

ORDINANCE NO. 1404

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, CHAPTER 06, SPECIAL PROVISIONS, PUDS, CLUSTERS, AND CHAPTER 07, SIGNS; 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, Chapter 06, Special Provisions, PUDs, Clusters, and Chapter 07 Signs, 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 07, SIGNS.
(Words underlined are additions to the existing text. Words with ~~strike-out~~ are deletions to the existing text.)

Sec. 7.2.1. GENERAL REQUIREMENTS.

7.2.1.3. BILLBOARD/OFF-SITE ADVERTISING SIGNS. ~~Off site advertising signs except bench signs are prohibited;~~ Billboard/Off site advertising signs shall only be permitted within 200 feet of the Polk County Parkway (SR 570 toll) and Interstate 4, and shall only be permitted in the Commercial Highway, Light Industrial, Heavy Industrial, Planned Development Commercial-1, Planned Development Commercial-2, and Industrial Planned Development Zoning Districts.

7.2.1.10. PROHIBITED SIGNS.

~~7.2.1.10.2. Off site/billboard sign. Off site/billboard signs, except bench signs, are prohibited.~~

SECTION 2. 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. 5.6.12. CH - COMMERCIAL, HIGHWAY.

5.6.12.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.12.2.14. Billboards, provided:

5.6.12.2.14.1. Minimum Setback Requirements as measured from edge of sign:
35 foot from any public right of way or property line.
300 feet from all property lines abutting Residential zoning districts.
500 feet from any right of way intersection, interchange, or rest area.

5.6.12.2.14.2 Billboards shall not exceed 400 square feet in surface area per side or 800 square feet in total combined surface area, including embellishments.

5.6.12.2.14.3. Separation between billboard/off-site advertising signs shall be maintained at 1,500 feet on the same side of the road. "V" style signs, not to exceed two sides, shall be permitted in any case where the angle sustained at the apex does not exceed 50 degrees and where the width between the poles at the apex does not exceed 4 ft.

Applications shall include a survey certified by a registered land surveyor of distances from the nearest billboard(s), and residential districts within 300-feet of the site.

5.6.12.2.14.4 For digital signs, there is a 6 seconds minimum for each message. There is a 2 seconds maximum to change messages. Message must change simultaneously for the entire sign face. The sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

5.6.12.2.14.5 Only one billboard is permitted per tract of land.

5.6.12.2.14.6. Billboard height not to exceed fifty feet (50'). The height shall be measured from the finished grade level to the top of the (highest) sign face.

5.6.12.5. PROHIBITED USES AND STRUCTURES

~~5.6.12.5.5. Off site signs.~~

Sec. 5.6.14 LI - LIGHT INDUSTRIAL.

5.6.14.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.14.2.11. Billboards, provided:

5.6.14.2.11.1. Minimum Setback Requirements as measured from edge of sign:

35 foot from any public right of way or property line.

300 feet from all property lines abutting Residential zoning districts.

500 feet from any right of way intersection, interchange, or rest area.

5.6.14.2.11.2 Billboards shall not exceed 400 square feet in surface area per side or 800 square feet in total combined surface area, including embellishments.

5.6.14.2.11.3 Separation between billboard/off-site advertising signs shall be maintained at 1,500 feet on the same side of the road. "V" style signs, not to exceed two sides, shall be permitted in any case where the angle sustained at the apex does not exceed 50 degrees and where the width between the poles at the apex does not exceed 4 ft.

Applications shall include a survey certified by a registered land surveyor of distances from the nearest billboard(s), and residential districts within 300-feet of the site.

5.6.14.2.11.4 For digital signs, there is a 6 seconds minimum for each message. There is a 2 seconds maximum to change messages. Message must change simultaneously for the entire sign face. The sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

5.6.14.2.11.5 Only one billboard is permitted per tract of land.

5.6.14.2.11.6. Billboard height not to exceed fifty feet (50'). The height shall be measured from the finished grade level to the top of the (highest) sign face.

5.6.14.5. PROHIBITED USES AND STRUCTURES.

~~5.6.14.5.5. Off site signs.~~

5.6.14.12. LIMITATIONS ON SIGNS.

~~5.6.14.12.3. All off site signs are prohibited.~~

Sec. 5.6.15. HI - HEAVY INDUSTRIAL.

5.6.15.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.15.2.4. Billboards, provided:

5.6.15.2.4.1. Minimum Setback Requirements as measured from edge of sign:

35 foot from any public right of way or property line.

300 feet from all property lines abutting Residential zoning districts.

500 feet from any right of way intersection, interchange, or rest area.

5.6.15.2.4.2. Billboards shall not exceed 400 square feet in surface area per side or 800 square feet in total combined surface area, including embellishments.

5.6.15.2.4.3. Separation between billboard/off-site advertising signs shall be maintained at 1,500 feet on the same side of the road. "V" style signs, not to exceed two sides, shall be permitted in any case where the angle sustained at the apex does not exceed 50 degrees and where the width between the poles at the apex does not exceed 4 ft.

Applications shall include a survey certified by a registered land surveyor of distances from the nearest billboard(s), and residential districts within 300-feet of the site.

5.6.15.2.4.4. For digital signs, there is a 6 seconds minimum for each message. There is a 2 seconds maximum to change messages. Message must change simultaneously for the entire sign face. The sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

5.6.15.2.4.5. Only one billboard is permitted per tract of land.

5.6.15.2.4.6. Billboard height not to exceed fifty feet (50'). The height shall be measured from the finished grade level to the top of the (highest) sign face.

