

(Ord. No. 03-30, § 2B(3.5), 9-17-03)

**Sec. 118-1526. Walkways and pedestrian connections.**

(a) Pedestrian walkways shall be landscaped with additional shade or understory trees equal to an average of one tree per 50 linear feet of

walkway, unless the walkway is adjacent or included within an existing compliant buffer or frontage planting.

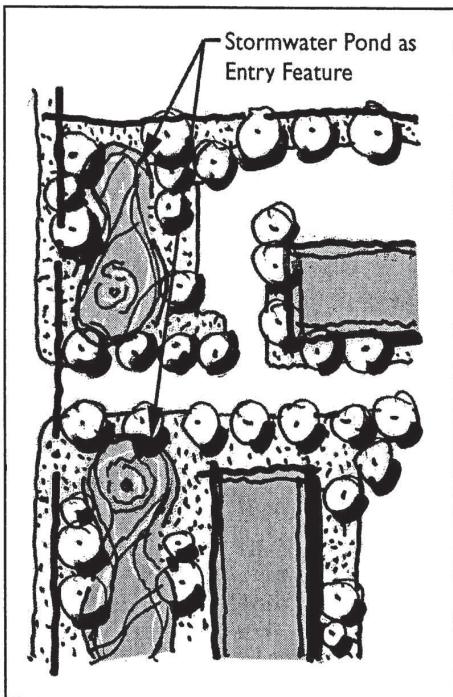
(b) One canopy tree shall be planted for each 200 square feet of separate additional landscaped area.

(Ord. No. 03-30, § 2B(3.6), 9-17-03)

#### **Sec. 118-1527. Stormwater facilities.**

(a) Stormwater facilities (ponds and/or depressions) shall be designed and utilized as site amenities along entrances and street frontages or incorporated with buffers between incompatible uses. These areas shall count toward open space requirements if the impervious area of the site does not exceed 75 percent.

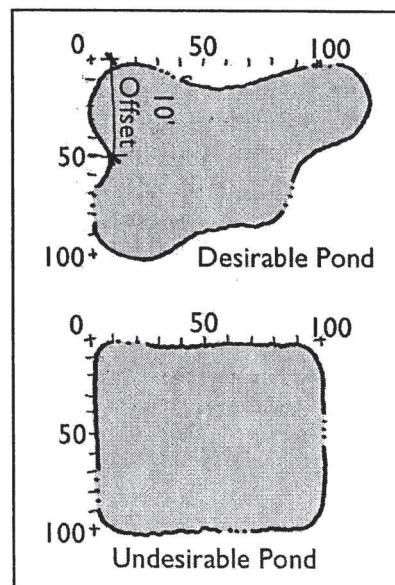
(b) Stormwater facilities should be designed and permitted so as not to require fencing. If fencing is required, a green or black vinyl/painted finish is required. Walls or other railings for structured stormwater "boxes" must be decorative. Fenced or walled ponds shall not count toward open space requirements within a project and shall only be located at the side or rear of a site. The maximum allowable fence height is 4'-0".



Stormwater Facilities as a Design Feature

(c) Subject to the requirements of St. Johns River Management District, other governmental agencies, and a consideration of safety related issues, stormwater facilities that are located in the front of a property may be prohibited from having fencing.

(d) Wet stormwater detention/retention facilities adjoining public streets shall include a water feature such as a fountain or spray jet, and shall be planted with appropriate aquatic materials as outlined in the "Commercial Corridor Plant List." Detention/Retention along the front of a property shall be designed with curvilinear edges not as a straight "box." Retention embankments shall be planted with one tree per 50 linear feet of retention perimeter measured from top of slope. Trees shall be suitable for wet locations as identified in the Commercial Corridor Planter Materials List.



Desirable and Undesirable  
Detention/Retention Design

(e) Dry retention areas shall be planted with grass, and unless maintained as an open lawn swale, shall be screened from view with a continuous hedge of shrubs on 36-inch centers around at least 75 percent of the perimeter at the top of the slope.

(Ord. No. 03-30, § 2B(3.7), 9-17-03)

### **Sec. 118-1528. Lake edges and wetlands.**

Development abutting surface water bodies or wetlands shall be planted with appropriate aquatic plantings as outlined in the "Commercial Corridor Plant List."

(Ord. No. 03-30, § 2B(3.8), 9-17-03)

### **Sec. 118-1529. Storage areas and site utilities.**

(a) All storage or dumpster/solid waste areas shall be designed with a six-foot masonry wall. The wall shall be of a decorative "split face" concrete masonry, "Norman" brick or standard concrete masonry clad with painted stucco or other masonry veneer. The wall shall include a continuous cap feature and closing gate.

