improvement Programs for subbasins and implement financially feasible projects by 2012 (ranked 1 and 2), evaluate and identify CIPs for subbasins receiving rank of 3 and 4 by 2012 and implement financially feasible projects by 2017.

- (1) The City will use various funding sources including ad valorem taxes and the existing storm water utility to fund the planning, implementation and operation and maintenance of necessary improvements.
- (2) The City shall require all new development and redevelopment to meet current state water quality standards.
- (3) The City shall continue its proactive stormwater maintenance and inspection activities as defined by the NPDES permit including inspection program for all public stormwater systems to insure proper maintenance and functioning, street sweeping and inspection and maintenance of all components of the stormwater system.
- (4) For subbasins in the Wekiva Study Area identified with predicted percent increases in pollutant loads between existing and future conditions, the City of Winter Garden shall continue to monitor and evaluate the use of controls in addition to what is already required for stormwater treatment by City regulations and permitting agencies, where most beneficial and where feasible. The types of controls to be evaluated will utilize Best management Practices (BMPs) which include the following at a minimum:
  - Stormwater Reuse
  - Reservoirs/Ponds
  - No Net Floodplain Loss
  - Stormwater Infiltration Basins



- Buffers
- Recharge Rules
- Retention
- Detention
- End-of-Pipe Treatments
- Drainage Well/Recharge Well and Treatment Systems
- Agricultural Nonpoint Source Pollution Management
- Waterwise Landscaping and Reduced Turf Area
- Public Outreach/Education for Proper use of Fertilizers

Amended by Ordinance 05-56, 06/14/2007

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-4.1.3:** Site Plan Review. As a part of its site plan review process, the applicant will be required to show natural drainage features and the proposed method of protection.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-4.1.4:** St. Johns. The City will continue to require a permit from the St. Johns River Water Management District prior to the issuance of a development order.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-4.1.5:** SWIM. The City will work with the State, the County, and the St. Johns River Water Management District with respect to the Surface Water Improvement and Management Program (SWIM) which has targeted Lake Apopka for restoration and preservation.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-4.1.6:** Maintenance. The City shall continue to provide maintenance and improvement to its drainage system.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-4.1.7:** HOA. When drainage systems are to be maintained by homeowners associations, the City shall review the documents to insure that maintenance will occur.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-4.1.8:** Master Drainage Plan. The City shall continue to implement the NPDES permit for drainage.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-4.1.9:** Drainage Deficiencies. Through the annual budget process, the City shall identify and prioritize the deficiencies and future stormwater improvement needs and shall prioritize any improvements into the Capital Improvements Program. (9J-5.011(2)(c)1.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

**Policy 4-4.1.10:** Wetlands. The City will review its zoning code to ascertain and remove any wording which would encourage the development of wetland areas.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-4.1.11:** Water Quality. The City hereby requires the water quality for all new stormwater retention systems to conform to State water quality standards as



set forth in the State Water Policy, Chapter 17-40, and Chapter 17-25 of the F.A.C. (9J-5.011(2)(c)5.a.)

Added by Ordinance 97-02, 10/23/1997

**Policy 4-4.1.12:** Lulu Creek. To mitigate the drainage, pollution, and erosion problems associated with the Lulu Creek Drainage Basin the City has completed the final engineering design for construction of needed improvements. The City shall continue to pursue funding sources for right-of-way acquisition and construction costs.

Added by Ordinance 00-66, 12/09/1999

Amended by Ordinance 10-19, 06/24/2010

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## SECTION V: POTABLE WATER SUB-ELEMENT

**Goal 4-5:** Potable Water Management. To provide a long term safe and efficient means of collection and distribution of potable water throughout the City. (9J-5.011(2)(a))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-5.1:** Improvement to Potable Water System. To correct any existing facility deficiencies, to coordinate the extension or increase capacity, to maximize the existing facilities of the City's potable water transmission and distribution system, and to discourage urban sprawl by the planning and implementation of the City's Water system. (9J-5.011(2)(b))

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-5.1.1:** Goal 4-5. The provision of distribution/ storage/ and water treatment facilities shall be consistent with Goal 4-5 and all its applicable objectives and policies.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-5.1.2:** Flow Rates. Projected flow rates will be updated quarterly based upon the best data available.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-5.1.3:** Service Area. The service area will include the City and that portion of unincorporated area agreed upon by the City and Orange County.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-5.1.4:** Annexation Requirements. Connection of unincorporated area development to the water system shall require annexation as a prerequisite.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-5.1.5:** Capacity Needs. The City shall continue to plan for treatment plant capacity, storage facilities, and the distribution system for the developing areas of the City and the service area.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-5.1.6:** Mandatory Connection. The City shall continue to require development, redevelopment, and existing development to connect to the City's potable water system when financially feasible.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-5.1.7:** Irrigation. The City shall continue its policy to meter all irrigation water uses, regardless of source.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

Amended by Ordinance 09-59, 01/28/2010

**Policy 4-5.1.8:** Package Plants. The City will control or prohibit the use of package treatment plants.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999



**Policy 4-5.1.9:** New Development. Approval of new development will be based, in part, on the evaluation of the impact on the Water System.  
Amended by Ordinance 97-02, 10/23/1997

**Policy 4-5.1.10:** Funding. The City shall require that the total cost of new service be funded by the user of that service.  
Amended by Ordinance 97-02, 10/23/1997

**Policy 4-5.1.11:** Design Capacity. The City shall track the potential impacts of all approved but not built development. No additional development permits shall be issued when potential impacts will be greater than the design capacity of the total water treatment system or will exceed the City's Consumptive Use Permit. (9J-5.011(2)(c)4.)  
Added by Ordinance 97-02, 10/23/1997

**Policy 4-5.1.12:** Water, Wastewater, and Reclaimed Water Master Plans. The City shall continue to implement the findings and recommendations of the City of Winter Garden's Water, Wastewater, and Reclaimed Water Master Plans as amended by the City Commission.  
Added by Ordinance 00-66, 12/09/1999  
Amended by Ordinance 09-59, 01/28/2010

**Policy 4-5.1.13:** The City of Winter Garden will continue to participate in the Regional Water Supply Plan, support the recommendations of the plan, participate in its ongoing programs and prioritize identified projects within the city limits.

- (1) The City of Winter Garden 10 Year Water Supply Facility Work Plan, prepared for the Wekiva Parkway and Protection Act is hereby adopted and incorporated into the Comprehensive Plan and is on file in the Planning Department. The City will utilize the plan as the basis for prioritizing the Capital Improvement Program.
- (2) The 10 Year Water Supply and Facility Work Plan demonstrates that the Future Land Use Plan will not exceed the city ability to provide service to the entire municipal limits and Joint Planning Area with Orange County.
- (3) The City will maintain and upgrade its 10-Year Water Supply and Facility Work Plan consistent with the updates of the Water Management Districts' Regional Water Supply Plan. The Work Plan (Exhibit 1) shall be reviewed annually and shall be updated within 18 months of an update to the water management district's water supply plan that affects the City or sooner if necessary.
- (4) The City shall coordinate with the St. Johns River Water Management District, Orange County, and other local governments or private utility providers to develop cost effective and technically feasible water sources that will satisfy and supplement future demands without causing adverse impacts to water quality, wetlands, aquatic systems or the environment. Projects currently being considered include:
  - a. St Johns River at SR 46 serving Seminole and Eastern Orange County.
  - b. Kissimmee River Basin (Lake Tohopekaliga) Potable Water Supply Project.



- (5) The City has adopted a Territorial Water, Wastewater and Reclaimed Water Agreement with Orange County, reclaimed water agreement with the City of Ocoee for delivery of reclaimed water to the Forest Lake Golf Course and reuse water agreements with Orange County, OUC and Orlando. The City will strive to maintain the excellent relationships it enjoys with those jurisdictions and will revise these agreements or establish new agreements as necessary.

Added by Ordinance 05-56, 06/14/2007  
Amended by Ordinance 09-59, 01/28/2010

**Objective 4-5.2:** Water Conservation Ordinance. To reduce overall water consumption throughout the City. (9J-5.011(2)(b)4.)

Added by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 10-19, 06/24/2010

**Policy 4-5.2.1:** Water Conservation Program. The City shall maintain an overall water conservation program which will include an educational program, revision of the water conservation ordinance and the landscape ordinance, water-saving fixture replacement program, and other innovative measures.

Added/Amended by Ordinance 97-02, 10/23/1997  
Amended by Ordinance 09-59, 01/28/2010  
Amended by Ordinance 10-19, 06/24/2010

**Policy 4-5.2.2:** High Water Consumers. The City shall maintain a progressive water rate structure to encourage conservation of potable water.

Added by Ordinance 00-66, 12/09/1999  
Amended by Ordinance 09-59, 01/28/2010  
Amended by Ordinance 10-19, 06/24/2010

**Policy 4-5.2.3:** The City shall assist the St. Johns River Water Management District in the enforcement of any District-declared water shortage order, or emergency order, if requested to do so by the District.

Added by Ordinance 00-66, 12/09/1999  
Amended by Ordinance 09-59, 01/28/2010  
Amended by Ordinance 10-19, 06/24/2010

**Policy 4-5.2.4:** Florida-friendly Landscaping. By December 2011, the City shall revise the water conservation ordinance and the landscape ordinance to require the use of Florida Friendly Design Standards to promote the efficient use of water for all new developments and redevelopment.

Added by Ordinance 00-66, 12/09/1999  
Amended by Ordinance 09-59, 01/28/2010  
Amended by Ordinance 10-19, 06/24/2010



## SECTION VI: AQUIFER RECHARGE SUB-ELEMENT

**Goal 4-6:** Aquifer Recharge Management. To provide a long term means of protecting the aquifer. (9J-5.011(2)(a))

Added by Ordinance 97-02, 10/23/1997

Amended by Ordinance 10-19, 06/24/2010

**Objective 4-6.1:** Quality and Quantity Preservation. The City shall continue to implement the land development regulations which will preserve and protect the quality and quantity of groundwater through the establishment of impervious surface ratios in recharge areas; the limitation of incompatible uses permitted adjacent to wellfields and aquifer recharge areas; and the control of stormwater runoff that discharges into such areas. (9J-5.011(2)(b)5.)

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

Amended by Ordinance 10-19, 06/24/2010

**Policy 4-6.1.1:** St. Johns - The City shall require all development requests to meet its Stormwater Management Ordinance requirements; meet its level of service standards for drainage; and have a valid St. Johns River Water Management District permit or exemption letter.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-6.1.2:** Landscaping - The City shall continue to enforce a landscape ordinance.

Amended by Ordinance 97-02, 10/23/1997

Amended by Ordinance 00-66, 12/09/1999

**Policy 4-6.1.3:** Site Plans - Applicants for site plan approval will be asked to define existing natural drainage features as well as means for their protection.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-6.1.4:** Landscaping - The City shall, in its landscape ordinance preparation, determine a percentage of native vegetation to be required in all development and shall provide a credit for any use in addition to the required.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-6.1.5:** St. Johns - The City will cooperate with the St. Johns River Water Management District in the Groundwater Basin Resource Availability Inventory and will work to implement its findings where applicable.

Amended by Ordinance 97-02, 10/23/1997

**Policy 4-6.1.6:** Recharge Areas - Any identified prime recharge areas which are undeveloped will be protected by the City. (9J-5.011(2)(c)4.)

Amended by Ordinance 97-02, 10/23/1997



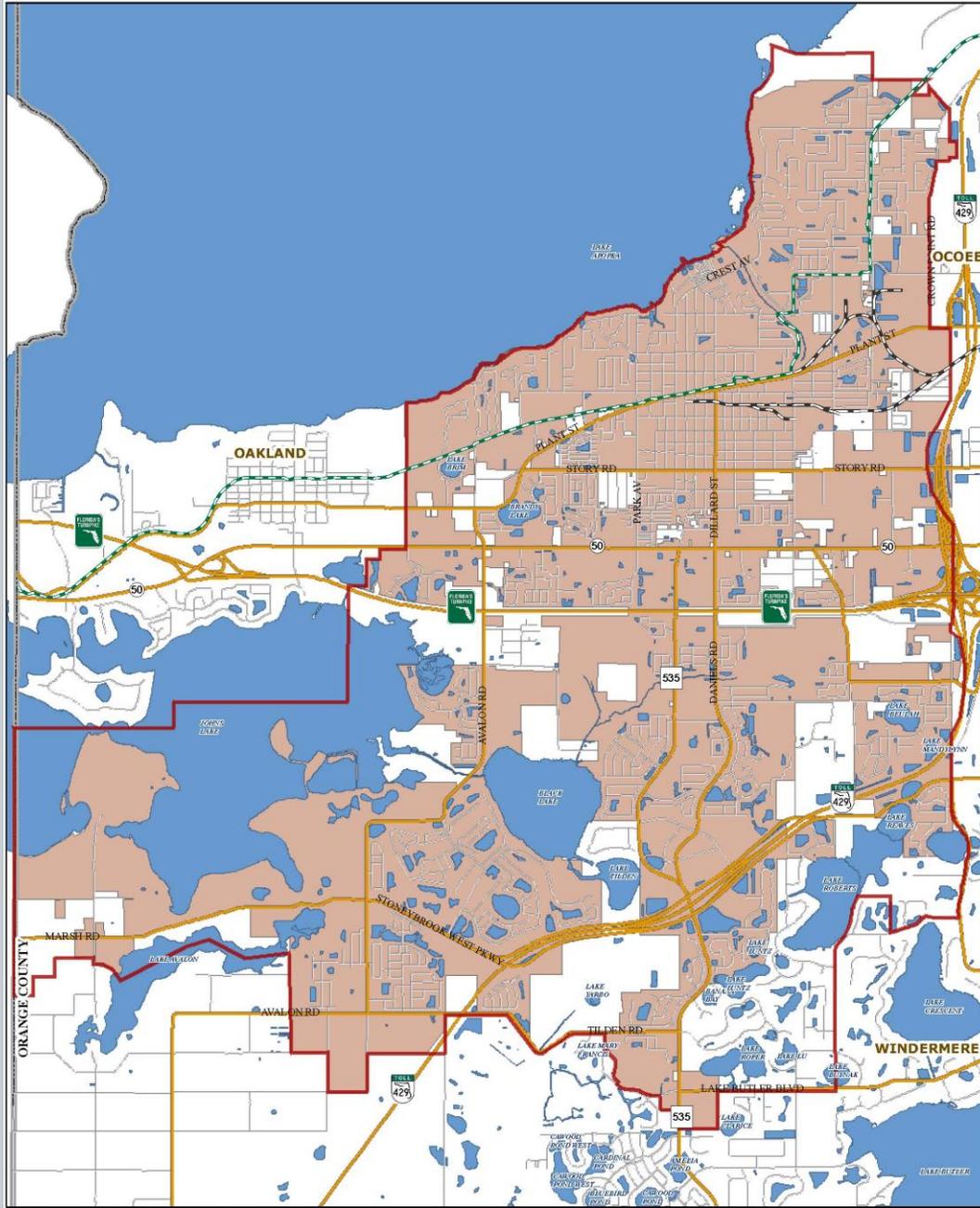


**Figure 4.1  
Wastewater Service Area**

-  Railroads
-  West Orange Trail
-  Major Roads
-  Roads
-  Service Area Boundary
-  County Line
-  Water Bodies
-  City Limits



Source: City of Winter Garden  
February 2010



Public Facilities Element Data and Analysis

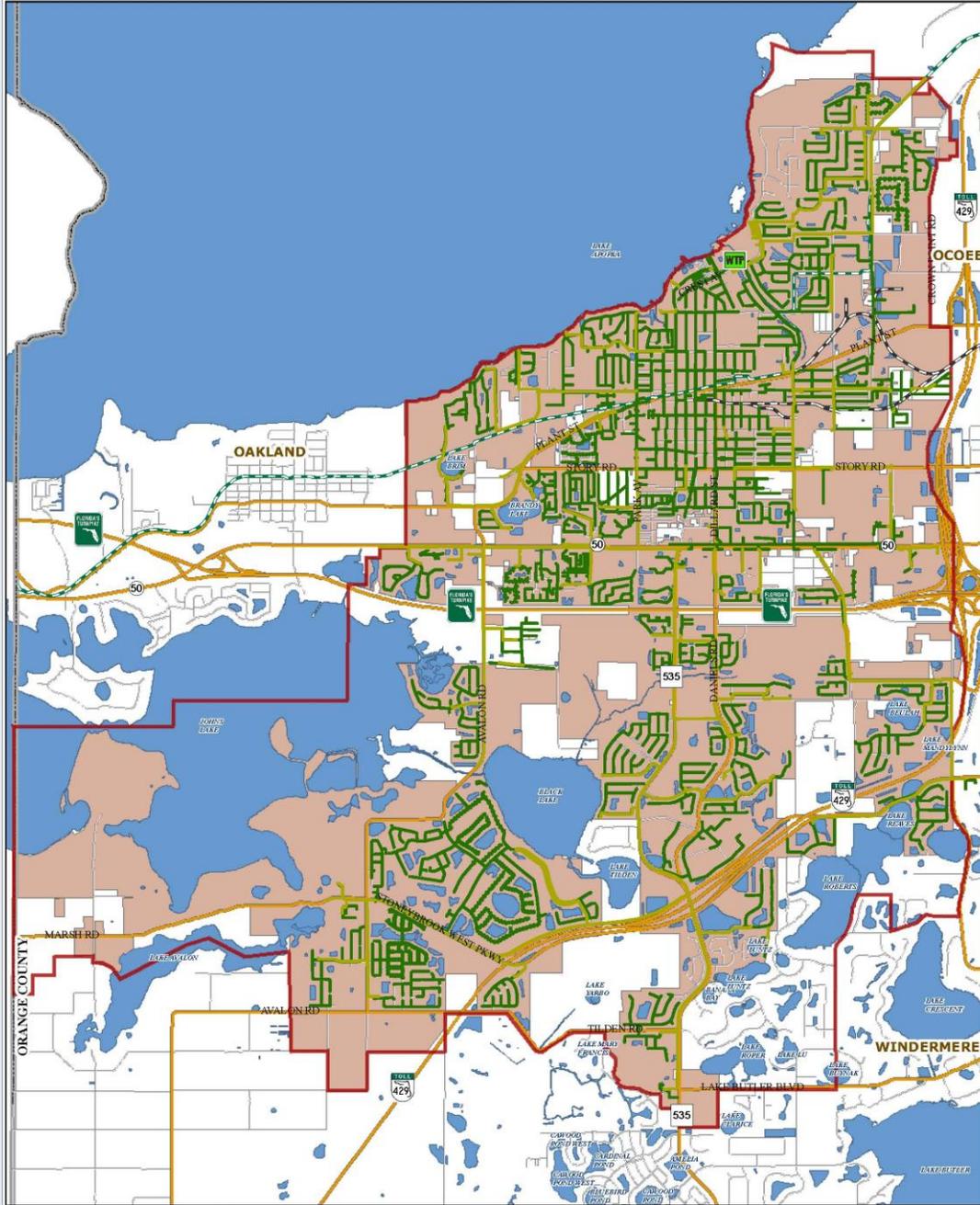


**Figure 4.2**  
**Main Wastewater Collection System and WWTP Location**

-  Waste Water Treatment Plant
-  Force Main
-  Gravity Main
-  Railroads
-  West Orange Trail
-  Major Roads
-  Roads
-  Service Area Boundary
-  County Line
-  Water Bodies
-  City Limits



