



For More Information, Contact:
Colene Rivera, CSR
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 2021
crivera@cwgd.com

PLANNING & ZONING BOARD AGENDA

BOARD MEMBERS: Chairman Will Hawthorne, Vice-Chairman Steve Ambielli and board members: Linda Bennett, Myron Brown, Jimmy Dunn, Jeff Ewing and Mark Hide.

OTHER ATTENDEES: City Manager Jon C. Williams, City Attorney Kurt Ardaman, City Attorney Dan Langley, Planning Consultant Ed Williams, Planning Director Kelly Carson, Planning Supervisor Shane Friedman, Senior Planner Yvonne Conatser, Planner I Amber McDonald and Recording Secretary Colene Rivera/Ellen King.

Agenda for January 6, 2025 at 6:30 PM City Hall Commission Chambers 300 W. Plant Street, Winter Garden, Florida

- 1. CALL TO ORDER**
Determination of Quorum, Moment of Silence and Pledge of Allegiance
- 2. APPROVAL OF MINUTES FROM THE DECEMBER 2, 2024 MEETING**

VARIANCE (PUBLIC HEARING)

- 3. Lakeview Avenue S – 529 (Sutherland Front Porch) – VARIANCE**
Parcel ID #23-22-27-2468-00-760
- 4. Marsh Reed Drive – 916 (Jones Screen Room) – VARIANCE**
Parcel ID #28-22-27-4025-01-830
- 5. Hennis Road N – 321 (Park Industrial New Office) – VARIANCE**
Parcel ID #13-22-27-0000-00-032

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

- 6. Hennis Road N – 321 (Park Industrial New Office) – SPECIAL EXCEPTION**
Parcel ID #13-22-27-0000-00-032

COMPREHENSIVE PLAN ORDINANCES (PUBLIC HEARING)

- 7. Ordinance 25-04 - Comp Plan Amendment adding FLU Policies 1-1.2.19 and 1-1.2.20**
- 8. Ordinance 25-05 – Future Land Use Amendment – Neighborhood Residential**
- 9. Ordinance 25-06 – Future Land Use Amendment – Neighborhood Mixed-Use**

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **February 3, 2025 at 6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida

POSTED: DECEMBER 20, 2024

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED, WHICH SUCH WRITTEN RECORD IS NOT PROVIDED BY THE CITY OF WINTER GARDEN.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT COLENE RIVERA, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 656-4111, EXT 2021 - 48 HOURS IN ADVANCE OF THE MEETING.



**Planning and Zoning Board
Regular Meeting Minutes
December 2, 2024**

1. CALL TO ORDER

Co-Chairman Steve Ambielli called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance. Quorum was declared present.

Present: Co-Chairman Steve Ambielli and Board Members: Linda Bennett, Myron Brown, Jimmy Dunn, Jeff Ewing and Mark Hide.

Absent: Chairman Will Hawthorne (Excused)

Staff Present: City Attorney Kurt Ardaman, Planning Director Kelly Carson, Planning Supervisor Shane Friedman, Senior Planner Yvonne Conatser, Planner I Amber McDonald and Recording Secretary Ellen King.

Attendees: Derek Sunderland of Vondek Ent, Michelle Dunkley of Re/Max Prime Properties, Scott Capon of Celebration Architecture & Design, Jordan Draper of Kimley-Horn and Associates, and Christopher Warshaw of ETM Inc.

2. APPROVAL OF MINUTES

Motion by Board Member Hide to approve the regular meeting minutes of October 7, 2024. Seconded by Board Member Ewing and carried unanimously 6 – 0.

VARIANCE (PUBLIC HEARING)

**3. 740 Garden Commerce Parkway (General RV Expansion North) – VARIANCE
Parcel ID #24-22-27-9387-25-000**

Planning Supervisor Friedman presented a request for a Variance for property located at 740 Garden Commerce Parkway to allow a six (6) foot tall masonry wall in the front yard in a Planned Industrial Development (PID) zoning district. Staff recommends approval subject to staff conditions.

Board members inquired about landscaping on this site. City staff confirmed requirement of a 10' - 15' frontage landscape buffer.

Public did not have any comments or questions for this item.

Motion by Board Member Hide to approve the Variance at the location of 740 Garden Commerce Parkway subject to staff conditions. Seconded by Board Member Brown and carried unanimously 6 – 0.

4. 739 Vineland Road (Vineland Road Duplex) – VARIANCE
Parcel ID #23-22-27-6504-05-081

Board member Ewing recused himself from Item #4 due to a conflict of interest.

Planning Supervisor Friedman presented a request for a Variance for property located at 739 Vineland Road to allow this lot to be 94.92 feet in width, a front yard setback of 22 feet, a side yard interior setback of 8.75 feet, and a side corner lot setback of 12 feet and 16.29 feet, to split this lot and build two duplexes with porches. A Lot Split application (Agenda Item #6) ran concurrently with this Variance application. Staff recommends approval of the Variance subject to conditions outlined in the Staff Report.

Board members inquired if R-NC zoning allow duplexes and the 48" oak tree on Parcel 2 outside the building envelope would be saved? City staff confirmed R-NC zoning allows Single-Family and Two-Family homes and the 48" oak will be saved.

Public did not have any comments or questions for this item.

Motion by Board Member Bennett to approve the Variance at the location of 739 Vineland Road subject to staff conditions. Seconded by Board Member Dunn and carried unanimously 5-0-1 with board member Ewing recused.

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

5. 1265 & 1271 Avalon Road (Beazer Windham Park) – **PRELIMINARY PLAT**
Parcel ID #27-22-27-0000-00-093 & 112

Senior Planner Conatser presented a request to approve a Preliminary Plat for the property located at 1265 & 1271 Avalon Road. If approved, this plat will permit the construction of 61 townhouse units. Staff recommends approval of the Preliminary Plat subject to the conditions outlined in the Staff Report.

Board members questioned if the parking requirements were met or exceeded by this plan? City staff stated the preliminary plan lays out the plat but the parking aspects are reviewed during the construction plan submittals.

Public did not have any comments or questions for this item.

Motion by Board Member Dunn to approve the Preliminary Plat at the location of 1265 & 1271 Avalon Road subject to staff conditions. Seconded by Board Member Hide and carried unanimously 6 – 0.

6. 739 Vineland Road (Vineland Road Duplex) – LOT SPLIT
Parcel ID #23-22-27-6504-05-081

Board member Ewing recused himself from Item #6 due to a conflict of interest.

Planning Supervisor Friedman presented a request for a Lot Split for property located at 739 Vineland Road to split into two lots to build two duplexes. However, the applicant needed to meet the lot width requirements with a Variance which was approved earlier as Item #4. With the approval of Variance, staff recommends approval of this Lot Split subject to staff conditions.

Neither the Board nor Public had any questions or concerns regarding this item.

Motion by Board Member Hide to approve the Lot Split at the location of 739 Vineland Road subject to staff conditions. Seconded by Board Member Brown and carried unanimously 5-0-1 with board member Ewing recused.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

7. 12565 W Colonial Drive (General RV Expansion) – SPECIAL EXCEPTION PERMIT
Parcel ID #24-22-27-0000-00-045

Senior Planner Conatser presented a request for Special Exception for the property located at 12565 W Colonial Drive to allow for a recreational vehicle sales office with limited outdoor recreational vehicle storage and parking. Staff recommends approval of this Special Exception subject to staff conditions.

Board members inquired if the RV property to the west of this parcel will connect and if Garden Commerce Parkway will continue through to W Colonial Drive (SR 50)? City staff stated the subject property will connect with the two existing parcels with cross access on Garden Commerce Parkway. Also, Garden Commerce Parkway is a public right-of-way that will eventually connect to W Colonial Drive (State Road 50).

Public did not have any comments or questions for this item.

Motion by Board Member Ambielli to approve the Special Exception at the location of 12565 W Colonial Drive subject to staff conditions. Seconded by Board Member Dunn and carried unanimously 6 – 0.

8. 311 S Main Street (Hollister – Owner / Real Estate Office – **SPECIAL EXCEPTION PERMIT**
Parcel ID #23-22-27-8900-01-520

Senior Planner Conatser presented a request for Special Exception for the property located at 311 S Main Street to allow a real estate office. Staff recommends approval subject to staff conditions.

Neither the Board nor Public had any questions or concerns regarding this item.

Motion by Board Member Dunn to approve the Special Exception at the location of 311 S Main Street subject to staff conditions. Seconded by Board Member Hide and carried unanimously 6 – 0.

Co-Chairman Steve Ambielli adjourned the meeting at 6:55 pm. Adjourned to the regular Planning and Zoning Board meeting on Monday, January 6, 2025 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida.

ATTEST:

APPROVED:

Recording Secretary Ellen King

Chairman Will Hawthorne

**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM #3**

Date: December 24, 2024 **Meeting Date:** January 6, 2025
Subject: 529 S Lakeview Avenue
Project Name: Sutherland Variance
Parcel ID: 23-22-27-2468-00-760

Issue: Proposed front porch addition continues encroachment of front of structure into the front building setback by 9 feet 3 inches.

Supplemental Material / Analysis:

Owner / Applicant: Dane and Courney Sutherland
Current Zoning: R-2 (Residential)
Proposed Zoning: N/A
Current FLU: LR (Low Density Residential)
Proposed FLU: N/A

Summary: The applicant is requesting a 20 foot 9 inch front yard setback in lieu of the required 30 foot front yard setback to expand the existing front porch.

Staff Recommendation(s):

Staff recommends approval subject to any conditions outlined in the Staff Report.

Next Step(s):

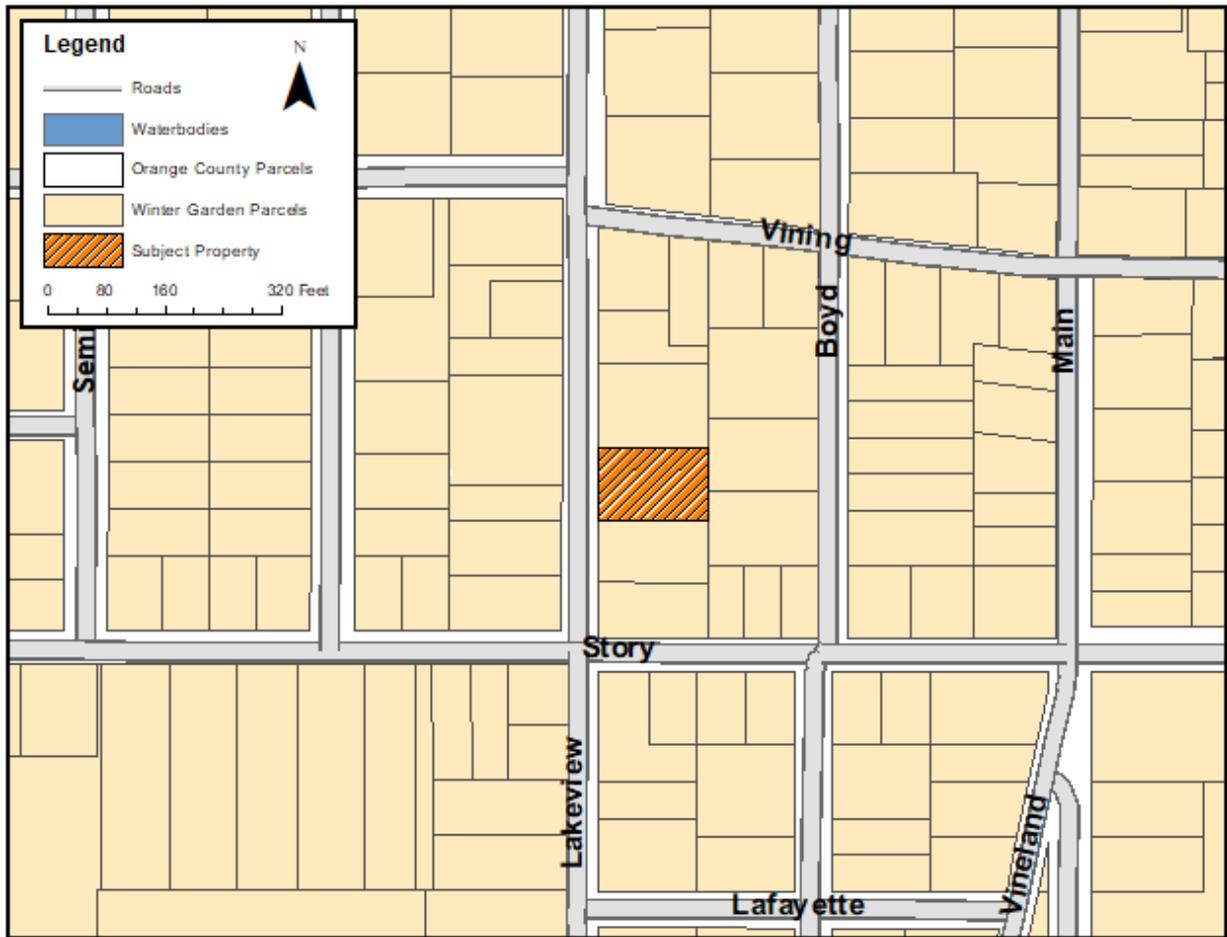
The applicant is responsible for following all City regulations and obtaining the required building permits.

Attachment(s):

Staff Report
Location Map

Location Map

529 S Lakeview Avenue



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

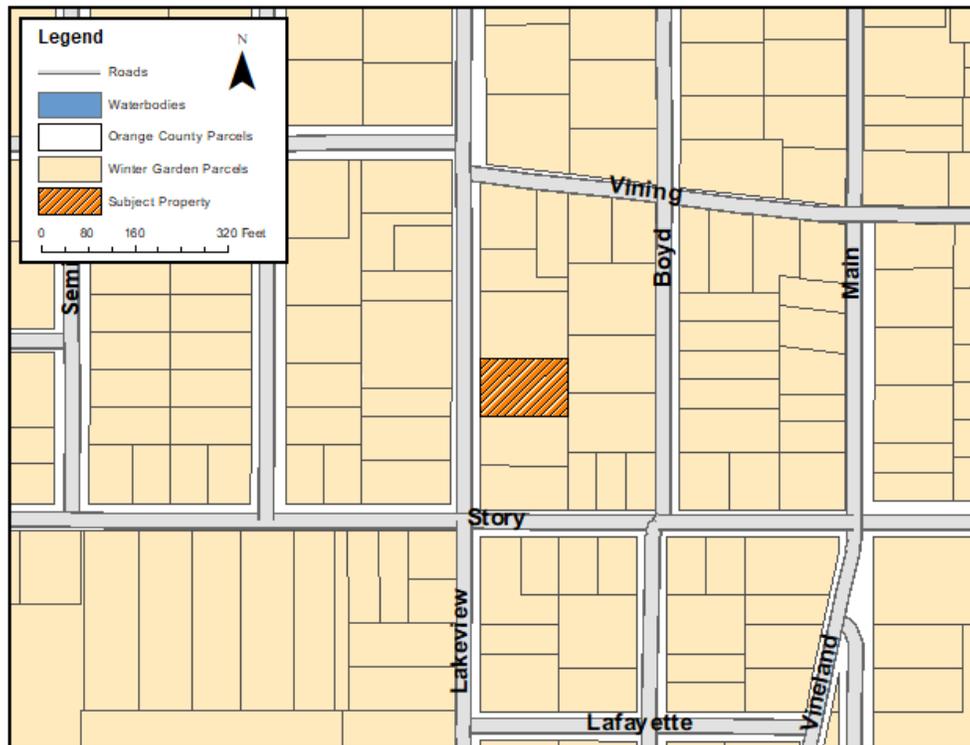
TO: PLANNING AND ZONING BOARD
PREPARED BY: Yvonne Conatser, Senior Planner
DATE: January 6, 2025
SUBJECT: VARIANCE
529 S Lakeview Avenue (0.35 +/- ACRES)
PARCEL ID # 23-22-27-2468-00-760

APPLICANT: Dane and Courney Sutherland (owners)

INTRODUCTION

The purpose of this report is to evaluate the request for a setback variance for the property located at 529 S Lakeview Avenue in Winter Garden, Florida. The request is for a twenty (20) foot nine (9) inch front yard setback in lieu of the required thirty (30) foot front setback to permit the construction of an eight (8) foot by twenty-one (21) foot eleven (11) inch addition to the existing front porch.

The Subject Property is approximately 0.35 +/- acres in size, zoned R-2 Residential District, and designated Low Density Residential on the City Future Land Use Map. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



EXISTING USE

The Subject Property is developed with a single story 3,462 +/-square foot single family residence with detached garage.

ADJACENT LAND USE AND ZONING

The subject property is surrounded by R-2 Residential zoning, developed as single family houses and designated Low Density residential on the City’s Future Land Use map. All properties are located within the City of Winter Garden’s jurisdictional limits.

PROPOSED USE

The applicant is requesting a twenty (20) foot nine (9) inch front yard setback in lieu of the required thirty (30) foot front yard setback to allow for the construction of an eight (8) foot by twenty-one (21) foot eleven (11) inch addition to the existing front porch.

The subject property is located south of downtown in an older city neighborhood, originally platted in 1924. The original house was constructed in 1926 and is considered a legal non-conforming structure per minimum yard setback requirements. To expand the front porch the applicant must request a variance for the entire front porch building setback.

CODE REFERENCE

Section 118-398.(1) a. of the City Code of Ordinances addresses minimum yard requirements for single-family dwellings in the R-2 Zoning District. This section states:

- (1) Single-family. a. Front: 30 feet.

The applicant is seeking a variance to the front yard setback.

CODE REQUIREMENTS / CRITERIA

Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue.” The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff’s comments concerning this particular petition.

- (1) *Granting the variances will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The subject property is located in an older neighborhood and the house was constructed prior to the current zoning ordinance. A portion of the front façade and the existing front porch encroaches into the front yard setback approximately 9 feet 1 inch. The applicant would like to expand the front porch approximately 21 feet 11 inches by 8 feet to the south along the front façade. Any expansion of a legal non-conforming house requires a variance. The proposed addition will keep the same setback as the existing front porch and will meet the required side yard setback. The proposed front porch addition will not cause or allow “interference with reasonable enjoyment” of the front yards of the nearby property owners and it should not “negatively impact the standard of living” provided the applicant follows all required conditions as set forth by the staff and city code.

