



**APPLICATION FOR AN APPEAL OF A PLANNING AND ZONING BOARD DECISION**

**SUBMITTAL REQUIREMENTS**

**PLEASE BRING ALL OF THE FOLLOWING ITEMS THAT APPLY WHEN SUBMITTING YOUR APPLICATION**

APPLICATION	INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.	<input type="checkbox"/>
LETTER	DESCRIBING: A. THE NATURE AND REASON FOR YOUR APPEAL; B. A DESCRIPTION OF THE DETERMINATION OF THE PLANNING AND ZONING BOARD; C. THE REASON FOR OVERTURNING THE DETERMINATION (I.E., WHY YOU BELIEVE THE PLANNING AND ZONING BOARD DECISION IS INCORRECT.)	<input type="checkbox"/>
FEE	FEES ARE NON-REFUNDABLE : \$300.00	<input type="checkbox"/>
LEGAL DESCRIPTION	PROVIDE A FULL LEGAL DESCRIPTION.	<input type="checkbox"/>
OWNERSHIP	PROOF OF OWNERSHIP (IE., A COPY OF THE DEED).	<input type="checkbox"/>
POA OR POAA	LIMITED POWER OF ATTORNEY (IF SIGNED BY AN AGENT OF THE OWNER). OR COMPLETED PROPERTY OWNER AUTHORIZATION AFFIDAVIT	<input type="checkbox"/>

**\*\* ADVISEMENTS \*\***

**PROCEDURE:**

THE PROCEDURE FOR AN APPEAL IS OUTLINED IN SECTION 98-31 OF THE CITY'S CODE OF ORDINANCES. IN GENERAL, THE APPEAL SHALL BE HEARD AND REVERSE, OR AFFIRM, WHOLLY OR PARTLY, OR MAY MODIFY THE ORDER, REQUIREMENT, DECISION, OR DETERMINATION OF THE BOARD AT AN ADVERTISED PUBLIC HEARING.

**CODE OF ORDINANCES:**

THE CITY OF WINTER GARDEN'S CODE OF ORDINANCE CAN BE FOUND ON THE INTERNET AT [WWW.MUNICODE.COM](http://WWW.MUNICODE.COM). ACCESS TO THE INTERNET CAN BE OBTAINED AT ANY BRANCH OF THE ORANGE COUNTY LIBRARY.

**APPLICATION SUBMITTAL:**

APPLICATION SUBMITTAL DEADLINE IS WITHIN 15 DAYS AFTER DECISION OF THE PLANNING AND ZONING BOARD OF WHICH ANY PERSON IS AGGRIEVED. THE APPLICATION SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING, WITHIN THE COMMUNITY DEVELOPMENT DEPARTMENT.

**NOTE:** IF THE PETITIONER WISHES TO BE REPRESENTED BY AN AGENT, A LIMITED POWER OF ATTORNEY MUST BE PROPERLY EXECUTED AND PROVIDED TO THE CITY ALONG WITH THIS APPLICATION.



**APPLICATION FOR AN APPEAL OF A PLANNING AND ZONING BOARD DECISION**

SECTION 98-31 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCE ALLOWS FOR ANYONE AGGRIEVED BY A DECISION OF THE PLANNING AND ZONING BOARD TO APPEAL SAID DECISION TO THE CITY COMMISSION. THIS DOCUMENT IS THE OFFICIAL APPEALS APPLICATION. PLEASE COMPLETE THIS FORM, SUPPLY ALL REQUIRED INFORMATION, AND PROVIDE THE APPROPRIATE FEE.

**OWNER OF RECORD INFORMATION**

BUSINESS NAME: \_\_\_\_\_  
CONTACT NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
PHONE: \_\_\_\_\_ FACSIMILE: \_\_\_\_\_ CELLULAR: \_\_\_\_\_  
EMAIL: \_\_\_\_\_

**APPLICANT/CONTACT PERSON (IF DIFFERENT THAN OWNER OF RECORD):**

BUSINESS NAME: \_\_\_\_\_  
CONTACT NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
PHONE: \_\_\_\_\_ FACSIMILE: \_\_\_\_\_ CELLULAR: \_\_\_\_\_  
EMAIL: \_\_\_\_\_

Only the primary contact as indicated by the Applicant/Contact Person will receive all correspondence from the City.

