

**ORDINANCE NO. O-15-14**

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA, TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE O-07-32; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. (General Location: The northeast corner of Ninth Street, SE and Avenue Z, SE. The area covered by this request is 10.6± 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-07-32 as further described in Exhibit "A" attached hereto and made a part of this ordinance.

2. The amendment of Planned Unit Development Ordinance O-07-32 is subject to the following conditions:

- A. Specific uses shall be limited to 48 single-family houses of conventional construction and customary ancillary uses. Home occupations as defined by Chapter 21 of the Winter Haven Code of Ordinances may be permitted in conjunction with the primary permitted use.
- B. Lot and building standards for the development shall be as outlined in the table below.

Development Requirement		Standard
Lot Size		Minimum 5,500 square feet
Lot Width		Minimum 50 feet
Principal Building Setbacks	Front	Living Area or Front Porch- Minimum 15 feet; Maximum 25 feet
		Front Entry Garage- Minimum 20 feet
	Side	Interior Lot Line- Minimum 5 feet
		Side Street- Minimum 15 feet
	Rear	Minimum 10 feet
		Lots Abutting Lake Lulu/Lake Roy Canal- Minimum 40 feet from the canal seawall
Building Height		Maximum 2 Floors up to 30 feet
Accessory Structures	Setbacks	Side Lot Line- Minimum 3 feet
		Rear Lot Line- Minimum 5 feet
		Lake Lulu/Lake Roy Canal wall- Minimum 25 feet
		Separation from Principal Structure- Minimum 5 feet
	Maximum Area: 550 square feet total	
	Height- Maximum 24 feet	

C. A 10-foot maintenance easement on the lots, including any common lots, abutting the Lake Lulu/Lake Roy Canal shall be dedicated to the Lakes Region Lakes Management District or its successor agency for the purpose of maintaining the canal seawall.

D. Landscaping.

1. A minimum 5-foot landscape buffer shall be installed along the subdivision's frontage with Ninth Street, SE and Avenue Z, SE. At a minimum, the buffer shall contain the following plantings:

Plant Material	Planting Ratio
Overstory Tree	None
Understory Tree	4 per 100 linear feet
Large Shrub	5 per 100 linear feet

2. A minimum 6-foot wall or decorative fence shall be installed along the subdivision's frontage with Ninth Street, SE and Avenue Z, SE. For architectural enhancement, wall or fence columns may extend up to 7 feet in height. The use of chain-link fencing along Ninth Street, SE and Avenue Z, SE shall be prohibited.
3. A minimum 6-foot opaque fence shall be installed along the eastern 352 feet of the northern boundary of the development.
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 1 ¼ inches in caliper (DBH) and shall be one of the species contained in the table below. 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 and no closer than 5 feet from an underground water, sewer, reuse, or electric line; however, no tree shall be planted within a utility easement.

Permitted Tree		Permitted Planting Locations
Common Name	Botanical Name	
Live oak	<i>Quercus virginiana</i>	Rear yard only
Shumard oak	<i>Quercus shumardii</i>	Front or rear yard
Sand live oak	<i>Quercus geminata</i>	Front or rear yard
Red maple	<i>Acer rubrum</i>	Front or rear yard
Sycamore	<i>Plantanus occidentalis</i>	Rear yard only
Sweetgum	<i>Liquidambar styraciflua</i>	Rear yard only
Pignut hickory	<i>Carya glabra</i>	Rear yard only
Scrub hickory	<i>Carya floridana</i>	Rear yard only
Florida elm	<i>Ulmus americana</i> var. <i>floridana</i>	Front or rear yard
Winged elm	<i>Ulmus alata</i>	Front or rear yard
Chinese elm	<i>Ulmus parvifolia</i>	Front or rear yard
Crape myrtle	<i>Lagerstroemia indica</i>	Front yard only
Ligustrum tree	<i>Ligustrum recurvifolium</i>	Front yard only
Tabebuia	<i>Tabebuia caraiba</i>	Front or rear yard
East Palatka holly	<i>Ilex attenuata</i>	Front or rear yard
Chickasaw plum	<i>Prunus angustifolia</i>	Front or rear yard

5. The use of Florida Friendly plantings shall be required.

#### E. Signs.

1. A ground sign or wall identification sign(s) not to exceed a total of 32 square feet in area may be installed at entrances to the subdivision.
2. All other requirements of the City's sign regulations shall apply.

