

ORDINANCE NO. 19-2151

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, AMENDING THE LONGWOOD DEVELOPMENT CODE, ARTICLE I GENERAL PROVISIONS, ARTICLE II LAND USE DISTRICTS AND OVERLAY DISTRICTS, ARTICLE III DEVELOPMENT DESIGN STANDARDS, ARTICLE V SUPPLEMENTAL STANDARDS, ARTICLE VI SIGNS, ARTICLE IX HARDSHIP RELIEF AND SPECIAL EXCEPTIONS, ARTICLE X ADMINISTRATION, AND ARTICLE XII HERITAGE VILLAGE URBAN CODE, TO ALLOW TINY HOMES AND TINY HOME COMMUNITIES, AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, on May 6, 2002, the City Commission of the City of Longwood enacted the Longwood Development Code (Ordinance 02-1599), as was amended from time to time, pursuant to the requirements of Chapter 163.3202, and Chapter 166.041, Florida Statutes; and

WHEREAS, Chapter 163.3174 (4) (c), Florida Statutes, requires the Land Planning Agency to review proposed land development regulations, or amendments thereto, for consistency with the adopted Plan, as may be amended; and

WHEREAS, the Land Planning Agency (LPA) held a public hearing on January 9, 2019 to consider the amendment of the Longwood Development Code; made certain findings of fact regarding said amendments, determined the proposed changes are consistent and recommended the proposed ordinance be enacted by the City Commission; and

WHEREAS, the City Commission desires to protect the character of residential and commercial areas and preserve the value of the property throughout the City;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LONGWOOD, FLORIDA, AS FOLLOWS:

SECTION 1. The Longwood Development Code shall be Amended as follows (Words that are ~~stricken out~~ are deletions; words that are underlined are additions; Articles, Sections, Subsections and Provisions not referenced in this ordinance are not modified):

ARTICLE I - GENERAL PROVISIONS

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Dwelling unit. A building providing complete independent living facilities for one housekeeping unit including a kitchen and permanent facilities for living, sleeping, eating, cooking, and sanitation.

Attached. A single-family dwelling that is attached to or shares a common vertical wall with one or more other dwellings.

Duplex. A structure used for residential purposes and consisting of two living units with a common wall, located on a single lot.

Manufactured home. As defined in F.S. § 320.01(2)(b).

Multifamily. A building or series of buildings that each contain three or more dwelling units the term includes rental apartments, cooperative apartments, residential condominiums, townhouses, and the like.

Single-family. A single dwelling unit on a single lot of record.

Townhouse. An attached, privately owned dwelling unit which is a part of and adjacent to other similarly owned dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

Tiny home. A detached, single-family residential dwelling unit between 200 SF and 900 SF set on a foundation that is the primary structure and meets all applicable Florida Building Code standards.

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ARTICLE II - LAND USE AND OVERLAY DISTRICTS

2.2.1. Low density residential (LDR). The LDR land use district is designed for the predominant use of single-family residential development at densities up to 4.0 units per acre. Allowable uses include single-family detached homes, single-family cluster development, and customary residential accessory development that is incidental to the principal residential use of the lot or parcel. Other uses are allowable, as shown in section 2.3.0 (table of allowable uses), subject to the supplemental standards in section 5.4.0 (supplemental standards for specific uses). Specific uses, such as schools parks, houses of worship, municipal uses, and low intensity mixed use, commercial and service uses intended to serve the needs of the adjacent neighborhoods and essential utilities may be allowable, through a conditional use approval, subject to additional development and design standards, including but not limited to landscaping, buffering, site layout, access, hours of operation and consistency with traditional neighborhood design standards as may be applied by the city commission to ensure a reduction of impact and compatibility with the surrounding uses. The minimum living area square footage of single-family dwelling units within the LDR land use district shall be 900 square feet for any new dwelling unit applying for a building permit after March 4, 2019. Single-family dwelling units built in accordance with a valid building permit issued prior to March 4, 2019 that are non-conforming to the aforesaid minimum living area square footage requirement shall not be required to come into compliance with such minimum living area requirement if the “substantial improvement” threshold of LDC 9.1.2 is triggered.

2.2.2. Medium density residential (MDR-7). The MDR-7 land use district is designed for higher intensity single-family residential development on properties carrying a future land use of MDR.