(2) The variances will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

The requested variance does not change the residential nature of the property. Front porches are encouraged especially in the older neighborhoods of the City of Winter Garden. A front porch is a reasonable use of the residential property. The size of the proposed addition is not out of character with other properties located within the R-2 neighborhood and is typical of the houses in the vicinity of the subject property.

(3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variances outweigh the benefits under this criteria if the variances were denied;

Strict compliance with the City's land development regulations will not further any legitimate City objective. The proposed addition will meet all other City requirements regulating residential construction.

(4) The granting of the variances is consistent with the city's comprehensive plan; and

The variance is consistent with the provisions of the City's Comprehensive Plan respecting low density residential neighborhood character.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.

The requested variance is the minimum variance that will make reasonable use of the land. The addition will not significantly impact the adjacent neighborhood properties.

SUMMARY

City Staff recommends approval of the variance to Section 118-398. (1) a. to allow the construction of an addition with a 20 foot 9 inch front yard setback for the property at 529 S Lakeview Avenue, subject to the following conditions:

1. This approval is for the addition of the front porch.
2. The applicant is responsible for obtaining the required building permits from the Building Department prior to construction of the addition.
3. The addition shall be constructed in accordance with the 21 foot 11 inch by 8 foot dimensions as outlined on the Site Plan submitted with the application.
4. The front porch may not be enclosed as air conditioned space.

NEXT STEP

Follow all City regulations and apply for required building permits.

ATTACHMENTS

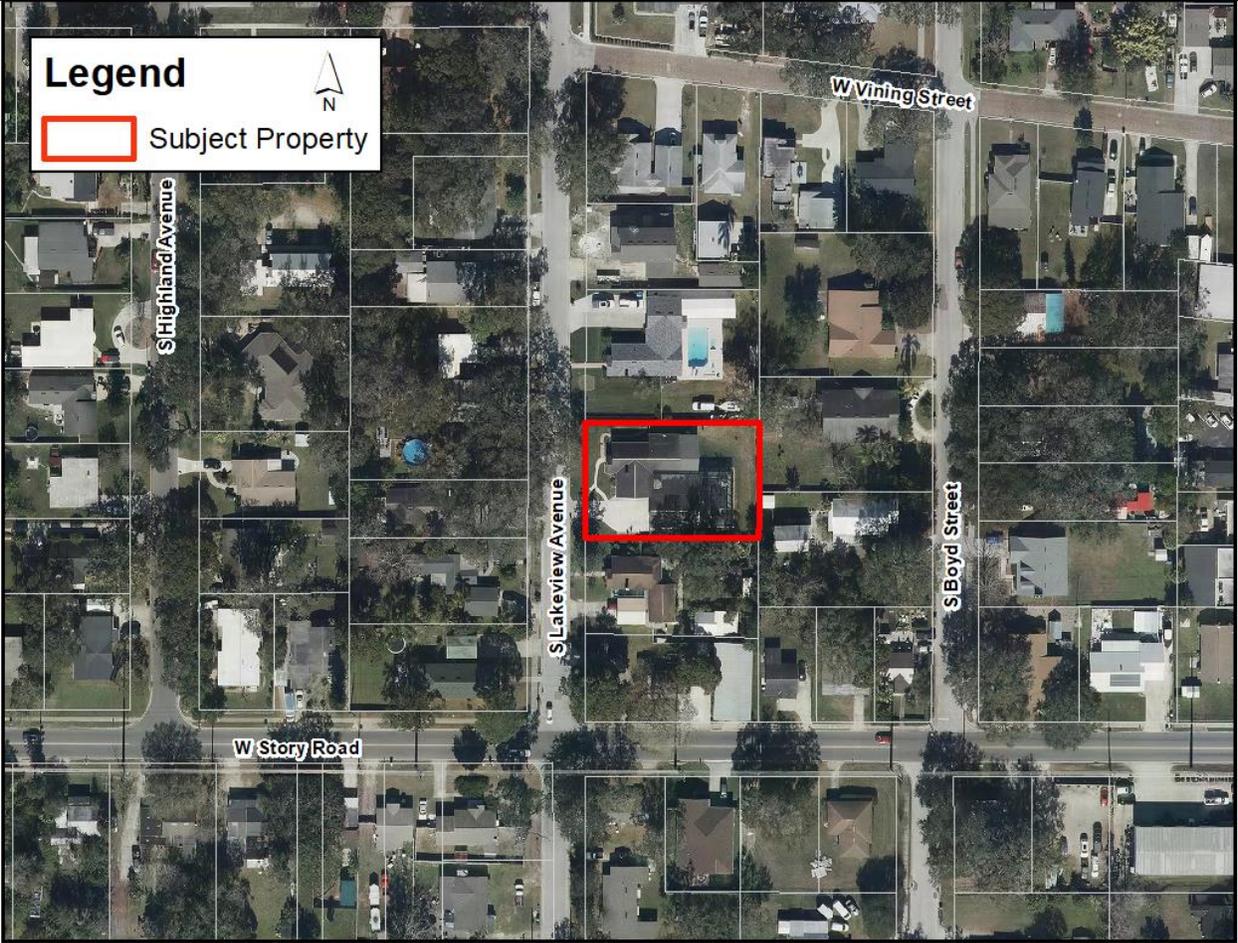
Aerial Photo

Boundary Survey with proposed porch area

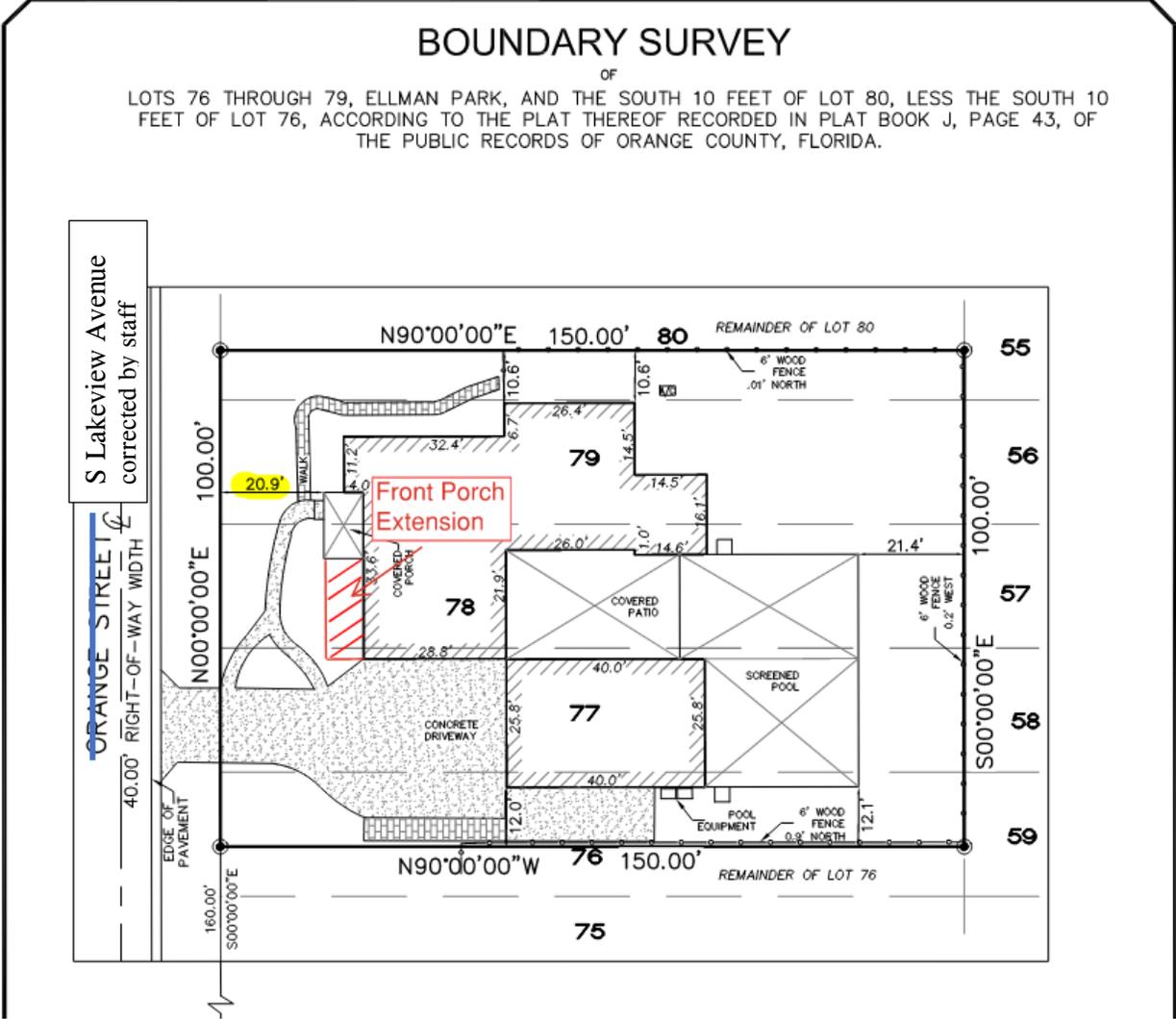
Elevations

Site Photos

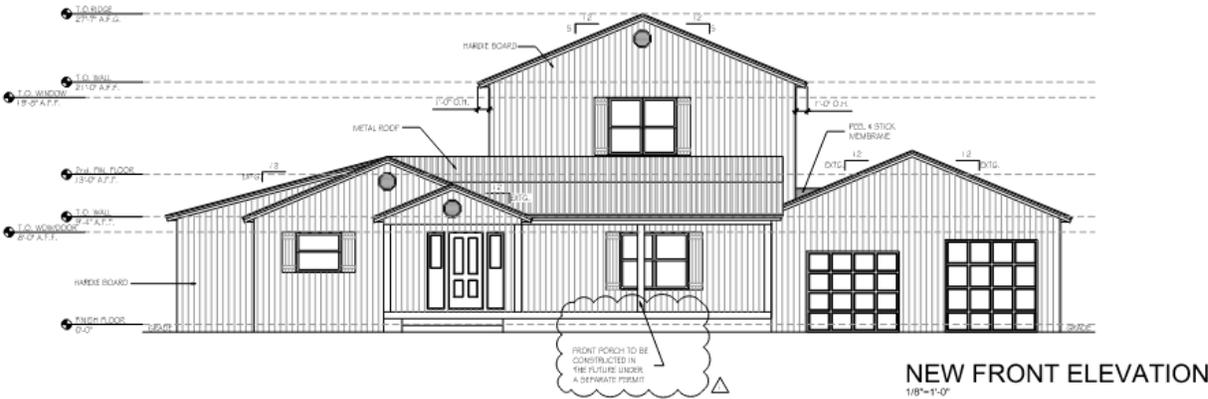
Aerial Photo
529 S Lakeview Avenue



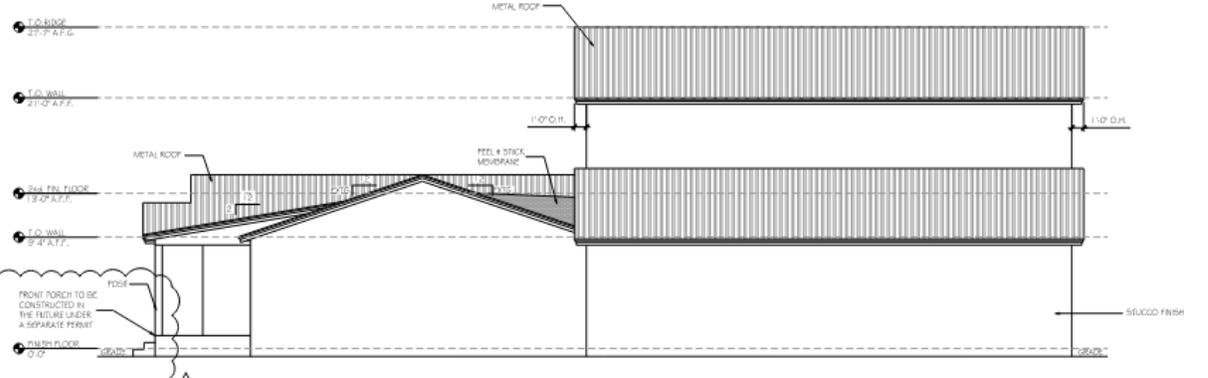
Survey with addition and front setback
529 S Lakeview Avenue



Elevations with new front porch addition
529 S Lakeview Avenue



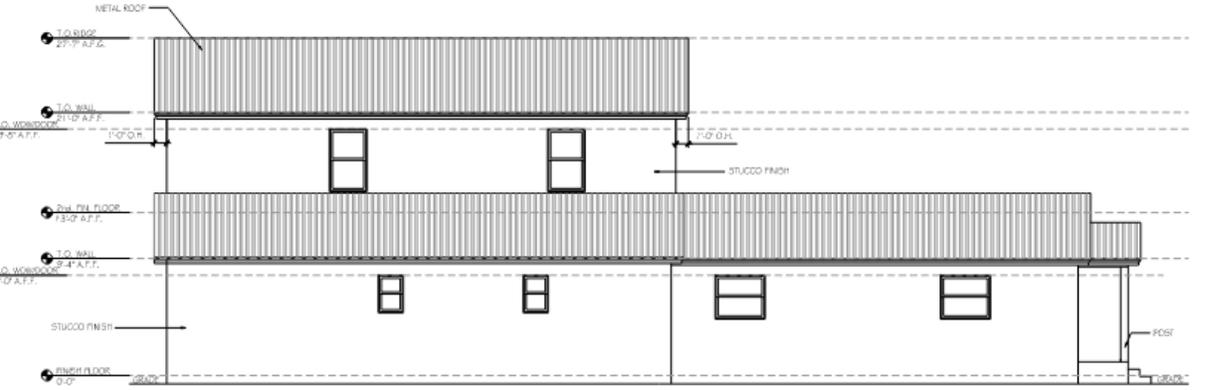
NEW FRONT ELEVATION
 1/8"=1'-0"



NEW RIGHT ELEVATION
 1/8"=1'-0"

NOTE: STUCCO FINISH BY W11

- TWO WATER-RESISTIVE BARRIERS INSTALLED AS REQUIRED BY R703.2. THE INDIVIDUAL LAYERS SHALL BE INSTALLED INDEPENDENTLY SUCH THAT EACH LAYER PROVIDES A SEPARATE CONTINUOUS FLARE AND ANY FLASHING INTRODUCED TO DRAIN TO THE WATER-RESISTIVE BARRIER IS DIRECTED BEHIND THE LAYERS. (IBC-RESIDENTIAL R703.2 ONE LAYER AND R703.7.3 STUCCO)
- LATH AND LATH ATTACHMENT. (R703.1)
- STUCCO EXTERIOR FINISHES TO BE APPLIED OVER CONCRETE AND WOOD FRAME. (R703.7.2, ASTM C936)
- WEEP SCREED FOR FRAME TRANSITIONS AND TERMINATIONS. (R703.7.2.1)



NEW LEFT ELEVATION
 1/8"=1'-0"

Site Photos
529 S Lakeview Avenue
Front view of existing house



**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 4**

Public Hearing

Date: December 19, 2024 **Meeting Date:** January 6, 2025

Subject: 916 Marsh Reed Drive

Project Name: 916 Marsh Reed Drive – Jones Screen Rom Variance

Parcel ID: 28-22-27-4025-01-830

Issue: The applicant is requesting a variance(s) for the property located at 916 Marsh Reed Drive.

Supplemental Material / Analysis:

Owner / Applicant: Laura Jones

Current Zoning: PUD (Planned Unit Development)

Proposed Zoning: N/A

Current FLU: LR Low Density Residential

Proposed FLU: N/A

Summary: The applicant is requesting approval of a variance to Winter Garden Ordinance 00-19, for the property located at 916 Marsh Reed Drive, to allow a rear yard setback of 13.7', in lieu of the required 25' minimum, in order to construct a 12'x16' screen enclosure with an insulated roof.

Staff Recommendation(s):

Staff recommends approval subject to any conditions outlined in the Staff Report.

Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Staff Report
Location Map

LOCATION MAP

916 Marsh Reed Drive

Variance(s)



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: AMBER MCDONALD, PLANNER I
DATE: JANUARY 6, 2025
SUBJECT: VARIANCE
916 Marsh Reed Drive (0.18 +/- ACRES)
PARCEL ID # 28-22-27-4025-01-830

APPLICANT: Laura Jones

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for the property located at 916 Marsh Reed Drive in Winter Garden, Florida. The request is to allow a rear yard setback of 13.7', in lieu of the required 25' minimum, in order to construct a screen enclosure with an insulated roof.

The subject property, located at 916 Marsh Reed Drive, is an approximately 0.18 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation PUD (Planned Unit Development – Ordinance 00-19) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan. The property is located within the Johns Lake Pointe subdivision.

EXISTING USE

The subject property is developed with a 3,148 square foot two-story single-family residence.

ADJACENT LAND USE AND ZONING

The properties located to the north, east, south and west are single-family residences in the Johns Lake Pointe Subdivision, zoned PUD and are in the City of Winter Garden's municipal limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of a 12' x 16' screen enclosure with an insulated roof with a rear setback of 13.7' in lieu of the minimum required 25'. This area is an existing patio.

CODE REFERENCE

Ordinance 00-19 addresses minimum yard requirements in the Johns Lake Pointe PUD. This section states,

2. With the exception of setbacks and lot width / area requirements, all of the zoning requirements (height, restrictions, parking requirements, accessory buildings, etc.) of the R-1B zoning district will be required. The setbacks will be as follows:

- Front – 25 feet
- Rear – 25 feet
- Side yard requirements shall be as follows:
 - a. For lot width less than 70 feet: five feet. (15 feet on a corner)
 - b. For lot width 70 feet to 84 feet: 7 1/2 feet. (15 feet on a corner)
 - c. For lot width greater than 84 feet: ten feet. (15 feet on a corner)

The applicant is seeking a variance to the minimum rear yard setback in order to build a screen enclosure with an insulated roof.