#### F. Transportation.

1. All internal streets shall provide a minimum right-of-way width of 50 feet if the roadways will be publicly-maintained. A minimum of 40 feet of right-of-way shall be required if the streets will be privately-maintained. Minimum pavement width shall be 20 feet and a curb and gutter drainage system shall be provided.
2. The developer shall coordinate with Polk County to ensure that sufficient right-of-way is dedicated along Ninth Street, SE and Avenue Z, SE.
3. A minimum 6-foot sidewalk shall be constructed along the development's frontage with Ninth Street, SE and Avenue Z, SE. A minimum 5-foot sidewalk shall be constructed along both sides of all internal roadways.

4. A minimum 4-foot sidewalk connecting internal sidewalks to the sidewalk to be constructed on Avenue Z, SE shall be installed on the east side of Lot 19. This sidewalk may be gated if it is desired to restrict access to residents of the subdivision.
  5. Street lighting shall be provided on internal streets within the subdivision. A minimum lighting standard of 0.4 foot-candles shall be provided on all roadways. The use of overhead cobra-head fixtures with full cut-off luminaires shall be required; however, if the streets will be privately-maintained, decorative lighting may be permitted. All lighting fixtures shall utilize LED or equivalent energy efficient lighting technologies. Costs for the initial installation of street lighting shall be the responsibility of the developer. If the streets will be privately maintained, the on-going maintenance and monthly electric usage charges shall be the responsibility of the developer or homeowners' association.
- G. Reclaimed water reuse lines shall be installed throughout the development and connected when reclaimed water becomes available to the subdivision.
- H. No public or private docks or boat access shall be permitted along the Lake Lulu/Lake Roy Canal.
- I. School concurrency shall be reviewed at the time of site plan submittal. Should school capacity at any level (elementary, middle, or high) not be available at the time of site plan review, the site plan shall not be approved unless the developer reaches a mitigation agreement with the Polk County School Board. Mitigation strategies shall be geared towards providing sufficient student stations to accommodate the number of students generated by the development within three (3) years of a signed agreement.
- J. Should this subdivision utilize privately-maintained streets, the following note shall be added to each page of the subdivision plat:
- “Notice: This subdivision contains private roadways owned and maintained by the lot owners of this subdivision. Maintenance of these roadways, including the pavement, sidewalks, drainage infrastructure, street lighting (including monthly electric usage charges), access gates, and signage shall be the responsibility of the homeowners' association, or in the absence of an association, the lot owners of record.”
- K. 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.
- L. 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 passage on second reading, 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 27<sup>th</sup> day of April, 2015.

PASSED on second reading this 11<sup>th</sup> day of May, 2015.



ATTEST

Vanessa Castillo  
CITY CLERK

Approved as to form:

[Signature]  
CITY ATTORNEY

CITY OF WINTER HAVEN, FLORIDA

[Signature]  
MAYOR-COMMISSIONER

Exhibit "A"