Densities up to and including 7.0 units per acre are allowed in this district. Allowable uses include smaller-lot single-family detached development, and customary residential accessory development that is incidental to the principal residential use of the lot or parcel. Other uses are allowable, as shown in section 2.3.0 (table of allowable uses), subject to the supplemental standards in section 5.4.0 (supplemental standards for specific uses). Specific uses, such as schools parks, houses of worship, municipal uses, and low intensity mixed use, commercial and service uses intended to serve the needs of the adjacent neighborhoods, essential utilities may be allowable, through a conditional use approval, subject to additional development and design standards, including but not limited to landscaping, buffering, site layout, access, hours of operation and consistency with traditional neighborhood design standards as may be applied by the city commission to ensure a reduction of impact and compatibility with the surrounding uses. Subject to meeting the Florida Building Code requirements, the minimum living area square footage of dwelling units within MDR-7 land use district shall be 200 square feet for any new dwelling unit applying for a building permit after March 4, 2019.

2.2.3. Medium density residential (MDR-15). The MDR-15 land use district is designed for all types of residential development. The maximum density within this district is 10.0 dwelling units per acre (15 dwelling units per acre for mixed-use projects under a conditional use permit or planned development). Allowable uses include both smaller-lot single-family (attached, detached, or cluster) development, duplex development, multifamily development in a variety of housing types, and customary residential accessory development that is incidental to the principal residential use of the lot or parcel. Other uses are allowable, as shown in section 2.3.0 (table of allowable uses), subject to the supplemental standards in section 5.4.0 (supplemental standards for specific uses). Specific uses, such as schools parks, houses of worship, municipal uses, and low intensity mixed use, commercial and service uses intended to serve the needs of the adjacent neighborhoods, essential utilities and densities up to 15 dwelling units an acre may be allowable, through a conditional use approval, subject to additional development and design standards, including but not limited to landscaping, buffering, site layout, access, hours of operation and consistency with traditional neighborhood design standards as may be applied by the city commission to ensure a reduction of impact and compatibility with the surrounding uses. Subject to meeting the Florida Building Code requirements, the minimum living area square footage of dwelling units within MDR-15 land use district shall be 200 square feet for any new dwelling unit applying for a building permit after March 4, 2019.

2.2.8. Conservation (CON). The CON land use district is intended to protect environmentally sensitive areas as identified in the conservation element of the Longwood Comprehensive Plan. Such environmentally sensitive areas include wetlands, floodways and floodplains, unique wildlife habitats, and lakes or other water bodies. Development shall be limited to outdoor active or passive recreation consistent with the intent of the CON district, and shall allow one residential dwelling unit on a lot of record existing at the time of the adoption of this development code. The minimum living area square footage of single-family dwelling units within the CON land use district shall be 900 square feet for any new dwelling unit applying for a building permit after March 4, 2019. Single-family dwelling units built in accordance with a valid building permit issued prior to March 4, 2019 that are non-conforming to the aforesaid minimum living area square

footage requirement shall not be required to come into compliance with such minimum living area requirement if the “substantial improvement” threshold of LDC 9.1.2 is triggered.

2.2.9. Downtown historic (DH). The DH land use district intended to protect and enhance the character of the city's historic downtown. The DH land use is subject to the standards of this Land Development Code and the Heritage Village Urban Code /Historic District Code Book, as applicable. In the case of conflicting standards, the standards of the Heritage Village Urban Code ~~Historic District Code Book~~ shall apply.

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2.3.1. *Table of allowable uses.* The following uses are allowable, subject to the standards, regulations, and criteria of this code and the Longwood Comprehensive Plan, and may be further restricted by the planning districts in the Longwood Design Guidebook. All uses, unless exempted specifically or by supplemental standards or definition, must be contained within a principal structure. A principal structure may not be a tent, trailer, canopy, shed, tent, or similar structure. The use table is intended to apply to new development or changes of use that create impacts that are not supported by the site:

