

ORDINANCE NO. O-19-28 Revised

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA, BY ASSIGNING PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT TO THREE (3) ANNEXED PARCELS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE. (General Location: Three (3) parcels generally located on the west side of Country Club Road, approximately 1,700 feet south of Hamilton Point, NE. The area covered by this request is 67.1± acres.)

WHEREAS, there has been a request to assign zoning to the properties described below, and;

WHEREAS, the action will further the general health, safety, and welfare and be a benefit to the City as a whole, and;

WHEREAS, the requested zoning is consistent with the Future Land Use Element of the Winter Haven Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. That Chapter 21 of the Code of Ordinances of the City of Winter Haven, Florida, is hereby amended to assign that land, described in Exhibit "A" attached hereto and made a part of this ordinance, as Planned Unit Development (PUD) zoning district.

2. The assignment of Planned Unit Development (PUD) shall be subject to the following conditions:

A. Permitted Uses.

1. Residential uses shall be limited to a maximum of 400 total age-restricted units. Permissible residential uses shall include: Assisted Living Facility (ALF), Single-family Detached, Single-family attached, and Multi-family.
2. A maximum of 250 residential units (500 beds) shall be permitted within the ALF.
3. An event venue or clubhouse up to a total of 5,000 square feet.

4. Specific locations for the above identified uses within the subject area shall be as identified in the table below.

Proposed Use	Development Parcel Per Concept Plan			
	Parcel A	Parcel B	Parcel C	Parcel D
Single-family Detached	X	X	X	
Single-family Attached	X	X	X	
Multi-family		X	X	
Assisted Living Facility			X	
Recreational Uses/Event Venue	X	X	X	X

B. Lot and building requirements shall be as follows:

Lot and Building Requirement			Standard
Lot Area		Single-family Detached	Minimum 5,000 square feet
		Single-family Attached	Minimum 2,000 square feet
Lot Width		Single-family Detached	Minimum 40 feet
		Single-family Attached	Minimum 20 feet
Living Area		Single-family Attached and Detached	Minimum 800 square feet
		Multi-family	Minimum 500 square feet
Setbacks	Front yard	Front Porch	Minimum 10 feet
		Living Area	Minimum 14 feet
		Front Entry Garage	Minimum 22.5 feet
	Side yard	Single-family Detached	Minimum 5 feet
		Single-family Attached and Multi-family	Minimum 0 feet
		Assisted Living Facility	Minimum 10 feet
	Side Street yard		Minimum 14 feet
	Rear yard	Single-family Detached and Multi-family	Minimum 15 feet
		Single-family Attached and Assisted Living Facility	Minimum 0 feet
	Event venue/clubhouse building		From Country Club Rd- Minimum 100 feet
			All other property lines- Minimum 35 feet
Building Separation (Excluding Detached Single-family)			Minimum 15 feet

Building Height	Single-family Detached		Maximum 2 Floors up to 35 feet
	Single-family Attached		Maximum 3 Floors up to 45 feet
			Within 500 feet of Country Club Road or 300 feet from adjoining properties located SE of development - Maximum 2 Floors up to 35 feet
	Multi-family		Maximum 3 Floors up to 52 feet
			Within 500 feet of Country Club Road or 300 feet from adjoining properties located SE of development - Maximum 2 Floors up to 35 feet
	Assisted Living Facility		Maximum 3 Floors up to 55 feet
			Within 500 feet of Country Club Road or 300 feet from adjoining properties located SE of development- Maximum 2 Floors up to 35 feet
	Event venue/clubhouse building		Maximum 2 Floors up to 35 feet
Accessory Structures (Detached Single-family)		Area	Maximum 10 percent of lot area up to 750 square feet
		Setbacks	Minimum 3 feet from side and rear property line
Impervious Surface Area			Maximum 60 percent

Note: The attached conceptual plan provides additional restrictions on the placement of 3-story buildings within the PUD.

