

Regina Dunay
Chairwoman

Chris Rader
Co-Chair

Wade Fischer
Board Member

Ben Pierce
Board Member

Marion Rayburn
Board Member

PUBLIC NOTICE
PLANNING AND ZONING BOARD MEETING – July 10, 2017

WELCOME! We are very glad you have joined us for today's Planning and Zoning meeting. The Planning and Zoning Board is an advisory board to City Council comprised of citizen members who voluntarily and without compensation devote their time and talents to a variety of zoning and land development issues in the community. All P&Z recommendations are subject to final action by City Council. The results of today's meeting will be presented at the noted City Council meeting for approval of recommended actions. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. **CAUTION:** Untimely filing by any appellant shall result in an automatic denial of the appeal.

The Planning and Zoning Board as the Local Planning Agency for the City Of Edgewood will meet at 405 Larue Avenue, Edgewood, Florida, to consider the items of business listed herein at the time and date indicated below.

Monday, July 10, 2017 at 6:30 pm

- Call To Order
- Pledge of Allegiance
- Roll Call and Determination of Quorum
- Approval of Minutes
 - June 12, 2017– Regular P&Z Meeting
- New Business
 - Ordinance 2017-02 Moratorium on certain uses within the C-1, C-2, and C-3 Zoning Districts of the City
 - Discussion of City Code Sec. 10-5 and 10-6 Maintenance of Certain Animals
- Old Business
 - City Planner's Report
- Comments/Announcements

FUTURE MEETINGS: *(SCHEDULE CONTINGENT UPON SUBMITTAL OF ITEMS THAT REQUIRE CONSIDERATION OF THE PLANNING & ZONING BOARD AS THE LOCAL PLANNING AGENCY FOR THE CITY OF EDGEWOOD)*

- August 14, 2017
- September 11, 2017

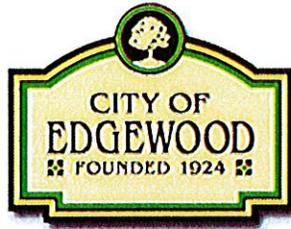
GENERAL RULES OF ORDER

The Board is pleased to hear non-repetitive comments related to business before the Board; however, a five (5) minute time limit per person has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request Registration Form and give it to the City Clerk. When recognized, state your name and speak directly into the microphone. The City is guided by ROBERTS RULES OF ORDER in governing the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at 407-851-2920 at least 24 hours in advance of the meeting.

WE ASK THAT ALL ELECTRONIC DEVICES (IE. CELL PHONES, PAGERS) BE SILENCED DURING OUR MEETING!

Thank you for participating in your government!

APPEALS: According to Edgewood City Code Section 26-24 (2), “any person aggrieved by any recommendation of the Board acting either under its general powers or as a Board of Adjustment may file a notice of appeal to the City Council within seven (7) days after such recommendation is filed with the City Clerk.



PLANNING & ZONING BOARD DRAFT MINUTES
June 12, 2017

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Chris Rader, Board Member
Marion Rayburn, Board Member
Ben Pierce, Board Member (absent)
Wade Fischer, Board Member

Staff:

Drew Smith, City Attorney
Ellen Hardgrove, City Planner
Ray Bagshaw, Mayor
John Freeburg, Police Captain
Sandy Repp, Administrative Assistant

Applicants:

Mark and Melissa Gibson
Marlyn and Carol Felsing

CALL TO ORDER

Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum with Board Member Pierce absent.

APPROVAL OF MINUTES

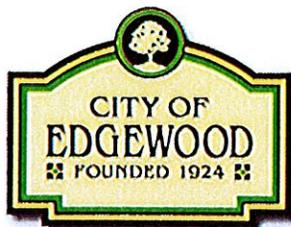
- May 8, 2017

Chairwoman Dunay asked for a motion to approve minutes
Board Member Rayburn made the Motion to approve the May 8, 2017 minutes as presented; seconded by Board Member Dunay. The motion was unanimously approved (4/0).

NEW BUSINESS

1. 2017-VAR-03 covered patio within rear setback

City Planner Hardgrove introduced the application for the variance on behalf of Marlyn and Carol Felsing who wish to build a covered patio within the rear setback of the NHWE. Planner Hardgrove stated that the property was platted in 1977 when code did not give NHWE setbacks. They are requesting to build 34.9 feet from the Normal High Water Elevation (NHWE) instead of the 50 foot setback required in Code.



