



Date: January 2, 2024
To: City of Avon Park, Planning and Zoning Board
From: Central Florida Regional Planning Council
Subject: **January 9, 2024 – Planning and Zoning Board Meeting**

Enclosed please find the Agenda Package for the January 9, 2024, Planning and Zoning Board meeting. The following items are included:

- Meeting Agenda
- Meeting Minutes
- Public Hearing Items

The next City of Avon Park Planning and Zoning Board meeting is scheduled for **Tuesday, January 9, 2024 at 5:30 pm.** Avon Park, Florida. The meeting will be held in the City of Avon Park Council Chambers located at 123 E. Pine St. Avon Park, Florida. An option to attend the public meeting virtually is also available.

To access the virtual meeting via Zoom,
please join us from your computer, tablet or smartphone at:

<https://zoom.us/>

Click “Join a Meeting”
And enter the Meeting ID # below

599 309 2787



PLANNING AND ZONING BOARD

**Tuesday, January 9, 2024
5:30 P.M.**

City of Avon Park Council Chambers

123 E. Pine St., Avon Park, Florida, 33825

(Virtual attendance option via Zoom)

<https://zoom.us/>

Meeting ID# 599 309 2787

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MEETING MINUTES

- November 14, 2023

D. PUBLIC HEARING ITEMS:

- 1) **Resolution 2024-01:** An applicant-initiated request for approval of a 10-foot variance from the minimum rear-yard building setback requirement of 25-feet, on a +/-1.15-acre property zoned I-1, Light Industrial, located on the east side of North Central Avenue, between West Palmetto Street and West Lake Isis Avenue (Parcel ID: A-15-33-28-010-0313-0000).

- 2) City-initiated text amendments to the City of Avon Park Land Development Code, specifically amending Article 3, Section 3.08.13(B), pertaining to development standards for allowable accessory structures within mobile home parks.

- 3) City-initiated text amendments to the City of Avon Park Land Development Code, specifically amending Article 2, adding new Section 2.02.18, providing regulations for Shipping/Cargo Containers, and amending Article 3, Section 3.11.02(B)(10) regarding the use of shipping and cargo containers for storage purposes, and amending Article 9, providing a definition of Shipping/Cargo Container.

E. OTHER BUSINESS

F. ADJOURN

Any person who might wish to appeal any decision made by the Planning and Zoning Board of the City of Avon Park, Highlands, County, Florida, in public hearing or meeting is hereby advised that he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based. Any person with disabilities requiring accommodations in order to participate should contact the City Manager prior to the meeting. One or more council members may be in attendance.



CITY OF AVON PARK
Highlands County, Florida
MINUTES OF THE PLANNING & ZONING BOARD
November 14, 2023, at 5:30 p.m.

A. OPENING: CTO – 5:30 p.m.

B. ROLL CALL: City Clerk Hardman

MEMBERS PRESENT:

Member Donald Cummings
Member Sharon Schuler
Vice Chair Eric Marshall
Chair Jason Miller

MEMBERS ABSENT:

Member Roger Gurganus
Member Jean Jordan
Member Daniel Sauls

STAFF PRESENT:

CFRPC, Karlyn Daniel
CFRPC, Stephanie Von Paleski-Busch
City Clerk Christian Hardman
Code Enforcement Supervisor LaBelle

CITY COUNCIL LIAISON PRESENT:

Councilmember Brittany McGuire

C. APPROVAL OF MEETING MINUTES:

- October 10, 2023

MOTION made by Member Schuler; seconded by Member Cummings, to accept the Minutes for the October 10, 2023, Planning and Zoning meeting, as written.

AYE: Cummings, Schuler, Marshall, Miller

NAY: None

Motion passed 4-0

D. PUBLIC HEARING ITEMS:

- 1)** Applicant-initiated request to amend the Official Zoning map of the City of Avon Park, Florida, amending one (1) parcel of land comprising +/-2.74 acres, on property located at 560 E Green Street, from the zoning of R-1A, Low Density Residential to R-1AA,Low Density Residential.

Public Hearing opened at 5:31 p.m.

Karlyn Daniels of the Central Florida Regional Planning Council (CFRPC) presented a PowerPoint presentation for the Official Zoning map amendment for one (1) parcel of land comprising +/-2.74 acres, on property at 560 E Green Street. The amendment is to change the zoning of R-1A, Low Density Residential to R-1AA,Low Density Residential. Daniels shared background details about the property, mentioning that the applicant plans to subdivide the subject parcel along with two others-

for developing new detached single-family homes, while the owner will retain ownership of these parcels. Daniels detailed the application's consistency with the city's Comprehensive Plan and Land Use Compatibility, as well as the impacts on public facilities and services. The property is currently vacant. Daniels said the decrease in residential density requested will be by 2 dwelling units, going from 10 to 8 dwelling units.

Member Marshall inquired about the availability of a layout illustrating the shift to single-family homes. Daniels responded by presenting the site plan on a PowerPoint slide. There were no further questions or public participation.

Public Hearing closed at 5:36 p.m.

MOTION made by Vice Chair Marshall; seconded by Member Cummings: "I move the Planning & Zoning Board forward the proposed Future Land Use map amendment to the City Council with a recommendation of approval."

AYE: Cummings, Marshall, Miller

ABSTAIN: Schuler

NAY:

Motion passed 3-0

Member Schuler abstained due to her relationship with the surveyor working on the project.

- 2) Applicant-initiated request to amend the Official Zoning map of the City of Avon Park, Florida, amending one (1) parcel of land comprising +/-0.95 acres, on property located at 82 Central Avenue, from the zoning of C-4, Mixed-Use Commercial to PUD, Planned Unit Development.

Public Hearing opened at 5:37 p.m.

Stephanie Von Paleski-Busch of CFRPC presented a PowerPoint presentation for the Official Zoning map amendment for one (1) parcel of land comprising +/-0.95 acres, on property at 82 Central Avenue, from the zoning of C-4, Mixed-Use Commercial to PUD, Planned Unit Development. The property is owned by Bagwell Lumber. The request is being made by Bagwell Lumber to expand. A PUD is ideal as it permits the applicant to tailor property use and gives some control over certain design aspects to the city. The future land use element of the request promotes flexible development design and orderly growth of surrounding areas. Lastly, it supports the city's objectives in permitting innovative development techniques through a PUD. Paleski concluded the presentation by detailing the impacts on public facilities and services. She included PUD conditions that can be used for site development approvals. Paleski said the board can include or amend provisions as they see fit.

