



City of Auburndale  
Auburndale, Florida 33823

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Community Development Department

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**PLANNING COMMISSION MEETING**  
**August 1, 2017 4:00 P.M.**  
**COMMISSION ROOM/CITY HALL**

CALL TO ORDER – Chair Perry Price

PLEDGE OF ALLEGIANCE – Chair Perry Price

ROLL CALL – Marsha Johnson, Secretary

APPROVE COMMISSION MINUTES - Regular Meeting – July 11, 2017

ANNOUNCEMENTS – Amy Palmer, Community Development Director

**AGENDA**

1. **PUBLIC HEARING** – AMENDING THE LAND DEVELOPMENT REGULATIONS – VARIOUS CHAPTERS
2. RECOMMENDATION AMENDING THE LAND DEVELOPMENT REGULATIONS – VARIOUS CHAPTERS
3. **PUBLIC HEARING** – AMENDING THE LAND DEVELOPMENT REGULATIONS TO INCLUDE MEDICAL MARIJUANA DISPENSING FACILITIES
4. RECOMMENDATION AMENDING THE LAND DEVELOPMENT REGULATIONS TO INCLUDE MEDICAL MARIJUANA DISPENSING FACILITIES

Ref. F.S. 286: If an individual decides to appeal any decision made by the Planning Commission with respect to this meeting, a verbatim transcript may be requested. If so, the individual should make provision for a transcript to be made at the meeting. Persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk no later than five days prior to the proceeding at 968-5133.

**Planning Commission Meeting  
August 1, 2017**

**AGENDA ITEM 1: PUBLIC HEARING – AMENDING THE LAND DEVELOPMENT REGULATIONS – VARIOUS CHAPTERS**

**AGENDA ITEM 2: RECOMMENDATION AMENDING THE LAND DEVELOPMENT REGULATIONS – VARIOUS CHAPTERS**

     INFORMATION ONLY

  X   ACTION REQUESTED

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**ISSUE:** The Planning Commission will take public comment and consider proposed amendments to the Land Development Regulations before making a recommendation to the City Commission.

**ATTACHMENTS:**

- . Notice of Public Hearing
- . Proposed Text Amending the LDR's
- . Residential Zoning District table

**ANALYSIS:** City Staff is proposing several text amendments to various chapters of the Land Development Regulations, as follows.

Chapter 5, Zoning

Following direction from the City Commission, staff is proposing an amendment that would increase the minimum lot size in the RS-3 zoning district as follows:

Lot width: ~~50 feet.~~ 65 Feet  
Lot area: ~~6,000 sq. ft.~~ 8,400 sq. ft.

The attached Residential Zoning District table represents the proposed change.

Chapter 10, Landscaping

Chapter 10, Landscaping of the City's Land Development Regulations (LDR) currently requires all new development to install landscaping and irrigation. It also requires that new landscaping be replaced if it dies within one year of the issuance of a Certificate of Occupancy. After the first year, city code does not require the landscaping to be replaced. Chapter 15, Special Overlay Districts, which addresses all commercial development located in the Joint Planning Area of the City, (the "North Auburndale Area") states that new landscaping be maintained *indefinitely* after the Certificate of Occupancy is issued. The proposal before the Planning Commission is to adopt the same language of Chapter 15, Special Overlay Districts, into Chapter 10, Landscaping, so that the landscaping for all new development be maintained indefinitely *City-wide*.

### Chapter 13, Subdivision

The proposed text amendment to Chapter 13, Subdivision would require a surety bond or letter of credit from a developer of a new subdivision for the completion of sidewalks in the subdivision. The LDR's require sidewalks on both sides of the street in new subdivisions. The developer is required to construct sidewalks in front of all common areas prior to platting, and the LDR's allow sidewalks in front of dwellings to be constructed after the home is complete and prior to a certificate of occupancy being issued. This regulation prevents sidewalks from being destroyed by construction equipment while the home is being built. The proposed requirement of a surety bond for the subdivision sidewalks ensures that a complete sidewalk network will be constructed after the neighborhood and the streets have been turned over to the homeowners association. There are a few recent instances where there are missing sidewalks in front of empty lots that were purchased for use as a larger side and back yard for neighboring homes. A surety bond would give the City the funds necessary to construct the sidewalks on these privately-owned streets.

**STAFF RECOMMENDATION:** Recommend approval of the proposed Land Development Regulation text amendments.

**Planning Commission Meeting  
August 1, 2017**

**AGENDA ITEM 3: PUBLIC HEARING – AMENDING THE LAND DEVELOPMENT REGULATIONS – MEDICAL MARIJUANA DISPENSING FACILITIES**

**AGENDA ITEM 4: RECOMMENDATION AMENDING THE LAND DEVELOPMENT REGULATIONS – MEDICAL MARIJUANA DISPENSING FACILITIES**

     INFORMATION ONLY

  X   ACTION REQUESTED

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**ISSUE:** The Planning Commission will take public comment and consider a proposed amendment to the Land Development Regulations before making a recommendation to the City Commission.

**ATTACHMENTS:**

- . Notice of Public Hearing
- . Proposed Text Amending the LDR's

**ANALYSIS:** In 2016 the Florida voters approved a ballot initiative to allow the sale and use of marijuana to treat debilitating medical conditions for eligible patients. On January 23, 2017, the City Commission adopted a moratorium on the placement and permitting of medical marijuana dispensing facilities in the City of a period of 180 days to allow time for the State to provide guidance on implementation. On June 23, 2017, the Governor signed the medical marijuana bill into law that went into effect on July 1<sup>st</sup>.

Following the adoption of state law on medical marijuana dispensing facilities the City has the option of either banning their placement within the City or to permit them in the same manner as pharmacies. City staff has drafted an ordinance that adds "medical marijuana dispensing facilities" to the list of permitted uses in the same zoning districts where pharmacies would be permitted: RIO, CN, CG, CG-1, CH, CBD, LI, HI, PD-C1, PD-C2, and IPUD. The proposed ordinance also includes a definition section for various new terms that deal with marijuana as a medical use.

In addition, the proposed ordinance includes provisions required by State law for medical marijuana dispensing facilities including, location of a dispensing facility not closer than 500 feet from a school, provisions for a variance from this distance requirement that must be done during a public hearing, and a provision that dispensing facilities meet all other State regulations.

The draft ordinance was prepared by the Community Development Department after reviewing state law and several other jurisdictions' ordinances including Lake Alfred's, Lakeland's, and Polk County's. The draft ordinance was also reviewed by the City Attorney and City Manager.

**STAFF RECOMMENDATION:** Recommend approval of the proposed Land Development Regulation text amendment.