

the voting members. A quorum of the DRC is made of any three voting members. The voting members are:

- Community development director (or his/her designee), chairman.
- Economic development director (or his/her designee).
- Building official (or his/her designee).
- City engineer (or his/her designee).
- Assistant to the city manager in charge of public services (or his/her designee).

(Ord. No. 06-46, § I, 10-12-06; Ord. No. 08-35, § I, 6-12-08; Ord. No. 09-64, § I, 12-10-09)

### **Sec. 98-152. Powers and duties.**

The DRC shall have the following powers, duties and responsibilities:

- (a) Make determinations relating to or recommendations for approval, approval with conditions, or denial of:
  1. All subdivision preliminary and final plats,
  2. Site plans,
  3. Planned developments (PUD, PCD, and PID rezonings),
  4. Construction plans,
  5. Development agreements, and
  6. Other development orders and applications that the city planning director determines warrant review by various city departments.

DRC recommendations shall be made either to the planning and zoning board or city commission depending on which of the two commissions is vested with the authority to review and approve the applicable development order application at issue.

(b) Adopt rules for the conduct of the DRC's affairs.

(c) Hold DRC meetings, open to the public, on the second and fourth Tuesday of every month, provided DRC or its chairman may reschedule DRC meetings, if necessary.

(d) Keep minutes of all public meetings, showing the vote of each member, absences, and all official actions.

(e) Unless review is requested by the DRC, the city planning director, or an applicant, the following are exempt from DRC review:

- Non-substantial subdivision construction plans.
- Conceptual site plans.
- Small scale site plans (under St. Johns River Water Management District storm water threshold).
- Special exception permit ("SEP") unless a site plan is required.
- Variances.
- Other development order applications as determined by the city planning director.

(Ord. No. 06-46, § I, 10-12-06)

### **Sec. 98-153. DRC schedule and deadlines.**

The city community development director will set and post the submission deadlines and schedule for submittals to and review by DRC.  
(Ord. No. 06-46, § I, 10-12-06; Ord. No. 09-64, § II, 12-10-09)

### **Sec. 98-154. Sufficiency review and distribution.**

The planning and engineering departments will review applications for DRC review within five working days of submittal. Applicants submitting incomplete applications or which have insufficient data for proper DRC review will be notified within seven working days of submittal. Planning department staff will distribute to the DRC members the plans of the applicants who have submitted complete applications. Planning department staff will identify the date of the comment deadline and the tentative date of the DRC meeting.

(Ord. No. 06-46, § I, 10-12-06)

### **Sec. 98-155. Comments.**

After the project plans are reviewed, the DRC will provide comments to the planning depart-

ment. The planning department will provide any comments from DRC members to the applicant and will inform the applicant of the date and time of the DRC meeting.

(Ord. No. 06-46, § I, 10-12-06)

#### **Sec. 98-156. DRC agenda.**

Approximately four calendar days before the DRC meeting, the planning department will publish the DRC agenda (times, applicants, projects, etc.). Each applicant will be allotted between 15 and 30 minutes, subject to adjustment by the DRC, depending on the project and the number of issues.

(Ord. No. 06-46, § I, 10-12-06)

#### **Sec. 98-157. Determinations.**

With respect to determinations, the DRC will make one of the following determinations:

- (1) The application is ready to move forward to the next available planning and zoning board or city commission meeting, if applicable; or
- (2) The application needs minor changes (e.g. add a sidewalk or change a valve size) and will move forward to the next available planning and zoning board or city commission meeting, if applicable, after either the applicant makes the minor change and submits the change to the relevant city departments and planning department, or the DRC revises its comments to allow the condition; or
- (3) The application needs changes and will be eligible for a subsequent DRC review providing the applicant makes the corrections and resubmits the revised plans within three days following the DRC determination; or
- (4) The application needs substantial changes and the application will need to be revised and resubmitted for another full DRC review cycle.

(Ord. No. 06-46, § I, 10-12-06)

#### **Sec. 98-158. Incomplete comments.**

Planning staff may communicate comments from each DRC member to the applicant or the applicant's agent of record with the city as such comments are received by the planning department provided such comments are deemed incomplete and will remain incomplete until all DRC comments along with a letter from the planning department indicating that all comments from DRC members have been submitted.

(Ord. No. 06-46, § I, 10-12-06)

#### **Sec. 98-159. Appeals.**

Any appeal of a recommendation or determination of the DRC must comply with article II, division 5 of chapter 118 of the City Code of Ordinances.