Location Map

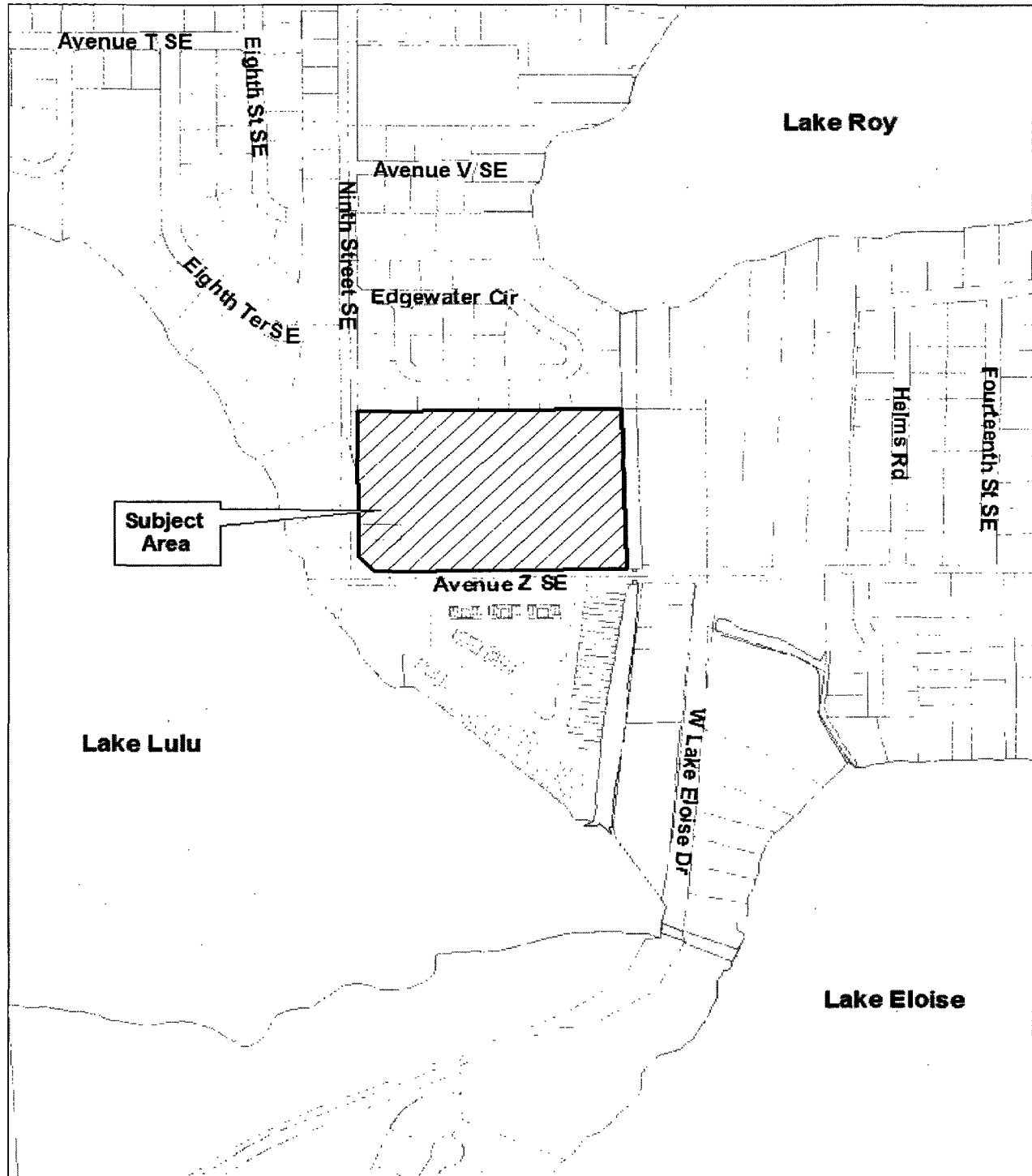
