

ORDINANCE NO. 1408

AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE TEXT OF CHAPTER 05, ZONING, AND CHAPTER 06, SPECIAL PROVISIONS, PUDS, CLUSTERS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, requires the City Commission of the City of Auburndale, Florida, to prepare and enforce Land Development Regulations for implementation of the adopted Comprehensive Plan; and

WHEREAS, the City Commission adopted Ordinance No. 764, the Land Development Regulations to implement the adopted Auburndale Comprehensive Plan; and

WHEREAS, the adopted Auburndale Land Development Regulations contain Chapter 05, Zoning, and Chapter 06 Special Provisions, Puds, Clusters, and

WHEREAS, the Auburndale Planning Commission, at an advertised Public Hearing, has reviewed, heard public input and recommended that the City Commission amend certain sections of the Land Development Regulations; and

WHEREAS, the Auburndale City Commission has held a Public Hearing concerning the proposed amendment and has an affirmative vote of the City Commission on said amendment; and

WHEREAS, in exercise of its authority, the City Commission of the City of Auburndale, Florida has determined it necessary and desirable to amend the certain sections contained in the Land Development Regulations and adopted by Ordinance No. 764, consistent with the public interest within Auburndale, Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA:

**SECTION 1. AUBURNDALE LAND DEVELOPMENT REGULATIONS, CHAPTER 05, ZONING.** *(Words underlined are additions to the existing text. Words with ~~strike-out~~ are deletions to the existing text.)*

**Sec. 5.5.4. APPLICATION OF DISTRICT REGULATIONS**

5.5.4.6. Only zoning classifications containing specific Auburndale Green Swamp Protection Area policies are permitted within the boundaries of the Auburndale Green Swamp Protection Area. The zoning classifications permitted are as follows:

LF Lakefront  
RS-1 Single Family Residential-1  
RIO Residential, Institutional and Office  
CN Neighborhood Commercial

CG General Commercial  
CG-1 General Commercial-1  
CH Commercial Highway  
LI Light Industrial  
OUA Open Use Agricultural  
PD-H1/H2 Planned Development- Housing 1/2  
PD-C1/C2 Planned Development- Commercial 1/2

All zoning categories not listed are prohibited.

**Sec. 5.6.2. RS-1 SINGLE FAMILY RESIDENTIAL.**

5.6.2.6. MINIMUM LOT REQUIREMENTS. (Area & width)

5.6.2.6.3. Auburndale Green Swamp Protection Area: The Low Density Residential Land Use within the boundaries of the Auburndale Green Swamp Protection Area shall allow single family residential development at a density of 0-3 units per acre, including any fraction thereof, with central water and paved road access.

Single-family detached dwellings:

Lot width: 80 feet  
Lot area: 14,520 sq.ft.

Other permitted uses and structures:

None except as required to meet other requirements herein.

5.6.2.5. PROHIBITED USES AND STRUCTURES.

5.6.2.5.6. Within the boundaries of the Auburndale Green Swamp Protection Area; All schools, public and private

**Sec. 5.6.8. RIO - RESIDENTIAL, INSTITUTIONAL AND OFFICE.**

5.6.8.5. PROHIBITED USES AND STRUCTURES.

5.6.8.5.7. The following uses are prohibited within the boundaries of the Auburndale Green Swamp Protection Area:

5.6.8.5.7.1. Funeral Homes.

5.6.8.5.7.2. Dry Cleaning Establishments.

5.6.8.5.7.3. All schools, public and private

**Sec. 5.6.9. CN - NEIGHBORHOOD COMMERCIAL**

5.6.9.5. PROHIBITED USES AND STRUCTURES

5.6.9.5.8. The following is prohibited within the boundaries of the Auburndale Green Swamp Protection Area:

5.6.9.5.8.1. Funeral Homes.

5.6.9.5.8.2.. Dry Cleaning Establishments.

