

ORDINANCE NO. 2013-1304

AN ORDINANCE OF THE CITY COUNCIL OF POLK CITY, FLORIDA; AMENDING THE CITY OF POLK CITY OFFICIAL ZONING MAP TO REZONE THE PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF COMMONWEALTH AVENUE NORTH (SR 33) AND CITRUS GROVE BOULEVARD NORTH (PARCEL NUMBERS 25-26-33-296500-102020 AND 25-26-33-296500-105000) INCLUDING APPROXIMATELY 1.00 ACRE FROM THE GENERAL COMMERCIAL ZONING DISTRICT (C-2), APPROXIMATELY 2.21 ACRES FROM THE MIXED USE RESIDENTIAL ZONING DISTRICT (R-4), AND APPROXIMATELY 8.01 ACRES FROM THE SINGLE FAMILY RESIDENCE WITH HORSES ZONING DISTRICT (AG-2) TO THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT; PROVIDING CONDITIONS OF APPROVAL; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Mohamed Aly El-Aswad (“Applicant”), is the owner of certain property located within the corporate limits of the City of Polk City, Florida, described by the following parcel numbers: PARCEL NUMBERS 25-26-33-296500-102020 AND 25-26-33-296500-105000 (hereafter referred to as the “Property”); and,

WHEREAS, the Property consists of approximately 11.22 acres, and, if approved, would change the Official Zoning Map by changing the zoning classification assigned to this property from AG-2 Single Family Residential Plus Horses, R-4 Mixed Residential Use, and C-2 General Commercial to Planned Unit Development (PUD), as depicted on the map attached to and incorporated in this Ordinance as Exhibit “A”; and,

WHEREAS, pursuant to applicable provisions of the City’s Land Development Code, including but not limited to Section 2.04.02.16(V), the Planning Commission has reviewed and recommended for approval subject to conditions said application; and,

WHEREAS, City Council of the City of Polk City held meetings and hearings regarding the Property, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and,

WHEREAS, the City previously adopted Ordinance No. 1098, creating Article 2 of the City’s Unified Land Development Code (hereafter “ULDC”) so as to create a planned unit development district within its ULDC; and,

WHEREAS, among its many purposes, the City’s PUD District ordinance is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Unit Developments, which are not provided for or allowed in other City zoning districts; and,

WHEREAS, the standards and procedures of the PUD district are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while at the same time reserving to the city council the absolute authority to establish limitations and regulations for the development deemed necessary to protect the public health, safety and welfare; and,

WHEREAS, no development plan shall be approved for a PUD without adequate on-site and offsite public facilities, including but not limited to storm drainage, sanitary sewers, roadway capacity, fire/rescue service, police service, water distribution system and recreation facilities; and,

WHEREAS, in exercise of its authority, the City Council has determined that in order for the proposed development to be approved, it must be subject to conditions of approval to insure compliance with the ULDC and the City's Comprehensive Plan; and,

WHEREAS, the PUD Ordinance requires that any proposed PUD must be adopted by ordinance, shall contain a conceptual site plan demonstrating or requiring compliance with the conditions set forth in the PUD Ordinance, and generally depicting the nature, intensity, and location of various uses.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA:

SECTION 1. RECITALS. The above Recitals are true and correct, and are incorporated herein by reference and made a part hereof.

SECTION 2. SHORT TITLE. This Ordinance shall hereinafter sometimes be referred to as the "Aswad PUD ordinance."

SECTION 3. APPROVAL OF ASWAD PLANNED UNIT DEVELOPMENT.
The Official Zoning Map of the City of Polk City is hereby amended so as to assign the zoning classification of Planned Unit Development (PUD) to the Property. The City also hereby approves the conceptual site plan labeled "PUD Land Use Plan—Aswad PUD" as depicted on Exhibit "B" attached to and incorporated in this Ordinance.

SECTION 4. CONDITIONS OF APPROVAL. The following conditions of approval are hereby imposed on the Aswad PUD:

1. The proposed project shall meet all regulations of the City of Polk City, Florida
2. Proposed developmental area of this site shall be limited to the uses and proposed site design that shall be approved by the Planning Commission and the City Council.
3. Any modification to the approved Site Plan shall be approved by the Planning Commission and the City Council unless the proposed modifications are minor and in accordance with the City's ULDC.

4. With the exception of clearing for access roads, survey lines, construction trailers, equipment staging areas, fencing, and specific building sites, construction shall commence within 90 days after completion of clearing and grubbing.

5. The Applicant shall provide discharge control and treatment of the stormwater run-off in accordance with all applicable agency requirements in effect at the time of the permit application. The drainage system shall be maintained in an acceptable condition in accordance with the stormwater management plan.

6. Development shall conform to the Aswad PUD Land Use Plan dated July 1, 2013, which is attached hereto as Exhibit "B," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and city laws, rules, ordinances and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the City Council of the City of Polk City.

7. Pole signs, billboards, and outdoor storage and display are prohibited.

8. Prior to approval of any future site plans, construction plans, or issuance of any building permits, the Applicant shall enter into a recordable developer's agreement for the provision of water and wastewater service by the City of Polk City. At a minimum, said agreement shall provide for the connection of the Property to the City's water and wastewater system, extension of the City's existing wastewater pipeline to the Property at the expense of the Applicant, construction and installation of all onsite and proximate offsite improvements necessary for the City to provide water and wastewater service to the Property, and for payment of applicable water and wastewater capital charges to the City for water and wastewater service capacity adequate to service the development within the Property.

9. A preliminary site plan must be submitted and approved by the Planning Commission and the City Council within one (1) calendar year after approval of this Ordinance.

10. Prior to approval of the preliminary site plan, the Applicant shall submit for City review and approval a traffic study and analysis of the transportation impacts of development on the Property.

11. In granting the zoning, the City Council has relied upon the oral and written representations of the Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the City Council for review under the compliance of this zoning approval.

12. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. Issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit; license or approval to any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

b. The revocation of the Official Zoning Map Amendment and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the City's Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

SECTION 5. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

SECTION 6. COPY ON FILE. This Ordinance shall be codified and made part of the official Code of Ordinances of the City of Polk City.

SECTION 7. REPEAL OF ORDINANCES IN CONFLICT. All other ordinances of Fort Meade, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

INTRODUCED, PASSED on FIRST READING, this ____day of _____, 2013.

Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness

Sheandolen Dunn, Deputy City Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Council of the City of Polk City, Florida meeting in Regular Session this ____ day of _____, 2013.

Joe LaCascia, Mayor

ATTEST:

Sheandolen Dunn, Deputy City Clerk

ORDINANCE NO. 2013-1304

EXHIBIT "A"

Zoning Map Amendment



