



CITY COMMISSION

AGENDA

CITY HALL COMMISSION CHAMBERS

300 W. Plant Street
Winter Garden, Florida

REGULAR MEETING

February 13, 2025

6:30 p.m.

CALL TO ORDER

Determination of a Quorum

Opening Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes – January 23, 2025

2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 25-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.25 +/- ACRES OF LAND GENERALLY LOCATED AT 1144 E PLANT STREET, SOUTH OF E PLANT STREET, NORTH OF CAROL ANDERSON DRIVE, WEST OF S WEST CROWN POINT ROAD, AND EAST OF 11TH STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE 1144 E PLANT STREET CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – **Second reading and public hearings February 27, 2025** – **Planning Director Carson**

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 25-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN RELATING TO CODE ENFORCEMENT; PROVIDING FOR THE APPOINTMENT OF A SPECIAL MAGISTRATE BY THE CITY COMMISSION; PROVIDING THAT REFERENCES TO THE CODE ENFORCEMENT BOARD ELSEWHERE IN THE CODE, THE WINTER GARDEN LAND DEVELOPMENT REGULATIONS AND ANY OTHER CODES, ORDINANCES AND RESOLUTIONS OF WINTER GARDEN, FLORIDA, ARE ALSO DEEMED REFERENCES TO THE SPECIAL MAGISTRATE; GRANTING ALL POWERS AND DUTIES AS PRESCRIBED BY FLORIDA LAW TO THE SPECIAL MAGISTRATE, INCLUDING THE AUTHORITY TO ISSUE ORDERS, LEVY FINES, AND ENFORCE DECISIONS; CONFORMING THE PROVISIONS GOVERNING THE CONDUCT OF HEARINGS, ADMINISTRATIVE FINES, COSTS OF REPAIR AND LIENS; PROVIDING FOR ENFORCEMENT PROCEDURES, CONDUCT OF HEARINGS, ADMINISTRATIVE FINES AND LIENS; SETTING FORTH DESIGNATION, QUALIFICATIONS AND COMPENSATION OF THE SPECIAL MAGISTRATE – **Planning Director Carson**

4. **REGULAR BUSINESS**

A. **Resolution 25-01:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE – **City Manager Williams**

B. Recommendation to approve payment for Axon Body Camera Video System in the amount of **\$124,783.38** for this fiscal year – **Police Chief Graham**

C. Recommendation to authorize City Attorney to pursue foreclosure or collection action for code enforcement fines and liens on 114 North Street, and all non-homestead properties in Orange County owned by Allister Harpha Rodgers – **Planning Director Carson**

- D. Recommendation to appoint Jacob Schumer from The Grosshans Group to serve as Special Magistrate with conditions and terms noted in the Engagement of Services Letter – **Planning Director Carson**
- E. Recommendation approve issuance of SRF loan for Wastewater Treatment Facility and execute State Revolving Fund Amendment 1 to Loan Agreement WW480103 in the amount of **\$20,000,000 – City Engineer Monahan**

5. **MATTERS FROM PUBLIC** – *(Limited to 3 minutes per speaker)*

6. **MATTERS FROM CITY ATTORNEY** – A. Kurt Ardaman

7. **MATTERS FROM CITY MANAGER** – Jon C. Williams

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to **Regular Meeting** on Thursday, **February 27, 2025** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

NOTICES:

In accordance with Florida Statutes 286.0105, if any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City of Winter Garden does not prepare or provide such record.

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance. (Reference Resolutions 15-04 and 16-02)

Pursuant to Florida Statutes 282.601, 286.603, and the Americans with Disabilities Act (ADA), the City of Winter Garden makes every effort to ensure that those with disabilities have access to electronic information provided to the public, except when compliance with those sections impose an undue burden on the agency. In the event of difficulty accessing this publicly provided information, please contact the City Clerk's Office at (407) 656-4111, Ext. 2297, for assistance.

	Those needing assistance to participate in any of these proceedings should contact the City Clerk's Office at least 48 hours in advance of the meeting (407) 656-4111 Ext 2297.		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Department (407) 656-4111 Ext. 5455.
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CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

January 23, 2025

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

Present:

Mayor John Rees
Commissioner District 1 - Lisa L. Bennett
Commissioner District 2 - Iliana R. Jones
Commissioner District 3 - Chloe Johnson
Commissioner District 4 - Colin Sharman

Also Present:

City Manager Jon C. Williams
City Attorney Dan Langley
City Clerk Angela J. Grimage

1. **APPROVAL OF MINUTES**

Motion by Commissioner Bennett to approve regular meeting minutes of January 9, 2025, as submitted. Seconded by Commissioner Johnson and carried unanimously 4-0.

2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **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
- B. **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
- C. **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

Items 2.A, 2.B, and 2.C were withdrawn as noted by City Manager Jon C. Williams.

Commissioner Sharman arrived at this point in the meeting at 6:34 p.m.

- D. **Ordinance 25-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN RELATING TO CODE ENFORCEMENT; PROVIDING FOR THE APPOINTMENT OF A SPECIAL MAGISTRATE BY THE CITY COMMISSION; PROVIDING THAT REFERENCES TO THE CODE ENFORCEMENT BOARD ELSEWHERE IN THE CODE, THE WINTER GARDEN LAND DEVELOPMENT REGULATIONS AND ANY OTHER CODES, ORDINANCES AND RESOLUTIONS OF WINTER GARDEN, FLORIDA, ARE ALSO DEEMED REFERENCES TO THE SPECIAL MAGISTRATE; GRANTING ALL POWERS AND DUTIES AS PRESCRIBED BY FLORIDA LAW TO THE SPECIAL MAGISTRATE, INCLUDING THE AUTHORITY TO ISSUE ORDERS, LEVY FINES, AND ENFORCE DECISIONS; CONFORMING THE PROVISIONS GOVERNING THE CONDUCT OF HEARINGS, ADMINISTRATIVE FINES, COSTS OF REPAIR AND LIENS; PROVIDING FOR ENFORCEMENT PROCEDURES, CONDUCT OF HEARINGS, ADMINISTRATIVE FINES AND LIENS; SETTING FORTH DESIGNATION, QUALIFICATIONS AND COMPENSATION OF THE SPECIAL MAGISTRATE

City Attorney Dan Langley read Ordinance 25-08 by title only. Planning Director Kelly Carson stated the City has initiated a Code amendment that would establish a Special Magistrate position that is appointed by the City Commission. The Special Magistrate would have the authority to render decisions relating to violations of City Code, violations of the City's alcohol ordinance, as well as hear appeals for violations related to speed enforcement cameras. The Code Enforcement Board will remain active, and decisions in code enforcement cases may be rendered by either entity. Staff recommended approval.

Mayor Rees confirmed that the Code Enforcement Board would continue with its normal duties with the Special Magistrate only addressing cameras and alcohol, right now. Ms. Carson responded that the Special Magistrate would also hear code cases, which would be up to the Code Enforcement Officer and the Manager to decide at which board the case would be heard. City Manager Jon C. Williams stated that it would be the City's intention to keep the Code Enforcement Board in place.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to approve Ordinance 25-08, with second reading and public hearing on February 13, 2025. Seconded by Commissioner Jones and carried unanimously 5-0.

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 25-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 24-20, THE CITY OF WINTER GARDEN FISCAL YEAR 2024-2025

BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Dan Langley read Ordinance 25-03 by title only. Finance Director Laura Zielonka stated that this ordinance amends the current year budget to carry forward projects budgeted for the last fiscal year but not completed by the end of the fiscal year. She noted that Exhibit 1 lists projects as recommended by staff.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Bennett to adopt Ordinances 25-03. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

A. **Resolution 25-03**: A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA EXPRESSING SUPPORT OF LEGISLATION REQUIRING HANDS-FREE PHONE USE WHILE DRIVING; PROVIDING FOR AN EFFECTIVE DATE

Planning Director Kelly Carson stated that given the dangers associated with using handheld devices while driving and given studies have shown that implementing hands-free cellphone / handheld device use legislation can reduce the incidence of distracted driving, saving lives and promoting safer roadways for all. Staff recommends the City Commission adopt Resolution 25-03 expressing strong support for legislation mandating the use of hands-free devices while driving.

There was discussion on the legislature and their decision-making timeframe.

Motion by Commissioner Jones to adopt Resolution 25-03. Seconded by Commissioner Johnson and carried unanimously 5-0.

B. **Recommendation to waive formal procurement process and hire DRMP to provide topographic survey in East Winter Garden in the amount of \$57,000**

Assistant City Manager for Administrative Services Steve Pash stated that a portion of the recently annexed Historic East Winter Garden area had some flooding during Hurricane Ian and Milton. He noted that the City is looking at solutions to help solve this flooding and would analyze the area, get topographic surveys, and use drone footage to do so. He named the effected streets to be addressed and mentioned the ponds behind them. Furthermore, he noted that staff recommends waiving the formal procurement requirements to hire DRMP to provide the survey in the amount of \$57,000.

There was discussion on the drone survey versus a regular survey with the main difference being noted as time savings.

Motion by Commissioner Sharman waive formal procurement process and hire DRMP to provide topographic survey in East Winter Garden in the amount of \$57,000. Seconded Commissioner Johnson and carried unanimously 5-0.

C. Recommendation to approve distribution of awarded Edward Byrne Memorial Justice Assistance Grant (JAG) funds for purchase of SWAT vests and equipment in the amount of \$13,242

Police Chief Steve Graham stated that the Fiscal Year 2024 Local Solicitation Edward Byrne Memorial Justice Assistance Grant (JAG) Program earmarked \$13,242 for the Winter Garden Police Department. He noted that the Police Department requests using these funds to purchase SWAT vests and equipment for the Metro SWAT Team. Furthermore, he indicated that additional funding would be required to complete the purchase of this equipment and requested use of the law enforcement trust fund in an amount not to exceed \$25,000. Staff recommended approval and noted the requirement for public comment.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Johnson to approve distribution of awarded Edward Byrne Memorial Justice Assistance Grant (JAG) funds for purchase of SWAT vests and equipment in the amount of \$13,242 and use of other law enforcement trust funds, not to exceed \$25,000. Seconded by Commissioner Jones and carried unanimously 5-0.

D. Recommendation to authorize Mayor and Police Chief execute new Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement

Police Chief Steve Graham stated that stated that this is the Municipal Interlocal Voluntary Cooperation Mutual Aid Agreement with Orange and Osceola County. He noted that this agreement has expired and needs renewal. Furthermore, he noted that this agreement outlines the provisions for operational assistance and voluntary cooperation. Staff recommended approval.

Motion by Commissioner Sharman to authorize Mayor and Police Chief execute new Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement. Seconded by Commissioner Bennett and carried unanimously 5-0.

E. Recommendation to approve purchase of 23 Cisco Catalyst switches with associated peripherals and licensing in the amount of \$91,879

Information Technology Director David Livingston stated that this is a request to proceed with the purchase of 23 Cisco catalyst network switches with associated peripherals and licensing, in the amount of \$91,879. He indicated that this item was included in the Fiscal Year 2025 budget. Furthermore, he noted that this approval would allow replacement of the City's aging infrastructure, which would offer improved performance, stability, and enhanced network security. He informed that this would offer better long-term support and named certain cloud supported items it included. Staff recommended approval.

There was discussion on this being slightly under the budgeted amount, and the items this equipment supports.

Motion by Commissioner Sharman to approve purchase of 23 Cisco catalyst switches with associated peripherals and licensing in the amount of \$91,879. Seconded by Commissioner Jones and carried unanimously 5-0.

F. Recommendation to approve renewal of Microsoft Enterprise License Agreement, year two of three, in the amount of \$154,500.51

Information Technology Director David Livingston stated that the City's Microsoft Enterprise Licensing Agreement is due for renewal. This renewal allows the City to continue utilizing Microsoft 365, as well as other related software and services. Furthermore, he noted that this item is included in this year's budget. Staff recommended approval of renewing the Microsoft Enterprise License Agreement, year two of three, at the cost of \$154,500.51.

Mayor Rees spoke of prior approval of this items three-year contract.

Motion by Commissioner Sharman to approve renewal of Microsoft Enterprise License Agreement, year two of three, in the amount of \$154,500.51. Seconded by Commissioner Johnson and carried unanimously 5-0.

G. Recommendation to sign the Assignment of Drainage Easement from Orange County to the City of Winter Garden

Planning Director Kelly Carson stated that staff is in review with Orange County to transfer a drainage easement located on Edgeway Drive. She noted that the City would be assigned the easement on the Edgeway Drive property and take over the maintenance of the underground drainage infrastructure. Staff recommended approval.

There was discussion on associated costs for the City. Ms. Carson noted there is no cost to the City, the property is privately owned, and in the platting process for Habitat for Humanity to possibly build affordable homes at this location.

Motion by Commissioner Johnson to sign the Assignment of Drainage Easement from Orange County to the City of Winter Garden. Seconded by Commissioner Bennett and carried unanimously 5-0.

H. Recommendation to approve FINAL PLAT for 1104 South Park Ave (Golden Palms), subject to conditions

Planning Director Kelly Carson stated that the applicant requests final plat approval for property located at 1104 South Park Avenue. This property originally received preliminary plat approval in 2005. The previous applicant installed all site infrastructure, including internal roadway, but never constructed the townhomes or recorded the final plat. Furthermore, she noted that the proposed final plat is consistent with the previously approved preliminary plat, featuring 24 townhome lots with common area tracts, and associated easements. She spoke of the property's future land use designation and zoning as multifamily residential. Furthermore, Ms. Carson informed that the final plat meets all code requirements and is consistent with the City's comprehensive plan. Staff recommended approval, subject to conditions.

Motion by Commissioner Jones to approve FINAL PLAT for 1104 South Park Avenue (Golden Palms), subject to conditions. Seconded by Commissioner Sharman and carried 4-1; Mayor Rees opposed.

5. **MATTERS FROM PUBLIC** – There were no items.

6. **MATTERS FROM CITY ATTORNEY** – There were no items.

7. **MATTERS FROM CITY MANAGER**

A. Recommendation to approve Settlement Agreement with GIL, Inc. and Laman

City Manager Jon C. Williams recognized City Attorney Dan Langley to address the settlement agreement.

City Attorney Dan Langley explained the history of the City acquiring Plant Street right-of-way, and noted questions on the part of GIL, Inc. as to whether the City of Winter Garden completed its portion of the agreement and disclosed that GIL, Inc. initiated litigation against the City. This included enforcement of post-closing conditions under the agreement concerning signage, sidewalks, and landscaping. He addressed the nature of the required improvements, shared some of the negotiations, and noted that each party would bear their own legal fees. He noted that the property owner has already signed, and he mentioned the City would receive more right-of-way along Plant Street. He noted there would be a wider sidewalk, and other landscape improvements. Mr. Langley

informed that the agreement contained duplicated items already included in the original agreement, at the property owner's request. Also discussed, was the vacant property having a one-year delay in the development, time given for design and construction, and the ability for the improvements good through 2028. City Attorney Dan Langley recommended approval. Discussion ensued regarding payment methods.

Motion by Commissioner Johnson to approve Settlement Agreement with GIL, Inc. Seconded by Commissioner Jones and carried unanimously 5-0.

ERP System Conversion

City Manager Jon C. Williams announced the conversion from the old system to the new system starting January 27, 2025, to February 3, 2025. He explained some minor impact to the customers and noted that the building department would process residential permit by hand, with other being held until the new system comes online. He noted that the online portal for utility bills would be inactive, so no credit cards payments would be accepted online during this transition period but noted that customers could still come in and pay by check or cash. Furthermore, he shared information on utility billing closure, transition dates, and spoke of some enhanced benefits of the software. He addressed public notices announcing the changes and shared that once the system is up, residents would have the capability of paying by credit cards, Apple Pay, and Google Pay.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman spoke of it snowing in Florida and the effect of the cold on the parade attendance.

Commissioner Johnson commended City staff on doing a good job and hoped everyone would stay warm.

Commissioner Jones echoed comments commending City staff for the work they do also wish everyone warmth, noting it is cold.

Commissioner Bennett spoke of a great Martin Luther King Day Parade and noted the low turnout due to the cold and voiced appreciation for all that City staff does.

Mayor Rees spoke of City staff doing a great job in December, noted their efforts at the parade and commended the entertainment. He voiced appreciation to staff for all they do and wished everyone to stay warm.

The meeting adjourned at 6:56 p.m.

ATTEST:

APPROVED:

City Clerk Angela J. Grimmage

Mayor John Rees

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Kelly Carson, Planning Director

Via: City Manager Jon C. Williams

Date: February 6, 2025 **Meeting Date:** February 13, 2025

Subject: 1144 E Plant Street
1144 E Plant Street – CAPUD
PARCEL ID # 13-22-27-0000-00-061 (Ord 25-07)

Issue: For property located at 1144 E Plant St, the applicant is requesting to rezone the property to CAPUD (Character Area Planned Unit Development).

Discussion: The applicant is requesting to rezone the approximately 0.25 acre property to CAPUD to permit the development of the parcel, which includes a single-story 1,831 sf commercial office/retail building and a two-story 1,848 sf live/work building. The project also has associated site improvements such as parking, a 12' wide pedestrian sidewalk, and landscaping (See Staff Report). The proposed CAPUD rezoning is consistent with the City's Comprehensive Plan and the City's Code of Ordinances.

Recommended Action:
Staff recommends approval of Ordinance 25-07 with the second reading and adoption hearing anticipated to be on February 27, 2025.

