

ARTICLE I. IN GENERAL

Secs. 62-1—62-25. Reserved.

ARTICLE II. STREETS

Sec. 62-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arterial street means a street designed to move large amounts of traffic as quickly and safely as possible, with access to adjacent property being a clearly secondary function. Land serviced by these streets shall be intentionally restricted in most cases and such streets shall be able to accommodate at least 600 vehicles per hour in each lane.

Collector street means a street to collect locally generated traffic and deliver it to arterial streets, and it is recognized that such streets, just as arterial streets, have only a secondary function of providing access to adjacent property.

Minor street means a street which exists only for the purpose of providing access to property, with the movement of traffic a secondary function.

(Code 1988, § 18-16)

Cross reference—Definitions generally, § 1-2.

Sec. 62-27. Street designations.

(a) *Arterial streets.* The following are the arterial streets in the city:

- (1) State Road 50.
- (2) State Road 438 (Plant Street) from East Crown Point Road west and south to the intersection of State Road 50, via State Road 545.
- (3) State Road 535-A (Dillard Street) from State Road 50 north to State Road 438 (Plant Street).

(b) *Collector streets.* The following are the collector streets in the city:

- (1) County Road 370, Tildenville School Road from State Road 438 (Plant Street) to Park Avenue.
- (2) Crest Avenue from the intersection of Lakeview Avenue northeast to the city limits.
- (3) Dillard Street from State Road 438 (Plant Street) to Division Street.
- (4) Division Street.
- (5) Highland Avenue from the intersection with Plant Street south to Smith Street, east on Smith Street to State Road 535-A (Dillard Street).
- (6) Lakeview Avenue from the intersection of Crest Avenue to Division Street.
- (7) Main Street from Smith Street south to where it intersects with Vineland Road.
- (8) Maple Street from Dillard Street to Ninth Street.
- (9) Ninth Street from State Road 438 (Plant Street) south to State Road 50.
- (10) Park Avenue from Tilden Street to Story Road.
- (11) Story Road.
- (12) Tilden Street from Dillard Street east to Ninth Street.
- (13) Tilden Street from Dillard Street west to Park Avenue.
- (14) Vineland Road from the intersection of Main Street south to Sunshine State Parkway.

(c) *Minor streets.* Minor streets are all streets within the city not designated in this section as either arterial or collector streets.

(Code 1988, § 18-17)

Sec. 62-28. Development of streets; dimensions.

As the city limits exist, the streets designated in subsections 62-27(a) and (b), and no others, shall be developed and maintained as arterial and

collector streets and shall be used as through streets for the movement of concentrated flow of traffic. Streets shall have a minimum right-of-way width as provided in subsection 110-201(l).
(Code 1988, § 18-18)

Sec. 62-29. Priority of traffic flow.

Except where traffic signals control flow, traffic on streets shall have the right-of-way in the following order:

- (1) *Arterial streets.* Traffic flow on arterial streets shall have the right-of-way over traffic flow on collector streets. Where collector streets intersect arterial streets and no traffic signals are erected, stop signs shall be erected on such collector streets at the point of intersection.
- (2) *Collector streets.* Traffic flow on collector streets shall have the right-of-way over traffic flow on minor streets. Where collector streets intersect minor streets and no traffic signals are erected, stop signs shall be erected on such minor streets at the point of intersection.

(Code 1988, § 18-19)

Sec. 62-30. Regulation of setbacks and curb cuts.

For the purpose of preserving free traffic flow on arterial and collector streets and minimizing marginal friction caused by land uses bordering such streets and to protect residential uses and the inhabitants of residences bordering such streets from hazards, noise, glare and fumes arising from a concentrated flow of traffic, the following practices shall be observed:

- (1) *Setbacks.* Setbacks shall be subject to appropriate zoning district setback requirements.
- (2) *Curb cuts.* No curb cuts shall be made in connection with any commercial or industrial structure or use unless and until plans showing the relation of such curb cut to structures and parking areas, if any, on the lot and to curb cuts, structures

and parking areas on adjacent lots have been approved by the planning and zoning board and the city commission.