C. Landscaping.

1. Event Venue/Clubhouse

A minimum 20-foot wide buffer with a minimum 5-foot berm shall be installed along the event venue/clubhouse frontage with Country Club Road. The buffer shall contain, at a minimum, the following plantings:

Planting Type	Requirement
Overstory Tree	Minimum 4 per 100 linear feet
Understory Tree	Minimum 7 per 100 linear feet
Large Shrub	Minimum 10 per 100 linear feet

2. A minimum 10-foot wide buffer shall be installed between the stand-alone event venue/clubhouse uses and any adjoining off-site residential parcel. The buffer shall contain, at a minimum, the following:

Planting Type	Minimum Requirement
Overstory Tree	2 per 100 linear feet
Understory Tree	4 per 100 linear feet
Large Shrub	5 per 100 linear feet
Fence Requirement	6-foot Opaque Fence

3. A minimum 7.5-foot wide buffer shall be installed between the event venue/clubhouse uses and any adjoining on-site residential area. The buffer shall contain, at a minimum, the following:

Planting Type	Minimum Requirement
Overstory Tree	2 per 100 linear feet
Understory Tree	4 per 100 linear feet
Large Shrub	4 per 100 linear feet
Fence Requirement	Optional 6-foot Opaque Fence

4. Tree canopy coverage of parking and driveway areas.

The developer shall install and maintain tree canopy coverage equal to 40 percent of the impervious driveway and parking areas on site. Tree canopy coverage shall be achieved through the use of a variety of at least 4 different species of trees selected from the table below.

Permitted Tree		Canopy Credit
Common Name	Botanical Name	
Shumard oak	Quercus shumardii	1,250 square feet
Sand live oak	Quercus geminata	500 square feet
Red maple	Acer rubrum	700 square feet
Sweetgum	Liquidambar styraciflua	700 square feet
Florida elm	Ulmus americana var. floridana	700 square feet
Winged elm	Ulmus alata	700 square feet
Crape myrtle	Lagerstroemia indica	125 square feet
Tabebuia	Tabebuia chrysotricha Tabebuia heptaphylla Tabebuia impetiginosa	500 square feet
Longleaf pine	Pinus palustris	500 square feet
Slash pine	Pinus elliotii	500 square feet
Sand pine	Pinus clausa	500 square feet
Bald cypress	Taxodium distichum	500 square feet

5. A minimum of 168 trees shall be planted within or along the periphery of the former landfill site. A mixture of the following tree species shall be utilized: Shumard oak, Live oak, Red maple, Sweetgum, Longleaf pine, Slash pine, or Sand pine.
6. The use of Florida Friendly plantings shall be required.

D. Signage.

1. Event venue/clubhouse signage. A maximum of 48 square feet of signage shall be permitted for the event venue/clubhouse. Signage may be in the form of a monument sign 87

up to 6 feet in height or placed on a wall. Any monument sign shall be setback a minimum of 5 feet from any property line.

2. Residential Signage. Each internal single-family detached or multi-family residential community shall be permitted up to 32 square feet in signage. Signage may be in the form of a monument sign or placed on a wall.
3. Assisted living facility signage. A maximum of 64 square feet of signage shall be permitted for the assisted living facility. Signage may be in the form of a monument sign up to 6 feet in height or placed on a wall. Any monument sign shall be setback a minimum of 5 feet from any property line.
4. Electronic message center signs shall not be permitted.

E. Transportation.

1. Access to the lands subject to this ordinance shall be restricted to two entrances from Country Club Road, one of which shall include the future Sage Road connection. No access to the lands subject to this request shall be permitted via the existing driveway located immediately south and adjacent to Development Parcel "D".
2. Sufficient right-of-way shall be dedicated along the development's frontage with Country Club Road to allow for a minimum of 30 feet to the centerline of the right-of-way plus all additional space deemed necessary by the City for safe and adequate access.
3. A minimum 60-foot right-of-way shall be dedicated through the property to allow for the future extension of Sage Road to Country Club Road. Development activities on the subject property shall be subject to the following timelines and conditions:
 - The dedication transaction for the Sage Road right-of-way, to include a proposed Developer's Agreement, Warranty Deed and/or Easement Agreement, Title Commitment, Legal Description and Boundary Survey performed by a Florida-licensed surveyor shall be finalized and submitted to the City for review by the City Attorney's Office and the Planning Division within 90 days of the approval of the PUD Ordinance or as may be extended by agreement approved by the City Manager or designee. The dedication transaction shall be completed in a form and manner required by the City prior to the issuance of any building permit for vertical construction authorized by the PUD. Sufficient land shall be dedicated to allow for a 60-foot right-of-way plus all space deemed necessary by the City for safe and adequate access at the right-of-way's intersections with Country Club Road and internal roadways.
 - That portion of the Sage Road right-of-way located within the area subject to this PUD shall be constructed to City collector road standards at the developer's expense according to the following schedule:
 - Phase 1: Upon site plan approval for any residential units between 1 and 100 total units, the Sage Road intersection with Country Club Road shall be constructed, 88

pursuant to the issuance of a Polk County Driveway Permit, and the roadway shall be constructed from the right-of-way of Country Club Road a minimum distance of 450 feet generally west within the dedicated Sage Road right-of-way.

