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Planning and Zoning Board Agenda

Board Members: Chairman Will Hawthorne, Vice-Chairman Steve Ambielli, Linda Bennett, Myron Brown, Jimmy Dunn, Jeff Ewing and TJ Ryan.

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

Agenda for April 6, 2026 at 6:30 PM
City Hall Commission Chambers
300 W. Plant Street, Winter Garden, Florida

1. Call to Order

Determination of Quorum, Moment of Silence and Pledge of Allegiance

2. Approval of Minutes

A. Minutes of March 2, 2026 Meeting

3. Variance (Public Hearing)

A. 115 Agnes Street - (Rubin-Floyd Residence) VARIANCE EXTENSION
Parcel ID # 14-22-27-2088-00-080

B. 366 N Lakeview Avenue - (Jones Alteration) VARIANCE
Parcel ID # 14-22-27-9203-04-060

C. 523 N Woodland Street - (Cappleman House) VARIANCE
Parcel ID # 14-22-27-9392-01-610

D. 306 9th Street - (Heller Bros. Outside Storage - Fence) VARIANCE
Parcel ID # 23-22-27-7288-00-038

4. Special Exception Permit (Public Hearing)

A. 306 9th Street - (Heller Bros. Outside Storage) SPECIAL EXCEPTION
Parcel ID # 23-22-27-7288-00-038

5. City of Winter Garden Code Updates (Public Hearing)

A. Ordinance 26-10 - Code Amendment - Adopting County Animal Services Ordinance and Amending Related Provisions

6. Adjourn

Next regular Planning and Zoning Board meeting on Monday, May 4, 2026 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida

Posted: March 26, 2026

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Please Note: In accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact Ellen King, 300 West Plant Street, Winter Garden, FL 34787, (407) 656-4111 EXT.5149- 48 hours in advance of the meeting.



DRAFT

**Planning and Zoning Board
Regular Meeting Minutes
March 2, 2026**

1. CALL TO ORDER

Vice-Chairman Steve Ambielli called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:33 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance. Quorum was declared present.

Present: Vice-Chairman Steve Ambielli and Board Members: Linda Bennett, Myron Brown, Jimmy Dunn and TJ Ryan.

Absent: Chairman Will Hawthorne (excused) and Board Member Jeff Ewing (excused).

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

Attendees: Larry Poliner of RCE Consultants, Tillman of 876 McKinnon Square, Ilya Zagarguk and Stan Ridefry of UKA Development, Shawn Dafron of Winter Garden Flex LLC; Jerry Miller, Kelly Miller and James Costello of J&J Building, Gail Wisniewski of 903 Colie Alley, Sharon MacArthur of 711 Valencia Court, Sheri Loiacono of 15150 E Oakland Avenue, Jourdan Robertson of 918 Trowman Alley, Patrick Hails of Hails Properties, Jay Heckendorn Telenda of 835 Rhett Street, Shannon Till of 617 S Boyd Street, Antonino Azzizzo of 949 Celadon Street and Jason Sullivan of Orlando Outdoor Living.

2. APPROVAL OF MINUTES

Motion by Board Member Dunn to approve the regular meeting minutes of February 2, 2026. Seconded by Board Member Bennett and carried unanimously 5 – 0.

3. ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)

3.A. 1325 E Fullers Cross Road & 1414 East Crown Point Road (New Life Slavic Church)
ANNEX, FLU & REZONING
Parcel ID # 12-22-27-0000-00-002 & -045

Senior Planner Conatser presented a request to Annex, update the Future Land Use Map and Rezone the properties located at 1325 E Fullers Cross Road and 1414 East Crown Point Road from A-1 (Citrus Rural District) to PUD (Planned Unit Development) for

church/religious use only. Staff recommends approval of Ordinance 26-01, 26-02 and 26-03.

Board members inquired about the number of attendees at the Community Meeting, if notifications were sent to adjacent property owners and to properties outside the city limits and if a traffic study was done? City staff stated approximately 10 – 15 people attended the Community Meeting, confirmed notifications were sent to adjacent property owners and to properties outside the city limits and confirmed a traffic study was done as part of the Planned Unit Development review.

The General Public did not have any comments or questions about this item.

Motion by Board Member Bennett to approve the Annexation, Future Land Use and Rezoning at the property located at 1325 E Fullers Cross Road and 1414 East Crown Point Road subject to staff conditions. Seconded by Board Member Brown and carried unanimously 5 – 0.

3.B. 761, 765, 771 & 775 Garden Commerce Parkway (Winter Garden Flex) - FLU & RZ
Parcel ID # 24-22-27-9387-23-0000

Senior Planner Conatser presented a request to update the Future Land Use Map and Rezone the properties located at 761, 765, 771 & 775 Garden Commerce Parkway from PID (Planned Industrial Development) to PCD (Planned Commercial Development). Staff recommends approval of Ordinances 26-06 and 26-07.

Board members inquired about prohibited uses other than outside storage by rezoning to PCD, if more intensive parking uses were considered that would trigger needing more parking spaces and complimented staff and property owner for coming up with a good solution to allow mixed-use development. City staff stated in addition to the prohibited uses listed in the PID, there are several other prohibited uses listed in Ordinance 26-07 and these uses are all similar in intensity.

The General Public did not have any comments or questions about this item.

Motion by Board Member Bennett to approve the Future Land Use and Rezoning of the properties located at 761, 765, 771 & 775 Garden Commerce Parkway subject to staff conditions. Seconded by Board Member Ryan and carried unanimously 5 – 0.

3.C. 15411, 15540 & 15541 E Oakland Avenue & 841 Tilden Oaks Trail (Oakland Park Unit 5) REZONING
Parcel ID # 21-22-27-6100-16-000, -16-007, -15-000 & -04-780

Planning Supervisor Friedman presented a request to Rezone the properties located at 15411, 15540 & 15541 E Oakland Avenue and 841 Tilden Oaks Trail from PUD (Planned Unit Development) to PCD (Planned Commercial Development) to permit the development of four mixed-use buildings with commercial uses on the bottom floors and residential uses on the second floors; commercial will be 12,515 square feet in size, and the second floor of each building will have four dwelling units. Staff recommends approval of Ordinance 26-09.

Board members inquired if there was a follow-up meeting to the December 4, 2024 Community Meeting where attendees gave some feedback, if a traffic study was done and what uses it was based on, if quantity of parking had been checked base on city requirements, was residential use always proposed for this development, since pulling out of the PUD are the residential units still part of the greater Homeowner Association (HOA), are these rental units and are there any restrictions of business operations or hours for commercial aspect? City staff stated a follow-up Community Meeting was not warranted with the majority in support of the change, confirmed a traffic study was done with uses based on office/ retail/ residential, parking was checked and meets all city requirements, residential aspect was always included for this development, residential units will still be part of the Oakland Park HOA subject to the Covenants, Conditions & Restrictions (CC&R) with the property owner responsible to pay the HOA dues, and confirmed these would be rental units. Kelly Miller, representative of J&J Building, acknowledged there is a document with listed uses and specific hours of operations that was recorded in January 2020, restricting hours of operation to 11:00 pm on the weekend. City staff stated they will review the document and ensure stipulations are consistent with what has already been agreed to.

This item was opened to the public. Jourdan Robertson of 918 Trowman Alley (McKinnon Square) noted the flow of traffic into their neighborhood was a main concern.

Motion by Board Member Dunn to approve the PCD Rezoning of the properties located at 15411, 15540 & 15541 E Oakland Avenue and 841 Tilden Oaks Trail subject to staff conditions also adding in the time restrictions from 7:00 am to 11:00 pm subject to the Covenants, Conditions & Restrictions not speaking to the timeframes. Seconded by Board Member Ambielli and carried unanimously 5 – 0.

4. VARIANCE (PUBLIC HEARING)

4.A. 14190 Jomatt Loop (Ishman-Pergola) VARIANCE
Parcel ID # 27-22-27-1961-01-180

Senior Planner Conatser presented a Variance request for the property located at 14190 Jomatt Loop to allow a covered patio area (pergola) with outdoor kitchen having a rear

yard setback of 5 feet – 9 inches. Staff recommends approval subject to staff conditions.

Board members commented it is nice to see letters of approval submitted from surrounding neighbors.

The General Public did not have any comments or questions about this item.

Motion by Board Member Ambielli to approve the Variance at the location of 14190 Jomatt Loop with the finding of compliance with City Code Section 118-131 and subject to staff conditions. Secoded by Board Member Brown and carried unanimously 5 – 0.

4.B. 617 S Boyd Street (Till Variance) VARIANCE
Parcel ID # 23-22-27-3992-00-080

Senior Planner Conatser presented a Variance request for property located at 617 S Boyd Street to allow a front yard setback of 20 feet and a side yard setback of 5 feet to construct a new single family residential structure on the vacant property. Staff recommends approval subject to staff conditions; however, the Applicant provided an additional elevation which staff does not support but would like to work with the applicant to revise this proposed elevation that staff could support and approve.

Board members inquired about the location of the backyard tree, if there is assurance this tree could be saved and if the smaller oak in the front yard could be saved? City staff stated in addition to the 20 feet setback, the staff, arborist and applicant have all agreed to do pier and beam construction to elevate the structure to allow the roots to receive water needed to protect the tree and the oak in the front would remain.

This item was opened to the public. Patrick Hails of Hails Properties, representative for Property Owner agreed to staff recommendations and will work with Planning staff on the architectural concept of the home.

City staff clarified, applicant submitted with the Variance application a rendering that staff would support. However prior to this P&Z meeting, the applicant emailed a more detailed construction elevation that staff could not support and it would have to substantially comply with the rendering previously submitted. Staff is willing to work with the applicant to alter the elevation to what they had originally submitted. City staff stated part of staff's recommendation for approval of this Variance is the mitigating criteria of saving the tree, heightened architectural standards that make accepting the deviation from the code acceptable and wants the applicant to agree to continue to work with city staff. Patrick Hails and Shannon Till stated they will work with staff moving forward.

Motion by Board Member Dunn to approve the Variance at the location of 617 S Boyd Steet with the finding of compliance with City Code Section 118-131 and subject to staff conditions. Seconded by Board Member Bennett and carried unanimously 5 – 0.

4.C. 711 Valencia Court (MacArthur Residence) VARIANCE
Parcel ID # 15-22-27-8842-00-280

Planning Supervisor Friedman presented a Variance request for property located at 711 Valencia Court to allow a rear yard setback of 19.5 feet to build an addition on a single-family home. Staff recommends approval subject to staff conditions.

Neither the Board nor the Public had any comments or questions for this item.

Motion by Board Member Bennett to approve the Variance at the location of 711 Valencia Court subject to staff conditions. Seconded by Board Member Dunn and carried unanimously 5 – 0.

Vice-Chairman Steve Ambielli adjourned the meeting at 7:33 pm. Adjourned to the regular Planning and Zoning Board meeting on Monday, April 6, 2026 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida.

ATTEST:

APPROVED:

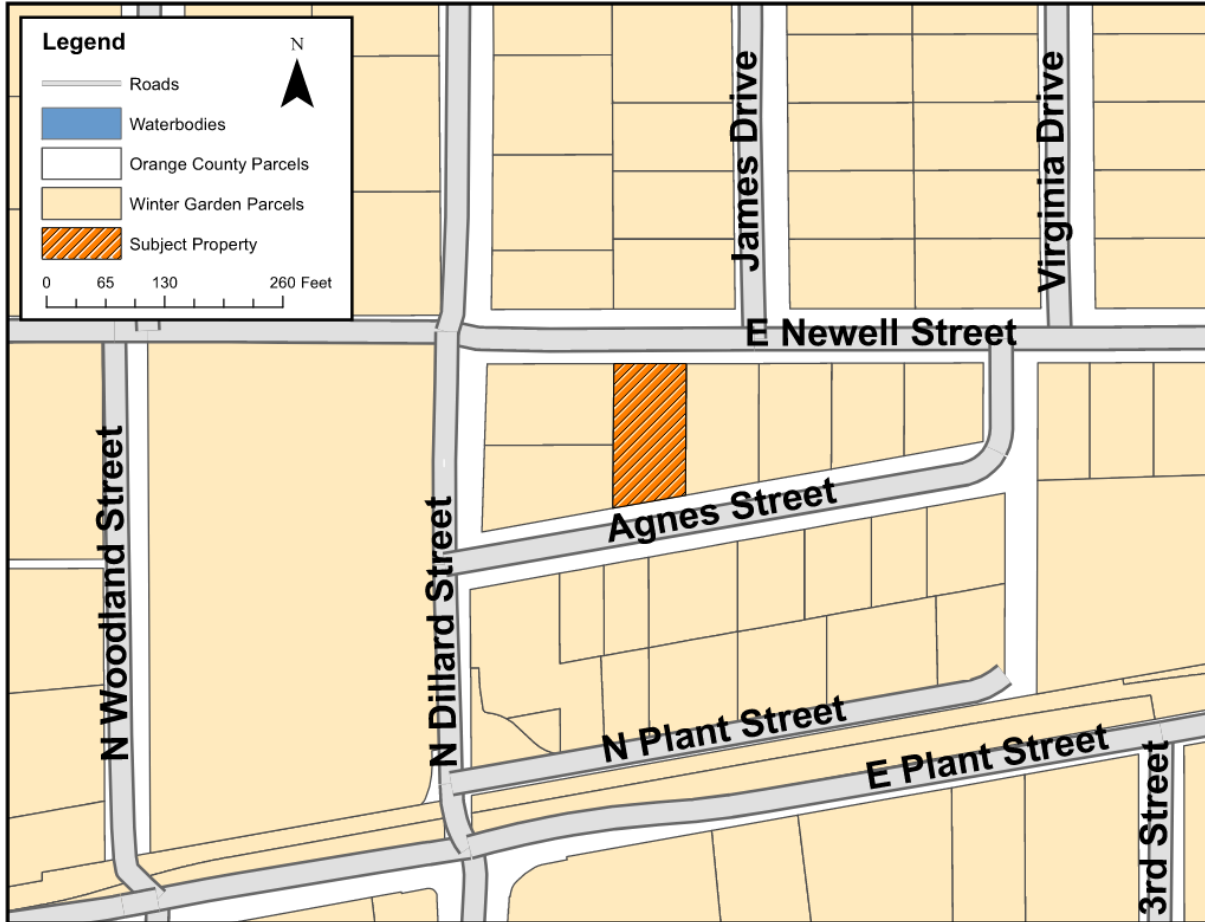
Recording Secretary Ellen King

Chairman Will Hawthorne

LOCATION MAP

115 Agnes Street

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

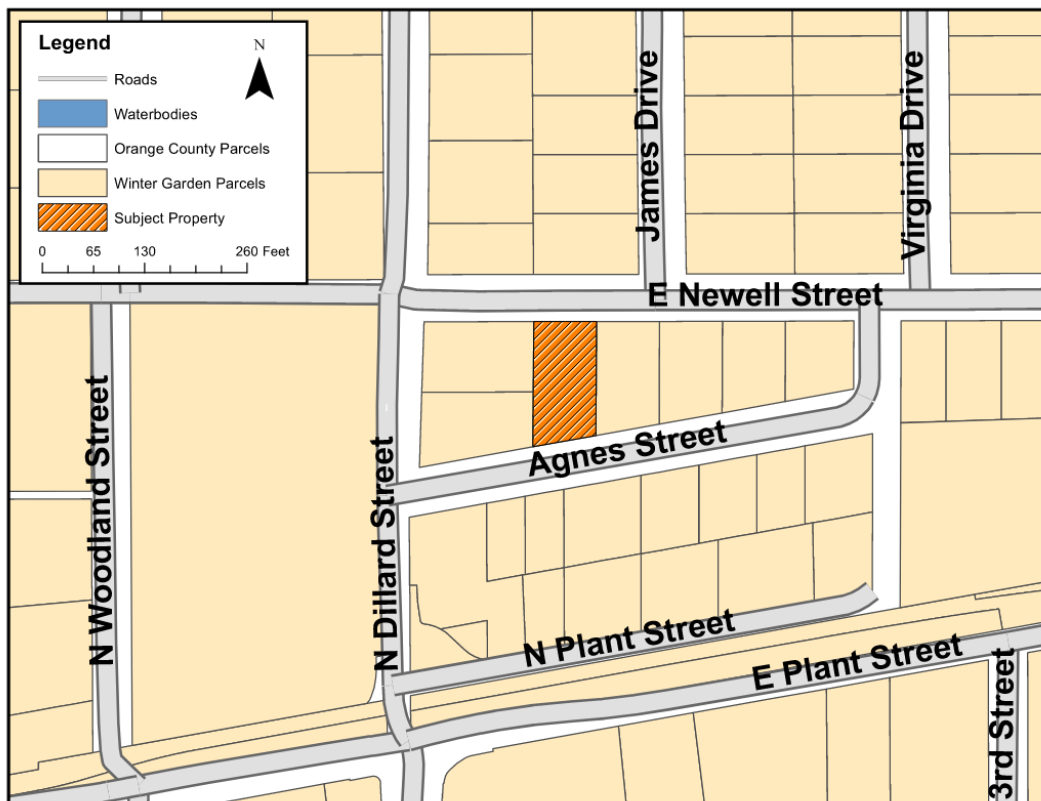
TO: PLANNING AND ZONING BOARD
PREPARED BY: Amber McDonald, Planner II
DATE: April 6, 2026
SUBJECT: VARIANCE
115 Agnes Street (0.28 ± ACRES)
PARCEL ID #14-22-27-2088-00-080

APPLICANT: Emily Rubin

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for the property located at 115 Agnes Street. The request is to allow a rear yard setback of 15 feet in lieu of the required 30.6 feet minimum, and a front yard setback of 20 feet in lieu of the required 30 foot minimum, in order to build a single-family home with a front porch and rear loaded garage.