Mason Cobb of 2302 N. Thomas Road introduced himself as a representative of Bagwell Lumber. Member Marshall asked if there is a plan for the type of building that will be used? Cobb said at present, it will be a red iron metal building. Member Marshall asked how tall the building will be, to which Cobb said at least 20 feet. Member Marshall questioned whether the building will be used for storage or as a showroom? Cobb said it will primarily be for storage. Right now, water comes down Central Avenue, going through the Bagwell building. The windows and doors are saturated during heavy rainstorms; the material inside the existing building needs to be put in a safe place. There have been many problems.

There were no further questions, or public participation.

The Public Hearing closed at 5:45 p.m.

MOTION made by Member Schuler; seconded by Vice Chair Marshall: "I move the Planning & Zoning Board forward the proposed rezoning to the City Council **with a recommendation of approval.**"

AYE: Cummings, Schuler, Marshall, Miller

ABSTAIN:

NAY:

Motion passed 4-0

F. OTHER BUSINESS:

G. ADJOURN

Meeting adjourned at 5:46 p.m.

ATTEST:

CITY OF AVON PARK:

Christian Hardman, City Clerk

Jason Miller, Chair

RESOLUTION 2024-01

A RESOLUTION OF THE CITY OF AVON PARK, FLORIDA, GRANTING A 10-FOOT VARIANCE FROM THE MINIMUM REAR-YARD BUILDING SETBACK REQUIREMENT OF 25-FEET, ON A +/-1.15-ACRE PROPERTY ZONED I-1, LIGHT INDUSTRIAL, LOCATED ON THE EAST SIDE OF NORTH CENTRAL AVENUE, BETWEEN WEST PALMETTO STREET AND WEST LAKE ISIS AVENUE (PARCEL ID: A-15-33-28-010-0313-0000).

WHEREAS, Cool and Cobb Engineering Co. ('applicant') on behalf of property owner BS Enterprise Properties, LLC ('property owner') has requested approval of a 10-foot variance from the minimum rear-yard building setback requirement of 25-feet, on property zoned I-1, Light Industrial, located on the east side of North Central Avenue, between West Palmetto Street and West Lake Isis Avenue (Parcel ID: A-15-33-28-010-0313-0000), as depicted in Exhibit "A"; and

WHEREAS, property zoned I-1, Light Industrial requires a minimum front-yard building setback of 50 feet, a side-yard building setback of 12.5 feet and a rear-yard building setback of 25 feet; and

WHEREAS, the property owner is proposing to construct new building structures on the subject property with a reduced setback requirement of 10-feet from the minimum rear-yard building setback requirement of 25-feet, resulting in a minimum building setback of 15-feet, as shown in the Conceptual Site Plan, attached hereto as Exhibit "B"; and

WHEREAS, the purpose for constructing the proposed building structures with the reduced setback is due to the unique shape of the subject property which would otherwise limit the reasonable use of property; and

WHEREAS, to meet all required development and design standards for development in the I-1 zoning district, the requested variance of 10-feet to the minimum rear-yard building setback requirement of 25-feet, is the minimum variance necessary to ensure reasonable use of the property; and

WHEREAS, notice of the Public Hearing was advertised in the Highlands New Sun and public notices were mailed to all property owners of record within 300 feet of the subject property; and

WHEREAS, the City's Planning and Zoning Board (acting as the Board of Adjustment) may authorize variances from specific provisions of the City's Land Development Code ('Code') as will not be contrary to the public interest and the intent of the Code; and

WHEREAS, the City's Planning and Zoning Board (acting as the Board of Adjustment) conducted a public hearing to hear the requested variance on Tuesday, January 9, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, comments of the City’s Planning and Zoning Board (acting as the Board of Adjustment), and comments from all interested parties, this Board finds as follows:

1. The proposed public notice of this hearing was provided as required by law.
2. The hearing before the City’s Planning and Zoning Board (acting as the Board of Adjustment) was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at said hearing.
3. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same land use classification.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
6. The literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
7. The variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
8. The granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY’S PLANNING AND ZONING BOARD (ACTING AS THE BOARD OF ADJUSTMENT) OF THE CITY OF AVON PARK, FLORIDA

Section 1. The variance request of 10-feet from the minimum rear-yard building setback requirement of 25-feet, on property zoned I-1, Light Industrial, located on the east side of North Central Avenue, between West Palmetto Street and West Lake Isis Avenue (Parcel ID: A-15-33-28-010-0313-0000), as shown in the Conceptual Site Plan, attached hereto as Exhibit “B” is hereby by approved.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon its passage.

Section 3. A certified copy of this Resolution shall be duly recorded in the public records of the City of Avon Park, Highlands County, Florida.

INTRODUCED AND PASSED by the Planning and Zoning Board (acting as the Board of Adjustment), in regular session, this _____ day of _____, 2024.

**PLANNING AND ZONING BOARD
ACTING AS
THE BOARD OF ADJUSTMENT
CITY OF AVON PARK, FLORIDA**

Attest:

Chairperson

City Clerk

Approved as to form:

City Attorney

Exhibit "A"

City of Avon Park
AERIAL PHOTO MAP



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
Document Path: D:\Projects\Highlands\AvonPark\Maps\2024\BSEnterprise-Variance_AER_121823.mxd



**CITY OF AVON PARK
VARIANCE REQUEST
OVERVIEW REPORT**

January 9, 2024

TO: City of Avon Park Planning and Zoning Board (acting as the Board of Adjustment)

FROM: Central Florida Regional Planning Council

SUBJECT: **RESOLUTION 2024-01:**

Applicant-initiated request for approval of a 10-foot variance from the minimum rear-yard building setback requirement of 25-feet, on a +/-1.15-acre property zoned I-1, Light Industrial, located on the east side of North Central Avenue, between West Palmetto Street and West Lake Isis Avenue (Parcel ID: A-15-33-28-010-0313-0000).

AGENDA & HEARING DATE:

January 9, 2024 at 5:30 pm: Planning and Zoning Board (Public Hearing)

ATTACHMENTS:

- Aerial Photo Map
- Existing Future Land Use Map
- Existing Zoning Map
- Conceptual Site Plan
- Variance Application

PLANNING AND ZONING BOARD MOTION OPTIONS:

1. I move the Planning and Zoning Board **approve** Resolution 2024-01.
2. I move the Planning and Zoning Board **approve with changes** Resolution 2024-01.
3. I move the Planning and Zoning Board **deny** Resolution 2024-01.

