



City of Mount Dora
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Mount Dora, Florida 32757
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Building Height Advisory Committee
City Hall Board Room
Thursday, March 17, 2022 - 1:30 PM

AGENDA

- I. Call to Order
- II. Roll Call
- III. Election of Vice-Chair
- IV. Public Comments
- V. Approval of Minutes
 - A. Request Approval of Meeting Minutes
 - February 17, 2022, Building Height Advisory Committee Minutes
 - March 4, 2022, Building Height Advisory Committee Minutes
- VI. Discussion Items - Old Business
 - A. Discussion on Land Development Code Amendment for Building Height (Summary and proposed code changes) from Committee Member Thomas Pauls
- VII. Discussion Items - New Business
 - A. Charter Amendment Ordinance
 - B. Alternatives to Charter Amendment
 - Potential Committee Recommendations to City Council
 - C. Vote on Final Recommendation to City Council
- VIII. Announcement of next scheduled meeting date - if needed: Thursday, March 24, 2022 at 1:30 pm
- IX. Adjournment

NOTICE: For purposes of Section 286.011, Florida Statutes, two or more members of the City Council may be present at this meeting, and this meeting may be considered a City Council meeting.

Development Review Committee Meeting

Page 2 of 2

NOTICE: If any person decides to appeal any decisions made at this meeting with respect to any matter considered at this meeting, such person may need a record of these proceedings. For such purpose, a person 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.

NOTICE: In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the Planning and Development Department no later than seven (7) days prior to the proceedings. Telephone (352) 735-7112 for assistance, if hearing impaired, telephone the Florida Relay Service numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.

DRAFT .V3 - March 17, 2022
Summary of Key Revisions
To the Mount Dora Land Development Code

As recommended by the
Mount Dora Building Height Advisory Committee

The goal of this recommended Land Development Code text amendment is to establish clear and effective zoning variance provisions designed to limit the maximum height of buildings and structures within the historic downtown area of Mount Dora.

Key Revisions:

1. Create a new ‘Building Height Impact District’ map
2. Provide a meaningful ‘Purpose and Intent’ statement to establish a solid foundation upon which the new variance provisions are based.
3. The ‘by right’ maximum height of a building, structure (including parking garages), and appurtenance located within the Building Height Impact District is 35 feet, except this maximum height is 25 feet within 100’ along Lake Dora.
4. The tests for variance applications within the District have been strengthened considerably. All variance applications shall be prohibited for any kind of building, structure or appurtenance exceeding a height of 40 feet within the District or a height of 30 feet within 100 feet along Lake Dora.
5. The revised variance test clarifies the disqualification of self-imposed circumstances and augments the requirement to satisfy any claim of undue hardship.
6. Each and every one of the nine variance tests must be fully met or the application shall be recommended for denial by the Planning and Zoning Commission and shall be denied by the City Council.

7. Even if all variance tests are met completely, the application must be approved by a supermajority vote of City Council, irrespective of the number of voting members, or it shall fail and be denied.
8. Any proposed text or map changes to Section 3.5.6.2 or Section 3.4 as it relates to the height of buildings, structures, or appurtenances within the Building Height Impact District shall not be considered until it has been placed on a clearly worded ballot and decided by a majority vote of Mount Dora electorate.
9. The existing Land Development Code provisions that allow any parking garage heights up to 55 feet within the District have been eliminated. This provision affects all properties located in the District including, but not limited to, the following zoning classifications:
 - a. PUD Planned Unit Development
 - b. C-2 Downtown Commercial
 - c. C-2A Peripheral Commercial
 - d. PLI Public Lands and Institutions
 - e. MU-2 Mixed Use Downtown
10. While certain zoning classifications are located both inside and outside the Building Height Impact District, the recommended LDC revisions ensure regulatory consistency as may be applied to such properties.
11. Public notification requirements including newspaper publications, postal mailings and posted signs are more clearly described.
12. Provides additional clarity regarding the definition of ‘variance’ and adds text emphasizing a key tenant of adopted zoning regulations – the presumption of correctness.

13.No substantive changes have been made to the Land Development Code regarding variance provisions affecting properties located outside the Building Height Impact District.

DRAFT .V3
RECOMMENDED LAND DEVELOPMENT CODE AMENDMENT
by the
MOUNT DORA BUILDING HEIGHT ADVISORY COMMITTEE
Date: 3-17-2022

Note: Underlined words constitute additions to existing text, ~~striketrough~~ constitutes deletions from existing text and asterisks (***) indicate omitted parts which are intended to remain unchanged.