(b) In addition to the masonry enclosure, storage and dumpster/solid waste areas shall be treated with a 24-inch high planted hedge that shall reach 36"—42" height and 90 percent opacity within one year.

(c) Other above-ground utility elements such as pull boxes, transformers, and backflow preventers shall be located and designed to permit convenient maintenance access, painted dark green and screened with a 24-inch planted hedge that shall reach 36"—42" height and 90 percent opacity within one year.

(d) Long-term storage containers are prohibited unless located on a parcel with a fully screened masonry or brick enclosure designed and constructed for that purpose.

(Ord. No. 03-30, § 2B(3.9), 9-17-03)

### **Sec. 118-1530. Irrigation and maintenance.**

(a) All landscaped areas within the commercial corridor shall be designed, installed and maintained at a high level of quality, following best management practices for landscaping. Broken lines or damaged spray heads shall be repaired to minimize wasted water.

(b) All landscaped areas shall be irrigated with a timed, automatic underground system utilizing pop-up heads and/or tree bubblers and providing coverage of not more than one and one half inches

of water per week. (Use of xeric plant materials may require only three-fourths inch water per week).

(c) The automatic irrigation system shall include a rain gauge or other water saving features to minimize wasted water.

(d) All landscape areas shall have 100 percent irrigated coverage.

(e) Irrigation is not required in "existing wooded/forested" areas which are intended to be maintained in a natural condition.

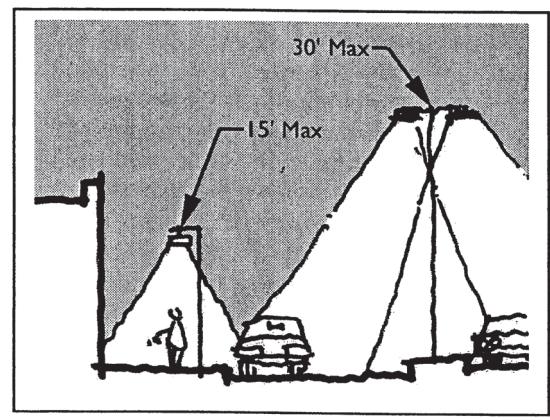
(Ord. No. 03-30, § 2B(3.10), 9-17-03)

### **Secs. 118-1531-118-1535. Reserved.**

## DIVISION 4. EXTERNAL SITE LIGHTING

### **Sec. 118-1536. General requirements.**

(a) Commercial buildings and projects, including their outparcels, shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire project. Lighting shall be used to accent key architectural elements and/or to emphasize landscape features, and shall be designed and installed to avoid the creation of hot spots, glare or a nuisance. Please refer to Ordinance 08-01; amending City Code sections 118-1536, 118-1537 and 118-1538 of article X, chapter 118, of the Code of Ordinances of the City of Winter Garden for additional lighting requirements.



Pedestrian and Street Lighting

(b) Light fixtures shall be designed as dark skies lighting and shall be an integral design element that complements the design of the project through style, material or color. All light poles and fixtures shall be black, dark green or some similarly dark color that is consistent with the architectural design scheme of the property. Lighting of on-site buildings shall be limited to wall-washer type fixtures or up-lights, which do not produce spillover lighting or glare. Site lighting shall not incorporate floodlight fixtures mounted on building walls, roofs, or poles. Light fixtures shall be full cut off with zero light above 90 degrees.

(c) To provide cohesiveness and uniformity, a lighting plan prepared by an architect or engineer licensed to practice in the State of Florida shall be submitted to the city as part of an application for site plan, special exception permit or subdivision approval, and said professional shall: (1) certify that the lighting plans are compliant with the requirements of the design standards and regulations provided for herein; or (2) so certify to the extent said lighting plans are compliant with the requirements of the design standards and regulations provided for herein and provide a written explanation for any deviations.

(d) Lighting levels for fire lanes or driveways at building entrances shall not exceed five foot-candles (fc). Lighting at fire lanes or driveways at building entrances may exceed allowable standards of intensity for safety purposes upon demonstration to the city that compliance with these lighting criteria would otherwise create a safety hazard, provided, however, that such lights shall be directed downward to minimize spillover lighting and glare.

(e) Lighting intensities for ATM machines shall comply with Florida Statutes.

(f) Lighting intensities shall be designed as recommended by the Illuminating Engineering Society (IES).

(g) A light fixture (the pole and light source/luminary) shall be a maximum of 30 feet in height within any parking lot, and a maximum of 16 feet

in height within any non-vehicular pedestrian area (with height being measured from the finished grade to the top of the light fixture).