(Code 1988, § 18-20)

Sec. 62-31. Maintenance of privately owned streets, driveways and parking lots.

The owners of any private street, driveway or parking lot, including, but not limited to homeowners associations, corporate entities or individuals, shall be responsible for the proper maintenance of said private street, driveway or parking lot. Such maintenance shall include, but is not limited to, the repair, replacement, or elimination of potholes, faded striping, missing wheel stops and washouts. Violations of this section shall be classified as a class 2 violations under division 3, article II, chapter 2, part II of this Code.
(Ord. No. 03-02, § II, 2-13-03)

Secs. 62-32—62-60. Reserved.

ARTICLE III. TREES AND SHRUBS IN RIGHTS-OF-WAY*

Sec. 62-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Center of intersection means a point where the centerlines of two or more streets intersect at an intersection, or any area within an intersection which is between the intersecting centerlines or more than two intersecting streets where the centerlines of each do not intersect at the same point the centerlines of all other streets joining, meeting or crossing such intersection.

Hazards to traffic means and includes any circumstance whereby property or the safety of persons traveling upon the streets, roads, rights-of-way or sidewalks of the city is endangered.

*Cross reference—Vegetation, ch. 114.

Intersection means and includes any place where the course of two or more streets join, cross or meet.

Right-of-way means and includes all lands appropriated to public use for travel, whether appropriated by grant, deed, law or use.
(Code 1988, § 18-37)

Cross reference—Definitions generally, § 1-2.

Sec. 62-62. Planting on right-of-way.

No person shall place, plant or grow any plant, bush, shrub or tree upon any parkway, street, sidewalk, alley, paved or unpaved right-of-way or other public place within the city without the city's prior written consent.

(Code 1988, § 18-38; Ord. No. 11-21, § 2, 10-13-11)

Sec. 62-63. Traffic hazard—Designated.

Any plant, bush, shrub, or tree which prevents the driver of a vehicle approaching an intersection within 60 feet of the center of the intersection from viewing traffic upon any intersecting street for a distance of 200 feet shall be deemed *prima facie* to constitute a hazard to traffic.
(Code 1988, § 18-39)

Sec. 62-64. Same—Unlawful to plant.

No person shall place, plant, grow, maintain or permit to remain any plant, bush, shrub or tree upon any private lands within the city in such manner that such plant, bush, shrub or tree shall constitute a hazard to traffic.

(Code 1988, § 18-40)

Sec. 62-65. Same—Removal.

Any person having upon his lands any plant, bush, shrub or tree which constitutes a hazard to traffic shall be notified by the chief of police to remove the hazard. Such person shall have 30 days from the date of such notice within which time to remove the plant, bush, shrub or tree.
(Code 1988, § 18-41)

Secs. 62-66—62-95. Reserved.

ARTICLE IV. DRIVEWAY CULVERTS

Sec. 62-96. Construction—Approval by city.

It shall be unlawful to construct driveway culverts across city right-of-way drainage ditches unless approved by the city.
(Code 1988, § 18-58)

Sec. 62-97. Same—Material, dimensions.

All materials, including the size, type and quality of pipe used in such driveway culverts, shall be approved by the city in accordance with the drainage requirements, and no single driveway with a width of less than 18 feet shall be approved, and no double driveway with a width less than 24 feet shall be approved.
(Code 1988, § 18-59)

Sec. 62-98. Same—Apportionment of costs.

In all driveway culvert construction done under this article, whether new or repair construction, the pipe and materials shall be paid for by the parties desiring the driveway culvert, and the labor shall be furnished by the city.
(Code 1988, § 18-60)

Sec. 62-99. Substandard culverts—Removal by city.