CODE REQUIREMENTS / CRITERIA

Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue.” The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

(1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;

The property is located on an oversized corner lot with only one single-family residence directly abutting to the east of the subject property. The request should have little to no negative impact to the immediate neighboring property owner as the height and elevation of

the screen enclosure is reasonable and proportional to the size of the home and its existing patio.

- (2) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variance will make reasonable use of the property as screen enclosures with roofs are common in single-family neighborhoods. The request will allow the applicant to enjoy the outdoor area and be protected from the sun.

- (3) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations will not further any legitimate City objective. A screen enclosure with an insulated roof is typical of single-family home backyards.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variance is consistent with the provisions of the City's Comprehensive Plan relating to Planned Unit Development neighborhood character.

- (5) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

By allowing the revised rear setback requirement for a screen enclosure with an insulated roof, it will help the applicant to enjoy their existing patio by providing some shelter from the elements. The variance requested is the minimum variance that will make reasonable use of the land. Denying the variance does not benefit the property owner or the City.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of variance to Ordinance 00-19 to allow a rear yard setback of 13.7', in lieu of the required 25' minimum, in order to construct a screen enclosure with an insulated roof, with the following conditions:

1. The 12' x 16' screen enclosure is to be built with the same materials and design elements in accordance with the photo example as provided by the applicant.

NEXT STEPS

Follow all City regulations and apply for building permits.

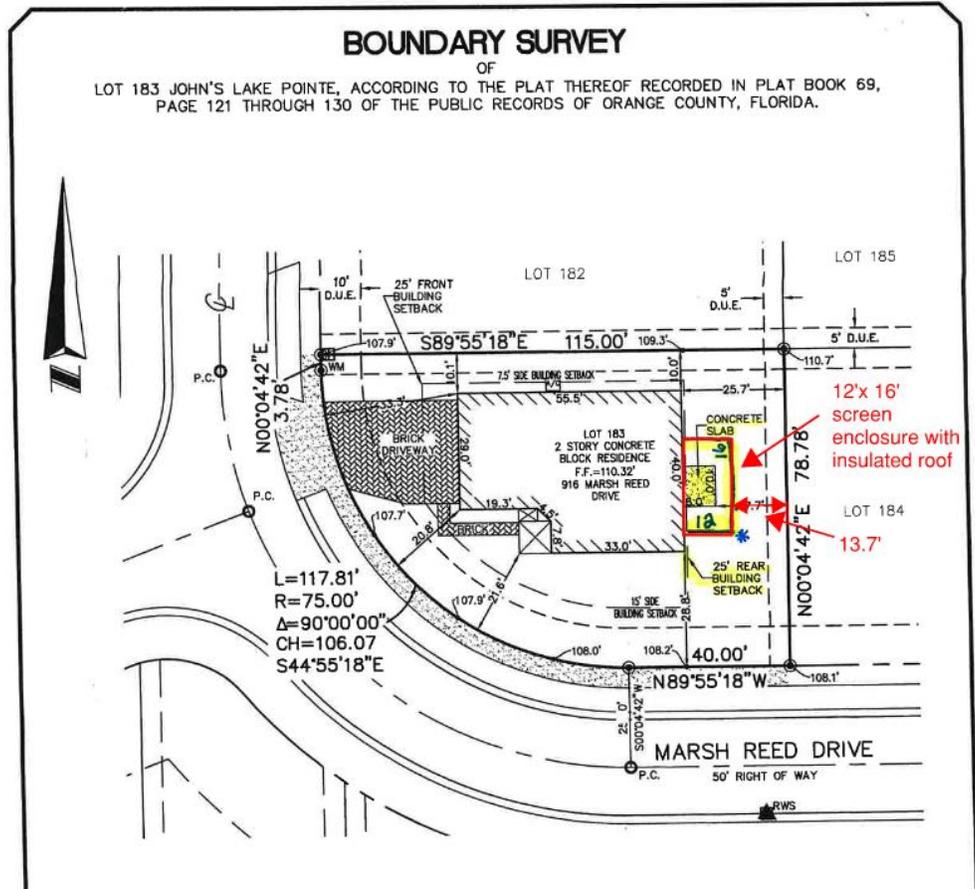
ATTACHMENTS

- Aerial Photo
- Survey
- Example of Screen Enclosure
- Site Photos

AERIAL PHOTO
916 Marsh Reed Drive



SURVEY 916 Marsh Reed Drive



CERTIFIED TO:
 John E. Jones and Laura Jones
 John's Lake Pointe 183
 916 Marsh Reed Drive
 Chicago Title
 American Home Title & Escrow
 Richmond American Homes of Florida, LP

SURVEYOR'S NOTES:

1. Bearings shown hereon are based on the Northerly line of LOT 183 as being S89°55'18"E. (assumed for angular designation only) (per plat)
2. There may be easements and restrictions of record and/or private agreements not furnished to this surveyor or shown on this boundary survey that may property rights and/or land use rights of the subject property.
3. There may be environmental issues and/or other matters regulated by various Departments of Federal, State or Local Governments affecting the subject property not shown on this survey.
4. This Survey was performed for the sole and exclusive benefit of the entities listed hereon and shall not be relied upon by any other entity or individual whomsoever.
5. This Survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper.
6. Underground utilities, foundations and improvements were not located, unless shown hereon.
7. Subject property shown hereon is in Zone X, area of 0.2% annual chance floodplain, according to Flood Insurance Rate Map panel number 12095C0215F, map date September 25, 2009.
8. Vertical Datum is NGVD 29.



| LEGEND | | SYMBOLS | |
|-----------------------|--------------------------------------|---|--|
| A/C = AIR CONDITIONER | P.I. = POINT OF INTERSECTION | ⊙ = SET 1/2" IRON ROD & CAP, #LB 6723 | |
| R/W = RIGHT OF WAY | P.T. = POINT OF TANGENCY | ○ = RECOVERED IRON ROD & CAP | |
| CONC = CONCRETE | P.C. = POINT OF CURVATURE | ■ = SET CONCRETE MONUMENT, #LB 6723 | |
| ℄ = CENTERLINE | P.C.C. = POINT OF COMPOUND CURVATURE | □ = RECOVERED CONCRETE MONUMENT | |
| (M) = MEASURED | P.R.C. = POINT OF REVERSE CURVATURE | U.E. = UTILITY EASEMENT/ D.U.E.=DRAINAGE EASEMENT | |
| REC = RECOVERED | PCP = PERMANENT CONTROL POINT | P.A.D.E. = PRIVATE ACCESS & DRAINAGE EASEMENT | |
| Δ = CENTRAL ANGLE | PRM = PERMANENT RECORDED MONUMENT | LB = LICENSED BUSINESS | |
| R=RADIUS/L=ARC LENGTH | P.F.F. = PROPOSE FINISH FLOOR ELEV | LS = LICENSED SURVEYOR | |
| | F.F.E. = FINISH FLOOR ELEVATION | PSM = PROFESSIONAL SURVEYOR & MAPPER | |

| | | |
|---------------------|--------------------|-------------------------------------|
| JOB NO. 20150280 | CALCULATED BY: JLR | FOR THE LICENSED BUSINESS #6723 BY: |
| DATE: 11/23/15 | DRAWN BY: KS | James L. Rickman, P.S.M. #5633 |
| SCALE: 1" = 30 FEET | CHECKED BY: ML | |
| FIELD BY: N/A | REVISED: N/A | |

EXAMPLE OF SCREEN ENCLOSURE
916 Marsh Reed Drive



SITE PHOTOS
916 Marsh Reed Drive



END OF STAFF REPORT

**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 5**

Date: December 18, 2024 **Meeting Date:** January 6, 2025
Subject: 321 N Hennis Road
Project Name: 321 N Hennis Road
Parcel ID: 13-22-27-0000-00-032
Issue: The applicant is requesting variance for property located at 321 N Hennis Road.

Supplemental Material / Analysis:

Owner / Applicant: Park Industrial, LLC
Current Zoning: I-2 (General Industrial)
Proposed Zoning: N/A
Current FLU: I (Industrial)
Proposed FLU: N/A

Summary: The applicant is requesting approval of a variance to Winter Garden City Code Section 118-1297(a)(1), for the property located at 321 N Hennis Road. If approved, this variance will allow a 6 foot tall PVC fence in lieu of the 3 foot maximum height in the front yard of the property.

Staff Recommendation(s):

Staff recommends approval subject to any conditions outlined in the Staff Report.

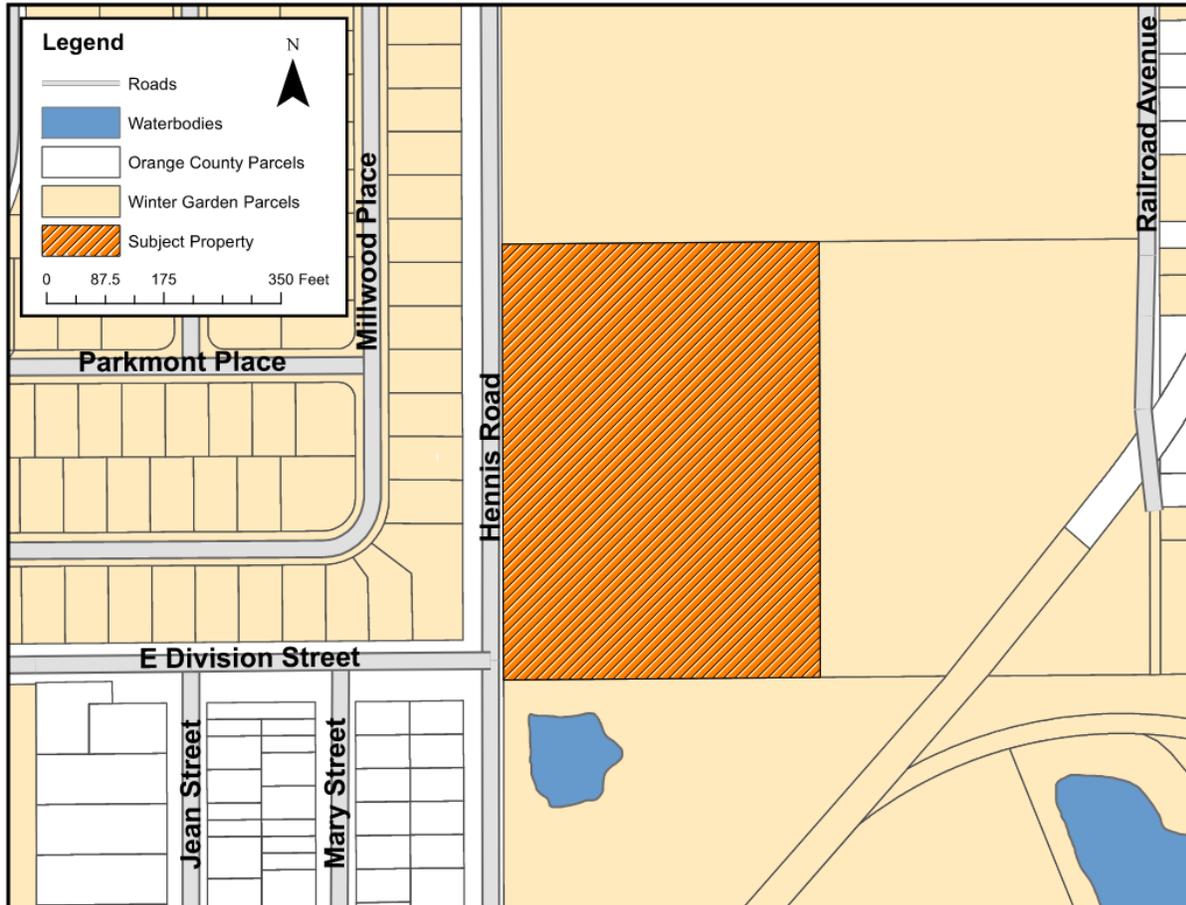
Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Staff Report
Location Map

LOCATION MAP

321 N HENNIS ROAD

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

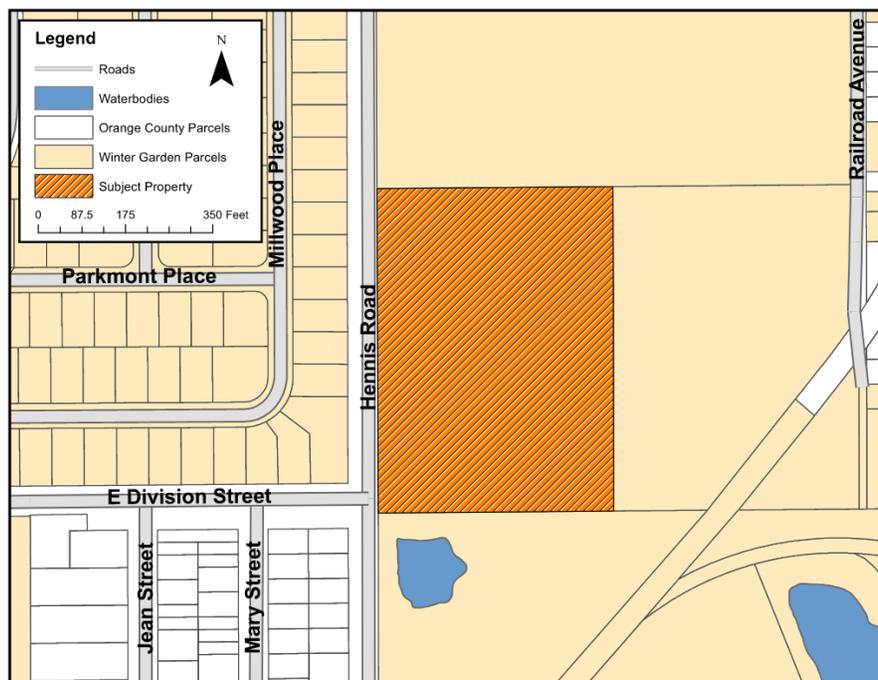
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: AMBER MCDONALD, PLANNER I
DATE: JANUARY 6, 2025
SUBJECT: VARIANCE
321 N HENNIS ROAD (7.06 +/- ACRES)
PARCEL ID # 13-22-27-0000-00-032

APPLICANT: Park Industrial, LLC

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for the property located at 321 N Hennis Road in Winter Garden, Florida. The request is to allow a 6 foot tall PVC fence, in lieu of the 3 foot maximum height fence, in the front yard of the property. The subject property, located at 321 N Hennis Road, is an approximately 7.06 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden's municipal limits, carries the zoning designation of I-2 General Industrial, and is designated Industrial (I) on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The subject property is currently developed with 8 buildings and home to the Diamond R Fertilizer plant.

ADJACENT LAND USE AND ZONING

The property to the north of the subject property recently received Site Plan Approval for Winter Garden Industrial Park, zoned I-2 (General Industrial) within the City’s municipal limits. The properties to the east and south of the subject property are industrial facilities (including Lotts Concrete and Preferred Materials), zoned I-2 (General Industrial) within the City’s municipal limits. The properties to the west are developed with single-family residences in the Covington Chase subdivision, zoned PUD (Planned Unit Development) within the City’s municipal limits.

PROPOSED USE

The applicant is requesting to allow the installation of a 6’ tall PVC fence in the front yard of the property to provide more enhanced screening for a future tenant that will have outdoor storage of equipment and materials if the Special Exception Permit that is under review concurrently is approved.

CODE REFERENCE

Sec. 118-1297(a)(1) of the City Code of Ordinances addresses fence requirements. This section states,

(a) *Permitted in required yards.* Notwithstanding other sections of this chapter, fences and walls may be permitted in any required yard or along the edge of any yard subject to the following:

(1) *Front yards.* Three feet in height, and set back from the property line one-half foot.

The applicant is seeking a variance to the maximum height of a fence in the front yard of the property.

CODE REQUIREMENTS / CRITERIA

Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue.” The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff’s comments concerning this particular petition.

(1) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The immediate property to the north, east and south of the subject property are all industrial properties, therefore, the request should have little to no negative impact to the neighboring property owners. Considering the property to the west is the Covington Chase subdivision, the additional landscaping and six foot fence will help improve and enhance the community.

(2) *The variance will allow a reasonable use of the property, which use is not out of character*

with other properties in the same zoning category;

The requested variance will make reasonable use of the property as fences are common around industrial property. The request will allow additional screening for the applicant's proposed Special Exception Permit to allow outdoor storage on the property and shield equipment and materials from the residential properties and right-of-way.

- (3) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations will not further any legitimate City objective. A fence is typical around the boundary of industrial property.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*

The variance is consistent with the provisions of the City's Comprehensive Plan relating to Industrial character.

- (5) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

Allowing the fence in the front yard to be six feet in height is a reasonable request to screen any outdoor storage and achieve a more aesthetically pleasing appearance for the community and right-of-way. The variance requested is the minimum variance that will make reasonable use of the land. Denying the variance does not benefit the property owner or the City.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of the variance to Sec. 118-1297(a)(1) to allow a 6 foot PVC fence, in lieu of the 3 foot maximum height fence, in the front yard of the subject property, with the following conditions:

1. The six (6) foot PVC fence shall only be located in the front yard as described in the site plan as provided by the applicant.
2. The wall will be decorative and match or be similar in style to the elevation provided by the applicant.

