



CITY OF BELLE ISLE, FL

PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue, Belle Isle

Held the 4th Tuesday of Every Month

Tuesday, October 24, 2023 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 5 member – Rainey Lane, Chairman

District 1 – David Woods, VChair

District 2 member – Christopher Shenefelt | District 3 member – OPEN

District 4 member – Vinton Squires | District 6 member – Andrew Thompson

District 7 member – Dr. Leonard Hobbs

Welcome to the City of Belle Isle Planning & Zoning meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at www.belleislefl.gov. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** – Board Member Hobbs
3. **Approval of Minutes**
 - a. Approval of the P&Z meeting minutes - September 26, 2023
4. **Public Hearings**
 - a. PUBLIC HEARING #2023-09-026 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 54-132 (D), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW ROOF PROJECTIONS FOR A NEW SINGLE-FAMILY RESIDENCE WITHIN THE REQUIRED YARDS BY FORTY-EIGHT INCHES SUBMITTED BY APPLICANTS ALAN AND CATHY LEOW, LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.
 - b. PUBLIC HEARING #2023-08-018 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (8), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW FENCE POSTS AND SUPPORTING STRUCTURES AS WELL AS THE ROUGH SIDE OF THE FENCE TO FACE TWO NEIGHBORING PROPERTIES, SUBMITTED BY APPLICANT JOHNNY NELSON, LOCATED AT 1610 WIND WILLOW ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-010.
 - c. PUBLIC HEARING #2023-08-023 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (7) AND 50-102 (D) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DECK SETBACK OF SEVENTEEN FEET FROM THE CONTOUR LINE OF LAKE CONWAY AND A VARIANCE TO ALLOW A SWIMMING POOL SETBACK OF TWENTY FEET FROM THE NORMAL HIGH-WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANTS ELIO AND ANNETTE M FLORIN, LOCATED AT 1432 BELLE VISTA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #24-23-29-5306-01-120.
5. **Other Business**
 - a. Continued Discussion and Recommendation on Live Local Act
6. **Adjournment**

APPEALS: "If a person decides to appeal (Belle Isle's City Code Section 42-71) any decision made by the Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting. --Page 1 of 1



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, September 26, 2023, * 6:30 p.m.

MINUTES

The Belle Isle Planning & Zoning Board met on September 26, 2023, at 6:30 p.m. at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Conduff
Board member Woods
Board member Shenefelt
Board member Squires
Board member Hobbs
Board member Thompson

Absent was:

District 3 - Vacant

Also present were Interim City Manager Travis Grimm, Attorney Hilary Griffith, and City Planner Raquel Lozano.

1. Call to Order and Confirmation of Quorum

Chairman Conduff opened the meeting at 6:30 p.m. and confirmed the quorum.

2. Invocation and Pledge to Flag – Board Member Hobbs, District 7

Board Member Hobbs gave the invocation and led the pledge to the flag.

3. Approval of Minutes

- a. Approval of P&Z Meeting Minutes – July 25, 2023

Board member Thompson moved to approve the July 25, 2023, minutes.

Board member Hobbs seconded the motion, which passed unanimously.

4. Public Hearings

- a. Request to create maximum height requirement for hedges on lake lot properties in the code

Raquel Lozano, City Planner, presented a request to the City by Robbie Ford, residing at 1533 Conway Isle Circle, who would like the City to consider adopting a maximum height requirement for hedges on lake lot properties. Mrs. Ford explained that a fellow neighbor has a hedge that affects the view of the lake. Under Section 50-102(B)(1), the code does not define a maximum height requirement for hedges along property lines of lake lot properties.

Ms. Robbie Ford, residing at 1533 Conway Isle Circle, shared her concerns about the lack of height restrictions in the code for hedges. She noted that in their By-laws, they allow 8-ft hedges. She believes changing the code can assist the homeowners in having the HOA enforce hedges in their subdivisions to be no more than 4ft within 35 feet of the normal high-water elevation on lake lots.

Mr. Joe Sterling, residing at 1515 Conway Isle Circle, shared his concerns with a neighbor whose edge is now 9 ft tall, obstructing his view of the lake.

The Board agreed that it appears to be an HOA issue and their lack of enforcement. They suggested having the residents or complainants call Code Enforcement for further action if a violation is perceived. Ms. Ford said she would happily table the discussion until she speaks with her HOA.

After a brief Board discussion, Board member Woods moved to investigate the possibility of having the same regulations for vegetation as fences along lake shores. Chairman Conduff seconded the motion, which failed 3:3 with Board members Shenefelt, Squires, and Thompson, nay.

b. Updated on Live Local Act

Raquel Lozano, City Planner, spoke on the Live Local Act and noted on July 1, 2023, the Live Local Act became state law, affecting the zoning and permitting process for cities and counties to review and approve affordable housing developments for ten years. She read a summary of her September 26, 2023, staff report.

She further provided a draft ordinance The City of Winter Park created for consideration.

Staff recommends the following for discussion,

1. Create definitions and a standard for mixed-use residential, urban infill, major transit stops, manufactured homes, and tiny homes.
2. Enact policy to ensure that affordable housing development(s) maintain its “affordability” status yearly for at least 30 years.
3. Establish architectural design guidelines or an overlay district for mixed-use developments.
4. Create an ordinance with application requirements for a site plan submission for an affordable housing project.

After a brief discussion on affordable housing definitions, applications, and possible locations where this could apply, the Board consensus agreed that the City should create criteria for compliance. CM Grimm noted that the staff will further research the Live Local Act and bring it forward for discussion at the following meeting to allow the Board to review the updated handouts and draft ordinance.

c. RVi Comp Plan update

Raquel Lozano provided a summary and outline of the Comp Plan update by RVi Planning. She noted that they continue to collect data for a formal presentation later in the year to the Board.

5. Adjournment

There being no further business, the meeting unanimously adjourned at 7:30 p.m.

MEMORANDUM

TO: Planning and Zoning Board

DATE: October 24, 2023

RE: Variance Application – 2802 Alsace Drive

Public Hearing #2023-09-026 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 54-132 (D), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW ROOF PROJECTIONS FOR A NEW SINGLE-FAMILY RESIDENCE WITHIN THE REQUIRED YARDS BY FORTY-EIGHT INCHES SUBMITTED BY APPLICANTS ALAN AND CATHY LEOW, LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

Background:

1. On September 26, 2023, the applicant submitted a variance application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., Oct. 14, 2023.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on Oct. 9, 2023.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings of fact that are presented at the public hearing. The Board must determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I MOVE, PURSUANT TO BELLE ISLE CODE SEC 42-64 AND 54-132 (D), **TO APPROVE** ROOF PROJECTIONS FOR A NEW SINGLE-FAMILY RESIDENCE WITHIN THE REQUIRED YARDS BY FORTY-EIGHT INCHES SUBMITTED BY APPLICANTS ALAN AND CATHY LEOW, LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE SEC. 42-64 AND 54-132 (D), HAVING NOT BEEN MET, **TO DENY** *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone]* ROOF PROJECTIONS FOR A NEW SINGLE-FAMILY RESIDENCE WITHIN THE REQUIRED YARDS BY FORTY-EIGHT INCHES SUBMITTED BY APPLICANTS ALAN AND CATHY LEOW, LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



City of Belle Isle


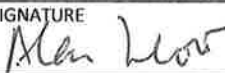
1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

a.

Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

| | |
|---|--|
| APPLICANT Alan Leow | OWNER Same |
| ADDRESS 313 Kassik Cir, Orlando, FL 32824 | PROJECT ADDRESS 2802 Alsace Ct, Belle Isle |
| CONTACT NUMBER 407-286-6695 (home landline) | OWNER'S CONTACT NUMBER Same |
| EMAIL leow.alan@gmail.com | OWNER'S EMAIL Same |
| PARCEL ID# 18-23-30-4385-04-241 | |
| LAND USE CLASSIFICATION 0030 | ZONING DISTRICT R-1-AA |
| SECTION OF THE CODE VARIANCE REQUESTED ON Section 54-132 (d) - roof projections | |
| DETAILED VARIANCE REQUEST The present building code requires that roof projections into all setback areas be no more than 24". The architectural style of prairie homes requires longer roof projections so I am requesting a variance that allows up to 48" roof projections into all required setbacks. | |
| <ul style="list-style-type: none">The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property.By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies.The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies. | |
| APPLICANTS SIGNATURE  | OWNER'S SIGNATURE  |
| <input checked="" type="checkbox"/> VARIANCE | <input type="checkbox"/> SPECIAL EXCEPTION |
| <input type="checkbox"/> OTHER | P&Z CASE NUMBER 2023-09-026 |
| | DATE OF HEARING |

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a variance from the terms of the Land Development Code.