- Phase 2: Upon site plan approval for any residential units between 101 and 200 total units, Sage Road shall be constructed from the right-of-way of Country Club Road a minimum distance of 1,300 feet generally west and southwest within the dedicated Sage Road right-of-way.
 - Phase 3: Upon site plan approval for any residential units between 201 and 300 total units, Sage Road shall be constructed from right-of-way of Country Club Road a minimum distance of 2,200 feet generally southwest and south within the dedicated Sage Road right-of-way.
 - Building permits for the final 100 residential units shall not be issued until Sage Road is completed, upon the subject property, within the dedicated Sage Road right-of-way to collector roadway standards as established by the maintaining jurisdiction and the applicant pays its pro-rata, fair-share cost for the design of the Sage Road connection (from the southern boundary of the subject property to Dundee Road). Pro-rata, fair-share cost shall be determined by multiplying the cost of the design of the Sage Road connection by the percentage of the applicant's ownership in total linear feet of frontage on the Sage Road connection.
4. All parcels shall provide for cross-access driveways between each parcel.
 5. A minimum 6-foot sidewalk shall be installed along the development's frontage with Country Club Road and Sage Road. Minimum 4-foot sidewalks shall be installed along both sides of any internal roadway. That portion of the sidewalk along the development's frontage with Country Club Road shall be installed concurrent with Phase 1 of the Sage Road construction. The sidewalk along Sage Road shall be installed at the time of construction of Sage Road to City collector road standards. Sidewalks along internal roadways shall be installed prior to plat approval for Single-family Detached and Single-family Attached residential uses, or prior to receipt of a certificate of occupancy for Multi-family, Assisted Living Facility and Event Venue/Clubhouse Uses.
 6. Street lighting shall be installed on the Sage Road extension and any internal roadways at intervals of one light per 350 linear feet of roadway. Street lighting shall utilize energy efficient cobra head light fixtures with cut-off luminaires. Street lighting along Sage Road shall be installed at the time of construction of Sage Road to City collector road standards. Street lighting shall be installed along internal roadways prior to plat approval for Single-family Detached and Single-family Attached residential uses, or prior to receipt of a certificate of occupancy for Multi-family, Assisted Living Facility and Event Venue/Clubhouse Uses.
 7. A minimum 8-foot wide multi-use path connecting the event venue/clubhouse (Development Parcel "D") and Development Parcel "C" shall be constructed prior to the

receipt of a certificate of occupancy for any residential/assisted living uses on Development Parcel "C." Provided further, sufficient parking facilities shall be located on Development Parcel "C", adjacent to the 8-foot wide multi-use path, to facilitate walkable access to Development Parcel "D". In addition, sufficient appropriate accommodations for handicap accessible access to the event venue/clubhouse on Development Parcel "D" shall be provided.

8. The primary access to the event venue/clubhouse from lands subject to the request shall be from the roads and walkways internal to this development and not via Country Club Road.

F. Noise.

1. There shall be no outside amplified music or DJs.
2. All noise shall remain within the sound levels established by Chapter 12 of the Winter Haven Code of Ordinances at all times. Noise readings shall be measured at the property line of the property generating the noise.

G. Sage Road Landfill.

No habitable structures shall be constructed on the former Sage Road Landfill as delineated on the attached conceptual site layout. Additionally, no fill material shall be removed from the former landfill site. The landfill may be used for outdoor recreational uses, open space, or parking.

- H. Development shall be in general accordance with the conceptual layout of the property as attached as Exhibit "B" to this Ordinance.

I. All other code requirements shall be met.

3. This ordinance shall not be codified, but the City Clerk shall retain this ordinance as a permanent record of action taken by the City Commission of the City of Winter Haven.

