

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made and entered into this November 23rd 2015, by and between PINECREST ON LOTELA INC, a Florida corporation, whose business address is 2250 S LITTLE LAKE BONNETT RD, AVON PARK, FL, 33825, for themselves and their successors and assigns (hereinafter collectively referred to as "Owner"), and the **City of Avon Park**, a municipal corporation, whose business address is 110 East Main Street, Avon Park, Florida 33825, and its successors and assigns (hereinafter referred to as "City").

PURPOSE & INTENT

A. Owner is desirous of improving property described on **Exhibit "A" and "A1"** attached hereto and made a part hereof (the "Property") someday in the future, and obtaining water services from the City for the Golf Club house or any other structure deemed appropriate by the owner.

B. City is willing to provide such water service in the manner described herein, but in exchange requires that the annexation of the Property be performed as soon as legally possible.

AGREEMENT

OWNER and CITY therefore agree as follows:

1. Purpose & Intent and Exhibits Are Part of Agreement. The above recitations are true and correct, are hereby incorporated herein by reference, and form a material part of this Agreement. All exhibits to this Agreement and statements therein are hereby deemed a part of this Agreement.

2. Agreements between the Parties as to Annexation. Owner irrevocably agrees to voluntarily annex the Property within the City. City agrees to annex the Property.

3. Agreements as to Extension of Water Service.

a. The City agrees to perform or contract for all professional engineering services for design and FDEP permitting necessary to extend:

i. A water main of 6" and 2" in diameter, aligned along the proposed easements, or roads as conceptually illustrated on Exhibit-B.

ii. The owner will reasonably provide the City with the documented easements within Exhibit B, or as requested by the City.

iii. The City will coordinate all work with the owner to not interfere with Golf Course operation, and will restore any disturbed areas to pre-construction condition as required by the owner.

b. The City will permit and construct the above described project (the "Utility Project") within 60 months of the execution of this Agreement.

4. Commencement of City Duties. The City's obligation to perform its duties regarding the Utility Project will be initiated upon annexation, and completed within a 60 month period.

5. Zoning change during the Annexation Process. Concurrently with the annexation process, the City and Owner will initiate the re-zoning of the property to C1-Commercial.

6. Laws of Florida to Govern; Venue; Waiver of Jury Trial. This Agreement shall be governed by the laws of the State of Florida, and the proper venue shall be state court in Highlands County, Florida, and the parties agree to waive any right to jury trial.

7. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party of any right, power, or privilege hereunder operate as a waiver of any other right, power, or privilege hereunder, nor will any single or partial exercise of any right, power, or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, power, or privilege hereunder.

8. Document is the Result of Mutual Draftsmanship. The terms and conditions in this Agreement are the product of mutual draftsmanship by both parties, each being represented by counsel, and any ambiguities in this Agreement or any documentation prepared pursuant to it shall not be construed against any of the parties because of authorship. The parties acknowledge that all the terms of this Agreement were negotiated at arms' length, and that each party, being represented by counsel, is acting to protect its, his, her, or their own interest.

9. Prior Agreements; Amendments. This Agreement supersedes all previous agreements or representations, either verbal or written, heretofore in effect between Owner and City, made with respect to the matters herein contained, and when duly executed constitutes the entire Agreement between Owner and City. No additions, alterations or variations of the terms of this Agreement shall be valid, nor provisions of this Agreement be deemed waived by either party, unless such additions, alterations, variations or waivers are expressed in writing and duly signed by the party to be bound thereby.

10. Conflict With Laws. In the event of a conflict between provisions in this Agreement and the provisions in any federal or state law, or any City ordinance, resolution, rules and regulations or code, the parties shall first attempt to read the provisions in reasonable harmony, and if no agreement can be reached, the provision of federal law, then state law, then City ordinance (Code), resolution, rules & regulations shall prevail over the provisions in the Agreement, in that order, however, the City shall pass no future ordinance that will invalidate this Agreement or eliminate the City's duties under this Agreement.

11. Agreement Recorded as Covenant on the Property. A copy of this Agreement shall be duly recorded in the county records by the City as a covenant binding the Owner of the Property and any subsequent owners of the Property, and the benefits and burdens of this Agreement shall become a covenant, running, touching, building and concerning the title to the Property, and all parts and parcels thereof.

12. Attorney Fees. In the event of any action to enforce the terms of this Agreement, the prevailing party shall be entitled to recover actual and reasonable attorneys' fees, paralegals' fees, and costs incurred, whether the same be incurred in a pre-litigation negotiation, litigation at the trial level, or upon appeal.

IN WITNESS WHEREOF, Owner and City have executed or have caused this Agreement, with the named Exhibits attached, to be duly executed.

[signatures on attached pages]

OWNER

Signed, sealed and delivered before these witnesses:	PINECREST ON LOTELA INC
 (Signed)	By: 
DAVID SWANTEK (Printed)	Vice PRESIDENT & TREASURER
 (Signed)	EDMOND S. ABRAIN
Joseph M Staffieri (Printed)	

State of Florida
County of Highlands

This instrument was acknowledged before me this 19TH, NOV., 2015, by EDMOND S. ABRAIN, as president of PINECREST ON LOTELA INC, a Florida corporation. She/He [] is personally known to me or [] produced a driver's license as identification.


Notary Public
Print Name: BONNIE BARWICK
My Commission Expires: 3-17-2019



CITY OF AVON PARK

<p>[SEAL]</p> <p>ATTEST: _____ Maria Sutherland, City Clerk</p> <p>APPROVED AS TO FORM: _____ Gerald T. Buhr, City Attorney</p>	<p>CITY OF AVON PARK, FLORIDA,</p> <p>By: _____ Sharon Schuler, Mayor</p>
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EXHIBIT A

SKETCH OF OWNER'S PROPERTY TO BE ANNEXED

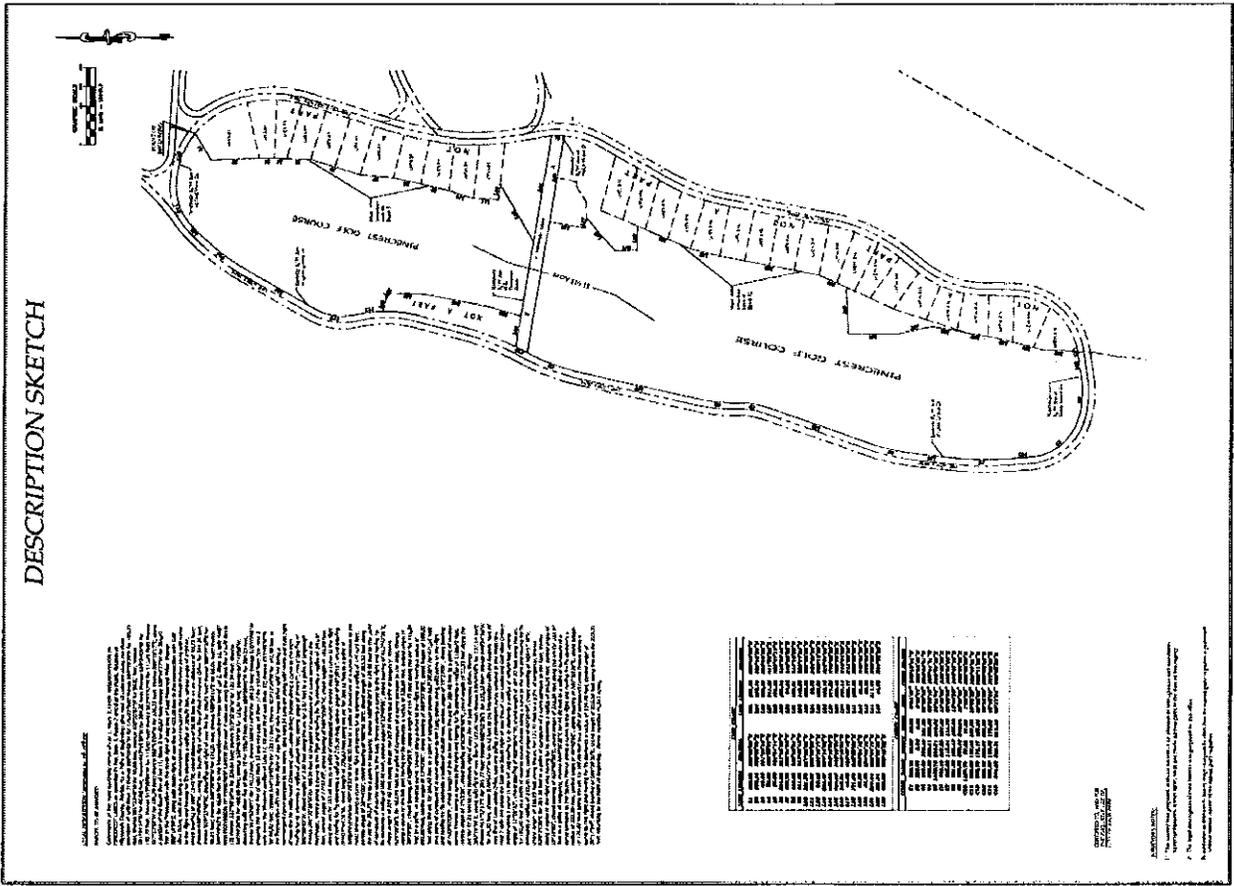


EXHIBIT A1

LEGAL DESCRIPTION OF OWNER'S PROPERTY TO BE ANNEXED

LEGAL DESCRIPTION (generated by this office):

PARCEL TO BE ANNEXED

Commence at the most Northerly corner of Lot 1, Block 3, FIRST RESUBDIVISION OF PINECREST LAKES as recorded in Plat Book 3, Pages 7 and 8 of the Public Records of Highlands County, Florida, for a Point of Beginning; (the next 12 calls are along the West boundary of said Block 3) thence S59°06'05"W for 125.00 feet; thence S02°39'39"E for 193.15 feet, thence S01°23'48"W for 60.00 feet, thence S00°55'07"W for 50.02 feet; thence S01°54'14"W for 95.00 feet; thence S17°15'38"W for 204.20 feet; thence S05°24'09"W for 130.70 feet; thence S12°18'04"W for 113.60 feet; thence S13°42'43"W for 111.20 feet; thence S17°23'02"W for 101.70 feet; thence S02°53'09"W for 100.22 feet; thence S83°19'17"E, along a portion of the South line of Lot 11, Block 3 for 60.82 feet; thence S59°14'22"W for 264.47 feet to the intersection with the North right of way line of East Pinecrest Drive; thence S80°19'58"E, along said North right of way line for 425.00 feet to the intersection with Golf View Drive, said line being a non-tangent curve concave to the West; thence along said curve to the right and having for it's elements a radius of 359.70 feet, central angle of 8°04'47", chord bearing of S00°15'41"W, chord distance of 50.68 feet for an arc distance of 50.72 feet; thence N80°19'58"W, along the South right of way line of East Pinecrest Drive for 344.26 feet; thence S10°13'50"W, departing said right of way line for 145.01 feet; thence S80°37'10"E for 40.25 feet; thence S48°29'05"W for 171.00 feet; thence S00°34'10"E for 90.00 feet; thence S89°49'10"E for 95.66 feet to the intersection with the West line of Lot 2, Block 12, said FIRST RESUBDIVISION OF PINECREST LAKES; (the next 4 calls are along the West line of said Block 12) thence S22°56'15"W for 229.64 feet; thence S13°32'25"W for 121.34 feet; thence S10°49'38"W for 400.00 feet; thence S23°45'09"W for 121.39 feet; thence S87°16'05"W, departing said West line of Block 12 for 183.73 feet; thence S00°16'05"W for 200.23 feet; thence S11°50'00"E for 141.22 feet; thence S09°47'14"W for 104.32 feet; thence S10°03'46"W, crossing the West line of said Block 12 and into Lots 16 then 17 for 153.64 feet; (the next 3 calls cross the Westerly portion of Lots 17, 18 and 19 of said Block 12) thence S13°48'55"W for 69.82 feet; thence S14°19'00"W for 123.01 feet; thence S03°17'24"W for 142.68 feet to the intersection with the North right of way line of Holly Hurst Drive said line being a non-tangent curve concave to the North; (the next 14 calls are along said North and East right of way line for Holly Hurst Drive and Lake Lotela Drive) thence along a curve to the right having for its elements a radius of 262.90 feet; central angle of 0°49'57", chord bearing of S80°58'40"W, chord length of 3.82 feet along the arc for 3.82 feet to a point of tangency; thence S81°23'38"W for 106.20 feet to the point of curvature of a curve concave to the Northeast; thence along a curve to the right and having for its elements a radius of 340.00 feet, central angle of 27°32'43", chord bearing of N84°50'01"W, chord length of 161.89 feet along the arc for 163.46 feet to a point of compound curve; thence along a curve to the right and having for its elements a radius of 215.39 feet, central angle of 66°38'16", chord bearing of N37°44'31"W, chord length of 236.62 feet along the arc for 250.51 feet to a point of tangency; thence N04°25'22"W for 68.50 feet to a point of curvature of a curve concave to the East; thence along a curve to the right and having for its elements a radius of 1407.70 feet, central angle of 10°44'00", chord bearing of N00°56'38"E, chord length of 263.32 feet along the arc for 263.71

feet to a point of tangency; thence N06°18'38"E for 129.00 feet to the point of curvature of a curve concave to the East; thence along a curve to the right and having for its elements a radius of 930.40 feet, central angle of 12°48'00", chord bearing of N12°42'38"E, chord length of 207.42 feet along the arc for 207.85 feet to a point of tangency; thence N19°06'38"E for 422.40 feet to a point of curvature of a curve concave to the West; thence along a curve to the left and having for its elements a radius of 325.00 feet, central angle of 20°20'00", chord bearing of N08°56'38"E, chord length of 114.73 feet along the arc for 115.34 feet to a point of reverse curve; thence along a curve to the right and having a radius of 691.80 feet, central angle of 13°42'00", chord bearing of N05°37'38"E, chord length of 165.02 feet along the arc for 165.42 feet to a point of tangency; thence N12°28'38"E for 471.50 feet to a point of curvature of a curve concave to the East; thence along said curve to the right and having for its elements a radius of 928.60 feet, central angle of 15°27'00", chord bearing of N20°07'08"E, chord length of 249.64 feet along the arc for 250.40 feet to a point of reverse curve; thence along a curve to the right and having for its elements a radius of 1126.70 feet, central angle of 1°53'36", chord bearing of N26°58'50"E, chord length of 37.23 feet along the arc for 37.23 feet to the Northerly right of way line of East Pinecrest Drive; thence S80°19'58"E, along said right of way line for 122.40 feet; thence N16°04'08"E for 137.14 feet; thence N11°02'13"E for 255.77 feet; thence N02°03'35"E for 133.32 feet; thence N49°34'35"W for 24.30 feet; thence N76°54'27"W for 55.32 feet to the intersection with the Easterly right of way line of Lake Lotela Drive, said line being a non-tangent curve concave to the West (the next 7 calls are along the East and South right of way line of Lake Lotela and Golf View Drive); thence along a curve to the left and having for its elements a radius of 509.00 feet, central angle of 12°05'23", chord bearing of N06°59'41"W, chord length of 107.20 feet along the arc for 107.40 feet to a point of reverse curve; thence along a curve to the right and having for its elements a radius of 232.70 feet, central angle of 42°28'00", chord bearing of N08°11'38"E, chord length of 168.55 feet along the arc for 171.47 feet to a point of tangency; thence N29°25'38"E for 311.30 feet to a point of curvature of a curve concave to the East; thence along a curve to the right and having for its elements a radius of 880.10 feet, central angle of 15°10'00", chord bearing of N37°00'38"E, chord length of 232.29 feet along the arc for 232.97 feet to a point of tangency; thence N44°35'38"E for 44.60 feet to a point of curvature of a curve concave to the South; thence along a curve to the right and having for its elements a radius of 222.20 feet, central angle of 46°40'00", chord bearing of N67°55'38"E, chord length of 176.02 feet along the arc for 180.98 feet to a point of compound curve; thence along a curve to the right and having for its elements a radius of 334.20 feet, central angle of 38°17'04", chord bearing of S69°35'50"E, chord length of 219.18 feet along the arc for 223.31 feet returning to the Point of Beginning. Parcel contains 41.613 Acres.

Exhibit-B Proposed City Work.

(Per Attached PDF.)