**Sec. 5.6.10. CG - GENERAL COMMERCIAL**

5.6.10.5. PROHIBITED USES AND STRUCTURES.

5.6.10.5.12. The following is prohibited within the boundaries of the Green Swamp Area of Critical State Concern:

5.6.10.5.12.1. Funeral Homes.

5.6.10.5.12.2. Dry Cleaning Establishments.

5.6.10.5.12.3 Warehouses and mini-warehouses are prohibited when located on a Tourism Commercial Center Future Land Use.

5.6.10.5.12.4. All schools, public and private

**Sec. 5.6.11. CG-1 - GENERAL COMMERCIAL**

5.6.11.5. PROHIBITED USES AND STRUCTURES.

5.6.11.5.11. The following is prohibited within the boundaries of the Green Swamp Area of Critical State Concern:

5.6.11.5.11.1. Funeral Homes.

5.6.11.5.11.2. Dry Cleaning Establishments.

5.6.11.5.11.3 Warehouses and mini-warehouses are prohibited when located on a Tourism Commercial Center Future Land Use.

5.6.11.5.11.4. All schools, public and private

**Sec. 5.6.12. CH - COMMERCIAL, HIGHWAY.**

5.6.12.5. PROHIBITED USES AND STRUCTURES.

5.6.12.5.10. The following is prohibited within the boundaries of the Auburndale Green Swamp Protection Area:

5.6.9.5.10.1. Funeral Homes.

5.6.9.5.10.2. Dry Cleaning Establishments.

5.6.9.5.10.3. Dry cleaning plants

5.6.9.5.10.4. Warehouses and mini-warehouses when located on a Tourism Commercial Center Future Land Use.

5.6.9.5.10.5. Wholesale chemical operations

5.6.9.5.10.6. Chemical research operations

5.6.9.5.10.7. Petroleum pipelines

5.6.9.5.10.8. Petroleum related industries and fuel dealers (however, gas stations may be permitted)

5.6.9.5.10.9. Non-certified Electric-power Generation Facilities

5.6.9.5.10.10 All schools, public and private

#### **Sec. 5.6.14 LI - LIGHT INDUSTRIAL.**

5.6.14.5. PROHIBITED USES AND STRUCTURES.

5.6.14.5.11. The following is prohibited within the boundaries of the Green Swamp Area of Critical State Concern:

5.6.14.5.11.1. Funeral Homes.

5.6.14.5.11.2. Dry Cleaning Establishments.

5.6.14.5.11.3. Truck Terminals

5.6.14.5.11.4. Petroleum related industries and fuel dealers (however, gas stations may be permitted).

5.6.14.2.11.5. Petroleum pipelines.

5.6.14.2.11.6. Bulk storage inflammable liquids.

5.6.14.2.11.7. Wholesale chemical operations.

5.6.14.2.11.8. Chemical research operations

5.6.14.2.11.9 Non-certified Electric-power Generation Facilities

5.6.14.2.11.10.. All schools, public and private

**SECTION 2. AUBURNDALE LAND DEVELOPMENT REGULATIONS, CHAPTER 06, SPECIAL PROVISIONS.** (*Words underlined are additions to the existing text. Words with ~~strike-out~~ are deletions to the existing text.*)

**Sec. 6.1.2. LAND USE INTENSITY (LUI).**

6.1.2.1.5.1. In recognition of the benefits to residents of planned developments of certain major open spaces adjoining them, an off-site open space bonus may be added to the area of all planned development districts established adjacent to, or adjacent with only an intervening street, to lakes, major streets with a minimum right-of-way of 100 feet, and parks and any other permanent open space with a minimum of 100 feet of depth parallel to subject property. Within the boundaries of the Auburndale Green Swamp Protection Area bonus computations shall not increase densities beyond that which is allowed by policy and underlying land use. Such bonus shall be computed as follows:

**6.1.2.2. APPLICATION OF LAND USE INTENSITY RATINGS**

6.1.2.2.1. ~~LUI ratings as shown on the LUI sector overlay on the zoning map. LUI ratings are residential Planned Development calculations for zoning classifications of the City of Auburndale.~~ These LUI ratings shall be consistent with the underlying future land use as shown on the Future Land Use Map in the Comprehensive Plan. Within the boundaries of the Auburndale Green Swamp Protection Area LUI computations shall not increase residential densities, impervious surface ratios, or floor area ratios beyond that which is allowed by the underlying future land uses and policies in the Comprehensive Plan Their intended use and the application of their respective ratios are as follows:

**Sec. 6.1.3. PLANNED DEVELOPMENT - HOUSING 1 DISTRICTS, PD-H1**

6.1.3.1.3.1. ~~The underlying future land use as shown on the Future Land Use Map in the Comprehensive Plan~~ The LUI sector overlay on the zoning map will determine the LUI to be established for the particular proposed amendment. Overall maximum permitted floor area (including residential and customarily incidental uses) for the PD-H1 district shall be determined by the LUI rating applied to the land area included in the proposed amendment except as provided herein

6.1.3.1.3.3. Maximum residential and customarily incidental uses, floor area and minimum open space and off-street parking space shall be determined by the ratios in areas with the LUI ratings as indicated in 6.1.2.2. Within the boundaries of the Auburndale Green Swamp Protection Area LUI computations shall not increase floor area ratios beyond that which is allowed by the Comprehensive Plan and the underlying future land use as shown on the Future Land Use Map in the City of Auburndale's Comprehensive Plan.

