

recorded in the public records, the city may submit an invoice to the homeowners' association. The developer shall remain liable and shall pay for all such costs if not promptly paid by the homeowners' association. Invoices to the developer or association shall be based on estimated costs of the public street lighting as determined by the city. The developer or association shall not be entitled to a refund for prepaid street lighting costs incurred either before or during the calendar year in which the city receives written notice from the developer that certificates of occupancy have been issued for 75 percent of the lots in the subdivision.

- (3) If a developer has installed specialized street lighting on a public street, the developer, the applicable homeowners' association and the city shall, prior to or at the time of approval of the first plat, enter into an agreement acceptable to the city which provides that the electric utility shall directly bill the developer or homeowners' association for all costs associated with public street lighting. At such time as the city becomes responsible for the standard street lighting costs on such public streets, as provided for in subsection (e)(1) of this section, the city shall reimburse and shall continue to reimburse the developer or homeowners' association for the prevailing rate for standard street lighting costs on public streets thereafter incurred and paid by the developer or homeowners' association. Payments to be made by the city after payment by the developer or homeowners' association start in January of the calendar year following the written notice and verification of issuance of 75 percent of the certificates of occupancy and each January thereafter. Nothing contained in this subsection shall be construed to prevent the homeowners' association from entering into such agreement during the time it is controlled by the developer. The developer and the homeowners' associa-

tion shall remain liable for all costs for specialized street lighting above costs for standard streetlights.

- (4) Notwithstanding subsection (e)(3) of this section, during the time the developer or homeowners' association is responsible for the costs of public street lighting, the city may, at its option, arrange for direct billing by the electric utility to a developer or homeowners' association for the costs of public street lighting. In such event the procedures set forth in subsection (e)(2) of this section regarding payments by the developer to the city shall not be applicable.
- (5) Any invoices to a developer or homeowners' association for payment of public street lighting shall be due and payable 30 days from the date of such invoice. If payment is not received within such timeframe, the invoices shall bear interest at the rate of 18 percent per annum or the highest rate allowed by law, whichever is less, until paid. If any such invoice remains unpaid for a period of 60 days, the city may take any action deemed necessary in order to collect the unpaid invoice, including but not limited to the retaining of the services of a collection agency or attorney and initiating legal proceedings for collection thereof. In such event, the city shall be entitled to receive its reasonable attorney's fees, paralegal fees and other costs and expenses, whether incurred prior to, during, or subsequent to court proceedings or on appeal.
- (6) The developer shall be responsible for the installation, maintenance, repair, replacement, and operational and electrical costs of street lighting installed on private streets. The developer shall directly contract with the relevant electric utility regarding such street lighting. The obligations of the developer under this subsection may be transferred to and assumed by the applicable homeowners' association. The city shall have no responsibility for the installation, maintenance,

repair, replacement or operational or electrical costs of street lighting installed on private streets.

(Code 1988, § 19-159)

Sec. 2.10. Standards for construction of driveways, curb cuts and similar alterations.

Except where specific approval is granted by the city manager due to unique and peculiar circumstances or needs resulting from the size, location, or special use of property requiring a modification of standards as set forth in this section, the minimum standards for the construction of driveways, curb cuts and other similar alterations shall be as follows:

(1) *Residential:*

- (A) In properties developed for residential use, curb cuts shall be a minimum of 15 feet and a maximum of 17 feet for single driveways and a maximum of 30 feet for double driveways.
- (B) In measuring the width of curb cuts, the distance shall include the transitional slope from the high curblane to the lowest point of such curb cut.
- (C) No curb cut for a driveway shall be made within three feet of the extended side property line of the property to be serviced by such driveway unless a common driveway for two adjoining properties shall be located on the common property line by written agreement of all the owners of the adjoining property using the common driveway.
- (D) Where more than one curb cut is to be located on any single property, the minimum distance between such curb cuts shall be 42 feet.
- (E) Except where specific approval is granted as provided in this section, there shall be no more than two curb cuts for the use of any single property fronting any single street. Where property is located on a corner lot

fronting more than one street, not more than one curb cut for the benefit of such property shall be made on each street except where the specific approval is granted by the city manager as provided in this section. On corner lots, no curb cut or driveway shall be constructed or maintained on the radius of any curved curbing or within 15 feet of the point of curvature of either street.