Source: City of Winter Garden  
 February 2010



Public Facilities Element Data and Analysis





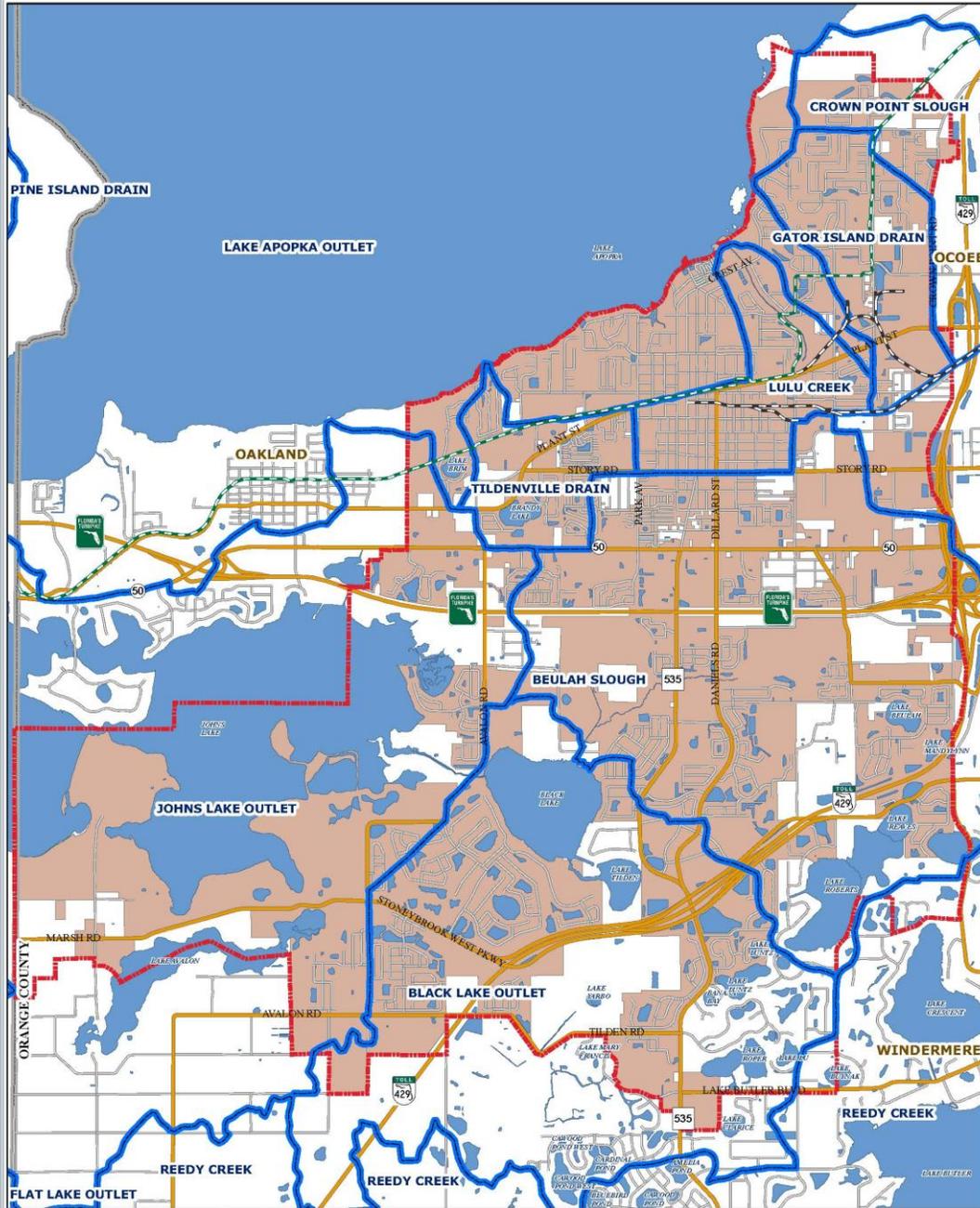
**Figure 4.4  
Drainage Sub-basins**

-  Railroads
-  West Orange Trail
-  Drainage Sub-basins
-  Winter Garden/Orange County JPA
-  Major Roads
-  Roads
-  County Line

-  Water Bodies
-  City Limits



Source: Drainage Basins were obtained from the Florida Department of Environmental Protection February 2010



Public Facilities Element Data and Analysis

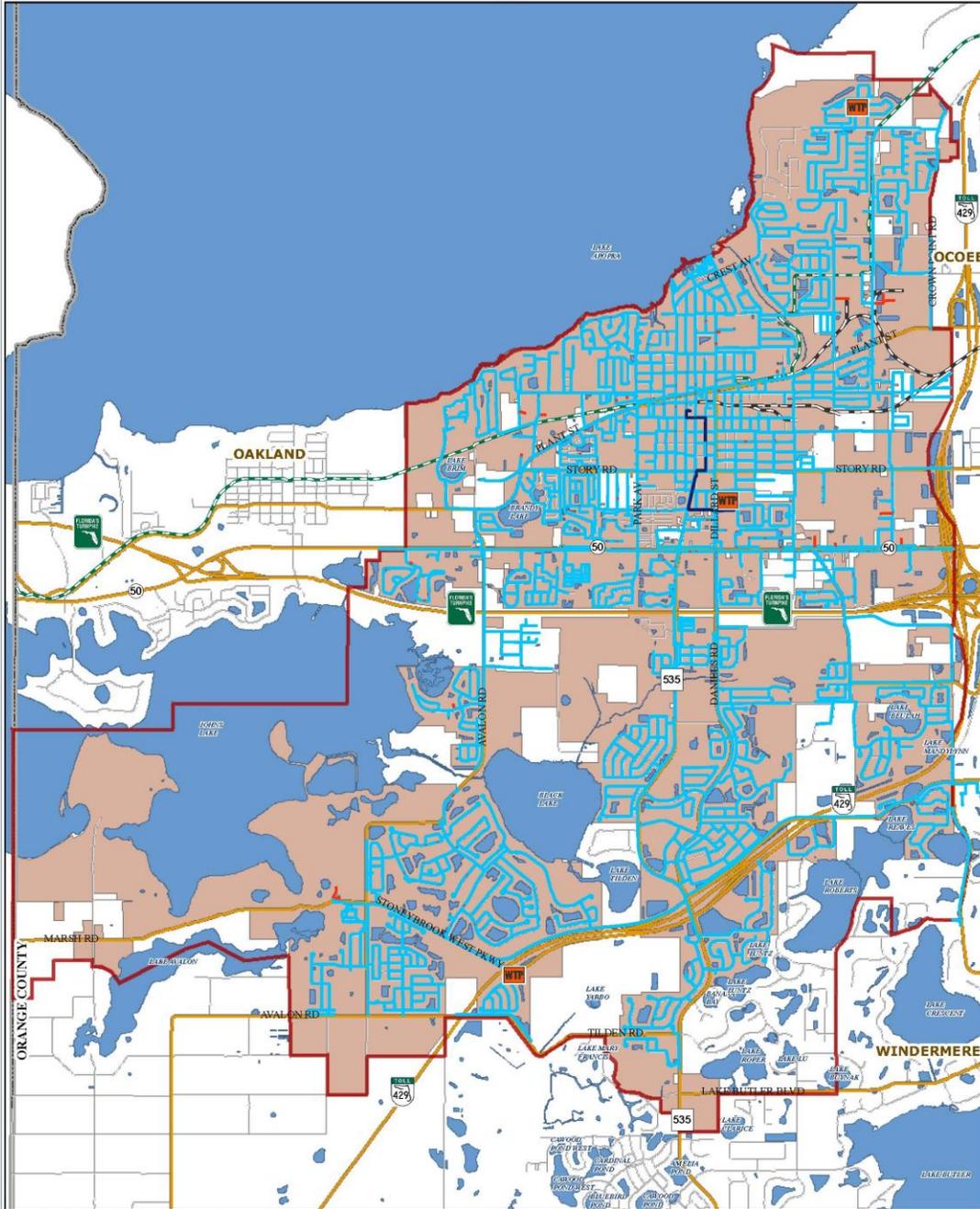


**Figure 4.5**  
**Potable Water Service Area Distribution System and Water Treatment Plants**

-  Water Treatment Plants
-  Major Roads
-  Fire Line
-  Roads
-  Raw Water
-  Service Area Boundary
-  Water Main
-  County Line
-  Railroads
-  Water Bodies
-  West Orange Trail
-  City Limits



Source: City of Winter Garden  
 February 2010



Public Facilities Element Data and Analysis



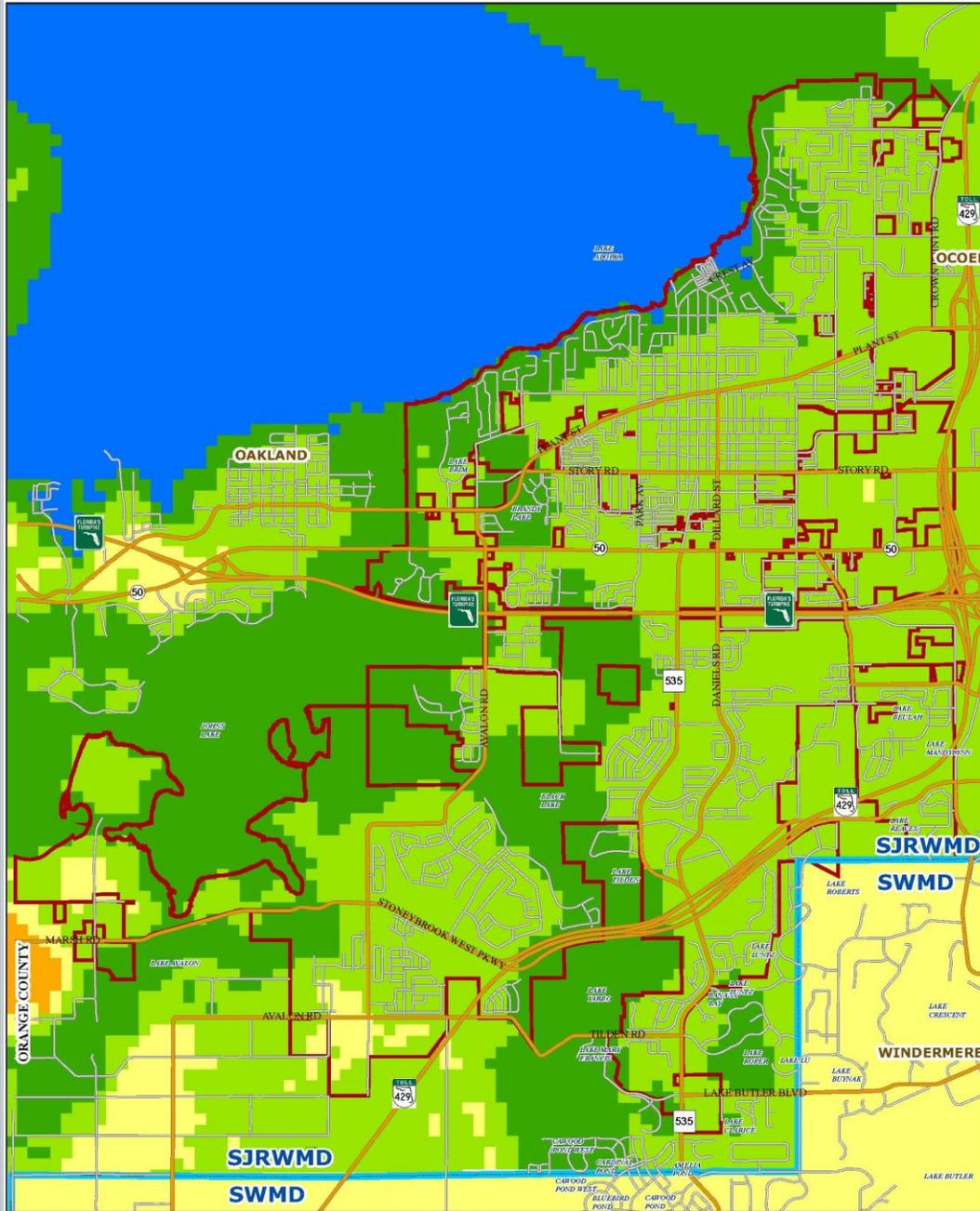
**Figure 4.6  
Aquifer Recharge Areas**

-  Major Roads
-  Roads
-  Water Management Districts
-  City Limits

- Aquifer Recharge Areas**
-  Discharge Area
  -  0 - 4 In/Yr
  -  4.001 - 8 In/Yr
  -  8.001 - 12 In/Yr
  -  12.001 - 20 In/Yr
  -  More than 20 In/Yr



Source: The aquifer recharge areas was obtain from St Johns River Water Management District and South Florida Water Management District  
February 2010

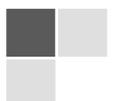
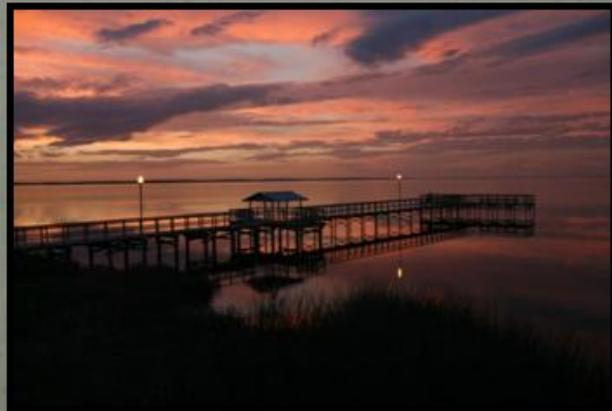


Public Facilities Element Data and Analysis



# Conservation Element

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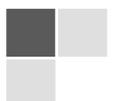




# Chapter 5: Conservation Element

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  - Policy 5-1.1.1 to Policy 5-1.1.3 ..... CON5
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## CHAPTER 5: CONSERVATION ELEMENT GOALS, OBJECTIVES, AND POLICIES

**Goal 5-1:** Natural Resource Protection. The City of Winter Garden strives to be the best steward of our natural resources. The City will strive to conserve, protect and enhance our natural resources including, air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered or species of special concern, soils, flood plan, recharge area, aquifer, wetlands and energy resources. (9J-5.013(2)(a))

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Objective 5-1.1:** Air Quality. The City shall continue to implement state and federal mandated programs to maintain or improve air quality and exceed applicable air quality standards. Maintain air quality in Winter Garden which meets or exceeds the minimum air quality standards established by the Florida Department of Environmental Protection. (9J-5.013(2)(b)1)

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.1.1:** The City shall comply with all requirements of the State Implementation Plan for ozone attainment in Orange County.

**Policy 5-1.1.2:** The City shall ensure that all future industrial uses will meet or exceed air quality standards by requiring copies of all applicable state permits be submitted prior to issuing a building permit.

**Policy 5-1.1.3:** The City shall continue to require permits for all burning and clearing activity within the corporate limits of the City.

Amended by Ordinance 10-19, 06/24/2010

**Objective 5-1.2:** Surface Water Quality. The City shall maintain or improve the quality of all surface waters in the City, implementing the land development regulations which implement the applicable objectives of the Lake Apopka SWIM Program. (9J-5.013(2)(b)2)

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.1:** The City shall continue tertiary treatment of wastewater.

**Policy 5-1.2.2:** The City shall continue to implement the land development regulations and require all development and redevelopment provide for drainage and stormwater management, water quality enhancement and stormwater attenuation.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.3:** Winter Garden shall continue to improve design standards, monitoring, construction and maintenance requirements for stormwater retention/detention systems, and shall ensure compliance of these requirements to prevent degradation of the receiving surface water bodies. These requirements shall be included in the Land Development Code.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.4:** The City shall maintain its low density residential zoning along Lake Apopka and will utilize drainage controls and building setbacks to prevent further



degradation of the Lake. These controls shall require the preservation of native vegetation; prohibit direct runoff into the Lake; and provide for a 50 foot minimum building setback.

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.5:** The City will continue work with the State, the County, and the St. Johns River Water Management District with respect to the Surface Water Improvement and Management Program (SWIM) which has targeted Lake Apopka for restoration and preservation.

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.6:** Lulu Creek. To mitigate the drainage, pollution, and erosion problems associated with the Lulu Creek Drainage Basin the City has completed the final engineering design for construction of needed improvements. The City shall continue to pursue funding sources for right-of-way acquisition and construction costs.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.7:** Wetland Buffers. The City shall continue to enforce the wetland buffer requirements, as required by the Land Development Code, to help protect wetlands.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.8:** Winter Garden shall maintain acceptable water quality standards for surface water bodies, ensuring an aquatic environment that meets or exceeds State and Federal standards.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.9:** Winter Garden shall continue to enforce water quality standards by identifying all point and significant non-point sources of water pollution, and expand programs to reduce the harmful impacts of these pollutants on the natural environment.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.10:** Winter Garden shall prohibit the discharge of hazardous, toxic, chemical, petroleum, nuclear waste or liquid sludge into surface waters or wetlands.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.2.11:** Winter Garden shall prohibit the location of petroleum businesses where they will negatively affect the quality of surface waters and the surficial and Florida Aquifers.

Added by Ordinance 10-19, 06/24/2010

**Objective 5-1.3:** Ground Water Quality. Maintain or improve the quality and quantity of groundwater in Winter Garden by adopting land development regulations through the implementation of the following policies:

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.3.1:** The City will continue to enforce adopted land development regulations which protect potable water wellfields and aquifer recharge areas, consistent with the Wekiva Protection Act.