Criteria. The Board shall not approve an application for a variance from terms of the Land Development Code unless and until:

- A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.
- It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
- It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land



City of Belle Isle
 1600 Nela Avenue, Belle Isle, FL 32809
 Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

Development Code or for the purpose of obtaining a variance.

- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.
- h. The board shall find that the preceding requirements have been met by the applicant for a variance.

The Board shall find that the preceding requirements have been met by the applicant for a variance.

(2) Violations of conditions.

- a. In granting any variance, the Board may prescribe appropriate conditions and safeguards to comply with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which

the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and safeguards.

- b. The Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

1. A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

General Information

1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
2. The applicant must be present at all hearings.
3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
4. Sec 42-61 thru 41-72 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

| | | | |
|------------------------------------|----------------------|---------------------|----------|
| FOR OFFICE USE ONLY: FEE: \$300 | 9/26/23 Date Paid | waved Check/Cash | Rec'd By |
|------------------------------------|----------------------|---------------------|----------|

Int. CH

Property Record - 18-23-30-4385-04-241

Orange County Property Appraiser •
http://www.ocpafl.org

Property Summary

Property Name

2802 Alsace Ct

Names

Leow Alan H
Leow Cathy

Municipality

BI - Belle Isle

Property Use

0030 - Vacant Water

Mailing Address

313 Kassik Cir
Orlando, FL 32824-5808

Physical Address

2802 Alsace Ct
Orlando, FL 32812



QR Code For Mobile Phone



Value and Taxes

Historical Value and Tax Benefits

| Tax Year Values | | Land | Building(s) | Feature(s) | Market Value | Assessed Value |
|-----------------|-------|-----------|-------------|------------|--------------|------------------------|
| 2022 | ✓ MKT | \$510,000 | + | \$0 | + | \$0 = \$510,000 (0%) |
| 2021 | ✓ MKT | \$510,000 | + | \$0 | + | \$0 = \$510,000 (2.0%) |
| 2020 | ✓ MKT | \$500,000 | + | \$0 | + | \$0 = \$500,000 (0%) |
| 2019 | ✓ MKT | \$500,000 | + | \$0 | + | \$0 = \$500,000 |

| Tax Year Benefits | | Tax Savings |
|-------------------|------|-------------|
| 2022 | ✓ | \$0 |
| 2021 | ✓ | \$0 |
| 2020 | ✓ \$ | \$1,058 |
| 2019 | ✓ \$ | \$1,411 |

2022 Taxable Value and Certified Taxes

| Taxing Authority | Assd Value | Exemption | Tax Value | Millage Rate | Taxes | % |
|------------------------------------|------------|-----------|-----------|-----------------|------------|------|
| Public Schools: By State Law (Rle) | \$510,000 | \$0 | \$510,000 | 3.2140 (-7.88%) | \$1,639.14 | 20 % |
| Public Schools: By Local Board | \$510,000 | \$0 | \$510,000 | 3.2480 (0.00%) | \$1,656.48 | 20 % |
| Orange County (General) | \$510,000 | \$0 | \$510,000 | 4.4347 (0.00%) | \$2,261.70 | 27 % |
| City Of Belle Isle | \$510,000 | \$0 | \$510,000 | 4.4018 (0.00%) | \$2,244.92 | 27 % |
| Library - Operating Budget | \$510,000 | \$0 | \$510,000 | 0.3748 (0.00%) | \$191.15 | 2 % |
| St Johns Water Management District | \$510,000 | \$0 | \$510,000 | 0.1974 (-9.82%) | \$100.67 | 1 % |
| Lake Conway Mstu | \$510,000 | \$0 | \$510,000 | 0.4107 (0.00%) | \$209.46 | 3 % |
| | | | | 16.2814 | \$8,303.52 | |

2022 Non-Ad Valorem Assessments

| Levying Authority | Assessment Description | Units | Rate | Assessment |
|---|------------------------|-------|------|------------|
| There are no Non-Ad Valorem Assessments | | | | |

Property Features

Property Description

LAKE CONWAY ESTATES SECTION FOUR SECOND ADDITION FIRST REPLAT 1/113 LOT 424-A

Total Land Area

34,435 sqft (+/-) | 0.79 acres (+/-) GIS Calculated

Land

| Land Use Code | Zoning | Land Units | Unit Price | Land Value | Class Unit Price | Class Value |
|---------------------|--------|------------|--------------|------------|------------------|-------------|
| 0030 - Vacant Water | R-1-AA | 1 LOT(S) | \$510,000.00 | \$510,000 | \$0.00 | \$510,000 |

Buildings

Extra Features

| Description | Date Built | Units | Unit Price | XFOB Value |
|---|------------|-------|------------|------------|
| There are no extra features associated with this parcel | | | | |

Sales

Sales History

| Sale Date | Sale Amount | Instrument # | Book/Page | Deed Code | Seller(s) | Buyer(s) | Vac/Imp |
|------------|-------------|--------------------------|-----------------------------------|---------------|--|--|---------|
| 03/19/2020 | \$520,000 | 20200197657 / | | Warranty Deed | Lenderking Susan Lenderking Howard R Lenderking Marion E Hanlon Milinda | Leow Alan H Leow Cathy | Vacant |
| 10/19/1999 | \$100 | 19990535984 05901 / 1641 | Personal Representative's Deed | | Lenderking Susan Lenderking Howard R Lenderking Marion E Etal Pers Rep | Lenderking Susan Lenderking Howard R Lenderking Marion E & Hanlon Milinda | Vacant |
| 07/14/1998 | \$100 | 19980305714 05537 / 1967 | Personal Representative's Deed | | Lenderking Hugh E Estate | Lenderking Susan Lenderking Howard R Lenderking Marion E Etal Pers Rep | Vacant |
| 06/01/1976 | \$100 | 19760978256 02687 / 0838 | Warranty Deed | | | | Vacant |
| 06/01/1967 | \$17,000 | 19670116094 01608 / 0306 | Warranty Deed | | | | Vacant |

Variance Request – Application Supplement

Special Conditions and/or Circumstances

This property is very unusual because it is a peninsula with Lake Conway on 3 sides. The 50' lake setback requirement on 3 sides forces the home to be unnaturally long and thin. On July 25 2023 we applied for a setback variance and the Planning and Zoning Board was kind enough to reduce the setback requirement on the Northeast side of the house to give us extra buildable space and driveway turning space.

We had designed a prairie style house to fit exactly into the approved buildable space of the property. However, we have recently discovered that Belle Isle zoning requires that roof projections extend no more than 24" into the setback space. The prairie style of architecture is characterized by longer roof projections and our house was designed with 36" to 42" roof projections. We therefore request a variance allowing 48" roof projections (a 6" margin of error) to match the house design.

The P&Z Board granted our previous application for variance to allow us to build a house appropriate to this property. This requested variance is consistent with the intent of the variance which was previously granted.

Not Self Created

The circumstances of this property are inherent to the property and not created by the applicant or anybody else.

Minimum Possible Variance

The roof projections called for in the design of the house are the minimum required to be consistent with the prairie style architecture of the house.

Purpose and Intent

The approval of this variance will have no impact on adjacent properties or the surrounding neighborhood. The house of the nearest neighbor is at least 100' away. A forest of trees will be on the North and East side of the house/garage so that the house/garage will be mostly behind trees and barely visible from everyone.

