

ORDINANCE NO. 25-2105

AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA, AMENDING ORDINANCE NO. 03-1060, BY AMENDING THE ZONING MAP OF THE CITY FOR A MAJOR MODIFICATION TO THE SCENIC TERRACE NORTH DEVELOPMENT RESIDENTIAL PLANNED UNIT DEVELOPMENT(RPUD); PROPERTY PARCELS ARE LOCATED NORTH OF HUGHES ROAD, SOUTH OF FLOYD ROAD, AND WEST OF SCENIC HIGHWAY (SR 17), HAINES CITY, FL; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR ZONING DESIGNATION AND CONDITIONS; PROVIDING FOR A COPY TO BE KEPT ON FILE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR 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 applicant has requested a Major Modification to the RPUD for Scenic Terrace North subdivision, (Ordinance No. 22-1785), to include 27 lots at the current RPUD standards and affects 8.47+/- acres of the project; and

WHEREAS, the Haines City Planning Commission, at an advertised public hearing

on April 14, 2025, as required by Chapter 21 of the Land Development Regulations, has reviewed, heard public input, and recommended that the City Commission amend the Zoning Map for the requested Major Modification to the Residential Planned Unit Development (RPUD); and

WHEREAS, the Haines City Planning Commission, at an advertised public hearing on June 9, 2025 as required by Chapter 21 of the Land Development Regulations, has reviewed, heard public input, and recommended that the City Commission amend the Zoning Map for the requested Major Modification to the Residential Planned Unit Development (RPUD); and

WHEREAS, the overall property consists of a gross land mass of 109.68 +/- acres, which shall consist of a maximum of 357 lots, and is located north of Hughes Road, south of Floyd, and east and west of Scenic Highway (SR 17), in Haines City, Florida; and

WHEREAS, this major modification consists of a gross land mass of 8.47 +/- acres, which is contained within the overall land mass of 109.68 +/- acres and shall consist of a maximum of 27 lots, and is located north of Hughes Road, south of Floyd, and east and west of Scenic Highway (SR 17), in Haines City, Florida; and

WHEREAS, the property consists of the following parcels and legal descriptions as described in Exhibit "A"; 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 amend the zoning map contained in Chapter 5 and Chapter 6 of the Land Development Regulations adopted originally by Ordinance 796, and subsequently amended by Ordinance 13-1457 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. Approval of the Major Modification to the RPUD and Conditions.

The City Commission of Haines City (the "City Commission") hereby approves the Zoning Map for the property described below as a Major Modification to the Residential Planned Unit Development (RPUD) of Scenic Terrace North RPUD as further described in Exhibit "A" (Legal Description) and Exhibit "B" (Approved RPUD Plan).

Section 3. Modifications to the Conditions for Scenic Terrace North RPUD. The City Commission hereby approves the following additional and modified conditions for the Scenic Terrace North RPUD as modifications to the conditions set forth in Ordinance No. 22-1785:

1. Approval of this Major Modification does not release the applicant from meeting the requirements of all applicable sections of Haines City's Land Development Regulations, Code of Ordinances, and Growth Management Plan.
2. The Major Modification creates twenty-seven (27) additional lots at the current RPUD width standards for fifteen (15) lots at 52' (60%), six (6) lots at 60' (20%), and six (6) lots at 70' (70%) and reduces the recreation area to 4.19+/- acres, which still complies with the minimum standards. This modification will also create 15 of the 27 lots with a depth of 110 feet and a rear setback of 11.25 feet.

The remaining 12 lots will meet the current RPUD depth standard of 115 feet, with a rear setback of 15 feet. The adjustment of the rear setback for the 15 lots at 110' in depth will be requested through the Administrative Waiver process.

3. The maximum number of single-family detached residential homes will be 357 units.
4. The recreational amenities should be identified and detailed on site construction plans prior to approval.
5. All other conditions set forth in Ordinance No. 22-1785, remain in force and effect.

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

Section 6. Repeal or modification of RPUD if construction not commenced. Failure to commence construction within two (2) years of the effective date of the adoption of RPUD zoning set forth in this Ordinance shall be grounds for the City, at its discretion, to initiate a rezoning of the subject property. In such event, the Planning Commission may recommend to the City Commission (i) that the subject property be returned to its previous zoning classification, (ii) that the RPUD be modified, or (iii) that the RPUD be retained in its current form.

Section 7. 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 8. 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 3rd day of July.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

Morris L. West, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

PASSED on second and final reading by the City Commission of the City of Haines, Florida, at regular session this 17th day of July, 2025.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

Morris L. West, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

Exhibit "A"

LEGAL DESCRIPTION

Parcel Number: 272809-000000-031060, 272809-000000-033010, 272809-000000-033030, 272809-000000-033040 (Per Book 1178S, Page 1771-1774):

Parcel 1:

A portion of the following described property lying West of State Road No. 17: A strip of former Haines City Branch Right-of-Way at or near Dundee, Polk County, Florida, more particularly described as follows: For a point of reference, Commence at the Southwest corner of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 28 South, Range 27 East, Polk County, Florida; thence run Easterly along the South line of said Section 4, a distance of 490 feet, more or less, to a point in the center line of the former main track Right-of Way (a 130-foot Right-of-Way); thence Southwesterly along said Right-of-Way center line, a distance of 290 feet, more or less, to the Point of Beginning; thence continue Southwesterly along said Right-of Way center line, the width of 65 feet on the South side thereof and 35 feet on the North side thereof, a distance of 750 feet, more or less, being in Section 9, Township 28 South, Range 27 East, Polk County Florida, and LESS AND EXCEPT any portion that. may lie within the property conveyed to Florida Power Corporation in deed recorded in O.R. Book 2209, Page 597, Public Records of Polk County, Florida.