The subject property, located on Agnes Street, is an approximately 0.28 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-2 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan.

EXISTING USE

The property is developed with a 2,106 square foot single-family home built in 1949. The home is not in the historic district and is not considered a contributing structure.

ADJACENT LAND USE AND ZONING

The properties to the north, south and east of the subject property are developed with single-family residences, are zoned R-2 and are in the City of Winter Garden’s Municipal limits. There are two properties to the west of the subject property, one is developed with a single-family residence and zoned R-2, the other is developed with a two-story office building and zoned C-1 and both are in the City of Winter Garden’s Municipal limits.

PROPOSED USE

The applicant is requesting the variances to allow the construction of a new 5,515 square foot single-family home with a front porch and rear loaded garage.

CODE REFERENCE

Sec. 118-398. of the City Code of Ordinances addresses the minimum yard requirements for single-family dwellings in the R-2 Zoning District. This section states,

In the R-2 residential district, the minimum yard requirements are as follows:

- (1) Single-family.*
 - a. Front: 30 feet*
 - b. Side: ten feet each*
 - c. Rear: 20 percent of depth of lot.*

The applicant is seeking a variance to the front yard setback and rear yard setback in order to build a single-family home with a front porch and rear loaded garage.

CODE REQUIREMENTS / CRITERIA

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

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*
The 20 foot front yard setback and the 15 foot rear yard setback request will both be facing public right-of-ways. The proposed home will have the required 10 foot side yard setback. The setback requests should have little if any negative impacts on the standards of living of adjacent property owners.

- (2) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*
Front porches and rear loaded garages are common in residential neighborhoods. The requested variances do not change the residential nature of the property. Furthermore, the proposed porch will have the same 20 foot front yard setback as the existing porch.
- (3) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*
Both Agnes Street and East Newell Street are 60 foot wide right-of-ways with the applicant's property being 17 feet from pavement. Strict compliance with the City's land development regulations will not further any legitimate City objective.
- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variances are consistent with the provisions of the City's Comprehensive Plan relating to low density residential neighborhood character.
- (5) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*
The variances requested are the minimum variances that will make reasonable use of the land. The home is maintaining all other setbacks and standards. The proposed variances are abutting two right-of-ways. Denying the variances does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Sec. 118-398(1)(a) & (c) for the property at 115 Agnes Street to allow a rear yard setback of 15 feet in lieu of the required 30.6 feet minimum, and a front yard setback of 20 feet in lieu of the required 30 foot minimum, in order to build a single-family home with a front porch and rear loaded garage.

- 1) At no time can the front porch be enclosed as an air conditioned space.
- 2) The house will be built in the same architectural style and massing that were provided by the applicant for this variance request.

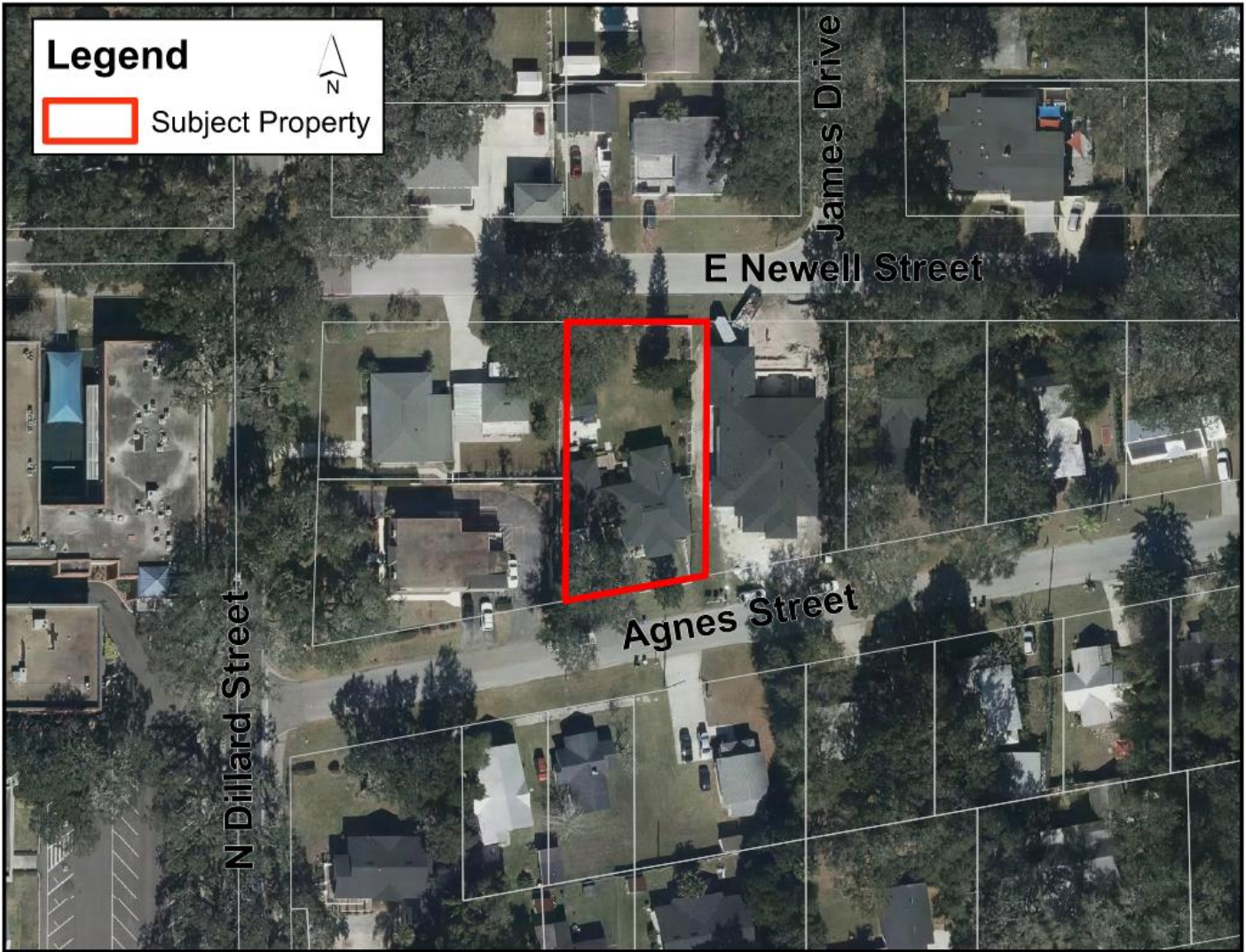
NEXT STEP

Follow all City regulations and apply for building permits.

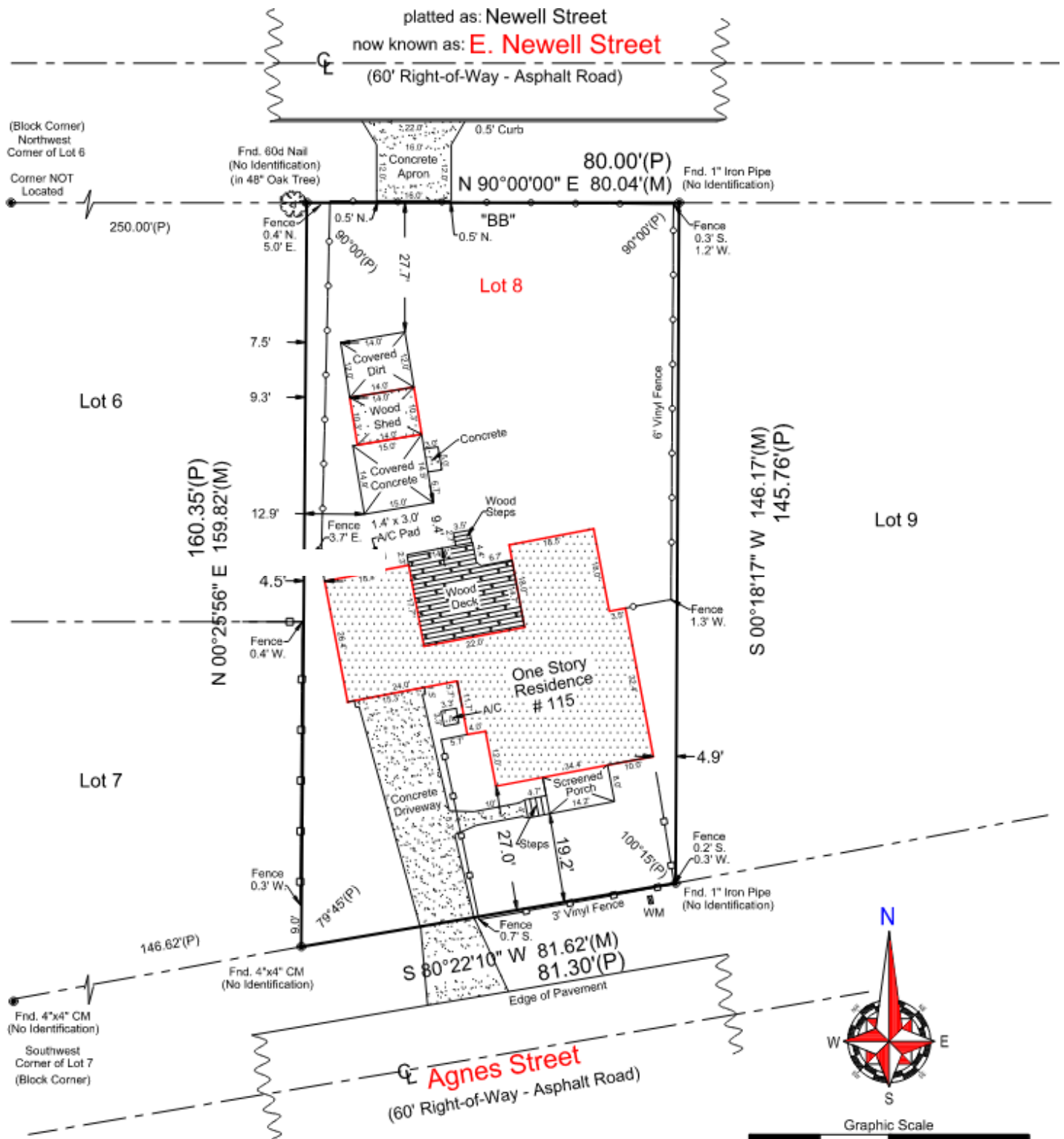
ATTACHMENTS

- Aerial Photo
- Survey
- Site Plan
- Elevations
- Site Photos

AERIAL PHOTO
115 Agnes Street

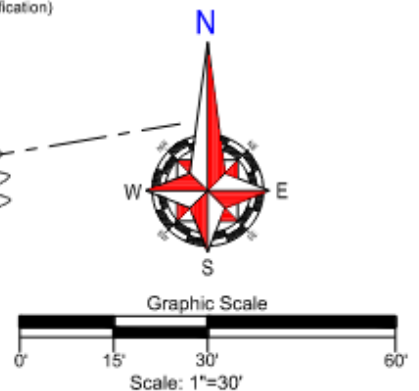


SURVEY
115 Agnes Street

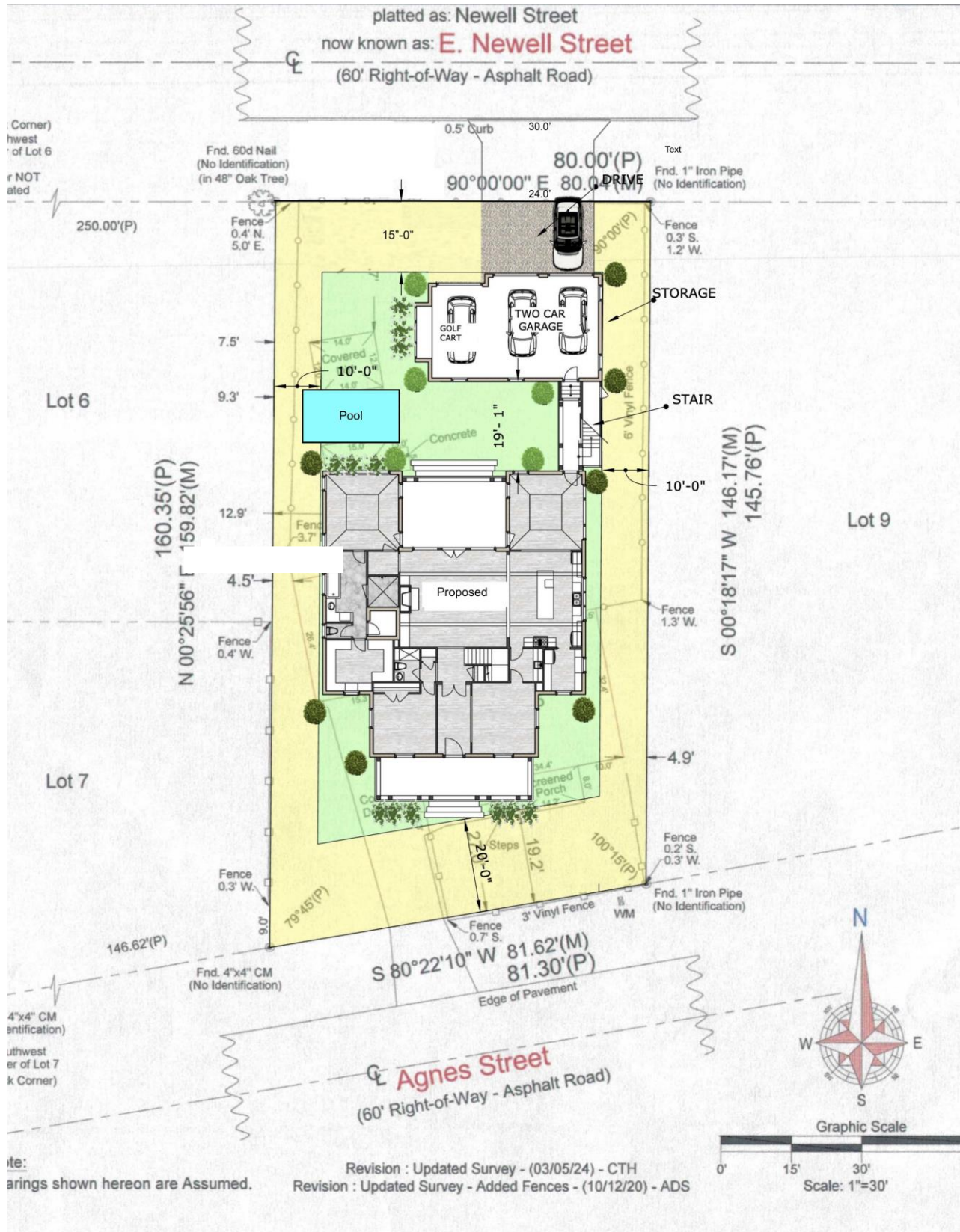


Note:
 Bearings shown hereon are Assumed.

Revision : Updated Survey - (03/05/24) - CTH
 Revision : Updated Survey - Added Fences - (10/12/20) - ADS



SITE PLAN
115 Agnes Street



ELEVATIONS
115 Agnes Street





Aerial looking North West



Aerial looking South East

SITE PHOTO
115 Agnes Street



Facing North from Agnes Street



Facing South from E Newell Street

END OF STAFF REPORT

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

Public Hearing

Date: March 26, 2026 **Meeting Date:** April 6, 2026
Subject: 366 N Lakeview Ave
Project Name: Jones Alteration
Parcel ID: 14-22-27-9203-04-060

Issue: The applicant is requesting a variance for property located at 366 N Lakeview Avenue.

Supplemental Material / Analysis:

Owner / Applicant: Brittany Brewer
Current Zoning: R-1 (Single-Family Residential District)
Proposed Zoning: N/A
Current FLU: LR (Low Density Residential)
Proposed FLU: N/A

Summary: The applicant is requesting approval of a variance to the Winter Garden Code of Ordinances Section 118-308(1)(c) for the property located at 366 N Lakeview Avenue to allow a rear yard setback of 6’ in lieu of the required 20.5’ rear yard setback minimum, to allow the construction of an addition on an existing single-family home.

Staff Recommendation(s): Staff recommends approval subject to any conditions outlined in the Staff Report.

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

Attachment(s): Staff Report
Location Map

LOCATION MAP

366 N Lakeview Ave

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: Amber McDonald, Planner II
DATE: April 6, 2026
SUBJECT: VARIANCE
366 N Lakeview Ave (0.18 ± ACRES)
PARCEL ID #14-22-27-9203-04-060

APPLICANT: Brittany Brewer

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for the property located at 366 N Lakeview Avenue. The request is to allow a 6' rear yard setback in the lieu of the required 20.5' minimum to construct an addition on an existing single-family residence.

The subject property, located on N Lakeview Avenue, is an approximately 0.18 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-1 (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The property was developed with a 1,953 square foot single-family home built in 1969.