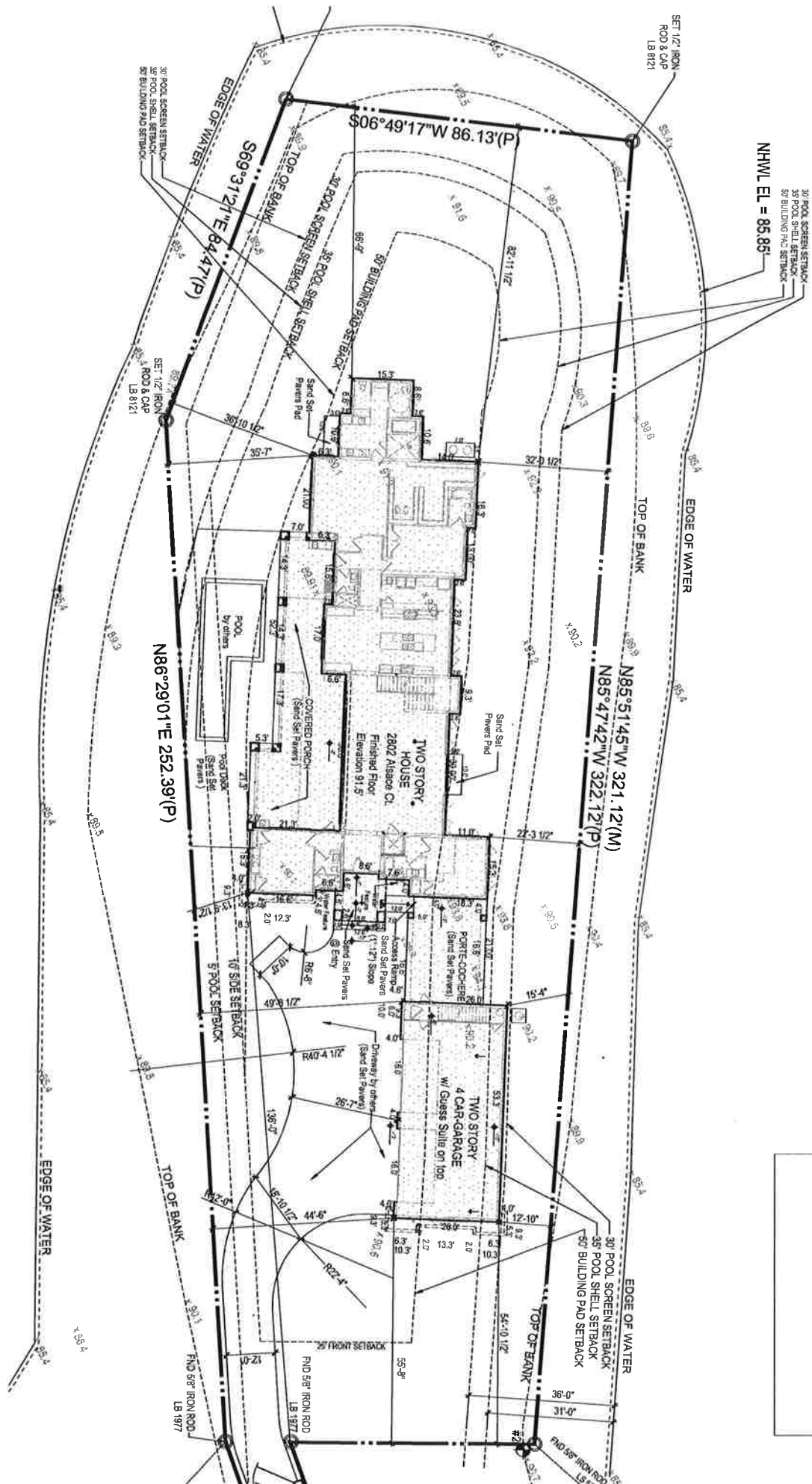










Photo #3 - Looking Southeast at
Proposed House and Patio

MEMORANDUM

b.

TO: Planning and Zoning Board

DATE: October 24, 2023

RE: Variance Application – 1610 Wind Willow Road

Public Hearing #2023-08-018 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (8), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW FENCE POSTS AND SUPPORTING STRUCTURES AS WELL AS THE ROUGH SIDE OF THE FENCE TO FACE TWO NEIGHBORING PROPERTIES, SUBMITTED BY APPLICANT JOHNNY NELSON, LOCATED AT 1610 WIND WILLOW ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-010.

Background:

1. On August 15, 2023, the applicant submitted a variance application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., Oct. 14, 2023.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on Oct. 9, 2023.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings of fact that are presented at the public hearing. The Board must determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I MOVE, PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (8), **TO APPROVE** FENCE POSTS AND SUPPORTING STRUCTURES AS WELL AS THE ROUGH SIDE OF THE FENCE TO FACE TWO NEIGHBORING PROPERTIES, SUBMITTED BY APPLICANT JOHNNY NELSON, LOCATED AT 1610 WIND WILLOW ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-010.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (8), HAVING NOT BEEN MET, **TO DENY** *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone]* FENCE POSTS AND SUPPORTING STRUCTURES AS WELL AS THE ROUGH SIDE OF THE FENCE TO FACE TWO NEIGHBORING PROPERTIES, SUBMITTED BY APPLICANT JOHNNY NELSON, LOCATED AT 1610 WIND WILLOW ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-010.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

ORIGINAL

b.

Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

| | |
|---|--|
| APPLICANT <i>JOHNNY NELSON</i> | OWNER <i>NEYUA LUTTRELL</i> |
| ADDRESS <i>1610 WIND Willow Rd.</i> | PROJECT ADDRESS <i>1610 WIND Willow Rd.</i> |
| CONTACT NUMBER <i>407-579-1363</i> | OWNER'S CONTACT NUMBER |
| EMAIL <i>JRNelson24@aol.com</i> | OWNER'S EMAIL <i>JRNelson24@aol.com</i> |
| PARCEL ID# <i>30-23-30-9330-00-610</i> | |
| LAND USE CLASSIFICATION <i>Fence</i> | ZONING DISTRICT |
| SECTION OF THE CODE VARIANCE REQUESTED ON <i>50-102 (b) (8)</i> | |
| DETAILED VARIANCE REQUEST <i>To Allow the Rough side of A Fence To Face Both my Neighbors. They BOTH HAVE Existing Fence Up which prevented me From Being Able to NAIL THE BOARDS TO THE FENCE FRAME.</i> | |
| <ul style="list-style-type: none"> The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property. By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies. The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies. | |
| APPLICANTS SIGNATURE <i>[Signature]</i> | OWNER'S SIGNATURE <i>[Signature]</i> |
| <input type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER | P&Z CASE NUMBER <i>2023-08-01B</i> DATE OF HEARING |

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a variance from the terms of the Land Development Code.

Criteria. The Board shall not approve an application for a variance from terms of the Land Development Code unless and until:

- A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.
- It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
- It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land



City of Belle Isle
1600 Nela Avenue, Belle Isle, FL 32809
Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

b.

- Development Code or for the purpose of obtaining a variance.
- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.
 - h. The board shall find that the preceding requirements have been met by the applicant for a variance
- The Board shall find that the preceding requirements have been met by the applicant for a variance.
- (2) *Violations of conditions.*
- a. In granting any variance, the Board may prescribe appropriate conditions and safeguards to comply with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and safeguards.
 - b. The Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

1. A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

General Information

1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
2. The applicant must be present at all hearings.
3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
4. Sec 42-61 thru 41-72 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

FOR OFFICE USE ONLY:
FEE: \$300

Date Paid

8-15-23

Check/Cash

CC 191071737

Rec'd By

[Signature]

Print Date: 08/12/2023 System Refresh Date: 08/11/2023

1610 Wind Willow Rd 30-23-30-9330-00-010

Name(s):
Luttrell Ronald D
Luttrell Neyva A

Physical Street Address:
1610 Wind Willow Rd

Property Use:
0103 - Single Fam Class III

Mailing Address On File:
3833 Appleton Way
Orlando, FL 32806-7113
[Incorrect Mailing Address?](#)

Postal City and Zip:
null, FL 32809

Municipality:
Belle Isle


[Upload Photos](#)
[View 2022 Property Record Card](#)
[PROPERTY FEATURES](#)
[VALUES, EXEMPTIONS AND TAXES](#)
[SALES](#)
[MARKET STATS](#)
[ALLOCATION](#)
Historical Value and Tax Benefits ⓘ

| Tax Year Values | Land | Building(s) | Feature(s) | Market Value | % | Assessed Value | % |
|-----------------|-----------|-------------|------------|--------------|-------|----------------|-------|
| 2022 | \$100,000 | \$209,112 | \$2,500 | \$311,612 | 12.4% | \$303,053 | 10.0% |
| 2021 | \$90,000 | \$184,817 | \$2,500 | \$277,317 | 10.7% | \$275,503 | 10.0% |
| 2020 | \$75,000 | \$172,957 | \$2,500 | \$250,457 | 0.8% | \$250,457 | 7.9% |
| 2019 | \$70,000 | \$175,922 | \$2,500 | \$248,422 | N/A | \$232,077 | N/A |

| Tax Year Benefits | Original Homestead | Additional Hx | Other Exemptions | SOH CAP | Tax Savings |
|-------------------|--------------------|---------------|------------------|---------|-------------|
| 2022 | | | \$0 | | \$84 |
| 2021 | | | \$0 | | \$18 |
| 2020 | | | \$0 | | \$0 |
| 2019 | | | \$0 | | \$161 |

