

Ray Bagshaw
Mayor

John Dowless
Council President

Pam Henley
Council Member

Neil Powell
Council Member

Susan Fortini
Council Member

Lee Chotas
Council Member

CITY COUNCIL AGENDA
Regular Meeting
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, January 17, 2017
6:30 p.m.

WELCOME! We are very glad you have joined us for today’s Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert’s Rules of Order guide the conduct of the meeting. **PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING.** “THANK YOU” for participating in your City Government.

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Review and Approval of Minutes

- **(Pgs. 1- 7)** December 20, 2016 Regular City Council Meeting

(Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.)

E. PRESENTATIONS

- **(Pgs. 8 - 48)** Orange Avenue Corridor Study Presentation – Presented by John Paul Weesner, Kittelson & Associates, Inc.

F. ORDINANCES

1. **(Pgs. 49 - 51)** **ORDINANCE 2017-01:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY 180 DAY MORATORIUM WITHIN THE CITY OF EDGEWOOD PROHIBITING THE ESTABLISHMENT AND

OPERATION OF QUALIFIED DISPENSING FACILITIES FOR LOW-THC AND MEDICAL CANNABIS AND MEDICAL MARIJUANA TREATMENT CENTERS FOR MARIJUANA FOR MEDICAL PURPOSES DURING THE 180 MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

G. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

H. UNFINISHED BUSINESS

I. NEW BUSINESS

1. **(Pgs. 52 - 61)** Discussion of draft moratorium ordinance regarding certain uses in the C-2 and C-3 zoning districts.

ORDINANCE NO.: 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 OCUR 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 WHAREHOUSES, 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), MINIWHAREHOUSES, MILK BOTTLING AND DISTRIBUTION PLANTS, ICE CREAM MANUFACTURING, CITRUS PROCESSING, WELDING SHOPS, NEW AND OFF-SITE FACTORY RECONDITIONED AUTOMOBILE PARTS, 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 AN ADMINISTRATIVE RELIEF PROCEDURE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

J. GENERAL INFORMATION (No action required)

None

K. CITIZEN COMMENTS

L. BOARDS & COMMITTEES

M. STAFF REPORTS

City Attorney:

-

Police Chief:

- Monthly report

City Clerk:

N. MAYOR & COUNCIL REPORTS

- Mayor Bagshaw
- Council President Dowless
- Council Member Powell
- Council Member Henley
- Council Member Chotas
- Council Member Fortini

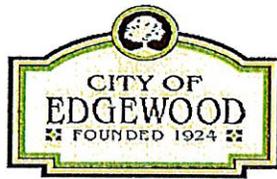
O. ADJOURNMENT

UPCOMING MEETINGS:

Monday, February 13, 2017Planning & Zoning Board Meeting (6:30 p.m.)

Tuesday, February 21, 2017Regular City Council Meeting (6:30 p.m.)

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.



CITY COUNCIL REGULAR MEETING MINUTES
Tuesday, December 20, 2016

CALL TO ORDER

On Tuesday, December 20, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. Council President Dowless asked for a moment of silence followed by the Pledge of Allegiance.

City Clerk Meeks announced there was a quorum however; Council Member Fortini was unable to attend the meeting due to a conflict. *Council President Dowless made the Motion to excuse Council Member Fortini from the meeting; Seconded by Council Member Henley. Unanimously approved (4/0).*

The following attendance is noted:

Attendees

Ray Bagshaw, Mayor
John Dowless, Council President
Lee Chotas, Council Member
Neil Powell, DDS, Council Member
Pam Henley, Council Member

Absent

Susan Fortini, Council Member (excused)

Staff

Bea L. Meeks, City Clerk
Chris Francisco, Police Chief
Drew Smith, City Attorney
Shannon Patterson
Sgt. Vince Jackson
Sgt. John Freeburg

CONSENT AGENDA

1. Review and Approval of Minutes

- November 15, 2016 Regular City Council Meeting
- December 12, 2016 City Council Joint Workshop With Planning & Zoning

Council President Dowless noted a correction to the November 15, 2016 City Council meeting minutes on page 2; plaque instead of plague.

Council Member Chotas made the Motion to approve the minutes with correction; Seconded by Council Member Powell. Unanimously approved (4/0).

PRESENTATIONS

1. Mayoral Proclamation – Announcement/Notice of City of Edgewood’s General Election

City Attorney Smith presented a Mayoral Proclamation declaring the City’s municipal election will be held on March 14, 2017, and stating the qualifying period to be January 17, 2017 through January 23, 2017.

2. Mayoral Proclamation – School Choice Week

Mayor Bagshaw noted his Mayoral Proclamation recognizing January 22, 2017 through January 28, 2017 as School Choice Week.

ORDINANCES

No Ordinances presented for first reading.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. **ORDINANCE NO. 2016-10 - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, “ZONING,” OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-2 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO CLARIFY THE EXISTING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE, BOAT, AND RECREATIONAL VEHICLE SALES LOTS; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-3 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO CLARIFY THE EXISITING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE AND BOAT SALES LOTS; PROVIDING ADDITIONAL STANDARDS TO BE CONSIDERED DURING REVIEW OF AN APPLICATION FOR A SPECIAL EXCEPTION FOR AN AUTOMOTIVE REPAIR CENTER WITHIN THE C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR THE LAWFUL NON-CONFORMITY OF USES LAWFULLY IN EXISTENCE AS OF THE DATE OF ENACTMENT OF THIS ORDINANCE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

City Attorney Smith read Ordinance 2016-10 in title only.

Council President Dowless called on Planning Zoning Board Chairwoman Regina Dunay to expand on the Planning & Zoning Board's justification and recommendation to deny the Ordinance. Chairwoman Dunay provided verbiage from the Urban Land Use 2014 Technical Assistance Panel Report in particular, the following statement: "Edgewood also has to get past its reputation as a collection of auto mechanic shops and thrift stores".

Planning & Zoning Board Member Rader said the Ordinance does not go far enough and that it is contrary to the City's goals as to where they want to go with the vision of the corridor. Planning & Zoning Board member Rader said his Board would like to see a moratorium on automotive repair.

City Attorney Smith said if there is a moratorium then you need to look at all the uses. Planning & Zoning Board Member Rader noted that a special exception runs with the land. He said the alternative is to not allow a new automotive use.

Council President Dowless opened for Public Hearing.

John Moccio, resident and City of Edgewood business owner, 460 Harbour Island Road stated that he owns one of the automotive uses on Orange Avenue. Mr. Moccio stated his reasons as to why he thinks it is unfair to change the use.

Rebecca Moccio, resident and City of Edgewood business owner, 460 Harbour Island Road said she wanted to address the Planning & Zoning Board and their comments. She said the purpose of their property is designed to be automotive. In response to Council Member Henley, Ms. Moccio explained why their property's only use is for automotive repair. She said if the City takes away their use, the building will be empty. At the request of Mayor Bagshaw, City Attorney Smith confirmed that the property would have a lawful non-conforming use as long as the use continues.

Planning & Zoning Board Member Rader responded to Ms. Moccio regarding the Planning & Zoning Board's recommendation to deny: (1) Do not codify something for one business (2) There is still a legal non-conforming use, and (3) If you cannot make this decision, it will continue for other matters. Chairwoman Dunay addressed property value concerns stating she does not think it should be an issue. She said if a special exception is approved, what would be the reasons be for denial. City Attorney Smith read off a list of reasons to say no to a special exception.

Council President Dowless closed the public hearing.

Council Member Chotas said he has considered this matter for a long time. He said he thought about how he wanted the corridor to be but did not want to burden SMD Automotive. He said he thinks a special exception makes sense. Council Member Chotas said that at lines 167 and 334 the verbiage "lawfully in existence as of the date of adoption" should be added.

Council Member Chotas made the Motion to approve Ordinance 2016-10 amending with the addition of "Lawfully in existence as of the date of the adoption" at lines at 167 and 334. Council Member Powell Second the Motion.

The Motion to approve the second/final reading of Ordinance 2016-10 with amendment by Council Member Chotas resulted in a tie in the following rollcall vote (4/0):

Council Member Henley
Council Member Chotas

Oppose
Favor

<i>Council Member Powell</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Oppose</i>
<i>Council Member Fortini</i>	<i>Absent</i>

In response to Council Member Dowless, there were no further Motions after the tie vote on Council Member Chotas' Motion.

It was the direction of Council that the City Attorney provide a draft moratorium Ordinance for the Planning & Zoning Board after the determination of allowable uses in the C-2 and C-3 zoning districts.

UNFINISHED BUSINESS

1. RE: Sign Code – Draft Ordinance

Council President Dowless agreed with the recommendation of discussing no longer than 30 minutes. City Attorney Smith said he wanted some direction from Council as to taking this to a workshop.

Comments:

John Moccio, resident and City of Edgewood business owner, 460 Harbour Island Road said that other business owners have an interest in this Ordinance. City Attorney Smith explained the difference in straight zoning and comprehensive zoning. Mr. Moccio questioned the Code's 20% window coverage rule and asked to reconsider the percentage of window covering. Mr. Moccio also asked that the Ordinance expand on sign abandonment. Mr. Moccio questioned the 100 sq.ft. maximum allowance of signage. Council President Dowless said there is an allowance for multiple units. Mr. Moccio said need to change the eight feet height limit for hedges because you cannot see the signage. Mr. Moccio said he was confused about conforming and non-conforming signs. City Attorney Smith explained lawfully and non-lawfully conforming signs.

Council agreed to hold a two hour sign code workshop on Wednesday, January 11, 2017 at 6:30 p.m.

NEW BUSINESS

1. 2017 Vote Processing Equipment Use Agreement And Elections Services Contract For Municipal Elections

It was the consensus to approve the Agreement as presented and agreed that the absentee ballot postage should continue to be paid by the resident.

2. 2017 Municipal Election Calendar

City Clerk Meeks referred to the Election Calendar and noted the qualifying period. She also explained that because there are no State and County elections in March, there will not be a County Canvassing Board. She said the City would have to provide a Canvassing Board.

Council President Dowless made the Motion that the Canvassing Board Members be City Clerk Meeks, Council Member Chotas and resident Regina Dunay; Seconded by Council Member Henley. Unanimously approved (4/0).

3. Waste Management – CPI

City Clerk Meeks referred to her memo and noted that no action was needed.

Council Member Powell asked about paper rebates and wants to know what the City can do to get a rebate. Mayor Bagshaw will follow-up with this question to Waste Management.

4. Temporary 180 Day Moratorium – Draft Ordinance (Re: Medical Marijuana Dispensaries)

City Attorney Smith said the draft Ordinance is for information only and for Council to decide if they want to move forward with the Ordinance. *It was the consensus of Council to move forward with first reading.* City Clerk Meeks stated to Council that that the budget for legal ads is about half-way into the budget. She said she is letting Council know because there may be a budget amendment request to increase the funds for legal advertising.

GENERAL INFORMATION (No action required)

None

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES

No reports.

STAFF REPORTS

City Attorney:

City Attorney Smith said that the City of Maitland is doing a study for their downtown master plan. He said he will provide a copy to the City Clerk to share with Council and the Planning & Zoning Board, as he thought it would be interesting to them.

Police Chief:

- Monthly report

Chief Francisco provided Council with an Interlocal Agreement (mutual aid with other cities/not the County) and asked Council to approve the Mayor and Chief signing the Agreement. Chief Francisco expanded on what the mutual aid allows when responding to a mutual aid request. In response to Council President Dowless, City Attorney Smith said he reviewed the Agreement and he has no objections. Council Member Henley said she cannot vote on something that she has not read. Chief said that when the Agreement expires at midnight on December 31st the City will not respond and vice versa.

Council President Dowless made a Motion to approve and authorize the Mayor and Chief signing the Agreement; second by Council Member Powell. Approved (3/1 Henley oppose).

Chief Francisco said the City received the Commander's award from Toys For Tots, in recognition of all the toys the City collected.

Chief Francisco presented his monthly PowerPoint presentation.

City Clerk:

- Updated Council on the RFQ/RFP for cleaning services that will be advertised on December 29, 2016 and January 5, 2017.

MAYOR & COUNCIL REPORTS

- **Mayor Bagshaw:**

- Updated Council on the status of quiet zones and his discussion with Orange County staff. He said Edgewood is first on the list when the project begins in February.
- Reported that the Santa Fly-in was a success. He said there were 104 Santa letters left in the Christmas mailbox. Mayor Bagshaw said that Shannon Patterson and PD staff mailed out over 100 acknowledgment postcards to the kids who mailed a letter to Santa. He said the postcards were mailed from Christmas, Florida.
- Reported that there was a great turn out at the City's Toys For Tots event.
- Reported that the redevelopment for Julie's Waterfront is not moving forward because of the need for more parking.

- **Council President Dowless:**

No report.

- **Council Member Powell:**

No report.

- **Council Member Henley:**

No report.

- **Council Member Chotas:**

No report.

- **Council Member Fortini**

No report.

ADJOURNMENT

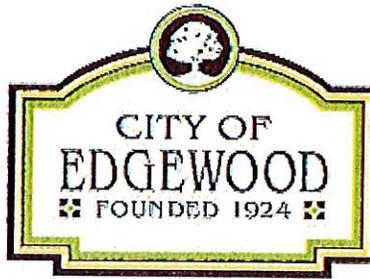
Having no further business or discussion, Council member Henley made a Motion to adjourn; Seconded by Council Member Powell. The City Council meeting adjourned at 8:29 p.m.

John Dowless
Council President

Bea L. Meeks, MMC, CPM, CBTO
City Clerk

Approved on _____

DRAFT



TO: Mayor Bagshaw, Council President Dowless and Council Members Powell,
Henley, Chotas and Fortini
DATE: January 11, 2017
FROM: Bea L. Meeks, City Clerk
RE: Orange Avenue Corridor Study Presentation

As you know from Mayor Bagshaw's reports to Council, there has been ongoing work and discussions regarding the Orange Avenue Corridor Study. The City requested that MetroPlan provide this study to aid the City in consideration of future development and redevelopment on the Orange Avenue and Hansel Avenue corridors. The study will also help with visioning related to beautification, access management, traffic congestion, and other concerns that have been expressed related to the improvements of these two corridors.

For the purposes of this presentation, the presentation may lend some aid in your consideration of the uses in the C-2 and C-3 zoning districts when you consider the draft moratorium Ordinances regarding these uses. The Planning & Zoning Board had the same presentation provided to them in their January 9, 2017 Board meeting.

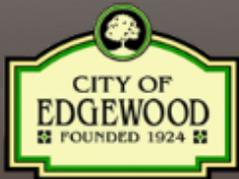
RECOMMENDATION: None. This presentation is informational only and is information you may want to consider in reviewing the draft Ordinance regarding a moratorium on C-2 and C-3 uses.



