

Received 1-26-06

SPECIAL ZONING
FOR A.S.

ORDINANCE NO. 868

AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE AUBURNDALE LAND DEVELOPMENT REGULATIONS, BY AMENDMENT TO CHAPTER 5, ZONING, BY REZONING A PARCEL OF LAND FROM RMH, RESIDENTIAL MANUFACTURED HOMES DISTRICT TO PD-H2, PLANNED DEVELOPMENT-HOUSING 2 DISTRICT ON THE ZONING MAP; PROVIDING AN EFFECTIVE DATE. (Ariana Shores Mobile Home Park, Located between Lakes Ariana and Arietta with access from Ariana Boulevard.)

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

WHEREAS, the adopted Land Development Regulations contains Chapter 5, Zoning, including a Zoning Map and Chapter 6, Special Provisions, Article 1, Planned Development; and

WHEREAS, when unique circumstances exist on a property that inhibits application of conventional lot-by-lot development requirements, the unified provisions of Planned Development procedures and regulations are the most applicable form of requirements to apply to the properties; and

WHEREAS, the properties known as Ariana Shores Mobile Home Park, containing 128 manufactured homes, has unique existing spacing development characteristics, and

WHEREAS, the Auburndale Local Planning Agency, at an advertised public hearing as required by Chapter 21 of the Land Development Regulations, has reviewed, heard public input and recommended that the City Commission amend the Zoning Map; and

WHEREAS, the City Commission considered all oral and written comments received during advertised public hearings, the recommendations of the Local Planning Agency; and

WHEREAS, in exercise of its authority, the City Commission has determined it necessary and desirable to amend the Zoning Map consistent with the public interest within Auburndale, Florida.

NOW, THEREFORE, BE IT ENACTED by the City Commission of the City of Auburndale, Florida, as follows:

SECTION 1. CHAPTER 5, ZONING MAP: Amend the Auburndale Zoning Map as follows:

The property known as Ariana Shores Mobile Home Park and as identified in the below legal description and as shown on the attached Polk County Property Appraisers' aerial map, plotted date of March 8, 1996, and identified as "Exhibit A", shall be reclassified

from RMH, Residential Manufactured Homes classification to PD-H2, Planned Development-Housing 2 Zoning Map classification.

LEGAL DESCRIPTION:

Tract 1: Begin at the NE corner of the NW1/4 of SW1/4 of Sec. 34, T 27 S, R 25 E, run thence W. along the N. line of said NW1/4 of SW1/4 a distance of 379.0 ft., run thence S. and parallel with the E. line of said NW1/4 of SW1/4 a distance of 1084.69 ft to the P.O.B. for this description, run thence E. and parallel with the N. line of said NW1/4 of SW1/4 at distance of 174.0 ft., run thence S. and parallel with the E. line of the SW1/4 of said Sec. a distance of 270 ft. more or less to the waters of Lake Ariana, run thence Southwesterly along the waters of Lake Ariana to the Intersection with the W. line of the E-379.0 ft. of said SW1/4, run then N. along the W. line of the E. 379.0 ft. of said SW1/4 a distance of 330 ft. more or less to the P.O.B. less and except any Road Right-of-way.

Tract 2: The East 379 ft. of the SW1/4 of the NW1/4 and the E. 379 ft. of the W1/2 of the SW1/4 of Section 34, T 27 S, R 25 E, less and except Tract 1, above described.

SECTION 2. DEFINITIONS.

A. *Accessory structure* is a structure on the same lot with, and of a nature customarily and subordinate to, the principal structure. No separate accessory building shall be located within 5 feet of any other building or no closer than 5 feet of a property line. A driveway shall be exempt from the 5 foot setback requirement.

B. *Enclosed addition* shall mean any attached addition, whether attached by wall(s) or roof system, to the manufactured home, ie. Florida room, utility room, and similar enclosed additions.

C. *Unenclosed addition* shall mean any attached addition, whether attached by wall(s) roof system, to the manufactured home, ie. carport, screen room and similar unenclosed additions. Screen rooms or any other rooms shall be permitted to have a maximum 30 inch high solid kick plate or wall with the remaining vertical surface to be screened or open.

D. *Fire barrier* is a continuous membrane, either vertical or horizontal, such as a wall or floor assembly, that is designed and constructed with a specified fire resistance rating to limit the spread of fire, and that will also restrict the movement of smoke. Such barriers may have protected openings.

SECTION 3. REQUIREMENTS.

A. Any portion of a manufactured home, excluding the tongue, shall not be located closer than 10 feet side to side, 8 feet end to side, or 6 feet end to end horizontally from any other manufactured home and their addition(s) thereto, unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one-hour fire rating or the structures are separated by a one-hour fire rated barrier.

B. Additions shall be permitted to be located immediately adjacent to a site line where constructed entirely of materials that do not support combustion and provided that such structures are not less than 3 feet from an addition on an adjacent site. An addition constructed of combustible materials shall be located not closer than 5 feet from the site line of an adjoining site or not closer than 10 feet to another structure where no site line exist.

C. The minimum front yard setback requirement shall be 10 feet; the minimum rear yard setback requirement shall be 7 feet.

D. The maximum lot coverage by all buildings requirements and the maximum impervious surface coverage requirements shall be governed by the minimum spacing requirements established in A, B, and C above.

E. Except as provided in F below, no existing manufactured home and its addition(s) shall be altered, modified and/or replaced except in conformity with the minimum spacing requirements as described in A, B, C, and D above.

F. All manufactured homes and their additions which conform to the minimum spacing requirements contained in the RMH, Residential Manufactured Homes Zoning District in effect on these properties prior to the adoption of this Ordinance shall continue to be governed by the RMH spacing requirements.

G. Except as contained in A, B, C, D and E above, all other requirements of the RMH, Residential Manufactured Homes Zoning District and the applicable requirements of the Land Development Regulations shall apply to this PD-H2 Zoning District.

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 BETWEEN THIS ORDINANCE AND ORDINANCE NO. 764.

Where conflicts may exist between this Ordinance and Ordinance No. 764, the provisions of this Ordinance shall prevail.

SECTION 7. EFFECTIVE DATE.

This Ordinance and Zoning Map amendment 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 19th day of August, 1996.

CITY COMMISSION
OF AUBURNDALE, FLORIDA

By: Richard Hamann
MAYOR

ATTEST:

By: Barbara Taylor
for CITY CLERK

LEGAL IN FORM AND VALID IF ENACTED

By: Chia Della
CITY ATTORNEY

PASSED AND DULY ADOPTED ON SECOND AND FINAL READING by the City Commission of the City of Auburndale, Florida, in meeting regular session this 9th day of September, 1996.

CITY COMMISSION
OF AUBURNDALE, FLORIDA

By: Richard Hamann
MAYOR

ATTEST:

By: Shirley A. Cox
CITY CLERK