- A = allowable, subject to the standards, regulations and criteria of this Code.
- S = allowable, subject to the standards, regulations, and criteria of this Code and supplemental standards of section 5.4.0, pertaining to the specific use. Where a use is subject to supplemental standards, the specific section is included in parentheses.
- C = subject to a Conditional Use Permit
- PD = subject to planned development approval
- * = Uses allowed only as an accessory use
- o = Allowed only in multi-unit centers
- = Prohibited on properties adjacent to CR 427 south of SR 434
- △ = Prohibited on properties adjacent to SR 434 and CR 427
- ★ = Prohibited on properties adjacent to CR 427 south of SR 434 (except property which is located directly adjacent to the intersection of CR 427 and SR 434 provided that such property is developed with superior architectural design which exceeds standard LDC requirements and is comparable in nature to the requirements for new commercial construction in the Longwood Historic District as well as superior streetscaping and landscaping)

Uses:	Districts							
	Low Density Residential	Medium Density Residential (MDR-7)	Medium Density Residential (MDR-15)	Neighborhood Commercial Mixed-Use	Infill and Mixed-Use	Industrial	Public/Institutional	Conservation
Single-Family Dwellings	A	A	A					A
<u>Tiny Homes and Tiny Home Communities (3.2.5)</u>		<u>S</u>	<u>S</u>					

Land Use Category (FLUM District)	Residential Density (Units/acre)	Setbacks			Maximum Impervious Surface Ratio per lot (Percent)	Non-Residential Maximum Floor Area Ratio per lot (Percent)	Maximum Building Height
		Front (Feet)	Side (Feet) Minimum	Rear (Feet) Minimum			
Low Density Residential (LDR)*	Min. 0.0 Max. 4.0	Min. 20	7	15	55	25	35 feet
Medium Density Residential (MDR-7)*	Max. 7.0.	Min. 15	5	15	65	25	35 feet
Medium Density Residential (MDR-15)*	Max. 10.0 Max. with Mixed Use <u>or Tiny Home</u>	Min. 15	5	10	70	50	35 feet

	<u>Communities</u> 15.0						
Downtown Historic (DH)	Max. 10.0	Reference Heritage Village Urban Code			75	75	Reference Heritage Village Urban Code
Neighborhood Commercial Mixed-Use (NCMU)*	Min. 4.0 Max. 10.0 <u>12.0</u> Max. 15.00 with Mixed Use	15	Residential 15' Non-Residential Mixed-Use 10	Residential 15' Non-Residential Mixed-Use 20	75	75	2 stories
Infill and Mixed-Use (IMU)*	See 3.2.1 (B)	• 10' min	• 10' min.	• 20' min. • 50' min. from established residential neighborhood	80	See 3.2.1 (B)	4 stories
Industrial (IND)*	See LDC 2.3.3	• 10' min	• 10' min	• 20' min	80	100	4 stories
Public/Institutional (P/I)*	0	• 10' min	• 10' min	• 20' min	75	75	4 stories
Conservation (CON)*	Max. 1.0	• 10' min	• 7' min	• 20' min	5	NA	2 stories

*Only for areas outside of design guidebook districts. For others, refer to design guidebook districts below.

For the purposes of this LDC, a story is a habitable level within a building of no more than 14 feet in

height from finished floor to finished ceiling. Attics and raised basements are not considered stories for the purposes of determining building height. Ground Floor may be up to 16 feet.

ARTICLE III DEVELOPMENT DESIGN STANDARDS

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3.2.2. Lot design standards.

A. *Lot area standards.* There shall be no minimum lot area, provided that all of the following requirements are met. Tiny home communities and Zero lot line developments, such as townhome subdivisions, are exempt from the lot area requirements where the use is allowable and the overall development is consistent with setbacks, buffering, impervious surface, and other requirements.

1. For residential land use districts, lot area shall be consistent with the maximum density of the area. Should cluster development be proposed, appropriate and adequate open space shall be set aside either through dedication to a public agency or homeowners' association, or through a recorded conservation easement. The purpose of the open space set aside is to ensure that the gross density is maintained where smaller lot sizes are proposed in order to achieve cluster development. (Appropriate and adequate open space means the amount of open, undeveloped land necessary to maintain the required gross density and to meet any minimum open space requirements set by the Longwood Comprehensive Plan or this development code. Such open space shall be considered appropriate and adequate if it is contiguous rather than in scattered, small portions of the overall development.)

2. For all land use districts, lot area shall be sufficient and adequate to accommodate all site design standards and requirements (such as, but not limited to parking, landscaping, buffers, and stormwater retention areas).