**6.1.3.1.8. *Effect of PD-H1 zoning.***

6.1.3.1.8.1. No building permit for residential or commercial construction shall be issued for lands zoned PD-H1 until all applicable conditions contained within this Article are met. Within the boundaries of the Auburndale Green Swamp Protection Area, Planned

Development zoning classifications shall only take effect upon receipt of "Final Order" issued by the Department of Economic Opportunity or Administration Commission finding the Planned Development amendment is in compliance with Florida Statutes. Construction permits for roads, utilities, open space, facilities not involving structures for human habitation, and similar uses may be issued and construction undertaken for lands in PD-H1 classification, subject to plans for such types of construction meeting all applicable City land development codes, and provided further that sureties or bonds for completion of construction, where required by other City codes or ordinances, have been tendered and the City has accepted such sureties or bonds.

6.1.3.1.9. *Changes in PD-H1.*

6.1.3.1.10. The Auburndale Green Swamp Protection Area: The PD-H1 zoning classification within the boundaries of the Auburndale Green Swamp Protection Area shall only allow single family residential development at a density of 0-3 units per acre, including any fraction thereof, with central water and paved road access. Per Policy 11.8 of the City of Auburndale Comprehensive Plan, single family lots shall not exceed an impervious surface ratio of 50%. If the lots are within a master planned residential community, the overall Impervious Surface Ratio shall be 50%.

**Sec. 6.1.4. PLANNED DEVELOPMENT - HOUSING 2 DISTRICTS, PD-H2.**

6.1.4.1.4. *Density.* Maximum residential density is regulated by the LUI rating scale and the provisions of 6.1.2.2. The underlying future land use as shown on the Future Land Use Map in the Comprehensive Plan ~~The LUI sector overlay on the zoning map will determine the LUI to be established for the land area of the particular proposed amendment.~~

**Sec. 6.1.5. PLANNED DEVELOPMENT - COMMERCIAL DISTRICTS, PD-C1.**

6.1.5.3.4. *Density.* Maximum residential density is regulated by the LUI rating scale and the provisions of 6.1.2.2. The underlying future land use as shown on the Future Land Use Map in the Comprehensive Plan ~~The LUI sector overlay on the zoning map will determine the LUI to be established for the land area of the particular proposed amendment.~~ Residential and institutional uses; signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises; playing of music or making of announcements directly or through mechanical or electronic devices in a manner audible at any residential zoning district boundary; outdoor display, storage, sales, or services except as specifically set out in this subsection; bars, nightclubs or clubs with live or related entertainment and in general any uses or structures not of a nature specifically permitted herein or customarily accessory to uses or structures specifically permitted.

6.1.5.3.5. The following uses are prohibited within the boundaries of the Auburndale Green Swamp Protection Area:

6.1.5.3.5.1. Funeral Homes.

- 6.1.5.3.5.2. Dry Cleaning Establishments.
- 6.1.5.3.5.3. Dry cleaning plants
- 6.1.5.3.5.4. Truck Terminals
- 6.1.5.3.5.5. Warehouses and mini-warehouses when located on a Tourism Commercial Center Future Land Use.
- 6.1.5.3.5.6. Petroleum pipelines
- 6.1.5.3.5.7. Wholesale chemical operations
- 6.1.5.3.5.8. Chemical research operations
- 6.1.5.3.5.9. Petroleum related industries and fuel dealers (however, gas stations may be permitted)
- 6.1.5.3.5.10. Non-certified Electric-power Generation Facilities

6.1.5.6. SITE PLANNING, EXTERNAL RELATIONSHIPS

- 6.1.5.6.4. Within the boundaries of the Auburndale Green Swamp Protection Area site planning for PD-C1 shall not increase Impervious Surface Ratios, Floor Area Ratios (FARs), and other calculations contained herein beyond that which is allowed by the Comprehensive Plan and the underlying future land use as shown on the Future Land Use Map in the Comprehensive Plan.

**Sec. 6.1.6. PLANNED DEVELOPMENT - COMMERCIAL DISTRICTS, PD-C2.**

- 6.1.6.3.5. The following is prohibited within the boundaries of the Green Swamp Area of Critical State Concern:

- 6.1.5.3.5.1. Funeral Homes.
- 6.1.5.3.5.2. Dry Cleaning Establishments.
- 6.1.5.3.5.3. Dry cleaning plants
- 6.1.5.3.5.4. Truck Terminals
- 6.1.5.3.5.5. Warehouses and mini-warehouses when located on a Tourism Commercial Center Future Land Use.
- 6.1.5.3.5.6. Wholesale chemical operations
- 6.1.5.3.5.7. Chemical research operations
- 6.1.5.3.5.8. Petroleum pipelines
- 6.1.5.3.5.9. Petroleum related industries and fuel dealers (however, gas stations may be permitted)
- 6.1.5.3.5.10. Non-certified Electric-power Generation Facilities

- 6.1.6.6.4. Within the boundaries of the Auburndale Green Swamp Protection Area site planning for PD-C2 shall not increase Impervious Surface Ratios, Floor Area Ratios (FARs), and other calculations contained herein beyond that which is allowed by the Comprehensive Plan and the underlying future land use as shown on the Future Land Use Map in the Comprehensive Plan.