LEGAL DESCRIPTION (generated by this office):

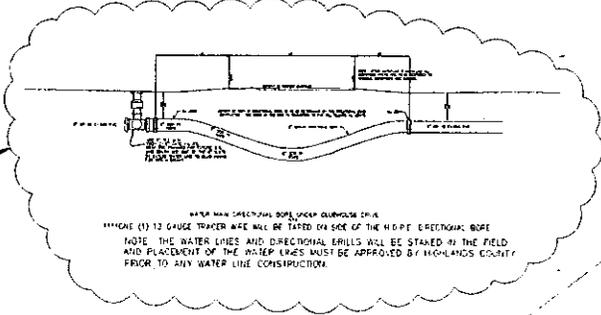
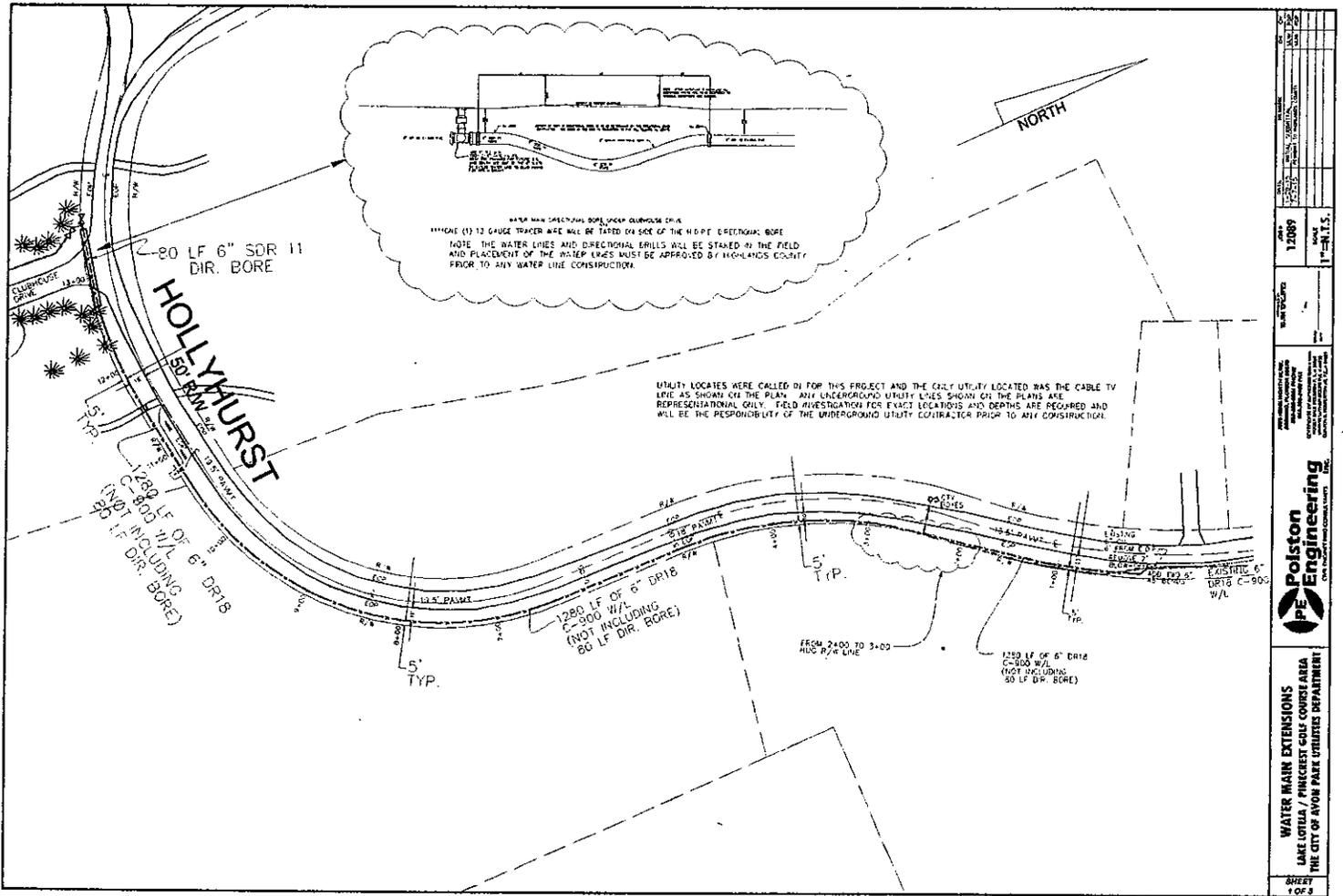
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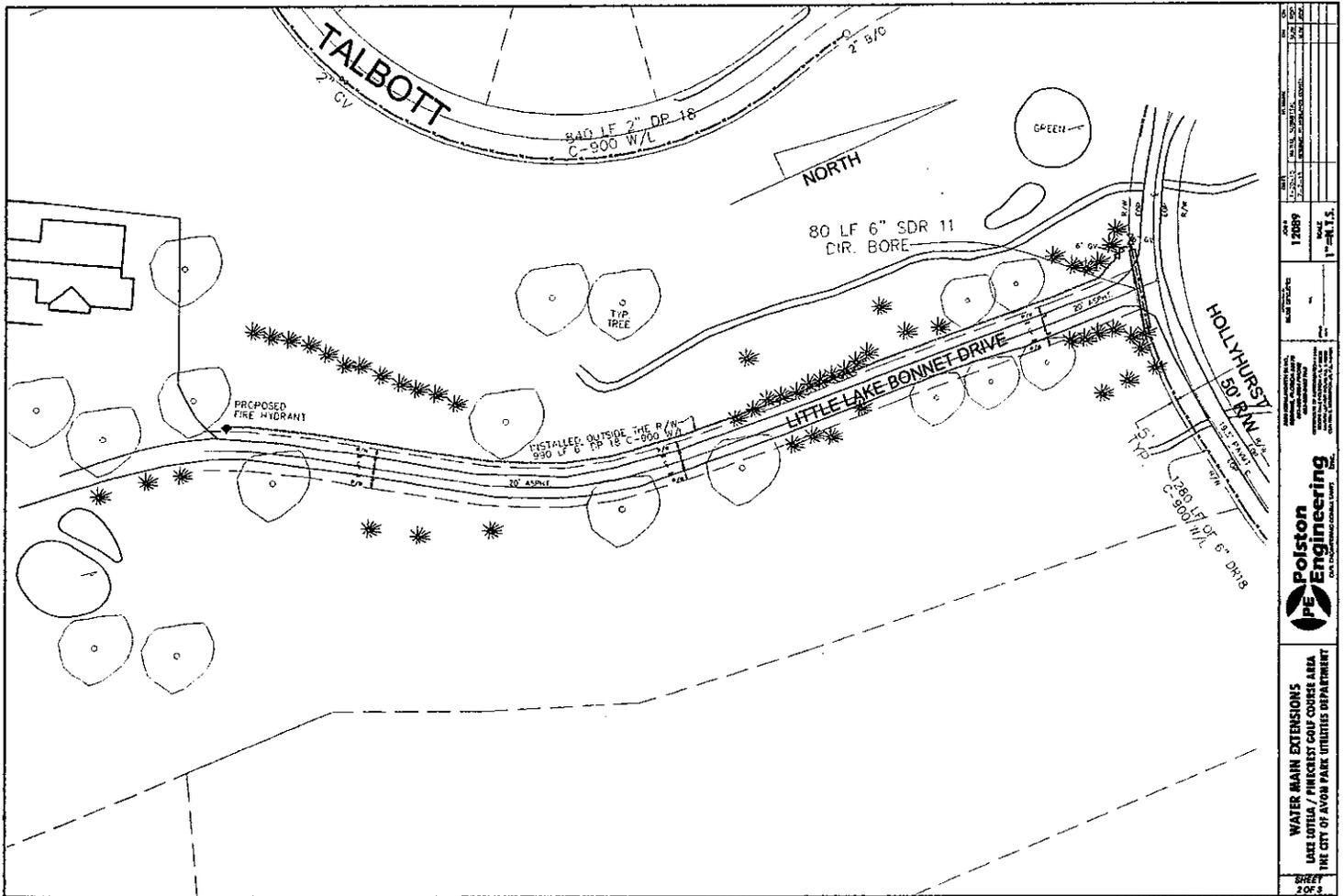
NOTE: (1) 12 GAUGE TRACER WIRE SHALL BE TIED TO SIDE OF THE 6\"/>

NOTE: THE WATER LINES AND DIRECTIONAL DRILLS WILL BE STAKED IN THE FIELD AND PLACEMENT OF THE WATER LINES MUST BE APPROVED BY HIGHLANDS COUNTY PRIOR TO ANY WATER LINE CONSTRUCTION.

UTILITY LOCATES WERE CALLED IN FOR THIS PROJECT AND THE ONLY UTILITY LOCATED WAS THE CABLE TV LINE AS SHOWN ON THE PLAN. ALL UNDERGROUND UTILITY LINES SHOWN ON THE PLANS ARE REPRESENTATIONAL ONLY. FIELD INVESTIGATION FOR EXACT LOCATIONS AND DEPTHS ARE REQUIRED AND WILL BE THE RESPONSIBILITY OF THE UNDERGROUND UTILITY CONTRACTOR PRIOR TO ANY CONSTRUCTION.

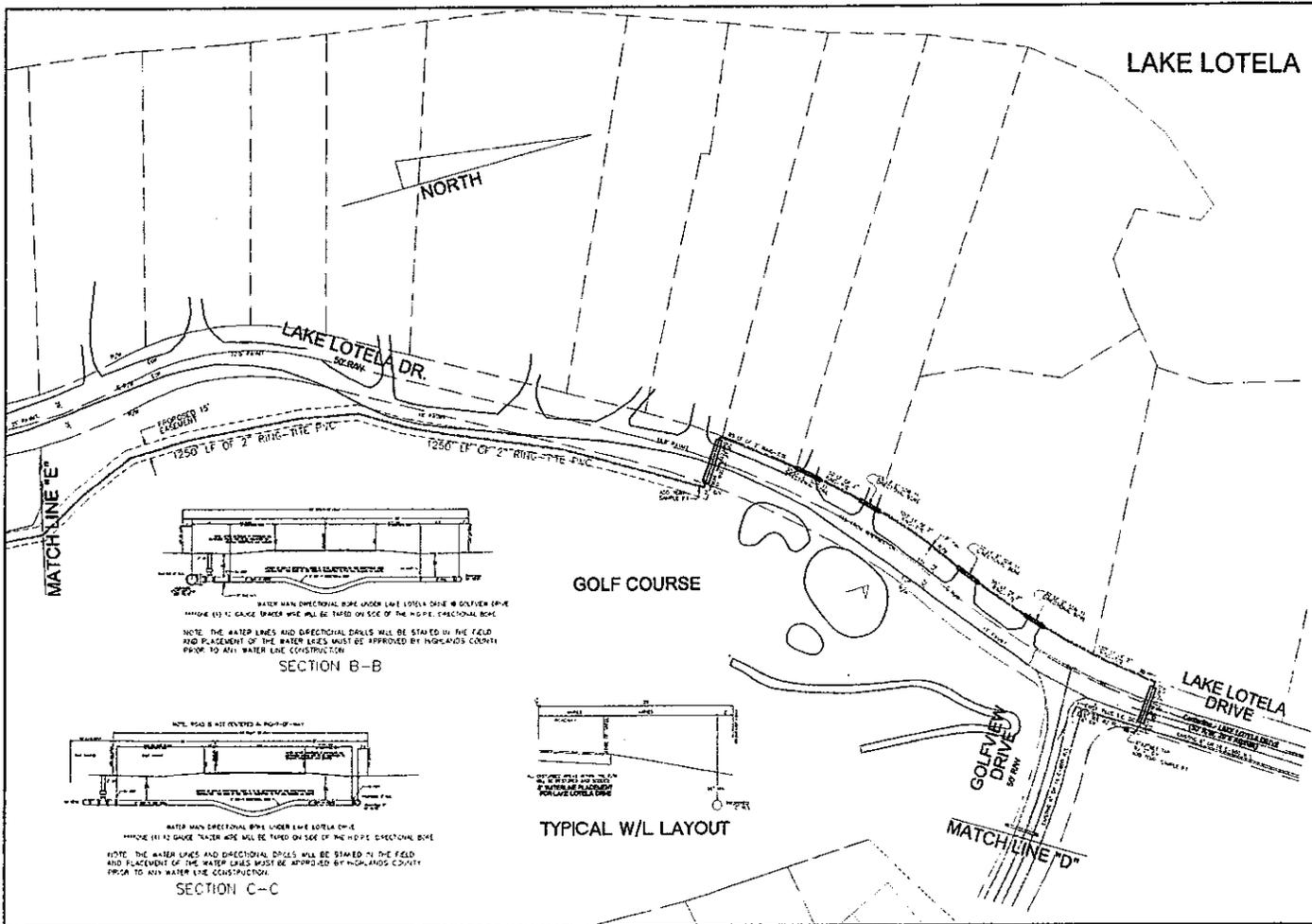
PROJECT NO.	12089
DATE	11-15-11
SCALE	1" = 40'
WATER MAIN EXTENSIONS LAKE LOTZILA / FINCHCREST GOLF COURSE AREA THE CITY OF AVON PARK UTILITIES DEPARTMENT	
SHEET 1 OF 3	

12 A



DATE	1/20/09	SCALE	1"=40'
PROJECT	WATER MAIN EXTENSIONS LAKES UTILITA / PINECREST GOLF COURSE AREA THE CITY OF AVON PARK UTILITIES DEPARTMENT	DATE	1/20/09
DESIGNED BY		CHECKED BY	
DRAWN BY		DATE	
SCALE		PROJECT	
 Polston Engineering PE PROFESSIONAL ENGINEERING STATE OF FLORIDA LICENSE NO. 12089			
WATER MAIN EXTENSIONS LAKES UTILITA / PINECREST GOLF COURSE AREA THE CITY OF AVON PARK UTILITIES DEPARTMENT			
SHEET 2 OF 2			

14A



PROJECT NO.	12089
DATE	11-14-07
SCALE	1"=40'
Polston PE Engineering 1000 W. 10th St., Suite 100 Fort Collins, CO 80521 (970) 226-1111 www.polstonpe.com	
WATER MAIN EXTENSIONS LAKE LOTELA / PINNACREST GOLF COURSE AREA THE CITY OF AVON PARK UTILITIES DEPARTMENT	
SHEET	2 OF 2

15A

Ad. for E-13 + E-14 + E-15

NOTICE OF PUBLIC HEARING FOR THE CITY OF AVON PARK, FLORIDA

The City of Avon Park will hold Public Hearings on the following items Monday, December 14, 2015, at 6:00 pm or as soon thereafter as possible. The hearings shall be held at the Avon Park City Council Chambers, 123 E. Pine Street, Avon Park, Florida.

ORDINANCE 25-15

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF AVON PARK, FLORIDA, AMENDING FIVE (5) PARCELS CONSISTING OF APPROXIMATELY 134.0-ACRES GENERALLY LOCATED SOUTH OF LAKE LOTELA BETWEEN LAKE DENTON AND LITTLE BONNET LAKE ON THE WEST SIDE OF CSX RAIL LINE FROM COUNTY MEDIUM DENSITY RESIDENTIAL (RM) AND COUNTY AGRICULTURE (AG) TO CITY MEDIUM DENSITY RESIDENTIAL (MDR); TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

and

ORDINANCE 26-15

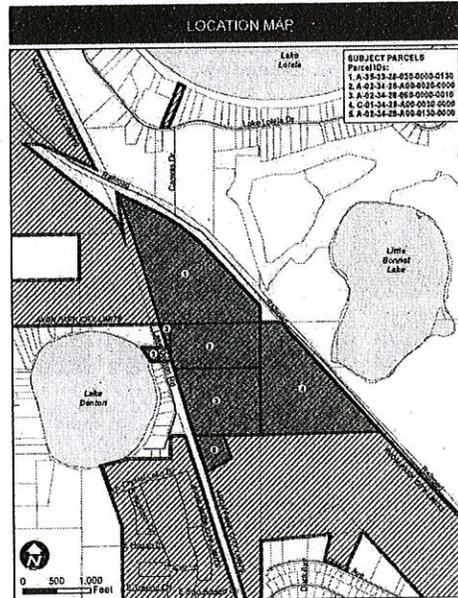
AN ORDINANCE AMENDING THE ZONING OF FIVE (5) PARCELS CONSISTING OF APPROXIMATELY 134.0-ACRES GENERALLY LOCATED SOUTH OF LAKE LOTELA BETWEEN LAKE DENTON AND LITTLE BONNET LAKE ON THE WEST SIDE OF CSX RAIL LINE FROM COUNTY R-1A (RESIDENTIAL), COUNTY AU (AGRICULTURAL) AND COUNTY I-2 (INDUSTRIAL) TO CITY R-3 (HIGH DENSITY MULTI-FAMILY RESIDENTIAL - MOBILE HOME PARK); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

and

ORDINANCE 27-15

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING THE AVON PARK LAND DEVELOPMENT CODE; AMENDING ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, SPECIFICALLY SECTION 2.02.11, ADDRESSING THE PLACEMENT OF FENCES AND FENCE MATERIALS; REPEALING ALL ORDINANCES IN CONFLICT HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The location map below pertains to Ordinance 25-15 and 25-16.