(Ord. No. 06-46, § I, 10-12-06)

#### **Secs. 98-160—98-185. Reserved.**

### **ARTICLE VII. CITY OF WINTER GARDEN HISTORIC DOWNTOWN DISTRICT OVERLAY**

#### **Sec. 98-186. Intent and purpose.**

(1) The purpose of this article is to promote, protect, and preserve, when practical, the historic structures, buildings, and places that are of basic and vital importance to the maintenance and integrity of the City of Winter Garden's Historic Downtown District. Furthermore, it is the purpose of this article to encourage new commercial buildings and developments in the business district that are harmonious with the existing local historic flavor of eclectic late nineteenth century and early twentieth century Florida vernacular architecture. New residential structures and those that need renovations or expansion will be required to utilize a style of residential architecture compatible with the historic downtown district. Historic preservation enhances community pride, strengthens connections between citizens of different generations, promotes the community's orderly growth, and achieves a high aesthetic appearance. By promoting the historic downtown district as an interesting, unique, and walkable

environment, it is the purpose of this Ordinance to promote the community's health, safety, general welfare, local economy, and in particular:

- (a) Create and enhance walkable, pedestrian-oriented streets with human scale architecture, public spaces, street furnishings, and indigenous landscaping;
- (b) Improve the visual appearance and physical access to side streets from Plant Street between and including Park Avenue and Dillard Street. These side streets include Woodland, Main, Boyd, Lakeview and Highland.
- (c) Design for safe, walkable streets, while maintaining functionality for vehicles, bicycles, mass transit, and other forms of transportation. Promote pedestrian activity and interconnectivity between the business district and residential district with short blocks, wide sidewalks, pathways, and a mix of uses within walking distance.
- (d) Coordinate private improvements with public streetscape.
- (e) Improve the aesthetic qualities of gateways into the historic downtown district, including Dillard Street, and the area of the Plant Street and Park Avenue intersection.

(2) Relationship to zoning districts. These regulations are intended to provide the framework to measure and protect historic or architecturally worthy buildings, structures, sites, parks, residential areas, and commercial district. These regulations are intended to act as an overlay to existing zoning designations. Zoning amendments may be applied to designated historic structures, districts and sites in accordance with local codes and procedures.

(Ord. No. 10-05, § 2(Exh. 1), 1-14-10)

### **Sec. 98-187. Definitions.**

*Adaptive re-use:* The process of converting a building to a use other than that for which it was originally designed.

*Addition:* New construction added to an existing building or structure.

*Alteration:* Any material or visual change, other than normal maintenance and repair, to the exterior of any structure or architectural feature, including construction, reconstruction, or removal of any structure or building element.

*Arcade:* A series of arches supported by columns or pillars; a covered passageway; a recessed gallery with columns or piers open to the street.

*Architectural review and historic preservation board ("ARHPB" or "board"):* A board of citizens created by local ordinance and charged with enforcing provisions of local laws governing historic districts and buildings.

*Articulate:* To express the parts or segments of a building clearly; to divide into segments.

*Balcony:* A railed projecting platform found above ground level on a building.

*Baluster:* One of a series of short pillars or other uprights that support a handrail. One of the upright, usually rounded or vase-shaped, supports of a balustrade.

*Base:* The lowest part of a column or architectural structure. A base story is the lowest story of a building.

*Bay:* A main division of a structure, usually containing a window or door. A building with three windows across the front is referred to as three bays wide. Also, an enclosed space protruding from the exterior of a building such as a bay window.

*Bay window:* A projecting window that forms an extension to the floor space of the internal room; usually extending to the ground level.

*Board:* When used in this article, it shall mean the architectural review and historic preservation board ("ARHPB").

*Bond:* A term used to describe the various pattern in which brick or stone is laid, such as "common bond" or "flemish bond."

*Bracket:* A projecting support member found under eaves or other overhangs.

*Building:* A structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, retail store, or similar structure.

*Bulkhead:* The structural panels just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Nineteenth century bulkheads are often of wood construction with rectangular raised panels. Twentieth century bulkheads may be of wood, brick, tile, or marble construction. Bulkheads are also referred to as kick-plates.

*Cantilevered:* A projecting structure, such as a beam, that is supported at one end and carries a load at the other end or along its length. A member, such as a beam, that projects beyond a fulcrum and is supported by a balancing member or a downward force behind the fulcrum. A bracket or block supporting a balcony or cornice.

