

# BUSINESS ITEM 4

ORDINANCE NO.: 1326-17

**AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA AMENDING ORDINANCE NO. 906-04 WHICH APPROVED THE SILVERADO PLANNED UNIT DEVELOPMENT (“PUD”) AND AMENDING ORDINANCE NO. 1247-15 WHICH APPROVED AMENDMENTS AND MODIFICATIONS TO THE SILVERADO PUD; IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT SEVERABILITY, AND AN EFFECTIVE DATE. (SILVERADO).**

**WHEREAS**, in October 2004, site plan approval was granted by the City to allow the project current known as “Silverado”; and

**WHEREAS**, on December 13<sup>th</sup>, 2004, the City Council of the City of Zephyrhills, Florida (hereinafter the “City Council”) adopted Ordinance 906-04, which approved the rezoning of the SILVERADO PUD from County Agriculture to City Zoning Category PUD; and

**WHEREAS**, on December 8<sup>th</sup>, 2014, the City Council adopted Ordinance 1247-15, which amended Ordinance 906-04 and the Silverado PUD Master Plan; and

**WHEREAS**, The City received a request on behalf of Dune FL Land I Sub, LLC for approval of an additional amendment permitting modifications; and

**WHEREAS**, Planning and Zoning have reviewed the application and have approved the proposed amendments and modifications with certain conditions; and

**WHEREAS**, the City Council, as the governing body of the City of Zephyrhills, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the City’s Land Development Regulations, is authorized and empowered to consider petitions related to zoning and land development orders; and

**WHEREAS**, the City Council has considered the evidence and testimony presented by the Applicant and other interested parties and the recommendations of the various City of Zephyrhills review agencies and staff; and

**WHEREAS**, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Zephyrhills, and the public at large.

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

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

**Section 2:** The City Council for the City of Zephyrhills has determined that the amending and modifying of the Silverado PUD Master Plan would promote the general welfare and encourage proper development within the City, and that the following described lands, lying and being situated in Pasco County, to wit:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED BY REFERENCE AS EXHIBIT “A”.**

**PARCEL I.D. NOS.:** 32-25-21-0000-00200-0000  
04-26-21-0010-03900-0000, except Tract 107 and the western 568’ of Tract 102  
04-26-21-0010-05700-0010  
05-26-21-0010-00100-0010  
05-26-21-0010-00100-0020

**CONTAINS APPROXIMATELY 281.81 ACRES M.O.I..**

are within the Silverado PUD Master Plan as amended and modified herein.

**Section 3:** The Silverado PUD Master Plan as established by Ordinance 906-04 and subsequently amended by Ordinance 1247-15 is hereby amended further as follows:

1. Village Two (2) – Area directly east of the Village Two lots is revised from pond to 0.42 acres of neighborhood park/open space, saving a 51” Grand Oak.
2. Village Nine (9):
  - a. Minimum lot width requirement is reduced from 55 feet to 50 feet.
  - b. The total number of units is decreased from 53 to 50.
  - c. Side yard setback requirements for 50 foot lots are reduced to 5 feet from 7.5 feet.
    - 1) Enhanced setback and driveway/garage requirements as stated in Condition 15 of the approved PUD Master Plan must be maintained.
3. Village Ten (10):
  - a. The total number of units is reduced from 113 to 104.
4. Village Eleven (11):
  - a. Minimum lot width requirement is reduced from 65 feet to 50 feet.
  - b. The total number of units is increased from 69 to 81.
  - c. Side yard setback requirements for 50 foot lots are reduced to 5 feet from 7.5 feet.
  - d. Adjust entrance to align with Village Ten entrance.
  - e. Amendment to zoning condition I to apply to Village Ten only.
5. Amenity Center area is revised to reflect the approved amenity construction plans.
6. Zoning Condition 2 is Amended to bring processing procedure up to current City and SWFWMD construction and plat acceptance standards.
7. Zoning conditions 7 and 9 are eliminated.
  - a. The eastbound left-turn lane and westbound right-turn lane at the intersection of Eiland Boulevard and the project entrance have been constructed.
8. Village Six (6) lots will increase from 50 feet to 65 feet.
9. Village Seven (7) lots will decrease from 65 feet to 50 feet and side setback reduced to 5 feet from 7.5 feet.
10. Lots most adjacent to the northern boundary/130’ right-of-way dedication to remain as 65’ lot widths. These lots are 5’ deeper than the rest of the lots in this phase.
11. Landscape plan is revised to include cypress plantings and pine tree plantings as agreed upon between developer and the Planning Department with the City of Zephyrhills.

**Section 4:** The above amendments and modifications to the Silverado PUD Master Plan are conditioned on Dune FL Land I Sub, LLC providing the City with an amended plan with landscape/irrigation details in the agreed to retention ponds.

**Section 5:** This Ordinance shall supersede all ordinances or parts of Ordinances in conflict herewith. All provisions of the Silverado PUD Master Plan unaffected by this Ordinance shall remain in full force in effect.

**Section 6:** That if any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**Section 7:** This Ordinance shall become effective upon passage on the second reading and signing by the City Council President.

The foregoing Ordinance No. 1326-17 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 24<sup>th</sup> day of April, 2017.

Attest: \_\_\_\_\_  
Lori L. Hillman, City Clerk                      W. Alan Knight, Council President

The foregoing Ordinance No. 1326-17 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 8<sup>th</sup> day of May, 2017.