Orange Avenue Corridor Study

FDOT D5 Update Meeting

November 7th, 2016



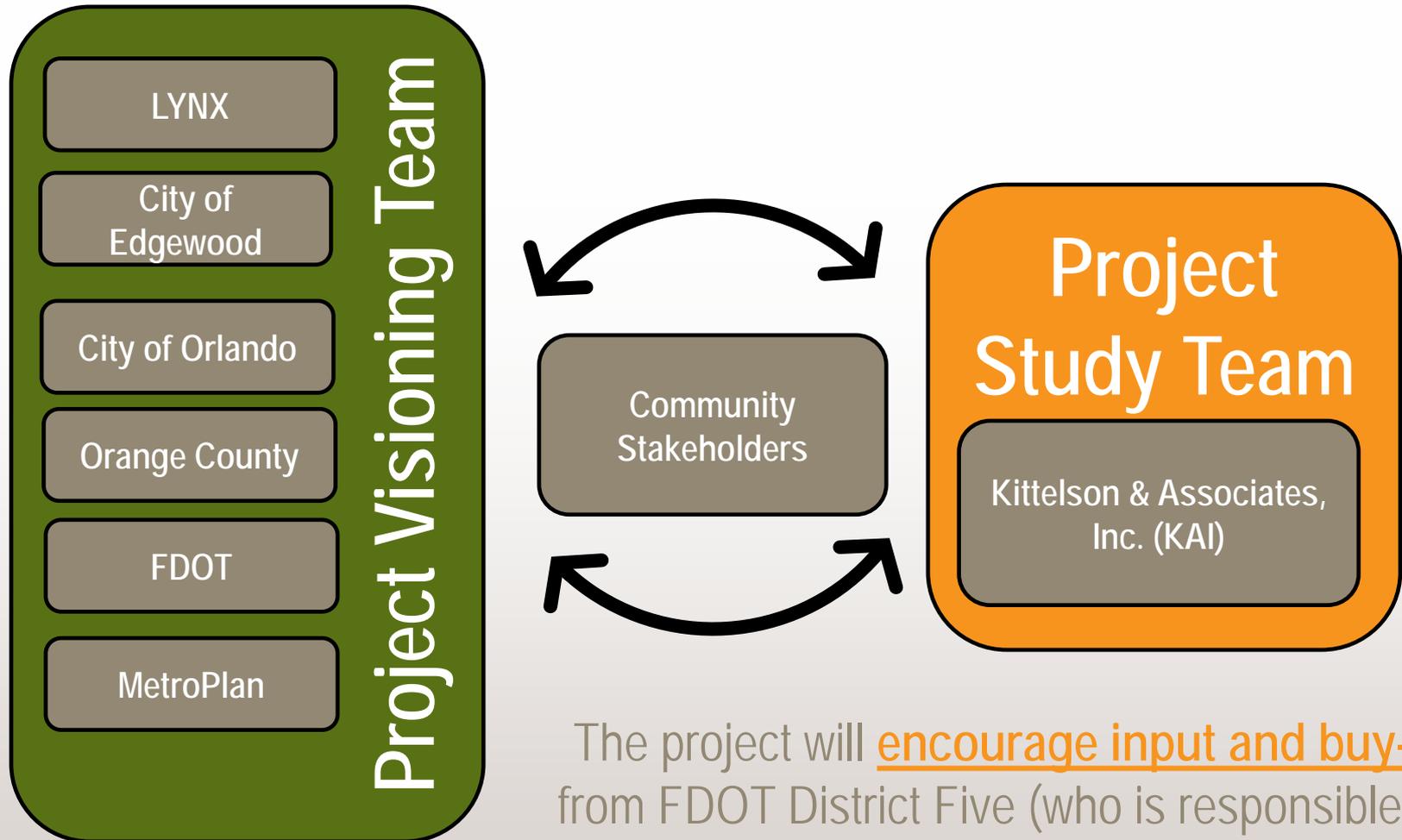
- Project Overview
- Cross Section Alternatives
- Land Use/Transportation Issues
- Next Steps



- Previous studies looked north and south of the corridor;
 - The City of Edgewood requested MetroPlan Orlando conduct a context-sensitive planning study (similar to the other studies north and south of the corridor) to make Orange Avenue a more livable, walkable, and multi-modal corridor.
-



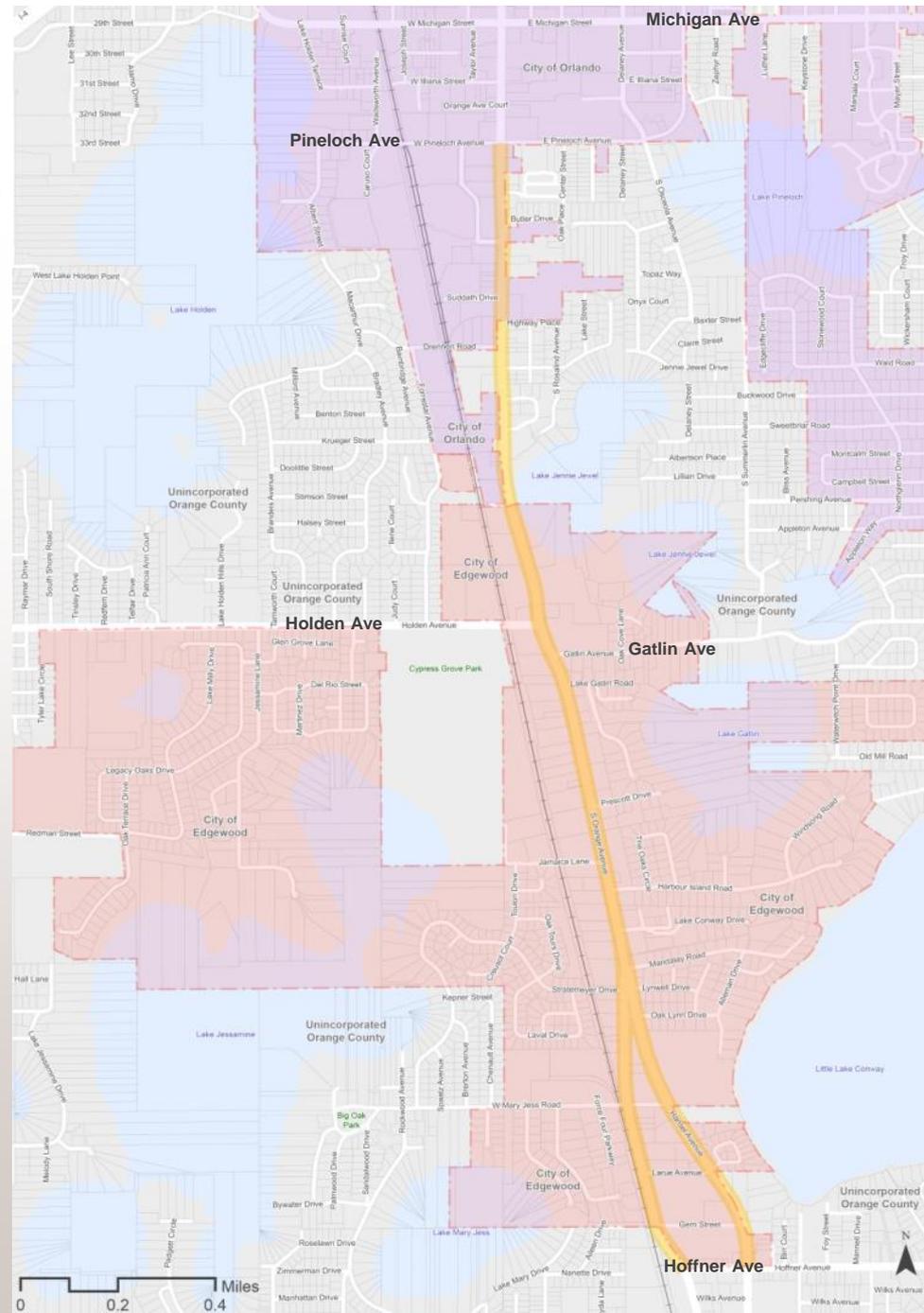
Orange Avenue Corridor Study



The project will encourage input and buy-in from FDOT District Five (who is responsible for the roadway), the community, and agency stakeholders.

- Study Corridor
- City of Edgewood
- City of Orlando
- Unincorporated Orange County

Source: Orange County, City of Edgewood, and City of Orlando



Jurisdictions & Study Area



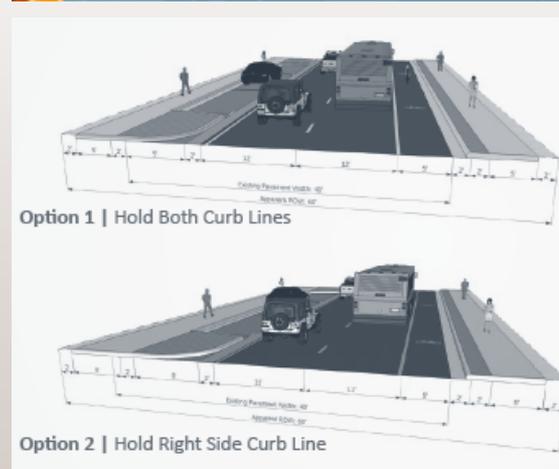


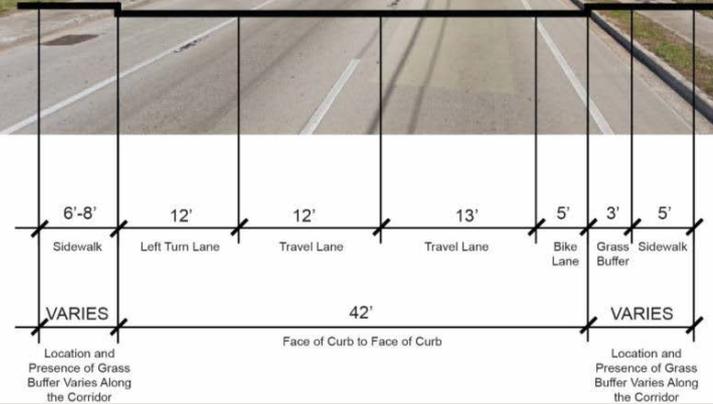
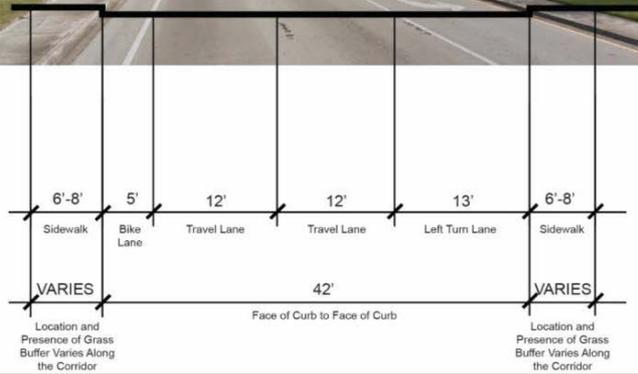
Photo: Google Streets

- Safety – Pedestrian, Bicycle, Transit, Autos
- Beautification/Gateway
- Redevelopment Opportunities
- Access Management
- Multimodal Alternatives
- Traffic Congestion



- (2001) City of Edgewood MP
 - “A more livable Edgewood where pedestrians, cyclists, transit users and motorists peacefully coexist.”
- (2013) Orange Avenue “North” Corridor Plan
 - Safety, Aesthetics, & Multimodal Enhancements
- (2014) City Of Edgewood MP via ULI Technical Assistance Panel (TAP)
 - Market Viability, Enhance Connectivity, Funding Strategies
- (2014) Orange Avenue “South” Corridor Plan
 - Safety, Aesthetics, Multimodal Enhancements, & Phasing





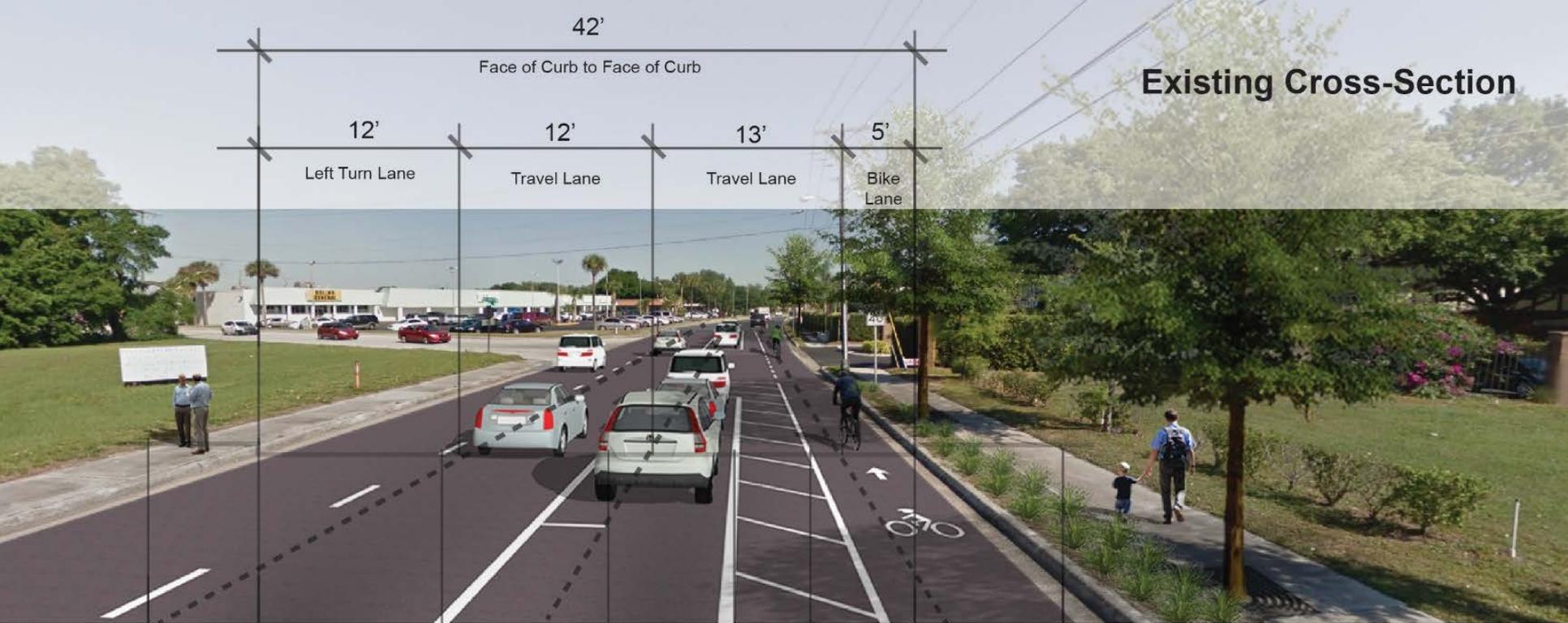
Southbound

Northbound

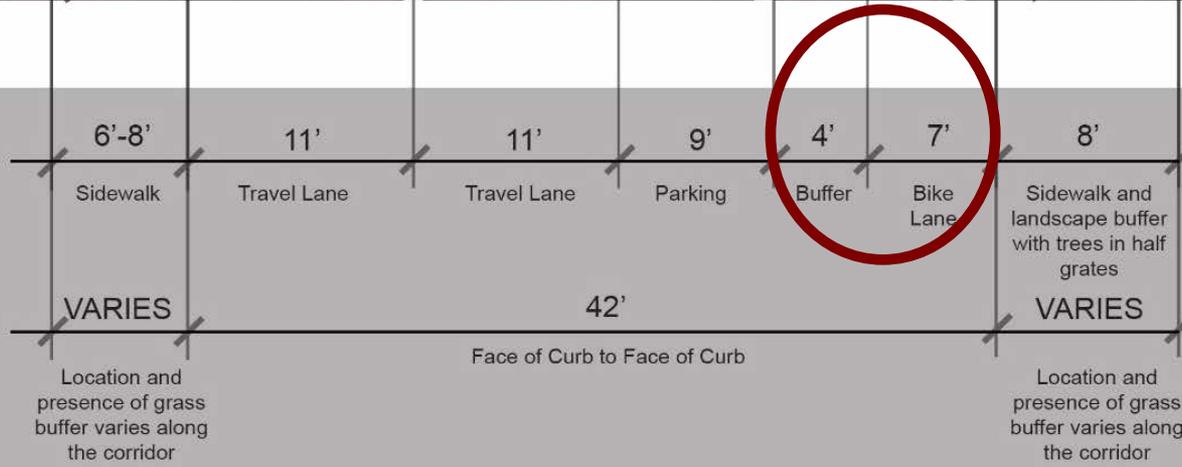
Hoffner Avenue to Stratemeyer Drive (One-Way Pair)



