

ORDINANCE NO. O-15-02

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA, TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE O-07-02; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. (The Dundee Station Subdivision located at the northwest corner of Dundee Road (SR 542) and Buckeye Loop Road. The area covered by this request is 21± acres.)

WHEREAS, there has been a request to amend an existing Planned Unit Development (PUD), assign zoning, and rezone certain 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 2025 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 amend Planned Unit Development Ordinance O-07-02 as further described in Exhibit "A" attached hereto and made a part of this ordinance.

2. The amendment of Planned Unit Development Ordinance O-07-02 is subject to the following conditions:

- A. Specific uses shall be limited to those areas identified on the conceptual site plan for either single-family residential, multi-family residential, or commercial. Within areas identified as commercial, permitted uses may include: retail sales and services, excluding automotive, vehicle, and heavy equipment sales; offices; restaurants; hotels and motels; convenience stores with or without fuel sales; and indoor recreation. Within areas permitted for residential, home occupations and typical ancillary uses may be permitted in conjunction with the primary residential use.
- B. The maximum number of single-family residential lots shall not exceed 69. The maximum number of multi-family units shall not exceed 117 if developed without commercial uses and 78 if developed in conjunction with commercial uses.

C. Building Standards

Development Requirement		Standard
Single-family		
Lot Size		Minimum 5,000 square feet
Lot Width		Minimum 50 feet
Lot Depth		Minimum 100 feet
Front Setback		Living Area/Porch: Minimum 20 feet
		Garage: Minimum 20 feet
Side Setback		Interior: Minimum 5 feet
		Street: Minimum 15 feet
Rear Setback		Minimum 10 feet
Building Height		Maximum 2 floors up to 30 feet
Accessory Structures		Minimum Setback: 3 feet
		Maximum Area: 500 square feet
Multi-family		
Setback	Dundee Road	Minimum 35 feet
	Buckeye Loop Road	Minimum 25 feet
	Salisbury Drive	Minimum 15 feet; Maximum 25 feet
	Interior Lot Line	Minimum 10 feet
Building Separation		Minimum 15 feet
Building Height		Maximum 3 floors up to 39 feet
Commercial		
Setback	Dundee Road	Minimum 25 feet
	Buckeye Loop Road	Minimum 25 feet
	Salisbury Drive	Minimum 20 feet
	Interior Lot Line	Minimum 10 feet
Building Separation		Minimum 20 feet
Building Height		Maximum 3 floors up to 39 feet

D. Landscaping.

1. A minimum 10-foot landscape buffer shall be installed along Salisbury Drive where the commercial or multi-family development is located across the street from single-family lots. At a minimum, the buffer shall contain the following plantings:

Plant Material	Planting Ratio	
	Rear Elevation to the Street	Front Elevation to the Street
Overstory Tree	3 per 100 linear feet	2 per 100 linear feet
Understory Tree	4 per 100 linear feet	4 per 100 linear feet
Large Shrub	11 per 100 linear feet	7 per 100 linear feet
Fence/wall Requirement	6-foot Opaque	None

2. A minimum 5-foot landscape buffer shall be located along Dundee Road, Buckeye Loop Road, and the portion of Salisbury Drive located across the street from the stormwater retention areas. At a minimum, the buffer shall contain the following plantings:

Plant Material		Planting Ratio
Overstory Tree	Dundee Rd & Buckeye Loop Rd	0 per 100 linear feet
	Salisbury Dr	1 per 100 linear feet
Understory Tree	Dundee Rd & Buckeye Loop Rd	4 per 100 linear feet
	Salisbury Dr	3 per 100 linear feet
Large Shrub		5 per 100 linear feet

3. All parking and driveway areas within the commercial or multifamily areas shall be covered with a minimum of 40 percent of tree canopy coverage. No one species shall be used for more than 33 percent of the required canopy trees.
4. A minimum of one tree shall be planted in the front and rear yard of each single-family lot at the time the house on the lot is constructed. Trees shall measure a minimum of 2 inches in caliper (DBH) and may consist of one of the following trees: live oak (rear yard only), shumard oak, red maple, sycamore, sweetgum, hickory, and Florida elm. No one species shall be used for more than 33 percent of the required trees. Front yard trees shall be planted no further than 5 feet from the utility easement line.
5. The use of Florida Friendly plantings shall be required.

E. Signs.

1. Ground Signs. Ground signs within the commercial or multi-family areas shall be limited one monument sign per owned or leased parcel. The monument sign shall not exceed 8 feet in height and contain no more than 100 square feet.
2. Wall Signs. Wall signs shall be permitted at the ratio of 1.5 square feet per foot of building frontage up to a maximum of 100 square feet.
3. Electronic Message Center Signs. Electronic message center signs may be permitted as part of a sign structure containing fixed copy. The EMC shall not exceed 25 percent of the total copy area of the sign which it is part of. EMC signs shall change message no more frequently than once per 20 seconds.
4. All other requirements of the City's sign regulations shall apply.

F. Architectural Design Standards.

The following architectural design standards shall apply to all development authorized by this PUD:

1. All pole-mounted lighting fixtures shall utilize full cut-off luminaires and utilize LED or equivalent energy efficient lighting technologies and positioned to shine onto the property. All light fixtures shall be shielded to prevent glare onto adjoining properties.
2. The exterior façade of all commercial/multi-family buildings shall consist of either: concrete, stucco, split-face masonry, brick, stone, or vinyl/masonry siding mimicking wood siding. The use of metal for architectural accents shall be permitted provided the metal constitutes less than 20 percent of the building façade. Building elevations not fronting or backing a public right-of-way may use standard concrete block construction.

