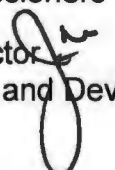





Interoffice Memorandum

DATE: September 19, 2019

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Planning, Environmental and Development
Services Department

CONTACT PERSON: Eric Raasch, DRC Chairman 
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: October 8, 2019 – Public Hearing
Darcy Unroe, Unroe Engineering
Paradise Cove Planned Development
Case # LUP-18-09-308 / District 1

The Paradise Cove Planned Development (PD) is generally located at the southeast corner of Ski Holiday Drive and Lake Bryan Drive. The applicant is seeking to rezone five (5) parcels containing 16.77 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) for a water sports rental, wedding, and banquet venue. The request also includes four waivers from Orange County Code related to building setbacks, PD perimeter setbacks, pavement setbacks, and normal high water line setbacks.

On August 15, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was held on January 9, 2019 at Sand Lake Elementary School.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan (CP) and approve the Paradise Cove Planned Development / Land Use Plan (PD/LUP) dated "Received June 6, 2019", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1**

JVW/EPR/nsw
Attachments

GENERAL INFORMATION

APPLICANT Darcy Unroe, Unroe Engineering
OWNER Water Sports Management, Inc.
PROJECT NAME Paradise Cove Planned Development (PD)
HEARING TYPE Planned Development / Land Use Plan (PD / LUP)
REQUEST A-2 (Farmland Rural District) to
PD (Planned Development District)

A request to rezone five (5) parcels containing 16.77 gross acres from A-2 to PD for a water sports rental, wedding, and banquet venue. The request also includes the following four (4) waivers from Orange County Code:

1. A waiver from Section 38-1287(2) to allow for a twenty-one (21) foot side setback on the north property line only, in lieu of a thirty (30) foot side setback.

Applicant Justification: Two existing buildings encroach into the setback. These buildings met the current zoning requirements at the time of erection. All new structures will meet the required setbacks.

2. A waiver from Section 38-1272(3) to allow for a twenty-one (21) foot PD perimeter setback on the north property line only, in lieu of a twenty-five (25) foot PD perimeter setback.

Applicant Justification: Two existing buildings encroach into the setback. These buildings met the current zoning requirements at the time of erection. All new structures will meet the required setbacks.

3. A waiver from Section 38-1287(4) to allow a five (5) foot side paving setback on the north property line only, in lieu of a seven and one-half (7.5) foot side paving setback.

Applicant Justification: A portion of the existing parking lot serving the existing water sports development encroaches into the 7.5' paving setback. The existing pavement was constructed to code at the time of installation.

4. A waiver from Section 38-1503 to allow for a normal high water elevation setback of two (2) feet, in lieu of a normal high water elevation setback of fifty (50) feet.

Applicant Justification: *Several existing buildings (bldg 4, 5, 7, 8 & 9) encroach into the setback. Most of the buildings are open canopy structures and/or sheds. Only one building is an occupied structure (bldg 4). All new structures will meet the required setbacks.*

LOCATION	Generally located at the southeast corner of Ski Holiday Drive and Lake Bryan Drive
PARCEL ID NUMBERS	27-24-28-4340-00-010, 27-24-28-4340-00-040, 27-24-28-4340-00-050, 27-24-28-4340-00-080, 27-24-28-4340-00-090
TRACT SIZE	16.77 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Two hundred ninety-five (295) notices were mailed to those property owners in the mailing area. A community meeting was held on January 9, 2019 at Sand Lake Elementary School as summarized on page 7 of this staff report.
PROPOSED USE	Water Sport Rental, Wedding, and Banquet Venue

STAFF RECOMMENDATION

Development Review Committee – (July 10, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Paradise Cove Planned Development / Land Use Plan (PD/LUP), dated "Received June 6, 2019", subject to the following conditions:

1. Development shall conform to the Paradise Cove Wedding Venue Land Use Plan (LUP) dated "Received June 6, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development

is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received June 6, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including

any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
7. Motorized watercraft are limited to four (4) boats and 12 jet skis in operation at one time.
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
10. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
11. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
12. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of

Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

13. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
14. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
15. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
16. Outside sales, storage, and display shall be prohibited.
17. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
19. Property shall be aggregated through the Orange County Property Appraiser into one parcel prior to submitting for any building permits.
20. A Development Plan will be required to be approved prior to the issuance of any permits
21. Building permits will be required for all existing structures that do not have Building permits.
22. Approval of this LUP voids previous Board of Zoning Adjustment approvals.
23. The following waivers from Orange County Code are granted (for existing structures only):
 - a. A waiver from Section 38-1287(2) to allow for a twenty-one (21) foot side setback on the north property line only, in lieu of a thirty (30) foot side setback.

- b. A waiver from Section 38-1272(3) to allow for a twenty-one (21) foot PD perimeter setback on the north property line only, in lieu of a twenty-five (25) foot PD perimeter setback.
- c. A waiver from Section 38-1287(4) to allow a five (5) foot side paving setback on the north property line only, in lieu of a seven and one-half (7.5) foot side paving setback.
- d. A waiver from Section 38-1503 to allow for a normal high water elevation setback of two (2) feet, in lieu of a normal high water elevation setback of fifty (50) feet.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from A-2 (Farmland Rural District) to PD (Planned Development District) in order to allow for a water sports rental, wedding, and banquet venue use. The applicant is also seeking approval of four (4) waivers to reduce the building setbacks, PD perimeter setbacks, pavement setbacks, and normal high waterline setback.

