

ing and existing on the date of annexation of the parcel into the city. If a parcel of land has no zoning (NZ) and the owner desires to take advantage of the densities, intensities and uses that may be allowed under the comprehensive plan, the owner shall seek and obtain a rezoning of the parcel to a zoning district that is consistent with the comprehensive plan, including the parcel's future land use map designation. This provision shall not restrict the city from initiating a rezoning of a parcel that has no zoning (NZ).

(Ord. No. 03-17, § 2, 7-10-03; Ord. No. 17-21, § 4, 8-24-17)

Sec. 118-210. Change in title or possession.

If any change in title or possession or renewal of a lease of a lawful nonconforming building, accessory structure, parcel or use occurs, the existing lawful nonconforming building, accessory structure, parcel or use may continue provided that said building, accessory structure, parcel or use is in compliance and remains subject to this article.

(Ord. No. 03-17, § 2, 7-10-03)

Sec. 118-211. Eminent domain and condemnation.

Any parcel which, by reason of widening, construction, or realignment of a city, county, or state highway, street or other public improvement which is implemented by reason of public land acquisition or condemnation proceedings related thereto, has been reduced in size to an area less than that required by law, shall be considered a lawful nonconforming parcel of record subject to the provisions set forth in this article; and any lawful use, building, accessory structure or other characteristic of use existing at the time of such public acquisition or condemnation proceedings which would thereafter no longer be permitted under the terms of this article shall be considered, as the case may be, a lawful nonconforming use, building or accessory structure subject to the provisions set forth in this article.

(Ord. No. 03-17, § 2, 7-10-03)

Sec. 118-212. Involuntary annexations and rezonings initiated by the city.

Any parcel, building, accessory structure, or use involuntarily annexed into the city or which is the subject of a rezoning initiated by the city and which fails to meet the requirements of the zoning district in which such parcel, building, accessory structure or use is located shall be subject to the requirements of this article. Further, such buildings, accessory structures and uses which are rendered nonconforming due to involuntary annexations or rezonings initiated by the city may be continued and not subject to amortization unless:

- (1) The city and the owner of said buildings, accessory structures and uses enter into an agreement which provides for the amortization, termination, or continuation of the nonconformities.
- (2) The rezoning initiated by the city provides for the amortization of said buildings, accessory structures or uses.
- (3) Said buildings, accessory structures and uses were already subject to amortization prior to the involuntary annexation or rezoning initiated by the city. In such event, the amortization shall continue.

(Ord. No. 03-17, § 2, 7-10-03)

Sec. 118-213. Savings clause.

Adoption of this article shall not act to repeal or otherwise modify the provisions of article III of chapter 118 of the Code as such existed and applied to properties within the City of Winter Garden prior to the effective date of this article. Nor shall adoption of this article otherwise act to extend or otherwise modify any time periods provided for in said article III, including but not limited to those provisions found in sections 118-196(4) and 118-197(3), (4) and (5), as such existed prior to the adoption of this article; such shall remain in full force and effect as it may apply to applicable nonconforming buildings, uses and accessory structures. Furthermore, nothing herein shall act to repeal or otherwise modify the provisions, including, but not limited to, time periods, of any agreement entered into by the city as such existed prior to the effective date of

this article; in the event of a conflict between this article and an agreement entered into by the city, the agreement shall control.

(Ord. No. 03-17, § 2, 7-10-03)

Sec. 118-214. Nonexclusivity.

Nothing contained in this article shall prevent or restrict the city from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or situation of noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for in this article shall be cumulative and independently available. Nor shall this article operate to limit the city from taking such other lawful action in any court of competent jurisdiction or before the code enforcement board for any nonconformity which is determined not to constitute a lawful nonconforming use, building, accessory structure or parcel.

(Ord. No. 03-17, § 2, 7-10-03)

Secs. 118-215—118-225. Reserved.

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 118-226. Occupancy of single-family dwelling unit.

(a) The occupancy of a single-family dwelling unit for residential use by persons not constituting a family is prohibited; except that this subsection does not prohibit temporary guests or invitees of a family residing in the dwelling unit from temporarily occupying the dwelling unit.