The City of Avon Park City Council will consider these Ordinances on Monday, December 14, 2015, at 6:00 pm or as soon thereafter as possible. The hearings shall be held at the Avon Park City Council Chambers, 123 E. Pine Street, Avon Park, Florida. At the meeting, interested parties may appear and be heard with respect to the proposed ordinances. The hearings may be continued from time to time by the City Council.

Copies of the proposed ordinances are available for review at the Avon Park City Hall with the City Clerk at 100 East Main Street, Avon Park, Florida. City Hall is open between 8 am and 5 pm, Monday through Friday, excluding holidays. Comments may also be submitted in writing to the City Clerk prior to or during the meeting.

Persons are advised that if they decide to appeal any decision made at these meetings/hearings, they will need a record of these proceedings and for such purpose, they may need to insure that a verbatim record of the proceedings is made at their own expense and effort, which record includes the testimony and evidence upon which the appeal is to be based per Section 286.0105, Florida Statutes.



**CITY OF AVON PARK
FUTURE LAND USE AMENDMENT AND REZONING
OVERVIEW REPORT
DECEMBER 14, 2015**

TO: CITY OF AVON PARK CITY COUNCIL

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: **Ordinance 25-15 – Future Land Use Amendment &
Ordinance 26-15 – Rezoning**

Request to change the Future Land Use designation of approximately 134.0 acres of land located south of Lake Lotela between Lake Denton and Little Bonnet Lake on the west side of CSX rail line from County Medium Density Residential (RM) and County Agriculture (AG) to City Medium Density Residential (MDR) and a rezoning of said land from County R-1A (Residential), County AU (Agricultural) and County I-2 (Industrial) to City High Density Multi-Family Residential R-3 (MH Park). The proposed Future Land Use Map amendment and rezoning consists of 5 parcels identified by parcel ID numbers A-35-33-28-030-0000-0130, A-02-34-28-A00-0020-0000, A-02-34-28-060-0000-0010, C-01-34-28-A00-0030-0000 and A-02-34-28-A00-0130-0000.

AGENDA DATE:

September 8, 2015, 5:30 PM: Planning and Zoning Board Meeting (Public Hearing)
October 26, 2015, 6:00 PM: City Council– Ordinance 25-16 (Transmittal Public Hearing)
City Council – Ordinance 26-16 (First Reading)
December 14, 2015, 6:00 PM: City Council – Ordinance 25-16 (Second Reading, Adoption Public Hearing)
City Council – Ordinance 26-16 (Second Reading, Public Hearing)

PLANNING & ZONING BOARD ACTION:

On Tuesday, September 8, 2015, the City of Avon Park Planning & Zoning Board voted unanimously to forward the proposed Future Land Use Map Amendment and rezoning to the City Council **with a recommendation of approval.**

CITY COUNCIL ACTION:

Ordinance 25-15 – Future Land Use Map Amendment

On Monday, October 26, 2015, the City of Avon Park City Council voted unanimously to **approve to transmit Ordinance 25-15** to the Department of Economic Opportunity for review.

Ordinance 26-15 – Rezoning

On Monday, October 26, 2015, the City of Avon Park City Council voted 4–1 to **approve the First Reading of Ordinance 26-15**.

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) REVIEW:

The Florida Department of Economic Opportunity (DEO) and other state review agencies have reviewed the proposed Future Land Use Map Amendment (Ordinance 25-15) and had no objections.

CITY COUNCIL MOTION OPTIONS:

Options for motions are listed below.

Ordinance 25-15 – Future Land Use Map Amendment

1. I move the City Council **approve Ordinance 25-15**.
2. I move the City Council **approve Ordinance 25-15 with changes**.
3. I move the City Council **deny Ordinance 25-15**.

Ordinance 26-15 – Rezoning

1. I move the City Council **approve Ordinance 26-15**.
2. I move the City Council **approve Ordinance 26-15 with changes**.
3. I move the City Council **deny Ordinance 26-15**.

ATTACHMENTS:

- Aerial Photo Map
- Existing Future Land Use Map
- Proposed Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map
- Ordinance 25-15
- Ordinance 26-15

OVERVIEW:

Applicant	City of Avon Park	
Property Owner	Crews Groves, Inc.	
Subject Parcels	Parcel Identifier	Parcel Address and Tax ID Number
	1	821 LAKE DENTON RD AVON PARK, FL 33825 (A-35-33-28-030-0000-0130)
	2	2471 LAKE DENTON RD AVON PARK, FL 33825 (A-02-34-28-A00-0020-0000)
	3	2458 LAKE DENTON RD AVON PARK, FL 33825 (A-02-34-28-060-0000-0010)
	4	1900 LITTLE LAKE BONNETT RD AVON PARK, FL 33825 (C-01-34-28-A00-0030-0000)
	5	2661 LAKE DENTON RD AVON PARK, FL 33825 (A-02-34-28-A00-0130-0000)
Acreage (Total)	134.0+/- acres	
Existing Future Land Use	County Medium Density Residential (RM) – (121.0+/- acres)	
	County Agriculture (AG) – (13.0+/- acres)	
Proposed Future Land Use	City Medium Density Residential – (134.0+/- acres)	
Existing Zoning	County Residential (R-1A) – (121.0+/- acres)	
	County Agricultural (AU) – (9.0+/- acres)	
	County Industrial (I-2) – (4.0+/- acres)	
Proposed Zoning	City R-3, High Density Multi-Family Residential (MH Park) – (134.0+/- acres)	
Previous Hearings	None	

The City of Avon Park (applicant) is requesting to change the Future Land Use (FLU) and zoning designations of five (5) parcels of land consisting of approximately 134.0 acres. The requested FLU change is from County Medium Density Residential (RM) and County Agriculture (AG) to City Medium Density Residential (MDR). The requested zoning change is from County R-1A (Residential), County AU (Agricultural) and County I-2 (Industrial) to City R-3, High Density Multi-Family Residential (MH Park). The subject parcels are generally located south of Lake Lotela between Lake Denton and Little Bonnet Lake on the west side of the CSX rail line (see attached Aerial Photo Map).

REASON FOR REQUEST:

The purpose of the request is to update the City’s FLU and Zoning Maps to reflect a FLU of City Medium Density Residential and zoning of City R-3, High Density Multi-Family Residential (MH Park) for properties annexed into the City to facilitate the future development of a manufactured (mobile) home park.

ANALYSIS OF PROPOSED FUTURE LAND USE AND ZONING AMENDMENTS:

Consideration of the proposed FLU and zoning changes shall be evaluated against the following:

- *Consistency with the Comprehensive Plan*
- *Land Use Analysis*
- *Public Facilities and Services Analysis*

Consistency with the Comprehensive Plan:

The request is to change the FLU designation of the subject parcels from County Medium Density Residential to City Medium Density Residential. Descriptions for both the existing and proposed FLU and zoning designations are provided as follows:

Existing – Future Land Use

County Future Land Use Element, Policy 1.2.D.1. – Agriculture (AG):

Agriculture is the predominant land use for the rural areas of Highlands County. This category encompasses those activities generally associated with rural settlements, active agriculture including bio fuel feedstock and other resource based activities, and recreation and open space.

- a. Starting Density: 0.20 or less, units per acre, or one (1) dwelling for every five acres.

Existing – Future Land Use

County Future Land Use Element, Policy 1.2.D.3. – Medium Density Residential (RM):

The development pattern for this residential category begins with the traditional development density for single-family lots on unincorporated properties in the County. Generally subdivided into quarter-acre lots, which established the starting density this land use category constituted the primary residential environment for County residents comprising both site-built and mobile homes. Historic development patterns for this land use category favor commuter linkages from satellite subdivisions around municipalities and along arterial corridors. Housing service ranges from single-family detached neighborhoods to attached housing complexes, such as duplexes, which offer both ownership and rental opportunities. Vacant infill properties are prime candidates for this land use category. Future projects should emphasize a traditional preference for privacy, visual amenity, and low profile development: one and two story construction, ample separation between buildings, off-street parking, landscape treatments, etc. The upper end of this density range, which includes the Mobile Home Park (max. 8 dus/ac), may be achieved where existing infrastructure and paved roads exist to serve the development site or whenever special taxing districts are created to provide such infrastructure.

- a. Starting Density: 4.00 units per acre.
- b. Maximum Density: 8.00 units per acre
- c. Additional Allowable Uses: Public schools (Elementary, Middle, & High); collocated with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum and gallery.
- d. Permitted Supporting Uses: include potable water and wastewater treatment plants.

Proposed – Future Land Use

City Future Land Use Element, Policy 1.5 – Medium Density Residential (MDR):

The Medium Density Residential designation shall meet Avon Park's housing demand for this range of density, promote efficient use of existing infrastructure and promote affordable housing. Multi-family housing units are permissible at a maximum density of 16 units per gross acre. Mobile home parks are permissible at a maximum density of 8 mobile homes per gross acre. Public schools shall be a permitted use in this classification.

Existing – Zoning

County Land Development Regulations, Section 12.05.200 – Agricultural (AU):

The AU agricultural district is intended to apply to those areas presently and primarily agricultural.

County Land Development Regulations, Section 12.05.210 – Residential (R-1A):

The R-1A residential district is intended to be single-family residential area, medium population density with minimum lot area.

County Land Development Regulations, Section 12.05.252 – Industrial (I-2):

The I-2 industrial district is intended to locate industrial and manufacturing occupancies which, due to employment of heavy equipment and machinery, may create noise and vibration objectionable to residential or business neighborhoods. All occupancies in this district will utilize all safeguards to prevent pollution of air, land and water by the emission of fumes, toxic gases, dust, smoke, toxic effluents and other wastes and to mitigate their effects.

Proposed – Zoning

City Unified Land Development Code, Section 2.04.02.05 – R-3, High Density Multi-Family Residential:

To establish locations suitable for high density residential development with a maximum of eight units per acre (8 du/ac) for mobile home parks, to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development in a high density residential environment.

The proposed zoning in conjunction with the proposed FLU targets the City's need to provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the City, in accordance with the goals, objectives, and policies of the Housing Element of the City's Comprehensive Plan.

Land Use Analysis

The subject parcels, as identified by the Department of Revenue (Use Code "66") are currently used for agricultural operation – specifically as grove land for citrus production. Most of the surrounding lands consist of the same type of activity, including a mix of residential land uses also dispersed throughout. The FLU of lands surrounding the subject parcels is generally classified by a mix of County Medium Density Residential and County Agriculture. The City has also recently updated the FLU on approximately 190-acres to the southeast of the subject parcels to Mixed-Use to accommodate future mixed use development. The *Future Land Use Matrix* below outlines the existing and proposed

FLU of the subject parcels and the existing FLU of surrounding parcels (Existing and Proposed Future Land Use Maps are attached for reference).

Future Land Use Matrix

Northwest	North	Northeast
FLU: County Agriculture	FLU: County Medium Density Residential and County Agriculture (separated by railroad)	FLU: County Medium Density Residential and County Agriculture (separated by railroad)
West	Subject Property	East
FLU: County Medium Density Residential	FLU: <u>Existing:</u> County Medium Density Residential <u>Proposed:</u> City Medium Density Residential	FLU: County Medium Density Residential and County Agriculture (separated by railroad)
Southwest	South	Southeast
FLU: County High Density Residential and County Medium Density Residential	FLU: County Agriculture and City Mixed Use	FLU: City Mixed Use

The zoning designation of lands surrounding the subject parcels is generally classified by a mix of residential (County R-1A), agricultural (County AU), and mobile home park (County M-2-CU and M-2) districts. The *Zoning Matrix* below outlines the existing and proposed zoning of the subject parcels and the existing zoning of surrounding parcels (Existing and Proposed Zoning Maps are attached for reference).

Zoning Matrix

Northwest	North	Northeast
Zoning: County Agriculture	Zoning: County R-1A and County Agriculture (separated by railroad)	Zoning: County R-1A and County Agriculture (separated by railroad)
West	Subject Property	East
Zoning: County R-1A	Zoning: <u>Existing:</u> County R-1A <u>Proposed:</u> City R-3 (MH Park)	Zoning: County R-1A and County Agriculture (separated by railroad)
Southwest	South	Southeast
Zoning: County M-2-CU (Mobile Home Park)	Zoning: County M-2 (Mobile Home Park) and County Agriculture	Zoning: County Agriculture

The maximum residential densities permitted under the County Medium Density Residential and County Agriculture designations are as follows:

- **County Medium Density Residential: 8 units per acre.**
- **County Agriculture: 1 unit per 5 acres.**

The acreage of the subject parcels with a County Medium Density Residential FLU is approximately 121.0 acres, which would permit a maximum build-out of 968 residential dwelling units. The land area with a County Agriculture FLU is approximately 13.0 acres, which would permit a total of 2.6 residential dwelling units. The total residential density under the current County FLU would be approximately 971 residential dwelling units.

However, a site specific density limitation was established through a County Comprehensive Plan Amendment (CPA-04-302LS) which reduced the maximum number of residential dwelling units for the subject parcels. The density limitation imposed by CPA-04-302LS consisted of seven (7) parcels impacting a total of 180.0 acres. The maximum residential density was set at 587 dwelling units. Five (5) of the seven (7) parcels, comprising 134.0 acres, are the subject of this amendment. Based on the density limitation approved by CPA-04-302LS, the maximum residential density for the subject parcels is 437 dwelling units. A calculation is provided below.

$$\begin{aligned} 587 \text{ dwelling units (du)} / 180.0 \text{ acres (ac)} &= 3.26 \text{ du/ac} \\ 3.26 \text{ du/ac} \times 134 \text{ ac} &= 437 \text{ dwelling units} \end{aligned}$$

The residential densities of the County zoning designations (R-1A and AU) respect the underlying FLU densities.

The maximum residential densities permitted under the City Medium Density Residential FLU and City R-3 (MH Park) zoning are as follows:

- **City Medium Density Residential (for mobile home parks): 8 units per acre.**
- **City R-3 (MH Park): 8 units per acre.**

Under the proposed City Medium Density Residential FLU and City R-3 (MH Park) zoning, the maximum residential density would be 8 dwelling units per acre. The 13.0 acres currently under the County designation of Agriculture would yield a total of 104 residential dwelling units under the proposed City FLU and zoning. Considering the total 134.0 acres, the total number of units that would be permitted under the proposed City designations would be 1,072.

The proposed change would yield an increase of approximately 635 residential dwelling units. The density comparison table below provides a breakdown of the potential increase in residential density.

Density Comparison Table.

Current County FLU	Acreage	Density
-as established in CPA-04-302LS	134.0	437 du
Total		437 du
Proposed City FLU and Zoning		
-FLU: City Medium Density Residential (MDR) - Zoning: City R-3 (MH Park)	134.0	8 du/ac = 1,072
Total		1,072 du
Total Difference		635 du

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services. Additional review for land use impacts will be required during site development plan review. The additional review would serve to ensure concurrency of public facilities and services with any proposed development.

Potable Water, Sanitary Sewer and Solid Waste:

The City currently has water and centralized sewer available to serve the subject parcels. The City will also provide solid waste collection. Capacity exists within the City’s system to provide these services. Additional analysis and facility improvements may be required at the time that platting and/or site development review is initiated to ensure concurrency with proposed development on the subject parcels.

Transportation/Traffic:

Parcels 2 and 3 have direct access to Lake Denton Road. Lake Denton Road is a paved local road with minimal improvements and is currently maintained by Highlands County. Parcels 1, 4 and 5 do not currently have direct access to any improved roadway. Parcels 1, 2, 3 and 5 are situated adjacent to the County’s planned expansion of Phase 3 of the Sebring Parkway, which will provide access to these parcels. The Phase 3 expansion of the Sebring Parkway is proposed as a 4-lane, divided roadway and will serve as a north-south arterial for connection between the City of Sebring and Avon Park. Parcel 4 is located to the east of Parcel 3 and is presumed to have future access through Parcel 3 as part of the future development plans.

As part of the approved County Comprehensive Plan amendment, CPA-04-302LS, the County established several conditions of approval pertaining to the Phase 3 expansion of the Sebring Parkway. The conditions outlined in the County’s approval are as follows and shall be considered as part of this amendment.

1. At the time of development the Owner/Applicant will discuss with the County the possibility of providing right-of-way if there is an East/West collection road at that time.
2. No individual lot access will be provided on Sebring Parkway Phase 3 or Memorial Drive.
3. Stub outs will be provided to the south to accommodate future development, but this will be deferred until time of platting.
4. Access to Sebring Parkway will be limited to one point on the west and two points on the east.

Prior to platting, issuance of any site plan approvals or issuance for building permits, a full traffic analysis will be required to ensure concurrency for any proposed development.