Attachment(s)/References:
Location Map
Ordinance 25-07
Staff Report

LOCATION MAP

1144 E Plant Street

CAPUD Rezoning



ORDINANCE 25-07

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.25 +/- ACRES OF LAND GENERALLY LOCATED AT 1144 E PLANT STREET, SOUTH OF E PLANT STREET, NORTH OF CAROL ANDERSON DRIVE, WEST OF S WEST CROWN POINT ROAD, AND EAST OF 11TH STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE 1144 E PLANT STREET CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of real property generally described as approximately 0.25 ± acres of certain real property located at 1144 E Plant Street, generally located south of E Plant Street, north of Carol Anderson Drive, west of S West Crown Point Road, and east of 11th Street in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from C-2 (Arterial Commercial District) to CAPUD (Character Area Planned Unit Development”); and

WHEREAS, recently adopted Ordinance 17-06 amended Chapter 118 of the City of Winter Garden Code to add a new Article XIV to establish the East Plant Street Character Area, and to add a new Division 5 of Article V to establish the Character Area Planned Unit Development zoning district; and

WHEREAS, the Planning and Zoning Board has considered this Ordinance and made a recommendation to the City Commission concerning its adoption; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the land development regulations set forth in the City of Winter Garden Code of Ordinances; and

WHEREAS, based on competent substantial evidence in the record, the requested rezoning set forth in this Ordinance meets all applicable criteria specified in the City of Winter Garden Comprehensive Plan and the Code of Ordinances; Now therefore;

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

SECTION 1: *Rezoning.* After due notice and public hearing, the zoning

classification of the Property, as described in Exhibit "A" attached hereto, is hereby rezoned from C-2 to CAPUD in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the 1144 E Plant Street Character Area Planned Unit Development Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the 1144 E Plant Street Character Area Planned Unit Development Plan attached hereto as Exhibit "B", then the standards and conditions established by this Ordinance shall control.

- b. **Zoning-** Unless specifically noted elsewhere in Exhibit "B" attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Character Area Planned Unit Development zoning district and the development standards of the East Plant Street Character Area and its East Plant District overlay area. These requirements include any approval procedures of the Planned Unit Development zoning district.

- c. **Permitted Uses-** The permitted uses for the Property are as follows:
 1. Live/Work (only where shown Exhibit B)
 - a. Upper story residential only; maximum 1 dwelling unit
 - b. Lower story (less the garage) may be used for the non-residential permitted uses and special exception uses allowed by this ordinance.
 - c. The garage and driveway are counted towards the parking requirement for live/work. At no time can the garage be enclosed or converted to commercial space.
 2. Professional Offices.
 3. Medical Offices.
 4. Retail.
 5. Personal Services.
 6. Food and beverage service such as cafes, coffee shops, etc.
 7. Customary accessory uses and structures clearly incidental and subordinate to a principal use.

Provided however, if a specific use is prohibited by subsection e., it shall not be permitted. Subsection e. shall control in the event of a conflict between subsection c. and subsection e. Further, subsection e. shall control in the event of a conflict between subsection d. and subsection e. Uses should be consistent with the structures and areas intended for such uses as shown on the concept plan attached as Exhibit B.

- d. **Special Exception Uses-** The special exception uses for the Property are as follows:
1. Daycares
 2. Other uses which the Planning and Zoning Board determines are of the type and intensity of activity similar to and compatible with the East Plant Street Character Area.
- e. **Prohibited Uses-** The prohibited uses for all areas of the Property are as follows:
1. Any use prohibited in the C-2 Zoning Districts not specifically outlined under the Permitted or Special Exception Uses.
 2. Laboratories or Medical Screening as a primary use.
 3. Automobile, motorcycle, recreational vehicle or boat sales, rental, storage, painting, service or repair or any combination thereof.
 4. Mini / Self Storage Facilities.
 5. Pawn Shops.
 6. Billboards.
 7. Body Art Establishments.
 8. Adult entertainment establishments or pornographic book, magazine, video and novelty stores or sales.
 9. Any building with a drive-in, drive-thru, or pick-up window.
 10. Any use that requires outdoor storage of materials.
 11. All uses not specifically or provisionally permitted in this Ordinance; any use not in keeping with a pedestrian-oriented commercial character.
- f. **Design Criteria/Architectural Standards-**
1. **Architectural Standards-** Any new proposed buildings or structures on the property shall adhere to the aesthetic character and design quality of the proposed architectural renderings, attached hereto as Exhibit "B". The live/work building shall conform to the general layout of the proposed floor plan attached hereto as Exhibit "C". The interior walls and layout may change however, at no time can the commercial space be greater than 500 square feet.
 2. **Maximum Building Height-** The maximum building height shall not exceed 40 feet.
 3. **Landscape Design-** The property shall be required to adhere to the landscape design standards outlined in the Plant Street Character

Area Design Plan and in accordance with Chapter 118, Article XIV of the City of Winter Garden Code of Ordinances.

4. **Site Design-** Bicycle racks, benches, and trash receptacles are required to be provided on site.
 5. **Setbacks and Required Yards-** All buildings and accessory structures shall adhere to the setbacks outlined in the Plant Street Character Area Design Plan and its East Plant District and in accordance with Chapter 118, Article XIV of the City of Winter Garden Code of Ordinances.
 6. **Outdoor Storage-** Outdoor storage of materials or equipment is prohibited.
 7. **Signage-** All signage proposed for the Property shall comply with the Plant Street Character Area sign standards in accordance with the Plant Street Character Area Design Plan and Chapter 118, Article XIV. The signage shall be reviewed at time of Site Plan Review.
 8. **Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property shall be consistent with the overall maximum impervious surface area ratio that the Character Area Planned Unit Development is permitted by Saint John's River Water Management District.
 9. **Lighting-** all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.
 - a) **Street Lighting:** All lighting provided along public streets shall comply with the requirements pertaining to construction and installation of public improvements in accordance with Appendix A, Article II, Section 2.
 - b) **Site Lighting:** Vehicular, building, and pedestrian site lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances. During the site plan review, a photometric lighting plan will be required.
- g. Staff Conditions-** All development on the Property must comply with the following staff conditions:
1. The design of the area where the existing sidewalk meets the new proposed sidewalk will be reviewed in further detail during the Site

Plan review.

2. 100% of the water/sewer impact fees shall be paid prior to site or building permit issuance or execution of FDEP permit applications by the City. Sanitary laterals and pipes shall be SDR 26 per City standards. Use City Standard Detail Sheets for utilities and public works. All on-site utilities shall be privately owned and maintained.
3. All dumpsters shall be enclosed and shall provide 12' minimum inside clearance (each way inside of bollards), and access by solid waste vehicles.
4. Permits or exemptions shall be required from SJRWMD (stormwater) and FDEP for water and sewer and FDEP NPDES NOI as may be applicable.
5. Any screen walls or retaining walls shall require a separate permit from the Building Department.
6. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all required water, irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
7. If thermoplastic pipe is being specified, it shall meet all City material and installation requirements as specified in the City's Standards & Specifications including Class I bedding, HP polypropylene pipe, laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).
8. Site lighting will be required as well as street lighting on all street frontages if not existing; all lighting shall meet dark skies requirements per City Code.
9. Minimum 5' wide concrete sidewalks shall be constructed along all street frontages pursuant to City Code, except along E Plant Street where the minimum sidewalk width shall be 12'. Existing sidewalks, curbs, & pavement will be checked at completion and any damaged sections shall be replaced.
10. Internal sidewalks shall connect to the public sidewalks in the right-of-way per ADA.
11. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.

12. All work shall conform to City of Winter Garden standards and specifications.
13. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
14. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
15. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.

SECTION 2: *General Requirements.*

- a. **Development Agreement-** If deemed necessary by City Staff, a Development Agreement shall be drafted, approval obtained and recorded prior to approval of any site or building permits for the Property.
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of

Ordinances and subject to this Ordinance.

- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. **Expiration/Extension-** Expiration of this CAPUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

SECTION 3: Zoning Map. The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 4: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

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

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

Exhibit "A"

PARCEL ID#: 13-22-27-0000-00-061

LEGAL DESCRIPTION:

COMMENCE AT THE S.W. CORNER OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE N89°59'59"E, 30.00' TO THE EAST RIGHT-OF-WAY LINE OF HENNIS ROAD (11TH STREET); THENCE ALONG SAID RIGHT-OF-WAY LINE N00°05'32"E, 1034.41' TO A TANGENT CURVE; THENCE ALONG SAID RIGHT-OF-WAY AND CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 75.00', A LENGTH OF 89.11' A CENTRAL ANGLE OF 68°04'35" TO THE TANGENT SOUTH RIGHT-OF-WAY LINE OF PLANT STREET (OCOE-WINTER GARDEN ROAD); THENCE ALONG SAID RIGHT-OF-WAY N68°10'07"E, 99.34'; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S20°28'46"E, 0.54' TO A NON-TANGENT CURVE; THENCE ALONG SAID RIGHT-OF-WAY AND CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 9150.00', A LENGTH OF 200.75', A CENTRAL ANGLE OF 01°15'25", WITH A CHORD BEARING AND DISTANCE OF N69°25'12"E, 200.75'; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY AND CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 9150.00', A LENGTH OF 100.99' A CENTRAL ANGLE OF 00°37'57" WITH A CHORD BEARING AND DISTANCE OF N70°21'53"E, 100.99', TO A POINT OF REVERSE CURVE; THENCE ALONG SAID RIGHT-OF-WAY AND CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 9250.001, A LENGTH OF 98.18' A CENTRAL ANGLE OF 00°36'29" WITH A CHORD BEARING AND DISTANCE OF N70°22'37"E, 98.17' TO A NON-TANGENT LINE; THENCE ALONG SAID RIGHT-OF-WAY AND NON-TANGENT LINE N69°36'39"E, 146.28'; THENCE ALONG SAID RIGHT-OF-WAY N69°36'38"E, 4.06'; THENCE ALONG SAID RIGHT-OF-WAY S21°50'25"E, 1.29'; THENCE ALONG SAID RIGHT-OF-WAY N68°12'42"E, 149.44' TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N68°12'42"E, 50.56'; THENCE DEPARTING SAID RIGHT-OF-WAY S21°49'53"E, 200.00' TO THE NORTH LINE OF HORIZON OAKS PLAT BOOK 26, PAGE 96 AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID PLAT LINE S68°10'07"W, 56.89'; THENCE DEPARTING SAID PLAT LINE N20°01'09"W, 200.14' TO THE POINT OF BEGINNING.

CONTAINING 0.25 ACRES, MORE OR LESS.

Exhibit "B"

COVER PAGE

1144 E Plant Street CAPUD PLAN

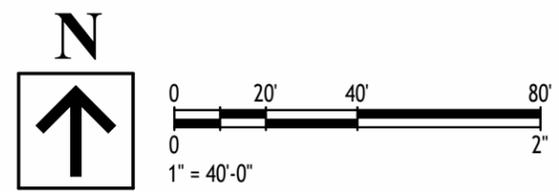
(5 PAGES - ATTACHED)

1144 E PLANT STREET CONCEPT SITE PLAN

CITY OF WINTER GARDEN, FL



SITE LIGHTING NOTE:
 NO NEW SITE LIGHTING IS BEING PROPOSED.



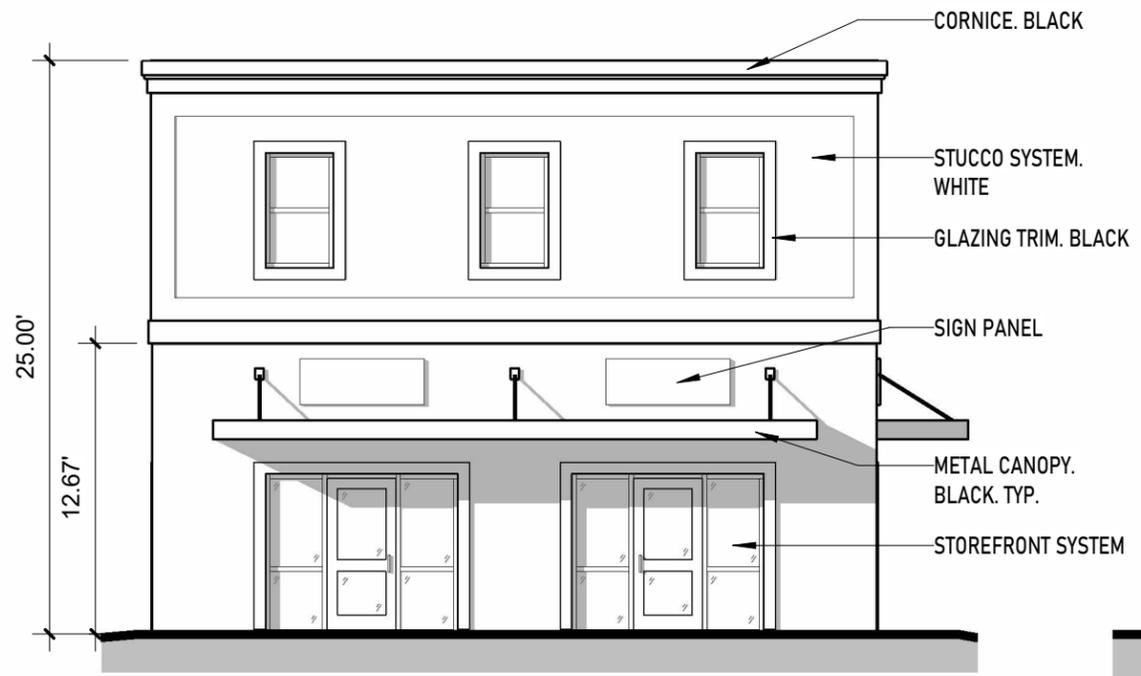
TOTAL PARCEL AREA:	10,342 SF
EXISTING IMPERVIOUS PAVEMENT AREA:	88 SF
NEW IMPERVIOUS PAVEMENT AREA:	3,901 SF
NEW IMPERVIOUS SIDEWALK AREA:	456 SF
NEW COMMERCIAL BUILDING FOOTPRINT:	1,831 SF
NEW LIVE WORK UNIT FOOTPRINT:	816 SF
TOTAL IMPERVIOUS AREA:	7,192 SF
TOTAL PERVIOUS AREA:	3,150 SF
ISR:	69.5%
FAR:	34.3%

ZACH KASKY ARCHITECTURE
 PROFESSIONAL DESIGN

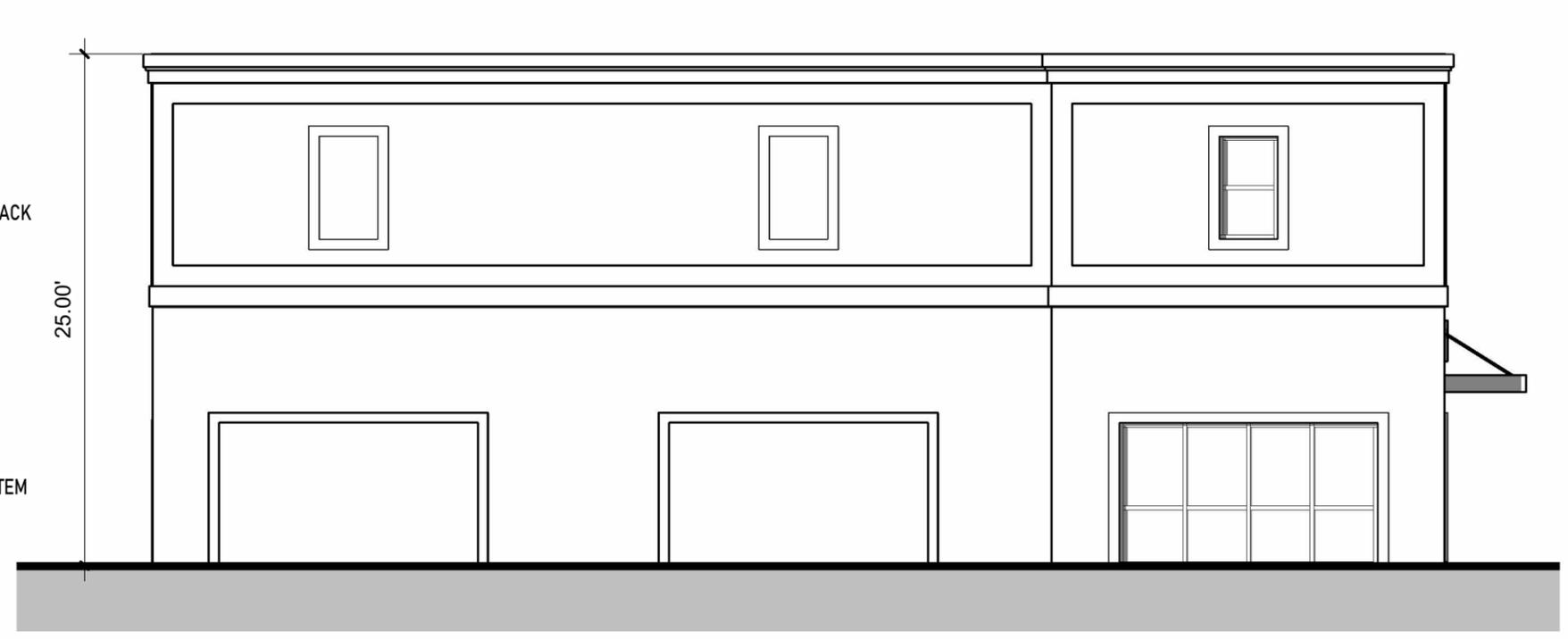
PO Box 780173, Orlando, FL 32828
 407-990-5554
 info@zkarch.com | www.zkarch.com

GIL INC.
 1144 E PLANT STREET - SITE CONCEPT

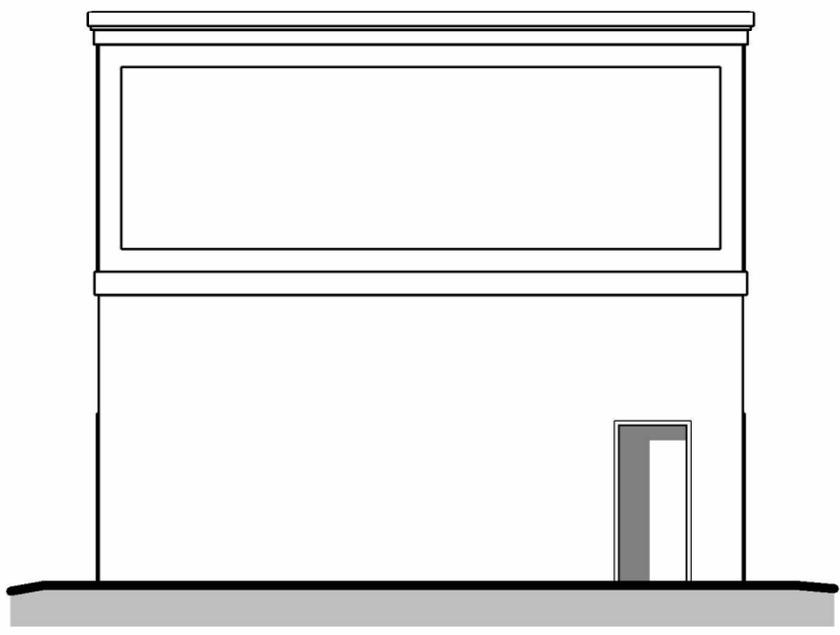
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Project number	2023034	
Date	DEC. 31, 2024	
Drawn by	ZK	
Checked by	ZK	
Scale		1" = 40'-0"