Whenever any driveway culvert shall impede or block the flow of water and such driveway culvert shall not meet the requirements of the city for a new driveway culvert at such place, the driveway culvert may be declared substandard by the city and removed.
(Code 1988, § 18-61)

Sec. 62-100. Same—Requirements for replacement.

No substandard driveway culvert shall be replaced, rebuilt or repaired until the requirements of sections 62-96 and 62-132 are complied with.
(Code 1988, § 18-62)

Secs. 62-101—62-130. Reserved.

ARTICLE V. CURB CUTS AND DRIVEWAY APPROACHES

Sec. 62-131. Plans and specifications.

The construction, reconstruction, alteration, repair or any kind of work done under this article must be in accordance with plans and specifications approved by the city manager.

(Code 1988, § 18-79)

Sec. 62-132. Permit required.

Every person desiring to construct, reconstruct or repair a driveway in, on or over a public street, alley or parkway or desiring to lower, raise or change a curb within the corporate limits of the city shall first apply for a permit at the office of the city clerk. The city shall not require a fee for such permit. An applicant for a permit under this article shall file with the city clerk an application showing:

- (1) The name and address of the owner or agent in charge of the property comprising the proposed work area.
- (2) The name and address of the party doing the work.
- (3) Location of the work area.
- (4) Estimated cost of the construction.
- (5) Such other information as the city manager shall find reasonably necessary to the determination of whether a permit should be issued under this article.

(Code 1988, § 18-80)

Sec. 62-133. Issuance of permit.

(a) The city manager shall issue a permit under this article when he finds that:

- (1) The applicant has complied with all sections of this article.
- (2) The plans are in conformance with city construction code regulations.
- (3) The work shall be done according to the standard specifications of the city for public work of like character.

(b) Before approval, the city manager shall determine that the construction will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to and from the property affected and adjacent properties.
(Code 1988, § 18-81)

Sec. 62-134. Noncompliance by permittee.

When a person issued a permit under this article shall be in default or shall fail to comply with the requirements of this article, the city manager shall order the completion of the work on public property by the city and shall recover the cost from the permittee as required by law. Failure to complete the work within 90 days shall constitute default.

(Code 1988, § 18-82)

Sec. 62-135. Indemnity.

By acceptance of the permit issued under this article, the permittee shall expressly agree to pay all damages for personal injuries of any person on account of any excavation made in or any obstruction placed upon any street, alley, driveway or parkway in the city by any person while engaged in or about the performance of such work; to pay all damages for injuries to or encroachments upon the property of abutting lot owners or other persons in constructing the improvements or doing the work mentioned in this article; and to defend all suits and hold the city harmless against any and all loss or damage on account of either such personal injuries or injuries to property.
(Code 1988, § 18-83)

Sec. 62-136. Minimum standards.

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, the minimum standards for the construction of driveways, curb cuts and other similar alterations shall be as provided in the manual in appendix A to this Code.
(Code 1988, § 18-84)

Secs. 62-137—62-165. Reserved.

ARTICLE VI. SIDEWALKS AND UNPAVED RIGHTS-OF-WAY

Sec. 62-166. Sidewalks, pedestrian and service easements.

(a) Conventional sidewalks shall be required on all real property with new construction and in all zoning districts except planned unit developments (sidewalks in this district shall be considered under site plan review), to be a minimum width and thickness and constructed in accordance with plans and specifications approved by the city engineer pursuant to the manual in appendix A to this Code.

(b) Where pedestrian and service easements are provided, the planning and zoning board may require paved walkways, drainage, or other improvements therein, to be constructed in accordance with plans and specifications approved by the city engineer.

(c) Upon a finding of good cause the planning and zoning board may defer the foregoing requirements, provided such relief is conditioned upon the applicant's contribution to the city's sidewalk fund in an amount approved by the city engineer to construct the otherwise required sidewalk.
(Code 1988, § 19-158; Ord. No. 02-24, § 2, 5-23-02)

Sec. 62-167. Unpaved right-of-way and sidewalk maintenance.