2022 Taxable Value and Certified Taxes ⓘ

Tax Year

| | 2021 | 2020 | 2019 |
|--|------|------|------|
| | | | |

| Taxing Authority | Assd Value | Exemption | Tax Value | Millage Rate | % | Taxes | Tax Breakdown |
|------------------------------------|------------|-----------|-----------|--------------|-------|------------|---------------|
| Public Schools: By State Law (Rle) | \$311,612 | \$0 | \$311,612 | 3.2140 | -7.9% | \$1,001.52 | 20% |
| Public Schools: By Local Board | \$311,612 | \$0 | \$311,612 | 3.2480 | 0.0% | \$1,012.12 | 20% |
| General County | \$303,053 | \$0 | \$303,053 | 4.4347 | 0.0% | \$1,343.95 | 27% |
| City Of Belle Isle | \$303,053 | \$0 | \$303,053 | 4.4018 | 0.0% | \$1,333.98 | 27% |
| Library - Operating Budget | \$303,053 | \$0 | \$303,053 | 0.3748 | 0.0% | \$113.58 | 2% |
| St Johns Water Management District | \$303,053 | \$0 | \$303,053 | 0.1974 | -9.8% | \$59.82 | 1% |
| Lake Conway Mstu | \$303,053 | \$0 | \$303,053 | 0.4107 | 0.0% | \$124.46 | 2% |
| Totals | | | | 16.2814 | | \$4,989.43 | |

Non-Ad Valorem Assessments**2022 Non-Ad Valorem Assessments**

| Levying Authority | Assessment Description | Units | Rates | Assessment |
|--------------------|--|-------|--------|------------|
| CITY OF BELLE ISLE | BELLE ISLE RES - BIGBR - (407)851-7730 | 1.00 | 282.00 | \$282.00 |
| CITY OF BELLE ISLE | BELLE ISLE STRM - BISTRM - (407)851-7730 | 1.00 | 130.00 | \$130.00 |
| | | | | \$412.00 |

2022 Gross Tax Total: \$5,401.43

2022 Tax Savings Tax Savings

Your taxes without exemptions would be \$5,073.48

Hello, I am applying for a variance to allow me to keep my new fence with the rough side facing both of my neighbors. I admit I did not thoroughly read the requirements for installation as required by City Code. I did the construction myself to save some money and used the best available pressure treated wood from Thomas Lumber. My fence on Gondola side was falling apart and both my neighbors fence was in need of repair. Both also have large dogs we were in constant fear of their dogs getting into our yard to attack our small dog. I decided to install a new fence covering all my property. Since both neighbors have existing fence, I could not get behind to nail the boards to the 4x4 and 2x4 fence frame as you can see in the photos. Since both neighbors have their own fence, they can not see my fence. Also both have signed statements saying they do not have a problem with my fence.

Without the variance, I will have to tear the fence down. I would have to construct a new fence at least 2 feet onto my property, leaving a barrier between the neighbors fence. I also can not do this on the north side because of existing trees, tree stumps and irrigation line, as you can see in the photo.

I have also relayed to the neighbors, if they ever decide to tear down their fence I will help pay to put up new pickets using my existing fence frame.

Thank You,

Johnny Nelson

1610 Wind Willow Rd

Belle Isle, FL 32809

Hi, My name is Sean Hughes and I live at 1604 Wind Willow Rd, on the north side of Johnny's house. I have no problem with the rough side of the new fence facing my property since I have my own fence on my property so I can't see his fence. It also is to my benefit that I do not have to install a new fence on this property line.

Sean Hughes

8-13-23

Hi, My name is Vanh Chanthakouman and I live at 1616 Wind Willow Rd, on the south side of Johnny's house. I have no problem with the rough side of the fence facing my property. I also have my own existing fence parallel to Johnny's. It also is to my benefit that I do not have to install a new fence in the future on our property line.

Vanh Chanthakouman

8-13-23

b.



MEMORANDUM

c.

TO: Planning and Zoning Board

DATE: October 24, 2023

RE: Variance Application – 1432 Belle Vista Drive

Public Hearing #2023-08-023 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (7) AND 50-102 (D) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DECK SETBACK OF SEVENTEEN FEET FROM THE CONTOUR LINE OF LAKE CONWAY AND A VARIANCE TO ALLOW A SWIMMING POOL SETBACK OF TWENTY FEET FROM THE NORMAL HIGH-WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANTS ELIO AND ANNETTE M FLORIN, LOCATED AT 1432 BELLE VISTA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #24-23-29-5306-01-120.

Background:

1. On August 18, 2023, the applicant submitted a variance application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., Oct. 14, 2023.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on Oct. 9, 2023.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings of fact that are presented at the public hearing. The Board must determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I MOVE, PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (7) AND 50-102 (D) (1), TO A DECK SETBACK OF SEVENTEEN FEET FROM THE CONTOUR LINE OF LAKE CONWAY AND A VARIANCE TO ALLOW A SWIMMING POOL SETBACK OF TWENTY FEET FROM THE NORMAL HIGH-WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANTS ELIO AND ANNETTE M FLORIN, LOCATED AT 1432 BELLE VISTA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #24-23-29-5306-01-120.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (7) AND 50-102 (D) (1), HAVING NOT BEEN MET, **TO DENY** *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone]* A DECK SETBACK OF SEVENTEEN FEET FROM THE CONTOUR LINE OF LAKE CONWAY AND A VARIANCE TO ALLOW A SWIMMING POOL SETBACK OF TWENTY FEET FROM THE NORMAL HIGH-WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANTS ELIO AND ANNETTE M FLORIN, LOCATED AT 1432 BELLE VISTA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #24-23-29-5306-01-120.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

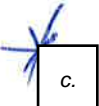
SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov



Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

| | |
|---|--|
| APPLICANT <u>ELIO & ANNETTE FLORIN</u> | OWNER <u>ELIO & ANNETTE FLORIN</u> |
| ADDRESS <u>1432 BELLEVISTA DRIVE</u> | PROJECT ADDRESS <u>1432 BELLEVISTA DRIVE</u> |
| CONTACT NUMBER <u>407-758-0710</u> | OWNER'S CONTACT NUMBER <u>407-758-0710</u> |
| EMAIL <u>ELIN@SI956@AOL.COM</u> | OWNER'S EMAIL <u>ELIN@SI956@AOL.COM</u> |
| PARCEL ID# <u>24-23-29-5306-01-120</u> | |
| LAND USE CLASSIFICATION <u>0130-SFR-LAKE FRONT</u> | ZONING DISTRICT |
| SECTION OF THE CODE VARIANCE REQUESTED ON <u>NORMAL HIGH WATER SET BACK</u> | |
| DETAILED VARIANCE REQUEST <u>1) ASKING FOR A POOL VARIANCE OF 20' FROM THE 35' HIGH WATER SET BACK.</u> <u>2) ASKING FOR A DECK VARIANCE OF 17' FROM THE 30' HIGH WATER SET BACK.</u> | |
| <ul style="list-style-type: none">The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property.By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies.The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies. | |
| APPLICANT'S SIGNATURE <u>Elio Florin</u> | OWNER'S SIGNATURE <u>Elio Florin</u> |
| <input checked="" type="checkbox"/> VARIANCE | <input type="checkbox"/> SPECIAL EXCEPTION |
| <input type="checkbox"/> OTHER | P&Z CASE NUMBER <u>0610475</u> <u>2023-08-023</u> |
| | DATE OF HEARING |

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a variance from the terms of the Land Development Code.

Criteria. The Board shall not approve an application for a variance from terms of the Land Development Code unless and until:

- A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.
- It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
- It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land



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Variance and Special Exception Application

ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception, or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which comprises seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions, and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for a variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. The application **MUST** include:

- the \$300 filing fee,
- a completed application form,
- proof of ownership of the property, or a notarized statement from the owner with the representative's information,
- Ten (10) copies of a plot plan or survey showing all improvements to the property, ten copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large-scale documents is required.
- For boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- A narrative addressing how the variance complies with the following:**

| | |
|--|---|
| *Standards of Variance Justification | Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or a written document and submit it to the City as part of your variance request. |
| Special Conditions and/or Circumstances Section 42-64 (1) d | The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship. That hardship is created by special conditions and circumstances peculiar to the land, structure, or building involved, including but not limited to dimensions, topography, or soil conditions. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP? |
| Not-Self- Created Section 42-64 (1) e | The applicant must prove that the special conditions and circumstances do not result from the applicant's actions. A personal (self-created) hardship shall not justify a variance; i.e., when the applicant creates the alleged hardship, they are not entitled to relief by their conduct. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED? |
| Minimum Possible Variance Section 42-64 (1) f | The applicant must prove that the zoning variance is the minimum variance that will make the reasonable use of the land, building, or structure possible. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE. |
| Purpose and Intent Section 42-64 (1) g | The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code, and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest. WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE, ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC). |

*For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, and you do not have to comply with Sec. 42-64 (1) d and (1) f.