Amended by Ordinance 10-19, 06/24/2010



**Policy 5-1.3.2:** The City shall map and protect potable water wellfields and prime aquifer recharge areas from adverse impacts of development in conformance with the criteria listed in Objective 5-1.3.

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.3.3:** The City shall cooperate with the St. Johns River Water Management District, the Florida Department of Environmental Regulation, and other agencies to develop a comprehensive groundwater management plan as described in Regional Policy 38.2 in order to assure sufficient uncontaminated water is available for present and future residents.

**Policy 5-1.3.4:** The City shall report any unauthorized free-flowing uncapped wells to the St. Johns River Water Management District so that agency can cap and plug these wells.

**Policy 5-1.3.5:** The City shall continue to maximize protection and recharging of aquifer through implementation of Wekiva Parkway and Protection Act requirements.

Amended by Ordinance 10-19, 06/24/2010

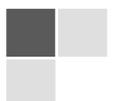
**Policy 5-1.3.6:** The City shall continue to comply with all St. Johns River Water Management District water conservation policies and the emergency water conservation plan. (9J-5.013(2)(c)4)

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.3.7:** The City shall require potential groundwater users to obtain applicable consumptive use permits and well construction permits from the St. Johns River Water Management District prior to issuance of a building permit.

**Policy 5-1.3.8:** The City shall continue to educate residents on the benefits of water conservation and shall expand water conservation efforts for potable water and lower quality water sources, including reuse and surface/stormwater, in accordance with the City's Water Conservation Plan. The City will continue to promote the following programs:

- (1) Landscape demonstrations and seminars
- (2) Irrigation water audit program
- (3) Irrigation timer assistance
- (4) High water use program
- (5) Website information
- (6) Public Service Announcements
- (7) Rain Barrel Program
- (8) Rain Sensor testing and replacement program
- (9) HOA Water Conservation presentations
- (10) Drop Saver Program
- (11) Employee training
- (12) Display and distribute water conservation information at community functions



- (13) Work with developers, civic organizations, home owners associations, community clubs, etc. to promote the importance of water conservation
  - (14) Participate in educational programs with University of Florida/IFAS Florida Yards & Neighborhoods
  - (15) Billing inserts, newspaper articles/press releases and other publications to promote water conservation
  - (16) Water Conservation Month
  - (17) Plumbing retrofit/exchange program
  - (18) Promote Florida-friendly and native plant landscaping
- Amended by Ordinance 09-59, 01/28/2010

**Policy 5-1.3.9:** The City shall continue to implement the Wekiva Parkway and Protection Act by requiring land located within the Resource Protection Overlay (see Future Land Use Figure 1.8) to have a minimum open space requirement of 25% with 20% consisting of Wekiva Study Area open space and 5% useable recreation/open space.

Amended by Ordinance 00-68, 04/26/2001  
Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.3.10:** Florida-friendly landscaping - By December 2011, the City shall revise the water conservation ordinance and the landscape ordinance to require the use of Florida Friendly Design Standards to promote the efficient use of water for all new developments and redevelopment.

Amended by Ordinance 00-68, 04/26/2001  
Amended by Ordinance 09-59, 01/28/2010  
Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.3.11:** The City shall maintain a progressive water rate structure to encourage efficient use of both potable water and lower-quality water sources such as reuse and surface/stormwater.

Amended by Ordinance 00-68, 04/26/2001  
Amended by Ordinance 09-59, 01/28/2010

**Policy 5-1.3.12: Reserved.**

**Policy 5-1.3.13:** Potable Well Heads. The enforcement of the City's Land Development Regulations, the City shall continue to restrict incompatible land uses to be located within a 500 foot radius of any potable well heads. (9J-5.013(2)(c)1)

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.3.14:** The City shall require working automatic rain sensors shut-offs on all automatic irrigation systems in accordance with state and local requirements.

Added by Ordinance 09-59, 01/28/2010

**Policy 5-1.3.15:** The City shall review and implement/maintain the following water conservation measures:

- (1) Constant monitoring and correction of water loss in the distribution system
- (2) Annual water audits
- (3) Meter survey and replacement program
- (4) Provide Construction meters to contractors and read monthly



- (5) Installation of water conserving plumbing fixtures in new construction and retrofitting older construction
- (6) Water reuse for irrigation purposes
- (7) Constant monitoring and correction of water loss in the water distribution system
- (8) Planting of drought-resistant or native vegetation in landscaping projects

Added by Ordinance 09-59, 01/28/2010  
 Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.3.16:** City shall encourage development and redevelopment to incorporate low development impact development techniques in the site design process and shall encourage water-efficient developments such as those that are constructed in accordance the Florida Water Star<sup>SM</sup> program, a voluntary certification program for new and existing residential and commercial developments, and shall make such low impact development techniques eligible for development bonus consideration in the activity centers.

Added by Ordinance 10-19, 06/24/2010

**Objective 5-1.4:** Wetland Protection. The City shall continue to implement the land development regulations which require the protection of all wetlands shown on Figure 1.1 of the Future Land Use Map series. These regulations include the use of buffering or building setbacks; preservation of natural vegetation; provisions for stormwater management; and the prohibition of any activity which impairs the natural function of these lands. The City of Winter Garden shall protect identified wetland areas and existing wildlife habitats by implementing the following policies.

Amended by Ordinance 00-68, 04/26/2001  
 Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.1:** It is the City's policy that no development is allowed in a wetland area. However, encroachment into a wetland may be allowed in cases where no other feasible or practical alternatives exist that would permit the reasonable use of the land or where there is an overriding public benefit based upon review by the appropriate regulatory agency and subject to the regulatory agency's policies and rules.

**Policy 5-1.4.2:** The City shall, continue to implement the wetland protection policies as identified in the City's comprehensive plan and require all proposed development within or adjacent to wetlands be permitted through the appropriate water management district, Army Corp of Engineers, and/or the Department of Environmental Protection. (9J-5.013(3)(b))

Amended by Ordinance 00-68, 04/26/2001  
 Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.3:** SWIM. The City will continue work with the State, the County, and the St. Johns River Water Management District with respect to the Surface Water Improvement and Management Program (SWIM) which has targeted Lake Apopka for restoration and preservation. (9J-5.013(3)(a))

Amended by Ordinance 00-68, 04/26/2001  
 Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.4:** The City shall prevent further degradation to the wetlands adjacent to Lake Apopka by maintaining the low density residential land use in that area and



by utilization of drainage controls and the 30 foot minimum building setback regulations. (9J-5.013(3)(a))

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.4. 5:** The City shall continue to utilize the flexibility allowed in the Planned Unit Development classification help to protect and conserve identified wetlands such as clustering of development and the transfer of development rights out of wetlands to uplands. (9J-5.013(3)(a))

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.4. 6:** The City shall coordinate with the Army Corp of Engineers, the Florida Department of Environmental Protection, the St. Johns River and South Florida water management districts to regulate and mitigate wetland areas for minimal avoidance under each respective agency's jurisdiction and when encroachment into a wetland area and mitigation is allowed by one of the agencies the City will not approve a development permit unless and until all permits from the regulating agencies are provided to the City.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.7:** City of Winter Garden shall continue to seek out innovative partnerships and opportunities to preserve and conserve its natural resources in a balanced approach that ensures multiple and compatible uses of those lands while providing just compensation to the land owner including acquisition, conservation easements, and transfer of development rights.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.4. 8:** The Conservation/Wetlands designation as shown on Figure 1.1 of the Future Land Use Map series shall serve as a conceptual indicator of conservation and wetland areas. The precise delineation of these areas shall be determined through site-specific studies and field determinations to assess the extent of the wetland areas.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.9:** The City shall protect and conserve wetlands in accordance with these policies. Such regulations shall include criteria for wetland protection and mitigation involving the appropriate regulatory agencies.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.10:** The City prohibits development in wetland areas and shall only issue development permits after the owner/developer secures and provides to the City final permits from the appropriate regulatory agency (Army Corp of Engineers, the Florida Department of Environmental Protection, the St. Johns and/or South Florida water management districts).

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.11:** The City's land development code shall be amended by July 2011 to include lake protection regulations for dock and seawall construction and regulations to protect the shore line and lake littoral zones.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.12:** For all proposed wetland encroachments the owner/developer shall engage a qualified environmental consultant to estimate the limits and class of onsite wetlands and then apply to the appropriate regulatory agency (Army Corp of Engineers, the Florida Department of Environmental Protection, the St. Johns and/or



South Florida water management districts) for confirmation of findings and the applicable permit(s), and if necessary to mitigate the proposed wetland encroachment in accordance with that agency's rules and regulations to include the Uniform Mitigation Assessment Methodology (Chapter 62-345, Florida Administrative Code).

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.13:** The City shall require a wetland buffer of an average of at least 25 feet with a minimum of 15 feet at any one point between wetlands and new development in order to protect water quality, preserve natural wetland functions, and preserve natural habitat. The buffer, as measured landward from the approved jurisdictional line, shall be maintained in a natural vegetative state and be free of exotic and nuisance species.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.14:** Should agency determination show that wetlands do not exist, or that the limit of the wetland is less than depicted, then the underlying future land use for the property shall prevail. Should agency determination show that wetlands cover an area larger than depicted then the future land use map series shall be amended to reflect said boundaries of the wetland.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.4.15:** The City shall direct incompatible land uses away from wetlands. Incompatible land uses include, but not be limited to, industrial uses, non-hazardous and hazardous waste disposal sites, refuse transfer stations, septic tank dependent business and residences, junk yards, and heavy manufacturing activities.

Added by Ordinance 10-19, 06/24/2010

**Objective 5-1.5:** 100-Year Flood Plain Protection. The City shall continue to conserve and protect the natural functions of the 100-year floodplain by implementing the flood protection regulations which regulate land use in and development of floodprone areas consistent with the National Flood Insurance Program and the policies set out in this Element and in Article II of Chapter 90 of the City's Code of Ordinances that addresses flood damage prevention. These policies may include clustering, or compensating storage or directing development away from floodplains.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.5.1:** The City shall, continue to implement the land development regulations which regulate areas subject to periodic or seasonal flooding consistent with the policies contained in this Element and in Article II of Chapter 90 of the City's Code of Ordinances that addresses flood damage prevention.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.5.2:** Development in the 100-year floodplain shall be consistent with the guidelines of the National Flood Insurance Program and the requirements found in the City's land development regulations relating to flood damage prevention.

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.5.3:** The City shall utilize the Planned Unit Development designation to protect and conserve critical areas of the 100-year floodplain.



**Policy 5-1.5.4:** Winter Garden shall strengthen floodplain protection requirements for riverine systems by enforcing regulations prohibiting floodplain encroachment without compensating storage.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.5.5:** Winter Garden shall, on an ongoing basis, in conjunction with other appropriate agencies such as the Water Management Districts, identify and prioritize problem floodplain areas in need of corrective measures.

Added by Ordinance 10-19, 06/24/2010

**Objective 5-1.6:** Minerals and Soil Use. The City shall conserve, protect, and appropriately utilize the minerals and soils in Winter Garden.

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.6.1:** The City's land development regulations shall continue to prohibit mining in the City.

**Policy 5-1.6.2:** The City shall utilize the detailed soil survey prepared by the Soil Conservation Service to determine suitability of soils for a requested use prior to issuance of a final development order.

**Policy 5-1.6.3:** The City shall cooperate with the Soil Conservation Service in those activities directed at minimizing soil erosion by requiring the use of the Soil Conservation Service's Best Management Practices Standard during and after development activities.

**Policy 5-1.6.4:** The City shall implement the Erosion Control Ordinance which provides a procedure for the issuance of land-clearing permits which implements erosion control methods and controls the removal of minerals and soil from a site.

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.6.5:** The City shall implement the land development regulations which provide for drainage and stormwater management in order to decrease the rate of soil erosion.

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.6.6:** Winter Garden shall on an ongoing basis, assist the Soil Conservation Service with those activities directed at minimizing soil erosion, including the adoption and enforcement of Best Management Practices for agriculture and urban development.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.6.7:** Winter Garden shall incorporate regulations into the Land Development Code concerning soils and their suitability for future development. These regulations shall include restricting development in hydric soils, preservation of groundwater recharge areas, and controlling the use of and individual on-site sewage disposal facilities.

Added by Ordinance 10-19, 06/24/2010

**Policy 5-1.6.8:** Winter Garden shall continue to require and enforce State recommended Best Management Practices to protect soils during development activities.

Added by Ordinance 10-19, 06/24/2010



**Objective 5-1.7:** Native Vegetative Protection. The City shall continue to implement the land development regulations which provide for the conservation, protection, and appropriate use of the City's native vegetative communities as specified in the Wekiva Parkway and Protection Act.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.7.1:** The City shall continue to implement the land development regulations which provide for open space for PUDs.

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.7.2:** The City shall continue to implement the land clearing permit section of the City Code. This procedure shall establish penalties for the unauthorized removal of native vegetation and require the restoration of any illegally cleared areas. (9J-5.013(2)(c)3)

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.7.3:** The City shall revise and supplement the tree protection and landscaping ordinance by October 2010. The City shall amend the tree ordinance and associated land development regulations, in order to require preservation of valuable tree species, prohibit indiscriminate clearing, and require replacement and maintenance measures. These regulations shall be included in the Land Development Code.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.7.4:** The City shall continue to implement land development regulations to provide incentives for preserving or planting native vegetation including credits toward meeting landscaping requirements; requiring restoration of unpermitted cleared areas with natural vegetation; and the requiring of clustering to protect existing areas of native vegetation.

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.7.5:** The City shall continue to utilize the Planned Unit Development process to preserve native vegetative communities from destruction by development.

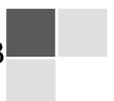
**Policy 5-1.7.6:** The City shall continue to work with other governmental agencies to conserve, appropriately use, and protect native vegetative communities located in more than one jurisdiction including but not limited to the freshwater swamp areas along the shores of Lake Apopka.

**Policy 5-1.7.7:** The City shall comply with all State and Federal regulations regarding any rare, endangered, or threatened plant species found in Winter Garden.

**Policy 5-1.7.8:** The City shall continue to implement the criteria for the designation and protection of environmentally sensitive lands to further the goals and objectives of this Element. These criteria shall be consistent with all policies contained in this Element. (9J-5.013(2)(c)9)

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.7.9:** Best Development Practices. The City hereby adopts and endorses the general principals of Reid Ewing's April 1996 "Best Development Practices." The City will specifically require the following environmental principles for residential subdivisions:



- (1) Larger developments shall use a system approach to environmental planning.
- (2) PUDs shall channel development into areas that are already disturbed when possible.
- (3) PUDs shall preserve patches of high-quality habitat whenever possible as open space and feather the edges of habitat and provide wild life corridors when appropriate.
- (4) All development shall provide buffers around wetlands.
- (5) All developments shall develop wet retention areas into open natural drainage systems and provide natural vegetation around these retention areas when appropriate.
- (6) All developments are encouraged to use Xeriscaping on all non-wetland landscaping.

Amended by Ordinance 00-68, 04/26/2001

**Objective 5-1.8:** Wildlife Protection. The City shall continue to enforce land development regulations to conserve, protect, and utilize its wildlife and wildlife habitats based upon the policies contained in this Element. (9J-5.013(2)(b)4)

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.8.1:** The City shall comply with all State and Federal regulations regarding any rare, endangered, or threatened wildlife found in the City.

**Policy 5-1.8.2:** Critical wildlife habitats for rare, endangered or threatened animals will be protected by the adoption of specific land development regulations to conserve such areas in conformance with State and Federal Laws.

**Policy 5-1.8.3:** The City shall utilize the Planned Unit Development process and other land development regulations to conserve and protect identified wildlife habitats.

**Policy 5-1.8.4:** The City shall support all programs that identify and protect critical habitats for rare, endangered, or threatened species of wildlife (types and specific locations designated by the U.S. Fish and Wildlife Service, the Florida Game and Freshwater Fish Commission, the Florida Department of Natural Resources, the Florida Department of Environmental Regulation, or the East Central Florida Regional Planning Council) by providing local data when requested and through the adoption of specific regulations to protect such areas once they are designated by one of the above agencies.

**Policy 5-1.8.5:** The City shall not approve any development or activity known to adversely affect the survival of endangered or threatened wildlife.

**Policy 5-1.8.6:** The City shall continue to cooperate with other governmental agencies on the Lake Apopka restoration project in order to enhance the fish and wildlife potential of the Lake area.

**Policy 5-1.8.7:** Listed Species – By January 30, 2011, the City shall develop regulations that will require all new developments greater than 10 acres in size or if determined to contain listed species to conduct a primary environmental audit to



determine if any listed species exist on the property. If any listed species exist, the developer must develop a relocation or mitigation plan prior to any disturbance of the land. (9J-5.013(2)(c)5)

Amended by Ordinance 00-68, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Objective 5-1.9:** Hazardous Waste Management. The City shall manage hazardous wastes so that natural resources are protected.

Amended by Ordinance 10-19, 06/24/2010

**Policy 5-1.9.1:** The City shall require all developments to comply with any applicable state and federal hazardous waste regulations prior to the issuance of a final development order. (9J-5.013(2)(c)10)

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.9.2:** Hazardous Waste & Storage Tanks. The City shall minimize future hazardous waste pollution problems:

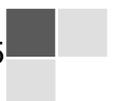
- (1) Cooperate with all Federal, State, or County agencies concerning hazardous waste contamination and/or abandoned underground storage tanks withholding development permits on property that has been identified to be in violation.
- (2) Cooperate with Orange County to develop Amnesty days for the collection of household hazardous wastes such as oil, pesticides, and other chemicals; and
- (3) Preparation of an emergency response plan for dealing with a hazardous waste occurrence, in conjunction with State and Federal plans.

(9J-5.013(2)(c)10)

Amended by Ordinance 00-68, 04/26/2001

**Policy 5-1.9.3:** The location of solid waste disposal and/or collection facilities shall protect against adverse impacts to residential areas, schools, churches, hospitals, water quality and noise pollution, wetlands and other environmental factors.

Amended by Ordinance 10-19, 06/24/2010



# Recreation and Open Space Element





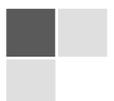
# Chapter 6: Recreation and Open Space Element

## **Goal 6-1: Open Space and Recreation..... REC5**

Objective 6-1.1: Adequate Parks and Recreation .....	REC5
Policy 6-1.1.1 to Policy 6-1.1.12.....	REC5
Objective 6-1.2: Coordination Efforts .....	REC6
Policy 6-1.2.1 to Policy 6-1.2.5.....	REC6
Objective 6-1.3: Level of Service Standards.....	REC6
Policy 6-1.3.1 to Policy 6-1.3.8.....	REC6
Objective 6-1.4: Natural Environment .....	REC7
Policy 6-1.4.1 to Policy 6-1.4.4.....	REC7

## **Recreation and Open Space Element Map Series**

Figure 6.1: Recreation and Open Space





## **CHAPTER 6: RECREATION AND OPEN SPACE ELEMENT GOALS, OBJECTIVES, AND POLICIES**

**Goal 6-1:** Open Space and Recreation. The provision and maintenance of sufficient open space and recreation sites to meet the needs of current and future residents of Winter Garden.