(h) At service stations and convenience centers, lighting under awnings, canopies, porticoes, etcetera, should be recessed. If not recessed, the box type or other lighting fixture shall be opaque on all sides (no light shall emanate from any side of the fixture). Additionally, the following lighting standards shall apply:

- (1) The light source shall be metal halide (a maximum of 250 watts) or fluorescent;
- (2) The metal halide shall be phosphor coated when used with a clear flat glass lens, or may be clear when used with a diffused flat glass lens; and
- (3) The maximum foot-candle level shall be 20 fc with proper shielding of under canopy light fixtures to substantially reduce the "spray light" effect (average maintained maximum) - see the IES Lighting Handbook, 8th edition, at Chapter 11, Figure 11-1, Part IV, Outdoor Facilities, Service Stations (lighting level at grade).

(i) Illumination levels at the property line shall range between a minimum of 0.0 fc and a maximum of 1.0 fc, with as close to 0.0 fc as reasonably feasible when lighting is located next to residential. To keep light rays and glare from encroaching onto adjacent properties, illumination shall be installed with house-side shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises. A photometric plan prepared by an engineer licensed to practice in the State of Florida shall be submitted to the city as part of an application for site plan approval, and said professional shall certify that the lighting plans are complementary with landscaping plans and compliant with the requirements of this guideline.

(j) All parking areas, pedestrian walkways, bikeways, loading/service and other areas shall, to the extent applicable, conform to these general requirements.

(k) Street lighting shall be provided on all private developments contiguous to all rights-of-way, roadways, streets, alleys or lanes.

(Ord. No. 03-30, § 2B(4.1), 9-17-03; Ord. No. 08-01, § 2, 1-10-08; Ord. No. 10-08, § 3(Exh. B), 7-8-10)

#### **Sec. 118-1537. Parking areas.**

Except for areas of service stations and convenience centers located under an awning, canopy, porte-cochere, etcetera, as noted in section 118-1536(h) above, parking areas shall be illuminated as follows, with horizontal lamps highly recommended:

- (1) Parking area lighting shall be shielded from adjacent properties by utilizing flat glass lenses, houseside shields, and "NEMA" type II, III, and IV reflectors.
- (2) The lamp source shall be metal halide. Wattage shall not exceed 400 watts per bulb. Illumination levels shall range between a minimum of 0.6 fc to a maximum (outside a 20-foot radius from the pole) of 3.6 fc, not including overflow lighting in a transition zone adjacent to a service station and convenience center canopy.
- (3) Phosphor coated lamps shall be utilized in all luminaries where the lamp source is not hidden by the luminary housing or equipped with a diffused lens.
- (4) Where specifically approved by the city commission, decorative acorn-type fixtures shall not exceed 18 feet in height and 250 watts per bulb, and shall have a textured clear lens/globe, frosted/phosphor coated bulbs, and an internal optical system.

(Ord. No. 03-30, § 2B(4.2), 9-17-03; Ord. No. 08-01, § 2, 1-10-08)

#### **Sec. 118-1538. Pedestrian walkways and bikeways.**

Pedestrian walkways and bikeways shall be illuminated as follows:

- (1) The lamp shall be decorative in appearance, style and finish and shall be consistent with the architectural

standards of the surrounding area. Selected luminaries shall have the lamp source shielded from view. Translucent diffusers may be an acceptable substitute to avoid visual glare and brightness.

- (2) The lamp source shall be metal halide. Wattage shall not exceed 150 watts. Illumination levels shall range between a minimum of 0.5 fc to a maximum of 2.5 fc.
- (3) Phosphor coated lamps shall be utilized in all luminaries where the lamp source is not hidden by the luminary housing or equipped with a diffused lens.

(Ord. No. 03-30, § 2B(4.3), 9-17-03; Ord. No. 08-01, § 2, 1-10-08)

#### **Secs. 18-1539—18-1599. Reserved.**

### **ARTICLE XI. MEDICAL MARIJUANA**

#### **Sec. 118-1600. Medical marijuana treatment center dispensing facilities.**

(1) *Prohibition.* Medical marijuana treatment center dispensing facilities are prohibited and shall not be located within the boundaries of the city. The city shall not accept, process or approve any request or application for a development order, building permit or other approval associated with a proposed medical marijuana treatment center dispensing facility.

(2) *Definition.* For the purposes of this section, the term "medical marijuana treatment center dispensing facility" means any facility where medical marijuana or any product derived therefrom is dispensed at retail.

(3) *Interpretation.* This section and the terms used herein shall be interpreted in accordance with F.S. § 381.986 and Ch. 64-4 of the Florida Administrative Code. The intent of this section is to ban medical marijuana treatment center dispensing facilities from being located within the boundaries of the city as authorized by F.S. § 381.986(11).