G. Transportation.

1. Access to the commercial/multi-family areas of the development shall be from a maximum of one access point from Buckeye Loop Road at a location determined and approved by Polk County, and a maximum of two access points from Dundee Road at locations determined and approved by the Florida Department of Transportation. A minimum of one access point shall be provided from Salisbury Drive no more than 200 feet from the intersection with Buckeye Loop Road.
2. For cross circulation, internal safe and efficient pedestrian and vehicular access between owned or leased parcels within the commercial/multi-family area shall be provided.
3. A minimum 5-foot sidewalk shall be constructed along the development's frontage with Dundee Road and Buckeye Loop Road. A minimum 4-foot sidewalk shall be constructed along both sides of all internal roadways including Salisbury Drive and Whitley Lane.
4. A sidewalk connection shall be maintained to the Buckeye Trace Subdivision located to the north. The sidewalk connection shall generally align with the proposed sidewalk along Grey Eagle Lane. A future street connection to Grey Eagle Lane is encouraged if the owner(s) of the Buckeye Trace Subdivision is amenable to this connection.
5. A minimum of one 4-foot pedestrian connection shall be provided between Salisbury Drive and the commercial/multi-family buildings.
6. The petitioner/developer shall work with the Florida Department of Transportation to ensure adequate right-of-way is provided for the upcoming widening of Dundee Road scheduled in 2018-2019.
7. Sufficient right-of-way to allow for a minimum of 40 feet to the centerline of Buckeye Loop Road shall be dedicated to Polk County at the time the commercial/multi-family areas are developed.
8. Bicycle racks for bicycle parking shall be provided at each commercial/multi-family building.

H. All development shall be consistent with the conceptual site plan attached as Exhibit "B"; however deviation from the conceptual site plan to address safety, design, technical, or permitting issues identified during formal site plan review may be permitted.

I. All other code requirements shall apply.

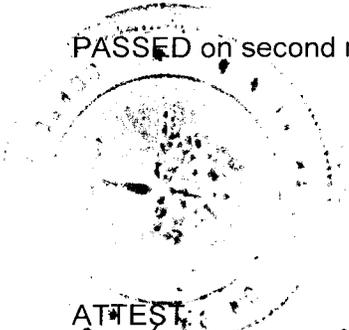
3. This ordinance shall not be codified, but the City Clerk shall retain this ordinance as a permanent record of action taken by the City Commission of the City of Winter Haven.

4. All ordinances in conflict herewith are hereby repealed.

5. This Ordinance shall be effective immediately upon the effective date of Future Land Use Ordinance O-15-01, provided; 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 January, 2015.

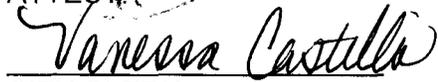
PASSED on second reading this 26th day of January, 2015.



CITY OF WINTER HAVEN, FLORIDA


MAYOR-COMMISSIONER

ATTEST:


CITY CLERK

Approved as to form:

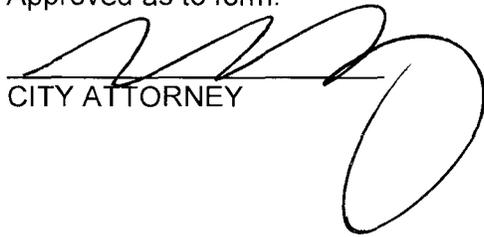
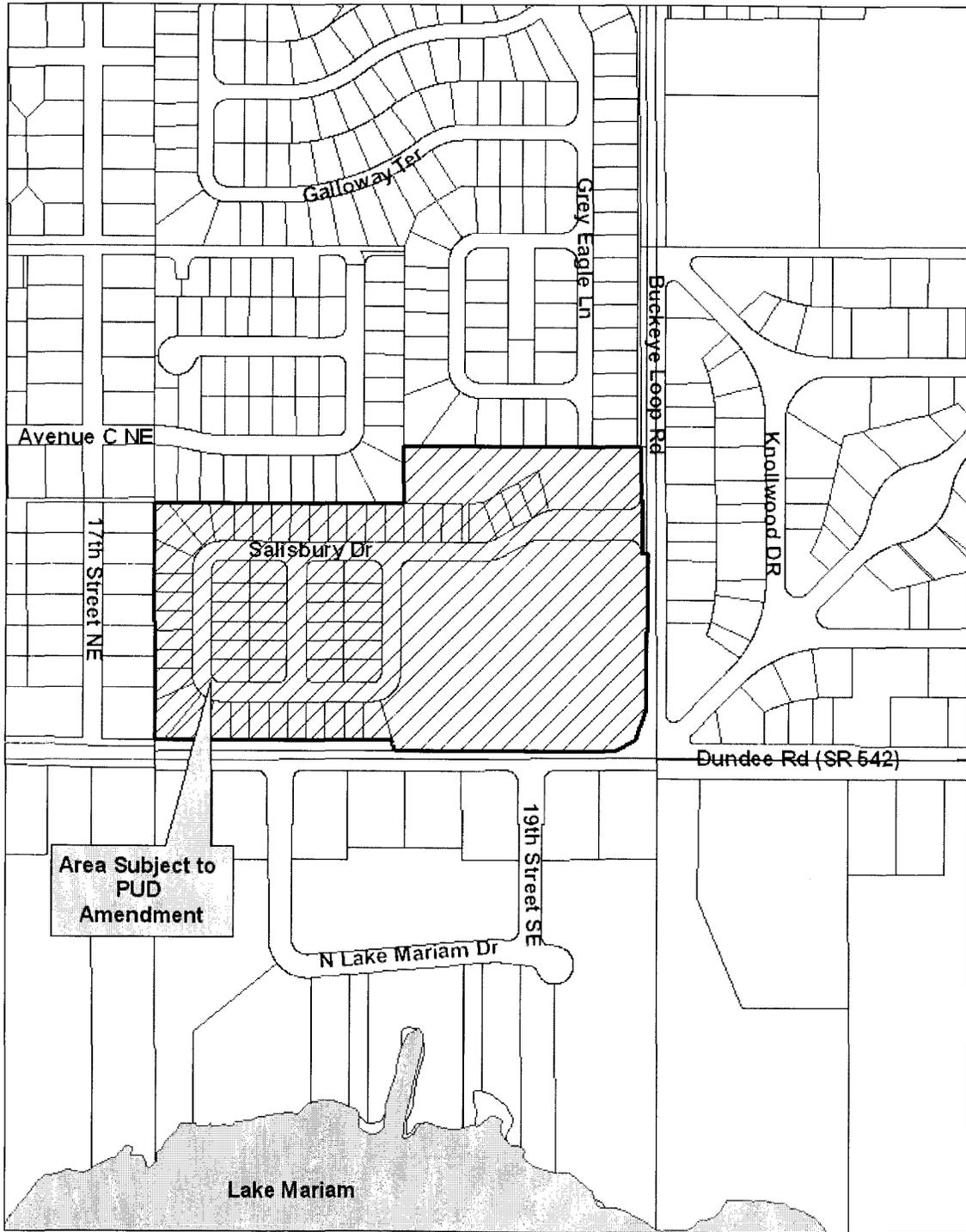