Existing Conditions | Existing Sections



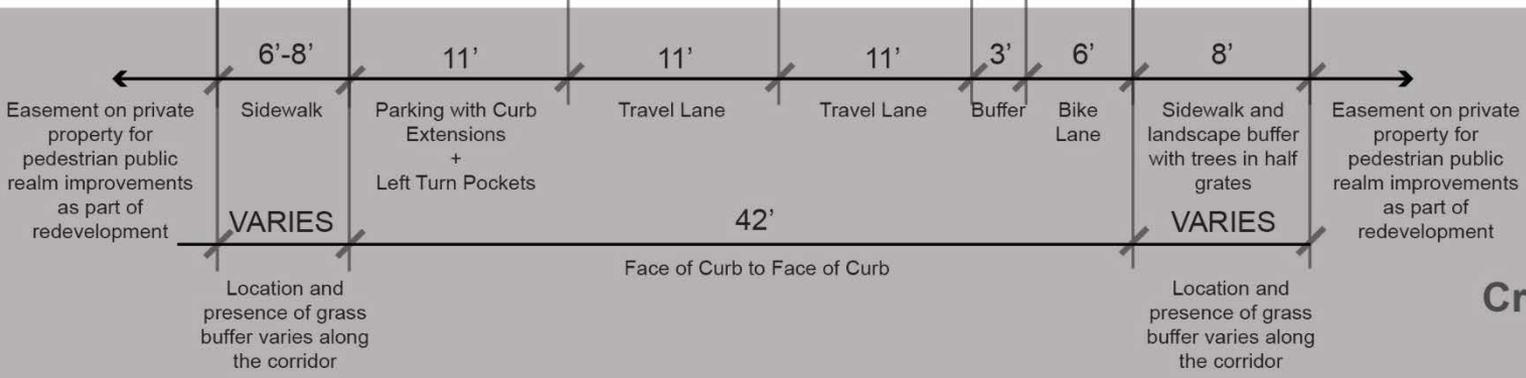
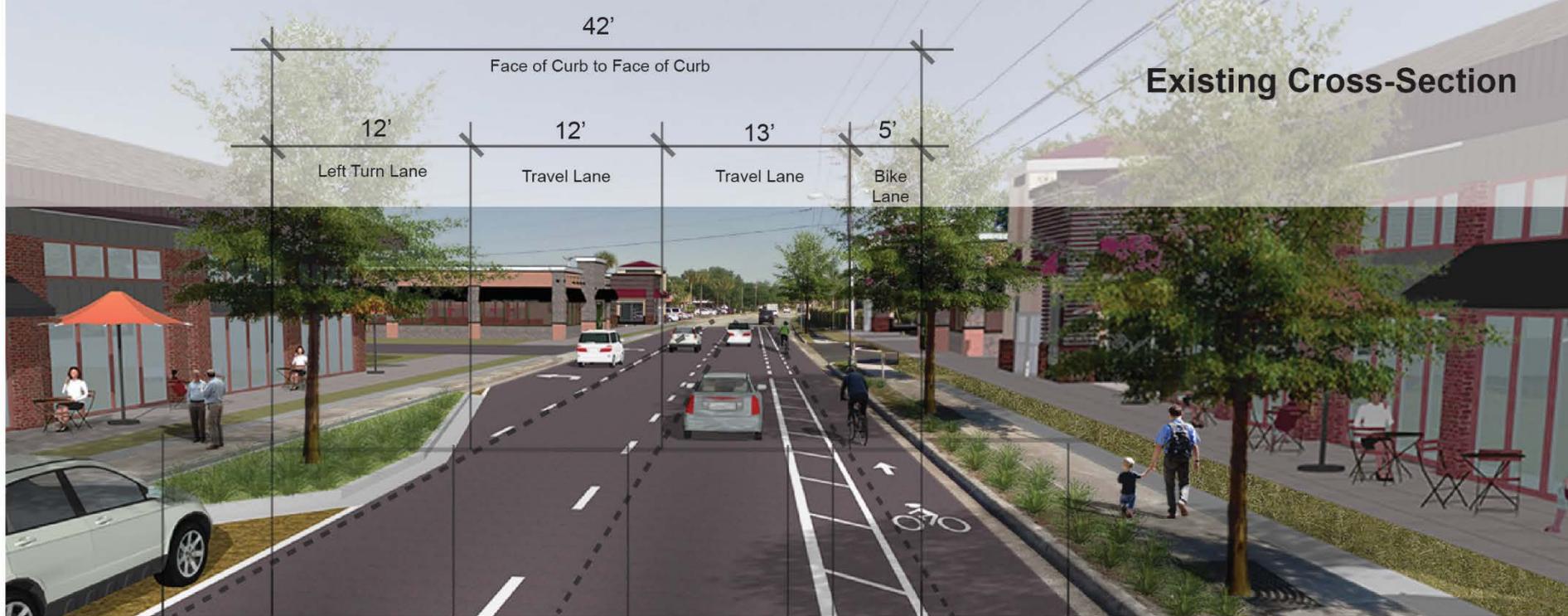
Existing Cross-Section



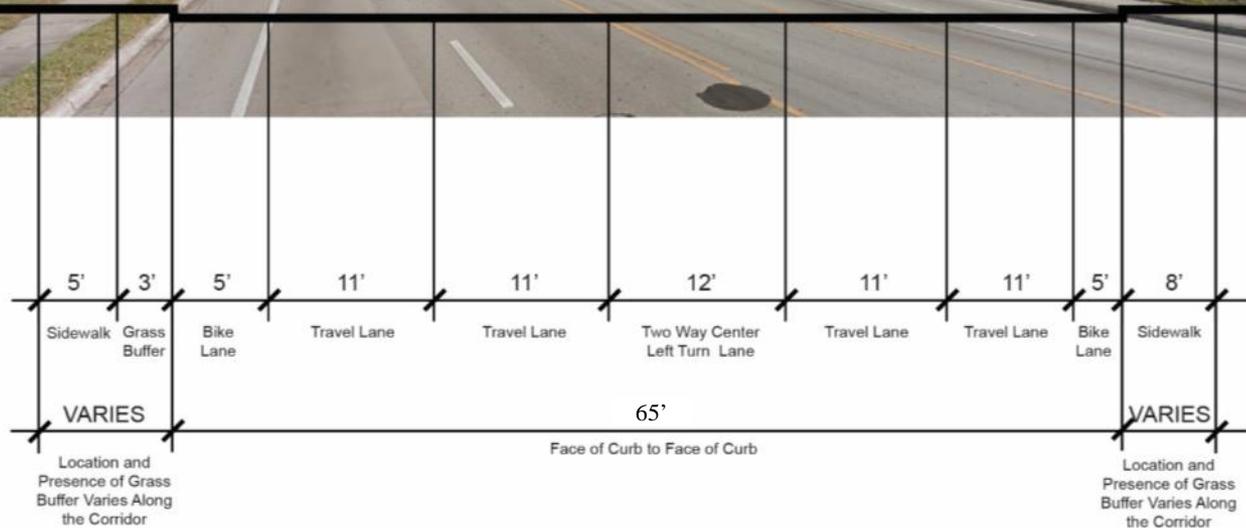
Proposed Cross-Section Option



Alternatives | One-Way Option 2 (Near Term)



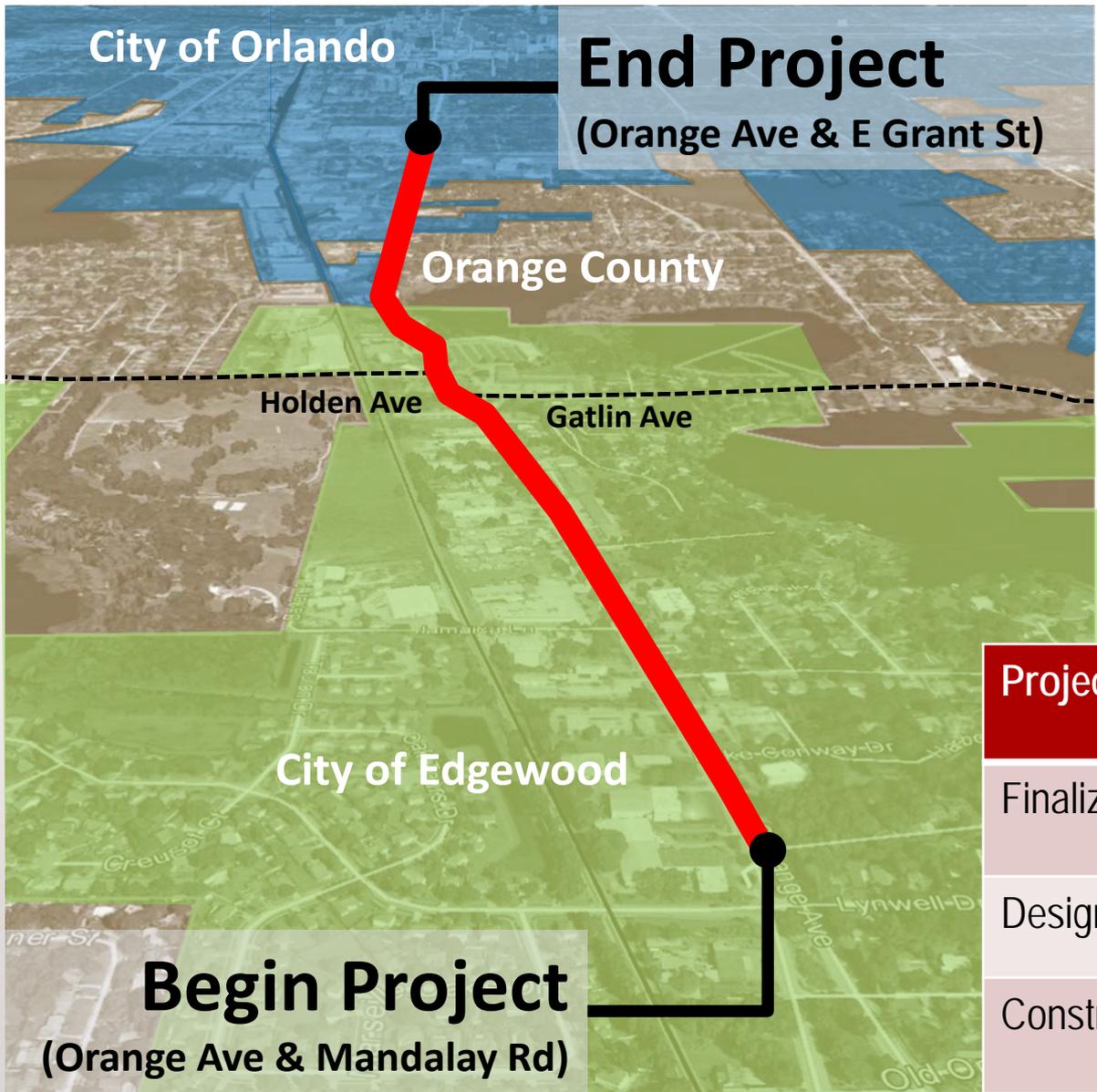
Alternatives | One-Way Option 3 (Long Term)



Stratemeyer Drive to Pineloch Ave (Two-Way)



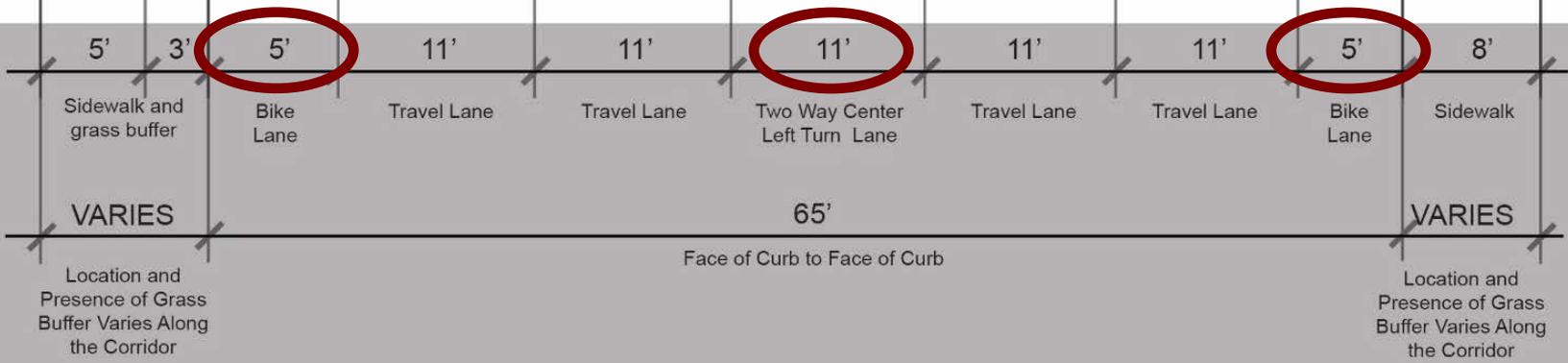
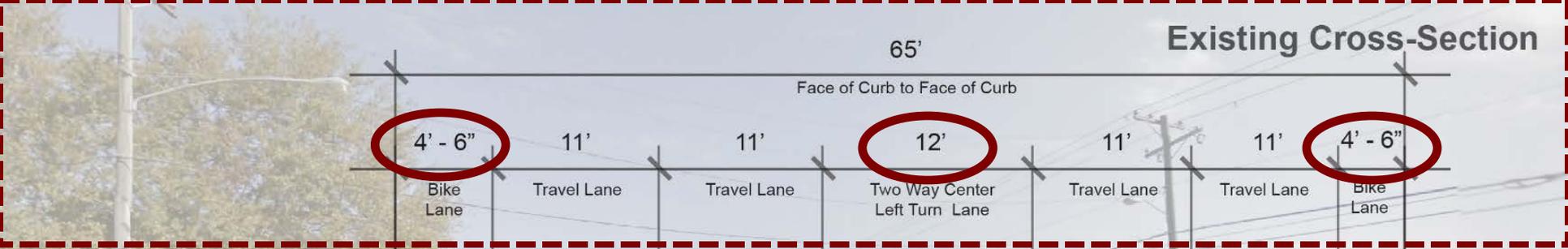
Existing Conditions | Existing Sections



Project Schedule	
Finalize project scope	June 2016
Design	FY 2017
Construction	FY 2019



