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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 June 1, 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 May 4, 2026 Meeting

3. Special Exception Permit (Public Hearing)

A. Broad Street - 88 (Botero Carts) - SPECIAL EXCEPTION
Parcel ID # 23-22-27-7824-00-140

4. Variance (Public Hearing)

A. Sadie Lane - 1023 (Gallo Screen Room) - VARIANCE
Parcel ID # 11-22-27-3897-00-080

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

A. Ordinance 26-17 - Code Amendment - Accessory Buildings & Structures

6. Adjourn

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

Posted: May 22, 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.



**Planning and Zoning Board
Regular Meeting Minutes
May 4, 2026**

DRAFT

1. CALL TO ORDER

Chairman Will Hawthorne called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance.

Quorum was declared present.

Present: Chairman Will Hawthorne and Board Members: Linda Bennett, Myron Brown, Jimmy Dunn, Jeff Ewing and TJ Ryan.

Absent: Vice-Chairman Steve Ambielli (excused).

Staff Present: City Manager Jon C. Williams, City Attorney Kurt Ardaman, Assistant City Manager for Public Services Steve Pash, Planning Director Kelly Carson, Planning Supervisor Shane Friedman, Senior Planner Yvonne Conatser, Planner II Amber McDonald and Recording Secretary Ellen King.

Attendees: Paul Figg of Berger Singerman, Keith and Jeanine Wilson of 114 N Highland Avenue, Chris Taylor of 14826 Speer Lake Drive, Katy Magruder and David Hoppes of Dix.Hite, Chris Walsh of 285 Palmetto Springs Street, Rick Stuebing of Johns Lake Association, John Murphy of AquaTerra Development Inc, Doug Vaught of 16848 Broadwater Avenue, Diana M Almodovar of DMA Civil Engineers LLC, Federico Martin of 2161 Windcrest Lake Circle, Clark Modica of Modica & Associates, Paul Sladek of Shutts & Brown LLP, John Townsend of McIntosh Associates, Helena Kaler and Dale Kelch of 16995 Tradewind Point, Heather Isaacs of Isaacs Strategy Solution LLC, Janet Brindle of 1383 Roxy Lane, Ram Shyamdeo of 724 Magnolia Street, Robin LaDuke of 104 N Highland Avenue, Erin V Clifton of Lowndes, Alex Lloret of 1437 Willims Road, John and Cynthia Goings of 404 S Main Street, Ralph and Tracy Tingley of 12854 Jacob Grace Court, Anna Olah of 17639 Deer Isle Circle, Christopher and Mandy Whyman of 16142 Johns Lake Overlook Drive, Stephen Kiefer of 310 S Main Street, Brennen Fountain of 320 S Main Street, Carl and Laura Trainer of 327 S Boyd Street, Doug Donahey of 321 W Bay Street, Christopher J Marzak of 424 Lake Amberleigh Drive, Dirk Arace of 3563 Terra Oaks Court, Monica Aragao of 17725 Deer Isle Circle, Laura Kelly of Central Florida Expressway Authority, Diana Hover of Pompano Court, Dale Kelch of Capital Improvements Division, Manager of City of Orlando and Johnathan Green of 110 N Central Avenue.

2. **APPROVAL OF MINUTES**

Motion by Board Member Dunn to approve the regular meeting minutes of April 6, 2026. Seconded by Board Member Ewing and carried unanimously 6 – 0.

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

- 3.A. W Colonial Drive (Outfront Development) ANNEX, FUTURE LAND USE & REZONING
Parcel ID # 25-22-27-9384-01-183

Planner McDonald presented a request to annex, update the future land use map and rezone the property located at W Colonial Drive to C-2 (Arterial Commercial District). Staff recommended approval to provide more efficient delivery of services to the property and further the goals and objectives of the City's Comprehensive Plan to eliminate enclaves.

Board members inquired about the drainage canal running through the site if it allows for the intended use and if billboards will be removed from this location. City staff stated this is a concept plan only and any future development would be subject to city review, the applicant intends to erect a digital billboard on the property in exchange for the removal of billboards located at 1101 E Plant Street and 14899 W Colonial Drive, subject to the terms and conditions of a Billboard Relocation and Reconstruction Agreement.

No one from the Public had any questions or concerns regarding this item.

Motion by Board Member Hawthorne to approve the Annexation, Future Land Use and Rezoning of the property located at W Colonial Drive as Outfront Development. Seconded by Board Member Bennett and carried unanimously 6 – 0.

- 3.B. 1756, 1401 & 1400 Williams Road & 17729 Marsh Road (Johns Lake PD) UVPUD RZ
Parcel ID #31-22-27-0000-00-002&-001;06-23-27-0000-00-001;06-23-27-4288-08-242

Board Member Dunn disclosed he had ex parte communications with the applicant and as a lifelong resident in Winter Garden had history with this property and with Castle and Cook the original developers that started moving this project forward.

Planning Supervisor Friedman presented a request to rezone the properties located at 1756, 1401 & 1400 Williams Road & 17729 Marsh Road to an Urban Village Planned Unit Development (UVPUD) to permit 613 dwelling units (Single-family and Townhome), neighborhood parks and two Special Districts consisting of Special District 1 which will

be parks, a bed & breakfast (40 room/cottage max.), event space, agricultural uses and accessory retail/service uses in support of the primary use and then Special District 2 will be reserved for a future City Park. Staff recommends approval of Ordinance 26-12.

City staff explained two public hearing notices had been mailed out due to an error with the date of the City Commission meeting, city staff received twenty-five letters from residents expressing their concerns and staff has addressed those concerns.

Board members inquired if the Future Land Use (FLU) was established during the property annexation, if there are any proposed changes to the Future Land Use Map (FLUM), what is the School Concurrency Mitigation Plan for this development, will the cemetery remain, who would have access to the gated section, when will the city park and District I amenities be available, is the use of Special District 1 to meet their open space requirements, will Special District 1 be open during construction phase, when will the roadway improvements be completed, current condition of Williams Road, impact of construction on Williams Road and the completion of the regional traffic improvements.

City staff confirmed annexation in 2007 and FLU was established then, no proposed changes to the FLUM, the developer will be required to have a Capacity Enhancement Agreement (CEA) or a Capacity Mitigation Agreement (CMA) with OCPS linked to the elementary school, the cemetery will remain, there will be two parts of this development, a lower portion and an upper peninsula with an option for gated sections for car access but open for pedestrian access to the public, city park availability is unknown but will be developed when funds are available, Special District I development will be determined by the developer, everything is vacated to the open-space and meets the minimum requirements, the roadway improvements are to be completed before CO of the 200th house, roadway improvements are a transportation question but city does ensure benchmarks are met and fully completed for trips generated. Applicant, Heather Isaacs of Isaacs Strategy Solution LLC spoke on current conditions and future improvements of Williams Road. Laura Kelly, Former Executive Director of the Central Florida Expressway Authority, stated SR-516 will be completed in two years and will be a major relief for SR-50 and Marsh Road. Diana Hover of Pompano Ct, stated the New Independence Parkway is under construction and expected completion is January 2027. City staff stated Amber Sweet Lane and Williams Road will be completed during this same timeframe as another connection at the County line. Heather Isaacs stated they agree with staff recommendations and were present to address any concerns and questions from the public.

This item was opened to the public. Dale Kelch of Capital Improvements Division, Manager of City of Orlando commented that removing the school would not lower the traffic count of 5,400 trips. City staff agreed with his comment and clarified 5,400 trips is with the new development of homes. Erin V Clifton of Lowndes Law Firm representative of Farm Sound property distributed to the P&Z Board a Farm Sound map showing the

additional right of way that is being requested of the applicants (**Exhibit A**). They are in favor of the development, however requested the western portion of Amber Sweet Lane being dedicated by the applicant to be raised to 25 feet. City staff stated the fairest way to address this for both property owners to contribute 12.5' for a right-of-way and share costs to develop Amber Sweet Lane. Board members discussed the right-of-way request and agreed with City Staff. Janet Brindle of 1383 Roxy Lane expressed concern with the proposed Bed & Breakfast, traffic and agreed with the school removal. Rick Stuebing, President of Johns Lake Association, expressed his support for the project after seeing the plans and knowing the applicants have taken measures to protect the lake. Alex Lloret of 1437 Williams Road expressed concerns with traffic on Williams Road and the increased number of homes proposed will lead to increased traffic on Marsh Road.

Board members inquired if the traffic study considered other recently approved built homes in the area. City staff stated yes, the traffic study is calculated for overall growth rate in this area. Heather Isaacs of Isaacs Strategy Solution, LLC stated there will be future access points to avoid Marsh Road and Williams Road.

Motion by Board Member Dunn to approve the UVPUD Rezoning of the property located at 1756, 1401 & 1400 Williams Road & 17729 Marsh Road (Johns Lake PD) subject to staff conditions. Seconded by Board Member Bennett and carried unanimously 6 – 0.

4. PRELIMINARY PLAT/ FINAL PLAT/ LOT SPLIT

4.A 530 & 550 East Crown Point Road (429 @ Crown Point - South) PRELIMINARY PLAT
Parcel ID # 13-22-27-0895-00-070 & -080

Planning Supervisor Friedman presented a request for a Preliminary Plat for properties located at 530 & 550 East Crown Point Road, to allow the owner of Lot 7 and Lot 8 to replat the existing two lots into three lots and a common area tract in order to condo plat the buildings in the future. This project is part of a larger PCD that consists of nine (9) commercial office/flex space buildings totaling 203,306 square feet and would be spread across the three lots in six phases. City Staff recommends approval of the Preliminary Plat subject to staff conditions.

Board members inquired about the definition of a condo plat. City staff clarified.

No one from the Public had any questions or concerns regarding this item.

Motion by Board Member Ewing to approve the Preliminary Plat for the property located at 530 & 550 East Crown Point Road subject to staff conditions. Seconded by Board Member Ryan and carried unanimously 6 – 0.

5. **SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

5.A. 305 Beulah Road (Winter Garden Christian Academy) SPECIAL EXCEPTION
Parcel ID # 25-22-27-0000-00-013

Senior Planner Conatser presented a Special Exception request for the property located at 305 Beulah Road to add 2 temporary stand-alone classroom trailers (modular buildings) to expand the school use, increase the student capacity to 200 students and increase the grade range to kindergarten through eighth grade. Staff recommends approval of the Special Exception Permit subject to the staff conditions.

Board members inquired about traffic and the location of the portables. City staff stated there have not been any complaints about the school parking nor traffic. Once the Traffic Impact Analysis is completed, any issues will be identified and become a part of approval conditions for the applicant to make improvements and the portables will be located on the east side of the school. Applicant, Dave Buckles of 967 Glenview Circle, stated the traffic study identified the school will need to double stack the traffic line on the property. He also pointed out that even though the school is requesting an additional 100 students to the coming school year, the two modular units will only give them capacity for 60 students. The school will not realize the total number of students until they are built out.

No one from the Public had any questions or concerns regarding this item.

Motion by Board Member Bennett to approve the Special Exception at the location of 305 Beulah Road subject to staff conditions. Seconded by Board Member Brown and carried unanimously 6 – 0.

6. **VARIANCE (PUBLIC HEARING)**

6.A. 326 S Main Street (Amparo Residence) VARIANCE
Parcel ID # 23-22-27-2888-11-067

Planning Supervisor Friedman presented a Variance request for property located at 326 S Main Street to allow an interior side yard setback of 7.5 feet, a corner lot setback of 6 feet, a rear yard setback of 20 feet and 15.5 foot height for an accessory building, in order to build a two-story single-family home with a detached garage. Staff recommends approval of the Variances subject to staff conditions.

Board members inquired about the original approval. City staff stated the P&Z Board requested the site plan to be revised pushing the home back to the 30' front setback and this is shown on the revised drawing.