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU) which allows for a maximum residential density of thirty (30) dwelling unit per net developable acre (maximum thirty (30) percent of development site) and a maximum non-residential floor area ratio of 3.0. The proposed PD zoning district and development program is consistent with the Activity Center Mixed Use FLUM designation and the following CP provisions:

GOAL FLU1 states that Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

OBJ FLU1.1 states that Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

OBJ FLU2.1 states that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

OBJ FLU1.4 states that the following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP.

Policy FLU1.4.2 states that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

Policy FLU8.1.2 states that Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map.

Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change

Community Meeting Summary

A community meeting was held on January 9, 2019 at Sand Lake Elementary School. There were three (3) residents in attendance who expressed concerns pertaining to road capacity and site design.

SITE DATA

Existing Use	Water Sport Rental, Wedding, and Banquet Venue
Adjacent Zoning	N: PD (Planned Development) (Lake Bryan PD) (1996) E: PD (Planned Development) (Lake Bryan PD) (1996) W: R-3 (Multiple-Family Dwelling District) (1987) S: R-3 (Multiple-Family Dwelling District) (1987)
Adjacent Land Uses	N: Undeveloped Land E: Undeveloped Land W: Multiple-Family Dwelling Units S: Single-Family Dwelling Unit

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback:	21 feet (waiver requested)
Maximum Building Height:	60 feet (35 feet within 100 feet of single-family residential)

Minimum Building Setbacks

Front Setback:	40 feet
Rear Setback:	50 feet
Side Setback:	21 feet (waiver requested)
NHWE Setback:	2 feet (waiver requested)
 Minimum Open Space:	 25 percent

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone 16.77 acres from A-2 (Farmland Rural District) to PD (Planned Development District) for a water sports rental, wedding, and banquet venue. Four (4) waivers from Orange County Code are requested related to the side building setback on the northern property line, the paving setback on the north property line, and the normal high waterline elevation setback. These waivers are applicable to existing development only.

There are currently two (2) Special Exceptions approved for the subject property for a privately owned amusement recreational facility open to the public. The first of these special exceptions was originally approved on April 15, 1982 for Lot 8 and was subsequently amended on February 5, 1991. The amended approval was subject to the following conditions.

1. Continue approval as amended on 6/4/87;
2. Allow 2 ski boats and 6 jet skis in operation at any one time;
3. Provide site plan showing existing building identified as Items #3, #4, #5, and #6 in the BZA approval as follows:
 - a. 7 ft. x 8 ft. commercial building to be used as storage.
 - b. 16.5 ft. x 16.5 ft. commercial building for office use in conjunction with water sports business.
 - c. 7.9 ft. x 15.7 ft. commercial building for storage only.
 - d. Convert commercial building from storage and pro shop to storage and sale of ski-related supplies and equipment, and ancillary retail sales of water sports-related items.
4. And further, allowing existing buildings to remain, provided permits are obtained to bring them up to code.
5. Approval shall expire if permits are not obtained within one year from approval date.
6. Remove existing docks and submit a plan for a new dock to be located in an appropriate location according to lakeshore protection regulations.

7. Comply with County requirements regarding paved parking, drainage, and meet all commercial site plan criteria.
8. Provide paved access to site.
9. To include previously approved conditions:
10. Hours of operation limited from sunrise to sunset;
11. No outside speakers permitted;
12. No retail sale on premises of beverages, food, or liquor; this restriction shall not be deemed to prohibit vending machines on premises.

The second Special Exception was approved on March 19, 1991 for lots one and two. The following ten (10) restrictions are associated with the approval:

1. Subject to compliance with all applicable government rules and regulations; and
2. Existing boat dock to be removed prior to issuance of any certificate of occupancy; and
3. Landscaping along south property line to meet the provisions of the Orange County Landscape Ordinance; and
4. Hours of operation from 7:00 am to 7:00 pm; and
5. No sales or consumption of alcoholic beverages shall be permitted; and
6. Use of loudspeakers is not permitted; and
7. Patron use of vending machines for snacks only; no kitchen or restaurant facilities shall be permitted; and
8. Only the ancillary retail sales of water sports related items shall be permitted; and
9. Limited to two (2) boats and six (6) jet skis; and
10. Permits are to be obtained within one year.

Through discussion with the applicant, it appears the facility has been operating beyond the allowances of the Special Exceptions. The applicant wishes to maintain their current operation, but does not wish to expand upon it. If approved, this PD will become the controlling approval and the Special Exceptions will be rescinded. Additionally, the applicant has also stated some of the existing structures have been erected and/or modified without permits. Staff has been informed the applicant will apply for after-the-fact permits for all existing structures

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation Activity Center Mixed Use (ACMU). The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is located within the Tourist Commercial Signage Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells.

Transportation / Concurrency

Based on the Concurrency Management System database dated October 31, 2018, there is one failing roadway within a one mile radius of this development. Vineland Avenue is currently operating at level of service F from Winter Garden Vineland Road to Little Lake Bryan Parkway and there is no available capacity. This information is dated and subject to change. A traffic study will be required prior to obtaining and approved Capacity Encumbrance Letter.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

Orange County Public Schools (OCPS) staff has reviewed the request but did not identify any issues or concerns.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the Paradise Cove Planned Development (PD) Land Use Plan, subject to twenty-three (23) conditions.

Staff indicated that two hundred and ninety-one (291) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with zero (0) commentaries received in support of the request and one (1) received in opposition. The applicant was present for the hearing and concurred with staff's recommendation. There were three (3) members of the public that spoke in opposition to this request.