FDOT 3R Project | Project Overview

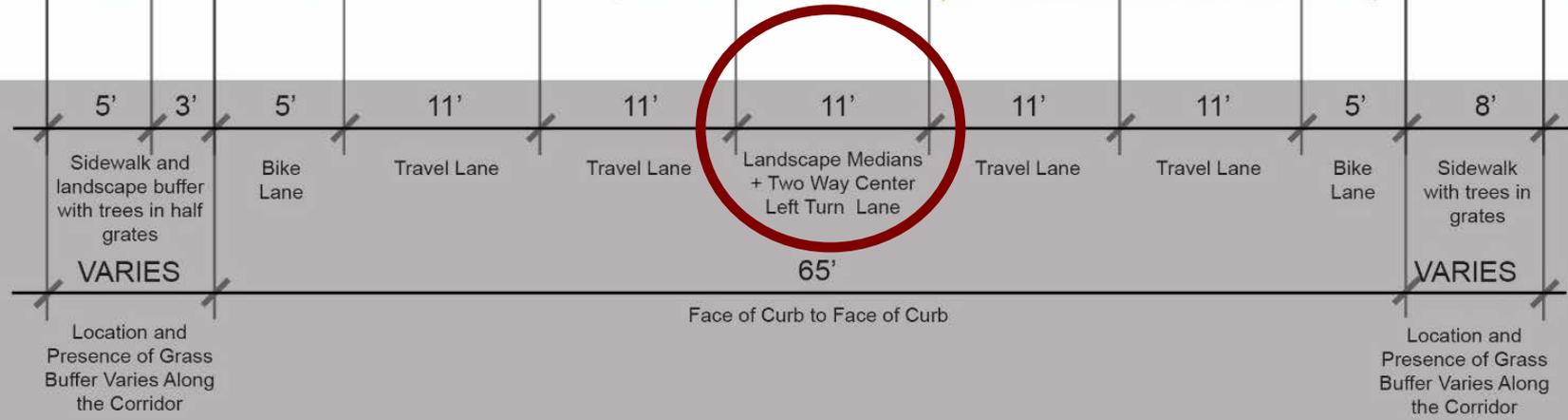
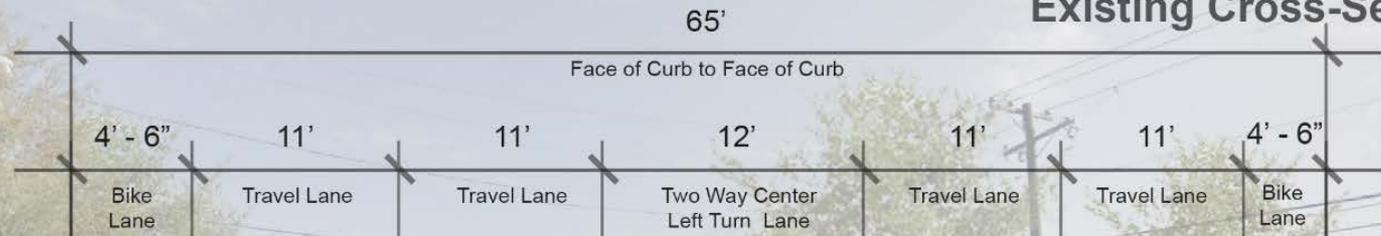


Proposed Cross-Section Option



FDOT 3R Project | Modified Lane Widths

Existing Cross-Section



Proposed Cross-Section Option

Alternatives | Two-Way Cross Section: Option 1b (Long Term)



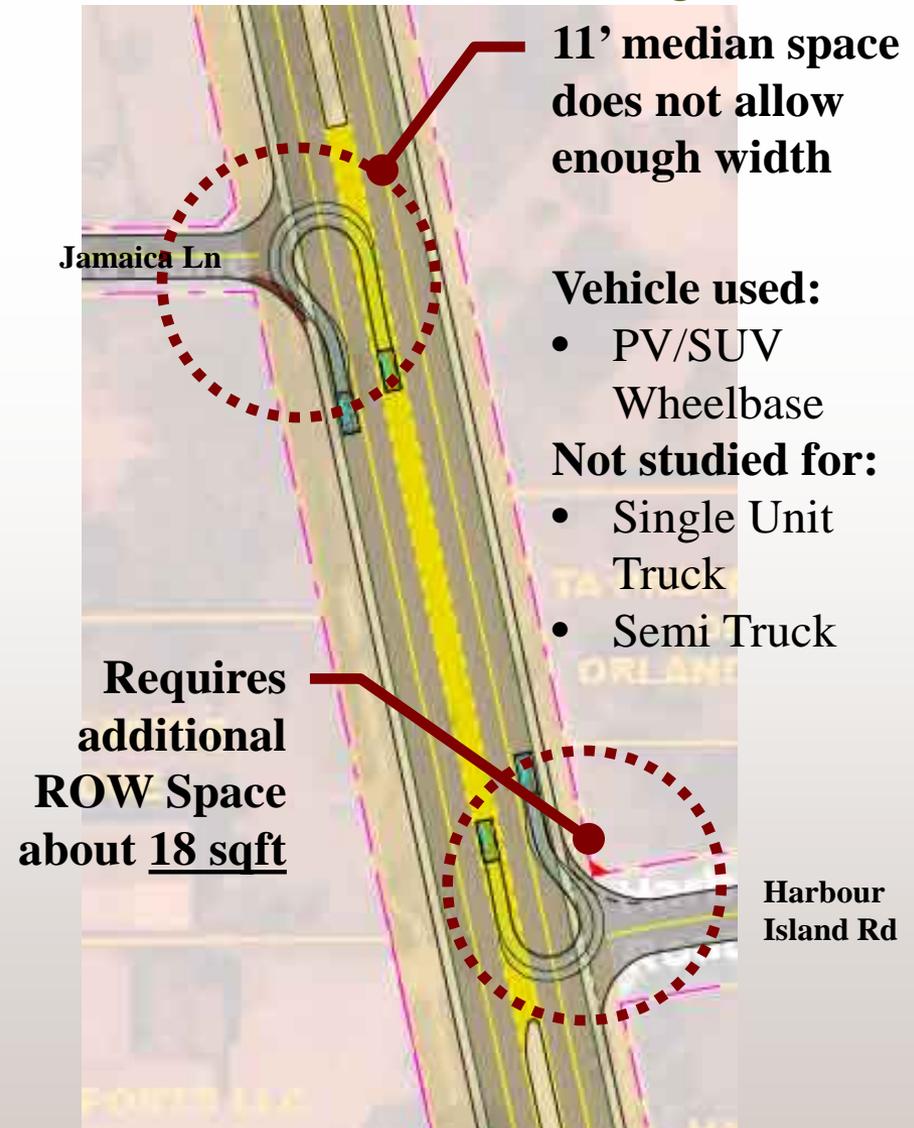
Orange Avenue Corridor Study



Alternatives | Landscape Median and Pedestrian Refuge Island

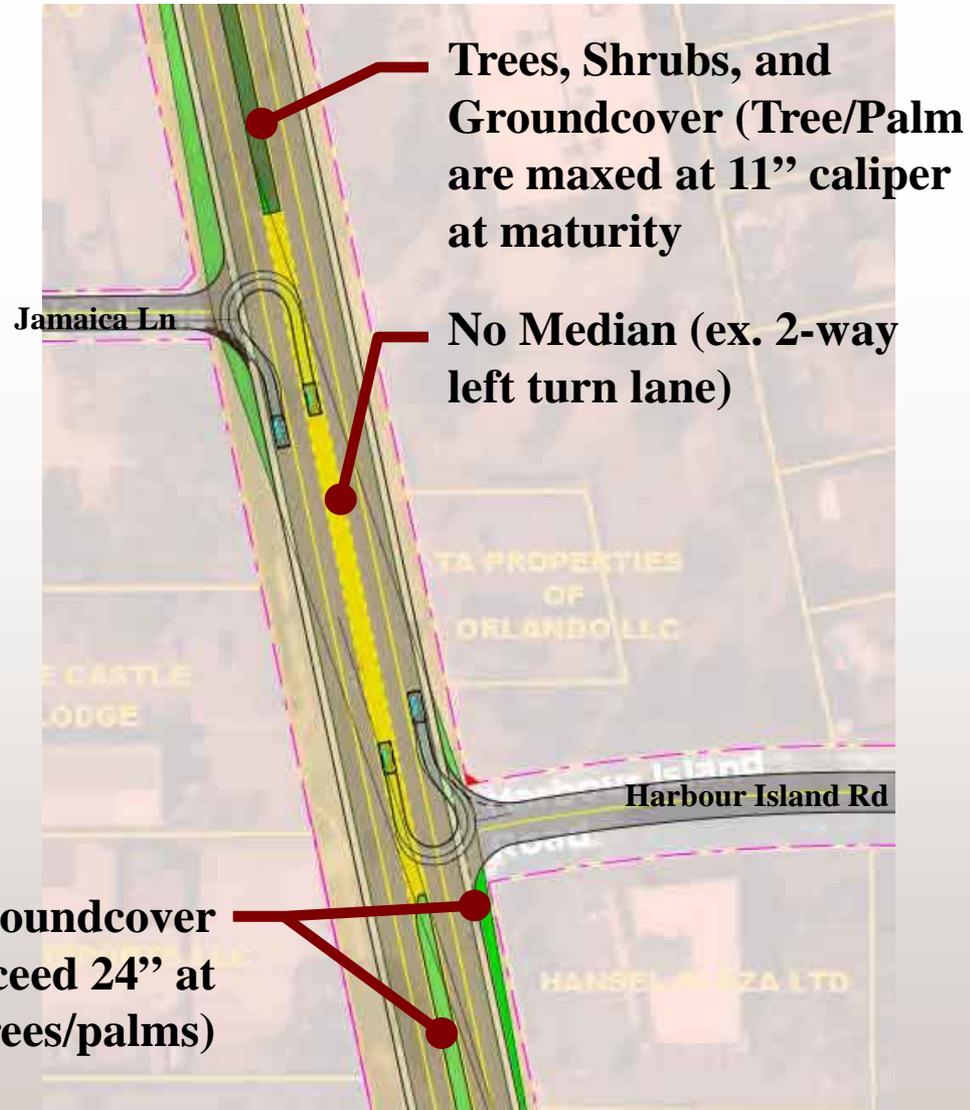
Orange Avenue Corridor Study

- The 11' median is not achievable within the current curb-to-curb width (lack of adequate width for U-turns)
- To implement a median, the curb has to move 4'-0".
- This can be done on either side, but in order to avoid a taking, it will need to shift back and forth from the west and east side throughout the corridor assuming the ROW is correct.



Orange Avenue Corridor Study

- Maintain sight lines to allow for safe traffic movements around median islands.
- Back-of-curb to ROW landscape improvements can be implemented for a near-term beautification improvement.



Orange Avenue Corridor Study

- Median Improvements at Stratemeyer Drive can be implemented for a near-term beautification improvement.



Trees, Shrubs, and Groundcover (Tree/Palm are maxed at 11" caliper at maturity)

Only grass or Groundcover that does not exceed 24" at maturity (NO trees/palms)

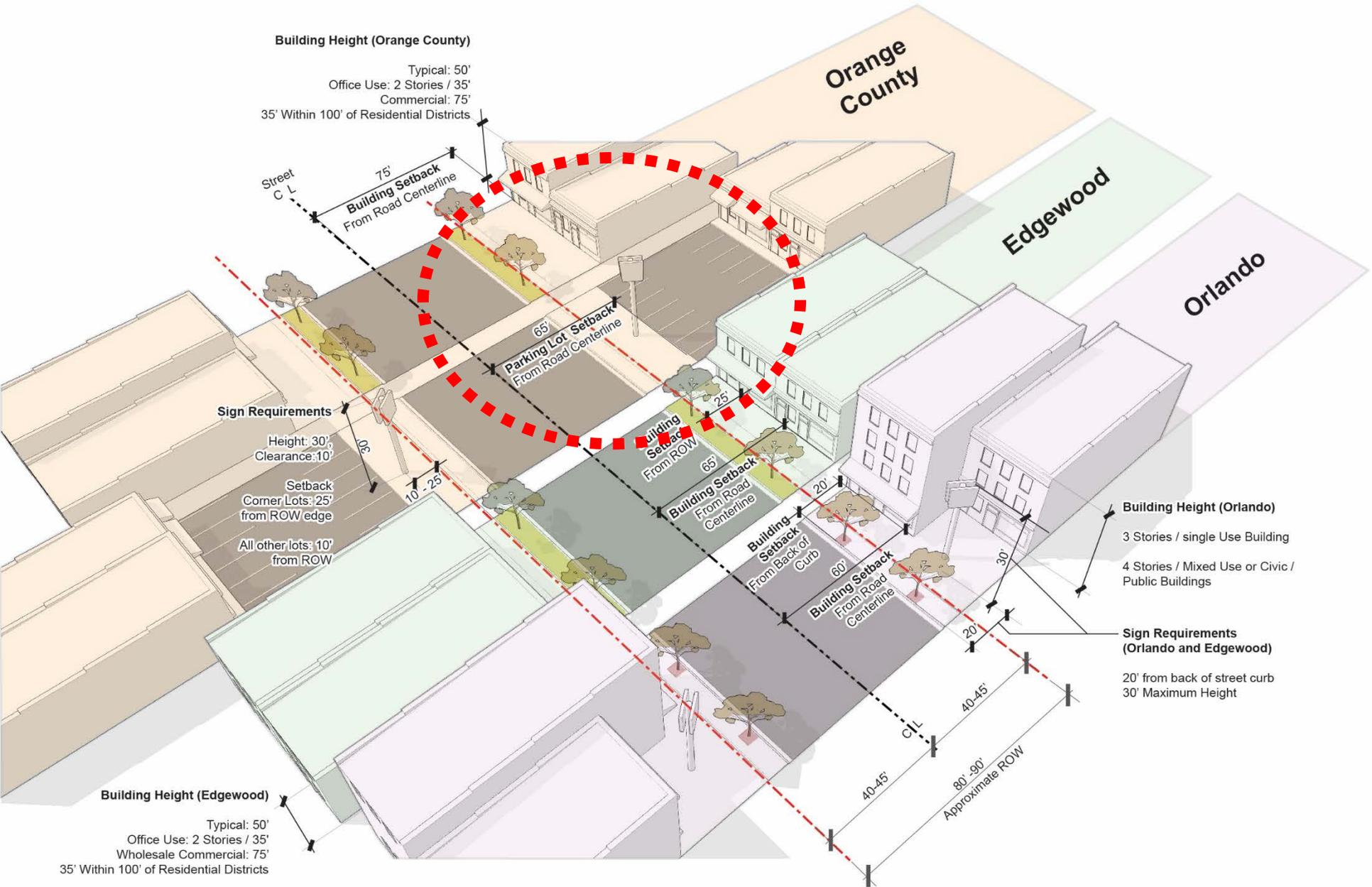
Land Use & Zoning “Audit”