This proposal is to change the land use on five subject parcels from Highlands County Residential Medium - RM (121 acres) and Agriculture – AG (13 acres); to City of Avon Park Medium Density Residential (134 acres) land use category. The subject parcels presently are limited in residential density by Highlands County CPA-04-302LS at 3.2 units per acre. The proposed land use category of Avon Park Medium Density Residential allows a maximum density of 16 units per gross acre for multi-family housing, and mobile (manufactured) home parks are permitted at a maximum of 8 units per gross acre. For a mobile home park to be permitted under this FLU designation, a site development plan is required, and a mobile home park would be permitted contingent upon approval of a site development plan by the City.

According to the Existing Highlands County FLU designations, the maximum development that can occur on the parcels subject to this amendment would result in 1,372 net external daily trips and 162 net external PM peak hour trips. According to the Proposed City of Avon Park FLU designations, the maximum development that can occur on these parcels would result in 5,349 net external daily trips and 632 net external PM peak hour trips. If approved, the proposed amendment would result in the potential for a net increase of 3,977 net external daily trips and 470 PM peak hour trips over the development levels currently allowed by Highlands County development regulations.

Requested Trip Generation

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips	PM Peak Trips	PM Peak In	PM Peak out
				Acres	Maximum Allowable Development				
Existing	Highlands County RM	3.2 (1)	N/A	121	387 units	1,238	146		
	Highlands County AG	3.2 (1)	N/A	13	42 units	134	16		
	Total Currently Adopted					1,372	162		
Proposed	Medium Density Residential	8 units / Acre (2)	240	134	1072 units	5349	632		
	Total Proposed					5,349	632	392	240
Change in Trips						3,977	470		

- (1) Site is limited to 3.2 units per acre by Highlands County development regulations.
- (2) Trip Generation Rates from the 8th Edition ITE Trip Generation Report.

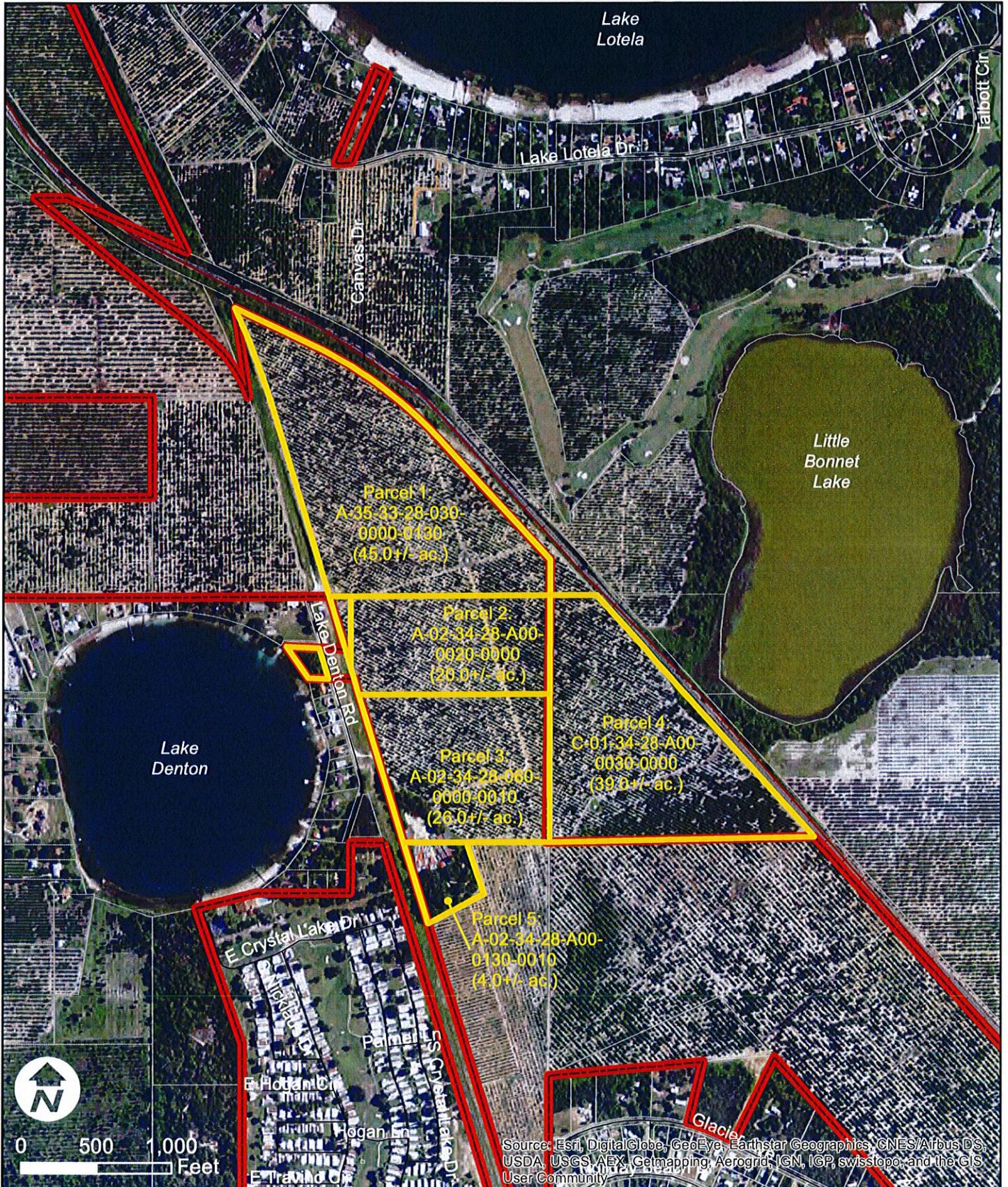
Public Schools:

The Highlands County School Board (HCSB) has been notified concerning the proposed FLU and zoning changes of the subject parcels, as the residential density would increase from 437 units to 1,072 units. The increase is approximately 635 residential dwelling units. Additional review by the HCSB will be required at the time that platting and/or site development review is initiated to ensure concurrency with proposed development on the subject parcels.

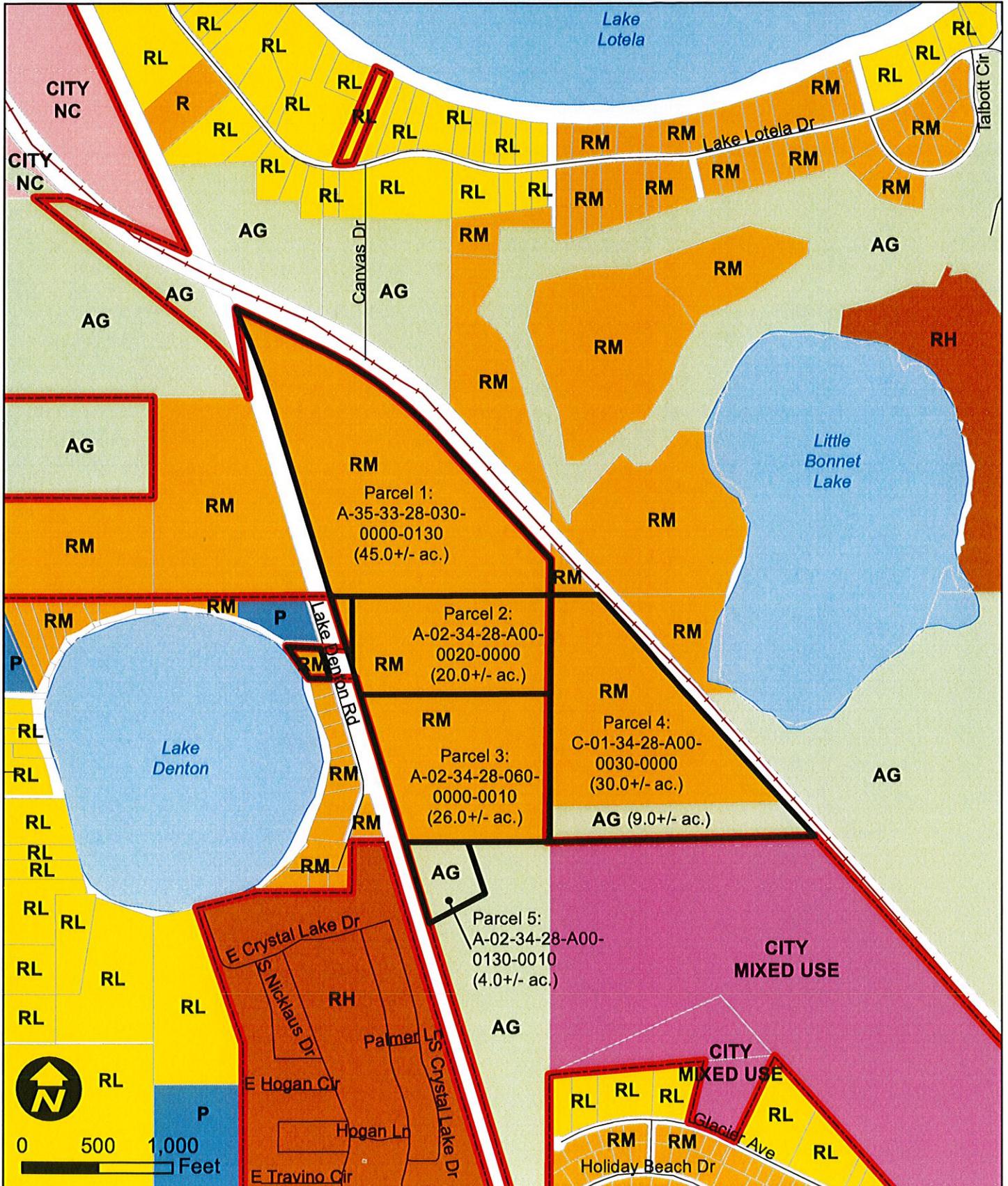
Recreation/Open Space:

Based on the City's level of service standard for recreation and open space facilities, which requires 3 acres/1,000 persons and the City's current operating standard of 6.54 acres/1,000 persons, no negative impacts are anticipated with the proposed FLU or zoning change.

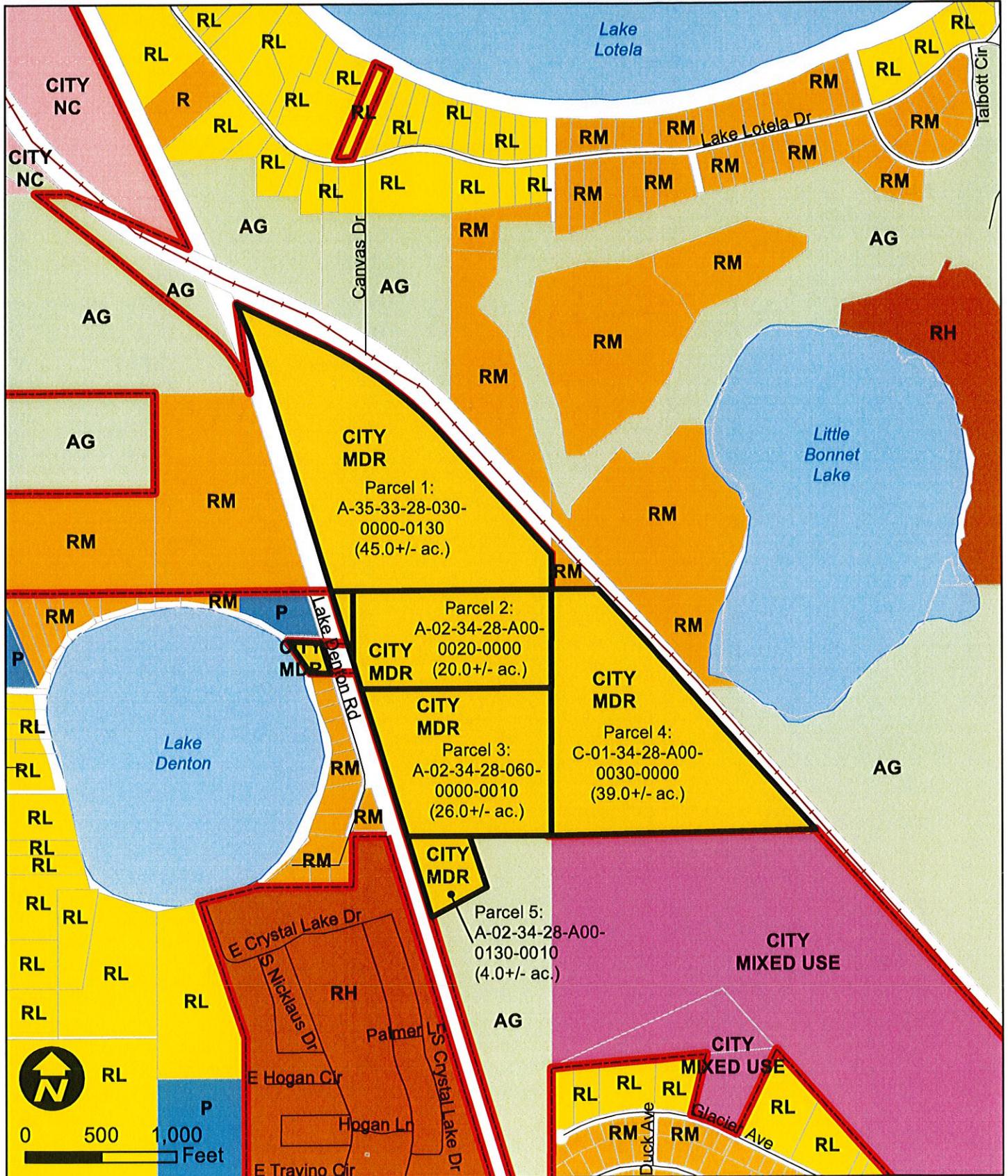
Crews Groves Aerial Photo Map



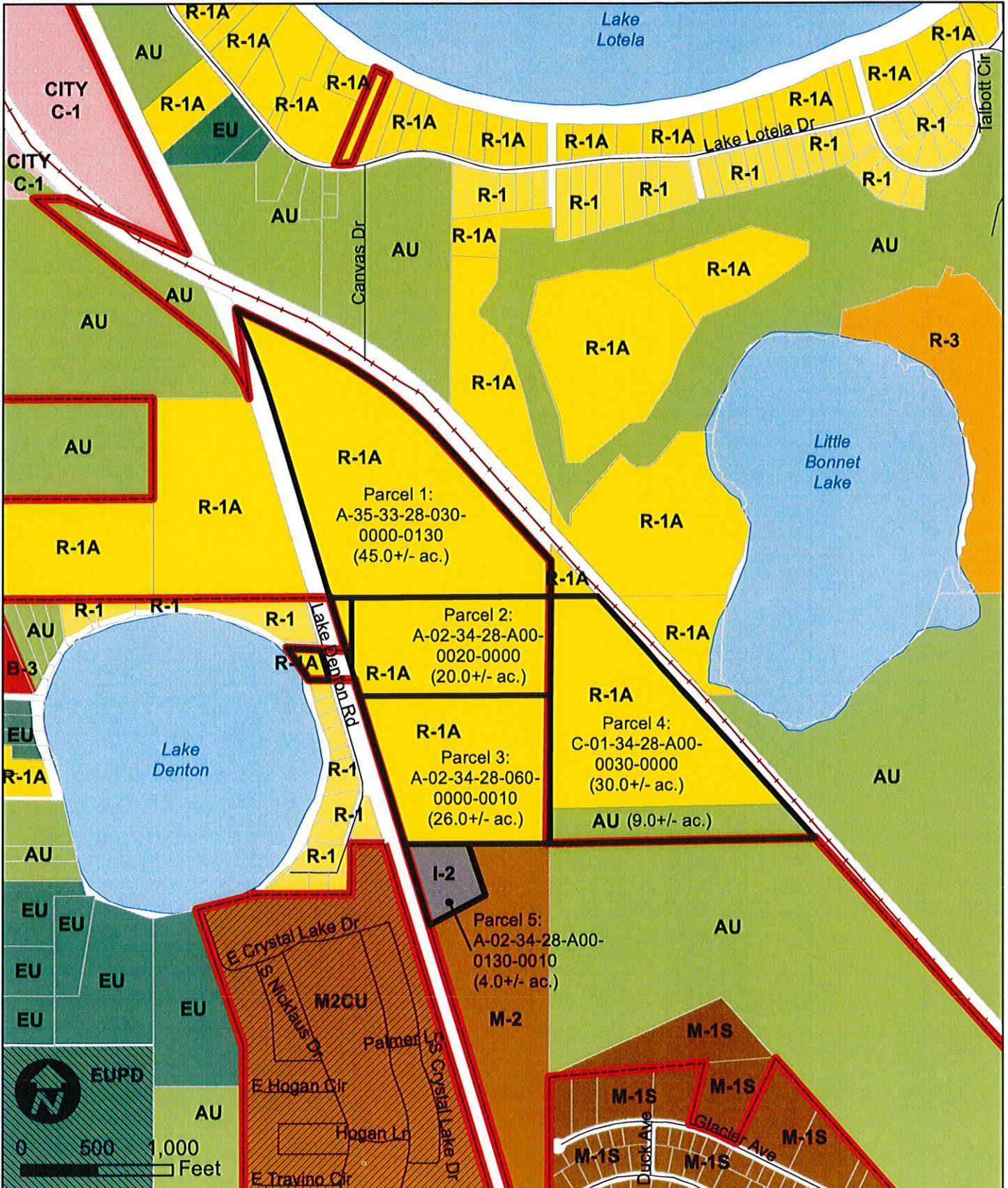
Crews Groves Existing Future Land Use Map