After a discussion regarding the code enforcement history and the current operation of the site, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Paradise Cove PD Land Use Plan, subject to the twenty-three (23) conditions listed under the DRC Recommendation. Commissioner Cantero seconded the motion, which then carried on a 8-0 vote

Motion / Second *Jimmy Dunn / Jose Cantero*

Voting in Favor *Jimmy Dunn, Jose Cantero, Gordon Spears, Eddie Fernandez, Carlos Nazario, Diane Velazquez, Yog Melwani, and Mohammed Abdallah*

Voting in Opposition *None*

Absent

JaJa Wade

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (August 15, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Paradise Cove Planned Development / Land Use Plan (PD/LUP), dated "Received June 6, 2019", subject to the following conditions:

1. Development shall conform to the Paradise Cove Wedding Venue Land Use Plan (LUP) dated "Received June 6, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received June 6, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022,

the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

7. Motorized watercraft are limited to four (4) boats and 12 jet skis in operation at one time.

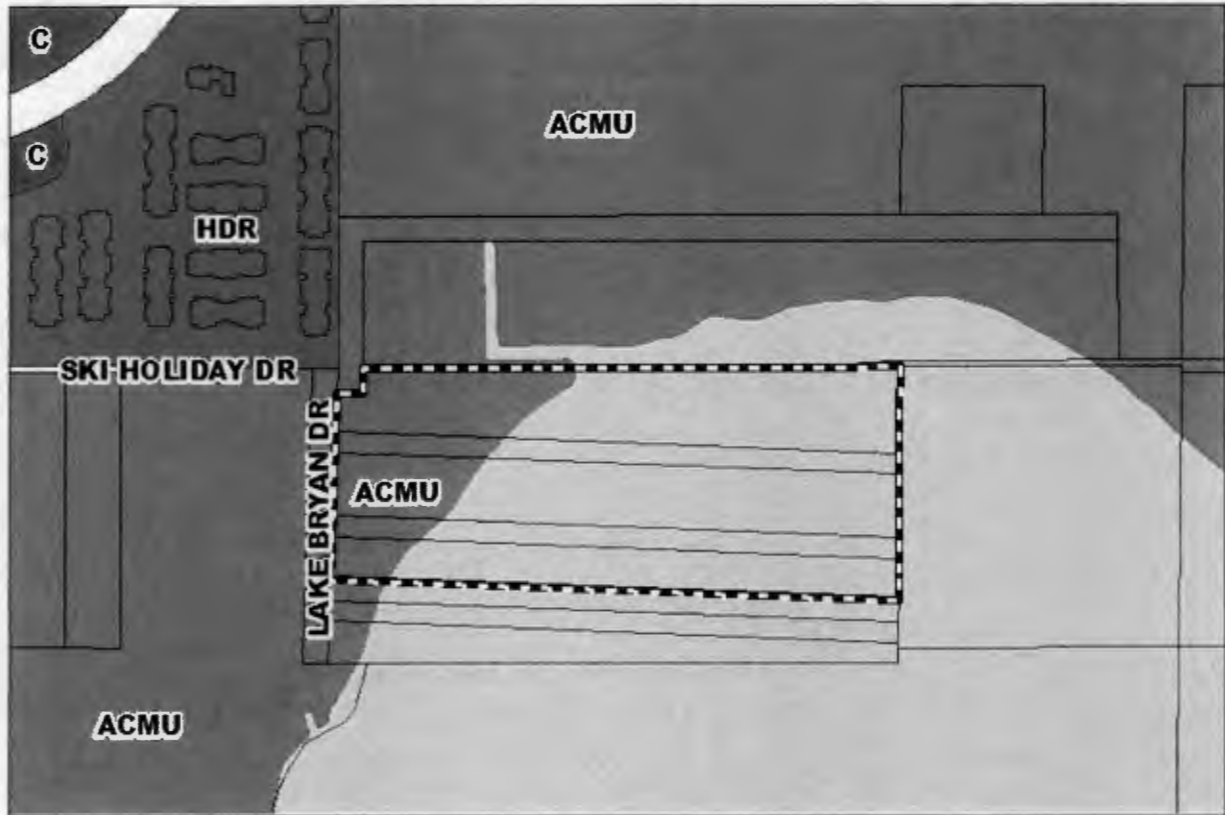
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

10. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
11. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
12. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
13. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
14. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
15. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
16. Outside sales, storage, and display shall be prohibited.
17. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
19. Property shall be aggregated through the Orange County Property Appraiser into one parcel prior to submitting for any building permits.

20. A Development Plan will be required to be approved prior to the issuance of any permits
21. Building permits will be required for all existing structures that do not have Building permits.
22. Approval of this LUP voids previous Board of Zoning Adjustment approvals.
23. The following waivers from Orange County Code are granted (for existing structures only):
 - a. A waiver from Section 38-1287(2) to allow for a twenty-one (21) foot side setback on the north property line only, in lieu of a thirty (30) foot side setback.
 - b. A waiver from Section 38-1272(3) to allow for a twenty-one (21) foot PD perimeter setback on the north property line only, in lieu of a twenty-five (25) foot PD perimeter setback.
 - c. A waiver from Section 38-1287(4) to allow a five (5) foot side paving setback on the north property line only, in lieu of a seven and one-half (7.5) foot side paving setback.
 - d. A waiver from Section 38-1503 to allow for a normal high water elevation setback of two (2) feet, in lieu of a normal high water elevation setback of fifty (50) feet.

