



Planning & Zoning Board Regular Meeting

September 1, 2020 at 6 p.m.

Virtual Meeting
Winter Park, Florida

Agenda Items

1. Call to Order

2. Approval of August 4, 2020 meeting minutes

3. Public Hearings

- ZTA #20-02 Request of the City of Winter Park for: An Ordinance Amending Article III “Zoning” to Amend Section 58-71; Concerning Lot Grading and Filling Requirements.
- ZTA #20-03 Request of the City of Winter Park for: An Ordinance Amending Article VI “Subdivision and Lot Consolidation Regulations” to Amend the Procedures for Final Plats and Lot Splits and to Provide Regulations for the Permitted Floor Area Ratio Related to Subdivisions and Lot Splits Resulting in Four or Less Lots.

4. New Business

- Granicus meeting agenda software overview & instructions

5. Planning Director’s Report

6. Board Updates & Comments

7. Upcoming Meeting Schedule

Next P&Z Work Session: Tuesday, September 22, 2020 at 12:00 p.m.

Next P&Z Regular Meeting: Tuesday, October 6, 2020 at 6:00 p.m.

appeals & assistance

“If a person decides to appeal 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).

“Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk’s Office (407-599-3277) at least 48 hours in advance of the meeting.”

Planning & Zoning Board Staff Report for September 1, 2020 Meeting

ZTA #20-02 Request of the City of Winter Park for: An Ordinance to adopt regulations to regulate the amount of fill added to residential lots.

Background:

A modified version of this Ordinance, that included regulations regarding artificial turf was presented to the Planning and Zoning Board on July 21st, but was tabled due to missing information that the Board requested. It was subsequently split into two Ordinances, one for artificial turf and one for fill, and discussed at the August 11th P&Z Board work session. This modified Ordinance that only includes fill, is being proposed by George Wiggins, Director of Building Services for the City to address issues that have arisen in the recent past with new homes on lots where excessive fill and retaining walls were added to the single-family building site.

With the redevelopment of residential properties throughout the City, many builders or owners are providing an excessive amount of fill onto both level lots and lots with significant sloping grades and then providing retaining walls along or near abutting property lines to retain the excessive fill that has been brought to the property. Although in certain cases under severe sloping conditions retaining walls are needed to create a terracing effect and prevent soil erosion, in most cases as shown in attached photographs, the unneeded fill results in builders providing retaining walls which create a sudden grade change to abutting properties. This could have been remedied before bringing in excessive fill. Although the current ordinance provisions address not creating excessive drainage onto abutting properties, the long-term effect of building home after home with higher grades and more retaining walls, need to be more clearly addressed in our Zoning Code in order to provide authority to better regulate this practice. The proposed code language addresses this situation and gives the appropriate departments authority to prevent excessive filling and improper use of retaining walls.

Summary

This proposed Ordinance would help to remedy drainage concerns in the City by controlling the amount of fill and grade change including the construction of retaining walls that can cause drainage issues to neighboring properties.

Staff recommendation is for approval.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, ARTICLE III, "ZONING" OF THE LAND DEVELOPMENT CODE, TO AMEND SECTION 58-71; CONCERNING LOT GRADING AND FILLING REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City desires to amend its Land Development Code to prohibit the filling with elevated lot grades adjacent to or near other surrounding properties so as to require the use of retaining walls or other barriers or to create an unnatural lot grade transition unless approved by the building director or the public works director; and

WHEREAS, the City finds that this Ordinance advances the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Amendment of City Code. The following sections and subsections of Chapter 58, Article III of the City Code are hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; stars * * * * * indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code):

Sec. 58-71. - General provisions for residential zoning districts.

(a) *Suitability of buildings.* Any proposed building shall be considered as to its suitability of design and type of construction in relation to the district and to the immediate neighborhood site, and if such design, lot grading or construction is markedly incongruous with the character of such neighborhood as to be detrimental to the value of adjacent or nearby properties, then the ~~code enforcement~~ building director or the public works director shall deny the application for a building permit.

(b) *Grading of building site.*

(1) Every lot which is used for a building site shall be so graded that it will be dry and free from standing water and the grade around the walls of every new building at the point where the sill meets these walls shall not be less than 12 inches above the crown line established or to be established for the street on which such a building faces, unless the lot has drainage away from the street to the lake or canal or has other adequate means of drainage as may be checked and approved by the building director or the public works director ~~city engineer~~ at the request of the city building director. If the street on which the lot faces has a slope between lot lines, an elevation half-way between the high and low points is to be used for determining the height of crown line.