Per Planner Hardgrove, staff has reviewed the application and has found that the six (6) criteria are true and recommends approval with the condition that there be a creation of a shallow swale parallel to the seawall landward to infiltrate and/or reduce additional runoff before entering the lake. The seawall is nearly level with the ground landward. The reason there is an NHWE is to ensure drainage before it gets to the lake. A covered porch creates more ISR and less drainage before the lake.

Discussion ensued amongst the Planning and Zoning Board members regarding the swale and drainage. Board Member Rader recommended that a gutter system be added as a condition of the variance due to the pitched roof to capture the water onsite.

Chairwoman Dunay asked if the applicant had any comments and Marlyn Felsing came to the podium.

Chairwoman Dunay asked for a motion.

Board Member Rader moved that the Planning and Zoning Board recommend approval to City Council to allow construction of a covered patio within the Normal High Water Elevation (NHWE) setback with conditions; seconded by Board Member Rayburn. Motion passed (4/0).

Condition #1 Creation of a shallow swale parallel to the seawall landward to infiltrate and/or reduce additional runoff before entering the lake;

Condition #2 Building permits to enclose the covered patio to incorporate the area into the formal/air conditioned living area of the dwelling shall not be permitted; and,

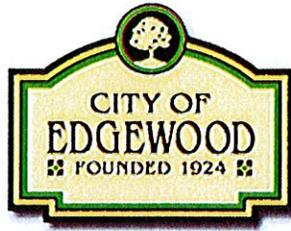
Condition #3 Drainage from the proposed roof structure shall be captured and directed onsite.

This variance request will be brought before City Council on Tuesday, July 18, 2017.

2. 2017-VAR-02 10 foot fence surrounding pickleball court

City Planner Ellen Hardgrove introduced the variance application for Mark and Melissa Gibson who wish to build a ten (10) foot fence surrounding a pickleball court in the front of an existing house, on a 2.4 acre lot in R-1-AA, which is located close to the lake. In May 2017, the Planning and Zoning Board recommended approval of a variance request for a pickleball court in front of the existing house. There was also discussion about the surrounding fence. A standard pickleball court fence is ten (10) feet high. The city's code does not differentiate between this and a barrier fence and the Gibsons have applied to get a variance for a ten (10) foot high fence. The six (6) criteria have been met and staff recommends approval with the condition that the fence is limited to, and is specifically associated with, the pickleball court and nowhere else on the site.

Chairwoman Dunay invited the Gibsons to the podium. The applicants discussed the property's boundary fence which is a standard six (6) foot fence. Per Ms. Gibson, a ten (10) foot high fence makes more sense to keep balls out of the neighbor's yard. They have had approval from two of their adjoining neighbors.



Further discussion amongst the Board included making it a condition that the fence be coated with black vinyl.

Chairwoman Dunay asked for a motion.

Board Member Rader moved that the Planning and Zoning Board recommend approval of the ten foot high fence with conditions; seconded by Board Member Fischer. Motion passed (4/0).

Condition #1: The ten foot high fence is limited to the perimeter of the pickleball court and does not apply to a barrier/lot line fence.

Condition #2: The fence is to be constructed of black vinyl.

3. Sign ordinance Discussion

City Attorney Smith said there is a draft of the sign ordinance and an electronic version will go out to the Planning and Zoning Board in the next couple of days. More information is being put together and the Mayor is compiling information. Planner Hardgrove will update her book and the Mayor is getting a survey so that we will know what signs we will keep and what signs will go away.

Mayor Bagshaw provided information that the City has employed a sign company that is conducting a survey with the conditions of all the signs. Per Mayor Bagshaw this will help with the decisions and how rapidly the City moves forward with the amortization of signs.

Discussion ensued amongst the Board regarding amortization, pole signs versus pylon signs, and sign restrictions including proximity and excessive signage. Signs out of repair will be brought up to code.

Further discussion from Mayor Bagshaw encouraged the Board to the City Council meeting for a presentation with the Little firm. They will present the visioning and discuss best uses as well as the process that the City will undergo.

Discussion included reintroducing the moratorium on uses in C-1, C-2 and C-3 zoning districts.

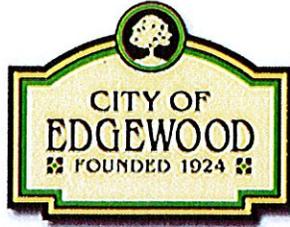
Chairwoman Dunay asked for a motion.

Board Member Rader moved that City Council reconsider the moratorium for uses, brought before them previously and have it enacted post haste; seconded by Chairwoman Dunay. Motion passed (4/0).