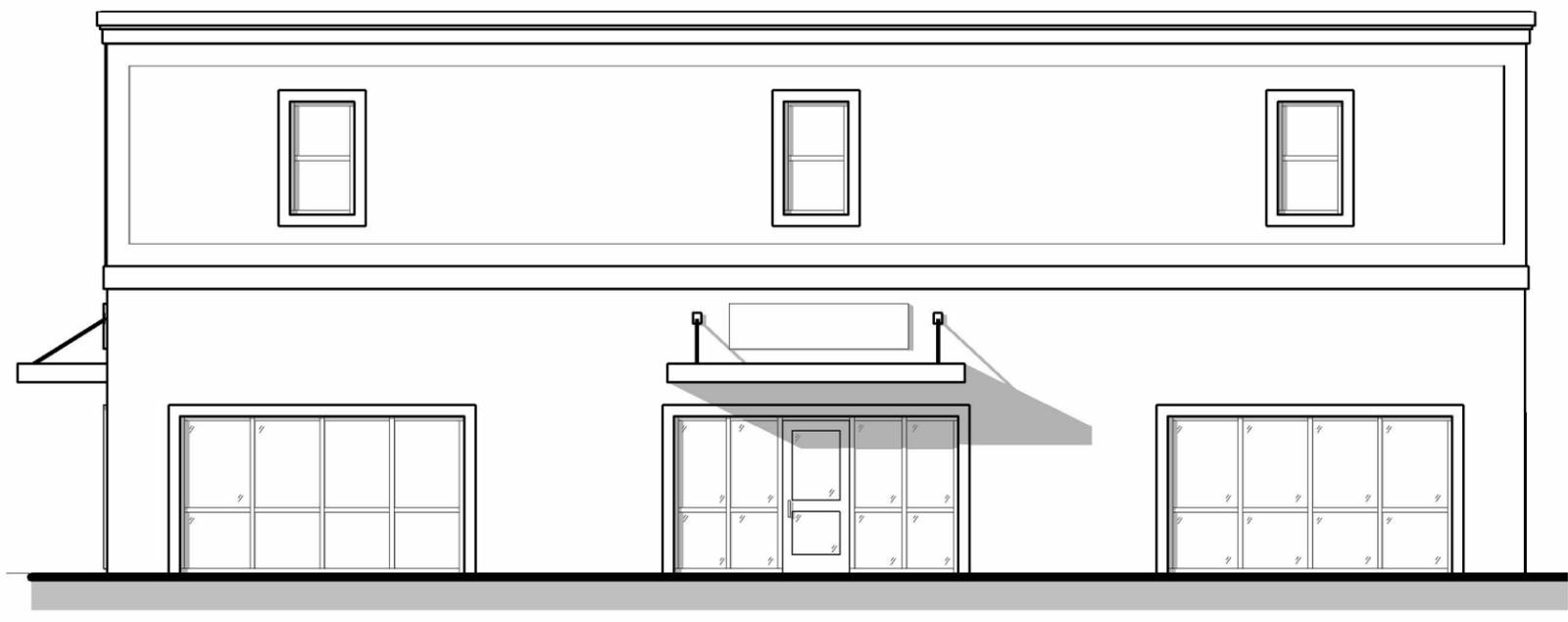
1 EXTERIOR ELEVATION - NORTH (PLANT ST)
1/8" = 1'-0"



2 EXTERIOR ELEVATION - EAST (PLANT ST)
1/8" = 1'-0"



3 EXTERIOR ELEVATION - SOUTH (PLANT ST)
1/8" = 1'-0"



4 EXTERIOR ELEVATION - WEST (PLANT ST)
1/8" = 1'-0"

ZACH KASKY
ARCHITECTURE
PROFESSIONAL DESIGN

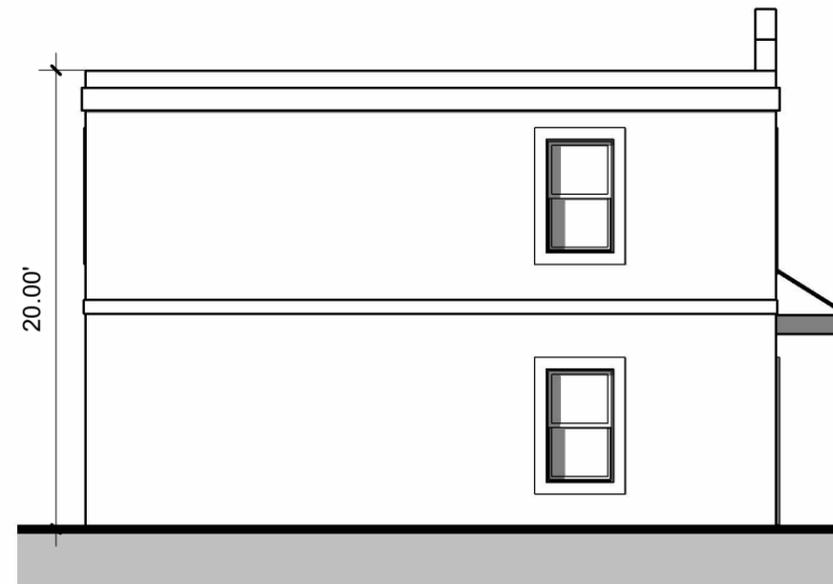
PO Box 780173, Orlando, FL 32828
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info@zkarch.com | www.zkarch.com

GIL INC.
1144 E PLANT STREET - SITE CONCEPT

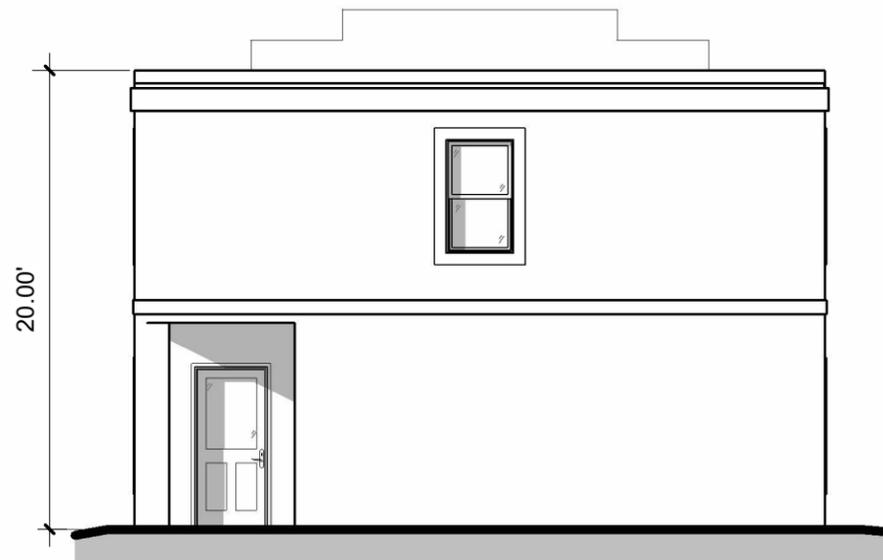
PLANT STREET BUILDING ELEVATIONS		CN 10.2
Project number	2023034	
Date	DEC. 31, 2024	
Drawn by	ZK	
Checked by	ZK	Scale 1/8" = 1'-0"



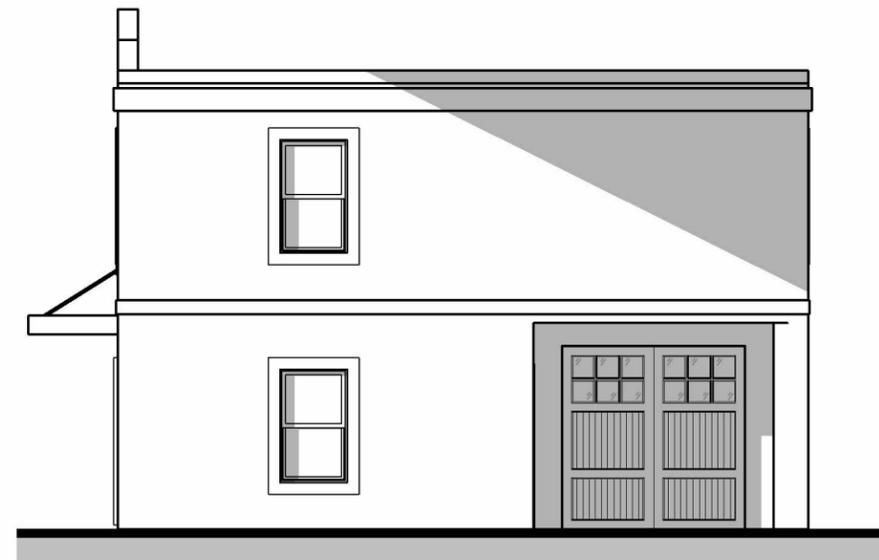
1 EXTERIOR ELEVATION - NORTH (LIVE WORK UNIT)
1/8" = 1'-0"



2 EXTERIOR ELEVATION - EAST (LIVE WORK UNIT)
1/8" = 1'-0"



3 EXTERIOR ELEVATION - SOUTH (LIVE WORK UNIT)
1/8" = 1'-0"



4 EXTERIOR ELEVATION - WEST (LIVE WORK UNIT)
1/8" = 1'-0"



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 407-990-5554
 info@zkarch.com | www.zkarch.com

GIL INC.

1144 E PLANT STREET - SITE CONCEPT

PERSPECTIVE VIEW

Project number	2023034
Date	DEC. 31, 2024
Drawn by	Author
Checked by	Checker

CN 10.4

Scale



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 info@zkarch.com | www.zkarch.com

GIL INC.

1144 E PLANT STREET - SITE CONCEPT

PERSPECTIVE VIEW

Project number	2023034
Date	DEC. 31, 2024
Drawn by	Author
Checked by	Checker

CN 10.5

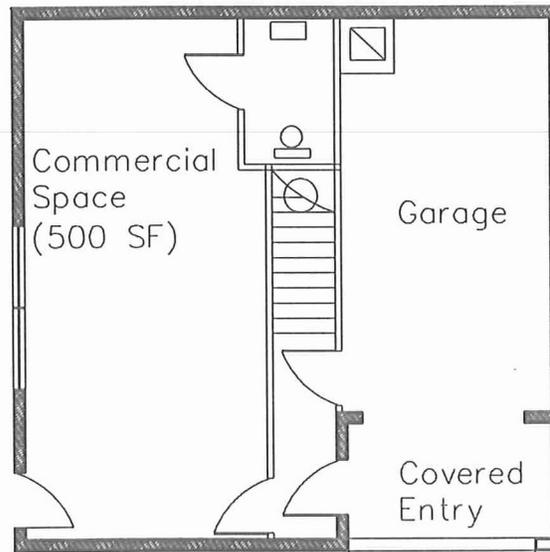
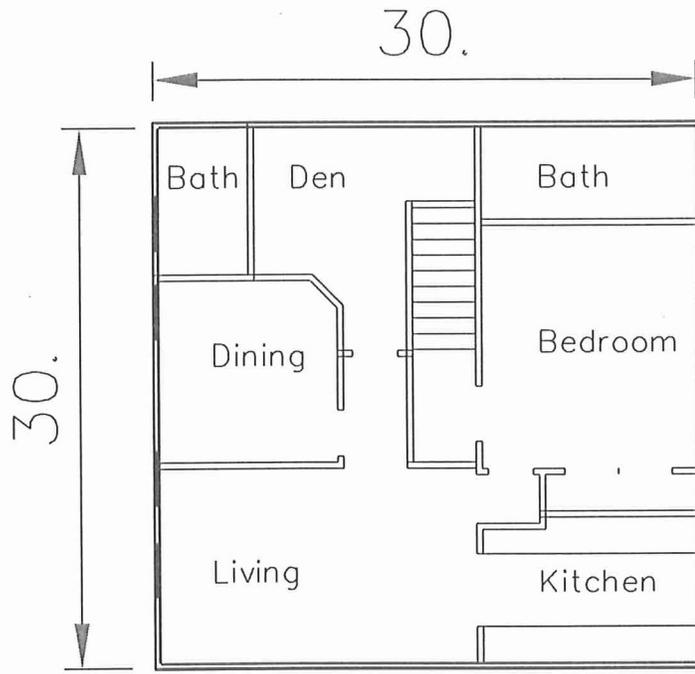
Scale

Exhibit "C"

COVER PAGE

1144 E Plant Street CAPUD LIVE/WORK FLOOR PLAN

(1 PAGE - ATTACHED)



LIVE
WORK
UNIT

Parking/
Driveway

CITY OF WINTER GARDEN

Development Review Committee

300 West Plant Street - Winter Garden, Florida 34787-3011

(407) 656-4111 - FAX (407) 877-2363

MEMORANDUM

TO: KELLY CARSON, PLANNING DIRECTOR
FROM: DEVELOPMENT REVIEW COMMITTEE
DATE: JANUARY 16, 2025
SUBJECT: REVIEW OF CHARACTER AREA PLANNED UNIT DEVELOPMENT (CAPUD)
1114 EAST PLANT STREET – GIL INC. – 3rd Review

Pursuant to your request, we have reviewed the revised CAPUD re-zoning plan received from Planning 1/14/25 for compliance with the City's stormwater and site requirements. Since this review is preliminary for re-zoning only, our comments are limited to the information submitted and do not address detailed review of the drainage, roadway and utility systems that were not submitted. This was submitted in response to our zoning review of 11/27/24 and DRC meeting of 12/18/24 where it was referred to staff review only.

ENGINEERING COMMENTS

While we have no specific comments concerning the re-zoning which is primarily a function of Community Development/Planning, please have the Applicant address the following comments in future submittals:

1. The Planning Department shall review and approve proposed uses/zoning, setbacks, parking, landscaping, buffering, lighting, and signage requirements including the Plant Street Overlay requirements.
2. Refer to Section 118-68 of the City Code for site plan requirements.
3. A separate tree removal permit is required to remove any trees. Coordinate with Building Department. No trees may be planted over or within 5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.
4. General Requirements (note all on future submittals):
 - a. All gravity sanitary pipe and fittings shall be SDR 26.
 - b. All compaction shall be 98% of the modified proctor maximum density (AASHTO T-180).
 - c. As-built record drawings shall comply with City of Winter Garden requirements available on-line (note on plan).
 - d. All Storm ($\geq 12''$) and Sanitary lines ($\geq 6''$) shall be inspected by CCTV prior to completion.
 - e. Use City Standard Detail sheets for utilities and public works (see City website).
 - f. If Thermoplastic pipe is used it shall meet all City material and installation requirements as specified in the City's Standards & Specifications including Class I bedding, HP polypropylene pipe (**not HDPE or N-12**), laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).
 - g. All utilities shall be underground pursuant to Code (Sec. 18-33) including electrical power, cable, telephone, etc.
5. All driveways shall meet the City's driveway requirements as specified in Code: 24' minimum width – 36' maximum, including transitions; 15' minimum side setback from property line. See Section 2.10 of Appendix A of the City Code concerning commercial/industrial driveways.

The plan shows a shared driveway with the property to the west, 1142 E Plant. Cross access/parking/drainage & utility easement is acknowledged and has been recorded.

6. Drainage: Provide existing drainage pattern and proposed drainage methodology. Off-site drainage shall be accommodated. Maximum impervious surface for CAPUD zoning is 80% but must be supported by the SJRWMD permit.
7. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer.
8. 100% of the water/sewer impact fees shall be paid prior to site or building permit issuance or execution of FDEP permit applications by the City. Use City Standard Detail Sheets for utilities and public works.
9. Any signs, screen walls or retaining walls shall require a separate permit from the Building Department.
10. Site lighting will be required as well as on all street frontages if not existing; all lighting shall meet dark skies requirements per City Code.
11. Minimum 5' wide concrete sidewalks shall be constructed along all street frontages pursuant to City Code. Existing sidewalks, curbs, & pavement will be checked at completion and any damaged sections shall be replaced.
12. All water & irrigation meters shall be located within the right-of-way or within a utility easement. Separate irrigation meter required.
13. All dumpsters shall be enclosed and shall provide **12'** minimum inside clearance (each way inside of bollards and gate hardware), and access by solid waste vehicles. Coordinate additional requirements with Public Services Department, Solid Waste Division.
14. Streetlighting both internally and on all street frontages (if not existing) is required pursuant to City Code, – dark skies lighting is required. A photometric plan shall be provided for review by Planning Department.
15. Provide irrigation plan, including size and location of irrigation meter. Landscaping shall not encroach on required sight lines at intersections or driveways. Design Engineer shall provide certification that sight distance requirements are being met (show sight triangles). All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time.
16. Permits, modifications, or exemptions shall be provided from SJRWMD for stormwater and FDEP for water, wastewater and NPDES NOI as may be appropriate.

PLANNING COMMENTS

17. If approved for rezoning, a full site plan review is required. DRC will review the site plan for compliance with all development regulations including, but not limited to, setbacks, impervious surface maximums, parking, ingress/egress, circulation, landscape and buffering, utility and public service infrastructure, stormwater, fire safety, architectural design, lighting, signage, transportation impacts, and conformance to all other City standards, specifications, and Code of Ordinances.
18. At site plan review the applicant will be required to submit a landscape and irrigation plan signed and sealed by a certified Landscape Architect. The landscape plan should address required streetscape along Plant Street per 4.5.6(a) of the Overlay District Standards as well as the rear buffer per Table 4.4.13 Side and Rear Buffer Requirements.
19. City Staff has reviewed the Traffic Impact Analysis methodology. The data is sufficient to move forward with rezoning, however a full TIA will be required at Site Plan Review.

STANDARD GENERAL CONDITIONS

20. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
21. Fencing shall meet all City requirements for height, type, etc. Chain link fencing shall be vinyl coated per Code.
22. All work shall conform to City of Winter Garden standards and specifications.
23. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
24. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
25. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
26. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of **2.25%** of the cost of all site improvements shall be paid prior to issuance of site or building permits.
27. Additional comments will be generated at subsequent reviews.