GENERAL INFORMATION:

Applicant	Cool and Cobb Engineering Co. (Engineers of Record for Site)
Property Owner	BS Enterprise Properties, LLC
Property Location	East side of North Central Avenue between West Palmetto Street and West Lake Isis Avenue, Avon Park, FL
Parcel ID	A-15-33-28-010-0313-0000
Subject Area	+/- 1.15 acres
Assigned Future Land Use	Industrial
Assigned Zoning	I-1, Light Industrial
Previous Hearings	None

OVERVIEW OF REQUEST:

Cool and Cobb Engineering Co. ('applicant') on behalf of property owner BS Enterprise Properties, LLC ('property owner') has requested approval of a 10-foot variance from the minimum rear-yard building setback requirement of 25-feet, on property zoned I-1, Light Industrial, located on the east side of North Central Avenue, between West Palmetto Street and West Lake Isis Avenue (Parcel ID: A-15-33-28-010-0313-0000).

The property comprises +/-1.15 acres and measures approximately 370-feet from north to south and 117-feet from east to west. The property fronts North Central Avenue on the west side and backs up to the CSX railroad line on the east side. The purpose of the request is to afford the property owner reasonable use of the property to construct new buildings on the site while providing adequate area for access, parking and circulation on the site.

The property has a Future Land Use of Industrial and zoning of I-1, Light Industrial. The I-1 zoning is a consistent assignment with the Industrial Future Land Use which supports industrial development within this area of the City.

The I-1 zoning district requires the following minimum building setback requirements:

- Front yard = 50 feet
- Rear yard = 25 feet
- Side Yard = 12.5 feet

The subject property is unique in that it was originally part of a larger parcel assigned an industrial zoning designation which was bisected at point in the past by the CSX railroad line that runs along the eastern boundary of property. The depth of the remaining parcel (subject of this request), that distance between North Central Avenue and the CSX railroad line, does not provide adequate area for required building setbacks of the I-1 zoning district and other required development standards to be met for development purposes. In order to afford the applicant reasonable use of the property, a variance request is required.

CRITERIA FOR GRANTING VARIANCES:

Per Section 7.11.01 of the City's Land Development Code, the granting of a variance shall be based on a determination by the Planning and Zoning Board (acting as the Board of Adjustment) that the request will not be contrary to the public interest and the intent of this Code. It is the applicant's burden to demonstrate that their application is consistent with the Land Development Code and Comprehensive Plan. Approval of a variance shall be based solely on the following criteria, all of which must be fully satisfied:

- (A) Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in the same land use classification. Such limitations could arise from such characteristics as steep slopes, wetlands, or parcel shape that limits the reasonable use of property.
- (B) The special conditions and circumstances do not result from the actions of the applicant. Self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or a former owner, the hardship is self-imposed.
- (C) The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
- (D) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other property owners in the identical land use classification and will constitute an unnecessary hardship on the applicant. What determines a "hardship" shall be determined from the facts and circumstances of each individual case.
- (E) That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
- (F) That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

For each variance granted, the Planning and Zoning Board (acting as the Board of Adjustment) shall approve, and the chairman shall sign, a resolution listing the above criteria and attesting that each has been satisfied.

Below is the applicant's explanation for the request of the variance, addressing the criteria required for granting variance approval.

APPLICANT'S EXPLANATION FOR REQUEST OF VARIANCE:

Explanation of Request, in detail: We are requesting to reduce the Rear Yard Setback for this parcel from the required 25' to 15'. The property is currently zoned I-1 with required setbacks of 50' front, 25' side (12.5' if adjacent to I-1 zoned properties), and 25' rear yard setbacks. We are solely requesting the rear yard setback variance.

Explanation of Hardship, if variance not granted: The shape of this parcel does not allow for the reasonable use of the property with the application of the required setbacks. The narrow lot (± 117 FT) would not be able to provide enough depth to the building(s) for the end users to adequately use the property.

The parcel shape is not the result of actions the owner has taken and the hardship is not self-imposed.

Approval of this request will not result in any special privilege that is currently denied by the ULDC to lands in the same land use classification. The need for the variance arises from the narrow shape of this parcel. Any proposed structure and end user shall be compliant with what is currently permitted through the ULDC.

A literal interpretation of the ULDC deprives the applicant of the ability to construct a site that provides an adequate amount of floor area for future end users. With the intent of the setback requirements being to provide a distance around buildings for firefighting and to ensure adjacent properties are not encroached upon by new construction, the property to the east (rear of the subject parcel) is currently railroad R/W. Because vertical construction will not occur on this R/W, the rear yard setback for the subject parcel would not encumber the adjacent parcel and there would be ample open/green space maintained.

This reduction from 25' to 15' is the minimum that would be required to allow the owner to construct a building that provides the necessary dimensions for the end users to operate within the building.

Granting this variance maintains the general intent of this section of the ULDC while having no negative impact of the parcel directly adjacent (and directly affected). The subject parcel is bordered to the north, south, and east by other I-1 zoned property or the previously mentioned railroad R/W.

Impact to contiguous property owners: There are no parcels that would be negatively affected by this request. The north and south property owners would not be affected by the approval of this variance because the location of any proposed building(s) on the subject parcel has no bearing on their site plan, traffic circulation, or encroachment on their lot line. The railroad R/W is not affected because the location of the building on this property would not affect the day-to-day use of the railroad. Multiple lots along this same roadway have been previously granted a variance to reduce the rear yard setbacks to 15', thereby setting a precedence for parcels in this area, with the same zoning, and similar parcel shape and size. The surrounding parcels are also zoned I-1 and approving this variance maintains the general intent of the Code while remaining consistent surrounding properties. This request remains consistent with similar requests for similar parcels in this area.

FINDINGS FOR CONSIDERATION:

Due to the unique configuration of the subject property, including consideration of the requirements of the City's Code for minimum building setbacks and other required development standards that must be met for development purposes (*e.g.*, access, parking, vehicle circulation, fire safety access), the subject property does not afford the property owner the same development rights as are available for other properties with the same zoning designation (I-1, Light Industrial). To this end it is found that:

- There are unique and special circumstances or conditions applying to the subject property that do not apply generally to other properties with the same zoning assignment; and
- Any alleged hardship is not self-created by any person having an interest in the subject property and is not the result of mere disregard for or ignorance of the provisions of the City's Code; and
- The variance, if approved, will not confer any special privilege that is denied by the provisions of the City's Code to other lands or structures with the same zoning assignment; and
- The variance proposed is the minimum variance which would make possible the reasonable use of the subject property considering strict application of the provisions of the City's Code would deprive the applicant of reasonable use of the subject property; and
- The granting of the variance will be in harmony with the general intent of the City's Code and will not be injurious to the area involved or otherwise detrimental to the general public.

