

ORDINANCE NO.: 1252-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, APPROVING A LARGE SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR THE TERRITORY HEREINAFTER DESCRIBED FROM COUNTY FUTURE LAND USE MAP DESIGNATION RES-6 TO CITY FUTURE LAND USE MAP DESIGNATION CITY RU, CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN, AS REQUIRED BY THE GROWTH MANAGEMENT ACT OF 1985; AMENDING THE ZEPHYRHILLS LAND DEVELOPMENT CODE TO CHANGE THE ZONING ON LAND HEREINAFTER DESCRIBED FROM COUNTY ZONING CATEGORIES COUNTY AR TO CITY ZONING R4, IN ACCORDANCE WITH PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, CDB Real Estate Investments LLC as agent for the owner, Diocese of St. Petersburg did petition on the 11<sup>th</sup> day of August, 2014 for rezoning of said land and; Pretty Pond Investors LLC, the owner of land hereinafter described in Section 2 below; and

WHEREAS, the City Council has been given authority by the State of Florida pursuant to Chapter 163, Florida Statutes, to amend the Future Land Use Map of the City's territorial boundaries upon receipt of written consent of the land owners, together with the approval of the City Council of said Future Land Use Map amendment duly expressed by Ordinance; and

WHEREAS, the City Council has been given authority by the State of Florida pursuant to Chapters 166 and 163, Florida Statutes, to rezone property within the City limits upon receipt of written consent of the land owner, together with the approval of the City Council of said rezoning duly expressed by Ordinance; and

WHEREAS, due public notice of hearing on the proposed rezoning was given by the City Council on June 11, 2015, as required by the Zephyrhills Land Development Code, as amended, and Chapters 163 and 166, Florida Statutes; and

WHEREAS, the Planning Commission, sitting as the Local Planning Agency, did hold a public hearing on the 10<sup>th</sup> day of February, 2015 to consider said proposed rezoning; and

WHEREAS, the Future Land Use Map Amendment meets the criteria of a large-scale Map amendment for the proposed FLUM amendment in application of the CBD Real Estate Investments, LLC are consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Council has determined that the City R4 zoning category would be appropriate, and would promote the general welfare, and encourage proper development within the City.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF ZEPHYRHILLS, FLORIDA, AS FOLLOWS:

**Section 1:** The above Whereas clauses are hereby adopted and incorporated herein.

**Section 2:** The following described lands, lying and being situated in Pasco County, to wit:

See Attached Ex. "A"

Rspt: 1695250 Rec: 35.50  
DS: 0.00 IT: 0.00  
07/06/2015 T. S., Dpty Clerk

Parcel I.D. Number: 35-25-21-0010-04400-0000

R

Record and Return to:  
City Clerk's Office  
5335 8th Street  
Zephyrhills, FL 33542

PAULA S. O'NEIL, Ph.D. PASCO CLERK & COMPTROLLER  
07/06/2015 10:08am 1 of 4  
OR BK 9218 PG 2969



**12 acre m.o.l.**

the Future Land Use Map designation is City Residential Urban and is hereby rezoned as City R-4 and included within the boundaries of the City of Zephyrhills, Florida subject to the following conditions:

- 1) The owner / developer shall convey at no cost to the City Of Zephyrhills / Pasco County ROW necessary for road way improvements deemed necessary for Wire Road and Pretty Pond Road. In addition, the owner/developer and its successors and assigns, shall design, construct, permit and obtain at no cost to the City, any and all permits required by other agencies for appropriate drainage/retention facilities on the owner's/developer property or another site acceptable to the City Of Zephyrhills. Plans should include: initial and future travel lanes, sidewalks, bike lanes, trails, medians and other roadway appurtenances (Wire Road shall include dedication of 30' of ROW to Pasco County for future road improvements / existing utilities and 17.5 to the City of Zephyrhills for Multi-Purpose trail. The future engineered site plan shall identify a total 80' of ROW on Pretty Pond Road and shall depict the ROW amount required from the subject property);
- 2) ROW may be transferred by perpetual ROW easement, fee simple deed, or dedicated. All conveyances shall occur prior to approval of the future engineered site plan or final plat. All conveyances shall be clear of all liens and encumbrances, including exemption from all covenants and deed restrictions;
- 3) The future engineered site plan shall provide road improvements as indicated in the subject traffic study;
- 4) The owner /applicant acknowledges that any provisions of Zephyrhills ordinances not specifically waived shall be in full force and effect;
- 5) A pre-application meeting shall be conducted with the future engineer / City Planning Department prior to submittal of a preliminary site plan;
- 6) The owner/applicant shall submit a preliminary site plan for review and approval in accordance with all requirements of Articles 6 and 7 of the City's Land Development Code;
- 7) All future construction / stormwater management shall comply with the City's basins of special concern ordinance;
- 8) A City / County ROW use and/ or other required permits shall be obtained from the City of Zephyrhills / Pasco County prior to any commencement of construction on Pretty Pond Road and Wire Road;
- 9) The future engineered site plan shall include a 10' wide multi-purpose trail along Wire Road within the 17.5' dedication to the City;
- 10) The pre-app meeting shall assess innovative site orientation, design / architectural standards and alternative screening options involving the multi-purpose trail / perimeter buffer.
- 11) The required mitigation for proposed development that exceeds the maximum entitlements of the existing zoning or land use (whichever is more restrictive) shall be the design, construction, and right-of-way donation/acquisition for all the improvements needed to achieve the eighty (80) percent rule and the applicable minimum roadway design and maintenance standards as required in the Pasco County substandard road analysis requirements / ROW use permit.