*Certificate of approval:* A document awarded by the architectural review and historic preservation board allowing an applicant to proceed with a proposed alteration, demolition or new construction in a designated historic area, district or site, following a determination of the proposed improvements suitability to applicable design and compatibility criteria.

*Character:* The qualities and attributes of any structure, site, street or district.

*Clapboards:* Horizontal wooden boards, thinner at the top edge, which are overlapped to provide a weatherproof exterior wall surface.

*Column:* A supporting pillar. The parts of a column in classical architecture are the base, shaft, and capital.

*Commercial retail use:* For the purposes of this ordinance, a business that is open to the public and displays and sells goods and services directly to the public.

*Common bond:* A brickwork pattern where most courses are laid flat, with the long "stretcher" edge exposed, but every fifth to eighth course is laid perpendicularly with the small "header" and exposed, to structurally tie the wall together.

*Contributing structure or property:* Buildings, structures, or sites that add to the historical association, architectural quality, or archaeological value of a property or district because:

- (1) They were present during the period of significance and possess historical integrity reflecting their character at the time or potential for yielding historical information;
- (2) Their potential to qualify independently for the National Register of Historic Places; and
- (3) They are at least 50 years old.

*Cornice:* The uppermost, projecting part of an entablature, or feature resembling it. Any projection ornament molding along the top of a wall, building, etc.

*Crawl space:* The area between the ground and the first finished floor, usually 18 to 24 inches.

*Cross-gable:* A secondary gable roof which meets the primary roof at right angles.

*Demolition:* The process of razing or removing all or a substantial portion, of a building, structure or appurtenance without the intent to restore or rehabilitate the original structure in accordance with this article.

*Demolition by neglect:* The destruction of a contributing structure, or structure currently being considered for contributing status, through abandonment or lack of maintenance of such structure as further explained in section 98-194(5) of this Code.

*Design standards and guidelines manual (the "manual"):* Criteria developed by the architectural review and historical preservation board and city staff to identify design concerns, standards, and guidelines in the historic downtown district, and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings and the historic districts.

*Design review:* The process of ascertaining whether modifications to historic structures, sites,

or districts meet standards of appropriateness established by a governing or advisory review board.

*Designated site, landmark, or district:* Any site, landmark, or district designated by the federal, state, or local government as having historical, or architectural significance.

*Dormer window:* A window that projects from a roof.

*Double-hung window:* A window with two sashes, one sliding vertically over the other.

*Eaves:* The edge of a roof that projects beyond the face of a wall.

*Edgeyard building:* A building that occupies the center of its lot with setbacks on all sides. Edgeyard buildings are prohibited as commercial structures in the historic district.

*Elevation:* The vertical plane of a building façade. An elevation drawing is a view of such vertical plane.

*Expression line:* A line prescribed at a certain level of a building for the major part of the width of the façade, expressed by a variation in material or texture or by a limited projection such as a molding or balcony.

*Exterior features:* For the purpose of this ordinance, exterior features shall include the architectural style, general design and arrangement of the exterior of a building or other structure, including the color, the kind and texture of the material constituting or applied to the exterior walls, and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and other natural features such as trees and shrubbery.

*Façade:* The face or front elevation of a building.

*Fascia:* A flat horizontal member of a building. A fascia sign is one attached flat against a building.

*Flashing:* Thin metal sheets used to prevent moisture infiltration at joints of roof planes and between the roof and vertical surfaces.

*Flemish bond:* A brickwork pattern where the long "Stretcher" edge of the brick is alternated with the small "header" end for decorative as well as structural effectiveness.

*Fluting:* Shallow, concave grooves running vertically on the shaft of a column, pilaster, or other surface.

*Forecourt:* A private frontage wherein a portion of the façade is close to the frontage line and the central portion of the façade is set back. Forecourts may be used for vehicle passenger loading and unloading.

*Foundation:* The lowest exposed portion of the building wall, which supports the structure above.

*Frontage:* The area between a building façade and the street lanes for vehicles.

*Frontage line:* A lot line bordering a public frontage. Facades facing frontage lines define the public realm and are, therefore, more regulated than the elevations facing other lot lines.

*Front façade:* The principal face or front elevation of a building.

*Function:* The use or uses accommodated by a building and its lot.

*Gable:* The triangular section of a wall to carry a pitched roof.

*Gable roof:* A pitched roof with one downward slope on either side of a central, horizontal ridge.

*Gallery:* A private frontage conventional for retail use wherein the façade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk. Galleries provide pedestrians with protection from the elements.

*Gambrel roof:* A ridge roof with two slopes on either side.

*Glazing:* Fitting glass into windows and doors.