(b) There shall be at least one bedroom in a dwelling unit for each two persons over the age of 15 residing in the dwelling.

(c) There shall be a rebuttal presumption that three or more persons living in a dwelling unit that are not related by blood, marriage, legal guardianship or adoption are not a family. Further, there shall be a rebuttal presumption that a dwelling unit having more than two vehicles

parked overnight on a regular basis on the premises that are registered in different last names contains a group of persons not constituting a family. When a rebuttal presumption exists, the burden is upon the persons living in a dwelling unit to show by competent, substantial evidence that such persons constitute a family considering the following factors: (i) a single, non-profit housekeeping unit; (ii) permanent and stable living arrangement, rather than transient living arrangement; (iii) headed by a householder caring for children as one would likely find in a biologically unitary family; (iv) persons share the entire dwelling unit and culinary facilities; (v) persons share use of vehicle(s); and (vi) whether Florida Statutes or case law deems such persons to be a family unit or permitted to reside in a single-family dwelling as a matter of law.

(Ord. No. 17-21, § 5, 8-24-17)

Sec. 118-227. Urban farm.

The urban farm use, where permitted under this code, is subject to and shall comply with the following:

- (a) No raising, keeping or slaughtering of animals.
- (b) Any equipment or supplies needed for farm operations shall be fully enclosed or otherwise effectively screened from the street and any adjacent residential uses.
- (c) The use shall not be located in a required interior side yard.
- (d) Outdoor growing associated with an urban farm shall be exempt from the enclosed building requirements of the zoning code.
- (e) A farm stand is allowed as an accessory use to an urban farm subject to the following conditions:
 - (1) The farm stand shall only sell products of the urban farm occupied and cultivated by the same producer within the city limits;
 - (2) The operation of the farm stand shall not exceed a duration of 75 days in one calendar year;

- (3) Sales shall be limited to between the hours of 7:00 a.m. and sunset;
- (4) The farm stand must be removed from the premises or stored inside a structure when not in operation;
- (5) Only one farm stand is permitted per urban farm parcel;
- (6) The farm stand shall not use the public right-of-way for its operations, including in regards to the placement of its signage or for customer or employee parking; and
- (7) One temporary sign not exceeding 20 square foot in copy area may be displayed to advertise the farm stand operations. Such sign must be removed from the premises or stored inside a structure at other times of the year when the farm stand is not in operation.

(Ord. No. 17-21, § 5, 8-24-17)

Secs. 118-229—118-260. Reserved

DIVISION 2. R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 118-261. Intent.

The R-1A single-family residential district is intended to be low-density residential, with nonresidential uses restricted to public park and recreational facilities.

(Code 1988, § 24-39(a))

Sec. 118-262. Permitted principal uses and structures.

Permitted principal uses and structures in the R-1A single-family residential district are as follows:

- (1) Single-family residences.
- (2) Public parks and recreational facilities and related structures.
- (3) Groves and noncommercial gardens.

(Code 1988, § 24-39(b)(1))

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.
(Code 1988, § 24-39(b)(2))

Sec. 118-264. Special exceptions.

In the R-1A single-family residential district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

- (1) Public schools and private schools with conventional curriculums.
- (2) Public libraries.
- (3) Churches and other places of worship; parish houses.
- (4) Golf courses and golf clubs, tennis and racquet clubs and similar activities in keeping with the residential character of the district.
- (5) Public safety structures and equipment, such as fire substations, civil defense facilities, etc.
- (6) Hospitals.
- (7) Any structure over 40 feet in height.
- (8) Children day care centers.

(Code 1988, § 24-39(b)(3); Ord. No. 02-01, § 1, 2-28-02)

Sec. 118-265. Prohibited uses and structures.

In the R-1A single-family residential district, the uses and structures prohibited are as follows:

- (1) House trailers in vacant lots or residential yards;
- (2) Communication towers; and
- (3) Any structure or use not of a nature specifically or provisionally permitted in this article.

(Code 1988, § 24-39(b)(4); Ord. No. 97-31, § 3, 9-11-97)

Sec. 118-266. Minimum lot requirements.