ADJACENT LAND USE AND ZONING

The properties to the north and south of the subject property are developed with single-family residences, zoned R-1, and are in the City of Winter Garden’s Municipal limits. The property to the west of the subject property is vacant and owned by the applicant, zoned R-1, and is in the City of Winter Garden’s Municipal limits. The property to the east of the subject property is developed with a single-family residence, zoned R-2, and is in the City of Winter Garden’s Municipal limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of a new 344 square foot addition on the rear of the single-story single-family residence. The home has an existing patio with aluminum roof that encroaches into an easement and setback. The new addition will be set farther back from the property line and out of the easement.

CODE REFERENCE

Sec. 118-308. of the City Code of Ordinances addresses the minimum yard requirements for single-family dwellings in the R-1 Zoning District. This section states,

In the R-1 single-family residential district, the minimum yard requirements are as follows:

(1) Single-family.

- a. Front: 30 feet.*
- b. Side: ten feet each.*
- c. Rear: 20 percent of depth of lot.*

The applicant is seeking a variance to the rear yard setback in order to construct a new addition.

CODE REQUIREMENTS / CRITERIA

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

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

The proposed structure will have minimal impact on the surrounding residents as the addition is on the rear yard of the property and will be in the same location as the existing structure. The rear yard of the subject property and the rear yard of the property directly to the west back up to each other and are both owned by the applicant. The setback request should have little if any negative impacts on the standards of living of adjacent property owners.

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

Additions are common of single-family residential homes. The requested variance does not change the

residential nature of the property. The addition will be constructed in a manner and using materials similar to the existing home which are in the same character of the surrounding neighborhood.

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

(4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variance is consistent with the provisions of the City’s Comprehensive Plan relating to low density residential neighborhood character.

(5) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*
The applicant will be removing a structure with an aluminum roof and concrete pad that was encroaching into the 6’ utility easement to construct the new addition. The variance requested is the minimum variance that will make reasonable use of the land and the existing home. The proposed addition to the home will not negatively impact the neighbors and is consistent with other properties in the neighborhood. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Sec. 118-308(1)(c) to allow the construction of a new 344 square foot addition with a 6’ rear yard setback, in lieu of the 20.5’ minimum requirement subject to the following condition(s):

- 1) The existing structure with aluminum roof and concrete pad beneath it must be removed from the 6’ utility easement prior to construction of the addition.
- 2) The addition is to be built in accordance with the elevations as provided by the applicant.

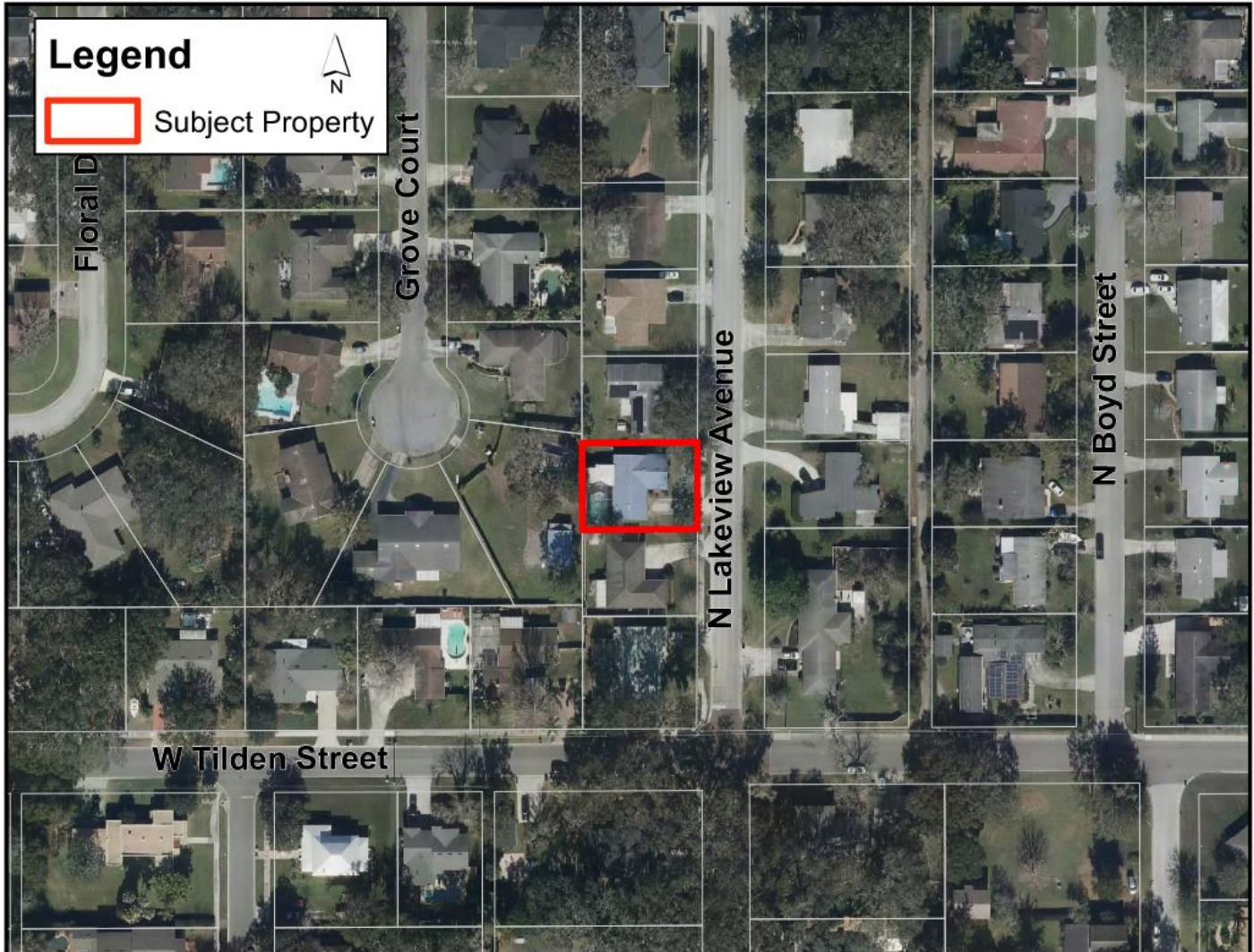
NEXT STEP

Follow all City regulations and apply for building permits.

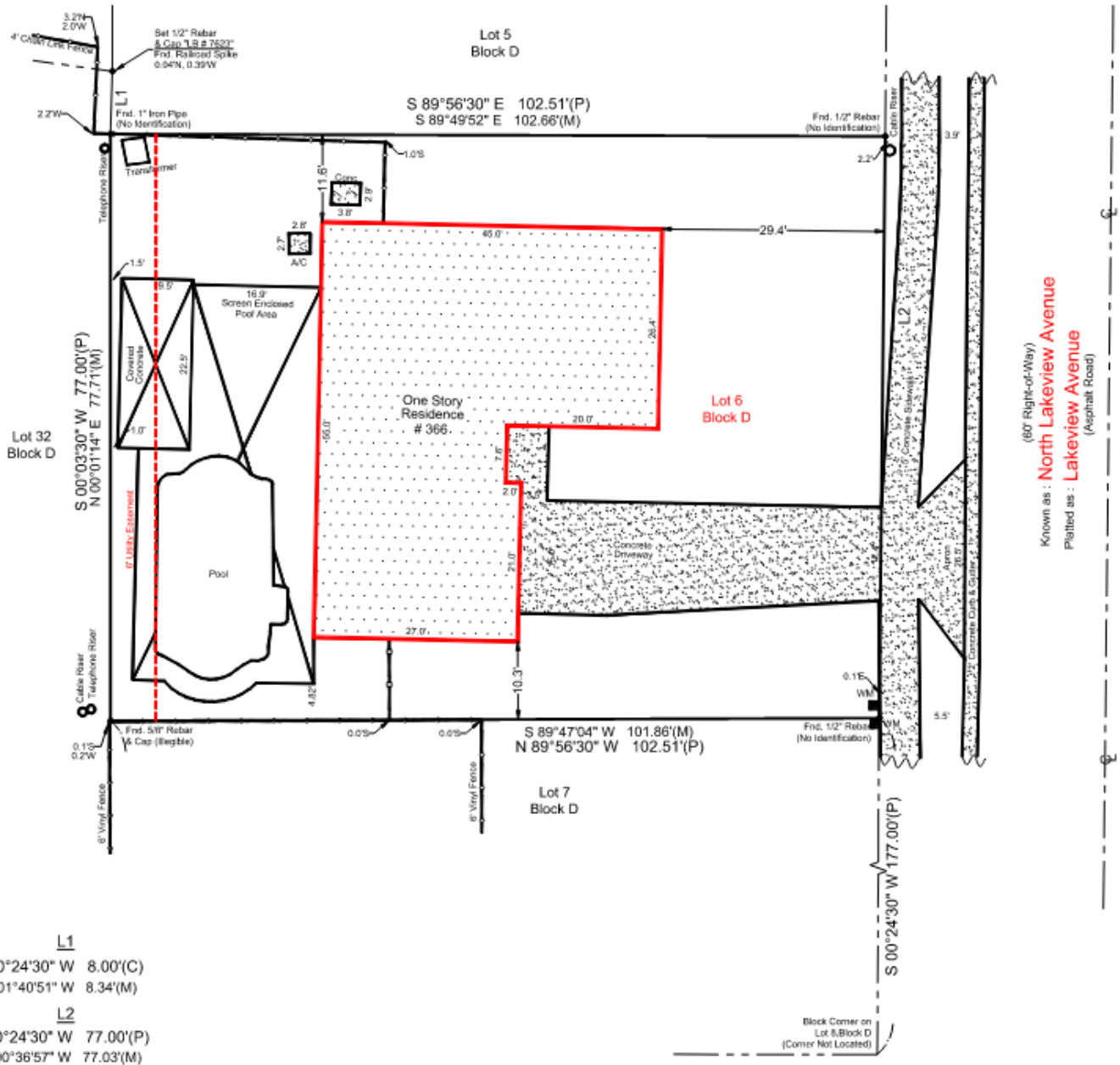
ATTACHMENTS

- Aerial Photo
- Survey
- Site Plan
- Elevations
- Site Photos

AERIAL PHOTO
366 N Lakeview Avenue

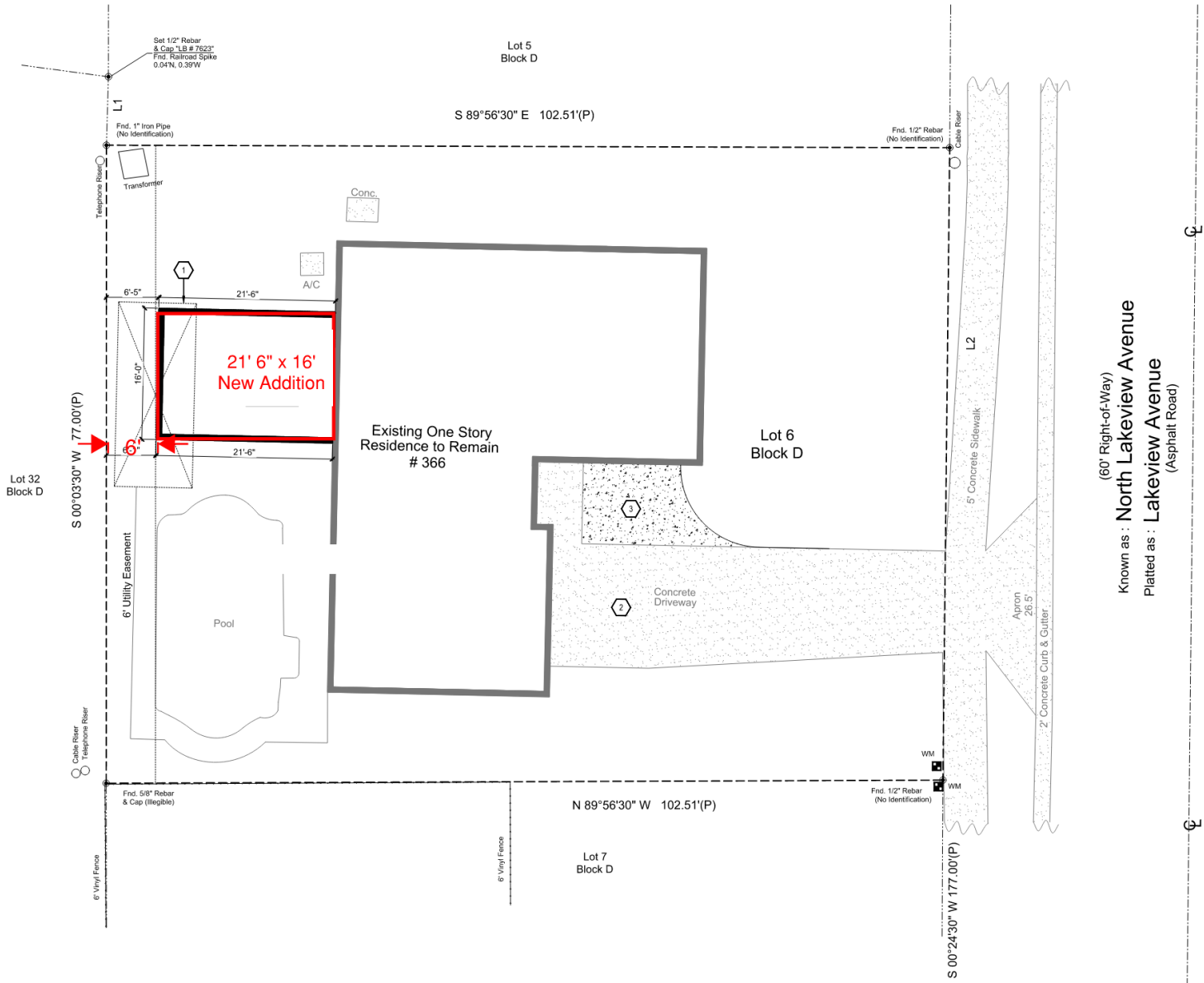


SURVEY
366 N Lakeview Avenue



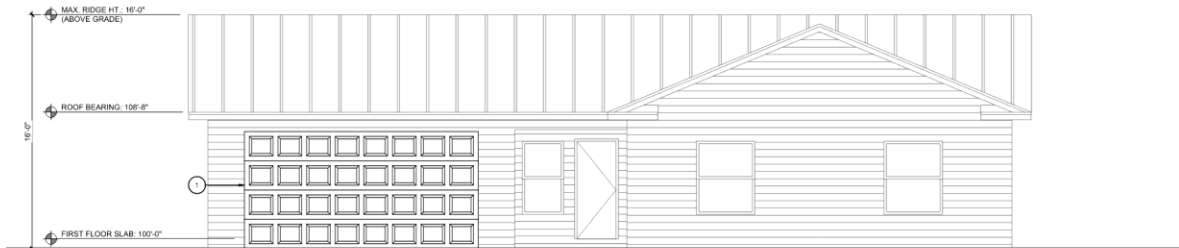
- L1
- S 00°24'30" W 8.00'(C)
- S 01°40'51" W 8.34'(M)
- L2
- S 00°24'30" W 77.00'(P)
- S 00°36'57" W 77.03'(M)

SITE PLAN
366 N Lakeview Avenue



Known as : North Lakeview Avenue
 Platted as : Lakeview Avenue
 (Asphalt Road)

EXISTING ELEVATIONS
366 N Lakeview Avenue



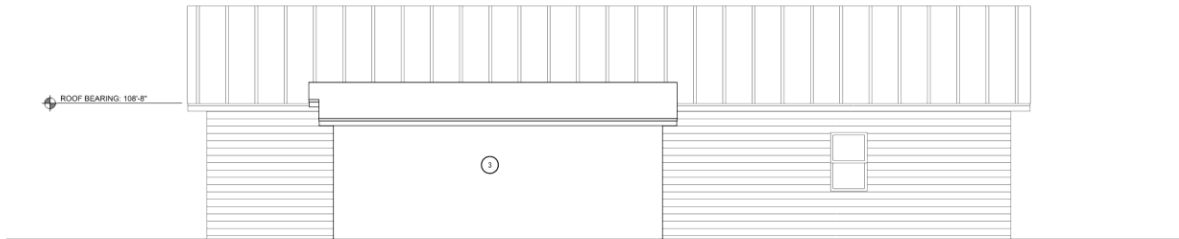
1 EAST (LAKEVIEW AVE) ELEVATION

SCALE: 1/4" = 1'-0"



2 NORTH (RIGHT) ELEVATION

SCALE: 1/4" = 1'-0"



3 WEST (REAR) ELEVATION

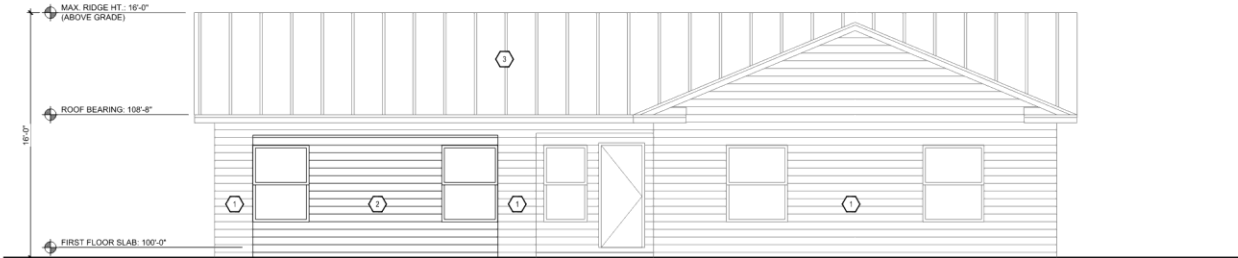
SCALE: 1/4" = 1'-0"