Please review this information and contact our office if you have any questions. Thank you.

END OF MEMORANDUM

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

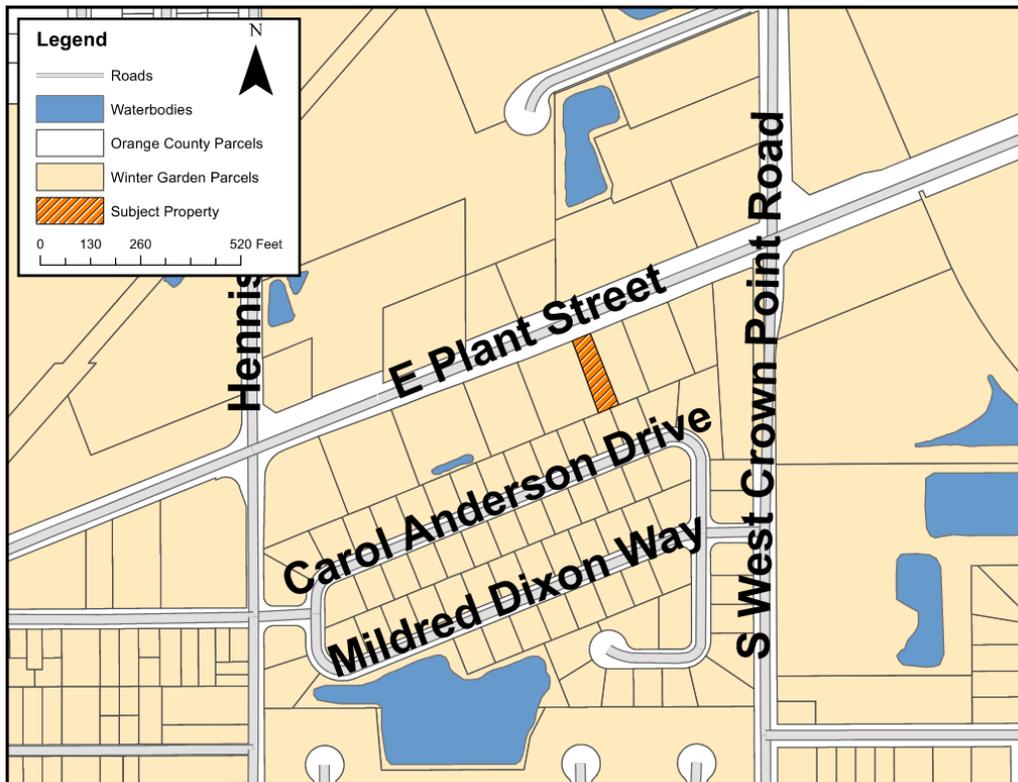
TO: PLANNING AND ZONING BOARD
PREPARED BY: SHANE FRIEDMAN, PLANNING SUPERVISOR
DATE: FEBRUARY 3, 2025
SUBJECT: CAPUD REZONING (ORDS 25-07)
1144 E Plant St (0.25 +/- ACRES)
Parcel ID# 13-22-27-0000-00-061

APPLICANT: GIL, Inc. // Doug Laman

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations and Comprehensive Plan.

The subject property, located at the southeast corner of E Plant Street, is approximately 0.25 ± acres in size. 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, and currently carries the zoning designation C-2 (Arterial Commercial District). The subject property is designated (COM) Commercial on the Future Land Use Map of the Comprehensive Plan. The applicant is requesting to rezone 0.25 ± acres of land to CAPUD (Character Area Planned Unit Development).

The subject property is located within the East Plant District of the Plant Street Character Area overlay. The Character Area Planned Unit Development zoning district was established by Ordinance 17-06 and was adopted by City Commission on June 22, 2017.

EXISTING USE

The property is currently undeveloped. The property is one of seven that the applicant owns between 11th Street and S West Crown Point Road on the south side of E Plant Street. Although undeveloped the property does have an existing right-in/right-out entry from Plant Street that exists.

ADJACENT LAND USE AND ZONING

The properties to the north of the subject property are developed with commercial warehouse/retail buildings, are zoned I-1, and are within the City’s municipal limits. The property to the east is developed with a single-story office/retail building, operating as a church, and is within the City’s municipal limits. The property to the west is undeveloped, zoned C-2, and is within the City’s municipal limits. The properties to the south are developed with single-family homes, are zoned R-2, and are within the City’s municipal limits.

PROPOSED USE

The applicant is requesting CAPUD rezoning to permit the redevelopment of the 0.25 ± acre site, which will consist of two buildings. Building 1 will abut E Plant Street and be composed of two commercial office/retail suites totaling 1,831 square feet. Building 2 will be in the rear of the site and will be composed of a two-story live/work building.

The residential (live/work) component of Building 2 will be 500-sf of commercial on the first floor, which includes a garage and carport, and around 840 square of living space on the second floor (see floor plan Exhibit “C” of Ordinance). Parking is situated between the two buildings with a future dumpster location southwest of Building 2 in the rear of the property. The garage and interior carport are strictly intended for the used of the live/work building. The project has been designed to meet the pedestrian-oriented design and architectural requirements of the Plant Street Character Area Overlay.

COMMUNITY MEETING

On January 22, 2025, a community meeting was held in the City Commission Chambers to discuss the proposed CAPUD rezoning with surrounding property owners. The meeting only had two attendees who inquired about the permitted uses. Staff explained that the permitted uses were those found in C-2 zoning district, however the prohibited uses were more robust.

APPROVAL CRITERIA

In accordance with the City's Comprehensive Plan and Land Development Regulations, a proposed planned unit development and its associated preliminary development plan may be approved only after competent, substantial evidence has been presented which allows the following determinations to be made: (staff conclusions/findings are underlined)

- (1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;

The proposed CAPUD is consistent with the land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations.

- (2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

The proposed CAPUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city's land development regulations and comprehensive plan goals, objectives, and policies. The proposed CAPUD was designed according to the Plant Street Character Area Overlay standards with the intent to maintain and enhance property values.

- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have been established that will provide these facilities, improvements and services in a reasonable time frame;

All necessary utility lines (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, all extension and connection costs shall be borne by the property owner. Utility lines are available along E Plant Street and accessible to the property owner. Any Developer's Agreement detailing the obligations of the developer associated with the proposed CAPUD that may be required will be determined during Site Plan Review.

- (4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;

The proposed CAPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Commercial future land use designation; the CAPUD zoning criteria; and the City's land development regulations. The proposed buildings will not cause the project to have a floor area ratio that exceeds 0.35, which is consistent with the Comprehensive Plan policy for the Commercial FLU. Furthermore, the proposed buildings are only 25 feet in height. Comparatively speaking the abutting residential R-2 single-family zoning district allows 30 feet in height.

- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and

In accordance with the City's comprehensive plan, the zoning designations permitted within the Commercial future land use designation include Planned Development zoning

designations. Further, in accordance with land development regulations and the comprehensive plan, the proposed CAPUD will provide for adequate buffering against adjoining properties and rights-of-way. There is an existing 6-foot-tall concrete panel wall that was installed several years ago. The wall along with a ten-foot landscape buffer should provide screening.

- (6) There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame.

The property has access off E Plant Street. The roadway segment of E Plant Street between SR-429 and Dillard Street is considered an arterial roadway by the City's Multimodal Transportation Map which is an appropriate location for mixed use development. Also, during the improvements to E Plant Street by the City, which saw the road widened and turn lanes created, the installation of a right-in/right-out access was provided. This included a sidewalk and proper crosswalk striping.

All driveway improvements will be constructed at the owner's expense and in compliance with City concurrency standards for transportation.

- (7) The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.

The proposed CAPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Commercial future land use designation and the CAPUD zoning criteria and land development regulations. Except for the live/work unit, only commercial uses such as office and retail will be permitted, and the property will not have a floor area ratio that exceeds 0.35. The property will have a single dwelling unit provided as a live-work apartment above the commercial space in the rear of the property making the density negligible in terms of impacts. This is consistent with the Comprehensive Plan policy for the Commercial FLU.

- (8) Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.

The proposed CAPUD project will include pedestrian improvements, especially along E Plant Street, which includes a wide 12' +/- multi-modal sidewalk with street tree plantings. This new sidewalk ties into the existing concrete sidewalks located within the adjacent rights-of-way. These improvements will enhance pedestrian and bicycle circulation in the area.

- (9) Prevention of erosion and degrading or enhancement of the surrounding areas.

To the greatest extent possible, stormwater management features will be designed as landscape amenities. Proper erosion and sedimentation control measures will be taken during the construction process.

- (10) Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

The subject property complies with the impervious surface maximum requirements of the

Land Development Code (80%). Stormwater management for the proposed CAPUD project will be required to satisfy the City of Winter Garden's requirements and the St. John's Water Management District. At 0.25 ± acres in size the project is exempt from the park area requirement in the Overlay for new development. Although a park is not provided, given its size, the property will still have 30% open space with landscaping.

- (11) The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.

There are no current or future plans to develop the designated open space areas – they will remain open in perpetuity under single ownership.

- (12) The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.

The proposed project will be completed in one phase.

- (13) The availability of existing or planned reclaimed water service to support the proposed PUD.

Reclaimed water service is not currently available to serve the property on which the CAPUD is proposed to be developed. However, Staff will require that the property be set up to easily connect to reclaimed water service once it becomes available in the area. All other necessary utility lines (water, sanitary sewer, etc.) will be connected to serve the development of the property, and all connection costs shall be borne by the property owner.

- (14) The benefits within the proposed PUD development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.

The proposed CAPUD includes requirements regarding specific development and architectural standards, as outlined in an exhibit that is part of the CAPUD ordinance. The building architecture must adhere to the rendering exhibited with the CAPUD ordinance, and the site must be developed in a way that is consistent with the exhibited site plan. Staff has worked closely with the applicant to ensure the project achieves pedestrian-oriented design, architectural quality, adequate buffering, streetscape amenities, and aesthetic harmony with surrounding properties.

- (15) The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.

The project is small at 0.25 ± acres in size and will not have a common open space aside from the 12' wide sidewalk required along the frontage.

- (16) Architectural characteristics of proposed residential and/or nonresidential development.

Staff has coordinated closely with the applicant to ensure the building exhibits quality architectural design and will fit in harmoniously with the character of surrounding properties and the architectural standards of the Plant Street Character Area overlay. The building is required to be consistent with the rendering exhibited in the CAPUD. The live/work building was designed to have interior stairs and function as a typical residential apartment above the commercial component without the need to enter through an exterior access.

(17) A listing of the specific types of nonresidential uses to be allowed.

The permitted uses in the proposed CAPUD include office, retail/mercantile, food service such as cafes or coffee shops, personal services, and medical offices (excluding laboratories). The property has a Commercial Future Land Use designation which permits "...retail, service, and professional activities". Furthermore, the CAPUD zoning designation and overlay standards permits commercial uses.

PLANT STREET CHARACTER AREA REQUIREMENTS

In addition to the rezoning criteria, when considering a rezoning to character area planned unit development that incorporates deviations from the development standards of City of Winter Garden Code Chapter 118, Article XIV, the city shall consider the extent to which the proposed development, taken as a whole (staff conclusions/findings are underlined):

(1) Advances the stated vision and principles of the character area, including:

- a. Promotes modes of transportation other than the automobile, including walking and transit;

The project includes streetscape improvements along E Plant Street including a wide 12'+/- multi-use sidewalk and street trees where permissible. The proposed pedestrian improvements will tie into other existing adjacent pedestrian and bicycle facilities. The parking area is located between the buildings away from the street, providing screening and deemphasizing the automobile as the sole transportation option. The live/work building promotes a reduction in the need to travel by the tenants by allowing them to work and receive customers at their home/office.

- b. Creates a built environment that is in scale with pedestrian-oriented activities and provides visual interest and orientation for pedestrians; and

The look and feel of the buildings are a traditional mercantile design emphasizing storefronts and awnings on the first floor and single hung windows on the second floor. The maximum height of 25'(two-stories) provides a more pedestrian scale presence along the frontage and sidewalks.

- c. Contributes to a mix of uses in the area that are compatible with each other and work together to support the stated vision.

The proposed development will attract high-quality commercial businesses, which will fit in well among the other existing and proposed uses in the area, which includes a mix of residential, commercial and industrial buildings. The addition of the live/work building further promotes a mix of uses that are compatible and pedestrian oriented.

(2) Is consistent with the intent of the standards applicable to the sub-district and district in which it is located.

The proposed development is consistent with the standards and overall vision of the East Plant District.

(3) Is physically and functionally integrated with the built environment in which it is located;

and

The proposed development will integrate seamlessly with the built environment, responding to the existing street alignment by pushing the building closer to the roads than the building does currently and providing an outward-facing community-oriented space.

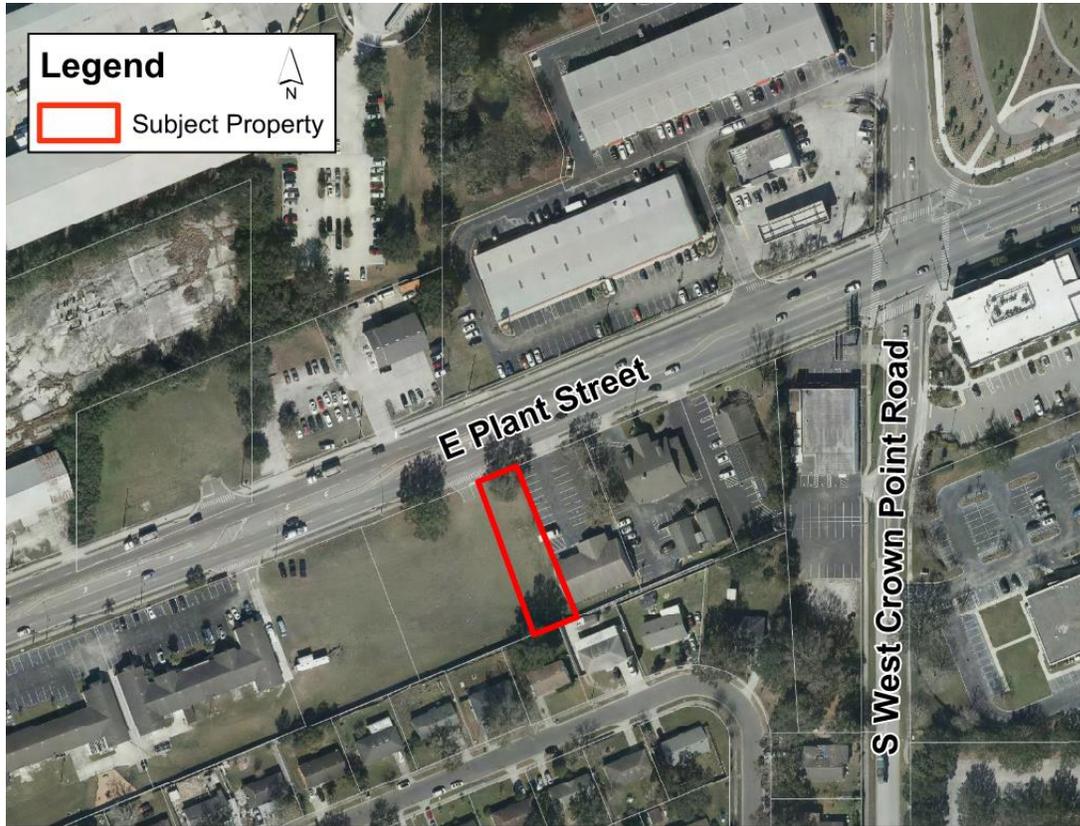
- (4) The potential impacts of the proposed deviation on surrounding properties and the extent to which any adverse impacts from such deviation can be mitigated.

No adverse impacts to surrounding properties are anticipated to be created by the proposed development.

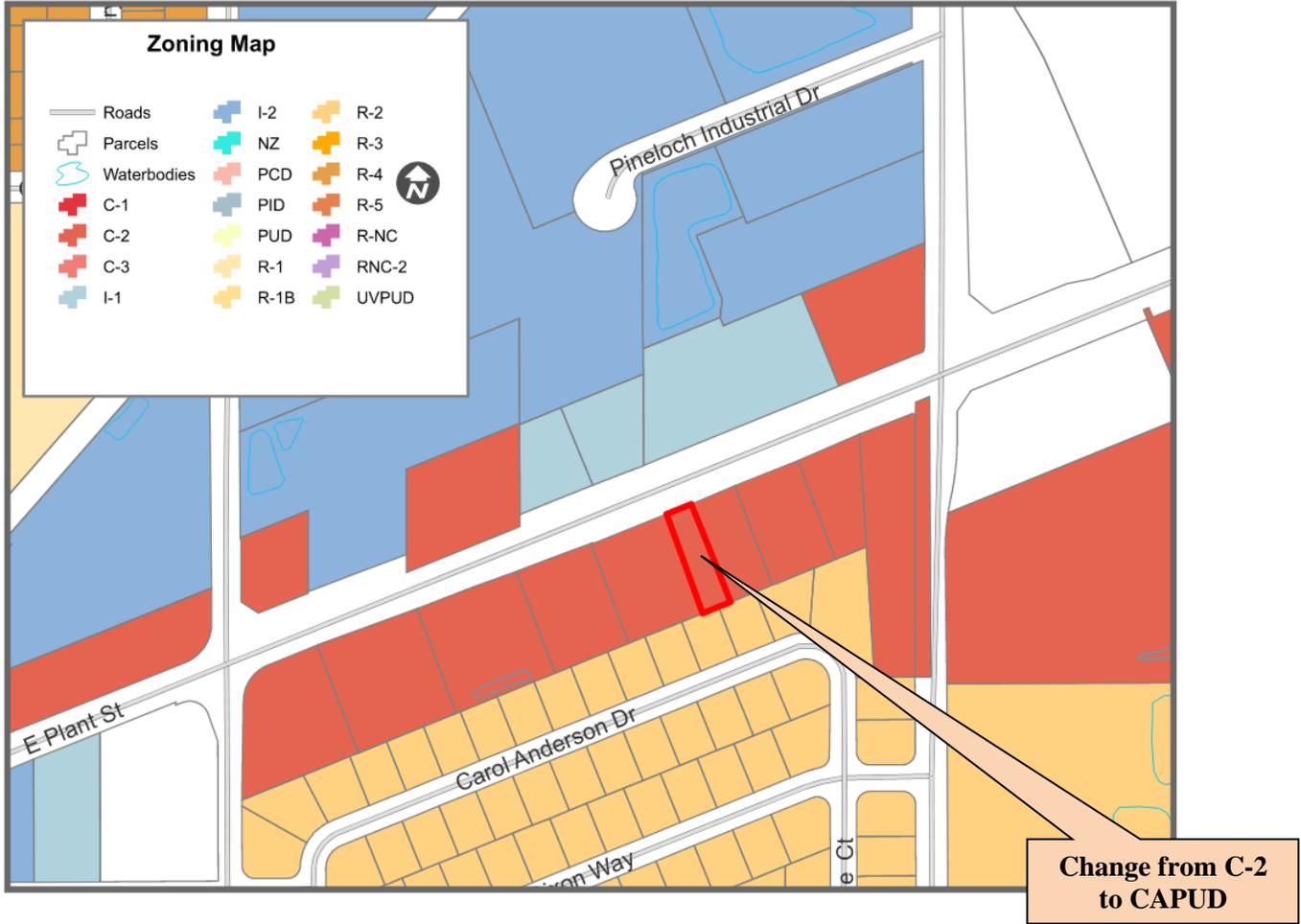
SUMMARY

City Staff recommends approval of the proposed Ordinance 25-07. Rezoning the subject property from C-2 to CAPUD is consistent with the City's Comprehensive Plan, Future Land Use Map, land development regulations, Plant Street Character Area Design Criteria, and is consistent with the trend of development in the area.