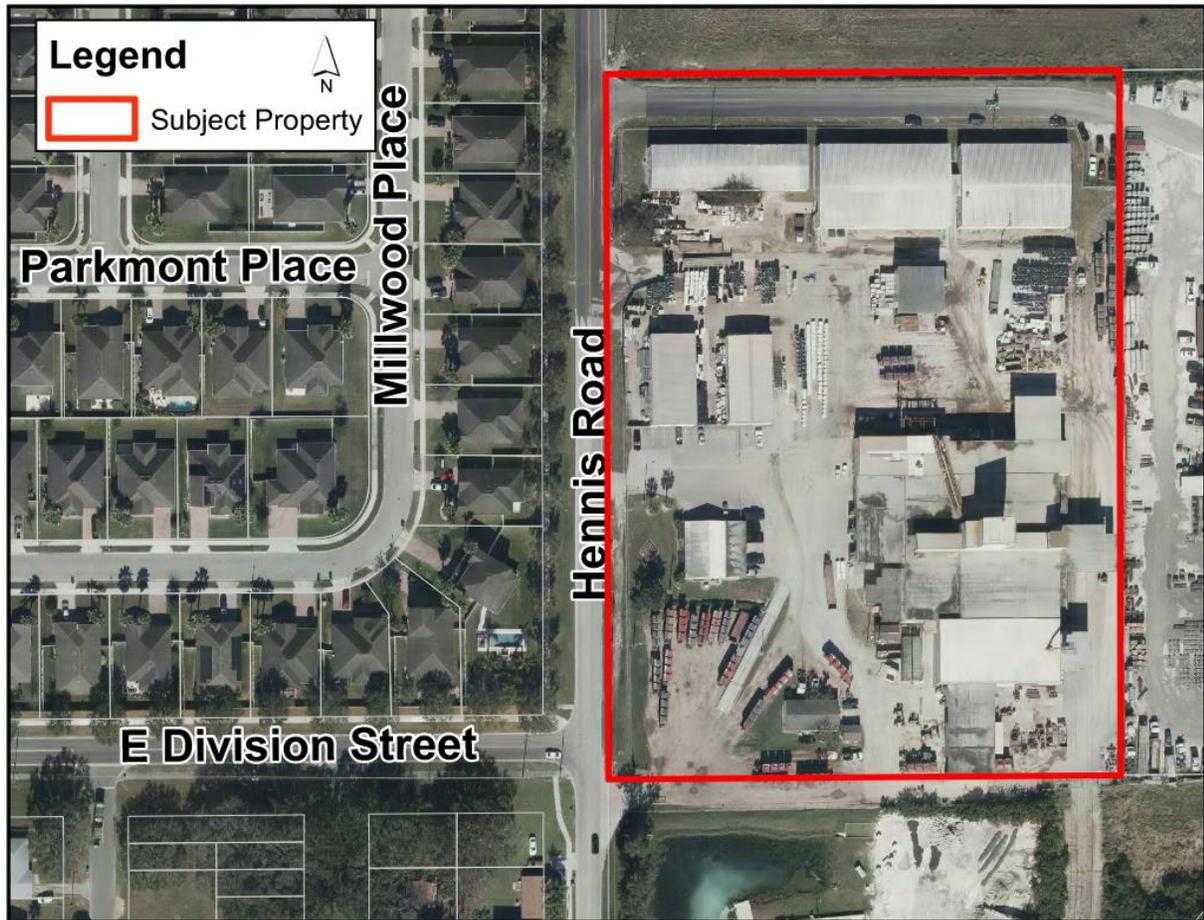
NEXT STEPS

Follow all City regulations and apply for building permits.

ATTACHMENTS

- Aerial Photo
- Site Plan
- Example of Fence
- Site Photos

AERIAL PHOTO
321 N Hennis Road



EXAMPLE OF FENCE
321 N Hennis Road



SITE PHOTOS
321 N HENNIS ROAD



View from the corner of E Division Street & Hennis Road



Facing South on Hennis Road

END OF STAFF REPORT

**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 6**

Date: December 19, 2024 **Meeting Date:** January 6, 2025
Subject: 321 N Hennis Road (Special Exception Permit)
Project Name: 321 N Hennis Road (Park Industrial New Office)
Parcel ID: 13-22-27-0000-00-032

Issue: The applicant is requesting a Special Exception Permit for the property located at 321 N Hennis Road.

Supplemental Material / Analysis:

Owner / Applicant: Park Industrial, LLC
Current Zoning: I-2 (General Industrial)
Proposed Zoning: N/A
Current FLU: I (Industrial)
Proposed FLU: N/A

Summary: The applicant has requested a Special Exception Permit for the property located at 321 N Hennis Road. If approved, this Special Exception Permit will allow outdoor storage of equipment and materials.

Staff Recommendation(s):

Staff recommends approval of the Special Exception Permit subject to the conditions of the staff report.

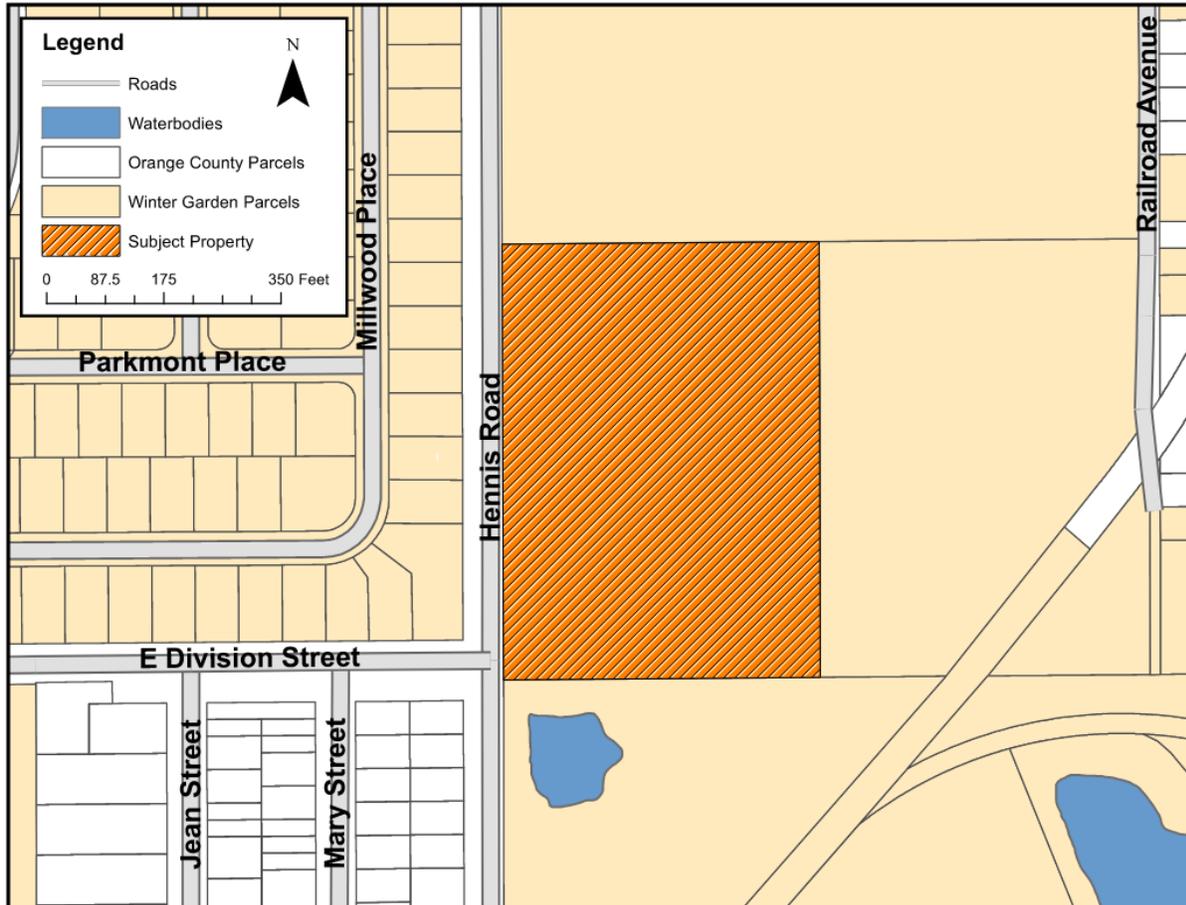
Next Step(s): Apply for Site Plan Approval

Attachment(s): Staff Report
Location Map

LOCATION MAP

321 N HENNIS ROAD

Special Exception Permit



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

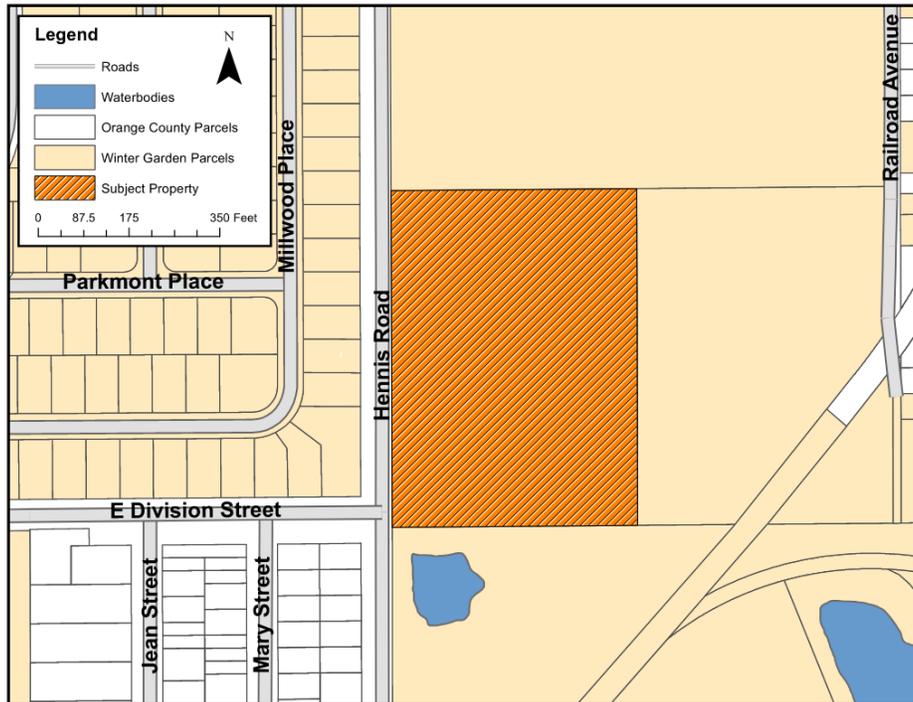
TO: PLANNING AND ZONING BOARD
PREPARED BY: AMBER McDONALD, PLANNER I
DATE: JANUARY 6, 2025
SUBJECT: SPECIAL EXCEPTION PERMIT
321 N HENNIS ROAD (7.06 ±ACRES)
PARCEL ID # 13-22-27-0000-00-032

APPLICANT: Park Industrial, LLC

INTRODUCTION

The purpose of this report is to evaluate the proposed Special Exception Permit for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 321 N Hennis Road and is approximately 7.06 ± acres in size. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting a Special Exception Permit in order to allow outside storage. The subject property is located within the City of Winter Garden's municipal limits, carries the zoning designation of I-2 General Industrial, and is designated Industrial (I) on the Future Land Use Map of the Comprehensive Plan.

CURRENT USE

The subject property is currently developed with 8 buildings and home to the Diamond R Fertilizer plant.

ADJACENT LAND USE AND ZONING

The property to the north of the subject property recently received Site Plan Approval for Winter Garden Industrial Park, zoned I-2 (General Industrial) within the City's municipal limits. The properties to the east and south of the subject property are industrial facilities (including Lotts Concrete and Preferred Materials), zoned I-2 (General Industrial) within the City's municipal limits. The properties to the west are developed with single-family residences in the Covington Chase subdivision, zoned PUD (Planned Unit Development) within the City's municipal limits.

PROPOSED USE

The applicant is proposing to demolish the 35,813 square foot fertilizer plant. The remaining seven buildings will be refurbished and used for general industrial activities allowed in the I-2 (General Industrial) zoning district. The proposed use requiring a special exception permit is for outside storage of equipment and materials. The applicant at this time does not have a tenant for the outside storage. Exhibit A of this staff report outlines the permissible uses and materials of this request.

ANALYSIS

DIVISION 13. - I-2 GENERAL INDUSTRIAL DISTRICT

Sec. 118-774. - Special exceptions.

In the I-2 general industrial district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

- (4) Any outside display or storage. Any outside display or storage area shall have an opaque screen on all sides in order to avoid any deleterious impact on adjacent property.

Permitting the outdoor storage will allow the discontinuation and demolition of the fertilizer plant. This will make the area more aesthetically pleasing for the surrounding residential neighborhoods and the corridor. The applicant has a variance request for a six foot tall PVC fence that will be located in the front yard of the development along Hennis Road. The variance request is running concurrently with this special exception request. The proposed PVC fence, along with the enhanced landscape buffer along Hennis Road, will help screen any outdoor storage from the residential properties and the right-of-way.

Furthermore, there will be restrictions on the uses and materials allowed outside and as well as their location. The locations allowed for outside storage are shown in Exhibit B of this staff

report. There will be an assigned area for equipment and materials greater than six feet in height (Zone A) and for those less than six feet in height (Zone B).

There are also additional requirements for outside storage of equipment outlined in the conditions of approval and the Exhibits. The six foot tall fence and enhanced landscaping should satisfy the requirements of Section 118-774 of City Code and the restrictions and conditions outlined in the staff report will allow the property to operate in a manner that is more appropriate for the area.

SUMMARY

City Staff recommends approval of the proposed Special Exception Permit to allow outside storage, with the following condition(s):

- 1) The Special Exception Permit is only for outside storage of equipment and material as provided by Exhibit A.
- 2) All outside storage of construction equipment must be stored in descending order of height. The tallest equipment, in their resting position, must be stored in the rear of the property. The equipment should descend in height towards the smallest equipment at the front of the property. Construction equipment may only be stored in the area identified on the attached Exhibit B.
- 3) Any outside storage of equipment that is greater than six (6) feet in height must be stored in its resting position.
- 4) All loose materials stored outside, to include any stackable equipment, cannot be stacked higher than six (6) feet.
- 5) Outdoor activities may only occur between the hours of 7:00AM and 9:00PM Monday through Friday, between 9:00AM and 9:00PM on Saturday, and between 10:00AM and 6:00PM on Sunday.
- 6) Approval of the requested variance for a 6' tall opaque PVC fence in the front yard.

AERIAL PHOTO
321 N HENNIS ROAD

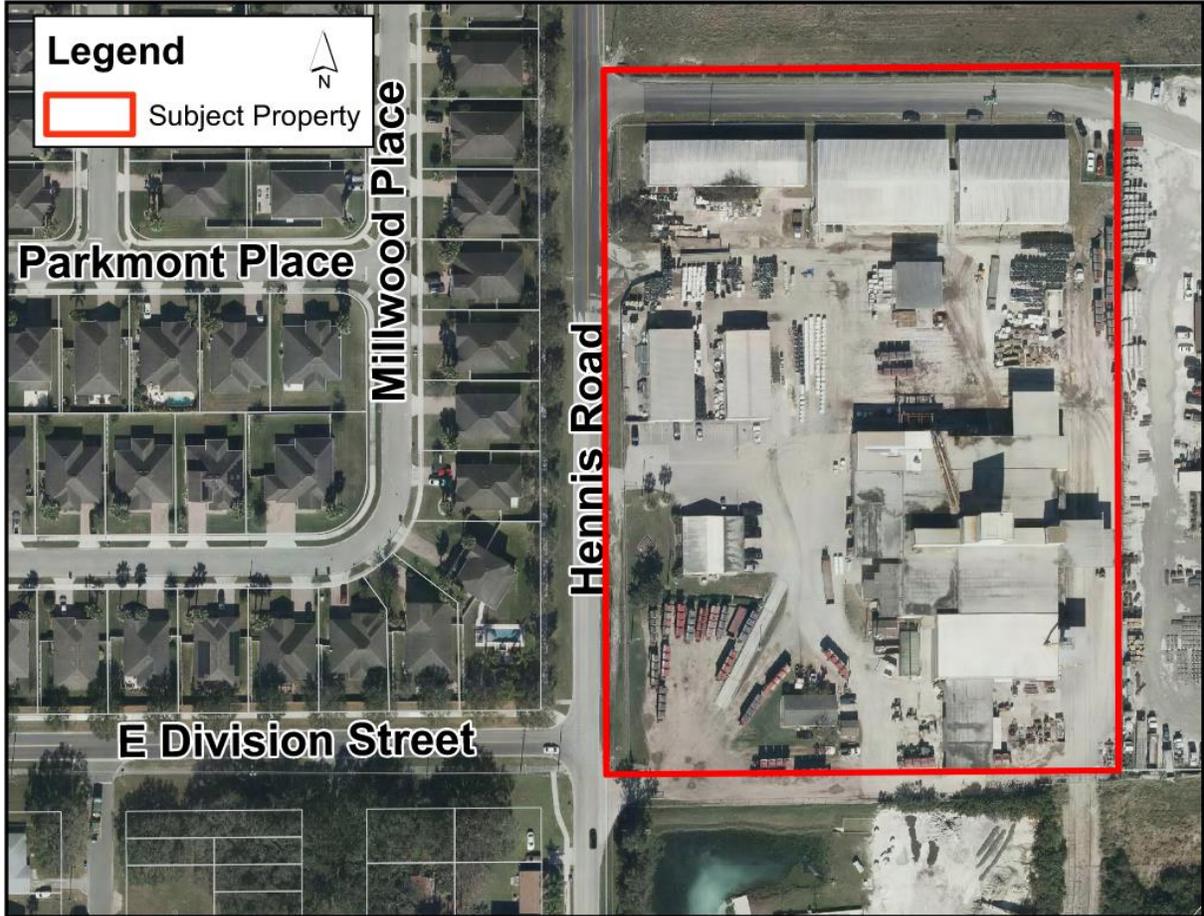


EXHIBIT A
321 N HENNIS ROAD

Construction Equipment

- Any outside storage of equipment that is greater than six (6) feet in height must be stored in its resting position within Zone A, as per Exhibit 1.
- Construction Equipment six (6') feet in height or less shall be stored in Zone A or B.
- Storage, repair, service, leasing and/or sales of Construction Equipment shall be allowable uses
- List of typical Construction Equipment includes the following:
 - scissor and boom lifts
 - forklifts
 - skid steers
 - excavators
 - backhoes
 - air compressors
 - generators
 - lights
 - carts
 - pumps
 - Ladders
 - Empty portable restrooms (Cleaning and dumping must occur offsite)
 - storage containers
 - rollers
 - Cranes
 - Scaffolding
 - Portable hvac units