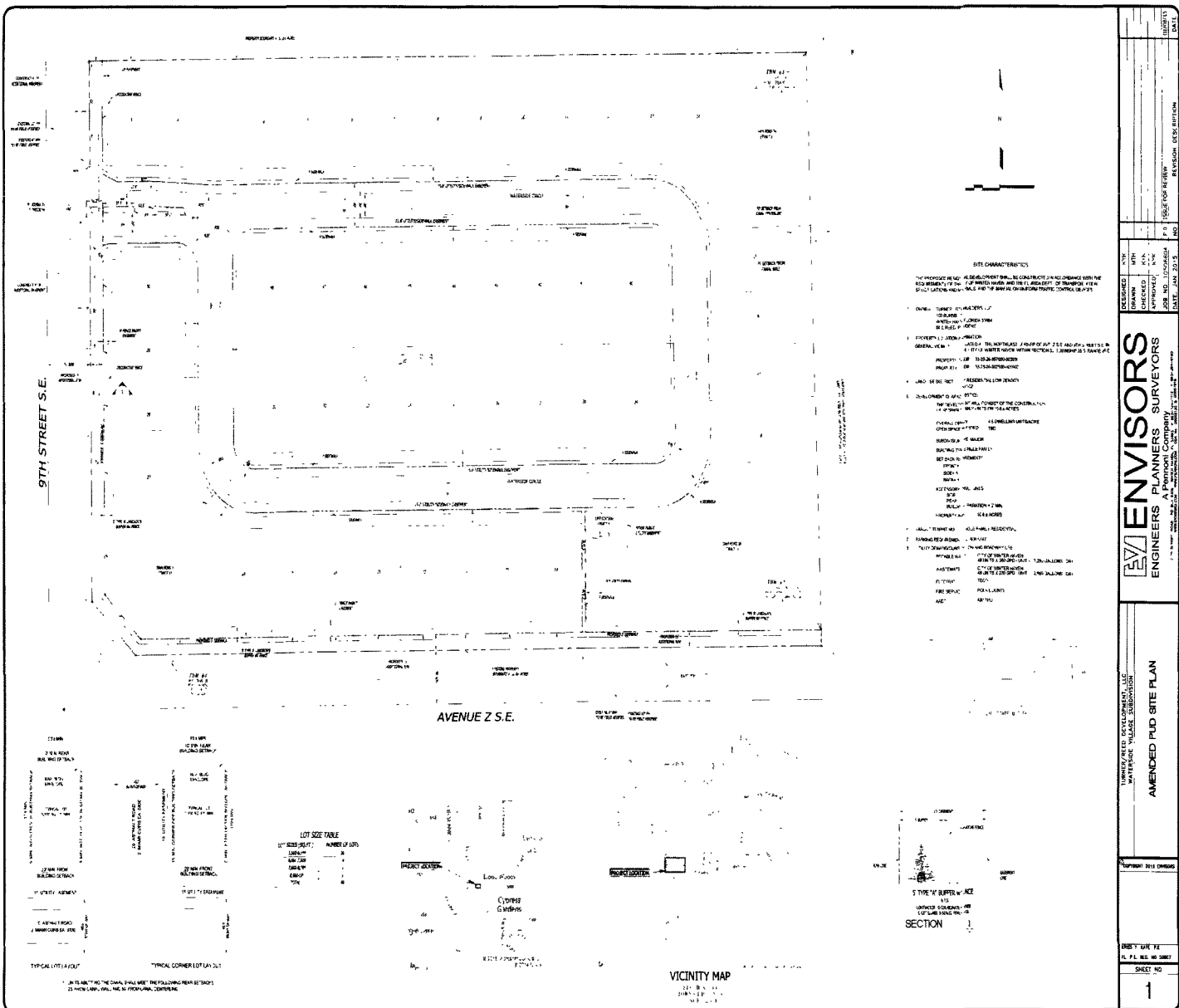