3. For all land use districts, lot area shall be consistent with the density for the land use district and compatible with the predominant lot area of the surrounding neighborhood.

a. Where larger lot areas are proposed, the proposed lot area shall not be greater than 150 percent of the average of lots in surrounding neighborhood.

b. Where smaller lots are proposed, the proposed lot area shall not be less than 70 percent of the average lots that are in the surrounding neighborhood.

B. *Lot dimension standards.* There shall be no minimum lot width or lot depth, provided that the following requirements are met. Tiny home communities and Zero lot line developments, such as townhome subdivisions, are exempt from the lot dimension requirements where the use is

allowable and the overall development is otherwise consistent with setbacks, buffering, impervious surface, and other requirements.

1. Lot width and lot depth shall be sufficient and adequate to accommodate all site design standards and requirements (such as, but not limited to, parking, access drives, landscaping, buffers, setbacks, and stormwater retention).

2. Lot width and depth shall be consistent and compatible with the predominant configuration of lots in the surrounding neighborhood.

a. Where large lot widths or lot depths are proposed, the proposed dimensions shall not be greater than 150 percent of the average dimensions of lots in the surrounding neighborhood.

b. Where smaller lot widths or lot depths are proposed, the dimension shall not be less than 70 percent of the average dimensions of lots in the surrounding neighborhood.

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3.2.5. ~~Reserved.~~ Tiny homes and tiny home communities.

A. Applicability.

The standards of this section shall apply to tiny homes, and tiny home communities, further defined as subdivisions under 10.14.0 Plats between one-half acre and 6 acres for the purpose of siting four or more tiny homes. Tiny home communities shall be developed under applicable standards for subdivisions, including LDC 3.3.0, with additional flexibility provided through the standards of this section.

B. Location of Tiny Homes and Tiny Home Communities

Tiny homes may be located and tiny home communities may be created within the Medium Density Residential Future Land Use District for parcels that are not part of existing subdivisions that have been subdivided by a final plat recorded after January 1, 1950.

C. Site design standards for Tiny Home Communities.

1. Setbacks, buffers, open space, and lot sizes.

a. Tiny home communities are exempt from the lot size requirements of LDC 3.2.2 (A) and the lot dimension standards of LDC 3.2.2 (B). Lots in a tiny home community shall be a minimum of 1,600 SF with a minimum width of 25 LF, excluding those lots required for open space, stormwater management, and other site functions.

b. Where a tiny home community borders property that is designated Low Density Residential (LDR), there shall be a minimum 20' Buffer Yard D along all property lines that border the LDR property or properties.

c. The developer may opt for a 5-10' range front setback in all districts for some or all units to support a more walkable development. In this instance, all parking shall be in the rear of the unit or in a common off-street parking area, and the application of this standard shall be uniform along the same side of the street or block.

2. Parking and access.

a. Two parking spaces shall be provided for each dwelling unit. In order to meet this requirement, parking spaces may be provided in a commonly owned and maintained off street parking facility in addition to private driveways, garages, and carports. Required parking may not be placed in any front or side yard.

b. Designated common area for the parking of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles may be provided by the developer. Where these dedicated common storage areas are proposed, they shall be screened from view from adjacent properties by a minimum 8' tall opaque fence and a 20' Buffer Yard D.

3. Open space.

a. Tiny home communities shall provide a minimum of 250 SF per unit or 5% of the site area, whichever is greater, for usable, common open space that meets the standards of LDC 3.3.1 (H).

ARTICLE V. SUPPLEMENTAL STANDARDS

5.3.6. Portable temporary storage units.

Portable temporary storage units shall be allowed on properties within the city subject to the following requirements:

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C. In the case of a residential use, the PTSU shall be placed in an existing driveway serving the property, a side yard or rear yard. The PTSU shall not occupy a front yard or a side yard functioning as a front yard unless placed on an existing driveway. No minimum setbacks are required, but in no case shall the PTSU block or encroach upon sidewalks,

public or private rights-of-way, or other properties, or obstruct motorist visibility. A PTSU shall not be utilized as a primary use or as a habitable structure.

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ARTICLE X. ADMINISTRATION

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10.14.0. Plats.

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10.14.2. General requirements.