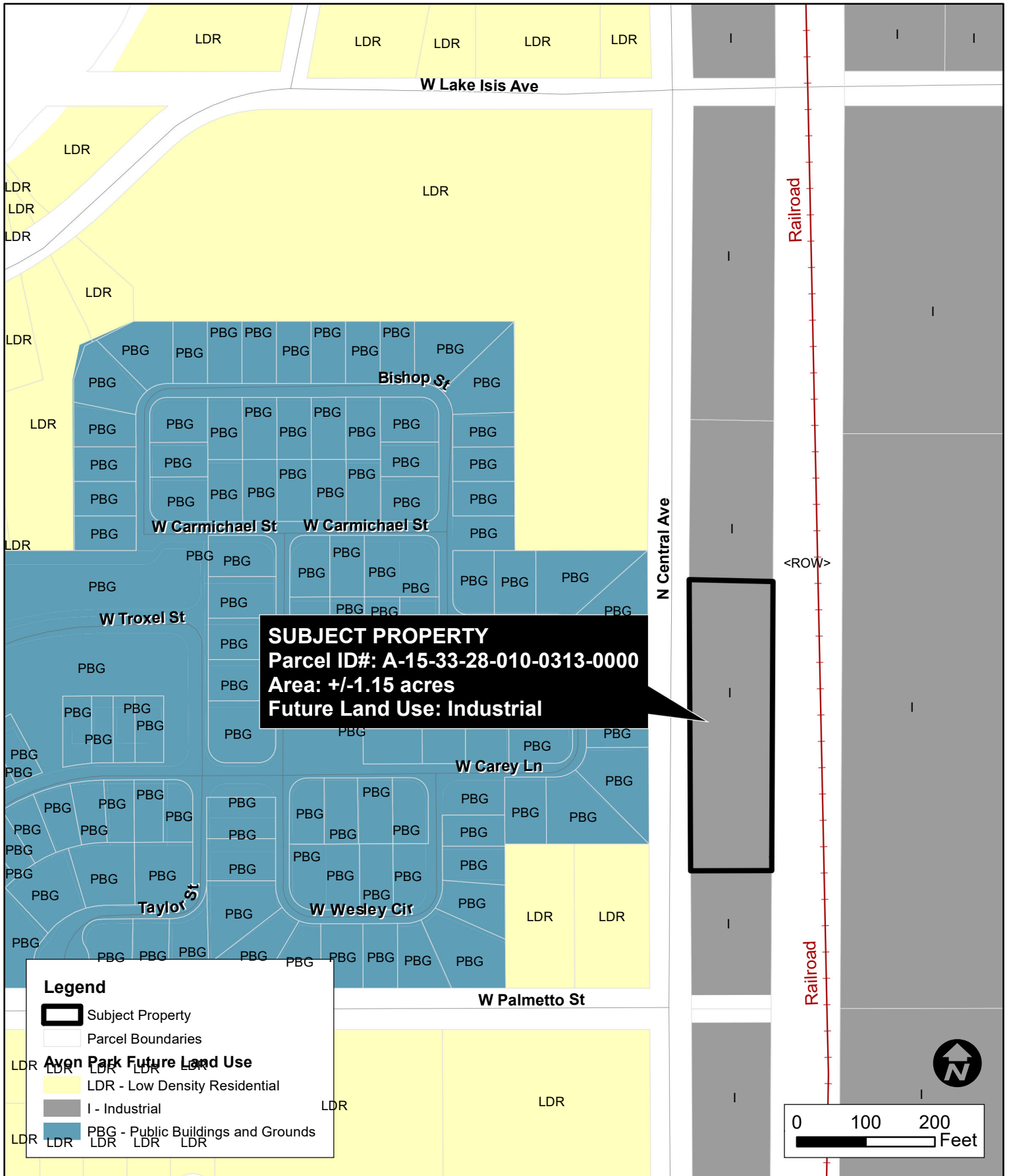
Based on applicant's explanation and these findings, the applicant's request for variance approval of 10-feet from the minimum 25-foot rear-yard building setback, meets the criteria of the City's Code for granting variance approval.

City of Avon Park AERIAL PHOTO MAP



City of Avon Park

EXISTING FUTURE LAND USE MAP



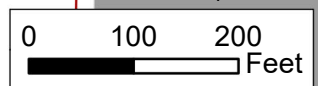
SUBJECT PROPERTY
 Parcel ID#: A-15-33-28-010-0313-0000
 Area: +/-1.15 acres
 Future Land Use: Industrial