This item was opened to the public. Carl Trainer of 327 S Boyd Street stated he was not against the home but did have concerns with two houses on this lot and drainage water runoff. City staff stated this property originally had a duplex and the drainage was

approved to the current grade – further discussion was held regarding drainage. At the design stage, a swale will be properly designed and the stormwater will be directed into that drain. A condition could be requested to add a 10’ drainage easement across both properties prior to plot plan approval and recording. A board member inquired if the applicant was opposed to incorporating a 10’ drainage easement for Lot 1? The applicant stated he is open to working out the drainage concerns. John Goings of 404 S Main Street is in favor of the proposed house and acknowledged there is a drainage issue during heavy rain storms with water backs up along the properties, would like to see it addressed and as an additional note he requested to have the rest of Miller Street paved. Brenner Fountain of 320 S Main Street would like to see the drainage issue worked out before development of Lot 2.

Motion by Board Member Hawthorne to approve the Variance at the location of 326 S Main Street with the condition that city staff and the two homeowners work together on an appropriate size drainage easement for an engineered swale reviewed by the city and subject to staff conditions. Seconded by Board Member Dunn and carried unanimously 6 – 0.

6.B 111 N Central Avenue (Tingley Residence) VARIANCE
Parcel ID # 14-22-27-1728-05-180

Senior Planner Conatser presented a Variance request for property located at 111 N Central Avenue to allow a minimum 15 foot rear yard setback to permit the construction of a detached garage, to allow a wall height of 10 feet 8 inches and a roof peak height of 24 feet for the detached garage. City staff recommends approval subject to staff conditions.

City staff stated a neighbor did express concerns with the setback distance, height of the detached building and the tree in the rear of the property being removed due to proposed detached garage. Staff noted this tree would have been removed with the previous 10’ rear yard setback as well as the newly requested 15’ setback.

Board members inquired about what tree was to be saved. City staff stated the original Variance was to keep the tree in the front, even though the house was being moved a little forward. Board members questioned the live oak in the back being removed according to the Variance, about ADUs and Historic District vs. Historic Overlay. City staff stated if this Variance should be approved, applicants will need to apply for a tree removal permit and they will be required to mitigate and plant two new trees. Staff also explained ADUs and Historic District vs Historic Overlay.

This item was opened to the public. Jeanine Wilson of 114 N Highland Avenue was not in favor of the Variance and does not want to see the live oak cut down in back. Keith Wilson of 114 N Highland Avenue was not in favor of the Variance and gave reference to a Florida article on Variances in Historic Districts, and against the removal of the live oak

in back. City staff stated no Variances are being requested for the home, the home meets all setback requirements and all city regulations. This home has already been reviewed and approved by the Historic Preservation Board in which the design was found to be consistent with the area. The detached garage is the only Variance request to be 7' taller and the setback to be pushed a little further from the setback line. Dirk Arace, Custom Home Designer of 3563 Terra Oaks Ct described the look of the house and the pitch of the detached garage matches the house. Johnathan Green of 110 N Central Avenue wants to see the trees saved on the property if healthy. Applicants stated they did not want a detached garage but are required to do so by the city and would like to keep the tree in back but, in order to allow for the detached garage on the site the tree needs to be removed.

Motion by Board Member Bennett to approve the Variance at the location of 111 N Central Avenue subject to staff conditions. Seconded by Board Member Ewing and carried unanimously 6 – 0.

7. ORDINANCES

7.A Ordinance 26-16: Code Amendment - Amending Sections 118-729, 118-731, 118-773, 118-774 and 118-775 Relating to Special Exception and Prohibited uses in the I-1 & I-2 Zoning Districts

Planning Director Carson presented an Ordinance 26-16 requesting to amend the list of Special Exception and Prohibited Uses in the I-1 and I-2 zoning districts, providing for additional uses determined to be similar in type and intensity and compatible with permitted uses and clarifying prohibited uses. Carson distributed a revised Ordinance 26-16 (**Exhibit B**) to the board members showing minor revisions with two sentences highlighted that establish a specific ERU threshold for water consumption triggering a need for a Special Exception Permit for any given applicant. She continued to explain the purpose of this ordinance is to allow the Board to consider uses that are consistent and compatible with existing industrial uses. Maintaining a narrow list of special exception uses, without the ability to consider function of similar uses, may result in unnecessary regulatory rigidity and limit appropriate economic development opportunities. Staff recommends approval of Ordinance 26-16.

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

Motion by Board Member Bennett to approve the Amendment Code as Ordinance 26-16 subject to staff conditions. Seconded by Board Member Dunn and carried unanimously 6 – 0.

Chairman Will Hawthorne adjourned the meeting at 8:45 pm. Adjourned to the regular Planning and Zoning Board meeting on Monday, June 1, 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

Exhibit A

Item 3.B - 1756, 1401 & 1400 Williams Road & 17729 Marsh Road (Johns Lake PD) UVPUD RZ



MADDEN
 MOORHEAD & STOKES, LLC
 CIVIL ENGINEERS

431 E. HORATIO AVE. SUITE 260 MATLAND, FL 32751 (407) 629-8330
 CERTIFICATE OF AUTHORIZATION NO. CA-0007723

JOB NUMBER: 25MMS0040
 SEC:06 TWP: 23S RNG:27E
 DRAWN BY: RE
 APPROVED BY: DAS
 DATE: 11/24/25
 SCALE: 23S

FARM SOUND

Exhibit B

Item 7.A - Ordinance 26-16: Code Amendment

ORDINANCE 26-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE CODE OF ORDINANCES, AMENDING SECTIONS 118-729, 118-731, 118-773, 118-774 AND 118-775 RELATING TO SPECIAL EXCEPTION USES AND PROHIBITED USES IN THE I-1 (LIGHT INDUSTRIAL AND WAREHOUSING) AND I-2 (GENERAL INDUSTRIAL) DISTRICTS; PROVIDING FOR ADDITIONAL USES DETERMINED TO BE SIMILAR IN TYPE AND INTENSITY AND COMPATIBLE WITH PERMITTED USES AND CLARIFYING PROHIBITED USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that the existing list of special exception uses within the I-1 Light Industrial and Warehousing and I-2 General Industrial zoning districts may not anticipate all potential land use types or evolving industrial and commercial activities; and

WHEREAS, the City Commission finds it appropriate to allow for consideration of additional uses that are similar in type and intensity and compatible with permitted uses, subject to review through the established special exception process; and

WHEREAS, the Planning and Zoning Board, through the special exception process set forth in Section 118-97, is authorized to evaluate proposed uses on a case-by-case basis and to ensure that such uses meet established compatibility and impact criteria; and

WHEREAS, the City Commission finds that a narrow and limited list of special exception uses, without the ability to consider functionally similar uses, may result in unnecessary regulatory rigidity and limit appropriate economic development opportunities; and

WHEREAS, in light of adding more flexibility with special exception uses within the I-1 and I-2 zoning district, it is necessary to clarify prohibited uses in order to not unintentionally allow uses that are unintended; and

WHEREAS, the proposed amendments are consistent with the goals, objectives, and policies of the City's Comprehensive Plan, including those related to economic development, land use compatibility, and efficient use of industrial lands; and

WHEREAS, the City Commission in good faith determines that this Ordinance is in the best interest of the City and its residents and promotes the health, safety and welfare of the public.

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

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

SECTION 2. 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 118, Section 118-729 and Section 118-731 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. 118-729. – Special exceptions.

In the I-1 light industrial and warehousing district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

- (1) Freight handling and transportation terminals.
- (2) Planned industrial developments including office and business parks.
- (3) Commercial uses which are deemed compatible with the principal uses in this zone.
- (4) Body art establishments.
- (5) Other uses which the Planning and Zoning Board determines are of the type and intensity of activity similar to and/or compatible with the permitted uses in the I-1 district.
- (6) Any otherwise permitted use that is proposed to consume more than 50 equivalent residential units (ERUs) of potable water.

Sec. 118-731. - Prohibited uses and structures.

In the I-1 light industrial and warehousing district, the uses and structures prohibited are as follows:

- (1) Residential uses, except as provided under section 118-728 for permitted accessory structures and uses.
- (2) Motels, hotels, roominghouses.
- (3) Outside storage, except for wholesale automobile or farm equipment. Any motor vehicles stored outside must be in operating condition at all times.

(4) All uses not specifically or provisionally permitted in this division or any use not in keeping with the industrial character of the district.

(5) Concrete, block, and asphalt plants including batch plants.

(6) Automobile junkyards, scrap yards, and salvage yards.

(7) Any use deemed objectionable because it may be noxious or injurious because of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions, and any one or combination of these may be prohibited; however, any one of these uses may be permitted if not a specific use prohibited by this section and approved by the planning and zoning board and subject to the conditions, restrictions, requirements and safeguards as may be deemed necessary by the planning and zoning board for the protection of health, safety and general welfare of the area.

(8) Storage or manufacturing of liquefied petroleum products and petrochemical products.

(9) The separation, grinding, manufacturing or recycling of plastics.

(10) Manufacturing of chemical products, liquid fertilizer, corrosive acid and explosives.

(11) Electric power generation plants and nuclear reactors, including small modular reactors (SMRs).

SECTION 4. City Code Amendment. Chapter 118, Section 118-773, 118-774 and 118-775 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. 118-773. - Permitted accessory uses and structures.

Permitted accessory uses and structures in the I-2 general industrial district are as follows:

(1) Offices clearly accessory to one or more principal uses.

(2) Retail sales of products manufactured, processed or stored upon the premises.

(3) Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the industrial character of the district.

(4) Dwelling unit for caretaker or watchman employed on the premises.

(5) ~~Outside display or storage; however, if any outside display or storage is approved the area shall have an opaque screen on all sides in order to avoid any deleterious impact on adjacent properties.~~

Sec. 118-774. – Special exceptions.

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

- (1) Concrete, block, and asphalt plants including batch plants.
- (2) Bulk storage of chemical or petrochemical products.
- (3) Any structure higher than 40 feet.
- (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.
- (5) Bulk storage of compressed gases or cryogenic materials.
- (6) Body art establishments.
- (7) Other uses which the Planning and Zoning Board determines are of the type and intensity of activity similar to and/or compatible with the permitted uses in the I-2 district.
- (8) Any otherwise permitted use that is proposed to consume more than 50 equivalent residential units (ERUs) of potable water.

Sec. 118-775. - Prohibited uses and structures.

In the I-2 general industrial district, the uses and structures prohibited are as follows:

- (1) Residential uses.
- (2) Motels, hotels, roominghouses.
- (3) All uses not specifically or provisionally permitted in this division; except as provided for under [section 118-774](#), any uses not in keeping with the industrial character of the district.
- (4) Any use deemed objectionable because it may be noxious or injurious because of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions and any one or combination of these may be prohibited; however, any one of these uses may be permitted if not a specific use prohibited by this section and approved by the planning and zoning board and subject to the conditions, restrictions, requirements and safeguards as may be deemed necessary by the planning and zoning board for the protection of health, safety and general welfare of the area.
- (5) The separation, grinding, manufacturing or recycling of plastics.
- (6) Manufacturing of chemical products, liquid fertilizer, corrosive acid and explosives.

(7) Electric power generation plants and nuclear reactors, including small modular reactors (SMRs).

SECTION 5: Codification: Sections 3 and 4 of this Ordinance shall be codified and made part of the City of 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 6: Conflicts: In the event of a conflict or conflicts between this Ordinance and other Ordinances, this Ordinance controls to the extent of the conflict.

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

FIRST READING: _____, 2026.

SECOND READING AND PUBLIC HEARING: _____, 2026.