Exhibit "B"



**CITY OF WINTER HAVEN FACT SHEET**  
**CITY COMMISSION MEETING**  
**April 27, 2015**

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**DATE:** April 13, 2015

**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 *SB*

**SUBJECT:** Ordinance O-15-14: Request by TI Development of Central Florida, LLC to amend Planned Unit Development Ordinance O-07-32. **General Location:** The northeast corner of Ninth Street, SE and Avenue Z, SE. The area covered by this request is 10.6± acres.

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**BACKGROUND:**

The petitioner, TI Development of Central Florida, LLC, requests the City amend Planned Unit Development Ordinance O-07-32. The area subject to this request consists of 10.6± acres of vacant land located on the northeast corner of Ninth Street, SE and Avenue Z, SE.

The petitioner is seeking to amend the existing PUD for the primary purpose of reducing the minimum lot width requirement from 60 feet to 50 feet and reducing the minimum lot area from 6,600 square feet to 5,500 square feet. The resulting reduction in lot size will add 5 lots for a total of 48 lots. Other requested changes include the elimination of a landscape buffer requirement adjacent to the Edgewater Subdivision located to the north; changing the requirement for a wall along Ninth Street, SE and Avenue Z, SE to a fence with a 5-foot landscape buffer; and reduction in the required setback for a retention pond from a canal from 25 feet to 20 feet.

This request will result in a slight increase in the number of residential units that can be developed on the subject property. These additional lots will not have a significant impact on utility, roadway, or public school infrastructure serving this development.

**SURROUNDING USES:**

Uses surrounding the subject property include the Edgewater Subdivision to the north; the Lake Lulu/Lake Roy Canal and vacant land to the east; the Water's Edge and Sandy Cove Condominiums to the south across Avenue Z, SE; and single-family residential to the west across Ninth Street, SE. A 26-unit multi-family project has been approved on the 2.57-acre vacant property to the east; however, a timetable for construction is not known at this time.

**COMPREHENSIVE PLAN:**

The 2025 Future Land Use Map designates the area subject to this request as Traditional Neighborhood Area which allows residential densities from 3 to 15 units per acre. The requested amendments to the PUD will result in a density of 4.5 units per acre.



## **NOTIFICATION:**

All public notification requirements for this request were met. A neighborhood meeting regarding this request was held March 26, 2015, at the Winter Haven Library. Eleven individuals from the notification area attended the meeting. One minor concern regarding a need for a fence near the development's northeastern retention area was raised. In response to this concern, staff included a condition requiring a 6-foot opaque fence be installed along the eastern 352 feet of the development's northern boundary adjacent to the Edgewater Manor Subdivision.

## **FINANCIAL IMPACT:**

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

## **CONCLUSION:**

The petitioner's request to amend PUD-07-32 will only result in a slight increase in the number of lots on their property; however, the reduction in lot width from 60 feet to 50 feet will result in approximately two lots abutting each adjoining lot in the Edgewater Subdivision located to the north. While this may raise concerns over compatibility, the general character of this area is a mixture of housing types and lot sizes. Within 1,500 feet of the subject property are three multi-family (with a fourth approved) communities and a mixture of single-family lots ranging from 75 feet in width to over 200 feet in width. The average residential density of the surrounding neighborhoods is approximately 12.2 units per acre for the multi-family units located to the south, and 2.3 units per acre for the single-family lots located to the north, east, and west. The petitioner's proposed project at 4.5 units per acre will serve as a transition between the multi-family uses and the older, established single-family neighborhoods. Additionally, the use of PUD zoning allows for conditions which will improve the compatibility of the petitioner's development with existing nearby neighborhoods.

## **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission, at its April 7, 2015 regular meeting, unanimously voted to recommend approval of this request. One member from the public spoke to this request and indicated concerns over additional traffic and expressed safety concerns regarding the curve from Ninth Street, SE on to Avenue Z, SE.

## **RECOMMENDATION:**

Staff recommends the City Commission approve Ordinance O-15-14.