Property owners, agents, custodians, lessees, or occupants shall maintain sidewalks and unpaved portions of rights-of-way adjoining their properties between the property boundary line and the street in a clean condition and at a minimum shall:

- (a) Keep such sidewalks and unpaved portions of public rights-of-way clear of refuse, waste, litter, debris, excess vegetation, and weeds; and
- (b) Regularly mow or otherwise maintain unpaved areas in a neat and attractive condition; and
- (c) Regularly scrub, pressure wash, clean, treat, or otherwise maintain sidewalks in a condition that is free of mold, mildew,

or other deleterious conditions, which is free from discoloration and poses a reduced risk of slipping, skidding, or sliding to a reasonable person of ordinary sensibilities; and

- (d) Prohibit new irrigation systems (supply lines or irrigation heads), trees, bushes or shrubs to be placed, planted or grown on sidewalks or in unpaved rights-of-way without the city's prior written consent, which may be in the form of a right-of-way maintenance agreement with terms acceptable to the city. It shall be a violation of this section for any person to install unauthorized irrigation systems, trees, bushes, shrubs and other landscaping within public rights-of-way without the city's prior written consent, and such items are subject to immediate removal without notice or compensation. Water distribution patterns for irrigation systems should not encroach into sidewalks or other pavement areas; and
- (e) Any landscaping or irrigation installed by a developer, homeowner's association or property owner within the right-of-way with the city's written consent, shall be maintained in a neat and attractive manner, so as not to impede or interfere with right-of-way improvements and the city's or public's use thereof, and otherwise maintained consistent with the terms and conditions of the city's written consent or applicable right-of-way maintenance agreement.
- (f) If an entity or person having jurisdiction or responsibility over a road or public right-of-way performs any routine maintenance or road improvement within any such right-of-way (for the purposes of this article, the term "right-of-way" shall have the same meaning as the definition therefore contained in F.S. § 334.03), the property owner, agent, custodian, lessee, or occupant of the property adjoining the right-of-way shall be responsible for removing and/or relocating mailboxes, flag poles and/or any other personal items and installations located

within that portion of the adjoining rights-of-way located between the property and the street, including any existing irrigation system components or other property, or he/she/it will otherwise bear the cost for any loss or repair of such items and installations. The city is not responsible for replacement, repair, or reimbursement of such installations or items.

(Ord. No. 11-21, § 3, 10-13-11; Ord. No. 18-42, § 2, 12-13-18)

Sec. 62-168. Exemption: unpaved right-of-way, city maintained.

(a) The following table is a comprehensive inventory of unpaved right-of-ways, or parts thereof, which are maintained by the City of Winter Garden:

No.	Location
RW-1	E. Crest Ave. from Beverly Dr. to Hearthglen Blvd. Fullers Cross Rd. from Hearthglen Blvd. to E. Crown Point Rd.
RW-2	S.W. Crown Point Rd. from E. Bay St. to E. Plant St. N.W. Crown Point Rd. from E. Plant St. to Fullers Cross Rd.
RW-3	Crown Point Cross Rd. from Hennis Rd. to E. Crown Point Rd.
RW-4	Ninth St. from E. Crest Ave. to E. Plant St.
RW-5	E. Plant St. from Third St. to SR 429
RW-6	E. Division St. and N. Dillard St. up to Surprise Dr. and back around again to the corner of E. Division and N. Dillard
RW-7	E. Division St. from the bike trail to Hennis Rd.
RW-8	Hennis Rd. from bike trail to North St.
RW-9	W. Bay St. from Tildenview School Rd. to N. Park Ave.
RW-10	Donald Dr. from E. Tilden St. to E. Newell St.
RW-11	Brayton Rd. from W. Plant St. to W. Bay St.
RW-12	Lakeview Rd. from W. Plant St. to Tildenview School Rd.