- (F) Driveways (including sidewalks, patios, or other impervious surfaces) for single-family detached dwelling units and duplexes (excluding planned unit developments) shall not exceed more than 45 percent of the front yard area unless, in the determination of the city engineer, said parcel is unique in nature such as a flag lot, a lot on a cul-de-sac, or a lot on an elbow of a turn in the road. The maximum front-yard impervious area for single-family detached dwelling units and duplexes in planned unit developments shall not exceed the maximum impervious area for which the lots were designed, but in no case shall it exceed 55 percent. For the purpose of this section, the front yard is the portion of a lot from the front building setback line to the front property line.

(2) *Commercial or industrial:*

- (A) Properties developed for commercial or industrial use shall have curb cuts for driveways of not less than 24 feet or more than 36 feet; however, where separate driveways are provided for one-way traffic, such driveways may be permitted with a width of not less than 16 feet.
- (B) In measuring the width of curb cuts, the distance shall include the transitional slope from the high curblane to the lowest point of such curb cut.
- (C) No driveway for a commercial or industrial use shall be made within

15 feet of the side property line of the property to be serviced by such driveway unless a common driveway for two adjoining properties shall be located on the common property line by written agreement of all the owners of the adjoining property using the common driveway.

- (D) Where more than one curb cut is to be located on any single commercial or industrial property, the minimum distance between such curb cuts shall be 75 feet.
- (E) Except where specific approval is granted as provided in this section, there shall be no more than two curb cuts for the use of any single property fronting any single street. Where property is located on a corner lot fronting more than one street, not more than one curb cut for the benefit of such property shall be made on each street except where the specific approval is granted by the city manager as provided in this section. On corner lots, no curb cut or driveway shall be constructed or maintained closer than 75 feet to the point of curvature of either street, except where specific approval is granted by the city manager as provided in this section.

(Code 1988, § 18-84; Ord. No. 02-36, § 1, 6-27-02)

ARTICLE III. ROAD, STREET AND HIGHWAY RELATED CONSTRUCTION

Sec. 3.01. Adoption of the City of Winter Garden standard specifications for road and drainage construction manual.

There is adopted by the city for the purpose of establishing minimum acceptable standards for the design, methods for construction, materials and inspections of road, street, highway, and related subdivision construction in the city, the City of Winter Garden Manual of Standard Specifications for Road and Drainage Construction.

Such manual shall apply to all road and drainage construction within the City of Winter Garden. One copy shall be on file in the offices of the public services department, division of engineering. It is adopted and incorporated as fully as if set out in length in this section. This manual shall be amended or modified as necessary with the approval of the city manager.

(Code 1988, § 19-224; Ord. No. 08-10, § 2, 1-24-08)

Secs. 3.02, 3.03. Reserved.

Editor's note—Ord. No. 08-10, § 2, adopted January 24, 2008, repealed §§ 3.02, 3.03, which pertained to general modifications to road construction specifications and modifications to terms, conditions and specifications of county road construction specifications and § 19-226 of the 1988 Code.

APPENDIX B

FRANCHISES*

Article I. Electric Franchise

- Sec. 1. [Grant of franchise.]
- Sec. 2. [Rights of grantee.]
- Sec. 3. [Rates and charges.]
- Sec. 4. [Franchise fee.]
- Sec. 5. [Liability of grantor; indemnification; standards for work.]
- Sec. 6. [Effect of annexations.]
- Sec. 7. [Grantee's acceptance of other municipal ordinance providing for payment of franchise fees; amendments.]
- Sec. 8. [Invalidity.]
- Sec. 9. [Repeal of conflicting ordinances.]
- Sec. 10. [Effective date.]

Article II. Telephone Franchise

- Sec. 1. [Grant of franchise.]
- Sec. 2. [Purpose.]
- Sec. 3. [Conditions.]
- Sec. 4. [Annual fees.]
- Sec. 5. [Indemnification.]
- Sec. 6. [Placement of poles, towers and wires; repairs; fire alarm systems.]
- Sec. 7. [Maintenance of payment facility in city.]
- Sec. 8. [Invalidity.]
- Sec. 9. [Repeal of conflicting ordinances.]
- Sec. 10. [Effective date.]