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

- (1) *Single-family residences.*
 - a. Width: 100 feet at building front setback line;
 - b. Depth: 100 feet;
 - c. Area: 13,000 square feet; and
 - d. Width at the curb on a cul-de-sac: 35 feet.
- (2) *Churches and other uses permitted by special exception.*
 - a. Width: 200 feet.
 - b. Area: two acres.

(Code 1988, § 24-39(c))

Sec. 118-267. Maximum lot coverage.

In the R-1A single-family residential district, the maximum lot coverage is as follows:

- (1) Single-family residences: 35 percent.
- (2) Churches and other uses: 35 percent.

(Code 1988, § 24-39(d))

Sec. 118-268. Minimum yard requirements.

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

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

(2) *Churches and other uses.*

- a. Front: 30 feet.
- b. Side interior lot: 50 feet.
- c. Side corner lot: 30 feet.
- d. Rear: 50 feet.

(Code 1988, § 24-39(e))

Sec. 118-269. Maximum height of structures.

In the R-1A single-family residential district, the maximum height of structures is as follows:

- (1) Single-family residences: 30 feet.
- (2) Churches and other uses: 40 feet or higher, if approved by special exception.

(Code 1988, § 24-39(f))

Sec. 118-270. Off-street parking and loading.

The minimum off-street parking and loading requirements for the R-1A single-family residential district shall be as provided in article VIII of this chapter.

(Code 1988, § 24-39(g))

Sec. 118-271. Minimum living area.

Each residential unit constructed in this zoning district after October 1, 1998, must have at least 1,800 square feet of living area.

(Ord. No. 98-42, § II, 9-24-98)

Secs. 118-272—118-300. Reserved.**DIVISION 3. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT****Sec. 118-301. Intent.**

The R-1 single-family residential district is intended to be low-density residential, with non-residential uses restricted to public park and recreational facilities.

(Code 1988, § 24-40(a))

Sec. 118-302. Permitted principal uses and structures.

Permitted principal uses and structures in the R-1 single-family residential district are as follows:

- (1) Single-family residences.
- (2) Public parks and recreational facilities and related structures.
- (3) Groves; noncommercial gardens and plant nurseries.

(Code 1988, § 24-40(b)(1))

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.

(Code 1988, § 24-40(b)(2))

Sec. 118-304. Special exceptions.

In the R-1 single-family residential district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

- (1) Public schools and private schools with conventional curriculums.
- (2) Public libraries.
- (3) Churches and other places of worship; parish houses.
- (4) Golf courses and clubs, tennis and racquet clubs and similar activities in keeping with the residential character of the district.

- (5) Public safety structures and equipment, such as fire substations, civil defense facilities, etc.
- (6) Hospitals.
- (7) Any structure over 40 feet in height.
- (8) Children day care centers.

(Code 1988, § 24-40(b)(3); Ord. No. 02-01, § 2, 2-28-02)

Sec. 118-305. Prohibited uses and structures.

In the R-1 single-family residential district, the uses and structures prohibited are as follows:

- (1) House trailers in vacant lots or residential yards;
- (2) Communication towers; and
- (3) Any structure or use of a nature not specifically or provisionally permitted in this division.

(Code 1988, § 24-40(b)(4); Ord. No. 97-31, § 3, 9-11-97)

Sec. 118-306. Minimum lot requirements.

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

- (1) *Single-family residences.*
 - a. Width: 85 feet at building front setback line;
 - b. Depth: 100 feet;
 - c. Area: not less than 10,000 square feet; and
 - d. Lot width at the curb on a cul-de-sac: 35 feet.
- (2) *Churches and other uses permitted by special exception.*
 - a. Width: 200 feet.
 - b. Area: two acres.

(Code 1988, § 24-40(c))

Sec. 118-307. Maximum lot coverage.

In the R-1 single-family residential district, the maximum lot coverage is as follows:

- (1) Single-family residences: 35 percent.

(2) Churches and other uses: 35 percent.
(Code 1988, § 24-40(d))

Sec. 118-308. Minimum yard requirements.

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

- (1) *Single-family.*
 - a. Front: 30 feet.
 - b. Side: ten feet each.
 - c. Rear: 20 percent of depth of lot.
- (2) *Churches and other uses.*
 - a. Front: 30 feet.
 - b. Side interior lot: 50 feet.