(2) No lot owner shall grade ~~his a~~ lot in such a way as to interfere with the natural drainage of adjoining lots, ~~or~~ divert the drainage of ~~his a~~ lot onto adjoining lots, ~~nor to~~ interfere with the natural drainage of any lot so that the drainage of such lot is diverted in a manner that is inconsistent with permitted stormwater management systems or upon any public street or thoroughfare in such a manner or in such amounts as to flood such a public street or thoroughfare.

(3) In addition, no lot shall be filled with elevated lot grades adjacent to or near other surrounding properties so as to require the use of retaining walls or other barriers to create an unnatural lot grade transition unless approved by the building director or the public works director based on a determination that the proposed grading or structure will not adversely affect other properties, is reasonably necessary based on the physical characteristics of the property or proposed construction, and is not inconsistent with the intent of the City Code.

* * * * *

SECTION 3. Codification. Section 2 of this Ordinance shall be codified into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission.

ADOPTED this ____ day of _____, 2020, by the City Commission of the City of Winter Park, Florida.

CITY OF WINTER PARK

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

Planning & Zoning Board Staff Report for September 1, 2020 Meeting

ZTA #20-03 Request of the City of Winter Park for: An Ordinance amending Article IV “Subdivision and Lot Consolidation Regulations” to provide regulations for the permitted floor area ratio related to lot splits of four lots or less and to update the process and procedures for approvals of final plats.

Background

The Planning Department and City Attorney’s office are proposing the following updates and modifications to the Subdivision Code. The attached Ordinance, which has been prepared by the City Attorney, includes changes to update the process and procedures for approval of final plats and to resolve the applicable floor area ratio (FAR) for lot splits.

Updates to the Final Plat Approval Process and Procedures

Final Subdivision Plat approvals are controlled by Florida Statutes Chapter 177, Part I. The text in the City’s Subdivision Code regarding the process for approval of Final Plats dates from the 1970’s and requires updating. Most of this proposed Ordinance (Sec. 58-374 and 58-379) are City Attorney generated updates for the submittals and process of final plat approvals.

For major subdivision approvals that are granted by the City Commission, such as townhouse plats, the implementation by the property owner is for a surveyor or engineer to prepare the actual subdivision plat drawing and for their attorney to prepare companion Declarations and Restrictive Covenants, to be recorded. The review of those materials rest with the City Attorney and City Surveyor. Only when those two parties are satisfied that the plat meets the requirements of Florida Statutes and any local restrictions and conditions of approval, does the City allow the Final Plat to be signed by the Mayor and recorded along with the Declarations and Restrictive Covenants, as well as the creation of any Homeowners Association.

Floor Area Ratio Determination for Lot Splits

In recent years, the P&Z Board and City Commission have discussed on individual lot split requests whether to apply a condition of approval, to limit the maximum FAR of the subdivided lots, to what exists on the parent parcel. Sometimes there is no change to the FAR. However, in most cases the parent parcel is a larger property on which the maximum FAR is 38%. However, then by virtue of creating two smaller lots, the maximum FAR becomes 43%. On occasions the City Commission has limited the maximum FAR to what currently exists and on other occasions allows it to increase. The planning staff would like to simplify the public hearings by having the City Commission make the policy decision universally versus case by case.

As an example, the lot split at 1666 Chestnut Avenue in 2019 had the parent parcel of 18,148 square feet allowing a maximum 6,896 square feet per the maximum 38% FAR. The lot split into two lots of 9,074 square feet each, produced 3,901 square feet under the applicable maximum 43% FAR or an increase of approximately 1,100 square feet of added home structure compared to what could be built on the parent parcel.

Typical lot splits allow two homes where one home exists today. It is clear that the decision for an approval of a lot split is agreement that more residential unit density is acceptable in the context of two homes versus one home. The policy question for the P&Z Board and City Commission is whether it is also the City's intention to bestow added building square footage.

The motivation of the planning staff to bring this policy decision forward is so staff can inform applicants up front, so that they are not surprised or feel like something is being taken away from them. If this Ordinance is not adopted, then the staff doesn't have to raise the question.