Board Member Rayburn requested to be copied on presentations for City Council. Administrative Assistant Repp said that she would consult with the City Clerk.

COMMENTS/ANNOUNCEMENTS

Chairwoman Dunay asked Administrative Assistant, Sandy Repp for the next meetings who confirmed that the next Planning and Zoning dates would be July 10, 2017 and August 14, 2017.



ADJOURNMENT:

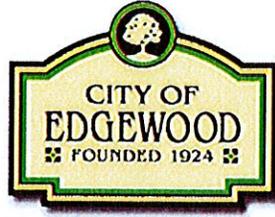
With no further business or discussion, Chairwoman Dunay asked for a motion to adjourn the meeting.

Board Member Fischer made the Motion to adjourn the Planning and Zoning Board meeting, seconded by Board Member Rayburn; motion unanimously approved (4/0). The meeting adjourned at 7:32 p.m.

Regina Dunay, Chairwoman

ATTEST

Sandra Repp, Administrative Assistant



Memo

To: Planning and Zoning Board Members
From: Sandy Repp, Administrative Assistant
Date: July 6, 2017
Re: New Business Items

The following applications are provided in your agenda packet for your review:

1. Ordinance 2017-02 Moratorium on certain uses within the C-1, C-2 and C-3 Zoning Districts of the City
2. Copy of City Code Sec. 10-5 and Sec. 10-6

ORDINANCE NO. 2017-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA ESTABLISHING A TEMPORARY MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF EDGEWOOD ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING PERMITS, SITE PLANS, ZONING APPROVALS, SPECIAL EXCEPTIONS, AND DEVELOPMENT ORDERS THAT WOULD ALLOW NEW DEVELOPMENT OR CHANGE OF EXISTING USES TO ANY OF THE FOLLOWING USES ON PROPERTIES WHICH ARE BOTH LOCATED WITHIN THE C-1, C-2 OR C-3 ZONING DISTRICTS AND ADJACENT TO ORANGE AVENUE, HOFFNER AVENUE, GATLIN AVENUE, HANSEL AVENUE, OR HOLDEN AVENUE: PUBLISHING PLANTS, SKATING RINKS, FROZEN FOOD LOCKERS, AMUSEMENT AND RECREATIONAL FACILITIES IN WHICH THE AMUSEMENT AND RECREATIONAL ACTIVITIES DO NOT OCCUR WITHIN A FULLY ENCLOSED STRUCTURE (INCLUDING MINIATURE GOLF COURSES, GO-CART TRACKS, GOLF DRIVING RANGES, BASEBALL BATTING RANGES AND TRAMPOLINE CENTERS), MECHANICAL GARAGES, HEATING AND AIR CONDITIONING SALES AND SERVICE, WHOLESALE BAKERIES, SOFT DRINK BOTTLING, PRODUCTS TESTING (MATERIALS, EQUIPMENT, OR PRODUCTS), MACHINE SHOPS, MANUFACTURING, STORAGE AND WHOLESALE DISTRIBUTION WAREHOUSES, TRADE SHOPS (EXCEPT FOR CABINET MAKERS AND UPHOLSTERING), TIN SMITHS, RUG AND CARPET CLEANING, MATTRESS RENOVATIONS, ELECTRICAL SHOPS, ROOFING SHOPS, PLUMBING SHOPS, CAR WASHES, CONFECTIONARY MANUFACTURE, FURNITURE STRIPPING, GARMENT MANUFACTURING, VEHICULAR BODY AND PAINTING SHOPS, BUS REPAIR, CAB REPAIR, LIGHT TRUCK REPAIR, MEAT PROCESSING (INCLUDING STORAGE, CUTTING, AND DISTRIBUTION), WHOLESALE PRODUCTS DISTRIBUTION, WHOLESALE COMMERCIAL ESTABLISHMENTS THAT OCCUPY MORE THAN 50,000 SQUARE FEET, MACHINERY SALES, MACHINERY RENTAL, MACHINERY STORAGE, OUTDOOR STORAGE OF MERCHANDISE, OUTDOOR STORAGE OF PARTS OR OTHER EQUIPMENT, BUILDING MATERIAL STORAGE, CONTRACTORS' STORAGE AND EQUIPMENT YARDS (INCLUDING WELL DRILLING EQUIPMENT AND LAND CLEARING EQUIPMENT), MINI WAREHOUSES, MILK BOTTLING AND DISTRIBUTION PLANTS, ICE CREAM MANUFACTURING, CITRUS PROCESSING, WELDING SHOPS, COIN LAUNDRIES, THRIFT STORES, OPEN AIR FLEA MARKETS, AUCTIONS, RADIO BROADCASTING AND TELECASTING STATIONS STUDIOS AND OFFICES, NEW OR USED CAR OR BOAT SALES, ADOPTING FINDINGS OF FACT; DIRECTING STAFF TO

STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO THE C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR EXPIRATION AND EXTENSION OF THE MORATORIUM; PROVIDING STANDARDS FOR RELIEF FROM THE APPLICATION OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Art. VIII of the State Constitution, and Section 166.021, Florida Statutes, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City is engaged in the process of examining the future development and redevelopment of the Orange Avenue corridor; and

WHEREAS, the C-1, C-2 and C-3 zoning districts may contain certain permitted and special exception uses that are not consistent with the City and community's vision for future development and redevelopment along the Orange Avenue corridor; and

WHEREAS, the C-1, C-2 and C-3 zoning districts contain several permitted and special exception uses that are more industrial in character than the commercial intent of the existing zoning districts; and

WHEREAS, the City may consider adopting a new zoning district tailored to the Orange Avenue Corridor and the City and community's vision for future development and redevelopment; and

WHEREAS, the City Council finds and determines that during the period in which the City examines the most appropriate uses and considers further action related to the Orange Avenue corridor, it is appropriate and necessary to enact a temporary moratorium to ensure that no additional properties be converted to uses or activities that may be inconsistent with future zoning activities; and

WHEREAS, This Ordinance is adopted in good faith, is not discriminatory against any property owner along the Orange Avenue Corridor, is of limited duration, and is appropriate to the development of the amendments of the City's Zoning Code; and

WHEREAS, the City Council finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Edgewood.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF EDGEWOOD, FLORIDA:

SECTION 1. RECITALS. The foregoing recitals are hereby ratified and fully incorporated herein by reference as legislative findings of the City Council of the City of Edgewood.

SECTION 2. TEMPORARY MORATORIUM. Beginning on the effective date of this ordinance and continuing for a period of 180 days a moratorium is hereby imposed upon the accepting, review, processing or approval of applications for development activities, including building permits, site plans, zoning approvals, special exceptions and development orders that would allow new development or change of uses to any of the uses described below. This moratorium shall only be applicable to properties that are both located within the C-1, C-2 or C-3 zoning district and located adjacent to Orange Avenue, Hoffner Avenue, Gatlin Avenue, Hansel Avenue or Holden Avenue. The uses to which this moratorium shall apply are as follows:

publishing plants;
skating rinks;
frozen food lockers;
amusement and recreational facilities such as, but not limited to, miniature golf courses, go cart tracks, golf driving ranges, baseball batting ranges and trampoline centers, where such amusement and recreational activities do not occur within a fully enclosed building;
mechanical garages
heating and air conditioning sales and service facilities;
wholesale bakeries;
soft drink bottling;
testing of materials, equipment, and products;
machine shops;
manufacture of scientific, electrical, optical and precision instruments or equipment;
manufacture of novelties and souvenirs;
storage and wholesale distribution warehouses;
trade shops (other than cabinet makers and upholsterers), tinsmiths, rug and carpet cleaning facilities, mattress renovation facilities, and electrical, roofing, plumbing, or welding shops;
car washes;
confectionary manufacturing facilities;
furniture stripping;
garment manufacturing;
milk bottling and distribution plants;
ice cream manufacturing facilities;
citrus processing facilities;
welding shops;
miniwarehouses;
open-air flea markets;
auctions;
radio broadcasting and telecasting stations, studios, and offices;
bus, cab, and light truck repair;
meat storage, cutting, and distribution facilities;
wholesale products distribution;
wholesale commercial establishments occupying more than 50,000 square feet;
machinery sales, rental, and storage lots;
outdoor storage of merchandise, parts or other equipment except as allowed by City of

Edgewood Code of Ordinances, Section 134-376 (11) or Section 134-406(12);
building material storage and sales lots;
contractors' storage and equipment yards, including well drilling equipment and land clearing equipment;
coin laundries;
thrift stores selling donated merchandise;

SECTION 3. APPLICABILITY AND EXCEPTION RELATED TO EXISTING USES. Nothing herein shall be interpreted to cause a suspension or termination of a use identified in Section 2 which is lawfully existing as of the effective date of this Ordinance. Additionally, any property upon which a use identified in Section 2 lawfully exists as of the effective date of this Ordinance shall be allowed to change the use upon such property to any other use identified in Section 2 provided that such change of use does not require any building permits, site plan reviews, or special exception approvals.