4 SOUTH (LEFT) ELEVATION

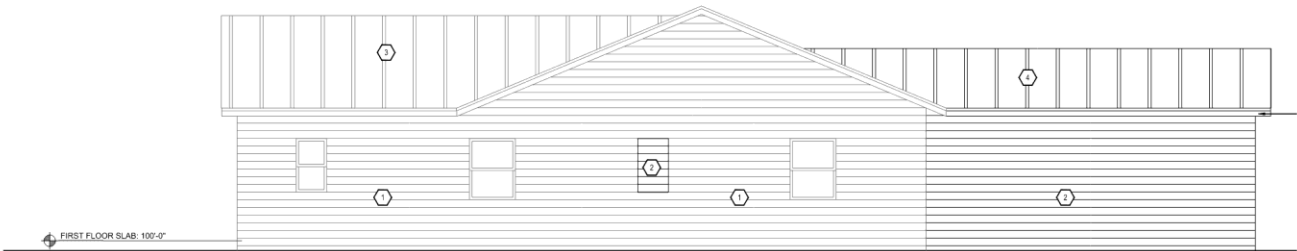
SCALE: 1/4" = 1'-0"

PROPOSED ELEVATIONS
366 N Lakeview Avenue



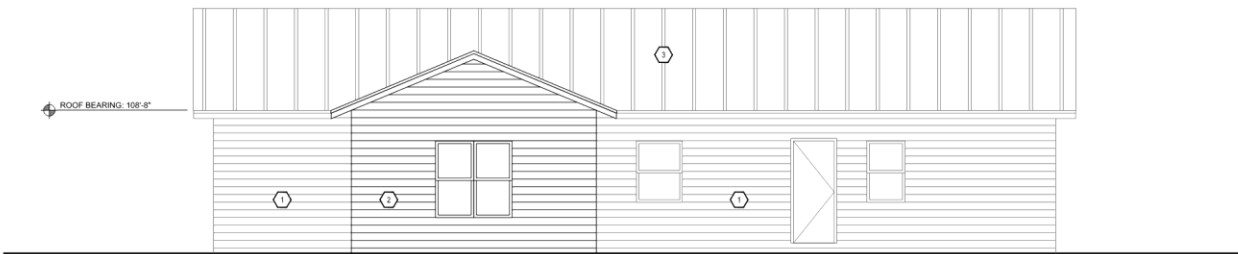
1 EAST (LAKEVIEW AVE) ELEVATION

SCALE: 1/4" = 1'-0"



2 NORTH (RIGHT) ELEVATION

SCALE: 1/4" = 1'-0"



3 WEST (REAR) ELEVATION

SCALE: 1/4" = 1'-0"



4 SOUTH (LEFT) ELEVATION

SCALE: 1/4" = 1'-0"

SITE PHOTOS
366 N Lakeview Avenue



END OF STAFF REPORT

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

Date: March 27, 2026 **Meeting Date:** April 6, 2026
Subject: 523 N Woodland Street
Project Name: 523 N Woodland Street – Cappleman Variance
Parcel ID: 15-22-27-8842-00-280

Issue: The applicant is requesting a variance for the property located at 523 N Woodland Street.

Supplemental Material / Analysis:

Owner / Applicant: Matthew and Amanda Cappleman
Current Zoning: R-1 (Single-family Residential District)
Proposed Zoning: N/A
Current FLU: LR (Low Densit Residential)
Proposed FLU: N/A

Summary: The applicant is requesting a variance to Sec. 118-1310(a)(3), (b), and (c)(2)(a) for the property located at 523 N Woodland Street, to allow a square footage that is 59% of the primary structure square footage in lieu of the 50% maximum, a roof peak height of 23 feet in lieu of the 12-foot height maximum, a 6 foot rear yard setback in lieu of the required 27 foot minimum, and a side yard setback of 6 feet in lieu of the 10 foot minimum, in order to build a two-story detached garage.

Staff Recommendation(s):
Staff recommends approval subject to any conditions outlined in the Staff Report.

Next Step(s):
The applicant is responsible for following all City regulations and obtaining the required building permits.

Attachment(s):
Staff Report
Location Map

LOCATION MAP

523 N Woodland Street

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: SHANE FRIEDMAN, PLANNING SUPERVISOR
DATE: APRIL 6, 2026
SUBJECT: VARIANCE
523 N WOODLAND STREET (0.27 +/- ACRES)
PARCEL ID # 14-22-27-9392-01-610

APPLICANT: Matthew and Amanda Cappleman

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 523 N Woodland Street in Winter Garden, Florida. The request is to allow an accessory structure to have a square footage that is 59% of the primary structure square footage in lieu of the 50% maximum, a roof peak height of 23 feet in lieu of the 12-foot height maximum, a 6 foot rear yard setback in lieu of the required 27 foot minimum, and a side yard setback of 6 feet in lieu of the 10 foot minimum, in order to build a two-story detached garage.

The subject property, located at 523 N Woodland Street, is an approximately 0.27 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-1 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan.

EXISTING USE

The subject property is currently developed with a 2,200 +/- square foot one-story single-family residence built in 1950.

ADJACENT LAND USE AND ZONING

The properties located to the north, east, south, and west of the subject property are developed with single-family residences, are zoned R-1, and are located in the City of Winter Garden’s jurisdictional limits.

PROPOSED USE

The applicant is requesting to build a two-story 1,344 square foot detached garage in the rear yard. The applicant is remodeling the home itself and a part of the remodel they will be adding the detached garage. There is also a large mature oak in front of the property that will remain. This oak has very long expanding branches reaching over the primary structure. This constraint is directing the design of the additions and placement of the detached garage.

CODE REFERENCE

Sec. 118-1310(a)(3), (b), and (c)(2)(a) of the City Code of Ordinances addresses requirements for accessory buildings and accessory structures. This section states,

(a)Definitions. For the purpose of this section, the following will be uses as definitions:

...

(3) The total square footage of all accessory buildings are less than 50 percent of the size of the principal building; and

(b) General requirements...

...

Accessory buildings shall be designed to blend aesthetically with the principal building. Detached accessory building walls shall not exceed nine feet in height, and roof peaks shall not exceed 12 feet in height.

(c)Setback and separation requirements for detached accessory buildings.

...

(2) Accessory buildings—Greater than 160 square feet. An accessory building greater than 160 square feet shall comply with the above requirements with the following exceptions:

a. An accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure.

The applicant is seeking a variance to the maximum height requirements for accessory buildings and the front yard setback of a single-family home.

CODE REQUIREMENTS / CRITERIA

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

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

The location of the detached garage is fairly typical in older neighborhoods as well as some current neighborhoods built in a traditional neighborhood design (TND). This style promotes a friendlier and more walkable neighborhood placing the garage in the rear while focusing attention to the front porch and street facing façade of the home.

In regards to the proposed height, this is also common, but unlike a shed or (barn style accessory building) the detached garage will be built with similar architecture to the primary structure such as windows, siding, and a pitched roof. The property is also heavily-screened with large mature oaks and foliage surrounding the perimeter of the property. The variance requests should cause little if any negative impacts to the standards of living to nearby property owners.

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

As previously stated, detached garages located in the rear yard, both single-story and two-story, are a common feature in older neighborhoods as well as newer neighborhoods. The request would not be out of character for the zoning district and area. Furthermore, this property is located in an R-1 zoning district which has much larger lot size requirements. The property is 90’ x 135’ which provides more than ample room for these types of accessory buildings. The applicants are also designing the renovations and detached garage with regards to having the least impact to the mature oak in front of the home.

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

The applicant is proposing to build a detached garage, while working within the confines of an existing 1950s home footprint as well as a very mature oak in the front yard. The height and setbacks are typical of this type of request. Strict compliance with the City’s land development regulations will not further any legitimate City objective.

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

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

The detached garage is being placed in the rear of the property in the same location as most detached garages in the same and similar zoning districts. This is being done out of standard practices and also to preserve the mature oak in the front of the property. The proposed detached garage will have features similar to the primary structure and is not an aesthetic nuisance. It will have siding, windows, and a pitched roof.

The request for the accessory building to be larger at 59% of the primary structure is a byproduct of it being two-stories and not the building footprint itself. With the renovations to the primary structure, the final percentage will actually be 52% of the primary structure square footage which is minimal. The variance requested is the minimum variance that will make reasonable use of the land.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of the variance(s) to Sec. 118-1310(a)(3), (b), and (c)(2)(a) for the property located at 523 N Woodland Street, to allow a square footage that is 59% of the primary structure square footage in lieu of the 50% maximum, a roof peak height of 23 feet in lieu of the 12-foot height maximum, a 6 foot rear yard setback in lieu of the required 27 foot minimum, and a side yard setback of 6 feet in lieu of the 10 foot minimum, in order to build a two-story detached garage with the following conditions:

- 1) The garage will be built consistent with the site plan and building elevations as provided by the applicant.
- 2) The garage style and materials shall be consistent with and complementary to the primary structure.

NEXT STEPS

Follow all City regulations and apply for building permits.

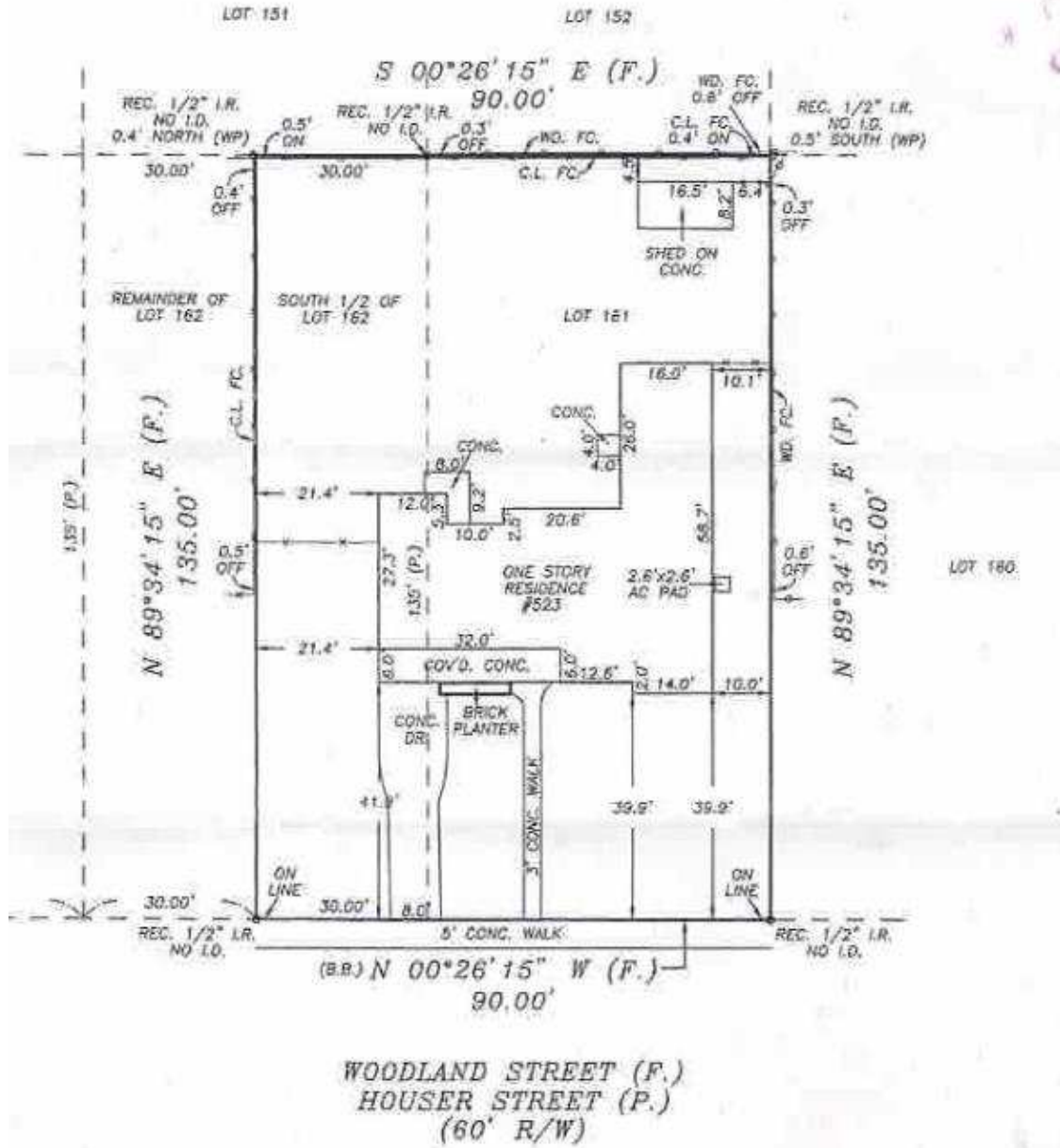
ATTACHMENTS

- Aerial Photo
- Survey
- Site Plan
- Building Elevations
- Letters of Support from Neighbors
- Site Photos

