

ORDINANCE 2019-05

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE OFFICIAL POLK CITY ZONING MAP TO CHANGE THE ZONING ON APPROXIMATELY 132.14 ACRES LOCATED ON THE NORTH SIDE OF MT. OLIVE ROAD, EAST OF SR 33, EAST OF GOLDEN GATE BOULEVARD FROM RESIDENTIAL LOW-4X TO PLANNED UNIT DEVELOPMENT-X IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN TO ALLOW FOR 400 SINGLE FAMILY DETACHED HOMES (PARCEL NUMBERS: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. FINDINGS AND INTENT. In adopting this Ordinance and amending the City's Official Zoning Map of Polk City, the City Commission of Polk City, Florida hereby makes the following findings:

(1) The applicant, Holly Cove, Inc. is the owner of certain property located within the corporate limits of Polk City, Florida, described by the following parcel numbers: PARCEL NUMBERS 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020 (hereafter "Property").

(2) The Property consists of approximately 132.14 acres, and, if approved, would change the Official Zoning Map by changing the zoning classification assigned to this property from Residential Low-4X in the Green Swamp Area of Critical State Concern to Planned Unit Development-X in the Green Swamp Area of Critical State Concern as depicted on the map attached to and incorporated in this Ordinance as Exhibit "A".

(3) 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.

(4) The City Commission of Polk City, Florida, 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

(5) 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.

(6) 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.

(7) 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 Commission the absolute authority to establish limitations and regulations for the development deemed necessary to protect the public health, safety and welfare.

(8) 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.

(9) In exercise of its authority, the City Commission has determined that in order for the proposed development to be approved, it must be subject to conditions of approval to ensure compliance with the ULDC and the City's Comprehensive Plan.

(10) 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.

SECTION 2. APPROVAL OF PLANNED UNIT DEVELOPMENT; CONDITIONS OF APPROVAL. The Official Zoning Map of Polk City is hereby amended so as to assign the zoning classification of Planned Unit Development (PUD) District to the Property. The City also hereby approves the conceptual site plan depicted in Exhibit "B" attached to and incorporated in this Ordinance subject to the following conditions of approval:

(1) Prior to issuance of any building permits for construction within the Property, the applicant shall be required to enter into a proportionate share agreement for needed transportation improvements at SR 33 and Mt. Olive Road.

(2) Prior to issuance of the first certificate of occupancy, the developer shall install right and left turn lanes at the project's driveway along Mt. Olive Road. These improvements shall be reviewed and are subject to the approval of both Polk County and Polk City.

(3) Prior to final site plan approval, the applicant shall submit for review a detailed landscape plan showing all perimeter buffering and landscaping within the development consistent with the requirements of the Polk City Unified Land

Development Code. Final site plan approval shall be contingent upon City review and approval of the detailed landscape plan.

(4) Prior to issuance of any certificates of occupancy, a boulevard entrance shall be constructed at the project entrance.

(5) The final site plan shall provide a curvilinear roadway design within the project to encourage traffic calming. All roadways and stormwater facilities within the development shall be private and shall be privately maintained.

(6) Prior to final site plan approval, a revised site plan shall be submitted to the City for review and consideration of approval indicating a minimum of a 100' setback from I-4.

(7) A minimum of 30 percent open space shall be reflected on the final site plan.

(8) The development shall allow for:

- a. A minimum of 40' wide lots.
- b. A minimum lot size of 4, 800 square feet.
- c. Minimum building setbacks as follows:
 - i. Front yard setback: 20'
 - ii. Side yard setback: 5'
 - iii. Rear yard setback: 10'
 - iv. Corner Lots:
 - Side yard setbacks: 12' on road frontage side

(9) A maximum of four hundred (400) single family detached dwelling units may be constructed in accordance with the City's Unified Land Development Code and other applicable portions of the City Code of Ordinances, as amended from time to time.

(10) Any major modifications to the applicant's concept plan shall be required to be reviewed and approved subject to duly advertised public hearings by both the Planning Commission and City Commission. The determination of a major modification shall be based on but not limited to the following: Any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

(11) The applicant shall cooperate and work with the homeowner's associations of the adjacent neighborhoods to achieve an acceptable buffer along the project's perimeters.

(12) No site or development plan shall be approved without adequate on-site and off-site public facilities, including but not limited to storm drainage, sanitary sewer, roadway capacity, fire/rescue service, police service, water distribution system and recreational facilities, which shall serve the proposed development.

(13) Florida Water Star SM (FWS) is a water conservation certification program for new and existing homes and commercial developments. Prior to the issuance of any Certificate of Occupancy, the Developer/Builder will provide a FWS Silver Certificate to the City to verify that all specified indoor plumbing, landscape and irrigation silver standards were met for the residential and recreational/amenity buildings. In the event that a FWS Silver Certificate is not obtained, the builder must provide a "Letter of Completion Certifying Compliance with FWS Design Standards" by builder's contracted landscape and irrigation professionals.