Legend

- Subject Property
- Parcel Boundaries

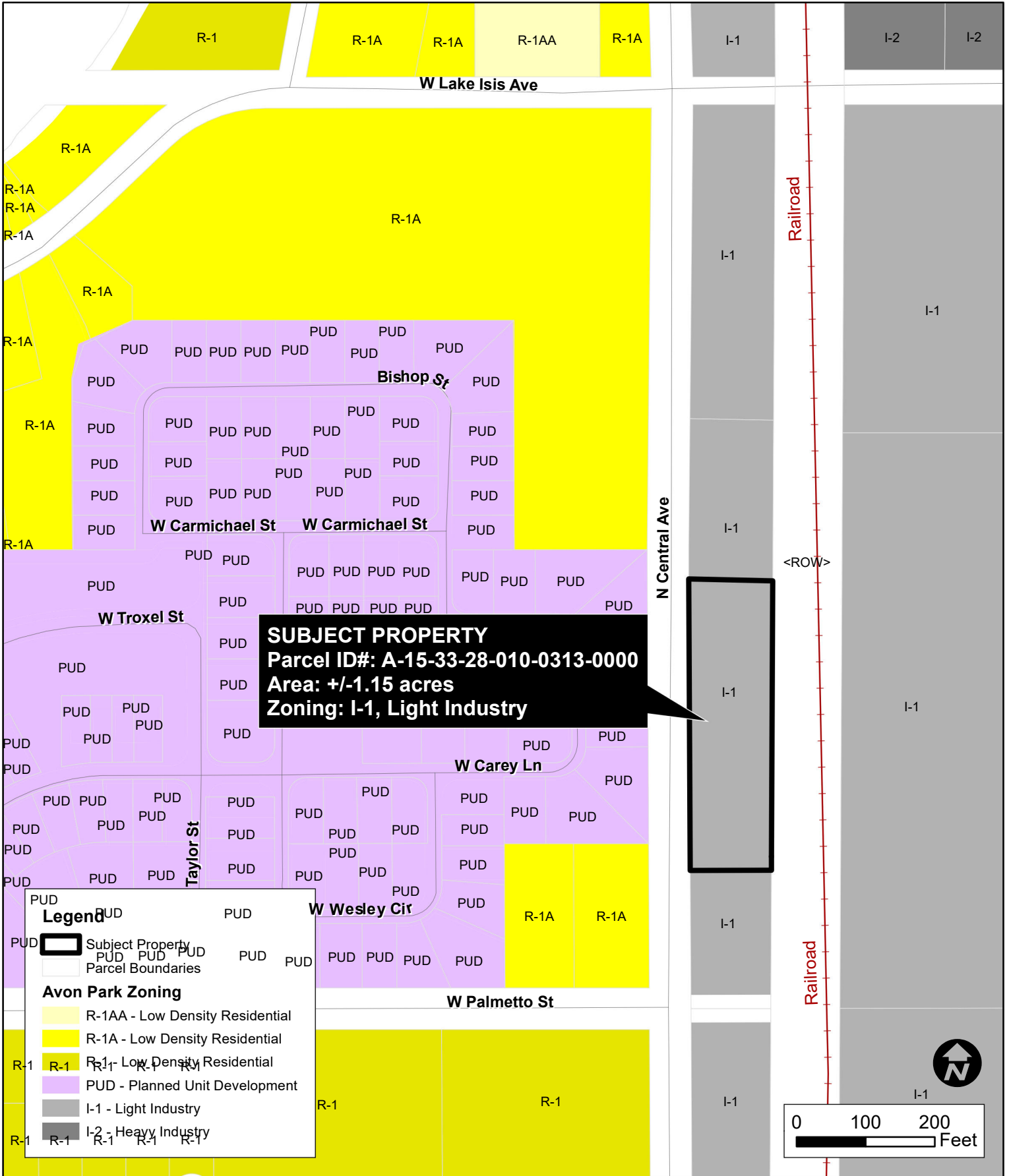
Avon Park Future Land Use

- LDR - Low Density Residential
- I - Industrial
- PBG - Public Buildings and Grounds



City of Avon Park

EXISTING ZONING MAP



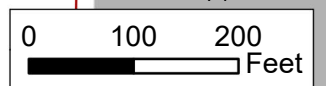
SUBJECT PROPERTY
Parcel ID#: A-15-33-28-010-0313-0000
Area: +/-1.15 acres
Zoning: I-1, Light Industry

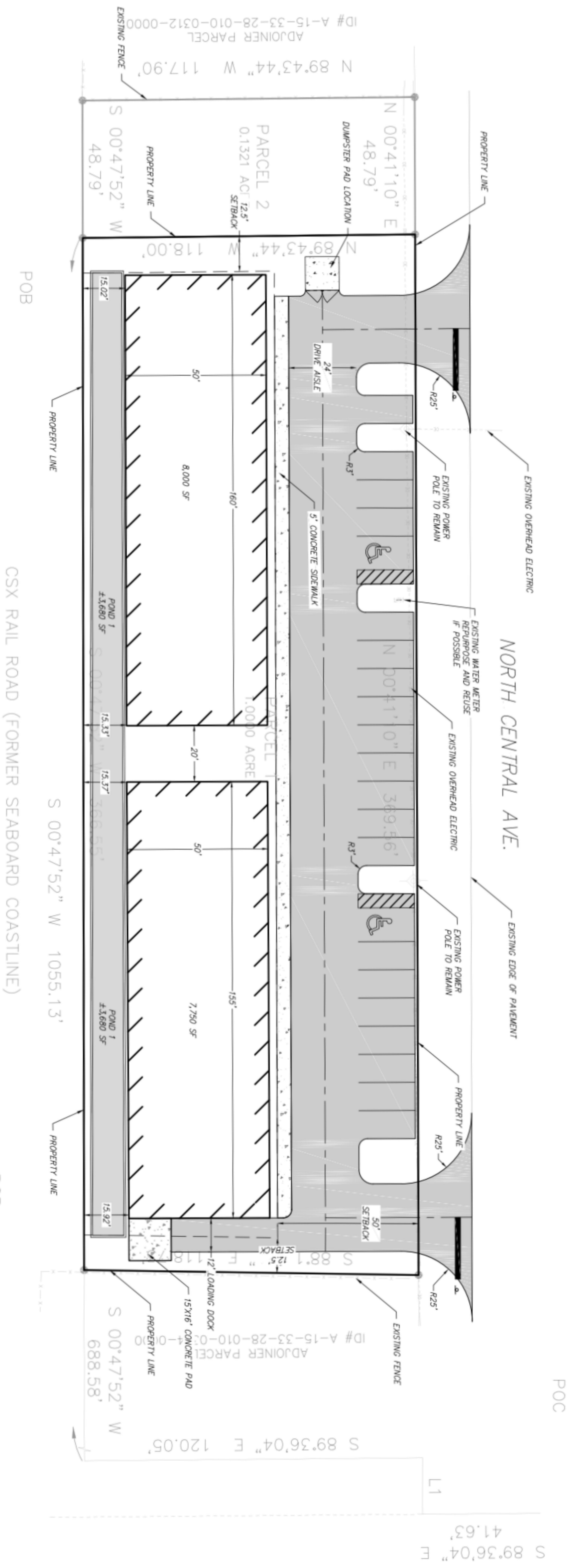
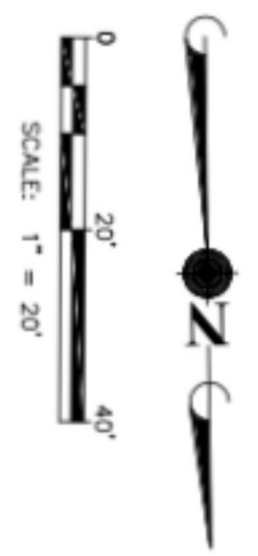
Legend

- Subject Property
- Parcel Boundaries

Avon Park Zoning

- R-1AA - Low Density Residential
- R-1A - Low Density Residential
- R-1 - Low Density Residential
- PUD - Planned Unit Development
- I-1 - Light Industry
- I-2 - Heavy Industry





BS CENTRAL WAREHOUSES
 PREPARED FOR
 BS ENTERPRISE PROPERTIES, LLC
 AVON PARK, FL 33825

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED BY JAMES "MASON" COBB, PE ON USING A DIGITAL SIGNATURE

LICENSED PROFESSIONAL
 JAMES "MASON" COBB, P.E.
 FLORIDA LICENSE NO.
 DATE:

CONCEPTUAL SITE PLAN

Cool and Cobb Engineering Company
 203 West Main Street
 Avon Park, FL 33825
 (863) 657-2323 Office
 (863) 657-2324 Fax

REVISIONS:

PROJECT #23-230-2507
 EXHIBIT

FEE #125
CITY OF AVON PARK

CITY OF AVON PARK
110 E. Main Street, Avon Park, Florida 33825

VARIANCE APPLICATION

For office use only

Case Number: _____ Date Received: _____
Amount of Fee: _____ Date Set for Public Hearing: _____
Receipt Number: _____ Date of Hearing Advertised: _____

PLEASE PRINT OR WRITE CLEARLY ALL INFORMATION. Attach additional sheets, if necessary. If not applicable, mark as such.