No.	Location
RW-13	SR 438/W. Plant St. from east of Winters Landing Dr. to S. Park Ave.
RW-14	W. Story Rd. from W. Plant St. to Pamela Ave. E. Story Rd. from Wilson St. to SR 429
RW-15	Oak St. from W. Plant St. to southern end
RW-16	Jackson St. from Pamela Ave. to S. Park Ave.
RW-17	S. Dillard St. between E. Plant St. and W. Colonial Dr. Daniels Rd. from W. Colonial to Roper Rd.
RW-18	Ninth St. from E. Smith St. to Regal Pointe Blvd. Includes E. Smith St. between Eighth and Ninth streets and E. Maple St. between Eighth and Ninth streets. Also includes Pennsylvania Ave. beginning at Ninth St. and going east into E. Maple St.
RW-19	Susan B. Britt Ct. between Crown Point Cross Rd. and Crown Park Cir.
RW-20	Crown Park Cir. from N.W. Crown Point Rd. to E. Crown Point Rd.
RW-21	Third St. from E. Smith St. to E. Bay St.
RW-22	First St. between the railroad tracks and E. Smith St. and E. Smith St. between S. Dillard St. and First St. Also includes the property at the SW corner of S. Dillard St. and Joiner St.
RW-23	Avalon Rd. from SR 438 to Tilden Rd.
RW-24	Winter Garden Vineland Rd. from West Colonial Dr. to Daniels Rd.
RW-25	S. Park Ave. from Jackson St. to W. Colonial Dr.
RW-26	Marsh Rd. from Avalon Rd. to Lake County line
RW-27	Roper Rd. from Winter Garden Vineland Rd. to Daniels Rd.
RW-28	Roper Rd. from Daniels Rd. to eastern end
RW-29	Warrior Rd. from Beulah Rd. to Windemere Rd.
RW-30	Stoneybrook West Pkwy. from Avalon Rd. to Windemere Rd.
RW-31	Tildenville School Rd. from Lakeview Rd. going west

No.	Location
RW-32	Windemere Rd. near Warrior Rd. Park, going north and around the corner to Marshall Farms Rd.
RW-33	Second St. from Bay St. to E. Smith St.
RW-34	Palmetto St. going south from W. Plant St.
RW-35	End of Perkins St. (close to the library)
RW-36	Bike trail, north side, from Lakeview Rd. to Park Ave.
RW-37	Area on Varsity St. just north of Veteran's Memorial Park
RW-38	Pamela Ave. between W. Story Rd. and Jackson St.

(b) The inventory of city maintained unpaved right-of-ways identified in subsection (a) and the table above shall periodically be reviewed and amended as necessary by resolution.

(c) The above table and map of the locations identified is filed in the office of the city clerk.
(Ord. No. 11-21, § 3, 10-13-11)

Sec. 62-169. Responsibility for noncompliance.

The owner, custodian, lessee, and/or occupant of property upon which a violation of this article occurs, along with any agent responsible for the upkeep thereof, may be held jointly and severally liable for failure to comply with this article.

(Ord. No. 11-21, § 3, 10-13-11)

Sec. 62-170. Enforcement; abatement of nuisance.

(a) *First violation.* Whenever a code enforcement inspector reports to the code enforcement division manager that there appears to be a violation of section 62-167 or 62-168, the code enforcement division manager shall direct that a notice of violation be served upon the property owner, and, if applicable, the agent, custodian, lessee or occupant, directing such owner, and, if applicable, the agent, custodian, lessee or occupant, to terminate and abate the violation within ten calendar days of the date such notice is received. For purposes of this division, notice is deemed received on the earliest of: (a) the day the notice is hand delivered to the property

owner; (b) the date the notice is posted at the property; or five days after the notice is mailed to the property owner, postage prepaid. The code enforcement division manager shall, within five days of the date the notice is mailed, cause a sign to be placed upon the property in a conspicuous and easily visible location. The copy area of the sign shall measure at least eight inches by 12 inches in size and shall include the following information:

