

(b) *Method of measurement.* The displacement of earth caused by vibration shall be measured in inches by an appropriate instrument approved by the city commission upon recommendation of the planning and zoning board.

(c) *Locational requirement.* Vibration shall be measured as specified along the boundaries of the site.

(d) *Permitted vibration transmissions.* Permitted vibration transmissions shall be as follows:

<i>Frequency Cycles (per second)</i>	<i>Maximum Permitted Displacement Along the Abutting Zoning District (in inches)</i>
0 to 10	0.0008
10 to 20	0.0005
20 to 30	0.0002
30 to 40	0.0002
Over 40	0.0001

(Code 1988, § 24-128(5))

#### **Sec. 118-1344. Glare and lighting.**

Under this chapter, any lighting elements or structural materials installed on the site shall be prevented from casting or reflecting glare or light beyond the boundaries of the site, unless their location precludes any hazard or nuisance arising as a consequence of such glare or light. Locations requiring some means of preventing the transmission of glare or light beyond the site's boundaries are established according to the relationship between: (i) required minimum elevation of the lighting element or structural material above the final grade established along the nearest site boundary, and (ii) distance of the lighting element or structural material from the nearest site boundary. As set forth in the following table, elements or materials below the minimum elevation required of each distance shall be shielded or otherwise screened to prevent transmission of light or glare beyond the site:

<i>Distance (feet)</i>	<i>Required Minimum Elevation (feet)</i>
50	20
60	19
70	18
80	17
90	16
100	15

(Code 1988, § 24-128(6))

#### **Sec. 118-1345. Electromagnetic radiation.**

(a) *Requirement.* All uses in this chapter shall be controlled to prevent any intentional source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, any operation in compliance with the Federal Communications Commission regulations shall not be permitted if such radiation causes an abnormal degradation in performance of other electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation conducted energy in power or telephone systems or harmonic content.

(b) *Method of measurement.* For the purposes of determining the level of radiated electromagnetic interference, standard field strength measuring techniques, interference transmitted or conducted by power or telephone lines, a suitable turntable peak reading, radio frequency voltmeter shall be used. This instrument shall, by means of appropriate isolation coupling, be alternately connected from line to line and from line to ground during the measurement.

(c) *Determination of electromagnetic interference.* The determination of the phrases "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturers Association. If any conflict occurs between the latest

standards and principles of the groups mentioned in this subsection, precedence in the interpretation shall be in the following order:

- (1) American Institute of Electrical Engineers;
- (2) Institute of Radio Engineers; and
- (3) Radio Manufacturers Association.

(d) *Maximum allowable levels.* For the purposes of determining the maximum allowable level of radiated electromagnetic interference and electromagnetic interference transmitted or conducted by power or telephone lines, maximum allowable levels will be adopted by the city commission upon recommendation of the planning and zoning board and qualified electrical engineers.

(Code 1988, § 24-128(7))

#### **Secs. 118-1346—118-1385. Reserved.**

### **ARTICLE VIII. OFF-STREET PARKING AND LOADING\***

#### **Sec. 118-1386. Off-street parking.**

There shall be provided at the time of the erection of any main building or structure, at the time of change of zoning or change of use of the property, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area or seats, minimum off-street automobile parking space with adequate provisions for ingress in accordance with the following requirements:

- (1) Dwellings:
  - a. Single-family: two spaces per dwelling unit.
  - b. Multifamily: two spaces per dwelling unit.
- (2) Churches, temples or places of worship, funeral homes, public buildings, theaters, auditoriums, areas and places of assembly, and other similar uses: at least one space for each three seats.

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\*Cross reference—Stopping, standing and parking generally, § 74-31 et seq.