Building Material

- Any outside storage of Building Materials that is greater than six (6) feet in height must be stored in Zone A, as per Exhibit 1.
- Building Materials six (6') feet in height or less shall be stored in Zone A or B.
- Storage, distribution, warehousing and/or sales Building Materials shall be an allowable use.
- List of typical Buildings Materials includes the following:
 - Piping
 - Lumber
 - Fencing
 - Roofing

- Plywood
- Wood and/or wood trusses
- Drywall
- Concrete piping
- Tile and flooring
- Granite or other stone
- Storm drain piping and boxes
- Concrete forms
- Barricades
- Hazard signs and signage
- Steel grates
- Conduit
- Electrical wiring

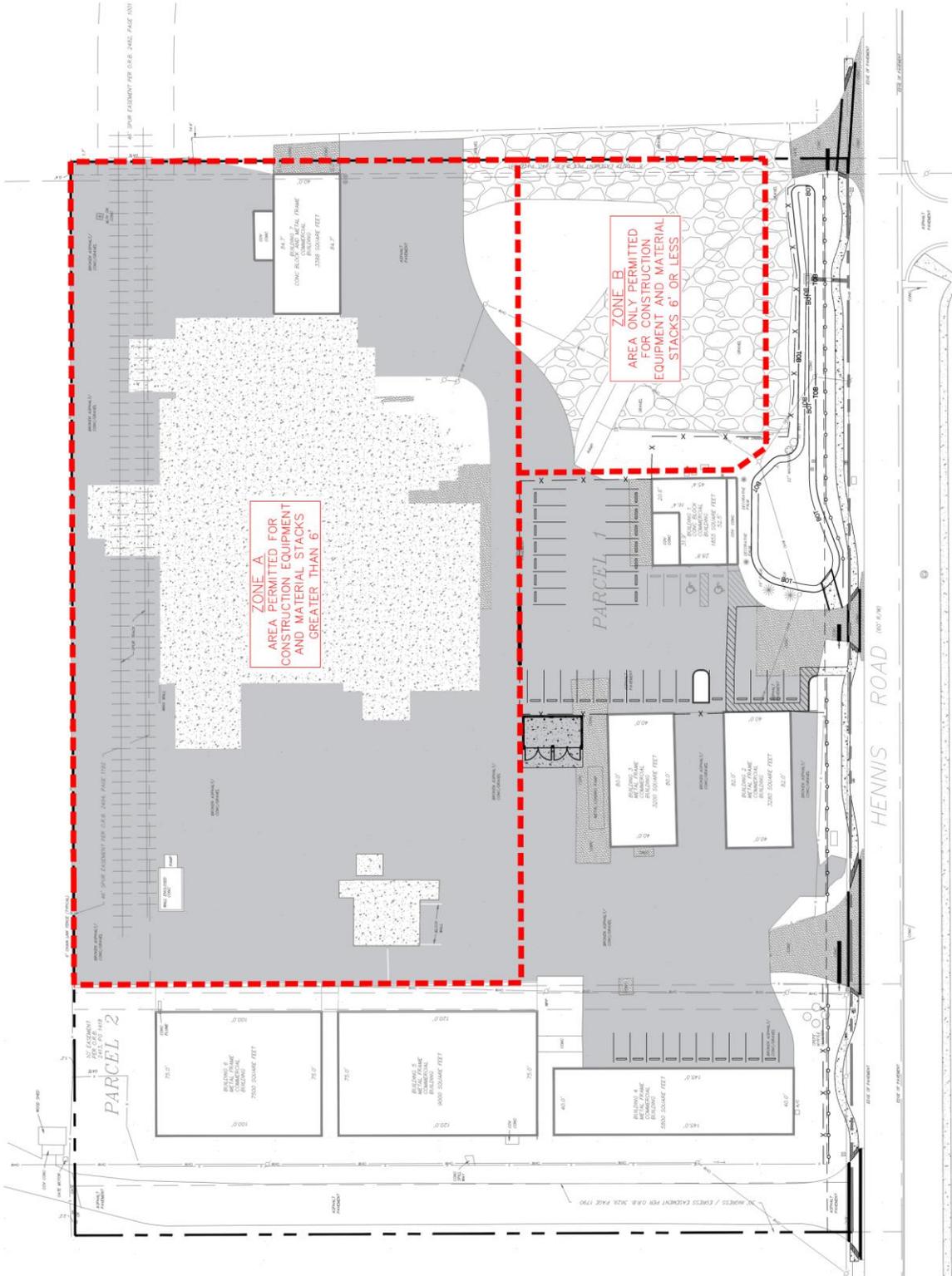
Trucks and Trailers

- Must be operational and an accessory or considered incidental to the business operations on the Property.
- Sales, repair, service, storage and/or leasing of trucks and/or trailers shall be an allowable use

Uses/Materials Not Allowed

- Recycling of materials
- Auto scrap or salvage yards
- Concrete or asphalt mixing plants
- Fly ash or concrete fines or other fine particulates
- Fertilizer mixing plants
- Noxious or toxic product manufacturing or mixing
- Piles of organic or non-organic materials, concrete or asphalt aggregates, or other aggregate materials stacked over 6' high.
- Scrap automobiles or trucks

EXHIBIT B
321 N HENNIS ROAD



**PROPOSED SITE PLAN
321 N HENNIS ROAD**



**VIEW FROM HENNIS ROAD
321 N HENNIS ROAD**

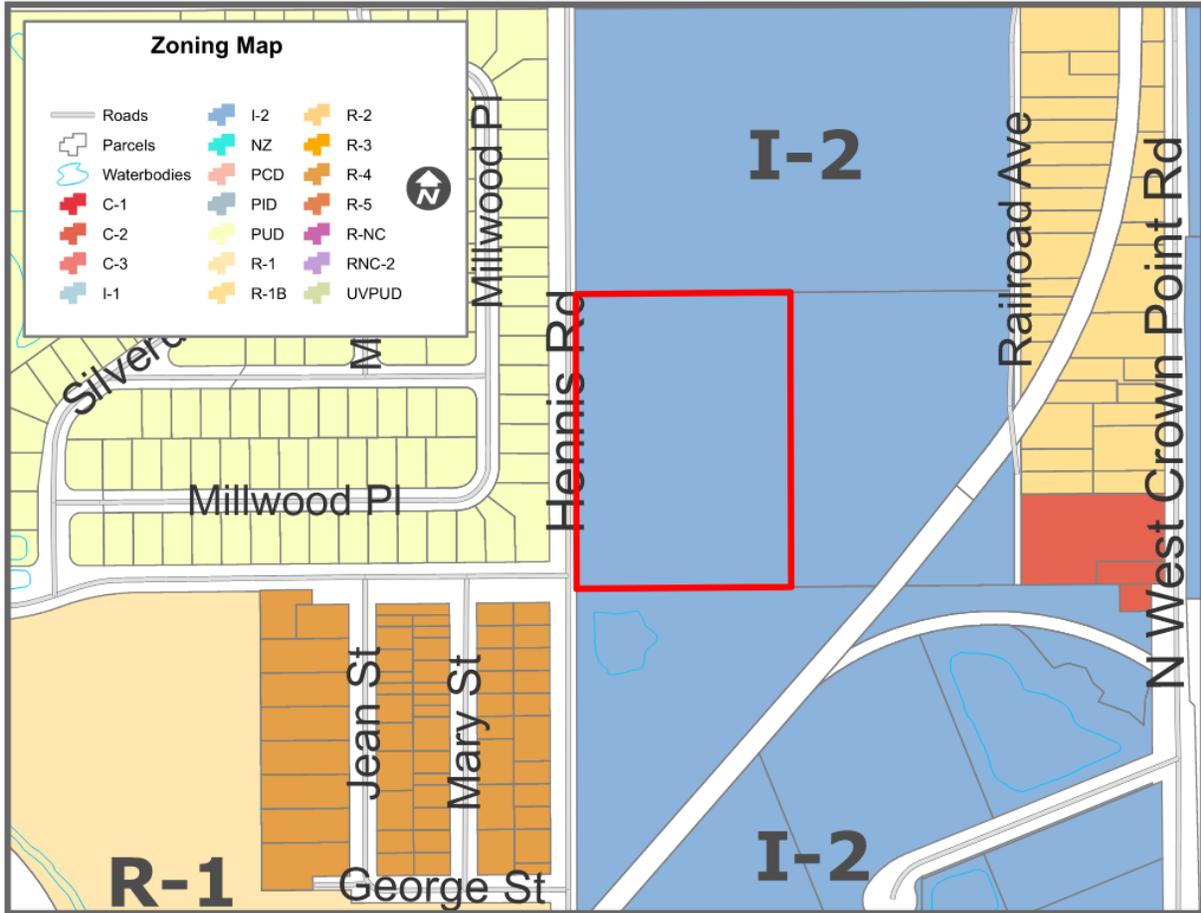


View from the corner of E Division Street & Hennis Road



Facing South on Hennis Road

ZONING MAP
321 N HENNIS ROAD



FUTURE LAND USE MAP
321 N HENNIS ROAD



END OF STAFF REPORT

ORDINANCE 25-04

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, ADDING POLICY 1-1.2.19 AND POLICY 1-1.2.20 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the City of Winter Garden desires to update the Future Land Use Element of said plan to add policies that are consistent with the City's East Winter Garden Plan and East Winter Garden Plan Update, which were adopted in 2018 and 2022, respectively, and to be consistent with the forthcoming change to the City's Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

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

Section 2: **Adoption:** The Future Land Use Element of the City of Winter Garden Comprehensive Plan is hereby amended regarding policies relating to future land use categories that fall within the limits of the City's East Plant Street Character Area, as set forth below and shall be amended to read as follows (words that are underlined are additions; ~~stricken through~~ provisions are being deleted; all other goals, policies and provisions of the Future Land Use Element not included shall remain unchanged):

FUTURE LAND USE ELEMENT: Goals, Objectives, and Policies

Policy 1-1.2.19: Neighborhood Residential. Properties designated with the Neighborhood 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 10 dwelling units per gross acre if awarded a development bonus for creating affordable/workforce housing and/or neighborhood-oriented architecture and site design. No development rights are guaranteed at densities above the stated permitted range.

The Neighborhood Residential designation shall provide for mostly residential uses on the east side of the Historic East Winter Garden Neighborhood, maintaining the traditional suburban character of the area while allowing for a greater diversity of housing types to accommodate residents of various income levels and stages of life. Housing units shall consist of detached single-family structures as well as other housing types that supplement the neighborhood's housing supply and accommodate age-in-place solutions. Civic, nonprofit, and other institutional development that provides vital services to the neighborhood shall also be part of this category.

The zoning classifications that are consistent with the Neighborhood Residential classification are PUD, R-2, R-4, and R-5.

Policy 1-1.2.20: Neighborhood Mixed-Use. Properties designated with the Neighborhood Mixed-Use 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 3.0 by development bonus. Gross residential density shall not be greater than 10 dwelling units per acre and up to 20 dwelling units per acre by development bonus. Development bonuses may be awarded for creating affordable/workforce housing, locally-owned commercial spaces, and/or neighborhood-oriented architecture and site design. No development rights are guaranteed at densities or intensities above the stated permitted range.

The Neighborhood Mixed-Use designation shall provide for residential and neighborhood-oriented commercial uses on the west side of the Historic East Winter Garden Neighborhood, maintaining the traditional neighborhood character of the area while allowing for a greater diversity of housing types to accommodate residents of various income levels and stages of life. Smaller, neighborhood-scaled mixed-use development will be encouraged in this land use where multiple uses may occupy the same building or same parcel. The mixture of uses shall allow for development in a traditional neighborhood form. Development shall be oriented towards the roads, with on-street parking, street-oriented retail storefronts, street trees and furnishings, and trail connections to create a multi-modal and pedestrian-friendly area. The zoning classifications that are consistent with the Neighborhood Mixed-Use land use designation include RNC-2, C-3, C-4, PCD, PUD, and CAPUD.

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

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

SECTION 5: Severability: If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 6: Effective Date: This Ordinance shall become effective after adoption in accordance with general law.

FIRST READING: _____, 2025.

SECOND READING AND PUBLIC HEARING: _____, 2025.

ADOPTED this ___ day of _____, 2025, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Angela Grimmage, City Clerk



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: Ordinance 25-04: Comprehensive Plan Amendment – New Future Land Use Designations for the Historic East Winter Garden Neighborhood

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more of the boxes are checked below, the checked exception(s) to the Business Impact Estimate requirement apply to the above-referenced proposed ordinance, although, the City is implementing the procedure otherwise required by law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The City has initiated a Comprehensive Plan amendment that would add two new policies to the future land use element. The policies would establish two new future land use designations: Neighborhood Residential and Neighborhood Mixed-Use. These new designations will ensure consistency with the City's East Winter Garden Plan and East Winter Garden Plan Update, which were adopted in 2018 and 2022, respectively. The new policies will also ensure consistency with the forthcoming change to the City's Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District. Adoption of these regulations will ensure that the Historic East Winter Garden Neighborhood is developed and redeveloped in accordance with the community's vision and ensures the health, safety, and welfare of the neighborhood is preserved.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

It is not anticipated that any private, for-profit businesses will be directly impacted by this Ordinance.

3. Estimate of direct compliance costs that businesses may reasonably incur:

No direct compliance costs will be incurred by any businesses as a result of this Ordinance.

4. Any new charge or fee imposed by the proposed ordinance:

No new fees or charges will be imposed by this Ordinance.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

There will be no new regulatory costs created by this Ordinance.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

It is not anticipated that any businesses will be impacted by this ordinance.

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

The new FLU designations will make it easier to develop affordable housing and start local businesses by establishing a density and intensity bonus system that did not exist previously in the area.

NEXT STEP(S):

The City Commission transmittal hearing is scheduled for January 9, 2025.

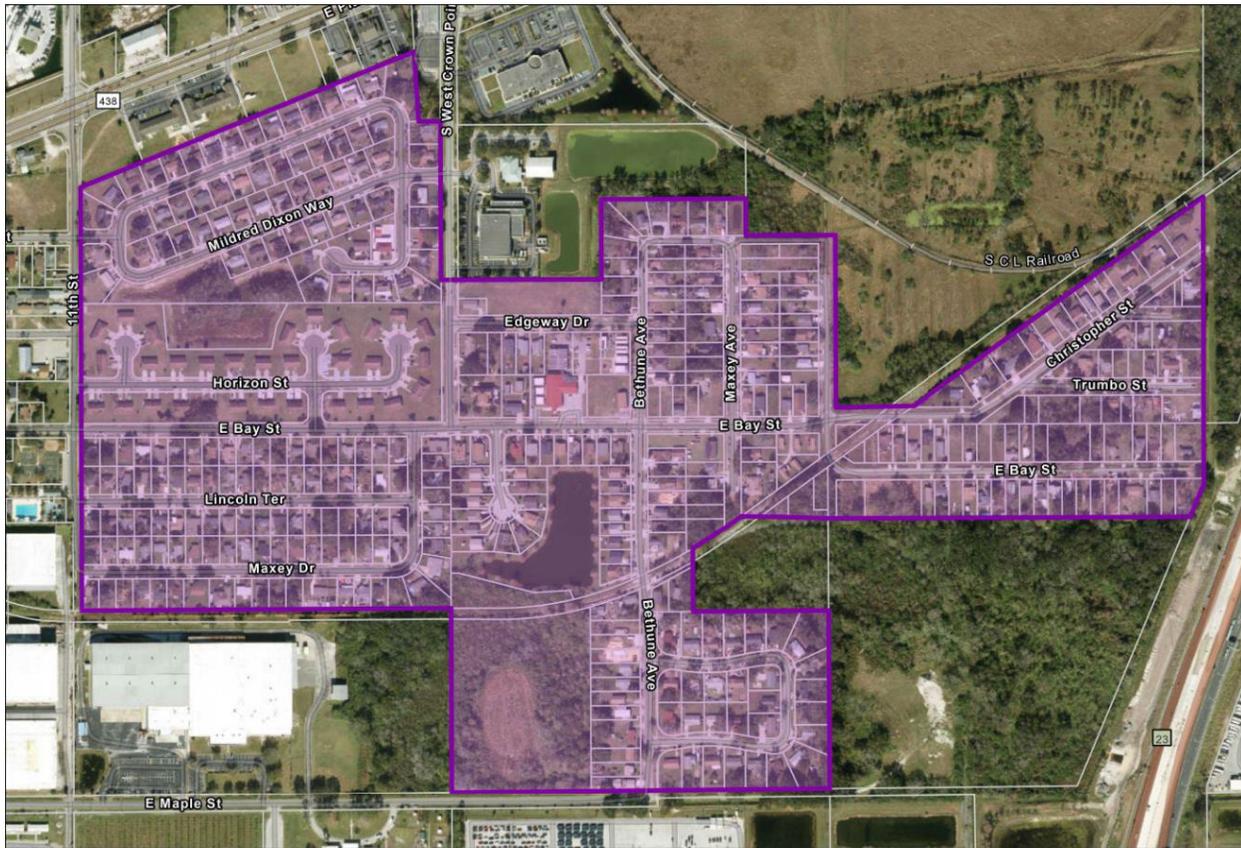
ATTACHMENT(S):

Location Map
Ordinance 25-05
Staff Report
Business Impact Estimate

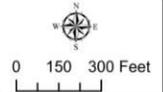
LOCATION MAP

Ordinance 25-05

Future Land Use Amendment



Neighborhood Residential Future Land Use Amendment



ORDINANCE 25-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 100.5 ± ACRES GENERALLY LOCATED SOUTH OF E PLANT STREET, EAST OF 11TH STREET, WEST OF FLORIDA STATE ROAD 429, AND NORTH OF E MAPLE STREET FROM LOW DENSITY RESIDENTIAL AND RESIDENTIAL NEIGHBORHOOD COMMERCIAL TO NEIGHBORHOOD RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the City desires to update the Winter Garden Comprehensive Plan to incorporate goals and policies that are consistent with the City's East Winter Garden Plan and East Winter Garden Plan Update, which were adopted in 2018 and 2022, respectively, and to be consistent with the forthcoming change to the City's Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District; and

WHEREAS, the City has initiated an amendment to the Winter Garden Comprehensive Plan affecting certain real property generally described as 100.5 ± acres generally located south of E Plant Street, east of 11th Street, west of Florida State Road 429, and north of E Maple Street, graphically depicted in ATTACHMENT "A" (the "Property") to amend the Future Land Use classification from Low Density Residential and Residential Neighborhood Commercial to Neighborhood Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the

aforesaid Property to Neighborhood Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that Ordinance 25-04 is adopted to amend the City's Comprehensive Plan to establish Neighborhood Residential as a new Future Land Use designation, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2025.