CITY ATTORNEY

Exhibit "A"



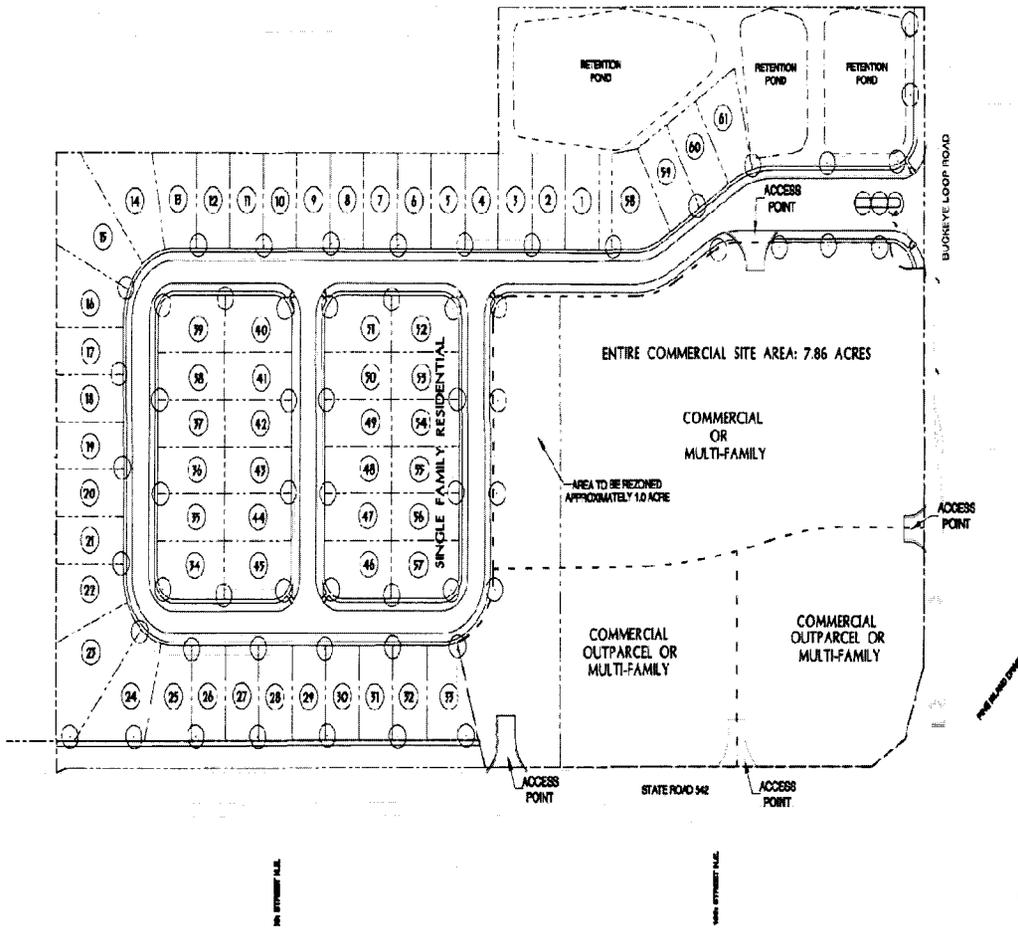
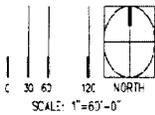


Exhibit "B"

FLAGSHIP GROUP INC.
 REAL ESTATE DEVELOPMENT • MANAGEMENT • INVESTMENT
 3456 HARDEE AVENUE ATLANTA, GA 30341
 TEL: 678.239.9197 • FAX: 678.239.0627

Flagship
Winter Haven Investments
ZONING PLAN

DATE: 1/12/2014



Development Consultants, Inc.

Land Planning • Site Development
 4132 Omond Trail SE, Atlanta, GA 30338 • Tel: 678.35.2021

CITY OF WINTER HAVEN FACT SHEET
CITY COMMISSION MEETING
January 12, 2015

DATE: December 29, 2014

TO: Honorable Mayor and City Commissioners

VIA: Deric C. Feacher, City Manager 
Merle Bishop, Growth Management Director 
Erin CK Tilghman, Planning Manager 

FROM: Sean Byers, Senior Planner 

SUBJECT: Ordinance O-15-01: Request by Flagship Winter Haven Investments, LLC to amend the Future Land Use on a portion of a parcel from Residential-Low Density to Neighborhood Activity Center. **General Location:** The Dundee Station Subdivision located at the northwest corner of Dundee Road (SR 542) and Buckeye Loop Road. The area covered by this request is 1.4± acres; and

Ordinance O-15-02: Request by Flagship Winter Haven Investments, LLC to amend Planned Unit Development Ordinance O-07-02. **General Location:** the Dundee Station Subdivision located at the northwest corner of Dundee Road (SR 542) and Buckeye Loop Road. The area covered by this request is 21± acres.

BACKGROUND:

The petitioner, Flagship Winter Haven Investments, LLC, requests the City amend the Future Land Use on a portion of a parcel from Residential-Low Density to Neighborhood Activity Center and amend Planned Unit Development Ordinance O-07-02. The area subject to these requests is the Dundee Station Subdivision located at the northwest corner of Dundee Road and Buckeye Loop Road.

The petitioner is seeking to restore the original concept for Dundee Station, approved in 2005 (Ordinance O-05-70). The original PUD on this property provided for approximately 13 acres of residential and 8 acres of commercial. The residential portion was subsequently developed into the 61-lot Dundee Station Subdivision. In 2007, the commercial area was reduced by 1.4± acres to allow for additional lots to be developed along the east side of Salisbury Drive. Due to weak market conditions in recent years, demand for the additional lots disappeared, and therefore were never platted, nor developed. Recently, the petitioner received interest in the property for commercial development if the original commercial area is restored.

