

such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

Residential landscape irrigation means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.

Reclaimed water means water that is reused after one or more public supply, municipal, industrial, commercial or agricultural uses.

(Ord. No. 09-11, § 2, 5-14-09)

Sec. 94-163. Landscape irrigation schedules.

(a) When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

- (1) Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- (2) Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- (3) Nonresidential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- (4) No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

(b) When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

- (1) Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

- (2) Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- (3) Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- (4) No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

(c) To address the city's reclaimed water system operational concerns, the reclaimed water customers of the city shall use reclaimed water for landscape irrigation only in accordance with the landscape irrigation schedule set forth above and the exceptions below. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

(d) All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

(Ord. No. 09-11, § 2, 5-14-09)

Sec. 94-164. Exceptions to the landscape irrigation schedules.

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

- (1) Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.
- (2) Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.
- (3) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management prac-

tices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed $\frac{1}{4}$ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

- (4) Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.
- (5) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
- (6) Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.
- (7) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

(Ord. No. 09-11, § 2, 5-14-09)

Sec. 94-165. Additional requirement.

Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

(Ord. No. 09-11, § 2, 5-14-09)

Sec. 94-166. Variance from specific day of the week limitations.

A variance from the specific landscape irrigation days or day set forth in Section 3 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day

than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week during Daylight Savings Time or more than one day per week during Eastern Standard Time.

(Ord. No. 09-11, § 2, 5-14-09)

Sec. 94-167. Application of ordinance.

The provisions of this article shall apply to each person located within the City of Winter Garden.

(Ord. No. 09-11, § 2, 5-14-09)

Sec. 94-168. Enforcement officials.

Law enforcement officials having jurisdiction in the area governed by this article are hereby authorized to enforce the provisions of this article. In addition, the city manager may also delegate enforcement responsibility for this article to agencies and departments of the City of Winter Garden government.

(Ord. No. 09-11, § 2, 5-14-09)

Sec. 94-169. Penalties.

Violation of any provision of this article shall be subject to the following penalties:

First violation: Written warning.

Second violation: \$50.00.

Subsequent violations: Increased by \$50.00 with each additional violation with fines not to exceed \$500.00.

Each day in violation of this article shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City of Winter Garden may take other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this article.

(Ord. No. 09-11, § 2, 5-14-09)

Chapters 95—97

RESERVED

Chapter 98

PLANNING AND DEVELOPMENT*

Article I. In General

Secs. 98-1—98-25. Reserved.

Article II. Planning and Zoning Board

Sec. 98-26. Creation; composition; appointment, terms, removal, compensation of members; filling of vacancies.
Sec. 98-27. Purpose.
Sec. 98-28. Powers and duties.
Sec. 98-29. Quorum.
Sec. 98-30. Organization, rules, meetings, staff and finances.
Sec. 98-31. Appeal from decisions.
Sec. 98-32. Appeal from city commission decisions.
Sec. 98-33. Annual report to city commission.
Sec. 98-34. Decisions; issuance of land use permits.
Secs. 98-35—98-60. Reserved.

Article III. Local Planning Agency

Sec. 98-61. Authority.
Sec. 98-62. Designated and established.
Sec. 98-63. Duties and responsibilities.
Sec. 98-64. Organization, rules and procedures.
Sec. 98-65. Public meetings and records.
Sec. 98-66. Financial support.
Secs. 98-67—98-95. Reserved.

Article IV. Schedule of Fees

Sec. 98-96. Fees.
Secs. 98-97—98-120. Reserved.

Article V. Community Redevelopment

Sec. 98-121. Community redevelopment agency.
Sec. 98-122. Community redevelopment plan.
Sec. 98-123. Community redevelopment trust fund.
Secs. 98-124—98-149. Reserved.

Article VI. Development Review Committee

Sec. 98-150. Creation of DRC.
Sec. 98-151. DRC members.
Sec. 98-152. Powers and duties.
Sec. 98-153. DRC schedule and deadlines.
Sec. 98-154. Sufficiency review and distribution.
Sec. 98-155. Comments.

***Cross references**—Administration, ch. 2; buildings and building regulations, ch. 18; concurrency management system, ch. 86; floods, ch. 90; natural resource protection, ch. 94; signs, ch. 102; stormwater management, ch. 106; subdivisions, ch. 110; vegetation, ch. 114; zoning, ch. 118.

State law references—State comprehensive planning, F.S. § 23.011 et seq.; local government comprehensive planning act and land development regulations, F.S. § 163.3161 et seq.

WINTER GARDEN CODE

- Sec. 98-156. DRC agenda.
- Sec. 98-157. Determinations.
- Sec. 98-158. Incomplete comments.
- Sec. 98-159. Appeals.

Article VII. City Of Winter Garden Historic Downtown District Overlay

- Sec. 98-186. Intent and purpose.
- Sec. 98-187. Definitions.
- Sec. 98-188. Historic downtown district area.
- Sec. 98-189. Architectural review and historic preservation board (board).
- Sec. 98-190. Certificate of approval.
- Sec. 98-191. Application requirements.
- Sec. 98-192. General criteria and standards.
- Sec. 98-193. Administrative review/exempt from board review.
- Sec. 98-194. Demolition.
- Sec. 98-195. Sign standards for commercial projects.
- Sec. 98-196. Outdoor storage.
- Sec. 98-197. The Americans with Disabilities Act (ADA).
- Sec. 98-198. Enforcement; civil remedies
- Sec. 98-199. Stop work orders.

