

ORDINANCE 21-35

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 106, STORMWATER MANAGEMENT, SECTION 106-2, DEFINITIONS, CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to amend the definition of impervious surface set forth in Chapter 106, City of Winter Garden Code of Ordinances to exclude one hundred percent of surface water area within swimming pools from impervious surface; and

WHEREAS, the City Commission finds it to be in the best interest of the public health, safety and welfare to revise the definitions of Chapter 106, City of Winter Garden Code of Ordinances in the manner specified in this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION 1: Authority. The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: Adoption. Section 106-2 of Chapter 106 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being amended):

Sec. 106-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Impervious surface means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, wet pond surface areas at normal or control elevation, ~~50 percent of water surface of swimming pools~~, and other similar nonporous surfaces, but does not include the water surface area of a swimming pool, dry bottom stormwater facilities or wood decks over soil (with spaces between planks). Any determinations regarding permeability of material or surface shall be at the sole discretion of the city engineer or designee.

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

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

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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

FIRST READING: OCTOBER 14, 2021.

SECOND READING: OCTOBER 28, 2021.

ADOPTED this 28TH day of OCTOBER, 2021, by the City Commission of the City of Winter Garden, Florida.

APPROVED:


JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