Amending the Future Land Use on 1.4± acres to Neighborhood Activity Center will result in an increased development potential of 30,492 (1.4 x 43,560 x 0.50) square feet of commercial space and 7 (1.4 x 15 – 1.4 x 10) residential units. Based on these increases, approximately 9,156 gallons (30,492 x 0.24 + 7 x 2.1 x 125) of additional potable water capacity and 8,057 gallons (30,492 x 0.24 x 0.88 + 7 x 2.1 x 110) of wastewater treatment capacity will be required daily. Both the potable water system and the wastewater treatment plant have sufficient capacity to serve these requests. These requests will potentially result in an additional 157 peak-hour trips (30.492 x 5.02 + 7 x 0.58) onto the adjoining

roadway network. With the upcoming expansion of Dundee Road in 2018-2019, along with current capacity on Buckeye Loop Road, sufficient capacity will be available to serve this request.

The requested 1.4± acre amendment to the Future Land Use Map is a small-scale amendment that will not require review by the Florida Department of Economic Opportunity (DEO). The City is permitted to adopt up to 120 acres of small-scale Future Land Use amendments annually. This will be the first amendment for 2015.

SURROUNDING USES:

Uses surrounding the subject parcel include the largely undeveloped Buckeye Trace Subdivision to the north; a mixture of residential and commercial uses to the east; a bowling alley, auto service, and the Brandywyne Nursing Home to the south; and single-family residential and retail convenience uses to the west.

COMPREHENSIVE PLAN:

On the 2025 Future Land Use Map, the Dundee Station subdivision is designated as Residential-Low Density and the undeveloped parcel is designated as Residential-Low Density and Neighborhood Activity Center. The requested amendments to the PUD are consistent with adopted Future Land Uses and the requested Future Land Use amendment.

NOTIFICATION:

All public notification requirements for this request were met. A neighborhood meeting regarding this request was held November 20, 2014, at Rotary Park. Two individuals from the notification area attended the meeting including a representative from the builder of the residential portion of the Dundee Station Subdivision. Primary concerns raised during the meeting related to the need for a wall between the residential and commercial areas and the amount of traffic entering the subdivision.

FINANCIAL IMPACT:

There is no financial impact to the City with this request.

CONCLUSION:

The petitioner's requests to amend the Future Land Use on a portion of Dundee Station from Residential-Low Density to Neighborhood Activity Center, and to amend the existing PUD to remove single-family lots, is consistent with recent trends regarding the oversupply of single-family lots in the City. As of November 1 of this year, the City has 1,601 vacant single-family lots within subdivisions developed and platted in the last 15 years. With an average annual absorption of 135 single-family homes per year, the City has an 11.9 year supply of undeveloped single-family lots.

To allow continuity within the partially developed residential area of Dundee Station, development requirements for the single-family homes remain unchanged with the exception of adding a maximum building height limitation of 30 feet and requirements for accessory structures. Proposed changes to the PUD will allow greater flexibility regarding future development of the remaining undeveloped portion of Dundee Station by allowing for both commercial and multi-family residential. These requests also create the opportunity to focus more intense development at the intersection of Dundee Road and Buckeye Loop Road, as envisioned by the Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, at its December 2, 2014 regular meeting, unanimously voted to recommend approval of this request. No members from the public spoke regarding this request. Since the Planning Commission meeting, the amount of right-of-way acquisition from the subject property for State Road 542 (Dundee Road) has been determined by FDOT. As a result, the need for increased building setbacks from Dundee Road has been eliminated, and the building setbacks have been reduced to the more typical 25 feet.

RECOMMENDATION:

Staff recommends the City Commission approve Ordinances O-15-01 and O-15-02.

ATTACHMENTS:

Future Land Use Map

Zoning Map

Aerial Map

Future Land Use Policies 1.3.2 (Residential-Low Density) and 1.3.5 (Neighborhood Activity Center)