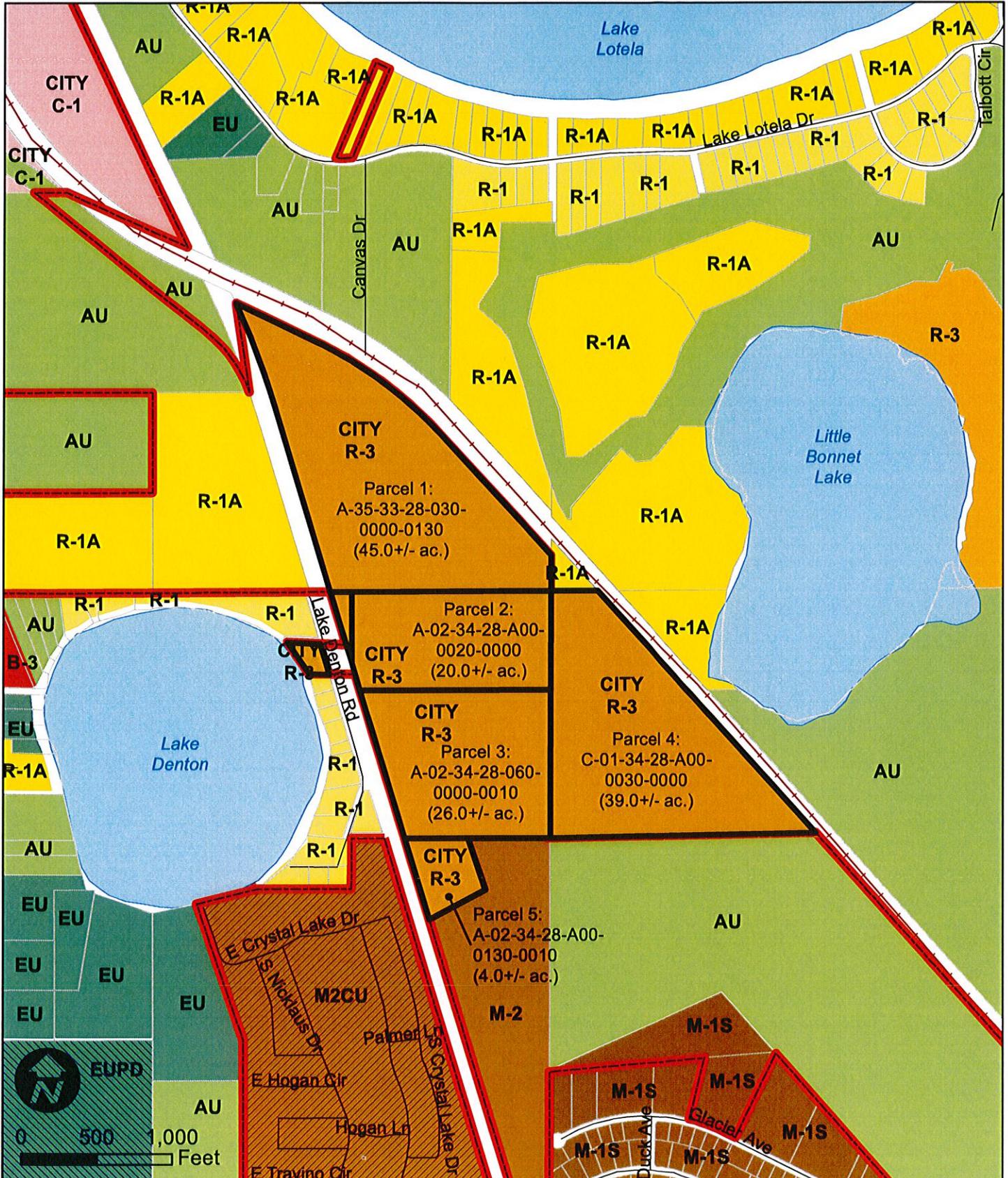
CITY OF AVON PARK PROPOSED FUTURE LAND USE MAP ORDINANCE 25-15



Crews Groves Existing Zoning Map



CITY OF AVON PARK PROPOSED ZONING MAP ORDINANCE 26-15



ORDINANCE 25-15

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF AVON PARK, FLORIDA, AMENDING FIVE (5) PARCELS CONSISTING OF APPROXIMATELY 134.0-ACRES GENERALLY LOCATED SOUTH OF LAKE LOTELA BETWEEN LAKE DENTON AND LITTLE BONNET LAKE ON THE WEST SIDE OF CSX RAIL LINE FROM COUNTY MEDIUM DENSITY RESIDENTIAL (RM) AND COUNTY AGRICULTURE (AG) TO CITY MEDIUM DENSITY RESIDENTIAL (MDR); TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and mandates the City of Avon Park, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on Future Land Use Map Amendment as shown in Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, the parcels, as marked on Exhibit "A", consist of approximately 134.0-acres and are the subject of this ordinance and represent a change to the Future Land Use Map by changing the Future Land Use designation from County Medium Density Residential (RM) and County Agriculture (AG) to City Medium Density Residential (MDR); and

WHEREAS, at the time of development, coordination with Highlands County will be provided to consider potential right-of-way if there is an East/West collector road at that time; and

WHEREAS, at the time of development, coordination with Highlands County will be provided regarding access to the Sebring Parkway; and

WHEREAS, in exercise of its authority the City Council has determined it necessary to adopt this Map Amendment to the Comprehensive Plan, which is marked as Exhibit "A" and attached and made a part hereof, including the special conditions which are attached hereto as Exhibit "B" and made a part hereof., to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Avon Park.

NOW, THEREFORE, be it enacted by the City Council of the City of Avon Park, Florida, as follows:

Section 1. The Future Land Use Map is hereby amended to include the map amendment set forth in Exhibit "A," attached hereto and incorporated herein by reference, which applies the Future Land Use designation of "City Medium Density Residential" to the parcel designated on such Exhibit and shall respect the special conditions which are attached hereto as Exhibit "B" and made a part hereof.

Section 2. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. A certified copy of this enacting ordinance and certified copy of the City of Avon Park Comprehensive Plan shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

Section 4. Within ten (10) days of final passage and adoption of this Ordinance, the City of Avon Park shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments to the City, as required by Section 163.3184(3)(c)2, *Florida Statutes*.

Section 5. The effective date of the plan amendment adopted by this Ordinance shall be thirty-one (31) days after the Florida Department of Economic Opportunity notifies the City of Avon Park that the plan amendment package is complete, or, if the plan amendment is timely challenged, the date on which the Florida Department of Economic Opportunity or the Administration Commission, whichever is applicable, enters a final order finding the amendment to be in compliance in accordance with Section 163.3184(3)(c)4, *Florida Statutes*.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the 26th day of October, 2015.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the 14th day of December, 2015.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, City Clerk

Approved as to form:

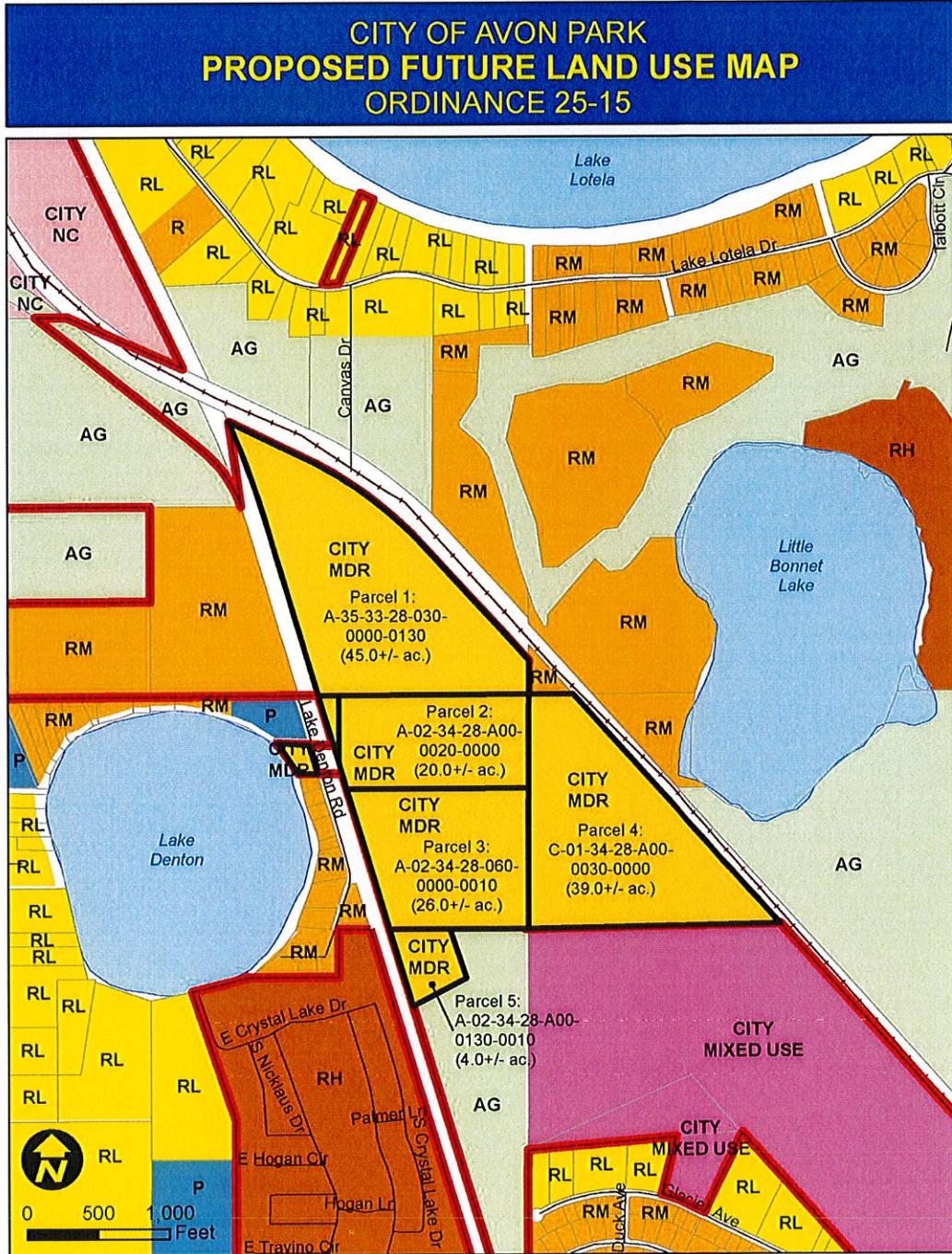
Gerald T. Buhr, City Attorney

Motion made by _____ seconded by _____.

The vote was ___ for ___ against with ___ abstentions and ___ absent

EXHIBIT "A"

Proposed Future Land Use Map



ORDINANCE 26-15

AN ORDINANCE AMENDING THE ZONING OF FIVE (5) PARCELS CONSISTING OF APPROXIMATELY 134.0-ACRES GENERALLY LOCATED SOUTH OF LAKE LOTELA BETWEEN LAKE DENTON AND LITTLE BONNET LAKE ON THE WEST SIDE OF CSX RAIL LINE FROM COUNTY R-1A (RESIDENTIAL), COUNTY AU (AGRICULTURAL) AND COUNTY I-2 (INDUSTRIAL) TO CITY R-3 (HIGH DENSITY MULTI-FAMILY RESIDENTIAL – MOBILE HOME PARK); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park held meetings and hearings regarding the parcel show on Exhibit “A”, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority, the City Council of the City of Avon Park has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this parcel; and

WHEREAS, at the time of development, coordination with Highlands County will be provided to consider potential right-of-way if there is an East/West collector road at that time; and

WHEREAS, at the time of development, coordination with Highlands County will be provided regarding access to the Sebring Parkway.

NOW, THEREFORE BE IT ENACTED by the City Council of the City of Avon Park, Florida,

Section 1. The official zoning map of the City of Avon Park is amended so as to assign the City zoning classification of City R-3 (High Density Multi-Family Residential – Mobile Home Park), with a cumulative total of 134.0-acres, as shown in Exhibit “A”.

Section 2. **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. **Effective Date:** The effective date of this ordinance shall coincide with the effective date of the companion Future Land Use amendment Ordinance 25-15.

This Ordinance shall be codified in the Code of Ordinances of the City of Avon Park, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the 26th day of October, 2015.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the 14th day of December, 2015.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, City Clerk

Approved as to form:

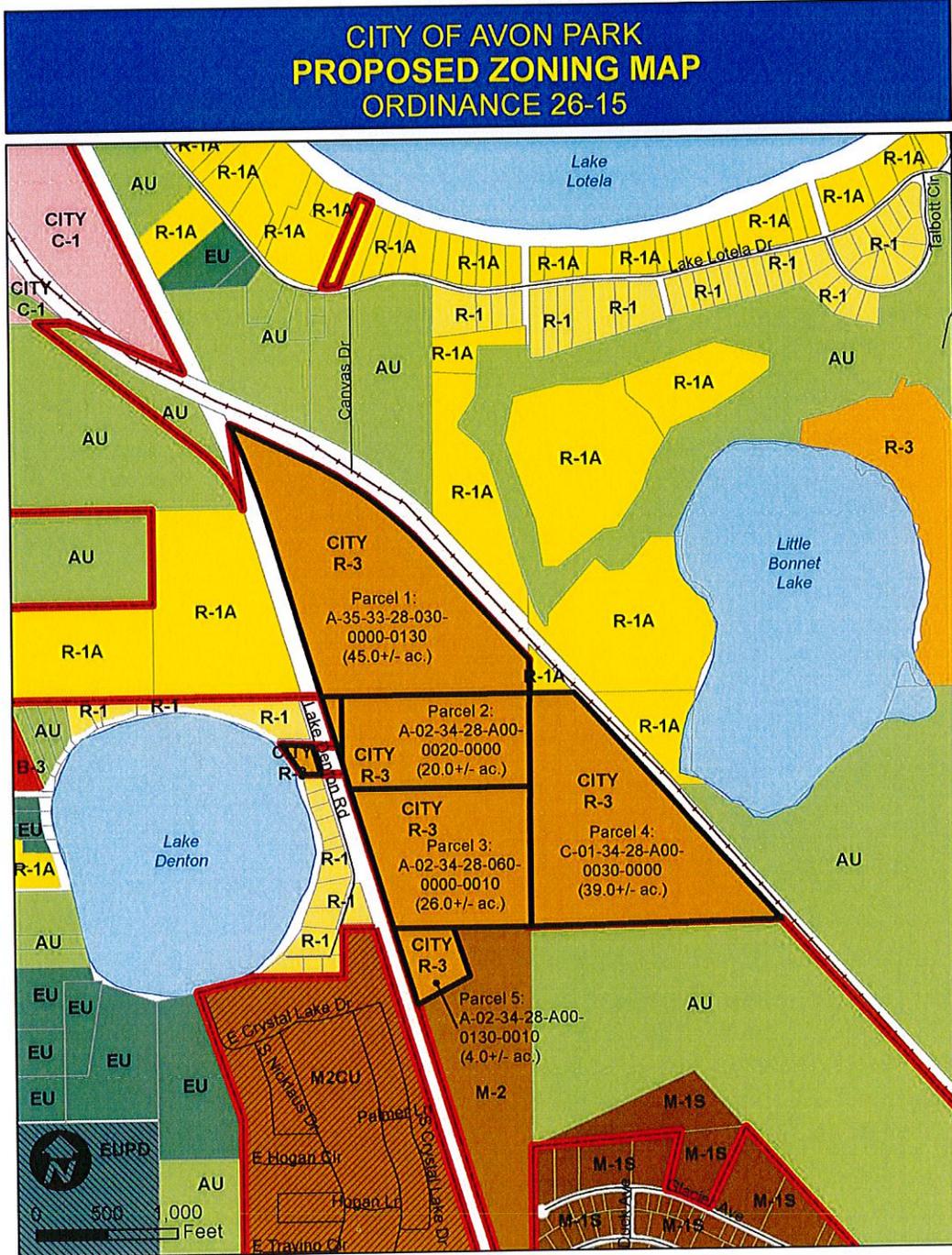
Gerald T. Buhr, City Attorney

Motion made by _____ seconded by _____.