Amended by Ordinance 10-19, 06/24/2010

**Objective 6-1.1:** Adequate Parks and Recreation. The City of Winter Garden will maintain and provide for the future development of a system of parks and recreation facilities that include active and resource based recreation opportunities to meet a variety of needs for its residents and visitors.

Amended by Ordinance 10-19, 06/24/2010

**Policy 6-1.1.1:** The City shall continue to maintain all current public access ways to existing and proposed parks and open space sites.

**Policy 6-1.1.2:** The City shall develop future recreation and open space areas only if they have sufficient public access routes available.

**Policy 6-1.1.3:** The City shall continue to maintain its existing public access to Lake Apopka.

**Policy 6-1.1.4:** The City shall continue to identify all obstacles to park access for the handicapped and elderly and implement a plan to correct these deficiencies.

**Policy 6-1.1.5:** The City shall continue to implement the City of Winter Garden Bicycle and Pedestrian Master Plan (2002), as it may be amended, created in conjunction with the FDOT.

Amended by Ordinance 10-19, 06/24/2010

**Policy 6-1.1.6:** The City shall design, construct, and manage parks, recreation facilities, and trails with access ways that are compatible with the natural features and character of individual park sites.

Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.1.7:** The City shall provide greenways and blueways where possible to help connect natural resources and parks to the trail system.

Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.1.8:** The City shall investigate ways to link the West Orange Trail to parks located south of the Turnpike.

Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.1.9:** The City shall, through its Zoning Ordinance, continue to require the provision of open space in the form of building setback regulations.

**Policy 6-1.1.10:** The City shall, through its Subdivision Ordinance, continue to require mandatory dedication of recreational lands or recreation fees for all future subdivisions.



**Policy 6-1.1.11:** The City shall continue, through its Zoning Ordinance, to mandate the provision of common recreation and/or open space serving mobile home park residents prior to approving such development.

**Policy 6-1.1.12:** The City hereby adopts the Recreation and Open Space Map as shown in Figure 6.1.

Added by Ordinance 10-19, 06/24/2010

**Objective 6-1.2:** Coordination Efforts. The City shall continue to utilize existing coordination mechanisms between public and private entities, as identified in this Element, in order to meet the recreation needs established for the City.

Amended by Ordinance 10-19, 06/24/2010

**Policy 6-1.2.1:** The City shall continue to apply for State and Federal grants in addition to local funding for park acquisition and development.

Amended by Ordinance 10-19, 06/24/2010

**Policy 6-1.2.2:** The City shall continue to participate with the County in the selection and development of any recreation areas serving the residents of Winter Garden.

**Policy 6-1.2.3:** The City shall continue to work with the Friends of Lake Apopka and the St. John's River Water Management District in the development of trails and blueways consistent with the Lake Apopka Greenways and Trails Master Plan (January 2002).

Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.2.4:** The City shall continue working towards implementing its trails program by coordination with federal, state, regional, and local public and private agencies, developers, and/or organizations.

Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.2.5:** The City of Winter Garden supports the Vision, Goals, Objectives and Strategies of the Green Mountain Scenic Byway Corridor Management Committee, as stated in the Green Mountain Scenic Byway Application for Additional Corridor in the City of Winter.

Added by Ordinance 10-19, 06/24/2010

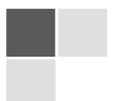
**Objective 6-1.3:** Level of Service Standards. The City shall maintain and upgrade existing recreation sites and provide sufficient park acreage to meet adopted level of service standards at all times.

Amended by Ordinance 10-19, 06/24/2010

**Policy 6-1.3.1:** The City hereby adopts a Level of Service standard of five (5) acres of recreation/open space for every 1,000 persons.

**Policy 6-1.3.2:** The City shall continue to maintain and upgrade existing recreational facilities and sites through the provision of landscaping, parking facilities, resurfacing of tennis and shuffleboard courts, and general maintenance.

**Policy 6-1.3.3:** The City shall annually, during the budget process, identify and evaluate the purchase of any vacant land available adjacent to existing park sites.



**Policy 6-1.3.4:** The City shall include in the five-year capital improvements program all expenditures for new or replacement facilities and new park sites needed to meet the adopted level of service standard.

**Policy 6-1.3.5:** The City shall incorporate into the existing park system public environmental land, where feasible, for park development, environmental education, and protection.

Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.3.6:** The City shall continue to seek funding to purchase property for the proposed Tucker Ranch Nature Center located south of the Turnpike and west of CR 545/Avalon Road.

Amended by Ordinance 10-19, 06/24/2010

**Policy 6-1.3.7:** The City shall continue to require through the land development regulations either land to be dedicated or an impact fee to be paid for all public and private residential development.

**Policy 6-1.3.8:** The City shall amend existing land development regulations to include specific open space definitions and standards no later than the time-frame established by the State.

**Objective 6-1.4:** Preservation and Acquisition. The City of Winter Garden will actively promote, protect, and where possible acquire environmental sensitive lands and encourage all forms of resource-based recreation opportunities.

Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.4.1:** The City shall continue to require through the land development regulations either land to be dedicated or an impact fee to be paid for all public and private residential development.

Amended by Ordinance 00-64, 04/26/2001

**Policy 6-1. 4.2:** The Zoning Ordinance shall continue to require open space in the form of building setback regulations.

**Policy 6-1.4.3:** Mobile home parks shall continue to be required to provide common open space/recreation lands to service the residents of these parks.

**Policy 6-1.4.4:** The City shall, through its Subdivision Ordinance, continue to require mandatory dedication of recreation/open space lands and/or fees.

Amended by Ordinance 00-64, 04/26/2001

**Policy 6-1.4.5:** The City shall continue to apply for State and Federal grants in addition to local funding for the acquisition of open space areas.

Amended by Ordinance 10-19, 06/24/2010

**Policy 6-1.4.6:** The City shall continue to implement the Wekiva Parkway and Protection Act by requiring land located within the Resource Protection Overlay to have a minimum open space requirement of 25% with 20% consisting of Wekiva Study Area open space and 5% useable recreation/open space.

Added by Ordinance 10-19, 06/24/2010



**Policy 6-1.4.7:** The City shall continue to promote access to water bodies and natural resources through the development and maintenance of public access points, swimming areas, boat ramps, and canoe/kayak launches.  
Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.4.8:** The City shall preserve its natural resources through land acquisition programs and best management practices of existing environmental lands.  
Added by Ordinance 10-19, 06/24/2010

**Policy 6-1.4.9:** The City shall incorporate into the existing park system public environmental land, where feasible, for park development, environmental education, and protection.  
Added by Ordinance 10-19, 06/24/2010

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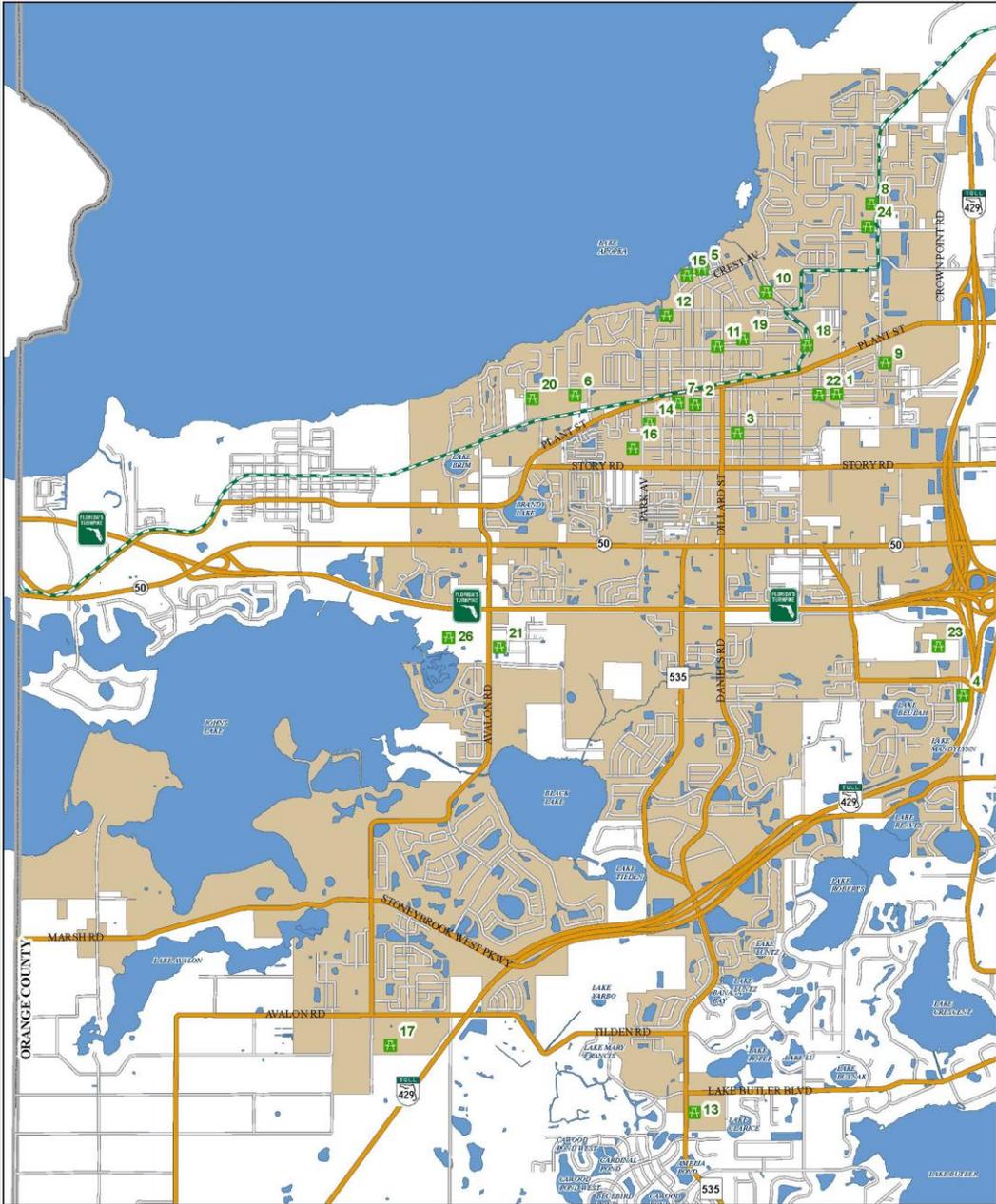
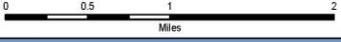


**Figure 6.1  
Recreation and Open Space**

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li> Recreation Openspace</li> <li> West Orange Trail</li> <li> Major Roads</li> <li> Roads</li> <li> County Line</li> <li> Water Bodies</li> <li> City Limits</li> </ul> | <p><b>City Recreation</b></p> <p>ID Name</p> <ol style="list-style-type: none"> <li>1 Zanders Park/Bouler Pool</li> <li>2 Old Fire Station Recreation Center</li> <li>3 Maple Street Park</li> <li>4 Warrior Park</li> <li>5 Farnsworth Pool</li> <li>6 Bay Street Practice Fields</li> <li>7 Downtown Park</li> <li>8 Chapin Station Neighborhood Park</li> <li>9 Dixon Activity Center/Magic Gym</li> <li>10 Lulu Creek Trail</li> <li>11 Jessie Brock Center</li> <li>12 Bradford Park</li> <li>13 Braddock Park</li> <li>14 Williams Little League &amp; Walker Fields</li> <li>15 Tanner Hall/Newton Park</li> </ol> | <p>ID Name</p> <ol style="list-style-type: none"> <li>16 Veteran's Memorial Park</li> <li>17 Foundation Academy</li> </ol> <p><b>Non City Recreation</b></p> <p>ID Name</p> <ol style="list-style-type: none"> <li>18 West Orange Trail</li> <li>19 Dillard St Elementary School</li> <li>20 Lakeview Middle School</li> <li>21 Tildenville Neighborhood Park</li> <li>22 Maxey Community Center</li> <li>23 West Orange Soccer Complex</li> <li>24 Chapin Station Trailhead</li> </ol> <p><b>Proposed City Recreation</b></p> <p>ID Name</p> <ol style="list-style-type: none"> <li>26 Tucker Ranch Nature Center</li> </ol> |
|--|---|---|



Source: City of Winter Garden  
February, 2010



FLU Goals, Objectives & Policies





# Intergovernmental Coordination Element





# Chapter 7: Intergovernmental Coordination Element

**Goal 7-1: Coordination..... ICE5**

- Objective 7-1.1: Plans Coordination ..... ICE5
  - Policy 7-1.1.1 to Policy 7-1.1.6..... ICE5
- Objective 7-1.2: Impact Mitigation ..... ICE5
  - Policy 7-1.2.1 to Policy 7-1.2.8..... ICE6
- Objective 7-1.3: Level of Service Standards..... ICE6
  - Policy 7-1.3.1 to Policy 7-1.3.3..... ICE7
- Objective 7-1.4: Enclave Elimination ..... ICE7
  - Policy 7-1.4.1..... ICE7
- Objective 7-1.5: Public School Coordination ..... ICE7
  - Policy 7-1.5.1 to Policy 7-1.5.2..... ICE7
- Objective 7-1.6: Oakland Coordination..... ICE7
  - Policy 7-1.6.1..... ICE7
- Objective 7-1.7: Water and Wastewater Coordination ..... ICE7
  - Policy 7-1.7.1 to Policy 7-1.7.2..... ICE8
- Objective 7-1.8: Public School Planning..... ICE8
  - Policy 7-1.8.1 to Policy 7-1.8.4..... ICE8





## CHAPTER 7: INTERGOVERNMENTAL COORDINATION ELEMENT GOALS, OBJECTIVES, AND POLICIES

**Goal 7-1:** Coordination. Ensure that an integrated program of intergovernmental coordination which maximizes efficiency in providing services and facilities, reduces duplication of effort, solves common problems, and coordinates development activities is provided by the City. (9J-5.015(3)(a))

Amended by Ordinance 00-65, 04/26/2001  
Amended by Ordinance 10-19, 06/24/2010

**Objective 7-1.1:** Plans Coordination. The City shall continue to review and coordinate elements of the plans of Ocoee, Oakland, Orange County, Orange County School District, St. Johns River Water Management District, ECFRPC, FDOT, and the Expressway Authority. (9J-5.0145(3)(b)1. (3)(b) 2.)

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.1.1:** The City shall maintain a recent copy of Orange County, the City of Ocoee, and the Town of Oakland adopted comprehensive plans and shall review any Winter Garden development that may adversely affect adjacent land use identified in these plans. (9J-5.015(3)(c)5. & (3)(c)7.)

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.1.2:** The City shall continually request information from the Orange County School Board on any short or long range plans to locate additional schools in the Winter Garden area and shall incorporate such plans into the City's Plan.

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.1.3:** The City shall, continually analyze any conflicts between the City of Winter Garden Comprehensive Plan and those of adjacent local governments and amend this Plan to specify intergovernmental coordination mechanisms to be taken to resolve the specific conflicts noted. (9J-5.015(3)(c)5. & (3)(c)7.)

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.1.4:** Information. The City shall cooperate with the dissemination of information to other government entities. (9J-5.015(3)(c)3.)

Added by Ordinance 00-65, 04/26/2001

**Policy 7-1.1.5:** The City shall coordinate with the St Johns River Water Management District and the South Florida Water Management District during updates to the District's regional water supply plans to identify potentially feasible water supply projects in the City. The City will update its water supply facilities work plan every five years, within 18 months of the adoption of the latter of the two water management districts' regional water supply plans.

Added by Ordinance 09-59,01/28/2010

**Policy 7-1.1.6:** The City shall continue to actively participate on the committees, and subcommittees when applicable, of METROPLAN Orlando.

Added by Ordinance 10-19, 06/24/2010

**Objective 7-1.2:** Impact Mitigation. To continue to ensure that the impacts of the City's development growth do not effect adjacent communities as well as other regional and state interests. (9J-5.015(3)(b)2.)

Amended by Ordinance 00-65, 04/26/2001



**Policy 7-1.2.1:** The City shall ensure that development in the City does not receive a final development permit from the City until all applicable State, regional, and local permits and approvals are received.

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.2.2:** The City shall continually review the comprehensive plans of Orange County, Ocoee, and Oakland for land use conflicts between development proposed in Winter Garden and the development depicted in the plans of these adjacent local governments and shall either modify the City's Plan to reduce these conflicts or request the adjacent government to modify their proposals. (9J-5.015(3)(c)5. & (3)(c)7.)

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.2.3:** The City shall continue to cooperate with the State agencies and the St. Johns River Water Management District in achieving the objectives of the Lake Apopka SWIM Plan by implementing land development regulations which are consistent with and further those objectives that are applicable to the City.

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.2.4:** The City shall utilize the East Central Florida Regional Planning Council's dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests in accordance with section 186.509 of the Florida Statutes. (9J-5.015(3)(c)2.)

Amended by Ordinance 00-65, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 7-1.2.5:** The City shall work closely with Orange County and adjacent local governments to resolve land use and service conflicts in annexation areas by establishing joint planning agreements addressing future land use, public facilities and annexation issues. (FS 163.3177(6)(h)1.(a) and 9J-5.015(3)(c)4.)

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.2.6:** The City will review and provide input at the planning stage for all community development proposals affecting the City. (9J-5.015(3)(c)1.)

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.2.7:** Agreements. The City is willing to negotiate an interlocal or other formal agreement that will identify the coordination of services with projected population with any unit of local government that is a service provider. (FS 163.3177(6)(h)2.)

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.2.8:** JPA – The City will continue to implement the Restated Interlocal Agreement for Joint Planning Area Between Orange County and the City of Winter Garden (June 1997), as amended, addressing annexation, land use decisions, and utilities.

Added by Ordinance 10-19, 06/24/2010

**Objective 7-1.3:** Level of Service Standards. The City shall ensure that the level of service standards adopted for public facilities are coordinated with the agency or local government having maintenance and operating responsibilities for that facility. (9J-5.015(3)(b)3.)