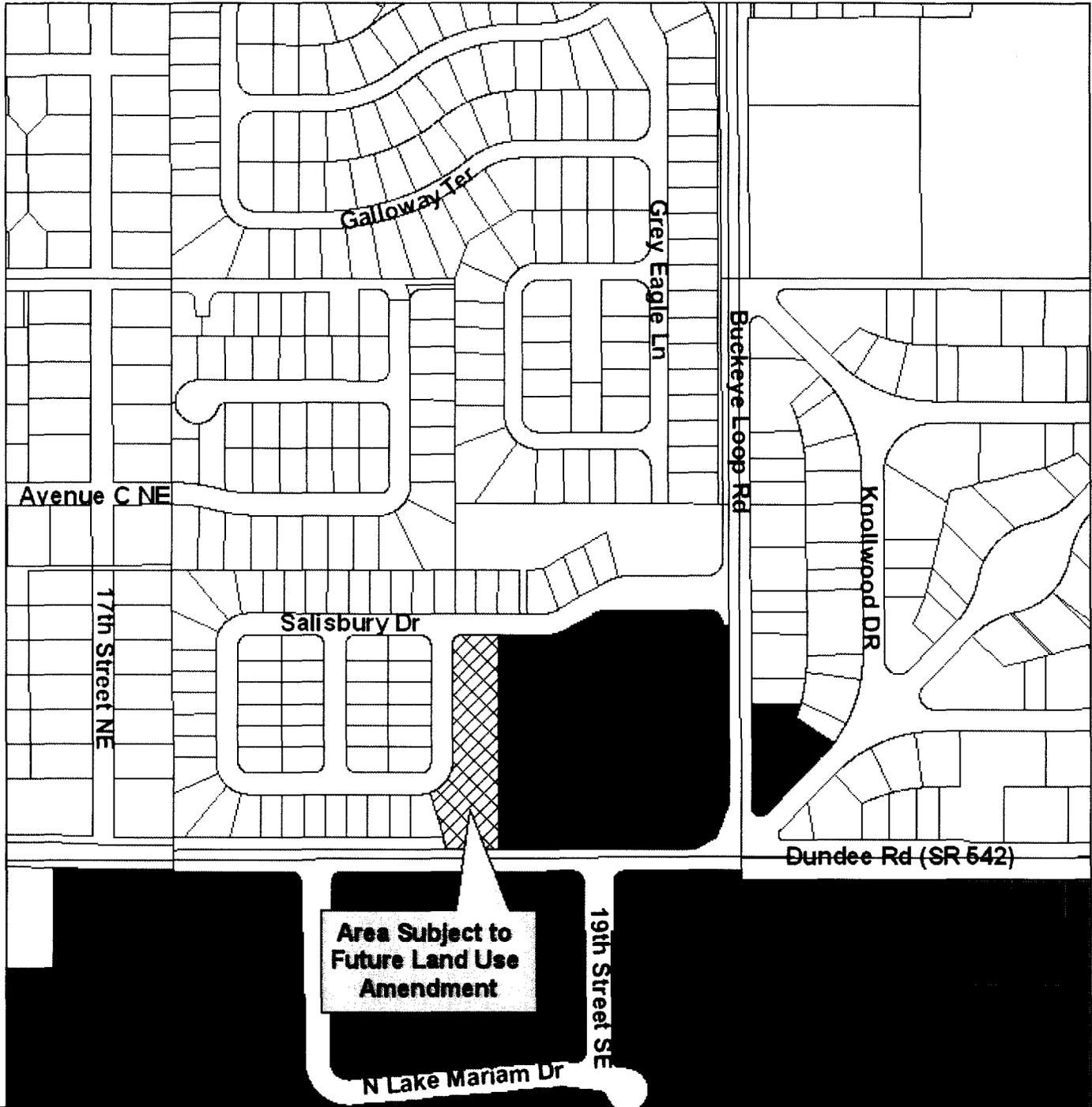
PUD Ordinance O-07-02

PUD Ordinance O-05-70

Ordinance O-15-01 (Future Land Use)

Ordinance O-15-02 (Zoning-PUD)

Future Land Use Map



Legend

2025 Future Land Use

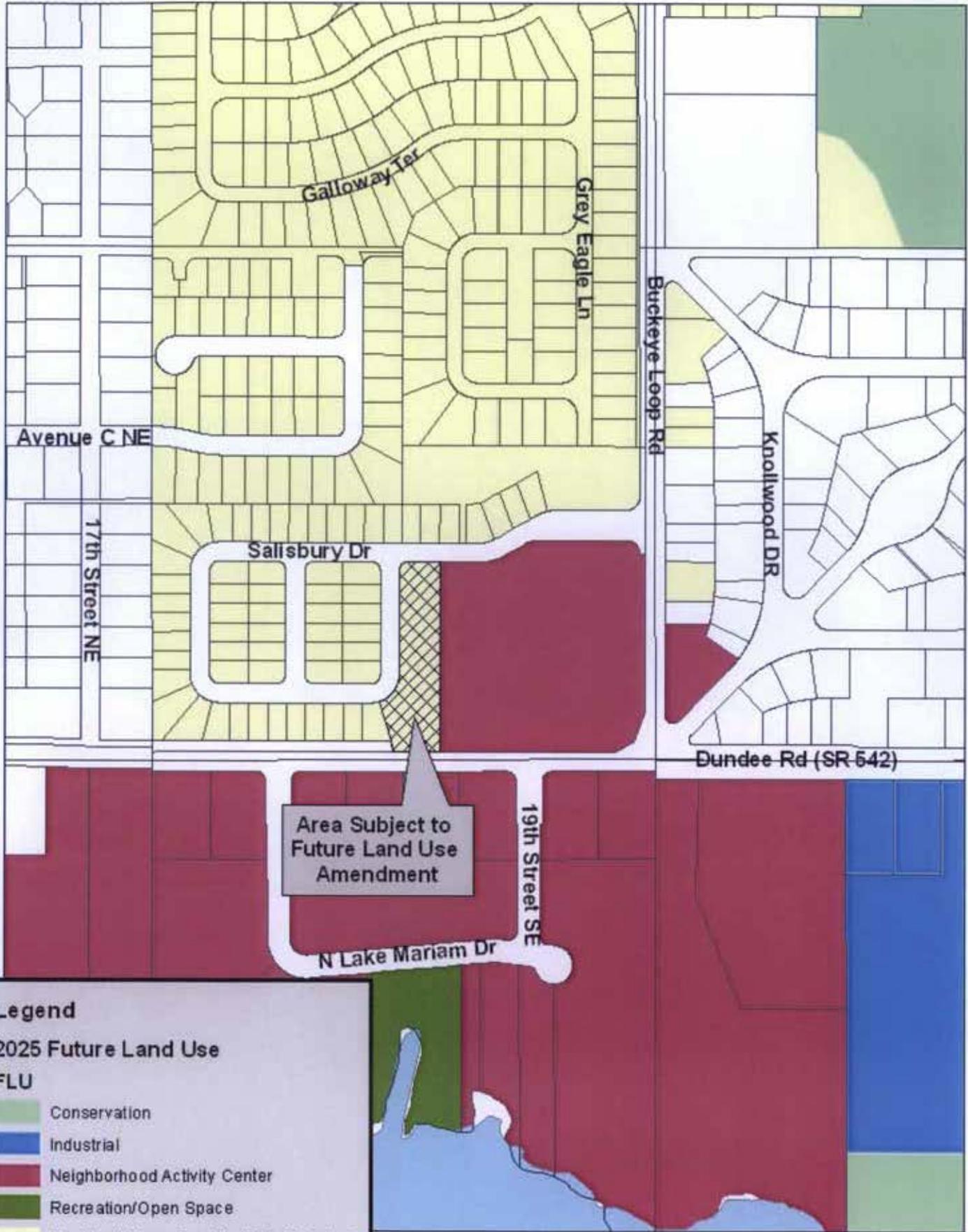
FLU

- Conservation
- Industrial
- Neighborhood Activity Center
- Recreation/Open Space
- Residential Low Density (2.01-10 du/ac)