Implementation of the Floor Area Ratio Change

Anticipating that staff will be asked how future owners would be aware of this restriction, the staff has taken the deed restriction that the City uses to record conditions of approval for guest houses and modified it for this situation. It is a 'fill in the blank' restriction that the City then is recorded electronically from City Hall.

Summary and Recommendation

The changes proposed by the City Attorney for updating the process and procedures for approval of final plats is beneficial for the city. Planning staff feels that having this policy question decided universally for all applications rather than case by case is beneficial. Economically there is a strong financial incentive to pursue lot splits when one can sell two lots versus one lot. The planning staff would support the proposed change based on the inclination that the City does not need to further economically incentivize lot splits by also creating larger homes.

Staff recommendation is for approval.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE VI “SUBDIVISION AND LOT CONSOLIDATION REGULATIONS OF CHAPTER 58 “LAND DEVELOPMENT CODE” TO AMEND THE PROCEDURES FOR FINAL PLATS AND LOT SPLITS AND TO PROVIDE REGULATIONS FOR THE PERMITTED FLOOR AREA RATIO RELATED TO SUBDIVISIONS AND LOT SPLITS RESULTING IN FOUR OR LESS LOTS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the “City”) recognizes that there are routine requests from applicants for subdivision or lot split approvals as the single-family neighborhoods of the City undergo redevelopment; and

WHEREAS, the City Commission recognizes that there are many occasions where such lot splits are granted including those with variances to the lot dimensions required by the underlying zoning; and

WHEREAS, the City Commission also recognizes that in many cases the expected result of two homes where one was previously permitted also often results in the unexpected resultant cumulative home sizes of the two homes that are developed that exceed the maximum floor area ratio that was allowed for the property prior to the subdivision or lot split; and

WHEREAS, the City Commission recognizes some limitations are necessary to the floor area ratio for compatibility with the surrounding neighborhood; and

WHEREAS, the City desires to amend its final plat and lot split procedures to be more specific in the application requirements and in a manner to be consistent with the City’s current practices for reviewing final plat and lot split applications; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, the City’s local planning agency, which is the designated Planning and Zoning Board, has reviewed and made recommendations as to the amendments set forth herein;

WHEREAS, the City Commission has determined that this Ordinance is in the best interest of the health, safety and welfare of the citizens of Winter Park and is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION I: The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: Chapter 58, Land Development Code, Article VI, Subdivision and Lot Consolidation Regulations, Section 58-374 “Procedures for approval of final plat, Section 58-375.- Procedure for approval of plats (four lots or less), and Section 58-379. - Specifications for final plat and plans” are hereby amended as shown below (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being revised):

Sec. 58-374. - Procedure for approval of final plat.

- (a) The final plat shall conform substantially to the preliminary plats as approved and the requirements of this division and F.S. chapter 177, and if desired by the applicant subdivider, it may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- (b) The following minimum information and documentation must be submitted with an application for final plat:
 - (i) The proposed plat complying with the requirements of this article and F.S. chapter 177.
 - (ii) A title opinion from a licensed attorney or property information report from a title company certified to the city showing the ownership, easement, mortgage, and other lien and encumbrance information for the property proposed to be subdivided. The legal description used shall match the legal description on the proposed plat. The effective date of the title opinion or property information report must be within sixty (60) days from the date of the plat application. The city may require an update of the title opinion or property information report before the approval and recording of the plat.
 - (iii) A boundary survey of the property proposed to be subdivided prepared by a professional surveyor and mapper. The boundary survey shall show the location of all existing easements and encumbrances. The legal description of the boundary survey shall match the legal description on the proposed plat.
 - (iv) Proposed declaration of covenants, conditions and restrictions and/or instruments creating proposed easements including those as may be needed for access to and from public rights-of-way and utilities, if applicable.
 - (v) Proposed joinders and consents from mortgage holder(s) to plat, declaration of covenants, conditions and restrictions and/or proposed easements, if applicable.
 - (vi) Proposed deed(s) to convey tract(s) created by the plat and proposed partial release of mortgages for such tract(s), if applicable. If applicable, the city may require that common area tracts proposed to be created by the plat to be quit-claimed to a homeowners’ association or property owners’ association. If applicable, the city may require any lift station, public right-of-way, public park tract or other public tract created by a plat and intended to be owned by the city to be deeded to the city by special warranty deed.
 - (vii) Other documentation or instruments as needed to address conditions of development approval, if applicable.

