



FREQUENTLY ASKED QUESTIONS AND ANSWERS

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING & ZONING

EFFECTIVE DATE: 05/20/2010

- Q.** *What is zoning and how can I find this designation for my property?*

A. Zoning designates permitted uses of land based on mapped zones which separate one set of land use from another. Zoning laws typically specify the areas in which residential, industrial, recreational or commercial activities may take place.

For example, an R-1 residential zone might allow only single-family detached homes as opposed to duplexes or apartment complexes. On the other hand as C-1 commercial zone might be zoned to permit only certain commercial or industrial uses in one jurisdiction, but permit a mix of housing and businesses in another jurisdiction.

 - To find the zoning of your property, please contact the Planning & Zoning Division at 407-656-5156; Or
 - You can view the city zoning map on the City's website at www.wintergarden-fl.gov; Or
 - City zoning information can also be found at the municipal corporation website at <http://www.municode.com/>.
- Q.** *What is future land use and how can I find this designation for my property?*

A. The Future Land Use Element sets forth the physical plan for the future development of the City of Winter Garden. It also describes the existing land use categories in the City and provides evidence of the City's development character. The Future Land Use Element further describes the appropriate location for future uses and promulgates the policies regulating the location and development of all land uses. The Future Land Use Element sets forth the density and intensity of land uses appropriate for all locations with the City.

 - To find the future land use of your property, please contact the Planning & Zoning Division at 407-656-5156; Or
 - You can view the city Future Land Use map on the City's website at www.wintergarden-fl.gov.
- Q.** *I want to build a shed, carport, addition, or some other structure on my property. The Building Division says I need to confirm my "setbacks". What are setbacks?*

A. Generally, no structure can be placed into the building setbacks of a property. The zoning designation sets forth the setbacks of a specific property.

For example, for the R-1 zoning district, the front and side setbacks are 30' and 10' from the property line, respectively. Therefore, no structure may be placed outside or closer than 30' or 10' from the property line.

There are setbacks for all sides of a property (e.g., front, side, rear). In some cases, the Planning & Zoning Board may grant a "variance" from the designated setbacks. For more information on variances, please see "What is a variance and how can I get one?"
- Q.** *What is a "variance" and how can I get one?*

A. Variance means the relaxation of certain terms of the zoning code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of zoning code would result in unnecessary and undue hardship. Most variances are given for setbacks.

For example, a property owner would like to build an addition to her home in the backyard but the zoning code requires a 25' rear yard setback. The home is at the setback line already and therefore an addition

cannot be built without a relaxation of the zoning code. The homeowner would apply for a variance with a public hearing before the Planning & Zoning Board (via the City's Planning Division), and the Planning & Zoning Board would either allow or deny the specific request.

Please contact the Planning & Zoning Division at 407-656-5156 for any additional information.

