

RETURN TO:
CITY OF ST. CLOUD
DEPT. OF PLANNING AND ZONING
1300 9th STREET
ST. CLOUD, FL 34769

ORDINANCE NO. 2008-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, AMENDING ORDINANCE 2005-142, AN ORDINANCE WHICH ASSIGNED A ZONING DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) TO GRAMERCY FARMS LOCATED IN SECTION 19, TOWNSHIP 26 SOUTH, RANGE 31 EAST AND DESCRIBED FURTHER HEREIN; PROVIDING FOR APPROVAL OF THE AMENDMENT TO THE MASTER PLAN; PROVIDING FOR FILING OF THE PLANNING BOARD RECOMMENDATION AND PROOF OF PUBLICATION, SEVERABILITY, CONFLICTS AND EFFECTIVE DATE.

WHEREAS, on November 10, 2008, the City Council lawfully adopted Ordinance 2005-142, an ordinance which rezoned the subject property to Planned Unit Development (PUD) and assigned zoning regulations for the subject property; and,

WHEREAS, the City Council has received the Planning Board's recommendation after its review of the proposed rezoning at its meeting of February 19, 2008, and said Board has recommended approval of the amendment with conditions; and,

WHEREAS, the City Council has held a Public Hearing on this matter after directing the City Clerk to provide public notice thereof and such public notice has been provided, as required by law; and,

WHEREAS, it is in the best interest of the City of St. Cloud and the citizens thereof that the proposed amendment be approved.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of St. Cloud, Florida, as follows:

SECTION 1: The zoning standards and regulations contained herein shall apply to the development known as Gramercy Farms, located within the City Limits of the City of Saint Cloud, Florida in Section 19, Township 26 South, Range 31 East, further described as:

Lots 7, 9, 10, 23, 24, 25 and 26 in Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's Survey of said Section of record in the Office of the Clerk of Court, Osceola County, Florida

Lot 8 in Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's (Incorporated) Plat of said Section, recorded in Plat Book "B", Page 25, Public Records of Osceola County, Florida.

Lots 39, 40, 41, 42, 55, 56 and 58 in Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's Survey of said Section, of record in the Office of the Clerk of Court, Osceola County, Florida

Lots 45, 46, 51, 52, 61, 62, 105, 120 and 121, in Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's Survey of said Section recorded in Plat Book B, Page 25, Public Records of Osceola County, Florida

Lots 5, 6, 11, 12, 21, 22, 27 and 28 in Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's Survey of said Section of record in the office of the Clerk of Court, Osceola County, Florida

Lot 37 in Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's (Incorporated) Plat of said Section, recorded in Plat Book "B", Page 25, Public Records of Osceola County, Florida

Lots 29 and 30 of Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's Survey of said Section of record in the Office of the Clerk of Court, Osceola County, Florida

Lots 38, 43, 44, 53, 54, 59 and 60, in Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's Survey of said Section, of record in the Office of the Clerk of Court, Osceola County, Florida

Lots 3, 4, 13, 14, 19 and 20 of Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's Survey of said Section recorded in Plat Book B, Page 25, Public Records of Osceola County, Florida

Lots 35 and 36 of the SEMINOLE LAND AND INVESTMENT COMPANY'S SURVEY of Section 19, Township 26 South, Range 31 East, Osceola County, Florida, less and EXCEPT: Beg. at the Northeast corner of Lot 35, run West, along the North line of said Lot 35, 290.4 feet; run South 150.0 feet; run thence East, 290.4 feet; run thence North along the East line of said Lot 35, 150.0 feet, to the point of beginning, said parcel containing one acre.

Lots 57, 71, 72, 73, 74, 87, 88, 89, 90, 103 and 104, in Section 19, Township 26 South, Range 31 East, according to the Seminole Land and Investment Company's Survey of said Section, of record in the Office of the Clerk of Court, Osceola County, Florida

Parcel A:

Beginning at the Northeast corner of Lot 35, run West, along the North line of said Lot 35, 290.4 feet; run South 150.0 feet; run thence East, 290.4 feet; run thence North along the East line of said Lot 35, 150.0 feet, to the point of beginning, said parcel containing one acre.

Together with:

The West 8.75' of a Vacated Right of Way per Official Records Book 329, Page 105, Public Records of Osceola County, Florida.

SECTION 2: Those presentments and plans submitted and assigned Case #05-36.08 are hereby incorporated within as part of the approval of the amendment to the PUD and includes the location of a interconnection with the community to the west as identified in Exhibit "A" attached hereto.

SECTION 3: Ordinance 2005-142, Section III, is hereby amended as shown. Strike-thrus indicate deletions, and underlining indicates additions.

6. Roadway Access

All development shall be consistent with the access points to and from Old Hickory Tree Road and Packard Avenue an interconnected roadway with the Old Hickory subdivision as shown on the revised Map I-6 and Exhibit "A" attached herein. If in the event that the proposed Old Hickory project does not move forward, then all development shall be consistent with the access points to and from Old Hickory Tree Road and Packard Avenue."

9. Windmill

The development may erect a 35' windmill as depicted in Exhibit "A".

10. Arched Sign

The development may erect an arched sign as presented and located in Exhibit "A."

SECTION 4: This ordinance is approved with the following conditions:

1. Access to Packard Avenue shall be open or gated with the Opticom System and a keypad system for police and other emergency responders.
2. Approval of a road connection to Old Hickory PUD is contingent on completion of New Nolte Road from Canoe Creek Road to County Road 15. In the event New Nolte Road is not complete prior to issuance of a Certificate of Occupancy for the five hundred and first (501) unit the secondary access to Packard Avenue including all required improvements to Packard Avenue shall be accomplished.
3. Prior to construction of the arch sign the CDD shall sign an agreement to maintain the arch sign and underlying ROW.
4. The construction plans for this phase will incorporate foundation landscape plants in addition to sod at the base of the mill.

SECTION 5: Upon adoption of this ordinance, the Planning Board recommendation and "Proof of Publication" of the required Public Hearing notice shall be filed in the City Manager's Office.

SECTION 6: If any section or portion of a section of this ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this ordinance.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 8: This ordinance shall not be codified as part of the St. Cloud City Code, but nevertheless the effective date of this ordinance shall be the date of its adoption by the City Council of the City of St. Cloud, Florida,

FIRST READING of this ordinance was held on the 13th day of March, 2008.

PASSED AND ADOPTED this 27th day of March, 2008.



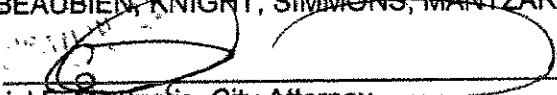
Donna Hart, Mayor

ATTEST:



Linda P. Jaworski, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED:
DEBEAUBIEN, KNIGHT, SIMMONS, MANTZARIS & NEAL

By: 

Daniel F. Mantzaris, City Attorney

Pursuant to Section 695.26 (3) (f), this instrument exempt from Chapter 695, F.S.: Prepared by and return to a Public Official: City Manager, City of St. Cloud; 1300 9th Street; St. Cloud, Florida 34769