- (~~bc~~) One copy and one electronic submission ~~Twelve copies~~ of the final plat and other exhibits required for approval shall be prepared as specified in this article and shall be submitted to the planning and zoning ~~board~~~~commission~~ within one year after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the planning and zoning ~~board~~~~commission~~.
- (~~ed~~) After the report and recommendation of the planning and zoning ~~board~~~~commission~~ is made and filed, such plats shall be submitted to the city commission for its approval or disapproval. If disapproved by the city commission, the final plat shall be returned to the subdivider together with a statement setting forth the grounds for its disapproval. Should either the preliminary or final plat be disapproved by the planning and zoning ~~board~~~~commission~~, the subdivider may petition the city commission for its approval of the plat notwithstanding such disapproval by the planning and zoning ~~board~~~~commission~~, and the city commission shall either approve, approve with conditions, or disapprove such plat.
- (e) After a plat is approved by the city commission and the conditions required to be satisfied before to plat recording are met, the plat and plat related documents to be recorded should be promptly recorded in the public records at the applicant's expense. The applicant shall pay in full all real estate taxes relating to the property to be subdivided before the plat is recorded. The applicant shall, at applicant's expense, provide the city with recorded copies of the plat and plat related documents.

Sec. 58-375. - Procedure for approval of lot splits or plats (four or less lots).

- (a) Application for approval of lot splits or subdivision plats ~~resulting in containing~~ four or less ~~divisions, parcels, or lots, etc.~~ shall be prepared by the applicant subdivider, and submitted with the applicable information and documentation set forth in subsection 58-374(b)(ii)-(vii) and sketches and legal descriptions prepared by a professional surveyor and mapper showing the lots and easements after the proposed lot split, or a proposed plat (or replat) meeting the requirements of F.S. chapter 177 and the requirements of this article. ~~Plats and data shall combine those features required for both the preliminary and final plats.~~
- (~~b~~) ~~Application for approval shall be submitted in writing to the planning and zoning commission at least 30 days prior to the meeting at which it is to be considered.~~
- (~~c~~) ~~Twelve copies of the plat and other exhibits required for approval shall be prepared.~~
- (~~d~~) (~~b~~) Review by the planning and zoning ~~board~~ ~~commission~~ shall be at a public hearing pursuant to the notice requirements of this article. After ~~report and~~ recommendation of the planning and zoning ~~board~~ ~~commission~~ is made, such lot splits or plats shall be submitted to the city commission for its approval or disapproval as is required for all final plats.
- (~~e~~) (~~c~~) The city commission review shall be a public hearing with appropriate notice published in a newspaper of general circulation within the city at least 15 days in advance of the hearing. In addition, written notice of the time and place of such meeting and proposed action to be

taken shall be mailed to all owners of record of property within 500 feet of the subdivision, at least 15 ~~ten~~ days prior to the public hearing.

(d) Any approval for a lot split or plat resulting in four lots or less that includes a companion request for a variance to the lot dimensions as required by the underlying zoning designation for the subject property, shall automatically restrict and limit the maximum permitted floor area ratio of the resultant lots (on a pro-rata basis) to no more than the existing current maximum floor area ratio of the subject property prior to being the subdivided or split. The city may condition the approval of a lot split or plat on the execution and recording of a deed restriction with terms acceptable to the city and binding upon the subject property to give record notice of such maximum permitted floor area ratio restriction. This limitation shall not be eligible for a variance as may be permitted by Sec. 58-376.

(e) The city may condition the approval of a lot split upon the recording in the Orange County public records legal instrument(s), with terms acceptable to the city, showing the new boundaries of the lots created by the lot split and instrument(s) creating any easements, conditions and restrictions upon the lots necessary for the orderly and proper development of the lots or to satisfy applicable conditions of development approval.

(f) The planning and zoning ~~board commission~~ and/or the city commission may elect at a public hearing to require that plats, replats or lot splits ~~resubdivisions~~ of four or less lots conform to the procedures outlined for approval of preliminary plats and final plats.

Sec. 58-379. - Specifications for final plat and plans.