*Hipped roof:* A roof with uniform slopes on all sides.

*Historic building:* A building that is classified as a historic landmark, and a building classified as "contributing" in the historic downtown district.

*Historic district:* An historic district is an area that includes or encompasses historic sites, landmarks, buildings, signs, appurtenances, structures or objects as ARHPB may determine to be appropriate for historical preservation. Designated district(s) need not be a single enclosed area; nor do the areas or sites have to be contiguous to constitute a district. When used in this article, "historic district" shall refer to the City of Winter Garden Historic Downtown District Overlay. The term "commercial historic district" shall refer to those properties in the historic district with commercial zoning. The term is not intended to preclude multifamily residential dwellings on the upper floors of buildings with commercial uses. The term "residential historic district" shall refer to those properties in the historic district with residential zoning. The term "multifamily historic district" shall refer to those properties zoned for multifamily building functions.

*Historic landmark:* Historic landmarks include any site (including significant trees or other plant life located thereon), building, or structure of particular historic or aesthetic significance to the city, the state, or the nation. Landmarks include, sites, buildings, or structures where cultural, political, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified, or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his age.

*Historic site:* A single lot or portion of a lot containing an improvement, landscape feature, or archaeological site, or a historically related complex of improvements, landscape features or archaeological sites that may yield information on history or prehistory.

*Historic survey:* A comprehensive survey involving the identification, research and documentation of buildings, sites and structures of any historical, cultural, archaeological or architectural importance.

*Inventory:* A systematic identification of properties having cultural, historical, architectural or archaeological significance.

*Knee brace:* An oversized bracket supporting a cantilevered or projecting element.

*Landmark:* A designated building, site, or structure having historical, architectural, or archaeological significance.

*Lattice:* An open work grill of interlacing wood strips used as screening.

*Layer:* A range of depth of a lot within which certain elements are permitted. The 1<sup>st</sup> layer is the first five feet from the frontage line. The 2<sup>nd</sup> layer is the next 20 feet from the frontage line. The 3<sup>rd</sup> layer is the remaining portion of the lot. For example, off street surface parking is allowed only in the 2<sup>nd</sup> and 3<sup>rd</sup> layers of a commercial lot.

*Lintel:* A horizontal structural member that supports a load over an opening.

*Mansard roof:* A roof with a double slope on all four sides, with the lower slope being almost vertical and the upper almost horizontal.

*Masonry:* Exterior wall construction of brick, stone or adobe laid up in small units.

*Massing:* Composition of a building's volumes and surfaces that contribute to its appearance.

*Mitigation:* A process designed to prevent adverse impact on cultural, historic, or architectural resources, by the systematic removal of the prehistoric, historic, or architectural data and materials, by requiring the acquisition of the fundamental information necessary for understanding the property within its proper historic context. For structures, at a minimum, this may require primary archival studies, informant interviews, measured drawings, and large-scale photography. For archaeological sites, at a minimum, this may require literature studies, informant interviews, field survey, excavation, and artifact analysis. All mitigation projects require the preparation of reports.

*Mortar:* A mixture of plaster, cement, or lime with a fine aggregate and water; used for pointing and bonding bricks or stones. Mortars for repoint-

ing should be softer (measured in compressive strength) than the masonry units and no harder than the historic mortar.

*Mullion:* The vertical bar between coupled windows or multiple windows.

*National Historic Landmark Program:* Authorized in 1935 and implemented in 1960, a federal program that identifies sites and buildings of clearly national significance.

*National Register of Historic Places:* Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites, and districts in the United States. The listing is maintained by the United States Department of the Interior.

*Partial demolition:* Destruction of a portion of or appurtenance to a structure for the purposes of maintaining a structure without necessarily intending to repair or replace such portion or appurtenance. Partial demolition may be necessary to relocate an entryway, window bay, or porch to another side of a structure, remove a dangerous condition posed by a deteriorating appurtenance, construct an addition to an original structure, or otherwise improve the appearance, historical conformity, or functionality of a structure by removing a vestigial, dangerous, or otherwise inconsistent extant feature from a structure.

*Rehabilitation:* The means, the act or the process of returning a building, object, site, or structure to a state of utility through repair, remodeling or alteration that enables an efficient contemporary use while preserving those portions or features of the building, object, site or structure that are significant to its historical, architectural and cultural values.

*Restoration:* The creation of an authentic reproduction beginning with existing parts of an original object or building. Restoration includes the act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of removing later work or replacing missing earlier work.