Parcel Standards

Vehicular Access & Parking Standards

Pedestrian Standards

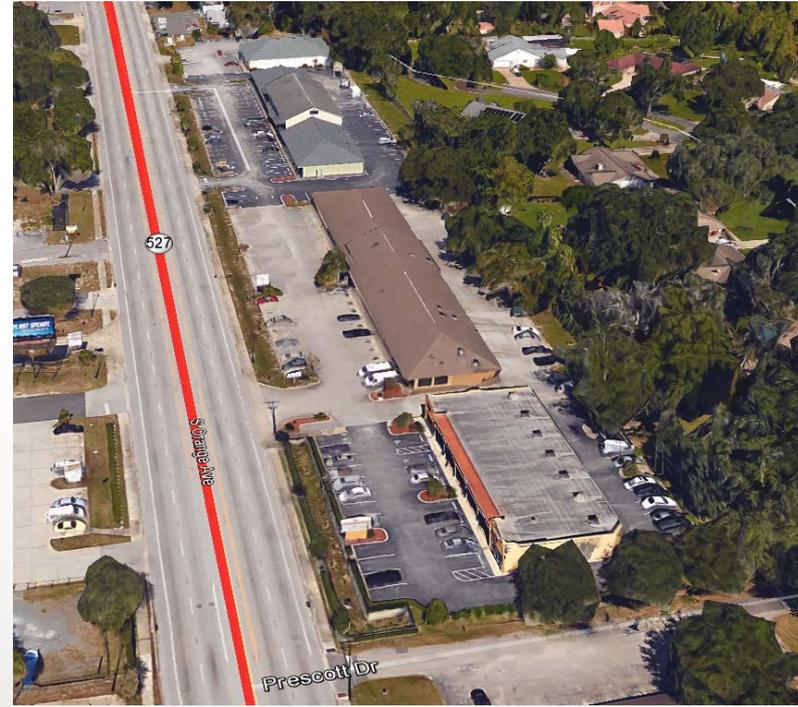




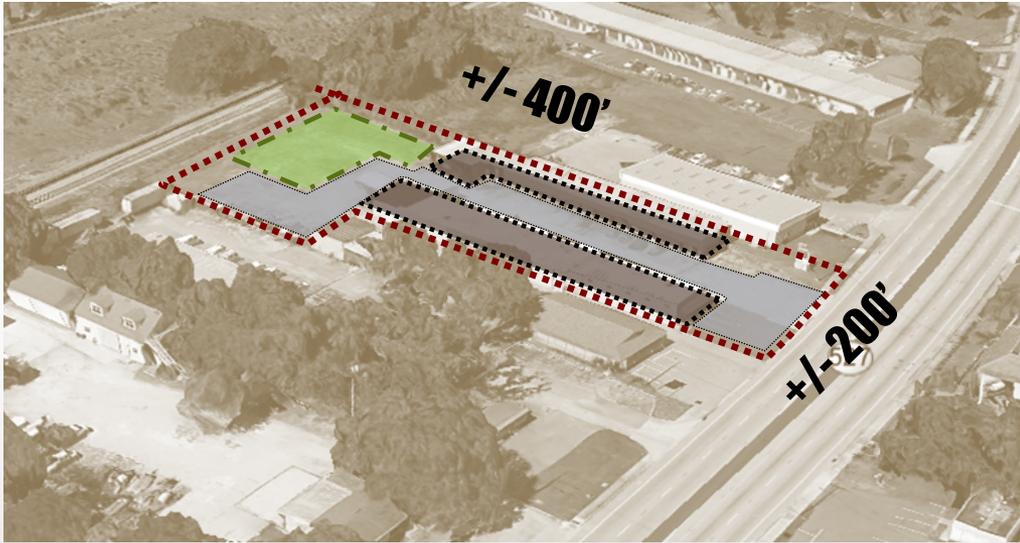
LU & Zoning Audit | Parcel Standards



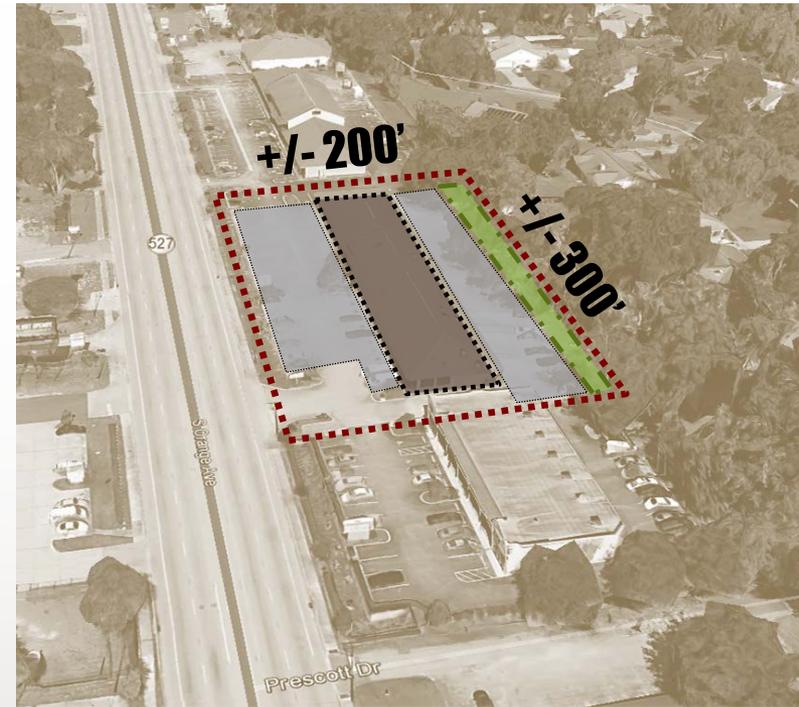
Deep Parcel, Narrow Frontage



Shallow Parcel, Long Frontage

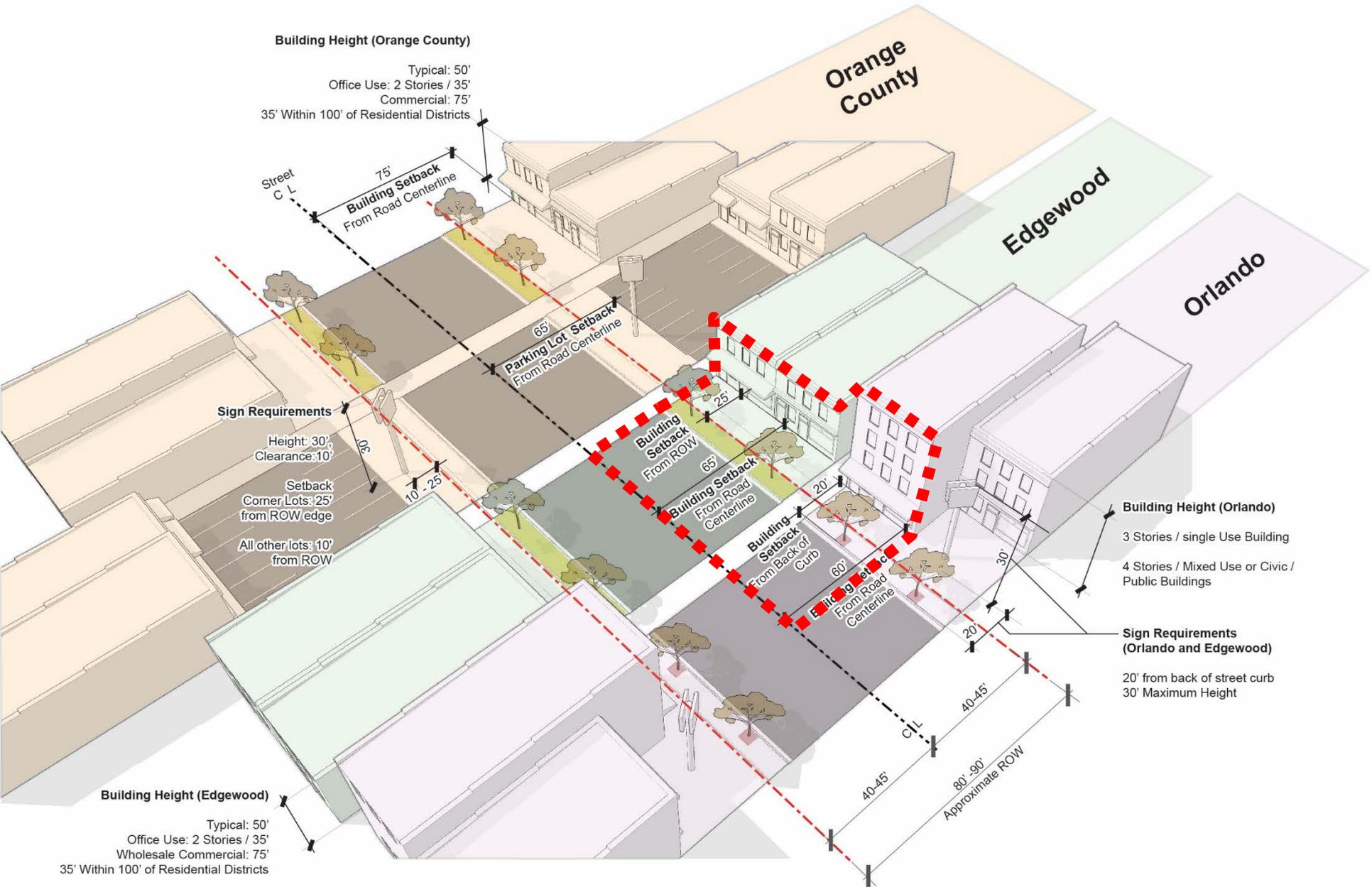


Lot Size – 57,556 sf (1.3AC)
 (2) Bldgs, 1-Story each Total – 11,391sf
 Parking Req – 58 sp
 Parking Provided – 64 sp
 Impervious Area – 37,836sf (66%)
 Pervious Area – 19,720 (34%)



Lot Size – 55,170sf (1.3AC)
 (1) 1-Story Building – 12,864sf
 Parking Req – 64 sp
Parking Provided – 60 sp
 Impervious Area – 46,537sf (84%)
 Pervious Area – 7,468sf (16%)