City of Belle Isle
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Variance and Special Exception Application

- Development Code or for the purpose of obtaining a variance.
- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.
 - h. The board shall find that the preceding requirements have been met by the applicant for a variance.
- The Board shall find that the preceding requirements have been met by the applicant for a variance.
- (2) *Violations of conditions.*
- a. In granting any variance, the Board may prescribe appropriate conditions and safeguards to comply with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and safeguards.
 - b. The Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

1. A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

General Information

1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
2. The applicant must be present at all hearings.
3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
4. Sec 42-61 thru 41-72 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

FOR OFFICE USE ONLY:
FEE: \$300

received 8.18.23
ow Date Paid

10475
Check/Cash

Rec'd By

Elio & Annette Florin
1432 Belle Vista Drive
Belle Isle, FL. 32809

To: City of Belle Isle
Zoning Board Members

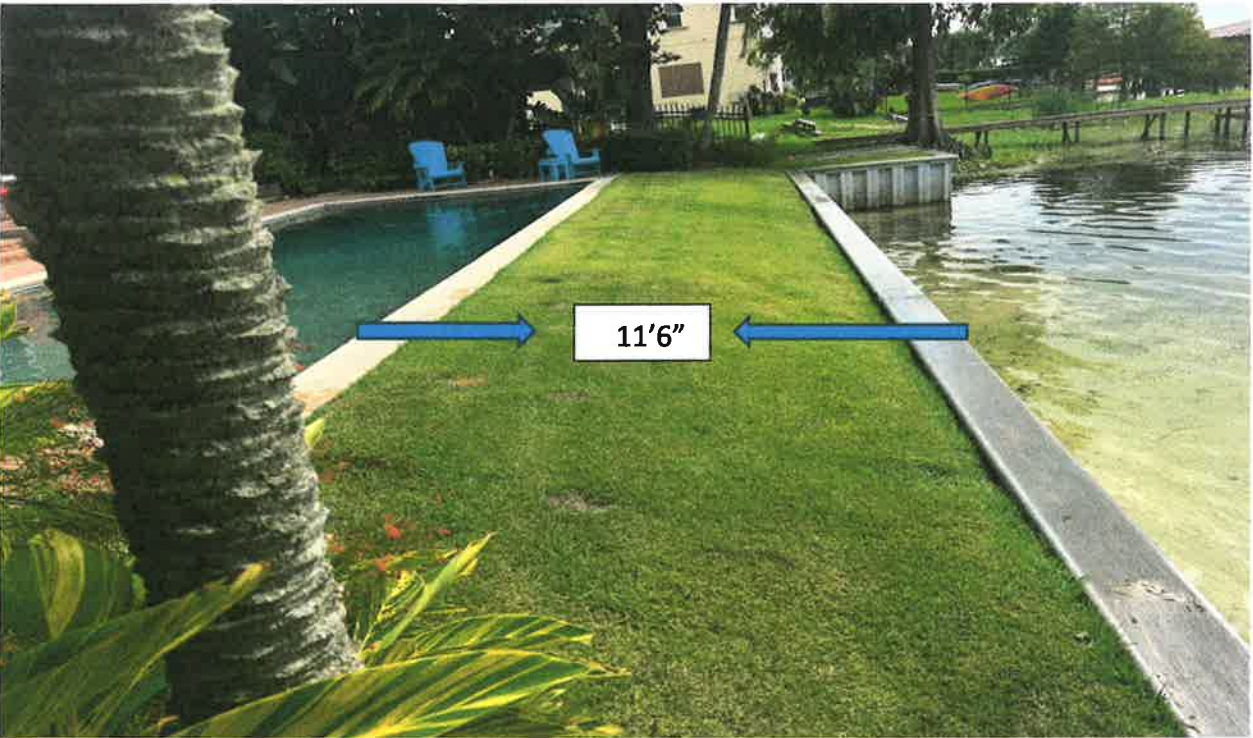
Re: Variance Application

We are in the process of wanting to build a pool in our backyard. In our research, it has come to our attention that due to the Normal High Water Line Elevation per Orange County Water Atlas on the west side of our property that jots back into our yard, approximately 27'.6". This is creating a hardship in getting our pool plans to meet the City of Belle Isle setback criteria.



As you can see, by looking at the survey, the normal high-water line elevation goes north unto my property for approximately 27'6", and then back Southeast to our neighbor's seawall and then the normal high-water elevation line travels west along his seawall.

Just within 300 feet from our home there are two pools that were granted variances (35' from the normal high-water line) in order to permit and build these pools. I have attached pictures for your review.



Please, consider approving the variance request on the Southwest corner of our property, as you can see the remainder of our project falls within the setbacks in place by the City of Belle Isle. Thank you so much for your time on this matter.


Elio Florin
Annette Florin

Prepared by and return to:

Krista Kellough
Innovative Title Services I, LLC
217 N. Westmonte Dr. Suite 1006
Altamonte Springs, FL 32714

File Number: ITS-6130

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 17th day of July, 2020, between Joan E. Hickman, A Single Woman, whose post office address is 5855 Midnight Pass Rd. #411, Sarasota, Florida 34242, grantor, to Elio Florin and Annette M. Florin, Husband and Wife, whose post office address is 1432 Belle Vista Drive, Orlando, Florida 32809, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Orange County, Florida, to-wit:

Lot 12, Block A, Lynnwood Shores, according to the Plat thereof, recorded in Plat Book Z, Page(s) 62, of the Public Records of Orange County, Florida.

Parcel Identification Number: 24-23-29-5306-01120

SUBJECT TO TAXES FOR THE YEAR 2020 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.


And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2019.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: KRISTA KELLOKYL

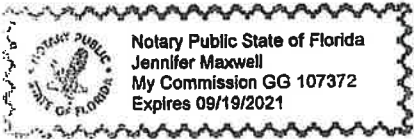

Joan E. Hickman



Witness Name: Jennie Maxwell

State of Florida

County of Seminole

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of July, 2020 by Joan E. Hickman, A Single Woman, who is/are personally known to me or have produced a valid government ID as identification.




Notary Public
Printed Name: Jennie Maxwell
My Commission Expires: 9-19-2021

Elio & Annette Florin
1432 Belle Vista Drive
Belle Isle 32809

Front Yard





Elio & Annette Florin
1432 Belle Vista Drive
Belle Isle 32809

Proposed Request



LEGAL DESCRIPTION:
LOT 12, BLOCK A, LYNNWOOD SHORES, ACCORDING TO THE PLAT THEREOF RECORDED IN
PLAT BOOK 2, PAGE(S) 62, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW/FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE XA300/AE. THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 09/25/2009.