The vote was ___ for ___ against with ___ abstentions and ___ absent

EXHIBIT "A"

Proposed Zoning Map



ORDINANCE 25-15

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF AVON PARK, FLORIDA, AMENDING FIVE (5) PARCELS CONSISTING OF APPROXIMATELY 134.0-ACRES GENERALLY LOCATED SOUTH OF LAKE LOTELA BETWEEN LAKE DENTON AND LITTLE BONNET LAKE ON THE WEST SIDE OF CSX RAIL LINE FROM COUNTY MEDIUM DENSITY RESIDENTIAL (RM) AND COUNTY AGRICULTURE (AG) TO CITY MEDIUM DENSITY RESIDENTIAL (MDR); TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and mandates the City of Avon Park, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on Future Land Use Map Amendment as shown in Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, the parcels, as marked on Exhibit "A", consist of approximately 134.0-acres and are the subject of this ordinance and represent a change to the Future Land Use Map by changing the Future Land Use designation from County Medium Density Residential (RM) and County Agriculture (AG) to City Medium Density Residential (MDR); and

WHEREAS, at the time of development, coordination with Highlands County will be provided to consider potential right-of-way if there is an East/West collector road at that time; and

WHEREAS, at the time of development, coordination with Highlands County will be provided regarding access to the Sebring Parkway; and

WHEREAS, in exercise of its authority the City Council has determined it necessary to adopt this Map Amendment to the Comprehensive Plan, which is marked as Exhibit "A" and attached and made a part hereof, including the special conditions which are attached hereto as Exhibit "B" and made a part hereof., to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Avon Park.

NOW, THEREFORE, be it enacted by the City Council of the City of Avon Park, Florida, as follows:

Section 1. The Future Land Use Map is hereby amended to include the map amendment set forth in Exhibit "A," attached hereto and incorporated herein by reference, which applies the Future Land Use designation of "City Medium Density Residential" to the parcel designated on such Exhibit and shall respect the special conditions which are attached hereto as Exhibit "B" and made a part hereof.

Section 2. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. A certified copy of this enacting ordinance and certified copy of the City of Avon Park Comprehensive Plan shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

Section 4. Within ten (10) days of final passage and adoption of this Ordinance, the City of Avon Park shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments to the City, as required by Section 163.3184(3)(c)2, *Florida Statutes*.

Section 5. The effective date of the plan amendment adopted by this Ordinance shall be thirty-one (31) days after the Florida Department of Economic Opportunity notifies the City of Avon Park that the plan amendment package is complete, or, if the plan amendment is timely challenged, the date on which the Florida Department of Economic Opportunity or the Administration Commission, whichever is applicable, enters a final order finding the amendment to be in compliance in accordance with Section 163.3184(3)(c)4, *Florida Statutes*.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the 26th day of October, 2015.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the _____ day of _____, 2015.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Motion made by _____ seconded by _____.

The vote was ___ for ___ against with ___ abstentions and ___ absent

ORDINANCE 26-15

AN ORDINANCE AMENDING THE ZONING OF FIVE (5) PARCELS CONSISTING OF APPROXIMATELY 134.0-ACRES GENERALLY LOCATED SOUTH OF LAKE LOTELA BETWEEN LAKE DENTON AND LITTLE BONNET LAKE ON THE WEST SIDE OF CSX RAIL LINE FROM COUNTY R-1A (RESIDENTIAL), COUNTY AU (AGRICULTURAL) AND COUNTY I-2 (INDUSTRIAL) TO CITY R-3 (HIGH DENSITY MULTI-FAMILY RESIDENTIAL – MOBILE HOME PARK); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park held meetings and hearings regarding the parcel show on Exhibit “A”, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority, the City Council of the City of Avon Park has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this parcel; and

WHEREAS, at the time of development, coordination with Highlands County will be provided to consider potential right-of-way if there is an East/West collector road at that time; and

WHEREAS, at the time of development, coordination with Highlands County will be provided regarding access to the Sebring Parkway.

NOW, THEREFORE BE IT ENACTED by the City Council of the City of Avon Park, Florida,

Section 1. The official zoning map of the City of Avon Park is amended so as to assign the City zoning classification of City R-3 (High Density Multi-Family Residential – Mobile Home Park), with a cumulative total of 134.0-acres, as shown in Exhibit “A”.

Section 2. **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. **Effective Date:** The effective date of this ordinance shall coincide with the effective date of the companion Future Land Use amendment Ordinance 25-15.

This Ordinance shall be codified in the Code of Ordinances of the City of Avon Park, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the 26th day of October, 2015.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the _____ day of _____, 2015.
CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, City Clerk

Approved as to form:

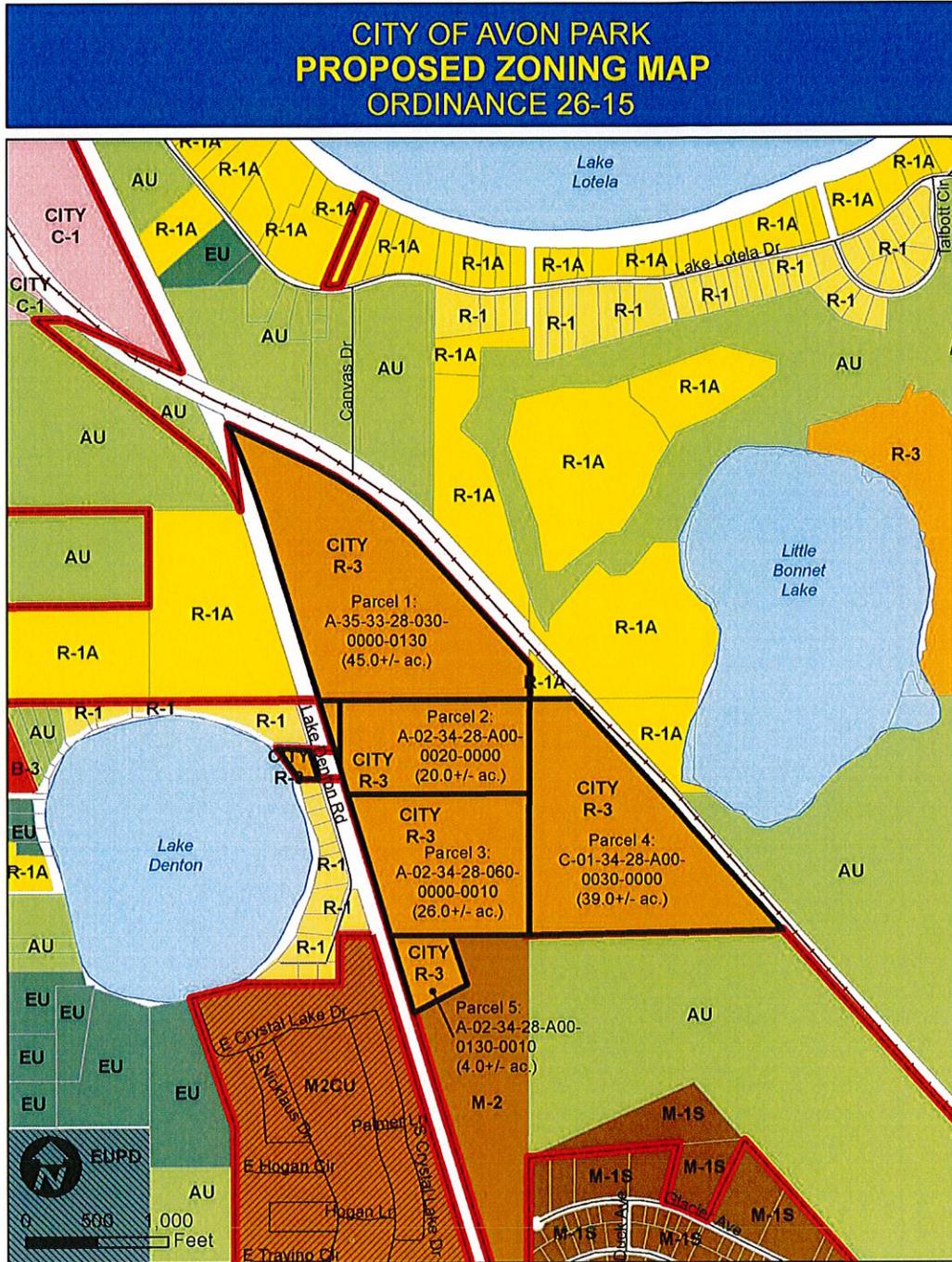
Gerald T. Buhr, City Attorney

Motion made by _____ **seconded by** _____.

The vote was ___ **for** ___ **against with** ___ **abstentions and** ___ **absent**

EXHIBIT "A"

Proposed Zoning Map





**CITY OF AVON PARK
FUTURE LAND USE AMENDMENT AND REZONING
OVERVIEW REPORT
OCTOBER 26, 2015**

TO: CITY OF AVON PARK CITY COUNCIL

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: **Ordinance 25-15 – Future Land Use Amendment
Ordinance 26-15 – Rezoning**

Request to change the Future Land Use designation of approximately 134.0 acres of land located south of Lake Lotela between Lake Denton and Little Bonnet Lake on the west side of CSX rail line from County Medium Density Residential (RM) and County Agriculture (AG) to City Medium Density Residential (MDR) and a rezoning of said land from County R-1A (Residential), County AU (Agricultural) and County I-2 (Industrial) to City High Density Multi-Family Residential R-3 (MH Park). The proposed Future Land Use Map amendment and rezoning consists of 5 parcels identified by parcel ID numbers A-35-33-28-030-0000-0130, A-02-34-28-A00-0020-0000, A-02-34-28-060-0000-0010, C-01-34-28-A00-0030-0000 and A-02-34-28-A00-0130-0000.

AGENDA DATE:

September 8, 2015, 5:30 PM: Planning and Zoning Board Meeting (Public Hearing)
**October 26, 2015, 6:00 PM: City Council – Ordinance 25-16 (Transmittal Hearing)
City Council – Ordinance 26-16 (First Reading)**
December 14, 2015, 6:00 PM: City Council – Adoption Public Hearing

PLANNING & ZONING BOARD ACTION:

On Tuesday, September 8, 2015, the City of Avon Park Planning & Zoning Board voted unanimously to forward the proposed Future Land Use Map Amendment and rezoning to the City Council **with a recommendation of approval.**

CITY COUNCIL MOTION OPTIONS:

Options for motions are listed below.

Ordinance 25-15 – Future Land Use Map Amendment

1. I move the City Council **approve to transmit Ordinance 25-15** to the Department of Economic Opportunity for review.
2. I move the City Council **approve to transmit Ordinance 25-15 with changes** to the Department of Economic Opportunity for review.

Ordinance 26-15 – Rezoning

1. I move the City Council **approve** the First Reading of Ordinance 26-15.
2. I move the City Council **approve with changes** the First Reading of Ordinance 26-15.

ATTACHMENTS:

- Aerial Photo Map
- Existing Future Land Use Map
- Proposed Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map

OVERVIEW:

Applicant	City of Avon Park	
Property Owner	Crews Groves, Inc.	
Subject Parcels	Parcel Identifier	Parcel Address and Tax ID Number
	1	821 LAKE DENTON RD AVON PARK, FL 33825 (A-35-33-28-030-0000-0130)
	2	2471 LAKE DENTON RD AVON PARK, FL 33825 (A-02-34-28-A00-0020-0000)
	3	2458 LAKE DENTON RD AVON PARK, FL 33825 (A-02-34-28-060-0000-0010)
	4	1900 LITTLE LAKE BONNETT RD AVON PARK, FL 33825 (C-01-34-28-A00-0030-0000)
	5	2661 LAKE DENTON RD AVON PARK, FL 33825 (A-02-34-28-A00-0130-0000)
Acreage (Total)	134.0+/- acres	
Existing Future Land Use	County Medium Density Residential (RM) – (121.0+/- acres)	
	County Agriculture (AG) – (13.0+/- acres)	
Proposed Future Land Use	City Medium Density Residential – (134.0+/- acres)	
Existing Zoning	County Residential (R-1A) – (121.0+/- acres)	
	County Agricultural (AU) – (9.0+/- acres)	
	County Industrial (I-2) – (4.0+/- acres)	
Proposed Zoning	City R-3, High Density Multi-Family Residential (MH Park) – (134.0+/- acres)	
Previous Hearings	None	

The City of Avon Park (applicant) is requesting to change the Future Land Use (FLU) and zoning designations of five (5) parcels of land consisting of approximately 134.0 acres. The requested FLU change is from County Medium Density Residential (RM) and County Agriculture (AG) to City Medium Density Residential (MDR). The requested zoning change is from County R-1A (Residential), County AU (Agricultural) and County I-2 (Industrial) to City R-3, High Density Multi-Family Residential (MH Park). The subject parcels are generally located south of Lake Lotela between Lake Denton and Little Bonnet Lake on the west side of the CSX rail line (see attached Aerial Photo Map).

REASON FOR REQUEST:

The purpose of the request is to update the City’s FLU and Zoning Maps to reflect a FLU of City Medium Density Residential and zoning of City R-3, High Density Multi-Family Residential (MH Park) for properties annexed into the City to facilitate the future development of a manufactured (mobile) home park.

ANALYSIS OF PROPOSED FUTURE LAND USE AND ZONING AMENDMENTS:

Consideration of the proposed FLU and zoning changes shall be evaluated against the following:

- *Consistency with the Comprehensive Plan*
- *Land Use Analysis*
- *Public Facilities and Services Analysis*

Consistency with the Comprehensive Plan:

The request is to change the FLU designation of the subject parcels from County Medium Density Residential to City Medium Density Residential. Descriptions for both the existing and proposed FLU and zoning designations are provided as follows:

Existing – Future Land Use

County Future Land Use Element, Policy 1.2.D.1. – Agriculture (AG):

Agriculture is the predominant land use for the rural areas of Highlands County. This category encompasses those activities generally associated with rural settlements, active agriculture including bio fuel feedstock and other resource based activities, and recreation and open space.

- a. Starting Density: 0.20 or less, units per acre, or one (1) dwelling for every five acres.

Existing – Future Land Use

County Future Land Use Element, Policy 1.2.D.3. – Medium Density Residential (RM):

The development pattern for this residential category begins with the traditional development density for single-family lots on unincorporated properties in the County. Generally subdivided into quarter-acre lots, which established the starting density this land use category constituted the primary residential environment for County residents comprising both site-built and mobile homes. Historic development patterns for this land use category favor commuter linkages from satellite subdivisions around municipalities and along arterial corridors. Housing service ranges from single-family detached neighborhoods to attached housing complexes, such as duplexes, which offer both ownership and rental opportunities. Vacant infill properties are prime candidates for this land use category. Future projects should emphasize a traditional preference for privacy, visual amenity, and low profile development: one and two story construction, ample separation between buildings, off-street parking, landscape treatments, etc. The upper end of this density range, which includes the Mobile Home Park (max. 8 dus/ac), may be achieved where existing infrastructure and paved roads exist to serve the development site or whenever special taxing districts are created to provide such infrastructure.

- a. Starting Density: 4.00 units per acre.
- b. Maximum Density: 8.00 units per acre
- c. Additional Allowable Uses: Public schools (Elementary, Middle, & High); collocated with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum and gallery.
- d. Permitted Supporting Uses: include potable water and wastewater treatment plants.

Proposed – Future Land Use

City Future Land Use Element, Policy 1.5 – Medium Density Residential (MDR):

The Medium Density Residential designation shall meet Avon Park's housing demand for this range of density, promote efficient use of existing infrastructure and promote affordable housing. Multi-family housing units are permissible at a maximum density of 16 units per gross acre. Mobile home parks are permissible at a maximum density of 8 mobile homes per gross acre. Public schools shall be a permitted use in this classification.

Existing – Zoning

County Land Development Regulations, Section 12.05.200 – Agricultural (AU):

The AU agricultural district is intended to apply to those areas presently and primarily agricultural.

County Land Development Regulations, Section 12.05.210 – Residential (R-1A):

The R-1A residential district is intended to be single-family residential area, medium population density with minimum lot area.

County Land Development Regulations, Section 12.05.252 – Industrial (I-2):

The I-2 industrial district is intended to locate industrial and manufacturing occupancies which, due to employment of heavy equipment and machinery, may create noise and vibration objectionable to residential or business neighborhoods. All occupancies in this district will utilize all safeguards to prevent pollution of air, land and water by the emission of fumes, toxic gases, dust, smoke, toxic effluents and other wastes and to mitigate their effects.

Proposed – Zoning

City Unified Land Development Code, Section 2.04.02.05 – R-3, High Density Multi-Family Residential:

To establish locations suitable for high density residential development with a maximum of eight units per acre (8 du/ac) for mobile home parks, to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development in a high density residential environment.

The proposed zoning in conjunction with the proposed FLU targets the City's need to provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the City, in accordance with the goals, objectives, and policies of the Housing Element of the City's Comprehensive Plan.

Land Use Analysis

The subject parcels, as identified by the Department of Revenue (Use Code "66") are currently used for agricultural operation – specifically as grove land for citrus production. Most of the surrounding lands consist of the same type of activity, including a mix of residential land uses also dispersed throughout. The FLU of lands surrounding the subject parcels is generally classified by a mix of County Medium Density Residential and County Agriculture. The City has also recently updated the FLU on approximately 190-acres to the southeast of the subject parcels to Mixed-Use to accommodate future mixed use development. The *Future Land Use Matrix* below outlines the existing and proposed

FLU of the subject parcels and the existing FLU of surrounding parcels (Existing and Proposed Future Land Use Maps are attached for reference).