ADOPTED this _____ day of _____, 2026, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor/Commissioner

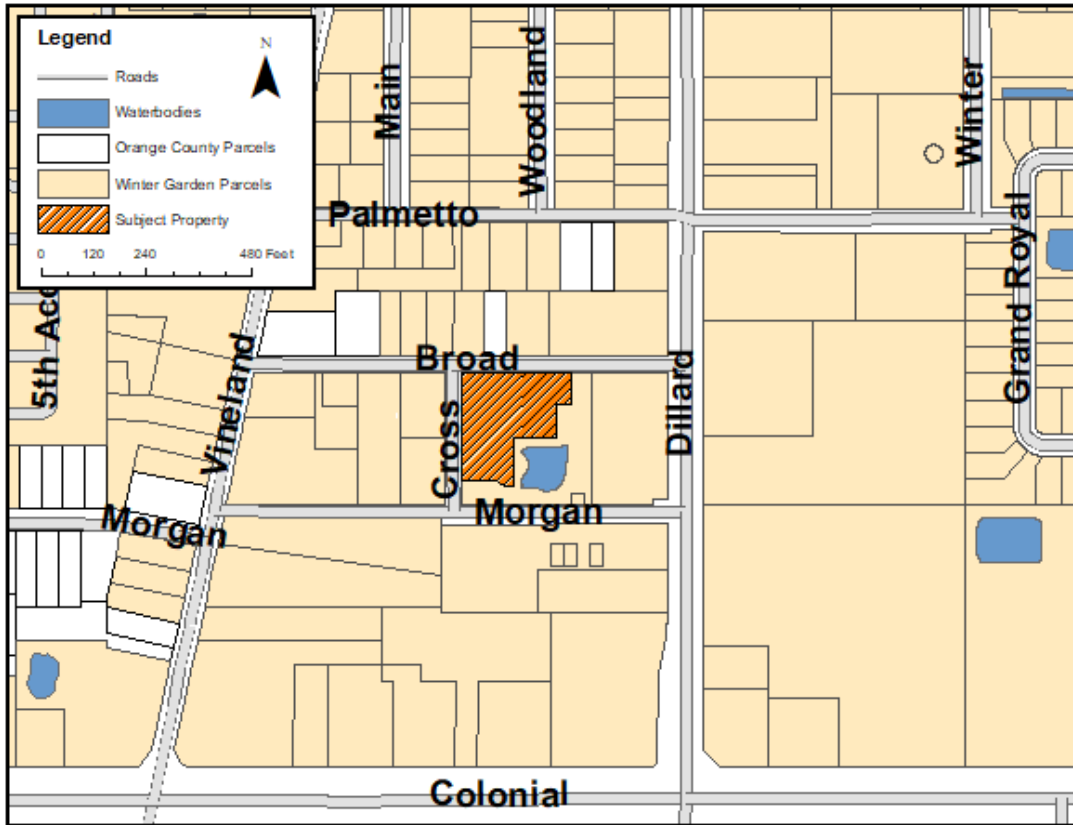
ATTEST:

Ronisha Martin, City Clerk

LOCATION MAP

88 Broad 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

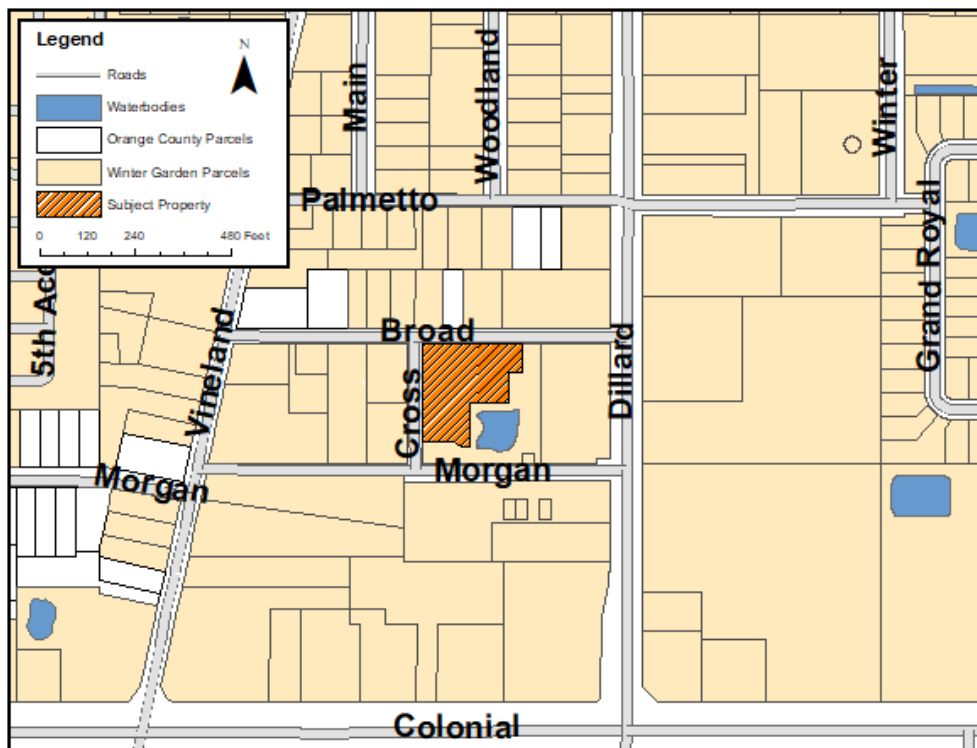
TO: PLANNING AND ZONING BOARD
PREPARED BY: YVONNE CONATSER, SENIOR PLANNER
DATE: JUNE 1, 2026
SUBJECT: SPECIAL EXCEPTION PERMIT
88 BROAD STREET
PARCEL ID #23-22-27-7824-00-140

APPLICANT: Botero and Khan Investments LLC – DBA Botero Carts

INTRODUCTION

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

The subject property is located at 88 Broad Street. It is approximately 1.06 acres. The subject property is zoned C-2, Arterial Commercial District and designated COM (Commercial) 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 property is developed with an 11,250 square foot building and parking with a gated fenced area to the rear of the building. Previous uses include wholesale distribution of school bus parts and bus parking and storage, and automobile sales. The property is currently vacant.

ADJACENT LAND USE AND ZONING

The properties to the north are a mix of R-2 residential and C-2 Arterial Commercial District. The R-2 residential properties are developed with single family residential. One of the properties is in the City and designated LR (Low Density Residential) on the City's Future Land Use Map and one is located in unincorporated Orange County. The C-2 properties are developed for office use and designated COM (Commercial) on the City's Future Land Use Map. The property to the east and south is zoned C-2 and under redevelopment with a new two story office building that fronts along Dillard Street. The property includes a stormwater management pond. The property is designated COM on the City's Future Land Use Map. The properties to the west are R-2 residential and developed with single family residential and designated LR on the City's Future Land Use Map.

PROPOSED USE

The applicant is requesting a special exception permit to sell and service golf carts. The service would include modifying carts per customer request and delivery or load-up of carts for customers. The facility would operate from 9am to 5pm. All carts would be displayed and stored inside the building. There is a fenced area at the back of the building that will be used for cart test drives and the storage of the delivery truck and trailer.

ANALYSIS

The golf cart use requires a Special Exception Permit per Code Section 118-579. (3):

Automobile sales and service.

The intent of this code is meant for all motor vehicles (i.e. cars, tractors, golf carts, etc.).

The large building provides ample interior display and storage space for the sale and service of the golf carts. The large parking area will be used for customer and employee parking. There will be no exterior display of the golf carts. The fenced area will prevent cart test drivers from using surrounding public streets.

The proposed operation, as described by the applicant, should have minimal, if any impacts, to the surrounding residential properties and existing businesses. Additionally, the property is landscaped to buffer the commercial property from the surrounding properties.

SUMMARY

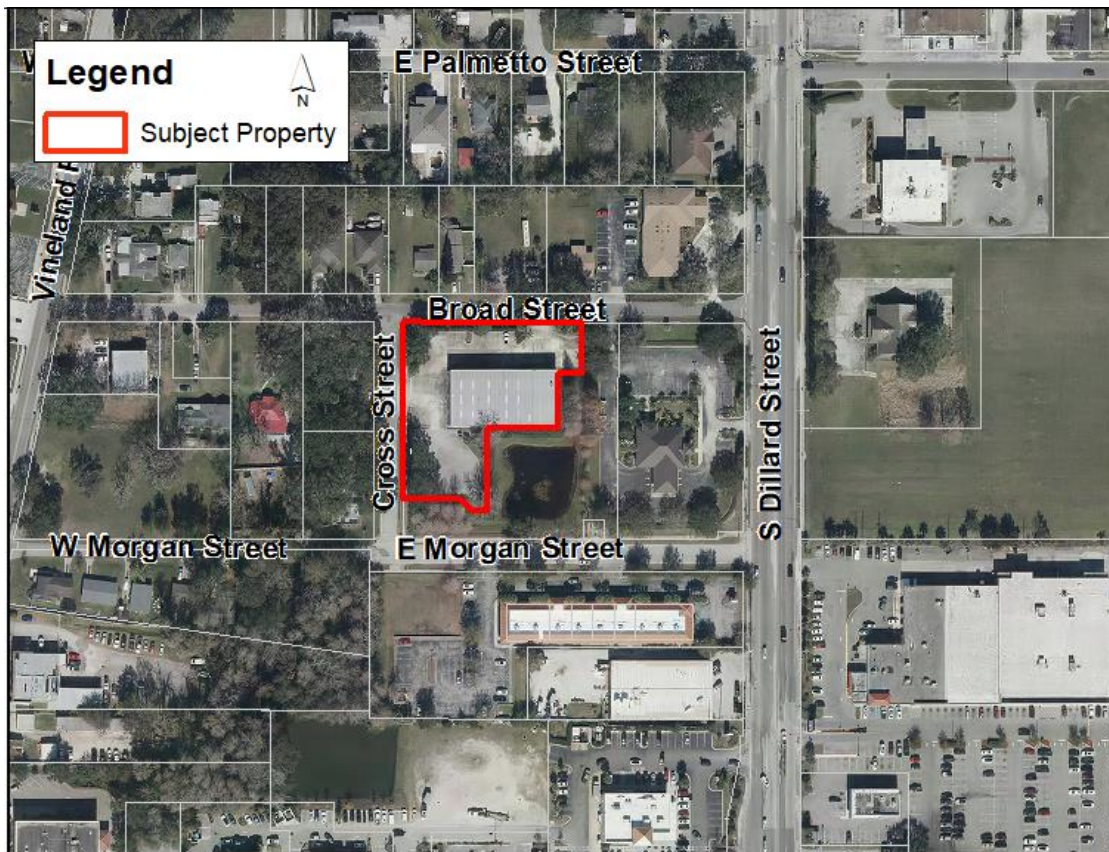
City Staff recommends approval of the proposed Special Exception Permit to allow the sales and service of golf cart in a C-2 (Arterial Commercial District) subject to the following conditions:

- 1) All golf cart displays will be inside the building.
- 2) All test drives will be conducted within the fenced area at the back of the property.
- 3) No golf carts will be stored outside overnight.
- 4) Outside storage is limited to one delivery truck and one trailer and must be parked in the fenced area at the rear of the property.
- 5) All employees and customers must park on-site.