Article III. Gas

- Sec. [1.] Grant of authority.
- Sec. 2. Obstructing streets.
- Sec. 3. Plats.
- Sec. 4. Damage claims.
- Sec. 5. Standards of service.
- Sec. 6. Rates.
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- Sec. 8. Right of city to purchase reserved.
- Sec. 9. Payments to city.
- Sec. 10. No competition by city.
- Sec. 11. Approval of transfer.
- Sec. 12. Forfeiture.
- Sec. 13. Pledge of revenues authorized.
- Sec. 14. Change of government.
- Sec. 15. Acceptance.
- Sec. 16. Effective date of this ordinance.

Article IV. Broadband Communications System

- Sec. 1. [Purpose.]
- Sec. 2. [Approval of qualifications of grantee by city.]

***Cross references**—Any right or franchise granted by the city saved from repeal, § 1-7(a)(4); businesses, ch. 22; streets and sidewalks, ch. 62; telecommunications, ch. 70; utilities, ch. 78.

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- Sec. 3. [Terms of franchise grant.]
- Sec. 4. [System expansion.]
- Sec. 5. [Standards for service.]
- Sec. 6. [Fees.]
- Sec. 7. Forfeiture of franchise.
- Sec. 8. [Incorporation of federal amendments.]
- Sec. 9. [Severability.]
- Sec. 10. [Conflicts with other ordinances.]
- Sec. 11. Technical requirements—Channel capacity.
- Sec. 12. Changes in ownership and/or control.
- Sec. 13. Conditions on street occupancy and system construction.
- Sec. 14. Rights-of-way.
- Sec. 15. Indemnification.
- Sec. 16. [Marketing and promotional information.]
- Sec. 17. [Definitions.]
- Sec. 18. License.
- Sec. 19. [Effective date.]

Article V. Cable Television—Strategic Technologies, Inc.

- Sec. 1. Definitions.
- Sec. 2. Grant of franchise; nature of grant.
- Sec. 3. Non-exclusive franchise.
- Sec. 4. Franchise subject to ordinance.
- Sec. 5. Minimum facilities and services.
- Sec. 6. System operations; system improvements.
- Sec. 7. INET/PEG support.
- Sec. 8. Interconnection with other cable systems.
- Sec. 9. Miscellaneous.
- Sec. 10. Written notice of acceptance.
- Sec. 11. Execution in counterpart.

Article VI. Cable Television—Time Warner Entertainment-Advance/Newhouse

- Sec. 1. Definitions.
- Sec. 2. Grant of franchise; nature of grant.
- Sec. 3. Non-exclusive franchise.
- Sec. 4. Franchise subject to ordinance.
- Sec. 5. Minimum facilities and services.
- Sec. 6. System operations: System improvements.
- Sec. 7. Interconnection with other cable systems.
- Sec. 8. Miscellaneous.
- Sec. 9. Written notice of acceptance.
- Sec. 10. Execution in counterpart.

ARTICLE I. ELECTRIC FRANCHISE***Franchise for Electric Power Plant and Distribution System****ORDINANCE NO. 92-30**

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, GRANTING TO FLORIDA POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC UTILITY FRANCHISE, AND IMPOSING CERTAIN CONDITIONS RELATING THERETO.

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

Section 1. [Grant of franchise.]

That for a period of 30 years from the effective date of this Ordinance No. 92-30, the City of Winter Garden, Florida, a municipal corporation created and existing pursuant to the laws of the State of Florida, its successors and assigns (herein referred to as "grantor"), does hereby give and grant to Florida Power Corporation, a corporation organized and existing pursuant to the laws of the State of Florida, its successors and assigns (herein referred to as "grantee"), the right, privilege and franchise to construct, operate and maintain within the corporate limits of grantor, all electric utility facilities required by the grantee to supply electricity to grantor, its inhabitants and the places of business located within grantor's corporate limits and other customers and areas now or hereafter supplied, or to be supplied electricity by grantee.

***Editor's note**—Printed herein is the electric franchise, as adopted by Ordinance Number 92-30 on May 14, 1992. Amendments to the franchise are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross reference—Electrical standards, § 18-261 et seq.

Section 2. [Rights of grantee.]