Owner Information

Name of Property Owner: BS Enterprise Properties LLC
Mailing Address: 1110 LAKE LOTELA DR, AVON PARK, FL 33825
Home Telephone: _____ Work Telephone: _____
Email Address: _____

If Other than Owner: Name of Applicant (Agent), mailing address, email address, telephone number and relationship: Cool and Cobb Engineering Company (Consultant)
203 W Main St, Avon Park, FL 33825 863-657-2323
mason@coolandcobb.com / richard@coolandcobb.com

Property Information

Property Address/Location: N Central Ave between W Palmetto St. + W Lake Isis Ave
Property Strap Number: A-15-33-28-010-0313-0000
Future Land Use Classification: I Current Zoning: I-1
Size of Property: Width 422 feet, Depth 117 feet, Street frontage 422 feet,
Water frontage (if applicable) N/A feet, Total acres 1.0 AC
Current Use of Property: Vacant
Legal Description of Property: TOWN OF AVON PARK IN 15-33-28
NLY 422 FT OF THE SLY 622 FT OF LT 3 BLK 10 W OF
SCL RR R/W

Is this hearing being requested as a result of a code violation notice? Yes ___ No X. If yes, explain. _____

Has any previous application or appeal been filed within the last year in connection with these premises? Yes ___ No X. If Yes, briefly state the nature of the application or appeal. _____

Reasons & Explanations

Explanation of Request, in detail: See attached

Explanation of Hardship, if variance is not granted: See attached

Impact to contiguous property owners: See attached

Required Attachments

- o 10 Sets of: Survey of property (a copy of a land survey by a Florida registered land surveyor)
- o 10 Sets of: A site plan drawn to scale showing all setbacks, any pertinent information related to the request, exact location of existing and proposed structures, and location map. Must include a North marker.
- o Map of properties (a drawing, sketch, plat or tax map) within 300 feet of the property covered in the application. Scale should be at 1" = 200'.
- o Copies of all other permits or permit applications, if applicable to request.
- o Certificate of Mailing showing letters were sent to property owners within three hundred (300) feet.
- o Concurrency Evaluation Application (attached).

Explanation of Request, in detail: We are requesting to reduce the Rear Yard Setback for this parcel from the required 25' to 15'. The property is currently zoned I-1 with required setbacks of 50' front, 25' side (12.5' if adjacent to I-1 zoned properties), and 25' rear yard setbacks. We are solely requesting the rear yard setback variance.

Explanation of Hardship, if variance not granted: The shape of this parcel does not allow for the reasonable use of the property with the application of the required setbacks. The narrow lot (± 117 FT) would not be able to provide enough depth to the building(s) for the end users to adequately use the property.

The parcel shape is not the result of actions the owner has taken and the hardship is not self-imposed.

Approval of this request will not result in any special privilege that is currently denied by the ULDC to lands in the same land use classification. The need for the variance arises from the narrow shape of this parcel. Any proposed structure and end user shall be compliant with what is currently permitted through the ULDC.

A literal interpretation of the ULDC deprives the applicant of the ability to construct a site that provides an adequate amount of floor area for future end users. With the intent of the setback requirements being to provide a distance around buildings for firefighting and to ensure adjacent properties are not encroached upon by new construction, the property to the east (rear of the subject parcel) is currently railroad R/W. Because vertical construction will not occur on this R/W, the rear yard setback for the subject parcel would not encumber the adjacent parcel and there would be ample open/green space maintained.

This reduction from 25' to 15' is the minimum that would be required to allow the owner to construct a building that provides the necessary dimensions for the end users to operate within the building.

Granting this variance maintains the general intent of this section of the ULDC while having no negative impact of the parcel directly adjacent (and directly affected). The subject parcel is bordered to the north, south, and east by other I-1 zoned property or the previously mentioned railroad R/W.

Impact to contiguous property owners: There are no parcels that would be negatively affected by this request. The north and south property owners would not be affected by the approval of this variance because the location of any proposed building(s) on the subject parcel has no bearing on their site plan, traffic circulation, or encroachment on their lot line. The railroad R/W is not affected because the location of the building on this property would not affect the day-to-day use of the railroad. Multiple lots along this same roadway have been previously granted a variance to reduce the rear yard setbacks to 15', thereby setting a precedence for parcels in this area, with the same zoning, and similar parcel shape and size. The surrounding parcels are also zoned I-1 and approving this variance maintains the general intent of the Code while remaining consistent surrounding properties. This request remains consistent with similar requests for similar parcels in this area.

OWNER'S AFFIDAVIT

I, Chris Shannon, being first duly sworn, depose and say that I am the **OWNER** of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application, are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before hearings can be advertised. I also understand that it is my obligation to comply with any other lawfully adopted and recorded deed restrictions or covenants that are more restrictive or impose a higher standard, and that any action of this Board does not supersede those requirements.

Chris Shannon
Printed Name of Owner

Chris Shannon
Signature of Owner

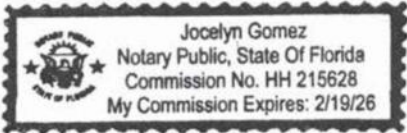
1110 Lake Lotak Dr
Address: Number and Street (P.O. Box)

Avon Park FL 33825
City and State (Zip Code)

STATE OF FLORIDA, HIGHLANDS COUNTY

The Foregoing instrument was acknowledged before me this 1st day of December 2023 by Christopher Shannon and _____ who are personally known by me or who has produced _____ and _____ respectively, as identification and who did (did not) take an oath:

Jocelyn Gomez
Signature



Jocelyn Gomez, Notary Public
Print Name

State of Florida
My Commission Expires: 2/19/26



**CITY OF AVON PARK
PROPOSED TEXT AMENDMENTS TO
THE CITY'S UNIFIED LAND DEVELOPMENT CODE**

OVERVIEW REPORT

January 9, 2024

TO: City of Avon Park Planning and Zoning Board

FROM: Central Florida Regional Planning Council

SUBJECT: City-initiated text amendments to the City of Avon Park Land Development Code, specifically amending Article 3, Section 3.08.13(B), pertaining to development standards for allowable accessory structures within mobile home parks.