Section 2.5. - Planning and zoning commission.

Section 2.5.1 Powers and Duties

6. *Variances.* For lands located inside the boundary of the ‘Building Height Impact District’, as defined by sub-section 3.5.6.2 , applicants shall adhere the to special variance provisions and public hearing procedures. All other variance types, shall meet the provisions of Section 2.5.

The planning and zoning commission shall hear and decide requests for variances from the terms of the zoning regulations where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship upon, and personal to, the applicant therefor, and not surrounding properties. In order to authorize a variance, the commission must find:

- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; such on-site conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views;
- b. That the special conditions and circumstances do not result from the actions of the applicant;
- c. That granting the variance requested will not confer on the applicant any special privilege that is denied ~~by the chapter~~ to other lands, buildings or structures in the same zoning district;
- d. That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would result in work ~~[ineur]~~ unnecessary and undue hardship on the applicant;
- e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- f. That the grant of the variance will be in harmony with the general intent and purpose of this code and the comprehensive plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

g. The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.

In granting any variance within their authority, the commission may prescribe appropriate conditions and safeguards, the violation of which shall be deemed a violation of this code. The commission may also prescribe a reasonable time limit within which the action for which the variance was requested shall be begun, completed or both.

Under no circumstances shall the commission grant a variance which permits a use not generally, or by conditional use, permitted in the zoning district involved, or any use expressly or by implication prohibited, by the terms of this code in the zoning district involved. Nonconforming uses of neighboring lands, structures or buildings in the same zoning classifications or district, and permitted uses of lands, structures or buildings in other zoning classifications or districts shall not be considered grounds for the authorization of a variance.

3.4. - Establishment of zoning districts.

3.4.5. PUD Planned Unit Development District:

4. *Site development standards.* Unless modified as provided for herein, the standards of conventional zoning districts and the design standards of this code shall apply. Revised standards may be approved for a PUD project to encourage creative development when the development proposal demonstrates increased protection of natural resources, improved living environment or increased efficiency of service delivery.

g. Special restrictions for proposed PUD's located within the Building Height Impact District: Lands within the Building Height Impact District, as defined in sub-section 3.5.6.2, are subject to the building heights limitation of the district. No PUD can exceed the heights restrictions of sub-section 3.5.6.2 of this code. Building and structure height maximum shall be 35 feet and within 100 feet of Lake Dora, shall be at a maximum of 25 feet within the Building Height Impact District.

3.4.7 C-2 Downtown Commercial District.

5. Site development standards:

a. Minimum building setbacks: At a minimum, buildings shall be set back from property lines consistent with existing adjacent or nearby buildings so as to provide a uniform frontage and spacing without blocking reasonable visibility of existing buildings.

b. Maximum building heights: 35 feet ~~and~~

i. Within within 100 feet of Lake Dora: 25 feet.

~~ii. Parking garage maximum height: 55 feet and 25 feet within 100 feet of Lake Dora.~~

3.4.7-A C-2-A Peripheral Commercial District.

5. Site development standards:

b. Building height maximum: 35 feet and 25 feet within 100 feet of Lake Dora.

~~i. Within 100 feet of Lake Dora shall be at a maximum of 25 feet.~~

~~ii. Parking garage maximum height: 55 feet and 25 feet within 100 feet of Lake Dora.~~

3.4.13. PLI Public Lands and Institutions District.

5. Site development standards:

b. Maximum building height: 35 feet and
~~Parking garage maximum height: 55 feet and~~ 25 feet within 100 feet of Lake Dora.

3.4.16. MU-1 Mixed Use Traditional and MU-2 Mixed Use Downtown Districts:

7. Site development standards: The following requirements shall be observed in all mixed-use developments, except where the requirement is more specifically attributed to horizontal mixed use, or vertical mixed use, as the case may be.

a. *Minimum site area designated.* There are no minimum site area requirements.

b. *Minimum height.* Within storefront areas (i.e., vertical mixed use), buildings shall be a minimum of two stories in height, but cannot exceed the height requirements listed below by district.

c. *Maximum height* shall be restricted by district as follows:

(1) *MU-1:* The height for a vertical mixed use building shall not exceed five stories in height, or 60 feet, whichever is greater. No parking structure shall exceed a height of 50 feet. Multiple story buildings are allowed, so long as redevelopment or new development provided proper setbacks from established residential neighborhood.