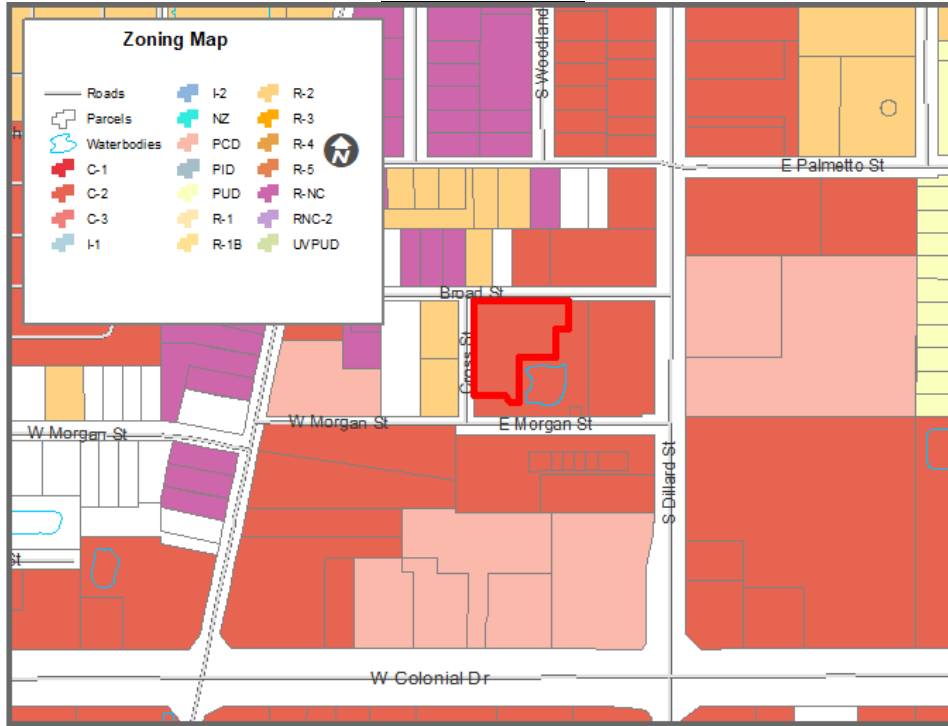
ATTACHMENTS

- Aerial Map
- Zoning Map
- Future Land Use Map
- Property Boundary Survey
- Site Photos
- Applicant Narrative

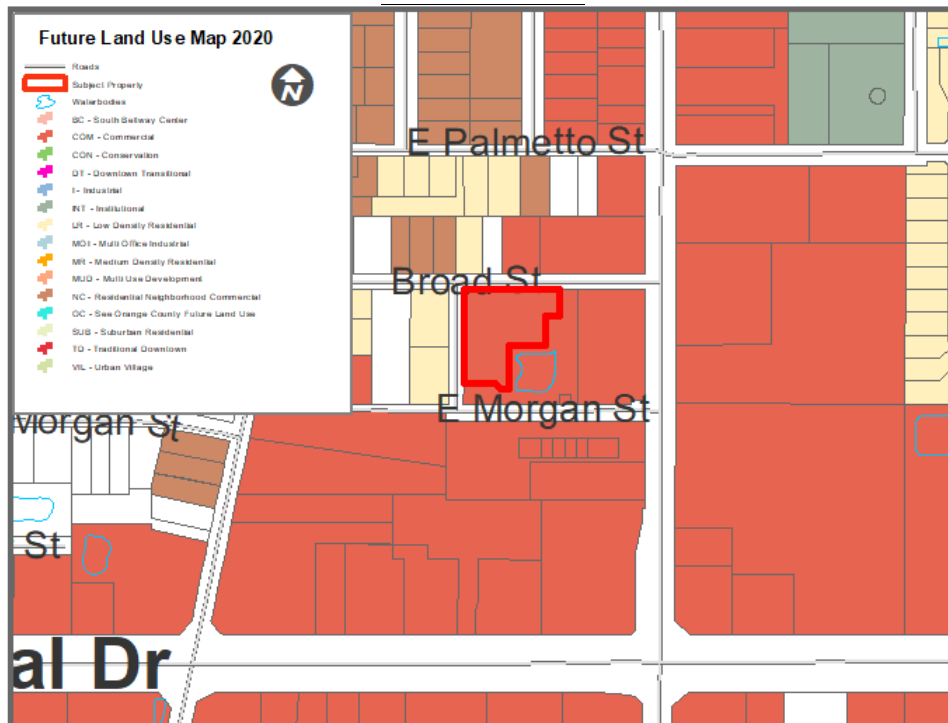
AERIAL MAP
88 Broad Street



ZONING MAP
88 Broad Street



FUTURE LAND USE MAP
88 Broad Street



SITE PHOTOS
Front along Broad Street



Front and side at Broad Street and Cross Street



Fenced area



APPLICANT NARRATIVE

DESCRIPTIVE NARRATIVE OF PROPOSED SPECIAL EXEMPTION USE

88 BROAD ST

BOTERO AND KHAN INVESTMENTS LLC DBA BOTERO CARTS

Botero Carts is excited to have a chance to be part of the Winter Garden community and embracing and adding to the culture and vibe of the area. At 88 Broad st we are seeking to put one of our Luxury Golf Cart dealerships and supporting the community needs in sales and service.

We will receive in shipments of golf carts, modify them to customer request and then deliver or load up carts for customers.

We will not leave any carts outside of our business during non operating hours. The fence in the back corner will be used for customer test drives only so that we can keep the main parking lot safe and free of distractions.

We will only display golf carts inside of the garage bay doors during operating hours.

We will operate from 9-5pm with 5 employees. We will have one delivery truck and trailer which we will secure in the back fenced portion after hours.

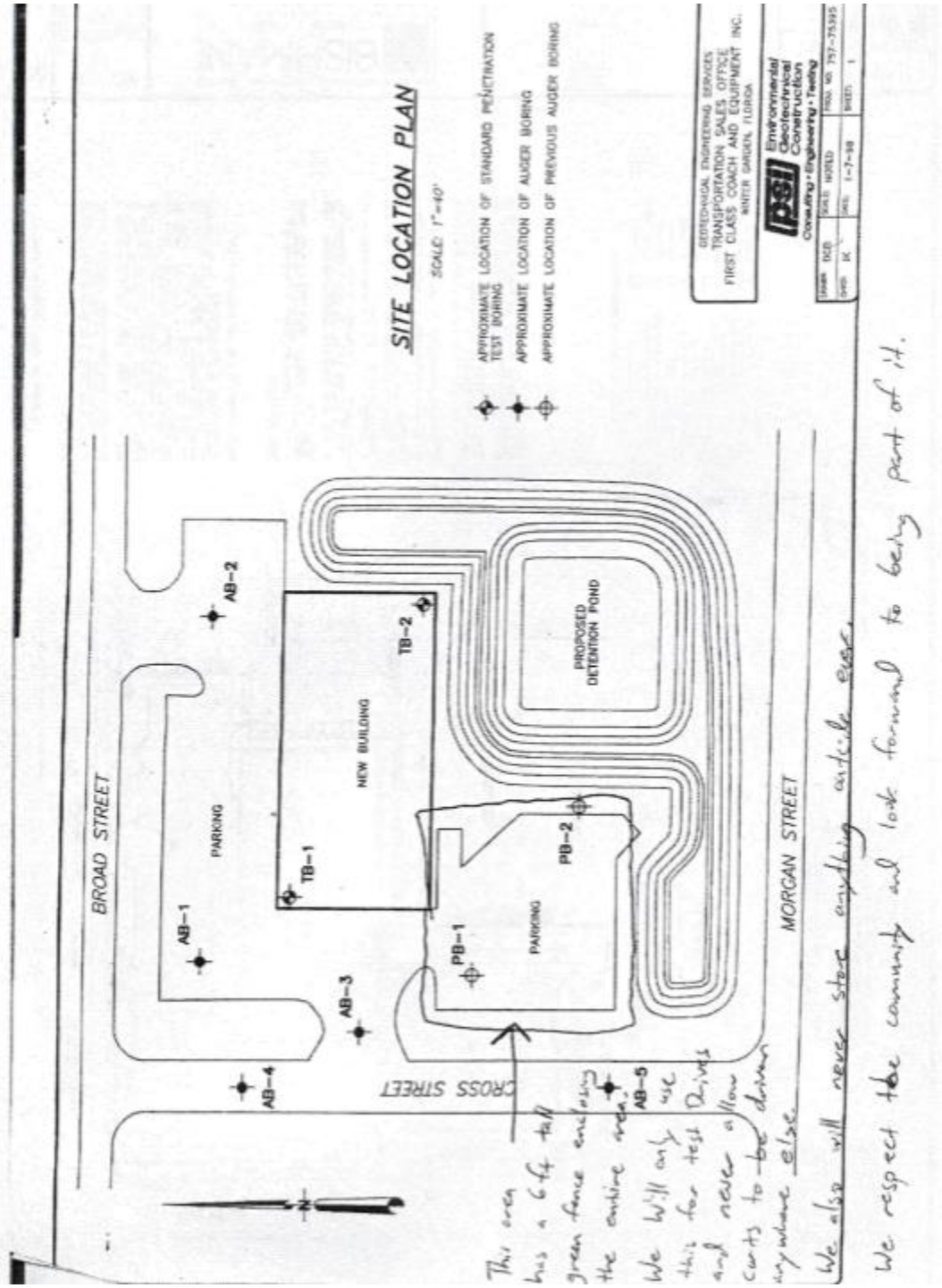
We look forward to participating in community events and being an active participant in continuing to build the Winter Garden dream.



Jason O'Neal

Regional Manager
Ocala, Clearwater, Jacksonville, San Antonio
C: 850.408.7116
O: 352.615.8882
E: jason@boterocarts.com
A: 2855 S Pine Ave. Ocala, FL 34471

Site Plan w/ Narrative on use of parcel lot



This area has a 6-ft tall green fence enclosing the entire area. We will only use this for test drives and never allow carts to be driven anywhere else.

We also will never store anything outside ever. We respect the community and look forward to being part of it.

GEOTECHNICAL ENGINEERING SERVICES
 TRANSPORTATION SALES OFFICE
 FIRST CLASS COACH AND EQUIPMENT INC.
 NINTH GREEN, FLORIDA



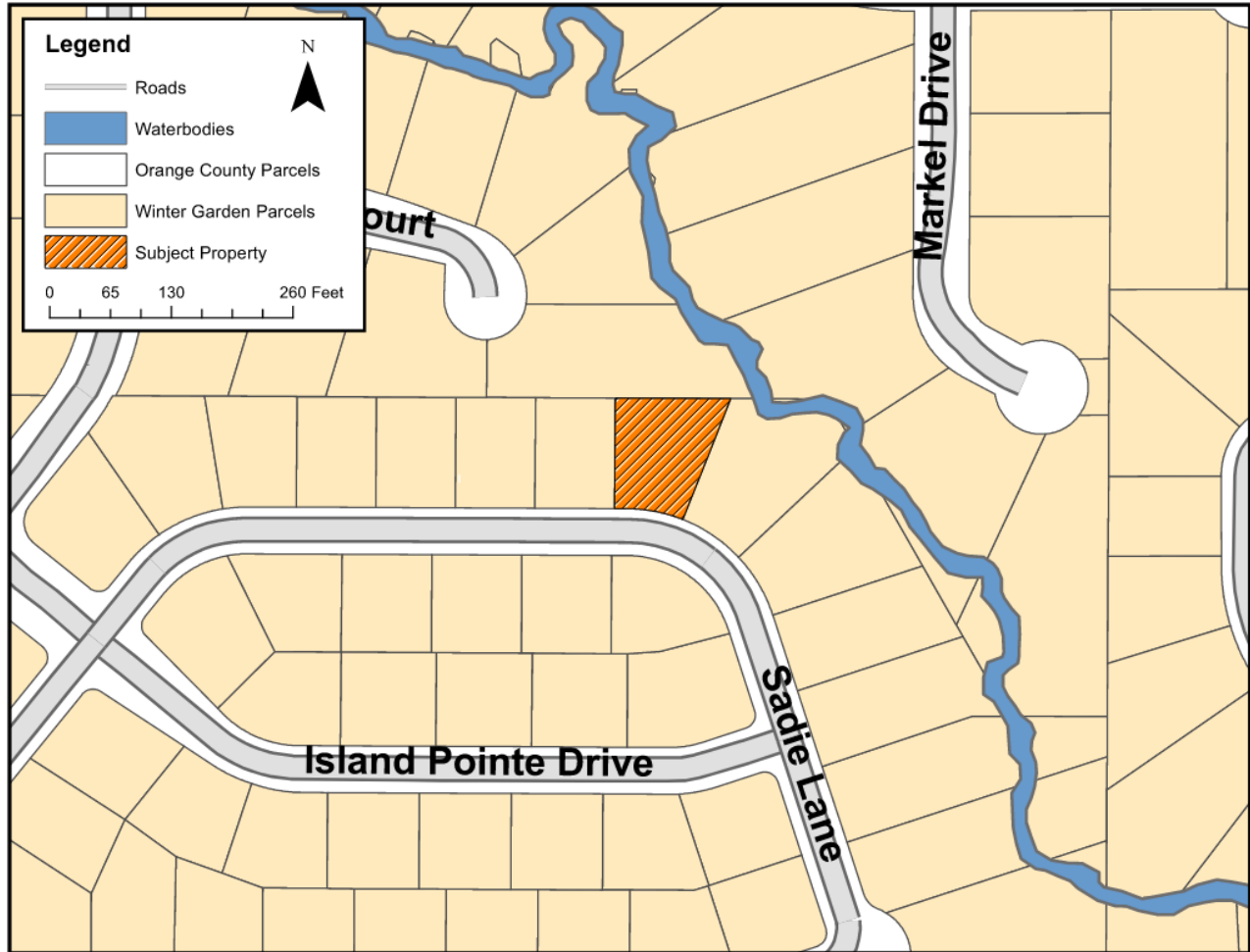
Drawn	DCB	Scale	AS BUILT	Proj. No.	757-75383
Check	JK	Date	1-7-88	Sheet	1