Future Land Use Map

O-15-01



Legend

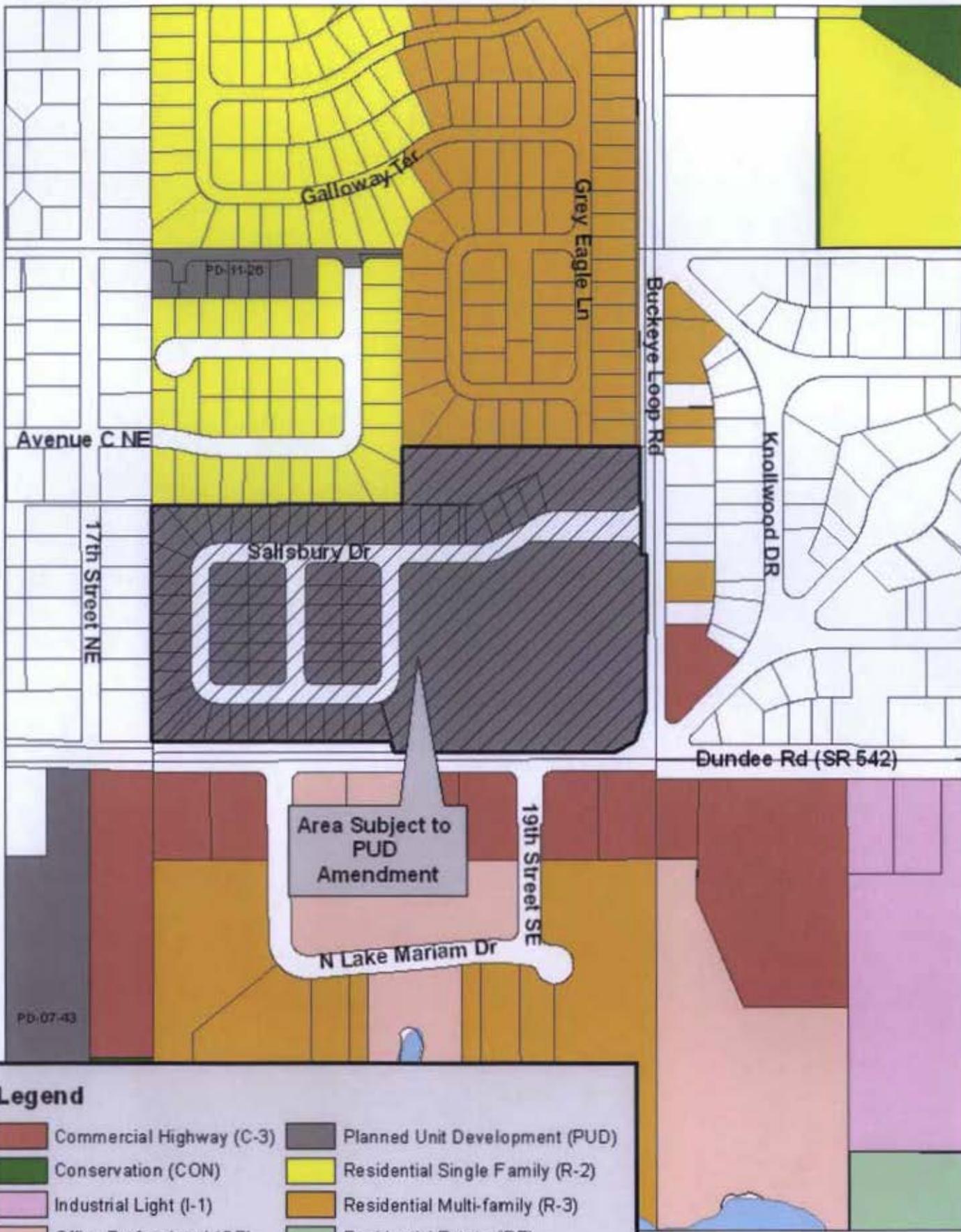
2025 Future Land Use

FLU

- Conservation
- Industrial
- Neighborhood Activity Center
- Recreation/Open Space
- Residential Low Density (2.01-10 du/ac)

Zoning Map

O-15-02



Legend

- | | |
|---|---|
|  Commercial Highway (C-3) |  Planned Unit Development (PUD) |
|  Conservation (CON) |  Residential Single Family (R-2) |
|  Industrial Light (I-1) |  Residential Multi-family (R-3) |
|  Office Professional (OP) |  Residential Estate (RE) |

Aerial Map

O-15-01 & O-15-02



Policy 1.3.2:

Residential-Low Density. Attached, detached, and manufactured residential uses ranging in density from 2.01 to 10.0 dwelling units per acre shall be mapped as Residential-Low Density on the Future Land Use Map. Secondary uses that are generally compatible with Residential-Low Density include houses of worship, schools, and recreational uses such as clubhouses, golf courses, and playgrounds.

- A. Properties designated as Residential-Low Density may be located along existing or proposed arterial, collector, or local streets. Where properties designated as Residential-Low Density are located along an arterial roadway, no individual platted lots shall directly access the arterial street.
- B. To further the objective of creating a compact and efficient growth pattern, all new residential subdivisions shall be required to connect, when possible, to existing adjacent subdivisions, and/or provide for future access to adjoining vacant tracts of land.
- C. All residential subdivisions containing 60 or more building lots should provide a minimum of two access points, and when possible, access points on to multiple roadways.
- D. Residential development planned as a single, mixed-use development may include one non-residential use, occupying not more than one acre of land, including parking and stormwater retention facilities, and limited to local convenience and service areas, for every 50 dwelling units. The non-residential use shall not exceed 5,000 square feet of gross leasable area.
- E. Any parcel located along an established or proposed fixed transit route may be permitted up to 12 dwelling units per acre
- F. The maximum intensity for assisted living facilities, nursing homes, and dormitories shall be 20 beds per acre.



Development typical of Regional Activity Centers

Policy 1.3.5: *Neighborhood Activity Center.* Moderate intensity retail, restaurant, office, residential, and institutional areas with a targeted market radius of less than five (5) miles shall be mapped as a Neighborhood Activity Center on the Future Land Use Map.

- A. The maximum Floor Area Ratio for all retail, office, or institutional land uses shall be as follows:

Parcel Size	Adopted FAR
Less than 1.0 acres	1.0
1.01 to 3.0 acres	0.75
More than 3.0 acres	0.50
Adjacent to Transit	1.0

- B. Residential densities shall range between 5 and 15 dwelling units per acre. Any parcel located along an established or proposed transit route may be permitted up to 17 dwelling units per acre

- C. For parcels developed with both residential and commercial uses, the breakdown of residential and commercial intensities shall be as follows:

Maximum Residential Density	Maximum Commercial Square Footage
5 to 8.0 units/acre	75% of FAR
8.01 to 11.0 units/acre	65% of FAR
11.01 to 14.0 units/acre	60% of FAR
14.01 to 17 units/acre	55% of FAR

- D. The maximum impervious surface ratio for parcels shall be as follows:
- Non-waterfront parcels: 75%
 - Areas of high aquifer recharge (sandy soils): 70%
 - Waterfront parcels: 60%
- E. Neighborhood Activity Centers shall only be located along existing or proposed arterial or collector streets.