Attest: \_\_\_\_\_  
Lori L. Hillman, City Clerk                      W. Alan Knight, Council President

The foregoing Ordinance No. 1326-17 was approved by me this 8<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
Gene Whitfield, Mayor

Approved as to legal form and legal content  
for the sole benefit of the City of Zephyrhills

\_\_\_\_\_  
Matthew E. Maggard, City Attorney

Exhibit "A"

SILVERADO PARCEL:

Tracts 39 through 42, Inclusive; Tracts 55 through 58, Inclusive; Tracts 71 through 74, Inclusive; Tracts 87, 88, 90; Tracts 103, 106, 118, 119; and Tracts 122 and 123, ZEPHYRHILLS COLONY COMPANY LANDS, in Section 4, Township 26 South, Range 21 East, as per plat thereof recorded in Plat Book 1, Page 55, Public Records of Pasco County, Florida.

AND

Tracts 1, 2, 15 through 18 Inclusive; Tracts 31 through 34, Inclusive; Tracts 47 through 50, Inclusive; Tracts 63 through 66, Inclusive; and Tract 80, ZEPHYRHILLS COLONY COMPANY LANDS, in Section 5, Township 26 South, Range 21 East, as per plat thereof recorded in Plat Book 1, Page 55, Public Records of Pasco County, Florida.

AND

The South ½ of the Southeast ¼, Section 32, Township 25 South, Range 21 East, Pasco County, Florida, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE N89°59'20"W ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 32, A DISTANCE OF 2661.86 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 32, THENCE LEAVING SAID SOUTH LINE, N00°08'51"E ALONG THE EAST LINE OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32, A DISTANCE OF 1327.28 FEET TO THE NORTHWEST CORNER OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE LEAVING SAID EAST LINE, N89°53'52"E ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 32, A DISTANCE OF 1324.66 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE N89°59'30"E ALONG THE NORTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 32, A DISTANCE OF 1337.42 FEET TO THE NORTHEAST CORNER OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE LEAVING SAID NORTH LINE 500°09'24"W ALONG THE EAST LINE OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32, A DISTANCE OF 1330.55 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING TWO PARCELS:

Parcel 1:

A portion of Tract 122, ZEPHYRHILLS COLONY COMPANY subdivision of Section 4, Township 26 South, Range 21 East, as shown on the plat recorded in Plat Book 1, Page 55, Public Records of Pasco County, Florida being further described as follows:

Commence at the Southeast corner of the Southwest ¼ of said Section 4; thence along the South boundary line of the Southwest ¼ of said Section 4, South 89°39'35" West, a distance of 1344.96 feet to the Southeast corner of the Southwest ¼ of the Southwest ¼ of said Section 4; thence along the East boundary line of the Southwest ¼ of the Southwest ¼ of said Section 4, North 01°51'56" East, a distance of 15.01 feet; thence South 89°39'35" West, a distance of 15.01 feet to the Southeast corner of said Tract 122 for a Point of Beginning; thence along the South boundary line of said Tract 122, South 89°39'35" West, a distance of 657.53 feet to the Southwest corner of said Tract 122; thence along the West boundary line of said Tract 122, North 01°38'10" East, a distance of 139.06 feet; thence North 89°39'43" East, a distance of 233.42 feet; thence South 00°20'17" East; a distance of 20.00 feet thence North 89°39'43" East, a distance of 423.90 feet to the East boundary line of said Tract 122; thence along the East boundary line of said Tract 122, South 01°51'56" West, a distance of 119.04 feet to the Point of Beginning.

Parcel 2:

A portion of Tracts 123 and 124, ZEPHYRHILLS COLONY COMPANY subdivision of Section 4, Township 26 South, Range 21 East, as shown on the plat recorded in Plat

Book 1, Page 55, Public Records of Pasco County, Florida, being further described as follows:

Commence at the Southeast corner of the Southwest  $\frac{1}{4}$  of said Section 4; thence along the East boundary line of the Southwest  $\frac{1}{4}$  of said Section 4, North  $02^{\circ}19'33''$  East, a distance of 15.02 feet; thence South  $89^{\circ}39'35''$  West, a distance of 15.02 feet to the Southeast corner of said Tract 124, for a Point of Beginning; thence along the South boundary line of said Tracts 124 and 123, South  $89^{\circ}39'35''$  West, a distance of 1315.05 feet to the Southwest corner of said Tract 123; thence along the West boundary line of said Tract 123, North  $91^{\circ}51'5''6$  East, a distance of 119.04 feet; thence North  $89^{\circ}39'43''$  East, a distance of 546.08 feet thence North  $00^{\circ}20'17''$  West a distance of 30.00 feet; thence North  $89^{\circ}39'43''$  East, a distance of 771.32 feet to the East boundary line of said Tract 124; thence along the East boundary line of said Tract 124, South  $02^{\circ}19'33''$  West, a distance of 149.06 feet to the Point of Beginning.

A PORTION OF WHICH IS NOW PLATTED AS: SILVERADO – PHASE 1A, according to the plat thereof recorded in Plat Book 61, pages 71 through 75 Inclusive, Public Records of Pasco County, Florida.

LESS AND EXCEPT: Lots 1 through 6, Block 1, Lots 1 through 6, Block 2 and Lots 11 through 19, Block 3 of SILVERADO – PHASE 1A, according to the plat thereof recorded in Plat Book 61, pages 71 through 75 Inclusive, Public Records of Pasco County, Florida; and ALSO LESS all roads, streets and rights-of-way dedicated to the City of Zephyrhills on said plat.