

**ORDINANCE NO. 24-2073**

**AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA, AMENDING ORDINANCE NO. 03-1060, BY AMENDING THE ZONING MAP OF THE CITY FOR A MINOR MODIFICATION OF ORDINANCE NO. 21-1733 AND ORDINANCE NO. 22-2001 AMENDING THE RESIDENTIAL PLANNED UNIT DEVELOPMENT KNOWN AS CONGDON TOWNHOMES LOCATED WEST OF POWERLINE ROAD, AND NORTH OF BAKER DAIRY ROAD; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR A MINOR MODIFICATION TO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A COPY TO BE KEPT ON FILE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 163, Florida Statutes, empowers the City Commission to prepare and enforce Land Development Regulations for the implementation of the adopted Haines City Comprehensive Plan; and

**WHEREAS**, the City Commission adopted Ordinance No 13-1457 Land Development Regulations, to implement the adopted Haines City Comprehensive Plan; and

**WHEREAS**, the adopted Haines City Land Development Regulations contain Chapter 5 Zoning, including a zoning map; and

**WHEREAS**, the conditions for development of the Congdon Townhomes RPUD were approved by the Haines City Commission on June 3rd, 2021 as set forth in Ordinance No. 21-1733; and

**WHEREAS**, the property consists of a gross land mass of 33.87 acres, known as Congdon Townhomes Residential Planned Unit Development (RPUD), and is located north of Baker Dairy Road and west of Powerline Road, in Haines City, FL; and

**WHEREAS**, the property consists of the following parcel and Legal Descriptions:

Parcel ID No. 272722-757000-010200

A PORTION OF TRACTS 20, 21, 22, 25, 26, 27 AND 28 OF THE MAP OF FLORIDA DEVELOPMENT COMPANY, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGES 60 THROUGH 63 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LYING IN THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

CONTAINING 33.87 TOTAL ACRES, MORE OR LESS.

**WHEREAS**, Ordinance No. 22-2001 was enacted by the City Commission on May 5, 2022 and provided for a minor modification to the RPUD for the Congdon Townhomes project (Ordinance No. 21-1733); and

**WHEREAS**, the Conditions in Ordinance No. 22-2001 stated, in part, that “Minimum Living Area – 2,400 sf – 2 Stories” would apply to the 308 townhomes in the RPUD project; (Emphasis added); and

**WHEREAS**, the RPUD Rezoning Plan and the Preliminary Plat for the Congdon Townhomes project, stated, in part, that the townhomes would be “20’ X 70’ (2 story, +/- 2,400 sf)” (Emphasis added); and

**WHEREAS**, the developer and City staff have examined numerous documents in relation to Ordinance No. 22-2001, Responses to staff questions, the RPUD Rezoning Plan and the Preliminary Plat to determine whether the reference to “Minimum Living Area – 2,400 sf – 2 Stories” in Ordinance No. 22-2001 was a scrivener’s error or required further clarification by the City Commission by enactment of a new Minor Modification to Ordinance No. 22-2001; and

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WHEREAS, the developer has recently advised City staff that:

“The living area square footage for the 3 townhome products range from 1,499 to 1,866 sf.

The area under roof ranges from 1,986 to 2,488 sf.”

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WHEREAS, the builder has submitted numerous building permits for

review/approval by City staff and such building permits have not yet been approved due to the issue raised by the City staff about the applicable square footage standard for the townhomes should be applied; and

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WHEREAS, the developer and City staff have repeatedly, in good faith,

discussed the applicable square footage standard issue and City staff have taken the position that the most appropriate way to resolve this issue would be for the City Commission to enact a new Minor Modification to Ordinance No. 22-2001 which clarifies the applicable square footage standard for the townhomes; and

WHEREAS, the developer has submitted the proposed Minor

Modification to address the applicable square footage standard issue; and

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WHEREAS, the City Commission’s grant of the requested minor modifications to the Real Property will secure substantially the objectives of the standards or requirements so varied or modified; and

WHEREAS, in the exercise of its authority, the City Commission of the City of Haines City, Florida has determined it necessary and desirable to approve a Minor Modification to the Residential Planned Unit Development (RPUD) for the Congdon Townhomes RPUD, consistent with the public interest within Haines City, Florida.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF  
THE CITY OF HAINES CITY, FLORIDA:**

**Section 1. Incorporation of Recitals.** The above recitals are true and correct and are incorporated herein by reference.

**Section 2. Approving Minor Modification to RPUD.** The City Commission of Haines City (the "City Commission") hereby approves a Minor Modification to the Residential Planned Unit Development (RPUD) of the Congdon Townhomes RPUD described in Exhibit A (approved Site Plan) and as follows:

1. The living area of the townhome is to be reduced from a "Minimum Living Area of 2,400 sq. ft." to a ~~minimum~~-"Minimum Living Area of 1,499 sq. ft." For clarification purposes, this Condition was previously stated in the Conditions enumerated within Section 2 of Ordinance No. 22-2001.
2. All other conditions of the RPUD shall remain in effect as stated in Ordinance No. 21-1733 and as amended by Ordinance No. 22-2001.

**Section 3. Copy of Ordinance to be kept on file.** The City Clerk shall keep and retain a copy of this Ordinance on file.

**Section 4. Severability.** The provisions of this Ordinance are severable; and, if any section, sentence, clause, or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Commission's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

**Section 5. Repeal of Ordinance in Conflict.** All other ordinances of the City of Haines City, Florida, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon it being read in ~~two~~ meetings of the City Commission of the City of Haines City, its approval and adoption by said Commission and when certified as to passage.

**INTRODUCED AND PASSED** on first reading in regular session of the City Commission of the City of Haines City, this 2<sup>nd</sup> day of May, 2024.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sharon Lauther, MMC, City Clerk

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~~H.L. "Roy" Tyler~~, Mayor-Commissioner

**APPROVED AS TO FORM AND CORRECTNESS:**

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Fred Reilly, City Attorney

**INTRODUCED AND PASSED** on second reading in regular session of the City Commission of the City of Haines City, this 16<sup>th</sup> day of May, 2024.

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**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sharon Lauther, MMC, City Clerk

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~~H.L. "Roy" Tyler~~, Mayor-Commissioner

**APPROVED AS TO FORM AND CORRECTNESS:**

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Fred Reilly, City Attorney

**PASSED** on second and final reading by the City Commission of the City of Haines City, Florida, at regular session this 16<sup>th</sup> day of May, 2024.

**EXHIBIT "A"**  
**APPROVED SITE PLAN**