HEARING DATES:

- **January 9, 2024, 5:30 PM: Planning and Zoning Board (Public Hearing)**
- **January 22, 2024, 6:00 PM: City Council Meeting (First Reading)**
- **February 12, 2024, 6:00 PM: City Council Meeting (Adoption Public Hearing)**

PLANNING AND ZONING BOARD MOTION OPTIONS:

1. I move the Planning and Zoning Board forward the proposed text amendments to the City Council **with a recommendation of approval.**
2. I move the Planning and Zoning Board forward the proposed text amendment to the City Council **with a recommendation of approval with changes.**
3. I move the Planning and Zoning Board forward the proposed text amendment t to the City Council **with a recommendation of denial.**

OVERVIEW:

The City of Avon Park is proposing text amendments to the City’s Unified Land Development Code (‘Code’) to address development standards for allowable accessory structures within mobile home parks, specifically related to accessory structures attached to mobile homes such as carports and porches. In Section 3.08.13(B), the City’s Code currently states such structures shall “not exceed a cumulative total of 300 square feet.”

The City’s Code also establishes “maximum lot coverage” requirements for each zoning district, including those districts that serve mobile home park developments. The maximum lot coverage requirement for a site within a mobile home park is 35%. The purpose of establishing a maximum lot coverage is to reduce impervious surface areas on a site, which, if not effectively regulated, may contribute to excessive water runoff, leading to drainage problems on a property, neighboring properties, and roadways. Essentially, maximum lot coverage requirements provide a rational threshold for development intensity on a site.

A typical carport for one (1) standard-size vehicle is approximately 12-ft. x 20-ft. (240 square feet), which would meet the required standards. However, a mobile homeowner may prefer to construct a carport to serve two (2) standard-size vehicles, of which the approximate square footage would be 480 square feet (by example: 12-ft. x 40 ft. tandem parking carport running the length of the mobile home), which would exceed the 300 sq.ft. requirement.

The proposed text amendments are drafted to remove the maximum 300 square feet requirement for attached accessory structures, whereby allowing one or more accessory structures (e.g., attached carport and porch) to be constructed on a mobile home site subject to the City’s maximum lot coverage requirements.

**PROPOSED TEXT AMENDMENTS
TO THE CITY’S UNIFIED LAND DEVELOPMENT CODE**

Text shown as underlined is text to be added.
Text shown as ~~strikeout~~ is text to be removed.

**Article 3
Development Design and Improvement Standards**

3.08.13 Manufactured (Mobile) Home Parks

The purpose of this Section is to establish locations suitable for manufactured (mobile) home development on undivided property, along with open space and other amenities for the common use of residents; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a manufactured (mobile) home park setting.

(A) Development Standards

(1) Minimum Lot Requirements:

- a. Minimum size for development site: 5 acres, with a width of not less than 150 feet and a depth of not less than 200 feet.
- b. Minimum size for manufactured (mobile) home site: 4,000 s.f., with a width of not less than 40 feet.

(2) Maximum Building Height: 35 feet

(3) Minimum Floor Area: 500 s.f.

(4) Minimum Yard Requirements:

- a. No manufactured (mobile) home or structure shall be placed less than 50 feet from the front lot line or 30 feet from other lot lines. Where the development site adjoins property with a commercial or industrial zoning designation, the required side and rear setback shall be 15 feet.
- b. Manufactured (mobile) homes and structures shall be placed at least 20 feet from the pavement edge of private park roads.
- c. Manufactured (mobile) homes and freestanding structures serving as common facilities shall be at least 15 feet apart. No carport or other appurtenant structure may be installed on a manufactured (mobile) home less than 10 feet from another manufactured (mobile) home or appurtenant structure. This distance shall be measured between the closest points of the units.

(B) *Allowable Accessory Uses:*

- (1) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.
- (2) No more than 1 single family home, at least 600 s.f. in size, for the use of a resident manager.
- (3) Carports, and porches, and awnings that are physically attached to manufactured (mobile) homes. Such structures shall ~~not exceed a cumulative total of 300 s.f.~~ meet all minimum yard requirements and be included in the calculation of maximum lot coverage on individual manufactured (mobile) home sites. Freestanding carports, cabanas, storage sheds, and other detached structures for private use are prohibited on individual manufactured (mobile) home sites.
- (4) Storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length. Storage area is for the use of park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual manufactured (mobile) home sites or on park roads.



**CITY OF AVON PARK
PROPOSED TEXT AMENDMENTS TO
THE CITY'S UNIFIED LAND DEVELOPMENT CODE**

OVERVIEW REPORT

January 9, 2024

TO: City of Avon Park Planning and Zoning Board

FROM: City Code Enforcement

SUBJECT: City-initiated text amendments to the City of Avon Park Land Development Code, specifically amending Article 2, adding new Section 2.02.18, providing regulations for Shipping/Cargo Containers, and amending Article 3, Section 3.11.02(B)(10) regarding the use of shipping and cargo containers for storage purposes, and amending Article 9, providing a definition of Shipping/Cargo Container.

HEARING DATES:

- **January 9, 2024, 5:30 PM: Planning and Zoning Board (Public Hearing)**
- **January 22, 2024, 6:00 PM: City Council Meeting (First Reading)**
- **February 12, 2024, 6:00 PM: City Council Meeting (Adoption Public Hearing)**

PLANNING AND ZONING BOARD MOTION OPTIONS:

1. I move the Planning and Zoning Board forward the proposed text amendments to the City Council **with a recommendation of approval.**
2. I move the Planning and Zoning Board forward the proposed text amendment to the City Council **with a recommendation of approval with changes.**
3. I move the Planning and Zoning Board forward the proposed text amendment t to the City Council **with a recommendation of denial.**

OVERVIEW:

The City of Avon Park is proposing text amendments to the City’s Unified Land Development Code (‘Code’) to address the use of shipping/cargo containers within the City.

The proposed amendments establish a definition of shipping/cargo container and include requirements for placement (allowable locations), setbacks, screening and buffering, prohibitions, and other general restrictions and requirements for the use of shipping/cargo containers within the City.

**PROPOSED TEXT AMENDMENTS
TO THE CITY’S UNIFIED LAND DEVELOPMENT CODE**

Text shown as underlined is text to be added.
Text shown as ~~strikeout~~ is text to be removed.

