

ORDINANCE NO. 2018- 18 _____
AMENDMENT TOWN CENTER MPD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR AN AMENDMENT TO ORDINANCE NO. 2003-32, SECTION 7.0 DESIGN GUIDELINES; PROVIDING FOR CONFLICTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Town Center Master Planned Development is a Master Planned Development (MPD) previously rezoned to MPD through Ordinance 2003-32;

WHEREAS, two public hearings on the proposed Amended Town Center Planned Development (MPD) Development Agreement (the “Development Agreement”) have been duly held in the City of Palm Coast, Florida, and at such hearings interested parties and citizens for and against the proposed amendment were heard; and

WHEREAS, JTL Palm Coast Holdings, Inc. a Florida corporation (“Owner”) is the Owner of the property further described in “Attachment A” and has entered into the Master Planned Development Agreement as recorded in Official Records Book 1025, Pages 1398, through 1453 of the public records of Flagler County, Florida; and

WHEREAS, the Owner has requested to amend the Development Agreement in order to allow parking canopies in lieu of garages to comply with Section 4.01.03.A.3 of the ULDC stating that a minimum of one-third of all multifamily units shall have garages;

WHEREAS, the Planning and Land Development Regulation Board and City Staff of the City of Palm Coast have recommended approval of this Ordinance and the Planning and Land Development Regulation Board has found this requested change consistent with the City of Palm Coast Comprehensive Plan; and

WHEREAS, the City Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of City staff, and the recommendation of the Planning and Land Development Regulation; and

WHEREAS, the City Council of the City of Palm Coast, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes and the City of Palm Coast Unified Land Development Code, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, additional conditions of approval may also be included within the minutes of relevant meetings of the Planning & Land Development Regulation Board and City Council. Furthermore, any representations or promises made by the Applicant during the zoning review and

approval process for the Project (whether oral or in writing) shall also be additional conditions of approval if deemed appropriate by the City; and

WHEREAS, the notice and public hearing requirements, as provided for in Chapter 2 (Review Authority, Enforcement, and Procedures) of the City of Palm Coast Unified Land Development Code have been satisfied; and

WHEREAS, the City Council of the City of Palm Coast held duly noticed public hearings on the proposed amendment set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various City reviewing departments, and the recommendation of the Planning and Land Development Regulation Board (PLDRB) which voted to recommend approval at the regularly scheduled meeting conducted on August 15, 2018, and after complete deliberation, the City Council hereby finds the requested change consistent with the City of Palm Coast Comprehensive Plan, and that sufficient, competent and substantial evidence supports the proposed amendment set forth hereunder; and

WHEREAS, the Owners have fully complied with the requirements of City of Palm Coast Land Development Code and the Town Center MPD Development Agreement for amending the Development Agreement to permit the requested changes; and

WHEREAS, the City Council of the City of Palm Coast hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Palm Coast, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. Legislative and Administrative Findings. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. MPD Amendment. Section 7.0, Design Guidelines, of the Town Center MPD is amended as follows:

7.0 Design Guidelines

(t) As an alternative to providing garages for 1/3 of multifamily units as specified in Section 4.01.03 A3 of the ULDC, properties in the Urban Core Area of Town Center may include Parking Canopies in lieu of garages provided they meet the following criteria:

1. Proposed parking canopies are uniquely designed for the individual multifamily project;
2. Proposed parking canopies incorporate roof, materials and design elements of the multifamily project being proposed;
3. Proposed parking canopies include a complementary roof pitch, and not be flat;

4. Proposed parking canopies must be approved by the Town Center Architectural Review Board and the City of Palm Coast.
5. Note: Solar collecting parking canopies may be allowed as a design exception if #4 is met.

SECTION 3. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 4. Conflicts. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this 4th day of September 2018.

Adopted on the second reading after due public notice and hearing City of Palm Coast this 18th day of September 2018.

CITY OF PALM COAST, FLORIDA



MILISSA HOLLAND, MAYOR

ATTEST:

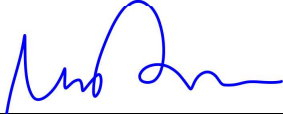


VIRGINIA SMITH, CITY CLERK

Attachments:

Attachment A – Legal Description

Approved as to form and legality:



William E. Reischmann, Jr., Esq.



**ATTACHMENT “A”
LEGAL DESCRIPTION
PARCEL IDs**

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