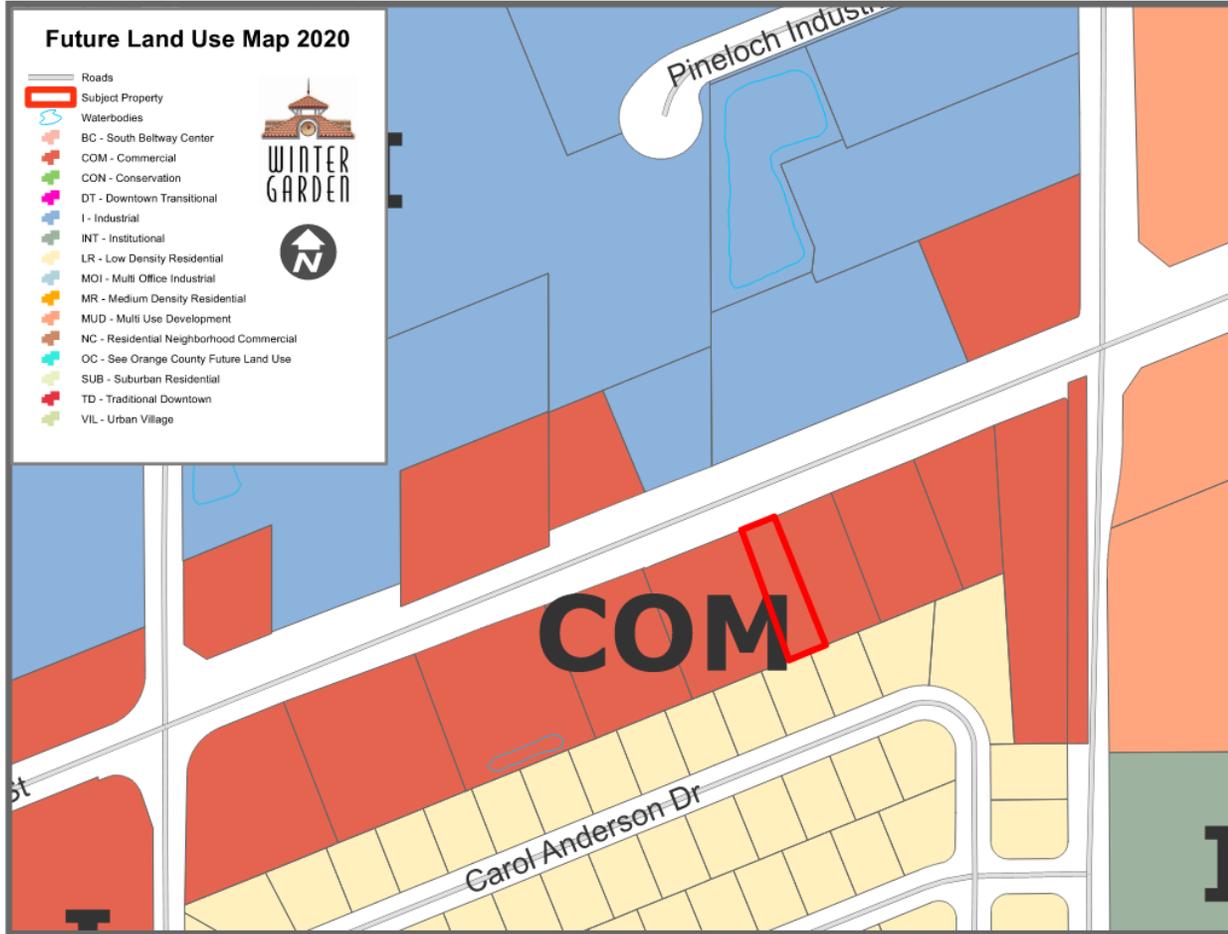
AERIAL PHOTO
1144 E Plant Street



ZONING MAP
1144 E Plant Street



FUTURE LAND USE MAP
1144 E Plant Street



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Kelly Carson, Planning Director

Via: City Manager Jon C. Williams

Date: January 24, 2025 **Meeting Date:** February 13, 2025

Subject: Ordinance 25-08 - Special Magistrate

Issue:

An ordinance of the City of Winter Garden, Florida, relating to code enforcement; providing for the appointment of a special magistrate by the City Commission.

Discussion:

The City has initiated a Code amendment that would establish a Special Magistrate position that is appointed by the City Commission. The Special Magistrate would have the authority to render decisions relating to violations of City Code, violations of the City's alcohol ordinance, as well as hear appeals for violations related to speed enforcement cameras. The Code Enforcement Board will remain active, and decisions in code enforcement cases may be rendered by either entity.

Recommended Action:

Staff recommends approval of Ordinance 25-08.

Attachment(s)/References:

Ordinances 25-08
Business Impact Estimate

ORDINANCE 25-08

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN RELATING TO CODE ENFORCEMENT; PROVIDING FOR THE APPOINTMENT OF A SPECIAL MAGISTRATE BY THE CITY COMMISSION; PROVIDING THAT REFERENCES TO THE CODE ENFORCEMENT BOARD ELSEWHERE IN THE CODE, THE WINTER GARDEN LAND DEVELOPMENT REGULATIONS AND ANY OTHER CODES, ORDINANCES AND RESOLUTIONS OF WINTER GARDEN, FLORIDA, ARE ALSO DEEMED REFERENCES TO THE SPECIAL MAGISTRATE; GRANTING ALL POWERS AND DUTIES AS PRESCRIBED BY FLORIDA LAW TO THE SPECIAL MAGISTRATE, INCLUDING THE AUTHORITY TO ISSUE ORDERS, LEVY FINES, AND ENFORCE DECISIONS; CONFORMING THE PROVISIONS GOVERNING THE CONDUCT OF HEARINGS, ADMINISTRATIVE FINES, COSTS OF REPAIR AND LIENS; PROVIDING FOR ENFORCEMENT PROCEDURES, CONDUCT OF HEARINGS, ADMINISTRATIVE FINES AND LIENS; SETTING FORTH DESIGNATION, QUALIFICATIONS AND COMPENSATION OF THE SPECIAL MAGISTRATE.

WHEREAS, Article VIII, § 2, Constitution of the State of Florida, as revised in 1968, grants to municipalities those governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions, render municipal services, and further authorizes such municipalities to exercise any power for municipal purposes, except as otherwise provided by law;

WHEREAS, Chapter 166, Fla. Stat., the Municipal Home Rule Powers Act, further affirms the authority, police power, and jurisdiction granted to municipalities by the Florida Constitution;

WHEREAS, this Ordinance has been advertised as required by Chapter 166, Florida Statutes, and the required readings and public hearing have been held by the City Commission in order to adopt this Ordinance;

WHEREAS, the City Commission has determined that the establishment of a Special Magistrate will provide a more efficient and streamlined process for handling code enforcement matters and appeals of certain City code violations;

WHEREAS, this Ordinance amends Chapter 2, Article II of the City of Winter Garden Code of Ordinances to establish the position of Special Magistrate and grant the necessary powers and responsibilities for the enforcement of city codes and ordinances; and

WHEREAS, the City Commission finds that this Ordinance is in the best interests of the public health, safety and welfare of the citizens of the City of Winter Garden.

IT IS HEREBY ORDAINED BY THE CITY OF WINTER GARDEN AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2: Adoption. Article II of Chapter 2 of the Code of Ordinances for the City of Winter Garden is hereby amended to read as follows (~~struckout~~ text indicates deletions while underlined text indicates additions; provisions not referenced are not modified):

ARTICLE II. - CODE ENFORCEMENT

DIVISION 1. - GENERALLY

Secs. 2-31—~~2-602-58~~. - Reserved.

DIVISION 2. - CODE ENFORCEMENT BOARD

Sec. 2-59.- Special Magistrate: Appointment, Qualifications, Compensation, Duties, and Policies.

- (a) Appointment. The city commission shall appoint one or more qualified individuals as special magistrates by majority vote. Alternate special magistrates may also be appointed. Special magistrates shall serve at the pleasure of the city commission and may be suspended or removed by a majority vote of the city commission.
- (b) Qualifications. Special magistrates must be members in good standing of the Florida Bar for at least five (5) years. They must demonstrate satisfactory knowledge of municipal law, general procedures for enforcement of municipal codes, and possess a suitable temperament for the exercise of quasi-judicial powers.
- (c) Compensation. The amount of compensation for special magistrates shall be determined by contract and approved by the city commission.
- (d) Duties and Powers. Special magistrates shall have the same duties, powers, and limitations as those conferred on the code enforcement board under this Article, as applicable. Their authority includes, but is not limited to:
 - (1) Hearing and deciding alleged violations of city codes and ordinances.
 - (2) Hearing appeals related to:
 - i. Chapter 74, Article VI, "School Zone Speed Enforcement."
 - ii. Chapter 74, Article V, "The City of Winter Garden Traffic Light Safety Act."
 - iii. Chapter 6, "Alcoholic Beverages."
 - (3) Subpoenaing alleged violators, witnesses, and evidence.

- (4) Administering oaths and taking testimony.
- (5) Issuing orders to bring violations into compliance.
- (e) Policies and Procedures.
 - (1) The City Attorney may attend hearings and represent city staff in the presentation of cases, or the Code Enforcement Officer may present cases, as directed by the Planning Director.
 - (2) Hearings shall be conducted as often as necessary, and all hearings shall be open to the public.
 - (3) A committee consisting of the City Manager, City Attorney, and Planning Director may solicit and evaluate applications for special magistrates and make recommendations to the city commission.

Sec. 2-60. Authority of special magistrate.

- (a) The special magistrate shall have the same status powers and duties as a code enforcement board as prescribed in Chapter 162, Florida Statutes.
- (b) The special magistrate shall have the authority to:
 - (1) Adopt rules for the conduct of code enforcement hearings;
 - (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county;
 - (3) Subpoena evidence;
 - (4) Take testimony under oath;
 - (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance;
 - (6) Hear appeals for violations under Chapter 74, Article VI, "School Zone Speed Enforcement" of the City of Winter Garden Code of Ordinances;
 - (7) Hear appeals for violations under Chapter 74, Article V, "The City of Winter Garden Traffic Light Safety Act" of the City of Winter Garden Code of Ordinances;
 - (8) Hear appeals related to violations under Chapter 6, "Alcoholic Beverages" of the City of Winter Garden Code of Ordinances.

Sec. 2-62. - Hearings generally; support services.

- (a) Minutes shall be maintained of all hearings held by the special magistrate and code enforcement board, and all hearings shall be open to the public.
- (b) The city commission shall provide such clerical and administrative support as may be reasonably required by the special magistrate and code enforcement board for the proper performance of its duties.

(Code 1988, § 2-62(b), (c))

State Law reference— Similar provisions, F.S. § 162.07(1).

Sec. 2-63. - Duties of code inspector and city attorney.

- (a) The code inspector shall attend the hearings of the code enforcement board and shall assist the board in the conduct of its hearings. The code inspector shall attend the hearings of the special magistrate if there is code enforcement

violation before the special magistrate.

(Code 1988, § 2-63)

State Law reference— Similar provisions, F.S. § 162.05(5).

Sec. 2-64. - Jurisdiction.

The special magistrate and code enforcement board shall have jurisdiction and authority to hear and decide alleged violations of this Code and city ordinances, where a pending or repeated violation continues to exist, including but not limited to occupational licenses and fire, building, zoning and sign codes.

(Code 1988, § 2-64)

State Law reference— Jurisdiction, F.S. § 162.02.

Sec. 2-65. - Enforcement procedure.

- (a) It shall be the duty of the code inspector to initiate enforcement proceedings of the applicable city codes and ordinances. The code inspector will determine whether to initiate a code enforcement case with the special magistrate or the code enforcement board presiding. No member of the code enforcement board nor the special magistrate shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsections (c) and (d) of this section, if a violation of the codes or ordinances is found, the code inspector shall first notify the violator and give the alleged violator a reasonable time to correct the violation. If the violation continues beyond the time specified for correction, the code inspector shall notify the code enforcement board or special magistrate and request a hearing pursuant to the procedure set forth in section 2-66. Written notice of such hearing shall be hand delivered or mailed to the violator and owner of the property on which the code inspector shall then issue an affidavit of compliance or noncompliance which shall be filed with the board or special magistrate. A copy of the affidavit shall be sent to the violator in the same manner provided for notices in section 2-71.
- (c) If the violator has not complied with the order of the special magistrate or board, the special magistrate or board shall be authorized to impose such penalties as provided in section 2-69.
- (d) The special magistrate or board may hold such additional hearings as necessary to ensure compliance.

(Code 1988, § 2-68)

Sec. 2-69. - Administrative fines; lien.

- (a) The special magistrate or code enforcement board, upon notification by the code inspector that a previous order of the special magistrate or board has not been complied with by the set time, or, upon finding that the same violation

has been repeated by the same violator, may order the violator to pay a fine as specified in subsection (b) of this section if the violation continues past the date set for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in subsection 2-65(d), the special magistrate or code enforcement board shall notify the city commission, which may make all reasonable repairs that are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. If a finding of a violation or a repeat violation has been made as provided in this article, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the special magistrate or code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b) of this section.

- (b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation and, in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if the special magistrate or code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.
- (c) In determining the amount of the fine, if any, the special magistrate or code enforcement board shall consider the following factors:
 - (1) The gravity of the violation;
 - (2) Any actions taken by the violator to correct the violation; and
 - (3) Any previous violations committed by the violator.
- (d) The special magistrate or code enforcement board may reduce a fine imposed pursuant to this section.
- (e) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the city commission, and the city commission may execute a satisfaction or release of lien entered pursuant to this section.
- (f) After three months from the filing of any such lien, which remains unpaid, the special magistrate or code enforcement board may authorize the city attorney to foreclose or to sue to recover a money judgement for the amount of the lien plus accrued interest. No lien created pursuant to this section may be foreclosed on real property which is a homestead under Article X, § 4, of the

State Constitution. The money judgement provision of this section shall not apply to real property or personal property which is covered under Article X, § 4, of the State Constitution.

(Code 1988, § 2-69; Ord. No. 00-51, §§ I—IV, 10-26-00)

State Law reference— Similar provisions, F.S. §§ 162.09, 162.10.

Sec. 2-70. - Appeal.

- (a) An aggrieved party, including the city commission, may appeal a final administrative order of the special magistrate or code enforcement board to the circuit court of the county by a petition for certiorari. Any such appeal shall be filed within 30 days of the execution of the order to be appealed.
- (b) The scope of the review shall be limited to appellate review of the record created before the special magistrate or code enforcement board and shall not be a trial de novo.

(Code 1988, § 2-70(a), (b))

State Law reference— Similar provisions, F.S. § 162.11.

Sec. 2-71. - Notices.

- (a) All notices required by this division shall be provided to the alleged violator and owner of the property on which the alleged violation has occurred by certified mail, return receipt requested; by hand delivery by the code inspector, law enforcement officer or other person designated by the city commission; or by leaving the notice or a copy thereof at the violator's and owner's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice.
- (b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the special magistrate or code enforcement board, notice may also be served by publication or posting, as follows:
 - (1) Such notice shall be published once during each week for four consecutive weeks, four publications being sufficient, in a newspaper of general circulation in the county where the special magistrate or code enforcement board is located. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

State Law reference— Similar provisions, F.S. § 162.12.

Sec. 2-72. - Repeat violations.

Under this division, repeat violation means any violation of a provision of this Code by any person whom the special magistrate or code enforcement board has previously found to have violated the same provision within five years prior to the violation.

(Code 1988, § 2-72)

SECTION 3. Codification. Section 2 of this Ordinance will be incorporated into the Winter Garden City Code. Any references to “code enforcement board” set forth in other chapters, articles, sections not modified herein may be modified to include “or special magistrate” to conform to this Ordinance. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion will be deemed a separate, distinct and independent provision, and such holding will not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Garden, Florida.

FIRST READING: _____, 2025

SECOND READING: _____, 2025

PASSED AND ADOPTED on second reading this ____ day of _____ 2025.

**CITY COMMISSION
CITY OF WINTER GARDEN, FLORIDA**

By: John Rees, Mayor

ATTEST:

Angee 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 25-08 – Special Magistrate*

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 Code amendment that would establish a Special Magistrate position that is appointed by the City Commission. The Special Magistrate would serve in promoting the public welfare by rendering decisions relating to violations of City Code, violations of the City's alcohol ordinance, as well as hear appeals for violations related to speed enforcement cameras. The Code Enforcement Board will remain active, and decisions in code enforcement cases may be rendered by either entity.

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

There will be no direct economic impact on private, for-profit businesses in the City as a result of this ordinance.

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

There will be no direct compliance costs to businesses as a result of this ordinance provided they are not in violation of the City's Code of Ordinances.