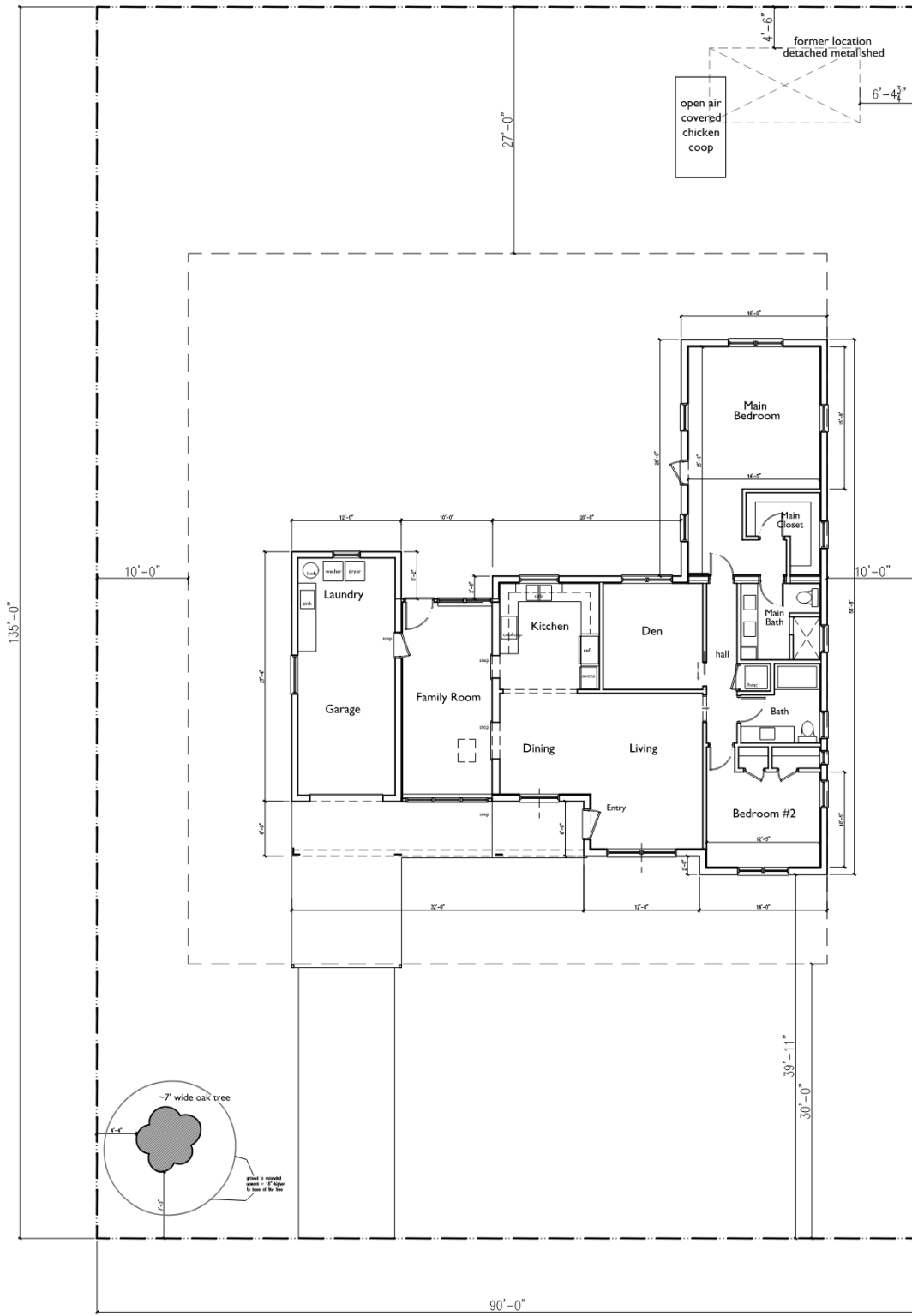
AERIAL PHOTO
523 N Woodland Street



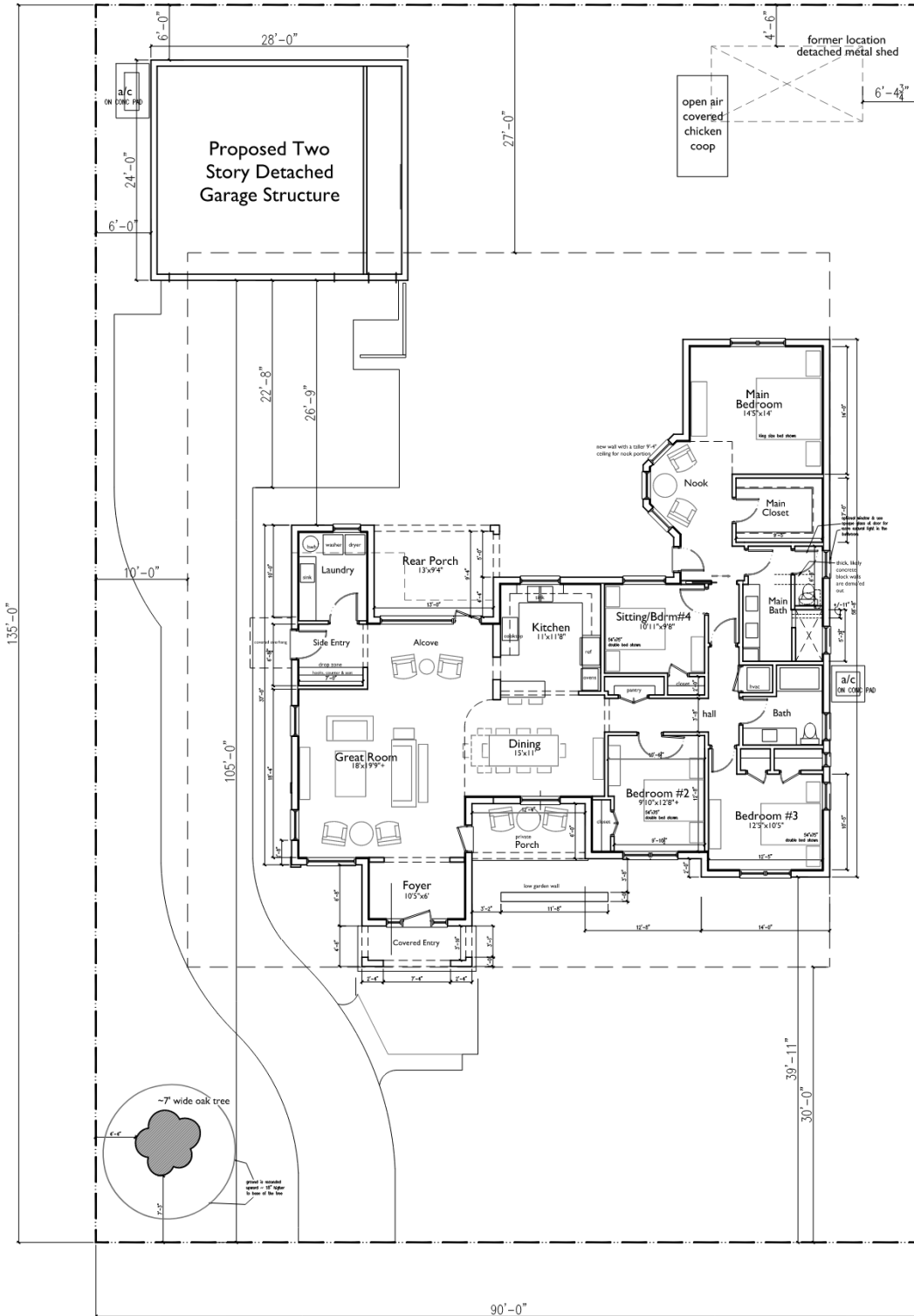
S RVEY
523 N Woodland Street



SITE PLAN
523 N Woodland Street



Existing Architectural Site Plan



Proposed Architectural Site Plan

SITE DATA
523 N Woodland Street

Area Tabulation:

Existing House	
square footage	
-----BEFORE ANY WORK-----	
First Floor a/c	1,730
One Car Garage	328
Front Porch	192
Carport (to be completely removed)	148
subTotal non-a/c	668
Total under roof:	2,398

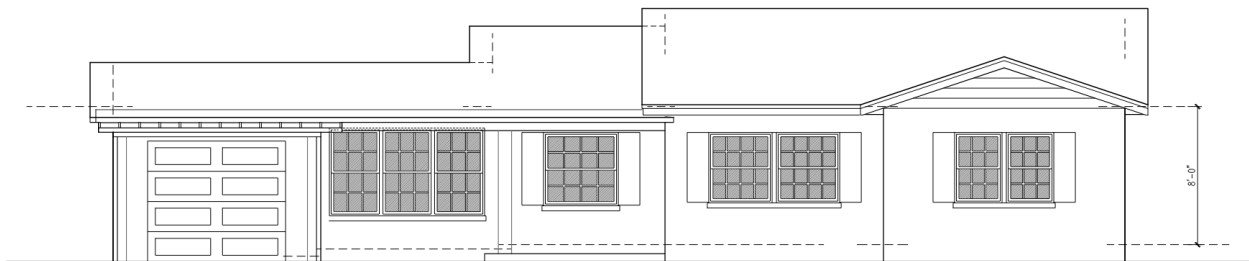
Area Tabulation:

Main House	
square footage	
-----after all additions and alterations-----	
First Floor a/c	2,283
<small>1,563 of existing footprint remain --includes laundry +651 new footprint of the Great Room & Foyer +45 at Main Bedroom +27 at Laundry Room</small>	
Front Porch (private)	74
New Front Covered Entry	54
New Rear Covered Porch	134
subTotal non-a/c	262
Total under roof:	2,545

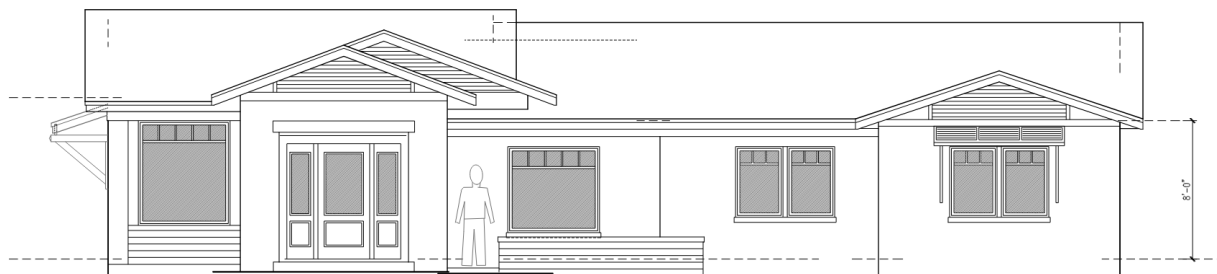
Area Tabulation:

NEW Detached Structure	
square footage	
First Floor a/c	76
Second Floor a/c	672
Garage	596
Total under roof:	1,344

BUILDING ELEVATIONS
523 N Woodland Street



Existing Front Elevation



new window at 8'-0" off floor in areas with new 9'-4" ceilings
 new 6'-8" tall front door (no transom) option to trim out a blind transom on the interior
 new window in dining area new low garden wall
 new casement windows at two front bedrooms try for current window to be reused at new detached structure

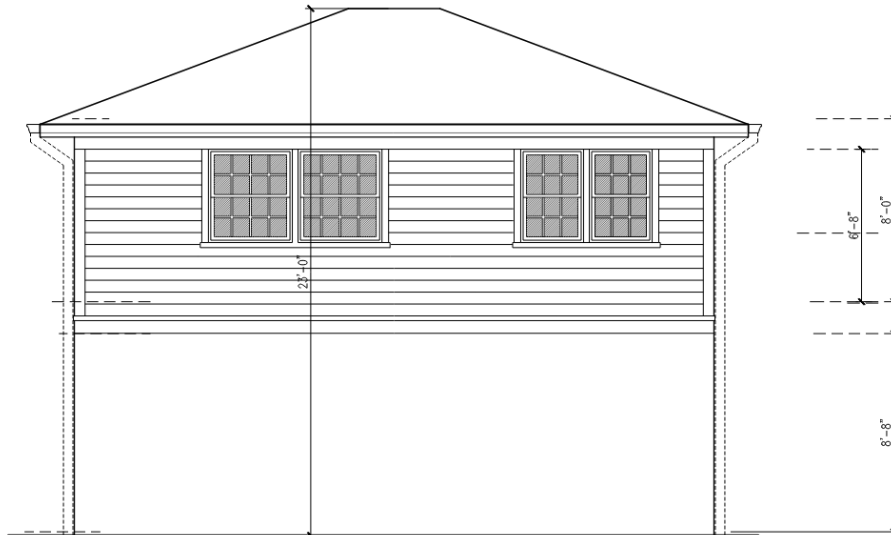
Proposed Front Elevation

**BUILDING ELEVATION
(DETACHED GARAGE)
523 N Woodland Street**



Proposed Front Elevation

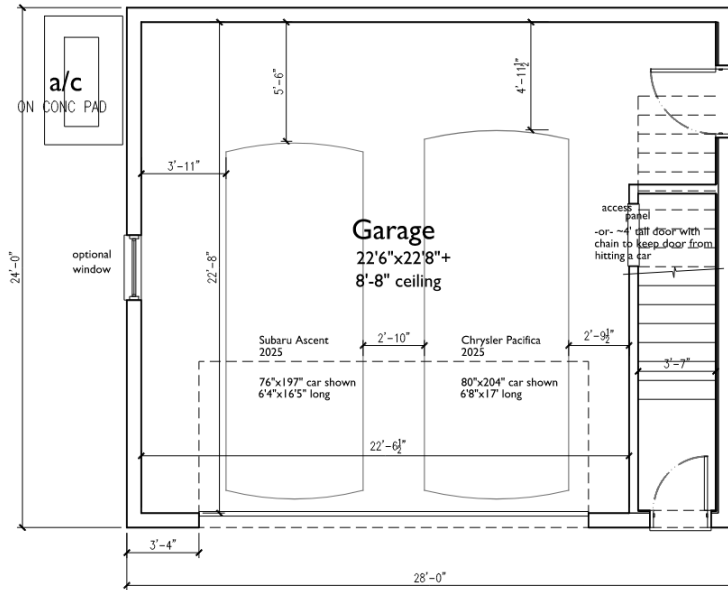
West



Proposed Rear Elevation

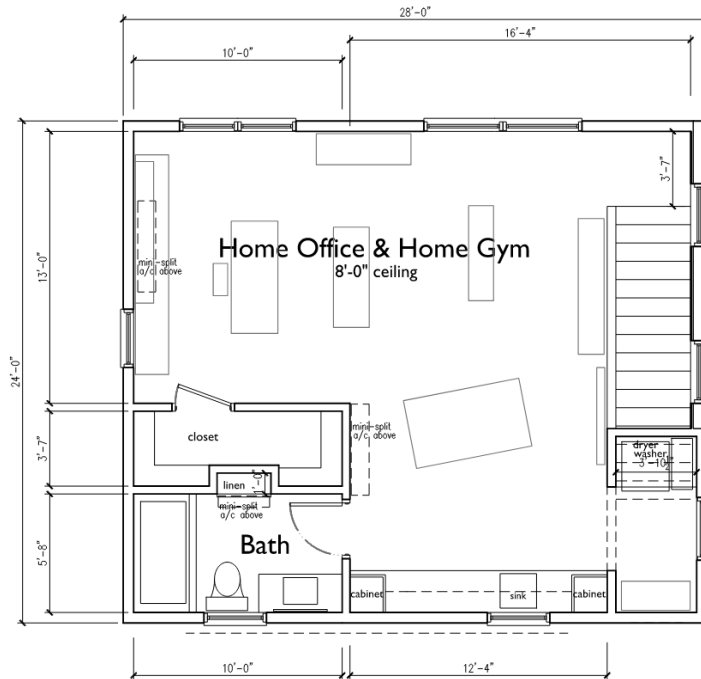
East

**FLOOR PLAN
 (DETACHED GARAGE)
 523 N Woodland Street**



First Floor

585 + 87 a/c sq ft = 672 square feet




Second Floor

LETTERS OF SUPPORT
523 N Woodland Street

Dear Board Members,

I've meet with the Capplemans and have seen the drawings for the changes to their property. I am writing to voice support for the changes to their property with the understanding that they are asking the city for variances for the project to occur.


Patrick Weis
520 North Woodland
Street

(520 North Woodland Street)

Dear Board Members,

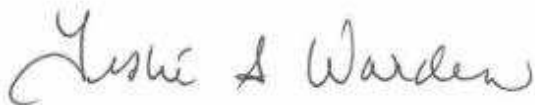
I've met with the Capplemans and have seen the drawings for the changes to their property. I am writing to voice support for the changes to their property with the understanding that they are asking the city for variances for the project to occur.



(519 North Woodland Street)

Dear Board Members,

I've meet with the Capplemans and have seen the drawings for the changes to their property. I am writing to voice support for the changes to their property with the understanding that they are asking the city for variances for the project to occur.

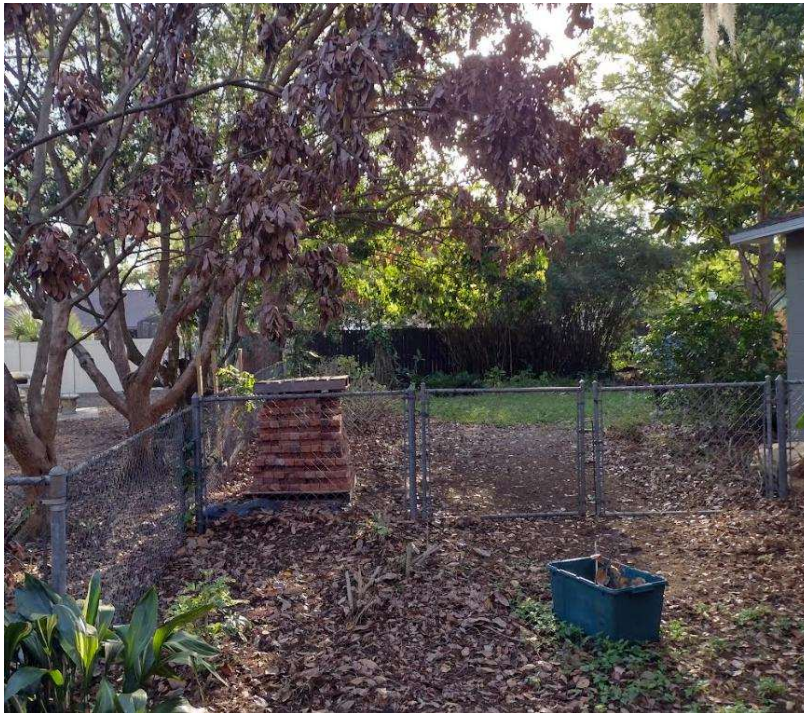


(529 North Woodland Street)

SITE PHOTOS
523 N Woodland Street



(Facing property from Woodland St)



(Facing east along north side of property)



(Facing north along rear of property)



(Facing south along rear of property)



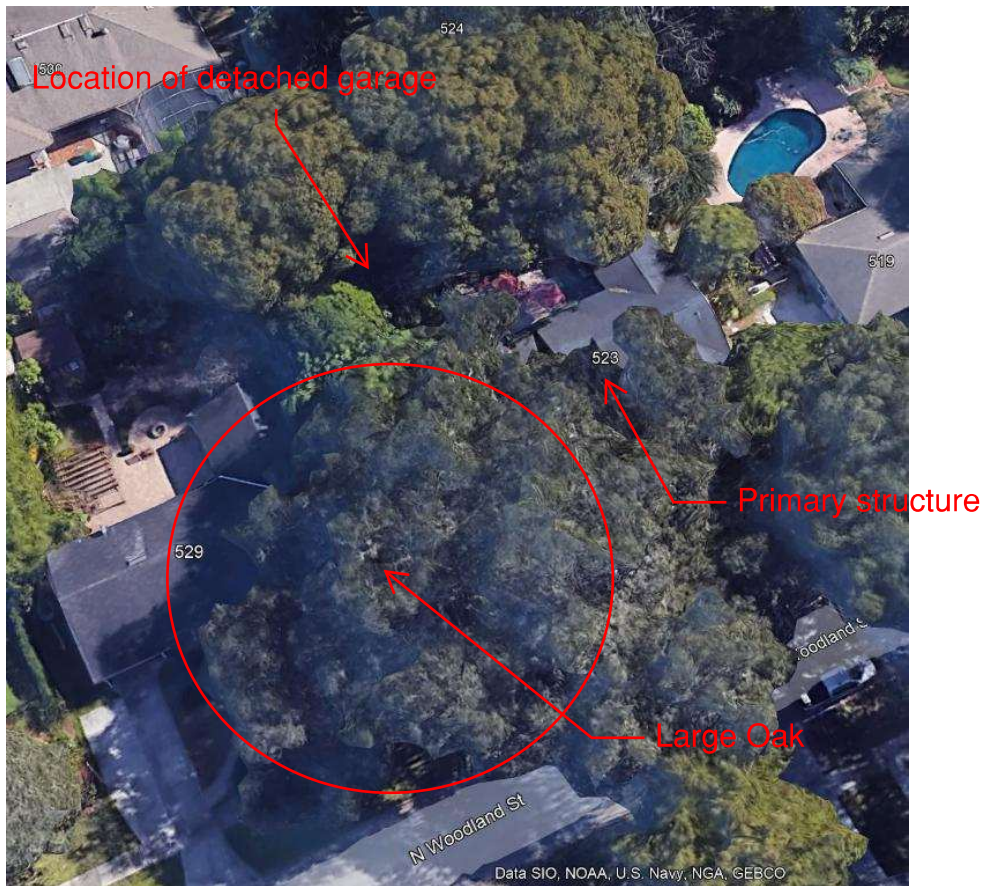
(Facing west from rear of property)



(Facing east on rear of property)



(Mature Oak)



(Aerial of Mature Oak)

END OF STAFF REPORT

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

Date: March 26, 2026 **Meeting Date:** April 6, 2026
Subject: 306 9th Street
Project Name: Heller Bros Outside Storage – Fence - Variance
Parcel ID: 23-22-27-7288-00-038

Issue: The applicant is requesting a variance for the property located at 306 9th Street.