**Article 9
DEFINITIONS**

Accessory Building, Structure or Use: A building, structure, use of a building, or a use of land or water that is clearly secondary and incidental to the principal use of a building, water or land, which building structure or use is located on the same parcel of land with the principal building or use, is consistent with use in conjunction with the principal building, and does not unreasonably degrade the aesthetics of the land parcel or community. An accessory structure or building must be built or purchased to city building code standards and in conformance with Article 2, including without limitation, Section 2.05.00 of this Code. By way of example, some structures and materials that shall not be used as an accessory building in the City of Avon Park include, but are not limited to: old refrigerators, ~~containers from ships~~, Quonset huts, trailers of any kind, manufactured (mobile) homes, tractor trailers ~~containers~~, the back of pick up trucks, an RV or motor home, a large cardboard box, or the like.

Portable: see Trailer.

Shipping/Cargo Container: A storage container designed and manufactured according to specifications from the International Standards Organization (ISO) as a standard, reusable vessel intended to be loaded on a truck, trailer, rail car or ship, used primarily for shipping goods. Trailers as defined by this Code do not constitute a shipping/cargo container.

Trailer: A nonautomotive vehicle designed to be hauled by road; or a vehicle for transporting something; or a vehicle designed to serve wherever parked as a temporary dwelling or place of business. Mobile Homes and Recreational Vehicles as defined in this Article are not included in this definition.

**Article 2
REGULATIONS FOR SPECIFIC DISTRICTS**

2.02.18 Shipping/Cargo Containers

- (A) Location. Subject to the limitations in this Section, the placement of shipping/cargo containers may be permitted within the C-2, C-3, C-4, I-1 and I-2 zoning districts and comparable Planned Unit Development (PUD) districts.

- (B) Prohibition. Except as established in subsections F. and G. herein, the placement of shipping/cargo containers is prohibited in all residential zoning districts, lots serving a residential use regardless of the zoning district and all other zoning districts not specifically listed in subsection A. hereof.

- (C) Maximum number. The number of shipping/cargo containers on a lot shall be limited to one container for every 20,000 sq. ft. of lot area. A lot with less than 20,000 sq. ft. shall be allowed to have one shipping/cargo container where all other standards of this section are met. This provision does not apply to a business that manufactures, rehabilitates, or distributes shipping/cargo containers or on property with an I-2 zoning designation.
- (D) Setbacks. Shipping/cargo containers shall meet minimum front yard setbacks standards for the zoning district, except within the C-1, C-3 and C-4 zoning districts, where a minimum front yard setback of twenty-five (25') shall be required. Shipping/cargo containers shall be setback a minimum distance of ten feet (10') from any side or rear property line or building. Where a lot abuts a residential zoning district or residential use, a minimum setback of twenty feet (20') shall be required.
- (E) Screening and Buffering. Shipping/cargo containers shall be screened and buffered from adjacent properties and thoroughfares. General screening and buffering standards required between adjacent uses, as established by this Code, shall suffice in meeting this requirement. Where general screening and buffering between adjacent uses is not required, shipping/cargo containers shall be screened through use of a wall, opaque fencing and/or landscaping. Such screening shall be a minimum of six feet (6') in height. Landscaping used for screening purposes shall provide eighty percent (80%) opaqueness at time of planting.
- (F) Use during construction. In all zoning districts, the temporary placement of a single shipping/cargo container may be allowed during construction or remodeling projects, only when an active building permit has been issued for such activity. Temporary containers used in these circumstances shall:
- (1) Require approval of a temporary use permit by the City;
 - (2) Only be used in conjunction with the permitted construction or remodeling activities and shall be removed immediately upon completion of such activities.
 - (3) Not exceed twenty feet (20') in length, ten feet (10') in width, and ten feet (10') in height;
 - (4) Be located to the side or rear of the building(s) in which construction and/or remodeling activities are taking place;
 - (5) Be setback a minimum distance of ten feet (10') from any property line;
 - (6) Not require screening or buffering; and
- (G) Loading and unloading. In all zoning districts, the temporary placement of a single shipping/cargo container may be allowed for loading and unloading purposes. Temporary containers used in this manner shall:
- (1) Require approval of a temporary use permit by the City;

- (2) Be limited to a period of time not exceeding seven (7) consecutive days within a six-month period. If a property changes ownership, a new period of time would begin on the closing date of the sale of such property.
- (3) Not exceed twenty feet (20') in length, ten feet (10') in width, and ten feet (10') in height;
- (4) Be setback a minimum distance of five feet (5') from any property line;
- (5) Not require screening or buffering;

(H) General restrictions. In all circumstances, shipping/cargo containers shall:

- (1) Not be placed in the right-of-way or obstruct clear visibility triangle as set forth in Section 3.02.03.D.;
- (2) Not block, obstruct, or reduce any required entrance or exit, open space area, easement, fire lane, bicycle facility, sidewalk or required parking space;
- (3) Not be placed so as to adversely impact the health or survivability of any required trees, landscaping or protected wetlands; or placed in a manner that disrupts or alters drainage and stormwater flows;
- (4) Not exceed forty feet (40') in length, ten feet (10') in width and ten feet (10') in height;
- (5) Not be stacked on top of each other or joined in any manner;
- (6) Be in a condition free from rust, graffiti, peeling paint and other visible forms of deterioration;
- (7) Be a solid, flat, non-reflective neutral color;
- (8) Not be used as a permanent or temporary sign;
- (9) Not be connected to any water or wastewater utility;
- (10) Be allowed to be served by electrical connection, subject to all electrical and building department permitting requirements.
- (11) Not be used for any human or animal occupancy;
- (12) Not be used to store any hazardous materials, substances or wastes as defined in 49 Code of Federal Regulations (CFR) 100-180;
- (13) Not be allowed without the existence of a primary use on the lot; and

- (14) Only be used by the primary business for which an approval has been issued. In no circumstance shall such shipping/cargo container be leased, rented or utilized by any additional party.
- (I) Removal of Shipping/Cargo Containers. Any shipping/cargo container located on any property at the time of the adoption of this Section, which is not in compliance with the standards and requirements established in this Section, shall either come into compliance or be removed within 180 days.

Article 3
DEVELOPMENT DESIGN AND IMPORVEMENT STANDARDS

3.11.02 Artisan Manufacturing and Craft Food & Beverage Production

- (B) *Applicability.* The provisions of this section shall apply to all new, existing, and expanding artisan manufacturing and craft food & beverage production uses. The following standards shall apply.
- (10) Spent or used grains and similar wastes as part of brewing, distilling or other food and beverage production shall not be stored for a period exceeding 24 hours. Where the temporary stockpiling of such wastes is required on-site, such storage shall be within designated, screened storage areas within fully enclosed containers. ~~Shipping and cargo containers~~ Portables and tractor trailers are not permitted for storing wastes or other materials on site, even when such storage is behind an opaque fence or wall.