Future Land Use Matrix

Northwest	North	Northeast
FLU: County Agriculture	FLU: County Medium Density Residential and County Agriculture (separated by railroad)	FLU: County Medium Density Residential and County Agriculture (separated by railroad)
West	Subject Property	East
FLU: County Medium Density Residential	FLU: <u>Existing:</u> County Medium Density Residential <u>Proposed:</u> City Medium Density Residential	FLU: County Medium Density Residential and County Agriculture (separated by railroad)
Southwest	South	Southeast
FLU: County High Density Residential and County Medium Density Residential	FLU: County Agriculture and City Mixed Use	FLU: City Mixed Use

The zoning designation of lands surrounding the subject parcels is generally classified by a mix of residential (County R-1A), agricultural (County AU), and mobile home park (County M-2-CU and M-2) districts. The *Zoning Matrix* below outlines the existing and proposed zoning of the subject parcels and the existing zoning of surrounding parcels (Existing and Proposed Zoning Maps are attached for reference).

Zoning Matrix

Northwest	North	Northeast
Zoning: County Agriculture	Zoning: County R-1A and County Agriculture (separated by railroad)	Zoning: County R-1A and County Agriculture (separated by railroad)
West	Subject Property	East
Zoning: County R-1A	Zoning: <u>Existing:</u> County R-1A <u>Proposed:</u> City R-3 (MH Park)	Zoning: County R-1A and County Agriculture (separated by railroad)
Southwest	South	Southeast
Zoning: County M-2-CU (Mobile Home Park)	Zoning: County M-2 (Mobile Home Park) and County Agriculture	Zoning: County Agriculture

The maximum residential densities permitted under the County Medium Density Residential and County Agriculture designations are as follows:

- **County Medium Density Residential: 8 units per acre.**
- **County Agriculture: 1 unit per 5 acres.**

The acreage of the subject parcels with a County Medium Density Residential FLU is approximately 121.0 acres, which would permit a maximum build-out of 968 residential dwelling units. The land area with a County Agriculture FLU is approximately 13.0 acres, which would permit a total of 2.6 residential dwelling units. The total residential density under the current County FLU would be approximately 971 residential dwelling units.

However, a site specific density limitation was established through a County Comprehensive Plan Amendment (CPA-04-302LS) which reduced the maximum number of residential dwelling units for the subject parcels. The density limitation imposed by CPA-04-302LS consisted of seven (7) parcels impacting a total of 180.0 acres. The maximum residential density was set at 587 dwelling units. Five (5) of the seven (7) parcels, comprising 134.0 acres, are the subject of this amendment. Based on the density limitation approved by CPA-04-302LS, the maximum residential density for the subject parcels is 437 dwelling units. A calculation is provided below.

$$\begin{aligned} 587 \text{ dwelling units (du)} / 180.0 \text{ acres (ac)} &= 3.26 \text{ du/ac} \\ 3.26 \text{ du/ac} \times 134 \text{ ac} &= 437 \text{ dwelling units} \end{aligned}$$

The residential densities of the County zoning designations (R-1A and AU) respect the underlying FLU densities.

The maximum residential densities permitted under the City Medium Density Residential FLU and City R-3 (MH Park) zoning are as follows:

- **City Medium Density Residential (for mobile home parks): 8 units per acre.**
- **City R-3 (MH Park): 8 units per acre.**

Under the proposed City Medium Density Residential FLU and City R-3 (MH Park) zoning, the maximum residential density would be 8 dwelling units per acre. The 13.0 acres currently under the County designation of Agriculture would yield a total of 104 residential dwelling units under the proposed City FLU and zoning. Considering the total 134.0 acres, the total number of units that would be permitted under the proposed City designations would be 1,072.

The proposed change would yield an increase of approximately 635 residential dwelling units. The density comparison table below provides a breakdown of the potential increase in residential density.

Density Comparison Table.

Current County FLU	Acreage	Density
-as established in CPA-04-302LS	134.0 acres	437 du
Total		437 du
Proposed City FLU and Zoning		
-FLU: City Medium Density Residential (MDR) - Zoning: City R-3 (MH Park)	134.0	8 du/ac = 1,072
Total		1,072 du

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services. Additional review for land use impacts will be required during site development plan review. The additional review would serve to ensure concurrency of public facilities and services with any proposed development.

Potable Water, Sanitary Sewer and Solid Waste:

The City currently has water and centralized sewer available to serve the subject parcels. The City will also provide solid waste collection. Capacity exists within the City’s system to provide these services. Additional analysis and facility improvements may be required at the time that platting and/or site development review is initiated to ensure concurrency with proposed development on the subject parcels.

Transportation/Traffic:

Parcels 2 and 3 have direct access to Lake Denton Road. Lake Denton Road is a paved local road with minimal improvements and is currently maintained by Highlands County. Parcels 1, 4 and 5 do not currently have direct access to any improved roadway. Parcels 1, 2, 3 and 5 are situated adjacent to the County’s planned expansion of Phase 3 of the Sebring Parkway, which will provide access to these parcels. The Phase 3 expansion of the Sebring Parkway is proposed as a 4-lane, divided roadway and will serve as a north-south arterial for connection between the City of Sebring and Avon Park. Parcel 4 is located to the east of Parcel 3 and is presumed to have future access through Parcel 3 as part of the future development plans.

As part of the approved County Comprehensive Plan amendment, CPA-04-302LS, the County established several conditions of approval pertaining to the Phase 3 expansion of the Sebring Parkway. The conditions outlined in the County’s approval are as follows and shall be considered as part of this amendment.

1. At the time of development the Owner/Applicant will discuss with the County the possibility of providing right-of-way if there is an East/West collection road at that time.
2. No individual lot access will be provided on Sebring Parkway Phase 3 or Memorial Drive.
3. Stub outs will be provided to the south to accommodate future development, but this will be deferred until time of platting.
4. Access to Sebring Parkway will be limited to one point on the west and two points on the east.

Prior to platting, issuance of any site plan approvals or issuance for building permits, a full traffic analysis will also be required to ensure concurrency for any proposed development.

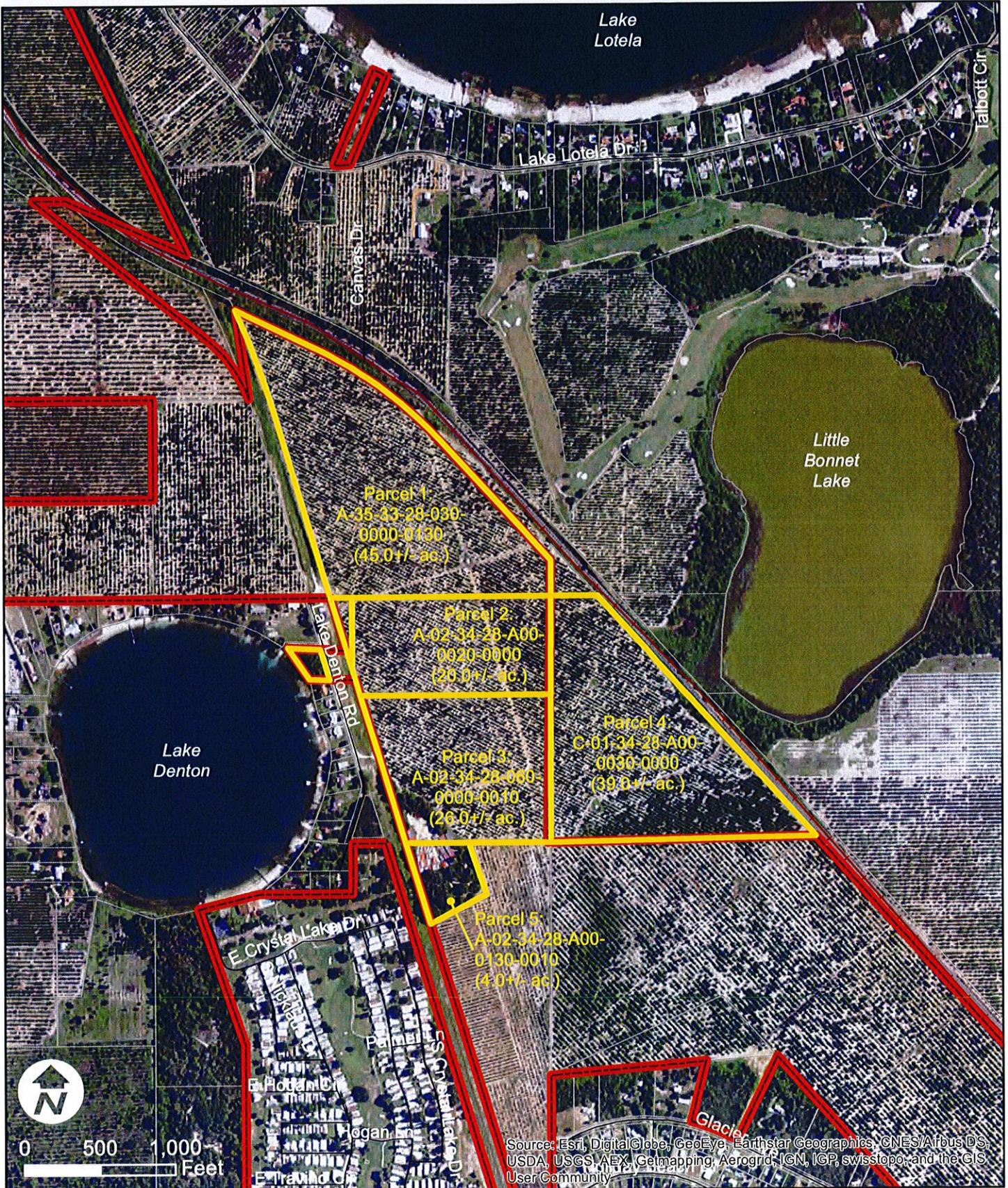
Public Schools:

The Highlands County School Board (HCSB) has been notified concerning the proposed FLU and zoning changes of the subject parcels, as the residential density would increase from 437 units to 1,072 units. The increase is approximately 635 residential dwelling units. Additional review by the HCSB will be required at the time that platting and/or site development review is initiated to ensure concurrency with proposed development on the subject parcels.

Recreation/Open Space:

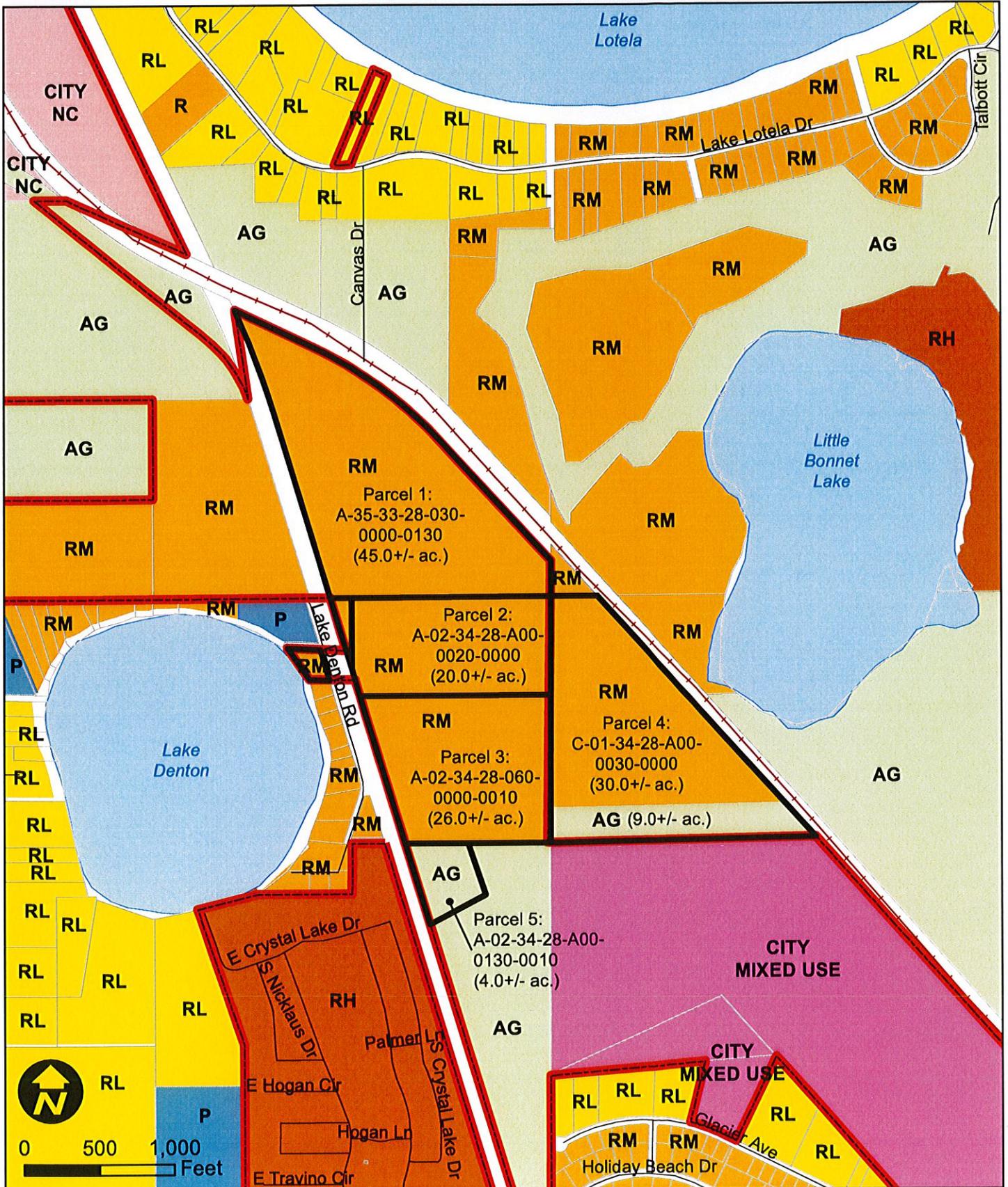
Based on the City's level of service standard for recreation and open space facilities, which requires 3 acres/1,000 persons and the City's current operating standard of 6.54 acres/1,000 persons, no negative impacts are anticipated with the proposed FLU or zoning change.