## **ATTACHMENTS:**

Future Land Use Map  
Zoning Map  
Aerial Map  
Future Land Use Policy 1.2.3 (Traditional Neighborhood Area)  
PUD Ordinance O-07-32  
Ordinance O-15-14

# Future Land Use Map

O-15-14



# Zoning Map

O-15-14





# Aerial Map

O-15-14



## **Future Land Use Element**

**Policy 1.2.3:**      *Traditional Neighborhood Areas.*      Low to medium density residential areas located within the Central Urban Core shall be designated on the Future Land Use Map as Traditional Residential Areas. Primary uses within Traditional Residential Areas include accessory residential units, apartments, condominiums, townhouses and single-family residences. Secondary uses may include houses of worship, schools, and low intensity recreational uses.

- A. Residential densities for new construction shall range between 3 and 15 units per acre.

## **ORDINANCE NO. O-07-32**

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 TWO (2) PARCELS ANNEXED INTO THE MUNICIPAL LIMITS OF THE CITY OF WINTER HAVEN; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE. (General Location: The parcels are located on the northeast corner of Avenue Z, SE and 9<sup>th</sup> Street, SE)

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 with the following conditions:

- A. All uses shall be limited to single-family residences and customary ancillary uses.
- B. The total number of single-family residences shall not exceed 43.
- C. Minimum lot width shall be 60 feet.
- D. Minimum lot area shall be 6,600 square feet.
- E. Setbacks for individual units shall be as follows:

Front:	15 feet
Side:	5 feet
Rear:	10 feet

Garage: 20 feet  
Seawall or bank or canal: 20 feet (50-feet from the centerline of canal)

- F. All internal rights-of-way shall be a minimum of 40 feet. All roadways, open space, retention, park area, and other common areas provided shall be privately maintained by the homeowners' association.
- G. A 4-foot sidewalk shall be constructed on both sides of all internal streets. A 5-foot sidewalk shall be constructed along the project's frontage on 9<sup>th</sup> Street, SE and Avenue Z, SE.
- H. A 3-foot Type "A" landscape buffer shall be installed along 9<sup>th</sup> Street, SE, Avenue Z, SE, and the north property line.
- I. No public or private docks or boat access will be permitted along the canal.
- J. Street lighting shall be installed along all streets within the subdivision for pedestrian safety. Street lighting shall be at the expense of the developer and maintained by the homeowners' association.
- K. Reclaimed water reuse lines shall be installed throughout the development and connected when available.
- L. A 4-foot sidewalk shall be provided on the east side of lot 17, providing access to the sidewalk along Avenue Z, SE.
- M. Additional right-of-way shall be dedicated along both Avenue Z, SE and 9<sup>th</sup> Street, SE to ensure that 40-feet of right-of-way exists from the centerline of each roadway along the property frontage.
- N. Two (2) canopy trees, of different species, shall be planted on each lot. Trees planted shall be one (1) of the following types: Live Oak, Shumard Oak, Red Maple, Florida Sugar Maple, or Sycamore. All trees shall be Florida Number 1.
- O. A 6-foot wall shall be constructed along 9<sup>th</sup> Street, SE and Avenue Z, SE, which will include a 3-foot landscape buffer.
- P. All development shall be in accordance with the attached 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.
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-07-31, provided; however, that such change shall first be noted on the official zoning map of the City of Winter Haven.

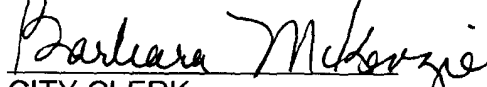
INTRODUCED on first reading this 23<sup>rd</sup> day of April, 2007.

PASSED on second reading this 23<sup>rd</sup> day of July, 2007.

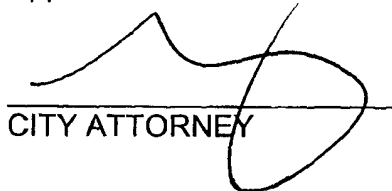
CITY OF WINTER HAVEN, FLORIDA

  
MAYOR-COMMISSIONER

ATTEST:

  
CITY CLERK

Approved as to form:

  
CITY ATTORNEY