**PROPERTY/SITE INFORMATION:**

PROJECT NAME: \_\_\_\_\_  
SITE ADDRESS: \_\_\_\_\_  
COUNTY PROPERTY APPRAISER TAX PARCEL ID NUMBER(S): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
CURRENT ZONING: \_\_\_\_\_ ACRES: \_\_\_\_\_  
EXISTING USE: \_\_\_\_\_ DU OR SQFT: \_\_\_\_\_  
PROPOSED USE(S): \_\_\_\_\_ DU OR SQFT: \_\_\_\_\_

**DECISION TO BE APPEALED (DATE, NATURE OF THE DECISION)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RESPONSIBLE PARTY:**

I UNDERSTAND THAT THE CITY OF WINTER GARDEN REQUIRES THAT THE APPLICANT BE RESPONSIBLE FOR REIMBURSING THE CITY FOR ALL ADVERTISING COSTS ASSOCIATED WITH THIS APPLICATION, INCLUDING POSTAGE FOR NOTICES TO ADJACENT PROPERTY OWNERS, AND FOR NEWSPAPER ADVERTISING AS REQUIRED BY THE FLORIDA STATUTES AND THE CITY CODE. I UNDERSTAND THAT I WILL BE BILLED FOR THESE COSTS AND WILL BE RESPONSIBLE FOR PAYING THEM, WHETHER OR NOT MY APPLICATION FOR AN APPEAL IS SUCCESSFUL.

IN ADDITION, IF THIS APPLICATION IS DEEMED TO REQUIRE REVIEW BY THE CITY ENGINEER, CITY SURVEYOR AND/OR CITY ATTORNEY, I UNDERSTAND THAT I OR MY COMPANY WILL BE RESPONSIBLE TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THE ABOVE PROJECT. I ALSO UNDERSTAND THAT IF THIS PROJECT PROPERTY IS SOLD, I OR MY COMPANY WILL BE RESPONSIBLE TO ENSURE THAT THE NEW OWNER WRITES A SIMILAR LETTER ACCEPTING ALL THE RESPONSIBILITY TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THIS PROJECT FROM THE DATE THE PROPERTY IS SOLD.

AN APPLICANT SHALL PROVIDE PROMPT WRITTEN NOTICE TO THE CITY MANAGER IN THE EVENT OF A CHANGE IN OWNERSHIP OF ALL OR A PORTION OF A LOT, TRACT, OR PARCEL OF REAL PROPERTY WITH THE RESPECT TO WHICH AN APPLICATION, OR PROJECT IS PENDING BEFORE THE CITY.

PLEASE INITIAL RECOGNIZING YOUR AGREEMENT OF THE ABOVE REQUIREMENT: **INITIALS:** \_\_\_\_\_

ALL INVOICES FOR THE COSTS ASSOCIATED WITH THIS PROJECT SHOULD BE SENT TO:

**PROJECT NAME OR ADDRESS:** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**COMPANY:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **EXT.:** \_\_\_\_\_

**FACSIMILE:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**PROPERTY OWNER AUTHORIZATION / SIGNATURE OF APPLICANT:**

I/WE HEREBY CERTIFY THAT I/WE ARE THE OWNER(S) OF THE REAL PROPERTY WHICH IS THE SUBJECT FOR THIS APPLICATION AND THAT THE FOREGOING INFORMATION ON THIS APPLICATION IS TRUE AND COMPLETE.

\_\_\_\_\_  
OWNER SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

**NOTARIZATION:**

**STATE OF** FLORIDA  
**COUNTY OF** \_\_\_\_\_

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ ,

20 \_\_\_\_\_ , BY \_\_\_\_\_ , AS \_\_\_\_\_

OF \_\_\_\_\_ , WHO IS PERSONALLY KNOWN TO ME OR WHO PRODUCED

\_\_\_\_\_ AS IDENTIFICATION.