LUP-18-09-308



Subject Property

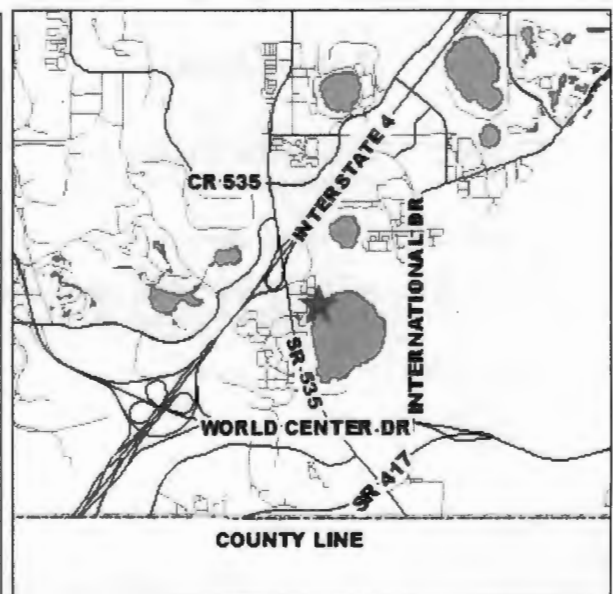


Subject Property

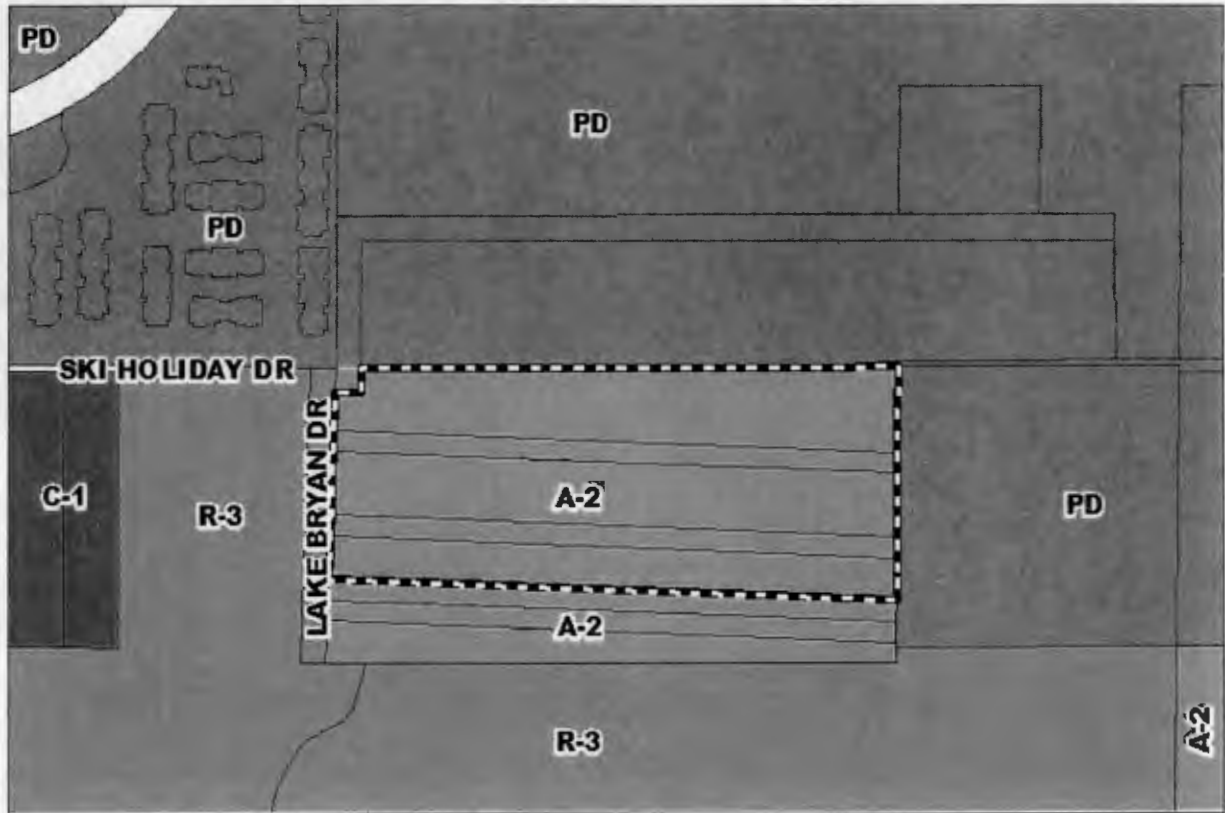
Future Land Use Map

FLUM: Activity Center Mixed Use (ACMU)
 APPLICANT: Darcy Unroe, Unroe Engineering
 LOCATION: Generally located at the southeast corner of Ski Holiday Drive and Lake Bryan Drive
 TRACT SIZE: 16.77 gross acres
 DISTRICT: # 1
 S/T/R: 27/24/28

1 inch = 375 feet



LUP-18-09-308



Subject Property



★ Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to PD (Planned Development District)

APPLICANT: Darcy Unroe, Unroe Engineering

LOCATION: Generally located at the southeast corner of Ski Holiday Drive and Lake Bryan Drive