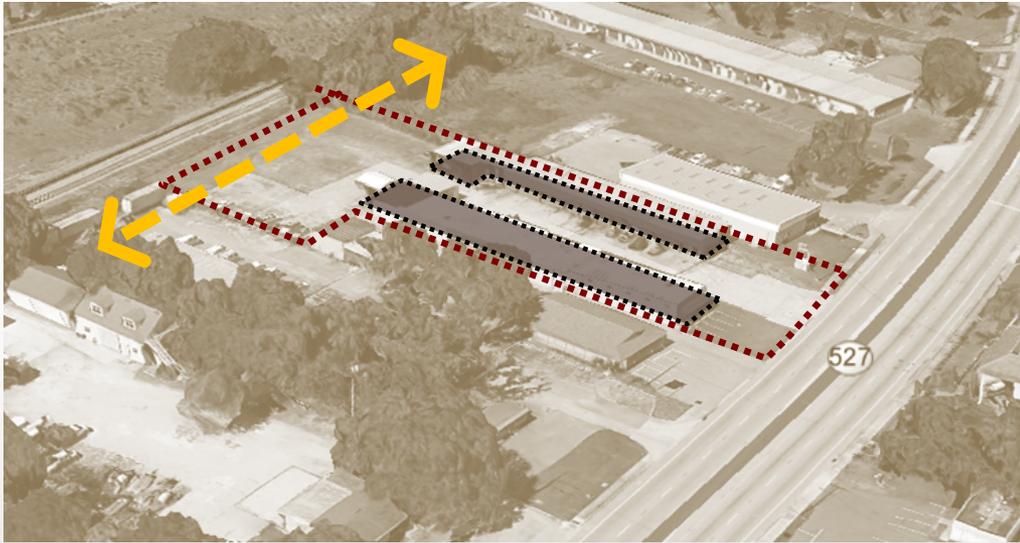


LU & Zoning Audit | Parcel Standards

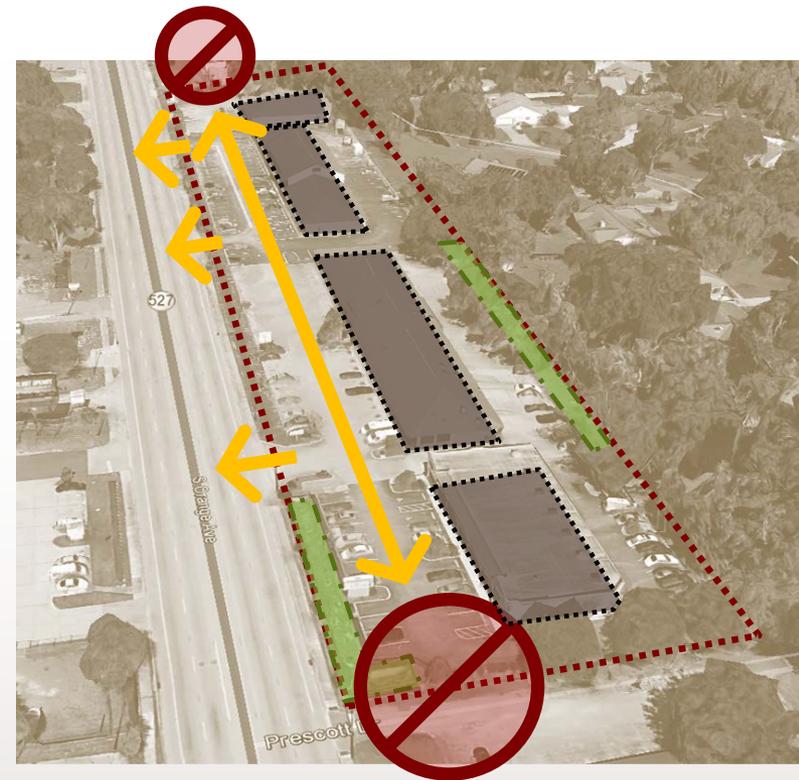
Orange Avenue Corridor Study



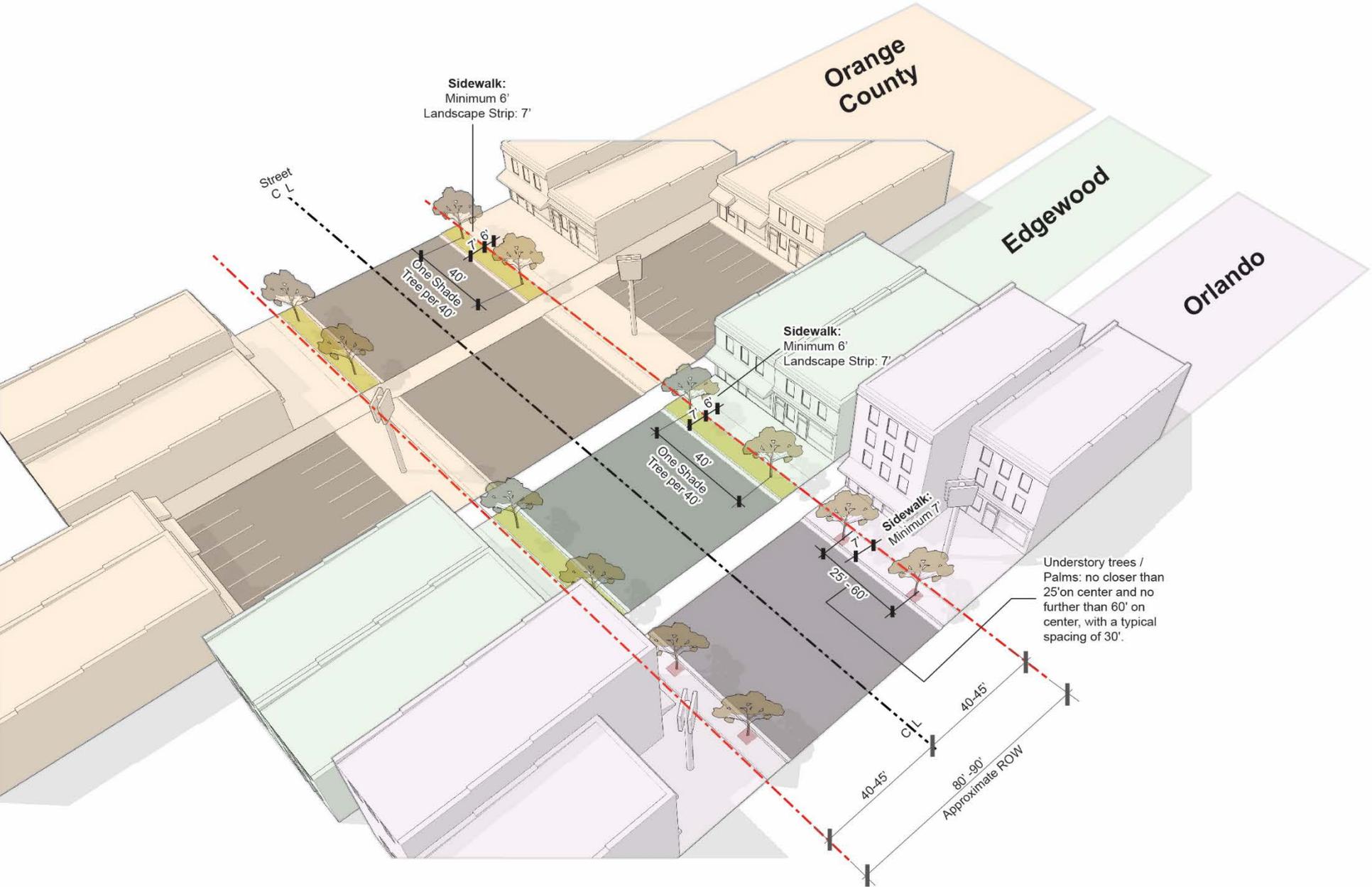
Alternatives | Land Use Changes - SODO



- Very little change over time
- Narrow frontages will limit buildings fronting the street because of access needs
- Deep lots may allow for an alley system over time, potentially reducing needs for curb cuts



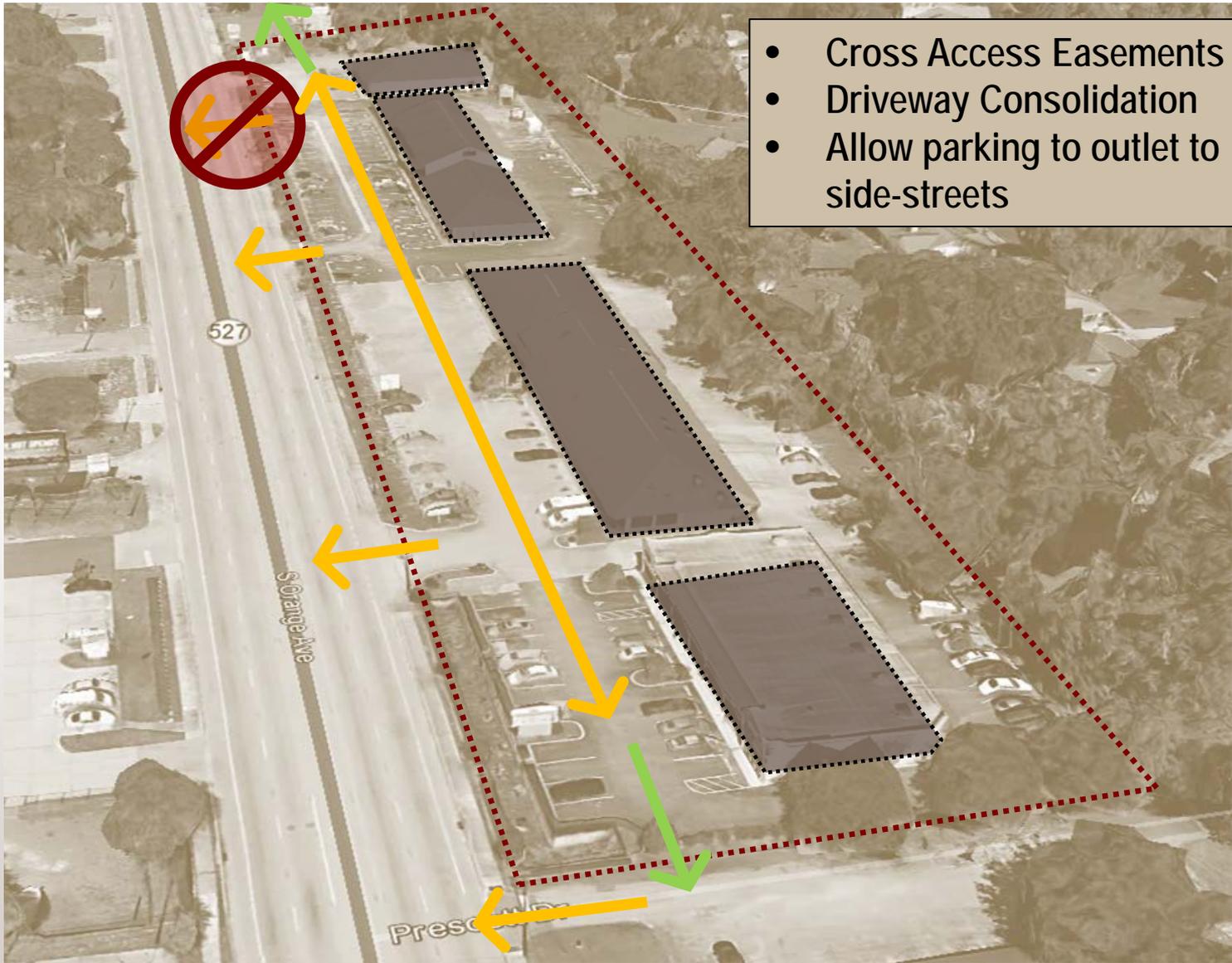
- Multiple lots cooperate to meet stormwater & parking needs, but:
- Cross-Access working, but not helping Orange Ave
- Walkability needs are unmet because every sf is needed for parking

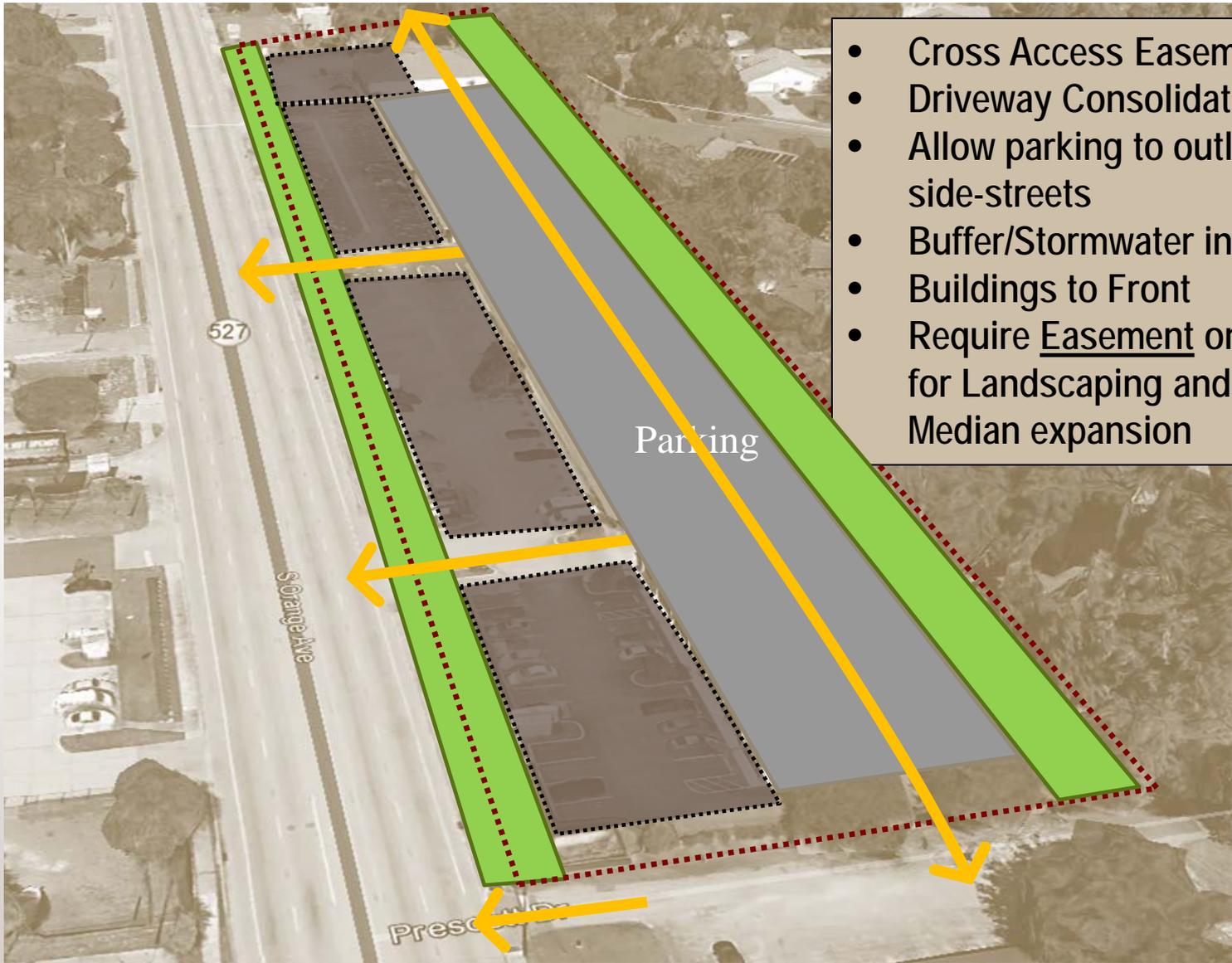


LU & Zoning Audit | Pedestrian Standards



Alternatives | Access Management





- Cross Access Easements
- Driveway Consolidation
- Allow parking to outlet to side-streets
- Buffer/Stormwater in Back
- Buildings to Front
- Require Easement on Front for Landscaping and Median expansion



Alternatives| Access Management (Redevelop)

+/- 6'-0" on either side of Orange Avenue

Further Study Needed

+/- 6'-0" on east side of Orange Avenue



Right-of-Way Easements

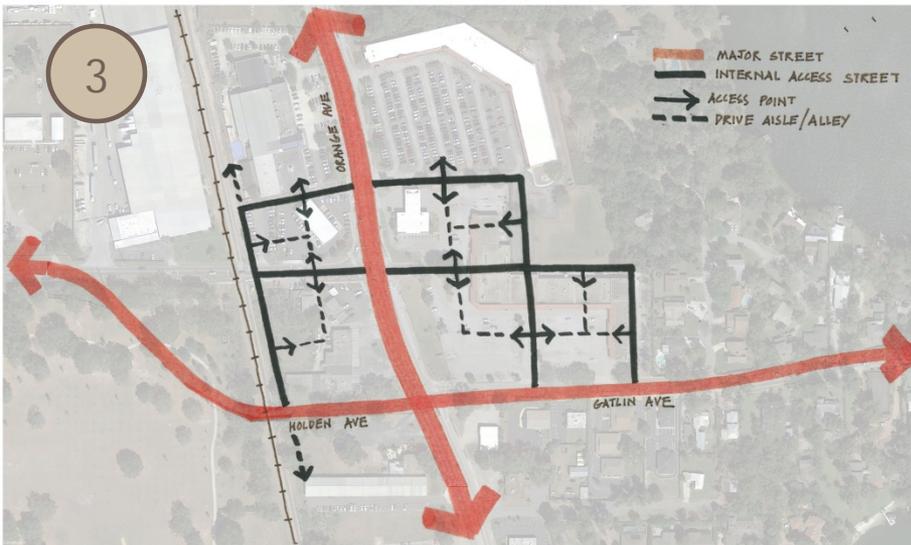
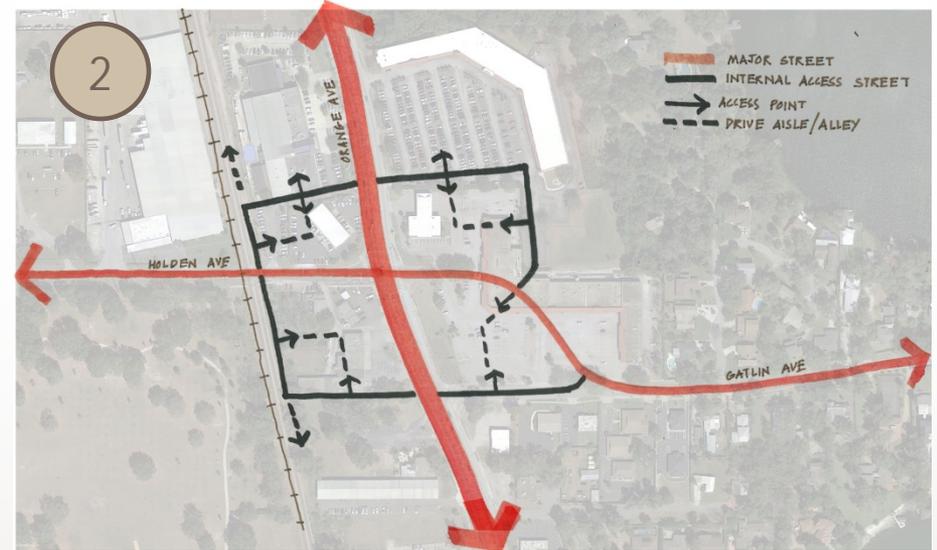
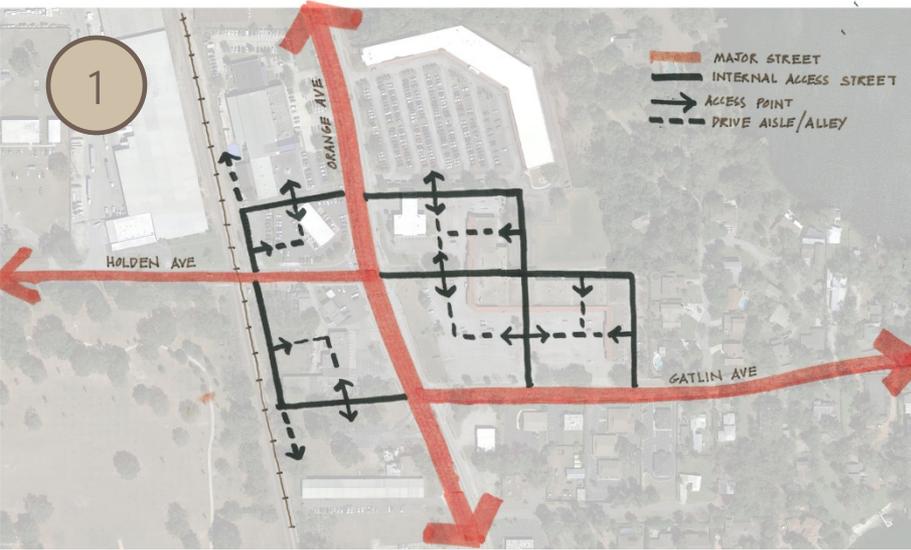


(2015) FDOT
SR 527 at Holden Avenue / Gatlin
Avenue Design

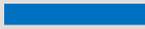
- **Purpose:**
 - Widen the pavement for lengthened side by side left turn lanes along Orange Ave to service Gatlin Ave and Holden Ave.
- **Other improvements include:**
 - Removal of the SB continuous lane;
 - Pavement widening;
 - Introducing mast arm signals;
 - Upgrading pedestrian features;
 - Drainage improvements.