END OF STAFF REPORT

LOCATION MAP

1023 Sadie Lane

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

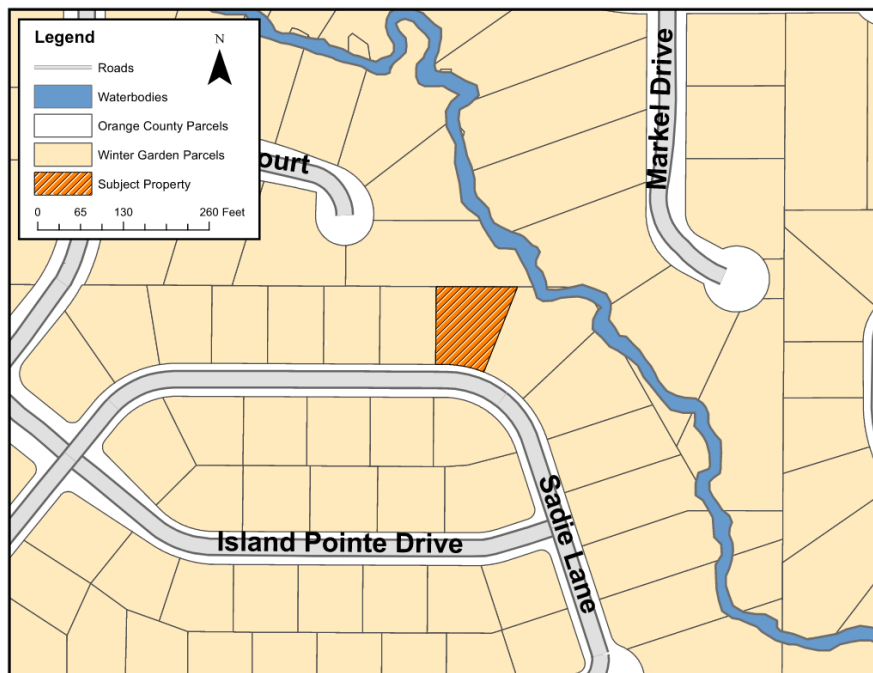
TO: PLANNING AND ZONING BOARD
PREPARED BY: Amber McDonald, Planner II
DATE: June 1, 2026
SUBJECT: VARIANCE
1023 Sadie Lane (0.28 +/- ACRES)
PARCEL ID # 11-22-27-3897-00-080

APPLICANT: Donald Gallo

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for the property located at 1023 Sadie Lane in Winter Garden, Florida. The request is to allow a 534 square foot screen room with aluminum roof to have a rear yard setback of 12 feet, in lieu of the required 25.7 foot rear yard setback.

The subject property, located on Sadie Lane, 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-1 (Residential District), is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan, and is in the Island Pointe subdivision.

EXISTING USE

The property is developed with a 2,400 sf single-family home built in 2001.

ADJACENT LAND USE AND ZONING

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

PROPOSED USE

The applicant is requesting the variance to permit the construction of a 12’ x 44.5’ (534 square foot) screen room with aluminum roof to the residence.

CODE REFERENCE

Sec. 118-308(1)(c) of the City Code of Ordinances addresses minimum yard requirements for structures in the R-1 Zoning District. This section states;

- (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 build a screen room with an aluminum roof with a rear yard setback of 12’ in lieu of the minimum required 25.7’ rear yard setback.

CODE REQUIREMENTS / CRITERIA

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

- (1) Granting the 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 screened patio will have a 12-foot setback from the rear property line. However, the abutting property to the north is relatively large at 0.57 acres, with the majority of the site consisting of dense trees and brush. Additionally, the property to the north has submitted a letter in support of the variance request.

With regard to the neighboring properties to the east and west, the proposed side setbacks substantially exceed the 10-foot minimum requirement, with setbacks of approximately 26 feet and 48 feet, respectively. Granting the variance should not cause or allow interference with the reasonable enjoyment of the 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;*
The requested variance will make reasonable use of the property. A screen room with aluminum roof is in character with the neighborhood as there are similar screen rooms on nearby lots.
- (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 variance requested is the minimum variance that will make reasonable use of the land. If approved, the variance will allow the applicant to replace an existing delapidated wooden deck and enjoy their outdoor area and will not interfere with adjacent property owners due to the wooded area between the properties and distance from each side of the applicant’s property. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Section 118-308 (1)(c) to allow a 534 square foot screen room with aluminum roof to have a rear yard setback of 12 feet, in lieu of the required 25.7 foot rear yard setback subject to the following condition(s):

- 1) At no time shall the screen room be enclosed as an air conditioned space.
- 2) The screen room with aluminum roof is to be built in accordance with the elevations as provided by the applicant.

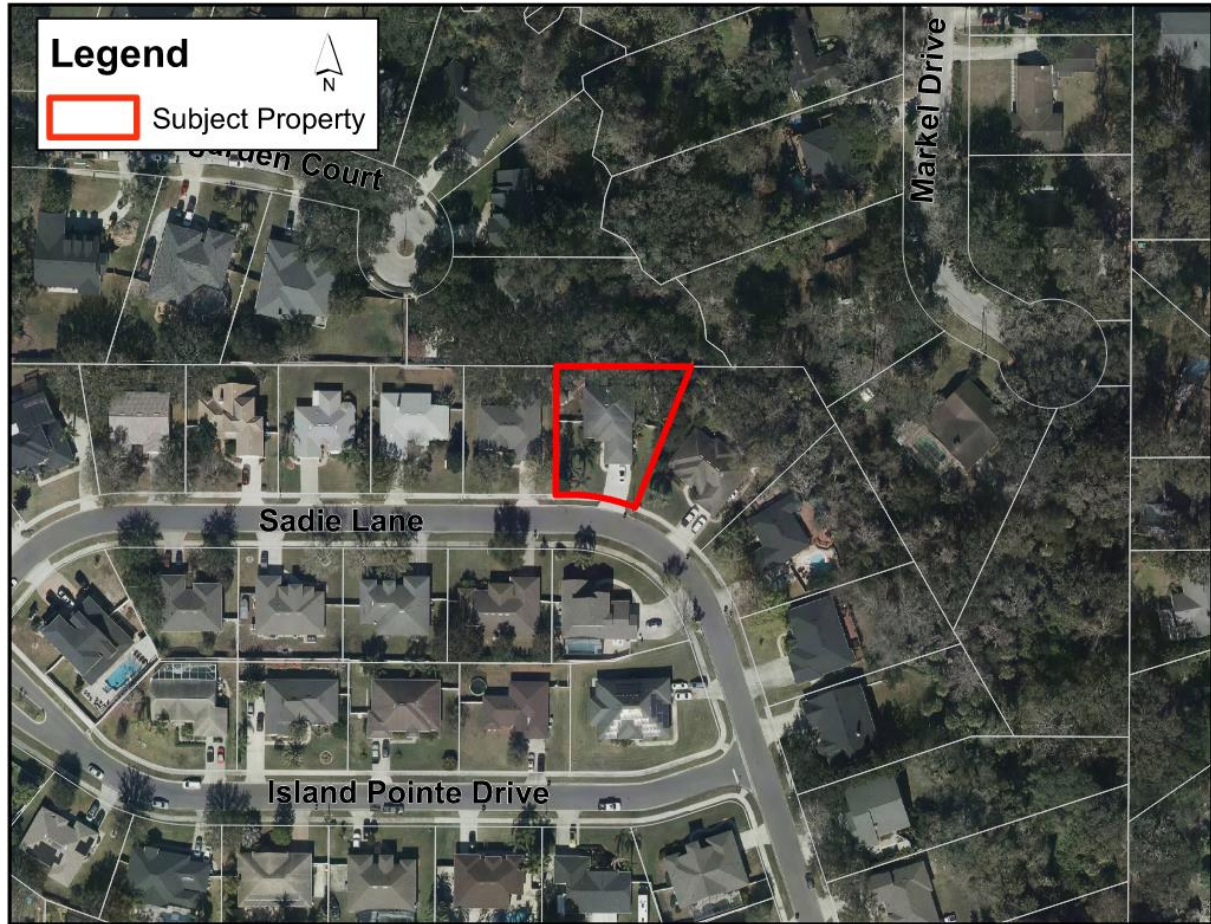
NEXT STEP

Follow all City regulations and apply for building permits.