Amended by Ordinance 00-65, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010



**Policy 7-1.3.1:** The City shall continue to identify all conflicting level of service standards adopted for public facilities serving Winter Garden.

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.3.2:** The City shall continue to coordinate with the appropriate agency to ensure consistent level of service standards for non-city public facilities.

Amended by Ordinance 00-65, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 7-1.3.3:** The City shall continue to work with Orange County to improve the recycling process for solid waste.

Amended by Ordinance 00-65, 04/26/2001

**Objective 7-1.4:** Enclave Elimination. To eliminate all of the enclaves with the Reserve Area.

Amended by Ordinance 00-65, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 7-1.4.1:** Annexation of Enclaves - Negotiate an interlocal agreement with Orange County to establish a strategic plan for annexation of enclaves. Also, establish a policy for road and the West Orange Trail annexation. (FS 163.3177(6)(h)1.(a))

Amended by Ordinance 00-65, 04/26/2001

**Objective 7-1.5:** Public School Coordination. To coordinate the City's residential growth with school acquisition sites.

Amended by Ordinance 00-65, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 7-1.5.1:** Orange County School Staff - The City shall continue the informal coordination between the City and the School Board staff and shall continue to allow and encourage comments from the School Board Staff concerning new residential development through the public schools facilities element.

Amended by Ordinance 00-65, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 7-1.5.2:** School Site Zones - City Staff shall coordinate with Orange County School Staff-to identify elementary and middle school zones in the developing areas of Winter Garden. FAC 9J-5015((3)(c)1)

Amended by Ordinance 00-65, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Objective 7-1.6:** Oakland Coordination. To plan a new road and utility network for the developing property between Oakland and Winter Garden.

Amended by Ordinance 00-65, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 7-1.6.1:** South Shores of Lake Apopka - The City shall coordinate with the City of Oakland for the development of new roads and utility corridors on the west side of the City.

Amended by Ordinance 00-65, 04/26/2001

**Objective 7-1.7:** Water and Wastewater Coordination. To Coordinate water and wastewater facilities with other providers. (FS 163.3177(6)(h)1.(a) & by 9J-5015(3)(b)3)

Amended by Ordinance 00-65, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010



**Policy 7-1.7.1:** Orange County Utilities. The City will negotiate a new interlocal agreement with Orange County to identify the future utility connections (specifically looping the water systems) in the southern planning area. Also, negotiate with the County to establish a date that will require all unincorporated development to connect to available City water and wastewater facilities.

Amended by Ordinance 00-65, 04/26/2001

**Policy 7-1.7.2:** Interconnects. The City will continue to provide potable water interconnects with other utility providers when appropriate.

Amended by Ordinance 00-65, 04/26/2001

**Objective 7-1.8:** Public School Planning. The City of Winter Garden shall, throughout the planning period, coordinate and work with Orange County Public Schools to ensure that sufficient school capacity is available to support proposed development and that necessary infrastructure is available to accommodate new schools.

Added by Ordinance 08-34, 10/09/2008

Amended by Ordinance 10-19, 06/24/2010

**Policy 7-1.8.1:** The City shall designate a representative to serve on the Technical Advisory Committee to discuss issues and formulate recommendations regarding the appropriate coordination of land uses and schools.

Added by Ordinance 08-34, 10/09/2008

**Policy 7-1.8.2:** The City shall provide projected development data to OCPS on a regular basis to assist in the development of a long-range planning model to project student enrollment.

Added by Ordinance 08-34, 10/09/2008

**Policy 7-1.8.3:** As a member of the OCPS Technical Advisory Committee, the City shall review OCPS model projections for consistency with the City projections and, if necessary, shall recommend additions or modifications to the model results.

Added by Ordinance 08-34, 10/09/2008

**Policy 7-1.8.4:** The City shall continue to participate in and regularly review, monitor compliance with, and suggest necessary updates to the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency (2008), as may be amended, between the City of Winter Garden, Orange County and the other municipalities therein, and the School Board of Orange County.

Added by Ordinance 08-34, 10/09/2008

Amended by Ordinance 10-19, 06/24/2010



# Capital Improvement Element





# Chapter 8: Capital Improvement Element

## Goal 8-1: Public Facilities Provisions ..... CIE5

Objective 8-1.1: 5-Year Schedule of Capital Improvements .....	CIE5
Policy 8-1.1.1 to Policy 8-1.1.8.....	CIE5
Objective 8-1.2: Consistency.....	CIE6
Policy 8-1.2.1 to Policy 8-1.2.6.....	CIE6
Objective 8-1.3: Proportionate/Fair Share .....	CIE8
Policy 8-1.3.1 to Policy 8-1.3.5.....	CIE8
Objective 8-1.4: Concurrency Management System .....	CIE9
Policy 8-1.4.1 to Policy 8-1.4.8.....	CIE9
Objective 8-1.5: Availability of Public Facilities.....	CIE10
Policy 8-1.5.1 to Policy 8-1.5.4.....	CIE10
Objective 8-1.6: Public School Coordination .....	CIE10
Policy 8-1.6.1 to Policy 8-1.6.10.....	CIE10
Objective 8-1.7: TCEA.....	CIE12
Policy 8-1.7.1 to Policy 8-1.7.3.....	CIE12





## CHAPTER 8: CAPITAL IMPROVEMENT ELEMENT GOAL, OBJECTIVES AND POLICIES

**Goal 8-1:** Public Facilities Provisions. Ensure that the City provides the public facilities which are its responsibility in a manner which meets the adopted level of service standards for the needs of both existing and future residents and which are provided in a timely, cost effective, and typically sound manner. (9J-5.016(3)(a))

Amended by Ordinance 00-67, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Objective 8-1.1:** 5-Year Schedule of Capital Improvements. Each year during the budget process, the City Commission shall review the 5-year schedule of capital improvements contained in this Element to ensure that the required capital facilities are constructed to meet any existing deficiencies, to accommodate the needs of planned future growth, and to replace obsolete or worn-out facilities, and will add to this list through the amendment process as it deems necessary. (9J-5.016(3)(b)1)

Amended by Ordinance 00-67, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 8-1.1.1:** Public physical improvements including land acquisition, buildings, structures, facilities, equipment, and infrastructure with a unit cost exceeding \$50,000 and a useful life of at least ten years shall be considered capital improvements. For purposes of the Capital Improvements Element, public facilities are defined as those facilities that maintain or improve adopted levels of service for traffic circulation, mass transit, portable water, sanitary sewer, solid waste, recreation and parks, stormwater management and Orange County Public Schools (after December 2008).

Amended by Ordinance 08-55, 11/13/2008

**Policy 8-1.1.2:** The City Commission will include all projects that meets the State's Uniform Accounting System Manual's definition of "Improvements Other the Buildings" (63) and "Building Improvements" of the Capital Outlay section as a capital improvement in the CIP.

Amended by Ordinance 00-67, 04/26/2001

Amended by Ordinance 08-55, 11/13/2008

**Policy 8-1.1.3:** All proposed capital improvement projects shall be evaluated on a yearly basis and shall be consistent consistency with the Comprehensive Plan and prioritized according to the following criteria:

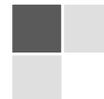
- Elimination of public hazards;
- Elimination of existing capacity deficiencies;
- Impact on the budget of the City and financial feasibility;
- Location needs based on projected growth patterns;
- Accommodation of new development and redevelopment facility demands;
- Plans of State agencies, Orange County, and the St. Johns River Water Management District
- Local priorities

(9J-5.016(3)(c)1)

Amended by Ordinance 00-67, 04/26/2001

Amended by Ordinance 08-55, 11/13/2008

**Policy 8-1.1.4:** Land Use Planning and Capital Improvement and Public Services. The City shall integrate its land use planning and decisions with its plans for public facility



capital improvements and public services by developing, adopting and using the programs listed in the 5-year schedule of capital improvements and within individual elements of the comprehensive plan. The location of, and level of service provided by projects in the 5-year schedule of capital improvements shall maintain adopted standards for levels of service for existing and future development in a manner and location consistent with the comprehensive plan.

Added by Ordinance 10-19, 06/24/2010

**Policy 8-1.1.5:** As part of the yearly budget, the City Planner shall ensure each capital project or program is consistent with the City’s Comprehensive Plan to include the City’s concurrency requirements. The City Planner shall also monitor the development of the adoption and implementation of the CIP for compliance with the City’s Comprehensive Plan. (9J-5.016(5) & 9J-5.016(4)(b))

Added by Ordinance 00-67, 04/26/2001

Amended by Ordinance 08-55, 11/13/2008

**Policy 8-1.1.6:** The City shall update the Capital Improvement Element annually. The Capital Improvement Budget will be based on a multi-year Capital Improvement Program.

Amended by Ordinance 08-55, 11/13/2008

**Policy 8-1.1.7:** Any additional deletion of concurrency related projects in the Capital Improvements Program shall require a plan amendment to the Comprehensive Plan. The deferral or delay of the construction date of any concurrency related projects already in the Capital Improvements Program shall also require a plan amendment to the Comprehensive Plan.

Amended by Ordinance 08-55, 11/13/2008

**Policy 8-1.1.8:** Consistent with S163.3177(3)(b)1, F.S., the following changes may be adopted by local ordinance provided they are consistent with the Comprehensive Plan. These include: Corrections and modifications of the cost of a project already in the Capital Improvements Program, corrections and modifications to revenue sources and the acceptance of facilities by dedication.

Amended by Ordinance 08-55, 11/13/2008

**Objective 8-1.2:** Consistency. Prior to the issuance of any final development order, the City shall determine that development is consistent with the Future Land Use Map, the scheduled capital improvements, and maintaining the adopted level of service standards. (9J-5.016(3)(b)3)

Amended by Ordinance 00-67, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 8-1.2.1:** Adopted level of service standards for the City shall include the following:

Affected Public Facility and Service Level of Service

FACILITY	LOS STANDARD
Sanitary Sewer	250 gallons/unit/day
Potable Water	350 gallons/unit/day
Drainage	On-site retention: Retain the first 1/2 inch of runoff Storm event: 25 year 24 hour Quantity: Post development stormwater runoff flow rates, quantities, peaks, and velocities shall be equal to or less than pre-development runoff



Quality:	Conform to State water quality standards as set forth in the State Water Policy, Chapter 17-40, F.A.C.
Solid Waste	5.6 pounds/person/day
Recreation	5 acres/1,000 persons

Amended by Ordinance 96-13, 06/27/1996  
 Amended by Ordinance 98-32, 12/10/1998  
 Amended by Ordinance 00-67, 04/26/2001  
 Amended by Ordinance 10-19, 06/24/2010

### Traffic Circulation

Roadway	From	To	Adopted LOS
9th Street	Plant Street	SR 50 (West Colonial Drive)	E
Beard Road	Daniels Road	Beulah Road	E
Beulah Road	Roper Road	SR 50 (West Colonial Drive)	E
Carter Road	SR 50 (West Colonial Drive)	Story Road	E
CR 535/Winter Garden-Vineland Road	Lake Butler Boulevard	SR 50 (West Colonial Drive)	E
CR 545/Avalon Road	SR 50 (West Colonial Drive)	Davenport Road	E
Crest Avenue	Division Street	Fullers Cross Road	E
Crown Point Cross Road	Hennis Road	East Crown Point Road	E
Daniels Road	Stoneybrook Parkway	SR 50 (West Colonial Drive)	E
Dillard Street	SR 50 (West Colonial Drive)	Plant Street	E
Division Street	Hennis Road	Lakeview Avenue	E
East Crown Point Road	Plant Street	Northeast City Limits	E
Florida Turnpike (SR 91)	Eastern City Limits	Western City Limits	D
Fullers Cross Road	Crest Avenue	East Crown Point Road	E
Hennis Road	Plant Street	Crown Point Road	E
Lake Butler Boulevard	CR 535/Winter Garden-Vineland Road	McKinnon Road	E
Lakeview Avenue	Tilden Street	Division Street	E
Marsh Road	Avalon Road	Western City Limits	E
Park Ave	Tilden Street	SR 50 (West Colonial Drive)	E
Plant Street	Eastern City Limits	Western City Limits	E
Roper Road	CR 535/Winter Garden-Vineland Road	Beulah Road	E
SR 50 (West Colonial Drive)	Western City Limits	Western Beltway (SR 429)	D
Stoneybrook Parkway	Avalon Road	Windermer Road	E
Story Road	Eastern City Limits	Western City Limits	E
Tilden Road	Avalon Road	CR 535/Winter Garden-Vineland Road	E
Tilden Street	Park Avenue	Lakeview Avenue	E
Tildenville School Road/(CR 545)	SR 50 (West Colonial Drive)	Plant Street	E
Warrior Road	Windermere Road	Beulah Road	E
West Crown Point Road	Plant Street	Crown Point Cross Road	E
Western Beltway (SR 429)	Southern City Limits	Clarcona-Ocoee Road	D
Windermere Road	Stoneybrook Parkway	Warrior Road	E
All Other City Roadways			D
Public Transit		30 Minute Headways	

(9J-5.016(3)(c)4)

Added by Ordinance 00-67, 04/26/2001  
 Amended by Ordinance 10-19, 06/24/2010

**Policy 8-1.2.2:** As a part of the City's Concurrency Management System, the City shall determine which previously issued development orders are in effect and shall reserve capacity in all public facilities to provide for these development orders until they expire or are built out.

**Policy 8-1.2.3:** The City will determine whether adequate public facilities and services are or will be available to meet the demand of any proposed development when needed by that development. This determination will be made at the time of the issuance of the building permit or at an earlier date if requested by the developer.

**Policy 8-1.2.4:** As part of the yearly budget process, the City evaluates the existing public facilities as for replacement or repair. (9J-5.016(3)(c)3)  
 Amended by Ordinance 00-67, 04/26/2001



**Policy 8-1.2.5:** The City of Winter Garden shall consider the planned availability of concurrency-related facilities and the impact on the adopted levels of service when making land use decisions.

Added by Ordinance 08-55, 11/13/2008

**Policy 8-1.2.6:** For any phased, large-scale, future land use amendment, the City shall require the applicant to demonstrate the capacity to provide the necessary infrastructure over the entire build-out period.

Added by Ordinance 08-55, 11/13/2008

**Policy 8-1.2.7:** Pursuant to subsection 163.3164 (34) of the Florida Statutes (FS) the City of Winter Garden qualifies as a dense urban land area as determined by the Office of Economic and Demographic Research. As such, pursuant to subsection 163.3180 (5)(b)1.a., FS the City is designated a Transportation Concurrency Exception Area. Policies establishing the standards for the TCEA are found in the Future Land Use Element and the Multi Modal Transportation Element.

Added by Ordinance 10-19, 06/24/2010

**Objective 8-1.3:** Proportionate/Fair Share. The City Commission shall require future developments to bear a proportionate cost, as determined by their demand on public facilities, of improvements necessitated by the development in order to maintain adopted level of service standards. (9J-5.016(3)(b)4)

Amended by Ordinance 00-67, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 8-1.3.1:** Impact Fees. The City shall maintain an impact fees system for new growth and, from time to time, review the impact fee schedule to ensure the fee rates are equitable. This impact fee will pay for a pro-rata share of the improvements needed to support the new development. (9J-5.016(3)(c)8)

Amended by Ordinance 00-67, 04/26/2001

**Policy 8-1.3.2:** The City will request Orange County to spend impact fees in the Winter Garden area for those facilities impacted by County growth.

**Policy 8-1.3.3:** If a proposed development is consistent with the Land Development Code and the Comprehensive Plan, but one or more concurrency-related facilities is deficient, the applicant may, at his/her expense, improve the level of service of the facility if and when such improvement is consistent with City plans and the City agrees to the improvement.

Added by Ordinance 08-55, 11/13/2008

**Policy 8-1.3.4:** When necessary and appropriate, new developments shall be assessed a pro-rata share of the costs necessary to finance public facility improvements necessitated by development in order to adequately maintain adopted level of service standards.

Added by Ordinance 08-55, 11/13/2008

**Policy 8-1.3.5:** At the City's discretion, a multi-use development of regional impact ("DRI") meeting the criteria of Section 163.3180(12). Florida Statutes, may use the standards and procedures set forth in that statute to satisfy the City's transportation concurrency requirements and transportation mitigation requirement under Section 380.06, Florida Statutes, by payment of a proportionate share contribution. Any proportionate share contribution for a DRI pursuant to this policy shall be stated in



the DRI Development Order and shall be subject to the conditions stated in the Development Order.

If the affected roadway is on the State Highway System or the Orange County system, the FDOT or Orange County, as the case may be, must agree to accept payment of proportionate share contribution as adequately mitigating the impacts of development. In order to address transportation concurrency, the City will contact and request that Metro Plan Orlando and FDOT ensure that the necessary improvements are prioritized in the next appropriate update to the Transportation Improvement Program (TIP). When appropriate, the City's 5-Year Capital Improvement Plan will be amended to include the necessary improvements to be funded through the Developer's proportionate share contribution.

Amended by Ordinance 05-02, 09/07/2005

Amended by Ordinance 06-10, 02/23/2006

Amended by Ordinance 10-19, 06/24/2010

**Objective 8-1.4:** Concurrency Management System. The City shall continue to use its Concurrency Management System to insure that necessary capital improvements for previously issued development orders and for future development and redevelopment proposals are provided.

Amended by Ordinance 00-67, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 8-1.4.1:** In providing capital improvements, the City shall limit the maximum ratio of outstanding indebtedness to no greater than 10 percent of the property tax base. (9J-5.016(3)(c)2)

Amended by Ordinance 00-67, 04/26/2001

**Policy 8-1.4.2:** The City shall make every effort to secure Federal and State grants as well as private funds to finance capital improvements.

**Policy 8-1.4.3:** Through the yearly budget process, the City Commission shall develop fiscal policies which will help direct capital improvement expenditures for those improvements which are outlined by the policies in other Plan elements. (9J-5.016(3)(c)9)

Amended by Ordinance 00-67, 04/26/2001

**Policy 8-1.4.4:** The City may consider paying for capital improvements for the Capital Improvement Program either as a bond tied to the property tax by referendum or by a non-property tax bond for years two or three of the CIE. If this occurs and the bond is approved, the money generated from the bond will be considered committed revenues.

Added by Ordinance 08-55, 11/13/2008

**Policy 8-1.4.5:** The City will continue its development of a 5-year Capital Improvement Program and will utilize this program to determine new public facility needs to be scheduled in the CIE.