- (3) Retail business, shopping centers, establishments, kennels, animal hospitals, libraries, museums, medical or dental offices or clinics and other businesses and similar uses: three parking spaces for each 1,000 square feet and fraction thereof of gross floor area devoted for commercial, profession or professional services. For all establishments referred to under this subsection, there shall be a minimum of three off-street parking spaces provided.
- (4) Country clubs, golf clubs, tennis clubs, and organizations designed to provide outdoor sporting or recreational activities, and other like and similar uses: one space for each five members, or one space for each 400 square feet of floor space or floor area of the primary building associated with the organization, whichever requirement is greater.
- (5) Hospitals and sanitariums: one space for each patient bed.
- (6) Nursing homes, rest homes, and convalescent homes: one space for each two patient beds.
- (7) Hotels, motels, and bungalow courts: one space for each guestroom or one space for each bathroom, whichever is greater, plus one space for each three employees, and in addition, space as required elsewhere for auxiliary commercial use.
- (8) Private clubs, lodges: one space for each five seats in the largest assembly area in the building, plus one space for each guestroom, if any.
- (9) Restaurants, or other eating place (not drive-ins): one space for each four seats, plus one space for each three employees.
- (10) Roominghouses, boardinghouses: one space for each two beds.
- (11) Marinas: one space for each two docking accommodations plus one space for each 250 square feet of floor area devoted to retail sales, plus one car space for each four-passenger capacity in a charter boat, and, in addition, spaces as required elsewhere for auxiliary commercial uses.

- (12) Other uses: All other uses are to be determined by the planning and zoning board as to the off-street parking facilities that will be required.
- (13) Miniwarehouse facilities: one space for each 1,000 square feet of floor area; however, only one space per 1,500 square feet of floor area need be paved with the remainder to be placed in landscaped area.  
(Code 1988, § 24-146)

**Sec. 118-1387. Location of off-street parking spaces.**

(a) Such parking space as required in this article shall in no part exist upon and no portion of any vehicle shall overhang the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in front yards of residential districts except as normally exists in driveways.

(b) Parking for all one- and two-family dwellings shall be located on the same lot with the main buildings.

(c) Parking spaces for all other uses shall be provided on the same lot with the main building, or not more than 300 feet distant, as measured along the nearest pedestrian walkway, provided that such area is under the same ownership as the principal use and is in a zoning classification where such parking is permitted.

(d) Parking requirements for two or more uses, of the same or of different types, may be provided by the establishment of the required numbers of spaces for each use in a common parking area, provided that all such uses being served by a common parking area are under the same ownership, unless developed as a planned development project, whereby owners file a development plat to ensure common use of the parking.

(e) Off-street parking area shall be set back a minimum of five feet from all rear, side and front property lines.

(f) Reserved.

(g) Each parking space shall be a minimum of 180 square feet, with minimum dimensions of nine feet by 20 feet.

- (h) Design standards are required as follows:
- (1) A plan showing off-street parking shall be submitted and approved by the building inspector before a permit is issued for the construction or use of the building, structure or facility being considered. This plan shall show the location and shall accurately designate the number of required spaces, their size, access aisles, driveways, and their relation to the plan.
- (2) Each parking space shall be directly accessible from the street or an alley or from an aisle or driveway leading to a street or alley. Access aisles and driveways shall be of sufficient size to permit convenient ingress and egress. Each space shall be accessible without driving over or through any other parking space. No parking space or loading space shall be located in such manner as to block entry or exit to a building, and in this respect a clearance shall be provided adjacent to an entrance or exit door equal to the width of the door or three feet, whichever is the greater.
- (3) Parking areas shall be paved with an asphaltic, porous concrete, concrete, or paving blocks recommended by the city engineer and approved by the city commission. Such surfacing shall afford adequate drainage and shall have bumper guards where needed according to city specifications.
- (4) Paved areas may be reduced in part or in whole by approval of the city commission after review by the planning and zoning board using the following conditions and determinations:
- Whether total paving would have a detrimental effect upon existing drainage or water quality.
  - Whether operations or activities (equipment storage, yards, churches, etc.) are such that the use of certain portions of the parking and loading areas would only be on an intermittent basis.