Development typical of a Neighborhood Activity Center

ORDINANCE NO. O-07-02

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA, BY AMENDING PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE O-05-70; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. (General Location: The parcel is located on the northwest corner of State Road 542 (Dundee Road) and Buckeye Loop Road.)

WHEREAS, there has been a request to amend Planned Unit Development (PUD) Ordinance O-05-70 governing the property 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 amendment 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 Ordinance O-05-70 of the City of Winter Haven, Florida, governing the development of the property as shown in Exhibit "A", is hereby amended as follows:

- A. The development shall be limited to 11.6± acres for residential use and 9.8± acres for commercial use.
- B. The maximum number of residential lots shall be 69.
- C. Minimum lot width shall be 50 feet.
- D. Minimum lot depth shall be 100 feet.
- E. The residential lots shall be a minimum of 5,000 square feet and meet the following setbacks:

Front:	20 feet
Street Side:	15 feet
Side:	5 feet
Rear:	10 feet
Garage Setback:	20 feet

- F. The commercial lots shall meet the following setbacks:
- | | |
|------------------------------|---------|
| Dundee & Buckeye Loop Roads: | 25 feet |
| Internal Rights-of-Way: | 15 feet |
| Side: | 5 feet |
| Rear: | 10 feet |
- G. All commercial structures shall be required to meet a minimum building separation of 15 feet.
- H. Access to the commercial portion of the site shall be from one (1) access point on Buckeye Loop Road, which will be limited to a right in, right out and one (1) access point on State Road 542 (Dundee Road), which shall align with 19th Street, NE.
- I. All commercial lots/sites within the Planned Unit Development (PUD) shall interconnect and provide a "grid type" vehicular network connecting to all external access points.
- J. The residential portion of the site shall provide 4-foot sidewalks on both sides of internal roadways, 5-foot sidewalks along the property's frontage along Buckeye Loop Road and State Road 542 (Dundee Road).
- K. The commercial portion of the site shall provide a safe and efficient pedestrian network, connecting all commercial sites, buildings, and the residential section of the development to the external sidewalk network along Buckeye Loop Road and State Road 542 (Dundee Road).
- L. The developer/owner shall construct a pedestrian connection to the proposed Buckeye Trace Subdivision to the north. The pedestrian connection shall align with the proposed stub-out provided within the Buckeye Trace Subdivision.
- M. The developer/owner shall install a 6-foot wall with a minimum 15-foot Type "D" Landscape Bufferyard between the residential and commercial portions of the site. The wall must be constructed upon or prior to development of the first commercial parcel.
- N. Upon construction of individual homes in the subdivision, one (1) tree, with a minimum caliper of two (2) inches, shall be planted in the front and rear yard of each lot, no further than five (5) feet from the utility easement line. Trees planted shall be

one of the following types: Live Oak, Shumard Oak, Red Maple, Florida Sugar Maple, or Sycamore.

- O. Sufficient right-of-way shall be dedicated to allow for 50 feet to the center line of Dundee Road and 40 feet to the centerline of Buckeye Loop Road.
- P. The following uses shall be permitted on the commercial section of the Planned Unit Development: Retail, Offices, Restaurants, Convenience Store with or without gas station, Hotel/Motels, Automobile Rental, and Indoor Recreation Uses.
- Q. Signage within the commercial tract shall be limited to one (1) monument sign per out parcel and shall not exceed 40 square feet per sign or a height of 6 feet. Wall signs shall not exceed 2 square feet for each foot of storefront per business.
- R. The developer shall install reclaimed water reuse lines for the additional 12 single-family lots and the commercial portion of the development. These lines shall be connected to the City's reuse system upon its availability.
- S. Development shall be in accordance with the submitted conceptual site plan.

2. 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, Florida.

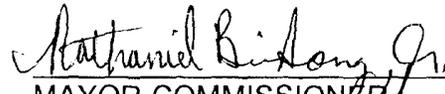
3. All ordinances in conflict herewith are hereby repealed.

4. This ordinance shall take effect upon the effective date of Future Land Use Ordinance O-07-01, provided, however, that such change shall first be noted on the official zoning map of the City of Winter Haven.

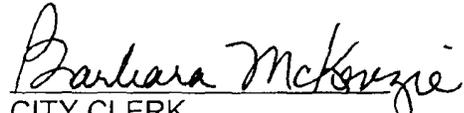
INTRODUCED on first reading this 26th day of February, 2007.

PASSED on second reading this 12th day of March, 2007.