TRACT SIZE: 16.77 gross acres

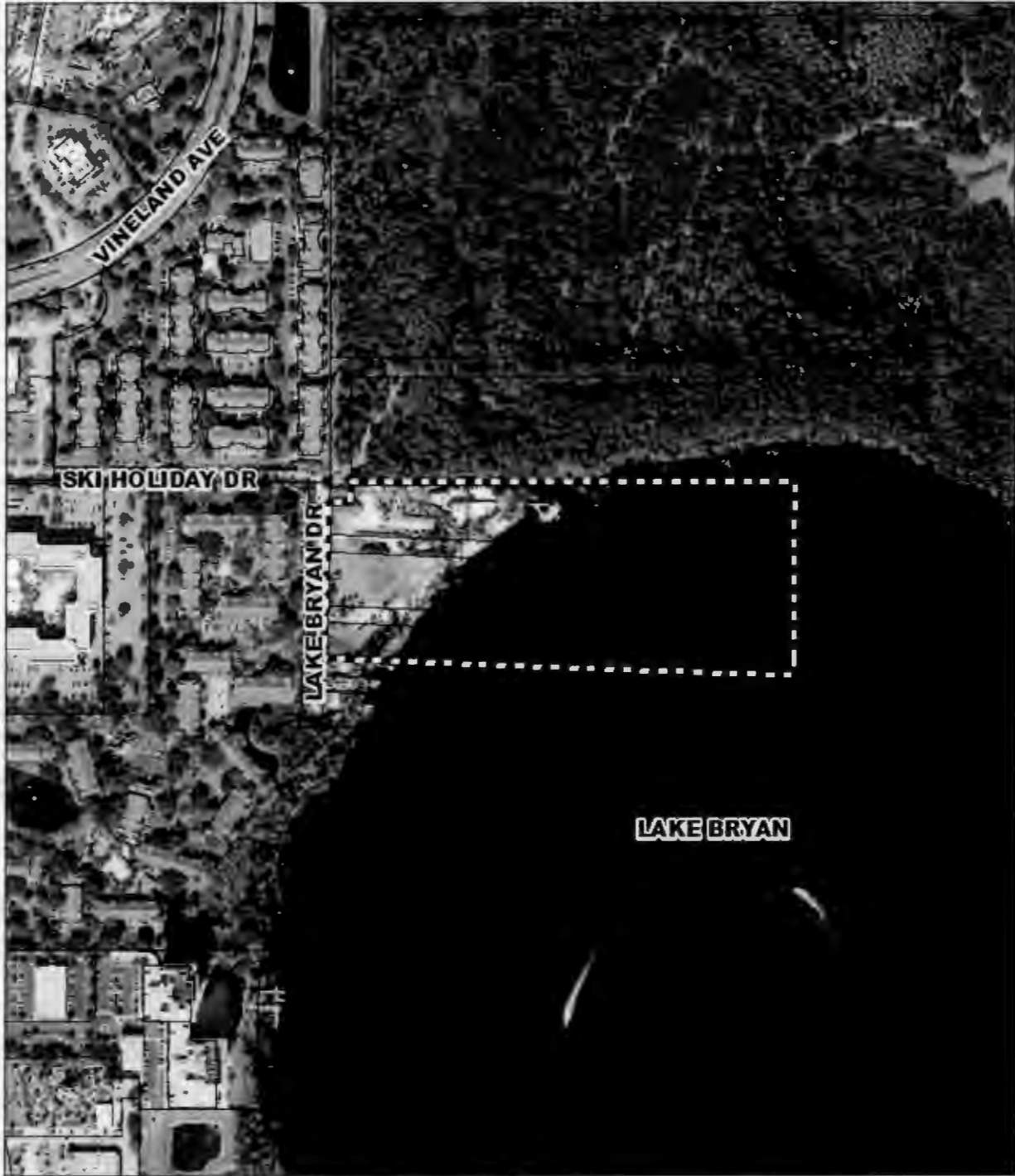
DISTRICT: # 1

S/T/R: 27/24/28

1 inch = 375 feet



LUP-18-09-308



 Subject Property



1 inch = 375 feet



LAND USE PLAN FOR Paradise Cove Wedding Venue

Existing Land Use

- Existing use of the property is subject to the zoning ordinance and all other applicable laws.

Proposed Land Use

- Proposed use is subject to the zoning ordinance and all other applicable laws.

Open Space/Buffering

- Open space shall comply with Section 206-204 ZDC. Open space is required.

Utility Services

- Water service shall be provided by the City of Orange.
- Sewer service shall be provided by the Orange County Wastewater Treatment Plant.

Stormwater Management

- Stormwater management shall be provided in accordance with the City of Orange Stormwater Management Ordinance.
- The stormwater management shall be provided in accordance with the City of Orange Stormwater Management Ordinance.

Conservation Areas

- All conservation areas shall be identified in the City of Orange Code and their setbacks shall be in accordance with the City of Orange Code.
- All setbacks shall be in accordance with the City of Orange Code.

LUP Notes

1. In accordance with Section 206-1037, any variances from Code of Orange standards, as provided in this plan, shall not be deemed to be approved by the City of Orange.
2. All setbacks shall be in accordance with the City of Orange Code.
3. All setbacks shall be in accordance with the City of Orange Code.
4. All setbacks shall be in accordance with the City of Orange Code.
5. All setbacks shall be in accordance with the City of Orange Code.
6. All setbacks shall be in accordance with the City of Orange Code.
7. All setbacks shall be in accordance with the City of Orange Code.
8. All setbacks shall be in accordance with the City of Orange Code.