- c. Where paving has been reduced or waived, a stabilized surface acceptable to the city engineer shall be provided for that portion of the parking area.
- d. In the areas of a parking lot where paving has been waived, the areas shall be organized for traffic control and parking by permanent fixation of tire stops and other directional devices when deemed necessary by the city engineer.
- (5) If lighting is provided, it shall be arranged to reflect away from any residential areas, also from any public street or highway.
- (6) All off-street parking spaces shall comply with the off-street parking standards as set forth in this subsection.

- (7) Off-street parking areas shall be designed so that there is an unrestricted flow and circulation of traffic both within and into and out of the parking area. Traffic lanes shall be clearly marked by arrows or other markings to show traffic flow when necessary. All areas shall be designed for head-in parking only. The following table shall govern the minimum width of traffic lanes within the parking area:

<i>Angle of Parking</i>	<i>Minimum Width of Lanes</i>	
	<i>One-Way</i> (feet)	<i>Two-Way</i> (feet)
0 degrees (parallel to curb)	14	23
45 degrees	16	Not permitted
90 degrees (perpendicular to curb)	20	23
Traffic lanes with no parking	14	22
60 degrees	18	Not permitted

- (8) Vehicular overhang. When landscape areas are curbed and a raised curb is used for a wheel stop for head-in parking, the 20-foot dimension of the nine-foot by 20-foot parking space requirement may be reduced to 18 feet.

(Code 1988, § 24-147; Ord. No. 07-20, § I, 5-10-07)

(b) Retail operations, wholesale operations, and industrial operations with a gross floor area of less than 10,000 square feet shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street, or alley, shall not be impaired.

(c) Each off-street loading space shall have direct access to an alley or street and shall have the following minimum dimensions:

(1) Length, 30 feet.

(2) Width, 12 feet.

(3) Height, 14 feet.

(Code 1988, § 24-148)

**Sec. 118-1389. Parking user fee for the downtown core.**

(a) *Purpose and intent.* The intent and purpose of this section is as follows:

- (1) To protect the health, safety and general welfare of the citizens and visitors of Winter Garden.
- (2) To facilitate orderly development within the downtown core.
- (3) To enhance parking level of service within the downtown core and to promote economic well-being within the downtown core and the city as a whole.
- (4) To provide adequate parking for the downtown core.
- (5) To ensure that new and expanding developments that cannot provide adequate on-site parking shall bear a share of the cost for the provision of new or expanded parking facilities.
- (6) To establish a parking trust fund that will be used to maintain existing and future parking spaces as well as to construct new parking spaces.
- (7) To establish a downtown parking fee option for new and expanding developments within the downtown core.

(b) *Generally.* As required by section 118-1386, all new and expanding developments and all changes of use of existing buildings and properties within the downtown core must provide adequate parking. At the request of the property owner or business owner, the city manager shall recommend to the city commission whether to permit the property owner or business owner pay the below parking user fee in lieu of providing all or some of the required parking based on whether the parking user fee in lieu of providing parking provides the best opportunity for economic development of downtown and adequate proximate parking is available or will be provided to serve the project. The city commission shall make its determination after reviewing the city manager's recommendation and any other information and evidence presented by the owner(s) and any others interested in the matter.

(c) *Parking calculations.* The number of paved parking spaces for new and expanding developments in the downtown core will be as follows:

- Restaurants - One parking space for each four patron seats.
- Residential - Two parking spaces for each residential unit.
- All other allowable uses - Three parking spaces for each 1,000 square feet of gross space.

(d) *Vesting.* The current number of parking spaces provided by all existing improved properties are vested for their current use, square footage and parking as of the effective date of this section. Any change of use, modification of square footage of structures or increased use such as outdoor cafes or seating will require a determination or assessment of parking need. If the assessment determines additional parking is needed, that parking shall comply with provisions of this section.

(e) *Requirements.* Property owner must either provide the required parking on-site, off-site within 400 feet of the entrance, pay the appropriate amount of the downtown core parking fee or some combination of the three. Use of the downtown core parking fee in whole or part is subject to city commission approval as set forth in subsection (b).

