

ORDINANCE 2020-12

AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE OFFICIAL POLK CITY ZONING MAP TO CHANGE THE ZONING ON APPROXIMATELY 18.71 ACRES LOCATED AT THE NORTHWEST CORNER OF COMMONWEALTH AVENUE (SR 33) AND CITRUS GROVE BOULEVARD NORTH FROM R-4 MIXED RESIDENTIAL USE AND PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT TO ALLOW FOR 168 MULTIFAMILY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING 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, Mohamed El Aswad, is the owner of certain property located within the corporate limits of Polk City, Florida, described by the following parcel numbers: PARCEL NUMBERS 25-26-33-296500-102020; 25-26-33-296500-105000; 25-26-29-295302-003000; 25-26-29-295302-010000; and 25-26-29-295302-009010 (hereafter "Property").

(2) The Property consists of approximately 18.71 acres, and, if approved, would change the Official Zoning Map by changing the zoning classification assigned to this property from R-4 Mixed Residential Use and Planned Unit Development to Planned Unit Development 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) The proposed project shall meet all applicable regulations of the City of Polk City, Florida.

(2) The 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 Commission.

(3) Any modification to the approved Site Plan shall be approved by the Planning Commission and the City Commission 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 El Aswad PUD Land Use Plan dated October 2020, 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 Commission of Polk City.

(7) 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 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.

(8) A preliminary site plan must be submitted and approved by the Planning Commission and the City Commission within one (1) calendar year after approval of this Ordinance. If a preliminary site plan is not submitted and approved within one calendar year of the effective date of this ordinance, then this ordinance shall expire and the zoning in effect immediately prior to adoption of this ordinance shall take effect and apply to the Property.

(9) 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.

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.

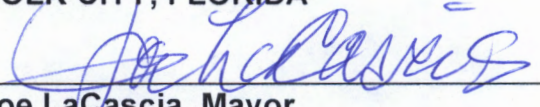
SECTION 4. COPY ON FILE. This Ordinance shall be codified and made part of the official Code of Ordinances of Polk City.

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 21st day of December 2020.


POLK CITY, FLORIDA




Joe LaCascia, Mayor

ATTEST:

APPROVED AS TO FORM AND
CORRECTNESS

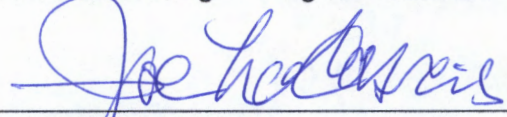


Patricia R. Jackson, City Manager/Clerk



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 19th day of January, 2021.

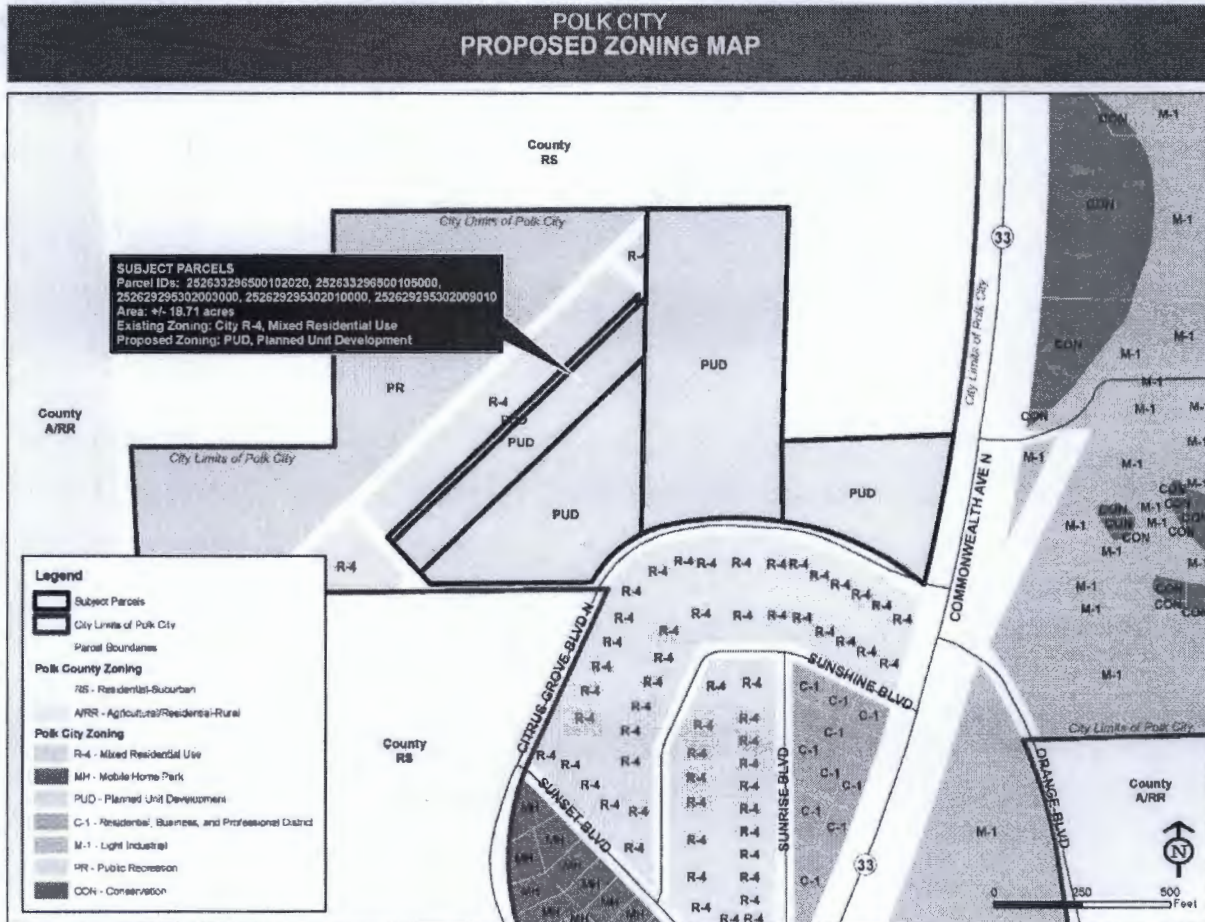


Joe LaCascia, Mayor

ATTEST:


Patricia R. Jackson, City Manager/Clerk

ORDINANCE 2020-12
EXHIBIT "A"
Zoning Map Amendment



ORDINANCE 2020-12

EXHIBIT "B"

Conceptual Site Plan