SECTION 3. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or enforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

SECTION 4. COPY ON FILE. This Ordinance shall be codified and made part of the official Code of Ordinances of Polk City.

SECTION 5. REPEAL OF ORDINANCES IN CONFLICT. All other ordinances of Polk City, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6. 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 15th day of July, 2019.

POLK CITY, FLORIDA



Joe LaCascia, Mayor

ATTEST:



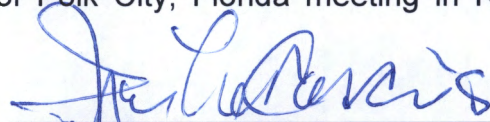
Patricia R. Jackson, City Manager/Clerk

APPROVED AS TO FORM AND
CORRECTNESS

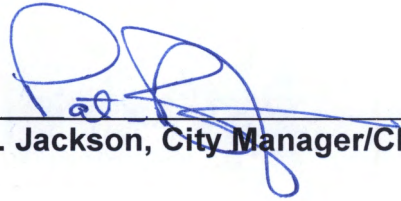


Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this 29th day of July, 2019.



Joe LaCascia, Mayor

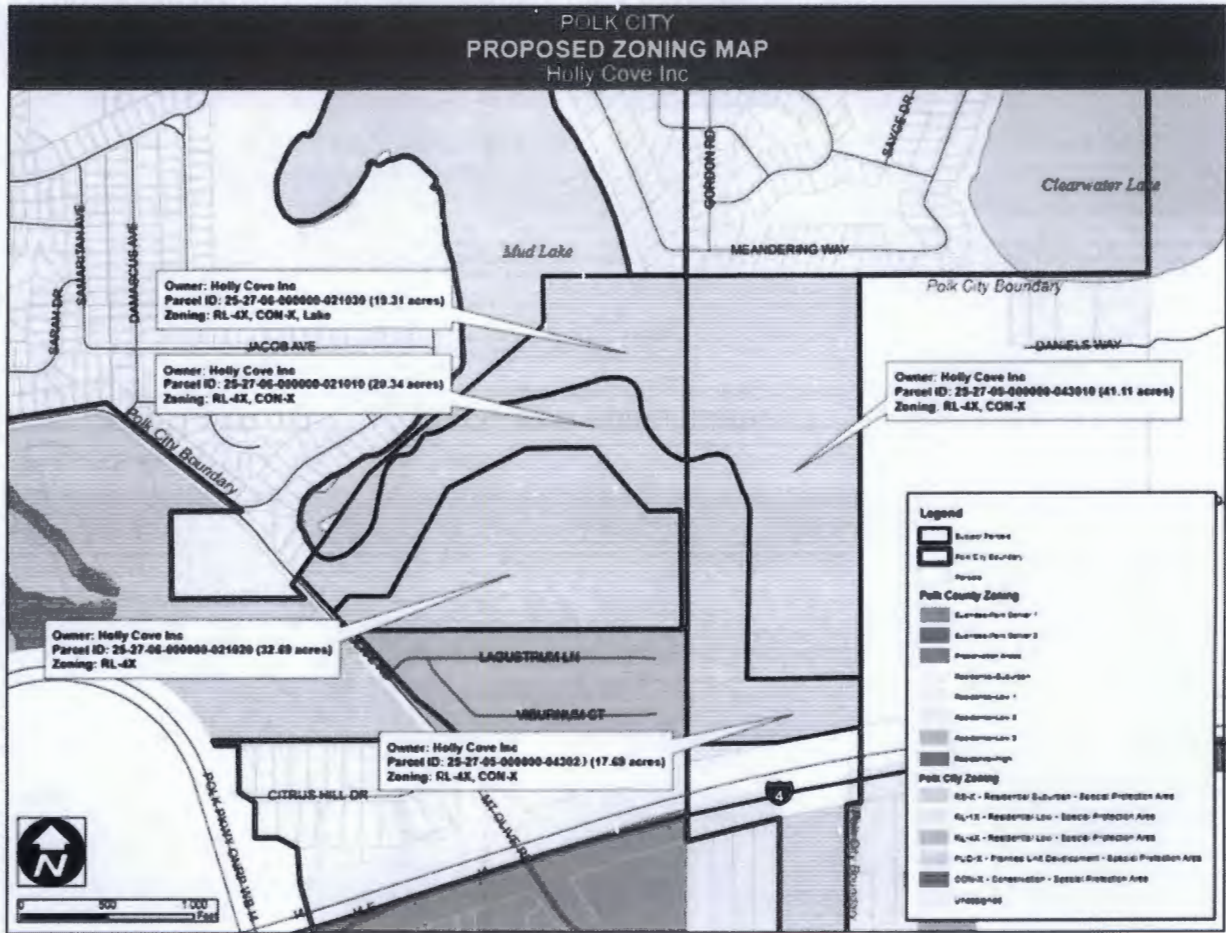
ATTEST: 

Patricia R. Jackson, City Manager/Clerk

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EXHIBIT "A"

Zoning Map Amendment



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EXHIBIT "B"

Conceptual Site Plan