\_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC SIGNATURE

\_\_\_\_\_  
PRINT NAME

**FOR OFFICE USE ONLY**

- LETTER
- FEES
- LEGAL ATTACHED
- OWNERSHIP ATTACHED
- POA OR POAA ATTACHED

DATE/RECEIVED BY STAMP



### Development Review Costs

By signing this Application, the Applicant acknowledges and agrees that Applicant has read Chapter 88, City of Winter Garden Code Ordinances ("Chapter 88") and understands and agrees to accept Applicant's responsibilities and obligations to pay the City for all fees, costs, and expenses incurred by the City in the review, processing, inspection, and regulation of this Application, including but not limited to: (i) those charges associated with the time City staff and City consultants (including, without limitation engineers, architects, planners, attorneys, paralegals, surveyors, construction inspection professionals and any other professional or technical consultants) spend on the review, processing, inspection, and regulation of the Application or development; (ii) any expenses directly related thereto, including but not limited to notices, advertising, postage, surveying, inspection, legal and engineering costs; and (iii) those charges associated with the time City staff and City consultants spend concerning administrative proceedings, quasi-judicial proceedings, trial court proceedings and appellate court proceedings relating to the consideration, review or challenge of all or part of the Application or any development order or permit issued as the product of the Application or a similar application by the Applicant. However, Chapter 88 does not require the Applicant to pay the City's attorneys' fees and litigation expenses in proceedings or litigation where the City and Applicant are direct adverse parties, except in matters where the City is enforcing the requirements of Chapter 88 against Applicant as specified in § 88-10, City of Winter Garden Code of Ordinances. Applicant understands and agrees that the aforesaid fees, costs and expenses will be invoiced and shall be paid by the Applicant whether or not the Application is successful.

Applicant shall provide prompt written notice to the City's City Manager and Community Development Director within ten (10) calendars days of the occurrence of a change in ownership of all or a portion of a lot, tract, or parcel of real property that is the subject of the Application. Such written notice shall comply with the provisions of § 88-11, City of Winter Garden Code of Ordinances.

Invoices from the City shall be paid within ten (10) calendar days of the date appearing on the invoice. Full payment is a requirement for City's final approval of the Application or any similar application by the Applicant, and as such, the failure to pay such amount jeopardizes the effectiveness of any development order or permit issued prior to full payment of such amounts by Applicant. If nonpayment occurs, the City shall have all remedies at law and in equity against the Applicant and the property owner(s) of the Property subject to this Application, including without limitation, the right to cease development review and processing of the Application, revoke, rescind or place a stop work order on development orders and permits issued at the request of the Applicant, and those other remedies specified in Chapter 88. The provisions of Chapter 88 are incorporated herein by this reference, and the agreements contained herein are supplemental to the Applicant's and the property owner(s)' requirements and obligations under Chapter 88.

### No Reliance

Applicant acknowledges and agrees that it is spending funds at its own risk in an attempt to obtain development orders, permits and/or approvals from the City or to otherwise develop the Property, and the City is not liable for reimbursing Applicant for such costs and expenses. Individual City employees, City consultants, City appointed officials and elected officials (including city commissioners) have no actual or apparent authority to bind the City on Application approvals and development matters, except for certain very limited matters that are expressly authorized by the City of Winter Garden Code of Ordinances to be determined by the City's Community Development Director or the City's City Manager. Applicant shall not rely on and has no basis to rely on, any written or oral statements of the City's employees, consultants, or elected or appointed officials, except for the actual development order(s) or permit(s) issued after final action is taken by the City on the Application pursuant to the standard applicable review and approval process. Often for development matters, prior to final action being taken by the City, the City must conduct quasi-judicial public hearing(s) where decisions on development applications must be based on the evidence presented in the record at such hearing(s), including testimony and evidence presented by the Applicant, City staff and consultants, and other interested parties. Moreover, often it is the case that multiple types of development orders and permits must be issued before a development can proceed, so the issuance of one or more development orders and permits, should not be relied upon by the Applicant for the likelihood that other required development orders, permits and approvals will be issued. Further, the final actions and/or development orders or permits of the City on development matters can often be challenged; thus, the Applicant should consult with its own legal counsel as to the reliability of final actions of the City and development orders and permits issued by the City.