SECOND READING AND PUBLIC HEARING: _____, 2025.

ADOPTED this _____ day of _____, 2025, by the City Commission of the City of Winter Garden, Florida.

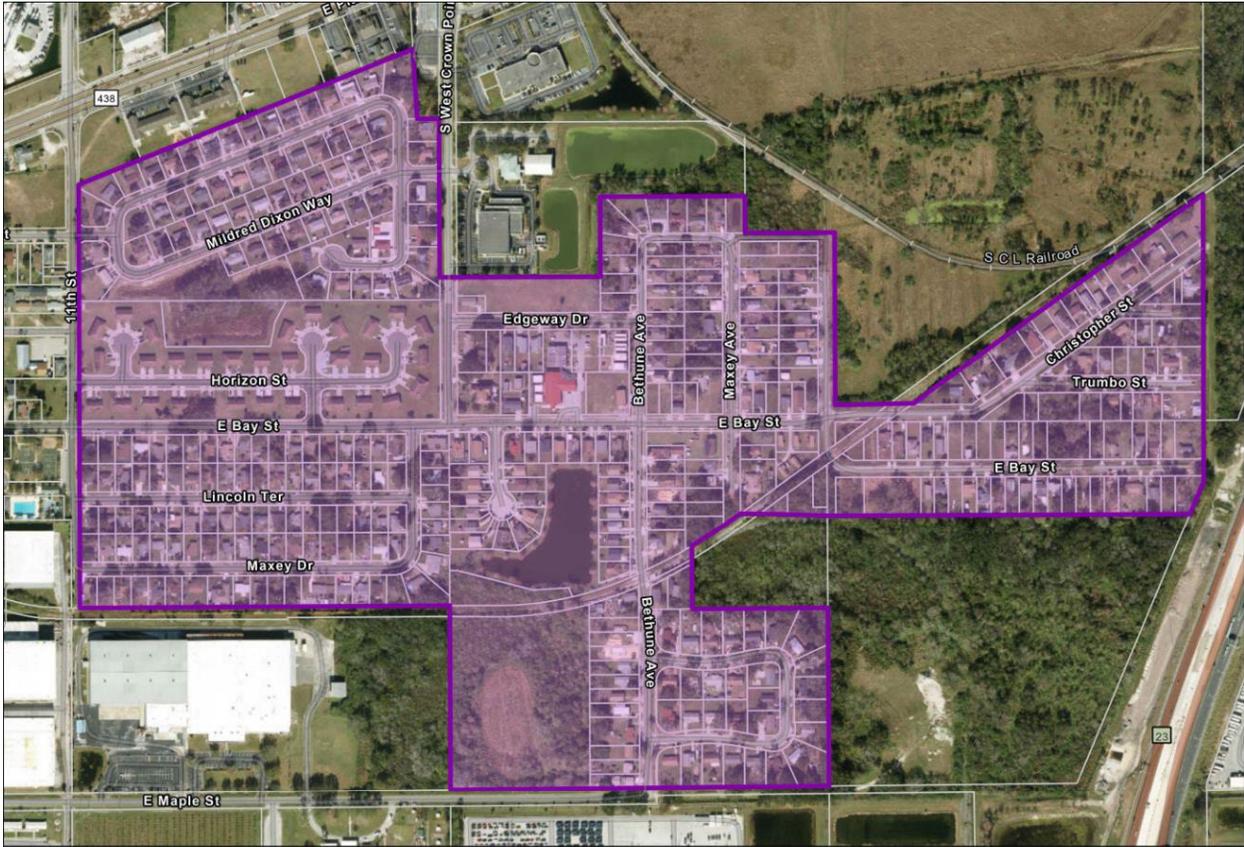
APPROVED:

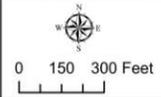
JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"
THE "PROPERTY"

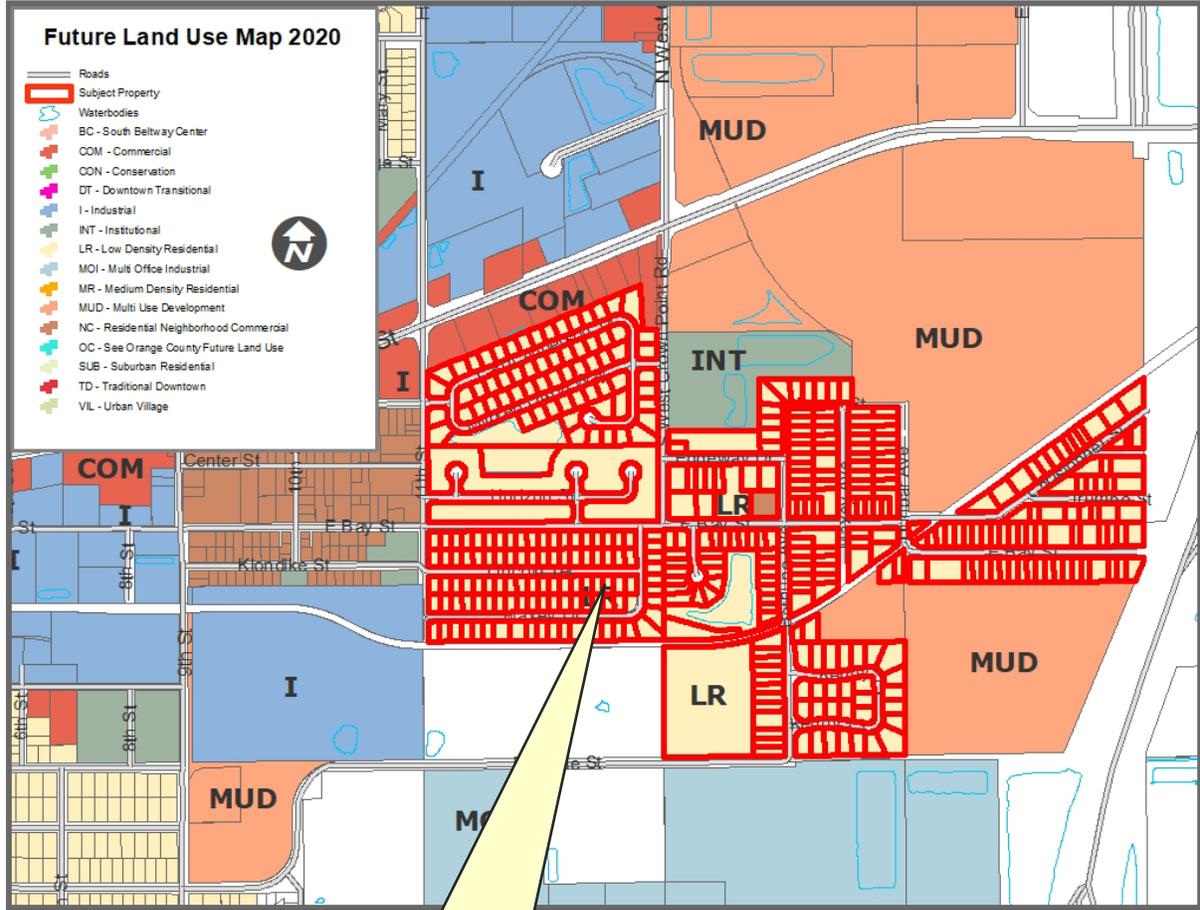


| | | |
|---|---|---|
|  | Neighborhood Residential Future Land Use Amendment |  |
|---|---|---|

ATTACHMENT "B"

FUTURE LAND USE MAP

FUTURE LAND USE AMENDMENT AREA



Amending parcels outlined in red as "Subject Property" from Low Density Residential and Residential Neighborhood Commercial to Neighborhood Residential.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNING DIRECTOR
DATE: DECEMBER 23, 2024
SUBJECT: FUTURE LAND USE MAP AMENDMENT
NEIGHBORHOOD RESIDENTIAL (100.5 +/- ACRES)
PARCEL ID #: VARIOUS

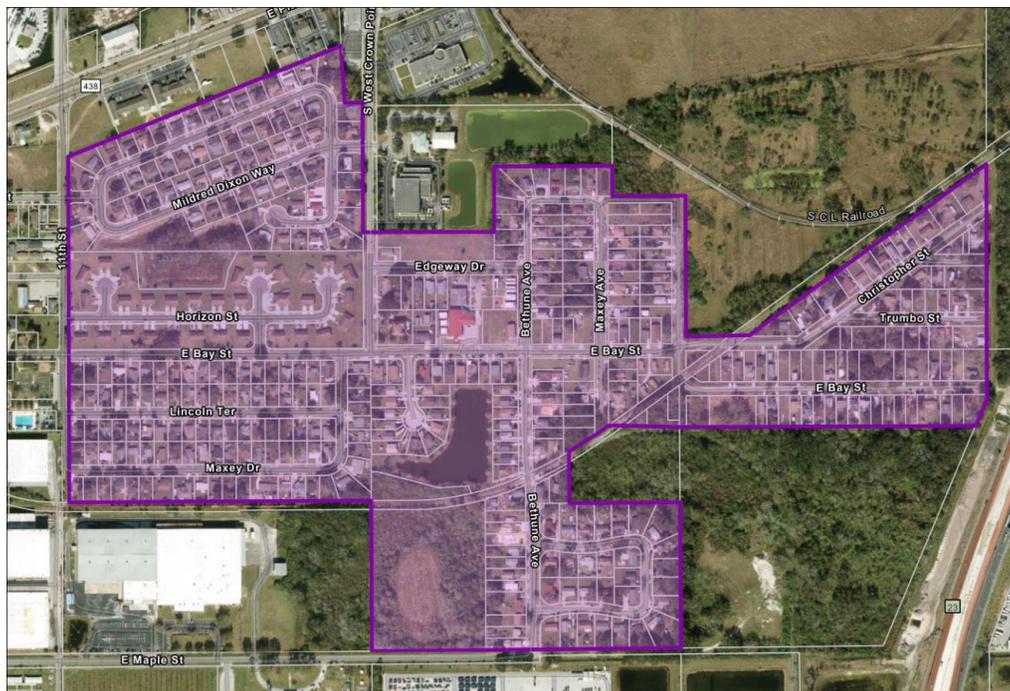
APPLICANT: CITY OF WINTER GARDEN

INTRODUCTION

The purpose of this report is to evaluate the proposed, City-initiated future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located south of E Plant Street, east of 11th Street, west of Florida State Road 429, and north of E Maple Street, and is approximately 100.5 ± acres in size.

The map below graphically depicts the subject property:



The City has initiated an update to the Winter Garden Comprehensive Plan to incorporate goals and policies that are consistent with the City’s East Winter Garden Plan and East Winter Garden Plan Update, which were adopted in 2018 and 2022, respectively, and to be consistent with the forthcoming change to the City’s Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District. This ordinance proposes to change the future land use designation of 100.5 ± acres of property on the east side of the Historic East Winter Garden Neighborhood from Low Density Residential and Residential Neighborhood Commercial to Neighborhood Residential.

This future land use change is being proposed in conjunction with an associated Comprehensive Plan change that would add Neighborhood Residential as a new future land use element (Ordinance 25-04). Pending approval of Ordinance 25-04 adding the new future land use category, the City’s Comprehensive Plan policy for Neighborhood Residential will state:

Policy 1-1.2.19: Neighborhood Residential. Properties designated with the Neighborhood 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 10 dwelling units per gross acre if awarded a development bonus for creating affordable/workforce housing and/or neighborhood-oriented architecture and site design. No development rights are guaranteed at densities above the stated permitted range.

The Neighborhood Residential designation shall provide for mostly residential uses on the east side of the Historic East Winter Garden Neighborhood, maintaining the traditional suburban character of the area while allowing for a greater diversity of housing types to accommodate residents of various income levels and stages of life. Housing units shall consist of detached single-family structures as well as other housing types that supplement the neighborhood’s housing supply and accommodate age-in-place solutions. Civic, nonprofit, and other institutional development that provides vital services to the neighborhood shall also be part of this category.

The zoning classifications that are consistent with the Neighborhood Residential classification are PUD, R-2, R-4, and R-5.

EXISTING USE

The subject property includes 413 ± lots on the east side of the Historic East Winter Garden Neighborhood that feature mostly single-family residential homes and structures.

ADJACENT LAND USE AND ZONING

The property is located on the east side of the Historic East Winter Garden Neighborhood, with commercial uses to the north along E Plant Street, vacant commercial uses in Winter Garden and Ocoee to the east, commercial and industrial uses to the south, and mixed residential and neighborhood commercial uses to the west.

PROPOSED USE

The proposed comprehensive plan amendment changing the subject property’s FLU designation to Neighborhood Residential will ensure that the Historic East Winter Garden Neighborhood is

developed and redeveloped in accordance with the community’s vision and ensure the health, safety, and welfare of the neighborhood is preserved. This change will also ensure the future land use designation will be consistent with the forthcoming change to the City’s Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District.

PUBLIC FACILITY ANALYSIS

The City will continue to provide potable water, reclaimed water and sewer service to the area. The City has facilities with adequate capacity to serve the subject property. The City will continue to provide utilities for the subject property.

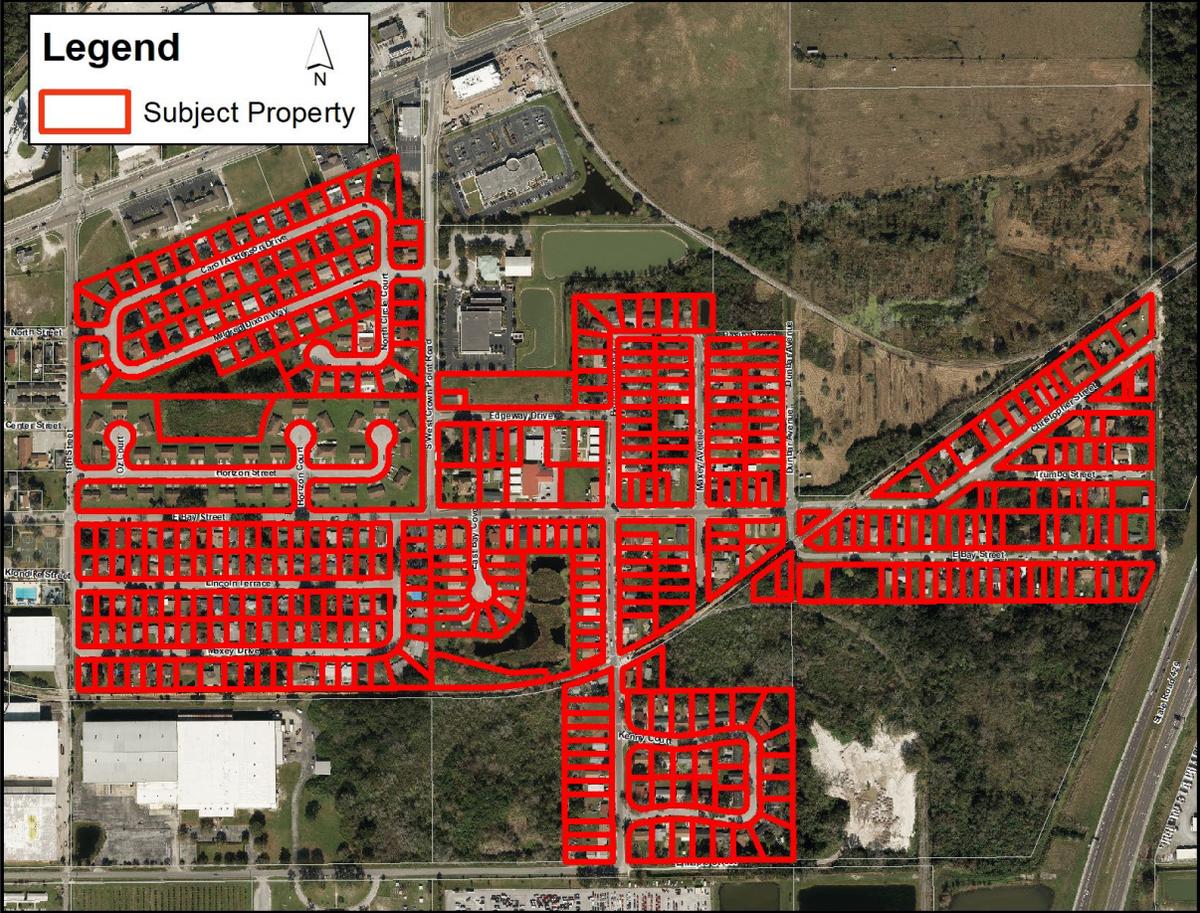
The City will continue to provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The subject property will continue to be served by both Orange County Fire and Rescue and the City Fire Department under the First Response system.

SUMMARY

Staff recommends approval of Ordinance 25-05, and that staff be allowed to transmit the Comprehensive Plan Amendment to the State Land Planning Agency, amending the Future Land Use Map by changing the future land use designation of the 100.5 ± acre subject property from Low Density Residential and Residential Neighborhood Commercial to Neighborhood Residential.