5. **Q.** *I would like to place my business in a shopping center. Is my use allowed in this zoning district?*
A. For new businesses, prior to applying for the Business Tax Receipt, it is required that the applicant fill out and submit, a "Land Use Permit Application." This permit confirms the zoning of the property and determines if the use is compatible with the zoning district. In some cases, a special exception permit is required. These are conditional uses whereby if certain qualifications are met (e.g., use is compatible with surrounding uses, will not create traffic hazards or parking problems, etc.), the Planning & Zoning Board, after a public hearing, will either approve or deny the specific request. Please contact the Planning & Zoning Division at 407-656-5156 for more information.
6. **Q.** *Is my property located within the City?*
A. Please contact the Planning & Zoning Division for this information at 407-656-5156; Or You can find the property details on the Orange County Property Appraisers website at www.ocpafl.org.
7. **Q.** *What are the code requirements for installing a new sign for my business?*
A.
- Please contact the Planning & Zoning Division at 407-656-5156 for a copy of Division 2 City Code Section 102-56 for sign code requirements and standards; Or
 - You can view the code directly at the municipal corporation website at <http://www.municode.com/>.
 - You must also apply for a sign permit from the Building Division.
8. **Q.** *What are the parking requirements for my new business?*
A.
- Please contact the Planning & Zoning Division at 407-656-5156 for a copy of City Code Section 118-1386, "Off Street Parking"; Or
 - You can view the code directly at the municipal corporation website at <http://www.municode.com/>.
9. **Q.** *Where can I see all the codes for the City of Winter Garden?*
A. You can view the code directly at the municipal corporation website at <http://www.municode.com/>.
10. **Q.** *I would like to install a fence around my house, what are the steps for a fence permit?*
A. Contact the Building Division for the fencer permit requirements and permit fees. Refer to the fence Setback.
11. **Q.** *Can I annex into the City of Winter Garden?*
A. You may annex into the City of Winter Garden as long as your property is contiguous with property presently within the City (it can be across the street). If the property is greater than five (5) acres the annexation fee is \$1,000.00; no fee is required for properties smaller than five (5) acres. Other utility service connection fees may apply. The applicant will also be responsible for the advertising costs and the costs for the distribution of abutting property owner notices.
12. **Q.** *Can I build a structure in a City easement?*
A. While you may own the land itself, the City has reserved the right to use the land within easements to provide space to convey existing or future utilities such as water, sewer, electricity, telephones, cable, etc. or for stormwater drainage. If you desire to build a structure in a City easement such as a pool, pool deck, wall, shed, etc. you will need to submit an "Easement Vacation Application", obtain letters of support from cable, electric, gas, and telephone companies, and receive final approval from the City Commission. Application

fee is \$250.00.

13. **Q.** *What are the building setbacks, if my property is located on a lake, conservation area, or wetland?*
A. An average of twenty-five (25') feet with a minimum of fifteen (15') feet. Vegetative buffers from a wetland, lake or creek to any proposed lot or normal high water line road must be provided or maintained for all new development (Ref. 94-132.5).
14. **Q.** *May I display merchandise and/or have outdoor dining tables on a public way (sidewalk)?*
A. An "Application for Display of Merchandise or Outdoor Dining on a Public Way" is required. A \$100.00 fee is required for outdoor dining and a \$50.00 fee for outdoor merchandise display. The permit must be displayed. Tables, chairs, umbrellas, merchandise, benches, trash receptacles, signs, and any other sidewalk obstruction should not be placed within five (5') feet of a pedestrian or vehicular passage. See Ordinance 02-24 for further information.
15. **Q.** *May I allow customers to have their dogs at my food service establishment?*
A. An "Application for a Dog Friendly Dining Program" is required. There is no fee to apply. A fence or barrier should be provided. Dogs should be on a leash and under reasonable control at all times. At least one sign identifying the location, rules and regulations shall be posted in the designated outdoor portion of the public food service establishment. See Ordinance 08-37 for further information.
16. **Q.** *What are the general rules of the consumption and sales of alcoholic beverages?*
A. Restaurants or vendors licensed in accordance with F.S. 563.02(1)(a) of F.S. 564.02(1)(a) shall be permitted to serve alcoholic beverages between the hours of 11:00 a.m. and 2:00 a.m.; however, licensees for the sale of alcoholic beverages in the city shall, on the date of New Year's eve (December 31st), be permitted to remain open for such sales for one hour after the regular closing time established by the Code. No alcoholic beverages shall be sold, consumed or served or permitted to be served or consumed in any place holding a state license between the hours of 2:00 a.m. and 7:00 a.m. It is unlawful for anyone to possess, consume or display an open container of alcoholic beverage on public sidewalks, streets or other public property except approved by the City Commission. Except for restaurants, any place of business in which intoxicating liquors, wines or beers are sold or furnished at retail by the glass or drink could be located within 1,200 feet from a school or an established church.
17. **Q.** *What is a legally non-conforming building, structure or parcel?*
A. This is a building, structure, or parcel of property legally established prior to the revision, adoption or amendment of the current chapter in the Code of Ordinances.
18. **Q.** *What is a preliminary plat?*
A. A preliminary plat shows the basic layout of the proposed subdivision, including lots, roads and major utilities. City Staff reviews and verifies the lot sizes, the street dimensions and the general location of utilities. At this stage the Planning Department requires traffic concurrency studies. City Staff also looks for wetland problems, floodplains, road configuration, and any other big item that need to be identified early in the development. At this stage the City negotiates any cost sharing for any major infrastructure improvements or right of way dedication. The applicant does not need to do full engineering at this point, but they need to do enough to ensure the ponds are sized correctly, the gravity sewer will work properly and the overall subdivision will function properly. Pre-plats are reviewed by the Development Review Committee (DRC), the Planning and Zoning Board and receive final approval from the City Commission.
19. **Q.** *What are construction plans for a subdivision?*
A. Construction plans are reviewed for compliance with the approved preliminary plat and the City Codes for roads and utility specifications. This is when the applicant submits multi-paged construction documents identifying details on drainage, water, sewer, open spaces, recreation areas, alleys and road construction. Specific items to be reviewed include proper