Crews Groves Aerial Photo Map

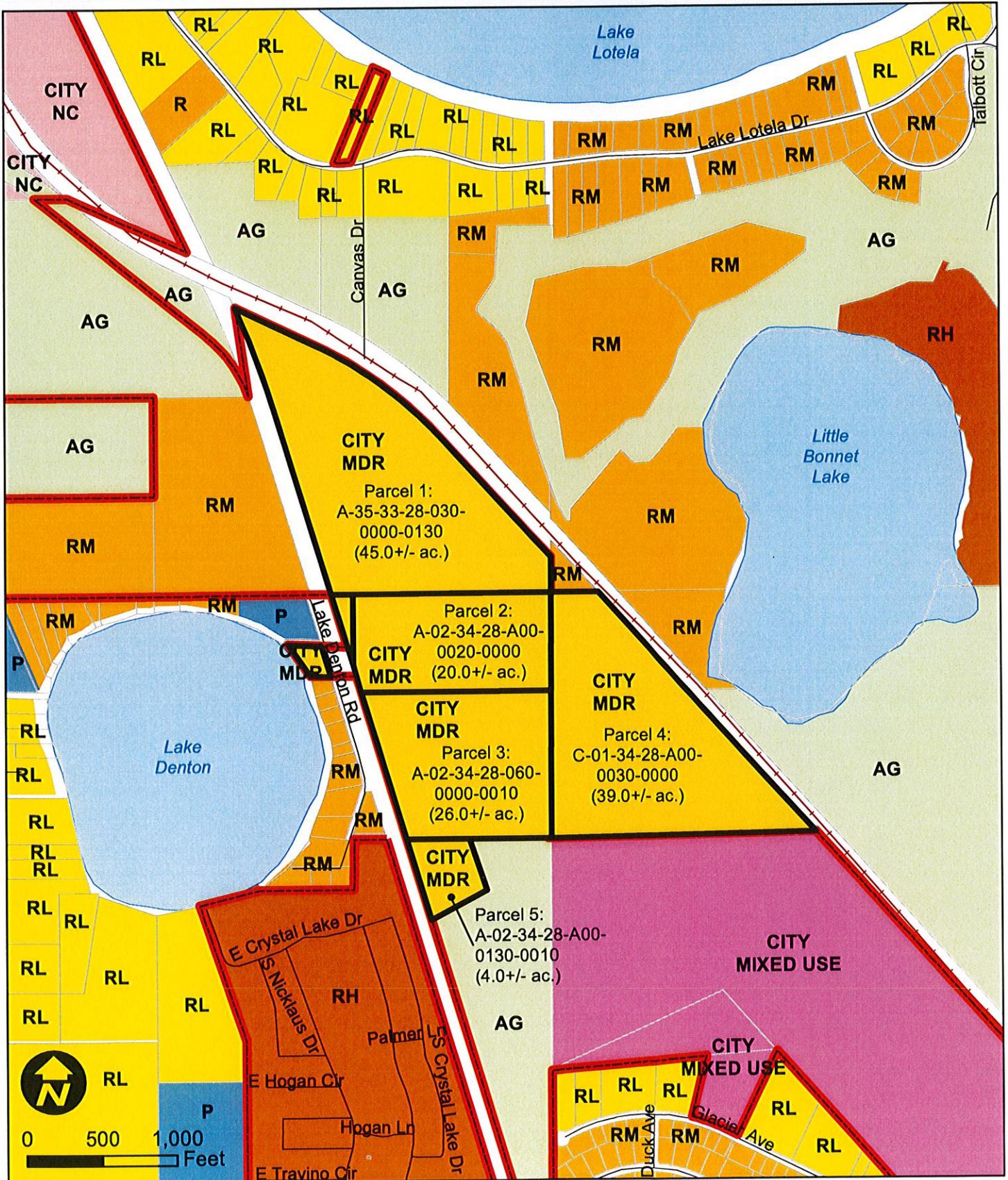


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

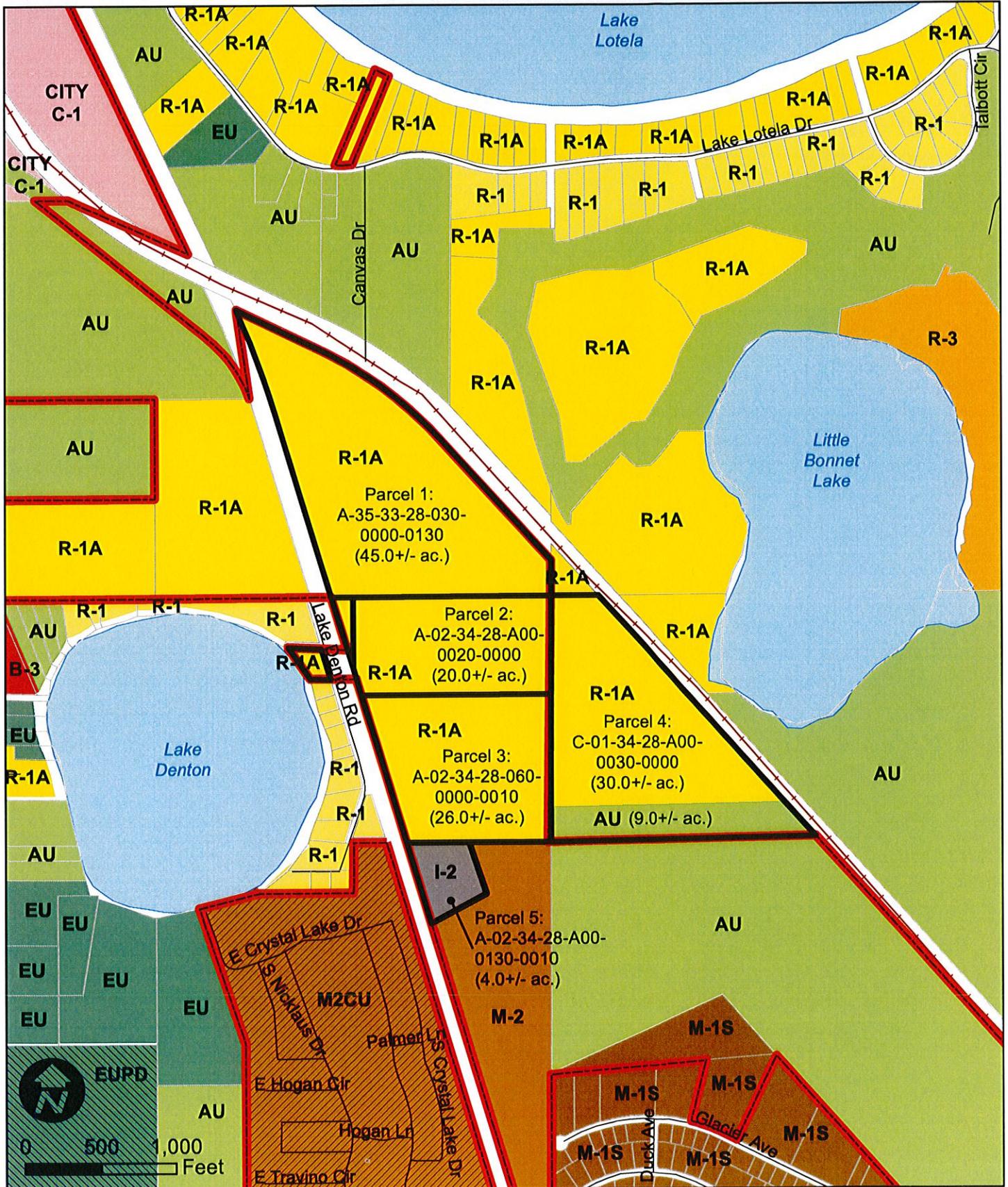
Crews Groves Existing Future Land Use Map



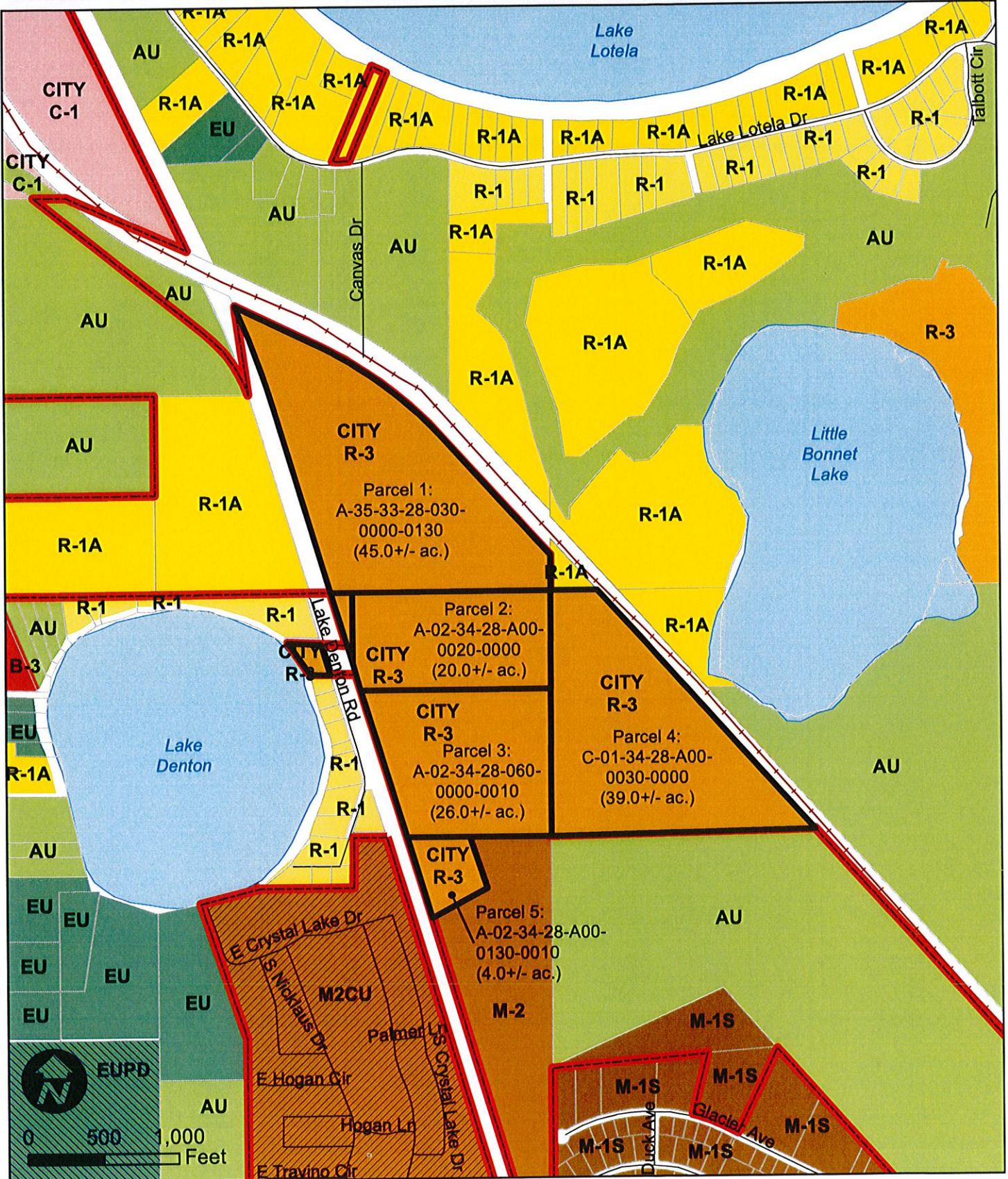
CITY OF AVON PARK PROPOSED FUTURE LAND USE MAP ORDINANCE 25-15



Crews Groves Existing Zoning Map



CITY OF AVON PARK PROPOSED ZONING MAP ORDINANCE 26-15



ORDINANCE 27-15

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING THE AVON PARK LAND DEVELOPMENT CODE; AMENDING ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, SPECIFICALLY SECTION 2.02.11, ADDRESSING THE PLACEMENT OF FENCES AND FENCE MATERIALS; REPEALING ALL ORDINANCES IN CONFLICT HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City; and

WHEREAS, pursuant to Section 166.041(3)(c)(2), Florida Statutes, the City Council of the City of Avon Park has held meetings and hearings regarding the proposed amendments to the Unified Land Development Code, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority, the City Council of the City of Avon Park has determined it necessary to adopt these amendments, which are shown in Exhibit "A", attached hereto and made a part hereof, to encourage the most appropriate use of land consistent with public interest; and,

NOW, THEREFORE, be it enacted by the City Council of the City of Avon Park, Florida:

Section 1. Article 2, Section 2.02.11 is hereby amended as shown in Exhibit "A".

Section 2. **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. **Effective Date:** This ordinance shall take effect immediately upon adoption at second reading.

Section 4. **Codification.** It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the City; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

Section 5. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the 23 day of NOVEMBER, 2015

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the _____ day of _____, 2015.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Motion made by _____ **seconded by** _____.

The vote was ___ **for** ___ **against with** ___ **abstentions and** ___ **absent**

ORDINANCE 27-15

EXHIBIT "A"

**City of Avon Park Unified Land Development Code
Amendments to Article 2**

Article 2, Section 2.02.11 is hereby amended as shown below. Text that is underlined is text to be added. Text that is ~~strikeout~~ is text to be removed.

2.02.11 Fence Height, Location, and Materials Limitations

(A) Residential Zoning Districts

- (1) No fence or solid wall on any property shall exceed six feet (6') in height in any residential zoning district.
- (2) Front yard fence: In residential zoning districts, fences located forward of the front plane of the house shall not exceed a height of four feet (4'). Walls are prohibited in front yards forward of the front plane of the house.
- (3) Side and back yard fence: In residential zoning districts, fences or walls located between the front plane of the house and the rear lot line shall not exceed six feet in height, however posts may extend up to 12 inches above the height of the fence.
- (4) Corner Lots: In residential zoning districts in which there is a corner lot, no fence or wall shall exceed six feet (6') in height forward of the front and side planes of the house for the front and side that front a roadway. A fence four feet (4') in height may be located forward of the front and side planes of the house for the front and side planes that front a roadway.
- (5) Materials.
 - a. Chain link fencing is permitted so long as it is constructed of wire at least 0.113 inch in diameter, has a top rail of at least .042 inch wall thickness installed along the entire fence line and the chain link is installed with the barbs, if any, at the bottom of the fence.
 - b. Fences made with barbed wire, wire fences other than chain link provided for herein, hog wire, pallets, glass and spikes are not allowed anywhere in residential zoned property.

- c. Cementitious material must be finished on both sides, include the application of stucco or some other texture and paint.
- (6) Residential subdivisions. Fences or walls enclosing residential subdivisions shall be of decorative fence where they front on a public right-of-way and shall maintain a minimum setback of ten feet from the public right-of-way. Fences or walls enclosing residential subdivisions may be constructed of chain link up to six feet in height on all portions of the boundary that do not front on a public right-of-way. Any chain link shall be installed according to the specifications of Section 2.02.11(A)(5).
- (B) Commercial and Industrial Zoning Districts:
- (1) ~~(B)~~ No fence or solid wall on any property shall exceed eight feet (8') in any commercial or industrial zoning district unless the property in the commercial abuts property zoned for a residential use, which shall require a six (6) feet solid masonry wall along the property line, inside of the buffer yard and be in addition to the vegetation required by the City of Avon Park Landscaping and Buffering Code. When within required structural setback distances from public roads, the height of the wall shall be four (4) feet.
- (2) No fencing may be constructed of wire (including hog wire), except for chain link fence which must be of at least 12-gauge wire, and barbed wire may be used only on a security type fence and then only so long as said barbed wire is installed not less than six feet above the ground level and set back at least one foot from the property line.
- (C) Finished Side Facing Out: Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- (D) Property used for Agricultural Uses: Wire fencing is permitted on properties with a bona fide agricultural exemption or zoned as Agriculture. Pre-existing agricultural type fencing in non-agricultural zoned areas can remain until replaced; however, replacement fencing must comply with this section.
- (E) Location. All fences and walls shall be placed only upon the property owned by the party desiring the fence or wall. Any encroachment on another's property, without written consent, shall be considered trespassing. No fence or wall may be constructed or erected on public right-of-way. Anything constructed or erected on public right-of-way without express written permission from the City of Avon Park shall be considered a violation of this Code and subject to immediate removal at the violator's expense.
- (F) ~~(G)~~ Clear Visibility Triangle: No fence or other obstruction, including signs (having less than 8' of ground clearance), walls, hedges, or other structures shall exceed four feet (4') in

height within 25 feet of a street intersection. All fencing shall be consistent with the requirements of Section 3.02.03(D) regarding the Clear Visibility Triangle.

- ~~(D)~~ ~~In residentially zoned areas, no fence or wall from the front building line of a structure forward may exceed four (4) feet in height.~~
- (G) ~~(E)~~ Through Lots: On a through lot, other than a corner lot, a six foot (6') fence may be placed on the rear property line adjacent to an arterial road, and in such instances, such lot shall not be treated as a through lot for setback purposes. If residential structures on abutting properties face or have access to the arterial road, this exception shall not apply.
- (H) ~~(F)~~ Berms within the front setback, or within 25 feet of a street intersection, used in conjunction with fences or walls, shall be considered as included in the height restriction for such fences or walls. The height of a fence or wall shall be measured from finished grade prior to berming.
- (I) ~~(G)~~ All fences and freestanding walls shall be constructed of such materials to provide 10% of the space of said wall or said fence as open ventilation for proper passage of air. This section shall not apply to fences and/or freestanding walls set back 7.5 feet or more from any property line. However, any fence within a residential zoning district, located in a front yard forward of the front plane of the house, shall be required to meet the 10% ventilation requirement.
- (J) Maintenance. Fences and walls must be maintained in good repair and free from structural defects by the owner of the real property upon which they are located. Missing or damaged boards, pickets, posts, gates, rails, chain link, cementitious material, or other material parts of the fence or wall shall be replaced in a timely manner with material of the same type, quality, and finish as the existing fence or wall.
- (K) Permitting. Plans and specifications of fences and walls shall be submitted to the building official together with an application for a permit, on forms specified by the city or the building official. Said plans and specifications shall show the location of the proposed fence or wall in relation to the property boundaries and any structures located thereon, the height of the proposed fence or wall and the materials to be used in its construction.
- (L) Fees. The city shall charge such permit fees as may be required as may be established from time to time by resolution.
- (M) Variances. Variances from the terms of this article shall be considered pursuant to Section 7.11.00.

Agenda Item Summary

E-16

Subject: Donaldson Park Improvements

Item No. E-16

Placed on Agenda by: City Manager

Total Amount of Project: \$250,000

Staff Review: Yes

Attorney Review:

Recommended Motion(s): Approval of motions below

1. Motion to approve preliminary site plan.

Background: We budgeted for FY 2015/2016 \$250,000 to build some needed improvements to Donaldson Park. We are proposing to build the existing site plan to offer a ½ mile exercise multipath 8-ft bike and pedestrian trail.

Proposed improvements included:

1. Completing the multipath full circle, providing ½ mile full loop.
2. Converting one of the tennis courts to municipal parking for the Park.
3. Removing asphalt as designated and landscaping some green space.
4. Installing some additional lighting fixtures and 120V power source for future events.
5. Rehabilitating the bathrooms and playground

Attachments: Exhibit-A Preliminary site plan

EXHIBIT-A