be the same is hereby designated on the Future Land Use Map and rezoned and included within the boundaries of the City of Zephyrhills, Florida.

**Section 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4:** That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**Section 5:** This ordinance shall take effect as provided in the City Charter and Chapter 163, Florida Statutes.

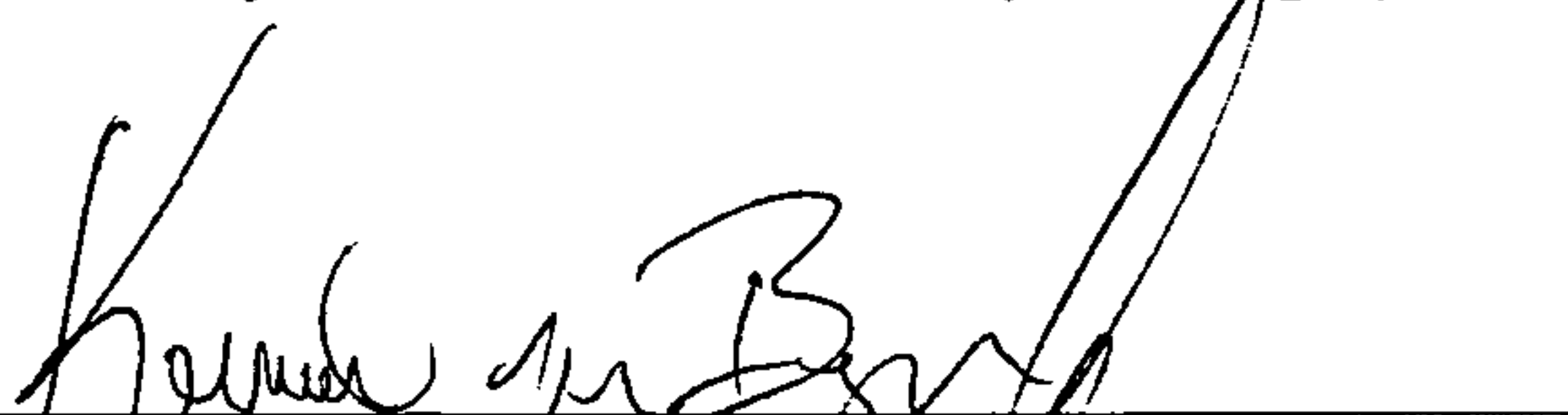
The Notice of Transmittal to the Department of Economic Opportunity was approved following a public hearing held on March 9, 2015 in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 9<sup>th</sup> day of March, 2015.