ATTACHMENTS

- Aerial Photo
- Survey
- Elevations
- Letter of No Objection
- Site Photos

AERIAL PHOTO
1023 Sadie Lane

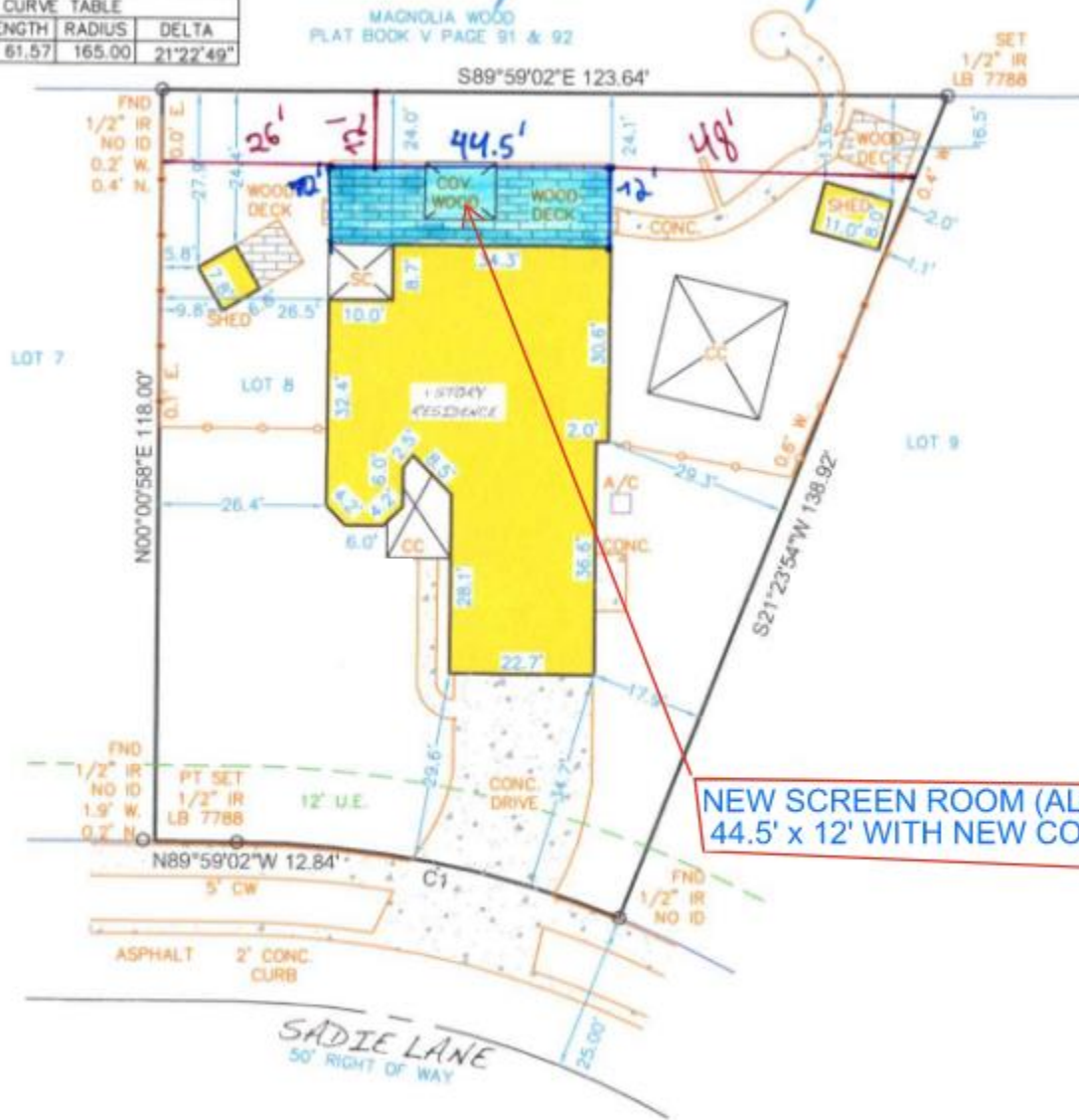


SURVEY
1023 Sadie Lane

Boundary Survey

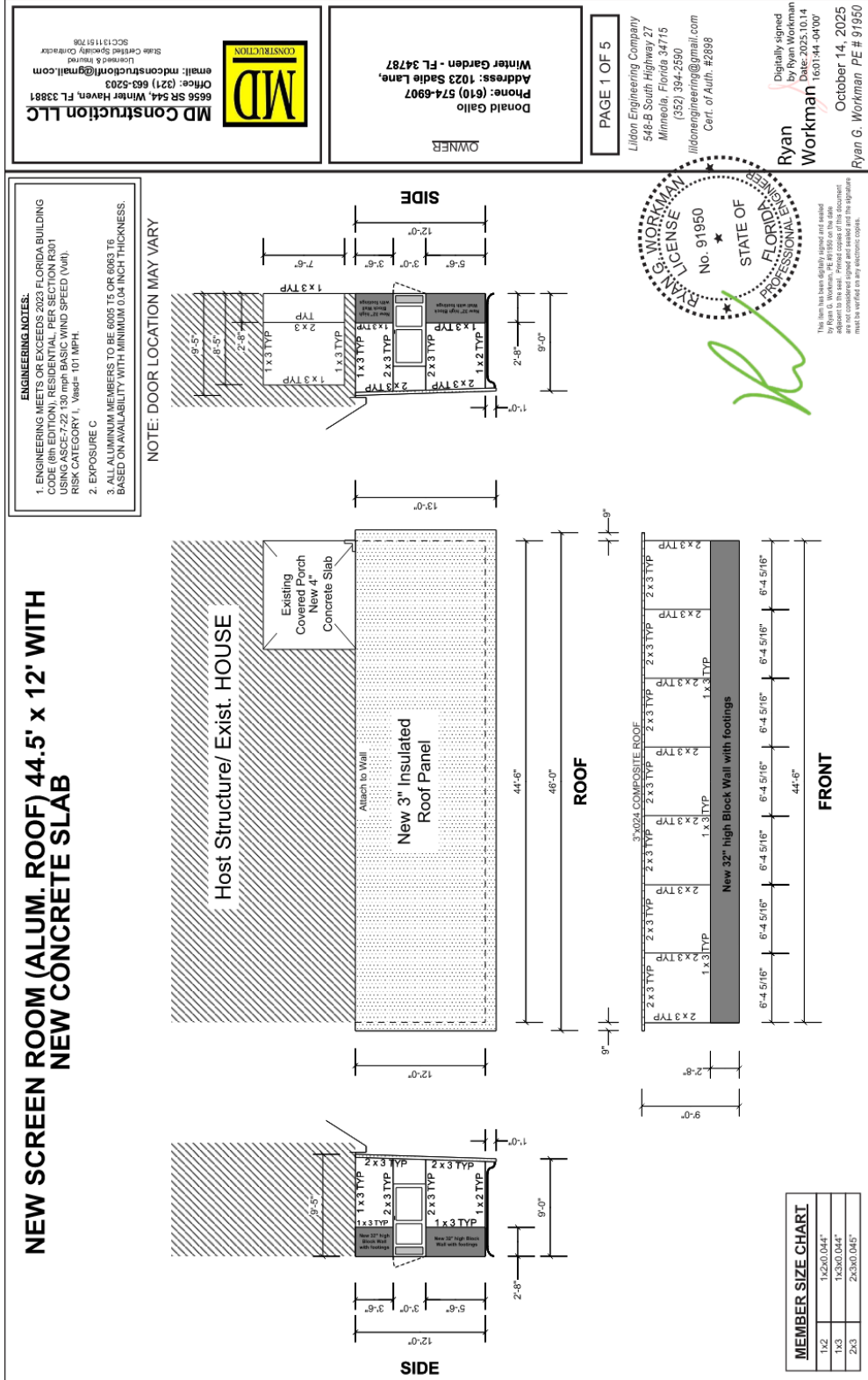
EASEMENT NOTE:
 THERE IS A 12' UTILITY EASEMENT
 (UE) ON THE FRONT OF EACH LOT.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	61.57	165.00	21°22'49"



Legal Description (per OR Book 6366, Page 3696)
 Lot 8, ISLAND POINTE SUBDIVISION, according to the map or plat thereof as recorded
 in Plat Book 28, Pages 22 and 23, Public Records of ORANGE County, Florida.

ELEVATIONS 1023 Sadie Lane



LETTER OF NO OBJECTION
1023 Sadie Lane

April 30, 2026

City of Winter Garden Planning and Zoning

To Whom it May Concern:

I, Mary Ann Collings, am the owner of the property located to the north of 1023 Sadie Lane in Winter Garden at 544 Teagarden Court.

I am aware of the concrete walkway shown on the property survey of 1023 Sadie Lane that appears to extend slightly between the two properties. This walkway was constructed many years ago by a prior owner and I have no concerns or objections regarding its existence.

Donald Gallo, the owner at 1023 Sadie Lane, and I both agree to indemnify and hold each other and the City of Winter Garden harmless from any and all claims or liabilities arising from the existence of the concrete path. This agreement does not grant or adjust any property rights, nor does it alter any property boundaries.

I also have no objection to the owners of 1023 Sadie Lane proceeding with their requested screened-in porch project as that is independent from and unrelated to this concrete path.

Signed:

Mary Ann Collings
Name

DONALD GALLO
Name

544 Teagarden Ct.
Address

1023 SADIE LANE
Address

Mary Ann Collings
Signature

Donald Gallo
Signature

SITE PHOTOS
1023 Sadie Lane



END OF STAFF REPORT

ORDINANCE 26-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 98, SECTION 98-192 TO CLARIFY THE SETBACK REQUIREMENTS FOR DETACHED GARAGES IN THE HISTORIC DOWNTOWN DISTRICT OVERLAY; AMENDING CHAPTER 118, SECTIONS 118-263, 118-303, 118-348, 118-393, 118-453, 118-473, 118-487, 118-511, 118-513, 118-514, 118-518, 118-523, 118-858, 118-1064, AND 118-1090 TO ADD ACCESSORY DWELLING UNITS AS PERMITTED ACCESSORY USES IN THE R1-A, R-1, R-1B, R-2, R-4, R-5, R-NC, RNC-2, PUD, UVPUD, AND CAPUD ZONING DISTRICTS; AMENDING CHAPTER 118, SECTION 118-1310 RELATING TO ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES TO AMEND AND CLARIFY DEVELOPMENT REQUIREMENTS ACCESSORY STRUCTURES AND ACCESSORY BUILDINGS INCLUDING SPECIFIC PROVISIONS FOR DETACHED GARAGES, FRONT PORCHES, AND ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has identified the need to clarify setback requirements and placement standards for detached garages in order to promote rear-loaded access and minimize the visual impact of garages on public streets; and

WHEREAS, the City desires in its residential areas to preserve and reinforce traditional development patterns, architectural character, and pedestrian-oriented designs of those neighborhoods; and

WHEREAS, the City Commission finds that clear and consistent dimensional standards for detached garages are necessary to ensure compatibility with a traditional development pattern and to maintain appropriate building placement and streetscape character; and

WHEREAS, the City Commission further finds that refining the definitions and development standards for detached garages and front porches will improve the clarity, administration, and enforceability of the City's Land Development Regulations; and

WHEREAS, the allowance for front porch encroachments into required front setbacks is consistent with traditional neighborhood design principles and supports pedestrian interaction, neighborhood character, and architectural compatibility; and

WHEREAS, the City Commission recognizes that accessory dwelling units provide opportunities for diverse and attainable housing options, support multigenerational living arrangements, and allow for more efficient use of existing residential properties while maintaining neighborhood character; and

WHEREAS, the proposed amendments are consistent with the goals, objectives, and policies of the City’s Comprehensive Plan, including those related to community character, urban design, and compatible infill development; and

WHEREAS, the City Commission in good faith determines that this Ordinance is in the best interest of the City and its residents and promotes the health, safety and welfare of the public.

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

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

SECTION 2. 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 98, Section 98-192 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. 98-192. – General Criteria and Standards.

(6) *Lot Layout.* New buildings, additions and alterations shall be designed so that the front facades of the buildings are closely aligned with other buildings on the block to maintain a uniform setback.

(a) Residential lot layout.

i. Setbacks: Setbacks apply to ~~both principal and accessory~~ structures and all accessory buildings over 160 square feet, except for detached garages and accessory dwelling units as noted below. Residential lot development shall have the following setbacks:

1. Front yard: 20 feet;
2. Rear yard: 25 feet or 15 feet from center of alley;
3. Side yard: Five feet; when a side yard is located adjacent to a street, the side yard setback shall be seven and one-half feet.

In the case of an infill lot, the setbacks shall match one or more of the existing setbacks on adjacent properties.

(b) New open porches, balconies, stoops and bay windows shall be permitted to encroach into the front yard by a maximum of ten feet or half the distance of the side setback.

(c) Garages and accessory dwelling units. Garages shall be detached and located ~~behind the principal structure~~ rearward of the rearmost point of the principal structure. Shared driveways are encouraged. Adjacent single-wide garage doors are preferable to a double-wide garage door when visible from the street. Driveways shall not exceed ten feet in width at the sidewalk. When an alley to the rear of the structure is present, garages shall be positioned so as to open onto such alley. A roof extension or covered walkway from residence to a garage is permitted, provided that such extension or cover is compatible and consistent with the architectural style of the roof of the principal structure. Garages shall be subject to the detached garage setback requirements of Section 118-1310.