**Policy 8-1.4.6:** In the event that either a bond that is tied to property tax is not approved by the citizens or a non-property tax bond is not approved by the City Commission, the City is required to identify other revenue sources to ensure financial feasibility of the capital projects or amend the plan to eliminate projects from the Capital Improvements Program.

Added by Ordinance 08-55, 11/13/2008



**Policy 8-1.4.7:** Each year as a part of the annual budget review, the City Commission shall consider the public facility needs of City, the existing CIE and the goals, objectives, and policies contained in the Comprehensive Plan in order to ascertain the need to amend the Capital Improvements Schedule.

**Policy 8-1.4.8:** When necessary and appropriate, new developments shall be assessed a pro-rata share of the costs necessary to finance public facility improvements necessitated by development in order to adequately maintain adopted level of service standards.

Added by Ordinance 08-55, 11/13/2008

**Objective 8-1.5:** Availability of Public Facilities. The City Commission, shall continue to implement a Concurrency Management System in order to insure that the issuance of development orders is based upon the development requirements of this Plan, land development regulations, and the availability of public facilities at a level of service to support the development. (9J-5.016(3)(b)5)

Amended by Ordinance 00-67, 04/26/2001

Amended by Ordinance 10-19, 06/24/2010

**Policy 8-1. 5.1:** The City shall use the adopted level of service standards to establish the impact of any proposed development.

**Policy 8-1. 5.2:** The City shall require that the proposed development is consistent with all elements of the Comprehensive Plan.

**Policy 8-1.5.3:** The City shall require that the proposed development meets the adopted level of service standards prior to the issuance of a building permit or will meet the level of service standard when the service is needed. (9J-5.016(3)(c)5 & (3)(c)6)

Amended by Ordinance 00-67, 04/26/2001

**Policy 8-1.5.4:** Five Year CIP. As part of the yearly budgeting process, the City shall develop and maintain a Five Year Capital Improvement Plan to plan for future improvements. This Five Year Plan shall reflect the needs identified in other elements of this comprehensive plan and be financially feasible. The tables contained in Exhibit "A", attached hereto and incorporate herein, illustrates the current five (5) year Capital Improvement Plan for fiscal years 2009/2010 to 2013/2014. (9J-5.016(3)(c)7)

Amended by Ordinance 00-67, 04/26/2001

Amended by Ordinance 08-55, 11/13/2008

Amended by Ordinance 10-06, 03/11/2010

**Objective 8-1.6:** Public School Coordination. To work with OCPS to develop a financially feasible ten (10) year District Capital Outlay Plan (DCOP), a consistent Public School Facilities Element ("PSFE"), and Capital Improvements Element ("CIE").

Amended by Ordinance 10-19, 06/24/2010

**Policy 8-1.6.1:** Prior to June 1<sup>st</sup> of each year, Orange County Public Schools (OCPS) shall coordinate with the City to develop a financially feasible ten (10) year District Capital Outlay Plan (DCOP) for review and approval by the OCPS Board and adoption into the Capital Improvements Element for the City.

**Policy 8-1.6.2:** The County shall review the updated ten (10) year DCOP to determine if the projected capacity, projected enrollment, and LOS for each school



and Concurrency Service Area (CSA) within the City's jurisdiction is consistent with its growth projections.

**Policy 8-1.6.3:** The City shall review and update OCPS' adopted CSA's , adopted Level of Service (LOS) and enrollment projections in the annual update of the CIE to ensure that the CIE continues to be financially feasible and that the LOS will be achieved.

**Policy 8-1.6.4:** The ten (10) year DCOP shall include all planned capital projects which increase the capacity of public schools within the County.

**Policy 8-1.6.5:** The City shall include the ten (10) year DCOP in the annual update of the CIE.

**Policy 8-1.6.6:** The City hereby incorporates by reference the OCPS 10-Year Capital Outlay Plan for 2009-2010 authored by Orange County Public School and adopted by the Orange County School Board on September 8, 2009, which includes school capacity sufficient to meet anticipated student demands projected by OCPS.

Amended by Ordinance 10-06, 03/11/2010

**Policy 8-1.6.7:** The LOS standards, except for backlogged facilities as provided in CIE Policy 8-1.6.10, to implement school concurrency shall be calculated as a percentage of the Adjusted FISH Capacity as follows:

- (1) Elementary: 110% of adjusted FISH using Modified Middle School Attendance Zones as CSA's
- (2) K through 8: 110% of Adjusted FISH Capacity using K through 8 School Attendance Zones as CSA's
- (3) Middle: 100% of Adjusted FISH using Middle School Attendance Zones as CSA's
- (4) High, including ninth grade centers: 100% of Adjusted using High School Attendance Zones as CSA's (Note: Adjusted permanent FISH for High Schools does not include in-slot schools)

**Policy 8-1.6.8:** In accordance with F.S. 163.3180 (9)(a), the City hereby adopts a long-term school concurrency management system with the ten (10) year planning period of 2007/2008-2017/2018 for areas where a significant backlog exists.

**Policy 8-1.6.9:** The City shall annually review adopted LOS standards and report as to whether such standards are being met and/or require changes.

**Policy 8-1.6.10:** Consistent with section 13 of the Interlocal Agreement, the LOS standards shall be applied consistently by all the local governments within Orange County and by the School Board to all schools of the same type. However, within backlogged CSAs, the ratio of student enrollment to school capacity within such CSAs may not increase beyond the interim level of service existing on April 1, 2008. During the period covered by the 10-year schedule of capital improvements, the backlogged CSAs will be improved to the adopted LOS standard. The LOS standards are initially set as follows:



School Type	Adopted LOS
Elementary	<p>110% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 13 of the Data, Inventory and Analysis.</p> <p>The following elementary school CSAs are designated as backlogged facilities: A, DD, U and Arbor Ridge.</p> <p>The utilization of a backlogged CSA shall not be permitted to increase beyond such CSA's level of utilization existing on April 1, 2008, as designated in Figure 6 of the Data, Inventory and Analysis, and must achieve an LOS of 110% by 2017.</p>
Middle	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 14 of the Data, Inventory and Analysis.</p> <p>The following middle school CSA's are designated as backlogged facilities: Apopka M.S., Chain of Lakes M.S., Gotha M.S., Meadow Woods M.S. and Walker M.S.</p>
High	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in figure 15 of Data, Inventory and Analysis.</p> <p>The following high school CSA's are designated as Backlogged Facilities: Freedom H.S. and University H.S.</p> <p>The utilization of a backlogged CSA shall not be permitted to increase beyond such CSA's level of utilization existing on April 1, 2008, as designated in Figure 10 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</p>

Added by Ordinance 08-34, 10/09/2008

**Objective 8-1.7:** TCEA. Proposed development projects within the Transportation Concurrence Exception Area (TCEA) is exempt from standard transportation concurrency. To help ensure continued mobility within the City proposed development shall address the following interim mobility standards until the City develops land use and transportation strategies to support and fund mobility by July 9, 2011 consistent with Section 163.3180(5)(b)4., F.S.

Added by Ordinance 10-19, 06/24/2010

**Policy 8-1.7.1: TCEA Mobility Standards.** A transportation concurrency exception for individual projects within the TCEA shall be granted only if the following criteria are met:

Development or redevelopment projects shall be required to meet the following development performance criteria based on the development's (including all phases) trip generation and proportionate impact on adjacent roadways. Said performance criteria and/or proposed mitigation will be funded from a variety of public and private sources including the use of tax increment revenue, the City's Transportation Impact Fee fund, available County, State and Federal transit and roadway sources and programs, developer fees and contributions.



The developer may sign a development agreement or contract with the City for the provision of the required standards. The choice of standards shall be subject to the final approval of the City during the site plan approval process. The standards chosen shall relate to the particular site and transportation conditions where the development is located. The developer may propose to provide one or more standards off-site with the City's approval. In recognition of the varying costs associated with the standards, the City shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the City, as meeting multiple standards.

**TCEA Performance Standards**

<b>Criteria Level</b>	<b>Net New Average Daily Trip Generation</b>	<b>Required Number of Standards</b>
Level 0	1 to 15	No requirement
Level 1	16 to 50	At least 1 Mobility Standard
Level 2	50 to 199	At least 2 Mobility Standards
Level 3	200 to 399	At least 3 Mobility Standards
Level 4	400 to 1,000	At least 4 Mobility Standards
Level 5	1,000 to 5,000	At least 6 Mobility Standards
Level 6	Greater than 5,000	At least 8 Mobility Standards

Note: A transportation impact analysis maybe required based on policies under Objective 2-2.1 of the Future Land Use Element.

**Mobility Standards**

- (1) Intersection and/or signalization modifications to improve level of service and safety and address congestion management. This may include, but is not limited to: signal timing studies, fiber optic inter-connection for traffic signals, OPTICOM signal preemption, Intelligent Transportation System features such as state of the art traffic signal controllers, dynamic message signs, and traffic monitoring cameras designed to maximize the efficiency of the roadway network by reducing congestion and delay.
- (2) Addition of dedicated turn lanes into and out of the development.
- (3) Construction of bus shelters and or the addition of bus shelter lighting using solar technology designed and constructed to the Central Florida Regional Transportation Authority (LYNX) and City standards.
- (4) Construction of bus turn-out facilities.



- (5) Provision of bus pass programs provided to employees and/or residents of the development. The bus passes must be negotiated as part of a contract with LYNX and approved by the City.
- (6) Payment to the City which will be transferred to LYNX which will either increase service frequency or add bus service.
- (7) Construction of off- site public sidewalks to complete sidewalk connectivity. Sidewalk construction required to meet Land Development Code Requirements along subject property frontages shall not count as meeting this Mobility Standard.
- (8) Widening of existing sidewalks to increase pedestrian mobility comfort and safety.
- (9) Deeding of land for the addition of bicycle lanes, or construction of bicycle lanes to City specification.
- (10) Provision of ride sharing or van pooling programs for project's employees/residents.
- (11) Provision of Park and Ride facilities.
- (12) Funding of streetscaping/landscaping (including pedestrian-scale lighting, where relevant) on public right of way or medians, as coordinated with the City's streetscaping plans.
- (13) Buildings with architectural features that provide shading and weather protection (e.g. canopies, awnings, colonnades) over sidewalk to promote pedestrian mobility. The architectural feature shall provide shading along a significant length of the sidewalk.
- (14) Provision of additional bicycle parking over the minimum required by the Land Development Code. Bicycle parking shall be located convenient to the entrance of primary buildings and covered where practical.
- (15) Removal of non-conforming signage, billboards, and signage that impedes pedestrian movement at the site.
- (16) Enhancements to the West Orange Trail or other public sidewalks/paths which increase the system's utility for multimodal transportation. Such enhancements may include but not be limited to:
  - a. Trail amenities such as benches, directional/informational signage, or safety systems.
  - b. Bicycle parking at entry points or at connection with transit lines.
  - c. Land acquisition for expansion or better connectivity the trail system or public sidewalks.
  - d. Additional/enhanced entry points to the trail system.
- (17) Development of, or participation in, a transportation demand management (TDM) program that provides funding or incentives for transportation modes other than single occupant vehicle to reduce vehicle miles traveled (VMT). Such VMT programs shall utilize a methodology approved by the City and may require performance monitoring and reporting.
- (18) Develop the project at or near development bonus maximum densities/intensities with transit supportive building and site design.



- (19) Business operations are not conducted in the peak hour and/or will not generate traffic during the peak hour.
- (20) Use of joint driveways and/or cross-access to reduce curb cuts.
- (21) Construction of, or contribution towards, new road facilities that provide alternate routes to reduce congestion.
- (22) Construction of, or contribution towards, addition of lanes on existing road facilities, where acceptable to the City, County, and/or FDOT, as relevant.
- (23) Other acceptable roadway, pedestrian or bicycle improvements as proposed by the developer and acceptable to the City.
- (24) Clustering of and design of the development for maximum density, or use of maximum densities or intensities, at the site which preserves open space, and reduces the need for development of vacant lands, enhances multi-modal opportunities and provides transit-oriented densities or intensities.
- (25) An innovative transportation-related modification or standard proposed by the developer, and acceptable to and approved by the City.

Added by Ordinance 10-19, 06/24/2010

**Policy 8-1.7.2:** Projects that generate more than 5,000 net new Average Daily Trips (ADT) will be required to perform a traffic analysis of the area roadways and shall determine any impact to entrance/exit ramps to the SIS/FIHS facilities. The specific methodology will be established by the City in consultation with FDOT. Once the Traffic Impact Analysis is prepared, a copy will be provided to the City and FDOT for review and comment for final determination of any needed roadway improvements proportionate share contribution, or other mitigation options. The owner/developer may recommend improvements to FDOT roadways to be eligible for mitigation. In addition, the project will receive a determined discount from any off-site trips for participation in the regional or local transit, TDM, and other non-single automobile occupancy performance standards listed above. Any discounts and subsequent performance standards will be evaluated in an effort to ensure all impacts are fully mitigated. For any redevelopment project, only the net new trips are subject to the appropriate performance criteria.

Added by Ordinance 10-19, 06/24/2010

**Policy 8-1.7.3:** Additionally, any development consisting of, or occupying a facility with provisions for 50 or more employees is required to participate in a Transportation Demand Management (TDM) program. The TDM program must be outlined in writing to the City of Altamonte Springs not longer than 30 days from Certificate of Occupancy.

Added by Ordinance 10-19, 06/24/2010



**Exhibit "A"**  
**City of Winter Garden**  
**5-Year Schedule of Capital Improvements**  
**2009/2010 - 2013/2014**  
**Table 1: Projects**

Line No.	PROJECT NAME	Fund Source		2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Totals
1	<b>Parks and Recreation</b>								
2	Lulu Creek Trail	GO	PARKS AND REC	-	301,000	-	-	-	301,000
3	Tucker Ranch purchase	GO	PARKS AND REC	-	2,400,000	-	-	-	2,400,000
4	Veterans Park Playground Upgrade	GO	PARKS AND REC	-	67,200	-	-	-	67,200
5	Braddock Park Playground Expansion	GO	PARKS AND REC	-	140,000	-	-	-	140,000
6	J Brock Community Ctr Playground	GO	PARKS AND REC	-	220,000	-	-	-	220,000
7	Farnsworth Pool Renovations	GO	PARKS AND REC	-	325,000	350,000	585,000	345,000	1,605,000
8	<b>Park and Recreation Total</b>			<b>\$0</b>	<b>\$3,453,200</b>	<b>\$350,000</b>	<b>\$585,000</b>	<b>\$345,000</b>	<b>\$4,733,200</b>
9	<b>Roadway Improvements</b>								
10	CR 545 South	GIF	STREETS	-	9,000,000	-	-	-	9,000,000
11	Marsh Rd (545 to Hickory Hammock)	GIF	STREETS	-	1,000,000	3,250,000	-	-	4,250,000
12	Plant Street ROW - 9th Street to 429	GIF	STREETS	1,500,000	-	-	-	-	1,500,000
13	Plant Street Segment 2 (9th to W. Crown)	GIF	STREETS	2,600,000	-	-	-	-	2,600,000
14	Plant Street Segment 3 (W. Crown to 429)	GIF	STREETS	1,500,000	-	-	-	-	1,500,000
15	Roper Road (East Section)	GIF	STREETS	100,000	-	-	-	-	100,000
16	Sessions Road	GIF	STREETS	2,425,000	-	-	-	-	2,425,000
17	<b>Roadway: General Fund Impact Fee Sub-Total</b>			<b>8,125,000</b>	<b>10,000,000</b>	<b>3,250,000</b>	<b>-</b>	<b>-</b>	<b>21,375,000</b>
18	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	LOGT	STREETS	49,600	331,000	-	-	-	380,600
19	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	LOGT	STREETS	26,900	-	179,250	-	-	206,150
20	Dillard Street - Verna Street north to Division (Design & Construction)	LOGT	STREETS	26,900	-	-	179,250	-	206,150
21	Main Street - Story To Vining (Design & Construction)	LOGT	STREETS	20,850	139,000	-	-	-	159,850
22	Midget Place - Surprise to Palm (Design & Construction)	LOGT	STREETS	-	23,200	154,750	-	-	177,950
23	North Dillard - Surprise to Division (Design & Construction)	LOGT	STREETS	-	-	-	47,840	239,315	287,155
24	N Highland - Henderson to Newell (Design & Construction)	LOGT	STREETS	-	125,250	-	-	-	125,250
25	Palm Drive - Regal Place to Division (Design & Construction)	LOGT	STREETS	-	-	46,400	309,500	-	355,900
26	South Highland - Smith to R/R track (Design & Construction)	LOGT	STREETS	-	20,000	132,600	-	-	152,600
27	South Main - Smith to Tremaine (Design & Construction)	LOGT	STREETS	20,000	132,650	-	-	-	152,650
28	South Woodland Street - Smith to Tremaine (Design & Construction)	LOGT	STREETS	-	-	-	40,500	232,990	273,490
29	Tremaine Street - Main to Dillard (Design & Construction)	LOGT	STREETS	-	-	-	49,795	249,205	299,000
30	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	LOGT	STREETS	54,250	361,500	-	-	-	415,750
31	Street Resurfacing	LOGT	STREETS	197,000	-	-	-	-	197,000
32	<b>Roadway: Local Option Gas Tax Sub-Total</b>			<b>395,500</b>	<b>1,132,600</b>	<b>513,000</b>	<b>626,885</b>	<b>721,510</b>	<b>3,389,495</b>
33	SR 50 (FDOT Item No. 239535-2) <sup>1</sup>	FDOT	ARRA	2,354,088	55,000	12,132,083	-	500,000	15,041,171
33a	Florida's Turnpike (FDOT Item Nos. 239535-2, 410983-1, 406146-1, 406148-3)	FDOT	---	-	59,943,222	166,200	12,262,083	-	72,371,505
34	<b>Roadway Improvements Total</b>			<b>10,874,588</b>	<b>71,130,822</b>	<b>16,061,283</b>	<b>12,888,968</b>	<b>1,221,510</b>	<b>112,177,171</b>
35	<b>Stormwater Drainage</b>								
36	Crest Avenue/Lulu Creek Culvert Crossing (Design & Construction)	S	STORMWATER	-	31,400	258,750	-	-	290,150
37	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	S	STORMWATER	16,000	107,000	-	-	-	123,000
38	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	S	STORMWATER	10,125	-	67,500	-	-	77,625
39	Dillard Street - Verna Street north to Division (Design & Construction)	S	STORMWATER	10,125	-	-	67,500	-	77,625
40	Roper Drive Drainage Improvements	S	STORMWATER	75,000	-	-	-	-	75,000
41	Coloso Drive Drainage Improvements	S	STORMWATER	200,000	-	-	-	-	200,000
42	Lulu Creek	S	STORMWATER	-	1,500,000	-	-	-	1,500,000
43	Main Street - Story To Vining (Design & Construction)	S	STORMWATER	4,750	31,750	-	-	-	36,500
44	Midget Place - Surprise to Palm (Design & Construction)	S	STORMWATER	-	5,600	37,500	-	-	43,100
45	North Dillard - Surprise to Division (Design & Construction)	S	STORMWATER	-	-	-	11,960	59,570	71,530
46	N Highland - Henderson to Newell (Design & Construction)	S	STORMWATER	-	30,250	-	-	-	30,250
47	Palm Drive - Regal Place to Division (Design & Construction)	S	STORMWATER	-	-	9,375	62,500	-	71,875
48	South Highland - Smith to R/R track (Design & Construction)	S	STORMWATER	-	3,750	25,000	-	-	28,750
49	South Main - Smith to Tremaine (Design & Construction)	S	STORMWATER	5,000	33,500	-	-	-	38,500
50	South Woodland Street - Smith to Tremaine (Design & Construction)	S	STORMWATER	-	-	-	8,165	40,595	48,760
51	Tremaine Street - Main to Dillard (Design & Construction)	S	STORMWATER	-	-	-	9,430	47,035	56,465
52	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	S	STORMWATER	7,500	50,250	-	-	-	57,750
53	<b>Stormwater Drainage Total</b>			<b>328,500</b>	<b>1,793,500</b>	<b>398,125</b>	<b>159,555</b>	<b>147,200</b>	<b>2,826,880</b>
54	<b>Solid Waste</b>								