WINTER GARDEN AERIAL MAP

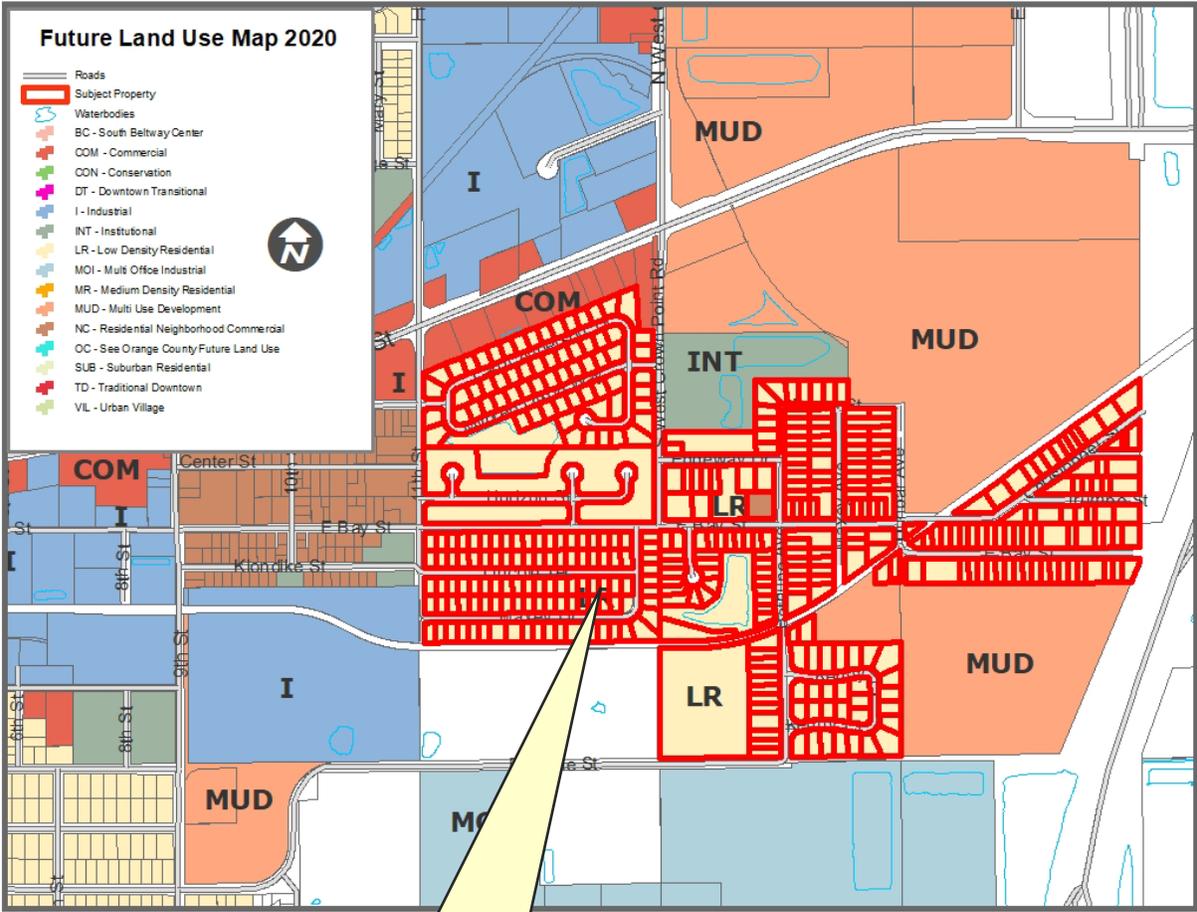
Neighborhood Residential FLU Amendment Area



WINTER GARDEN FUTURE LAND USE MAP

EXISTING & PROPOSED

Neighborhood Residential FLU Amendment Area

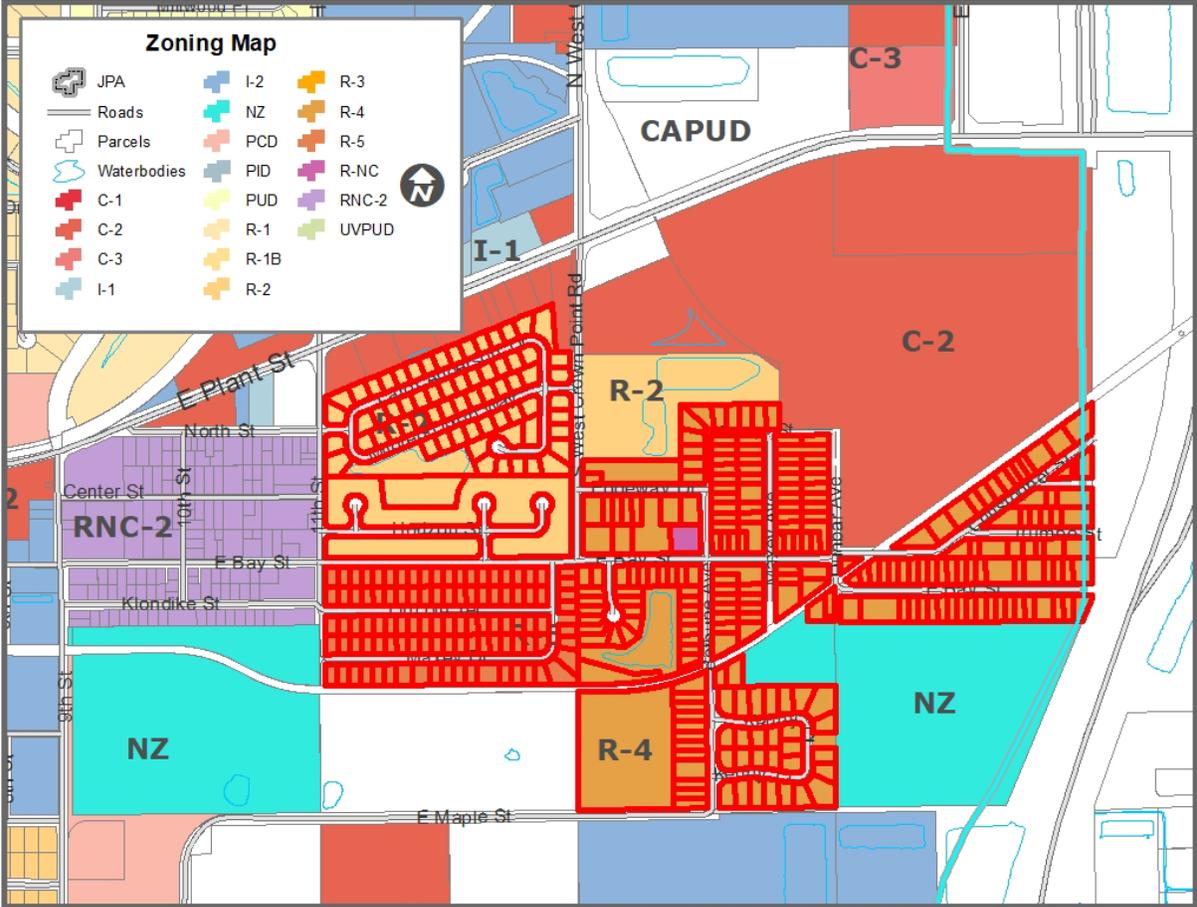


Amending parcels outlined in red as “Subject Property” from Low Density Residential and Residential Neighborhood Commercial to Neighborhood Residential.

WINTER GARDEN ZONING MAP

EXISTING

Neighborhood Residential FLU Amendment Area



END OF STAFF REPORT



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: Ordinance 25-05: FLU Amendment – Neighborhood Residential

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more of the boxes are checked below, the checked exception(s) to the Business Impact Estimate requirement apply to the above-referenced proposed ordinance, although, the City is implementing the procedure otherwise required by law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The City has initiated a Comprehensive Plan amendment to change the future land use of 100.5 ± acres of property on the east side of the Historic East Winter Garden Neighborhood from Low Density Residential and Residential Neighborhood Commercial to Neighborhood Residential. This change is in conjunction with an associated Comprehensive Plan change that would add Neighborhood Residential as a new future land use element. This future land use amendment will ensure consistency with the City's East Winter Garden Plan and East Winter Garden Plan Update, which were adopted in 2018 and 2022, respectively. The FLU change will also ensure consistency with the forthcoming change to the City's Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District. Adoption of this ordinance will ensure that the Historic East Winter Garden Neighborhood is developed and redeveloped in accordance with the community's vision and ensures the health, safety, and welfare of the neighborhood is preserved.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

It is not anticipated that any private, for-profit businesses will be directly impacted by this Ordinance.

3. Estimate of direct compliance costs that businesses may reasonably incur:

No direct compliance costs will be incurred by any businesses as a result of this Ordinance.

4. Any new charge or fee imposed by the proposed ordinance:

No new fees or charges will be imposed by this Ordinance.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

There will be no new regulatory costs created by this Ordinance.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

It is not anticipated that any businesses will be impacted by this ordinance.

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

The FLU amendment will make it easier to develop affordable housing by establishing a density bonus system that did not exist previously in the area.

NEXT STEP(S):

The City Commission transmittal hearing is scheduled for January 9, 2025.

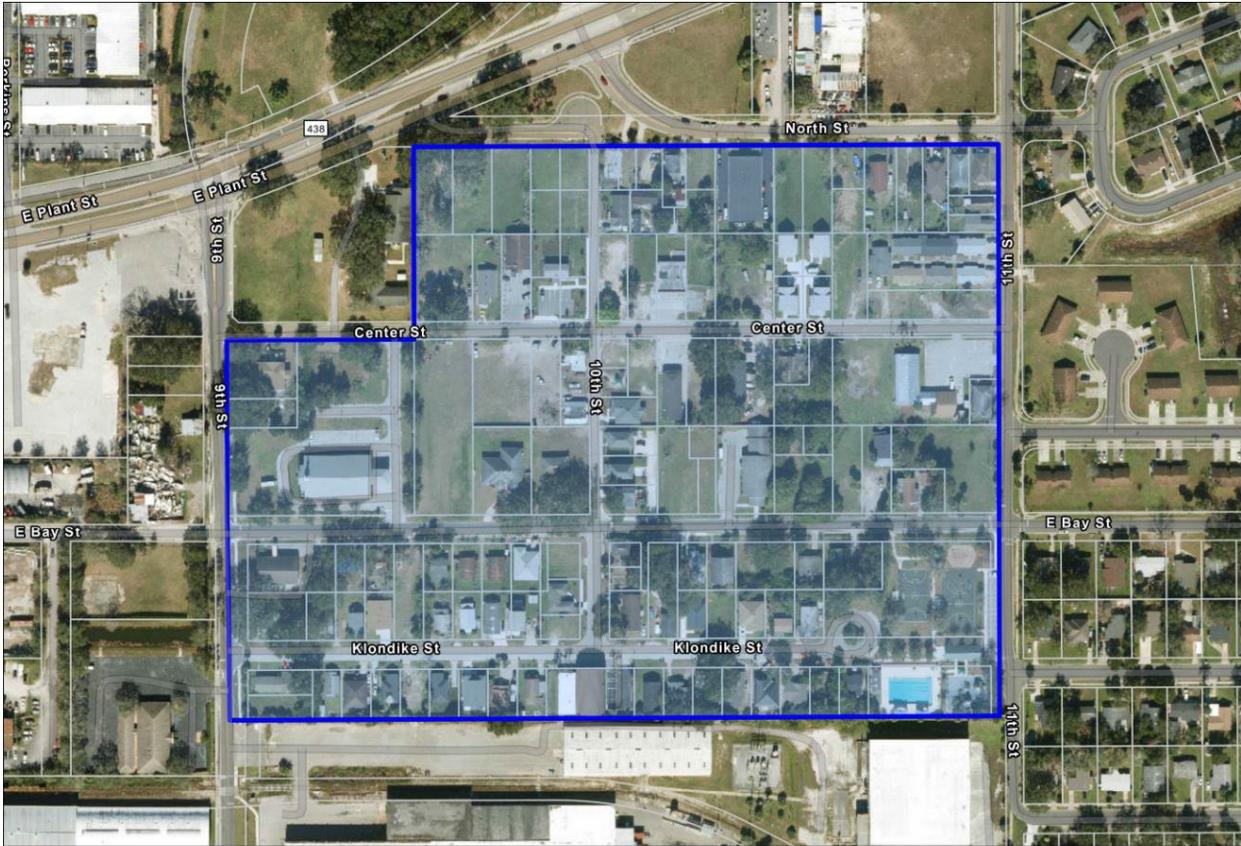
ATTACHMENT(S):

Location Map
Ordinance 25-06
Staff Report
Business Impact Estimate

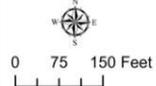
LOCATION MAP

Ordinance 25-06

Future Land Use Amendment



Neighborhood Mixed-Use Future Land Use Amendment



ORDINANCE 25-06

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 22.8 ± ACRES GENERALLY LOCATED SOUTH OF NORTH STREET, EAST OF 9TH STREET, WEST OF 11TH STREET, AND NORTH OF E MAPLE STREET FROM RESIDENTIAL NEIGHBORHOOD COMMERCIAL AND INSTITUTIONAL TO NEIGHBORHOOD MIXED-USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the City desires to update the Winter Garden Comprehensive Plan to incorporate goals and policies that are consistent with the City's East Winter Garden Plan and East Winter Garden Plan Update, which were adopted in 2018 and 2022, respectively, and to be consistent with the forthcoming change to the City's Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District; and

WHEREAS, the City has initiated an amendment to the Winter Garden Comprehensive Plan affecting certain real property generally described as 22.8 ± acres generally located south of North Street, east of 9th Street, west of 11th Street, and north of E Maple Street, graphically depicted in ATTACHMENT "A" (the "Property") to amend the Future Land Use classification from Residential Neighborhood Commercial and Institutional to Neighborhood Mixed-Use; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to Neighborhood Mixed-Use as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that Ordinance 25-04 is adopted to amend the City's Comprehensive Plan to establish Neighborhood Mixed-Use as a new Future Land Use designation, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2025.

SECOND READING AND PUBLIC HEARING: _____, 2025.

ADOPTED this _____ day of _____, 2025, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"
THE "PROPERTY"

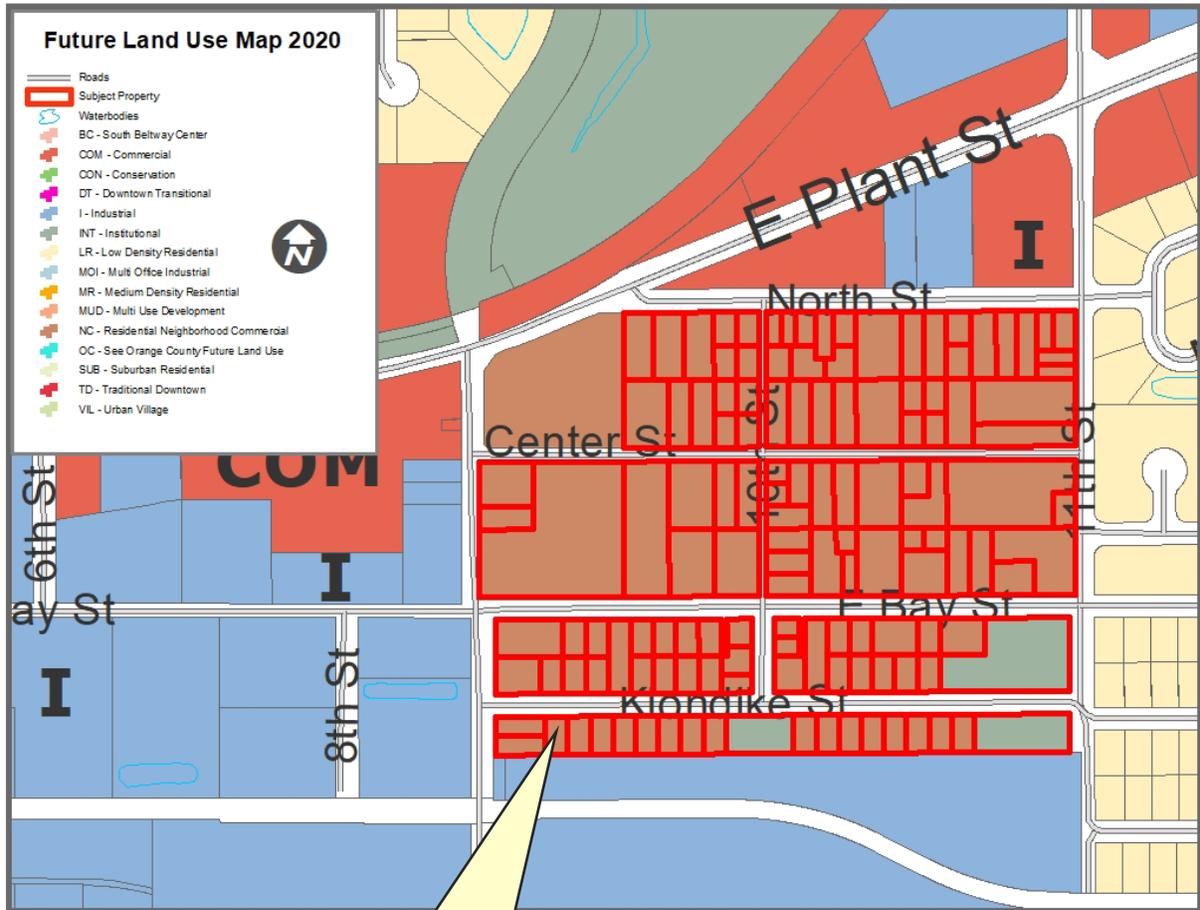


| | | |
|--|---|--|
| | Neighborhood Mixed-Use Future Land Use Amendment | |
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ATTACHMENT "B"

FUTURE LAND USE MAP

FUTURE LAND USE AMENDMENT AREA



Amending parcels outlined in red as "Subject Property" from Residential Neighborhood Commercial and Institutional to Neighborhood Mixed-Use.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

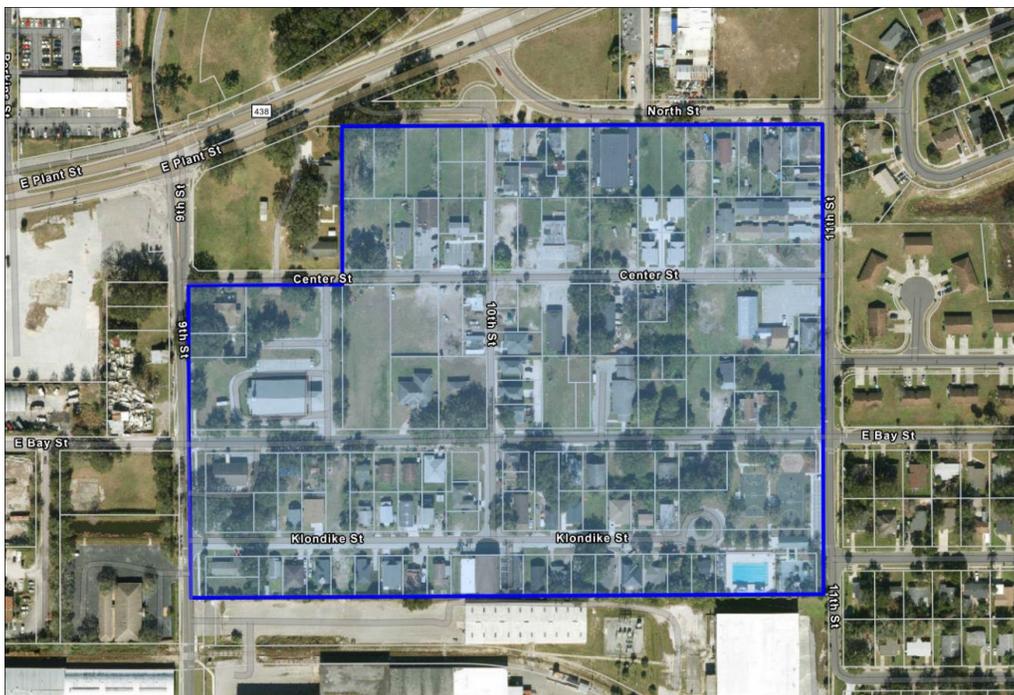
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNING DIRECTOR
DATE: DECEMBER 23, 2024
SUBJECT: FUTURE LAND USE MAP AMENDMENT
NEIGHBORHOOD MIXED-USE (22.8 +/- ACRES)
PARCEL ID #: VARIOUS
APPLICANT: CITY OF WINTER GARDEN

INTRODUCTION

The purpose of this report is to evaluate the proposed, City-initiated future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located south of North Street, east of 9th Street, west of 11th Street, and north of E Maple Street, and is approximately 22.8 ± acres in size.