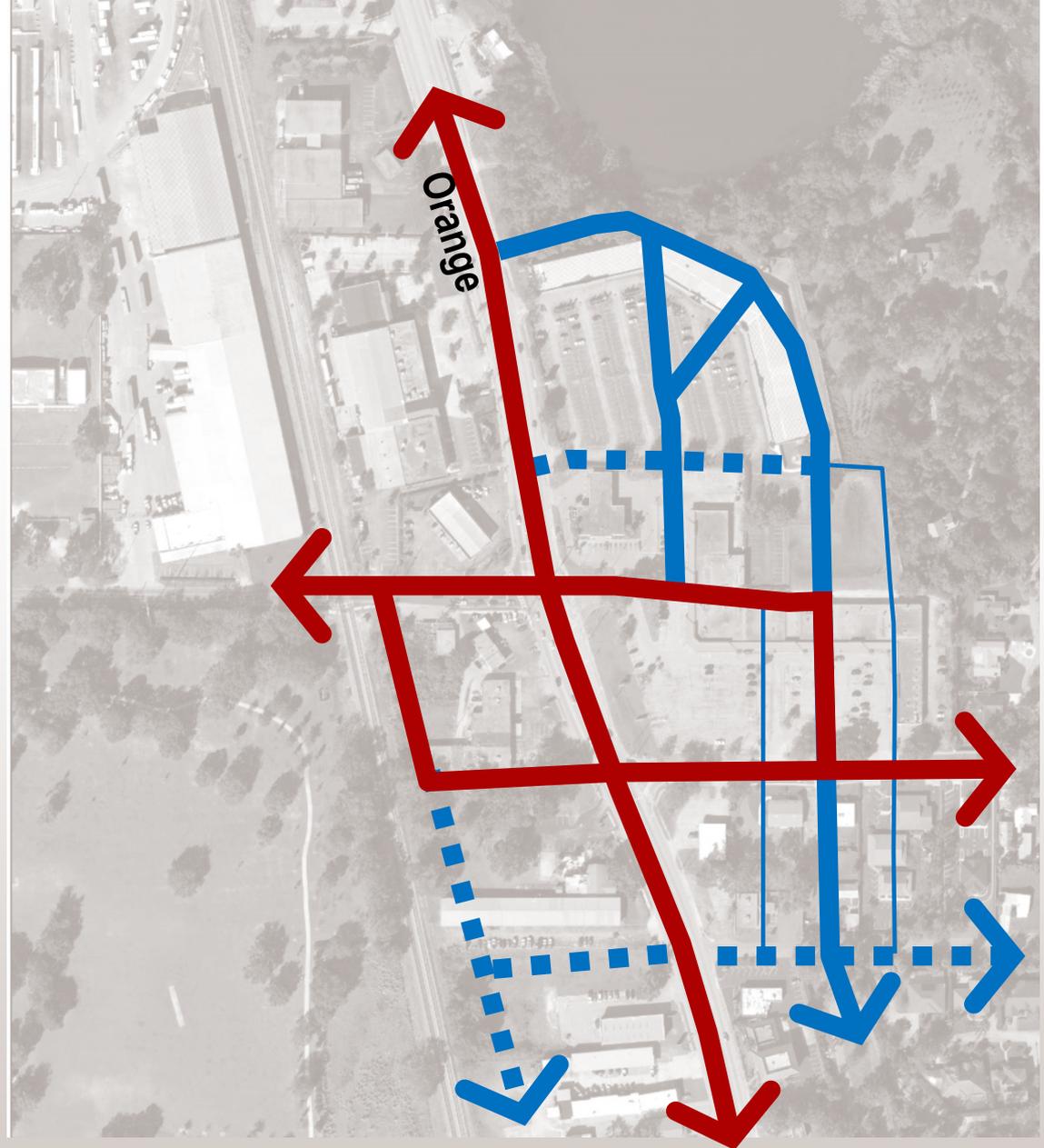


Orange Avenue Corridor Study



- 1 Grid
- 2 Connect Holden (realign Gatlin)
- 3 Connect Gatlin (realign Holden)

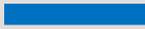
-  Holden, Gatlin, & Orange Alignment
-  Primary Street (A)
-  Secondary Street (B)
-  Alley

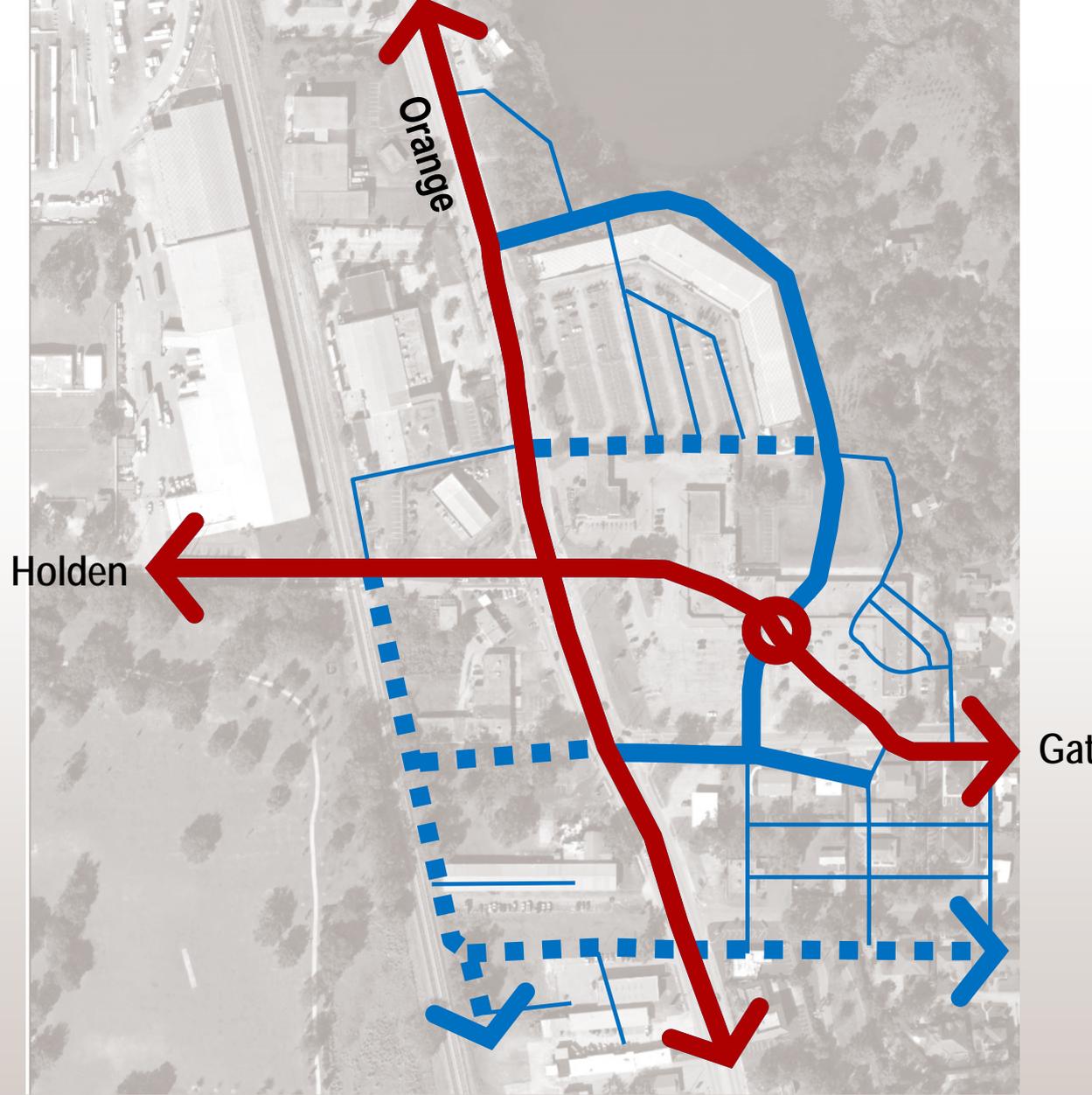


Realignment Alternative 1 | Grid



Realignment Alternatives | Alt 1 - Grid

-  Holden, Gatlin, & Orange Alignment
-  Primary Street (A)
-  Secondary Street (B)
-  Alley

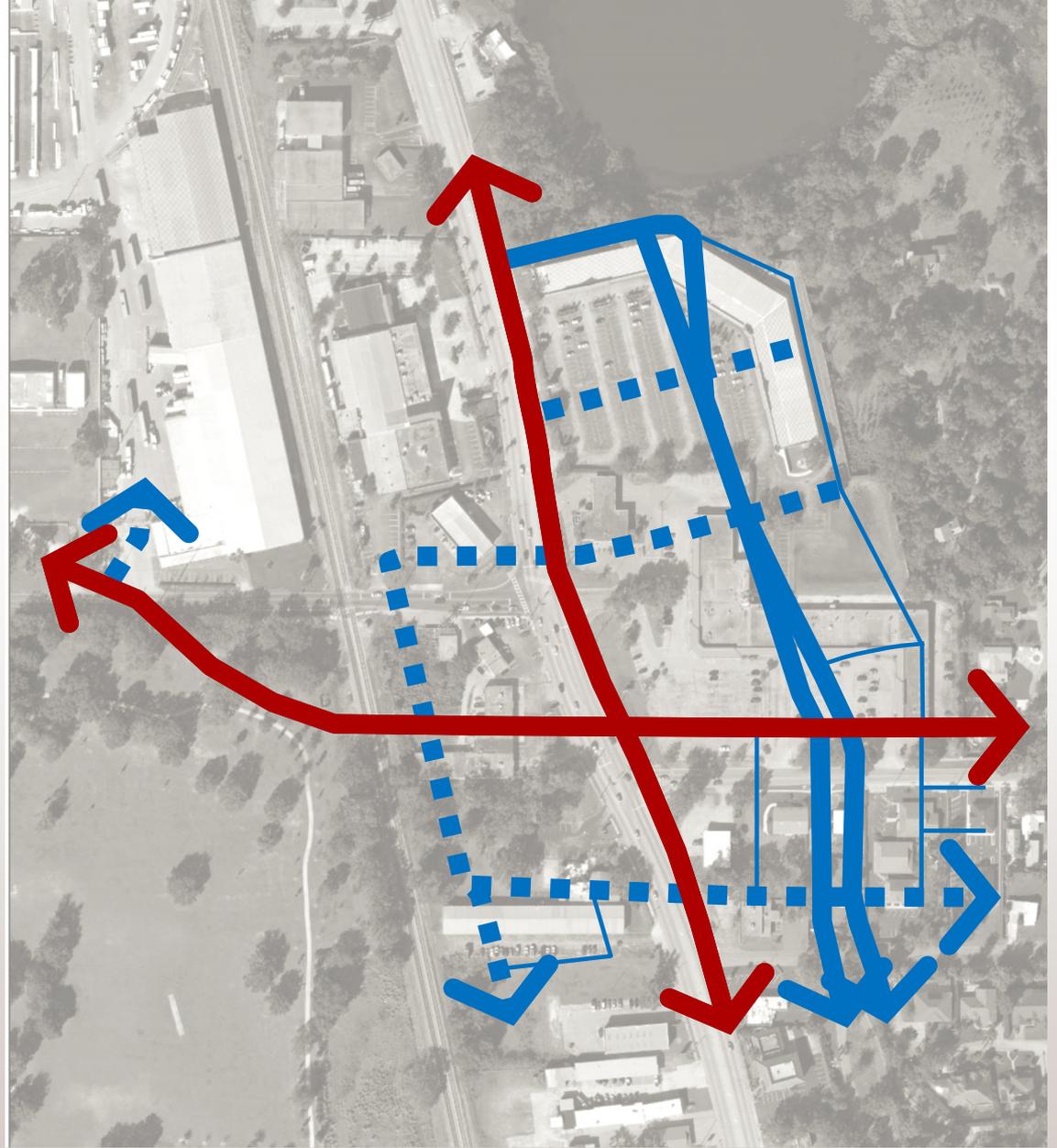


Realignment Alternative 2 | Connect Holden



Realignment Alternative 3 | Connect Holden

- Holden, Gatlin, & Orange Alignment
- Primary Street (A)
- Secondary Street (B)
- Alley



Realignment Alternative 3 | Connect Gatlin



Realignment Alternative 3 | Connect Holden

Year 2035 Travel Time Comparison through Holden/Gatlin Intersections

Scenario	Northbound		Southbound	
	AM	PM	AM	PM
2035 Baseline	3 min, 44 sec	3 min, 37 sec	3 min, 21 sec	5 min, 19 sec
Alt 1	3 min, 30 sec	3 min, 32 sec	3 min, 27 sec	4 min, 46 sec
Alt 2	4 min, 5 sec	3 min, 48 sec	3 min, 41 sec	4 min, 41 sec

1. All scenarios assume the redevelopment of parcels around the Holden/Gatlin intersections consistent with the City's Comprehensive Plan.
2. Travel time is measured from the nearest signalized intersection to the north (Drennen Rd.) and south (Mary Jess Rd.) for a total distance of 1.6 miles.





Photo: City of Edgewood Website

Discussion



Orange Avenue Corridor Study

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY 180 DAY MORATORIUM WITHIN THE CITY OF EDGEWOOD PROHIBITING THE ESTABLISHMENT AND OPERATION OF QUALIFIED DISPENSING FACILITIES FOR LOW-THC AND MEDICAL CANNABIS AND MEDICAL MARIJUANA TREATMENT CENTERS FOR MARIJUANA FOR MEDICAL PURPOSES DURING THE 180 MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2014, the Florida Legislature passes the Compassionate Medical Cannabis Act of 2014, legalizing the cultivation, processing and dispensing of low-THC cannabis by qualified dispensing organizations to qualified patients; and

WHEREAS, in 2016, the Florida Legislature amended the Compassionate Medical Cannabis Act of 2014, legalizing the cultivation, processing and dispensing of medical cannabis and derived products by qualified dispensing organizations to eligible patients; and

WHEREAS, Constitutional Amendment No. 2 was approved by the voters of the State of Florida on November 8, 2016 by a margin of 71.3% in favor of the amendment to 28.8% opposed, and will become effective on January 3, 2017; and

WHEREAS, Constitution Amendment No. 2 provides for facilities for the medical use of marijuana, to be known as Medical Marijuana Treatment Centers ("MMTCs"); and

WHEREAS, Constitutional Amendment No. 2 provides that the Department of Health is to promulgate rules within six months after the effective date of the Amendment that provide, among other things, for the registration of MMTCs no later than nine months after the effective date of the Amendment; and

WHEREAS, future legislation may further expand the legal use of low-THC and medical cannabis and marijuana for medical purposes in Florida; and

WHEREAS, the City of Edgewood desires to study the impacts of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes; and

WHEREAS, the City Council of the City of Edgewood intends, as part of its study, to provide regulatory guidance for the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes within the City of Edgewood; and

WHEREAS, the City Council of the City of Edgewood finds that enacting this temporary moratorium is appropriate to protect the health, safety, and general welfare of its citizens.