- A. Any division of land (plat or replat) into ~~three~~ four or more lots or parcels shall be subject to all requirements of this section. ~~The procedure described in section 10.2.0 shall be followed.~~

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10.14.3. Lot splits and replats.

- A. Where a parcel of land is being divided into two or three separate lots or parcels, plat approval according to the requirements of this section shall not be required, if one of the following conditions is met.
1. The division of land ~~into two parcels~~ consists solely of the conveyance of land or granting of easements or rights-of-way to a governmental or public agency.
 2. The division is limited to lots, blocks, parcels, tracts, or other portions thereof, with minimum lot areas and dimensions in accordance with article III of the Longwood Development Code. Every parcel created by the proposed division shall have dedicated access to a public road or street, or to a private road or street which shall be developed to city standards for a public road ~~to a public street~~. Divisions of this type shall be cumulative and a second split shall not be permitted without a plat according to the requirements of this section.
 3. The division is a replat of ~~two~~ existing lots and is solely for the purpose of refacing a lot or lot line adjustments without an increase in the number of lots or units otherwise allowed.
- B. For lot divisions subject to approval under this section, the following minimum information shall be submitted to the city.
1. A certified boundary survey by a registered land surveyor licensed to practice in the state of the property proposed to be split or readjusted and a separate land surveyor prepared and certified instrument with metes and bounds descriptions

showing the proposed lots to be created by the lot split or lot adjustment and existing and proposed easement locations.

2. Fully executed instruments pertaining to required deeds, rights-of-way, easements, joinders and consents of mortgagees, declaration of covenants and restrictions, ~~or~~ and reservations.
3. Establishment of an escrow account for all construction and maintenance of improvements required by the city.
4. A title opinion of an attorney at law licensed by the State of Florida or a ~~certification~~ property information report by an abstractor or a title company certified to the city, along with referenced documents, showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion or ~~certification~~ property information report shall also show all mortgages, easements, ~~or~~ and other encumbrances not satisfied or released of record nor otherwise terminated by law.

C. For existing duplexes or townhomes that share a common wall, the property may be split into separate ownership along this common wall without regard to setbacks.

ARTICLE XII. HERITAGE VILLAGE URBAN CODE

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Figure 12.2.13 - Building Type Standards: House

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A. General Standards

Description - A building containing one primary residence (may also accommodate commercial uses)

Lot Standards - Lots containing House buildings shall meet the following standards.

Minimum lot width: 40'

Maximum lot width: 75'

Unit Size Standards - Minimum residential dwelling unit size shall be 900 square feet (net)

Single-family dwelling units built in accordance with a valid building permit issued prior to March 4, 2019 that are non-conforming to the aforesaid minimum living area square footage requirement shall not be required to come into compliance with such minimum living area requirement if the "substantial improvement" threshold of LDC 9.1.2 is triggered.

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SECTION 2. CONFLICTS. If any ordinance or part thereof is in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 3: CODIFICATION. Section 1 of this Ordinance shall be codified; that such sections may be renumbered or relettered to accomplish the intent of this Ordinance.

SECTION 4: SEVERABILITY. The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.


SECTION 5: This Ordinance shall take effect immediately upon its adoption.

LAND PLANNING AGENCY HEARING: January 9, 2019

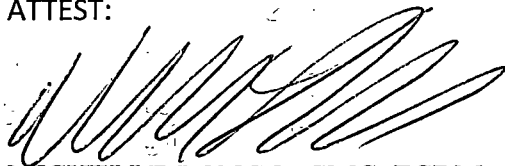
FIRST READING: February 18, 2019

SECOND READING AND ADOPTION: March 4, 2019

PASSED AND ADOPTED THIS 4th DAY OF MARCH 2019

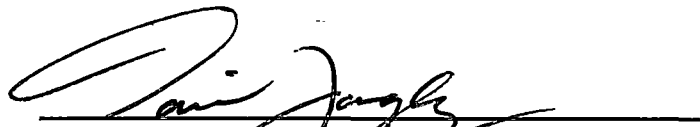

BEN PARIS, MAYOR

ATTEST:



MICHELLE LONGO, CMC, FCRM, CITY CLERK

Approved as to form and legality for the use and reliance of the City of Longwood, Florida, only.


DANIEL W. LANGLEY, CITY ATTORNEY