Supplemental Material / Analysis:

Owner / Applicant: Heller Bros Packing Corp./ SK Consortium
Current Zoning: I-2, General Industrial District
Proposed Zoning: N/A
Current FLU: I (Industrial)
Proposed FLU: N/A

Summary: The applicant is requesting a variance to allow a 6 foot tall PVC fence, in lieu of a 3 foot maximum height fence, in the front and side yard of the property.

Staff Recommendation(s): Staff recommends approval subject to any conditions outlined in the Staff Report.

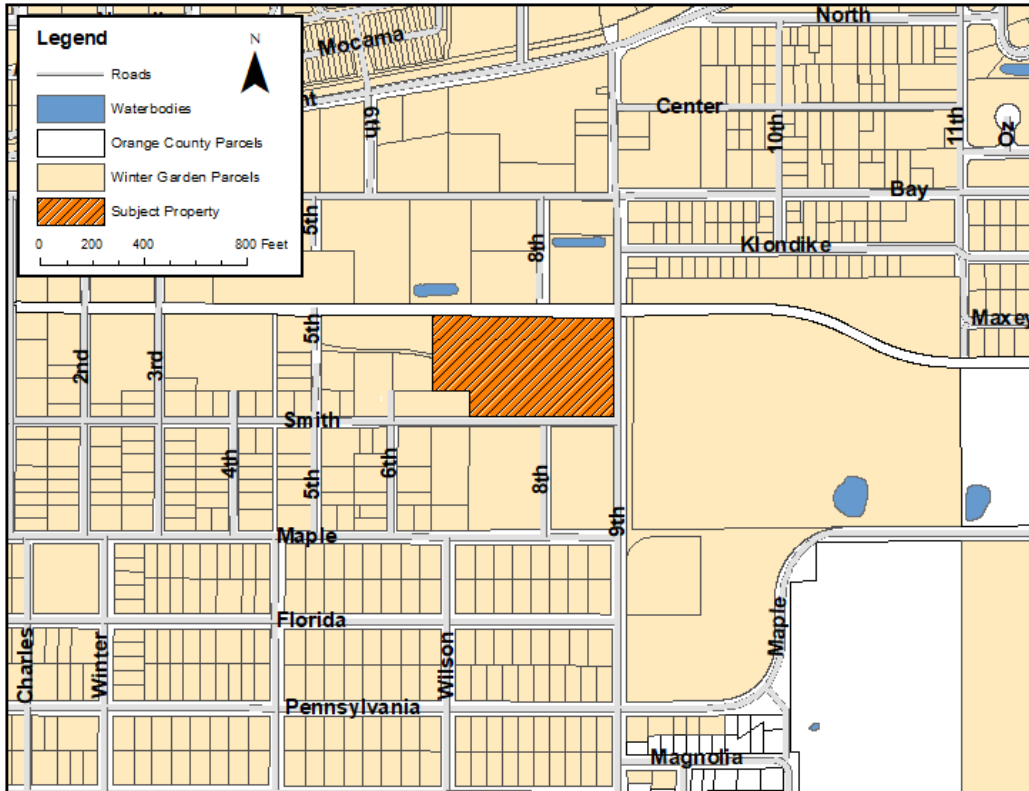
Next Step(s): The applicant is responsible for following all City regulations and obtaining the required zoning and building permits for the fence.

Attachment(s):
Staff Report
Location Map

LOCATION MAP

306 9th Street

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

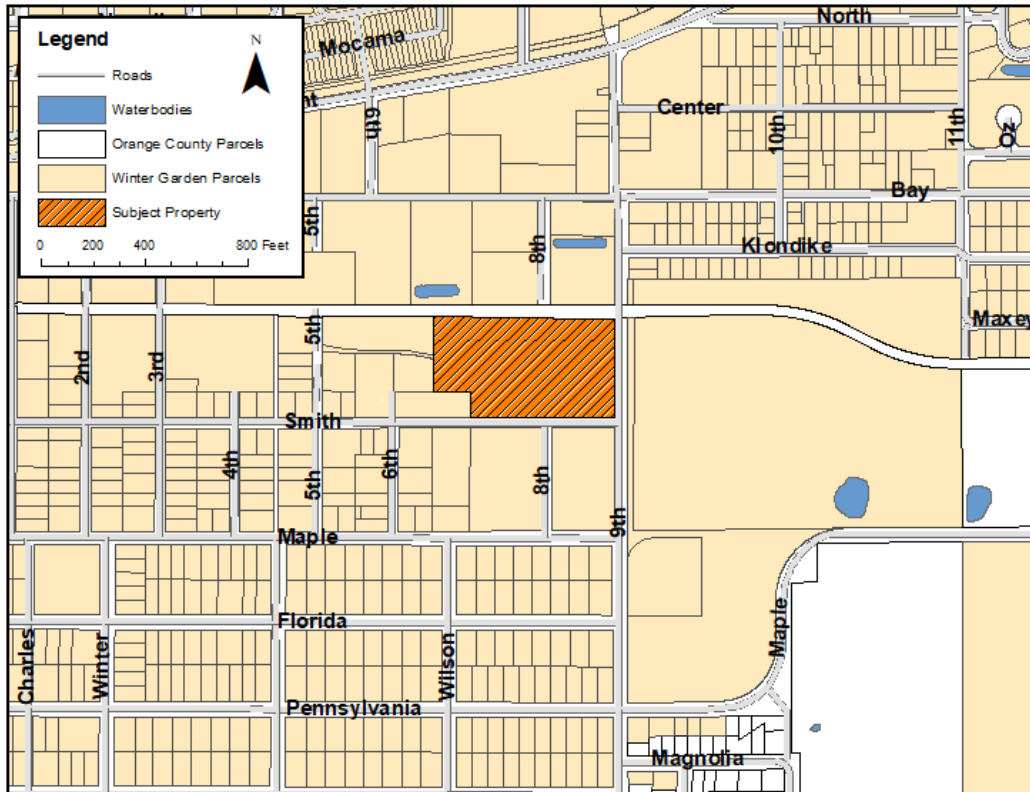
300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: Yvonne Conatser, Senior Planner
DATE: April 6, 2026
SUBJECT: VARIANCE
306 9th Street (5.96 +/- ACRES)
PARCEL ID # 23-22-27-7288-00-038
APPLICANT: SK Consortium, Inc. /Heller Bros Packing Corp. (owner)

The purpose of this report is to evaluate the request for a variance for the property located at 306 9th Street in Winter Garden, Florida. The request is to allow a 6 foot tall PVC fence, in lieu of a 3 foot maximum height fence, in the front and side yard of the property.

The Property is approximately 5.96 +/- acres in size, zoned I-2, General Industrial District and designated I (Industrial) on the City Future Land Use Map. The map below depicts the location of the property within the City of Winter Garden municipal limits.



EXISTING USE

The 5.96 acre property has been a citrus packing plant for Heller Bros Packing Corp for over 80 years. There are several large packing plant buildings on the property totaling 71,547 square feet, and several smaller facilities totaling 13,232 square feet, for a building total of 84,779 square feet. The site includes loading areas, parking and outside storage for trucks and trailers.

The packing plant operations have decreased over the years. The proposed use, as described below, will update and expand the use to include outside storage.

ADJACENT LAND USE AND ZONING

The property directly adjacent to the north is owned by CSX Transportation Inc. and contains portions of the railway system that once traveled through Winter Garden. This tract of land is part of unincorporated Orange County. To the north of the CSX property and to the west are properties developed with industrial uses, zoned I-2 and designated I (Industrial) on the City's future land use map. The property to the southeast is developed industrial, zoned I-2 and designated I. The property directly south is one of the City's water treatment facilities, zoned I-2 and designated INT (Institutional). The property to the east is owned by Prodalium and operates as a citrus facility. It is currently zoned NZ (Not Zoned) and designated I on the City's land use map. All properties, with the exception of the CSX property, are located in the City's municipal limits.

PROPOSED USE

The applicant is requesting to remove the existing legal non-conforming chain link fence along 9th Street and E Smith Street frontage to allow the installation of a six (6) foot tall PVC fence in the front and side yard of the property to provide screening to the existing facility and proposed expanded outside storage. The special exception permit for the outside storage is being reviewed concurrently with this variance.

CODE REFERENCE

Section. 118-1297. (a)(1) and (2) of the City Code of Ordinances addresses fence requirements. These sections state,

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

- (1) *Front yards.* Three feet in height and set back from the property line one-half foot.
- (2) *Side yards.* Three feet in height to the building line and six feet in height for the remaining side yard.

The applicant is seeking a variance for a fence in the front and side yard of the property to permit a fence six feet in height.

CODE REQUIREMENTS / CRITERIA

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

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

The applicant would like to construct the proposed fence along the 9th Street front and E Smith Street side of the property. The property is adjacent to other industrial properties. The fence location and height should not interfere or negatively impact these adjacent properties.

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

The requested variance does not change the industrial nature of the property. The PVC style fence will provide the required opaque screening for the proposed outside storage. This is a reasonable use of the industrial zoned property and is not out of character with other properties located within the area.

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

Strict compliance with the City’s land development regulations will not further any legitimate City objective. The proposed fence is a typical buffer for an industrial property.

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

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

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

The requested variance is the minimum variance that will make reasonable use of the land and allow the property owner to expand the outside storage use of the property without impact to surrounding neighbors. Denying the variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of the variance to Section 118-1297. (a) (1) and (2) to allow a six (6) foot PVC fence in the front and side yard in lieu of the three (3) foot maximum fence height for the property at 306 9th Street, subject to the following conditions:

1. The six (6) foot PVC fence shall be located along the front and side property as described in the site plan as provided by the applicant and further depicted in Attachment A.
2. The style of the PVC fence shall be as described in the elevations provided by the applicant and depicted in Attachment B.
3. The applicant will obtain the required fence permit from the City prior to construction of the fence.

NEXT STEP

Follow all City regulations and apply for required permits.

ATTACHMENTS

Aerial Photo

Current Site Plan with existing chain link fence

Attachment A – site plan with proposed PVC fence location

Attachment B – PVC fence elevation

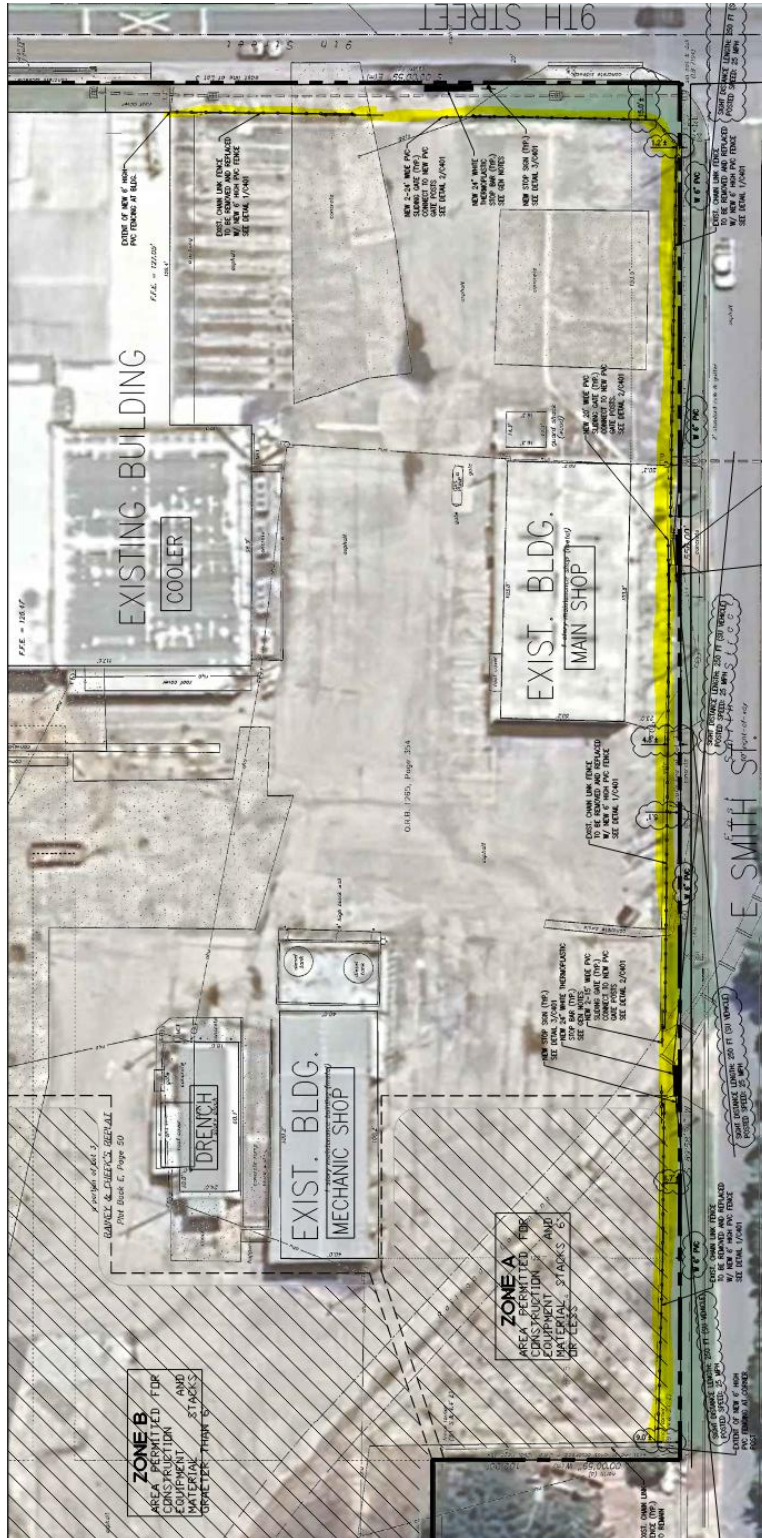
Site Photos

Aerial Photo
306 9th Street



Attachment A

Site Plan with Proposed PVC Fence (location highlighted)



Attachment B
PVC Fence Elevations



PHOTO: PVC ROLLING GATE WITH WHEELS

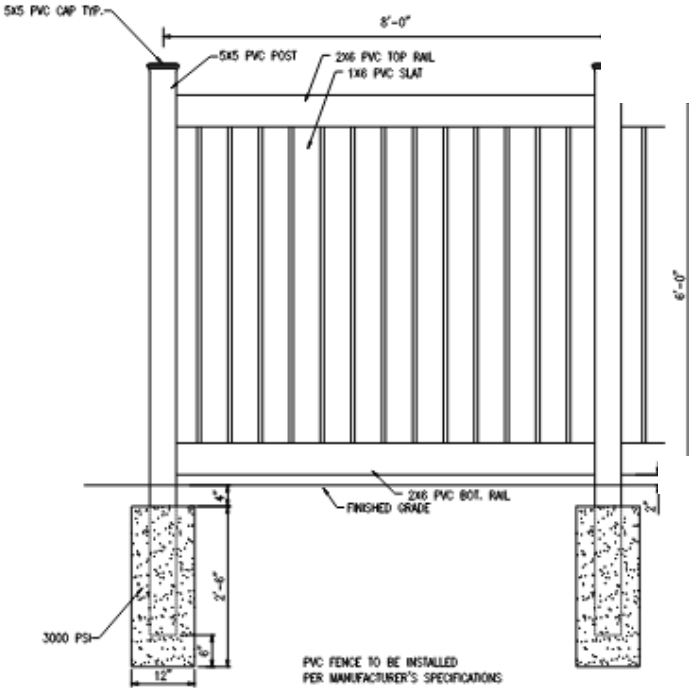


PHOTO: 6' PVC FENCE – NIGHT TIME

Attachment B continued



PHOTO: PVC SWING GATE



1 PVC FENCE SECTION
C401 3/4"-1'-0"

Site Photos
306 9th Street
Intersection of 9th and E Smith Street



Frontage along 9th Street



Right-of-way along E Smith Street



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

Date: March 26, 2026 **Meeting Date:** April 6, 2026
Subject: 306 9th Street
Project Name: Heller Bros Outside Storage – Special Exception Permit
Parcel ID: 23-22-27-7288-00-038

Issue: The applicant is requesting a Special Exception Permit for the property located at 306 9th Street.

Supplemental Material / Analysis:

Owner / Applicant: Heller Bros Packing Corp. / SK Consortium
Current Zoning: I-2, General Industrial District
Proposed Zoning: N/A
Current FLU: I (Industrial)
Proposed FLU: N/A

Summary: The applicant has requested a Special Exception Permit to allow outside storage on the property.