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

There are no new fees or charges 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:

The amount of compensation to cover the new special magistrate position shall be determined by contract and approved by the city commission. The exact fee structure and costs are not known at this time.

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

No business should be impacted by this proposed 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 CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Jon C. Williams, City Manager

Date: February 7, 2025

Meeting Date: February 13, 2025

Subject: **Resolution 25-01:** A Resolution of the City Commission of the City of Winter Garden, Florida electing to use the uniform method of collecting non-ad valorem special assessments levied within the incorporated area of the City; Stating a need for such levy; Providing for the mailing of this resolution; and Providing for an effective date.

Issue: This resolution provides a mechanism for an alternative source of funding for fire services. This resolution does not implement the fire assessment fee, it makes it possible to do so if needed.

Recommended action: Motion to approve Resolution 25-01.

Attachments/References:

1. Resolution 25-01
2. Exhibit A: Proof of Publications
3. Exhibit B: Legal Description
4. Exhibit C: Agreements with Orange County Property Appraiser and Tax Collector

RESOLUTION NO.25-01

A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden, Florida (the "City") is contemplating the imposition of special assessments for the provision of fire services within the City beginning with Fiscal Year 2025-26; and

WHEREAS, the City intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing fire services to property within the incorporated area of the City as authorized by section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2025, in the same manner as provided for ad valorem taxes; and

WHEREAS, the City held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A and incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED:

1. Commencing with the Fiscal Year beginning on October 1, 2025, and with the tax statement mailed for such Fiscal Year and continuing thereafter until discontinued by the City, the City intends to use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing fire services. Such non-ad valorem assessments shall be levied within the incorporated area of the City. A legal description of such area subject to the assessment is attached hereto as Exhibit B and incorporated herein by reference.
2. The City hereby determines that the levy of the assessments is needed to fund the cost of fire services within the incorporated area of the City.
3. Pursuant to section 197.3632, Florida Statutes, the Orange County Property Appraiser and the Orange County Tax Collector have agreed that the City may have until March 1, 2025 to adopt this Resolution, such agreements being attached hereto as Exhibit C and incorporated herein by reference.
4. Upon adoption, the City is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Orange County Tax Collector, and the Orange County Property Appraiser by March 10, 2025.
5. This Resolution shall be effective upon adoption.

DULY ADOPTED this ____ day of _____, 2025.

CITY OF WINTER GARDEN, FLORIDA

Mayor

(SEAL)

Attest:

Clerk

EXHIBIT A

PROOF OF PUBLICATION

[INSERT PROOF OF PUBLICATION]

EXHIBIT B

LEGAL DESCRIPTION

[INSERT LEGAL DESCRIPTION]

EXHIBIT C

**AGREEMENTS WITH PROPERTY APPRAISER
AND TAX COLLECTOR**

**ORANGE COUNTY PROPERTY APPRAISER'S
CONSENT TO EXTENSION OF TIME**

This Consent to Extension of Time is given as of _____, 20___, by the Orange County Property Appraiser (Property Appraiser), to the City of Winter Gardens, Florida (the "City").

WHEREAS, the City desires to collect non-ad valorem assessments for fire services beginning with Fiscal Year 2025-26;

WHEREAS, the City must adopt a resolution of intent under Chapter 197, Florida Statutes in order to collect said assessment on the Tax Collector's tax bill under the Uniform Method of Collection;

WHEREAS, the City would like an extension beyond January 1, 2025, to March 1, 2025, by which to adopt the resolution of intent; and

WHEREAS, the City seeks the consent of the Property Appraiser and Tax Collector for such extension of time.

NOW, THEREFORE, the Property Appraiser hereby consents, pursuant to section 197.3632(3)(a), Florida Statutes, to the City's holding of a public hearing prior to March 1, 2025 to consider the adoption of a resolution of the City Commission providing a notice of its intent to use the section 197.3632, Florida Statutes, non-ad valorem method of collecting assessments to fund the City's fire services beginning with Fiscal Year 2025-26.

Orange County Property Appraiser

**ORANGE COUNTY TAX COLLECTOR'S
CONSENT TO EXTENSION OF TIME**

This Consent to Extension of Time is given as of _____, 20____, by the Orange County Tax Collector (Tax Collector), to the City of Winter Gardens, Florida (the "City").

WHEREAS, the City desires to collect non-ad valorem assessments for fire services beginning with Fiscal Year 2025-26;

WHEREAS, the City must adopt a resolution of intent under Chapter 197, Florida Statutes in order to collect said assessment on the Tax Collector's tax bill under the Uniform Method of Collection;

WHEREAS, the City would like an extension beyond January 1, 2025, to March 1, 2025, by which to adopt the resolution of intent; and

WHEREAS, the City seeks the consent of the Property Appraiser and Tax Collector for such extension of time.

NOW, THEREFORE, the Tax Collector hereby consents, pursuant to section 197.3632(3)(a), Florida Statutes, to the City's holding of a public hearing prior to March 1, 2025 to consider the adoption of a resolution of the City Commission providing a notice of its intent to use the section 197.3632, Florida Statutes, non-ad valorem method of collecting assessments to fund the City's fire services beginning with Fiscal Year 2025-26.

Orange County Tax Collector

FORM OF PUBLISHED NOTICE

NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

The City of Winter Garden, Florida (the "City") hereby provides notice, pursuant to section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the incorporated area of the City, for the cost of providing fire services commencing for the Fiscal Year beginning on October 1, 2025 and continuing until discontinued by the City. The City will consider the adoption of Resolution 25-01 electing to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 6:30 p.m. on February 13, 2025 at the City Hall Chambers, 300 W. Plant Street, Winter Garden, FL 34787. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Clerk's Office, located 300 W Plant Street, Winter Garden, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the City with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk at (407) 656-4111 at least five (5) days prior to the date of the hearing.

DATED this 9th day of January 2025.

By Order of: Jon C Williams, City Manager

CITY OF WINTER GARDENS, FLORIDA

Publish in a newspaper of general circulation during the weeks of:

January 16, 2025

January 23, 2025

January 30, 2025

February 6, 2025

EXHIBIT A

Proof of Publications

West Orange Times c/o Business Observer

1970 Main Street
3rd Floor
Sarasota, FL 34236
, 941-906-9386 x322

INVOICE

Legal Advertising

NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

The City of Winter Garden, Florida (the "City") hereby provides notice, pursuant to section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the incorporated area of the City, for the cost of providing fire services commencing for the Fiscal Year beginning on October 1, 2025 and continuing until discontinued by the City. The City will consider the adoption of Resolution 25-01 electing to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 6:30 p.m. on February 13, 2025 at the City Hall Chambers, 300 W. Plant Street, Winter Garden, FL 34787. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Clerk's Office, located 300 W Plant Street, Winter Garden, Florida. All interested persons are invited to attend.

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By Order of: Jon C Williams, City Manager
CITY OF WINTER GARDEN, FLORIDA

January 16, 23, 30; February 6, 2025

25-00172W

Attention: If you are a government agency and you believe that you qualify for a 15% discount to the second insertion of your notice per F.S. revision 50.061, please inform Kristen Boothroyd directly at 941-906-9386 x323.

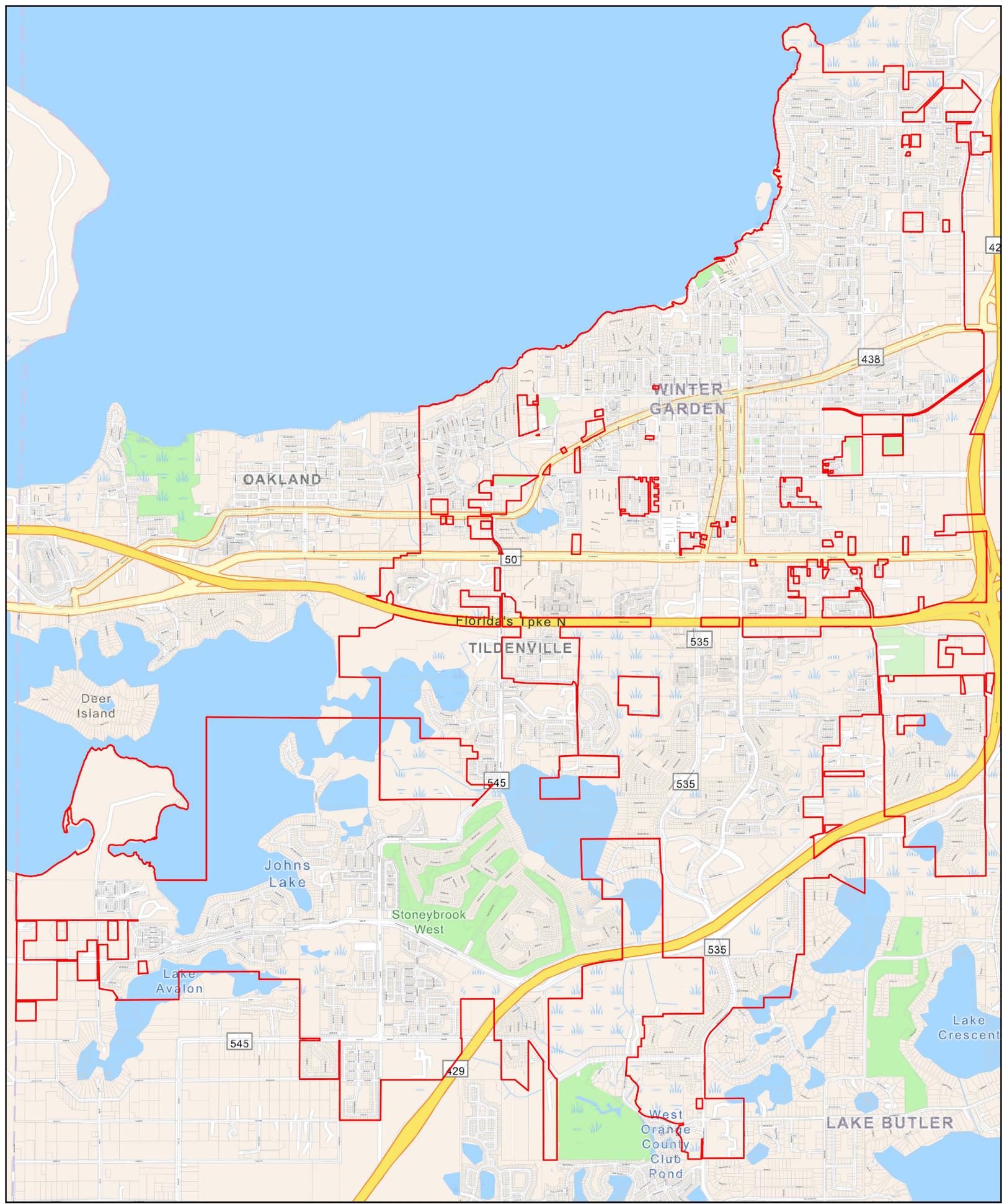
NOTICE

The Business Observer makes every effort to ensure that its public notice advertising is accurate and in full compliance with all applicable statutes and ordinances and that its information is correct. Nevertheless, we ask that our advertisers scrutinize published ads carefully and alert us immediately to any errors so that we may correct them as soon as possible. We cannot accept responsibility for mistakes beyond bearing the cost of republishing advertisements that contain errors.

EXHIBIT B

Legal Description

The entire corporate limits of the City of Winter Garden as now established as on file in the city clerk's office and as may be extended by annexation from time to time as provided for in the Florida Statutes. The corporate limits of the City of Winter Garden are graphically depicted in the map attached hereto.



City of Winter Garden, FL

Disclaimer: The City of Winter Garden makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.



EXHIBIT C

Agreements with Orange County Property Appraiser
and Tax Collector

**ORANGE COUNTY PROPERTY APPRAISER'S
CONSENT TO EXTENSION OF TIME**

This Consent to Extension of Time is given as of January 29, 2025, by the Orange County Property Appraiser (Property Appraiser), to the City of Winter Gardens, Florida (the "City").

WHEREAS, the City desires to collect non-ad valorem assessments for fire services beginning with Fiscal Year 2025-26;

WHEREAS, the City must adopt a resolution of intent under Chapter 197, Florida Statutes in order to collect said assessment on the Tax Collector's tax bill under the Uniform Method of Collection;

WHEREAS, the City would like an extension beyond January 1, 2025, to March 1, 2025, by which to adopt the resolution of intent; and

WHEREAS, the City seeks the consent of the Property Appraiser and Tax Collector for such extension of time.

NOW, THEREFORE, the Property Appraiser hereby consents, pursuant to section 197.3632(3)(a), Florida Statutes, to the City's holding of a public hearing prior to March 1, 2025 to consider the adoption of a resolution of the City Commission providing a notice of its intent to use the section 197.3632, Florida Statutes, non-ad valorem method of collecting assessments to fund the City's fire services beginning with Fiscal Year 2025-26. Any resolution adopted by the City must be delivered to the Property Appraiser as required by section 197.3632(3)(a), Florida Statutes, and no later than March 10, 2025.

Amy Mercado

Orange County Property Appraiser

**ORANGE COUNTY TAX COLLECTOR'S
CONSENT TO EXTENSION OF TIME**

This Consent to Extension of Time is given as of Dec. 10th, 2024, by the Orange County Tax Collector (Tax Collector), to the City of Winter Gardens, Florida (the "City").

WHEREAS, the City desires to collect non-ad valorem assessments for fire services beginning with Fiscal Year 2025-26;

WHEREAS, the City must adopt a resolution of intent under Chapter 197, Florida Statutes in order to collect said assessment on the Tax Collector's tax bill under the Uniform Method of Collection;

WHEREAS, the City would like an extension beyond January 1, 2025, to March 1, 2025, by which to adopt the resolution of intent; and

WHEREAS, the City seeks the consent of the Property Appraiser and Tax Collector for such extension of time.

NOW, THEREFORE, the Tax Collector hereby consents, pursuant to section 197.3632(3)(a), Florida Statutes, to the City's holding of a public hearing prior to March 1, 2025 to consider the adoption of a resolution of the City Commission providing a notice of its intent to use the section 197.3632, Florida Statutes, non-ad valorem method of collecting assessments to fund the City's fire services beginning with Fiscal Year 2025-26.


Orange County Tax Collector

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Graham, Police Chief

Via: City Manager Jon C. Williams

Date: February 03, 2025 **Meeting Date:** February 13, 2025

Subject: Request the funding for Axon Body Camera Video System

Issue: This is a request to continue with contracted services with Axon for our body camera video system. We have an existing 5-year agreement for \$124,783.38 per year. This is the 2nd year for this agreement and the funds have been budgeted for this fiscal year.

Recommended action: To approve the payment in an amount of \$124,783.38 for this fiscal year.

Attachment: Axon Invoice.



Axon Enterprise Inc.
 PO BOX 29661
 DEPARTMENT 2018
 PHOENIX, AZ 85038-9661
 Ph: 1-480-991-0797, option 5, option 1
arinquies@axon.com
www.axon.com
 TIN: 86-0741227
 DUNS Number: 832176382
 UEI Number: TBW7MGPYURM7

Invoice

Invoice ID INUS320820
 Invoice Account 109323
 Date 01-Feb-25
 Payment Term Net 30 days
 PO/DO #
 Quote # Q-474703,
 Sales Order #
 Terms of Delivery FCA
 Customer Reference Q-474703,

BILL TO

Winter Garden Police Dept.-FL
 251 W Plant St
 Winter Garden, FL 34787-3011
 USA

SHIP TO

Winter Garden Police Dept.-FL
 251 W Plant St
 Winter Garden, FL 34787-3011
 USA

Line No.	Ship to*	Item Number	Description	Quantity	Unit Price	Subtotal	Invoice Plan %	Amount
1	1	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK Tax Date: 01/17/2024 Shipment Date: 01/22/2024	14.00	0.00	0.00	20.000000%	0.00
2	1	73746	AXON EVIDENCE - ECOM LICENSE - PRO Tax Date: 02/01/2025 Shipment Date:	105.00	1,876.19	196,999.95	20.000000%	39,399.98
3	1	73689	AXON BODY - TAP REFRESH 1 - DOCK MULTI BAY Tax Date: 02/01/2025 Shipment Date:	14.00	1,483.27	20,765.78	20.000000%	4,153.16
4	1	73310	AXON BODY - TAP REFRESH 2 - CAMERA Tax Date: 02/01/2025 Shipment Date:	108.00	731.31	78,981.48	20.000000%	15,796.30
5	1	73746	AXON EVIDENCE - ECOM LICENSE - PRO Tax Date: 02/01/2025 Shipment Date:	10.00	2,538.60	25,386.00	20.000000%	5,077.20
6	1	11507	AXON BODY - MOUNT - RAPIDLOCK SINGLE MOLLE Tax Date: 01/17/2024 Shipment Date: 01/22/2024	105.00	7.83	822.15	20.000000%	164.43

PAYMENT REMITTANCE INFORMATION

For ACH/EFT Payment: (Preferred Method)		For Wire Transfers		For Check Payments Mail To:	For Overnight Check Payments Mail
Account Name	Axon Enterprise, Inc.	Beneficiary	Axon Enterprise, Inc.	Axon Enterprise, Inc.	Axon Enterprise, Inc.
Account Number	634912729	Account Number	634912729	PO BOX 29661	JPMorgan Chase (AZ1-2170)
Bank Routing No	122100024	Bank Routing No	021000021	DEPARTMENT 2018	Attn: Axon Enterprises 29661-2018
Reference No	INUS320820	SWIFT Code	CHASUS33	PHOENIX, AZ 85038-9661	2108 E Elliot Rd,
		Reference No	INUS320820	Reference No INUS320820	Tempe, AZ 85283
					Reference No INUS320820

Please reference the invoice number on your ACH, Wire or Check payment and send to AR@axon.com

Important Note: By selecting the wire transfer payment method, you agree to accept the processing & transaction fees charged by the bank relating to this wire