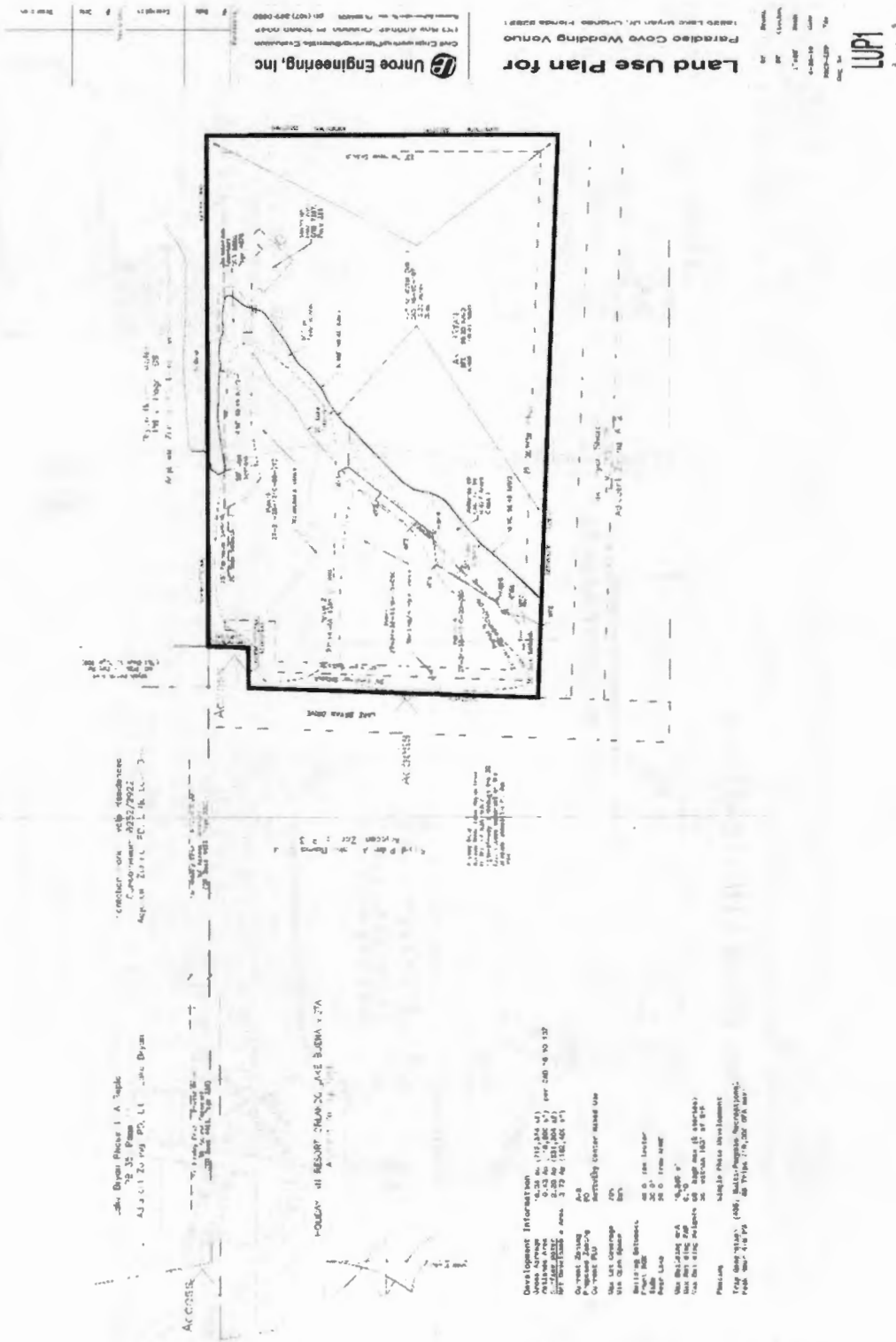
Building Setback Waiver Exhibit

Schedule of Drawings

COV	Land Use Plan Cover Sheet
LUP1	Land Use Plan
LUP2	Site, Flood Plain, Land Use & Aerial Photo
	Boundary & Topographic Survey