Parcel 2:

The NE 1/4 of the NW 1/4 of the NW 1/4, Lying South of Maintained Right of Way for Floyd Road, in Section 9, Township 28 South, Range 27 East, Polk County, Florida, LESS County maintained road rights-of-way for Floyd Road and Palmeroy Road.

Parcel 3:

The E 3/4 of the S 1/2 of the NW 1/4 of NW 1/4 in Section 9, Township 28 South, Range 27 East, Polk County, Florida, and LESS County maintained road rights-of-way for Palmeroy Road.

Parcel 4: The NE 1/4 of the NW 1/4 of the NW 1/4 lying North of Maintained Right of Way for Floyd Road, in Section 9, Township 28 South, Range 27 East, Polk County, Florida, LESS County maintained road rights of way for Floyd Road.

Parcel Number: 272809-000000-031010, 272809-000000-031040 (Per Book 1178S, Pages 1287 - 1290):

Parcel 1:

The Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 9, Township 28 South, Range 27 East, Polk County, Florida, LESS AND EXCEPT and subject to Right-of-Ways, AND LESS AND EXCEPT and subject to maintained Right-of-Ways.

Parcel 2:

The Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4, lying West of the former railroad, being in Section 9, Township 28 South, Range 27 East, Polk County, Florida, LESS Highway 27 Right-of-Way, AND LESS maintained Right-of-Way, AND LESS AND EXCEPT any portion that may lie within the property conveyed to Florida Power Corporation in deed recorded in O.R. Book 2209 Page 597, Public Records of Polk County, Florida.

Parcel Number: 272809-000000-031030, 272809-000000-031050, 272809-000000-031020 (Per Book 11785, Pages 1854 - 1857):

Parcel 1:

The Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4, South and East of the former railroad, and the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4, East of the former railroad, and the East 1/2 of the Southeast 1/4 of the Northwest 1/4, East of the former railroad, all in Section 9, Township 28 South, Range 27 East, Polk County, Florida, LESS AND EXCEPT right of way and maintained right of way and LESS Highway 27.

Parcel 2:

The South 1/2 of the Northeast 1/4 of the Northwest 1/4 lying West of the former railroad, AND the West 1/2 of the Southeast 1/4 of the Northwest 1/4, LESS right of way and LESS maintained right of way, AND LESS maintained right of way on West and South side, Section 9, Township 38 South, Range 27 East, Polk County, Florida, and LESS AND EXCEPT any portion that may lie within the former railroad, and LESS AND EXCEPT any portion that may lie within property conveyed to Florida Power Corporation in deed recorded in O.R. Book 2209 Page 597, Public Records of Polk County, Florida.

Parcel 3:

That part of the former Seaboard Coastline Railroad right of way lying in the West 1/2 of Section 9, Township 28 South, Range 27 East, Polk County, Florida, Described as: Commence at the North 1/4 corner of said Section 9, said corner also being the Southwest corner of the Southeast 1/4 of Section 4, Township 28 South, Range 27 East and run N 88°26'30" E along the North boundary of said Section 9, 494.76 feet to the centerline of right of way said former railroad right of way; thence S 47°11'38" W along said centerline 674.37 feet to the beginning of a curve concaved Southeasterly, having a radius of 1910.08 feet, a chord distance of 365.07 feet and a chord bearing of S 41°42'37" W; thence Southwesterly along the arc of said curve, 365.63 feet to the Point of Beginning; thence S 53°46'25" E, 65.00 feet to a point on the Southeasterly right of way of said former railroad right of way, said point being on a curve concaved Southeasterly, having a radius of 1845.08 feet, a chord distance of 1287.08 feet and a chord bearing of S 15°48'48" W; thence Southwesterly along the arc of said curve, an arc distance of 1314.72 feet to the end of said curve; thence S 04°36'00" E, 1344.26 feet to the South boundary of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 9; thence S 88°43'39" W, 100.17 feet; thence N 04°36'00" W, 1338.45 feet to the beginning of curve concaved Southeasterly having a radius of 1945.08 feet; a chord distance

of 1356.84 feet and a chord bearing of 15°48'48" E; thence Northeasterly along the arc of said curve, an arc distance of 1385.98 feet; thence S 53°46'25" E 35.00 feet to the Point of Beginning, LESS AND EXCEPT Hughes Road and that portion lying South of Hughes Road, and LESS AND EXCEPT any portion that may lie within the property conveyed to Florida Power Corporation in deed recorded in O.R. Book 2209, Page 597, Public Records of Polk County, Florida.

Parcel Number: 272809-000000-013090(Per Book 11545, Page 1745 - 1746):

The SW 1/4 of the NW 1/4 of the NE 1/4 of Section 9, Township 28 South, Range 27 East, Polk County, Florida, LESS AND EXCEPT State Road right of way.

CONTAINING 109.68 +/- ACRES, MORE OR LESS

Exhibit “B”