Invoice

Invoice ID INUS320820
 Date 01-Feb-25
 Page 2 of 4

Line No.	Ship to*	Item Number	Description	Quantity	Unit Price	Subtotal	Invoice Plan %	Amount
7	1	74028	WING CLIP MOUNT, AXON RAPIDLOCK Tax Date: 01/17/2024 Shipment Date: 01/22/2024	14.00	0.00	0.00	20.00000%	0.00
8	1	100206	AXON BODY 4 - 8 BAY DOCK Tax Date: 01/17/2024 Shipment Date: 01/22/2024	14.00	0.00	0.00	20.00000%	0.00
9	1	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK Tax Date: 01/17/2024 Shipment Date: 01/22/2024	14.00	0.00	0.00	20.00000%	0.00
10	1	100147	AXON BODY 4 - NA - US FIRST RESPONDER - BLK - RAPIDLOCK Tax Date: 01/17/2024 Shipment Date: 01/22/2024	93.00	0.00	0.00	20.00000%	0.00
11	1	100147	AXON BODY 4 - NA - US FIRST RESPONDER - BLK - RAPIDLOCK Tax Date: 01/17/2024 Shipment Date: 01/22/2024	3.00	0.00	0.00	20.00000%	0.00
12	1	74028	WING CLIP MOUNT, AXON RAPIDLOCK Tax Date: 01/17/2024 Shipment Date: 01/22/2024	103.00	0.00	0.00	20.00000%	0.00
13	1	100466	AXON BODY 4 - CABLE - USB- C TO USB-C Tax Date: 01/17/2024 Shipment Date: 01/22/2024	103.00	0.00	0.00	20.00000%	0.00
14	1	100466	AXON BODY 4 - CABLE - USB- C TO USB-C Tax Date: 01/17/2024 Shipment Date: 01/22/2024	14.00	0.00	0.00	20.00000%	0.00
15	1	100147	AXON BODY 4 - NA - US FIRST RESPONDER - BLK - RAPIDLOCK Tax Date: 01/17/2024 Shipment Date: 01/22/2024	12.00	749.00	8,988.00	20.00000%	1,797.60
16	1	80464	AXON BODY - TAP WARRANTY - CAMERA Tax Date: 10/31/2023 Shipment Date: 02/01/2024	3.00	420.20	1,260.60	20.00000%	252.12
17	1	73688	AXON BODY - TAP REFRESH 2 - DOCK MULTI BAY Tax Date: 02/01/2025 Shipment Date:	14.00	1,557.26	21,801.64	20.00000%	4,360.33
18	1	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE) Tax Date: 02/01/2025 Shipment Date:	105.00	1,344.23	141,144.15	20.00000%	28,228.83
19	1	73309	AXON BODY - TAP REFRESH 1 - CAMERA Tax Date: 02/01/2025 Shipment Date:	108.00	696.90	75,265.20	20.00000%	15,053.04

Invoice

Invoice ID

INUS320820

Date

01-Feb-25

Page

3 of 4

Line No.	Ship to*	Item Number	Description	Quantity	Unit Price	Subtotal	Invoice Plan %	Amount
20	1	80465	AXON BODY - TAP WARRANTY - MULTI BAY DOCK Tax Date: 10/31/2023 Shipment Date: 02/01/2024	14.00	598.64	8,380.96	20.00000%	1,676.19
21	1	80464	AXON BODY - TAP WARRANTY - CAMERA Tax Date: 10/31/2023 Shipment Date: 02/01/2024	105.00	420.20	44,121.00	20.00000%	8,824.20

Sales Amount	124,783.38
Misc. Charge	0.00
Discount	0.00
Sales Tax	0.00
Total	124,783.38
Credit Amount(s) Applied	0.00
Amount Received	0.00
Payment Due	03-Mar-25
BALANCE DUE	USD 124,783.38

Invoice

Invoice ID

INUS320820

Date

01-Feb-25

Page

4 of 4

*Tax Note

Ship-to-address Legend*

1	Winter Garden Police Dept.-FL 251 W Plant St Winter Garden, FL 34787-3011 USA
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THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Kelly Carson, Planning Director

Via: City Manager Jon C. Williams

Date: January 13, 2025 **Meeting Date: February 13, 2025**

Subject: Foreclosure of Code Enforcement Fines/Lien Against 114 North Street, Winter Garden, FL 34787, and Other Properties Owned by the Respondent, Allister Harpha Rodgers.

Issue: Whether the City should authorize foreclosure or other collection actions to collect code enforcement fines and liens for code violations at 114 North Street, Winter Garden, FL 34787, and include any non-homestead properties owned by the Respondent, Allister Harpha Rodgers.

Discussion: The Code Enforcement Board of the City of Winter Garden issued an Order on September 5, 2023, in Case No. 23-303, imposing daily fines totaling \$300.00 per day for violations of Sections 18-91, 18-155, and 118-515 of the City Code. The Order was recorded as a lien in the public records of Orange County, Florida, on September 26, 2023 (Doc. No. 20230552423).

The property remains non-compliant as of this date, and the fines and lien have accrued to a total of **\$157,800.00** as of February 13, 2025 with the fines continuing to accrue at \$300.00 per day. Given the Respondent's history of violations and failure to comply with the City's Code of Ordinances, it is recommended that the City foreclose or pursue collection actions not only against the subject property but also against all other non-homestead properties owned by the Respondent within Orange County.

The legal description of the property in violation is as follows:

Parcel ID: 13-22-27-5260-00-085

Legal Description: JS Loveless Addition to Winter Garden D/90 BEG 70 FT W OF SE COR OF N1/2 LOT 8 RUN W 75 FT N 75 FT E 55 FT TH S 30 E 20 FT TH S 45 FT TO POB BEING PART OF LOT 7 & LOT 8.

Other non-homestead properties owned by Allister Rodgers:

- 100 North St, Winter Garden, FL 34787 (Parcel ID 13-22-27-5260-00-070)
- 102 North St, Winter Garden, FL 34787 (Parcel ID 13-22-27-5260-00-073)
- 122 North St, Winter Garden, FL 34787 (Parcel ID 13-22-27-5260-00-084)

- North St, Winter Garden, FL 34787 (Parcel ID 13-22-27-5260-00-076)

Note that, at its January 7, 2025, meeting, the Code Enforcement Board found the property at 114 North Street in violation of Section 38-94 of the City Code for accumulations of trash, junk, and debris (Case No. 24-680).

Recommended Action:

Motion to authorize the City Attorney to file and prosecute a foreclosure action and/or collection action to collect the code enforcement fines and liens recorded in the public records of Orange County, Florida, concerning the code violations at the property located at 114 North Street, Winter Garden inclusive of all non-homestead properties within Orange County owned by the Respondent, Allister Harpha Rodgers.

Attachment(s)/References:

Code Enforcement Board Order (Case No. 23-303):

- Issued September 5, 2023, imposing daily fines of \$300.00.

Recorded Lien Document:

- Document No. 20230552423, recorded in the public records of Orange County, Florida, on September 26, 2023.

Property Appraiser Records:

- Parcel ID: 13-22-27-5260-00-085 (114 North Street, Winter Garden, FL 34787).
- Parcel ID: 13-22-27-5260-00-070 (100 North Street, Winter Garden, FL 34787).
- Parcel ID: 13-22-27-5260-00-073 (102 North Street, Winter Garden, FL 34787).
- Parcel ID: 13-22-27-5260-00-084 (122 North Street, Winter Garden, FL 34787).
- Parcel ID: 13-22-27-5260-00-076 (North Street, Winter Garden, FL 34787).

**CODE ENFORCEMENT BOARD
CITY OF WINTER GARDEN, FLORIDA**

**CITY OF WINTER GARDEN, FLORIDA,
Petitioner,**

CASE NO. 23-303

vs.

**Allister Harpha Rodgers
114 North Street
Winter Garden, FL 34787
Respondent,**

ORDER IMPOSING FINE/LIEN

THIS MATTER came before the Code Enforcement Board of the City of Winter Garden for hearing on the 5th day of September 2023, upon being notified by the City’s Code Inspector that the Respondent has failed to timely comply with the Order of Non-Compliance with Findings of Fact and Conclusions of Law issued orally by this Board on July 11, 2023 and in writing on July 17, 2023 (the “July 17, 2023 Order”). The July 17, 2023 Order required the following described real property located in Winter Garden, Orange County, Florida (the “Property”) to be brought into compliance with the code provisions cited therein.

STREET ADDRESS: 114 NORTH STREET, WINTER GARDEN, FLORIDA 34787

PARCEL ID#: 13-22-27-5260-00-085

LEGAL DESCRIPTION: J S LOVELESS ADDITION TO WINTER GARDEN D/90 BEG 70 FT W OF SE COR OF N1/2 LOT 8 RUN W 75 FT N 75 FT E 55 FT TH S 30 E 20 FT TH S 45 FT TO POB BEING PART OF LOT 7 & LOT 8

(the “Property.”)

Findings of Fact

1. An Affidavit of Non-Compliance dated July 17, 2023, which certifies under oath that the required corrective actions to achieve compliance were not timely taken. The Code Inspector also notified the Board at the public hearing on September 5, 2023 of the Respondent’s failure to comply with the July 17, 2023 Order issued in this case. The Respondent(s) has failed to bring the Property into compliance as ordered in the July 17, 2023 Order. The Respondent and the Property remain in violation of Section 18-91, Section 18-155, and Section 118-515, City of Winter Garden Code of Ordinances.
2. The Code Inspector properly notified the Respondent of the September 5, 2023 hearing of the Code Enforcement Board to consider imposing a code enforcement fine. The Code Inspector provided Respondent with a copy of the Code Inspector’s Affidavit of Non-Compliance.

3. Respondent appeared at the hearing and had opportunity to be heard on matters germane to the entry of this Order Imposing Fine/Lien before its rendition.
4. In setting the code enforcement fine established below, the Board has considered the factors for establishing a code enforcement fine pursuant to Section 162.09(2)(b), Florida Statutes and Section 2-69, City of Winter Garden Code of Ordinances, including the gravity the harm and any efforts by Respondent to correct the violations.

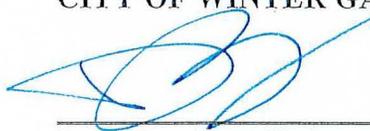
BASED ON THE FOREGOING PREMISES, AND BY THE AUTHORITY OF THE BOARD PURSUANT TO CHAPTER 162, FLORIDA STATUTES AND CHAPTER 2, ART. II, CITY OF WINTER GARDEN CODE OF ORDINANCES, IT IS HEREBY ORDERED THAT

1. A code enforcement fines in the amount of **\$100.00** for Section 18-91, **\$100.00** for Section 18-155, and **\$100.00** for Section 118-515 for a total of **\$300.00 per day**, commencing on September 6, 2023 is hereby imposed against **Respondent, Allister Harpha Rodgers**.
2. Such fine will accrue on a daily basis until the above-described violations are brought into full compliance as required by the July 17, 2023 Order and this Order. . The fine shall run with the land in favor of the City of Winter Garden. The City of Winter Garden has the authority to collect the accrued fines after at least three months has passed since the date that this Order is recorded in the public records of Orange County, Florida.

A CERTIFIED COPY OF THIS ORDER WILL BE RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND PURSUANT TO § 162.09, FLORIDA STATUTES, WILL CONSTITUTE A LIEN AGAINST THE RESPONDENT’S REAL PROPERTY THAT IS THE SUBJECT OF THIS ORDER (EXCEPT HOMESTEAD PROPERTY) AND AGAINST ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE RESPONDENT.

DONE AND ORDERED this 5 day of September 2023.

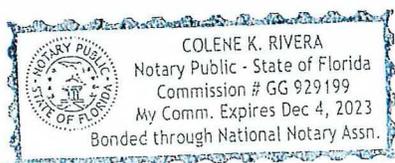
**CODE ENFORCEMENT BOARD OF THE
CITY OF WINTER GARDEN, FLORIDA**



David Buckles, Chairman

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 12 day of September 2023, by David Buckles, who is personally known to me as the Chairman to the City of Winter Garden Code Enforcement Board.





Signature of Notary

(Notary Seal)

COLENE RIVERA

Printed, typed or stamped name

NOTICE OF RIGHT OF APPEAL: Respondent(s) is hereby notified that Respondent(s) or any party who may be aggrieved by this Order, including the City of Winter Garden, has the right to appeal this Order to the Circuit Court in and for Orange County, Florida, within thirty (30) days of the rendition of this Order as set forth in Section 162.11, Florida Statutes and Section 2-70, City of Winter Garden Code of Ordinances. The party taking the appeal has the responsibility to furnish the Circuit Court with a record of these proceedings.

I **HEREBY CERTIFY** that a true and correct copy of this Order has been furnished by Certified Mail – Return Receipt # 7020 1810 0001 8303 2286, to the Respondent, at 947 Sunny Dell Drive Orlando, FL 32818-6929, this 13 day of September 2023.

Christopher Gonzalez

Print Name

9822 8303 1000 0181 0202

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here CASE 23-303; 114 NORTH STREET; IMPOSE OF FINES
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$ 18.53	
Sent To	
Street and Apt. No., or PO Box No.	ALLISTER HARPHA RODGERS 947 SUNNY DELL DR ORLANDO, FL 32818
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

**CODE ENFORCEMENT BOARD
CITY OF WINTER GARDEN, FLORIDA**

CITY OF WINTER GARDEN, FLORIDA,

Petitioner,

vs.

**Allister Harpha Rodgers
114 North Street
Winter Garden, FL 34787
Respondent,**

CASE NO. 23-303

**DOC# 20230552423
09/26/2023 09:45:03 AM Page 1 of 3
Rec Fee: \$27.00
Phil Diamond, Comptroller
Orange County, FL
MB - Ret To: CITY OF WINTER GARDEN**



ORDER IMPOSING FINE/LIEN

THIS MATTER came before the Code Enforcement Board of the City of Winter Garden for hearing on the 5th day of September 2023, upon being notified by the City’s Code Inspector that the Respondent has failed to timely comply with the Order of Non-Compliance with Findings of Fact and Conclusions of Law issued orally by this Board on July 11, 2023 and in writing on July 17, 2023 (the “July 17, 2023 Order”). The July 17, 2023 Order required the following described real property located in Winter Garden, Orange County, Florida (the “Property”) to be brought into compliance with the code provisions cited therein.

STREET ADDRESS: 114 NORTH STREET, WINTER GARDEN, FLORIDA 34787

PARCEL ID#: 13-22-27-5260-00-085

LEGAL DESCRIPTION: J S LOVELESS ADDITION TO WINTER GARDEN D/90 BEG 70 FT W OF SE COR OF N1/2 LOT 8 RUN W 75 FT N 75 FT E 55 FT TH S 30 E 20 FT TH S 45 FT TO POB BEING PART OF LOT 7 & LOT 8

(the “Property.”)

Findings of Fact

1. An Affidavit of Non-Compliance dated July 17, 2023, which certifies under oath that the required corrective actions to achieve compliance were not timely taken. The Code Inspector also notified the Board at the public hearing on September 5, 2023 of the Respondent’s failure to comply with the July 17, 2023 Order issued in this case. The Respondent(s) has failed to bring the Property into compliance as ordered in the July 17, 2023 Order. The Respondent and the Property remain in violation of Section 18-91, Section 18-155, and Section 118-515, City of Winter Garden Code of Ordinances.

2. The Code Inspector properly notified the Respondent of the September 5, 2023 hearing of the Code Enforcement Board to consider imposing a code enforcement fine. The Code Inspector provided Respondent with a copy of the Code Inspector’s Affidavit of Non-Compliance.

- 3. Respondent appeared at the hearing and had opportunity to be heard on matters germane to the entry of this Order Imposing Fine/Lien before its rendition.
- 4. In setting the code enforcement fine established below, the Board has considered the factors for establishing a code enforcement fine pursuant to Section 162.09(2)(b), Florida Statutes and Section 2-69, City of Winter Garden Code of Ordinances, including the gravity the harm and any efforts by Respondent to correct the violations.

BASED ON THE FOREGOING PREMISES, AND BY THE AUTHORITY OF THE BOARD PURSUANT TO CHAPTER 162, FLORIDA STATUTES AND CHAPTER 2, ART. II, CITY OF WINTER GARDEN CODE OF ORDINANCES, IT IS HEREBY ORDERED THAT

- 1. A code enforcement fines in the amount of **\$100.00** for Section 18-91, **\$100.00** for Section 18-155, and **\$100.00** for Section 118-515 for a total of **\$300.00 per day**, commencing on September 6, 2023 is hereby imposed against **Respondent, Allister Harpha Rodgers**.
- 2. Such fine will accrue on a daily basis until the above-described violations are brought into full compliance as required by the July 17, 2023 Order and this Order. . The fine shall run with the land in favor of the City of Winter Garden. The City of Winter Garden has the authority to collect the accrued fines after at least three months has passed since the date that this Order is recorded in the public records of Orange County, Florida.

A CERTIFIED COPY OF THIS ORDER WILL BE RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND PURSUANT TO § 162.09, FLORIDA STATUTES, WILL CONSTITUTE A LIEN AGAINST THE RESPONDENT’S REAL PROPERTY THAT IS THE SUBJECT OF THIS ORDER (EXCEPT HOMESTEAD PROPERTY) AND AGAINST ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE RESPONDENT.

DONE AND ORDERED this 5 day of September 2023.

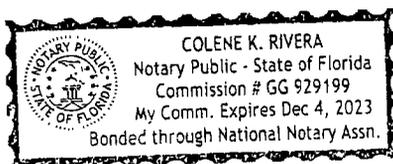
CODE ENFORCEMENT BOARD OF THE CITY OF WINTER GARDEN, FLORIDA



David Buckles, Chairman

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 12 day of September 2023, by David Buckles, who is personally known to me as the Chairman to the City of Winter Garden Code Enforcement Board.




Signature of Notary

(Notary Seal)

COLENE RIVERA
Printed, typed or stamped name

NOTICE OF RIGHT OF APPEAL: Respondent(s) is hereby notified that Respondent(s) or any party who may be aggrieved by this Order, including the City of Winter Garden, has the right to appeal this Order to the Circuit Court in and for Orange County, Florida, within thirty (30) days of the rendition of this Order as set forth in Section 162.11, Florida Statutes and Section 2-70, City of Winter Garden Code of Ordinances. The party taking the appeal has the responsibility to furnish the Circuit Court with a record of these proceedings.

I HEREBY CERTIFY that a true and correct copy of this Order has been furnished by Certified Mail – Return Receipt # 7020 1810 0001 8303 2286, to the Respondent, at 947 Sunny Dell Drive Orlando, FL 32818-6929, this 13 day of September 2023.

Christopher Gonzalez
Print Name

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the record on file.