(f) *Fee amount.* The downtown core parking fee shall be \$5,000.00 per space. The fee is based on one-third cost of land and parking to provide a typical space. The downtown core parking fee may be increased at any time by Resolution of the Winter Garden City Commission. The downtown core as identified on Exhibit "A" of Ordinance No. 07-20 may be amended by Resolution by the Winter Garden City Commission.

(g) *Downtown parking district trust fund.* The downtown parking district trust fund shall be established at the time of the payment of the first parking user fee. The payment to the trust fund shall be used for the following purposes:

- (1) Acquire, construct, or develop on-street and off-street parking and related facilities on interim or long-term basis.

- (2) Fund the capital costs associated with new, upgraded, and/or expanded on-street and off-street parking areas serving land uses within the downtown core.
- (3) Acquisition of land for future surface parking lots or garage construction.
- (4) Maintenance, including but not limited to lighting, landscaping, striping, signage, and resurfacing, of present and future city-owned parking spaces.

(h) *Reserved parking.* Payment into the parking trust fund does not in any way entitle any property or business owner to ownership, use, occupancy or claim to any parking spaces owned by the city. No parking spaces will be reserved for any person or entity and all will remain available for public parking subject to the rules and ordinances of the City of Winter Garden and provided that the city manager may reserve any or all of the parking spaces for emergency, law enforcement, and municipal service purposes, as well as special events and activities.

(i) *Payment.* The downtown core parking fee is due prior to the occupancy of applicable buildings and structures. The city manager shall have the authority to negotiate and enter into agreements with downtown core owners allowing the downtown core parking fee to be made in installment payments; provided that at least 25 percent of the parking fee is paid prior to occupancy and the remaining amount due shall be paid in no more than 36 months from occupancy of the applicable buildings and structures.

(j) *Administration.* The city manager is authorized to develop any required forms and/or contracts to implement this section. Appeal of staff determination or request for waiver or variance shall be to city manager.

(Ord. No. 07-20, § II, 5-10-07; Ord. No. 09-04, § I, 2-12-09; Ord. No. 17-56, § I, 10-26-17)

**Note**—Formerly § 118-1390.

## **Secs. 118-1390—118-1399. Reserved.**

# **ARTICLE IX. WEST STATE ROAD 50 OVERLAY COMMERCIAL DEVELOPMENT STANDARDS**

## **DIVISION 1. IN GENERAL**

### **Sec. 118-1400. Establishment.**

In addition to and supplemental to the Code, there is hereby created an overlay zoning classification known as the "West State Road 50 Commercial Corridor" (the "commercial corridor district"). The effect thereof being the creation of an overlay zoning district consisting of the regulations and requirements of the existing, or as such may be amended from time to time, underlying zoning district and the regulations and requirements contained in this article. That is, the commercial corridor district shall be in addition to and shall overlay all other existing, or as such may be amended from time to time, underlying zoning classification where it is applied so that any parcel of land lying within the commercial corridor district shall also lie within one or more of the other zoning classifications provided in the city land development code.

(Ord. No. 03-30, § 2, 9-17-03)

### **Sec. 118-1401. Intent and purpose.**

The recitals to the ordinance adopting this article are hereby incorporated into this section as legislative findings and represent the intent of the city commission in adopting this article to provide specific and uniform design standards for properties within the hereafter identified commercial corridor for the purposes of ensuring that said commercial corridor is developed in a manner which:

- (1) Ensures that the commercial corridor is developed into a well-landscaped, scenic gateway into the city;
- (2) Provides uniform design standards to establish high quality development with a positive visual ambiance;
- (3) Prevents visual pollution caused by unplanned and uncoordinated uses, buildings and structures;

- (4) Maximizes traffic circulation patterns and functions from the standpoint of safety, roadway capacity, vehicular and non-vehicular movement;
- (5) Maintains and enhances property values;
- (6) Preserves natural features to the extent practicable;
- (7) Encourages high quality economic development within the city;
- (8) Preserves and enhances the high-quality lifestyle and standard of living available to the residents of the city;