55	Sideload Truck	SW	SOLID WASTE	175,240	-	-	-	-	175,240
56	Rearload Truck	SW	SOLID WASTE	198,978	-	-	-	-	198,978
57	<b>Solid Waste Total</b>			<b>374,218</b>	-	-	-	-	<b>374,218</b>
58	<b>Sanitary Sewer</b>								
59	Hennis Road Gravity Sewer	UIF-WW	COLLECTION	-	26,500	218,960	-	-	245,460
60	Utility Line Relocation SR 50 (Construction)	UIF-WW	COLLECTION	288,400	96,100	-	-	-	384,500
61	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	UIF-WW	COLLECTION	26,300	131,400	-	-	-	157,700
62	Palm Drive - Regal Place to Division (Design & Construction)	UIF-WW	COLLECTION	-	-	11,600	77,450	-	89,050
63	Sessions Road	UIF-WW	COLLECTION	162,500	-	-	-	-	162,500
64	Crest Avenue WWTP Expansion	UIF-WW	WASTEWATER	-	-	-	-	2,500,000	2,500,000
65	Reclaimed Water PH 3	UIF-WW	WASTEWATER	-	-	-	-	3,900,000	3,900,000
66		<b>Sanitary Sewer: UIF-WW Sub-Total</b>		<b>477,200</b>	<b>254,000</b>	<b>230,560</b>	<b>77,450</b>	<b>6,400,000</b>	<b>7,439,210</b>
67	Crest Avenue/Lulu Creek Culvert Crossing (Design & Construction)	URR-WW	COLLECTION	-	13,450	77,280	-	-	90,730
68	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	URR-WW	COLLECTION	10,625	70,800	-	-	-	81,425
69	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	URR-WW	COLLECTION	5,750	-	38,500	-	-	44,250
70	Dillard Street - Verna Street north to Division (Design & Construction)	URR-WW	COLLECTION	5,750	-	-	38,500	-	44,250
71	Main Street - Story To Vining (Design & Construction)	URR-WW	COLLECTION	4,875	32,500	-	-	-	37,375
72	Midget Place - Surprise to Palm (Design & Construction)	URR-WW	COLLECTION	-	5,850	39,100	-	-	44,950
73	North Dillard - Surprise to Division (Design & Construction)	URR-WW	COLLECTION	-	-	-	12,995	64,975	77,970
74	N Highland - Henderson to Newell (Design & Construction)	URR-WW	COLLECTION	-	29,500	-	-	-	29,500
75	Palm Drive - Regal Place to Division (Design & Construction)	URR-WW	COLLECTION	-	-	11,000	73,150	-	84,150
76	South Highland - Smith to R/R track (Design & Construction)	URR-WW	COLLECTION	-	5,750	28,750	-	-	34,500
77	South Main - Smith to Tremaine (Design & Construction)	URR-WW	COLLECTION	4,163	32,000	-	-	-	36,163
78	South Woodland Street - Smith to Tremaine (Design & Construction)	URR-WW	COLLECTION	-	-	-	9,660	48,415	58,075
79	Tremaine Street - Main to Dillard (Design & Construction)	URR-WW	COLLECTION	-	-	-	8,800	50,370	59,170
80	Utility Line Relocation SR 50 (Construction)	URR-WW	COLLECTION	2,602,500	867,500	-	-	-	3,470,000
81	EMU Mixers	URR-WW	WASTEWATER	41,034	-	-	-	-	41,034
82		<b>Sanitary Sewer: URR-WW Sub-Total</b>		<b>2,674,697</b>	<b>1,057,350</b>	<b>194,630</b>	<b>143,105</b>	<b>163,760</b>	<b>4,233,542</b>
83	Pump, Trailer Mounted	U-WW	COLLECTION	36,514	-	-	-	-	36,514
84	Vactor, Sewer Jet/Vacuum Truck	U-WW	COLLECTION	305,000	-	-	-	-	305,000
85		<b>Sanitary Sewer: U-WW Sub-Total</b>		<b>341,514</b>	-	-	-	-	<b>341,514</b>
86	<b>Sanitary Sewer Total</b>			<b>3,493,411</b>	<b>1,311,350</b>	<b>425,190</b>	<b>220,555</b>	<b>6,563,760</b>	<b>12,014,266</b>
87	<b>Potable Water</b>								
88	Crest Avenue/Lulu Creek Culvert Crossing (Design & Construction)	UIF-W	DISTRIBUTION	-	4,700	26,968	-	-	31,668
89	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	UIF-W	DISTRIBUTION	7,750	51,600	-	-	-	59,350
90	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	UIF-W	DISTRIBUTION	4,400	-	29,375	-	-	33,775
91	Dillard Street - Verna Street north to Division (Design & Construction)	UIF-W	DISTRIBUTION	4,400	-	-	29,375	-	33,775
92	N Highland - Henderson to Newell (Design & Construction)	UIF-W	DISTRIBUTION	-	25,900	-	-	-	25,900
93	South Highland - Smith to R/R track (Design & Construction)	UIF-W	DISTRIBUTION	-	3,300	21,875	-	-	25,175
94	South Main - Smith to Tremaine (Design & Construction)	UIF-W	DISTRIBUTION	3,750	25,000	-	-	-	28,750
95	South Woodland Street - Smith to Tremaine (Design & Construction)	UIF-W	DISTRIBUTION	-	-	-	7,935	39,445	47,380
96	Tremaine Street - Main to Dillard (Design & Construction)	UIF-W	DISTRIBUTION	-	-	-	8,280	41,400	49,680
97	Utility Line Relocation SR 50 (Construction)	UIF-W	DISTRIBUTION	179,200	59,800	-	-	-	239,000
98	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	UIF-W	DISTRIBUTION	10,500	70,200	-	-	-	80,700
99	Woodlark Water Storage Tank II	UIF-W	DISTRIBUTION	-	-	-	-	2,000,000	2,000,000
100	Woodlark Water Well #2	UIF-W	DISTRIBUTION	-	-	-	-	1,500,000	1,500,000
101	Sessions Road (Water & Reuse)	UIF-W	DISTRIBUTION	284,000	-	-	-	-	284,000
102	Conserv II Pipe - CR 545 (Reuse)	UIF-W	DISTRIBUTION	1,300,000	-	-	-	-	1,300,000
103	Roper Road (east section) Water	UIF-W	DISTRIBUTION	84,000	-	-	-	-	84,000
104	Roper Road (east section) Reuse	UIF-W	DISTRIBUTION	75,000	-	-	-	-	75,000
105		<b>Potable Water: UIF-W Sub-Total</b>		<b>1,953,000</b>	<b>240,500</b>	<b>78,218</b>	<b>45,590</b>	<b>3,580,845</b>	<b>5,898,153</b>
106	Utility Line Relocation SR 50 (Construction)	URR-W	DISTRIBUTION	1,731,000	577,000	-	-	-	2,308,000
107		<b>Potable Water: URR-W Sub-Total</b>		<b>1,731,000</b>	<b>577,000</b>	-	-	-	<b>2,308,000</b>
108	Fusion Machine for HDPE Pipe	U-W	DISTRIBUTION	48,000	-	-	-	-	48,000
109	Main Street - Story To Vining (Design & Construction)	U-W	DISTRIBUTION	4,050	27,000	-	-	-	31,050
110	Midget Place - Surprise to Palm (Design & Construction)	U-W	DISTRIBUTION	-	4,600	30,750	-	-	35,350
111	North Dillard - Surprise to Division (Design & Construction)	U-W	DISTRIBUTION	-	-	-	8,395	41,975	50,370
112		<b>Potable Water: U-W Sub-Total</b>		<b>52,050</b>	<b>31,600</b>	<b>30,750</b>	<b>8,395</b>	<b>41,975</b>	<b>164,770</b>
113	<b>Potable Water Total</b>			<b>3,736,050</b>	<b>849,100</b>	<b>108,968</b>	<b>53,985</b>	<b>3,622,820</b>	<b>8,370,923</b>
114	<b>Trailer City Drainage</b>								
115	Trailer City Drainage	TC	TRAILER CITY	10,000	-	-	-	-	10,000
116	<b>Trailer City Drainage Total</b>			<b>10,000</b>	-	-	-	-	<b>10,000</b>
117	<b>TOTAL</b>			<b>\$18,816,767</b>	<b>\$78,537,972</b>	<b>\$17,343,566</b>	<b>\$13,908,063</b>	<b>\$11,900,290</b>	<b>\$140,506,658</b>

Fund Source Codes:

Notes:

GO – General Fund  
GIF – General Fund Impact Fee  
LOGT – Local Option Gas Tax  
S – Stormwater Fund  
SW – Solid Waste Fund  
U-W – Utility Water  
U-WW – Utility Waste Water  
UIF-W – Utility Impact Fee Water  
UIF-WW – Utility Impact Fee Waste Water  
URR-W – Utility Renewal and Replacement Water  
URR-WW – Utility Renewal and Replacement Waste Water  
TC – Trailer City  
ARRA – American Recovery and Reinvestment Act (Stimulus Funds)

1 – Source: FDOT Five Year Work Program 2010-2014  
FDOT D5, Intermodal Systems Development, Growth Management Unit, 1/14/2010



**City of Winter Garden  
5-Year Schedule of Capital Improvements  
2009/2010 - 2013/2014**

**Table 2: Expenditure Summary by Functional Category**

Category	Fiscal Year					Total
	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	
Parks and Recreation	0	3,453,200	350,000	585,000	345,000	4,733,200
Roadway	10,874,588	71,130,822	16,061,283	12,888,968	1,221,510	112,177,171
Stormwater	328,500	1,793,500	398,125	159,555	147,200	2,826,880
Solid Waste	374,218	0	0	0	0	374,218
Sanitary Sewer	3,493,411	1,311,350	425,190	220,555	6,563,760	12,014,266
Potable Water	3,736,050	849,100	108,968	53,985	3,622,820	8,370,923
Trailer City	10,000	0	0	0	0	10,000
<b>Total</b>	<b>\$18,816,767</b>	<b>\$78,537,972</b>	<b>\$17,343,566</b>	<b>\$13,908,063</b>	<b>\$11,900,290</b>	<b>\$140,506,658</b>

**Table 3: Fund Summary by Revenue Source**

Functional Category Revenue Source	Fiscal Year					Total
	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	
<b>Parks and Recreation</b>						
General Fund	-	2,827,200	301,000	1,500,000	-	4,628,200
<b>Sub-Total</b>	<b>-</b>	<b>2,827,200</b>	<b>301,000</b>	<b>1,500,000</b>	<b>-</b>	<b>4,628,200</b>
<b>Roadway</b>						
Developer Contribution/CR 545 & Marsh Rd		10,000,000	3,250,000	-	-	13,250,000
General Fund	-	-	-	-	-	-
Transportation Impact Fee	8,125,000					8,125,000
Local Option Gas Tax	395,500	1,132,600	513,000	626,885	721,510	3,389,495
FDOT <sup>1</sup>	2,354,088	59,998,222	12,298,283	12,262,083	500,000	87,412,676
<b>Sub-Total</b>	<b>10,874,588</b>	<b>71,130,822</b>	<b>16,061,283</b>	<b>12,888,968</b>	<b>1,221,510</b>	<b>112,177,171</b>
<b>Stormwater</b>						
Stormwater Fund	328,500	1,793,500	398,125	159,555	147,200	2,826,880
<b>Sub-Total</b>	<b>328,500</b>	<b>1,793,500</b>	<b>398,125</b>	<b>159,555</b>	<b>147,200</b>	<b>2,826,880</b>
<b>Solid Waste</b>						
Solid Waste Fund	374,218	-	-	-	-	374,218
<b>Sub-Total</b>	<b>374,218</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>374,218</b>
<b>Sanitary Sewer</b>						
Utility Fund	-	-	-	-	-	-
Utility Impact Fee	477,200	254,000	230,560	77,450	6,400,000	7,439,210
Utility Renewal and Replacement	3,016,211	1,057,350	194,630	143,105	163,760	4,575,056
<b>Sub-Total</b>	<b>3,493,411</b>	<b>1,311,350</b>	<b>425,190</b>	<b>220,555</b>	<b>6,563,760</b>	<b>12,014,266</b>
<b>Potable Water</b>						
Utility Fund	52,050	31,600	30,750	8,395	41,975	164,770
Utility Impact Fee	1,953,000	240,500	78,218	45,590	3,580,845	5,898,153
Utility Renewal and Replacement	1,731,000	577,000	-	-	-	2,308,000
<b>Sub-Total</b>	<b>3,736,050</b>	<b>849,100</b>	<b>108,968</b>	<b>53,985</b>	<b>3,622,820</b>	<b>8,370,923</b>
<b>Trailer City</b>						
Trailer City	10,000	-	-	-	-	10,000
<b>Sub-Total</b>	<b>10,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>10,000</b>
<b>Total</b>	<b>\$18,816,767</b>	<b>\$77,911,972</b>	<b>\$17,294,566</b>	<b>\$14,823,063</b>	<b>\$11,555,290</b>	<b>\$140,401,658</b>

**Notes:**

1 – Source: FDOT Five Year Work Program 2010-2014  
FDOT D5, Intermodal Systems Development, Growth Management Unit, 1/14/2010

Amended by Ordinance 10-06, 03/11/2010



# Public Schools Facilities Element





# Chapter 9: Public Schools Facilities Element

## **Goal 9-1: Coordination with Orange County Public Schools. .... PSFE5**

Objective 9-1.1: Level of Service Standards.....	PSFE5
Policy 9-1.1.1 to Policy 9-1.1.12.....	PSFE5
Objective 9-1.2: Concurrency Service Areas.....	PSFE7
Policy 9-1.2.1 to Policy 9-1.2.2.....	PSFE7
Objective 9-1.3: Interlocal Agreement.....	PSFE8
Policy 9-1.3.1 to Policy 9-1.3.7.....	PSFE8
Objective 9-1.4: Preliminary Concurrency Review .....	PSFE10
Policy 9-1.4.1 to Policy 9-1.4.4.....	PSFE10

## **Goal 9-2: Interlocal Agreement and Coordination..... PSFE11**

Objective 9-2.1: Maintenance of the Interlocal Agreement.....	PSFE11
Policy 9-2.1.1 to Policy 9-2.1.5.....	PSFE11
Objective 9-2.2: Siting of New Public Schools.....	PSFE12
Policy 9-2.2.1 to Policy 9-2.2.9.....	PSFE12
Objective 9-2.3: District Capital Outlay Plan.....	PSFE13
Policy 9-2.3.1 to Policy 9-2.3.5.....	PSFE13





## CHAPTER 9: PUBLIC SCHOOLS FACILITIES ELEMENT GOAL, OBJECTIVES, AND POLICIES

This Element created by Ordinance 08-64, October 9, 2008

**GOAL 9-1:** Coordination with Orange County Public Schools. To establish plans, regulations and programs in conjunction with Orange County Public Schools (OCPS) to facilitate the future availability of public school facilities to serve City residents, consistent with the adopted level of service for public schools and with state of Florida concurrency statutes and regulations.

Amended by Ordinance 10-19, 06/24/2010

**Objective 9-1.1:** Level of Service Standards. The City of Winter Garden (the "City") shall coordinate with OCPS to implement a Concurrency Management System that ensures adequate classroom capacity to accommodate the impacts of new residential development throughout the planning period.

**Policy 9-1.1.1:** The City shall utilize OCPS's methodology for calculating school capacity, which is annually determined by OCPS using the Adjusted Florida Inventory of School Houses (FISH) Capacity for each school and Concurrency Service Areas (CSA) within the school district. Consistent with the Interlocal Agreement, Adjusted FISH Capacity. shall be defined as the number of students who can be served in a permanent public school facility as provided in FISH, adjusted to account for the design capacity of any Modular or In-Slot Classrooms on campuses designed as Modular or In-Slot schools, but not to exceed Core Capacity. An "in-slot" school is designed to employ in-slot classrooms, which are defined as relocatable classrooms that conceptually 'slide' into the spaces along a common walkway as part of a modular campus which is characterized by a campus with brick and mortar core facilities and covered concrete walkways leading to the relocatable classrooms.

**Policy 9-1.1.2:** The School Concurrency Management System shall include standards and procedures to ensure that new residential development complies with the Level of Service ("LOS") Standards provided in the Interlocal Agreement pertaining to school concurrency as executed by and between the City of Winter Garden and OCPS (the "ILA") and as provided in the City's adopted Capital Improvements Element ("CIE") and Intergovernmental Coordination Element ("ICE"). These standards do not include backlogged facilities as provided for in Capital Improvements Element Policy 6.7. The adopted LOS must be achieved in all CSA's by April 1, 2012, except for deficient CSAs where the improvements needed to achieve adequate classroom capacity are specifically identified in the OCPS ten (10) year DCOP for funding by April 1, 2017. The adopted LOS shall be used to determine the available capacity of Elementary, Middle and High Schools within the designated Concurrency Service Area ("CSA") where the development is proposed.