4. All ordinances in conflict herewith are hereby repealed.

5. The correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

6. This Ordinance shall be effective immediately upon the effective date of Future Land Use Ordinance O-19-27; however, that such change shall first be noted on the official zoning map of the City of Winter Haven.

INTRODUCED on first reading this 12th day of August, 2019.

PASSED on second reading this 12th day of November, 2019.

CITY OF WINTER HAVEN, FLORIDA

MAYOR-COMMISSIONER

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Exhibit "A"

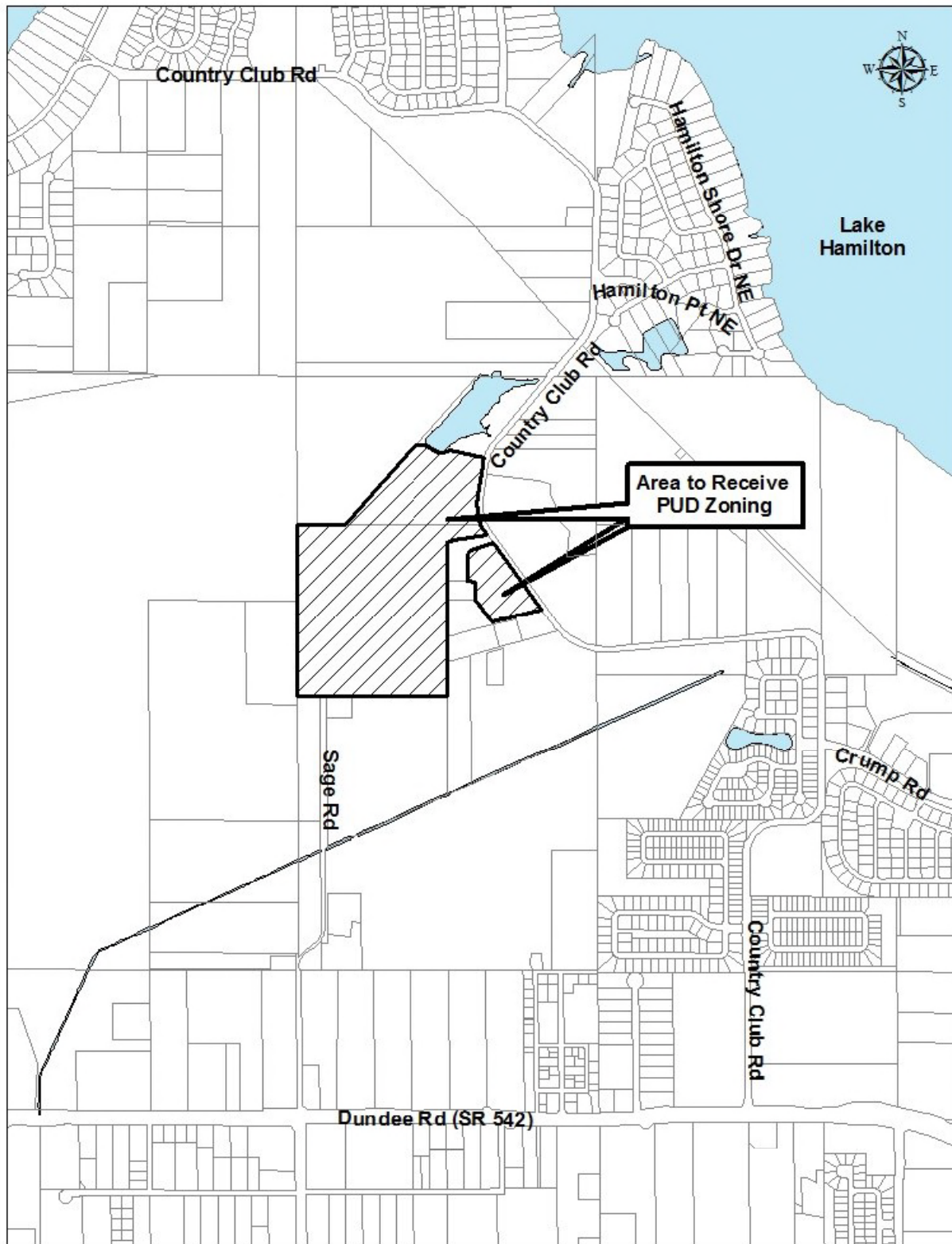


Exhibit "B"