- lot drainage, pipe sizing and location, proper road construction, and proper sized retention ponds and stormwater calculations. These plans are approved by the Development Review Committee (DRC).
20. **Q.** *What is a final plat?*
A. The final plat is drawn by a registered surveyor or engineer. Along with the Homeowners Docs, recent title opinion, release of liens, and other required documents, the final plat is reviewed by City Staff, the City Attorney, and the City Surveyor for compliance with the platting requirements in both the City Code and the Florida Statutes. At this time, the City ensures that either the entire infrastructure is completed or the applicant is willing to post an appropriate performance bond. The Engineering Department completes the final walk through inspection and develops a “punch list” of uncompleted or damaged items that need to be replaced. Our code does allow for a developer to bond the entire infrastructure. Final plats are reviewed by the Development Review Committee (DRC), the Planning and Zoning Board and receive final approval from the City Commission.
21. **Q.** *What is a site plan?*
A. A site plan identifies details on drainage, water, sewer, boundary lines, existing or proposed easements, parking areas, buildings, and road construction. A site plan is required for all proposed industrial, commercial, or multi-family development that adds more than 300 sq.ft. of building or 500 sq.ft. of asphalt/concrete and for all new or alterations of communication towers. Specific items to be reviewed include proper lot drainage, pipe sizing and location, proper road construction, and proper sized retention ponds and stormwater calculations. Site plans less than or equal to 25,000 square feet shall require review and approval by the Development Review Committee (DRC). Site plans greater than 25,000 square feet of land area shall also require City Commission approval after DRC review and approval. Site plans expire 365 days after the approval date if building permits for the principal structure have not been issued. The City Engineer may approve an extension one time for a period not to exceed an additional 365 days.
22. **Q.** *What is the Development Review Committee (DRC)?*
A. The Development Review Committee (DRC) reviews applications for subdivision plats, site plans, planned developments, construction plans, development agreements and other applications that the Committee Chairman determines warrant review. The committee makes determinations or recommendations for approval, approval with conditions, or denial. The committee meets the second and fourth Wednesday of the month at City Hall. Voting members are the Community Development Director, Assistant to the City Manager for Public Services, City Engineer, Economic Development Director and Building Official; other members are the City Manager, the City Attorneys, the Planning Consultant, and the Fire Marshall.
23. **Q.** *My mortgage company says I am in a flood zone, and need flood insurance. How can the City help me?*
A. The FEMA maps display many communities/properties within the City located in a “Zone A”; for such properties mortgage companies will require flood insurance. Mortgage companies or insurance companies may waive the flood insurance requirement if they receive “Letters of Map Amendment/Revision” (LOMA/LOMR), including the property in question. The City has copies of “Letters of Map Amendment/Revision” (LOMA/LOMR), for most of the communities with the City, and we can provide the residents with a copy.
24. **Q.** *What is the base flood elevation (BFE) of my property?*
A. The base flood elevation is the water-surface elevation of the 1% annual chance flood (100-year flood). The 1% annual chance is a storm event having 1% probability of being equaled or exceeded in any given year. In most cases the City is able to provide this elevation to the residents.