(Ord. No. 17-24, § 2, 7-27-17)

#### **Secs. 118-1601—118-1609. Reserved.**

## **ARTICLE XII. DOG FRIENDLY DINING PROGRAM**

### **Sec. 118-1610. Purpose and intent; program created; definitions.**

(a) The purpose and intent of this part is to implement the pilot program established by F.S. (2006) § 509.223, by permitting public food service establishments within the City of Winter Garden, Florida, subject to the terms and contained herein, to become exempt from certain portions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the department of business and professional regulation, in order to allow patrons' dogs within certain designated outdoor portions of their respective establishments.

(b) Pursuant to F.S. § 509.233(2), there is hereby created in the City of Winter Garden, Florida, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the department of business and professional regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure may be known as the City of Winter Garden Dog Friendly Dining Program.

(c) 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:

*Division* means the division of hotels and restaurants of the State of Florida Department of Business and Professional Regulation.

*Dog* means an animal of the subspecies *Canis lupus familiaris*.

*Outdoor area* means an area adjacent to a public food service establishment that is predominantly or totally free of any physical barrier on all sides and above.

*Patron* has the meaning given to "guest" by F.S. § 509.013.

*Public food service establishment* has the meaning given it by F.S. § 509.013.

*Zoning official* has the meanings given it by chapter 118, City of Winter Garden Code.  
(Ord. No. 08-37, § 2, 6-26-08)

### **Sec. 118-1611. Permit required; submittals.**

(a) In order to protect the health, safety, and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless it possesses a valid permit issued in accordance with this part.

(b) Applications for a permit under this part shall be made to the zoning official, on a form provided for such purpose by the zoning official, and shall include, along with any other such information deemed reasonably necessary by the zoning official in order to implement and enforce the provisions of this part, the following:

- (1) The name, location, and mailing address of the subject public food service establishment.
- (2) The name, mailing location, and telephone contact information of the permit applicant.
- (3) A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the zoning official. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

- (4) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
- (5) All application materials shall contain the appropriate division issued license number for the subject public food service establishment.

(Ord. No. 08-37, § 2, 6-26-08)

**Sec. 118-1612. General regulations; cooperation; enforcement.**

(a) In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued pursuant to this part are subject to the following requirements:

- (1) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
- (2) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
- (3) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
- (4) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
- (5) Dogs shall not be allowed on chairs, tables, or other furnishings.
- (6) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons.

Spilled food and drink shall be removed from the floor or ground between seating of patrons.

- (7) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
- (8) At least one sign reminding employees of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the zoning official, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20 point font size.
- (9) At least one sign reminding patrons of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the zoning official, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.
- (10) At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to

patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.

(11) Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.

(b) A permit issued pursuant to this part shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this part if such owner wishes to continue to accommodate patrons' dogs.

(c) In accordance with F.S. § 509.233(6), the zoning official shall accept and document complaints related to the dog friendly dining program within the City of Winter Garden, Florida, and shall timely report to the division all such complaints and the city's enforcement response to such complaint. The zoning official shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this part.

(d) Any public food service establishment that fails to comply with the requirements of this part shall be guilty of violating this part of the City of Winter Garden Code and shall be subject to any and all enforcement proceedings consistent with the applicable provisions of the Winter Garden City Code and general law. Each day a violation exists shall constitute a distinct and separate offense.

(Ord. No. 08-37, § 2, 6-26-08)

## **ARTICLE XIII. BACKYARD CHICKEN PROGRAM**

### **Sec. 118-1613. Purpose and intent; program created; definitions.**

(1) The intent of the backyard chicken program is to permit the keeping of up to four chickens on an occupied detached single-family property within the R-1A, R-1, R-1B, R-2, R-4, R-5 and PUDs (in areas where detached single-family residential is permitted) zoning districts, subject to the terms and conditions herein.

(2) For the purposes of this article, the term "chicken" refers to female chickens only (i.e., hens).

(3) This article does not authorize persons to violate applicable restrictive covenants and homeowners' association rules and regulations. The city does not police or enforce private restrictive covenants and homeowners' association rules and regulations. Persons applying for and receiving permits under this article are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations.

(Ord. No. 18-43, § 2, 12-13-18)

### **Sec. 118-1614. Permit and general conditions for the keeping of chickens in certain residential zoning districts.**

(1) Persons desiring to participate in the backyard chicken program shall apply for and obtain a permit from the community development director or his/her designee prior to keeping chickens. The community development director or his/her designee shall charge a fee of \$50.00 to persons applying for a permit under this article to cover processing costs. If the person applying for a permit is not the fee simple owner of the subject property, the fee simple owner must join in and consent to the application. No more than 25 permits will be issued under this article. Permits shall be awarded by the city on a first-come, first-served basis. If a person holding a permit chooses to leave the