- (1) A sufficient description by address and/or legal description to identify the property upon which the violation exists;
- (2) A description of the violation to be terminated and abated;
- (3) A statement that if the described violation is not terminated and abated within ten calendar days after notice is received the code enforcement division manager shall cause the violation to be terminated and abated;
- (4) That a special assessment lien shall be imposed upon the property for the actual cost of such termination and abatement, plus administrative expenses; and
- (5) A preliminary nonbinding, minimum estimate of the cost of termination and abatement.
- (6) The notice of violation shall further state in bold and conspicuous letters that if such violation, within the ten-day period prescribed by subsection (a) of this section:
 - i. Has not been terminated and abated; or
 - ii. Has not been timely appealed in accordance with section 62-171; or
 - iii. Has been timely appealed but the appeal process proves unsuccessful, then the code enforcement division manager shall cause the violation to be terminated and abated, and the actual cost of such termination and abatement, plus administrative fees,

shall constitute a special assessment lien on the property in accordance with section 62-172.

(b) *Subsequent violation during same calendar year.* If weeds, excessive growth of grass or plant material are permitted to grow or accumulate on private property in violation of this article more than one time within one calendar year of, a prior violation that was terminated and abated pursuant to this article, then the director of code enforcement, or his/her duly authorized agent, may, without further notification, remove such noxious growths in the manner set forth in subsection 62-170(c) of this Code, and may collect the total cost of such removal in the manner set forth in section 62-172 of this Code. The director of code enforcement or his/her designee may hire and enter into contracts with independent contractors to destroy or remove such weeds, excessive growth of grass or plant material.

(c) *Imminent health threat (first and subsequent violations).* In a case involving a condition which poses an imminent public health threat, the code enforcement division manager may, without prior notice, authorize the immediate termination and abatement of the condition.

(d) *After the fact notice.* Whenever the code enforcement division manager proceeds pursuant to subsection (b) or (c) herein, an after-the-fact notice shall be provided not later than five days after the termination or abatement of the condition, which notice shall include the following:

- (1) A description of the conditions that were terminated and abated;
- (2) Whether the conditions were terminated and abated without prior notice due to subsection (b) or (c), herein;
- (3) The actual cost of the termination and abatement, together with administrative fees, is due to be paid within ten days of the notice;
- (4) That the failure to pay the actual costs and administrative fees when due will result in imposition of a special assessment lien against the property; and

(5) That the property owner may file a notice appeal to show that the property did not contain such violation within ten days of the notice, as provided by section 62-171.

(e) *Terminated and abated.* If the owner or other person in control of any property fails to destroy the weeds, excessive growth of grass or other plant material and thereby abate the nuisance within ten days after the notice described in subsection 62-170(a) is delivered, the director of code enforcement or designee, shall cause such nuisance to be terminated and abated. The director of code enforcement or designee may hire and enter into contracts with independent contractors to destroy or remove such weeds, excessive growth of grass or other plant material.

(Ord. No. 11-21, § 3, 10-13-11)

Sec. 62-171. Appeals.

(a) Within the ten-day period prescribed by subsection 62-170 after notice is received, an aggrieved party may appeal the code enforcement division manager's determination that a notice of violation is warranted for the property in question pursuant to subsection 62-170(a), or that the property did not contain a condition authorizing immediate termination and abatement, pursuant to subsection 62-170(b) and (c).

(b) An appeal by an aggrieved party shall:

- (1) Be accompanied by a filing fee as determined by the board of city commissioners; and
- (2) Be addressed to the code enforcement division manager; and
- (3) Be either hand-delivered to the code enforcement division manager or postmarked within the ten-day period after notice is received.

(c) Upon receipt of a timely appeal, the code enforcement manager shall schedule a hearing date before the code enforcement board.

(d) At the hearing, the code enforcement board shall allow the code enforcement division manager or designee(s) and the aggrieved party an opportunity to present evidence and to examine