That with respect to the right, privilege and franchise granted to grantee in section 1 above, grantee shall have the right, privilege, franchise, power and authority to use the streets, avenues, alleys, easements, wharves, bridges, public thoroughfares, public grounds and other public places of grantor as they now exist or may hereafter be constructed, opened, laid out or extended during the term of this franchise.

Section 3. [Rates and charges.]

That the rates to be charged by the grantee for electric service within the corporate limits of grantor during the term of this franchise shall be as provided in the grantee's tariffs now or hereafter approved by the Florida Public Service Commission, or such other agency of the State of Florida as may have proper jurisdiction over such rates and charges of grantee under the general laws of the State of Florida.

Section 4. [Franchise fee.]

That effective the first day of the second month beginning after the effective date of this franchise and ordinance, grantor shall be entitled to receive from grantee a monthly franchise fee which when added to $\frac{1}{12}$ of all taxes, licenses and other impositions levied or imposed by grantor upon grantee's electric utility facilities and property and grantee's business and operation for the preceding year will equal six percent of grantee's revenues from the sale of electrical energy to residential and commercial customers plus six percent of grantee's revenue from grantor for public street lighting all within the corporate limits of the grantor. The franchise fee for each month shall be payable on or before the 15th day of the following month.

Section 5. [Liability of grantor; indemnification; standards for work.]

That grantor shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by grantee of its facilities hereunder, and the acceptance of this franchise by grantee shall be deemed an agreement on the part of the

grantee to indemnify grantor and hold it harmless against any and all liability, loss, cost, damage or expense which grantor may incur by reason of the neglect, default, or misconduct of grantee in the construction, operation or maintenance of its electric utility facilities hereunder. The streets of the city shall not be unreasonably obstructed, and work in connection therewith shall be done and carried on in conformity with such reasonable rules and regulations with reference thereto as may be adopted by the city commission of said city for the protection of the public.

Section 6. [Effect of annexations.]

That in the event of the annexation of any territory to the present corporate limits of grantor, such annexed territory and all portions of the electric system of grantee located therein shall become subject to all of the terms and conditions of this franchise and ordinance as of the time such annexation becomes effective. It shall be the responsibility of grantor to notify grantee in writing within 30 days after the effective date of every such annexation.

Section 7. [Grantee's acceptance of other municipal ordinance providing for payment of franchise fees; amendments.]

That in the event grantee shall hereafter accept an electric utility franchise ordinance from any municipality providing for the payment of franchise fees in excess of the amount provided for in section 4 above, then grantee shall be obligated to accept from grantor, if grantor so elects: 1) an amendment of grantor's existing franchise ordinance providing for the payment of the same increased franchise fees for the remaining term of this existing franchise ordinance if grantee accepts another franchise ordinance providing for the payment of the increased fees within the first 15 years of the term of grantor's franchise ordinance or 2) a new franchise ordinance providing for the payment of the same increased franchise fees for a term of 30 years if grantee accepts another franchise ordinance providing for the payment of the increased fees during the second 15 years of the term of grantor's existing franchise ordinance.

Section 8. [Invalidity.]

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

Section 9. [Repeal of conflicting ordinances.]

That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 10. [Effective date.]

This ordinance shall become effective on December 12, 1992.

ARTICLE II. TELEPHONE FRANCHISE*

ORDINANCE NO. 87-04

AN ORDINANCE GRANTING TO UNITED TELEPHONE COMPANY, A FLORIDA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE TELEPHONE, TELEGRAPH AND TELEPHONIC RADIO (AND OTHER TYPES OF COMMUNICATION SYSTEMS) IN THE CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA, FOR A PERIOD OF TEN YEARS FROM EFFECTIVE DATE HEREOF, PRESCRIBING CONDITIONS, LIMITATIONS, RESERVATIONS AND PROVISIONS RELATING THERETO, REQUIRING THE ESTABLISHMENT OF A PERMANENT PAYMENT FACILITY WITHIN THE CITY LIMITS OF WINTER GARDEN, FLORIDA.

***Editor's note**—Printed herein is the telephone franchise with United Telephone Company as adopted by Ordinance No. 87-04 on February 12, 1987. Amendments to the franchise are indicated by a history note immediately following the amended section. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross reference—Telecommunications, ch. 70.