(2) *MU-2:* Building height is limited to 35 feet and cannot exceed 25 feet in height for building that are located within 100 feet of Lake Dora or in any other location in the MU-2 district where

surrounding scenic views of Lake Dora cannot be maintained. ~~Parking garage maximum height 55 feet.~~

3.5. - Supplemental regulations.

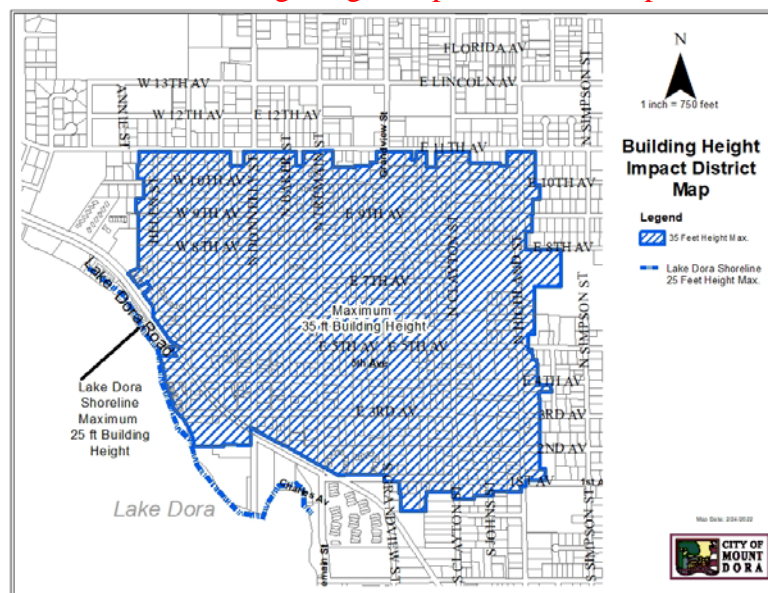
3.5.6. Height

1. Building and structure heights for lands located outside the Building Height Impact District may not exceed 35 feet for all zoning districts, except 60 feet within the MU-1 district, 65 feet within the C-3 district, and 100 feet within the WBI-E and WBI-G districts; ~~and maximum 55 height for parking garages within the C-2, C2A, and PLI and MU-2 zoning districts.~~ Chimneys, water, fire, telecommunication, radio and television towers, church spires, cooling towers, elevator bulkheads, smokestacks, and similar structures, and their necessary mechanical appurtenances may exceed 35 feet, subject to the restrictions herein, and any height limitations placed on such structures by the Federal Aviation Administration. No building, parking garage, or other structure shall exceed 25 feet if such building or structure is to be located within 100 feet of Lake Dora, or in any other location where surrounding scenic views of Lake Dora would be destroyed. Flagpoles may not exceed 45 feet in height in all zoning districts.

2. Building Height Impact District

a. The purpose and intent of this section is to help safeguard the cultural heritage, architectural uniqueness and general historic character of the City of Mount Dora, among other objectives. It accomplishes these purposes by establishing regulatory provisions that regulate unacceptable building and structural heights within the special area designated as the 'Building Height Impact District' within the map depiction geographically shown below. Further, the purpose of this sub-section is to promote the preservation and appreciation of properties within this district, to contribute to the overall economic health of the downtown area, to reduce adverse environmental impacts, to help ensure that future development and improvements remain consistent with the prevailing architectural character of the designated area and to help protect stable neighborhoods located within and in the vicinity of the Building Height Impact District.

Building Height Impact District Map



Any proposed text or map changes to Section 3.5.6.2 or Section 3.4 as it relates to the height of buildings, structures, or appurtenances within the Building Height Impact District shall not be considered until it has been placed on a clearly worded ballot and decided by a majority vote of Mount Dora electorate.

b. Height regulations affecting areas and lands within the Building Height Impact District. The allowable height of buildings and structures located within the Building Height Impact District shall not exceed 35 feet, provided all of the requirements cited in sub-section 3.5.6(2.c) below are met with substantial competent evidence. The 35 feet height limitation applies to all buildings and structures including but not limited to chimneys, water, fire, telecommunication, radio and television towers, church spires, cooling towers, elevator bulkheads, smokestacks, and similar structures, and any related necessary mechanical appurtenances. No building or other structure shall exceed 25 feet if such building or structure is to be located within 100 feet of Lake Dora, or in any other location that would visually block 75% or more of surrounding panoramic view of Lake Dora. Further, all building and structures shall adhere to applicable regulatory provisions as required by the Federal Aviation Administration. Flagpoles may not exceed 45 feet in height.

c. Variances Building Height Requirements within the 'Building Height Impact District'. The Planning and Zoning Commission shall provide and forward a recommendation to the City Council for final action.