WITNESS my hand and official seal of the City of Winter Garden, Florida this 18th day of September, 2023
Keisha Martin City Clerk



THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Kelly Carson, Planning Director

Via: Jon C. Williams, City Manager

Date: February 6, 2025 **Meeting Date:** February 13, 2025

Subject: Special Magistrate – Appointment Recommendation

Issue: Recommendation to appoint Jacob Schumer as the City’s Special Magistrate.

Discussion:

With the adoption of Ordinance 25-08 creating a new Special Magistrate position, it is the purview of the City Commission to appoint at least one person to fill that role. Ordinance 25-08 states:

Sec. 2-59 – Special Magistrate: Appointment, Qualifications, Compensation, Duties, and Policies:

- a) Appointment. The city commission shall appoint one or more qualified individuals as special magistrates by majority vote. Alternate special magistrates may also be appointed. Special magistrates shall serve at the pleasure of the city commission and may be suspended or removed by a majority vote of the city commission.*
- b) Qualifications: Qualifications. Special magistrates must be members in good standing of the Florida Bar for at least five (5) years. They must demonstrate satisfactory knowledge of municipal law, general procedures for enforcement of municipal codes, and possess a suitable temperament for the exercise of quasi-judicial powers.*
- c) Compensation: The amount of compensation for special magistrates shall be determined by contract and approved by the city commission.*

Jacob Schumer is a board certified attorney who specializes in land use and local government law, and has served as the City’s Code Enforcement Board’s attorney since April of 2024. Because he meets the minimum qualifications outlined in Ordinance 25-08, and because of his experience reviewing and advising on City code cases, and also because of his exemplary government law resume, the City recommends

appointing Jacob Schumer from the Grosshans Group as the City's Special Magistrate.

Recommended action:

Motion to appoint Jacob Schumer from the Grosshans Group to serve as the City's Special Magistrate with the conditions and terms noted in the Engagement of Services Letter dated January 29, 2025.

Attachment(s)/References:

- Engagement of Services Letter
- Resume for Jacob Schumer
- Profile for Jacob Schumer



THE
GROSSHANS
GROUP

January 29, 2025

VIA E-MAIL - kcarson@cwgd.com

City of Winter Garden
Kelly Carson, Planning Director
300 W. Plant Street
Winter Garden, FL 34787

**Re: Engagement of Services of The Grosshans Group, PLLC
City of Winter Garden Special Magistrate**

Dear Ms. Carson:

This letter sets forth the terms and conditions under which The Grosshans Group, PLLC (the “Firm”) will serve the City of Winter Garden (the “Client”), by providing Jacob Schumer to serve as Special Magistrate, as defined under City Ordinance. Matters which are not identified above will not be the responsibility of the Firm. Unless otherwise specifically indicated in this letter, for purposes of the engagement described herein, no person or entity other than the Client designated herein shall be a client of the Firm for any purpose.

(1) Fees. Our fees will be based upon the ethical rules governing our practice. The amount of each fee will be the fair value of the services provided, taking into account the time spent, the nature of the services performed, the expertise required, the size and scope of the matter, the results obtained, the emergency nature of any request for services by the Client, and other relevant considerations. Hourly rates may be adjusted from time to time as determined by the Firm with thirty (30) days’ notice. Mr. Schumer's rate for Special Magistrate services is currently \$310 per hour.

(2) Costs and Expenses. In providing services on your behalf, the Firm may incur out of pocket expenses. You will be required to reimburse the Firm for these expenses, which may include, communication costs, document reproduction charges, mediator fees, arbitration fees, expert fees and filing fees. It is Firm policy that any invoice from a third-party vendor incurred on your behalf will be forwarded to you for direct payment by the Client to the vendor. The Firm may also require a retainer payment to cover anticipated costs and expenses.

(3) Retainer. At times you may be requested to provide a retainer to the Firm to cover various costs, expenses and fees. The retainer will be held in the Firm’s trust account to be applied to the last fees and costs incurred in this matter. The Firm may require additional retainer in the

event of litigation. Any unused retainer will be refunded to you at the matter's conclusion. At this time we are not requiring any retainer be paid to begin this matter.

(4) Payment of Invoices. Unless otherwise agreed in writing with the Client, the Firm renders monthly invoices specifying the services performed and expenses incurred. The amount reflected as due in each invoice is payable within thirty (30) days following receipt by the Client. The Firm attempts to include disbursements in each invoice for the month following which such disbursements are incurred. However, given the nature of disbursements, some may not be immediately available, in which case they will be included within a subsequent invoice. The Firm also reserves the right to charge interest on past due invoice balances at an amount not to exceed one and one-half percent (1½ %) per month. Any questions concerning an invoice rendered by the Firm should be referred to the account billing attorney or to the Managing Partner of the Firm.

(5) Scope of Services. You have retained us to provide Special Magistrate services in connection with the above-referenced matter. You have not retained us to provide legal representation or advice in any other area of law unrelated to the specific representation which the Firm hereby undertakes, except as may otherwise be provided in any other engagement letter. In the event a need arises in any other area, the Firm would be happy to discuss with you expanding the scope of its services consistent with the terms of this letter.

We apologize for the formality of this letter. However, we believe it is essential for the protection of both the Client and the Firm to clearly specify the terms of our ongoing relationship. In light of the fact that we are requesting you to signify your concurrence with the terms of this letter by signing below, you are certainly welcome and are encouraged to have the terms of this letter reviewed by separate counsel. If the terms of this letter are acceptable to you, please sign below and return this letter, along with the retainer, to the Firm.

[Signatures on the following page]

I look forward to serving as your Special Magistrate for many years to come.

Very truly yours,

/s/ Jacob Schumer

Jacob Schumer
Joshua Grosshans
FOR THE FIRM

ACCEPTED AND AGREED TO:

City of Winter Garden

Date: _____

JACOB SCHUMER

BOARD CERTIFIED SPECIALIST IN CITY, COUNTY AND LOCAL GOVERNMENT LAW

(407) 900-0925 · jacob@ggrouplaw.com

Member of OCBA; Florida Bar City, County and Local Government Certification Committee

EXPERIENCE

2023 - PRESENT

PARTNER

THE GROSSHANS GROUP, PLLC, WINTER GARDEN, FL

Counsels and represents private and public clients as litigation counsel and on specialized matters relating to construction, local government law, land use and civil litigation. Regularly prepares and reviews pleadings, contracts, briefs and other legal documents. Experience includes serving as:

- Special Magistrate for the City of Edgewater.
- Litigation counsel in matters ranging from construction defect disputes to land use declaratory actions to complex commercial litigation, from inception through appeal.
- Special counsel to public entities related to development agreements and special matters.
- Compliance and regulatory counsel for private entities relating to land use, code enforcement and environmental matters.
- General Counsel for a Fiber Optics Excavator.

2017 - 2023

ASSOCIATE

SHEPARD, SMITH, KOHLMYER & HAND, P.A., MAITLAND, FL

Counseled and represented private and public clients as general counsel and on specialized matters relating to local government law, real property, land use and civil litigation. Experience includes serving as:

- Assistant City Attorney for the cities of Davenport, Dunnellon, Edgewood, Flagler Beach, Maitland, and Mascotte, and Assistant Town attorney to the Town of Ponce Inlet.
- Special counsel for multiple public and private entities in matters ranging from land use declaratory actions to complex commercial litigation.
- Consulting Attorney for multiple Community Redevelopment Agencies.

2014 - 2017

ASSISTANT PUBLIC DEFENDER

OFFICE OF THE PUBLIC DEFENDER OF THE 9TH JUDICIAL CIRCUIT, FLORIDA

Served hundreds of clients in multiple capacities in misdemeanor and felony cases. Wrote, filed and argued motions to dismiss, suppress and others, along with appeals and extraordinary writs, regarding Federal, State, and local law issues. Represented clients in multiple trials.

EDUCATION

MAY 2014

VANDERBILT UNIVERSITY LAW SCHOOL, JURIS DOCTOR

- VANDERBILT JOURNAL OF ENTERTAINMENT AND TECHNOLOGY LAW, Articles Editor; Dean's List; Moot Court, Fall 2012; Legal Aid Society, Auction Committee; Jewish Law Student Association, Vice President; VITA Tax Volunteer.
- GPA: 3.443

JUNE 2010

UNIVERSITY OF CALIFORNIA, SANTA CRUZ, B.S. EUROPEAN HISTORY

ACTIVITIES & INTERESTS

- Globally cited expert on Florida local government law
- Orange County Bar Association Young Lawyers Section President, 2024-2025
- Orange County Bar Association Executive Board Member, 2024-2025
- Florida Bar City, County and Local Government Certification Committee, 2023-2026
- Boy Scout; Former Unicyclist; USCF-Rated Chess Player

PUBLICATIONS AND PRESENTATIONS

- *The Contractual Impossibility of Unwinding Disney's Reedy Creek*, Bloomberg Tax, April 26, 2022
- *Disney Spat Leaves DeSantis Few Options for Reedy Creek District*, Bloomberg Tax, Jan. 5, 2023
- *Disney Avoids Political War by Giving Up Battle for Reedy Creek*, Bloomberg Tax, Feb 16, 2023
- *Despite Disney's Legal Moves, DeSantis Land Board Wields Power*, Bloomberg Tax, April 4, 2023
- *Central Florida Spotlight: DeSantis vs. Disney*, WFTV, April 23, 2023
- *The Present and Future of Bert Harris*, 2021 RPPTL Annual Convention, June 5, 2021
- *Ethics Laws of Florida and CRAs*, Florida Redevelopment Association Annual Conference, October 14, 2022

Jacob Schumer, Esq.



Jacob Schumer, Esq.

Partner

[✉ Email Jacob](#)

[📞 Schedule a Call](#)

Jacob's practice concentrates on construction and commercial litigation, land use, and local government law. He is Board Certified in City, County and Local Government Law and has extensive experience as general and special counsel to numerous local government entities. Jacob is an internationally recognized expert on Florida local government and land use law, cited and interviewed by the Wall Street Journal, New York Times, Washington Post, CNN, Fox Business, and many more. Jacob regularly represents developers and environmental organizations in court and before local governments boards on land use, local government and constitutional matters. He has also represented large and small businesses in commercial and construction disputes in courts throughout Florida.

Jacob grew up in California and obtained his bachelor's degree from U.C. Santa Cruz in 2010. He then studied at Vanderbilt Law School, graduating in 2014. At Vanderbilt, Jacob was an Articles Editor for the Vanderbilt Journal of Entertainment and Technology Law, and the Vice President of the Vanderbilt Jewish Law Student Association. Jacob also interned for the Vanderbilt Appellate Practice Clinic and Magistrate Judge Joe B. Brown of the U.S. District Court for the Middle District of Tennessee. After graduating, Jacob moved to Orlando to practice as an Assistant Public Defender. During this time, he served hundreds of clients and gained extensive experience in motion practice, appeals, and jury trial advocacy. He spearheaded training initiatives on statistical concepts, due process, and extraordinary appeals.

Jacob is an active member of the local legal community. As an active member of the Orange County Bar Association, he has taken a leadership role in the Young Lawyers Section, being a member of the Section's Board of Directors since 2020, and was elected President of the Section in 2023. Jacob has also spoken at seminars and clinics on issues such as government ethics, regulatory takings, domestic violence prevention, and Fourth Amendment doctrine.

Jacob lives in Longwood, Florida, with his wife Kelly, and their son Asher.

Practice Areas

- Land Use and Zoning
- Construction Litigation
- Contract Disputes
- Commercial Litigation
- Local Government Matters

Education

- Vanderbilt University Law School, J.D.
- University of California, Santa Cruz, B.A. in History

Professional/Community Memberships, Activities and Honors

- President, Orange County Bar Association, Young Lawyers Section (2024-25)
- Board member, Orange County Bar Association, Young Lawyers Section (2020-Present)
- 5k Committee/Chair, Orange County Bar Association (2021-Present)
- Central Florida Association for Women Lawyers
- Friends of Lake Apopka

Publications and Presentations

- [The Contractual Impossibility of Unwinding Disney's Reedy Creek](#), Bloomberg Tax, April 26, 2022
- [Disney Spat Leaves DeSantis Few Options for Reedy Creek District](#), Bloomberg Tax, Jan. 5, 2023
- [Disney Avoid Political War By Giving Up Battle for Reedy Creek](#), Bloomberg Tax, Feb 16, 2023
- [Despite Disney's Legal Moves, DeSantis Land Board Wields Power](#), Bloomberg Tax, April 4, 2023
- Central Florida Spotlight: DeSantis vs. Disney, WFTV, April 23, 2023
- The Present and Future of Bert Harris, 2021 RPPTL Annual Convention, June 5, 2021
- Ethics Laws of Florida and CRAs, Florida Redevelopment Association Annual Conference, October 14, 2022

Give Us A Call

407.900.3261

Email Us At

admin@ggrouplaw.com

Visit Us At

**884 S Dillard Street, Winter
Garden 34787**

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Jim Monahan, P.E., City Engineer – Public Services

Via: Jon C. Williams, City Manager

Date: February 5, 2025

Meeting Date: February 13, 2025

Subject: Execution of Amendment 1 to Loan Agreement WW480103

Issue: FDEP provided notification on September 16, 2024, through an SRF Program Final Agency Action, that the City's Crest Avenue WWTF Construction project was placed on the fundable portion of the Priority List for a \$20,000,000 increase to SRF Project No. 48010 in FY25. Additionally, the unfunded costs of the project were placed on the waiting portion of the Priority List for future funding, subject to segment caps established on an annual basis by the SRF Program. The FDEP has requested that the City sign and seal one copy of Amendment 1 to Loan Agreement WW480103, making sure the seal is visible in the PDF (either with an inked seal or shaded embossed seal). The FDEP will then sign the document and email a fully executed original to the City.

Recommended Action:

Approve the issuance of the \$20,000,000 SRF loan and execute State Revolving Fund Amendment 1 to Loan Agreement WW480103.

Attachment(s)/References:

State Revolving Fund Amendment 1 to Loan Agreement WW480103

**STATE REVOLVING FUND
AMENDMENT 1 TO LOAN AGREEMENT WW480103
CITY OF WINTER GARDEN**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF WINTER GARDEN, FLORIDA, (the “Local Government”) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Local Government shall be referred to as “Parties” or individually as “Party”.

The Department and the Local Government entered into a Clean Water State Revolving Fund Loan Agreement, Number WW480103, authorizing a Loan amount of \$5,873,757, excluding Capitalized Interest; and

The Local Government is entitled to additional financing of \$20,000,000, excluding Capitalized Interest; and

Certain provisions of the Agreement need revision.

The Parties hereto agree as follows:

1. Subsection 2.03(1) of the Agreement is deleted and replaced as follows:

(1) The financial assistance authorized pursuant to this Loan Agreement consists of the following:

State Resources Awarded to the Local Government Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:					
State Program Number	Funding Source	CSFA Number	CSFA Title or Fund Source Description	Funding Amount	State Appropriation Category
Original Agreement	Wastewater Treatment and Stormwater Management TF	37.077	Wastewater Treatment Facility Construction	\$25,873,757	140131

2. Additional financing in the amount of \$20,000,000, excluding Capitalized Interest, is hereby awarded to the Local Government.

3. A Financing Rate of 1.64 percent per annum is established for the additional financing amount awarded in this amendment. Individually, the interest rate is 1.64 percent per annum and the Grant Allocation Assessment rate is 0 percent per annum.

4. The estimated principal amount of the Loan is hereby revised to \$26,674,257, which consists of \$25,873,757 authorized for disbursement to the Local Government and \$800,500 of Capitalized Interest.

5. An additional Loan Service Fee in the amount of \$400,000, for a total of \$517,475, is hereby estimated. The fee represents two percent of the Loan amount excluding Capitalized Interest, that is, two percent of \$25,873,757.

6. The Semiannual Loan Payment amount is hereby revised and shall be in the amount of \$800,121. Such payments shall be paid to, and must be received by, the Department beginning on March 15, 2029 and semiannually thereafter on September 15 and March 15 of each year until all amounts due hereunder have been fully paid. Until this Agreement is further amended, each Semiannual Loan Payment will be proportionally applied toward repayment of the amounts owed on each incremental Loan amount at the date such payment is due.

The Semiannual Loan Payment amount is based on the total amount owed of \$27,191,732, which consists of the Loan principal plus the estimated Loan Service Fee.

7. Section 10.06 of the Agreement is revised as follows:

The Local Government and the Department acknowledge that the actual Project costs have not been determined as of the effective date of this agreement. Project cost adjustments may be made as a result of construction bidding or Project changes agreed upon by the Department. Capitalized Interest will be recalculated based on actual dates and amounts of Loan disbursements. If the Local Government receives other governmental financial assistance for this Project, the costs funded by such other governmental assistance will not be financed by this Loan. The Department shall establish the final Project costs after its final inspection of the Project records. Changes in Project costs may also occur as a result of an audit.

Funds disbursed in accordance with Section 4.08 of this Agreement shall be disbursed in the order in which they have been obligated without respect to budgetary line item estimates. All disbursements shall be made from the original Loan amount until that amount has been disbursed; the Financing Rate established for the original Loan amount shall apply to such disbursements for the purpose of determining the associated Capitalized Interest and repayment amount. The Financing Rate established for any additional increment of Loan financing shall be used to determine the Capitalized Interest and repayment amount associated with the funds disbursed from that increment.

The estimated Project costs are revised as follows:

CATEGORY	PROJECT COSTS (\$)	AUTHORIZED LOAN AMOUNT (\$) TO DATE
Construction and Demolition	130,000,000	<i>Line items may vary</i>
Contingencies	13,000,000	<i>based on Actual</i>
Technical Services After Bid Opening	6,500,000	<i>Disbursements</i>
SUBTOTAL (Disbursable Amount)	149,500,000	25,873,757
Capitalized Interest	800,500	800,500
TOTAL (Loan Principal Amount)	150,300,500	26,674,257

8. Subsection 10.07(4) of the Agreement is revised as follows:

(4) The first Semiannual Loan Payment in the amount of \$800,121 shall be due March 15, 2029.

9. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 1 to Loan Agreement WW480103 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Local Government has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for
CITY OF WINTER GARDEN

Mayor

Attest:

Approved as to form and legal sufficiency:

City Clerk

City Attorney

SEAL

for
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Secretary or Designee

Date