ELIO AND ANNETTE FLORIN



$R = 288.91'(P)$
 $L = 24.11'(P)$
 $\Delta = 04^{\circ}48'53''(C)$
 Chord Bearing =
 $N 49^{\circ}38'58'' E \ 24.09'(P)$
 $N 49^{\circ}38'34'' E \ 24.11'(M)$

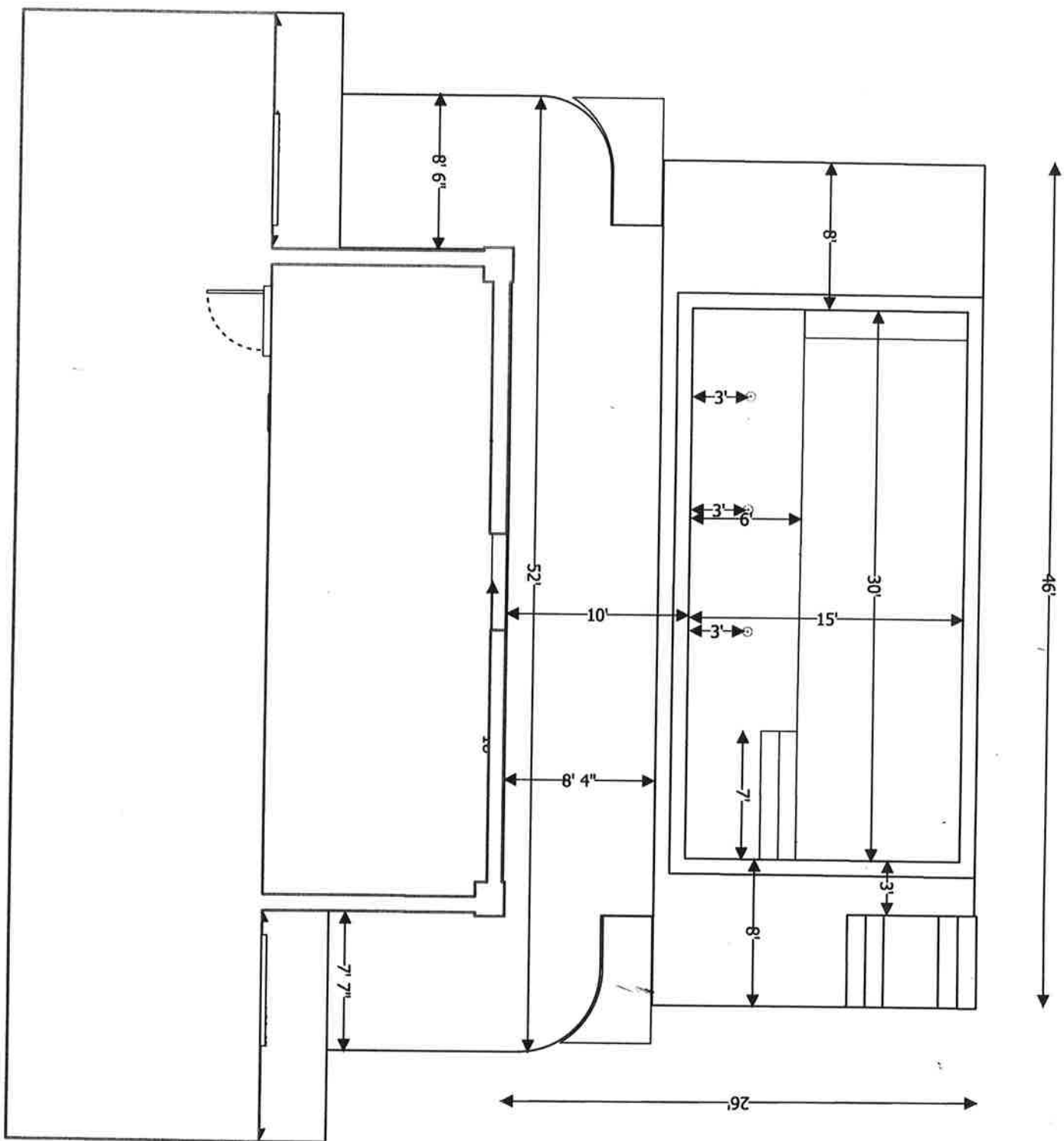
[illegible]

of the University of California, Berkeley, says that the study was the first to show that the use of the word "gay" in the title of a book or article was a significant factor in determining whether it would be reviewed by the Library of Congress. The study was conducted by a team of researchers from the University of California, Berkeley, and the University of Texas at Austin. The researchers analyzed the titles of 1,000 books and articles published between 1970 and 1990. They found that books and articles with "gay" in the title were more likely to be reviewed by the Library of Congress than those without. The researchers also found that books and articles with "gay" in the title were more likely to be reviewed by the American Library Association (ALA) than those without. The researchers concluded that the use of the word "gay" in the title of a book or article was a significant factor in determining whether it would be reviewed by the Library of Congress and the ALA.

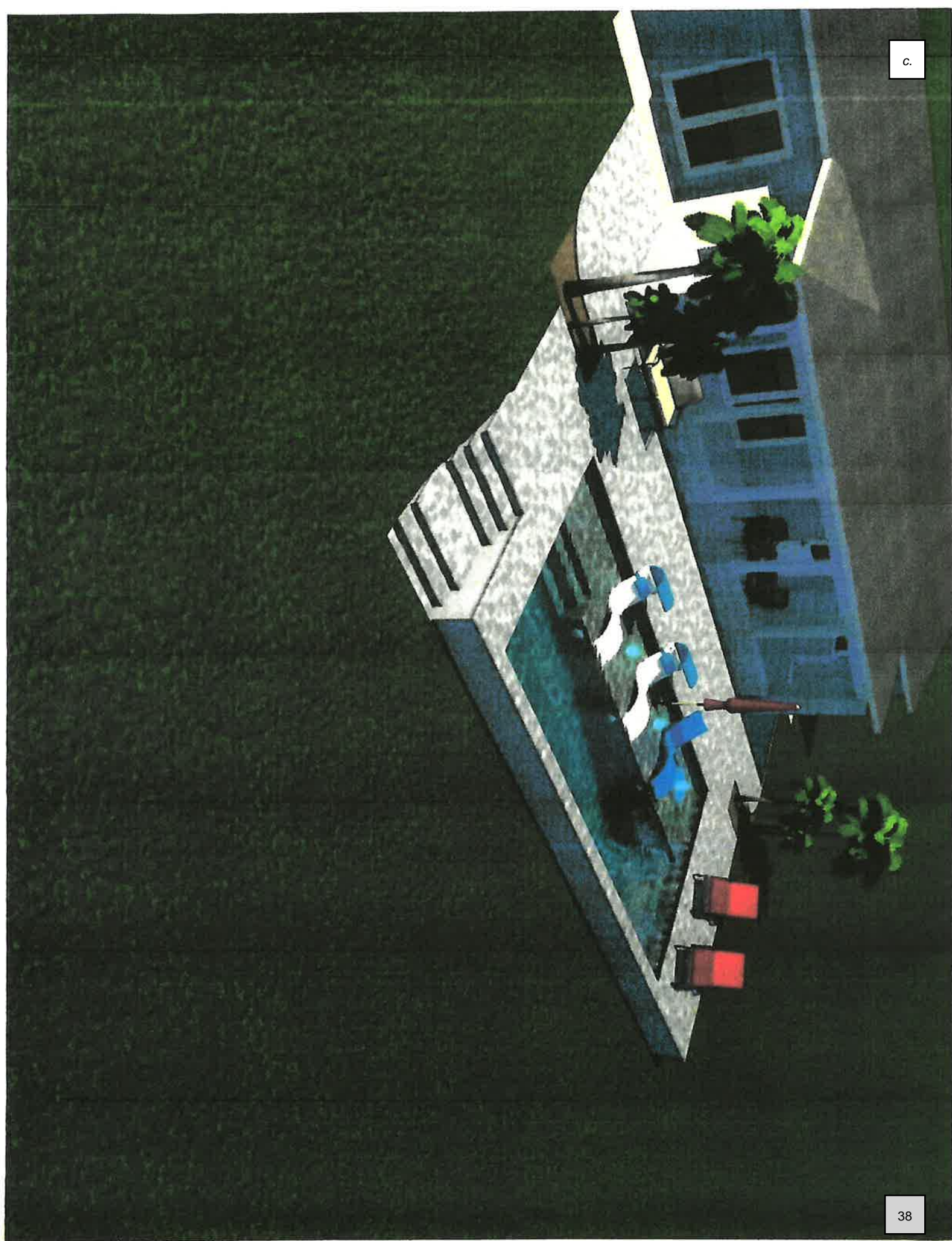
POINTS OF INTEREST:
WOOD DECK OVERLAPS UTILITY EASEMENT

Patrick K. Ireland
The Survey is for the
The Survey is for the
The Survey is for the

800 Curassay Circle | Suite 102B
Lake Mary, Florida 32746
www.lakemaryflorida.com







From: Jozanne Andrada-Weber jozannea31@yahoo.com
Subject: Letter!
Date: Aug 15, 2023 at 2:57:38 PM
To: elin851956@gmail.com

August 15, 2023

To Whom It May Concern,

We, Kurt & Jozanne Weber, residing at 1426 Belle Vista Dr. Belle Isle, FL have no issues with Elio & Annette Florin building a pool in their backyard.

Please feel free to contact us with any questions or concerns.