NO.	DATE	DESCRIPTION
1	10/15/19	Initial Design
2	10/22/19	Final Design
3	11/05/19	Final Design
4	11/12/19	Final Design
5	11/19/19	Final Design
6	11/26/19	Final Design
7	12/03/19	Final Design
8	12/10/19	Final Design
9	12/17/19	Final Design
10	12/24/19	Final Design
11	1/01/20	Final Design
12	1/08/20	Final Design
13	1/15/20	Final Design
14	1/22/20	Final Design
15	1/29/20	Final Design
16	2/05/20	Final Design
17	2/12/20	Final Design
18	2/19/20	Final Design
19	2/26/20	Final Design
20	3/05/20	Final Design
21	3/12/20	Final Design
22	3/19/20	Final Design
23	3/26/20	Final Design
24	4/02/20	Final Design
25	4/09/20	Final Design
26	4/16/20	Final Design
27	4/23/20	Final Design
28	4/30/20	Final Design
29	5/07/20	Final Design
30	5/14/20	Final Design
31	5/21/20	Final Design
32	5/28/20	Final Design
33	6/04/20	Final Design
34	6/11/20	Final Design
35	6/18/20	Final Design
36	6/25/20	Final Design
37	7/02/20	Final Design
38	7/09/20	Final Design
39	7/16/20	Final Design
40	7/23/20	Final Design
41	7/30/20	Final Design
42	8/06/20	Final Design
43	8/13/20	Final Design
44	8/20/20	Final Design
45	8/27/20	Final Design
46	9/03/20	Final Design
47	9/10/20	Final Design
48	9/17/20	Final Design
49	9/24/20	Final Design
50	10/01/20	Final Design
51	10/08/20	Final Design
52	10/15/20	Final Design
53	10/22/20	Final Design
54	10/29/20	Final Design
55	11/05/20	Final Design
56	11/12/20	Final Design
57	11/19/20	Final Design
58	11/26/20	Final Design
59	12/03/20	Final Design
60	12/10/20	Final Design
61	12/17/20	Final Design
62	12/24/20	Final Design
63	1/01/21	Final Design
64	1/08/21	Final Design
65	1/15/21	Final Design
66	1/22/21	Final Design
67	1/29/21	Final Design
68	2/05/21	Final Design
69	2/12/21	Final Design
70	2/19/21	Final Design
71	2/26/21	Final Design
72	3/05/21	Final Design
73	3/12/21	Final Design
74	3/19/21	Final Design
75	3/26/21	Final Design
76	4/02/21	Final Design
77	4/09/21	Final Design
78	4/16/21	Final Design
79	4/23/21	Final Design
80	4/30/21	Final Design
81	5/07/21	Final Design
82	5/14/21	Final Design
83	5/21/21	Final Design
84	5/28/21	Final Design
85	6/04/21	Final Design
86	6/11/21	Final Design
87	6/18/21	Final Design
88	6/25/21	Final Design
89	7/02/21	Final Design
90	7/09/21	Final Design
91	7/16/21	Final Design
92	7/23/21	Final Design
93	7/30/21	Final Design
94	8/06/21	Final Design
95	8/13/21	Final Design
96	8/20/21	Final Design
97	8/27/21	Final Design
98	9/03/21	Final Design
99	9/10/21	Final Design
100	9/17/21	Final Design
101	9/24/21	Final Design
102	10/01/21	Final Design
103	10/08/21	Final Design
104	10/15/21	Final Design
105	10/22/21	Final Design
106	10/29/21	Final Design
107	11/05/21	Final Design
108	11/12/21	Final Design
109	11/19/21	Final Design
110	11/26/21	Final Design
111	12/03/21	Final Design
112	12/10/21	Final Design
113	12/17/21	Final Design
114	12/24/21	Final Design
115	1/01/22	Final Design
116	1/08/22	Final Design
117	1/15/22	Final Design
118	1/22/22	Final Design
119	1/29/22	Final Design
120	2/05/22	Final Design
121	2/12/22	Final Design
122	2/19/22	Final Design
123	2/26/22	Final Design
124	3/05/22	Final Design
125	3/12/22	Final Design
126	3/19/22	Final Design
127	3/26/22	Final Design
128	4/02/22	Final Design
129	4/09/22	Final Design
130	4/16/22	Final Design
131	4/23/22	Final Design
132	4/30/22	Final Design
133	5/07/22	Final Design
134	5/14/22	Final Design
135	5/21/22	Final Design
136	5/28/22	Final Design
137	6/04/22	Final Design
138	6/11/22	Final Design
139	6/18/22	Final Design
140	6/25/22	Final Design
141	7/02/22	Final Design
142	7/09/22	Final Design
143	7/16/22	Final Design
144	7/23/22	Final Design
145	7/30/22	Final Design
146	8/06/22	Final Design
147	8/13/22	Final Design
148	8/20/22	Final Design
149	8/27/22	Final Design
150	9/03/22	Final Design
151	9/10/22	Final Design
152	9/17/22	Final Design
153	9/24/22	Final Design
154	10/01/22	Final Design
155	10/08/22	Final Design
156	10/15/22	Final Design
157	10/22/22	Final Design
158	10/29/22	Final Design
159	11/05/22	Final Design
160	11/12/22	Final Design
161	11/19/22	Final Design
162	11/26/22	Final Design
163	12/03/22	Final Design
164	12/10/22	Final Design
165	12/17/22	Final Design
166	12/24/22	Final Design
167	1/01/23	Final Design
168	1/08/23	Final Design
169	1/15/23	Final Design
170	1/22/23	Final Design
171	1/29/23	Final Design
172	2/05/23	Final Design
173	2/12/23	Final Design
174	2/19/23	Final Design
175	2/26/23	Final Design
176	3/05/23	Final Design
177	3/12/23	Final Design
178	3/19/23	Final Design
179	3/26/23	Final Design
180	4/02/23	Final Design
181	4/09/23	Final Design
182	4/16/23	Final Design
183	4/23/23	Final Design
184	4/30/23	Final Design
185	5/07/23	Final Design
186	5/14/23	Final Design
187	5/21/23	Final Design
188	5/28/23	Final Design
189	6/04/23	Final Design
190	6/11/23	Final Design
191	6/18/23	Final Design
192	6/25/23	Final Design
193	7/02/23	Final Design
194	7/09/23	Final Design
195	7/16/23	Final Design
196	7/23/23	Final Design
197	7/30/23	Final Design
198	8/06/23	Final Design
199	8/13/23	Final Design
200	8/20/23	Final Design
201	8/27/23	Final Design
202	9/03/23	Final Design
203	9/10/23	Final Design
204	9/17/23	Final Design
205	9/24/23	Final Design
206	10/01/23	Final Design
207	10/08/23	Final Design
208	10/15/23	Final Design
209	10/22/23	Final Design
210	10/29/23	Final Design
211	11/05/23	Final Design
212	11/12/23	Final Design
213	11/19/23	Final Design
214	11/26/23	Final Design
215	12/03/23	Final Design
216	12/10/23	Final Design
217	12/17/23	Final Design
218	12/24/23	Final Design
219	1/01/24	Final Design
220	1/08/24	Final Design
221	1/15/24	Final Design
222	1/22/24	Final Design
223	1/29/24	Final Design
224	2/05/24	Final Design
225	2/12/24	Final Design
226	2/19/24	Final Design
227	2/26/24	Final Design
228	3/05/24	Final Design
229	3/12/24	Final Design
230	3/19/24	Final Design
231	3/26/24	Final Design
232	4/02/24	Final Design
233	4/09/24	Final Design
234	4/16/24	Final Design
235	4/23/24	Final Design
236	4/30/24	Final Design
237	5/07/24	Final Design
238	5/14/24	Final Design
239	5/21/24	Final Design
240	5/28/24	Final Design
241	6/04/24	Final Design
242	6/11/24	Final Design
243	6/18/24	Final Design
244	6/25/24	Final Design
245	7/02/24	Final Design
246	7/09/24	Final Design
247	7/16/24	Final Design
248	7/23/24	Final Design
249	7/30/24	Final Design
250	8/06/24	Final Design
251	8/13/24	Final Design
252	8/20/24	Final Design
253	8/27/24	Final Design
254	9/03/24	Final Design
255	9/10/24	Final Design
256	9/17/24	Final Design
257	9/24/24	Final Design
258	10/01/24	Final Design
259	10/08/24	Final Design
260	10/15/24	Final Design
261	10/22/24	Final Design
262	10/29/24	Final Design
263	11/05/24	Final Design
264	11/12/24	Final Design
265	11/19/24	Final Design
266	11/26/24	Final Design
267	12/03/24	Final Design
268	12/10/24	Final Design
269	12/17/24	Final Design
270	12/24/24	Final Design
271	1/01/25	Final Design
272	1/08/25	Final Design
273	1/15/25	Final Design
274	1/22/25	Final Design
275	1/29/25	Final Design
276	2/05/25	Final Design
277	2/12/25	Final Design
278	2/19/25	Final Design
279	2/26/25	Final Design
280	3/05/25	Final Design
281	3/12/25	Final Design
282	3/19/25	Final Design
283	3/26/25	Final Design
284	4/02/25	Final Design
285	4/09/25	Final Design
286	4/16/25	Final Design
287	4/23/25	Final Design
288	4/30/25	Final Design
289	5/07/25	Final Design
290	5/14/25	Final Design
291	5/21/25	Final Design
292	5/28/25	Final Design
293	6/04/25	Final Design
294	6/11/25	Final Design
295	6/18/25	Final Design
296	6/25/25	Final