The final plat shall be drawn in ink on linen tracing cloth or other equally durable material approved by the city engineer, using sheets of 24 inches wide by 30 inches and prepared at a scale of 200 feet to one inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections. The final plat shall show the following:

- (1) Primary control points, approved by the city engineer, or descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred;
- (2) Tract boundary lines, right-of-way lines of street, easements and other right-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves;
- (3) Name and right-of-way width of each street or other right-of-way.
- (4) Location, dimensions and purpose of any easements. Recording information for existing easements. The plat notes shall clearly identify the party responsible for operation, maintenance and repair of all easements created by the plat;
- (5) Number to identify each lot or letter for each tract~~site~~;

- (6) Purpose for which tract sites, other than residential lots, are dedicated or reserved;
- (7) Location and description of monuments;
- (8) Certification by surveyor certifying to the accuracy of survey and plat;
- (9) Certification of title showing ownership of property;
- (10) Dedication language acceptable to the city ~~Statement by owner~~ dedicating the uses and purposes of tracts, easements, streets, and rights-of-way, and if applicable, dedications to the city and/or to the public ~~any sites for public use~~;
- (11) Title, scale, north arrow and date.
- (12) All contiguous properties shall be identified by subdivision title, plat book, and page, and date of recording, or, if unplatted, land shall be so designated.
- (13) To the extent there are any private roads or alleys created by the plat, the plat shall contain a plat note stating the following (or similar language approved by the city): “There is hereby granted and dedicated to the City of Winter Park and including other public service and emergency service providers or visitors, a non-exclusive public access easement over and through Tract ___ and any other privately owned internal roads, alleys, paved areas and sidewalks for vehicular and pedestrian ingress and egress access for the purpose of providing access for visitors, and public and emergency services to the subdivision, including but not limited to, postal, express delivery services, fire protection, police protection, emergency medical transportation, code enforcement, garbage, utilities and other public and emergency services.”
- (14) To the extent there is a homeowner’s association or property owner’s association, the plat notes shall disclose such along with a reference to the applicable declaration of covenants, conditions and restrictions (or similar governing document) recorded or to be recorded in the public records.
- (15) Other information as required by F.S. chapter 177 or reasonably inferred therefrom as may be required by the city.

SECTION III: CONFLICTS. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION IV: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION V: CODIFICATION. Section II of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s errors.

SECTION VI: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

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 _____, 2020.

City of Winter Park

Steven M. Leary, Mayor

Attest: _____
Rene Cranis, City Clerk

THIS INSTRUMENT PREPARED BY:

FLOOR AREA RATIO RESTRICTION DECLARATION

THIS FLOOR AREA RESTRICTION DECLARATION made this ____ day of _____, 20__, by _____, whose address is

("Owner"), in favor of the CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of the State of Florida, whose address is 401 Park Avenue South, Winter Park, Florida 32789.

R E C I T A L S

WHEREAS, The Owner is the fee simple owner of property located at _____, more particularly described as _____ or as set forth in Exhibit "A" attached hereto, which property (herein-after referred to as the "Property") is located within the corporate limits of the City of Winter Park; and

WHEREAS, Owner has applied for and received a subdivision or lot split approval from the City Commission to divide the Property into ____ lots, which are addressed as _____ and _____ or as described in Exhibit "A" attached hereto; and

WHEREAS, Section 58-375 of the Code of Ordinances of the City of Winter Park restricts the permitted floor area ratio for such cases of subdivisions or lot splits to no greater than the maximum 38% of the land area, as was in place on the Property prior to the subdivision or lot split; and

WHEREAS, in the administration and implementation of Section 58-375 it has been determined to have this restriction be of public record such that all current and future owners of said properties will have knowledge of this restriction.

NOW, THEREFORE, in consideration of the mutual benefits contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, Owner hereby declares the following:

1. The Property as described above or as in Exhibit "A" attached hereto is subject to the restrictions identified in Section 58-375 of the Code of Ordinances of the City of Winter Park, which limits and restricts the maximum floor area ratio on the Property or lots resultant from the subdivision or lot split approval to no more than 38% floor area ratio.

2. Owner hereby further declares and warrants that Owner has fee simple title and full right and interest in and to the Property and represents that no other parties other than those signing this document have any legal or equitable right, title or interest to the Property.

IN WITNESS WHEREOF, Owner has hereunto executed this document as of the day and year first written above.

Signed, Sealed and Delivered
in the Presence of:

_____, a
_____ corporation

(Address)

Print Name _____

BY _____

Print Name _____

As Its _____

Print Name _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____ as _____ of _____, a _____ corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.

My Commission Expires:

NOTARY PUBLIC
Print Name _____

APPROVED BY THE CITY OF WINTER PARK

BY _____
Print Name _____

As Its _____

Date: _____