Sincerely,
Kurt & Jozanne Weber
[407-230-0124](tel:407-230-0124)
[407-947-8746](tel:407-947-8746)

From: Alexander Muszynski III alorl2009@yahoo.com
Subject: Elio Florin and Annette Florin - 1432 Belle Vista Drive -
Variance Request - Normal Highwater Setback - Pool
Construction
Date: Aug 17, 2023 at 8:02:34 PM
To: elin851956@aol.com

Elio and Anette,

We have no objection to your request for a variance of the normal high water set back from the City of Belle Isle for your planned construction of your pool at your home located at 1432 Belle Vista Drive. As you know, our residence is located adjacent to and east of your home.

This email document may be submitted to the City of Belle Isle with your Variance and Special Exception Application.

Regards,

Alexander Muszynski III - Cell -407-496-7303
Andrea Ribeiro
1438 Belle Vista Drive
Belle Isle, Florida 32809



CITY OF BELLE ISLE, FL

Planning and Zoning Meeting

September 26, 2023

To: Planning and Zoning Board
From: Planning Department
Subject: CS/SB 102 - Building, Zoning, and Land Development

Background: On July 1, 2023, the Live Local Act became state law, affecting the zoning and permitting process for cities and counties to review and approve affordable housing developments for ten years. During the City Council meeting on July 18, 2023, Commissioner Randy Holihan requested that the Planning and Zoning Board and City Staff review the current land development code regarding the Act.

City staff has begun researching the new law by following local planning discussions held by the Florida American Planning Association and the East Central Florida Regional Council and reviewing any new policy and code developments by local municipalities. The City's website, under the Planning and Zoning webpage, references the LLA statute and a brief overview of the permitting process for affordable housing development applications.

Based on the Future Land Map provided by RVI Planning, the combined total of the commercial and industrial land area represents 12.3 percent of Belle Isle. Under this new law, if a municipality has less than 20 percent of the land dedicated to commercial and industrial use, the affordable housing project must be approved as a mixed-use residential development. The City does not currently have a mixed-use zoning district. The new law impacts the city code requirements for density, height, and zoning use should they meet the affordable housing state requirements. Under section 54-4 (b), the code allows a high-density residential of 10.1 to 12 units per acre, and section 54-4 (c), allows commercial and professional office uses as 0.5 floor-to-area ratio. Under section 50-73 (a) the maximum height allowance for residential zones is 35 feet, commercial zones (C-1) are limited to 35 feet, and commercial zones (C-2 and C-3) are limited to 50 feet.

Important Zoning and Administrative Considerations per the Live Local Act:

1. Section 5 – 166.04151 Affordable Housing, subsections (6) and (7) a-i
2. Section 26 – 420.0003 State Housing Strategy, subsections (1), (2), and (3)
3. Section 38 – 553.792 Building Permit Application to Local Government

Staff Recommendation: For city staff to research and develop code and policy updates for the Board to consider to address the new Act. Staff recommendations include, but are not limited to:

1. Create definitions for mixed-use residential, urban infill, major transit stops, manufactured homes, and tiny homes.
2. Enact policy to ensure that affordable housing development(s) maintain its “affordability” status yearly for at least 30 years.
3. Establish architectural design guidelines or an overlay district for mixed-use developments.

- a. Example: The City of Winter Park outlines Architectural Design Guidelines for their Central Business District and adopted a new zoning district and comprehensive plan amendment for an Orange Avenue Overlay District.
4. Create an ordinance with application requirements for a site plan submission for an affordable housing project.

Alternatives: None

Attachments:

1. City Council Agenda Item Cover Sheet (July 18th, 2023) –

Update Florida League of Cities CS/SB 102 - Building, Zoning, and Land Development

2. East Central Florida Regional Planning Council –

Live Local Act Breakdown

3. The Florida Senate – CS/SB 102 – Housing (Summary)

<https://www.flsenate.gov/Committees/BillSummaries/2023/html/3068>

4. CS/SB 102 – Bill Text

<https://www.flsenate.gov/Session/Bill/2023/102/BillText/er/PDF>

5. RVi Planning – Overview of Belle Isle Future Land Use Map

6. City of Winter Park – Planning and Transportation Staff Report

7. City of Winter Park – Ordinance No. X – Amending Chapter 58 of LDC

Staff Report

ZTA #23-08 Request of the City of Winter Park for: An Ordinance of the City of Winter Park, Florida amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions for non-residential zoning districts", to provide definitions and submittal and reporting requirements and other provisions for certification and implementation of development pursuant to the Live Local Act of Florida Statutes.

Background:

Effective, July 1, 2023 the Florida Legislature amended State Statutes to enact a Live Local Act in order to promote the construction of affordable housing. There are some facets of the Act that are positive including the express approval of inclusionary housing ordinances that can require affordable housing, as a component of housing projects in certain circumstances. However, there are certain terms in the Act that are not defined as to their meaning in the Act and other local zoning over-rides that are of concern in the Act.

In particular, the Act overrides local zoning regulations for any housing project, if that project includes a minimum of 40% of the units as affordable housing. In that case:

1. "A municipality must authorize multi-family and mixed-use residential as allowable uses in any area zoned for commercial, industrial or mixed use if at least 40% of the residential units are, for a period of 30 years, affordable as defined in S. 420.004. A municipality may not require a zoning or land use change, special exception, conditional use or comprehensive plan amendment for the building height, zoning and densities authorized under this section.
2. "A municipality may not restrict the density authorized by this section below the highest density on any land in the municipality where residential development is allowed."
3. "A municipality may not restrict the height below the highest currently allowed height for a commercial or residential development located within 1 mile of the proposed development or 3 stories."
4. "A proposed development must be administratively approved if the development satisfies the municipality's land development regulations for multi-family developments in areas zoned for such with the exceptions of densities and height."

The first purpose of this Ordinance is to provide definitions as to terms used in the Act that are otherwise not defined in order to avoid legal debates between developers and the City as to the meaning of such terms. The City needs to be proactive in defining such terms as the City understands their meaning to be.

The second purpose of this Ordinance is to provide an application and certification process with submittal requirements in order to certify that the proposed housing development does provide such affordable housing as required, submits commitment to do such, and provides such information or reporting requirements during the operation of the housing development. Otherwise, under the Act, one can declare that they are providing affordable housing but never demonstrate how they are doing such at any time during the initial approval process, during construction or operation for the 30 years required. There also are no penalties within the Act.

for non-compliance.

a.

Most cities in Florida are enacting similar Ordinances as proposed by staff. We have borrowed liberally from the regulations adopted by the City of Tampa.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-84 "GENERAL PROVISIONS FOR NON-RESIDENTIAL ZONING DISTRICTS", TO PROVIDE DEFINITIONS AND SUBMITTAL AND REPORTING REQUIREMENTS AND OTHER PROVISIONS FOR CERTIFICATION AND IMPLEMENTATION OF DEVELOPMENT PURSUANT TO THE LIVE LOCAL ACT, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance in order to provide certification standards and implementation criteria for development proposed in conformance with the Live Local Act of Florida Statutes;

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida;

WHEREAS, the City Commission hereby finds that the land development regulations adopted herein are consistent with the Comprehensive Plan;

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-84 "General provisions for non-residential zoning districts" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-84. General provisions for non-residential zoning districts.

(hh) General provisions for development proposed in conformance with the Live Local Act of Florida Statutes.

- (a) **Definitions.** For the purposes of this subsection, the following definitions are provided for terminology not defined in Florida Statutes with respect to implementation consistent with the Winter Park Land Development Code:

Allowed as used in Fla Stat. 166.0415 shall mean as allowed under the provisions of the city land development code at the time of a proposal is submitted for development subject to Fla Stat. 166.0415 and shall not mean as allowed historically back in time previous to the present.

Commercial as used in Fla. Stat. 166.0415 shall mean only the commercial zoning districts of the city which are only properties zoned C-1, C-3, C-3A and PD-OC as used in Ravaudage, and no other zoning district.

Height within one mile as used in Fla Stat. 166.0415 shall mean one mile as can be traveled by human beings along the public streets of the city within the normal permitted lanes of travel from the center point of the proposed development site and shall not mean a straight-line distance as a bird might be able to travel.

Highest allowed density as used in Fla Stat. 166.0415 shall mean 17 units per acre as this is the highest residential density currently allowed and is expressed in units per acre and shall not mean density as used elsewhere in Chapter 166 Fla Stat. when referring to intensity terminology applied to floor area ratio.

Highest currently allowed height as used in Fla Stat. 166.0415 shall only mean such height allowed by right within the municipality and not heights allowed if such height would require conditional use approval under the city land development code based upon the size in square footage of the project proposed project under the Live Local Act.