Staff Recommendation(s):

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

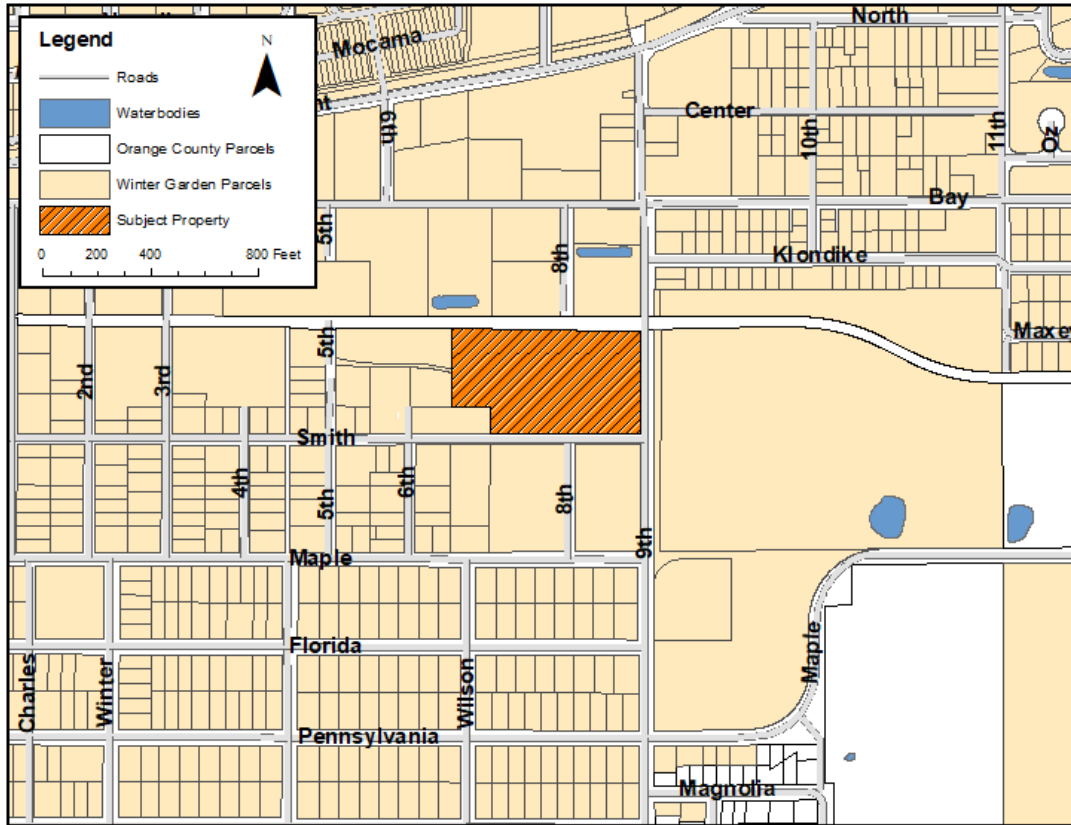
Next Step(s): The applicant is responsible for following all City regulations and obtaining the required plan and permit approvals prior to operation of the outside storage area.

Attachment(s): Staff Report
Location Map

LOCATION MAP

306 9th Street

Special Exception Permit



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

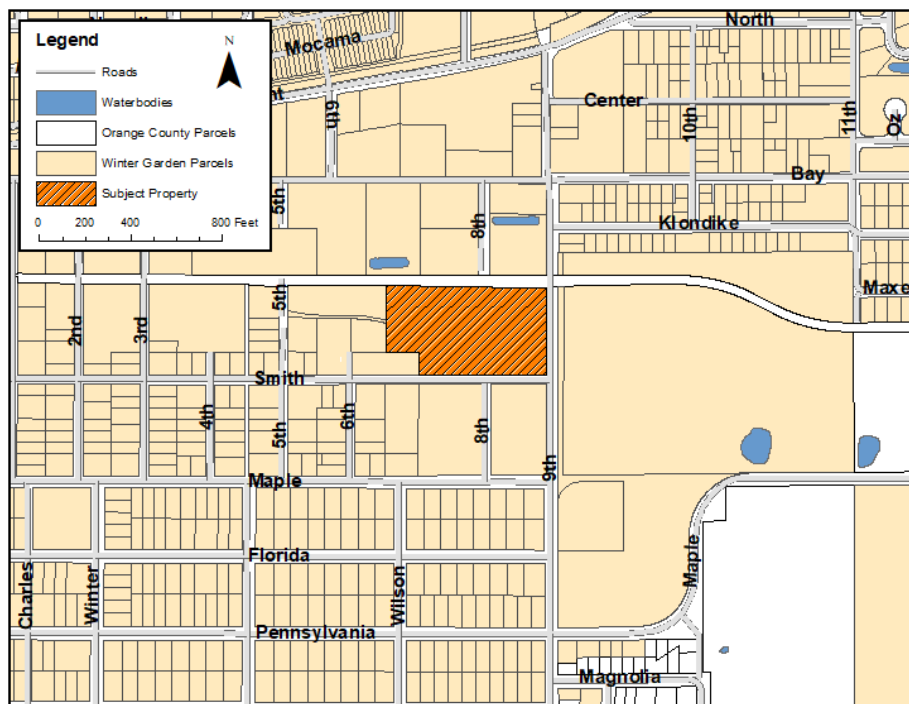
TO: PLANNING AND ZONING BOARD
PREPARED BY: YVONNE CONATSER, SENIOR PLANNER
DATE: April 6, 2026
SUBJECT: SPECIAL EXCEPTION PERMIT
306 9th Street (5.96 +/- acres)
PARCEL ID #23-22-27-7288-00-038

APPLICANT: SK Consortium, Inc./ Heller Bros Packing Corp. (owner)

INTRODUCTION

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

The subject property is located at 306 9th Street. It is approximately 5.96 ± acres. The applicant is requesting a Special Exception Permit to allow outside storage. The subject property is zoned I-2, General Industrial District and designated I (Industrial) on the City's Future Land Use Map. The map below depicts the location of the property within the City of Winter Garden municipal limits:



EXISTING USE

The 5.96 acre property has been a citrus packing plant for Heller Bros Packing Corp for over 80 years. There are several large packing plant buildings on the property totaling 71,547 square feet, and several smaller facilities totaling 13,232 square feet, for a building total of 84,779 square feet. The site includes loading areas, parking and outside storage for trucks and trailers.

The packing plant operations have decreased over the years. The proposed use, as described below, will update and expand the use to include outside storage.

ADJACENT LAND USE AND ZONING

The property directly adjacent to the north is owned by CSX Transportation Inc. and contains portions of the railway system that once traveled through Winter Garden. This tract of land is part of unincorporated Orange County. To the north of the CSX property and to the west are properties developed with industrial uses, zoned I-2 and designated I (Industrial) on the City's future land use map. The property to the southeast is developed industrial, zoned I-2 and designated I. The property directly south is one of the City's water treatment facilities, zoned I-2 and designated INT (Institutional). The property to the east is owned by Prodalium and operates as a citrus facility. It is currently zoned NZ (Not Zoned) and designated I on the City's land use map. All properties, with the exception of the CSX property, are located in the City's municipal limits.

PROPOSED USE

The applicant is proposing to expand the existing outside storage on the property. At this time, the property contains outside storage as a legal non-conforming use. An approved special exception permit is required to expand the use. If approved, this would allow the applicant to bring the property into compliance with City Code requirements.

The applicant would like to expand the use to include the storage of equipment like trucks, trailers and construction vehicles, and materials like lumber, concrete forms and stone. The applicant would prohibit specific uses and materials that may be hazardous or cause additional impacts to the surrounding properties, to create a compliant property. A complete list of proposed permitted and prohibited equipment and materials is attached as Exhibit A.

The expanded outside storage is proposed for 2.13 acres of the 5.96 acres property. The area is toward the rear and southwest area of the property as shown on Exhibit B, attached. The outside storage area is laid out with Zone A for equipment and materials that are six feet in height or lower. This area is closer to the E Smith Street property line. There is also a Zone B for equipment and materials that may exceed six feet. This area is further north on the property and adjacent to the CSX property.

ANALYSIS

The City Code Division 13. I-2 General Industrial District Section 118-774. Special exceptions, of the City Code addresses outside storage. This section states,

Section 118-774. Special exceptions.

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

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

The applicant has proposed a PVC style fence, six (6) feet in height, along E Smith Street to screen the outside storage. The fence will also run along the front of the property at 9th Street. The fence will serve to screen the outside storage from the properties to the south and along the right-of-way. The applicant has proposed a landscape buffer to enhance the required opaque screening.

A variance is required for the six foot fence due to the location of a portion of the fence along E Smith and 9th Street. The applicant has requested a variance for the fence. The variance request is running concurrently with this special exception permit.

The special exception permit and site plan application was reviewed by the Development Review Committee (DRC). The DRC provided comments that will become conditions of the special exception permit if approved by the Planning and Zoning Board (DRC Memorandum attached).

The applicant provided traffic information for the requested use. Per the applicant's application narrative, the packing plant use at peak performance measured approximately 200 trips daily, but has significantly decreased in recent years due to a decrease in packing plant production. The outside storage use is anticipated to produce fewer daily trips than the once fully functioning packing plant. Staff concurs with the applicant's information as the proposed use will not decrease the current road level of service.

The proposed layout as shown with Attachment A and the six foot fence with landscape buffer should mitigate the impacts of the proposed outside storage and allow the property to operate in a manner that is compatible with the area.

SUMMARY

City Staff recommends approval of the proposed Special Exception Permit to allow the outside storage at 306 9th Street subject to the following conditions:

- 1) The special exception permit is for outside storage only of equipment and materials as provided by Exhibit A.
- 2) All outside storage of construction equipment must be stored in descending order of height. The tallest equipment must be stored at resting position in the rear of the property. The equipment should descend in height towards the smallest equipment at the front of the property. Construction equipment may only be stored in the area identified as Exhibit B.
- 3) Any outside storage of equipment that is greater than six (6) feet in height must be stored in its resting position.
- 4) All loose materials stored outside, including any stackable equipment, cannot be stacked higher than six (6) feet.
- 5) The approval of the requested variance for a six foot tall opaque PVC fence along E Smith Street and 9th Street.
- 6) Landscaping shall be installed along E Smith Street and 9th Street with the installation of the PVC fence. Landscaping shall be maintained in accordance with City Code.
- 7) The applicant is responsible for meeting the conditions as stated by the Development Review Committee and included in the memorandum dated March 13, 2026, attached.

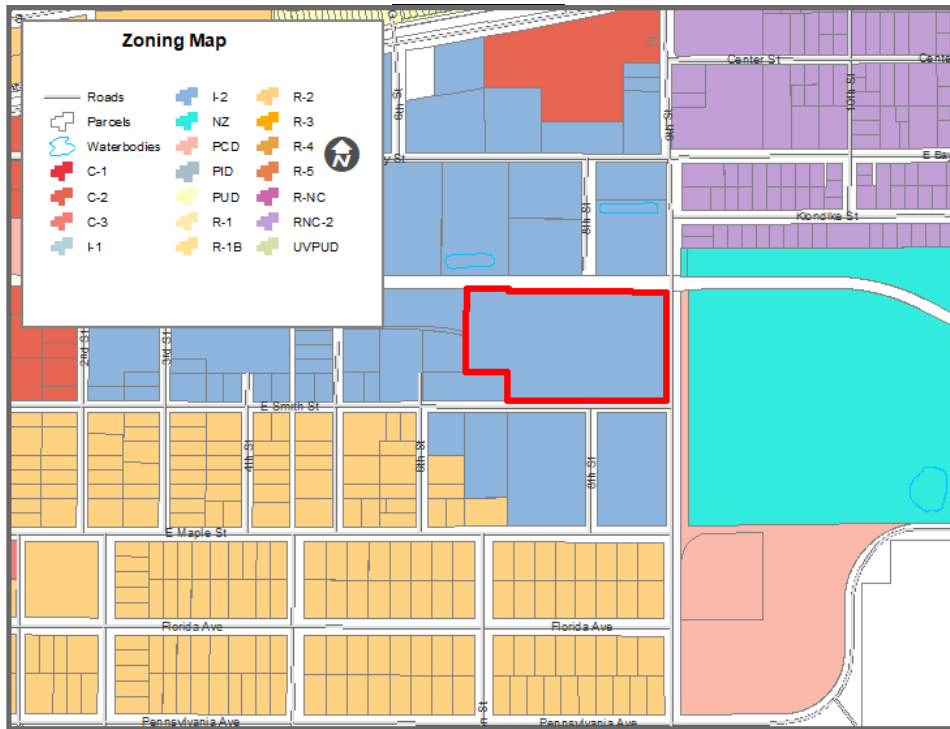
ATTACHMENTS

- Aerial Map
- Zoning Map
- Future Land Use Map
- Exhibit A (permitted and prohibited uses)
- Exhibit B (Site Plan)
- DRC Memorandum
- Site Photos

AERIAL MAP
306 9th Street



ZONING MAP
 306 9th Street



FUTURE LAND USE MAP
 306 9th Street

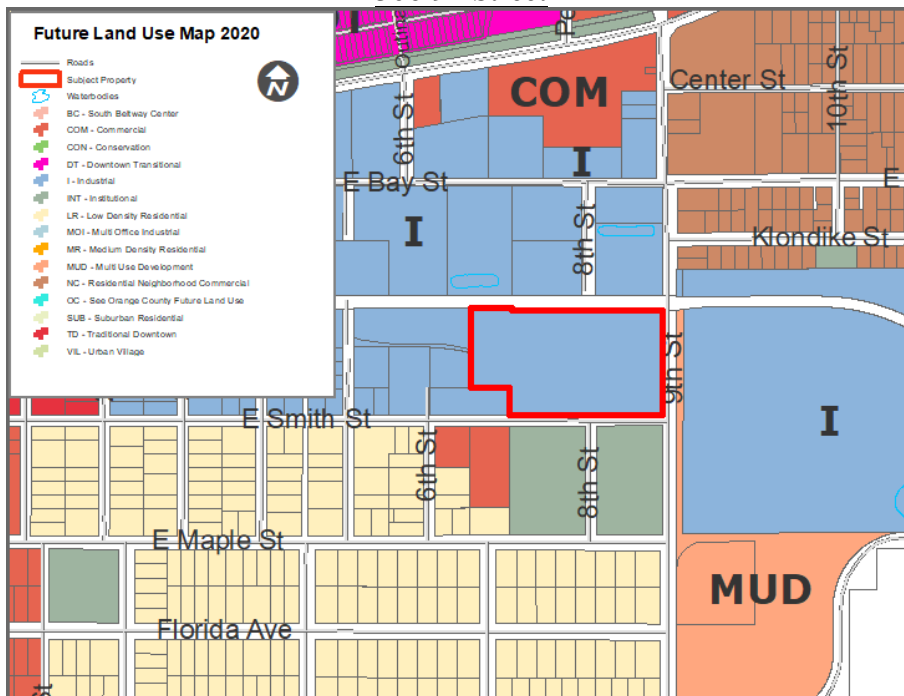


Exhibit A
306 9th Street

Permitted Construction Equipment

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

Permitted Building Material

- Storage, distribution, warehousing, and/or sales Building Materials shall be an allowable use.
- List of typical Buildings Materials includes the following:
 - Piping
 - Lumber
 - Fencing
 - Roofing
 - Plywood
 - Wood and/or wood trusses
 - Drywall
 - Concrete piping
 - Tile and flooring
 - Granite or other stone
 - Storm drainage pipes and boxes
 - Concrete forms
 - Barricades
 - Hazard signs and signage
 - Steel grates
 - Conduit
 - Electrical wiring
 - Electrical transformer, generator
- Storage, distribution, warehousing, and /or sales landscape & garden material

Exhibit A continued

shall be allowable use including plants, fertilizer, herbicide, pavers, mulch, tools, etc.

Vehicle including Cars, Buses, Trucks, Trailers, RVs, Boats, etc.