NOW, THEREFORE, be it enacted by the City Council of the of Edgewood, Florida on this _____ day of 2017 as follows:

Section 1. Findings. The above recitals are incorporated herein as Findings of Fact.

Section 2. Moratorium on the Establishment and Operation of Qualified Dispensing Organizations for Dispensing Low-THC and Medical Cannabis and Medical Marijuana Treatment Centers.

- a. A temporary moratorium is in effect prohibiting the acceptance, processing, or approval of any application, including any application for a business tax receipt, within the City of Edgewood, Florida, relating to the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes from the effective date of this Ordinance until the date 180 days after the effective date of this Ordinance, until the City Council approves and enacts land development regulations addressing the uses subject to this moratorium, or until the City Council approves an enacts an Ordinance terminating this moratorium, whichever occurs first;
- b. During the effectiveness of the moratorium, the City shall study the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes;
- c. City staff shall report its findings to the City Council, together with any recommended ordinance for the City Council's consideration, prior to the expiration of the temporary moratorium; and
- d. If the City requires additional time to complete the study and provide its recommendations to the City Council, the Council may consider extending the moratorium through a subsequent ordinance providing the justification for the extension, with the extension of the moratorium subject solely to the Council's discretion, provided, however, that the moratorium shall not be unnecessarily extended so as to prevent the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes within the City of Edgewood.

Section 3. Non-codification. The provisions of this Ordinance, being temporary in nature, are not intended to be codified as a part of the Code of Ordinances of the City of Edgewood.

Section 4. Severability. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 5. Conflicts. All ordinances that are in conflict with this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2017, by the City Council of the City of Edgewood, Florida.

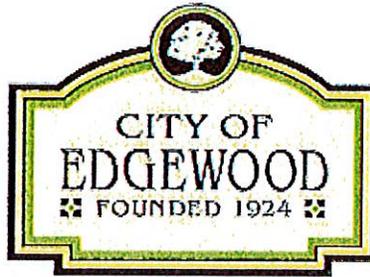
PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

John Dowless, Council President

ATTEST:

Bea L. Meeks, MMC, CPM, CBTO
City Clerk



TO: Mayor Bagshaw, Council President Dowless and Council Members Powell,
Henley, Chotas and Fortini
DATE: January 11, 2017
FROM: Bea L. Meeks, City Clerk
RE: Draft Ordinance – C-3 & C-3 Zoning District Uses

Below is the title of the draft Ordinance to establish a moratorium on certain uses in the C-2 and C-3 zoning districts. Along with the *draft* Ordinance, you are also being provided with a report and recommendation from the Planning & Zoning Board regarding this Ordinance.

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 OCUR 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), MINIWAREHOUSES, MILK BOTTLING AND DISTRIBUTION PLANTS, ICE CREAM MANUFACTURING, CITRUS PROCESSING, WELDING SHOPS, NEW AND OFF-SITE FACTORY RECONDITIONED AUTOMOBILE PARTS, 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 AN ADMINISTRATIVE RELIEF PROCEDURE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

RECOMMENDATION: Review the Planning & Zoning Board's memo for consideration in your discussion and further direction to staff in moving this Ordinance forward to first reading.

ORDINANCE NO. 2017-_____

1
2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
4 EDGEWOOD, FLORIDA ESTABLISHING A TEMPORARY
5 MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE
6 CITY OF EDGEWOOD ON ACCEPTANCE, REVIEW, PROCESSING, OR
7 APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING
8 PERMITS, SITE PLANS, ZONING APPROVALS, SPECIAL
9 EXCEPTIONS, AND DEVELOPMENT ORDERS THAT WOULD ALLOW
10 NEW DEVELOPMENT OR CHANGE OF EXISTING USES TO ANY OF
11 THE FOLLOWING USES ON PROPERTIES WHICH ARE BOTH
12 LOCATED WITHIN THE C-1, C-2 OR C-3 ZONING DISTRICTS AND
13 ADJACENT TO ORANGE AVENUE, HOFFNER AVENUE, GATLIN
14 AVENUE, HANSEL AVENUE, OR HOLDEN AVENUE: PUBLISHING
15 PLANTS, SKATING RINKS, FROZEN FOOD LOCKERS, AMUSEMENT
16 AND RECREATIONAL FACILITIES IN WHICH THE AMUSEMENT
17 AND RECREATIONAL ACTIVITIES DO NOT OCUR WITHIN A FULLY
18 ENCLOSED STRUCTURE (INCLUDING MINIATURE GOLF COURSES,
19 GO-CART TRACKS, GOLF DRIVING RANGES, BASEBALL BATTING
20 RANGES AND TRAMPOLINE CENTERS), MECHANICAL GARAGES,
21 HEATING AND AIR CONDITIONING SALES AND SERVICE,
22 WHOLESALE BAKERIES, SOFT DRINK BOTTLING, PRODUCTS
23 TESTING (MATERIALS, EQUIPMENT, OR PRODUCTS), MACHINE
24 SHOPS, MANUFACTURING, STORAGE AND WHOLESALE
25 DISTRIBUTION WHAREHOUSES, TRADE SHOPS (EXCEPT FOR
26 CABINET MAKERS AND UPHOLSTERING) TIN SMITHS, RUG AND
27 CARPET CLEANING, MATTRESS RENOVATIONS, ELECTRICAL
28 SHOPS, ROOFING SHOPS, PLUMBING SHOPS, CAR WASHES,
29 CONFECTIONARY MANUFACTURE, FURNITURE STRIPPING,
30 GARMENT MANUFACTURING, VEHICULAR BODY AND PAINTING
31 SHOPS, BUS REPAIR, CAB REPAIR, LIGHT TRUCK REPAIR, MEAT
32 PROCESSING (INCLUDING STORAGE, CUTTING, AND
33 DISTRIBUTION), WHOLESALE PRODUCTS DISTRIBUTION,
34 WHOLESALE COMMERCIAL ESTABLISHMENTS THAT OCCUPY
35 MORE THAN 50,000 SQUARE FEET, MACHINERY SALES,
36 MACHINERY RENTAL, MACHINERY STORAGE, OUTDOOR
37 STORAGE OF MERCHANDISE, OUTDOOR STORAGE OF PARTS OR
38 OTHER EQUIPMENT, BUILDING MATERIAL STORAGE,
39 CONTRACTORS' STORAGE AND EQUIPMENT YARDS (INCLUDING
40 WELL DRILLING EQUIPMENT AND LAND CLEARING EQUIPMENT),
41 MINIWAREHOUSES, MILK BOTTLING AND DISTRIBUTION
42 PLANTS, ICE CREAM MANUFACTURING, CITRUS PROCESSING,
43 WELDING SHOPS, NEW AND OFF-SITE FACTORY RECONDITIONED
44 AUTOMOBILE PARTS, COIN LAUNDRIES, THRIFT STORES, OPEN
45 AIR FLEA MARKETS, AUCTIONS, RADIO BROADCASTING AND
46 TELECASTING STATIONS STUDIOS AND OFFICES, NEW OR USED

47 CAR OR BOAT SALES, ADOPTING FINDINGS OF FACT; DIRECTING
48 STAFF TO STUDY AND DEVELOP LAND DEVELOPMENT CODE
49 PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO THE
50 C-2 AND C-3 ZONING DISTRICTS; PROVIDING AN ADMINISTRATIVE
51 RELIEF PROCEDURE; PROVIDING FOR SEVERABILITY,
52 CONFLICTS, AND AN EFFECTIVE DATE.
53

54 WHEREAS, the City is granted the authority, under Section 2(b), Art. VIII of the State
55 Constitution, and Section 166.021, Florida Statutes, to exercise any power for municipal
56 purposes, except when expressly prohibited by law; and
57

58 WHEREAS, the City is engaged in the process of examining the future development and
59 redevelopment of the Orange Avenue corridor; and
60

61 WHEREAS, the C-1, C-2 and C-3 zoning districts may contain certain permitted and
62 special exception uses that are not consistent with the City and community's vision for future
63 development and redevelopment along the Orange Avenue corridor; and
64

65 WHEREAS, the C-1, C-2 and C-3 zoning districts contain several permitted and special
66 exception uses that are more industrial in character than the commercial intent of the existing
67 zoning districts; and
68

69 WHEREAS, the City may consider adopting a new zoning district tailored to the Orange
70 Avenue Corridor and the City and community's vision for future development and
71 redevelopment; and
72

73 WHEREAS, the City Council finds and determines that during the period in which the
74 City examines the most appropriate uses and considers further action related to the Orange
75 Avenue corridor, it is appropriate and necessary to enact a temporary moratorium to ensure that
76 no additional properties be converted to uses or activities that may be inconsistent with future
77 zoning activities; and
78

79 WHEREAS, This Ordinance is adopted in good faith, is not discriminatory against any
80 property owner along the Orange Avenue Corridor, is of limited duration, and is appropriate to
81 the development of the amendments of the City's Zoning Code; and
82

83 WHEREAS, the City Council finds this ordinance to be in the best interests of the public
84 health, safety, and welfare of the citizens of Edgewood.
85

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

88 SECTION 1. RECITALS. The foregoing recitals are hereby ratified and fully
89 incorporated herein by reference as legislative findings of the City Council of the City of
90 Edgewood.
91

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

- 101
- 102 publishing plants;
- 103 skating rinks;
- 104 frozen food lockers;
- 105 amusement and recreational facilities such as, but not limited to, miniature golf courses,
- 106 go cart tracks, golf driving ranges, baseball batting ranges and trampoline centers, where such
- 107 amusement and recreational activities do not occur within a fully enclosed building;
- 108 mechanical garages
- 109 heating and air conditioning sales and service facilities;
- 110 wholesale bakeries;
- 111 soft drink bottling;
- 112 testing of materials, equipment, and products;
- 113 machine shops;
- 114 manufacture of scientific, electrical, optical and precision instruments or equipment;
- 115 manufacture of novelties and souvenirs;
- 116 storage and wholesale distribution warehouses;
- 117 trade shops (other than cabinet makers and upholsterers), tinsmiths, rug and carpet
- 118 cleaning facilities, mattress renovation facilities, and electrical, roofing, plumbing, or welding
- 119 shops;
- 120 car washes;
- 121 confectionary manufacturing facilities;
- 122 furniture stripping;
- 123 garment manufacturing;
- 124 milk bottling and distribution plants;
- 125 ice cream manufacturing facilities;
- 126 citrus processing facilities;
- 127 welding shops;
- 128 new and off-site factory reconditioned automobile parts;
- 129 miniwarehouses;
- 130 open-air flea markets;
- 131 auctions;
- 132 radio broadcasting and telecasting stations, studios, and offices;
- 133 bus, cab, and light truck repair;
- 134 meat storage, cutting, and distribution facilities;
- 135 wholesale products distribution;
- 136 wholesale commercial establishments occupying more than 50,000 square feet;
- 137 machinery sales, rental, and storage lots;

138 outdoor storage of merchandise, parts or other equipment except as allowed by City of
139 Edgewood Code of Ordinances, Section 134-376 (11) or Section 134-406(12);
140 building material storage and sales lots;
141 contractors' storage and equipment yards, including well drilling equipment and land
142 clearing equipment;
143 coin laundries;
144 new and
145 thrift stores selling donated merchandise;
146 now and factory reconditioned automotive parts sales; and
147 any other uses substantially similar to the uses described above which are not otherwise
148 expressly permitted by the Code of Ordinances.
149

150 **SECTION 3. EXPIRATION OF THE TEMPORARY MORATORIUM.** The
151 temporary moratorium imposed by Section 2 of this Ordinance shall expire 180 days from the
152 effective date of this ordinance, or at an earlier date if provided by ordinance of the City of
153 Edgewood. If the City requires additional time to complete the enactment of amending zoning
154 regulations applicable to the property subject to this moratorium, the City Council may consider
155 extending the moratorium through a subsequent ordinance providing the justification for the
156 extension.
157

158 **SECTION 4. RECOMMENDATIONS FOR LAND DEVELOPMENT CODE.** City
159 Staff is hereby directed to continue to examine the current land use regulations and make
160 recommendations to the City Council and Planning and Zoning Commission related to updated
161 the land use regulations applicable to properties located along the Orange Avenue Corridor and
162 to make recommendations for any amendments to the land use regulations applicable to said
163 properties within a reasonable time before the expiration of this moratorium.
164

165 **SECTION 5. ADMINISTRATIVE RELIEF PROCEDURE.**
166

167 (a) The City Council may authorize exceptions to the moratorium imposed by this
168 Ordinance when it finds, based upon substantial competent evidence presented to it, that deferral
169 of action on an application for permit, development order, or other official action of the City for
170 the duration of the moratorium would impose an extraordinary hardship on a landowner or
171 petitioner.
172

173 (b) A request for an exception based upon extraordinary hardship shall be filed with
174 the City Clerk, including a non-refundable fee of \$350.00 by the owner/petitioner, or the
175 petitioner with the consent of the owner/petitioner, to cover processing and advertising costs, and
176 shall include a recitation of the specific facts that are alleged to support the claim of
177 extraordinary hardship.
178

179 (c) A public hearing on any request for an exception for extraordinary hardship shall
180 be held by the City Council at the first regular meeting of the City Council that occurs after the
181 expiration of the period for publication of notice of the request for an exception.
182

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

186
187 (e) In reviewing an application for an exception based upon a claim of extraordinary
188 hardship, the City Council shall consider, at a minimum, the following criteria:

- 189
190 (1) The extent to which the applicant has, prior to the effective date of this
191 Ordinance, received a permit or approval to conduct a use subject to this
192 moratorium.
193
194 (2) The extent to which the applicant has, prior to the effective date of this
195 Ordinance, made a substantial expenditure of money or resources in
196 reliance upon a permits or approvals of the City of Edgewood directly
197 associated with a use subject to this moratorium.
198
199 (3) Whether the moratorium will expose the applicant to substantial monetary
200 liability to third persons; or would leave the applicant completely unable,
201 after a thorough review of alternative solutions, to earn a reasonable
202 investment backed expectation on the real property that is affected by this
203 Ordinance.
204

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

- 207
208 (1) The history of the property;
209
210 (2) The history of the commercial, business or any use on the property; and
211
212 (3) The location of the property.
213

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

217 **SECTION 6. SEVERABILITY.** It is hereby declared to be the intention of the City
218 Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable,
219 and if any phrase, clause, sentence, paragraph or section of this Code shall be declared
220 unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such
221 unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs
222 and sections of this Code.

223 **SECTION 7. CONFLICTS.** All ordinances or parts of ordinances in conflict with this
224 Ordinance are hereby repealed.

225 **SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately
26 upon its passage and adoption.

227 PASSED ON FIRST READING THIS _____ DAY OF _____, 2016.

228

229 PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.

230

231

232 CITY OF EDGEWOOD, FLORIDA

233 CITY COUNCIL

234

235

236 _____
John Dowless, Council President

237 ATTEST:

238

239

240 _____
Bea Meeks, City Clerk