

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA TO EXTEND 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, 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 CONTINUE TO STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO THE C-1, 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 has previously enacted a moratorium for a period of 180 days related to the uses described herein; and

WHEREAS, additional time is needed by the City to complete its visioning study and implement zoning changes within the area contemplated herein; 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 extend the 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. EXTENSION OF TEMPORARY MORATORIUM. The moratorium enacted by Ordinance 2017-02 is hereby extended and shall continue to be applicable to 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. Building permits shall be processed for properties upon which a use identified in Section 2 exists as of the date of this Ordinance for any work which does not increase the space utilized upon said property for a use identified in Section 2. 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 such use to any other use identified in Section 2 which is permitted by the current zoning for said property provided that such change of use does not increase the space utilized upon said property for a use identified in Section 2 or require 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 16th DAY OF December, 2017.

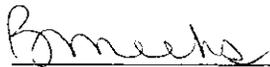
PASSED AND ADOPTED THIS 16th DAY OF January, 2018.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL



John Dowless, Council President

ATTEST:



Bea Meeks, City Clerk