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

Prohibited Uses/Materials

- Recycling of materials
- Auto scrap or salvage yards
- Concrete or asphalt mixing plants
- Fly ash or concrete fines or other fine particulates
- Fertilizer mixing plants
- Noxious or toxic product manufacturing or mixing
- Piles of organic or non-organic materials, concrete or asphalt aggregates, or other aggregate materials stacked over 6' high.
- Scrap automobiles or trucks
- Storage of explosive & hazardous material (except fuels and chemical used as part of the primary business)

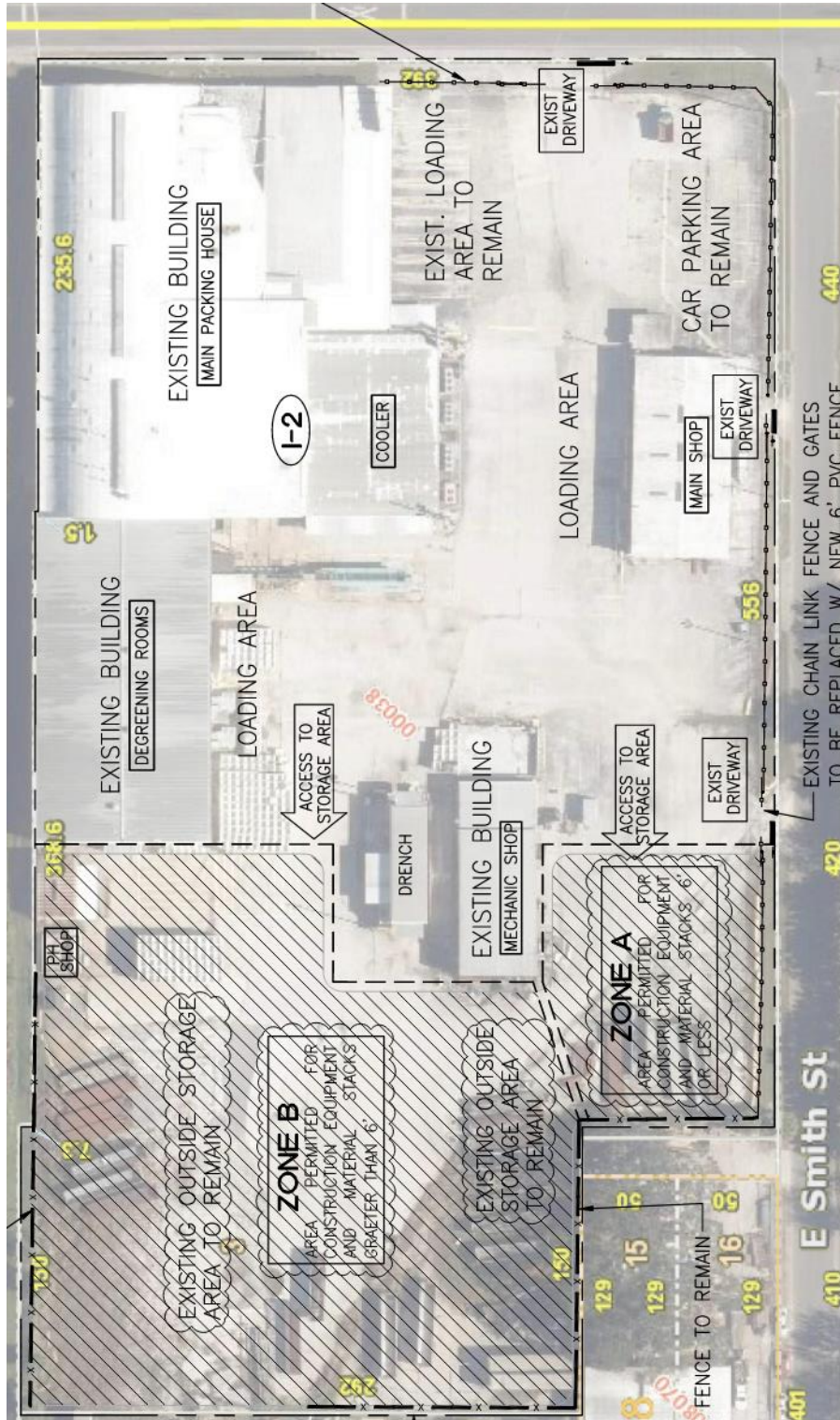
Outside Storage Zones

The area designated for outside storage shall be divided into two 2 zones. Zone A is a smaller area abutting E. Smith Street. Zone B is a larger interior area of the site that is more than 100' away from E. Smith Street. Please see Overall Site Plan sheet C100.

In Zone A, only construction material and equipment that are 6' in height or lower shall be allowed. Construction material shall be finished products such as bricks, pavers, pipes, Lumber, etc. Landscape material such as plants, sod or mulch shall be in pots, palettes, or bags. Loose and raw material such as sand, gravel, and cement shall not be allowed in zone A. unless it is contained within permanent bins that are less than 6' tall.

In zone B, all permitted material, equipment, and vehicles shall be allowed. However, they must be stored in descending order of height. The tallest equipment must be stored in the rear of the property toward the railroad. Material or equipment that is greater than 6' in length (such as utility poles, pipes, etc.) must be stored in its resting position. Loose and Raw material such as sand, gravel, and cement must be stored in material storage bins.

Exhibit B
Site Plan Detail



DRC Memorandum

#0825-977

CITY OF WINTER GARDEN

Engineering Department

300 West Plant Street - Winter Garden, Florida 34787-3011
(407) 656-4111 - FAX (407) 877-2363

MEMORANDUM

TO: KELLY CARSON, PLANNING DIRECTOR
YVONNE CONATSER, SENIOR PLANNER
FROM: JIM MONAHAN, PE – CITY ENGINEER
ROB HEAVISIDE, PE – SENIOR ENGINEER
ARTHUR R. MILLER, III, PE, PLS (ret) - CITY ENGINEERING CONSULTANT
DATE: MARCH 13, 2026
SUBJECT: REVIEW OF SITE PLAN
HELLER BROTHERS OUTDOOR STORAGE AREA - 306 NINTH STREET

Pursuant to your request, we have reviewed the site plan dated 12/09/26 for compliance with the City's stormwater and site requirements. The plan proposes a use change on 2.16 acres of the 5.96 acre I-2 zoned parcel to outdoor storage via Special Exception/Site Plan approval. This was submitted in response to our Special Exception review of 12/29/25 and DRC meeting of 1/28/26 where it was referred to staff review only. This is the first review of the site plan.

ENGINEERING

This is primarily a change in use for this site. Only minor site changes have been shown on the proposed site plan (primarily signage & striping) and review is a function of Community Development/Planning. Please have the Applicant address the following comments in future submittals if more substantial site improvements are proposed (none shown). The following are our conditions of approval for the Special Exception/Site Plan.

1. The Planning Department shall review and approve proposed uses/zoning, setbacks, parking count, landscaping, buffering, lighting, and signage requirements including I-2 zoning requirements.
2. A separate tree removal permit is required to remove any trees. Coordinate with Planning & Building Departments. No trees may be planted over or within 5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.
3. Landscaping shall not encroach on required sight lines at intersections or driveways. Design Engineer has provided certification that sight distance requirements are being met. All irrigation on the site shall be designed to be supplied by reclaimed water.
4. General Requirements (as may be appropriate):
 - 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 (> 12") and Sanitary lines (> 6") shall be inspected by CCTV prior to completion.
 - e. Use City Standard Detail sheets for utilities and public works in future submittals (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; 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. Drainage: No drainage improvements are proposed or shown. Existing drainage pattern shall not be altered.
6. No existing or proposed utilities were shown. 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. Confirm existing meter size(s), previous impact fee payments with Building & Utility Billing Departments; a true-up payment may be required. Separate irrigation meter may be required.
- If new or upsized meters are required for the project, utility connection fees will be required.
7. 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. All on-site utilities shall be privately owned and maintained.
8. All dumpsters, if proposed, shall be enclosed and shall provide **12'** minimum inside clearance (each way inside of bollards or gate hardware), and access by solid waste vehicles. Coordinate additional requirements with Public Services Department, Solid Waste Division.
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 street lighting on all street frontages if not existing; all lighting shall meet dark skies requirements per City Code.

STANDARD GENERAL CONDITIONS

- 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. Fencing, shall meet all City requirements for height, type, etc. Chain link fencing, if used and approved, shall be vinyl coated per Code.
- 14. 5' wide concrete sidewalks shall be constructed along all street frontages pursuant to City Code.
- 15. 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.
- 16. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
- 17. 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.

18. 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 (\$500.00 minimum inspection fee).
19. Additional comments may be generated at subsequent reviews.

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

END OF MEMORANDUM

File: W:\ARM\WG323;320;317

SITE PHOTOS
306 9th Street
Intersection of 9th and E Smith Street



E Smith Street – Area to be used for outside storage



E Smith Street view toward 9th Street



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

Public Hearing

Date: March 30, 2026 **Meeting Date:** April 6, 2026
Subject: Ordinance 26-10
Project Name: N/A
Parcel ID: N/A
Issue: Ordinance 26-10 amending City of Winter Garden Code of Ordinances Chapter 14, Section 14-1 & 14-2; Chapter 27, Section 27-9; and Chapter 118, Article 118-1612.

Supplemental Material / Analysis:

Owner / Applicant: City of Winter Garden
Current Zoning: N/A
Proposed Zoning: N/A
Current FLU: N/A
Proposed FLU: N/A

Summary: Ordinance 26-10 would amend City of Winter Garden Code of Ordinances Chapters 14, 27, and 118 to repeal and replace existing animal control provisions and to adopt the Orange County animal services ordinance, to establish citywide leash and direct control requirement for animals in public spaces, redefine requirements relating to domestic animals in parks and recreation facilities and refine requirements relating to the dog friendly dining program.

The purpose of this ordinance is to reinforce regulations around public safety and health to more effectively regulate control of dogs, cats and other animals regarding use of leashes, owner control in public spaces, and certain restrictions for animals in parks and recreational facilities.

Staff Recommendation(s):

Staff recommends approval of Ordinance 26-10.

Next Step(s):

The first reading by City Commission is scheduled for April 9, 2026, with the second reading and adoption anticipated to be on April 23, 2026.

Attachment(s):

Ordinances 26-10
Business Impact Estimate

ORDINANCE 26-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 14, SECTION 14-1 OF THE CITY CODE TO REPEAL AND REPLACE EXISTING ANIMAL CONTROL PROVISIONS AND TO ADOPT THE ORANGE COUNTY ANIMAL SERVICES ORDINANCE, AS AMENDED FROM TIME TO TIME, BY REFERENCE; AMENDING CHAPTER 14, SECTION 14-2 TO ESTABLISH CITYWIDE LEASH AND DIRECT CONTROL REQUIREMENT FOR ANIMALS IN PUBLIC SPACES; AMENDING CHAPTER 27, SECTION 27-9 RELATING TO DOMESTIC ANIMALS IN PARKS AND RECREATION FACILITIES; AMENDING CHAPTER 118, ARTICLE XII, SECTION 118-1612 RELATING TO THE DOG FRIENDLY DINING PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (“City”) has long regulated animal control by adopting the Orange County Animal Services Ordinance by reference; and

WHEREAS, Section 14-1 of the City Code references the City’s adoption of Orange County Animal Services Ordinance No. 95-32, which provides for enforcement and fines; and

WHEREAS, Orange County has comprehensively revised its animal services regulations, most recently through Ordinance No. 2026-06; and

WHEREAS, the City Commission finds that public safety is best served when animals are properly restrained and under competent human control, and that leash and restraint requirements reduce the risk of animal attacks and injury; and

WHEREAS, the City Commission finds that adopting the Orange County Animal Services Ordinance by reference, as amended from time to time, serves the public health, safety, and welfare of City residents and visitors; and

WHEREAS, the City Commission desires to amend other provisions of the City Code addressing dogs, cats and other pets to clarify that dogs, cats and other pets must be on leash under human control when within public spaces.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Winter Garden, Florida, that:

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. 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 3. City Code Amendment. Chapter 14, Section 14-1 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 14-1. Animal control ordinances adopted; enforcement and fines.

~~The control of animals within the city shall be governed by city Ordinance No. 01-33, which adopts the Orange County Animal Services Ordinance, Ordinance Number 95-32, which provides for enforcement and fines. Copies of city Ordinance No. 01-33 and Orange County Ordinance No. 95-32 are on file in the city clerk's office for inspection.~~

~~(Code 1988, § 5-1; Ord. No. 01-33, § 2, 1-10-02)~~

(a) Adoption. The City of Winter Garden adopts by reference Chapter 5, Article II of the Orange County Code of Ordinances (“Orange County Animal Services Ordinance”), as currently codified and as amended from time to time by Orange County, Florida. The Orange County Animal Services Ordinance governs the control, care, and regulation of animals within the City to the same extent as if fully set forth herein. Nothing in this section limits the City’s authority to adopt additional or more restrictive animal regulations by separate ordinance.

(b) Penalties and Fines. Violations of the Orange County Animal Services Ordinance, as adopted herein, are subject to the penalties and fines established therein, as amended from time to time

(c) Copies on File. The City Clerk shall maintain a current copy of this Ordinance and of the Orange County Animal Services Ordinance, as amended, on file for public inspection during regular business hours, and shall update the file copy within thirty (30) days of receiving notice of any amendment.

(d) Notice of Amendments. The City Clerk shall provide written notice to the City Commission within thirty (30) days of any amendment to the Orange County Animal Services Ordinance. The City Commission shall review each amendment at a regular meeting and may by ordinance opt out of or modify the amendment’s application within the City.

SECTION 4. City Code Amendment. Chapter 14 of the Winter Garden Code of Ordinances is hereby amended add a new Section 14-2 as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 14-2. Leash and control requirement.

Unless otherwise expressly provided, all dogs, cats, and other animals present in public parks, public rights-of-way, public sidewalks and other public spaces within the City shall be kept on a leash and under the direct control of a competent person at all times. This requirement applies to all provisions of the City Code referencing animals in public spaces and shall be construed as a minimum standard of animal control throughout the City. No dog, cat or other pet or animal shall be brought onto any premises owned, controlled or operated by the city when signage is posted prohibiting the presence of such pets or animals.

SECTION 5. City Code Amendment. Chapter 27, Section 27-9 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 27-9. Domestic animals in parks and recreation facilities.

(a) No animals, other than dogs or cats, are permitted on park property unless a permit is applied for and obtained from the city manager to expressly authorize such animal(s). Dogs must be kept on leashes no longer than eight feet and under the direct control of a competent person at all times. Cats must be kept ~~at all times~~ on leashes no longer than eight feet and under the direct control of a competent person at all times, or ~~restrained~~ confined within a pet carrier or cage. All animal excrement must be properly cleaned up and properly disposed of by the owner or keeper of the animal.

(b) No person shall bring into any park any animal that constitutes a safety hazard or detriment to the enjoyment of the area by the public.

(c) No person having in charge or custody any dog or cat shall permit, allow or suffer such dog or cat to enter upon or remain within any playground or park area reserved for children or to enter any sandbox, ~~or~~ play apparatus area, pool, fountain, interactive fountain area, artificial turf area, athletic field or sports court.

SECTION 6. City Code Amendment. Chapter 118, Section 118-1612 of the Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-1612. General regulations; cooperation; enforcement.

(a) In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued pursuant to this part are subject to the following requirements:

(1) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

- (2) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
- (3) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
- (4) Patrons shall keep their dogs on a leash no longer than eight feet at all times and ~~shall keep their dogs~~ under the direct control of a competent human reasonable control person at all times.
- (5) Dogs shall not be allowed on chairs, tables, or other furnishings.
- (6) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
- (7) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area by the public food service establishment.
- (8) At least one sign reminding employees of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the zoning official, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20 point font size.
- (9) At least one sign reminding patrons of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the zoning official, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.
- (10) At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.

(11) Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.

(b) A permit issued pursuant to this part shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this part if such owner wishes to continue to accommodate patrons' dogs.

(c) In accordance with F.S. § 509.233(6), the zoning official shall accept and document complaints related to the dog friendly dining program within the City of Winter Garden, Florida, and shall timely report to the division all such complaints and the city's enforcement response to such complaint. The zoning official shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this part.

(d) Any public food service establishment that fails to comply with the requirements of this part shall be guilty of violating this part of the City of Winter Garden Code and shall be subject to any and all enforcement proceedings consistent with the applicable provisions of the Winter Garden City Code and general law. Each day a violation exists shall constitute a distinct and separate offense.

SECTION 7. 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 shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. Conflicts. In the event of a conflict between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as permitted by law.

SECTION 9. Codification. Sections 3 through 6 of this Ordinance shall be incorporated into the Winter Garden Code of Ordinances. Any section, paragraph number, subsection 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 or City Code may be freely made.

SECTION 10. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Garden, Florida.

FIRST READING: _____.

SECOND READING: _____.

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

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

John Rees, Mayor

Ronisha Martin, Interim 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 26-10** - Amending Code Chapter 14, Section 14-1 to repeal and replace existing animal control provisions and to adopt the Orange County animal services ordinance; Amending Code Chapter 14, Section 14-2 to establish citywide leash and direct control requirement for animals in public spaces; Amending Code Chapter 27, Section 27-9 relating to domestic animals in parks and recreation facilities; and Amending Code Chapter 118, Article XII, Section 118-1612 relating to the dog friendly dining program.

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):

Ordinances referenced and cited intend to amend City of Winter Garden Code to repeal and replace existing animal control provisions and to adopt the Orange County animal services ordinance, to establish citywide leash and direct control requirement for animals in public spaces, redefine requirements relating to domestic animals in parks and recreation facilities and refine requirements relating to the dog friendly dining program.

The purpose of this ordinance and amendments is to reinforce assurances for public safety and public health to more effectively regulate dogs, cats and other animal controls regarding the use of leashes and, owner-direct-control in public spaces and establishing certain restrictions for animals in parks and recreational facilities. This ordinance includes amended language to adopt, by reference, Orange County's Animal Services Ordinance currently codified and as amended from time to time to govern the control, care, and regulation of animals within the City of Winter Garden boundary.

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

The impact that this ordinance and amendment would have on private, for-profit businesses would be limited to consumers and customers who are pet owners and, who, from time to time patronize private establishments. The amended regulations are unlikely to have any significant adverse effects on commercial activity as the ordinance primarily addresses pets and owners traversing in public spaces and while dining at restaurant establishments providing clearer requirements for public safety and health with little to no harm on consumer activity. The direct economic impact on private for-profit businesses are expected to be negligible beyond the normal operating cost and accommodations of a pet-friendly establishment.

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

The only direct compliance costs to be reasonably incurred by pet-friendly businesses are those pet-related supplies to ensure clean and sanitary areas, especially, involving food, drink, chairs and eating surfaces, which we view as normal operating practice and not incremental.

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

No new charge or fee will be imposed by this proposed ordinance outside of existing fines for violation.

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

The estimated regulatory costs to the City will be minimal. Regulatory cost may impact Winter Garden Police Department where the ordinance allows and some staff in Parks and Recreation and other departments.

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

Businesses expected to be impacted are pet-friendly restaurants and some retail establishments within the City's boundary. Less than 500 business establishments are expected to be impacted.

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.):

N/A