CITY OF WINTER HAVEN, FLORIDA

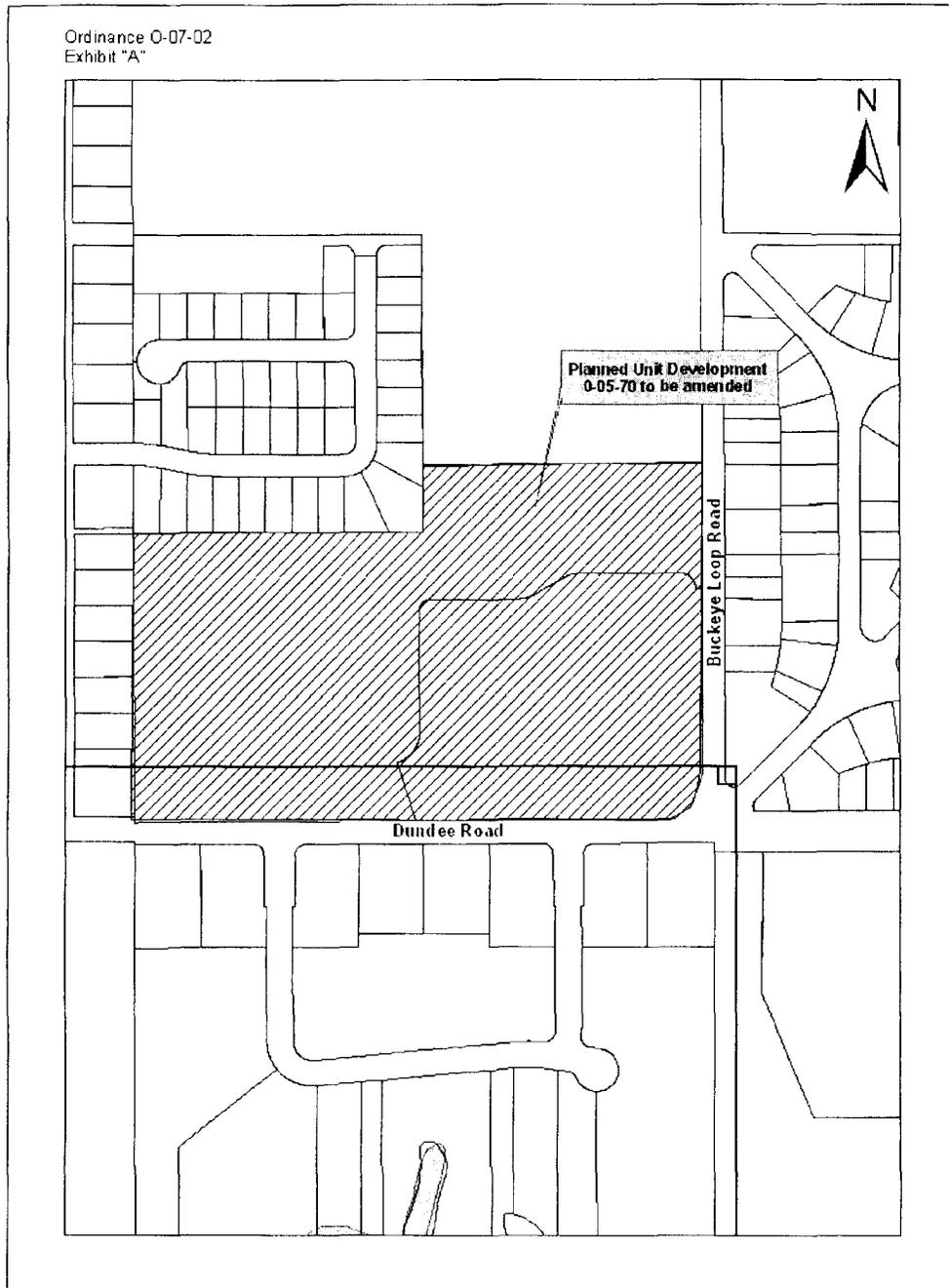

MAYOR-COMMISSIONER

ATTEST:


CITY CLERK

Approved as to form:


CITY ATTORNEY



ORDINANCE NO. O-05-70

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA, TO ASSIGN PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT TO 21.44± ACRES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE. (General location: At the northwest corner of State Road 542 (Dundee Road) and Buckeye Loop Road.)

WHEREAS, there has been a request to assign zoning for the property 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 zoning assignment of Planned Unit Development (PUD) zoning as shown in Exhibit "A" is conditioned upon complying with the following:
 - A. The development shall be limited to 9.90± acres for residential use and 11.54± acres for commercial use.
 - B. The maximum number of residential lots shall be 60.
 - C. Minimum lot width shall be 50 feet.
 - D. Minimum lot depth shall be 100 feet.

- E. The residential lots shall be a minimum of 5,000 square feet and meet the following setbacks:

Front:	20 feet
Street Side:	15 feet
Side:	5 feet
Rear:	10 feet
Garage Setback:	20 feet

- F. The commercial lots shall meet the following setbacks:

Dundee & Buckeye Loop Roads:	25 feet
Internal Rights-of-Way:	15 feet
Side:	5 feet
Rear:	10 feet

- G. All commercial structures shall be required to meet a minimum building separation of 15 feet.

- H. If granted by the Florida Department of Transportation and Polk County, the entire Planned Unit Development (PUD) site shall be limited to two (2) access points on State Road 542 (Dundee Road) and two (2) access points on Buckeye Loop Road.

- I. All commercial lots/sites within the Planned Unit Development (PUD) shall interconnect and provide a "grid type" vehicular network connecting to all external access points.

- J. The residential portion of the site shall provide 4-foot sidewalks on both sides of internal roadways, 5-foot sidewalks along the property's frontage along Buckeye Loop Road and State Road 542 (Dundee Road).

- K. The commercial portion of the site shall provide a safe and efficient pedestrian network, connecting all commercial sites, buildings, and the residential section of the development to the external sidewalk network along Buckeye Loop Road and State Road 542 (Dundee Road).

- L. The developer/owner shall construct a pedestrian connection to the proposed Buckeye Trace Subdivision to the north. The pedestrian connection shall align with the proposed stub-out provided within the Buckeye Trace Subdivision.

- M. The developer/owner shall install a 6-foot wall with a minimum 15-foot Type "D" Landscape Bufferyard between the residential and commercial portions of the site.
 - N. Upon construction of individual homes in the subdivision, one (1) tree, with a minimum caliper of two (2) inches, shall be planted in the front yard of each lot, no further than five (5) feet from the utility easement line. Trees planted shall be one of the following types: Live Oak, Shumard Oak, Red Maple, Florida Sugar Maple, or Sycamore.
 - O. Additional rights-of-way shall be dedicated along the frontage of Buckeye Loop Road as required by Polk County and State Road 542 (Dundee Road) required by the Florida Department of Transportation (FDOT).
 - P. The following uses shall be permitted on the commercial section of the Planned Unit Development: Retail, Offices, Restaurants, Convenience Store with gas station, Hotel/ Motels, and Indoor Recreation Uses.
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. This ordinance shall take effect upon the effective date of Future Land Use Ordinance O-05-69, provided, however, that such change shall first be noted on the official zoning map of the City of Winter Haven.

INTRODUCED on first reading this 26th day of September, 2005.

PASSED on second reading this 10th day of October, 2005.

CITY OF WINTER HAVEN, FLORIDA



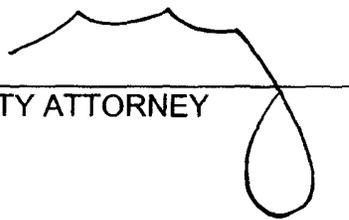
MAYOR-COMMISSIONER

ATTEST:



CITY CLERK

Approved as to form:



CITY ATTORNEY