**Policy 9-1.1.3:** In accordance with Rule 9J-5.025(3)(c)(7), F.A.C., the adopted LOS for the purposes of school concurrency for each school type shall be calculated as a percentage of adjusted FISH capacity as follows:

School Type	Standard*	Concurrency Service Area ("CSA")
Elementary	110%	Modified Middle School Attendance Zones
K-8	110%	K Through 8 School Attendance Zones
Middle	100%	Middle School Attendance Zones



High Including 9 <sup>th</sup> Grade Centers	100%	High School Attendance Zones (Adjusted permanent FISH for High Schools does not include in-slots)
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Note: \* Permanent FISH + "In-Slot" school, not to exceed Core Capacity for Elementary and Middle School types. Permanent FISH, not to exceed Core Capacity for High Schools.

An "in-slot" school is designed to employ in-slot classrooms, which are defined as relocatable classrooms that conceptually 'slide' into the spaces along a common walkway, as part of a modular campus which is characterized by a campus with brick and mortar core facilities and covered concrete walkways leading to the relocatable classrooms.

**Policy 9-1.1.4:** Any changes or modifications to the adopted LOS shall follow the process and guidelines contained in Section 13 of the Interlocal Agreement.

**Policy 9-1.1.5:** The City shall support OCPS's reasonable efforts to initiate and implement any of the following strategies to ensure compliance with adopted LOS standard.

- (1) Building new schools to relieve over-capacity schools in CSAs that exceed the adopted LOS,
- (2) Renovating over-capacity schools to add permanent capacity and replace on-campus portables,
- (3) Rezoning students from over-capacity schools to under-capacity schools,
- (4) Moving special programs from over-capacity schools to under-capacity schools to utilize excess permanent capacity where such permanent capacity exists.

**Policy 9-1.1.6:** Concurrency shall be evaluated and determined within the geographical boundaries of the established Concurrency Service Areas (CSAs).

**Policy 9-1.1.7:** Any changes or modifications to the adopted CSAs shall follow the process and guidelines as outlined in Section 14 of the Interlocal Agreement. [9]-5.025 (3) (c) 1.F.A.C.]

**Policy 9-1.1.8:** The number of elementary, middle and high school students generated by a residential development shall be calculated utilizing OCPS student generation rates for the applicable school types as set forth in Table 12 of the Appendix to the Public School Facilities Element.

**Policy 9-1.1.9:** The City shall support OCPS' efforts to meet adopted LOS standards through the adoption of a ten (10) year, financially feasible DCOP consistent with the DCOP adopted by OCPS. Where the LOS cannot be achieved through the construction of new school capacity as provided in the five (5) year District Capital Outlay Plan (DCOP), the City shall coordinate with OCPS to adopt a long range ten (10) year DCOP as part of the School District's annual capital planning process.

**Policy 9-1.1.10:** Where adequate school facilities will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, or the functional equivalent thereof, the City shall not deny an application for site plan approval, final subdivision approval, or the functional equivalent thereof,



for any development or phase of a development that includes residential uses, based solely on failure to achieve and maintain the adopted LOS in a CSA.

**Policy 9-1.1.11:** The City, in conjunction with OCPS, shall review LOS standards for public school facilities annually, and any changes to those standards shall be processed as amendments to the City's Public School Facilities Element and Capital Improvements Element.

**Policy 9-1.1.12:** The City shall amend the Concurrency Management System in its Code of Ordinances for the purpose of implementing school concurrency.

**Objective 9-1.2:** Concurrency Service Areas. OCPS, in conjunction with the City, shall adopt and annually update school Concurrency Service Areas ("CSAs"), which shall be used to evaluate capacity of schools available to accommodate students generated by proposed development.

Amended by Ordinance 10-19, 06/24/2010

**Policy 9-1.2.1:** OCPS, in coordination with the City of Winter Garden, Orange County and other local governments within Orange County, has established CSAs that are less than district wide. The City hereby adopts the Orange County Public Schools *Public School Facility Element Update Data Supplement* dated September 1, 2009. This Data Supplement contains:

- Projected Enrollment and Level of Service
- 2009-2010 Elementary, Middle, and High School Attendance Zones and Concurrency Service Area Maps
- 2009-2010 Tentative Capital Outlay Budget

Amended by Ordinance 10-19, 06/24/2010

**Policy 9-1.2.2:** CSAs shall be reviewed annually in conjunction with the adoption of an updated ten (10) year District Capital Outlay Plan (DCOP). CSA boundaries may be adjusted to ensure that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, and other factors.

**Objective 9-1.3:** Interlocal Agreement. The City and OCPS shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the Interlocal Agreement.

Amended by Ordinance 10-19, 06/24/2010

**Policy 9-1.3.1:** The City shall not adopt a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density on property that is not otherwise vested or determined exempt from school concurrency requirements until such time as OCPS has determined whether sufficient capacity will exist concurrent with the development, or a capacity enhancement agreement is executed that provides for the needed capacity to accommodate the proposed development, or OCPS fails to timely make a recommendation, in which case the City may thereafter determine, utilizing the best available data and analyses, whether sufficient capacity exists.

**Policy 9-1.3.2:** The City shall determine if a development is vested or otherwise exempt from school concurrency. Unless the development is determined to be vested or exempt from concurrency, the City shall not approve a residential site plan, plat, or its functional equivalent, until a concurrency review has been conducted by OCPS,



and a Concurrency Certificate or its functional equivalent has been issued for the development consistent with the provisions of the ILA. However, if OCPS fails to timely issue such Concurrency Certificate or its functional equivalent, the City may perform such concurrency review, utilizing the best available data and analyses, to determine whether a development meets concurrency requirements.

**Policy 9-1.3.3:** School concurrency shall not apply to property within a Development of Regional Impact (DRI) for which a Development Order was issued prior to July 1, 2005, or for which a DRI application was submitted prior to May 1, 2005, unless the developer elects otherwise or unless the developer files a Notice of Proposed Change ("NOPC") and/or Substantial Deviation to increase the total number of residential dwelling units.

**Policy 9-1.3.4:** For DRIs that include residential development and are submitted after July 1, 2005, the City shall include OCPS planning staff on its team assigned to review the DRI, and shall ensure that DRI Development Orders and DRI Development Order amendments that increase the total number of residential dwelling units, address the issue of school concurrency. Where existing LOS is exceeded, mitigation for school impacts shall be included in any mitigation agreements, Development Orders and agreements.

**Policy 9-1.3.5:** Any Proposed residential development that creates an impact of less than one student shall be considered de minimus and therefore exempt from school capacity review.

**Policy 9-1.3.6:** Vested rights and exemptions with respect to concurrency and consistency shall be determined in accordance with applicable law.

**Policy 9-1.3.7:** Consistent with Section 16.2 of the Interlocal Agreement, the following residential uses shall be exempt from the requirements of school concurrency:

- (1) Any Residential Development that creates an impact of less than one student.
- (2) One single-family house, one (1) duplex, and/or one accessory multi-family unit being developed on an existing platted residential lot of record.
- (3) Any building or structure that has received a Building Permit as of the effective date of this Agreement, or is described in section 163.3167(8), Florida Statutes.
- (4) Any new Residential Development that has Site Plan Approval for a site pursuant to a specific development order approved prior to the effective date of school concurrency, including the portion of any project that has received final subdivision plat approval as a residential subdivision into one (1) dwelling unit per lot.
- (5) Any amendment to any previously approved Residential Development, which does not increase the number of dwelling units or change the type of dwelling units (e.g., converts single-family to multi-family, etc.).
- (6) Any age-restricted community that qualifies as one of the three types of communities designed for older persons as "housing for older persons" in the Housing for Older Persons Act, 42 U.S.C. § 3607(b). This exemption shall be



applied in conformity with the principles set forth in *Volusia County v. Aberdeen at Ormond Beach, L.P.*, 760 So. 2d. 126 (Fla. 2000). Provided, however, that any senior housing community or dwelling unit that loses its qualification as housing for older persons shall be required to meet applicable school concurrency requirements in effect at the time the qualification as housing for older persons is lost.

- (7) Alterations or expansion of an existing dwelling unit where no additional dwelling units are created.
- (8) The construction of accessory buildings or structures which will not create additional dwelling units.
- (9) The replacement of a dwelling unit where no additional dwelling units are created and where the replacement dwelling unit is located on the same lot, provided the original dwelling unit was located on the site as of the effective date of school concurrency. If the type of dwelling unit is different from the original dwelling unit type, the exemption shall be limited to an exemption based on the current student generation rate for the original dwelling unit type. Documentation of the existence of the original dwelling unit must be submitted to the concurrency management official.
- (10) Developments of Regional Impact that have filed a complete application for a development order prior to May 1, 2005, or for which a development order was issued prior to July 1, 2005. This exemption shall expire upon withdrawal, denial, or expiration of the application for a development order. This exemption shall not apply where the developer files a Notice of Proposed Change and/or Substantial Deviation (as provided in statute) to increase the number of Residential Units. If such Development of Regional Impact has been approved, or is approved, through a development order, such exemption shall expire for any phase of the development order upon expiration of the development order build-out date for such phase, or for the entire development order upon expiration of the development order, or upon any material default of the school mitigation conditions of the development order or a related development agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.
- (11) The portion of any Residential Development that, prior to the effective date of school concurrency, is the subject of a binding and enforceable development agreement or Capacity Enhancement Agreement designated as a Capacity Commitment Agreement by resolution of the School Board; however, such exemption shall expire upon expiration of the development agreement, Capacity Enhancement Agreement, extension thereof, or upon any material default of the school impact mitigation conditions of such development agreement or Capacity Enhancement Agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.
- (12) Any Residential Development with a letter from the Applicable Local Government vesting it for purposes of complying with school concurrency, or which would be vested at common law for purposes of such concurrency requirement implemented by this Agreement.
- (13) Group living facilities that do not generate students and including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway



houses, firehouse sleeping quarters, dormitory-type facilities for post-secondary students, and religious non-youth facilities, regardless of whether such facilities may be classified as residential uses.

**Objective 9-1.4:** Preliminary Concurrency Review. Upon completion of a Preliminary Concurrency Review, a development that fails to meet school concurrency requirements may be postponed until adequate public school capacity is created through the construction of new schools or any combination of those methods specified in Policies 9-1.4.1, 9-1.4.2, 9-1.4.3 and 9-1.4.4.

Amended by Ordinance 10-19, 06/24/2010

**Policy 9-1.4.1:** A development shall be deemed to meet concurrency if there is available capacity in the CSA where the development is located or where available capacity exists in one or more contiguous CSAs, so long as the LOS in the adjacent zone does not exceed 95% of the adopted LOS for the applicable school type, or when the LOS for the specific school type, when considered district wide, does not exceed 100% of the adopted LOS for such type, and approval of the development does not result in a violation of a court ordered desegregation order.

**Policy 9-1.4.2:** Proportionate share, when used for mitigation, shall be calculated based on the number of elementary, middle and high school students generated by the development at build out. As provided for in the ILA, proportionate share shall be calculated based on reasonable methods of estimating cost of school construction. Any Proportionate Share Mitigation must be directed by OCPS to a school capacity improvement identified in the capital improvement schedule in the financially feasible five (5) year district work plan of the District Facilities Work Program and in the Capital Improvements Elements of the Comprehensive Plans for OCPS, the County and the Municipalities, to maintain financial feasibility based upon the adopted LOS standards. If a school capacity improvement does not exist in the District Facilities Work Program, OCPS may, in its sole discretion, add a school capacity improvement to mitigate the impacts from a proposed residential development, so long as the financial feasibility of the District Facilities Work Program can be maintained and so long as the City agrees to amend its Capital Improvements Element to include the new School Capacity improvement.

**Policy 9-1.4.3:** Proportionate Share Mitigation may include but is not limited to payments of money, the construction of schools, donations of land, expansion of permanent capacity of existing school campuses, payment of funds necessary to advance schools contained in the ten (10) year School Board District Capital Outlay Plan (DCOP), the establishment of charter schools meeting State Requirements for Educational Facilities (SREF) standards, payments into mitigation banks, establishment of an Educational Facilities Benefit District, Community Development District, or any other method or contribution identified in section 17.6 (b) of the school ILA. Such mitigation may be negotiated between the developer and OCPS and, as appropriate, the City.

**Policy 9-1.4.4:** Proportionate Share Mitigation shall be credited against the School Impact Fee otherwise due for the residential units within a residential development as provided for by statute.

**GOAL 9-2:** Interlocal Agreement and Coordination. To maintain a high quality educational system for the current and future residents of the City of Winter Garden through enhanced and meaningful coordination between the City and Orange County Public Schools (OCPS) as provided in the ILA.



**Objective 9-2.1:** Maintenance of the Interlocal Agreement. Throughout the planning period, the City and OCPS shall work together to review and maintain policies and procedures established in the ILA and ensure compliance with the adopted Comprehensive Plan.

Amended by Ordinance 10-19, 06/24/2010

**Policy 9-2.1.1:** Pursuant to the Interlocal Agreement, a Technical Advisory Committee, composed of representatives from the City of Winter Garden, Orange County, other local governments located within Orange County, OCPS, and the East Central Florida Regional Planning Council, shall be established to discuss issues of mutual concern. OCPS shall be responsible for arranging meetings, providing notifications, and maintaining a written summary of meeting actions.

**Policy 9-2.1.2:** The Technical Advisory Committee shall meet quarterly, or as needed, to discuss issues and formulate recommendations regarding coordination of land use and school facilities. Specific areas addressed by the committee shall include, but shall not be limited to, the following:

- (1) Short and long-range planning, population and student projections, and future development trends;
- (2) Co-location and joint-use opportunities, and ancillary infrastructure improvements needed to support the school facilities and ensure safe student access to schools;
- (3) Planning for needed supporting infrastructure for schools such as utilities, roads, sidewalks, etc.;
- (4) The need for new schools to meet the adopted LOS within the adopted CSA's and the coordination of annual revisions to the five (5) year and ten (10) year District Capital Outlay Plan
- (5) Update of the City's Capital Improvements Element for inclusion in the City's Comprehensive Plan.

**Policy 9-2.1.3:** The City shall provide an update of approved developments, phases of development and estimated build out by phase to the OCPS Planning Department on an annual basis.

**Policy 9-2.1.4:** The City shall review OCPS's generated future enrollment and growth projections on an annual basis and provide input to the OCPS Planning Department.

**Policy 9-2.1.5:** The City shall protect existing schools from the intrusion of incompatible land uses through the development review process. [163.3177(12)(g)4. F.S.] and [9J-5.025(3)(b)5.F.A.C.]

**Objective 9-2.2** Siting of New Public Schools. Throughout the planning period, the City and OCPS shall work together to coordinate the siting of new public schools to ensure public school facilities are located in areas that address the needs of future residential development, are coordinated with necessary services and infrastructure development,



provide for safe learning environments, and are consistent with the City's adopted Future Land Use Map, Comprehensive Plan, and Code of Ordinances.  
Amended by Ordinance 10-19, 06/24/2010

**Policy 9-2.2.1:** Applications for Future Land Use Map amendments, rezonings, conditional use/special exceptions and site plans for schools shall be given priority status.

**Policy 9-2.2.2:** The City shall protect existing schools from the intrusion of incompatible land uses through the development review process. The City shall also protect existing residential neighborhoods through the development review process when considering proposed new schools, school renovations and school expansions. [163.3177 (12) g. 4., F.S.] and [9J.5.025 (3) (b) 5 F.A. C.]

**Policy 9-2.2.3:** In an effort to enhance local communities and neighborhoods, the City shall work with OCPS throughout the school siting, design and development process to ensure that proposed schools serve as a focal point for the community and are compatible with the Future Land Use Map and other surrounding land uses and neighborhoods.

**Policy 9-2.2.4:** Where feasible, OCPS and the City shall work jointly to co-locate public facilities such as parks, libraries, community centers, and other similar public uses with public schools. Where such co-location occurs, both the City and OCPS shall consider the establishment of an ongoing mutual management agreement that permits the school's use of the public facilities and the public's use of school facilities for community meetings and sports activities.

**Policy 9-2.2.5:** In accordance with Section 1006.23, Florida Statutes, and as funding permits, the City shall, where required, provide construction of sidewalks along roadways and trails connecting neighborhoods that are within two miles of schools to the school facility. OCPS shall be responsible for the construction of sidewalks and trails on school property and shall provide connections to existing and future sidewalks and trails identified by the City.

**Policy 9-2.2.6:** Turn lanes and signalization shall be provided at school entrances and at other locations near schools, where warranted, to provide safe access to students and the public. OCPS shall be responsible for the construction of school-related signalization and road construction.

**Policy 9-2.2.7:** The City shall coordinate with OCPS in OCPS's efforts to construct new public school facilities and rehabilitate existing public school facilities to serve as emergency shelters as required by Section 1013.372, Florida Statutes.

**Policy 9-2.2.8:** The City of Winter Garden supports Orange County School Board's evaluation of the use of Public Private Partnerships to finance school construction including but not limited to Real Estate Investment Trusts (REIT)

**Policy 9-2.2.9:** The City of Winter Garden will support efforts by OCPS to formally request additional funding from the State of Florida to meet class size reduction obligations.

**OBJECTIVE 9-2.3:** District Capital Outlay Plan. Prior to June 1st of each year, OCPS shall coordinate with the City to develop a financially feasible ten (10) year District



Capital Outlay Plan (DCOP) for review and approval by the OCPS Board and adoption into the Capital Improvements Element for the City.

Amended by Ordinance 10-19, 06/24/2010

**Policy 9-2.3.1:** The ten (10) year DCOP shall include all capital projects which increase the capacity of public schools within the City and address the deficiencies necessary to maintain or improve LOS.

**Policy 9-2.3.2:** The City shall include the ten (10) year DCOP in the annual update of the CIE.

**Policy 9-2.3.3:** The City shall review OCPS's adopted or recommended CSAs and adopted or recommended LOSs and enrollment projections as provided by OCPS's staff, and account for any changes thereto in the annual update of the City's CIE to ensure that the CIE continues to be financially feasible and that the LOS will continue to be achieved.

**Policy 9-2.3.4:** OCPS, in conjunction with the City, shall review the annual ten (10) year DCOP update to determine the projected capacity, projected enrollment, and LOS for each school and CSA within Orange County.

**Policy 9-2.3.5:** In accordance with F.S. 163.3180 (9)(a), the City adopts a long-term school concurrency management system with a 2007/2008-2017/2018 ten (10) year planning period for areas where significant backlog exists.