SECTION 4. EXPIRATION OF THE TEMPORARY MORATORIUM. The temporary moratorium imposed by Section 2 of this Ordinance shall expire 180 days from the effective date of this ordinance, upon the effective date of an ordinance applying a new zoning district to properties subject to this moratorium, or upon the majority vote of the City Council, whichever occurs earliest. If the City requires additional time to complete the enactment of amending zoning regulations applicable to the property subject to this moratorium, the City Council may consider extending the moratorium through a subsequent ordinance providing the justification for the extension.

SECTION 5. RECOMMENDATIONS FOR LAND DEVELOPMENT CODE. City Staff is hereby directed to continue to examine the current land use regulations and make recommendations to the City Council and Planning and Zoning Commission related to updating the land use regulations applicable to properties located along the Orange Avenue Corridor and to make recommendations for any amendments to the land use regulations applicable to said properties within a reasonable time before the expiration of this moratorium.

SECTION 6. ADMINISTRATIVE RELIEF PROCEDURE.

(a) The City Council may authorize exceptions to the moratorium imposed by this Ordinance when it finds, based upon substantial competent evidence presented to it, that deferral of action on an application for permit, development order, or other official action of the City for the duration of the moratorium would impose an extraordinary hardship on a landowner or petitioner.

(b) A request for an exception based upon extraordinary hardship shall be filed with the City Clerk, including a non-refundable fee of \$350.00 by the owner/petitioner, or the petitioner with the consent of the owner/petitioner, to cover processing and advertising costs, and shall include a recitation of the specific facts that are alleged to support the claim of extraordinary hardship.

(c) A public hearing on any request for an exception for extraordinary hardship shall be held by the City Council at the first regular meeting of the City Council that occurs after the expiration of the period for publication of notice of the request for an exception.

(d) Notice of filing of a request for an exception, and the date, time, and place of the hearing thereon shall be published once at least 7 days prior to the hearing in a newspaper of general circulation within the city limits of the City of Edgewood, Florida.

(e) In reviewing an application for an exception based upon a claim of extraordinary hardship, the City Council shall consider, at a minimum, the following criteria:

- (1) The extent to which the applicant has, prior to the effective date of this Ordinance, received a permit or approval to conduct a use subject to this moratorium.
- (2) The extent to which the applicant has, prior to the effective date of this Ordinance, made a substantial expenditure of money or resources in reliance upon a permits or approvals of the City of Edgewood directly associated with a use subject to this moratorium.
- (3) Whether the moratorium will expose the applicant to substantial monetary liability to third persons; or would leave the applicant completely unable, after a thorough review of alternative solutions, to earn a reasonable investment backed expectation on the real property that is affected by this Ordinance.

(f) At a minimum, the City Council shall consider the following non-exclusive factors under the criteria set forth in subsection (e) above:

- (1) The history of the property;
- (2) The history of the commercial, business or any use on the property; and
- (3) The location of the property.

(g) At the conclusion of the Public Hearing and after reviewing the evidence and testimony placed before it, the City Council shall act upon the request either to approve, deny, or approve in part and deny in part the request made by the applicant.

SECTION 7. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 8. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2017.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2017.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

John Dowless, Council President
ATTEST:

Bea Meeks, City Clerk

Chapter 10 - ANIMALS^[1]

Sec. 10-5. - Maintenance of certain animals prohibited.

It shall be unlawful for any person, firm or corporation to keep or maintain any animal with solid or split hoofs or any species of animals normally considered as wild or to allow any animals to remain within the city when such action constitutes a hazard to the residents or a nuisance to the neighborhood.

(Code 1974, § 4-5; Code 1985, § 4-4; Ord. of 8-21-1984, § 1(4-4))

Sec. 10-6. - Live poultry prohibited.

It shall be unlawful for any person, firm or corporation, either as owner or keeper, to permit or otherwise allow any domestic fowl, including chickens, ducks, geese, turkeys, guineas and pigeons, to remain in the city when such action constitutes a nuisance to the neighborhood.

(Code 1974, § 4-6; Code 1985, § 4-5; Ord. of 8-21-1984, § 1(4-5))

^[1] **State Law reference**— Livestock at large, F.S. § 588.12 et seq.; damage by dogs F.S. ch. 767; cruelty to animals, F.S. ch. 828.