Industrial as used in Fla Stat 166.0415 shall mean only the industrial I-1 zoning district of the city and no other zoning district.

Mixed Use as used in Fla Sta. 166,0415 shall not apply in the City, as no mixed use zoning district exists within the city.

- (b) **Process for Approval.** The approval process for a qualifying development located within an eligible zoning district, shall include payment of a fee, and if application is not made by the owner of record, then a contract or agreement to purchase (that permits black-out of the financial purchase details) but is clear as to dates of effectiveness and due diligence periods, an application on a form provided by the city, site development plans, and affidavit of commitment to City of Winter Park's Affordable Housing standards for income qualification, monitoring, and inspection during the full minimum 30 years of operation including acknowledgement of the auditing requirements for eligibility of all tenants living within the designated affordable housing units in order to establish compliance with the provisions of the Live Local Act and penalties for non-compliance as further outlined below. Upon application, the city shall complete a sufficiency review of the materials submitted and provide a response that the application is complete or specifically what items are still required at a date sixty (60) days after submittal. The applicant shall then provide the items that are required for the sufficiency review which shall then begin another sufficiency review period that shall be completed at a date sixty (60) days following re-submittal and so on until a complete application is provided. A contract to purchase must be in full force and effect during the sufficiency and review periods established within this Section. If any due diligence period or other contract matter expires within such time periods, then the city shall not begin or complete the sufficiency review or application review.

- (c) **Minimum Requirements.** The minimum requirements for certification of compliance with the Live Local Act are as follows:

Site Development Plan which includes the following:

1. Scale, date, and north arrow.
2. Legal Description of the property.
3. Site Data Table including gross square footage of the site and project, total impervious coverage and principal setbacks.
4. Dimensioned location, size, height and use of all proposed structures.
5. Project units, number of affordable units per area median income, and affordability period.
6. Label uses of adjacent parcels.
7. Location, dimension and method of buffering from adjacent uses.
8. Location and method of screening of refuse stations, storage areas and off-street parking and loading areas.
9. Method of stormwater retention.
10. Location, size and total amount of greenspace.
11. Tree table with tree retention and applicable mitigation.
12. The location, width, pavement type, right-of-way name and other related appurtenances of all public rights-of-way adjoining, traversing or proximate to the site.
13. Location and dimensions of proposed project ingress/egress, parking and service areas, including typical parking space dimensions.
14. Vehicle Use Area buffering adjacent to rights of way.
15. Southern Florida Building Code definitions for types of construction proposed and existing.
16. Proposed means of vehicular and pedestrian access from the site(s) within the development to adjacent streets and/or alleys, showing all existing and proposed curb cuts and sidewalks.
17. Building Elevations (4-sided) for each proposed building.
18. Commitment to complete a transportation study prior to issuance of the building permit.
19. Any other information required under the specific site plan districts pertaining to this article or which may be required, when commensurate with the intent and purpose of this Code, by city reviewing staff.
20. An affidavit confirming a 30-year commitment to provide affordable housing

and monetary cap on all rent charges including any and all other fees as may be assessed to the occupants of units deemed to be affordable, such that all rents and fees shall not exceed 30% of the gross revenue of all occupants of affordable units; affidavit attesting to agreement and acceptance as to the annual audit requirements by a certified public accounting firm attesting to satisfaction of the such income and total rental fees and affidavit attesting to agreement and understanding that violations of such commitments shall be subject to a fine of no less than \$5,000.00 per day for each violation determined by the annual audit and for each day the annual audit is not received by the city after March 1st of every year and affidavit agreement that any such fines shall constitute a lien on said property if not paid to the city within 60 days of receipt of the audit by the city by March 1st of every year and agreement to reimburse the city for any legal expenses in the enforcement of these provisions.

21. A statement indicating the petitioners' commitment to comply with specific chapters of the City Code applicable to the project (i.e., tree and landscaping, fire, etc.) at the time of permitting.
 22. Compliance with all land development regulations applicable to the zoning district in which the project is proposed, except only as otherwise preempted by the Live Local Act with respect to height.
- (d) **Project Narrative.** Application shall contain a narrative which demonstrates compliance with section 166.04151(7)(a)-(g}, Florida Statutes.
 - (e) **Affidavit of Commitment and Restrictive Covenants.** As a condition of approval and prior to any site or building permits for the project being requested or obtained, the applicant (and the property owner, if different from the applicant) must execute and have recorded in the public records of Orange County, Florida, an Affidavit of Commitment and Restrictive Covenants. Such Affidavit of Commitment and Restrictive Covenants shall: (i) have terms acceptable to the city, (ii) run with and be binding upon the land for no less than thirty (30) years from the issuance of a certificate of occupancy for the last principal structure of the project (iii) be enforceable by the city; (iv) detail the affordable housing and project conditions and restrictions required by this section, the Live Local Act and on the approval of the project; (v) provide for monitoring, and compliance requirements; and (vi) provide for the city's enforcement remedies. Mortgage holders will be required to execute and record a subordination of their lien interest to such Affidavit of Commitment and Restrictive Covenants prior to or simultaneously with the recording of the Affidavit of Commitment and Restrictive Covenants. The city will provide the monitoring and compliance forms upon submittal of the application, deemed complete and sufficient.
 - (f) **Equivalent Treatment of all Dwelling Unit Requirements.** As a condition of approval prior to any site or building permits for the project being requested or obtained, such project must demonstrate and commit that all affordable

dwelling units and market rate dwelling units shall be located within the same structure. all common areas and amenities shall be accessible and available to all residents (both affordable and market rate dwelling units). access to the required affordable dwelling units shall be provided through the same principal entrance(s) utilized by all other dwelling units in the development. in addition, the sizes and number of bedrooms in the affordable dwelling units shall be proportional to the square footage and number of bedrooms in the market rate dwelling units (e.g., for number of bedrooms, if 25 percent of the market rate dwelling units consist of two bedrooms, then 25 percent of the affordable dwelling units shall also have two bedrooms.

- (g) **Agent Authorization.** An affidavit with the property owner's notarized authorization.
- (h) **Timeframe for Review and Issuance of Approval:** Upon receipt of a complete application, the city will complete its review and provide a response sixty (60) days from receipt of such materials as required by this subsection.
- (i) **Fee:** The fee for a qualifying development will be \$2642.00 plus \$111/acre or portion thereof or as otherwise amended within the adopted Fee Schedule from time to time by the City Commission at public hearing.
- (j) **Duration of Approval:** An approval received through this process shall be effective for three (3) months from the date of approval. The application process and certification of compliance with the live local act shall begin again if a building permit has not been issued by the city within six (6) months of an approval under this section.

SECTION 2. CODIFICATION. Section 1 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 4. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this ____ day of _____ 2023.

By: _____
Mayor Phil Anderson

ATTEST:
By: _____
Rene Cranis, City Clerk

Orange County, Florida

2022 Income Limits

Area Median (Family) Income \$80,100

| HOUSE- HOLD SIZE | INCOME CATEGORY | | | |
|------------------------|------------------|-----------------|-----------------|------------------|
| | EXTREMELY LOW | VERY LOW | LOW | MODERATE |
| | (30% OF MEDIAN) | (50% OF MEDIAN) | (80% OF MEDIAN) | (120% OF MEDIAN) |
| 1 | \$17,400 | \$29,050 | \$46,450 | \$69,720 |
| 2 | \$19,900 | \$33,200 | \$53,050 | \$79,680 |
| 3 | \$23,030 | \$37,350 | \$59,700 | \$89,640 |
| 4 | \$27,750 | \$41,450 | \$66,300 | \$99,480 |
| 5 | \$32,470 | \$44,800 | \$71,650 | \$107,520 |
| 6 | \$37,190 | \$48,100 | \$76,950 | \$115,440 |
| 7 | \$41,910 | \$51,400 | \$82,250 | \$123,360 |
| 8 | \$46,630 | \$54,750 | \$87,550 | \$131,400 |

Orange County Housing and Community Development Division
Effective: April 18, 2022

Overview of FLU Map

| Category | Acreage (+/-) | Percentage |
|----------|---------------|------------|
| LDR | 1039.2 | 80.6% |
| MDR | 38.9 | 3% |
| COM | 73.55 | 5.7% |
| IND | 84.79 | 6.6% |
| PO | 1.54 | 0.1% |
| PB | 6.55 | 0.5% |
| CONS | 8.76 | 0.8% |
| REC | 14.87 | 1.1% |
| *UNC | 20.46 | 1.6% |