5.6.15.5. PROHIBITED USES AND STRUCTURES.

~~5.6.15.5.2. Off-site signs.~~

5.6.15.12. LIMITATIONS ON SIGNS.

~~5.6.15.12.3. All off-site signs are prohibited.~~

SECTION 3. 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. 6.1.5. PLANNED DEVELOPMENT - COMMERCIAL DISTRICTS, PD-C1.

6.1.5.3. PERMITTED PRINCIPAL AND ACCESSORY USES.

6.1.5.3.4. *Prohibited uses and structures.* 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. Billboards/Off-Site Advertising provided all other requirements are met as required herein and with the following conditions:

6.1.5.3.5.1 Minimum Setback Requirements as measured from edge of sign:
35 foot from any public right of way or property line.
300 feet from all property lines abutting Residential zoning districts.
500 feet from any right of way intersection, interchange, or rest area.

6.1.5.3.5.2 Billboards shall not exceed 400 square feet in surface area per side or 800 square feet in total combined surface area, including embellishments.

6.1.5.3.5.3 Separation between billboard/off-site advertising signs shall be maintained at 1,500 feet on the same side of the road. "V" style signs, not to exceed two sides, shall be permitted in any case where the angle sustained at the apex does not exceed 50 degrees and where the width between the poles at the apex does not exceed 4 ft.

Applications shall include a survey certified by a registered land surveyor of distances from the nearest billboard(s), and residential districts within 300-feet of the site.

6.1.5.3.5.4 For digital signs, there is a 6 seconds minimum for each message. There is a 2 seconds maximum to change messages. Message must change simultaneously for the entire sign face. The sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

6.1.5.3.5.5 Only one billboard is permitted per tract of land.

6.1.5.3.5.6 Billboard height not to exceed fifty feet (50'). The height shall be measured from the finished grade level to the top of the (highest) sign face.

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

6.1.6.3. PERMITTED PRINCIPAL AND ACCESSORY USES

6.1.6.3.4. Prohibited uses and structures. Other than as provided above, residential and institutional uses are prohibited; ~~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.

6.1.6.3.5 Billboards/Off-Site Advertising provided all other requirements are met as required herein and with the following conditions:

6.1.6.3.5.1 Minimum Setback Requirements as measured from edge of sign:

35 foot from any public right of way or property line.

300 feet from all property lines abutting Residential zoning districts.

500 feet from any right of way intersection, interchange, or rest area.

6.1.6.3.5.2 Billboards shall not exceed 400 square feet in surface area per side or 800 square feet in total combined surface area, including embellishments.

6.1.6.3.5.3 Separation between billboard/off-site advertising signs shall be maintained at 1,500 feet on the same side of the road. "V" style signs, not to exceed two sides, shall be permitted in any case where the angle sustained at the apex does not exceed 50 degrees and where the width between the poles at the apex does not exceed 4 ft.

Applications shall include a survey certified by a registered land surveyor of distances from the nearest billboard(s), and residential districts within 300-feet of the site.

6.1.6.3.5.4 For digital signs, there is a 6 seconds minimum for each message. There is a 2 seconds maximum to change messages. Message must change simultaneously for the entire sign face. The sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

6.1.6.3.5.5 Only one billboard is permitted per tract of land.

6.1.6.3.5.6 Billboard height not to exceed fifty feet (50'). The height shall be measured from the finished grade level to the top of the (highest) sign face.

Sec. 6.1.8. INDUSTRIAL PLANNED UNIT DEVELOPMENT, IPUD.

6.1.8.4. PERMITTED PRINCIPAL AND ACCESSORY USES.

6.1.8.4.3. *Prohibited uses and structures.* Except as provided above, residential and institutional uses generally are prohibited. ~~Signs not relating to the identification of the premises and occupants and to products manufactured or services rendered on the premises, such as billboards;~~ and in general any uses or structures not of a nature specifically permitted herein or customarily accessory to uses or structures specifically permitted.

6.1.8.4.4. Billboards/Off-Site Advertising provided all other requirements are met as required herein and with the following conditions:

6.1.8.4.4.1 Minimum Setback Requirements as measured from edge of sign:

35 foot from any public right of way or property line.

300 feet from all property lines abutting Residential zoning districts.

500 feet from any right of way intersection, interchange, or rest area.

6.1.8.4.4.2 Billboards shall not exceed 400 square feet in surface area per side or 800 square feet in total combined surface area, including embellishments.

6.1.8.4.4.3 Separation between billboard/off-site advertising signs shall be maintained at 1,500 feet on the same side of the road. "V" style signs, not to exceed two sides, shall be permitted in any case where the angle sustained at the apex does not exceed 50 degrees and where the width between the poles at the apex does not exceed 4 ft.

Applications shall include a survey certified by a registered land surveyor of distances from the nearest billboard(s), and residential districts within 300-feet of the site.

6.1.8.4.4.4 For digital signs, there is a 6 seconds minimum for each message. There is a 2 seconds maximum to change messages. Message must change simultaneously for the entire sign face. The sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

6.1.8.4.4.5 Only one billboard is permitted per tract of land.

6.1.8.4.4.6 Billboard height not to exceed fifty feet (50'). The height shall be measured from the finished grade level to the top of the (highest) sign face.

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 4th day of February, 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 18th day of February, 2013.

CITY COMMISSION
OF AUBURNDALE, FLORIDA

By: Richard Hamann
Richard Hamann, Mayor

ATTEST:

By: Shirley Lowrance
Shirley Lowrance, City Clerk