Following deliberation and public hearings of the proposed height variance request, the Planning and Zoning Commission and City Council shall find that the applicant has provided demonstrable evidence that they have met each of the requirements cited below and the failure to meet any one of these items shall result in the Planning and Zoning Commission recommending denial and the City Council shall disapprove the variance application. Variance for such request shall provide an application and related fees of this code. City Council's action for approval shall be by a supermajority vote (meaning at least one more vote over the minimum majority vote). These requirements and variance criteria are as follows:

- i. No building or structure shall exceed 40 feet in height, except that no building or structure shall exceed 30 feet in height within the 100 feet of Lake Dora;
- ii. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings within otherwise similarly situated properties;
- iii. That the special conditions and circumstances have not resulted from and do not result from the actions of the applicant;
- iv. That granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, buildings or structures in the same zoning district;

- v. That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other similarly situated properties under the terms of the chapter and would effect an unnecessary and undue hardship on the applicant to the extent that the absence of the requested variance would essentially constitute a taking of the property;
- vi. That the variance, if granted, would result in the minimum necessary impact in order to make possible the reasonable use of the land, building or structure;
- vii. That the grant of the variance will be in harmony with the general intent and purpose of this code and the comprehensive plan, will not in any way be detrimental to the subject property, the surrounding neighborhood or the public health, safety or welfare. The Planning and Zoning Commission may recommend and City Council may prescribe appropriate conditions to further protect the public, health, safety and welfare;
- viii. Shall provide enhanced architectural standards, elements, features and other design standards; and
- ix. Additional building floors, improvements, or vertical expansions to existing structures are not allowed.

d. The following public hearing requirements for building or structural height variance applications within the 'Building Height Impact District' shall be as follows:

- i. The Planning and Zoning Commission shall hold at least one public hearing with proper public notice of this sub-section and shall provide their recommendation for either approval, approval with conditions, or denial to the City Council for consideration and final action.
- ii. Following receipt of the planning and zoning commission recommendation, the city council shall hold a public hearing with proper public notice before taking final action on the variance application under review.
- iii. In the city council public hearing where final action is taken, any approval or approval with condition shall be achieved with at least a supermajority vote (at least one more vote beyond a simple majority) of voting members of council present during these proceedings.

e. Public Notice for Publication and Posting Requirements:

- i. The City shall be required publish notice of a public hearing noticed on a variance application to be prepared and published in a newspaper having general circulation in the City within 10 days of scheduled Planning and Zoning Commission or City Council public hearings. Notice shall be published in the non-legal (i.e display advertisement) section of the newspaper. Ad size shall be minimum two columns wide.

- ii. Owners of real property within 300 feet of the land subject to an application shall be mailed via United States Postal Service a notice of the variance request; and the owner names and addresses used to mail required notice to owners of neighboring property shall be those shown on the current ad valorem tax rolls of Lake County.
- iii. Public Notice Requirements (Posted Sign or Signs): The City shall be required to post notice of a minimum size 8-1/2 inches by 17 inches poster size on the land subject to the application for variance, at a location adjacent to each abutting street that is clearly visible to traffic along the street. If no part of the subject land abuts a street, then the notice shall be posted in the right-of-way of the nearest street, and in a manner consistent with the intent of the provisions of this code.
- iv. Posted notice shall be in a manner established by the Planning Director.
- v. The content of required public notice shall, at a minimum the following: Identify the application; describe the nature and scope of the proposed variance request or action; and identify the date, time, and location of the public hearing(s) being noticed.

CHAPTER VIII. - DEFINITIONS

The following definitions shall apply throughout this code. Words not specifically defined or otherwise explained within this code shall be as defined in a standard dictionary or as understood by the development review coordinator. Definitions specifically related to signage shall be found within Chapter VI, Design Standards, Section 6.7, Signs.

Variance: As ~~it relates to the Land Development Code used in connection with the provisions of this act dealing with zoning,~~ a variance is a relaxation ~~of the terms~~ of ~~the~~ zoning ordinance dimensional requirements ~~and~~ where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used ~~herein in this act,~~ a variance is authorized only for height, area, dimensions, and size of buildings, structures or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or classification or adjoining zoning districts or classifications. The provisions of the zoning regulations carry with them the presumption of correctness and variances shall not be the instrument used to dilute this fundamental tenant of land use regulation.