*Revitalization:* The imparting of a new economic and community life in an existing neighborhood, area, or business district, while at the same time preserving the original building stock and historic character.

*Ridge:* The top horizontal member of a roof where the sloping surfaces meet.

*Right-of-way:* The strip of land owned or controlled by the city or another governmental agency over which the public has a right of passage, including the streets, parkways, medians, sidewalks and driveways constructed thereon.

*Sash:* The framework into which window panes are set.

*Setback:* The distance between the street right-of-way line and the line of a building or any projection thereof.

*Shall:* Is used to indicate a mandatory action.

*Sheathing:* The structural covering of boards or material used over studs or rafters on the outside wall or roof before installing the finished siding or roof covering of a structure.

*Shed roof:* A gently pitched, almost flat roof with only one slope.

*Should:* Is used to indicate an action which is strongly advised.

*Siding:* The exterior wall covering of a structure.

*Sill:* The bottom crosspiece of a window frame.

*Site:* The location of a significant event, activity, building, structure, or archaeological resource.

*Spindles:* Slender, elaborately turned wood dowels or rods often used in screens and porch trim.

*Stoop:* A small porch, platform, or staircase leading to the entrance of a house or building. Stoops are commonly used to provide access to a first floor elevated for privacy from the sidewalk.

*Streetscape:* The distinguishing and pictorial character of a particular street as created by its width, degree of curvature, paving materials, design of the street furniture, landscaping, and forms of surrounding buildings.

*Structure:* A work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it may be an engineering project large in scale, such as a bridge, wall, gate, or building, or small scale, such as a monument or fountain.

*Stucco:* A type of exterior plaster applied as a two-or-three-part coating directly onto masonry. Historic stucco consisted primarily of hydrated or slaked lime, water and sand with straw or animal hair as a binder. After 1900, most stucco was composed of Portland cement, mixed with some lime. Many of the contemporary stucco products on the market today are not compatible with historic stucco buildings.

*Style:* A type of architecture distinguished by special characteristics of structure and ornament and often related in time; also, a general quality of distinctive character.

*Transom:* A horizontal opening (or bar) over a door or window.

*Trim:* The decorative framing of an opening and other features on a façade.

*Turret:* A small slender tower.

*Veranda:* A covered porch or balcony on a building's exterior.

*Vernacular buildings:* Buildings designed and built without the aid of an architect or trained designer; buildings whose design is based on ethnic, social, geographic, or cultural traditions rather than on an architectural philosophy.

*Wall dormer:* Dormer created by the upward extension of a wall and a breaking of the roofline.

*Weatherboard:* Wood siding, consisting of overlapping boards usually thicker at one edge than the other.

*Window:* A glazed opening in a wall that provides an interior space with natural light and ventilation. For description of the parts of a window see: muntin pane, and sash.

*Yard:* The land area surrounding the principal building on any parcel which is neither occupied or obstructed by a portion of the principal building from the finished grade to the sky or below the

finished grade except where such occupancy, obstruction or encroachment is specifically permitted by this Code.

- (a) *Front yard:* That portion of the yard extending the full width of the parcel and measured between the frontage line and a parallel line tangent to the nearest part of the principal building.
- (b) *Rear yard:* That portion of the yard extending the full width of the parcel and measured between the rear parcel line and a parallel line tangent to the nearest part of the principal building.
- (c) *Side yard:* Those portions of the yard extending from the required front yard to the required rear yard and measured between the side parcel lines and parallel lines tangent to the nearest part of the principal building.

(Ord. No. 10-05, § 2(Exh. 1), 1-14-10)

#### **Sec. 98-188. Historic downtown district area.**

(1) The City of Winter Garden Historic Downtown District area includes +/-116 acres of land at the time of adoption of this article, and is generally bordered by 2nd Street and 3rd Street on the east boundary, Smith Street on the southern boundary, Park Avenue and North Central Avenue on the western boundary, and a portion of West Tilden Street and East Newell Street on the northern boundary. The historic district is graphically depicted on Exhibit "A" - Historic Downtown District - Area Map.

(2) Legal description. The legal description of the historic downtown district area is attached and incorporated herein as "Exhibit B".

(3) The City of Winter Garden shall create a photographic index and database inventory of all residential, commercial, and industrial structures in the historic downtown district. Parcels shall be listed by the existing use at the time of the inventory and date of construction. The city shall use this data to document the existing conditions as of the date of the ordinance and to evaluate permit applications that are made after the ordinance is adopted. The historic downtown district includes the designated historic residential and