ARTICLE I. IN GENERAL

Secs. 98-1—98-25. Reserved.

ARTICLE II. PLANNING AND ZONING BOARD

Sec. 98-26. Creation; composition; appointment, terms, removal, compensation of members; filling of vacancies.

(a) There is created a planning and zoning board which shall consist of seven members who shall be appointed by the city commission. Each membership position on the planning and zoning board shall have a three year term. Members of the planning and zoning board serve at the pleasure of the city commission and are subject to removal at any time, with or without cause, by a majority vote of the city commission. When a vacancy in a membership position on the board occurs, the city commission should promptly appoint a person to fill such vacancy. The person appointed to fill a vacancy on the board shall serve for the unexpired term of the member whose position on the board became vacant prior to the expiration of his/her term and is being filled.

(b) To ensure multidistrict representation on the board, the city commission shall appoint to the board at least one member from each voting district within the city's boundaries. Furthermore, no more than two members of the planning and zoning board may reside in a single district subject to the following exceptions:

- (1) If upon the adoption of this requirement there are more than two members of the planning and zoning board who reside within a single voting district, such members may continue in their respective terms until the earlier of their removal or expiration of their respective terms of office.
- (2) If a redistricting of voting districts results in more than two members of the planning and zoning board residing within the same voting district, such members

may continue in their respective terms until the earlier of their removal or expiration of their respective terms.

(c) Absence from three regular meetings of the board in one year shall operate to vacate the seat of a member, unless such absences are excused by the board by resolution setting forth the fact of such excuse duly entered upon the journal.

(d) All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

(e) The city manager shall have the right to take part in discussion at planning and zoning board meetings but shall not vote.

(Code 1988, § 16-27; Ord. No. 06-53, § I, 1-11-07; Ord. No. 08-05, § 2, 1-10-08; Ord. No. 09-06, § I, 2-12-09; Ord. No. 10-09, § I, 1-28-10; Ord. No. 21-15, § 2, 8-12-21)

Sec. 98-27. Purpose.

The purpose of the planning and zoning board is to implement the comprehensive plan adopted by the city with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for peculiar uses and to encourage the most appropriate use of the land throughout the city, from time to time revising and amending the plan.

(Code 1988, § 16-28)

Sec. 98-28. Powers and duties.

From and after the time when the planning and zoning board shall have organized and selected its officers and shall have adopted its rules of procedure, the board shall have all the following powers, duties and responsibilities:

- (1) Prepare and recommend to the city commission for adoption of a comprehensive plan for the physical development of the city.
- (2) Perfect the plan from time to time.
- (3) Investigate any subject matter tending to the development and betterment of the city.

- (4) Make all initial recommendations concerning zoning changes.
 - (5) Make plans and studies necessary to carry out the plan.
 - (6) Review and make recommendations on subdivision applications.
 - (7) Grant variances.
 - (8) Grant special exceptions.
- (Code 1988, § 16-29)

Sec. 98-29. Quorum.

Four members of the planning and zoning board shall constitute a quorum for the transaction of business. A member of the planning and zoning board who is present for a board meeting shall be counted for the purposes of establishing a quorum regardless of whether such member abstains from voting on one or more items considered during the meeting. However, no action shall be taken which is binding upon such board in which the board makes a final decision unless concurred in by not less than four members of the board. For an agenda item that the planning and zoning board is to make a recommendation to the city commission and not a final decision, the board's actions are governed by the majority of the board present for the meeting once a quorum is established. In event that the board's decision on an agenda item is a tie vote, either for or against, concerning an agenda item requiring the board to make a recommendation to the city commission, such agenda item will move forward for city commission consideration with a notation of the votes and comments made by the board members concerning the item.

(Code 1988, § 16-30; Ord. No. 21-15, § 2, 8-12-21)

Sec. 98-30. Organization, rules, meetings, staff and finances.

(a) *Election of chairman and secretary.* The planning and zoning board shall elect its chairman and secretary from among its members. The term of such office shall be one year with eligibility of reelection.

(b) *Adoption of rules; meetings.* The board shall adopt rules necessary to the conduct of its affairs, and in keeping with this article. Meet-

ings and public hearings shall be held at the call of the chairman or by five members of the board and at such times as the board may determine. All meetings shall be open to the public.

(c) *Minutes.* The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of official actions, all of which shall be immediately filed in the office of the board and shall be of public record.

(d) *Staff; expenditures.* The board may recommend contracting with the state planning agency, city planners and other consultants for such services as it may require. The expenditures of the board shall be within the amounts appropriated for the purpose by the city commission. The board shall not in any matter obligate the city without prior approval of the city commission.

(Code 1988, § 16-31)

Sec. 98-31. Appeal from decisions.

(a) Any person aggrieved by any decision of the planning and zoning board may file a notice of appeal to the city commission within 15 days after such decision is rendered by the board. The person appealing shall file a notice of appeal upon a form prescribed by the director of planning in the office of the city manager stating wherein the board erred. The director of planning shall forthwith transmit to the city commission all the papers, photographs and exhibits constituting the record upon which the action appealed from was taken or properly certified copies thereof in lieu of originals as the city commission may elect.

(b) Upon the filing of the notice of appeal, the director of planning shall promptly mail a copy of a notice of hearing before the city commission by United States mail, postage prepaid, to the original applicant, to the owner of record of the subject property and the owners of property within 300 feet, furnished by the person who filed the original appeal, to each attorney at law appearing for any person at the hearing before the board and to the city attorney.