



*City of Auburndale*  
AUBURNDALE, FLORIDA 33823

Community Development Department

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**SPECIAL PLANNING COMMISSION MEETING**  
**January 22, 2019 – 4:00 P.M.**  
**COMMISSION ROOM/CITY HALL**

CALL TO ORDER – Chair Perry Price

PLEDGE OF ALLEGIANCE – Chair Perry Price

ROLL CALL – Secretary Marsha Johnson

NOTICE OF SPECIAL MEETING – Community Development Director Amy Palmer

I hereby call a Special Meeting of the Planning Commission of the City of Auburndale for Tuesday, January 22, 2019 to consider the following item. This item is scheduled for a public hearing before the City Commission on January 28.

**AGENDA**

1. CLARIFICATION OF RECOMMENDATION AMENDING THE ZONING MAP – H BLOCK PROPERTY

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.

**Special Planning Commission Meeting  
January 22, 2019**

**AGENDA ITEM 1: CLARIFICATION OF RECOMMENDATION AMENDING THE ZONING MAP  
H BLOCK PROPERTY**

     INFORMATION ONLY

  X   ACTION REQUESTED

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**ISSUE:** City Staff is asking for clarification of Planning Commission action from its January 8, 2019 Meeting. This item is scheduled for a public hearing before the City Commission on January 28.

**ATTACHMENTS:**

Land Development Regulations Section 21.1.4.

**ANALYSIS:** The Planning Commission on January 8, 2019 held a Public Hearing on a proposed change to the Zoning Map on the "H Block" property located on Adams Road. The proposed change would amend the Zoning Map from ***Residential Single Family – 1 (RS-1)*** to ***Residential Single Family – 2 (RS-2)***. Following the Public Hearing, a motion was made to keep the property zoned as RS-1. The motion died from a lack of receiving a second to the motion. No other motions were made to make a recommendation to the City Commission on this matter.

The City of Auburndale Land Development Regulations in Section 21.1.4.2 require the Planning Commission to adopt by motion its recommendation(s) to be transmitted to the City Commission. Failure of the Planning Commission to report to the City Commission its recommendation shall be deemed approval by the Planning Commission of the original proposal.

In this case, failure of the Planning Commission to take official action, (making recommendation) will be reported to the City Commission as approval to change the Zoning from RS-1 to RS-2.

City Staff is seeking clarification on the recommendation of the Planning Commission on this matter.

**CHAPTER 21. AMENDING  
THE LAND DEVELOPMENT REGULATIONS; MAPS**

**ARTICLE 1. TEXT AND MAP AMENDMENTS**

**Sec. 21.1.1. GENERAL.**

The City may amend the Land Development Regulations, the zoning district regulations and zoning map(s) subject to the below requirements and procedures.

**Sec. 21.1.2. INITIATION.**

21.1.2.1. Proposed changes may be suggested by the City Commission, the Planning Commission, or in the case of zoning map amendments, by petition of the owners of 51 percent of the area involved in the proposed change. In the latter case, the petitioner(s) shall be required to assume the cost of public notice and other costs incidental to the holding of public hearings, as set forth in the schedule of fees, charges and expenses established by the City Commission.

21.1.1.2. Upon acceptance of the application of the petitioner(s) by the Administrative Official as being properly filed and in due form, with all required supporting material, or upon other valid proposal for change, the Planning Commission shall set a date for a public hearing.

**Sec. 21.1.3. PUBLIC NOTICE OF HEARING BEFORE THE PLANNING COMMISSION.**

The Planning Commission shall give due public notice of such hearing, as generally required, and may give additional notice as called for by the circumstances of particular cases. In the case of a zoning map amendment initiated by the City Commission or Planning Commission, or a re-zoning amendment initiated by a property owner, the City Commission, or Planning Commission, all property owners within 300 feet of the subject property shall be notified in writing via U.S. Mail of the public hearing.

**Sec. 21.1.4. PUBLIC HEARING BEFORE THE PLANNING COMMISSION;  
POSTPONEMENT; ACTION FOLLOWING; FAILURE TO ACT.**

21.1.4.1. Unless the proposal for change is withdrawn by letter or other formal notice prior to be announced hearing, the hearing shall be held at the same time and place announced; provided, however that if it is postponed before the hearing is legally convened, new public notice shall be published as for the original notice. Where such postponement is at the request of the petitioner(s), the cost of new notice and other incidental costs shall be paid by the petitioner(s) as for the original petition.

21.1.4.2. Following the hearing, Planning Commission shall prepare and by motion adopt its recommendations, which may include changes from the original proposal as a result of the hearing, and shall transmit such written recommendations to the City Commission. Failure of the Planning Commission to report within 60 days of its first meeting following receipt of the proposal, unless a longer period has been agreed upon by the City Commission, shall be deemed approval by the Planning Commission.

**Sec. 21.1.5. PUBLIC HEARING BEFORE CITY COMMISSION - GENERAL.**

Upon receipt of recommendations of the Planning Commission, or upon failure to receive such recommendations within the period specified above, the City Commission shall set a date for its public hearing, which shall be not more than 60 days from the date the recommendation is received or the date upon which the City Commission determines to take action in the absence of the recommendation due to failure of the Planning Commission to report.

**Sec. 21.1.6. PUBLIC HEARING BEFORE CITY COMMISSION - POSTPONEMENT; ACTION FOLLOWING HEARING.**

21.1.6.1. Unless the proposal is withdrawn by letter or other formal notice prior to the announced hearing, the hearing shall be held at the time and place announced; provided, that if it is postponed before the hearing is legally convened, procedures and requirements shall be as for postponement of a hearing before the Planning Commission above.

21.1.6.2. Following the hearing, the City Commission may make appropriate changes and corrections in the proposed amendment; provided that in the case of a zoning map amendment:

21.1.6.2.1. No additional land shall be rezoned to a different classification than was contained in the public notice;

21.1.6.1.2. No land shall be rezoned to a less restricted classification than announced in the public notice; and

21.1.6.2.3. No change shall be made in the proposed amendment which is different from the amendment advertised, without new advertised public notice and hearing.

21.1.6.2.4. No land shall be rezoned to a district classification that is inconsistent with the Comprehensive Plan.

**Sec. 21.1.7. LIMITATIONS ON AMENDMENTS.**