An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 4. City Code Amendment. Chapter 118, Section 118-263 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. 118-263. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-1A single-family residential district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses, no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area may be erected flat against the wall of the principal building. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 5. City Code Amendment. Chapter 118, Section 118-303 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. 118-303. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-1 single-family residential district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 6. City Code Amendment. Chapter 118, Section 118-348 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. 118-348. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-1B single-family residential district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 7. City Code Amendment. Chapter 118, Section 118-393 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. 118-393. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-2 residential district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign,

unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 8. City Code Amendment. Chapter 118, Section 118-453 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. 118-453. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-4 zoning districts are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. Home occupations shall have no customers or employees visiting the site. Only inside storage of material and goods is allowed. No outdoor assemble or work is allowed as part of the home occupation. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 9. City Code Amendment. Chapter 118, Section 118-473 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. 118-473. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-5 zoning districts are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. Home occupations shall have no customers or employees visiting the site. Only inside storage of material and goods is allowed. No outdoor assemblage or work is allowed as part of the home occupation. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 10. City Code Amendment. Chapter 118, Section 118-487 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. 118-487. – Permitted uses and structures.

Permitted principal and accessory uses and structures in the R-NC residential-neighborhood commercial district are as follows:

- (1) Single-family and two-family dwellings.
- (2) Public schools and private schools with academic curriculums similar to those in public schools.
- (3) Churches.
- (4) Public parks, playgrounds in keeping with the character and requirements of the district.
- (5) An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

SECTION 11. City Code Amendment. Chapter 118, Sections 118-511, 118-513, 118-514, 118-518, and 118-523 of the Winter Garden Code of Ordinances are hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 118-511. – Definitions.

In addition to the definitions found in section 118-486, the following definitions apply to the RNC-2 zoning district:

Accessory dwelling unit or garage apartment. ~~(As defined in section 118-1310), is a secondary dwelling unit that is in compliance with the Florida Residential Building Code latest edition (kitchen and bathroom facilities) and is either attached or detached and subordinate to the permitted principal dwelling unit in accordance with the provisions of this chapter. Accessory dwelling units are intended to be secondary and accessory to the main structure. An accessory dwelling unit must have a minimum living area of 300 square feet of but shall not have over 700 square feet of living area. In addition, an accessory dwelling unit shall occupy no more than 40 percent of the total heated, above grade floor area of the main dwelling unit. An accessory dwelling unit shall be located on the same lot or parcel as the main (or parent) dwelling unit and shall be considered a multifamily dwelling unit for the purpose of assessing impact fees. Only one accessory dwelling unit shall be allowed per parcel. No accessory dwelling units shall be allowed~~

~~on lots containing two or more attached dwelling units such as duplexes, townhomes, tandem housing and apartments.~~

Tandem housing. (As defined in section 118-519).

Sec. 118-513. – Permitted accessory uses and structures.

Permitted accessory uses and structures in the RNC-2 zoning district are the accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures, provided that for residential uses no accessory structure shall be located on property other than that on which the principal residential structure is located. Customary home occupations are permitted in connection with residential uses, provided that there shall be no external evidence of such home occupation, except that one sign, unilluminated, and not exceeding one square foot in area, may be erected flat against the wall of the principal building. Only inside storage of material and goods is allowed. No outdoor assembly or work is allowed as part of the home occupation. An accessory dwelling unit (ADU) shall be permitted as an accessory use, subject to the applicable standards and requirements of Section 118-1310.

Sec. 118-514. – Special Exceptions.

Special exception uses and structures in the RNC-2 zoning districts are as follows:

- (1) Existing rooming houses (as allowed as a special exception in the R-NC zoning district).
- (2) Convalescent homes and nursing homes.
- (3) Public and private clubs and lodges not involved in the conduct of commercial activities.
- (4) Cultural facilities.
- (5) Day care facilities.
- (6) Multifamily buildings.
- (7) Single family attached housing (townhomes).
- (8) Funeral homes.
- (9) Tandem housing (as defined in section 118-519).
- (10) Unless specifically prohibited, any commercial business that are identified as a permitted principal use in the C-4 zoning district providing the parcel fronts and the building faces center street and is of a nature and intensity that will not negatively affect the adjacent residential neighborhood. Note: In order to protect the adjacent neighborhood, conditions such as number of deliveries, type and volume of services and goods sold, and hours of operation will be appropriate conditions of approval.
- (11) Upper story residential, above commercial uses.

~~(12) Accessory dwelling unit or garage apartment as defined in section 118-511 maximum one accessory dwelling unit per each single family lot with conditions set by the P and Z board concerning size, maximum number of occupancies, and nature of the use, and providing the owner of the property lives in either the main structure or the accessory dwelling unit or garage apartment.~~

~~(13)~~Other uses of similar nature and intensity as approved by the planning and zoning board.

~~(14)~~Any structure exceeding the maximum height requirement.

Sec. 118-518. – Minimum yard requirements.

In the RNC-2 zoning district, the minimum yard requirements are as follows:

...

~~(7) Accessory dwelling unit. Five feet for rear and side yard setbacks. Additional setback may be required as a condition of approval of the SEP. No accessory dwelling unit may be located in the front yard or the street side yard of a corner lot. See section 118-1310.~~

Sec. 118-523. – Minimum living area.

Each residential unit constructed in the RNC-2 zoning district constructed after January 1, 2007, must have the following living area:

...

~~(3) Accessory dwelling unit: Minimum living area of 300 square feet and a maximum living area of 700 square feet or 40 percent of the living area of the main unit, whichever is less. See section 118-1310.~~

SECTION 12. City Code Amendment. Chapter 118, Section 118-858 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. 118-858. – Permitted uses.

Uses permitted in the planned unit development (PUD) may include and shall be limited to the following:

(1) *Primary residential uses.* Primary residential uses permitted are single-family detached and multifamily residential dwelling units, including apartments, in semidetached, attached, and multistoried structures. The term "residential planned unit development" as used in this article shall mean a planned unit development with primary residential uses and in addition may contain nonresidential uses as provided in subsection (2). An accessory dwelling unit (ADU) shall be permitted as an accessory use in a residential planned unit development, unless otherwise restricted

by the development's specific PUD ordinance, subject to the applicable standards and requirements of Section 118-1310.

SECTION 13. City Code Amendment. Chapter 118, Section 118-1064 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. 118-1064. – General requirements.

- (a) The urban village planned unit development shall be located in the urban village future land use designation as defined in the city's comprehensive plan.
- (b) All development proposals within an urban village planned unit development shall, as determined by the city commission, be consistent with the requirements and/or guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden (Dated January 24, 2007) as approved by the city commission, as such may be amended from time to time.
- (c) All development within the urban village planned unit development shall comply with the Wekiva Parkway and Protection Act, and shall meet or exceed the standards of the resource protection overlay as established by the city's comprehensive plan. In the event of a conflict or conflicts between the urban village planned unit development zoning district and the resource protection overlay, the resource protection overlay shall control to the extent such conflict exists.
- (d) Maximum density in the urban village planned unit development for any neighborhood shall be four dwelling units per gross acre except in the village center where the density may be up to 12 dwelling units per gross acre. However, certain neighborhoods may use residential clustering while maintaining the overall maximum density for the neighborhood. Maximum intensity for nonresidential development is 0.3 floor area ratio.
- (e) Stormwater facilities within the urban village residential planned unit development shall generally be designed as amenities and low impact design (LID) techniques will be used where practical.
- (f) New development shall connect to city utilities, potable water, sanitary sewer, and reclaimed water when available.
- (g) Residential and nonresidential uses are allowed in the village center and may occupy the same building where nonresidential occupies the first floor with residential on the upper floors.
- (h) ~~Accessory dwelling units, not to exceed 850 square feet, above garages shall be allowed for a maximum of 50 percent of the residential units in the urban village planned unit development.~~ An accessory dwelling unit (ADU) shall be permitted as an accessory use in an urban village planned unit development, unless otherwise

restricted by the development's specific UVPUD ordinance, subject to the applicable standards and requirements of Section 118-1310.

SECTION 14. City Code Amendment. Chapter 118, Section 118-1090 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. 118-1090. – Permitted uses/development standards.

The permitted uses within the CAPUD shall be an aggregation of uses permitted by the previously existing zoning classifications of lands included within the development except as prohibited or restricted by the provisions of the east plant street character area and its overlay districts as set forth in article XIV or inconsistent with the comprehensive plan future land use designations of the lands. In aggregating permitted uses within a CAPUD, the mixture of uses may be limited by minimum and maximums of densities and intensities for each type of use. Any use not specifically set forth as a permitted use or special exception use in the CAPUD shall be prohibited. A CAPUD shall incorporate the requirements of article XIV except to the extent the city commission approves deviations to allow flexibility in the development. There are no minimum acreage requirements for CAPUD zoning. An accessory dwelling unit (ADU) shall be permitted as an accessory use for any single-family residential lot in a character area planned unit development, unless otherwise restricted by the development's specific CAPUD ordinance, subject to the applicable standards and requirements of Section 118-1310.

SECTION 15. City Code Amendment. Chapter 118, Section 118-1310 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. 118-1310. – Generally.

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

Accessory buildings. An accessory building for both residential and nonresidential development is defined as a ~~building~~ vertical structure with a solid roof that is detached and clearly subordinate to the principal structure.

- ~~(1) Is detached from the principal building;~~
- ~~(2) Is clearly a supplementary use to the principal building; and~~
- ~~(3) The total square footage of all accessory buildings are less than 50 percent of the size of the principal building.; and~~
- ~~(4) Is not intended for human habitation.~~

Examples include storage buildings, residential green houses, detached garages, gazebos, covered porches (excluding front porches), accessory dwelling units, etc. Attached accessory buildings must comply with all setbacks and zoning regulations of the principal structure.

Accessory structures. An accessory structure is a vertical or horizontal (at-grade) structure that does not provide shelter from the elements and is either attached to or detached from the principal structure. Examples include swimming pools and pool screening and decking, Bar-B-Q pits, decks, at-grade patios, pergolas with open lattice roofs, etc. Not included in the definition of accessory structures and not regulated by this division of code are driveways, fences, walls, bird baths, and decorative ponds, and at grade patios.

Accessory Dwelling Units (ADUs). An accessory dwelling unit (ADU) means an ancillary or secondary living unit that has a separate kitchen, full bathroom, and living/sleeping area, existing within the same lot as the principal structure but not connected to it internally by enclosed living space.

Carports. A carport is structure that is open on at least two sides, consisting of a solid roof and either walls or columns for the purpose of sheltering vehicles. Carports can be either attached or detached to the principal structure.

Detached Garages. A detached garage is an accessory building designed and primarily used for the parking and storage of motor vehicles and incidental household items, which is not physically connected to the principal structure by a common wall or by enclosed living space. Detached garages may include living space above or adjacent to the vehicular storage area, including a dwelling unit subject to applicable regulations governing accessory dwelling units. A detached garage shall be considered the primary building for vehicular storage on a lot; any other detached structure used for vehicle storage, storage of materials, or other uses shall be classified as an accessory building and shall not be considered a detached garage for the purposes of this section.

Front Porches. A front porch is roofed structure attached to the front façade (and sometimes side façade for a wrap-around porch) of a principal structure, open to the air on at least two sides, and designed for pedestrian access and outdoor use. A front porch may be enclosed by railings or screens but shall not be fully enclosed with walls or conditioned as interior living space.

Greenhouses. A greenhouse is a building constructed for the primary purpose of cultivation, growing, and protection of plants.

Off-site constructed residential dwelling means as defined by Florida Statutes section 553.385 (2026), as may be amended, that complies with the Florida Building Code and is installed onsite on a permanent foundation.

Principal Structures. A principal structure is a building or structure in which the primary use of a lot or parcel is conducted or intended to be conducted. A principal structure is distinguished from accessory buildings and structures by serving the dominant or central function of the site.

- (b) General requirements. ~~In general, accessory buildings and structures must be located in the rear or side yards and must be five feet from the property lines.~~ Accessory buildings and structures cannot be located within any easements. ~~Accessory buildings and structures located in the street side of a corner lot must comply with the side yard setbacks of the principal building.~~ Accessory buildings and structures must be constructed simultaneously with, or following, the construction of the principal building structure, and shall not be used until after the principal building structure has been erected.