The map below graphically depicts the subject property:



The City has initiated an update to the Winter Garden Comprehensive Plan to incorporate goals and policies that are consistent with the City’s East Winter Garden Plan and East Winter Garden Plan Update, which were adopted in 2018 and 2022, respectively, and to be consistent with the forthcoming change to the City’s Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District. This ordinance proposes to change the future land use designation of 22.8 ± acres of property on the west side of the Historic East Winter Garden Neighborhood from Residential Neighborhood Commercial and Institutional to Neighborhood Mixed-Use.

This future land use change is being proposed in conjunction with an associated Comprehensive Plan change that would add Neighborhood Mixed-Use as a new future land use element (Ordinance 25-04). Pending approval of Ordinance 25-04 adding the new future land use category, the City’s Comprehensive Plan policy for Neighborhood Mixed-Use will state:

Policy 1-1.2.19: Neighborhood Mixed-Use. Properties designated with the Neighborhood Mixed-Use 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 3.0 by development bonus. Gross residential density shall not be greater than 10 dwelling units per acre and up to 20 dwelling units per acre by development bonus. Development bonuses may be awarded for creating affordable/workforce housing, locally-owned commercial spaces, and/or neighborhood-oriented architecture and site design. No development rights are guaranteed at densities or intensities above the stated permitted range.

The Neighborhood Mixed-Use designation shall provide for residential and neighborhood-oriented commercial uses on the west side of the Historic East Winter Garden Neighborhood, maintaining the traditional neighborhood character of the area while allowing for a greater diversity of housing types to accommodate residents of various income levels and stages of life. Smaller, neighborhood-scaled mixed-use development will be encouraged in this land use where multiple uses may occupy the same building or same parcel. The mixture of uses shall allow for development in a traditional neighborhood form. Development shall be oriented towards the roads, with on-street parking, street-oriented retail storefronts, street trees and furnishings, and trail connections to create a multi-modal and pedestrian-friendly area. The zoning classifications that are consistent with the Neighborhood Mixed-Use land use designation include RNC-2, C-3, C-4, PCD, PUD, and CAPUD.

EXISTING USE

The subject property includes 137 ± lots on the west side of the Historic East Winter Garden Neighborhood that features a mix of residential, neighborhood commercial, and institutional buildings and structures.

ADJACENT LAND USE AND ZONING

The property is located on the west side of the Historic East Winter Garden Neighborhood, with commercial uses to the north along E Plant Street, mostly single-family residential uses to the east, and commercial and industrial uses to the south and west.

PROPOSED USE

The proposed comprehensive plan amendment changing the subject property’s FLU designation to Neighborhood Mixed-Use will ensure that the Historic East Winter Garden Neighborhood is developed and redeveloped in accordance with the community’s vision and ensure the health, safety, and welfare of the neighborhood is preserved. This change will also ensure the future land use designation will be consistent with the forthcoming change to the City’s Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District.

PUBLIC FACILITY ANALYSIS

The City will continue to provide potable water, reclaimed water and sewer service to the area. The City has facilities with adequate capacity to serve the subject property. The City will continue to provide utilities for the subject property.

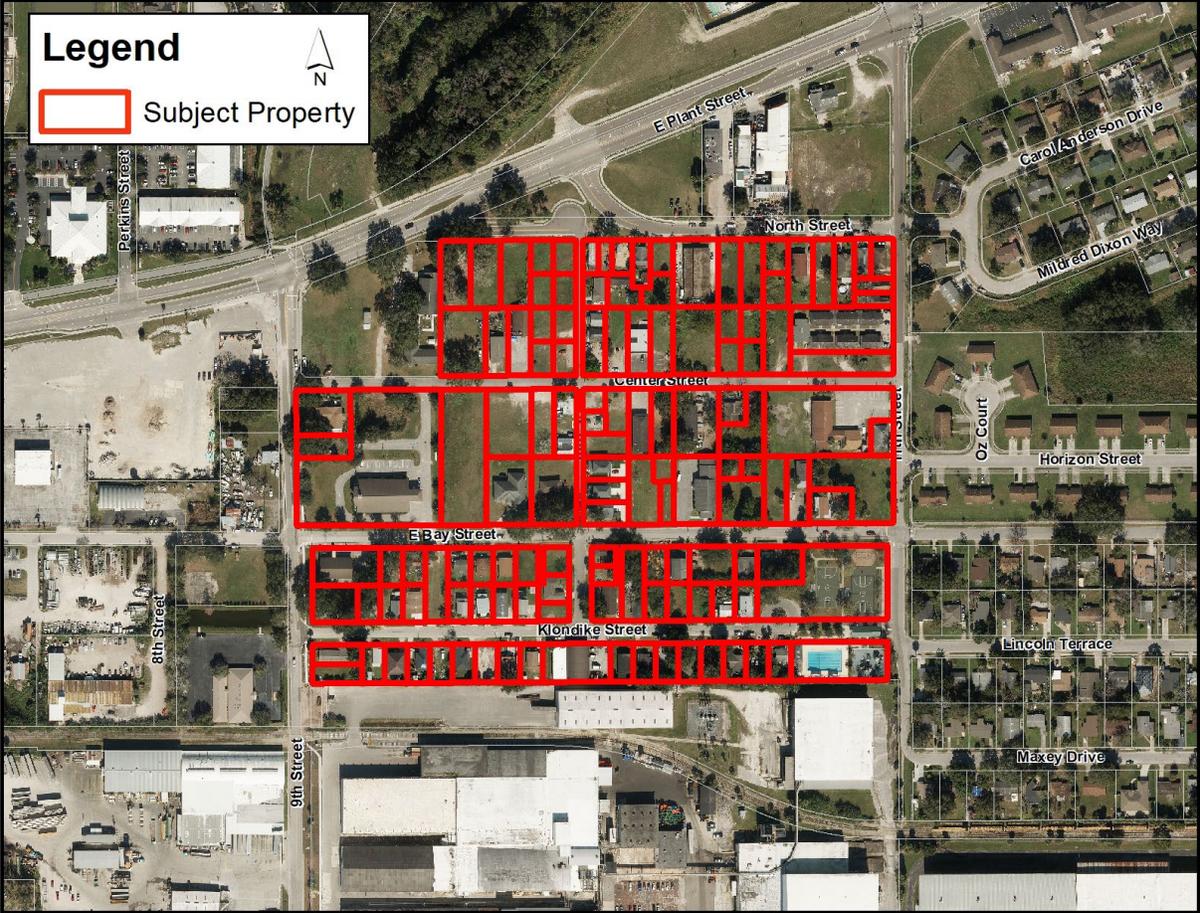
The City will continue to provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The subject property will continue to be served by both Orange County Fire and Rescue and the City Fire Department under the First Response system.

SUMMARY

Staff recommends approval of Ordinance 25-06, and that staff be allowed to transmit the Comprehensive Plan Amendment to the State Land Planning Agency, amending the Future Land Use Map by changing the future land use designation of the 22.8 ± acre subject property from Residential Neighborhood Commercial and Institutional to Neighborhood Mixed-Use.

WINTER GARDEN AERIAL MAP

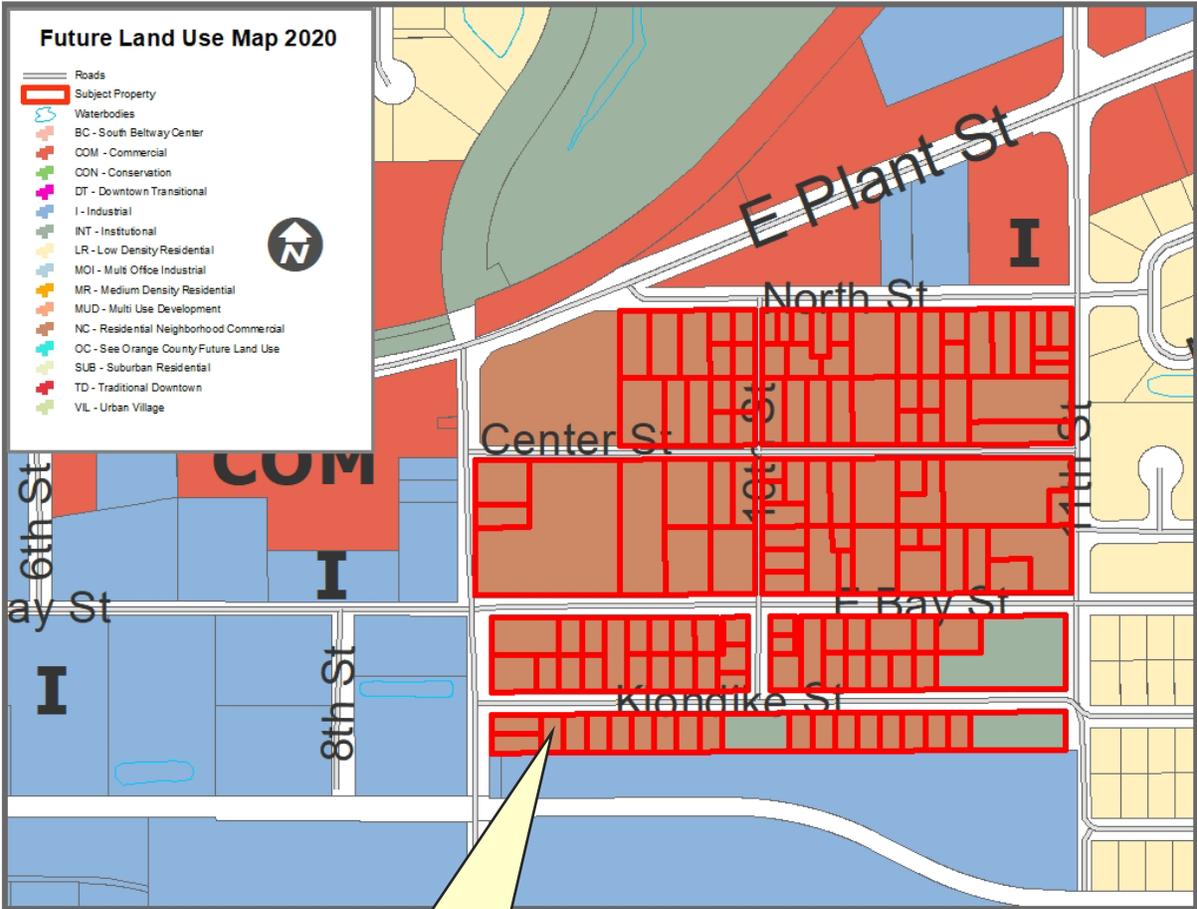
Neighborhood Mixed-Use FLU Amendment Area



WINTER GARDEN FUTURE LAND USE MAP

EXISTING & PROPOSED

Neighborhood Mixed-Use FLU Amendment Area

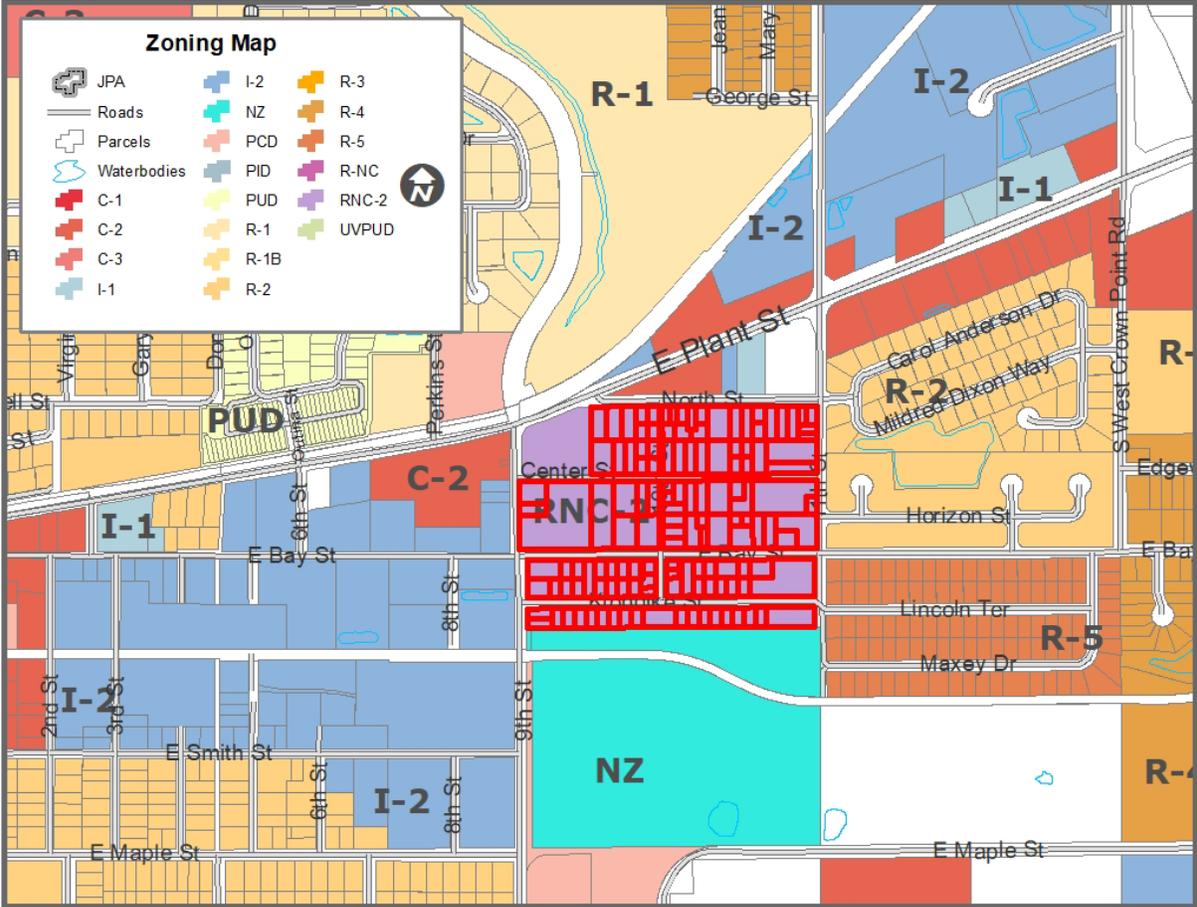


Amending parcels outlined in red as “Subject Property” from Residential Neighborhood Commercial and Institutional to Neighborhood Mixed-Use.

WINTER GARDEN ZONING MAP

EXISTING

Neighborhood Mixed-Use FLU Amendment Area



END OF STAFF REPORT



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: Ordinance 25-06: FLU Amendment – Neighborhood Mixed-Use

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more of the boxes are checked below, the checked exception(s) to the Business Impact Estimate requirement apply to the above-referenced proposed ordinance, although, the City is implementing the procedure otherwise required by law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The City has initiated a Comprehensive Plan amendment to change the future land use of 22.8 ± acres of property on the west side of the Historic East Winter Garden Neighborhood Residential Neighborhood Commercial and Institutional to Neighborhood Mixed-Use. This change is in conjunction with an associated Comprehensive Plan change that would add Neighborhood Mixed-Use as a new future land use element. This future land use amendment will ensure consistency with the City's East Winter Garden Plan and East Winter Garden Plan Update, which were adopted in 2018 and 2022, respectively. The FLU change will also ensure consistency with the forthcoming change to the City's Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District. Adoption of this ordinance will ensure that the Historic East Winter Garden Neighborhood is developed and redeveloped in accordance with the community's vision and ensures the health, safety, and welfare of the neighborhood is preserved.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

It is not anticipated that any private, for-profit businesses will be directly impacted by this Ordinance.

3. Estimate of direct compliance costs that businesses may reasonably incur:

No direct compliance costs will be incurred by any businesses as a result of this Ordinance.

4. Any new charge or fee imposed by the proposed ordinance:

No new fees or charges will be imposed by this Ordinance.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

There will be no new regulatory costs created by this Ordinance.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

It is not anticipated that any businesses will be impacted by this ordinance.

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

The FLU amendment will make it easier to develop affordable housing & start local businesses by establishing a density and intensity bonus system that did not exist previously in the area.