Paradise Cove PD / LUP



Unroe Engineering, Inc.
 173 NEW KENNEDY AVENUE, SUITE 200
 WESTPORT, MA 01891
 TEL: (978) 267-0880

Land Use Plan for
 Paradise Cove Wedding Venue
 100' Setback
 200' Setback

LUP-18-09-308
 10/8/19

creator on with residence
 Case No. 2012/2022
 City of Westport, MA

John Ryan Place 1 A Taple
 20 35 Pines
 ADJACENT TO THE PD, LUP-18-09-308

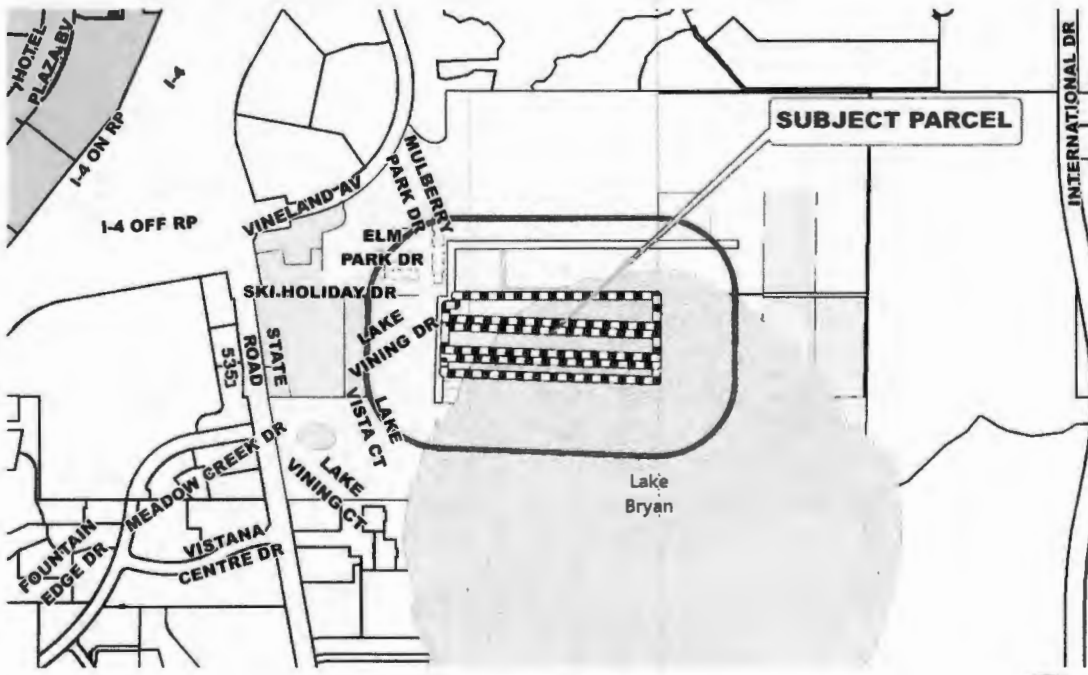
OWNER: THE RESORT COMPANY, 2000 BURNETT ST.

DATE LOGGED: 11/15/2018
 BY: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]
 SCALE: [Scale]
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]



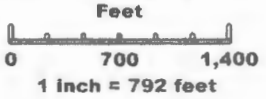
Public Notification Map

Paradise Cove LUP-18-09-308



- MAP LEGEND**
- SUBJECT
 - 500_FT_BUFFER
 - HYDROLOGY
 - NOTIFIED_PARCELS
 - COURTESY_PARCELS
 - PARCELS

500 : FT BUFFER
295 : NOTICES
183 : RESIDENTIAL COUNT



Notification Map

Rezoning Staff Report
Case # LUP-18-09-308
BCC Hearing Date: October 8, 2019