Attest:   
Linda D. Boan, City Clerk

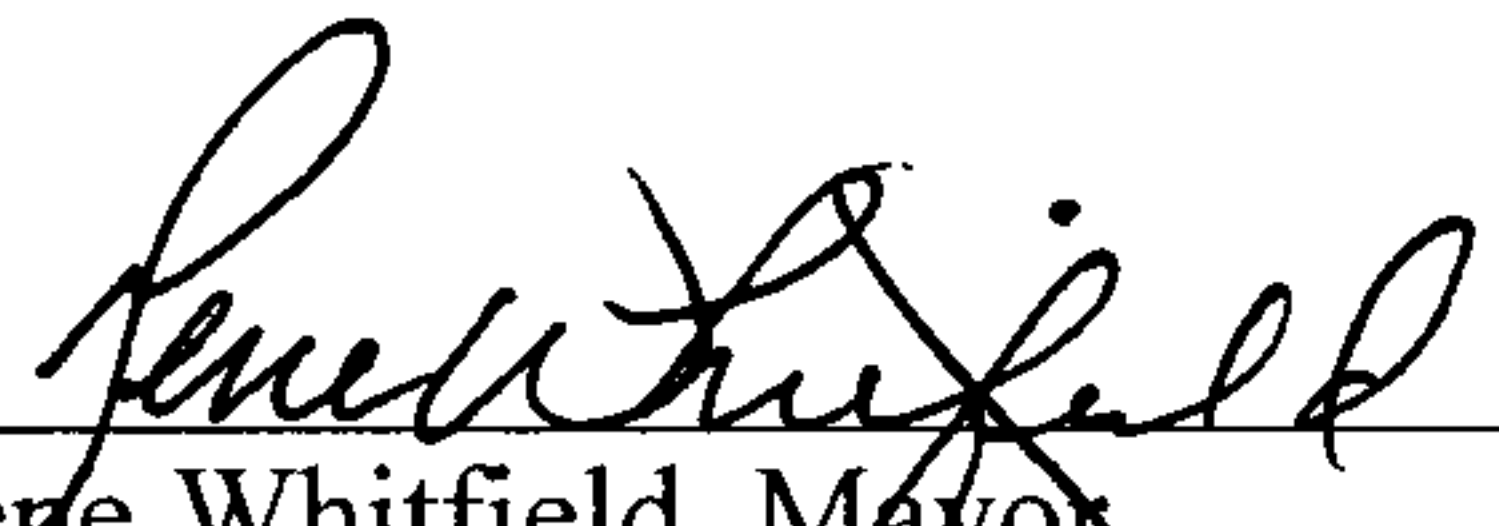
  
Charles E. Proctor, Council President

The foregoing Ordinance No. 1252-15 was read and passed on the first reading, following a public hearing in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 22<sup>nd</sup> day of June, 2015.

Attest:   
Linda D. Boan, City Clerk

  
Kenneth M. Burgess, Jr., Council President

The foregoing Ordinance No. 1252-15 was approved by me this 22<sup>nd</sup> day of June, 2015.

  
Gene Whitfield, Mayor

Approved as to legal form and legal content

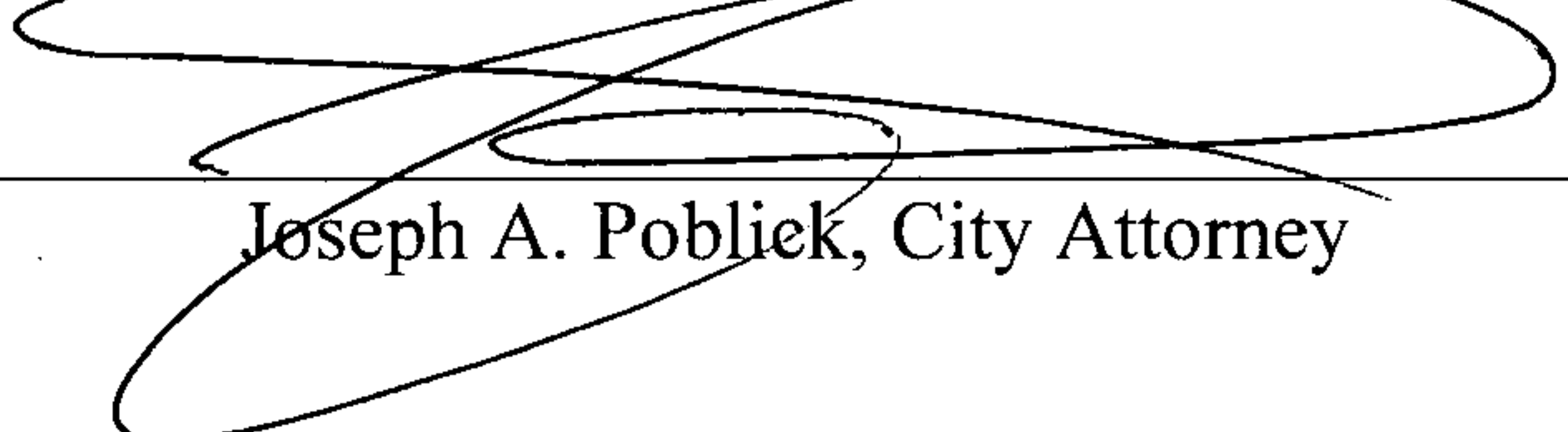
  
Joseph A. Poblisk, City Attorney



EXHIBIT "A"

ZEPHYRHILLS COLONY COMPANY LANDS PB 1 PG 55 PORTION OF TRACTS 43 44 53 54 59  
& 60 DESC AS COM SE CORNER OF NW1/4 TH N89DG 53' 13"W 90.80 FT ALONG THE  
SOUTH LINE OF THE NW1/4 N00DG 21' 59"E 30.00 FT TO THE NORTH R/W LINE PRETTY  
POND RD AT ITS INTERSECTION WITH WEST LINE OF WIRE ROAD FOR POB TH N89DG 53'  
13"W 723.00 FT ALONG NORTH R/W LINE PRETTY POND RD TH N00DG 21' 59"E 723.00 FT  
TH S89DG 53' 13"E 723.00 FT TO THE WESTLINE OF WIRE RD TH S00DG 21' 59"W 723.00  
FT TO POB OR 9157 PG 1883