## **Sec. 6.1.7. PLANNED DEVELOPMENT RECREATIONAL VEHICLE PARKS, PDRVP**

6.1.7.5.2.3. Maximum density. Maximum density shall not exceed 18 spaces per gross acre within the park. Within the Auburndale Green Swamp Protection Area maximum densities, floor area ratios, and impervious surface ratios may not exceed those established by the Comprehensive Plan and the underlying future land use as shown on the Future Land Use Map in the Comprehensive Plan.

## **Sec. 6.1.8. INDUSTRIAL PLANNED UNIT DEVELOPMENT, IPUD.**

6.1.8.4.4. The following is prohibited within the boundaries of the Green Swamp Area of Critical State Concern:

6.1.8.4.4.1. Funeral Homes.

6.1.8.4.4.2. Dry Cleaning Establishments.

6.1.8.4.4.3. Dry Cleaning Plants

6.1.8.4.4.4. Truck Terminals

6.1.8.4.4.5 Wholesale Chemical Operations

6.1.8.4.4.6 Chemical Research Operations

6.1.8.4.4.7. Petroleum Related Industries and Fuel Dealers (however, gas stations may be permitted)

6.1.8.4.4.8. Petroleum Pipelines

6.1.8.4.4.9 Non-certified Electric-power Generation Facilities

6.1.8.4.4.5. No Heavy Industrial uses may be permitted within the Auburndale Green Swamp Protection Area.

6.1.8.7.8. Within the boundaries of the Auburndale Green Swamp Protection Area site planning for IPUD shall not increase Impervious Surface Ratios, Floor Area Ratios (FARs), and other calculations contained herein beyond that which is allowed by the Comprehensive Plan and the underlying future land use as shown on the Future Land Use Map in the Comprehensive Plan.

## **ARTICLE 2. CLUSTER DEVELOPMENT**

### **6.2.1.4. TRANSFER OF DENSITY - LOT REDUCTIONS**

6.2.1.4.4. Within the boundaries of the Auburndale Green Swamp Protection Area transfer of densities shall be according to Development Criteria within the Auburndale Green Swamp Protection Area of the city's Comprehensive Plan, Development regulations shall permit densities to be transferred from Environmentally Sensitive Lands to adjacent non-environmentally sensitive property under the same ownership or control subject to the following:

1. Transfers shall be at a density not to exceed one dwelling unit per 20 acres (1du/20ac);

2. Transfers shall only be permitted within a subdivision platted and developed in accordance to the City's Land Development Regulations;



3. Transfers shall not result in lot sizes per dwelling unit less than 14,520 sf.

**SECTION 3. AUBURNDALE LAND DEVELOPMENT REGULATIONS, CHAPTER 13, SUBDIVISION.** (*Words underlined are additions to the existing text. Words with ~~strike-out~~ are deletions to the existing text.*)

**Sec. 13.3.7. PUBLIC SITES AND OPEN SPACES.**

**13.3.7.5.** Within the Auburndale Green Swamp Protection Area, all residential development shall provide a minimum open space set-aside of no less than 30% of total land area. Open space is defined as passive recreation, agriculture or conservation easement. Retention/Detention areas and golf courses do not count as open space.

**SECTION 4. 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 5. COPY OF ORDINANCE ON FILE.** A copy of this Ordinance shall be kept on file in the office of the Auburndale City Clerk.

**SECTION 6. CONFLICTS WITH OTHER ORDINANCES.** That portion of any Ordinance which may be in conflict with this Ordinance is hereby repealed with the adoption of this Ordinance.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately following the second reading of the Ordinance.

INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING by the City Commission of the City of Auburndale, Florida, meeting in Regular Session this 18<sup>th</sup> day of March, 2013.

CITY COMMISSION  
OF AUBURNDALE, FLORIDA

By: Richard Hamann  
Richard Hamann, Mayor

ATTEST:

By: Shirley Lowrance  
Shirley Lowrance, City Clerk

LEGAL IN FORM AND VALID IF ENACTED

By: V. Patton Kee  
V. Patton Kee, City Attorney

PASSED AND DULY ADOPTED ON SECOND AND FINAL READING by the City Commission of the City of Auburndale, Florida, meeting in Regular Session this 1<sup>st</sup> day of April, 2013.

CITY COMMISSION  
OF AUBURNDALE, FLORIDA

By: Richard Hamann  
Richard Hamann, Mayor

ATTEST:

By: Shirley Lowrance  
Shirley Lowrance, City Clerk