Accessory buildings and structures shall be designed to blend aesthetically with the principal building structure. Detached accessory building and structure walls shall not exceed nine feet in height, and roof peaks shall not exceed 12 feet in height unless otherwise noted below. Attached accessory buildings and structures may not exceed the height of the principal structure. ~~No accessory building may be located in the front yard or within any recorded easement.~~ No more than two such accessory buildings may be located on any lot, which includes detached garages and accessory dwelling units.

- (c) Accessory Structures. All accessory structures are required to be located at least five feet from the side and rear property lines, with the exception that vertical accessory structures shall have the same side yard setback as the principal structure when located on the street side of a corner lot. Horizontal, at-grade structures may be located in the front yard, but must be set back at least five feet from the front property line. Vertical accessory structures may be located in the front yard if they are attached to the principal structure and meet the setback requirements of the principal structure.
- (d) Accessory buildings. The total square footage of all accessory buildings on a property shall be less than 50 percent of the size of the principal structure.

(1) Accessory buildings—160 square feet or less. Accessory buildings that are detached from the principal building structure and are 160 square feet or less shall be:

- a. Located no less than five feet from a side or rear property line, and have the same sideyard setback as the principal building structure when located on the street side of a corner lot;
- b. ~~Be closer than four feet to any other accessory building on the same lot~~ If an accessory building is an open-air structure with only a roof and columns, there shall be no separation requirement from other structures or buildings. If the accessory building has walls or any enclosed area(s), it must meet the separation requirements of the Florida Building Code; and

c. Shall not be allowed to project beyond the established front building line of the principal ~~building~~ structure or otherwise be located in the front yard.

(2) *Accessory buildings—Greater than 160 square feet.* An accessory building greater than 160 square feet - excluding detached garages and accessory dwelling units as defined above - 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.

b. ~~An accessory building greater than 160 square feet must be separated from the principal structure by a minimum of ten feet~~ If an accessory building is an open-air structure with only a roof and columns, there shall be no separation requirement from other structures or buildings. If the accessory building has walls or any enclosed area(s), it must meet the separation requirements of the Florida Building Code.

c. ~~An accessory building greater than 160 square feet shall not occupy more than 25 percent of the rear yard.~~

(3) *Open eCarports.* ~~Detached or attached open carports consisting of a roof and members for support,~~ shall be located in either the front or side yard and must comply with all the setbacks of the principal ~~building~~ structure of the zoning district of the property.

(4) *Location criteria.* ~~No accessory building may be located in the front yard.~~

~~(d) *Accessory structures.* All accessory structures (i.e. structures that do not offer shelter from the weather such as Bar-B-Q pits, decks, swimming pools, residential dog houses, etc.) are required to comply with the location criteria and setbacks regulations as identified for accessory buildings. With the exception of the sideyard of the street side of a corner lot, attached and detached pools, pool screens, and pool decking may be located up to five feet of the side and rear property lines.~~

(e) *Prohibited accessory buildings and structures.* The following accessory buildings and structures are prohibited in all zones:

1. Tents (when used over a two-week period) unless approved by the city commission.
2. Trailers and mobile homes (when used as an accessory building), except for off-site constructed residential dwelling installed on a permanent foundation and meeting all Florida Building Code and land development regulations.
3. Shipping containers (except on a temporary basis on an active construction site).

(f) *Lot coverage Impervious Surface Ratio.* The area of accessory buildings is included in the total ~~lot coverage~~ impervious surface ratio calculations. This total area must not

exceed the maximum ~~lot coverage~~ impervious surface ratio as identified in the specific zoning district.

(g) *Greenhouses shall be considered only by special exception.* All greenhouses shall be designed to blend aesthetically with the principal ~~building~~ structure and shall be constructed of permanent building materials such as metal, glass or wood although composite materials may be considered. Greenhouses shall not be constructed of temporary materials such as plastic, visqueen or cloth. Also, fiberglass shall not be used in the construction of greenhouses.

(h) *Shed/Storage buildings—160 square feet or less.* Construction or installation of storage buildings that are 160 square feet or less in area shall not require submission of building plans, but shall be subject to all other relevant requirements under this section, the city code, and the Florida Building Code, as may be applicable.

(i) Detached Garages.

- 1) Setbacks. Detached garages shall be located rearward of the rearmost point of the principal structure.
 - a. Front: Detached garages are not permitted in the front yard.
 - b. Side interior: 5' minimum.
 - c. Side corner: Detached garages shall not be located closer to a side corner than the principal structure.
 - d. Rear: 5' minimum for single-story garages; two-story garages shall have the same rear setback requirements as the principal structure or 15', whichever is less.
 - e. Alley: 5' minimum for alley-loaded garages, except when designed for driveway parking depth, then 20' minimum.
- 2) Height & Massing. The height of a detached garage shall not exceed the height of the principal structure. Detached garages shall be subordinate in visual prominence to the principal structure when viewed from public rights-of-way.
- 3) Impervious Surface Ratio. The footprint area of detached garages is included in the total impervious surface ratio calculations. This total area must not exceed the maximum impervious surface ratio as identified in the specific zoning district.
- 4) Square footage. The total square footage for detached garages shall be less than 50 percent of the size of the principal structure.
- 5) Architectural Style. Detached garages shall be designed to blend aesthetically and feature the same architectural style as the principal structure.

(j) Front Porches. Front porches are permitted to encroach into the front yard setbacks of principal structures by a maximum of 10'. Wrap-around porches are permitted to encroach into a side yard by a maximum of 5' as long as there is a minimum 5' setback

from the side interior property line and a minimum 15' setback from the side corner property line.

(k) Accessory Dwelling Units.

- 1) Location. An accessory dwelling unit is permitted to be constructed on a homesteaded lot that is developed with one single-family home, subject to being an approved accessory use within the property's zoning district. Where allowed, only one (1) accessory dwelling unit is permitted per lot. The principal structure shall be occupied by the owner of the property where the ADU is located.
- 2) Structure. An accessory dwelling unit shall be located in a permanent structure complying with the Florida Building Code built on a permanent foundation. An off-site constructed residential dwelling complying with the Florida Building Code and installed on a permanent foundation may be used as an accessory dwelling unit. A conventional recreational vehicle (RV) parked on a paved pad shall not be considered an accessory dwelling unit.
- 3) Setbacks. Detached accessory dwelling units shall be located rearward of the rearmost point of the principal structure. Any accessory dwelling unit located on the second floor of a detached garage shall have the same setback requirements as detached garages. Otherwise, the setback requirements are as follows:
 - a. Front: Accessory dwelling units are not permitted in the front yard.
 - b. Side interior: 5' minimum.
 - c. Side corner: Accessory dwelling units shall not be located closer to a side corner than the principal structure.
 - d. Rear: 5' minimum.
- 4) Height & Massing: The height of an accessory dwelling unit shall not exceed the height of the principal structure. Two-story accessory dwelling units are not permitted unless located above a detached garage. Accessory dwelling units shall be subordinate in visual prominence to the principal structure when viewed from public rights-of-way.
- 5) Separation. An accessory dwelling unit shall be separated from the principal structure and other accessory buildings by a minimum of 10'.
- 6) Impervious surface ratio. The area of an accessory dwelling unit is included in the total impervious surface ratio calculations. This total area must not exceed the maximum impervious surface ratio as identified in the specific zoning district.
- 7) Square footage. The total square footage for an accessory dwelling unit shall be less than 50 percent of the living area of the principal structure. However, in no case shall an accessory dwelling unit be less than 300 square feet or more than 1,200 square feet.
- 8) Property Maintenance Code. The accessory dwelling unit shall comply with all International Property Maintenance Code (IPMC) provisions and standards.
- 9) Interior Requirements. An accessory dwelling unit shall have, at a minimum:

- a. A kitchen area with a sink that has hot and cold running water, food preparation surfaces, food storage areas, a stove, and refrigerator.
 - b. A full bathroom with a sink, tub and/or shower with hot and cold running water, and a toilet.
 - c. Separate living space, which may or may not double as a sleeping space.
 - d. Connected to the electric utility network.
 - e. Heating and air conditioning.
- 10) Architectural Style: Accessory dwelling units shall be designed to blend aesthetically and feature the same architectural style as the principal structure.
- 11) Parking. At least one off-street parking space shall be provided for the exclusive use of the accessory dwelling unit. This requirement is in addition to the two off-street spaces required for the principal structure.
- 12) Utilities. Accessory dwelling units may have independent meter connections for water, wastewater, and/or irrigation from the principal structure. However, any new meters will require paying additional utility impact fees.
- 13) Density. Accessory dwelling units shall not be included in a property's density calculations.
- 14) Restrictions:
- a. A lot containing an accessory dwelling unit may not be subdivided or otherwise platted as a condominium unit to separate the ADU from the principal structure.
 - b. An accessory dwelling unit may not be sold separately from the principal structure.
 - c. An accessory dwelling unit may be rented via a standard residential lease. Short-term rentals under 30 days are prohibited.

(1) Gazebos/Pergolas - 340 square feet or less. Construction or installation of gazebos/pergolas that are 340 square feet or less in area shall not require signed and sealed building plans but will require details showing the wind connections from the roof system to the foundation/ground anchors and shall be subject to all other relevant requirements under this section, the city code, and the Florida Building Code, as may be applicable.

SECTION 16: Codification: Sections 3 and 4 of this Ordinance shall be codified and made part of the City of 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 17: Conflicts: In the event of a conflict or conflicts between this Ordinance and other Ordinances, this Ordinance controls to the extent of the conflict.

SECTION 18: 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 19: Effective Date: This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Garden, Florida.

FIRST READING: _____, 2026.

SECOND READING AND PUBLIC HEARING: _____, 2026.

ADOPTED this _____ day of _____, 2026, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Ronisha Martin, 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 26-17** – Amending City of Winter Garden Code of Ordinances regarding Accessory Structures and Accessory Buildings.

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):

Ordinance 26-17 amends multiple sections of the City of Winter Garden's Land Development Code to clarify standards for accessory structures & accessory buildings and formally expand where accessory dwelling units (ADUs) are permitted throughout the City. The ordinance allows ADUs as a permitted accessory use in several residential zoning districts, including R-1A, R-1, R-1B, R-2, R-4, R-5, R-NC, RNC-2, PUD, UVPUD, and CAPUD districts, subject to specific development standards. The ordinance also updates and refines definitions for accessory buildings, accessory structures, detached garages, front porches, and principal structures in order to improve clarity, consistency, and administration of the City's code.

This ordinance is establishes detailed design and placement standards for detached garages and ADUs. The ordinance requires detached garages and ADUs to generally be located behind the principal structure, establishes setback, height, and architectural compatibility requirements, and encourages alley-loaded access to minimize the visual impact of garages on streetscapes. It also permits front porches to encroach into required front setbacks to reinforce traditional neighborhood design patterns. For ADUs, the ordinance establishes standards related to size, parking, owner occupancy, utilities, rental restrictions, and compatibility with the principal residence, while also clarifying that ADUs do not count toward density calculations and may not be sold separately from the primary home.

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

There should be little direct negative economic impact on the proposed ordinance on private, for-profit businesses in the City. This ordinance would provide more opportunities for homeowners to make their properties more economically productive by adding an accessory dwelling unit if specific standards are met. Local companies that build accessory structures and buildings will have additional opportunities to find a new customer base in the City.

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

No direct compliance costs should be incurred by businesses as a result of adopting this ordinance. Certain structures will require building permits as required by State laws and the Florida Building Code to meet health & safety requirements.

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

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

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

The estimated regulatory costs to the City will be minimal, relating to the cost to review and issue building permits and planning reviews.

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

The proposed ordinance is not anticipated to have any negative impacts on businesses.

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